



# 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 Jason DeLorenzo**  
**Council Member David Ferguson**  
**Council Member William Lewis**  
**Council Member Bill McGuire**

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**Tuesday, October 7, 2014**

**6:30 PM**

**Palm Coast Community Center**

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#### **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.

>If you wish to obtain more information regarding 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 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 DeLorenzo, Council Member Ferguson, Council Member Lewis, and Council Member McGuire

## Approval of Minutes

- 1 [14-372](#)
- MINUTES OF THE CITY COUNCIL'S:
- A. September 16, 2014 City Council Business
  - B. September 23, 2014 City Council Special Meeting (Budget)
  - C. September 30, 2014 City Council Workshop
  - D. September 30, 2014 City Council Special Meeting
- Attachments:**     [September 16, 2014 Business Meeting](#)  
                                 [September 23, 2014 Special Business Meeting Budget](#)  
                                 [September 30, 2014 Workshop](#)  
                                 [September 30, 2014 Special Meeting](#)
- A motion was made by Council Member McGuire, and seconded by Vice Mayor DeLorenzo, that the Minutes be approved as presented. This motion was approved by the following vote:**
- Approved:**    5 - Mayor Netts, Vice Mayor DeLorenzo, Council Member Ferguson, Council Member Lewis, and Council Member McGuire

## PRESENTATIONS

## Proclamations and Presentations

- |   |                               |   |
|---|-------------------------------|---|
| 2 | <a href="#"><u>14-369</u></a> | <p>PROCLAMATION RECOGNIZING OCTOBER AS<br/>NEUROBLASTOMA MONTH</p> <p><b><u>Attachments:</u></b>     <a href="#"><u>Proclamation-Neuroblastoma</u></a></p> <p><i>CM Ferguson presented the Proclamation to Ms. Janice Patterson.</i></p> <p><b>The Proclamation was Received and Filed.</b></p> |
| 3 | <a href="#"><u>14-370</u></a> | <p>PRESENTATION ON “IF I WERE ELECTED MAYOR” ESSAY<br/>CONTEST</p> <p><i>Mayor Netts introduced Ms. Shelby Anton, Mayor of the Day essay contest winner.<br/>Ms. Lane read Ms. Anton's essay into the record.</i></p> <p><b>The Proclamation was Received and Filed.</b></p>                    |
| 4 | <a href="#"><u>14-361</u></a> | <p>PRESENTATION ON THE 2014 INTRACOASTAL WATERWAY<br/>CLEANUP EVENT RESULTS</p> <p><i>Ms. Bevan presented a PowerPoint presentation, which is attached to these minutes.</i></p> <p><b>The Presentation was Received and Filed.</b></p>   |
| 5 | <a href="#"><u>14-367</u></a> | <p>PRESENTATION ON GREEN BUILDING INCENTIVE PROGRAM</p> <p><i>Ms. Bevan provided an overview of this item. Ms. Bevan introduced Trivett Homes<br/>as the first participant of building using the Waterstar program.</i></p>   |

*VM DeLorenzo thanked Trivett Homes for going through the seminars and utilizing the Waterstar program.*

*Ms. Bevan introduced Ms. Deidre Irwin of SJRWMD who presented awards to 3 staff members, Brian Matthews, Bill Butler, and Irma Velez for completing the training of becoming a Waterstar certifier.*

*On October 28 and 29th, Waterstar training program seminar.*

**The Presentation was Received and Filed.**

## **ORDINANCES, RESOLUTIONS, AND PUBLIC HEARINGS**

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

Open Hearing

Staff Presentation

Applicant Presentation (if applicable)

Council Questions of Applicant (if applicable)

Public Comments/ Presentations

Rebuttal by Applicant (if applicable)

Close Hearing

Council Discussion

Council Action

### **Second Reading**

#### **6      [14-339](#)      ORDINANCE 2014-XX AMENDING SECTION 2-205 CODE ENFORCEMENT BOARD ORGANIZATION**

**Attachments:**      [Ordinance Amending Section 2-205](#)

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

*Mr. Landon gave a brief summary of the item.*

*Public Comment:*

*There were no public comments.*

**A motion was made by Council Member McGuire, 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 DeLorenzo, Council Member Ferguson, Council Member Lewis, and Council Member McGuire

### **Other Business**

#### **7      [14-371](#)      PRESENT CERTIFICATES TO GRADUATING STUDENTS OF THE CITY OF PALM COAST'S CITIZENS ACADEMY CLASS**

*Ms. Lane, Honorary Mayor Anton, and Mayor Netts presented the certificates to the graduates.*

**Consent Agenda**

**In accordance with Section 286.0114 Florida Statutes, any member of the public interested in speaking on any item on the Consent Agenda, shall come to the podium, state their name and will have up to three (3) minutes to speak.**

**A motion was made by Vice Mayor DeLorenzo, and seconded by Council Member McGuire, to approve the Consent Agenda. The motion was approved by the following vote: This motion passed unanimously**

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

- 8      [14-353](#)      RESOLUTION 2014-XX APPROVING THE INTERLOCAL AGREEMENT WITH FLAGLER COUNTY FOR INCLUSION OF MATANZAS WOODS RECLAIMED WATER MAIN PHASE 1 INTO THE MATANZAS WOODS INTERCHANGE PROJECT
- Attachments:**      [Resolution Matanzas Woods Flagler County](#)  
                                 [Interlocal Agreement County Matanzas Woods](#)  
                                 [Matanzas map](#)
- The Resolution was adopted on Consent.
- 9      [14-355](#)      RESOLUTION 2014-XX APPROVING THE COLLECTIVE BARGAINING AGREEMENT NEGOTIATED BETWEEN THE CITY AND THE INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS LOCAL 4807
- Attachments:**      [Resolution Local 4807 Agreement](#)  
                                 [Local 4807](#)
- The Resolution was adopted on Consent.
- 10      [14-356](#)      RESOLUTION 2014-XX APPROVING THE CITIZENS ADVISORY TASK FORCE AS THE ADVISORY BOARD FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM
- Attachments:**      [Resolution-Citizens Advisory Task Force](#)
- The Resolution was adopted on Consent.
- 11      [14-357](#)      RESOLUTION 2014-XX APPROVING AN AMENDMENT TO THE PALM COAST ARTS FOUNDATION LEASE AGREEMENT
- Attachments:**      [Resolution-Lease with PC Arts Foundation](#)  
                                 [Arts Foundation Council comparison 10-1-14](#)

*This item was pulled from the Consent Agenda. Mr. Falgout gave a PowerPoint presentation, which is attached to these minutes.*

CM McGuire-Are there any tax dollars in this project? Ans: Mr. Falgout-No, there are no tax dollars. CM McGuire-So an approval of this lease agreement will not affect any of the citizen's from a tax point? Ans: Mr. Falgout-No.

VM DeLorenzo-How did the City acquire the land? Ans: Mr. Falgout-The property was donated as part of the Town Center development.

*Public Comments:*

Jack Carall-How can you predict what the future will hold? Phase 1, 2, 3 and 4-they promised years ago that they could raise \$1million. Future use of property-do we have to pay them if we want to use the property? Will they come in the future and ask for money to finish the project? Are we guaranteed no tax dollars will be involved?

*Responses to Public Comments:*

Future prediction-Ans: Mayor Netts-You cannot predict the future. That is why this lease has provisions within it for termination-if they do not meet the terms of the lease, if the project doesn't move forward from Phase 1 to Phase 2 to Phase 3, the City Council retains the option of overturning the lease. The reality is that it is City owned property and will remain City owned property. There are deed restrictions on the deed for use. Is there a guarantee that tax dollars might not be applied to this? This Council cannot bind future Councils.

**A motion was made by Council Member McGuire, 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 DeLorenzo, Council Member Ferguson, Council Member Lewis, and Council Member McGuire

**12**      [14-359](#)

**RESOLUTION 2014-XX APPROVING CONTINUING SERVICE CONTRACTS FOR PROFESSIONAL STRUCTURAL ENGINEERING SERVICES**

**Attachments:**      [Resolution-Structural Engineering Contracts](#)  
[Contract Summary - Structural Engineering Services](#)  
[RFQ-Evaluation Summary](#)

**The Resolution was adopted on Consent.**

**D.      Public Participation**

**In accordance with Section 286.0114 Florida Statutes, after the Mayor calls for Public Participation, each member of the audience interested in speaking on any topic or proposition not on the agenda or which was discussed or agendaed at the previous City Council Workshop, 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.**

*Jack Carall-All the people that came to you to keep Kemper, they do not care about the \$100K to keep these services going, let them pay it.*

*Louis McCarthy-Compliment the City on the flood situation. Are there projects down the line to head off these things down the line?*

*Antonio Amaral-Flagler County passed a moratorium last night on impact fees.*

*Responses to Public Comments:*

*Kemper-Ans: Mayor Netts-No, I do not golf and I do not play tennis either and I do not go to the pool that often but I do benefit peripherally because it makes our City a better place. The reality is there are so many amenities that are part of a city that we all pay for because it makes Palm Coast a great place.*

*Stormwater-Ans: Mayor Netts-It would be great if we lived on a side of a hill and let the water run down but Florida is flat and Palm Coast is flat. Yes, there is an on-going plan to reduce the impact. Mr. Landon-Yes, every year but just this week I discussed with the Stormwater and Engineering about the next project. The Bird of Paradise area, we actually did a project in there and cleared out some ditches; we did the same thing in the R section the year before. As the Mayor indicated we have completed a number of those projects. There are two positive things-historically with this type of rain, which has not been seen by our residents who have been here 20-25 years, we would have had our pipes under our streets blown out, our streets washed out, some of our weirs would have blown out but with the leadership of this Council and previous Council, we had zero blow outs as we have been replacing those that need to be replaced on a yearly basis. We will continue to make those improvements.*

*VM DeLorenzo-Mr. Landon do you recall how much more it costs to perform emergency repairs versus the yearly improvements we have been making? Ans: Mr. Landon-Yes, about 50% more.*

*Moratorium on Impact Fees-Ans: Mayor Netts-That is an interesting and on-going debate. The whole concept of an impact fee is to have growth pay for itself. The word impact, if you go home and add another car, you add another usage, the idea is for growth to pay for itself. Mr. Carall would argue the City should not pay for that; if you are the one that benefits from that you should pay for it. I take a little exception to the comment that by having impact fees you may be slowing down growth and that you are losing money by not getting the property taxes associated with that growth. Reminder of Mayor Canfield's analysis that said, every dollar that the resident pays in taxes they get \$1.38 worth of services, whereas you non residential-retail, commercial and industrial, receives around \$.50 in services for every dollar you pay in taxes. So simply having more homes for the sake of having more homes, does not necessarily solve the problem. This is an issue that has been debated many times by City Council and will be debated many more times by City Council.*

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

*VM DeLorenzo-Citizen comment on traffic patterns and timing of lights. The TPO has tabled the study of the traffic pattern and timing of lights.*

*CM Lewis-Old Kings Road-when and if we are going to repave Old Kings Road?*

*Ans: Mr. Landon-There are two plans, one is short term-this year it is not planned to be resurfaced because, it is rough but it is not failing and was not up there with some of the higher priorities that have more traffic that are failing like some of our other streets, so it is not in our Capital projects plan right now, then we have the long term*

*plan-we have the special assessment district to continue the full widening of Old Kings Road from where it terminates now at Town Center Boulevard all the way up to Palm Coast Parkway, but that is long term and you would have to see development along that stretch for that development to pay for those improvements. At this time, our streets division is projecting it would be a good candidate for 2016.*

*CM McGuire-Do we have a plan if staff is removed from the Supervisor of Elections office for our election to be run smoothly? Ans: Mr. Landon-This late in the game we have no way of doing our own election. That is not possible at this late in the game so our only choice is to work with whoever is the County-wide person responsible for a County-wide election and that is what we are going to do. We have no plans to conduct our own election.*

*Mayor Netts-I want you to look around we have our 32nd Citizen's Academy, and today you have the youth-the strangest find in the Intracoastal Waterway Clean-up, the Cub Scouts and Boy Scouts, and our honorary member as Mayor of the Day, we have a great mix of people here of all ages and genders-this is really a great place to live.*

**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**

*International Festival was a great event-highlighted that we have a great diversity and a great place to live.*

**H. Adjournment**

*The meeting was adjourned at 7:45pm*

*Respectfully submitted,  
Virginia Smith, City Clerk*

**Calendar and Worksheet**

[14-373](#)

**MEETINGS CALENDAR AND AGENDA WORKSHEET**

**Attachments:**     [City Calendar](#)  
                                 [Agenda Worksheet](#)

[14-380](#)

**ATTACHMENTS TO MINUTES**

**Attachments:**     [ICWW Cleanup Results](#)