



City of Palm Coast

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Meeting Minutes City Council Workshop

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

Tuesday, March 11, 2014

9:00 AM

Council Conference Room

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

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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

Records Coordinator Barbara Redline called the roll. All members were present.

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

D. PRESENTATIONS

1 [14-86](#) PRESENTATION ON CITY HALL PRELIMINARY DESIGN UPDATE

Mr. Landon gave a brief overview of this item. Mr. Beau Falgout, Senior Planner, introduced Jim Hughes of C. T. Hsu and Joe Frisco of Gilbane, Construction Manager at Risk. Mr. Falgout began with the PowerPoint presentation, attached to these minutes.

Mr. Hughes spoke of the preliminary design and the presentation.

CM Lewis - Question on the location of the community center area; he thought it was going to be on the right side. Mr. Hughes - No, this has always been in this prospective footprint (with it on the left); importance of access from both sides; it's a great location; closer to the parking lots.

CM McGuire - How many spaces in phase 1 parking lot? Mr. Hughes - 106 is needed for the 32,000 sq. ft. two-story office building to be code compliant. He explained there are 40 spaces on the street (Lake Avenue) for parking that could be used to satisfy code requirements; 66 spaces minimum would have to be built in phase 1.

CM McGuire - Is the parking lot black top or concrete? Mr. Hughes - Asphalt with curbs and landscaping.

CM McGuire - Would the CRA (Community Redevelopment Agency) replace building fund permit reserves? Mr. Landon - No, because the building permit fund reserves are going to fund the offices for the Building Dept., and the CRA, by law, cannot fund office space.

CM Lewis - How tall is the (clock) tower? Mr. - Frisco didn't know yet. Mr. Hughes did some simple calculations of two stories would be about 32 ft.; maybe total of 48-50 ft. to the tip of the tower.

Mayor Netts - Two-sided clock? Mr. Hughes - Yes.

Mayor Netts - Is one elevator sufficient (CM Lewis also asked this question)? Mr. Hughes - Yes, and it's code compliant. Mr. Frisco stated (later in the discussion) that another elevator will cost approximately \$60,000-\$70,000 additional dollars. There was also discussion about the staircases; they will be inviting but not open to the outside.

Mayor Netts - Is the electrical equipment shown on the left just for the community spaces (on floor plan level 1 slide)? Mr. Hughes - Yes; he showed the heating/air conditioning units (HVAC) on the second floor plan level 2 that will service all of phase 1 first and second floors of the City Hall space.

VM DeLorenzo - Fixed chairs (in the community spaces)? Mr. Hughes - No, all movable. Mr. Landon - Dias area would be the only thing fixed.

VM DeLorenzo - Is that an information desk in the middle of the hallway between the two main office areas (second floor)? Mr. Hughes - Yes to help direct people.

CM McGuire - Are you envisioning an armed guard in the main entrance similar to the County Government Services Building? Mr. Landon - We are not planning on it.

Mayor Netts mentioned he will want to hear discussion later on regarding security.

VM DeLorenzo noticed the Building Official is pretty far from his staff. Mr. Landon - Yes, that is not going to be that way. Mr. Hughes - We can detail the plans and where people are going to be; we just wanted to make sure everyone fits in the space.

CM McGuire - Is there anything at this point in time that makes you nervous about giving the City everything it wants and keeping in the price range? Mr. Hughes - We are right on target with the budget; we can guarantee LEED certified. We will have a more accurate response to you in the next phase with the technical, mechanical and electrical drawings; we need to get efficient HVAC systems and get the LEED points. Mr. Landon stated for phase 1 the price is going to remain in the \$6.3 mil. range or go back and make adjustments, end of story; that is our guarantee. Mr. Frisco we are going to dig into the details and crunching the numbers and get a better feel of where we are with respect to the budget. Now is the time to make changes if necessary; later on it will be much more difficult (and expensive) to change.

CM McGuire re-emphasized that we stay within budget. Mr. Hughes - We will have a 60% design construction estimate that is the value of having the construction manager and architect work together from day one.

VM DeLorenzo stated let's make sure the efficient, LEED certified HVAC system has long term reduced operating costs.

2 [14-90](#)

DISCUSSION REGARDING TRASH CONTAINERS

Mr. Landon gave a brief overview of this item.

VM DeLorenzo spoke about the concerns of a resident regarding use of trash containers in the City rather than bags to reduce the possibility of trash spreading around the neighborhood.

CM McGuire stated many municipalities require trash containers; he also mentioned moth balls repel raccoons and pests.

Mr. Landon suggested instead of passing a new law we need to focus on where the problem is and Code Enforcement can chat with residents that are having the problem, or are the problem, in the neighborhood.

Mr. Nestor Abreu, Community Development Director, said he also spoke to the resident and stated that they will address her issue first with warning notices, etc., and see how that works.

CM McGuire - Does Waste Pro have an opinion on this? Mr. Abreu - They will pick up everything; they do not say anything.

VM DeLorenzo is comfortable with the approach by Code Enforcement.

Mayor Netts - If we receive complaints, let Code know and let's see how it works.

3 [14-62](#)

RESOLUTION 2014-XX AMENDING THE CITY OF PALM COAST FUND BALANCE POLICY

Attachments: [Resolution Amending Fund Balance Policy](#)

[Option 1](#)

[Option 2](#)

Mr. Landon gave a brief overview of this item. Mr. Chris Quinn, Finance Director, gave a PowerPoint presentation, attached to these minutes.

-Tennis & Golf Funds:

CM McGuire - Why is it a problem the way we are handling our cash flow now with regard to the tennis and golf funds? Mr. Quinn - The fund balance policy states we have to have between 5-10% of next year's expenses just sitting in cash permanently. We could do that, but we would have to transfer \$100,000 of tax money into those funds to just sit there to say we are in compliance with the fund balance policy. Mr. Quinn - Currently, we are transferring funds from the general fund to those funds on an actual, as-needed basis.

CM McGuire - How big of a differential are you seeing? Mr. Quinn - It depends; it's been in the ballpark from the original budget for instance the golf course would be within the \$100,000 range each year for the past couple of years. The tennis center

has actually been decreasing; down below \$100,000 he thinks for this year. Option 1 just says let's put money in there as we need it. Option 2 is really what he would like to see is to take the golf course and tennis center and treat it like any other recreation facility that we have; part of the Parks and Recreation budget; that we no longer consider it a separate enterprise fund.

CM Lewis - Wouldn't we have to change our funding policy to do that? Mr. Quinn - Right here (with this item it could be changed if adopted). Mr. Landon told the history when these were started, they were to support themselves; times have changed; there is little to no chance they are going to pay for themselves similar to other services offered to the community like the pool, Indian Trails Sports Complex (ITSC) and all of the parks. The accountants and auditors are saying you need to reflect reality. Mr. Quinn - We still want them to run as businesses this is just how we account for them on the books. Mr. Landon - We are not giving up, we want them to pay for themselves; this is just how you account for it.

CM McGuire worries that the financial profile would get lost in the shuffle; he would hate us to lose focus on them; wants to see P&L (profit and loss). Mr. Quinn - You would still see the P&L and financial statements for them.

CM Lewis wants them to be separate - option 1.

VM DeLorenzo - Option 2 is okay if we have line items in the budget and financial documents for them and they are not mixed together and lost; we have to be able to see it. Mr. Quinn - The monthly reporting and separate set of accounts, none of that would change; it would still be there and available; all the same stuff operationally.

VM DeLorenzo - Thinking to the future and hopefully they become somewhat profitable; those dollars would stay in Parks & Recreation but would they stay the entity themselves, renewals & replacements (R&R) or part of the overall budget. Mr. Landon - In the general fund. Mr. Quinn - In the general fund with sub-accounts that keep track of it; he would suggest that any excess be R&R.

CM McGuire - If we are not happy down the road, can we change it? Mr. Quinn - Yes, at any time (by Council).

CM Ferguson asked about the trails and other recreation facilities; would they show loss also? Mr. Quinn - Yes.

CM Ferguson speaking of golf and tennis suggested it may be more helpful if the public knew the amount of loss for the pool and ITSC.

Mayor Netts spoke of the facilities a full service community/city provides; he would be comfortable with option 2 providing we get the full reports CM McGuire and VM DeLorenzo spoke of; providing that as, if and when, they make money it doesn't just fall back into the general fund but stays in Parks & Recreation for R&R for those facilities.

CM Lewis wants to look at golf and tennis separately, revenue and expenses separately, as a business. Mr. Landon - We can't have a business that is losing money all the time, which is what we are looking at.

CM McGuire - As long as we can track the progress of the golf and tennis, it doesn't matter to him. Messrs. Landon and Quinn - Yes, we will.

CM Ferguson thinks it's wise to let the public know that golf and tennis aren't the only

things the City subsidizes. He is concerned if we take the step to move them into the general fund the perception may be we are trying to bury the losses of golf and tennis. He prefers option 1 for those stated reasons.

CM McGuire stated he was ambivalent as long as we get a monthly report, but asked Mr. Quinn which one he would prefer. Mr. Quinn stated it's important to recoup as much as we can from golf and tennis but truthfully doesn't see either one being a profit center. He prefers option 2.

-Internal Services Funds - Fleet Fund:

VM DeLorenzo - Isn't that really how it works though; you are taking each fleet item; assigning a life to it, dividing it out and charging that department for that portion of the life each year; doesn't it automatically do that? Mr. Quinn stated it does automatically do that but it is not restricted money so other things can be done with it (this minimum is to be sure the funds are there when needed for fleet replacements).

-Internal Services Funds - Self-Insured Health Fund:

CM McGuire asked if Mr. Quinn was comfortable with \$282,000 (minimum fund balance) because a couple of large claims could eat that up. Mr. Quinn - That is the floor; we wouldn't go below \$282,000. Mr. Landon stated there is a cap with the insurance; maximum any one claim could cost is \$125,000. Mr. Quinn stated the current fund balance is over \$450,000.

CM McGuire - How much have we been affected by the Affordable Health Care Act? Mr. Landon - Very little because we have a plan that met their requirements.

CM McGuire - At the end of this fiscal year what happens to any fund balance that remains? Mr. Quinn - It just rolls over to the next year. Mr. Landon - It operates like an enterprise fund; self-contained fund. Mr. Quinn - It can go into the calculation of what the department premiums will be next year (possibly lower, etc.).

CM McGuire - Is there anything in the fleet fund that anticipates an increase in price? Mr. Quinn - Yes, the calculations of the fleet amounts are indexed at 5% figuring the prices of equipments are going to increase by 5%.

CM McGuire - Have they been pretty consistent? Mr. Quinn - Yes, when we typically get hurt is when there is a major EPA (Environmental Protection Agency) change. There was one a couple of years ago with diesel vehicles which substantially raised the costs. However, the extra money in this fund earns interest which helps offset some of those costs; overall the fund has been very healthy and working well.

The Resolution was Continued.

4 [14-82](#)

ORDINANCE 2014-XX OFFICIALLY NAMING OR RENAMING CERTAIN STREET SEGMENTS AT THE REQUEST OF FLAGLER COUNTY EMERGENCY SERVICES

Attachments: [Ordinance-Street Names](#)
 [Exhibit A Street Name Change](#)

Mr. Landon gave a brief overview of this item. Mr. Jose Papa, Senior Planner, explained the changes requested by Flagler County Emergency Services for public safety; E911 for clarity. He referred to the map attached to this agenda item.

CM McGuire - Do we have to notify the post office? Mr. Papa believes the ordinance requires that we do.

The Ordinance was Continued.

E. WRITTEN ITEMS

- 5 [14-88](#) RESOLUTION 2014-XX APPROVING SUBMISSION OF A FLORIDA INLAND NAVIGATION DISTRICT WATERWAYS ASSISTANCE PROGRAM APPLICATION FOR NAVIGATION ENHANCEMENTS OF LONG CREEK NATURE PRESERVE AND CONTIGUOUS WATERWAYS

Attachments: [Resolution-Long Creek FIND Grant Application](#)

Ms. Denise Bevan, Senior Planner, gave a PowerPoint presentation, attached to these minutes.

CM McGuire - Isn't \$500 kind of steep for the markers? Ms. Bevan - That is the cost of materials; we are installing in-house.

CM Lewis - How many of the educational/informational signs? Ms. Bevan - Two, they are at the (kayak) launches.

CM McGuire - Where do we buy the signs from? Ms Bevan - We can design the signs and go out to bid on them but there are elements on them that we cannot do in-house.

CM McGuire - Will markers and a tri-fold (map or pamphlet) tell you this is where you are at marker such and such? Ms. Bevan - As part of this concept or project, we have the Trek It Out map, we are envisioning a Paddle-Out map that is waterproof, which could be used for those that do not have the capability of a smartphone.

CM McGuire - What if we do not get the grant? Mr. Landon - Then we wait to do this.

CM Lewis - Where is this money coming from? Mr. Landon - It is already budgeted for this project.

Mayor Netts said he sees this as a public safety issue, also FIND (Florida Inland Navigation District) will require that you put their logo on the signs/markers.

The Resolution was Continued.

- 6 [14-77](#) RESOLUTION 2014-XX APPROVING A WORK ORDER TO MCKIM & CREED TO PROVIDE ENGINEERING SERVICES FOR THE OLD KINGS ROAD FORCE MAIN IMPROVEMENT PROJECT

Attachments: [Resolution-McKim and Creed Work Order-OKR Force Main Work Order Summary - McKim & Creed](#)
[Map](#)

Mr. Landon gave a brief overview of this item. Mr. Steve Flanagan, Utility Development Manager, was available for questions.

CM McGuire - How would you do that? Mr. Flanagan - We have a pump station at Hidden Lakes entrance; we will be moving that pump station to a location we acquired in the Hidden Lakes planning process; in addition to the pump station

improvements; this project design would get us a 16" force main built from where the road improvements of the Old Kings Road south down to the Lehigh canal location.

CM McGuire - What is a force main? Mr. Flanagan - It's a pipe to transmit sewage to another location. Mr. Landon - Typically a sewer is gravity fed, so they call it a force main when they are pumping it.

Mayor Netts - The problems with the heavy rains; is that infiltration? Mr. Flanagan - Yes, infiltration and inflow (I&I) possibilities This area serves south of SR100 from the airport east and the Town Center area so it handles a large flow area; ultimately those areas have a great growth potential and more capacity need. Mr. Landon - This is not just I&I it is also growth related.

CM Lewis - They are not really designing anything are they? Mr. Flanagan - We are improving an original 8" force main in this area (we have hydrologically modeled it already) to a 16" force main that matches that south area from the Lehigh Canal to Oak Trails Boulevard (Woodlands entrance road).

VM DeLorenzo - The future Old Kings Road 4-laning from the new section up to Palm Coast Parkway, how will this project work with that? Mr. Flanagan - Originally, we wanted to wait for the 4-laning to align this project with it, however, we can no longer do that; things have changed economically when it comes down to development especially in that area. This design looks at the 60% plan that was done for the Old Kings Road 4-laning and it works with that plan as best as we can see it moving forward; that is the basis of the design from McKim & Creed which had locations for sewer, water and reclaimed mains.

The Resolution was Continued.

7 [14-73](#)

RESOLUTION 2014-XX APPROVING CONTRACT WITH SHELLEY'S ENVIRONMENTAL SYSTEMS FOR WASTEWATER RESIDUALS MANAGEMENT, TRANSPORTATION, TREATMENT AND DISPOSAL

Attachments: [Resolution-Shelley's Environmental Systems Contract](#)
[Contract Summary - Shelley's Environmental Systems](#)
[Bid Tabulation](#)
[Notice of Intent to Award ITB-PW-U-14-06](#)

Mr. Landon gave a brief overview of this item. We are looking at alternatives to just hauling in the future; possibly using it for composting, etc.

CM McGuire - Do we have any experience with Shelley's Environmental Systems? Mr. Danny Ashburn, Utility Systems Manager - Prior to the contractor that had to cancel the contract, we used Shelley's; they have been in business a long time.

CM Ferguson - What do they do with it before hauling? Mr. Ashburn - They lime stabilize it and heat treat it with a dryer; it gets used for agriculture, fertilizer.

CM Ferguson - Any thought to doing it ourselves? Messrs. Landon and Ashburn - We are looking at that.

VM DeLorenzo - This contract is based on the amount they take away, so if we do part of the processing and use some of it but not all of it, the contract still works? Messrs. Asburn and Landon - Yes.

The Resolution was Continued.

8 [14-76](#) RESOLUTION 2014-XX APPROVING CONTINUING SERVICE CONTRACTS FOR UTILITY ENGINEERING SERVICES

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

No Council comments.

The Resolution was Continued.

Public Participation

In accordance with Section 286.0114 Florida Statutes, any member of the public interested in speaking on any proposition agendaed or that Council discusses or considers during this workshop, will be afforded the opportunity to speak during public participation at the next City Council Business Meeting. Contact the City Clerk's office for the meeting date, time, and location at 386-986-3713 or cityclerk@palmcoastgov.com

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

CM Ferguson heard from a contractor that was hired by the City that thought he, as the low bidder, should be getting more business and what could he do to earn a better percentage of City business (fire mitigation)?

Mr. Landon knows that there were problems with the quality of work from some contractors; we will look into this issue.

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

City Attorney William Reischmann - Cities of Sunrise and south Florida are having problems with backyard gun ranges at single-family homes. Florida Statutes say that local governments aren't allowed to regulate in anyway the use and discharge of firearms. There are other laws that say guns have to be discharged in a safe and appropriate manner but then there are issues of vagueness or whether it is constitutional. City of Sunrise has contacted the Attorney General's Office (AGO) to try to find out whether there are penalties imposed if local governments regulate guns. There is a lawsuit about that going on in another location in south Florida, so AGO declined to opine. Cities are sending resolutions to the State Legislature to try to cut back/curtail some of this preemption or at least provide some protection local governments in that area. Attorney Reischmann is not aware that this is impacting the City of Palm Coast but just giving a heads up.

CM McGuire - Just a question, if he owned a big piece of commercially-zoned property in the City, could he build a gun range? Attorney Reischmann - We can zone it (permitted and not permitted uses), but we cannot regulate how you use it.

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

Mr. Landon spoke of the presentation that he has been making about all the things going on out in the community; 30 minutes for the presentation but with comments and questions it is approximately 3 hours total; very positive; people really want to

hear about things that are happening out in the community. He offered to make the presentation to whatever groups want to hear it.

Mr. Landon spoke of the comments of Mr. Ajram's attorney at the 3/4/14 business meeting and Bulldog Drive and how it sounded bad (was misleading and false information). Public dollars spent on public right-of-way, for public benefit frequently happens and he mentioned numerous projects. Mr. Landon showed the document that Mr. Ajram's attorney presented as evidence that we do not own the property (attached to the 3/4/14 minutes) and pointed out that there were really only five pages to the document (7/20/01 Interlocal Agreement with Schedules A-C; recorded 3/16/04 ORB 1053 Pgs. 478-482) all the 27+ other pages (sic, really 46) attached to the document presented at the 3/4/14 meeting were not part of the Interlocal Agreement; she did not present the full story. He went over Schedules A-C listing the streets that were part of the 7/20/01 Interlocal Agreement. In the year 2000, there was an agreement with the Palm Coast Service Corporation (PCSC) which had certain services they provided including local streets; that agreement says that all those responsibilities for the PCSC, the County is transferring to the City including the local roads. Bulldog Drive in 2000 was a little dead end street; definitely not a collector or arterial so the assumption is that these local roads came in 2000 to the City. The document that the attorney presented has nothing to do with local streets whatsoever; the other lists attached to the document were related to street miles and gas taxes which was later amended and now has Bulldog Drive on it. This issue is unusual and messy because we believe there were two plats in Palm Coast that weren't done by ITT - Midway and Whispering Pines which is that area in our CRA (Community Redevelopment Agency) that has all the little dirt roads that we are cleaning up and we are only including Bulldog Drive. What we are not sure about is when the County said everything of the PCSC gets transferred to the City, were Whispering Pines and Midway included; maybe or maybe not. Even if they didn't we are building a public street with CRA public dollars, for public benefit on City, State, School District and maybe County land; if the County wants to keep the 25 ft. strip it doesn't matter because our right-of-way is about 100 ft. wide; it's not a big deal, it's up to them.

CM McGuire - What is our next move? Mr. Landon - We are in communication with the County; we will put together the package as we have it and provide it to County Administration this week. They will determine if they have interest in Bulldog Drive or not. If they do have interest, they can transfer it to us or keep it; their option. It is public right-of-way.

CM McGuire asked if we could finish the project without the 25 ft. strip that has Mr. Ajram so upset. Mr. Landon - Absolutely.

CM McGuire - We haven't stopped our construction? Mr. Landon - No.

CM Ferguson asked if the property is the County's and they choose to transfer the property or keep it, how does it affect the private landowner? Mr. Landon - Zero, street project goes forward; the County could tell us to stop the project but that would make no sense.

CM Lewis - Have we asked the County to transfer it? Mr. Landon - Yes; cleaning up the record is a good thing.

Attorney Reischmann spoke of the City maintaining Bulldog Drive for 11+ years and the Right-of-Way Maintenance Map to be recorded.

Mayor Netts - What is the definition of maintain? Attorney Reischman - There is not a

specific definition, it is a matter of question of fact, what has the City done; the City has done to this road what it does to all other rights-of-way it creates curb and gutter; in this case it creates a swales, maintains, digs out and mows the swales, etc. Mr. Landon said in talking with Mr. Coffey, he has asked County maintenance staff who said back in 2000 they haven't been maintaining it, it has been the City's. We have the records that show what we maintain and this is on it (Bulldog Drive).

VM DeLorenzo - If those two old developments and those two roads were dedicated to the County, that would make them local roads; then if all local roads were transferred to the PCSC and then over to the City in that whole process? Mr. Landon stated what we don't know, because these were old County roads before anyone knew who ITT was, that vehicle - PCSC and transference to the City; don't know that these were included legally and technically. However, from a practical standpoint and maintenance, they obviously considered them local roads and they were in Palm Coast, so City and County started treating them like all City local roads.

VM DeLorenzo - Are we encroaching on Mr. Ajram's property, other than public right-of-way. Mr. Landon - Absolutely, not.

CM McGuire - Including the 25 ft. strip between the two? Mr. Landon - We are on 25 ft. strip, which is either the City's or the County's public right-of-way. However, he (Ajram) has been using it for his own business which is not appropriate. There was discussion about adverse possession.

Recess City Council for Attorney Client Session per Florida Statutes, Section 286.11 (8)

- I. Open Attorney Client Session relating to discussion of settlement and strategy related to litigation expenditures in the case of Palm Coast Plantation Homeowner's Association, Inc. vs. City of Palm Coast, Case Number 2010-CA-001590. The estimated length of the session is approximately 1 hour.**

In attendance shall be only the following persons: Mayor Jon Netts, Council Member Jason DeLorenzo, Council Member David Ferguson, Council Member Bill Lewis, Council Member Bill McGuire, City of Palm Coast City Manager Jim Landon, City of Palm Coast Attorneys-Debra Babb-Nutcher and William E. Reischmann Jr., Esq.

Close Attorney Client Session

Reconvene City Council at Close of Attorney Client Session

Mayor Netts reconvened the workshop at 1:35 p.m.

- J. ADJOURNMENT**

The meeting was adjourned at 1:35 p.m.

*Respectfully submitted,
Barbara Redline*

[14-89](#)

MEETINGS CALENDAR AND AGENDA WORKSHEET

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

[14-93](#)

ATTACHMENTS TO MINUTES

Attachments: [Item 1-City Hall Preliminary Design](#)
 [Item 3-Revised Fund Balance Policy](#)
 [Item 5-Long Creek Navigation Enhancement](#)