



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

Tuesday, March 18, 2014

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 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 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 DeLorenzo, Council Member Ferguson, Council Member Lewis, and Council Member McGuire

Approval of Minutes

- 1 [14-96](#) MINUTES OF THE CITY COUNCIL'S:
 A. March 4, 2014 City Council Business
 B. March 11, 2014 City Council Workshop

Attachments: [March 4, 2014 Business Meeting](#)
 [March 11, 2014 Workshop](#)

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

Proclamations and Presentations

- 2 [14-94](#) PROCLAMATION RECOGNIZING APRIL AS WATER CONSERVATION MONTH

Attachments: [Proclamation April Water Conservation Month](#)

CM MCGuire presented this Proclamation to Brian Matthews.

The Proclamation was Received and Filed.

- 3 [14-97](#) PRESENTATION ON THE "PLANT EXCELLENCE AWARD"

Mayor Netts presented this award to members of the Utility Division.

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

- 4 [14-70](#) ORDINANCE 2014-XX FLUM AMENDMENT FOR APPROXIMATELY 4.1 ACRES OF CITY-OWNED LANDS ADJACENT TO SEMINOLE WOODS PARKWAY

Attachments: [Ordinance-Seminole Woods 4 City Acres FLUM Amendment](#)
[Staff Report-City Property Seminole Woods Blvd-flum](#)
[Seminole Woods City Property Location Map](#)
[Seminole Woods City Property Current FLUM Map](#)
[Seminole Woods City Property Existing Zoning Map](#)
[Seminole Woods City Property Proposed FLUM](#)

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 Lewis, and seconded by Council Member McGuire, 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

Enactment No: O2014-7

5 [14-71](#)

ORDINANCE 2014-XX ZONING MAP AMENDMENT FOR A CITY-OWNED 4.1+/- ACRE PARCEL ALONG SEMINOLE WOODS PARKWAY

Attachments: [Ordinance-Seminole Woods City 4 Acres Rezoning](#)
[Staff Report- City Property-Seminole Woods Blvd-Rezoning](#)
[Seminole Woods City-Owned Proposed Zoning Map](#)

City Attorney Reischmann read the title into the record. Attorney Reischmann reminded Council this is a quasi-judicial item. Mayor called for ex-parte communications. There were none.

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

Enactment No: O2014-8

First Reading

- 6 [14-82](#) ORDINANCE 2014-XX OFFICIALLY NAMING OR RENAMING CERTAIN STREET SEGMENTS AT THE REQUEST OF FLAGLER COUNTY EMERGENCY SERVICES

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

City Attorney Reischmann read the title into the record.

Mr. Landon gave a brief summary of the item.

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

Public Comment:
There were no public comments.

A motion was made by Vice Mayor DeLorenzo, and seconded by Council Member McGuire, that the Ordinance be approved on First 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

Enactment No: O2014-9

Resolutions

- 7 [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 to this item. Mr. Quinn provided a PowerPoint presentation, which is attached to these minutes.

CM Lewis-Prefers Option 1 as it is more efficient, in my opinion.

VM DeLorenzo-The transfers into the golf and tennis funds come from what portion of the general budget? Ans: Mr. Quinn-They come from the Park and Rec budget.

Public Comments:
Jack Carall-What are the expenses coming out for the pool and Indian Trails Sports Complex? Are they comparable to the golf and tennis courts?

Responses to Public Comment

Expenses: Ans: Mr. Quinn-With all of our Park and Recreation facilities, currently we do not track, for instance what the costs are specifically to maintain Ralph Carter Park or any of our individual park facilities, we do have some revenues from those facilities from rentals and things of that nature. We do not have separate P and L's on our parks. Primarily because the majority of the expense in those areas are covered

by general revenue or tax revenues. The same is true for the pool. We recover costs for use of the pool and it is fairly minimal and would not cover operating costs of the pool.

CM Ferguson-Option 1, we keep a minimum balance in the fund that we step up as a policy and if it were retained in the general fund do you feel it would be beneficial to us? Ans: Mr. Quinn-To meet the current fund balance policy for the Tennis and Golf Course fund, we would have to transfer about \$150,000 of the tax revenues that would simply sit in the bank in the Tennis and Golf Course fund that could not be utilized for other governmental needs. At this point since we are funding the Golf Course and Tennis Center as needed for any deficiencies in the revenues to have the money just sit there and not have the monies utilized for more important purposes is really the crux of Option 1, that does not make any sense.

Mayor Netts-Option 2 is blended whereas if we maintain option 1 we get our monthly reports from Kemper. Favors Option 1.

A motion was made by Council Member McGuire, and seconded by Vice Mayor DeLorenzo, that the Resolution be adopted with Option 1. 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

Enactment No: R2014-30

Other Business

8 [14-84](#)

APPEAL REQUEST BY AGUA CONSTRUCTION COMPANY RELATING TO NEIGHBORHOOD STABILIZATION PROGRAM CONTRACTORS PRE-QUALIFICATION

Attachments: [Aqua Construction NSP Application](#)
[Dan Priotti Resume](#)
[Documentation FC Bldg Review Board](#)
[Dan Priotti emails regarding appeal](#)
[Purchasing Manager Response to Appeal Request](#)
[City Manager Response to Appeal Request](#)

Mr. Landon gave a brief overview to this item. Mr. Rothwell provided a background summary to the prequalification process for this project.

Daniel Priotti-Thanked Council for the opportunity to appeal. How are the complaints being held against me when I am not the President of the company listed.

Mayor Netts-That is the essence of your appeal? Ans: Mr. Priotti-That and an email asking Jay Maher about Daniel Priotti and Agua Construction and yet a complaint from 8 years ago was brought up about another contractor.

Mayor Netts-Who is this other contractor? Ans: Mr. Priotti-Alberto Emilio Priotti, my father.

Mayor Netts-As I understand it there are three criteria for qualification. 1. You must be free of any substantiating complaints or violations during the past 2 years. 2. You must maintain a consistent record of passed inspections with no lengthy construction

delays during the prior two years.. 3. Have pulled permits and built or rehabilitated at least three homes within the last 2 years. Do you meet all three of those qualifications? Ans: Mr. Priotti-No, but I meet the probationary status.

Mr. Rothwell explained probationary status.

Mayor Netts-When did you start your company? Ans: Mr. Priotti-August 2, 2013.

Mayor Netts-Brian, how does that square with our probationary status? Ans: Mr. Landon-If I could, this is really where Beau comes in.

Mr. Falgout gave a background to the Neighborhood Stabilization Program.

Mayor Netts-Mr. Priotti-You have stated it was your fathers company where you were an employee and that you are not responsible; that I understand. But, what Beau points out is under this program, a homeowner applies, we put out bids-assuming we take the low bid, we give that information to the homeowner who then contracts with the contractor, in my mind there would be a presumption that if the City is presenting a homeowner with this name, they must know they are good; the analogy I use, is if you go up to Jacksonville and use a bus, you do not ask to see the driver's drivers license, you assume because it is a City bus that he must be properly licensed. I would think the same assumption would apply here. If we are giving you name as the low bidder to a homeowner, I think they would have a presumption that we have prequalified this individual, so the question is that prequalification or probationary status is that you have not met the three required permits for building or rehabing, do you you have sufficient experience that we could have confidence in your work?

Ans: Mr. Priotti-I have worked for other companies besides my fathers. Such as the Stellar Group, the Haskell Group-all out of Jacksonville, commercial jobs. I have worked for other builders, other subs.

VM DeLorenzo-What license do you currently hold? Ans: Mr. Priotti-Certified General Contractor. VM DeLorenzo-What type of permits have you pulled under your company? Ans: Mr. Priotti-I pulled one in February, it is to build a pool and has work coming up for some homeowners for tornado damage.

CM McGuire-What is the management structure of your company? Ans: Mr. Priotti-I am the president and I have a silent partner.

CM McGuire-So, you have not had a chance to do enough jobs to be qualified? Ans: Mr. Priotti-Correct. CM McGuire-So, is it possible that this probation can be extended since he has not had the chance to prove himself under the auspices of his own company and divorced from his father's company? Ans: Mayor Netts-Not to jump in but he has not been granted probationary status. I think we all can agree that he does not meet the qualifications for general acceptance. There is a provision for probationary status.

CM Lewis-Can you tell me the probationary period for this applicant, has he enough experience in pools under the probationary period? Mr. Falgout-Based on my review probationary period was not permitted based on his experience. Mr. Landon-Once this new company pulls three permits without issues, he can qualify.

Mayor Netts-Since this is an appeal issue, do we need to open this up to the public? Ans:-Attorney Reischmann-This is a quasi-judicial item. As with any quasi-judicial item, if someone has an interest in the matter, they certainly can participate. There is recent case law that makes a distinction, I think we had a discussion about this recently about a participant versus a party. Obviously there are two parties in this

case, City staff and Mr. Priotti, but yes if someone who is not a party has something to say that is relevant, that would be substantial competent evidence, certainly that would be something this Council could consider in their quasi-judicial capacity. It does not have to but if someone has something, or a witness that would be appropriate.

CM Lewis-How do you get this experience as a probationary person other than getting a government contract? Ans: Mr. Landon-If he pulls 3 permits for work, then he is qualified.

Mayor Netts-What is probationary status? Mr. Falgout-It is not in the prebid, it is from the consultant, Guardian, and in speaking with them probationary status is bids less than \$15,000 and you are only allowed to have one at a time, where the regular program allows two at a time.

CM Ferguson-How many contractors are there now and how much business is available? Ans: Mr. Falgout-The program started in 2009 and we have qualified 40-50, some are out of business, some only do it once, the NSP is wrapping up and there are no longer any bids being awarded.

CM Lewis-Looking at the information provided, I did not find anything against Daniel, I see information against his father, I find that short of having a definition of probationary status, I find no reason why he cannot apply under that status.

VM DeLorenzo-What role in the company did you hold for those jobs you listed for previous experience. I am not sure what addresses they are talking about. Mayor gave the addresses. I managed putting the sub contractors together, ordering the supplies, where you in the field? Ans: Once in awhile.

VM DeLorenzo-Often in the construction company, there was someone who prepares for permits, call for inspections, was that your role? Ans: Mr. Priotti-Yes.

VM DeLorenzo-Was the issue that there was not a call in for final inspection? Ans: Mr. Falgout-Yes, and unfinished work.

Mayor Netts-One of his concerns is how the City conducted his review. Ans: Mr. Landon-Brian determined Mr. Priotti met the deadline and we are hearing his appeal. Mayor Netts-so that is a moot point.

Mayor Netts-Looking at the appeal, checking his experience. The experience is all pools. Little concerned with the probationary status-Mr. Priotti is saying he has met this status, inclined to approve probationary status.

VM DeLorenzo-I am of the same opinion, but more cautious as this is a new company, wish you luck, but there is a lack of experience here.

Mayor Netts-Is there anyone in the audience that has knowledge of Mr. Priotti's work? There were none.

CM Lewis made a motion and was seconded by CM McGuire to approve the probationary status. This motion was passed unanimously.

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 Council Member McGuire, seconded by Vice Mayor DeLorenzo, that the Consent Items be Considered as reported on the Consent Agenda.. They were approved by the following vote:

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

9 [14-42](#)

RESOLUTION 2014-XX APPROVING A CONTRACT WITH ODYSSEY MANUFACTURING COMPANY FOR THE REMOVAL AND INSTALLATION OF BULK CHEMICAL STORAGE TANKS AT WATER TREATMENT PLANT 2

Attachments: [Resolution-Odyssey Manufacturing-Chemical Tank Replacements](#)
[Contract Summary - Odyssey Manufacturing](#)
[Notice of Intent to Award ITB-PW-U-14-04 Bulk Chemical Tank replacement](#)

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

Enactment No: R2014-25

10 [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](#)

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

Enactment No: R2014-26

11 [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](#)

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

Enactment No: R2014-27

- 12 [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](#)
- A motion was made by Council Member McGuire, seconded by Vice Mayor DeLorenzo, that the Consent Agenda be Adopted on Consent. The motion was Approved unanimously.
- Enactment No: R2014-28
- 13 [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](#)
- A motion was made by Council Member McGuire, seconded by Vice Mayor DeLorenzo, that the Consent Agenda be Adopted on Consent. The motion was Approved unanimously.
- Enactment No: R2014-29

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-Garbage cans.

Louis McCarthy-Seminole Woods Path status.

Maureen Jones-Appreciates that you are looking at the property rights on Bulldog Drive. Recommended to County and is recommending to the Council to sit down at a table and discuss some of the issues with Gus and Colleen Ajram. The 2004 Master plan for Bulldog shows a 25 foot ROW. There is now flooding on the Ajram's property.

Maryellen Lent-works for Ajrams. Has pictures of the flooding. The contractor ran in

this morning and starting pumping it out right away. Submitted pictures, which are attached to these minutes.

Dennis McDonald-City Hall and unemployment.

Responses to Public Comments:

Garbage cans-required? Ans: Mr. Landon-We do not require a can; we require a bag or a can. If the bag is torn apart from critters, then we need to take code enforcement action.

CM McGuire-Can Waste Pro give the citizens a time when they will pick up the trash?

Ans: Mr. Landon-The goal is consistency. The first pick up of the week is for trash and a lot of people do not use the second pick up. Consistency is the key. If they are not picking up their garbage consistently then we need to know.

Seminole Woods Path-Ans: Mr. Landon-We had to pull our crew as we are waiting for FP&L to move the poles. As soon as FP&L has moved the poles our crews are ready to go to finish that portion of the path and we are also ready to place the crossing signal in place.

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

Mayor Netts-Right on red turns at the hospital? Are we making any progress in redesigning, etc. for that intersection. Ans: Mr. Landon-We have received approval from FDOT to install a right turn arrow. The only time it will be red at the hospital is when there is a green left turn for eastbound. We are waiting for design approval from FDOT now.

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

Nothing at this time.

Guidance on viewing photos Ms. Lent would like to submit. 10:28

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

Construction in the City-A lot of rain in the City, our contractor is responsible to make sure the Ajram's property is not flooded. We will have a conversation with the contractor. If that means pumps out there to make sure it goes to the correct place, that is what we will do. Palm Coast Parkway is moving along-no complaints received thus far. Night time one lane closures. We are seeing night and weekend work. Weir project is moving along-all positive updates; Long Creek-run into some issues with soil type but that project is moving along also.

H. Adjournment

The meeting was adjourned at 10:30 a.m.

*Respectfully submitted,
Virginia Smith, City Clerk*

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

[14-103](#)

ATTACHMENTS TO MINUTES

Attachments: [Items 4 & 5 Presentation FLUM-Rezoning City property](#)
 [Item 6 Exhibit A-Street name changes](#)
 [Item 7-Revised Fund Balance Policy](#)
 [Item D-Photos of Bulldog Dr and Ajram Property Flooding](#)