



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, April 8, 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: 4 - Mayor Netts, Council Member Ferguson, Council Member Lewis, and Council Member McGuire

Excused: 1 - Vice Mayor DeLorenzo

PRESENTATIONS

1 [14-121](#) PRESENTATION-UPDATE ON THE 2014 CITY OF PALM COAST ELECTIONS

Mr. Landon gave a brief overview of this item. Ms. Virginia Smith, City Clerk/Paralegal, gave a PowerPoint presentation (attached to these minutes).

CM McGuire is concerned about the calendar and not enough time to put an election together just in case it is not worked out with the Supervisor of Elections and we do not have a signed agreement. Mr. Landon was in agreement.

Mayor Netts would like a timeline to see what the drop-dead deadline is. Mr. Landon

believes the time is here now.

CM McGuire - Register rolls; what are the mechanics of providing that? Ms. Smith believes the Supervisor of Elections (SOE) has to provide that in electronic or paper format to us (list of registered voters).

CM McGuire asked if the SOE and the City were both conducting elections in the same building would there be two separate register rolls. Ms. Smith - Yes, the two polling places cannot come together they have to be in their own separate polling areas.

CM McGuire - Cost of \$17,000 for the ballots, how is that broken down? Ms. Smith - That is the cost of printing per election; even if there is a referendum it should all fit on one page.

CM McGuire - Where would the money come from? Mr. Landon - General Fund.

CM McGuire a few years ago in the County there was discussion about reducing the number of polling locations to save money. Ms. Smith stated the main reason for the reduction in polling locations to 6 mass polling locations was due to the cost for the poll workers (\$8-\$15 per hour).

CM Ferguson asked about the cost of the 2011 (standalone) elections. Ms. Smith responded approximately \$120,000 (\$60,000 per election), but we did receive a refund because we didn't expend all of that money.

CM McGuire asked about the poll workers and if they are required by State Statute. Ms. Smith - Yes, for each polling location the poll workers would consist of a clerk, an equipment manager, a ballot manager, an assistant deputy and inspector. It is in the poll worker training guide that the State puts out, so yes they are required.

CM McGuire - Who does the poll worker training? Ms. Smith received a quote from a company that professionally does this around the nation; typically, for standalone elections and poll worker training, the SOE conducts that training. Ms. Smith will look into piggybacking off of another county to attend their poll worker training. She has not tried our own SOE to see if she would allow it.

Mayor Netts - If we are unable to reach an agreement with the SOE then we will be doing a standalone election take the printing costs, the training costs, etc., will it be in the same order as \$60,000 or less? Mr. Landon - We are proposing fewer polling locations so less, maybe \$40,000-\$50,000 (per election - primary and general).

CM McGuire - The cost of a deputy and sealed box are part of our estimated cost? Mr. Landon - Yes.

Mayor Netts - What are the requirements to be a canvassing board member? Attorney Reischmann - They are not set forth in the City Charter other than they be appointed by City Council.

Mayor Netts - How many on the canvassing board? Attorney Reischmann - Two (City Clerk and representative appointed by City Council).

CM McGuire - Once canvassing is done, how do we get the election certified? Attorney Reischmann - 8.7 provides that the SOE is to certify the elections; we are researching right now whether that is something that can be done by the City Clerk.

Mayor Netts - At some point we are going to have hard costs and he wants to be

advised when we start incurring hard costs. CM McGuire was in agreement and suggested a Gantt Chart working backwards to the deadline; strategic plan (ballot printing, etc.). Ms. Smith - Typically, the deadline for the printer is the last day of qualifying; that is when everyone starts notifying the printer.

CM Ferguson thinks it would be wise to chose to the lesser of two evils and that is to make the agreement happen with the SOE because we are 90% in agreement.

The Presentation was Received and Filed.

E. WRITTEN ITEMS

2 [14-112](#) RESOLUTION 2014-XX APPROVING THE TRANSFER OF FUNDS FROM THE POLICE AUTOMATION FUND TO THE FLAGLER COUNTY SHERIFF TO PURCHASE 60 VIDEO CAMERAS

Attachments: [Resolution-Transfer funds to Sheriff for Video Cameras](#)
[Letter Request for funds](#)
[Video Selection Memo](#)

Mr. Landon gave a brief overview of this item.

CM Lewis - Are 60 cameras adequate? Mr. Landon - That is what the Sheriff has requested.

CM McGuire - What about maintenance costs? Mr. Landon - This is a grant, so the cameras will be owned by the Flagler County Sheriff and any other expenses will be at the cost of the Sheriff. Commander Mark Carman - Price includes start up costs, docking station, maintenance and storage, etc.

Mayor Netts - Have they changed the allocation of the police automation fund component? Mr. Landon - Yes, we are no longer receiving those funds.

Mayor Netts - So, this is the end of the road? Mr. Landon - Right, it is all going to Flagler County at this point; the County had that option and they chose it a few months ago so any future grants would have to come from the County. This leaves a balance of approximately \$6,600 left which we will hold until the Sheriff comes up with something of value that you would like from an automation standpoint and then the funds will go away and the account will be closed.

CM Lewis asked about the startup grant. Commander Carman - The grant will cover the cameras, docking station, storage, contract with training, contract with Evidence.com; the cameras store up to about 9 hours a day and then they get docked; there is no erasing the cameras, information is loaded, etc. Mayor Netts thought it was important to note that this is not taxpayer dollars, we are simply custodians of money that the State has allocated as a result of traffic fines.

CM Ferguson - What would the second best option to use this money for be? Commander Carman stated Council already granted the defibrillators and the cameras are an excellent option; he believes it is one of the best options. Mr. Landon added some type of communications equipment.

The Resolution was Continued.

3 [14-117](#) RESOLUTION 2014-XX APPROVING PIGGYBACKING THE

CONTRACT BETWEEN MILLER PIPELINE, LLC AND LEE COUNTY FOR INSTALLATION OF CURED-IN-PLACE LINERS FOR 8" GRAVITY SEWER PIPE REHABILITATION IN SECTION 22 (WESTOVER AND WESTLEE)

Attachments: [Resolution Miller Pipeline Piggyback](#)
 [Piggyback Agreement with Miller Pipeline](#)
 [Miller Pipeline Price Quote and Scope](#)

Mr. Landon gave a brief overview of this item.

No Council comments.

The Resolution was Continued.

4 [14-119](#)

RESOLUTION 2014-XX APPROVING A ONE-YEAR PRICE AGREEMENT WITH ENVIRONMENTAL LAND SERVICES TO PURCHASE VARIOUS TYPES OF ROAD MATERIALS

Attachments: [Resolution-Environmental Land Services Price Agreement](#)
 [Contract Summary - Environmental Land Services](#)
 [Bid Opening Tab](#)

Mr. Landon gave a brief overview of this item.

CM McGuire - Did we go out for bids on this? Mayor Netts - We got one bid.

CM McGuire - Is this material stock piled at Public Works? Mr. Landon - As needed, management decides how much to store (or not).

Mayor Netts - What is the difference between red shale and 57 stone? Mr. Richard Adams, Public Works Director - Red shale is really for our shell paths; 57 stone is large gravel; 57 is the sieve size.

CM Lewis - What is pea rock? Mr. Adams - It is gravel, only smaller; size of a pea.

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 Lewis recently received a call from a resident who was very irate because of what was happening to his street - a business that goes around and liquidates estates; many cars pulling up outside his house across the street where the house was recently vacated and things moved out. The resident said furniture was brought into the vacant house and the house wasn't sold yet. Sheriff went and checked it out and CM Lewis also drove up the street; there were cars everywhere. Sod was just

put down and it was being torn up. Residents asked why the City allows this to happen. Why is the liquidator allowed to come into an empty house and run a business? Mr. Landon - That is what City Council approved by ordinance; garage sales and estate sales (two garage sales a year per location) and he explained how the estate sales are conducted. From an enforcement standpoint, we don't have the ability to say you have to show that you are selling your own stuff. We agree, but enforcement as to where does your stuff come from is not practical. Mr. Nestor Abreu, Community Development Director - You see estate sales and also companies that stage houses that are for sale and bring furniture in, etc.

CM Lewis would like to see that the owner gave permission for an estate sale (and maybe have the estate sales addressed separately from garage sales in the ordinance). Mayor Netts suggested, before we start rewriting ordinances and making this more complicated, that when these people apply for the permits, advise these professionals that these are concerns of Council and try to get voluntary compliance and if it doesn't improve we can re-address it. Mr. Abreu stated more often than not, it is not the same owner as it was last month; could be the kids, the bank, etc. Mr. Landon added enforcement regarding garage/estate sales is very difficult.

CM McGuire - It is election year, the latest thing is - \$750,000 is what we're spending on the City Manager and the City Attorney. Every time there comes an election these kind of comments/questions are out there. Does the Council think it is a good idea to have the breakdown of this cost? Should those line items be broken down and thrown out at a public meeting? He gets these questions, should we address it? Mr. Landon - The City Attorney is not an employee, we have a contract with the firm. We have multiple attorneys for: Code, Planning, litigation, personnel matters, construction, etc. Attorney Reischmann is the face for City Council meetings.

CM McGuire - What you said, is what we need to get out. Mr. Landon stated his salary is consistent for a community this size and for the number of years' experience he has in this business. People take department budgets and say that is his salary but it is not; he offered his W2 form to show his salary.

CM Ferguson asked about the inquiry of Wireless Capital about cell towers and paying up front for lease payments, etc., which triggered a question in his mind about our position on cell towers in general and whether we own them; what our policy is, etc. Mr. Landon - We get that inquiry from multiple firms on a regular basis; typical solicitation. We have some cell towers that we own that we lease to the providers, others the cell phone companies own and we have a lease arrangement with them. The Finance Department has taken these offers and has evaluated them; it is a short term windfall, but if we plan on being in the business for long term, there is no question that it makes more sense to continue to grow that revenue stream. Mr. Chris Quinn, Finance Director, expressed he doesn't take these solicitations seriously because our goals are long term outlook.

CM Ferguson - Their offers don't match up with what we expect the cash flows to be in the future? Mr. Quinn - They are severely discounted current cash flow amounts.

CM Ferguson - So, we own two towers now total? Mr. Quinn - We own more than that, two traditional cell towers (flagpole towers); old style (pyramid type) tower by the Utility; we have locations on top of each water tower and there is one private cell tower; they actually rent the land from us that the tower is on; we get a portion of their rent.

CM Ferguson - Is it fair to say it is the City's policy that we prefer to own them? Mr. Landon - Yes. Mr. Quinn explained the companies have changed the way they do

things; now they will build it and basically sell it to you through the rent so that you really own the cell towers; they don't want ownership. Mr. Landon stated we're working with third parties right now that is attempting to put one up on the Palm Coast Parkway corridor; we're trying to work with them; Water Plant 1 might be a good location and then the third parties would make a similar type arrangement but they may end up owning it; lease arrangement with us; we get a portion of it because it's on City property. Mr. Ray Tyner and the Planning Department is working on tweaking this ordinance is to try to avoid the proliferation of towers with having each provider having its own single tower; we can get four antennas/providers on each one, etc. This is another benefit of us being directly involved which has to do with land use and tower dollars.

CM McGuire - The County is involved with these things too, aren't they; they are dealing with three towers that they are considering building out around the railroad tracks; with requirements they have to be camouflaged, etc. Mr. Landon - Right, School Board has one at FPC (Flagler/Palm Coast High School) that looks like a tall light structure with no lights on it.

CM Ferguson - Is that out in the CRA (Community Redevelopment Agency), if the school has it? Mr. Landon - We have an agreement with the School District that they would also provide sites if the provider wants a site where the school site is closer than a City property, we will work with them and try to provide them with the school property. Mayor Netts stated in the past the City hired a consultant regarding cell towers for our ordinance that covered numerous components. Mr. Landon stated there is a lot more benefit to stay in the business we are in. Mr. Quinn stated one of the things that is different here in Florida is the need for towers, because in larger cities communications devices are in the tops of tall buildings.

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

Attorney Reischmann commented on how hard the City Clerk has worked to deal with a unique situation and she has done a great job of protecting this Council and the voters and the citizens to make sure that we are going to have an election this year and it is going to comply with the requirements of our Charter and our Code and the Florida Election Law.

CM McGuire - Is there a mechanism in place for a staff member that goes above and beyond the call of duty; that there may be some remuneration or reward? Mr. Landon believes that what is going on here (this discussion) is enough and there are a lot of employees that work hard here.

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

Mr. Landon reported:

We received the Tree City USA and the Growth Award - very positive.

Great things with the Green Team and working with students at our various parks.

Saturday (4/15/14) he toured projects around town and pleased with the progress we are making. One was that since we had the delay with FPL (Florida Power & Light) - instead of us waiting for them, Mr. Tony Capela's crew moved to Corporate Drive - small project that we did ourselves - now there is a walkway around Corporate Drive, so the adult education/technical school there has a sidewalk with pedestrian actuated signals (to cross the street to Wendy's and Dollar General, etc.) Now, the crew will go back to Seminole Woods.

Palm Coast Parkway is going a lot better than anticipated.

Mayor Netts asked Mr. Landon to comment on the changes at Memorial Parkway and SR100 (that had very high numbers of red light ticket violations). Mr. Landon reported we got State approval; our crews installed a green arrow so that when the green light for the traffic to come out of the hospital has green and the SR100 both ways is red, that they have a green arrow that you can turn right now into the hospital. The only conflict now that you can possibly have there is possibly someone doing a U-Turn there. He also explained how it is good for the pedestrians tool.

CM Lewis asked for clarification, he remembered hearing the word "prudent" when making right turn as opposed to coming to a complete stop. Mayor Netts explained the State of Florida has had three different positions: once upon a time you were required to come to a complete stop at a red light; when the Mark Wandall Act went in, the State said as long as you slow to a reasonable and prudent speed you don't have to come to a complete stop on red and the City interpreted reasonable and prudent at 12 miles per hour. Now most recently, the State has gone back to you have to stop on red again. Mr. Landon - One clarification is that what the Mayor described is that is the red light camera law, your traffic law enforced by your law enforcement agencies still says you are to come to a complete stop on red so a deputy can cite you for violating the traffic laws, etc.

CM Lewis - What do we preach? Mr. Landon - Our code officers are granted, just like a deputy, to make a judgment call as to whether or not the driver was being safe and prudent; obviously if they stop there is no problem; if they don't they are subject to the citation and it is at the discretion of the deputy or red light camera officers to determine whether or not they were safe or prudent.

Students are now being dropped off and picked up behind the school (Flagler/Palm Coast High School); traffic pattern has changed and the Principal said the change went quite smoothly; all the shoulder work on SR100 are turn lanes.

CM McGuire - What is your estimate on the completion; half done, two-thirds done? Mr. Landon - Maybe not half complete; the whole project is to be completed by August before the students come back is the goal; working well with the school officials.

I. ADJOURNMENT

The meeting was adjourned at 10:22 a.m.

*Respectfully submitted,
Barbara Redline*

[14-122](#)

MEETINGS CALENDAR AND AGENDA WORKSHEET

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

[14-125](#)

ATTACHMENTS TO MINUTES

Attachments: [Item 1-2014 City of Palm Coast Elections](#)