



# 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, May 6, 2014

6:30 PM

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.

>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      [14-152](#)      MINUTES OF THE CITY COUNCIL'S:  
                         A. April 15, 2014 City Council Business  
                         B. April 29, 2014 City Council Workshop

**Attachments:**      [April 15, 2015 Business Meeting](#)  
                                 [April 29, 2014 Workshop](#)

**A motion was made by Council Member McGuire, and seconded by Council Member Ferguson, that the Minutes 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

**Proclamations and Presentations**

- 2      [14-130](#)      PROCLAMATION RECOGNIZING MAY AS CIVILITY MONTH

**Attachments:**      [Proclamation Civility Month](#)

*CM DeLorenzo presented this Proclamation to Attorney Reischmann, representing the Florida Bar.*

**The Proclamation was Received and Filed.**

- 3      [14-136](#)      PROCLAMATION RECOGNIZING MAY 4, 2014 THROUGH MAY 10, 2014 AS "PUBLIC SERVICE RECOGNITION WEEK"

**Attachments:**      [Proclamation-Public Service Recognition Week](#)

*CM McGuire presented this Proclamation to City staff. The BAM! Team presented a video, which is available on the City website.*

**The Proclamation was Received and Filed.**

- 4      [14-137](#)      PROCLAMATION RECOGNIZING MAY 2014 AS DRUG COURT MONTH

**Attachments:**      [Proclamation-Drug Court Month](#)

*CM Ferguson presented this Proclamation to Judge Walsh and representatives of the Drug Court program.*

**The Presentation was Received and Filed.**

- 5      [14-151](#)      PRESENTATION-HONOR AND RECOGNIZE JUAN BOSTWICK BECOMING A U.S. CITIZEN

**Attachments:**      [Recognition-Juan Bostwick](#)

*Mayor Netts presented this recognition to Mr. Juan Bostwick.*

**The Presentation was Received and Filed.**

**6**      [14-147](#)**PRESENTATION - OVERVIEW OF FUND ACCOUNTING**

*Mr. Quinn and Ms. Williams presented a PowerPoint presentation, which is attached to these minutes.*

*CM McGuire-Clarification-Can be used at for general purposes and at the discretion of the governing body? Ans: Mr. Quinn-Correct.*

*CM McGuire-Code Enforcement red light camera revenues-we have said they are to be used for safety improvements, in order for them to be used for anything else, but that, it would require the action of this body, correct? Ans: Mr. Quinn-Yes, any of these revenue sources in front of you require the action of the City Council through budget appropriations.*

*CM McGuire-Things like the ad-valorem tax would go to the general fund? Ans: Mr. Quinn-It goes into the general fund but it can certainly be spread across multiple funds, for instance there is a small portion of the ad-valorem taxes that are used for stormwater projects. Those determinations are made each year during the budget process and approved by City Council.*

*CM McGuire-Has any red light funds been used for anything other than safety improvements? Ans: Mr. Quinn-No.*

*CM Ferguson-What is state revenue sharing a 73%-what does that refer to? Ans: Mr. Quinn-There is a state revenue sharing pot that the State puts various revenue sources they receive to be redistributed back to local governments. That percentage changes a little each year. Approximately, roughly 25% of it has a restriction on it and here, just under 75% is up to City Council to determine how to use it.*

*CM Ferguson-So the 73% refers to the unrestricted portion of state revenue sharing? Ans: Mr. Quinn-Yes.*

*CM McGuire-When does the Property Appraiser provide his, for a better word, suggested TRIM rate? Ans: Mr. Quinn- The Property Appraiser supplies us with the preliminary taxable value of the property in Palm Coast around June 1.*

*CM McGuire-Do you have any feel for what that is for this year? Ans: Mr. Quinn-I have been hearing it is going up but I do not have a feel for a percentage.*

**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****7**      [14-68](#)      **ORDINANCE 2014-XX COMPREHENSIVE PLAN AMENDMENT FOR SUBJECT PROPERTIES BETTER KNOWN AS GRAND LANDINGS**

**Attachments:**      [Ordinance Grand Landings FLUM Amendment](#)  
[Grand Landings FLUM Staff Report](#)  
[GrandLandings Location Map](#)  
[GrandLandings Existing FLUM Map](#)  
[GrandLandings Current Zoning Map](#)  
[GrandLandings ProposedFLUM](#)

*City Attorney Reischmann read the title into the record. Mr. Landon gave a brief summary of the item.*

*Mr. Papa provided a PowerPoint presentation on this item and the next, which is attached to these minutes.*

*CM Ferguson-Did I read that if the population reaches 100,000 in Flagler County, that will that trigger the 749 units to go to 1,000? Ans: Mr. Papa-Yes.*

*Public Comment:*

*Gerry Finley, Engineer for the project. Here to answer any questions.*

**A motion was made by Council Member McGuire, and seconded by Vice Mayor DeLorenzo, 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: O2014-10

**8**      [14-69](#)      **ORDINANCE 2014-XX ZONING MAP AMENDMENT AND DEVELOPMENT AGREEMENT FOR SUBJECT PROPERTY BETTER KNOWN AS GRAND LANDINGS**

**Attachments:**      [Ordinance Grand Landings MPD](#)  
[Grand Landing staff report](#)

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

*This item was heard with the previous item.*

*CM Ferguson-Can the engineer speak of this development. Ans: Jeff Douglas-Yes, the plans have changed from 5 years ago. Mr. Douglas provided an overview to the project that is years and years out.*

*Public Comment:*

*Jack Carall-Airport increasing their landing areas and take off areas and inviting larger airplanes to come in; how is this going to affect this development?*

*Response to Public Comment:*

*Mr. Landon-The main runway runs east/west and this project is south. The planes shouldn't be flying over this project. This residential development should not impact the airport and vice versus.*

**A motion was made by Vice Mayor DeLorenzo, 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: O2014-11

**Resolutions****9**      [14-134](#)

RESOLUTION 2014-XX AUTHORIZATION FOR THE PURCHASE OF MATERIALS AND ASSOCIATED EXPENSES FOR THE CONSTRUCTION OF TWO ADDITIONAL FIELDS FOR EXPANSION OF THE INDIAN TRAILS SPORTS COMPLEX

**Attachments:**      [Resolution Indian Trails Sports Complex Expansion](#)  
                                   [Cost Estimate](#)  
                                   [Athletic Tournaments Visitor Spending](#)

*Mr. Landon gave a brief overview to this item. Ms. Santangelo provided a PowerPoint presentation, which is attached to these minutes.*

*CM McGuire-How much are you asking from TDC? Ans: Ms. Santangelo-Maximum for the grant of \$150,000.*

*CM Lewis-What has been our track record with TDC? Ans: Ms. Santangelo-We applied for one and it was granted.*

*CM McGuire-Is the work that our Public Works crews going to do along with the multipurpose path going on force us to add additional staff? Ans: Mr. Landon-No.*

*Public Comments:*

*Louis McCarthy-parking issue*

*Jack Carall-Daytona Beach is losing their Tennis tournament-are we doing anything to increase revenue? Maintenance of soccer fields?*

*Norman Weiskopf-dog park should take precedence over these fields. Street lights.*

*Vivian ?-Are you doing anything to promote Palm Coast?*

*Gretchen Smith-cost of traveling to away games-bring the fields here; hometown pride and advantage.*

*Carmine Pantusso-Parking issue*

*CarMichael McMillian-records tournaments and hears complaints on bathrooms.*

*Responses to Public Comments:*

*Tennis tournaments-Ms. Santangelo-working with TDC and staff-we are looking at bringing more youth tournaments.*

*Maintenance-Mr. Landon-our crews maintain the fields and the fields owned by the School District; the School contributes to the fertilizing.*

*Priorities-update on Holland Park and dog park-Mr. Landon-These projects take a long time, it is under design and phase 1 is funded. Mr. Landon gave a brief overview*

to fund accounting. This project is not slowing down Holland Park.  
 Promotion of Palm Coast-Mr. Landon-The video presented earlier through our Branding Team; complaints on restrooms-we may not have enough but they are kept clean.

CM McGuire spoke of the brochures that the TDC puts out on where our visitors can go shop and eat.

Parking and restrooms-Mr. Landon-to build restrooms would be expensive but we do use port o potty's for the large tournaments. Parking does fill up-to address that we have agreements with both neighbors, the Parkview Church and the School. We do have a solution for those who have mobility issues to provide the assistance to get to the fields.

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

Enactment No: R2014-43

**10**      [14-140](#)

**RESOLUTION 2014-XX APPROVING A CONTRACT WITH VOA ASSOCIATES, INC., FOR DESIGN AND CONSTRUCTION MANAGEMENT ADMINISTRATION OF THE COMMUNITY CENTER RENOVATION & EXPANSION PROJECT**

**Attachments:**      [Resolution-VOA Contract](#)  
                                   [Contract Summary - VOA Associates](#)  
                                   [Intent to Award and Ranking](#)

*Mr. Landon gave a brief overview to this item. Ms. Santangelo and Mr. Cote provided a PowerPoint presentation on items 10, 11, and 12, which is attached to these minutes.*

*CM McGuire-How many hours a day is this rate predicated on? Ans: Mr. Quinn-6 hours a day 6 days per week.*

*CM Ferguson-The number of participants in the bridge club and the number of participants per day? Ans: Ms. Santangelo-The players per day range from 60-100; there are different individuals every day; there are close to 200 members.*

*Public Comments:*

*Norman Weiskopf-Feels this project should be on the back burner and the dog park placed first.*

*Jack Carall-Renovations-will we be closed?*

*Janet McDonald-parking at renovated center and uses of renovated center.*

*Responses to Public Comments:*

*Renovations-Mayor Netts-Where will Council meet when this room is under construction? Ans: Mr. Landon-Ideally we will do the expansion and meet in there but that is too early to determine.*

*Parking-some parking in the front will go away but we have expanded a new area of parking, the grass area is overflow parking as well; we also work with our neighbors to use their parking lots for overflow parking, if needed.*

*Pond-Mr. Landon-It is a stormwater retention pond that is required when we expand.*

*Priorities and dollars-Mr. Landon-This project is behind the Holland Park renovations. Construction will start on Holland Park this summer and it is funded and will carry on into next fiscal year. Street lights-If there is an intersection of two streets, you can call and we can put in a street light. In addition to that, FPL will put in a security light for you and there is a flat monthly fee on your electric bill.*

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

Enactment No: R2014-44

**11**      [14-141](#)

RESOLUTION 2014-XX APPROVING A CONTRACT WITH AJAX BUILDING CORPORATION FOR PRE-CONSTRUCTION MANAGEMENT SERVICES FOR THE COMMUNITY CENTER RENOVATION & EXPANSION PROJECT

**Attachments:**      [Resolution-Ajax Contract](#)  
[Contract Summary - Ajax Building Corporation](#)  
[Intent to Award](#)

*This item was heard under item 10.*

*Public Comments:*  
*There were no public comments.*

**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

Enactment No: R2014-45

**12**      [14-132](#)

RESOLUTION 2014-XX APPROVING THE NON-BINDING LETTER OF INTENT WITH THE PALM COAST DUPLICATE BRIDGE CLUB, INC.

**Attachments:**      [Resolution-Non-Binding Letter of Intent with the Bridge Club](#)  
[LOI Bridge Club](#)

*This item was heard under item 10.*  
*There were no public comments.*

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

Enactment No: R2014-46

**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

- 13      [14-133](#)                      RESOLUTION 2014-XX APPROVING AN INTERLOCAL AGREEMENT WITH THE FLAGLER COUNTY SHERIFF FOR COOPERATION IN CODE ENFORCEMENT INVOLVING DRUG ACTIVITY
- Attachments:**              [Resolution IA Sheriff-Code Enforcement](#)  
   [Interlocal re Code Enf-Drug Activity](#)
- The Resolution was adopted on Consent.**
- Enactment No: R2014-47
- 14      [14-98](#)                      RESOLUTION 2014-XX APPROVING A CONTRACT WITH VERTEX WATER FEATURES FOR THE PURCHASE AND INSTALLATION OF FOUR RECIRCULATING FOUNTAINS AT THE STATE ROAD 100/I-95 INTERCHANGE
- Attachments:**              [Resolution - Vertex Water Features - Fountains SR100 - I-95](#)  
   [Contract Summary - Vertex Water Features](#)  
   [Bid Opening Tab](#)
- The Resolution was adopted on Consent.**
- Enactment No: R2014-48
- 15      [14-145](#)                      RESOLUTION 2014-XX APPROVING THE THIRD AMENDMENT TO THE JOINT PARTICIPATION AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION RELATING TO LANDSCAPING IMPROVEMENTS TO THE SR100/I-95 INTERCHANGE
- Attachments:**              [Resolution-FDOT JPA Amendment 3](#)  
   [JPA Amendment 3 with FDOT](#)
- The Resolution was adopted on Consent.**
- Enactment No: R2014-49



**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.**

*Bertram Hines-Thanked Council and the City for the walkway under construction right now in Seminole Woods. City workers are fantastic.*

*Vincent Taylor-Congratulating Council/City that our park is being used by residents; proud of the beautification in our City.*

*Timothy Hall-Red light cameras violate our 4th amendment rights.*

*Carmine Pantusso-Favors red light cameras. 2 studies were done and both studies point to the reduction in accidents and the way people drive. Safety issue.*

*Jack Carall-Daytona Commission is doing a study of transporting from Daytona to the new "rail"- can we have a shuttle?*

*Alan Peterson-Red light cameras-distraction of the local judges-Judge Craig objected to some of the information on his notice of violation-hopefully the "language" in question will be amended; laws to be fair-the law is the law; Judge Moore-Stens-dismissing court appearances-either she was not aware of the procedures put into effect or the City was not aware of the change. Are they for safety or revenue? Suggest looking at locations and take 25% and take last 90 days and disconnect the camera and 8:53*

*CarMichael McMillian-red light cameras and City's image.*

*Vivian ?-Respects the law, if I run a red light I will pay the fee.*

*Dennis McDonald-Red light cameras; safety. Sheriff should handle this issue. All red cycle.*

*Vincent Taylor- Red light camera referendum.*

*Norman Weiskopf-Red light cameras. We should follow the other cities that are eliminating them.*

*Louis McCarthy-Comment that we need to have police enforce but we cannot afford for the police to enforce the "hot spots" (intersections).*

*Bertram Hines-Received a summons for running a red light. Can he make a right on*

*red by looking right or left. Taxed on credit card.*

*Diana Labrun-Used to be in favor of red lights but is feeling it is holding us back. Put it on a referendum.*

*Janet McDonald-Would like to see the red lights put out to the people, on a referendum. Common red light. Hazard for the community. Beautification issue of the ugly black poles.*

*Timothy Hall-Nation of laws not men.*

*Ron Decosta-Driving in Palm Coast for 11 years and have never found a difference is how people drive; he drives within the law. Right on red-should change to no rights on red (as it does not help the pedestrians).*

*Responses to Public Comments:*

*Right on red-Mayor Netts-Circumstances have confused drivers-the law states you must stop on red; 2010 Mark Wandall Act stated right on red allowed if you proceeded in a careful and prudent manner and City stated 12 mph would be careful and prudent then the changes to the Mark Wandall Act in 2013 stated right on red you must come to a complete stop. The problem in Palm Coast and other areas, is that we educated them that 12 mph or 11 mph was ok and now all of a sudden the state says it is not. Now the issue of right turns on red is an on-going issue and one that will require education. We know what happens, you look to the left and proceed without looking to the right and we have incidents after incidents with bicyclists and pedestrians that come out the loser at that confrontation.*

*Constitutional issue-Attorney Reischmann-4th amendment rights-clearly there are rights for all citizens in the US by the 4th amendment. It is important to understand there is a significant distinction that the US Supreme Court and all the other federal and state courts have made between expectations of privacy and rights to privacy on private property vs. on public property. It is important because what we are talking about is not something that Palm Coast has adopted, it is in State Statutes as the Mark Wandell Act passed in 2010. Mr. Reischmann provided further an overview of the act and it's process.*

*Statistics of accidents-Mayor Netts-Would like to see statistics. Mr. Landon-provided a statistical update of red light violations at each intersection per year and provided the overview of the UTC process the City has been working with the Courts on for the past year. Judge's comment that the "City receives more money when it goes to a UTC"-the City receives \$0 (zero) when a UTC is issued.*

*Shuttle buses to take advantage of Sun Rail-Mr. Landon-Has not heard of a proposal. The County has public transportation. CM DeLorenzo-Votran is working on a plan to shuttle bus to the sunrail stations. This is county public transportation. Sunrail only works on Monday through Friday it is a commuter train.*

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

*CM Ferguson-Red Light Camera-private referendum and that process and Council initiated referendum process? Cancel contract?*

*Ans: Mr. Reischmann-Mr. Reischmann briefly described the referendum process in accordance with the Charter and State Statutes.*

*VM DeLorenzo-TPO survey to determine wants, needs, and issues with Transportation. River to Sea survey. Red Light Cameras-ATS's favors. Is it a*

possibility to suspend program until they meet with the City? Ans: Mr. Landon-Met with ATS last week, they tried to reach our attorney today, they are being very responsive.

CM McGuire-would like to talk about a referendum at a workshop-next week? Sees the red light camera as a good program. Would support a referendum.

Mr. Landon-The cost if we should put this on a referendum, will need to be included on the referendum.

CM McGuire-Senator Ron DeSantis will have his team out at the Government Services Building tomorrow.

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

Legislation has adjourned this year. Waiting to see what bills the Governor signs into law and will report to Council those that affect Palm Coast.

Supreme Court opinion on the City of Greece-prayer to start their government meetings is now allowed but with parameters.

Red Light Camera hearings-City will fully comply with the Judge's order and will be submitting a Memorandum of Law.

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

Nothing at this time.

**H. Adjournment**

The meeting was adjourned at 8:53p.m.

Respectfully submitted,  
Virginia Smith, City Clerk

[14-144](#)

MEETINGS CALENDAR AND AGENDA WORKSHEET

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

[14-160](#)

ATTACHMENTS TO MINUTES

**Attachments:** [Item 6-2015 Budget Presentation - Fund Accounting](#)  
[Item 7 and 8-Presentation FLUM-Rezoning GrandLandings](#)  
[Item 9 10 11 12-Community Center Renovation and Expansion3](#)  
[Item 9 10 11 12-Rent Analysis](#)