



# City of Palm Coast

Palm Coast  
Community Center  
305 Palm Coast Pkwy., NE  
Palm Coast, FL 32137  
palmcoastgov.com

## Meeting Minutes

### City Council

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

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**Tuesday, July 1, 2014**

**6:30 PM**

**Palm Coast Community Center**

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#### **City Staff**

**Jim Landon, City Manager**

**William Reischmann, City Attorney**

**Virginia A. Smith, City Clerk**

>Public comment on issues on the agenda or public participation shall be limited to 3 minutes.

>If any person decides to appeal a decision made by the City Council with respect to any matter considered at such meeting or hearing, he/she will need a record of the proceedings, including all testimony and evidence upon which the appeal is to be based. To that end, such person will want to ensure that a verbatim record of the proceedings is made.

>The City of Palm Coast is not responsible for any mechanical failure of recording equipment.

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

>If you wish to obtain more information regarding City Council's agenda, please contact the City Clerk's Office at 386-986-3713.

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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 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      [14-244](#)      MINUTES OF THE CITY COUNCIL'S:  
                         A. June 17, 2014 City Council Business  
                         B. June 24, 2014 City Council Workshop

**Attachments:**      [June 17, 2014 Business Meeting](#)  
                                 [June 24, 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

### PRESENTATIONS

#### Proclamations and Presentations

- 2      [14-237](#)      PROCLAMATION RECOGNIZING JULY 1, 2014 AS "SENATOR THRASHER AND REPRESENTATIVE HUTSON APPRECIATION DAY IN PALM COAST"

**Attachments:**      [Proclamation Thrasher and Hutson](#)

*CM Ferguson presented this Proclamation to Senator Thrasher and Representative Hutson.*

**The Proclamation was Received and Filed.**

- 3      [14-210](#)      PROCLAMATION RECOGNIZING THE MONTH OF JULY AS PARKS AND RECREATION MONTH

**Attachments:**      [Proclamation Parks and Rec Month](#)

*CM McGuire presented this Proclamation to Luanne Santangelo, Director of Rec n Park.*

**The Proclamation was Received and Filed.**

- 4      [14-243](#)      PRESENTATION OF PROPERTY TAX AND MILLAGE RATE HISTORY

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

*CM Ferguson-The peak of \$7billion, do you have a figure for what the total county was at the peak? What percentage of Palm Coast is the County roughly, property value? Ans: Mr. Quinn-I would be guessing, but we can talk an average of what those numbers were in 2008. Mr. Landon-It is between 60 and 65% (for City) right now so it is probably about the same at that point too.*

**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**

- 5      [14-197](#)      ORDINANCE 2014-XX AMENDING MPD DEVELOPMENT AGREEMENT FOR THE MADISON GREEN AND TUSCAN RESERVE MPD

**Attachments:**      [Ordinance Amending Tuscan Reserve](#)  
                                 [Exhibit B MPD Development Agreement](#)  
                                 [MPD Development Agreement Exhibits](#)  
                                 [MPD Site Plan](#)  
                                 [Future Land Use Map](#)  
                                 [Zoning Map](#)  
                                 [Planning Division Staff Report](#)  
                                 [Neighborhood Mtg Results Letter](#)

*City Attorney Reischmann read the title into the record. Reminded Council this is a quasi-judicial item. Mayor Netts called for any ex-parte communications. CM McGuire-one resident contacted me. Mayor Netts confirmed that CM McGuire will base his decision on what is presented this evening. CM McGuire agreed.*

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

*CM Lewis-Signalized analysis-what was that about? Ans: Ms. Piltaver-The applicant submitted that as part of the traffic study.*

*CM McGuire-At the first meeting, we questioned whether our fire equipment would have access to this development? Ans: Mr. Landon-That is what our engineers work on in the design; it is all part of the infrastructure design.*

*CM McGuire-Do we have a Fire Marshall on staff in the planning department? Ans: Mr. Landon-We have staff that is certified and we also have a Fire Marshall. This is also engineering-design of the street. Plus they have a design team. You would not receive anything from us where these safety standards are not met.*

*Public Comment*

*Michael Chiumento-represents the applicant; here to answer questions. Updated the language that the Mayor requested.*

*Dennis McDonald-make sure there is a sign off from our Fire Chief.*

*Mayor Netts-What is the next steps for this project if approved tonight? Ans: Mr. Landon-The applicant would submit the site plan.*

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

### First Reading

- 6      [14-232](#)      ORDINANCE 2014-XX FUTURE LAND USE MAP AMENDMENT FOR A 3 +/- ACRE PARCEL LOCATED AT THE SOUTHWEST CORNER OF SEMINOLE WOODS PARKWAY AND STATE ROAD 100

**Attachments:**      [Ordinance-Airport Commerce-FLUM](#)  
[Existing FLUM-Airport Commerce Center](#)  
[Existing Zoning-Airport Commerce Center](#)  
[Location Map-Airport Commerce Center](#)  
[Staff Report-Airport Commerce Center](#)

*City Attorney Reischmann read the title into the record. Mr. Landon gave a brief summary of the item and item 7.*

*Public Comment:  
There were no public comments.*

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

- 7      [14-233](#)      ORDINANCE 2014-XX ZONING MAP AMENDMENT FOR 3 +/- ACRE PARCEL LOCATED AT THE SOUTHWEST CORNER OF SEMINOLE WOODS PARKWAY AND STATE ROAD 100

**Attachments:**      [Ordinance - Airport Commerce Center Rezoning](#)  
[Location Map-Airport Commerce Center](#)  
[Staff Report- Airport Commerce Park Rezoning](#)

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

*This item was presented under item 6.*

*Public Comment*

*There were no public comments.*

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

**Resolutions**

**8**      [14-235](#)      **RESOLUTION 2014-XX APPROVAL OF FINAL PLAT - COUNTRY CLUB HARBOR (REPLAT)**

**Attachments:**      [Resolution-Country Club Harbor Replat 2671](#)  
                                 [Country Club Harbor Final Plat](#)  
                                 [Country Club Harbor School Concurrency Approval](#)  
                                 [FLUM Country Club Harbor 2671](#)  
                                 [Zoning Map Country Club Harbor 2671](#)  
                                 [Location Map Country Club Harbor 2671](#)

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

*VM DeLorenzo-Map-the lots that are east of the bridge, was it ever resolved to develop those lots? Ans: Ms. Bentley-It was resolved by having a shared access point through one of the lots. So there will only be one access onto Clubhouse Drive.*

*Public Comments:*

*John Erpelding-Sesame Island, 7 acres, access.*

*Responses to Public Comments-*

*Sesame Island-Ans: Mr. Landon-The island is privately owned, the developer offered it to the City but there would be no public access. The proposal before you is for that island to stay private property.*

**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

**9**      [14-222](#)      **RESOLUTION 2014-XX APPROVING THE NUISANCE ABATEMENT INITIAL ASSESSMENT**

**Attachments:**      [Resolution Initial Special Assessment Code](#)  
                                 [APPENDIX B Notice to be Published](#)  
                                 [APPENDIX C Notice to be Mailed](#)  
                                 [Nuisance Tax Roll](#)

*Mr. Landon gave a brief overview to this item.*

CM McGuire-If there is a lien on the property, does this make it a superpriority lien?  
Ans: Mr. Reischmann-it has the same priority, it is not eliminated by a tax lien. This is equivalent to a tax lien. It is a higher priority.

CM Ferguson-Do we have a total number for the nuisances? Ans: Mr. Quinn-The list before you is approximately \$200,000.

CM Ferguson-What percent of that do we typically collect? Ans: Mr. Quinn-We have collected most of last year's levy at this point.

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

### **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, and seconded by Vice Mayor DeLorenzo, 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

### **10      [14-228](#)**

**RESOLUTION 2014-XX APPROVING AN AMENDMENT TO THE WORK ORDER TO JONES EDMUNDS & ASSOCIATES, INC., TO EXPAND PROFESSIONAL SERVICES FOR THE NORTHEAST CORRIDOR GREENWAY ACQUISITION PROJECT**

**Attachments:**      [Resolution-Amendment to Work Order-Jones Edmunds](#)  
[Amendment to Work Order Summary-Jones Edmunds](#)  
[Feasibility Study](#)  
[Scope of Services Jones Edmunds NECGA](#)

**The Resolution was adopted on Consent.**

### **11      [14-229](#)**

**RESOLUTION 2014-XX LEASE AMENDMENT BETWEEN THE CITY OF PALM COAST AND CYPRESS POINT 160, LLC, FOR THE LEASE OF CITY OFFICES AT CITY MARKETPLACE**

**Attachments:**      [Resolution-Lease Amendment City Offices](#)  
[Lease Amendment No. 1](#)

*This item was pulled from consent. Mr. Landon gave a brief overview to this item.*

*Public Comments:*

Jack Carall-If we take it for another year and we need it longer, what happens?  
Renewal or extension?

*Responses to Public Comments:*

Renewal or extension-Ans: Mr. Landon-The likelihood that will happen is not very likely, but we would negotiate a month to month.

CM McGuire-Is there a performance clause in the contract with the contractor who is building City Hall? Ans: Mr. Reischmann-There will be a term clause in the contract. Mr. Landon clarified that the contract is out there and that the final price will come back before Council in September.

**A motion was made by Council Member McGuire, 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

12      [14-236](#)

RESOLUTION 2014-XX APPROVING A SCHOOL CONCURRENCY MITIGATION AGREEMENT WITH THE FLAGLER COUNTY SCHOOL BOARD AND THE OWNERS OF COUNTRY CLUB HARBOR

**Attachments:**      [Resolution - Mitigation Agreement-Country Club Harbor School Concurrency Agreement](#)

*This item was pulled from consent. Mr. Landon gave a brief overview to this item.*

CM Ferguson-So the benefit to the developer is that if it takes 5 years to build out then they do not have all those monies in impact fees committed ahead of time? Ans: Mr. Landon-Correct. Sometimes there are developers that create the lots, we will have multiple builders. This makes the builder who creates the home to pay the fee at that time versus the person putting in the streets and utilities.

CM Ferguson-The timing is the issue? Ans: Mr. Landon-Yes, timing and cash flow.

VM DeLorenzo-This project is 54 units, according to the School study it would potentially produce 17 students and the impact fees would be \$200,000 (upfront) to the schools, so this makes it easier for the developer to pay as the houses are built.

*Public Comments:*

*There were no public comments.*

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

13      [14-223](#)

RESOLUTION 2014-XX APPROVING CONTRACTS WITH ADVANCED ENVIRONMENTAL LABORATORIES, PACE ANALYTICAL AND ALS GROUP USA CORPORATION FOR LABORATORY SERVICES

**Attachments:**     [Resolution - Laboratory Services Contract](#)  
                              [Contract Summary - Laboratory Analysis Services](#)  
                              [Bid Opening Tab](#)

The Resolution was adopted on Consent.

- 14     [14-226](#)     RESOLUTION 2014-XX APPROVING THE FINAL ONE-YEAR CONTRACT RENEWALS WITH BARNES, FERLAND AND ASSOCIATES, INC., AND NEEL-SCHAFFER, INC., TO PERFORM DEBRIS REMOVAL MONITORING SERVICES

**Attachments:**     [Resolution Debris Monitoring Contracts](#)  
                              [Barnes Ferland Renewal Letter 7-1-14](#)  
                              [Neel Schaffer Renewal Letter 7-1-14](#)

The Resolution was adopted on Consent.

- 15     [14-227](#)     RESOLUTION 2014-XX APPROVING THE FINAL CONTRACT RENEWALS WITH CROWDER GULF, BAMACO, INC., BYRD BROTHERS EMERGENCY SERVICES, LLC, AND DRC EMERGENCY SERVICES, LLC, TO PERFORM DEBRIS REMOVAL SERVICES

**Attachments:**     [Resolution Debris Services Contract](#)  
                              [BAMACO Renewal Letter 7-1-14](#)  
                              [DRC Renewal Letter 7-1-14](#)  
                              [Byrd Brothers Renewal Letter 7-1-14](#)  
                              [Crowder Renewal Letter 7-1-14](#)

The Resolution was adopted on Consent.

- 16     [14-231](#)     RESOLUTION 2014-XX RENEWAL OF CONTINUING SERVICE CONTRACTS FOR GRANT COMPLIANCE ASSISTANCE

**Attachments:**     [Resolution Grant Compliance Services Agreements Renewal](#)  
                              [Fox Renewal Letter 7-1-14](#)  
                              [Guardian Renewal Letter 7-1-14](#)

The Resolution was adopted on Consent.



**D. Public Participation**

In accordance with Section 286.0114 Florida Statutes, after the Mayor calls for Public Participation, each member of the audience interested in speaking on any topic or proposition not on the agenda or which was discussed or agendaed at the previous City Council Workshop, shall come to the podium, state their name and will have up to three (3) minutes to speak. The Mayor will advise when the three (3) minutes are up and the speaker will be asked to take a seat and wait until all public comments are finished to hear answers to all questions. Once all members of the audience have spoken, the Mayor will close public participation and no other questions/comments shall be heard. Council and staff will then respond to questions posed by members of the audience. Should you wish to provide Council with any material, all items shall be given to the City Clerk and made part of the record. If anyone is interested in discussing an issue further or ask additional questions, individual Council Members and staff will be available after the meeting to discuss the matter and answer questions.

*John Erpelding-Foreclosures-Riviera Drive recycle bin left at the house across the street. Awards-water awards-stench by the library, can we take care of that? Yard Sale signs-let up on those having the sales.*

*George Mayo-Awards-trips to Palm Coast Florida.*

*Dennis McDonald-Fire Department with City and County coordination with new developments.*

*Responses to Public Comments:*

*Recycle Bin-Ans: Mr. Landon-We will get that picked up.*

*Odor at the library-Ans: Mr. Adams-It is a major master pump station-a lousy location but one of the first pump stations, there is an odor control unit on it but will check that it has been properly maintained. Also provided a brief overview of the irrigation systems that have a sulfur smell.*

*CM McGuire-What does an odor control unit do, how does it work? Ans: Mr. Adams-Basically the whole time the sewers are open to a vent to the sewer system, it is open so as to not trap gases, which could be dangerous. So they release gases all the time and the unit basically filters that gas.*

*VM DeLorenzo-Pump stations around town, we do not keep the bushes high, it is a tall unit and it is conspicuous, is it conspicuous on purpose, can we let the bushes grow a bit? Ans: Mr. Adams-We can talk to our landscape architect about it, but there are security issues to it, and the tall part is the odor control unit.*

*CM Adams-Complaints on odor in the southern part of Palm Coast, in the Cypress Knolls area, have not heard any complaints recently, are those the same pumps we are talking about here? Ans: Mr. Adams-We have 150 pump stations throughout the City. We have been ordering odor control units but at \$30,000 per unit, we are order in priority areas first. The more flow the pump station gets, the more the odor.*

*CM McGuire-Are we using state of the art equipment? Ans: Mr. Adams-Yes, we absolutely try to get the best. We are trying to zero in on the most effective and cost effective.*

*Yard Sale Signs-Mayor Netts-revisit at a workshop.*

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

*VM DeLorenzo-TPO meeting-regarding the City's right to vote at the table, 7 of the Interlocals have been received.*

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

*Agenda item 17-Settlement Agreement (see agenda item 17)*

*Closed Executive Session requested for Mayfield vs. City of Palm Coast, Tuesday, July 8, 2014 during the workshop. Council concurred.*

**17**      [14-239](#)**RESOLUTION 2014-XX APPROVING THE SETTLEMENT AGREEMENT AND RELEASE BETWEEN GHASSAN AJRAM AND COLLEEN AJRAM**

**Attachments:**      [Resolution Ajram Settlement Agreement](#)  
[Settlement Agreement Ajrams](#)

*Attorney Reischmann provided an overview to this item.*

*CM Lewis-Is there a cost associated with that lease? Ans: Mr. Reischmann-It is \$1 per month. Mr. Landon-This is to assist the Ajrams in relocating their business.*

*CM McGuire-Has the Ajrams agreed in writing? Ans: Mr. Reischmann-Yes.*

*CM Ferguson-Time of closing and payment to the Ajrams? Ans: Mr. Reischmann-At closing the Ajrams will be paid in full.*

*CM Ferguson-Source of the funds? Ans: Mr. Landon-Since this was a surprise, this will come out of the unappropriated fund balance, but paid for eventually by the CRA. This will not impact any projects or raise taxes.*

*VM DeLorenzo-Is this offer more than what we have ever offered? Ans: Mr. Landon-Yes but it is not more than the corner property or more than what the Ajrams were demanding.*

***Public Comments:***

*Jack Carall-What happens if we get an offer within the 6 months during the rental period? Do we have to turn it down?*

***Responses to Public Comments:***

*Rental period-Ans: Mr. Reischmann-This was part of the mediation discussions. The Ajrams requested this time frame for their needs. We are unaware of any developer that is in need of this property within the 6 month period. We could not close on the sale within that rental period.*

*CM Ferguson-Have we done due diligence for contamination? Ans: Mr. Reischmann-We have done Phase 1 and 2.*

**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

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

*Tropical Storm off the coast of Florida. Tropical Storm Arthur. This storm appears it will stay out in the sea and go north.*

*US Quidditch Association is coming in 2015 for the Southern Regional Tournament.*

*July 4 festivities begin at 5pm on Thursday, July 3, with fireworks around 9:00pm.*

**H. Adjournment**

*The meeting was adjourned at 8:39 p.m.*

*Respectfully submitted,  
Virginia Smith, City Clerk*

[14-245](#)

**MEETINGS CALENDAR AND AGENDA WORKSHEET**

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

[14-249](#)

**ATTACHMENTS TO MINUTES**

**Attachments:**    [Item 3 Parks and Rec Month 1](#)  
                              [Item 4-Budget Presentation - Property Tax Presentation](#)  
                              [Item 5 Presentation Tuscan Reserve](#)  
                              [Items 6 and 7 Presentation FLUM-Rezoning-Airport Commerce Center](#)  
                              [Item 10 NECGA Feasibility Study Results](#)