



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, August 5, 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. CM Lewis was excused.

Present: 4 - Mayor Netts, Vice Mayor DeLorenzo, Council Member Ferguson, and Council Member McGuire

Excused: 1 - Council Member Lewis

Approval of Minutes

- 1 [14-289](#) MINUTES OF THE CITY COUNCIL'S:
- A. July 15, 2014 City Council Business
 - B. July 29, 2014 City Council Special Meeting
 - C. July 29, 2014 City Council Workshop

Attachments: [July 15, 2014 Business Meeting](#)
 [July 29, 2014 Special Meeting](#)
 [July 29, 2014 Workshop](#)

A motion was made by Council Member McGuire, and seconded by Council Member Ferguson, that the Minutes be approved as presented. This motion was approved by the following vote:

Approved: 4 - Mayor Netts, Vice Mayor DeLorenzo, Council Member Ferguson, and Council Member McGuire

Excused: 1 - Council Member Lewis

PRESENTATIONS**Proclamations and Presentations**

- 2 [14-288](#) PRESENTATION ON THE PHOTO CONTEST AND AWARDS

Ms. Cindi Lane provided a PowerPoint presentation, which is attached to these minutes.

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

First Reading

The applicant has withdrawn the following three applications and therefore the public hearings are CANCELLED for these items:

***ORDINANCE 2014-XX COMPREHENSIVE PLAN AMENDMENT
FOR GRAND HAVEN DEVELOPMENT OF REGIONAL IMPACT AREA***

***ORDINANCE 2014-XX AMENDMENT TO THE MPD
DEVELOPMENT AGREEMENT FOR THE GRAND HAVEN MPD***

***RESOLUTION 2014-XX APPROVING AN ESSENTIALLY
BUILT-OUT AGREEMENT FOR THE GRAND HAVEN DEVELOPMENT
OF REGIONAL IMPACT***

Resolutions

- 3** [14-271](#) RESOLUTION 2014-XX APPROVING AN AMENDMENT TO THE
FFY 2012 ANNUAL ACTION PLAN
- Attachments:** [Resolution CDBG Amend FFY 2012 Action Plan](#)
[Exhibit A - Amendment to FY 2012 Action Plan-transfer of funds](#)
- Mr. Landon gave a brief overview to this item. Jose Papa provided a PowerPoint presentation on items 3, 4, and 5, which is attached to these minutes.*
- CM Ferguson-We are amending FFY '12, will we need to amend FFY'13? Ans: Mr. Papa-The only time we amend is if we were to amend the projects for that FY plan.*
- VM DeLorenzo-What is the low moderate (median) income level? Ans: Mr. Papa-For a family of 4, it is around \$56K. It would be around 80% or so of that amount.*
- CM McGuire-The acceptance for federal money for the Community Development Block Grant does not open the door to illegal immigrants. Mr. Landon-It does not. That is a rumor that is totally unrelated. That rumor that would require us to open the doors to illegal immigrants is just that a false rumor.*
- Public Comments:*
There were no public comments.
- 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:** 4 - Mayor Netts, Vice Mayor DeLorenzo, Council Member Ferguson, and Council Member McGuire
- Excused:** 1 - Council Member Lewis
-
- 4** [14-272](#) RESOLUTION 2014-XX APPROVING THE FFY 2014 COMMUNITY
DEVELOPMENT BLOCK GRANT ANNUAL ACTION PLAN
- Attachments:** [Resolution CDBG 2014 Annual Action Plan](#)
[Exhibit A - Annual Action Plan - 2014](#)
- This item was heard under item 3.*

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

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: 4 - Mayor Netts, Vice Mayor DeLorenzo, Council Member Ferguson, and Council Member McGuire

Excused: 1 - Council Member Lewis

5 [14-270](#)

RESOLUTION 2014-XX APPROVING THE UPDATE AND AMENDMENT TO THE CITIZENS PARTICIPATION PLAN FOR THE CITY OF PALM COAST COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

Attachments: [Resolution CDBG Amend Citizen Participation Plan](#)
[Exhibit A - City of Palm Coast Citizen Participation Plan](#)

This item was heard under item 3.

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

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: 4 - Mayor Netts, Vice Mayor DeLorenzo, Council Member Ferguson, and Council Member McGuire

Excused: 1 - Council Member Lewis

6 [14-279](#)

RESOLUTION 2014-XX APPROVING FINAL NUISANCE ABATEMENT ASSESSMENT

Attachments: [Resolution Final Assessment Nuisance Abatement](#)
[FINAL 2014 Tax Assessment Totals](#)

Mr. Landon provided a brief overview to this item.

CM McGuire-What is the total balance due for nuisance? Ans: Mr. Quinn-The initial amount was just over \$200K and has decreased since the initial roll.

*Public Comments:**Louis McCarthy-Does this include lien holders? What is the priority of this lien?**Ms. Costa-Is there an assessment code due on 2014, if there was a tax deed in 2011? Should that amount be included in the tax deed?**Responses to public comments:*

Lien holders-Attorney Reischmann-The lien attaches against the ownership of the property, the owner will lose the property if the owner does not pay the ad-valorem taxes or non-ad valorem taxes-this process is to go on the taxes for the nuisance abatement, the services that the City provided but did not get paid. This is included on their tax bill. Mayor Netts-There is a priority of liens; 1. Property taxes-property taxes get paid first, if there is any money left over after the sale of the house, then the first mortgage holder gets whatever is left over, if there is still money left over, so on

and so forth. The problem with typical code enforcement, you may put a lien on the property but if there is a house with a value of \$200K with \$100K mortgage, during the recession, the value of the house dropped to \$100K, there is no money left in the profit of the sale, straight code enforcement your lien would not be satisfied but in this case, the property tax and these liens are the first priority. it is the most secure way that the tax payers are not subsidizing someone else's maintenance and repair.

Tax deed-Attorney Reischmann-If there was a nuisance abatement lien placed in 2011 along with the property taxes; it would be treated identical as the unpaid 2011 taxes. If the property owner failed to pay the tax certificate issued in 2011 and sufficient time passed after notice to the property owner of a tax sale, of the tax certificate, then a tax deed would be issued. It is possible, if the facts are that in 2011, the parcel had a nuisance abatement lien placed, it is possible that the property would be sold. The City would be paid; the City was paid when the tax certificate was paid by the investor.

CM Ferguson-Matanzas Woods golf club-Is it on this list? Ans: Mr. Landon-We have contacted the property owner and they have always cleaned it up to minimum standards, so no it is not on the list.

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: 4 - Mayor Netts, Vice Mayor DeLorenzo, Council Member Ferguson, and Council Member McGuire

Excused: 1 - Council Member Lewis

7 [14-278](#)

**RESOLUTION 2014-XX APPROVING THE OLD KINGS ROAD
SPECIAL ASSESSMENT ROLL TO BE TRANSMITTED TO THE
FLAGLER COUNTY TAX COLLECTOR**

Attachments: [Resolution OKR Special Assessment Roll](#)
[OKR 2014 Assessment Property Owners - Residential](#)
[OKR 2014 Assessment Property -Commercial](#)

Mr. Landon provided a brief overview to this item.

*Public Comments:
There were none.*

A motion was made by Vice Mayor DeLorenzo, and seconded by Council Member McGuire, that the Resolution be adopted. This motion was approved by the following vote:

Approved: 4 - Mayor Netts, Vice Mayor DeLorenzo, Council Member Ferguson, and Council Member McGuire

Excused: 1 - Council Member Lewis

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: 4 - Mayor Netts, Vice Mayor DeLorenzo, Council Member Ferguson, and Council Member McGuire

Excused: 1 - Council Member Lewis

8 [14-267](#)

RESOLUTION 2014-XX APPROVING AN INTERLOCAL AGREEMENT WITH THE FLAGLER COUNTY SHERIFF AND THE SCHOOL BOARD FOR SCHOOL RESOURCE DEPUTIES

Attachments: [Resolution IA School Resource Deputies](#)
 [Proposed IA SRD Sheriff School](#)

The Resolution was adopted on Consent.

9 [14-274](#)

RESOLUTION 2014-XX APPROVING AN AGREEMENT BETWEEN FLAGLER COUNTY, CITY OF PALM COAST, AND KRISTIN MCCABE, M.D., FOR EMS MEDICAL DIRECTOR SERVICES

Attachments: [Resolution EMS Medical Director](#)
 [EMS Medical Director Services County and McCabe](#)

This item was removed from the consent agenda.

Mr. Landon gave a brief overview to this item.

Public Comments:

Jack Carall-If I call the ambulance and I have to go to the emergency room, I see the doctor, you are going to pay him/her? I go home and receive a bill and pay for this in my taxes, too. Isn't this double dipping?

Response to Public Comments:

Director Fees-Ans: Mayor Netts-The fee that we are paying to Dr. McCabe is not for her medical practice but for her setting of the standards for the use of certain drugs by EMS personnel in the field. It is essentially a management fee for the County ambulances and the City of Palm Coast emergency medical service personnel. EMS personnel often times administer drugs, they are not physicians, so they can only administer certain drugs under the authorization of a physician, so that is what we are paying Dr. McCabe for. Also, the doctor is responsible for maintaining the standards of performance, how and when do you do the drugs, under what circumstances, etc.

Norman Weiskopf-Flagler County runs the EMS department, how does the City of Palm Coast get involved? Ans: Mayor Netts-The County operates an EMS service that is County wide, they operate all the transportation ambulances, because we are a large populous City, the City is generally the first responder (trained in EMS). Mr. Landon-All of our fire trucks are trained in emergency service but we are not transporters.

CM Ferguson-Where does the funds for this come from? Ans: Mr. Landon-General fund.

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

Member McGuire, that the Resolution be adopted. This motion was approved by the following vote:

Approved: 4 - Mayor Netts, Vice Mayor DeLorenzo, Council Member Ferguson, and Council Member McGuire

Excused: 1 - Council Member Lewis

- 10** [14-275](#) RESOLUTION 2014-XX APPROVING ONE-YEAR CONTRACTS WITH OGLESBY CONSTRUCTION, INC., AND ROADSCAPE NORTH FLORIDA, INC., TO PROVIDE STRIPING MAINTENANCE SERVICES

Attachments: [Resolution Striping Maintenance Services](#)
 [Contract Summary - Roadway Striping Maintenance](#)
 [Bid Opening Tab - Revised](#)

The Resolution was adopted on Consent.

- 11** [14-276](#) RESOLUTION 2014-XX APPROVING A DEED TO CONVEY CERTAIN RIGHTS TO THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) ALONG A LINE BETWEEN CITY PROPERTY AND FDOT PROPERTY

Attachments: [Resolution FDOT deed for I 95 land](#)
 [Location Map](#)
 [City Deed Parcel 102](#)
 [Donation Letter](#)
 [Pages from Right of Way Maps](#)

The Resolution was adopted on Consent.

- 12** [14-280](#) RESOLUTION 2014-XX APPROVING BUDGETED PURCHASES FOR TECHNOLOGY AND COMMUNICATIONS SUPPLIES AND MAINTENANCE FOR FISCAL YEAR 2013-2014

Attachments: [Resolution - IT Supplies, Hardware and Maintenance](#)
 [EMPIRE EXECUTED ENG. LETTER](#)
 [CDW EXECUTED ENGAGEMENT LETTER](#)
 [DELL ENGAGEMENT LETTER](#)
 [Contract - National IPA Contract #1307333](#)
 [IPA Contract Pricing](#)
 [GSA Contract - GS-35F-0143R](#)
 [State of Florida Contract 250-000-09-1](#)

The Resolution was adopted on Consent.

- 13** [14-281](#) RESOLUTION 2014-XX APPROVING A CONTRACT WITH HALIFAX PAVING, INC., FOR CONSTRUCTION OF THE ROYAL PALMS

PARKWAY ROADWAY IMPROVEMENT PROJECT

Attachments: [Resolution - Royal Palms Construction](#)
 [Contract Summary - Halifax](#)
 [Bid Opening Tab](#)

The Resolution was adopted on Consent.

- 14 [14-282](#) RESOLUTION 2014-XX AMENDING RESOLUTION 2008-28,
RELATING TO SOLID WASTE COLLECTION, TRANSPORT AND
DISPOSAL

Attachments: [Resolution-Amending Reso 2008-28 Solid Waste Collection](#)

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.

Mike Tenacia-Pine Grove Parkway-traffic and accidents. Would like to see a traffic light put in. Mayor Netts-will take this under advisement.

Norman Weiskopf-Red light camera tickets-What are we doing about refunds?

Steve Carr-Florida Park Drive traffic. Noise analysis.

Responses to Public Comments:

Red light ticket refunds-Ans: Attorney Reischmann-The case the speaker was referring to was the Supreme Court case and that case did not provide any guidance to the parties or anyone else regarding refunds.

Florida Park Drive-Ans: Mayor Netts-It is a busy street, it has been looked at by our traffic engineer and we have had our commander looked into that street. Noise-we can have our traffic engineer look into if there is any excessive noise. Commander Carmen will look into any noise ordinances or state law relative to noise.

Pine Grove Belle Terre Traffic light-Ans: Mr. Landon-We will have our traffic engineer look into this. If the signal is not warranted under State law, we will look to see if other improvements are needed.

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

No comments at this time.

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

Nothing at this time.

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

The City received a Performance Measures recognition award and Utilities received a Waste Water Plant State safety award again this year.

H. Adjournment

The meeting was adjourned at 7:36pm

*Respectfully submitted,
Virginia Smith, City Clerk*

Calendar and Worksheet**[14-287](#)****MEETINGS CALENDAR AND AGENDA WORKSHEET**

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

[14-295](#)**ATTACHMENTS TO MINUTES**

Attachments: [Item 2-Photo Contest Presentation](#)
 [Items 3, 4, 5, -CDBG - FFY 2014 Presentation](#)