



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, September 16, 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.

>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 Bighthouse 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 [14-347](#) MINUTES OF THE CITY COUNCIL'S:
- A. August 29, 2014 Council Special Meeting Impasse Hearing Local 4807
 - B. Sept. 2, 2014 Council Business
 - C. Sept. 9, 2014 Council Workshop
 - D. Sept. 9, 2014 Council Special Meeting Tentative Millage and Budget

Attachments: [August 29, 2014 Special Business Meeting-Local 4807 Impasse](#)
[September 2, 2014 Business Meeting](#)
[September 9, 2014 Workshop](#)
[September 9, Special Business Meeting-Budget](#)

A motion was made by Vice Mayor DeLorenzo, and seconded by Council Member McGuire, 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 [14-346](#) PROCLAMATION RECOGNIZING OCTOBER AS RAISE THE PINK FLAG WITH THE PINK ARMY MONTH

Attachments: [Proclamation-Breast Cancer](#)

Mayor Netts presented this Proclamation to representatives of Florida Hospital -Flagler Pink Army.

The Proclamation 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

3 [14-326](#) ORDINANCE 2014-XX OARE MPD SECOND AMENDED AND RESTATED DEVELOPMENT AGREEMENT

Attachments: [Ordinance Oare 2nd Amended and Restated MPD](#)
[Staff report Oare Amend MPD](#)
[Oare Location Map](#)
[Oare Zoning Map](#)
[Oare FLUM Map](#)
[Oare Conceptual Site Plan Map](#)
[Oare Affidavit for Rezoning](#)

City Attorney Reischmann read the title into the record.

Reminded Council this item is Quasi-judicial.

Mayor Netts called for ex-parte communications. There were none.

*Public Comments:
There were none.*

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: O2014-18

First Reading

4 [14-339](#) ORDINANCE 2014-XX AMENDING SECTION 2-205 CODE ENFORCEMENT BOARD ORGANIZATION

Attachments: [Ordinance Amending Section 2-205](#)

City Attorney Reischmann read the title into the record.

Attorney Reischmann provided a brief summary to this item.

CM McGuire-This is a clean-up issue? Ans: Attorney Reischmann-Correct.

*Public Comments:
There were none.*

A motion was made by Council Member McGuire, and seconded by Vice Mayor DeLorenzo, 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: O2014-19

Resolutions

- 5 [14-332](#) RESOLUTION 2014-XX APPROVING AN INTERLOCAL AGREEMENT WITH FLAGLER COUNTY RELATED TO DEVELOPMENT IN AND AROUND THE AIRPORT

Attachments: [Resolution - Interlocal Agreement with Flagler County](#)
[Interlocal Airport](#)

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

CM McGuire-Did you say the park site would be deeded to the City? Ans: Mr. Falgout-Yes, it will be City property when it is transferred.

CM McGuire-Who will do the study for the EMS/Fire station? Ans: Mr. Falgout-A joint effort by the fire chiefs. We each have response study times.

CM McGuire-What happens if the two entities do not agree on the study results? Ans: Mr. Falgout-This Interlocal opens the door to bring the two bodies together to determine the needs. We are going to coordinate because we have stations close to each other and each have different needs and response times, so we want to coordinate the best we can.

CM McGuire-What will determine the response time? Ans: Chief Beadle-Currently, we have been collecting data; what is our current response to these areas? Our goal is 5 minutes or less.

VM DeLorenzo-Do you know what the Flagler County land use is for the area that would include the park area along Belle Terre? Ans: Mr. Falgout-The park area is going to be annexed into the City and we will put our designation on it. I believe it is industrial or public use.

VM DeLorenzo-Do you know of any other suitable park sites (land) that the City owns in that area? Ans: Mr. Falgout-Does not believe so. It is a pretty narrow area of development. I do not think there is another suitable park site. Of course there is Seminole Woods in the south but that is a drive. You would have to drive around to get to it. It will fit into the trail system that just went down Belle Terre as well.

VM DeLorenzo-Will there be parking for a 3 1/2 acre park site? Ans: Mr. Falgout-That is yet to be determined.

Mayor Netts-Do you have any idea why the County would like to relocate the fire station that they have down there? Ans: Chief Beadle-I do not know; guessing it is because they have the property there. I understand the future expansion they might need other equipment that is relevant to an airport operation. Our plan would be if we get to that point, again that piece of property on Seminole Woods Parkway, I do know that you have to have direct access onto the airport property. That piece of property, we are pretty confident that it can be extended a fence line that would allow us to get right onto the airport property. We understand that our needs are on the east side of the airport not the west and if the County was going to relocate then we would be more than happy to discuss our piece of property. It will benefit both entities.

Mayor Netts- Do I understand you to say that the current piece of property that we

have on Seminole Woods is not adjacent to airport property? Ans: Chief Beadle-I believe it has access from what we have seen. Mr. Falgout-It is adjacent and can access the airport but then of course it depends on what you are going through to get to the airport-permitting, not sure if there are wetlands but it is adjacent to airport property.

VM DeLorenzo-Vital economic asset. Is a park site the highest and best use of airport property? Ans: Mr. Falgout-This is a unique situation where you have an airport in a residential neighborhood; the way things are laid out is probably the best lay out. The park site is not on airport property. The National Guard has requirements as to who can be located next to it.

Mayor Netts-Page 7 of presentation-additional development, traffic analysis, and build out-City and County to work jointly together. Normally this is handled by impact fees, are we entitled to impact fees for this development? Ans: Mr. Falgout-This is one of the sections that we have worked on over the past four years; development that occurs on airport property is considered public use, there is a moratorium on transportation impact fees in the county, and especially related to these economic development prospects, one of the main incentives that they generally offer is to waive impact fees. We took a different approach when talking to the County about this, we know the National Guard is a likelihood, depending on Congress and funding sources and we know Aveo is probably the first and key for the industrial park, so let's go ahead and plan the improvements and County could you make those improvements happen at this time. Those improvements are the turn lanes at SR 100. In the future it is unknown what development will occur there, on the airport. You could have items with very little traffic, such as hangars, where you have large square footage that has very little traffic impact. You could have a major employer. We kind of kicked that can down the road. We know that from history and current history that the County is able to access funding sources due to the airport and economic development that because it is on County property we are not able to access, so our biggest concern was that they were at the table and a partner in planning for and finding funding sources for those projects. That is not to say that there will be development in the City that creates impacts along Belle Terre as well. We have the corner of SR 100 and Belle Terre which is one of the future commercial corners that will create some traffic impacts, so we kind of kicked the can down the road since we really don't ultimately know nor the County know, what is going to occur at the airport commerce park, but we did try to at least raise the issue and that we need to take a look at that area as more plans are developed for that area.

VM DeLorenzo-As the development occurs on SR 100 near Belle Terre, it is very likely their Development Order will include development to that intersection. Ans: Falgout-Yes, obvious impact fees go into the impact fee pot for improvements that are identified in the 5 year CIP. If development causes specific issues related to an intersection then a lot of the time those are pipelined to that improvement to make that happen. We know that as this area develops there may be issues in the future and we wanted the County to be a willing partner.

VM DeLorenzo-If you look at how trips are counted, your car does not know when you have crossed into unincorporated Flagler County. It is too difficult to determine how it will work out in the future.

Public Comments:

Louis McCarthy-Fire cooperation between the two departments and the studies-are these intermittent studies; are they long or short?

Celia Pugliese-Supports the Interlocal Agreement but believes there needs to be language regarding what uses could be in the development and tax sharing.

Concerned with safety.

Studies-Chief Beadle-We do long term and short term studies.

Mayor Netts-In the agreement there is a lot of ambiguity, what in this agreement does the County need right now? Ans: Mr. Falgout-Water and wastewater services.

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

Denied: 1 - Council Member Lewis

Enactment No: R2014-110

Other Business

6 [14-273](#) APPOINT FOUR MEMBERS FOR THE CODE ENFORCEMENT BOARD

Attachments: [Code Board Applications](#)

Motion to appoint Gerard Chagnon by CM Lewis and seconded by CM McGuire. Motion passed unanimously.

Motion to appoint Robert Branin by CM McGuire and seconded by CM Lewis. Motion passed unanimously.

Motion to appoint Neil Copeland by CM McGuire and seconded by CM Ferguson. Motion passed unanimously.

Motion to appoint Kim Medley by CM McGuire and seconded by VM DeLorenzo. Motion passed unanimously.

Due to the appointment of Mr. Chagnon to a regular seat, the alternate seat became available. Council voted on the appointment of the vacant alternate seat.

Motion to appoint Kenneth Klinkenberg to the open alternate seat by CM McGuire and seconded by CM Ferguson. Motion passed unanimously.

Jack Bakowski-Farraday Lane-What can we expect from the new Code Board Members? Complaints on codes not being enforced.

Celia Pugliese-blight is increasing and growing. Caving sea walls

Jack Carall-What do these two people have to do with these appointments?

Mayor Netts suggested to the residents who spoke with issues to speak with Mr. Abreu.

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

- 7 [14-301](#) RESOLUTION 2014-XX APPROVING PIGGYBACKING THE FLORIDA STATE CONTRACT #405-000-10-1 WITH PETROLEUM TRADER'S CORPORATION FOR FUEL
- Attachments:** [Resolution - Petroleum Traders - Fuel](#)
 [Engagement Letter - Petroleum Traders](#)
 [State Contract with Petroleum Traders for Fuel](#)
- The Resolution was adopted on Consent.**
- Enactment No: R2014-111
- 8 [14-317](#) RESOLUTION 2014-XX APPROVING A PARTIAL TERMINATION OF DRAINAGE EASEMENTS AND NON-EXCLUSIVE EASEMENTS FOR DRAINAGE AND MAINTENANCE PURPOSES WITH MPC LOTS, LLC
- Attachments:** [Resolution MPC Lots](#)
 [Partial Termination](#)
 [MPC Lots Drainage Easement](#)
 [Exhibit B to Drainage Easement](#)
- The Resolution was adopted on Consent.**
- Enactment No: R2014-112
- 9 [14-325](#) RESOLUTION 2014-XX APPROVING A CONTRACT FOR REMOVAL AND HAULING OF LIME SLUDGE FROM WATER PLANT 2 WITH ENVIRONMENTAL LAND SERVICES OF FLAGLER COUNTY, INC.
- Attachments:** [Resolution - Environmental Land Services of Flagler County Lime Sludge Hauling](#)
 [Contract Summary - ELS](#)
 [RFP Evaluation - Lime Sludge Removal - WTP2](#)
- The Resolution was adopted on Consent.**
- Enactment No: R2014-113
- 10 [14-328](#) RESOLUTION 2014-XX APPROVING A PRICE AGREEMENT WITH ALLIED UNIVERSAL CORPORATION FOR THE ANNUAL SUPPLY OF SODIUM HYPOCHLORITE
- Attachments:** [Resolution - FY 2015 Allied Universal Corporation](#)
 [Contract Summary - Allied Universal](#)
 [Bid Tab](#)
- The Resolution was adopted on Consent.**

Enactment No: R2014-114

- 11 [14-329](#) RESOLUTION 2014-XX APPROVING CONTRACTS WITH THE FLORIDA DEPARTMENT OF CORRECTIONS FOR THE USE OF SUPERVISED INMATE LABOR WORK CREWS

Attachments: [Resolution Inmate Labor Work Crews](#)
 [INMATE CREW #WS881](#)
 [INMATE CREW #WS944](#)

The Resolution was adopted on Consent.

Enactment No: R2014-115

- 12 [14-330](#) RESOLUTION 2014-XX APPROVING THE CONTRACT FOR STATE LOBBYIST SERVICES WITH PENNINGTON P.A.

Attachments: [Resolution - State Lobbyist Services](#)
 [Contract Summary - Pennington](#)
 [RFP Evaluation Summary](#)

The Resolution was adopted on Consent.

Enactment No: R2014-116

- 13 [14-331](#) RESOLUTION 2014-XX APPROVING AN ANNUAL RENEWAL TO THE GRANT AGREEMENT FOR THE BUSINESS ASSISTANCE CENTER

Attachments: [Resolution - Renewal of Annual Grant Agreement for BAC Services](#)
 [Renewal - Grant Agreement Amendment 3](#)

The Resolution was adopted on Consent.

Enactment No: R2014-117

- 14 [14-334](#) RESOLUTION 2014-XX APPROVING THE PURCHASE OF NEW SCOTT SAFETY AIR PACKS AND BOTTLES

Attachments: [Resolution Fisher Scientific](#)
 [Bid Opening Tab](#)

The Resolution was adopted on Consent.

Enactment No: R2014-118

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.

Carolyn McLaughlin-Zoning issue with a fence on the canal.

Celia Pugliese-Fence installed on the canal. When and who changed the code?

Jack Carall-At the budget meeting, what if someone who doesn't have a computer, how do you get the information to them? Requests Council waive the 3 minutes rule during budget hearings.

Responses to Public Comments:

Mayor Netts requested a workshop on fences.

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

VM DeLorenzo-received a call from a resident who is a landlord; having difficulties with their tenants and concerned that the tenant is behind on the utility payments. Would like to hear more at a workshop relating to residential deposits and the amounts that tenants owe, etc.

Mayor Netts-Food Truck Tuesday 5-8 tonight; ceremony for the Pink Army starts at 6:00pm.

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

Welcomed CM Lewis back.

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

City Manager was absent.

H. Adjournment

The meeting was adjourned at 10:34 a.m.

*Respectfully submitted,
Virginia Smith, City Clerk*

Calendar and Worksheet

[14-348](#)

ATTACHMENTS TO MINUTES

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

[14-352](#)

ATTACHMENTS TO MINUTES

Attachments: [Interlocal Agreement related to Airport](#)
 [OARE MPD presentation](#)