



City of Palm Coast

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Meeting Minutes City Council Workshop

Mayor Jon Netts
Vice Mayor Bill McGuire
Council Member Jason DeLorenzo
Council Member Steven Nobile
Council Member Heidi Shipley

Tuesday, February 10, 2015

9:00 AM

Council Conference Room

>Public Participation shall be in accordance with Section 286.0114 Florida Statutes.

>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.

Present: 5 - Mayor Netts, Vice Mayor McGuire, Council Member DeLorenzo, Council Member Nobile, and Council Member Shipley

D. PRESENTATIONS

- 1** [15-30](#) **ORDINANCE 2015-XX CONSOLIDATING THE PROVISIONS OF THE VOLUNTEER FIREFIGHTERS' RETIREMENT SYSTEM**
- Mr. Landon gave a brief overview of this item. Mr. Chris Quinn, Finance Director, and Fire Chief, Mike Beadle, gave a PowerPoint presentation (attached to these minutes).*
- CM Nobile - Why are they going to other cities (volunteer firefighters leaving the City after training)? Chief Beadle - Because a lot of time we don't have an opening; they don't get special treatment. The volunteers know our system; we have hired many of them; some are in the loop, some are going to school. We try to keep them but a lot of times they go elsewhere to get a job.*

Mayor Netts - Since we are accumulating more money than we are expending in the program, do we have the option of reducing the State rate? Mr. Quinn introduced Scott Christiansen, Esq., our pension plan attorney (for the Volunteer Firefighters Pension Fund Board). Attorney Christiansen of the law firm of Christiansen & Dehner, P.A., Sarasota, Florida, said his firm has been representing pension plans all over the State of Florida for the last 30+ years; represent about 165 pension plans. We do not have many volunteer programs and this one was particularly interesting because in order to qualify for the funding program under Chapter 175, you have to offer a defined benefit plan that has minimum levels of benefits, etc., and if your plan meets those minimum requirements, you are qualified to receive this funding from the State. The funding is essentially a tax on the fire insurance part of you homeowners insurance. It is a flat rate 1.85% tax on the premiums for the fire insurance part. That is collected by the Department of Revenue and then each year that money that was collected within your City is returned to the City; minus a processing charge; two part limitation on the amount you can initially get; part of it is used to fund the education supplement that some of the firefighters get or higher training; they get in addition to their pay and there is a separate trust fund that is used to fund additional benefits and a portion of this money goes to the trust fund but the monies not used in the trust fund also come back in the form of a supplemental payment each year. That is the money you get. You can't change the 1.85; you can't eliminate it and if you don't have a plan that complies with Chapter 175, they still collect the money; they just don't give it to you; that tax money will still come out of residents' premiums. We are trying to use that money in the best way we can. Every year when the State money comes in, back in 1999 they drew a line in the sand that said, whatever benefits that you currently have, the State money that you received in 1999, that amount is the amount that you can use to fund the current defined benefit plan and from that point forward any additional amount that you receive can be used for additional benefits for firefighters. Our amount was \$125,000 (the frozen amount); that is the amount that the City can use to fund the plan; anything above that frozen amount you get every year has to be set aside and used for additional benefits for firefighters. We got considerably more than that each year and that is why we have this reserve account that essentially has over \$1 mil. in it; that is how the money has been built up over the years. We are proposing to use that money with the program we have here today for additional benefits for firefighters.

VM McGuire - Do you envision a scenario where by there might not be a reserve of funds collected that are not used for existing firefighters' pension plan? Mr. Christiansen - Yes, the money can go away; they (the State) can do away with this program. The City is in the position to stop the plan, reduce the benefits going forward; there are a lot of things you can do to maintain control of the plan. The way we have got this designed, there should not be any; we're using the State money we have in reserve, we're earmarking the use of the money going forward; keeping money in the reserve, however, to make sure the City doesn't have to make any payments in the future years and essentially if the program were to change, you're allowed to change the plan and benefits going forward, etc.

VM McGuire - He doesn't want to get into a situation where we promise benefits and can't give them. Mr. Doug Lozen of Foster & Foster in Fort Myers (actuary services) - Typically, an actuary will calculate a funding requirement and benefits and assumptions and most cities have to contribute; here the State monies are more than sufficient to cover the costs of benefits. The money that is flowing into this plan is actually not actuarially determined, it's above that. Worse case scenario, the State monies go away and you decide you don't want to do this plan. What is our funded status, how much do we have in the bank for promised benefits? As of the last valuation back in 2013, you had \$3.3 mil. in the bank but promised benefits value was

\$1.1 mil., that means you have a \$2 mil. excess currently in the bank to cover promised benefits and that is all you are on the hook for is promised benefits. There is such a margin of overfunding in this plan that even in the event that the State said you no longer get the 1.85; you're on the hook for \$100,000 a year or so which is the true cost of this plan and you decide you want to shut it down, you have more than enough to cash everybody out and probably have cash left over.

VM McGuire - Define cash out, what does cash out mean? Mr. Lozen - We would determine at today's value their accrued benefit (no future benefit) just up to this point in time and say what is face value and that would be the cash out. Attorney Christiansen - Either cash out or we could buy annuities to pay off retirees who are getting benefits, etc. Mr. Lozen - There is more than enough money in the bank to cover all future benefits also; that is rare.

Mayor Netts - The frozen amount-1999, that provides a certain benefit level for the number of volunteers that were at that time, suppose the Chief is very successful in his recruiting program and we increase the number of volunteers; is that dollar amount that is frozen, an actual dollar amount or is that proportionate to the number of volunteers? Mr. Lozen - It is a dollar amount.

Mayor Netts - So, in the event you doubled the amount of volunteers, you would not have enough money to fund the basics. Mr. Lozen - That is possible but there is a safety mechanism there also; the State recognizes the ability to take that \$144,000 and raise it up. It has to be a negotiation between the City and the volunteers. Mr. Christiansen - We can negotiate raising the frozen amount.

Mayor Netts - 2009 (State Collected Premium History slide), we have this huge amount but it's taxed on the policies, does that mean there were many more policies that year or insuring for a higher amount, etc.? Mr. Quinn explained that was when the property values were at an all time high; possibly increased coverage levels, etc.

VM McGuire - What are the qualifications to be vetted/vested into this plan? Mr. Quinn - The program is called Losap; it's based on going out on the road and putting in time for calls; it's very specific how many points you get for responding to calls or administrative work, etc. Attorney Christiansen - They have to do 5 years of qualified service; that's the point where you can get a benefit, if you leave before that you get nothing.

VM McGuire - If they leave are they still part of the plan? Mr. Quinn - Not unless they are vested. Attorney Christiansen - Vesting means when you actually have the right to receive benefits.

VM McGuire - If we have so much turnover, why are our costs still going up (Current Plan Status slide)? Mr. Lozen - That has to do with the increase in accrual which started out at 35 and is now at 65; that's primarily the reason for that growth and the liability.

Mayor Netts - If I put in my 5 years and become vested and then I leave to go somewhere else, I still collect from the program? Attorney Christiansen - Eventually, you have to get to the date that you would have otherwise been eligible to retire; you don't start right away. Mr. Landon - We have a core group that has been with us year in and year out; others come and go.

Mayor Netts - That freezing or reduction of benefits is solely the province of City Council; it's not something you have to negotiate? Mr. Landon - No, it's up to you; you do have a board that oversees the administration of this (what Council provides); they

administer per your direction in that ordinance.

VM McGuire - What do you see for 2014 with those lines? Mr. Quinn - We anticipate that gap to increase in 2014. Mr. Landon - 2015 that gap is going to be closed.

VM McGuire - If I project beyond, what would I project? Attorney Christiansen - If we adopt the share plan, we are using some of the money so the gap is going to close a bit. Mr. Lozen - He believes what is being discussed is leaving some behind in the reserve - \$250,000-\$300,000.

VM McGuire - Is that reserve growing interest somewhere? Mr. Quinn - Yes. Attorney Christiansen - We have received inquiries from the State asking what we are doing with this money; just leaving it in the account, etc.

VM McGuire - What are they saying, are they saying if you don't use this money we are going to take it away from you? Attorney Christiansen - They won't take it away but would stop giving any more funds since you are not using them; Statute says the funds have to be used for firefighter benefits.

Mayor Netts - As long as the City is protected, he is all for this.

Mayor Netts - So, the second bullet point (Pension Reserve Project slide) is a one time distribution? Mr. Quinn - Yes, one time distribution.

VM McGuire - What is our rate of return? Mr. Quinn - 60/40 portfolio; expected return 7.65%.

Mayor Netts - The one time distribution, let's suppose I have 10 years of service; I'm going to get \$40,000. Do the members of this volunteer firefighters group think this is fair and equitable? Mr. Quinn - They all voted yes. Attorney Christiansen - That is a State requirement when you are using State money, the membership must approve.

VM McGuire - So they would rather get \$4,000 than receive COLA (cost of living adjustment); was that on the table? Mr. Quinn - No, because of the liability to the City.

Mayor Netts - What is it about Palm Coast that makes our program unique? Attorney Christiansen - Most places use this program for all firefighters not just the volunteers. Mr. Quinn - Roughly, 45 active volunteers.

CM Nobile - Is it also safe for the volunteers? Mr. Landon - Defined benefit means they will get the same benefit whether the stock market goes up or down.

The Ordinance was Continued.

2 [15-34](#)

PRESENTATION ON LED STREET LIGHTING

Mr. Landon gave a brief overview of this item. Mr. Don Schrage, Stormwater System Specialist, and Mr. Carl Cote, Construction Manager, gave a PowerPoint presentation (attached to these minutes).

CM DeLorenzo - On the private security light, what if the house sells? CM Nobile - They turn them off. Mr. Landon - Owners pay for the light on their FPL bill.

Mayor Netts - Is there a difference in back scattering? Mr. Schrage - Yes, the LED can be focused in a very narrow spot; with the high pressure sodium (HPS) light bulb you get a wide range of uniformity.

VM McGuire - How did FPL come up with numbers (Cost Analysis for New slide)? Mr. Schrager - It's all new; cost of electricity, etc.

Mayor Netts asked what the life expectancy of HPS versus LED and the cost of maintenance? Mr. Schrager - When we pay for maintenance it is the same way as we pay for HPS. The HPS fixture has about a 20-year life expectancy and the bulbs about 5 years; with LED - every 10-15 years the fixture and driver burn out.

CM Nobile - If the pole and everything is already there, they are going to charge us more than if they have to put in a new pole (Cost Analysis for New slide)? Mr. Schrager explained the \$600 for 200 watts is the cost difference of putting up a standard fixture. Mr. Landon - If a pole is already there and all they have to do is put an arm with a light on it, that monthly cost for us is less than if they have to put a pole up. They are capitalizing their installation cost and adding it to the monthly bill currently. If the pole is already there and they come to put in a LED light fixture up, they are saying pay \$500 (or \$600/\$720 depending on wattage) more; they calculate then a monthly charge. If they have to put in a pole and LED fixture it is still going to be more than if they just put a LED on an existing pole.

CM Nobile - Upfront they just want us to pay the difference, then the monthly payment, etc.? Mr. Schrager - Yes.

VM McGuire - What are the savings, the amount of electricity used (Cost Analysis for Retrofits slide)? Mr. Schrager - Yes, and maintenance reduction; very small portion of our bill is actually energy and if you figure we save 50% of the energy - actually only about \$2 a month so the extra \$4 a month is a reduction in maintenance cost.

Mayor Netts - (Capital Improvements LED Pilot slide) What is wrong with leaving the LED fixtures up in the pilot program until they burn out? Mr. Schrager will speak with FPL regarding this.

CM Nobile - (Capital Improvements Palm Coast Parkway 6-Laning slide) What stretch of the 6-laning are we talking about? Mr. Landon - The decorative part of the 6-laning; where it is being torn up. Mayor Netts - From Florida Park to Boulder Rock.

CM Nobile - The LED are they just standard appearance lights? Mr. Cote - They are going to look the same.

Mayor Netts - Why would they propose metal halide as opposed to HPS? Mr. Cote - That type of fixture only comes in the metal halide; that's what is there now.

VM McGuire - What would the project installation cost be for HPS? Mr. Schrager - Since the fixture doesn't come with HPS; he doesn't think it was ever looked at. Mr. Landon - This one was a no-brainer, LED costs less for installation and there is monthly savings for LED.

CM Shipley - How much does it cost for a pole a month, electricity, etc.? Mr. Cote - Each agreement is done by project, based on what their costs are, how many lights and they work that in. Mr. Landon expressed there is not one number we can give you; they are all over the board.

CM DeLorenzo - How volatile is the rate sheet? Mr. Schrager - Every factor has been taken into consideration; every system we do has it's own agreement;

CM Nobile - But that rate, how much is it increasing? Mr. Schrager - He has never looked back at history, but he would say a standard street light runs about \$1,200.

VM McGuire - Did you say there is a separate agreement for each light; how many agreements? Mr. Landon - For each project; hundreds.

CM DeLorenzo - You didn't go back to look at if you put up the same pole, and how many years ago; so this is today's snapshot; not what future costs are going to be? Mr. Schragger - Right, because things change, electricity, fees, taxes, etc.

CM DeLorenzo - Do you see a future beyond LED? Mr. Schragger - Not yet; according to FPL the cost of new technology gets about 10% cheaper each year.

Mayor Netts asked if it is going to be aesthetically unacceptable to have those two lights (HPS and LED) in juxtaposition on the same street? Mr. Schragger - They still work; personal preference.

CM Nobile - Are the security lights going to be LED? Mr. Schragger - He would imagine so if they pay the difference, but chances are they will still be HPS.

Mayor Netts said 5-year pay back/return on investment doesn't sound so bad (Capital Improvements - Old Kings Road Extension slide); positive comments from Council.

CM DeLorenzo - Are the poles distanced the same? Mr. Cote - Palm Coast 6-laning, one to one change out. Old Kings Road may be different, we didn't get the analysis yet. Mr. Schragger said, generally 150-200 ft. apart depending on wattage, etc. Mr. Landon added they have engineers that plan these designs out to make sure there is continuous light.

Capital Improvements Residential Streetlights slide - Mayor Netts thought new (LED streetlights) seems probably a good idea; retro - let's wait and see.

CM DeLorenzo - What percentage of intersections according to our policy (where we put them) are remaining; more than 50%? Mr. Schragger - Probably.

CM Shipley - There is no way we can use the LED/solar combination ones; maybe a pilot project somewhere? Mr. Schragger - If we did, they would have to be our fixtures. Mayor Netts - FPL doesn't have them. Mr. Schragger - We tried one on US1 by the Ag Museum, many years ago; we had the same issues of other solar power cells, etc., they get expensive. CM Nobile added the batteries have a short lifespan and they are more expensive than the fixtures. Mr. Schragger - If we did it, we would be solely responsible for it; also the poles belong to FPL.

Mr. Cote stated we are pursuing solar at Long Creek in the parking lot with electric backup.

Mayor Netts - For new (streetlights) he would like to go with LED. VM McGuire disagrees because of the estimated costs and savings; he wants hard numbers; what is our savings? Mr. Landon - It will be in the monthly charge. He suggested that we let FPL put an agreement together and see the figure they come up with and if it is not 6 years return on investment, then we will come back and discuss it again. If it is less than 6 years, then he suggests that we go ahead and do it. CM DeLorenzo added the maintenance includes the cost of the fixture itself, etc.

CM Nobile said that this past Christmas they changed to LED lights (for decoration) and the electric bill went from \$500 in previous years to \$200 this past December; there has got to be a savings with LED and it's not only the dollar savings that we are benefiting here. Retros - he would leave as is, unless aesthetically doesn't look right (with the mix of HPS/amber and LED/white lights).

-Action Items slide:

Old Kings Road - Mr. Landon - It will be over \$30,000 so it will come back for Council approval, but we will go for the LED; we have hard numbers on this one. VM McGuire - Was that number included on the original estimate of this entire project or is this something that is being added onto it? Mr. Landon - This is our money we have to come up with because the State won't pay for local streetlights. VM McGuire - This is not in our capital budget? Mr. Landon - Probably not, it would come out of our street fund, because we do not have any money in this project right now.

Palm Coast Parkway - Mr. Schragger - no brainer.

Residential - at what point would you want it to come back to Council? Mayor Netts - What would the motivation/criteria for retrofitting existing lights? Mr. Schragger - It's the right thing to do. CM DeLorenzo - You can't just think of return on investment, they are going to be there forever; maybe we put together a program - \$250,000 a year rough estimate and complete them in a logical order. CM Nobile added it would have to be geographically sensed because technology is going to change. Mr. Landon suggested that all new streetlight requests, we put in the LED; if a streetlight has to be replaced for whatever reason, it be replaced with LED and then look in the future take a look at geographically put together a phased plan. CM DeLorenzo agreed and in the future budgets we could have a better feel for how this is going and hard numbers to work with to put together a program.

Mayor Netts said leave the pilot lights up there (Palm Coast Parkway-West End). He is upset about FPL's proposal and costs (Capital Improvements LED Pilot slide). Mr. Schragger will try to work on this issue with FPL.

Mayor Netts would like staff to track this and received feedback 6 months from now about what kind of experience it has been, etc.

VM McGuire - Is there another municipality going down this road? Mr. Schragger - There are several municipalities that have gone LED; he hears different stories; some go with private or different power companies; there are monthly savings but there are high capital costs.

CM DeLorenzo asked staff to relay to FPL that when they get a request for a security light they should offer both (HPS and LED) and let the homeowner choose so they can be consistent with what we are doing.

The Presentation was Received and Filed.

E. WRITTEN ITEMS

3 [15-43](#) RESOLUTION 2015-XX APPROVING A MAINTENANCE AGREEMENT BETWEEN THE CITY OF PALM COAST AND TOWN CENTER AT PALM COAST COMMUNITY DEVELOPMENT DISTRICT

Mr. Landon gave a brief overview of this item.

VM McGuire - None of the streets in the CDD (Town Center at Palm Coast Community Development District) are County streets are they? Mr. Landon - No.

VM McGuire - What is the urban core of Town Center; where are those boundaries? Mr. Landon - The gray area on the map attached to the agenda item (pg. 55 of the packet).

The Resolution was Continued.

Enactment No: R2015-16

- 4 [15-18](#) RESOLUTION 2015-XX APPROVING PIGGYBACKING THE CONTRACT BETWEEN PORT CONSOLIDATED, INC., AND LAKE COUNTY, FLORIDA, TO PURCHASE FUEL

CM Shipley asked about the price of gas at \$1.97; is it bulk pricing? Mr. Landon stated it's not \$1.97 anymore it is going up.

VM McGuire - Do we get diesel from them too? Mr. Landon - Yes, but small quantities; not the same contract as we use for facility on Utility Drive.

Mayor Netts - Do we see the same anomalies in our gas as others? CM Nobile noticed that the price of gas in town went down 10-15 cents a gallon. Mr. Landon also noticed that this past weekend our gas prices are the same as in Volusia.

The Resolution was Continued.

Enactment No: R2015-13

- 5 [15-36](#) RESOLUTION 2015-XX APPROVING PRICE AGREEMENTS FOR WASTEWATER COLLECTION SYSTEM EMERGENCY TANK TRUCKING SERVICES

Mr. Landon gave a brief overview of this item.

VM McGuire - When they come out and pump out one of the pump stations where do they go with it? Mr. Landon - Our sewage treatment plant. Mr. Danny Ashburn, Utility Systems Manager - There is a station in the bank of the plant (filtrate pump station); they dump there, then it's pumped back to the plant and we treat it.

VM McGuire - Do we charge them for that, pumping into our sewage system? Mr. Landon - No, they charge us less; majority of this water is rain water.

CM DeLorenzo - Have we been using these four companies? Mr. Ashburn - Yes, very consistently.

The Resolution was Continued.

Enactment No: R2015-14

- 6 [15-37](#) RESOLUTION 2015-XX APPROVING A WORK ORDER TO CONNECT CONSULTING, INC., FOR REHABILITATION OF WELL SW-126

CM DeLorenzo said he appreciated the drawing, it was very helpful.

No further comments.

The Resolution was Continued.

Enactment No: R2015-15

Public Participation shall be 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 Shipley - We have the meeting tomorrow (2/11/15) for the T&R (trap and release) program. She also mentioned the ordinance for the fences on the Intracoastal coming up. Mr. Landon confirmed it is coming up on the schedule.

VM McGuire - Are we on track for our election in April; Supervisor of Elections (SOE) is using the Community Center? Mr. Landon - Yes.

VM McGuire - Do we need a new interlocal agreement? Mr. Landon - This isn't our election so we do not need an interlocal, but he hasn't heard anything so we need to address that now. Hopefully, we are not asked to give up the large meeting room or cancel the meeting, etc. VM McGuire spoke to the SOE and she didn't indicate anything except for parking at the Community Center.

CM DeLorenzo - What time do the polls close - 7:00 p.m.? Should we consider moving our meeting until 7:00 p.m., after the polls close or maybe staff can park in the grass and Council also.

VM McGuire asked about the advisability of putting the red light camera hearings on video/TV. Attorney Reischmann - It is legally possible. Mr. Landon the details will be worked out.

CM DeLorenzo - At the TPO (River to Sea Transportation Planning Organization) meeting at the end of January, remember he wanted some feedback about the rail corridor on I-4; that passed unanimously; also we received funding for the Seminole Woods multi-use path project-roughly \$600,000. Also, there is a corridor study for Belle Terre Blvd./Pkwy. on transportation safety which was approved-approximately \$130,000. They are in the middle of doing the long range transportation plan - 2050, and there is going to be a portion for public participation March 3, 2015 at 2:00 p.m.; that will be a "make your mark" session where public can pick what they want to be done, etc. He is working with our Communications Relations Division to get this on the website.

VM McGuire - Any discussion about Sunrail? CM DeLorenzo - Not at this meeting, but he will bring back information the next time it is discussed.

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

Attorney Reischmann thanked Fire Chief Beadle and his group; very professional, great job (referring to helping him in the auto accident he was involved in last Tuesday).

Red light cameras:

There was a decision that came out of the Fourth District Court of Appeal-4DCA (Arem case and City of Hollywood) the challenge was to a ticket that the City of Hollywood had improperly delegated some responsibilities under the Mark Wandall Act specific to the issuance of the traffic citations to their provider which was ATS

(American Traffic Solutions). That decision was for the plaintiff and against the City of Hollywood; review of that appellate decision was sought - motion for rehearing. The finality of that order was not entered until there was a ruling on that motion for rehearing. That ruling was made by the 4DCA on January 31st - denial of appellees' (ATS and City of Hollywood) request for rehearing and also denied their request to certify to the Supreme Court. Mandate has issued and that is a change and affects all cities in the State of Florida, including the City of Palm Coast that have "Mark Wandall" red light camera programs. The other change was there was a class action lawsuit(s) brought by various plaintiffs (law firms in South Florida), most are in Federal Court and are a direct result of the Arem case. He called it the Pastman Federal lawsuit because that is the first plaintiff. There are about 30 cities named, ATS and the State of Florida, including the City of Palm Coast. That lawsuit has been provided to the FLC (Florida League of Cities) our insurance carrier, which is determining coverage; defense should be paid by our insurance carrier (litigation expenses). What we do with our red light cameras shouldn't change since it will take quite some time for this new lawsuit to be finalized.

We instructed ATS not to issue UTCs because of the ruling. Attorney Reischmann discussed the options:

*Seek to amend our contract with ATS; inconsistent with the Arem case.
Invoke Section 27 to suspend the program; we've already partially invoked that.
Discuss with ATS the balance and term of our contract.
Ask for a court to tell us what our arrangement with ATS is now with the decision (declaratory judgment).*

We have a meeting with ATS later this week, and we will be in a better situation to report back to Council with more clarity at the next workshop (2/24/15). Mr. Landon suggests that the options be put to Council for a decision at the following business meeting (3/3/15).

ATS believes there is a solution; the business rules in their contract. They also said they would like to attend and participate in our public meetings.

Mr. Landon expressed he is uncomfortable with the current situation with the UTCs. CM Nobile suggests suspend the whole program and go to a judge and ask where we are with this contract. If we don't produce a notification, then we are not obligated to send the UTCs.

There was further discussion about the different options.

CM Nobile - For our protection we suspend the agreement immediately. Mayor Netts - If we suspend, it should be at the same time we go for declaratory judgment.

CM Shipley expressed the public needs to know exactly what is going on with the red light cameras, fines, etc. Mayor Netts felt it is not for the City to say, because the State is involved also.

CM DeLorenzo - Severability in the contract, does it call out directly a change in State law? Attorney Reischmann stated it provides grounds for termination, as far as severability, he would think that it would be very typical for ATS to argue that the changes needed to gain full compliance could be severed out of the contract.

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

Mr. Landon stated the second session of Ethics training will be after this workshop -

Sunshine Law and Public Records.

We are making a change to our capacity fee process for new water and sewer lines service. When we have a new development come in that actually extends water and sewer lines and we are seeing some of that going on right now, we have to get a State permit from the DEP (Dept. of Environmental Protection) to allow for that and it has to meet their standards. As soon as we apply, they consider that capacity taken from our plan so they monitor that and say okay if you are going to hook up another 100 homes; as soon as you apply they consider that capacity in the plan already taken up. We have been making developers pay their capacity fees up front, but the developers are saying that is a very significant cost that they are having to borrow money to pay the fees. We worked with the Home Builders' Association and some of the representatives of landowners and came up with a system where when you apply, you pay 20% of the capacity fees and pay the balance before you pull a building permit. We don't have to change our ordinance for this, but if no building after 3 years, you have put another 20% and 4 years you pay in full. If you don't meet one of those deadlines, we keep the money. We will maintain the option that they can pay in advance and if they pay in advance they pay today's fees; if they do the payment plan and the fees change they would pay whatever the difference is at that time when they come in with the building permit (and the fees do change). We think it will help boost development.

CM DeLorenzo - This is a really business friendly move, because we are not giving up anything and we are going to collect when the capacity is utilized and giving them a little help on the front end roughly \$7,000-\$8,000 a house upfront. Mayor Netts asked if this needs action by City Council or can this be done administratively? Mr. Landon - No, we looked at the ordinances, but there are some changes needed to the standard operating procedures.

Mayor Netts thinks City Council needs to look at this and suggested that it go on the consent agenda; Council consensus.

Florida Park Dr. - our traffic engineer suggested that we do a "what if" process and provide Council with options; we have a draft scope of services; some of it we do ourselves. There are counters out there to see the existing condition. Our proposal is to go out and get proposals from traffic engineering firms we have on contract and see what they come back with.

CM DeLorenzo is concerned with the next step and what Council is willing to do about it.

CM Shipley asked about pilot programs; no through trucks, etc.

CM Nobile asked when the Old Kings Road widening is planned for. Mr. Landon - It's under design right now, but it is not funded; not in the FDOT (Florida Dept. of Transportation) 5-year plan, but they did fund the design which should be complete in 2015. As soon as they have design on the shelf they usually come up with some dollars; right now it is beyond 5 years but maybe we can get it before that.

Birds of a Feather Festival on the weekend was a big hit; a lot of visitors.

Adult flag football was in town.

Soccer tournament this weekend (2/14-2/15/15)

I. ADJOURNMENT

The meeting was adjourned at 11:56 a.m.

*Respectfully submitted,
Barbara Redline*

Calendar and Worksheet

[15-48](#) MEETINGS CALENDAR AND AGENDA WORKSHEET

[15-49](#) ATTACHMENTS TO MINUTES