



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 Bill McGuire
Council Member Jason DeLorenzo
Council Member Steven Nobile
Council Member Heidi Shipley

Tuesday, August 4, 2015

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 for each speaker.

>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 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.

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

Approval of Minutes

- 1 [15-320](#) MINUTES OF THE CITY COUNCIL'S:
 A. July 21, 2015 City Council Business
 B. July 28, 2015 City Council Workshop
- A motion was made by Vice Mayor McGuire, and seconded by Council Member Nobile, that the Minutes be approved as presented. This motion was approved by the following vote:**
- Approved:** 5 - Mayor Netts, Vice Mayor McGuire, Council Member DeLorenzo, Council Member Nobile, and Council Member Shipley

PRESENTATIONS

Proclamations and Presentations

- 2 [15-274](#) PROCLAMATION RECOGNIZING AUGUST 21st AS NATIONAL SENIOR CITIZENS DAY
- VM McGuire presented this Proclamation.*
- The Proclamation was received and filed.**
- 3 [15-318](#) PRESENTATION-PHOTO CONTEST AWARDS
- Ms. Cindi Lane presented the awards to the recipients and provided a PowerPoint presentation, which is attached to these minutes.*
- The Presentation was received and filed.**
- 4 [15-278](#) PRESENTATION OF LANDSCAPE BEAUTIFICATION AWARD TO SAINT MARK BY THE SEA LUTHERAN CHURCH
- Mr. Bill Butler presented the Landscaping Award to representatives of the Saint Mark by the Sea Lutheran Church.*
- 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** [15-264](#) ORDINANCE 2015-XX AMENDING THE UNIFIED LAND DEVELOPMENT CODE TO INCLUDE HEIGHT, SETBACK AND DISTANCE STANDARDS FOR WIRELESS COMMUNICATION FACILITIES
- City Attorney Reischmann read the title into the record.*
- Mr. Landon gave a brief summary of the item.*
- Ms. Constance Bentley presented a PowerPoint presentation, which is attached to these minutes.*
- CM Nobile-Received many comments regarding cell towers and how they would like better service.*
- Public Comment*
Jack Carall-These "dead spots" that we have are a god send because it is a spot that we can drive safely, a spot where they cannot text and drive. Why is this on the west side of I95?
- Responses to Public Comments:*
Mayor Netts-The City does not determine where these towers go. There is a map that shows the open spots and when a vendor feels there is sufficient customers, it requests to put up a tower.
- A motion was made by Council Member DeLorenzo, and seconded by Vice Mayor McGuire, that the Ordinance be adopted on Second Reading. The motion was adopted by the following vote:**
- Approved:** 5 - Mayor Netts, Vice Mayor McGuire, Council Member DeLorenzo, Council Member Nobile, and Council Member Shipley
- Enactment No: O2015-09
-
- 6** [15-286](#) ORDINANCE 2015-XX AMENDING CHAPTER 2, ADMINISTRATION, ARTICLE VI, RETIREMENT, DIVISION 2, VOLUNTEER FIREFIGHTERS' RETIREMENT SYSTEM AND TRUST FUND, AMENDING SECTION 2-549 SUPPLEMENTAL BENEFIT
- City Attorney Reischmann read the title into the record.*
- Mr. Landon gave a brief summary of the item.*
- Public Comment*
There were no public comments.
- A motion was made by Vice Mayor McGuire, and seconded by Council Member DeLorenzo, that the Ordinance be adopted on Second Reading. The motion was adopted by the following vote:**
- Approved:** 5 - Mayor Netts, Vice Mayor McGuire, Council Member DeLorenzo, Council Member Nobile, and Council Member Shipley
- Enactment No: O2015-10

Resolutions

- 7 [15-295](#) RESOLUTION 2015-XX APPROVING FINAL NUISANCE ABATEMENT ASSESSMENT
- Mr. Landon gave a brief overview to this item.*
- VM McGuire-Does the lien cover the cost of the lien and legal administrative costs?*
Ans: Mr. Landon-Yes, we have administrative costs that are attached to this to cover those types of costs.
- Public Comments:*
Joseph Bensley-The tax and timing of letter.
- Responses to Public Comments:*
Mr. Landon-The actual work on the private property has already occurred at this time. There was a Notice of Violation issued to give the property owner time to correct it themselves, if they do not correct it then once again the City hires a contractor to go in and make those corrections, whatever the violation is, then the dates the gentleman talked about is the next fiscal year, the actual property tax is lienied for next fiscal year, so it is based on the work that we performed on the property before this date, but it does not get placed on the property rolls until after October 1 of this year. So then it will be due with your property taxes that become due in the November, December timeframe.
- A motion was made by Vice Mayor McGuire, and seconded by Council Member Nobile, that the Resolution be adopted. This motion was approved by the following vote:**
- Approved:** 5 - Mayor Netts, Vice Mayor McGuire, Council Member DeLorenzo, Council Member Nobile, and Council Member Shipley
- Enactment No: R2015-83
- 8 [15-244](#) RESOLUTION 2015-XX RELATING TO THE OLD KINGS ROAD SPECIAL ASSESSMENT ROLL TO BE TRANSMITTED TO THE FLAGLER COUNTY TAX COLLECTOR
- Mr. Landon provided a brief overview to this item.*
- Public Comments:*
There were no public comments.
- A motion was made by Council Member DeLorenzo, and seconded by Vice Mayor McGuire, that the Resolution be adopted. This motion was approved by the following vote:**
- Approved:** 5 - Mayor Netts, Vice Mayor McGuire, Council Member DeLorenzo, Council Member Nobile, and Council Member Shipley
- Enactment No: R2015-84
- 9 [15-305](#) RESOLUTION 2015-XX APPROVING THE FEDERAL FISCAL YEAR (FFY) 2015 CDBG ANNUAL ACTION PLAN
- Mr. Landon gave a brief overview to this item. Mr. Beau Falgout provided a PowerPoint presentation, which is attached to these minutes.*

CM Nobile-The five year plan does that dictate what must be done over the five years? Trying to understand the 1 year and the 5 year. What if we wanted to change that? Ans: Mr. Falgout-The five year consolidated plan outlines the activities and programs that we can implement. The one year plan is the year to year budget plan of the activities you are going to undertake during that year. If those activities are not addressed in your 5 year plan, you have to first update your consolidated action plan.

CM Nobile-Identified by type or dollar amount? Ans: Mr. Falgout-By type.

CM DeLorenzo-The Housing Rehabilitation program-that was one of the competitive bids? Ans: Mr. Falgout-Correct. This was a competitive program and we actually strategically did this; you are only eligible for these grants once every three years, this was a year that we were eligible so we applied, got the grant. We would not be eligible for another two years and then we went entitlement which is a guaranteed funding amount.

CM DeLorenzo-The EOC mentioned that grant (Residential Construction Mitigation program), is it an individual grant? Ans: Mr. Falgout-The County actually has been awarded the funds in the last cycle and the County actually wrote the grant applications for the City and is writing it on behalf of Flagler Beach and Bunnell, so we are going to determine how we partner in managing the grant in the future. Essentially you can only apply for it once and they were successful and they asked us to apply along with Bunnell and Flagler Beach.

CM DeLorenzo-Does the Federal government make sure we are using the dollars appropriately? Ans: Mr. Falgout-Yes, they review it every year.

CM DeLorenzo-Are we meeting the guidelines? Ans: Mr. Falgout-Yes.

CM Nobile-Do we understand the use of the Seminole Woods path, transportation or recreational? Ans: Mr. Falgout-It could be both. Mr. Landon explained it is a multi-purpose path.

CM Shipley-How do we pay for bike paths in our areas of our City? Ans: Mr. Landon-Federal grants, stimulus money. When we do a street project, like Belle Terre North, we incorporate the paths into the project. The majority of the paths have come from State and Federal grants.

CM DeLorenzo-Would like to review the 5 year plan next year. Keep moving forward with the plan.

Public Comments:

Louis McCarthy-How long before the Seminole Woods Path is completed? Please don't stop now, it is almost completed.

CarMichael McMillan-Why spend that money to build a bike path when there are low income people who need it?

CM DeLorenzo seconded the motion with a discussion. There will be significantly more SHIP dollars this year, I looked it up, this year's allocation is \$761,000 for Palm Coast and Flagler County. That number up there was from 2012 and that until now was \$600,000. We needed more SHIP dollars. If you have an issue in your home, go see Valerie at the County to try to access those SHIP dollars and other dollars that are available.

Mayor Netts-Interesting analogy of bread and cars, but that is not a fair analogy. We

are not providing bread, we are providing home rehabilitation. We do not know if their roofs are leaking or prone to leaking, if you add 5 more or 10 more homes, you are going to make 5 more, 10 more families happy, the whole idea of infrastructure in a low and moderate income neighborhood is to benefit the whole neighborhood. If there is one thing I have heard repeatedly it's the desire for sidewalks. I don't want to walk on the street, I don't want to ride my bicycle on the street, it is dangerous. We know this in the case of Seminole Woods with two fatalities and probably more pending potentially. This improvement, infrastructure improvement is within the guidelines that were created. The issue for City Council is would 5 or 10 more homes be better than benefitting the whole neighborhood. Where you have low and moderate income housing, alternative transportation is not just recreation, it can very well be transportation. As to the issue as to why spend this money on a path when there is money in reserves, do not even ask me to go there. The last thing in the world you want to do in budgeting is spend every dime you have because there are always unforeseen circumstances and a prudent budget will provide for that. I think we can as CM DeLorenzo and CM Nobile asked, we can review this next year or next budget cycle, because as Mr. Landon indicates and CM DeLorenzo points out we may very well have more money available, so that instead of taking reserves or trying to rob Peter to pay Paul or taking money from some other capital project, we may be able to meet the objectives with this additional revenue.

CM Nobile-Both sides are good arguments, anytime we can enhance their safety, that is a plus. Yes, let's look at this again but for this year, stay on track.

Completion date: Mr. Falgout-The initial actual plan called for this year and next year to be funded along with the TPO grant.

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

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

Enactment No: R2015-85

Consent Agenda

Public comments shall be held 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 each to speak.

10 [15-314](#)

RESOLUTION 2015-XX APPROVING AN AMENDMENT TO THE LEASE WITH THE PALM COAST ARTS FOUNDATION

Jack Carall pulled this item from the consent agenda.

Mr. Falgout provided an overview to this item.

Public Comments:

Jack Carall-The Arts Foundation and their comment about raising \$1million, 6-7 years ago they wanted the City to give them this land, they are looking for grant money and gimme's, last week they gave out a \$1,500 scholarship, where do they stand?

Mayor Netts-In defense of this, Jack made a very interesting comment, in the original concept was to give them the land, we have determined that is not appropriate, we do not give away public assets, we are leasing. Whether you lease for 5 years, 10

years, 20 years or 50 years, it is a lease that is revocable at any time. Any improvements made to the property will revert to the City. We are not allocating any money at this time, we are simply extending the lease to improve their chances of getting another \$150K toward the million they are trying to raise. In terms of their internal finances, I do not know, we do not know that about a lot of organizations, they are a private foundation, but perhaps they will be listening tonight and share that information with us voluntarily.

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

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

Enactment No: R2015-86

D. Public Participation

Public Participation shall be held 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 and state their name. Each speaker will have up to three (3) minutes each 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.

CarMichael McMillan-Requested help for the Belle Terre Swim and Racquet Club.

George Mayo-Article in USA Today regarding best paths to water. Gave it to Luanne to look into Palm Coast getting listed. Bicycle program in NY City teaching seniors to ride bicycles. Suggested maybe the City could have a program similar.

Responses:

Belle Terre Swim and Racquet-Depends on what the Board of Education will do-if they close it, there will be implications on the City. Not sure we can use City tax dollars to supplement a Board of Education project, but if the Board of Education finds it necessary to close Belle Terre Swim and Racquet to the public, that has implications for the City of Palm Coast and Frieda Zamba. So there will have to be some collaborative discussions to be sure that we do not deny our residents an opportunity to swim.

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

VM McGuire-Utility issue with the County for the airport. The County tabled their agenda item relating to water at the airport which was on their consent agenda yesterday in order to search out other means to obtain water.

Mayor Netts-This Thursday at 10 am the Northeast Regional Planning Council will be

holding its meeting here at the Community Center.

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

Construction updates:

Palm Coast Parkway-Soon we will shift to the outside lanes, project is progressing nicely. It is expected to finish around November/December as expected.

Matanzas Woods Parkway-The County has started just this week to extend Old Kings Road which is part of the Interchange project to have people get directly to the Interchange at Matanzas and I95. I have not heard from the County as to the Interchange project, so I believe it is on schedule. Hopefully it will be open over the bridge as planned, no reason to believe it will not be open.

Palm Harbor Extension project-They have begun to mobilize.

H. Adjournment

The meeting was adjourned at 8:05 p.m.

*Respectfully submitted,
Virginia Smith, City Clerk*

Calendar and Worksheet

[15-319](#) MEETINGS CALENDAR AND AGENDA WORKSHEET

[15-330](#) ATTACHMENTS TO MINUTES