



City of Palm Coast

City Hall
160 Lake Avenue
Palm Coast, FL 32164
palmcoastgov.com

Meeting Minutes

City Council

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

Tuesday, February 2, 2016

6:30 PM

City Hall Community Wing

AMENDED AGENDA

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.

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>City Council Meetings are televised on Brighthouse Networks Channel 495 and on AT&T U-verse Channel 99.

>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 Shipley, Council Member DeLorenzo, Council Member McGuire, and Council Member Nobile

Approval of Minutes

- 1 [16-42](#) MINUTES OF THE CITY COUNCIL'S:
 A. January 19, 2016 City Council Business
 B. January 26, 2016 City Council Workshop

A motion was made by Council Member DeLorenzo, and seconded by Council Member Nobile, that the Minutes be Approved as presented. The motion was adopted by the following vote:

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

Proclamations and Presentations**PRESENTATIONS**

- 2 [16-22](#) PRESENTATION ON THE FIRST HEALTH AND SAFETY EMPLOYEE CALENDAR

Mr. Landon provided a brief overview to this item. Ms. Carol Mini presented the awards to the winners of the 1st Annual Employee Health and Safety Calendar.

The Presentation was Received and Filed.

PROCLAMATIONS

- 3 [15-532](#) PROCLAMATION RECOGNIZING FEBRUARY 7, 2016 AS "FOUR CHAPLAINS SUNDAY" AND THE WEEK FEBRUARY 8, 2016 THROUGH FEBRUARY 13, 2016 BE OBSERVED AS RELIGIOUS EMPHASIS WEEK

CM McGuire presented this Proclamation to Sandy Ausbrooks, a representative from the American Legion Post 115.

The Proclamation was Received and Filed.

ADDITIONAL PRESENTATION

- 3A **PRESENTATION BY JENNY SKRIPKO-FIGHTING POVERTY**

Ms. Jenny Skripko presented a film trailer relating to poverty-Poverty, Inc.

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

- 4 [16-23](#) ORDINANCE 2016-XX REZONING 2.0986 +/- ACRES FROM LIGHT AND WAREHOUSING INDUSTRIAL (IND-1) TO HIGH INTENSITY COMMERCIAL (COM-3) FOR ONE HARGROVE GRADE REZONING, APPLICATION NO. 2980
- City Attorney Reischmann read the title into the record.*
- Attorney Reischmann reminded Council this is a quasi-judicial item. Mayor Netts called for ex-parte communications.*
- CM DeLorenzo had conversations but will base his decisions on what is presented this evening.*
- Mr. Landon gave a brief summary of the item.*
- Mr. Hoover provided a PowerPoint presentation, which is attached to these minutes.*
- CM McGuire-Can you define a wider variety of commercial uses? Ans: Mr. Hoover-Yes, the industrial, IND 1 that the City has is very limited commercial use, whereas the COM 3 high intensity commercial has a lot wider array of commercial uses.*
- CM McGuire-Is there a prospective developer that is interested in this property that needs it rezoned? Ans: Mr. Tyner-No. This is already existing.*
- CM Nobile-As far as the impact, these buildings were built for Industrial 1, if we move them up, is there adequate parking? Ans: Mr. Tyner-Yes, we are actually not moving them up. When it was in the County the Industrial 1 zoning district allowed a hodge podge of uses, they were not just bonified industrial uses. They allowed office, so these were actually constructed for office buildings and we did the code in 2005, our Industrial 1 zoning district is really for bonified industrial uses.*
- Mayor Netts-This property is fully developed? Ans: Mr. Tyner-Yes, it is fully developed.*
- CM Shipley-If this is fully developed who is coming in to rezone? Ans: Mr. Tyner-It was actually my idea as a suggestion to the property owners. They were coming in year after year trying to get office uses that we would say the Industrial district did not allow. It was our suggestion in working with the owner of the property to come and rezone the property to allow office use the way the buildings were constructed.*
- CM Nobile-They have existed like this since 2005? Ans: Mr. Tyner-Yes, they did*
-

because they had a non-conforming use, which they were allowed to have that use, but once someone vacated that use over a year then that is when they had to comply with our Industrial zoning.

CM McGuire-If the Council does not approve the rezoning, what impact does that have? Ans: Mr. Hoover-The buildings would remain with the current zoning IND 1.

Public Comment:

Jimmy Millhollin Property Management-restrictions of the non-conforming use.

Mike Machin, owner of 3 Hargrove Grade-building use and tenants.

A motion was made by Council Member McGuire, and seconded by Council Member DeLorenzo, that the Ordinance be Approved on First Reading. The motion was adopted by the following vote:

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

Enactment No: O2016-1

5 [16-24](#)

ORDINANCE 2016-XX REZONING 0.82 +/- ACRE FROM LIGHT AND WAREHOUSING INDUSTRIAL (IND-1) TO HIGH INTENSITY COMMERCIAL (COM-3) FOR THREE HARGROVE GRADE REZONING, APPLICATION NO. 2979

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

This item was heard under item 4.

Public Comment:

There were none.

A motion was made by Council Member McGuire, and seconded by Council Member DeLorenzo, that the Ordinance be Approved on First Reading. The motion was adopted by the following vote:

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

Enactment No: O2016-2

6 [16-40](#)

ORDINANCE 2016-XX RELATING TO AND PROVIDING, IN ACCORDANCE WITH THE CITY OF PALM COAST CHARTER, FOR AN EQUITABLE ADJUSTMENT TO THE SALARIES OF THE MAYOR AND MEMBERS OF THE CITY COUNCIL

City Attorney Reischmann read the title into the record.

Mr. Landon gave a brief summary of the item.

CM McGuire-Why July for the CPI? Ans: Mr. Landon-June 30 is the CPI we use for

our pay plan.

Mayor Netts described the 5 options available for Section 1 of Ordinance Options:

CM McGuire-How is the annual employee pay plan adjustment derived? Ans: Mr. Quinn-Each year as Mr. Landon mentioned we take a look at the June 30th CPI, which usually comes out late in July. The reason that was selected for a number of indexes that the City uses, is because that is the latest we can go and still have hard numbers for the budgeting process in order to bring the budget to City Council in September to include whether there are revenue or expense adjustments based on the CPI.

Motion by CM McGuire for option 2 and seconded by CM DeLorenzo.

Public Comments on Option 2

Alan Peterson-Council salary increase in 2007-purpose was to keep it under \$10K. Salaries should not be tied to employee salaries or raises. Suggested increasing salaries 25% to \$12K. Does not agree with indexing. Does not consider Council to be employees.

Jack Carall-Suggested to use Social Security raises.

Vince Ligouri-Council salary comparisons-consider sister cities.

Neil McCopland-Loves Palm Coast, agrees with an increase in a proportion from 9 years ago (CPI increases).

Robert McDonald-Agrees with previous speaker except on going back on the raises.

Vote on Option 2 for Section 1.

VM Shipley-No

CM DeLorenzo-Yes

CM McGuire-Yes

CM Nobile-No

Mayor Netts-No

Motion failed 3 to 2.

Motion by VM Shipley for Option 3 for Section 1 and seconded by CM McGuire.

Public Comments:

Jack Carall-Worked all his life and never had anyone say we will negotiate from 10 years ago. Disagrees with retro.

Vince Ligouri-Agrees with concept of duty and responsibility but not that there should not be an increase. It should be fair and equitable. Suggested to give Council a raise that does not depend on annual increases.

Ron DeCosta-Agrees that Council does not deserve a raise but if you are going to give yourself a raise he agrees with #3.

Robert McDonald-Can we put this to the ballot?

Responses to Public Comments:

Ballot proposal-Attorney Reischmann-It is not required. CM Nobile-If the current motion doesn't pass, my motion will be to pick two or three items and put it on a referendum and let the people decide and what level of salary. Ans: Mr.

Reischmann-The current charter provides that ultimately any change in your salary will have to be done by the passage of an ordinance, so if there is a referendum and that referendum agrees with or selects a particular amount, that would come back to this Council or future Council and that Council could choose to follow it or not.

Vote on Option 3 for Section 1

*VM Shipley-Yes
CM DeLorenzo-No
CM McGuire-Yes
CM Nobile-No
Mayor Netts-No
Motion fails 3 to 2.*

CM Nobile-Motion for Council to select 2 or 3 options to be put on referendum for the people to select.

CM DeLorenzo-If this were to pass on the November ballot, then Council approves the ordinance, this would not take place until 2018 after the election? Attorney Reischmann-Correct.

Mayor Netts called for a second to the motion. Motion dies for lack of a second.

Mayor Netts asked for the voting results for Option 2. Clerk provided the following vote:

Vote on Option 2 for Section 1.

*VM Shipley-No
CM DeLorenzo-Yes
CM McGuire-Yes
CM Nobile-No
Mayor Netts-No
Motion failed 3 to 2.*

Mayor Netts asked for guidance on motion to reconsider. Attorney Reischmann-Someone on the prevailing side of the motion, in this case, the no's, has the right to make a motion for reconsideration. That is a separate motion, it would need to be seconded and if that receives 3 votes then you can go back and reconsider.

Mayor Netts passed gavel to VM Shipley and made a motion to reconsider option 2. VM Shipley seconded.

Public Comments: There were no public comments.

Vote on motion for reconsideration of Option 2 for Section 1.

*Mayor Netts-Yes
CM DeLorenzo-Yes
CM McGuire-Yes
CM Nobile-No
VM Shipley-Yes
Motion passes 4 to 1*

Motion for Option 2 (as a reconsideration). Motion made by CM McGuire and seconded by VM Shipley.

Public Comments: There were no public comments.

Vote on Option 2 (as a reconsideration)

VM Shipley-Yes

CM DeLorenzo-Yes

CM McGuire-Yes

CM Nobile-No

Mayor Netts-Yes

Motion passes 4 to 1

Vote on Options in Section 2 of the Ordinance.

CM DeLorenzo-My thinking behind this is you see how difficult this is, so make it an automatic discussion; set for a specific time of the year, somewhere between 8 months before an election and 6 months before an election, you are just waiting until the election, it is not another two years. Right now, we are approximately 9 months away from the election.

CM Nobile-Would like to see a charter amendment to put on a referendum that Council salary increases be put to the voters. This way every two years the Council can evaluate to see whether or not they want to put on a referendum a salary change.

CM McGuire-On Section 2 in the Ordinance there are blanks-if we vote on one of these can we stipulate it is done on each fiscal year? Ans: Mayor Netts-If you pass one of these 4 options it would take place at the same time that the employees' salary adjustments take place. Attorney Reischmann-Is there a specific date that the City does adjustments. Ans: Mr. Quinn-The pay plan adjustments are done after the first two full pay checks. Takes affect the first day in January of a full pay period.

Motion by CM Nobile for Option 4 for Section 2 of the Ordinance which was seconded by VM Shipley.

Public Comments:

Jack Carall-Leave this to the new Council Members to decide.

Alan Peterson-If you wait until after the election, you cannot make any change until 2018 effective for 2019. Settle with this Council.

Vote on Option 4 for Section 2 of the Ordinance

VM Shipley-Yes

CM DeLorenzo-Yes

CM McGuire-Yes

CM Nobile-Yes

Mayor Netts-Yes

Motion passes 5 to 0

Attorney Reischmann read the title of the Ordinance into the record.

Motion to approve Ordinance by CM McGuire and seconded by VM Shipley

Public Comments:

Jack Carall-If you vote on this and it becomes an ordinance, can the next Council say they do not want it, they want to change it? Ans: Attorney Reischmann-Yes.

Vote on Ordinance

VM Shipley-Yes

CM DeLorenzo-Yes

CM McGuire-Yes
CM Nobile-No
Mayor Netts-Yes
Motion passes 4 to 1

A motion was made by Council Member McGuire, and seconded by Vice Mayor Shipley, that the Ordinance be Approved on First Reading. The motion was adopted by the following vote:

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

Denied: 1 - Council Member Nobile

Resolutions

7 [16-36](#)

RESOLUTION 2016-XX APPROVING FINAL PLAT - HIDDEN LAKES PHASE I SECTION 2A (REPLAT)

Mr. Landon provided a brief overview to this item. Ms. Angela Piltaver presented a PowerPoint presentation which is attached to these minutes.

Mayor Netts-Slide relating to Section 2A and 2B-What is the requirement for ingress/egress? Ans: Mr. Piltaver-Once you exceed 50 lots you have to have 2 ways in and out.

Mayor Netts requested to be shown the two ways in and out. Mr. Landon described the area on the map where the two ingress/egress areas are located.

*Public Comments:
There were no public comments.*

A motion was made by Council Member DeLorenzo, and seconded by Council Member McGuire, that the Resolution be Adopted. The motion was adopted by the following vote:

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

Enactment No: R2016-4

Other Business

8 [16-14](#)

APPOINT CITIZEN VOLUNTEER TO SERVE ON THE RIVER TO SEA - BICYCLE AND PEDESTRIAN ADVISORY COMMITTEE

Mayor Netts asked for CM DeLorenzo to explain what this sub-committee is. CM DeLorenzo-As part of the TPO process there are citizen advisory committees/boards. This particular one is for the Bike/Pedestrian Advisory Board and they will make recommendations to the Board on bike and pedestrian projects.

*Clerk announced voting results:
Danielle Anderson 3 votes
Alan Campbell 1 vote
Brian Walters 1 vote*

Motion was made by CM McGuire seconded by CM Nobile to appoint Danielle Anderson. Motion carried without objection.

A motion was made by Council Member McGuire and seconded by Council Member Nobile, that the appointment be approved. The motion was adopted by the following vote:

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

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.

A motion was made by Council Member McGuire, seconded by Council Member DeLorenzo, that the Consent Items be Considered as reported on the Consent Agenda. They were approved by the following vote:

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

9 [16-25](#)

RESOLUTION 2016-XX APPROVING AN ADDENDUM TO THE WORK ORDER FOR MCKIM & CREED, INC., FOR THE COMPLETION OF THE CITY'S BEACHSIDE SEWER SERVICE, PHASE 1 PROJECT

A motion was made by that the Consent Agenda be adopted on Consent. The motion was approved unanimously.

Enactment No: R2016-5

10 [16-31](#)

RESOLUTION 2016-XX APPROVING A PURCHASE ORDER TO TWINOXIDE-USA, INC., FOR TWIN OXIDE (CHLORINE DIOXIDE)

This item was requested to be removed from consent. Mr. Jim Hogan provided an overview of this item.

Public Comments:

Jack Carall-CM McGuire brought up last week at the workshop that this material is coming from overseas. If there is a possibility that if this is coming from Europe and contaminated-what are we doing to prevent that?

Responses to Public Comments:

Precautions to prevent contamination-Mr. Hogan-Provided an overview of the company and the processes taken to ensure there are no contaminants in our supply ordered from this company.

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

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

Enactment No: R2016-6

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.

Courtney McDonald-Respect of neighbors. Do you get back to Mr. Carall when he asks a question?

Larry Coletti-Recent problems with bicycles and pedestrians. Has suggestions-need to adjust traffic control lights-have all lights go red when the pedestrian crosswalk is activated; have no turns on rights, and signs for yielding to pedestrians and as well as cyclists.

Jack Carall-Dog park-Is it open?

Robert McDonald-Asked Mr. Quinn how much money does the City spend on code enforcement? Received an answer and the City is losing money on code enforcement. The City is losing \$1.5 mil in code enforcement. Volunteers to sit on a committee with a Council person to go over our codes.

Steven Carr-provided a handout, which is attached to these minutes relating to the traffic on Florida Park Drive.

Speaker did not provide name--Traffic on roads-provided pictures on Belle Terre Parkway and Palm Coast Parkway intersection. SR 100 at night-it is treacherous, too dark. Repaint lines and put down road studs. Trying to find this new city hall. There are no directions for this place. Wants directional signs.

Bob Jergel-repaving of Old Kings Road status and progress on senior/civic center. The Palm Harbor Parkway-the Portuguese Club is vacating.

George Mayo-At workshops there is no public participation as there is at the County. Please open it up to the public. Fracking-County Commissioners are now worried about it.

Responses to Public Comment:

Traffic signals, right turn on red issues, etc.-Ans: Mr. Landon-with the help of our transportation planning organization grant there will be the opportunity to improve all along Belle Terre to be consistent throughout. We are looking at all of the pedestrian issues. Town Center striping is in the budget and will be addressed. Signs for City Hall are in the works. Old Kings Road-City Council has approved us to move forward once the infrastructure is complete. The lift station is not complete yet but we are planning for the resurfacing.

Traffic lines on SR 100-Mayor Netts-I believe this is a State road and, therefore, a State issue.

Dog Park is not open yet. Mr. Landon will provide an update to Council shortly. There is a dog park in the County.

CM Nobile-Do we have a pick up ordinance? Ans: Mr. Landon-Yes, we do.

Cost of code enforcement-Mayor Netts-There are many things that we do that do not generate revenue or break even. Our Police Department, our Sheriff's Department with whom we contract, that does not break even. Code enforcement has been an issue for the City of Palm Coast, it has been the focus of City Council for as long as I can remember, it's code enforcement that maintains the appearance of the neighborhood. The only time you collect money in a code enforcement issue is when there is a repeated failure to comply. The code enforcement process provides notice, second notice and an opportunity to correct in a given amount of time and finally if you do not comply then you will come before the Code Enforcement Board, you are still given an opportunity to comply and then ultimately if you do not comply there is a Massey Hearing and then there is a fine. That is where the revenue would be generated. All those early steps there is no revenue generation, nor should there be. You cannot go fining people without due process.

Relax code enforcement-Mayor Netts-That is an issue that City Council can talk about at any time.

Workshop comments-Mayor Netts-It has always been the position of City Council that the workshop is not an opportunity for City Council to make any decisions, it is discussion only among City Council, whether or not public comment would be of value, keep in mind that every Council Member's email address is on the City website. If you have an issue you would like for City Council to consider, you can contact each and every one of us at any time for that purpose.

CM Nobile-The point is well taken that it is a good time to hear, not so much opposition but ideas, but I guess for now emails will work. I am in favor of hearing what people have to say so I have that next week to muddle.

CM DeLorenzo-Not opposed to have public participation at the end of the workshop. Mayor Netts-Bring it up at a workshop. Attorney Reischmann reminded Council that would take action by the Council (by resolution) to amend the current Council rules and procedures.

Senior Center-Mayor Netts-There is no consideration at the moment for a Senior Center. We do have it in our strategic plan; we do have the complete renovation of the Community Center and expansion of the Community Center which will allow us to provide many of the amenities and services that a Senior Center provides.

CM Nobile-Did the Yacht Club sell? Ans: Mayor Netts-It has sold for considerably more than our appraisal. I heard the Portuguese Club is relocating but we have not heard if it is for sale or what they are asking. Could we purchase it? If we have the money in the budget.

Fracking-Mayor Netts-I understand it is the intent of the legislation to totally preempt not only permission of fracking but regulation of fracking. I am certainly in favor of us passing a resolution opposing fracking. Mr. Landon explained this is on the agenda for Tuesday at the workshop.

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

CM McGuire-Would like to hear from Richard Adams relating to fracking and the effects on our drinking water.

VM Shipley-Can we have an update on feral cats this workshop? Mr. Landon-We do not have a final agreement with the Humane Society but we can give you an update.

VM Shipley-Meeting times. Mayor Netts-provided a rationale of why we hold a day meeting-for our senior citizens who do not drive at night.

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

Legislation updates-Elections and fracking are not the only issues in Tallahassee.

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

Nothing at this time.

H. Adjournment

The meeting was adjourned at 9:17 p.m.

*Respectfully submitted,
Virginia Smith, City Clerk*

Calendar and Worksheet

[16-43](#)

MEETINGS CALENDAR AND AGENDA WORKSHEET

[16-48](#)

ATTACHMENTS TO MINUTES