



# 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**

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Tuesday, April 19, 2016

9:00 AM

City Hall Community Wing

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#### 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.

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>City Council Meetings are televised on Bighthouse 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 9:00 a.m.*

#### B. Pledge of Allegiance to the Flag

#### C. Roll Call

*City Clerk Virginia Smith called the roll. VM Shipley is excused.*

**Present:** 4 - Mayor Netts, Council Member DeLorenzo, Council Member McGuire, and Council Member Nobile

**Excused:** 1 - Vice Mayor Shipley

**Approval of Minutes**

- 1     [16-160](#)           MINUTES OF THE CITY COUNCIL'S:  
                          A. April 5, 2016 City Council Business  
                          B. April 12, 2016 City Council Workshop
- A motion was made by Council Member McGuire, and seconded by Council Member DeLorenzo, that the Minutes be approved as presented. The motion was adopted by the following vote:**
- Approved:** 4 - Mayor Netts, Council Member DeLorenzo, Council Member McGuire, and Council Member Nobile
- Excused:** 1 - Vice Mayor Shipley

**Proclamations and Presentations****PROCLAMATIONS**

- 2     [16-153](#)           PROCLAMATION RECOGNIZING THE MONTH OF APRIL AS THE NATIONAL MAYOR'S CHALLENGE FOR WATER CONSERVATION MONTH
- Mayor Netts presented this Proclamation to members of the City's Green Team.*
- The Proclamation was Received and Filed.**
- 3     [16-158](#)           PROCLAMATION RECOGNIZING APRIL AS AUTISM AWARENESS MONTH
- CM Nobile presented this Proclamation.*
- The Proclamation was Received and Filed.**
- 4     [16-50](#)            PROCLAMATION RECOGNIZING THE WEEK OF MAY 8, 2016 AS "#TURQUOISE TAKEOVER"
- CM McGuire presented this Proclamation.*
- The Proclamation was Received and Filed.**
- 5     [16-162](#)           PROCLAMATION RECOGNIZING APRIL AS "SEXUAL ASSAULT AWARENESS MONTH"
- CM DeLorenzo presented this Proclamation to representatives of the Family Life Center.*
- 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

## Resolutions

- 6**     [16-159](#)     RESOLUTION 2016-XX APPROVING FINAL PLAT - ISLAND WALK - SHOPPING CENTER, A REPLAT
- Mr. Landon gave a brief overview to this item. Attorney Reischmann reminded Council that this item is a quasi-judicial item. Mayor Netts called for any ex-parte communication. There were none.*
- Mr. Bill Hoover presented a PowerPoint presentation, which is attached to these minutes.*
- Public Comments:  
 There were none.*
- 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:** 4 - Mayor Netts, Council Member DeLorenzo, Council Member McGuire, and Council Member Nobile
- Excused:** 1 - Vice Mayor Shipley
- Enactment No: R2016-31
- 7**     [16-149](#)     RESOLUTION 2016-XX APPROVING THE FINAL PLAT - SHOPPES OF PALM COAST SUBDIVISION, A REPLAT
- Items 7 and 8 were presented together. Mr. Bill Hoover provided a PowerPoint presentation.*
- CM Nobile-This improvement B, the southern section, are we adding a lane? Ans: Mr. Hoover-Correct.*
- CM Nobile-That land does not need to be part of an easement? Ans: Mr. Hoover-No, those improvements are in the right-of-way.*
- CM DeLorenzo-The amount of right-of-way we have now and the road needs to be expanded, will we have enough room? Ans: Mr. Sean Castello-I believe we have about 100' of right-of-way. It will depend on the road expansion and what it will look like; if there is a large median then we may have to acquire road right-of-way.*
- CM DeLorenzo-Should we consider asking for a 12' foot right-of-way from the developer? Ans: Mr. Landon-I think we have enough room. 5 lanes=60' and we*

have 100' of right-of-way. If we need to make the median smaller, we can look at doing so. If we have to obtain any, it would be a very small amount that we need.

*Public Comments:*

*George Mayo-The center exit for northbound only, will there be a median between the north and southbound lanes? I strongly suggest there be one. Mayor Netts asked Sean to take that under advisement.*

*CM McGuire-If Sean is taking this under advisement, should we postpone voting on this until we have a modified presentation? Ans: Mr. Landon-I would hope not; we are trying to get this moving forward. The design of those types of improvements will not affect the plat. This is not approving the street improvements, this is approving the re-plat. The key to this is there is a way to come out of this shopping center and turn left to go southbound on Belle Terre. They do not have to go right, they just have to go to that southern exit. Usually when you provide people with an opportunity to do it right, they will do it; there may be a few exceptions.*

**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:** 4 - Mayor Netts, Council Member DeLorenzo, Council Member McGuire, and Council Member Nobile

**Excused:** 1 - Vice Mayor Shipley

Enactment No: R2016-32

**8**      [16-137](#)

RESOLUTION 2016-XX APPROVING THE TRANSPORTATION IMPACT FEE CREDIT AGREEMENT, INCLUDING ALLOCATION, CONSTRUCTION, AND DEDICATION OF LAND, WITH PV - PALM COAST, LLC, FOR IMPROVEMENTS TO BELLE TERRE BOULEVARD

*This item was heard with item 7.*

*CM Nobile-How are the funds maneuvered back and forth? Ans: Mr. Landon-The actual end user, the retailers are required to pay impact fees at building permit time, so when they come to pick up their building permit, they will pay the City just like everyone else does. That will go into our impact fee fund and then with this agreement you are authorizing us to actually reimburse the developer. In other words, in this case, the private property owner who is building the shopping center, putting the infrastructure in, those types of things and reimbursing the lane improvements.*

*CM Nobile-So we are not reimbursing whoever is doing that work? Ans: Mr. Landon-No. The contract is between the developer and the contractor. The developer submits those invoices to us and we reimburse. Typically we would not do that without your authorization and in this case, we have done this before, a couple of other examples would be the left turn lane on Florida Park Drive for Island Walk and the right turn lane into Wal-Mart.*

*Mayor Netts-In the unlikely event that one or more of those lots that have already been sold, if they do not proceed with development then we won't collect the impact fees. The developer is still going to do the improvements, they will front the money and then as we collect impact fees, we will reimburse. Ans: Mr. Landon-The developer is not required to do the improvements if we do not have the money, but that is why we divided it into A and B at this time. Then when they do come in to build and get the impact fees, then they have to come back and put the lanes in, but*

*the timing is such that we have plans in here now for Aldi, Tractor Supply, and I know Gate gas stations if not in has been in discussions with us. Those 3 are far enough along, until you see it go vertical it is never a guarantee but those are far enough along we are very confident (they will come in).*

*Public Comments:*

*There were no further public comments.*

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

**Approved:** 4 - Mayor Netts, Council Member DeLorenzo, Council Member McGuire, and Council Member Nobile

**Excused:** 1 - Vice Mayor Shipley

Enactment No: R2016-33

### 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.**

**9**      [16-146](#)

RESOLUTION 2016-XX APPROVING CHANGE ORDERS FOR ADDITIONAL SERVICES DURING THE CONSTRUCTION PHASE OF THE HOLLAND PARK IMPROVEMENTS PROJECT

*Jack Carall requested this item be pulled from the Consent agenda.*

*Mr. Landon provided a brief overview to this item.*

*CM McGuire-How does the City go about getting reimbursed for the cost overrun?*

*Ans: Mr. Landon-The liquidated damages is just a matter of us withholding a portion of the final payment to the contractor, so then we did not pay as much as anticipated, so then we use those funds for the additional costs.*

*Public Comments:*

*Jack Carall-When you signed the contract with the developer/contractor doesn't he have to prepare for all these instances? How do you determine the penalty?*

*Responses to Public Comments:*

*Fault-Mayor Netts-If you were to generate a contract that states the contractor is responsible for each and every foreseeable and unforeseeable incident, the bid price would be so astronomically high that you would not be able to afford, there has to be reasonableness in the contract. There are things that nobody can anticipate until you get the shovels in the ground, so the contract is a balance between protection of the City and also trying to ensure that the contract that you get is reasonable and affordable for the tax payers' dollars. How do you determine the damages, the amount of liquidated damages? Ans: Mr. Landon-In this case it is in the contract. It is usually \$1K per day. The contract states every delay that the contractor is responsible for is \$1k reduction in the contract price.*

**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:** 4 - Mayor Netts, Council Member DeLorenzo, Council Member McGuire, and Council Member Nobile

**Excused:** 1 - Vice Mayor Shipley

Enactment No: R2016-37

**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:** 4 - Mayor Netts, Council Member DeLorenzo, Council Member McGuire, and Council Member Nobile

**Excused:** 1 - Vice Mayor Shipley

10     [16-130](#)

RESOLUTION 2016-XX APPROVING A CONTRACT WITH POMEROY APPRAISAL ASSOCIATES OF FLORIDA, INC., TO PROVIDE REAL ESTATE APPRAISAL SERVICES ASSOCIATED WITH THE OLD KINGS ROAD WIDENING PROJECT

**A motion was made by Council Member McGuire, seconded by Council Member DeLorenzo, that the Consent Agenda be adopted on Consent. The motion was Approved unanimously.**

Enactment No: R2016-34

11     [16-134](#)

RESOLUTION 2016-XX APPROVING PIGGYBACKING THE NATIONAL JOINT POWERS ALLIANCE AGREEMENT #031212-GPC WITH NAPA-GENUINE PARTS COMPANY (BUNNELL AUTO SUPPLY COMPANY) TO PURCHASE FLEET PARTS AND SERVICES FOR THE CITY'S FLEET

**A motion was made by Council Member McGuire, seconded by Council Member DeLorenzo, that the Consent Agenda be adopted on Consent. The motion was Approved unanimously.**

Enactment No: R2016-35

12     [16-139](#)

RESOLUTION 2016-XX APPROVING EXPENSES FOR ROADWAY BORES FOR THE BELLE TERRE MEDIAN LANDSCAPE AND IRRIGATION PROJECT

*Jack Carall requested this item be pulled from the Consent agenda.*

*Mr. Landon provided a brief overview to this item.*

*Public Comments:  
There were no 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:** 4 - Mayor Netts, Council Member DeLorenzo, Council Member McGuire, and Council Member Nobile

**Excused:** 1 - Vice Mayor Shipley

Enactment No: R2016-38

**13**    [16-145](#)

RESOLUTION 2016-XX APPROVING CHANGE ORDER 2 WITH S.E. CLINE CONSTRUCTION, INC., FOR CONSTRUCTION SERVICES FOR THE SEMINOLE WOODS RECLAIMED WATER MAIN, PHASE 1 PROJECT

**A motion was made by Council Member McGuire, seconded by Council Member DeLorenzo, that the Consent Agenda be adopted on Consent. The motion was Approved unanimously.**

Enactment No: R2016-36

**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.**

*Robert MacDonald-Does the City plan on creating a background and fingerprinting for this year's candidates. If not why? Would the City be responsible?  
Also, fire smoke detectors. The fire department changes out the batteries for free.  
Requested Council consider a program to supply smoke detectors and batteries.*

*Steve Carr-Florida Park Dr. traffic.*

*John Brady-Ratio of debt. Proposed loan to Ameris Bank-why does Council have the right to authorize this and not the voters? What are the closing costs?  
What happens to the scheduled bond payment(s) this year?*

*Marilyn Petruzzi-Neighborhood watch leader-requested a different fence to be put in around Ralph Carter Park.*

*Ed Fueller-The Eggstravaganza event was great-congratulated Rec & Park staff for the wonderful event.*

*Jack Carall-As the City grows and we develop more problems, I think now is the time to consider changing the charter. There are some things that need to be changed.*

*Ms. Courtney from the American Lung Association-Thanked Council for their support.*

*Responses to Public Comments:*

*Background and fingerprinting-Mayor Netts-I have discussed it with the City Attorney, I have discussed it with the Supervisor of Elections and I have also discussed it at the Tallahassee level, the reality is that there is nothing that requires it, suggests it. The issue of responsibility, suppose we did a background check and found out that Mr. DeLorenzo did something that would show up on his record, at what point does that little blemish become noteworthy enough that someone ought to publicize it? Each candidate when they file for election, they expose themselves to public scrutiny, to media scrutiny, quite frankly there is nothing that I have been able to discover that would suggest that the City should or could do a background check and even if we did there is no responsibility other than the part of the voters to be discriminating in choosing their candidates.*

*Battery and smoke detectors-Mayor Netts-Thank you for the kind words for our fire department. Due to my temporary disability, hopefully temporary, I actually had them come to my home and change my batteries. The problem is that there are many, many types of smoke detectors. Some battery operated, some not, some with replacement batteries, some not, not all smoke detectors are compatible with all systems that exist, so for the City to stock a variety of smoke detectors and/or batteries is simply taking over, subsidizing what is really a public and private responsibility. If I provide free batteries to Mr. DeLorenzo then I have to provide free batteries to Mr. Nobile, and that becomes a responsibility that really is not part of the City.*

*Traffic-Florida Park Dr.-Mayor Netts-As most of you know, I live off of Florida Park Drive, Island Walk is not fully completed but I have not seen any significant increase in traffic but it is something that we will continue to monitor.*

*\$170million in debt-Mayor Netts-The City does not have \$170 million in debt, the City has no debt, the utility has the debt and it is paid for out of utility rates.*

*Ralph Carter Park fence issue-Mayor Netts-I am not convinced a fence will solve the problem but it is something we will look at again and again.*

*Charter change for residency-Attorney Reischmann-Yes, in order to qualify for office, you have to be a resident. There is not a timeframe specifically for qualification but obviously you have to be a resident (CM Nobile-and from your District), correct, the narrow question I thought was is there a minimum requirement, and I do not believe so.*

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

*CM Nobile-Island Walk Shops-pulling out of the center, Kings Way, towards Celico Way exit and it is a very wide exit, and there is only one arrow pointing forward. It used to be two lanes. Mr. Landon will have it looked into.*

*CM Nobile-Richardson Drive issue-I would like to know, are we having a potential problem in the park as far as illegal dealings in the park? Ans: Mr. Landon-We have been working with the Sheriff's office. It has been a priority. You notice most of the comments, it is not in the park, it is on Richardson Drive. Also, the Sheriff's office has spent a lot of time dealing with that. We have not had problems in the park that we are aware of. We hear stories in every park that there are people doing things that make people wonder about as to what that activity is and it is a constant responsibility of the Sheriff and the City to try to discourage and eliminate inappropriate activity. We will continue to do that. Ralph Carter Park is a very active park. There are a lot of activities there. It is a nice park. If there is illegal activity on Richardson Drive, there have been some arrests on Richardson Drive. We will*



*continue to push hard and we will continue to ask the Sheriff's office to pay specific attention to that area and any area that is reported with suspicious activity, which is close to this fence area.*

*CM Nobile-That area is far from the playing area, it is not close to the basketball area, it is a distance out there. It would be easy to detect something is going on out there, cause really nothing should be going on out there. Ans: Mr. Landon-Yes, we work hard on keeping our parks safe and will continue to work with the Sheriff's office to make sure they are as safe as possible.*

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

*Mayor, you and I will be introducing an attorney-client session (executive session) in just a little bit. So, nothing at this time.*

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

*Arbor Day event is coming up on May 7. Bring a can of food and get a free tree. There is a 5k run that starts at 8:00 am; the event starts at 9:00 am and goes to 2:00 pm.*

*Mayor Netts-The City will be sponsoring a shredding truck at this event for the first time this year.*

**Recess City Council for the Attorney Client Session per Florida Statutes, Section 286.11**

**(8)**

*Mayor Netts recessed the Council meeting for the executive session and announced the parties of the session.*

**H. ATTORNEY CLIENT SESSION**

**Open Attorney-Client Session relating to discussion of settlement and strategy related to litigation expenditures in the case of Dennis McDonald and Janet McDonald vs. City of Palm Coast, Case Number 2014 CA 000217. The estimated length of the session is approximately one (1) hour. In attendance shall be only the following persons: Mayor Jon Netts, Vice Mayor Heidi Shipley, Council Member Jason DeLorenzo, Council Member McGuire, Council Member Steve Nobile, City of Palm Coast City Manager Jim Landon, City of Palm Coast Attorneys Debra Babb Natcher and William E. Reischmann Jr., Esq.**

**Close of the Attorney Client Session**

**Reconvene City Council at Close of Attorney Client Session**

*Mayor Netts reconvened the Council meeting at 11:05 a.m.*

**I. Adjournment**

*The meeting was adjourned at 11:05 a.m. Respectfully submitted,  
Virginia Smith, City Clerk*

**Calendar and Worksheet**

[16-161](#) MEETINGS CALENDAR AND AGENDA WORKSHEET

[16-175](#) ATTACHMENTS TO MINUTES