



# 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, July 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.

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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.*

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

**Approval of Minutes**

- 1     [16-278](#)           MINUTES OF THE CITY COUNCIL'S:  
          A. July 5, 2016 City Council Business  
          B. July 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:** 5 - Mayor Netts, Vice Mayor Shipley, Council Member DeLorenzo, Council Member McGuire, and Council Member Nobile

**Proclamations and Presentations****PRESENTATIONS**

- 2     [16-273](#)           PRESENTATION ON THE TRAVELING VIETNAM MEMORIAL WALL  
          EVENT
- Mr. Raymond Parker provided a presentation on the traveling Veteran's Memorial Wall and the Veteran's Day celebration to Council.*
- Mr. Parker requested Council consolidate the Veteran's Day ceremony with the County's and other municipalities ceremony this year as the traveling Veteran's Wall will be here at the Flagler County airport.*
- The Presentation was Received and Filed.**
- 3     [16-280](#)           PRESENTATION OF THE AWARD TO THE "WATER BUOYS" FOR THE  
          TOP OPS NATIONAL CHAMPIONSHIP OF THE AMERICAN WATER  
          WORKS ASSOCIATION
- Ms. Cindi Lane provided an overview to the award received by the Water Buoys. Ms. Lane announced that the Water Buoys will be the Grand Marshalls of the City's Starlight Parade this year.*
- 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

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**Resolutions****4**      [16-252](#)      RESOLUTION 2016-XX APPROVING FINAL PLAT - GRAND LANDINGS - PHASE 2B REPLAT

*Mr. Landon provided a brief overview to this item. Ms. Ida Meehan provided a PowerPoint presentation, which is attached to these minutes.*

*Attorney Reischmann reminded Council this is a quasi-judicial item. Mayor Netts called for ex-parte communications. There were none.*

*CM McGuire-What bonds are required? Ans: Ms. Meehan-There are two bonds-maintenance bonds and monuments bond. Attorney Reischmann explained that the Developer secures the surety bonds.*

*Public Comments:  
There were none.*

**A motion was made by Council Member McGuire, and seconded by Vice Mayor Shipley, 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: R2016-64

**5**      [16-266](#)      RESOLUTION 2016-XX APPROVING THE 2017 STATE LEGISLATIVE PRIORITIES

*Mr. Landon gave a brief overview to this item. Mr. Falgout provided a PowerPoint presentation, which is attached to these minutes.*

*CM McGuire-Likes the way they are written.*

*Public Comments:  
Jack Carall-Marijuana issue as a priority.*

*Mayor Netts-Comment on the revised statewide framework for marijuana. The Flagler County Law Enforcement coordinating committee and a sub-committee thereof, have been discussing alternatives for criminal citations against individuals possessing small amounts of marijuana, under age alcohol consumption and similar things that are treated as misdemeanors. The Committee has struggled with this because as is often the case, what seems very simple on the surface has lots of unintended consequences. For example, if this is an alternative, is 20 grams of marijuana the right amount, should it be less, should it be more, should the fine be \$100 in some counties and cities, should it be \$250, as suggested here, what are the consequences if you do not pay the fine, how many citations are you allowed to have before you do not receive a lesser penalty, are those issues restricted to within the County, within the specific municipality, or is it statewide? So there are a lot of implications for whatever they ultimately decide. It has been my position and suggestion that, at the very least, whatever we do in Flagler County, we do county-wide. I am not a big fan of a hodge podge approach to or piece meal approach to legislation. It was my suggestion to the coordinating committee, and remains my suggestion, that since this is a state statute that we are dealing with, it would make more sense for me, if local governments, instead of trying to create*

alternatives to state statute, if we lobby our legislatures, and said if this is a good idea, then it should be a good idea state-wide. So whether or not the coordinating committee ultimately adopts a recommendation, whether or not the City of Palm Coast and the four other cities and County adopt similar ordinances, I still feel this is a worthwhile endeavor to ask the legislature to deal with it statewide. In my mind at least, there is no relationship between the two issues. Flagler County and its' five municipalities will do what they see best but I still think the state needs to deal with on a state level and that is why I recommended that this be one of the priorities.

**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: R2016-65

**6**      [16-254](#)

**RESOLUTION 2016-XX TO ESTABLISH THE PROPOSED MAXIMUM MILLAGE RATE FOR FISCAL YEAR 2017 AND SET THE FIRST PUBLIC HEARING DATE ON THE BUDGET**

*Mr. Landon provided a brief overview to this item. Mr. Quinn and Ms. Williams presented a PowerPoiont, which is attached to these minutes.*

*CM DeLorenzo-It goes back to something we talked about at workshop last week. I asked the question about does it make sense to continue to increase the stormwater fee rather than have a millage directly for capital projects. Since you (Mr. Quinn) sent that information to us, I think we need to tell the public that we analyzed that and it did not make sense that a portion that would come from residential was higher than, by raising the stormwater rate, than it would be from raising or having a portion of millage go to capital for stormwater.*

*Mayor Netts-Understand that what we are proposing today is the worst case scenario. This is not the final millage rate, this is the worst or the most that it could be. We still have several budget presentations to go through. I do not want to tie our hands too early in the process. Later on we can adopt a lower tax rate if that is appropriate. But I still hear from citizens and Council Members the idea that we need to increase some of our services, expand some of our services. One final thought, if you look at the statistics, we are anticipating 400 building permits this year, that means 400 more families, 400 more sources for service, so I think as Palm Coast continues to grow, we need to be able to meet the demands of that growth. This worst case scenario holding the tax rate the same as last year gives us about 5% capacity to deal with that expanded growth.*

*Mr. Quinn-The other part about that is that there is at least a one year, almost a 2 year, delay sometimes before we see any real revenue from the growth because of the way the tax system works.*

*Mayor Netts-There is a year delay in receiving taxes but there is not a year delay in the demand for services. Mr. Quinn-Correct.*

*CM Nobile-What portion, based on the proposed trim rate, that we adopted, 830, the 5% increase, what percentage of that comes directly from homesteaded residential?  
Ans: Mr. Quinn-I do not have that but will contact the County to see if they can split out how much our revenue is.*

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

Enactment No: R2016-66

7 [16-100](#)

RESOLUTION 2016-XX APPROVING AN INCREASE TO THE CITY MANAGER'S SALARY BASED ON CITY COUNCIL PERFORMANCE EVALUATION

*Mr. Landon provided a brief overview to this item. Ms. Wendy Cullen provided a PowerPoiont presentation, which is attached to these minutes.*

*VM Shipley-If a Director has something that was under meets expectations, would they still get an increase? Ans: Ms. Cullen-It is possible. We are looking at the overall evaluation and in every category Mr. Landon scored meets or exceeds expectations, he never received a collective score less than 3. We do have employees, latitude certainly you have it, we have employees that have received a 1% or 1.5% merit increase based on something in their evaluation that required improvement, so yes, there are employees that did not receive the full 2%, but we also have employees who exceed expectations. This year employees could get up to 5% increase.*

*VM Shipley-Anything that fell below meets expectations, do they have a target goal, something that they have to bring that score up? Ans: Ms. Cullen-For our employees, not necessarily. When we have employees whose overall performance, all factors are less than meets expectations, many times we develop what we consider an improvement plan for that employee with benchmarks and deadlines in order to improve in those specific areas in order to prevent the disciplinary process. Obviously we would rather grow our work force rather than invest in time and training and then have them leave. So there are and have been employees who have received a performance improvement plan but their performance generally falls well below into the poor range before we institute something like that.*

*CM Nobile-What about goals for next year based on these evaluations? I know we use the strategic action plan and the goals and objectives from that and that is good but there are also these more personal goals directed at the City Manager that is to here is how we feel and it can always be better, unless he gets a five and that's it. Do we put together goals? Ans: Ms. Cullen-I suppose we can. Again, the City Manager's evaluation is based on the collect division of Council and how you feel he is meeting those expectations, which the performance measures, the displays are in every office, how is he meeting your specific goals and objectives as set by Council and in carrying forward your directives. If you want to address specific areas of performance that you would like him to work on, I suppose we could talk about that, but his overall performance is based on the direction you give him and how well he performs at achieving the goals you set.*

*Mayor Netts-Each Council Member has their own set of perceptions, expectations, and their own personal goals for the City. I make it a point to meet with the City Manager weekly and we discuss issues that are coming up and I also discuss my personal perceptions and every Council Member has that ability to say Mr. Landon this is an area that I think you need to work on. He can choose to address that*

*individually or Council Members if there is something you have suggested that needs improvement and you do not see that improvement then we can come to the Council because Mr. Landon is an employee of the five of us, not anyone of us individually. It would require five of us to say here is City Council's performance expectations. I would prefer we deal with it one on one initially and then if there is not a kind of improvement, as our former City Manager used to say "I serve from Tuesday to Tuesday." On any given Tuesday we can terminate the contract if the manager is not meeting our expectations as a group.*

*CM McGuire-I view the City Managers position as somewhat unique, I say that because, he is an employee of the City of Palm Coast, but he also steers the ship. I think Mr. Landon has done a good job in the five years that I have worked with him, there are things that I am not real crazy about and I have discussed them with him-one on one, he is approachable and he is receptive, but with that having been said how do you compensate the CEO of a company who essentially is someone who reports to the Board of Directors. If the organization is moving forward and delivering a return on investment, then he retains his position and maybe gets some additional compensation. Mr. Landon falls into that category in my mind. I think he is certainly someone we want but having said that I think he is compensated pretty well for his position at this time. I have no problem giving him a COLA and adjust his salary to the CPI but in terms of what the job requirements are and it is strictly a gut feeling of mine based on the years that I have spent in executive management in industry, I think Mr. Landon's compensation is adequate for his performance and for the job that is required of him and I will not support an increase at this time.*

*Mayor Netts-You chose to use a maritime analogy, you said the City Manager steers the ship, the Captain sets the course. The maid at the wheel may follow the captain direction, in this case the five of us set the course for the City and the City Manager's job is to implement the goals and directives we have established.*

*CM DeLorenzo-To continue where CM McGuire was going. I do not find the City Manager, yes he is an employee of the City but he is not the same type of an employee of the City because he is our contract employee. We do not have other employees that are contracted and started with a negotiated salary to start with; the rest of our employees have a salary range and they have a job description and that job description comes with a salary range. This is not the case with Mr. Landon. In reviewing, Wendy thank you for sending us, the salaries of other City Managers. It was eye opening, there are some City Manager's that are being paid two, more than \$2.00 per citizen per year and we are somewhere in the thirty cents per citizen-if you look at it that way, you take their salary and break it down over the number of citizens, probably not the best way to look at it but it was an interesting way to look at it, because one of the things we did not have but we could imagine is that if you have a population of 5,000 your organization is going to be this big and when you have a population like Palm Coast, nearly 85,000, your organization is this big and then you have a bigger responsibility as the City Manager. In looking at that salary range, I agree with CM McGuire that, even though you have not received a raise in several years, your current salary range is in-line with other cities of our size. I agree that I do not support an increase and I do not support a CPI increase either. I think this is our employee, City Council's employee, a contract employee with a negotiated salary and the salary is in the correct place for this time.*

*Attorney Reischmann-provided some procedural guidance and for the record stated that we are in compliance with Chapter 286 Sunshine and the Public Records laws.*

*CM Nobile-A few comments. First I disagree to and agree with the Mayor, I do not see the City Managers position as the CEO. The CEO sets direction and where is*

*the City going to go and how are we going to get there, that kind of stuff. I see him more as an operations director or a vice president even, but given that, even though he is at a contractual basis, most of the time with someone at that level of position, outside of public service, they are compensated, not like a regular employee where they are getting COLA raises and performance raises but they are getting bonuses that are tied to their performance, and how they are working and how their city is going, so we are in that position, we do not want to go there. But I feel the dollar amount we are talking about for a raise here, for over a 7 year period, just may be warranted. He is an employee and we have to give some form of..., otherwise we really don't need the evaluation, because if we do not agree to increase his salary by performance then we should not. We do not need to do performance and one day we come in here and say "Ok Mr. Landon have a nice day" or whoever the City Manager is. So I am a little torn on this because we are talking about a little amount of money when you calculate it over 7 years, it is about a \$500 or \$600 increase per year. I am ok with that. You have to take care of your employees, if you do not take care of your employees, you don't show any sign of appreciation, you don't show any signs. You are in a losing battle and like I said in a person's position at this level, it is more usually a bonus structure but we do not do bonuses so we should have the next step which is some form of increase. I know I am going to get a lot of flack, I can see my email bing, bing, bing but I want people out there to forget who the City Manager is and it is just the position, so just because you may not like Mr. Landon, that is not a reason for treating somebody in an improper manner as an employee that you have to deal with.*

*CM DeLorenzo-As a follow up. As part of the budget emails we got this week, followed by questions at the workshop, there were total pay increases and total merit pay increases that were being offered to the employees. That totals up to, divided by 400, which is roughly the size of our organization, about \$700 per year per employee. See it's not that different of a number, around \$700 and works out to be about \$13 per week. This is \$5000. I know you are saying it is small but in the big scheme of things it is not a large number but....*

*CM DeLorenzo-Recently in talking with some residents about the City Attorney contract, you know we increased that contract, I used the exact same scenario as you did but yes, we have had this attorney for this year and they had not had a raise in this period of time, so really it is not a 15% raise it is a 3% raise over a 5 year period. Same kind of way of thinking and I understand what you are saying but I still say the current salary is within the appropriate range.*

*Public Comments:*

*Louis McCarthy-At any time can the Council turn around and increase his salary at any time?*

*Vince Liquori-Hired this gentleman at a salary level and it is unfair to say that he should not get a raise, look at his accomplishments and the goals. If he has met all the accomplishments and goals then he is deserving of a raise.*

*Anita Moeder-Believes Mr. Landon does a great job but would like to see improvements in the County relationship.*

*Robert MacDonald-What is the 3% based on, his base salary or his salary including benefits?*

*George Mayo-In the 5 years, there has been harmony amongst City Council and City Manager. I do not know the behind the scenes, but nothing shows here, I mentioned before what is happening in other local communities. They just had to get new*

managers in Bunnell and Flagler Beach. Many times they hire the next City Manager above what the previous manager was making. I do not know all of your previous employment records if you are self employed or work for somebody but I know that I, if I worked for someone for 7 years and did my job and got no raise what-so-ever, that would give me pause for thought about going somewhere else. Should he decide to do that and feel unappreciated for what he has done here in this growing community, the cost of filling in for him and then the review process well outweighs giving him a \$5,000 raise. Supports a raise.

Ron DeCosta-Firmly believes that the City Manager has done a fantastic job and he deserves a raise. Supports a raise.

#### Responses to Public Comments

Timing of an increase-Ans: Attorney Reischmann-Your contract speaks to that. This is the original contract, there have not been any amendments to the contract on this issue. Section 3(2) states the parties agree that if there is to be an increase in the base salary, and/or benefits, that is up to the City Council, in its' sole discretion on the basis of an annual evaluation and salary review. Then it goes on to say that the annual review shall be done on the anniversary date of employment. It seems to me the contract says you cannot just do it at your discretion. I think that is addressed pretty clearly in the contract section that I just read.

What is the proposed salary based on? Ans: Ms. Cullen-It is based on his base salary.

Mayor Netts-I think it is important for everyone to understand that for the past 7 years, it is not that City Council has not given the City Manager a raise, it is that the manager understanding the circumstances that all local governments were in with the recession, did not ask for a raise. To me that is very telling because, you CM McGuire are aware of this, in the corporate world, your corporation could be losing money and the CEO gets a huge raise, that was not the case here.

Attorney Reischmann-Just to add one more, getting back to the contract. In Section 17 of the contract, this was the basis for the first and only prior amendment to this contract. It had to do with sick leave and the benefits associated with that. You discussed this paragraph at that time. It states unless otherwise provided in this agreement, so you go back to the section I referenced before, the employee shall be entitled to the highest level of benefits that are enjoyed by the department heads of the employer as provided in the City Charter, Code and personnel rules and regulations or by practice of the City of Palm Coast. That does not bind your hands as to the compensation but it has factored into your consideration in the past as to the sick leave issue which was in the first amendment to this contract, and that was done about a year or so ago.

Mr. Landon-Mayor, I would like an opportunity to address City Council before a vote. Mayor Netts-Go ahead.

Mr. Landon-This is the most distasteful part of my job. I will tell you that of all things put yourself in my position of being evaluated and talking about your pay publicly. It is part of the job, I understand it is part of the job. But I am your employee. I had someone recently and that is why I really came up with the decision to ask for a pay raise and that employee said I can't imagine someone working for me and not giving them a pay raise in 7 years. That is kind of telling as far as how the workplace works. The concept that he is his within his pay range-every one of them sitting back there are within their market range, so this year, I will tell them all, no you are getting close to what others are making so that is grounds for not having a pay raise, that is not



how the system is supposed to work. I have, and it was my decision, in 7 years, not asked for a pay raise. I like my job, I love it here and that was part of that decision-very, very uncommon. Yes during the hard times when other people were not getting a pay raise, the City Managers were not getting pay raises also. Those times are behind us. I will tell you that to say I am doing a good job or that I am meeting expectations but no you do not get a pay raise, that is just not how the workplace works and how you treat your employee is the position you are put in right now. And if you have an employee who is meeting your expectations, you feel they are doing a good job, there should be some additional compensation if the organization has the financial means to make that happen, and that the revenue is going in the right direction and that growth is happening, and those types of things. I strongly believe that and that is how we treat all of our employees. I have treated myself differently and I have asked you to treat me differently in the past but I do think with the current financial situation of the City today, it is time to change at least my position on whether or not your City Manager, whether it is me or anybody else should be considered for a pay raise each year. I also will take this opportunity because I know it is out there as to how much do you pay a city manager and am I overpaid, underpaid, it is a competitive market, all those things. It should be based on the market out there that is one criteria. I will give you a couple of other criteria as far as to how city managers' salaries are determined. Two of them, in my opinion, one is experience and the person's historical performance. I have been doing this, in local government, for close to 35 years or close to it. Twenty five years of that is as a city manager. This is my profession, I have grown a great deal in this profession. Yes, you can look at what other city managers make but to find someone with my background and experience for what I make will not be easy for you, not impossible, but won't be easy in my opinion. Secondly is performance, if you look at my history, something unusual for me, I have never been fired. Never been let go from a job. Not a whole lot of city managers or county administrators can say that. I have been very successful in my career by climbing the ladder, which means going from smaller cities to larger cities. I have chosen not to do that after I got to Palm Coast. That does not mean that well, I should just keep the same compensation forever because I have chosen not to go on to the next level. And there are higher levels out there than Palm Coast as far as population and salaries are concern but I do think that as far as this organization is concerned, you have a premiere organization here, National and State recognition, the taxes-how low we keep the taxes and how we stretch the dollars here in Palm Coast. I am very, very proud of that and how where we are today compared to where we were 10 years ago when I started here. Take a look at it, how we have grown as an organization and as a community. I am very proud of that. I do think those are the factors that should go into whether or not someone deserves a pay raise. I get the politics of it, I get that he makes too much money, I get the perception but your job as a Board of Directors for a municipal corporation to make decisions based on, not the public perception or politics, but what does your city manager deserve? I would ask that you take that into consideration before you vote. Thank you.

CM McGuire-I empathize with what Mr. Landon is saying, the question before this Council is does the job that is required from the city manager is that job well compensated for, not did he do really great or not so good but at the end of the what should the job pay. I think now in this year, the compensation for the city manager is about right. I think when I came into this office the salary of the city manager was higher than it should have been. Be that as it may, we stayed with it, we worked with it now I think it is where it ought to be. I think in years to come if Mr. Landon continues to perform as he does, I think an increase in pay is certainly well due. Again, I say the compensation for what Mr. Landon is receiving is in keeping with what it should be and I think a lot of Mr. Landon, I told him so, I had a few criticisms that I have shared with him but at the end of the day-today, what we pay our City

*Manager is about right. In about a year or two it probably won't be. Five years ago when I came to this Council, it was my opinion, and I did not share it with anybody, but it was my opinion it was too high.*

*VM Shipley-The whole evaluation process needs to have some kind of finality to it. I would hate to think we did all this evaluation and we get nowhere from it. I think there are things that we have issues with or we have concerns about that we can address and maybe look back at this. This is something that goes back to February where we were going to do the raise back to February 2016 so maybe we need to sit with him one on one, I know we do that all the time but just address some of those concerns and maybe we should look at this later. I understand someone wanting a raise after 7 years, I get that. I think Palm Coast is doing great and it is a political thing where we hear from everybody, nobody wants taxes to go up, nobody wants to hear that somebody is making so much more than them because we do not have those kinds of pays here in Palm Coast, so I get that but I would like to at least know that putting everything into this evaluation stood for something and we can take that and make goals for what we are looking for and what we can change in the future.*

*CM DeLorenzo-I think what I am hearing from a couple of Council Members is concerns about not the goals and how our goals are being accomplished, ok, but more on the personal side what is happening there and how will that be addressed in the future. I say that so if you continue to use this evaluation, you will be able to re-evaluate those personal traits, personal concerns and rate them accordingly year after year and then you will have consistent review. You may see differences there, so you will be able to separate, is the City operating well, are all the goals being met, is personal growth occurring? You will be able to see that for yourself, if the evaluation you use is used consistently.*

*VM Shipley-I think it needs to be. It was important that we did it this year but like you said, you have to see that it has changed some. That is the only purpose I can see for an evaluation.*

*Mayor Netts-I am going to offer one final comment. Not going to ask Mr. Liquori to comment on this but upstairs on my desk there is a handwritten memorandum by Vince Liquori that was put before City Council when we were in the process of hiring Mr. Landon. He did an analysis of all applicants at the time we hired Mr. Landon and his salary request was right in the middle. Some were higher and some were lower. I think that City Council has done an admiral job at providing direction to the City Manager. I think the City speaks for itself in that respect. I think the City Manager has taken the direction that City Council has given and has implemented things that have made Palm Coast what it is. We did an evaluation, we did not do one for a number of years because there was no request for a raise, but clearly the contract relates there is a nexus between a potential raise and an evaluation. We have an evaluation for him and it shows that on every issue the City Manager meets or exceeds expectations, if you had an employee who meets or exceeds expectations, then I think that employee is entitled to a raise in compensation. Is there a Motion on the table?*

*There was motion made by CM Nobile and Mayor Netts yielded the gavel to Vice Mayor Shipley to second the motion. Motion failed.*

*Mayor Netts received the gavel back.*

**A motion was made by Council Member Nobile, and seconded by Mayor Netts, that the Resolution be Failed. . The motion FAILED**

**Approved:** 2 - Mayor Netts, and Council Member Nobile

**Denied:** 3 - Vice Mayor Shipley, Council Member DeLorenzo, and Council Member McGuire

### 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.

10:26

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

- 8     [16-231](#)           RESOLUTION 2016 XX APPROVING THE PRICE AGREEMENT WITH ALPHA GENERAL SERVICES, INC., FOR PEP SYSTEM REPLACEMENT PUMPS

Enactment No: R2016-67

- 9     [16-263](#)           RESOLUTION 2016-XX APPROVING BUDGETED PURCHASES FOR TECHNOLOGY, EQUIPMENT, MAINTENANCE AND LICENSING FOR FISCAL YEAR 2016

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: R2016-68

### 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.

*Steve Carr provided a handout, attached to these minutes relating to Florida Park*

*Drive traffic.*

*Vince Liquori-provided pictures relating to swale issues in his neighborhood and wildfire mitigation.*

*CarMichael McMillan-Public Records request relating to old IRS documents and corruption on a former employee.*

*Louis McCarthy-worried about Mr. Landon leaving because Council did not approve his well deserved raise.*

*George Mayo-Bus safety pads for children, more than what Mr. Landon was requesting. Hopes this can come back in the near future and recognize the excellent job Mr. Landon has done for the City by compensating him.*

*Jack Carall-Marijuana issue.*

*Ron DeCosta-Upset at the vote relating to Council's decision to deny Mr. Landon's request for an increase. Hopes Mr. Landon does not leave as the City is in excellent shape.*

*Responses to Public Comments:*

*Clarification on Florida Park Drive-Mayor Netts-You do not designate a road as a collector and then as a consequence get traffic. Collector is a description of existing traffic conditions. The actions that City Council took in the past, re-designating a road as a result of traffic not to encourage traffic.*

*CM DeLorenzo-I spoke with a resident of Florida Park Drive that has been a resident on Florida Park Drive for the past 20 years and that resident is happy with the traffic. He was from NY and said "A busy road is a safe road and I like it just how it is." So although Mr. Carr feels that traffic is an issue, that is his opinion and not everyone's opinion.*

*Ordinance related to unimproved lots-Mayor Netts-I would yield to the attorney on property rights but I will tell you that early on City Council made a decision that unimproved lots could not/should not be cleared because of the maintenance and drainage issues. When there is ground cover, whether there be trees, shrubs, bushes, those properties tend to remain intact in heavy rain. You clear it and the susceptibility for erosion becomes very great. It is certainly something Council could look at but I question whether or not what was proposed would be consistent with private property rights.*

*CM Nobile-I share Mr. Liquori's concerns. I live in a low density area and I agree with you Mayor, that while I am not looking at clearing the lots but the roadside maintenance, there needs to be more. The houses are well maintained but the vacant lots are a mess. It seems like 10 or 15 feet beyond the easement, it is not growing properly, it is causing a blight, then the streets are affected.*

*Attorney Reischmann-This is not something that has been addressed in an ad-hoc fashion, there is actually something in the code currently. Under Chapter 25 Article 4 -Wildfire Hazard Mitigation. It defines a fire hazard in an undeveloped vacant lot and parcel and provides remedies as well.*

*Public Records-Mayor Netts-The City Manager, the City Attorney and the City Clerk should begin an investigation immediately into Mr. McMillan's charge that someone is incompetent in City staff with regard to his not getting his public records request.*

*Attorney Reischmann-As I understand it, Mr. McMillan was not accusing staff of being incompetent and he can speak for himself but he was saying he needs the records in order to investigate some incompetence or whatever on behalf of someone who is apparently running for office. As far as the public records request goes, the City has received several public records requests from Mr. McMillan regarding some tax information, older tax information from quite some time ago and we did respond, I want to make sure the record is correct, we did promptly respond. The response was there are no such records responsive to his public records request or if they existed at some point in time, they have been destroyed as is allowed by Chapter 119. there is a records retention under Chapter 119 and after you get to that point in time, it depends on the record you are talking about, then you no longer have to maintain. If there is additional information, we work very hard to comply with Chapter 119 and Chapter 286, so if there is additional...*

*Ms. Smith, City Clerk-I have had dialogue back and forth with Mr. McMillan with respects to this specific request. We did locate some previous documents in further speaking with Mr. McMillan and I have records to provide him that have to be redacted and approved by the City Attorney that the way that I redacted those records are good to go. I am just waiting to meet with him later this afternoon.*

*Mayor Netts-My mistake, I apologize.*

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

*Mayor Netts-request to participate in the Veterans Day ceremony with the Vietnam's Traveling Memorial Wall. I would recommend that since we have already committed to our ceremony to individuals that we also participate in the County's ceremony. The times do not conflict. Our ceremony is 8:00 am and Mr. Parker what time is yours? Ans: Mr. Parker-10:00 am. Mr. Landon-The times do not conflict. There are actually two dedications scheduled for Veterans Day. One is for a new name on the Hero wall at Heroes Park, a veteran. The family requested that their name be dedicated on Veterans Day. We have been coordinating with them to make that happen. The other is a presentation that you all saw on the post traumatic stress syndrome memorial at Heroes Park. They have plans of unveiling the new memorial.*

*CM McGuire-Council Members' oaths and decisions, I believe I have diligently upheld my duties. It is not always easy. How do you not vote for a raise for a man that you admire and respect but after reflecting on what is best for the City that seemed to be the course of action to take. Also, (CM McGuire) submitted his resignation effective August 15, 2016. He is moving back to Missouri.*

*CM DeLorenzo-Unimproved lots-we have our transportation impact fee study. We asked our consultant to look at opportunities to look to incentivize infill; for one that would save us a lot of money, if we can continue to have the housing fill in our platted areas that means less infrastructure to build at least over the short term, so that may have an effect and that may help fill in those lots and improve the density and the aesthetics in the area by naturally having growth.*

*Mayor Netts-Charter duty to replace CM McGuire. Attorney Reischmann provided guidance relating to charter requirements.*

*Mr. Landon provided the past history of replacing a Council Member due to a vacancy.*

*Mr. Landon-Will add an item relating to the process to workshop agenda.*

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

*Thanked CM McGuire for his service on behalf of his firm and (presumptively) the citizens.*

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

*Food Truck Tuesday is today. It is also Rec & Parks month; lots of activity going on in our Rec & Parks Department.*

**H. Adjournment**

*The meeting was adjourned at*

*Respectfully submitted,  
Virginia Smith, City Clerk*

**Calendar and Worksheet**

[16-279](#) MEETINGS CALENDAR AND AGENDA WORKSHEET

[16-284](#) ATTACHMENTS TO MINUTES