



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 William Lewis
Council Member Bill McGuire
Council Member Frank Meeker
Council Member Jason DeLorenzo

Tuesday, October 2, 2012

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.

>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 199.

>All pagers and 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. All members were present.

Present: 5 - Mayor Netts, Vice Mayor Lewis, Council Member McGuire, Council Member Meeker, and Council Member DeLorenzo

Approval of Minutes

1 [12-790](#)

MINUTES OF THE CITY COUNCIL'S:

- A. September 18, 2012 City Council Business
- B. September 19, 2012 City Council Special Meeting
- C. September 25, 2012 City Council Workshop

Attachments: [September 18, 2012 Business Meeting](#)
[September 19, 2012 Special Business Meeting](#)
[September 25, 2012 Workshop](#)

A motion was made by Council Member DeLorenzo and seconded by Council Member Meeker that the Minutes be approved as presented. This motion was approved by the following vote:

Approved: 5 - Mayor Netts, Vice Mayor Lewis, Council Member McGuire, Council Member Meeker, and Council Member DeLorenzo

Proclamations and Presentations

2 [12-789](#)

PRESENTATION OF THE 2012 INTRACOASTAL WATERWAY CLEANUP

Mr. Landon provided a brief overview to this item. Ms. Bevan provided a PowerPoint presentation, which is attached to these minutes. Ms. Bevan distributed the awards to the winners of the event.

The Presentation was Received and Filed.

ORDINANCES 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

3 [12-763](#)

ORDINANCE 2012-XX RELATING TO PROHIBITING THE DISPLAY, SALE, AND DISTRIBUTION OF SYNTHETIC HERBAL INCENSE AND BATH SALT PRODUCTS

Attachments: [Ordinance Synthetic Marijuana and Bath Salt Final](#)

City Attorney Reischmann read the title into the record. Mr. Landon gave a brief overview to this item.

Captain Carman-has only received positive feedback from the public on this Ordinance. Corporal Apperson provided an article on Synthetic Marijuana, which is attached to these minutes.

*Public Comments:
Jack Carall-Good work.*

A motion was made by Council Member McGuire and seconded by Council Member Meeker that the Ordinance be adopted on Second Reading. This motion was approved by the following vote:

Approved: 5 - Mayor Netts, Vice Mayor Lewis, Council Member McGuire, Council Member Meeker, and Council Member DeLorenzo

Enactment No: O2012-10

Resolutions

4

12-778

RESOLUTION 2012-XX APPROVING A CONTRACT WITH C AND C POWER LINE, INC., IN THE AMOUNT OF \$733,375.00 FOR INSTALLATION OF AN ELECTRICAL DISTRIBUTION SYSTEM TO SERVICE THE WTP#3, PHASE 2 WELLFIELD.

Attachments: [Resolution C and C Power Line Inc.](#)
[Contract Summary - C and C Power Line](#)
[Elect Dist Bid Tabulation](#)
[Phase 2 well field-Map](#)
[Bid Recommendation for Electrical Distribution](#)

Mr. Landon gave a brief overview to this item. Richard Adams and Steve Flanagan provided a PowerPoint presentation, which is attached to these minutes.

CM DeLorenzo-Have we been reimbursed the money paid to FP&L? Ans: Mr. Flanagan-Yes.

VM Lewis-Are there any sub-contractors? Ans: Mr. Flanagan-As part of C&C Power Line? Not that the City is aware of.

CM McGuire-Other than the \$733,000, what other expenses will the City incur until these wells are brought on-line? Ans: Mr. Flanagan-We have a separate agreement with FP&L modifying the system, so we still have to pay a connection fee to FP&L, rough estimate is \$50,000.

CM McGuire-How will the cost compare with the original estimate to get this up and running? Ans: Mr. Flanagan-The construction of Phase 2 Wellfield was \$2.6 million. Mr. Flanagan provided a summary on the electrical cost.

VM Lewis-Since Rayonier was one of the participants in the project, is there any way we can get them to offset the costs? Ans: Mr. Flanagan-Not that the City is aware.

CM McGuire-What are the alternatives prior to the Council approving this item? Ans: Mr. Flanagan-Staff spent a lot of time trying to get FP&L and Rayonier to come to an agreement. There were many discussions with attorneys and political representatives from St. Augustine to see if they could assist in a resolution to this issue.

CM Meeker-The \$423,000 part of the contract compared to the \$733,000-are they

equivalent services? Ans: Mr. Flanagan-Yes.

CM Meeker-Are the 12 wells in? Ans: Mr. Flanagan-Approximately 85% of the wells are completed.

CM DeLorenzo-Is there a way to protect ourselves in the future on these easements? Ans: Mr. Flanagan-We put language in our Easement Agreements with FP&L for FP&L and Rayonier to work together on these easements. We will look to put in stronger language in future projects.

Public Comments:

Louis McCarthy-Is there a projection of return cost? How long will it take to get some of our money back?

Jack Carall-Is this underground wiring?

Syd Smith-If this City puts it in, won't the City be liable? Who maintains this?

Viviana Gamairo-Someone will have to pay for this. Will it be in our electric or water bill?

Responses to Public Comments:

Louis McCarthy and Viviana Gamairo-Return of investment and who will pay for this.

Ans: Mr. Landon-This is part of our capital projects, the rate payer will pay for this overtime. Adequate water supply is the return of investment, no revenue generated from this other than the sale of the water.

Jack Carall-Wiring

Mr. Landon-This is above ground wiring.

Syd Smith-Maintenance

Mr. Flanagan-The City will have a maintenance contract to maintain the electrical system.

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

Approved: 5 - Mayor Netts, Vice Mayor Lewis, Council Member McGuire, Council Member Meeker, and Council Member DeLorenzo

Enactment No: R2012-81

Consent Agenda

- 5 [12-779](#) RESOLUTION 2012-XX APPROVING THE AFFORDABLE HOUSING INCENTIVES REPORT FOR INCLUSION INTO THE LOCAL HOUSING ASSISTANCE PLAN FOR THE STATE HOUSING INITIATIVES PARTNERSHIP (SHIP) PROGRAM.

Attachments: [Resolution Affordable Housing Incentive Report](#)
[Affordable Housing Incentives Report](#)

A motion was made by Vice Mayor Lewis and seconded by Council Member Meeker that the Resolution be adopted on Consent. This motion was approved by the following vote:

Approved: 5 - Mayor Netts, Vice Mayor Lewis, Council Member McGuire, Council Member Meeker, and Council Member DeLorenzo

Enactment No: R2012-82

- 6 [12-777](#) RESOLUTION 2012-XX APPROVING THE SECOND AMENDMENT TO THE PALM COAST FIBERNET BROADBAND NETWORK RATE SHEET.

Attachments: [Resolution Amend FiberNet Rate Sheet](#)
 [Amended Rate Sheet](#)
 [Fibernet Design Nine Report](#)

A motion was made by Vice Mayor Lewis and seconded by Council Member Meeker that the Resolution be adopted on Consent. This motion was approved by the following vote:

Approved: 5 - Mayor Netts, Vice Mayor Lewis, Council Member McGuire, Council Member Meeker, and Council Member DeLorenzo

Enactment No: R2012-83

- 7 [12-746](#) RESOLUTION 2012-XX APPROVING THE MOU WITH THE FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES, THROUGH THE FLORIDA FOREST SERVICE, FOR THE OPEN BURNING OF NON-AGRICULTURAL LAND CLEARING AND/OR YARD WASTE DEBRIS WITHIN THE CITY OF PALM COAST.

Attachments: [Resolution MOU Open Burning](#)
 [MOU Opening Burning](#)

A motion was made by Vice Mayor Lewis and seconded by Council Member Meeker that the Resolution be adopted on Consent. This motion was approved by the following vote:

Approved: 5 - Mayor Netts, Vice Mayor Lewis, Council Member McGuire, Council Member Meeker, and Council Member DeLorenzo

Enactment No: R2012-84

End of Consent Agenda

D. Public Participation

After the Mayor calls for Public Participation, each member of the audience interested in speaking on any topic not on the agenda shall come to the podium, state their name and will have up to three (3) minutes 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.

Jack Carall-County approved Half-cent sales tax-how will that affect the City's budget?

Ms. P. Joseph-Code issue color of house-what is the appeal process?

Louis McCarthy-SR 100 and Seminole Parkway-needs a sign.

Viviana Gaimaro-Smart Meters-is it mandatory? Do we have a choice?

Mr. Lewis-Why is a new owner subjected to past bills?

Antonio Amaral Jr-Would like to request the City impose a moratorium on impact fees.

Richard Schaffer-Opposes Red light cameras.

Bob Brownen-Thanked Mr. Landon and Mayor Netts for stopping those who do not like to stop at red lights in our City.

Shaun Burns-Thanked Council for the red light cameras.

John R-Red light cameras-still opposes the red light cameras. Yellow light timing issue.

Charlotte Robinstein-What is the life expectancy of the wells?

Responses to Public Comments:

Jack Carall

Mayor Netts-the half cent sales tax was not in our budget, no refunds, the City will get some revenue that was not anticipated in the budget.

Ms. Joseph

House colors-Mr. Abreu was discussing the issue with Ms. Joseph.

Jason DeLorenzo-are we changing with the times? Can we discuss this at a workshop to accommodate for current house styles?

Viviana Gaimaro

Smart Meters-Mayor Netts-No City or County in Florida has any jurisdiction over the electric utilities. Opt out of the smart meter-has a call in to the Public Service Commission. The short answer is FP&L is installing a meter that is legal and within their rights.

Mr. Lewis-

Utility liens

Mr. Adams-Base charges accumulate when a house is empty and they cover our general overhead expenses. The property incurred the expense.

Mr. Amaral

Impact Moratorium-will discuss at the next workshop.

Red light cameras-

Mayor Netts-It was never about revenue and always about safety. We have local statistical data that show the violations have drastically reduced since the inception of red light cameras. The money is not put in the General Fund it goes toward the Street fund to continue with safety. Yellow timing-yes the Uniform Traffic Manual states the timing length and the City insists that our timing is within those limits. Mr. Landon-our

timing is 4 seconds or longer and yes we check them to make sure they are 4 seconds or longer.

Charlotte Robinstein

Well expectancy-Mr. Adams-the parcel of land is forever, the whole in the ground with the casing is approximately a 30 year life expectancy. The pipeline that connects has approximately a 50 year life expectancy.

CM McGuire-Is any of the routine maintenance completed by City employees? Ans: Yes.

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

CM McGuire-Has taken on a personal project of learning more about our stormwater system.

CM DeLorenzo-Seminole Woods sign-we have a master plan and we will eventually get to it. Seminole Woods Path? Ans: Mr. Landon-We have budgeted approximately \$150,000 for construction. We are moving forward and should see some construction in the beginning of 2013.

CM Meeker-APP's for the smart phones-radio police scanner. Can we use these APP's to hear about Flagler County? Ans: Captain Carman-we are digital. The safety issue-we have reverse 911 and Code Red. To get Code Red you can call the dispatch center and get put on the list.

CM Meeker-Has the City responded to Mr. McDonald's email relating to the Grand Livings project regarding rezoning? Ans: Mr. Landon-Staff has spent many hours responding and providing for Mr. McDonald's requests.

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

Cause for Paws-very successful event this past Saturday.

Small Business Saturday is this Saturday-spend your dollars locally.

Soccer Tournament-Saturday 95 teams are signed up, event to be held at Indian Trails Sports Complex.

Gymnastics Tournament-Saturday and Sunday 2nd Annual US Gymnastics Sanctioned meet at Flagler Palm Coast High School

October 20 and 21

Pumpkin Shoot Out-LaCrosse Tournament

Golf Tournament

Running Series for Pink Army kicks off.

H. Adjournment

The meeting was adjourned at 8:18 p.m.

Respectfully submitted,

Virginia Smith, City Clerk

ATTACHMENT TO MINUTES

12-791 MEETINGS CALENDAR AND AGENDA WORKSHEET

Attachments: [Meeting Calendar](#)
[Worksheet](#)

12-794 ATTACHMENTS TO MINUTES

Attachments: [Item 2 ICWW Cleanup Results](#)
[Item 4 Electrical Distribution](#)