



# City of Palm Coast

Palm Coast  
Community Center  
305 Palm Coast Pkwy., NE  
Palm Coast, FL 32137  
palmcoastgov.com

## Meeting Minutes

### City Council

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

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**Tuesday, October 6, 2015**

**6:30 PM**

**Palm Coast Community Center**

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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.

>In accordance with the Americans with Disabilities Act, persons needing assistance to participate in any of these proceedings should contact the City Clerk at 386-986-3713 at least 48 hours prior to the meeting.

>City Council Meetings are televised on Bighthouse Networks Channel 199.

>All cell phones are to remain OFF while City Council is in session.

#### **A. Call to Order**

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

**Excused:** 2 - Mayor Netts, and Council Member Shipley

**Approval of Minutes**

- 1     [15-409](#)           MINUTES OF THE CITY COUNCIL'S:
  - A. September 15, 2015 City Council Business
  - B. September 23, 2015 City Council Special Meeting (Budget)
  - C. September 29, 2015 City Council Workshop
  - D. September 29, 2015 City Council Special Meeting

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

**Approved:** 3 - Vice Mayor McGuire, Council Member DeLorenzo, and Council Member Nobile

**Excused:** 2 - Mayor Netts, and Council Member Shipley

**PRESENTATIONS**

**Proclamations and Presentations**

- 2     [15-401](#)           PRESENTATION OF THE 2015 ANNUAL INTRACOASTAL WATERWAY CLEANUP RESULTS
 

*Ms. Denise Bevan presented a PowerPoint presentation, which is attached to these minutes.*

**The Presentation was Received and Filed.**

**ORDINANCES, RESOLUTIONS, AND PUBLIC HEARINGS**

Order of Business for Public Hearings (Council may make inquiries at any stage):

- Open Hearing
- Staff Presentation
- Applicant Presentation (if applicable)
- Council Questions of Applicant (if applicable)
- Public Comments/ Presentations
- Rebuttal by Applicant (if applicable)
- Close Hearing
- Council Discussion
- Council Action

**Second Reading**

- 3     [15-341](#)           ORDINANCE 2015-XX ROBERTS ROAD WEST ANNEXATION
 

*City Attorney Reischmann read the title into the record.*

*Mr. Landon gave a brief summary of the item.*

*There were no public comments.*

**A motion was made by Council Member DeLorenzo, and seconded by Council Member Nobile, that the Ordinance be Adopted on Second Reading. The motion was adopted by the following vote:**

**Approved:** 3 - Vice Mayor McGuire, Council Member DeLorenzo, and Council Member Nobile

**Excused:** 2 - Mayor Netts, and Council Member Shipley

Enactment No: O2015-11

## Resolutions

### 4 [15-403](#)

RESOLUTION 2015-XX APPROVING PARTIAL PLAT VACATION - OWNERS, FIRST AFRICAN METHODIST EPISCOPAL CHURCH (AME)

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

*VM McGuire-What does mix use mean? Ans: Ms. Bentley-Mixed use is the future land use which is the larger umbrella for commercial type uses.*

*CM DeLorenzo-There are 21 individual easements in place now and this will make one big one? Ans: Ms. Bentley-You have 21 lots that are covered by one 10 foot utility/drainage easement.*

*CM DeLorenzo-Are we going to need additional road-right-of-way on the west side of Old Kings Road for the future 4-laning of it? Ans: Ms. Bentley-If we need additional right-of-way and things of that nature, it would have no bearing on the vacation of this plat; that is not a factor on this vacation, you would still need to obtain it from the property owner. Mr. Landon-We have talked to our engineers about this and we do not anticipate needing right-of-way at this location.*

*VM McGuire-What will happen on the lots that are not being built on? Ans: Ms. Bentley-Once you vacate the plat, it will be one piece of property with the church building on there. Should they choose to build assessed structures they would have to follow the requirements of the land development code and go through a site plan review just as any other development would do.*

*VM McGuire-Will they put in a paved parking lot? Ans: Ms. Bentley-They have not indicated a parking lot as a use. There has been mention of a columbarium for this property,*

*VM McGuire-So we are considering a columbarium for this property? We are going to put human remains on this property? Ans: Ms. Bentley-That is a use that they have been discussing but they have not brought that forward in an application for that use.*

*CM Nobile-On the PowerPoint, 18 through 21 are separate lots right now? Ans: Ms. Bentley-Those lots have the church structure on there and are bound (4 lots are bound).*

*There were no public comments.*

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

**Approved:** 3 - Vice Mayor McGuire, Council Member DeLorenzo, and Council Member Nobile

**Excused:** 2 - Mayor Netts, and Council Member Shipley

Enactment No: R2015-108

5 [15-404](#)

RESOLUTION 2015-XX APPROVING THE BINDING LOT AGREEMENT FOR APPLICATION BL-COM-15-25 TO BIND LOTS 25, 26 AND 27 OF SECTION 59, BLOCK 32, MAP OF SEMINOLE PARK

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

*CM Nobile-Why are the numbers not matching? Ans: Ms. Bentley-Those are the address that the property appraiser uses.*

*CM Nobile-The binding of these three lots, will that give the ability to change, how will that affect what can be put on the land, as far as structures? Ans: Ms. Bentley-The way it affects the land is that it becomes one lot for that single family residence. This is taking three lots and making them one.*

*CM Nobile-They have to abide by all codes? Ans: Ms. Bentley-They have to abide by the Land Development Code (LDC). They would be allowed to have an accessory structure but it would be treated like one single lot.*

*VM McGuire-In your opinion, I know you are not the Property Appraiser, but will this action increase the property value in the area? Ans: Mr. Landon-What it does is it takes the 3 lots with a potential of 3 homes and makes it one lot with the potential of one home. So, ultimately if you had 3 houses you would have a higher value than if you had one house.*

*CM Nobile-You would have tax value, because the value does not change, they only look at house sales.*

*Public Comments:  
How does this affect the tax on this?*

*Responses to Public Comments:  
Tax base affect-Ans: Mr. Reischmann-My assumption is that they were receiving 3 tax bills, one larger (the house bill) and the other two have undeveloped lots. The Property Appraiser will have to re-assess the value of the land. I cannot speculate on how that will change.*

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

**Approved:** 3 - Vice Mayor McGuire, Council Member DeLorenzo, and Council Member Nobile

**Excused:** 2 - Mayor Netts, and Council Member Shipley

Enactment No: R2015-109

**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 Approve the Consent Agenda. The motion was approved by the following vote: This motion passed unanimously**

**Approved:** 3 - Vice Mayor McGuire, Council Member DeLorenzo, and Council Member Nobile

**Excused:** 2 - Mayor Netts, and Council Member Shipley

- 6**     [15-372](#)            RESOLUTION 2015-XX APPROVING THE CONTRACT WITH ENVIRONMENTAL LAND SERVICES FOR LIME SLUDGE TRANSFER AND STACKING SERVICES AT WATER TREATMENT PLANT 1
- The Resolution was adopted on Consent.**
- Enactment No: R2015-110
- 7**     [15-373](#)            RESOLUTION 2015-XX APPROVING A PRICE AGREEMENT WITH CARMEUSE LIME AND STONE FOR HIGH CALCIUM BULK QUICKLIME
- The Resolution was adopted on Consent.**
- Enactment No: R2015-111
- 8**     [15-386](#)            RESOLUTION 2015-XX APPROVING THE AFFORDABLE HOUSING INCENTIVES REPORT FOR INCLUSION INTO THE LOCAL HOUSING ASSISTANCE PLAN FOR THE STATE HOUSING INITIATIVES PARTNERSHIP (SHIP) ACT
- The Resolution was adopted on Consent.**
- Enactment No: R2015-112
- 9**     [15-397](#)            RESOLUTION 2015-XX APPROVING ADDITIONAL EXPENSES RELATED TO THE PA-1 REPLACEMENT PROJECT
- Jack Carall requested this item be pulled from the consent agenda.*
- Public:*
- Mr. Carall-What is a PA-1? Ans: VM McGuire-It is the weir that is located at the corner of Belle Terre Parkway and Pine Lakes Parkway.*
- CM Nobile-Does this contract clearly state that this additional work is outside the scope of the contract? Ans: Mr. Brennan-Yes, sir.*
- CM Nobile requested an explanation, how it is determined that this is outside of the scope of the contract? Mr. Brennan-It exceeded the amount of spoil that was taken out. CM Nobile-That was defined? Ans: Mr. Brennan-Yes and anything above that was extra.*
- CM Nobile-A statement was made last week at the workshop regarding that the other*
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*bids were so much higher because they anticipate that and I was a little, I don't think somebody would do that because it is not, you wouldn't bid for what might happen if it is clearly defined in the contract that this is all you are moving here. Ans: Mr. Brennan-Well it is kind of similar to Lehigh Canal spoil removal where one contractor can probably remove it a lot cheaper than another contractor.*

*CM Nobile-But it has nothing to do with possible over costs that would run against them? Ans: Mr. Brennan-You cannot tell. The first time this was built, the contractor threw a wild figure out there, figuring he would not get the bid and he was the only bidder.*

*Public Comments:*

*Ralph Lightfoot-Are we absolutely certain that this will be the fix?*

*Louis McCarthy-I think it would be beneficial to see the pictures of before and after.*

*Responses to Public Comments:*

*Mr. Brennan presented a PowerPoint presentation, which is attached to these minutes, depicting the project.*

*CM DeLorenzo-It should be noted this added cost, because the engineer said we should follow a different process to de-water, let it re-water to repack itself, de-water and let re-water to pack itself, so this what not anticipated, plus the length of the sheet pile itself, the engineer changed along the way due to what was found underneath and how it was previously constructed? Ans: Mr. Brennan-This project started out as a rehabilitation project and rapidly turned into a replacement project where we had to go back down to good earth and firm up what we could not get good to make it good so that we could assure ourselves that this weir would remain. This weir is about 10 feet deeper than the previous weir and it is about 10 feet wider. It is heavier with a 1 foot concrete cap on top of it. I do not anticipate it going anywhere, anytime soon.*

*VM McGuire-Mr. Lightfoot I think it is safe to say we have done our best.*

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

**Approved:** 3 - Vice Mayor McGuire, Council Member DeLorenzo, and Council Member Nobile

**Excused:** 2 - Mayor Netts, and Council Member Shipley

Enactment No: R2015-113

**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.**

*John Brady-Supports a charter review. Recommends a charter review committee.*

*John Erpelding-Supports a charter review. Would also like to see a city code review. Charter issue-contract limitations is 36 months.*

*Ralph Lightfoot-Supports a charter review.*

*Louis McCarthy-Has anyone even bothered to read the charter?*

*Michael Giola-Review of charter-Likes our city and feels it is running very well. Holland Park rumor that it is out of money.*

*Vince Ligori-Charter-qualification to run for office. Provided neighboring cities fees for running for office. Council salaries-increase with a cost of living.*

*Jack Carall-CM Nobile-handling of his position as a Council Member and your personal job. Thousands of people wanting to change the charter-where are they? When has CM Nobile read the charter?*

*Lois Decosta-step back to include civility; charter-be fiscally responsible. What would a facilitator cost? What would a legal representation cost? Who would be the attorney-what would the costs be associated with the review? What would it cost the city to downsize to 2 districts with the Mayor? Where does the money come from-ad-valorem taxes?*

*Ron Decosta-CM Nobile is quoted in the newspaper that Mr. Landon controls the city, what do you mean by control? Does not support a review of the charter.*

*Responses to Public Comments:*

*City Hall-Ans: Mr. Landon-It was about 9 or 10 years ago the referendum on the ballot was to issue bonds for a \$20mil City Hall and the residents were being asked to raise taxes to pay the debt. That was not approved. The major difference in why from a financial and business standpoint why the City Hall made good financial sense, 7-8 years later the City Hall was being built with cash. City Council made it very clear it had to be with money in the bank and not raise taxes to build the City Hall. In fact, one of the major factors in that decision is that we are paying over a quarter of millions dollars in rent every year and that by building a city hall that we own debt free, you do not have mortgage payments so it is not coming out of the*

peoples taxes every month and you do not have the rent payments. The Charter requires you to get voter approval if you issue debt for those types of improvements where people are going to have to pay off the debt with their property taxes and that was not the case with City Hall as we have the plan we implemented with the City Hall opening this month. That is really the difference and trying to give a little background as to why the decision being made one program is substantially different than the other.

Red light cameras-Some citizens thought they were good and some thought they were no good; there was an attempt to place the issue on the ballot but there were not enough signatures acquired.

CM DeLorenzo-Charter issue and length of contracts-the charter states it is for a 36 month lease contract and \$15 million loan.

Holland Park-Ans: Mr. Landon-The site contractor doing the site work was way behind. The contractor has brought in a new site contractor and is making great progress trying to catch up. We are behind and the money budgeted is in place. There was some "muck" found and that may cause an increase in costs but the contingency should cover that.

Charter-Council salaries-VM McGuire-Do we have to amend the charter to amend Council salaries-Attorney Reischmann-It is an amendment of the code of ordinances not a charter change.

Charter-qualifications and the cost for running for election-Ans: VM McGuire-You can knock on doors and collect petitions or pay a percentage of council salaries.

CM DeLorenzo-That was the only part of running for Council that I enjoyed was to knock on doors. The people would invite me to discuss issues.

CM Nobile-Charter review-It is interesting in that we are engaged in a debate, a little debate. So we have some people saying they would like to see Council salaries increase and some not. The process of these individual items only makes sense when there are conflicting reasons and thoughts that we pull together separate and do a charter review. But I want to address, first the conspiracy theorists-I just do not know how a "small faction" here in beautiful Palm Coast would be able to take over the City. I just do not know how that would happen. I do not know how they would get the whole City to vote. It could end up somehow on the ballot that says "Steve Nobile is now our King and he is going to go ahead and make all decisions, now the whole City will vote for that and this just says to me two things:

1. You do not have the faith of the people in your town, to know what they want and how they want things run.
2. As I hear an individual's name come up, in all this debate, this is from experience, that these gentleman are aware when you get into this arena, when attacks on this issues are there, that is fine but when the individual attacks occur, all it is-is a dislike for that person and that attack on that individual just hinders the advancement of the whole town for the City to do better. So for the conspiracy theorists-give it a rest.

A couple of corrections, first I never said I could not handle the job, never said that, second it does not take a thousand people to get it on the ballot, it takes 5,600 to get it on the ballot; and this the need for me to resign seems like just a personal direction and that is what I am talking about. We need to stop attacking individuals, get out of that and start looking at what is best for the City of Palm Coast as a whole. I said last week I would bring up a request (to review the charter) to put it on the agenda, I will hold off on that until we have a full Council. It is coming and it is coming to a vote.



*Everything I hear is very funny. Let me be very clear here, everybody that talks to me about the charter, for or against, because I get the emails, I get the phone calls, this is what I hear "Well I do not think it is a good idea to do the charter review and they go on and on for their reasoning and then they say "but if we do....". Mr. Carroll has stated he is thoroughly against it but if we do a review, make it 7 Council Members. Everybody has something they think in the Charter should be changed. All I want to do, all I am trying to do, is what is proper as far as an organization is concerned. Palm Coast is a corporation, not a play land. And this corporation in order to advance needs to reevaluate its' plans. We do that every year from the Council's perspective of strategy and from plans, but we also need to look above that and that above that is the charter.*

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

*VM McGuire-When you become a member of the City Council, unless you have experience in the corporate community and the business world, it is very hard to define the working relationship between the City Council and the City Manager. Here is my perspective-The Board of Directors equal the City Council, the Board of Directors own and run the company. The CEO (administration part) equals the City Manager. The Board of Directors decide what direction the company is going to go in, we want to add a new product line, we want to close the plants in Michigan, so Mr. City Manager as CEO go out and make that happen and tell us how you are going to make that happen. It isn't that the City Council sits down and directs Mr. Landon and micromanages what he does, we present a strategy to him that we, all five of us have agreed to and he has his marching orders. He takes his staff and goes out and makes it happen and reports back to us and keeps us posted on what he does. It is not like he has 5 individual bosses that come in every day and say "Ok, here this is what you need to do today, we point out the direction, the City Manager has his marching orders and he goes with it. That is how I see it and it has made it easier for me to work with the City Manager because early in our relationship I could see what was taking place and I adjusted to it and if I want answers to questions and facts and information, I can go to any staff member that works for Mr. Landon and say "Mr. Quinn can you please explain where these numbers come from and how they are going to be used?" and he explains it to me. Once I got the message and if it does not look good to me and I think we should do something else then I will set up a meeting with Mr. Landon. I will say Mr. Landon I am concerned that our fiscal direction is not going to end up in something that will make our City better and the same with any other Director, I can do that, so I am comfortable with the relationship here. If you are a citizen, like before I was on the Council, I came to the meetings and listened. It does kind of look like gosh this guy down here is calling all the shots and the rest of them are just nodding their heads. Let me tell you that when you get on this side of the table, you learn the reality of what it is like to have a working relationship between the City Manager and the City Council. It is not an adversarial relationship nor is it a relationship that requires that bridges be built. That is my opinion, take it for what it is worth.*

*CM Nobile-Two questions-1. How do I say that the City Manager, I am fully confident with what he does, but yet want maybe a change in the structure, and that is absolutely true, so what I see is a little different than you and a lot of people I speak to do, and that I do not see the City Manager as the CEO, I see him as the City Manager and he manages what we decide. So, we say here is the strategy go put it together. So not the CEO but the manager. He is probably, I know many City Managers from many cities around here, he is probably one of the more competent managers. Everybody is trying to make this that I am against the City Manager, I am not against the City Manager, that is kind of the tone I heard and it is not, it is a matter of the structure, the process, that is what the City Charter is looking at, not Jim*

*Landon, but that position. That position and these five positions.*

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

*Attorney Reischmann-All of the policy decisions that are made here are done right here. Briefly described the charter and government in the sunshine.*

*VM McGuire-Is this typical in Florida? Ans: Mr. Reischmann-Not just here in Florida but all over the United States. Manager Council form of government. Less popular is the strong Mayor form of government.*

*CM Nobile-All that we are talking about, everything we are talking about should be in the form of a charter review and not just in statements. Everything you said is absolutely correct. Everything Bill and Jason said is correct, I am not going to say mine but the point is, ok, let's put it in the proper context of a charter review and we may come out on the other side, ok, we are good. Now I do not believe that will happen. It is very simple. You do not want to say "if it is not broke, don't fix it", I want to point to one thing-the last 13 years we have done citizen surveys-two issues-economic growth and job development. And after 13 years nothing has happened. It hasn't changed for 13 years. That is still the number 1 and number 2 issue and we are rated the lowest. There is 6% of the people think we are doing that well, okay. Is there something maybe in the Charter that is preventing us from excelling in this growth? I do not know but if you do not look at it, to sit back and fight this, befuddles me. Unless you have the conspiracy theory that Steve Nobile is going to take over the City if we do this Charter review, other than that it is a win-win.*

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

*Rumor-Golf Course-there is property that we lease from Centex that have surveyors all over it; we do not know of any plans, ever since they stopped the project 8 years ago, the property has been for sale.*

*City Hall is nearing completion. Completion date is October 15. Planning to start our move on Monday October 19. Last business meeting will be here on October 20. Workshops will be at City offices. We are not sure where the workshop on the 27th will be as of right now-we are keeping it flexible. November 3, 2015 is the grand open, open house. Starts at 4:00pm, ceremony at 5:15 pm and then Council meeting at 6:30 pm.*

**H. Adjournment**

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

*Respectfully submitted,  
Virginia Smith, City Clerk*

**Calendar and Worksheet**

[15-410](#)

MEETINGS CALENDAR AND AGENDA WORKSHEET