



City of Palm Coast

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

Meeting Minutes

City Council

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

Tuesday, December 15, 2015

9:00 AM

City Hall Community Wing

City Staff

Jim Landon, City Manager

William Reischmann, City Attorney

Virginia A. Smith, City Clerk

>Public comment on issues on the agenda or public participation shall be limited to 3 minutes for each speaker.

>If any person decides to appeal a decision made by the City Council with respect to any matter considered at such meeting or hearing, he/she will need a record of the proceedings, including all testimony and evidence upon which the appeal is to be based. To that end, such person will want to ensure that a verbatim record of the proceedings is made.

>The City of Palm Coast is not responsible for any mechanical failure of recording equipment.

>Other matters of concern may be discussed as determined by City Council.

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

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

A. Call to Order

Mayor Netts called the meeting to order at 9:00 a.m.

B. Pledge of Allegiance to the Flag

C. Roll Call

City Clerk Virginia Smith called the roll.

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

Excused: 1 - Vice Mayor Shipley

Approval of Minutes

- 1 [15-524](#) MINUTES OF THE CITY COUNCIL'S:
 A. December 1, 2015 City Council Business
 B. December 8, 2015 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

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

- 2 [15-490](#) ORDINANCE 2015-XX ESTABLISHING A TEMPORARY MORATORIUM OF 120 DAYS PROHIBITING THE OPERATION OF BOTTLE CLUBS WITHIN THE CITY OF PALM COAST
- City Attorney Reischmann read the title into the record.*
- Mr. Landon gave a brief summary of the item.*
- Public Comment:*
There were no public comments.
- A motion was made by Council Member McGuire, and seconded by Council Member DeLorenzo, that the Ordinance be adopted on Second Reading. 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: O2015-17

Resolutions**3 [15-514](#) RESOLUTION 2015-XX APPROVING AN ECONOMIC DEVELOPMENT INCENTIVE AGREEMENT WITH PROJECT PROTEIN (DESIGNS FOR HEALTH, INC.)**

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

CM McGuire-The average wage is expected to be at \$33K per year, which is about \$15.87 per hour, what is the starting wage? Ans: Mr. Falgout-I do not have those numbers with me. It is a distribution center, so that typical wage, I am guessing is \$12/hr to start, but don't quote me on that. This is the indication of their annual average wage. Of course when you go from 24 to 74, I am sure you will have more managers mixed in there. Ultimately our hope is that at their other distribution center, they actual manufacture the products, which would lead to higher paying jobs. The building that they purchased is quite larger than their current facility, so our goal in working with Flagler County Dept. of Economic Opportunities is to encourage them to also manufacture some of their products here in Palm Coast.

CM McGuire-When you say the average wage is \$33K per year, surely that doesn't include supervisory or management does it? Ans: Mr. Falgout-It would include all those employees at that location.

CM McGuire-The BOCC (Board of County Commissioners) is considering additional incentives, do you know what those are or might be? Ans: Mr. Falgout-The incentives are about \$500 per job so you are looking at \$25K, I am not sure if it is a property tax free rebate or a straight paid incentive.

CM McGuire-So when they say create and maintain 50 jobs, they are not talking about hourly employees, they are talking about total employees. Ans: Mr. Falgout-Correct.

CM DeLorenzo-The chart here that shows the percentage per job, so I understand this correctly, let's say, year 1 is 30 jobs at 3.33% of 100%, in year 4 it is down to 2.22%, so if they do not meet their goal, they would not get the 100% abatement, so if they were stuck at 40 jobs, it is just straight multiplication at this point, right? Ans: Mr. Falgout-Straight multiplication, you look up their unemployment insurance report each year to determine the number of jobs and then multiple, so it is a scaled performance base, so they start at 30 and go 74, so if in the last year they still only have 35 jobs, they will only get roughly 50% of the property tax rebate and it cannot exceed 100%, so if they go to 100 jobs which would be great, the maximum they would get would be the property tax they paid.

*Public Comments:
There were no public comments.*

CM McGuire-Would like the salaries of the hourly employees.

A motion was made by Council Member DeLorenzo, and seconded by Council Member Nobile, that the Resolution be adopted. . The motion FAILED

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

Excused: 1 - Vice Mayor Shipley

Enactment No: R2015-146

4 [15-521](#)

RESOLUTION 2015-XX APPROVING THE FINAL PLAT - PARK PLACE
SUBDIVISION, A REPLAT

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

Mayor Netts-Please explain-What is maintenance surety? Ans: Ms. Bentley-That is a term defined in our Land Development Code as a bond that the City would accept for the assets up to 1 year. The bond itself is 20% of the actual costs of the infrastructure.

Mr. Landon-So if there are problems during the year and they do not fix it, we can use these dollars to fix it, it is part of the 1 year warranty. The infrastructure we are responsible to maintain. Attorney Reischmann-It is an insurance policy on top of the developer's promise to maintain it and do it properly.

CM McGuire-What is an example of an improvement that would not be utility? Not a playground, correct? Ans: Ms. Bentley-No, It would be infrastructure to connect to our roadways outside of this subdivision.

CM McGuire-A playground is not covered by this? Ans: Ms. Bentley-No, we are not taking over any other assets other than the utilities in this subdivision.

CM Nobile-Is this an age restricted community? Ans: Ms. Bentley-They are planning on getting an exemption for age restriction through the School Board to handle their concurrency agreement with them and the impact fees per the School.

Mayor Netts-It is a little concerning that if we designate this as age restricted, and typically here in Palm Coast we have grandkids living with their grandparents. Simply because it is age restricted does not assure the School Board that there will not be a station capacity impact.

CM Nobile-Does this exemption tie to an income base to those who are living there, or is it just an age restricted community? Ans: Ms. Bentley-The City does not get involved with the agreement between the School Board and the applicant. Our Interlocal Agreement requires us to obtain information from the School Board as to whether or not they are considered exempt by their standards and/or they have to pay the impact fees.

Mr. Landon explained this is just simply an age restricted proposal, this is not about income, that we know of.

CM McGuire-Do we have any other communities that are age restricted, now? Ans: Ms. Bentley-I believe we just did an apartment. Mr. Tyner-Yes, Arbor Trace is; this is a Seagate project, they wanted to do a 50-age restricted community because they felt the market need is there for 50 years and older. Arbor Trace sold out and a lot of our apartments that are age restricted have a high need so I think they are going to do that for 50 and older. If they ever change the deed restrictions, they will have to pay the impact fees.

CM McGuire-On an individual basis? So, if there are 100+ units and one of them wants to have kids, they pay the impact fees? Ans: Mr. Tyner-No, this is an age restricted community, so like CM DeLorenzo was saying it is really per the law and what the School Board accepts. Their attorney will look at their deed restriction and if they were going to change that and make it a community where it was not deed restricted then the School Board would have to collect those impact fees.

CM DeLorenzo-Do we require as part of the agreement to go through the School District? Ans: Ms. Bentley-We are the facilitators but the School Board is the determiner of the exemption.

CM McGuire-If Council rejects this, what happens? Ans: Mr. Reischmann-What you are doing here is subdividing the land, so if this Council feels this subdivision is inappropriate we have to have some sort of determination why it is inappropriate under our Land Development Code, so you would need to establish for the record, by testimony or other record of evidence why this application does not meet Chapter 177 of the Florida Statutes or our Land Development Code. Mr. Landon-Having an age restriction on a deed does not constitute a violation of our code. This is strictly a technical document-it is not zoning, it is not future land use, those are subject to a whole different criteria, this is "Have they met the Land Development Code for a subdivision?"

Public Comments-

Jack Carall-Private roads-is this a gated community?

Responses to Public Comments:

Roads-Ms. Bentley-It will be a gated community.

Mayor Netts-Will there be a gate? Ans: Ms. Bentley-Yes.

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: R2015-147

Other Business

5 [15-522](#) APPOINT CITIZEN VOLUNTEER TO SERVE ON THE RIVER TO SEA - BICYCLE AND PEDESTRIAN ADVISORY COMMITTEE

There were two rounds of voting held and there was a tie both times. Council voted to postpone and open the position to accept more applications.

Consent Agenda

Public comments shall be held In accordance with Section 286.0114 Florida Statutes. Any member of the public interested in speaking on any item on the Consent Agenda, shall come to the podium, state their name and will have up to three (3) minutes each to speak.

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

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

Excused: 1 - Vice Mayor Shipley

- 6 [15-520](#) RESOLUTION 2015-XX APPROVING THE GRANTING OF A UTILITY EASEMENT TO FLORIDA POWER & LIGHT COMPANY AS REQUIRED FOR THE HOLLAND PARK PROJECT
Enactment No: R2015-148
- 7 [15-504](#) RESOLUTION 2015-XX APPROVING THE FIRST AMENDMENT TO THE CITY MANAGER'S EMPLOYMENT CONTRACT TO AUTHORIZE HIS PARTICIPATION IN THE CITY-WIDE SICK-LEAVE CONVERSION PROGRAM
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: R2015-149
- 8 [15-472](#) RESOLUTION 2015-XX APPROVING AN AGREEMENT WITH CROM, LLC, FOR REHABILITATION OF THE 6 MILLION GALLON GROUND STORAGE TANK AT THE WASTEWATER TREATMENT FACILITY
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: R2015-150
- 9 [15-496](#) RESOLUTION 2015-XX APPROVING A ONE-YEAR PRICE AGREEMENT WITH ENVIRONMENTAL LAND SERVICES OF FLAGLER COUNTY, INC., TO PURCHASE VARIOUS TYPES OF ROAD MATERIALS
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: R2015-151
- 10 [15-498](#) RESOLUTION 2015-XX APPROVING PIGGYBACKING THE AGREEMENT BETWEEN CONCRETE CONSERVATION, INC., AND PASCO COUNTY FOR MATERIALS AND INSTALLATION OF MANHOLE LINERS
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: R2015-152
- 11 [15-500](#) RESOLUTION 2015-XX APPROVING A WORK ORDER TO MCKIM & CREED, INC., IN THE AMOUNT OF \$91,658.00, FOR THE SEMINOLE WOODS RECLAIMED WATER MAIN PHASE 2
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: R2015-153

- 12 [15-505](#) RESOLUTION 2015-XX APPROVING A WORK ORDER TO CONNECT CONSULTING, INC., FOR THE BACK-PLUGGING OF WELL LW-31

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: R2015-154

- 13 [15-516](#) RESOLUTION 2015-XX APPROVING THE DONATION THE 1986 MACK/HAHN FIRE APPARATUS TO THE LOWER CLOVER FORK FIRE DEPARTMENT IN RESPONSE TO PUBLIC NEED

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: R2015-155

- 14 [15-518](#) RESOLUTION 2015-XX APPROVING THE SALE OF THE 1976 WARD LAFRANCE FIRE APPARATUS TO MOHEGAN VOLUNTEER FIRE ASSOCIATION, INC., IN THE AMOUNT OF \$3,000.00

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: R2015-156

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.

Louis McCarthy-Bench on Pine Tree and Pine Lane too close to the edge of the road.

Ronald Radford-Ordinance-petition issue.

Jack Carall-How did "Shop Local Saturday" turnout?

Raul Troche-Heavy metal poisoning. Submitted photos to Council, which are

attached to these minutes.

George Mayo-Recently attended workshop at County regarding EMS dispute. Has there been any discussions?

Doug Berryhill-Palm Coast Little League representative-re-affirming the letter sent to Council.

Responses to Public Comments:

Park Bench-Ans: Mr. Landon-Will look into it. The bench was a requirement for Park Place. We thought the kids coming out of that development would use it as the bus stop.

Ordinances and state petition numbers-Ans: Attorney Reischmann-Yes, this has been noted in Section 10.3 of the Charter with a note. The required number of petitions is 10 percent in accordance with Chapter 166, Florida Statutes.

Shop locally-Ans: Mr. Landon-We have not seen any matrix on shop locally. CM Nobile-I can say we did well. Mr. Falgout-The only thing we track each year is taxable sales locally, it is not divided into small businesses or large businesses but each year we have had 10 to 12% over annual but to hone in on just that small period probably would be difficult.

CM Nobile-Can we work with the Chamber and put out a survey? Ans: Mr. Landon-Sure.

Heavy Metal poisoning and chemicals in atmosphere-Mayor Netts-That is way above my grade, we have not flown any jets overhead recently but there is always a process where you can petition your state and federal representatives and express your concerns and I would urge anyone who has those concerns to do just that. Mr. Landon-Air space we have no jurisdiction.

EMS-Ans: Mayor Netts stated he is ready to sit down with this body and the County officials to discuss this issue. Mr. Landon-We also agreed that the City and County administration and our Fire Departments would get together and see if we could work something out that makes sense and meets our goals. We have had one meeting that I thought was very productive and very positive, we will meet again shortly after the new year. The goal is to have a joint meeting in January to discuss this and it would be nice if we could come together at the administrative levels and present things to both groups.

Little League-Mr. Landon-We did get the letter last week and there is a misunderstanding. Little League has had the privilege of not having other organizations use the fields as most of the other sports, youth sports, don't have that privilege because there is multiple groups, so let me try to explain. I will send a response in writing to the Little League to get together to discuss. Mr. Landon provided an overview to the contract that was entered into with the Little League eight or nine years ago.

Mayor Netts-Do we have alternative fields that they can use? Ans: Mr. Landon-Yes, one at Seminole Woods and then once Holland Park is finished they will have that to use.

CM Nobile-Are we stating that tournaments versus the organizations are different, is that another way of saying Tomato vs To-matto or is it specified in the contract that tournaments...? Ans: Mr. Landon-Tournaments is silent in the contract. Just like all

the other organizations.

CM Nobile-Correct me if I am wrong, is one of the only situations where the League has an investment in here? Ans: Mr. Landon-The other ones also make a different type of investment, one of the things they do is recruit tournaments for us.

CM Nobile-What about dollars, I understand the tournament scenario. Ans: Mr. Landon-First of all Little League puts no dollars into maintenance of the fields. They have received some grants and donations for improvements but that is the other part of this, the City puts tens of thousands of dollars' worth of improvements into these fields also. But as far as the maintenance, none of the organizations pay for maintenance. The cost of the lights, etc. come from tax dollars.

CM Nobile-In the contract does it say preferred? Ans: Mr. Landon-It states there is a process, that it would be based on the number of players they have.

CM McGuire-What is our maintenance budget? Ans: Mr. Landon-It is in our overall budget. Will try to come up with an estimate for you. It is substantial.

CM McGuire-Do we have fulltime grounds crew out there? Ans: Mr. Landon-Yes, we do.

CM DeLorenzo-Do we have use agreements with anyone else? Ans: Mr. Landon-Yes, we are waiting for the agreement with PDA to be signed and sent to us.

CM DeLorenzo-How long have we been using this process with the soccer fields, when staff meets with them and divvy up the times, etc.? Ans: Mr. Landon-I would say since before Luanne. Ms. Santangelo-In conjunction with the tournaments, since 2011, in 2011 we put in the fee structure by resolution.

CM DeLorenzo-Does Little League currently follow this process? Ans: Ms. Santangelo-Yes. There is an occasional baseball team that requests to use the fields, we work with the head of the organization to work out a time and day for them to use the fields.

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

CM McGuire-TDC meets tomorrow at 10:00 am at the Government Services Building. We will have a new chair-Commissioner Barbara Revels.

CM Nobile-Copy of Little League letter and a copy of the ROI. Merry Christmas.

CM DeLorenzo-SR 100 and Belle Terre, the northeast corner, at Walgreens, there is no streetlight. Not sure if that is State right-of-way or ours. Mr. Landon-We will see if there is a pole to put up a light.

CM DeLorenzo-Merry Christmas. Be careful and stay safe.

Mayor Netts-Happy Holidays. Peace on earth and good will to all.

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

Workshop on December 29 is cancelled.

*Business Meeting-January 5, 2016-currently we do not have anything scheduled.
Will not cancel in case something comes up.*

H. Adjournment

The meeting was adjourned at 10:11a.m.

*Respectfully submitted,
Virginia Smith, City Clerk*

Calendar and Worksheet

[15-525](#) MEETINGS CALENDAR AND AGENDA WORKSHEET

[15-526](#) ATTACHMENTS TO MINUTES