



# City of Palm Coast

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Palm Coast, Florida 32164  
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## Meeting Minutes City Council Workshop

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

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**Tuesday, May 12, 2015**

**9:00 AM**

**Council Conference Room**

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>Public Participation shall be in accordance with Section 286.0114 Florida Statutes.

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

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### **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**

*Records Coordinator Barbara Redline called the roll.*

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

### **D. PRESENTATIONS**

#### **1 [15-186](#) PRESENTATION - OVERVIEW OF FUND ACCOUNTING**

*Mr. Landon gave a brief overview of this item. Mr. Chris Quinn, Finance Director, gave a PowerPoint presentation (attached to these minutes). He was assisted by Ms. Lina Williams, Budget Analyst.*

*-Fund Accounting slide:*

*VM McGuire - As an example enterprises, if there is excess revenue or expenditures say in the utility fund, does that stay in the utility fund as a reserve? Mr. Quinn - Yes, it does; it can be carried forward to the next year to use for capital projects.*

*-Governmental Funds slide:*

*VM McGuire - The rent we pay on this building is part of the general fund, isn't it? Mr.*

*Quinn - Yes, it is under Public Works, the facilities portion.*

*-Fund Accounting slide:*

*CM DeLorenzo - That list, from the Small County Surtax, was decided by the County or by State Statute? Mr. Quinn - The County.*

*VM McGuire - Firefighters' pension fund, do you put that in an interest bearing account somewhere? Mr. Quinn - The City Council appoints (or affirms) the board members. The board's job is to administer the program and part of what they do is they oversee the investment of the funds.*

*VM McGuire - What happens to the interest that you collect from that investment? Mr. Quinn - It stays in that fund and that is what we use to fund the pension plan.*

*VM McGuire - So, at some point in time if the interest reaches a certain amount, will the State reduce how much they put into the fund? Mr. Quinn - It is certainly possible, it really depends on the plan and how funded the plan is. When you project ahead for interest earnings, you hope to get it but you don't really know. A lot of this is based on what we think is going to happen.*

*VM McGuire - How far ahead do you project? Mr. Quinn - We project over the life of the plan.*

*VM McGuire - What would that be, 20-30 years? Mr. Quinn - It could be, it depends on how old the people are in the plan and what their life expectancies are; it all goes into the projection. The Volunteer Firefighter Actuarial Reports are on the City website for the last three years if anybody has any interest in that.*

*-Restricted Revenue Sources slide:*

*Mayor Netts - On the local option fuel tax, that is collected by the State distributed to? Mr. Quinn - Distributed by a formula to all of the city and county governments.*

*Mayor Netts - Didn't the County recently remove our participation in the police automation fund? Mr. Quinn - They did, there are a few dollars in that fund to be spent but we no longer receive those funds.*

*-Unrestricted Revenue Sources slide:*

*VM McGuire - Are we not one of the few municipalities that does not use that revenue source (public service utility tax)? Mr. Quinn - Yes, one of the very few.*

*Mayor Netts explained, for historical purposes, the vast majority of municipalities use the public service utility tax; one of the reasons the City opted not to has to do with the incorporation of the City. The group that was opposed to incorporation was concerned about another layer of government, another layer of taxation. The then Mayor made a pledge that the City would not implement the public service utility tax for the first 10 years of its existence. On the other hand, there are those in favor of the public service utility tax; it is not so much residential revenue driven. The public service utility tax covers everyone that uses utilities; your corporations, businesses, etc., it spreads the burden of government costs over a larger segment of the population, but we do not currently use it.*

**The Presentation was Continued.**

## WITH THE PALM HARBOR PARKWAY EXTENSION PROJECT

**Attachments:**    [Resolution Land Donation from LRA Hammock Beach LLC](#)  
[LRA Hammock Land Donation Agreement](#)  
[Exhibit A](#)

*Mr. Landon gave a brief overview of this item which includes an update on transportation projects and Items 2-8. Mr. Carl Cote, Construction Manager, gave a PowerPoint presentation (attached to these minutes).*

*-Royal Palms Parkway slide:*

*CM DeLorenzo - Do you remember if the MOT (maintenance of traffic) is subcontracted or if it is Halifax's employees? CM DeLorenzo said the MOT was really awful this past Friday and Saturday (Royal Palms & Belle Terre). Mr. Cote - It is usually a combination, he know they hired an MOT firm to do some of the overall MOT but usually when it gets into the flagging it is typically their own staff. Mr. Cote - We did go out there and address some issues with them regarding MOT because we did receive some complaints. CM DeLorenzo stated as far as the paving goes, Royal Palms is really smooth and looks great.*

*-Palm Coast Parkway 6-Lane slide:*

*CM DeLorenzo - Just to be fair he has to say the MOT on this project has been fantastic. Mr. Cote - They should be wrapping up sometime this fall.*

*-Matanzas Woods Parkway Interchange slide:*

*CM DeLorenzo - Do you know if that project has liquidated damages? Mr. Cote - Yes, two sets one for the detour of Matanzas if it is not opened up by a certain date and also if the project is not completed by a certain date.*

*CM DeLorenzo - Do you know what the dollar amount is, could you get us the amount? Mr. Cote - He doesn't know the amount but he could get the amount for Council.*

*CM Shipley - So, that is like a fine if it is not done by a certain time? Reischmann - It is not a penalty, not a fine; it is an incentive.*

*CM DeLorenzo - In this contract (the Palm Harbor Extension) it is \$500 a day and the same company, Hubbard. Mr. Cote - Sometimes it is based on the contract amount; sometimes it is based on anticipated damages to the City. The bulk of the work is in an undeveloped area.*

*-Old Kings Road Widening slide:*

*VM McGuire - Is this on the TPO (River to Sea Transportation Planning Organization) radar? CM DeLorenzo - Not for construction yet; it is on the priority list but not moved up into that category yet.*

*There was discussion about how the traffic will flow on Old Kings Road after the widening is completed.*

*VM McGuire - What does the timetable look like for this project? Mr. Cote - The design, we are looking to wrap up early next year. We are seeking funding for construction. Mr. Landon - It won't be completed in the next 5 years; probably take 5-10 years.*

*Mayor Netts - When was the very first decision making on Palm Coast Parkway widening? Mr. Cote - In the 80s. Mayor Netts - 1984.*

Mayor Netts - TPO when is their planning horizon? CM DeLorenzo - They extended it now, it was 25 and he thinks now it is 30 years.

-Palm Harbor Parkway Extension slide:

Mayor Netts - Do we have an estimate as to the value of the portion that was constructed by the developer? Mr. Landon - He was not sure, it was always intended to be this joint effort; it's over seven figures; they contributed over a \$1 mil. to this would be his rough guess.

VM McGuire - Is that contingency fund in place? Mr. Quinn - Yes, it will be part of the total (capital) budget.

VM McGuire - So, it is not there yet? Mr. Quinn - Essentially it is but not until Council approves the project. This project gets some County impact fee funding from the County-held impact fees, approximately \$2 mil. to offset the cost of this project (on a reimbursement basis).

VM McGuire - In the event that the contingency isn't required, what happens to the funds? Mr. Quinn - They stay within the streets improvement fund and will be rebudgeted by City Council in the future. Mr. Landon - All the funds will go through the normal approval process by Council.

CM DeLorenzo - For how much acreage (total wetland credits); what are we impacting? Mr. Cote - It's based on the type of the wetlands that we have as to what credits we get; he would have to double check that number but at both ends of the project we are going right through some major wetlands. Mr. Landon - He is seeing a total of just under 6 acres and it took 3 years to negotiate all of this; the mitigation assessment is in the packet.

VM McGuire - Are there wetlands that are not herbaceous? Mr. Cote - Yes.

CM Nobile - Those are 15-year lights (LED street lights)? Mr. Cote - Maintenance responsibility is on FPL for replacement.

CM DeLorenzo - Palm Harbor Parkway Extension project came in under estimate (\$260,000), do you think it is because they are already going to be there working on the Matanzas Woods interchange that they were able to give us a better price? Mr. Cote - It could be but the other bidder was not far from Hubbard; they were really close.

CM DeLorenzo - When is the County going to consider Old Kings Road Extension. Mr. Cote - He thinks May 29.

CM DeLorenzo - Great work to get all the projects together at the same time which he knows took a lot of wrangling and discussions, but it was important . . . otherwise we would have had the Matanzas Woods interchange traffic dumping onto Forest Grove.

**The Resolution was Continued.**

Enactment No: R2015-50

**Attachments:**    [Resolution - Right-of-Way Maps](#)  
[Exhibit A - Palm Harbor Pkwy Realignment](#)  
[Forest Grove Dr Right of Way Map](#)

**The Resolution was Continued.**

Enactment No: R2015-51

- 4        [15-194](#)        RESOLUTION 2015-XX APPROVING CONSTRUCTION CONTRACT WITH HUBBARD CONSTRUCTION COMPANY AND CITY EXPENSES FOR THE PALM HARBOR EXTENSION PROJECT

**Attachments:**    [Resolution-Palm Harbor Construction Contract - Hubbard](#)  
[Agreement Form - Redlined Version](#)  
[Bid Results](#)

**The Resolution was Continued.**

Enactment No: R2015-52

- 5        [15-195](#)        RESOLUTION 2015-XX APPROVING THE AGREEMENT TO ASSIGN MITIGATION CREDIT WITH LRA HAMMOCK BEACH, LLC, AND THE SALES AND RESERVATION AGREEMENT BETWEEN WILSON GREEN, LLC, AND LRA HAMMOCK BEACH, LLC, IN CONNECTION WITH THE PALM HARBOR PARKWAY EXTENSION PROJECT

**Attachments:**    [Resolution-Wetland Mitigation Agreements](#)  
[Agreement to Assign Mitigation Credit Redline COPC 5-19-15](#)  
[Sales and Reservation Agrmt Assignment to City](#)  
[Uniform Mitigation Assessment Calculation](#)  
[Environmental Mitigation Summary](#)  
[Final Mitigation Map](#)

**The Resolution was Continued.**

Enactment No: R2015-53

- 6        [15-196](#)        RESOLUTION 2015-XX APPROVING A CHANGE ORDER WITH LRA HAMMOCK BEACH, LLC, RELATED TO THE PALM HARBOR PARKWAY EXTENSION PHASE 2 PROJECT

**Attachments:**    [Resolution - Change Order](#)  
[Change Order Form 04](#)

**The Resolution was Continued.**

Enactment No: R2015-54

- 7        [15-197](#)        RESOLUTION 2015-XX APPROVING AN AGREEMENT WITH FPL

TO RELOCATE EXISTING STREET LIGHTS AND TO PROVIDE NEW STREET LIGHTS ASSOCIATED WITH THE PALM HARBOR PARKWAY EXTENSION PROJECT

**Attachments:**     [Resolution FPL Street Light Agreement](#)  
                              [Premium Light Agreement](#)

**The Resolution was Continued.**

Enactment No: R2015-55

- 8        [15-202](#)        RESOLUTION 2015-XX APPROVING A CHANGE ORDER FOR ADDITIONAL DESIGN PHASE SERVICES ASSOCIATED WITH THE OLD KINGS ROAD WIDENING PROJECT

**Attachments:**     [Resolution - Change Order](#)  
                              [Change Order 01](#)

**The Resolution was Continued.**

Enactment No: R2015-61

**E.        WRITTEN ITEMS**

- 9        [15-162](#)        RESOLUTION 2015-XX APPROVING A CONTRACT TO S.E. CLINE CONSTRUCTION, INC., IN THE AMOUNT OF \$410,657.50, INCLUDING A 10% CONTINGENCY, FOR THE PA-1 WATER CONTROL STRUCTURE REHABILITATION

**Attachments:**     [Resolution](#)  
                              [Intent to Award](#)  
                              [Location Map](#)

*Mr. Landon gave a brief overview of this item. Mr. Mike Brennan, Stormwater Manager, was present for questions.*

*VM McGuire - Somewhere down the road we should look, as a City Council and City Administration, as to how we can expedite this, because this weir blew out about a month ago. Maybe we need to put a contingency plan in for this type of thing. Mr. Landon - If it was an emergency, threatened life, we would kick into an emergency process like Florida Park Drive. He didn't think this constituted an emergency, but if you think that if we have a breach like this we should declare it an emergency which basically just gives us the authority to do it. VM McGuire - He would suggest that we have already approved a capital budget for stormwater. Mayor Netts - A reserve fund in stormwater. Mr. Landon - Funding did not delay us moving forward. Mayor Netts - But funding it will defer another project.*

*VM McGuire - He is just questioning in a rhetorical manner; how we can take faster action? Mr. Landon - You can declare an emergency; in his opinion this did not constitute an emergency. CM Nobile - Maybe we should have stopped and talked about it for 5 minutes, etc. Attorney Reischmann read from the code what is considered an emergency. Mayor Netts - In the future, let City Council decide if it is an emergency or not; he explained with emergencies you may spend more, maybe*

50% more; that was the case with Florida Park Drive.

CM Shipley - Is it Cline that mostly does weirs; can't we just say Cline go out and do it? Mr. Landon - Yes, we can do that in case of emergency, because we have a continuing services contract with them. He described during the bidding process, the contractors keep their pencils sharpened; you usually get a lower price.

VM McGuire - If we just looked at the mechanics from the moment the weir fails to the moment the rehab goes into place and see if anything can be consolidated.  
Mayor Netts - Good point, he is receiving complaints also.

Mayor Netts - Who and how will determine what the cause of the failure was?  
Attorney Reischmann - A civil engineer. Mr. Landon - With staff input.

Mayor Netts - We need to know why it failed and if there is some liability associated with that failure. Mr. Landon - Yes.

CM DeLorenzo - Has there been any opportunity gained for maintenance since the canal is basically dewatered now? Mr. Don Schrager, Stormwater System Specialist - No, actually it is down so low our maintenance guy can't even get his boat in. Mr. Landon - As far as dredging, that is a huge project; realize that we can open the gate and lower the canal at any time.

CM DeLorenzo - You can completely get rid of the plant material, right; spray from the bank? Mr. Schrager - Easier said than done because a lot of these are developed. The water level is down so much right now that once the water starts coming back the majority of plants are growing are going to die, drown. As soon as we start getting enough water back for the maintenance guy to gain access, he will go in and treat it.

VM McGuire - How are you going to get enough water back? Mr. Schrager - Put the coffer dam in.

VM McGuire - You can put the coffer damn in with just mud there? Mr. Schrager - Yes, with steel. Mr. Brennan - We will have to bench out and drive steel sheets in. Mr. Schrager - We have done it before; steel sheets are 24 ft. long.

**The Resolution was Continued.**

Enactment No: R2015-58

10      [15-180](#)

RESOLUTION 2015-XX APPROVING A WORK ORDER TO CONNECT CONSULTING, INC., FOR THE REBUILD/RE-DRILL OF WELL SW-62

**Attachments:**      [Resolution - Rebuild SW-62 WTP 1](#)  
                                 [Work Order - Rebuild SW-62 WTP 1](#)

No comments.

**The Resolution was Continued.**

Enactment No: R2015-57

11      [15-199](#)

RESOLUTION 2015-XX APPROVING THE GRANTING OF A UTILITY EASEMENT TO FLORIDA POWER & LIGHT COMPANY AS

## REQUIRED FOR THE CITY HALL PROJECT

**Attachments:**     [Resolution-FPL Easement for City Hall Project](#)  
                                 [FPL Easement](#)

*Mr. Landon gave a brief overview.*

*VM McGuire - Isn't our prime contractor handling that, why is this a City action issue?  
Mr. Landon - FPL will install the transformer and the main line up to a certain point  
but this is an easement for their equipment. Mr. Cote - Up to the meter is FPL; the  
transformer is going to be located close to the building so they own the conduit and  
wire from the street to the transformer.*

*VM McGuire - Isn't the easement put in place when you get your building permit? Mr.  
Cote - No, after the conduit is installed FPL has to do the requirements as to what  
size easement they have on the conduit line and transformer location.*

**The Resolution was Continued.**

Enactment No: R2015-59

12     [15-200](#)

RESOLUTION 2015-XX APPROVING A LOCAL AGENCY  
PROGRAM AGREEMENT WITH FDOT TO FUND THE SEMINOLE  
WOODS MULTI-USE PATH BETWEEN US-1 AND SESAME  
BOULEVARD

**Attachments:**     [LAP Resolution](#)  
                                 [LAP Agreement](#)

*Mr. Landon gave a brief overview of this item.*

*VM McGuire - This is a safety success story.*

*CM Nobile - On new roads you either have to have a path or an area in the road for  
bikes, is that true? Mr. Landon - Any time we build a new street or widening, we  
always put a path or sidewalk; depending on the situation, we try to put them on both  
sides.*

*CM Nobile - His only concern is that there is a lot of professional, serious bicyclers  
who stay on the street regardless. Mr. Landon - Legally they have the same rights as  
motorized vehicles. Mayor Netts - They are also constrained by the same laws that  
regulate motorized vehicles. CM Nobile has been riding his bicycle for many years  
and the paths make a tremendous difference.*

**The Resolution was Continued.**

Enactment No: R2015-60

13     [15-151](#)

RESOLUTION 2015-XX APPROVING FISCAL YEAR 2015-2016  
CITY COUNCIL PRIORITIES

**Attachments:**     [Resolution Council Priorities](#)

*Mr. Landon gave a brief overview of this item. Ms. Denise Bevan, City Administration  
Coordinator, gave a PowerPoint presentation and reviewed the Performance  
Measures Overview (attached to these minutes).*



-Overview pdf:

CM DeLorenzo - So, if we are roughly 51-55% so we are presenting staff with an appropriate amount of goals that you can complete in a year, is that the take away here? Ms. Bevan - It depends on the topic, some stretch over many years. Mr.

Landon - We go over these quarterly and evaluate them.

CM Nobile - We do want to know if we are not putting enough behind something to get an effective result, bring back and say Council asked for this and we just don't have it. Mr. Landon explained when staff goes through the budget, they ask for that and it goes through the process. Mayor Netts - If we are not making adequate progress then we need to either provide either more monetary resources or reallocate internal resources. His concern is we look at this new list of priorities; the majority have budget implications, does the budget that is evolving contain sufficient money to move forward on existing priorities. If not, adding new priorities means you are going to have to add to the budget or take away resources from other projects. Mr. Landon - When it says "budget" we are going to tell you that you can put it on the priority list but you are going to have to put resources to it; budget it.

CM DeLorenzo - So, today we are at the step of consensus or a wish list, then the next step will be when the budget comes, can we afford that wish? Mayor Netts - Yes, that is a very good way of putting it.

CM DeLorenzo - The current projects that are going on, is the work load appropriate minus perhaps a few that we are going to have to look at resources and are the projects that are going to fall off and potentially new projects that are going to go on, are they going to match workload? CM Nobile - Are you asking are we at capacity? Mr. Landon - We are beyond capacity; in existing.

VM McGuire - When you forecast these goals and Denise puts this plan together, do you forecast man hours required to accomplish it? Mr. Landon - Some yes and some no; it depends on the project.

VM McGuire - If you were to go outside to hire a management consultant to streamline the permit ?? how much staff? Mr. Landon every department does things a little differently.

VM McGuire - But how do you know if you don't determine man hours? CM Nobile if you see growth expanding (listen). Mr. Landon they are doing it; they can get out 10 plans a day, but more customers, more phone calls, interrupt them.

VM McGuire - If you were to go outside and hire a management consultant to tell you how to streamline your permitting process, they would forecast for you, okay it will take us x amount of engineering hours to do this. Are you doing this with projects internally that you are undertaking, are you estimating staff time? Mr. Landon - Every department does things a little differently.

-City Council Feedback - Goal 1 slide:

CM DeLorenzo - Pursuing CUP (consumptive use permit) now with the current State Administration may be a little bit easier, than whatever may come.

VM McGuire - Potable water? CM DeLorenzo - Yes. Mayor Netts - Right now we get most of our water from shallow wells which is not brackish, if you pump too fast or too much you start to get salty water. You can use salty water as a source but acquisition costs have to be balanced against the desalination costs; we are going to run out of shallow wells at some point. This is almost like the coquina coast cooperative; alternative water sources. CM DeLorenzo - We built a plant that can handle that type

of water but we currently don't which costs more to do and we currently don't have the water permit (CUP) to use that type of water.

-City Council - Priority Determination slide (going over each of the 10 items listed):  
CM Nobile - If we say yes we want this, then we find out later what it is going to cost; we can say we are not budgeting this now? Mayor Netts - Absolutely.

1-Promote Infill Development - Mayor Netts - Isn't this already within an existing priority; developing neighborhoods, infill that supports the neighborhoods? Yes, Mayor Netts wants to see budget implications. Mr. Landon - Can we use internal staff ideas to promote infill? CM DeLorenzo - Develop a strategy to promote infill. CM Shipley - Use land that is already existing and fill that first? CM DeLorenzo - Strategies, potential incentives to build in the core of the City before spreading out. Yes, modified.

2-Public Transportation - Mayor Netts spoke of a magazine article, in Council's office, he read recently about trolleys that may put this in perspective. CM DeLorenzo - Because of all that, he is not interested in having this a priority for this year, however, he thinks it would be good if we got a presentation sometime over the year from the County to see what they are doing and get a better knowledge base of the current transit network and then we can decide. CM Nobile would like to know if there is a current problem with people getting to and from work. Yes, modified. Mr. Landon - We are going to coordinate with the County to get an update and then Council will decide.

3-Higher Paying Jobs - CM Nobile - What we do in the City now is perfect from the beautification process to the BAC (Business Assistance Center); it is working well; none of that is failing; what he wants to introduce is what we are looking at the County for. The County gets information as to what companies are looking for and then different regions fit in for that and possibly we get a request for information. So, we are waiting for someone to call, etc. He would like us to go out and look into the business and technology sector. He is looking for additional special projects funds so that we can look at the people in our community that can help us connect with these companies. A process similar to the one we are looking at for retail, but we have to start that and be aggressive. Mr. Landon - At the next workshop you are going to meet a group that does just that and goes out and matches retailers with cities; we think it will be successful. Mayor Netts - Is there a comparable resource for the non-retail? Mr. Beau Falgout, City Administration Coordinator - We are still learning how they connect. CM Nobile - We are going to try to connect with the investors, not the entrepreneurs, etc. Mr. Landon recommends that we plug it into a current strategy similar to the one we are doing with retail. Existing. CM DeLorenzo - When you said dollars, do you mean the dollars to contract with the company or ultimately dollars we are willing to spend on incentives? CM Nobile - This year, he is not talking about incentive dollars or giving money away.

4-Master Stormwater Planning at Hargrove Grade - CM DeLorenzo - Take onsite storage and put it all in a storage area, then everyone would be able to maximize their land which would reduce the land costs which he thinks is part of the problem; land costs are too high; get more out of the land. Mayor Netts - So the first step is to have a conversation with the landowners to see if they are interested. CM DeLorenzo - We are not paying for it; design and construction they will have to tax themselves. Mr. Landon - We would facilitate a property group discussion, evaluation; facilitation. CM DeLorenzo - Yes, to see if landowners interested. Yes, modified.

5-Review of Developer Applications - CM DeLorenzo - Reducing costs to the developer. The developments we like to see in Palm Coast, are there other ways to get there, project by project at a lower cost? Mayor Netts is very uncomfortable with this. CM DeLorenzo - Two departments they are saying they need this because of code and the other one is saying they need this because of code and they conflict each other; not because the code conflicts but the constraints of the property, etc.

We need someone to say in a timely manner, to be in the meeting and say this is how we are going to resolve this or here is a way to resolve this which reduces costs. Mr. Landon - We have that process in place; staff is not objecting to this process.

Mayor Netts - This easiest way to reduce costs is to reduce requirements and he is not supportive of that. CM DeLorenzo - He is not saying that; at the League of Cities conference and a city said they have their economic development manager in their TRC meetings so someone was listening on the economic side of it. Is what we are asking for make sense for where we are going to end up from a financial perspective? Mr. Landon - Staff is going to have to look at it, more staff will be needed, etc. Mayor Netts - If it is just having Mr. Falgout sit in on these meetings, that's fine but he is not willing to reduce our land development code or putting a smaller tree instead of a bigger tree, etc. CM Nobile thinks that is why we are having trouble with developers; we are not flexible; we are hard line. We put up trees every 15 ft. and they are growing into the roadway; a lot of maintenance. He feels the City is especially inflexible with the landscaping issue. CM DeLorenzo refined it - when staff reviews, there are requests "we would like it to be this way," and if there could just be someone in those meetings that could help with the resolution. Mr. Landon suggested he get together with CM DeLorenzo and change the wording on this and bring it before City Council to vote on it next week.

6-Update Transportation Impact Fees - CM DeLorenzo - His thinking is how our funding for transportation works is completely different now with the new TPO and we have a lot more funding opportunities and FDOT has more money. Mr. Landon - This would be similar to what we did with parks and water and sewer. We contract with a company that specializes in evaluating fees. Mayor Netts - Show him a number. Mr. Landon - Is this something you all want to do? Mayor Netts - It doesn't hurt to look at it; we want our fees set right. Yes.

7-Enhance Technology Services (Kiosks) - Mayor Netts would want kiosks to be for paying utility bills as well as for permitting. CM DeLorenzo - Absolutely, all customer service needs. VM McGuire - He would like to see us evaluate the process to determine where the problem points are. CM Nobile - City-wide we should look at anything we can do online. Mr. Landon - This is "Existing;" we are doing this with Paymentus but we will broaden.

8-Mobile Irrigation - CM DeLorenzo - You can kill it; opportunity to save water but that is fine. No.

9-Continuous Street Lighting on Major Roadways - Mayor Netts - Isn't that an existing goal that we have? Landon - Yes, it was but when it came to budget we didn't fund it. Mayor Netts - He thinks you have to put it up for discussion; it may be very incremental or only for widening projects. CM DeLorenzo - Why do you want to see continuous lighting? Mayor Netts - Look at your citizens' survey; it's an issue. Vote.

10-Arts Foundation Funding (construction project) - Mr. Landon - This is the Arts Foundation that we provided the property in the Town Center area and they are trying to put together the capital to start their construction project. They are requesting capital dollars (grant). CM Nobile - What kind of dollars? Mr. Landon \$150,000. CM DeLorenzo - We have been adding a little bit to the cultural arts grants over the last couple of year (\$30,000 now). This year we had 2 rounds of grant opportunities because we didn't use all the dollars in the first one. If we funded cultural arts and then went through the grant process and then we took the remaining dollars and set it aside for several years. Mayor Netts - They are ready now; they are proposing \$150,000 from the County, \$150,000 from City and they will pledge \$150,000 from the community. The question he asked is the \$150,000 from the County, is that operating general fund or is that TDC (Tourist Development Council) dollars. VM McGuire - No, it's not TDC dollars. VM McGuire stated we donated the land and they said they would get the funds to build and now they have their hand out. CM Shipley - It is going to bring in people, just like soccer and sports tournaments, etc. CM Nobile - Is there any opportunity for CRA (community redevelopment agency) funds for this? Mr. Landon - Yes, if you had money in the CRA but you don't. Mr. Falgout - It would

*be an allowable use of funds under State Statute, but you may have to amend the plan. Mayor Netts - CRA has a life expectancy of up to 30 years, we had said we would like to terminate the CRA sooner than later. Mr. Landon - As the community grows, this is going to happen. CM Nobile - What can they do with that kind of money (\$450,000)? Mayor Netts - It is a phased plan: pouring a slab, covering that slab (roof) and/or maybe adding restrooms, and ultimately the back of the slab/wall will be the front wall of a building. VM McGuire thinks we should put the money into the community center first. Vote.*

**The Resolution was Continued.**

Enactment No: R2015-56

**Public Participation shall be in accordance with Section 286.0114 Florida Statutes. Any member of the public interested in speaking on any proposition agendaed or that Council discusses or considers during this workshop, will be afforded the opportunity to speak during public participation at the next City Council Business Meeting. Contact the City Clerk's office for the meeting date, time, and location at 386-986-3713 or [cityclerk@palmcoastgov.com](mailto:cityclerk@palmcoastgov.com).**

#### **F. DISCUSSION BY CITY COUNCIL OF MATTERS NOT ON THE AGENDA**

*CM DeLorenzo - He was contacted by a group of gentlemen that calls themselves Silicone Valley Flagler Florida. That group has a large pavilion in a U.S. tech. trade show that is coming up in a couple of months and is looking for a sponsorship from a few different agencies including us; they are looking for \$10,000 sponsorship from the City as part of the strength behind Silicone Valley Flagler Florida group. CM Nobile - When is it? CM DeLorenzo - June or July, he guesses it's one of the largest tech. conventions in the country; it's in Washington, D.C. They are trying to start a tech club here to get companies that are struggling under the tax structure in California and the opportunities to move to another state, specifically Palm Coast, Florida. CM Shipley - Do we know if it is possible once they get here that they will bring prospective businesses with them? CM DeLorenzo - They are trying to solicit companies and bring them to Palm Coast. CM Nobile - Most of the tech. today is moving all around the Country; telecommuting is huge. He thinks that work force will come if the jobs are there. CM DeLorenzo - He can provide Council with a letter with what they are looking to do at this conference; it's a total package. CM Nobile - Short notice, it wouldn't hurt to have a representative from the City go out there. CM Nobile will call him and find out more about it.*

*CM Nobile would like to discuss Charter Review. It will be discussed under City Attorney comments.*

*CM Shipley - She will not be here for the next couple of meetings, her mother was diagnosed with stage 4 cancer and they are sending her home; there's nothing more they can do. She wanted people to know they can still get in touch with her through email. She will not be here for the next 2 meetings. Ralph Carter Park, they wanted a timeframe for the fence. She also asked for an update on traffic on Florida Park Drive. Mr. Landon has asked staff for some prices of fencing on the Richardson Drive issue and continue contact with Senior Commander Mark Carman with the Flagler County Sheriff's Office. Mr. Landon didn't have an update for today. Florida Park Drive - Last week, we met with the engineering firm that the selection committee ranked the highest and gave them some background. They will put together a scope of work based on what they heard for Council consideration. We haven't heard back from them yet, it usually takes a week or two; it may be ready for the next workshop,*

*if not, the one after that.*

## **G. DISCUSSION BY CITY ATTORNEY OF MATTERS NOT ON THE AGENDA**

### **CITY CHARTER**

*Attorney Reischmann spoke about the legal parameters and practicalities of amending the Charter as requested by CM Nobile. The charter review process is set forth under Florida Statutes, Chapter 166, which Attorney Reischmann handed out along with a copy from our Charter (handouts are attached to these minutes). Basically there are two ways, Council can pass an ordinance and then it goes to a vote in a referendum for a charter amendment? The other way is by the electorate, a petition by 10% of the registered electors of the last preceding general election. Mayor Netts - Does the petition have to specify the charter amendments proposed? Attorney Reischmann - Yes, it has to submit what has to go to the voters. Mayor Netts - So, if he was starting a petition he would have to print out a petition that says he proposes to change this, this and this? Attorney Reischmann - Correct, that just starts the process. Mayor Netts - Assuming what is proposed in the petition is consistent with the existing Charter and State Statute, we get 10% of the electors then what happens we put that charter language on a referendum? Attorney Reischmann - Correct. The third option is this Council can in some manner appoint citizens to a charter review committee where you start an alternate process. A lot of times what happens is if you don't engage a charter review committee or you don't initiate the entire charter review, you will submit something to the voters in a referendum where you are looking at a specific, narrow change to your charter that you are acting on an issue with your existing Charter. Just like we did a couple of years ago where we recognized that it was a financially good reason, policy-wise good reason, to move our elections from odd numbered years to even numbered years. We didn't need a charter review committee to do that.*

*Attorney Reischmann spoke about the charter review committee process. What are you trying to achieve? It is his experience that what they could bring back are 75 amendments or do you submit a take it or leave it amendment? If you submit two changes to the Charter, a lot of times if you change one section of a charter you have to change another section of a charter. He has been told that once you get past a point, you get voter fatigue. You are going to have a better product if you give that committee appropriate funding, appropriate staff, and a targeted overhaul. The council that initiates will say look at these three issues or sections 3, 5, 10, etc., and you will get a better product than if you just give them the charter and say start over. He suggested helpful resources, Guide for Charter Commission and Model Charter guide (which will be made available for Council's review).*

*Mr. Landon said the charter is a framework that is intended to last a very long time. He had some experience with this in his previous positions where the charter was very old and they started over and had 34 or 43 referendum items; it was voted down by the electors. Mayor Netts mentioned Volusia's charter review committee and that they came back with a very lengthy document that proposed certain changes and provided the rationale and Volusia did not do anything with the recommendation. If this committee comes up with a recommendation, it sounds like this recommendation must go on the ballot as is. Attorney Reischmann - He doesn't think it is that clear and he read the last sentence from Section 10.2.B from the handout, which he was not sure how that language could be completely squared up; but it seems they are "recommendations." CM DeLorenzo - But doesn't a hearing imply vote? Mayor Netts - It provides the public to respond, comment. Mr. Landon believes you would vote yes or no as to whether you would put it on the ballot.*

Mayor Netts suggested it would be interesting to talk to the people who were part of the early discussions about incorporation (of the City). When the residents of Palm Coast asked the County about incorporation, the County provided \$25,000-\$50,000 for a consultant from Daytona Beach Community College. She was a professor of political science; she came in and after approximately 10 public meetings and got input. Over a period of months, she came up with a proposed charter, document that she felt the majority would approve and it was a 60% vote in favor. CM DeLorenzo - Can you remind us of some of the participants? Mayor Netts - Vince Liguori, Arnie Levine, Bob Crocetta, who has since passed away, Art Dycke, City historian. CM Nobile - He thinks the issue with charter review is the majority of people here today don't know those people because the City has changed and that is the purpose of a charter review. Is Charter in line with what the current constituency wants? Not what we want; this is bigger. How does the City want us to function, not us (Council). CM DeLorenzo - We represent our district. CM Nobile - We represent our district according to this document, but does this document conform to what the people want? Mayor Netts went another step further as to why some of the things are in the Charter. After we divided the City into four quadrants/districts there are several ways you could elect those four Council Members; you could have single member districts where you must live in the district and are voted in only by the members of your district. However, he stated that wasn't favored because at that time the most influential people were in district 2 where development started, so they preferred elections at large. There were clear reasons why they did what they did. Mayor Netts - Are there specific issues that you think need to be addressed? CM Nobile - He thinks the people need to make the decision on how our government is structured, how it functions, the number of Council Members; all of that stuff. If they see an issue, then they put in on there. He does not want to throw out the Charter and start over. He is saying let's go through the Charter with the committee and find the points that someone on the committee has contention with and then work it out. He doesn't want Council to decide what should be put in, he wants them to do that; consensus among the committee and then it comes back to Council. He thinks the committee would come back with 2-5 things, but he doesn't know. He believes it is a good practice that we are told by the people what we have, is what we want as far as the Charter. Mayor Netts - According to Attorney Reischmann charter review by petition takes 10% of the electorate. Anyone know how many registered voters there were in the last election in the City? Mr. Landon - Maybe 30,000-40,000. Mayor Netts - So you need a petition with approximately 3,000 signatures; for a practical point of view if there is sufficient unrest within the residents of Palm Coast about the current form of government, he would certainly listen to a petition. Reviewing it just for the sake of reviewing it, unless there is something that is broken . . . CM Nobile - You have no choice but to listen to a petition. Mayor Netts - Correct. CM Nobile - So, you are putting it on them. CM DeLorenzo stated if he asked 100 people about it, they wouldn't know anything about the Charter or what's in it and they would have no opinion about what type of government we are running. CM Shipley - If there was something, that one of us wanted to say about something that needs to be changed, could it be put on a ballot? CM DeLorenzo and Mayor Netts - Yes, at any time. Mayor Netts - By specificity, we run nonpartisan elections; most everybody runs partisan elections. Why did this consultant say nonpartisan? Because people were very opposed to politicizing the issue, so that is why they did that. CM Nobile stated a lot of his constituents cannot attend Council meetings because they are at work but they email or talk to him and he is trying to figure out how he can get them involved. Mayor Netts - The most important thing we can do is talk to our constituents. CM DeLorenzo - This can work just like everything else we do (for instance Richardson Dr.); we meet with people, we form an opinion, we have a discussion about it, take action, etc. CM Shipley - If we had a workshop to change something, people would hear it because they tell her they listen to these meetings and people would come forward, for or against, we would get emails. She would know what her district feels, because they

would let her know what they want, etc.

Mayor Netts went back to Attorney Reischmann's comments and the documents he presented; there is a model charter and directions for charter review. He thinks the first step is for Council to do some homework. CM Nobile stated he has read them.

CM Shipley asked if it could be put on the 2016 ballot and they can vote on it. Mayor Netts - Yes, that is exactly what you would have to do. CM Nobile - Where would it generate from? CM Shipley - You would have to get the 3 votes here. CM Nobile - Yes, or you have to make the people to go out and get a petition to make the change. It is unfortunate, but if we don't, that is what he is going to push. If they want the changes they are asking him for, they have to go get a petition. CM DeLorenzo - If someone is asking you for something, just like any other City business, why don't you just bring it up? CM Nobile - Because then he has to convince Council and if it doesn't get passed(?). Mr. Landon - If you are hearing from your constituents that they want some changes, they can bring those forth to City Council and Council can consider those too. CM Nobile - He is talking about the people making the decision.

Attorney Reischmann - The one route that limits the role of the City Council, is the petition; that is the most direct route; 10% of the registered voters of the last election; go straight from, subject to wordsmithing and legalities, petition to referendum. The other two though, as the City Manager indicated, do involve a step in the process of the politics of the City Council.

CM Nobile stated his research shows that most citizens have a conscious, citizen driven charter review every 10 years or less. CM McGuire - Can you tell us what about the Charter has you concerned? CM Nobile - Nothing has him concerned, he is agitated because we are trying leave the people out of the process of making the decisions on their Charter for how the government works. CM Nobile - They want a charter review.

Attorney Reischmann shared some personal experience with charter review; if you don't give strong guidance, it can be an exercise in futility; unproductive process. CM Nobile - Is not opposed to somehow funneling that data for them, but we need to give them the opportunity. CM DeLorenzo - It would be a tremendous expense because depending what the end product looks like and how many provisions are asked to be changed; you have to pay for every one of those boxes on that ballot and that is just the end expense that's not the expense of getting there, and he thinks it is a special interest group because he hasn't heard anything about it. CM McGuire - If there is one or two issues bothering the people that are coming to CM Nobile, he would prefer to address that as opposed to appointing a committee to review the entire Charter and great expense and come up with the same direction; after six months and expense come up with two changes, etc. CM Nobile - What the people come up with goes on the referendum; it is not subject to the Council to decide. He is going to just tell them to go get a petition, etc.

## **H. DISCUSSION BY CITY MANAGER OF MATTERS NOT ON THE AGENDA**

Mr. Landon - Reminder we have a Memorial Day service, Monday 5/25 at 8:00 a.m. at Heroe's Park, or if it is raining - Fire Station 21 on Corporate Dr.

## **I. ADJOURNMENT**

The meeting was adjourned at 12:45 p.m.

Respectfully submitted,

*Barbara Redline*

**Meetings Calendar and Agenda Worksheet**

[15-203](#)

MEETINGS CALENDAR AND AGENDA WORKSHEET

**Attachments:**    [Meetings Calendar](#)  
                                 [Agenda Worksheet](#)

[15-209](#)

ATTACHMENTS TO MINUTES

**Attachments:**    [1 - 2015 Fund Accounting Presentation](#)  
                                 [2-8 Transportation Presentation](#)  
                                 [13 - Strategic Action Plan Evaluation Presentation](#)  
                                 [G - Fla.Stat. Ch.166.031](#)  
                                 [G - City Charter Section 10](#)