



# City of Palm Coast

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

## Meeting Minutes

### City Council

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

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Tuesday, January 19, 2016

9:00 AM

City Hall Community Wing

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#### City Staff

**Jim Landon, City Manager**

**William Reischmann, City Attorney**

**Virginia A. Smith, City Clerk**

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

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

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

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

>If you wish to obtain more information regarding City Council's agenda, please contact the City Clerk's Office at 386-986-3713.

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

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

#### A. Call to Order

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

#### B. Pledge of Allegiance to the Flag

#### C. Roll Call

*City Clerk Virginia Smith called the roll.*

**Present:** 4 - Mayor Netts, Vice Mayor Shipley, Council Member McGuire, and Council Member Nobile

**Excused:** 1 - Council Member DeLorenzo

## Approval of Minutes

- 1 [16-13](#) MINUTES OF THE CITY COUNCIL'S:  
 A. December 15, 2015 City Council Business  
 B. January 12, 2016 City Council Workshop
- A motion was made by Council Member McGuire, and seconded by Council Member Nobile, that the Minutes be Approved as presented. The motion was adopted by the following vote:**
- Approved:** 4 - Mayor Netts, Vice Mayor Shipley, Council Member McGuire, and Council Member Nobile
- Excused:** 1 - Council Member DeLorenzo

## PRESENTATIONS

- 2 [16-12](#) PRESENTATION OF THE PINK ARMY 5K PROCEEDS DONATION TO THE FLORIDA HOSPITAL-FLAGLER FOUNDATION CANCER FUND
- Ms. Ginger Parnell, Events Coordinator from Parks and Rec, introduced representatives of the Senior Games sponsorship and Florida Hospital Flagler.*
- The Presentation was Received and Filed.**
- 3 [16-19](#) PRESENTATION ON THE BIRDS OF A FEATHER FEST
- Mr. Jason Giraulo presented a short film relating to our Birds of a Feather Fest.*
- Mr. Giraulo-The festival is February 5 through the 7th this year. The event is held all throughout Palm Coast. You may register online on our website.*
- The Presentation was Received and Filed.**

## Proclamations and Presentations

## 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

## Resolutions

- 4 [16-09](#) RESOLUTION 2016-XX APPROVING A PARTIAL EASEMENT VACATION,

A UTILITY EASEMENT, AND FINAL PLAT FOR GRAND LANDINGS  
PHASE 1A

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

*CM McGuire-Who pays for the title search? Ans: Mr. Landon-The applicant.*

*Public Comments-*

*Jerry Finley, Engineer-Spoke about the replat. Title searches were sent to the City late Friday.*

*Jack Carall-Who maintains the road? Is it gated?*

*Responses to Public Comments:*

*Road maintenance-Mr. Landon-It is a private gated community and the road would be maintained by the Home Owners Association.*

**A motion was made by Council Member McGuire, and seconded by Council Member Nobile, that the Resolution be Adopted. The motion was adopted by the following vote:**

**Approved:** 4 - Mayor Netts, Vice Mayor Shipley, Council Member McGuire, and Council Member Nobile

**Excused:** 1 - Council Member DeLorenzo

Enactment No: R2016-1

**5**      [15-527](#)

RESOLUTION 2016-XX APPROVING THE CONTRACT FOR THE  
PURCHASE AND SALE OF THE VACANT LAND AT 19 SENTINEL TRAIL  
FOR THE CONSTRUCTION AND PERMANENT ACCESS TO THE WATER  
CONTROL STRUCTURE AND CANAL

*Mr. Landon provided a brief overview to this item. Mr. Don Schrager and Juan Bostwick, of the Stormwater Division provided a PowerPoint presentation, which is attached to these minutes.*

*CM McGuire-Mr. Landon stated if we have to have this here per State and Federal, have we been cited by any State or Federal agencies? Ans: Mr. Schrager-No.*

*CM McGuire-Why? Ans: Mr. Schrager-We actually do not have any issues, it is not like it is an endangerment to anybody. We have not raised any flags to anyone yet.*

*CM McGuire-How many other weirs do we have that are like this that are in danger of us being cited? Ans: Mr. Landon-Yes. Mr. Schrager-This one has a companion structure that is a little further to the south, not as bad as this one but similar leaks, it leaks excessively. We still have some control over it and then there is a very small one that is off of Old Kings Road that is not there. They are also in our capital plan to be replaced.*

*CM McGuire-How many more control devices do not have access? Ans: Mr. Schrager-I believe this is the last one.*

*CM McGuire-Will this one be subjected to vandalism? Ans: Mr. Schrager-I cannot answer to the probability of that. This is in the woods and not many people know it even exists.*

*CM Nobile-Studies on the flood areas? Is this an area that has problems? Would this alleviate that? Ans: Mr. Bostwick-This area has not been modeled yet. There have been some complaints of high levels. There is criteria but this area has not been a high priority.*

*Public Comments:*

*Jack Carall-Why is it available now? If this is 3 years in the coming, why is it important to vote on this now; fish?*

*Ron Radford-Pollutants and other raw materials, will we have a problem with the EPA?*

*Responses to Public Comments:*

*Why now? - Ans: Mr. Landon-We are paying the appraised value. Family situations changed-mom did not want to sell but the daughter does want to sell.*

*Pollutants? -Ans: Mr. Landon-That is what we talk about with stormwater treatment. This helps in that. It is to hold the water back and filter it through the ground instead of it going directly into the swamp and the Intracoastal. There is always monitoring of our water system. This weir will help us meet all the requirements when it is fully functional.*

*Fish? - Ans: Mr. Landon-The fish come from the rest of the natural system.*

**A motion was made by Council Member McGuire, and seconded by Vice Mayor Shipley, that the Resolution be Adopted. The motion was adopted by the following vote:**

**Approved:** 4 - Mayor Netts, Vice Mayor Shipley, Council Member McGuire, and Council Member Nobile

**Excused:** 1 - Council Member DeLorenzo

Enactment No: R2016-2

### 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 Nobile, that the Consent Items be Considered as reported on the Consent Agenda.. They were approved by the following vote:**

**Approved:** 4 - Mayor Netts, Vice Mayor Shipley, Council Member McGuire, and Council Member Nobile

**Excused:** 1 - Council Member DeLorenzo

**6**      [15-531](#)

RESOLUTION 2016-XX APPROVING A CONTRACT WITH HAZEN CONSTRUCTION, LLC, FOR THE CONSTRUCTION OF THE EQUIP 5 WELLS AND NEW RAW WATER MAIN, PHASE 1, PROJECT

*There were no public comments.*

*CM McGuire asked about a presentation. Ms. Mary Kronenberg showed a map of the project area.*

**A motion was made by that the Consent Agenda be Adopted on Consent. The motion was Approved unanimously.**

Enactment No: R2016-3

**D. Public Participation**

**Public Participation shall be held in accordance with Section 286.0114 Florida Statutes. After the Mayor calls for public participation each member of the audience interested in speaking on any topic or proposition not on the agenda or which was discussed or agendaed at the previous City Council Workshop, shall come to the podium and state their name. Each speaker will have up to three (3) minutes each to speak. The Mayor will advise when the three (3) minutes are up and the speaker will be asked to take a seat and wait until all public comments are finished to hear answers to all questions. Once all members of the audience have spoken, the Mayor will close public participation and no other questions/comments shall be heard. Council and staff will then respond to questions posed by members of the audience. Should you wish to provide Council with any material, all items shall be given to the City Clerk and made part of the record. If anyone is interested in discussing an issue further or ask additional questions, individual Council Members and staff will be available after the meeting to discuss the matter and answer questions.**

*Steve Carr-Code relating to air pollution and Florida Park Drive*

*Louis McCarthy-Reflector signs on Pine Grove and Pine Tree; thanked Nestor Abreu for providing these.*

*Volunteer Fire Department-Clover Leaf Fire Department in Kentucky conveyed their gratitude to the City of Palm Coast for the donation of the fire truck.*

*George Mayo-Vote against the seismic testing and fracking. Asked Council to again consider voting against this and discuss it at a workshop. Traffic issue at Market Place and Belle Terre Pkwy.*

*Jack Carall-Golf and Tennis deficit issue. When are we going to stop paying for this?*

*John Brady-We need to do something about the golf course. Need better marketing and maintenance.*

*Responses to Public Comments:*

*Seismic testing-Mayor Netts-Let's look at this again on an agenda. Attorney Reischmann-There is pending legislation in Tallahassee to not allow the cities to implement any restrictions relating to fracking.*

*Market Place and Belle Terre-Mayor Netts-Please have our traffic engineer look at this area. Mr. Landon also requested to have the area near Chick-Fil-A; Palm Coast Parkway-north and Boulder Rock Drive looked at.*

*Golf and Tennis issue-Ans: Mayor Netts-That is always fair game for Council to consider; on one hand you weigh the amenity value to the community as a whole and on the other hand you look at the cost, the on-going costs..., I would be curious to*

*see how Bethlehem has done it.*

*CM Nobile-Would like to see a presentation that shows the use at the Tennis Courts and Golf Course compared to our other amenities. It is bothersome that we are going to be pulling clients from private establishments.*

*Mayor Netts would like to have the history of the acquisition of the Golf Course. Mr. Landon agreed.*

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

*CM Shipley-Mr. Carr's issue. I thought we were going to discuss that. Mayor Netts-Mr. Carr's statements are consistent. We have looked at the statistical data, we have looked the pollution numbers, we recognized that while Florida Park Drive is a heavily traveled road, it does not have the same level of travel as other roads where the amount of pollutants in the air are greater and yet still well below the EPA requirements, we can continue to discuss it but...*

*CM Nobile-When we four lane Old Kings Road and add the extension, will that help alleviate the traffic on Florida Park Drive. Ans: Mr. Landon-Any time you add capacity changes, driver behavior, I am not going to say it will cut the traffic on Florida Park Drive. I think by having a direct connection from Old Kings Road to Matanzas Woods Parkway, that they will more likely come down all the way to Old Kings Road versus when you had to go past the high school and then Forest Grove and do that, and at that point you had an option of going left or right, so I think that will help when that occurs. That is why it was one of the priorities of City Council, trying to change some of those routes.*

*Mayor Netts-1968 Florida Legislature passed a law that provided Home Rule Powers to municipalities. It essentially said that the local governments, cities, villages, towns, counties, could enact legislation they saw fit, providing it did not impact or interfere or contradict the State legislation-that was in 1968. In 1969 they started the slippery slope. I can remember many years ago when I was on the City Council in Norwood, NJ, we had a convenience store on a main street, north-south thoroughfare through 5 cities, and we were having problems with robberies. As I was Vice Mayor at the time, I suggested we pass a local ordinance, requiring that if convenience stores were open after 10 p.m., that had to either A. have a security system or cameras OR B. have at least two employees on duty. It passed, we enacted it and we saw a decrease in the amount of crime. Whether it was cause and affect, I do not know. The first year I was on City Council here we had a problem with one of our convenience stores being robbed repeatedly. I raised the same issue, why couldn't we require them too? Only to find out from the then City Attorney that the State of Florida had preempted all regulations of convenient stores to them. The question I would ask you is were they that concerned about convenient stores or were they that susceptible from lobbying from special interest groups. We continue to see time after time after time, local rule being eroded by our representatives in Tallahassee.*

**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**

*Reminder that next Tuesday at 1:00 pm will be the Ethics portion of Council's mandatory training.*

**H. Adjournment**

*The meeting was adjourned at 10:16 a.m.*

*Respectfully submitted,  
Virginia Smith, City Clerk*

**Calendar and Worksheet**

[16-16](#)

MEETINGS CALENDAR AND AGENDA WORKSHEET

[16-20](#)

ATTACHMENTS TO MINUTES