



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, March 15, 2016

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.

>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 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

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

Excused: 1 - Council Member DeLorenzo

Approval of Minutes

- 1 [16-113](#) MINUTES OF THE CITY COUNCIL'S:
 A. March 1, 2016 City Council Business
 B. March 8, 2016 City Council Workshop

Proclamations and Presentations**PROCLAMATIONS**

- 2 [16-80](#) PROCLAMATION RECOGNIZING THE MONTH OF MARCH AS MULTIPLE
 MYELOMA AWARENESS MONTH

CM Nobile presented this Proclamation to Ms. Jenny Hack.

The Proclamation was Received and Filed.

- 3 [16-94](#) PROCLAMATION RECOGNIZING APRIL AS WATER CONSERVATION
 MONTH

VM Shipley presented this Proclamation to Brian Matthews.

The Proclamation 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

- 4 [16-53](#) ORDINANCE 2016-XX RELATING TO BOTTLE CLUB REGULATIONS

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 Vice Mayor Shipley, that the Ordinance be adopted on Second Reading. 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: O2016-4

Resolutions

5 [16-101](#) **RESOLUTION 2016-XX APPROVING FINAL PLAT - GRAND LANDINGS - PHASE 2A REPLAT**

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

Public Comments:

Jack Carall-Private street, does this mean it is a gated community?

George Mayo-According to the map the road circles to the right, is this the beginning to a large development?

Responses to Public Comments:

Jerry Finley-Engineer for the project-Yes, it is a gated community, yes, there will be additional lots that will be developed.

Mayor Netts-Yes it is gated, and yes to additional lots, totaling approximately 35-45 lots.

A motion was made by Council Member Nobile, and seconded by Council Member McGuire, 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: R2016-17

Other Business

6 [16-95](#) **APPOINT ONE MEMBER TO FILL VACANCY ON THE LEISURE SERVICES ADVISORY COMMITTEE**

There was a vote that produced a tie. Council concurred to postpone until there is a full Council to vote on this board position.

The Appointment was continued.

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.

7 [16-87](#)

RESOLUTION 2016-XX APPROVING THE RESTRICTIVE COVENANT
RELATED TO THE PALM COAST ARTS FOUNDATION

This item was pulled from consent from a resident asking for an explanation to this item.

Mr. Landon provided a brief overview to this item.

Public Comments:

Jack Carall-If this is a state grant, why does it come to the City? What does the City have to do if they do not meet their requirements?

Responses to Public Comments:

Ans: Mr. Landon-The City owns the property. We have a long term lease on it with the Performing Arts Foundation, so the deed restriction requires City approval because it is a City asset (City property). The purpose is once again, the agreement is between the Arts Foundation and the State but because we own the property, the State wants to make sure we are in agreement with the fact that it will stay as a performing arts venue for the next 10 years, because that is what the State is putting the money into. Mayor Netts-In the lease, the long term lease, there is a reversion clause that if the Arts Center ceases to use that for the designated purpose, the lease is terminated in favor of the City who continues to own the property.

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: R2016-21

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

8 [16-111](#)

RESOLUTION 2016-XX APPROVING FPL UTILITY EASEMENT FOR
EVENT LAWN AND PERFORMANCE AREA

A motion was made by Council Member McGuire, seconded by Council Member Nobile, that the Consent Agenda be adopted on Consent. The motion was Approved unanimously.

Enactment No: R2016-18

9 [16-88](#)

RESOLUTION 2016-XX AMENDING THE CITY OF PALM COAST FUND
BALANCE POLICY

This item was pulled from consent from a resident asking for an explanation to this

item.

Mr. Landon explained the fund balance policy.

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: R2016-22

10 [16-90](#)

RESOLUTION 2016-XX APPROVING A WORK ORDER WITH CPH ENGINEERS, INC., TO PROVIDE ENGINEERING SERVICES FOR THE CITY OF PALM COAST

A motion was made by Council Member McGuire, seconded by Council Member Nobile, that the Consent Agenda be Adopted on Consent. The motion was Approved unanimously.

Enactment No: R2016-19

11 [16-92](#)

RESOLUTION 2016-XX APPROVING PIGGYBACKING THE LEE COUNTY CONTRACT WITH STAPLES CONTRACT & COMMERCIAL, INC., FOR PURCHASING OFFICE SUPPLIES

A motion was made by Council Member McGuire, seconded by Council Member Nobile, that the Consent Agenda be Adopted on Consent. The motion was Approved unanimously.

Enactment No: R2016-20

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.

Robert MacDonald-Has Council discussed the suggestion regarding code violations and anonymity?

Dennis McDonald-Safety-Matanzas Woods Interchange-Pedestrian Island is not

enough protection for pedestrian crossing. Requested City pass a resolution that we will not accept the road until there are lights installed for pedestrian crossings.

Responses to Public Comment:

Code-Mayor Netts-The issue of code enforcement anonymity versus identified complaints has been addressed by City Council about 6 months ago; there was a change to the policy, the requirement under certain circumstances the complainant must identify themselves but it was not a universal change, so there is still a possibility for anonymity in certain circumstances. Anybody from Council is free to bring that up at any time to see if we want to make further changes. Typically changes of that nature are based on a significant number of citizen impact. So far we have heard one. CM Nobile-We also want to give the new Ordinance time and see how it works-a year or two.

Safety at Matanzas Woods Interchange-Mayor Netts-Discussed the Yacht Club issue with safety years and years ago, we approached DOT and a stop light must meet certain criteria, the issue from the City's point of view, we could install a stop light, but if we do it without DOT approval, we are responsible, if there is an accident at that intersection, we bear full responsibility. Asked Mr. Landon to have our traffic engineer look at this situation. Does not agree with a resolution to not accept the road from the County but perhaps a resolution strongly suggesting to DOT to issue a traffic light.

Mr. Landon provided an update with regards to the interchange. Matanzas Woods Parkway is currently a County road but we do have an Interlocal Agreement with Flagler County that states after the interchange is complete they will turn over the entire length of Matanzas Woods Parkway to the City but that does not include the interchange. The interchange is a federal highway interchange, it is owned by the Federal Highway Commission and managed by FDOT. So that section that is within the Federal right-of-way is not being turned over to the City. It will stay under the jurisdiction of FDOT. I couldn't agree with you more Mayor, why would you have an interchange in a City without traffic signals? I was extremely surprised to see the stop sign versus a signal go in at the interchange. We have already had this discussion with the district office. Once Matanzas Woods Parkway is turned over to the City, that is when we will have more influence on the future of that interchange. I think that we need to continue that discussion. I can tell you that as a result of some of the complaints that the County and FDOT have already received, they have already done a second analysis. After they designed it and approved the design, they went back and did a separate analysis as to whether or not the interchange (signal) warranted any changes including it being signalized. There were some minor changes and I believe that is when the islands were installed. There was no warrant as they would say and Mayor as you indicated-for a signal. They really do not know how much traffic is going to be on it, they got their engineer modeling that tries to predict. I think the best approach at this point is, FDOT is not going to do anything with it right now because they have already looked at it a second time without any traffic on it; we need to move forward with the City obtaining the rest of the right-of-way. Once again, whether we obtain the rest of the right-of-way or not, this portion in the Federal highway right-of-way is not coming to the City and then keep pushing for the signal to go in. The other misnomer is that the City is going to pay for the signal; no, I could not see us putting any money into an interchange signal. This is something the State would definitely take on, it is their responsibility. Just like the signals on US 1, they do not ask us to fund any of those signals. This is one where County or City dollars will not go into the signal. It will be Federal-State highway dollars that would actually fund those. Once they meet warrants, those dollars are fairly easy to come by. When it doesn't meet warrants and they put them in, then they are liable but once it does

meet warrants and they don't put them in then there is a liability issue there too. So as soon as it meets the warrants, the funding will be available. Our job at the City is to keep pushing them to get them in as soon as it meets the warrants.

Mayor Netts-I would like to see communication with the school board, I imagine there will be students walking to and from school, major pedestrian volumes there, and I would like to approach the school board and get their opinion, they could make the suggestion as to how many children walk that way each day, then I would like to see a joint resolution from the school board and the City and possibly the County, putting DOT on notice that this to us is a very serious issue.

Mr. Landon-Yes, and we have been in communication with the school district and I am sure that the joint resolution will be very easy with the school district.

CM McGuire-When we first talked about the changes on Old Kings Road, all of the conversation was centered around the concern that an off ramp from I-95 would dump traffic in front of Matanzas High School and we all said that was a bad thing. It sounds like we have not convinced the DOT that it is a bad thing. I understand what Mr. Landon is saying but we need somebody in the State legislature to light a fire; we cannot have traffic coming off of the interstate flying towards Matanzas High School, that is why we are doing the Old Kings Road Extension, in my view. Mr. Landon-And Palm Harbor to minimize the impact in front of the high school. This interchange is specific to pedestrian traffic where you have students who live on the other side of I-95 walking or riding their bicycles to school, which is really the issue at hand. Once again, agree totally, we were very surprised; we have already started the ground work. I do think you are right on target, as elected officials, to contact your State elected officials expressing your concerns makes a lot of sense. That is where the resolution can come into play to get the elected officials' attention which could hopefully get the DOT's staff attention.

Mayor Netts-With Council concurrence I will write a letter on behalf of City Council to the Chair of the School Board asking them to join us in a joint resolution. In the meantime, let's contact our elected representatives, senators and push this. I do not like the alternative of accumulating enough negative statistics-how many kids do you have to hit with a car before you could have a traffic light?

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

VM Shipley-Bus stops-people have suggested to put garbage cans at the 3 stops (that the City is piloting).

VM Shipley-Fernmill Lane-All traffic from Palm Harbor Parkway is going down Fernmill Lane, it is a very narrow road, 20 feet wide and it is set at 30 MPH, speed is a concern. Commander Carman set up speed checks, they are going 30 MPH, so the limit needs to be lowered. People are getting hurt, lawns are getting driven on, would like to see something there before March 28 opening of Palm Harbor. I do not want to go back to these people and tell them to wait it out. I think they need something there before something bad happens. Perhaps a temporary sign and a COP (citizen on patrol) sitting there. Maybe people will be discouraged from going down there.

CM Nobile would not be opposed to a construction speed zone. Mayor Netts agrees as long as it is in accordance with State laws.

Mr. Landon-I will speak to Sean about construction speed zones. The key is to get Palm Harbor open. It will take time to change driver behavior to not use that as a cut through after Palm Harbor opens.

CM McGuire-Would like perhaps a workshop on bus stop issues that we have had Jason DeLorenzo working on. Would like to hear from the school board on the bus stop issues. Will the kids use them, what is the school board doing to advise the kids to use them and not lay down in the street. What about portable slabs that you can move around, not permanent slabs?

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

Two matters from Tallahassee-one good and one bad; Fracking bill failed in committee. Public records trying to minimize some of the abuses that have been going on throughout Florida.

Some of the real problematic legislation did not go through (e.g. fracking) that are preemption related.

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

Today is the Presidential Primary election.

Food Truck Tuesday is tonight and the proceeds from will go to the summer camp program.

Five Tuesdays this month-no workshop on the 22nd; workshop is the 29th.

Easter Egg Hunt-Eggstravaganza will be Saturday, March 26, from 10 am to 1 pm; a successful teenage egg hunt will be on the 25th in the evening.

Boulder Rock canal crossing-neighborhood meeting was last night, so construction will begin soon.

H. Adjournment

The meeting was adjourned at 9:50 a.m.

*Respectfully submitted,
Virginia Smith, City Clerk*

Calendar and Worksheet

[16-112](#) MEETINGS CALENDAR AND AGENDA WORKSHEET

[16-119](#) ATTACHMENTS TO MINUTES