



# 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, May 3, 2016

6:30 PM

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.

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

>City Council Meetings are televised on Bighthouse Networks Channel 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 6:30 p.m.*

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

#### C. Roll Call

*City Clerk Virginia Smith called the roll.*

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

**Approval of Minutes**

- 1     [16-183](#)           MINUTES OF THE CITY COUNCIL'S:  
                          A. April 19, 2016 City Council Business  
                          B. April 26, 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:** 5 - Mayor Netts, Vice Mayor Shipley, Council Member DeLorenzo, Council Member McGuire, and Council Member Nobile

**Proclamations and Presentations****PROCLAMATIONS**

- 2     [16-184](#)           PROCLAMATION RECOGNIZING MAY 1 - 7, 2016 AS PUBLIC SERVICE RECOGNITION WEEK  
  
*CM Nobile presented this Proclamation to City employees whose years of service exceed 20 years.*  
  
**The Proclamation was Received and Filed.**
- 3     [16-179](#)           PROCLAMATION DESIGNATING MAY 7, 2016 AS ARBOR DAY  
  
*CM DeLorenzo presented this Proclamation to Ms. Carol Mini, Urban Forester.*  
  
**The Proclamation was Received and Filed.**
- 4     [16-180](#)           PROCLAMATION RECOGNIZING MAY 3, 2016 AS TEENS-IN-FLIGHT DAY  
  
*VM Shipley presented this Proclamation to Colonel Jack Howell, Teens in Flight.*  
  
**The Proclamation was Received and Filed.**
- 5     [16-181](#)           PROCLAMATION DESIGNATING MAY 21st-27th AS NATIONAL SAFE BOATING WEEK  
  
*Mayor Netts presented this Proclamation to representatives from United States Coast Guard Auxiliary Flotilla 41 in Palm Coast.*  
  
**The Proclamation was Received and Filed.**
- 6     [16-117](#)           PROCLAMATION RECOGNIZING MAY AS CIVILITY MONTH  
  
*CM McGuire presented this Proclamation to Attorney Reischmann.*  
  
**The Proclamation was Received and Filed.**

**PRESENTATIONS**

7 [16-156](#) PRESENTATION-CURRENT YEAR-TO-DATE BUDGET REVIEW

*Mr. Chris Quinn, Finance Director presented a PowerPoint presentation, which is attached to these minutes.*

*CM McGuire-\$7.7 mil. in fire protection, how much do residents pay in addition to this to the County? Ans: Mr. Quinn-I do not have that breakdown. Mr. Landon-The Flagler County Fire/EMS budget is somewhere between \$8 mil. and \$9 mil.*

*CM Nobile-Personnel Services, is all personnel? Ans: Mr. Quinn-Yes, personel and all related benefits and taxes.*

*CM Nobile-Does this include hotel taxes? Ans: Mr. Quinn-Anything that was charged the local 7% sales tax, so it could be in the restaurants and things like that but any actual bed taxes or non-sales taxes are not included in this.*

*CM McGuire-What would it take to make that yellow dot green? Ans: Mr. Quinn-If we paid the Sheriff in arears.*

*CM McGuire-This is an enterprise fund (referring to a Utility Fund Review slide)? Ans: Mr. Quinn-Yes.*

*CM Nobile-Parks & Recreation slides-This includes golf and tennis, what amount is offset by revenue here? Ans: Mr. Quinn-The budgeted revenue for the golf course is somewhere around \$1.2 mil. out of \$3.8 mil. The Tennis center revenue is somewhere around \$200K for the year. CM Nobile-So roughly \$1.5 mil.? Ans: Mr. Quinn-Yes.*

*CM DeLorenzo-(revenue graph) Included in that are some capital funds that may have been intended to be used, the project has not come yet, so it can be deceiving at times. It could be a large lump sum of money that is going to be spent on that project as soon as it gets started. Ans: Mr. Quinn-Correct, we do the best we can and try to estimate an on-going project that will be over multiple years.*

**The Presentation was Received and Filed.**

## ORDINANCES, RESOLUTIONS, AND PUBLIC HEARINGS

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

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

### Resolutions

8 [16-148](#) RESOLUTION 2016-XX APPROVING ADDITIONAL CITY COUNCIL PRIORITIES FOR THE FISCAL YEAR 2016-2017

*Mr. Landon provided a brief overview. Denise Bevan presented a PowerPoint presentation, which is attached to these minutes.*

*Mayor Netts called for how Council would like to vote. CM McGuire proposed to complete the form the Clerk handed out to Council.*

*CM Shipley-I had spoken with Mr. Landon about #2 and had them look at the area that I was talking about and it turned out that area is not a wet ditch; it is something that we need to talk about and he gave me another option of an air boat; chemically treating it and he was going to get prices for that. I did not want it to look like we were trying to put fences around it as we realized that would not work so we came up with another plan.*

*Mayor Netts-Does this revised decision become a priority, is it something that will be ongoing? Ans: Mr. Landon-It really is a canal but it is an isolated canal so yes, we agree we need to treat it like all our other canals we treat, so we were planning on moving forward with that. You are welcome to make it a priority, but in my opinion all canals should be treated the same. If we can't for some reason (treat the canal), then we will bring it back to you for direction.*

*CM Nobile-#5 I am good with this plan, but I am more concerned with the actual performance measure that follows, I want to see the exact steps so that after I vote yes on this now, and then, the implementation will have a budget effect but looking into it, it shouldn't have much of an effect. Ans: Mr. Landon-Once you establish a priority, like Denise said, you might have 19, 17 priorities but we will have 31 action steps to accomplish those priorities. Once you do your job, we either turn it over to a department or one of our teams to put together a strategy or approaches as to how we will get that accomplished. Then we will, with your priorities, report back to you at least once a quarter. This one because of how visible it is and the economic impact it could have on the budget; City Council will definitely be hearing about this one on an on-going basis.*

*Mayor Netts-I have a question on #5 also, we have had some attempts to converse with the County on the communication system, we have no input or very little input into what the County does, it is their system, I am interpreting this to say, this is what we are going to do internally to be sure that we are prepared for what the County does? Ans: Mr. Landon-There are two very important elements, big picture elements, one is what you might call the backbone, the towers and the antennas that allow the radios to communicate and then in each one of the different entities, whether it is the City or the County, each have their radios that have to communicate; those radios are our responsibility. The backbone is the County's responsibility but obviously we have to coordinate those discussions so that they are compatible. There are conversations going on between the cities and the County and Sheriff's office, all of those parties, right now. What we are trying to focus on is our own system, we are developing inventories, making sure whatever we have will be compatible with whatever new system the County puts in, so it is important we work with the County.*

*CM McGuire-This is only to develop a plan? Ans: Mr. Landon-Correct. CM McGuire-It doesn't say implement or take action. Ans: Mr. Landon-Yes, this states we have to develop a plan and then implement it. That will take multiple years.*

*CM DeLorenzo-For me, #5 says two things: 1. It has been reported we are considering going this alone and this says it is our plan to develop this in consultation with Flagler County, that is the first thing we are saying and then 2. The inventory of the radios, which ones are going to be able to be used in the future because they can*

*be upgraded, so we have an understanding of what our responsibility is with those radios; how much it will cost and how, over some period of time, we can budget for it and implement the program once the program is set.*

*Mayor Netts-#6-Our Citizens' Academy is a stellar program. I am hoping this is a supplement, not intended to be a replacement. Ans: Mr. Landon-Feel free to change the wording. It was not our intent to eliminate the program and replace with a virtual program.*

*CM DeLorenzo-Are we eliminating #2? Ans: Mayor Netts-Well, if under our current operating protocols we can deal with that particular ditch, then it does not need to be a priority. If it turns out we can't, then we still have time at budget time to stick some more dollars in to deal with it in some other fashion.*

*Public Comments:*

*Jack Carall-Have you reviewed these prior to coming here tonight?*

*John Brady-Budget-page 74. Who is in charge of the utility department? Council should leave business for the next Council to handle.*

*Courtney McDonald-Street lighting issue and #2 Canal versus ditch-will there be fencing around all canals in Palm Coast?*

*Responses to Public Comments:*

*Canals vs. ditches-Mayor Netts-It is my understanding of the approval of #2, we are not going to look at fencing; we are going to look at other options of improving potential safety for those other ditches. We are not considering, at least I am not, considering fencing any ditch; it would be astronomically expensive and I don't think it would be particularly effective to try to do it.*

*Street lighting-Mayor Netts-Once upon a time we had intentions of implementing lighting all along our major corridors, arterials, etc. When we got into the budget crunch of the great recession, we put that on hold. This is rejuvenating that and the plan is to provide continuous lighting on all major roadways throughout the City. We do not want to have light, dark, light, dark, light, dark, that confuses people, so it is a long range plan as street lights, like other things, are fairly expensive and it is not a one-time expense, you put them in today and you pay the electric bill forever.*

*Operations of the City-Mayor Netts-There is no way I am going to sit on my hands for almost six months and not operate the City. The utility budget is not a municipal budget, it is an enterprise fund and it is separate and apart from the City. Who operates it? - Richard Adams, probably one of the foremost authorities on utilities nationwide. He and his staff continually receive year after year, awards for outstanding capabilities. We have a utility department very well run. The costs are what they are. I have mentioned once before the history of why the City took on utility debt, not taxpayer debt, there is not one penny of taxpayers' dollars involved in that debt. It is paid for by the users. If anyone wants me to reiterate the history as to why we got involved in this, I will be happy to get with you after the meeting. It is not something that we have done that we ought to correct, what we have done is possibly the best thing we could have possibly done for the welfare of our community.*

*Have we seen this before? Ans: Mayor Netts-any number of times, this has been discussed at workshops and he requested Denise provide the timeline. Ms. Bevan provided the process and the timeline relating to Council priorities. Mayor Netts-I may point out that this timeline may show March 21st Council interviews begin; that is the cumulation of a year of City Council looking at these issues, discussing them,*

*corresponding with residents and getting feedback from the public. This is when we begin to formalize the conversations that we have had throughout the year. This is an on-going process.*

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

Enactment No: R2016-39

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

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

- 9**     [16-131](#)     RESOLUTION 2016-XX APPROVING THE CONTRACT WITH HALIFAX PAVING, INC., FOR THE 2016 STREET RESURFACING PROJECT
- A motion was made by Council Member DeLorenzo, seconded by Council Member McGuire, that the Consent Agenda be Adopted on Consent. The motion was approved unanimously.**
- Enactment No: R2016-40
- 10**     [16-132](#)     RESOLUTION 2016-XX APPROVING PIGGYBACKING THE FLORIDA SHERIFFS ASSOCIATION CONTRACT #15-13-0904 FOR A NEW VAC-CON
- A motion was made by Council Member DeLorenzo, seconded by Council Member McGuire, that the Consent Agenda be Adopted on Consent. The motion was approved unanimously.**
- Enactment No: R2016-41
- 11**     [16-142](#)     RESOLUTION 2016-XX APPROVING A WORK ORDER TO CPH ENGINEERS, INC., FOR IMPLEMENTATION OF THE NORTHERN WELLFIELD WETLAND MONITORING PROGRAM
- A motion was made by Council Member DeLorenzo, seconded by Council Member McGuire, that the Consent Agenda be Adopted on Consent. The motion was approved unanimously.**
- Enactment No: R2016-42
- 12**     [16-143](#)     RESOLUTION 2016-XX APPROVING PIGGYBACKING THE CITY OF ORLANDO CONTRACT #IFB15-0017 WITH LAYNE INLINER, INC., IN THE

AMOUNT OF \$32,655 FOR STORMWATER PIPE LINING PROJECT ON PIN OAK DRIVE

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

Enactment No: R2016-43

**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-Suggestion that City Council lay down and do nothing until the new Council is elected is not appropriate.*

*Steve Carr-Florida Park Drive issue.*

*Robert MacDonald-How do you personally feel about candidates being background checked?*

*Sims Jones-Fire Dept. and Police Dept. I think there should be one unified department.*

*Jack Carall-At the workshop you brought up the meeting on May 11th with the County regarding the decriminalization of marijuana. Marijuana is against the law.*

*Kyle Berryhill-Fire/EMS consolidation-we, the firefighters are against it.*

*CarMichael McMillan-Marijuana and teens.*

*Responses to Public Comments:*

*Mayor Netts-Although the comment was made on a different agenda item, I will reiterate my feeling-we were elected to serve and we will serve our full term. Cliche that I like to use-even if you are on the right path, you will get run over if you do not keep moving and it is important that we keep moving.*

*Florida Park Drive-continues to be an issue for residents and Council. Hoping that once Old Kings Road is complete that will become the quickest, easiest path for people. Hopefully that will resolve some of the problems.*

*Backgrounds for candidates-Mayor Netts-We have discussed it, I have spoken with*

*the State and the Supervisor of Elections-election laws are not established by the City of Palm Coast or Flagler County, they are statewide and even if we were to do a background check, what would you then do with that information? We have had two speakers talking about the unintended consequences about mistakes in your early life and how it can follow you. We will conduct our elections in accordance with the State laws.*

*CM DeLorenzo-Mayor, last time this came up, you stated, correctly that if there was something in a background check the press would make that available.*

*VM Shipley-Also, if you have a felony, you can't vote, and if you can't vote, you can't run, correct? Ans: Ms. Smith-Correct, you have to be a registered voter to run for office.*

*Consolidation of fire and police or radio systems-Mayor Netts-the radio system issue goes far beyond the police and fire. Many, many, many City employees not in the fire department use those radios on a daily basis, we have talked about that and it is one of our priorities, the County owns the system and it is one system but the County has partners in it and together we will work out the details.*

*Marijuana-Mayor Netts-There is some misinterpretation of what is being opposed. It is inappropriate to for us to use the term decriminalization of marijuana because we do not have the authority to do that. Only Tallahassee can do that. And even if Tallahassee were to do that, it is still a Federal crime. What we are talking about and we have not even had the initial discussion, other than the County and its' advisory board, we are talking about civil citations. I agree completely with what I have heard that a mistake as a youth could travel with you for the rest of your life and we ought to try to find some way to prevent that from happening. Clearly, the harsh marijuana penalties have not stopped individuals from purchasing and using that product. The concern that I have and I stressed this once before, is that if Flagler County reduces the penalty or if Palm Coast reduces the penalty and Bunnell does not or Flagler Beach does not or if St. John's County does not, you have this very dissimilar way of dealing with the issues. If this is truly a worthwhile endeavor, once again I think those men and women who serve us in Tallahassee can deal with this at the State level so we do not have little islands of where marijuana is opposed and little islands where it is acceptable. I think a reasonable legislature in Tallahassee could come up with one Statewide program that would fit us all.*

*Fire/EMS-Mayor Netts-Start with the very simply understanding that there is a vast difference between much of Palm Coast and much of unincorporated Flagler County. We are an urbanized community and the level of service that you need here, that you demand here, is higher. Take an extreme example, out west one farm house on 1,000 acres, if it catches fire, you may very well lose that house but the likelihood of that fire spreading to adjacent homes and becoming an issue for more and more families that is very unlikely. Here with homes as close together as they are, it is a very, very different issue. I think it is important to remember that our fire department, the Flagler Beach fire department, the Bunnell fire department, the County fire department, they do not just put out fires. They do fire prevention, they do inspections of retail buildings, they do voluntary inspections in residential homes, they change smoke detector batteries, they do fire prevention seminars, one of the reasons we have low fire loss is because of very good fire prevention. I for one do not see any advantage to consolidation. If we were a homogeneous community, a homogenous County, then yes, you could make a case for consolidation perhaps, but the level of service demanded in a residential community is very different from the level of service in an agricultural community. We have an East Flagler Mosquito Control District, we do not want them, there is no West Flagler Mosquito Control District. We*



*chose a different level of service. Urban vs. rural, I think that is the issue. I am not sure one size fits all.*

*CM DeLorenzo-I do not remember this Council ever discussing consolidation. Mayor Netts-To the best of my knowledge we never have. Neither conversation, nor any support for it.*

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

*VM Shipley-Question on the strategic action plan, things that we have on there that were not new and they say ongoing, we move them forward, one of the things I had asked for was something for the Little League, which we decided was ongoing and kind of the next part of Holland Park, but since then we have decided that it wasn't going to happen any time soon. It was not going to be on the priority for next year, I thought that was the understanding. Ans: Mr. Landon-Budget process-City Council said we needed to make some improvements out there to help so this year there was an additional batting cage, we created some tee-ball infield, there was a variety of things we did out there already. This coming budget season, I know of as part of the capital improvement plan, there are already discussions about the concession stand-it is old and need improvements. The Parks Team is looking at these and will plan to put together a plan. So during budget time, you don't just look at it, you put the money where your goals are and there will be improvements at Indian Trails and other parks that you will get a chance to look at during that process.*

*CM DeLorenzo-Are all baseball fields lit at ITSC? Ans: Mr. Landon-Yes.*

*CM DeLorenzo-We had a discussion about it last week and I know we will talk more about it at budget time but when we talked last week about it and maybe it makes more sense to spend the next set of lighting dollars on Indian Trails because of the volume of the traffic that it gets. Ans: Mr. Landon-All four of the diamonds are lit so they can play at night and they do go on and play in the evening night-time hours. Holland Park will be - they can only play there until it gets dark; unless you put lights out there and we talked about the neighbors and the impact on the neighborhood.*

*CM Nobile-Would like to discuss at the next workshop - I was on Florida Park Drive and I noticed about 4 or 5 trucks come down the road, not local trucks, I would like to see if we can shut down through truck traffic on that road. I am thinking you put up signs and we patrol for about a month or so until everyone gets the idea and then when we widen Old Kings Road that will alleviate some of that traffic. Ans: Mr. Landon-You have actually already given us that direction, included in the whole safety traffic flow at Matanzas and how it will go by the school and now that you have Palm Harbor open, if they are coming from the north, the delivery trucks, going to those gas stations, convenience stores, there is no reason why they cannot use Matanzas and easily come right down to those businesses. So yes, we now have the opportunity to change some traffic patterns and behavior and we are actually starting to work on those and have started those discussions and it included the truck traffic for those deliveries and clubs like the Portuguese American Club. They make deliveries there, once again, they do not have to use Florida Park Drive anymore. and if they are going southbound because they got off at Matanzas, well shame on them if they are coming down to Palm Coast Parkway. That is all part of what we are planning on doing.*

*Mayor Netts-Comment on County invitation to attend the County workshop. It was interesting and I do not think it fully encompassed all the options we discussed but I do believe we have a commitment from the County to discuss.*

**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**

*Opening of Palm Harbor Parkway-Has been receiving comments that have been positive, what a difference it has made. We are sending out a letter to the residents on Fern Mill -one of the routes that people found-and will replace and repair sod, sprinkler heads, etc.*

*Old Kings Road-extension light is up, not functioning yet but first layer of asphalt is done and should be done by start of the new school year.*

*Congratulations to our utility department for winning the State championship again. Tenth time we have won "Top Ops" challenge put on by the Water Works Associations. Florida will send them to the Nationals.*

*Flagship Program with the Schools.*

*Arbor Day starts at 8:00 a.m. with the 5k run in Central Park, celebration is from 9:00 am to 2:00 pm. Bring a can of food and get a tree.*

**H. Adjournment**

*The meeting was adjourned at 8:25 p.m.*

*Respectfully submitted,  
Virginia Smith, City Clerk*

**Calendar and Worksheet**

[16-182](#) MEETINGS CALENDAR AND AGENDA WORKSHEET

[16-196](#) ATTACHMENTS TO MINUTES