



# 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 17, 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.

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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

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

#### C. Roll Call

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

#### Approval of Minutes

1 [16-200](#)

MINUTES OF THE CITY COUNCIL'S:  
A. May 3, 2016 City Council Business

## B. May 10, 2016 City Council Workshop

**A motion was made by Council Member McGuire, and seconded by Council Member DeLorenzo, that the Minutes be Approved as presented. The motion was adopted by the following vote:**

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

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

- 2     [16-151](#)            PROCLAMATION RECOGNIZING SEPTEMBER 10TH THROUGH SEPTEMBER 17TH AS SENIOR GAMES WEEK
- CM McGuire presented this proclamation to the Sponsoring Agency-CORA Health Service, Inc.*
- The Proclamation was Received and Filed.**
- 3     [16-195](#)            PROCLAMATION RECOGNIZING MAY 19, 2016 AS "PALM COAST CITY EMPLOYEES' HEART HEALTHY DAY"
- CM Nobile presented this Proclamation to representatives from Florida Hospital-Flagler.*
- The Proclamation was Received and Filed.**
- 4     [16-154](#)            PROCLAMATION RECOGNIZING MAY AS DRUG COURT MONTH
- CM DeLorenzo presented this Proclamation to members of the Flagler County Drug Court.*
- Mayor Netts requested all members of our community attend Drug Court at least once in their lifetime.*
- The Proclamation was Received and Filed.**
- 5     [16-164](#)            PROCLAMATION RECOGNIZING MAY 15, THROUGH 21, 2016 AS NATIONAL PUBLIC WORKS WEEK
- CM Shipley presented this Proclamation to employees in the City's Public Works department.*
- The Proclamation was Received and Filed.**

**PRESENTATIONS**

- 6     [16-157](#)            PRESENTATION - OVERVIEW OF FUND ACCOUNTING
- Ms. Lina Williams and Mr. Chris Quinn presented a PowerPoint presentation, which is attached to these minutes.*
- CM McGuire-The Police Automation Fund-is that from the money from traffic violations? Ans: Mr. Quinn-One we no longer have, and one we have and yes,*

collected from tickets.

*CM Nobile-On these franchise fees and service taxes-are they collected like a sales tax, the companies collect them and pay us those fees? Ans: Mr. Quinn-We are officially levying the franchise fee against the company but the way most of them deal with it, they put it to their bills to their customers as a sales tax.*

*Mayor Netts-Utility Franchise Fee and Public Service Tax-of our neighboring communities, of our neighboring counties, how many typically have these and how many do not? Ans: Mr. Quinn-I believe everybody, pretty much all the major governments around us have some form of the franchise fee or public service tax already in place. We are in the great minority to not have these particular taxes in place.*

**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

### First Reading

#### 7 [16-198](#) ORDINANCE 2016-XX TO AMEND AND RESTATE THE EUROPEAN VILLAGE MASTER PLANNED DEVELOPMENT

*City Attorney Reischmann read the title into the record. Attorney Reischmann reminded Council this is a quasi-judicial item. Mayor Netts called for ex-parte communication. CM DeLorenzo-Received an email and will base his decision on what he hears today. Mr. Landon confirmed this is the email that all Council members received from Dennis McDonald.*

*Mr. Landon gave a brief summary of the item. Mr. Beau Falgout, Mr. Ray Tyner and Ms. Ida Meehan presented a PowerPoint presentation, which is attached to these minutes.*

*Mayor Netts-Attachment G-The fourth one down, I do not have anything to do with jewelry and watch stores.*

*CM McGuire-Does that sign conform with the signs allowed in Palm Coast? Ans: Mr. Tyner-Yes, it does and will.*

*CM DeLorenzo-What is the intent relating to "allows for additional parking?" Ans: Mr. Falgout-Part of the discussion with the European Village folks, which is a good thing-as they added more special events the need for parking has grown, so there is a desire to possibly work with the Community Development District for additional areas, next to the bridge for overflow special event parking. This master plan development*

allows for the process to move forward. They still have to come in with their site plan, obviously there are a lot of details to work out with fees, stormwater permitting, but of course it has to meet all our standard codes as far as landscaping, etc., so this just allows for the possibility for them to have additional parking, if they choose to and then it goes through the site plan process.

CM Nobile-The overall map slide-What is the area designated as a license area?  
Ans: Ms. Meehan-There is a license agreement between the owners and the Hammock Dunes CDD-it is for parking under the bridge.

CM McGuire-Can you comment on the following: "The good people who put their trust in buying a unit at European Village, condominium unit, have lost an excessive amount of money, not only because of the 2008 crash but because the City of Palm Coast planning department did not take proper precautions in researching the easement before allowing the filing of the declaration, I believe this may very well be the reason mortgages are quite impossible to arrange on condominiums at this complex and that contributes to the extremely low resale prices." Ans: Mr. Landon-That comes from an email you all received from Dennis McDonald, it is an old story that he has been saying for quite some time that has a lot of false background to it; the history is that this area that is owned by the Dunes Development District that they are using for parking, that is the area under the bridge. CM Nobile-So if you are driving on the road, instead of turning into European Village, you go on the other side? Ans: Mr. Landon-No the access is actually under the bridge, if you go into the parking lot area and you look up-you are under the bridge. CM Nobile-So I don't know if there is actually parking on the other side. Ans: Mayor Netts-On the east side of Palm Harbor? Ans: Mr. Landon-The east side is City property. CM Nobile-So, are we talking about that? Ans: Mr. Landon-No, we are talking about when you drive into the main parking lot (CM Nobile-Left to European Village and right to the parking lot), that is under the bridge. Mayor Netts-That is the area marked with hash marks. Mr. Landon-The old Development Order, as you can see, as a planner by trade, it is an embarrassment as to what the developer put in there, as far as having to have crepes made in front of you-that is why we are trying to clean this up, also the developer put in there were other conditions that are usually none of government's business, in this case one of them is a perpetual easement granted to the European Village ownership for parking and access; the City's real interest is they have to have so many parking spaces, whether those parking spaces are in a lease or they own the property. Mr. McDonald can get involved in their business if they will let him but the City does not get involved in those kinds of transactions. Our interest is how many parking spaces do they have and do they meet the code. In this case they had this Agreement, during the downturn, Mr. O'Rourke quit paying the rent for the lease, if you will, so they converted the easement (which was in the Ordinance) to a license agreement. The Dunes District attorney went to court to convert it to a license agreement which is more appropriate actually, so they could revoke it. When the City approved the development order they actually had the easement as required in that Development Order-times change. One of the clean ups is getting that language out of there and putting in parking, that is what our interest is, so the whole issue of easement or license is being taken care of with this document if you approve it. To say that converting the easement to a license and they still have parking, that somehow devalues the property, you would have to ask Mr. McDonald as to how he came to that.

CM McGuire-Have we heard from realtors or real estate agents dealing in that area complaining that they can't sell? Ans: Mr. Landon-There is only one person we have heard from about this issue and that is Mr. McDonald that you got the email.

CM Nobile-As to the owners, could that license or area ever be withdrawn from

them? Ans: Mr. Landon-Yes. It is like a lease and if that happens they will have to find additional parking access.

CM Nobile-So I could see if I am a mortgagor and someone comes to me for a 20 year mortgage, what would happen if the license was removed and they could not find additional parking? Ans: Mr. Landon-They would have to find the additional parking. You are asking me to speculate on land transactions.

CM Nobile-Is there other land there for parking? Ans: Mr. Landon-Oh yes, there is. There is land all around, on both sides of European Village. Mayor Netts-There is also property in the rear where La Piazza restaurant is, go in the front entrance bear to your left and go to the rear, you will see signs back there land to be developed.

CM McGuire-So, no realtor has come to the City and complained they could not sell property at European Village due to the City? Ans: Mr. Falgout-No, during this upswing I know a lot of the property owners have bought additional units in the buildings with title insurance. If you are unable to get title insurance, you wouldn't be able to buy there, so the property has transactions in that area. It is not uncommon in commercial developments to have shared parking agreements, cross-access agreements, license agreements, etc., different types of legal arrangements to meet parking requirements. The license agreement is not uncommon, it is different here because it is with a governmental entity but it is very common in the private sector, for shopping center developments to have these agreements.

Mr. Landon-Another example is the little shopping centers in front of Home Depot, they have an agreement with Home Depot to allow their employees to park in the Home Depot parking lot that is close by. This objection is coming from an individual who sued us trying to stop Island Walk. We have some very positive redevelopment in the shopping center that we have been working hard on and why somebody would want to stop this kind of redevelopment on a detail that is of no consequence whatsoever I would hope City Council would agree that this is a very positive thing to move forward with.

VM Shipley-Who owns the piece of land under the bridge? Ans: Mr. Landon-Dunes Community Development District.

Public Comment:

Scott Champion-Owns a unit across from European Village and purchased a commercial unit and some residential units there. The business owners and residents are 100% in favor of this. The reason you could not get mortgages in there was due to foreclosures. I am also a realtor and have identified with an engineer other places for parking rather than under the bridge if we were to ever lose those few spots.

**A motion was made by Council Member McGuire, and seconded by Council Member DeLorenzo, that the Ordinance be Approved on First Reading. 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: O2016-5

## Resolutions

FINANCIAL REPORT FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2015, AS PRESENTED BY JAMES MOORE & CO., P.L.

*Mr. Quinn and James Halleran from James Moore-auditor provided a PowerPoint presentation, which is attached to these minutes.*

*Mayor Netts-Could you get someone to change the modifier word "unmodified opinion" to something else? Ans: Mr. Halleran-I wish I could, it is better than it used to be. Mr. Landon-But it is the highest opinion you could give.*

*Public Comments:  
There were no public comments.*

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

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

Enactment No: R2016-44

9 [16-190](#)

RESOLUTION 2016-XX APPROVING EXPENSES NOT-TO-EXCEED \$100,000.00 FOR FIRE STATION 22 IMPROVEMENTS

*Mr. Landon provided a brief overview to this item. Mr. Carl Cote provided a PowerPoint presentation, which is attached to these minutes.*

*CM McGuire-How many square feet is the station near Indian Trails? Ans: Mr. Beadle-I do not know.*

*CM McGuire-How much would it cost to build a new station? Ans: Mr. Cote-The last one was \$2.1 million.*

*CM McGuire-How long will this upgrade last before we tear it down and build a bigger station anyway? Ans: Mr. Landon-I think the more refined answer after thinking about it (from last week), this building could last another 10 years but we do not feel like we are doing such major remodeling that 5 years from now, it may be time to remodel. I do not think we have a set timeframe.*

*CM McGuire-This is a very small station and it is cramped; is it worth it to upgrade or build a new one? And the County has two firefighters stationed there, correct? Ans: Mr. Landon-Yes, this is one of the two stations where they have an ambulance crew there. CM McGuire-Are they going to contribute to the renovations to this station?*

*CM DeLorenzo-At the workshop you stated we would be getting with the County relating to the EMS stationed there. Have we spoken with the County? Ans: Mr. Landon-No, not yet. They said they were not available until June, but I believe the meeting has been set, two, three weeks away.*

*CM Nobile-But that is key here, and addressing CM McGuire's concerns about cramped conditions. If we can fix this station up and move the EMS people out that would be a much more suitable fire station for our firefighters and would really extend the life of that station, dramatically. We don't want to build another fire station so we can house County EMS. Ans: Mr. Landon-When we built Station 24, close to Farmsworth, we added enough bunk rooms, the new design is actually individual bunk rooms, to accommodate the ambulance crew at that station and we have encouraged them to at least sleep in that station where it has more room. We have*

*given them a couple of options, they could station during the day, during the busy times, at this station and then sleep at the other place where it is more comfortable. They could move their whole operation into the other station and then station their ambulance wherever it needs to be at that time. It also accomplishes one of our goals, and that is to get an ambulance that serves both the higher volume area, the C and F sections where it is, but also gets it closer to the northern section of the community. All those things we have been encouraging.*

*CM McGuire-Are you saying that the County can decide which of the City's stations they will occupy? Ans: Mr. Landon-We have never dictated what station they would stay at, we are trying to be cooperative.*

*Public Comments:*

*Jack Carall-How much over \$100K are you going to permit?*

*Sims Jones-Retired NYC Fire Fighter-Carbon dioxide is a big thing. They have a plug that hooks up to the truck and detaches when the truck pulls away. Much safer than a building system. Attached to the truck you never had to worry about exhaust.*

*George Mayo-Believes the fire fighters deserve a better space than what they are in now.*

*Responses to Public Comments:*

*Overage-Ans: Mayor Netts-How much is the overage, actually the construction budget, correct me if I am wrong, it's about \$85K, with a 15% contingency built in, so the overage that we are considering is about \$15k over the \$85K. As is often the case, there are unexpected, unanticipated problems that may crop up, so I was saying \$100K is our cap.*

*Exhaust system-Mayor Netts-You are contemplating an exhaust system for the entire bay whereas you have exhaust systems that hook directly to the truck, have you looked at that? Ans: Mr. Cote-We did look at both systems when we began the project, we had an engineer on board that did an analysis. The system that we are proposing is a brand new complete all new duct work system that will go in place, similar to what we have at our other fire stations. The engineer projected the other system, the hoses; more costly.*

*Time limit-Mayor Netts-I tend to agree that City Council, future Councils, need to start looking at our fire impact fees, need to start allocating money because as it has been pointed out, you do have some life safety issues; that firewall separation is critical, the exhaust system is critical, the ADA (handicap accessibility) in my mind is critical but you are still left with an old station with structural limitations, so I am encouraging City Council to look at this in future budgets. I am not sure if 5 years, 6 years, 4 years is appropriate but I do not think we need to make these improvements now but I do not think we need to tweak this building into lasting forever.*

*CM McGuire-Motion with stipulation that County agrees to remove their EMS people at the station prior to commencement of this renovation. Mr. Landon asked for clarification of motion. CM McGuire-We are on record saying that they have chosen where they want to put them but they are our fire stations and I do not want to be a mean guy but hey you have to work with us on this. So, how about taking your EMTs and putting them up there and then we will get this station renovated. Mr. Landon-If City Council wants to do that, if you say we won't start construction unless you move out, and they never move out and we never start constructio. If you want to say let's*

go ahead and renovate, but you don't move your crew back in after renovations, then that motion would not put them in charge but if you make a motion to not allow us to start construction until they approve it, you put them in charge of this project. CM McGuire- If you cannot convince your buddy at the BOCC (Flagler County Board of County Commissioners) to do this, then come back to Council and say they won't move.

CM Nobile-CM McGuire, I don't want to sound ugly here but we can just tell them no, you are not coming back, so you better get comfortable where you go. Just do it now while you have to move anyway because of the construction, and get comfortable. Mr. Landon-I am just trying to help with it, if that is your goal, state you will approve it subject to the County not moving back in and then we can proceed accordingly.

CM McGuire-Okay, that is what I am saying.

VM Shipley-I am not sure we have to make it a condition if we have the ability to do it. If we can do it, why can't we just say okay to the \$100K and put them where we want to put them? Do they, the EMS people, not want to move? Ans: Mr. Landon-We have suggested to them to move in the past and at least their administration has said no.

CM Nobile-What was their reasoning? Ans: Mayor Netts-The County contends that the placement of the ambulances is strategic, because while we think of the ambulance in this fire station as a Palm Coast ambulance, the fact is the County contends that its' service area is larger. It doesn't cover Palm Coast Parkway and north, it covers Palm Coast Parkway and south as well. They are claiming that the location of the ambulance is strategic in terms of response time. That may or may not be true, I have not looked at the details, however, as Mr. Landon has eluded to, you can park the ambulance there during the day time, which is the bulk of your calls and you can sit there, but at night you can move to a more comfortable, more spacious location. That to me is a County decision. If the comfort of their employees is of less importance to them then this strategic placement then they will choose to stay where they are. I do not want to be in the position where we are saying County you can't do something because all that is going to do is perpetuate the strife, the ill-will that seems to exist between the County Board of Commissioners and the City Council. I would much rather talk to them and negotiate with them. Chief correct me if I am wrong but the EVAC, which serves Volusia County, their ambulances are not all housed in a building during the daytime, correct? Ans: Chief Beadle-Correct. Mayor Netts-They will park them in a parking lot, they will park them in somebody's driveway during the time when the ambulance is in peak use and then go somewhere else at night.

VM Shipley-I do not think this project, this item on the agenda, should be changed because we are waiting for an answer from the County. Regardless, of whether or not they say yes or no, we still need to make the upgrades in that area for our people at least.

Mr. Landon suggested, maybe a compromise and that is that we obviously during construction, if you approve this item today, they will have to move out and our people will have to make adjustments also and only allow them back in if the County can present an argument, a logistical operations argument, that City Council would approve, yes you can move back in at night because you have convinced us from an operational standpoint that it is important, and put the burden on them to say that they want to come back in. Then you can decide at that point, if they give you the justification. In the meantime, we will try to work together to try to come up with something that is acceptable to everyone.



*CM McGuire-Withdrew his motion.*

*Mayor Netts suggested with the withdrawal of CM McGuire's motion, to approve this amount and then encourage staff to discuss with the County what the options are; there really is no option during construction.*

**A motion was made by Council Member DeLorenzo, 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: R2016-45

### 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.**

*Jack Carall requested that items 12 and 13 be removed from consent.*

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

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

10 [16-191](#)

RESOLUTION 2016-XX APPROVING 2016 FIND GRANT FOR WATERWAY CLEANUP

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

Enactment No: R2016-46

11 [16-144](#)

RESOLUTION 2016-XX APPROVING A CONTRACT WITH MCG SERVICES, LLC, FOR THE SEGMENT OF THE SEMINOLE WOODS MULTI-USE PATH FROM SESAME BLVD. TO US-1

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

Enactment No: R2016-47

12 [16-174](#)

RESOLUTION 2016-XX APPROVING A WORK ORDER TO MARQUIS HALBACK, INC., FOR DESIGN AND CONSTRUCTION MANAGEMENT ADMINISTRATION OF THE TOWN CENTER AND INDIAN TRAILS SPORTS COMPLEX RESTROOMS PROJECT

*This item was removed from consent. Mr. Landon provided an overview to this item.*

*Jack Carall-If the Art Foundation is building a building in Town Center, isn't that restroom part of their building? Why are we building the restroom?*

*Responses to Public Comment:*

*Mayor Netts-We have no timeline for when their building is going to be built. The restrooms will be available soon and used by all for events.*

**A motion was made by Council Member DeLorenzo, and seconded by Vice Mayor Shipley, 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: R2016-50

**13**     [16-171](#)

RESOLUTION 2016-XX APPROVING THE THIRD AMENDMENT TO LEASE WITH PALM COAST ARTS FOUNDATION

*This item was removed from consent. Mr. Landon provided a brief overview to this item.*

*Public Comment*

*Jack Carall-If someone comes to you and asks to rent or lease property, don't they lease the whole property? Why keep amending?*

*Responses to Public Comment:*

*Whole property-Ans: Mayor Netts-This is continually a work in progress, so to write a lease with broad opportunities may not be appropriate. Not a huge problem to amend each time. Mr. Falgout-This is City owned property, so we are very careful with this property. This is a Private/Public partnership. Mr. Landon explained that there is a lease on the whole property in effect and we amend when we add to the property.*

**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: R2016-51

**14**     [16-187](#)

RESOLUTION 2016-XX APPROVING PRICE AGREEMENTS FOR VARIOUS UTILITY MATERIALS FOR THE UTILITY DEPARTMENT

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

Enactment No: R2016-48

**15**     [16-192](#)

RESOLUTION 2016-XX APPROVING THE 2016 LOCAL MITIGATION PLAN

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

Enactment No: R2016-49

**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.**

*Ron Radford-Deficiencies-What is the disposition on the tickets deemed wrong, since the Courts have said that red light cameras are illegal? And how many are there? Traffic flow on Cypress Point Pkwy. and Palm Coast Pkwy. east. when the traffic light turns green, so that those that are continuing over on Cypress Point to Boulder Creek Road (sic Boulder Rock Drive) is green, the red light non-signal is on, so that those individuals that want to make a right turn, cannot proceed, why is that?*

*Annette Russo-Senior center issue. Suggested what the senior center should provide.*

*Charles Paligione-Senior center issue.*

*Steve Carr-Florida Park Drive traffic issue.*

*Louis McCarthy-Thanked Chief Beadle and all his fire staff that attended the service for Vincent W. Juniors, deceased. Thanked whoever was listening about Boulder Rock, it is functioning good now.*

*Carol Kasso-Senior center issue.*

*Pastor Sims Jones-Senior center issue.*

*Anonymous-Senior center issue.*

*Josephine Zinella-Senior center.*

*Jack Carall-Newspaper today-seniors are more apt to get diseases but it could be alleviated to a degree-senior citizens are mostly homebound-they need access to companionship-people to talk to and stress relief. Need to maintain the person. Supports a senior center.*

*George Mayo-Great work by Public Works always, and thanked Chris Quinn and his staff for keeping our community financially sound. Timer for the 3 minutes added to the screens. Ordinance and signs for Manatee zone speeding. Chairs in the community wing.*

*Charlene M.-Senior center.*

*Responses to Public Comments:*

*Deficiencies-Red light camera-Ans: Mr. Landon-There is no court action for us to reimburse. All those funds were deposited into our Transportation Street Fund-if the courts ever say we have to reimburse, the refunds would come from that fund and delay any projects.*

*Right on red not allowed-Mayor Netts-The reason is for the traffic from southbound from Boulder Rock turning left onto Palm Coast Pkwy. Mr. Landon confirmed yes it is a conflict with traffic coming out of Boulder Rock Drive onto Palm Coast Pkwy.*

*Senior center-Mayor Netts-Was there a study that was done 10 years ago? Ans: Mr. Landon-I have not heard of that study but one of the participants at Citizens' Academy stated when City Hall was on the ballot there were two proposals on the ballot for a senior center. Mayor Netts-There were two items on the ballot back then one was for a senior center and one was for 2 community centers.*

*CM DeLorenzo-I was wondering if they were referencing the Parks & Rec Master Plan, which includes community centers; that is in our plan, our future capital plan. If that is the document being referenced, that is part of our future plan.*

*VM Shipley-Senior centers, when I ran for office, I thought there was enough activities for every senior that is in Palm Coast. I even made reference to bingo because I had no clue what they needed here until my mother came in to town. My mother came in to town and we were looking for senior centers like we had up in Massachusetts, where every town had a senior center and you could go there, get a meal, they had classes they were teaching, it was not part of a community center, it was its own free standing senior center that had things just for seniors, and I think that is what they are looking for, not a community center. I know we need money for it and I do not know where the money would come from, but if possible can we have a workshop to look at the different buildings in Palm Coast to rent until we have a plan to get a senior center in the budget?*

*Speakers' time clock-Mayor Netts-We have discussed this over the years and have felt that it was too intimidating; prefer the approach that we use. We can do that at any time, if Council so wants.*

*Chairs-Mayor Netts-Are these permanent chairs? Ans: Mr. Landon-Yes.*

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

*CM McGuire-Is it still civility month?*

*CM Nobile-Seniors and conversations-I would like to see representatives from all the seniors, you have a group here and they all have different needs. So before we start with a building, a building won't change lives, it is what happens in these facilities, and we want to make sure that what happens in these facilities meets the needs of all the seniors in Palm Coast. I would like to see representatives from all those different groups, etc., get together with the City, our Parks & Rec staff to determine what are the main needs. We need to look at the bigger picture. We do not need an outside agency to perform this evaluation, we need to do this ourselves. I would like to see how can we define the representatives in our community for the seniors and how we can bring them together with the City to say what we need to do. How do we serve*

everyone? Wants to do it right, do it in service of the all seniors.

Mr. Landon-We have the Leisure Services Committee that is primarily seniors, so we can task that committee with this issue.

VM Shipley-How are we going forward on this to get this done and make it so we do get a group together and we don't just talk about it and it never happens, how do we get that group together? Ans: Mr. Landon-Particularly with the Community Center, call it a senior center, call it whatever you want, I think it is a great time to get Parks & Rec involved with the Leisure Services Committee. We can formalize it a little more. It will take time but getting their input is... CM Nobile-It is crucial to get their input. We need to know the different areas of need, our people are the people that are doing the work, getting the schedules out, so they need to hear this stuff way in advance, not when it opens. So, we need to start this now. Get a number out to them now of who to contact.

Mayor Netts-We are going to do this through the Leisure Services but I caution Council. There are a lot of ramifications that need to be considered, about 6 months ago, CM DeLorenzo and I went to a presentation that the County put on at our Community Center about possible fixed bus routes, one of the issues we heard today is the difficulty of our seniors getting to a center. Where you put it may very well depend on where the County's bus route runs. You need County input on this. I heard tonight that the Wickline Center and the one on SR 100 are not senior centers, yet the Wickline Center does provide meals. If we were to create a senior center that does provide meals, we are competing with the County but we are not getting any County subsidies for that program. If we take over the provisions for a nutritionist, home-cooked (meals), I think somebody used the term convection meals at the Wickline, if we take that over and provide a different kind of meal, I would hope and expect that the County would provide the funding or a portion of the funding for that, so this an issue that goes well beyond what the City of Palm Coast does. We need County input on this as well, don't forget you pay County taxes as well as City taxes. We need to have a consensus as to what it is we are trying to accomplish.

Mayor Netts-Last Wednesday, I attended a Flagler County law enforcement coordinating committee meeting, where there were discussions and various terms were used, the appropriate term is civil citation instead of criminal charges for possession of a small amount relating to marijuana. Sometimes called decriminalization of marijuana, it is not decriminalization because possession of marijuana is still a State and Federal law, it is prohibited by State and Federal law. The proposal is to change the way that local governments deal with violators of this law. Mayor Netts explained the unintended consequences to this proposal relating to first offenses, contesting of the violation, appeals process-all of which those that implemented the change do not have the answers to as of yet. I suggested we pool our resources and go to Tallahassee. There was a State Attorney against it and a Chief of Police who spoke completely against the proposal. There will be another meeting of the subcommittee again this afternoon that I am going to try to attend and convey City Council's concerns.

CM DeLorenzo-I attended that conference as well and it was very telling how the Broward administrator and the other staff that was there was explaining all those issues that they came up with after the fact and we do not have 31 cities in Flagler County but it has to be done Countywide and how the County's draft ordinance that they started with, at least, allows cities to opt out, it could cause problems that you have described where you are issued a civil citation in one area (City) and then it doesn't count towards your strike. One thing I would like to see in that ordinance is community service options. Pay the fine and/or do community service. One thing if

*you are not too familiar with the discussion itself, because it is prohibited by State and Federal law, the officer always has the discretion, after they get more background from the individual to make the arrest rather than a civil citation, so that is important to understand just from the basis of the program itself. I like the 3 strikes, and increasing fines, we were provided a matrix of how different communities are doing it and for me that seemed to be a better process. So the idea here is that with a minor amount, you could be destroying families, destroying peoples' lives because they are in jail and missing work and we do have plenty of citizens that live paycheck to paycheck and a few days in jail could really set them back significantly, so that is why I think there has to be a community service point of it as well. They may not have the funds, I would assume that the \$100 civil citation is probably similar to what you would need for the bond for that type of an arrest.*

*CM DeLorenzo-One other thing, some of the other counties included other minor infractions and I didn't think that was appropriate at all, where they said, it was probably more urbanized areas, where if you stole a shopping cart, you would get a civil citation. There were other types of things too, but that affects other people. You are taking a piece of property from them, and so I did not like those other add-ons.*

*Mayor Netts-The one that bothered me, I think it was in Hallendale, they folded in the illegal use of dairy cases. The prosecutors office spoke highly against this incorporation of other things. The argument being-stealing a dairy case is not a victimless crime. When you say it will simply be a civil citation, you are denying the victim an opportunity to be heard and speak on their own behalf. Very complicated issue.*

*CM Nobile-My problem with the whole thing is circumventing the laws. I believe that if you break the law, you break the law, if it is like this what is next? If I get caught with a little bottle of alcohol that is open, should I say well it's just a little bottle of alcohol? Then we move into-all of a sudden you open that door and all the crazies come in, and they want milk cartons banned, etc. I always have believed this marijuana issue needs to go to the top and be filtered down. Make it legal, make illegal, that is it. It's done. I do feel bad for the people, especially the younger people who get caught with some but ya know what, if you know this, don't do it.*

*CM McGuire-If it is the law, enforce it. It is not, then don't.*

*Mayor Netts-That was my thoughts, it ought to be done at the State level, at least.*

*CM DeLorenzo-Thought it was very telling when asked how many citations have been issued and there have been zero citations issued because they are still trying to work out the logistics of how it is to work.*

**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**

*It is supposed to rain this afternoon and through the evening and Food Truck Tuesday is tonight-however, we have postponed it until May 24, 2016, 5-8 p.m. here at Central Park. No Council workshop next week it will be May 31st due to 5 Tuesdays.*

*Memorial Day ceremony will be Memorial Day, at 8:00 a.m. at Heroes Park.*

*Fourth of July celebration-explained the history of 4th of July celebrations. Our event coordinators have suggested, and are always looking for ways to maximize attendance and improve our events, to have the ceremony as part of the pre-fireworks event at Central Park - whatever night we hold fireworks. I said I would see what City Council thinks. We can leave it the way it is or go with the proposed changes.*

*CM Nobile-I like moving it for more participation.*

*CM McGuire-Keep it as it is.*

*VM Shipley-The people that usually go away on the 4th of July and people that have picnics with their families, they do their own thing. It might be their only day off to do something, so if we have it on a day that everyone can make it.*

*Mr. Landon-Flagler Beach will be July 4, and we will have fireworks on July 3, here at Central Park and the ceremony will be on July 4, at Heroes Park. It is whatever you all want to do.*

*CM DeLorenzo-I like how we do it now. It is an Independence Day celebration, it should be held on Independence Day.*

*Mayor Netts-I prefer how we do it now. With the ceremonies we hold at Heroes Park, whether that be Memorial Day, Veteran's Day, 9/11, 4th of July, they have a certain dignity and solemnity about them. I am afraid that if you tried to incorporate it into the pre-fireworks, there would be a lot of people there but very few people listening, very few people understanding the underlying message.*

*CM DeLorenzo-They are very reflective.*

*CM Nobile-I concede.*

## **H. Adjournment**

*The meeting was adjourned at 12:14pm*

*Respectfully submitted,  
Virginia Smith, City Clerk*

### **Calendar and Worksheet**

- 16**    [16-201](#)            MEETINGS CALENDAR AND AGENDA WORKSHEET
- [16-202](#)            ATTACHMENTS TO MINUTES