



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, July 5, 2016

6:30 PM

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.

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>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 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 [16-260](#) MINUTES OF THE CITY COUNCIL'S:
 A. June 21, 2016 City Council Business
 B. June 28, 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

- 2 [16-249](#) PROCLAMATION RECOGNIZING LIFESAVING EFFORTS BY DAWN PETRILLO AND JAMIE RHOADS
- VM Shipley presented this Proclamation.*
- 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

Resolutions

- 3 [16-241](#) RESOLUTION 2016-XX APPROVING THE NUISANCE ABATEMENT INITIAL ASSESSMENT
- Mr. Landon provided a brief overview to this item.*
- VM Shipley-Do we add anything to the fine? Ans: Mr. Landon-There is an administrative cost that is included in the amount owed.*
- CM Nobile-The costs on top of the fine, is it just the cost of the work we have done, plus an administrative cost? Ans: Mr. Landon-Correct.*
- Public Comments:*
There were none.
- 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: 5 - Mayor Netts, Vice Mayor Shipley, Council Member DeLorenzo, Council Member McGuire, and Council Member Nobile

Enactment No: R2016-59

4 [16-246](#)

RESOLUTION 2016-XX APPROVING A CONTRACT WITH MEDLEY SPORTS CONSTRUCTION IN THE AMOUNT OF \$95,945.00 FOR THE DUGOUT REPLACEMENT PROJECT AND THE EXPENDITURES IN THE AMOUNT OF \$48,000.00 TO IMPROVE MULTIPURPOSE FIELD #3 AT INDIAN TRAILS SPORTS COMPLEX

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

CM McGuire-Where are the t-ball fields? Ans: Mr. Cote-The T-ball are in the outfield area of the baseball fields. They are not shown graphically in here but they are in the outfield side of two of the fields.

CM McGuire-Do you have to clear land to do that? Ans: Mr. Cote-No. The fields were built large; they are utilizing the 60' base spacing. There are really two outfield fencing, one for those 60' base fields and then there is the larger or further distance fields, so between those two fences are where the two t-ball fields are located.

Mayor Netts-These dollars are in the existing capital projects budget? Ans: Mr. Cote-Yes.

Public Comments:

Anita Moeder-Timing of the projects and assurance of completion.

Responses to public comments:

Assurance of completion-Mr. Landon-All of our contracts have what they call liquidated damages. It is basically a penalty for being late and the consequences for that. Typically they are \$1k per day and we will have that in the contract too.

CM Nobile-Projects, when a contractor gives us a guesstimation, do we double that effort and look and see if we feel they are in the ballpark? Ans: Mr. Landon-Our engineer of record will determine the timeline. Our contract document and bid documents-we tell them how long they have.

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: R2016-60

Other Business

5 [16-209](#)

PRESENT CERTIFICATES TO GRADUATING STUDENTS OF THE CITY OF PALM COAST CITIZENS' ACADEMY CLASS

Mayor Netts presented the certificates to the graduates.

The Presentation was Received and Filed.

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 Agenda be Adopted on Consent. The motion was Approved unanimously.

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

- 6 [16-224](#) RESOLUTION 2016-XX APPROVING PIGGYBACKING THE FLORIDA STATE CONTRACT #405-000-10-1 WITH PETROLEUM TRADERS CORPORATION FOR FUEL

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: R2016-61

- 7 [16-225](#) RESOLUTION 2016-XX APPROVING A CONTRACT WITH LASSITER TRANSPORTATION GROUP TO COMPLETE THE TRANSPORTATION IMPACT FEE STUDY

CM Nobile requested this item to be removed from the consent agenda.

CM Nobile-This is a question asked of me, so I am just bringing it out. In this study, what if any impact to residents is included? So, we are talking Florida Park and when we do these studies, what in that aspect. Okay, here is the impact, is that included in this, how the traffic will impact certain areas or sections? Ans: Mr.

Landon-Background, for the audience, what this is, is a contract with an engineering firm to update our traffic impact fees, transportation impact fees, what that is every time you have new development, it obviously impacts your infrastructure. We have impact fees for utilities, transportation, parks and fire. In order to assess that impact you have to help determine, attempt to determine, exactly what the impact will have, in this case on the street network, as far as capacity goes. These fees have to be spent on adding capacity, in other words - lanes. You widen a street, you put in a left turn lane, a right turn lane, those types of things actually adds capacity to the street. So the assessment would be if you are going to continue to see houses go up, that increases our traffic. Our residential streets, two lane residential streets, there are no plans, and there won't be any plans in the future to actually widen those streets. Florida Park Drive, for example, we do not have any plans to widen it and I do not see that happening.

CM Nobile-Is there a follow up traffic study after that or let me rephrase that, we would not do that after that, we would do that before implementation or before the advancement of any of these recommendations? Ans: Mr. Landon-What they look at is what they call modeling. They say if you are going to add a residential development or commercial, whatever the zoning is for that property that is vacant and it is developed, the engineers know how many trips that parcel will generate per day and then they look at what kind of capacity each one of the streets has-is it 2

lanes, is it four lanes and the impact it will have on each one of those streets. Then if they predict as a result of this modeling that you would really be more efficient if you had 4 lanes instead of 2 lanes, then it would show the impact that widening would have and then that would help the flow, etc. Do they come back later after this study, no, this is not to come back later unless you update it and then every 3-5 years, (Jose Papa-every 6 years), then every 6 years we are required to update it and then at that time, they would remodel it all over again.

CM Nobile-The philosophy of an impact fee, is that for immediate addition to infrastructure and then the increased taxes, so you are developing a property, so obviously the taxes on that property are going to increase, is the philosophy on that impact is to make immediate changes to immediate impacts and then the taxes are to services? Ans: Mr. Landon-Services and maintenance, but when they do the study, they won't have new development pay for all of the impacts because some of the existing areas are causing that impact, so there is a balance of how much, they call it a nexus, they have to have the nexus between your impact from the development and how much you pay for that versus how much the existing community benefits from the widening of the streets. That is all part of the formula, that is all how the law works, is that development is supposed to pay for itself but it is not supposed to supplement your tax dollars, it is supposed to be for those specific impacts. That is one reason you update it every year, to make sure that balance is being maintained (sorry not every year, every six years).

Attorney Reischmann provided an explanation as to "taxes" versus "fees/assessments."

Public Comments:

Jack Carall-What will this cost us?

Responses to public comments:

Costs-Mr. Landon-Contract fee is \$71,200.

CM DeLorenzo-It is paid for from fees already collected. So the cost to the taxpayer is nothing.

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: R2016-63

8 [16-242](#)

RESOLUTION 2016-XX APPROVING A CONTRACT WITH S.E. CLINE CONSTRUCTION, INC., FOR THE CONSTRUCTION OF THE SEMINOLE WOODS BOULEVARD RECLAIMED MAIN TO GRAND LANDINGS PROJECT

Public Comment: Mr. Brady recommended that this item go back to Council workshop since there was no discussion at the workshop last week.

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: R2016-62

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.

Jack Carall-Since we are growing again, I think we need to review our charter. I don't think 5 people is enough for the growth of our city.

Robert MacDonald-Would like to know if information is available on the bidding process for the projects.

Sims Jones-Concerned about items on the agenda and then on consent agenda the following week.

Karen Gads-Homeless lady on the bench.

Anita Moeder-Senior centers, programs for young adults.

George Mayo-1. Thanked City Council for working cohesively with the City Manager and staff and happy he does not live in those communities where it is not cohesive. 2. Senior center.

Responses to Public Comment:

Charter review-Ans: Mayor Netts-There are several ways in which a charter review can be conducted. City Council can initiate it, petitions by residents can initiate it, petitions by residents can actually put an item on the charter, best comment I can offer is that City Council is elected to use its' best judgment. I think the 5 people that sit up here and the 5 people that will sit up here after November are probably more intimately aware of what goes on in the City and those kinds of decisions help influence what they do and do not vote upon.

Reclaim water main discussion-Ans: Mr. Landon-To say this item was not discussed at a workshop is false. This item was discussed at a workshop. It was not a major discussion because it is the 3rd or 4th time it has come up on a workshop. It has been discussed at Council numerous times. This is the 2nd phase to this project (SR 100 to Grand Landings development, which has reclaim irrigation lines in that residential area but does not have any reclaim water down there yet). We first discussed this at workshop and a City Council meeting to extend it beyond the new RaceTrac site at the corner of SR 100 and Seminole Woods to get it out of that construction area, so we extended it that far and you approved the design work for

this a few months ago, so we had the engineer contract to design the work and then last week it was on the agenda. It was briefly discussed by City Council; we already heard it numerous times before, so it was not a lengthy discussion and then the interesting part is that because it was on that agenda, we have residents here in the audience that were aware of it and gave them an opportunity to comment on it so one of them did. Tonight also there was an opportunity for the public to participate in it. What I just described is almost all of our capital projects, it goes through the capital improvement program, then it has to be approved in the budget, then we have to approve the design, and on and on. This is multiple steps and is an example of that. I personally think this is a very good process. The workshops give the opportunity for people to know it is coming up instead of just hearing about it when you take action on it. I am very proud of that process and the numerous times the public can comment on the project.

CM McGuire-What the public does not see is every one of these Council Members are at City Hall getting more information from the staff member who is responsible for this item. That is where we put in a lot of hours.

CM Nobile-There are things that come up that got started long before I got on Council, so I have to do my due diligence, I would suggest anyone feeling there is not a lot of information coming up is to get in touch with your Council Member and we will explain the whole process to you or we will get that information to you.

Bidding process-Ans: Mr. Landon-a lot of those questions are in our purchasing policies and a lot is dictated by State law. Mr. Landon suggested for the resident to get with Mr. Falgout and he can get you all that information. It is all available on our web.

CM Nobile-I set up notifications from the website to see what is coming - from jobs to purchases (bids).

CM DeLorenzo-described how to do a bid search on our website under government, departments, and bids. I set up notifications and get an email when something is coming.

Homeless-Ans: Mayor Netts-Unless there is someone breaking the law, homelessness is not against the law. Mr. Landon-While we are waiting, we do provide resources to individuals but sometimes they are not interested in those services. They choose to live the way they do.

Worth to the residents-Ans: Mayor Netts-The worth to the residents for traffic lights-that certainly brings a benefit to all residents. As opposed to a senior center that has been brought up in several workshops by the public, I would suggest to those who think this is a worthwhile endeavor for the City, again, speak to your Council. Any Council Member at any time can bring that up. Understand that it is not as simple as let's do it, there is cost involved, assuming what I am hearing is that the people want a standalone separate center from the Community Center, so there are land acquisition costs, staffing costs, operation costs. Of course the City can do it, it is a question of putting it under the capital budget and spending that money at the appropriate time.

CM DeLorenzo-Also it is in our plan. A senior center is in our master plan, we just have not gotten to that part of the plan. Mr. Landon-The next project will possibly help with this and it is slated to begin in the next 12 months.

CM Nobile-I received a lot of feedback relating to a senior center and a traffic control

center. They were asking why not use that \$500K towards a senior center. I responded that we cannot. Those funds are required to be used in certain ways-transportation, we cannot just take it and build a senior center when it comes from fuel taxes.

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

Nothing at this time.

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

Attorney Reischmann-Wanted to follow up on one comment that we heard earlier this evening from the gentleman who is grateful that the City does not spend tens to hundreds of thousands of dollars for litigation and lawsuits, and I think it is only appropriate to make sure this Council and the citizens are aware of the good work that is done by our City Clerk in responding to continuing public records requests under Chapter 119, Florida Statutes and they are fraught with all sorts of little tricks under Chapter 119 that folks use to try to get the City of Palm Coast in trouble. Every day there is a new test, but she does a great job making sure the citizens/taxpayers' money is protected.

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

Voting delegation for the Florida League of Cities-they are looking for one delegate from each City to vote on policies. Council voted Vice Mayor Shipley to be the delegate again.

Thanked all involved in our events this weekend.

Fireworks are not legal in our residential areas.

H. Adjournment

The meeting was adjourned at 7:35 p.m.

*Respectfully submitted,
Virginia Smith, City Clerk*

Calendar and Worksheet

[16-261](#) MEETINGS CALENDAR AND AGENDA WORKSHEET

[16-267](#) ATTACHMENTS TO MINUTES