



City of Palm Coast

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Meeting Minutes City Council Workshop

Mayor Jon Netts
Vice Mayor William Lewis
Council Member Jason DeLorenzo
Council Member Bill McGuire
Council Member Frank Meeker

Tuesday, September 11, 2012

9:00 AM

Council Conference Room

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

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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: 5 - Mayor Netts, Vice Mayor Lewis, Council Member DeLorenzo, Council Member McGuire, and Council Member Meeker

D. PRESENTATIONS

- 1 [12-763](#) ORDINANCE 2012-XX RELATING TO PROHIBITING THE DISPLAY, SALE, AND DISTRIBUTION OF SYNTHETIC HERBAL INCENSE AND BATH SALT PRODUCTS

Attachments: [Ordinance Synthetic Marijuana and Bath Salt](#)

Mr. Landon gave a brief overview of this item and introduced representatives from the School District and Sheriff's Office.

Captain Mark Carman and Corporal Donald Apperson, both with the Flagler County Sheriff's Office (Cpl. Apperson is in charge of the School Resource Officers). Captain Carman stated the City and Sheriff's Office are taking a proactive approach to this problem and asks Council to support this ordinance.

Cpl. Apperson gave a PowerPoint presentation (attached to these minutes).

CM McGuire - Who manufactures this stuff? Cpl. Apperson stated he really can't say; doesn't know. Captain Carman added most of it comes from China.

CM McGuire - Is it the same chemical in different brands? Cpl. Apperson - We don't know. Captain Carman - It's hard to test these; chemists keep changing the compounds of chemicals.

Mr. Jacob Oliva, Assistant Superintendent of the Flagler County School District, brought with him two students in 11th grade going to Flagler/Palm Coast High School that are part of the Community Problem Solving program; this is one of the issues they took on to raise awareness of this problem. The students gave a PowerPoint presentation (attached to these minutes with names removed). The students expressed they know people that have used synthetic marijuana and felt as if they were going to die; they also know kids that do drugs and alcohol out of boredom.

One of the students asked about the consequences in the ordinance (sections 1-15 weren't attached); he was wondering what they were. Mr. Landon stated we're still working on the consequence, but staff is proposing the highest category of \$300 a day fine to the business that leaves the item(s) on the shelves.

CM Meeker - Who is going to provide us with the name(s) of the products that we're looking for? Mr. Landon - the ordinance is very broad and will also address changing the packaging, etc. We're going to educate the store owners; hopefully the Federal and State level they will make it illegal so law enforcement can go through the criminal process if they are selling this substance.

One of the students expressed it is obvious to the students which substances are supposed to produce a high because of the packaging; so it would probably be obvious to adults as well.

CM McGuire - How much peer pressure is there for this? Student - It's not a direct situation; more like over time, you get close to people and they are doing it and then others (associated with them) try it and disregard the potential consequences.

VM Lewis - How do you convince your friends not to do these things? Student - Right now, we're not trying to; the kids already know they shouldn't be doing these substances, but we're trying to help remove the substances; stunt the supply.

Mayor Netts - The issue is one of education; by passing this ordinance we are educating our local businesses that these are not good things.

CM Meeker - If the stuff is being sold and it's legal; do we open ourselves up to an adult coming in and saying it's perfectly legal to buy? Mr. Reischmann expressed he doesn't believe so, because this ordinance goes to the sale and distribution of these substances.

Mayor Netts added the pressure (on businesses) is not from our code; it will be from the parents; it would be foolhardy to incur the wrath of the community to continue to sell these substances.

CM Meeker questioned why in the whereas clauses "may" is prevalent; why not "is" or "isn't"? Mr. Reischmann - we want to be sure that if the ordinance is challenged, it is based on facts, and it's hard to say which substances are responsible; this was taken from other jurisdictions.

Mayor Netts hopes other cities and the County will enact similar ordinances.

CM Meeker read part of the 9th whereas clause in the proposed ordinance and asked Mr. Reischmann what it really says. Mr. Reischmann - The State process for regulation of dangerous substances is different than ours; they have a list of illegal drugs that have been tested, proven to have negative affects upon human consumption. We're trying to regulate it in a different way; with this ordinance we're going toward the purpose of these products. If we listed certain chemicals, we would have to have the substances/chemicals tested, etc.

CM Meeker - Page 4 of 5 (of the proposed ordinance) - definition of bath salts - do we need to define bath salts; why not bath salts with synthetic derivatives? Mr. Reischmann - The main problem he's hearing is the herbal incense products. After further discussion, numbers will be added in the sentence: This definition does not include . . . (for clarification).

CM McGuire - What are the mechanics of how this will work? Mr. Landon - We have Code Inspectors, Sheriff's Deputies and School Resource Officers; when we see (or find out where) these items are sold; we'll have a Code Inspector and Sheriff Deputy go out and let them know about this ordinance and tell them they are not allowed to sell these items, and they will get a citation if they don't remove the items from the shelves.

Mr. Reischmann - We're trying to create a team and incorporate the community, local businesses and the parents into the team.

CM McGuire - Has anyone talked to any of these establishments and told them these products are objectionable? Captain Carman - We are going to talk to them first and if they become belligerent; we will cite them.

CM McGuire - Will Debra Johnson on her daily log say the store has been cited for selling this substance? Mr. Landon - We probably won't publicize the warning; only if they don't comply.

CM McGuire - What happens if you find kids under the influence at school? Cpl. Apperson - We notify the parents, and if necessary call for emergency medical services.

CM McGuire - Can we Baker Act? Cpl. Apperson - No, Marchman Act maybe.

Mr. Landon - The School Board is taking formal action supporting this ordinance; they have added these substances to the prohibitive substances in school. Mr. Oliva agreed; they treat (prohibit) similar to tobacco, etc.

E. WRITTEN ITEMS

- 2** [12-764](#) RESOLUTION 2012-XX APPROVING A CONTRACT WITH HALIFAX PAVING, IN THE AMOUNT OF \$1,522,285.50 WITH A 10% CONTINGENCY FOR A TOTAL AMOUNT OF \$1,674,514.05, FOR THE CONSTRUCTION OF THE PINE LAKES PARKWAY NORTH WIDENING PROJECT.

Attachments: [Resolution - Halifax Paving Contract](#)
 [Contract Summary - Halifax Paving](#)
 [Bid Opening Tab - ITB-CD-CP-12-01 Pine Lakes Parkway North Widening](#)

Mr. Landon gave a brief overview of this item.

CM McGuire - Is it budgeted? Mr. Landon - Yes.

CM McGuire - What are the tentative dates? Mr. Carl Cote, Construction Manager, 240 days of construction, plus 30 days to final completion.

CM McGuire - Has Florida Power & Light (FPL) taken out the redundant lights yet? Mr. Landon - This area didn't have them.

CM DeLorenzo - Can you remind us of the implications if we didn't do this; the amounts? Mr. Landon - \$250,000; FPL gives you a discount if you do so much undergrounding (Belle Terre didn't qualify for the discount, but if we included Pine Lakes we'd get the discount). If we don't do Pine Lakes we have to pay back the discount (\$250,000); it's all part of the budget.

3 [12-759](#)

RESOLUTION 2012-XX APPROVING THE LOCAL AGENCY PROGRAM SUPPLEMENTAL AGREEMENT NO. 3 WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR THE PALM COAST PARKWAY 6-LANING DESIGN PROJECT

Attachments: [Resolution-FDOT Supp.3-PC Pkwy 6 Laning Design](#)
[LAP Supp 3 PC Pkwy 6 laning](#)

Mr. Landon gave a brief overview of this item.

CM McGuire - How much is it going to cost us? Mr. Landon - \$59,000+.

CM McGuire - Where is the money coming from? Mr. Landon - Utility Capital Budget. Mr. Carl Cote, Construction Manager, added the money is going to stay with the project; earmarked fund to be moved to a separate phase of the project, etc.

VM Lewis - We aren't doing any more are we? Mr. Landon - We have to do the utility; the actual street improvements (construction) we anticipate to be 100% funded by FDOT (Florida Department of Transportation); we've always known we have to do the utility relocations.

4 [12-592](#)

RESOLUTION 2012 -XX APPROVING THE FIRST ONE-YEAR CONTRACT EXTENSION OPTION WITH B&B UNDERGROUND & DRILLING, INC., FOR DIRECTIONAL BORING SERVICES.

Attachments: [Resolution-B&B Underground Contract Ext.](#)
[B&B Renewal Letter](#)

Mr. Landon gave a brief overview of this item.

CM McGuire - What are we boring for? Mr. Landon - Utilities.

5 [12-761](#)

RESOLUTION 2012-XX APPROVING THE PRICE AGREEMENT WITH BRENNTAG MID-SOUTH, INC., FOR 25% SODIUM HYDROXIDE AT A COST OF \$136.00 PER WET TON FOR THE PUBLIC WORKS/UTILITY DIVISION FOR FISCAL YEAR 2013.

Attachments: [Resolution Sodium Hydroxide](#)
[Contract Summary](#)
[Bid Opening Tab - PC](#)

Mr. Landon gave a brief overview of this item.

No Council questions.

F. DISCUSSION BY CITY COUNCIL OF MATTERS NOT ON THE AGENDA

CM DeLorenzo asked about the status of the sign on Palm Harbor Parkway discussed at the last workshop and what information was received from the Planning Department in response to citizens' complaints. Mr. Reischmann stated we're dealing with one sign, not uncommon, like the signs you see throughout Palm Coast and in the glossary of our Land Development Code (LDC), designated as a wayfinding sign, and they can only be constructed in the public right-of-way; like directional signs and are for public facilities. This sign is located in the Palm Coast Parkway overlay zone which is referenced in the e-mail, Section 3.04.04.G. and that says: Signage. The provisions of Chapter 12 (of the LDC) shall regulate all signs in the Palm Coast Parkway overlay zone; however, off-site signs are prohibited (which are different from wayfinding signs). This sign appears to be consistent with the other signs that have been placed in the public right-of-way by the City of Palm Coast historically. Mr. Landon added that this is part of the overall signage program in the community; it was signs, sidewalk improvements, etc.; the first one we did was the Palm Coast Country Cove sign with a bus stop, etc.

CM DeLorenzo heard from the president of the Country Cove Homeowners Association who said the majority of residents are happy with the sign. CM DeLorenzo mentioned some gentlemen from Seminole Woods have requested signs as well (more than once in the past). Mr. Landon - It's part of the master plan.

VM Lewis spoke of losing an employee (Marsha Lidskin, Community Relations Coordinator) and hopes it doesn't affect the Citizens Academy; he wants to be sure there is no breakdown of how that is flowing; important project. Mr. Landon stated he offered the job to Cindy Brownfield; she comes from Stetson University, communications department. Mr. Landon - We will make sure the Citizens Academy continues; departments can run it; we won't miss a beat on it.

CM McGuire - The project on Belle Terre, how are we doing? Mr. Landon - The same, still not finished with all the concrete work (south Belle Terre); north, there was a backhoe grading around the bridge.

CM McGuire - What about the weir replacement, when is it scheduled to commence? Mr. John Moden, City Engineer - Probably, November (lower water level).

CM Meeker someone brought to his attention something that is going on in Port Orange, it is the FPL smart meter opt in or opt out program (article in the News-Journal); the last time Council discussed this we felt we didn't have to do anything, we could just opt out. In the article it says residents are saying it's difficult to get them removed upon request, etc. Port Orange is drafting a letter to FPL in support of its citizens. Does Council feel we should send a letter for support that people may have trouble with smart meters? Mayor Netts - He has not had one communication on the issue. CM McGuire has had quite a few communications against smart meters; he's heard a lot of people feel that the smart meters can pull all kinds of data out of your house (big brother watching).

Council consensus was when FPL wants to install smart meters in Palm Coast; we'll be sure to have the opt out option.

G. DISCUSSION BY CITY ATTORNEY OF MATTERS NOT ON THE AGENDA

No comments.

H. DISCUSSION BY CITY MANAGER OF MATTERS NOT ON THE AGENDA

Mr. Landon - A very nice 9/11 ceremony and all involved should be congratulated; singer (City employee) was wonderful.

Intracoastal Waterway cleanup was very successful.

CM Meeker - Who is responsible for maintaining the path along the Intracoastal? Mr. Landon - Streets Division. CM Meeker noticed there are some nuisance exotic plants there that can take off/invade - large Camphor Tree (northern end of Canopy Walk). Mr. Landon - We'll take a look at it.

Race Series starts 9/15 with Autumn Trails 5K; stay tuned in Oct.

Cause for Paws 9/29 at Central Park (second annual).

Wednesday 9/19 at 5:05 is the final budget hearing.

I. ADJOURNMENT

The meeting was adjourned at 10:31 a.m.

*Respectfully submitted,
Barbara Redline*

12-766

MEETINGS CALENDAR AND AGENDA WORKSHEET

Attachments: [Meeting Calendar](#)
 [Worksheet](#)

12-771

ATTACHMENTS TO MINUTES

Attachments: [1-Synthetic Marijuana Presentation](#)
 [1-Project Anonymous Presentation](#)