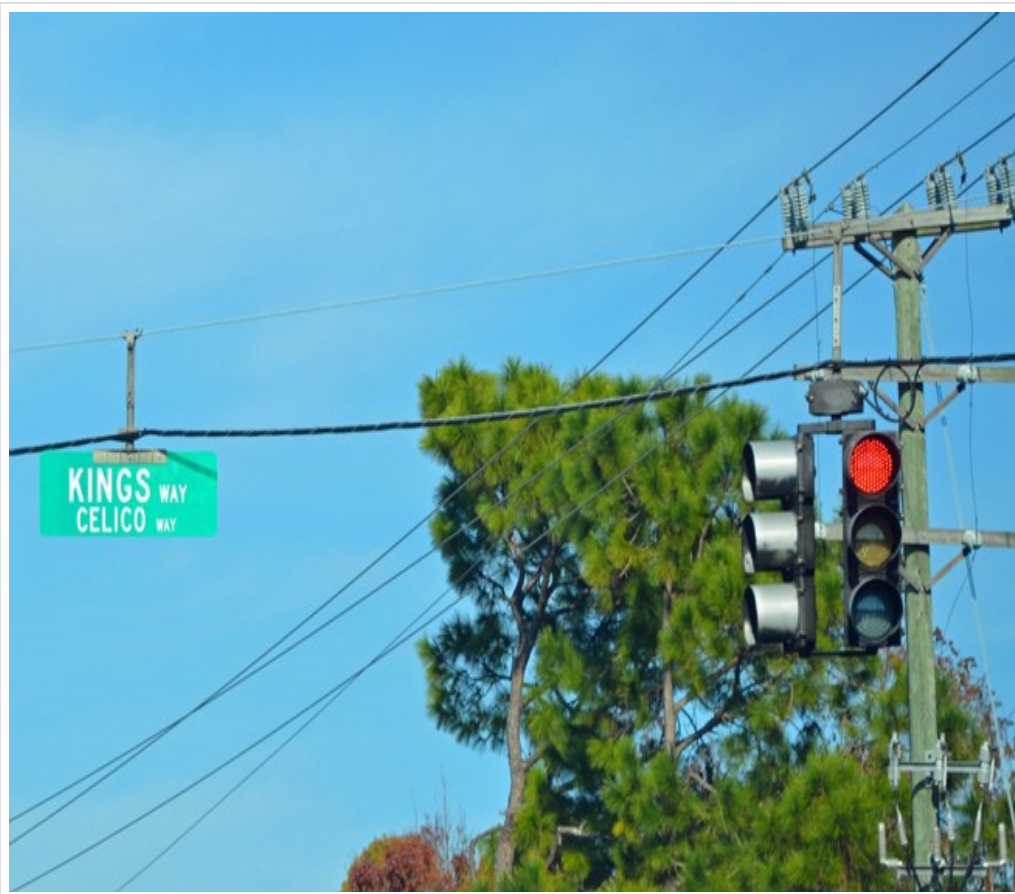


## Palm Coast May Reduce Red-Light Cameras to 5, But Won't Scrap Program For Fear of ATS

[FlaglerLive](#) | February 24, 2015

**Recommend** 9 people recommend this. [Sign Up](#) to see what your friends recommend.



Lucrative as it is—it draws the most violations—the red-light camera at Old Kings Road and Kings Way would be among the five that the city would keep in place in an agreement with ATS, the system's provider. (© FlaglerLive)

The Palm Coast City Council is not fearful of a lawsuit from motorists who've been cited through cameras for red-light violations. Council members expect just such a lawsuit very soon, the latest in a series of lawsuits that have plagued divisive red-light camera programs in Palm Coast, across Florida and the rest of the nation. But the council is fearful of a lawsuit from American Traffic Solutions, or ATS, the Scottsdale, Ariz.-based private company that runs Palm Coast's red-light camera hardware and administers much of its citation system.

## Palm Coast Home Search

Search Palm Coast Real Estate & Foreclosures in Palm Coast, FL



For that reason, rather than scrapping the city's red-light camera system altogether, the council now appears closer to reducing the number of cameras from 43 to five, and possibly 10, also reducing its revenue considerably—but not its work load, which, if anything, will proportionately increase, because under that new arrangement, the city will be responsible for some of the work previously (and illegally) delegated to ATS.

Even council member Steven Nobile, elected on a promise to eliminate the red-light cameras and the panel's most aggressive member advocating suspension in recent weeks, edged back from that option when it was presented to the council Tuesday morning, calling it "a tough one."

"I personally don't want to bear the wrath of a company of that size attempting to survive the market," Nobile said. "Even if we can match them, I don't want to." He favors reducing the cameras to five and reducing the contract length by two years.

That's the task the city council assigned Jim Landon, the city manager, in continuing negotiations with ATS. When Landon negotiated the contract renewal in 2012, the result was a contract stretching to 2019, and the elimination of a clause that would have allowed Palm Coast to opt out unilaterally: those clauses were not discussed by the council until after the contract was drafted.

They had not been council directives. But the council approved them.

Now, ATS may agree to reduce the contract by one or two years, but if so, the city would have to give up all income from the cameras and still perform the 25 hours a week of work that its staff would be required to perform. In other words, Palm Coast would become the equivalent of an employee of ATS, administering the system so that the money it generates goes exclusively to the state and to ATS.

Several council members were willing to suspend the program entirely when they had previously discussed the matter earlier this month, pending legal clarification about the city's contract with ATS. But the city attorney today warned council members that if they did so, ATS would take it as a "termination," and would "fight vigorously any effort to suspend," including suing the city for breach of contract.

That eliminated the suspension option.

Another option—the status quo—eliminated itself, because it is illegal: an appeals court ruled last year and reaffirmed this year that ATS was illegally issuing the sort of citations that Florida law requires only government agencies to issue. Those are the citations that are issued once a motorist cited with the original notice of violation, or NOV, of \$158, fails to pay that \$158 fine. The ticket then becomes a state-issued violation of \$264. But ATS may not issue that violation, as it has been doing.

---

*The council would be willing to end all its revenue from the cameras while preserving that of ATS, and picking up some of ATS' responsibilities.*

---

Currently, any motorists cited with a \$158 may legally ignore it: the motorist will not face a \$264 ticket, and the original citation will not be enforceable, as long as the issuing agency is not a local or state government. But on Tuesday, the council indicated that it would be willing to pick up that responsibility, even though earlier this month Landon had said it would not be an option.

At the time, Landon was speaking of a system of 43 cameras generating 132,000 "events," or

potential tickets, of which 32,000 were forwarded to the city for review. Of those, about half resulted in the issuance of violation notices. The reduction of the system would reduce the number of “events” to between 20,000 and 23,000, Landon said, with the city having to review half that number—but also issue the violations it was not issuing before. Its workload would be reduced in one pile but increased in another. And the city would be responsible for mailing costs.

“Then we’re absorbing some of the cost that they used to have but we don’t get any kind of a rebate for it,” Council member Bill McGuire summed up, referring to ATS.

There’s another reason the council was reluctant to scrap the system altogether. It expects to be sued as part of a class-action lawsuit to be filed across the state, by motorists claiming that the system has been illegal since its implementation in 2010, and therefore they should be eligible for refunds. As ATS is fighting to keep as many of the 30-some contracts it has with local governments in Florida, it is also enticing them with a proposal: if they stick with ATS, the company would pay the legal cost of fighting that class-action lawsuit. If they leave, they’re on their own.

### Where Cameras Would Remain

---

- Northbound, Old Kings Rd. North at Kings Way
- Northbound Cypress Pt. Pkwy at Boulder Rock Drive
- Westbound Palm Coast Pkwy at Harbor Center
- Northbound Belle Terre Pkwy at Rymfire Drive
- Westbound Cypress Pt. Pkwy at Belle Terre Pkwy

The argument is not convincing to council member Jason DeLorenzo, who’s long opposed red-light cameras. He was willing to go with the suspension, but had little support from the rest of the council. He agreed to the elimination of most cameras, but also the reduction of the contract by two years, even at the cost of losing all local revenue (which would otherwise amount to about \$43,000 a year, by Landon’s calculation). Initially,

Landon has been directed to go for the two-year reduction but also preserve the \$43,000 a year in revenue.

“Now, if they come back and say no way, if you do that you lose the \$3,500 a month, I’m OK with that, too,” Nobile said.

“Don’t say that out loud,” Jon Netts, the mayor, admonished Nobile. “Don’t say that out loud.”

“And ask for the indemnification from the class-action lawsuit,” DeLorenzo said, pressing a concession he wants from ATS. He clarified moments later: “If they’re so confident that they can defeat us in court, that our own case doesn’t change it that much, if they can defeat us in court, then fine, put their money where their mouth is and protect us.”

It’s not clear whether ATS will agree to all of Palm Coats’s “nipping and tucking,” as Reischmann, the city attorney, put it to the council.

“This is not easy for me like it is maybe for you and Jason,” McGuire said to Nobile, “because I believe that the red-light cameras are a good thing for the city. I do not want to see any of them go away, but I realize there’s a movement in that direction. I’m trying to be open minded about it. But I’m not sold on anything yet. I’m willing to be sold.”

“You’re not making my job easy,” Landon told the council, wrapping up the discussion.

“That’s not our job,” the mayor told him.

“Yes,” the city manager replied, “But there’s some of it I’m very confident I can get accomplished, I’m not so sure I can get it all accomplished is what I’m trying to say.”

**Recommend** 9 people recommend this. [Sign Up](#) to see what your friends recommend.



	<b>CONNER • BOSCH LAW, P.A.</b>	Divorce	<b>William J. Bosch</b>
	<b>ATTORNEYS</b>	Alimony	
<i>When Experience Matters</i>		Child Custody	<i>Free 30 min. consultation</i>
		Child Support	

More stories on FlaglerLive

