

City of Palm Coast

Meeting Minutes

City Council

Mayor Jon Netts Vice Mayor Jason DeLorenzo Council Member David Ferguson Council Member William Lewis Council Member Bill McGuire

Tuesday, June 3, 2014

6:30 PM

Palm Coast Community Center 305 Palm Coast Pkwy., NE Palm Coast, FL 32137 palmcoastgov.com

Palm Coast Community Center

AMENDED AGENDA

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.

>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 Brighthouse Networks Channel 199.

>All pagers and 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. All members were present.

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Present: 5 - Mayor Netts, Vice Mayor DeLorenzo, Council Member Ferguson, Council Member Lewis, and Council Member McGuire **Approval of Minutes** 14-199 MINUTES OF THE CITY COUNCIL'S: A. May 20, 2014 City Council Business Meeting B. May 27, 2014 City Council Workshop Attachments: May 20, 2014 Business Meeting May 27, 2014 Workshop A motion was made by Vice Mayor DeLorenzo, and seconded by Council Member Ferguson, that the minutes be approved as presented. This motion was approved by the following vote: Approved: 5 - Mayor Netts, Vice Mayor DeLorenzo, Council Member Ferguson, Council Member Lewis, and Council Member McGuire PRESENTATIONS PRESENT CERTIFICATES TO GRADUATING STUDENTS OF THE 14-195 CITY OF PALM COAST'S CITIZENS' ACADEMY CLASS Mayor Netts and Cindi Lane presented the certificates to the graduates. The Presentation was received and filed.

PRESENTATION REGARDING ARBOR DAY EVENT 14-194 3

Ms. Carol Mini provided an overview to this event. Introduced the winners.

A request came in from Jules Kwiatkowski to provide Council with a presentation on mosquitoes. Council concurred to receive the presentation.

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

Ordinances

First Reading

4 <u>14-179</u> ORDINANCE 2014-XX FOR THE CONTRACTION OF APPROXIMATELY 13 ACRES OF PROPERTY ADJACENT TO THE FLAGLER COUNTY AIRPORT

Attachments: Ordinance-Airport Property-Contraction

Exhibit A-Contraction Area

Exhibit B Location Map-Contraction Area

Study of Feasibility of Proposed Contraction

City Attorney Garganese read the title into the record.

The City Manager gave a brief summary of the item. Jose Papa gave a PowerPoint presentation, which is attached to these minutes. The presentation included item 5.

Public Comment Clint Smith, Florida Landmark Communities-here to answer any questions.

A motion was made by Council Member McGuire, and seconded by Vice Mayor DeLorenzo, that the Ordinance be approved on First Reading. The motion was adopted by the following vote:

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

5 <u>14-180</u> ORDINANCE 2014-XX ANNEXING APPROXIMATELY 3 ACRE PARCEL ADJACENT TO SR100 AND SEMINOLE WOODS PARKWAY

Attachments: Ordinance-Airport Property Annexation

Exhibit A- Annexation Area

Location Map

City Attorney Garganese read the title into the record.

The City Manager gave a brief summary of the item. This item was presented under item 4. Public Comment There were no public comments.

A motion was made by Council Member McGuire, and seconded by Vice Mayor DeLorenzo, that the Ordinance be approved on First Reading. The motion was adopted by the following vote:

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

6 <u>14-198</u> ORDINANCE 2014-XX AMENDING THE OFFICIAL ZONING MAP, 4.781+/- ACRES FROM GENERAL OFFICE TO GENERAL COMMERCIAL, 2 MCCORMICK DRIVE

 Attachments:
 Ordinance-2 McCormick Drive Rezoning App 2704

 Zoning Map 2704
 Staff Report 2704

 Neighborhood Meeting Results

City Attorney Garganese read the title into the record.

The City Manager gave a brief summary of the item. Ms. Bentley provided a PowerPoint presentation, which is attached to these minutes.

CM Lewis-Is this in anticipation of more commercial business along SR100? Ans: Ms. Bentley-The applicant, in the future, may look to further develop the property with anticipation of more flexibility with uses.

CM Ferguson- Please give example of what is not permitted under the current zoning which will be permitted with the proposed change. Ans: Ms. Bentley-You will have retail uses under general commercial that you cannot have with the general office; you could have restaurants, convenience stores, gas stations. It offers a wider variety of uses.

CM McGuire-We are talking about 5 acres with a building already on the property, there is not much room for anything else, is there? Ans: Ms. Bentley-The building does take up a portion of the property but there is still room for further subdividing. They would have to follow all the requirements.

Mayor Netts-If we were to experience a boom, the building built in 1992 may be torn down, what is the set back/buffering for COM 2 when you consider the multi-family dwellings? Ans: Ms. Bentley-The dimensional requirements would not be any different for general commercial than general office. The buffering would not change with rezoning.

Public Comment Jack Carall-Parking issue. John Erpelding-Before approval what is the land use?

Responses to Public Comments Parking-Ms. Bentley-Parking is dependent upon the use, but would have to meet our Land Development Code.

Land use-Mr. Garganese-Can you require a landowner to divulge what their plans are before you do a rezoning? Ans: Mr. Garganese-Regardless, if they divulged it, the rezoning is going to be an all or nothing position; if you changed the designation they are entitled to whatever uses there are.

CM McGuire-There is a reason for this to come before Council for a design change, someone has a design in mind. Mr. Landon-Correct, SR 100 is our hottest retail area. With this particular owner, he has a building sitting empty, and now the economy is improving, so the owner is trying to maximize his uses and needs a zoning change.

CM McGuire-Is this property within the CRA? Ans: Ms. Bentley-Yes, not Town Center but the CRA yes.

A motion was made by Vice Mayor DeLorenzo, and seconded by Council Member McGuire, that the Ordinance be approved on First Reading. The motion was adopted by the following vote: 7

		ror Netts, Vice Mayor DeLorenzo, Council Member Ferguson, Council nber Lewis, and Council Member McGuire	
<u>14-197</u>	ORDINANCE 2014-XX AMENDING MPD DEVELOPMENT AGREEMENT FOR THE MADISON GREEN AND TUSCAN RESERVE MPD		
	<u>Attachments:</u>	Ordinance 2014-xx Amending Madison Green and Tuscan Reserve MPD Exhibit B-MPD Development Agreement 2nd Amendment	
		MPD Development Agreement Exhibits	
		MPD Site Plan	
		Future Land Use Map	
		Zoning Map	
		Planning Division Staff Report	
		Neighborhood Mtg Results Letter	
	City Attorney Ga	rganese read the title into the record.	
		er gave a brief summary of the item. Ms. Piltaver provided a entation, which is attached to these minutes.	
	CM McGuire-What does enhanced perimeter and internal landscaping mean? Ans: Ms. Piltaver-We worked with them, since they wanted to increase the density and increase the height, we talked to them about providing larger plantings, the trees should be larger and taller. Also, talked to them about planting trees and shrubbery cut the noise down in between buildings.		
	department do?	concept plan, there is only one entrance in, what would the fire Ans: Ms. Piltaver-You can go in through McCormick and through are proposing an area near Brookhaven as an emergency access.	
		big red fire truck be able to access with the additional parking? Ans: is a concept plan and the details will be in the site plan which will	
		Brookhaven's multi-family units-what was the height on those? Ans: new buildings are primarily 2 story.	
	CM Ferguson-W meeting held.	as a community meeting held? Ans: Ms. Piltaver-Yes, there was a	
	the older units (ii	story condos, in terms of family units, how do they measure up to n density): Ans: Ms. Piltaver-The units themselves, I do not have a preakdown. Since this is conceptual, I do not have any floor plans at	
	between the nun of residents in a surface, I am not	ress/egress requirements for subdivisions-is there any comparability nber of residents that would be occupying this space and the number typical single family development? I heard you talk about stabilized t impressed with that concept, stabilized surface is fine for the ess someone maintains it, it becomes less stable over time. Ans: Ms.	

Piltaver-The requirements related to the time the site plan is submitted and will have minimum requirements. Mr. Landon suggested the pavement be the same quality as the parking lot and that we can make that happen.

Public Comment

Michael Chiumento-represents the applicant; presented an overhead picture of the proposal for landscaping buffers. Town Hall meeting was held in February, there were two people who appeared and we answered all their questions.

CM McGuire-Emergency vehicles-traffic study-was the availability of ingress/egress of an emergency vehicle performed? Ans: Mr. Chiumento-The traffic study that you are refering to in the MPD Agreement does not look at those types of issues; the study merely addresses the additional units and the impact to the adjacent roadways.

CM McGuire-So what I am hearing from you today, if staff decides on the basis of the site plan that the ingress/egress is not sufficient to deal with the fire fighting equipment, you are prepared to cope with that? Ans: Mr. Chiuemento-We will have to come up with a design that can meet it.

Jack Carall-How is this preventing sprawl? 3 story condos-how do they provide jobs? Fire trucks-can they go 3 stories?

Dennis McDonald-Upzoning, fire codes, total number of units; ambulance, one ingress/egress.

Responses to Public Comments

Sprawl-Ans: Mayor Netts-Refers to density. Classic sprawl is 1 dwelling unit per mile. Jobs-Ans: Mayor Netts-Construction jobs.

Fire Codes-Ans: Mayor Netts-We heard the assurances that the plan will have to meet all codes.

Ladders-Ans: Mayor Netts-We have purchased a couple of ladders that will reach 3 story buildings.

EMS response-Mr. Landon-design has to be for the largest vehicle, e.g. ladder truck, to make sure the largest vehicle can fit in there. There will not be any problem with these people getting in or out of this area.

Mayor Netts-Have all options been explored relating to another entrance/exit? Ans: Mr. Chiumento-Yes, there is a lot of wetlands back there and we have talked to Brookhaven and they will allow us to access their streets but not use their streets as a thoroughfare.

A motion was made by Vice Mayor DeLorenzo, that the Ordinance be approved on First Reading. The motion was adopted by the following vote:

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

8 <u>14-191</u> ORDINANCE 2014-XX COMPREHENSIVE PLAN AMENDMENT FOR GRAND HAVEN DEVELOPMENT OF REGIONAL IMPACT AREA

<u>Attachments:</u>	Ordinance-Grand Haven Comp Plan Amendment	
	Exhibit A- Legal Description Grand Haven DRI area	
	Exhibit B - Future Land Use Map Amended	
	Exhibit C - Map CP 1-8	
	Staff Report Grand Haven FLUM	

City Attorney Garganese read the title into the record.

The City Manager gave a brief summary of the item. Mr. Papa and Ms. Piltaver presented a PowerPoint presentation of Items 8, 9, and 10, which is attached to these minutes.

CM McGuire-Would the 74k sq. ft. include parking? Ans: Mr. Papa-No. CM McGuire-How big is the plot itself? Ans: Mr. Papa-I believe it is 9 acres. The total sq. footage will remain at the 85K.

VM DeLorenzo-the PLDRB approval for the subdivision master plan, is this common? Is this for the whole area or just the 4 units? Ans: Ms. Piltaver-PLDRB would like to see the site plan which would be for the 4 units.

CM McGuire-Does the Grand Haven CDD concur with that? Ans: Ms. Piltaver-There were questions asked by them.

Jim Cullis, Owner/Applicant-provided a presentation of the history to Council relating to this property and the request for the 4 additional units.

CM McGuire-What happens if we do not approve the closing of the DRI? Mayor Netts-There are 3 issues here. Mr. Garganese-the Development Order is expired, correct? Ans: Mr. Papa-Correct.

Mayor Netts-The cap on this is 1901 units, by closing this out, we eliminate the 1 unit per acre greenbelt construction, but if we can go back and change 1901 to 1905 couldn't subsequent Council go back and change it back? Ans: Mr. Papa-It can always be amended.

CM Ferguson-Confused with the 6 units already approved. Ans: Mr. Papa-This area typically known as Grand Haven with subsequent amendments and a review of the number of units (entitlements approved) is 1901 in this DRI. If the DO was alive, then you would have to amend the DO.

Public Comment

Chip Hunter-Riverview Condo Association-requested a 60 day delay. Pete Chioda-Grand Haven EBO-declare all developers are in compliance with the DO. Sara Lockhart-provided a PowerPoint presentation, which is attached to these minutes. Janet Ward-continued on the PowerPoint presented by Ms. Lockhart. Gene Baldrake-Against the additional 4 units and requirements of the Comp. Plan. Bob Olsen-opposes the additional 4 units. Jim Gallo-opposes the additional 4 units. Jim Gallo-opposes the additional 4 units. Paul Steggerda-If this Parcel K was always in the plans, then why has there not been an access point put in place? Linda Steggerda-Deny all of this or continue it. Chip Howden-opposes plans Dennis McDonald-should give the residents more time to speak. Keith Marvin-Parcel K Roger Summerville-north side of parking lot has condos that are sitting there uninhabited. Nance Goman-common sense-parcel K

Responses to Public Comments

Procedural nightmare-Is the CDD a participant to these discussions? Attorney Garganese-They are an entity that has a right to speak as part of the public participation.

Compliance with SJRWMD needs-how does the buldout agreement impact that kind of issue? Ans: Mr. Papa-Conditions of a permit by the water district remains regardless if we close out this DRI.

There was a motion made by CM McGuire to continue items 8, 9, and 10, which was seconded by CM Lewis. Confirmed the motion to postpone is for a time certain of August 5, 2014 at 6:30 pm CM DeLorenzo-As part of the EBO review, have all requirements relating to stormwater been met? Mayor Netts-Would like clarification on the 1901 units. CM Lewis-Would like staff to do a visual of the property. All Council concurred.

The Ordinance was continued.

9 <u>14-193</u> ORDINANCE 2014-XX AMENDMENT TO THE MPD DEVELOPMENT AGREEMENT FOR THE GRAND HAVEN MPD

 Attachments:
 Ordinance Grand Haven MPD Amendment

 Exhibit B-Grand Haven MPD DA Second Amendment revised
 5-28-14

 Grand Haven PUD Master Plan Map and Parcel K

 Zoning Map Grand Haven

 Planning Division Staff Report

 Neighborhood Mtg Results Letter

City Attorney Garganese read the title into the record. This item was presented with Items 8 and 10.

Public Comments:

There was no public comments.

The Ordinance was continued.

Resolutions

 10
 14-182
 RESOLUTION 2014-XX APPROVING AN ESSENTIALLY BUILT-OUT

 AGREEMENT FOR THE GRAND HAVEN DEVELOPMENT OF
 REGIONAL IMPACT

Meeting Minutes

Attachments: Resolution-Grand Haven EBO Agreement

Essentially Built Out Agreement

Location Map-Grand Haven

This item was heard with Items 8 and 9. There were no public comments.

The Resolution was continued.

1114-196RESOLUTION 2014-XX APPROVING FINAL PLAT - HIDDEN LAKES
PHASE I SECTION 3 (REPLAT)

Attachments: Resolution- REPLAT Hidden Lakes Phase I Section 3 Hidden Lakes Final Plat Section 3

Mr. Landon gave a brief overview to this item. Ms. Bentley provided a PowerPoint presentation, which is attached to these minutes.

CM McGuire-Is a one year bond acceptable? Ans: Ms. Bentley-As per the land development code, that is the time.

VM DeLorenzo-Do you have an idea of what the capacity is at the school board? Ans: Mr. Papa-utilization factor is at 75%; 3600 student stations across all grades. Public Comments

Jim Paytas-Applicant-provided an overview to the project and wanted to let Council know this is a continuation of a development order.

A motion was made by Vice Mayor DeLorenzo, and seconded by Council Member McGuire, that the Resolution be adopted. This motion was approved by the following vote:

- Approved: 5 Mayor Netts, Vice Mayor DeLorenzo, Council Member Ferguson, Council Member Lewis, and Council Member McGuire
- 12
 14-201
 RESOLUTION 2014-XX APPROVING A MITIGATION AGREEMENT

 WITH THE FLAGLER COUNTY SCHOOL BOARD AND THE
 OWNERS OF HIDDEN LAKES PHASE 1, SECTION 3 REPLAT

Attachments: Resolution - Mitigation Agreement

Mitigation Agreement

Mr. Landon provided an overview to this item. This item is tied in with Item 11. Public Comments:

There were no public comments.

A motion was made by Council Member McGuire, and seconded by Vice Mayor DeLorenzo, that the Resolution be adopted. This motion was approved by the following vote:

- Approved: 5 Mayor Netts, Vice Mayor DeLorenzo, Council Member Ferguson, Council Member Lewis, and Council Member McGuire
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 14-183
 RESOLUTION 2014-XX APPROVING THE SELECTION OF AN EXTERNAL AUDITING FIRM AND AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A CONTRACT FOR SAID SERVICES

Attachments: Resolution - Audit Services

Proposers List

Mr. Landon provided a brief overview to this item. Public Comments: There were no public comments.

Motion made by VM DeLorenzo to approve Carr, Riggs. The motion failed for a lack of a second.

CM McGuire made a motion to retain James Moore which was seconded by CM Lewis.

Approved by CM Ferguson, CM Lewis, CM McGuire, and Mayor Netts; Nay by VM DeLorenzo.

Prior to roll call vote, CM Ferguson-Why did you chose Carr Riggs? Ans: VM DeLorenzo-Felt that they had better infrastructure to handle a growing city and preferred the capacity of who they have available. A different set of eyes would be good. Having a new company look at the Dity was a better way to go.

Mayor Netts-There was a glaring error regarding our retirement by Carr Riggs. VM DeLorenzo-I was disappointed as well in that. CM McGuire-On the positive side, he interviewed some of the City staff to take temperature of working relationship of our current auditing firm and conferred with Chris Quinn as to whether or not the references were forth coming and Mr. Quinn

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

Approved: 4 - Mayor Netts, Council Member Ferguson, Council Member Lewis, and Council Member McGuire

Denied: 1 - Vice Mayor DeLorenzo

Consent Agenda

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 to speak.

stated the references did not reflect favorably on the new firm.

 A motion was made by Council Member McGuire, and seconded by Council Member Ferguson, to Approve the Consent Agenda. The motion was approved by the following vote: This motion passed unanimously
 Approved: 5 - Mayor Netts, Vice Mayor DeLorenzo, Council Member Ferguson, Council Member Lewis, and Council Member McGuire
 14 <u>14-157</u> RESOLUTION 2014-XX APPROVING A CONTRACT WITH PALMETTO ELECTRIC, INC., OF FLORIDA FOR CITY WIDE ELECTRICAL INSTALLATION AND REPAIR SERVICES ON AN AS NEEDED BASIS
 Attachments:
 Resolution Palmetto Electric

 Contract Summary - Palmetto Electric

Bid Opening Tab

The Resolution was adopted on consent.

15 <u>14-174</u> RESOLUTION 2014-XX APPROVING CONTINUING SERVICES CONTRACTS FOR PROFESSIONAL SURVEYING & MAPPING SERVICES WITH ATS LAND SURVEYING, LLC, CPH, INC., DRMP, INC., MCKIM & CREED, INC., AND BRADSHAW-NILES & ASSOCIATES, INC.

 Attachments:
 Resolution

 Contract Summary - Surveying and Mapping Services

 RFQ- Summary Surveying and Mapping

The Resolution was adopted on consent.

D. Public Participation

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, state their name and will have up to three (3) minutes 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.

Joely LaBarbera-School bus issue. Wants awareness.

Mr. Jergel-Old Kings Road paving.

Steve Carr-traffic on Florida Park Drive

Jack Carall-microphones

CarMichael McMillan-moving plans-looking at the 4 options.

Winifred-Florida Park Drive speeding.

Responses to Public Participation

School bus stops-Mr. Landon-Many times has heard about driving issues around bus stops; would like to tie in school bus stop safety with pedestrian safety. Mayor Netts asked to have this talked about at a workshop with the Sheriff to get cameras funded for the school buses.

Florida Park Drive-classification is based on the traffic flow, it is not the other way

around. It changed from a residential street to a collector street as a way of traffic patterns. Speeding on Florida Park Drive-again would request the Sheriff's department to provide more enforcement.

Moving Plans-Mayor Netts-Absolutely we have looked at our expenses. Mr. Landon-It is our desire not to move but yes, we have looked at costs vs. productivity.

Old Kings Road-Mr. Landon-It is not that we do not have the money, it is a matter of priority. Technically people say yes it is rough but it is not falling apart.

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

CM McGuire-Thanked Mr. Garganese for filling in for Mr. Reischmann.

VM DeLorenzo-Be careful out there, it was a rough weekend on 195.

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

Nothing at this time.

H. Adjournment

The meeting was adjourned at 10:30 p.m.

Respectfully submitted, Virginia Smith, City Clerk

Calendar and Worksheet

14-200 MEETINGS CALENDAR AND AGENDA WORKSHEET

<u>Attachments:</u> <u>Meetings Calendar</u>

Agenda Worksheet

14-204 ATTACHMENTS TO MINUTES

<u>Attachments:</u>	Item 4 and 5 Airport Commerce Ctr Contraction Annexation
	Item 6 McCormick Drive Rezoning 2704
	Item 7 Tuscan Reserve App #2616 Presentation
	Item 7 Printouts from Michael Chiumento Esq
	Item 8 and 9 Presentation Grand Haven Applications
	Item 8 and 9 Riverview Condominium Association Presentation
	Item 8 and 9 Planning Board Meeting 5212014
	Item 8 Grand Haven Master Site Plan Map from Jim Cullis
	Items 11 and 12 Hidden Lakes PH 1 sec 3 replat 2686 presentation
	Item D Florida Park Dr Traffic Safety from Steven Carr