



City of Palm Coast

City Hall
160 Lake Avenue
Palm Coast, FL 32164
www.palmcoastgov.com

Meeting Minutes City Council Workshop

Mayor Jon Netts
Vice Mayor Heidi Shipley
Council Member Robert G. Cuff
Council Member Jason DeLorenzo
Council Member Steven Nobile

Tuesday, October 11, 2016

9:00 AM

City Hall Community Wing

City Staff

Jim Landon, City Manager

William Reischmann, City Attorney

Virginia A. Smith, City Clerk

>Public Participation shall be in accordance with Section 286.0114 Florida Statutes.

>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 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 9:00 a.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 Cuff, Council Member DeLorenzo, and Council Member Nobile

D. PRESENTATIONS

- 1 [16-367](#) PRESENTATION ON PROPOSED LAND DEVELOPMENT CODE AMENDMENT FOR CHAPTER 11 - TREE PROTECTION, LANDSCAPING, BUFFERS AND IRRIGATION AND CHAPTER 14 - GLOSSARY

Mayor Netts requested we add Hurricane update to the beginning of the meeting so we can get those crews back out into our community.

Mayor Netts thanked everyone and our community for the responses to Hurricane Matthew.

Mr. Landon provided an update to Council on Hurricane Matthew and the effect of the hurricane on the City. Ms. Cindi Lane provided a talking points presentation, which is attached to these minutes.

CM Nobile-What I encountered the most with the PEP systems, they (residents) did not understand that if they took a shower or ran the sink water that it goes to the PEP tank.

CM Cuff-How many PEP tanks are not functioning? Ans: Mr. Landon-We do not have an exact number, but it has reduced substantially. I have been trying to get FPL to understand the PEP tank system.

Mr. Landon reminded everyone we are still in emergency mode. Mayor Netts signed the extension proclamation yesterday. We will stay in emergency mode until everything is under control. We will still be doing clean-up weeks from now.

Mayor Netts-As our residents start to try to make repairs to their carports, their screen cages, to their shingles off the roof, please, please, please use licensed contractors. That is the only assurance you have that the work that will be done is done in accordance with all codes. There are three (four) tip-off's-if somebody comes to your door soliciting work, the first words out of your mouth should be "Let me see your license." The licensed contractors are busy, they do not have time to be wandering around looking for work. The second tip-off is if somebody says they will do your work, you go get the permit, and it will be quicker and cheaper-absolutely not true. It is not quicker or cheaper whether the contractor applies for the permit or you apply for the permit as a resident. The third tip-off is "Well if you do not hire me now, it is going to be months before I will get back to you." That is just not the nature of the beast. Ask to see their license, ask for a contract, the contract should show their license number, do not make a huge down payment up-front. State law says they are allowed 10% up-front. The last tip-off is before you make the final payment, ask to see a copy of the final building inspection from the City. That is your assurance that the work was completed and completed properly. Be very, very cautious, because if you employ an unlicensed contractor, you bear the brunt of all responsibility. CM DeLorenzo-Including injury, if they get injured on your property. Mayor Netts-Absolutely. If you have a hole in your roof and you have an unlicensed contractor who gets injured, you are liable.

CM Nobile-Will we have a sunset pow-wow when this is all done? Ans: Mr. Landon-Yes, we will have a post (final) briefing internally and with all our partners in the community as well.

VM Shipley-How does the emergency state affect the residents, or is it just for us? Ans: Mr. Landon-It is primarily for how we operate. It gives us the ability to hire services; purchase items we need. If we need food for our workers, we go buy food and they get back to work. The declaration does not have a major impact on the residents at this time, during the storm, yes it affects the residents.

VM Shipley-Holland Park damage? Ans: Mr. Landon-We are not working on Holland Park, and I do not have a report on Holland Park. We will get to back to Holland Park as soon as we can. We are focused on getting the other parks that are functional to

be functional again (clearing debris).

CM Cuff-Do the debris cleanup contractors have a set schedule of where they clean up? Ans: Mr. Landon-We have the contractors out and cleaning up. We provide maps to the contractors too. Mr. Abreu-We are mapping, as we know it will take multiple pick-ups to clean up the debris. Mr. Landon-We will be doing at least 3 pass-throughs throughout the City.

CM Cuff-Is there any issue with our utility interconnects? Ans: Mr. Adams-We were able to keep the system up and running. I am not sure of the situation in Beverly Beach, but they had water service throughout the event.

Mr. Landon-We are trying to help all our neighboring communities in any way we can.

CM DeLorenzo-Thanked staff for how quickly we got the roads cleaned up, thanked customer service for all their work.

Item 1 Landscape Code

Mr. Landon provided a brief overview to the item. Mr. Bill Hoover, Mr. Bill Butler and Mr. Ray Tyner presented a PowerPoint presentation, which is attached to these minutes.

CM Nobile-Please explain that a little bit more, when you say an island are we talking surrounding the tree? Ans: Mr. Hoover-No, that is typically in a parking lot, the island-we brought the size of that to a larger width in size; what we found out was that the shade trees typically do not do very well in a small to medium island, the larger islands are better for shade trees.

CM Nobile-So in a parking lot, did we gain or lose space? Ans: Mr. Hoover-It would have no effect. Mr. Tyner-Basically what we found is that when you go to for example, the Wal-mart parking lot and you see those oak trees that have been there for 15 years; the oak trees, shade trees need larger spaces, so what we did in the code was for the shade trees and your oaks to have a parameter that they can get their feet and rooting to grow to have a large canopy.

VM Shipley-So for businesses coming into Palm Coast, does this give them our square footage per buildings, is that what we are doing? Ans: Mr. Bill Butler-The buffers, the plantings not so much, but it does benefit, like a masonry wall, it would be normally 25 ft. which has gone to a 20' and they can reduce it to 10' if they use a masonry wall, so there is flexibility in the code there too. When a wall is wider, taller, then the buffer can be smaller.

VM Shipley-For someone who wanted to take a tree down, they couldn't unless they replaced the tree, now the hurricane comes through, and that tree is gone, will they have to replace that tree? Ans: Mr. Landon-Yes, eventually. Everyone has to have a minimum number of trees in their yard. We will start enforcing that.

CM DeLorenzo-How are you going to make the trimmer responsible? Ans: Mr. Butler-He will be brought before the licensing board.

VM Shipley-It is that they have a tree that they have cut the bottom and puff remains on top, so they can see the business? Ans: Mr. Hoover-Yes, here is a picture (in the PowerPoint) showing you an example of over-lifting.

CM Nobile-Why was this (Town Center Target area) 20'? Ans: Mr. Tyner-This is a master planned development (MPD). It is a special development stipulated for 20'

(the buffer in the MPD).

CM Nobile-In general, are we going from 35' to 25'? Ans: Mr. Hoover-Yes, except for one of those three roadways.

CM Nobile-Which will remain at 35'? Ans: Mr. Hoover-Yes.

CM Nobile-Are these types referenced in the code? Ans: Mr. Tyner-Yes.

CM DeLorenzo-In private development, why are we taking as-builts? Ans: Mr. Tyner-We may not need it but there was a consensus among the development group, among the associations that have that on file so that if they ever requested them from us, we have them. Mr. Butler-As-builts are a savings tool for residents. It is very important to have a good set of as-builts.

CM DeLorenzo-In 11.02.05-tree removal paragraph 2-protected trees and prohibited removal without a permit, do you have to mitigate a protected tree if you are exceeding the requirements? Ans: Mr. Butler-No.

CM DeLorenzo-Section B Permit requirements-clarifying-If you have ownership of the lot next to you, and you just want to clear it for your use, you will not issue a single family permit but a land clearing permit? Ans: Mr. Tyner-Bound lots are simple, a simple administrative process, unbound, you will need to bind them to make it one lot to clear it.

CM DeLorenzo-11.03.02-Can you tell me (page 16) table 11-5 it says an average minimal foundation planting bed with 8' shall be provided in this area, a minimum of two different heights, here is my question-a rate of 1 tree for every 50 lineal ft. of building wall length-how does that work for a shopping center? Ans: Mr. Butler-First, it depends on the road it is on, if not on one of our specialty roads, it does not apply. So, only like Palm Coast Parkway, Old Kings Road, those kinds of roads, if it does front that then we would take the length of that building, say it is 200', there has to be 4 understory trees somewhere in that 8' area.

CM DeLorenzo-Same section 11.03.02, B. Wildfire Assessment-please explain this. Ans: Mr. Butler-There is such a map called a FRAS map, it identifies an area of the County that is accessible to allow fire hazard, and they take into account wild fire history, fuels in the area, amount of development, and we will look at that map for any new development coming in. If it looks like it is in a medium to high hazard area, we will have the Forestry Services contact them, free of charge, look at plans and site and will tell them if it is a low, medium or high hazard. If it is above medium or high hazard, they will make recommendations to that owner as to what they can do to reduce that hazard.

CM DeLorenzo-Page 26, chart 11-05 paragraph 2-does this have to do with the City's drainage easement that runs parallel with Palm Coast Parkway East and being able to reduce the buffer on the back to maintain the canopy on the front? Ans: Mr. Hoover-Yes, we did not want people to get hit with that wider buffer twice.

CM DeLorenzo-One suggestion, there are several developments that have architectural review boards, in those developments when we approve them, they will have our minimum standards, so the building process itself will go through the architectural review at the community level and then it comes to the City and goes back to the architectural review board a second time, so I would like to see us go to some sort of an annual declaration, some kind of document, these are our standards.

CM DeLorenzo-Buffering equipment-cable boxes, I have a blue box that is two foot tall next to the water meters, would that blue box need a buffer? Ans: Mr. Butler-Typically we have not enforced a buffer on that type of box. We are speaking more of the bigger boxes.

The Ordinance was Continued.

2 [16-411](#)

PRESENTATION-SOLID WASTE RFP-ADM-2016-01

Mr. Landon provided a brief overview to this item. Mr. Beau Falgout and Ms. Dianne Torino provided a PowerPoint presentation, which is attached to these minutes.

Mayor Netts-Are they alternates or add-ons? Ans: Ms. Torino-Both.

Mr. Cuff-How does the staff determine who is number 1 and number 2, etc.? Ans: Mr. Landon-They will go through that with you right now.

CM Nobile-We will get the particulars on hazardous waste pickup? Ans: Ms. Torino-We have eliminated the minimum requirements, for example, 2 paint cans.

CM Cuff-How are we separating those pickups out? Ans: Ms. Torino-Currently, WastePro has divided the City into 4 quadrants and each has their own designated Saturday pickup. The resident still calls WastePro to schedule the pickup.

CM Nobile-So this is all automated or nothing? Ans: Mr. Landon-Correct.

CM DeLorenzo-When I did the math the last time, it was about \$400+ per pickup and that is why I was looking for this alternative where we would still pay the per house pickup in the total contract, and I see it is \$75 here, so the .20 cents works out better than the \$75 per pickup? Ans: Mr. Landon-We do not have that math but will get it to you.

CM Nobile-I was talking to someone the other day, they had an automated system, and I asked them what do you do differently than what I do? Ans: Mr. Landon-It may reduce your cost slightly and it really benefits the hauler.

CM DeLorenzo-Is it an annual CPI, with no catch up? Ans: Ms. Torino-It is an annual with no catch up.

Mayor Netts-Could a homeowner obtain, buy a recycling bin with a lid? Ans: Ms. Torino-At one point we did allow anything to be used as a recycling bin. We no longer do since there was an incident where the perception was that their neighbor put out garbage and the hauler picked it up and threw it in with the recyclables.

CM DeLorenzo-Reserving space at a disposal site so that the City could control its' destiny a little more, whatever happened with that? Ans: Ms. Torino-The consultant let me know that it is not an area that the City wants to get involved in.

Mayor Netts-Is anyone piggybacking our contract? Ans: Mr. Landon-Yes, Flagler County. Ms. Torino-I have heard they plan on piggybacking again.

The Presentation was Received and Filed.

E. WRITTEN ITEMS

3 [16-391](#)

RESOLUTION 2016-XX APPROVING THE NINE APPLICATIONS

RECEIVED FOR THE FISCAL YEAR 2016-2017 CULTURAL ARTS GRANTS

Mr. Landon provided a brief overview to this item.

CM DeLorenzo-We have a budget at \$30K and eligible projects for \$25,252. We have hit the cap for each project and exceeded that, and then we have a couple that did not exceed the cap or eligible amount, so that is why we did not hit the full \$30K?
Ans: Mr. Boyer-Correct, and that we did not have enough to apply to meet the \$30K cap for the year.

CM DeLorenzo-Will we have a second application period for the remainder? Ans: Mr. Landon-We did that last time, we can do it again if Council wishes, with new applicants applying.

The Resolution was Continued.

Enactment No: R2016-111

4 [16-398](#)

RESOLUTION 2016-XX APPROVING PIGGYBACKING THE AGREEMENT BETWEEN CONCRETE CONSERVATION, INC., AND PASCO COUNTY, IN AN AMOUNT NOT TO EXCEED \$75,000, FOR MATERIALS AND INSTALLATION OF MANHOLE LINERS

Mr. Landon provided a brief overview to this item.

The Resolution was Continued.

Enactment No: R2016-108

5 [16-399](#)

RESOLUTION 2016-XX APPROVING PIGGYBACKING THE PRICE AGREEMENT BETWEEN MILLER PIPELINE CORP., AND LEE COUNTY, IN AN AMOUNT NOT TO EXCEED \$250,000, FOR INSTALLATION OF EX LINER SYSTEM FOR GRAVITY SEWER PIPE

Mr. Landon provided a brief overview to this item.

The Resolution was Continued.

Enactment No: R2016-109

6 [16-406](#)

RESOLUTION 2016-XX APPROVING PIGGYBACKING THE AGREEMENT BETWEEN SENSUS METERING SYSTEMS AND CLAY COUNTY UTILITY AUTHORITY TO PROVIDE VARIOUS SIZES AND TYPES OF WATER METERS, TRANSMITTERS AND PARTS, \$798,990.00 BUDGETED FOR FY 2017

Mr. Landon provided a brief overview to this item.

CM DeLorenzo-Have we had any issues with Sensus Meters? Ans: Mr. Zaleski-No, we have not.

VM Shipley-So does this put that into an account to use as we go along or is that how much this is to purchase? Ans: Mr. Zaleski-This year we are spending \$798,990 for these Sensus meters. \$94,840 will be for new residential and new commercial. \$50K is to replace those meters that have registered over 1 mil. gallons. \$15K we will use for re-use meters as we are expanding our re-use system and then there is \$139,150

for meter transmitters to put in new transmitters for new installation and replace older technology from 2005. \$500K is to advance our plan and go from touch reading to radio reading and that will be in the R, P, and W sections.

Mr. Quinn, Finance Director, provided an overview of where the funds come from to purchase the meters.

CM Nobile-I was in Tampa a few months ago and looking at their meters and they have a system where if the flow is abnormal, it sends an alarm. Ans: Mr. Zaleski-We are going in that direction.

The Resolution was Continued.

Enactment No: R2016-110

F. 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 topics on the workshop agenda or any topic or proposition not on the agenda, 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.

Robert MacDonald-First hurricane in Florida. We had a PEP alarm (go off) and staff did phenomenal. Thanked the City for all that they did. Landscape presentation-have we lost any businesses or applicants because of these regulations?

Jack Carall-When you are rewriting the landscape code, chapter 11, there are certain areas in the City where you have to pull way out in order to see if it is clear to pull out.

Ed Fueller-This was my first hurricane. Wanted to commend the City staff and the leadership. Great community.- City helping, County helping, neighbors helping neighbors. Great collaboration.

Jack Carall-For the little time I had to watch T.V., they mentioned St. Augustine and north cities, they hardly ever mentioned Flagler. When are we going to stand on our own?

Responses to Public Comment:

Landscape and businesses-Ans: Mayor Netts-That is a hard one to answer. I remember recently a business was going to open in the vicinity of Panera's and did not. They (President and Vice President of Panera) met with the City Manager and myself and stated it had nothing to do with the City, even though the residents blamed the City. I bet we will never get a fat rendering plant in Palm Coast, we will probably never get a steel mill in Palm Coast, we will probably never get a business that will have a big tall smoke stack, and that is fine with me. Have we lost? Who

knows. Ans: Mr. Landon-It is impossible to tell because of the factors that go into their location decisions. Is our code one of them? Yes, some of them come here because of our code, some come here because they want to be part of this type of community, so let's ask that question, how many businesses came here because they wanted to be part of Palm Coast?

Code rewrite and intersection visibility-Ans: Mayor Netts-This is a valid and important issue. Mr. Landon-If there are certain areas that are not meeting our code, please let us know so we can go out.

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

CM DeLorenzo-Thanked staff and FPL for all the work they have done through this hurricane.

VM Shipley-Thanked all for all they did.

CM Nobile-Spent all weekend in the community helping them dig out. Every other person out there also wants to say thank you to City staff and all who worked this Hurricane. Thanked everyone for the superb job.

CM Cuff-What all these people have said. Thank you.

Mayor Netts-Thanks to first responders, Public Works, Utility, Customer Service, Finance, every aspect of the City government.

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

Attorney Reischmann-Drone update-First, if you own a drone you have to register the drone with the Federal Government. Second, Freedom from Unwanted Surveillance Act-one cannot operate a drone in a residential area. Can we regulate drones? The answer is yes, if you want to you can regulate under land use- in drone zones.

CM DeLorenzo-Can police officers ask for the registration? Ans: Mr. Reischmann-Yes.

CM DeLorenzo-If no registration provided, what can the officer do? Ans: Mr. Reischmann-I will get you that answer.

Homeless agreement-Pottingers Agreement-Mr. Reischmann provided an overview to the agreement in Miami relating to homeless.

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

Mr. Landon provided another quick update to the hurricane cleanup progress.

J. ADJOURNMENT

The meeting was adjourned at 12:47p.m.

*Respectfully submitted,
Virginia Smith, City Clerk*

Calendar and Worksheet

[16-402](#) MEETINGS CALENDAR AND AGENDA

[16-420](#) ATTACHMENTS TO MINUTES