



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 Robert G. Cuff
Council Member Jason DeLorenzo
Council Member Steven Nobile

Tuesday, September 20, 2016

9:00 AM

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

Present: 5 - Mayor Netts, Vice Mayor Shipley, Council Member Cuff, Council Member DeLorenzo, and Council Member Nobile

B. Pledge of Allegiance to the Flag

C. Roll Call

Approval of Minutes

1 [16-382](#)

MINUTES OF THE CITY COUNCIL'S:

A. September 6, 2016 City Council Business

B. September 7, 2016 City Council Special Meeting

C. September 13, 2016 City Council Workshop

A motion was made by Council Member DeLorenzo, and seconded by Council Member Nobile, that the Minutes be Approved as presented. The motion was adopted by the following vote:

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

Proclamations and Presentations

Presentations

- 2 [16-377](#) PRESENTATION OF 2016 ANNUAL INTRACOASTAL WATERWAY CLEANUP RESULTS
- Ms. Bevan presented a PowerPoint presentation, which is attached to these minutes.*
- The Presentation was Received and Filed.**

Proclamations

- 3 [16-337](#) PROCLAMATION RECOGNIZING SEPTEMBER 17, 2016 THROUGH SEPTEMBER 24, 2016 AS NATIONAL ESTUARIES WEEK
- CM Cuff presented this Proclamation to Ms. Tina Gordon of Guana Tolomato Matanzas National Estuarine Research Reserve.*
- The Proclamation was Received and Filed.**
- 4 [16-363](#) PROCLAMATION RECOGNIZING OCTOBER AS RAISE THE PINK FLAG WITH THE PINK ARMY MONTH
- VM Shipley presented this Proclamation to representatives from Florida Hospital-Flagler.*
- 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

5 [16-378](#) RESOLUTION 2016-XX APPROVING THE RESTRICTIVE COVENANT
RELATED TO THE PALM COAST ARTS FOUNDATION

Mr. Beau Falgout provided a brief overview to this item.

There were no public comments.

A motion was made by Council Member DeLorenzo, 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 Cuff, Council Member DeLorenzo, and Council Member Nobile

Enactment No: R2016-83

6 [16-301](#) RESOLUTION 2016-XX APPROVING FINAL PLAT - GRAND LANDINGS -
PHASE 2C REPLAT

Attorney Reischmann reminded Council this is a quasi-judicial item. Mayor Netts called for any ex-parte communications. There were none.

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

There were no public comments.

A motion was made by Council Member DeLorenzo, 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 Cuff, Council Member DeLorenzo, and Council Member Nobile

Enactment No: R2016-84

7 [16-311](#) RESOLUTION 2016-XX APPROVING THE TUSCAN GARDENS OF PALM
COAST - A TIER 3, TECHNICAL SITE PLAN

Attorney Reischmann reminded Council this is a quasi-judicial item. Mayor Netts called for any ex-parte communications. There were none.

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

CM DeLorenzo-Mr. Hoover, that may not have been very clear to the public about what you were saying on #2, last night the County conditionally approved a portion of this, so can you explain that a little better? Ans: Mr. Hoover-Yes, there are four small stormwater areas in the right of way along Colbert Lane. This project includes those in this site development plan, and the agreement with Flagler County is that they will take those 4 stormwater areas, they can develop it however it is needed, however in their master stormwater system, they will include all the stormwater storage that would have been on those four parcels into the site. So, essentially, we are going to take the first part of condition #2 out and delete it and basically all they have to do is finish their right of way permit through Flagler County.

Mr. Charles Buddy Smith-We are here to receive any of your questions.

Mr. Johnny Dagher of Baker Barrios provided a PowerPoint presentation of the overall project, which is attached to these minutes.

Mayor Netts-The overall drawing shows two entrances, and yet this is a phased project, will both entrances be constructed up front or does the second entrance go with the second phase? Ans: Stuart Young, Civil Engineer-Yes, both entrances will be constructed initially.

Public Comments:

Louis McCarthy-Who will maintain the roadways in and out?

Responses to Public Comments:

Roadways-Ans: Stuart Young--The roadways will be maintained by Tuscan Garden Group.

CM DeLorenzo-I know this project has had its' challenges on this site and thanked all involved in the "Palm Coast'ish" architecture of this project.

CM DeLorenzo-Made a motion to approve with the amendment to #2.

A motion was made by Council Member DeLorenzo, and seconded by Council Member Nobile, that the Resolution be Adopted as amended. The motion was adopted by the following vote:

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

Enactment No: R2016-85

8 [16-332](#)

RESOLUTION 2016-XX APPROVING PURCHASE OF BUDGETED WHITE FLEET FOR FISCAL YEAR 2017, PIGGYBACKING FLORIDA SHERIFFS' ASSOCIATION CONTRACT

Mr. Landon provided a brief overview to this item.

There were no public comments.

A motion was made by Vice Mayor Shipley, and seconded by Council Member Cuff, that the Resolution be Adopted. The motion was adopted by the following vote:

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

Enactment No: R2016-86

Other Business

9 [16-272](#)

APPOINT FIVE MEMBERS TO THE PLANNING AND LAND DEVELOPMENT REGULATION BOARD

*Motion made by CM DeLorenzo, seconded by CM Nobile to appoint the following
4 Members-Mr. Davis, Mr. Dolney, Mr. Lehnertz and Mr. Clinton Smith
1 Member to Mr. Cuff's remainder term -Mr. Scully*

The Appointment was Approved.

10 [16-271](#)

APPOINT FOUR MEMBERS FOR THE CODE ENFORCEMENT BOARD

Motion made by CM Nobile, seconded by CM DeLorenzo to appoint the regular members as follows:

Kenneth Carruth and Richard LaPadula. Motion passed unanimously.

Motion made by CM DeLorenzo, seconded by CM Nobile to appoint the alternate members as follows:

Charles Dean Roberts and Marc Bellapianta. Motion passed unanimously.

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 Nobile, that the Consent Items be Considered as reported on the Consent Agenda.. They were approved by the following vote:

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

- 11** [16-344](#) RESOLUTION 2016-XX APPROVING THE COST-SHARE AGREEMENT WITH THE ST. JOHNS RIVER WATER MANAGEMENT DISTRICT FOR THE PALM COAST FLOOD CONTROL STRUCTURE BS-2 PROJECT
Enactment No: R2016-87
- 12** [16-345](#) RESOLUTION 2016-XX APPROVING THE COST-SHARE AGREEMENT WITH THE ST. JOHNS RIVER WATER MANAGEMENT DISTRICT FOR THE BELLE TERRE/MATANZAS WOODS MASTER PUMP STATION PROJECT

A motion was made by Council Member DeLorenzo, seconded by Council Member Nobile, that the Consent Agenda be Adopted on Consent. The motion was Approved unanimously.
Enactment No: R2016-88
- 13** [16-359](#) RESOLUTION 2016-XX APPROVING THE COST-SHARE AGREEMENT WITH THE ST. JOHNS RIVER WATER MANAGEMENT DISTRICT FOR THE RECLAIMED WATER IRRIGATION ALONG US1 AND PALM COAST PARK PROJECT

A motion was made by Council Member DeLorenzo, seconded by Council Member Nobile, that the Consent Agenda be Adopted on Consent. The motion was Approved unanimously.
Enactment No: R2016-89
- 14** [16-354](#) RESOLUTION 2016-XX APPROVING PIGGYBACKING LAKE COUNTY, FLORIDA, CONTRACT #14-0618 WITH PORT CONSOLIDATED, INC., TO PURCHASE FUEL PRODUCTS

A motion was made by Council Member DeLorenzo, seconded by Council Member Nobile, that the Consent Agenda be Adopted on Consent. The motion

was Approved unanimously.

Enactment No: R2016-90

15 [16-366](#)

RESOLUTION 2016-XX APPROVING THE SUCCESSOR WAGE ARTICLE OF THE COLLECTIVE BARGAINING AGREEMENT NEGOTIATED BETWEEN THE CITY AND NORTHEAST FLORIDA PUBLIC EMPLOYEES, LOCAL 630, LABORERS INTERNATIONAL UNION OF NORTH AMERICA, AFL-CIO FOR FISCAL YEAR 2016-2017

A motion was made by Council Member DeLorenzo, seconded by Council Member Nobile, that the Consent Agenda be Adopted on Consent. The motion was Approved unanimously.

Enactment No: R2016-91

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.

Robert McDonald-Political signs. Is there a timeframe for when they go up and come down?

George Mayo-Right turn status on Belle Terre Blvd and SR 100.

Jules Kwiatkowski-Tent sale at the Flagler Palm Coast High School recently. Update on mosquitoes and mosquito control in Flagler County.

Responses to Public Comments:

Signs-Attorney Reischmann-A couple of preliminary statements about political signs. We do not treat them as just political signs any more or election signs. We treat them as temporary signs, that is what the US Supreme Court has said recently-we do not make the distinctions on the different types of signs because then you have to look at the content of them. Having said that, we do not allow any temporary signs in the public rights-of-way. Ms. Grossman can tell you that she has quite a few individuals that go around and remove temporary signs from our rights-of-way. It is a very different story as to signs on private property and yes there are limitations in the State of Florida-both before and after elections. I am able to tell you that there is a much more liberal standard before and there is a much more limited standard after an election. I cannot speak to the exact numbers but I was hoping that Barbara was going to be here. Mr. Landon-That is 15 days, but there is still an election coming up in November, so anyone that is on the November ballot, that does not apply to them,

but anyone who was on the ballot for the August election, those should be picked up.

Right turn-Ans: Mr. Landon-We have an agreement with the developer that a right turn will be put in. Mr. Flanagan-My memory of the right turn lane and the Shoppes at Palm Coast at the corner of SR 100 and Belle Terre Blvd. is that the current lanes northbound will be moved more westerly. This is my memory of plan review and reviewing the project. I will confirm that and get information back to you with clarification.

Boat Sales-Ans: Mayor Netts-That obviously raised some concerns among the School Board, themselves, it is interesting to note the City of Palm Coast does not have jurisdiction over the Board of Education property. What they do on their property is not under our control. From what I understand, they are going to change their policies on this kind of lease arrangement.

Zika virus-Ans: Mayor Netts-Yes, we have two cases here in Flagler County, yes they appear to be travel related and yes, we need to be vigilant in removing standing water, bird baths, rain gauges, tires, garden pots, etc.

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

CM Cuff-Signs-By my count, one of my 4x4 signs is missing. Not sure if it is still standing, but if you find it, please let me know.

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

Three important issues:

River to Sea TPO-sent Council information regarding a proposal to send that will be considered by the TPO Board that will affect the City of Palm Coast. Asking Council for their support.

Mayor asked for consensus to send letter to the TPO. Approved unanimously.

Zika Virus-No details other than an email I received while we were here, because there were two confirmed travel cases, we have been placed on the Governor's emergency list.

Mayor Netts-Please use our resources to let our residents know how vigilant they need to be in this issue and clean up their yards, etc. Ans: Mr. Landon-Yes we have been doing that and it is even more important now.

Park and Recreation Director interviews. The day of fun for our directors. Alex Boyer is our new Park and Recs Director.

H. Adjournment

The meeting was adjourned at 10:29 a.m.

*Respectfully submitted,
Virginia Smith, City Clerk*

Calendar and Worksheet

[16-380](#) MEETINGS CALENDAR AND AGENDA WORKSHEET

[16-381](#) ATTACHMENTS TO MINUTES