



City of Palm Coast
MINUTES
City Council Business

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

Mayor Milissa Holland
Vice Mayor Robert G. Cuff
Council Member Steven Nobile
Council Member Nick Klufas
Council Member Heidi Shipley

Tuesday, December 5, 2017

6:00 PM

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 Charter Spectrum 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 Holland called the meeting to order at 6:00 pm

B. PLEDGE OF ALLEGIANCE TO THE FLAG

Mayor Holland led the pledge to the flag.

C. ROLL CALL:

Ms. Settle called the roll and announced Council Member Klufas had an excused absence. **All other council members were present.**

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 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.

Patricia DeVoy, Cypress Knolls: One year ago our house was completed finished. We found out just recently that an ordinance had been changed regarding the elevation of land. This house is about three feet above our property. I came today because we tried to talk to the City. We even asked to talk to the mayor. We have left three messages. The only person that would respond to us was Steve Nobile. All we wanted was for someone to come out and look at the property and let us know what we could do. They wouldn't come out even after the Port-o-John fell into the swale. We are at the point that we are sorry that we moved to this community. You know that whole area is lower than the house next to us. We've gotten a lot of water on our property with the rains. We thought by moving here and paying the taxes we pay that it was for the betterment of our community and we are starting to think it isn't. We wanted someone to look at the elevation and now they have poured the cement and they started to build the block. We are SOL at this point. We want some answers as to why this ordinance was passed and we didn't even see it in the paper because it was passed after our house was built.

Mike Harrison, 88 Raintree Circle. Similar but different issue. Along Ray Drive between Raintree. Several months ago they dug up the ditch and now we have flooding. We have been there for three years. They have torn up the driveway going into Raintree Circle and it has been cut six foot wide all the way across and it has been that way for several months. They started work three months before the hurricane but we still have flooding, we still have a messed up driveway. A representative from the City called me and said the grading would be down before the week was over and they were out working today and they haven't solved the problem and I asked him about repairing our driveway. He said they were going to have to move the utilities. This part is a rumor. Apparently, someone from our community had discussed this with the City and that our entire community will be without water or sewer for more than two days when they do repair it. Two days is unacceptable. I wanted to get an official opinion of what is happening and what is going to happen.

Maggie Hampton, Cypress Knoll: On November 17 on WNZF, the Mayor said that transitional housing was coming into Cypress Knoll. We have gotten some information from Steve Nobile and we would like to hear from the Mayor directly about this if she misspoke because none of us have heard anything back.

Robert Stolpmann, St Augustine: I came to talk to you about something off the agenda. Renewal energy with wave energy devices. The City has spent over a million dollars with the Coquina Coast Group, modeling desalinization plant with maybe a pipeline to outline cities. I have been working in Daytona Beach and I have brought this package for you tonight, showing the wave actuator devices, the leases you would need offshore

to utilize them. The Ceto technology that I am promoting uses a wavelength technology uses a wavely system and it cannot only make electricity but water. And it is done within the three miles of state water so it can be done with the Florida Department of Environmental Protection which I have a letter from them outlining how much the leases would cost. I would like to give this to you to consider. I spoke with the representative from the Coquina Coast Group and I don't know if you aware of that project. The main problem with it was the production cost of the desalinated water. The devices that are in the package, produce high pressurized water. The cost of it is much less than those you were looking at before.

ANS: Mr. Landon - Elevation issues: This is news to me and I am not sure what the issue is.

CM Nobile: I was there. It was not one of our ordinances. It was when the state raised the elevation. Ans: Mr. Landon - Minimum height.

CM Nobile - This house is well above the minimum what you have is a slope.

Ans: Mr. Landon - Hopefully, it can be taken care of during construction. Hopefully, you can get a hold of Steve Flanagan with all the faces back there, I don't know where Steve is. The resident can get a hold of Steve Flanagan.

Mayor Holland: Let's do this. If Steve can get her information tonight, he can contact her.

Raintree Drive: Ans: Mr. Landon – This a project our crews were performing for storm water improvements. This is what we call modeling. We look at the area to improve the drainage in the R Section. Our crews ran into water and sewer lines that were not where they expected them to be and not on the plans. This happened prior to Hurricane Irma we obviously pulled the crews off of the project. The City is back on the project. We will correct it all. Regarding the water being out for a couple of days, it will be more like a couple of hours. We may have to turn it off temporarily but we will stay on construction until we get it back on. Two days is unacceptable.

Transitional Housing: Ans: Mayor Holland – Yes, I was on the radio and I misspoke. Transitional Housing we approved was in the L Section and it was a gated community. What we meant by transitional housing had to do with folks that were elderly in our community that wanted to move to a smaller home because their spouse passed away and the no longer wanted to or could take care of their home. It is not being located in Cypress Knoll.

E. MINUTES

1. MINUTES OF THE CITY COUNCIL: NOVEMBER 21, 2017 BUSINESS MEETING NOVEMBER 28, 2017 WORKSHOP

Motion by VM Cuff, seconded by CM Nobile to approve the minutes as presented. The motion carried unanimously.

F. PRESENTATIONS

2. PRESENTATION OF THE 2017 VIDEO AWARDS

Cindy Lane spoke of the awards the City has received for Video Communications. She reported fifty-nine videos have been produced this year. She introduced Jason Giraulo and Tom Hansen and recognized them for receiving seven National and State awards in 2017. The Communications Department presented "Joey Christmas" video which educates the public on fire prevention during the holidays.

G. ORDINANCES SECOND READ

3. ORDINANCE 2017-XX AMENDING THE FUTURE LAND USE MAP DESIGNATION FOR 109+/- ACRES LOCATED 1,400' NORTH OF ROBERTS ROAD ON THE EASTSIDE OF COLBERT LANE FROM FLAGLER COUNTY DESIGNATIONS TO CITY OF PALM COAST DESIGNATIONS:

Attorney Reischmann read the title of the ordinance into the record. Mr. Landon gave a brief history of the item. In 2006, this property was rezoned by Flagler County and not the City. It was rezoned single family, multi-family and commercial. The PUD was approved by Flagler County and was approved up to a height of 95 feet. As the economy improved, the PUD was recently amended and reduced the density. The State of Florida has pre-empted Cities from taking any action that is different than what was approved by Flagler County unless the developer or the property owner consents to those differences. We are not rezoning the property or changing the comp plan designation other than we are doing the most compatible zoning and comp plan designation that falls under the City's jurisdiction. It does not change the entitlements. City Council by State law cannot require that those entitlements be changed that includes building heights and density and mix of uses. What happens if you turn these down than the zoning and the comp plan designation will stay the same. It will stay under the County comp plan, the developer can still develop the property as allowed by the County zoning. I have asked the property to make a presentation to know what the proposal is . . . this is one of those where they do have a proposal.

Ken Belshe, the developer for the proposed development, presented the proposed plan for the area. He spoke of the process he went through with the County. He reported on his opposition by Sea Ray. The original plans included canals and the thought was the canals were not as environmentally friendly as having a lake surrounded by single family homes. The height originally asked for from the County was 125 feet. After negotiations with Sea Ray, the height then changed to 95 feet (seven stories of living over one floor of parking). He spoke of the seven public hearings the development went through before getting to the second reading of the ordinance.

Mayor Holland indicated that the first reading of the ordinance revealed to her the height requirement and she was surprised that it was much more height than the standard height requirement of the City.

CM Nobile: the people who bought property around this area knew what property was set at. The zoning was already set. The height was established in 2006. Anyone that was there after 2006 could have found that out. Ans: Mr. Landon - Yes.

CM Nobile: All I am saying is the information was available. Ans: Mr. Landon – Yes, public record. It was available.

CM Nobile: This is where I get a little concerned myself. Two - three weeks ago, we had the same conversation about a property on US 1 and we did change the zoning and the comprehensive plan for that area. No one had a problem with that. I, personally, wish we could do it under Palm Coast's regulations. I don't want to attack the people that are coming here to argue their point. I don't want to attack the developer. He has been through these processes. This is not news.

Mayor Holland: The height is very bothersome to me. I am not against the development.

Nobile: What we talked about in the future is not to get into this type of thing.

Ans: Mr. Landon - We have a designated area with water service. To the Mayor's point, the county should be pointing to us early in the process. Our planning manager has met with the County to come up with a legal mechanism to make sure that these developments, which are still in the unincorporated area of the County, will come to us in the planning stages.

Mr. Belshe indicated his company has plans to develop other areas within the City limits. They will comply with the City's height restriction in the future.

The public hearing was opened.

The following residents shared their concerns regarding the proposed development: Edith Forena, Ronald Belinski, Sara Lockhart, Andy Germaine, Kathy Righterlasky, Sally Faulkner, Mike Dulersen, and Debby Mailey.

The public hearing was closed.

Mayor Holland: To the fact of the first speaker going back to the expiration date of the original approval. Can you speak to if this development agreement still exists and is it approved by the dates? Ans: Mr. Landon - I cannot speak to whether the 2006 action expired but I can tell you the 2017 is still very active. What we are dealing with now is what they approved in 2017. If the previous action back in 2006 expired, it is a moot point. Mayor Holland: If it came to the

County Commission in 2017, would they have to go through the process again? If it is expired? Ans: Mr. Landon – It is my understanding that they did exactly that. Mayor Holland: They went through a whole new process? Ans: Mr. Landon: Yes

Attorney Reischmann: Tonight we are in control of our own process. What we are not in control of is what has happened previously with the county. Certainly, I was not aware of what happened in 2016-2017. I will tell you the rules of procedure, the legal rules of procedure if there was a flaw in the process, the county enacted in renewing or re-adopting, or amending the PUD, that would have had to been challenged within thirty days of the development order. That is not something we have control over, we are simply receiving the application for annexation. It was annexed into the City and now we have to give it a comparable land use in the FLUM and we have to apply a comparable zoning application to that which was obtained in the county.

Mayor Holland: As far as vested rights and an appeal process and what that looks like in the State. If there is any remedy we could apply to the law, local laws, that would give us the ability to make an appeal to the State. Ans: Attorney Reischmann – Any request to re-litigate Flagler County's Development Orders would have to go to the courts and not the legislature. Those would have to be done pursuant to a specific timeframe. The future land use designation that comes to us from the County was given to this property, I don't know the date. It has to be more than 30 days ago. The process is if that future land use designation or that zoning was inconsistent with the Flagler County Development Code or its Comprehensive Plan than the vehicle that would have challenged that would have been within 30 days to the Circuit Court in Flagler County pursuant to Chapter 166, 163. That is what would control.

Mayor Holland: As far as them constructing things and stopping the permits, was that under the County? Ans: Mr. Landon – Yes, exactly. Some of the comments led me to believe that it is actually the marina project which is basically across the canal. It is the corner of Colbert Lane and Roberts Road (where the old cement road was located, where the old smoke stack is located. That is a different property, different owners and a different project. That was approved for residential and marina through Flagler County. I believe the same timeframe and it is still currently unincorporated. It is not within the City limits. They are in the same boat. When they want to come in, develop and get water, we will require annexation. They, once again, will bring with them the County vested rights that have with whatever the County approved.

Mayor Holland: The Soil contaminants that CKD Dust that was . . . Ans: Mr. Landon – that is actually cement, south of Roberts Road. I have not heard of any issues of contamination on this property.

Mayor Holland: Ms. Lockhart's comments can you speak to the Joint Planning Agreement, Analysis Compatible with Colbert Lane, Landscape buffer of 20 feet

and size of units. Ans: Mr. Landon – The Joint Agreement with Flagler County is very consistent. That is what we would like to see is some sort of agreement with this pre-annexation and the like that they would direct those developers to the City. Buffers and the other, I would have to refer to Ray or Jose.

Attorney Reischmann – Mayor, let me remind you and Council of a brief discussion before all of us for the first reading and you indicated your concern of actions taken by Flagler County without any consideration of our planning standards. At that time, I mentioned to you that there are things we can do in the future that hopefully would prevent the frustration of what everyone feels in this room this evening. And that is, when you get through some sort of interlocal agreement, a joint planning standards where within a geographical area, within that scope there is an area outside of the city but limited somewhere in unincorporated but where someone has real property in that ring around a local municipality and seek a development order from the County. The county would proceed pursuant to this agreement to apply the development standards of that City because it is anticipated by that interlocal agreement and agreed to by the County that this will be in the City eventually and should be developed according to that City's standards. Those types of planning agreements can prevent the types of discussions and problems we are having this evening. A joint planning agreement is something all of us would love. After listening to the City Manager's comments, there have already been efforts by our staff to do just that and go to Flagler County and open that dialogue.

Mayor Holland: Anything we can do, I think we should support this concept in a more meaningful way. Not to have a few meetings and see what comes out of it but really set some timeframes so we can accomplish it. If there are any road blocks that do occur, I think it is important for us, as a council, to understand what those are as we progress so we can communicate with our colleagues on the Board of County Commissioners in a way to know our concerns as we move forward. Ans: Attorney Reischmann – Mayor, it is not something that would have to be created out of cold. The geographical area of where the City will be providing water and sewer is a specific geographical area which as the City Manager had indicated that at some point, the real property is required to annex in. The agreement could reflect those specific properties.

CM Nobile: What she said was we did limit the number of dwellings and we limited the size, I believe, so if we can do that? Ans: Mr. Landon – as long as the property owner agrees.

CM Nobile: So the dwelling number? Ans: Mr. Landon – Right.

CM Nobile: If it is different than what was agreed with the County? Ans: Mr. Landon – Even if our, in this case, the comp plan allows more units, we limited it because that is what the County approved or vice versa.

CM Shipley: One speaker said the development would be 25 feet from the back of her house? Ans: Mr. Tyner – I don't know exactly but it is a lot. Attorney Reischman read the distance into the record.

Motion by VM Cuff, seconded by CM Nobile to approve. The motion passes unanimously.

4. ORDINANCE 2017-XX A ZONING MAP AMENDMENT FROM PLANNED UNIT DEVELOPMENT (FLAGLER COUNTY DESIGNATION) TO MASTER PLANNED DEVELOPMENT (CITY OF PALM COAST DESIGNATION FOR A 109+/- ACRE PARCEL LOCATED 1400' NORTH OF ROBERTS ROAD ON THE EASTSIDE OF COLBERT LANE:

Attorney Reischmann read the title of the ordinance into the record. Mr. Landon gave a brief overview. Attorney Reischmann asked if anyone had exparte communication. CM Nobile indicated he had emails. Attorney Reischmann told him, to please send those to the City Clerk for the record.

The public hearing was opened. The following citizens expressed their concerns: Sara Lockhart, Jon Netts and Bill Desmond. The public hearing was closed.

Mayor Holland: To the first speaker, Ms. Lockhart, I do have a question . . . We do want to get into a vacation rental issue with the City of Palm Coast. We currently do not deal with that but having been on the County Commission for six years and understanding the impact it had in a residential community. It had a negative impact. This is a type of area that could be a viable vacation rental network because they like that condensed condo type of living. I want to know what the plans are in regards to that . . . Ans: Mr. Landon – Was that addressed in the County's PUD or anything? Ans: Mr. Tyner – No.

Ans: Attorney Reischmann – Mayor, there is a reference to an association's covenants and restrictions which indicates that the property shall by a declaration of covenants, conditions and restrictions. I am unaware if a draft has been prepared and submitted to the County. They are not attached as an exhibit. I can tell you, the issue of type of uses can be dealt with clearly in the covenants and restrictions that are ultimately crafted by the developer and imposed on by the purchasers, like a contract on the purchasers of the units in the single family portion of this development as well as in the multi family.

Mayor Holland: Question for the developer. If the developer could come up and answer that please. Ans: Attorney Bayer - On the short-term rentals, it is not addressed in the PUD agreement for this project. We would be bound by what the City ordinances say regarding short-term rentals.

Mayor Holland: We don't have a short-term rental ordinance.

CM Nobile: We may need one.

Mayor Holland: If this gets approved . . .

Ans: Attorney Reischmann – Mayor, Council – there is more than one way to skin the cat. One way is legislative by providing some sort of ordinance but of course, there are issues with the legislature stepping into that pre-emption. The other way is with these covenants and restrictions but they can be imposed on any purchasers and a limitation on what they are allowed to use units for . . .

Mayor Holland: By the developer?

Ans: Attorney Reischmann – Yes.

Mayor Holland: Attorney Bayer we are asking if your developer is willing to put that language within the covenants and restrictions. Ans: Attorney Bayer – I will ask him. This was not an issue that has come up in any of the other hearings.

CM Nobile: So today, if I wanted to put my house on AirBnB, rent it weekly. There wouldn't be an issue. I could do that. And you are saying that it is easier for a developer of a PUD to create an agreement with the buyers than it is for the City . . .Ans: Attorney Reischmann – Deed restrictions. And they exists in the nature of a contract and when you buy your home, you buy it subject to this contract.

Mayor Holland: Before your question came up I think the developer was standing to hopefully, comment on something.

Mr. Belshe: Let me go back to one thing real quick, the minimum size of the condos is 1200 square feet, not 600 square feet, which is made clear in the PUD. The short-term rentals, we have no plans to do short-term rentals. Again, I thought we were talking about height restrictions. You know, the development business is different from others. I don't think it would be fair to ask us to restrict what we are going to do beyond the City allows or does not allow.

Mayor Holland: This is where we run into an issue. This is not being a good partner when you are coming to us and asking for some type of agreement we are working towards knowing that you are going to have future projects to come before us – we do not want that type of industry in our community reeking havoc because you are looking to the north of us in unincorporated county and they are having this exact issue or they are having forty people in a condo unit during race week, next to a residential area. There are parties go on; there is loud music and it is causing disruption in a residential area. Vacation rentals have a place. I am not opposed to vacation rentals. What I am opposed to is vacation rentals in a residential area that is meant to be residential.

Mr. Belshe: What I am asking is can the City impose those laws and restrictions based on the process in the City?

Ans: Mr. Landon – The State has basically pre-empted cities once again. We have not looked at this a great deal but they are constantly reducing the authority of cities to control those. It seems to me, you want lots and houses you should have no desire to get into the rental business or to sell a house to someone in the rental business. It seems to me, this is not an unreasonable request to agree that in your HOA covenants and restrictions that you will not have short-term rentals.

Ans: Attorney Reischmann - If there are any zoning restrictions in Flagler County for this type of use, that could be away not to allow the use for these homes. More likely, there is something in their covenants and restrictions.

Ans: Attorney Reischmann - We come here with a development agreement that has vested rights and one of those has been the height and that has been the core of the issue tonight. We are obligated to provide a land use which is consistent with the County land use and we are require a zoning category that is consistent. If we could legally tell them that they can't have timeshare than we could legally tell them they can't have a building more than 40 feet.

Mayor Holland: I am understanding that. I am not naïve to this process. I have been doing this for fifteen years. I am telling you that he considers this moment and acknowledges that this might create an issue in this moment. I have been doing this for a long time. We haven't had a development like this come before us that concerns me so much to the point to where we're allowing this because we have to. We are requesting, as a recommendation something that we don't want to become. We will end up fighting in Tallahassee and spending \$300,000 because we have created another issue in this community because we have the ability to ask nicely, please don't allow this to happen. I am not mandating it.

Mr. Belshe: Can we clearly define what short-term rental is?

Ans: Mr. Landon: I would tell you anything less than 6 months.

Mr. Belshe: We have no intention of doing it. We have not consider the issue and the ramifications until five minutes ago. I would tell you that I promise you that I will consider that issue and I will address with staff in the planning process. We don't have any intention of doing short-term rentals.

Mayor Holland: When we approve these projects - how do you view in adding staff to make sure that the response times are managed? Ans: Landon – Impact fees do not go toward staff, it goes toward capital. The City has two ladder trucks. Chief Beadle informed the Council on the equipment available to the City and the Interlocal Agreements among the cities and the county.

Motion by VM Cuff, seconded by CM Nobile to approve. The motion carried unanimously.

H. ORDINANCES FIRST READ

5. **ORDINANCE 2017-XX A COMPREHENSIVE PLAN AMENDMENT FOR A 196+/- ACRE PARCEL FROM FLAGLER COUNTY DESIGNATIONS OF MIXED USE HIGH INTENSITY AND INDUSTRIAL TO CITY OF PALM COAST DESIGNATION OF MIXED USE ALONG WITH A POLICY TO LIMIT DEVELOPMENT:** Attorney Reischmann read the title of the ordinance into the record. Mr. Landon gave a brief overview of the item. The next three ordinances accompany. The location is between Roberts Road and Colbert Lane, it has recently been annexed into the City. We have sat down with the property owner. We have a little more flexibility on where they are in the process.

Jose Papa gave a presentation to council on the proposed comprehensive plan amendment. He compared the differences between what was approved by the county and the current agreement. The presentation is attached to these minutes.

VM Cuff how did we get from 300 to 1500. Ans: Mr. Papa – The Planning Board and Staff gave 1500 as a cap.

Clint Smith gave a quick history of the property.

Mayor Holland: Could you address the VM Cuff's question why the number was posed: Ans: Mr. Smith – The city has been deficient in multi-family. This is an area you have seen from both in the city and out. It fits where multi-family should be; off of two major roadways.

The following residents expressed their concerns regarding the development: Jack Carell, Jim Cullis, and George Mayo

Mr. Jim Smith, owner of one of the parcels wanted to ensure that the use he is currently doing and has been doing for a number of years will remain in tact after the development. His company is sixty-years-old and is one of the major employers in Flagler County.

Public hearing was closed.

Mayor Holland: Mr. Carrell comments about water. Is it efficient? Ans: Mr. Landon - Yes. Ans: Attorney Reischmann - As to the issue regarding realtors, there is no obligation for the realtor to inform a possible buyer. There is a certain obligation on the part of the buyer to do their due diligence.

Mayor Holland: How can we address Mr. Cullis comments? Ans: Mr. Papa - There maybe minor changes between the first and second hearing.

Mr. Belshe: I will promise to work with Mr. Cullis to work out any concerns.

VM Cuff: Traffic issue. Colbert Lane is a county road so we have no jurisdiction over it. Do we have jurisdiction to have a developer put in a traffic signal or do we have to go to the County. Ans: Mr. Papa – Both jurisdictions will have to review that traffic study but since Colbert Lane is under jurisdiction by the County. The approval would be done by the County.

VM Cuff: I am looking for any potential conflicts. Ans: Mr. Papa – It will be based on traffic engineering standards. I believe they are more black and white than planners.

Ans: Landon – Ultimately, it will be Flagler County that will determine if a signal can go in. Roberts Road is also a County Road.

Nobile: Impact fee, traffic light. The County will see a report and hopefully, they will have done what we have done. Who is paying for that? Ans: Mr. Landon – The traffic study or the light? The study is paid 100% by the developer. The developer will pay for it but usually when you do that what would happen is they will reduce their impact fees because it is one of those capacities or they will pay full impact fees and it would be up to the City and County to determine.

Mayor Holland: How many more of these do we have? Ans: Mr. Landon – State Road 100 on the south side between Belle Terre and Seminole Woods is mostly county. We have a developer doing this right now. They are getting all of their entitlements and they will be coming in when they want to go vertical because they will want water and sewer. East of Roberts Road is still in the County.

Motion CM Nobile, seconded by CM Shipley to approve. The motion carried unanimously.

6. ORDINANCE 2017-XX A ZONING MAP AMENDMENT FROM INDUSTRIAL (FLAGLER COUNTY DESIGNATION) TO GENERAL COMMERCIAL (COM-2) FOR A 2+/- ACRE PARCEL LOCATED AT THE SOUTHEAST CORNER OF COLBERT LANE AND ROBERTS ROAD

Attorney Reischmann read the title of the ordinance into the record. He asked for exparte communications. None were reported.

The public hearing was opened. No comments were received. The public hearing was closed.

Motion by CM Nobile, seconded by CM Shipley, to approve. The motion carried unanimously.

7. ORDINANCE 2017-XX A ZONING MAP AMENDMENT FROM INDUSTRIAL (FLAGLER COUNTY DESIGNATION) TO LIGHT INDUSTRIAL (IND-1) FOR A 10+/- ACRE PARCEL LOCATED AT 465 AND 551 ROBERTS ROAD

Attorney Reischmann read the title of the ordinance into the record. He asked for any exparte communication. None were reported.

The public hearing was opened. No comments were received. The public hearing was closed.

Motion by VM Cuff, seconded by CM Nobile to approve. VM Cuff referred to Mr. Smith's parcel and was surprised to learn that machining railroad wheels is light industrial. I understand his concerns I would not support a motion that make him work in a grandfather situation or to lose any of his entitlements by virtue of what he is doing there now or what could be done there as machining or manufacturing. Ans: Mr. Landon – What we need to do is get a legal opinion before second reading to make sure that we have a proper definition. We will get something in writing so that Mr. Smith may have a copy as well. The motion carried unanimously.

8. ORDINANCE 2017-XX ZONING MAP AMENDMENT FOR 184+/- ACRE PARCEL FROM MIXED USE HIGH: PLANNED UNIT DEVELOPMENT (PUD) (FLAGLER COUNTY DESIGNATION) TO MASTER PLANNED DEVELOPMENT (MPD) (CITY OF PALM COAST DESIGNATION):

Attorney Reischmann read the title of the ordinance into the record. Mr. Landon gave a brief overview of the item.

Public hearing was opened. No comments were received. The public hearing was closed.

Motion by VM Cuff, seconded by CM Nobile to approve. The motion carried unanimously.

I. CONSENT

9. RESOLUTION 2017-XX APPROVING A ONE-YEAR PRICE AGREEMENT WITH HARRIS CULVERT, INC. TO PURCHASE VARIOUS TYPES OF DRAINAGE PIPES:

10. RESOLUTION 2017-XX APPROVING PRICE AGREEMENT WITH HOWARD FERTILIZER & CHEMICAL FOR THE PURCHASE AND DELIVERY OF

**VARIOUS LANDSCAPE CHEMICALS AND FERTILIZER FOR THE CITY
MEDIANS AND PARK ATHLETIC FIELDS.**

**11. RESOLUTION 2017-XX APPROVING AN EASEMENT WITH THE
COLUMBIAN CLUB OF FLAGLER COUNTY, INC., FOR THE OLD KINGS
ROAD WIDENING PROJECT**

There was no public comment received for the Consent Agenda.

Motion by VM Cuff, seconded by CM Nobile to approve. The motion carried unanimously.

J. PUBLIC PARTICIPATION

Remainder of Public Participation is limited to three (3) minutes each.

Jon Netts reported on the north side of Palm Coast Parkway has remained soggy. When you do road improvement, perhaps look into correcting the situation.

Ans: Mr. Landon - We agree 100%. We are working on a plan to solve the issue. You will see improvements soon. It highlights how much rain we have. We have others that just have not dried out.

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

CM Nobile: Same concern as Mr. Netts on Rymfire. If it rains, the bike path gets flooded. If we can keep that in consideration, when we do roadwork. Rymfire is not designed for sharing the road. Ans: Mr. Landon - Other than major redo, it will be tough one. We need to look at areas that stay wet.

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

None.

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

The TPO meeting tomorrow and has the issue of Volusia County trying to increase local match, up to 50% .Smaller Cities cannot afford 50% of a project. Hopefully, City Council will support staying with the 10%. It was the consensus of Council for CM Nobile to work toward lessening the match from 50% at the TPO meeting.

Mr. Landon reviewed the Holiday Schedule. He reminded everyone to buy local and to participate in the various holiday activities.

N. ADJOURNMENT

The meeting adjourned at 9:18 p.m.