



# **City of Palm Coast**

## **Agenda**

### **City Council Special**

### **Meeting**

City Hall  
160 Lake Avenue  
Palm Coast, FL 32164  
[www.palmcoastgov.com](http://www.palmcoastgov.com)

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

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**Friday, September 15, 2017**

**9:00 AM**

**Community Wing**

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**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.
- > If you wish to obtain more information regarding the City Council's agenda, please contact the City Clerk's Office at 386-986-3713.
- > 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 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**

**B. PLEDGE OF ALLEGIANCE TO THE FLAG**

**C. ROLL CALL**

**D. DISCUSSIONS**

**1 DISCUSSION ON HURRICANE IRMA UPDATE**

**E. RESOLUTIONS**

**2 RESOLUTION 2017-XX APPROVING FINAL NUISANCE ABATEMENT ASSESSMENT**

**F. ADJOURNMENT**

## City of Palm Coast, Florida Agenda Item

Agenda Date :

Department Item Key	Amount Account #
<b>Subject</b> DISCUSSION ON HURRICANE IRMA UPDATE	
<b>Background :</b>	
Staff will provide City Council with an update on Hurricane Irma.	
<b>Recommended Action :</b>	
Discussion purposes only.	

## City of Palm Coast, Florida Agenda Item

Agenda Date :

Department Item Key	Amount Account #
<b>Subject</b> RESOLUTION 2017-XX APPROVING FINAL NUISANCE ABATEMENT ASSESSMENT	

**Background :**

**Update from the September 5, 2017 Business Meeting**

This item was heard on September 5, 2017 (as advertised) with no Council action in order to comply with State Statutes in notifying the affected property owners. This item is now ready for Council action at this special meeting of the City Council on September 15, 2017 9:00 a.m.

**Update from August 29, 2017 Workshop**

This item was scheduled to be heard at the August 29, 2017 Workshop. City Council did not have a quorum and the meeting was cancelled. No further changes have been made and this item is ready for action.

**Original Background from August 29, 2017 Workshop Agenda Item**

On March 2, 2010, the City adopted Ordinance 2010-03 to provide for the creation of an Assessment Area and authorize the imposition of Nuisance Abatement Assessments to be attached to the annual ad valorem tax bill sent out by the County Tax Collector. December 21, 2010, the City adopted Resolution 2010-168 signifying its intent to use the uniform collection method to collect non-ad valorem assessments pursuant to Ordinance 2010-03.

On August 1, 2017, City Council adopted the Initial Assessment Resolution 2017-89 relating to the Nuisance Abatement Special Assessment. Staff has prepared the Final Assessment Roll and Final Assessment Resolution for Council consideration. Pursuant to State Statutes, the notice of the public hearing was published in the newspaper of general circulation for Flagler County with the list of the affected property owners 20 days prior to the September 5, 2017 Business meeting. The required letters, however, were not mailed until 4 days later. This item will be heard on September 5, 2017 (as advertised) with no Council action and then heard at a special meeting of the City Council on September 12, 2017 9:00 a.m. for Council consideration. This will provide the affected property owners an additional opportunity to speak to Council and file an appeal, if they so choose.

**Recommended Action :**

APPROVE RESOLUTION 2017-XX APPROVING FINAL NUISANCE ABATEMENT ASSESSMENT



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**CITY OF PALM COAST, FLORIDA**

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**NUISANCE ABATEMENT  
FINAL ASSESSMENT RESOLUTION**

**ADOPTED** \_\_\_\_\_

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**RESOLUTION 2017-\_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM COAST, FLORIDA, RELATING TO NUISANCE ABATEMENT WITHIN THE INCORPORATED AREA OF THE CITY; AMENDING THE INITIAL ASSESSMENT RESOLUTION; PROVIDING AUTHORITY AND DEFINITIONS; CREATING THE NUISANCE ABATEMENT SERVICE AREA; CONFIRMING THE INITIAL ASSESSMENT RESOLUTION; APPROVING THE NUISANCE ABATEMENT ASSESSMENT ROLL; PROVIDING FOR THE IMPOSITION OF THE NUISANCE ABATEMENT ASSESSMENTS; PROVIDING FOR COLLECTION OF THE ASSESSMENTS PURSUANT TO THE UNIFORM ASSESSMENT COLLECTION ACT; PROVIDING FOR THE EFFECT OF THIS RESOLUTION; PROVIDING SEVERABILITY AND AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of Palm Coast (the “City”) adopted Ordinance No. 2010-03 on March 2, 2010, to provide for the imposition of special assessments for nuisance abatement which benefit property within the Assessment Area; and

**WHEREAS**, on August 1, 2017, the City Council adopted Resolution 2017-89 (the “Initial Assessment Resolution”) proposing the creation of the Nuisance Abatement Service Area, describing the method of assessing the Nuisance Abatement Assessed Cost against the real property that will be specially benefitted thereby, and directing preparation of the Nuisance Abatement Roll and the provision of the notices required by law; and

**WHEREAS**, pursuant to the provisions of law, the City Council is required to confirm or repeal the Initial Assessment Resolution with such amendments as the City Council deems appropriate after hearing comments and receiving objections of all interested parties; and

**WHEREAS**, the Assessment Roll has been filed with the City Manager or his designee, as required by law; and

**WHEREAS**, as required by law, notice of a public hearing has been published and mailed to each property owner proposed to be assessed notifying such property

owner of the opportunity to be heard concerning the assessments; the proof of publication and an affidavit of mailing are attached hereto as Appendices A and B respectively; and

**WHEREAS**, a public hearing has been duly held on September 15, 2017, and comments and objections of all interested persons have been heard and considered as required by law.

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PALM COAST, FLORIDA, AS FOLLOWS:**

**SECTION 1. AUTHORITY.** This Final Assessment Resolution is adopted pursuant to law, the Initial Assessment Resolution, as amended herein, Chapter 166, Florida Statutes, Article VIII, Section 2, Florida Constitution, and other applicable provisions of law.

**SECTION 2. DEFINITIONS.** This Resolution is the Final Assessment Resolution. All capitalized terms in this Final Assessment Resolution shall have the meanings defined in the Initial Assessment Resolution, as amended herein.

**SECTION 3. CREATION OF ASSESSMENT AREAS.**

(A) The Nuisance Abatement Service Area is hereby created as an Assessment Area to include all property described in Section 2.01(A) and Appendix A to the Initial Assessment Resolution.

(B) The Nuisance Abatement Service Area is hereby created as an Assessment Area to include all property described in Section 2.01(A) of the Initial Assessment Resolution.

**SECTION 4. CONFIRMATION OF INITIAL ASSESSMENT  
RESOLUTION.**

The Initial Assessment Resolution, as amended herein, is hereby ratified and confirmed.

**SECTION 5. APPROVAL OF ASSESSMENT ROLL.** The Nuisance Abatement Assessment Roll, which is currently on file in the office of the City Manager of his designee, is hereby approved.

## **SECTION 6. IMPOSITION OF ASSESSMENTS TO FUND NUISANCE ABATEMENT.**

(A) The Tax Parcels described in the Nuisance Abatement Assessment Roll are hereby found to be specifically benefitted by the provision of the Nuisance Abatement services and programs in the amount of the Nuisance Abatement Assessment set forth in the Nuisance Abatement Assessment Roll.

(B) For the Fiscal Year commencing October 1, 2017, the estimated Nuisance Abatement Assessed Cost for the Nuisance Abatement Service Area shall be calculated and apportioned based upon the actual cost of Nuisance Abatement. The costs as set forth in the Initial Assessment Resolution in Section 2.05 are hereby approved and found to be a fair and reasonable method of assessing the costs for the benefited properties.

(C) The Nuisance Abatement Assessments as set forth in the Initial Assessment Resolution are hereby levied and imposed on all Tax Parcels described in the Nuisance Abatement Assessment Roll for the Fiscal Year commencing October 1, 2017.

(D) Upon adoption of this Final Assessment Resolution, the Nuisance Abatement Assessments shall constitute a lien against the assessed properties equal in rank and dignity with the liens of all state, county, district or municipal taxes and other non-ad valorem assessments. Except as otherwise provided by law, such lien shall be superior in dignity to all other liens, titles, and claims until paid. The lien shall be deemed perfected upon adoption by the City Council of this Final Assessment Resolution and shall attach to the property included on the Assessment Roll as of the prior January 1, the lien date for ad valorem taxes.

## **SECTION 7. COLLECTION OF ASSESSMENTS.**

(A) The Nuisance Abatement Assessments shall be collected pursuant to the Uniform Assessment Collection Act.

(B) Upon adoption of this Final Assessment Resolution, the City Manager or his/her designee shall cause the certification and delivery of the Assessment Roll to the

Tax Collector by September 15, in the manner prescribed by the Uniform Assessment Collection Act. The Assessment Roll, as delivered to the Tax Collector, shall be accompanied by a Certificate to Non-Ad Valorem Assessment Roll in substantially the form attached hereto as Appendix C.

**SECTION 8. EFFECT OF FINAL RESOLUTION.** The adoption of this Final Assessment Resolution shall be the final adjudication of the issues presented herein and in the Initial Assessment Resolution (including, but not limited to, the method by which the Assessments are computed, the Nuisance Abatement Assessment Roll, the terms for prepayment of the Assessments, the levy and lien of the Assessments, and the special benefit to assessed property) unless proper steps are initiated in a court of competent jurisdiction to secure relief within 20 days from the date of the City Council action on this Final Assessment Resolution.

**SECTION 9. SEVERABILITY.** The provisions of this Initial Assessment Resolution are severable; and if any section, subsection, sentence, clause or provision is held invalid by any court of competent jurisdiction, the remaining provisions of this Nuisance Abatement Initial Assessment Resolution shall not be affected thereby.

**SECTION 10. EFFECTIVE DATE.** This Resolution shall take effect immediately upon its adoption.

**DULY PASSED AND ADOPTED** by the City Council of the City of Palm Coast, Florida, on this 15th day of September 2017.

ATTEST:

CITY OF PALM COAST

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Virginia A. Smith, City Clerk

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Milissa Holland, Mayor

Approved as to form and legality:

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William E. Reischmann, Jr., Esq.  
City Attorney

Attachments: Appendix A – Proof of Publication  
Appendix B – Affidavit of Mailing  
Appendix C – Form of Certificate to Non-Ad Valorem Assessment Roll

**APPENDIX A**  
**PROOF OF PUBLICATION**

**APPENDIX B**  
**AFFIDAVIT OF MAILING**

**BEFORE ME**, the undersigned authority, personally appeared JIM LANDON, who, after being duly sworn, depose and say:

1. Jim Landon, as City Manager of the City of Palm Coast, Florida (the "City"), pursuant to the Non-Ad Valorem Assessment Program for Nuisance Abatement Improvements, the authority and direction received from the City Council, timely directed the preparation of the Nuisance Assessment Roll, and the preparation, mailing, and publication of notices in accordance with law and in conformance with the Nuisance Abatement Initial Assessment Resolution adopted by the City Council on August 1, 2017 (the "Initial Assessment Resolution").

2. Barbara Grossman is the Code Enforcement Manager for the City of Palm Coast. Barbara Grossman has caused the required notices required by the Assessment Ordinance to be prepared in conformance with the Initial Assessment Resolution. An exemplary form of such notice is attached hereto. Barbara Grossman has caused such individual notices for each affected property owner to be prepared and each notice included the following information: the purpose of the assessment; the total amount proposed to be levied against each parcel; the total revenue the City expects to collect by the assessment, a statement that failure to pay the assessment will cause a tax certificate to be issued against the property which may result in a loss of title, a statement that all affected property owners have a right to appear at the hearing and to file written objections with the local governing board within 20 days of the notice; and the date, time, and place of the hearing.

3. On or before August 21, 2017, Barbara Grossman directed the mailing of the above-referenced notices by Bill Wry, in accordance with the Initial Assessment Resolution by First Class Mail to each affected owner, at the addresses then shown on the real property assessment tax roll database maintained by Flagler County Property Appraiser for the purpose of the levy and collection of ad valorem taxes. Notice to property owners receiving multiple individual notices were mailed, or caused to be mailed by Barbara Grossman on or before August 21, 2017.

**FURTHER, AFFIANTS SAYETH NOT.**

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Jim Landon, City Manager, Affiant

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Barbara Grossman, Affiant  
Code Enforcement Manager

STATE OF FLORIDA      )  
COUNTY OF FLAGLER    )

The foregoing Affidavit of Mailing was sworn to and subscribed before me this  
\_\_\_\_ day of \_\_\_\_\_, 2017, by Jim Landon, City Manager of the City of Palm  
Coast, Florida, who is personally known to me or has produced \_\_\_\_\_ as  
identification and did take an oath.

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NOTARY PUBLIC  
My commission expires: \_\_\_\_\_

STATE OF FLORIDA      )  
COUNTY OF FLAGLER    )

The foregoing Affidavit of Mailing was sworn to and subscribed before me this  
\_\_\_\_ day of \_\_\_\_\_, 2017, by Barbara Grossman, as Code Enforcement Manager  
of the City of Palm Coast, Florida, who is personally known to me or has produced  
\_\_\_\_\_ as identification and did take an oath.

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NOTARY PUBLIC  
My commission expires: \_\_\_\_\_

## FORM OF NOTICE MAILED TO PROPERTY OWNERS

### \* \* \* \* \* NOTICE TO PROPERTY OWNER \* \* \* \* \*

City of Palm Coast  
160 Cypress Point Parkway  
Palm Coast, FL 32164

Owner Name

Address

City, State Zip

CITY OF PALM COAST, FLORIDA

NOTICE OF HEARING  
TO IMPOSE AND PROVIDE FOR  
COLLECTION OF NUISANCE ABATEMENT  
NON-AD VALOREM ASSESSMENTS

NOTICE DATE: \_\_\_\_\_

Tax Parcel #\_\_\_\_\_

Legal Description: \_\_\_\_\_

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\*You are receiving this letter because the City has performed nuisance abatement services on your property and expended public funds, and the City and taxpayers are entitled by law to be reimbursed.

As required by Section 197.3632, Florida Statutes, and Ordinance No. 2010-03, notice is given by the City of Palm Coast that an assessment for nuisance abatement services, facilities, and programs may be levied on your property for the assessment period of October 1, 2017-September 30, 2018 and future Fiscal Years. The purpose of this assessment is to fund nuisance abatement services within the City of Palm Coast. The total nuisance abatement assessment revenue to be collected within the City of Palm Coast is estimated to be \$\_\_\_\_ for the Fiscal Year beginning October 1, 2017. The assessment for each parcel or property will be based upon each parcel's location, classification, and the total number of Equivalent Residential Units attributable to that parcel.

The above parcel is classified as \_\_\_\_\_.

The total number of billing units on the above parcel is \_\_\_\_\_.

The type of billing units on the above parcel is \_\_\_\_\_.

The nuisance abatement assessment for the above parcel is \$\_\_\_\_ for the Fiscal Year beginning October 1, 2017.

A public hearing will be held at 6:30 p.m., or as soon thereafter as can be heard, on September 15, 2017 in the Community Wing of City Hall, 160 Lake Ave, Palm Coast,

Florida, for the purpose of receiving public comment on the proposed assessments. You and all other affected property owners have a right to appear at the hearing and to file written objections with the City Council within 20 days of this notice. If you decide to appeal any decision made by the City Council with respect to any matter considered at the hearing, you will need a record of the proceeding and may need to ensure that a verbatim record is made, including the testimony and evidence upon which the appeal is to be made. In accordance with the Americans with Disabilities Act, persons needing a special accommodation or an interpreter to participate in this proceeding should contact the City of Palm Coast City Clerk at (386) 986-3713, at least 48 hours prior to the date of the hearing.

Unless proper steps are initiated in a court of competent jurisdiction to secure relief within 20 days from the date of the City Council action at the above hearing (including the method of apportionment, the rate of assessment and the imposition of assessments), such action shall be the final adjudication of the issues presented.

Copies of the Nuisance Abatement Ordinance (Ordinance No. 2010-03), the Resolution (Resolution No. 2010-168), the Nuisance Abatement Initial Assessment Resolution (Resolution No. 2017-89) and the preliminary Nuisance Abatement Assessment Roll are available for inspection in the City of Palm Coast, Community Development Department, located at 160 Lake Avenue, Palm Coast, Florida.

Both the non-ad valorem assessment amount shown on this notice and the ad valorem taxes for the above parcel will be collected on the ad valorem tax bill mailed in November of each year the assessment is imposed. Failure to pay the assessments will cause a tax certificate to be issued against the property which may result in a loss of title.

If there is a mistake on this notice, it will be corrected. If you have any questions, please visit our website [www.palmcoastgov.com](http://www.palmcoastgov.com), under Proposed Nuisance Abatement Assessment, for additional information and frequently asked questions or contact the City of Palm Coast Community Development Department at (386) 986-3764, Monday through Friday between 8:00 a.m. and 5:00 p.m.

**\* \* \* \* \* THIS IS NOT A BILL \* \* \* \* \***

**APPENDIX C**  
**FORM OF CERTIFICATE TO**  
**NON-AD VALOREM ASSESSMENT ROLL**

**CERTIFICATE TO**  
**NON-AD VALOREM ASSESSMENT ROLL**

I, the undersigned, hereby certify that I am the Mayor of the City of Palm Coast, Florida, or authorized agent of the City of Palm Coast located in Flagler County, Florida; as such, I have satisfied myself that all property included or includable on the Non-Ad Valorem Assessment Roll for the aforesaid county is properly assessed so far as I have been able to ascertain; and that all required extensions on the above described roll to show the non-ad valorem assessments attributable to the property listed therein have been made pursuant to law.

I further certify that, upon completion of this certificate and the attachment of same to the herein described Non-Ad Valorem Assessment Roll as a part thereof, said Non-Ad Valorem Assessment Roll will be delivered to the Tax Collector of this county.

IN WITNESS WHEREOF, I have subscribed this certificate and caused the same to be attached to and made a part of the above described Non-Ad Valorem Assessment Roll, this 15th day of September 2017.

**CITY OF PALM COAST, FLORIDA**

By: \_\_\_\_\_  
Printed Name: Milissa Holland  
Title: Mayor





