



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 Jason DeLorenzo
Council Member Bill McGuire
Council Member Steven Nobile

Tuesday, December 1, 2015

6:30 PM

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.

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

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>City Council Meetings are televised on Bighthouse 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

Mayor Netts called the meeting to order at 6:30 p.m.

B. Pledge of Allegiance to the Flag

C. Roll Call

City Clerk Virginia Smith called the roll.

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

Approval of Minutes

- 1 [15-501](#) MINUTES OF THE CITY COUNCIL'S:
 - A. November 17, 2015 City Council Business
 - B. November 24, 2015 City Council Workshop

Attachments: [November 17, 2015 Business Meeting](#)
 [November 24, 2015 Workshop](#)

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

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

PRESENTATIONS

- 2 [15-499](#) PRESENTATION OF FOUR NATIONAL VIDEO AWARDS FOR RECENT VIDEOS ABOUT PUBLIC SAFETY, RECREATION PROGRAMS, AND ECONOMIC DEVELOPMENT

Mr. Landon gave a brief overview to this item. Ms. Cindi Lane presented the awards to the Video Production Coordinator, Thomas Hanson.

The Presentation was Received and Filed.

ORDINANCES, RESOLUTIONS, AND PUBLIC HEARINGS

Order of Business for Public Hearings (Council may make inquiries at any stage):

- Open Hearing
- Staff Presentation
- Applicant Presentation (if applicable)
- Council Questions of Applicant (if applicable)
- Public Comments/ Presentations
- Rebuttal by Applicant (if applicable)
- Close Hearing
- Council Discussion
- Council Action

Second Reading

- 3 [15-464](#) ORDINANCE 2015-XX REZONING BLOCK 140, LOTS 19 THROUGH 35, BLOCK 141, LOTS 2 THROUGH 19 AND THE RIGHT OF WAY OF LEIGHTON LANE, OF THE PALM COAST PARK AT PALM COAST, MAP OF LAKEVIEW, SECTION 37 PLAT, FROM MFR-1 TO SFR-2

Attachments: [Ordinance Leighton Lane](#)
[Planning Division Staff Report Updated](#)
[Location map](#)
[Current Zoning map](#)
[Proposed Zoning map](#)
[FLUM map](#)
[Neighborhood Meeting notice letter](#)
[Neighborhood Meeting sign in sheet](#)
[Neighborhood Mtg Results Letter](#)

City Attorney Reischmann read the title into the record. Attorney Reischmann reminded Council this is a quasi-judicial item. Mayor Netts called for any ex-parte communications, there were none.

Mr. Landon gave a brief summary of the item. Angela Piltaver, Sr. Planner presented a PowerPoint presentation, which is attached to these minutes.

*Public Comment:
There were no public comments.*

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

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

Enactment No: O2015-12

4 [15-462](#)

ORDINANCE 2015-XX SECOND AMENDED AND RESTATED MPD DEVELOPMENT AGREEMENT FOR THE CITATION ESTATES MPD

Attachments: [Ord 2nd Amended Restated MPD Citation Estates](#)
[MPD Development Agreement](#)
[MPD DA Exhibits](#)
[Planning Division Staff Report](#)
[Location map](#)
[Zoning](#)
[FLUM map](#)
[Trip Generation Comparison](#)
[MPD Development Agreement underline strikethrough](#)

City Attorney Reischmann read the title into the record. Attorney Reischmann reminded Council this is a quasi-judicial item. Mayor Netts called for any ex-parte communications, there were none.

Mr. Landon gave a brief summary of the item. Ms. Piltaver, Sr. Planner provided a PowerPoint presentation, which is attached to these minutes.

*Public Comment:
Anthony Bergamo-Opposes the proposal.*

Fredericka Bergamo-Opposes the proposal. Concerns with schools, people, taxes, traffic and safety.

Doyle Lewis-Growth, accept growth.

Responses to Public Comments:

Schools-Ans: Mayor Netts-Any construction in Palm Coast there are associated impact fees, fire, park and school. To the extent that a development has an impact, those fees are collected by the City.

6 story buildings-ingress, egress, etc.-Ans: Ms. Piltaver-At this stage we have not received a site plan. The plan has not been fully flushed out, there are maximum limits.

CM Nobile-What is the maximum height? Ans: Ms. Piltaver-The maximum height is 60' for multi-family.

CM DeLorenzo-When was this originally approved? Ans: Ms. Piltaver-The first approval of the original rezoning was in 2005. The first amendment to the original PUD was in 2008. The plan from 2008 and the plan that is in front of you right now is almost exactly the same, where it differs is in the southern portion of the overall property where it is circled in red. That is where the Assisted Living Facility is planned to go, which previously would have been more multi-family residential buildings. So, the key difference is that the plan is going to propose an ALF in one location on the site as opposed to what they had there previously.

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

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

Enactment No: O2015-13

5 [15-466](#)

ORDINANCE 2015-XX COMPREHENSIVE PLAN AMENDMENT
CHANGING THE FUTURE LAND USE MAP DESIGNATION OF A 1.1
ACRE PARCEL AT THE SOUTHWEST INTERSECTION OF I-95 &
SR 100, ALONG WITH A SITE SPECIFIC POLICY LIMITING
DEVELOPMENT ON THE PARCEL

Attachments: [Ordinance-SR100 MPC Lots](#)
[Staff Report-SR100 MPC Lot](#)
[Location Map](#)
[Current Future Land Use Map](#)
[Current Zoning Map](#)

City Attorney Reischmann read the title into the record.

Mr. Landon gave a brief summary of the item. Jose Papa provided a PowerPoint presentation for this item and the next, which is attached to these minutes.

CM Nobile-Are we looking at the entrance to a shopping center like that, will the only entrance be off of SR 100? Ans: Mr. Papa-At this time yes.

*Public Comment:
Doyle Lewis-Thinks this is a good opportunity.*

A motion was made by Council Member DeLorenzo, and seconded by Council Member Nobile, that the Ordinance be adopted on Second Reading. The motion was adopted by the following vote:

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

Enactment No: O2015-14

6 [15-467](#)

ORDINANCE 2015-XX, A ZONING MAP AMENDMENT FROM AGRICULTURE TO HIGH INTENSITY COMMERCIAL (COM-3) FOR A 1.1 ACRE PARCEL LOCATED AT THE SOUTHWEST QUADRANT OF INTERSTATE-95 AND STATE ROAD 100

Attachments: [Ordinance-MPC Lots-Rezoning](#)
[Staff Report-MPC Lots-Rezoning](#)
[Current Zoning Map](#)
[Proposed Zoning Map](#)

City Attorney Reischmann read the title into the record. Attorney Reischmann reminded Council this is a quasi-judicial item. Mayor Netts called for any ex-parte communications, there were none.

This item was discussed under the previous item.

*Public Comments:
There were no public comments.*

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

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

Enactment No: O2015-15

7 [15-446](#) ORDINANCE 2015-XX LAND DEVELOPMENT CODE AMENDMENT
ON STANDARDS FOR ACCESSORY STRUCTURES

Attachments: [Ordinance LDC Chapter 4 Amendment.docx](#)
[Colorado Drive Pool Sketch](#)
[Pilgrim Drive Pool Sketch\(2\)](#)
[AccessoryUseSetbackDrawing\(3\)](#)

City Attorney Reischmann read the title into the record.

Mr. Landon gave a brief summary of the item.

CM McGuire-If we pass this I would like to have a report in 6 months advising if we have had any problems arise.

Mayor Netts-Right now there are two applicants that are concerned about this issue and would like to know if any additional ones materialize as a result of this change.

Ans: Mr. Landon-We will add that in our report in 6 months.

Public Comment:

Jack Carall-What do the adjoining neighbors have to say about this?

Doyle Lewis-Interesting topic, will not buy a house or pool unless he knows that nothing can change.

Responses to Public Comments:

Neighbor approval-Mr. Landon-We have not heard from any neighbors. What this does is change the set back towards the street, so there isn't an adjacent neighbor on any of these lots in these situations. The neighbor who may be behind the lot that would be their side, would actually have the same setback for their pool as the house, so it doesn't extend out to the street any further. If they were to build a house they could put it closer to the side street than the pool. So, it has very little different impact on neighbors is the whole point. Pools are considered a nice amenity that increase the value of property.

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

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

Enactment No: O2015-16

First Reading

8 [15-490](#) ORDINANCE 2015-XX ESTABLISHING A TEMPORARY
MORATORIUM OF 120 DAYS PROHIBITING THE OPERATION OF
BOTTLE CLUBS WITHIN THE CITY OF PALM COAST

Attachments: [Ordinance-Bottle Club Moratorium](#)
[Bottle Club Letters](#)

City Attorney Reischmann read the title into the record.

Mr. Landon gave a brief summary of the item.

CM McGuire-Would like a definition of a bottle club and when does the 120 days kick off. Ans: Mr. Landon-It is defined in Section 2, which is out of state law. The 120 days will run from 2nd reading to April 13, 2016.

VM Shipley-And from that point if nobody comes forward, do we let it drop or then it comes back up again and we actually pass it? Ans: Mr. Landon-In the meantime, staff and legal are preparing an ordinance to regulate them and will bring that back for Council consideration by April 13, 2016.

CM McGuire-Clarification-looking at definitions, a commercial establishment licensed by the state, so people are not coming to the City of Palm Coast to get license to open a bottle club? Ans: Mr. Landon-They come to the City for a Business Tax Receipt, follow all our rules, the state will also issue a license for bottle clubs, they will not issue that unless the proposed location meets our zoning codes and local requirements.

*Public Comment:
Doyle Lewis-Against this (Bottle Clubs)*

Jack Carall-Can the State override what you do?

George Mayo-Against Bottle Clubs.

*Responses to Public Comments:
State preemption-Ans: Mayor Netts-Yes the State can preempt. We control the land development regulations. The State can issue licenses and if they issue a license we cannot prohibit the license but we can implement regulations.*

CM McGuire-What if our planning board and our legal finalize an ordinance prior to the 120 days? Are we bound to wait until the 120 days comes and goes before we can pass it? Ans: Attorney Reischmann-No once you amend your Land Development Code (LDC), it affectively terminates the moratorium and in that Ordinance that amends the LDC, if that is what we bring back to you and that is what you pass then there would be a provision in that Ordinance that says upon the effective date of this passage of this regulation of bottle clubs, that the moratorium would cease.

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

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

Enactment No: O2015-17

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 McGuire, seconded by Council Member DeLorenzo, 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 DeLorenzo, Council Member McGuire, and Council Member Nobile

- 9 [15-477](#) RESOLUTION 2015-XX TO APPROVE A CHANGE IN STOP LOSS INSURANCE COVERAGE TO BCBS/HM LIFE AND RAISE THE STOP LOSS SPECIFIC DEDUCTIBLE TO \$150,000
- Attachments:** [Resolution Stop loss](#)
- A motion was made by Council Member McGuire, seconded by Council Member DeLorenzo, that the Consent Agenda be adopted on Consent. The motion was approved unanimously.
- Enactment No: R2015-142
- 10 [15-476](#) RESOLUTION 2015-XX APPROVING AN AGREEMENT WITH THE STATE OF FLORIDA, DIVISION OF EMERGENCY MANAGEMENT TO IMPLEMENT THE RESIDENTIAL CONSTRUCTION MITIGATION PROGRAM
- Attachments:** [Resolution RCMP](#)
 [RCMP 2016-007 Agreement Final](#)
- A motion was made by Council Member McGuire, seconded by Council Member DeLorenzo, that the Consent Agenda be adopted on Consent. The motion was approved unanimously.
- Enactment No: R2015-143
- 11 [15-483](#) RESOLUTION 2015-XX APPROVING A WORK ORDER WITH GUARDIAN COMMUNITY SERVICES, INC., TO PROVIDE HOUSING DELIVERY SERVICES
- Attachments:** [Resolution-Housing Delivery Consultant RCMP](#)
 [Work Order - RCMP](#)
- A motion was made by Council Member McGuire, seconded by Council Member DeLorenzo, that the Consent Agenda be adopted on Consent. The motion was approved unanimously.
- Enactment No: R2015-144
- 12 [15-478](#) RESOLUTION 2015-XX APPROVING PIGGYBACKING THE

CONTRACT BETWEEN PORT CONSOLIDATED, INC., AND LAKE COUNTY, FLORIDA, TO PURCHASE FUEL PRODUCTS

Attachments: [Resolution Purchase of Fuel Products](#)
[Piggyback Engagement Letter - Port Consolidated](#)
[Port Consolidated Contract](#)

A motion was made by Council Member McGuire, seconded by Council Member DeLorenzo, that the Consent Agenda be adopted on Consent. The motion was approved unanimously.

Enactment No: R2015-145

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.

Steve Carr-There needs to be a method set up for when residents complain that there are issues with growth and traffic.

Robert MacDonald-Two issues-CAD Agreement-public records request has not received. CAD agreement - defaults.

Doyle Lewis-Front doors-wheelchairs. You do not have handicapped doors on this building.

George Mayo-County/City EMS issue. Maps on presentations-would like bigger.

John Brady-Development-consider sidewalks and bus stops. CAD agreement fighting.

CarMichael McMillan-Belle Terre Swim and Racquet Club-invitation to attend open house this Saturday from 1 to 4pm at the Belle Terre Swim and Racquet Club.

Responses to Public Comments:

Neighborhood notification-Mayor Netts-When there are major land development changes, one of the requirements is that you have a neighborhood meeting, so the neighborhood can share their thoughts on a proposal, but once something is enacted whether it be part of a land development code, a site plan approval, it becomes what is known as a bundle of rights and you can't arbitrarily remove those rights without compensating the owner. We do the best in trying to outline the so called "euclidean"

zoning, trying to put things where they belong, but once you have established zoning, once you established that, that piece of property has rights, and if you want to change those rights, it could be very expensive.

Handicap doors-Ans: Mr. Landon-I have been assured the doors are in compliance.

Map on screen-Ans: Mr. Landon-Working on technical issues and will keep working on it.

Sidewalks-Ans: Mayor Netts-Where sidewalks are possible, and a development goes in, we will either require the developer to put in the appropriate sidewalk or if it's a piece of sidewalk that stops and ends in the middle of nowhere, we require them to put money into an escrow account so that when a complete section of the sidewalk can be built, it will be built. The problem, as we are all well aware, is that the way Palm Coast is laid out, the swales-stormwater drainage, in many cases, there simply is not sufficient amount of land to put in sidewalks. Very difficult to retrofit and the alternatives piping, the swales and putting the sidewalk on top are prohibitively expensive. In most cases would not even be approved by the DEP because of the lack of treatment for the stormwater run-off. But where there is potential for sidewalks and where there is development the City does require the developer to contribute, to either install (at their costs) the sidewalks or contribute money to a fund that will provide the sidewalks when they become connectable.

School bus stops-CM DeLorenzo-Most recent subdivision in Pine Lakes did put a pad in on the corner of Pine Tree/Pine Grove.

2009 Interlocal Agreement for communications and EMS services-Mayor Netts-We addressed a portion of these issues at our last workshop. Our next step is to convene a meeting with the County Commissioners. Suspect both parties can agree there is room for improvement. Requested Mr. Landon to contact the County Administration for an after the holidays meeting.

800mgH contract-Ans: Mr. Landon-Let me touch on the other one, as you asked at the workshop, we also will be working with the County Administration and the Fire Chief there on some possible joint options of working together, so it is not just our options versus theirs but so we can reach some joint options for both elected bodies to consider. It is interesting how misconceptions and rumors get started. Mr. Landon provided a background to the services and the issue.

Public Records Request-Mr. Landon-You may not have received the CAD agreement because there is not a CAD agreement that I know of.

CM McGuire-Where is our \$900K? Ans: Mr. Landon-The County is holding it in escrow.

CM Nobile-We need our money back to use as leverage to have a seat at the table.

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

CM McGuire-In the last six months I have requested to the Commissioners to hold a joint meeting on issues that are of mutual concern.

CM DeLorenzo-TPO update-DOT presentation on the 2015 work plan-one of our major projects is in that plan for funding, which is the Phase 2, Old Kings Road Extension and also the 2 year project going on is the 2040 long range transportation plan. The documentation portion of that, we have been passing that in piece

because it is such a large document, first there is the draft, then the feasibility study and then at this past one, it is the package of data, the documentation that is the meat and potatoes behind the plan was all put together and early next year we will receive a full copy of the plan for passage and as I have stated before, staff did a great job integrating Palm Coast into the TPO with your help Mayor was important and a very difficult job and we have not fallen behind in any way of how we funded transportation or how it is now being funded through the TPO, so great job by staff.

Mayor Netts-Went to a new wound specialist and is going for new treatments. They are held in the mornings only and may miss a few workshops, etc.

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

Updates on projects-Palm Coast Parkway is finished. December 10, 9am Thursday will be a little celebration at the Community Center.

Palm Harbor Parkway Extension-The connection of Palm Harbor Parkway and Forest Grove will no longer be connected. We have our message boards up, the news release is out. The detours will be through February or March. These two roads will not connect again.

CM DeLorenzo-The Creek course and the entrance-how is that going to work for the Creek Course? Is that before Cris Street? Ans: Mr. Landon-Yes, before Cris Street and I believe the existing Palm Harbor will stay there and it will be an intersection with the new Palm Harbor. I know we are providing access, I do not know the exact configuration but obviously we have to provide access to that, Cris Street, Lane and then the entrance into the Creek Course, that was accommodated in the plans.

CM DeLorenzo-Please send me the drawings for that area. Mr. Landon-Will do.

Tree lighting ceremony gets bigger and bigger each year. It is a nice family event. December 12 is our Holiday Parade beginning at dark.

H. Adjournment

The meeting was adjourned at 8:20 pm

*Respectfully submitted,
Virginia Smith, City Clerk*

Calendar and Worksheet

[15-502](#)

MEETINGS CALENDAR AND AGENDA WORKSHEET

Attachments: [City Calendar](#)
[Agenda Worksheet 2015](#)

[15-513](#)

ATTACHMENTS TO MINUTES

- Attachments:** [Item 3 Leighton Lane rezone](#)
[Item 4 Citation Estates](#)
[Items 5 and 6 MPC Lots](#)
[Item 7 Accessory Uses Ordinance](#)
[Item 92016 Council Presentation Change in Stop Loss and Spec](#)
[Items 10 and 11 RCMP](#)