



City of Palm Coast

Palm Coast
Community Center
305 Palm Coast Pkwy., NE
Palm Coast, FL 32137
palmcoastgov.com

Meeting Minutes

City Council

Mayor Jon Netts
Vice Mayor Bill McGuire
Council Member Jason DeLorenzo
Council Member Steven Nobile
Council Member Heidi Shipley

Tuesday, April 21, 2015

9:00 AM

Palm Coast Community Center

AMENDED AGENDA

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.

>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 199.

>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 9:00 a.m.

B. Pledge of Allegiance to the Flag

C. Roll Call

City Clerk Virginia Smith called the roll.

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

Approval of Minutes

- 1 [15-158](#) MINUTES OF THE CITY COUNCIL'S:
 A. April 7, 2015 City Council Business
 B. April 14, 2015 City Council Workshop

A motion was made by Vice Mayor McGuire, and seconded by Council Member DeLorenzo, that the Minutes be Approved as presented. This motion was approved by the following vote:

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

PRESENTATIONS

Proclamations and Presentations

- 2 [15-104](#) PROCLAMATION RECOGNIZING APRIL AS "SEXUAL ASSAULT AWARENESS MONTH"
- CM DeLorenzo presented this Proclamation to Ms. Sandi Ciffaloni from the Betty Griffen House representing the Family Life Center, Flagler County.*
- The Proclamation was Received and Filed.**
- 3 [15-114](#) PROCLAMATION RECOGNIZING MAY 2, 2015 AS "ARBOR DAY"
- Mrs. Carol Mini presented a PowerPoint presentation, which is attached to these minutes.*
- CM Shipley presented the Proclamation to Ms. Mini.*
- 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

Second Reading

- 4 [15-123](#) ORDINANCE 2015-XX AMENDING SECTION 7.1 OF THE CODE OF

 ORDINANCES RELATING TO ALCOHOLIC BEVERAGES

City Attorney Reischmann read the title into the record.

Mr. Landon gave a brief summary of the item.

Public Comment

There were no public comments.

A motion was made by Vice Mayor McGuire, 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 McGuire, Council Member DeLorenzo, Council Member Nobile, and Council Member Shipley

Enactment No: O2015-04

First Reading

- 5 [15-135](#) ORDINANCE 2015-XX APPROVING A STREET NAME CHANGE FROM SEMINOLE WOODS PARKWAY TO SEMINOLE WOODS BOULEVARD

City Attorney Reischmann read the title into the record.

Mr. Landon gave a brief summary of the item.

Public Comment:

There were no public comments.

A motion was made by Vice Mayor 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 McGuire, Council Member DeLorenzo, Council Member Nobile, and Council Member Shipley

Enactment No: O2015-05

- 6 [15-160](#) **CANCELLED**---ORDINANCE 2015-XX FLUM AMENDMENT FOR 1.8+/- ACRES FROM CONSERVATION TO MIXED USE AND 2.1+/- ACRES FROM MIXED USE TO CONSERVATION FOR PROPERTIES WITHIN THE GRAND HAVEN NORTH MPD

- 7 [15-161](#) **CANCELLED**---ORDINANCE 2015-XX AMENDMENTS TO THE GRAND HAVEN NORTH MASTER PLANNED DEVELOPMENT - DEVELOPMENT AGREEMENT

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.

8 [15-139](#) RESOLUTION 2015-XX APPROVING A WORK ORDER WITH CONNECT CONSULTING, INC., FOR THE SOUTHERN WELLFIELD PROJECT

This item was requested to be removed by a resident.

Mr. Flanagan and Mr. Adams provided an overview to this item.

CM Nobile-Why are we doing that? Ans: Mr. Flanagan-We are doing that mostly because the existing 8 wells that we have that feed Water Plant 2 are deteriorating in water qualities somewhat, some more than others, and the SJRWMD has required us to pull back production of several of those wells, therefore the supply coming to the plant is not what it needs to be or what it should be, so we are working with our hydrogeologist to basically work the program of sip don't suck. We are trying to spread out our intake into the supply. These wells are slightly more east than the 8 existing wells currently. We did perform an Aquifer Performance Test several years ago to prove that this is southzone wellfield for Plant 2; has the water supply there and a good water quality there for us to go tap and spend the resources to do this.

Public Comments:

Jack Carall-Is there a wall in the aquifer seperating the wells, so on this side the water is good but on this side it is not good? Do we have pockets, or is it just a waste of money?

Responses to Public Comments:

Why drill new wells? Ans: Mr. Adams-It has to do with intrusion, in this case it is upconing of lower quality water below the aquifer, so if you draw a lot of water rapidly out of one well it encourages upconing of lower quality water into the aquifer you are drawing from, so what you do is draw less water so not cause upconing, the way you can do that is you spread out the withdrawals over a larger area.

A motion was made by Vice Mayor McGuire, and seconded by Council Member DeLorenzo, that the Resolution be Adopted. This motion was approved by the following vote:

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

Enactment No: R2015-43

A motion was made by Vice Mayor McGuire, and seconded by Council Member DeLorenzo, to Approve the Consent Agenda. The motion was approved by the following vote: This motion passed unanimously

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

9 [15-116](#) RESOLUTION 2015-XX APPROVING PIGGYBACKING THE NATIONAL JOINT POWERS ALLIANCE CONTRACT RFP #301212 WITH BUNNELL AUTO SUPPLY COMPANY TO PURCHASE FLEET PARTS AND SERVICES FOR THE CITY'S FLEET

The Resolution was Adopted on Consent.

Enactment No: R2015-38

10 [15-134](#) RESOLUTION 2015-XX APPROVING CONTINUING SERVICES CONTRACTS WITH GUARDIAN COMMUNITY SERVICES, INC., AND

ANGIE BREWER & ASSOCIATES, LC, TO PROVIDE GRANT COMPLIANCE, MONITORING, AND ADMINISTRATIVE SERVICES

The Resolution was Adopted on Consent.

Enactment No: R2015-39

- 11 [15-138](#) RESOLUTION 2015-XX APPROVING PIGGYBACKING THE CITY OF ORMOND BEACH AND THE WSCA-NASPO CONTRACTS FOR INFORMATION TECHNOLOGY COMMUNICATION SUPPLIES, MAINTENANCE AND CONSULTANT SERVICES BUDGETED FOR FISCAL YEAR 2015

The Resolution was Adopted on Consent.

Enactment No: R2015-40

- 12 [15-140](#) RESOLUTION 2015-XX APPROVING A LICENSE USE AGREEMENT WITH QCS TELECOM TO LEASE TWO STRANDS OF DARK FIBER

The Resolution was Adopted on Consent.

Enactment No: R2015-41

- 13 [15-141](#) RESOLUTION 2015-XX APPROVING A LICENSE USE AGREEMENT WITH JOYTEL WIRELESS COMMUNICATIONS, INC. TO LEASE FOUR STRANDS OF DARK FIBER

The Resolution was Adopted on Consent.

Enactment No: R2015-42

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.

Trish Giaccone, Family Life Center-Thanked Council for proclaiming Sexual Assault Awareness month.

Mike Finnigan-Matanzas Woods Golf Course-Concerned with the status of the golf course and code enforcement.

Jack Carall-Can we get Mr. Hudson to take his signs down? Need to make presentations at workshops shorter. Population increase-we are congested. Good we are growing but the citizen's are not benefitting. .

Responses to Public Comments:

Matanzas Woods Golf Course-Mayor Netts-This has been a thorn in our side for years. There are private property rights that the city cannot impact. The property is owned and agrees it probably and hopes otherwise, it probably never will be resurrected as a golf course, but you cannot require that they maintain it as the appearance of a golf course. Would like an update as to where we stand-are we levying fines for failure to comply with City Codes? What can we require of them and what can't we require of them? Ans: Mr. Landon-First of all Mayor, as you said, it really is not a golf course anymore and in Florida in general you will always have mother nature take over when you have vacant property and in essence this is what this is-vacant property, but we have minimal standards, they are not the same standards as with a golf course. We have always worked with the property owner, very typical code case where they let it go, didn't put the property maintenance into it, we send them a notice, and then in a few weeks they had historically done the minimal amount of maintenance, so the Code case goes away. Recently we have had issues with who exactly owns the golf course because it has been sold and it has gone to the process of foreclosure, so that always complicates it when you do not know exactly who the owner is. So in this case we have started a code case and it is scheduled for code board, which takes it to the next level to get the property owners attention that they have to make some improvement. Recently we got a nice email from a resident that thanked us because their was some maintenance done. But there is still more that needs to be done. Many of the issues, the residents may not like to hear this but we cannot enter the private property to go find the issues that they are seeing, we can only enforce the code from the public street, the public property and we have attempted to do that the best we can in a very difficult situation. The best I can tell you right now is we do have a code case. I can also address the drainage issue, we have recently done improvements to the tributaries, in other words the larger ditches, we are right now working on expanding the stormwater storage in that area, we know that is one of our problem areas not just for the L Section but also down in the Bird of Paradise area, the B Section is also affected by the need for additional storage and improvements. We have already started the modeling to determine what kind of improvements are necessary, so we are making progress in that arena too. But the best thing that could happen is for a new owner to come in and do some kind of improvements in the area, but once again, knowing the golf business they way we do, it is very unlikely it will come back as a golf course, it is always a possibility but that is in everyones dream world.

VM McGuire-Last night at the Board of County Commissioners (BOCC) meeting, statements were made that different City staff members have been contacted about this and different answers were given, and statements were made that allegedly the code enforcement will not enforce the code. We have a communication malfunction here somewhere and the statements that were made at the BOCC bother me because I have never seen our staff malfunction in areas like that. I want you to make note that what Mr. Finnigan is saying is as a microcausism of what went on at the BOCC last night. The people out there feel that the City is not going to do anything about anything and their only recourse is to take this to the state. Allegations were made that the City is violating State Statutes-I want to get to the bottom of those allegations. Ans: Mr. Landon-Let me try to explain that a little further. First of all the idea that there are state laws that impact this, we will ask our favorite city attorney to look into any laws that pertain to a golf course. First I have heard that the state has specific laws for an abandoned golf course, if so, we will look into that, code staff may be aware of that. Mayor Netts-The idea of a coalition of state agencies, the County

and the City has great promise, rather than us trying to research what may or may not be present in the state, the statutes, the agencies, we made reference to Mr. Hudson who was recently elected, I think let's reach out to our state legislatures, Mr. Hudson, Mr. Rennner and say what can you do to help us. Let's draw upon the resources the state has, if they can help us great, if they can't at least we will know.

Mr. Landon-We will be happy to get state and county assistance. Let me address the conflicts of information. This area has also had experience in the past with our wild fires, we have had issues in this area, and there have been lots that went vacant because of fires, we had some issues in this area that when we do not require vacant property to be maintained, we have vacant lots all over the city that are not required to be maintained and there is a portion of this property that is vacant now and does not have to meet the residential criteria. We are trying to get the property owner to, close to homes, do the mowing but residents do not want to hear that this vacant property does not have to be maintained at the same level as a residential lot or developed lot, definitely not the same level as a golf course. It is a very difficult call as to where that vacant property that can be maintained as vacant property versus a developed parcel., but once again as more time goes by this property will turn into natural area.

CM Nobile-So if not a golf course, what are the options out there? Ans: Attorney Reischmann-This discussion has gone in a lot of different directions, the parties involved are the property owner-proper ID of the owner, they have the decisions, the other parties are the City and staff and Council, the County, State, the issue of state laws, and possibly St. John's River Water Management District since we are dealing with drainage and canals that may have been affected. The City has the responsibility to enforce its two different codes, the Code of Ordinances and the Land Development Code. You asked what can go on out there, what can be developed by two different types of regulations. One is the Land Development Code, in other words it has a certain zoning and what its uses are available under the City's Land Development Code as defined in the Land Development Code. It has current zoning and a couple of potential zoning classifications under our Comprehensive Plan. There is most likely a development order, that is the second part of this layered regulatory scheme for this property. I do not know what requirements are placed on this property today through the Development Order. When this developer first put in this community and subdivision, there was possibly an MPD or some sort of Development Order put in place. That talks about what could be in the future. The present-the City's obligations is to receive complaints, do appropriate inspections and enforce our codes, not necessarily our Land Development Code but our Code of Ordinances. I heard trash, drainage and overgrowth issues today. These are types of complaints you see before a Code Enforcement Board on a regular basis. I think it is important for the public to know that staff is NOT allowed to go on private property unless they have the permission of the private property owner. So, to present a case to give due process to the private property owner at the code enforcement hearings before the board, the Code Enforcement Board has to receive testimony, as to receive evidence as to a code violation, it is a quasi-judicial hearing, so if there are violations occurring, and there may well be, if a Code Enforcement officer cannot see them, then the Code Enforcement officer cannot present that evidence to the Code Enforcement Board, that does not mean you cannot get other evidence in through the residents and neighbors and that goes back to my earlier point, another player would be all the property owners and the lot owners that are around there. They help the City tremendously with providing the necessary information regarding code enforcement. Lastly, you mentioned this issue of property values, I am not a realtor or anything like that but are there any cause of actions against the original developer from the property owners, that is a private issue, a private cause of action, that is not something the City of Palm Coast has a stake in.

CM Nobile-What are the other impacts? This whole situation does not impact well on the City as a whole. We are touting the City is a great place to live, so we may not be responsible for the upkeep but it does reflect on the overall likeliness of Palm Coast, so that is what concerns me. But like Mr. Finnegan said, if they can see it, why can we not see it? At what point, there has to be a point where we either can get on that property to do something, what ever the actions are required to do something, especially for garbage, mowing and that but If we have hazards, mattresses, we have to get on top of the owner, whoever the bank is who holds the foreclosure, and really get on them and hammer them and make it as costly as possible to get that cleaned up.

CM Shipley-Would like to see some sort of police actions down there (at Matanzas Golf Course Clubhouse area).

Mayor Netts-We need to find out who owns the property, so we can sit down with them and explain our concerns and our neighbors concerns and that we are looking for a solution to the current situation. Ans: Mr. Landon-Spoke with the realtor last night and he assures me they are keeping it out of foreclosure, they have another buyer, but the buyer would like some assurances as to what can be done out there. Until the neighborhood can come together and say this is what we would like and sit down and be civil about it with a game plan, the potential buyers all run away. There have been a number of them that we have tried to bring to the table and they have gone away.

CM DeLorenzo-The foreclosure process-there are many steps required under State law and the amount of time that has passed in a previous foreclosure case, what is that approximate timeframe? Attorney Reischmann-Explained the difference between the current foreclosure on the property, if any, and the process the City must take to foreclose due to code violations not corrected on the property in accordance with state law.

Mayor Netts-The time has come for the City to be a convenors of a discussion, this cannot continue in perpetuity; Who is the owner,? What are your plans for this property? Do you have perspective purchasers? Part of the problem is we cannot go out and determine who may or may not purchase the property, but at least we can advertise that we are going to have this discussion about the ultimate usage of this property, if you are interested come in and tell us what your thoughts are. I suspect if there were a purchaser, they are not purchasing this property out of altruism they expect to turn a profit, what is it you need to do with this property? The City could facilitate that through changes in the zoning but we do not want to do that in opposition to the residents that surround the property. This starts with a conversation that we need to have sooner rather than later. I will be happy to call upon our state legislatures to get involved and doesn't see where the County has any roll in this but they may have, but I think we need to take that first step.

Campaign Signs-Mayor Netts-We have regulations, let's enforce it.

Presentation length of time-Mayor Netts-Wet swales, for example, wet swales, as we have found, has no simple answer and I think it is very important for City Council to know what all the options are, what the pros and cons, advantages and disadvantages are before we give direction to City staff before we spend tax payers dollars, so while I appreciate that it was not the most scintillating presentation but unfortunately it was necessary.

Automobile congestion and growth-Mayor Netts-When ITT created Palm Coast, they

platted some 42,000 quarter acre residential lots, I do not know the current count but the last time I looked there were about 17,000 of these lots in private ownership that are undeveloped, like it or not, private property rights, they can develop that property, of course the goal of the City is to develop in a fashion that consists with what we see as the vision for our City. The same is true for commercial properties, subject only to the limitations of potable water-growth is inevitable for central Florida, the question is can you keep pace with that growth, can you allow that growth, cause you can't prohibit it short of a moratorium, but can you make sure that growth is consistent with the vision that you have for your City. There is a group in Florida called the Preplatted City Coalition. Cities whose history is similar to that of Palm Coast typically you start with a little cluster of folks and growth is incremental toward the outside, and as you grow as a City, Town or Village you add some roads, you add some infrastructure and infrastructure grows as the community grows, that is not the case with preplatted communities, if you recall Palm Coast history, the County and State legislature and the Federal Trade Commission all required that when ITT created this large community, that ALL infrastructure went in at the same time. This is not only true for Palm Coast but for Deltona, Palm Bay, Cape Coral, there are about six cities in Florida that have this kind of unique history. The problem that we face is that our infrastructure, our peripheral infrastructure, if you will, even though it is not heavily used is still deteriorating at the same rate as the more heavily infrastructure, so the question of growth-how do we maintain this infrastructure that is already in place? And it was eluded to by Mr. DeLorenzo-as you get the appropriate kind of growth you increase your tax base, more money is available to protect, preserve the infrastructure already in place. It is a very complex issue for a City like Palm Coast. This preplatted coalition is asking for special consideration from the State legislatures because of the unique circumstances that surround a few of these cities. Complex issue. Hopefully, when the widening of Palm Coast Parkway is complete and those additional lanes are open, I hope the problem will diminish. That is our hope.

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

CM Shipley-Ralph Carter Park on workshop; real estate agents and directional and open house signs would like to reopen that issue.

Mr. Landon-Real estate issue-many people are opposed to open house, garage sales, etc., the law states if you allow signs in your right of way, you cannot regulate content of signs. Attorney Reischmann-This falls under the Freedom of Speech. We can regulate time, place, and manner and you cannot regulate content of the sign.

Mr. Landon-explained the recent talks with the Realtors and how the City can assist.

CM Nobile-Would like to discuss at Tuesday's workshop a charter review committee.

Mayor Netts-Mayor's Water Challenge. A video was presented relating to the water challenge, which is attached to these minutes.

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

We received the Distinguished Budget award-12 consecutive year. Congratulations to our Finance Dept. led by Chris Quinn and Lina Willaims our Budget Analyst.

Zero Liquid Discharge-Received the 2015 Reuse water project award.

VM McGuire confirmed that Council is not meeting with Mr. Finnigan

H. Adjournment

The meeting was adjourned at 10:30 a.m.

*Respectfully submitted,
Virginia Smith, City Clerk*

Calendar and Worksheet

[15-159](#) MEETINGS CALENDAR AND AGENDA WORKSHEET

[15-173](#) ATTACHMENTS TO MINUTES