



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, July 7, 2015

6:30 PM

Palm Coast Community Center

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 Bighthouse Networks Channel 199.

>All cell phones are to remain OFF while City Council is in session.

A. Call to Order

Vice Mayor McGuire 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: 4 - Vice Mayor McGuire, Council Member DeLorenzo, Council Member Nobile, and Council Member Shipley

Excused: 1 - Mayor Netts

CM Nobile-What we are talking about is a fence within an easement. Ans: Mr. Tyner-For example, when ITT developed our lots, they created the easements. A lot of the easements are about 15 feet; if they have culvert pipes or drainage facilities going in between the houses, so the easement is there to protect the utility; when a fence permit comes in typically the 5 foot easement around the houses, typically that does not cause an issue but what we would do is to review the permit and if the fence is proposed on top of the easement then we send it to our stormwater professionals for further review. There are times we let the property owner know to please move it over so they are not on top of the pipe. That is our standard procedure. This gives us some added protection, if a fence is put in, perhaps without a permit, they would be responsible if someday we had to replace the pipe.

CM Nobile clarified that the examples listed in the revised definition for Landscape feature is not limited to only those listed. Ans: Attorney Reischmann confirmed.

Public Comment:

Jack Carall-Dilapidated fences not addressed?

Responses to Public Comments:

Dilapidated fences-Ans: Attorney Reischmann-Maintenance of fences are in our Code of Ordinances and are regulated in our code enforcement process.

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

Approved: 4 - Vice Mayor McGuire, Council Member DeLorenzo, Council Member Nobile, and Council Member Shipley

Excused: 1 - Mayor Netts

Enactment No: O2015-08

Resolutions

- 4 [15-277](#) RESOLUTION 2015-XX APPROVING FINAL PLAT - AIRPORT COMMERCE CENTER, PHASE II A REPLAT
- Attorney Reischmann reminded Council this is a quasi-judicial item. Vice Mayor McGuire called for any ex-parte communications. There were none. Mr. Landon provided a brief overview to this item. Ms. Constance Bentley provided a PowerPoint presentation, which is attached to these minutes.*
- There were no public comments.*
- A motion was made by Council Member DeLorenzo, and seconded by Council Member Nobile, that the Resolution be Adopted. The motion was adopted by the following vote:**
- Approved:** 4 - Vice Mayor McGuire, Council Member DeLorenzo, Council Member Nobile, and Council Member Shipley
- Excused:** 1 - Mayor Netts
- Enactment No: R2015-70
- 5 [15-267](#) RESOLUTION 2015-XX APPROVING A CONTRACT WITH BUXTON COMPANY FOR STRATEGIC PLANNING AND BUSINESS RECRUITMENT

Mr. Landon provided a brief overview to this item. Mr. Beau Falgout, City Administration Coordinator and Mr. Ryon Stewart, Buxton Company provided a PowerPoint presentation, which is attached to these minutes.

CM Shipley-If someone wanted to open a retail shop here in Palm Coast, would they go to the BAC or will there be a direct connection on our website to you? Ans: Mr. Stewart-So every community handles that differently based upon the resources that they have; they would not have access directly to SCOUT. There would have to be an intermediary between the two. We would be happy to find that point person for you. Mr. Landon explained that if it is a new business coming in to town, our BAC. is the best way to go. Buxton is a resource. They are not going to be a point for Palm Coast but they would become a resource. It depends on the different types of business. The national retailers are going to have background about Palm Coast, they have already done their research, etc. and then we can help them hopefully put the final decision together and we would use Buxton to help with that.

CM DeLorenzo-Once the analysis is complete, will you be able to provide us feedback from the site selectors and real estate brokers on any obstacles they encountered? Ans: Mr. Stewart-We will during that implementation phase, we will look at the needs and wants, specific retail concept, does it match with what we have preliminarily done, before we even do the whole process. If there are specific retailers that come back as not a match that you are interested in, we will certainly share that information as to why. Sometimes it may be about code or litigious issues, most is based upon who is living here, who works here, what are their needs and wants and do they match the area.

CM DeLorenzo-Will you be able to let us know those that state we are difficult to work with? Ans: Mr. Stewart-Those are barriers are common. I will tell you that they are used as good excuses often times. Our job is to break that down again. Other excuses relate to 5 year plans but we can do that analysis and show them how much potential is here now and bumped that up to maybe 18 months to two years.

CM DeLorenzo-The dollars in this budget are there any still remaining from Enterprise Flagler's budget? Ans: Mr. Falgout-The dollars for this contract are part of the General Fund-enterprise funds. The dollars from the dissolution of Enterprise Flager were put in a special fund as they have restrictions. There is approximately \$55K in that fund.

Public Comments:

Jack Carall-When Buxton goes to different organizations, do they come here first to see what we have and what is available? Will they be very well aware of what is here? How does this affect our taxes?

Responses to Public Comments:

Availability-Ans: Mr. Falgout-Approaching the retailers we are basically only armed with demographics that we have and they are very basic. Typically we hit barriers for example with restaurants, I think everyone would agree, we are fairly underserved especially in the SR 100 area and typically what we hear is that because the area population is not high enough. With Buxton, Ryan can arm us with more information.

Mr. Stewart-When we do the analysis we first understand the goal-we take all into consideration, before we do any matching we complete a full analysis. What does the whole environment look like.

Mr. Falgout explained the two options available for Council consideration.

CM DeLorenzo-What is the nearest local government you are working with? Ans: Mr. Stewart-Homestead, FL

A motion was made by Council Member DeLorenzo, and seconded by Council Member Nobile, that Option Two (the contract for \$45K) be adopted. This motion was approved by the following vote:

Approved: 4 - Vice Mayor McGuire, Council Member DeLorenzo, Council Member Nobile, and Council Member Shipley

Excused: 1 - Mayor Netts

Enactment No: R2015-71

6 [15-252](#)

RESOLUTION 2015-XX APPROVING THE NUISANCE ABATEMENT INITIAL ASSESSMENT

Mr. Landon provided a brief overview of this item.

CM Shipley-This has nothing to do with Matanzas Wood Golf Course, correct?

CM DeLorenzo-Overgrown conditions-they were not meeting our standards, if our standards were changed by an inch or two how would it affect our list? Are they severe cases? Ans: Ms. Grossman-They are repetitive cases, mostly abandoned properties. We try to keep the abatement process low.

VM McGuire-If the property is in the process of being foreclosed, who is responsible? Ans: Attorney Reischmann-the mortgagee.

*Public Comments:
There were no public comments.*

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

Approved: 4 - Vice Mayor McGuire, Council Member DeLorenzo, Council Member Nobile, and Council Member Shipley

Excused: 1 - Mayor Netts

Enactment No: R2015-72

Consent Agenda

Public comments shall be held in accordance with Section 286.0114 Florida Statutes. Any member of the public interested in speaking on any item on the Consent Agenda, shall come to the podium, state their name and will have up to three (3) minutes each to speak.

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

Approved: 4 - Vice Mayor McGuire, Council Member DeLorenzo, Council Member Nobile, and Council Member Shipley

Excused: 1 - Mayor Netts

- 7 [15-266](#) RESOLUTION 2015-XX APPROVING AN AMENDMENT TO THE ANNUAL GRANT AGREEMENT FOR THE BUSINESS ASSISTANCE CENTER

The Resolution was Adopted on Consent.

Enactment No: R2015-73

- 8 [14-139](#) RESOLUTION 2015-XX APPROVING A TERMINATION OF EASEMENT AND A UTILITY EASEMENT AGREEMENT WITH FLAGLER COUNTY RELATING TO THE COUNTY PROVIDING WASTEWATER SERVICES TO BEVERLY BEACH

The Resolution was Adopted on Consent.

Enactment No: R2015-74

- 9 [15-263](#) RESOLUTION 2015-XX APPROVING A CONTRACT WITH S.E. CLINE CONSTRUCTION, INC., FOR THE CONSTRUCTION OF THE SEMINOLE WOODS BOULEVARD RECLAIMED WATER MAIN PROJECT

This item was requested to be removed from consent by CM Nobile.

CM Nobile-When are we anticipating the future development from the proposed addition to Ulturn Trail? Ans: Mr. Flanagan-Provided an overview of this item. The future area is proposed for the 2016 budget and we have also put in for cost share from the SJRWMD.

CM Nobile asked for clarification of the lower portion of the map active or not active? Ans: Mr. Flanagan-Correction-the purple area "active" at bottom of map is not an "active" area, installed but not active.

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

Approved: 4 - Vice Mayor McGuire, Council Member DeLorenzo, Council Member Nobile, and Council Member Shipley

Excused: 1 - Mayor Netts

Enactment No: R2015-77

- 10 [15-242](#) RESOLUTION 2015-XX APPROVING CONTRACTS FOR DEBRIS REMOVAL MONITORING SERVICES FROM EISMAN & RUSSO, INC., TETRA TECH, INC., THOMPSON CONSULTING SERVICES, TRUE NORTH EMERGENCY MANAGEMENT, LLC, AND WITT O'BRIEN'S, LLC

The Resolution was Adopted on Consent.

Enactment No: R2015-75

- 11 [15-224](#) RESOLUTION 2015-XX APPROVING A WORK ORDER TO CONNECT CONSULTING, INC., FOR THE REHABILITATION OF WELL SW-125

The Resolution was Adopted on Consent.

Enactment No: R2015-76

Other Business**D. Announcement of Public Hearing Date:**

The Northeast Florida Regional Council has provided notice to the City of Palm Coast that a public hearing date may be set for the South Old Kings Road Development of Regional Impact.

Pursuant to Section 380.06, Florida Statute, a public hearing shall be held no later than 90 days after issuance of notice by the regional planning agency that a public hearing may be set.

This is to announce that a Public Hearing will be held at the Palm Coast Community Center during City Council's regularly scheduled business meetings on September 1, 2015 at 6:30 p.m. and September 15, 2015 at 9:00 a.m. for the South Old Kings Road Development of Regional Impact.

This item was announced following the Public Participation of this meeting. Attorney Reischmann announced the public hearing relating to the South Old Kings Road DRI.

Public Hearing was announced.

E. 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.

Ronald Pokigo- Drainage ditches in the "W" section.

Deborah Susswein-Code enforcement complaints and arbitrary enforcement.

Ron DeCosta-Code for having blue tarps on a roof? How long can a blue tarp stay on a roof?

Louis McCarthy-Indian Trails complex-there is a problem there-the bathrooms are too far away from all the fields.

George Mayo-Sonic testing and fracking-status? Public works workers do a great job cleaning up the garbage. A bus stop at a vacant lot (ten feet in) on Zebulah's Trail is being used as a dumping site for parents and kids.

Responses to Public Comments:

Excessive vegetation in ditches-Ans: Mr. Landon-About a year ago we did an evaluation of wet ditches and the cost of trying to maintain them. These are ditches that flow into the canal and the canal backs up into them. They have water in them all the time, so we cannot go and mow with our typical mowing equipment. Buying specialty equipment and having a crew that actually goes and tries to remove the vegetation was made to City Council. It is obviously very expensive and time consuming. You cannot get to many of them very long when you are dealing with water. The decision was made to continue with our current program. The current program is that we mow dry ditches twice a year and then we have the rehab program is tied into our modeling. This is where a few years ago we started with one in the "R" section, then went to the "B" section and now we are in the "L" section, you might call it rehab the ditches and bring it back to their original condition. Yes, there is no question that vegetation does impact the water flow.

Mr. Landon agrees with speaker-we have an excellent system; we spend millions of dollars maintaining our system, we are fortunate to have this system here. This upcoming budget you will have a hard decision to make on wet swales-stormwater level of services.

*CM Nobile-Is there any organic solution that can be used to suppress the vegetation?
Ans: Mr. Landon-Wet swales would be trying to back the water. That is a different issue and that issue will be coming your way too.*

Code enforcement policy-eliminate the anonymity-Ms. Grossman-There are several ways to report a code issue-telephonically, website, or in person. There are people who want to remain anonymous. There are some that are frightened or feel threatened. They feel threatened if there is retaliation.

CM DeLorenzo proposed to have this issue brought to a workshop.

Blue Tarps-Ans: Ms. Grossman-It really depends on the circumstances. Explained process of how a violation is issued and the process to remedy, etc.

Indian Trails Complex restrooms-Ans: Mr. Landon-There are 3 restrooms at Indian Trails Sports Complex; there are no outdoor restrooms at the Middle School location, when there are large events there are port o johns put up. Improvements are in the Capital Projects plan. Ms. Santangelo-It is in the 5 year plan and it is about 2 years out. Looking at TDC grants to assist. We always recommend to the groups to bring in portable restrooms. We have not reached the threshold for us to require portable restrooms as of yet, we suggest it as a convenience.

Fracking and sonic testing-Ans: VM McGuire-It was discussed at a workshop and Council decided not to take action since this is a County issue and County supports it.

Trash at bus stops-How far off the sidewalk can the maintenance workers go to pick up trash? Ans: Mr. Landon-We cannot go on private property, it would be trespassing; if it is a code violation we could ask Code to send out a notification to the property owner to clean up their property.

VM McGuire-Can we ask the school to send home notices to the parents? Ans: Mr. Landon-You could but would question whether it has a big impact. Commander Carman-Will send a deputy out to check out the littering situation.

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

There were no comments.

G. Discussion by CITY ATTORNEY OF MATTERS NOT ON THE AGENDA

Nothing at this time.

H. Discussion by CITY MANAGER OF MATTERS NOT ON THE AGENDA

County has a public meeting about public transportation in Flagler County-looking for input-At the EOC on Tuesday, August 11, 2015 from 4-6 pm or on Wednesday, August 12, 2015 here at the Community Center from 4 to 6 pm.

Matanzas Woods Golf Course update-Received a little cooperation from the property owners; there were 2 main issues-maintenance of the property and the structure on the property. Went forth with our Fire Marshall to do an inspection for health and safety; there were some issues the Fire Marshall stated that had to be corrected-boarding up and making it not accessible, those types of issues. The property owner has cooperated with the Fire Marshall's request. As a result of those inspections and cooperation from the owners, our building official was able to take a look at it. Our building official has made a determination that the structure is sound and that he cannot require them to tear down the building. This is private property with private property rights. So we are going to our maintenance code; this is something we have not used in the past. Our maintenance code requires that structures be maintained in an occupiable condition. In other words you cannot just abandon a structure and let it dilapidate to a point where you could not occupy it by the code. There has been enough vandalism and destruction of the interior where you could not occupy this building. So we are going through that process with our attorney to enforce that section of our code.

The second is the vegetation issue-legally there are structures it is one property; it is not a vacant property and therefore it must meet the certain minimum requirements of our code. So they are required to meet those minimum requirements. Barbara is working with our attorney to enforce.

Players Club-Recently brought to our attention there may be people living in the abandoned building on the property. We are sending our Fire Marshall to the property to complete his inspection. This may be a health safety issue that we are going to address.

I. Adjournment

The meeting was adjourned at 8:54 p.m.

*Respectfully submitted,
Virginia Smith, City Clerk*

Calendar and Worksheet

[15-282](#) MEETINGS CALENDAR AND AGENDA WORKSHEET

[15-281](#) ATTACHMENTS TO MINUTES

