



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 Robert G. Cuff
Council Member Jason DeLorenzo
Council Member Steven Nobile

Tuesday, October 18, 2016

9:00 AM

City Hall Community Wing

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.

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>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 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 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 Shipley, Council Member Cuff, Council Member DeLorenzo, and Council Member Nobile

Approval of Minutes

- 1 [16-422](#) MINUTES OF THE CITY COUNCIL'S:
 A. October 4, 2016 City Council Business
 B. October 11, 2016 City Council Workshop

Attachments: [October 4, 2016 Business Meeting.pdf](#)
 [October 11, 2016 Workshop](#)

A motion was made by Vice Mayor Shipley, and seconded by Council Member Nobile, that the Minutes be approved as presented. The motion was adopted by the following vote:

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

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

First Reading

- 2 [16-367](#) ORDINANCE AMENDING LAND DEVELOPMENT CODE, CHAPTER 11 - TREE PROTECTION, LANDSCAPING, BUFFERS AND IRRIGATION AND CHAPTER 14 - GLOSSARY

Attachments: [Ordinance redline version](#)
 [Ordinance clean version](#)
 [Ltr from BEAC](#)
 [Letter from Sara Lockhart](#)

City Attorney Reischmann read the title into the record.

Mr. Landon gave a brief summary of the item.

Mr. Tyner, Mr. Hoover and Mr. Bill Butler provided a PowerPoint presentation, which is attached to these minutes.

CM Nobile-Are those intersections on commercial, residential, or both? Ans: Mr. Hoover-Both.

VM Shipley-If someone's tree comes down, say it is a 4 foot tree, you usually make

them put back a 4 foot tree? Do that have to replace it with the same size or can a smaller tree be replaced on residential property? Ans: Mr. Hoover -Right now, a typical lot requires 4-5 trees and the shade trees have to comprise 40%, so as proposed they would only have to have 1 shade tree. So, if they had 2 shade trees and one was damaged and they took it down, they could replace that with an understory tree which would be like a crape myrtle or a ligustrum tree, something like that or a palm tree.

CM Nobile-Did you make these changes from BEAC? Ans: Mr. Hoover-No, we only added CM DeLorenzo's suggestion from workshop.

CM DeLorenzo-As far as the submittal package, will they still submit the approval from the ARB (Architectural Review Board) or whatever they call their board that reviews it and submit it as part of the permit package? Ans: Mr. Tyner-Yes, they can. Mayor Netts-clarification-the City cannot enforce the HOA's enhanced standards, we can only demand that they meet our standards. They are perfectly welcome to go above and beyond our standards.

Public Comment:

Jack Carall-Ordinance that you had to have shrubbery in front of a tree if on main road and fences, etc. Did that get removed? Trees planted 20 years ago in front of Ford and we can still see the building and the cars for sale. Wants to keep Palm Coast beautiful.

George Mayo-Picture of Target center-in Target's parking lot, the traffic view on the access road is blocking driver's view.

Alan Peterson-Please explain the requirements for an existing property owner (residential). Would like to see what the homeowner has to replace is what is taken down. Tree trimming-the owner and the trimmer are jointly responsible for trimming the tree but should only be the trimmer's responsibility since the trimmer should know the rules and regulations. New regulation is 5 trees?

Responses to Public Comment:

Shrub at base of tree-Ans: Mr. Tyner-About a year and a half, maybe two years ago, we made a modification to that section of the code, when we were working on the fence ordinance, and what we found, for example, on Belle Terre when we did have the requirement to put shrubs in front of the fence, we found it is out of sight out of mind, so you do not have the irrigation in place and then someone would have to go into the City right-of-way to water. As we were doing the beautification projects, (and implemented our bike and pedestrian plan) and how we were doing the plantings so they are irrigated, so that we knew those are going to live, that is why we made that change about a year and half, two years ago. Mayor Netts-The other problem we had for side yard fences and you planted shrubs on the other side of the fence, then you had to go on your neighbor's property to maintain the shrubs. So therefore, as you said, they were out of sight, out of mind, and they did not get maintained.

Visual buffers-Mayor Netts-As I recall in this Ordinance, the extensive canopy on east bound Palm Coast Parkway is maintained, is that correct. Ans: Mr. Landon-Yes.

Parking lot access visual line of sight-Ans: Mr. Tyner-That is landscape maintenance in the code. We get calls quite frequently and we go out there, advise the property owner it needs to be trimmed and we would be glad, if the gentleman wants to get with me, to make sure we can take care of that.

Mayor Netts-Clarification-existing home owner requirements-Ans: Mr. Butler-The biggest change here is we are reducing the replacement requirements for these trees, we will never tell a homeowner he cannot remove a tree, contrary to some other beliefs, if it is a specimen tree-you cannot remove it, yes you can. The previous code required a 4 1/2" caliper tree to replace a historic tree and now that requirement has been dropped to 2 trees, per Table 11-4, which is a 2" caliper 30 gallon tree.

Old code-4 trees versus 5-Ans: Mr. Butler-That is not exactly correct, it is on a sliding scale, depends on how big your lot is. It is still one tree per every 2,500 sq. ft. The number of trees is based on the total lot area.

CM Nobile-The current state we are in, where do these fallen trees fall-in the old code or the new code? Ans: Mayor Netts-I assume the old code. Mr. Butler-Nothing has really changed, so old or new it doesn't matter. If you lost a tree and you have sufficient trees, there is no mitigation, but if you do have to replace we are giving the property owner 6 months, which is normally 30 days.

Joint and several liability for property owner and tree trimmer-Ans: Mr. Tyner-That is code enforcement 101, the homeowner is ultimately responsible. But this is a big change in our code to hold both accountable. The homeowner will still be held accountable as it is his property, but, the training- that is an added bonus, we have to hold both responsible.

The motion to approve included the HOA language provided by staff.

A motion was made by Council Member DeLorenzo, and seconded by Council Member Cuff, 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 Cuff, Council Member DeLorenzo, and Council Member Nobile

Enactment No: O2016-6

Resolutions

- 3 [16-433](#) RESOLUTION 2016-XX APPROVING THE PURCHASE OF TWO REPLACEMENT HEAVY EQUIPMENT VEHICLES AS APPROVED IN THE FY2016-2017 FLEET BUDGET

Attachments: [Resolution Purchase 2 MACK Trucks](#)
 [Price Quote](#)
 [Nextran Truck Center Engagement Letter](#)
 [FL Sheriffs Contract-Trucks](#)

Mr. Landon provided an overview to this item.

Mayor Netts-Do we have sufficient staff to man these two new trucks? Ans: Mr. Landon-Yes.

CM Cuff-What is the life of these trucks? Ans: Mr. Landon-Seven years.

*Public Comments:
There were no public comments.*

A motion was made by Vice Mayor Shipley, and seconded by Council Member DeLorenzo, that the Resolution be adopted. The motion was adopted by the following vote:

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

Enactment No: R2016-107

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.

4 [16-391](#) RESOLUTION 2016-XX APPROVING THE NINE APPLICATIONS RECEIVED FOR THE FISCAL YEAR 2016-2017 CULTURAL ARTS GRANTS

Attachments: [Resolution-Cultural Arts Grants](#)
[Cultural Arts Grants Recommendation](#)
[2017 Cultural Arts Grants Determination](#)
[Cultural Arts Application](#)
[2016-2017 Cultural Arts Grant Applications](#)

This item was removed from consent by Jack Carall.

Mr. Landon provided a brief overview to this item.

Mayor Netts confirmed we will take the remaining budget and go back out in 6 months to issue the remaining fund to new applicants.

Public Comments:

Jack Carall- Seems like it is the same people over and over again, year after year, are we overlooking anyone?

Louis McCarthy- Same recipients, 501c3's, they do a world of good and it highlights the City to have arts in our City.

Responses to Public Comments:

Repeat grant recipients- Mayor Netts- We have a set of standards, the availability of the grants are well advertised. The fact that we have not met our budget, suggest that not only has no one has been excluded, in fact there is nobody left to apply for it. But that is why we are specifically saying 6 months from now if there is a new organization that is created or if an existing organization says we have an opportunity to apply. The issue is that these events by requirements of our grants must be open to the public. Whether you are a member of that organization or not, you cannot close it out to the public, so all taxpayers are afforded the opportunity to participate.

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

Enactment No: R2016-111

A motion was made by Council Member DeLorenzo, seconded by Council Member Cuff, 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 Cuff, Council Member DeLorenzo, and Council Member Nobile

- 5 [16-398](#) RESOLUTION 2016-XX APPROVING PIGGYBACKING THE AGREEMENT BETWEEN CONCRETE CONSERVATION, INC., AND PASCO COUNTY, IN AN AMOUNT NOT TO EXCEED \$75,000, FOR MATERIALS AND INSTALLATION OF MANHOLE LINERS

Attachments: [Resolution - Concrete Conservation](#)
 [Concrete Conservation-Piggyback Authorization](#)

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

Enactment No: R2016-108

- 6 [16-399](#) RESOLUTION 2016-XX APPROVING PIGGYBACKING THE PRICE AGREEMENT BETWEEN MILLER PIPELINE CORP., AND LEE COUNTY, IN AN AMOUNT NOT TO EXCEED \$250,000, FOR INSTALLATION OF EX LINER SYSTEM FOR GRAVITY SEWER PIPE

Attachments: [Resolution - Miller Pipeline](#)
 [Piggyback Letter-Miller Pipeline](#)
 [Miller Pipeline Contract](#)

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

Enactment No: R2016-109

- 7 [16-406](#) RESOLUTION 2016-XX APPROVING PIGGYBACKING THE AGREEMENT BETWEEN SENSUS METERING SYSTEMS AND CLAY COUNTY UTILITY AUTHORITY TO PROVIDE VARIOUS SIZES AND TYPES OF WATER METERS, TRANSMITTERS AND PARTS, \$798,990.00 BUDGETED FOR FY 2017

Attachments: [Resolution- Sensus Metering Systems](#)
 [Piggyback Letter-Sensus](#)
 [Sensus Renewal 2016-2017](#)

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

Enactment No: R2016-110

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.

Robert MacDonald-Flagler Volunteer services-gave out over 350 meals. Learn to work together. Better ways to get information to residents other than social media. Work with realtors to get the information out on section lettering, so everyone knows if they have to evacuate. Complimented Mr. Landon on keeping the City together during Hurricane Matthew.

Louis McCarthy-Thanked the workers, people who were out there who left their families, countless hours, etc. for all they have done during Hurricane Matthew.

Pam Richardson-Thanked all from the City who assisted in Hurricane Matthew. Thanked Public Works for the sand bags and acknowledged public works employee Dennis who assisted all packing sand bags. Thanked Fire and Utility. Recognized Bob Romeo from code. Acknowledged Tom from public works as well. We need to appreciate all those who have worked tirelessly during this hurricane. Thanked Mr. Landon for all his work during Hurricane Matthew. Thanked Mayor and City Council-this City is amazing.

Jack Carall-Why do we have to wait until an event like this to hear "you did an amazing job", these people work hard all year, these people are great all year, all year round. Do all you can to keep them here.

George Mayo-Thanked all involved in Hurricane Matthew. Street lights and electricity. Intersections-can we have more portable stop signs put up when traffic lights are down? FPL and electric issues on how we can restore electricity to Pep Tank residents first. Right turn lane on Belle Terre Blvd. and traffic backing up to the Senior Center.

Responses to Public Comments:

Gratitude/Appreciation comments-Mayor Netts-Thank you for all your gratitude and appreciative comments. I do not think there was a single City employee who was not called in to help our City during Hurricane Matthew.

Traffic lights and portable stop signs-Mayor Netts-We did put it out on all social media that one should treat an outage as a "4" way stop. Mr. Landon-Our first priority is to get a generator operating at all intersections, if we cannot then we use the portable

stop signs.

Identification of the region where we live-Mayor Netts-How do you define where an immediate evacuation is? The initial description was vague, we said try to be more specific, go by street, go by F section C section, go by east of, west of, but that is something that we can look at when we do our after incident reviews. You are right, not everyone has social media, but a lot of people do. We need to be sure we are addressing all people with and without Facebook and Twitter. Mr. Landon-I agree with all of that. We have already started the discussions to see how we can improve on that communication.

VM Shipley-Is there a way to put zones in the disaster guide? Ans: Mr. Landon-It is in there.

FPL-Mayor Netts-I can guarantee you there was many pleading conversations with FPL to get our Pep residents on line. The City was in constant communication with FPL.

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

Mr. Cuff-Debris clean-up and people are starting to bring out construction debris and putting it on top of yard debris-we need to remind residents not to do this.

CM Nobile-Reiterated all the thanks. Follow up to Mr. Carall-this kind of reaction to a disaster just doesn't happen, it is from a culture of a City organization that happens all year long. We have a great staff, great leaders, all are dedicated and feed the culture of our organization. Reiterated our workers are great year round.

Pep panels-timeline to change them out. Would like to see a panel where a generator could be hooked up to that.

3 passes on vegetation-what about non vegetation? Ans: Mr. Landon-Not sure of the timing but vegetation is priority.

CM DeLorenzo-The Governor has not waived the requirement that you have to be state licensed to do roofing. Be careful.

Mayor Netts-Meeting with Jeff Atwater and the new insurance commissioner and insurance reps echoing licensed contracting and AOB's (assignment of benefits)-do not get yourself hooked up into an AOB, let your insurance pay you and you pay the contractor. Make sure you have a final inspection as well to make sure it was done properly.

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

Drones-Registration about drones-federal-you have to register with the federal government. If a Sheriff sees someone flying a drone illegally or without registration, they could contact the federal government. Penalty-you could lose your registration as well as criminal and civil penalties.

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

Thank you for all the nice comments, however, we are not done (storm clean-up). I know I have a great staff and it is great to see them kick it in when really needed. Very proud to be part of this organization.

Mr. Landon provided an update to status of the clean-up, FPL, debris removal, etc. 3 priorities-hazardous trees, debris pick up, and public facilities and streets are safe.

CM DeLorenzo-On Pautuxant-a big tree came down in a vacant lot onto the street, the tree was cut up but how will the rest of the tree be handled? Ans: Mr. Landon-If it originated on private property-the City does not get involved. If it falls on someone else's property it is between the two property owners.

Mr. Landon continued his update on the clean-up status.

Mr. Landon-Bulk debris-vegetative, construction debris do not put in same pile. City crews are preparing the piles for our debris removal contractors to assist in getting this done as soon as possible. Yard debris in bags and regular trash pickup. We have asked WastePro to go pick up the bags. Trash cans full of vegetation-WastePro and yard debris pick up. We have both contractors-Crowder Gulf and City crews working the pickups. Three passes on all public streets, one issue that will come up is our gated private streets. We do not work on private streets. Not sure the smaller ones know that we are not going in to clean up. There is an agreement we can enter into to be reimbursed by FEMA, but this could be tricky. It is not a high priority but we will reach out to those leaders in those communities to let them know their options.

CM Nobile-Is there a mechanism for these areas to work with FEMA? Ans: Mr. Landon-The Community Development Districts (CDD) are a taxing agent, I believe they do. I am not an expert in that area. Talking to the representative from Grand Haven, they are aware of that and are prepared for that. It is a tough public policy. They are taxpayers but they do not allow the rest of us to drive on their streets, they are private but they want the rest of the public to pay for their clean-up that they won't allow on their streets. FEMA has guidelines, for example, they won't touch it unless they have gone through their private insurance first. It is difficult when you are dealing with private property. The gated communities are private property, so keep that in mind. When we say we are picking up, we are picking up off of City public property.

Reception for Mayor Netts will now be November 3, 2016 here in this building 4:00 pm to 6:30 pm to recognize all of his years of public service.

Parks-All open except for Holland Park. We are still focusing on getting this park done. Our crews are not working out there (due to Hurricane Matthew clean-up) but we have started contracting directly with the sub-contractors.

Founders Day-tomorrow at 1:30 at the Community Center.

H. Adjournment

The meeting was adjourned at 10:44 a.m.

*Respectfully submitted,
Virginia Smith, City Clerk*

Calendar and Worksheet

[16-423](#)

MEETINGS CALENDAR AND AGENDA

Attachments: [City Calendar](#)
 [Agenda Worksheet 2016](#)

[16-434](#)

ATTACHMENTS TO MINUTES

Attachments: [Item 2 Landscape Code](#)