



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, November 1, 2016

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.

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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 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 Cuff, and Council Member Nobile

Approval of Minutes

- 1 [16-441](#) MINUTES OF THE CITY COUNCIL'S:
 - A. October 18, 2016 City Council Business
 - B. October 25, 2016 City Council Workshop

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

Second Reading

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

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

Enactment No: O2016-6

Resolutions

- 3 [16-428](#) RESOLUTION 2016-XX APPROVING THE CONTRACT FOR SOLID

WASTE COLLECTION AND DISPOSAL OF RESIDENTIAL SOLID WASTE, YARD AND BULK WASTE, HAZARDOUS WASTE AND RECYCLING

Mr. Landon provided a brief overview to this item. Mr. Beau Falgout and Ms. Torino provided a PowerPoint presentation, which is attached to these minutes.

VM Shipley-Was there a change in the contract regarding branches that will be picked up? Ans: Ms. Torino-Yes. The current contract did not allow for contractor generator waste and it did cause a lot of confusion as to what was contract generated waste and what wasn't. In this new contract, we will accept anything, as long as it is within the parameters of the maximum amount, regardless they will pick everything up.

CM Nobile-Concerns of residents regarding Waste Pro complaints. Would like to see a follow up from now until the contract effective date.

CM DeLorenzo-Changing from a volume to a size for yard debris. Ans: Ms. Torino-The volume has not changed, it is 4 cubic yards. Mr. Landon clarified bags and cans of yard debris do not calculate into the 4 cubic yards. It is the loose debris that is (4 cubic yards).

Public Comments:

Ron DeCosta-Complimented Waste Pro on their service. They have been doing a fantastic job.

Jack Carall-Last meeting mentioned putting out two bins? Where are you getting these two bins?

Responses to Public Comments:

Bins-Ans: Mayor Netts-You may ask for one and we will provide it.

A motion was made by Council Member Nobile, 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: R2016-112

4 [16-425](#)

RESOLUTION 2016-XX APPROVING A CONTRACT WITH S.E. CLINE CONSTRUCTION INC., INCLUDING A 10% CONTINGENCY, FOR RECONSTRUCTION OF THE WATER CONTROL STRUCTURE KNOWN AS BS-2 ON THE BARRISTER WATERWAY

Mr. Landon provided a brief overview to this item. Mr. Brennan provided a PowerPoint presentation, which is attached to these minutes.

VM Shipley-The grant money came in so that money goes back to the General Fund? Ans: Mr. Brennan-No, it will go back into the Stormwater Fund. Mr. Landon confirmed it will be a reimbursement grant. We will have to expend the money first.

CM Cuff-Why did we only receive one bid? Were we expecting more? Ans: Mr. Brennan-I know all the contractors that are bidding, Sieg Ambachtscheer won two of the three bids, CIC bid on the bridge but Sieg and Ambachtscheer beat them out. It is kind of Cline's specialty. They built all but one, so they can hone in on the price.

Public Comments:

There were no public comments.

A motion was made by Council Member DeLorenzo, and seconded by Vice Mayor Shipley, 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: R2016-113

5 [16-424](#)

RESOLUTION 2016-XX APPROVING A CONTRACT WITH SIEG AMBACHTSHEER, INC., INCLUDING A 10% CONTINGENCY, FOR THE COLORADO DRIVE BRIDGE #734064 REHABILITATION PROJECT

Mr. Landon provided a brief overview to this item. Mr. Brennan provided a PowerPoint presentation, which is attached to these minutes.

CM DeLorenzo-What is the DOT score for this bridge? Ans: Mr. Brennan-It is a complicated formula. They have trained bridge inspectors that have to have 5 years experience on a bridge crew before you can become an inspector. They have a formula, a health index, which is the health of the bridge, a sufficiency index, which determines how sufficient is that bridge for the traffic that it bears. They put all the numbers together and let you know how healthy the bridge is.

CM DeLorenzo-Do you have the numbers for this bridge? Ans: Mr. Brennan-I do not have them with me, but can get it for you.

Public Comments:

Jack Carall-Bids with contingencies?

Robert MacDonald -What is the average life expectancy of a bridge? When are we getting to the 20 bridges?

Responses to Public Comments:

Bids with contingencies-Ans: Mr. Brennan-A contingency fee is included for unforeseen circumstances.

Life Expectancy-Ans: Mr. Brennan-Salt water canal bridges 7:02 deteriorate quicker. Fresh water canals are not as big of a deal. Mr. Landon-30-40 years before we have to do this again.

A motion was made by Council Member Nobile, and seconded by Vice Mayor Shipley, 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: R2016-114

6 [16-429](#)

RESOLUTION 2016-XX APPROVING A CONTRACT WITH SIEG AMBACHTSCHEER, INC. FOR THE PINE LAKES PARKWAY GRAVITY WALL REINFORCEMENT

Mr. Landon provided a brief overview to this item. Mr. Brennan provided a PowerPoint presentation, which is attached to these minutes.

CM DeLorenzo-This contract has liquidated damages, so how will that affect the contract? Ans: Mr. Brennan-Liquidated damages begin from Notice to Proceed.

CM DeLorenzo-Will you delay the Notice to Proceed until they are able to.... Ans: Mr. Brennan-I will speak with them to see when it fits in with their schedule the best way.

*Public Comments:
Jack Carall-Spread between the bids.*

*Responses to Public Comments:
Bid spread-Ans: CM Nobile provided an explanation given from his experience as a bidder over the years. Mr. Landon added that at times a bidder will think there will not be another bidder, so will bid higher to get more. Another spooky issue is a low bidder under bids.*

A motion was made by Council Member DeLorenzo, and seconded by Vice Mayor Shipley, 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: R2016-115

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.

- 7 [16-427](#) RESOLUTION 2016-XX APPROVING PRICE AGREEMENTS WITH HARRELL'S, LLC AND HOWARD FERTILIZER & CHEMICAL COMPANY, INC., FOR VARIOUS LANDSCAPE CHEMICALS FOR THE CITY MEDIANS AND PARK ATHLETIC FIELDS

Enactment No: R2016-116

A motion was made by 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

- 8 [16-410](#) RESOLUTION 2016-XX APPROVING THE ANNUAL PURCHASE OF SUPPLIES AND SERVICES FOR LIFE SCANS, BUNKER GEAR, FUEL, MEDICAL SUPPLIES, AND UNIFORMS FOR THE FIRE DEPARTMENT

A motion was made by that the Consent Agenda be Adopted on Consent. The motion was Approved unanimously.

Enactment No: R2016-117

- 9 [16-430](#) RESOLUTION 2016-XX APPROVING FIRST AMENDMENT TO AGREEMENT TO ASSIGN MITIGATION CREDIT WITH LRA HAMMOCK BEACH, LLC, ASSOCIATED WITH THE PALM HARBOR PARKWAY EXTENSION PROJECT

A motion was made by that the Consent Agenda be Adopted on Consent. The motion was Approved unanimously.

Enactment No: R2016-118

10 [16-431](#)

RESOLUTION 2016-XX APPROVING THE PURCHASE OF 0.65 WETLAND MITIGATION BANK CREDITS IN THE AMOUNT OF \$48,750.00 NECESSARY TO COMPLY WITH PERMIT REQUIREMENTS FOR THE PALM HARBOR PARKWAY EXTENSION PROJECT

A motion was made by that the Consent Agenda be Adopted on Consent. The motion was Approved unanimously.

Enactment No: R2016-119

11 [16-432](#)

RESOLUTION 2016-XX APPROVING CHANGE ORDER 5 FOR LRA HAMMOCK BEACH, LLC, IN THE AMOUNT OF \$55,000.00, FOR ADDITIONAL PROFESSIONAL ENGINEERING SERVICES AND PROJECT RELATED EXPENSES RELATED TO THE PALM HARBOR PARKWAY EXTENSION PHASE 2 PROJECT

A motion was made by that the Consent Agenda be Adopted on Consent. The motion was Approved unanimously.

Enactment No: R2016-120

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.

Louis McCarthy-Homeless person is back on Whiteview Parkway.

Robert McDonald-Public comments-why did we change the rules?

Ron DeCosta-Thanked Public Works for their assistance when packing sand bags for the hurricane.

George Mayo-Thanked Mayor Netts for all his service.

Responses to Public Comments:

Homeless person-Mayor Netts asked Commander Mark Carman to check on that

homeless situation.

Conduction of Meetings/Rules-Mayor Netts-It is not a change in the rules at all. We follow Roberts Rules. The purpose of Roberts Rules is to provide an orderly conduction of meetings. I prefaced my opening by saying "With Council concurrence." Any number of times we will waive the rules with Council concurrence. The City Council policy is 3 minutes for a public speaker. On a number of occasions Council Members are asked if the speaker can have additional time to speak. As long as Council concurs, we can set aside the rules for the benefit of the conducting of public business. It is really not a change in the rules at all.

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

CM Nobile-Debris pick up from private communities. Please call Council or Mr. Landon to discuss the debris removal from Hurricane Matthew.

CM DeLorenzo-read a statement into the record that he prepared for his departure from City Council.

VM Shipley-Will miss CM DeLorenzo.

Mayor Netts shared comments of his public service over the past 16 years.

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

Wished Mayor Netts and CM DeLorenzo good luck and thanked them for their professionalism working with them over the years.

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

Mr. Landon let Council know the agenda on November 15 will include action for this Council, then we will swear in Mayor-elect Holland and the new Council Members.

Mayor's reception here at City Hall from 4:00 to 6:00pm on Thursday. Program to begin at 5:15 pm.

Veteran's Day-At Heroes Memorial Park 8:00 am

Mr. Landon provided an update on Hurricane Matthew clean-up.

Needs Council assistance regarding commercial debris dumped in City ROW's. The debris was dumped in the ROW's by commercial business contractors. Two options-Code action or City crews to remove it. We are still under our State of Emergency so we have the option for our City crews to go in and remove it.

CM Nobile-How does FEMA interact with this? Ans: Mr. Landon-The fact that it is being picked up off a public right-of-way, we will treat it as we do all public ROW's as far as FEMA is concerned. I am fairly confident we will be reimbursed from FEMA if we pick up our Rights-of-Way.

Mayor Netts-Are you looking for a consensus at this point? Ans: Mr. Landon-Yes. I realize this is a little unusual but this is not a typical case and it is not something that I was planning on a formal action item but I think this is good for City Council.

CM DeLorenzo-I am on the Parkway regularly and it does cause some hazards. I am okay if we go through again and pick it up but communicate with the owners that we

are cleaning this up this one time but you need to take care of this in the future.

CM Nobile-How will this effect our timeline in residential areas? Ans: Mr. Landon-It is the same crews. We will not pick them up until after we have gone through the City once.

VM Shipley-I think it is important too to remember that it is not all big businesses, there are some small businesses here that may be cutting down the trees themselves, like the ice cream shop down the street, and they need someone to pick it up. So it is kind of like, it is not just the big businesses having this problem, it could be the small businesses that need a little assistance and we make it only during the emergency and we have declared an emergency. I could see that being the difference.

CM Nobile-But we are talking about the property owner, not the shop owner? Ans: Mr. Landon-Correct.

CM Nobile-I have the compassion, I want to say let's just pick it up. I want to get it off the street as quick as possible. I do not want it to impact what we are doing for our residents. So a phone call saying "Hey you need to get this off your lot." might actually happen quicker. Also, to add to that, I do not want to force replacement of trees in a hurry.

CM Cuff-My inclination is to have staff to try to take CM Nobile's approach, but I think the primary aim should be to get it all picked up. I think there is some residential areas that are taking advantage of the emergency too. Getting it off the ROW one more time and communicate it to the owner's.

Mayor Netts-I think the small business tends to be tenants not property owner. It is the landlords that have the responsibility. In my driving around town, I do not see these piles of debris are impinging on the small business owner. If anything, they are creating line of hazards going in and out of parking lots. We are under a State of Emergency, we can nit pick this to death but we need to get it over with. My sense, is as we come to the first completion of the residential streets, then we can send City crews out and communicate with the property owners. Let's talk to the landlords and say "We are going to do this as a one time under the State of Emergency, but we are not going to be able to get to it immediately. You may want to consider doing what you are supposed to do", but absolutely we do not want to set a precedence. Does that give you enough sense of direction? Ans: Mr. Landon-Yes, what I will instruct staff to do is, first of all, we are not going to pull our crews out of the neighborhoods that have not been picked up yet and have them continue to do that as quickly as possible. To tell you the truth a lot of these are management companies and we know who the management companies are. We will ask code to touch base with the management companies or the property owners and say "You really should be picking this up yourself, but if you do not we will come through one time and after that one time will be the last time we come through." Mayor Netts-Second time we come through it will be code enforcement. After our second pass, we see another pile coming out, that will be our normal code enforcement process.

Mayor Netts-Yesterday had the opportunity to attend a meeting with County staff and Governor Scott. The County Administrator had some very distributing PowerPoints, showing homes on the barrier island, Painters Walk, Flagler Beach. Homes that are literally hanging on the edge of a cliff where the sand has eroded away. The point that all of us tried to convey to the Governor was that this is not a time for a lot of bureaucracy, agencies fighting with agencies. I will give you one example, one homeowner was told you could put up a temporary retaining wall to protect your

house but it is only good for 60 days and you cannot have tie backs and you can't have a concrete cap and can't do this or that. I asked the question, so at the end of 60 days, do you have tear it down and start over or can you expand upon that. The Governor said what he will do, and we all owe him our gratitude, he understands how bureaucratic the State and Federal government can be, he promised he will intercede and get these people together. He will get these agencies talking to one another. Probably won't have a huge impact on Palm Coast but we are part of Flagler County and some of our neighboring communities have some real problems. There is light at the end of the tunnel.

H. Adjournment

The meeting was adjourned at 8:00 p.m.

*Respectfully submitted,
Virginia Smith, City Clerk*

Calendar and Worksheet

[16-442](#) MEETINGS CALENDAR AND WORKSHEET

[16-445](#) ATTACHMENTS TO MINUTES