



**City of Palm Coast  
Minutes  
City Council Business**

City Hall  
160 Lake Avenue  
Palm Coast, FL 32164  
www.palmcoastgov.com

**Mayor Milissa Holland  
Vice Mayor Steven Nobile  
Council Member Robert G. Cuff  
Council Member Nick Klufas  
Council Member Heidi Shipley**

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**Tuesday, November 7, 2017**

**6:00 PM**

**Community Wing**

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**City Staff**

**Jim Landon, City Manager  
William Reischmann, City Attorney  
Virginia A. Smith, City Clerk**

- > Public Participation shall be in accordance with Section 286.0114 Florida Statutes.
- > Other matters of concern may be discussed as determined by City Council.
- > If you wish to obtain more information regarding the 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 Charter Spectrum Networks Channel 495 and on AT&T U-verse Channel 99.
- > All pagers and cell phones are to remain OFF while City Council is in session.

**A. CALL TO ORDER**

*Mayor Holland called the meeting to order at 6:00 P.M.*

**B. PLEDGE OF ALLEGIANCE TO THE FLAG**

**C. ROLL CALL**

Present and responding to roll call were the following:  
Council: Robert Cuff  
Nick Klufas  
Steven Nobile  
Heidi Shipley  
Milissa Holland

*City Clerk Virginia Smith called the roll.*

**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

topics on the workshop agenda or any topic or proposition not on the agenda, 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.

*Charles Ebert-hurricanes and debris pick up. WastePro lacking in their duties.*

*Terrance Freeman-PACE, an Energy Fund company, provided a brief overview to their services.*

## **E. MINUTES**

### **1. Minutes of the City Council**

**Pass**

**Motion made to Approve made by Vice Mayor Nobile and seconded by Council Member Shipley**

**Approved - 5 - Council Member Robert Cuff, Council Member Nick Klufas, Vice Mayor Steven Nobile, Council Member Heidi Shipley, Mayor Milissa Holland**

## **F. PROCLAMATIONS AND PRESENTATIONS**

### **2. PROCLAMATION DECLARING NOVEMBER 15, 2017 AS AMERICA RECYCLES DAY**

*CM Cuff presented this Proclamation to members of the City's Green Team.*

*Mayor Holland addressed Public Participation comments at 6:11 p.m. following the presentation of the Proclamation. Mr. Landon provided an overview to WastePro and storm debris pick-up.*

*PACE program-Mayor Holland-I am aware of this program. Mr. Landon-I believe this is a County program and we can have staff look into it. Mayor Holland requested Mr. Freeman to please give your information to Ms. Bevan.*

### **3. PROCLAMATION DESIGNATING NOVEMBER 17, 2017 AS WORLD DIABETES DAY**

*CM Klufas presented this Proclamation to representatives from Florida Hospital-Flagler.*

**4. PROCLAMATION DESIGNATING NOVEMBER 25, 2017 AS SMALL BUSINESS SATURDAY**

*VM Nobile presented this Proclamation to representatives from the Flagler Chamber of Commerce.*

**G. ORDINANCES SECOND READ**

**5. ORDINANCE 2017-XX REZONING 6.2+/- ACRES FROM PUBLIC/SEMI-PUBLIC TO NEIGHBORHOOD COMMERCIAL (COM-1), LOCATED ON THE SOUTH SIDE OF MATANZAS WOODS PKWY. BETWEEN BELLE TERRE PKWY AND OLD BELLE TERRE PKWY**

**O2017-20**

*City Attorney Reischmann read the title into the record. Reminded Council this is a quasi-judicial item. Mayor Holland called for any ex-parte communication. There was none.*

*Mr. Landon gave a brief summary of the item.*

*Public Comment:  
There were none.*

**Pass**

**Motion made to Adopted on second reading made by Vice Mayor Nobile and seconded by Council Member Cuff**

**Approved - 5 - Council Member Robert Cuff, Council Member Nick Klufas, Vice Mayor Steven Nobile, Council Member Heidi Shipley, Mayor Milissa Holland**

**H. ORDINANCES FIRST READ**

**6. ORDINANCE 2017-XX AMENDING CHAPTER 2, ADMINISTRATION, ARTICLE VI, RETIREMENT, DIVISION 2, VOLUNTEER FIREFIGHTER RETIREMENT SYSTEM AND TRUST FUND**

*City Attorney Reischmann read the title into the record.*

*Mr. Landon gave a brief summary of the item.*

*Public Comment*

*There were none.*

**Pass**

**Motion made to Approve made by Vice Mayor Nobile and seconded by Council Member Shipley**

**Approved - 5 - Council Member Robert Cuff, Council Member Nick Klufas, Vice Mayor Steven Nobile, Council Member Heidi Shipley, Mayor Milissa Holland**

- 7. ORDINANCE 2017-XX KINGS POINTE MULTI-FAMILY REZONING 11.33+/- ACRES FROM HIGH INTENSITY COMMERCIAL (COM-3) TO MULTI-FAMILY RESIDENTIAL (MFR-2), APPLICATION NO. 3421**

**Pass**

**Motion made to Approve made by Vice Mayor Nobile and seconded by Council Member Cuff**

**Approved - 5 - Council Member Robert Cuff, Council Member Nick Klufas, Vice Mayor Steven Nobile, Council Member Heidi Shipley, Mayor Milissa Holland**

*City Attorney Reischmann read the title into the record. Reminded Council this is a quasi-judicial item. Mayor Holland called for any ex-parte communication. There were none.*

*Mr. Landon gave a brief summary of the item. Mr. Bill Hoover presented a PowerPoint presentation, which is attached to these minutes.*

*VM Nobile-On the slide, that number for the units and acres, that does not include parking, it is just a formula, correct? Ans: Mr. Hoover-What you would expect is 12 units per acre is pretty common for a condo or an apartment complex across the State. It will usually give you two or three story buildings and you will have stormwater related to that as well as any wetland or preserve area, the parking, and the one thing is when you get to 100 units, usually if it is apartments you will have a professional management team, one will live on site and then you will also have recreational facilities for the residents. Ans: Mr. Landon-The calculation is gross; it includes everything. How many units you can have on a gross acre but you have to fit in all the other things.*

*CM Klufas-You spoke about the infrastructure as far as our roads are concerned, but what about our underlying infrastructure, such as sewer and water, is that capable of sustaining this type of project and where would that align with if it*

*remained in a commercial zoning? Ans: Mr. Hoover-The water and sewer is there and there is a pump station there. They would have to do an analysis to know if the existing sewage lift station can handle this, otherwise, they would have to put in another smaller unit to suffice for that.*

*CM Klufas-Do commercial lots have a tendency to use more? I assume they would use less than a residential usage (as far as sewage and water), is that true? Ans: Mr. Hoover-I would say yes, unless you have something like Coconuts car wash that is across the street. A car wash might use more than residential but I would say a multi-family would generally use more. A Wal-Mart does not use a lot of water and sewage.*

*Mr. Jay Livingston, on behalf of the Developer is here to answer questions.*

*CM Cuff-What is the applicants rationale to have the acreage rezoned being on either side of Old Kings Road right-of-way? Ans: Mr. Livingston-It is not on either side. The map is showing the old right-of-way, this split that you observe is the old right-of-way that still exists back in the woods. It is a unified piece. When the road was realigned, it essentially created this parcel coming off of Kings Point. (referred to slide of the rezoning map).*

*Public Comment:*

*Charles Ebert-Attended the PLDRB meeting. School issue for students in multi-family. Lift station on Old Kings Road. Road concerns and the impact of the area with this project.*

*Carl Murphy-Attended the PLDRB. Opposes the project.*

*Susan Murphy-Traffic concerns; expanded infrastructure, apartment dwellers treatment of their living space.*

*Lisa Zurheide?-Was there one public meeting or two? Progress-analyze the police force affect. Who is responsible to put in the lift station-developer or the City? Traffic concerns.*

*Tony Flores-here two years; pro-business person; shopping center is a simple shopping center; why not an anchor store? Apartments-consider selling part of it to the hospital for those that need housing. Can these apartments be for senior citizens? Lighting and the road floods.*

*Louis Zurheide-traffic issues; opposes project.*

*Linda Kendrick-concerned over the traffic and the road.*

*Mr. Tobin-Unusal to have a zoning change where you have a less intense use. Where would you put apartments in Palm Coast? This is an appropriate place. Supports the project.*

*Gretchen Smith-Newcomers that come to Flagler County that are looking for apartments, patio homes for those that are retired.*

*Mr. Jay Livingston-Rebuttal-*

*A few things need to be clarified. There was an important question about the lift station. Unless something wonderful has changed those lift stations are always designed and paid for by the developer/applicant. If you look at the box, the top of Kings Pointe, that is a lift station that serves that development and whatever it can serve. Whenever there is a site plan that comes in you actually know you density, you know your planned infrastructure. There will be an analysis done to determine if any additional utility infrastructure is needed to be installed and that would be on the applicant to know only pay for the design but also the installation costs.*

*Traffic-on the map all the red is commercial zoning; has been that way since around 2006, when those request for zoning were approved. The commercial designation has been there for a long time. Anchor stores-City Staff, myself and others involved worked very hard to get this road project approved. The right-of-way set aside, the realignment plan and design in order to bring in Wal-mart, which was supposed to be the anchor for this area, Wal-Mart unfortunately delayed due to the downturn, the lack of rooftops not built. We are hopeful that with the rooftops being brought in will drive the development. Initially it will take the impact off the road. The numbers that were put in the staff report about 4,000 trips versus 900 trips-that is the reality in terms of the generation of traffic. It should also be understood, the applicant/landowner, the landowner has contributed quite a bit towards the transportation infrastructure.....Housing-Senior housing, this is only for a rezoning but ultimately any housing project will be driven by the demographics; we are not at the point of housing yet.*

*Responses to Public Comments:*

*Mayor Holland-School district and limits (capacity)-Ans: Mr. Tyner-There was discussion with the school board. In our process with have an Interlocal Agreement with the County to assess for the level of service and capacity. At this level, where we are now with the zoning, it is a general statement, yes there is capacity, once they come in with a site plan, they will have to organize through the application process and the School Board is part of our application process. They will need to get approval from the School Board that there is capacity. If there is not capacity, then the Developer will then go into an agreement with the School Board. Ans: Mr. Landon-The capacity is there in the School District, but this one school may not have it. There is plenty of capacity district wide.*

*Traffic-Ans: Mr. Landon-Bill explained how commercial generates a lot more traffic than residential. It is about a quarter of what it would be, so as far as traffic impacts, multi-family is quite a bit less.*

*Lift Station-Ans: Mr. Adams-There seems to be some confusion about the lift stations, there is more than one lift station. As Mr. Livingston explained, the lift station that is closest to this project may or may not be used to serve this project. It is up to the Developer to make sure it has capacity for this project. If it means making it larger or upgrading the pumps, that would be on the Developer. The master lift station that is on Old Kings Road, that was recently upgraded has quite a bit of capacity because that is how we built it. As part of the major infrastructure, that is the community wide collection system and that is what you pay impact fees for, you pay impact fees to pay for sewer plant capacity and major sewer collection system capacity. The individual capacity to serve just that project will be on the Developer.*

*Police-Mayor Holland-We have had this come up with these types of projects in the past and there is no correlation between multi-family units compared to single family.*

*A rating road-Ans: Mr. Landon-A rating is based on volume. Is there significant capacity for the road to handle the volume? In other words, do you have to stop at red lights two or three times, is it causing backups, etc. Old Kings Road, whether it is four lane or two lane, I drive it all the time and you never have any problems with backups. Only place you may have it right now is at Palm Coast Parkway and that is in design to improve that intersection (CVS and McDonalds). It definitely handles the capacity.*

*Assessment District-Mr. Landon-the whole area is being paid for by an assessment district that the developer/property owners put together. That included Hidden Lakes and Toscana. However, we also charge each one of these developments impact fees as we do everywhere. All the residential projects, houses in Hidden Lakes paid the same impact fees as any other residential single-family residence. Those impact fees are a result of that district are going towards the future widening of Old Kings Road. The residents already contributed when they bought their home or whoever built their home towards those improvements. There is no additional assessment for those residents. The commercial area is different as it is based on acreage and some other calculations; they may have their assessment reduced based on the amount of impact fees they have to pay but there is a formula there as they develop. You cannot double dip, you cannot make them pay impact fees to widen the road and the assessment but that won't impact the residential existing or future single family residential properties in Hidden Lakes and Toscana.*

*Notice for the 300 feet-Ans: Mr. Reischmann-It is set by State law and in our Land Development Code. The distance is set forth in the Land Development Code and the statutes as required.*

*Mr. Landon explained there are two separate meetings (both required by code). One for the developer to hold a neighborhood meeting, a Neighborhood Information Meeting, which is separate from a Planning Board Meeting and City Council, that is the one nobody attended. The other one was the Planning and Land Development Regulation Board meeting, which makes the recommendation to City Council. That one, there were residents from Hidden Lakes, maybe Toscana that attended that meeting.*

*Attorney Reischmann clarified that before Council this evening is a rezoning of the property, not the project.*

## **I. RESOLUTIONS**

### **8. RESOLUTION 2017-XX BROWNFIELD AREA DESIGNATION**

*Mr. Landon provided a brief overview to this item. Mr. Falgout presented a map of the area requesting the Brownfield designation.*

*CM Klufas-Is this designation to Brownfield required before they start the remediation of the kiln dust? Ans: Mr. Falgout-In order to access the incentives and the credits it is required.*

*Mayor Holland-I dealt with this property when I was on the County Commission, CKD was a serious issue back then, I know that DEP was requiring the land owner to either encapsulate it, so it would not go airborne, is that still the discussion point as to how you are going to clean up the property and has it been addressed yet? Ans: Michael Tyler, Attorney from Cobb Cole, representing the applicant Sunbelt-The cement kiln dust is not a regulated DEP substance but it is composed of aluminum, limestone, iron and other materials that are regulated. There is a known issue out at the site related to the previous operation of the cement plant. There is a remedial action plan that the previous owner had approved by DEP for management of the cement kiln dust, testing of the site and encapsulation of it in an area that would not be developed with a deed restriction on place prohibiting that development. Our client is evaluating that plan to see how that fits into their overall development. Use of the State's Brownfield program benefits, tax credits, liability protection that Beau mentioned will help facilitate that decision.*

*Public Comments:  
There were none.*

*This item did not require action; this item was continued to November 21, 2017.*

## **J. CONSENT**

- 9. RESOLUTION 2017-XX APPROVING A CONTRACT WITH S.E. CLINE FOR THE INSTALLATION OF 18 VALVES ON THE DUAL MEDIA WATER FILTERS FOR WATER TREATMENT PLANT 1**

**R2017-136**

**Pass**

**Motion made to Adopted on consent made by Vice Mayor Nobile and seconded by Mayor Holland**

**Approved - 5 - Council Member Robert Cuff, Council Member Nick Klufas, Vice Mayor Steven Nobile, Council Member Heidi Shipley, Mayor Milissa Holland**

- 10. RESOLUTION 2017-XX DONATION OF TWO SURPLUS FIRE APPARATUS**

**R2017-137**

**Pass**

**Motion made to Adopted on consent made by Vice Mayor Nobile and seconded by Council Member Shipley**



**Approved - 5 - Council Member Robert Cuff, Council Member Nick Klufas, Vice Mayor Steven Nobile, Council Member Heidi Shipley, Mayor Milissa Holland**

**11. RESOLUTION 2017-XX APPROVING THE CULTURAL ARTS GRANTS FOR A TOTAL OF \$30,000 FOR THE FISCAL YEAR 2017-2018**

**R2017-138**

**Pass**

**Motion made to Adopted on consent made by Vice Mayor Nobile and seconded by Council Member Shipley**

**Approved - 5 - Council Member Robert Cuff, Council Member Nick Klufas, Vice Mayor Steven Nobile, Council Member Heidi Shipley, Mayor Milissa Holland**

**K. PUBLIC PARTICIPATION**

Remainder of Public Participation limited to three (3) minutes each

*Kimble Medley-Opposing current Charter review process.*

*Jack Carall-falling fence ns on Belle Terre look horrible.*

*Charles Ebert-would like to see more respect and consideration for the public.*

*Louis McCarthy-At last workshop, debris clearing from properties. Debris has been cleared. Charter review-where are all the people-the average attendance was 10 people. Things could be worse and could be better but it is a whole lot better than it is worse.*

*Steven Carr-Florida Park Drive traffic.*

*Responses to public comments:*

*Mayor Holland thanked all commenters for their comments acknowledging all speakers individually.*

**L. DISCUSSION BY CITY COUNCIL OF MATTERS NOT ON THE AGENDA**

*CM Cuff-assuming we will be getting a report soon on the costs to the storm clean up. Would like to know the numbers of reimbursable amounts and those not reimbursable.*

*CM Klufas-School zone drop off cutting lines and it is getting dangerous. Not really our responsibility but with our contract with the Sheriff's office; vacant lots and beautification.*

*School zone-Ans: Mr. Landon-The school district officials and the sheriff deputies and the City all work together on it. It is really bad behavior of the*

parents. If we are aware of the situation, we bring it to the Sheriff's office and they do a knock and talk.

Vacant lots-Ans: Mr. Landon-we will bring something to you so you can have discussions.

CM Shipley-Charter review concerns-The intent from City Council is to do a charter review. So however a charter review is supposed to be done, we are in the middle of a charter review right now. I understand that the charter itself says it has to be done by a committee elected by us. We opted out of that and we are doing a charter review with everyone. We are allowing many meetings and even meetings after these meetings are closed, we have time for people to get up and speak about their ideas. I understand that people think we are listening to their ideas and then we will not take it into consideration but we have asked for a summary of everything that people have said, not just at the meetings, cause there was a low turn out but also people that write into us personally, people that write in and post it to our website. We will take all of that. I have faith that all of us together will do the right thing. If something has come out to be changed that the people of Palm Coast really want changed, I believe we will do it. That was the idea we had when we went this route. I know you are not happy with the process and I am not really sure I am really happy with the process now that I have heard it all but I think in the long run, everyone will be involved in this first charter and I think it will end up being a summary of what everyone can be happy with.

**M. DISCUSSION BY CITY ATTORNEY OF MATTERS NOT ON THE AGENDA**

*Nothing at this time.*

**N. DISCUSSION BY CITY MANAGER OF MATTERS NOT ON THE AGENDA**

*Mr. Landon provided an overview to the storm debris pickup. Cost issue-at your next workshop there will be a budget amendment that was caused by Irma. Two hurricanes hit last fiscal year. We will give you a rough estimate next week and then bring you a final report. As of today, we instructed WastePro to go back to regular service. They will not pick up the big piles, we will have crews coming in behind them on second pass.*

*Finance has received two national awards-Government Finance Association award the Achievement in Excellence in Financial Reporting award and the Popular Annual Financial Reporting for Outstanding Achievement award.*

*Veterans Day memorial service will be at Heroes Park on Veteran's Day, Saturday, November 11, 2017 @ 8:00 a.m.*

*Fire Department-Car seat installation.*

*Turkey frying safety tip coming soon.*

**O. ADJOURNMENT**

*The meeting was adjourned at 7:58 P.M.*

*Respectfully submitted by: Virginia A. Smith, MMC  
City Clerk*

**12. CALENDAR/WORKSHEET**

**13. ATTACHMENTS TO MINUTES**