



**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 Robert G. Cuff
Council Member Nick Klufas
Council Member Vincent Lyon
Council Member Heidi Shipley**

Tuesday, September 4, 2018

6:00 PM

CITY HALL

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.

CALL TO ORDER

Mayor Holland called the meeting to order at 6:00 p.m.

PLEDGE OF ALLEGIANCE TO THE FLAG

ROLL CALL

Present and responding to roll call were the following:

Council:	Robert Cuff
	Nick Klufas
	Milissa Holland
	Vincent Lyon
Absent	
Council:	Heidi Shipley

City Clerk Virginia Smith called the roll. CM Shipley was absent.

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.

Jon Netts spoke of the State mandate regarding dangerous dog's second offense dictates the animal must be euthanized. He suggested that now that there are options it might be advantageous to call upon the State Legislature to make changes to the law.

Jack Howell volunteered to fly "Cooper" to the facility where he can live out his life. He also believes that there should be a change in the law.

Steve Carr thanked Council for the traffic study Florida Park Drive.

Robert MacDonald spoke regarding Code enforcement violation in the R section. He spoke of his experience regarding making a public records request at City Hall.

Armando Gomez received a code enforcement violation for his above ground pool and spoke of his concerns and asked how to cure his violation.

Melissa Parajos expressed her concerns re: Cooper, dangerous dog.

John Brady also expressed his concerns regarding Cooper and asked about another animal case.

Pat Haines expressed her concerns re: Cooper.

Jack Carall had a few questions regarding the capital improvement projects. He felt there was a lot of funding budgeted for sports.

Renee Deconsenso spoke of the warning signs a dog exhibits when a dog will bite.

Responses to Public Comments:

Cooper- - Attorney Reischmann responded an explanation regarding the legislature regarding dangerous dogs. He spoke of the history of Cooper.

Code Enforcement and Public Records Request - Attorney Reischmann provided an overview to City's Public Records procedures. Mr. Landon explained the process of public records and their availability.

Pool Violation-Mr. Landon requested Steve Flanagan to speak with Armando.

Capital projects-Mr. Landon provided an explanation of capital projects and the 5 year plan.

MINUTES

1 CITY COUNCIL MINUTES AUGUST 21, 2018 BUSINESS MEETING AUGUST 28, 2018 WORKSHOP

Pass

Motion made to approve by Council Member Klufas and seconded by Vice Mayor Cuff

Approved - 4 - Vice Mayor Robert Cuff, Council Member Nick Klufas, Mayor Milissa Holland, Council Member Vincent Lyon

PROCLAMATIONS AND PRESENTATIONS

2 PROCLAMATION RECOGNIZING SEPTEMBER 7, 2018 THROUGH SEPTEMBER 30, 2018 AS PALM COAST AND THE FLAGLER BEACHES SENIOR GAMES WEEKS

CM Klufas presented this Proclamation to representatives of the City's Parks and Recreation Department.

3 PRESENTATION PHOTO CONTEST AWARDS

Ms. Cindi Lane and Jason Giraulo presented the awards to this year's photo contest winners.

ORDINANCES FIRST READ

4 ORDINANCE 2018-XX AMENDING THE TOWN CENTER MPD TO ALLOW PARKING CANOPIES IN LIEU OF GARAGES FOR MULTIFAMILY DEVELOPMENT IN THE URBAN CORE OF TOWN CENTER

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

Ms. Ida Meehan provided a PowerPoint presentation, which is attached to these minutes.

Public Comment:

Mr. Nieleback -Modernization of going solar.

Walter Douglas, Douglas Developer-Solar Options, encouraged growth.

Tom Olsner offered his solar experience to the City.

Jack Carall during a hurricane, what protections are there for the canopies?

Responses to Public Comments:

Mayor Holland thanked everyone for their comments.

Pass

Motion made to approve by Council Member Klufas and seconded by Vice Mayor Cuff

Approved - 4 - Vice Mayor Robert Cuff, Council Member Nick Klufas, Mayor Milissa Holland, Council Member Vincent Lyon

5 ORDINANCE 2018-XX TO REZONE 6.3 ACRES GENERALLY LOCATED EAST OF OLD KINGS ROAD N. AND NORTH OF OAK TRAIL BLVD. FROM NEIGHBORHOOD COMMERCIAL (COM-1) AND ESTATE-1 (EST-1) TO MULTIFAMILY RESIDENTIAL-2 (MFR-2)

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

Ms. Ida Meehan provided a PowerPoint presentation, which is attached to these minutes.

Mac Rossman of the Richman Group provided a PowerPoint presentation to Council, which is attached to these minutes.

Public Comment

Mr. Nieleback-Two entrances-one off of OKR-what part is Section 8? What are the income restrictions?

Robert MacDonald-Do we have a maximum occupancy? Height restrictions?

Ashley Kertz-Residents are confused at this location choice. Traffic concerns. Power outages.

Mike Felmar-Same concerns as previous speaker as well as problems that existed with project recently with the wildlife.

George Mayo asked about Grandparents raising grandchildren and if they will they be allowed in the development and how would you enforce it?

Responses to Public Comments:

Two entrances-Ans: Ray Tyner provided a brief overview to the rezoning and site plan issues. The questions received were indicative of a site plan review. The item was to request a zoning change.

Section 8 Housing-Ans: Mayor Holland: We cannot restrict housing. There are voucher residents throughout the City of Palm Coast now.

Grandparents and restrictions-Ans: Mr. Tyner - The code provides the limitations on size; 55 and over and schooling would be addressed during site plan.

Elevators-Ans: Mayor Holland-This will be addressed later.

Motion by VM Cuff to deny. Motion failed for lack of a second.

Motion by CM Klufas to table for further information regarding the acreage.

Motion failed for lack of a second.

Motion by VM Cuff to approve, which was seconded by CM Lyon. Motion passed unanimously.

Pass

Motion made to approve by Vice Mayor Cuff and seconded by Council Member Lyon

Approved - 4 - Vice Mayor Robert Cuff, Council Member Nick Klufas, Mayor Milissa Holland, Council Member Vincent Lyon

6 ORDINANCE 2018-XX TO REZONE 116 ACRES LOCATED NORTH OF WHITEVIEW PKWY AND SOUTH OF PINE LAKES PKWY FROM COMMERCIAL -2 (COM-2) TO MASTER PLANNED DEVELOPMENT (MPD).

City Attorney Reischmann read the title into the record.

CM Lyon declared a conflict and will complete the necessary form stating such. Attorney Reischmann 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.

Ms. Ida Meehan provided a PowerPoint presentation, which is attached to these minutes.

Applicant's attorney, Michael Chiumento provided Council with additional information on the rezoning. He was available for questions.

Public Comments:

Mr. Nieleback-Can't we get these developers to come to Town Center and develop?

Ursula Roth-Opposes the development. Experiences sewer and stormwater issues.

Robert MacDonald-Height measurements.

Jean Draker-When does site plan get proposed? 210 units on small area of land. Traffic from additional units.

John Brady-Whiteview Parkway being reduced and additional housing.

Alan Peterson-Commercial property being chipped away over the years. Would like to see a large tract of land remain commercial. Impacts to Whiteview Parkway and Pine Lakes Parkway.

Maria Moffie-Would like more information on this project.

Responses to Public Comments:

Development-Ans: Mayor Holland-Property rights. It is illegal for us to tell people they can't develop their property.

Drainage -Pritchard Dr. Ans: Mr. Tyner-provided an overview to the project and that the concerns would be addressed during site plan. Mr. Landon explained that the sewer capacity and the drainage issues are being addressed.

Fire Truck-Ans: Mr. Landon-7 stories-70 stories is what a fire truck can typically go up. Mr. Tyner explained the maximum is 100' estimate but would be addressed in the development agreement.

Traffic counts-Ans: Mr. Tyner-provided an explanation of commercial development versus this proposal.

More information-Ms. Meehan will work with the resident. Attorney Reischmann explained that the MPD attached in the agenda item provides a lot of the details.

Commercial Properties-Ans: Mr. Landon explained the balance between commercial industrial and residential.

Pass

Motion made to approve made by Council Member Klufas and seconded by Vice Mayor Cuff

Approved - 3 - Vice Mayor Robert Cuff, Council Member Nick Klufas, Mayor Milissa Holland

RESOLUTIONS

- 7 **RESOLUTION 2018-XX APPROVING THE ADOPTION OF REVISED RATES FOR MONTHLY WATER, WASTEWATER AND MISCELLANEOUS RATES, FEES AND CHARGES FOR THE FUTURE.**

R20180115

Mr. Landon provided a brief overview to this item. Mr. Richard Adams and Robert Ori of PRMG provided a PowerPoint presentation, which is attached to these minutes.

Council held a detailed discussion on this item.

Public Comments:

Jon Netts-spoke of the history of the utility system the City purchased.

Alan Peterson-method of how the raise will take place.

Jason DeLorenzo of the Flagler Home Builders Association-requested more time to look at the study and share some information with Council. Would like to have a stakeholders meeting.

George Mayo-County utility rates and impact fees. Septic tank usage. Commended utility department for their water quality and service.

Responses to Public Comments:

Incentives-Ans: Mr. Landon - Richard, correct me if I am wrong, we have a tier system for usage? Mr. Adams provided an overview to the tier system and fees.

Stakeholders Meeting - Ans: Mayor Holland-Would like to start that conversation. Mr. Landon committed to the pricing does not go into effect for 90 days.

Pass

Motion made to approve made by Vice Mayor Cuff and seconded by Council Member Klufas

Approved - 4 - Vice Mayor Robert Cuff, Council Member Nick Klufas, Mayor Milissa Holland, Council Member Vincent Lyon

- 8 **RESOLUTION 2018-XX APPROVING PIGGYBACKING THE CITY OF COCONUT CREEK CONTRACT, WITH CITYSCAPE CONSULTING, INC., IN THE AMOUNT OF \$35,000, TO UTILIZE PRICING FOR WIRELESS COMMUNICATION SITE MANAGEMENT AND PERMITTING**

R20180116

Mr. Landon provided a brief overview to this item.

*Public Comments:
There were none.*

Pass

Motion made to approve made by Council Member Klufas and seconded by Vice Mayor Cuff

Approved - 4 - Vice Mayor Robert Cuff, Council Member Nick Klufas, Mayor Milissa Holland, Council Member Vincent Lyon

PUBLIC PARTICIPATION

Remainder of Public Comments is limited to three (3) minutes each.

Mr. Nieleback-Town Center business growth.

Dennis McDonald-Cooper, dangerous dog. He suggested we see how this has been done in other municipalities and see if we can take an opportunity to save the dog.

Responses to Public Comments:

Attorney Reischmann provided an overview to the appellate process relating to the dangerous dog, Cooper.

DISCUSSION BY CITY COUNCIL OF MATTERS NOT ON THE AGENDA

CM Lyon spoke of the dangerous dog, Cooper. He urged residents to write to the legislatures. Ans: Attorney Reischmann-It would entail the legislature changing the law.

DISCUSSION BY CITY ATTORNEY OF MATTERS NOT ON THE AGENDA

Nothing at this time.

DISCUSSION BY CITY MANAGER OF MATTERS NOT ON THE AGENDA

Mr. Landon announced the Budget Hearings will be held tomorrow at 5:05 pm here at City Hall. September 19 @ 5:05 pm here at City Hall.

Waterway cleanup is this Saturday at 8:00 @ the Community Center.

ADJOURNMENT

The meeting was adjourned at 9:35 p.m.

Respectfully submitted:

*Virginia A. Smith, MMC
City Clerk*