



MINUTES
January 21, 2003
Regular Meeting
Palm Coast Community Center
9:00 A.M.

Council Members:

James V. Canfield, Mayor
Jon Netts, Vice-Mayor (District 2)
Ralph Carter (District 4)
Thomas E. Lawrence (District 3)
William Venne (District 1)

Staff

Richard M. Kelton, City Manager
City Attorney
Carol Goewey, Acting Secretary

1. Call to Order.

Meeting was called to order at 9:00 a.m.

2. Pledge of Allegiance.

3. Roll Call.

Acting Secretary called the roll. All members were present.

4. Approval of Minutes

- a. January 3, 2003 City Manager Evaluation Workshop
- b. January 7, 2003 Regular Meeting
- c. January 8, 2003 Level of Service Workshop
- d. January 9 and 10, 2003 Goal Setting Workshop

Council Member Lawrence requested a change to minutes of January 7, 2003, page 3, regarding postponement on the final vote on Ordinance relating to damage to public roads. Minutes should reflect that the reason for postponement is to allow time for review with City Staff and the Homebuilders Association.

A motion was made by Council Member Lawrence for approval of above-noted minutes. Council Member Carter seconded the motion, which passed 5 to 0.

5. Randi Busch, Chair of the Flagler Beach City Commission, presented information regarding the Charrett for AIA and downtown Flagler. She encouraged participation by Flagler County residents in the planning of AIA improvements (façades of buildings, streets, etc). She stated this document would become part of the comprehensive plan for Flagler Beach and AIA. The committee will work with Flagler County. The study is being underwritten by the Treasure Coast Planning Council as they have experience and specialize in this type of planning.

No public comments.

6. Lions Club Proclamation.

Mayor presented Proclamation to Lions Club representatives establishing February 14, 15, and 16, 2003 as Lions White Cane Days. Lion's representative stated the Club is committed to serve Flagler County, stating their motto is "We Serve".

7. Presentation of Audit Report.

Finance Director Ray Britt and Kelly Leary, representative from McDirmit, Davis and Puckett presented the Audit Report for period ending September 30, 2002. Ms. Leary gave an overview of the audit report noting tax revenues increased by \$3 million and building permit revenues increased substantially. She commended Mr. Britt and his staff for their work. She noted the City was awarded the GFOA Certificate of Achievement, which is a very prestigious award. She stated there were no comments or recommendations for this year's audit.

Vice-Mayor Netts would like it noted that the Purchasing Policy is now in place and it should be recognized, as it was a recommendation of last year's audit.

Ms. Leary answered questions regarding the audit from Council members.

Public Comments:

Mike Arato

Ms. Leary explained an unqualified opinion states there were no material errors found, without exception.

Mr. Britt introduced his staff and gave credit to their work.

Council added their appreciation to Mr. Britt and his staff. Mayor stated Mr. Kelton had told him they would receive this prestigious award and he recognized Mr. Kelton for his staff's achievements.

A motion was made by Mr. Carter to approve the Audit Report for year ending September 30, 2002. Mr. Lawrence seconded the motion, which passed 5 to 0.

8. Second reading **ORDINANCE 2003-XX RELATING TO THE RESPONSIBILITY FOR DAMAGE TO PUBLIC ROADS, RIGHTS-OF-WAY, SWALES, DRAINAGE SYSTEMS OR OTHER SIMILAR FACILITIES** (continued from meeting of January 7, 2003).

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM COAST, FLORIDA RELATING TO RESPONSIBILITY FOR DAMAGE TO PUBLIC ROADS, RIGHTS-OF-WAY, SWALES, DRAINAGE SYSTEMS OR OTHER SIMILAR FACILITIES; PROVIDING FOR LEGISLATIVE INTENT AND FINDINGS; PROVIDING FOR RESPONSIBILITY UPON THE OWNER, CONTRACTOR, SUPPLIER, UTILITY COMPANY, OR OTHER PARTIES CAUSING DAMAGE; PROVIDING FOR PAYMENT FOR DAMAGE; PROVIDING FOR THE ESTABLISHMENT OF A DAMAGE VALUATION PER SQUARE FOOT OF VALUE BY ADOPTION OF A RESOLUTION BY THE CITY COUNCIL; PROVIDING FOR DEFINITIONS; PROVIDING FOR ESTIMATING DAMAGE; PROVIDING FOR REPAIRS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION AND PROVIDING AN EFFECTIVE DATE.

Mr. Colbert read the title into the record. Mr. Kelton stated the only change from last reading is the amount of annual deposit was changed to \$2,000 from \$500. Mr. Kelton recommends adoption of Ordinance. Mr. Colbert noted that the definition of vicinity was broadened to include adjacent lots.

A discussion took place regarding pre-inspection, staff capability, flat fee and contractor appeal process. Mr. Kelton stated a meeting was held with a group of homebuilders for their input regarding the Ordinance.

Public comments: Unidentified resident

A motion was made by Mr. Venne to adopt Ordinance 2003-xx relating to the responsibility for damage to public roads, rights-of-way, swales, drainage systems or other similar facilities. Mr. Lawrence seconded the motion, which passed 5 to 0.

9. RESOLUTION 2003-XX PROVIDING FOR FEES RELATING TO DAMAGES TO PUBLIC ROADS, RIGHTS-OF-WAY, SWALES, DRAINAGE SYSTEMS OR OTHER SIMILAR FACILITIES.

Mr. Colbert read the Resolution into the record. Mr. Kelton stated the document contains changes made after meeting with homebuilders.

Council discussed this resolution.

Public comment – unidentified resident.

A motion was made by Vice-Mayor Netts to adopt Resolution 2003-xx providing for fees relating to damages to public roads, rights-of-way, swales, drainage systems or other similar facilities Mr. Carter seconded the motion, which passed 5 to 0.

10. Second reading ORDINANCE 2003-XX APPLICATION LU-MIN-03-01; SMALL SCALE LAND USE AMENDMENT OF LOTS 12 AND 13 COMPRISING 8.23+/- ACRES, FROM COMMERCIAL (HIGH INTENSITY) TO MEDIUM DENSITY RESIDENTIAL; APPLICANT: ART M. BARR, AGENT, BRATLOFF COMMUNITIES.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM COAST, FLORIDA, AMENDING ORDINANCE NO. 2002-02 COMPREHENSIVE PLAN OF PALM COAST (ORDINANCE NO. 90-4 COMPREHENSIVE LAND USE PLAN OF FLAGLER COUNTY, FLORIDA, AS PREVIOUSLY AMENDED, PURSUANT TO CHAPTER 99-448, LAWS OF FLORIDA), MORE PARTICULARLY AMENDING THE FUTURE LAND USE MAP FOR LOTS 12 AND 13 IN PALM HARBOR CENTER REPLAT COMPRISING 8.23+/-ACRES OFF THE WESTSIDE OF FLORIDA PARK DRIVE AND NORTH OF PALM COAST PARKWAY WESTBOUND, FROM A FUTURE LAND USE MAP DESIGNATION OF COMMERCIAL HIGH INTENSITY TO A FUTURE LAND USE MAP DESIGNATION OF MEDIUM DENSITY RESIDENTIAL; PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.

Mr. Jason Gambone, Development Services Director, gave a brief summary of this Ordinance, noting that the parcel consists of 8.23 acres located to the north and behind Publix on the west side of Florida Park Drive. The application is for small-scale future land use. The parcel is currently zoned high intensity commercial. Ordinance would change this to medium density residential. Mr. Gambone believes this is a better use of the property and may also reduce the potential of a traffic problem. Homes would generate approximately 300 trips per day, which would be much higher if used as commercial. This item was unanimously approved at first reading.

Mr. Barr, the applicant and agent for the developers, stated they are ready to move forward with the second phase of this project.

Vice-Mayor Netts reminded Mr. Barr of his commitment to attempt to funnel the traffic onto Old Kings Road to alleviate heavy traffic onto Florida Park Drive. Mr. Barr stated he is working closely with the City and City Engineer, and stated he will put a turn lane on Florida Park. There is a connection between this phase and first phase to get to Old Kings Road.

No further Council comments.

Public comments: Unidentified resident

A motion was made by Mr. Lawrence to adopt Ordinance 2003-xx application LU-MIN-03-01; small scale land use amendment of lots 12 and 13 comprising 8.23+/- acres, from commercial (high intensity) to medium density residential; applicant: Art M. Barr, agent, Bratloff Communities. Mr. Venne seconded the motion, which passed 5 to 0.

11. Second reading **ORDINANCE 2003-XX RELATING TO APPLICATION NO. RZ-PUD-03-0A.**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM COAST, FLORIDA, AMENDING THE CITY OF PALM COAST OFFICIAL ZONING DISTRICT MAP AS ESTABLISHED IN ARTICLE III, ZONING DISTRICT REGULATIONS SECTION 3.01.01 THROUGH 3.01.03 OF THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF PALM COAST, FLORIDA, AS AMENDED AND SUPPLEMENTED; CHANGING THE ZONING CLASSIFICATION OF LOTS 12 & 13, PALM HARBOR CENTER REPLAT, AS DESCRIBED IN SECTION I OF THIS ORDINANCE FROM THE C-2 GENERAL COMMERCIAL AND SHOPPING CENTER DISTRICT CLASSIFICATION TO THE PUD PLANNED UNIT DEVELOPMENT IN ORDER TO CREATE THE ARBOR TRACE II AT PALM HARBOR PUD AS REFERENCED IN SECTION II OF THIS ORDINANCE; PROVIDING FOR CONFLICTS; SEVERABILITY; AND AN EFFECTIVE DATE.

Mr. Colbert read the Ordinance into the record. Mr. Gambone gave a brief summary of this ordinance noting that it is the same subject property. Applicant is requesting rezoning from the current designation of C-2 general commercial and shopping center district classification to Planned Unit Development in order to create Arbor Trace II.

Public comments – Unidentified

A motion was made by Mr. Venne to adopt the **Ordinance 2003-xx relating to Application No. RZ-PUD-03-0A.** Mr. Lawrence seconded the motion, which passed 5 to 0.

The meeting recessed at 10:30 a.m. and resumed at 10:40 a.m.

12. **APPLICATION NO. PK-FLX-03-01 HOME DEPOT REQUEST FOR PARKING FLEXIBILITY; LOT 1, HOME DEPOT CENTER PLAZA SUBDIVISION (10 GARDEN STREET NORTH).**

Mr. Gambone gave the staff report noting that Home Depot is proposing a 129,000 square foot under roof building on Lot 1 of the subdivision. The City Code requires 647 parking spaces. Home Depot is requesting to reduce that number to 559 spaces, which is a reduction of 88 parking spaces or a 14% deviation. City regulations allow Council to grant this request following review by the PLDRB.

Mr. Paul Harden of Home Depot stated of the 647 spaces that are required, 70% of the site would be an impervious area. If flexibility is granted, that would be reduced to 66% impervious area and would provide for an additional ½ acre of green space on the plan along the northern perimeter. The current buffer is 33 feet, which would be increased to 89 feet in width. Home Depot did an extensive parking study, and evaluated 43 of their current stores across the country, 8 in Florida. The study clearly showed 559 spaces would provide ample parking.

Mr. Kelton advised the sidewalk on Pine Lakes is in its elementary stages. We are waiting for state approval so we will get reimbursement from the state.

Mr. Kelton noted that Palm Coast Service Corporation is a separate entity from the City. He explained it is a large homeowners association that has responsibility for the major components of the drainage system and covenants and restrictions. The payment for \$30 is an assessment they make based on their authority.

16. Discussion by Council of Matters not on Agenda

Mr. Lawrence requested the voice mail for City Hall be changed on holidays to reflect the City Hall hours of operation. He also suggested preplanning construction in the City to ensure we do not cause a traffic problem before we are in the middle of the problem. Mr. Lawrence would like high-speed Internet service, broadband fiber optic systems investigated. Mr. Lawrence advised Tuesday at 4:30 the Chamber of Commerce is hosting a mixer to which Council is invited.

Mr. Venne requested the tree ordinance be reviewed by City staff. He believes it may need to be revised to accommodate certain homeowner situations. Homeowners would still need a permit if they were cutting protected trees.

Mr. Carter suggested "No Littering" signs be posted on Belle Terre and in the Quail Hollow area, and fines be invoked.

Mr. Netts complimented the editorial staff of both newspapers for their articles regarding Florida Water and thanked them for their support. He asked Captain Carmen to investigate speed limits on Rymfire. Mr. Kelton stated the City Engineer is looking at speed limits throughout the City at the present time, and will be developing a plan to correct speed limits.

Mayor Canfield would like the City Hall location placed on the Agenda for the next public meeting. He would like to establish a selection process and timetable so the public is aware of what is going on and so they can be involved in the process. Mayor Canfield asked what the process for instituting the goals was. Mr. Kelton stated one of the goals is to pick two sites for the City Hall by May. Mr. Kelton will meet with staff and do individual assignments for who is lead on each of the goals. The Palm Coast newsletter will inform the public we will be looking at sites for the new City Hall.

17. Discussion by Staff of Matters not on Agenda.

Mr. Kelton stated one of our goals was to have a joint meeting with the PCCSC Board. Proposed dates are February 17 or February 21, at 10:00 a.m. to be held at the Palm Coast Community Center.

January 28, at 9:30 a.m., a conflict resolution meeting conference call will be held with the Administrators of Gulf Breeze and Milton and Florida Water Services authority. It will be held in the conference room at City Hall and the public is invited.

Mr. Britt noted copies of the Audit Report will be available at the Library, City Hall and the Community Center. It will also be posted on the website.

Mayor Canfield moved the Council Workshop to 2:00 p.m. Meeting was recessed at 12:10 p.m. and resumed at 2:00 p.m.

Palm Coast Service Corporation meeting date was set for February 21st.

18. Road Resurfacing Project for 2003.

Mr. Kelton gave a brief summary of the Street Resurfacing Project as part of the Council's goal setting and noted that staff will report on the status of street resurfacing over the past 2 – 3 years and discuss the 2003 program.

Mr. Bill Tredik, City Engineer discussed the type of street base the City currently has and the cracking of the streets. He stated a typical roadway structure has three layers, a sub-base, soil cement base, and asphalt. He discussed micro surfacing, chip seal, and overlay, explaining the pros and cons of each.

He stated Palm Coast has approximately 130 miles of type A roadways that are in immediate need of some form of repair.

Council members discussed the appropriateness of the types of resurfacing and repairing streets where no homes are located. Mr. Kelton stated arterial and collector streets need improving.

After discussion, Messrs. Gilley, Tredik and City Manager Kelton proposed repairing all A type streets this next year. Mr. Kelton explained the purpose of completing all A streets this year, and moving on to B and C type streets in the following years. Last year, 57 miles of streets were repaired. This year, 70 miles or more of streets will be repaired.

There is also a safety capacity involved. Palm Harbor Parkway needs resurfacing. It is a collector street with no shoulders. There are potholes on the edge of pavement. It is advisable to add paved shoulders, and provide a bike lane, which would eliminate vehicles dropping their wheels off the street at the same time. Mr. Kelton noted the demand for pathways. This procedure would meet some of the demand for more pathways, while ensuring safety at a reasonable cost.

Mr. Tredik stated a rough estimate cost of \$450,000 to fix all type A streets.

Mr. Kelton advised that of the 75 – 80 miles of street that we have resurfaced in the last two years, there were 2 small sections of street where we had to redo the base. Mr. Tredik stated most of the settling of the streets has already happened, and he would like to get a pavement management plan going on all the streets. Mr. Gilley stated over a 7-year period the County did 74 miles of street resurfacing, at a cost of \$1.8 million. During the first two years of City work, we have exceeded that amount. Mr. Gilley suggests exploring alternatives for micro surfacing and chip seal. He suggests micro surfacing in areas where no one lives. Mr. Kelton stated that of the A streets, there are probably 250 – 300 street segments. Of that group, there are probably 50 – 60 that have no houses, and 15 – 20 where there is one house every quarter mile. Those are the ones that would have chip seal, maybe micro seal

The Mayor feels we need to educate the public so they know exactly what we are doing and why. He further suggested providing a flyer to each house on the street to be fixed explaining why cracks may appear.

Mr. Kelton stated that can be accomplished through the newsletter, answering phone calls, and how Council responds to the public when they get calls. He suggested looking first to the newsletter and reinforce with how we communicate with citizens one on one.

Mr. Lawrence suggested setting standards for repairing streets, i.e., if a street is in one condition, this is the treatment we will provide, etc. Divide the streets into categories so citizens have answers regarding their street repairs.

Mayor Canfield feels this may make the best economic sense, but not good public relations sense. The citizens will perceive that we are paving streets that no one lives on, and not their streets.

Mr. Kelton stated every neighborhood will be getting some treatment throughout the City.

Mr. Kelton stated if we are trying to attract larger homes, upper scale homes, we would not get that with streets that are in poor shape.

Mr. Netts feels that if we wait, we will have to rebuild, not resurface and it makes sense to do something to protect what we have.

Mayor Canfield stated the Informed Citizen Group would like to see a comprehensive plan on how we are going to solve the street situation for the next year and maybe ten years. He questioned if such a plan is being developed.

Mr. Kelton stated a pavement management system was one of the goals for last year and resulted in the classification of streets, As, Bs and Cs. Basically all the streets were built the same way. They were all built within the same 5 – 7 year window and are about the same age. Staff is looking for direction from Council on how they want to proceed with the paving of the City Streets. Mr. Britt advised Council on how all the A streets could be done within our capital outlay with the understanding that money will be replaced from the ½ sales tax and gas tax.

Mr. Gilley stated to repair all the A type streets in asphalt would cost \$4 million. To do everything talked about today, it would be closer to \$5 million. Mr. Kelton stated staff can come back to Council and advise how many miles we are doing with each treatment, and an estimated cost. Mr. Britt stated during the 8 month period of collecting the ½ cent sales tax, we will collect approximately \$882,000. There was \$250,000 in capital projects fund. We have \$750,000 budgeted for streets out of the new ½ sales tax money.

Mr. Kelton stated there is \$2 million budgeted for street resurfacing. He is proposing accelerating the program using the same amount of money. It is a matter of changing the timing. We have cash in the capital outlay fund.

Mr. Venne suggested getting a consensus on whether we should accelerate the program.

Mayor Canfield feels we told the public if they pass the ½ penny sales tax, we would fix the streets in ten years and feels we should stick to that timetable.

Mr. Lawrence feels there is a public information problem; there will still be people saying their streets are not getting fixed.

Mr. Venne feels there is a monetary advantage in accelerating from a cost efficiency standpoint.

Mr. Kelton stated, there is the added benefit of not having builders paying a flat fee on A streets, having a larger contract may put us in a better position on bidding. If Council would like to accelerate the program, staff will produce a list of what streets need what treatment, and the cost. The four-foot or alternative two foot paved shoulder needs to be decided.

Mr. Kelton stated we would have to take bids to see how much exactly would be saved by repairing all A type streets this year.

An Advisory Board was discussed. Consensus of Council was that we do not need an Advisory Board.

Mr. Britt stated another cost factor that was not mentioned is that prices will go up as we go from year to year.

Mr. Venne asked Bill Tredik to look further for alternatives.

Consensus of Council is not to accelerate the street-resurfacing program.

Mr. Kelton stated staff would come back with a \$2 million program that includes Palm Harbor and alternative technology for other streets.

Mr. Kelton stated, doing \$2 million worth of streets, we will be starting at the top of the list, which have the most homes, and do the full overlay. If we are going to have the most impact we have to go where the highest rated streets are.

Mr. Lawrence stated one of Council's objectives is to review City Council salaries with final action by May 4th. He would like that item discussed at the February workshop meeting.

20. Adjourn

The meeting adjourned at 4:07 p.m.

Respectfully submitted,

Carol M. Goewey
Acting Secretary