



**City of Palm Coast
Minutes
CITY COUNCIL
WORKSHOP**

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

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

Tuesday, April 24, 2018

9:00 AM

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.
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- > 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 9:00 a.m..

PLEDGE OF ALLEGIANCE TO THE FLAG

ROLL CALL

PUBLIC PARTICIPATION

Robert MacDonald - PEP system failure when owner is not home, who is liable.

William Letourneau -Traffic on Woodbury Dr. He suggested options and provided a handout, which is attached to these minutes.

John Brady - Maintenance of St. Joe's Parkway.

Responses to Public Comments:

Pep tanks-Ans: Mr. Landon - First of all every situation is different. It is going to be the insurance companies, to look at all parties and the facts as to what was the cause of the sewer back-up whether it is a pep system or not. Each one of those is a valuate the facts and usually the insurance companies who will pay for the damages. I can't address it and the attorneys cannot address it unless we have the specific facts. Was it a power outage, was it a blockage, it could be a variety of things. I will take this as an opportunity to try and remind people that lots of times your home owner's insurance does not automatically include water damage whether it is a pipe leaking or a sewer back up. We encourage people to add that to their coverage; particularly, when you live in a flat area like Florida. There is always potential for water damage in your house. The alarm means it is getting high but if you quick using water it is not going to get to the point where it backs up.

Woodbury Drive Traffic-Ans: Mr. Landon- This is one we have been working on. We agree with the gentleman on Woodbury that it is an unnecessary cut through. We say it is unnecessary because just down the street we have White Mill, which is a connection between Whiteview and Pine Lakes and that is the street people should be using. I would ask Mark Harman to talk to this gentlemen how we can . . . we can put up one of our speed signs to let people know how fast they are going.

*Mayor Holland: Can we go back to the comment that you are wokring on this?
Ans: Mr. Landon - I'm getting there. Trying to tie the two together. As far as speeding goes, we can address it a couple of ways. How are we addressing the cutthrough? As part of our plans for the Whiteview improvements. If you recall, Woodbury is actually one of those tree streets. You have Woodbury, Rolling Sands and Wood AspenWoodbeing on this right now. This part of our plans for Whiteview. Woodbury, Rolling Sands and Wood Aspen, I believe, it is that have those three intersections all coming together at Whiteview which is part of the danger. The plan is to improve all of that intersection and make it so there is no left turn in and out of Woodbury. It discourages cut throughs in that area. Soon we will be coming to you with a consultant to design so we can help with the cut-through and help with the situation on Woodbury which would encourage people to go to White Mill. You have the most dangerous stretch of street in Palm Coast as the study done by the Transportation Planning Organization on White View between Rolling Sands and US 1. Not all is it a cut-through but a dangerous piece of cut-through. We have actually had some fatalities. We will bring you a proposal to have a design firm work on this to help Woodbury and to help with the safety on Woodbury that is coming your way.*

*Mayor Holland: Please keep the gentelman in the loop as far as our plans go. Make sure you are communicating so he can communicate with the neighbors.
Ans: Mr. Landon - We would be happy to. Mr. Cote is sitting right here. He will be happy to speak with him too. It is actually nice to have someone come up and support one of our efforts.*

Mayor Holland: Now in the interim if you can have Mark. Ans: Mr. Landon - We can also deal with the speeding too. Ans: Senior Commander Carmen - Absolutely, we will do a speed study and work with the City and the speed. Get the dates and times . Rather than randomly send a deputy up there and he

comes to me and says, not happening. We will do a speed machine and it will give us the data and the statistics of when most of the violations have occurred. I have a concern that a deputy has said it was too dangerous to enforce. I will talk to you after the meeting and leave you my card.

St. Joe's Walkway-Ans:Mr. Landon - During the storms last fall we had a handful of pipe damage. We went out to bid and we did not get any responses. We are working with a contractor to go around and repair all this damage. We are also hoping to do it in such a fashion that we will get reimbursed from FEMA and so we are going through those steps so that FEMA can reimburse us because the damage is associated with the storm. As far as the paths, we did major maintenance to our paths last summer. We will do more this summer. Every year, just like we do with our streets, we take sections. The technology company that is coming in and helping us so we can set strategic maintenance for all of our paths. We are in the process of doing that and we will continue to do that every year to do stretches of our paths to maintain the wooden board walks as well as the asphalt and concrete. It is interesting, not that long ago, someone asked why are we replacing so many squares of concrete and now we get the comment that we are not doing it fast enough.

PRESENTATIONS

1 PRESENTATION ON THE REVISED 10-YEAR CAPITAL IMPROVEMENT PROGRAM

Mr. Landon provided a brief overview to this item. Mr. Carl Cote and Mr. Richard Adams provided a PowerPoint presentation, which is attached to these minutes.

Transportation Projects:

VM Cuff-How does this impact the bridge upgrade Carl? If we are coming at DOT with . . . Ans: Mr. Landon - We are not going to get dollars from FDOT.

Ans: Mr. Cote - They have different pots of money. They have various pots.

Ans: Mr. Landon - This is a five year plan vs. maintenance.

Mayor Holland: As far as the projects go, and there are many and you just talked about not being able to find labor. What are we doing to address that issue so that all of these projects can be looked at seriously. I mean I know we are plugging all these dollars in and we can't force companies to hire people. It seems to be a reoccurring theme with all of our projects. Ans: Mr. Landon-Yes, it is a problem that causes the prices to go up. One we just talked about was a pipe project which is not a complete street project. It is when you get into subs that you have even more problems. I do not have a good answer for you. We hope that these are large enough to get some attention. Right now, we have contractors that are looking at small projects vs. large projects, they will go after the large project.

CM Nobile- Are there any restrictions in our RFPs that would keep small companies from starting up? Ans: Mr. Landon - We do have prequalifications and it is one of those, if you have never done the work . . . Mr. Cote - We do take experience into consideration. We do an evaluation. Sometimes companies merge, there are things like that that happen. We look at all of those factors. Depending on funding source, sometimes DOT has more specific requirements than we would normally do. It varies by project.

Mayor Holland-I know when we go out to bid, Normally companies are spending dollars to alert them to bids being out there. Do we share this five year plan with companies so they can plan accordingly? I would hate to see us go through this exercise and then when they come back, we've got a drainage issue but no bids. It is discouraging and we are hearing this constantly. How can we do this creatively, know that we are very good at planning and really good at making sure we are plugging the dollars that we are spending. There does not seem to be that synergy around the jobs. Ans: Mr. Landon - We have discussions on a regular basis on how do we encourage customers to bid on things. It is almost like trying to hire certain professions that the market is tight on so you put together an equipment brochure. Maybe we can do something like that. I know it gets out there that we're a difficult place for contractors to work. We need to continue to have that discussion so we are up to date as to where contractors are looking and not just them trying to find us but us trying to find them.

CM Nobile- In regards to the paths, I see US 1. Is there a high call for paths on US 1? Ans: Mr. Cote - DOT was pushing hard at one time to fill their gaps along US 1 but they have backed off of that. It is a DOT project that we are showing.

Mayor Holland-The CRA is out of Town Center, correct? Are they FDOT Funds or are they . . . ? Ans: Mr. Landon: The roundabouts, we are hoping FDOT will assist us with those funds. Anything in blue we are hoping we are getting grant dollars. FDOT is pushing hard for roundabouts vs. traffic signals on places like US 1. One in Palm Coast and a couple more in Flagler County. We have suggested to them that our roundabouts were not designed correctly based on current engineering best practice standards. We have suggested that if you do this, you need to be consistent.

Mayor Holland - Those dollars for Long Creek are they part of the ESL dollars? Ans: Mr. Landon - It is part of the requirement of the grant we have already received. Their grant dollars went toward purchasing the property and there are certain elements we need to improve. It is not new grant dollars, it is City dollars.

Mayor Holland: The ESL Fund spends capital dollars. I am talking about Environmentally Sensitive Land Funds. Ans: Mr. Cote - The land was purchased half with state funds and half with ESL Funds. It was the State that put some of the conditions on education sessions, some of the more interpretive items.

Mayor Holland: How much is it going to cost for the nature center, exhibits? Ans: Mr. Cote - That is that \$2.7 million dollars.

Mayor Holland-Have we looked at applying for Forever Funds? Ans: Mr. Landon - We will take a look at it.

Mayor Holland- Whhen we look at the neighborhood park, I think these are great because it lends that walkability and bicycling to a park. Is there an overall standardized park design that we do or do we look at each one and spend dollars additionally to design it on each one. Ans: Mr. Cote - We have not come up with a prototype and that is part of why we are looking at Matanzas Woods and Quail Hollow. We do need to come up with a program as to what is going to be in a neighborhood pocket park. Ans Mr. Landon -It truly needs to be a neighborhood park and not a regional park so that it does not encourage people to drive into the neighborhood but just to serve those people there.

Mayor Holland - Why did it get ranked low? (community center) Ans: Mr. Landon-It is on the wrong side of the highway for a shelter, too close to the ocean. It does not meet the standards for a shelter. Our schools do.

CM Nobile-Where does the Community Center/YMCA fit in? Ans: Mr. Landon-It is coming shortly (in the presentation).

Mayor Holland - Going back to that . . . when we are talking about pickleball courts. This is a lot of people playing pickleball. I was wondering if there is any thought and we have talked about sports tournaments and there was a huge turnout for a pickle ball tournament that was held at Holland Park. I was surprised to hear they had traveling teams that compete. I would like you to look at that to see if there is a niche market there that we are not really looking at in these facilities and we are doing this two and two. I think they need seven to do tournament play. Ans: Mr. Cote - We will look into that.

Mayor Holland: ITSC - We still don't have wi-fi in the Little League building . They do a lot of training out there. Is there a reason we don't have wifi in that building? Ans: Mr. Landon-We have wi-fi in the park. If they need it, they can put it in.

Mayor Holland-Graham Swamp, where is unincorporated Flagler County and COPC? I never understood this. People from the County are saying they are making improvements to Graham Swamp. Ans: Mr. Landon-All of Graham Swamp is in the City. There are 3 amenities in that area-one is Lehigh Trail with trailhead on Colbert Lane. That is County owned facility and maintained by County. The next one is the mountain bike trail on Colbert Lane-County owned and maintained; the third one is Graham Swamp trail -City project and the City maintain. The County has received grant dollars to extend the trail to Lehigh trail to build a bridge over SR 100 to go to the Bulow Creek area. We believe Graham Swamp Trail Ph 2 will become a priority.

Mayor Holland- I have a question of where we are in the process of the Matanzas Golf Course? We are looking at long term strategy if that does come into our hands. That is a neighborhood that needs some improvement and it is sad what it has become. Ans: Mr. Landon - The update on that is the property owner had all sorts of code enforcement issues; dilapidated structures, etc. We finally started the process of foreclosure because of the code enforcement

issues. We reach a settlement agreement. They have not abided by the agreement and we are taking the next steps.

2 PRESENTATION- DOWNTOWN INNOVATION DISTRICT

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

Mayor Holland: This is an appropriate area for multi-family housing, has anyone approached you on looking to increase the density to make this work? Ans: Mr. Landon - Yes. We are working on that also. We will see something coming back on that one because your downtown area that is where you want your density. You wander to the coffee shop. What we have heard from developers is that our density is not high enough.

Mayor Holland-: How close is this to the hospital? If we do offer that housing opportunity or diversity, it is nice for them to work at the hospital and be in close proximity. To me, it seems we have a great asset in the hospital that we need to take advantage of, Ans: Mr. Landon - Good suggestion we will include 10, 11, and 12 in there too.

CM Nobile: What other issues are we hearing from developers? Ans: Mr. Landon - The major one is density. The othe one we are hearing is the private sector part of it; the CDD's on-going costs. We don't control that. We are talking to the developer to see how we might lower those to incentivize the area.

Mayor Holland - Are we capitalizing on the fact that the City owns fiber? Ans: Mr. Landon - Absolutely.

3 PRESENTATION ON KEEPING PALM COAST CLEAN AND GREEN

Mayor Holland - This presentation was requested by CM Shipley. Is it ok if we put this off? The item was postponed until CM Shipley was present.

WRITTEN ITEMS

4 ORDINANCE 2018-XX AMENDING SECTION 3.04.05 OF THE CITY'S UNIFIED LAND DEVELOPMENT CODE (ULDC) TO INCLUDE ADDITIONAL INCENTIVE(S) FOR AREAS WITHIN THE PALM COAST/FLAGLER COUNTY AIRPORT AREA MASTER PLAN

Mr. Landon provided a brief overview to this item.

- 5 **RESOLUTION 2018-XX APPROVING AN OPTION AND GROUND LEASE AGREEMENT WITH DIAMOND TOWERS V LLC FOR CONSTRUCTION OF A TELECOMMUNICATIONS TOWER AT 1505 PALM HARBOR PARKWAY**

Mr. Landon provided a brief overview to this item.

- 6 **RESOLUTION 2018-XXX APPROVING A WORK ORDER TO MCKIM & CREED, INC., FOR ENGINEERING DESIGN AND CONSTRUCTION SERVICES FOR THE WHITEVIEW PKWY FORCEMAIN CROSSING PROJECT**

Mr. Landon provided a brief overview to this item.

- 7 **RESOLUTION 2018-XX APPROVING A WORK ORDER TO CONNECT CONSULTING INC., FOR THE REBUILD/REHABILITATION AND TESTING OF SW-4R**

Mr. Landon provided a brief overview to this item.

- 8 **RESOLUTION 2018-XX APPROVING A WORK ORDER TO CONNECT CONSULTING INC., FOR THE PUMP INSPECTION AND REHABILITATION OF WELL LW-49**

Mr. Landon provided a brief overview to this item.

- 9 **RESOLUTION 2018-XX APPROVING A WORK ORDER TO CONNECT CONSULTING INC., FOR PROFESSIONAL SERVICES TO MODIFY CONSUMPTIVE USE PERMIT NO. 1947**

Mr. Landon provided a brief overview to this item. Mr. Brian Matthews provided a summary of the CUP.

CM Nobile: And this money is for someone to develop that proposal that we will present. Ans: Mr. Matthews that is a good way to present that actually. The model has been completed and we are now in the impact analysis phase. The Water Management District has completed one and we have completed one and right now we are ready to go and basically decide how much water are consumptive use permit allocation should be. We are also, as an aside, ask for a little more fresh water that is also, as you recall, part of the Water Supply Workplan. This is just preplanning for the future.

10 RESOLUTION 2018-XX APPROVING A CONTRACT WITH SGS CONTRACTING SERVICES, INC., FOR THE CONSTRUCTION OF THE WWTP NO. 1 ODOR CONTROL PROJECT

Mr. Landon provided a brief overview to this item.

PUBLIC PARTICIPATION

Mr. Neilebock:Capital Improvement Plan-Phase 2. Holland Park - Will there be dog park improvements.

Jack Carall: Will there be funds set a side for a senior facility?

Louis McCarthy: Thanked everyone for checking up on him. He is glad to be back.

Responses to Public Comments:

Dog Park-Ans: Mr. Landon - There are a number of shade structures in the small dog park. We didn't get into any of the details on any of these projects. The shade structures in the dog park are part of it. The project is scheduled to start this summer.

Senior Citizens-Ans: Mayor Holland - We offer a tremendous amount of programs and services for our seniors over at the new Community Center. I would encourage Mr. Carall to pick up a pamphlet of all the programs that are offered. I see many of our seniors utilizing our paths every single day which is exciting to see a healthy moving community and that is why we are talking about another multi-use facility that offers all ages in our community it does not discriminate one age group. Ans: Mr. Landon - I have got to put a plug in for our recreation staff and all the programs they offering at the Community Center. There are a lot for seniors. If you look at the programs now, compared to just a year ago. It has multiplied many times. I am very proud of that. For all groups, including Seniors.

DISCUSSION BY CITY COUNCIL OF MATTERS NOT ON THE AGENDA

CM Cuff - I was unhappy to see we are going to be losing CM Nobile's service sooner than we had hoped. I wanted to thank him for his service.

VM Nobile - My living situation has changed dramatically and my two to three year plan has become my two to three week plan. My family will be leaving the area. My resignation will be effective May 16, 2018. It will be a hard move.

Mayor Holland- I echo VM Cuff's comments. We will be talking about your depature in the future. I have one item for our Attorney. We received information that the two highest score gatherers for our search for a firm for a City Manager.

One had dropped out due to the fact of their concern with the Sunshine Law. When a firm is presenting to us publically, there is a provision for trade secrets. Was there any discussion and maybe through Beau or this company and I don't know how the trade secrets apply if we are asking them to present questions back and forth and would they be exempt if they are particular about certain aspects of their company they feel they don't want to disclose. And then I thought, if they don't know this, and they haven't looked into it that much, maybe that is not a firm we need to be looking at. The trade secret perspective, I don't want to run into this in the future, without thoughtfully understanding this. Does it apply or not apply? Ans: Mr. Falgout-provided an overview as to the issue of the bidder dropping out. Attorney Reischmann was in contact with the bidder and in the end, we received notice from the bidder that they were withdrawing their bid. This would have been their first Florida placement. Their concern was the documents attached to the evaluation of the candidates. Ans: Attorney Garganese - That happens sometimes in the process. The trade secrets, per Florida law, are deemed confidential and exempt. The decision making of the governing body is subject to the Sunshine Law. My understanding as part of their process of who is the best candidate; they feel their document will disclose trade secrets. It sounds like this company was uncomfortable, that their process, they never used in Florida, will not maintain their secrecy.

CM Nobile-I am comfortable with the remaining top bidder.

Mayor Holland would like to interview the remaining top bidder.

VM Cuff would like to interview the remaining top two bidders.

CM Klufas-more than one interview is better.

Mr. Falgout-We will invite the top two bidders to interview.

DISCUSSION BY CITY ATTORNEY OF MATTERS NOT ON THE AGENDA

Nothing at this time.

DISCUSSION BY CITY MANAGER OF MATTERS NOT ON THE AGENDA

We will be presenting to you soon, with the challenge Mr. Nobile has presented to us, that is appointment of someone for the seat temporarily. It reminds me of McGuire. This is why you proposed a change to the Charter. You are close to the election season. We will bring back some ideas for you to consider and we are obviously not ready to do that today but we are obviously going to have to present it to you.

CM Nobile: When does the registration for the candidate's end? Is it June? Ans: Ms. Smith - The last day of qualifying is June 22.

CM Nobile: Up to there, there is only one person actually qualifying for my seat. Ans: Mr. Landon - If there is one person that actually files to run, there is no election and then as far as your appointment, that makes it pretty simple. If

there are two or more and one gets 50% of the vote, the primary in August (like Mr. Cuff), that makes it simple pretty simple too.

Mayor Holland: I would like to make an appointment with someone who is qualified or not qualified. We just need to make an appointment that needs to finish out the term. They just have to live in the District.

ADJOURNMENT

The meeting was adjourned at 11:15 a.m.

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

11 CALENDAR/WORKSHEET

ATTACHMENTS TO MINUTES