



City of Palm Coast

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

Meeting Minutes City Council Workshop

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

Tuesday, December 13, 2016

9:00 AM

City Hall Community Wing

>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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>City Council Meetings are televised on Brighthouse 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 9:00 a.m.

B. Pledge of Allegiance to the Flag

C. Roll Call

Present: 4 - Mayor Holland, Council Member Cuff, Council Member Klufas, and Council Member Shipley

Excused: 1 - Vice Mayor Nobile

D. PRESENTATIONS

1 [16-492](#) PRESENTATION ON DEBT REFINANCING FOR SR100 CORRIDOR COMMUNITY REDEVELOPMENT AGENCY AND UTILITY STATE REVOLVING FUND LOANS

Mr. Landon gave a brief overview of this item. Mr. Christopher Quinn, Finance Director, and Mr. Mark Galvin, the City's financial advisor with First Southwest, gave a PowerPoint presentation, attached to these minutes.

Mayor Holland - We don't know what that rate is going to be yet? Mr. Quinn - It will be lower, but we don't know what it will be yet. CM Cuff stated he hopes Council will have plenty of time to read the finance documents. Mr. Landon expressed Council

will have the information the Thursday before the meeting.

>Utility System Debt Profile - Subordinate Debt - Wastewater SRF (State Revolving Fund) Loans slide:

Mayor Holland - Does this help our bond rating? Mr. Galvin - Since it's subordinate, no.

The Presentation was Received and Filed.

2 [16-489](#)

RESOLUTION 2016-XX APPROVING A PRE-ANNEXATION AND ECONOMIC DEVELOPMENT AGREEMENT WITH EDGE PROPERTIES, LLC

Mr. Landon gave a brief overview of this item. Mr. Beau Falgout, Administrative Services and Economic Development Director, gave a PowerPoint presentation, attached to these minutes.

Mayor Holland - Are they local? Mr. Falgout - Yes, the developers are local.

CM Klufas - Is this Charles Wayne (developers)? Mr. Falgout - He was not sure of his name.

Mayor Holland - Is the rest of that (property not being annexed) wetlands? Mr. Falgout - Yes, he believes there is some wetlands on the other parcel. It could just be the owner that is under contract with this parcel is ready to develop but the other parcel is not; there could be a host of reasons but eventually it will be served by the City with water and sewer.

The Resolution was Continued.

Enactment No: R2016-134

3 [16-488](#)

ORDINANCE 2017-XX EDGE PROPERTIES, LLC, VOLUNTARY ANNEXATION

Mr. Landon explained this item is related to item 2.

The Ordinance was Continued.

4 [16-483](#)

RESOLUTION 2016-XX APPROVING THE CDBG PROGRAM CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT FOR THE PROGRAM PERIOD OF OCTOBER 1, 2015 TO SEPTEMBER 30, 2016

Mr. Landon gave a brief overview of this item. Mr. Jose Papa, Senior Planner, gave a PowerPoint presentation, attached to these minutes.

CM Klufas - Where are the three houses that were completed? Mr. Papa - This program is available Citywide, to be eligible you have to be of low to moderate income, so it is not concentrated into any one area of the City. Mr. Landon - We can get that to you.

Mayor Holland - Is there any budget for that, if homes are in different state of repair how do you decide; do you go in and do an assessment? Mr. Papa - Yes, that is part of that administrative dollars that goes into the program. We have Guardian who is one of our consultants and they basically have a housing inspector on staff; they will visit the home, do an assessment of what repairs are eligible (for CDBG-Community

Development Block Grant dollars) to be done; roof, code related items, etc.

CM Shipley - From the amount that apply, do we turn away a lot of people? Mr. Papa - Yes, unfortunately the funding we get every year is never enough to cover the demand that is out there. Everyone is interested, we take their names and inform them of the next cycle that is available so they may apply then. Mr. Landon - This actually supplements a County program called SHIP (State Housing Initiatives Partnership) which is State funded. The City is eligible for our own pile of SHIP money, but we have an agreement with the County to combine them and they already had that program underway; it is a lot more efficient to put all the money into one program.

Mayor Holland - Are those summer camp students identified through the school district? Mr. Papa - Yes, when they apply for summer camp, they will apply for financial aid and we go through the applications to see who is qualified and try to stretch those dollars as far as we can. Mr. Papa explained one the documents submitted for financial aid eligibility is proof they receive reduced-cost or free lunches.

CM Shipley - The 15-day public comment, was there anything that stood out that anybody had to say about it? Mr. Papa - We really did not get any public comment.

Mayor Holland - The fair housing, are these homeowners that are existing in houses that apply for these types of funds, and do we followup to make sure that the house is maintained? Mr. Landon - Yes, it is all owner occupied; this is not a rental program. Mr. Papa - Strictly, as with any other homeowner in Palm Coast, any issues come through Code Enforcement.

The Resolution was Continued.

Enactment No: R2016-135

5 [16-487](#)

RESOLUTION 2016-XX APPROVING THE ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING

Mr. Landon gave a brief overview of this item. Mr. Papa introduced Ms. Margo Moehring and Mr. Ed Preston, staff with the Northeast Florida Regional Council (NEFRC), a regional entity, they work with several northeast Florida counties including Flagler County and they are available to provide various services including planning services. We contracted with them to complete the analysis of impediments to Fair Housing which is a requirement of the CDBG program. Ms. Moehring and Mr. Preston continued with the PowerPoint presentation, attached to these minutes.

>Findings slide:

Mayor Holland - That is the Federal Government's requirement (analysis of impediments to Fair Housing choice)? Ms. Moehring - It is.

Mayor Holland - Is that different than a lot of other communities in the region that you deal with? Ms. Moehring - Yes, Palm Coast has newer housing stock than most communities do.

>November 2, 2016 Citizens Advisory Task Force slide:

Mayor Holland - Who is on the Citizens Advisory Task Force? Mr. Papa stated that Mr. Hoffman, in the audience is a member, the City's Planning Board members as well as members of the Affordable Housing Task Force, Flagler County, who are residents of the City of Palm Coast. Ms. Moehring - They were very helpful to us.

CM Cuff - These members were providing input at the meeting? Ms. Moehring - Yes.

Mayor Holland - Has this been taken to the County for their transportation system and planning for phase 2? Ms. Moehring - Yes, that is one of the recommendations that we have.

CM Klufas - For walkability - is there a walking score that gets assigned to different areas in Palm Coast; walking score factors, something that we can actually have metrics for? Ms. Moehring - Yes, there are several different ways to look at it; it would be up to the City as to which one you choose to start adding to your metrics. CM Cuff stated there is walkability with the paths and trails, but it takes a long time (to get to your destination).

>Goal: Community Consensus on Housing Choice slide:

Mayor Holland - What is a starter home defined as? Ms. Moehring - Smaller home.

Mr. Landon - It is going to be your affordable housing, workforce housing; to qualify for that first home loan.

Mayor Holland asked about senior living and is it the need for smaller houses and properties. Mr. Landon called it downsizing.

>Other Goals? Approaches? slide:

CM Klufas thinks it's important to get measurable metrics, tracking methods, so we can either improve those services or decide they are not necessary.

Mayor Holland - What is considered walkability in Palm Coast? CM Klufas stated, usually within 5 miles walking distance from food, shopping and school systems. Mr. Landon added, our challenge is that so much of that walking is on a local street (without sidewalks) in the neighborhoods. We have connected the trails/paths all over town, but you have to get out to the trails.

The Resolution was Continued.

Enactment No: R2016-136

E. WRITTEN ITEMS

6 [16-496](#)

ORDINANCE 2017-XX ESTABLISHING A TEMPORARY MORATORIUM OF 270 DAYS PROHIBITING MEDICAL CANNABIS (MARIJUANA) ACTIVITIES WITHIN THE CITY OF PALM COAST

Mr. Landon gave a brief overview of this item. City Attorney William Reischmann went over the proposed ordinance attached to this item and explained for the City it is proposed to be land use based regulations.

CM Klufas - Where do you think it would come from; the cultivating, distributing, etc.? Mr. Landon - We don't know.

CM Klufas - Don't we have the opportunity here to really plan where we want to put it so we can be on the forefront of where we want to go with this instead of sitting in the back seat?

CM Cuff - His biggest concern isn't with the moratorium, because he recognizes the kind of legal issues, which is the State will attempt to basically repeal the referendum's approval of this kind of use by adopting regulations on the industry that will wind up in court for the next 5 years, while the local governments are left holding the bag wrestling with these kinds of issues, etc.

Mayor Holland - This is a constitutional amendment, the people have spoken in the State of Florida. She is very supportive of people's rights; there is no way she would advocate anything other than honoring that.

Mr. Landon - There are more questions than answers right now that we are going to have to address at a State level and a local level.

CM Klufas - By not allowing people to apply for these types of facilities, doesn't this put us in a worse position 270 days from now where we don't know where they want to be put? Right now, if somebody applied for something along these lines, isn't that an opportunity to go to the neighboring areas and say would you be okay with this being here? Mr. Landon - If they apply, yes we have to respond within a certain amount of time. Once the State develops some framework then the local discussion starts; that is what we are advocating here. We are going to have that local discussion, but we think the local discussion is too early to get started until we have more information from the State.

Mayor Holland stated she is supportive of CM Klufas' position. This medical relief for people that are struggling with serious medical issues; the people have spoken. She is very hesitant to put anything in place that would be contrary to what comes out of State Legislature and causes issues further down the road.

Attorney Reischmann, from staff's standpoint, if someone comes to us right now and says we want to open one of these treatment centers in the City of Palm Coast, we don't have anything in our Land Development Code that says this is where a medical marijuana treatment center goes, so we are going to have to just work with this with what we've got and that may not work out for the people that live or have a business next to that empty lot or empty store space. That is a potential problem with option 1, which is do nothing. Option 2, is to enact some land use regulations right now, but we don't know what ultimately is going to come from the State of Florida. We need some framework, guidelines, some more information to prepare such regulations.

CM Klufas - What type of guidelines do you expect the State to be handing down to us, are they going to be able to say that you can't within 1-1/2 miles from a school or a church? Mr. Landon - They could, the other would be what exactly can be sold because there are different forms of medical marijuana and then what do you need in the way of prescriptions, etc. There are going to be many discussions on this.

Mayor Holland suggested our Legislative Delegation is next week, we can certainly talk about putting it on the agenda to say we are encouraging them to give us guidance every step of the process so we can now move forward.

CM Cuff suggested we look at other models of other communities and what they are doing in the meantime during the moratorium to be prepared. Mr. Landon - Yes, within 270 days we will get started now and monitor the discussion in Tallahassee.

CM Shipley - The wording on this says, prohibiting medical cannabis activities; if someone had a script for medical marijuana would they not use the script in the City of Palm Coast, etc.? Attorney Reischmann - It's defined in the ordinance, in the moratorium, and it means the activities that are going to be prohibited are the growing, cultivation, processing, manufacturing, distribution also retail sale. So, it is really going towards the medical marijuana treatment centers; someone coming in for a development order or business tax receipt for one of the aforementioned activities. Mr. Landon explained this won't change any prescriptions, etc.; anywhere you can buy medical marijuana today, you will be able to continue to in Palm Coast.

CM Klufas - How does that impact the City, what type of economic benefits do we have as a City if that is located here inside City limits, can we have special taxes on that, is that on the State level? Mr. Landon - We can only tax what the State tells us we can tax. Attorney Reischmann stated the demand is much broader under this new process; more customers. He also stated Flagler County is considering a 180 day moratorium right now.

The Ordinance was Continued.

7 [16-468](#)

RESOLUTION 2016-XX APPROVING A CONTRACT FOR THE CONSTRUCTION OF THE FRIEDA ZAMBA POOL EQUIPMENT MODIFICATION PROJECT

Mr. Landon gave a brief overview of this item and explained we did not receive any bids for this project, so we reached out to three local pool contractors and we already received one proposal and expecting two more. Council will see the proposals coming to them before the business meeting (12/20). We are anticipating the cost to be between \$150,000-\$200,000.

Mayor Holland - Is it already in the budget? Mr. Landon - Yes, already in the budget.

The Resolution was Continued.

Enactment No: R2016-137

8 [16-480](#)

RESOLUTION 2016-XX APPROVING THE PURCHASE OF TRADEWINDS 600KW GENERATOR SET, PIGGYBACKING THE FLORIDA SHERIFFS ASSOCIATION CONTRACT

Mr. Landon gave a brief overview of this item.

CM Shipley - Are we replacing one (generator), it is done? Mr. Landon - Yes, he believes it burned up; time to replace.

Mayor Holland - Do we insure these? Mr. Landon - He can't imagine we don't but it would only be covered if a tornado or hurricane hit it. This is just an old, worn out generator.

CM Klufas - How old is the unit? Mr. Jim Hogan, Utility Systems Manager of Water Operations - The unit was installed in 1982.

CM Cuff - The emergency is because this is a backup generator? Mr. Landon - Yes, this is going through our regular piggyback procurement process; not an emergency purchase.

The Resolution was Continued.

Enactment No: R2016-138

F. 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.

No public comments.

G. DISCUSSION BY CITY COUNCIL OF MATTERS NOT ON THE AGENDA

Mr. Cuff asked for an update on debris disposal. Mr. Landon - He will discuss under City Manager comments.

Mayor Holland asked about which meetings are cancelled for the holidays. Mr. Landon - He will go over that under City Manager comments.

H. DISCUSSION BY CITY ATTORNEY OF MATTERS NOT ON THE AGENDA

No comments.

I. DISCUSSION BY CITY MANAGER OF MATTERS NOT ON THE AGENDA

One more meeting this year, next Tuesday, December 20th. December 27th we are off, no meeting. Also, business meeting on January 3rd we don't plan on having. The next workshop will be January 10th and next business meeting is January 17th.

There is a State law that requires all local elected officials to go through 4 hours of ethics training each year. We have a couple of options; City Attorney has offered to give the training (for free). The choices are: 4 hour session 4th Tuesday in January (no workshop that day), January 24th or split the training into two 2-hour sessions following City Council workshops on January 31st and February 14th.

Mayor Holland - Have we historically broken it up? She would like to just get it done on January 24th. Attorney Reischmann - In the past, we have invited all of the other local officials to attend. January 24th at 9:00 a.m. will be the ethics training (4 hour session).

Waste Pro has changed their proposed trash pick up schedule for the holidays; a lot of it is controlled by the landfill. The day after Christmas and New Year's the landfill will be open, so trash pick up will be the regular schedule.

Debris removal update - We are done for the most part; we have the monitors here. We have meetings with FEMA representatives. We are working on getting maximum

reimbursement from FEMA and that process still has weeks left. The temporary disposal site on US1, the fire was totally contained and it did burn one of the piles. As soon as it happened, we told the contractor no more and they started chipping. We need a place to store it, so we are looking for a vendor that will take it as cheaply as possible. We are getting different prices from people who may want it. He will keep Council informed.

CM Klufas - What is the quality of the chipping; can it be used for parks? Mr. Landon - They started out as large wood chunks; we have asked them to use a smaller screen; it is not good for landscaping; weeds, bugs, etc.

CM Shipley stated the Ag Museum may want it. Mr. Landon - They are welcome to it.

Our festivities are continuing in Central Park; parade and floats and band were great.

J. ADJOURNMENT

The meeting was adjourned at 10:49 a.m.

*Respectfully submitted,
Barbara Redline*

Calendar and Worksheet

[16-495](#)

MEETINGS CALENDAR AND AGENDA WORKSHEET

[16-499](#)

ATTACHMENTS TO MINUTES