



**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 Steven Nobile
Council Member Nick Klufas
Council Member Heidi Shipley**

Tuesday, December 19, 2017

9:00 AM

Community Wing

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.
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- > 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

VM Cuff called the meeting to order at 9:00 a.m.

B. PLEDGE OF ALLEGIANCE TO THE FLAG

VM Cuff led the pledge to the flag.

C. ROLL CALL

City Clerk, Virginia Smith called the roll. Mayor Holland was excused.

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.

Robert MacDonald, 35 Richfield Lane: We have a serious issue in the R Section. We are having a serious problem with Code Enforcement. As I was driving to the meeting this morning, I was driving up Rickenbacher and there are seven code violations from my house to the end of Royal Palm. I have had a conversation with Council Member Nobile and we are trying to set up a meeting with Council Member Nobile, Code Enforcement and myself to try to get this issue resolved. The problem is there are approximately 65 miles of roads just in the R Section. If the Code Enforcement Officer is working five days a week, that means he only has to travel approximately 6 -7 miles a day. We can't understand why all of these violations. I have been calling Code Enforcement and giving them my shopping list of houses in the R Section that have code violations. I am, hereby, requesting a meeting to be set up on any day, any time, any place, but I want the meeting to be set up in a timely manner. If it can't get is set up and we can't play nice and we can't get the issue resolved, then we are going to have to go through the public records and request a lot of things that may or may not be uncomfortable for people to answer.

Steve Carr: I appreciate the jobs tht you do sometimes I do not agree with anything but I wanted to wish you a Merry Christmas and Happy New Year.

Mr. Niedlebock, 13 Richmond Drive: I want to piggy back on what the gentlemen just said regarding the Code Violations. I spoke with many members of the City and 13 Richmond Drive needs to be fully more addressed, maybe even legal action. I moved here in May and through my research this problem has been going on over two years and nothing has been done. If you check your records, you will see that there are many violations at the address and many other areas of the R Section, as the gentleman said. Maybe rotating Code Enforcement personnel on a regular basis would solve the problem of complacency.

VM Cuff: If we could address the code enforcement discussion Mr. Landon.
Ans: Mr. Landon- Mr. MacDonald gets up periodically and makes his speech and I find it rather offensive as how he addresses City staff and what he says. He knows better. We work very hard in Code Enforcement and and there are many, many violations issued every day in the R Section and other sections and it is an ongoing process and to sit here and say that City staff is not doing anything is wrong and offensive. To give us specifics as to what he would like to address in his neighborhood, is appropriate and we look forward ot that. The last gentleman said something specific. Almost everytime we get a specific case, we are on it. It takes time. To say there is a boat in the driveway, that does not mean that we haven't already issued the violation or they have three days and they can leave it there and it has only been there for two. It happens all the time. This is an ongoing thing with Mr. MacDonald. If Mr. Nobile wants to meet with them and Barbara, they are welcomed to do that. Some of his comments are not right. Thank you.

CM Nobile: If I could ask you, Mr. Landon, to set up something for me, Barbara and him after the New Year. Ans: Mr. Landon - I will be happy to but I will tell you the last time he requested, we tried to set it up and he wouldn't come. We will try again and we will see if he wants to come this time.

CM Nobile: Give a few dates so I can . . . you know. Ans: Mr. Landon - Yes, we will try to set that up.

Attorney Reischman: The other gentlemen that got up, I actually spoke with him after the last code board meeting and that is an a-typical case. Although, Mr. Landon said, this is a process. Code Enforcement is a process. Unless there is a nuisance under our code and law, we can't go onto private property and fix things. We would get sued; we can't do that but there is a process under law, under Florida law. We follow that process and unfortunately, that process does take time. It requires notices and hearings. That is the definition of due process and we have to follow that. We can't do it any other way unless there is a nuisance. When a property is so bad, that is actually a public safety issue and it is a nuisance. At that time, we are allowed by law and fix it proactively. Otherwise, for instance, a boat in the driveway, it is annoying but not a safety issue. It is a code violation but it is not a public safety concern. We are not allowed to go out and just move that boat. It is important to make the distinction. We have a code hearing, got the agenda yesterday, 70 or 80 cases in early January. These cases, we have to set up notices of violations and notices of public hearing under Florida law. I work with code enforcement staff almost daily. Very diligent employees and it is a very difficult job. We work very hard to keep the City clean and in compliance with our codes as possible.

VM Cuff: I certainly understand your comments as a former code prosecutor. I think Council's concern is making sure citizens' complaints are appropriate addressed and I also take Mr. Landon's comments and hope that something will be able to be set up to address these issues.

E. MINUTES

- 1. MINUTES OF THE CITY COUNCIL**
 - 1. DECEMBER 5, 2017 BUSINESS MEETING**
 - 2. DECEMBER 12, 2017 WORKSHOP**

Pass

Motion made to Approved as presented made by Vice Mayor Nobile and seconded by Council Member Shipley

Approved - 4 - Council Member Robert Cuff, Council Member Nick Klufas, Vice Mayor Steven Nobile, Council Member Heidi Shipley

F. PRESENTATIONS

2. PRESENTATION OF 2017 ANNUAL INTRACOASTAL WATERWAY CLEANUP RESULTS

Mr. Landon gave a brief overview of the item. Ms. Denise Bevin presented the results of the 2017 Annual Intracoastal Waterway.

G. RESOLUTIONS

3. RESOLUTION 2017-XX APPROVING ANNUAL SERVICES AGREEMENT WITH THE UNIVERSITY OF CENTRAL FLORIDA FOR THE BUSINESS ASSISTANCE CENTER

R2017-148

Pass

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

Approved - 4 - Council Member Robert Cuff, Council Member Nick Klufas, Vice Mayor Steven Nobile, Council Member Heidi Shipley

Mr. Landon provided a brief overview to this item. Mr. Ray Peter and Mr. Mike Oppenheim presented a PowerPoint presentation, which is attached to these minutes.

CM Shipley- To me this is very unique to have a City get involved and do something like this for free. Is that something we found from another city? Are there other cities that are doing something like this? Ans: Mr. Peter-Yes, there are 900 (SBDC's) throughout the nation. Majority of the centers are located in colleges and universities because it is educationally based but there is a unique relationship in the City of Palm Coast. There are some other areas in Florida that have a City partially funding the effort because if it were not for Palm Coast funding a portion of this, our citizens would have to go to Daytona or St. Augustine for support. Whereas, here, we receive tremendous technology support from the conference rooms here and they are able to utilize our services here.

There were no public comments.

4. RESOLUTION 2017-XX APPROVING THE CDBG CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT FOR THE PROGRAM YEAR OF OCTOBER 1, 2016 TO SEPTEMBER 30, 2017

R2017-145

Pass

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

Approved - 4 - Council Member Robert Cuff, Council Member Nick Klufas, Vice Mayor Steven Nobile, Council Member Heidi Shipley

Mr. Landon provided a brief overview to this item. Mr. Papa presented a PowerPoint presentation, which is attached to these minutes.

CM Nobile-The delay in the Seminole Woods Path that is just a reallocation of manpower not dollars, correct? Ans: Mr. Papa-Yes.

CM Shipley-Is there half of what we are sending to the rehabs on the houses? We are only doing half that amount this year? Ans: Mr. Papa - The \$300,000 we were able to use included funds from previous years. There is always some carry over from previous years's work because some work for rehab takes longer and we don't report the accomplishment until it is completely complete. It may have started in fiscal year 2015 but not completed until 2016.

There were no public comments.

5. RESOLUTION 2017-XX APPROVING AN AGREEMENT BETWEEN THE CITY OF PALM COAST AND FLORIDA DIVISION OF EMERGENCY MANAGEMENT FOR THE PURCHASE AND INSTALLATION OF A GENERATOR AT CITY HALL

R2017-144

Pass

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

Approved - 4 - Council Member Robert Cuff, Council Member Nick Klufas, Vice Mayor Steven Nobile, Council Member Heidi Shipley

Mr. Landon provided an overview to this item.

CM Nobile: I just hope we take George's advice and when we build it, we put it higher. Ans: Mr. Landon - In this case, it is enclosed. You won't be able to see it. It will be in the same place as our chiller is located outside.

VM Cuff-Staff mentioned in their report, there are other projects that are eligible in Flagler County and possibly the City of Palm Coast that were eligible for other grants? Ans: Mr. Landon- This one is just this generator. We have other applications in. There is a countywide application. We actually get together with the other cities and there is a ranking process. One of our priorities that we talk about is to try to get every community get something. We have been pretty successful at that. If you would like more detail, Denise or Brian can give you a little more detail as to what else we have applied for that we might be receiving.

Mr. Brian Matthews: We have been involved with the local mitigation strategy (LMS) since it began which is a preliminary requirement to have an LMS prior to applying for these grants. We created it back in 2004. We have updated it every since. We played an active role in this grant funding and application process including the ranking. In this particular case, we have, thanks for Mr. Lanond, we had applied for ten other generators for wastewater pumping stations which as you know, during power outages have some issues. Mr. Landon prompted us, "maybe if other applications don't make it through and there is extra funding available, maybe we should apply for more." We applied for 30 generators and while we have not received our final approval yet. We have been told it is on the way. That is the equivalent of about \$1.6 million of which the City will pay about 25% or \$400,000.

We had six applications for five generators each, total of 1800 pages that we turned in. It is not light work.

CM Klufas: Are we going to allocate difference in what we had budgeted for the generator in the capital projects fund for the additional generators that will be coming through for the next two or three years. Ans: Mr. Landon - the generators that will be for the utilities will come out of the Utility Capital Fund. But yes, capital dollars will stay here.

There were no public comments.

H. CONSENT

6. RESOLUTION 2017-XX APPROVING A LANDSCAPE CONSTRUCTION AND MAINTENANCE MEMORANDUM OF AGREEMENT WITH FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT)

R2017-147

Pass

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

Approved - 4 - Council Member Robert Cuff, Council Member Nick Klufas, Vice Mayor Steven Nobile, Council Member Heidi Shipley

7. RESOLUTION 2017-XX APPROVING CONTRACTS WITH G.E.M. STONE CONTRACTORS INC. AND S.E. CLINE, INC. FOR PEP TANK INSTALLATION AND REPLACEMENT SERVICES

R2017-153

Pass

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

Approved - 4 - Council Member Robert Cuff, Council Member Nick Klufas, Vice Mayor Steven Nobile, Council Member Heidi Shipley

Mr. Mayo requested this item be discussed.

Mr. Mayo-Is this something that the City does on its own? I believe we replace and repair our own pep tank. Is this something going forward that is a new operation? Ans: Mr. Landon- We have both installing new pep tanks for new homes located in a pep area and also replacing those that have failed for a different reasons. We do have crews that perform that task except for there are times when we have more than our crews can handle. After a major rain storm, wet ground will cause a cave in or when we have a push with new construction and the contractors can't move forward until the City get out there. We will continue that program and we will continue to have our crews do the new and replacements but when we need help this is . . . we can call on either one of these contractors. Both of them already perform this service for us. This is a continuation of what we are doing today.

8. RESOLUTION 2017-XX APPROVING PIGGYBACKING THE LAKE COUNTY CONTRACT WITH PORT CONSOLIDATED, INC., TO PURCHASE FUEL PRODUCTS

R2017-149

Pass

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

Approved - 4 - Council Member Robert Cuff, Council Member Nick Klufas, Vice Mayor Steven Nobile, Council Member Heidi Shipley

9. RESOLUTION 2017-XX APPROVING PIGGYBACKING CITY OF ORMOND BEACH CONTRACT WITH ENVIRONMENTAL OPERATING SOLUTIONS INC.

R2017-150

Pass

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

Approved - 4 - Council Member Robert Cuff, Council Member Nick Klufas, Vice Mayor Steven Nobile, Council Member Heidi Shipley

10. RESOLUTION 2017-XX APPROVING PIGGYBACKING THE LEE COUNTY CONTRACT WITH STAPLES CONTRACT AND COMMERCIAL, INC. STAPLES FOR OFFICE SUPPLIES

R2017-151

Pass

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

Approved - 4 - Council Member Robert Cuff, Council Member Nick Klufas, Vice Mayor Steven Nobile, Council Member Heidi Shipley

11. **RESOLUTION 2017-XX APPROVING PIGGYBACKING CITY OF TUCSON, ARIZONA NATIONAL INTERGOVERNMENTAL PURCHASING ALLIANCE (NIPA) WITH W.W. GRAINGER, INC., TO PURCHASE MAINTENANCE, REPAIR AND OPERATIONAL SUPPLIES**

R2017-152

Pass

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

Approved - 4 - Council Member Robert Cuff, Council Member Nick Klufas, Vice Mayor Steven Nobile, Council Member Heidi Shipley

I. PUBLIC PARTICIPATION

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

Louis McCarthy-Merry Christmas, Happy Hannukah and Happy New Year to all residents.

George Mayo-Thanked Council for their job done this year and thanked staff as well. Merry Christmas and Happy New Year. I have seen on the news alot the issue of tiny houses. Some communities are embracing it as we talk about workfoce housing, affordable housing. Some communities have banned them. They are 300 to 400 roughly square foot homes but basically like an RV but most are put somewhere. Some communities have set aside land and put up pads for these people with utilities. I am curious as to whether our City has thought about it and if we have any regulations in place allowing or banning them? Where do we stand?

Responses to Public Comments:

Tiny Houses-Ans: Mr. Landon-As far as our code goes, we do have a minimum square footage, I believe it is 1200 square feet. Anyone who attempts to build something or in this case, would have to meet our building code of 1200 square feet. Not to say we cannot have that discussion in the future.

CM Nobile-What about the "Granny house" on an existing residential lot that has a regular home as well? Ans: Mr. Landon-that is the type of thing that we have had some of those where but they still have a building that have to meet code. It is like adding on.

Attorney Reischmann - There is always issues of your zoning in your land development code. If you create two households on a single family lot we have potentially a problem there. You have potential problems with the Florida Building Code with plumbing, electric, and load issues. As the gentleman indicated, these are all concerns that would have to be addressed through looking at our code. What I have heard is that this is usually in some of the areas that are well-to-do and they just don't have the type of housing that is available anywhere within their locations to provide for the necessary workforce.

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

CM Nobile-Happy Holidays to all. Be Safe. See you next year. I want to publicly thank staff for making this an easy year for the Council by your excellent work and dedication and loyalty. If you do it again next year, I will be happy and so will everyone else.

CM Klufas-I want to thank all City staff, their dedication. One issue that I would like to bring up and I've seen a little bit more discussion around is our efforts trash pick-up and debris and litter that people are throwing out of their cars. I know we have a team that is responsible for this but I think we may have to be creative and solve this through public participation. It really comes down to we need eliminate the problem, which are people throwing things out of their window. A lot of it is coming to me out of the Seminole Woods area by the Race Track and SR 100. I don't necessarily have any ideas on how to eliminate that but wanted to put it on the table as something we may want to discuss in the coming year. Ans: Mr. Landon - All research will tell you, you put up a sign and lots of times that is place you find the most trash. But there are educational programs, you saw it with the clean-up. Actually doing promotional efforts, almost guiltting people into not throwing out the trash because you have kids telling them this is bad. It is really trying to change human behavior that is always a challenge. We are going to start our strategic action plan next week and that would be a good one for a campaign program.

CM Klufas-Happy Holidays.

CM Shipley-Happy Holidays and thanks to staff as well.

VM Cuff-Happy Holidays and thanks and good wishes.

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

It is a pleasure and a privilege to work with this Council and this staff who always act in the most professional way. I have enjoyed being your City Attorney and I would like to thank you. Happy Holidays.

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

Little bit of schedule: Workshop and next business meeting are cancelled due to the holidays. The next workshop is January 9, 2018.

Christmas tree recycling, electronics and shredding documents will be available after the holiday.

Camp programs openings are still available for the youth during the holidays.

Mr. Landon wish everyone a happy holidays.

Virginia Smith, City Clerk: I am the leader of the BAM Team. We had several competitions this year. On inspiration and direction from Mayor Holland, she was looking to do a Holiday Food Drive. Staff put together a competition for each department to bring in some can foods for our needy. We are proud to say we collected 1426 lbs of food that was donated to Grace Community Food Bank. We dropped it off last week, completely unexpected. Pastor Salano was very grateful. His shelves were bare and we filled it up for them. It was a wonderful event and we look forward to doing it again next year.

M. ADJOURNMENT

The meeting adjourned at 10:10 a.m.

12. CALENDAR/WORKSHEET

13. ATTACHMENTS TO MINUTES