



City of Palm Coast

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

Meeting Minutes

City Council

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

Tuesday, February 7, 2017

6:30 PM

City Hall Community Wing

City Staff

Jim Landon, City Manager

William Reischmann, City Attorney

Virginia A. Smith, City Clerk

>Public comment on issues on the agenda or public participation shall be limited to 3 minutes for each speaker.

>If any person decides to appeal a decision made by the City Council with respect to any matter considered at such meeting or hearing, he/she will need a record of the proceedings, including all testimony and evidence upon which the appeal is to be based. To that end, such person will want to ensure that a verbatim record of the proceedings is made.

>The City of Palm Coast is not responsible for any mechanical failure of recording equipment.

>Other matters of concern may be discussed as determined by City Council.

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>City Council Meetings are televised on Charter Spectrum Channel 495 and on AT&T U-verse Channel 99.

>All cell phones are to remain OFF while City Council is in session.

A. Call to Order

Mayor Holland called the meeting to order at 6:30 p.m.

B. Pledge of Allegiance to the Flag

C. Roll Call

Present: 5 - Mayor Holland, Vice Mayor Nobile, Council Member Cuff, Council Member Klufas, and Council Member Shipley

Approval of Minutes

- 1 [17-47](#) MINUTES OF THE CITY COUNCIL'S:
- A. January 17, 2017 City Council Business
 - B. January 24, 2017 City Council Special Workshop
 - C. January 31, 2017 City Council Workshop
- A motion was made by Vice Mayor Nobile, and seconded by Council Member Shipley, that the Minutes be Approved as presented. The motion was adopted by the following vote:**
- Approved:** 5 - Mayor Holland, Vice Mayor Nobile, Council Member Cuff, Council Member Klufas, and Council Member Shipley

Proclamations and Presentations

Presentations

- 2 [17-39](#) PRESENTATION TOBACCO 21 BY THE FLAGLER PALM COAST HIGH SCHOOL INTERNATIONAL BACCALAUREATE PROGRAM
- Students from the FPC IB program presented the PowerPoint on Tobacco 21, which is attached to these minutes.*
- CM Shipley-Is it the trend that the kids are using the vape cigarettes instead of regular cigarettes? Ans: Mr. Daniel Thomas-Yes, it is a popular trend now.*
- Council concurred to write a letter of support for the project.*
- The Presentation was Received and Filed.**
- 3 [17-44](#) PRESENTATION ON THE SECOND ANNUAL HEALTH AND SAFETY EMPLOYEE CALENDAR
- Ms. Carol Mini presented a PowerPoint on the City Employee's Health and Safety Calendar, which is attached to these minutes.*
- The Presentation was Received and Filed.**

ORDINANCES, RESOLUTIONS, AND PUBLIC HEARINGS

Order of Business for Public Hearings (Council may make inquiries at any stage):

- Open Hearing
- Staff Presentation
- Applicant Presentation (if applicable)
- Council Questions of Applicant (if applicable)
- Public Comments/ Presentations
- Rebuttal by Applicant (if applicable)
- Close Hearing
- Council Discussion
- Council Action

Second Reading

- 4 [16-496](#) ORDINANCE 2017-XX ESTABLISHING A TEMPORARY MORATORIUM OF

270 DAYS PROHIBITING MEDICAL CANNABIS (MARIJUANA) ACTIVITIES
WITHIN THE CITY OF PALM COAST

City Attorney Reischmann read the title into the record.

Mr. Landon gave a brief summary of the item.

CM Klufas-Have there been any legislation updates? Ans: Attorney Reischmann-There has been some progress, but nothing is finalized. Mayor Holland provided a brief update on the legislation discussions.

Public Comment

Gary Owens-Thinks the Council should wait for the legislation before doing anything.

A motion was made by Council Member Shipley, and seconded by Vice Mayor Nobile, that the Ordinance be Adopted on Second Reading. The motion was adopted by the following vote:

Approved: 5 - Mayor Holland, Vice Mayor Nobile, Council Member Cuff, Council Member Klufas, and Council Member Shipley

Enactment No: O2017-2

Resolutions

5 [17-35](#)

RESOLUTION 2017-XX CITY MANAGER'S ANNUAL BASE PAY

Mr. Landon provided a brief overview to this item.

CM Shipley-I have read all the emails and there is nothing that I can say that would say that Jim Landon did not earn a raise after all these years. A 2% raise for the past 2 years is fine. He has earned it and I think he has done a great job. He deserves this raise. I would like to give the raise but without an evaluation I am not comfortable with an automatic raise. I do not want to add this on to a severance package. I think we should table this and open the contract; give him a raise but do not add it onto a severance package and do not do automatic raises every year just for this two years where we are dealing with it right now (last year and this year). I think that would be better. I do not want to keep adding onto a severance package at this point.

VM Nobile-I took this last week and was thinking of something very similar to that also. I have received a ton of emails on this. We are talking about a \$6K raise, last year we had a \$154 mil. budget meeting, nobody said a word. It just confuses me that we go to bat and write 6 or 7 page letters for a man's raise who is doing a good job but when it comes to the total package of \$154 mil. we are silent and we are ok with everything. That bothers me not as a Council Member, it bothers me as a resident of Palm Coast. That we are not that concerned but we have the focus of a single person that we are attacking negatively. Jim does his job and does it very well. I have gotten the letters and emails and everybody mentioned a couple of things. There are like 3 or 4 things, Holland Park and something else and I thought he has been here 10 years. We are talking about thousands of projects. If you can only pick out three or four that is a problem. The problem is, why are we complaining? The Holland Park, if you have listened to us here, you come here, you know what the problem was. It was we did everything possible. If anything, it is this Council's fault for approving the contract with this contractor, or you could look at it and blame yourself for wanting the cheapest price. So there is no blame, nobody is at fault except the contractor that

just did not do his job. One of the things that I am unhappy with as far as the City Manager is concerned is the previous Council's approval of his severance package. It is potentially handcuffing to any Council and starting with this Council and Councils forward. I always bring it up when we say we want to change something; well let's open the contract cause there are things that I would like to change in there. We are not going to do that. I am pretty sure Jim is smarter than that. I would like to not add to it as well. I like those words "add to the severance package." I see no reason whatsoever, personally, to not approve this raise.

*CM Klufas-Did you present the same options to each Council Member when we met?
Ans: Mr. Landon-Yes.*

VM Nobile-Why did you ask that? Ans: CM Klufas-I was curious as to the different options. I was not sure if he was positioning me separately or whether that was a fair assessment. Only because we are semi new to the Council. Ans: Mr. Landon-No, no, no. That is A #1 issue with City Managers, when you start giving different Council Members different information. Absolutely, not you all got the same options. That is not the same options, which is why I hesitated, those are not the same options I presented at your meeting but I was not sure if that is what you were referring to because after talking with all five of you, independently, I made up new options there which are different than the ones I handed out to you individually.

Mayor Holland-Requested CM Shipley clarify her suggestion. CM Shipley-I actually spoke with Mr. Reischmann because I was not sure if we could go along with the raise and then say it does not add to the severance package. Mayor Holland-Add the 2% to the severance package? Ans: CM Shipley-Well, because ok so whatever the severance package now, it will add \$6,800 on to that, additionally. So now the severance package is bigger. I am saying we can't just give a raise, then open the package and change it, we would have to table it. It would mean one more week that we would table it, open it up, change it, renegotiate it and then add the \$6,800.

VM Nobile-So, we would lock in, cause this is what I was thinking, is we are locking in, right now it is based on a percentage of salary and that is not just salary that is the health, retirement plan and all that stuff. So, what I am thinking is we lock in at the current salary number, we leave it there for severance calculations.

Attorney Reischmann explained the law that changed in 2011 for re-negotiations of contracts relating to severance pay.

CM Klufas-What percent of our employees are below the threshold of \$32K received raises? Ans: Mr. Landon-I am really not sure. That was back in the recession times, 6 or 7 years ago. The history is that during the recession when a lot of people were not getting pay raises, one year City employees did not receive any pay raises. Another year, the employees that were under \$32K received a small pay raise around 2%. Everyone over that did not. Ever since then we have followed our pay plan. The average raise for employees during the past 6 years, depending on where they are in their pay range, is about 3.3% to 4%. This past year because we have attempted to address the pay of our employees to keep them, that has been one of the issues we have had, is that your hourly employees' average pay raise has been over 8% and your salary employees was over 6%. That is important to me because that 4% is substantial. The 2% once again would be half of the range of the average employee would receive in the future based on what we have been doing for the past 6 years.

CM Shipley-Why did the legislatures implement this law? Ans: Attorney Reischmann-The legislature in its infinite wisdom felt that local governments did not know well enough to provide for their contracts with their own City Managers and told

all cities in the State of Florida this is how you are going to negotiate all contracts with your employees. Mr. Landon provided an overview to City Manager's severance pay.

VM Nobile-Is the 20 weeks on the contractual amount or at a dollar rate? Ans: Mr. Landon-I think what you are saying there is that if it changes, then you have to change it to the 20 weeks. You cannot change that provision. Attorney Reischmann explained the Attorney General opinion that if you renegotiate the contract, it would be subject to the State Statute.

CM Klufas-If we open Jim's contract, we put ourselves in the potential high risk of liability. Is that true? Ans: Mr. Reischmann-I can't speak to that. It is like any other negotiation, you are contemplating asking the person on the other side of the table to renegotiate the terms of the contract. Generally speaking when that happens, then renegotiations is not just what you want to talk about.

Public Participation

Eugene Holland-Letter to the Daytona News Journal. Does not support a raise.

Doug Chozianan-What does Mr. Landon earn, what do his benefits cost and what is his severance cost? Comparison of other City Managers in State of Florida.

Doug Owens-Does not support an increase.

Robert MacDonald-Is the 4% based on his current salary or total package? Severance package total for 20 weeks?

Ron DeCosta-Supports a raise.

Louis McCarthy-Hats off to Mr. Landon. Supports a raise.

George Mayo-Supports a raise.

Dennis McDonald-Are we paying a City Manager the right amount of money or is it time for a reset?

Responses to Public Comments:

Salary and benefits-Ans: Mr. Landon-Current base salary \$168,878. An increase would be on that base salary. My benefits are health insurance, retirement, car allowance-\$7,200. Severance is 6 months of my salary plus benefit package. Payout of vacation-I do not have that exact figure. It is substantial as it is 6 months of base salary.

Mayor Holland-Are we paying the right amount for services? Ans: VM Nobile-Can I answer, because I did some research on this. This question has been asked a lot-are we paying the right amount, for not Jim but, for a City Manager. Someone challenged me in an email and they sent me data. So I do not believe half of what I see and none of what I read. So, I went and did it myself. I found on a website according to the national numbers for cities of this size with revenue of our size, because it is important, it is not just a City Manager, it is how many people, what kind of budget are you dealing with, how many employees are under you. For a City Manager he was in the 54th percentile. That means 54% of City Managers make less than him and 46% make more. That is pretty dead on. I know his numbers, so I entered all this data and answered the email with this information and I did not receive an email back. We have to be careful with how much does that guy make, and how much does that guy make. You know I am a CEO of a company, so I want to make what Bill Gates makes because he is a CEO too. It does not work that way.

It is not only the position, you do not compare yourself to others.

Mayor Holland-As of yesterday, I have spoken at 9 different organizations and clubs. I have one tomorrow and one next week. I really talk about City services. It is really informational. By the end of my presentation, which is well attended, not just a few people here and there, the general consensus is wow, we had no idea how complex our City is and all the services our City provides for our residents. We have amenities that are nice to have amenities then we have need to have infrastructure and as stated by some of the comments, we went from the fastest growing City in the nation two years in a row. We went from the number one unemployment rate in the State of Florida and we saw some dramatic changes in our economic conditions in our community. The one thing that remains steadfast was the quality of life that Palm Coast was able to create for our residents. I contribute this not only to the Manager but to the employees and the hard working people each and every day that really take pride in everything that they do but that really does start with an executive that organizes structure. We have department heads that I have spent time with and spoken to and I have to tell you that I represented the County for six years and this City is very well run. I am not going to say anything disparaging against the County but I will tell you that it is like night and day. You should be very proud of how fiscally sound this City is. We have one of the lowest municipal tax rates in the State of Florida for a city our size. That says a lot when we continue to maintain our quality of life. There is a cost associated with that. We have a sense of pride in our community. I have lived here for 30 years and I still drive around and feel like I am on vacation every single day. That is special and that is unique. My observations during my time as Mayor have been one that have been closely monitored. I have been in the office just about every single day from morning until night dealing with a multitude of issues from residents, concerns, addressing those issues, and Mr. Landon has been very responsive to every single one of those residents that I have asked him to correspond with. I have watched him address the issue of Hurricane Matthew. That was not an easy feat to manage. In particular debris clean up, dealing with FEMA and that was very comprehensive because as you can tell there are other communities that are facing challenges that FEMA is not reimbursing them the dollars that they submitted for. Those are all very complex issues. That is not an issue where you walk in one day and say I think I am going to manage a City. It takes an extreme amount of background and experience and knowledge to do that. He has also been very consistent with the previous Council's priorities they have set. I have not watched him veer off course from that. He has honored that we are a City Manager/Council form of government. We set policy, he executes that policy and runs the day to day business of the City. He does that with concrete sincerity each and every day. I watched him today. We have a challenge with relocating our organizations out of the community center into different locations. That is not an easy feat when you are dealing with over 50 locations. We had an issue with one of them that wanted to address this Council but wanted to see if there was other options. Mr. Landon was very respectful and Parks and Recs Department was there and found a viable solution to move forward. The organization was very happy. That was just a small part of what he does each and every day. The City owns its own utility. I can tell you that is very complex. ITT put in a very antiquated stormwater system. That is very complex. It is not an easy thing to hire the correct people to manage that kind of infrastructure. We do have infrastructure needs. From past experiences, anyone who knows me, knows I am very hard on administrators. I do not take my job lightly, and I require that standard to be very high. Jim and I have had many conversations as to what my expectations will be in the next year moving forward. Some of the things I want to address, he has been open to that dialogue. I have confidence that this City is in good hands, and he has my support in an increase in compensation and we can go back and forth about what the Flagler Beach's City Manager is paid but the City Manager of Flagler Beach manages a population of 4,800 people. We

are the largest City in this County with 84,000 residents. Again, that requires an amazing amount of management, background experience and tools. I am looking forward to moving forward as far as an increase request of salary.

CM Cuff-Thanked the Vice Mayor for doing the research. Favors the raise that has been requested. Favors the 4% increase and limits the automatic increases.

Mr. Landon-The resolution calls for the automatic increases to go through 2021.

CM Cuff made a motion for a 4% increase to the base salary with a 1% annual increase unless Council agrees greater or lesser with an evaluation to take place September 30. CM Klufas seconded. Attorney Reischmann clarified motion.

A motion was made by Council Member Cuff, and seconded by Council Member Klufas, that the Resolution be Adopted as amended. The motion was adopted by the following vote:

Approved: 5 - Mayor Holland, Vice Mayor Nobile, Council Member Cuff, Council Member Klufas, and Council Member Shipley

Enactment No: R2017-11

Consent Agenda

Public comments shall be held In accordance with Section 286.0114 Florida Statutes. Any member of the public interested in speaking on any item on the Consent Agenda, shall come to the podium, state their name and will have up to three (3) minutes each to speak.

A motion was made by Vice Mayor Nobile, seconded by Council Member Shipley, that the Consent Items be Considered as reported on the Consent Agenda. They were approved by the following vote:

Approved: 5 - Mayor Holland, Vice Mayor Nobile, Council Member Cuff, Council Member Klufas, and Council Member Shipley

- 6** [17-04](#) RESOLUTION 2017-XX APPROVING A PRICE AGREEMENT WITH ARGOS READY MIX, LLC, FOR CONCRETE AS NEEDED
Enactment No: R2017-12
- 7** [17-23](#) RESOLUTION 2017-XX APPROVING AN AMENDMENT TO THE INTERLOCAL AGREEMENT WITH THE FLAGLER COUNTY SHERIFF'S OFFICE
A motion was made by Vice Mayor Nobile, seconded by Council Member Shipley, that the Consent Agenda be Adopted on Consent. The motion was Approved unanimously.
Enactment No: R2017-13
- 8** [17-28](#) RESOLUTION 2017-XX APPROVING THE GRANTING OF A UTILITY EASEMENT TO FPL AS REQUIRED FOR THE MATANZAS WOODS PARKWAY MASTER PUMP STATION PROJECT
A motion was made by Vice Mayor Nobile, seconded by Council Member Shipley, that the Consent Agenda be Adopted on Consent. The motion was

Approved unanimously.

Enactment No: R2017-14

- 9** [17-31](#) RESOLUTION 2017-XX APPROVING FDOT OFF THE STATE HIGHWAY SYSTEM TRANSPORTATION REGIONAL INCENTIVE PROGRAM AGREEMENT FOR THE RIGHT-OF-WAY ACQUISITION PHASE OF THE OLD KINGS ROAD EXTENSION PHASE II PROJECT

A motion was made by Vice Mayor Nobile, seconded by Council Member Shipley, that the Consent Agenda be Adopted on Consent. The motion was Approved unanimously.

Enactment No: R2017-15

- 10** [17-33](#) RESOLUTION 2017-XX APPROVING THE SALE OF 2007 STERLING VACCON TRUCK, IN THE AMOUNT OF \$75,000, TO THE CITY OF BUNNELL

A motion was made by Vice Mayor Nobile, seconded by Council Member Shipley, that the Consent Agenda be Adopted on Consent. The motion was Approved unanimously.

Enactment No: R2017-16

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 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.

Doug Chozianan-Cable T.V. bill and AT&T fiber.

Mary Glorioso-Feral cat population and public safety. Toxoplasmosis.

Louis McCarthy-Belle Terre South and median status and do we have a completion date?

Robert MacDonald-Homeless. What constitutes camping in the City of Palm Coast? Community Center for homeless? If not why?

Gary Owens-3 year resident. Palm Harbor Golf Course-we need to keep it, but we need to change how it is run.

Tim O'Donnell-Process complaint of PLDRB meetings.

George Mayo-County Commission meeting-a homeless man arrested yesterday. Long term goals-funding for a standalone senior center. Do not enter signs at Tractor Supply have been erected-thank you. Council raises should be revisited.

Responses to Public Comments:

Fiber-Ans: Mr. Landon-AT&T is installing fiber throughout the community. It is a simple application. As far as I know, we are not holding anyone up. They are a private company. I will also check to make sure we are not holding AT&T up.

Feral cats-Ans: Mr. Landon-We have been addressing this issue for years. We do not allow feral cats in our public property. We do work with the Humane Society with the TNR program. If there are specific locations, we can address this. Request Carl Cote get the information.

Belle Terre south medians-Ans: Mr. Landon-I received a little report on it today. They are making good progress. The City crews are working on this project. Finish up date is late spring-early summer.

Homeless-Ans: Attorney Reischmann-First of all there is a big distinction between public property and private property. If people are out on private property, then there are all sorts of criminal statutes that can be enforced apart from whatever the City may be able to enforce. There is trespass. There are many, many State Statutes, these are criminal statutes, that can be brought to bear. We have various provisions in our code, mostly in Chapter 42 that provide for limitations of what people can do on our public property. You can't sleep, lodge, or camp in a park overnight. I cannot speak to the exact examples that the gentleman was speaking of, but we have codes that when we become aware of violations of our code, we can move to enforce them. Mayor Holland-I met with the Director of the Health Department the other day. One of the initiatives that Flagler Cares will be attempting to address is the homeless population. When we get the updates, we will certainly provide those as we have them come in.

PLDRB agenda language-Ans: Mr. Landon-I do not know what their written document indicates but maybe we need to update it and take a look at it. Their process is very similar to Council's. There is citizen comment period and once that is closed then Council has discussion and asks the staff and the developer to answer these issues. It is up to the Chair of the PLDRB to determine if you open it back up for more citizen comment. That is unusual to open it back up for citizen comment.

E. Discussion by CITY COUNCIL OF MATTERS NOT ON THE AGENDA

Mayor Holland-Representative Renner filed a bill that demolishes Enterprise Florida. Governor Scott is not in agreement with demolishing this program.

F. Discussion by CITY ATTORNEY OF MATTERS NOT ON THE AGENDA

Nothing at this time.

G. Discussion by CITY MANAGER OF MATTERS NOT ON THE AGENDA

Another bill that looks innocent but is not is to allow Cell carriers to put up cell towers in our street Rights-of-Way. They want to put up 150 foot cell towers on our streets. We are working with our contacts in Tallahassee with that bill.

Activities-Birds of Feather Fest is this weekend. There will be some art displays, etc., Friday through Sunday this weekend.

Saturday, March 11 through Sunday, March 12- Palm Coast Seafood Festival.

Thanked Council for their kind comments and consideration for his salary.

H. Adjournment

The meeting was adjourned at 8:56 pm.

*Respectfully submitted,
Virginia Smith, City Clerk*

Calendar and Worksheet

[17-48](#)

MEETINGS CALENDAR AND AGENDA WORKSHEET

[17-53](#)

ATTACHMENTS TO MINUTES