



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, February 14, 2017

9:00 AM

City Hall 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.

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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

Records Coordinator Barbara Redline called the roll.

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

D. PRESENTATIONS

1 [17-43](#) PRESENTATION ON THE UPDATE OF THE LAND USE SCHEDULE FOR THE TRANSPORTATION IMPACT FEE

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

Mr. Sans Lassiter of Lassiter Transportation Group and Mr. Jonathan Paul from NUE Urban Concepts.

Mayor Holland - When is the time determined that capacity has to be added; when does the clock start ticking to add the capacity? Mr. Papa - Projects need to be included into the 5-year CIP (Capital Improvement Plan). Capacity improvements - one of the ways to potentially fund that would be through impact fees. There needs to be a constant review of projects that could be funded with impact fees.

Mayor Holland - We are seeing substantial increases in costs and materials but impacts fees could have been collected years ago, so how do you match that up? Mr. Landon - One of the things that we are going to recommend is to every year index the fees by some index, cost of living index, etc. We are going to recommend that it not just be the consumer price index but there is the construction cost index that makes sense.

CM Klufas - There is a timer that starts when you collect that dollar impact fee and it has to be spent improving the area where the dollar is collected, right? Mr. Paul - It is typically a secure window, more and more fees that he has been working on lately they are expanding it out to 10 years because the time you begin planning and design and engineering to the point you get to actually construct a roadway, it takes a lot longer than it did a few years ago. Mr. Landon - As far as area, you can do districts, you can do Citywide; you do not want to get too narrow. Mr. Paul - You do not collect enough money in a smaller area to do an improvement or road with it that may pass through multiple small areas.

Mayor Holland - For instance the Dunkin Donuts on SR100 and the drive-through that is all the way out to the road which is an issue over there, so do you take that into account or that impact? Mr. Paul - We do, one of the problems is the consolidation, we are looking at sit down and quality restaurants and putting those together. Then also there is a restaurant with drive-through category to properly reflect that a Dunkin Donuts has a different impact than a Carrabba's. There are seven or eight different categories, and we will consolidate it into two to make it that much easier.

Mayor Holland - There was one developer for Island Walk and so they had an impact fee so that is interesting, the 7-Eleven, so you are saying the outparcels would be part of that or excluded? Mr. Landon - When the Island Walk developer comes in they are just developing the main strip, they have these outparcels that they plan on selling so they don't actually develop them. They just want to pay impact fees on their shopping center and then tell us we can deal with the bank, restaurant, etc., (outparcels) independently. Then when that bank comes in they say oh no we are part of Island Walk so we should get the same rate as the shopping center. That is where we get into the constant issue of whether the outparcels are part of it or not part of it.

CM Shipley - Who makes the final decision whether it is part of Island Walk? Mr. Landon - We are trying to put that in black and white as best we can based on the technical standpoint; do you have connectivity, do you have that driveway access to the street, all those things. Sometimes it is negotiations; but we try to make it so it is based on technical facts and not just someone requests it; take out the subjectivity.

VM Nobile - This one (Chipotle) is unique because it is part of the complex and it has a drive-through so would we classify it as a restaurant or a drive-through; what would the impact fee be based on? Mr. Landon - It is going to be part of the shopping center. Attorney Reischmann - The purpose of this is to make sure that if there is a legal challenge to the condition of these fees, we can defend them.

Mayor Holland - We recently approved a development that will include a Wawa and the whole parcel will be developed so we have multiuses and looking at it as one facility then you are looking at the impact it has internally and then looking at the impact it has on Bulldog and SR100? Mr. Lassiter - There is a two part process, one part is impact fees and the other part is the traffic analysis; they are a little different. The purpose of the impact fees is to raise money for offsite, nonaccess related improvement; making sure the traffic circulation around the site is appropriate, properly designed. There is a very strong distinction between those two. So, one is to gather money to build future roads and the other is to add lots of impact adjacent to the site. Each different type of use can have its own issues.

CM Cuff noticed we have independent living with continuing care facility as a residential use, drop down one to institutional continuing care, including nursing home memory care, congregate care has a different use where they are measuring beds. Virtually every assisted living facility in Palm Coast combines those two uses. So how do you propose taking a true look at those projects in terms of traffic impact? Mr. Papa - For each portion of that development it will be broken up into different calculations for the facility.

CM Klufas - Are we making anything drastically different where we take the average and it represents only a small number of people in that pool? Mr. Lassiter - We would have a hard time supporting that, so our goal is to make those groupings as homogeneous as possible. Mr. Paul - Industrial warehouse versus manufacturing or distribution; they will classify it as industrial to simplify it.

CM Cuff - What is the distinction of the proposed of the propose land use between a single family detached home and an ITT platted lot? Mr. Paul - The intent of the ITT platted lots are generally located closer to the town center; the core part of the development; more urban, shorter overall trip length. A single family home in a master planned community may have longer trip lengths. The trip length is one of the factors that goes into the fee itself.

VM Nobile - When you develop a commercial building, what is the radius of the impact? Mr. Lassiter - It is directly proportioned to the size of the shopping center. For a mall it may go 10-15 miles. If you are looking 7-Eleven it is more of a pass by use; it is very limited. Tanger Outlet is super regional; traffic from the interstate; there are differences in trip lengths associated with those different types of uses.

VM Nobile (Update of Land Use Schedule - Objectives slide) - He sees the convenience store and pumps draws more traffic, but he doesn't see that with a bank, why is that? Mr. Paul - One of the big trends right now in banking is actually drive-throughs, not exclusively, but they are getting to the point where you can do banking via smartphone or drive-through more and more. There is a trip generation for lanes and also for building square footage. Mr. Landon - We just say the square footage of your indoor bank; it could have 20 lanes and we don't consider any impact at all in our current ordinance which is not relevant to today's world. Attorney Reischmann further clarified the need to make the distinction for the bank drive-through lanes and the impact.

CM Cuff - The traffic impact for a drive-through lane with a teller versus a drive-through with an ATM, is there a difference? Mr. Paul - Basically, a lane is a lane but the ITE (Institute of Transportation Engineers) trip generation manual looks at an ATM lane the same as a teller lane.

CM Klufas - Near Chick-Fil-A and Taco Bell there is a standalone ATM, is that an

example? Mr. Landon - Yes, that is a great example. When Chick-Fil-A came in, there would be a restaurant with a drive-through and then the site plan had a bank drive-through so that one site would have in essence three factors that would determine what the impact fees are.

Mayor Holland - SR100 we don't maintain that, so if there is an impact we collect an impact fee and in the future if it is deemed necessary to add capacity to SR100 . . . ? Mr. Landon - We don't consider that. Mr. Lassiter - No, typically we do not, however, if it is impacting a street that goes onto the State road by increased turn lane stacking problems then that is possible that could happen. We try to pick that up with the unified development program in the beginning. Mr. Landon explained they are looking at the total area impact.

Mayor Holland - Multi-jurisdictional road where we collect the impact fees and if the County owns the road, do we enter into an interlocal agreement, what does that look like? Mr. Landon - A good example is Old Kings Road north and south of SR100. We would collect any impact fees and development that occurs in Palm Coast and then we would use that to make improvements on that portion of Old Kings Road that is our jurisdiction. The County can collect impact fees for all residential development south, close to the County line, Eagles Lake and they can use those dollars for improving Old Kings Road down in that area of unincorporated County. If we want to do some type of joint venture so it is coordinated, then yes we would do an interlocal agreement and have who is going to pay for what. You can use your impact fees on a non-City street but it would be an agreement with that other entity whether it is County or State.

Mayor Holland - Matanzas interchange, if we have future development over in that area and it is still under the County, how do we . . . ? Mr. Landon - The interchange is going to be Federal highway system so anything that happens there is going to come from FDOT (Florida Department of Transportation) and State and Federal dollars. Matanzas Woods Pkwy. is currently a County road; we have an agreement that they will turn it over to us. One of the reasons for that agreement and concept behind that is yes we are collecting all the impact fees there, Matanzas Woods Pkwy. stops and starts in Palm Coast. It is not a Countywide kind of street so the idea is the County will fulfill that obligation and turn it over to us; it would be our maintenance responsibility and our responsibility for any future improvements. But any of the impact fees generated in that area are going to come to Palm Coast because basically it is all in Palm Coast.

CM Shipley - They have not turned that over to us yet, so who is supposed to do the maintenance? Mr. Landon - They own it, so when you own the property you maintain it. They were supposed to turn it over to us in June, hopefully, it happens sooner than later. Attorney Reischmann - Impact fees cannot be used to maintain any existing capital improvements; they can only be used for expansions, widening, turn lanes, things like that which are deemed to be a function of needs from growth from the new development. There are limitations to what you can do with impact fees.

Mr. Paul - If there is something in the schedule that you would like to see differently this is your opportunity to give us feedback. If there are any issues that are problematic, we are looking for your feedback.

CM Cuff - So until the actual ordinance adoption, these presentations are all FYI? Mr. Papa - FYI, for comments and discussion. Mr. Paul - One thing they ask is if there is something in the schedule proposed that Council would rather see differently, this is an opportunity to give them feedback to refine this because one of the issues is that once they go through the whole study and calculations; they get down to the

ordinance stage and start changing land uses then they are back to the drawing board. So, if there are certain uses that are problematic or that Council wants them to look at further and report back they would like that feedback.

CM Cuff - Is there any narrative that accompanies this table that we should be looking at so we understand the rationale of, for example, a mini storage? The footnote says there will be something to convert outdoor storage space to square footage for purposes of impact fees. He is interested in how that footnote gets incorporated into the final. Mr. Paul - That is a good example, mini warehouse, industrial itself does not generate a whole lot of traffic, but mini warehouse is probably a third of that. So the future trend is, people are buying these mini warehouses and now doing RV and boat storage. It is trying to capture that, etc., and that there are trips going to that space but overall it is not going to be prohibitively high.

CM Cuff Mr. Lassiter - We are tailoring this experience here in Palm Coast; that is what we will try to do but those narratives do need to be selected, identified and they will make the difference of how it is implemented. Mr. Landon - We have a couple of options, one of them is once it is finished we can forward it on to City Council and they can provide individual feedback, but this is kind of a preliminary stage that is just trying to get everybody on the same page as we move forward so we do not get too far along and have to start over. When you get to identifying road improvements and the actual costs and all that you definitely have to have a narrative that goes along with it at that point it becomes part of the report. Mr. Paul - We will bring some of the narrative back when we come for this next step to give you an opportunity to comment on it.

CM Cuff - How does the timeline for developing this interface with the work that staff and the planning board and Council will have to review and the rewrite of the LDC (Land Development Code)? Mr. Ray Tyner, Planning Manager - They are running concurrently together. This will be the first step, followed by those chapters in the LDC to make sure they are all consistent.

CM Klufas - In the past when we review every 6 years, have there been many changes in the past and when we adopt these changes do we open ourselves up for someone saying they were just charged impact fees that are higher than what they would have been if they had been a year later after these changes have been made. Do we open ourselves up for any legal repercussions, etc.? Mr. Landon - About 2010, we did relatively minor change(s) that is really the only other revision we did. This is a total rewrite and total update, so the last one was tweaking it, this one is basically starting from scratch with new standards, new information; the world is different now than it was 17 years ago and we use a lot of the County's foundation. We did the same thing with Utility and Parks & Recreation. Attorney Reischmann added we will get challenged or penalized if we don't update the LDC to capture the real world changes out there.

The Presentation was Received and Filed.

2 [17-55](#)

PRESENTATION ON SAP PROCESS AND CITIZEN SURVEY

Mr. Landon gave a brief overview of this item. Ms. Denise Bevan, City Administration Coordinator, gave a PowerPoint presentation, which is attached to these minutes.

CM Shipley - On the one that is on the City website, are they going to have to search for it? Ms. Bevan - No. Mr. Landon - It is going to be one of the big featured items on the main page.

VM Nobile for a template (or link), so he can put up on his Facebook. Ms. Bevan - Yes.

Mayor Holland - Do we run the risk if we are putting it out in different forms, can you fill out the survey more than once? Mr. Landon - Yes. Ms. Bevan - It stays anonymous, but we do have some methods of tracking if necessary (IP addresses, etc.).

The Presentation was Received and Filed.

E. WRITTEN ITEMS

- 3** [17-36](#) RESOLUTION 2017-XX APPROVING RENEWAL OF FDOT MEMORANDUM OF AGREEMENT - CONTRACT AS276 FOR RIGHT OF WAY MAINTENANCE FOR PORTIONS OF US HIGHWAY 1 AND SR100
- Mr. Landon gave a brief overview of this item.*
- CM Shipley - So, you are thinking the prices are low because they are using old data? Mr. Landon - We are better off taking the \$87,000 and maintaining it ourselves.*
- The Resolution was Continued.**
- Enactment No: R2017-17
- 4** [17-50](#) RESOLUTION 2017-XX APPROVING AN ADDENDUM TO THE WORK ORDER WITH MCKIM & CREED, INC., IN THE AMOUNT NOT-TO-EXCEED \$56,800.00, FOR LOAN COMPLIANCE SERVICES FOR THE MATANZAS WOODS PARKWAY MASTER PUMP STATION AND FORCE MAIN
- Mr. Landon gave a brief overview of this item.*
- CM Cuff - He can't imagine anyone could do it less than McKim & Creed, but aren't there other engineers in town? Mr. Landon - It is their design; you don't want to change horses midstream.*
- The Resolution was Continued.**
- Enactment No: R2017-18
- 5** [17-51](#) RESOLUTION 2017-XX APPROVING A WORK ORDER WITH CPH, INC., IN THE AMOUNT OF \$76,600.00, FOR ENGINEERING SERVICES TO COMPLETE THE ASSET MANAGEMENT PLAN FOR THE WASTEWATER TREATMENT PLANT #2
- Mr. Landon gave a brief overview of this item.*
- CM Shipley - It is required to spend \$100,000 in order to spend our funds? Mr. Landon - Yes.*
- The Resolution was Continued.**
- Enactment No: R2017-19
- 6** [17-56](#) RESOLUTION 2017-XX AUTHORIZATION FOR THE PURCHASE OF MATERIALS AND ASSOCIATED EXPENSES IN AN AMOUNT

NOT-TO-EXCEED \$100,000.00 FOR THE CONSTRUCTION
IMPROVEMENTS OF THE PINE LAKES PATH PEDESTRIAN BRIDGE

Mr. Landon gave a brief overview of this item.

Mayor Holland - Are you feeling comfortable with the \$100,000 amount? Mr. Landon - Our engineers are comfortable with that figure.

The Resolution was Continued.

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

VM Nobile - He would like Council to consider shutting down commercial truck traffic on Florida Park Dr. We are going to have a lot of kid traffic with the park and already with Island Walk shopping center. FDOT has it at almost 600 truck trips a day which is about three times that of its partner like Old Kings Road just over to the west and that is where they should be especially with the new interchange open. He does not know why they are coming down Florida Park Dr. He does not know the legalities but he would like to see that shut down to large commercial trucks. Mr. Landon - We are right now, figuring out the logistics of getting electricity and putting cameras up along Florida Park Dr., so we can determine what trucks are doing what and assist law enforcement. We are trying to get the through truck traffic eliminated.

CM Shipley - This has been discussed for two years now, so when will the cameras actually go up? Mr. Landon - We have them now.

VM Nobile - He is concerned with the starting posting and getting the word out to the drivers. Commander Mark Carman and his crews have already started some of that impasse. When Palm Harbor extension was under construction or before it was finished, it was difficult to deal with residential streets and the trucks were going through, but that is done now; we are already seeing some impact. If Commander Carman needs signs saying no through traffic, we will give him that. Whatever he needs for enforcement. We cannot have a deputy out there all the time, but we can have one there when the trucks usually go through there. VM Nobile - His objective is to get them off the road.

CM Klufas - Is it possible, instead to do more of a use base system; where you have

construction vehicles, because they are categorized with their license plates and heavy equipment? Can you assess a service fee for using Florida Park Dr.? He spoke of using LPRs (license plate readers used on toll roads), and that way you do not have to have a police officer sitting there. You try to justify it perhaps as a revenue source, and you will know if they are construction vehicles, etc. Mr. Landon - We don't have the technology to do that.

CM Shipley - The signs, just no heavy trucks signs to get it going.

Mayor Holland - When she was a Commissioner they had this issue with the weigh station and truckers were going the back roads; for a period of time they had to beef up the police force to stop them out there and unfortunately for them they got wind of it and communicated with each other and it stopped. So, be prepared.

VM Nobile - Before the interchange it was difficult let's say, that has changed now. It seems like it is just more habit and we may need to get them off that habit, but it may not work and then we have to look at the next step and say okay maybe now we need to get a bit more whip cracking.

Mayor Holland - Are they delivering to Publix? Those kinds of vehicles? Mr. Landon - He thinks they were probably making deliveries along Palm Coast Pkwy., and then they were going up Florida Park Drive to get to the convenience stores on Palm Harbor. Our goal is to get them on Old Kings Road up to Matanzas and back down.

Mayor Holland - Maybe we can talk to some of the business owners? Mr. Landon - We have already been working on it. We will pick it up again.

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

No comments.

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

1:00 pm today groundbreaking for the community center renovation.

This past weekend we had our birding festival, the weather was beautiful, the birders enjoyed it. A great event for us.

J. ADJOURNMENT

The meeting was adjourned at 10:47 a.m.

*Respectfully submitted,
Barbara Redline*

Calendar and Worksheet

[17-58](#)

MEETINGS CALENDAR AND AGENDA WORKSHEET

[17-62](#)

ATTACHMENTS TO MINUTES

