



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, April 25, 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 [17-141](#) PRESENTATION - OVERVIEW OF FUND ACCOUNTING AND REVENUES

Mr. Landon gave a brief overview of this item. Mr. Christopher Quinn gave a PowerPoint presentation, which is attached to these minutes. He was accompanied

by Ms. Helena Alves, Accountant, and Ms. Lina Williams, Budget Analyst.

Fund Classifications slide:

Mayor Holland - What is an example of Fiduciary Funds? Mr. Quinn - Volunteer Firefighters' Pension Fund; it belongs to the pensioners and we manage it with the Volunteer Firefighters Pension Fund Board.

Mayor Holland - Impact fees, fire impact fees does that go into our Fire Dept.? Mr. Quinn - Fire impact fees are dedicated for capacity improvements of our fire service.

2017 Revenues by Source slide:

Mayor Holland - Communications Service Tax, where does that go to? Mr. Quinn - The City's Communications Service Tax is 5.22% of that goes to the State and most of it flows back to the City.

Mayor Holland - Residents that are in Palm Coast whatever is charged on cell phones, we get back? Mr. Quinn - Not all of it, there is a whole laundry list of taxes on your communications bills, but one of them comes to the City.

Taxes slide:

Mayor Holland - (Local Option Fuel Tax) We use ours for what? Mr. Quinn - Primarily, for the last 3 years it goes to the streets improvement fund for street resurfacing and safety projects.

Mayor Holland - Which one is the one the State preempted us on? Mr. Quinn - The Local Business Tax.

Mayor Holland - How much does that generate? Mr. Quinn - About \$400,000 per year.

Mayor Holland - They are saying we are not allowed to collect it? Mr. Quinn - It keeps morphing, but over the years there have been a number of attempts just to get rid of it altogether; changing the amounts, putting a cap on how much you can charge; this year they are trying to put a cap of \$25, etc. Mr. Landon - Some of the businesses that have large lobby groups have been successful in being exempt from the tax where we cannot charge; every year there seems to be something that erodes at it.

Mayor Holland asked that a list of the cities in the State that use the Public Service Taxes, and which taxes, (80% of the cities in the State use Public Service Taxes) be sent to Council. Mr. Quinn will provide the list to Council.

Restricted Revenue Source slide:

Mayor Holland - What is the percentage now in the Disaster Reserve Fund; where are we in that fund? Mr. Quinn - We had \$2.3 mil. in that fund; we are going to spend all of that if we have not already.

Mayor Holland - So, you replenish it? Mr. Quinn - As we get reimbursed from insurance and FEMA and the State, that will replenish it.

Mayor Holland expressed concerns with wildfires. Mr. Quinn - That is why we have the fund balance policy; we have backup savings; we have other places to go for additional savings if we need it.

Unrestricted Revenue Sources slide:

CM Klufas - Do the majority of other municipalities have the Utility Franchise Fee and Public Service (Utility Tax)? Mr. Quinn - Yes, we are very much the exception- Mr.

Landon - Particularly, the Utility Franchise Fee, very common.

VM Nobile - The extra revenue from Utility, is that controlled by policy or ordinance; after our obligations are met with Utility funds? Mr. Quinn - The bond covenants say you have to do all of this stuff first; whatever is left is really up to City Council to decide at this point. Mr. Landon - Poor policy with that particular fund because of the major capital needs in the Utility.

CM Klufas - Franchise fee and utility tax is that one that gets cut up by the time it actually gets to the City or do the majority of dollars end up back in Palm Coast? Mr. Quinn - The City would pretty much get it all. Mr. Landon - It is a percentage, you set the percentage; there is a cap by State law.

Mayor Holland - Funds, like our sales tax, fuel tax; we use it for dedicated services, so it could be dedicated? Mr. Landon - City Council could dedicate the funds to a specific use or to the general fund; it would be City Council policy, not required by law.

Looking Ahead slide:

Mayor Holland - She knows the auditor made some suggestions about diversifying, is that due to the fact that our main source of revenue was the building industry for many years? Mr. Quinn - Yes, when you look at our main construction accounts like our impact fee accounts, if the building is done there is no park impact fees, no transportation impact fees, there is no fire impact fees if people do not build. So, when the industry dropped, those accounts received virtually no revenue; no money to do potentially needed capital projects out of those funds. You do not want all your eggs in one basket. The property taxes also had a lot of pressure on them, because the County is not doing well, and we did drop our total value collections by 25%. One of the ways we did that was no longer funding capital projects. By having other revenue sources that are a little bit more resistance to swings in the economy is a good thing.

The Presentation was Received and Filed.

2 [17-175](#)

RESOLUTION 2017-XX APPROVING A CONTRACT WITH DIAMOND TOWERS IV, LLC, FOR WIRELESS TELECOMMUNICATION CONSULTING TO IMPROVE THE WIRELESS COVERAGE THROUGHOUT THE CITY OF PALM COAST

Attachments: [Resolution-Diamond Wireless Communications](#)
[Contract with Diamond Wireless](#)

Mr. Landon gave a brief overview of this item. Ms. Debbie Streichsbier, Compensation Analyst, gave a PowerPoint presentation, which is attached to these minutes. Also present were staff members: Ms. Ida Meehan, Senior Planner, and Mr. Don Schrager, Construction Site Supervisor. Mr. Daniel Turnpaugh and Mr. Randy Kilgore of Diamond Communications were available for questions.

CM Shipley - Towers can hold 4 carriers, but we only have one or two on them? Mr. Landon - Yes.

Mayor Holland - What do we do with those funds (from City owned and leased communications towers); are those dedicated funds? Mr. Landon - It all goes into IT; all part of our IT enterprise fund so it goes back into our technology program.

CM Shipley asked about the different revenues from the different towers. Ms. Streichsbier explained it had to do with the number of carriers on the different towers (\$33,000 for 1 carrier; \$107,000 with three carriers).

CM Klufas asked about the leasing of the towers; it goes up 3%? Mr. Landon - We have an escalation clause on all of them; that goes up 3% each year, so they didn't start off at that amount (shown on the slide).

Mayor Holland - Is it just towers; is there other technology that could provide us with this service besides towers? Mr. Landon - Most phones and carriers will allow you to get calls through Wi-Fi. Also happening, are micro towers or mini towers, which are like antennas attached to electrical or utility poles. There are other ways, tall buildings, church steeples, etc.

CM Cuff - Obviously, there are more cell carriers in the City; what makes us think we could find two or three more carriers if we are competing with other carriers for service?

CM Klufas - Did they give a formal retraction; why did they remove themselves from the process? Ms. Streichsbier - They were not specific, they knew we had need but in final stages of negotiation they did not go forward.

CM Klufas - How many towers do you have or manage? Mr. Turnpaugh - We have about 300 towers that we own around the country. We manage about 200,000 sites for third parties; primarily managing third party assets.

VM Nobile - How are you going to get AT&T on our existing towers that we cannot; how is that going to happen? Mr. Kilgore - We would say the City is extremely interested in getting their coverage and that we witnessed firsthand the coverage issues that are out there, etc. We would certainly look at all the carriers.

VM Nobile - When towers get upgraded or implemented; it is more of a customer movement. If everyone is still using these services, why are they going to invest in this (towers)? Mr. Schragger - That is one of the reasons we are bringing in technical experts, we do not have a marketing program to reach out to AT&T. Mr. Kilgore - All carriers have their own plans, but here has been a lot of focus on the past few years simply because of all the data usage.

Mayor Holland asked if Diamond would reach out to other County governments and the County to see what their future plans are. Mr. Turnpaugh - We would be happy to do that if the introduction was made, etc.

Mayor Holland - Have we ever reached out to AT&T? Mr. Landon - Yes, but our experience is that they do not want to deal with government; for the most part we do not get to the right people.

CM Klufas - We only have problems with AT&T, right? Mr. Landon - Back in the day when they were building towers, it was a matter of who approached us.

Mayor Holland - You would do an analysis of dead zones and then you would you look into coordinating with other communities in the area? Mr. Turnpaugh - We would certainly be happy to do that; certainly within a mile or two of Palm Coast.

Mayor Holland - This is not going to take care of coverage in a lot of the big box stores (dead zones)? Mr. Turnpaugh - There probably needs to be some new infrastructure in place; whether it is in building coverage, small cell, smaller towers or

something in that tool box. Mr. Landon - Whenever you add an antenna it will help within the range of the antenna.

CM Shipley - What do you do besides looking at the map and say what area does not have towers now, etc.? Mr. Turnpaugh - It starts as simple as that; that is a layup, but beyond that it is comparing existing coverage; where it is and where it is not for all 4 carriers.

VM Nobile - Will you actually test signal strength? Mr. Turnpaugh -Right, there is software for that.

Mayor Holland - The County has one (tower) at Graham Swamp with no carriers? Mr. Landon - It would be highly unusual; it is a competitor of Diamond that built the tower. It is a cell tower company that is building the tower on County property; unlikely that they built that without having at least one carrier that will rent space there.

Mayor Holland - If it is a competitor, how do you resolve that? Mr. Turnpaugh - The public tower companies are out there; everyone knows where the sites are. They are not hidden. With regard to zoning new towers, your zoning body will decide when and where towers would go.

VM Nobile asked what value are we getting with this RFP (Request for Proposal). Attorney Reischmann - he read from the contract, bottom of page 2, identifies what that means - "Review existing City ordinances and recommend revisions to reflect best management practices that are compliant with current federal, state and local laws." He stated this relates to the next agenda item regarding current legislation in progress and preemption and what cities in Florida can and cannot do with their rights-of-way.

Mayor Holland - How long are the leases that we currently have? Mr. Landon - Five year terms, and they renew automatically every five years.

CM Klufas asked about modification to existing contract. Mr. Turnpaugh - No, it would be an amendment; new equipment added, etc. Mr. Landon - All of our existing revenue and leases, Diamond will get nothing. The modifying, if they work with a company and instead of getting \$30,000, we now get \$40,000, then they would get a piece of that additional revenue off of that lease. It would have to be a modification to that lease that increased our revenue. All of the planning, master plan, help with the ordinance, Diamond is charging us nothing, because they are confident that there is enough potential for the carriers to come in to generate revenue that way.

VM Nobile - New ones, it is 65% City and 35% Diamond? Ms. Streichsbier - On our towers. Mr. Landon - New antennas, etc., on our towers.

CM Klufas - If there was an increase in costs less than 25%, then they would only get 75%. So, a contract with an existing carrier, we would only receive 75% of that contract even if the actual delta between revenues is less than 25%? He also asked about modifications/renewals. Ms. Streichsbier - That is only on the new money.

CM Klufas - Do we have a standard lease rate table that we post as a City for our carriers to be able to look at? Mr. Landon - No. We have acknowledged that we need to step up our game and that is what we are proposing right now.

Mayor Holland - So, we will know far in advance, proactive with neighbors, etc.? Mr. Landon - Yes, that is part of it.

CM Klufas - Do we have a cell tower rate chart? Mr. Landon - No, we have acknowledged that we need to step up our game.

CM Klufas - Why did Crown Castle pull out? Mr. Turnpaugh really could not say, but suggested to look at Crown Castle's portfolio.

VM Nobile - You are asking this because you think there might be no money to be made? CM Klufas - Yes, that is a possibility. It is not feasible or perhaps there is another driver behind it or there have already been towers in our communities, where service is not updating correctly such as the Graham Swamp tower. There are no indications around it; where if they put a competing tower perhaps Diamond would be willing to construct that; it would undermine the leasing contract or Crown Castle, because once we sign into a five year agreement with Diamond then American Tower they can be telling AT&T that Grand Haven really needs to be served but if you put an antenna on our towers it is going to cost \$1 mil. and then if Crown Castle came in and said we will charge you \$900,000; some type of competitive disadvantage; competing with two towers for a lease contract, etc. The real problem that he sees is that we are going to put pressure on the corporations to lease a tower or antenna and for five years. We have no direct control over selling to put that service provider on that tower for a reasonable amount. This puts a company that is a management cell phone tower company in a position of strength, because it removes the power for us to negotiate on that.

VM Nobile - If not with Diamond, who would it be with? CM Klufas - The City to negotiate on its own.

CM Klufas - What goes into managing a cell tower, etc.? Mr. Landon - We currently wait for them to come see us.

CM Klufas - Why? Mr. Landon - Because, we do not have a marketing program for that.

There was discussion about the need for a feasibility study. Mr. Schragger - We still do not have the infrastructure to do this.

VM Nobile - So, if Crown Castle bid and they won the bid; what would be different? CM Klufas - That is his question and what happened between the RFP and all the work that went into the proposal.

CM Shipley - We have not tried on our own first? CM Klufas - Yes, and we have not done a feasibility study to see where we currently stand.

Mayor Holland asked Mr. Kilgore - What do you think is going on with the lack of AT&T's interest in any of our towers? Mr. Kilgore - Plans change, a couple of years ago AT&T bought Direct TV. AT&T is also running fiber out; they have their hands in a lot of things and their funding levels, they come and go; new site development - they appear to be in a bit of a lull right now.

CM Shipley - Does Ormond Beach have towers with carriers on theirs or are they having the same problem; are we the only city in the area that is having a problem connecting with these companies? Mr. Kilgore - We own the tower in Ormond Beach, but universally, there is such much demand on the networks that again the carriers have really had to focus on adding capacity to the existing sites.

VM Nobile - Do you suggest we wait on this? CM Klufas - That is the pitfall of this, they are gambling that within five years, AT&T is going to need us. Mr. Turnpaugh -

We spent two years on this. Crown Castle is a tower company. We are a property management company about 200,000 versus 300 so that is your answer; they just do not do this.

CM Cuff - What is the downside; what is the difference between the feasibility study and the contract with Diamond? VM Nobile - If it is not feasible then service stays the same. Either way, we are going to end up with or without service.

VM Nobile - Are there any performance points in the contract? Mr. Landon - 5 year term and it can be renewed every five years, and it has a provision. Attorney Reischmann read from Section 2.b. regarding termination for convenience in addition to the renewal.

CM Klufas - So, what situation could arise where that would be an option? CM Cuff responded correctly that the contract could be cancelled 30 days after the initial five year term.

CM Klufas - Why don't we just say AT&T you could put your service on our towers for free today? VM Nobile - We could. He just wants service and he does not want to lose money.

VM Nobile - So, right now we go to contract and anything they produce based on terms, they maintain for 25 years minimum? Mr. Landon - Yes, the next step is we will have lease agreements with them.

VM Nobile - Does the term not being able to negotiate continue for 5 years, or is that severed at that moment? Mr. Landon - Yes.

CM Shipley - Is there a maintenance fee to the City for Diamond's towers? Mr. Turnpaugh - On the City's towers, there is an agreement that we have to come up with a budget and a maintenance plan and we would contract for that. Mr. Landon - On their towers, no. Mr. Turnpaugh - We take care of our own.

Discussion about fiber and backhaul.

CM Klufas - SAP (Strategic Action Plan), how quickly can we get out an RFP for a feasibility study? Mr. Landon - Four to six months minimum. Then we have a feasibility study, but then we have to implement it.

CM Shipley asked if we could postpone a few weeks to give Council more time to research.

VM Nobile - So, it is bigger than who is doing the selling or the contract, it is a matter of feasibility of all the options technology-wise to implement self-service through the City? CM Klufas - Correct.

CM Klufas - How quick do you think you can get AT&T on our existing towers? Mr. Kilgore - It depends on what their current funding level is and their plans; they set their plans in advance; a number of new sites per year, etc.

CM Klufas - Do they (American Tower) also have exclusive rights to that tower (Water Treatment Plant 1)? Mr. Landon - Yes.

CM Klufas - So, no one else can negotiate that tower? Mr. Landon - It is their tower.

VM Nobile - What if we wanted to conduct some kind of microcells; does this contract

preclude us from doing that? Mr. Landon - No.

CM Klufas - What are other cities doing? Ms. Streichsbier - Orange County went with Crown Castle; it took two years, and then they were put on hold due to an eagles' nest on the tower.

Mayor Holland suggested Council could ask staff during this week to aid in their decision for the next business meeting.

CM Klufas - How much would Diamond charge for a feasibility study? Mr. Turnpaugh - We are not a consulting firm to do feasibility studies; we are in this for the long haul. We have never charged for a feasibility study; it has always been part of the package.

VM Nobile - What feasibility are you talking about, the whole technology package or just phase 1? CM Klufas - Yes, phase 1.

The Resolution was Continued.

Enactment No: R2017-55

3 [17-173](#)

RESOLUTION 2017-XX RECOGNIZING AND CONFIRMING THE CITY HAS LEGISLATION IN PROGRESS REGARDING WIRELESS COMMUNICATION FACILITIES AND TELECOMMUNICATION TOWERS AND ANTENNAS IN THE PUBLIC RIGHTS-OF- WAY

Attachments: [Resolution Legislation in Progress for a Moratorium](#)

Mr. Landon gave the background on this item (at the end of the previous Item 2) and explained that if Council does not approve the contract with Diamond, then the resolution for this item would not make any sense and we would not take action on it. This is something our legal counsel advises to make sure our ordinances are up to date with both State and Federal law.

Attorney Reischmann - It restricts information that we can request of the providers. We cannot prohibit placement of small wireless facilities. We cannot require the placement on specific poles or limited placement by separation and distances. It imposes what we can and cannot restrict as far as height restrictions; the preemption is there. Have to accept applications for poles and small wireless facilities in the rights-of-way. We have to provide applicant response within 10 days of the application. We have to give a complete approval or denial within 60 days. The applicant can file one application and receive multiple permits for collocated small wireless facilities. It prohibits requiring approval fees or other charges and it provide that a city like Palm Coast shall approve collocation of small wireless facilities on the utility poles subject to specific requirements that will be in this bill, and it provides for rate restrictions for all the things he just described.

CM Cuff - He read the bill before and he is assuming it is going to be passed; his question is if Council was to adopt the moratorium, what impact with that have if this bill passes? Attorney Reischmann - The bill would preempt the moratorium. The moratorium is just a stop gap so that we have a response to people that are coming in and saying they want to put something on our utility pole. The effective date, if it passes, is July 1st, so we are trying to protect the City between April 25th, and July 1st assuming that it passes.

CM Cuff - Whether we do anything with Diamond's contract or not, why wouldn't we adopt this resolution? Mr. Landon - His issue with it is that, we would actually have to

be in the process of changing our ordinance. If Council does not approve the Diamond contract, we will not be in the process of advising our code, and we will have to step back and come back to Council.

Mayor Holland - Have our lobbyists been speaking with our legislators about the fact that we believe this is obviously poor legislation? Mr. Landon - Yes, very much so. It is a big issue with everyone in the League (Florida League of Cities). Attorney Reischmann - City of Orlando received 60-65 applications in the recent past. Most are for monopoles but these are also antennas for existing poles; all in the rights-of-way; that is what is coming.

The Resolution was Continued.

Enactment No: R2017-56

4 [17-32](#)

RESOLUTION 2017-XX APPROVING A CONTRACT WITH SABOUNGI CONSTRUCTION, INC., IN THE AMOUNT OF \$976,710.00, INCLUDING A 5% CONTINGENCY, FOR THE CONSTRUCTION OF RESTROOMS

Attachments: [Resolution Restroom Construction Contract](#)
[Restroom Notice of Intent to Award](#)
[Restrooms at PCAF and ITSC-Summary](#)

Mr. Landon gave a brief overview of this item and Item 5. Mr. Carl Cote, Construction Management & Engineering Manager, gave a PowerPoint presentation, which is attached to these minutes.

Mayor Holland - Do we ever look at the timeline, as far as bundling when construction comes in? Mr. Landon - Usually, we go the other direction to divide these up so we can fit them into the budget.

Mayor Holland - What is the cost projected for the lights; bill from FPL? Mr. Cote - These are LED lights so it is going to be a little different; LED is more cost effective than what we had out there. Mr. Landon - We can get Council the numbers. (Mr. Landon later replied via Mr. Quinn - Currently, at Indian Trails Sports Complex, we are at about \$9,000 per month in lighting. That is lighting up four baseball fields and four big fields).

CM Shipley - What was the original budgeted amount for the two restrooms? Mr. Cote - One was a little more than \$400,000 and the other was a little less; around \$800,000.

CM Cuff - Did the proposed contract include security cameras or any kind of security to try to preempt any vandalism on these? Mr. Cote - Neither one has cameras on the buildings themselves. The doors will lock and unlock automatically with card readers.

CM Cuff - Two bathrooms, why didn't we go with one larger building; maybe cheaper? Mr. Cote - It would definitely impact their future buildout.

VM Nobile - Who is responsible for the maintenance of the restrooms? Mr. Beau Falgout, Administrative Services & Economic Development Director - We are going to amend the lease agreement; they are responsible for all utilities on the site so the maintenance will have to be addressed in the amendment. Mr. Landon - If we have an event there, we would clean up after it; other than that it would be the Arts

Foundation.

CM Cuff - Preempted what media will ask; why can't we take this money and put in more streetlights and sidewalks? Mr. Landon - Our two main sidewalk programs going on right now are funded already; they are funded by grants. That grant is due to become available after July 1, 2017. This does not impact that at all. The other one is Sesame and Citation; is our other sidewalk project and that is funded and we are working towards getting that complete. We have a water line that is going in and has to be completed. The funding of this does not impact that at all; he believes it is a separate fund. Mr. Christopher Quinn, Finance Director - It is the recreation impact fees for the Town Center, and the paths are in usually our streets and sidewalks. Mr. Landon - Streetlights, for the most part, there might be some minor costs, but nothing that would be a major decision maker as to whether you are going to put in streetlights or not. For the most part, it is operating costs and it comes out of the general fund. The restrooms will have very little operating costs associated with them for us, etc.

CM Cuff - What about the Old Kings Rd. bypass trail that they are starting to do neighborhood meetings on; is there a funding source for that? Mr. Landon - The only thing that this has an impact on is, which we have already addressed, is the generator for this building which we are not going to move forward with because of the grant application.

CM Cuff asked if any of the nighttime lighting costs are passed onto the users? Mr. Landon - No, not yet.

CM Klufas - Is there a summation of events we will now be eligible for because of the lighting that we are going to be adding to the fields; will it attract additional use of our fields because we need a certain number of lights to conduct a lacrosse tournament, etc., any type of justification from that side? Mr. Landon - If there was, it would be strictly speculation. CM Shipley - A couple of years ago, we did have a problem with little leagues that did not get to play, and their argument was that we let the tournaments in versus the little leagues. This kind of eliminates all that argument about who is more important or who should or should not have the fields. Mr. Landon - There are some tournaments that play at night but most of it is during the day. It allows for larger tournaments because we now have lights.

VM Nobile - Where does the dollars for the bathrooms at the arts center come from? Mr. Quinn - Recreation impact fees.

VM Nobile - Are they not eligible for any CRA (Community Redevelopment Agency) dollars? Mr. Quinn - If there were CRA dollars; potentially, yes. Currently, all of our CRA dollars are spoken for.

The Resolution was Continued.

Enactment No: R2017-51

5 [17-182](#)

RESOLUTION 2017-XX APPROVING A CONTRACT WITH M. GAY CONSTRUCTORS, INC., IN THE AMOUNT OF \$547,050.00, INCLUDING A 5% CONTINGENCY, FOR THE CONSTRUCTION OF SPORTS FIELD LIGHTING

Attachments: [Resolution Sports Field Lighting Construction Contract](#)
[Notice of Intent to Award-M Gay Constructors](#)
[Sports Lighting at ITSC-Summary](#)

Item 5 was discussed under Item 4.

The Resolution was Continued.

Enactment No: R2017-52

E. WRITTEN ITEMS

- 6** [17-181](#) ORDINANCE 2017-XX FOR THE VOLUNTARY CONTRACTION (DEANNEXATION) OF THE CITY BOUNDARY BY DEANNEXING 116.23 ACRES MORE OR LESS OF REAL PROPERTY KNOWN AS AIRPORT EAST, GENERALLY LOCATED SOUTH OF STATE ROAD 100 AND WEST OF SEMINOLE WOODS PARKWAY

Attachments: [Ordinance - Contraction 116 Acres Airport East](#)
[Contraction Report - Airport East Property](#)
[Memo to Council - Contraction Ordinance-Airport East](#)

Mr. Landon gave a brief overview of this item. Mr. Falgout presented a location map, which is attached to these minutes.

Mayor Holland expressed she is not in favor of deannexing.

CM Klufas - Are there any immediate motives that you could get a rise that they would be driven to acquire that piece of land? It is not connected to the airport. Mr. Landon - They have incorporated it into the airport; that is their main case that it is just and extension of the airport.

CM Shipley stated it is not fair to the people that live right behind them; not keeping with the Palm Coast standards.

VM Nobile would only consider this if there were preventative reasons why they needed to have it.

Mr. Landon - We just need to assure them that we are not going to intervene with any airport operations.

CM Klufas asked about a cell phone tower. Mr. Landon - He could not imagine a cell phone tower at the end of the runway, no.

CM Klufas - Do we have to vote on this or can we just give consensus, etc.? Attorney Reischmann - Under Chapter 171, Fla. Stat., from a staff standpoint, we had to either had to reject the petition or not. If we were going to reject the petition, we had to state reasons under Ch. 171.051. So, because we did not reject the petition, it needs to go to Council and it has have the public hearings on it. We would not have been able to annex this unless it met the criteria in Ch. 171 to be annexed, so from a contractual standpoint the general theory is that something has happened since annexation to eliminate the statutory reasons why you annexed it in the first place; something changed. He has not been advised of anything that changed that enable this property

to be within the City of Palm Coast, so that is certainly grounds for denial for next Tuesday (business meeting and the business meeting after that).

The Ordinance was Continued.

7 [17-151](#)

RESOLUTION 2017-XX APPROVING PIGGYBACKING THE AGREEMENT BETWEEN COBB COUNTY, GA, U.S. COMMUNITIES, AND GARLAND / DBS, INC., FOR PURCHASE AND INSTALLATION OF ROOFING MATERIALS FOR THE FILTER BUILDING AT WATER TREATMENT PLANT 1

Attachments: [Resolution - Garland Roofing Material and Services](#)
[Quote-Garland/DBS, Inc.](#)
[Master Agreement - Garland/DBS, Inc.](#)

Mr. Landon gave a brief overview of this item.

There were no Council questions.

The Resolution was Continued.

Enactment No: R2017-53

8 [17-166](#)

RESOLUTION 2017-XX GRANTING UTILITY EASEMENTS TO FLORIDA POWER AND LIGHT AS REQUIRED FOR THE SOUTHERN WELLFIELD EQUIP 5 WELLS & RAW WATER MAIN, PHASE 2 PROJECT

Attachments: [Resolution FPL Equip 5 Wells Easement](#)
[Exhibit A - Easements](#)
[Aerial View Well Locations](#)

Mr. Landon gave a brief overview of this item.

There were no Council questions.

The Resolution was Continued.

Enactment No: R2017-54

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.

Sally Sherman, Deputy Administrator for Flagler County - Deannexation. She stated that in 2014 there was also a deannexation that occurred on properties that are adjacent to the properties that they are looking at now. The City approved that deannexation in 2014 along with annexing to the City where RaceTrac is now sitting, so we are not setting a precedent by this action. There were some changes that occurred, where the properties adjacent to the airport were deannexed and these properties that were owned by the same owner also County purchased. Why did County purchase this property, in early 2014 when they were working on building the facility at the corner of Belle Terre and SR100; the Tractor Supply, there was an issue with that structure and how it was built; that it was going to impact the runway protection zone. In accordance with that airport area master plan that the County has with the City of Palm Coast, they gave the County the plans and the County made comments on it, but they were limited on what they could do. The County went to the FAA (Federal Airport Administration). The FAA gave the County over \$1 mil. to look at surrounding properties around the airport. This area that County is looking at is within that runway protection zone, therefore, they will not be looking at any construction. That is why the FAA gave over \$1 mil. to secure these properties, and going back to the action that took place in 2014, in accordance with Florida Statutes, as Attorney Reischmann indicated, the section that requires that the subject property is not developed for the intent or residential or commercial purposes. We already indicated it is part of the runway protection zone (RPZ), etc., and the contraction will not result in the City being noncontiguous with the rest of the municipalities. She respectfully, requested that Council respectfully reconsider this request and consider it positively, because it is part of the area master plan that the County worked on with the City and also working FAA to secure the boundaries of the airport so it does not impact the residents of Palm Coast.

Roy Sieger - Airport Director of Flagler's Executive Airport. He had the airport master plan. The FAA gave \$1.9 mil. to buy that piece of property to protect the RPZ for the brand new 5,500 ft. runway they are building. There is also a parallel runway to that runway as well down the road this property helps to protect that RPZ as well. They do not have any plans, in the airport master plan, because the FAA will not let them to build any buildings there. Just like the problem is right now on the west side of the airport, where Tractor Supply and Aldi is; that Tractor Supply is actually in the RPZ down the road when the airport will get a precision approach, that Tractor Supply will be in that approach. The only good thing about it is it is not in the critical path of the runway. The only thing they have planned is to connect Airport Executive Dr. ultimately out to Belle Terre; they cannot and do not want to build any buildings there. That is why they bought the property; they would prefer to not have any buildings on

the west side of the airport either.

Jack Carall - Did you know the first submarine that the U.S. built was the USS Holland? He brings up the subject every year for the last 20 years; he does not appreciate paying twice to the Sheriff's Office. Why are we paying for something that we are supposed to get anyway? Why are we spending over \$2 mil. for protection that we are supposed to be getting anyway. Why did you put the tennis courts and the golf courses in the park budget? Is that so you can just go over it, so it is lost in the budget?

Responses:

Deannexation - Mr. Landon - Where Tractor Supply is, that is private property. When someone has private property, they have development rights; it is hard to say no to. If you buy it yourself, you can avoid the development occurring. They did not. If this is an area where no building should occur then they should have bought it. The deannexation before was right at the end of the runway; at the crash zone. We all agreed on that. As far as no plans, they made it clear that there are no plans for development and if it does not happen, they do not have to worry about our standards. 10 years from now, they are talking about building a road then there are other possibilities. He thinks it is a non-issue; they do not have to worry about our standards. For Council to make a decision today, and 10 years from now we lost total oversight on the development of the property and what it looks like; that is the issue to him but it is Council's decision. VM Nobile - There is nothing preventing them from purchasing the land and right now there is no building going on; he prefers it stays in the City.

Law Enforcement - Mayor Holland - It was a decision by the Council many years ago to contract with the Sheriff's Department and not create our own police department. We requested an additional level of service and that is what we pay for. Public safety is critical in our community and it is a top priority for the City Council and they thought at the time that it worked to gain that level of service and have the discussion that it was in addition to what the former Sheriffs were providing to the City. Mr. Landon - A good example is, we also pay for County fire service and yet we have our own Fire Dept., with the two layers we make sure we have a higher level of service and more equipment to run EMS calls, etc. A lot of it had to do with history; there was a district that had its own Fire Dept.; we just took over the district. VM Nobile - His concern has always been the definition of level of service prior to the contract. We want what we have, we do not want less. However, he would like to put his hands on something tangible of how they determine the level of service that should be provided to us and County taxes. Mr. Landon - He has had discussions with the Sheriff, and we will work on an update to the current contract. You will get into this discussion in a lot more depth. The Sheriff has already let you know that he is asking for additional deputies. The numbers - the City is about 80% of the population, but our tax base in the 60% -65% area. Historically, we have said we want to see 25 additional deputies in the City; each deputy costs over \$100,000 with vehicles, and everything. VM Nobile would like to see a plan of preventing crime in our area. Mr. Landon - The Sheriff wants to do that. Mayor Holland said she thinks the Sheriff wants to come to a future workshop and present his idea. She suggests each Council Member, find out how they spend their time and what is their directive. She knows there are two sergeants per shift in the City at any given time and they have so many deputies that are assigned to zones, she did a ride-along and saw how many deputies are required to respond to that call; what that looks like; what is the response time, etc.

Tennis and Golf - Mayor Holland - Putting these under Parks & Rec, we will have a lot more control, and they are amenities and our budget is as transparent as it gets.

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

CM Cuff said the event was very nice on Saturday (4/22/17) for Long's Creek 100th anniversary paddle. Mr. Bill Butler, Landscape Architect, did a good job.

VM Nobile - He liked the idea of the team concept that he saw today; they did a great job. His only question is, do we try to put a business knowledge expert in with the teams? Mr. Landon - Yes, this was only part of the team. IT is on the team. The idea is to bring new ideas and not do the same thing every day. The people sitting here are not the only people involved. This is to bring diverse, different ideas too; that is what all the teams do.

CM Klufas - He had a complaint about the flagpole at the ABC Liquor at Old Kings Rd. and Palm Coast Pkwy. and how when the flag is at half-mast it hits the tree and landscaping. Mr. Landon - Flagpoles are expensive; he will ask them to look at it. That is a very beautiful palm tree at that location.

CM Klufas - No wake zones on Intracoastal Waterway, any way to enforce? Mr. Landon - He believes the Sheriff has deputies out there, Fish & Wildlife officers; just like speeding down the highway. Mr. Landon will talk to Commander Mark Carman about it.

CM Klufas - He encourages Council to do as much research as possible about the third party carriers; how many people are on the FACT team? Mr. Landon - He just met with them recently; he would say 8-10.

CM Klufas - Mr. Steve Viscardi, IT Director, maintains our cell phone towers today. Is he responsible for a lot of the issues that would come up? Mr. Landon - Yes, along with Public Works' crews. There is not a whole lot of maintenance involved, but it would be under IT.

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

Attorney Reischmann said in this morning's newspaper it said Governor Scott has indicated that he is going to sign the bill to pass the legislature which preempts any local regulation regarding Uber and Lyft and preemption. If you can believe what you read, that will become law July 1st.

Mayor Holland - That specifies that we cannot do anything? Attorney Reischmann - Preemption, HB 221 - it says minimum insurance policies and it also requires some background checks for drivers, etc. He will be looking at that; there may be some areas of regulation, but the impression he got was it has a preemptive feel.

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

Our flood plain drainage system was rated, similar to ISO (Insurance Standard Organization), we are now 1 of 13 cities, that are rated Class 4 or better. Ms. Denise Bevan, City Administration Coordinator, who is our team leader; she is not a flood plain expert, but she made a presentation at the Flood Plain Management Association, a Statewide organization. It is always great when we are recognized at the State or National level.

Our Building Dept. was recently rated by ISO; this has an impact on your insurance, and very happy to say we have a better rating on commercial, residential has been at 4; that puts us in the top 22% of the State. Our commercial rating was improved from

a 3 to a 2, which puts us in the top 8% of the State. It impacts our residents' and businesses' insurance rates.

It is unseasonably warm and very dry. They are talking about a Countywide burn ban. The Governor has already declared a Statewide Emergency. FEMA has already recognized it, so if any expenses go towards that, they may be reimbursable by FEMA. As far as he knows, we have no active fires in Flagler County but it is usually just a matter of time and everyone needs to be very careful. We are taking proactive steps, and have passed on some information to some of you about gearing up to help other communities that need help. Rainy season starts in May or June.

Arbor Day celebration is Saturday, May 6th; event starts at 9:00 am-2:00 pm; that is where you bring in a canned good and you get a free tree. 5K run starts at 8:00 am.

J. ADJOURNMENT

The meeting was adjourned at 1:00 p.m.

Respectfully submitted,
Barbara Redline

Calendar and Worksheet

[17-183](#)

MEETINGS CALENDAR AND AGENDA WORKSHEET

Attachments: [City Calendar](#)
[Agenda Worksheet](#)

[17-190](#)

ATTACHMENTS TO MINUTES

Attachments: [Item 1 2017 Fund Accounting & Revenue](#)
[Items 2 & 3 Wireless Communications](#)
[Item 4 & 5 Town Center & ITSC-ITMS Restroom & Lighting](#)
[Item 6 Contraction Area Map](#)
[Item 6 Runway Protect Zones](#)