



City of Palm Coast

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

Minutes City Council

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

Tuesday, July 18, 2017

9:00 AM

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.
- >If you wish to obtain more information regarding City Council's agenda, please contact the City Clerk's Office at 386-986-3713.
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- >City Council Meetings are televised on Charter Spectrum 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

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 [17-300](#)

MINUTES OF THE CITY COUNCIL'S:

- A. June 20, 2017 City Council Business
 B. July 11, 2017 City Council Workshop

Attachments: [June 20, 2017 Business Meeting](#)
 [July 11, 2017 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

Proclamations

- 2 [17-276](#) PROCLAMATION RECOGNIZING THE MONTH OF JULY AS PARK AND RECREATION MONTH

Attachments: [Proclamation Park n Recreation Month](#)

VM Nobile presented this Proclamation to representatives from Parks and Recreation.

The Proclamation 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

Ordinances

Second Reading

- 3 [17-242](#) ORDINANCE 2017-XX AMENDING CHAPTER 2, ADMINISTRATION, ARTICLE VI, RETIREMENT DIVISION 2, VOLUNTEER FIREFIGHTER RETIREMENT SYSTEM AND TRUST FUND

Attachments: [Ordinance 2017 Amending Ch.2 Vol.Firefighter Retirement System](#)
 [Ltr Foster & Foster Vol FF- No impact](#)

City Attorney Reischmann read the title into the record.

Mr. Landon gave a brief summary of the item.

Public Comment

There were no public comments.

A motion was made by Vice Mayor Nobile, and seconded by Council Member Cuff, 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: O2017-9

First Reading

- 4 [17-260](#) ORDINANCE 2017-XX REZONING 3.02 +/- ACRES AT 149 LAKEVIEW BLVD. FROM MULTI-FAMILY RESIDENTIAL -1 (MFR-1) TO SINGLE FAMILY RESIDENTIAL-2 (SFR-2)

Attachments: [Ordinance Rezoning 149 Lakeview Blvd](#)
[Staff Report Application #3321](#)
[Location Map](#)
[FLUM Map](#)
[Zoning Map](#)
[Proposed Rezoning Map](#)

City Attorney Reischmann read the title into the record. Reminded Council this is a quasi-judicial item. Mayor Holland called for any ex-parte communication. There were none.

Mr. Landon gave a brief summary of the item.

Ms. Ida Meehan provided a PowerPoint presentation, which is attached to these minutes.

VM Nobile-How were you able to convince them to change? Ans: Mr. Tyner-You provide us with direction, Council, many months ago to try and work with these property owners. We have had many come in for multi-family wanting to develop multi-family and how difficult that would be. Just us talking to the land owner and working with them. Trying to convince them that multi-family is going to be very difficult. You will have a lot of angry neighbors. Your best bet is to go single family as it would be consistent with the neighborhood. Basically talking with them and the neighbors to do something that is more compatible with the neighborhood.

Public Comment:

There were no public comments.

A motion was made by Vice Mayor Nobile, and seconded by Council Member

Shipley, that the Ordinance be approved on First 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: O2017-10

Resolutions

- 5 [17-284](#) RESOLUTION 2017-XX TO ESTABLISH THE PROPOSED MAXIMUM MILLAGE RATE FOR FISCAL YEAR 2018 AND SET THE FIRST PUBLIC HEARING DATE ON THE BUDGET

Attachments: [Resolution - Adopting Proposed Millage Rate](#)

Mr. Landon provided a brief overview to this item. Ms. Lina Williams and Mr. Chris Quinn provided a PowerPoint presentation, which is attached to these minutes.

VM Nobile-Last week we added items to the budget to see where the TRIM rate would start, when will we decide those items? I do not want to add those items in and hold the budget. Where and when will we be able to say yay or nay? Ans: Mr. Landon-There is a two-step process relating to law enforcement services. Next on the agenda is the consideration of the Interlocal Agreement. The Interlocal Agreement calls for Council to set the budget to fund it. You can decide on the additional deputies today but then at budget time, you can actually reduce the number that would occur this fiscal year with the idea that you could add more, or you could pay for all five through the budget process. Mr. Quinn-One of the items we talked about briefly last week, was a splash pad, etc. Next Tuesday, July 25 we will go over Capital Projects and see if any of that will affect the final millage rate. Two weeks after that, we will go over Proprietary and Special Revenue Funds. There may or may not be some impact based on the millage rate for those funds. Then the final whole package is put together on August 29, 2017. That is where we all need to be on the same page with yes, this is the final millage rate and yes this is what we are proposing for the final budget.

Public Comments:

There were no public comments.

A motion was made by Vice Mayor Nobile, and seconded by Council Member Cuff, that the Resolution be adopted. 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: R2017-77

- 6 [17-290](#) RESOLUTION 2017-XX APPROVING AN INTERLOCAL AGREEMENT WITH THE FLAGLER COUNTY SHERIFF'S OFFICE FOR LAW ENFORCEMENT SERVICES IN PALM COAST, WITH STAFFING LEVELS DETERMINED BY CITY COUNCIL EACH YEAR DURING THE ANNUAL BUDGET APPROVAL PROCESS

Attachments: [Resolution IA Sheriff](#)
 [IA FCSO Law Enforcement Services redline](#)

Mr. Landon provided a brief overview to this item.

Public Comments:

Charles Ebert-Agrees to hire the additional 5 deputies for traffic.

Jack Carall-Problem paying twice for the same thing through County taxes and through the City.

Responses to Public Comments:

Additional 5 deputies-Mayor Holland thanked the speaker for his comment about support for additional traffic units in Palm Coast.

Paying twice-Ans: Mayor Holland-We have heard your comment, Jack, on this every year. We could debate on whether this is right or wrong if we have our own Police Department, if we do not have our own Police Department. The decision was made when the City incorporated in 1999 that the Council wanted an additional level of service for law enforcement. That the decision was made universally throughout the years. This is actually just addressing our increased population as we continue to grow. We are very proud of our law enforcement in our community. They do a great job. They continue to protect and keep our residents safe and I know they will in the future.

CM Cuff-Paragraph 8.2 the annual increase cap-is the 5% an increase or is that in last year's contract? Ans: Mr. Landon-Yes, that is one of the changes. It reads and its intent is its' an actual increase up to 3%. This proposal is up to 5%.

A motion was made by Council Member Cuff, and seconded by Vice Mayor Nobile, that the Resolution be adopted. 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: R2017-78

7 [17-254](#)

RESOLUTION 2017-XX APPROVING THE CONSOLIDATED ACTION PLAN FOR FFY 2017-2021, INCLUDING THE ANNUAL ACTION PLAN FOR FFY 2017 (FY 2017/18), FOR CDBG FUNDS

Attachments: [Resolution-CAP](#)
 [DRAFT CAP with Updated Allocation Amount](#)

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

VM Nobile-Based on that table, we have infrastructure, public works, public services, planning and administration, monitoring. Those are ones we know we can plan, ones that we know we will have enough dollars in, however, the variable will be the housing program as we have to get people to apply. What happens if we do not spend all those dollars? If we do not get enough applications in? Ans: Mr. Papa-They carry over to next year.

VM Nobile-How does it (carry over) affect the program? Ans: Mr. Papa-The only way it affects next year is if there is a timeliness measure that CDBG uses. If you have one

and a half times more than last year's allocation in the bank, CDBG or HUD could essentially withhold that level.

VM Nobile-We are going to initiate more programs for the housing program? Ans: Mr. Papa-Yes, we are. Every year we add to the program.

VM Nobile-How have we come out in the past few years with Housing? Under? Hit the wall? Ans: Mr. Papa-We are holding our own. We are very comfortable with the number of applications we are getting. Making sure we get qualified applicants. I think the need is there and once the word gets out to those who have a need they can certainly take advantage of the program.

CM Shipley-Two of the programs, the summer camp and the free clinic, do those continue? Ans: Mr. Papa-Since summer camp is a City run program, I think that will just continue, but I think the best practices of CDBG that HUD recommends is that the Flagler Free Clinic would be qualified to apply for the remaining public service funds (again this year).

M Klufas-Aging community-does that mean the findings were representative that median age for Palm Coast continues to rise? I was under the impression we were going the opposite way. Ans: Mr. Papa-The median age is decreasing but in terms of what percentage of your population, which is 65 and over, it continues to be above the state average.

CM Cuff-Housing component, are those funds outright grants, or secured by a silent mortgage? Ans: Mr. Papa-Yes, part B of your question (the latter).

Public Comments:

Charles Ebert-Please put up the graph of City slide. It doesn't show anything south of Palm Coast Parkway. Mr. Papa explained where Palm Coast Parkway was located on the slide.

Jack Carall-What does low-moderate income consist of?

Responses to public comments:

Low moderate income-Ans: Mr. Papa-Low moderate income are basically households of persons who earn 80% or less of the area median income. The area median income, and it depends on the size of the household, so a family of four, the median income is about \$45,000 to \$48,000. So for a family of four to qualify as a low moderate income, you are looking at \$32,000 to \$34,000 to qualify as a low moderate household.

A motion was made by Vice Mayor Nobile, and seconded by Council Member Shipley, that the Resolution be adopted. 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: R2017-79

Other Business

8 [17-304](#)

RE-AFFIRM THE RE-APPOINTMENT OF ROBERT SCHROEDER TO THE VOLUNTEER FIREFIGHTERS' PENSION FUND BOARD

There were no public comments.

Motion made by VM Nobile to appoint Mr. Schroder and seconded by CM Cuff. Motion passed unanimously.

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.

There were no public comments.

A motion was made by Vice Mayor Nobile, seconded by Council Member Cuff, 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

9 [17-270](#)

RESOLUTION 2017-XX APPROVING ONE-YEAR MASTER PRICE AGREEMENTS WITH H.D. SUPPLY, FERGUSON WATERWORKS, AND FORTLINE, INC TO PURCHASE VARIOUS UTILITY SUPPLIES

Attachments: [Resolution - Utility Supplies](#)
[Notice of Intent to Award ITB-PW-U-17-43](#)
[ITB-PW-U-17-43 Re-Bid - Price Agreement for Utility Supplies - Executive Summary \(1\)](#)

A motion was made by Vice Mayor Nobile, seconded by Council Member Cuff, that the Consent Agenda be adopted on Consent. The motion was approved unanimously.

Enactment No: R2017-80

10 [17-273](#)

RESOLUTION 2017-XX PROVIDING SUPPORT TO AMEND THE BOUNDARIES OF THE TOWN CENTER AT PALM COAST CDD

Attachments: [Resolution-Town Center CDD Expansion](#)
[Petition for Expansion of Town Center CDD](#)
[Map of Expansion](#)

A motion was made by Vice Mayor Nobile, seconded by Council Member Cuff, that the Consent Agenda be adopted on Consent. The motion was approved unanimously.

Enactment No: R2017-81

11 [17-282](#)

RESOLUTION 2017-XX APPROVING AN AGREEMENT WITH THE CITY OF PALM COAST HISTORICAL SOCIETY

Attachments: [Resolution Historical Society](#)
[Palm Coast Historical Society Agreement](#)

A motion was made by Vice Mayor Nobile, seconded by Council Member Cuff, that the Consent Agenda be adopted on Consent. The motion was approved unanimously.

Enactment No: R2017-82

- 12** [17-285](#) RESOLUTION 2017-XX APPROVING CONTRACTS WITH MULTIPLE FIRMS FOR MARINE DESIGN SERVICES

Attachments: [Resolution - MARINE DESIGN](#)
[RFQ-CD-CME-17-36- Notice of Intent to Award](#)
[RFQ-CD-CME-17-36 Marine Design - Executive Summary](#)

A motion was made by Vice Mayor Nobile, seconded by Council Member Cuff, that the Consent Agenda be adopted on Consent. The motion was approved unanimously.

Enactment No: R2017-83

- 13** [17-287](#) RESOLUTION 2017-XX APPROVING CONTRACTS WITH LANZO TRENCHLESS TECHNOLOGIES SOUTH AND INSITUFORM TECHNOLOGIES FOR CURED-IN-PLACE REHABILITATION SERVICES

Attachments: [RESOLUTION - Cured in Place Pipe](#)
[RFP-CD-CME-17-37- Notice of Intent to Award](#)
[RFP-CD-CME-17-37 Cured in Place Pipe - Executive Summary](#)

A motion was made by Vice Mayor Nobile, seconded by Council Member Cuff, that the Consent Agenda be adopted on Consent. The motion was approved unanimously.

Enactment No: R2017-84

- 14** [17-288](#) RESOLUTION 2017-XX APPROVING A CONTRACT WITH LABOR FINDERS FOR TEMPORARY LABOR SERVICES.

Attachments: [Resolution Labor Finders](#)
[Notice of Intent to Award - RFP-ADM-HR-17-45](#)
[RFP-ADM-HR-17-45 Re-Bid Temporary Labor Services - Executive Summary](#)

A motion was made by Vice Mayor Nobile, seconded by Council Member Cuff, that the Consent Agenda be adopted on Consent. The motion was approved unanimously.

Enactment No: R2017-85

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.

John Brady-Utility meters and free speech.

Charles Ebert-WastePro and their skid marks.

Robin Ruker-FPL Easement path. Is the \$185K the total budget for the asphalt? Lighting costs. Gopher Tortoise removal. Fences. Waste of taxpayers' money.

Mr. Nesser-Security measures on the path.

Jack Carall-We have the best deputies here in Florida. For many years coming to meetings, every time something goes up and ask why, I get it is their property. I can't do what I want on my property. I like the weeds that have purple flowers. They grow 12-13 inches but I can't have them. Business vs residential and property rights.

George Mayo-5 year action plans. Recommends we keep thinking of a stand-alone senior center. Plane crash north of Matanzas wreckage found by a drone. Orange County purchased drones for the Fire Department under the control of the Fire Department. We should consider this for search and rescue.

Responses to Public Comments:

Utility increase-Mr. Landon-Water meters actually slow down over time. We have a program where we can meters out. We monitor accounts and if a meter is not functioning properly, we change it out. Mayor Holland requested utility reach out to him.

WastePro-Please reach out to code at any time.

Path budget-\$185K, that is the actual cost of the paving. City Council requested we look at additional safety measures and we are in the middle of putting that together. VM Nobile-I would like us to decide if a fence is going up or not. I would like all the lighting and safety issues to be Council's decision. I thought that was in the plans. Ans: Mr. Landon-Absolutely, as far as the lighting and the safety, etc. As far as the building....

VM Nobile-When will that be brought forward for Council? Ans: Mr. Landon-It may be next workshop, I am not sure of the timing. VM Nobile-Thank you. I apologize.

Mayor Holland-Standards for residential and business; we do not allow businesses to be built without following our Land Development Code, which establishes those standards.

George's comments-Thank you for your comments about the senior centers and the drones.

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

CM Cuff-One item to bring up and I will try to be as brief as possible. Since all five of us have given birth to the elephant and then invited it into the room here today even though it is not an agenda item and that is the new story on Flaglerlive that ran on last Friday. I think the appropriate place for that discussion is at a duly noticed public meeting, where we can all be present and we can all address each other as to our concerns and what action we want to take or do not want to take. I am not taking any exception to the story but as I have said many times and will probably say many times more before my term is up, I am not a fan of tee shirt politics.....My comments are that we do it with reasonable dispatch but that we do it in an orderly and legally appropriate manner. We do not have the luxury to hold closed door meetings....We must do this in public and in the Sunshine. We have to keep in mind that whatever we do, will not only affect Mr. Landon and his contract, but our ability to find a replacement for Mr. Landon when that time comes, whenever that is. If we get the reputation of having a knee jerk reaction to one news story and 84 mostly anonymous comments, we are not going to get the quality of City Manager applicants that this City deserves we need to take over the reins when Mr. Landon leaves.

VM Nobile-Landon's employment-On the same note, I think that, full disclosure, about two months ago I went into Mr. Landon's office and I said "Mr. Landon I think it is time for a change." He then asked that he speak with his wife and then of course he had to speak with individual Council Members. That is very difficult for us as Council Members because we cannot hear, and he cannot tell us what each one said and we do not expect him to and each one of us did speak individually with Flaglerlive and we had a story out. All I would like to say is that we need to have a special workshop to discuss this as soon as possible just so we can speak to each other about this issue and then follow up with another meeting as to the action that we propose. I think we need to have that done as soon as possible. My opinion is that it is a time for a refresh in that position. This does not reflect a single thing that occurred. This is my two years plus experience. I came in with that idea that it was time to refresh this position and like I said this is not a reflection on Mr. Landon that he did one thing bad or these five things bad. It is just time for this Council and this City to have someone that they can call their own. This is the guy we picked (man or woman) and that we need to have and like to have. So, we need a special session soon to discuss this.

CM Klufas-In concurrence with both of you gentlemen. I think everyone would benefit greatly to speak openly and a meeting between all of us. We cannot hyper-react to just one news story that was posted. I would appreciate the opportunity to speak with all of you and clarify where we all stand.

Mayor Holland-I agrees this needs to be a discussion on City Council. This is a decision that we make as a Council as to who we make our City Manager and who represents us legally. So, we take these issues and discussion very seriously. I am recommending we have an independent workshop to discuss these matters. I am going to ask staff to schedule that. Mr. Landon clarified "independent" to mean separate from a regular workshop. Mayor Holland-Correct.

CM Klufas-Who do we want to have in attendance? Ans: Mayor Holland-It is a public meeting. Recommends our City Attorney and City Clerk be in attendance as well.

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

Mr. Landon-First of all, I totally concur to getting the true story, instead of some of the fiction and the rumors and misinformation out there. I look forward to that.

Secondly, Food Truck Tuesday is tonight. 5:00 p.m. to 8:00 p.m. here at Central Park. Entertainment is BMX Tricksters.

Saturday at 8:00 a.m. is our Tour De Palm Coast. Meets here at City Hall.

New evacuation signs will be posted at 59 intersections. There are zones that are color coded.

H. Adjournment

The meeting was adjourned at 10: a.13m.

*Respectfully submitted,
Virginia Smith, City Clerk*

Calendar and Worksheet

[17-301](#)

MEETINGS CALENDAR AND AGENDA WORKSHEET

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

[17-302](#)

ATTACHMENTS TO MINUTES

Attachments: [Item 4-149 Lakeview neighborhood rezoning](#)
[Item 5-TRIM Rate Presentation](#)
[Item 7-CDBG Presentation -CAP](#)