



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, August 8, 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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>City Council Meetings are televised on Charter Spectrum Channel 495 and on AT&T U-verse Channel 99.

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

A. Call to Order

Mayor Holland called the meeting to order at 9:00 a.m.

B. Pledge of Allegiance to the Flag

C. Roll Call

City Clerk Virginia Smith called the roll.

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

D. PRESENTATIONS

1 [17-329](#) DISCUSSION - CHARTER REVIEW PROCESS AND PUBLIC INPUT

Mr. Landon provided a brief overview to this item. Mr. Beau Falgout and Ms. Marilyn Crotty, Facilitator from the Florida Institute of Government, University of Central Florida

presented a PowerPoint presentation, which is attached to these minutes.

VM Nobile-Why FPC and not Rymfire Elementary? Ans: Ms. Smith-I chose FPC for those in Seminole Woods, Z's and K's as well as up to the R section and some of the W's are in there for you as well.

CM Klufas-Dates are good for me.

VM Nobile-October 4 is not good for me. How about the 11th? Ans: Ms. Smith-October 11 is not good for the school. I will work on another date.

CM Cuff-I think I know why, but why did we not choose something on the east side? Was it due to no school being on the east side? Ans: Ms. Smith-Yes, I chose Matanzas High School as it is in District 2.

CM Shipley-Will you (Ms. Crotty) be attending the public workshops? Ans: Ms. Crotty-Yes, I will be at all public meetings and provide the public with education on charters. Open it to public comments and then we move into the workshop session with the 5 of you.

The Presentation was Received and Filed.

2 [17-330](#)

DISCUSSION ON GUIDELINES FOR PARK MEMORIALS

Attachments: [Picture of Proposed Plaque](#)
 [USS Liberty](#)

Mr. Landon provided an overview to this item. Mr. Gallo, a resident requesting a plaque at Heroes Park. Mr. Gallo provide Council with handouts.

Mayor Holland-At the will of the Council, do we want to amend our policy? Council each provided their opinion on Heroes Park.

Council concurred the policy should be for people not events.

Attorney Reischmann provided an overview to parks and freedom of speech and expression.

Mr. Gallo provided an overview to his request.

The Presentation was Received and Filed.

3 [17-328](#)

PRESENTATION - ATTRACTING HIGH TECH STARTUPS TO PALM COAST

Attachments: [Attract High Tech Startups to Palm Coast](#)

Mr. Landon provided a brief overview to this item. Mr. Beau Falgout and Miss Jasmine Snodgrass provided a PowerPoint presentation, which is attached to these items.

Mayor Holland-Thanked Ms. Snodgrass for her very comprehensive presentation. The available workforce that would match up to these types of industries, in your interview, did you find it best suited to try to develop these skills in high school or higher education? Ans: Ms. Snodgrass-I think the things we have in our school systems are good at the high schools, but the problem, like I said earlier is the retention. Just

because we have all these tech students here they are set to go off to college. So, I think having an opportunity to bring them back is what we are lacking-trying to find a tech job here. A lot of the tech companies that we have here in Palm Coast, they did not really have recent college graduates as their employees. It was more families and people who are well established in life, so I think that might be closer to our market. I think if we became a tech destination, it would be easier to bring people back to Palm Coast. It is just right now if you graduate from college and you want to live back at home in Palm Coast, there is no tech jobs. You will not be able to.

Mayor Holland-When do you foresee coming back with more information on Innovation Districts? Ans: Mr. Falgout-This is definitely the first step. Jasmine gives us a lot of work to do when she leaves but very initial and good concepts and ideas on how we approach these and I think it will take more discussion and effort. This is not something the City can do alone. There is obviously talent and capital which is a pretty big component of high techs. So when we approach our schools here and we go partners with our school districts here, we will have to work those partnership to bring it all together.

CM Cuff-What is the timeframe for this (makerspace-Code Jams and hackathons)? Ans: CM Klufas-Generally it is between 4 to 8 months. At the end of the 8 months if it is a green light you can go for a round of funding, if it is not that is just how the techies work. They go back into the launcher. Having rental space for summer homes or commercial space built for them to conduct the building of whatever it is they are building.

CM Shipley-Are you speaking about our open-space buildings that are already here or building space for them to come to? Ans: CM Klufas-Makerspace is something that if we had the inventory available that would be great use of space. I encourage you to go and research hackerspace; it will show you a map where all the hackerspaces are; they are (hackerspaces) technology hubs. Not so sure we have the building inventory right now in Palm Coast.

Mayor Holland-Beau are you going to bring back some strategies? Ans: Mr. Falgout-Sure, we did apply for a grant and we are still waiting to hear. We are attempting to use the CRA and using the CRA plan to put in some strategies on how the innovation district moves forward. If that grant doesn't happen and we do not get that funding then we would do something internally to staff and bring that back.

CM Klufas-What is the status of the feasibility report on fiber? Ans: Mr. Landon-In September we will be bringing you a proposal.

The Presentation was Received and Filed.

4 [17-324](#)

PRESENTATION ON STATE LEGISLATION REGARDING MEDICAL MARIJUANA AND LOCAL GOVERNMENTAL IMPLEMENTATION OPTIONS

Attachments: [Work session Staff Report](#)
[Vicinity Map](#)
[Special Session Medical Marijuana Summary](#)

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

CM Cuff-Does the State preempt our ability to treat them like a pharmacy except in these specific areas? Ans: Attorney Reischmann-If we do nothing, we treat them as we do now, as a pharmacy. So where ever a pharmacy can go and whatever a pharmacy wants to do, the City of Palm Coast could enact that. The other option is to create a specific set of rules, I am getting ahead but I cannot answer the question without jumping ahead. If we create a set of rules that are different than this, yes, it would be preemption, express preemption, but to the extent there is nothing in there that is inconsistent and it would be the same as how we treat pharmacies, yes we would be able to enact those types of legislation.

CM Klufas-What about the animal pharmacy for animal medication, that is almost a stand-alone type building? Is that considered a pharmacy even though it is not for human consumption? Ans: Attorney Reischmann-We do not have a definition in our Land Development Code for pharmacy, so I cannot answer that. I know their State regulations about what pharmacies are and I would imagine the State definition would not include, pharmacy which is contemplated by this legislation, an animal pharmacy.

CM Cuff-Are one of the dots on your map, Palm Coast Pharmacy on Palm Coast Parkway? Ans: Ms. Meehan-Yes.

Mayor Holland-Does any Council want to ban these? Council concurred no they do not want to ban.

CM Klufas would like option 2-Maintain status quo and allow with current standards.

Mayor Holland-To change the Land Development Code, that has to go to the Planning Board first? Ans: Mr. Tyner-Yes, one hearing at PLDRB and two at Council.

Attorney Reischmann-If you choose Option 3 you have to choose Option 4 as well.

VM Nobile would like to see, if we do amend the LDC that the LDC amendment include a definition of pharmacy.

Mr. Landon-We need to leave here with clear direction for staff as to where we are going. First we are not going to ban, do we want to forget about the moratorium right now, do we want to propose an amendment to our Land Development Code to define pharmacies and what district they are in?

CM Cuff-How many would be grandfathered uses? Ans: Ms. Meehan-The irony is that we do not have any pharmacies in COM 1 District.

CM Cuff-What is the difference between number 2 and number 3? And if that is we would define pharmacies and say that use is not in COM 1, what impact does that have on existing businesses? And if we are going to say that it would be allowed in Office 1 and Office 2, are they only going to be allowed in Office 1 and Office 2, the way pharmacies are now? If that is the way we want to go, does the State law make that distinction? Or are we preempted. Ans: Attorney Reischmann-All the State law says is that we have to treat them the same as pharmacies.

CM Cuff would like to extend the moratorium 60-90 days to get all of this accomplished.

Council concurred to bring this back as soon as possible.

Mr. Landon suggested the option of legislation in progress.

The Presentation was Continued.

5 [17-331](#)

PRESENTATION OF THE FISCAL YEAR 2018 PROPOSED
PROPRIETARY AND SPECIAL REVENUE FUND BUDGETS

Mr. Landon gave a brief overview to this item. Ms. Lina Williams provided Council with a PowerPoint presentation, which is attached to these minutes.

VM Nobile-What is the budget estimate of 2017 difference? Ans: Ms. Williams-I believe we anticipated being further along than we are on the path.

Mayor Holland-What is the status of the FEMA reimbursement? Ans: Mr. Quinn-All of our requests are in but not sure if FEMA has processed any requests. Very similar to all other municipalities.

CM Shipley-Is there a chance they won't pay? Ans: Mr. Quinn-There is no obligation of the Federal government to allocate for this, so is there a chance, yes. Mr. Landon-We feel we have as good of a chance to be reimbursed as anyone else. It could take 5 years.

Mayor Holland-Is Buxton coming back before us with an update as to what they have provided? Ans: Mr. Falgout-We are in the final year and from a staff level and Council's new direction, we were not planning on extending the contract. We will continue to use the information they provided us through the end of the contract but your new direction is where we are heading.

Mayor Holland-I know we are self-insured, but how much do you budget per employee? Ans: Mr. Quinn-\$10,000 per employee.

Mayor Holland-Do we have a claims reserve? Ans: Mr. Quinn-Yes, we do.

VM Nobile-The end dollars at the end of the year go into that fund? Ans: Mr. Quinn-Yes, it goes into the reserve. We do not want to add to it.

Mayor Holland-When do you make the decision if there are more fuel efficient options available to us? Ans: Mr. Quinn-They are really looking at those options all the time. Every year we look at the Compressed Natural Gas vehicles. We have not found it to be efficient just yet.

VM Nobile-Golf carts-are they under the Golf Course? Ans: Ms. Williams-Yes.

Mayor Holland-Are we putting money aside for future upgrades? Ans: Mr. Quinn-Yes, we are.

VM Nobile-Is there a guesstimate for a new system? Ans: Mr. Landon-No, I do not have an estimate.

CM Klufas-How much was allocated for a fiber study? Ans: Ms. Williams-Approximately \$85K.

CM Klufas-Did we lose someone in IT to utility? Ans: Mr. Landon-No, the staff assistant went to Public Works.

VM Nobile-How do we go from the last workshop (on 8/29) to making the decision to

add the additional deputies and the splash park, etc.? Ans: Mr. Landon-That is where you give us final direction. The actual final adoption of all that will happen later.

The Presentation was Received and Filed.

E. WRITTEN ITEMS

- 6** [17-317](#) RESOLUTION 2017-XX APPROVING A 12 YEAR MASTER SERVICE AGREEMENT WITH UTILITY SERVICE COMPANY, INC., FOR THE FULL SERVICE MAINTENANCE PROGRAM FOR WATER STORAGE TANKS

Attachments: [Resolution Utility Service Maintenance Program](#)
[Utility Service Co., Inc. Master Services Agreement](#)
[Notice of Intent to Award - RFP-UT-WD-17-40 tank maintenance](#)
[RFP-UT-WD-17-40 Full Service Maintenance Program for Water Storage Tanks Executive Summary](#)

Mr. Landon provided a brief overview to this item.

CM Shipley-We have to lock in for 12 years in order to get that rate? Ans: Mr. Landon-Yes, if you do not, you will see an increase in costs yearly.

The Resolution was Continued.

Enactment No: R2017-98

- 7** [17-316](#) RESOLUTION 2017-XX APPROVING THE CONSTRUCTION SERVICES AGREEMENT WITH RMS ORLANDO, INC. AND PIGGYBACKING OF THE AGREEMENT BETWEEN COBB COUNTY, GA AND US COMMUNITIES TO REPLACE THE ROOFING SYSTEMS AT WATER TREATMENT PLANT NO. 2

Attachments: [Resolution - Garland Roofing](#)
[GARLAND DBS INC CONTRACT](#)
[Garland DBS USC Master Agreement](#)
[WTP 2 Re-Roof Project Cost Breakdown Sheet](#)
[Notice of Intent to Award ITB-UT-WD-17-44](#)
[ITB-UT-WD-17-44 Executive Summary](#)

Mr. Landon provided a brief overview to this item.

The Resolution was Continued.

Enactment No: R2017-97

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.

Robert MacDonald-Article in paper about the City Manager and lack of confidence from City Council. Why the switch of wanting to terminate Mr. Landon to keeping him?

Louis McCarthy-How much is the Charter review process going to cost?

Responses to Public Comments:

City Manager-Ans: Mayor Holland-There was not a two year extension given to Mr. Landon, it was his announcement of his retirement. I was not obviously at the public meeting so I do not know what questions were asked but it was a fully vetted discussion in our workshop and it is all in the public record of what our decision was and how we made that determination. Attorney Reischmann clarified the comment that there was not a vote taken at the special workshop. It was just a discussion.

Charter Costs-Ans: Mr. Landon-The dollars for the facilitator is around \$6K and this is not under the firm's retainer so there would be some legal costs, so approximately \$10K total.

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

VM Nobile-Two items-move meetings to evenings. I do not think it is a good idea to move the workshops to the evening since they are long but move our workshops to the evenings and to move public participation to the beginning of the meeting.

CM Shipley concurs with VM Nobile.

Mayor Holland hears from those residents that we keep a morning meeting. Not opposed to starting a business meeting at 5:30 instead of 6:30.

CM Cuff-If we switch to both our meetings to evenings, we will not get those who do not come out at night. Thinks we should leave one in the morning and one in the evening. I am ok with having our public comments move up in the agenda, maybe on one meeting.

Mayor Holland-When I was at the commission, I changed the public participation to the beginning of the meeting and set aside 30 minutes for public comments and then offer

it again at the end.

Mr. Landon suggested public comment at 6:00 p.m. and start the business meeting at 6:30 p.m., so that if your public comment took less than 30 minutes, you would just take a break and then people would not be late and then you also would not tell them be there at 6:30 and it is not until 7:30 that they get to their agenda item. From a business person's standpoint, zoning laws, etc., the best practice is to stick to the agenda.

Attorney Reischmann-Will need to amend your policy and procedures by resolution for the order of the agenda.

CM Shipley-Signs for realtors-Would like for the realtors to participate at a workshop regarding signage. Mayor Holland-I have worked on this since I was elected and the Supreme Court in their infinite wisdom has made a decision last December that precluded us from doing a lot of these abilities of local government to regulate signs. We met with the Realtors Association. We had the President and their legislative board and a few other board members there looking at other government ordinances. We were looking at Duval to see what they were doing and it was pulled. Their leadership has been told, so our option was how do we promote open houses in our community. Mr. Landon-The City recently linked a button on our website that goes to the realtors' open house calendar. We tried to cooperate and help them.

Mayor Holland-The Director/President this year, Memory Hopkins met with us and said if we can't do this, can we do this? That was one of the options. When I recently went to speak at the Mayor's breakfast, this topic came up. The Government Affairs Director spoke about how they put this out to their membership, this is a Supreme Court decision and unfortunately this precludes us from having the ability to do it but to make sure you are putting your open house signs on private property, not in the right of way, which is not allowable. We tried to really communicate that with them very effectively, I thought by working with them in this capacity. If you want to workshop this we can, but we need to workshop it with those that are leading the realtors and their organization.

VM Nobile-We can't do anything with their signs. I am not doing anything for them, they are a business, they need to promote it how they deem it necessary, what would they come with?

CM Shipley-Can we allow them to have a special event? Ans: Mayor Holland-No, the Supreme Court does not allow it.

Mayor Holland-We have tried everything we can to assist them. Try to work within the parameters of what we are allowed to do.

Discussion on Business meetings and Workshops dates and times

Discussion on order of agenda relating to public comments

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

Nothing at this time.

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

Nothing at this time.

J. ADJOURNMENT

The meeting was adjourned at

*12:38 p.m. Respectfully submitted,
Virginia Smith, City Clerk*

[17-333](#)

MEETINGS CALENDAR AND AGENDA WORKSHEET

Attachments: [City Calendar](#)
 [Agenda Worksheet 2017](#)

[17-335](#)

ATTACHMENTS TO MINUTES

Attachments: [Item 1 Charter Review Process](#)
 [Item 3 Attracting High Tech Startups](#)
 [Item 4 Medical Marijuana](#)
 [Item 5 Proprietary & Special Revenue Funds](#)