



City of Palm Coast

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

Meeting Minutes

City Council

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

Tuesday, August 15, 2017

9:00 AM

City Hall Community Wing

AMENDED AGENDA

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.
- >In accordance with the Americans with Disabilities Act, persons needing assistance to participate in any of these proceedings should contact the City Clerk at 386-986-3713 at least 48 hours prior to the meeting.
- >City Council Meetings are televised on Charter Spectrum Channel 495 and on AT&T U-verse Channel 99.
- >All cell phones are to remain OFF while City Council is in session.

A. Call to Order

Mayor Holland called the meeting to order at 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

Approval of Minutes

- 1 [17-338](#) MINUTES OF THE CITY COUNCIL'S:
A. AUGUST 1, 2017 CITY COUNCIL BUSINESS
B. AUGUST 3, 2017 CITY COUNCIL SPECIAL WORKSHOP
C. AUGUST 8, 2017 CITY COUNCIL WORKSHOP

Attachments: [August 1, 2017 Business Meeting](#)
[August 3, 2017 Special Workshop](#)
[August 8, 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

- 2 [17-356](#) PRESENTATION OF A CHECK FROM ST. JOHNS RIVER WATER MANAGEMENT DISTRICT COST SHARE FUNDING FOR L-1 AND K-1 WEIR FOR FLOOD MITIGATION

Mr. Landon provided a brief overview to this item. Mr. Jim Troiano presented a check to Council from the St. Johns River Water Management District.

The Presentation was Received and Filed.

- 3 [17-337](#) PROCLAMATION RECOGNIZING BRICE WRIGHT FOR HIS SERVICE TO HUMANITY AND FOR HIS COURAGEOUS AND SELFLESS EFFORTS TO PRESERVE HUMAN LIFE

Attachments: [Proclamation Lifesaving - Brice Wright](#)

Mr. Landon provided a brief overview to this item. CM Klufas presented the Proclamation. Chief Beadle presented this award to Mr. Brice Wright.

The Proclamation was Received and Filed.

- 4 [17-336](#) PRESENTATION ON 2017 INTERNSHIP PROGRAM

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

The Presentation was Received and Filed.

ORDINANCES, RESOLUTIONS, AND PUBLIC HEARINGS

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

Open Hearing

Staff Presentation

Applicant Presentation (if applicable)

Council Questions of Applicant (if applicable)

Public Comments/ Presentations

Rebuttal by Applicant (if applicable)

Close Hearing

Council Discussion

Council Action

First Reading

5 [17-350](#) ORDINANCE 2017-XX EXTENDING THE MORATORIUM FOR MEDICAL MARIJUANA DISPENSARIES

Attachments: [Ord extend temp Moratorium for Medical Marijuana](#)

City Attorney Reischmann read the title into the record.

CM Klufas-Do we know what Flagler Beach is doing as far as their moratorium? Ans: Mr. Landon-I have not heard, Mr. Tyner have you? Mr. Tyner-Have not heard from Flagler Beach but I believe they are heading towards allowing them on the land side not the beach side.

Public Comment:

Jack Carall-Do we know how many patients will be using the marijuana? How many people will use these facilities? Will out of County patients be serviced here in Palm Coast? Does not want in residential areas, near schools or churches.

Responses to Public Comments:

Mayor Holland-This is a private industry, so we do not determine how many although the State has dictated that each dispensary per community, per grower will be allocated so many dispensaries. If Palm Coast gets ones, we may get one, but the market will dictate. Attorney Reischmann-In the State Statutes, the State would determine how many licenses, producers, and facilities.

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

Resolutions

6 [17-349](#) RESOLUTION 2017-XX RECOGNIZING AND CONFIRMING LEGISLATION IN PROGRESS REGARDING MEDICAL MARIJUANA TREATMENT CENTER DISPENSING FACILITIES

Attachments: [Resolution Medical Marijuana Dispensaries Legislation in Progress](#)

Mr. Landon provided a brief overview to this item.

CM Klufas-Will we know what Flagler Beach is doing before we take action? Ans: Mr. Landon-We will ask them to send it out to us.

VM Nobile-What about Bunnell? Ans: Mr. Landon-We have not heard from them. We can ask Bunnell, Flagler Beach, and Flagler County as well.

Public Comments:

Donald O'Brien-I was at the Flagler Beach meeting; they did not take action on their second reading for their moratorium; they rescinded the vote to extend the moratorium and gave staff direction to work on the Land Development Code to allow dispensaries to be located in commercial/retail. Everything on the west side of the Intracoastal. The City of Bunnell has not taken any action yet. Flagler County staff is redrafting their Land Development Code as well.

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: R2017-93

7 [17-281](#)

RESOLUTION 2017-XX APPROVING A CONCESSION AGREEMENT WITH TCC MARLOW ENTERPRISES, INC., DBA THE GREEN LION CAFE FOR THE PALM HARBOR GOLF COURSE

Attachments: [Resolution Concession Services PH Golf](#)
[Concession Agreement - City Property Golf Course \(Workshop vs Final\).doc...](#)
[Concession Agreement - City Property Golf Course](#)
[Notice of Intent to Award RFP-PR-17-41](#)
[RFP-PR-17-41 Concession Operation and Management of Palm Harbor Food and Beverage Facilities - Executive Summary](#)

Mr. Landon introduced the item and Mr. Falgout provided a brief overview to this item.

VM Nobile-Primary concern by the residents in the area is a "big party" atmosphere, what are the operational hours? Ans: Mr. Falgout-The operational hours are a minimum required, Section 3(f), is from 7:00 am to 5:00 pm December through March and 7:00 am through 6:00 pm through November. The tenants will have the option to extend those hours with City approval not before 7:00 am and up to 11:00 pm. The Green Lion is very aware of our Ordinances. It is a balance that we want the restaurant to be successful.

VM Nobile-What is the lease amount? Ans: Mr. Falgout-\$500 per month, a beginning in year two, it will increase \$25 per month thereafter.

VM Nobile-What is the square footage? Ans: Mr. Boyer-It is small, approximately 400 square feet.

Public Comments:

Jon Netts-Two issues-I was lead to believe current employees will be terminated and the restaurant will be closed for at least a month; would like to see the Green Lion

expedite. Structural modifications-how could they own something that the City owns when they modify?

Jack Carall-If they do not make enough money, are we going to subsidize them?

Responses to Public Comments:

Restaurant closing and modifications-Ans: Mr. Falgout-There will be a delay in opening the full concept of the Green Lion. What was discussed with the Green Lion is offering some sort of in between service (to the customers during renovations. They have been amiable to that. You will see a reduced menu and options during the time of renovations.

Subsidies-Ans: Mr. Falgout-This is a change in the model for golf. We are contracting out these services. Kemper is currently running the facility. This plan is different. We are no way tied to this business if it loses money or if it makes money.

VM Nobile-To the point of employees, how many employees are there? Mr. Boyer-Food and beverage-We are in the process of (not letting anyone go from Kemper) the interview process. We have hired eight (8) already that were Kemper employees, who are now City employees.

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: R2017-94

8 [17-340](#)

RESOLUTION 2017-XX APPROVING AMENDING THE COUNCIL POLICY AND PROCEDURES TO ALLOW FOR PUBLIC INPUT AT 6:00 P.M. AT ALL EVENING MEETINGS WITH A TIME CERTAIN START OF 6:30 P.M. FOR THE REST OF THE ITEMS ON THE AGENDA

Attachments: [Resolution Amending Council Policy and Procedures](#)
[Council Amended Policy and Procedures - 2017](#)

Mr. Landon provided a brief overview to this item.

VM Nobile-I thought we were going to do this for all meetings. The real concern are the workshops, because those are the meetings that go long. Ans: Mayor Holland-I think we were talking mostly about night and changing the morning, so it may have been interpreted that we were discussing that. If we want to discuss it and start public and city business 9:00 then 9:30, that is doable.

Mayor Holland suggested beginning workshops with public comments at 9:00 am. VM Nobile-Agrees.

CM Cuff-This is for every meeting, what about our presenters? Mr. Landon-That is an important part from a business standpoint of dealing with people. It is like having a reservation at a restaurant and all the walk-ins get to go ahead of you and when they are finished you get to sit down. If you start at 9:00 am with public comment, with the understanding at 9:30, anyone still wants to make public comments will have to wait to the end of the meeting or at 6:00 pm and 6:30 pm. then the people that come like Brice or Jim from SJRWMD having them sit for an hour here when they thought they

would be sooner. That is the concept.

Attorney Reischmann suggested to table this item to get back with the City Clerk to modify this resolution to include your new direction.

Mr. Landon suggested for workshops to start at 9am then go into the agenda items; night meetings 6:00 and 6:30 then morning meeting to be 9:00 and 9:30?

Mayor Holland would like to see an allotment of 30 minutes and if we go over, then they will have the opportunity at the end as well.

VM Nobile-I think we can play it by ear, set it up, if we have no speakers, we can go ahead and get started.

Mr. Landon clarified to begin the evening meeting at 6:00 p.m.

A motion was made by Council Member Cuff, and seconded by Vice Mayor Nobile, that the Resolution be continued. 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

Consent Agenda

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

A motion was made by Vice Mayor Nobile, seconded by Council Member 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 [17-280](#)

RESOLUTION 2017-XX APPROVING A MASTER SERVICE CONTRACT WITH BILLY CASPER GOLF, INC. FOR GOLF COURSE MAINTENANCE AT THE PALM HARBOR GOLF COURSE

Attachments: [Resolution Maintenance Services PH Golf](#)
[Billy Casper - Master Services Agreement](#)
[Notice of Intent to Award RFP-PR-17-38](#)
[RFP-PR-17-38 Palm Harbor Golf Course and Grounds Maintenance Service - Executive Summary](#)
[WORK ORDER](#)

Jack Carall would like items 9 and 10 to be discussed.

Item 9-Billy Casper-How much are we going to pay them for maintenance?
 Item 10-Is this only to approve the agreement with Ms. Crotty? If that is the case, then that is ok. If discussing the Charter then it is not ok.

John Brady-Item 10-Needs help understanding Section 10 of the Charter to amend the Charter.

Responses to Public Comments:

Billy Casper cost-Ans: Mr. Landon-We will be purchasing the fertilizer ourselves directly, therefore we do not know the exact cost but the estimate for this program is about \$630K per year. We believe this will be a more efficient way to manage the course.

Ms. Crotty-Ans: Mr. Landon-This has nothing to do with the Charter review process, this is approving the facilitator.

Item 10-Charter amendments-Attorney Reischmann provided an overview to the process of what is allowed by law to amend charters.

Enactment No: R2017-95

10 [17-341](#)

RESOLUTION 2017-XX APPROVING AN AGREEMENT WITH MARILYN CROTTY OF THE FLORIDA INSTITUTE FOR GOVERNMENT AT THE UNIVERSITY OF CENTRAL FLORIDA FOR CHARTER REVIEW FACILITATION

Attachments: [Resolution Charter Facilitator](#)
 [Palm Coast Charter Review Proposal 2017](#)

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: R2017-96

11 [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](#)

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: R2017-97

12 [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](#)

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: R2017-98

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.

Charles Ebert-miscellaneous issues, which was provided on a handout provided to the City Clerk at the beginning of the meeting. The handout is attached to these minutes.

Responses to Public Comments:

*WastePro contract-Mr. Landon-I know Barbara is addressing this. Ans: VM
Nobile-What are we talking about-the cleaning of the skid marks? Ans: Mr.
Landon-Yes, WastePro has assured me this is no longer going on. We feel we are handling it. We fine WastePro every month for things that are perpetual, e.g. missed pick-ups. In this case, I am letting Barbara handle this. This is tough, there are different reasons for skids marks other than WastePro. Attorney Reischmann-Spoke with Ms. Grossman this morning about this issue.*

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

Mayor Holland-We had a discussion on the radio the other day on our I.T. Utility billing-we spend \$150,000 per year on utility paper billing. Have we been looking at that and how to save that \$150,000. Mr. Landon provided a brief overview to utility billing and performance measures. Mr. Quinn provided Council with an overview to our utility billing process.

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

Tele awards-This past week we received the Zombies Survival Guide for Bicycle Safety Award. The Florida Public Relations Association granted us first place for best public video.

Welcome back to Cindi, it sure is helpful when you send me information. Today is Food Truck Tuesday, 5:00 pm to 8:00 pm, here in Central Park. Proceeds go to Flagler Education Foundation this month. Someone from our Fire Department will be there tonight doing car seat safety and checks.

Senior Games-registration deadline is coming up-September 1, 2017. If you want to compete you can register online or with Parks and Recreation.

H. Adjournment

The meeting was adjourned at 10:23 a.m.

*Respectfully submitted,
Virginia Smith, City Clerk*

Calendar and Worksheet

[17-339](#)

MEETINGS CALENDAR AND AGENDA WORKSHEET

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

[17-357](#)

ATTACHMENTS TO MINUTES

Attachments: [City Council Presentation - Internship Program 2017 \(Final\)](#)