



City of Palm Coast Agenda MINUTES

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

Tuesday, September 26, 2017

9:00 A.M.

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

Deputy City Clerk, Kate Settle called the roll.
All members were present.

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.

There were no public comments.

F. PRESENTATIONS

1. PRESENTATION FROM SHORTLISTED LOBBYIST FIRMS

Mr. Landon provided a brief overview to this item. Mr. Beau Falgout outlined the interview process for the three firms short listed to present to Council.

Metz, Husband and Daughton. Mr. Palmer provided an overview of their firm to Council.

VM Nobile-What is your ratio of clients to lobbyist? Ans: Mr. Palmer- 9 or 10 clients.

VM Nobile-Do you representative any non-government entities? Ans: Mr. Palmer-We represent many clients in the general practice of the firm.

VM Nobile-How do you handle conflict? Ans: Mr. Palmer- We are a structured law firm. The Florida Bar dictates how the firm will handle those issues.

VM Nobile-How do the people in Tallahassee regard your partisan affiliation? Ans: Mr. Palmer-The Legislature is Republican dominated right now. The firm is bi-partisan. The firm equally supports each party.

CM Cuff-Preemption- How do you see that unfolding in the future? Ans: Mr. Palmer- I think you are exactly right. No change in the short-term. The firm will find a compromise when working with the City.

CM Cuff-What other non-profits do you work with? Ans: Mr. Palmer-Bio Florida, Lung Association, Florida Restaurant Association, Florida Bar Association.

Mayor Holland-Are all your partners based out of Tallahassee? Ans: Mr. Palmer- Yes we are. The work we do is in Tallahassee, that is where the relationships are. The downside is that we are not in close proximity to our clients.

Mayor Holland-South Florida and North Florida divide. How do you create relationships with others members when not in session in order to assist your clients? Ans: Mr. Palmer-We travel extensively. There is a policy reason to travel. We have worked with both Representative Renner and Senator Hutson on a piece of legislation.

Mayor Holland-What do you think happened last year with not getting appropriations for utilities? Ans-Mr. Palmer-Representative Renner was being tested by fire.

Mayor Holland-How would you overcome that challenge? Ans: Mr. Palmer- We are a prominent firm in Tallahassee so we could leverage some interest. We can gain access when it is time to get to the speaker or the Chairman on Appropriations.

Mayor Holland-How do you propose helping with the widening of Old Kings Road? Ans. Mr. Palmer- The first step would be to look at FDOT 5 year projects list. If the project is not there, we would need to work with FDOT and then onto the executive branch. First look at 5 year projects in FDOT. You would not want your project to be vetoed.

CM Klufas: Do you represent any telecommunications companies? Ans: Yes, one, AT&T.

Gray Robinson

Mr. Chris Carmody presented Council with an overview of their firm.

VM Nobile-Explain to me how your clients are served? Is there an individual assign? Ans: Chris would be the representative for the City. But the firm as a whole is available.

VM Nobile-What happens with conflict? Same dollars, same pool? Ans. Mr. Carmody-We try not to take on other cities in the same county unless there is an understanding with the client.

VM Nobile-What if something we want conflicts with another client? Ans: Mr. Carmody- The Florida Bar dictates how the firm handles conflicts.

VM Nobile-What percentage of your work is government and non-government? Ans: Mr. Carmody- Many government councils are within the firm but I do not have a percentage of government vs. non-government.

VM Nobile-In Tallahassee, how is your firm regarded? Ans: Mr. Carmody-We hope we are viewed as bi-partisan and straight forward.

CM Klufas-Do you represent any telecommunication companies? Ans: Mr. Carmody-No.

Mayor Holland-Do you represent Bunnell? Ans. Mr. Carmody-No.

Mayor Holland-Volusia? Ans. Mr. Carmody-Yes

Mayor Holland-How do you sure up funding for both Volusia and the City of Palm Coast? Ans: Mr. Carmody-Volusia has more than one representative; Flagler County has one representative. We would be leveraging all the resources for each jurisdiction.

Mayor Holland-Whose campaigns have you supported? Ans. Mr. Carmody-How much time do you have? The firm is very bi-partisan and we support both Democrats and Republicans.

Mayor Holland-With Term limits, the Governor and some of the members of the Cabinet are reaching the end of their terms; how will the firm approach the change? Ans: Mr. Carmody-It is a fine line we walk with the firm but we are confident that we have maintained the right relationships in order to get our clients the access they need. Speaker Cannon could not be here today with us but he has a great deal of insight and we rely on his insights as a team when making a decision.

Mayor Holland- One of the biggest frustration with local government is the legislature stripping away the ability to govern locally, specifically, home rule. How do you explain how far that legislation has gotten? This year was the worse I have seen. It got too close. Ans: Mr. Carmody-Some got too close, like the CRA. We were proud of sending it down in flames. We feel the Senate is where the fight is. They work closely with the League of Cities.

Southern Strategy Group:

Matt Brockelman introduced the members of his team and presented an overview of their firm to Council. VM Nobile: What are the chances of conflicts between clients? Ans. Mr. Brockelman It is not black and white. A lot of what happens is very process oriented and hopefully, we will put together the right strategies so that we don't have to choose between clients. Hopefully, achieving positive outcomes for all clients.

CM Shipley-You've been in business for 20 years and have more clients than a firm that has been in business longer than others. Do you feel that you are taking on too many clients in order to focus on a city the size of Palm Coast? Ans. Mr. Brockelman -No. The focus of the firm is on lobbying only. It's a team culture. Clients no matter how large or small are treated equally.

CM Shipley- Do you currently have working relationship with Palm Coast? I noticed you had the logo at the beginning and on another one of your handouts as well. Is there a reason you currently have our brand on your materials? Ans. Mr. Brockelman -No. It is just standard practice for us. When we submit a proposal, we incorporate elements of the potential client in to our materials.

CM Klufas- Do you have good working relationship with Representative Renner and Senator Hutson? Ans: Mr. Brockelman-Mr. Deno Hicks participated in Representative Renner's campaign. Senator Hutson is a friend.

Mayor Holland-What was the appropriation for Daytona State College? Ans: Mr. Brockelman-The appropriations were mainly focused on buildings and infrastructure.

Mayor Holland-We are struggling to get bigger FDOT projects funded. Old Kings Road North needs expansion and it is potentially a \$30 million dollar project. How would tackle the project to support this initiative? Ans: Mr. Brockelman I would start understanding the project. Is it in the 5 year program? Construction is not in the five year plan. It is not too difficult outside the of work program. I would work toward getting as much as I could to get as much added in the five year work program. If done outside the work program, there is a greater chance of the Governor vetoing the project. Important to work with FDOT to get as much detail in the 5 year work program.

Mayor Holland- Home rule continues to be a challenge. How strongly do you think it will come back this year? What are your strategies to approach those local issues? Ans: Mr. Brockelman-There are a lot of difference strategies to be employed. Mr. Brockelman brought up the CRA is refiled. Senate didn't move on it. The focus is on the Senate.

Mayor Holland-It is important for the members of the legislature to understand the impacts of unintended consequences legislation may have on a local level. We would like conversations with legislators to take place year around. We hope to have a firm that will be proactive and not reactive.

CM Cuff-Could you give us the top ten not-for-profit organizations that you represent? Ans: Mr. Brockelman-We can give you list. As an example, the Palm Beach Zoo is a client and we have done some pro-bono work for non-profit organizations.

2. PRESENTATION OF THE REQUEST FOR PROPOSALS (RFP) FOR A FIBER OPTIC NETWORK BUSINESS PLAN

Mr. Landon provided a brief overview to this item and asked for their feedback after the presentation. Ms. Debbie Streichsbier, FACT leader and Steve Viscardi, IT Director provided a PowerPoint presentation, which is attached to these minutes.

Mr. Landon-Under Item 4. Network Design Alternatives, Council Member Klufas asked staff to look into cable lines add to current poles as opposed to underground.

CM Klufas thanked the members of the team for their work.

VM Nobile-What are the odds of getting it in the timeframe for 2019? Ans: Ms. Streichsbier-The timing would be such that it would be FY 18-19 Budget.

VM Nobile-We don't need to get this in the strategic plan or the budget? Ans: Mr. Landon- There are some things that Steve Viscardi can do that will not affect the budget. Any other items would be brought before Council presented in the 2018/2019 Budget.

VM Nobile-We are looking at we are moving out of a governmental sector into a private sector by potentially becoming ISP. The business plan has to be more private than public. How do we mitigate the risk? I am not seeing how private sector business plans are a little bit different. We have to throw a heavy risk analysis in here. Ans: Mr. Landon- In the public sector there are three types of funds: 1. General government; 2. Enterprise Funds which is a business model without competition and is self-sustaining; 3. Providing a service that the private sector also provides. We got into it to save money to provide services to the School District but there is a possibility that we can leverage it out into the community. The goal is to find the niche Palm Coast and so that it would pay for itself.

VM Nobile-When will we get the results that there is a risk analysis on that item? Ans. Mr. Landon-Historically we have been very careful. Mr. Viscardi- There is much more work to be done on it.

Mayor Holland liked the scope using the infrastructure. Would there be an opportunity to offer something in the Hammock? Ans. Mr. Landon-We are in Bunnell. We are trying to tie into the University System. Now it is business decisions.

Mayor Holland-We made it clear that we want to compete in the economic development realm. The infrastructure allows for that model to exist. Hopefully, this will create more opportunity that we may not even realize. Ans. Mr. Landon-Telecommunications now is like not having water. We don't necessarily have to be the end provider.

CM Shipley-Will we be competing with local businesses? Ans: Mr. Landon-Yes, and the reason is the smaller cities are not getting the same services as larger cities.

Mayor Holland reported on the business model for Chattanooga, TN. Once the telecommunications was in place, more businesses were ready to move to the city.

3. PRESENTATION - PALM COAST PARKWAY OVER I-95 BRIDGE FENCE SIGNAGE CONCEPT PLAN

Mr. Landon provided a brief overview to this item. Mr. Cote presented a PowerPoint presentation slides of what the bridge would look like and reported it is budgeted over \$2 million. VM Nobile thought it was a great idea and good use of city funds. Mr. Cote reviewed the process with Council.

4. PRESENTATION - PATH LIGHTING

Mr. Landon provided a brief overview to this item. Mr. Don Schrage presented a PowerPoint presentation, which is attached to these minutes.

VM Nobile-When on the path, I did not see too much sun light . . . how would this work? Ans: Mr. Schrage-Six to eight hours of indirect sun gives a full charge. There is a three year warranty and a ten year life span.

Mayor Holland-Have other cities used this type of lighting? Ans: Mr. Schrage- Yes, these are specifically designed for cities.

VM Nobile-I am concerned, is this going to create enough light? Ans: Mr. Schrage-This will not be like walking under a street light.

VM Nobile-Not the type of lighting envisioning for the safety. Ans. Mr. Schrage- Poles maybe cost prohibited.

CM Shipley-I am looking for safety for the children going to school in the morning. Ans. Mr. Landon-The worse thing to do is to light the path because you will be inviting people to walk it. There are a couple of options: We could do a test to see what it looks like.

CM Shipley: What about the lighting being sensory oriented? Ans:Mr. Schragger-When looking into the options, sensor operated lighting was not considered.

CM Klufas-Can we do a small portion of the path to see if it works or not?

Mayor Holland-I am open to a test study.

CM Cuff-I like the idea of a test study.

5. ORDINANCE 2017-XX MEDICAL MARIJUANA REGULATIONS

Mr. Landon provided a brief overview to this item. Ida Meehan and Ray Tyner presented a PowerPoint presentation, which is attached to these minutes. City Attorney Reicshmann reminded Council that the City cannot enforce the regulations as they are governed by the state.

G. WRITTEN ITEMS

6. RESOLUTION 2017-XX APPROVING A PURCHASE AND SALE AGREEMENT WITH THE EAST FLAGLER MOSQUITO CONTROL DISTRICT FOR PROPERTY ON UTILITY DRIVE

Mr. Landon provided a brief overview to this item. Mayor Holland: The timing is interesting here? How long have the discussions been going on? Ans: Mr. Landon- About a year. They didn't want to sell until they moved out to the airport. The purchase has nothing to do with the current financial issues facing the District.

Mayor Holland-I am concerned about what happened to public funds? Just seems messy right now. Ans. Mr. Landon-Having the audit done is critical. We really do not know until the audit is completed. This transaction is in no way trying to bail them out of a financial situation. I believe steps are being taken by the State and the Mosquito Control Board to allow them to go through the process. We would hate to lose the opportunity to acquire their former facility. An initial appraisal was done and we have received an updated one and it has gone up a little, as have most of the real estate in the City.

CM Cuff-The purchase of the property was what ITT had intended when they owned the utility company.

Richard Adams, Utility/Public Works Director-All public services were planned to be on Utility Drive. The building is in okay condition. The original intent to sell the building to the City was about three years ago.

7. RESOLUTION 2017-XX APPROVING AGREEMENT WITH WENCOAST FOODS, INC. FOR THE PURCHASE OF RIGHT OF WAY ON OLD KINGS ROAD

Mr. Landon provided a brief overview to this item.

Mayor Holland: Where are we with a timeframe with acquiring the other parcels? Ans. Mr. Landon-Months away.

H. PUBLIC PARTICIPATION-REMAINDER OF PUBLIC COMMENTS

Jack Carall -The former Mosquito Control Property. Suppose they get a mitigation and they have to sell the building at the airport and they have to move back to some place. Where do we stand? They have to go somewhere. What happens to the property?

Jules Kwiatkowski, Commissioner on the Mosquito Control Board-The Board wanted to sell the property at 24 Utility Drive to the City..

Responses to Public Comments:

Mosquito property-Ans: Mr. Landon-The East Flagler Mosquito Control District is a taxable district. They have an elected board. They provide an extremely important function. Any government entity and private entity can get into financial difficulties.

Mayor Holland-We are purchasing this building having nothing to do with their current concerns.

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

CM Shipley-Why are a .com and not a .gov. Ans. Mr. Landon-Any entity can choose whether they would like a .com, .net, .org, etc. By having .com, it has the meaning that we are open for business.

CM Shipley to Mayor Holland-The radio show that you do, do we get something ahead of time to know what the topic will be that week? Mayor Holland -It is pre-recorded but they handle the topic. Ans. Mr. Landon-We can get you the topics ahead of airing.

VM Nobile-Before we do strategy planning this year, there were two things that have been lost. I thought we were going to look at the maintenance of properties or vacant lots. Ans: Mr. Landon-I don't have that information right now but it is on someone's performance measure. No update to report at this time.

VM Nobile-Second I thought I wanted us to look into having a kiosk in the stores like Publix? Ans. Mr. Landon-That is out there too.

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

Attorney Reicshmann followed up with Mayor Holland's comment that they wanted a pro-active lobbyist. We work in the Sunshine. Pre-emption found their way into bills at the last minute. The lobbyists can keep the City apprised but there would still be the need to contact our legislators directly. Mayor Holland-If you can kill it in the Committee that is where you want to do the work.

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

Mr. Landon provided an overview to the charter review workshop process and made it clear that it is not a Council Workshop.

Mayor Holland-Did we do any sort of social media to promote all of this and do we have a master email list of former Citizen Academy graduates? Ans: Mr. Landon-Cindy can provide a list and send it to all past graduates.

Mayor Holland-I may have a conflict for two of the meetings but would like to hear what the facilitator has to say. Ans. Mr. Landon-There will be audio and she will have a summary.

CM Nobile-When should I present comments that I have heard from the community? Ans: Mr. Landon-The last two meetings will be for council and that will be your opportunity.

Mr. Landon-provided an update on the storm debris removal and the process Waste Pro is taking and the addition of using local resources.

Mayor Holland-Why not use 4C's or other local companies? Ans: Mr. Landon-We reached out to ELS that does this and they may start tomorrow.

Mayor Holland-Do the companies have to be FEMA recognized. Ans: Mr. Landon-Yes.

Mayor Holland- How are the commercial entities doing? Ans. Mr. Landon-Commercial entities are supposed to haul it away on their own. We allowed it once during Hurricane Matthew but we are getting the message out that if it is commercial, you must haul it away, the City will not be picking up debris for the commercial entities.

Fall Recreation Program is out and ready.

Intracoastal Waterway clean-up is rescheduled for November 4.

Pink 5K Run – Sunday, October 15, 2017.

L. ADJOURNMENT

The meeting was adjourned at 12:17 p.m.
Respectfully submitted by:
Kate Settle, Deputy City Clerk

M. CALENDAR/WORKSHEET

8. CALENDAR/WORKSHEET