



**City of Palm Coast
Minutes
CITY COUNCIL
WORKSHOP**

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

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

Tuesday, January 9, 2018

9:00 AM

CITY HALL

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.
- > If you wish to obtain more information regarding the 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 Networks 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

Mayor Holland led the pledge.

C. ROLL CALL

City Clerk Virginia Smith called the roll. Council Member Shipley had an excused absence.

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.

Robert MacDonald: I am here today to respond to comments made recently by the City Manager. The last meeting I requested a meeting to be set up with Mr. Nobile and Code Enforcement to discuss issues in the R Section. The City Manager responded and stated a meeting was set up and I refused to come. That makes no sense because why would I come back and request a meeting. When a resident has a concern, they are given three minutes to talk and the City's responds. If the resident wants to respond to what the City has said, they cannot because the three minute rule is up. The City Manager also stated that I was once again here to complain about the job city workers do. Not true. I am here because I have a problem with code enforcement and code enforcement only. Not city workers in general. I believe when a resident has an issue, it should be addressed without any personal comments or feelings. The City Manager should not be offended because a resident feels different than he does. I moved to the R Section for a reason. It was clean, the homes were well maintained and the neighborhood was safe. Well, none of those are true anymore. I look forward to sitting down with the City in a positive and productive meeting to resolve issues in the R Section only. My second comment is on behalf of my family, I would like to express my condolences to Council Member Klufas on the loss of his family member. I know exactly what you are going through. I lost my brother-in-law to cancer. Sorry for your loss.

CM Klufas: Thank you very much.

Mayor Holland: Mr. Landon do you have anything to add? Ans: Mr. Landon - I have nothing to add.

E. PRESENTATIONS

1. PRESENTATION - CHARTER REVIEW SUMMARY REPORT

Mr. Landon provided a brief overview to this item. Mr. Reischmann, City Attorney, Mr. Beau Falgout, and Ms. Marilyn Crotty presented PowerPoint presentation, which is attached to these minutes.

A question and answer period followed:

CM Klufas: The examples we have on the screen. If we wanted to make all of those changes, would each of those items be an individual item to be voted on or which of those can be combines for a single item. Ans: Ms. Crotty - All the

items in blue can be combined. Some are more significant than others. If I were in your seat, I would be saying, nice to do but not important. The charter can be amended at any time by the process of the Council putting something on the ballot. It always has to go to the citizens if it is a substantive change but it does not need to go all at once. It doesn't have to go all at once. Ans: Mr. Landon - To answer your question more directly, every bullet you see in black would be a separate ballot measure because it is a separate issue. By state law, you have to have a separate measure for each issue. You can't lump them all together because some people may want to do something with salaries and vote differently on other issues. If you lump them all together, you can't pick and choose. Ans: Attorney Reischmann- I have seen in other cities, what ballot questions are you voting for this new charter. But that is all or nothing.

Mayor Holland: Does it need to pass by a certain percentage? Ans: Ms. Crotty - A simple majority.

CM Nobile: . . . if we did want to combine some of these issues that are similar, couldn't we do that? Attorney Reischmann: You have several legal limitations, one is a single subject rule. They have to be related to one another so they can fall within statutory state guidelines. If you were to put too much into one ballot. How do you craft the title which is limited to the number of words under state statute and then the summary. You have challenges to that by saying that you have not adequately informed the voters in your title and in your summary. The more you pack into it, the more of a challenge for my office, working with staff preparing a title and summary that will be safe from someone coming out and challenging it.

Mayor Holland: Is there a limit on the words that can be used for a ballot measure? Ans: Ms. Crotty - 75 words for the summary. I think it is 15 words for the title. Ans: Attorney Reischmann - That is State Statute.

CM Nobile: Salaries - Can we do that under clean up? Ans: Marilyn Crotty - Yes, Substantive part is in paragraph A.

CM Nobile: It would be hard for a single member to violate the charter. Ans: Ms. Crotty - Recently, a mayor of a city was removed for violating a charter.

Mayor Holland: Can we contact the Supervisor of Elections to see what the cost would be on those pages? There is a substantial cost when you add pages. Ans: Attorney Reischmann - It is not just how many ballot questions you can get on there but how many you can squeeze on one page.

Attorney Resichmann - We are not hearing that this Council is giving us direction on the last slide. It was the consensus of the Council for no direction to be given on the first two slides.

Vacancies

Mayor Holland: It is only by special election? There is not an appointment for the remainder of the term? Ans: Ms. Crotty: Your charter reads, "if for any reason other than recall, a vacancy occurs for Mayor, the Vice Mayor shall assume the position of Mayor and within 30 days following the occurrence of

such vacancies, a special election shall be called as outline in the section on election, Section 8.

Mayor Holland: What happened with you Bob (Cuff)? You got in early. Ans: Attorney Reischmann - There is a different set of rules for council members. State law dictates that there needs to be different rules for Mayor and Council.

*Ms. Crotty: Virginia ,it takes more than 30 days to set up an election, right?
Ans: Ms. Smith: Correct and state law guides that as well.*

Mayor Holland: How is this done? You said it is normally not done where the mayor is different from the council? Why? Ans: Attorney Reischmann: If you all feel strong enough about it, a potential solution is to treat the vacancy, other than a recall , in the Mayor's position like you treat vacancies in the Council. If it is more than half the term of the council, it would be an election at the next regular election.

Attorney Reischmann: Do you feel strong enough to put a correction on the ballot. If you do, we will need direction as to how. There was consensus of the Council to clarify this section of the Charter.

Investigations

Mayor Holland: Is this similar to the authority that Senator Hutson and Representative Renner had in calling for an independent audit of Mosquito Control. Ans: Ms. Crotty - This gives you, the Council, to do an investigation. It was the concensus of the Council that this item does not need to be changed in the Charter.

Ordinances

It was the concensus of Council that this issue did not need to be changed in the Charter.

Prohibitions

Holding another office is covered by state law.

It was the concensus of Council that this issue did not need to be changed in the Charter

Public Comments

Enlarge the Size of the City Council seven instead of five and to redistrict.

CM Klufas: Do you think that maybe too many chefs in the kitchen? Ans: CM Nobile - In this scenario, chefs are important. The more diverse thought the better. This is my perception of Palm Coast to come. Things are going to start changing. We are coming out of the dead zone. Things are starting to pick up. There is building going on. There is a lot of inquiry going on. We are making more and more decisions that are a lot bigger than we have. It would be nice to have as many thoughts and opinions and a diverse group of people to start. I think we need to get a head of the curve of the growth that it looks like we are going to start to see and in Flagler County. Decisions we make will affect the County. With five people, it is not that difficult to get three people in a pigeon

hole. They just start making the same decisions down the road. It becomes a little more difficult when you have seven people. You won't create that pigeon hole where you have the same idea over and over.

Mayor Holland: What happened to the 2020 census count? Do we have to go through the process in 2020? I think within the last ten years, Palm Coast has grown. Ans: Attorney Reischmann- Chances are high that you will.

Mayor Holland: What was the population in 2010? Ans: Mr. Landon- 75,000. Between 2000 and 2010 the growth has almost doubled and it really moved west. In 2020, there could be a shift but not nearly as major as the last decade.

There was a difference of opinion on where to discuss this item again.

Charter Officers -

Procedures for the removal of the City Manager.

It was the consensus of Council that this issue did not need to be changed in the Charter.

City Manager to live in Palm Coast.

It was the consensus of Council that this issue did not need to be changed in the Charter.

Provisions for an Acting City Manager

It was the consensus of Council that this issue did not need to be changed in the Charter.

Budget

Limitation on the contracting authority.

Mayor Holland: What is the standard? Ans: Ms. Crotty - You can have it as a policy but because it is in the Charter, you have to go to your citizens to approve this.

CM Cuff: What is the practical affect on the day to day administration of the City if we were to remove the limitation? Are we paying more than we need to of tax payer money? Ans: Mr. Landon - Day to day operations, it will have little to no affect on us. It may cost us a little bit because we have a three year rather than a four year contract. Ans: Mr. Falgout - Most of our service contracts that are hired costs our Utility.

It was the consensus of Council that this issue did not need to be changed in the Charter.

Public Comment:

To extend the borrowing power to 15 years

To give Council a COLA

To set qualifications for elected office.

Penalty for violations to the Charter

changing the form of government from Council /Manager to Mayor/Council

Require a periodic change of the independent auditor

Support for the residency requirement for the Cty Manager

*Adding an auditor as a charter officer (internal auditor)
Did not agree with the provision for a hearing for the City Manager
Agreed with having an identified person should the City Manager not be available
Increasing the size of the Council and should those council seats be added, it should be at large*

Elections

Ms. Smith reported when the elections went from odd years to even years, the canvassing board was also changed by ordinance. It was the consensus to put this in the clean up section.

Charter Review:

To appoint a citizens review committee to be appointed every ten years and make sure it is an advisory committee.

*Mr. Landon: We are recommending that every ten years, you must appoint an advisory committee to do that and once again, and Council can amend the Charter without the Charter Review Committee but there needs to be a Charter Review Committee appointed once every ten years.
It was the consensus of the Council to update the current wording in the charter regarding the Charter Review Committee.*

Initiatives and Referendums

The percentage needs to be changed. There is not a process in the charter for initiatives and referendums.

CM Klufas: Is that your recommendation? Is that your typical charter formula in place? It is hard here. I feel like it is a weird disconnect because these are things we are talking about but there is not much recommendation on how things should go down. Ans: Ms. Crotty - you do have an initiative and referendum in place in the charter. You do not have how you do it.

CM Klufas: Is it typically in the charter? Ans: Ms. Crotty - in the model charter. It was the consensus of the Council for staff to put together wording regarding process of initiatives and referendums.

The meeting was recessed at 12:00 noon. The meeting reconvened at 12:24 p.m.

2. DISCUSSION - EXECUTIVE SEARCH FIRM FOR CITY MANAGER REQUEST FOR PROPOSALS

Attorney Reischmann and Mr. Beau Falgout presented a PowerPoint presentation, which is attached to these minutes.

CM Nobile-You are a top notch City Manager, where are you going if you were looking? Ans: Mr. Landon-There are two key questions, how are they going to pull together some a consensus from you five individuals with five different opinions of what you are looking for Yes, I read some of this stuff and I think

there is no way I am going to work for them; I read others and I think that would be exciting job. What is that City Manager going to look like? What they put together will greatly determine whether you get an engineer type or whether you get an innovation type. They are coming to you asking what are you looking for in a City Manager and second, how do they go about finding that particular skill set? or that personality? the fit ? Do you send out emails to all City Managers? Put it on the website? Typical things that they do. What you are looking for . . . ok you have other ideas beyond that . . . How do you pull together what you are looking for in a City Manager because it has a lot to do with personality. It has to do with background and those types of things. A lot of it though is personality. How do you find that individual? I like what I am hearing about keeping it open and don't say we want you to tell us how we will find a technology person. We want you to come in first and what is that person going to look like.

CM Nobile: Bill, What is the process for finding the person? I don't want to tell you. I can't at this point, because I need your help in defining that person. Ans: Attorney Reischmann - That is fine. One of things we are going to tell them they are going to do. One of the task of this company is that they are going to sit down with you once hired and they will help you help them find the person that will accomplish what you want that person to do.

Mr. Falgout indicated that he would be back to Council in a couple of weeks to review the RFS with them.

CM Cuff: Jim said something that made me think . . . What are the odds that we are going to get responses from anyone other than ten firms that the Cities and Counties recruit Chief Executive Officers and Senior Staff Positions? Ans: Mr. Landon - You will definitely get those because this is what they do for a living; not just city managers, finance directors, fire chiefs and others in the public sector. You will get if most if not all of those that are located in the Florida market. The firms that have never recruited a public sector employee of any level, very unlikely they are going to submit. There are some that I see every once in a while, I haven't heard of that firm before. It is not their thing but they would like to get into it a little more and they will come in and different and a little more innovative because they don't have the cookie cutter type of thinking. If Reischmann is good, how do you find the firms that this (public sector) is not the only thing they do.

Mayor Holland: I think what is also important is how we are going to put this process out to the universe? Who will be viewing this? It is not going to be those standard 10 Florida companies that are at every Florida League of Cities. I think we can do better than that.

Mr. Landon suggested possible language to be added to the RFS: This is a growing community. This will tie into technology is how are you going to deal with growth in the future and continue to expand. Growth and infrastructure.

CM Nobile: Can you email me a link to the RFS or the RFQ? Ans: Mr. Falgout - Yes sir.

3. RESOLUTION 2018-XX APPROVING A CITY-WIDE WIRELESS MASTER PLAN

Mr. Landon provided a brief overview to this item. Diamond Wireless representatives provided a PowerPoint presentation for items 3, 4, and 5, which is attached to these minutes. (Dan Turnpot, Tom Murphy and Randy Kilgore, the Diamond representatives.)

CM Nobile clarified height of non-concealed vs. concealed towers.

CM Klufas: Everything installed would be LTE right? Ans: Diamond: Yes, absolutely.

Mayor Holland-How do you get this information (page 4 of PP)? Ans: Mr. Murphy-We have propaganda software that provides us with this data.

Mayor Holland you are proposing some LDC issues but as far as construction of a tower, how long is that process? Ans: Mr. Kilgore-Generally, it takes about a year to build a tower.

Mayor Holland-Can we do our due diligence ahead of time? Ans: Mr. Landon-Yes, that is part of our expedited process. Normally, you would have to go through a special exception process but with these sites it will be under the expedited processes.

CM Klufas-Is the maximum feet 150 ft for a monopole? Ans: Mr. Kilgore-Yes.

In general if it is a component of an MPD, then I would say no it is not allowed. If they come in as it is not part of the MPD, then we would welcome them.

Proposed ROW Ordinance-

Attorney Reischmann clarified that the City is not pre-empted from making sure that things are not going to go on our mast arms that will cause a danger to our right of ways or that we will violate the standards or our equipment so we have the ability to say no if what they want to have on the mast arm. That is what we don't have to approve.

CM Nobile: This pre-emption or rule, what does it entail that can go in the road. Ans: Attorney Reischmann - We can consider esthetics. Ans: Landon - There is the antenna thing so it has got to be communication based and someplace, they can put a box on the ground.

CM Klufas-Is there anything that you feel the TEAM compromised on because of our City requirements and our quality of life that might inhibit the odds of picking up a carrier? Ans: Mr. Turnpot-I will generally say no. We had some discussion regarding concealed vs. non-concealed. I think we are settling on the best solution. On a site specific basis we are selecting sites for the Wireless Masterplan. The worse sites that fell out because of development standards and they didn't really work. There were a couple instances out of the entire masterplan. We believe we can serve the community with the 29 selected sites.

4. **ORDINANCE 2018-XX REPEALING CHAPTER 54 WIRELESS COMMUNICATIONS AND AMENDING CHAPTER 4 OF THE UNIFIED LAND DEVELOPMENT CODE**

This item was heard with Item 3.

5. **ORDINANCE 2018-XX AMENDING CHAPTER 42 ARTICLE IV COMMUNICATION RIGHTS-OF-WAY**

This item was heard with Item 3.

F. WRITTEN ITEMS

6. **RESOLUTION 2018-XX APPROVING A ONE YEAR CONTRACT WITH AIRSIDE PAVEMENT, INC., TO PROVIDE VARIOUS STRIPING MAINTENANCE SERVICES ON AN AS-NEEDED BASIS.**

Mayor Holland read the title of the resolution into the record. No comments or questions were received.

7. **RESOLUTION 2018-XX APPROVING PIGGYBACKING THE NATIONAL JOINT POWERS ALLIANCE CONTRACT WITH ALAN JAY FLEET SALES FOR A FLEET REPLACEMENT VEHICLE**

Mayor Holland read the title of the resolution into the record. No comments or questions were received.

8. **RESOLUTION 2018-XX APPROVING PIGGYBACKING THE CITY OF CLEARWATER CONTRACT WITH CONCRETE CONSERVATION, INC. TO PURCHASE WASTEWATER LINER SYSTEMS**

Mayor Holland read the title of the resolution into the record. No comments or questions were received.

9. **RESOLUTION 2018-XX APPROVING A WORK ORDER WITH DRMP, INC., FOR DESIGN SERVICES FOR IMPROVEMENTS TO BELLE TERRE PKWY AT MARKET AVE/EASTWOOD DRIVE**

Mayor Holland read the title of the resolution into the record.
CM Nobile: Are we getting

CM Nobile-The funds for the design are they coming from anywhere else? Ans:
Mr. Landon-No, we did not receive grant dollars. It is City dollars.

**10. RESOLUTION 2018-XX APPROVING A FLORIDA DEPARTMENT OF
TRANSPORTATION LOCAL AGENCY PROGRAM AGREEMENT FOR THE
CONSTRUCTION PHASE OF THE LAKEVIEW BLVD MULTI-USE PATH PROJECT**

Mr. Landon gave a brief overview of the item. No questions or comments were received.

G. PUBLIC PARTICIPATION

Remainder of Public Comments is limited to three (3) minutes each.

No comments were received.

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

Mayor Holland received an email regarding the tree clearing in the R. Section.
Ans: Mr. Landon- I did respond to the e-mail. There are other residents responding to the same thing. We are trying to get the word out to the neighborhood. It is one of those things that you do your best and people say they haven't heard anything. The issue is the drainage improvement program. We go in and we start to see the street flooding getting dangerously close to the homes. We went in and determined the best way to get rid of that water into the canal as quickly as possible. What we are finding is that one of the critical needs out there in our neighborhoods are regarding the ditches back to their original design and/or capacity. We have historically, mowed those twice a year. What happened, trees grow up in them, silting in, etc. You don't have the same capacity and the flow is not going as well. We have been doing this. We started one in the R Section by Ralph Carter. We completed some in the L Section. This year, we are working in the R Section. When you do that, trees come down. Just along that ditch line because some of those trees were never intended to be there but grew naturally. It is a critical element of the stormwater system. If we don't do this, we will see flooding in homes. It is one of the priorities. Matthew and Irma have taught us well. This is even more important than some of the swale work we have been doing. That is what is happening and we are cutting down some trees in back yards, side yards. It is not for any reason other than improving the drainage. It takes it back to its original design.

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

Attorney Reischmann report that ethics training is required by the State for all elected officials.

Ethics Training will take place on January 23, 2018 starting at 9:30 a.m. with a half our break at 11:30 and ending at two or after.

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

Mr. Landon reported that the City recycled 161 trees over a thousand pounds of paper for shredding. A new nature program is starting. Annual USDA Tennis Tournament at the end of the Month. Birds of a Feather Fest will happen in February.

K. ADJOURNMENT

The meeting adjourned at 2:44 p.m.

11. CALENDAR/WORKSHEET

12. ATTACHMENTS TO MINUTES