



**City of Palm Coast  
Minutes  
CITY COUNCIL  
BUSINESS AMENDED  
AGENDA**

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, April 17, 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.

**CALL TO ORDER**

*Mayor Holland called the meeting to order at 9:00 A.M.*

**PLEDGE OF ALLEGIANCE TO THE FLAG**

**ROLL CALL**

*City Clerk Virginia Smith called the roll.*

**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.

*Steve Carr-Traffic and speeding Floirda Park Drive.*

*Ray Catrovinski - Traffic and speeding on Florida Park Drive. and suggested strips along the road.*

*Celia Pugliese-Florida Park Drive traffic, speeding and beautification. Special Assessment regarding seawalls.*

*Robert MacDonald- Public Records Requests: Itemized bill for the State of the City Luncheon. City Attorney - State Law that a City is allowed to spedn tax payer money for a luncheon at the City's expense.*

*Mike Radell - Special Assessment regarding sea walls.*

*Responses to Public Comments:*

*Canals*

*Ans: Mr. Landon - Canals are like any other infrastructure, city streets, water and sewer lines, eventually they have to be maintained. There a couple major maintenance items that are on the horizon not that far out. One of them is dredging. because they do silt in. The other are the salt water canals are the sea walls that people are talking about. There needs to be a comprehensive approach and a fair approach to this. On our list to do, along with a lot of infrastructure that we are looking at. When we bring it back to you, there will be some optiosn and some ideas to try and make it as fair as possible. Speakers make good points. If I maintain my sea wall, I don't want to be taxed to help someone else. On the other hand there are some people who are not maintaining and they are collapsing and that effects everyone else, erosion and things. It is something City Council has indicated that we should look at. The overall stormwater system with all the rain last year, is our focus.*

*CM Nobile-We are going to keep a stiff eye on that, those people that have been maintaining it and investing dollars are not going to have to pay for someone who is not. Ans: Mr. Landon - There are a lot of options, that statement sounds fair. We will be looking at what other cities do; there are some legal implications. There are a lot of things to look at . We are not ready to present anything to you at this time.are doing,*

*CM Shipley-Do we have an Ordinance for the maintenance the sea walls? Ans: Mr. Landon-From a practical standpoint, as I indicated, we could probably do Code Enforcement and that is a \$20,000 price tag and there are some people that will say, "I don't have \$20,000 and cannot do it." Where do you go from there? This one is not the same as cutting grass, replacing fence panels, etc.*

*We have to have a fair comprehensive approach before we start going out and expecting a number of people to come up with \$20,000 for a seawall.*

*Mayor Holland: Please have the City Clerk or staff respond to the records request from Mr. MacDonald.*

*Mayor Holland: Florida Park Drive will be addressed with our upcoming goals that we have identified as an area and staff will in the future will bring back more options.*

## **MINUTES**

- 1 MINUTES FOR CITY COUNCIL:  
April 3, 2018 Business Meeting  
April 10, 2018 Workshop**

**Pass**

**Motion made to approve made by Vice Mayor Cuff and seconded by Council Member Nobile**

**Approved - 5 - Vice Mayor Robert Cuff, Council Member Nick Klufas, Council Member Steven Nobile, Council Member Heidi Shipley, Mayor Milissa Holland**

## **PROCLAMATIONS**

- 2 PROCLAMATION VOLUNTEER RECOGNITION WEEK**

*CM Shipley presented this Proclamation to Flagler Volunteer Services. Twelve residents of Palm Coast received the Presidential Service Awards for each donating over 1,000 hours to the community.*

## **ORDINANCES SECOND READ**

- 3 ORDINANCE 2018-XX AMENDING CHAPTER 29 IMPACT FEES, ARTICLE II  
TRANSPORTATION IMPACT FEES**

**O20180010**

*City Attorney Reischmann read the title into the record.*

*Mr. Landon gave a brief summary of the item.*

*Public Comments:*

*There were no public comments.*

**Pass**

**Motion made to Adopted on second reading made by Vice Mayor Cuff and seconded by Council Member Nobile**

**Approved - 5 - Vice Mayor Robert Cuff, Council Member Nick Klufas, Council Member Steven Nobile, Council Member Heidi Shipley, Mayor Milissa Holland**

**4 ORDINANCE 2018-XX AMENDING CHAPTER 15 "BUILDINGS AND BUILDING REGULATIONS" OF THE CITY'S CODE OF ORDINANCES**

**O20180011**

*City Attorney Reischmann read the title into the record.*

*Mr. Landon gave a brief summary of the item.*

*Public Comments:*

*There were no public comments.*

**Pass**

**Motion made to Adopted on second reading made by Council Member Shipley and seconded by Council Member Nobile**

**Approved - 5 - Vice Mayor Robert Cuff, Council Member Nick Klufas, Council Member Steven Nobile, Council Member Heidi Shipley, Mayor Milissa Holland**

**5 ORDINANCE 2018-XX AMENDING SECTION 10.02 OF THE UNIFIED LAND DEVELOPMENT CODE RELATING TO FLOOD DAMAGE PROTECTION**

**O20180013**

*City Attorney Reischmann read the title into the record.*

*Mr. Landon gave a brief summary of the item.*

*Public Comments:*

*There were no public comments.*

**Pass**

**Motion made to Adopted on second reading made by Council Member Shipley and seconded by Council Member Nobile**

**Approved - 5 - Vice Mayor Robert Cuff, Council Member Nick Klufas, Council Member Steven Nobile, Council Member Heidi Shipley, Mayor Milissa Holland**

**6 ORDINANCE 2018-XX - A COMPREHENSIVE PLAN AMENDMENT TO UPDATE THE WATER SUPPLY FACILITIES WORK PLAN**

**O20180012**

*City Attorney Reischmann read the title into the record.*

*Mr. Landon gave a brief summary of the item.*

*Public Comments:*

*There were no public comments.*

**Pass**

**Motion made to Adopted on second reading made by Vice Mayor Cuff and seconded by Council Member Nobile**

**Approved - 5 - Vice Mayor Robert Cuff, Council Member Nick Klufas, Council Member Steven Nobile, Council Member Heidi Shipley, Mayor Milissa Holland**

**RESOLUTIONS**

**7 RESOLUTION 2018-XX INITIATING THE CONFLICT RESOLUTION PROCEDURES WITH FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS FOR WATER SERVICES TO AIRPORT COMMONS AREA**

**R20180058**

*City Attorney Reischmann provided an overview to this item.*

*CM Shipley-I know we tried to work with the County, was there any resolved at all? Ans: Mr. Landon-To our knowledge, they are still moving forward with their proposal at the staff level. What we are trying to do is to ask City Council to get together with the Board of County Commissioners and work through this. That is what the next step is. I just think it is time to elevate up to your level.*

*Public Comments:*

*Mr. Neileback- Agreed with the Council to approve the resolution.*

*George Mayo- Reported on his attendance the the Board of County Commissioner's meeting.*

*Responses to Public Comments:*

*CM Cuff: I think just to respond to last citizen that addressed us. I find that attitude by the County very disturbing. At the workshop, I spoke, kind of*

*forcefully for me, about how much I dislike this kind of dispute, especially when it gets escalated to this level. I've done this for forty-two years as a real estate attorney. These projects don't fall from the sky one night and the next morning you have to decide to approve them or not approve them and if that is the approach that the County has been taking, and I don't want this to be a finger pointing exercise, I don't think the City has much choice but to adopt this resolution and take things to the next stage. For future reference, and I won't terrorize, anyone with a Struther Martin impression but what we have here is a "failure to communicate." Whether it is the County to this developer and land owner; whether it is the county to the City; the City to the County but we need to do a better job of coordinating these kinds of things in the future to make sure the tax payers who are ultimately County and City tax payers and the rate payers of the Palm Coast Utility System are protected and their interests are considered early and thoroughly when we have something like this come up so we don't have to get into posturing and adopting masterfully word resolutions. Mr. City Attorney, I have read plenty and written a few but when you get to this stage somebody somewhere has dropped the ball and I hope we can do a better job in the future so we can resolve this without having our attorneys and their attorneys their thing for months on end.*

*Mayor Holland- To add on this, this is nothing more than us following through with our contractual obligations that were adopted many years ago and I hope like you do that this continues to be away for us to collaborate and work together on future development projects that are existing in our community. I think we set that path forward when we were talking about Colbert and hopefully, this recognizes our approach for collaboration in moving forward with the County on these projects. I look forward to a quick resolution to this matter and I think this give the tool mechanism to do so.*

**Pass**

**Motion made to approve made by Vice Mayor Cuff and seconded by Council Member Klufas**

**Approved - 5 - Vice Mayor Robert Cuff, Council Member Nick Klufas, Council Member Steven Nobile, Council Member Heidi Shipley, Mayor Milissa Holland**

**8 RESOLUTION 2018-XX APPROVING THE STRATEGIC ACTION PLAN UPDATES AND ADDITIONAL PRIORITIES FOR FISCAL YEAR 2018-2019**

**R20180053**

*Mr. Landon provided a brief overview to this item. Ms. Denise Bevan provided a PowerPoint presentation, which is attached to these minutes. There were no public comments received.*

**Pass**

**Motion made to approve made by Vice Mayor Cuff and seconded by Council Member Nobile**

**Approved - 5 - Vice Mayor Robert Cuff, Council Member Nick Klufas, Council Member Steven Nobile, Council Member Heidi Shipley, Mayor Milissa Holland**

## **OTHER BUSINESS**

### **9 APPOINT MEMBERS TO THE BEAUTIFICATION AND ENVIRONMENTAL ADVISORY COMMITTEE**

*VM Cuff made a motion to appoint Mr. Beier, Ms. Flotz, Mr. Jones, Mr. Partelow, and Mr. Seib to the BEAC, seconded by CM Nobile. Motion passed unanimously.*

#### *Public Comment*

*Mr. Neidlebock: I have been coming to the Workshops and the meetings of the Council now for the last few months. It is quite surprising this item was not even on the workshop. Myself, I have no issue with it but I find it interesting that no one knew about it until today.*

*Steve Carr: Just a quick question, does it take a unanimous vote for this to happen or . . .*

#### *Why not presented at workshop*

*Mayor Holland: I would say the reason it is not on the Workshop is because this is business where the Council determines who gets appointed. Not for discussion in the Workshop. It is appointments. Ans: Mr. Landon - It is nothing that staff is involved in at all. We are just the conduit. It is up to you if you want to workshop it, we've never done it before.*

#### *Voting*

*Mayor Holland: It is three votes that get the appointment. Ans: Mr. Landon - Except when it is a re-appointment, then it takes four.*

#### **Pass**

**Motion made to approve Motion to appoint Mr. Beier, Ms. Flotz, Mr. Jones, Mr. Partelow, and Mr. Seib to the BEAC. made by Vice Mayor Cuff and seconded by Council Member Nobile**

**Approved - 5 - Vice Mayor Robert Cuff, Council Member Nick Klufas, Council Member Steven Nobile, Council Member Heidi Shipley, Mayor Milissa Holland**

### **10 DISCUSSION SHORTLIST EXECUTIVE SEARCH FIRMS**

*Mr. Landon provided a brief overview to this item. Mr. Jesse Scott provided a PowerPoint presentation, which is attached to these minutes.*

*Public Comments:*  
*There were no public comments.*

*Council discussed their options.*

*CM Shipley would like to choose the top ranker.*  
*Mayor Holland would like presentations.*  
*CM Nobile-Good either way.*  
*VM Cuff-Would like presentations of the top two.*  
*CM Klufas-Concurs.*

*CM Klufas motion made to have the top two firms present to Council. Motion seconded by CM Cuff. Motion passed unanimously.*

**Pass**

**Motion made to approve Motion to have the top two firms present to Council. made by Council Member Klufas and seconded by Vice Mayor Cuff**

**Approved - 5 - Vice Mayor Robert Cuff, Council Member Nick Klufas, Council Member Steven Nobile, Council Member Heidi Shipley, Mayor Milissa Holland**

**CONSENT**

- 11 RESOLUTION 2018-XX APPROVING AN INTERLOCAL AGREEMENT WITH THE FLAGLER COUNTY SUPERVISOR OF ELECTIONS FOR THE 2018 CITY ELECTIONS**

**R20180054**

**Pass**

**Motion made to Adopt on consent made by Council Member Klufas and seconded by Vice Mayor Cuff**

**Approved - 5 - Vice Mayor Robert Cuff, Council Member Nick Klufas, Council Member Steven Nobile, Council Member Heidi Shipley, Mayor Milissa Holland**

- 12 RESOLUTION 2018-XX APPROVING A WORK ORDER WITH MCKIM & CREED, INC., FOR ENGINEERING DESIGN AND CONSTRUCTION SERVICES FOR THE PUMP STATION "D" IMPROVEMENTS PROJECT.**

**R20180055**

**Pass**

**Motion made to Adopt on consent made by Council Member Klufas and seconded by Vice Mayor Cuff**



Approved - 5 - Vice Mayor Robert Cuff, Council Member Nick Klufas, Council Member Steven Nobile, Council Member Heidi Shipley, Mayor Milissa Holland

**13 RESOLUTION 2018-XX AUTHORIZING THE CITY MANAGER TO EXECUTE THE EAST FLAGLER MOSQUITO CONTROL DISTRICT LOW LEVEL FLIGHTS AUTHORIZATION**

**R20180056**

**Pass**

**Motion made to Adopt on consent made by Council Member Klufas and seconded by Vice Mayor Cuff**

Approved - 5 - Vice Mayor Robert Cuff, Council Member Nick Klufas, Council Member Steven Nobile, Council Member Heidi Shipley, Mayor Milissa Holland

**14 RESOLUTION 2018-XX APPROVING ONE-YEAR PRICE AGREEMENT WITH ENVIRONMENTAL LAND SERVICES FOR DEBRIS DISPOSAL SERVICES**

**R20180057**

**Pass**

**Motion made to Adopt on consent made by Council Member Klufas and seconded by Vice Mayor Cuff**

Approved - 5 - Vice Mayor Robert Cuff, Council Member Nick Klufas, Council Member Steven Nobile, Council Member Heidi Shipley, Mayor Milissa Holland

**PUBLIC PARTICIPATION**

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

*Al Hurley - Thanked Mr. Landon and staff for the beautification on Belle Terre to Royal Palm Pkwy. Is there Development on Belle Terre and Market? Town Center development. Complimented Council on the greatness of the City. Still work to be done but loves the City.*

*Jon Netts - Seawalls are privately owned. We have a mechanism in place to deal with the issues (code enforcement).*

*George Mayo - In NewsJournal Governor vetoed the waste water bill. Will this veto change our plans in anyway? Will there be a gas station near Starbucks?*

*Responses to Public Comments:*

*Development-Ans: Mr. Landon-ICI did not close on their property in Town Center. A lot of other residential projects looking at the Town Center property right now. You will be receiving an update on some of our efforts to encourage that at our workshop next week. Stay tuned. I have not heard anything about the corner or Market and Belle Terre but once again, they are kicking tires around the entire area. The convenience store gas station at Belle Terre and*

*State Road 100; it is my understanding that they did not close on that property so they are looking for a new business there next to the Aldis. It is a hard corner; it will come.*

*Mayor Holland: As far as Mr. Netts' comments, we will take that into consideration when we move forward with our comprehensive strategy. As far as the treatment plant and the Governor's veto have we discussed that. Ans: Mr.Landon - All of our plans are based past laws. It is not going to change anything we are doing at this time. This was a new idea or a new concept so our reuse program and recharge programs are all still acceptable.*

*Veto issue-Ans: Mr. Landon-All of our project are based on current and past law. This will not affect us.*

#### **DISCUSSION BY CITY COUNCIL OF MATTERS NOT ON THE AGENDA**

*VM Cuff-fA follow-up to the recharge and so forth. I think I had mentioned it to you, Jim, and you said you were aware of it. The City of Ocala appears to have an innovative approach to basically turning some of their recharge areas on recharge-City of Ocala has an innovative approach to turn their recharge areas on public lands into what looks like a nice park. Basically, using the retention ponds to water features in a park with walking trails. A nice open space that takes advantage of the water views, etc. Maybe that is something we can consider as we need bigger areas for retention from the new Wastewater Plant.*

*Mayor Holland - I had one statement, where are we with the issue of vacant lots and maintenance of those vacant lots? I have gotten a few complaints from residents and they have sent me a few pictures that I will forward on of the view they are having to look at of some unmaintained vacant lots. I think as we are coming up to another fire or hurricane season, it becomes quite concerning. Ans: Mr. Landon - This was one of the projects for one of our summer interns. Every year we look for those types of projects for our interns to come in and give us ideas. I believe they are going to be working with Denise., Is that true? We have actually put together a scope for an intern to come in this summer.*

#### **DISCUSSION BY CITY ATTORNEY OF MATTERS NOT ON THE AGENDA**

*Nothing at this time.*

#### **DISCUSSION BY CITY MANAGER OF MATTERS NOT ON THE AGENDA**

*Food Truck Tuesday is tonight starting at 5:00 p.m.*

*There have been some conversations about reuse. I don't know if you can tell the difference when you flush a toilet, probably not, but there is a big difference from our standpoint because Wastewater Treatment Plant #2 is online. We are actually sending some of our wastewater to the new plant. We will have a ribbon cutting, probably won't be nearly as exciting as the Community Center but if you are in the Wastewater business a new sewer plant is a really big deal. It is*

*a big deal for the community. It will allow us to continue to support growth for many, many years. We are planning it before your evening meeting in June.*

*We recognize employees each year that reach certain milestones and service awards, 5, 10 15 years. We have an individual that has been the limelight of our utility for many, many years. He is not going to be here when we celebrate all the others. We have some people that you can see were conspiring . . . working to surprise him today. Mr. Adams please approach the podium. He was congratulated and thanked for serving the City for 40 years.*

## **ADJOURNMENT**

*The meeting was adjourned at 10:14 a.m.*

*Respectfully submitted by: Virginia A. Smith, MMC  
City Clerk*

## **15 CALENDAR/WORKSHEET**

## **16 ATTACHMENTS TO MINUTES**