



**City of Palm Coast  
Minutes  
CITY COUNCIL  
BUSINESS MEETING**

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

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**Tuesday, May 15, 2018**

**9:00 AM**

**CITY HALL**

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**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**

*Virginia Smith called the roll. All members were present.*

**PUBLIC PARTICIPATION**

*Vince Ligouri- He commended Council Members Nobile and Shipley for their service.*

*Steve Carr- Mr. Carr spoke of the recent detours and construction on Florida Park Drive.*

**MINUTES**

- 1 APPROVE CITY COUNCIL MINUTES:  
MAY 1, 2018 BUSINESS MEETING  
MAY 8, 2018 WORKSHOP**

**Pass**

**Motion made to approve made by Council Member Shipley and seconded by Council Member Nobile**

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

## **PROCLAMATIONS AND PRESENTATIONS**

### **2 PROCLAMATION KIDS RECOGNIZING MAY 19, 2018 AS "KIDS TO PARK DAY"**

*CM Klufas presented this Proclamation to representatives of the Parks and Rec Department.*

### **3 PROCLAMATION RECOGNIZING MAY AS "DRUG COURT MONTH"**

*CM Shipley presented this Proclamation to representatives of Flagler County Drug Court. CM Shipley requested the City assist in funding this program.*

### **4 PRESENTATION OF THE HAMMOCK PICKLEBALL CUP PROCEEDS DONATION TO THE CITY OF PALM COAST**

*Mr. Hooker presented the City's Parks and Rec Department with a check for a \$1,000 and a video of the event.*

## **ORDINANCES SECOND READ**

### **5 ORDINANCE 2018-XX AMENDING SECTION 3.04.05 OF THE CITY'S ULDC TO INCLUDE ADDITIONAL INCENTIVES FOR CERTAIN AREAS IN THE PALM COAST/FLAGLER COUNTY AIRPORT MASTER PLAN.**

**O20180014**

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

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

*Public Comment:*

*There were no public comments.*

**Pass**

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

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

**6 ORDINANCE 2018-XX TO REZONE 40 COLECHESTER LANE FROM MFR-1 TO SFR-1 AS INDICATED BY APPLICATION 3449.**

**O20180015**

*City Attorney Reischmann read the title into the record. Mayor Holland called for any ex-part communications.*

*There were no ex-parte communications, however, VM Cuff declared a conflict of interest in this matter. VM Cuff will complete the appropriate form.*

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

*There were no public comments.*

**Pass**

**Motion made to Adopt on consent made by Council Member Klufas and seconded by Council Member Nobile**

**Approved - 4 - Mayor Milissa Holland, Council Member Nick Klufas, Council Member Steven Nobile, Council Member Heidi Shipley**

**RESOLUTIONS**

**7 RESOLUTION 2018-XX APPROVING THE FIRST AMENDMENT AND RESTATEMENT OF THE EXISTING EASEMENT AGREEMENT WITH DUNES CDD AND APPROVING THE PURCHASE OF MATERIALS AND RELATED EXPENSES FOR THE PALM HARBOR PARKWAY LANDSCAPE IMPROVEMENTS**

**R20180066**

*Mr. Landon provided a brief overview to this item.*

*Public Comments:*

*Louis McCarthy-Supports delaying the payment of the landscape until we get reimbursed by FEMA.*

*Motion to approve CM Klufas seconded by CM Cuff. Motion passed. Mr. Landon asked for clarification of the motion. CM Klufas amended motion to include the purchase of related expenses. Seconded by VM Cuff for discussion.*

*VM Cuff-I thought the motion was only for the first amendment and restatement of existing easement.*

*CM Shipley: Is there a reason at this point that we are not waiting for the money? Ans: Mr. Landon - From a financial standpoint, we are not waiting for the money for this capital project. The money is in the bank. The money is in the budget. What we talked about last time, if you recall, there are two funds that will be reimbursed once we get the FEMA dollars. One is just adding to our ending fund balance of the general fund and the other one is the Natural*

*Disaster Fund. These dollars are coming out of our Capital Fund. The dollars are there. I think the point was you can always shift those dollars to someplace else if they are needed in the future. To tell you the truth, 50,000 a hurricane is not a major deal. This project has already been delayed. If you want to wait until you get the \$1.3 million. You can make that motion too. As far as cash flow, we do not need the 1.3 million and we are not counting on the 1.3 million to pay for this project.*

*CM Nobile: My point was not, like Mr Cuff said, to pick on this project. It is more a global statement, projects like this. You are right, Supplemental motion-VM Cuff verified that his second stands and urges approval of the expenditure.*

*Motion passed unanimously.*

## **CONSENT**

### **8 RESOLUTION 2018-XX APPROVING THE 2018 FIND GRANT FOR THE WATERWAY CLEANUP**

**R20180067**

*Public Comments:*

*George Mayo-Are we still looking for property for this project? Ans: Mayor Holland this is a separate issue.*

**Pass**

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

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

### **9 RESOLUTION 2018-XX APPROVING CONTRACTS WITH DANELLA CONSTRUCTION CORPORATION OF FLORIDA, INC., AND PRECISION CONTRACTING SERVICES, INC., FOR ROUTINE FIBER OPTIC MAINTENANCE AND INSTALLATION SERVICES**

**R20180068**

**Pass**

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

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

**10 RESOLUTION 2018-XX APPROVING CONSTRUCTION CONTRACTS FOR STORMWATER PIPE REPLACEMENT AND REHABILITATION PROJECT**

**R20180069**

**Pass**

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

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

**11 RESOLUTION 2018-XX APPROVING CONTRACT WITH AMERICAN JANITORIAL INCORPORATED (AJI) FOR ANNUAL CITYWIDE JANITORIAL CLEANING**

**R20180070**

**Pass**

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

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

**PUBLIC PARTICIPATION**

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

*Jon Netts-Provided an overview to what is new with FIND.*

*Jack Carall-Consent agenda comments-how can someone make comments on the consent agenda if they do not know what it is about.*

*George Mayo-Consent agenda-wanted a little more explanation of what the clean-up was, etc. Traffic on Palm Coast Parkway backs up into the parkway when traffic turning left onto Cypress Edge at Wal-Mart backs up. SR 100 traffic and Old Kings Road. When parent's pick up their children at end of the school day, it backs up too.*

*Responses to Public Comments:*

*School traffic-Mayory Holland requested Mr. Landon look into the traffic issues with the school and the light at Palm Coast Parkway and Wal-Mart. Mr. Landon-It has been a chronic problem but I thought it was fixed. We will take a look at Old Kings Elementary and see if it was an isolated incident or if it is something we need to get with the school district, the county and state on that signal.*

*Mayor Holland: I would also ask that you would look at that light on Cypress.*

*Ans: Mr. Landon - It is very difficult but we will take a look at it and make sure it*

*wasn't an isolated incident. We have the capability of doing that. We do have those incidents when you have an emergency vehicle that goes through that pre-empt the light and then people will say, this isn't working right. Is it that one time or is it cycling through? That one we constantly look at too because you have so much traffic coming in and out and the signals are so close together.*

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

*VM Cuff-I understand the City delegation will be meeting with County delgation. I wish everyone luck. Second, do we have an update on the Florida Park Drive repairs? Finally, to say good-bye to Mr. Nobile and to thank him. I have enjoyed sitting next to him.*

*CM Nobile- This is my last day here. I want to thank this Council. They have done a great job and as I stated in my email to them, they are heroes in my book. I wish them great prosperous moments in the future for Palm Coast. I know you will do good things. You love this place like I do. I have been here 36-37 years. I can't believe I am moving to a bigger place instead. I should be going to the mountains but I am going to a big city. To the Palm Coast staff and Mr. Reischmann and Mr. Landon, you guys are the best. An organization I just have not experienced in many places at this level. You make this job very easy. I all I have to do is show up and do what you tell me. I do question it sometimes, but it is very easy and helpful to know that everyone here, from every level of employment and position . . . they are loyal and love the city and do their job well, they are well organized and well manage and I wish you all a prosperous and happy times in your future. To the residents - I am proud to have been your representative and thank you for the opportunity. I love the fact that I got to live here for 37 years and this is my going away position. This is one of my most cherished positions to serve the people that are close to you in your own town is very important. I wish everyone a long, happy, successful, healthy life.*

*CM Klufas – I as well, wish you good luck in the future. Good Luck. Secondly, on the other side of Florida Park Drive, by Cimarron Drive, I didn't know if we were going to put out a sign that there was going to be an extended blockage in the road.*

*CM Shipley-Goodbye and I am glad I got time to work with you, Mr. Nobile.*

*Mayor Holland- I too share in everyone's remarks. I will say, it is sometime easy when you are sitting in the audience and not realizing that this is not an easy job and a big responsibility. One that not many have stepped up to do. You are amongst the minority in this country by public service and certainly, local government having a very large impact. I thank you for your time in Palm Coast and your departure will leave quite a legacy and you should take pride in that, Thank you for your service and contributions to our Community.*

*When I hear something in the community about our businesses and if we are holding up a permit, I really have taken a stance that we will bring them into City Hall and have a discussion with our administration and our departments that are inclusive in that discussion. It has been very productive but I had a thought and I will use Moonrise Brewery as an example. This is a couple that came into our*

community that put their life savings to open up a micro-brewery but what I quickly realized. For someone that is a true entrepreneur, not like a box store, that has several team members that can navigate their way through our codes and what is required of them. They came in and were grateful for the time we spent and there were other businesses that were similar once they had spent time with us. We wanted to build that relationship. We want our business community to be extremely successful and our part should be one of support through this process. I can tell you hearing the story of the wait for the barrels. I know there are communities that have a person in a role to help entrepreneurs that step into our City Hall and submit plans or submit drawings or whatever they are going to do to open up a business, they have an individual there that is a go between to take them through the process step by step. I thought it might be appropriate when we are talking about entrepreneurship and how we are moving into the next phase of innovation and securing that that we look a role in that regard. I do think there is a gap when they step into our City Hall and we have our Business Assistance Center that we should be handing them all information we have to offer them. I know it is there and we have an office there but it seems like there are some steps that aren't controlled efficiently. I would like to see us change that.

CM Nobile-I think you are absolutely correct.

Mayor Holland: I am hoping if I get support from Council that staff can come back to us with an answer or a position that you would recommend to do that. And this is really about the entrepreneurs because you know, this is our first microbrewery. It is also one that we are hoping to establish entrepreneurial spirit but talking to this young couple, it was very moving for me that they have invested in our community and we should invest in them. I think by doing that, demonstrates that Palm Coast's entrepreneurial spirit is strong and one that we want to cultivate.

Ans: Mr. Landon - And they have moved into European Village, which we have just talked about.

CM Shipley-Is this something that a general contractor would handle? Ans: Mayor Holland - The BAC is a consultant advisor on marketing strategies and financial applications and more understanding a small business role and helping them succeed. This is much more technical in nature, more like a liaison. Ans: Mr. Landon - We will put together a team approach and try to hit the target.

Mayor Holland: We have our meeting today with the County and I am going in very positive. Our discussion and dialogue that we have had thus far and my hope is that we can come to a resolution and move forward collaboratively.

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

Thanked CM Nobile for his service.

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

*Florida Park Drive is closed due to a sewer line that collapsed. The repair has been completed. The crews are ready to move out but with all the rain, you cannot pave on top of saturated soil. We have to let it dry out.*

*Food Truck Tuesday is tonight at Central Park 5:00 pm to 8:00 pm, if the weather holds.*

*Memorial Day weekend-May 28, 2018 at 8:00 a.m. at Heroe's Park for a ceremony.*

*The other thing to keep in mind, and we have not made any decisions of what we are going to do from a staff level but we will bring something back to you with a recommendation . . . Your first meeting in July, Business Meeting, is July 3 is in the evening. It is also our fireworks night.. Having people try to come to the meeting and navigate the fireworks and the Fourth of July Ceremony, we are not recommending. We are trying to figure out if we rescheduel or cancel the meeting.*

*Lastly, the Wastewater Treatment Plant 2 Ceremony is coming up in June.*

#### **ADJOURNMENT**

*The meeting was adjourned at 10:15 a.m.*

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



# FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME <i>CUFF ROBERT GORDON</i>	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>CITY COUNCIL, CITY OF PALM COAST</i>
MAILING ADDRESS <i>142 BLEN MAR LANE</i>	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
CITY      COUNTY <i>PALM COAST      FLORIDA</i>	NAME OF POLITICAL SUBDIVISION: <i>CITY OF PALM COAST</i>
DATE ON WHICH VOTE OCCURRED <i>MAY 15, 2018</i>	MY POSITION IS: <input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTIVE

## WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

## INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

\* \* \* \* \*

### ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

\* \* \* \* \*

### APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

**IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:**

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

**APPOINTED OFFICERS (continued)**

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

**DISCLOSURE OF LOCAL OFFICER'S INTEREST**

I, ROBERT GORDON COFF, hereby disclose that on MAY 15, 20 18:

(a) A measure came or will come before my agency which (check one or more)

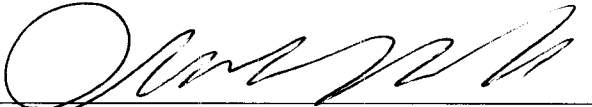
- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, \_\_\_\_\_;
- inured to the special gain or loss of my relative, \_\_\_\_\_;
- inured to the special gain or loss of NUVINK IRA, INC FBO DAN MORRIS, by whom I am retained; or
- inured to the special gain or loss of \_\_\_\_\_, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

I PROVIDED LEGAL DRAFTING ASSISTANCE TO THE COUNCIL OF THE PROPERTY BY PREPARING UTILITY AND ACCESS EASEMENTS FOR THE PROPOSED DEVELOPMENT OF THE PROPERTY THAT WAS THE SUBJECT OF THIS ZONING REQUEST.

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

MAY 15 2018  
Date Filed

  
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.