



City of Palm Coast

Agenda

COUNCIL WORKSHOP

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

Mayor David Alfin
Vice Mayor Ed Danko
Council Member Cathy Heighter
Council Member Nick Klufas
Council Member Theresa Pontieri

Tuesday, October 10, 2023

9:00 AM

COMMUNITY WING

City Staff

Denise Bevan, City Manager

Neysa Borkert, City Attorney

Kaley Cook, 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 and Section 286.26, Florida Statutes, persons needing a reasonable accommodation to participate in any of these proceedings or meeting should contact the City Clerk at 386-986-3713, at least 48 hours prior to the meeting.
- City Council Meetings are streamed live on YouTube at <https://www.youtube.com/user/PalmCoastGovTV/live>.
- It is proper meeting etiquette to silence all electronic devices, including cell phones while Council is in session.
- Any person who decides to appeal any decision of the City Council with respect to any matter considered at this meeting will need a record of the proceedings, and for such purpose, may need to hire a court reporter to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

A CALL TO ORDER

B PLEDGE OF ALLEGIANCE TO THE FLAG AND A MOMENT OF SILENCE

C ROLL CALL

D PUBLIC PARTICIPATION

Public Participation shall be held in accordance with Section 286.0114 Florida Statutes. And pursuant to the City Council's Meeting Policies and Procedures:

- (1) Each speaker shall at the podium, provide their name and may speak for up to 3 minutes.
- (2) The Public may provide comments to the City Council relative to matters not on the agenda at the times indicated in this Agenda. Following any comments from the public, there may be discussion by the City Council.

- (3) When addressing the City Council on specific, enumerated Agenda items, speakers shall:
- (a) direct all comments to the Mayor;
 - (b) make their comments concise and to the point;
 - (c) not speak more than once on the same subject;
 - (d) not, by speech or otherwise, delay or interrupt the proceedings or the peace of the City Council;
 - (e) obey the orders of the Mayor or the City Council; and
 - (f) not make any irrelevant, impertinent or slanderous comments while addressing the City Council; which pursuant to Council rules, shall be considered disorderly.
- (4) Any person who becomes disorderly or who fails to confine his or her comments to the identified subject or business, shall be cautioned by the Mayor and thereafter must conclude his or her remarks on the subject within the remaining designated time limit.

Any speaker failing to comply, as cautioned, shall be barred from making any additional comments during the meeting and may be removed, as necessary, for the remainder of the meeting.

Members of the public may make comments during the public comment portion of the meeting. Please be advised that public comment will only be permitted during the public comment portions of the agenda at the times indicated by the Chair during the meeting.

E PRESENTATIONS

- 1 PRESENTATION - FLAGLER COUNTY AIRPORT**
- 2 RESOLUTION 2023-XX APPROVING THE CULTURAL ART GRANTS FOR FISCAL YEAR 2023-2024**
- 3 PRESENTATION - PARKS & RECREATION FEE STRUCTURE BACKGROUND AND FUTURE ANALYSIS DISCUSSION**
- 4 RESOLUTION 2023-XX APPROVING AN AMENDMENT AND PARTIAL RELEASE OF RESTRICTIVE COVENANTS**
- 5 RESOLUTION 2023-XX EXCEPTION TO COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) COST FEASIBILITY LIMIT**
- 6 ORDINANCE 2023-XX AMENDING CHAPTER 35, NUISANCES, OFFENSES, AND MISCELLANEOUS PROVISIONS, ARTICLE III OF THE CODE OF ORDINANCES, DIVISION 2, CONCERNING DOOR-TO-DOOR SOLICITATION LICENSES**
- 7 RESOLUTION 2023-XX APPROVING A CONTRACT WITH MIE, INC., FOR CITY HALL INTERIOR MODIFICATIONS**

F PUBLIC PARTICIPATION

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

G DISCUSSION BY CITY COUNCIL OF MATTERS NOT ON THE AGENDA

H DISCUSSION BY CITY ATTORNEY OF MATTERS NOT ON THE AGENDA

I DISCUSSION BY CITY MANAGER OF MATTERS NOT ON THE AGENDA

J ADJOURNMENT

8 AGENDA WORKSHEET AND CALENDAR

City of Palm Coast, Florida Agenda Item

Agenda Date: October 10, 2023

Department CITY ADMINISTRATION Division	Amount Account #
Subject: PRESENTATION - FLAGLER COUNTY AIRPORT	
Presenter: Roy Sieger, Flagler County Airport Director	
Attachments: 1. Presentation	
Background: City Council requested a presentation from Flagler County airport on airport growth, operations, and contribution to economic development.	
Recommended Action: FOR PRESENTATION ONLY	

City of Palm Coast, Florida

Agenda Item

Agenda Date: October 10, 2023

Department	PARKS & RECREATION	Amount	\$20,000.00
Division		Account #	10016016-082003
Subject: RESOLUTION 2023-XX APPROVING THE CULTURAL ART GRANTS FOR FISCAL YEAR 2023-2024			
Presenter: James Hirst, Director of Parks & Recreation and Katelyn Anderson, Parks & Recreation Staff Assistant II			
Attachments: 1. Presentation 2. Resolution			
Background: Pillar of Priority: Civic Engagement: Build a cooperative and trusting relationship between the City and the Community. The City of Palm Coast has been offering the annual Cultural Arts Financial Assistance Matching Grant program since 2002. The Cultural Arts organizations in the presentation have expressed a desire to receive grant monies from the City of Palm Coast for programs and/or events held in the City of Palm Coast. The City of Palm Coast has supported local organizations by awarding Cultural Arts Grants to eligible applicants for the past twenty-two years. Thirteen applications were accepted for review for Fiscal Year 2023-2024. This year, our team of City employee met on September 8, 2023, in a public meeting with the applicants. The committee reviewed the thirteen applications to make sure they met the qualifications of the grant. Attached is the recommendation for Council to review. The applications are available in the City Clerk's Office.			
Recommended Action: FOR PRESENTATION AND DISCUSSION			

City of Palm Coast, Florida

Agenda Item

Agenda Date: October 10, 2023

Department PARKS & RECREATION Division	Amount Account #
Subject: PRESENTATION - PARKS & RECREATION FEE STRUCTURE BACKGROUND AND FUTURE ANALYSIS DISCUSSION	
Presenter: James Hirst, Director of Parks & Recreation, Brittany McDermott, Deputy Director of Parks & Recreation, and Lauren Johnston, Assistant City Manager	
Attachments: 1. Presentation	
Background: Pillar of Priority: Strong Resilient Economy: Maintaining financial strengths within the City and promote fiscal responsibility to ensure future stability. The Palm Coast Parks & Recreation Department is presenting the need to evaluate its current fee structure. The fees that need to be evaluated are the Community Garden Plot Fees, Palm Coast Aquatics Center Lane Rentals, Palm Coast Arts Foundation Amphitheater Rental, Palm Coast Community Center Cocktail Table & Tablecloth Rentals, Palm Harbor Golf Course Green Fees, and Waterfront Park Patio Rental. This analysis is in line with City Council's pillar of maintaining financial strengths within the City and promote fiscal responsibility to ensure future stability. Reviewing our fees on a regular basis also allows us to balance cost recovery and maintain the level of quality in our programs and facilities that our residents expect and deserve. Analyzing the Parks & Recreation Fee Structure involves a couple steps: - The first step is to review the current fee structure and determine what changes may need to be made. - The second step is finding comparable organizations to check our fees against. Staff is looking for feedback and direction on the proposed rates for the Parks & Recreation facilities.	
Recommended Action: FOR PRESENTATION AND DISCUSSION	

City of Palm Coast, Florida

Agenda Item

Agenda Date: October 10, 2023

Department PARKS & RECREATION Division	Amount Account #
Subject: RESOLUTION 2023-XX APPROVING AN AMENDMENT AND PARTIAL RELEASE OF RESTRICTIVE COVENANTS	
Presenter: Lauren Johnston, Assistant City Manager	
Attachments: 1. Presentation 2. Resolution 3. Amendment	
Background: In 2014, the City approved a lease amendment with the Palm Coast Arts Foundation (PCAF) to allow for construction of an event lawn and performance area on City-owned property within Town Center, which is designated, and deed restricted for a cultural arts facility. PCAF and the City of Palm Coast were required to execute a restrictive covenant to ensure that the property continues to be used for cultural arts for at least 10 years consistent with the goals of the grant program. The covenant concludes in 2026.	
Recommended Action: ADOPT RESOLUTION 2023-XX APPROVING AN AMENDMENT AND PARTIAL RELEASE OF RESTRICTIVE COVENANTS	

City of Palm Coast, Florida

Agenda Item

Agenda Date: October 10, 2023

Department	COMMUNITY DEVELOPMENT	Amount	\$10,000.00
Division	PLANNING	Account #	21000099-0340000-23008
Subject: RESOLUTION 2023-XX EXCEPTION TO COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) COST FEASIBILITY LIMIT			
Presenter: Jacqueline Gonzalez, Site Development Coordinator			
Attachments: 1. Presentation 2. Resolution 3. Contract/Change Order			
Background: This item is a request to exceed the City's Community Development Block Grant (CDBG) Cost Feasibility Limit to complete rehabilitation of a single-family home for an eligible applicant to the City's housing rehabilitation program. Since 2012, the City of Palm Coast has offered an Owner-Occupied Housing Rehabilitation program using funds from the City's annual allocation from the Community Development Block Grant (CDBG) program. The objectives of this program include, the following: • <i>To remove unhealthy or hazardous conditions in Very-Low Income (VLI) (50% less than Area Median Income) and Low-Moderate Income (LMI) households (51 to 80% of Area Median Income),</i> • <i>To preserve existing housing stock or replacement of substandard housing,</i> • <i>To enable VLI and LMI families to rehabilitate their homes by providing financial and technical assistance to those unable to obtain private financing.</i> A typical scope of work for homes receiving financial assistance have included: roof replacement, Heating, Ventilation, and Air-Conditioning (HVAC) systems, new doors and windows (for energy efficiency), and other rehabilitation work to address health and safety issues (mold remediation, electrical upgrades, etc.). Other program rules are governed by the Local Housing Assistance Plan (LHAP). Based on the LHAP, Section VI(C) the maximum cost limit for a rehabilitation project is \$50,000. However, the limits may be exceeded when alternative funds are available, but must be specifically approved by the City Manager. The scope of service for a recent qualified applicant has shown the need for rehabilitation work that will exceed the program's cost feasibility limit. This home has structural deficiencies			

related to an exterior bathroom wall that will require reconstruction of the framed wall, a new window, weatherization, and sealing and painting of the exterior wall. Additionally, an electrical inspection report was required as part of the scope of work. Per the report, the home needs grounding to primary service meter, repairs to multiple electrical outlets including GFCI protections and smoke detectors for the home to meet the current electrical codes and HUD's Housing Qualifying Standards (HQS).

The estimated cost for the scope of work is \$57,315.00. The estimated cost can be directly tied to the amount of repair necessary to address all the health and safety issues needed to bring the home into an appropriate level of livability, and due to the unpredictable and volatile costs associated with construction in today's market (materials and labor). An additional \$2,685.00 is being request for any additional unseen overages that may occur while repairing the home. The total project requested amount to be \$60,000.00. Any funds not used will be return to program funding with close out of the purchase order.

City staff in partnership with the Administrators of the Flagler County State Housing Initiative Partnership (SHIP) program have agreed to commit funds to assist the homeowner to complete the rehabilitation work. The City-County have an Interlocal Agreement for the Joint Local Housing Assistance Program (LHAP) that among other things allows the City to coordinate with the County to implement Affordable/Workforce Housing programs by mutual consent.

City/County staff have discussed splitting the cost, but unfortunately the property currently has an active SHIP mortgage which restricts the property owner from acquiring additional funding from same funding source being Flagler County SHIP program.

Staff is requesting the allocation of an additional \$10,000.00 (\$7,345 for rehabilitation plus \$2,685.00 for additional unseen overages, minus the \$30.00 difference currently available) over the typical cost feasibility limits to complete the rehabilitation work.

Source of Funds Worksheet FY 20224/2023

OCS-Entitlement Housing Rehab Fund 21000099-0340000-23008	\$300,000.00
Total Expended/ Encumbered to Date	\$275,217.74
Pending Work Orders/ Contracts	\$0.00
Current (WO/ Contract)	<u>\$10,000.00</u>
Balance	\$14,782.26

Recommended Action:

ADOPT RESOLUTION 2023-XX APPROVING AN EXCEPTION TO THE CDBG COST FEASIBILITY LIMITS

City of Palm Coast, Florida

Agenda Item

Agenda Date: October 10, 2023

Department	COMMUNITY DEVELOPMENT	Amount
Division	CODE ENFORCEMENT	Account #
Subject:	ORDINANCE 2023-XX AMENDING CHAPTER 35, NUISANCES, OFFENSES, AND MISCELLANEOUS PROVISIONS, ARTICLE III OF THE CODE OF ORDINANCES, DIVISION 2, CONCERNING DOOR-TO-DOOR SOLICITATION LICENSES	
Presenter:	Michael Giuliano, Local Business Tax Inspector and Barbara Grossman, Code Enforcement Manager	
Attachments:	1. Presentation 2. Ordinance 3. License Application	
Background:	The City of Palm Coast is granted the authority, under § 2(b)m Article VIII, of the State Constitution, to exercise any power for municipal purposes, except when expressly prohibited by law. The City Council desires to amend City of Palm Coast Ordinance No. 03-31, as amended by Ordinance No. 2004-14 codified as Chapter 35, <i>Nuisances, Offenses, and Miscellaneous Provisions</i>, Article III, <i>Solicitation</i>, Division 2, <i>Peddlers and Hawkers</i>, Section 35-163, <i>License Required; Application; Issuance; Term</i>, of the Code of Ordinances, City of Palm Coast, Florida ("Code") in order to update the application process, requirements and criteria for obtaining a solicitor's license necessary to conduct door-to-door solicitation within the City's jurisdictional limits. Section 501.022, Florida Statutes outlines the permitting process counties must follow when issuing door-to-door solicitation permits, indicates what information must be included in an application, and provides a nondiscretionary licensure process. Section 501.022, Florida Statutes, grants county clerks the authority to issue solicitation permits within counties but does not preempt a municipality from establishing its own permitting or licensure requirements for solicitors. See Op. Att'y Gen. Fla. 86-86 (1986). The City Council finds that updating the City's licensing process for door-to-door solicitation to make it consistent with the county permitting requirements as outlined in Section 501.022, Florida Statutes, will aid in establishing an efficient and uniform process of issuing solicitation licenses within the City. There has been a recent increase in unlicensed solicitors in the City, so amending the Ordinance at this time will provide additional safety measures to our residents. The City Council of the City of Palm Coast, Florida, hereby finds this Ordinance to be in the	

best interest of the public health, safety, and welfare of the citizens of Palm Coast.

Recommended Action:

ADOPT ORDINANCE 2023-XX AMENDING CHAPTER 35, NUISANCES, OFFENSES, AND MISCELLANEOUS PROVISIONS, ARTICLE III OF THE CODE OF ORDINANCES, DIVISION 2, CONCERNING DOOR-TO-DOOR SOLICITATION LICENSES

City of Palm Coast, Florida

Agenda Item

Agenda Date: October 10, 2023

Department	CONSTRUCTION MANAGEMENT & ENGINEERING	Amount	\$454,404.00
Division	ENGINEERING	Account	43000099-062000-99001
Subject	RESOLUTION 2023-XX APPROVING A CONTRACT WITH MIE, INC., FOR CITY HALL INTERIOR MODIFICATIONS		
Presenter: Carl Cote, Director of Stormwater & Engineering			
Attachments: 1. Presentation 2. Resolution 3. Draft Contract 4. Notice of Intent to Award 5. Executive Summary			
Background: Council Priority: B. Safe and Reliable Services To ensure the safety and security of our City employees, City staff is proposing interior modifications to three public-facing areas of City Hall. The purpose of these modifications is intended to protect City employees. The three locations that will be addressed in the scope of work are Human Resources, Building, and Administration. <u>Interior modifications:</u> Human Resources: Partition modifications, acoustical ceiling plan modifications, new millwork installation, interior doors and window modifications, and associated electrical, mechanical, and fire protection modifications. Building Department: Partition modifications and associated electrical, mechanical, and fire protection modifications. Administration: Partition modifications, acoustical ceiling plan modifications, new millwork installation, interior doors and window modifications, and associated electrical, mechanical, and fire protection modifications. In accordance with the City’s Purchasing Policy, staff advertised (ITB-SWE-23-41) and solicited bids for City Hall interior modifications. The City received one (1) bid that was responsive and responsible. The Project Bid Overview and Notice of Intent to Award are attached. Staff recommends approving a contract with MIE, Inc. The contract amount for these services is \$304,405.00. Staff is requesting a project contingency in the amount of \$150,000.00 to cover additional furniture needs, engineering design services,			

and construction engineering inspection services for the revised modifications.

Funds for this project are budgeted out of the five-year Capital Improvement Budget.

SOURCE OF FUNDS WORKSHEET FY 24

Capital Projects 43000099-062000-99001	\$480,000.00
Total Expended/Encumbered to Date	\$0.00
Pending Work Orders/Contracts	\$0.00
Current (WO/Contract)	<u>\$454,404.00</u>
Balance	\$25,596.00

Recommended Action:

ADOPT RESOLUTION 2023-XX APPROVING A CONTRACT WITH MIE, INC., FOR CITY HALL INTERIOR MODIFICATIONS