

CITY OF PALM COAST  
COUNCIL BUSINESS MEETING  
HYBRID MEETING  
160 LAKE AVENUE  
PALM COAST, FL 32164  
TUESDAY, MAY 4, 2021  
6:00 P.M.

Mayor Milissa Holland  
Vice Mayor Eddie Branquinho  
Council Member Victor Barbosa  
Council Member Ed Danko  
Council Member Nick Klufas

MINUTES

City Staff

Matthew Morton, 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.

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 6 p.m.

B. PLEDGE OF ALLEGIANCE TO THE FLAG

C. ROLL CALL

Interim Deputy City Clerk Kaley Cook called the roll. All members were present.

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.

John Slattery discussed walking conditions on Cimmaron Drive. Mr. Slattery spoke of having to use evasive maneuvers to avoid being struck by vehicles, and requested that 18 inches be added to the sides of Cimmaron Drive the next time it is repaved.

Diana Gilson shared concerns for school children walking in the area of Cimmaron Drive and requested that Council please help.

Alan Lowe discussed the tabled potential closure of Slow Way item and suggested working with the County on signage before the gate allowing enough time for a vehicle to turn around, if that is the concern for closure. Mr. Lowe asked Council to reconsider the tabled item.

Jennifer Wagner asked Council to revise the Ordinance that stops resident's from having the ability to park boats and trailers on their property.

Cynthia Hopkins and Brittain Goldstein, came to the podium and spoke one after another, discussed shortcomings in regards to recycling. Both speakers asked Council to prioritize Commercial & Residential recycling on the upcoming waste contract renewal and to look for a company that handles recycling appropriately.

Carrie Purdy spoke on need for an aquatic center in Palm Coast to boot health & wellness, swimming lessons, mobility exercises, and can be used as a revenue source.

Bruce Stone spoke of dangers for pedestrians walking near Cimmaron Drive and also issues at European Village of non-handicap vehicles parking in handicap designated spots.

Brian Butka discussed the tabled closure of Slow Way item to express that there is no longer a traffic issue on Slow Way and there is no need for closure. Mr. Butka also shared that the closure will become problematic for pedestrians due to no street lighting.

Anonymous speaker, on the previously tabled Slow Way item, is concerned that citizen input is being disregarded by Council.

Chris Martin complimented Council and staff on the new splash pad at Holland Park and requested that Council designate funds being used for the Racquet Center to teen friendly amenities such as a skate park or swimming facility.

Ed Fuller praised Ben Greeve, who was stated to be knowledgeable and helpful during a recent inspection process.

Janie Holley spoke of traffic concerns on Slow Way and urged Council to reconsider the closure.

Steve Carr shared of excessive traffic on Florida Park Drive and provided Council with a study regarding negative impacts from traffic pollution for children.

Anonymous speaker discussed the needs of local swimmers and requested Council consider a swimming facility.

Christopher Purdy asked Council to considering allowing boats to be parked in resident's yards.

Jennifer Simmons asked Council to reconsider City Codes and to gather citizen input.

Mayor Holland thanked the public speakers for their comments. Mayor Holland responded to public comments on Cimmaron Drive to explain that public safety is a priority and City staff is working on solutions for the roadway.

In regards to Slow Way, Mayor Holland stated that City Manager Matt Morton has been asked to continue working with County partners on a resolution.

In response to the public comments for trash and recycling services, Mayor Holland explained that a thorough evaluative process will occur and public input will be utilized in the selection.

#### E. MINUTES

##### 1. MINUTES OF THE CITY COUNCIL FOR APRIL 20, 2021 BUSINESS MEETING

Motion by Vice Mayor Branquinho, seconded by Council Member Klufas to accept the minutes as presented. The motion carried unanimously.

#### F. PROCLAMATIONS

##### 2. PROCLAMATION – MAY AS NATIONAL WATER SAFETY MONTH

Vice Mayor Branquinho presented the proclamation to city staff.

##### 3. PROCLAMATION – MAY AS NATIONAL PRESERVATION MONTH

Council Member Klufas presented the proclamation to representatives of the Palm Coast Historical Society.

#### G. RESOLUTIONS

##### 4. RESOLUTION 2021-66 APPROVING RESCINDING RESOLUTION 2020-71 REGARDING MASK REQUIREMENTS

Mayor Holland provided a brief overview of the item.

Public Comment:

Chris Martin thanked Council for the Resolution.

Motion by Vice Mayor Branquinho, seconded by Council Member Danko to adopt the resolution as presented. The motion carried unanimously.

5. RESOLUTION 2021-65 APPROVING AGREEMENTS FOR CONSTRUCTION MANAGEMENT AT RISK SERVICES WITH GILBANE BUILDING COMPANY, INC, AND AGREEMENTS FOR DESIGN AND CONSTRUCTION ADMINISTRATION SERVICES WITH OHLSON LAVOIE CORPORATION FOR THE REGIONAL RACQUET CENTER

Public Comment:

Jim Walls explained the reason that he moved to Palm Coast was due to the quality of the facilities available and thinks that the Regional Racquet Center will improve the quality of life in Palm Coast.

Kurt Bottoms explained that one of the amenities he and his wife enjoy the most are tennis and pickleball, and shared support for the construction of the Racquet Center.

Janie Holley asked Council to consider an option that reaches more members of Palm Coast, to include the disabled.

Robert MacDonald asked where the facility will be built, and who will maintain it.

Resident Nick spoke of conversations he had with 100 residents opposed to the racquet center.

Mark Phillips shared about a recent visit to the Palm Coast Tennis Center recently and saw available courts. Mr. Phillips opposed the Racquet Center.

Callie Duliba, Senior Sports Manager for Special Olympics- Florida, shared support for the Racquet Center and discussed the importance of activity for all residents.

Wally De Aquino, Chief Operating Officer of Advent Health – Palm Coast, spoke of the importance of physical activity for all residents and shared support for the project.

Bob spoke of bad conditions and crowding at City football fields and asked Council to use funds to improve the fields.

Sam Royer discussed community programs such as PAL (Police Athletic League) and asked Council if this facility will be open for nonprofits.

Leslie Johnson shared concerns about funding, upkeep, traffic, and safety for the facility. Ms. Johnson shared comments from residents and asked Council to maintain current parks before building more.

Michael Arnold asked Council the cost to improve current facilities and suggested getting funding for the Racquet Center from outside parties.

Agnes Lightfoot shared questions she receives as a realtor, as to what amenities are available in Palm Coast.

Ms. Lightfoot stated that often new residents request to know about golf and tennis, and urged Council to plan for future growth and overcrowding at current facilities.

David shared discussed grass tennis courts in disrepair at European Village and asked Council to maintain current facilities rather than funding new ones.

Alan Lowe shared concerns for cost of materials and maintenance for the courts. Mr. Lowe suggested building a few small courts spread throughout the City rather than one large facility.

James Dixon was concerned about maintenance of the courts. Mr. Dixon also shared that this project was previously listed at the bottom of Parks & Rec list of priorities, and stated that the project should be self-supported and be funded from something other than tax payer dollars.

James Salazar asked Council to find a different option for funding.

Chris Martin commended the current Tennis Facility and suggested using the funds to build new amenities throughout the town such as a skate park or swimming facility.

Walker Douglas stated that project such as this are valuable to the community and allows a space for social gatherings and community building.

Monique Durso asked Council to consider amenities that are family friendly and cover a variety of age ranges.

Casey Cheap asked Council how much revenue would be generated from this facility, and how many permanent jobs this facility would create. Mr. Cheap shared concerns for that the Racquet Center will only benefit a small group of residents.

Pat Madden stated that facilities such as this allow for community building and that members of facilities such as this pay dues and participate in the community.

George Opelka shared of his family's history in Palm Coast and also shared of the tennis history in Palm Coast. Mr. Opelka stated that this proposed center is about giving back and investing in the children of Palm Coast.

Molly Zimmer, of the United States Tennis Association, stated that tennis is a growing sport and shared support for the facility.

Mayor Holland thanked the speakers for their comments.

Vice Mayor Branquinho responded to public comments on rising material cost to explain that Council can address concern of rising cost by projecting growth and preparing to build now. Additionally, Vice Mayor Branquinho discussed how impactful the project can be for local businesses and improve quality of life for residents.

Council Member Klufas thanked the speakers for their comments. Mr. Klufas shared that although it might not benefit each member in the community, it is important to understand the value it provides to other residents.

Council Member Barbosa shared the number of people who attended the meeting for, and opposed to the item. Council Member Barbosa opposed the project.

Council Member Danko shared concerns for material pricing, and requested to know maintenance cost to maintain the courts.

Council Member Danko motioned to table the item, seconded by Council Member Barbosa.

Mayor Holland spoke of the history of Palm Coast and the amenities that have been funded from the beginning to include tennis, golf, and trails. Mayor Holland explained that we are not just talking about sports, we're discussing the organizations and groups that can utilize the facility and the ability to advance local businesses.

Council Member Danko stated that this is money that does not need to be spent right now, and would like a survey done to collect citizen input.

Motion to table the item fails 2-3.

Motion by Council Member Klufas, seconded by Vice Mayor Branquinho to approve resolution 2021-65. The motion passes 3-2.

6. RESOLUTION 2021-64 LIGHTHOUSE HARBOR LUXURY APARTMENTS MASTER SITE PLAN, APPLICATION #4625

City Attorney Reischmann reminded Council that this is a quasi-judicial item and called for any ex parte communication.

Mr. Morton provided a brief overview of the item.

Ray Tyner and Bill Hoover presented this item to Council.

Applicant Representative, Scott Miller presented on the item to Council. Topics discussed included apartment sizing and luxury versus regular apartments.

Motion by Council Member Klufas, seconded by Council Member Danko to approve resolution 2021-64. The motion passes 4-1.

ORDINANCES SECOND READ

7. ORDINANCE 2021-05 A FUTURE LAND USE MAP AMENDMENT FOR 3.8+/- ACRES FOR PROPERTY KNOWN AS AIRPORT COMMONS FROM FLAGLER COUNTY DESIGNATION OF COMMERCIAL: HIGH DENSITY TO CITY DESIGNATION OF MIXED USE

City Attorney Reischmann read the title into the record.

Public Comments:

There were none.

Motion by Council Member Klufas, seconded by Vice Mayor Branquinho to adopt Ordinance 2021-05. The motion carried unanimously.

8. ORDINANCE 2021-06 ZONING MAP AMENDMENT FROM FLAGLER COUNTY DESIGNATION OF COMMERCIAL-2 TO CITY DESIGNATION OF GENERAL COMMERCIAL (COM-2)

City Attorney Reischmann read the title into the record and reminded Council that this is a quasi-judicial item and called for any ex parte communications.

Public comments:

There were none.

Motion by Council Member Klufas, seconded by Council Member Barbosa to adopt Ordinance 2021-06.

#### ORDINANCES FIRST READ

9. CANCELLED FOR 5/4/2021 ORDINANCE- OLD KINGS GARDENS REZONING – APPLICATION # 4672 THIS ITEM HAS BEEN CONTINUED- DATE TO BE DETERMINED

City Attorney Reischmann read the title into the record and explained that this item has been cancelled for this meeting and will be continued at a later date.

10. ORDINANCE 2021-XX ADVENT HEALTH ON PALM COAST PARKWAY MPD REZONING – APPLICATION #4723

City Attorney Reischmann read the title into the record and reminded council that this is a quasi-judicial item. Mayor Holland called for any ex parte communications.

Mr. Morton provided a brief overview of the item.

Mr. Ray Tyner and Mr. Bill Hoover presented to Council on the item.

Applicant representatives were available for questions.

Council Member Barbosa asked how many jobs this will bring to Palm Coast.

Mr. De Aquino, Chief Operating Officer of Advent Health - Palm Coast, responded that once fully opened and fully staffed, it is expected to supply over 700 jobs. Additionally, Mr. De Aquino shared that our local hospital has been upgraded to a 4 star hospital.

Public Comment:

Robert MacDonald asked if there will be a maternity ward.

James Salazar shared that this will be a great growth opportunity in Palm Coast and that he hopes to see a maternity ward in the future.

Response to public comment:

Mayor Holland reiterated data provided in a previous meeting from Mr. De Aquino to explain that at this time the numbers do not support adding a maternity ward. Mayor Holland thanked Advent Health for investing in people and for their COVID efforts.

#### OTHER BUSINESS

11. APPOINT TWO COUNCIL MEMBERS TO THE OVERSIGHT COMMITTEE

Motion by Vice Mayor Branquinho, seconded by Council Member Danko to appoint Mayor Holland and Council Member Klufas to the Oversight Committee.

12. APPOINT TWO TO THE VOLUNTEER FIRE FIGHTER PENSION BOARD

Motion by Council Member Klufas, seconded by Vice Mayor Branquinho to appoint Robert MacDonald and Patrick DelSordo to the Volunteer Fire Fighter Pension Board. The motion passed unanimously.

CONSENT AGENDA

Public Comment:

There were none.

13. RESOLUTION 2021-70 RATIFYING THE CONTRACTS AND WORK ORDERS AND APPROVING A CONTINGENCY AND OTHER EXPENSES, FOR THE OLD KINGS ROAD WIDENING PROJECT PHASE 1
14. RESOLUTION 2021-67 APPROVING A CONTRACT WITH PBM CONSTRUCTORS, INC, FOR CONSTRUCTION OF THE HIGH SERVICE PUMP WATER MAIN REPLACEMENT AT WATER TREATMENT PLANT NO.1
15. RESOLUTION 2021-68 APPROVING A WORK ORDER WITH CONNECT CONSULTING INC FOR ENGINEERING SERVICES FOR THE ABANDONMENT AND DECOMMISSIONING OF WELL SW-43
16. RESOLUTION 2021-69 APPROVING A WORK ORDER WITH CPH, INC FOR DESIGN AND CONSTRUCTION ENGINEERING SERVICES FOR THE INDIAN TRAILS SPORTS COMPLEX RECLAIMED WATER MAIN EXTENSION AND CONTROL SYSTEM PROJECT
17. RESOLUTION 2021-71 APPROVING A WORK ORDER WITH LTG, TO PROVIDE ENGINEERING DESIGN SERVICES AND APPROVAL OF A 15% CONTINGENCY FOR BELLE TERRE BOULEVARD STREETLIGHT DESIGN

Motion by Council Member Danko, seconded by Vice Mayor Branquinho to approve the consent agenda items. The motion carried unanimously.

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

Public Comment:

Eugene Dowd thanked City employees for their efforts, especially within the last 16 months.

Robert Macdonald discussed technical issues with the survey related to code changes. Mr. MacDonald explained that a person can vote multiple times if they have multiple devices. Additionally, Mr. MacDonald proposed different rules for different vehicles.

James Salazar spoke on behalf of small business owners regarding the proposed code ordinance change and stated that the cost of storage for vehicles is tough on small business owners. Mr. Salazar asked Council to consider the code change.

Chris Gallin shared concerns for voter manipulation and validity of results drawn from the code poll.

Mayor Holland asked Mr. Morton to address the survey issues and discussed that Council will review the results and welcome public discussion.

Mr. Morton responded to explain that the major factor for the survey was accessibility, but staff is aware and will review for poll manipulation.

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

Vice Mayor Branquinho discussed having received resident comments regarding voter manipulation and brought the information to the City Manager. City Staff is aware and will not allow corruption. Additionally, Vice Mayor Branquinho spoke of events that occurred during the meeting.

Council Member Klufas shared concern regarding survey manipulation. Additionally, Mr. Klufas stated that this information is important to Council's consideration and needs to be accurate data.

Council Member Barbosa was glad to see an increase in public attendance and participation at the meeting.

Council Member Danko spoke of Ordinances regarding signage and benefits of the current Ordinance.

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

Nothing at this time.

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

Mr. Morton spoke of threatening comments made about Code Enforcement staff and reminded residents that Code Enforcement staff works on behalf of the city to uphold City adopted codes.

22. ADJOURNMENT

The meeting was adjourned at 9:39 p.m.

Respectfully submitted by: Kaley Cook, Interim Deputy City Clerk