



**City of Palm Coast
Minutes
COUNCIL MEETING
IMMEDIATELY
FOLLOWING THE
SPECIAL BUDGET
WORKSHOP**

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

**Mayor David Alfin
Vice Mayor Eddie Branquinho
Council Member Victor Barbosa
Council Member Ed Danko
Council Member Nick Klufas**

Tuesday, September 7, 2021

6:00 PM

COMMUNITY WING

City Staff

**Denise Bevan, Interim 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.
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- > City Council Meetings are streamed live on YouTube at <https://www.youtube.com/user/PalmCoastGovTV/live>.
- > All pagers and cell phones are to remain OFF while City Council is in session.

A. CALL TO ORDER

Mayor Alfin called the meeting to order at 6:33 pm

B. PLEDGE OF ALLEGIANCE TO THE FLAG

C. ROLL CALL

City Clerk Virginia Smith 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.

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.

Tom Cecil spoke of a fire on a KB Homes Construction Site on Palm Coast Parkway causing sinus issues. Mr. Cecil has spoken with many entities to try to resolve the issue and asked Council to address this.

Mr. Webb opposed tax increases and proposed giving it back from the fund balance. Additionally, Mr. Webb spoke of traffic concerns yet there continue to be new homes and businesses and suggested taking care of the roads. Mr. Webb also briefly spoke on commercial signs on vehicles.

Dave Mollico spoke about issues on Woodbury Drive, a residential street which is being used as a primary way of travel between Pine Lakes Parkway and Whiteview Parkway. Mr. Mollico informed Council of a prior petition brought to Council and details of conversations with City Staff dating back to 2020. Mr. Mollico asked Council why no action has been taken.

Pat Borelli discussed code enforcement issues and submitted the top 10 code violations pamphlet. Ms. Borelli would like to know why real estate agents can't provide the pamphlet to new residents. Ms. Borelli suggested having C.O.P.'s distribute pamphlets and inform Code Enforcement about violations. Ms. Borelli cautioned against inadequate enforcement as the City continues to grow.

Robert MacDonald referred to a John F Kennedy speech from 1961 and asked Council to pass the proposed signage Ordinance change and to put a moratorium on home building and selling in Palm Coast. Additionally, Mr. MacDonald complimented City Staff and Council.

Elizabeth Eubanks asked for the Code Enforcement pamphlet as referred to by Ms. Borelli. Ms. Eubanks shared that she has been unable to use her pool and had to purchase extra filters, and increased cleaning. Ms. Eubanks also discussed speeding and traffic concerns in the area of Woodbury Drive and asked Council for help with these issues.

Cindy Morelewicz discussed the burning issue in the area of Woodbury Drive. Ms. Morelewicz also discussed traffic pattern changes due to KB Homes. Ms.

Morelewicz shared that the traffic study never included Woodbury Drive, but now it is being utilized by large vehicle although it is only 20 feet wide. Ms. Morelewicz asked Council why the traffic study did not include Woodbury Drive.

Brian Rosen provided a background of the E Section Canal Project and issues receiving a response. Mr. Rosen asked Council for an update to the project.

Paul Vargo shared concern for taxes in the area of the canal zone, they are benefit for everyone. Mr. Vargo suggested tax dollars be dedicated to dredging of the canal. Additionally Mr. Vargo shared noise concerns in the area of Colorado Drive.

Al Krier spoke of safety on Cimmaron Drive. Mr. Krier has submitted 5 petitions already, with 2 more to go. Mr. Krier has thanked City staff for their efforts and progress thus far.

Responses to Public Comments:

Vice Mayor Branquinho responded to Mr. Mollico to provide detail about visiting Woodbury Drive and spoke of issues closing streets.

Mayor Alfin and Ms. Bevan will respond to the remaining comments.

E. MINUTES

- 1. MINUTES OF THE CITY COUNCIL:
AUGUST 17, 2021 CITY COUNCIL BUSINESS MEETING
AUGUST 24, 2021 CITY COUNCIL SPECIAL BUSINESS MEETING
AUGUST 24, 2021 CITY COUNCIL SPECIAL WORKSHO**

Pass

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

Approved - 5 - Mayor David Alfin, Vice Mayor Eddie Branquinho, Council Member Victor Barbosa, Council Member Ed Danko, Council Member Nick Klufas

F. PRESENTATIONS AND PROCLAMATIONS

- 2. PRESENTATION - GOOD SAMARITAN RECOGNITIONS**

This item will be heard at a future Council meeting.

- 3. PRESENTATION - PHOTO CONTEST AWARDS**

Brittany Kershaw, Director of Public Information & Engagement, presented the awards to the winners.

- 4. PROCLAMATION - SEPTEMBER AS NATIONAL RECOVERY MONTH**

Council Member Barbosa presented this Proclamation to Ms. Kim Carney and representatives of Flagler Open Arms Recovery Services.

5. PROCLAMATION - ARBOR DAY

Council Member Klufas presented this Proclamation to Ms. Carol Mini, Urban Forester.

G. ORDINANCES SECOND READ

6. ORDINANCE 2021-17 AMENDING THE CITY OF PALM COAST CODE OF ORDINANCES SEC. 41-11 FACILITIES AT SINGLE-FAMILY PROPERTIES TO CLARIFY THE SCREENING REQUIREMENT FOR GARBAGE CONTAINERS

O20210017

City Attorney Reischmann read the title into the record.

Mr. DeLorenzo was available for questions.

Public Comments:

There were none.

Pass

Motion made to Adopted on second reading by Council Member Klufas and seconded by Council Member Danko

Approved - 5 - Mayor David Alfin, Vice Mayor Eddie Branquinho, Council Member Victor Barbosa, Council Member Ed Danko, Council Member Nick Klufas

7. ORDINANCE 2021-16 AMENDING CITY OF PALM COAST CODE OF ORDINANCES, CHAPTER 16, BUSINESSES AND BUSINESS REGULATIONS, BY DEFINING COLLECTION BIN AND ADDING A NEW ARTICLE AS TO THE REGULATION OF COLLECTION BINS WITHIN THE CITY LIMITS

O20210016

City Attorney Reischmann read the title into the record.

Public Comment

There were none.

Pass

Motion made to Adopted on second reading by Council Member Barbosa and seconded by Council Member Klufas

Approved - 5 - Mayor David Alfin, Vice Mayor Eddie Branquinho, Council Member Victor Barbosa, Council Member Ed Danko, Council Member Nick Klufas

8. **ORDINANCE 2021-19 APPROVING THE AMENDMENT OF THE CITY OF PALM COAST 2035 COMPREHENSIVE PLAN, AS PREVIOUSLY AMENDED, PURSUANT TO CHAPTER 163, FLORIDA STATUTES; CREATING CHAPTER 10 – PROPERTY RIGHTS ELEMENT**

O20210019

City Attorney Reischmann read the title into the record.

Mr. Tyner provided an overview to this item.

Public Comment:

Ms. Verrilli asked for an overview to this item.

Pass

Motion made to Adopted on second reading by Council Member Barbosa and seconded by Council Member Klufas

Approved - 5 - Mayor David Alfin, Vice Mayor Eddie Branquinho, Council Member Victor Barbosa, Council Member Ed Danko, Council Member Nick Klufas

9. **ORDINANCE 2021-18 APPROVING REZONING OF 10.85 +/- ACRES FROM HIGH INTENSITY COMMERCIAL (COM-3) TO MULTI-FAMILY RESIDENTIAL-2 (MFR-2) FOR PROPERTY KNOWN AS THE TRIBUTE - APPLICATION # 4738**

O20210018

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

Point of Order from Vice Mayor Branquinho regarding a social media post from Council Member Danko stating Alan Lowe will vote in favor of this. Attorney Reischmann provided an overview of the ex-parte communications law.

Council Member Danko provided details of the communications.

Bill Hoover provided an overview to this item.

Applicant presented to Council, which is attached to these minutes.

Mayor Alfin requested confirmation from staff, the attorney and the applicant that this project meets the City's Comprehensive Plan requirements.

Brian Rosen would like to see Council consider income of residents for proposed housing developments and shared concerns for affordability and roadway infrastructure.

Paul Vargo supported the project and asked council to consider the infrastructure to support the housing developments. Mr. Vargo shared of challenges finding affordable homes in Palm Coast.

Dave Mollica shared about apartment buildings that go unfilled and aren't maintained.

Toby Tobin published an article today titled Where will they live? Mr. Tobin shared that we are at full capacity everywhere. People are looking for long term sustainability and we need to be prepared. Mr. Tobin stated that we do not have enough multifamily housing options and we're out of balance with the original ITT plan and shared support for the project.

Beth Vitalic asked Council how many housing projects are slated to begin within the next couple of years. Ms. Vitalic stated that there is quite a bit approved and will the infrastructure be okay? Is there enough tax revenue to support the growth? Ms. Vitalic did not oppose building but suggested focusing on infrastructure first.

Resident Donna stated that the first presentation stated the median income at \$88K and now it is presented differently, it seems that the target level has changed. Shared concerns of inability to fill the units and potential tax abatement falling on tax payers.

Mr. Vargo wanted to clarify his statements on owning versus renting.

Council held additional comment period with Mayor Alfin reminding Council what Council's assignment is within the Land Development Code.

Pass

Motion made to Adopted on second reading by Council Member Danko and seconded by Council Member Klufas

Approved - 3 - Mayor David Alfin, Council Member Ed Danko, Council Member Nick Klufas

Denied - 2 - Vice Mayor Eddie Branquinho, Council Member Victor Barbosa

H. ORDINANCES FIRST READ

10. ORDINANCE 2021- XX - SECRET GARDENS, APPLICATION NO. 4816 TO REZONE 52.4 +/- ACRES FROM THE GENERAL OFFICE (OFC-2) ZONING DISTRICT TO THE HIGH INTENSITY COMMERCIAL (COM-3), PRESERVATION (PRS) AND PUBLIC/SEMI-PUBLIC (PSP) ZONING DISTRICTS

City Attorney Reischmann read the title into the record, reminded Council this is a quasi-judicial item and called for any ex-parte communications. There were none.

Mr. Hoover presented to Council on this item.

*Public Comment
There were none.*

Pass

Motion made to Approved on first reading by Council Member Barbosa and seconded by Vice Mayor Branquinho

Approved - 5 - Mayor David Alfin, Vice Mayor Eddie Branquinho, Council Member Victor Barbosa, Council Member Ed Danko, Council Member Nick Klufas

11. ORDINANCE 2021-XX SEMINOLE POINTE, APPLICATION NO. 4820 TO REZONE 71.74 +/- ACRES FROM THE MASTER PLANNED DEVELOPMENT (MPD) AND GENERAL COMMERCIAL (COM-2) ZONING DISTRICTS TO THE MULTI-FAMILY RESIDENTIAL-2 (MFR-2) AND HIGH INTENSITY COMMERCIAL (COM-3) ZON

City Attorney Reischmann read the title into the record, reminded Council this is a quasi-judicial item and called for any ex-parte communications. CM Danko and Mayor Alfin received emails concerning this item from Mr. Chiumento.

Vice Mayor Branquinho shared that prior to July 4th weekend, his wife was asked to be part of this project. Met with Chief Forte, Jason DeLorenzo and the City Manager. Requested to recuse himself from voting; Attorney Reischmann provided advice to Vice Mayor Branquinho, who recused himself from the vote. The clerk will provide the voting conflict form to Vice Mayor Branquinho.

Attorney Reischmann requested clarification on the email received by Council members and that Council will base their decision on what is presented to them this evening. Council confirmed they will base their decisions on what is presented to them this evening.

Mr. Chiumento presented to Council, on behalf of the applicant, which is attached to these minutes.

*Public Comments:
There were none.*

Pass

Motion made to Approved on first reading by Council Member Barbosa and seconded by Council Member Klufas

Approved - 4 - Mayor David Alfin, Council Member Victor Barbosa, Council Member Ed Danko, Council Member Nick Klufas

I. RESOLUTIONS

12. RESOLUTION 2021-124 APPROVING THE REZONING JOINDER APPLICATION AUTHORIZATION

R20210124

City Attorney Reischmann read the title into the record. Mr. Jason DeLorenzo presented to Council on this item.

Public Comment
There were none.

Pass

Motion made to approve by Council Member Danko and seconded by Council Member Barbosa

Approved - 5 - Mayor David Alfin, Vice Mayor Eddie Branquinho, Council Member Victor Barbosa, Council Member Ed Danko, Council Member Nick Klufas

13. RESOLUTION 2021-XX APPROVING A WORK ORDER WITH ENGLAND-THIMS & MILLER INC., FOR DESIGN SERVICES RELATED TO THE WHITEVIEW PARKWAY IMPROVEMENT PROJECT

City Attorney Reischmann read the title into the record. Mr. Cote provided Council with an overview to this item.

Public Comment
There were none.

Pass

Motion made to Table by Council Member Barbosa and seconded by Council Member Danko

Approved - 5 - Mayor David Alfin, Vice Mayor Eddie Branquinho, Council Member Victor Barbosa, Council Member Ed Danko, Council Member Nick Klufas

J. OTHER BUSINESS

14. APPOINT A MEMBER TO FLAGLER COUNTY HOUSING TASK FORCE/AFFORDABLE HOUSING ADVISORY COMMITTEE

Pass

Motion made to continue by Council Member Barbosa and seconded by Council Member Danko

Approved - 5 - Mayor David Alfin, Vice Mayor Eddie Branquinho, Council Member Victor Barbosa, Council Member Ed Danko, Council Member Nick Klufas

K. CONSENT

There were no public comments on the consent agenda.

15. RESOLUTION 2021-122 APPROVING INDEMNITY AGREEMENTS WITH THE MEMBERS OF THE CITY OF PALM COAST RETIREMENT PLAN FIDUCIARY COMMITTEE

16. RESOLUTION 2021-123 APPROVING MASTER PRICE AGREEMENT WITH HAWKINS, INC., FOR THE PURCHASE OF VARIOUS CHEMICALS

17. RESOLUTION 2021-125 APPROVING A CONTRACT WITH MASCI, INCLUDING APPROVAL OF A 10% CONTINGENCY, AND APPROVAL OF A WORK ORDER FOR CEI SERVICES EXPENSES FOR THE MILLING AND RESURFACING PROJECT

L. PUBLIC PARTICIPATION

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

There was none.

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

Council Member Danko spoke about the commercial vehicle signage proposed Ordinance from a few weeks prior to ask that it be brought to a vote. Additionally, Council Member Danko clarified his group affiliations within the community.

Council Member Barbosa reminded Council that they need to work together for the best of the City. Council Member Barbosa also asked Council to come to a consensus to bring the Public Comments from the evening regarding the fire burning within the City to a workshop.

Council Member Klufas congratulated Reilly Opelka for reaching the 4th round and wished him luck. Mr. Klufas would like to see more information on the burning issue and shared appreciation and thanks for Ms. Alves and the work she will be doing.

Vice Mayor Branquinho wished Ms. Johnston much luck and blessings tomorrow. Additionally, Vice Mayor Branquinho would like to thoroughly discuss a moratorium for multifamily homes. Vice Mayor Branquinho also shared about a video from July 26, 2021 at 6:05 pm which shows two Council Members violating sunshine law on Facebook by speaking of the millage.

Attorney Reischmann explained to Council this is an allegation that should be brought to the State Attorney's office for review and consideration.

Mayor Alfin spoke of the "moratorium" issue and requested the Interim City Manager bring this topic to a workshop.

Mayor Alfin shared about the Intracoastal Waterway Cleanup results and September 11, 2021 Remembrance Ceremony.

Mayor Alfin thanked Council for their coordination in tonight's meeting.

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

Nothing at this time.

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

Ms. Bevan shared about Senior Games and Disaster Preparedness Guides.

P. ADJOURNMENT

The meeting was adjourned at 10:15 p.m.

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