



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

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, January 4, 2022

6:00 PM

COMMUNITY WING

City Staff

Denise Bevan, Interim City Manager

Neysa Borkert, 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 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 6:00 PM

B. PLEDGE OF ALLEGIANCE TO THE FLAG

C. ROLL CALL

Present and responding to roll call were the following:

Council: David Alfin
Eddie Branquinho
Victor Barbosa
Ed Danko
Nick Klufas

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.

Mark Lewis-lives on Cottonwood Ct.-Salt Water Canal dredging. Requested Council review this issue and have a line item added to the budget and to have code enforcement cite those with violations. Filled out a card but has not received a response.

Robert MacDonald-we have very special people that work in the City. Pointed to Sgt. Vedder and Chief Forte. A tree fell on his house in the middle of the night and was assisted by FCSO and PC Fire Dept. Wants to make sure that whatever these departments request they receive.

Bruce Stone-Cimmaron Drive sidewalk requests and speeding on Cimmaron Dr.

Ron Murphy-C section-sea walls and docks- can they City provide a way for the landfill that needs to be put on the land side.

Carol Rydecki-email on December 16, 2021-Citation/Sesame project.

Mark Stancil-resident of S section. Curbs are hard to see especially at night; can we put reflectors and reflective yellow paint markings on the curbs? Sesame is being torn up by trucks for joy. It is a crime. Police should look into preventing and stopping the vandalism. He is a 20 year serviceman serving our country. There are foul words on a flag. I am offended by this. Can something be done about this? Kids do not need to see the disparaging remarks against our president.

Steve Carr-traffic and infrastructure issues but main comment is about Florida Park Drive.

Paul Vargo-has a study for the speeding on Colorado Drive. Requested a lower speed limit be set on Colorado Drive and a lower one on the bridge.

Robin Witcher-27 Cloverdale Court -canal levels.

Dan Bryant-canal dredging issues.

George Waite-12 Crossway Ct East-in favor of canal maintenance (dredging).

Greg Eunice-Canal dredging issue.

Alan Hendry-F section on the canal - voiced concerns on canals and need for dredging.

Al Krier-Safety on Cimmaron issue.

Bill Powers-Seminole Woods-thanked everyone for their service to the community. Citation extension issues.

Mayor Alfin-requested the Interim City Manager make sure all emails and letters are responded to if there is a question contained in the communications.

Mayor Alfin-requested if any Council would like to respond to any of the comments received tonight.

VM Branquinho responded to where and how he received the figures regarding dredging approximately 3 years ago from a FIND representative. Offered to meet with the residents regarding this issue, if the Councilman from the District is ok him meeting with those residents.

CM Klufas-encouraged by the Council's consensus and by Council's interest in obtaining a study/feasibility report to identify what it is we are trying to solve regarding the canal comments.

CM Barbosa-thanked all the residents that have attended this evening. The C section is my district. I am happy to meet and discuss with anyone.

CM Danko-Citation issue-would like to see the City Manager meet with these folks on the endless construction. Further spoke on the canal dredging issue. Survey? Priority? Ms. Bevan provided an update to the process of staff identifying the elements of this project for Council's Strategic Action Planning process.

CM Danko would like to make a motion to instruct the CM to instruct staff to begin the process of looking for a firm to get an idea (canal dredging firms). The motion was seconded by CM Barbosa. Attorney Borkert provided a legal overview to determine who owns the underlying submerged lands of the canals.

Mayor Alfin - stated the idea was to confirm with the public that this is a priority. He believes the consensus amongst Council is that they agree this is a priority. The second step is to define the scope of work-that needs to be identified. Can we expedite the selection of a third party to conduct the survey? How much do we want to spend on this? Suggestion to amend the motion and cap the expense. CM Danko-I am suggesting we find out who these companies are and explore the companies.

Mayor Alfin requested again to amend the motion to direct staff to recommend several options along with the costs on a comparative level ? CM Danko amended and seconded by CM Barbosa.

CM Klufas requested clarification on the motion-RFS.

CM Barbosa-wanted clarification on who owns canals and intracoastal?

Mayor Alfin requested all hold their comments and to expedite the direction given to staff to go out to RFP's.

Attorney Borkert stated CM Danko could withdraw his motion as this would be a consensus issue. Mayor Alfin confirmed with the City Manager and she stated she has clear direction from the dais of each Councilmember on how to proceed.

CM Danko withdrew motion.

E. MINUTES

- 1. MINUTES OF THE CITY COUNCIL:
DECEMBER 7, 2021 BUSINESS MEETING
DECEMBER 14, 2021 WORKSHOP
DECEMBER 14, 2021 SPECIAL MEETING**

Pass

Motion made to approve by Vice Mayor Branquinho 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

F. PRESENTATIONS

- 2. PRESENTATION GOOD SAMARITAN RECOGNITION AWARD**

CM Barbosa presented this award to Mr. Bradley.

CM Barbosa made a motion to save the City money and appoint Ms. Bevan as the City Manager. Motion was seconded by CM Klufas for discussion. Council held a discussion to allow Council time to speak with Ms. Bevan. CM Klufas withdrew his second. CM Barbosa withdrew his motion.

CM Barbosa made an amended motion to allow Council time to discuss with Ms. Bevan.

Mayor Alfin-there is a process in place that would accomplish what CM Barbosa is trying to get to with his motion. Appreciates the comment on trying to save the City money.

G. ORDINANCES SECOND READ

3. ORDINANCE 2022- XX ESTABLISHING THE SEMINOLE PALMS COMMUNITY DEVELOPMENT DISTRICT - APPLICATION # 4973

O20220002

City Attorney Borkert read the title into the record.

Public Comment

There were none.

The applicant was present for questions.

Pass

Motion made to be adopted on second reading by Vice Mayor Branquinho 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

4. ORDINANCE 2022- XX ESTABLISHING THE PALM COAST 145 COMMUNITY DEVELOPMENT DISTRICT - APPLICATION # 4972

O20220003

City Attorney Borkert read the title into the record.

Public Comment

There were none.

Applicant was available for questions.

Pass

Motion made to be adopted on second reading by Vice Mayor Branquinho 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

5. ORDINANCE 2022-XX AMENDING THE FUTURE LAND USE MAP DESIGNATION FOR 141.5+/- ACRES OF PROPERTY FROM RESIDENTIAL LOW-DENSITY AND CONSERVATION TO RESIDENTIAL AND CONSERVATION WITH SITE SPECIFIC POLICY TO LIMIT DEVELOPMENT TO 217 UNITS

O20220004

City Attorney Borkert read the title into the record. Mr. Ray Tyner and Mr. Jose Papa presented to Council on this item.

Mayor Alfin requested if there will be many more of these coming before Council in the future. Has there ever been a discussion to provide Council with a comprehensive list of these requests? Ans: Mr. Tyner-there are a handful left.

Gere Earlywine, the applicants team (Jay Livingston) was present for any questions.

Public Comment

Sally Arnold-commend the staff for increasing the conservation area by 8 additional acres. Thank you. While staff works with this, I would like to suggest to increase the buffer to at least 50' wide for the displaced animals that will be coming down.

Jay Livingston responded to the public commenter regarding the buffer.

Steve Carr-2035 Comp Plan goals and objective and traffic issue.

Robert MacDonald-where are the 217 units being built and what type of building? Ans: Mr. Livingston-the next application is the rezoning portion SFR-1. Single family homes with standards.

Pass

Motion made to be adopted on second reading 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

6. **ORDINANCE 2022-XX AMENDING THE ZONING MAP DESIGNATION FOR 141.5+/- ACRES FROM FLAGLER COUNTY DESIGNATION OF PLANNED UNIT DEVELOPMENT (PUD) TO CITY DESIGNATION OF SINGLE-FAMILY RESIDENTIAL-1 (SFR-1) AND PRESERVATION (PRS)-GRAND RESERVE EAST**

O20220005

City Attorney Borkert read the title into the record. Reminded Council this is a quasi-judicial item. Mayor Alfin called for any ex-parte communications. There were none.

Mr. Tyner and Mr. Papa provided Council with an overview to this item.

Public Comment

There were none.

Pass

Motion made to be adopted on second reading by Vice Mayor Branquinho 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 2022-XX VOLUNTARY ANNEXATION OF A 30 ACRE PARCEL AT THE TERMINUS OF WHITEVIEW PARKWAY ON THE WESTSIDE OF US-1 - WAM GROUP

O20220001

Pass

Motion made to be 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

City Attorney Borkert read the title into the record.

Mr. Tyner and Mr. Papa presented on this item.

Public Comment

There were none.

H. ORDINANCES FIRST READ

8. ORDINANCE 2022-XX APPROVING THE SECURE SPACE REZONING – APPLICATION # 4901

Mayor Alfin requested the Clerk provide the handout that was received from the applicant at the beginning of the meeting, a copy of which is attached to the minutes.

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

Mayor Alfin disclosed his ex-parte communication with the applicant and the community and will base his decision on what is presented before him tonight. CM Danko stated the same. There were no other ex-parte communications.

Mr. Ray Tyner and Mr. Bill Hoover presented on this item.

Jay Livingston, Attorney for the Applicant, spoke to Council on this item.

Mr. Tyler Malmborg, the design and transportation representative for the applicant spoke to Council on this item.

Attorney Borkert clarified with Mr. Livingston that a letter was presented on behalf of the applicant, would he like it submitted to the record? Attorney Livingston responded yes.

David Butler presented to Council on this item.

Public Comment

Tom Barret-152 Arena Lake Dr-would like to see a layout of what it would look like if it was commercial office. Many neighbors are not happy about this request. Has an issue with noise-let's go take noise readings now and later if you do approve this project. Does not believe this is going to reduce noise from I95. Believes it will be reversed.

Robert MacDonald-if this City approves this facility, how many facilities will the City have in Palm Coast? Attorney Livingston provided a slide with 17 storage facilities currently exists.

Brian Gagin-not opposed or in support of this project. Provided an overview of his experience with storage facilities. Suggested looking at different uses for this property.

Derek Peter-owner of living facility and will share the driveway with this project. Gave some examples of the issues his other businesses in Ormond Beach experiences elsewhere with office space being next door and no issues with a storage facility next door to his other business in Deltona.

Jim Muskoff-at PLDRB meeting brought up issue of ingress/egress off of Old Kings Road for the larger RV coaches. Mr. Butler explained there is a revised upgraded turning radius. If necessary the median will be cut back as well.

Bob Skove-has a problem with exceptions not the storage facility. Mr. Tyner provided an overview of a special exception. Mr. Skove is adamantly opposed to the special exception as it could bring about additional businesses that bring more issues, such as crime.

Tony Petoniac-Appreciate they have listened to the residents and made some changes. I do worry about the traffic right hand turn lane and a left hand turn lane too.

Sam Hobbs-wished Council Merry Christmas and Happy New Year. With that said that is probably why there are not many residents here. He has concerns on traffic and noise. Why did the developer not research the zoning before he purchased.

Mary Alice Brant - this development is very nice but I do not think you should change the zoning to accommodate and allow this project. Strong opinion and opposition to allow this business. Keep the current zoning and do not provide the special exception. There is no need for this type of facility.

Cindy Mazzelle-opposes the project. What will the roofs be made of? Traffic Engineer stated it would be noise deflection. Metal roofs will bounce the noise. There is no noise reduction from roofs. Only a big wall can block the noise. She would like to see the noise study, the traffic study. Bring other companies here. Be smart about the growth here.

Darlene Shelly-stated her strong opposition to this project. Submitted a petition of opposition, which is attached to the minutes.

Jay Livingston provided rebuttal to the public comments relating to the current "allowable uses", special exception definition overview, and entrance issues.

CM Barbosa requested to what the petition submitted is? City Clerk read the front page of the petition submitted by Ms. Shelly into the record.

Lengthy discussion was held by City Council.

Mayor Alfin asked Council if they have all the information they need to make a decision tonight?

Pass

Motion made to be approved on first reading by Council Member Klufas 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

I. RESOLUTIONS

9. RESOLUTION 2022-XX APPROVING THE RED MILL POINTE MULTI-FAMILY MASTER SITE PLAN – TIER 3, APPLICATION # 4871

R20220004

Pass

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

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

Denied - 1 - Vice Mayor Eddie Branquinho

Attorney Borkert read the title into the record. Reminded Council this is a quasi-judicial item and called for any ex-parte communications. There were none from Council members and will confirm with Mayor Alfin upon his return as he stepped out momentarily.

Mr. Ray Tyner and Jr. Bill Hoover presented to council on this item.

Applicant presented to Council.

City Clerk Smith confirmed with Mayor Alfin if he held any ex-parte communications. He did not.

Public Comments

There were none.

10. RESOLUTION 2022-XX APPROVING AN INTERLOCAL AGREEMENT WITH FLAGLER COUNTY, IN AN AMOUNT NOT-TO-EXCEED \$1,030,377.00, REGARDING MARINELAND ACRES DRAINAGE AND ROADWAY IMPROVEMENTS PROJECT

R20220009

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

Attorney Borkert read the title into the record.

Mayor Alfin asked Council if anyone needs an update on this item.

VM Branquinho-how long will it take for the City to make its' money back on this project? Ans: Mr. Pete Roussell -there is not a way to determine that at this time but would be happy to bring back information to Council. Mayor Alfin stated there was a slide from the workshop that could assist with the added value. VM Branquinho voiced his concern of the County's arrogance regarding this item.

Public Comments:

There were none.

11. RESOLUTION 2022-XX APPROVING AN INTERLOCAL AGREEMENT WITH FLAGLER COUNTY REGARDING UTILITY INFRASTRUCTURE IMPROVEMENTS

R20220010

Attorney Borkert read the title into the record.

Public Comments

There were none.

Pass

Motion made to approve 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

12. RESOLUTION 2022-XX APPROVING A BUDGET AMENDMENT FOR FISCAL YEAR 2021-2022 RELATING TO THE AMERICAN RESCUE PLAN ACT

R20220008

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

City Attorney Borkert read the title into the record.

*Public Comments:
There were none.*

J. CONSENT

- 13. RESOLUTION 2022-XX APPROVING A WORK ORDER WITH CONNECT CONSULTING, INC., FOR THE REPLACEMENT OF WELL SW-114**

R20220002

Pass

Motion made to be adopted on consent 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

- 14. RESOLUTION 2022-XX APPROVING A WORK ORDER WITH CONNECT CONSULTING, INC., FOR THE EVALUATION, REHAB AND REPAIR OF WELLS SW-33 AND SW-36**

R20220001

Pass

Motion made to be adopted on consent 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

- 15. RESOLUTION 2022-XX APPROVING A MASTER PRICE AGREEMENT WITH ARGOS USA, LLC FOR CONCRETE 4000 PSI WITH FIBER MESH**

R20220006

Pass

Motion made to be adopted on consent 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

16. **RESOLUTION 2021-XX APPROVING A CONTRACT (#W1246) WITH THE FLORIDA DEPARTMENT OF CORRECTIONS FOR ONE INMATE LABOR WORK CREW FOR THE PUBLIC WORKS**

R20220003

Pass

Motion made to be adopted on consent 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

Council wanted confirmation this contract is for one crew for Public Works and the other two crews are for stormwater under a separate contract already approved by Council. Ms. Bevan and Mr. Cote confirmed.

17. **RESOLUTION 2022-XX APPROVING A CONTRACT & CHANGE ORDER WITH VERDEGO, A WORK ORDER WITH GAI CONSULTANTS, AND A 10% PROJECT CONTINGENCY FOR THE I95 / SR100 INTERCHANGE LANDSCAPE IMPROVEMENT PROJECT**

R20220007

Pass

Motion made to be adopted on consent 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

18. **RESOLUTION 2022-XX APPROVING A CONTRACT WITH TRI-COUNTY BOBCAT SERVICES, INC. FOR CODE ENFORCEMENT MOWING AND GENERAL CLEAN UP SERVICES (PUBLIC NUISANCE)**

R20220005

Pass

Motion made to be adopted on consent 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

K. PUBLIC PARTICIPATION

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

There were none.

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

VM Branquinho-Happy New Year. Staff please be as good as you were last year. Quality Cities magazine has a good article on municipality reserves. Advises colleagues to read the article.

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

Nothing at this time.

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

Nothing at this time.

O. ADJOURNMENT

The meeting was adjourned at 9:55 pm.

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

19. WORKSHEET