



**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 18, 2022

9:00 AM

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.
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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

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

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.

Opened Public Participation after the Proclamations were issued.

Karen Neufeld-Belle Terre Swim and Racquet Center (pool) closing.

Helen Davis-Happy New Year and thank you for listening to us. Pool issue.

Rejeanne Bernier-Pool issue.

Wilfredo Lleras-Swimming club conditions are deplorable.

Joanne Clarke-Pool issue

Mary Crosson-Search on the City Manager. Supports James Manfre.

Jane Gentile-Palm Coast and Flagler County regarding the schedule prior to election. She prefers to change the ordinance to allow signs after the candidate qualifies.

Dalva Smith-trash everywhere by builders.

Denise Watkins-noise and car racing issues where she lives in the R section.

Nancy Zeeter-C section and the nice amenities that are here. We could use more. Swimming issue; canals that need dredging.

Mike Cocchiola-supports two -Ms. Bevan National search will bring applicants from far north west. Recruit from within. Canals encourage the City do all it can before it fails.

Lydia Reagan-Pool issue; the future of Belle Terre Swim and Racquet Center 562 people signed a petition.

Alan Lowe-thanked the unknown employee who responded regarding the canals. The City owns the canals and should maintain the canals.

Gary Kunnas-canal issue and survey. Discard the survey question and resend.

Raymond McKinney-Keep City swimming pool and Belle Terre pool open.

Frank Adia-15 Crandon Ct-request reiterating the salt water canals; adjacent property that does not have seawalls. I support the swimming clubs initiative. How can I get information from you on these initiatives?

Glenn Partelow-Swimmer at both centers. The School is having a lot of difficulty maintaining the pool center. It is old and inadequate. Frieda does a good job keeping residents safe-Belle Terre does not have a lifeguard. There is not enough room at either pool for adequate supervision. Need your support for a bigger facility. Canal issue-it smells.

Al Krier-Safety on Cimmaron. Provided a handout, which is attached to the minutes.

Paul Vargo-6 months ago I was here and supported the canal health; included in that was repair of certain sea walls, graffiti, and canal health. Economical benefits for Flagler County on waterways. Some are in the hundreds of millions of dollars. I know there is concern of the cost of canals. I think there are ways to get that done. This article is from 2017. Will leave with the Clerk.

Responses-

Mayor Alfin-City staff is roving through the audience with those who have a question. A Palm Coast Connect case will be opened and responded to for you. We want you to receive complete, transparent, and accurate information.

E. MINUTES

Pass

Motion made to approve 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

- 1. MINUTES OF THE CITY COUNCIL:
JANUARY 4, 2022 BUSINESS MEETING
JANUARY 11, 2022 WORKSHOP MEETING**

F. PROCLAMATIONS AND PRESENTATIONS

- 2. PROCLAMATION - NATIONAL STALKING AWARENESS MONTH**
VM Branquinho presented this Proclamation to members of the Family Life Center.
- 3. PROCLAMATION - HUMAN TRAFFICKING AWARENESS MONTH**
Mayor Alfin presented this Proclamation to the Family Life Center.
- 4. PRESENTATION - FLAGLER COUNTY SHERIFF'S OFFICE SAFETY AT EVENTS**

Chief Jon Welker of FCSO presented to Council on safety events, especially when the event is held during a holiday.

Council held a discussion on safety and not to strain safety resources.

VM Branquinho mentioned rotating days for the 4th of July events. Mayor Alfin-Will discuss with Flagler Beach and bring something back to Council for consideration.

Mayor Alfin reminded everyone about the Declaration of Independence. Challenge each Council Member and City staff to read those 1020 words. Will also challenge our residents and anyone else who wants to read it, to read those 1020 words of the Declaration of Independence. Do not let others tell you what it means.

5. PRESENTATION - EMPLOYEE RECOGNITION

Ms. Kershaw presented to Council with a video on employees who have gone above and beyond.

G. ORDINANCES SECOND READ

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

O20220006

City Attorney Reischmann read the title into the record. Reminded Council this is a quasi-judicial item and called for any ex-parte communication since first reading of this Ordinance.

Mentioned Council did receive ex-parte emails that will be part of this record.

CM Danko-received emails but will base his decision on what is presented today.

VM Branquinho, CM Klufas and Mayor Alfin stated they received the same emails and will base their decisions on what is presented to them today.

Mr. Tyner introduced this item.

Jay Livingston, representing the landowner, presented a handout to the Clerk, which is attached to these minutes to clarify the record. Mr. Livingston also presented to Council on this item. Mr. David Butler provided an overview to City Council on crime rates at storage facilities and urban sprawl.

Public Comment

Patty Quick-human element missing, valid ALF next door and there are 100 residents that live there. It is the only place that they can go. This project is another example of discarding our residents who are elderly, disabled, and need assistance. This is a shared driveway-it is just wrong. The safety issue-we are no longer a bedroom community. We are getting bigger and bigger. There is plenty of commercial space available on SR 100. Use that property. Leave the codes alone.

Bob Stove-Hidden Lakes resident and opposes this project. Main concerns are noise and safety. Noise is not just from I95 but from the trucks and recreational vehicles accessing the storage. Some are diesel, which are loud. Safety for the entrance off of Old Kings Road.

John Bert-would like the picture of the existing site and what is proposed. Developers have tried to convince Council that they have designed the project with the residents in mind. Doesn't agree with that. Opposes the project.

Ms. Tavares-people who presented have unlimited time and we do not have the same afforded to us. I did my due diligence and accepted what the zoning was there at the time. The owner should have known the code when he purchased that property.

John Burt- I too investigated the zoning for Hidden Lakes. There have been many changes in Palm Coast. I am opposed to the Special Exception.

Lynn Shardner-opposes the project; more trucks and more traffic will be on Old Kings Road. This will lower or property value.

Donna Sire-agrees with all speakers who oppose this project. I can hear a lot of vehicles from Old Kings Road, sports vehicles and trucks. The storage units being built will bring more noise, especially those who live on Arrow Head Dr.

Paul Weber-Objects to the proposal. If a storage facility is to be put there, it should be scaled down. A ploy often used is to present something so extravagant and then people are pleased when it is changed. Does it assist with the widening of Old Kings Road. It must be attractive. If this is allowed, that all of these concerns of mine are addressed.

Sam Hobbs-some of the comments from the Developer-noise and traffic. The responses do not address all concerns. Is the Developer the same Developer who built the ALF? That should be disclosed.

Jane Gentile-speaking as a real estate broker for 41 years. Identical to the 1998 case she participated in that took place in South Florida.

Mary Alice Frann-opposes the project; leave the zoning alone. Read into the record her opinion on platforms that Council ran on.

Cindi McDowell-her comments are relating to the first hearing. Opposes the project.

Darlene Shelly-opposes the project. This is a residential community area. This project is not in the best interest of the residents. Addition to the petition that includes 249+ signatures of local residents. Please deny this application. Presented 10 articles on crime.

The City Attorney presented on the comments. Clarification that it was not him that opined at the last meeting. Provided an overview to the decisions made by Council on these types of items-they cannot be arbitrary. They have to be based on the Land Development Code and the Comprehensive Plan. Reminded

Council they are acting as judges in this quasi-judicial item. Council must state on what grounds in the law are they voting no on this item.

Responses to Public Comments

VM Branquinho asked about the case reference by a speaker. Attorney Reischmann confirmed there is no existing case law.

CM Danko-Comm 2 offices? Ans: Attorney Livingston-provided the uses in Comm 2.

CM Barbosa-distance of nearby residents-did you take into account the people in the nursing home? Ans: Mr. Livingston-

Ownership-Mr. Butler did own the property back in 2005 and was aware of the zoning.

CM Klufas-Special exception clarification-is to limit the use, correct? Ans: Mr. Tyner provide a description of the conditional use "special exception"; we call it limited.

Attorney Reischmann reminded Council that we are here today to vote on the rezoning not the uses or special exception, which was approved by the PLDRB already. The special exception is dependent upon the approval of the rezoning.

VM Branquinho-the mail we all received from a person who used to own 4 storage places and now only owns one. It stated "how many storage units are needed in Palm Coast? Storage facilities are problematic and property value loss. Traffic and safety are issues." He did visit the ALF that exists now, where are they going now?

Mayor Alfin thanked all speakers.

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

H. ORDINANCES FIRST READ

7. ORDINANCE 2022-XX AMENDING THE FUTURE LAND USE MAP DESIGNATION FOR 40.7+/- ACRES FROM RESIDENTIAL-LOW DENSITY RURAL ESTATE TO INDUSTRIAL WITH POLICY TO LIMIT DEVELOPMENT TO BORROW PITS AND COMPENSATING FLOODPLAIN STORAGE- CLINE/JTL BORROW PIT

City Attorney Reischmann read the title into the record. This is a legislative matter.

Mr. Tyner and Mr. Papa presented to Council on Item 7 and 8.

VM Branquinho-does this borrow pit have a depth maximum? Ans: Mr. Livingston-I do not believe the depth has been defined but I do have approval from St. John's and a site plan.

Attorney Reischmann provided the process will take place later with site plan working with St. John's Water too.

CM Barbosa-What happens at the end of this project? Ans: Mr. Livingston-only remain a pit as called out in Comp Plan.

Public Comment
Nothing at this time.

Pass

Motion made to be 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

8. **ORDINANCE 2022-XX AMENDING THE ZONING MAP DESIGNATION FOR 40.7+/- ACRES FROM INDUSTRIAL-PUD (FLAGLER COUNTY DESIGNATION) TO HEAVY INDUSTRIAL (IND-2) (CITY OF PALM COAST DESIGNATION)- CLINE/JTL BORROW PITS**

This item was heard with Item 7.

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

Public Comment: There were none.

Pass

Motion made to be approved on first reading 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

I. CONSENT

9. **RESOLUTION 2022-XX APPROVING A WORK ORDER WITH CPH, INC., FOR ENGINEERING SERVICES FOR THE DESIGN AND CONSTRUCTION ADMINISTRATION OF THE A1A FORCEMAIN EXTENSION PROJECT**

R20220013

Pass

Motion made to to be adopted on consent 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

- 10. RESOLUTION 2022-XX APPROVING A WORK ORDER WITH CPH, INC., FOR DESIGN AND CONSTRUCTION ENGINEERING SERVICES FOR THE WASTEWATER TREATMENT FACILITY NO. 1 GENERATOR REPLACEMENT PROJECT**

R20220011

Pass

Motion made to to be adopted on consent 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

- 11. RESOLUTION 2022-XX APPROVING A WORK ORDER WITH CPH, INC., FOR ENGINEERING SERVICES FOR THE DESIGN AND CONSTRUCTION ADMINISTRATION OF THE WILLOW WOODS WATERMAIN AND DRY LINE SEWER PROJECT**

R20220012

Pass

Motion made to to be adopted on consent 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

J. PUBLIC PARTICIPATION

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

There were none.

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

CM Danko-received a lot of calls over the past three or four days about the survey question on canals. It is a leading question and has negative connotations. I am disappointed this question was not brought before us. We should have written the question differently. I have been on the canals and have seen where they are three and four feet. Talked with my friends in North Carolina and I am told it is far more expensive to do beach re-nourishment than doing a canal. Get us the facts please. Cape Coral has their own crew and is getting a

second. Maybe speak to Cape Coral Maybe that is a solution for us. (CM Danko advised after the meeting to have Coral Gables changed to Cape Coral- the change was made).

CM Barbosa-I was never included in meetings regarding the canals. I am not sure how it works when another Councilman goes into your districts. We have maintenance plans for our streets, our parks. I think we need a maintenance plan for our canals. We need to buy our own dredging machine and get a crew.

VM Branquinho-requested an update from our City Manager on the consulting firm. Ms. Bevan stated there was a meeting and a very good conversation. We are getting ready to get a scope of services together.

CM Barbosa-can we get a quote for contracting the dredging and bringing it in house? Mayor Alfin cautioned that request as this is an expertise situation.

CM Barbosa-Aquatic Center-the pool is owned by the school. It was donated to them and they are not maintaining it. It is time for the School to maintain it.

Mayor Alfin-Urge residents to please take the survey. I would like to break the record on survey this year.

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

Nothing at this time.

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

Ms. Bevan-reported on emergency and sole source purchases.

12. REPORTING OF EMERGENCY AND SOLE SOURCE PURCHASES FOR NOVEMBER/DECEMBER 2021

N. ADJOURNMENT

The meeting was adjourned at 12:30 PM

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

13. WORKSHEET