



**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 Ed Danko
Council Member John Fanelli III
Council Member Nick Klufas**

Tuesday, June 21, 2022

9:00 AM

COMMUNITY WING

City Staff

**Denise Bevan, 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 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 meeting 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

Mayor Alfin called the meeting to order at 9:00 a.m.

B. PLEDGE OF ALLEGIANCE TO THE FLAG

C. ROLL CALL

Present and responding to roll call were the following:

Council:	David Alfin
	Eddie Branquinho
	Ed Danko
	John Fanelli III

Absent

Council:

Nick Klufas

City Clerk Virginia Smith called the roll. CM Klufas was excused at the June 7, 2022 meeting per Council concurrence.

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.

Mayor Alfin provided the rules and procedures for Public Comment and shared the purpose and processes of Council business meetings.

A Palm Coast Resident-submitted photos for code violations that exist at the house across the street from one of his properties.

Celia Pugliese-addressed Council communication with constituents. Concerned about traffic on Florida Park Drive and development in Palm Coast.

Jeffrey Seib-concerned about lots being cleared in neighborhoods and retaining the natural beauty of our City. Need a public discussion on these areas now.

Gretchen Smith-introduced herself and William White as contacts at St. Johns River Water Management District (SJRWMD).

Ms. Bevan provided an overview of the SJRWMD to the Council.

Rafael Santelli, resident since 1997-expansion of the racket center and demographics. City is getting younger and younger. There are 38 courts here already and 3 are pickleball. City does not have a recreation center at all. I play indoor volleyball and have to travel to Daytona Beach. There is nowhere for kids to play basketball either. Recommends creation of a recreation center.

Al Krier-Committee on Safety on Cimmaron. A request was made to go back to talk to the residents on Cimmaron. Would like to give the report to those who requested it. We went to 70 houses door to door. A walkable community promotes healthy residents. Volunteers Cimmaron, if needed, as the guinea pig for the City.

E. MINUTES

1. MINUTES OF THE CITY COUNCIL JUNE 7, 2022 BUSINESS MEETING JUNE 14, 2022 WORKSHOP

Pass

Motion made to approve by Vice Mayor Eddie Branquinho and seconded by Council Member Ed Danko

Approved - 4 - Mayor David Alfin, Vice Mayor Eddie Branquinho, Council Member Ed Danko, Council Member John Fanelli III

Motion passed 4 to 0.

F. PROCLAMATIONS AND PRESENTATIONS

2. PROCLAMATION - NATIONAL MOSQUITO CONTROL AWARENESS WEEK

Mayor Alfin presented this Proclamation to Mike Martin, Chairman of the East Flagler Mosquito Control District.

3. PROCLAMATION - JULY AS CHRISTMAS COME TRUE MONTH

CM Fanelli presented this Proclamation to Nadine King from Christmas Come True.

4. PROCLAMATION - PATRIOTIC WEEKS

VM Branquinho presented this Proclamation to Nikki White.

5. PRESENTATION - SCORE VOLUSIA/FLAGLER CERTIFICATE OF APPRECIATION

Prior to this item, Mayor Alfin accepted an autographed Songwriter's award.

Mr. Jason DeLorenzo presented the award on behalf of SCORE to City Council.

G. RESOLUTIONS

6. RESOLUTION 2022-XX APPROVING AN OPTION AND GROUND LEASE AGREEMENT WITH DIAMOND TOWERS V LLC FOR CONSTRUCTION OF A TELECOMMUNICATIONS TOWER AT CLUBHOUSE DRIVE UTILITY SITE FL 162

R20220079

Mr. Doug Akins, IT Director and a representative of Diamond Towers presented to Council on this item.

Council held a lengthy discussion on this item.

Public Comments:

Celia Pugliese-concerned for the health of the residents in the area. Compared the cell towers to smoking and asbestos health issues. Concentration, memory loss, etc. for those who live under the towers. Wants DEP report showing that the location Mr. Vitale suggested does not meet DEP standards for a tower.

Robert MacDonald-if we put this tower where it is suggested, will the communication be better for our Fire communications, especially with a handheld radio?

Steve Carr-there are many scientific studies on 5G and health concerns and hope the City is looking out for the health of our residents.

Alan Lowe-states he is a bit confused. In the past the towers could not look like a tree and now it can look like a tree. Doesn't agree with this location and does not agree with 5G. Will this tower be obsolete in a year as we put in smaller towers?

Dennis McDonald-to the point Mr. Lowe made, look at what is further down Palm Coast Parkway. It is a monstrosity. You are making a decision about this tower that will last the rest of their lives for everyone in this room. Diamond is not a big player. Please back up and take more time. What is the big hurry?

Greg Blose-the cell reception issue is terrible in Palm Coast. Location, for the Chamber is not so much an issue as is the connectivity. Location, wherever it goes will be an issue. Commends the City and staff for their research.

Irene Vinciguerra-was this location picked because it is next to the AT&T property. Questioning the location, it is very congested, this particular area is next to a nursing home. The community I just moved into is mostly elderly, so I am concerned for the health of these residents.

After public comments, Council held another discussion on this item.

Mayor Alfin passed the gavel to second the motion made by CM Danko.

Pass

Motion made to approve by Council Member Ed Danko and seconded by Mayor David Alfin

Approved - 4 - Mayor David Alfin, Vice Mayor Eddie Branquinho, Council Member Ed Danko, Council Member John Fanelli III

7. **RESOLUTION 2022-XX APPROVING AN OPTION AND GROUND LEASE AGREEMENT WITH DIAMOND TOWERS V LLC, FOR CONSTRUCTION OF A TELECOMMUNICATIONS TOWER AT ROYAL PALMS FL 297**

R20220082

Mr. Doug Akins, IT Director and representative from Diamond Towers presented to Council on this item.

Council held a discussion on this item.

Public Comments:

There were none.

Pass

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

Approved - 4 - Mayor David Alfin, Vice Mayor Eddie Branquinho, Council Member Ed Danko, Council Member John Fanelli III

8. **RESOLUTION 2022-XX APPROVING A CONCESSION LEASE AGREEMENT WITH THE GREEN LION CAFÉ, LLC FOR FOOD AND BEVERAGE CONCESSIONS AT PALM HARBOR GOLF COURSE**

R20220080

Attorney Borkert read the title into the record.

Mr. Jason DeLorenzo presented to Council on this item.

Council held a lengthy discussion on this item.

Public Comments:

Robert MacDonald-confused today on this item. How much is the rent starting year one with this new Agreement? Water meter defective-is the new meter accurate? How can you justify that the City will pay for half of the water bill for this business?

Chris Marlow, Green Lion-may I have more than three minutes? Surprised this was on the agenda today, had hoped it would be tabled. Had sent requests to the City Attorney and the City Manager two weeks ago to negotiate. Staff was directed to negotiate and they have not. Rent to \$2,000 and will pay internet, gas, telephone, and propane; also made several upgrades. We were a good partner. What have you agreed to that we have asked? May I have more time? Mayor Alfin stated no, all residents have three minutes to speak.

Gene Dowd-water meter in the bathroom at the 15th hole. What about the ice machine and water outside, is that part of the restaurant bill? Don't lose the restaurant.

Mr. Tony Marlow, Green Lion-the City unilaterally turned this into a lease. Why? You have not answered our emails. Why have you changed it from a concession agreement to a lease agreement? Nobody answers us back. Stop telling us we use more water than you. Everyone uses the ice machine, the water machine, the bathroom.

Linda Provencher-why you did not allow more than 3 minutes to the vendor? The water has been talked to death. They share the water with all the golfers. Green Lion is very successful. John Netts loved this place.

Scott Fox-why have this as an agenda item and then not allow those in the agreement to speak more? They turned it into a destination. They benefit Palm Coast. Look at the sales tax they provide to the City.

Attorney Borkert-provided legal overview to the negotiations with Green Lion's attorney, and taxes on City property. The city is tax-exempt. Two weeks ago, I was informed that he was no longer engaging with discussions on this issue. A court decision regarding golf course and management agreements is pending at the Florida Supreme Court. There were changes made to the agreement due to this pending case as well as language regarding criminal activity clauses regarding the tenant.

Council held additional discussions on this item.

CM Danko requested consensus to go back to Mr. DeLorenzo to continue negotiations.

Mayor Alfin-read into the record a prepared statement regarding the Green Lion. Passed gavel to make motion to approve agreement with the addition of the sharing of water utility and for the Green Lion to execute within 10 days; seconded by Fanelli.

Pass

Motion made to approve as amended by Mayor Alfin and seconded by Council Member Fanelli III

Approved - 4 - Mayor David Alfin, Vice Mayor Eddie Branquinho, Council Member Ed Danko, Council Member John Fanelli III

9. RESOLUTION 2022-XX AN AMENDMENT TO THE TOWN CENTER AT PALM COAST DEVELOPMENT OF REGIONAL IMPACT DEVELOPMENT ORDER

R20220076

Attorney Borkert read the title into the record.

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

Ms. Borkert reminded Council this is a quasi-judicial item and called for any ex-parte communications. There were none.

Council held a discussion on this item.

The applicant, Mr. Jeff Douglas provided a brief overview to this item.

*Public Comments:
There was none.*

Pass

Motion made to approve by Council Member Danko and seconded by Council Member Fanelli III

Approved - 3 - Mayor David Alfin, Council Member Ed Danko, Council Member John Fanelli III

Denied - 1 - Vice Mayor Eddie Branquinho

H. ORDINANCES FIRST READ

10. ORDINANCE 2022-XX AMENDING THE TOWN CENTER AT PALM COAST MASTER PLANNED DEVELOPMENT-DEVELOPMENT AGREEMENT

Attorney Borkert read the title into the record. Clarified the title as it is the 1st amendment not the 3rd and will have title updated. Reminded Council this is a quasi-judicial item and called for any ex-parte communications. There were none.

Mr. Papa presented this item under the previous item.

*Public Comments:
There were none.*

Pass

Motion made to approve by Council Member Danko and seconded by Council Member Fanelli III

Approved - 3 - Mayor David Alfin, Council Member Ed Danko, Council Member John Fanelli III
Denied - 1 - Vice Mayor Eddie Branquinho

11. ORDINANCE 2022-XX TOWN CENTER TRACTS 16 & 17 FUTURE LAND USE MAP AMENDMENT- APPLICATION #5080

Ms. Borkert read the title of this item into the record and reminded Council that this is a legislative item.

Mr. Ray Tyner and Ms. Jordan Myers presented to Council on this item.

Public Comments:
There were none.

Pass
Motion made to approve by Council Member Danko and seconded by Council Member Fanelli III

Approved - 3 - Mayor David Alfin, Council Member Ed Danko, Council Member John Fanelli III
Denied - 1 - Vice Mayor Eddie Branquinho

12. ORDINANCE 2022-XX OLD KINGS ROAD MULTI-FAMILY REZONING- APPLICATION #5059

Attorney Borkert read the title of this item into the record and reminded Council this is a quasi-judicial item. Called for any ex-parte communications.

CM Danko and CM Fanelli stated they each received an email and will base their decisions on what is presented today.

Mr. Ray Tyner and Ms. Jordan Myers presented to Council on this item.

The applicant, Bob Million presented to City Council.

Public Comments:
There were none.

Mayor Alfin passed gavel to second the motion. Provided a statement on his concerns for growth in Palm Coast.

Pass
Motion made to be approved on first reading by Council Member Danko and seconded by Mayor Alfin

Approved - 3 - Mayor David Alfin, Council Member Ed Danko, Council Member John Fanelli III
Denied - 1 - Vice Mayor Eddie Branquinho

13. ORDINANCE 2022-XX AMENDING SECTION 2-1 (b) CITY OF PALM COAST CORPORATE SEAL; LOGO; USE OF, CODE OF ORDINANCES OF THE CITY OF PALM COAST

Attorney Borkert read the title into the record.

*Public Comments:
There were none.*

Pass
Motion made to be approved on first reading by Vice Mayor Branquinho and seconded by Council Member Danko

Approved - 4 - Mayor David Alfin, Vice Mayor Eddie Branquinho, Council Member Ed Danko, Council Member John Fanelli III

I. CONSENT

14. RESOLUTION 2022-XX APPROVING THE FISCAL YEAR 2023-2025 LOCAL HOUSING ASSISTANCE PLAN (LHAP) FOR THE STATE HOUSING INITIATIVES PARTNERSHIP (SHIP) PROGRAM

R20220083

Pass
Motion made to be adopted on consent by Vice Mayor Branquinho and seconded by Council Member Danko

Approved - 4 - Mayor David Alfin, Vice Mayor Eddie Branquinho, Council Member Ed Danko, Council Member John Fanelli III

15. RESOLUTION 2022-XX APPROVING THE SECOND AMENDMENT TO THE INTERLOCAL AGREEMENT WITH FLAGLER BEACH RELATING TO POTABLE WATER SALE AND SHARED UTILITY CUSTOMERS

R20220081

Pass
Motion made to be adopted on consent by Vice Mayor Branquinho and seconded by Council Member Danko

Approved - 4 - Mayor David Alfin, Vice Mayor Eddie Branquinho, Council Member Ed Danko, Council Member John Fanelli III

16. RESOLUTION 2022-XX APPROVING A WORK ORDER WITH MCKIM & CREED, INC., FOR DESIGN AND CONSTRUCTION ENGINEERING SERVICES FOR THE WTP #1 WELLFELD EXPANSION, EQUIP WELLS SW-1R, SW-2, SW-3 & NEW RAW WATER MAIN

R20220078

Pass

Motion made to be adopted on consent by Vice Mayor Branquinho and seconded by Council Member Danko

Approved - 4 - Mayor David Alfin, Vice Mayor Eddie Branquinho, Council Member Ed Danko, Council Member John Fanelli III

17. RESOLUTION 2022-XX APPROVING PIGGYBACKING THE FLORIDA STATE TERM CONTRACT NO. 15100000-19 WITH KIMBLE'S AVIATION LOGISTICAL SERVICES FOR THE PURCHASING OF FUEL PRODUCTS FOR THE CITY'S FLEET AND EQUIPMENT

R20220077

Pass

Motion made to be adopted on consent by Vice Mayor Branquinho and seconded by Council Member Danko

Approved - 4 - Mayor David Alfin, Vice Mayor Eddie Branquinho, Council Member Ed Danko, Council Member John Fanelli III

J. PUBLIC PARTICIPATION

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

John Lulgjuraj-discussed his background and his thoughts on business partnerships and related this to the City and its relationship with the Green Lion.

Alan Lowe-procedural question. Earlier in public comments, the SJRWMD spoke and the three-minute timer was not set, and the Green Lion was not provided additional time to speak.

Steve Carr-the comprehensive plan. How do we fix nuisance issues in the future, after development? Florida Park Drive issues with health and safety for the residents.

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

VM Branquinho-believes Nikki White is doing a phenomenal job. Two candidates for this office-I appreciate your fortitude. Be honest and use your perseverance for this City. Keep up with clean campaigns.

*CM Fanelli-thanked John for coming today to comment on the Green Lion.
Appreciate his comments.*

Mayor Alfin presented the Food-A-Thon video.

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

Governor signed HB 105 restricting smoking on beaches and parks.

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

Reporting on Emergency and Sole Source purchasing.

*Utility project on Florida Park Drive. Alex Blake presented a map and overview
to the Utility project on Florida Park Drive being closed at Faraday for the next
four months.*

18. REPORTING OF EMERGENCY AND SOLE SOURCE PURCHASES FOR MAY 2022

N. ADJOURNMENT

The meeting was adjourned at 12:55 p.m.

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