



**City of Palm Coast**  
**Agenda**  
**COUNCIL BUSINESS**  
**MEETING**  
**MINUTES**

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

**Mayor David Alfin**  
**Vice Mayor Ed Danko**  
**Council Member Theresa Carli**  
**Pontieri**  
**Council Member Cathy Heighter**  
**Council Member Nick Klufas**

---

**Tuesday, January 17, 2023**

**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 Council 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 6:00 p.m.*

**B. PLEDGE OF ALLEGIANCE TO THE FLAG**

**C. ROLL CALL**

*City Clerk 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.

Public Comments:

Joe Runac-Happy New Year and welcome to the new members. Discussed the potential cell tower to be located at 7 Clubhouse Dr.

Ceila Pugliese-Spoke on streets. Roads are being created with consideration for the residents safety. Sidewalks for safety.

Bruce Stone-We have been discussing streets and safety for two years. Safety on street-Cimmaron, Frontier, etc. Received email from the City engineer that there is not a problem on Cimmaron.

Steve Carr-Al Krier was quite the warrior for his neighborhood safety (Cimmaron). We take studies and try to fit them to our liking. Applying it to a neighborhood that it really does not apply to. FDOT has many policies regarding street and many cities have adopted those

policies and they cannot be all that bad. As far as the new WAWA project, he would challenge the City to go back to at least 2013, pull all the newspaper complaints about the traffic on Florida Park Drive. Why have those complaints sort of disappeared? They have been ignored. So when the City gets to the point where they are just going to ignore people, naturally they are not going to come up and start complaining anymore. Go back and see how many complaints you got. There are a lot. There are still a lot of people on Florida Park Dr. that complain about the traffic. It is not just a speeding issue but a health issue. Just asking you to do the research.

Chip Howden-Discussed tax bills and transfer of general funds to streets. We own and maintain our roads in the CDD. The City uses our roads for Emergencies and Utilities and solid waste collection. Yard waste pick up is once per week. The City used to have an Agreement with Waste Pro to pick up yard waste after hurricanes. I understand that has gone away. I understand after Ian, the City used its crews to pick up excess yard waste. However, the City denied our district picking up the excess yard waste for the mere apparent reason that we own and maintain our roads. Not reasonable. I see it as political. I would like to know what other comment I can take back to the other 3,000 registered voters in my district.

George Mayo-Happy New Year to everyone. Discussed the lunch and learns at the Community Center. This past week you had Carol Mini, City Arborist there. Just wanted to thank you for doing these events. While I was there, I tried to call a friend of mine, less than a half mile away, could not get through. The week before I was at CVS and the call drop. Cell service in that area at best is spotty and worst is semi ridiculous. Supports the cell tower off of Clubhouse Dr. Also, would not mind if City purchased lot next to him to put up a cell tower. WastePro has done an excellent job in our area, and I hope if the new company coming in does just as good and if not maybe we can look back to WastePro.

## **E. MINUTES**

- 1. MINUTES OF THE CITY COUNCIL:  
DECEMBER 13, 2022 WORKSHOP  
DECEMBER 13, 2022 BUSINESS MEETING  
JANUARY 10, 2023 WORKSHOP**

### **Pass**

**Motion made to approve by Vice Mayor Danko and seconded by Council Member Klufas.**

**Approved – 5 Mayor David Alfin, Council Member Carli Pontieri, Vice Mayor Ed Danko, Council Member Heighter, Council Member Klufas**

**F. PROCLAMATIONS**

**2. PROCLAMATION - JANUARY AS STALKING AWARENESS MONTH**

Items 2 and 3 were presented to representatives of the Family Life Center by Mayor Alfin and Council Member Carli Pontieri.

**3. PROCLAMATION - JANUARY AS HUMAN TRAFFICKING AWARENESS MONTH**

This item was presented simultaneously with item 2 by Council Member Carli Pontieri.

**G. ORDINANCES FIRST READ**

**4. ORDINANCE 2023-XX HARBORSIDE MPD – APPLICATION # 5132**

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

Mr. Tyner provided a handout to attach to the minutes relating to the education and qualifications of staff that handled this application.

Council held a lengthy discussion on this item.

Mr. Livingston, Applicant’s attorney, Mr. Terik Bateh, and Laura Duchip, Planning Expert for the Applicant, presented to Council and provided several handouts, which are attached to these minutes.

Public Comments:

Vince Coletti-resident of 23 years living in Marina Cove. Discussed the density of the project and the good part of the plan was that the high-rise level has been changed. The restaurant mentioned from St. Augustine is a very good restaurant. Main concerns are density and traffic. What will the increase in traffic be? The building in the middle would be a good hotel. What about the hundred-year tree that is outside my door that I look at every day. Please go visit the site.

Alan Lowe-discussed the Marina and the bad shape it is in. Rumor is that the owner of the Marina is willing to sell and the City should get right of first refusal-the City should refuse it. It is in bad shape. Suggested a few changes to the proposal and thinks Council should sit back on the project for a while. He is in favor of Economic Development, but they reduced commercial land down to residential.

Celia Pugliese-lives in the project area. Was here in 2005 was this project passed with flying colors and Centex promised a hotel, two restaurants, and condos. Centex flew the coop. Please vote no. We do not need anymore traffic.

Jack Dixon-lives at Waterside Condominiums. The residents understand the Developer is seeking a rezoning. We are concerned with parcels 2 and 3 of the proposed plan. The density currently proposed is extraordinarily high at 26 units per acre. The proposed should be unacceptable and it is incompatible with the surrounding areas. Respectfully requesting denial to the proposed application.

Mike Solaro-concerns are how many bedrooms are these 54 extra units going to be. You will have more traffic and increase to children going to school. The hotel is a better idea and traffic would be less. A positive would be a bed tax and more jobs. People would have to work at the hotel.

Cliff Germano-spoke against this item. Not against development, without development none of us would be here. Issue is density.

Tom Fusello-Boat owner who is concerned about the Marina. If the parcel break up is done, the parcels could be sold separately. If the City has right of first refusal and does not want the Marina, then what happens? We need the Marina to stay. Spoke of traffic concerns. This needs to be approved and designed appropriately.

Amy Lewskowski-real estate broker who purchased in this area. We pay more taxes to reflect higher values. We pay a lot more to live in resort style neighborhood. This project for developer is about profit.

Ken Polowski-Waterside resident. Does not oppose development. However, the proposed plan is too large and too tall. It will be too incongruent with the area. It is too dense.

Irene Belyavil-opposes the density. Has traffic concerns. There is only one entrance into the project area. We need another entrance/exit.

Mr. Greg Blose-President of the Chamber of Commerce provided a handout, which is attached to these minutes. Supports this project. Provided facts from a bank, the City Ordinances and Resolutions and the impact to Economic Development.

Tom Hellman, President of Palm Coast Resort Condominium Board of Directors-represents the Board today to indicate the Board's consent for the conceptual plan for the site.

Scott Campion-on Board of European Village. The Board supports the project.

John Mueller-resident of Palm Coast Resorts. The Board does support the project. However, the residents of PC Resorts (77%) oppose the project. The density is too high.

Bob Crosetta- President of Waterside Condominium-has lots of experience with PnZ (Planning and Zoning) Boards. Spoke of the City's Comprehensive Plan and this project. An apartment complex is not compatible with this area.

Elaine R from Palm Coast Resort-supports the project but not the high density.

Tim Donahue-lives in C section but walks by this area daily for over ten years. Attended Citizen's Academy a few years ago and was very impressed with the way government is run here and very impressed with the competence and professionalism with your staff. Listen to your staff as they have the training and experience and have the citizens at heart.

Lumino-resident since 2010 and invested in European Village. Supports the project. You cannot stifle growth. Questioned the idea of a hotel since European Village is right down the street.

Dennis Ryan-lives in Waterside-everyone agrees with development but gets the sense is that we need to keep our eye on the ball regarding density. Don't fall for their threats.

Further discussions were held by the Applicant and City Council.

CM Carli Pontieri motioned for the Applicant to meet with staff to come to an agreement.

Attorney Borkert added procedural processes regarding approval or denial of this item.

City Manager confirmed the next day, if continued, would be the March 7 meeting. Requested if staff and the Applicant were ok with this date.

Mr. Pateh suggested to Council that the procedural option for Council today is to vote to approve as presented, vote to deny as presented, or vote to approve with conditions. We respectfully request Council approve as presented. However, barring that, we ask that you vote to approve with conditions. We will certainly continue with dialogue with staff to see if we can come to an agreement.

Attorney Borkert, for the record, explained to Council they have another option to continue the item, not just the three options presented by the Applicant.

Mr. Pateh stated it is his opinion that they can request a yes, no vote or a continuance. Applicant thinks he can reject a continuance, does not think there is value in a

continuance. Mr. Pateh also stated if in talks with staff, staff maintains their position regarding 310 units or less, than there is nothing for us to discuss.

Council recessed at 1:25 pm and will reconvene at 1:45 pm.

Meeting called back to order at 1:55 pm.

Attorney Borkert provided an overview to the Staff and Applicants brief meeting to discuss and work on the language in the Agreement to meet in the middle. When Council broke for recess, there were no motions on the table. Applicant is requesting in order to further work on the Agreement, Council approve on first reading today with conditions that staff and the Applicant to further work on the density number and the conditions associated with the additional density in the Agreement.

Mr. Livingston confirmed the motion the Applicant anticipates.

**Motion made to conditionally approve based on the representation from the Applicant and the City staff that we are not agreeing to the proposed density from the Applicant and that the Applicant and City staff are going to work on the standards and such intent and come back to us with essentially this same proposal but with the compromised changes on February 7, 2023 by CM Carli Pontieri and seconded by Vice Mayor Danko.**

**Approved - 5 - Mayor David Alfin, Council Member Carli Pontieri, Vice Mayor Ed Danko, Council Member Heighter, Council Member Klufas**

## H. RESOLUTIONS

### 5. RESOLUTION 2023-XX APPROVING THE FINAL PLAT FOR SAWMILL BRANCH AT PALM COAST PARK PHASE 2A (AR #5105)

Attorney Borkert read the title into the record. Mr. Tyner and Ms. Estelle Lens presented to Council on this item.

After the presentation, Attorney Borkert called for any ex parte communications on this quasi-judicial item. CM Carli Pontieri declared she was reached out to, but that communication would not affect her decision today.

Public Comments:

There were no public comments.

**Pass**

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

**Approved - 5 - Mayor David Alfin, Vice Mayor Ed Danko, Council Member  
Theresa Carli Pontieri, Council Member Heighter, Council Member Nick Klufas**

**6. RESOLUTION 2023-XX APPROVING A FEDERALLY FUNDED SUBAWARD AND GRANT  
AGREEMENT WITH FLORIDA DEPARTMENT OF EMERGENCY MANAGEMENT (FDEM)  
RELATING TO HURRICANE IAN EXPENSES**

Attorney Borkert read the title into the record. Ms. Alves provided a brief overview to Council on this item.

Public Comments:  
There were none.

**Pass**

**Motion made to approve by CM Carli Pontieri and seconded by Council Member  
Heighter**

**Approved - 5 - Mayor David Alfin, Vice Mayor Ed Danko, Council Member  
Theresa Carli Pontieri, Council Member Heighter, Council Member Nick Klufas**

**7. RESOLUTION 2023-XX APPROVING THE ACCEPTANCE OF THE U.S. DEPARTMENT OF  
HOMELAND SECURITY ASSISTANCE TO FIREFIGHTERS GRANT**

Attorney Borkert read the title into the record. Chief Berryhill presented to Council on this item.

All of Council presented their gratitude and appreciation for the work that the Fire Department does for our community.

Public Comments:  
There were none.

**Pass**

**Motion made to approve by Vice Mayor Danko and seconded by Council Member  
Carli Pontieri**

**Approved - 5 - Mayor David Alfin, Vice Mayor Ed Danko, Council Member  
Theresa Carli Pontieri, Council Member Heighter, Council Member Nick Klufas**

**8. RESOLUTION 2023-XX APPROVING A CONTRACT WITH TAYLOR ENGINEERING FOR THE  
SALTWATER CANAL STUDY PHASE I**

Attorney Borkert read the title into the record. Mr. Carl Cote explained there were no updates since last presented to Council at the previous workshop.



CM Carli Pontieri encouraged staff speak with Taylor Engineering suggesting other funding sources other than FIND as we move forward with this process.

Public Comments:

There were none.

**Pass**

**Motion made to approve by Council Member Carli Pontieri and seconded by Vice Mayor Danko**

**Approved - 5 - Mayor David Alfin, Vice Mayor Ed Danko, Council Member Theresa Carli Pontieri, Council Member Heighter, Council Member Nick Klufas**

**I. CONSENT**

**Pass**

**Motion made to approve by Council Member Klufas and seconded by Vice Mayor Danko for items 9, 10, 11, 13, and 14.**

**Item 12 was requested to be discussed individually.**

Public Comment:

There were none.

**Pass**

**Motion made to approve by Council Member Carli Pontieri and seconded by Vice Mayor Danko**

**Approved - 5 - Mayor David Alfin, Vice Mayor Ed Danko, Council Member Theresa Carli Pontieri, Council Member Heighter, Council Member Nick Klufas**

- 9. RESOLUTION 2023-XX APPROVING THE THIRD AMENDMENT TO THE COMMUNICATIONS SITE LEASE AGREEMENT WITH METROPCS, FLORIDA, INC., AT RALPH CARTER PARK**
- 10. RESOLUTION 2023-XX APPROVING AMENDMENTS TO THE FEDERAL FISCAL YEAR (FFY) 2017, 2018, 2019, & 2020 CDBG ANNUAL ACTION PLANS**
- 11. RESOLUTION 2023-XX APPROVING THE AFFORDABLE HOUSING INCENTIVES REPORT-2023 FOR THE STATE HOUSING INITIATIVES PARTNERSHIP (SHIP) PROGRAM AND THE (LHAP) PLAN**
- 12. RESOLUTION 2023-XX APPROVING A WORK ORDER INCREASE FOR ADDITIONAL COSTS RELATED TO E-SECTION WEST DRAINAGE REHABILITATION PROJECT**

This item was requested to be pulled by CM Carli Pontieri to discuss further.

CM Carli Pontieri expressed her concerns she had at the workshop in detail regarding the additional expense and work order. CM Carli Pontieri also stated the City should be able to hold the vendor to the original pricing after she reviewed the contract. CM Carli Pontieri's concerns are two-fold, one that the City is not holding vendors to contracts to work orders once they're quoted based on what should be visual work site conditions and two that the City is not holding them to the price schedule that the parties agree upon. Believes the City is setting a bad precedent to allow vendors to either underbid or not go to work sites and then just expect us to write an additional check of taxpayer dollars. CM Carli Pontieri's opinion is that the vendors should do the job the right way for the amount that they gave us.

Public Comment:

There were none.

Attorney Borkert requested to the Mayor, any motion for approval include that the scope of work is updated to fix the air from a six inch water main to an eight inch. Council Member Klufas stated in his motion to move to approve consent Item number 12 with the updates pending from the six inch pipe to the eight inch pipe.

**Pass**

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

**Approved - 4 - Mayor David Alfin, Vice Mayor Ed Danko, Council Member Heigher, Council Member Nick Klufas**

**Opposed- 1- Council Member Theresa Carli Pontieri**

- 13. RESOLUTION 2023-XX APPROVING A MASTER SERVICES AGREEMENT WITH PBM CONSTRUCTORS, INC., FOR THE UPGRADES OF TWO AGING PUMP STATIONS**
- 14. RESOLUTION 2023-XX APPROVING PIGGYBACKING THE ORANGE COUNTY CONTRACT WITH ENVIRONMENTAL OPERATING SOLUTIONS, INC., FOR THE PURCHASE OF MICROC 2000**

**J. PUBLIC PARTICIPATION**

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

Public Comments:

There were none.

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

CM Klufas-just wanted to thank the Mayor and all the pickle ballers and James Hirst for the awesome pickleball tournament. For the Mayor's 30 30 challenge was great. We finished third. We're going to get our belt back next year, but I just want to thank everybody for coming out there and even though it was cold, it was nice.

Mayor Alfin- My comment is very brief. City manager, I want to thank your staff for the endurance they showed in the amount of work they put into today's presentations. I also, even though I don't have many of the public left, I want to thank the public. So, I think that we have had a very robust discussion on a very complicated subject, and I would say that this is in my opinion, the way good governance can work. And I applaud each of you for your role in today's discussion. I'm very, very pleased with the way that we're able to move through a difficult, difficult problem. So, thank you all.

**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 spoke on the Emergency and Sole Source Purchases.

**15. REPORTING OF EMERGENCY AND SOLE SOURCE PURCHASES FOR DECEMBER 2022**

**N. ADJOURNMENT**

The meeting was adjourned at 2:30 p.m.

Respectfully Submitted by:  
Virginia A. Smith, MMC/CP  
City Clerk

Residents follow up after today's meeting for City Council:  
Chip Howden-Yard debris cleanup after a hurricane