



**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 Ed Danko
Council Member Cathy Heighter
Council Member Nick Klufas
Council Member Theresa Pontieri**

Tuesday, April 4, 2023

6:00 PM

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 6:00 p.m.

B PLEDGE OF ALLEGIANCE TO THE FLAG AND A MOMENT OF SILENCE

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.

This item was opened after items 1-6.

Joanne Campos-created a social group when my husband passed away. The club has 75 members. Her job is to find events for this club. Issue with finding transportation. The Historical Society can no longer get a bus from the County Transportation Department. Why can't we do this anymore?

Andrew (did not provide last name)-spoke on allowing chickens in the backyards within City limits. Reclassify chickens as domestic fowl. Requesting what the process would be to change the regulations regarding chickens.

Philip Lowe-wants to move to a less populated area on Old Kings North and put in a barn and regulations for such.

Sky Burn-chickens to be allowed in the limits of Palm Coast.

Vince Ligouri-when we were unincorporated, we allowed all kinds of animals, that is why we incorporated so we did not have to deal with farm animals. Also, requested a change to wildfire mitigation and just state anything over 3 ft. should be cleared.

Bruce Stone-Cimmaron Drive. City traffic engineer stated no speeding is going on; went to courthouse and they did a screen report and stated they are issuing many tickets on Cimmaron.

Loretta Suley-consider putting back in cameras for red lights. Traffic is horrible.

Robert MacDonald-\$100K, golf course, Holland Park, new community center pickleball court, Council raises. Each has caused the taxpayers \$100K plus. Pleaded with Council to put in safety cameras at the parks.

Steve Carr-a service provider stated he will no longer service yards on the east side as it is too dangerous.

James (did not provide last name)-\$85k for a resiliency officer. We need money for our streets. Mobility scooter and signage on our multi-purpose trails. Island Walk 3 way stop signs.

Josh Fagan-chickens to be added to backyards for Palm Coast.

Charlene Warner-chickens.

Gary Kunnas-grass being dumped into the canals.

Ginny Arroyo-chickens and turkeys with babies running around. They are bigger birds. I had chickens in NY, they are quiet. There are food shortages, it would be wise to allow chickens in a proper cage.

E PROCLAMATIONS

1 PROCLAMATION - APRIL 2023 AS AUTISM ACCEPTANCE MONTH

Mayor Alfin presented this Proclamation to representatives and participants of the Palm Coast Support Group for Autism.

2 PROCLAMATION - APRIL 2023 AS CHILD ABUSE PREVENTION MONTH

This item was heard after item 5.

Council Member Pontieri presented this Proclamation to a representative from the Office of Child & Family Well-Being Northeast Region.

3 PROCLAMATION - APRIL 2023 AS WATER CONSERVATION MONTH

This item was heard prior to Item 2.

Mayor Alfin presented this Proclamation to a representative from St. Johns River Water Management District and Garann Hopkins representing the Utility Department.

4 PROCLAMATION - APRIL 2023 AS COMMUNITY VOLUNTEER MONTH

This item was heard after item 3 as scheduled.

Council Member Heigher presented this Proclamation to representatives of the Flagler Volunteer Services.

5 PROCLAMATION - APRIL 2023 AS DISTRACTED DRIVING AWARENESS MONTH

This item was heard after item 3.

Mayor Alfin presented this Proclamation to representatives from the Florida Department of Transportation.

6 PROCLAMATION - THE WEEK OF APRIL 9, 2023, AS NATIONAL PUBLIC SAFETY TELECOMMUNICATORS WEEK

Council Member Klufas presented this Proclamation to representatives of the Flagler County Sheriff's Office Telecommunicators Division.

F MINUTES

**7 MINUTES OF THE CITY COUNCIL:
MARCH 21, 2023, BUSINESS MEETING
MARCH 28, 2023, SPECIAL BUDGET WORKSHOP**

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 Nick Klufas, Council Member Theresa Pontieri, Council Member Cathy Heigher

G ORDINANCES FIRST READ

8 ORDINANCE 2023-XX VOLUNTARY ANNEXATION OF AN APPROXIMATELY 62.1 ACRE PARCEL GENERALLY LOCATED ON THE EAST SIDE OF OLD KINGS ROAD APPROXIMATELY 2.5 MILES SOUTH OF STATE ROAD 100

City Attorney Borkert read the title into the record.

Matt Laudi, on behalf of the applicant, provided a handout to City Council on his presentation to Council.

Topics discussed: Advantages to annex into the City, Utility rates outside of city limits, increase in tax revenues as an advantage, lack of commercial piece, entitlements under the PUD.

Applicant stated they would like to annex into the City to utilize City requirements, not County requirements.

Public Comment

Robert MacDonald-question to Fire Chief, how much more of a fire load will this put on our firefighters. Local response time from closest station?

Charlie Faulkner-Flagler Beach Polo Club W representative spoke of the current project and entitlements if annex.

Vincent Ligouri-what and who is paying the taxes? How can they present what the taxes will be at this time?

Thomas Cook-current Board Member of the Flagler Beach Polo Club W-reached out to the applicant several years ago when they were going to the County to development to work with us. No olive branch extended from the owner or acceptance to meet. Then found out the Developer had a TRC meeting with the County with a completely different proposed Development. The Polo Club is entitled to some of the entitlements and amenities in the PUD.

Charles Hanger-spoke of the project in opposition. Been through quite a few hurricanes since 1979, one of my concerns is what is the egress access to this community?

Sally Arnold-citizens monitoring development-focused on the SE quadrant of Palm Coast. This is in the heart of what we have been following. Who bears the cost to bringing utilities that far south? Design firm-which design firm? Radiance is right across from the entrance to the Polo Club. Who is paying for the pipes? Colbert Landings has a new owner.

Council held additional discussion on annexing. Topics discussed: Has County denied their development-why run to City?

Adam Mengel from the County was available in the audience.

Motion to table the item was made by Council Member Danko and Council Member Pontieri seconded until we get answers from staff with readvertises the item until a meeting can help. Motion passed unanimously.

H RESOLUTIONS

9 RESOLUTION 2023-XX APPROVING THE CITY COUNCIL MEETING INVOCATION POLICY

City Attorney Borkert read the title into the record. Attorney Borkert provided the changes suggested by Council and as discussed with Council Member Pontieri.

Council held a discussion on the case law; Clerk validates the requestor is within Flagler County-how is the Clerk qualified to determine if the requestor is a valid requestor, religious leader definition, threshold for congregation totals.

The Mayor shared how he uses the moment of silence to pray for many.

Public Comment

Robert MacDonald-has gone to mass for over 70 years. Holds two places sacred-the church of your choice and your firehouse. This room is not meant for prayer.

Paul Montana-very sad to be here to have to vote to open a Council meeting. We are in a spiritual battle of good versus evil. In favor of prayer to open these meetings.

Mike McElroy-sent a letter to City Council, in favor of invocation.

Caroline Guggenheim-the enemy, satan has succeeded in taking prayer out of schools; supports prayer at beginning of Council meeting.

Maria Somers-supports invocation for the beginning of the Council meetings.

Joseph Farvosky-show leadership, as you go so goes Palm Coast, supports prayer. State meetings are opened with prayer.

Gerry Zuger-don't we pray for our children in many ways? Supports prayer at Council meetings.

Bonnie Henry-church would invite all members of Council to the church events. Your position is important, and she supports prayer.

Nancy Earhart-supports prayer.

Leona Montefiore-supports prayer.

Trevor Nunez-supports separation of church and state. Clarified the facts surrounding the Constitution and the Pledge of Allegiance. Changing the moment of silence to the religious invocation could violate rights.

Dave Lynn-supports prayer.

Vince Ligouri-who would possibly object to prayer to God? Our pledge mentions God, our money has God, all but 4 states have God in their constitutions.

Mary Hampton-supports prayers, spiritual values.

Joel Davidson-supports invocation to begin meetings.

Ed Shah-supports prayer.

Renee Wickowski-supports prayer.

Ginny Arroyo-supports prayer.

*Frank Gerhart-family came to America in 1503 due to religious persecution.
Supports prayer.*

Alan Lowe-supports invocation/prayer.

Kelly Dories-supports prayer.

Carol Shaw-agrees with previous speaker and supports prayer.

*Rabbi Shapiro-stressed importance of prayer before your meetings in private.
Opposes the invocation at public meetings.*

*Jaden Chavez-we use prayer when there are natural disasters. Prayer is very
important. We have the right to pray. Sad to stand here and state we have the
right to pray, etc. Supports prayer.*

Carol Gunthorpe-opposes prayer.

Beatrice Enriquez-supports prayer.

*Charles Hanger-provided a neutral opinion on the topic. For and against not a
venue for religious challenges.*

George Somers-supports prayer.

*Charlene Warner-separation of church and state is not in the constitution, it was
a letter.*

Allie Rose-supports prayer.

*Council held further discussion on this item. Topics discussed-the pledge,
money, religious beliefs, separation of church and state, shared opinion from
Speaker of the House from Paul Renner to begin with prayer, personal beliefs of
prayer, division amongst all, battles of good vs. evil, respect all regardless of
religious beliefs, moment of silence versus invocation, bibles are allowed in
school, potential lawsuits with prayer and invocation, and that the vote today
does not represent what bucket you are in personally regarding invocation vs. a
moment of silence.*

Council Member Danko made a motion to approve the resolution for the invocation policy (as clarified by the City Attorney). The motion died for a lack of a second.

Council Member Pontieri appreciated one of the comments made regarding the length, made a motion to have the moment of silence be extended, which was seconded by Council Member Klufas.

Opened up again for follow up Public Participation on the newly presented motion.

Charles Hanger-thanked Council for this difficult situation. Asked if you can remember when John F. Kennedy, Martin Luther King, Jr., and Robert F. Kennedy were shot and what you were doing. He remembers when they took prayer out of the schools. He would like to see Council open with public participation first.

The motion was to have the moment of silence extended to one minute. Motion passed 4 to 1, with Council Member Danko dissenting.

10 RESOLUTION 2023-XX APPROVING ADDITIONAL EXPENSES RELATED TO THE BELLE TERRE PATHWAY/BRIDGE REHABILITATION PROJECT

R20230040

City Attorney Borkert read the title into the record.

Mr. Carmelo Morales presented to Council on this item.

Council held discussion: Topics included: contingency amounts requested, Change Order #3 issues, alternate pricing, length of construction, where are the deficit funds budgeted, remainder of loan dollars.

Public Comment

Robert MacDonald-contract executed to do this project. This is the second time someone came in to do this project. There are 5 increases. When will this project be finished? Make company to be held responsible.

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 Nick Klufas, Council Member Cathy Heighter

Denied - 1 - Council Member Theresa Pontieri

11 RESOLUTION 2023-XX APPROVING FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) LOCAL AGENCY PROGRAM (LAP) AGREEMENT FOR CONSTRUCTION OF WHITEVIEW PARKWAY SAFETY IMPROVEMENTS

R20230037

City Attorney Borkert read the title into the record.

Mr. Carl Cote presented on this item.

Council held a discussion. Topics included: timing of funding and beginning of construction, clarifying lanes, addition of a fire station in that area, construction timing with the next item regarding development.

*Public Comment
There were none.*

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 Nick Klufas, Council Member Theresa Pontieri, Council Member Cathy Heigher

12 RESOLUTION 2023-XX APPROVING WHITEVIEW MULTI-FAMILY APARTMENTS MASTER SITE PLAN APPLICATION NO. 5216

R20230036

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

Mr. Bill Hoover presented to Council on this item.

Curt Wimpee, on behalf of the applicant presented to City Council on this project. MESA Capital Partners have developed across the southeast.

Ray Tyner clarified this is a Master Plan for Council's consideration.

Council topics discussed: rental amounts, more shrubbery to hide street views.

*Public Comment
There were none.*

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 Nick Klufas, Council Member Theresa Pontieri, Council Member Cathy Heigher

I CONSENT

- 13 RESOLUTION 2023-XX APPROVING THE PURCHASE OF THREE ES-354 SCREW PRESSES FOR SLUDGE DEWATERING AT WASTEWATER TREATMENT PLANT 1

R20230038

Pass

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

Approved - 5 - Mayor David Alfin, Vice Mayor Ed Danko, Council Member Nick Klufas, Council Member Theresa Pontieri, Council Member Cathy Heigher

Public Comments
There were none.

- 14 RESOLUTION 2023-XX APPROVING UTILIZING CAPITAL IMPROVEMENT FUNDING WITH ENGINEERED SPRAY SOLUTIONS, INC., FOR GRAVITY PIPE AND MANHOLE STRUCTURAL LINING REHABILITATION ON AN AS-NEEDED BASIS

R20230035

Pass

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

Approved - 5 - Mayor David Alfin, Vice Mayor Ed Danko, Council Member Nick Klufas, Council Member Theresa Pontieri, Council Member Cathy Heigher

Council question on item 14, project costs and an amount not to exceed versus contingency amounts. Mr. Steve Flanagan, Utility Director provided an overview to the question.

Public Comments
There were none.

- 15 RESOLUTION 2023-XX APPROVING PIGGYBACKING THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) APPROVED PRODUCTS LIST (APL) DOT-ITB-23-9037-SJ CONTRACT WITH TEMPLE, INC., FOR THE PURCHASE OF TRAFFIC EQUIPMENT

R20230039

Pass

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

Approved - 5 - Mayor David Alfin, Vice Mayor Ed Danko, Council Member Nick Klufas, Council Member Theresa Pontieri, Council Member Cathy Heigher

Public Comments

There were none.

J PUBLIC PARTICIPATION

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

Robert MacDonald-street between Whiteview and Rymfire, contractor ripping up and replacing concrete slabs on the sidewalk, why do we have to keep replacing these sidewalks? How much does the concrete slabs cost? What is the life expectancy of a slab of concrete?

Ed Fuller-waiting outside for my daughter in law at the Community Center, construction mulch being removed, and it was a hot day, a lady had a great number of birds struggling to get inside, and the worker stopped and helped the lady inside. Autism program at the Community Center is great. They do an amazing job. A gentleman knocked on his door, his name was Noah, and explained who he was and what he was there to do, was impressed by this worker.

K DISCUSSION BY CITY COUNCIL OF MATTERS NOT ON THE AGENDA

Council Member Pontieri-thanked Mr. Fuller for his thanks to staff, speeding issues-working on it in SAP process, chickens and a policy, cameras at our parks and we take safety very seriously, infrastructure projects.

Council Member Heigher-service dogs for individuals that use service dogs, restaurants have been denying or seating in particular spaces. Would like to bring some awareness to the business owners and community aware.

Council Member Klufas-cameras in the park and all the access provided to the Flagler County Sheriff's office. There is safety in our parks.

Mayor Alfin-thanked staff for all their time doing these items.

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

Nothing at this time.

N ADJOURNMENT

The meeting was adjourned at 10:25 p.m.

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

16 AGENDA WORKSHEET AND CALENDAR