



**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, May 16, 2023

9:00 AM

COMMUNITY WING

City Staff

Denise Bevan, City Manager

Neysa Borkert, City Attorney

Kaley Cook, Deputy 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>.
- 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 a.m.

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

C ROLL CALL

Deputy City Clerk Kaley Cook 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.

Mayor Alfin provided the procedure for public comment.

Marion (no last name provided), neighborhood watch leader in the R-Section, spoke about Ralph Carter Park and issues with the stadium lighting.

Harold Sankey shared concerns regarding Ralph Carter Park.

Robert MacDonald spoke about the cost of replacing concrete slabs including who is performing the work, cost, and payment. Mr. MacDonald shared that he hasn't received a response to his prior questions and request to see a copy of the bill.

Rich Gellner asked for direction signs for open houses and provided suggestions for acceptable timing.

Luke Blaser shared that he represents 50 families who stand against the Seminole Woods FLUM and Rezoning.

Jamaris Dornan shared compliments and a positive message for Council.

Steve Carr spoke about health risks of homes close to traffic.

Bruce Stone spoke about traffic concerns on Cimmaron Drive.

Jeffrey Seib spoke about proposed fees to utility bills, parks, facilities, and stormwater that need to be addressed. Mr. Seib shared that now is the time to fund these departments properly and provided suggestions for funding.

Dennis McDonald spoke about a public records request for Mr. DeLorenzo's phone records and asked that the proper information be provided. Additionally, Mr. McDonald spoke about Wawa and commercial space.

Joe Runak spoke about a cell phone tower at 7 Clubhouse Drive and road conditions on Palm Coast Parkway that need to be addressed.

Vice Mayor Danko spoke about public comments regarding signage and allowable time for use. Vice Mayor Danko asked for consensus for Attorney Borkert to draw up language for allowable timing for signage.

Mayor Alfin asked if Vice Mayor Danko is willing to request that Ms. Bevan bring this forward at a workshop.

Vice Mayor Danko was amenable to the recommendation.

City Attorney Borkert shared that we are working on sign code right now.

Ms. Bevan shared the timeline and process for the topic.

Vice Mayor Danko asked if weekend signage would be acceptable.

Mayor Alfin suggested that Council Members reach out individually to the Flagler County Association of Realtors (FCAR) for their position on the topic.

Council Member Pontieri commended staff for taking action on the request.

Mayor Alfin spoke about timeline and discussion at a future workshop to receive input for the process.

Council Member Pontieri commented on Ralph Carter Park globally being looked at and addressed.

Council Member Heighter commented on Ralph Carter Park and shared that we are working on it and trying to find solutions.

Council Member Klufas asked about a corner lot on Palm Coast Parkway that used to be an old SunTrust Building to see if there were any zoning changes.

Council Member Pontieri thanked Mr. Dornan for his comment.

Mayor Alfin responded to Mr. McDonald and shared that he will follow up on the Public Records Request.

Attorney Borkert clarified the details of the request and asked that Mr. McDonald amend the request to reflect what he is asking for.

E MINUTES

**1 MINUTES OF THE CITY COUNCIL:
MAY 2, 2023, BUSINESS MEETING**

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

F PROCLAMATIONS

2 PROCLAMATION - THE WEEK OF MAY 21, 2023, AS PUBLIC WORKS WEEK

Mayor Alfin presented the Proclamation to members of the Public Works Department.

Matt Mancill, Director of Public Works, shared comments and recognized staff. Mr. Mancill shared about a capstone event next week and invited the Mayor and City Council to the 'Touch a Truck' event.

G APPOINTMENT

3 APPOINT ONE MEMBER TO THE CITIZENS ADVISORY COMMITTEE

Virginia Smith, Land Management Administrator, provided a background of the item to Council.

Mayor Alfin shared that he would like to set a precedent for board appointments. Mayor Alfin would like to ensure that Council has a chance to interview potential committee members and provided options for moving forward with the interview and the appointment.

Vice Mayor Danko was in favor of continuing with the item today.

Council Member Pontieri shared comments regarding Council interviews with candidates.

Council Member Heigher would like to ask candidates questions in the future.

Council Member Klufas suggested putting an emphasis on showing up to Council for the appointments and also recommended sharing Council contact information with the candidates.

Mayor Alfin asked Ms. Smith to proceed.

Ms. Smith introduced candidate Mark Stancel, who was in attendance.

Mr. Stancel shared his interest in serving on the board.

Council held a question-and-answer session with the candidate.

Ms. Smith read a letter into the record on behalf of candidate Mr. Dodzik.

Ms. Cook, Deputy City Clerk, provided the outcome of the vote. There were 3 votes to appoint Mr. Stancel to the board and 2 for Mr. Dodzik.

H RESOLUTIONS

4 RESOLUTION 2023-49 APPROVING A LAND DONATION CONTRACT FROM SWEETHOME PROPERTIES, LLC

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

Attorney Borkert read the title into the record.

Virginia Smith, Land Management Administrator, presented the topic to Council.

Topics presented included location and findings.

Mayor Alfin asked about any known expenses.

Ms. Smith shared about the current known expenses.

Public Comment:

There were none.

5 RESOLUTION 2023-53 APPROVING STORMWATER FEE ADJUSTMENTS

Pass

Motion made to approve by Council Member Pontieri and seconded by Council Member Klufas

Approved - 3 - Mayor David Alfin, Council Member Nick Klufas, Council Member Theresa Pontieri
Denied - 2 - Vice Mayor Ed Danko, Council Member Cathy Heigher

Ms. Borkert read the title into the record.

Carl Cote, Director of Stormwater & Engineering, provided a brief background of the item and updates to the item.

Vice Mayor Danko asked if we are we still looking at a 75% increase in 5 years.

Mr. Cote responded yes.

Mayor Alfin reminded Council about the prior discussion on this item and about the language that Council requested be added to the Resolution.

Council Member Pontieri spoke about the future of Stormwater and the needs that our system requires. Additionally, Council Member Pontieri shared about looking at the 5-year plan and that it seems that there are big, and necessary, projects that will be addressed with our taxpayer dollars. Council Member Pontieri proposed language updates to the Resolution related to Consumer Price Index (CPI).

Council Member Heigher agreed with Vice Mayor Danko and stated that a closer look at the increase is needed.

Council Member Klufas shared that a lot of this is due to the end of life of our infrastructure.

Mr. Cote agreed and shared about major failures in the roadways.

Council Member Klufas asked about expense of items and repairs in the 5-to-10-year plan.

Mayor Alfin asked for clarification on Council Member Klufas' comments.

Council Member Klufas asked if there are improvements in the 5-to-10-year plan that are more costly than those being incurred today.

Mr. Cote responded yes and shared details.

Mayor Alfin asked Council if going with a CPI index aligns with what Council is comfortable with.

Council Member Danko shared comments on the topic.

Council Member Pontieri asked when the CPI would start.

Mayor Alfin asked Ms. Bevan for the earliest period that the CPI could be put into place without costing the residents.

Ms. Bevan shared information about the 5- and 10-year plans and the effects the proposed change may have.

Mr. Cote shared information on the topic.

Council Member Pontieri shared that she would like there to be assurances to residents that they are not going to face another increase in 2028.

Council Member Klufas reminded Council how much things can change over a few years.

Mayor Alfin stated that staff has shared with the situation that we are in. Mayor Alfin was in agreement with putting a control of using a CPI as a prudent way to move forward.

Public Comment:

Gene Dowd shared the discussions that have occurred on this topic and shared that if we do not do it now, things will get worse. Mr. Dowd shared that he doesn't care what the rate is, he wants safe roads.

Steve Carr spoke about broken pipes and the time it takes for those to be fixed. Mr. Carr also spoke about excessive weight of trucks in residential areas and suggested taking a look at how were letting traffic access residential roads.

Council Member Klufas asked if there are any of these projects in the 5-year plan that will affect the Woodlands.

Mr. Cote responded yes and shared about a project currently set for 2025.

Council Member Klufas shared that the area was flooding during storms.

Mr. Cote and Ms. Alves shared about effects to loans by going to a CPI based rate increase.

Council Member Pontieri commented that allowing the current increase through 2027 to occur is the responsible thing to do for residents and the right thing to do for infrastructure. Additionally, Council Member Pontieri shared that moving to the CPI model in 2028 gives staff time to plan, gives us the ability to look at loans and move forward accordingly, but it also lets our residents know that this is not going to happen again in the near future.

Council Member Pontieri made a motion to accept Exhibit A with the addition of language for an annual increase on October 1st of each year, commencing on October 1, 2028, and for no less than 5 years thereafter, by no more than the consumer price index for all urban consumers as of June 30 of each year, as published by the United States Department of Labor, Bureau of Labor Statistics, or a minimum of two percent, whichever is greater. Council Member Klufas seconded the motion.

Council held discussion on the motion.

Mayor Alfin called for a roll call vote.

6 RESOLUTION 2023-52 9TH AMENDMENT TO THE PALM COAST PARK DEVELOPMENT OF REGIONAL IMPACT - APPLICATION NO. 5275

Attorney Borkert read the title into the record and called for any ex parte communication. There were none.

Kaley Cook, Deputy City Clerk, conducted an oath for all quasi-judicial items to be presented today.

Ray Tyner, Deputy Chief Development Officer, and Bill Hoover, Senior Planner, presented the topic H6 and I7 to Council.

Topics presented included: background of the item, Palm Coast Park DRI aerial, Palm Coast Park Zoning Map, Permitted Projects, Master Development Plan, Master Development Plan Comparison, description of conversions in the 9th DRI amendment, proposed entitlements, brief retail analysis, key DRI Changes, proposed connector road, staff analysis, and Planning and Land Development Regulation Board recommendation.

Mayor Alfin reiterated that this has been part of the City's plan for 20 years.

Mr. Chiumento, on behalf of the applicant, discussed the topic with Council. Mr. Chiumento spoke about Exhibit L and changes.

Mayor Alfin shared that he is not clear on the progression of the connector road.

Mr. Tyner provided a response.

Council held discussion on the following topics: timeline for connector roads, affordable housing, connector road and wetland issues.

Council Member Pontieri stated that staff should go back to the declarant to ensure that we keep a balance of commercial, industrial, and residential. Council Member Pontieri expressed concerns for setbacks and encouraged this vote to be tabled until staff can go back on this item.

Mr. Chiumento commented on setbacks.

Mayor Alfin shared a response on entitlements and further discussed the balance among retail, commercial, and industrial.

Council Member Klufas shared concurrence with the comments and history of this item.

Council Member Pontieri asked about an asterisk within the Development of Regional Impact and asked what percentage of entitlements have not been assigned and reiterated the importance of an assurance of balance.

Council held additional discussion on entitlements.

Mr. Chiumento shared information regarding entitlements.

Attorney Borkert asked a clarifying question – The applicant is not in agreement with the proposed change to section 11 A.

Mr. Chiumento responded yes.

Attorney Borkert asked where the requirement is to reanalyze.

Mr. Chiumento shared details of the Planning Board agenda and asked that the language that went to the board be used.

Public Comment:

Rich Gellner shared the concerns of Council Member Pontieri and stated that this is a plan that is going to end up with a lot of residential.

Denise Calderwood spoke about definitions for low-income housing, workforce housing, and affordable housing. Ms. Calderwood stated that Flagler County is not an affordable place to live and asked what the outcome will be of the proposed projects.

Council Member Pontieri and Mayor Alfin discussed entitlements and economic development.

Mr. Hoover and Mr. Tyner shared additional details related to entitlements and economic development.

Motion by Vice Mayor Danko, seconded by Council Member Klufas, to approve the Resolution with the language change requested by the applicant.

Mayor Alfin called for a roll call vote.

**Approved - 4 - Mayor David Alfin, Vice Mayor Ed Danko, Council Member Nick Klufas, Council Member Cathy Heighter
Denied - 1 - Council Member Theresa Pontieri**

I ORDINANCES FIRST READ

7 ORDINANCE 2023-XX 5TH AMENDMENT TO THE PALM COAST PARK MPD DEVELOPMENT AGREEMENT - APPLICATION NO. 5276

Attorney Borkert read the title into the record and called for any ex parte communication. There were none.

Mr. Tyner shared that this item is a companion to the DRI item.

Bill Hoover, Senior Planner, presented the topic to Council.

Council Member Pontieri shared concerns for the item and lack of industrial on the MPD map. Council Member Pontieri asked what the actual effect of the MPD is.

Mr. Chiumento responded to Council Member Pontieri's comments. Mayor Alfin spoke about density, affordable housing, and balance.

Mr. Tyner shared comments about density and meeting the existing comprehensive plan.

*Public Comment:
There were none.*

Mayor Alfin called for a roll call vote.

Pass

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

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

Denied - 1 - Council Member Theresa Pontieri

8 **ORDINANCE 2023-XX AMENDING THE FUTURE LAND USE MAP DESIGNATION FOR 41.5+/- ACRES OF PROPERTY FROM GREENBELT TO RESIDENTIAL AND ADDING A SITE-SPECIFIC POLICY TO LIMIT DEVELOPMENT ON THE SUBJECT PROPERTY TO 180 DWELLING UNITS**

Attorney Borkert read the title into the record.

Jordan Myers, Stormwater Operations Manager, presented the topic to Council. Item 18 and 19 were presented together.

Jay Livingston, on behalf of the application, presented information to Council.

Topics presented included: background, proposed Future Land Use Map Amendment, public facilities impact analysis, environmental impact analysis, consistency with surrounding land use, consistency with comprehensive plan policies, zoning map amendment, zoning map amendment analysis, findings, and recommendations.

Mayor Alfin asked about an error in greenbelt labeling.

Mr. Tyner provided a response

Public comment:

Luke Blaser shared that he represents 50 families in Seminole Woods and challenged the findings and challenged item G of the analysis. Mr. Blaser stated that people in Seminole Woods do not want this.

Council Member Pontieri asked where the impacts on environmental and cultural resources comes from.

Ms. Myers provided a response.

Attorney Borkert read the title into the record for item 9.

Mayor Alfin called for a roll call vote.

Pass

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

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

9 ORDINANCE 2023-XX REZONING SEMINOLE WOODS SINGLE FAMILY - APPLICATION NO. 5061

Council Member Klufas requested to see the environmental study.

Mayor Alfin called for a roll call vote.

Council Member Pontieri asked for the environmental study to be included in the future.

Mayor Alfin agreed that the information should be available.

Pass

Motion made to be approved on first reading 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 Heighter

10 ORDINANCE 2023-XX AMENDING THE FUTURE LAND USE MAP DESIGNATION FOR 505.6+/- ACRES OF PROPERTY FROM MIXED-USE AND CONSERVATION TO RESIDENTIAL AND CONSERVATION, AND ADDING A SITE-SPECIFIC POLICY TO LIMIT DEVELOPMENT ON THE PROPERTY TO 750 DWELLING UNITS

Attorney Borkert read the title into the record.

Mr. Tyner provided a background of the item.

Jordan Myers, Stormwater & Engineering Operations Manager, presented the topic to Council. Topics presented included: background, current Future Land Use Map and Zoning Map Designation, proposed amendment, public facilities impact analysis, environmental impact analysis, consistency with surrounding land use, consistency with comprehensive plan policies, findings, and recommendations.

Attorney Borkert read the title of item 11 into the record and called for any ex parte communications. There were none.

Pass

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

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

11 ORDINANCE 2023-XX REZONING COQUINA SHORES MPD - APPLICATION NO. 5243

Ms. Myers presented the following topics: zoning map amendment, findings, public participation, recommendations, and next steps.

Jay Livingston, on behalf of the applicant, presented to Council on this topic.

Council held discussion on the item.

Council recessed at 12:49 p.m.

Council reconvened at 1:02 p.m.

*Public comment:
There were none.*

Pass

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

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

12 ORDINANCE 2023-XX REZONING LONGFELLOW SUBDIVISION - APPLICATION NO. 5062

Attorney Borkert read the title into the record.

Mr. Tyner provided a background of the item. Ms. Myers presented the topic to Council. Topics presented included: background, current zoning map, proposed amendment, analysis, public participation, and recommendation.

*Public Comment:
There were none.*

Pass

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

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

J CONSENT

Pass

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

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

*Public Comment:
There were none.*

13 RESOLUTION 2023-50 APPROVING PIGGYBACKING THE SOURCEWELL CONTRACT #062320, STATE OF MINNESOTA CONTRACT WITH RING POWER FOR THE PURCHASE OF EQUIPMENT RENTAL, PREVENTATIVE MAINTENANCE PARTS, AND SERVICES AS NEEDED

14 RESOLUTION 2023-51 APPROVING A WORK ORDER WITH ENGLAND-THIMS & MILLER FOR DESIGN SERVICES RELATED TO SPANWIRE SIGNAL REFURBISHMENT

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

Council Member Klufas reminded everyone that the transition for solid waste will be coming up this month and that he intends to discuss this further with staff.

Mayor Alfin asked for the details to be shared with all of Council.

Council Member Heighter thanked Council and staff.

Vice Mayor Danko shared condolences to Council Member Heighter on the loss of a family member.

Council Member Pontieri shared condolences and thanked staff for their efforts. Council Member Pontieri requested consensus for Airbnb and VRBO for a future workshop agenda.

Mayor Alfin asked if there can be a discussion with the County since they took the lead.

Council Member Pontieri commended the Flagler County Sheriff's Office for their gala.

Mayor Alfin shared about a tree dedication for a member of City staff, Mr. Reodica. Mayor Alfin shared that several members of Mr. Reodica's family are in planning and affordable housing and offer their suggestions and expertise.

M DISCUSSION BY CITY ATTORNEY OF MATTERS NOT ON THE AGENDA

There were none.

N DISCUSSION BY CITY MANAGER OF MATTERS NOT ON THE AGENDA

15 REPORTING OF EMERGENCY AND SOLE SOURCE PURCHASES FOR APRIL 2023

Ms. Bevan shared about the emergency sole source purchases and about the Food Truck Tuesday event this evening.

Ms. Bevan also thanked Council for the supportive words for staff.

O ADJOURNMENT

The meeting was adjourned at 1:31 p.m.

*Respectfully submitted by: Kaley Cook, CMC, FCRM
Deputy City Clerk*