



**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, June 6, 2023

6:00 PM

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 6:00 p.m.

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

C ROLL CALL

Kaley Cook, Deputy 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.

Ed Fuller thanked veterans and spoke about two recent City events.

Joe Krakowski shared about the 25th anniversary of wildfires of 1998 and spoke about the history of the fires.

Howard Peiffer spoke about the 25th anniversary of the 1998 wildfires.

Mike Martin spoke about the future of utility bills that we are facing. Mr. Martin also spoke about Waste Pro and increases. Mr. Martin asked what is going to happen and if increases will continue.

Carol Brassfield spoke about traffic and pedestrian concerns and provided suggestions.

Andrew (no last name provided) spoke about backyard chickens and shared that he is looking forward to the discussion. Andrew also asked what the role of the constituency is here and advocates for building a cooperative and trusting relationship between the City and the community and shared concern for overgrowth.

Josh Fabean spoke about the main issues raised with backyard chickens. Mr. Fabean shared the decibel range and frequency of chickens in relation to dogs barking and lawn mowers.

Robert MacDonald spoke about security in City Hall, metal detector on the other side of the building, and receiving responses during public comment.

Nathan Phelps spoke on backyard chickens and shared about the positive impacts.

Gary Kunis spoke about issues with trash pickup, code enforcement issues on the canals, and shared concerns for a recent inspection.

Charlene (no last name provided) shared information from Fisher Ames and shared a prayer.

Mayor Alfin shared about the policies and procedures of public comment and about the purpose of filling out the public comment card.

Mayor Alfin asked Ms. Bevan to comment on safety.

Ms. Bevan shared about the instituted security measures at City Hall.

Mayor Alfin asked Mr. Reischmann to provide details on carrying a firearm in City Hall.

Mr. Reischmann provided details.

Mayor Alfin reminded public speakers that the discussion on chickens is coming to Council at an upcoming workshop.

Council Member Pontieri asked for clarification on the comment that Council suggested residents move if they are not happy.

Vice Mayor Danko clarified comments on the public comment.

Council Member Pontieri thanked public speakers for their comments and invited public involvement.

Mayor Alfin shared about the Comprehensive Plan and public involvement in the process.

E MINUTES

1 MINUTES OF THE CITY COUNCIL: MAY 16, 2023, BUSINESS MEETING MAY 23, 2023, SPECIAL BUDGET WORKSHOP

Pass

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

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 - JUNE 9, 2023, AS TAG V. BEAR FOUNDATION RECOGNITION DAY

Mayor Alfin presented the Proclamation to members of Tag V Bear.

Kathy Austrino thanked the Mayor and Council for the recognition and shared information about the Family Life Center and encouraged supporting the organization.

3 PROCLAMATION - THE WEEK OF JUNE 18, 2023, AS NATIONAL MOSQUITO CONTROL AWARENESS WEEK

Council Member Klufas presented the Proclamation to Mike Martin, Chair of the East Flagler Mosquito Control District.

Mr. Martin shared about mosquito control and the seriousness of mosquito-borne diseases. Mr. Martin urged residents to go to flaglermosquito.com if they are having issues.

G ORDINANCES SECOND READ

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

Attorney Reischmann read the title into the record and called for any ex parte communication.

Council Member Pontieri shared her ex parte communication. Mr. Reischmann asked Council Member Pontieri if she will base her vote on the information presented this evening. Council Member Pontieri responded yes.

Ray Tyner, Deputy Chief Development Officer, shared that there were no updates to this item. Bill Hoover, Senior Planner, shared details of the location.

Mr. Chiumento, on behalf of the applicant, shared that there are no changes, but they are available for questions.

Council Member Pontieri shared that her issue continues to be lack of industrial.

Public Comment:

Robert MacDonald asked how many houses or residential units are going to be built, 2,300?

Mr. Hoover responded yes.

Mr. McDonald asked about fire protection.

Mayor Alfin asked Chief Berryhill to provide a response.

Chief Berryhill shared about the two closest stations and that this project will generate impact fees that will help to determine how we move westward.

Mayor Alfin stated that he wants to give confidence to the public that staff is well ahead of development in planning for the future.

Chief Berryhill responded yes, we have a growth report, and we are looking at next steps.

Council Member Pontieri asked if this is Station 23's first due?

Chief Berryhill provided response that the location is in two station's first due and shared additional details on location and station response.

Carol Brassfield shared concern for the electric grid and asked if these houses are going to be required to have solar to help with the electricity demand.

Mr. Hoover responded no that it is up to each homeowner.

Mayor Alfin asked if there is any concern that Florida Power & Light (FPL) would not have sufficient resources to provide electricity.

Mr. Hoover shared that FPL reviews the subdivision plans and know how fast growth is occurring.

Mayor Alfin shared that they are part of the overall concurrency consideration.

Andrew (no last name provided) asked about the impacts on residents, overcrowding in schools, and readiness for such growth.

Mayor Alfin asked staff to explain the process that occurs before this item comes to Council.

Mr. Tyner shared details of the DRI and the process.

Mayor Alfin shared about the upcoming Comprehensive Plan Review and encouraged citizen involvement.

Mr. Reischmann clarified the amendment and steps taken to this point.

Steve Carr shared that he was curious how the city communicates with Florida Department of Transportation and shared concern about evacuation plans.

Mayor Alfin recommended discussing this item with staff for information.

Mike Martin spoke about 5 rezonings that have happened since 2021 and shared that it is vitally important that we prioritize industrial and well-paying jobs.

Mr. Chiumento shared details regarding concerns discussed in public comments.

Council Member Pontieri agreed with Mr. Martin about the rezonings that have occurred and shared concern about Tract 17. Council Member Pontieri urged Council to get serious about economic development efforts and to make that an industrial tract that will attract industrial.

Council Member Heigher shared that we need to create more jobs for the amount of growth that we have right now.

Council Klufas shared that it is somewhat unprecedented for Council to assign a tract specifically and would recommend deferring that to staff.

Council Member Pontieri shared about discussions she has had with Economic Development Manager, Barbara Fiedor.

Mayor Alfin stated that we all desire to bring more jobs to the community. Mayor Alfin referenced a three-legged stool to include more jobs, businesses to employ them, and a place for them to live and that all of these must happen simultaneously. Mayor Alfin asked Jason DeLorenzo, Chief of Staff, what the unemployment rate is in Palm Coast.

Mr. DeLorenzo responded that he believes we are at 2.8%. We are employing more people in Flagler County than we ever have.

Council Member Pontieri shared that we have a large portion of our community that is retired and discussed tracts and committing to residents that there will be jobs.

Mayor Alfin asked if this is a build it and they will come philosophy.

Council Member Pontieri shared the efforts of the Economic Development team.

Mayor Alfin and Council Member Pontieri discussed optional industrial versus making it a requirement.

Mayor Alfin asked Mr. Tyner to comment on the requirement as discussed.

Council Member Pontieri made a motion to alter Tract 17 to eliminate the flex-use in the commercial, office, and residential in the MPD, and eliminate OFC2, COM2, SFR1, and COM2 in the LDC Zoning Category and making Tract 17 only industrial and/or institutional.

Mayor Alfin asked if there is any data that shows that light industrial is favored or desired by anyone.

Attorney Reischmann asked staff about table 4-1, and if there would be a need to change the language.

Mr. Tyner responded that staff believes that the language can remain as is.

Attorney Reischmann asked staff if the change would require any other changes to the Ordinance.

Mr. Tyner responded that staff would look back at some of the text that detailed Tract 17.

The motion was seconded by Council Member Heighter.

Council Member Klufas asked what the difference is between the opportunities for light industrial on Tract 17 versus 5A and 5E that have been noted.

Council Member Pontieri responded in regard to infrastructure.

Vice Mayor Danko asked for the applicant to speak on the motion.

Mr. Chiumento provided details of the requirements of the declarant and shared that the applicant agrees with the intent. Mr. Chiumento shared about a City obligation to build a park on Tract 17 and to reimburse the declarant up to \$800,000 in park impact fees. Mr. Chiumento shared that he cannot commit to limiting that tract to only industrial at this time and that the applicant's preference is for Council to move forward with the second reading of the Ordinance as it was brought to Council.

Attorney Reischmann explained that his job is to protect the record and asked if it is staff's understanding that the changes that are being proposed in the application to Tract 17 to add the term Institutional-PSP were to comply with this requirement as has been discussed this evening to put a park on the property.

Mr. Tyner shared about the DRI process and an analysis on level of service that is required for parks. Mr. Tyner shared that the City is not obligated to turn Tract 17 into a park.

Attorney Reischmann asked if the proposed change by the proposed amendment require a change to the DRI?

Mr. Tyner responded no and provided additional details.

Mr. Chiumento stated that if what is before the Council this evening is approved, then the City does not have the obligation to reimburse \$800,000 in park impact fees.

Council held discussion on the \$800,000 reimbursement.

Mayor Alfin asked Ms. Bevan if budget would need to be reconsidered.

Ms. Bevan shared that staff would need time to complete a further evaluation. Council Member Pontieri asked if staff can comment on the \$800,000.

Mr. Tyner provided details.

Council Member Klufas asked if staff can attest to the comments made on behalf of Ms. Fiedor.

Mr. DeLorenzo shared efforts of our Economic Development Manager.

Public Comment on the motion to amend the fifth amendment:

Robert MacDonald commented on the \$800,000 and asked if the City takes a hit if the Council votes no or makes any changes.

Mr. Tyner provided a response.

Additional discussion was held on the \$800,000 obligation.

Attorney Reischmann clarified that the amendment to Tract 17 has no impact on the \$800,000 obligation.

Mr. Chiumento reiterated that his client cannot accept the change at this moment.

Public Comment:

Gene Dowd spoke about the client's attorney's comments this evening and recommended tabling the item.

Mike Martin shared support for tabling this item and continue discussion with the developer.

Vice Mayor Danko stated that we don't know how many years or how much money and that we are looking for a crystal ball.

Council Member Pontieri shared that this is a commitment for our Economic Development team.

Mayor Alfin shared that he wholeheartedly supports the effort and commitment to economic development but that he is uncomfortable moving forward and not having as much information or data.

Council Member Heigher shared that she agrees with the motion but suggested tabling the item.

Council Member Klufas shared appreciation for the details brought forward and requested access to the same type of information.

Mayor Alfin shared that this is how good governance works and that this conversation and debate is exactly how seriously we take these conversations.

Council Member Pontieri withdrew her motion. Council Member Heigher withdrew the second of the motion.

Council Member Pontieri made a motion to table this item to a time specific, July 18, 2023.

Ms. Bevan shared about the next upcoming Council Workshop meeting on June 27, and the Economic Development presentation being brought to Council on that date. The next Business Meeting will be July 18.

Council Member Heighter seconded the motion.

Council held discussion on the motion.

Mayor Alfin asked if the time can be accelerated.

Ms. Bevan provided the options available to include setting a Special Business Meeting.

Council Member Pontieri withdrew the motion. Council Member Heighter withdrew the second.

Council Member Pontieri made a motion to table the item until a Special Business Meeting after the workshop on June 27, 2023.

Council Member Heighter seconded the motion.

Mayor Alfin called for a roll call vote. The motion passed 5-0.

5 **ORDINANCE 2023-04 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**

Pass

Motion made to be adopted on second reading by Vice Mayor Danko and seconded by Council Member Heighter

Attorney Reischmann read the title into the record.

Mr. Tyner shared that there were no changes to the item.

Jose Papa, Senior Planner, shared the location and brief description of the item to Council.

The applicant was available for questions.

Council Member Pontieri expressed concern for wetlands.

Mr. Livingston, on behalf of the applicant, provided a response.

Mayor Alfin asked what the advantage is to the City or the neighborhood.

Mr. Livingston shared advantages of additional housing units.

*Public Comment:
There were none.*

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

6 ORDINANCE 2023-03 REZONING SEMINOLE WOODS SINGLE FAMILY - APPLICATION NO. 5061

Pass

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

Attorney Reischmann read the title into the record and called for any ex parte communication. Council Member Pontieri shared about her communications and confirmed that it will not affect her decision today.

Mr. Tyner shared that this is a companion to item 5 and there are no further items to add.

Public Comment: There were none.

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

7 ORDINANCE 2023-05 REZONING LONGFELLOW SUBDIVISION - APPLICATION NO. 5062

Pass

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

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

Mr. Tyner provided a brief background of the item.

Council Member Pontieri shared that she is glad this is more compatible with surrounding areas.

The applicant was available for questions.

*Public Comment:
There were none.*

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

H RESOLUTIONS

8 RESOLUTION 2023-54 APPROVING A CONSTRUCTION CONTRACT WITH FLORIDA DESIGN CONTRACTORS, LLC FOR WASTEWATER TREATMENT FACILITY 1 PHASE 2 HEADWORKS & AERATION BASIN IMPROVEMENTS PROJECT

Pass

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

Attorney Reischmann read the title into the record.

Alex Blake, Utility Engineer, presented the topic to Council. Topics presented included a background of the item, project location, site map, overview, project purpose, headworks coating and repairs, aeration equipment for oxidation ditches, and proposed jet aerators.

Mayor Alfin asked if this stays at this site.

Mr. Blake responded yes

Council Member Pontieri spoke about the contingency within this item and asked if the contingency has to come back to Council to be used.

Ms. Bevan responded that the contingency is at the fingertips of staff.

Attorney Reischmann shared about contingencies.

*Public Comment:
There were none.*

Mayor Alfin shared that this reinforces that the City is looking growth and high bar service.

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

9 RESOLUTION 2023-XX APPROVING THE SUBMISSION OF A GRANT APPLICATION FOR MULTI-CITY CHARGING AND FUELING INFRASTRUCTURE

Attorney Reischmann read the title into the record.

Maeven Rogers, Chief Sustainability & Resiliency Officer, and Carl Cote, Director of Stormwater & Engineering, presented the topic to Council.

Mr. Cote provided a brief history of the item.

Ms. Rogers presented the following topics to Council: grant overview, the need, regional partnerships, and Palm Coast locations.

Council held lengthy discussion on the following topics: fair market pricing and private companies, cost for the charging stations, amount that the City may charge, non-existence of the charging network in the area, demand, costs for electricity, maintenance fees, income generation, anticipated life of the charger, details of the 20% that the City would be required to put forward, the item as a Council Priority, meeting the requirements of the grant for low income areas, return on investment, and private/public partnership.

Direction was provided to staff to increase efforts to find an opportunity that has both opportunity for grants and private enterprise to absorb any matching piece. Mayor Alfin also recommended contacting Tallahassee for additional research, and bringing back a presentation.

Council Member Klufas shared about investable decisions and diversifying our tax base. Additionally, Council Member Klufas shared about the future of electric vehicles and Council's unwillingness to consider the item.

Vice Mayor Danko stated that we should not be taking business away from free enterprises.

Council Member Pontieri shared that she is not opposed to providing something that is in need but that she does not see a demand or that we will get a return on investment (ROI).

Mayor Alfin asked for consensus to ask staff to follow the direction from each of the Council Members this evening and bring back the next best possibility that satisfies the risk factors identified by Council but continues to address the diversity of revenue which Council seeks.

Public comment:

Robert MacDonald spoke about cost to install, locations, and demand.

Mayor Alfin asked Ms. Rogers to share the requested details with Mr. MacDonald.

I CONSENT

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 comment:

Robert MacDonald spoke on number 11 and asked why we are going into a price agreement with another County to buy fire equipment.

Council Member Pontieri shared information about the benefits of piggybacking existing contracts.

Chief Berryhill was available to discuss this further.

- 10 RESOLUTION 2023-58 APPROVING AN EASEMENT AGREEMENT WITH FLORIDA POWER & LIGHT FOR THE SOUTHERN RECREATION CENTER PROJECT**

- 11 RESOLUTION 2023-57 APPROVING PIGGYBACKING THE LAKE COUNTY, FLORIDA CONTRACT WITH MUNICIPAL EMERGENCY SERVICES (MES) TO UTILIZE THE TERMS, CONDITIONS, SCOPE, AND PRICING AGREEMENT FOR FIRE EQUIPMENT, SUPPLIES, AND SERVICES AS NEEDED**

- 12 RESOLUTION 2023-55 APPROVING PIGGYBACKING THE MARTIN COUNTY, FLORIDA CONTRACT WITH ALLIED UNIVERSAL CORPORATION FOR LIQUID SODIUM HYPOCHLORITE**

- 13 RESOLUTION 2023-56 APPROVING PIGGYBACKING THE CITY OF EDGEWATER, FLORIDA CONTRACT WITH CARMEUSE LIME & STONE FOR HIGH CALCIUM BULK QUICKLIME**

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

Mayor Alfin shared about a request from Flagler Beach to assign two Council members to participate in collaboration discussion and asked if Council has an interest in attending.

Council Member Pontieri and Klufas shared support.

Vice Mayor shared that Council should provide guidance to whoever will be attending.

Council held discussion on the purpose of Council liaison appointments and Sunshine requirements for a collaborative meeting.

Attorney Reischmann provided details.

Mayor Alfin asked if there is a volunteer and offered to be the backup.

Council Member Pontieri volunteered.

Mayor Alfin provided a list of current Council liaison appointments and shared that he will provide a brief summary of what the meetings entail so Council and the public know what is going on.

Vice Mayor Danko shared about a problem getting meeting information from the St. Johns River Water Management District (SJRWMD).

Mayor Alfin suggested getting in touch with City Manager.

Vice Mayor Danko discussed recycling bins and encouraged the public to contact the City for new bins. Vice Mayor Danko shared that he does not want to see the City get in a legal battle over recycling bins.

Attorney Reischmann provided details on the topic, Sunshine laws, and discussed expenses that may be incurred.

Mayor Alfin shared that he would like to see the service level that the community demands achieved at earliest possible moment.

Ms. Bevan shared about the City website as means to request a new bin.

Vice Mayor Danko asked if the bins will be free.

Ms. Bevan shared that there are different variables involved.

Council Member Pontieri shared about beautiful Memorial Day ceremonies and thanked staff. Additionally, Council Member Pontieri complimented the 'Touch a Truck' event. Council Member Pontieri spoke about the City likely receiving appropriations from the State for conservation and encouraged communication with the County for what their 'asks' are and to start thinking about what we can do with the appropriations.

Council Member Klufas commended staff for safe events.

L DISCUSSION BY CITY ATTORNEY OF MATTERS NOT ON THE AGENDA

There were none.

M DISCUSSION BY CITY MANAGER OF MATTERS NOT ON THE AGENDA

There were none.

N ADJOURNMENT

The meeting was adjourned at 10:06 p.m.

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