



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 Heigher
Council Member Nick Klufas
Council Member Theresa Pontieri

Tuesday, August 1, 2023

6:00 PM

COMMUNITY WING

City Staff

Denise Bevan, City Manager
Neysa Borkert, City Attorney
Kaley Cook, 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 9:00 a.m.

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

C. ROLL CALL

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.

Ken McDowell demanded a forensic audit through an outside financial firm. Mr. McDowell spoke about rezoning and effects to residents, enterprise fund, and contract dollars.

Jeffrey Seib requested that City Council address the Stormwater system as we head into the most challenging time of year for our system. Mr. Seib also requested that the City Council release some information to put residents at ease.

Bruce Stone spoke about fees and traffic.

Vincent Ligouri spoke about street improvement, special revenue fund, and gas tax.

Sheila Jordan, Executive Director of the Ace Center for Girls of Volusia/Flagler, spoke about the organization and the support they provide for girls.

Celia Pugliese complimented Council Member Klufas for audio improvements for the Council Meetings on YouTube. Ms. Pugliese also spoke about homesteading, right-of-way mowing, and budget review to see what we can save.

Terry Webb thanked Vice Mayor Danko for looking out for the taxpayers. Mr. Webb also spoke about a roadway conditions.

Pat Borelli spoke about code enforcement booklets to be provided to the Flagler County Association of Realtors.

Steve Carr stated that he survived the Covid pandemic to be hit with the high inflation pandemic. Mr. Carr spoke about struggling families and the effects of fees and taxes.

Mike Feldbauer spoke about taxation without representation, roadway conditions, and Council's representation of citizen's wants.

Nathan Phelps thanked Council for meeting with residents regarding the upcoming discussion on a program for backyard chickens. Mr. Phelps shared about the efforts and conversations thus far and the groups that he is trying to represent.

Josh Fabean thanked Council for speaking with the representatives of the backyard chicken group. Mr. Fabean shared about neighbors who may already have chickens, sunseting laws, freedom of property rights, educational opportunities through having backyard chickens, upcoming item at the August 8th City Council Workshop Meeting, and the pilot program for backyard chickens.

Charlene (no last name provided) shared a picture of an early American flag and spoke about the importance of prayer throughout history. The residents asked Council to reconsider prayers at meetings and closed with a prayer.

James Fisk spoke about the establishment of the Coquina Shores Community Development District and archeological studies. Mr. Fisk also spoke about the prehistoric sand dunes and the history of the site.

Hannah Fabean spoke about chickens and her responsibility as a parent to have food sources for her family.

Dani (no last name provided) echoed the comments of the prior backyard chicken supporters and asked for Council support.

Andrew Werner shared support for backyard chickens and shared about the three groups advocating for chickens.

James (no last name provided) spoke about timing of items brought to Council for discussion, traffic concerns at the Community Center, and the need for single family homes and commercial development.

Sabina McCauley spoke about wetlands, conversations with surveyors, and the detrimental effects of clearing a property for a new fire station.

Ms. Michael spoke about flooding on here property due to new housing and the loss of five (5) mature fruit trees.

Vice Mayor Danko asked Mr. DeLorenzo to contact Ms. Michael.

Paul Pontorno was in support of prayer, spoke about the moment of silence, and shared scripture, and spoke about character and doing the right thing when no one is watching.

Joe Malese spoke about signage and local business owners that need to support their families.

Gary Kunnas spoke about an article in Flagler Weekly, increase in taxes, Council salary, and franchise fees. Mr. Kunnas also spoke about people on fixed income who cannot afford increases.

Lisa (no last name provided) supported an earlier speaker's comments on a formal audit. Lisa also spoke about resident requests, no additional increases, and encouraged Council to comb through the budget.

Dennis McDonald spoke about media posts, events from the Summer of 2021, and efforts to increase builder impact fees for schools.

John Furlong was in support of a forensic audit. Mr. Furlong stated that he has asked the Florida Attorney General how to do a forensic audit and shared the related statute.

Susie Kling stated that we cannot afford increases.

Rob Cronin shared concern for potential fees.

Nick Catania stated that a franchise fee is a violation of the US Commerce clause.

Council Member Pontieri directed staff to look at how to do a forensic audit. Council Member Pontieri asked for consensus from colleagues.

Mayor Alfin asked about cost and timeline.

Council Member Pontieri responded that the information would be brought back to Council by staff.

Council Member Klufas was curious to know about the cost, and also asked if the forensic audit would be in conjunction with current audit.

Council Member Pontieri responded yes, and shared details of the two separate audits.

Mayor Alfin clarified that the two audits would not be in conjunction, they would need to be done independently to be a true forensic audit.

Ms. Bevan responded that staff would work out cost and a timeline.

Council Member Heighter was in favor of conducting a forensic audit.

Council Member Klufas addressed several issues brought up during Public Comment including pep tank sirens and the seriousness of that, impact fee, enterprise funds and state requirements for use of those funds.

Attorney Borkert shared a response on impact fees.

Vice Mayor Danko asked if the enterprise fund is something that can be included in the audit.

Mayor Alfin replied that it would depend on the scope of the audit.

Vice Mayor Danko recommended a presentation explaining the process.

Council Member Heighter thanked the public for coming out to share their thoughts. Council Member Heighter encouraged Council to challenge themselves to bring this all to a happy medium.

Mayor Alfin shared a response to the comment regarding school district and impact fees.

E. MINUTES

- 1. MINUTES OF THE CITY COUNCIL:
JULY 18, 2023, BUSINESS MEETING
JULY 25, 2023, SPECIAL BUDGET WORKSHOP**

Motion by Council member Klufas, seconded by Vice Mayor Danko, to approve the July 18, 2023, Business Meeting Minutes. The motion passed unanimously.

Motion by Vice Mayor Danko, seconded by Council Member Pontieri to approve the July 25, 2023, Special Budget Workshop Meeting Minutes. The motion passed unanimously.

F. PROCLAMATIONS AND PRESENTATIONS

- 2. PROCLAMATION - AUGUST 2023 AS WATER QUALITY MONTH**

Council Member Klufas presented the Proclamation to members of the Utility Department and St. Johns River Water Management District.

Pete Roussell, Deputy Director of Utility, thanked the Mayor and Council for their support. Mr. Roussell shared additional information about National Water Quality month.

Bill White, St. Johns River Water Management District, and Palm Coast resident, shared about the importance of water.

Council Member Klufas thanked Utility staff and encouraged residents to sign up for the Citizens Academy.

A water quality video was shared.

3. PROCLAMATION - AUGUST 7, 2023, AS PURPLE HEART DAY

Council Member Heighter presented the Proclamation to Mr. Charles Hanger.

Council Member Heighter shared about the recipients of the Purple Heart award and the honor to provide the Proclamation.

Mr. Hanger shared that Flagler County has more veterans per capita than any other county in Florida and shared resources for veterans.

4. PRESENTATION - UPDATE ON THE FRANCHISE FEE AGREEMENT WITH FLORIDA POWER & LIGHT (FPL)

Attorney Borkert provided an update on this item and discussed conditions of the previous motion and shared discussions with FPL.

Council Member Pontieri withdrew her motion. Council Member Klufas withdrew his second.

Council Member Pontieri shared about the Town Hall that was held on the budget and cuts that occurred.

Council Member Klufas shared about the difference in the collection of dollars on the options that had been discussed. Council Member Klufas also spoke about millage versus service fees and benefits of the agreement.

Attorney Borkert clarified exclusivity of the agreement.

Mayor Alfin asked Council Member Klufas to be available to residents who would like additional information.

Vice Mayor Danko complimented Council Member Pontieri for withdrawing her motion and was not in favor of this item coming before Council in the future. Vice Mayor Danko made a motion that this topic would have to go on a public referendum to be voted on before a Council could consider a franchise fee.

Mayor Alfin asked for an effective date to be included in the motion.

Vice Mayor Danko clarified his motion to be that effective immediately, any future attempt by this Council, or another Council, would require a public referendum voted on by the public.

Attorney Borkert discussed the motion and shared concerns.

Vice Mayor Danko made a motion that should the FPL Franchise Agreement come up again, it would have to go on a referendum.

Mayor Alfin asked Attorney Borkert if she could bring the item back to Council in the form of an Ordinance.

Attorney Borkert responded that she would determine if this should be an Ordinance or Resolution and shared language for the item. Council concurred to have Attorney Borkert come back at a future Council Workshop.

Vice Mayor Danko asked for clarification on the comments from FPL.

G. APPOINTMENT

5. APPOINT ONE MEMBER TO THE VOLUNTEER FIREFIGHTER PENSION BOARD

Chief Berryhill shared a background of the item. City Council held a question-and-answer session with the three applicants.

There were three (3) votes to appoint Mr. Hackney to the Volunteer Firefighter Pension Board.

H. ORDINANCES SECOND READ

6. ORDINANCE 2023-9 ESTABLISHING THE COQUINA SHORES COMMUNITY DEVELOPMENT DISTRICT (CDD) - APPLICATION NO. 5415

Attorney Borkert read the title into the record.

Phong Nguyen provided a brief update of the item.

Public Comment:

Celia Pugliese shared concern for utilities and roads.

James Fisk spoke about archaeological studies, Old Kings Road, buffer against a masonic cemetery, and shared concerns.

Mr. Tyner, Deputy Chief Development Officer, provided a response to Mr. Fisk's questions.

Mayor Alfin asked if the department can make contact to share their efforts.

Ms. Bevan agreed and shared staff efforts thus far. Ms. Bevan shared additional background of this item.

Council Member Pontieri asked Mr. Fisk to reach out to her so that she can assist with his concerns.

Pass

Motion made to adopt on second 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

I. ORDINANCES FIRST READ

7. ORDINANCE 2023-XX VOLUNTARY ANNEXATION OF 330.8 ACRES SOUTH OF FLAGLER COUNTY AIRPORT ON THE NORTH/WEST SIDE OF SEMINOLE WOODS BOULEVARD

Attorney Borkert read the title into the record.

Phong Nguyen presented the topic to Council. Topics presented included: background, details of the voluntary annexation, staff findings, and next steps.

Mr. Chiumento, on behalf of the applicant, was available for questions.

Council Member Pontieri asked for clarification of the requirement for utility services.

Attorney Borkert and Mr. Nguyen provided a response.

Public Comment:

Celia Pugliese stated that she welcomed the annexation. Ms. Pugliese also spoke about utility enterprise funding needed for the expansion and shared concern for area south of the Flagler County airport.

Council held discussion on the airport comment from Ms. Pugliese.

Steve Carr asked for the cost to the City for the annexation.

Mr. Tyner provided a response.

Mayor Alfin asked for a consensus for staff to ask Flagler County if there has been a change in the use of the airport. Council concurred.

Ms. Bevan shared that there is a great relationship with the County and staff will make contact on the topic.

Council Member Pontieri shared discussions she has had with the planning team on the location of this annexation.

Pass

Motion made to approve on first reading by Council Member Klufas 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

J. RESOLUTIONS

There were no Resolutions.

K. CONSENT

Council member Pontieri clarified the details of an item within the consent agenda.

Public Comment:

Greg Blose, President & CEO of Flagler/Palm Coast Chamber, thanked Council for taking action on item 8. Mr. Blose spoke about the need to improve communications infrastructure and commended staff for their efforts.

Pass

Motion made to adopt on consent by Council Member Klufas 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

8. RESOLUTION 2023-71 APPROVING A CONTRACT FOR MANAGEMENT OF THE RALPH CARTER PARK CELL TOWER WITH DIAMOND COMMUNICATIONS, LLC

9. RESOLUTION 2023-72 APPROVING PIGGYBACKING THE ST. JOHNS COUNTY CONTRACT WITH PEGGY MALONE & ASSOCIATES, INC., FOR TRAFFIC COUNT SYSTEM SERVICES

L. PUBLIC PARTICIPATION

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

AnnaMaria Long spoke about education impact fees and history of discussion on the item.

Mike Feldbauer invited Council to an event on August 31 for International Overdose Awareness Day. Mayor Alfin asked for a flyer if possible.

Leslie Johnson thanked Council Member Klufas for the educational points shared. Ms. Johnson also spoke about Matanzas Woods Parkway and suggestion to find a grant to pay for existing infrastructure to alleviate some of the pain were facing.

Gene Dowd thanked all first responders and extended apologies for Council Member Heigher's loss. Mr. Dowd spoke about attending Council Meetings to learn more about how the City works. Mr. Dowd spoke about grants received, budget, and increases to the Law Enforcement budget. Mr. Dowd shared support for first responders.

Greg Blose provided updates on the unemployment rate, employed residents in Palm Coast, business connections expo, thanks for Matanzas Woods Parkway, and impact fees.

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

Council Member Pontieri provided response to public comments and shared about her recent Town Hall which is available on YouTube. Council Member Pontieri thanked Mr. Blose for the updates and thanked Vice Mayor Danko for his words and professionalism this evening. Council Member Pontieri closed her comments with sharing about the retirement of Driver/Engineer Leo Chumaceiro and thanked him for his service.

Council Member Heigher thanked Chief Berryhill for the card he gave her regarding naming a fire engine after her son. Council Member Heigher also thanked Council for remembering her son at the last Council Meeting.

Council Member Klufas thanked Ms. Johnson for her comments and thanked everyone for their public comment.

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

There were none.

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

There were none.

P. ADJOURNMENT

This meeting was adjourned at 8:58 p.m.

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