



**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, September 5, 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 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 p.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.

Mayor Alfin provided the procedure of public comment.

Ken McDowell demanded a forensic audit and implored City employees to take advantage of being a whistleblower.

Andrew Werner spoke about his time working with the City Council and how they govern. Mr. Werner spoke about liberty, Declaration of Independence, and the City of Palm Coast comprehensive plan.

Hannah Fabean spoke about property rights, lack of trust in representation, and that it is worthwhile for the residents of Palm Coast to step forward and investigate.

James (no last name provided) spoke about the franchise fee, grant for turn off lanes for Belle Terre and provided suggestions for right turn lanes. Additionally, the resident spoke about the noise Ordinance and asked about enforcement of the Ordinance. The resident discussed putting a stop to building multifamily houses and was okay with a forensic audit and backyard chickens.

Jeffrey Seib stated that people of Palm Coast are overwhelmed and spoke about development that has been approved. Mr. Seib asked if our City can absorb massive growth without experiencing significant decline in current quality of life. Mr. Seib suggested that Council focus on current resident needs and a 6-month moratorium on development.

Nathan Phelps spoke about the backyard chickens item at an August workshop. Mr. Phelps discussed the comments made by Council and shared responses to Council's comments.

Manley Koonts spoke about a problem he had in 2022 which Council addressed and he appreciates. Mr. Koonts spoke about another issue including standing water and weeds. Mr. Koonts asked who is going to take care of the weeds.

Dennis McDonald spoke about a project that was discussed at a prior meeting and spoke about the process of the City. Mr. McDonald requested to know how this information did not come to light. Additionally, Mr. McDonald spoke about the Sunshine Law - in the future: you are not able to discuss things that are coming up at a meeting or in the future. Conversation about affordable housing, that would be a Sunshine violation

Josh Fabean spoke about communism, property rights, and provided rule suggestions. Mr. Fabean spoke about Vice Mayor Danko's comments on property rights.

Steve Carr spoke about harm to individuals' health.

Robert MacDonald shared that he heard people finding fault with the City and stated that most of the people who have been up here are not regular attendees of the council meetings. Mr. MacDonald suggested instead of criticizing and complaining, join the fire department or volunteer for first aid.

Nathan Phelps spoke about reassessing the rules that we have.

Mayor Alfin asked Ms. Bevan if she has notes and the follow up information for the individuals so that they receive a response.

Ms. Bevan responded yes.

E. MINUTES

1. MINUTES OF THE CITY COUNCIL: AUGUST 15, 2023, BUSINESS MEETING AUGUST 29, 2023, SPECIAL BUDGET WORKSHOP MEETING

Motion by Vice Mayor Danko, seconded by Council Member Pontieri, to approve the August 15, 2023, minutes. The motion passed unanimously.

Motion by Vice Mayor Danko, seconded by Council Member Klufas, to approve the August 29, 2023, minutes. The motion passed unanimously.

F. PROCLAMATIONS

2. PROCLAMATION - AUGUST 2023 AS NATIONAL BLACK BUSINESS MONTH

Council Member Heighter presented the Proclamation to representatives of the African American Entrepreneurs Association.

Mr. Giscombe thanked the Mayor and City Council. Mr. Giscombe also shared comments about the organization and history of the initiative.

3. PROCLAMATION - SEPTEMBER 16, 2023, AS NATIONAL CLEANUP DAY

Council Member Klufas presented the Proclamation to National Cleanup Day volunteers and City staff.

Alyssa Roscoe, Residential Collections Supervisor, thanked the volunteers for their efforts and presented the volunteers with a sign. Additionally, there was a presentation and video shared with City Council on the topic.

Bill Butler thanked Public Works for keeping the city clean.

Mayor Alfin reiterated the message that this is an effort for everyone and urged everyone to come out for the Waterway Clean Up.

City Council then moved to item F7.

4. PROCLAMATION - THE WEEK OF SEPTEMBER 17, 2023, AS CONSTITUTION WEEK

Council Member Klufas presented the Proclamation to a representative of the Old Kings Chapter of the Daughters of the American Revolution (DAR).

5. PROCLAMATION - SEPTEMBER 2023 AS PROSTATE CANCER AWARENESS MONTH

Council Member Pontieri presented the Proclamation to various members of the community and Advent Health staff.

A representative from Advent Health introduced Dr. Tourchi, a urologist for Advent Health-Palm Coast. Dr. Tourchi shared information about prostate cancer.

6. PROCLAMATION - SEPTEMBER 2023 AS NATIONAL PREPAREDNESS MONTH

Council Member Pontieri presented the Proclamation to various Emergency Management staff.

Jonathan Lord, Emergency Management Director, thanked the Mayor and City Council for the Proclamation and shared comments.

Chief Berryhill recognized Mr. Lord for his efforts and advocacy. Additionally, Chief Berryhill recognized Mr. Dawn and Mr. Wilsey.

7. PROCLAMATION - SEPTEMBER 2023 AS NATIONAL RECOVERY MONTH AND FLAGLER OPEN ARMS RECOVERY SERVICES (OARS) UPDATE

This item was heard after item F3. Council Member Heighter presented the Proclamation to members of Flagler Open Arms Recovery Services (OARS).

Pam Birtolo, Executive Director of Flagler OARS, shared an overview of the organization and about upcoming events.

Council moved to item F4 after this Proclamation.

G. ORDINANCES SECOND READ

8. ORDINANCE 2023-11 BELLE TERRE ESTATES MASTER PLANNED DEVELOPMENT (MPD) - APPLICATION NO. 5302

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

Ray Tyner, Deputy Chief Development Officer, provided a background of the item. Bill Hoover, Senior Planner, presented the topic to Council. Topics presented included: close up aerial, City Council first hearing, and applicant response to Council's comments.

The applicant was available for questions.

Council Member Pontieri shared thanks for the work that was done to make the project compatible to Palm Coast. Council Member Pontieri asked about residential units.

Mr. Hoover provided a response.

Council Member Pontieri discussed the highlighted and underlined changes representing amendments. Council Member Pontieri stated that she wanted to be sure there was no contradiction with language still reflecting that lots can be a minimum of 19 feet wide and asked if the language could be eliminated.

Joey Posey shared a response that the language can be amended as requested by Council Member Pontieri.

Council Member Heighter shared thanks for the presentation and to the developer for bringing forth workforce housing.

Council Member Klufas appreciated the reception of the nuances and adjustments.

*Public Comment:
There were none.*

Mayor Alfin applauded the interest in finding and developing housing that will be affordable.

Pass

Motion made to be adopted as amended on second 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 2023-12 APPROVING THE 2023 AMENDMENT TO THE MARINA VILLAGE MASTER PLANNED DEVELOPMENT (MPD) - APPLICATION NO. 5448

Attorney Reischmann read the title into the record and called for any ex parte communications. Council Member Klufas shared about emails received but that they would not impact the vote.

Ray Tyner, Deputy Chief Development Officer, opened the item. Mr. Hoover, Senior Planner, presented the topic to Council. Topics presented included a history of the item and updates that were made to the MPD.

Council held discussion on events. Mr., Tyner provided a response.

Council Member Pontieri asked why we are not requiring a subdivision master plan per our land development code.

Mr. Hoover shared that enough data is shown on the plans to accomplish the subdivision master plan. Mr. Tyner shared details of the process.

Council Member Pontieri shared a concern for Tract 3 and greenspace.

Mr. Tyner shared information about the development order and accountability of the green space.

Mayor Alfin asked staff to share about conversations with neighbors.

Mr. Tyner shared about compatibility for residents and neighbors.

Council Member Klufas discussed part of the recommended action that states prior to construction the city will receive proof that the site cement kiln dust remediation plan has been completed and approved by the State regulatory board.

Public Comment:

Robert MacDonald spoke about the number of boats and shared concern for fire safety.

Mr. Chiumento shared that the plan will be required to follow fire prevention code.

Council Member Pontieri shared concerns for the project and the impacts to the quality of life for residents.

City Council held lengthy discussion on commercial development and locations for such development.

Mayor Alfin shared about the upcoming comprehensive plan review.

Council Member Pontieri shared concerns for the comprehensive plan review and future changes.

Council held discussion on the comprehensive plan review and planning.

Pass

Motion made to be adopted on second 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 Cathy Heigher
Denied - 1 - Council Member Theresa Pontieri**

H. ORDINANCES FIRST READ

10. 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

Attorney Reischmann read the title into the record.

Jose Papa, Senior Planner, presented the topic to Council. Topics presented included: background of the item, voluntary annexation, and conclusion.

Council Member Klufas shared about emails received.

The applicant was available for questions.

Mayor Alfin asked for Attorney Reischmann to provide information about what a voluntary annexation is.

Attorney Reischmann provided details of voluntary annexation.

Council Member Klufas spoke about future uses of the land and impact to current property owners. Council Member Klufas asked for Attorney Reischmann to describe what Council is actually voting on and whether those items can be taken into consideration.

Mr. Reischmann provided a description of the items for Council consideration.

Council Member Pontieri shared discussion on the topic and discussed the potential of a pre-annexation agreement to protect the integrity of the development that is there.

Mr. Chiumento responded on behalf of the applicant. Mr. Chiumento shared resident requests and explained that the companion comprehensive plan amendment, zoning application, and conceptual master plan that will come that outlines those commitments.

Mr. Reischmann shared about a voluntary commitment agreement and discussed the process and clarified that the Ordinance will not include the discussed conditions.

Council Member Pontieri asked if the applicant is willing to move forward with the voluntary commitment agreement.

Mr. Chiumento responded yes the applicant agrees.

Public Comment:

John Duncan, property owner within Polo Club West, spoke on behalf of the 34 residents of Polo Club West and the Board of Directors and HOA. Mr. Duncan shared about the composition of Polo Club West and that a good neighbor and smart fit philosophy should be exercised, particularly in this situation. Mr. Duncan shared concern for entry into the neighborhood and land access. Mr. Duncan shared a request that privacy initiatives be incorporated into the plan, further definition of a land locked lot, current right of way to be defined, and decorative monument sign.

Kara Dickson, who is currently building a house in Polo Club West, read a letter on behalf of another resident of Polo Club West which shared concerns and requests.

Bob Addick of Polo Club West, expanded on the comments from Ms. Dickson and thanked Mr. Chiumento for working with residents and for trying to be a good neighbor. Mr. Addick spoke about inevitable annexations but hoped that the City would respect and protect their neighborhood.

Sally Aronoff, of Sugarmill Plantation, spoke about the history of the item and prior direction from the Mayor. Ms. Aronoff requested to know if the Mayor

received answers. Ms. Aronoff shared concerns for exceptions to the land development code.

Mayor Alfin provided a response to Ms. Aronoff on staff efforts with the County to find the best solution.

Council Member Pontieri asked about the intent of a 1-acre lot.

Mr. Chiumento provided the intent.

Mayor Alfin shared with Mr. Tyner that he is going to depend on him to continue the discussion with the applicant to get as far down the road on their request to make this work for everybody.

Mr. Tyner shared that staff has good direction from Council and will work with them.

Council Member Heigher thanked everyone for their comments and hoped that the developer will consider the installation of the wall.

Council Member Klufas concurred and was encouraged by the dialogue.

Pass

Motion made to approve 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

I. RESOLUTIONS

11. RESOLUTION 2023-86 APPROVING AN INTERLOCAL AGREEMENT BETWEEN FLAGLER COUNTY AND THE CITY OF PALM COAST FOR UTILITY INFRASTRUCTURE IMPROVEMENTS

Attorney Reischmann read the title into the record.

Steve Flanagan, Utility Director, presented the topic to Council. Topics presented included: updates, major benefits, load estimation, project location and limits, status of the project, and staff recommendations.

Mayor Alfin discussed economic development from the project.

Mr. Salinas, Flagler County Chief of Staff, shared comments about the project and economic development.

Mr. Salinas clarified details of legislative appropriations which will be managed through a DEP grant.

Council Member Pontieri shared thanks for the collegiality and was looking forward to the project. Council Member Pontieri had a question related to the agreement on the 50% responsibility of cost.

Mr. Flanagan provided a response related to repairs and language within the agreement.

Mr. Salinas shared a response that although the County is funding the project, it is the City's infrastructure.

Council Member Klufas shared comments regarding coming to the agreement of a 50/50 agreement and about how the improvements help keep the integrity of our system.

*Public Comment:
There were none.*

Pass

Motion made to approve 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

12. RESOLUTION 2023-90 APPROVING AN ENGINEERING CONSULTANT CONTRACT WITH WRIGHT-PIERCE, INC., FOR THE WATER TREATMENT FACILITY 1 SUSTAINABILITY STUDY

Attorney Reischmann read the title into the record.

Alex Blake, Utility Engineer III, and Peter Roussell, Deputy Director of Utility, presented the topic to Council. Topics presented included: Water Treatment Facility 1 layout, goals of the study, water production projections, overview, limiting factors, importance of providing safe, reliable, and adequate supply of drinking water, and study purpose and goals.

City Council held discussion on the following topics: location of the study, possibility of aligning treatment methods, length of the study, length of time the results are good for, invasiveness of the testing, components of the study and forecasting staffing.

Mr. Blake and Mr. Roussell provided response to Council questions.

*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 Heighter

13. RESOLUTION 2023-89 APPROVING AN ENGINEERING CONSULTANT CONTRACT WITH CPH, LLC FOR THE WASTEWATER TREATMENT FACILITY 1 EXPANSION STUDY

Attorney Reischmann read the title into the record.

Alex Blake, Utility Engineer III, and Peter Roussel, Deputy Director of Utility, presented the topic to Council. Topics presented included: overview, project location, Wastewater Facility 1 layout, recent and current projects, completed projects, raw sewage flows, study purpose and goals, and probable cost and schedule.

Council held discussion on the results of the study and assurance that we are headed where we need to go.

Mr. Blake and Mr. Roussel responded to Council questions.

Council Member Pontieri asked if we are able to use impact fees or state monies for these studies.

Ms. Bevan shared a response on state appropriations.

Jason DeLorenzo, Chief of Staff, responded that impact fees may be used for the eligible expense.

*Public Comment:
There were none.*

Pass

Motion made to approve 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

14. RESOLUTION 2023-87 APPROVING A CONTRACT WITH GPS CIVIL CONSTRUCTION, INC., FOR THE CONSTRUCTION OF THE RAW WATER MAIN EXTENSION WATER TREATMENT FACILITY 3 WELLFIELD PROJECT

Attorney Reischmann read the title into the record.

Alex Blake, Utility Engineer III, and Peter Roussel, Deputy Director of Utility, presented the topic to Council. Topics presented included: details of the extension, wellfield area, site map, and primary function of water planning.

Council Member Klufas asked if there is a reason that we aren't going to a larger pipe.

Mr. Blake provided a response.

*Public Comment:
There were none.*

Pass

Motion made to approve 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

15. RESOLUTION 2023-91 APPROVING 2024 LEGISLATIVE PRIORITIES

Attorney Reischmann read the title into the record.

Jason DeLorenzo, Chief of Staff, provided a background and updates for the item.

Mayor Alfin shared concern for North/South evacuation routes, specifically Old Kings Road, and would like to add that to the legislative asks. Council Members agreed with including the request.

Council Member Pontieri asked if we are including this item too early.

Mr. DeLorenzo shared the timeline and information regarding the process of including the item.

Council Member Pontieri asked how we will be kept in the loop on how our appropriation requests are going.

Mr. DeLorenzo provided the anticipated timeline of the requests.

*Public Comment:
There were none.*

Pass

Motion made to approve as amended 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

J. CONSENT

Public Comment:

Robert MacDonald spoke about item 17 to ask what it is going to be for, and how much it is going to cost.

Ms. Bevan provided a response that the item is for labor negotiations.

Mayor Alfin provided a response on utilizing actuarial services to forecast what the future liabilities, expenses, and/or, contract negotiations might represent to us.

Attorney Reischmann provided a response on negotiations for labor contracts and understanding the long-term cost.

Council Member Pontieri provided a response to the public comment to explain that the topic is regarding labor negotiations and is confidential.

Mr. McDonald asked if the public will be allowed to share input on the topic.

Attorney Reischmann provided a response that the public does not necessarily have the skills to provide input on the topic. Mr. Reischmann shared details of the services and process of this item.

16. RESOLUTION 2023-85 APPROVING MASTER PRICE AGREEMENTS WITH FERGUSON WATERWORKS AND FORTILINE WATERWORKS TO PURCHASE VARIOUS UTILITY SUPPLIES

17. RESOLUTION 2023-88 APPROVING WORK ORDER WITH GABRIEL, ROEDER, SMITH & COMPANY FOR ACTUARIAL SERVICES

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

K. PUBLIC PARTICIPATION

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

Gene Dowd thanked all first responders and discussed attacks on City Council.

Mr. Dowd shared support for city employees.

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

Vice Mayor Danko provided a response to Mr. Dowd regarding having thick skin.

Council Member Pontieri discussed an upcoming joint collaboration meeting and asked for consensus to add better utilization of Mala Compra Park to the agenda.

Mayor Alfin asked Ms. Pontieri to let Ms. Bevan know the information about the meeting so that he can attend as well.

Vice Mayor Danko asked for details on better utilization.

Council Member Pontieri responded just as a topic of discussion.

Mayor Alfin shared that he, and Council Member Klufas, will provide an update at the next Council meeting on the status of the Interlocal Agreement Committee.

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

Ms. Bevan shared appreciation for the public comment regarding city staff gave a shout out to partners for being prepared and responsive.

O. ADJOURNMENT

The meeting was adjourned at 10:38 p.m.

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