



City of Palm Coast Minutes City Council Business Meeting

City Hall
160 Lake Avenue
Palm Coast, FL 32164
www.palmcoastgov.com

Mayor David Alfin
Vice Mayor Ed Danko
Council Member Charles Gambaro
Council Member Nick Klufas
Council Member Theresa Pontieri

Tuesday, November 12, 2024

9:00 AM

City Hall - Community Wing

City Staff

Lauren Johnston, Acting City Manager

Marcus Duffy, 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.
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- City Council Meetings are streamed live on YouTube at <https://www.youtube.com/@PalmCoastFL>.
- 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 9:02 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. PROCLAMATIONS AND PRESENTATIONS

1. PROCLAMATION - NOVEMBER 2024 AS SHIRLEY CHISHOLM MONTH

Council Member Klufas presented the proclamation.

Agnes Lightfoot and Mayor Alfin shared comments about Ms. Chisholm.

2. PRESENTATION - EXTERIOR BUILDING HOUSE COLORS

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

Tracey Doak, Zoning Supervisor, and Barbara Grossman, Code Enforcement Manager, presented the topic to City Council. Topics presented included: background, recommendations, and options for consideration.

City Council held discussion on the following topics: change to reflectivity, viewable differences, yellow as a prohibited color, property values, look of the neighborhoods, and a request for clear language.

Mr. DeLorenzo reiterated the direction of City Council, and that staff will prepare an Ordinance to come before City Council at a future meeting.

3. PRESENTATION - HURRICANE MILTON PREPARATION AND RESPONSE

Kyle Berryhill, Fire Chief, presented the topic to Council.

Topics presented included: storm stats, emergency organization chart, Fire Department response, pre-storm preparation plan, ride-out team purpose and tasks, damage assessment and prioritization, fleet and facilities, Stormwater Division, Wastewater Operations, Utility Wastewater Treatment, Utility Water Distribution, Parks & Recreation, Building Division, Code Division, Information Technology, Communications, Customer Service, and Finance.

City Council held discussion on the following topics: pre-execution check list, consideration of this storm and prior storms to determine areas of improvement, gap between the presentation and what the residents feel, sufficient communication and updates to residents, frustration with debris pickup, request for procurement to review emergency contracts for competitive pricing, and contractor repercussions for timely response.

Public Comment:

Mayor Alfin asked a representative from Grand Haven to share feedback related to the storm.

Celia Pugliese appreciated the good things that were done, discussed debris collection, and was concerned for elderly residents.

Ed Fuller thanked the citizens of Palm Coast for lowering water usage during the storm, was glad that employees and citizens were not injured, asked if gas stations are required to have emergency power, and shared compliments to the communications staff during the storm.

Mindy Melendez spoke on item 2 of the agenda, discussed the history, petitions that she has related to house colors, spoke of 2 builds that were approved outside of the allowable colors, cautioned selective enforcement, and discussed Homeowners Associations (HOA) allowing different colors.

Jeremy Davis thanked the Fire Department for their response during the storm, discussed water treatment, and accountability in the City.

Celia Pugliese believed that Code Enforcement does a great job, discussed house colors, house color noncompliance, and Code Enforcement responsibility versus the responsibilities of other departments.

Mr. DeLorenzo provided an update on debris pickup.

Mayor Alfin requested a future presentation on FEMA dollars and contractual obligations to help clear confusion.

Mr. DeLorenzo shared briefly about federal programs, regulations, and efforts taken to ensure the maximum amount recovered.

Council Member Klufas discussed debris pickup during previous storms and HOA approved colors.

Council Member Gambaro asked Mr. DeLorenzo to explain why there was a delay in debris pickup.

Mr. DeLorenzo explained the debris pickup contracts, process for pickup, and contractor's ability.

Council Member Gambaro reiterated that the contractor failed the residents of Palm Coast.

Mayor Alfin shared a reminder that better is going to cost more.

Mr. DeLorenzo discussed the delicate balance related to reimbursements, managing costs, and potential City expenditure for the debris collection services.

Council Member Pontieri requested the addresses discussed by Ms. Melendez, provided applicable statute language, and encouraged Code Enforcement to continue to apply laws evenly.

E. 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.

Randy Stapleford, Flagler County Commissioner for the Florida Inland Navigation District (FIND), recognized City staff members Alyssa Roscoe, James Hirst, and Eric Gebo, and discussed grants throughout the years.

Robert MacDonald discussed the City's 25th anniversary celebration, event fees, audio issues at City events, and did not want the departing Council Members to be strangers.

Cathy Saris discussed Veterans Day and thanked service members and K9 members, discussed the Flagler County Humane Society, begged City Council to consider donating land for a municipal shelter, discussed comments at a recent joint City/County meeting on the topic, and discussed euthanasia reports.

Mark Stancel paid gratitude to the City Council and thanked them for appointing him to boards.

Annamaria Long discussed complaints, shared compliments for the clear streets after Hurricane Milton, safety afforded by the Flagler County Sheriff's Office, efforts to increase safety at the Indian Trails Sports Complex, wastewater spillage in other cities in Florida, encouraged everyone to have gratitude for the beautiful place that we leave, and thanked the Council for their dedication and hard work.

Celia Pugliese stated that residents want to preserve Palm Coast, to keep the beautiful quality of life, and shared support for the need for a municipal shelter.

Ed Fuller thanked veterans for their service, discussed community events held, and shared thanks to various staff and community members for the recent Veterans Day event.

Jeremy Davis thanked various Council Members for their prior service and discussed his quality of life and Council responsibility.

Council Member Pontieri thanked Commissioner Stapleford for his efforts.

Mayor Alfin hoped that it is Commissioner Stapleford's intention to continue on and shared encouragement to continue supporting the community.

Council Member Klufas thanked Commissioner Stapleford and shared compliments for the joint collaborative efforts.

F. MINUTES

4. MINUTES OF THE CITY COUNCIL: OCTOBER 15, 2024, BUSINESS MEETING

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 Charles Gambaro

G. ORDINANCES SECOND READ

5. ORDINANCE 2024-16 AMENDING CHAPTER 2, ADMINISTRATION, ARTICLE VI, RETIREMENT, DIVISION 2, VOLUNTEER FIREFIGHTER RETIREMENT SYSTEM AND TRUST FUND

Attorney Duffy read the title into the record.

Chief Berryhill provided a background of the item and shared that Mr. Lozen, with Foster & Foster, is available for Council questions.

City Council held discussion on the following topics: outline of the incentive or opportunity, employment retention, support for retention efforts, growth of the Fire Department over the years, and the future of the Fire Department.

Public Comment:

Patrick Juliano, Vice President of the Palm Coast Professional Firefighters, discussed this item as a remarkable achievement that honors service, shared about the collaborative efforts, and shared thanks to the Council Members.

Mayor Alfin asked that this be shared with young members of the community to encourage training and become a part of our local organization.

Celia Pugliese supported the Fire Department and asked how much this will cost the taxpayers.

Chief Berryhill thanked City Council for their approval.

Pass

Motion made to be adopted on second 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 Charles Gambaro

6. ORDINANCE 2024-17 AMENDING THE UNIFIED LAND DEVELOPMENT CODE TO IMPLEMENT AND ENSURE COMPLIANCE WITH THE LIVE LOCAL ACT

Attorney Duffy read the title into the record.

Michael Hanson, Planner, presented the topic to City Council. Topics presented included: history of the item, changes requested by City Council, and an overview of the item.

City Council held discussion on the following topics: the topic across the State, the topic as a dynamic area of law, enforcement, clauses for development already in the process, concern for potential litigation, and helping the community to understand the impacts to the City of Palm Coast.

Mr. Hanson and Mr. DeLorenzo provided a response to Council comments and questions.

Public Comment:

Celia Pugliese wanted residents to be aware that vacant lots, on Palm Coast Parkway for example, are subject to the Live Local Act and shared concern for traffic impacts.

Mayor Alfin replied that this may be parcel specific and reiterated his prior comments to Mr. DeLorenzo.

Pass

Motion made to be adopted on second reading by Council Member Pontieri and seconded by Council Member Gambaro

Approved - 4 - Mayor David Alfin, Council Member Nick Klufas, Council Member Theresa Pontieri, Council Member Charles Gambaro
Denied - 1 - Vice Mayor Ed Danko

7. ORDINANCE 2024-18 CREATING AN ART IN PUBLIC PLACES PROGRAM FOR CITY BEAUTIFICATION

Attorney Duffy read the title into the record.

James Hirst, Director of Parks & Recreation, presented the topic to Council.

Topics presented included: background of the item, SAP priority, current verbiage, public art fund examples, establishment of art in lieu of fee, application requirements, acceptable versus nonacceptable artwork, committee review process, updates to the Ordinance, and Council action.

City Council held discussion on the following topics: impact fees, enriching the community, funding mechanism for cultural arts, allowable fund uses for dollars received, concern for the lack of a comprehensive plan, execution and process, concern for “in lieu of” within Paragraph E, setting rules on a private property, potential of new staff positions, concern for setting a precedence, definition of an impact fee and if this fee follows the same regulations, selection of art, and recommending to remove the Paragraph E of the Ordinance.

Ms. Johnston shared about future policy Resolutions that would follow the adoption of the Ordinance.

Public Comment:

Danielle Anderson, Flagler County Cultural Council, thanked City Council for their consideration and hoped the item would be supported.

Celia Pugliese appreciated the presentation and supported the idea, believed life without art is rudimentary, and wanted the fund expenditures to be approved by the residents.

Pass

Motion made to be adopted as amended on second reading removing Paragraph E (“In Lieu Of”) of by Council Member Gambaro 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 Charles Gambaro

H. RESOLUTIONS

8. RESOLUTION 2024-190 APPROVING THE DONATION OF SURPLUS DIRT

Attorney Duffy read the title into the record.

Lynn Stevens, Deputy Director of Stormwater & Engineering opened the item.

Donna Stancel, Chair of the Residential Drainage Citizens Advisory Committee, presented the topic to City Council. Topics presented included: an introduction, committee objective, information gathering, recommendation, and agreement details.

Ms. Stevens provided additional details on the topic.

City Council held discussion on the following topics: support for donation dirt, other items reviewed and discussed by the committee, CDBG loan details,

developer/home builder contribution, support for survey, updates to the technical manual to avoid such issues in the future, and monetary relief for homeowners.

Council Member Pontieri requested to include language in the agreement that the dirt is for personal use, not for resale.

Public Comment:

Jeremy Davis did not believe that this would fix the problem, discussed a neighboring home which is higher than his, and wanted the committee to come up with real solutions.

Celia Pugliese believed that the committee was doing everything that they can but did not believe that this is a solution. Ms. Pugliese discussed developer responsibility to do proper drainage and proper enforcement.

Pass

Motion made to approve as amended by Vice Mayor Danko and seconded by Council Member Gambaro

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

9. RESOLUTION 2024-191 APPROVING PROPOSED UPDATES AND CHANGES TO CURRENT DEBT POLICY

Attorney Duffy read the title into the record.

Helena Alves, Director of Financial Services, presented the topic to Council.

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 Charles Gambaro

10. RESOLUTION 2024-XX RENAMING THE PALM COAST COMMUNITY CENTER TO THE JON NETTS COMMUNITY CENTER

Vice Mayor Danko shared that he had to leave early and wanted to share his comments on this item with the Council that he does not support naming buildings.

Attorney Duffy read the title into the record.

James Hirst, Director of Parks & Recreation, presented the topic to Council. Topics presented included: a background of the item, about Jon Netts, concept design, and recommended action.

City Council held discussion on the following topics: listening to the public, lack of general outreach for community input, Mr. Netts contributions to the City, outreach and marketing, suggestion to rename a room in the Community Center to honor Mr. Netts, concern for the process and addressing those before considering this item.

Ms. Johnston responded to concerns to share that staff has followed the renaming policy.

Public Comment:

Celia Pugliese disagreed with the comments of City Council, shared beliefs of residents, and concern for the cost to rename the Community Center.

Ms. Johnston shared the related Strategic Action Plan and history of renaming.

Bruce Stone discussed resident impacts and recognition.

Steve Carr asked City Council what they think Jon Netts would say and do, discussed the hurting infrastructure, and asked City Council to consider what Mr. Netts would do.

Mr. Hirst shared that only one sign would be changed and that a new sign is already in consideration.

Motion by Council Member Klufas to rename the Palm Coast Community Center to the John Netts Community Center. The motion died for lack of second.

Council Member Pontieri made a motion to rename the large "sunshine room" at the Community Center.

Discussion was held on the renaming policy and the motion on the floor.

Council Member Pontieri withdrew the motion.

11. RESOLUTION 2024-189 APPROVING A DONATION OF SURPLUS EQUIPMENT TO THE CITY OF BUNNELL

Attorney Duffy read the title into the record.

Mr. DeLorenzo presented the topic to Council. Topics presented included: a background of the item, Bunnell inquiry for surplus equipment, fleet review, and Council action.

City Council held discussion on the following topics: auction value, opportunity to help our governmental community, and end use of the equipment.

Public Comment:

Celia Pugliese asked how many times the Council says no to the residents for nominal expenditures, that these are taxpayer dollars, and did not support the donation.

Pass

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

Approved - 4 - Mayor David Alfin, Council Member Nick Klufas, Council Member Theresa Pontieri, Council Member Charles Gambaro

I. CONSENT

Council Member Pontieri had questions about items 12, 17, and 18 to ask why we are contracting for work that the City can do.

Ms. Johnston, Ms. Alves, and Mr. DeLorenzo provided a response to the questions.

Council Member Gambaro asked for details of item 15 and asked that any sole source purchases be explained in the future.

Mr. Berryhill provided a description of the tool and purchase.

Public Comment:

Celia Pugliese discussed item 12 and associated fees, discussed items 16, 17, 18 and believed they should only be used for large projects.

Pass

Motion made to be adopted on consent by Council Member Klufas and seconded by Council Member Gambaro

Approved - 4 - Mayor David Alfin, Council Member Nick Klufas, Council Member Theresa Pontieri, Council Member Charles Gambaro

- 12. RESOLUTION 2024-183 APPROVING MASTER SERVICES AGREEMENTS WITH MULTIPLE FIRMS FOR DISASTER FINANCIAL RECOVERY CONSULTANT SERVICES**
- 13. RESOLUTION 2024-185 APPROVING A MASTER PRICE AGREEMENT WITH INTEGRITY MUNICIPAL SYSTEMS, LLC FOR THE PURCHASE OF A LIME SLAKING SYSTEM**
- 14. RESOLUTION 2024-184 APPROVING A WORK ORDER WITH CONNECT CONSULTING, INC., FOR THE EVALUATION, REHABILITATION, AND REPAIR OF WELLS SW-31, SW-35, AND SW-106**

15. RESOLUTION 2024-182 APPROVING SOLE SOURCE WITH NAFECO FOR FIRE HYDRAULIC TOOLS
16. RESOLUTION 2024-186 APPROVING A PIGGYBACK CONTRACT WITH THE CITY OF CLERMONT, FLORIDA, AND WILL DAN ENGINEERING, INC., FOR BUILDING PLAN REVIEW AND INSPECTION SERVICES
17. RESOLUTION 2024-187 APPROVING A PIGGYBACK CONTRACT WITH THE CITY OF CLERMONT, FLORIDA, AND JOE PAYNE INC., D/B/A JPI FOR BUILDING PLAN REVIEW AND INSPECTION SERVICES
18. RESOLUTION 2024-188 APPROVING A PIGGYBACK CONTRACT WITH THE CITY OF NEW SMYRNA BEACH, FLORIDA, AND BUREAU VERITAS NORTH AMERICA, INC., FOR BUILDING PLAN REVIEW AND INSPECTION SERVICES

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

Council Member Gambaro wished veterans a Happy Veterans Day, thanked Vice Mayor Danko, Mayor Alfin, and Council Member Klufas for their service to the City, and sought consensus to address gaps in military leave policy. Consensus was provided.

Ms. Johnston responded that it would be reviewed, sharing that City policies and procedures are not typically adopted by City Council.

Council Member Pontieri thanked Mayor Alfin and Council Member Klufas for serving their community, shared thanks for a Veterans Day event, and recognized Dylan Comb, Employee of the Month. Council Member Pontieri continued her comments to discuss the recent behavior of Vice Mayor Danko orchestrating a lawsuit against the City, freedom of speech, items within purview of City Council and serving in the best interest of the City, his conflict of interest in a recent litigation shade meeting, lack of professional courtesy, decorum, and behavior that should not be accepted.

Council Member Pontieri made a motion to censure Vice Mayor Danko and asked the City Attorney to look into an ethics violation complaint for the behavior described. The motion was seconded by Council Member Klufas.

Council Member Klufas shared comments on items that have occurred and supported establishing the decorum that existed when he first began as a Council Member, sharing that the Council's success is a function of how well they can work together.

*Public comment:
There were none.*

Council Member Gambaro asked if the Council can take this action.

Attorney Duffy outlined parliamentary procedure and details of the motion.

Council Member Pontieri stated that this would be a censure under Robert's Rules of Order for failure to follow the policies and procedures regarding decorum.

Council Member Klufas shared of prior censures that have occurred.

Mayor Alfin shared his efforts to restore decorum and that his reservation, having been the target of comments as described earlier by Council Member Pontieri, is that he did not want this to appear retaliatory.

Council Member Pontieri clarified that the motion is related to the lawsuit and believed that the potential of harming the City, working with a resident behind closed doors to sue the City, and then engaging in a shade meeting with a conflict of interest, should be considered.

Discussion was held on the process of filing an ethics complaint.

Mayor Alfin called for a roll call vote.

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 -1- Council Member Charles Gambaro

Council Member Klufas shared thanks to emergency responders, the City's leadership, outlined positive changes over the last 8 years, recognized former Council Members, and trusted that the City will move in the correct direction.

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

Ms. Johnston thanked City Council for their leadership, that the City looks forward to the continuation of new leadership, and furthering the growth of our beautiful city.

N. ADJOURNMENT

The meeting was adjourned at 1:41 p.m.

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