



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 Cathy Heighter
Council Member Nick Klufas
Council Member Theresa Pontieri

Tuesday, February 6, 2024

6:00 PM

City Hall - Community Wing

City Staff

Denise Bevan, City Manager

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.
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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 6:01 p.m.

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

C. ROLL CALL

City Clerk Kaley Cook called the roll. Council Member Heighter was absent.

D. PROCLAMATIONS AND PRESENTATIONS

**1. PROCLAMATION - THE WEEK OF FEBRUARY 15, 2024, AS WELCOME TO THE
NEIGHBORHOOD WEEK**

Mayor Alfin presented the Proclamation to Brian McMillan, owner of the Palm Coast Observer. Mr. McMillan shared comments.

2. PRESENTATION - ANNUAL HEALTH AND SAFETY EMPLOYEE CALENDAR

Carol Mini, Urban Forester, presented the topic to Council.

Pete Roussell, Deputy Director of Utility, provided the awards to winners.

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.

Mayor Alfin provided the rules and procedures of public comment.

Mayor Alfin asked Ms. Bevan to provide an update on items.

Ms. Bevan provided an update on infill lots and implementation of technical manual changes, forensic audit, and Utility Rate study.

Robert MacDonald discussed the participation of the recent Tunnel to Towers event, shared stories about Mayor Alfin and prior events, and provided his medal to Mayor Alfin.

Jeffrey Seib discussed rate of growth, needed road repairs, traffic, areas suffering from inattention, and suggested that the City immediately impose a damage recovery fee on all home construction permits or impact charges.

Ken McDowell provided a reminder regarding Government Ethics.

Bruce Stone discussed flooding and traffic.

Joe Runac shared gratitude for an email received regarding a withdrawal of special exception from Diamond Communications. Mr. Runac thanked Ms. Schaefer and Ms. Lens.

Daniel Hackeny, representative of Palm Coast Professional Firefighters, discussed an impasse between the Firefighter's Union and City Administration and requested assistance with scheduling a public hearing.

Celia Pugliese discussed cellphone tower location, drainage, and code of Ordinances.

Candace Stevens discussed a traffic study, traffic claiming measures, flags on her street, citizen's advisory board, and suggested making decisions with hand, head, and heart.

Steve Verrier was opposed to any increases to the water bill, shared support for residents dealing with flooding, and discussed excessive speeding on Cimmaron Drive.

Nathan Phelps discussed the history of the topic of backyard chickens, asked Council to reconsider the topic, and provided response to prior Council comments.

Rose Chumaceiro discussed swales and a forensic audit.

Jeremy Davis thanked Council Member Pontieri for assistance, discussed problems with swales, and flooding at his home.

Steve Carr discussed traffic on Florida Park Drive.

Mara Wuerth discussed swale maintenance, construction trash, commitments made by builders, disregard for City building regulations, and response to Stormwater proposed changes.

Nathan Phelps discussed flooding, swales, deforestation problem, slowing building, and care for residents.

Marilynn Mack discussed living in a construction zone, lack of resolution for infill lot problems at her home, discussed her professional experience, asked who is running the City and provided suggestions to notify surrounding residents on new builds.

Candace Stevens discussed salaries, certificate of occupancy, asked about Stormwater funds and expenditures, and asked for a date of the last swale maintenance on Point Pleasant.

Vice Mayor Danko asked for information related to the comments of Mr. Hackney.

Ms. Bevan provided a response on the next steps.

Attorney Garganese provided details regarding Statutory Processes, definition of terms, and outlined next steps.

Council Member Klufas asked if there are any concerns for the budgetary process.

Ms. Bevan responded no.

Council Member Pontieri asked for an update on a certificate of occupancy on Prayer Lane.

Mr. DeLorenzo, Chief of Staff, provided a brief response.

Council Member Pontieri provided response to public comments and asked citizens to email her if they have not received a response.

Council Member Klufas asked for additional details of the reasoning for the recent withdrawal of a cellphone tower application.

Mr. DeLorenzo provided a response.

F. MINUTES

3. MINUTES OF THE CITY COUNCIL: JANUARY 16, 2024, BUSINESS MEETING

Pass

Motion made to approve 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 Theresa Pontieri

G. ORDINANCES SECOND READ

4. ORDINANCE 2024-07 AMEND THE BOUNDARIES OF THE LANDINGS COMMUNITY DEVELOPMENT DISTRICT (CDD) - APPLICATION NO. 5560

Attorney Garganese read the title into the record.

Phong Nguyen, Senior Planner, provided a brief presentation to Council. Topics presented included: area, update from the December 5, 2023, hearing, and recommendation.

The applicant's representative was available for questions.

Council Member Pontieri thanked staff for the update to the application.

Mayor Alfin asked staff to provide the benefits of a Community Development District.

Mr. Nguyen provided the benefits.

Public Comment:

Leslie Johnson asked if the residents will stay within the Community Development District boundaries, discussed use of infrastructure, and asked for details of the traffic study.

Celia Pugliese agreed with the comments of Ms. Johnson and discussed impact fees and fees paid versus expenses of the City.

Jeremy Davis discussed conflict of interest, campaign contributions, and overcrowding.

Council Member Pontieri asked for information related to impact fees.

Mr. Tyner and Mr. DeLorenzo provided a response.

Council Member Klufas discussed additional clarification into transparency for what kinds of impact fees are collected.

Pass

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

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

5. ORDINANCE 2024-08 AN AMENDMENT TO THE TOWN CENTER AT PALM COAST PLANNED UNIT DEVELOPMENT (PUD) DEVELOPMENT AGREEMENT (DA)

Attorney Garganese read the title into the record and called for any ex parte communications.

Mr. Tyner provided a brief background of the item and addition of language. The applicant was available for questions.

Mr. Chiumento, on behalf of the applicant, provided an overview of the item and shared the intent of the amendment.

Klufas shared support for the project and stated that this is a tremendous addition to the quality of business that can be added.

Council Member Pontieri thanked staff and the applicant for bringing the intent of Town Center back to life. Council Member Pontieri asked about conversions.

Mr. Tyner provided a response.

Public Comment:

Jeremy Davis discussed conflict of interest and campaign contributions.

Candace Stevens discussed Community Development Districts and board of directors.

Nathan Phelps discussed increase in residents, conflict for residents losing value in their properties, oversaturated market, and rezoning.

Celia Pugliese discussed types of builds occurring, asked for an update on MedNexus and follow up on investments, discussed homelessness.

Rose Chumaceiro shared concern for development, discussed a recent article, unemployment in Flagler County, and supporting the City with high paying jobs.

Marilyn Mack discussed apartments in town center and an assigned police officer.

Leslie Johnson discussed Douglas Properties and their serving on the CDD Board of Supervisors.

Council Member Pontieri asked staff to speak to conversions.

Mr. Tyner provided a response.

Council Member Klufas provided an update on simulations lab funding.

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 Heighter

H. ORDINANCES FIRST READ

6. ORDINANCE 2024-XX AMENDING CHAPTER 4, SECTION 4.01, SUBSECTION 4.01.04, OF THE UNIFIED LAND DEVELOPMENT CODE OF THE CITY OF PALM COAST

Attorney Garganese read the title into the record.

Barbara Grossman, Code Enforcement Manager, presented the topic to Council. Topics presented included: topics to be discussed, legal guidance, safety and riparian rights, freshwater canals, saltwater canals, examples, and Planning and Land Development Regulation recommendation.

City Council held discussion on the following topics: regulation of vessels, fixtures, navigability, permitted regulations, Florida Statutes and FDEP, feet that are allotted, and docking issues.

Attorney Garganese shared a response on the proposed Ordinance and Florida Statutes.

Public Comment:

Celia Pugliese highlighted the excellence of Ms. Grossman and supported the Ordinance.

Steve Gerrish shared concern for the Ordinance and compliance issues.

George Mayo encouraged the City to work with the Flagler County Sheriff for additional compliance review and provided suggestions for violations.

Council Member Pontieri asked if there is a way to regulate navigability through the Land Development Code.

Ms. Grossman provided a response.

Mayor Alfin asked Mr. Grossman to briefly restate staff's opinion.

Pass

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

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

I. RESOLUTIONS

7. RESOLUTION 2024-21 APPROVAL OF A CHANGE ORDER WITH CUSTOM BUILT MARINE CONSTRUCTION, INC., AND APPROVAL OF EXPENSES RELATED TO AN INCREASE IN PROJECT SCOPE

Attorney Garganese read the title into the record.

Carl Cote, Director of Stormwater & Engineering, presented the topic to Council. Topics presented included: Maintenance Operations Center and Strategic Action Plan items, master plan, project implementation, cost saving measures, and funding and Council actions.

Council Member Pontieri shared concern for the amount of money and asked what kind of delay could be expected.

Mr. Cote provided a response.

Public Comment:

Celia Pugliese discussed funds spent on the London Waterway, westward expansion, and funds used from the General Fund.

Jeremy Davis agreed with the comments of the prior speaker and discussed fund expenditures.

Mayor Alfin asked Mr. Cote to generalize the impact that this item has on the infrastructure as a whole.

Mr. Cote provided a response.

Pass

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

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

8. RESOLUTION 2024-23 APPROVAL OF A FLORIDA DEPARTMENT OF TRANSPORTATION STATE-FUNDED GRANT AGREEMENT FOR MATANZAS WOODS PARKWAY EXTENSION WEST PHASE TWO PROJECT

Attorney Garganese read the title into the record.

Mr. Cote, Director of Stormwater & Engineering, presented the topic to Council. Topics presented included: background of the item, project status, grant agreement, and Council action.

Council Member Pontieri discussed the grant amount and funding.

Public Comment:

There were none.

Pass

Motion made to approve 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 Theresa Pontieri

9. RESOLUTION 2024-00 APPROVAL OF A DEPOSIT WITH FLORIDA POWER AND LIGHT FOR A DESIGN AND COST ESTIMATE FOR THE RELOCATION OF

**TRANSMISSION FACILITIES FOR THE MATANZAS WOODS PARKWAY
EXTENSION WEST PHASE TWO PROJECT**

Attorney Garganese read the title into the record.

Carl Cote, Director of Stormwater & Engineering, provided a background of the item.

Council Member Pontieri referenced a letter from FPL and provided a response.

City Council held discussion on the topic and potential steps forward.

Mr. Cote provided a response to Council questions.

Mayor Alfin stated that he would be happy to share Council's dissatisfaction with FPL. Council concurred.

Public Comment:

Celia Pugliese asked about grant funding.

Pass

Motion made to approve 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

J. CONSENT

Council Member Pontieri asked about funds for item J10.

Mr. Cote provided a response.

Public Comment:

There were none.

Pass

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

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

- 10. RESOLUTION 2023-19 APPROVING A PURCHASE AND SALE AGREEMENT WITH FORESTAR (USA) REAL ESTATE GROUP, INC., FOR THE CITY OF PALM COAST TO PURCHASE LAND**
- 11. RESOLUTION 2024-20 APPROVING AN EASEMENT AGREEMENT WITH FORESTAR (USA) REAL ESTATE GROUP, INC.**

12. **RESOLUTION 2024-16 APPROVING A JOINT MAINTENANCE EASEMENT AGREEMENT WITH THE SEMINOLE PALMS COMMUNITY DEVELOPMENT DISTRICT (CDD)**
13. **RESOLUTION 2024-24 APPROVING PURCHASE OF ONE (1) CATERPILLAR 305 EXCAVATOR**
14. **RESOLUTION 2024-22 APPROVING MASTER PRICE AGREEMENTS WITH ENVIRONMENTAL LAND SERVICES, INC., AND HOBBS LAND DEVELOPMENT FOR AGGREGATES AND ROAD MATERIALS**
15. **RESOLUTION 2024-15 APPROVING A MASTER PRICE AGREEMENT WITH BRENNTAG MID-SOUTH, INC., FOR 25% SODIUM HYDROXIDE (RAYON OR MEMBRANE GRADE)**
16. **RESOLUTION 2024-18 APPROVING PIGGYBACKING THE OMNIA CONTRACT WITH PLAYCORE WISCONSIN FOR PLAYGROUND AND OUTDOOR FITNESS EQUIPMENT, SITE ACCESSORIES, SURFACING, AND RELATED PRODUCTS AND SERVICES**
17. **RESOLUTION 2024-17 APPROVING PIGGYBACKING THE GENERAL SERVICES ADMINISTRATION CONTRACT WITH ACUITY SPECIALTY PRODUCTS FOR INDUSTRIAL AND ENVIRONMENTAL PRODUCTS**

K. PUBLIC PARTICIPATION

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

Jeremy Davis discussed protecting public interest.

George Mayo discussed a recent Lunch & Lecture and hoped that the city would continue. Additionally, Mr. Mayor discussed a shredding event and encouraged more frequent events, discussed new restaurants, and provided a reminder to use microphones for the audience listening online.

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

Mayor Alfin asked for consensus to bring 4 RFPs forward for presentations to be brought to Council within the next two weeks. Council concurred.

Council Member Klufas shared thanks to staff and the Flagler County Sheriff's Office.

Mayor Alfin discussed the annual State of the City and thanked staff for their efforts.

Council Member Pontieri shared about the recent Tunnel to Towers event.

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 responded to the comments of Mr. Mayo. Additionally, Ms. Bevan shared about upcoming an MedNexus innovation challenge.

O. ADJOURNMENT

*The meeting was adjourned at 9:28 p.m.
Respectfully submitted by: Kaley Cook, CMC, FCRM
City Clerk*