



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, March 5, 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 6:02 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 rules and procedures of public comment.

Ms. Bevan shared an announcement with City Council related to information which was provided to them regarding a forensic audit.

Michael Culler discussed invasive eggs noticed while fishing, kayaks and access to the water system, and provided examples of access points.

Celia Pugliese discussed an email sent to City staff regarding signs blocking a public walkway near St. Joe Walkway, asked for the status of a second meeting with Flagler Executive Airport, and for an update on Florida Park Drive traffic.

Heather Davis discussed the history of a new build neighboring her home, approvals by the City, and urged City Council to make it make sense.

Candi Stevens referenced maps, which are available attached to these minutes, requested that she receive an invitation to meetings of the Residential Drainage Citizens Advisory Committee, and discussed the location of the houses mapped.

Vice Mayor Danko discussed the Residential Drainage Citizens Advisory Committee application and that the committee meetings are open to the public.

Ms. Bevan confirmed.

Robert MacDonald discussed a recent free event, an upcoming event with an admission fee, asked where the funds received from events goes, asked for the

fee charged to every organization which used the community center, and to know the name of the organization.

Mayor Alfin asked Ms. Bevan to provide the details of an upcoming event.

Jeffery Seib discussed the criticality of the drainage system, tests of the system and functionality, regulations regarding foundation height of new homes relative to existing homes nearby, and advocated for a complete renovation of the City drainage system.

Joseph Polici discussed his son's landscaping business and issues with Code Enforcement.

Bruce Stone discussed inability to walk in the area of Cimmaron Drive, problems with speeding, information from nearby cities, and additional safety concerns.

Virginia Chalmers discussed her water usage, water bill costs, water pressure, and water quality concerns.

Vice Mayor Danko asked for staff to assist the speaker.

Vincent Mazarella discussed his experience as a professional engineer, the need to identify addresses affected by flooding, and provided suggestions for next steps in the process.

Leslie Johnson showed a map to City Council (a copy has been attached to these minutes) to discuss addresses affected by flooding, location of Community Development Districts, roads designated for westward expansion, finding trends, and shared concern for online board applications, process, and cases.

Andy Clark discussed cutting back on items that affect future increases.

David Velez discussed black mold, swale maintenance, and Utility bill charges.

Eileen Webber discussed rate increases and inability to afford increases.

Marilyn Mack discussed comment cards, Residential Drainage Citizens Advisory Committee, forensic audit, Utility bill charges, removal of a 5' easement requirement, and water usage and cost.

Council Member Pontieri provided a response to public comment regarding a speed study, discussions with Ormond Beach on speed slowing mechanisms, and asked Ms. Bevan to provide the process for comment cards.

Ms. Bevan provided the process for comment cards.

Council Member Klufas discussed water consumption and provided a recommendation for tools and education to be shared with residents regarding water usage.

Mayor Alfin asked for information related to the Strawberry Festival as referenced during public comment.

James Hirst, Director of Parks & Recreation, shared information related to the event.

E. MINUTES

1. MINUTES OF THE CITY COUNCIL: FEBRUARY 20, 2024, CITY COUNCIL BUSINESS MEETING FEBRUARY 20, 2024, CITY COUNCIL SPECIAL WORKSHOP

Council Member Pontieri asked for an amendment to the February 20, 2024, Business Meeting Minutes.

Motion by Vice Mayor Danko, seconded by Council Member Heighter, to approve the February 20, 2024, City Council Business Meeting Minutes as amended.

Motion by Vice Mayor Danko, seconded by Council Member Pontieri, to approve the February 20, 2024, Special Workshop Minutes.

F. PRESENTATIONS

2. PRESENTATION - LAUNCH OF FINANCIAL TRANSPARENCY DASHBOARD

Helena Alves, Director of Financial Services, opened the item. A video on the topic was shared.

Brittany Kershaw, Director of Marketing & Communications, shared how to find the portal.

Mayor Alfin asked how often the information is updated.

Ms. Alves responded weekly.

Council Member Klufas thanked staff.

3. PRESENTATION - EVALUATION OF LEGAL SERVICES PROPOSALS

Lauren Johnston, Assistant City Manager, opened the item and sought direction for selection of a firm.

Council Member Klufas asked if anyone on the Council has had any success on negotiating fee proposals and variances between the proposals.

Mayor Alfin shared about his discussion with other cities and organizations on the topic.

City Council Members shared their thoughts on the proposals, firms, and selection.

City Council provided consensus to move forward with the Douglas Law Group.

Discussion was held on the process and steps moving forward.

Motion by Mayor Alfin, seconded by Council Member Pontieri to direct the City Manager to prepare and negotiate a contract that is consistent with the Request for Proposals and to bring the contract forward at the next Business Meeting.

Public Comment:

Celia Pugliese asked if the firm has any expertise in land development and encouraged thorough knowledge in land development rules.

Robert MacDonald asked the Mayor to have the City Attorney draft the contract.

Mayor Alfin responded that the City Manager has access to the City Attorney throughout the process.

Marilyn Mack discussed procurement process for legal services and performance-based contracts.

Bruce Stone discussed flooding on Florida Park Drive.

Mayor Alfin shared that public comment is open to the topic of the agenda item.

Council Member Klufas discussed procurement negotiation by City staff and asked for staff to explain that the City Manager position and City Attorney position are different.

Mayor Alfin stated that the process has been open to the public.

The motion passed unanimously.

G. ORDINANCES SECOND READ

4. ORDINANCE 2024-10 UTILITY RATE AMENDMENT

Attorney Garganese read the title into the record and reminded City Council of the updates that have occurred.

City Council held discussion on fee increases, State appropriations, budget adjustments, timeline, expenses that growth is causing, and increase to operations costs.

Mr. DeLorenzo and Mr. Grau provided a response to City Council comments and questions.

Public Comment:

Annamaria Long, Executive Officer for the Flagler Homebuilder's Association, discussed increases, non-opposition from the Flagler Homebuilder's Association, and hoped that the water would become affordable.

Candi Stevens discussed cost of living in Palm Coast, support for increased fees for developers, fee increases with a new water plant, services provided, and considering residents on fixed incomes.

Mike Morris asked where Mr. Flanagan is, urged a motion for a full increase for developers, and discussed shifting priorities.

Celia Pugliese agreed with maxing out the proposed increase and discussed an Ordinance banning parcel clearing burning.

Leslie Johnson utilized a map to identify Community Development Districts, building and impact fees, and the residents who will be footing the bill.

Robert MacDonald asked for a description of an impact fee, who pays it, where the funds go, if it will reduce the amount of taxes he has to pay, if it comes from builders, and stated that the Council should raise the impact fee and make the builders pay.

Mr. DeLorenzo and Mr. Grau provided a description of impact fees and the uses.

Council Member Klufas noted that impact fees cannot be used for existing utility infrastructure.

Peter Johnson discussed current rate studies and projected budget shortfall, encouraged maxing out impact fees for developers, and shared concern for delaying the increase.

John Dasilva provided suggestions for increases and putting a hold on westward expansion.

Brian Burley encouraged a max impact fee increase and budget cuts from other departments.

Karina Thune discussed new home builds and rising water, smart growth, and impact fees.

William Jefferies discussed cable companies running lines through easements, contractors doing work after City work, and residential road flooding.

Council Member Pontieri asked how the rate increase was determined.

Mr. Grau provided a response regarding calculations and rate of inflation.

Council Member Pontieri shared understanding for resident concern and discussed uses of funds related to growth.

Motion by Council Member Pontieri, seconded by Vice Mayor Danko, to approve the second reading of the Ordinance.

Council Member Klufas shared information related to flood insurance.

City Council held discussion on impact fees, taxes, housing that is affordable, striking a balance, maximum impact fees and Statutory limits, and a volumetric approach to fee increases.

Mayor Alfin called on Council to restate the motion.

Council Member Pontieri restated her motion to approve the ordinance with a raise in impact fees to the maximum listed in Exhibit A, and seconded by Vice Mayor Danko.

Pass

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

Approved - 4 - Vice Mayor Ed Danko, Council Member Nick Klufas, Council Member Theresa Pontieri, Council Member Cathy Heighter

Denied - 1 - Mayor David Alfin

H. RESOLUTIONS

5. RESOLUTION 2024-35 APPROVING THE SUPPLEMENTAL AGREEMENT FOR SEMINOLE WOODS INVESTMENTS, LLC (SWI) ANNEXATION

Attorney Garganese read the title into the record.

Phong Nguyen, Senior Planner, presented the topic to Council. Topics presented included: overall site layout, pre-annexation background, supplemental agreement request, payment of impact fees, and recommendation.

The applicant was available for questions.

Mayor Alfin asked if we are required by agreement or law to accept the annexation.

Council Member Pontieri asked who will be approving development and process.

Mr. Nguyen provided a response to Council comments and questions.

Jay Livingston, on behalf of the applicant, provided details of the agreement.

Council Member Pontieri asked if there will be an affect to tax revenue.

Mr. Livingston provided a response on timeline and tax base.

Mayor Alfin asked for the basis of the decision to begin planning with the County.

Mark Hudgins, Seminole Woods Investments, provided information regarding the process, scheduling issues, and changes to the plan.

Mr. Livingston shared additional information related to the project and location.

Public Comment:

Celia Pugliese shared support for the project and wanted to ensure that the City received impact fees, ad valorem taxes, and discussed distribution to other entities.

Pass

Motion made to approve 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 Heighter

6. RESOLUTION 2024-39 APPROVING THE AMENDED PARKS & RECREATION FEE STRUCTURE

Attorney Garganese read the title into the record.

James Hirst, Director of Parks & Recreation, presented the topic to Council. Topics presented included: background, number of rounds, comparison for 18-holes, comparison 9 holes, proposed change, fee increase versus rounds, current versus proposed fees for 18 holes, current versus proposed fees for 9 holes, and Council action.

City Council held discussion on the following topics: resident rate versus nonresident rates, public versus private, tournament fees, cost recovery, revenues to the General Fund, price fixing, reasonable pricing and the golf course as a City amenity, and striking a balance of cost recovery versus an additional revenue stream.

Mr. Hirst provided a response to Council questions.

Public Comment:

Celia Pugliese discussed the history of the Palm Harbor Golf Course, the golf course as a City amenity, support for breaking even, asked if the course is comparable to other courses.

Robert MacDonald agreed with the comments of Vice Mayor Danko, asked how we will determine a resident or non-resident, suggested that Mr. Hirst review the fees of nearby golf courses, and suggested that City Council postpone the item.

Doreen Holl, Owner of Pine Lakes Golf Course, discussed Palm Harbor Golf Course, Palm Harbor setting the rate structure for golf, and supported cost recovery.

Mike Morris did not support profiting off of the community, discussed events and funds, and encouraged the City to verify who is hosting festivals, and ensuring that charities receive the funds they are supposed to receive.

A resident whose name could not be heard, agreed with the comments of Vice Mayor Danko and discussed golf rates including local versus nonlocal residents, financial benefits, and use of funds received.

Motion by Vice Mayor Danko to amend the Resolution by \$3.50 for Palm Coast residents, \$5.00 for Florida residents, and \$7.25 for out of state residents. The motion died for lack of a second.

Motion by Council Member Pontieri to approve the Resolution as amended raising the Palm Coast resident rates by \$2.50, the Florida resident rate by \$3.00, and the out of state rate by \$5.00.

Council Member Pontieri asked to include an automatic 3% CPI increase to be automatic in the motion.

The motion was seconded by Council Member Klufas.

Mayor Alfin asked when the rates would be revisited again.

Mr. Hirst responded that the rates will be revisited annually.

Council Member Klufas asked if the proposed rates get to the point of cost recovery.

City Council held discussion on the motion.

Council Member Pontieri amended the motion to raise the rates \$2.50 for Palm Coast Residents, \$3.50 for Florida residents, and \$7.00 for out of state residents.

The motion was seconded by Council Member Heigher.

Pass

Motion made to approve as amended by Council Member Pontieri 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. CONSENT

Council Member Pontieri asked if item 11 will include a presentation at an impasse hearing.

Ms. Bevan responded yes.

Public Comment:

George Mayo discussed item 8 and provided a suggestion for working with the Flagler County Sheriff's Office.

Celia Pugliese asked about item 10 and asked what kind of construction it is.

Mayor Alfin asked staff to provide details to the resident.

Pass

Motion made to be adopted on consent 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

- 7. RESOLUTION 2024-40 APPROVING A CHANGE ORDER WITH STANTEC CONSULTING SERVICES FOR ADDITIONAL COST**
- 8. RESOLUTION 2024-36 CREATING A REGISTRATION FEE FOR FLOATING VESSEL PLATFORMS**
- 9. RESOLUTION 2024-37 APPROVING A PIGGYBACK CONTRACT WITH HERNANDO COUNTY, FLORIDA, AND ASPHALT PAVING SYSTEMS, INC., AND EXPENSES RELATED TO GLOBAL TREATMENT SERVICES**
- 10. RESOLUTION 2024-34 APPROVING A GRANT AGREEMENT WITH THE DEPARTMENT OF ENVIRONMENTAL PROTECTION, A CONTRACT WITH S.E. CLINE CONSTRUCTION, INC., APPROVAL OF CONSTRUCTION ENGINEERING INSPECTION SERVICES, AND A PROJECT CONTINGENCY FOR THE P-1 WEIR REPLACEMENT**
- 11. RESOLUTION 2024-38 APPROVING AN ADDITIONAL WORK ORDER WITH GABRIEL, ROEDER, SMITH & COMPANY FOR ACTUARIAL SERVICES IN AN AMOUNT NOT TO EXCEED \$40,000**

J. PUBLIC PARTICIPATION

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

George Mayo shared support for an ASL interpreter who assisted with the meeting and provided suggestions, discussed issues of fraud and ensuring that similar issues are not happening in Palm Coast, and recommended 15-minute breaks for long Council meetings.

Karina Thune discussed flood insurance and asked Council not to let homes flood.

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

Council Member Pontieri shared prayers for Flagler County Sheriff's Office Deputy First Class Stamps.

Council Member Klufas discussed events which occurred recently.

Mayor Alfin stated that it was wonderful to see so many young smiling faces surrounding the ball field and to see families engaged together.

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 9:27 p.m.

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