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 19, 2024	**9:00 AM**	**City Hall - Community Wing**

City Staff
Lauren Johnston, 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.
- 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 9 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 - MARCH 23, 2024, AS SHE LEADS FLORIDA APPRECIATION DAY

Mayor Alfin presented the Proclamation to representatives of She Leads Florida.

2. PRESENTATION OF GRANT OPPORTUNITIES - APPROVAL OF A LETTER OF SUPPORT FOR EPA CPRG PROGRAM IN COLLABORATION WITH THE NORTHEAST FLORIDA REGIONAL PLANNING COUNCIL AND JACKSONVILLE MSA

Jason DeLorenzo, Chief of Staff, Garann Hopkins, Environmental Specialist, and Chris Crawford, Utility Supervisor, presented the topic to Council.

Topics presented included: grant funding opportunities, CPRG grant, Energy Efficiency Community Block Grant, and summary.

City Council held discussion on the following topics: reducing the impact for main pipe breaks, offsetting costs, support for the grant, budgeted funds, timeline to use monies, expected costs, expense to maintain solar panels, warranty, due date, and decision date.

Mr. DeLorenzo, Mr. Hopkins, and Mr. Crawford provided a response to Council comments and questions.

Mr. Cote shared information related to the grants.

City Council provided unanimous consensus to move forward with the application and requested future updates.

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.

Jeffery Seib shared support for the grant funding presented, discussed air pollution, emissions, benefits of the grant, commended City staff for the initial steps in the process, and hoped that the City would support the item.

Steve Carr discussed traffic calming methods on Florida Park Drive and wanted the city to consider a neighborhood meeting related to speeding and excessive traffic in neighborhoods.

Mark Stancel commended the City Council for working on maximum heights for home builds, asked if there are any plans to help those that have suffered, and supported the grants.

Richard Hamilton discussed the committees on the agenda today, discussed the TPO, hoped that City Council would allow applicants to express themselves, and shared appreciation to staff.

Joe Giordano, long time resident of Palm Coast, was pleased to see interest in adding energy efficient programs to the city, thanked staff for their research and answering questions, and supported pursuit of grants.

Dale Curran asked if a grant was available for establishing EV recharging stations in Palm Coast and supported the grant, if any.

Jeremy Davis thanked the Council for the recent swale maintenance.

Mayor Alfin discussed the history of Council, debate, city challenges, maintenance and investing in the future, balancing pressures, focused leadership, and Council unification.

Mayor Alfin passed the gavel to Vice Mayor Danko. Mayor Alfin made a motion to terminate City Manager Denise Bevan without cause, to use the Florida League of Cities and other sources to employ an interim manager with proven experience, and afterwards, and to commence the process to find a highly qualified person to manage the City consistent with community goals, vision, and values.

The motion was seconded by Council Member Heighter.

Public Comment:
Alan Lowe discussed the history of the current Council, the City Manager position, ups and downs, everything that was positive and negative with the City Manager position and that it rests with the Mayor. Mr. Lowe wished well to Ms. Bevan and hoped that Council would select the right person in the future.

Mike Norris advised that the hiring of a City Manager should occur after the elections.

Kandi Stevens discussed decisions of the Mayor, building and overdevelopment, supported a new City Manager, and wanted the public to have a say in the selection.

Council Member Klufas stated that it was interesting that there were comments prepared by speakers who just spoke, provided response to comments, shared support for Ms. Bevan and did not support relieving Ms. Bevan of her duties.

Council Member Heighter thanked Mr. Carr for his comments and discussed the need to address citizen requests in a timely manner. Council Member Heighter shared that she thoroughly enjoyed working with Ms. Bevan and stated that the city needs strong management that will lead the city into this new growing city that we are becoming. Council Member Heighter hoped to look towards being a strong and more united city.

Council Member Pontieri agreed with the sentiment that at least two members of Council will not be here and found it inappropriate to remove the City Manager at this time. Council Member Pontieri continued her comments to discuss Council's responsibility, wrongfully resting items on Ms. Bevan's shoulders, agreed that there needed to be a change in direction at the director management level, discussed changes that have already occurred under Ms. Bevan's leadership, and Council approval of items above density without proper infrastructure. Council Member Pontieri shared her main issues with the vote at this time and wanted time to let Council direction resonate with new staff to come to fruition.

Council Member Klufas responded to comments regarding Florida Park Drive and actions that have been taken, his term limit and departure from Council after the upcoming elections, importance in Council choosing who they serve with, shared concern for a similar situation occurring in a few months, and concern for turmoil for staff.

Vice Mayor Danko agreed with an interim City Manager and letting the new Council make the decision on a City Manager.

Council Member Pontieri clarified her comments and shared that she did not intend to disparage work that any previous Council has done, discussed conveying steps taken to residents, and that items may have fallen on staff unfairly that were spurred by decisions of Council.

Council Member Heighter wanted to make it very clear that she was not placing blame on Ms. Bevan and felt that the City is moving into a different era.

Mayor Alfin spoke to clarify an issue – that the City works under a charter and that staff does not work at the pleasure of City Council, rather, that they work at the pleasure of the City Manager, and that City Council has no authority over staff. Mayor Alfin concluded his comments to state that change is sometimes inevitable and necessary to provide new perspectives, and successfully navigate new challenges. Mayor Alfin complimented staff on their hard work and effort and believed the time is now for change and leadership to move the City forward, while protecting residents' quality of life.

Council Member Pontieri thanked Ms. Bevan for her responsiveness, unmatched integrity, and shared that she believes Ms. Bevan wants what is best for the City of Palm Coast.

Vice Mayor Danko called for a roll call vote.

The motion passed 3-2 with Council Member Klufas and Council Member Pontieri dissenting.

Mayor Alfin asked Ms. Bevan to meet with Human Resources.

F. MINUTES

3. MINUTES OF THE CITY COUNCIL:
MARCH 5, 2024, BUSINESS MEETING
MARCH 12, 2024, WORKSHOP MEETING

Motion by Vice Mayor Danko, seconded by Council Member Pontieri, to approve the minutes of the March 5, 2024, Business Meeting. The motion passed unanimously.

Motion by Vice Mayor Danko, seconded by Council Member Pontieri, to approve the minutes of the March 12, 2024, Workshop Meeting. The motion passed unanimously.

G. APPOINTMENTS

Vice Mayor Danko left the meeting at 9:57 a.m.

Virginia Smith, Land Management Administrator, provided details of items 4 and 5 on the agenda.

City Council held a question-and-answer session with each applicant.

Motion by Council Member Pontieri, seconded by Council Member Heighter, to appoint Mr. Lowry as the regular member to the Bicycle and Pedestrian Advisory Committee, Ms. Schweinsberg as the alternate member to the Bicycle and Pedestrian Advisory Committee, and Mr. Khawaja as the alternate member to the Citizens Advisory Committee.

City Council thanked the applicants and encouraged Mr. Marciano to continue applying for future committees' openings.

4. APPOINT A REGULAR MEMBER AND AN ALTERNATE MEMBER TO THE BICYCLE AND PEDESTRIAN ADVISORY COMMITTEE

5. APPOINT AN ALTERNATE MEMBER TO THE CITIZENS ADVISORY COMMITTEE

H. ORDINANCES FIRST READ

6. ORDINANCE 2024-XX AMENDING THE UNIFIED LAND DEVELOPMENT CODE - CHAPTER 3 ZONING USES, AND DIMENSIONAL STANDARDS, CHAPTER 12 SIGNS AND ADVERTISING, AND CHAPTER 14 GLOSSARY

Attorney Garganese read the title into the record.

Estelle Lens, Senior Planner, presented the topic to City Council. Topics presented included: history, summary of changes, meetings, City Council Workshop, and recommendation.

Council Member Pontieri discussed adding definitions and asked if they were added to the Ordinance.

Ms. Lens provided the definition for permanent and temporary signage and language within the draft Ordinance.

Mayor Alfin discussed a request for a map and additional materials.

Katie Reischmann, Assistant City Attorney, provided additional information related to temporary signs.

Council Member Pontieri asked Ms. Reischmann to work with staff to include the reference to material in the Ordinance as discussed by Ms. Reischmann.

Mayor Alfin shared previous discussion on providing a resource to help identify rights-of-way and asked if the material is in process.

Ms. Grossman, Code Enforcement Manager, responded that the education tool was in process.

Council Member Klufas concurred with being as descript as possible.

Public Comment:
There were none.

Pass

Motion made to be approved as amended on first reading by Council Member Pontieri and seconded by Council Member Heighter

Approved - 4 - Mayor David Alfin, Council Member Nick Klufas, Council Member Theresa Pontieri, Council Member Cathy Heighter

I. RESOLUTIONS

7. RESOLUTION 2024-47 ACCEPTING THE ANNUAL COMPREHENSIVE FINANCIAL REPORT FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2023, AS PRESENTED BY JAMES MOORE & CO., P.L.

Attorney Garganese read the title into the record.

Shannon Boone, Chief Accountant, opened the item. Webb Shepherd, Partner with Shepherd & Company, presented the topic to Council. Topics presented included: audit comparisons, financial audit approach and testing, independent auditor reports, financial health, general fund, business type funds, highlights for the year, and government services.

City Council held discussion on the following topics: testament to the Finance department, forensic audit, Council meetings with the auditor, information pamphlets, defined scopes for forensic audit, business type funds and liquid assets, composition of liquid assets, recommendation to consider a performance operation audit, remaining terms in the current agreement, audit process, and approximate audit costs.

Mr. Shepherd provided responses to Council comments and questions.

Public Comment:
Ed Fuller discussed a forensic audit and agreed with Council Member Pontieri on defining the scope, substantiated facts, applauded the Financial Service Department, asked City Council to give the topic due attention.

Mayor Alfin discussed the expiration of the current contract and the need for the city to go out for RFP.

Pass
Motion made to approve by Council Member Heighter and seconded by Council Member Pontieri

Approved - 4 - Mayor David Alfin, Council Member Nick Klufas, Council Member Theresa Pontieri, Council Member Cathy Heighter

8. RESOLUTION 2024-49 APPROVING A STATEWIDE MUTUAL AID AGREEMENT

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

Topics presented included: Statewide mutual aid agreement, background, recent Palm Coast Fire Departments (PCFD) deployments, staff recommendation, and timeline for implementation.

City Council held discussion on the following topics: thanks for bringing this forward, prayers and thanks to the Palm Coast Fire Department.

Mr. Berryhill provided a response to Council questions and concerns.

Public Comment:
There were none.

Pass
Motion made to approve by Council Member Pontieri and seconded by Council Member Heighter

Approved - 4 - Mayor David Alfin, Council Member Nick Klufas, Council Member Theresa Pontieri, Council Member Cathy Heighter

9. RESOLUTION 2024-51 APPROVING THE SUBMISSION OF A FLORIDA INLAND NAVIGATION DISTRICT (FIND) GRANT APPLICATION FOR THE CONSTRUCTION OF PHASE 2A, ITEMS ASSOCIATED WITH ENHANCEMENT OF WATER ACCESS AT WATERFRONT PARK

Attorney Garganese read the title into the record.

Eric Gebo, Architect III, presented the topic to City Council. Topics presented included: FIND continued support, Waterfront Park, history of FIND support, Waterfront Park Phasing Plan, Waterfront Park Phase 2A, and Waterfront Park Phase 2A timeline.

City Council held discussion on the following topics: data points from Parks Master Plan, grant opportunities, funds to be used, Park Impact Fees, needs, outdoor pavilions and meeting needs, prioritization of projects, cost savings, utilizing the funds on other projects, deadline, compliments to Mr. Stapleford and FIND, reaching capacity at Holland Park, support for the project, and keeping the project within budget.

Mr. Gebo and Mr. Cote provided response to Council questions and comments.

Mr. Hirst provided a response to Parks & Recreation needs.

Public Comment:
Richard Hamilton supported the use of the park and discussed delineation of a sub trail system, funding, and an opportunity to create a trail on the corridor.

Pass
Motion made to approve by Council Member Klufas and seconded by Council Member Pontieri

Approved - 4 - Mayor David Alfin, Council Member Nick Klufas, Council Member Theresa Pontieri, Council Member Cathy Heighter

10. RESOLUTION 2024-42 APPROVING THE PROMENADE AT TOWN CENTER TECHNICAL SITE PLAN TIER 3 - APPLICATION NO. 5565

R20240042

Attorney Garganese read the title and called for any ex parte communication. There were none.

Phong Nguyen, Senior Planner, presented the topic to City Council.

Topics presented included: distant aerial, closeup aerial, FLUM, zoning map, Town Center DRI/PUD, DRI-Urban Core Area of Town Center, Overall Site Plan, west half of landscape plan, east half of landscape plan, unit breakdown, site development requirements, conceptual architectural plan, five review criteria from the Land Development Code, public participation, next steps, and recommendation.

City Council held discussion on the following topics: destination services to support multi-use community, building height, exceeding minimum requirements, difference in costs of building materials, diversity to housing, conflicts between businesses and vendors.

Mr. Nguyen and Mr. DeLorenzo provided response to City Council comments and questions.

Frank Mendula, on behalf of the applicant, presented to City Council. Topics presented included building materials and site photos.

Public Comment:
Mike Norris shared support for the project and asked for consideration of an old Florida feel.

Mr. Nguyen shared details of the architectural rendering.

Pass
Motion made to approve by Council Member Pontieri and seconded by Council Member Klufas

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

11. RESOLUTION 2024-43 APPROVING THE FINAL PLAT FOR SAWMILL BRANCH AT PALM COAST PARK PHASE 2B - APPLICATION NO. 5380

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

Estelle Lens, Planner, and Dennis Leap, Site Development Manager, presented the topic to Council. Topics presented included: location map, zoning map, Future Land Use Map, background, construction photos, plat layout, bonds, and recommendation.

City Council held discussion on the following topics: DRI, acceleration and deceleration lanes, process for traffic studies, and future phases.

Mr. Leap and Ms. Lens provided response to Council questions and comments.

Public Comment:
There were none.

Pass
Motion made to approve by Council Member Klufas and seconded by Council Member Pontieri

Approved - 4 - Mayor David Alfin, Council Member Nick Klufas, Council Member Theresa Pontieri, Council Member Cathy Heighter

12. **RESOLUTION 2024-44 APPROVING THE FINAL PLAT FOR SEMINOLE PALMS PHASE 1 - APPLICATION NO. 5462**

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

Estelle Lens, Planner, and Dennis Leap, Site Development Manager, presented the topic to Council. Topics presented included: location map, zoning map, future land use map, construction photos, plat layout, bonds, and recommendation.

Public Comment:
There were none.

Pass
Motion made to approve by Council Member Klufas and seconded by Council Member Heighter

Approved - 4 - Mayor David Alfin, Council Member Nick Klufas, Council Member Theresa Pontieri, Council Member Cathy Heighter

J. CONSENT

Pass
Motion made to be adopted on consent by Council Member Pontieri and seconded by Council Member Heighter

Approved - 4 - Mayor David Alfin, Council Member Nick Klufas, Council Member Theresa Pontieri, Council Member Cathy Heighter

13. **RESOLUTION 2024-48 APPROVING A PIGGYBACK CONTRACT WITH MIDWEST MOTOR SUPPLY CO.**

14. **RESOLUTION 20244-46 APPROVING A MASTER SERVICES AGREEMENT WITH MASTER PYRO DISPLAY, LLC FOR AERIAL FIREWORKS DISPLAY SERVICES**

15. **RESOLUTION 2024-41 APPROVING PIGGYBACKING ORANGE COUNTY, FLORIDA CONTRACT WITH DSI INNOVATIONS FOR SUPERVISORY CONTROL AND DATA ACQUISITION (SCADA) SERVICES**

16. **RESOLUTION 2024-45 APPROVING THE SALE OF FIRE APPARATUS ENGINE 23 TO THE CITY OF LIVE OAK, FLORIDA**

17. **RESOLUTION 2024-50 APPROVING AN INTERLOCAL AGREEMENT WITH THE FLAGLER COUNTY SUPERVISOR OF ELECTIONS**

K. PUBLIC PARTICIPATION

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

There were none.

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

Council Member Pontieri thanked Ms. Bevan for her service to the City, moving forward as professionals and figuring out how to keep the wheels moving, and stated that the best person to temporarily take the seat would be Assistant City Manager, Lauren Johnson.

Council Member Pontieri made a motion to appoint Lauren Johnston as temporary City Manager while Council looks for a permanent hire.

Mayor Alfin discussed City Council authority and was unsure if they had the ability to change the job description.

Attorney Garganese provided a response on Charter language and Council authorization to appoint an acting City Manager.

Mayor Alfin asked about the period of time.

Council Member Pontieri responded until someone is hired.

City Council held discussion on the motion.

Council Member Pontieri wanted to include in the motion that Ms. Johnston would return to her position as Assistant City Manager once a permanent City

Manager is hired so that the job is securely hers when she is done serving in the manner to which the city needs. Council Member Pontieri wanted to ensure that Ms. Johnston would not be terminated while in the role of Acting City Manager.

Council Member Pontieri restated the motion to appoint the Assistant City Manager, Lauren Johnston, to Acting City Manager, while Council looks for a permanent hire.

Council Member Heighter asked for the timeline to hire find a new interim City Manager.

Mayor Alfin responded that the question is unanswerable at this time.

Council Member Heighter agreed with Council Member Pontieri and shared that Ms. Johnston has done an excellent job as Assistant City Manager.

Council Member Klufas seconded the motion.

Mayor Alfin shared that he has not had a chance to speak to Ms. Johnston about her desire, or lack thereof, to take such a position, and the affect to current responsibilities.

Council Member Pontieri responded to Mayor Alfin's comments that City Council should appoint Ms. Johnston to keep the wheels turning, discussed the need for a City Manager during this time, and Ms. Johnston's ability to delegate as her job dictates.

Council Member Klufas shared that true leadership is evident, when the leader moves on and the individuals beneath them have the level of skills and confidence to complete the task that they need to do, and believed that is what Ms. Bevan did, and that she served the city well.

Mayor Alfin stated that Ms. Johnston has challenges over and above the workload of the city and wanted to make sure that the position is a good fit for her.

Council Member Klufas asked if Mayor Alfin has another name in mind.

Mayor Alfin responded no and wanted to ensure that there would be no negative changes to Ms. Johnston's career growth.

Ms. Johnston was happy to continue to steer the ship in Ms. Bevan's absence.

Public Comment:
There were none.

The motion passed unanimously.

Council Member Pontieri asked for Council consensus to receive a presentation from staff as to what the city is looking at construction-wise for road *improvements and developments covering the next 12 months. Council concurred to bring this forward at a future agenda.*

Council Member Pontieri discussed Vice Mayor Danko showing up to the meeting to remove the City Manager, early departure from the meeting, and apparent campaigning during the remainder of the City Council Business Meeting. Council Member Pontieri discussed an indication of a violation of Sunshine Laws and wanted to see the items addressed.

Council Member Heighter shared about her recent invitation to speak with the Deltas, a Palm Coast Sorority, and hoped to invite the group to attend a future City Council Meeting.

Council member Klufas shared about Council Members skipping City Council Meetings to campaign and repetitive behavior that needs to be addressed. Additionally, Council Member Klufas did not think it was coincidental that there were people in the audience with prepared statements for the action which was taken. Council Member Klufas did not support firing without cause and discussed the precedent that it sets.

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

18. REPORTING OF EMERGENCY & SOLE SOURCE PURCHASES FOR FEBRUARY 2024

City Clerk Kaley Cook highlighted the report. City Council had no comments or questions.

O. ADJOURNMENT

The meeting was adjourned at 12:15 p.m.

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