



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, April 2, 2024

6:00 PM

City Hall - Community Wing

City Staff

Lauren Johnston, Acting 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 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. PROCLAMATIONS AND PRESENTATIONS

1. PROCLAMATION - APRIL 2024 AS PARKINSON'S AWARENESS MONTH

Council Member Heighter presented the Proclamation to members of the Parkinsons of Flagler-Palm Coast group. Ms. Shoner shared thanks for the Proclamation and information about the group.

2. PROCLAMATION - APRIL 2024 AS WATER CONSERVATION MONTH

Mayor Alfin presented the Proclamation to Gretchen Smith, St. Johns River Water Management District, Cynthia Schweers, Customer Service Manager, and Travis Sabatini, Meter Technician Supervisor.

Ms. Smith shared information about the St. Johns River Water Management District and about water conservation.

City Council moved to item 4 of the agenda.

3. PROCLAMATION - THE WEEK OF APRIL 14, 2024, AS NATIONAL PUBLIC SAFETY TELECOMMUNICATORS WEEK

This item was heard after item 4.

Council Member Klufas presented the Proclamation to members of the Flagler County Sheriff's Office.

Christina Mortimer, Director of the Communications Center for the Flagler County Sheriff's Office, shared about the dispatch center, and importance of the role of dispatchers.

4. PROCLAMATION - APRIL 2024 AS DISTRACTED DRIVING AWARENESS MONTH

Council Member Pontieri presented the Proclamation to Commander Finn, Flagler County Sheriff's Office, and Kyle Berryhill, Fire Chief.

Chief Berryhill discussed the importance of safe driving.

City Council then moved to item 3 of the agenda.

5. DISCUSSION - INTERIM CITY MANAGER

Mayor Alfin opened the item and referenced the Acting City Manager Contract within the packet and asked if City Council Members had any questions about the contract.

Vice Mayor Danko indicated that he would like to make a motion.

Mayor Alfin looked to proceed with discussion first.

Council Member Pontieri discussed her motion at the last Business Meeting, shared an issue with language within the contract, specifically, sections 2D and 2F, and wanted the language to be changed to termination with cause.

Vice Mayor Danko discussed City Council's authority to hire, and fire, a City Manager and City Attorney without cause, language within the Charter, and believed the topic to be discussed now is to appoint an Interim City Manager.

Vice Mayor Danko looked to make a motion.

Mayor Alfin reiterated the discussion thus far on the topic and asked Attorney Garganese to discuss the legality of the change to the contract and any potential issues.

Attorney Garganese advised City Council on the topic as discussed.

Mayor Alfin sought consensus on the language suggested by Council Member Pontieri.

City Council and Attorney Garganese held additional discussion on language within the Charter.

Council Member Pontieri made a motion to accept the contract with an amendment to the language to remove without cause.

Council Member Pontieri discussed the language of her previous motion and required steps to reconsider a motion.

Vice Mayor Danko discussed the automatic appointment of Ms. Johnston in Ms. Bevan's absence.

Attorney Garganese stated that the Charter language requires the City Council to appoint an Acting City Manager.

Council Member Pontieri restated the motion to accept the contract, which has been placed on the agenda, with an amendment to sections 2D and 2F to state that Ms. Johnston can only be terminated with cause. The motion was seconded by Council Member Klufas.

City Council held discussion on the motion.

Mayor Alfin asked Attorney Garganese to clarify the motion, and the second, that is before Council for consideration to ensure that all Council Members are clear.

The City Clerk restated the motion.

Attorney Garganese discussed language within the Charter and the agreement being discussed.

Council Member Klufas recommended the ability to remove an Interim City Manager, without cause, with a prerequisite that there be a City Council Workshop on the matter.

City Council and Attorney Garganese discussed how the item may set a precedent.

City Council held discussion on Council Policies and Procedures.

Council Member Pontieri amended the motion to accept the contract as is, with the recognition that the motion that carried unanimously was to keep Lauren Johnston as the acting City Manager until a permanent City Manager is hired.

Council Member Klufas seconded the amended motion and found it important that in the future, the topic be noticed to the public and discussed amongst Council.

Public Comment:

Peter Johnson agreed with Council Member Pontieri and Klufas, discussed a recent Public Records Request, terms of Ms. Bevan's contract, lack of performance reviews for Ms. Bevan as City Manager, setting standards on how to hire and fire a City Manager, and handling such situations in a more professional and appropriate manner.

Kathy Austrino discussed the history of terminating former City Manager Landon, appearance of a hidden agenda, shared concern, discussed articles and rumors, and suggested that Council be very careful.

Celia Pugliese discussed her history in Palm Coast, that there is nothing to learn from the County, that she would not like to see the former County Manager at the City, and discussed City Council going against the wishes of the residents.

Bruce Stone discussed comments of previous Council Meetings and provided a response.

Vice Mayor Danko commented on Ms. Johnston's role as Assistant City Manager and favored bringing in someone from the outside as Interim City Manager.

Council Member Heighter shared comments with Ms. Johnston about their working experience.

Council Member Pontieri responded to the comments of Vice Mayor Danko.

Mayor Alfin called for a roll call vote.

The motion passed 3-2 with Vice Mayor Danko and Council Member Heighter dissenting.

Mayor Alfin shared about discussions with the Florida League of Cities and that the information will be shared with Council. Mayor Alfin sought consensus to place this item on the next agenda.

Council Member Klufas supported bringing the discussion forward at the next Workshop meeting.

Council Member Pontieri discussed the process of going to the Florida League of Cities and believed that the responses should go to all City Council Members at the same time.

Mayor Alfin responded that the City of Palm Coast has outgrown the Florida League of Cities' ability for them to actively work with City Council on identifying a permanent City Manager. Mayor Alfin shared that he would ensure that any communication received will be copied to all City Council Members.

Council Member Pontieri recommended that staff come forward at the next Workshop with details of the search process.

Vice Mayor Danko made a motion to appoint Jerry Cameron as Interim City Manager and provided materials to City Council Members which have been attached to these minutes.

Mayor Alfin asked if the motion needs any additional details.

Attorney Garganese provided a response on the motion and steps to proceed.

The motion failed for lack of second.

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.

Jeffrey Seib discussed a recent vote of the Flagler County School Board to close the Belle Terre Swim & Racquet Club and asked that the city find the means to help residents and keep the club open.

Celia Pugliese spoke about the Belle Terre Swim & Racquet Club and did not support closing the pool, discussed budgets, and open positions and related pay.

Mayor Alfin highlighted the expenditure reports which were available in the Council Chambers.

Kathy Austrino provided a list of concerns to the City Clerk, which and have been attached to these minutes, and asked for updates related to sunshine violations.

Gary Kunnas discussed the history of an item and conversations with staff and department requests for money.

Crystal Kirkland discussed the Belle Terre Swim & Racquet Club and difficulty finding recreational activities and variety of amenities to enjoy. Additionally, Ms. Kirkland shared concern for Summer Camps that utilized the pool.

Steve Carr discussed children playing on basketball courts at Holland Park and shared concern for traffic on Florida Park Drive.

Mindy Melendez discussed the pool and suggested keeping the pool open until a YMCA can open.

Marilyn Mack asked who establishes the City Manager salary, how the City Manager position works, discussed drainage issues, and the closing of the Belle Terre Swim & Racquet Club.

Mayor Alfin asked Ms. Johnston to clarify who owns the pool.

Ms. Johnston stated that the Belle Terre Swim & Racquet Club is under the ownership of the Flagler County School District, with the Flagler County School Board as the governing body. Ms. Johnston shared about discussions with the Flagler County Schools Superintendent on how we can collaborate on programs for residents.

F. MINUTES

6. MINUTES OF THE CITY COUNCIL: MARCH 19, 2024, BUSINESS MEETING

MARCH 26, 2024, SPECIAL BUDGET WORKSHOP MEETING

Motion by Vice Mayor Danko, seconded by Council Member Pontieri, to approve the minutes of the March 19, 2024, Business Meeting.

Motion by Vice Mayor Danko, seconded by Council Member Heigher, to approve the minutes of the March 26, 2024, Special Budget Workshop Meeting.

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

G. ORDINANCES SECOND READ

7. ORDINANCE 2024-11 AMENDING THE UNIFIED LAND DEVELOPMENT CODE - CHAPTER 3 ZONING USES, AND DIMENSIONAL STANDARDS, CHAPTER 12 SIGNS AND ADVERTISING, AND CHAPTER 14 GLOSSARY

Estelle Lens, Senior Planner, provided a background of the item.

Assistant City Attorney, Katie Reischmann, was available via zoom for questions.

Council Member Pontieri thanked staff for clarifying the definitions as previously requested.

Discussion was held on a draft brochure that will be available as a resource.

Council Member Pontieri encouraged staff to be even in the enforcement of the Ordinance.

Attorney Garganese read the title into the record.

*Public Comment:
There were none.*

Pass

Motion made to be adopted on second reading by Council Member Pontieri 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 Heigher

H. RESOLUTIONS

8. RESOLUTION 2024-53 APPROVING A CONTRACT WITH DOUGLAS LAW FIRM FOR LEGAL SERVICES

Attorney Garganese read the title into the record and provided a brief background of the item.

Council Member Pontieri requested clarification on items within the contract including non-adversarial versus adversarial, significant real estate transactions, and fees.

Jeremiah Blocker, Managing Partner with Douglas Law Firm, clarified details of the contract as requested.

Public Comment:

Celia Pugliese sought clarification that the firm was not connected to Douglas Property & Development.

Peter Johnson thanked the current legal firm for all of the work that they have done.

Marilyn Mack asked if Douglas Law Firm had any connection to Byrndog and Douglas Property & Development and asked for the details of the February Emergency and Sole Source Purchases.

Mayor Alfin responded that he would have staff follow up with the details.

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 Heigher

Motion by Vice Mayor Danko, seconded by Council Member Heigher, to accept the Transition Agreement with Garganese, Weiss, D'Agresta & Salzman.

Council Member Pontieri thanked the firm of Garganese, Weiss, D'Agresta & Salzman and wished Ms. Borkert, former City Attorney, well.

Public Comment:

Celia Pugliese thanked the firm for long services and hoped that the new firm had experience in land development.

9. RESOLUTION 2024-52 APPROVING OMNIA PARTNERS CONTRACT RFP #08-22 WITH FERGUSON ENTERPRISES FOR CITYWIDE PURCHASES OF PLUMBING SUPPLIES, HVAC PRODUCTS, AND BUILDING SUPPLIES

Attorney Garganese read the title into the record.

Public Comment:

There were none.

Pass

Motion made to approve by Council Member Pontieri 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 Heigher

I. PUBLIC PARTICIPATION

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

There were none.

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

Mayor Alfin stated that the city is on the precipice of a notable transition as we bid farewell to the dedicated service of Garganese, Weiss, D'Agresta, & Salzman Law Firm, who have faithfully served the city for nearly 17 years and extended gratitude for their support over the years. Mayor Alfin shared about Mr. Duffy, the city's new attorney, and Douglas Law Firm.

City Council extended thanks to Attorney Garganese and his firm.

Council Pontieri discussed the Live Local Act and sought consensus to request that the new firm inform Council on how to insulate the city from negative impacts of the Act.

Mayor Alfin agreed, discussed the legislation, and asked to reach out to lobbyist to seek their opinion.

Vice Mayor Danko discussed the new legislation and requested a presentation at a future Workshop.

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

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

Ms. Johnston shared appreciation and thanks to Garganese, Weiss, D'Agresta, & Salzman Law Firm.

M. ADJOURNMENT

The meeting was adjourned at 7:59 p.m.

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

Jerry Cameron

Public Sector Positions Held

Community Service Positions Held

Awards and Recognitions Received

Published in Periodicals

Public Sector Executive Employed Positions Held

- Police Chief – Irmo, South Carolina
- Police Chief – Fernandina Beach, Florida
- Interim City Manager – Fernandina Beach Florida
- Faculty Member – Institute of Police Technology & Management, University of North Florida
- Assistant County Administrator – St. Johns County, Florida
- County Administrator – Flagler County, Florida

Service Positions Held

- President of Amelia Island Toastmasters – Fernandina Beach, Florida
- President of Northeast Florida Police Chief's Association
- President of Sebastian Harbor Villas Condominium Association – St. Augustine Florida
- President of St. Augustine South Improvement Association – St. Augustine, Florida
- President of Hastings Rotary Club – Hastings, Florida
- President of the NE Florida Police Chief Association
- Member of Hastings Rotary Club
- Member of St. Augustine Rotary Club
- Member of Rotary Club of Flagler County
- Member of Board of Directors – United Way of St. Johns County
- Member of Board of Trustees – Florida Agricultural Museum
- Member of St. Augustine-Palm Coast Navy League
- Served on the St. Johns County Planning and Zoning Agency
- Member of the Steering Committee of St. Johns Vision
- Member of Pedro Menendez School Advisory Council
- Member of the District Advisory Council for the St. Johns County School Board
- Member of the Southern Site Selection Committee for The St. Johns County School Board

Awards and Recognitions Received

- Resolution by the South Carolina Legislature for Outstanding Service to the Town of Irmo as its Police Chief
- Resolution of the Fernandina Beach City Commission for Outstanding Service as its Interim City Manager
- Resolution of the Flagler County Board County Commissioners for Leadership during the COVID Pandemic, Resolving Pressing Issues Facing the County and Restoring Fiscal Stability
- Recognized by The National Society of The Daughters of The American Revolution for Outstanding Community Service
- Recognized by the Nassau County NAACP for Service to the Community
- Selected as 2019 Republican of The Year by the St. Johns County Republican Executive Committee
- Recipient of the Northeast Florida Regional Council 2021 Regional Leadership Award
- Recognized by the Institute of Police Technology and Management for Service to the Institute and Dedication to Law Enforcement Training
- Graduate of the 150th Session of the FBI National Academy
- Recognized by the St. Johns County Veterans Council for Outstanding Service to Veterans
- Testified before Congress to preserve the presence of the Veterans Administration Community Based Outpatient Clinic (CBOC) in St. Johns County
- Received the “Guardian De La Puerta” award from the City of St. Augustine’s City Administration
- Recognized for Establishing the Flagler County Leadership Academy, a Nationally Recognized Leadership Development Program

Published In

- “The Police Chief”
- “The Florida Police Chief”
- “Law & Order” magazine
- “FBI Bulletin”

DECEMBER 19, 2018

Teacher, Police and Fire Unions Join Call to Fire Craig Coffey, With Help From Milissa Holland

February 20, 2019

Flagler chooses Jerry Cameron as interim county administrator

FCSO SOC Discussion

When **Tue May 14, 2019** 10am – 11am (EDT)

My meeting with Jerry Cameron

November 10, 2019

I sent an email to Jerry with a screenshot of a County Commissioner bribing one of our county residents – I'm still waiting to hear back from him.

NOVEMBER 22, 2019

In August of 2019 Cameron Sold Land to The Mullins Companies for \$405,000

100 K less than list

OCTOBER 17, 2020 *maybe even less than Jerry's Purchase Price
Then Joe sold it for over 500K*

'Outraged' Elections Supervisor Rips County Administrator Jerry Cameron Over 'Contempt' for Voters and Bad Planning

she'd gone to his office upset over his reversal of a pledge not to keep roads closed for construction around the Government Services Building during election weeks. *In Joe Mullins District at the time*

[rattling and angering Lenhart](#) to such a point that she abruptly ended a meeting with him Thursday after she'd "had enough" of his contempt.

MAY 19, 2021

Alfin, who describes himself as a “data-driven executive,” said he’d developed a close relationship with Holland over recent months, with Holland mentoring him.

June 29, 2021

I had long before this date sponsored the county’s radio show. As a political tactic when the special election for the Mayor’s position he removed my branding from the show – once addressed it was then put right back where it was.

APRIL 1, 2024

Jerry Cameron Again Rears Up as Possible Acting Manager in Palm Coast Days After Council Voted In Johnston

Yesterday

He had a checkered history during his brief tenure at the county. It included [selling land to a county commissioner](#), attempting to [segregate the homeless](#) in a distant county camp and pushing with little transparency an ill-fated [sales tax proposal with little transparency](#). Supervisor of Elections Kaiti Lenhard was [bitterly critical of Cameron’s “contempt”](#) for voters when he green-lighted a disruptive parking construction project during an election period. Cameron had not made friends in Palm Coast after situating a planned sheriff’s operations center on Palm Coast Parkway, [then scrapping the plan](#).