# 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***

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| **Tuesday, June 18, 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.
- 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. PRESENTATION - THE FLORIDA PUBLIC ASSOCIATION OF PUBLIC PROCUREMENT OFFICIALS (FAPPO) AWARD**

*Helena Alves, Director of Financial Services, shared about the award and recognized procurement staff.*

*Mayor Alfin asked for a brief description on the requirements.*

**2. PRESENTATION - FLAGLER COUNTY SHERIFF'S OFFICE**

*City Council concurred to hold the meeting for a few minutes until Sheriff Staly arrived for the item.*

*Flagler County Sheriff Rick Staly presented the topic to City Council.*

*Topics presented included: Four Diamond Accredited Law Enforcement Agency, 2023 analytics, historic crime reduction, crime reduction since 2017, traffic fatalities, detention inmate population, court and detention services, certificate programs for inmates, grant awards, cost per deputy, 2025 budget breakdown, service levels, budget request highlights, cost reduction measures, and future opportunities and challenges.*

*City Council discussed the following topics: the FCSO as a model for other municipalities in Florida, encouragement to Council Members to visit the Sheriff's Office, radar, increased fines, hiring of deputies, increase in crime in Flagler County, split of costs, encouragement of a joint meeting, consequences of growth, funding sources, level of service, items covered within the deputy cost, statistics related to inmate programs, litter monitoring, calls for service, funding at different levels, and reinforcing the integral foundation of public safety.*

*Mayor Alfin sought consensus to move forward with a list of detailed items to be brought back before a collaborative County/City meeting.*

*Sheriff Staly provided a response to Council comments and questions.*

*Sheriff Staly extended an invitation to attend the Sheriff's Office Citizens Academy.*

**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.*

*Peter Johnson congratulated Sheriff Staly on another term, shared comments from residents and support for funding Sheriff's Office deputies, and discussed service areas of deputies funded by Palm Coast.*

*Ed Fuller congratulated Sheriff Staly on another term, complimented the Sheriff, and discussed pandemonium in schools.*

*Joyce Cook thanked FCSO, congratulated Sheriff Staly on an additional term, and shared support for the requests from FCSO.*

*Jeffery Seib discussed the dry conditions and upcoming July 4th fireworks, Sheriff's Office enforcement, and dangers of wildfire.*

*Kathy Austrino discussed a situation in St. Johns County and a plan to help first responder traumas.*

*Candace Stevens shared that FCSO is the ultimate example of a Sheriff's department and shared comments from residents related to traffic.*

*George Mayo shared about teenagers on bikes terrorizing the community and asked if traffic cameras are being used to track them down.*

*Sheriff Staly provided a response to Sheriff's Office related questions.*

*Public Comment continued:*
*Mike Martin, Chair of East Flagler Mosquito Control District, shared about National Mosquito Control Awareness Week.*

*Mayor Alfin asked Ms. Johnston to share details with the public.*

*Jeffery Seib discussed certainties in life including death and taxes, items presented in previous weeks including property values, ad valorem tax received, rollback rate, and growth.*

*Candace Stevens discussed City funds, changing the charter or laws related to funding, saying no to items before Council's consideration, growing too fast, backwards priorities, and legislative asks.*

*Peter Johnson discussed growth and impact fees, and major funding challenges.*

*Donna Keeler discussed taking care of what we already have, maintaining current infrastructure, the increase in her utility costs through fees, urban sprawl, and was not in favor of westward expansion.*

*George Mayo discussed problems with fireworks, suggested a resolution banning the sale of fireworks, projects vetoed by the Governor and funding those projects, burn ban for new development, and asked for a workshop and resolution on that topic.*

*John Furlong discussed a City audit and asked why it hasn't happened yet, shared that citizens can demand one through the State, and discussed lawful notification for corrective action.*

*Ms. Michaels discussed Council and taxes, residents on limited budgets, and taxes paid by the Mayor.*

*Leslie Johnson discussed sustainability and taking care of infrastructure as the City grows.*

*Marilyn Mack asked who is saving tax dollars for residents and discussed procurement processes.*

*Paul Claire was disturbed by the franchise tax and language of the Resolution, and asked Council to stop trying to finagle how to get something through.*

*Angela Dawson concurred with the statements of the prior speaker and recommended changing the language of the resolution.*

*Vice Mayor Danko asked for an update on the audit.*

*Ms. Johnston provided an update.*

*Council Member Klufas shared that James Webb has completed an annual audit.*

*Council Member Pontieri discussed appropriations and prioritizing infrastructure, attempting to build sports facilities in the western portion of the city, water quality and recent news releases, capacity improvement appropriations, appropriation asks, order of priorities and responses received, and moving to not renew the Southern Group contract. Council Member Pontieri made a motion to not extend the contract, and to go out to RFP for a new lobbying group.*

*Council Member Klufas discussed providing an opportunity to hold the group accountable and ask what happened.*

*Vice Mayor Danko suggested that Council schedule a Workshop.*

*Mayor Alfin shared that Palm Coast collaborated with the County in terms of appropriations.*

*Vice Mayor Danko seconded the motion for discussion.*

*Mayor Alfin asked about the timing of Council Member Pontieri's motion.*

*Additional discussion was held on timing, track record of successes, prior contracts, responsibility to figure out what happened, opportunity for improvement, and the lobbyist's other clients. Additional discussion was held on the motion and steps forward, priority of items, problems with the process and communications, clarification of process from the Southern Group, political climate, time certain, staff feedback, termination of contracts and discussions, voting to not renew the contract, contract costs, and items workshopped.*

*Council Member Pontieri reiterated the motion to not renew the contract for the Southern Group on October 1. The motion was seconded by Vice Mayor Danko.*

*Council Member Klufas asked for the Acting City Manager to shed light on the legislative process.*

*Ms. Johnston provided a response on the process and staff discussions, provided details from the prior RFP process, and discussed next steps for staff.*

*Council Member Pontieri commented on Flagler County success and Speaker Renner.*

*Council Member Pontieri asked Ms Johnston if we are able to get historical data on what the Southern Group has done for the City, what we have asked for, and to give the Southern Group the opportunity to appear in Council.*

*Ms. Johnston responded yes that staff can compile the information and contact the Southern Group about appearing before Council.*

*Council Member Pontieri tabled the motion.*

## F. MINUTES

**3. MINUTES OF THE CITY COUNCIL:**
**JUNE 4, 2024, BUSINESS MEETING**
**JUNE 11, 2024, WORKSHOP MEETING**

**Pass**
**Motion made to approve the June 4, 2024, Business Meeting Minutes by Vice Mayor Danko and seconded by Council Member Pontieri**

**Motion made to approve the June 11, 2024, Business Meeting Minutes 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 Heighter**

## G. APPEAL

### 4. APPEAL REQUEST BY ELENA VORONOVA OF PLANNING AND LAND DEVELOPMENT REGULATION BOARD DECISION FOR VARIANCE AT 10 COLLINGDALE COURT FOR AN ACCESSORY STRUCTURE, APPLICATION NUMBER 5692

*Mayor Alfin read the case title into the record.*

*Attorney Duffy provided background.*

*Mayor Alfin called for any ex parte communication. Council Member Pontieri disclosed her ex parte communication.*

*The City Clerk conducted a swear in for all parties testifying in the item.*

*Tracey Doak, Zoning Supervisor, presented the topic to Council. Topics presented included: land development code section, subject property, distant aerial, future land use map, zoning map, background, photos, permit application documents submitted, Land Development Code (LDC) criteria, reference for permit hold, summary of findings, public participation, and staff findings.*

*Vice Mayor Danko asked about obtaining a permit to do the repairs, performing work without a permit, and code violation penalties.*

*Ms. Grossman, Ms. Lens, and Ms. Doak provided a response.*

*Council Member Klufas reiterated the item for Council's consideration.*

*Ms. Voronova, appellant, completed her opening statement and presentation of evidence.*

*Attorney Duffy clarified the role of City Council.*

*Vice Mayor Danko asked to see photos.*

*Vice Mayor Danko asked about permit requirements for repairs.*

*Patrick Buckley, Chief Building Official, provided a response on structural repairs.*

*Vice Mayor Danko asked the appellant why they did not obtain a permit once notified that they must do so.*

*Vice Mayor Danko asked if the appellant was required to remove the whole deck.*

*City Council held discussion with the appellant on the points raised.*

*Attorney Duffy reiterated the points for City Council consideration.*

*Council and staff discussed LDC codes and grandfathering.*

*Council Member Heighter asked if the repairs have been made at this point.*

*Ms. Voronova responded yes, as required by her insurance and mortgage company.*

*Ms. Grossman provided details, code fines, and information from Mr. Buckley.*

*Council Member Klufas asked about the process to obtain a permit.*

*Ron Seamans, a neighboring resident, shared concerns for property values and constructing a seawall.*

*The appellant held a cross-examination with Mr. Seamans.*

*Public Comment:*
*There were none.*

*Appellant made a closing argument.*

*Staff made a closing argument.*

*Appellant made a rebuttal, based on her letter submitted to Council.*

*Council Member Heighter left the meeting at 1:16 p.m.*

*The appellant asked to pay the fine to rectify the situation.*

*Vice Mayor Danko asked if there was an estimate for repairs.*

*City Council held discussion on the topics raised.*

*Council Member Pontieri made a motion to uphold the PLDRB decision based on the applicant not meeting the burden. The motion was seconded by Council Member Klufas.*

*City Council held discussion on the motion.*

*Council Member Klufas asked if is there anything that can be done to alleviate the fines.*

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

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

*Council recessed at 1:30 p.m.*

## H. RESOLUTIONS

### 5. RESOLUTION 2024-88 APPROVING THE CITY COUNCIL STRATEGIC ACTION PLAN 2024-2028

*The meeting resumed at 2:01 p.m.*

*Mayor Alfin read the title into the record.*

*Dr. Saviak presented the topics to City Council: benefits of strategic planning, research process and Strategic Action Plan process, objectives, priorities, and conclusion.*

*City Council held discussion on the following topics: order of priorities, criticality of the Strategic Action Plan process, encouragement to keep the national citizen survey in mind.*

*Dr. Saviak and Acting City Manager Johnston provided a response to Council questions and comments.*

*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**

### 6. RESOLUTION 2024-92 ESTABLISHING A PROCEDURE FOR CONSIDERATION OF ENTERING INTO AN AGREEMENT FOR IMPLEMENTING AN ELECTRICAL FRANCHISE FEE WITHIN THE JURISDICTIONAL LIMITS OF THE CITY OF PALM COAST

*Mayor Alfin read the title into the record.*

*Acting City Manager Johnston provided a background of the item.*

*Vice Mayor Danko made a motion to change the resolution language from nonbinding to binding.*

*Attorney Duffy reiterated the language change.*

*City Council held lengthy discussion on the item regarding prior discussion, permissible actions, the ability to add the requirement of a super majority vote, and a change to the charter.*

*The motion was seconded by Council Member Pontieri*

*City Council held additional discussion on the topic related to funding, communication of the item, and a cost pass-through to consumers.*

*Public Comment:*
*Ms. Michaels discussed a franchise fee on cable and asked where the funds are going and focusing on elderly residents.*

*Council Member Klufas provided a response on where the funds go.*

*Alan Lowe discussed changes in Palm Coast and was not in favor of a franchise fee.*

*Council continued discussion on the topic.*

*Vice Mayor Danko made a motion to approve the Resolution as amended, seconded by Council Member Pontieri.*

*Council Member Pontieri asked if we know the resources required to place an item on the ballot.*

*Ms. Johnston provided a response.*

*Public Comment:*
*Kathy Austrino discussed comments of City Council and prior comments of FPL.*

*Discussion was held on the prior comments of FPL.*

*Attorney Duffy provided advice on the process.*

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

**Approved - 3 - Mayor David Alfin, Vice Mayor Ed Danko, Council Member Theresa Pontieri**
**Denied - 1 - Council Member Nick Klufas**

**7. RESOLUTION 2024-90 APPROVING OF A CHANGE ORDER WITH GILBANE BUILDING COMPANY AND APPROVAL OF A GRANT AGREEMENT WITH THE UNITED STATES TENNIS ASSOCIATION FOR THE SOUTHERN RECREATION PROJECT**

*Mayor Alfin read the title into the record.*

*Carl Cote, Director of Stormwater & Engineering, and Eric Gebo, Architect III, presented the topic to City Council. Topics presented included: 2021 Master Plan, Southern Recreation Center Phase 2, stadium court plan, timeline, funding, and Council actions.*

*Council Member Klufas shared that it is tremendous that we have the potential to bring in a USTA grant.*

*Council Member Pontieri asked whether this will deplete the Parks & Recreation impact fees, shared concern for financial components, and asked how confident staff is on the figures, timeline, and funding.*

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

*Council Member Klufas commented on economic tourism and substantial Citywide events.*

*Public Comment:*
*There were none.*

**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 2024-84 APPROVING HAMMOCK AT PALM HARBOR SUBDIVISION FINAL PLAT - APPLICATION NO. 5679**

*Mayor Alfin was absent for the item.*

*Vice Mayor Danko read the title into the record.*

*Estelle Lens, Planner, and Dennis Leap, Site Development Manager, presented the topic to Council.*

*Attorney Duffy called for any ex parte communication. There were none.*

*Public Comment:*
*There were none.*

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

**Approved - 3 - Vice Mayor Ed Danko, Council Member Nick Klufas, Council Member Theresa Pontieri**

9. **RESOLUTION 2024-82 APPROVING DESIGNATING SURPLUS REAL PROPERTY LOCATED WEST OF US 1, A PORTION OF PARCEL 28-10-30-4290-00000-00B0, TO ENABLE THE SALE OF SAID PROPERTY**

*Mayor Alfin was absent for the item.*

*Vice Mayor Danko read the title into the record.*

*Virginia Smith, Land Management Administrator, and Carl Cote, Director of Stormwater & Engineering, presented the topic to Council. Topics presented included: findings, location map, surplus designation, right of first refusal and litigation, purchase and sale contract, and staff recommendation.*

*City Council held discussion on the following topics: timeline, costs incurred by the City, and legal fees.*

*Ms. Smith and Mr. Cote provided a response.*

*Public Comment:*
*There were none.*

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

**Approved - 3 - Vice Mayor Ed Danko, Council Member Nick Klufas, Council Member Theresa Pontieri**

## I. CONSENT

*Council Member Pontieri requested to pull item 10. After Council discussion of item 10, the item was placed back on the consent agenda.*

*Mayor Alfin returned during the consent agenda.*

*Public Comment:*
*Patrick Juliano, Vice President of Palm Coast Professional Firefighters, discussed item 11 on the agenda.*

10. **RESOLUTION 2024-83 APPROVING THE PURCHASE AND SALE AGREEMENT UNDER A RIGHT OF FIRST REFUSAL AGREEMENT, WITH BYRNDOG PCP, LLC**

*City Council held discussion on the item to include the following topics: attorney fees, appraisable value, assessing land value, and the project timeline.*

*Council Member Pontieri made a motion to approve the contract at the amount listed, minus the attorney’s fees that the City has had to spend.*

*Council discussed the motion and continued discussion of the topic.*

*Council Member Pontieri withdrew the motion and encouraged more diligence going forward.*

*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, Vice Mayor Ed Danko, Council Member Nick Klufas, Council Member Theresa Pontieri**

**11. RESOLUTION 2024-91 APPROVING AN AMENDMENT TO ARTICLE 23 OF THE COLLECTIVE BARGAINING AGREEMENT WITH THE PALM COAST PROFESSIONAL FIREFIGHTERS IAFF LOCAL UNION 4807**

**12. RESOLUTION 2024-85 PIGGYBACKING THE CITY OF NEW SMYRNA BEACH CONTRACT WITH STRATEGIC GOVERNMENT RESOURCES FOR EXECUTIVE RECRUITMENT SERVICES**

**13. RESOLUTION 2024-86 APPROVING THE THIRD AMENDMENT TO THE LICENSE AGREEMENT WITH THE FLAGLER COUNTY SHERIFF'S OFFICE FOR LICENSE PLATE READERS AND LIVE TRAFFIC CAMERAS**

**14. RESOLUTION 2024-87 INTERLOCAL AGREEMENT BETWEEN THE CITY OF PALM COAST AND THE FLAGLER COUNTY SHERIFF PROVIDING FOR TRAFFIC JURISDICTION OVER PRIVATE ROADS**

**15. RESOLUTION 2024-89 APPROVING A MASTER PRICE AGREEMENT WITH CARMEUSE LIME & STONE, CHEMICAL SYSTEMS OF ORLANDO, AND ALLIED UNIVERSAL CORPORATION FOR VARIOUS CHEMICALS**

**Pass**
**Motion made to adopt the consent agenda by Council Member Klufas and seconded by Council Member Pontieri**

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

## 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

*There were none.*

## 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

### 16. REPORTING OF EMERGENCY AND SOLE SOURCE PURCHASES FOR MAY 2024

*Ms. Johnston highlighted the emergency and sole source purchases. There were no questions. Ms. Johnston also mentioned that City offices would be closed for Juneteenth.*

## N. ADJOURNMENT

*The meeting was adjourned at 3:42 p.m.*

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