



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 Nick Klufas
Council Member Theresa Pontieri

Tuesday, September 3, 2024

6:00 PM

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.
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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 Klufas appeared virtually, arriving after roll call.

D. PROCLAMATIONS AND PRESENTATIONS

Mayor Alfin asked to move item 10 of the agenda. Council concurred.

1. PROCLAMATION - SEPTEMBER 2024 AS PROSTATE CANCER AWARENESS MONTH

Mayor Alfin presented the Proclamation.

Carl Cote, Director of Stormwater & Engineering, thanked City Council for the proclamation, shared statistics, warning signs, and informational pamphlets.

Council Member Pontieri shared comments and thanked Mr. Cote for assisting in bringing awareness.

2. PRESENTATION - AWARD PRESENTATION FROM THE CEDAR BRIDGE FOUNDATION

The Cedar Bridge Foundation presented an award to Carrie Todd, Community Center Supervisor, and thanked Parks & Recreation for their support.

3. PRESENTATION - PALM COAST 25TH ANNIVERSARY CELEBRATION

Brittany McDermott, Deputy Director of Parks & Recreation, and Geena Catalano, Community Recreation Supervisor, presented the topic to Council.

Topics presented included: vision and mission, sharing with the community, upcoming events, site plans, and event timelines.

Council Member Pontieri suggested a dunking booth and to allow residents to dunk City Council.

Mayor Alfin discussed the number needed to reach record-breaking attendance.

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.

Daniel Seamans discussed a prior discussion related to a development project in Seminole Woods, a buffer between the neighborhood being built and Seminole Woods Boulevard, that the developer has removed all trees in the area being developed, and would like someone to review the permits and find out why the buffer was not adhered to.

Jeffery Seib stated that recent tax discussions and information presented by City staff paint a picture of taxes declining over the years, provided figures, lowest millage rate that can be adopted, proposed rate, and discussed budget increases.

Mark Stancel reiterated the comments of Daniel Seamans regarding a buffer and believed that the developer should be fined. Additionally, Mr. Stancel discussed the recent primary elections, candidate signs, and theft of campaign signs.

Liz Michaels was grateful for road repaving on Pine Lakes Drive, shared about a detour, and comments from the contractor.

Robert MacDonald shared about a friend's recent attendance at City Council and their connection to a local children's cancer organization, signs that were going to be put up supporting the organization, and charges for the signs.

Mark Webb discussed his presence at the August 27, 2024, Business Meeting, and asked for clarification of one of the options for district seat 4 that was presented. Mr. Webb asked for a review of option 2 and the 90-day timeframe and to allow the new Council Members to make the appointment.

Chantel Preninger shared about the purpose of white traffic lines and the inability to see them on Whiteview Parkway, and asked City Council to prioritize projects.

Cornelia Downing Manfre asked Council to reconsider the referendum and shared concern for removing the language from the Charter.

Jeannie Jorte, thanked Mayor Alfin for recommending that she read the charter, recited the language of section 3E, provided the ballot language and discussed elimination of resident voices, the deadline, and voter suppression.

Andrew Werner thanked Ms. Heigher for her service to the City, shared about events, was disappointed by the Council's decision to waive a special election, discussed recent appointees and was hopeful about finding candidates,

recommended that the City use the marketing budget to inform the public as much as possible, and encouraged residents to show up and participate.

Candi Stevens asked who wrote the language for the ballot, found it unclear, felt it was meant to mislead, and asked Council to change the language.

Darlene Shelley requested that the referendum be removed from the ballot due to it being confusing and misleading, that it was derived from a Council that will not be here, and that the people of Palm Coast are confused. Ms. Shelley also spoke about the Flagler Executive Airport, student-pilot touch-and-go flights, and that residents have the right to peace and quiet.

James Deen discussed comments of the prior City Council meeting, damage that can be done between now and the end of Council terms, misleading language on an adopted referendum item, supported everyday needs that create jobs and alleviate traffic, and did not want to see Council vote on any big issues until there is a new administration.

Regina Bernier discussed swimming pools in Palm Coast, exercise for seniors, and would appreciate Council's efforts.

Celia Pugliese discussed elderly, disabled, and low-income residents who use the pool, pool closures, budget shortage, airport complaints, asked Council to pay attention to the residents, encouraged a special election for the District Seat 4 Vacancy, and allowing the people to elect someone.

Peter Johnson echoed the comments of Mr. Werner regarding Ms. Heighter, discussed city transparency, intent of the City to realign along US 1, and asked what the point of the westward expansion is.

Dennis McDonald discussed bonding and staff recommendations, ballot language, recommended asking for a ceiling to the bond amount, reminded the City about a lame duck County Commission in 2018, and asked Council Members to not continue to stick residents with problems.

Angie (no last name provided) shared concern for old Belle Terre Road, sidewalks, tractor trailers using the sidewalks, and vehicles tearing up the grass.

Ed Fuller acknowledged several employees, discussed a well-attended Flagler Tiger Bay event, shared compliments to the Palm Coast Community Center and staff, concert in the Park and attendance, and shared about an upcoming candidate forum on September 25, 2024, at the Community Center.

Marilyn Mack discussed attorney language and asked about the cost of the 25th anniversary celebration event.

Gary Kunnas discussed costs for the splash pad and potential to have used the funds for a pool, replied to comments about the airport and that residents knew that the airport would make noise, accountability for the ballot language, and wanted to see it removed from the ballot.

Vice Mayor Danko shared that he received a lot of complaints about Pine Lakes Parkway and asked Ms. Johnston to share details.

Ms. Johnston responded that staff is actively working with the contractor and that the project manager was onsite today.

Vice Mayor Danko made a motion to remove the bonds from the ballot and asked for a second.

Council Member Pontieri seconded the motion for discussion.

Council Member Pontieri sought to correct the record on how the ballot language came to fruition and explained that the language was originally drafted by staff and the City Attorney and was edited by City Council Members during a City Council Meeting. Additionally, Council Member Pontieri recognized the public apprehension and suggested that if the referendum passes, Council enter into a Resolution, effective January 1, 2025, requiring a supermajority vote to borrow more than \$30 million and enter into any agreement over 5 years, largely alleviating the fear surrounding the topic.

Council Member Pontieri discussed her intent with the charter amendment, pay as you go systems as an unsustainable option, the need to borrow money to fix infrastructure before it breaks, the current Charter language not addressing inflation, and speaking to the challenges that she, as a Council Member faces, trying to find monies to address infrastructure.

Council Member Klufas agreed with the need to find ways to fund infrastructure projects, discussed difficulties faced with roll-back tax rates, and the need to re-emphasize priorities.

Vice Mayor Danko stated that when he and Council Member Pontieri edited the language during the Council Meeting, that the focus and intention were on infrastructure, his change in stance as expressed last week, was amenable to the suggestion provided by Council Member Pontieri and was concerned for removing the public right to vote on bonds.

Mayor Alfin sought a point of clarification, discussed the term bonding, and asked City Attorney Duffy to provide an update.

Attorney Duffy explained the purpose of bonds and asked what detail Mayor Alfin is seeking.

Mayor Alfin stated that he is trying to get to the constraints that exist on all bonds from the lender.

Vice Mayor Danko provided constraints, repayment, and referendum requirements. Vice Mayor Danko sought to keep the public right to make that vote.

Vice Mayor Danko reiterated a comment from Council Member Pontieri in the prior meeting regarding new proposed ballot language and asked the Council Member to share the language.

City Council discussed the options available, time constraints, process, and statutory notice requirements.

While Council Member Pontieri pulled up the language, she responded to public comments related to the airport and inclusion of language in the Comprehensive Plan, and County plans for potential fees to be imposed.

Council Member Pontieri shared the language that she intended to propose, prior to learning about the time constraints to get the language on the ballot: Shall Article VI of the Charter be amended by removing provision 3E related to fiscal contracting authority that limit the City's ability, without voter approval, from entering into contracts and incurring debt with repayment terms greater than 36 months, and amounts great than \$15 million. The purpose of the amendment is to give City Council, by a simple majority vote, the authority to assume obligations of any terms and any amount.

Vice Mayor Danko supported the recommendation.

Council Member Pontieri shared concern for the years that it would take to address infrastructure needs.

City Council held discussion on potential options, timeline, and addressing expensive infrastructure needs.

Public Comment:

Jeannie Jorte found the language confusing, believed the language should be dropped, and that the proposed language is what residents said they don't want.

Donna Baylor asked if the City already has the ability and authority to finance, why do they need more? Ms. Baylor shared that residents want the money to go to utility infrastructure, discussed a story about sports complex and lack of resident support for the project.

Chantel Preninger discussed an increase in Council salary and asked why we need to borrow so much money.

Mark Stancel believed the new Council should take care of rewording the ballot language, agreed that we need infrastructure help, but that residents should not be burdened with things they are scared of.

Robert MacDonald suggested that the new Council make the decision, shared that he did not think that the City would go broke by waiting, and that there are more important things that are broken that we have not fixed.

Marilyn Mack said that this is appalling and that the ballot language was worded to confuse people, discussed State appropriations, fiscal malfeasance, that this Council should not get to vote on if there are bonds or not, encouraged staff cuts and employee salary cuts, and that the procurement office does not save dollars.

Dennis McDonald asked what part of being voted out of office by the public do the Council Members not understand. Mr. McDonald stated that the public does

not want decisions to be made by a lame duck Council and that former staff and Council used the enterprise fund as a cash cow.

Liz Michaels suggested that pensions be paid only on years worked.

Leslie Johnson asked what it takes to make this type of referendum pass and asked for the details of a super majority vote.

James Deen agreed with the language modification, suggested providing it to the future Council, and stated that we do not need a sports stadium, rather, we need infrastructure.

Celia Pugliese discussed the Utility Enterprise Fund, obtaining funds without a referendum, and being used as a cash cow. Ms. Pugliese shared that Mr. Flanagan warned us, that she agreed with Council Member Pontieri, and shared that if Utility can get their own bonds, then we only need bonds for roads.

Council Member Pontieri provided the details of a supermajority vote and discussed the process.

Vice Mayor Danko clarified the details of the motion.

Council Member Klufas asked if there are any preemptions on the new Council if the item fails on the upcoming November ballot.

Attorney Duffy responded that there are no preemptions.

Mayor Alfin asked for a roll call vote.

The motion resulted in a tie vote, with Vice Mayor Danko and Council Member Pontieri voting yes, and Council Member Klufas and Mayor Alfin voting no.

Attorney Duffy explained that in the case of a tie vote the motion fails.

Council Member Pontieri wanted to address the Council appointment for the District Seat 4 vacancy, and this being an example of why the 5th Council Member is needed immediately. Additionally, Council Member Pontieri shared about the public hearings and involvement in the appointment process, ability to vet candidates, and filling the seat 6-8 weeks earlier.

F. MINUTES

4. MINUTES OF THE CITY COUNCIL: AUGUST 27, 2024, BUSINESS MEETING

Pass

Motion made to approve the August 27, 2024, Business Meeting Minutes 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

G. ORDINANCES FIRST READ

5. ORDINANCE 2024-XX AMENDING CITY OF PALM COAST ORDINANCES, CHAPTER 17, COMMUNITY DEVELOPMENT; AS AMENDED, TO ADD ARTICLE V, SHORT-TERM VACATION RENTALS

Attorney Duffy read the title into the record.

Jason DeLorenzo, Chief of Staff, and Barbara Grossman, Code Enforcement Manager, presented the topic to City Council. Topics presented included: legislative intent, requirements, registration and renewal, use and occupancy standards, required postings, remedies and enforcement, and City Council action items.

City Council held a lengthy discussion on the topic which included: impact to Code Enforcement staff, time needed to build a process, budget considerations, ability of the State to usurp the City's decisions, legal defense, getting the Ordinance into play sooner rather than later, number of Palm Coast residents that would be impacted, definition of habitable space, ability to challenge habitable spaces, ages to be included, consideration of home size, funding an additional Code Enforcement Officer, trailers and parking, regulating 72 hour recreational trailers, a request for case law research, parking certification, emergency lighting, duty to take action in 2 hours and who they are responding to, registered sex offenders and background checks, potential fines and repercussions for violations, noise requirements, and discussion regarding crimes against Short-Term Rentals.

City Council held discussion on the appropriate process to move forward.

Ms. Johnston encouraged working through the policies during the public meeting and to provide a collective consensus.

Attorney Duffy provided a response.

Public Comment:

Celia Pugliese discussed parking, a dedicated inspector, and a proactive Code Enforcement Officer approach.

Janice Reed asked where short-term rentals are defined, discussed hard-wired emergency lights, timeline, not to assume worst case scenarios, and asked how many of the rentals have received complaints.

Robert MacDonald believed that the City Attorney should be giving the report rather than staff, asked what the big hurry is to get this through, and asked who is going to pay for the inspections.

Kathy Davidson shared that she, and her husband, are super hosts, that the decisions being made affect residents, encouraged Council to really consider their decisions on the topic.

Joel Davidson stated that there is a lot to consider besides what has been discussed, shared concerns, would like to be included in future workshops on the topic, discussed background checks, large groups that stayed in the home, rules made by people not living in the home, tourist tax collected, registration and bike week trailers, and recommended decibel requirements that are lower for short-term rentals.

A resident (no name provided) agreed with the prior comments, discussed the inability to get background checks, parking, noise ordinance, the matter not addressing actual issues, and local owners who are able to monitor the homes versus large corporations.

A resident (no name provided) thanked Council Member Pontieri and Ms. Johnston, Acting City Manager, for their efforts. The resident did not believe that family homes have 10 people, the fees as pittance and recommended fee changes, and that many renters do not know our community and are not respectful.

Peter Johnson piggybacked on the prior comments, shared that some members of the community do care about their short-term rentals, discussed heart beats allowed per room for other developments, amount per livable space, concern for disincentivizing trailer removal, permit fees, funding code enforcement officers, sex offenders having to register with local law enforcement, defining penalties and implementing fines onsite.

Mark Stancel shared about entry signs in Palm Coast which include unallowed uses and was not in favoring of allowing short-term rentals to be permitted uses which residents do not have. Additionally, Mr. Stancel discussed code enforcement, a proactive approach, and decreased complaints because anonymity is gone.

Quinn Cressey supported differentiating live-in-hosts versus non-, would like to see sleeping rooms, supported a Code Enforcement hotline, discussed sexual predators and requirement for everyone over 18, advertising requirements and trespassing.

Roger Cressey provided thanks for all that has been done so far, sought protections for residents, and was concerned that the ordinance will not provide enough protection.

Randy Kroll defined a home and that these are not homes, rather, they are business and should be treated as such.

Mike Solara discussed short-term and long-term rentals on his street, incidents, did not believe that the entire house would have to be rewired as discussed by a prior speaker, in-home managers versus non-, making this good for everyone, increased police control on the canals, increased signage, and fines being used to help fund additional code enforcement.

Mindy Melendez discussed requirement for driver's licenses and protection for children from sexual predators.

Regine Bernier discussed a short-term rental near her home, shared issues with parking and wanted something to be done.

Fred Sinclair stated that the dynamics of our community are drastically changing, constant stress on boats, fees and making sure that they cover the enforcement, and was hopeful that parking changes will minimize issues.

Chantel Preninger discussed adequate regulation versus too much regulation, driveway issue, fees, Code Enforcement, background checks, and requirements.

Andrew Werner shared that this is an issue for a large number of people, effects to quality of life, asked about fees to know if the amount is researched, discussed noise, too many cars, parties, violations, complaint process, and tourism businesses.

Julia Connelly discussed density and impossibility to regulate, short-term rentals on her street, and unique problems in the C section, including the proximity of many short-term rentals on one street.

Mayor Alfin stated that the City is guessing the magnitude of the importance in getting this in play before the next legislative session and was concerned for the amount of information to be digested in a relatively short amount of time.

Vice Mayor clarified the details of the people per house, did not want the taxpayers to be burdened by the potential Code Enforcement position.

Mayor Alfin asked Vice Mayor if he was willing to let staff forecast the staffing expense.

Vice Mayor Danko responded yes, and that we need to look at what we are going to charge for fees so that we are not using taxpayer dollars.

Vice Mayor asked if short-term rental companies, such as Airbnb, run the background checks.

A member of the audience responded yes.

Vice Mayor Danko sought additional details to know if the background check that is run serves the City's requirement.

Vice Mayor Danko stated that he believed all can agree that absentee owners are the majority of the problem.

Mayor Alfin responded that the point is well taken and asked the City Attorney if there is any way to differentiate in-home managers, versus non-in-home managers, or local versus non-local owners, without causing a legal issue.

Attorney Duffy responded that the short answer is yes, and that with the direction of City Council, the City Attorney's office can do additional research on the topic.

Council concurred with the direction.

Discussion was held on the purpose of bringing the item forward, electrical work as discussed in public comments, and allowing the building department to handle such questions.

Council Member Pontieri wanted to find an objective way to differentiate owner types, did not think that certain owners should be exempt from all of the regulations, requested a fine and fee schedule which allows for cost recovery, shared concern for complainant information, and asked about the details of the hotline.

Ms. Grossman provided statutory language related to code complaint information and public records and details of the hotline.

Council Member Pontieri discussed the short-term rental platforms and their potential of conducting a deeper background check, and sought to know what kind of background check is actually done.

Council Member Klufas believed it would be difficult for the City to be coordinating background checks, and shared that maximum allowable short-term rentals for a single owner, or entity, has yet to be discussed.

Mayor Alfin shared with Ms. Johnston the consensus that the item needs to be done well and correctly and asked how much time staff needs to bring the item back.

Ms. Johnston discussed the options available to bring the item back to City Council, recommending that the item be included on the September 24 workshop meeting.

Attorney Duffy provided a response to questions posed by Council throughout the discussion including code complainant information as public records and the City's inability to prohibit vacation rentals.

Council Member Klufas asked if we can make the scale of the rates to be paid increase for the higher number of short-term rentals.

Attorney Duffy advised against the suggestion.

Vice Mayor Danko asked, while we can't put a cap on how many short-term rentals are in the city, if we can set a percentage per street, mile, neighborhood, etc.

Attorney Duffy responded no that there would be a strong argument that the City is prohibiting short-term rentals.

Mayor Alfin encouraged the public to come back and for residents to communicate with staff.

Pass

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

Public Comment:
There were none.

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

6. ORDINANCE 2024-XX APPROVING THE 2050 COMPREHENSIVE PLAN TEXT AND MAP SERIES FOR THE CITY OF PALM COAST

Attorney Duffy read the title into the record.

Ray Tyner, Deputy Chief Development Officer, presented the topic to Council. Topics presented included: community engagement, process for transmittal and adoption of the comprehensive plan.

Council Member Pontieri thanked staff, the public for the input and work that has been done. Council Member Pontieri stated that she expressed concern at the last meeting regarding the Future Land Use Map changes that are being implemented through the Comprehensive Plan, discussed the current FLUM in the western area of the City, current development order, and proposed changes through the Comprehensive Plan, and her concern for accepting the Future Land Use without seeing what is being removed in the current DRI, and what the new MPDs are proposing. Council Member Pontieri continued her comments to share disgust with the items to be done away with including infrastructure that the landowner was responsible for, which taxpayers are now paying for, in the form of state appropriations. Council Member Pontieri read portions of the Neoga Lakes and Old Brick Township Development of Regional Impacts (DRI), the connection to the Charter Amendment, and the landowner responsibility.

Council Member Pontieri stated to staff, the developer, and their representatives, that when the item comes back for approval, she expects infrastructure improvements, what conservation will be set aside, what recreation will be set aside, and what infrastructure the City will get, and wanted to know what the developer will do for residents.

Council Member Pontieri continued her comments to state that she did not want to hold up the Comprehensive Plan, respecting the work that city staff have done, the hours that have been put into the process, resident efforts to provide their comments, but when the Comprehensive Plan comes back from the State, before she will consider voting on abandoning the DRIs and accepting an MPD, she wants to see exactly what the landowner is going to do, including plans and what the DRIs are being replaced with.

Council Member Pontieri reiterated that she wants to transmit the Comprehensive Plan to the State, since the Comprehensive Plan, overall, is good, but to please hold the landowner accountable, asked her fellow Council Members to review the DRIs, and to make sure that the new MPDs and Development Orders measure up to what the City is supposed to be getting out of the DRIs.

Vice Mayor Danko was concerned for transmittal and approval of the Comprehensive Plan and letting go of opportunities to fix this.

Council Member Pontieri appreciated the comments and responded that she reviewed the process with staff and the City Attorney, shared concern for losing leverage and about the process for accepting a new MPD, and the process of transmitting the Comprehensive Plan and receiving a new MPD.

Council Member Klufas believed this to be in alignment with what staff presented previously and the discussion as an elaboration of what Council elaborated previously, and that Council can continue to review and critique the Comprehensive Plan since this is not the finish line. Additionally, Council Member Klufas thanked Mr. Tyner and his staff for the time and effort they have put in.

Pass

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

Public Comment:

Gina Weiss thanked Council Member Pontieri, discussed a failure to address airport noise, desperate measures that need to be taken immediately, airport maps, and residents no longer supporting a Council who focus on developers.

Darlene Shelley discussed noise decibels, short-term rentals, want for the Comprehensive Plan, transportation element, asked what accommodate means in regard to the Comprehensive Plan, airport area master plan, violations of fly friendly guidelines, City to support local residents, and ask Council not to transmit the Comprehensive Plan.

Chantel Preninger did not get a chance to read the documents, but thanked Council Member Pontieri for finding red flags, and asked where residents can find the documents.

Peter Johnson asked why this is being transmitting to the State when it shouldn't be, asked how this was missed by staff, and found it disgusting and wrong.

Celia Pugliese appreciated Council Member Pontieri, stated that there are hidden things, discussed airport issues, cell towers, asked why this is going to be transmitted to the State even with the findings, and shared that residents are not complaining about the airport, they are concerned about the school and touch-and-gos.

Dennis McDonald discussed lack of enforceability, decibel level, and wanted the Council to leave the Comprehensive Plan in Palm Coast until it is updated.

Jessica Matthews thanked Council Member Pontieri for fighting for what is right even if it is not the opinion of the majority of the Council. Ms. Matthews shared her participation in the Comprehensive Plan, that no one was in favor of westward expansion and that it is being forced down resident throats, and asked when we will put residents and staff first.

Council Member Pontieri asked the City Attorney to explain the necessity of transmitting the Comprehensive to the State and the process thereafter.

Attorney Duffy provided details of the transmittal and acceptance processes.

Council Member Pontieri asked for support for staff direction on an incredibly public process, especially regarding the MPD application to change the DRIs.

Discussion was held with the City Attorney on quasi-judicial items and ex parte communications.

Council Member Pontieri encouraged the developer to hold multiple public meetings and asked staff to push them to do so.

Council Member Klufas stated that there has been a lot of talk as if this hasn't been a transparent and time intensive process, and hoped that this would be a continuation, highlighting that this is not a change of course.

Approved - 3 - Mayor David Alfin, Council Member Nick Klufas, Council Member Theresa Pontieri

Attorney Duffy reminded Council of the Council policies and procedures, nearing the 11 p.m. cut off time.

City Council provided a consensus to continue the meeting to 11:30 p.m.

H. RESOLUTIONS

7. RESOLUTION 2024-141 CERTIFYING THE 2024 PRIMARY ELECTION RESULTS

Kaley Cook, City Clerk, provided a brief background of the item.

*Public Comment:
There were none.*

Pass

Motion made to approve 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

8. RESOLUTION 2024-138 APPROVING THE OLD KINGS ROAD SPECIAL ASSESSMENT ROLL TO BE TRANSMITTED TO THE FLAGLER COUNTY TAX COLLECTOR

Attorney Duffy read the title into the record.

Helena Alves, Director of Financial Services, provided a background of the item.

Public Comment:

Dennis McDonald discussed sewer and water enterprise fund, the funds for this project coming from the fund, found through a Forensic CPA.

Pass

Motion made to approve 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

9. RESOLUTION 2024-133 APPROVING FINAL NUISANCE ABATEMENT ASSESSMENT

Attorney Duffy read the title into the record.

Mr. DeLorenzo provided an overview of the item.

Public Comment:

Celia Pugliese asked what account the funds will be going to.

Mayor Alfin responded that he would let staff respond to the question.

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

10. RESOLUTION 2024-140 APPROVING THE 2024 FIND GRANT FOR THE WATERWAY CLEANUP

This item was heard after the Pledge of Allegiance.

Alyssa Roscoe, Residential Solid Waste Collections Supervisor, presented the topic to Council. Topics presented included: mascots, date and timeline, grant and sponsors, marketing, and related community events.

Randy Stapleford, FIND Commissioner, shared comments, details of the event, and presented the City with a check for the grant.

Public Comment:

There were none.

Pass

Motion made to approve 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

11. RESOLUTION 2024-134 APPROVING A CONSTRUCTION CONTRACT, PROJECT CONTINGENCY, AND CONSTRUCTION ENGINEERING INSPECTION SERVICES FOR THE OLD KINGS ROAD FORCE MAIN IMPROVEMENTS PROJECT

Attorney Duffy read the title into the record.

Alex Blake, Utility Engineer, provided details of the item.

Pass

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

Public Comment:

Celia Pugliese about the cost per mile and where the expenses are funded from.

Mr. Blake provided the details.

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

I. CONSENT

Council Member Pontieri provided kudos to staff for item 14.

Public Comment:

Celia Pugliese discussed sizeable cost and hoped that each contract is reviewed for the best prices.

12. RESOLUTION 2024-135 APPROVING A MASTER SERVICES AGREEMENT WITH PALMETTO ELECTRIC, INC., FOR CITYWIDE ELECTRICAL INSTALLATION AND REPAIR SERVICES

13. RESOLUTION 2024-136 APPROVING A MASTER SERVICES AGREEMENT WITH TRP CONSTRUCTION GROUP, LLC TO PROVIDE VARIOUS ROADWAY STRIPING MAINTENANCE SERVICES ON AN AS-NEEDED BASIS

14. RESOLUTION 2024-137 APPROVING A CONTRACT WITH BLACKWATER CONSTRUCTION SERVICES AND A PROJECT CONTINGENCY FOR THE CITY HALL DATA CENTER PROJECT

15. RESOLUTION 2024-139 APPROVING PIGGYBACKING THE SEMINOLE COUNTY CONTRACT WITH FERGUSON US HOLDINGS FOR THE PURCHASE OF CONCRETE, CORRUGATED AND DRAINAGE PIPES AS NEEDED

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

J. PUBLIC PARTICIPATION

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

Dennis McDonald discussed an earlier vote on the referendum, the vote, provided details of the City Charter and quorum in attendance, did not believe that Council Member Klufas' vote could be counted, and believed the vote should be called back or to record the vote as 2-1.

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

Vice Mayor Danko asked for clarification from the City Attorney on the comment.

Attorney Duffy provided the attorney general opinion on remote attendance and voting.

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

None.

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

Ms. Johnston discussed the recent joint City/County workshop and topics discussed. Additionally, Ms. Johnston discussed a request to use law enforcement impact fees and sought policy direction for the monies.

Council Member Pontieri commented on the impact fees, language of an interlocal agreement, acceptable uses of the monies, and suggested that the monies be put back in.

City Council concurred.

N. ADJOURNMENT

The meeting was adjourned at 11:05 p.m.

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