



City of Palm Coast Minutes City Council Business

City Hall
160 Lake Avenue
Palm Coast, FL 32164
www.palmcoastgov.com

Mayor Michael Norris
Vice Mayor Theresa Pontieri
Council Member Charles Gambaro
Council Member Ty Miller
Council Member David Sullivan

Tuesday, December 2, 2025

6:00 PM

**City Hall - Jon Netts
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/@PalmCoastFL>.
- It is proper meeting etiquette to silence all electronic devices, including cell phones while Council 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.

NOTICE: This meeting is being live streamed on the City of Palm Coast YouTube channel and audio recorded for public record and transparency.

A. PROCLAMATIONS - 5:30 P.M.

1. PROCLAMATION - DECEMBER 20, 2025, AS FANTASY LIGHTS DAY

Ms. Johnston and Mayor Norris presented the proclamation to the Rotary Club of Flagler County at 5:37 p.m.

A member of the Flagler County Rotary Club shared comments and thanks for the support.

City Council Members shared comments and thanks for the events.

B. CALL TO ORDER THE BUSINESS MEETING - 6:00 P.M.

Mayor Norris called the meeting to order at 6:00 p.m.

C. PLEDGE OF ALLEGIANCE TO THE FLAG AND A MOMENT OF SILENCE

D. ROLL CALL

City Clerk Kaley Cook called the roll. Vice Mayor Pontieri arrived at 6:07 p.m.

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) This agenda item has a thirty (30) minute limit.
- (2) Each speaker shall at the podium, provide their name and may speak for up to 3 minutes.
- (3) 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.
- (4) Public speakers may address their comments to the Council as a whole, the Mayor, or to an individual Council Member
- (5) When addressing the City Council on specific, enumerated Agenda items, speakers shall:
 - (a) make their comments concise and to the point;
 - (b) not speak more than once on the same subject;
 - (c) not, by speech or otherwise, delay or interrupt the proceedings or the peace of the City Council;
 - (d) obey the orders of the Mayor or the City Council; and
 - (e) not make any irrelevant, impertinent or slanderous comments while addressing the City Council; which pursuant to Council rules, shall be considered disorderly.
- (6) 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 Norris provided the rules and procedures of public comment.

Jeremy Davis discussed a letter received from the City, permit records, asked Council to reopen the flooding case, to issue a notice of code violation and hold the certificate of occupancy, and provided a handout which is attached to these minutes.

Kirk Whittington discussed Chick-Fil-A opening, politicians and running for office, and appreciated that we have a good airport.

Jeani Duarte discussed public participation procedure and why the Mayor asks Attorney Duffy for guidance on public participation.

Mark Webb applauded the City for making the meetings available online and hoped that it will continue.

Kathy Austrino discussed her prior public comments, an email from Vice Mayor Pontieri, and provided a letter which is attached to these minutes.

Yakov Slatvutsky discussed the Frieda Zamba pool, importance of aquatic facilities, and shared a petition from seniors that has been attached to these minutes.

Regine Bernier asked who is in charge of the pool in Palm Coast, why the pool is closed for months, and discussed favoring groups over the others.

Brandon Chirazi spoke about pool facility closures and the necessity of a pool for older folks.

Mayor Norris replied to public comment to share that Attorney Duffy is the parliamentarian of the meetings and advises on such matters.

Ms. Johnston replied to public comment to discuss permit records that were referenced and provided a response regarding pool facilities.

Council Member Miller replied to public comment to discuss the age of the pool, renovation costs, and partnership with the YMCA.

Vice Mayor Pontieri replied to public comment to discuss the age of pool and hours of operation, asked to be copied on responses to Mr. Davis, and provided details of the situation shared by Ms. Austrino.

Mayor Norris discussed agenda order and procedure.

F. MINUTES

2. MINUTES OF THE CITY COUNCIL: NOVEMBER 18, 2025, BUSINESS MEETING

Approved

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

Approved - 5 - Vice Mayor Theresa Pontieri, Mayor Michael Norris, Council Member Charles Gambaro, Council Member David Sullivan, Council Member Ty Miller

G. ORDINANCES FIRST READ

3. ORDINANCE 2025-XX AMENDING CODE OF ORDINANCES BY CREATING A NEW CHAPTER 8, ANIMALS, ARTICLE III, BACKYARD CHICKENS, SECTION 8-100, GENERAL CONDITIONS FOR THE KEEPING OF BACKYARD CHICKENS; AMENDING THE UNIFIED LAND DEVELOPMENT CODE SEC. 14.02 GLOSSARY

Mayor Norris read the title into the record.

Ms. Johnston highlighted that a fee schedule will be brought to City Council at the second reading of the item.

Vice Mayor Pontieri discussed section C of the Ordinance, related to insects and rodents and looked to remove the language.

Council Member Miller commented on the language and was okay with either direction of the Council.

Council Member Gambaro asked if there is any statutory language or health code that identifies that as an issue.

Ms. Grossman, Code Enforcement Manager, replied no, and shared additional details on the topic.

Vice Mayor Pontieri recommended the language 'to be free of rodents and excessive insects.'

Vice Mayor Pontieri discussed section 4 of the Ordinance, which states that the LDC will be amended to no longer qualify chickens as farm animals and asked for clarification.

*Public comment:
There were none.*

Pass

Motion made to be approved amending Section C 3 on first reading by Vice Mayor Pontieri and seconded by Council Member Sullivan

Approved - 5 - Vice Mayor Theresa Pontieri, Mayor Michael Norris, Council Member Charles Gambaro, Council Member David Sullivan, Council Member Ty Miller

4. ORDINANCE 2025-XX ESTABLISHING THE CREATION OF THE RECOVERY RESIDENCE ORDINANCE PURSUANT TO FLORIDA STATE LEGISLATION SB 954

Mayor Norris read the title into the record.

Ms. Johnston provided a background of the item. Jackie Gonzalez, Site Development Coordinator I, presented the topic to Council.

City Council held discussion on the following topics: number of halfway homes and sober homes, largest number of residents in the home, if there are issues, ability to limit proximity to schools or daycares, allowable number of residents, location of non-conforming homes, and the complaint process.

Public comment:

There were none.

Pass

Motion made to be approved on first reading by Council Member Gambaro and seconded by Council Member Sullivan

Approved - 5 - Vice Mayor Theresa Pontieri, Mayor Michael Norris, Council Member Charles Gambaro, Council Member David Sullivan, Council Member Ty Miller

H. RESOLUTIONS

5. RESOLUTION 2025-201 APPROVING THE CITY MANAGER CONTRACT

Mayor Norris highlighted the key details and changes that were made to the contract.

City Council held discussion on the following topics: emergency pay, termination with and without cause, labor laws and applicability, Charter Review Committee proposal to require a supermajority to terminate the City Manager contract, direction to include language that the City Council reserves the right to terminate the contract early upon receiving notice from the City Manager, City Manager evaluations, vacation hours, and the Palm Bay City Manager salary and comparable salaries.

Public comment:

Jeani Duarte discussed details of the contract and recommended changes.

James Deen stated that the salary is a lot of money, reasonable hours should be covered, provided suggestions for language regarding disasters, reduction of pay during suspension, did not agree with a 2% raise increase annually, and discussed vacation hours.

Kirk Whittington encouraged trusting your judgement, the long process to get to this point, and shared support.

Vice Mayor Pontieri highlighted the importance in understanding that this is a risky job and discussed considerations when terminating a City Manager.

Mayor Norris shared support for Mr. McGlothlin.

City Council made the following amendments to the contract:

- Removal of paragraph 5f.*
- Amend section 7a striking the section that begins after "For purposes of this agreement..."*

- *Include language in Paragraph 7d to allow the City to terminate the contract early upon receipt of written notice, with pay.*

Pass

Motion made to approve as amended by Council Member Gambaro and seconded by Vice Mayor Pontieri

Approved - 5 - Vice Mayor Theresa Pontieri, Mayor Michael Norris, Council Member Charles Gambaro, Council Member David Sullivan, Council Member Ty Miller

6. RESOLUTION 2025-200 APPROVING A CONTRACT WITH C.W. MATTHEWS, A CONTRACT WITH EISMAN AND RUSSO, INC., FOR CONSTRUCTION ENGINEERING & INSPECTION SERVICES, A RIGHT OF WAY AGREEMENT, AGREEMENTS WITH FPL, FEC

Mayor Norris read the title into the record.

Ms. Johnston provided a brief overview of the item.

Carl Cote, Director of Stormwater & Engineering, and Richard Kehoe, Traffic Engineer, presented the topic to Council.

City Council held discussion on the following topics: breakdown of project expenses, contingency, concerns for the relocation agreement with FPL, third party beneficiaries to the FPL contract, re-estimate and putting a limit to how much they can increase the contract by, to keep their records for the duration, and radiance easement agreement.

Public Comment:

There were none.

Pass

Motion made to approve as amended to include increase restrictions and a requirement to keep their records for the duration of the project by Council Member Gambaro and seconded by Council Member Sullivan

Approved - 5 - Vice Mayor Theresa Pontieri, Mayor Michael Norris, Council Member Charles Gambaro, Council Member David Sullivan, Council Member Ty Miller

7. RESOLUTION 2025-XX DESIGNATING THE PALM COAST STRATEGIC EMPLOYMENT ZONE (TRACT 17) AS A BROWNFIELD AREA FOR ECONOMIC REDEVELOPMENT PURSUANT TO SECTION 376.80, FLORIDA STATUTES

Mayor Norris read the title into the record.

Ms. Johnston briefly introduced the item.

John Zobler, Community Development Director, presented the topic to City Council.

City Council held discussion on the topics of organization eligibility and thanks for the initiative.

*Public Comment:
There were none.*

Pass

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

Approved - 5 - Vice Mayor Theresa Pontieri, Mayor Michael Norris, Council Member Charles Gambaro, Council Member David Sullivan, Council Member Ty Miller

8. RESOLUTION 2025-202 AMENDING RESOLUTION 2010-102 BY INCREASING THE ANIMAL CONTROL FEES

Mayor Norris read the title into the record.

Ms. Johnston provided a background of the item and Ms. Grossman was available for questions.

Mayor Norris asked for the increases to be shared.

Vice Mayor Pontieri asked how the increases were determined.

Ms. Grossman shared the research that went into the fee increases and trying to find a reasonable middle ground.

Council Member Miller discussed cost recovery and asked when the fees were last updated.

Ms. Grossman replied that this is the first amendment.

Public comment:

Mark Webb applauded the efforts of Ms. Grossman, discussed the number of licensed pets in Palm Coast, supported the cost increases, and discussed a failure to inform the residents of the value of participating in the pet licensing program.

Pass

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

Approved - 5 - Vice Mayor Theresa Pontieri, Mayor Michael Norris, Council Member Charles Gambaro, Council Member David Sullivan, Council Member Ty Miller

I. CONSENT

Council Member Gambaro looked to pull item 14 from the consent agenda. City Council concurred.

Vice Mayor Pontieri asked about items 9, 11, and 12. Brian Roche, Utility Director, and Matt Mancill, Director of Public Works, provided response and details related to the items.

Public Comment:

Jeani Duarte discussed items on the consent agenda, utility reports, the need for transparency, and the high costs for mowing sites because they are health hazards.

Pass

Motion made to be adopted on consent by Council Member Gambaro and seconded by Council Member Miller

Approved - 5 - Vice Mayor Theresa Pontieri, Mayor Michael Norris, Council Member Charles Gambaro, Council Member David Sullivan, Council Member Ty Miller

- 9. RESOLUTION 2025-199 APPROVING A WORK ORDER WITH CPH CONSULTING LLC FOR 5-YEAR CUP COMPLIANCE MONITORING**
- 10. RESOLUTION 2025-194 APPROVING A WORK ORDER WITH WRIGHT-PIERCE, INC., TO CONDUCT A PILOT STUDY OF THE ACTINA PELLETIZED SOFTENING SYSTEM**
- 11. RESOLUTION 2025-196 APPROVING THE INTERLOCAL AGREEMENT FOR DEBRIS DISPOSAL BETWEEN VOLUSIA COUNTY AND THE CITY OF PALM COAST**
- 12. RESOLUTION 2025-197 APPROVING A MASTER SERVICES AGREEMENT WITH RTS LAND MANAGEMENT FOR UTILITY GROUND MAINTENANCE AT THE EFFLUENT DISPOSAL SITES**
- 13. RESOLUTION 2025-198 APPROVING THE PIGGYBACK CONTRACT WITH LAKE COUNTY, FLORIDA AND OSBURN ASSOCIATES, INC., FOR THE PURCHASE OF TRAFFIC SIGNS AND MATERIALS**
- 14. RESOLUTION 2025-203 APPROVING CITY COUNCIL POLICIES AND PROCEDURES**

Council Member Gambaro discussed item F-Virtual Participation to highlight that it is in Florida Statute and that there is an Attorney General opinion which supports virtual participation as well. Additionally, Council Member Gambaro commented on the section related to Order of Business and that votes can occur at a Workshop if there is an emergency.

Council Member Sullivan recommended a memo in the backup materials to allow voting on matters after concluding the Workshop, similar to the procedure of Flagler County Board of County Commissioners.

City Council held discussion on what is considered an emergency, consecutive meetings and limitations, and Attorney Duffy provided the procedural options available in emergency situations.

City Council requested that Attorney Duffy amend the language for remote attendance to have a cap of four consecutive meetings, that the fourth meeting of the month can be added at the request of City Council, and to include the Florida Statute related to supplemental agenda items for exigent circumstances.

*Public Comment:
There were none.*

Pass

Motion made to approve as amended by Council Member Gambaro and seconded by Council Member Miller

Approved - 5 - Vice Mayor Theresa Pontieri, Mayor Michael Norris, Council Member Charles Gambaro, Council Member David Sullivan, Council Member Ty Miller

J. PUBLIC PARTICIPATION

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

Rufero Gueras discussed respect and unity, must come to a consensus where we can discuss our views with transparency and respect each other, a YMCA pool, and mismanagement of pools.

Jeremy Davis provided additional details to a permit as discussed earlier in the meeting and asked that the public record be corrected, to reopen his case, issue a notice of code violation, place an administrative hold on the certificate of occupancy for 62 Perrotti Lane, and to revoke the access of the individuals who altered the record.

Mark Webb discussed public comment and the agenda order.

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

Council Member Gambaro discussed home affordability and asked for consensus to look at updating the LDC to allow the establishment of smaller homes to be built on sites designated for infill lots of duplexes.

City Council held lengthy discussion on the topic and provided unanimous consensus to bring the topic forward at a future workshop for consideration.

Council Member Miller discussed the FDOT 5-year plan, funding, and lights at Matanzas.

Vice Mayor Pontieri asked Ms. Johnston to share an update regarding appropriations.

Vice Mayor Pontieri shared congratulations to Roger LaChance on his retirement, shared thanks to the Rotary Club and staff for the Christmas lights, and shared condolences for the passing of Jules Kwiatkowski, who served on the East Flagler Mosquito Control District.

Mayor Norris shared upcoming events and the Boat Parade.

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

Ms. Johnston shared the response to Mr. Davis, provided appropriation updates, and looked forward to Mr. McGlothlin starting.

N. ADJOURNMENT

The meeting was adjourned at 8:50 p.m.

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

EVIDENCE SUMMARY – 66 PERROTTI LANE FLOODING DAMAGE

Jeremy Davis – December 2, 2025

The Problem in One Sentence

Construction at 62 Perrotti Lane began dumping mud and stormwater onto my property in August 2023. City inspectors documented it for over a year, then staff deleted and rewrote the official records after Hurricane Milton to make it disappear.

Key Timeline (ALL BEFORE MILTON)

- Aug 2023 – Construction starts at 62 Perrotti → repeated erosion failures begin
- Dec 2023 – DR Horton agrees in writing to repair damage to 66 Perrotti
- Jan 2024 – Violations escalated to Priority 1 (highest level)
- Apr 4, 2024 – Inspector writes “Do NOT approve this inspection” + repairs owed to 66 Perrotti → later overwritten with “all requirements met”
- May 3, 2024 – Entire official comment deleted:
“Lack of stormwater and erosion control during construction causing damage to adjacent property... Must be repaired... Florida Building Code 3307.”
- Oct 2024 – Hurricane Milton (14 months AFTER the damage was already on record)
- Dec 1, 2025 – Full permit audit log finally released → clear proof of deletions & rewrites

Proof of Deleted / Altered Records (Permit #2023070578)

The City’s own hidden audit log shows:

- 5/3/2024 – Comment about damage to my property completely deleted
- 4/4/2024 – “Do NOT approve” notes erased and replaced
- Priority 1 violation status quietly removed
- At least one entire inspection record wiped out

Deleting evidence in an active case appears to violate Florida Statute 839.13 – Falsifying Public Records (a felony).

City’s Current Position (December 2025)

Acting City Manager & City Attorney claim everything is “Milton storm damage” and are trying to close the case – ignoring 14 months of pre-storm documentation.

What I Am Asking For (Simple & Fair)

1. Re-open my case using the pre-Milton evidence
2. Put a code-enforcement hold on 62 Perrotti Lane until my property is fixed (as the City already required)
3. Independent outside investigation (FDLE or similar) into why public records were altered

I have the full audit log and photos. Happy to show anyone tonight.

Jeremy Davis

66 Perrotti Lane, Palm Coast

protint386@gmail.com

December 2, 2025



city of PALM COAST

Office of the City Manager

160 Lake Avenue
Palm Coast, FL 32164
386-986-3710

Jeremy Davis,
66 Perrotti Lane
Palm Coast, FL 32164

Re: Flooding at 66 Perrotti Lane

Dear Mr. Jeremy Davis,

The City of Palm Coast ("City") has received the Drainage Evaluation Report ("Report") prepared by M&D Engineering Services, LLC dated October 26, 2025. After a thorough review of the Report by City Staff, the City provides the following response:

1. **Primary Cause of Flooding was Hurricane Milton (October 2024).** The report concludes that the flooding observed at 66 Perrotti Lane during Hurricane Milton (October 2024) was primarily caused by a tailwater back-up from the regional canal system, which resulted from storm surge and extreme rainfall associated with Hurricane Milton. As the report states, these conditions were regional and event-driven, and not an indicative of recurring nuisance flooding under normal rainfall.

2. **Secondary Factors.** While the report notes contributing factors such as undersized culverts, vegetative blockage, and the property's relatively low elevation, these would not prevent flooding from similar major storm events such as Hurricane Milton. However, the City always recommends to residents that routine maintenance such as cleaning gutters, maintaining swales, and culverts could improve your property's drainage concerns.

3. **Conclusion.** Based on the engineering findings, the flooding at 66 Perrotti Lane was the result of extraordinary rare weather conditions and regional drainage limitations beyond the City's control. This concludes the City's position on this matter and we will be closing all cases regarding 66 Perrotti Lane.

Sincerely,

Lauren Johnston
Acting City Manager

cc: Marcus Duffy, City Attorney

Audit History Report

All audit data relating to PERMIT 2023070578

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TIME_IN New Value =

UPDATE	PERMIT	PERMIT	RSIMS	5/3/2024 1:01:56 PM
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FINL_USER New Value = RSIMS

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PREV_UPDATE_DATE New Value = 5/3/2024 9:49:13 AM

PREV_UPDATE_USER Old Value = GBERTOLA



Real Estate Purchase & Sales

Community Association
Management

Property Management

501 (c)(3) Public Charity

25 Old Kings Rd., N., Ste A5 & A6 Palm Coast, FL 32137 – (386) 597-2688
TAGVenturesRealEstate.com ~ MEx.managebuilding.com ~ Facebook.com/TAGVBear

December 2, 2025

The City of Palm Coast
160 Lake Ave.
Palm Coast, FL 32164

RE: Communist like behavior that needs investigating

Dear Palm Coast City Council, Lauren Johnston, & Attorney Marcus Duffy, Douglas Law Firm,

During the November 18, 2025 Palm Coast City Council meeting. I shared my outrage regarding The City of Palm Coast inserting themselves into my PRIVATE BUSINESS conversations via Theresa Pontieri.

Both Lauren Johnston & Marcus Duffy were copied in this appalling email. Yet, neither of them corrected Theresa when she insisted that I was lying at the November 18th meeting. With this letter is a copy of my public statement from November 18th, a copy of the email I'm referring to.

Also accompanying this letter are the following:

- 1) A November 2, 2025 email from Theresa Pontieri TO BOTH Lauren Johnston & Barbara Grossman questioning them about the city possibly "...infringing on the rights of an HOA..." and letting it be known that she "...work in the HOA space as an attorney...". Aside note – the HOA rights were not infringed upon by the City.**
- 2) A November 7, 2025 email from a resident to Theresa Pontieri referring to another resident's situation and how the city "...MUST state it's not allowed...". Aside note – no, in this particular resident request for exception to the code the City has discretion. This email was forwarded TO Barbara Grossman with Lauren Johnston copied in and again asking " ...(a) why we are allowing this; and (b) infringing upon the rights of an HOA to govern itself"... Aside note – Barbara Grossman was doing no such thing. However, Theresa Pontieri is infringing on many rights.**
- 3) A November 12, 2025, inline with the practice of MY PRIVATE BUSINESS, an email to clients' forwarded to Theresa Pontieri**
- 4) A November 17, 2025 email from Theresa Pontieri inserting herself along with the City of Palm Coast's Lauren Johnston & Attorney Marcus Duffy into the communications of MY PRIVATE BUSINESS.**

- 5) A November 18, 2025 email from myself to The City of Palm Coast reminding them that I expect my request made for certain emails are still needed even though Theresa Pontieri tried to deter staff from following through at the earlier meeting by saying "...we don't even have to do the public records request..."
- 6) From Flagler County Court Case #2025 CA 000217, this case alleges that actions of Theresa Pontieri influenced the decision of staff choices, an email memorializing that something happened as Amanda Rees pleads to Lauren Johnston for an opportunity to apologize to Theresa Pontieri.

In closing, as has been done in the past for similar concerns, Theresa Pontieri needs investigating. The City of Palm Coast should take the lead on this, however, if that isn't something The City of Palm Coast is willing to do then outside agencies should.

Lastly, I expect a timely response to this request for investigation and action.



Kathy Austrino

**President / Broker / Owner / Property Manager / Community Association Manager
TAG Ventures Real Estate / Management Executives**

Kathy Austrino's public comment during The City of Palm Coast's Council meeting on November 18, 2025

This is regarding a sitting City Councilwoman interfering with city employees, my private business, & private homeowner association business. I addressed the situation at the City Council meeting yesterday. After I left she proceeded to call me a liar, which is fine, the truth is easily found. This is not the first time she's done something like this. Councilwoman Theresa Pontieri is named in a lawsuit filed late last year or the beginning of this year - it's buried so I can't see it anymore, it was filed by a former employee Amanda Rees in Flagler County Courts. I've also requested of the city for the email thread of my private business email and private HOA Board discussion unredacted and they suddenly have to check record request law (I'll forward that).

Here is what I read at the City Council meeting yesterday and the emails I refer to are in this thread -

I'm working with the HOA and the city to see if we can assist them with temporary housing accommodation and still be acceptable to the HOA and the city without adding undue burden to the homeowner.

In this process I received a phone call from Barbara Grossman very upset because someone had Theresa Pontieri get involved. And wanted me to let my Board know that Barbara is very clear that she doesn't override HOAs.

I emailed my Board letting them know that if Theresa went to Barbara as an attorney this was inappropriate as the Board did not agree to this. If she went to Barbara as a city council member this was inappropriate as this council has the City manager and City Attorney to go to and are not to interfere with employees. The very topic used to try to oust a duly elected Mayor.

Theresa then sent an email from her city email to the Board of the HOA, myself, the city manager and city attorney.

She's now made private citizens' emails public record. She's inserted herself into private HOA Board business. She's inserted herself into my private business.

Intimidation comes in many forms. I will not be intimidated, our employees should not be intimidated. Let the process play out and we can either help these folks or we can't. But we will certainly do all we can to try.

Interfering while risking placing undue burden upon these folks is dangerous & frankly inhumane

From: Theresa Carli Pontieri <TCarliPontieri@palmcoastgov.com>
Sent: Sunday, November 2, 2025 9:02 AM
To: Lauren Johnston; Barbara Grossman
Subject: HOA Issue

Good Morning,

I spoke with a Michael Libutti over the weekend regarding an HOA issue, where we have apparently written a couple of letters, allowing what is essentially a camper to be parked in the common areas of the Association while a home is being worked on. He is going to drop off documents to me on Monday to provide more information regarding the issue, but I have to tell you, I'd be hard-pressed to think we should be infringing on the rights of an HOA to regulate their neighborhood in this manner. I also understand that Jackie Gonzalez is involved due to some allegations regarding HUD, which I find to be unbelievable. I work in the HOA space as an attorney, so I am pretty knowledgeable as to the autonomy enjoyed by HOA's.

Any information you can provide regarding this issue would be greatly appreciated. Thank you.

Theresa Carli Pontieri
City Of Palm Coast Council Member
160 Lake Avenue
Palm Coast, FL 32164
www.palmcoast.gov

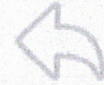


How are we doing?
Let us know below.
PalmCoast.gov/feedback

From: libuttim@gmail.com
Sent: Wednesday, November 5, 2025 9:17 AM
To: Theresa Carli Pontieri
Subject: 5th wheel rv update

the sketch is mine drawn to scale they won't provide one
Thank you for your assistance hopefully I will get an answer soon they are pushing to bring it in

9:04 AM Wed Nov 5



From: Colleen Leister <ponylion4@gmail.com>
Date: Tue, Nov 4, 2025 at 8:00 PM
Subject: Re: Just Checking In
To: Kathy Austrino <Kathy@kathyaust.com>
CC: Management Executives <TAGVe@264037-34717928-2044226-2-10C>

Good evening following up regarding
are 42 feet long, 13.5 feet high, and 8
will use to commute will also fit in the
behind our home would lessen visibili
community, and the construction that





From: Theresa Carli Pontieri <TCarliPontieri@palmcoastgov.com>
Sent: Friday, November 7, 2025 2:02 PM
To: Barbara Grossman
Cc: Lauren Johnston
Subject: Fw: 5th wheel rv update

Good Afternoon,

Please see below. This is the HOA issue I emailed about earlier this or the end of last week. I don't recall receiving any response as to why we are (a) allowing this; and (b) infringing on the rights of an HOA to govern itself. Thank you.

Theresa Carli Pontieri
City Of Palm Coast Council Member
160 Lake Avenue
Palm Coast, FL 32164
www.palmcoast.gov



How are we doing?
Let us know below.
PalmCoast.gov/feedback

From: libuttim@gmail.com <libuttim@gmail.com>
Sent: Friday, November 7, 2025 8:10 AM
To: Theresa Carli Pontieri <TCarliPontieri@palmcoastgov.com>
Subject: Fwd: 5th wheel rv update

Any update yet they are hanging there hat on since the city says they were allowed to put it on their property the HOA has to allow it. The city must state it's not allowed beside the fact it has to go on the lawn

Thank you

Michael

Sent from my iPad

Begin forwarded message:

From: libuttim@gmail.com
Date: November 5, 2025 at 9:17:16 AM EST
To: TCarliPontieri@palmcoastgov.com
Subject: 5th wheel rv update

the sketch is mine drawn to scale they won't provide one

Thank you for your assistance hopefully I will get an answer soon they are pushing to bring it in

From: Colleen Leister <ccnylon4@gmail.com>

Date: Tue, Nov 4, 2025 at 8:00 PM

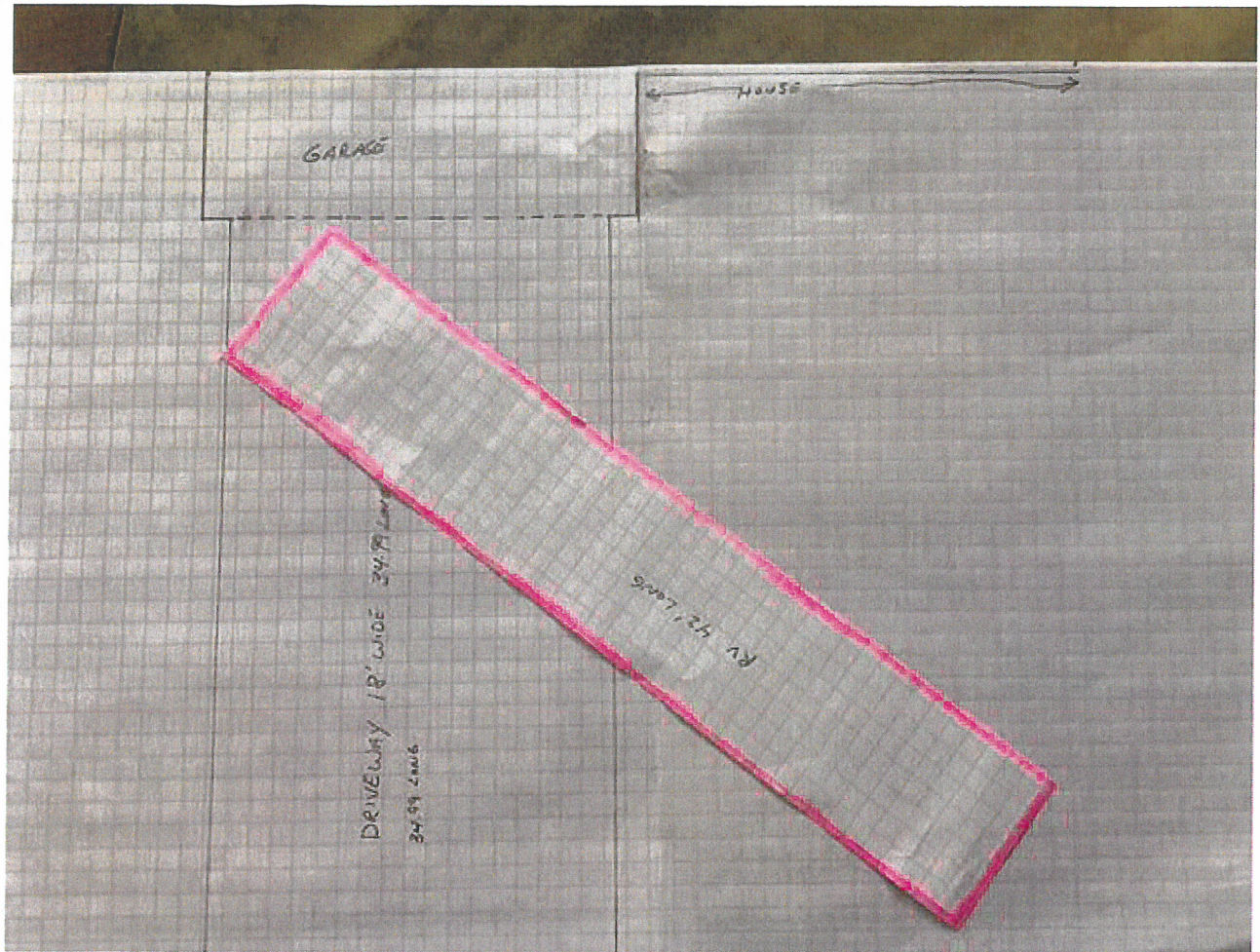
Subject: Re: Just Checking In

To: Kathy Austrino <Kathy@kathyaustrino.com>

CC: Management Executives <TAGVenturesRE@gmail.com>, Kathy Austrino <264037-34717928-2044226-2-1002979@reply.managebuilding.com>

Good evening following up regarding the specs for the camper. The measurements are 42 feet long, 13.5 feet high, and 8 feet wide, 10 feet with bump outs. The car we will use to commute will also fit in the driveway. Also to express having the camper behind our home would lessen visibility as well as be more out of the way of the community and the construction that will be taking place. The door will be facing the home so there is no in and out traffic to be seen. Attached are photos of the camper. As for a sketch not sure how to depict our solution, but the idea was to park it on an angle diagonally in the driveway so as to not be in the street or too close to the street. Our car is small enough to fit alongside. However please consider looking at the idea of it behind the home again that offers more coverage away from the community it will be on the patio and after speaking with several of our neighbors no one has expressed an issue with this emergency housing in fact many were surprised we are still living in the conditions we are in currently, and we were actually encouraged by our neighbors in the community to "move it there anyway because you're homeless that's what we would do" Thank you for your consideration please reach out with any other questions you have regarding this issue we are hoping soon for a resolution that will allow us to at least obtain a sliver of normalcy that we lost three months ago, sleeping in the car, in a burned home on the floor, over friends houses and our places of work is becoming unbearable in addition to our children coming home for the holidays they cannot live like this. We have a place to live and are being told we can't live at our own home in temporary emergency housing on our property we pay taxes, a mortgage and an HOA fee even though it was cleared through our local government offices. Look forward to a response thank you for your consideration again please find attached requested photo

Ken and Colleen Leister





From: libuttim@gmail.com
Sent: Friday, November 7, 2025 5:35 PM
To: Theresa Carli Pontieri
Subject: Re: 5th wheel rv update

Ok thanks for the update
Sent from my iPad

On Nov 7, 2025, at 2:11 PM, Theresa Carli Pontieri <TCarliPontieri@palmcoastgov.com> wrote:

Good Afternoon,

I have not yet heard back from staff on this, but I just followed up.

Theresa Carli Pontieri
City Of Palm Coast Council Member
160 Lake Avenue
Palm Coast, FL 32164
www.palmcoast.gov

How are we doing?
Let us know below.
PalmCoast.gov/feedback

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Sent: Friday, November 7, 2025 8:10 AM
To: Theresa Carli Pontieri <TCarliPontieri@palmcoastgov.com>
Subject: Fwd: 5th wheel rv update

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Thank you
Michael
Sent from my iPad

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To: TCarliPontieri@palmcoastgov.com
Subject: 5th wheel rv update

the sketch is mine drawn to scale they won't provide one

Thank you for your assistance hopefully I will get an answer soon they are pushing to bring it in

<image3.png>

<image4.jpeg>

<image5.jpeg>

From: libuttim@gmail.com
Sent: Wednesday, November 12, 2025 8:12 PM
To: Theresa Carli Pontieri
Subject: Fwd: Barbara Grossman

Sent from my iPad

Begin forwarded message:

From: Kathy Austrino <Kathy@kathyaustrino.com>
Date: November 10, 2025 at 9:47:43 AM EST
To: Michael Libutti <LIBUTTIM@gmail.com>, mahoney122@outlook.com, cm-garcia@hotmail.com, Not Bree Draisey <TAGVenturesRE@gmail.com>
Subject: Barbara Grossman

Good Morning All,

Barbara Grossman with the City of Palm Coast called this morning pretty upset. Apparently, Theresa Pontieri had a conversation with Barbara on behalf of Avalon At Lehigh Woods. I'm not clear if this was in her capacity as an Attorney or as a City Council member - either way it was inappropriate. If she went as an attorney, this BOD did not discuss representation or action. If it was as a City Council member this is also inappropriate as interfering with employees is not allowed and is the very topic she voted to oust the Mayor on.

This conversation apparently was to remind Barbara that she had no authority to overstep an HOA. Barbara wanted me to reassure this BOD that she knows very clearly that she has no authority over HOA BOD decisions.

I sent her the verbiage that was shared with Colleen & Ken of what you've required of the City. I told her if she can in writing acknowledge the City will allow all the details, then good. If she can't, that is understandable.

Thanks,

[~ Please Review Us On Google By Clicking Here ~](#)

Kathy Austrino, Real Estate Broker/Owner,
Realtor, ABR, SFR, GRI, BPOR, CDPE,
Community Association Manager

Florida Certified & Screened Notary Signing Agent
Cell (386) 931-9476
Office (386) 597-2688
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[Tour Some Of Flagler County with TAG V. Bear](#)

TAG Ventures Real Estate Services Co.; Broker/Owner (FL# BK3205677)
TAG V. Bear Foundation; Founder/Director (FL# CH47928) (IRS 501(c)(3)
Letter# 947)
Management Executives; Broker/Owner (FL# CAB5589)

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Please reply to this email with REMOVE in the subject line if you don't wish to receive emails from this sender, thank you.

From: Lauren Johnston <LJohnston@palmcoastgov.com>
Sent: Monday, November 17, 2025 11:06 AM
To: Theresa Carli Pontieri
Subject: RE: 83 Rollins

Added to the list.

Lauren Johnston
Assistant City Manager
160 Lake Avenue
Palm Coast, FL 32164
Tel: 386-986-2341
www.palmcoast.gov

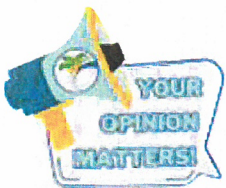


**How are we doing?
Let us know below.**
PalmCoast.gov/feedback

From: Theresa Carli Pontieri <TCarliPontieri@palmcoastgov.com>
Sent: Monday, November 17, 2025 11:05 AM
To: Lauren Johnston <LJohnston@palmcoastgov.com>; John Zobler <JZobler@palmcoastgov.com>
Cc: Barbara Grossman <BGrossman@palmcoastgov.com>
Subject: Re: 83 Rollins

Received, thank you. We need to discuss this today, please.

Theresa Carli Pontieri
City Of Palm Coast Council Member
160 Lake Avenue
Palm Coast, FL 32164
www.palmcoast.gov



**How are we doing?
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PalmCoast.gov/feedback

From: Lauren Johnston <LJohnston@palmcoastgov.com>
Sent: Monday, November 17, 2025 11:04 AM
To: Theresa Carli Pontieri <TCarliPontieri@palmcoastgov.com>; John Zobler <JZobler@palmcoastgov.com>
Cc: Barbara Grossman <BGrossman@palmcoastgov.com>
Subject: RE: 83 Rollins

Please see the attached correspondence from Barb.

Lauren Johnston

Assistant City Manager
160 Lake Avenue
Palm Coast, FL 32164
Tel: 386-986-2341
www.palmcoast.gov



**How are we doing?
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PalmCoast.gov/feedback**

From: Theresa Carli Pontieri <TCarliPontieri@palmcoastgov.com>
Sent: Sunday, November 9, 2025 9:34 PM
To: John Zobler <JZobler@palmcoastgov.com>
Cc: Lauren Johnston <LJohnston@palmcoastgov.com>; Barbara Grossman <BGrossman@palmcoastgov.com>
Subject: Re: 83 Rollins

Good Evening John,

Thank you so much for following up with this, and for the candor regarding our initial misstep. Please confirm this has been communicated to the applicant-homeowner, as it seems the Association is still having issues regarding this matter. Thank you.

Theresa Carli Pontieri

City Of Palm Coast Council Member
160 Lake Avenue
Palm Coast, FL 32164
www.palmcoast.gov



**How are we doing?
Let us know below.
PalmCoast.gov/feedback**

From: John Zobler <JZobler@palmcoastgov.com>
Sent: Friday, November 7, 2025 3:02 PM
To: Theresa Carli Pontieri <TCarliPontieri@palmcoastgov.com>
Cc: Lauren Johnston <LJohnston@palmcoastgov.com>; Barbara Grossman <BGrossman@palmcoastgov.com>
Subject: FW: 83 Rollins

Good afternoon, Vice Mayor,

Below, is staff email correspondence with the Community Association Manager and the letter issued by Jacqueline, of our staff, referencing the Florida State Statute and HUD. The trailer was not moved to the rear of the home because of HOA denial which was based, in part as I understand, because even behind the home it was visible to other homeowners across an abutting body of water. State Statute states that the recreational vehicle cannot be visible from the street or an adjacent property. Speaking with enforcement and housing staff, we always defer to HOAs determinations and do not attempt to override their decisions. However, we should have examined the rear of the property after reading the statute and before sending the letter as it was obvious that the RV would have been visible by adjacent properties. We will review this process with staff to prevent similar response in the future. I have confirmed that the trailer is not behind the home and this department has no further involvement. Thank you for bringing this concern to our attention. If you have follow up questions, please let me know.

From: Kathy Austrino <Kathy@kathyaustrino.com>

Sent: Friday, October 17, 2025 2:23 PM

To: Jacqueline Gonzalez <JGonzalez@palmcoastgov.com>; Not Bree Draisey <TAGVenturesRE@gmail.com>

Subject: 83 Rollins

Good Afternoon Jacqueline,

We are in receipt of your letter in support of allowing a large RV be stored on the rear of the property. I did forward it to the Board for consideration.

This home backs up to the community retention pond (a common area) and is not fenced in. I've attached the full portion of the law for your future reference.

Also, if you know of any other statute that may be helpful to this family I'd be more than happy to present that to the Board.

Thanks,

Kathy Austrino, Real Estate Broker/Owner,
Realtor, ABR, SFR, GRI, BPOR, CDPE,
Community Association Manager
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Office (386) 597-2688
www.TAGVenturesRealEstate.com
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Please reply to this email with REMOVE in the subject line if you don't wish to receive emails from this sender, thank you.

From: libuttim@gmail.com
Sent: Monday, November 10, 2025 8:05 AM
To: Theresa Carli Pontieri
Subject: Re: 83 Rollins

Thank you so much the homeowner is now going to go to Barbara Grossman for permission in writing to put it in the front yard a 42ft rv diagonally so if they can say city and state statute allows it so the board will have to allow the parking again thank you so much
Sent from my iPad

On Nov 9, 2025, at 9:35 PM, Theresa Carli Pontieri <TCarliPontieri@palmcoastgov.com> wrote:

Good Evening,

Please see below. This matter should now be resolved, however, if you all continue to have issues, please let me know. Thank you.

Theresa Carli Pontieri
City Of Palm Coast Council Member
160 Lake Avenue
Palm Coast, FL 32164
www.palmcoast.gov

How are we doing?
Let us know below.
PalmCoast.gov/feedback

From: Theresa Carli Pontieri <TCarliPontieri@palmcoastgov.com>
Sent: Sunday, November 9, 2025 9:33 PM
To: John Zobler <JZobler@palmcoastgov.com>
Cc: Lauren Johnston <LJohnston@palmcoastgov.com>; Barbara Grossman <BGrossman@palmcoastgov.com>
Subject: Re: 83 Rollins

Good Evening John,

Thank you so much for following up with this, and for the candor regarding our initial misstep. Please confirm this has been communicated to the applicant-homeowner, as it seems the Association is still having issues regarding this matter. Thank you.

Theresa Carli Pontieri
City Of Palm Coast Council Member

160 Lake Avenue
Palm Coast, FL 32164
www.palmcoast.gov

How are we doing?
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From: John Zobler <JZobler@palmcoastgov.com>
Sent: Friday, November 7, 2025 3:02 PM
To: Theresa Carli Pontieri <TCarliPontieri@palmcoastgov.com>
Cc: Lauren Johnston <LJohnston@palmcoastgov.com>; Barbara Grossman <BGrossman@palmcoastgov.com>
Subject: FW: 83 Rollins

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From: Kathy Austrino <Kathy@kathyaustrino.com>
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Also, if you know of any other statute that may be helpful to this family I'd be more than happy to present that to the Board.

Thanks,

Kathy Austrino, Real Estate Broker/Owner,
Realtor, ABR, SFR, GRI, BPOR, CDPE,
Community Association Manager

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From: Lauren Johnston <LJohnston@palmcoastgov.com>
Sent: Monday, November 17, 2025 11:05 AM
To: Theresa Carli Pontieri; John Zobler
Cc: Barbara Grossman
Subject: RE: 83 Rollins
Attachments: RE: 83 Rollins RV Parking (92.6 KB)

Please see the attached correspondence from Barb.

Lauren Johnston
Assistant City Manager
160 Lake Avenue
Palm Coast, FL 32164
Tel: 386-986-2341
www.palmcoast.gov



**How are we doing?
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Subject: Re: 83 Rollins

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Also, if you know of any other statute that may be helpful to this family I'd be more than happy to present that to the Board.

Thanks,

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From: Theresa Carli Pontieri <TCarliPontieri@palmcoastgov.com>
Sent: Monday, November 17, 2025 3:16 PM
To: libuttim@gmail.com; mahoney122@outlook.com; cm-garcia@hotmail.com
Cc: kathy@kathyaustrino.com; tagventuresre@gmail.com; Lauren Johnston; Barbara Grossman; Marcus Duffy
Subject: Fw: Barbara Grossman/83 Rollins
Attachments: Email 1.eml; Email 2.eml

Good Afternoon,

Please consider this a response to the below email authored by Kathy Austrino, as it contains several misstatements. I'll address them in turn, as I feel it's very important to create a clear, accurate record. First, I did not reach out about the above-referenced issue on my own behalf, but rather, as a City Council member. I received a resident complaint about the City seemingly overstepping into Association matters, stating the Association must allow something that the Association's governing documents do not allow. After receiving this resident complaint, I sent the attached emails to staff, asking about the issue and expressing concern if we were indeed overstepping.

Second, I did not reach out on behalf of Avalon at Lehigh Woods; rather, I reached out as a City Council member on behalf of the resident that brought this issue to my attention.

Third, I did not direct staff to take any actions whatsoever, and I did not "interfere" with employees. I expressed concerns about what I was told were staff actions that overstepped into the purview of Association matters. To equate this to the actions taken by Mayor Norris regarding our Acting City Manager and our Chief of Staff is misplaced.

Finally, regarding final resolution of the issue at hand, I have been advised that the City has clarified its position, that it is not stating the Association must allow any parking of the fifth wheel that is in violation of any Association documents, and that if any further clarification is needed, they will respond in due course. If my understanding of where things currently stand is incorrect, please feel free to reach out to me. Should any of you have any questions regarding this issue, I am available as your City Council representative to chat. Thank you.

Theresa Carli Pontieri
City Of Palm Coast Council Member
160 Lake Avenue
Palm Coast, FL 32164
www.palmcoast.gov



How are we doing?
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PalmCoast.gov/feedback

From: Kathy Austrino <Kathy@kathyaustrino.com>

To: Michael Libutti <LIBUTTIM@gmail.com>, mahoney122@outlook.com, cm-garcia@hotmail.com, Not Bree Draisey <TAGVenturesRE@gmail.com>
Subject: Barbara Grossman

Good Morning All,

Barbara Grossman with the City of Palm Coast called this morning pretty upset. Apparently, Theresa Pontieri had a conversation with Barbara on behalf of Avalon At Lehigh Woods. I'm not clear if this was in her capacity as an Attorney or as a City Council member - either way it was inappropriate. If she went as an attorney, this BOD did not discuss representation or action. If it was as a City Council member this is also inappropriate as interfering with employees is not allowed and is the very topic she voted to oust the Mayor on.

This conversation apparently was to remind Barbara that she had no authority to overstep an HOA. Barbara wanted me to reassure this BOD that she knows very clearly that she has no authority over HOA BOD decisions.

I sent her the verbiage that was shared with Colleen & Ken of what you've required of the City. I told her if she can in writing acknowledge the City will allow all the details, then good. If she can't, that is understandable.

Thanks,

[~ Please Review Us On Google By Clicking Here ~](#)

Kathy Austrino, Real Estate Broker/Owner,
Realtor, ABR, SFR, GRI, BPOR, CDPE,
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Please reply to this email with REMOVE in the subject line if you don't wish to receive emails from this sender, thank you.

From: Amanda Rees <IMCEAEX-_O=EXCHANGELABS_OU=EXCHANGE+20ADMINISTRATIVE+20GROUP+20+28FYDIBOHF23SPDLT+29_CN=RECIPIENTS_CN=A84E582DA28F4DAAB285A34196985DFA-B89B820E-9F@namprd09.prod.outlook.com>
Sent: Friday, October 4, 2024 7:12 PM
To: Lauren Johnston
Subject: Meeting

Lauren,

I would like to apologize to Ms.Ponteri, if it is ok with you either if you would like to arrange that meeting or I can personally I would appreciate it.

I did not mean to offend her in anyway , I am here to help and be here to support both you and her. If I did offend her in our discussion, it was not my intention and I want to make sure that we start off in a great way and have a good relationship.

Let me know if I or you can arrange that , because I would like to apologize.

Have a great weekend,

Amanda Rees
Director of Utility
2 Utility Dr.
Palm Coast, FL 32137
Tel: (386) 986-2617
www.palmcoast.gov



We need to hear from YOU!
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**IN THE CIRCUIT COURT OF THE
SEVENTH JUDICIAL CIRCUIT, IN
AND FOR FLAGLER COUNTY,
FLORIDA**

AMANDA REES,

Plaintiff,

v.

CITY OF PALM COAST,

Defendant.

**CASE NO.: 25-CA-2025 CA 000217
FLA BAR NO.: 0739685**

COMPLAINT

Plaintiff, AMANDA REES, hereby sues Defendant, CITY OF PALM COAST, and
alleges:

NATURE OF THE ACTION

1. This is an action brought under the Florida Whistleblower Act codified at Chapter 112, Florida Statutes.
2. This action involves claims which are, individually, in excess of Fifty Thousand Dollars (\$50,000.00), exclusive of costs and interest.

THE PARTIES

3. At all times pertinent hereto, AMANDA REES, has been a resident of the State of Florida and was employed by Defendant. Plaintiff is a member of a protected class due to reporting and disclosing Defendant's malfeasance, misfeasance and/or gross misconduct. Plaintiff was retaliated against after reporting Defendant's unlawful employment practices.
4. At all times pertinent hereto, Defendant, CITY OF PALM COAST, has been organized and existing under the laws of the State of Florida. At all times pertinent to this action,

Defendant has been an “employer” as that term is used under the applicable laws identified above. Defendant was Plaintiff’s employer as it relates to these claims.

CONDITIONS PRECEDENT

5. Plaintiff has satisfied all conditions precedent to bringing this action, if any.

STATEMENT OF THE ULTIMATE FACTS

6. Plaintiff, a protected whistleblower, began her employment with Defendant on or about June 17, 2024, and held the position of Utility Director at the time of her wrongful termination on November 14, 2024.

7. Despite her stellar work performance during her employment with Defendant, Plaintiff was subjected to disparate treatment, different terms and conditions of employment, and was held to a different standard because she reported certain of Defendant’s activities and was subject to retaliation thereafter.

8. The disparate treatment and retaliation came at the hands of specifically but not limited to City Manager, **Lauren Johnston**, Director of Human Resources, **Renina Fuller**, and Chief of Staff, **Jason DeLorenzo**.

9. During her tenure, Plaintiff was responsible for overseeing the operations of the Defendant’s Utility Department, including the water and wastewater systems, and ensuring the effective maintenance of the city's infrastructure. Plaintiff was hired with the understanding that she would implement improvements and increase efficiency within the Utility Department.

10. Approximately two to four weeks after Plaintiff’s employment began, she attended a meeting with Johnston, who expressed a desire to terminate top management in the Utility Department, specifically Stephen Flanagan, Peter Roussell, and Danny Ashburn. Johnston stated that Utility Systems Assistant Manager, Stefanie Plummer, was promoted beyond her

capabilities and instructed Plaintiff to demote her. She also referred to Utility Supervisor, Mike Hughes as problematic but did not specify any reasons. Johnston attributed utility problems to Flanagan and Roussell's failed leadership, citing their promotion beyond qualifications but offered no supporting details.

11. Plaintiff requested documentation on these claims and was directed to consult Fuller. Johnston suggested demoting the employees or allowing them to resign. Johnston had been involved in Flanagan's prior demotion but provided no reasons beyond claims of inadequate leadership. Fuller informed Plaintiff that no documentation existed regarding Flanagan's discipline and would follow up with Johnston.

12. Early in her employment, Plaintiff encountered significant leadership challenges, particularly in the Water Distribution Construction section. The conduct of Hughes had been well-documented prior to Plaintiff's employment, with Human Resources previously involved in addressing these concerns.

13. Prior to Plaintiff's arrival, she was informed that Staff Members, Jim Melley and Mike Hughes had engaged in an altercation as Hughes resisted attempts to implement organizational changes within the department. Plaintiff was not present during the incident and did not review any associated documentation. However, it was understood that after the department underwent staff reassignments, with direct reports being shifted to Plummer, Mike Hughes refused to comply with the changes to his behavior and work practices, thereby displaying insubordination and contributing to a toxic work environment. This, in turn, led to discord among employees, who were aware that management was not aligned in its approach. Plummer experienced difficulties in managing Hughes, as he failed to follow her directives. It is

believed that Plummer felt constrained by a lack of support from prior leadership, hindering her ability to address the situation effectively.

14. Plaintiff, upon becoming aware of the issues, informed Plummer that she would assist in rectifying the situation within the department. Despite Plaintiff's ongoing efforts to foster accountability and improve team cohesion, including the implementation of measures such as requiring weekly reports and assigning additional supervisory responsibilities to staff, employee morale remained low, and resistance to change persisted.

15. Throughout Plaintiff's employment she reported her concerns regarding the future of the Defendant's wastewater treatment infrastructure, particularly the capacity of Wastewater Treatment Plant One ("WWTP1") to Johnston, DeLorenzo, Duffy in email and verbally in meetings. More specifically, Plaintiff reported that WWTP1 was operating at full capacity, and Defendant had overpromised water and sewer services to new developments. This led to the need to halt new Utility Agreements sending flow to the plant. Additionally, there was confusion over the ownership of the Otis Stone Wells, which had once been part of Defendant's water permit but were no longer included, affecting Defendant's ability to meet growing water demands.

16. On July 23, 2024, during a Council meeting of Defendant's City Council, Director of Stormwater and Engineering, Carl Cote, communicated with Plaintiff informing her that the information presented in the Comprehensive Plan conflicted with the Capital Plan and the numbers that had been discussed in prior meetings related to capacity needs. Plaintiff immediately sent a text message to DeLorenzo, which read, "I am just seeing the Utility Capital Projects section of the Comprehensive Plan – it is not reflective of what we are experiencing. It conflicts with our capacity needs. Just wanted you to know." Plaintiff noted that Johnston was

absent from that meeting with DeLorenzo attending in her place. DeLorenzo did not respond to the text message.

17. Prior to the commencement of the aforementioned Council meeting, Plaintiff spoke with DeLorenzo in the Council room, further addressing the discrepancies in the presentation and the inaccurate information presented to the City Council. Plaintiff informed him that the information needed to be corrected. DeLorenzo instructed Plaintiff to exercise caution in her statements and directed an employee to remove the relevant slide from the public presentation. However, the inaccurate information remained in the Council members' packets. Plaintiff interpreted DeLorenzo's cautionary remarks as a veiled threat to refrain from speaking the truth.

18. The slide in question, which was removed from the public presentation but not from packet, falsely indicated that sufficient water and sewer capacity existed for future needs. This misrepresentation was of particular concern, given that the Comprehensive Plan is a crucial document outlining the City's westward expansion. At the time, the City lacked the necessary water and sewer capacity for such an expansion. Furthermore, Plaintiff was later informed by Johnston that the westward expansion would be supported by the developer, Raydient LLC. However, as Plaintiff continued in her employment, it became clear that this assertion was false.

19. In a subsequent meeting in or around August 2024 with Paul Rice of Raydient LLC and DeLorenzo, Plaintiff was shown a map of the proposed westward expansion plan, which included a preliminary development design for a sports complex/stadium. Rice stated that the sports complex was of particular interest to the City of Palm Coast. Rice acknowledged that serving the westward expansion would require additional water and sewer capacity and mentioned having a proposal for such capacity. Plaintiff inferred that Rice's team at Rayonier

Corporation had drafted a Master Services Agreement between the City of Palm Coast and the proposed development. Plaintiff requested to review this agreement but Rice advised that it could be viewed at a later time. Plaintiff was never shown this proposed Agreement.

20. In a subsequent meeting in or around September 2024, between Palm Coast Utility Team and Rice, the parties discussed the current capacity constraints, and Plaintiff verbally emphasized the urgency of acquiring the Otis Stone Wells to secure additional water supply. Rice indicated that he would be willing to consider the proposal in May 2025, after the approval of the Comprehensive Plan.

21. Upon receiving a Consent Decree from FDEP on July 29, 2024, Plaintiff reviewed the document and reported concerns regarding certain clauses that imposed criminal liability, including imprisonment, for past or future misuse of sewer revenues for non-Utility related purposes. Plaintiff was aware from budget meetings that the City Council had approved a loan transferring funds from the Utility Fund to the General Fund for the road expansion project, which conflicted with the Consent Decree.

22. In August 2024, Plaintiff reported her concerns regarding the Consent Decree to several city officials, including Duffy, Johnston, DeLorenzo and Director of Finance, Helena Alves by email. Plaintiff proposed that Alves should sign the financial portions of the Consent Decree, given the financial implications. Alves responded that she had not seen such clauses in previous agreements, and Johnston instructed Plaintiff to consult with Duffy regarding these concerns.

23. On that same day, during a subsequent phone call with Johnston, Plaintiff verbally reported that, as she lacked the authority to transfer funds from the Utility Fund, the individual

with the authority to do so should be the one to sign the document. No further discussions regarding who should sign the document took place following this conversation.

24. During the forthcoming week, Plaintiff additionally reported her concerns to Duffy, who acknowledged that transferring funds from the Utility Fund to the General Fund could create complications in signing the Consent Decree. Plaintiff worked with Duffy to modify the language in the Consent Decree, ensuring it did not implicate the City or Plaintiff. Plaintiff sent emails to request modifications to the Consent Decree on the day of her termination.

25. Prior to the Plaintiff's scheduled presentation on the Utility Action Plan & Consent Decree Overview, she attended a meeting organized by Johnston, which was also attended by Councilwoman Theresa Pontieri and her child. During this meeting, they reviewed the presentation Plaintiff was set to deliver on October 3, 2024, which encompassed the Consent Decree and the Utility Action Plan. During the course of the meeting, Plaintiff suggested that revising the phrase "Growth pays for Growth" would be beneficial, as her analysis of the Utility's financials did not support this assertion. Plaintiff noted that she had heard this phrase repeated from the council podium, and her professional opinion was that, based on the financial data and the costs associated with new expansions, a more accurate representation should be provided to the public. Plaintiff left the meeting with the understanding that they had discussed significant and challenging issues.

26. On or about September 2024, Plaintiff communicated via email to Johnston, reporting to her that the generator at WWTP1 required replacement due to its age and deteriorating condition. Plaintiff received a response from Johnston asking why it had not been included in the most recent budget; however, the budget preparations were made prior to Plaintiff's employment. Plaintiff replied in an email to Johnston that even though it was not

represented in the budget it needed to be purchased with emergency funds. Subsequently, when Hurricane Milton occurred, Plaintiff was forced to urgently rent a generator to ensure the continued operation of the facility.

27. On September 30, 2024, Plaintiff attended a formal meeting regarding a written warning issued by Director of Human Resources, Renina Fuller, Chief of Staff, DeLorenzo, and Plaintiff's direct supervisor, Acting City Manager, Lauren Johnston. During this meeting, Plaintiff was informed that Pontieri had expressed dissatisfaction with the tone Plaintiff used in a previous meeting with her. Plaintiff was advised that her failure to meet Pontieri's expectations regarding tone had led to the written warning.

28. Plaintiff subsequently declined to sign the write-up, as Plaintiff believed it was unfounded and did not accurately reflect the circumstances of the meetings/discussion with staff members.

29. Following this formal meeting, Plaintiff had a private conversation with Fuller in the HR conference room. During their discussion, Plaintiff inquired about the nature of the situation, to which Fuller responded, "If Councilwoman Pontieri had not made comments about your tone, we would just be having a verbal discussion about the comments made by employees, and it would be a verbal conversation—not a written warning."

30. Additionally, Fuller remarked, "Palm Coast is a very political city, and when the new city manager was appointed, the new city council would instruct that individual to terminate directors. Whether right, wrong, or indifferent, that would happen."

31. The written warning issued to Plaintiff by City Administration which followed her disclosures of wrongdoing and malfeasance within the City, significantly undermined Plaintiff's ability to lead her department and created a work environment where any employee

could make unfounded comments about Plaintiff, which would then be accepted as factual without affording Plaintiff an opportunity to defend herself. This policy effectively obstructed Plaintiff's ability to manage staff members and placed Plaintiff in a position where Plaintiff was set up to fail.

32. In an attempt to resolve the matter, Plaintiff sent an email to Johnston following the issuance of the written warning. In the email, Plaintiff expressed ongoing support for both Ms. Johnston and Pontieri and conveyed Plaintiff's willingness to personally apologize to Pontieri should she have been offended by Plaintiff's tone during the prior meeting.

33. Despite Plaintiff's outreach, Johnston did not respond to Plaintiff's email. In an in-person conversation, Ms. Johnston informed Plaintiff that it was unnecessary for Plaintiff to apologize to Pontieri, and Plaintiff followed her directive by refraining from discussing the matter with the Councilwoman.

34. Approximately two weeks before her dismissal, Plaintiff had a meeting with City Attorney, Marcus Duffy, Duffy's Colleague, Patrick L/N/U, DeLorenzo, and Johnston, where she proposed a resolution to halt new development agreements until WWTP1 capacity was expanded. Plaintiff's goal was to ensure responsible growth and protect the long-term sustainability of the City's wastewater treatment system.

35. On November 14, 2024, Plaintiff was summoned to a meeting with Fuller, during which she was informed that the City had decided she was "not the right fit" for her position, and that her employment would be terminated effective immediately. This decision was unquestionably linked to Plaintiff's previous reporting of concerns to the Defendant supporting the fact that her termination was retaliatory. Plaintiff was not provided with any specific reasons for her dismissal and, when inquiring about why Johnston was not present, Fuller did not

respond. Plaintiff was not provided with any formal documentation or explanation, except for a Non-Disclosure Confidentiality Agreement, which Plaintiff declined to sign. Plaintiff was offered the option of resigning to protect her reputation, but she declined.

36. On November 15, 2024, Plaintiff received a termination letter via email from Fuller, indicating that her dismissal was based on performance issues. This explanation is contradicted by the fact that Plaintiff had never been provided with a performance evaluation nor any feedback showing that she was not properly performing her duties, thereby highlighting a discrepancy between the stated grounds for her termination and the lack of prior performance assessments.

37. Following Plaintiff's termination, Defendant publicly released a statement to the press asserting that Plaintiff was fired for allegations of bullying employees. There is not one iota of support for this false statement nor any evidence that there were performance-based grounds for her termination. Defendant's false public announcement of the reasons for Plaintiff's termination was taken by Defendant to manipulate the public narrative and slander Plaintiff's name in retaliation for her reports of wrongdoing within the Defendant.

38. Plaintiff has retained the undersigned to represent her interests in this cause and is obligated to pay a fee for these services. Defendant should be made to pay said fee under the laws referenced above.

COUNT I
PUBLIC WHISTLEBLOWER RETALIATION

39. Paragraphs 1 through 38 above are incorporated herein by reference.

40. This count sets forth a claim against Defendant under §112.3187, et seq., Florida Statutes.

41. Plaintiff was a public employee protected under the provisions of Chapter 112, Florida Statutes.

42. As stated more specifically in part above, Plaintiff reported and disclosed violations of rules, regulations and laws, and/or malfeasance, misfeasance and/or gross misconduct to persons both inside and outside of her normal chain of command, and to others having the authority to investigate, police, manage and otherwise remedy the violations of rules, regulations and laws that she reported. Plaintiff also disclosed this information when she participated in investigations, hearings, or other agency inquiries. Plaintiff reported malfeasance, misfeasance, and other acts specifically outlined in §112.3187(5), Florida Statutes.

43. After reporting these matters and/or participating in investigations, hearings, or other agency inquiries, as related in part above, Plaintiff was the victim of retaliatory actions set forth in part above including without limitation her termination.

44. Plaintiff's terminations was a direct adverse result of her reporting violations of rules, regulations or laws, and/or her reporting malfeasance, misfeasance or gross misconduct, and/or her participating in investigations, hearings or other inquiries, specified in part above.

45. The actions of all employees within Defendant who affected Plaintiff's employment adversely did so at least in part in retaliation against her for her "whistleblowing" activities.

46. As a direct and proximate result of the actions taken against her by Defendant, Plaintiff has suffered injury, including but not limited to past and future wage losses, loss of benefits, emotional pain and suffering, loss of the capacity for the enjoyment of life and other tangible and intangible damages. These damages have occurred in the past, are occurring at present and will occur in the future. Plaintiff is entitled to injunctive relief.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff demands judgment against Defendant for the following:

- (a) that process issue and this Court take jurisdiction over this case;
- (b) that this Court grant equitable relief against Defendant under the applicable counts set forth above, mandating Defendant's obedience to the laws enumerated herein and providing other equitable relief to Plaintiff;
- (c) enter judgment against Defendant and for Plaintiff awarding all legally-available general and compensatory damages and economic loss to Plaintiff from Defendant for Defendant's violations of law enumerated herein;
- (d) enter judgment against Defendant and for Plaintiff permanently enjoining Defendant from future violations of law enumerated herein;
- (e) enter judgment against Defendant and for Plaintiff awarding Plaintiff attorney's fees and costs;
- (f) award Plaintiff interest where appropriate; and
- (g) grant such other further relief as being just and proper under the circumstances, including but not limited to reinstatement.

DEMAND FOR TRIAL BY JURY

Plaintiff hereby demands a trial by jury on all issues herein that are so triable.

DATED this 18th day of April 2025.

Respectfully submitted,

/s/ Marie A. Mattox

Marie A. Mattox [FBN 0739685]

MARIE A. MATTOX, P. A.

203 North Gadsden Street

Tallahassee, FL 32301

Telephone: (850) 383-4800

Facsimile: (850) 383-4801

Marie@mattoxlaw.com

Secondary emails:

marlene@mattoxlaw.com

michelle@mattoxlaw.com

discovery@mattoxlaw.com

ATTORNEYS FOR PLAINTIFF

11/20/25, 3:38 PM

Gmail - Theresa Pontieri's Email



Kathy Austrino <kathyaustrino@gmail.com>

Theresa Pontieri's Email

11 messages

Kathy Austrino <Kathy@kathyaustrino.com>

Tue, Nov 18, 2025 at 11:51 AM

To: LJohnston@palmcoastgov.com, MDuffy@palmcoastgov.com, KCook@palmcoastgov.com

Just as a reminder; I expect the full thread completely unredacted that shows the full communication and participants that has my private business & private HOA Board discussion in Theresa Pontieri's City Council email.

Thanks,

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Kathy Austrino, Real Estate Broker/Owner,
Realtor, ABR, SFR, GRI, BPOR, CDPE,
Community Association Manager
Florida Certified & Screened Notary Signing Agent
Cell (386) 931-9476
Office (386) 597-2688
www.TAGVenturesRealEstate.com
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25 Old Kings Rd. N., Suite A5
Palm Coast, FL 32137

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Lauren Johnston <LJohnston@palmcoastgov.com>

Tue, Nov 18, 2025 at 12:44 PM

To: Kathy Austrino <Kathy@kathyaustrino.com>, Marcus Duffy <MDuffy@palmcoastgov.com>, "Kaley Cook, CMC, FCRM" <KCook@palmcoastgov.com>

Good Afternoon Ms. Austrino,

We will review the public records laws regarding this concern and conduct the allowable practice.

Thank you,

Lauren Johnston

11/20/25, 3:38 PM

Gmail - Theresa Pontieri's Email

160 Lake Avenue
Palm Coast, FL 32164

Tel: 386-986-2341

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[Quoted text hidden]

Kathy Austrino <Kathy@kathyaustrino.com>
To: Troy Cope <troycope@fdle.state.fl.us>

Wed, Nov 19, 2025 at 9:56 AM

See below

Thanks,

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Kathy Austrino, Real Estate Broker/Owner,
Realtor, ABR, SFR, GRI, BPOR, CDPE,
Community Association Manager
Florida Certified & Screened Notary Signing Agent
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11/20/25, 3:38 PM

Gmail - Theresa Pontieri's Email

To: Lauren Johnston <LJohnston@palmcoastgov.com>

Cc: Marcus Duffy <MDuffy@palmcoastgov.com>, "Kaley Cook, CMC, FCRM" <KCook@palmcoastgov.com>

Good Morning All,

When you have a moment please share the law that you are reviewing that is guiding your decision to fulfill my public records request.

Also Case # 2025 CA 00217 is no longer viewable on the Flagler Court website. Please share a status update of this case and an explanation as to it being buried.

Thanks,

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Kathy Austrino, Real Estate Broker/Owner,
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[Quoted text hidden]

Kaley Cook, CMC, FCRM <KCook@palmcoastgov.com>

Thu, Nov 20, 2025 at 12:43 PM

To: Kathy Austrino <Kathy@kathyaustrino.com>

Cc: Marcus Duffy <MDuffy@palmcoastgov.com>, Lauren Johnston <LJohnston@palmcoastgov.com>

Good afternoon,

The City reviews and processes public records requests in accordance with Florida Statute 119. The requested records are attached for you and there are no redactions or exemptions to the records.

As for the case referenced, the details remain accessible through the Clerk of Court website: <https://flaglerclerk.com/>

Please let us know if you need any additional assistance with records and we would be happy to help.

11/20/25, 3:38 PM

Gmail - Theresa Pontieri's Email

Sincerely,

Kaley Cook, CMC, FCRM

City Clerk

160 Lake Avenue
Palm Coast, FL 32164

Tel: 386-986-3715

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----- Forwarded message -----

From: Theresa Carli Pontieri <TCarliPontieri@palmcoastgov.com>

To: "libuttim@gmail.com" <libuttim@gmail.com>, "mahoney122@outlook.com" <mahoney122@outlook.com>, "cm-garcia@hotmail.com" <cm-garcia@hotmail.com>

Cc: "kathy@kathyaustrino.com" <kathy@kathyaustrino.com>, "tagventuresre@gmail.com" <tagventuresre@gmail.com>, Lauren Johnston <LJohnston@palmcoastgov.com>, Barbara Grossman <BGrossman@palmcoastgov.com>, Marcus Duffy <MDuffy@palmcoastgov.com>

Bcc:

Date: Mon, 17 Nov 2025 20:16:21 +0000

Subject: Fw: Barbara Grossman/83 Rollins

Good Afternoon,

Please consider this a response to the below email authored by Kathy Austrino, as it contains several misstatements. I'll address them in turn, as I feel it's very important to create a clear, accurate record. First, I did not reach out about the above-referenced issue on my own behalf, but rather, as a City Council member. I received a resident complaint about the City seemingly overstepping into Association matters, stating the Association must allow something that the Association's governing documents do not allow. After receiving this resident complaint, I sent the attached emails to staff, asking about the issue and expressing concern if we were indeed overstepping.

Second, I did not reach out on behalf of Avalon at Lehigh Woods; rather, I reached out as a City Council member on behalf of the resident that brought this issue to my attention.

Third, I did not direct staff to take any actions whatsoever, and I did not "interfere" with employees. I expressed concerns about what I was told were staff actions that overstepped into the purview of Association matters. To equate this to the actions taken by Mayor Norris regarding our Acting City Manager and our Chief of Staff is misplaced.

Finally, regarding final resolution of the issue at hand, I have been advised that the City has clarified its position, that it is

11/20/25, 3:38 PM

Gmail - Theresa Pontieri's Email

and that if any further clarification is needed, they will respond in due course. If my understanding of where things currently stand is incorrect, please feel free to reach out to me. Should any of you have any questions regarding this issue, I am available as your City Council representative to chat. Thank you.

Theresa Carli Pontieri

City Of Palm Coast Council Member
160 Lake Avenue
Palm Coast, FL 32164
www.palmcoast.gov



**How are we doing?
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From: Kathy Austrino <Kathy@kathyaustrino.com>

Date: November 10, 2025 at 9:47:43 AM EST

To: Michael Libutti <LIBUTTIM@gmail.com>, mahoney122@outlook.com, cm-garcia@hotmail.com, Not Bree Draisey <TAGVenturesRE@gmail.com>

Subject: Barbara Grossman

Good Morning All,

Barbara Grossman with the City of Palm Coast called this morning pretty upset. Apparently, Theresa Pontieri had a conversation with Barbara on behalf of Avalon At Lehigh Woods. I'm not clear if this was in her capacity as an Attorney or as a City Council member - either way it was inappropriate. If she went as an attorney, this BOD did not discuss representation or action. If it was as a City Council member this is also inappropriate as interfering with employees is not allowed and is the very topic she voted to oust the Mayor on.

This conversation apparently was to remind Barbara that she had no authority to overstep an HOA. Barbara wanted me to reassure this BOD that she knows very clearly that she has no authority over HOA BOD decisions.

I sent her the verbiage that was shared with Colleen & Ken of what you've required of the City. I told her if she can in writing acknowledge the City will allow all the details, then good. If she can't, that is understandable.

Thanks,

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Realtor, ABR, SFR, GRI, BPOR, CDPE,
Community Association Manager
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Management Executives; Broker/Owner (FL# CAB5589)

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Good Morning,

I spoke with a Michael Libutti over the weekend regarding an HOA issue, where we have apparently written a couple of letters, allowing what is essentially a camper to be parked in the common areas of the Association while a home is being worked on. He is going to drop off documents to me on Monday to provide more information regarding the issue, but I have to tell you, I'd be hard-pressed to think we should be infringing on the rights of an HOA to regulate their neighborhood in this manner. I also understand that Jackie Gonzalez is involved due to some allegations regarding HUD, which I find to be unbelievable. I work in the HOA space as an attorney, so I am pretty knowledgeable as to the autonomy enjoyed by HOA's.

Any information you can provide regarding this issue would be greatly appreciated. Thank you.

Theresa Carli Pontieri
City Of Palm Coast Council Member
160 Lake Avenue
Palm Coast, FL 32164
www.palmcoast.gov



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Good Afternoon,

Please see below. This is the HOA issue I emailed about earlier this or the end of last week. I don't recall receiving any response as to why we are (a) allowing this; and (b) infringing on the rights of an HOA to govern itself. Thank you.

Theresa Carli Pontieri
City Of Palm Coast Council Member
160 Lake Avenue
Palm Coast, FL 32164
www.palmcoast.gov



11/20/25, 3:38 PM

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From: libuttim@gmail.com <libuttim@gmail.com>
Sent: Friday, November 7, 2025 8:10 AM
To: Theresa Carli Pontieri <TCarliPontieri@palmcoastgov.com>
Subject: Fwd: 5th wheel rv update

Any update yet they are hanging there hat on since the city says they were allowed to put it on their property the HOA has to allow it. The city must state it's not allowed beside the fact it has to go on the lawn
Thank you
Michael
Sent from my iPad

Begin forwarded message:

From: libuttim@gmail.com
Date: November 5, 2025 at 9:17:16 AM EST
To: TCarliPontieri@palmcoastgov.com
Subject: 5th wheel rv update

the sketch is mine drawn to scale they won't provide one
Thank you for your assistance hopefully I will get an answer soon they are pushing to bring it in

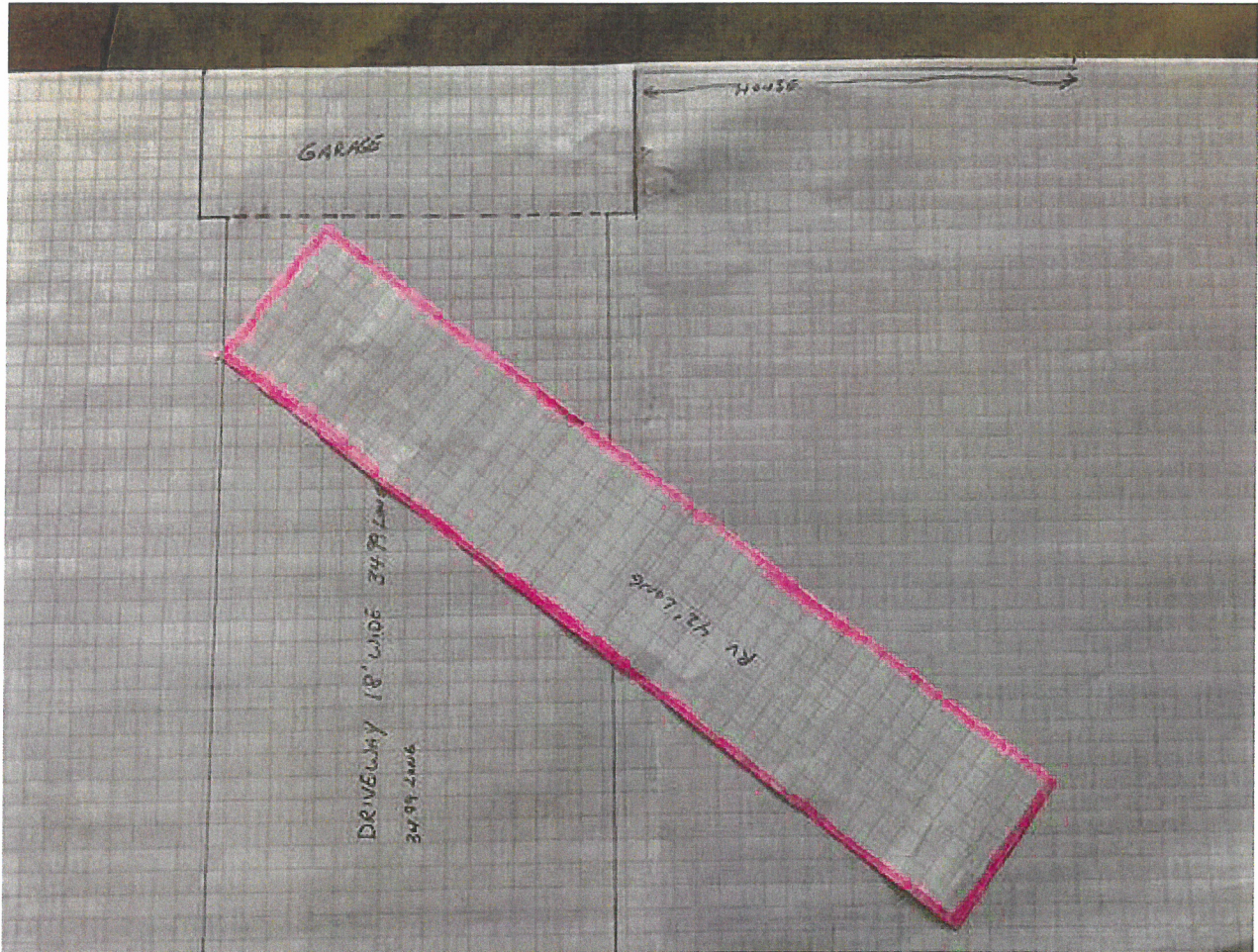
9:04 AM Wed Nov 5

88%

From: Colleen Leister <ccorlyion4@gmail.com>
Date: Tue, Nov 4, 2025 at 8:00PM
Subject: Re: Just Checking In
To: Kathy Austrino <Kathy@kathyaustrino.com>
CC: Management Executives <TAGVenturesRE@gmail.com>, Kathy Austrino
<264037-34717928-2044226-2-1002979@recip.managebuilding.com>

Good evening following up regarding the specs for the camper. The measurements are 42 feet long, 13.5 feet high, and 8 feet wide, 10 feet with bump outs. The car we will use to commute will also fit in the driveway. Also to express having the camper behind our home would lessen visibility as well as be more out of the way of the community and the construction that will be taking place. The door will be facing the home so there is no in and out traffic to be seen. Attached are photos of the camper. As for a sketch not sure how to depict our solution, but the idea was to park it on an angle diagonally in the driveway so as to not be in the street or too close to the street. Our car is small enough to fit alongside. However please consider looking at the idea of it behind the home again that offers more coverage away from the community it will be on the patio and after speaking with several of our neighbors no one has expressed an issue with this emergency housing in fact many were surprised we are still living in the conditions we are in currently. and we were actually encouraged by our neighbors in the community to "move it there anyway because you're homeless that's what we would do" Thank you for your consideration please reach out with any other questions you have regarding this issue we are hoping soon for a resolution that will allow us to at least obtain a sliver of normalcy that we lost three months ago, sleeping in the car, in a burned home on the floor, over friends houses and our places of work is becoming unbearable in addition to our children coming home for the holidays they cannot live like this. We have a place to live and are being told we can't live at our own home in temporary emergency housing on our property we pay taxes, a mortgage and an HOA fee even though it was cleared through our local government offices. Look forward to a response thank you for your consideration again please find attached requested photo

Ken and Colleen Leister



11/20/25, 3:38 PM

Gmail - Theresa Pontieri's Email



----- Forwarded message -----

From: libuttim@gmail.com
To: Theresa Carli Pontieri <TCarliPontieri@palmcoastgov.com>
Cc:
Bcc:
Date: Wed, 12 Nov 2025 20:11:56 -0500
Subject: Fwd: Barbara Grossman

Sent from my iPad

Begin forwarded message:

From: Kathy Austrino <Kathy@kathyaustrino.com>
Date: November 10, 2025 at 9:47:43 AM EST
To: Michael Libutti <LIBUTTIM@gmail.com>, mahoney122@outlook.com, cm-garcia@hotmail.com, Not Bree Draisey <TAGVenturesRE@gmail.com>
Subject: Barbara Grossman

Good Morning All,

Barbara Grossman with the City of Palm Coast called this morning pretty upset. Apparently, Theresa Pontieri had a conversation with Barbara on behalf of Avalon At Lehigh Woods. I'm not clear if this was in her capacity as an Attorney or as a City Council member - either way it was inappropriate. If she went as an attorney, this BOD did not discuss representation or action. If it was as a City Council member this is also inappropriate as interfering with employees is not allowed and is the very topic she voted to oust the Mayor on.

This conversation apparently was to remind Barbara that she had no authority to overstep an HOA. Barbara wanted me to reassure this BOD that she knows very clearly that she has no authority over HOA BOD decisions.

I sent her the verbiage that was shared with Colleen & Ken of what you've required of the City. I told her if she can in writing acknowledge the City will allow all the details, then good. If she can't, that is understandable.

Thanks,

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Kathy Austrino, Real Estate Broker/Owner,
Realtor, ABR, SFR, GRI, BPOR, CDPE,
Community Association Manager
Florida Certified & Screened Notary Signing Agent
Cell (386) 931-9476
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www.TAGVenturesRealEstate.com
www.TAGVBear.com

25 Old Kings Rd. N., Suite A5
Palm Coast, FL 32137

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From: Lauren Johnston <LJohnston@palmcoastgov.com>
To: Theresa Carli Pontieri <TCarliPontieri@palmcoastgov.com>, John Zobler <JZobler@palmcoastgov.com>
Cc: Barbara Grossman <BGrossman@palmcoastgov.com>
Bcc:
Date: Mon, 17 Nov 2025 16:04:37 +0000
Subject: RE: 83 Rollins

Please see the attached correspondence from Barb.

11/20/25, 3:38 PM

Gmail - Theresa Pontieri's Email

Assistant City Manager

160 Lake Avenue
Palm Coast, FL 32164

Tel: 386-986-2341

www.palmcoast.gov



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From: Theresa Carli Pontieri <TCarliPontieri@palmcoastgov.com>

Sent: Sunday, November 9, 2025 9:34 PM

To: John Zobler <JZobler@palmcoastgov.com>

Cc: Lauren Johnston <LJohnston@palmcoastgov.com>; Barbara Grossman <BGrossman@palmcoastgov.com>

Subject: Re: 83 Rollins

Good Evening John,

Thank you so much for following up with this, and for the candor regarding our initial misstep. Please confirm this has been communicated to the applicant-homeowner, as it seems the Association is still having issues regarding this matter. Thank you.

Theresa Carli Pontieri

City Of Palm Coast Council Member

160 Lake Avenue
Palm Coast, FL 32164

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From: John Zobler <JZobler@palmcoastgov.com>
Sent: Friday, November 7, 2025 3:02 PM
To: Theresa Carli Pontieri <TCarliPontieri@palmcoastgov.com>
Cc: Lauren Johnston <LJohnston@palmcoastgov.com>; Barbara Grossman <BGrossman@palmcoastgov.com>
Subject: FW: 83 Rollins

Good afternoon, Vice Mayor,

Below, is staff email correspondence with the Community Association Manager and the letter issued by Jacqueline, of our staff, referencing the Florida State Statute and HUD. The trailer was not moved to the rear of the home because of HOA denial which was based, in part as I understand, because even behind the home it was visible to other homeowners across an abutting body of water. State Statute states that the recreational vehicle cannot be visible from the street or an adjacent property. Speaking with enforcement and housing staff, we always defer to HOAs determinations and do not attempt to override their decisions. However, we should have examined the rear of the property after reading the statute and before sending the letter as it was obvious that the RV would have been visible by adjacent properties. We will review this process with staff to a prevent similar response in the future. I have confirmed that the trailer is not behind the home and this department has no further involvement. Thank you for bringing this concern to our attention. If you have follow up questions, please let me know.

From: Kathy Austrino <Kathy@kathyaustrino.com>
Sent: Friday, October 17, 2025 2:23 PM
To: Jacqueline Gonzalez <JGonzalez@palmcoastgov.com>; Not Bree Draisey <TAGVenturesRE@gmail.com>
Subject: 83 Rollins

Good Afternoon Jacqueline,

We are in receipt of your letter in support of allowing a large RV be stored on the rear of the property. I did forward it to the Board for consideration.

This home backs up to the community retention pond (a common area) and is not fenced in. I've attached the full portion of the law for your future reference.

Also, if you know of any other statute that may be helpful to this family I'd be more than happy to present that to the Board.

Thanks,

11/20/25, 3:38 PM

Gmail - Theresa Pontieri's Email

Realtor, ABR, SFR, GRI, BPOR, CDPE,
Community Association Manager
Cell (386) 931-9476
Office (386) 597-2688
www.TAGVenturesRealEstate.com
www.TAGVBear.com
MEx.ManageBuilding.com

25 Old Kings Rd. N., Suite A5
Palm Coast, FL 32137

TAG Ventures Real Estate Services Co.; Broker/Owner (FL# BK3205677)
TAG V. Bear Foundation; Founder/Director (FL# CH47928) (IRS 501(c)(3) Letter# 947)
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From: Barbara Grossman <BGrossman@palmcoastgov.com>
To: Kathy Austrino <Kathy@kathyaustrino.com>, Jacqueline Gonzalez <JGonzalez@palmcoastgov.com>
Cc: Not Bree Draisey <TAGVenturesRE@gmail.com>, John Zobler <JZobler@palmcoastgov.com>, Lauren Johnston <LJohnston@palmcoastgov.com>
Bcc:
Date: Wed, 12 Nov 2025 16:21:53 +0000
Subject: RE: 83 Rollins RV Parking

Kathy,

It was a pleasure speaking with you this morning. As I discussed I will discuss the location on the 5th wheel. At this time there is no violation as the vehicle is not located on the property as as per the code officer.

I will get back with you as soon as I speak with the attorney.

Thanks

Barb

Barbara Grossman

Code Enforcement Manager

160 Lake Avenue
Palm Coast, FL 32164

Tel: 386-986-4739

www.palmcoast.gov



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From: Kathy Austrino <Kathy@kathyaustrino.com>

Sent: Wednesday, November 12, 2025 10:43 AM

To: Jacqueline Gonzalez <JGonzalez@palmcoastgov.com>; Barbara Grossman <BGrossman@palmcoastgov.com>

Cc: Not Bree Draisey <TAGVenturesRE@gmail.com>; John Zobler <JZobler@palmcoastgov.com>; Lauren Johnston <LJohnston@palmcoastgov.com>

Subject: Re: 83 Rollins RV Parking

Please respond to this email. My October 17th email went unanswered and then a case was closed that should not have been.

Thanks,

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Kathy Austrino, Real Estate Broker/Owner,

Realtor, ABR, SFR, GRI, BPOR, CDPE,

Community Association Manager

Florida Certified & Screened Notary Signing Agent

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On Mon, Nov 10, 2025 at 1:17 PM Kathy Austrino <Kathy@kathyaustrino.com> wrote:

Thank you, Jacqueline. As I shared with you on October 17, 2025 regarding sharing in the letter only half of the law you quoted -

"We are in receipt of your letter in support of allowing a large RV be stored on the rear of the property. I did forward it to the Board for consideration.

This home backs up to the community retention pond (a common area) and is not fenced in. I've attached the full portion of the law for your future reference.

Also, if you know of any other statute that may be helpful to this family I'd be more than happy to present that to the Board."

While the home owners used this letter to appeal to the Board, it was not acceptable due to the lack of information and erroneous quote of the law.

As I shared with Barbara Grossman this morning, the Board did give the homeowner the opportunity to find a new solution and come back to them. They did just that and the Board has stipulations that the City must, with all known facts, approve this emergent, temporary solution. Here is what I sent this morning -

Below are the stipulations the Avalon BOD put on approving the 5th Wheel at 83 Rollins Lane -

This was approved with certain stipulations listed below -

I must notice the community of this approval, the stipulations, and specifically notice all that this is only for an emergent situation.

The time - this approval is for 3 months or at the time the city issues a Certificate of Occupancy, whichever comes first.

Before the 5th Wheel arrives on site we need proof of ownership.

11/20/25, 3:38 PM

Gmail - Theresa Pontieri's Email

Before the 5th Wheel arrives we need proof of insurance

Before the 5th Wheel arrives we need proof of permission from the City of Palm Coast

All 3 axles, tires, and stabilizing jacks need to be on the driveway

You did mention that the city approval was for 30 days at a time - my office must be kept updated with each 30 day City decision

Please do not place the 5th Wheel on the property until I have the initial requested documents and at least two days to get them to the BOD for final approval. I can do this by individual emails. Additionally, I would like the opportunity to notice the community before the 5th Wheel arrives.

The approval from the city must state the size of the rv and the 42ft. 5th wheel rv going diagonal in the driveway not fitting in the footprint of the driveway. Also notifying the neighborhood you should state the size and use the wording 42ft. 5th wheel rv

Thanks,

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Kathy Austrino, Real Estate Broker/Owner,

Realtor, ABR, SFR, GRI, BPOR, CDPE,

Community Association Manager

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11/20/25, 3:38 PM

Gmail - Theresa Pontieri's Email

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On Mon, Nov 10, 2025 at 12:03 PM Jacqueline Gonzalez <JGonzalez@palmcoastgov.com> wrote:

Good morning,

I am writing in regard to recent inquiries regarding the 83 Rollins Lane RV Parking. Back in October the attached letter was sent to the you regarding the City's determination regarding the temporary allowance of the recreational vehicle on the property during the phase of construction. I apologies that I did not clarify in the correspondence that current code enforcement action was closed . Previous violation for parking Boat/Trailer/ RV on this property was closed on 10/28/2025. If you have any additional question or concerns, feel free to contact me.

Jacqueline Gonzalez

Site Development Coordinator I

160 Lake Avenue
Palm Coast, FL 32164

Tel: 386-986-3753

www.palmcoast.gov



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[Message clipped] [View entire message](#)

9 attachments

 **Fw: Barbara Grossman/83 Rollins.eml**
1178K

11/20/25, 3:38 PM

Gmail - Theresa Pontieri's Email

-  **Fwd: Barbara Grossman.eml**
20K
-  **RE: 83 Rollins RV Parking.eml**
124K
-  **RE: 83 Rollins.eml**
224K
-  **Re: 83 Rollins.eml**
35K
-  **RE: 83 Rollins.eml**
129K
-  **Re: 5th wheel rv update.eml**
22K
-  **Fw: 5th wheel rv update.eml**
724K
-  **5th wheel rv update.eml**
8443K

Kathy Austrino <Kathy@kathyaustrino.com>

Thu, Nov 20, 2025 at 12:50 PM

To: "Kaley Cook, CMC, FCRM" <KCook@palmcoastgov.com>

Cc: Marcus Duffy <MDuffy@palmcoastgov.com>, Lauren Johnston <LJohnston@palmcoastgov.com>

Thank you, Kaley. No matter how I search the case it isn't coming up. Fortunately, I do have the original complaint. I'll ask Tom Bexley about it. Again, thank you.

Thanks,

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Community Association Manager
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[Quoted text hidden]

Kathy Austrino <Kathy@kathyaustrino.com>

To: "Kaley Cook, CMC, FCRM" <KCook@palmcoastgov.com>

Thu, Nov 20, 2025 at 1:07 PM

11/20/25, 3:38 PM

Gmail - Theresa Pontieri's Email

Sorry to bother you again. These emails indicate that Theresa sent an email to Barbara prior to November 7, 2025 regarding this HOA matter. When you have a moment may I have that thread.

Thanks,

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[Quoted text hidden]

Kaley Cook, CMC, FCRM <KCook@palmcoastgov.com>

Thu, Nov 20, 2025 at 3:01 PM

To: Kathy Austrino <Kathy@kathyaustrino.com>

Cc: Marcus Duffy <MDuffy@palmcoastgov.com>, Lauren Johnston <LJohnston@palmcoastgov.com>

Good afternoon,

The responsive record is attached for you. If you need any additional assistance with records please let me know and I'd be happy to help.

[Quoted text hidden]

----- Forwarded message -----

From: Theresa Carli Pontieri <TCarliPontieri@palmcoastgov.com>

To: Lauren Johnston <LJohnston@palmcoastgov.com>, Barbara Grossman <BGrossman@palmcoastgov.com>

Cc:

Bcc:

Date: Sun, 2 Nov 2025 14:01:54 +0000

Subject: HOA Issue

Good Morning,

I spoke with a Michael Libutti over the weekend regarding an HOA issue, where we have apparently written a couple of letters, allowing what is essentially a camper to be parked in the common areas of the Association while a home is being worked on. He is going to drop off documents to me on Monday to provide more information regarding the issue, but I have to tell you, I'd be hard-pressed to think we should be infringing on the rights of an HOA to regulate their

11/20/25, 3:38 PM

Gmail - Theresa Pontieri's Email

which I find to be unbelievable. I work in the HOA space as an attorney, so I am pretty knowledgeable as to the autonomy enjoyed by HOA's.

Any information you can provide regarding this issue would be greatly appreciated. Thank you.

Theresa Carli Pontieri

City Of Palm Coast Council Member

160 Lake Avenue

Palm Coast, FL 32164

www.palmcoast.gov



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 **HOA Issue.eml**
72K

Kathy Austrino <Kathy@kathyaustrino.com>

To: "Kaley Cook, CMC, FCRM" <KCook@palmcoastgov.com>

Cc: Marcus Duffy <MDuffy@palmcoastgov.com>, Lauren Johnston <LJohnston@palmcoastgov.com>

Thu, Nov 20, 2025 at 3:15 PM

Thank you, I appreciate your help.

Thanks,

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Community Association Manager

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11/20/25, 3:38 PM

Gmail - Theresa Pontieri's Email

Kaley Cook, CMC, FCRM <KCook@palmcoastgov.com>
To: Kathy Austrino <Kathy@kathyaustrino.com>

Thu, Nov 20, 2025 at 3:16 PM

No problem, happy to help!

[Quoted text hidden]

Kathy Austrino <Kathy@kathyaustrino.com>
To: "Kaley Cook, CMC, FCRM" <KCook@palmcoastgov.com>
Cc: Marcus Duffy <MDuffy@palmcoastgov.com>, Lauren Johnston <LJohnston@palmcoastgov.com>

Thu, Nov 20, 2025 at 3:37 PM

No need to reply to this email. Just for your information; not one person in the City of Palm Coast staff attempted to infringe on the rights of the HOA, not once. With the exception of the Councilwoman, of course.

Thanks,

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Community Association Manager
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[Quoted text hidden]

From: Yakov Slavutsky and senior Palm Coast Residents

7 Pinwheel Ln
Palm Coast, FL 32164
jslavak@gmail.com
386-264-1632
November 17, 2025

To:

Palm Coast City Council
160 Lake Avenue
Palm Coast, FL 32164

Subject: Request for Year-Round Heated Swimming Pool and Sauna Facilities for Older Residents

Dear Members of the Palm Coast City Council,

I am writing on behalf of myself and many senior residents of Palm Coast to bring attention to a growing concern regarding recreational facilities available for older adults in our city.

Palm Coast is a vibrant city with a population exceeding 100,000. While we greatly appreciate the existing gyms, pickle ball, and tennis courts, these facilities primarily cater to younger and more physically active individuals. For residents aged 70 and above, these activities can be too strenuous.

We respectfully request the development of year-round heated swimming pools and sauna facilities. Swimming and sauna use are low-impact exercises that significantly improve mobility, cardiovascular health, and overall well-being for older adults. Unfortunately, Palm Coast currently lacks facilities similar to YMCA or LA Fitness, which offer these options in nearby cities.

As residents who contribute significantly through property taxes, we believe it is important that our city provides recreational facilities suitable for all age groups. By adding year-round heated swimming and sauna amenities, Palm Coast would demonstrate its commitment to the health, wellness, and quality of life of its senior citizens.

We kindly urge the City Council to consider this request and take steps to explore the development of such facilities. We are confident that these additions would greatly benefit the senior community and foster a more inclusive environment for all residents.

Thank you for your attention to this matter. We would welcome the opportunity to discuss this further and assist in any way to make this a reality.

Sincerely,



Yakov Slavutsky and signed lists by our senior residences of Palm Coast.

Supporting Fact Sheet: Year-Round Heated Pool & Sauna for Seniors in Palm Coast

Why This Is Important:

- Palm Coast has over 100,000 residents, with a growing senior population aged 70+.
- Current facilities (gyms, tennis, pickleball) primarily serve younger adults.
- Seniors need low-impact exercise options to maintain mobility, cardiovascular health, and overall wellness.

Benefits of Heated Pools and Saunas:

- **Low-Impact Exercise:** Swimming supports joints and reduces fall risk.
- **Cardiovascular Health:** Regular water exercise improves heart and lung function.
- **Muscle Strength & Flexibility:** Water resistance gently strengthens muscles.
- **Mental Health:** Saunas and swimming can reduce stress and improve mood.
- **Year-Round Access:** Heated pools ensure seniors can exercise safely even in cooler months.

Current Gap in Palm Coast:

- No facilities equivalent to YMCA or LA Fitness exist that cater to seniors' specific needs.
- Older adults are paying taxes but lack access to senior-friendly recreational amenities.

Proposed Solution:








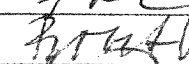







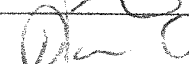


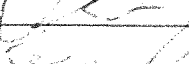
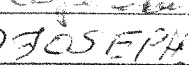









- Develop at least one year-round heated swimming pool facility with sauna access.
- Include programming specifically designed for older adults (aquatic exercise classes, gentle swimming sessions).

Community Impact:

- Enhances senior health, reducing strain on healthcare resources.
- Fosters community inclusion and engagement for older residents.
- Demonstrates the city's commitment to residents of all ages.

Call to Action:

We respectfully urge the City Council to explore options for planning and developing senior-friendly heated pool and sauna facilities. The senior community is eager to participate in discussions or site visits to support this initiative.

Name	Address/Neighborhood	Signature
Abe elbittli	6 whitehurst Ln	
JRina elbittli	6 whitehurst Ln	
Brawdon Tirozzi	30 Flemington Lane	
Muffin Nelson	14 Rols Royce Ct	
Shelli Nelson	14 Rols Royce Ct	
LARISSA LOZOVATSKY	26 Bainbridge 32137	
Jay Suarez	26 Bainbridge 32137	
Stephen M. Makel	26 Baxwood Lane	
Neta Weil	15 CEDARVIEW Court	
Robert E. Nelson	15 CEDARVIEW Court	
Isabel Zojec	23 Ramwood Lane	
Cassie Pichy	1 Ryan Ln	
Lea Braak	4 Cantee CT. 32137	
Edmunda Reut	94 Edward Dr 32137	
OLGA CANO	54 Piedmont Dr	
Carlos Cano	— " —	
Samuel Vazquez	8100 Jordan Ln PM	
Edward Reut	94 Edward Dr	
Darby Reut	94 Edward Dr	
Joan Cruz	1 Water Place	
Dakin Fromhold	27 Lakeforest Place	
J. Stephen Cruz	1 Water Place	
D. Petrovsky	46 Pennsylvania Pl	
Barbara Benson	13 Rockwood Ln	
John M. Kopylov	111 WILKINSON PI. RD JOSEPH KEMPER	
Robert W. Portlow	35 EASTWOOD DR. PALMIST OULTON	
Richard Nelson	30 FARRIS BLVD. FL	
MARGARITA TOROPELIS	70 EGRET CT.	
Brooke Newton	7 Whitting Pl	

Name	Address/Neighborhood	Signature
Elena Regel	8 Ralph Pl.	Elena Regel
Vladimir Seuksov	8 Ralph Pl.	Vladimir Seuksov
RAY McKINNON	20 Ferngate	RAY
Walter Herten	88 Pearl to the Sea	Walter Herten
James Tansor	15 Randolph	James Tansor
Konstantin Koster	10 Red. Woods	Konstantin Koster
Henry King	61 Pleasant	Henry King
APPA FIRM	10 Fern	APPA FIRM
NIKOLAI FIRSOV	45 Pinecroft Ln	N. FIRSOV
Olga FIRSOV	45 Pinecroft Ln	Olga FIRSOV
Vitaliy FIRSOV	45 Pinecroft Ln	Vitaliy FIRSOV
Lydmila Caserta	38 Pitman Dr	Lydmila Caserta
Carol S. S.	3305 Westmeath Dr.	Carol S. S.
Yelena Antonova	18 Palmer Ln.	Yelena Antonova
JOOP BOBUSHKIN	18 Palmer Ln.	JOOP BOBUSHKIN
Dylan Bobushkin	18 Palmer Ln.	Dylan Bobushkin
Walter Gorman	Palm Harbor	Walter Gorman
René Boissel	Palm Coast	René Boissel
Juergen Boissel	Palm Coast	Juergen Boissel
Martin Mayo	Palm Coast	Martin Mayo
Mariana Rodriguez	172 Lindsay Drive	Mariana Rodriguez
David Rodriguez	172 Lindsay Drive	David Rodriguez
Robert Davityan	42 Brushwood Ln	Robert Davityan
Natalia Shesko	42 Brushwood Ln	Natalia Shesko
Podanshili Elvar	30 Laurel of the	Podanshili Elvar
Zluzgozina Gulch	30 Laurel of the	Zluzgozina Gulch
Podanshili Pami	30 Laurel of the	Podanshili Pami
Podanshili Gulk	30 Laurel of the	Podanshili Gulk
BRZHELIN MARILYN	18 GRANAM TRAIL	BRZHELIN MARILYN

Name	Address/Neighborhood	Signature
MILO ALBANI	West Lee St	[Signature]
GURLY Rybak	93 Putter Dr	[Signature]
Elena Rybak	93 Putter Dr	[Signature]
Nick Kozlov	59 PIN OAK PR PC	[Signature]
ALEXANDR CHERYAKOV	6 PALMWOOD DR	[Signature]
VICTORIA CHERYAKOV	6 PALMWOOD DR	[Signature]
DENIS CHERYAKOV	6 PALMWOOD DR	[Signature]
ANDREW JENSON	24 WOODBINE	[Signature]
MONIKA TANICHI	24 WOODBINE	[Signature]
Rustem Nuromov	9536 Princeton Sq	[Signature]
Olga Sevcuk	4200 No Oak blvd	[Signature]
Irina Carmone	34 Bennett Ln	Lane Carni
Olga Whitacre	67 Beachway dr.	Olga Sevcuk
Alex Lushchik	100 Plainview dr.	[Signature]
Alexei Goukhov	100 Plainview dr.	[Signature]
John Harris	R Bobby Lane	[Signature]
S. Price	54 Foster Lane	[Signature]
Alex Alvarez	52 Clubhouse Drive	[Signature]
VINKO PREGEL	217 S. RIVERWALK DR	[Signature]
SIMILJA PREGEL	2-2-3	[Signature]
Inha Bishop	100 Plainview dr	[Signature]
Bon Gannon	1331 S CENTRAL AVE	[Signature]
Cassidy Gannon	134 Huletts Woods	[Signature]
Anne Sokol	80 Brunet Ln	[Signature]
Olga Vgorodnikov	8 Pierce Ln	[Signature]
Ivan Vgorodnikov	8 Pierce Ln	[Signature]
Lev Vgorodnikov	8 Pierce Ln	[Signature]
Tamara Keetley	8 Ralple Pl.	[Signature]

[illegible]