



City of Palm Coast Minutes City Council Business Meeting

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 Ray Stevens

Tuesday, February 4, 2025

6:00 PM

City Hall - Community Wing

City Staff

Lauren Johnston, Acting City Manager

Marcus Duffy, City Attorney

Kaley Cook, City Clerk

- Public Participation shall be in accordance with Section 286.0114 Florida Statutes.
- Other matters of concern may be discussed as determined by City Council.
- If you wish to obtain more information regarding the City Council's agenda, please contact the City Clerk's Office at 386-986-3713.
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- City Council Meetings are streamed live on YouTube at <https://www.youtube.com/@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.

A. PROCLAMATIONS - 5:30 P.M.

1. PROCLAMATION - JANUARY 2025 AS HUMAN TRAFFICKING AWARENESS MONTH

The Proclamation was presented to members of the Family Life Center.

2. PROCLAMATION - JANUARY 2025 AS STALKING AWARENESS MONTH

The Proclamation was presented to members of the Family Life Center.

3. PROCLAMATION - FEBRUARY 2025 AS TEEN DATING VIOLENCE AWARENESS MONTH

The Proclamation was presented to members of the Family Life Center.

Council Member Pontieri thanked the Family Life Center for their advocacy.

4. PROCLAMATION - FEBRUARY 28, 2025, AS RARE DISEASE DAY

Ms. Johnston read the Proclamation.

Mayor Norris shared comments.

B. CALL TO ORDER CITY COUNCIL 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. All members were present.

E. PUBLIC PARTICIPATION

Public Participation shall be held in accordance with Section 286.0114 Florida Statutes. And pursuant to the City Council's Meeting Policies and Procedures:

- (1) Each speaker shall at the podium, provide their name and may speak for up to 3 minutes.
- (2) The Public may provide comments to the City Council relative to matters not on the agenda at the times indicated in this Agenda. Following any comments from the public, there may be discussion by the City Council.
- (3) When addressing the City Council on specific, enumerated Agenda items, speakers shall:
 - (a) direct all comments to the Mayor;
 - (b) make their comments concise and to the point;
 - (c) not speak more than once on the same subject;
 - (d) not, by speech or otherwise, delay or interrupt the proceedings or the peace of the City Council;
 - (e) obey the orders of the Mayor or the City Council; and
 - (f) not make any irrelevant, impertinent or slanderous comments while addressing the City Council; which pursuant to Council rules, shall be considered disorderly.
- (4) Any person who becomes disorderly or who fails to confine his or her comments to the identified subject or business, shall be cautioned by the Mayor and thereafter must conclude his or her remarks on the subject within the remaining designated time limit.

Any speaker failing to comply, as cautioned, shall be barred from making any additional comments during the meeting and may be removed, as necessary, for the remainder of the meeting.

Members of the public may make comments during the public comment portion of the meeting. Please be advised that public comment will only be permitted during the public comment portions of the agenda at the times indicated by the Chair during the meeting.

Public comment opened at 6:01 p.m.

Gina Weiss spoke about the Flagler Executive Airport, a Flagler County Ordinance on the topic, student flights, lack of radar and air traffic control after airport hours, prior conversations on the topic, concerns, and was not in favor of the County Ordinance.

Kathy Davisson spoke about Airbnbs, shared that her Airbnb does not have issues in the neighborhood, discussed the composition of the community, wanted to see a path for supporting hardworking people, and asked for an amendment to the short-term rental Ordinance.

Joel Davisson asked for an exception for in-home Airbnb owners, discussed the number of short-term rentals who are in need of a special exception, exemptions for the European Village and Hammock Beach, and felt intruded upon.

Joy Cook, resident of Seminole Woods, discussed the Cascades project and pending lawsuit, process to approve the Ordinance, and believed that the Ordinance should be final at second reading.

Wendy Trimarche, long time board member of the Vero Beach Humane Society, shared issues with the Flagler County Humane Society, asked why shelters are not taking animals, shared issues with surrenders, shared comments from the Flagler County Humane Society, that the Humane Society asked for residents to show up on 2/25 to show support for them, shared that money needs to be spent on a vet, proper operations, believed that the Flagler County Sheriff's Office should be overseeing the Humane Society, shared support for Palm Coast Animal Control, and encouraged a municipal shelter.

Ann Thompson spoke about the Flagler Humane Society, that it is taxpayer funded but there is no accountability, discussed the board members, vet of record, animals going days without care, hiring practices, employees with criminal records, and the fiduciary responsibility.

Joanne Vulpi, resident of Seminole Woods, discussed the intersection of Seminole Woods Boulevard and Sesame Boulevard, shared dangers and congestion, asked if there is any way to lower the speed limit, discussed speed detectors or something to deter speed, requested speed limit on Smith Trail, and asked Council to consider the items discussed.

Liz Shanahan, resident of Seminole Woods, discussed the Cascades Development and rezoning, shared about the readings of the Ordinance, current discussions, supported the previous actions of the Council, and believed the decision should stand. Additionally, Ms. Shanahan discussed upcoming developments and concern for additional traffic, need for traffic lights, and did not want blinking yellow turn signals.

Bill Cook, resident of Seminole Woods, discussed the Cascades project and the prior hearings, believed the Bert-Harris claim to be a last-ditch effort by the developer to get the City to comply, was concerned for setting a precedent with developers, and discussed over-development and infrastructure.

Gina Weiss continued the comments of Ms. Cook on the Cascades project, increasing density, and encouraged the City lawyers to put up a good fight.

Anna Gibson, shared her participation in the City Manager search, offered thoughts on the City Manager search and the process conducted by SGR, shared her applicable experience, and believed there were biases by SGR.

Celia Pugliese discussed the Flagler Executive Airport and asked Council to not support the County with the Ordinance, do not support the Cascades development asking for additional units, shared concerns for infrastructure, and believed the developer is misinterpreting the Bert-Harris Act.

Rufelo Yaras discussed municipal pools, pioneers of the Palm Coast community, his fight for pools as swimming helps with longevity, and shared positive experience at the Ormond Beach YMCA.

Public comment closed at 6:39 p.m.

Council Member Gambaro shared about a meeting with the leadership of the YMCA of Volusia County, highlighted that part of the City's strategic priorities is to bring a YMCA here, the need to address concerns of citizens now, and that there will be more to follow on the topic.

Ms. Johnston shared that she took notes on the speeding concerns on Sesame Boulevard and Smith Trail, and that she will follow up with the Flagler County Sheriff's Office.

Mayor Norris asked if all City Council Members met about the YMCA.

Ms. Johnston replied that the majority of the City Council has had meetings regarding the YMCA.

Mayor Norris shared that the City is actively working on a YMCA, shared about a meeting on the airport tomorrow, and about an upcoming presentation on turn lanes.

F. MINUTES

5. MINUTES OF THE CITY COUNCIL: JANUARY 21, 2025, BUSINESS MEETING JANUARY 28, 2025, WORKSHOP MEETING

Pass

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

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

G. ORDINANCES FIRST READ

6. ORDINANCE 2025-XX AMEND AND RESTATE FAIR HOUSING ORDINANCE

City Attorney Duffy read the title into the record.

Ms. Johnston provided a background of the item.

Jackie Gonzalez, Site Development Coordinator I, highlighted the requested details.

Vice Mayor Pontieri thanked staff for including the redline Ordinance as requested, discussed definitions outlined in the Ordinance, and motioned to approve the Ordinance with an amendment to remove the term “gender identity” from the definition of “sex.”

Council Member Miller agreed with the comments and seconded the motion.

Council Member Gambaro supported the amendment.

Public Comment:

Celia Pugliese wanted to make it more widely known how to get fair housing funds, how to apply, and shared that residents do not know the program exists.

Mayor Norris asked about the advertisements for the program.

Ms. Gonzalez shared about where the information is available, that the application is available on the City’s website, and that she is available for questions.

Pass

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

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

H. RESOLUTIONS

7. RESOLUTION 2025-21 APPROVING A DESIGN CONTRACT WITH CPH, INC., FOR THE DESIGN OF OLD KINGS ROAD SOUTH PHASE II PROJECT

City Attorney Duffy read the title into the record.

Ms. Johnston provided a background of the item.

Mr. Cote, Director of Stormwater & Engineering, presented the topic to Council.

Topics presented included: a timeline, history, project limits, design project funding, and upcoming actions.

City Council held discussion on the following topics: items included in the scope, stormwater and traffic in the project areas, dollar amount of the project and keeping a tight hand on the contract, funding, project cost, the item as a major project, and support for addressing the traffic.

Public Comment:

Joanne Vulpi asked why the FDOT is only contributing 8% and for the procedure to acquire federal funding.

Mr. Cote shared details of funding and appropriations.

Dennis McDonald discussed the 15% from the utility fund, theft of dollars from the utility enterprise fund, did not believe there is a reason why taxpayers should pay for the watermain on the road, and believed the Council should not approve the item until the 15% utility funds are removed as there is no benefit to the taxpayers.

James Deen discussed the long history of this item, 2 years before there is a design, additional time to get the project started, shared traffic concerns in the area, and encouraged temporary turn offs in both directions.

Mr. Cote replied that an initial review will be done to see if some striping can be done and potential ways to improve the intersection in the interim.

Mayor Norris asked for a follow-up as soon as possible.

Candie Stevens discussed the large increase in cars and traffic in the area, did not agree that 30% stormwater funds and utility funds should be used for this, asked why builder fees cannot be used, and stated that it is not fair for current residents to pay for the new development.

Mr. Cote, Ms. Johnston, and City Council held discussion on the funding sources.

Anna Gibson shared concern for using utility funds, believed the price was outrageous, and did not understand why there is not a more appropriate process for requesting a price.

Mayor Norris asked if this was put out for bid.

Mr. Cote provided a response and outlined the process.

Celia Pugliese asked if they are going to widen an area on Town Center Boulevard under I-95.

Mr. Cote replied that would be the hope and that staff will work on that alternative with DOT.

Ms. Pugliese continued her comments to share that the project is useless, believed that Town Center Boulevard needs to be widened under I-95, and did not want City Council to approve the item.

Darlene Shelley, resident of Hidden Lakes, discussed her history of trying to prevent non-compliant and inconsistent projects on Old Kings Road, discussed land annexations to the developer, funding and grants, government entities taking money from residents, and asked how the City can justify allowing these projects to come to Old Kings Road, adding to the traffic and struggling infrastructure without having proper measures in place.

Rufelo Yaras shared his background in real estate, asked where the water is coming from, and recommended getting an offshore boat to pump water.

Gina Weiss asked about funding and dollar amounts.

Mr. Cote provided a response regarding funding.

Ms. Weiss continued her comments to share about \$6.5 million for facilities at the Flagler Executive Airport, shared the name Joe Jerkins and his grant approvals.

Mark Stancel shared about his time spent in Hidden Lakes, discussed apartments right on the edge of Old Kings Road, the property as having been zoned office space, the history of the property, corruption, and issues that need to be addressed.

Mark Webb asked if this was presented to the developers before we approved the new homes, discussed grant funding, and believed all grants have been frozen.

Vice Mayor Pontieri believed we could benefit from more transparency on impact fees, does not support residents paying for future growth, shared the benefit to all residents for the widening of the road, and believed the plan to be unclear.

Mr. Cote clarified that 10% of the budget is for potential utility conflicts with reclaimed water and the force main, 14% is from stormwater fees, 8% is a grant, and the remaining expenses are funded by developer contributions which have already been collected.

Council Member Miller echoed Vice Mayor Pontieri's comments to have the funding information presented in a better way.

Mayor Norris understood what everyone is feeling, but that we have to work to improve what we have, explained that the FDOT grant is State funds and has not been impacted at this time, discussed impact fees not keeping up with the rate of growth, shared that Council is trying to fix the problems, and asked residents to have a little grace with Council while they address these items.

Vice Mayor Pontieri sought to have a clearer picture of what impact fees are paying versus enterprise funds and would like to see what has been funded from each funding source during the future project updates.

Pass

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

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

I. CONSENT

Council Member Gambaro thanked the Council Members for working in such a professional way on staffing and moving forward on the Safe Haven Baby Box. Council Member Gambaro thanked Patrick Giuliano, Fire Chief Berryhill, and the Knights of Columbus, for their efforts, and discussed a recent article regarding a baby box being used in Palatka. Additionally, Council Member Gambaro thanked Marcus Duffy and Jeremiah Blocker, with the City Attorney's firm, for supporting City employees who serve.

Vice Mayor Pontieri discussed item 8, the need to work in partnership with FPL, and shared frustration with their inability to provide a firm price.

Public Comment:

Celia Pugliese asked who is paying for what, in relation to item 8.

Ms. Johnston shared the history of the item and the City's burden to move the pole.

Ms. Pugliese asked for the deposit amount and the total amount.

Ms. Johnston replied that the deposit is \$229,000 and the total amount \$1.297 million.

Ms. Pugliese asked about the widening of Old Kings Road N.

Ms. Johnston shared that there are two projects happening simultaneously on Old Kings Road including the North and South portions of the road.

Vice Mayor Pontieri highlighted that the item is being funded by transportation impact fees.

Regine Burnier believed this to be a disaster in the making, discussed bumper to bumper traffic on Belle Terre Pkwy., and this traffic as a nightmare for seniors.

Pass

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

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

- 8. RESOLUTION 2025-22 APPROVAL OF A FLORIDA POWER AND LIGHT DEPOSIT FOR SERVICES FOR THE RELOCATION OF TRANSMISSION POLES FOR THE OLD KINGS ROAD NORTH WIDENING PHASE II PROJECT**
- 9. RESOLUTION 2025-19 THE PALM COAST HEROES ACT REGARDING CITY EMPLOYEES ENTERING INTO CERTAIN MILITARY SERVICE**
- 10. RESOLUTION 2025-17 APPROVING A LEASE AND SERVICE AGREEMENT WITH SAFE HAVEN BABY BOXES, INC AND A MEMORANDUM OF UNDERSTANDING WITH KNIGHTS OF COLUMBUS NOTRE DAME COUNCIL #10514**
- 11. RESOLUTION 2025-18 APPROVING PIGGYBACKING THE SOURCEWELL RFP 031622 CONTRACT WITH FOREVERLAWN, INC., FOR CITYWIDE PURCHASES OF AGIRCULTURAL TURF & TRACKS WITH INSTALLATION AND RELEATED EQUIPMENT AND SUPPLIES ON AN AS-NEEDED BASIS**
- 12. RESOLUTION 2025-20 APPROVING PIGGYBACKING THE HILLSBOROUGH COUNTY, FLORIDA, CONTRACT WITH DESIGN LAB, INC., FOR THE PURCHASE OF FIRE RESCUE UNIFORMS AND ACCESSORIES AS NEEDED**

J. PUBLIC PARTICIPATION

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

Brian Butka discussed the Cascades development, protective buffer needed to mitigate noise and dust, formally requested that the City enforce the buffers outlined in our code, encouraged an issuance of a stop order for the Cascades development, and shared that the health and wellbeing of residents must be prioritized.

James Deen shared that old issues are unresolved, discussed a need for turn off lanes, asked what is the possibility of hiring a contractor for swale maintenance, and asked if we can speed up construction on SR-100.

Lisa Perkins stated that Council was elected to serve the City, urged Council to be responsible and good stewards of resident money, to be transparent, to ensure City operations and finances are in order before considering any rate increases, supported a full forensic audit of the utility enterprise fund,

encouraged attracting manufacturing, the need to invest in our infrastructure, and shared that City Council works for residents special interests.

Corey Price welcomed the new Council, discussed the burden of the commercial vehicle ban, shared his work experience as an electrician, and shared that there are a lot of working-class people in Palm Coast and hoped to see a change.

Nathan Phelps discussed an egg shortage, shared about a community initiative 2 years ago to legalize chickens in Palm Coast, discussed supply chain issues, bird flu, and sought to bring back the proposed Ordinance for consideration.

Mark Stancel discussed speeding traffic and hazards, encouraged reducing speeds, discussed motorized vehicles on the sidewalk, the potential for stop signs for pedestrian sidewalks in high traffic areas, and encouraged reforming code enforcement to fit our community.

Dennis McDonald shared past history regarding water, encouraged paying really close attention to water, stated that City Council is responsible for what the staff does, discussed a public records request, did not believe the response to be sufficient, and stated that he is giving a 10-day notice to provide a list of wells.

Eddie Lang thanked the Council for coming to the grand opening of Vincent's Clubhouse, shared concern for a streetlight on East Hampton Boulevard shining in a resident's bedroom, and ask the City Manager to review a denial.

Bruce Stone discussed Seminole Woods Boulevard, turn lanes, and corruption.

Gary Kunnas shared the pricing within the Utility Bill for garbage pickup, a \$1.07 difference, asked where the funds are going, asked about stormwater and utility funds, unable to find the projects said to be completed, and discussed the Golf Course maintenance budget.

Leslie Johnson thanked City Council for attempting to weed out problems and find solutions, City Council for working with residents, and shared a demand for a forensic audit.

Darlene Shelley stated that now is the time to take action to protect the health and peace of residents, discussed dense population, updates to the airport, and asked about the potential impacts to ground and surface water.

Mark Webb thanked the City Manager for the Utility meeting held last week, shared his fears after attending that meeting, asked for the presentation to be available, and shared that underlying every conversation tonight has been concern for utilities.

Steve Carr thanked the City for completed projects related to traffic calming, shared that he can see that it works, and recommended that first responders put lights on their vest to make it easier to see them during emergencies.

Council Member Gambaro replied to residents that they are heard on infrastructure challenges, shared about hosting a meeting tomorrow morning

with a representative from Senator Rick Scott's office, and that the meeting is open to the public if they are interested in learning more.

Council Member Miller responded to a variety of public comments regarding traffic in Seminole Woods, a forensic audit, commercial vehicles, chickens, and the streetlight issue.

Vice Mayor Pontieri replied to public comments to discuss turn lanes, a buffer on Seminole Woods, supported re-addressing backyard chickens, and a future presentation regarding airport noise.

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

Vice Mayor Pontieri discussed a recent Ordinance amendment that was presented without the redline version to highlight changes and asked, as a policy, to have the redline version attached for Council consideration.

City Council concurred with the direction.

Mayor Norris asked Ms. Johnston to share the presentation referenced from last week, shared that a future discussion on commercial vehicles will occur, and encouraged increasing safety for pedestrians.

Mayor Norris discussed the incorporation of the City, debt accumulation, and shared that Council is working the best that they can on the situation they have been handed.

Additionally, Mayor Norris shared that he was approached by the VFW to ask for a variance to a marquee sign highlighting their events.

Mr. Duffy advised that the VFW should put an application in with City staff.

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

Attorney Duffy shared about a Bert-Harris Act claim filed with the City on November 6, 2024, highlighted the City's requirement to respond within 90 days, the requirement to offer a settlement option in the response, and provided two options to City Council; Option 1 – Settlement offer to uphold the previous Ordinance (2024-01), Option 2 – Offer more density to the property, through the Bert-Harris Act, and sought direction from City Council.

Mayor Norris shared that until there is litigation, the discussion on the topic must be in an open forum, shared his history attending the meetings during that time, and deferred to Vice Mayor Pontieri to share details on the prior hearings.

Vice Mayor Pontieri shared the history of the item, her opinion on the matter, and wanted to see the City Council uphold the decision of the prior Council.

Council Member Miller thanked Vice Mayor Pontieri for her comments and shared that his biggest concern is risk and trying to reduce that and was inclined to agree with Vice Mayor Pontieri's direction.

Council Member Gambaro thanked Vice Mayor Pontieri for her input, shared his perspective, asked what the risks are if we lose, the City's insurance coverage, and how would we pay for the loss.

Mayor Norris shared concern for the discussion allowing the opposing team more information.

Attorney Duffy replied that the risk, at the least, is what the developer is asking for and possible attorney fees.

Council Member Gambaro asked the Council if they are you willing to assume the risk.

Mayor Norris shared his history attending the meetings on this project, was glad that he had not commented prior, and asked if a Council Member would like to make a motion.

Motion by Vice Mayor Pontieri, seconded by Council Member Stevens to respond no, that we will keep the Ordinance as-is.

City Council held discussion on Vice Mayor Pontieri's comments on the facts and the law, and Council accepting the risk of the response to the claim.

Public comment:

Donna Stancel, resident of Seminole Woods, wanted the Council to stand their ground and shared that many residents were in attendance and opposed the project.

Lisa Perkins agreed with responding 'no' but wanted to know why the history of the item was given by Vice Mayor Pontieri rather than the City Attorney.

Mayor Norris shared that the Attorney held those discussion with each member of the City Council.

Mark Stancel shared that he was here for every meeting on the topic, commended Vice Mayor Pontieri for fighting hard for the residents, shared that the former Mayor had an interest in the project, shared that many residents opposed the project, and encouraged the Council to say no.

Karen Ashman, resident of Seminole Woods thanked Vice Mayor Pontieri for her passion and for fighting for Seminole Woods and encouraged Council to focus on infrastructure.

Leslie Johnson stated that this is the developer's method of operation, shared their history, and explained to the Council that if they allow this to continue, it will continue.

David (no last name provided), resident of Seminole Woods, shared about big builders and their lack of care for traffic or infrastructure.

James Deen stated that Vice Mayor Pontieri is right on point and supported the direction provided.

Jessica Mathews, resident of Seminole Woods, discussed the cost, stated that allowing the developer to do this will set a precedent for all developers, shared that residents have come before the Council numerous times, and wanted Council to deny the request.

Joy Cook shared the large project is within close proximity to her home, that this was the first item the developer did not win, wanted City Council to make their vote count, and thanked City Council for their consideration.

Council Member Miller cautioned the celebration of the win, reminding everyone that there are negatives for both sides.

Vice Mayor Pontieri agreed, sharing that she does not want the City to be sued by a developer or become wrapped up in litigation, but shared a reminder for the importance of cost-benefit analysis and why she made a motion in the direction she did.

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

Ms. Johnston shared early happy birthday wishes to Vice Mayor Pontieri.

N. ADJOURNMENT

*The meeting was adjourned at 9:01 p.m.
Respectfully submitted by: Kaley Cook, CMC
City Clerk*