



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, September 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.
- In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons needing a reasonable accommodation to participate in any of these proceedings or meeting should contact the City Clerk at 386-986-3713, at least 48 hours prior to the meeting.
- City Council Meetings are streamed live on YouTube at <https://www.youtube.com/@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.

Ms. Johnston and Mayor Norris presented the Proclamations.

- 1. PROCLAMATION - SEPTEMBER 2025 AS PROSTATE CANCER AWARENESS MONTH**
- 2. PROCLAMATION - SEPTEMBER 2025 AS NATIONAL RECOVERY MONTH**

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. All members were present, with Council Member Gambaro appearing virtually.

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.

Mike Martin, Charter Review Committee Member, shared concern for the Committee timeline and meetings and asked Council for consensus to have Committee Meetings now, rather than after the community meetings.

Jake Scully, former Planning Board Member, shared pains, ways to go about making change, discussed SB 180, and the HBA intent to file suit related to recently adopted impact fees.

Jeani Duarte discussed paying for stormwater drainage, Charter review, exiting Council Members, Council approvals, and budgeted items to strike.

Chantal Preuninger asked Council Members to make sure they speak into the microphones.

Carol Stoughton commended the work of staff member Robert Sims, recommended getting sealed bids for attorney services, and discussed reporting of financial disclosures.

Mindy Melendez discussed impact fees, impacts to affordable housing, and extended an invitation to affordable housing committee meetings.

Jeremy Davis discussed issues he has been sharing since 2023 and City approvals.

Ms. Johnston shared about the Charter Review Committee timeline and process outlined by the consultant helping to facilitate the process.

Vice Mayor Pontieri stated that the community workshops and the Committee Meetings can happen simultaneously and shared support for the Committee Meetings beginning in October.

Attorney Duffy shared that the timeline was provided by the consultant and discussed by the committee at their first meeting.

City Council held discussion on the topic and provided consensus supporting beginning the Charter Review Committee Meetings earlier.

Ms. Johnston replied to public comments on the topics of Senate Bill 180, stormwater drainage, available water and wastewater facility tours, funds and restrictive uses, and the competitive bid process for the City Attorney Firm.

Mayor Norris discussed cities suing due to Senate Bill 180 and sought consensus from the Council to have Attorney Duffy research the suit. City Council concurred.

Mayor Norris held discussion with Ms. Johnston about 70 Perrotti Ln.

Council Member Sullivan discussed financial disclosures of various levels of elected officials and the impact fee considerations throughout the process.

Council Member Gambaro highlighted that certain Council Members are veterans, disabled veterans, and the benefits afforded to veterans.

Vice Mayor Pontieri discussed impact fees, highlighting the considerations for affordable housing and fees in comparison to surrounding communities, and shared thanks to the community for supporting the proclamations.

F. MINUTES

3. MINUTES OF THE CITY COUNCIL: AUGUST 19, 2025, BUSINESS MEETING AUGUST 26, 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 David Sullivan

G. APPOINTMENTS

Vice Mayor Pontieri asked to do the Citizen's Advisory Committee appointments first. Council agreed.

City Council held a question-and-answer session with the applicants.

City Council appointed Mr. Del Valle as the regular member and Mr. Woods as the alternate member to the Citizen's Advisory Committee.

City Council appointed Mr. Lybarger as the regular member and Mr. Del Valle as the alternate member to the Bicycle and Pedestrian Advisory Committee.

- 4. APPOINT ONE (1) VOTING MEMBER AND ONE (1) ALTERNATE MEMBER TO THE BICYCLE AND PEDESTRIAN ADVISORY COMMITTEE**
- 5. APPOINT ONE (1) VOTING MEMBER AND ONE (1) ALTERNATE MEMBER TO THE CITIZEN'S ADVISORY COMMITTEE**

H. ORDINANCES SECOND READ

- 6. ORDINANCE 2025-16 AMENDING THE CITY OF PALM COAST UNIFIED LAND DEVELOPMENT CODE, CHAPTER 13 RELATING TO EXTERIOR COLORS**

City Attorney Duffy read the title into the record.

Ms. Johnston provided a brief background of the item.

*Public Comment:
None.*

Pass

Motion made to be adopted on second reading by Council Member Sullivan and seconded by Council Member Gambaro

Approved - 4 - Mayor Michael Norris, Council Member Charles Gambaro, Council Member Ty Miller, Council Member David Sullivan
Denied - 1 - Vice Mayor Theresa Pontieri

I. RESOLUTIONS

7. RESOLUTION 2025-XX APPROVING AN INTERLOCAL AGREEMENT BETWEEN FLAGLER COUNTY AND THE CITY OF PALM COAST RELATED TO CAD SOFTWARE MAINTENANCE

The item was rescheduled to the 9/16/2025 Business Meeting.

J. CONSENT

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 David Sullivan

Public comment:

There were none.

8. RESOLUTION 2025-140 APPROVING PIGGYBACKING CITY OF DELTONA CONTRACT WITH PARALEE COMPANY INC., FOR INSTRUMENTATION SERVICES AND REPAIRS AS NEEDED

9. RESOLUTION 2025-141 APPROVING MASTER SERVICES AGREEMENT WITH ACCU-TEMP HEATING & AIR CONDITIONING, INC., FOR CITYWIDE HVAC SERVICES

K. PUBLIC PARTICIPATION

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

Tony Amaral provided the impact fee amounts of neighboring communities.

Jeani Duarte asked about Resolution numbers on the agenda and how to find them.

Mayor Norris replied that residents can request the full agenda packet.

Carol Stoughton discussed information on the City's website, 2023 salaries, City Manager hiring status, and the need to adjust salaries.

Chantal Preuninger discussed flooding, infill lots, and the Citizen's Advisory and Bicycle and Pedestrian Committees.

Mr. Scully provided a handout which has been attached to these minutes.

Mayor Norris shared the next steps in the City Manager Search process and that he would provide the requested salary information.

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

Council Member Miller shared topics of discussion at the recent TPO meeting and at the City/County joint meeting.

City Council held discussion on beach funding options.

Vice Mayor Pontieri thanked Martin, a Stormwater employee, for diligent work done recently. Additionally, Vice Mayor Pontieri discussed an economic development article and sought consensus to ask staff to put together a workforce coalition comprised of the school district, the City's economic development representative, Daytona State College, Industrial Development Authority (IDA), and the Chamber of Commerce, for a round table focused on workforce development. Council concurred.

Mayor Norris shared about a similar recent stakeholder meeting. Ms. Johnston agreed and shared that the City did host a round table and that we can look to host again.

Council Member Sullivan outlined the recent process for adopting impact fees and discussed item 10 of the agenda.

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

10. DISCUSSION - NOTICE REGARDING IMPACT FEE ORDINANCES

Attorney Duffy shared about a pre-suit letter received from the Flagler County Home Builders Association contesting the 2025 Impact Fees adopted by Council and that staff will provide an update.

Vice Mayor Pontieri asked Attorney Duffy if he foresees needing more time to respond.

Attorney Duffy did not anticipate the need to asking for a continuance and will be in touch after the review.

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

Ms. Johnston shared that she will not be available for the legislative delegation meeting scheduled for September 19 and asked Council how they would like to handle the presentation.

Mayor Norris replied that he will present.

Ms. Johnston reiterated the request from Council Member Gambaro for Council to meet at Ralph Carter Park, and that staff is working to schedule the visit after one of the meetings next week.

Ms. Johnston shared that the Fire Station 22 topping out ceremony is tomorrow at 9:00 a.m.

O. ADJOURNMENT

The meeting was adjourned at 7:06 p.m.

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

Attachment to September 2, 2025, Business Meeting Minutes

From: Jamie Alan Cole

Sent: Tuesday, July 22, 2025 5:25 PM

To: Jamie Alan Cole <JCole@wsh-law.com>

Subject: Potential Lawsuit Challenging SB180

In a sweeping attack on the home rule authority of every city and county in the state of Florida, the Florida Legislature has adopted, and the Governor signed, Senate Bill 180 (SB 180) with a last-minute amendment that **prohibits all local government initiated ordinances** that impose “more restrictive or burdensome” comprehensive plan amendments, land development regulations, or procedures concerning review, approval, or issuance of site plans, development permits, or development orders for the period **commencing August 1, 2024, through October 1, 2027**. SB 180 also bans local moratoria on construction, reconstruction, or redevelopment of property damaged by a hurricane during the same timeframe. Critically, the amended law applies retroactively, declaring such ordinances null and void ab initio.

Although the amendment appears to be limited in its impact and apply only to counties identified in Federal Disaster Declarations for Hurricanes Debby (DR-4806), Helene (DR-4828), and Milton (DR-4834), those declarations collectively cover **every county and municipality in Florida**.

Numerous municipalities and counties have contacted our Firm as to the potential filing of a lawsuit challenging SB 180. We have concluded that there are several good faith grounds for potential invalidation of SB 180. If your municipality or county is interested in participating in a group lawsuit to invalidate SB 180, your governing body should consider enacting a resolution in substantially the form attached hereto (conformed, of course, to your local government). If a sufficient number of municipalities and counties join in the action, we plan to file in early September (and can amend to add additional plaintiffs for those who desire to join later).

If you have any questions, feel free to contact me, Susan Trevarthen (strevarten@wsh-law.com) or Chad S. Friedman (cfriedman@wsh-law.com).

(WEISS SEROTA HELFMAN COLE + BIERMAN, P.L)

RESOLUTION NO. 2025-_____

**A RESOLUTION OF THE [GOVERNING BODY] OF
[GOVERNMENTAL ENTITY], FLORIDA,
AUTHORIZING PARTICIPATION IN A LAWSUIT
SEEKING, AMONG OTHER THINGS, TO DECLARE
THAT SENATE BILL 180'S IMPOSITION OF A
BLANKET STATEWIDE PROHIBITION ON THE
EXERCISE OF HOME RULE AUTHORITY OVER LAND
USE AND ZONING REGULATIONS, IS
UNCONSTITUTIONAL AND SHOULD BE ENJOINED,
AND RETAINING WEISS SEROTA HELFMAN COLE +
BIERMAN, PL TO PROSECUTE THE LAWSUIT; AND
PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, Article VIII, Section 2(b) of the Florida Constitution provides that municipalities “shall have governmental, corporate and proprietary powers to enable them to conduct municipal government, perform municipal functions and render municipal services,” and authorizes municipalities to exercise any power for municipal purposes except as otherwise provided by law; and

WHEREAS, pursuant to Section 2(b) of Article VIII of the Florida Constitution and Chapters 163 and 166, Florida Statutes, municipalities have broad authority to adopt comprehensive plans, enact land development regulations, issue development permits, and impose temporary moratoria in furtherance of local public health, safety, and welfare, including for purposes of orderly growth, environmental protection, disaster recovery, and community resiliency; and

WHEREAS, on June 26, 2025, Senate Bill 180 (“SB 180”), titled “Emergencies,” was signed into law by Governor Ron DeSantis and became effective immediately as Chapter 2025-190, Florida Statutes; and

WHEREAS, among other things, Section 28 of SB 180 prohibits all local government-initiated ordinances that impose “more restrictive or burdensome” comprehensive plan

amendments, land development regulations, or procedures concerning review, approval, or issuance of site plans, development permits, or development orders (collectively, “Land Use and Zoning Regulations”) for the period commencing retroactively from August 1, 2024, through October 1, 2027, even if such amendments, regulations or procedures are in no way related to any hurricane or other emergency and even if such amendments, regulations, or procedures were duly enacted prior to the enactment of SB 180; and

WHEREAS, Section 28 of SB 180 also bans local moratoria on construction, reconstruction, or redevelopment of property damaged by a hurricane during the same timeframe; and

WHEREAS, Section 18 of SB 180 further prohibits local governments that are located in counties that are entirely or partially within 100 miles of the track of any future hurricane from enacting “more restrictive or burdensome” Land Use and Zoning Regulations, and moratoria on construction, reconstruction, or redevelopment of any property, damaged or not, for a period of one year after the storm makes landfall; and

WHEREAS, SB 180 is unconstitutional and invalid because, among other things, it:

(a) embraces more than one subject and matter properly connected therewith in violation of Article III, Section 6 of the Florida Constitution;

(b) includes a defective title in violation of Article III, Section 6 of the Florida Constitution;

(c) requires municipalities and counties to spend in the aggregate an amount that exceeds an insignificant fiscal impact without including a finding that the law fulfills an important state interest as required by Article VII, Section 18 of the Florida Constitution;

(d) constitutes a sweeping intrusion on home-rule authority, threatening local ability to enact land use, zoning, flood-resiliency, and environmental protections, contrary to Article VIII,

Section 2(b) of the Florida Constitution to a degree that renders the constitutional provision hollow; and

(e) contains provisions that classify political subdivisions on a basis that is not reasonably related to the subject of the law in violation of Art. III, Section 11(b) of the Florida Constitution; and

WHEREAS, for example, despite SB 180 being titled “Emergencies,” SB 180 contains various matters that are not connected and/or are unrelated to emergencies, including Section 18 and 28’s total ban on any “more restrictive or burdensome” Land Use and Zoning Regulations, and Section 18’s prohibition on moratoria on construction, reconstruction, and redevelopment of property, even if the property is intact and was not damaged by a hurricane or other emergency event; and

WHEREAS, the provisions of SB 180 also impose expenditure obligations upon municipalities and counties that, as conceded in the Florida Legislature’s own staff analysis, exceed the threshold amount for an unfunded mandate, despite the lack of any finding in SB180 that the law fulfills an important state interest; and

WHEREAS, Section 18 of SB 180 infringes upon municipal home rule authority by prohibiting municipalities from enacting Zoning and Land Use Regulations if they are located within a county that is entirely or partially within 100 miles of the track of a hurricane for one year in a completely indiscriminate manner that disregards the size, intensity, or impact of a hurricane on the municipality, whether a proposed Zoning and Land Use Regulation has even a *de minimis* impact on hurricane recovery efforts, or even if the Zoning and Land Use Regulations are necessary to protect the public health, safety, and welfare from the effects of a hurricane; and

WHEREAS, Section 18 of SB 180 further usurps the municipal home rule authority

guaranteed by the citizens of Florida in the Florida Constitution by imposing blanket prohibitions on any moratoria on construction, reconstruction, or redevelopment of property for one year whenever a future hurricane falls within 100 miles of the county where the municipality is located, regardless of the necessity or impetus behind such moratoria; and

WHEREAS, Section 28 of SB 180 similarly prohibits municipalities from enacting Zoning and Land Use Regulations for the entire state of Florida retroactively from August 1, 2024, through October 1, 2027, without any rational justification; and

WHEREAS, SB 180's vague prohibitions on moratoria on construction, reconstruction, and redevelopment of properties and Land Use and Zoning Regulations that are "more restrictive or burdensome," and other ambiguous provisions render SB 180 incomprehensible, create uncertainty, chill local governance, and encourage preemptive, potentially frivolous, litigation to force local governments into repealing legislation, even if it might otherwise be a valid exercise of home rule authority; and

WHEREAS, the [GOVERNING BODY] of the [GOVERNMENTAL ENTITY] (the "[SHORT FORM ENTITY]") desires to authorize the participation of the [SHORT FORM ENTITY] in a lawsuit seeking declaratory, injunctive, and other appropriate relief from the provisions of SB 180, which impose a blanket statewide prohibition on the exercise of home rule authority relating to Land Use and Zoning Regulations, based upon the any appropriate legal theories, including, without limitation, those set forth herein, subject to the participation of at least ten local governments (the "Lawsuit"); and

WHEREAS, it is in the best interest of the [SHORT FORM ENTITY] to participate in the Lawsuit and to urge other local governments to join as plaintiffs; and

NOW, THEREFORE, BE IT RESOLVED BY THE [GOVERNING BODY] OF THE

[GOVERNMENTAL ENTITY], FLORIDA, AS FOLLOWS:

Section 1. Recitals. The above-stated recitals are hereby adopted and confirmed.

Section 2. Authorization to Participate in Lawsuit. The **[GOVERNING BODY]** hereby authorizes the participation of the **[SHORT FORM ENTITY]** in the Lawsuit, subject to participation of at least ten local governments.

Section 3. Legal Representation and Fee Structure. Weiss Serota Helfman Cole + Bierman, PL (the "Firm") is retained to represent the **[SHORT FORM ENTITY]** in the Lawsuit, at both the trial and appellate levels. The Firm will charge a flat fee, inclusive of attorneys' fees and costs, of \$10,000 to represent the **[SHORT FORM ENTITY]** in the Lawsuit in the trial court, which shall be payable within ten days of the effective date of this Resolution. The **[SHORT FORM ENTITY]** shall also pay \$5,000 to the Firm to represent it in any appeal related to the Lawsuit that is filed at the District Court of Appeal within 30 days of the filing of such appeal, and \$5,000 to the Firm to represent it in any appeal that is filed at the Florida Supreme Court within 30 days of the filing of such appeal. The **[SHORT FORM ENTITY]** acknowledges that the Firm will be representing other local governments in the Lawsuit and waives any conflicts related to such representation. The **[SHORT FORM ENTITY]** also acknowledges that the Firm may represent other entities, private or public, at the **[SHORT FORM ENTITY]** and that the representation of **[SHORT FORM ENTITY]** in this Lawsuit alone, because it is part of a coalition, will not constitute a conflict of interest and, to the extent it does, waives such conflict of interest.

Section 4. Urge Participation. The **[SHORT FORM ENTITY]** invites and urges other local governments to join as plaintiffs in the Lawsuit and to coordinate their efforts with the **[SHORT FORM ENTITY]**.

Section 5. Transmittal. The Clerk is directed to distribute this Resolution to all local

governments in [COUNTY NAME] County. The Clerk is further directed to distribute this Resolution to the Firm.

Section 6. **Implementation.** The appropriate [SHORT FORM ENTITY] officials are authorized to execute all necessary documents and to take any necessary action to effectuate the intent of this Resolution.

Section 7. **Effective Date.** That this Resolution shall take effect immediately upon the adoption hereof.

PASSED AND ADOPTED this ____ day of _____, 2025.

Mayor

ATTEST:

[SHORT FORM ENTITY] Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

[SHORT FORM ENTITY] Attorney