

CITY OF PALM COAST
COUNCIL WORKSHOP MEETING
HYBRID MEETING
160 LAKE AVENUE
PALM COAST, FL 32164
TUESDAY, JUNE 1, 2021
6 P.M.

Acting Mayor Eddie Branquinho
Council Member Victor Barbosa
Council Member Ed Danko
Council Member Nick Klufas

MINUTES

City Staff

Matthew Morton, City Manager
William Reischmann, City Attorney
Virginia A. Smith, 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, persons needing assistance to participate in any of these proceedings should contact the City Clerk at 386-986-3713, at least 48 hours prior to the meeting.

All pagers and cell phones are to remain OFF while City Council is in session.

A. CALL TO ORDER

Acting Mayor Branquinho called the meeting to order at 6:00 pm.

B. PLEDGE OF ALLEGIANCE TO THE FLAG

C. ROLL CALL

City Clerk Virginia Smith called the roll. All members were present. Mayor Branquinho appeared virtually per Council's concurrence on April 20, 2021 to appear for the first two meetings in June virtually. Mayor Branquinho passed the gavel to Council Member Klufas to chair the meeting since he was the senior Council Member in attendance.

D. 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.

Al Krier thanked Council for their support of resident concerns on Cimarron Drive and shared that he will bring additional resident petitions in support for improvements to Cimarron Drive.

George Mayo spoke of an article shared recently by Daytona Beach News Journal. Mr. Mayo shared concern for preemption impacts at the local level and asked what our lobbyists are doing to prevent preemption issues.

Robert MacDonald spoke of security concerns at City Hall and asked Council when safety improvements will be made, to include a metal detector at entry of the Community Wing.

Terri Maga reminded Council that hurricane season has started and shared about recent work to a bridge on East Hampton Boulevard to improve water flow. Ms. Maga informed Council that a company cut trees in the area and they landed in the canal where water flow improvement efforts recently occurred. Ms. Maga asked Council when the trees will be removed.

Alan Lowe shared confidence in Council to find an Interim City Manager.

Dan Priotti, with assistance from Nicole Sykes, spoke of a Channel 9 news interview which shared about a naughty list, in which Mr. Priotti and associated companies are named. Ms. Sykes stated that Mr. Priotti's licenses have never been revoked and shared that comments in the list are untrue. Ms. Sykes stated that due to the sharing of the list, Mr. Priotti's businesses have received concerns and cancellations from customers. Ms. Sykes and Mr. Priotti asked Council to give a public apology across all media platforms, all news journals, and Channel 9 News.

Janey Holley submitted a photo to Council showing dust from a dump truck on Slow Way, which happened 7 times that day. Ms. Holley is concerned for the health and safety of residents in the area of Slow Way.

Brian Butka shared previous Council comments on the need for accurate data to use in decision making. Additionally, Mr. Butka shared comments from City Staff which stated that Council was not provided with all options for resolutions on Slow Way. Mr. Butka stated that Council does not have all data available to justify the closure of Slow Way and asked for the item to be permanently tabled.

Council Member Klufas thanked staff for their efforts on Cimarron Drive and stated that the City will continue to work with residents to improve safety in the area.

Council Member Klufas responded to Mr. Mayo's comment to provide background of local rule and spoke of lobbyist efforts to support the City and its ability to make decisions at the local level.

Council Member Klufas asked Mr. Morton to respond to Mr. MacDonald's comment on a metal detector at City Hall.

Mr. Morton responded to explain that metal detectors have been ordered, but are currently on backorder.

Council Member Klufas asked Mr. Morton to respond to public comment regarding the logs in a canal on East Hampton Boulevard.

Mr. Morton deferred the question to Carl Cote for response. Mr. Carl Cote provided explanation of work done in the area and explained that the tree removal aligns with the Stormwater Improvement projects in the area.

Council Member Klufas apologized for the list that was discussed in public comment and stated that this will be discussed later in the meeting.

Council Member Klufas responded to public comment regarding Slow Way to state that this is an evolving topic and that staff is still working on a solution for this.

Mr. Morton added that this item will return on a future agenda with additional options for Council consideration.

E. MINUTES

1. MINUTES OF THE CITY COUNCIL:

MAY 18, 2021 BUSINESS MEETING

MAY 19, 2021 SPECIAL BUSINESS MEETING

Pass

Motion made to approve by Council Member Danko and seconded by Council Member Barbosa.

Approved - 4 - Acting Mayor Eddie Branquinho, Council Member Victor Barbosa, Council Member Ed Danko, Council Member Nick Klufas

F. PRESENTATIONS AND PROCLAMATIONS

2. PROCLAMATION PALM COAST GARDEN CLUB WEEK

Council Member Klufas presented this Proclamation to a member of the Garden Club.

3. PRESENTATION OF CERTIFICATES TO THE GRADUATING STUDENTS OF THE CITY OF PALM COAST'S 49TH CLASS OF THE CITIZEN'S ACADEMY CLASS

Ms. Brittany Kershaw and Ms. Kim Norman presented the certificates to the graduates.

G. RESOLUTIONS

4. RESOLUTION 2021-XX APPROVING A LETTER OF SUPPORT FOR THE FLAGLER COUNTY PUBLIC SAFETY HALF CENT SALES TAX

Council Member Klufas asked for Council approval to move this item to the end of the Resolutions list since no Flagler County representative was available.

Council Member Danko opposed the tax increase and moving the item to later in the meeting.

City Attorney Bill Reischmann provided details on the parliamentary process to amend the agenda and move this item.

Pass

Motion made to table to June 22, 2021 by Council Member Barbosa and seconded by Acting Mayor Branquinho

Approved - 3 - Acting Mayor Eddie Branquinho, Council Member Victor Barbosa, Council Member Nick Klufas

Denied - 1 - Council Member Ed Danko

5. RESOLUTION 2021-85 APPROVING THE STATE REVOLVING FUND LOAN APPLICATION FOR THE CONSTRUCTION OF THE WASTEWATER TREATMENT PLANT #2 EXPANSIONS PROJECT

Mr. Morton provided a brief overview of the item. Alexander Blake presented the item to Council.

Pass

Motion made to approve by Council Member Danko and seconded by Council Member Barbosa

Approved - 4 - Acting Mayor Eddie Branquinho, Council Member Victor Barbosa, Council Member Ed Danko, Council Member Nick Klufas

6. RESOLUTION 2021-84 APPROVING A JOINT PARTICIPATION (JPA) AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION, IN THE AMOUNT OF \$204,206 FOR ELIGIBLE REIMBURSIBLE EXPENSES RELATED TO THE I95 / SR100 INTERCHANGE LANDSCAPE IMPROVEMENT PROJECT

Mr. Morton provided an overview of the item. Carl Cote presented to Council on the item.

Motion by Acting Mayor Branquinho, seconded by Council Member Danko to adopt the resolution.

City Attorney Reischmann reminded Council that Public Comment should occur on each item.

Public Comment:

Michael Arnold requested to speak on item 5 since Public Comment was missed. Mr. Arnold spoke of an inquiry he submitted regarding a bond that was issued in 2006. Mr. Arnold requested to know where the money went and why we are taking out another loan.

There were no Public Comments related to item 6.

Ms. Helena Alves responded to Mr. Arnold's Public Comment to state that the funds from the bond were used to purchase the utility and additional funds were drawn for projects of the utility.

Pass

Motion made to approve by Acting Mayor Branquinho and seconded by Council Member Danko

Approved - 4 - Acting Mayor Eddie Branquinho, Council Member Victor Barbosa, Council Member Ed Danko, Council Member Nick Klufas

H. ORDINANCES SECOND READ

7. ORDINANCE 2021-XX VOLUNTARY ANNEXATION OF 40.7 ACRE AREA 3,500' WEST OF SEMINOLE WOODS BLVD ON THE NORTHSIDE OF THE IROQUOIS WATERWAY AKA JTL GRAND LANDINGS

City Attorney Bill Resichmann asked for explanation of the removed item.

City Clerk Virginia Smith provided explanation of the item and that it has been moved to June 22, 2021 Business Meeting to allow for staff and the applicant to finalize the pre-annexation agreement.

Public Comment:

There were none.

Pass

Motion made to table to time certain June 22, 2021 by Council Member Danko and seconded by Council Member Barbosa

Approved - 4 - Acting Mayor Eddie Branquinho, Council Member Victor Barbosa, Council Member Ed Danko, Council Member Nick Klufas

8. ORDINANCE 2021-09 AMENDING SECTION 49-38 CODE OF ORDINANCES

City Attorney Bill Reischmann read the title into the record.

Public Comment:

There were none.

Pass

Motion made to adopted on second reading by Council Member Danko and seconded by Acting Mayor Branquinho

Approved - 4 - Acting Mayor Eddie Branquinho, Council Member Victor Barbosa, Council Member Ed Danko, Council Member Nick Klufas

I. ORDINANCES FIRST READ

9. ORDINANCE 2021-XX AMENDING THE ZONING MAP DESIGNATION FROM LIGHT INDUSTRIAL (IND-1) TO HIGH INTENSITY COMMERCIAL (COM-3) FOR A 10+/- ACRE PARCEL LOCATED 1800' NORTH OF WHITEVIEW PARKWAY ON THE EASTSIDE OF US-1 (THE ALAMO BUSINESS CENTER)

City Attorney Bill Reischmann read the title into the record. City Attorney Reischmann reminded Council that this is a quasi-judicial item and called for an ex parte communications.

Acting Mayor Branquinho stated having received communication from the owner of the area. Acting Mayor Branquinho directed the business owner to the proper department.

Ray Tyner and Jose Papa presented to Council on the item.

An applicant representative was available for questions.

Council Member Klufas asked if there was any opposition from the respondents.

Mr. Papa explained that there were no comments or opposition to the proposed zoning change.

Public Comment:

There were none.

Pass

Motion made to approve by Acting Mayor Branquinho and seconded by Council Member Barbosa

Approved - 4 - Acting Mayor Eddie Branquinho, Council Member Victor Barbosa, Council Member Ed Danko, Council Member Nick Klufas

J. OTHER BUSINESS

10. APPOINT A CANVASSING BOARD MEMBER AND AN ALTERNATE FOR THE 2021 SPECIAL ELECTION

City Clerk Virginia Smith provided explanation of the item.

Public Comment:

There were none.

Council Member Danko nominated David Valinsky as a Canvassing Board Member and provided background of the nominee.

Acting Mayor Branquinho seconded the motion by Council Member Danko to appoint Mr. Valinsky to the canvassing board.

Council Member Barbosa suggested appointing Chris Martin as an alternate canvassing board member.

Motion by Council Member Barbosa, seconded by Council Member Danko, to appoint Mr. Valinsky and Chris Martin to the Canvassing Board.

Public Comment:

There were none.

K. CONSENT

Public Comment:

There were none.

11. RESOLUTION 2021-83 APPROVING CONTRACTS WITH MULTIPLE VENDORS FOR THE TRENCHLESS PIPE REHABILITATION PROJECT

12. RESOLUTION 2021-86 APPROVING THE INTERLOCAL AGREEMENT WITH THE SUPERVISOR OF ELECTIONS FOR THE 2021 SPECIAL ELECTION FOR SEAT OF MAYOR

Pass

Motion made to approve by Acting Mayor Branquinho and seconded by Council Member Danko

Approved - 4 - Acting Mayor Eddie Branquinho, Council Member Victor Barbosa, Council Member Ed Danko, Council Member Nick Klufas

L. PUBLIC PARTICIPATION

James Lee shared of recently receiving anonymous communications regarding former Mayor Holland and City Manager Matthew Morton. Mr. Lee stated that the nature of the communication received was interference by former Mayor Holland and City Manager Matthew Morton in the Mayor Election. Mr. Lee shared comments from the anonymous communication received. Mr. Lee asked for a formal investigation into these comments.

Alyssa Paffrath shared concern for inconsistent information provided to the public about the Regional Racquet Center asked Council to table the project until a new Mayor takes office.

Robin Peterson opposed accepting Mr. Morton's resignation and asked that he be terminated

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

Council Member Barbosa responded to Public Comment to explain that he was unaware of the list shared and apologized to Mr. Priotti and associated companies.

Mr. Barbosa motioned to hire Denise Bevan as interim City Manager and waive Mr. Morton's physical presence at City Hall for his final 30 days.

Council Member Barbosa rescinded his motion.

Council Member Danko stated that he was unaware of the list discussed and stated that to his knowledge Mr. Morton was not involved in the list, it is stated to have been from a former City Manager and former Mayor. Council Member Danko shared that while the intent was to protect City Employees, a secret list is not appropriate and due process is necessary.

Motion by Council Member Danko, seconded by Council Member Barbosa, to cease use of the list discussed.

Council Member Klufas commented that the failure that occurred with the list is that while City Employees need to be aware of potentially dangerous situations, there needs to be a notification and ability to appeal.

Acting Mayor Branquinho agreed with Council comments that there needs to be a way to notify City Staff of potential situations, but that the information cannot be secret.

Council concurred that the public should be notified if they are to be put on the list.

City Attorney Bill Reischmann asked Council to clarify staff action.

City Manager Matt Morton suggested a guidebook for staff to address how to properly handle and document altercation, to include contacting the Sheriff's Office and completing a formal report, notification and appeal process, and the list should only contain appropriate information.

Council Member Danko asked how long it will take to create a policy for the list.

Mr. Morton responded that it would be best to let the new City Manager decide the process, but suggested that City Staff cease use in the interim.

City Attorney Bill Resichmann explained the motion on the table to Council.

Public Comment:

Michael Arnold informed Council of options within Salesforce that can be used to notify City Staff of potential issues.

Liza Morrison explained that safety procedures need to be provided to City Employees and suggested safety training for City employees. Additionally, Ms. Morrison commented that Mr. Morton should be terminated before fulfillment of his 30 days.

Robert MacDonald asked for an explanation of the list that has been discussed throughout the meeting to include who is in charge of the list, and how to get on or off of the list.

Dan Priotti stated that although the current Council had no knowledge of the list, he is concerned with City Attorney Reischmann not having any prior knowledge. Mr. Priotti shared that he does not agree with citizens paying for litigation fees that will come from this.

Council Member Klufas clarified details regarding the City Manager resignation and options available to Council for termination of the City Manager and need to appoint an Interim City Manager.

Council Member Danko commented shared concern for appointing someone inexperienced to the position of Interim City Manager. Council Member Danko asked City Attorney Bill Reischmann to share additional details.

City Attorney Bill Reischmann clarified the details of the resignation of the City Manager and explained Charter requirements to have an Interim City Manager if the City Manager is terminated.

Council Member Danko reiterated concern for appointing an inexperienced Interim City Manager and supported bringing in someone with more experience to fill the temporary vacancy.

City Attorney Bill Reischmann clarified to Council that if they were to terminate City Manager Matthew Morton, Council will need to decide if they are going to appoint an Interim City Manager from within the organization or someone externally.

Council Member Klufas asked Council to determine if it is advantageous to allow Mr. Morton to complete his final 30 days, or if Council agrees to terminate his employment and appoint an Interim City Manager.

Council asked Denise Bevan, Chief of Staff, and Fire Chief Forte to provide additional details.

Chief Forte provided background information on the command structure for the City of Palm Coast. Chief Forte informed Council of Ms. Bevan's experience with the City of Palm Coast and recommended her appointment to Interim City Manager.

Vice Mayor Branquinho asked if Ms. Bevan could inform Council on if she would be interested and willing to accept the position of Interim City Manager.

Council Member Klufas asked Chief Forte if he would be willing to assist Ms. Bevan.

Chief Forte responded yes.

Ms. Bevan thanked Council and staff for their consideration. Ms. Bevan stated yes, she is willing to serve the City in any capacity necessary.

City Attorney Bill Reischmann suggested clearly laying out the details of the appointment.

Council Member Klufas suggested prorating Mr. Morton's salary to Denise Bevan during the interim period.

Council Member Danko clarified that if a new City Manager is selected, Ms. Bevan will return to her current position, Chief of Staff, at its current pay rate.

Council Member Barbosa, seconded by Council Member Danko, to terminate City Manager Matthew Morton's 30 day resignation and appoint Denise Bevan as Interim City Manager.

City Attorney Bill Reischmann clarified details of the motion.

Public Comment:

Robert MacDonald shared support for Chief Forte and his decision in support for Denise Bevan.

Jill Woolbright commended Council on their teamwork through the meeting and the topics discussed. Ms. Woolbright suggested that because Ms. Bevan does not have experience as a City Manager, Council consider paying at the base of the salary schedule for the City Manager position and to include a deadline.

City Attorney Bill Reischmann clarified the motion. City Attorney Bill Reischmann reiterated the motion is to appoint Denise Bevan as the Interim City Manager upon completion of an agreement between the City of Palm Coast and Ms. Bevan, to be executed by current City Manager.

The motion carried unanimously.

Fire Chief Forte asked Council to allow Renina Fuller, Human Resources Director, to begin the search for a new City Manager now, since the process will likely take months.

Motion by Council Member Barbosa to bring the City Manager Search as an agenda item at the next scheduled workshop meeting.

Public Comment:

Jason Giraulo asked Council to terminate Mr. Morton's contract effective immediately.

Michael West shared concern for terminating Mr. Morton's employment without having a contract with an Interim City Manager.

City Attorney Reischmann responded to Mr. West to clarify the motion that Mr. Morton would continue until the contract with Ms. Bevan was executed.

Motion by Council Member Barbosa, seconded by Council Member Danko, to complete a 30 day payout for Mr. Morton and waive his presence at City Hall for the final 30 days. The motion carried unanimously.

Council Member Klufas thanked the public speakers and Council for their togetherness in the meeting.

Acting Mayor Branquinho spoke of election costs and City Manager search costs.

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

Nothing at this time.

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

Nothing at this time.

P. ADJOURNMENT

The meeting was adjourned at 8:12 pm.

Respectfully submitted by: Virginia A. Smith, MMC
City Clerk