

CITY OF PALM COAST
COUNCIL BUSINESS MEETING
160 LAKE AVENUE
PALM COAST, FL 32164
TUESDAY, JULY 6, 2021
6 P.M.
MINUTES

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

City Staff

Denise Bevan, Interim 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

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.

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.

Perry Mitrano spoke of offering assistance to former Mayor Holland regarding trash disposal issues. Mr. Mitrano requested an apology regarding a disparaging email from former City Manager Matt Morton regarding his request to help.

Al Krier spoke of pedestrian issues on Cimarron Drive and thanked Council for their efforts thus far.

Pat Berilli spoke of concerns with enforcement and awareness of the codes in Palm Coast. Ms. Berilli provided suggestions to Council on providing awareness to future Palm Coast residents of the city codes.

Steve Campbell asked Council why contractors are allowed to have lengthy project times to include only working on a project 1-2 days a week.

Mayor Branquinho responded to Public Comments.

Mayor Branquinho responded to Mr. Mitrano to explain that Mr. Morton no longer works at the City of Palm Coast and cannot provide an explanation to the email that was referred to.

Mayor Branquinho responded to Ms. Barilli's comments to explain that Barbara Grossman, Code Enforcement Manager, is the highest authority when it comes to code enforcement. Mayor Branquinho asked City Attorney Reischmann if it is possible for the City to have realtors give a Code of Ordinance pamphlet to new residents.

City Attorney Reischmann responded to briefly share about the depth of the Code of Ordinances and provided suggestions for additional education to residents about the Code of Ordinances.

Council Member Barbosa suggested having the information included when a resident signs up for utility services.

Ms. Bevan and Ms. Schweers provided an overview to the information provided to new utility customers.

City Attorney Reischmann responded to the comment regarding contractors to explain that most contracts include provisions for how to conduct their work and deadline. City Attorney Reischmann recommended bringing any contractor concerns to staff to review.

Carl Cote, Director of Stormwater & Engineering, provided information on the Cimarron Drive improvements.

Motion by Council Member Danko, seconded by Council Member Barbosa, to amend the agenda and to extend a formal apology to Perry Mitrano.

Council Discussion was held on the motion.

The motion was opened to public comment.

Public Comment:

Perry Mitrano withdrew his request for apology and explained that he was trying to help the City. Mr. Mitrano asked Council to consider the residents offering help to the City and the treatment they receive.

City Attorney Reischmann provided brief description of voting conflict.

Aye- Council Member Danko and Council Member Barbosa

Nay- Council Member Klufas and Mayor Branquinho

Motion fails 2 to 2.

E. MINUTES

1. MINUTES OF THE CITY COUNCIL:

June 22, 2021 BUSINESS MEETING

Pass

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

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

F. PRESENTATIONS AND PROCLAMATIONS

2. TROPICAL STORM ELSA UPDATE

Chief Berryhill presented on the topic to Council. Mr. Berryhill provided expected weather conditions and the City's response to the storm to include customer service availability, Stormwater efforts, and swale readiness. Mr. Berryhill also shared that Park & Rec activities have been cancelled with the exception of summer camp, and also shared that County/City yard debris has been cancelled for July 7, 2021.

3. PROCLAMATION – JULY AS PARKS N RECREATION MONTH

Council Member Klufas presented the Proclamation to members of the Parks & Recreation staff. Staff presented Council with a short video about Parks & Recreation.

4. PROCLAMATION—JULY AS CHRISTMAS COME TRUE MONTH

Council Member Barbosa presented this Proclamation to representatives from Christmas Come True.

G. ORDINANCES SECOND READ

5. ORDINANCE 2021-XX SLOW WAY ROAD CLOSURE

City Attorney Reischmann read the title into the record.

There were no staff updates to the item.

Council held lengthy discussion to include cost for the proposed gate closure, traffic concerns, and signage. Mr. Cote provided Council with a presentation showing signs in the area and stated that the County is amenable to additional signage in the area.

Public Comments:

Vladimir John Francois asked Council to not make a permanent decision on temporary emotions. Mr. Francois spoke of concerns for disregard of signage and asked Council if they have considered speed bumps. Mr. Francois asked Council to not close Slow Way.

Roy Alylward explained that the issues for Slow Way began when traffic was diverted to the area from the temporary closure of Seminole Woods and that only three homes are impacted. Additionally, Mr. Alewood explained that the issues are from large trucks utilizing the roads.

Janey Holley spoke of the prior Council vote to close the road and asked Council to carry forward with that vote. Ms. Holley reminded Council of the issues that residents in the area of the road face and stated that the signage will not stop the issues.

Resident Marley stated that she uses the road three to four times a day and that the road is her way out of the neighborhood in the case of an emergency. The speaker stated that there is little traffic currently on Slow Way and was in favor of the road remaining open.

Agnes Sloan opposed the closure of Slow Way and shared with council that utilizing the road is how she is able to go grocery shopping as this road has less traffic. Ms. Sloan stated that to close the road will take away her independence and quality of life.

Michael Stone shared concern for the safety of residents in the area as this road is their emergency exit.

Theresa Butka opposed the closure of Slow Way. Ms. Butka shared comments made from Council and staff at previous Council meetings, to include requests for additional solutions, which have not been provided.

Brian Butka opposed the closure of Slow Way and stated that the City has not provided any data to support the closure of Slow Way. Mr. Butka spoke of the inconveniences and risks that residents in the area will incur due to the closure of the road.

Deb Frame shared that her family has utilized Slow Way since the 1980's. Ms. Frame shared about the improvements that have been done to the road and opposed the closure.

Council Member Danko suggested trying signs, give it time to work; wait for the new mayor and then bring it back for a vote.

Council Member Klufas concurred.

Mayor Branquinho suggested a 6 month probationary period of placing signs to prevent thru traffic.

Mayor Branquinho passed the gavel to Council Member Klufas.

Motion by Mayor Branquinho, seconded by Council Member Barbosa.

Motion passed to table and put up signage.

Pass

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

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

6. ORDINANCE 2021-XX AMENDING THE FUTURE LAND USE MAP DESIGNATION FOR 52+/- ACRES OF PROPERTY FROM INDUSTRIAL AND GREENBELT TO RESIDENTIAL AND AMENDING POLICY TO LIMIT DEVELOPMENT ON THE ENTIRE 146+/_ PARCEL TO 450 RESIDENTIAL UNITS

City Attorney Reischmann read the title into the record.

Jose Papa presented to Council on the item.

Council held discussion on the item.

Applicant Representative, David Blessing, discussed the item with Council.

Public comments:

Len Dignard spoke to the history of this item and spoke of potential traffic concerns on Belle Terre.

Pass

Motion made to Adopt on second reading by Council Member Klufas and seconded by Council Member Danko

Approved - 3 - Acting Mayor Eddie Branquinho, Council Member Ed Danko, Council Member Nick Klufas

Denied - 1 - Council Member Victor Barbosa

7. ORDINANCE 2021-13 AMENDING THE ZONING MAP DESIGNATION FOR A 146+/- ACRE PARCEL FROM MASTER PLANNED DEVELOPMENT (MPD) AND SUBURBAN ESTATE (EST-1) TO SINGLE-FAMILY RESIDENTIAL-1, SINGLE-FAMILY RESIDENTIAL-2, AND PRESERVATION

Attorney Reischmann read the title into the record. This is a quasi-judicial item and called for any ex-parte communications. There were none.

Public Comments:

There were none.

Pass

Motion made to Adopt on second reading by Council Member Klufas and seconded by Council Member Danko

Approved - 3 - Acting Mayor Eddie Branquinho, Council Member Ed Danko, Council Member Nick Klufas

Denied - 1 - Council Member Victor Barbosa

H. ORDINANCES FIRST READ

8. ORDINANCE 2021-XX RENAMING THE ROAD SEGMENT OF CITATION PARKWAY CURRENTLY BETWEEN SESAME BOULEVARD & SEMINOLE WOODS BOULEVARD TO SESAME BOULEVARD

Attorney Reischmann read the title into the record.

Mr. Cote presented a location map to Council.

Public Comments:

There were none.

Pass

Motion made to Approved on first reading by Council Member Klufas and seconded by Council Member Barbosa

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

I. RESOLUTIONS

9. RESOLUTION 2021-95 TERMINATING THE PALM COAST 145 (PC 145) MASTER PLANNED DEVELOPMENT (MPD) AGREEMENT

Attorney Reischmann provided overview.

Public Comments:

There were none.

Pass

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

Approved - 3 - Acting Mayor Eddie Branquinho, Council Member Ed Danko, Council Member Nick Klufas

Denied - 1 - Council Member Victor Barbosa

10. RESOLUTION 2021-97 TO JOIN WITH THE STATE OF FLORIDA AND OTHER LOCAL GOVERNMENTAL UNITS AS A PARTICIPANT IN THE FLORIDA MEMORANDUM OF UNDERSTANDING AND FORMAL AGREEMENTS IMPLEMENTING A UNIFIED PLAN RELATING TO THE OPIOID EPIDEMIC

City Attorney Reischmann read the title into the record and provided a brief background.

Council Member Klufas spoke briefly on the item.

Public Comment:

Alan Lowe, who is a Board Member of Open Arms Recovery Service, asked Council what will happen to the funds once it is distributed.

City Attorney Reischmann responded to Mr. Lowe to provide an explanation of the process and distribution of funds.

Pass

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

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

11. RESOLUTION 2021-96 APPROVING AN AGREEMENT FOR THE PURCHASE OF WETLAND MITIGATION CREDITS AND THE EXECUTION OF ANY NECESSARY DOCUMENTS ASSOCIATED WITH THE CONSERVATION EASEMENT

Mr. Carl Cote provided Council with an overview to this item.

Public Comments:

There were none.

Pass

Motion made to approve by Council Member Klufas 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. CONSENT

12. RESOLUTION 2021-94 APPROVING CONTRACTS WITH DANELLA CONSTRUCTION CORPORATION OF FLORIDA, INC., AND DRAFTPROS, LLC DBA DRAFTPROS, INC., FOR FIBER OPTIC MAINTENANCE AND INSTALLATION SERVICES

Council held a lengthy discussion on this item.

Public Comments:

Michael Arnold spoke of the current providers in the area and asked Council why this item is not going out to bid.

Doug Akins, Director of Information Technology, clarified the details of the Resolution.

Mayor Branquinho requested a background of the backlash to not approving this item. Discussion was continued.

Pass

Motion made to Adopt on consent by Council Member Klufas and seconded by Council Member Barbosa

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

K. PUBLIC PARTICIPATION

Michael Arnold read a definition to Council on Conflict of Interest and stated that Council should cut ties with Attorney Reischmann.

Michelle Jan Francois asked Council for help finding a solution to a section of the Code of Ordinances regarding parking. Ms. Francois spoke of having a large family and need for additional parking space. Ms. Francois and family have received citations for parking in the swale and asked Council to help find a resolution.

Suzanne Dayrone spoke of receiving a doorhanger notice in April 2018 stating that her swale would be fixed in 3 months but that her swale has still not been fixed. Ms. Dayrone asked Council to consider having multiple swale maintenance crews and to stick to their word when they tell residents they will make improvements.

Leslie Johnson spoke to the comments of the evening and to Mr. Mitrano's request for an apology from Council. Ms. Johnson stated that Council was responsible for the good and bad actions of former City Manager Mr. Morton. Ms. Johnson spoke of disrespect at the dais and reminded Council that they represent the residents of Palm Coast.

A resident of Grand Haven stated that it would be a mistake for Council to not have a maintenance plan in place for Fibernet, especially with having hurricane season for 6 months of the year.

Mayor Branquinho responded to public comments.

City Attorney Reischmann provided response to Mr. Arnold's comment to explain the duty of the City Attorney according to City of Palm Coast Charter.

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

Item L was heard after item M.

Council Member Klufas reminded Council that Workshops can be used to discuss agenda items in detail before the Business Meeting. Additionally, Mr. Klufas responded to comments regarding the apology to Mr. Mitrano to state that he was not fully aware of the contents of the email or situation.

Council Member Barbosa requested trash container visibility and trailer parking to be added to a future agenda.

City Attorney Reischmann provided a procedural overview.

Council Member Danko commented on recent local news articles and an internal investigation of complaints. Council Member Danko stated that this is a political smear and that upon the first meeting with the newly elected Mayor, he will make two motions to cancel the City Attorney and Interim City Manager contracts. Additionally, Council Member Danko commented on former Mayor Holland's resignation from City Council and stated that he received a confidential briefing from senior law enforcement with the information and allegations against former Mayor Holland.

Mayor Branquinho asked Interim City Manager Ms. Bevan for additional information in regards to the internal investigation against Council Member Danko.

Ms. Bevan provided background to the situation and that she is tasked with finding an outside party to investigate the claims and avoid any conflict of interest.

Mr. Danko shared that he had no knowledge of the investigation until it was posted in the local newspapers, and that is an issue.

Council Member Klufas shared concern for Mr. Danko's comments to not speak with City staff to include the City Manager and City Attorney.

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

Item L and item M were heard out of order.

Ms. Bevan had nothing further at this time.

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

Nothing further at this time.

O. ADJOURNMENT

The meeting was adjourned at 8:45 PM

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