

CITY OF PALM COAST
COUNCIL BUSINESS MEETING
160 LAKE AVENUE
PALM COAST, FL 32164
AMENDED AGENDA

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 9:00 AM

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.

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.

- Courtney MacDonald spoke on the price of safety.
- Robert MacDonald share that he is planning a 5K run on September 25 as a fund raiser for the Warriors of Flagler County (for kids who are dying of cancer.) He requested to reserve the Community Wing for the kids as a staging area from 6 am to 11 am on that day. He stated that four children have died in Flagler County from cancer adding that there is no price for how much a child's life is worth.
- Steve Carr spoke concerning safety and speeding in the neighborhoods, traffic safety measures, and traffic calming devices.
- George Mayo has been speaking to state representatives regarding Home Rule and asked who the City's representative is for the North East Florida Regional Council.

He also spoke on road maintenance, and asked if the City could use speed traps on Interstate 95 in an effort to use sheriff officers in a better way instead of becoming a speed trap community.

George Mayo also shared that there is a Public Works issue where red blind strips are missing by his house. He reported it to the City and told them to come quickly so they can glue them back down. Now it is three weeks later and the strips are all gone. He did not receive a return call. Mr. Mayo visited City Hall and has received no response to this date.

- Dan Christianson lives on Cross Lee Drive and is an avid biker. He spoke on the Cimmaron Drive safety issue.
- Janet Jennings spoke on Cimmaron Drive safety.
- James Vincent has done a six months analysis and believes that we are no longer a retirement community. Mr. Vincent suggested that the City needs to have more night time meetings and suggested the City repeat the items for more input before voting on them. Hot issues should be brought up at night. These two matters should not be voted on since there is a split vote.

Mr. Vincent state that there is corruption in our government. That was proven when there was no second to the motion to investigate corruption in our government, mentioning that there have been two resignations.

Traffic is backed up and that needs to be addressed over tennis courts. Mr. Vincent suggested that the Council forget the stadium and spend that money for the roads and swales. He cautioned the Council to spend wisely.

- Mark Lewis appeared to speak against a millage rate increase. Mayor Branquinho requested he hold his comments until that item is brought forth on the Agenda.

Mayor Branquinho offered responses to public comments:

- Mayor Branquinho invited Mr. Vincent to stay after the meeting to go with him to the sheriff's office to pursue the corruption charge so he can fight it.
- Regarding Cimmaron Drive, Mayor Branquinho requested City Manager Bevan engage the community on the Cimmaron Drive issues if she has not as of yet.
- Mayor Branquinho asked City Manager Bevan for an overview of the Northeast Florida Regional Council. City Manager Bevan responded that the 35 board of directors of the NEFRC are elected, and Flagler County is represented. Ms. Bevins serves on the Regional Community Institute and has served regarding the Covid Task Force, adding that other staff members have as well.
- Regarding the purported money trap on Interstate 95, Mayor Branquinho reminded the citizens that the police officers are there for safety.
- Regarding unresponsive calls to Public Works, Mayor Branquinho requested Ms. Schweers get with the resident regarding his calls.
- Regarding speed humps, Mayor Branquinho stated that if we were to install speed humps, he thinks it will create more of an issue, adding that police officers fight crime and control traffic.
- Regarding the 5K event, Mayor Branquinho stated that if it were up to him, Mr. MacDonald could have the whole day here for the 5K and requested Ms. Bevan please assist Mr. MacDonald.
- Regarding the tennis project (pickle ball), Mayor Branquinho stated that out of the \$5.7 million only 16% is funded by the General Fund. The rest of the funds cannot be spent on law enforcement services.

E. MINUTES

1. MINUTES OF THE CITY COUNCIL:

July 6, 2021 BUSINESS MEETING

July 13, 2021 WORKSHOP MEETING

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

F. PRESENTATION

2. PRESENTATION – COVID-19 UPDATES

Chief Berryhill presented the Council with an overview to COVID-19 and the Delta variant. There are four cases of the Delta variant, which is 50% more contagious.

Public Comment:

Ms. Lewis asked where we can we find those statistics. Chief Berryhill shared that this data is collected by the Flagler County Health Department. He offered to provide the resident with details on where she can find the data.

G. ORDINANCE 2ND READING

3. ORDINANCE-2021-XX RENAMING THE ROAD SEGMENT OF CITATION PARKWAY CURRENTLY BETWEEN SESAME BOULEVARD & SEMINOLE WOODS BOULEVARD TO SESAME BOULEVARD
O20210014

Public Comment

There were none.

Pass

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

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

City Attorney Reischmann read the title into the record. This is the second reading.

H. RESOLUTIONS

4. RESOLUTION 2021-XX SETTING A PROPOSED MAXIMUM MILLAGE (TRIM) RATE AND SETTING THE FIRST (TENTATIVE) BUDGET HEARING DATE, TIME, AND LOCATION FOR THE FISCAL YEAR 2022 BUDGET

Attorney Reischmann read the title of this item into the record. City Manager Bevan stated we heard and took into consideration Council's comments from the workshop. Ms. Alves and her team will present to Council on this item.

Ms. Alves and Ms. Ragsdale provided a presentation to Council.

Councilmember Klufas thanked the staff for providing all the information thus far through this process and asked if they could please explain this process a little more to the public and to Council, adding that the last slide is very informative as to Council's options.

Councilmember Danko asked about the 13 new hires and 2.1 part time employees and asked what that cost is. Ms. Alves responded, \$750K.

Councilmember Danko asked if the Council sets a minimum millage rate, does that mean they can go below the minimum.

Public Comments:

- Chief Strobridge shared that the Sheriff's Office has been working closely with the City Manager and staff, and clarified that Sheriff Staly does not support a millage increase to fund the deputies, but rather believes the funding is available within the current millage rate. The Sheriff's Office has made multiple requests with the previous City Manager, and it always fell on deaf ears, to include them in the City's budget process.

Chief Strobridge spoke of the funds the City has in reserves, and advised that the current City Manager has invited the Sheriff to start budget planning at the inception next year. Chief Strobridge shared that 70% of the governments across the nation are increasing their public safety budgets.

- Robert MacDonald asked for a definition of “2.1 people”.

Mr. MacDonald stated that he listened to different people and departments, and stated that the glue that keeps this City together is the City Clerk. Cutting her budget by 4%, Virginia Smith and the City Clerk's office does more work than anyone else does by accident. The Clerk's office cannot get cut. If you think things are not being done now, the Clerk is the backbone to the City.

Mayor Branquinho asked Ms. Alves to explain what “2.1 people” are. Ms. Alves shared that seasonal hours are not full time employees, but are budgeted as full time.

- Mark Lewis of Cottonwood was surprised to see that ad valorem revenue only increases 10%. The Property Appraiser said with so many increases in sales, and how nice the homes are, that he would be surprised to see if the millage rate might go down. Mr. Lewis thinks it should go down.
- George Mayo agreed that the City Clerk’s office should not have a position reduced. It is the most important office next to the City Manager. Having less people and asking them to do more is a recipe for disaster.

Also, the IT departments across the nation are looking for ransomware. If one person’s salary could save us a ransom of \$5 million, it would be worth it. Mayor Branquinho agreed with Mr. Mayo on the IT comments.

Mayor Branquinho invited Ms. Alves to share on the City Clerk’s budget. She explained that IT took a split position with City Clerk to full time in IT. Because budget is so small, the percentage is larger.

Councilmember Danko appreciates what Mr. Lewis said; property values have increased. Councilmember Danko thinks we can go to 4.60 maximum millage rate. A motion was made by Councilmember Danko and seconded by Councilmember Barbosa to set the millage rate at 4.60 maximum.

Councilmember Klufas asked to discuss what would constitute the differences that will occur if the Council approves a lower millage rate and requested Danko to explain what he would cut.

Councilmember Danko stated that we can all find places to cut. There are “must haves” like police, fire, EMTs, then there are “wants”. Our citizens deserve a tax break. With the new mayor, we can find places to cut. Setting the millage rate a little lower will force us to find a way.

After further discussion, Councilmember Barbosa withdrew his second from the motion. City Attorney Reischmann explained that the Council now awaits a second motion. Mayor Branquinho called for a 2nd to the original motion. There was none, and the motion died.

Mayor Branquinho passed the gavel to Councilmember Klufas and made a motion for a millage rate of 4.6989. Councilmember Klufas passed the gavel to Councilmember Barbosa and seconded the motion. The motion was opened for discussion or action.

Mayor Branquinho stated that he thinks it is the responsible thing to do to play it safe. We can always bring down the millage rate if we find places to cut. To be safe, we can always go down. We cannot go up.

Councilmember Danko recommended the Council set the millage rate and go through the budget line by line and make cuts. Setting it lower will force us to look at this budget.

City Clerk Smith performed the Roll Call:

Mayor Branquinho: Yes

Councilmember Danko: No

Councilmember Klufas: Yes

Councilmember Barbosa: No

The motion failed 2 to 2.

Councilmember Barbosa made a motion to set the millage at the roll-back rate. Councilmember Danko seconded the motion and asked for clarification. Councilmember Barbosa stated that the roll-back rate will not increase taxes.

Councilmember Klufas asked Councilmember Barbosa what he would cut from the budget. Councilmember Barbosa suggested taking the 16% from pickle ball. Mayor Branquinho advised that those funds have already been appropriated and cannot be touched.

Mayor Branquinho stated he would like use the roll-back rate; however, the Council must be fiscally responsible. What would be cut? Public Works? The Sheriff?

Mayor Branquinho tabled the matter stating that the Council will await the new Mayor to break the tie.

Councilmember Danko asked if the new mayor can make a motion to revisit the pickle ball funding. Attorney Reischmann responded that from a procedural standpoint only someone on the original motion that passed can make that motion. The important thing is what actions may have been taken since this Council did approve this expenditure. Were funds spent? The City needs to also consider the unintended consequences to contractual obligations.

Attorney Reischmann clarified that we have until August 4, 2021 to take action to transmit the TRIM to the State and requested City Clerk Smith to add the Resolution to approve the millage rate to the August 3, 2021 Council Agenda after the swearing in of the new Mayor.

5. RESOLUTION 2021-XX ALLOWING FOR THE REVISION OF BUILDING ADMINISTRATION PLAN REVIEW AND INSPECTION FEES
R20210098

City Manager Bevan provided an overview to this item and the next item, which will be heard together.

Mr. DeLorenzo introduced this item and the consultant, Mr. Brian Mantz from GovRates. Mr. Mantz presented to Council on these two items (5 and 6).

Public Comments:
There were none.

Pass

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

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

6. RESOLUTION 2021-XX ALLOWING FOR THE REVISION OF STORMWATER ENGINEERING REVIEW AND INSPECTION FEES
R20210099

This item was presented and heard with Item 5.

Public Comments:
There were none.

Pass

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

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

7. RESOLUTION 2021-XX APPROVING THE NUISANCE ABATEMENT INITIAL ASSESSMENT
R20210100

Attorney Reischmann provided an overview to the item.

Public Comments:
There were none.

Pass

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

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

8. RESOLUTION 2021-XX APPROVAL OF THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FEDERAL FISCAL YEAR (FFY) 2021 (FY 2021/22) ANNUAL ACTION PLAN
R20210101

Mr. Papa presented items 8, 9 and 10 together.

Public Comments:

There were none.

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

9. RESOLUTION 2021-XX APPROVING AN AMENDMENT TO THE FFY 2020 (FY20/21)
CDBG ANNUAL ACTION PLAN
R20210104

Mr. Papa presented items 8, 9 and 10 together.

Public Comments:

There were none.

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

10. RESOLUTION 2021-XX APPROVING THE ADOPTION OF THE CDBG FIRST TIME
HOMEBUYERS ASSISTANCE PROGRAM PLAN
R20210102

Mr. Papa presented items 8, 9 and 10 together.

Public Comments:

There were none.

Pass

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

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

I. CONSENT

11. RESOLUTION 2021-XX APPROVING PIGGYBACKING THE CITY OF ORLANDO
CONTRACT
WITH YSI INC., FOR THE PURCHASE AND INSTALLATION OF NEW CONTROLS AND
EQUIPMENT FOR HYDROLOGIC MONITORING STATIONS
R20210103

Public Comments:

There were none.

Pass

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

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

J. PUBLIC PARTICIPATION

There were none.

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

- Councilmember Klufas thanked the staff of Parks and Recreation for the Palm Coast Little League events, in particular when the governor came to throw first pitch, adding that it was a great example of how the weather can cooperate. That was a half-cent sales tax event, and it put “heads in beds” which added to our tax roll. Everything went off without a hitch thanks to the staff.

Councilmember Klufas urged fellow Council members to think of conceptual ideas on how to cut the budget so we can discuss how we can get there.

Councilmember Klufas urged everyone to please go vote.

- Councilmember Barbosa shared that a lot of countries are fighting for their freedom. Please do not take it for granted; please go out and vote.
- Councilmember Danko reminded everyone to go vote.
- Mayor Branquinho offered condolences to the family of his friend who passed away yesterday at the age of 45.

Mayor Branquinho stated that our governor’s visit was phenomenal. Mayor Branquinho liked the governor’s attitude, and the way he treated the kids.

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

Attorney Reischmann had nothing to report.

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

The meeting was adjourned at 11:16 AM.

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