



City of Palm Coast Minutes Charter Review Workshop

City Hall
160 Lake Avenue
Palm Coast, FL 32164
www.palmcoastgov.com

Mayor Milissa Holland
Vice Mayor Steven Nobile
Council Member Robert G. Cuff
Council Member Nick Klufas
Council Member Heidi Shipley

Thursday, October 26, 2017

6:00 PM

Flagler Palm Coast High School

City Staff

Jim Landon, 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.
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A. CALL TO ORDER BY CHARTER REVIEW WORKSHOP FACILITATOR MARILYN CROTTY

Ms. Marilyn Crotty called the meeting to order at 6:00 p.m.

B. PRESENTATION AND OVERVIEW TO CHARTER PROCESS

C. CITY CHARTERS 101

D. PUBLIC COMMENT-PUBLIC COMMENTS ARE LIMITED TO THREE (3) MINUTES EACH

There were no public comments.

E. PALM COAST CHARTER ISSUES FOR CONSIDERATION

Section 10. General Provisions
Charter Amendment; Charter Review; Initiative and Referendum;
Adjustments of Districts, Standards of Conduct

Section 11. Severability

Section 12. Transition Schedule
Creation and Establishment of City; Ordinances and Resolutions,

Comprehensive Plan and Land Development Regulation

Kim Medley-You said this (the charter) was approved by the Florida legislature?

Ans: Ms. Crotty-Yes.

Kim Medley-There is a particular way that our US Const. is amended and there is a specific way the Florida Constitution is amended, what I do not understand is if this section 10.2 A B was approved by the Florida legislature in 1999, allowing us to incorporate, why is it that we are doing the review process in this manner? You said most cities refer to it as an advisory committee, Bunnell did a charter review committee appointed by Council, then why can't Palm Coast? Ans: Ms. Crotty-I will respond partially because I was not part of the decision making process. I did not hear any of the discussions. I know in your current charter, there are several options to revise your charter and your Council chose this process, public meetings. You have the option to do it that way. The City Attorney has opined that it is in line with state law. It is a legal process.

John Brady-Given that the City Attorney, in a public forum stated this is not a charter review, what are we calling this? Ans: Ms. Crotty-The City is calling this, I do not know. It is an opportunity, the charter is being looked at, it is going to be debated amongst the Council with input from citizens and will be a public meeting on November 28. It will be debated and discussed whether any changes are needed or not.

John Brady-Please show me in the charter where there are alternative means?

Ans: Ms. Crotty-It is in accordance with State law and State law allows citizens and councils to change the charter.

Norm Mugford-After this process, if the Council decides to start a committee, who would be on the committee? Ans: Ms. Crotty-Council can set up the qualifications, there are some in there. I think basically you have to be a resident of the City, maybe a voter. They can set it up so each District has a representative.

Norm Mugford-I am already on a City board but not a city employee, would that disqualify me? Ans: Ms. Crotty-I am not an attorney. There is something in State law-dual office holding. I am not sure it applies to this kind of an ad-hoc committee. Some cities have policies about not letting people serve on two committees. Legally, I cannot tell you, certainly not an employee.

George Meegan-The committee is supposed to be in place one year prior to the election. That means November 5th.

Jasper Speers-Are you the consultant hired to facilitate? Ans: Ms. Crotty-Yes, I have been asked to assist and facilitate. I work for the University of Central Florida.

? What is your name? Ans: Ms. Crotty=My name is Marilyn Crotty.

F. PUBLIC COMMENT-PUBLIC COMMENTS ARE LIMITED TO THREE (3) MINUTES EACH

Norman Mugford-Missed last meeting but at previous two,,,,,,,,,,,,,,,,,,,,, I do not think the charter should be opened. I think we would be opening a can of worms. Thanked Ms. Crotty for her facilitation and education.

George Meegan-We are being denied the right to review the charter. I want people to have the input.

Jasper Spears-I think there should be a citizens committee to review the charter.

Kim Medley-If the people have been entrusted to amend the US Constitution and the Florida Constitution then so should the City. The answer to all this ambiguity is to return to the charter and follow it. Return to the charter and appoint a committee.

George Mayo-Thanked Ms. Crotty for her service in being fair and unbiased. Believes this process is working. Doesn't see a problem with it.

John Brady-I have heard the citizen's do not care perhaps because administration does what they please. It is spelled out in the charter and the State law says the City can change the charter notwithstanding the provisions in their charter. This is a provision in the charter. Where does it say we can use an alternate means to do it? If it is going to be done this way, you can make suggestions. I have made suggestions which is on the City's webpage.

George Meegan-In violation of the Charter, State law, and the US Const. and do not act by Nov 5 to set up that committee.

VM Nobile-Let me ask this question, I am not be facetious-let's assume for a second, this committee does not get created and we are moving ahead getting this modified. I would like to know, specifically, for the next time, so we do not have this situation, how do you want the charter review.... How would you want that section laid out so that when we start considering these changes that you get what you want in the amendment without having to wait for another?

John Brady-I worked for the Commonwealth of Pennsylvania. You know what the penalty was for not following the law if you worked for the State of Pennsylvania; you were fired. What do we want-we want the charter followed. We want the propessed outlined in the charter followed.

CM Klufas-Earlier in the slides regarding petition, is there a number that is more appropriate than the 10% (verbiage in charter)? Ans: Ms. Crotty-That aligns with State Statutes. There is another thing that is not in your charter, you need to put in some limitations, relating to initiatives. That is something that is missing from this process.

Kim Medley-VM Nobile, Bunnell did this process in a very eloquent manner....they also put in housekeeping items, that staff could present those to the committee to be considered as housekeeping. Why can't the citizens be entrusted to do this process? The only answer I can come up with is that this is a

control issue. We are not trusted. It is only so that people can go back and say we tried a charter review and it did not work.

George Meegan-One of the things that is required of the Committee is that it has to be funded. I have done some calculations and it would be just shy of \$100k that is needed as you are going to spend about 10 hours per week for 40 weeks. Ans: Ms. Crotty-Citizen Committees do not get paid for doing their work. It is volunteer. I have never seen a volunteer committee be paid. Most of the ones that I have been involved in, they range from about \$4k to \$10k. It is all volunteer. It is very limited.

George Meegan-the State law states funded. Ans: Ms. Crotty-That is not for salary; that is funded, funding of the process not to pay the people who serve.

John Brady-If a committee is chosen I do not know who would be on the committee, but I am pretty damn sure I know who will not be on the committee.

Norman Mugford-Between 1 and 10- how do you feel our charter is? You did not give me a number, you gracefully walked away from it, our charter is not that bad. Have you come up with a number tonight? Ans: Ms. Crotty-It is certainly not the worst charter I have seen, nor that it needs to be thrown out and started over.

G. ADJOURNMENT

Meeting adjourned at 6:53 p.m.

1. ATTACHMENTS TO MINUTES