



**City of Palm Coast
Minutes
City Hall Special Workshop**

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

**Mayor David Alfin
Vice Mayor Ed Danko
Council Member Cathy Heighter
Council Member Nick Klufas
Council Member Theresa Pontieri**

Tuesday, November 28, 2023

10:00 AM

City Hall

City Staff

Denise Bevan, City Manager

Neysa Borkert, 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/user/PalmCoastGovTV/live>.
- It is proper meeting etiquette to silence all electronic devices, including cell phones while meeting 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.

A CALL TO ORDER

Mayor Alfin called the meeting to order at 10 a.m.

B PLEDGE OF ALLEGIANCE TO THE FLAG AND A MOMENT OF SILENCE

C ROLL CALL

Kaley Cook, City Clerk, 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.

Mayor Alfin provided the rules and procedures of public comment.

Lisa Milam spoke on a progression of flooding at her property and requested assistance with the matter.

Dennis Sicola spoke about a home being built behind his home and the flooding which is now occurring in his backyard.

Celia Pugliese discussed building, height of new builds, and provided suggestions of remedy.

Mara Weurth discussed flooding and asked what has been done about coming up with new regulations regarding height elevation for new construction, who comprises the task force that will be looking into creating a plan to address existing flood issues, and what stormwater fees are used for. Ms. Weurth also shared that the developer of 98 Birchwood Drive made promises and reassurances that a legal document will be drawn up to assure residents that there will be no flooding but that no document has been received to date. Ms. Weurth asked for constituents or homeowners to take part in the task force.

Candace Stevens spoke of creating a Flooded in Flagler Facebook page and the number of residents within the group who are experiencing the same problem. Ms. Stevens stated that she has only received a response from Vice Mayor Danko and Council Member Pontieri.

Darlene Shelley shared recent traffic problems on Old Kings Road and asked Council to keep that in mind before approving any more zoning changes or complexes on Old Kings Road.

Mayor Alfin stated that Ms. Bevan has a note on each of the speakers and will get back to each one of them on the plan moving forward.

Vice Mayor Danko asked for an update on the task force.

Ms. Bevan provided an update that the task force that has been formed is comprised of an internal group of professionals to evaluate each of the cases on a one-on-one basis, reviewing regulations, working with stakeholders, and case process through the City's Palm Coast Connect portal.

Vice Mayor Danko asked if any thought has been given to adding citizens to the task force.

Ms. Bevan responded that currently the review is on a technical level and once outcomes are available, the public would be invited to the process.

Additional discussion was held on timeline, current regulations on fill, lot types and drainage, floodplain management program, and special flood hazard designation.

Mayor Alfin reiterated the topic of the meeting for today and suggested that Vice Mayor Danko bring forward the origination of a task force, or advisory committee, that would have all of the appropriate members present at a future meeting.

Council Member Pontieri asked for clarification on stakeholder involvement.

Ms. Bevan shared about the primary stakeholders including the Home Builders Association (HBA) and meetings that have occurred.

Ms. Johnston shared about the staff meeting with the HBA in which a draft review of the technical manual was provided.

Council Member Pontieri shared concern for the HBA as a stakeholder and requested that the draft provided to the HBA be made available to City Council, and that City Council see the HBA's proposed edits and reasoning.

Ms. Bevan shared that the City also wants to understand how this affects the bottom line of future residents.

Council Member Pontieri stated that she understands the methodology of the process but wants it to be transparent.

Vice Mayor Danko clarified that he does not think there needs to be an additional committee and rather, the public should be involved more in the task force.

Vice Mayor Danko and Council Member Pontieri requested regular updates on the topics.

Mayor Alfin asked Ms. Bevan to include the information in the weekly City Manager's report.

Ms. Bevan shared that the information is already included in the weekly update.

Ms. Johnston, Assistant City Manager, provided additional details on the report.

Council Member Heigher agreed with including members of the public and asked how many cases have been received to date.

Ms. Bevan provided the number of cases.

E PRESENTATIONS

1 PRESENTATION - CITY ATTORNEY SERVICES DISCUSSION

Mayor Alfin provided a background of the topic.

Lauren Johnston, Assistant City Manager, presented the topic to Council. Topics presented included: City Charter, legal services agreement, legal services options per City Charter, process, and next steps.

City Council held discussion on the following topics: day to day and specialized legal services, staffing hours, the firm's intentions on matters that are currently in process, request for proposal, reviewing bids, timeline for the process, geographical reach, and an invitation to Flagler County's in-house legal house Council for discussion.

Attorney Borkert provided a response on services, retainer, and ongoing projects.

Mayor Alfin requested an update from the firm.

Mr. Garganese, of Garganese, Weiss, D'Agresta, and Salzman, provided information and updates to City Council.

Vice Mayor Danko requested an email from Attorney Borkert on the pending items.

Council Members concurred to request proposals for City Attorney Services.

F PUBLIC PARTICIPATION

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

Celia Pugliese discussed public comment opportunities within Council meetings and obtaining an attorney with expertise in land development.

Mayor Alfin explained that the public comment process that was discussed previously has not come back to Council for a vote yet.

Jeremy Davis spoke about elevation on new homes and flooding.

G DISCUSSION BY CITY COUNCIL OF MATTERS NOT ON THE AGENDA

Vice Mayor Danko asked to confirm that staff has the information of the recent public speaker.

Ms. Bevan shared that the speaker was currently providing the information to staff.

Mr. Davis stated that he filled out a public comment card recently and that he had not received a response.

Ms. Bevan apologized and explained that it will take some time to work through the que of cases.

Council Member Pontieri honored Sims Jones, a member of the community.

Council Member Heighter sent condolences to Mr. Jones' family.

Council Member Klufas shared similar sentiments for Mr. Jones.

Mayor Alfin shared about visiting the African American Cultural Society ribbon cutting for a Smithsonian Exhibit regarding baseball. Additionally, Mayor Alfin responded to comments made recently on flooding and shared that this is not a simply solved issue.

H DISCUSSION BY CITY ATTORNEY OF MATTERS NOT ON THE AGENDA

There were none.

I DISCUSSION BY CITY MANAGER OF MATTERS NOT ON THE AGENDA

Thanked Attorney Borkert and the firm for the support over the years.

J ADJOURNMENT

The meeting was adjourned at 11:14 a.m.

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