

REGULAR MEETING OF THE FLAGLER BEACH CITY COMMISSION THURSDAY, FEBRUARY 22, 2024, AT 5:30 P.M. AND TO BE CONTINUED UNTIL ITEMS ARE COMPLETE. CITY COMMISSION CHAMBERS, 105 S. SECOND STREET, FLAGLER BEACH, FLORIDA 32136

MINUTES

1. CALL THE MEETING TO ORDER: Chair Cooley called the meeting to order at 5:30 p.m.
2. PLEDGE OF ALLEGIANCE FOLLOWED BY A MOMENT OF SILENCE TO HONOR OUR VETERANS, MEMBERS OF THE ARMED FORCES AND FIRST RESPONDERS: Mayor Johnston led the pledge.
3. PROCLAMATIONS AND AWARDS.
 - a. RECOGNITION OF OFFICER DYLAN COFFMAN, IN RECEIVING THE NATIONAL POLICE OFFICER OF THE MONTH AWARD: Chief Doughney presented to Officer Dylan Coffman the November 2023 National Officer of the Month award.
4. DELETIONS AND CHANGES TO THE AGENDA: The minutes of February 8, 2024 were removed from the agenda.
5. PUBLIC COMMENTS REGARDING ITEMS NOT ON THE AGENDA: Ken Bryan provided an update regarding the Veterans Park fountain, advising the Flagler Beach Rotary Club has indicated they want to fund a majority of the project. Mr. Bryan stated they are about a year and half out before the ACOE project is complete and the park is restored. He thanked Debbie Myer on behalf of the Flagler Beach Rotary Club. Mr. Bryan stated the Flagler Beach Creates Group has recruited Joseph Pozzouli, to draft the drawings. Ken Belshe thanked Mayor Johnston for the letter advising of the City's interest in annexing Veranda Bay. Mr. Belshe stated he was delighted to get the letter and will be performing their due diligence to make sure all issues work out for both the City and the development. If they choose to accept invitation, they will work to ensure the long-term goals of the City leaders are achieved. Mr. Belshe advised he will be back in about three weeks with a final decision and welcomes a call from any of the officials at any time. Johnny Lulgjuraj advised the FB3 group will hold their quarterly meeting next Tuesday. He requested the construction project timelines, and sought clarification on the business impact estimates. He continued and asked for clarification about the Fourth of July. Don Deal thanked the Commission for the recent Workshop and thanked the Board for having the Mayor retain veto power. Discussion regarding the statements and inquiries ensued. The Commission reached a consensus to hold a workshop to discuss events for the Fourth of July.

CONSENT AGENDA

6. APPROVE THE REGULAR MEETING MINUTES OF JANUARY 25, 2024 AND FEBRUARY 08, 2024: The February 08, 2024 minutes were removed from the agenda. Chair Cooley opened public comments. No comments were offered. Chair Cooley closed public comments. Motion by Commissioner Mealy that we approve the minutes of January 25, 2024. Commissioner Sherman seconded the motion. The motion carried unanimously.
7. APPROVE AN AMENDED INTERLOCAL AGREEMENT BETWEEN THE CITY OF FLAGLER BEACH AND FLAGLER COUNTY FOR THE ENHANCED 911 ADDRESSING: Commissioner Belhumeur removed

Item seven (7) for discussion. Commissioner Belhumeur stated the alleys are already named on the Plat, and suggested they be used in the event one needed to be named for E911 purposes. Chair Cooley opened public comments. No comments were offered. Chair Cooley closed public comments. Motion by Commissioner Belhumeur to approve Item 7 on the consent agenda. Commissioner Sherman seconded the motion. The motion carried unanimously.

Motion by Commissioner Sherman to adjourn the meeting and start the CRA meeting at 6:00 p.m. Commissioner Belhumeur seconded the motion.

Chair Cooley resumed the meeting at 6:44 p.m.

GENERAL BUSINESS

8. RESOLUTION 2024-04, A RESOLUTION BY THE CITY OF FLAGLER BEACH, FLORIDA APPROVING A THREE-YEAR AGREEMENT BETWEEN THE CITY OF FLAGLER BEACH AND MY THREE SONS FIREWORKS COMPANY, LLC, FOR NEW YEAR'S EVE PYROTECHNIC SHOWS; PROVIDING FOR A SEVERABILITY CLAUSE, CONFLICT, AND AN EFFECTIVE DATE: Attorney Smith read the title of the resolution into the record. Chair Cooley opened public comments. Comments were received from Robby Robert and Johnny Lulgjuraj. Chair Cooley closed public comments. Discussion ensued regarding the Fourth of July. Commissioner Sherman stated a consensus has been previously reached to discuss the Fourth of July Event, and requested the discussion stay on topic. Motion by Commissioner Sherman to approve Resolution 2024-04. Commissioner Belhumeur seconded the motion. The motion carried unanimously, after a roll call vote.

RESOLUTION 2024-05, A RESOLUTION BY THE CITY OF FLAGLER BEACH, FLORIDA, APPROVING A DIRECT PURCHASE FROM PROCESS WASTEWATER TECHNOLOGIES, LLC IN THE AMOUNT OF \$413,000 FOR A SCREW PRESS FOR THE WASTE WATER TREATMENT FACILITY, PROVIDING FOR CONFLICT AND AN EFFECTIVE DATE: Attorney Smith read the title of the resolution into the record. Ben Fries, CPH, Corp. reviewed the request advising a portion of the increased cost is for an increase in capacity of the equipment, stating this press has a third screw where the previous one presented had only two. Mr. Fries further reported two additional quotes were obtained in the amounts of \$600k and \$1 million dollars. Chair Cooley opened public comments. Comments were received from Robby Robert and Scott Crohn. Chair Cooley closed public comments. Motion by Commissioner Belhumeur that we approve Resolution 2024-05. Commissioner Sherman seconded the motion. The motion carried unanimously, after a roll call vote.

9. RESOLUTION 2024-06, A RESOLUTION BY THE CITY OF FLAGLER BEACH, FLORIDA APPROVING A MASTER SERVICE AGREEMENT/TASK ORDER BETWEEN MCKIM AND CREED AND THE CITY OF FLAGLER BEACH FOR STORMWATER ASSESSMENTS, PROVIDING FOR A SEVERABILITY CLAUSE, CONFLICT, AND AN EFFECTIVE DATE: Attorney Smith read the title of the resolution into the record. Mr. Martin advised the money budgeted for the dredging of the S. Flagler Avenue stormwater pond will be used to fund this expense as it has been determined the dredging will not resolve the issue with that stormwater pond. Chair Cooley opened public comments. No comments were offered. Chair Cooley closed public comments. Motion by Commissioner Sherman that we approve Resolution 2024-06. Commissioner Belhumeur seconded the motion. The motion carried unanimously, after a roll call vote.

10. RESOLUTION 2024-07, A RESOLUTION BY THE CITY OF FLAGLER BEACH, FLORIDA, APPROVING A CHANGE ORDER NO. 2 TO APT, ADVANCED PLUMBING TECHNOLOGY FOR THE SEWER LATERALS & LIFT STATIONS CIPP & SPRAY POLYURETHANE LINING BID # 22-2010 FOR A NET INCREASE IN TIME; PROVIDING FOR CONFLICT AND AN EFFECTIVE DATE: Attorney Smith read the title of the resolution into the record. Mr. Martin advised this change order is not monetary, it is for a time extension. Discussion ensued regarding this Commission's unfavorable opinion of this contractor citing numerous issues. Chair Cooley opened public comments. Steve Dalley provided comments. Chair Cooley closed public comments. Motion by Commissioner Belhumeur to approve Resolution 2024-07. Commissioner Mealy seconded the motion. The motion carried unanimously, after a roll call vote.

PUBLIC HEARINGS

11. ORDINANCE 2024-02 AN ORDINANCE BY THE CITY OF FLAGLER BEACH, FLORIDA, AMENDING SECTION 2.02.00, DEFINITIONS, AND SECTION 2.04.02.08, ZONING SCHEDULE ONE LAND USE CONTROLS OF THE CODE OF ORDINANCES TO ALLOW FOR BOUTIQUE DISTILLERIES OF ALCOHOLIC BEVERAGES, PROVIDING FOR CONFLICTS, PROVIDING FOR SEVERABILITY CLAUSE, AND PROVIDING AN EFFECTIVE DATE – FINAL READING: Attorney Smith read the title of the ordinance into the record. Attorney Dennis Bayer thanked the City Attorney and the Commission for considering this ordinance. Chair Cooley opened public comments. No comments were offered. Chair Cooley closed public comments. Motion by Commissioner Mealy to approve Ordinance 2024-02. Commissioner Sherman seconded the motion. The motion carried unanimously, after a roll call vote.

12. STAFF REPORTS.

CITY ATTORNEY: Advised a draft ordinance amending the sign code is scheduled for review on the March PARB agenda, and will be an item for consideration at their March meetings.

- Reminded the Officials the Moratorium on the 35-foot building height is approaching and a decision is needed to let the moratorium expire or direct the Attorney to draft an ordinance for amendments to the exceptions.

CITY MANAGER: Requested direction regarding a hand out provided detailing the fence type and location to separate the PAL & Irma Parker Park boundary from private property. The Commission reached a consensus to have the post and rope type fence depicted in the hand out installed.

- Reminded the Officials of a previous consensus to hold Workshops before the Regular Meetings, beginning after the Election takes place. The Commission reached a second consensus to hold these workshops before every other meeting beginning at 4:30 p.m.
- Reported a meeting scheduled with FDOT on February 29th.

COMMISSION COMMENTS

13. COMMISSION COMMENTS, INCLUDING REPORTS FROM MEETINGS ATTENDED: The Officials reported their attendance at meetings, gatherings, and events since the last regular meeting. Commissioner Sherman requested the City Manager repair the relationship with the volunteer group that cuts the invasive Brazilian pepper plants. Commissioner Belhumeur inquired if all four of the new design walkovers will have benches installed. Clerk Overstreet responded the ones that had benches previously, will have them again and the remaining benches will be distributed appropriately. Commissioner Cooley Requested a map of the hydrants that need priority repair, and inquired of the previous expenditures. Commissioner Cooley requested the City Manager

have staff make repairs to the public pier restrooms before the beach season begins. Commissioner Cooley inquired if the Commission was interested in amending the code to remove the loophole that does not count unfastened seating into the formula for required parking and restrooms for restaurants and bars. The Commission reached a consensus for the City Attorney to contact Mr. Torino to see if it is included in the LDR update or if it needs to be expedited. Commented on an email from the City Manager regarding the scheduling of agreed upon workshops.

14. PUBLIC COMMENTS REGARDING ITEMS NOT ON THE AGENDA: No comments were offered.
15. ADJOURNMENT: Commissioner Sherman put forth a motion to adjourn the meeting at 8:37 p.m.

Eric Cooley, Chair

Attest:

Penny Overstreet, City Clerk