



CITY COMMISSION REGULAR MEETING MINUTES

Thursday, March 27, 2025, at 5:30 PM

City Commission Chambers – 105 S. 2ND Street, Flagler Beach, FL
32136

Present: Mayor Patti King, Chairman James Sherman, Vice-Chairman Rick Belhumeur, Commissioners Eric Cooley, John Cunningham and Scott Spradley, City Attorney D. Andrew Smith, III, City Manager Dale L. Martin and City Clerk Penny Overstreet.

1. **Call the meeting to order:** Chair Sherman 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 King led the pledge to the flag.
3. **Proclamations and Awards**
 - a. Water Conservation Month. Mayor King presented the proclamation to Bill White, Government Affairs Coordinator, St. Johns River Water Management District, who spoke on the importance of reducing irrigation for water conservation.
4. **Deletions and changes to the agenda.** It was the consensus of the Commission to move Item 8a up on the agenda to the top of General Business.
5. **Public comments regarding items not on the agenda:** Scott Crone thanked Bill Freeman and staff for the stormwater projects now being addressed. Specifically, he inquired if consideration could be made to reinstall or offer credit to homeowners whose pavers will not be replaced with the driveway aprons being redone in the 2700 block of S. Daytona Avenue. Mark Imhoof has created a new neighborhood group on the golf course, they would like some input on the decisions for the golf course. Jeremy Dorsey and Evelyn French commented on the TPO application. Rich Smith and Robbie Richman commented on continuing issues between builders and the Engineering Department and related to silt fencing, stormwater retention and the Land Development Code. Rick Phelan expressed concern regarding the Ocean Palm Golf Course and the possible plan to expand the Clubhouse.

Chairman Sherman inquired to the City Manager regarding replacement of the pavers on S 27th when they do stormwater work. Mr. Martin reported he would speak to Mr. Freeman and get back to the Commission. Commissioner Belhumeur reported the practice the contractor did on S. Flagler Avenue when installing the swales. Chair Sherman explained the Ocean Palm Golf Course has not come before the Commission as an item. Commissioner Spradley explained if there is a sale, the property will remain not only recreational but designated as a golf course as a deed restriction. And there will be public meetings when the item comes before the Commission. Chair Sherman identified there is a need for a left turn arrow at the corner of Roberts and John Anderson Avenue. Mr. Martin reported FDOT is scheduled to do a traffic study, and the timing of the light has been changed. The relationship between the Home Builders Association and the Engineering Department was discussed. The Commission hoped to develop a working relationship with the Home Builders Association.

6. **Consent Agenda**
 - a. Approve the minutes of the Special and Regular Meetings of March 13, 2025. Commissioner Belhumeur pulled the minutes for discussion. Before discussion, City Clerk Overstreet reported Commissioner Spradley submitted a Form 8B to recuse himself from the outdoor entertainment item in March 13 minutes. The form is attached to the minutes. Commissioner Belhumeur

noted the minutes indicate that there were no deletions or changes to the agenda. He thought that an item had been pulled. City Clerk Overstreet indicated the item regarding committee assignments was not on the agenda but is on this evening's agenda. Motion by Commissioner Belhumeur, seconded by Commissioner Spradley, to approve Consent Agenda Item A. The motion carried unanimously.

The agenda moved Item 8a.

- b. Approve a Memorandum of Agreement between United States Immigration & Customs Enforcement (ICE), a component of the Department of Homeland Security (DHS) and the City of Flagler Beach. Motion by Commissioner Belhumeur, seconded by Commissioner Cooley, to approve Consent Agenda Item B. The motion carried unanimously. Public comments were open. No comments were received. Public comment was closed.

7. General Business

- a. Resolution 2025-29. A Resolution of the City Commission of the City of Flagler Beach to pass third-party Automated Clearing House fees to customers for payments related to utility bills and parking tickets, providing for conflict and an effective date. Attorney Smith read the title of the resolution into the record. Attorney Smith advised this is a direct passthrough of cost from our vendor for the processing of debit and credit cards. Mr. Martin reviewed a customer's options to avoid the charge. Public comments were opened. No comments were received. Public comment was closed. Motion by Commissioner Spradley that we approve Resolution 2025-29. Commissioner Cooley seconded the motion. The motion carried unanimously, after a roll call vote.
- b. Resolution 2025-30. A Resolution of the City Commission of the City of Flagler Beach to award a proposal submitted by Mead & Hunt to provide design services and permitting for a new 16-inch water main along Lambert Avenue (Project # 636) for an amount not to exceed \$149,957.90; providing for conflict and an effective date. Attorney Smith read the title of the resolution into the record. Public comments were open. No comments were received. Public comment was closed. Motion by Commissioner Belhumeur to approve Resolution 2025-30. Commissioner Cooley seconded the motion. The motion carried unanimously, after a roll call vote.
- c. Resolution 2025-31. A Resolution by the City Commission of the City of Flagler Beach, Florida declaring certain items as surplus; providing for conflict and an effective date. Attorney Smith read the title of the resolution into the record. Public comments were open. No comments were received. Public comment was closed. Motion by Commissioner Spradley to approve Resolution 2025-31. Commissioner Cooley seconded the motion. The motion carried unanimously, after a roll call vote.
- d. Resolution 2025-32. A Resolution of the City Commission of the City of Flagler Beach to approve a Change Order submitted by Lads Construction Services, LLC for painting and repairs to the library (Project # 588) in an amount not to exceed \$13,093.05; providing for conflict and an effective date. Attorney Smith read the title of the resolution into the record. Public comments were open. Charlie Morrow suggested a volunteer group like a local church to paint the building. Public comment was closed. Commissioner Belhumeur, Cooley and Sherman suggested Staff paint the building. Motion by Commissioner Spradley to approve Resolution 2025-32. The item died for lack of a second.
- e. Resolution 2025-33. A Resolution by the City Commission of the City of Flagler Beach, Florida, approving a Lift Station License Agreement between Type E Corporation, and the City of Flagler Beach, creating a license for the use of the Corporation's property, determining a lump sum

payment, an annual use fee, and a termination clause; providing for conflict and an effective date. Attorney Smith read the title of the resolution into the record. Discussion ensued regarding the history of the lift station and the easement which had not previously been in place. Motion by Commissioner Spradley to approve Resolution 2025-33. Commissioner Cooley seconded the motion. Public comments were open. No comments were received. Public comment was closed. The motion carried four to one, with Commissioner Belhumeur voting no.

- f. Resolution 2025-34. A Resolution by the City Commission of the City of Flagler Beach, Florida, approving an application to the Prioritized Projects Grant List of the River to Sea Transportation Planning Organization; providing for conflict and an effective date. Attorney Smith read the title of the resolution into the record. Mr. Martin reviewed the request. If approved tonight the city will submit a grant application for potential funding to have a feasibility study performed. Mr. Martin reported the submission of multiple concepts adds to the odds of being funded. Commissioner Cooley inquired if any of the Officials were interested in turning Moody Blvd. into a two-lane road. The consensus was no. Discussion ensued and included the availability of funding via the TPO, pedestrian safety on Moody Blvd., and how this sprouted from past public participation the Charrette. Commissioner Cooley suggested a couple of alternatives in the packet with four lanes of traffic. Chairman Sherman opened public comments. Jordan Adams spoke of the New Urban Concepts presentation related to the Mobility Fee. Chuck Salvo suggested clear intentional communication, and that we utilize AI technology. Paul Eik past representative of the BPAC of the Volusia Flagler Transportation Planning Organization spoke of funding opportunities. Shelly Burnett opposes 2 lanes of traffic. Ed Fendley former CAC and now BPAC Member of the Volusia Flagler TPO, stated there are lots of opportunities to make Moody Boulevard safer. Scott Crone distributed an idea for Moody Boulevard, a welcome sign in Veterans Park. RJ Santore commented on the Social Media posts. Chairman Sherman closed public comments. Attorney Smith advised the Officials against Social Media comments. Motion by Commissioner Cooley to approve Resolution 2025-34. Commissioner Belhumeur seconded the motion. The motion carried unanimously, after a roll call vote.

The agenda moved to Item 7a.

- g. Appointment of Elected Officials to various Boards and Committees serving as City Representative. The Officials reviewed the list and reached agreement for appointments. The Commission reached a consensus to approve the amendments to the City Representative list. The approved list is attached as a record to the minutes.

8. Public Hearings

- a. Ordinance 2024-02. An Ordinance of the City of Flagler Beach, Florida, related to annexation procedures; readopting amendments to Chapter 2, Section 2-2, included in Ordinance 2024-01 which removed the requirement for a referendum conducted within existing city limits for certain annexations; or, alternatively, repealing Ordinance 2024-01 and reinstating the requirement for a referendum conducted within existing city limits for certain annexations; providing for inclusion in the code of ordinances; providing for conflict; providing an effective date hereof - final reading. Attorney Smith read the title of the ordinance into the record. Chair Sherman opened public comments. The following residents came forward to give their concerns, opinions and suggestions: Steve Dalley, R.J Santore, Rich Smith, Paul Eik, Mark Imhoof, Irwin Connely, John Tanner, Caleb Hathaway, Charles Meekins, Charlie Marrow, Robbie Richmond, Linda Burge, Barbara Revels, Vickie Martin, Robbie Robert and Brian Ford. Public comment was closed. Attorney Smith reported State Law does not require a referendum for annexation without a city vote unless the City has a code in place. Chair Sherman asked the city clerk if the annexation item was removed from the last agenda. City Clerk Overstreet clarified it was not removed from the agenda. She informed the public on how to subscribe to various lists

on the website. Commissioner Spradley spoke about the history of the item and highlighted the pros and cons of the situation the city was put in. Commissioner Cooley spoke of the need to get super majority for this ordinance. Commissioner Cunningham would like to give the people the right to vote on it. Commissioner Belhumeur reported Palm Coast will annex the Veranda Bay property. He spoke of the lost opportunities because of how the ordinance had been written and spoke to the properties. If an annexation was sent to the voters, he was unsure how it would work out given the low voter turnout of our city. Mayor King agreed with Commissioner Cunningham, but added we were elected to represent the voters. Commissioner Cooley asked if we don't annex in a piece of property, is there a way to relinquish the City's responsibility to give waters. Attorney Smith indicated it would be complicated to move the boundaries of the water rights. All parties would need to agree with those changes. The difference now is that the County is no longer in the water business so any change to the water service agreement would include other municipalities. John Tanner spoke of interest from North Florida Land Trust and the 1,000 Friends of Florida group regarding purchase of the West property for preservation. Expressed opinion that the approved County plan has a limit of only another 118 SFR units and he feels that would put the developer in a position to sell the land to conservation. James Sherman concerned about the expenses we will have even if not annexed. Rick Belhumeur commented this is the first he has heard real talk about it being purchased for conservation land. He is certain there have been no talks between the Developer and someone purchasing it for conservation. Motion by Commissioner Belhumeur that we approve Ordinance 2025-02. Commissioner Cooley seconded the motion. The motion carried four to one, with Commissioner Cunningham voting no.

Chairman Sherman called for a recess at 7:39 p.m. Chairman Sherman reconvened the meeting at 7:52 p.m.

The Commission reached a consensus to move to agenda Item 7f.

9. Staff Reports

- a. City Attorney: Updated the Commission on his discussion with the County Attorney regarding a concern County Commissioner Carney brought forth at the last meeting. Attorney Smith updated the Commission on proposed legislation.
- b. City Manager: City Manager Martin updated the Officials on the hiring process. The meetings held in Tallahassee and the FEMA/FDEM is now looking at the historic preservation of the Scenic A1A view in relation to the proposed new pier, and advised Staff will be submitting another extension for the pier.
- c. City Clerk: None.

10. Commission Comments

- a. Commission comments, including reports from meetings attended.

Commissioner Belhumeur inquired when the S. Central Water Main Project begins. The City Manager advised the following Monday.

Commissioner Belhumeur inquired if there was an appetite to address the building height code, to remove loopholes and possibly move towards a flat 35' foot allowance period.

Commission Cooley requested an ordinance to amend the Code to remove the required irrigation in commercial property development and the non-fixed seating exemption for commercial seating. He inquired if the City should contract a consultant to advise if the annexation is a fiscally good move for the City. The Commission reached a consensus to hold the discussion.

Mayor King displayed the tee shirts made for the Centennial. Reported the Centennial Birthday Party is scheduled for April 16th between 4 to 7 p.m.

Commissioner Spradley spoke of his Town Hall Meetings.

Commissioner Cunningham stated Single Family Homes are not exempt from the State Laws and our MS 4 Permit requirements.

Commissioner Sherman requested a consensus for the City Manager to meet with a resident. No action was taken.

- b. Public comments regarding items not on the agenda. Denise Streit requested a refund for yard debris service on her utility account.

11. Adjournment: Motion by Commissioner Cooley to adjourn the meeting at 9:31 p.m.

James Sherman, Chairman

Attest:

Penny Overstreet, City Clerk