



CITY COMMISSION REGULAR MEETING MINUTES

Thursday, August 22, 2024 at 5:30 PM

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

PRESENT: Mayor Patti King, Chair Scott Spradley, Vice-Chair James Sherman, Commissioners Rick Belhumeur, Eric Cooley and Jane Mealy, City Attorney D. Andrew Smith, III, City Manager Dale L. Martin and City Clerk Penny Overstreet.

1. Call the meeting to order: Chair Spradley 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: Vice-Chair Sherman led the pledge to the flag.
3. **Proclamations and Awards**
 - a. Proclamation celebrating National Black Business Month: Mayor King read the proclamation. Leslie Giscombe accepted the proclamation and thanked the Officials for issuing the proclamation.
 - b. Bravery Awards Flagler Beach Fire Department, Lieutenant Evans, Driver Engineer Prince and Firefighter Paramedic Lawrence: Deputy Chief Cox spoke of the actions taken by the men to merit the bravery awards. Chief Pace awarded the bravery pins to the men.
4. Deletions and changes to the agenda: None.
5. Public comments regarding items not on the agenda: Ted Barnhill spoke about the rain today and the slow drainage in the area of S. Flagler and S. 2nd Street. Mr. Barnhill additionally spoke of the need to have paid /timed parking in the downtown area and suggested a shuttle service, for all day off site free parking. Gabe Perdomo, P.E., Moffat and Nichol, project lead for the Pier, provided the Commission a brief update.
6. **Consent Agenda**
 - a. Approve an Agreement for Lobbyist Services with Anfield Consulting for the period November 13, 2024 - November 12, 2025.
 - b. Approve the Regular Meeting Minutes of July 25, 2024 and the Workshop Minutes of August 7, and 8, 2024.
 - c. Approve one-year contracts for City employee health and dental insurance plans.
 - d. Approve a Submerged Lands Lease Modification to increase square footage for the Flagler Beach Pier; between the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida and the City of Flagler Beach, Florida, to include an annual payment of \$3,878.17 and authorize the mayor to sign same.

Commissioner Mealy asked for Items A and D be pulled from the Consent Agenda.

Motion by Commissioner Mealy, seconded by Commissioner Sherman to approve Items B and C on the Consent Agenda. Public comment was opened. No comments were received. Public comment was closed. The motion carried unanimously.

Item 6a: Commissioner Mealy noted a typo on the cover sheet of the year 2024. She needed clarification on the length of the contract and whether it runs for one year or two (2025 or 2026). Attorney Smith clarified the contract is a two-year agreement. Commissioner Cooley questioned the necessity for lobbying at the federal level. He does not think the extra funds for federal lobbying has produced results. He would prefer changing the agreement to remove the federal lobbying effort. Commissioner Sherman was in agreement. Mr. Martin spoke of recent efforts with lobbying on the federal level. It has not produced results yet but he has only been working with them for about four months. Mr. Martin would like to see how the amount is broken down between state and federal efforts.

Motion by Commissioner Belhumeur, seconded by Commissioner Sherman, to table Item 6a to a future meeting. The motion carried unanimously.

Item 6d: Commissioner Belhumeur asked if the lease needed to be re-negotiated because of the change to the footprint. Attorney Smith reported the change had to do with the amount of land to be used by the City for the new pier.

Motion by Commissioner Belhumeur, seconded by Commissioner Mealy to approve Item 6d. Public comment was opened. No comments were received. Public comment was closed. The motion carried unanimously.

7. General Business

- a. Resolution 2024-38, a Resolution by the City of Flagler Beach, Florida approving Easement Agreements between the City of Flagler Beach and DCB Orchid to construct infrastructure within the City of Flagler Beach and utilize the associated property for the purposes of leasing the infrastructure, providing for conflict and effective date: Attorney Smith read title of the Resolution into the record. Commissioner Sherman felt strongly there was still a need to negotiate tonight. Chris Gatch reviewed the history of the item and spoke of the difference in valuation comparisons with Mr. Tomarra. Attorney Smith asked if there is any room on the contingency section of the agreement. He explained, the prospective funds in the contingency do not have the same value to the City because it cannot be budgeted; future projects, etc. cannot be planned. Negotiations continued among the Commissioners and Mr. Uphues, CEO. Mr. Uphues, CEO states he is not authorized to go any higher than the offer before them without going back to his Board for approval. Commissioner Belhumeur has issue with the landing area for the grounding beds (OGB's). It is in the same area the City is planning the berm to protect the City properties on S. Flagler Avenue. He was not clear on what rights would remain with the City on the easement. Attorney Smith explained the terms of the easement, and the City could amend the easement but there are limits. Mr. Gatch stated the landings for the ground rods can be moved, they just need to be in the site line of the cabling. Attorney Smith suggested the Commission think about the offer and make a decision in order for the project to move forward. Commissioner Cooley reviewed some of the concessions DC Blox has made in order for the agreement more palatable for the City.

Motion by Commissioner Belhumeur, seconded by Commissioner Cooley, we accept their last offer with the conditions that they find a way to put these grounding pads within the right-of-way and not in the green space as approved by the City Commission that it has been configured that way. Public comment was opened. No comments were received. Public comment was closed. Motion carried four to one, after a roll call vote, with Commissioner Mealy voting no.

- b. Application OE-24-08-01 – 105 N. Ocean Shore Blvd. - Outdoor Entertainment Permit, Flagler Sun & Seed: Mr. Martin reviewed the item and reported the PAR Board has recommended approval. Commissioner Cooley explained the rules and regulations and wanted to ensure the applicant had received a copy of the Noise Ordinance.

Motion by Commissioner Mealy, seconded by Commissioner Sherman to approve Application OE 24-08-01. Public comment was opened. No comments were received. Public comment was closed. The motion carried unanimously.

- c. Resolution 2024-43, a Resolution by the City Commission of the City of Flagler Beach, Florida, amending Resolution 2023-18 which adopted the FY 2023/2024 Budget, to reflect a Budget Amendment, providing for conflict, providing an effective date hereof: Attorney Smith read the title of the resolution into the record.

Motion by Commissioner Mealy, seconded by Commissioner Sherman, to approve Resolution 2024-43. Public comment was open. No comments were received. Public comment was closed. The motion carried unanimously, after a roll call vote.

- d. Resolution 2024-44, a Resolution by the City of Flagler Beach, Florida, awarding Bid No. FB-242506 Installation of Stormwater Backflow Preventors to Precision Development Group, in an amount not to exceed \$58,685, and approving a Budget Amendment to move funds from the Stormwater Reserves to Stormwater Improvements; providing for conflict, and effective date: Attorney Smith read title into the record. Commissioner Cooley asked Mr. Martin if the backflow preventers are working. Mr. Martin stated it was a recommendation from McKim and Creed to continue with the installation and replacement of the backflow preventers. Commissioner Sherman asked if the investment is being maintained. Commissioner Belhumeur asked if the check valves had arrived.

Motion by Commissioner Belhumeur, seconded by Commissioner Mealy, to approve Resolution 2024-44. Public comment was opened. No comments were received. Public comment was closed. The motion carried unanimously, after a roll call vote.

- e. Resolution 2024-45, a Resolution by the City of Flagler Beach, Florida, approving a Perpetual Utility Access and Maintenance Easement Agreement between Sun Partners, LLC and the City of Flagler Beach, providing for conflict and an effective date hereof: Attorney Smith read the title of the resolution into the record.

Motion by Commissioner Sherman, seconded by Commissioner Mealy, to approve Resolution 2024-45. Public comment was opened. No comments were received. Public comment was closed. The motion carried unanimously, after a roll call vote.

- f. Resolution 2024-46, a Resolution by the City Commission of the City of Flagler Beach, Florida, amending Resolution 2018-30 which adopted Construction Standards for Development, to adopt additional development standards, providing for conflict and an effective date: Attorney Smith read title into the record.

Motion by Commissioner Belhumeur, seconded by Commissioner Sherman to approve 2024-46. Public comment was opened. No comments were received. Public comment was closed. The motion carried unanimously, after a roll call vote.

- g. Resolution 2024-47, a Resolution by the City of Flagler Beach, Florida, amending Resolution 2015-13, which adopted the Personnel Policy to amend Section II.11 Dress & Appearance, Section VII.10 Funeral Leave, Section III.12 Hours of Work, delete Section VII.10 Flex Time, and add Section III.20 Tobacco and Vape Free Workplace; providing for conflict and an effective date: Attorney Smith read title into the record. Commissioner Mealy was opposed to the dress code. She referred to page 124, noting uniforms are not to be worn off duty; appropriate undergarments; unclear language re: field employees; adding a partner to bereavement leave; smoke free policy – allowing for a designated smoking area by the building. Commissioner Sherman thought field employees should have more of a City uniform; not wearing City uniforms outside of work. Commissioner Cooley felt it was very common in the private sector to have a dress code. Mayor King reported she has never worked for an organization that did not have a dress code. She did not think it was unreasonable. Mr. Cooley felt this is standard employee handbook and was not sure why the item was going before the Commission. Attorney Smith clarified that the Personnel Policy is approved by resolution.

Motion by Commissioner Sherman, seconded by Commissioner Cooley, to approve Resolution 2024-47. Public comment was opened. No comments were received. Public comment was closed. Motion carried four to one, after a roll call vote, with Commissioner Mealy voting no.

- h. Resolution 2024-48, a Resolution of the City of Flagler Beach City Commission Authorizing the Direct Purchase of Hydro Defense Flood Planks Funded through a Florida Department of Environmental Protection Flood Mitigation Grant; providing for conflict and an effective date: Attorney Smith read the title of the resolution into the record.

Motion by Commissioner Sherman, seconded by Commissioner Cooley to approve 2024-48. Public comment was opened. No comments were received. Public comment was closed. Mr. Martin thanked Mr. Fernandez, Speaker Paul Renner, Senator Travis Hutson and Governor DeSantis. The motion carried unanimously, after a roll call vote.

- i. Resolution 2024-49, a Resolution by the City Commission of the City of Flagler Beach, Florida, engaging Fisher Phillips for Labor Attorney Services; providing for conflict and an effective date: Attorney Smith read title of the resolution into the record.

Motion by Commissioner Cooley, seconded by Commissioner Sherman to approve Resolution 2024-49. Public comment was opened. No comments were received. Public comment was closed. The motion carried unanimously, after a roll call vote.

8. Public Hearings

- a. Ordinance 2024-10, an Ordinance of the City Commission of the City of Flagler Beach, Florida amending the Official Zoning Map designation for 0.11+/- acres of certain real property located on North 6th Street with Tax Parcel ID Number 12-12-31-4500-00020-0081 from General Commercial to Single Family Residential; providing for conflict; providing an effective date hereof - Second and Final Reading: Attorney Smith read the title into the record.

Motion by Commissioner Belhumeur, seconded by Commissioner Mealy, to approve Ordinance 2024-10. Public hearing was opened. Leighann Koch spoke on behalf of the applicant. The public hearing was closed. The motion carried unanimously, after a roll call vote.

- b. Ordinance 2024-13, an Ordinance of the City of Flagler Beach, Florida, adopting an areawide speed limit reduction upon City roads, providing for conflict, providing for severability, providing an effective date - First Reading: Attorney Smith of the ordinance into the record. Commissioner Cooley supports the 20 MPH, and spoke of the need for active enforcement when the change takes place. Commissioner Belhumeur suggested mirroring A1A at 25mph, feels 20mph is too slow. Mayor King feels it should be 20mph. Commissioner Sherman agrees with Mayor King. Commissioner Spradley spoke of the informal surveys he has on this from his weekly Saturday Office Commission Office hour. Jane agrees it should be reduced to 20mph.

Motion by Commissioner Mealy, seconded by Commissioner Cooley to that we approve 2024- 13, with amendment to reduce to 20 mph. The public hearing was opened. Tony Rossi 1836 S. Central, feels traffic calming devices would be a wiser choice. Ed Fendley thinks this is fantastic and feels 20mph is the right decision. Leighann Koch agrees with the 20mph. Joe Pozzouli asked how will this be noticed, besides changing the signs. The public hearing was closed. Scott responded there will be public outreach Facebook, city website, press release, possible on water bills, plus sign change. Commissioner Cooley hoped if they are replacing speed limit signs, they could replace the other worn-out signs (street signs, stop signs etc.). Commissioner Belhumeur suggested putting signage at the entrances of the City. The motion carried four to one, with Commissioner Belhumeur voting no.

- c. Ordinance 2024-14, an Ordinance of the City of Flagler Beach, Florida, amending Article IX of the City of Flagler Beach Code of Ordinances relating to Purchasing and Procurement; providing for severability;

providing for codification, conflicts, and effective date. - First Reading. Attorney Smith read the title of the ordinance into the record.

Motion by Commissioner Mealy, seconded by Commissioner Sherman to approve 2024-14. The public hearing was opened. No comments were received. The public hearing was closed. The motion carried unanimously, after a roll call vote.

- d. Ordinance 2024-15, an Ordinance of the City of Flagler Beach, Florida, amending Chapter 11, "Solid Waste," of the City of Flagler Beach Code of Ordinances; amending Restrictions and Regulations related to Solid Waste Collection and Recycling; amending Penalties for Violation of Solid Waste Regulations; providing for severability; providing for codification, conflicts, and effective date. - First Reading: Drew read the title of the resolution into the record. Commissioner Mealy asked a question about trash pick-up in the alleyways. Attorney Smith recommending asking Mr. Smith whether he means to do pick-ups in the alleyways at second reading. The public hearing was opened. No comments were received. The public hearing was closed.

Motion by Commissioner Mealy, seconded by Commissioner Belhumeur, to approve 2024-15, subject to further clarification on the alleyways on second reading. The motion carried unanimously, after a roll call vote.

Chairman Spradley recessed the meeting at 7:30 p.m. The meeting reconvened at 7:40 p.m.

- e. Ordinance 2024-16, an Ordinance of the City of Flagler Beach, Florida, amending Appendix A, Land Development Regulations, Article II, Zoning, Section 2.05.06, "Height Regulations," of the Code of Ordinances; amending the allowed exceptions to the thirty-five-foot height limitation; providing for conflicts; providing for severability; and providing for an effective date - First Reading: Drew read the title of the Ordinance into the record. Attorney Smith reviewed the history of the item. Discussion included the area of the elevator and the different height between the elevator and the shaft; parapet walls tend to be an architectural element and allows it to come forward in the building and at the same time provides screening for the utility. Mayor King asked how is this going to keep us from preventing another 49-foot building. Commissioner Sherman agreed with Mayor King and he would like to limit rooftop uses if that limits the height of a future building. Commissioner Cooley spoke of citizens input he has received indicates they do not want to see the height of the hotel. Attorney Smith said if you want to have public access on the roof, it needs to be ADA compliant and you will need an elevator and it will necessitate an elevator. Commissioner Sherman asked the ordinance limit the amount of language that could be used for interpretation. He hoped it would be much clearer. Attorney Smith suggested if the Commission chooses take off roof top use, it would relieve a number of the issues being brought up. The public hearing was opened. The following citizens came forward to give their concern, opinions and suggestions: Leighann Koch and Paul Mykytko. The public hearing was closed. Attorney Smith suggested tabling the item to allow him to remove roof top uses.

Motion by Commissioner Belhumeur, seconded by Commissioner Cooley, to table the item to allow Attorney Smith to work on the ordinance. The motion carried unanimously.

9. Staff Reports

- a. City Attorney: Attorney Smith spoke of a letter he received from Department of Commerce regarding the rezoning of the Comp Plan Amendment and the City needs to add private property rights element to our Comp Plan Amendment. The Commission will see it before them in September.
- b. City Manager offered the family of Charlie George his condolences. Colonel Bowman of USACE will be here for a tour of the Beach Renourishment Project. Mr. Martin asked that the Commission review the documentation provided by Mr. Freeman regarding the Wastewater Treatment Plant.
- c. City Clerk: Ms. Overstreet asked the Commission to hold a Special Meeting on September 17th at 5:30 p.m., for the first reading the annexation ordinance. It was the consensus of the Commission to schedule

the meeting for September 17, 2024 at 5:30 p.m. Ms. Overstreet spoke of her efforts to schedule a Joint City/County Meeting. Commissioner Cooley suggested waiting until the newly elected are seated. It was consensus to wait until after newly elected representatives are in office for a possible date in December or January. She reported on Verizon's offer for tablets and asked how many of the Commissioners would be interested. Four members were interested in using a tablet.

- d. Quarterly Budget Update: paper report only.
- e. Weekly Staff Reports: Chief Doughney thanked the Commission for supporting lowering the speed limit.

10. Commission Comments

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

Commissioner Mealy reported on her attendance at the Florida League of Cities and the Pension Board. She spoke of a negative email regarding staff. Mr. Martin indicated staff will be highlighted on the Facebook page.

Mayor King spoke of an effort called "Turn the town Teal." This event is in honor of a young woman who passed away from ovarian cancer.

Commissioner Belhumeur asked how the Commission would like to use the contingency money budgeted in the FY 23/24 year. The Commission agreed the topic should be brought forward as an agenda item.

Chairman Spradley spoke of the ACOE project and has improved the atmosphere and attitude of the residents in the City. He will be holding his Saturday gatherings in his office with the guest being Dale Martin.

- b. Public comments regarding items not on the agenda: Paul Mykytka and Kevin Sullivan spoke of the need to educate the public on what defines a dune. They spoke of frustration of people shelling and shoveling the dune walkovers.

11. Adjournment: Motion by Commissioner Cooley to adjourn the meeting at 8:30 p.m.

Scott Spradley, Chair

Attest:

Penny Overstreet, City Clerk