



CITY COMMISSION REGULAR MEETING MINUTES

Thursday, September 12, 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. **Proclamations and Awards**
 - a. Certificates of Appreciation: Ken Bryan, Home Depot, and Lowes. Mayor King presented the certificate to Ken Bryan for his efforts to assist the City with the painting of City Hall and the Veterans Park memorial benches. Ken accepted the certificates to Lowes and Home Depot for their generous donations.
 - b. Proclamation National Recovery Month. Mayor King read the proclamation into the record and presented the proclamation to Pam Bertolo. She distributed posters and buttons and invited all to the Recovery Festival at the Agricultural Museum on September 21.
 - c. Proclamation Suicide Prevention Month. Mayor King read the proclamation into the record and presented the proclamation to members of the Flagler Beach Rotary Club. The members reported that there will be a 988 Suicide Prevention walk on Thursday, September 19, 2024 6:00 p.m.
 - d. Proclamation National Ovarian Cancer Awareness Month. Mayor King presented the proclamation into the record and presented it to Val Sanson. Ms. Sanson thanked the City for their support.
3. **Deletions and changes to the agenda.** Commissioner Cooley asked to pull Item 7C. City Clerk Overstreet review the changes that were made to the document prior to the meeting. Commissioner Cooley withdrew his request. Commissioner Cooley questioned 6a. City Clerk Overstreet explained the situation.
4. **Public comments regarding items not on the agenda.** Steve Dalley needed clarification regarding the PAR Board’s responsibilities regarding the proposed annexation and how the annexation will affect our utilities. Greg Sullivan reported an Airstream trailer parked on City property on N. Daytona for an extended period time and was concerned that it has not been removed. Boudie Estberg lives on Lehigh Avenue and reported there was flooding on Sunday and with the continued rain, the water above exhaust line of his wife’s car. John Stein of Leigh Avenue spoke of the flooding of the street and was concerned that the stormwater drains and culverts were not clean and causing flooding.

City Manager to report to Public Works in order to ascertain how best to solve the problem. Mr. Martin will pass along the trailer issue to Code Enforcement tomorrow. Attorney Smith reviewed the PAR Board is a recommending body to the Commission they do not approve.
5. **Consent Agenda**
 - a. Approve the minutes of the August 12, 2024 Workshop, and the August 22, 2024 Regular meeting.
 - b. Approve an Agreement with Pro First Training for pre-hire background checks.
 - c. Approve Insurance Contract with PGIT

Motion by Commissioner Belhumeur to approve the consent agenda. Commissioner Sherman seconded the motion. Public comment was opened. No comments were received. Public comment was closed. The motion carried unanimously.

6. General Business

- a. Application OE-24-09-01 - 1112 S. Ocean Shore Boulevard - Annual Outdoor Entertainment Permit, The Cajun Beach, FloJun, LLC. Applicant Patrick McKinney: Motion by Commissioner Mealy to table Item 6a to the October 10th Regular Meeting. Commissioner Sherman seconded the motion. Public comment was opened. No comments were received. Public comment was closed. The motion carried unanimously.
- b. Resolution 2024-52. A Resolution by the City of Flagler Beach, Florida, approving a Task Order with Bentley Group, Inc., to perform condition assessments of five (5) city-owned buildings; providing for conflict and an effective date: Attorney Smith read the title of the resolution into the record. Motion by Commissioner Mealy to approve Resolution 2024-52. Commissioner Sherman seconded the motion. Public comment was opened. No comments were received. Public comment was closed. The motion carried unanimously, after a roll call vote.
- c. Resolution 2024-53, a Resolution to approve the City of Flagler Beach application for the 2024 Flagler County Tourist Development Council Capital Project Funding Program; providing for conflict and an effective date: Attorney Smith read the title of the resolution into the record. Commissioner Cooley was concerned the cost of the project would be too expensive for the City. He would like to split the project into the promenade being one and the restrooms and other facilities being another and doing value engineering on those areas. Chairman Spradley was in agreement. Commissioner Mealy was concerned the project needs to start in order to get the grant. Mr. Martin responded the project has to be started within one year of the award; in the grant, the City is committed to expanding the buildings at the pier but we are not tied to the cost or the materials. We have the ability to change the material without losing the grant. Commissioner Belhumeur expressed concern about design plans for of the Pier. Mr. Martin advised in either October or November the commission will have the ability to put their stamp on the design elements of the pier. Motion by Commissioner Sherman to approve Resolution 2024-53. Commissioner Belhumeur seconded the motion. Public comment was opened. No comments were received. Public comment was closed. The motion carried unanimously, after a roll call vote.
- d. Consideration of City Commission Reserved for Contingencies Funds: Commissioner Belhumeur would like to see new benches in the portico of City Hall, new picnic tables in Veterans Park, and new chairs for the Commissioners. Mayor King wanted to wait on the picnic tables until the branding process has been completed in order for the downtown area to have a cohesive look. Chairman Spradley suggested the item be placed on the next CRA agenda. The Commission reached a consensus to roll the funds back into Reserves.

7. Public Hearings

- a. 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 - final reading: Attorney Smith read title into the record. Commissioner Cooley referred to an error on page 117, business impact statement has a typo. He asked if the motion needed to be approved as amending. Attorney Smith counseled because it is not part of the ordinance, the exhibit can be removed. Motion by Commissioner Sherman, seconded by Commissioner Mealy, to approve Ordinance 2024-13. The motion carried four to one, with Commissioner Belhumeur voting no.
- b. 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. - final reading: Attorney Smith read the title into the record. Mr. Martin reviewed the purpose of the ordinance is to increase the spending limits from \$20,000 to \$49,999. Purchases will be approved by the Finance Director and City Manager. The

spending limit of \$20,000 slowed down the process of purchasing not only, coming back to the Commission, but the number of items needing to go out for bid. Commissioner Cooley asked if this increased threshold of the City Manager making purchases. Discussion included past practices by previous City Managers; projects the Commission had not approved in the past. Attorney Smith referred the Commission to page 121, and suggested amending the last line from Finance Director and City Manager to City Commission. This adjusts the threshold for the City Manager to \$35,000. Motion by Commissioner Belhumeur, seconded by Commissioner Sherman to approve 2024-14 as amended. The public hearing was opened. No comments were received. The public hearing was closed. The motion carried unanimously, after a roll call vote.

- c. 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. - final reading: Attorney Smith read title of the Ordinance into the record. Discussion included references to 32-gallon cans changing that reference to 65-gallon cans; the number of cans allowed per resident on pick-up days; special pick-up fees; alleys not being maintained and damaging City trucks. Commissioner Cooley asked if the Commission would agree with changing four 32-gallon cans to two 65-gallons. Discussion turned to when a special pick-up cost would be necessary; the amount of yard waste residents would be allowed to put out at one time without needing a special pick-up. Rob Smith, Sanitation Director, advised the Commission how many kitchen bags can fit in 65-gallon cans. He thought there should be three cans at a minimum but it would be more realistic at four tippy carts. Mr. Smith explained the difference since Environmental Land Services was purchased by Waste Management. The new management charges by the yard and not by weight. Motion by Commissioner Cooley to approve 2024-15 as amended. The motion was seconded by Commissioner Sherman. Commissioner Belhumeur requested clarification regarding the amendment. Discussion turned to the number of cans allowed. The motion and the second were withdrawn. Motion by Commissioner Belhumeur that we approve 2024-15 as written, with one change on line 120, changing eight 32-gallon to four 65-gallon. Commissioner Mealy seconded the motion. The public hearing was opened. Mr. Edward Lansdowne spoke of his concerns and his love of the City. The public hearing was closed. The motion carried unanimously, after a roll call vote.
- d. 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. Attorney Smith read the title of the ordinance into the record. Discussion included elevator bulkhead; stairwell and elevator bulkhead will be added to the ordinance; not going beyond 43 feet; parapet being eight feet not 10 feet. It was consensus of the Commission for it to be kept at eight feet, for a total of 43 feet. The public hearing was opened. The following citizens came forward to express their concerns, opinions and suggestions: Greg Sullivan, Steve Dalley, Charlie Morrow and Brett Spitalny. The public hearing was closed. Motion by Commissioner Belhumeur, seconded by Commissioner Mealy to approve Ordinance 2024-16, as amended. The motion carried unanimously, after a roll call vote.

8. Staff Reports

- a. City Attorney: spoke of the Veranda Bay Development. The County is requesting the City consider taking the portion of John Anderson Highway and the possible need for an Interlocal Agreement.
- b. City Manager: The presentation regarding the TDC grant will go before the Board of County Commissioners on Monday, September 16, 2024. The Special Meeting on the Annexation application is next Tuesday. The Parks Committee met and the City is waiting on the formal FRDAP contract from the state. They recommended for the City to put out an request for qualifications to solicit a parks consultant to prepare some options for Wickline Park. Tom Gillin is looking into reviving Movies in the

Park program with a twist it will now be Movies around Town. The movies will take place at different locations around the City.

c. City Clerk: Distribution of the City Managers Annual Evaluation.

The second reading of the height ordinance will come back to you at the October 10 regular meeting.

The Finance Director has drafted an RFP for auditing. As part of the process, she is looking to put together an audit review committee. She has asked for three members of the Commission to participate as members of the committee. Patti King, Jane Mealy, Scott Spradley volunteered.

Mr. Whitson is now working for the School District and would like a few minutes at the beginning of the Annexation meeting to speak regarding the School District's concerns.

Attorney Smith coached the Commission on the process necessary when reviewing annexation process.

9. Commission Comments

a. Commission comments, including reports from meetings attended.

Mayor King is looking forward to the meeting on the 17th so the public can receive factual information.

Commission Belhumeur: Asked the Commission fill out the City Manager's Evaluation thoughtfully and with specifics.

Disappointed the Pier Timeline is starting later than anticipated.

Street sweeping: He was wondering why it is limited to the CRA and was hoping the area could be expanded. Mr. Martin clarified that it will be expanded.

Former Johnny D's Code Enforcement issues: Attorney Smith reported they will be going before the magistrate at the next hearing.

Oversight on sand fencing progressing beyond the City limits: Mr. Martin reported FDOT gave the contractor incorrect information and the City will not be charged for the error.

Reported the wash out on A1A and N. 7th Street: He felt there was more responsiveness in the past.

Commissioner Belhumeur requested updates on the following issues:

Decorative lights: Mr. Martin reported they were delivered this week and the contractor is coming out for them to be installed.

Land Development Code: Ms. McClenning will have it before you by the end of November.

Cameras in Veterans Park: Mr. Martin reported they will be installed by the end of this month.

Pier Drawings: Mr. Martin will ask Mr. Perdomo to send the 90% drawings but clarified these are the structural engineering plans.

Commissioner Sherman: Spoke of silt fencing coming out of the work sites. He strongly urged the ordinance be enforced.

A resident on S. 19th was trimming back the right of ways because there is not a good sight line to the stop sign. He hoped in this next fiscal year staff will have a schedule to address those areas where the right-of-way is overgrown.

Commissioner Mealy: Attended the Investment Committee. She was impressed with the new Finance Director.

She thanked the Knights of Columbus for putting on a wonderful 911 Memorial. She asked for input for the FLC Policy Committee.

Commissioner Cooley: Thanked the County Tourism Department for highlighting the "Hang 8" event for the Florida Tourism Awards and sent congratulations on receiving 1st place.

Chairman Spradley: Spoke of his Saturday meetings in his office and noted the public is invited. There is now a satellite meeting for residents on the south end of town wondering why areas of the City are treated differently regarding beach renourishment. He has secured members of the County and FDOT to attend the second meeting and is working on getting a member of the Army Corps to participate.

- b. Public comments regarding items not on the agenda. Citizens are encouraged to speak. However, comments should be limited to three minutes.

The following residents came forward to give his suggestions: Greg Sullivan and Steve Dalley.

Attorney Smith clarified the meeting on Tuesday is the first reading for all of the ordinances regarding the annexation. He summarized the State's role in the annexation and the reason for the bulk of paper work necessary.

- 10. **Adjournment:** Motion by Commissioner Belhumeur adjourn the meeting 8:50 p.m.

Scott Spradley, Chairman

Penny Overstreet, City Clerk