



# CITY COMMISSION REGULAR MEETING MINUTES

Thursday, December 12, 2024 at 5:30 PM

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

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**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.

## ALL MEETING ITEMS WILL BE CONTINUED UNTIL MEETING IS COMPLETE.

1. **Call the meeting to order:** Chairman Spradley called 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:** Commissioner Sherman led the pledge to the flag.
3. **Proclamations and Awards:** None.
4. **Deletions and changes to the agenda:** Chairman Spradley asked to move Public Hearing Items C, D, and E to the top General Business. The items were regarding the annexation of Veranda Bay. The City received communication from a law firm yesterday challenging the annexation of Veranda Bay into the City limits. Given the timing of the communication, the City has not had time to research and study it to determine its merit. He suggested tabling the items and come back in a month in order for the developer to work on the matter.
5. **Public comments regarding items not on the agenda:** Chuck Malkis of 33 Andover Drive, Palm Coast suggested the Commission consider using a larger venue when they have an item on the agenda that will bring more than 100 people interested in the item. Public comment was closed. Chairman Spradley indicated the items that bring a large amount of interest are hard to determine until citizens attend the meeting. City Clerk Overstreet responded the City will not be able to stream the meeting at another location and therefore, prohibiting residents from viewing the meeting.
6. **Consent Agenda**
  - a. Approve the Minutes of the Regular and Workshop Meetings of November 14, 2024.
  - b. Approve an Interlocal Agreement between the Flagler County Supervisor of Elections and the City of Flagler Beach for the 2025 Municipal Election.
  - c. Approve the 2025 Commission Meeting Schedule.
  - d. Approve the 2025 City Holiday Schedule.

Motion by Commissioner Sherman, seconded by Commissioner Belhumeur, to approve the Consent Agenda. The motion carried unanimously.

Public comment was open. No comments were received. Public comment was closed.

7. **General Business**
  - a. Ordinance 2024-17. An Ordinance of the City Commission of the City of Flagler Beach, Florida, to annex property to be included within the Corporate Area and City Limits of the City of Flagler Beach; providing for the annexation of approximately 899.09 acres of property described in Exhibit "A" to this Ordinance and lying in the areas proximate to the existing City Limits of the City of Flagler Beach, Flagler County, Florida; providing for annexation in accordance with the voluntary annexation provisions of Section

171.044, Florida Statutes; providing for annexation of real property/amendment of Corporate/City Limits; providing for rights and privileges resulting from annexation upon land uses; providing for effect on ad valorem taxes; providing for effect on businesses and occupations; providing for effect on businesses and occupations; providing for conflicts, severability and an effective date - final reading. Attorney Smith read the title into the record. Chairman Spradley explained the communication threatening a lawsuit was received yesterday and he felt it would be a disservice to the residents of Flagler Beach not to spend time studying the subject. Commissioner Belhumeur asked if the item was to be table that it would be tabled to a date certain. Motion by Commissioner Belhumeur, seconded by Commissioner Cooley, to table Ordinance 2024-17 to the date certain of January 23, 2024 at 5:30 p.m. or soon thereafter, here at City Hall. The motion carried unanimously, after a roll call vote.

- b. Ordinance 2024-19. An Ordinance of the City Commission of the City of Flagler Beach, Florida, amending the Comprehensive Plan Future Land Use Map designation for approximately 899.09 acres of certain real property; providing for severability; providing for conflicts; and providing for an effective date - final reading. Attorney Smith read the title of the ordinance into the record. Motion by Commissioner Sherman, seconded by Commissioner Mealy, to table Ordinance 2024-19 for date certain of January 23, 2024 at 5:30 p.m. or soon thereafter, here at City Hall. The motion carried unanimously, after a roll call vote.
- c. Ordinance 2024-18, an Ordinance of the City Commission of the City of Flagler Beach, Florida, amending the Official Zoning Map designation for approximately 899.09 acres of certain real property; providing for severability; providing for conflicts; and providing for an effective date - final reading. Attorney Smith read the title of the ordinance into the record. Motion by Commissioner Belhumeur to table Ordinance 2024-18 for date certain of January 23, 2024 at 5:30 p.m. or soon thereafter, here at City Hall. The motion carried unanimously, after a roll call vote.

Chairman Spradley recessed at 5:50 pm. The meeting reconvened at 6:05 p.m.

- d. Consider appointments to the Planning and Architectural Review Board. The process was discussed and the top voter will have the full term and the second will complete the term until February 22, 2025. Paul Mykytka was not present. Mr. Estberg and Ms. Johnston spoke of their interest in serving on the PARB. Chairman Spradley read the results: Seat 5 -William Boudie Estberg; Seat 2 -Suzie Johnston.
- e. Consider an appointment to the Finance Committee: Motion by Commissioner Mealy, seconded by Commissioner Sherman, we appoint Andrea Gulliksen to the Finance Committee. The motion carried unanimously.
- f. Consider appointments to the Personnel Advisory Review Board. Ms. Conrad, Mr. Crostarosa and Mr. Sepe spoke of their background and why they would like to serve on the board. Motion by Commissioner Mealy, seconded by Commissioner Cooley, to appoint Kathleen Conrad, Bob Crostarosa and Peter Sepe to fill the vacancies. The motion carried unanimously.
- g. Resolution 2024-55. A Resolution by the City Commission of the City of Flagler Beach, to award Bid No. FB-24-1024 Refurbishment of City Parking Lot #3 S. Central Avenue & S. 8<sup>th</sup> Street to DDS Enterprises, LLC in an amount not to exceed \$147,000, 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 Mealy, to approve Resolution 2024-55. Public comment was opened. No comments were received. The motion carried unanimously, after a roll call vote.
- h. Resolution 2024-69. A Resolution of the City Commission of the City of Flagler Beach, Florida, authorizing a loan from Regions Capital Advantage, Inc. in an aggregate principal amount of not to exceed \$21,000,000 for the purpose of providing financing for the repair and replacement of damaged portions of the Flagler Beach Fishing Pier as described herein; approving the form of and authorizing the execution and delivery of a loan agreement; authorizing the execution and delivery of the City of Flagler Beach, Florida Capital Improvement Non-Ad Valorem Revenue Note, Series 2024 to evidence the City's obligations under the loan agreement, such note to be a limited obligation of the City, payable from

legally available non-ad valorem revenues budgeted, appropriated and deposited into the City's Debt Service Fund; providing for the rights and securities of the owner of the note; making certain other covenants and agreements in connection therewith; providing for severability; and providing for an effective date. Attorney Smith read the title of the resolution into the record. Mr. Martin reviewed the need for the loan. Once the pier is built, the City will ask to be reimbursed by the State and Federal Government and at that time, we will pay off the loan. Motion by Commissioner Belhumeur, seconded by Commissioner Sherman to approve Resolution 2024-69. Public comment was opened. No comments were received. Public comment was closed. The motion carried unanimously, after a roll call vote.

- i. Direction to staff regarding the development of an ordinance that establishes regulations, inspections, enforcement and fees related to fats, oil and grease (FOG) in the City's wastewater system. Mr. Martin the proposed ordinance is to ensure the proper functionality of the City's wastewater system. Mr. Bill Freeman, City Engineer, presented information to the Commission which included: the effect of the pipes when there is too much fat oil and grease into the system; the timing of when a business will need to put in the grease trap; how to implement the program with older establishments; the administration necessary to monitor the program; how the program will be enforcement and program fees. Topic discussed how many business need to have grease traps or to upgrade the grease traps; the timing to comply; enforcement be arduous; the cost to the wastewater system by having grease in the pipes; needing a more phased approach; whether the program will effect places like the Woman's Club, churches, and the Fire Department; the burden on Code Enforcement; revisiting the fee structure; building in a delay in fees; can lift stations be connected to the area of most concern; A1A and behind the Publix tend to be the most effected. It was the consensus of the Commission to continue to develop the program and revisit the fee structure with administrative costs related to actual expenses.
- j. Resolution 2024-70. A Resolution by the City Commission of the City of Flagler Beach, Florida, amending Resolution 2024-51, which adopted the FY 24/25 Budget, to reflect a Budget Amendment to Amend the Appropriated Fund Balances for 2024/25; providing for conflict, providing an effective date hereof. Attorney Smith read the title of the resolution into the record. Mr. Martin called Ms. Harlan, Finance Director to the podium. The budget was based on projection of revenue of the fees that were presented to the Commission in November. The result of those fees not being adopted is the budget is currently out of balance so this is a budget amendment to correct. Mrs. Harlan stated the fund that is critical is stormwater. The stormwater fund has no reserves. Mr. Martin asked for direction from the Commission as to whether to have rate increases considered or how staff should approach projects approved during the budget sessions. Discussion included costs tied to inflation and not the cost of operation; the need to separate the types of fees out into separate resolution; data collection; the need to adopt the fees together for the sake of the utility fund; enterprise funds do not go to the general fund at the end of the fiscal year and possibly using reserves. Mr. Martin again explained the budget was put together based on the rate increase. When the rate increase was not approved, the budget became out of balance and the resolution is to make the appropriate adjustments. Commissioner Cooley suggested the Commission approve the previously suggested rates. Mr. Martin asked Hollie Harlan, Finance Director, was brought back in January will it be necessary to approve Resolution 2024-70. Ms. Harlan indicated it would not be necessary if Resolution 2024-51 is presented at the January 9<sup>th</sup> meeting. It was the consensus the commission to bring back the previous resolution on the January 9 meeting. No action was taken on Resolution 2024-70
- k. Resolution 2024-71. A Resolution by the City of Flagler Beach, Florida, accepting the proposal from Catalyst Design Group Inc., for Wickline Park consulting services; providing for conflict and an effective date. Attorney Smith read the title of the resolution onto the record. Motion by Commissioner Mealy, seconded by Commissioner Belhumeur to approve Resolution 2024-71. Public comment was opened. No comments were received. Public comment was closed. The motion carried unanimously, after a roll call vote.

- I. Resolution 2024-72. A Resolution by the City of Flagler Beach, Florida approving a Flagler County Capital Project Funding Agreement between Flagler County and the City of Flagler Beach for the Flagler Beachwalk Project; providing for conflict and an effective date. Attorney Smith read the title of the resolution into the record. Mr. Martin outlined the reasoning for the resolution. Motion by Commissioner Belhumeur, seconded by Commissioner Mealy, to approve Resolution 2024-72. Public comment was opened. No comments were received. Chair Spradley closed public comment. The motion carried unanimously after a roll call vote.

## **8. Public Hearings**

- a. Consider Application PVAR24-0001 - requesting a Variance from the Land Development Regulations Article II, Section 2.05.08.1.(a) All single-family dwelling units shall have a minimum of nine-hundred (900) square feet of livable enclosed floor space, exclusive of open porches and garages. The application is for a 624 square feet of enclosed floor space. Subject property is identified as Parcel ID # 18-12-32-2750-00300-0220 also known as 2109 South Flagler Avenue. Mr. Martin reviewed the history of the item. Ms. Lupita McClenning spoke to the particulars of the application. Commissioner Mealy asked about parking and the number of feet from the alleyway the structure will be placed. Ms. McClenning reported it will be 10 feet from the alley which meets the standards of the code. Ms. Cathy Horrocks, the applicant, clarified that the parking pad is located within the property and not in the right-of-way. Discussion included the structure was in place for many years; the city permitting the kitchen; it being a non-compliant structure. Motion by Commissioner Belhumeur, seconded by Commissioner Mealy to approve Application PVAR24-0001 with the two conditions from the planning staff. The public hearing was opened. Pete Sepe asked if the Commission denied the request. Hugh Jones reported the concrete pad was a tight fit. He was concerned the Commission was making a precedent. The public hearing was closed. Attorney Smith reported if the Commission denies the request, the property will not be in compliance and the applicant would need to work with the Property Appraiser to get the two parcels put into one. The motion carried three to two, with Commissioners Cooley and Sherman voting no.
- b. Consider application PSPE25-0001: for a special exception use to utilize the building at 2501 Moody Boulevard, Unit A as a church in the Highway Commercial Zoning District as provided for in the Land Development Regulations Section 2.04.02.8, Zoning Schedule One Land Use Controls. Applicant: Coastal Family Church Representative: Patrick Jordan Farrell. Ms. McClenning reported the church would like to move to Flagler Square in the building where Badcock Furniture was located. Because of the zoning, it is coming before the Commission for consideration. She reviewed the special exception criteria that apply to this application. Motion by Commissioner Mealy, seconded by Commissioner Sherman to approve application PSPE25-0001. 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 2024-23, and Ordinance of the City of Flagler Beach, Florida, amending the City of Flagler Beach Code of Ordinances, Appendix "A" "Land Development Regulations, Article V, "Development Design Standards" relating to certain fees and charges related to water service; providing for severability; providing for codification, conflicts and effective date - first reading. Attorney Smith read the title of the ordinance into the record. Attorney Smith reported the ordinance was reviewed by Finance Department and currently the City has the right to clear the meter but does not have an avenue to recoup the costs of clearing the meter. Sewer credits will be done one a year. Motion by Commissioner Belhumeur, seconded by Commissioner Sherman, to approve Ordinance 2024-23. The public hearing was opened. No comments were received. The public hearing was closed. The motion carried unanimously, after a roll call vote.

## **9. Staff Reports**

- a. City Attorney: Attorney Smith reported the Commission is still to fill out Form 1.

- b. City Manager: Mr. Martin reported the City received one bid for the Pier Project. Mr. Perdomo is reviewing the proposal. He spoke about having a Christmas pot luck for those that are alone on Christmas Day. He asked for approval to use the Commission Room.
- c. City Clerk: Reported she spoke to Luci Dance at the County regarding a joint meeting with the County and municipalities and the room is open on Feb 5 and 6. All members of the Commission were available on those dates. She reported there are three residents that have qualified as candidates: Commissioners Mealy and Sherman and John Cunningham.

**10. Commission Comments**

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

Mayor King wished all a Merry Christmas. She reported on the Centennial logo that was received. She distributed three logos for the Commission to rank. Mr. Martin summarized a recent exchange with the Centennial Committee regarding the logo they provided. Commissioner Mealy was disappointed with the lack of inclusiveness the committee allowed. Mayor King recommended the City take over the Centennial Celebration. Commissioner Belhumeur spoke of the lack of communication between the committee and the City. Commissioner Cooley felt the logo presented does not represent or tie into the City's current logo. He felt the logos presented tonight were a better represented. Chairman Spradley did not see anything remotely tying into Flagler Beach and the email read like a take it or leave it letter. It was the consensus of the Commission to take over the Centennial Celebration. Logo A was the winning logo.

Commissioner Belhumeur would like the board application online to include how many Commission meetings attended. He spoke of the speed limit signs and would like to see them up in the area; parking incorrectly and the enforcement; alleys being worn out by contractors would like to hold the contractors accountable for the damage.

Commissioner Sherman attended the Florida League of Cities Conference in Orlando. He spoke that the legislature is tightening their belts. He spoke of a seminar he took regarding hurricane recovery efforts.

Commissioner Mealy attended a webinar. Citizens Academy announcement will be coming soon.

Commissioner Cooley asked if Code Enforcement would have a theme every month, similar to the Police Department. He suggested starting with "business signage."

Chairman Spradley spoke of the parade and the attendance. He was happy to see Chief Doughney back. Chairman Spradley is looking forward to New Years Eve and the Surf Board drop.

- b. Public comments regarding items not on the agenda. Citizens are encouraged to speak. However, comments should be limited to three minutes. No comments were received. Public comment was closed.

**11. Adjournment:** Motion by Commissioner Belhumeur to adjourn the meeting at 9:00 p.m.

Attest:

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Scott Spradley, Chairman

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Penny Overstreet, City Clerk