



# CITY COMMISSION REGULAR MEETING MINUTES

Thursday, October 24, 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, City Planner Lupita McClenning and City Clerk Penny Overstreet.

1. **Call the meeting to order:** Chairman 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:** Commissioner Sherman led the pledge to the flag.
3. **Proclamations and Awards**
  - a. Proclamation recognizing October 2024 as National Domestic Violence Awareness Month. Mayor King presented the proclamation to members of the Family Life Center, the Flagler Beach Victim Advocates and members of BACCA.
4. **Deletions and changes to the agenda:** The minutes of the October 17 meeting were removed from the agenda.
5. **Public comments regarding items not on the agenda:** Kelly Spence reported after the storm. On October 11, she reported sewage coming into the street, on October 21, sewage was coming up into the shower. She did not receive a call back, but they came to her street at 1:00 p.m. Mr. Martin responded and will have Engineering/Wastewater contact her in the morning.
6. **Consent Agenda**
  - a. Approve the minutes of the Special Meeting of October 14, 2024 and the Regular Meeting of October 17, 2024. Motion by Commissioner Mealy, seconded by Commissioner Cooley to approve the minutes of October 14<sup>th</sup>. Public comment was opened. No comments were received. Public comment was closed. The motion carried unanimously.
7. **General Business**
  - a. Approve a two-year agreement for Lobbyist Services with Anfield Consulting. Edgar Fernandez of Anfield Consulting reviewed the actions the Legislature is taking when addressing funding requests. He presented a year end report to the Commission. He felt the state was honoring the request by allocating funds to specific projects. He reported on the federal lobbying efforts that were brought in to help the City obtain assistance with the beach project. Mr. Fernandez has spoken with the Becker Firm to look at the Intracoastal and to look at doing Vulnerability Study. He reported the Becker Firm is not only familiar with the political process but the federal grant process. Commissioner Cooley would like to keep the State lobbying efforts but would like to drop the federal portion after one or two years. Motion by Commissioner Belhumeur, seconded by Commissioner Sherman, we approve the agreement for lobbyist service with Anfield Consulting. Public comment was opened. No comments were received. Public comments were closed. The motion carried unanimously.
  - b. Resolution 2024-56, a Resolution by the City of Flagler Beach, Florida, to Transition Treasury Management and Banking Services to PNC Bank; providing for conflict and an effective date: Attorney Smith read the title of the resolution into the record. Keith Callahan, PNC representative, reviewed a Power Point presentation summarizing the services offered by PNC. Motion by Commissioner Sherman,

seconded by Commissioner Belhumeur, to approve Resolution 2024-56. Public comment was opened. No comments were received. Public comment was closed. The motion carried unanimously after a roll call vote.

- c. Resolution 2024-62, a Resolution by the City of Flagler Beach, Florida, to rename the Investment Committee to the Finance Committee; providing for conflict and effective date: Attorney Smith read title of the resolution into the record. Motion by Commissioner Mealy, seconded by Commissioner Sherman to approve Resolution 2024-62. Public comments were opened. No comments were received. Public comment was closed. The motion carried unanimously, after a roll call vote.
- d. Resolution 2024-63, a Resolution by the City of Flagler Beach, Florida, approving a Standard Grant Agreement between the State of Florida Department Of Environmental Protection, Florida Recreation Development Assistance Program (FRDAP) and the City of Flagler Beach; providing for conflict and effective date. Attorney Smith read the title of the resolution into the record. Motion by Commissioner Mealy, seconded by Commissioner Cooley to approve 2024-63. Public comment was opened. No comments were received. Public comment was closed. The motion carried unanimously, after a roll call vote.
- e. Resolution 2024-64, a Resolution by the City Commission of the City of Flagler Beach, Florida extending Resolution 2024-58 which enacted a Declaration of Emergency for the City of Flagler Beach, and enacted the powers of Chapter 14, Article III, Emergency Management, providing for conflict and an effective date. Attorney Smith read the title of the resolution into the record. Motion by Commissioner Belhumeur, seconded by Commissioner Mealy to approve Resolution 2024-64. Public comment was opened. No comments were received. Public comment was closed. The motion carried unanimously, after a roll call vote.
- f. Resolution 2024-65, a Resolution by the City Commission of the City of Flagler Beach, Florida extending Resolution 2024-58 which enacted a Declaration of Emergency for the City of Flagler Beach, and enacted the powers of Chapter 14, Article III, Emergency Management, providing for conflict and an effective date. Attorney Smith read the title of the resolution into the record. Motion Commissioner Belhumeur, seconded by Commissioner Sherman to approve Resolution 2024-65. Public comment was opened. No comments were received. Public comment was closed. The motion carried unanimously, after a roll call vote.
- g. Resolution 2024-66, a Resolution by the City Commission of the City of Flagler Beach, Florida extending Resolution 2024-58 which enacted a Declaration of Emergency for the City of Flagler Beach, and enacted the powers of Chapter 14, Article III, Emergency Management, providing for conflict and an effective date: Attorney Smith read the title of the resolution into the record. Motion by Commissioner Mealy, seconded by Commissioner Cooley, to approve Resolution 2024-66. Public comment was opened. No comments were received. Public comment was closed. The motion carried unanimously, after a roll call vote.
- h. Annual City Manager evaluation review: Mr. Martin presented his self-evaluation. He appreciated comments received by the Commission. Commissioner Cooley felt the self-evaluation was good and comparatively this evaluation is much better than those received in the past. Chairman Spradley thanked Mr. Martin for his service and noted that it was a particularly difficult time in the City's history. Public comment was opened. Paul Mykytka commended Mr. Martin for all he has done in his first year. Public comment was closed. Commissioner Belhumeur referred to the evaluation as tough love. He thanked Mr. Martin for all of his help during the past year.

## **8. Public Hearings**

- a. 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 - final reading. Attorney Smith

read the title of the ordinance into the record. Attorney Smith noted on Line 75 the word forty-five should match the numeral 43. Motion by Commissioner Belhumeur, seconded by Commissioner Sherman, to approve Ordinance 2024-16 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.

- b.** 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 of the ordinance into the record.

- 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.

- d.** 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 Belhumeur, seconded by Commissioner Sherman to table Ordinance 2024-17, 18 and 19 to December 12, 2024 at 5:30 p.m. or soon thereafter. The motion carried unanimously.

- e.** Ordinance 2024-20, an Ordinance by the City of Flagler Beach, Florida, amending the Comprehensive Plan to add a Property Rights Element; providing for conflicts, severability, and 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 approve Ordinance 2024-20. The public hearing was opened. No comments were received. The public hearing was closed. The motion carried unanimously, after a roll call vote.
- f.** Ordinance 2024-21, an Ordinance of the City Commission of the City of Flagler Beach, Florida, authorizing the borrowing of money in an amount not to exceed twenty-one million dollars for the purpose of financing certain repairs and the replacement of damaged portions of the Flagler Beach Pier; and providing an effective date - first reading: Attorney Smith read the title of the ordinance into the record. Motion by Commissioner Sherman, seconded by Commissioner Mealy to approve Ordinance 2024-21. The public hearing was opened. No comments were received. The public hearing was closed. The motion carried unanimously, after a roll call vote.
- g.** Ordinance 2024-22, and Ordinance of the City of Flagler Beach, Florida, approving a Collective Bargaining Agreement between the City of Flagler Beach, Florida and the International Union of Police Associations for the period October 1, 2024 through September 30, 2027; 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. Commissioner Cooley requested a cost per resident. He also asked what the Sheriff's Department and other cities' cost per resident is. Commissioner Belhumeur asked what are main changes. Attorney Smith responded page 61, compensation and equipment changes. Motion by Commissioner Mealy, seconded by Commissioner Belhumeur, Ordinance 2024-22. 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: None.
- b. City Manager: Friday Movie Flagler Family Flicks, Friday at the Wickline. Mr. Martin suggested the Veranda Bay Workshop be held on November 14<sup>th</sup> prior to the Commission Meeting. It was the consensus of the Commission to schedule the Veranda Bay workshop on November 14<sup>th</sup> at 5:00 p.m.

Mr. Martin reported he has a speaking engagement Wednesday, October 30<sup>th</sup> before the Chamber of Commerce. Each government has been asked to discuss the future of the community. He spoke of the Veterans Day's celebration. He was not sure if they will make it back in time for a 2 o'clock ceremony. There was discussion regarding doing a more collaborate effort with the other government entities.

We are scheduling the Wastewater Treatment Workshop for the December 12, 2024 meeting. Flagler County is looking for approval of a letter to the County Chair in regarding supporting the construction and funding of a new County wide shelter. The FDOT Maintenance agreement and his concern is whether the City's maintenance department to take care of city and FDOT rights-of-way. He asked the Commission to think about it and get back to him with their thoughts. Mr. Martin spoke of the Property Appraiser splitting lots within the City limits and the property owner coming to the Building Department to find that they have purchased an unbuildable lot.

- c. City Clerk: Ms. Overstreet reported Mr. Kovach came before the PARB and the Commission for a FLUM Amendment and a zoning change for his properties on North 6<sup>th</sup>. One lot was commercial and one was single family. It was approved by both boards and the City sent the binding lot agreement to the property appraiser. The Property Appraiser notified the City that one of the lots is located in the CRA and the City does not have the authority to change the boundaries of the CRA. She suggested offering a waiver to Mr. Kovach of the code to allow him to build the accessory structure on the 30-foot lot that cannot be bound to the other because of the two-taxing districts. Attorney Smith indicated he would talk to Ms. Overstreet after the meeting.

Deputy Chief Blanchette: Reported on the Witches Bike Ride, Drug Take Back Day, Annual Trunk or Treat all take place on Saturday.

## 10. Commission Comments

- a. Commission comments, including reports from meetings attended. Commissioner Cooley inquired on the sand fencing was ripped out by FDOT. Mr. Martin is looking into getting it replaced by FDOT and is speaking to the local representative. Commissioner Belhumeur asked about the sand fencing that went into Beverly Beach. Mr. Martin stated we are looking at a credit for fencing that went into Beverly Beach. Commissioner Cooley was disappointed by the lack of advertising for the recent FEMA representative meetings in the Commission Room. He asked whether the City Manager receives information from FEMA/Gregory O'Reilly to post to Facebook. Discussion about the County moving forward with their Beach Management Plan and how we move forward to be notified and the City have a seat at the table. Mr. Martin went to the last meeting of the Beach Management Plan and County Administrator Petito received similar direction.

Commissioner Mealy was not pleased to learn of Palm Coast's practice regarding lowering their canals before a storm.

Commissioner Sherman asked what happened to the sand that blew over to the road. He was very upset about the sand going into the City's stormwater system.

Commissioner Belhumeur asked about generators for the Police Department and the Wickline Center.

Mayor King reported Veterans Day will take place in Veterans Park at 3:00 p.m.

Chairman Spradley reported many citizens were very thankful for the response from the City after the storm.

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

Paul Mykytka thanked all for their efforts regarding communication pre-storm. He hoped for an improvement in post storm communication. He reported sand is now in the medians and hoped the sand would be removed. Joe Debeth spoke of the maintenance practices for generators.

**11. Adjournment:** Motion by Commissioner Sherman to adjourn the meeting at 7:44 p.m.

Attest:

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Scott Spradley, Chair

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Penny Overstreet, City Clerk