



CITY COMMISSION REGULAR MEETING MINUTES

Thursday, March 13, 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 5:46 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. Development Disabilities Awareness Month: Terri Baker of the Cedar Bridge Foundation accepted the proclamation and spoke about the foundation.
4. Deletions and changes to the agenda. There were no deletions or changes to the agenda.
5. Public comments regarding items not on the agenda: Steve Dalley asked for an update on the Joint County meeting.
6. Consent Agenda
 - a. Approve the meeting minutes of February 27, 2025.
 - b. Authorize East Flagler Mosquito Control District and their subcontractors to perform low-level flights "500 feet or below" to apply insecticides approved and labeled for mosquito control use over congested areas.
 - c. Appointments to fill vacancies for the Primary Representative to the River to Sea Transportation Planning Organization Bicycle and Pedestrian Advisory Committee (BPAC) and the Citizens Advisory Committee (CAC).

Motion by Commissioner Belhumeur, seconded by Commissioner Cooley, to approve the consent agenda. The motion carried unanimously.

7. General Business
 - a. Application OE-25-03-01 Request for an Annual Outdoor Entertainment Permit – The Cajun Beach – 1112 S. Ocean Shore Blvd. -Applicant – Patrick McKinney. Attorney Smith counseled the Commission that it was a quasi-judicial hearing. He reviewed the criteria to consider when deciding on the item. Attorney Hunter Bernard represents Patrick McKinney reported his client is agreeable to no live music after 9:30 p.m., no drums and no Karaoke. Greg Valentini was introduced as the sound expert for Mr. McKinney. Mr. Valentini has 40-years' experience in the field. He suggested to Mr. McKinney to shield the sound of the stage. Mr. McKinney has since installed walls on either side of the stage to better direct the sound toward the ocean and away from the neighborhood. Attorney Smith asked Mr. Valentini to explain his experience. He worked the Olympics, has a degree in electronics and professional certification in event management. He reported he had worked on thousands of outdoor events over the years. Discussion

among the Commission included the placement of the speakers, the foam used to insulate the noise and Mr. McKinney's relationship with the hotel adjacent to his property. Mr. McKinney stated the manager, and the owner came and had lunch at his establishment and said they wanted to work with him. Public comment was opened. The following people expressed their concerns, opinions and suggestions: Brenda Wotherspoon, Tom Wotherspoon, Gail Wadsworth, Brent King, Brenda Montgomery, Heather Hodovance, Scott Crone and Derek Hodovance. Public comment was closed. Attorney Bernard said the permit should be issued and he should be provided with the opportunity and go through the three strikes process if in violation.

Motion by Commissioner Cooley to approve OE OE-25-03-01 with the conditions offered by the applicant: all outdoor entertainment cease at 9:30 p.m., no drums, no karaoke, and the speakers should be placed no further forward on the stage than the front forward wall. The motion was seconded by Commissioner Belhumeur. The motion was amended to include no additional speakers than those currently on site. The motion carried three to one, with Commissioner Spradley abstaining from the vote, and filing a Form 8b and Chair Sherman voting no.

Commissioner Cooley inquired of Chief Doughney if they had the equipment and staff to respond appropriately to a sound complaint. Chief Doughney responded in the affirmative and stated the two sound meters have been certified. Chief Doughney added the noise ordinance that has since been amended was much easier to enforce before being amended.

Chairman Sherman recessed the meeting at 7:10 p.m. The meeting reconvened at 7:25 p.m.

- b. Presentation from Stantec on the Sanitation Fund. Peter Napoli, Senior Manager, Stantec, reviewed a Power Point Presentation regarding the feasibility of the Sanitation Fund. Discussion among the Commission included inflationary rates around 5% per year; the proposed rate increase being 3.5% based upon the fund balance and revenues and expense; the rate studies of neighboring municipalities and whether those rates are privatized and whether revenue streams include the glass crushing machinery. Santec reported that privatization was not surveyed, and they would need to defer to operational staff. There was no action taken on this matter.
- c. Presentation regarding the Wastewater Treatment System. Mr. Martin reviewed a presentation that staff reviewed with the Citizens Academy. There was no action taken on this matter.
- d. Resolution 2025-21. A Resolution of the City Commission of the City of Flagler Beach, Florida, authorizing a Highway Maintenance Memorandum of Agreement between the City of Flagler Beach and the Florida Department of Transportation for the maintenance of state road rights-of-way by the City (Project #594); providing for conflict and an effective date. Attorney Smith read the title of the resolution into the record. Discussion included: how the City could commit to this as we are not clear about the future of the City's Maintenance Department, the right to terminate; the amount of area needed to maintain within the contract; maintenance of parking lots; properly fulfilling the contract; focus of the City roads; the number of City staff in the department to fulfill the contract and maintenance of the City's rights-of-way. Commissioner Cooley wants to take care of our own streets. Commissioner Spradley asked if the City does not take the contract, would it go to another entity or will it not get done. No motion was given. No action was taken on this matter. Public comment. Daryl Reynolds wanted to know why the residents were not allowed to ask questions to Stantec. Mr. Martin indicated he would forward any questions along to Santec. Public comments were closed.
- e. Resolution 2025-22. A Resolution by the City Commission of the City of Flagler Beach, Florida, authorizing the purchase of manhole rings/covers from Ferguson Waterworks (Project #616) for the City of Flagler Beach, in an amount not to exceed \$44,945; providing for conflict and an effective date. Attorney Smith read the title of the resolution into the record. Discussion included the location of the manhole rings; software programs used by the department; the map indicating those with the highest risk; how many more need to be worked on after this is completed; the need for more data. Motion by Commissioner Cooley, seconded by Commissioner Spradley, to table the item. Public comment was

opened. The following citizens came forward to give their concerns, opinions and suggestions: Ken Bryan and Daryl Reynolds. The motion carried unanimously.

- f. Resolution 2025-23. A Resolution by the City Commission of the City of Flagler Beach, Florida, approving a construction contract from Engineered Spray Solutions in an amount not to exceed \$66,081.00 for the services summarized in Exhibit A at Lift Station #11 (Project # 592), providing for conflict and an effective date. Attorney Smith read the title of the resolution into the record. Discussion included Lift Station 11 being one of the newer lift stations and needing replacement so early in its life; the noise of the pump being a nuisance to the neighborhood and why the City cannot have any recourse. Bill Freeman, City Engineer, reported the pump was vibrating on the bottom and broke up all the concrete and the reason why the city has no recourse is because the company that did the previous work is no longer in business. Motion by Commissioner Cooley, seconded by Commissioner Spradley, to approve Resolution 2025-23. Chairman Sherman opened public comments. No comments were received. Public comment was closed. The motion carried unanimously, after a roll call vote.

8. Public Hearings

- a. Ordinance 2025-01. An Ordinance of the City of Flagler Beach, Florida, amending the Flagler Beach Code of Ordinances, Appendix "A," Land Development Regulations, to specify elevation of manufactured homes in flood hazard areas; to adopt and reformat local amendments to the Florida Building Code; providing for applicability, severability, and an effective date (Final Reading). Attorney Smith read the title into the record. Commissioner Spradley heard from a couple of builders suggested three feet above board. Commissioner Belhumeur explained what used to be based base elevation has changed a foot. Chair Sherman would like to have a constructive discussion regarding fill-dirt. Motion by Commissioner Belhumeur, seconded by Commissioner Cooley, we approve 2025-01. The public hearing was opened. Boudie Estberg came forward to give his concerns, opinions and suggestions. The public hearing was closed. The motion carried unanimously, after a roll call vote.

Commissioner Sherman asked Mr. Martin when the City could schedule a workshop on fill-dirt. It was decided to have the workshop before the first meeting in May and to invite the Home Builders Association.

- b. Ordinance 2025-02. 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 reinstituting 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 - first reading. Attorney Smith read the title of the ordinance into the record. Motion by Commissioner Cooley, seconded by Commissioner Belhumeur, to approve 2025-02. The public hearing was opened. The following citizens came forward to express their concerns, opinions and suggestions: John Tanner, Kim Carney, Charlie Morrow, Caleb Hathaway, and RJ Santore. The public hearing was closed. The motion and the second were amended to include "in addition to the requirements of state law, if any proposed annexation would expand the geographic area of the city more than 5% of the existing area, such annexation shall require the affirmative vote of at least four City Commissioners. The motion carried four to one, with Commissioner Cunningham voting no.

9. Staff Reports

- a. City Attorney advised Mr. Barnhill requested a discussion item for two-hour parking on Central and 2nd and only the downtown area. The PAR Board asked them to consider two-hour parking on the strategic planning discussion.

b. City Manager reported that we have scheduled a workshop at the beginning of April regarding paid parking. The discussion from the Workshop should pave the way for the Strategic Planning Session. Bill Freeman has scheduled a public forum for the residents located in 27 hundred block of S. Daytona. Mr. Martin hired a Facilities Director starting March 31st. Staff's capital budgets are due tomorrow. We are still doing interviews for the Fire Chief. The next CRA Meeting is scheduled for the 27th. Ms. Ryan will be present for that meeting. Three requests for legislative assistance have been filed with the Senate Committee. He is Working on the TPO application. N. 5th Street Parking Lot will start refurbishment soon. Mr. Martin spoke of the necessary road closure due to the replacement of the water main on South Central Avenue.

c. City Clerk: No comments.

10. Commission Comments

a. Commission comments, including reports from meetings attended.

Mayor King thanked Attorney Smith and his firm for being the first Centennial Sponsor donating \$5,000 to the Centennial Celebrations. She started the Commissioner Academy training and went out with the Lift Station Crew.

Commissioner Spradley congratulated Commissioner Cunningham and Commissioner Sherman. He thanked Jane Mealy for her years of dedication to the City. He felt the Joint Cities Workshop was the beginning of good news for all. Commissioner Spradley will be holding his 60th Town Hall meeting on Saturday.

Commissioner Belhumeur was hoping that the improvements to Veterans Park would be included in the Strategic Planning session.

Commissioner Cunningham thanked all for their support.

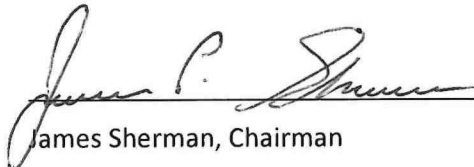
Commissioner Cooley thanked Jane Mealy for over two decades of service. He thanked her for everything she taught him.

Chair Sherman echoed Commissioner Cooley's sentiment for Commissioner Mealy and congratulated Commissioner Cunningham.


b. Public comments regarding items not on the agenda. Citizens are encouraged to speak. However, comments should be limited to three minutes. *A thirty-minute allocation of time for public comment on items not on the agenda. Each speaker has up to three-minutes to address the Chair, and one opportunity to speak, no time can be allotted to another speaker.*

The following citizens came forward to express their concerns, opinions and suggestions: Kim Carney, John Tanner, R.J. Santore, Steve Dalley, Daryl Reynolds, Ken Bryan and Charlie Morrow.

11. Adjournment. Motion by Commissioner Belhumeur to adjourn the meeting at 9:43 p.m.



James Sherman, Chairman



Penny Overstreet, City Clerk

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME SPRADLEY SCOTT WORTH		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE Flagler Beach City Commission	
MAILING ADDRESS PO Box 3		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY	
CITY Flagler Beach	COUNTY Flagler	NAME OF POLITICAL SUBDIVISION: Flagler Beach	
DATE ON WHICH VOTE OCCURRED 3/13/2025		MY POSITION IS: <input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTIVE	

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Scott Spradley, hereby disclose that on March 13, 2025.

(a) A measure came or will come before my agency which (check one)

- ☐ inured to my special private gain or loss;
- ☐ inured to the special gain or loss of my business associate, _____;
- ☐ inured to the special gain or loss of my relative, _____;
- ☐ inured to the special gain or loss of _____, by whom I am retained; or
- ☐ inured to the special gain or loss of _____, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

I previously provided legal representation of the prior owner of the business who operated under the same name at the same location as Applicant. I wish to avoid the appearance of partiality.

3/13/2025

Date Filed

[Signature]

Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.