



## CITY COMMISSION REGULAR MEETING MINUTES

Thursday, April 25, 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 and Jane Mealy, City Attorney D. Andrew Smith, III, City Manager Dale L. Martin, and City Clerk Penny Overstreet.

**Absent:** Commissioner Eric Cooley.

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.** Commissioner Sherman led the pledge to the flag.
3. **Proclamations and Awards**
  - a. Proclamation National Public Safety Telecommunications Week. Mayor King presented the proclamation to Christina Mortimer, Director Flagler County Communications Center.
  - b. Proclamation Crime Victims' Rights Week. Mayor King presented the proclamation to Donna Kearney and Victim Advocates from Flagler Beach, Flagler County and Ormond Beach.
  - c. Proclamation Declaring April as Sisco Deen Month, In Honor of the History Preservation Legacy of Claude Sisco Deen. Mayor King presented the proclamation to members of the Flagler Beach Museum.
4. **Deletions and changes to the agenda.** Item 7c was removed from the agenda.
5. **Public comments regarding items not on the agenda.** Brett Spitalny spoke about street light out on S. A1A. City Manager Dale Martin advised the lights have been reported out to Florida Power and Light. A meeting is scheduled tomorrow with Florida Power and Light and Florida Department of Transportation.
6. **Consent Agenda**
  - a. Approve the Workshop and Regular Meeting Minutes of April 11, 2024. Commissioner Mealy requested the Regular meeting minutes pulled for discussion. Motion by Commissioner Belhumeur to approve the Workshop minutes of April 11, 2024. Commissioner Sherman seconded the motion. The motion carried unanimously.  
  
Commissioner Mealy requested Item 7b of the April 11, 2024 regular meeting minutes reflect that the resolution approved a Draft 5-year Capital Plan. Motion by Commissioner Mealy to approve the minutes of the regular meeting of April 11<sup>th</sup> as amended. Chair Spradley opened public comments. No comments were offered. Chair Spradley closed public comments. The motion carried unanimously.
7. **General Business**
  - a. Consider applications for a seat on the Planning and Architectural Review Board that is at term. Chair Spradley invited the applicants to the podium to share their interest in serving on the Board. Mr. Marinaro was not present. Joann Soman reviewed her interest in continuing to serve the Board. Brett Spitalny advised of his career in Engineering and desire to serve the Board. The Officials scored the applicants submitting their score sheets to the Clerk for tabulation. Chair Spradley announced Joann Soman is reappointed to the Board for the term May 26, 2024 – May 25, 2027.
  - b. Select a Date for a Joint Workshop with the Planning and Architectural Review Board to discuss Building Height Restrictions and Exceptions. The Commission reached a consensus to schedule the Workshop on June 4, 2024 before the Planning & Architectural Review Board Meeting.

- c. Discussion and direction to staff regarding possible amendments to Section 5.04.00 (H), (N), requiring irrigation with Landscaping Improvements - Commissioner Cooley. This item was removed from the agenda.

## **8. Public Hearings**

- a. Ordinance 2024-06 - An Ordinance by the City of Flagler Beach, Florida, amending Appendix A, Land Development Regulations, Article II, Zoning, of the Code of Ordinances; adding a zoning category for Master Planned Development ("MPD"); providing for Review, Approval, Development Standards, permitted Uses, Regulation, and Implementation of Master Planned Developments; providing for conflicts; providing a severability clause; and providing an effective date - final reading. Attorney Smith read the title of the ordinance into the record. Commissioner Mealy noted items in Table 2-1 that were amended at first reading and require correction on the document presented. (Add Fraternal, private, social, recreational clubs or organizations, remove the reference to footnotes on Parking, Off-street and garages (commercial), and add Tattoo establishments, body piercing. Chair Spradley opened public comments. No comments were offered. Chair Spradley closed public comments. Motion by Commissioner Mealy to approve Ordinance 2024-06 as amended. Commissioner Belhumeur seconded the motion. The motion carried unanimously, after a roll call vote.
- b. Ordinance 2024-07 - An Ordinance of the City Commission of the City of Flagler Beach, Florida extending the temporary moratorium within the jurisdictional limits of the City of Flagler Beach on acceptance, review, processing, or approval of applications for development, site plans, zoning approvals, special exceptions, and development orders that would allow new development to use exceptions to the thirty-five foot height limitation for mechanical and architectural elements; directing staff to study and develop land development code provisions and other recommendations related to exceptions to the thirty-five foot height limitation for mechanical and architectural elements; providing for expiration and extension of the moratorium; providing standards for relief from the application of the moratorium; providing for severability, conflicts, and an effective date. Attorney Smith read the title of the ordinance into the record. Chair Spradley opened public comments. Charlie Morrow feels there are issues with the height of the hotel and more concerned that the final drawings were approved. He hopes the workshop will reveal how the approval process went awry and how to ensure compliance going forward. Paul Eik asked if the workshop meeting would be open to the public and if comments would be allowed. Brett Spitalny suggested measuring the height by utilizing a drone. Chair Spradley closed public comments. Chair Spradley stated the public will be welcome to the workshop. Attorney Smith clarified the public comments at the workshop should focus on forward looking what changes to amend the code to make it clearer to avoid confusion going forward, it is not a workshop to discuss the hotel. Commissioner Mealy asked the City Manager to address the question as how it was approved. Mr. Martin stated that is still under review and investigation. Motion by Commissioner Belhumeur to approve Ordinance 2024-07. Commissioner Sherman seconded the motion. The motion carried unanimously, after a roll call vote.

## **9. Staff Reports**

- a. City Attorney: Attorney Smith reported the Oregon legislation regarding homeless camping is going to the Supreme Court, and it appears Pottinger's Law will be undone. If so, the State Legislation regarding anti-camping will go into effect on October 1<sup>st</sup>. Attorney Smith advised he will be reviewing our code to ensure we are compliant with the legislation. Attorney Smith advised he has been summoned for jury duty, the City may have different representation if he is called to serve.
- b. City Manager: Mr. Martin reported updates to action taken for goals set at Strategic Planning.

*Ground Break on WWTP:* Ground breaking on the operations building is being discussed and breaking ground on the operations building will not be considered meeting the goal set.

*Stormwater Master Plan (Action Plan):* McKim and Creed, have provided an update and are on task to meet the goal.

*LDR's completed:* Deputy Clerk Settle is proofing and editing the draft LDR's and continue to progress.

*Fully Staffed:* Interviews are being scheduled for the Engineer and Planner position.

*Public Asset Maintenance:* No action on this goal yet.

*Parks assessment, implementation & building assessment:* Parks Committee will make on site visits to the parks they were assigned to provide a detailed and visual suggested of improvements they feel should be made to each park.

*Dune Walkovers Replacement/Maintenance Plan:* He has assigned staff to prepare a full formal inventory of each walkover.

Mr. Martin provided an update on the Army Corps project, the Pier Project, and the TDC Grant application and conceptual plan, Rebuild Florida is accepting intake application from low to moderate income families that suffered damage related to Hurricane Ian, Downtown Playbook contract is expected soon and they will then make arrangement to appear before you.

Mr. Martin reported he received the quote for the Mobility Impact Fee assessment in the amount of \$75,000. The Commission reached a consensus to not proceed with that quote.

Mr. Martin stated the Rotary Club has requested the Fourth of July parade be moved from starting at 10:00 a.m. back to 9:00 a.m. The Commission reached a consensus to move the parade to 9:00 a.m.

- c. City Clerk: requested the Commission select the topic for the June Workshop. The Commission reached a consensus to have the Workshop topic be commercial outdoor displays.

Chief Doughney reported Paul Matykta has completed the speed limit assessment and he and the City Manager will be meeting to discuss the findings.

#### 10. Commission Comments

- a. Commission comments, including reports from meetings attended. The Officials reported their attendance at meetings gatherings and events since the last meeting. Commissioner Sherman requested the City Manager create and place a QR code on the empty yellow sign at the pier to provided people with an update on the Pier Project. Commissioner Mealy reported she has begun the Memorial Day Service planning. Commissioner Mealy requested the City Manager and Sanitation Supervisor respond to the letter received from Cora Lee Leon.
- b. Public comments regarding items not on the agenda. No comments were offered.

#### 11. Adjournment. Commissioner Belhumeur put forth a motion to adjourn the meeting at 6:39 p.m.

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Scott Spradley, Chair

Attest:

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Penny Overstreet, City Clerk