



PLANNING AND ARCHITECTURAL REVIEW BOARD MEETING MINUTES

Tuesday, January 07, 2025 at 5:30 PM

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

1. Call the meeting to order

City Attorney Drew Smith called the meeting to order at 5:31pm.

2. Pledge of Allegiance

The Pledge of Allegiance was led by Suzie Johnston.

3. Roll Call / Determination of Quorum

Present: Suzie Johnston, Boudie Estberg, Brenda Wotherspoon, Lisa Smith, Joann Soman, Scott Chappuis, Paul Chestnut

Absent: None

Staff Present: City Attorney Drew Smith, City Planner Lupita McClenning and Secretary Michele Ficocello

a. Selection of Chair

Brenda Wotherspoon made a motion to appoint Suzie Johnston as Chair; Scott Chappuis seconded. Motion passed unanimously.

b. Selection of Vice-Chair

Chair Suzie Johnston made a motion to appoint Scott Chappuis as Vice-Chair; Joann Soman seconded. Roll call: Paul Chestnut, Yea; Brenda Wotherspoon, Yea; Chair Johnston, Yea; Boudie Estberg, Yea; Lisa Smith, Yea; Joann Soman, Yea. Motion passed unanimously.

4. Approval of Meeting Minutes

a. December 3, 2024

Vice-Chair Chappuis made a motion to approve the meeting minutes; Joann Soman seconded. Motion passed unanimously.

5. Deletions and changes to the agenda

None

6. Old Business

None

7. New Business

a. Application OE-25-01-01 Request for an Annual Outdoor Entertainment Permit – The Cajun Beach – 1112 S. Ocean Shore Blvd. -Applicant – Patrick McKinney.

City Attorney Drew Smith presented the item and staff report to the Board. Brenda Wotherspoon declared her voting conflict for this item, provided a Form 8B which was disseminated to the Board

and stated she will provide comments, but not vote on this item. The applicant, Patrick McKinney, 1112 S Ocean Shore Blvd, was present and spoke before the Board. The Applicant's comments included the application information submitted has not changed from the prior application, business in compliance with regulations, parking has not been a problem and history of complaints. Board discussion ensued. The comments included the Central Business District Map relating to applicant's business, parking requirements in the Central Business District vs. outside of the Central Business District, seating requirements, demand on parking, outdoor entertainment parking requirements vs. general parking requirements, meter readings reflected in police reports, ownership of business, reason for previous application denial, non-compliance reported prior to denial of previous application before Commission Meeting, location of speakers on property, sound abatement, missing information from application packet, previous outdoor entertainment permit. Public comment was opened. Brent Fink, musician, spoke in favor of recommending approval of the permit. Craig Kennedy, Lehigh Ave, spoke in favor of recommending approval of the permit. Dave Alexander, 114 S Central Ave, spoke in favor of recommending approval of the permit. Tom Wotherspoon, 1102 S Central Ave, spoke against recommending approval of the permit. Cynthia Debuque, 20 Rainstone Drive, spoke in favor of recommending approval of the permit. Brenda Montgomery, 113 S. 11th St., spoke against recommending approval of the permit. Heather Hodavance, 112 S. 11th St., spoke against recommending approval of the permit. Joseph Especie, co-owner of business, spoke in favor of application. Derrick Hodavance, 112 S. 11th St., spoke against recommending approval of the permit. Rosa Thanos, 1012 S. Central Ave., spoke against recommending approval of the permit. Further Board discussion included boundaries of the Central Business District and lack of detail in the police reports.

Vice-Chair Chappuis made a motion to recommend denial of item 7a. based on criteria numbers five (5), seven (7), ten (10) and twelve (12); Lisa Smith seconded. Chair Johnston proposed an amendment to the motion to include criteria number nine (9). Vice-Chair Chappuis and Lisa Smith both agreed the amendment was friendly to the motion.

Roll call: Paul Chestnut, Nay; Vice-Chair Chappuis, Yea; Chair Johnston, Yea; Lisa Smith, Yea; Joann Soman, Yea; Boudie Estberg, Yea. Motion passed five (5) to one (1) as amended.

Chair Johnston advised the applicant to include in the application packet going before the City Commission the following: sound abatement efforts, speaker locations and shared parking.

8. Other Business

None

9. City Planner Report

City Planner Lupita McClenning welcomed the new Board Members. Ms. McClenning provided a status update on Gridics and beta testing login information for the Board is forthcoming. Ms. McClenning stated updates to the Floodplain Regulations will be coming before the Board at the February 2025 meeting.

10. Board Comments

Comments included welcoming new Board Members.

11. Adjournment

Joann Soman made a motion to adjourn the meeting; Vice-Chair Chappuis seconded. Motion passed unanimously. Chair Johnston adjourned the meeting at 6:35pm.

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

LAST NAME—FIRST NAME—MIDDLE NAME <i>Witherspoon Brenda Kay</i>		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>PAP BOARD</i>	
MAILING ADDRESS <i>1102 S CENTRAL AVE</i>		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY <i>FLAGLER BEACH FL</i>	COUNTY <i>FLAGLER</i>	<input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY	
DATE ON WHICH VOTE OCCURRED		NAME OF POLITICAL SUBDIVISION: <i>N/A</i>	
		MY POSITION IS: <input type="checkbox"/> ELECTIVE <input checked="" 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, Brenda Kay Witherspoon, hereby disclose that on 1-7, 20 25;

(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:

Live within 200 ft.

Date Filed

1-7-2025

Signature

Brenda Kay Witherspoon

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.