



CITY COMMISSION REGULAR MEETING MINUTES

Thursday, April 11, 2024 at 5:30 PM

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

Minutes

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.

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:** Chairman Spradley led the pledge.
3. **Proclamations and Awards**
 - a. Excellence in Policing Award - Officer Evan Scherr: Chief Doughney read Officer Scherr's nomination letter into the record. The Sons of the American Revolution presented Officer Scherr the Excellence in Policing Award.
 - b. Sexual Assault Awareness Month: Mayor King read the proclamation into the record and presented the proclamation to the Family Life Center. Erin Shannon spoke about the history of the Family Life Center.
 - c. Water Conservation Month: Mayor King read the proclamation into record and presented the proclamation to Bill Wright of St. John's River Water Management.
 - d. Volunteer Appreciation Month: Mayor King read the proclamation into the record and presented the proclamation to Suzy Gamblain. She spoke to how volunteers have assisted in some of the events and other activities in Flagler Beach.

The meeting recessed at 6:04 p.m. for the Workshop. The Regular Meeting reconvened at 6:44 p.m.

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 was concerned about the height of the hotel. He felt the hotel changes the character of the City and he questioned how the walkover was approved. Charlie Morrow expressed his concerns regarding the hotel and what appears to be exceptions being made for the hotel. Tom Moleski spoke of the plans for the passive park on Lambert Avenue. He spoke of the activity that takes place on the parcel and he was concerned for the safety of others should it become a park in the future. Daryl Reynolds spoke of Keep America Beautiful Program and the information he sent to the Commission. He spoke of grant opportunities associated with the organization.
6. **Consent Agenda**
 - a. Approve the workshop minutes of March 14, 2024, the Regular Meeting minutes of March 14th and 28th, 2024, and the special meeting minutes of March 28, 2024.

- b.** Approve a License Agreement between the Florida Department of Transportation and the City of Flagler Beach for proposed changes to the City of Flagler Beach Right-of-Way for the SR A1A Resurfacing Project from S. 8th Street to N. 18th Street, and authorize Mayor to sign same.

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

7. General Business

- a.** Consider a vote to either maintain the current location of a fence or revert it to its previous location - Steve Scott. Chairman Spradley read the title of the item into the record. Mr. Martin reviewed the history of the item. Mr. Scott reported on his positive impressions of staff particularly, City Clerk Penny Overstreet and Maintenance Supervisor Bill Clemence. He hoped that the Commission would be fair with their solution regarding the fence delineation between his property and Pal Parker Park.

Public Comment was opened. Rosslyn Simmons spoke of how the park has changed the neighborhood. She felt the fence did not cause a problem. She stated since the park was developed, there has been increased flooding in the area. Public comment was closed.

Commissioner Mealy asked how far into the Park is the fence located now. Mr. Martin said four feet. Commissioner Sherman felt the fence should stay where it is. Commissioner Belhumeur felt that the City was giving Mr. Scott square footage that could be used for the public's benefit. Commissioner Cooley spoke of the type of fence that was originally approved by the Commission when the topic was first brought forward and felt the fence should be permanently installed. Mayor King agreed with Commissioner Cooley in that the fence should be more permanent.

Motion by to keep the fence in current location but to replace the movable fence with a more substantive rope fence as was considered when the fence concept was first approved by the Commission. Commissioner Cooley seconded the motion. The motion carried 4 to 1, with Commissioner Belhumeur voting no.

- b.** Resolution 2024-25, a resolution by the City of Flagler Beach, Florida, approving a Five-Year Capital Plan for the 2024/2025 Fiscal Year Budget; providing for conflict and effective date.

Attorney Smith read the title of the resolution into the record. Mr. Martin explained the resolution is a draft of the capital improvement plan. He asked the Commission review the resolution and give him their comments. Public comment was opened. No comments were received. Public comment was closed. Commissioner Mealy made it clear that it was received, not approved. Commissioner Cooley wanted to ensure the Commission would have the opportunity to discuss the document in detail as a body.

Motion by Commissioner Sherman we adopt Resolution 24-25. Commissioner Mealy seconded the motion. The motion carried unanimously, after a roll call vote.

- c.** Resolution 2024-26, a resolution by the City of Flagler Beach, Florida, authorizing the City Manager to submit an application to the Florida Inland Navigational District for the 2024 Grant Cycle; providing for conflict and effective date. Attorney Smith read the title of the resolution into the record. Mr. Martin reviewed the item and explained the resolution is in the FIND format.

Public comment. Darrell Reynolds asked if the resolution would help in removing desolate vessels. Public comment was closed.

Commissioner Mealy reviewed a correction to the Resolution.

Motion by Commissioner Belhumeur to approve Resolution 2024-26, as amended. The motion was seconded by Commissioner Mealy. The motion carried unanimously, after a roll call vote.

The meeting recessed at 7:35 p.m. The meeting reconvened at 7:45 p.m.

8. Public Hearings

- a. Ordinance 2024-04 an ordinance of the City of Flagler Beach, Florida, relating to impact fees; adopting the Fee Study prepared by Tischler Bise; increasing the amounts to be charged for water and wastewater impact fees; adopting new Police, Fire, Library, and Parks and Recreation Impact Fees; establishing an administrative charge consistent with state law; amending regulations pertaining to the collection, use, and timing of payments of Water, Wastewater, Police, Fire, Library, and Parks and Recreation Impact Fees; providing for notice of increased and new fees; providing for codification; providing for severability and conflicts, and providing an effective date. – final reading. Attorney Smith read the title of the ordinance into the record. Attorney Smith noted the effective date will be October 1, 2024. Mr. Martin asked for a study regarding mobility fees as well.

Public Comment was opened. Mr. Dally was concerned over builders not paying what they need for the community. Public comment was closed.

Commissioner Belhumeur was disappointed the mobility impact fee was not included in this resolution. Commissioner Mealy pointed out a correction to the ordinance. She reviewed what impact fees can cover. Commissioner Cooley asked for a consensus the City pursue mobility impact fees. Mr. Martin reviewed what had been agreed upon. If the study is within his cost threshold, he would move forward with it. If it is was more, he would bring it back.

Motion by Commissioner Mealy to approve Ordinance 2024-04 as amended. Commissioner Cooley seconded the motion. The motion passed 4 to 1, after a roll call vote with Commissioner Belhumeur voting no.

- b. Ordinance 2024-05 an ordinance by the City of Flagler Beach, Florida, amending Chapter 2, Article IX of the City of Flagler Beach Code of Ordinances relating to purchasing and procurement; addressing suggestions made by the Florida Department of Emergency Management; adding provisions related to procurements regulated by 2CFR, Part 200; providing for severability; providing for codification, conflicts, and effective date - final reading. Attorney Smith read the title of the ordinance into the record. Mr. Martin reported the ordinance was necessary in order for the City to receive FEMA reimbursement.

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

Motion by Commissioner Belhumeur to approved Ordinance 2024-05. The motion was seconded by Commissioner Sherman. The motion carried unanimously, after a roll call vote.

- c. Ordinance 2024-06, an ordinance of 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 for an effective date - first reading. Attorney Smith read the title of the ordinance into the record. Attorney Smith reported this ordinance was part of the new Land Development Code update.

Public Comment was opened. Daryl Reynolds asked if the ordinance would include a section regarding vegetation and the amount one would be allowed to remove. Steve Dalley expressed his concern over his understanding of the ordinance. Attorney Smith clarified that it is a specific zoning district. Public comment was closed.

Discussion among the Commission included: building hub not offices; building contractor office; using specific words in the ordinance; make farmers market available to the developer; allow for a pier; service station; convenience store/fueling station to remove the second reference; 40% open space and whether to decrease the percentage; passive recreation counting toward the overall

percentage of the required recreation percentage; reuse water requirement; changing the restriction of civic clubs and fraternal organization; allowing foster care facility; marijuana treatment centers and cannabis dispensaries; public education facility; 60 day delay in construction of the developer; allowing body piercing and tattoo parlors.

Motion by Commissioner Mealy we approve Ordinance 2024-06 as amended. The motion was seconded by Commissioner Sherman. The motion carried unanimously, after a roll call vote.

9. Staff Reports

- a. City Attorney: Attorney Smith report on the PAR Board Meeting and their recommendation to extend the height moratorium. They would like a joint workshop to discuss the topic.
- b. City Manager: Representatives of McKim and Creed will be in town tomorrow. He reminded the Commission of the Goal Setting Session next Wednesday at the former Senior Center. Breakfast will be from 7:30 – 8:30; general session from 8-12, lunch break and the afternoon will be focused on the CRA. The FIND Public Outreach Event will be taking place in Palm Coast and they would like the Commission to RSVP. He spoke of the Army Corps bid opening. They would like to have two meetings.
- c. City Clerk: Ms. Overstreet gave a brief tour of the newly launched website.
- d. Staff Reports

9. Commission Comments

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

Commissioner Cooley thank all for the beach clean-up. He expressed his disappointment with the partnership with other government entities and the politics associated with the fiber optic project. He asked if there could be a future agenda item to address the section of the code requiring mandatory irrigation.

Commissioner Mealy spoke of a webinar through League of Cities she attended the subject was hurricane preparedness. Keven Guthrie was also in attendance. She was hoping the City would invite Mr. Guthrie to the city’s workshop re: Hurricane Preparedness.

Commissioner Belhumeur reported on his attendance at the Bunnell ribbon cutting of their City Hall and Police Department. He participated in the pinewood derby race.

Chairman Spradley reported on his Saturday meeting. Rob Smith spoke of the recycling project last week and was well received. This Saturday Chiefs Doughney and Pace will be speaking at the Saturday Session.
- 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.*

Steve Dally expressed his hesitation regarding the fiber optic cable and the number of people that are coming to the area.

Daryl Reynolds wanted to make sure the Commission knew how many people are volunteering every day picking up the trash in the area and may not make it to the Beach clean-up.

10. Adjournment

Motion by Commissioner Belhumeur to adjourn the meeting at 9:01 p.m. Commissioner Sherman seconded the motion.

Scott Spradley, Chairman

Attest:

Penny Overstreet, City Clerk