



# CITY COMMISSION REGULAR MEETING AGENDA

Thursday, May 08, 2025 at 5:30 PM

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

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ALL MEETING ITEMS WILL BE CONTINUED UNTIL MEETING IS COMPLETE.

1. Call the meeting to order
2. Pledge of Allegiance followed by a moment of silence to honor our Veterans, members of the Armed Forces and First Responders
3. Deletions and changes to the agenda
4. 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.*

5. Consent Agenda

- a. Approve the April 24, 2025 Minutes.
  - b. Approve a Participant Agreement for Disaster Debris Removal and Disposal Services as part of Flagler County Cooperative Contract 25-RFP-029 and authorize Mayor to sign same.
  - c. Renew the term of Patti Powell on the Personnel Advisory Review Board.

6. General Business

- a. Discussion and possible action regarding golf course operations.
  - b. Consider a request for a reduction of Lien; City of Flagler Beach v. Butler & Butler Properties, Inc. Code Enforcement Case No. EEN 23-0011 re 3590 S. Ocean Shore Blvd. - Atty. Mark Wolfson Foley & Lardner LLP.

7. Public Hearings

- a. Ordinance 2025-03. An Ordinance of the City Commission of the City of Flagler Beach, Florida, amending the city's Comprehensive Plan to incorporate make reference to certain State Legislation including the State's adoption of and amendments to the Live Local Act and other State Legislation related to affordable housing, energy resources, and resiliency; providing for transmittal to the State Land Planning Agency, Department of Economic Opportunity; providing the repeal of laws in conflict; providing for severability; providing for an effective date.
  - b. Ordinance 2025-04. An Ordinance of the City Commission of the City of Flagler Beach, Florida, amending its Comprehensive Plan to adopt by reference the Updated Water Facilities Supply Work Plan as required by 163.3177, Florida Statutes; providing for the adoption of amendments to the City's Comprehensive Plan to implement the updated Water Facilities Supply Work Plan; providing for adoption of updated policies within the Comprehensive Plan Public Facilities Element; providing for adoption of amendments to the Capital Improvement Element and providing for updated Five-Year Schedule of Capital Improvements; providing for transmittal to the State Land Planning Agency,

Department of Economic Opportunity; providing the repeal of laws in conflict; providing for severability; providing for an effective date.

- c. Ordinance 2025-05. 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 method of determining roof height for certain residential roof-types, including gable, hip, and gambrel roofs, providing for conflicts, providing for severability; and providing an effective date -first reading.
- d. Ordinance 2025-06. An Ordinance by the City Commission of the City of Flagler Beach, Florida, amending provisions of Appendix "A," Land Development Regulations, relating to Article II, Zoning; amending Section 2.06.02, "Parking," amending the Schedule of Off-Street Parking Requirements; providing for inclusion in the Code of Ordinances;; providing for conflict and providing and effective date hereof - first reading.
- e. Ordinance 2025-07. An Ordinance by the City Commission of the City of the City of Flagler Beach, Florida, amending provisions of Appendix "A," Land Development Regulations, relating to Irrigation System Requirements; amending Section 5.04.00, Landscaping/Trees; providing for inclusion in the Code of Ordinances; providing for conflict and providing an effective date hereof - first reading.

## **8. Staff Reports**

- a. City Attorney:
- b. City Manager:

## **9. Commission Comments**

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

## **10. Adjournment**

RECORD REQUIRED TO APPEAL: In accordance with Florida Statute 286.0105 if you should decide to appeal any decision the Commission makes about any matter at this meeting, you will need a record of the proceedings. You are responsible for providing this record. You may hire a court reporter to make a verbatim transcript. The City is not responsible for any mechanical failure of the recording equipment. In accordance with the Americans with Disabilities Act, persons needing assistance to participate in any of these proceedings should contact the City Clerk at (386) 517-2000 ext 233 at least 72 hours prior to the meeting. The City Commission reserves the right to request that all written material be on file with the City Clerk when the agenda item is submitted.



# CITY COMMISSION REGULAR MEETING MINUTES

Thursday, April 24, 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 5:31 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.
3. **Proclamations and Awards**
  - a. Celebrating the Flagler Beach Centennial. Mayor King read the proclamation into the record.
4. **Deletions and changes to the agenda.** None.
5. **Public comments regarding items not on the agenda.** Rich Phelan inquired about the documents he received in his Request for Public records relating to the Golf Course and its current tenants' plans. Mark Imhoof spoke of his disappointment with the current golf course tenants and that the City is investigating the sale of the property. Ted Barnhill referred to the limited parking with the current construction and believes timed parking needs to be implemented to support the local businesses. Brett Spitalny looking for assurance from the Commission that the sale of the golf course will not be rushed and be a well thought out project, spoke of rumors of the hotel busing people to a banquet room at the golf course. Melissa (did not give last name - Ocean Palm resident) feels the golf course tenant should be made to clean up the property. Attorney Smith advised there has been no formal site plan, that was a conceptual plan, nothing official, and a formal site plan would come if the property sold or if the tenant wishes to proceed with the improvements. The Officials concurred with the Attorney's comments that a site plan would go before the PARB and the Commission, and the Commission has made no decision or discussion about the sale of the property. Commissioner Cooley informed those regarding the golf course that the Commission the process has not started. Commissioner Cooley suggested to grade the course and give them the same time to bring it back to lease requirements as we did with the former tenant. Chair Sherman asked about parking. Mr. Martin advised it was a topic for the Strategic Planning Session. Mr. Martin referred to the Downtown Master Plan and the Charrette being the defining documents for the downtown design, if you want to change that, we will need to be discussed, and direction given to staff. He suggested they review both documents before the Strategic Planning Session.
6. **Consent Agenda.**
  - a. Approve the Regular and Workshop Meeting Minutes of April 10, 2025.
  - b. Approve a one-year insurance renewal proposal for the pier from Axis Insurance Company.
  - c. Approve a Participant Agreement for Disaster Debris Removal and Disposal Services as part of Flagler County Cooperative Contract 25-RFP-029 and authorize Mayor to sign same.

Motion by Commissioner Belhumeur, seconded by Commissioner Cooley to approve the consent agenda. Public comments were opened. No comments were offered. Public comment was closed. The motion carried unanimously.

## 7. General Business

- a. FY24 Audit Presentation. Brendan McKitrick, CPA James Moore & Company reviewed the Audit for the fiscal year ending September 30, 2024. Hollie Harlan introduced Brendan McKitrick of James Moore. He reviewed the presentation with the Commission. He reported the audit received a clean report. The Federal Report regarding federal grants proved no issues. The prior two-year comments were corrected, related to the preparation of financial statements. One comment regarding funds in the building fund. The state has a statute that the city should not have a carry forward balance. After speaking to the Finance Director, there is a plan in place to correct it. The CRA Audit was clean. Public comments were opened. No comments were received. Public comment was closed. Motion by Commissioner Cooley, seconded by Commissioner Belhumeur, to accept the audit. The motion carried unanimously.
- b. FY25 Second Quarter Financial Report. Hollie Harlan, Finance Director, reviewed the second quarter report. Commissioner Cooley asked for a 4<sup>th</sup> Quarter Report in a timely manner before the audit is presented. It has been asked in the past by the Commission and the residents to have a better idea before the end of the year. Ms. Harlan indicated she can get a report together that will summarize the expenses. It won't be completely accurate, but we can put notes if there is an expense forthcoming. She explained there will be no more encumbrances rolled into new budget the project will be re-budgeted, and the funds will be put in reserves. Commissioner Cooley asked if there could be a way to indicate if a project was re-budgeted from reserves. Ms. Harlan indicated she could put a report together. Public comments were opened. No comments were received. Public comment was closed.
- c. Resolution 2025-22. A Resolution by the City Commission of the City of Flagler Beach, Florida, authorizing the purchase of 50 manhole rings/covers (Project # 616) from Ferguson Waterworks for the City of Flagler Beach, in an amount not to exceed \$44,975.00; providing for conflict and an effective date. Attorney Smith read the title of the resolution onto the record. Mr. Martin reviewed the history of the project. Commission Cooley inquired since this is a phased project he would still like a map of where the replacements have been made and what is left to address. Bill Freeman did not know of any map of the manholes in the City. They will be replacing those manholes that are in bad shape. Commissioner Belhumeur questioned if the manhole covers in flood prone areas have been replaced. Mr. Freeman indicated last year 20 manhole covers were replaced in those areas and the 50 are for the rest of the City. Public Comment was open. Rick Phelan reviewed the procurement process he was familiar with in the state of Massachusetts. He asked if he could receive information regarding how this price was determined. Mr. Martin reviewed the procurement process the City has in place and the bids received. Public Comment was closed. Commissioner Cooley asked for the data regarding the phases of the manholes. Motion by Commission Cooley, seconded by Commissioner Spradley, to approve Resolution 2025-22. Motion carried three to two, with Commissioner Belhumeur and Cunningham voting no.
- d. Resolution 2025-40. A Resolution by the City Commission of the City of Flagler Beach to amend Resolution 2024-40 that awarded a contract to McKim & Creed Inc. to complete the requirements of a Consent Order between the City of Flagler Beach and the Florida Department of Environmental Protection with a budget amendment to cover the expense, to reflect the budget amendment would transfer funds from the Unrestricted Utility Reserves line to Professional Services, Project # 571; providing for conflict and an effective date. Attorney Smith read the title of the resolution into the record. City Manager Martin reviewed the reason for the item. Hollie Harlan explained it is a line amendment. Public comments were opened. Midori Imhoff, Ocean Palm Drive, needed clarification on the item. Mr. Martin provided clarification. Public comment was closed. Motion by Commissioner Spradley, seconded by Commissioner Belhumeur to approve Resolution 2025-40. The motion carried unanimously, after a roll call vote.
- e. Resolution 2025-41. A Resolution by the City Commission of the City of Flagler Beach to approve the Professional Services Agreement proposed by McKim & Creed Inc. to complete tasks outlined in Exhibit "A" Scope of Services Summary in response to the Florida Department of Environmental Protection's Amended Consent Order, Case #23-0409 for a fee not to exceed \$41,646.00 under Project # 571 and a



budget amendment to cover the expense; providing for conflict and an effective date. Attorney Smith read the title into the record. Mr. Martin gave a history of the item. Public comments were opened. No comments were received. Public comment was closed. Motion by Commissioner Spradley, seconded by Commissioner Cooley to approve 2025-41. The motion carried four to one, with Commissioner Cunningham voting no.

- f. Resolution 2025-42. A Resolution by the City of Flagler Beach, Florida, repealing Resolution 2025-08 Exhibit "B" Fee Schedule for Solid Waste Collection and adopting a revised Solid Waste Collection fee schedule; providing for conflicts and an effective date. Attorney Smith read the title of the resolution into the record. Mr. Martin reviewed the item. Commissioner Belhumeur questioned why we were voting on a reduction. He continued and felt the itemized list was not complete. Commissioner Cooley asked if there is something that is not on the list that gets charged. It was his understanding the City wanted to pick up metal items so the City would receive money for the metal. He suggested a small addition to the overall monthly fee and Sanitation can just pick it up. Commissioner Cooley felt the residents should not be charged for the recycled glass, if anything, residents should receive the glass at cost. Commissioner Spradley felt the resolution needed to be tabled. Attorney Smith suggested amending the exhibit for a few items. The rates were discussed. Mayor King thought the list could be adjusted until staff can work on a more exhaustive list. Attorney Smith suggested changing the appliance fee from \$50 to \$25 and the small pile from \$100 to \$35 and amend the resolution to replace with original Exhibit B. Motion by Commissioner Belhumeur, seconded by Commissioner Spradley to approve the resolution as proposed. Open to public comments. The following citizens came forward to give their concerns, opinions and suggestions: Mark Imhoof, Rich Phelan, Keith Patton, Brett Spitalny and RJ Santore. Public comment was closed. The motion carried unanimously, after a roll call vote.
- g. Resolution 2025-43. A Resolution by the City Commission of the City of Flagler Beach providing a temporary reduction in certain building permit fees; providing for sunset of reduced fees; providing for conflict and an effective date. Attorney Smith read the title into the record. City Manager Martin spoke about the item. Motion by Commissioner Belhumeur, seconded by Commissioner Cooley, to approve Resolution 2025-43. Public comments were opened. No comments were received. Public comment was closed. The motion carried unanimously, after a roll call vote.

## 8. Staff Reports

- a. City Attorney: Attorney Smith spoke of the actions taken at the Magistrate meeting.
- b. City Manager: Mr. Martin thanked all for the well wishes and spoke about the upcoming Strategic Planning Session. He encouraged all to get their centennial dinner tickets on the website.
- c. City Clerk: No comments.

## 9. Commission Comments

- a. Commission comments, including reports from meetings attended. Mayor King thanked all the staff and volunteers for the Centennial Birthday event and Attorney Smith for the song he wrote for the event. She attended the Family Life Center meeting. Mayor King reported the tickets for the Centennial Dinner are going fast and to go to the City's website for the Centennial dinner. Commissioner Belhumeur thanked staff and Mayor King for the Centennial event. He spoke of the TPO meeting; our application for the call for projects was accepted and the next step is the ranking process. He thanked Jen and her crew for all their work on the recent water leaks. Commissioner Cunningham spoke of Flagler Fish Company's customers parking on the sidewalk at their temp location at the Topaz. He reported visiting with the City Engineer and has made a trip to the Wastewater Plant. Commissioner Cooley spoke of the TDC Meeting. He suggested watching the meeting and go to the section regarding Fund 1109 and 1111. The TDC voted against using 1109 for the Beach Management Plans. Chair Sherman thanked the volunteers for the centennial. Chair Sherman spoke of the A1A resurfacing project and realized that it is inconvenient, but FDOT has always been very responsive to the City after the hurricanes.

- b. Public comments regarding items not on the agenda. Midori Imhooff spoke about proposed golf course and her discussion with a former commissioner, regarding transportation from the hotel to the golf course. Her concerns were the size of the building, the traffic, noise, and emergency vehicles. Rich Phalen needed clarification regarding the Planner's notes regarding pervious vs. impervious. Attorney Smith acknowledged the process is confusing but there are no approvals done when a conceptual site plan is submitted. The application form is the same form used for the actual site plan. It is a courtesy review. Commissioner Sherman assured Mr. Phalen there will be workshops and ample opportunity for the public to speak regarding the golf course. Mr. Phelan needed clarification regarding the fine points of the Sunshine Law. R J Santore suggested Mac and Cheese for kids at the Centennial Dinner. He spoke of perhaps putting together an educational program regarding Beach Renourishment.

**10. Adjournment.** Motion by Commissioner Cooley to adjourn the meeting at 8:01 p.m.

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James Sherman, Chairman

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Penny Overstreet, City Clerk



## STAFF REPORT

City Commission Regular Meeting

April 10, 2025



**To:** Elected Officials

**From:** Dale L. Martin, City Manager

**Date:** April 30, 2025

**Item Name:** Approve a Participant Agreement for Disaster Debris Removal and Disposal Services as part of Flagler County Cooperative Contract 25-RFP-029 and authorize Mayor to sign same.

**Background:** This is the second of the three Debris Hauler Contracts staff is requesting Commission approval for. Having multiple options provides the opportunity to reduce the response time to have disaster debris removed.. We are also seeking Disaster Debris Monitors, which is a requirement of the Federal Emergency Management Agency for reimbursement. Flagler County publishes a cooperative Request for Proposals (RFP) for Disaster Services on behalf of the governmental entities: Flagler Board of County Commissioners, City of Flagler Beach, City of Bunnell, City of Palm Coast, Town of Beverly Beach, and Town of Marineland (collectively referred to as “Agencies”, individually as “County/Municipality”). This RFP is issued in accordance with and shall be governed by the provisions of Flagler County’s Purchasing Policy and those of the Agencies. This RFP seeks to solicit competitive sealed proposals from qualified Proposers to assist the Agencies with Disaster Debris Removal and Disposal Services as described in the Scope of Services. It is the intent of the Agencies that this RFP will result in the selection of at least two experienced Proposers.

Each County/Municipality, at its discretion, will execute its own contract with the successful Proposer(s) in accordance with the County/Municipality’s own purchasing policies and procedures. The contracts are for an initial three-year period with options for two one-year renewals.

Staff’s intent is to contract with at least three disaster service providers from each RFP. This first Agreement is for Disaster Debris Removal. Forthcoming future meeting agendas will contain contracts for consideration for the following: Disaster Debris Removal and Disaster Debris Monitoring. Flagler County Emergency Operations indicated they will distribute RFPs for Disaster Financial Services and Disaster Remediation Services soon.

**Fiscal Impact:** In the event a Disaster is declared, these services are paid for by the City and FEMA/FDEM will reimburse 75%.

**Staff Recommendation:** Approve the agreement and authorize Mayor to sign.

**Attachment:** Participant Agreement Crowder Gulf  
Flagler County Contract

**Attached Electronically in Municode Agenda Manager:** Flagler County RFP for Disaster Debris Removal  
Response from Crowder Gulf

**PARTICIPANT AGREEMENT FOR DISASTER DEBRIS REMOVAL AND DISPOSAL SERVICES AS  
PART OF FLAGLER COUNTY CONTRACT 25-RFP-029**

This contract, entered into this 8th day of May, 2025, by and between the City of Flagler Beach, a municipal corporation of the State of Florida, whose address is 105 S. 2<sup>ND</sup> Street Flagler Beach, Florida 32136, hereinafter called "CITY/TOWN", and CROWDER GULF JOINT VENTURE, INC, whose address is 5629 Commerce Blvd. E Mobile, AL 36619, hereinafter called "Contractor".

WITNESSETH, that:

WHEREAS, pursuant to Flagler County Contract 25-RFP-029, dated March 17, 2025, for Disaster Debris Removal and Disposal Services ("Flagler Contract") the CITY/TOWN desires to enter into an exclusive agreement for the services described therein; and

WHEREAS, the Contractor has expressed the willingness and ability to provide the services to the CITY/TOWN as described in the Agreement.

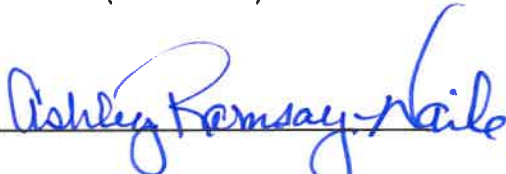
NOW THEREFORE, the CITY/TOWN and the CONTRACTOR, in consideration of the mutual covenants hereinafter set forth, agree as follows:

1. This Contract shall consist of and include all of the agreement terms and conditions, and component documents comprising the Flagler Contract. However, where the term "Flagler County" or "County" or "County/Municipality" is mentioned in the Flagler Contract, per this Agreement, "Flagler County", "County" and "County/Municipality" shall be replaced with "CITY/TOWN".
2. The CONTRACTOR agrees to furnish all labor, equipment, material and the skill necessary for the entire work effort as set forth in the Flagler Contract, and to the satisfaction of the CITY/TOWN or its duly authorized representative.
3. The CITY/TOWN agrees to pay the CONTRACTOR for services rendered, in accordance with the pricing structure set forth in the Flagler Contract.
4. This Agreement will become effective upon the date of execution above and will remain in effect as provided in the Flagler Contract, including all extensions properly executed per the Flagler Contract.

In WITNESS WHEREOF, the undersigned have executed this Contract on the day and year first written above.

CROWDER GULF JOINT VENTURE, INC.  
(Contractor)

CITY OF FLAGLER BEACH, FLORIDA  
(CITY/TOWN)

By: 

By: \_\_\_\_\_

Print Name: Ashley Ramsay-Naile

Print Name: Patti King

Title: President

Title: Mayor

Date: April 28, 2025

Date: May 08, 2025



## STAFF REPORT

City Commission Regular Meeting

April 10, 2025



**To:** Elected Officials

**From:** Dale L. Martin, City Manager

**Date:** April 30, 2025

**Item Name:** Renew the term of Patti Powell on the Personnel Advisory Review Board.

**Background:** The Personnel Advisory Review Board currently has two vacancies. Mr. Pete Sepe and Mr. Mike Hendrick resigned. Member Patti Powell's term expires on May 9<sup>th</sup> and she has expressed interest in reappointment. The appointment of Mrs. Powell will provide the needed number of members for a quorum in the event a meeting is needed before the two vacancies can be filled. At the distribution of this packet no other applications were received. Please reappoint Mrs. Powell and staff will continue with the advertisement and will submit new applications for your consideration as they are received.

**Fiscal Impact:** N/A

**Staff Recommendation:** Motion to appoint Mrs. Powell to a new term May 10, 2025 – May 09, 2027

**Attachment:** Application from Mrs. Powell  
Resignation email from Mr. Hendrick  
Member List  
Vacancy advertisement

**CITY OF FLAGLER BEACH**  
**ADVISORY BOARD AND COMMITTEE APPLICATION FORM**  
*(Please fill out form completely)*

Name: Patti Powell Date: 25 March 2025

Physical address: 2127 S. Daytona Ave

Mailing address: SAME

Home phone: 386 338 5013 Daytime phone: Same

Fax:                      E-Mail: Powell.Patti@gmail.com

Occupation: Retired RN

Number of years of City residence: 25 Own: ☒ Rent: ☐

Are you registered to vote in Flagler County? Yes ☒ No ☐

Identify the board(s) or committee(s) to which you request appointment:

Personnel Review

Please describe your professional and/or volunteer experience or background which best qualifies you for selection to the board(s) or committee(s):

I am  
an active member of Community - Volunteer  
during Hurricane Clean up - food packing  
Volunteer Home Society

How many City Commission/board meetings have you attended in the last 2 years? 0 Waiting for an Commission personnel

Have you ever served on a City advisory board or committee in the past?

Yes ☒ No ☐

If yes, please describe: Cannot remember the name  
we discussed home changes - Additions  
Etc.

Patti Powell

Signature

Please return this application to the City Clerk, P.O. Box 70, 105 S. 2<sup>nd</sup> Street,  
 Flagler Beach, Florida 32136





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**External - Re: Terms expiring on the Personnel Board**

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**From** MIKE HEDRICK <islandcap@aol.com>  
**Date** Tue 4/22/2025 4:14 PM  
**To** Penny Overstreet <POverstreet@CityofFlaglerBeach.com>

Caution: This email originated from outside the organization. Do not click or open attachments unless you recognize the sender and know the content is safe.

Sorry I didn't reply to your last email. I was trying to confirm if we were moving. We've decided to move to North west Florida. Thanks  
Sent from my iPhone

On Apr 22, 2025, at 3:22 PM, Penny Overstreet <POverstreet@cityofflaglerbeach.com> wrote:

Hello Patti and Mike,

Your terms on the Personnel Board are expiring on May 09, 2025. Please complete the attached form if you wish to be considered for reappointment.

"Please do not reply all"

Sincerely,

**Penny Overstreet, CMC**

City Clerk

City of Flagler Beach

105 S. 2<sup>nd</sup> Street

Flagler Beach, FL 32136

[www.cityofflaglerbeach.com](http://www.cityofflaglerbeach.com)

☎ 386-517-2000 ext. 233

Florida has a very broad Public Records Law. Virtually all written communications to or from State and Local Officials and employees are public records available to the public and media upon request. The City of Flagler Beach's policy does not differentiate between personal and business emails. This means email messages, including your e-mail address and any attachments and information we receive online might be disclosed to any person or media making a public records request. E-mail sent on the City system will be considered public and will only be withheld from disclosure if deemed confidential or exempt pursuant to State Law. If you are an individual whose identifying information is exempt under 119.071, Florida Statutes, please so indicate in your email or other communication. If you have any questions about the Florida public records law refer to Chapter 119 Florida Statutes

<Board and Committee Application.pdf>

**PUBLIC NOTICE**

Section 5, Item c.

THE CITY OF FLAGLER BEACH NEEDS VOLUNTEER RESIDENTS TO SERVE ON VARIOUS BOARDS AND COMMITTEES. APPLICATIONS MUST BE OBTAINED FROM CITY HALL, 105 SOUTH SECOND STREET, FLAGLER BEACH, FLORIDA 32136; ON THE CITY WEB SITE: [WWW.CITYOFFLAGLERBEACH.COM](http://WWW.CITYOFFLAGLERBEACH.COM) (CITY SERVICES/PERMITS FORMS/CITY CLERK FORMS) OR AT THE CITY LIBRARY.

**OPENINGS**

**River to Sea Transportation Planning**

**Organization  
(CAC)**

**1 Vacancy for Alternate Representative**

**Citizens' Advisory Committee**

*The Citizens' Advisory Committee (CAC) is responsible for providing citizen input and recommendations to the TPO Board concerning transportation planning and programming; for review of all transportation studies, reports, and plans and/or programs; and for making recommendations to the Volusia-Flagler TPO Board that are pertinent to the subject document. Subcommittees, task forces, and working groups shall be designated by the CAC as necessary to investigate and report on specific subject areas of interest to the CAC. The CAC meets in the Airline Room at the Daytona Beach International Airport on the **third Tuesday** of each month (except July and December) at **1:15 p.m.***

**River to Sea Transportation Planning**

**Organization  
(BPAC)**

**1 Vacancy for Alternate Representative**

**Bicycle Pedestrian Advisory Committee**

*The Bicycle/Pedestrian Advisory Committee (BPAC) is responsible for reviewing plans, policies, and procedures as they relate to bicycle and pedestrian issues within the TPO planning area. In addition, the BPAC is responsible for the review and ranking of bicycle and pedestrian priority project applications that are submitted on an annual basis through the TPO's annual Call for Projects. The mission of the BPAC is to:*

*"Create and implement a regional plan for the continuing enhancement and expansion of the bicycle and pedestrian network. We will support activities that encourage and provide for a safe and balanced transportation system that promotes connectivity, mobility, health and an improved quality of life."*

*The BPAC meets in the Airline Room at the Daytona Beach International Airport on the second Wednesday of each month (except July and December) at 2:00 p.m.*

**Personnel Advisory Review Board**

**2 seats/terms expired on May 9, 2025**

**1 seat vacant/ fill to complete term of May 10, 2024  
– May 09, 2027**

*This Committee rarely meets but is required by our Code of Ordinance in the event an employee has a grievance and wishes to appeal disciplinary action.*

FOR ADDITIONAL INFORMATION CONTACT CITY CLERK,  
Penny Overstreet,  
(386)-517-2000 EXT 233

## PERSONNEL ADVISORY REVIEW BOARD

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Kathleen Conrad 1728 S. Central Avenue Flagler Beach, FL 32136 954-270-6510 <a href="mailto:Beachsidegirl1954@yahoo.com">Beachsidegirl1954@yahoo.com</a>	May 10, 2024 - May 09, 2027 appointed 12-12-24 to complete term
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Patti Powell 2127 S. Daytona Ave. Flagler Beach, FL 32136 (386) 338-5013 <a href="mailto:powell.patti@gmail.com">powell.patti@gmail.com</a>	May 10, 2022 - May 09, 2025
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Vacant	May 10, 2022 - May 09, 2025
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Bob Crostarosa 1200 N. Central Flagler Beach, FL 32136 561-707-4170 <a href="mailto:bcrostarosa@gmail.com">bcrostarosa@gmail.com</a>	May 10, 2024 - May 09, 2027 appointed 12-12-24 to complete term
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Vacant	May 10, 2024 - May 09, 2027
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This board meets on an as needed basis. Term of office is three years. A quorum is three members. Term of office of chairperson is one year and election is held at the first meeting of the year. Ordinance 94-1 and 2001-22 cover this board.



**STAFF REPORT**  
**City Commission Regular Meeting**  
**May 08, 2025**



**To:** Elected Officials

**From:** Dale L. Martin, City Manager

**Date:** April 30, 2025

**Item Name:** Discussion and possible action regarding golf course operations.

**Background:** The City owns property located at 3600 S, Central Avenue (two parcels totaling approximately thirty-seven acres) which functions as a municipal golf course (Ocean Palm Golf Course). In January 2024, the City approved the assignment and assumption of the existing operating lease from Flagler Golf Management, LLC to Ocean Palms Golf Club, LLC.

Mr. Jeff Ryan, representing Ocean Palms Golf Club, LLC, has expressed a desire to undertake substantial improvements to the golf course. To facilitate the proposed improvements, Mr. Ryan has requested that he be permitted to temporarily close the golf course during the construction of the improvements. Under Sec. 5.2 of the current lease, the Golf Course is required to be open to the general public for no fewer than 360 days per year. Mr. Ryan's request, therefore, requires City Commission review and consideration.

Mr. Ryan will be present to offer additional information, including his professional and financial capacity to operate the golf course as well as a summary of proposed improvements.

**Fiscal Impact:**

**Staff Recommendation:**

**Attachment:**



## STAFF REPORT

City Commission Regular Meeting

April 10, 2025



**To:** Elected Officials

**From:** Dale L. Martin, City Manager

**Date:** April 30, 2025

**Item Name:** Consider a request for a reduction of Lien; City of Flagler Beach v. Butler & Butler Properties, Inc. Code Enforcement Case No. EEN 23-0011 re 3590 S. Ocean Shore Blvd. - Atty. Mark Wolfson Foley & Lardner LLP.

**Background:** The new owners have brought the property into compliance with the demolition of the two buildings, which was completed on March 12, 2025. The current amount due on the lien is \$153,750. (\$250 per day between July 06, 2023 - March 12, 2025) The amount due in administrative fees is \$55.90 (\$35.40 admin hearing fees and \$20.50 in recording). It should be noted if the Commission reduces the fine, when the applicant pays another recording fee (\$20.50) will be due to release the lien.

The property owners are seeking a reduction to reduce the total amount owed down to \$1,000.

Excerpt from January 22, 2025, Special Magistrate Hearing

*CASE NO. EEN23-0011; Sachem Capital Corp; ADDRESS OF VIOLATION; 3590 S Ocean Shore Blvd; TAX PARCEL ID NO.: 29-12-32-0000-01032-0000; VIOLATION: City of Flagler Beach Code of Ordinances, Chapter 13, Section 13-1, Definition (2), (3), (4).*

*Lucian Johnson, attorney for the Respondent, was present and provided testimony regarding the status of the subject property along with the history of ownership. Mr. Johnson stated he has been working with City Staff and a demolition permit has been issued with the work commencing February 3, 2025. Mr. Johnson stated the outstanding utility bill has been paid and the two (2) structures will be demolished with the foundations to remain. The City Attorney advised the permission to foreclose order can move forward allowing the Respondent sufficient time to come into compliance. After compliance, the Respondent can request relief from the City Commission. Discussion ensued. Magistrate Popp explained the importance of the Respondent coming into compliance and the effects this outstanding case has had on the community. The City Attorney will prepare an order approving authorization to foreclose including a one hundred-twenty (120) day foreclosure and a status hearing prior to initiating the foreclosure. The City's administrative costs to date will also be included. The City requested the fines continue and Magistrate Popp so ordered.*

**Fiscal Impact:**

**Staff Recommendation:**

**Attachment:** Certified letter from Foley & Lardner LLP  
Order imposing fine  
Demolition Permit showing final inspection completed

Received  
APR 11 2025  
*City of Flagler Beach*

100 N TAMPA ST  
SUITE 2700  
TAMPA, FL 33602-5810  
813.229.2300 TEL  
813.221.4210 FAX  
[FOLEY.COM](http://FOLEY.COM)

Section 6, Item b.

WRITER'S DIRECT LINE  
813.225.4119  
[mwolfson@foley.com](mailto:mwolfson@foley.com)

April 2, 2025

Via Email and Certified Mail & Federal Express

Certified Article Number

9414 7266 9904 2239 1732 08

(Being re-sent in case earlier version was not signed)

SENDER'S RECORD

City of Flagler Beach City Commission  
105 South 2nd Street  
P.O. Box 70  
Flagler Beach, FL 32136

Penny Overstreet  
City Clerk  
[poverstreet@cityofflaglerbeach.com](mailto:poverstreet@cityofflaglerbeach.com)

**RE:** *City of Flagler Beach v. Butler & Butler Properties, Inc.*  
Code Enforcement Case No.: EEN 23-0011 re 3590 S Ocean Shore Blvd  
**Petition for Reduction of Lien**

Dear Madam Mayor and City Commissioners:

The firm of Foley & Lardner LLP represents Sachem Capital Corp. ("Sachem"), the successor in interest to Butler & Butler Properties, Inc. and the current owner of the property located at 3590 S. Ocean Shore Blvd, Flagler Beach, Florida 32136 (the "Property") regarding the above-referenced matter.

As you are well aware, on August 28, 2023, Code Enforcement Magistrate Popp entered a Findings of Fact, Conclusions of Law, and Order finding that the Property was in violation of Chapter 13 of the City of Flagler Beach Code of Ordinances due to unsafe and unsightly conditions caused by incomplete construction work at the Property, and imposing a fine of \$250 per day running from July 6, 2023 until compliance was achieved, which also operated as a lien against the Property upon recordation (the "Lien") (Instrument No. 2023038531 Bk: 2809 Pg: 803). At the time the Lien was recorded, Butler & Butler Properties, Inc. ("Butler") was the owner of the Property and Sachem was merely Butler's lender with no right or ability to correct the code enforcement issues at the Property.

In September 2022, Butler defaulted on its loan and Sachem initiated mortgage foreclosure against Butler in the case styled *Sachem Capital Corp. v. Butler & Butler Properties, LLC, et al.*, Case No. 2023-CA-000609. That litigation ultimately resulted in the entry of an August 15, 2024 Final Summary Judgment granting foreclosure in Sachem's favor, who then took title to the property on October 29, 2024. Until it took title to the Property, Sachem had no right or ability to alter the Property in any way or otherwise address the code compliance issues caused by the incomplete construction.



After Sachem took title to the Property, it acted swiftly to address the code enforcement issues at the Property. Less than three months later in January 2025, Sachem had obtained a Notice of Commencement and appropriate permits to demolish the incomplete construction and bring the Property into compliance. During that time Sachem also resolved another Claim of Lien recorded against the Property (Instrument No. 2024014934, Bk: 2860 Pg: 1110) based on Butler's failure to pay certain water, sewer, stormwater and garbage charges. As of March 12, 2025, the demolition work at the Property has been completed and City officials have determined the Property is in compliance with the City of Flagler Beach Code of Ordinances.

Sachem calculates the Lien to be \$153,750 (calculated at \$250 per day for 615 days from the original July 6, 2023 compliance deadline through the date of the City's confirmation of code compliance on March 12, 2025). However, imposition of the Lien at that amount would be manifestly unjust and unfair to Sachem, which did everything in its power to bring the Property into compliance and resolve significant and valid concerns regarding safety and unsightliness as quickly as possible. Indeed, barely more than four months elapsed between Sachem taking title to the Property on October 29, 2024 and the compliance date of March 12, 2025. Given Sachem's good faith in resolving this matter, but while also recognizing the significant frustration and disturbance this matter has caused to the City and its residents, Sachem respectfully requests that the City Commission grant leniency and agree to a fine of \$1,000 to resolve the Lien against the Property. Assuming the City Commission agrees, Sachem will commit to remit payment to the City within 30 days.

We look forward to presenting Sachem's case at the next City Commission meeting on April 24, 2025 and finally putting an end to this matter. Thank you.

Sincerely,

Foley & Lardner LLP



**Mark J. Wolfson**

MJW

CC: Drew Smith, Esq.  
City Attorney  
Shepard, Smith, Hand & Brackins, P.A.  
[dsmith@shepardfirm.com](mailto:dsmith@shepardfirm.com)



**BEFORE THE CODE ENFORCEMENT MAGISTRATE FOR THE  
CITY OF FLAGLER BEACH, FLORIDA**

CITY OF FLAGLER BEACH,

Petitioner,

vs.

CASE NUMBER EEN 23-0011

BUTLER & BUTLER PROPERTIES, INC.

Respondent.

**FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER**

**THIS MATTER** having come before the Code Enforcement Magistrate for the City of Flagler Beach, Florida for hearing and determination on August 23, 2023 after due notice to Respondent and the undersigned having received evidence and heard testimony under oath thereupon issues the following Findings of Fact and Order:

**FINDINGS OF FACT**

1. The property subject to this proceeding is located at 3590 S Ocean Shore Blvd, Flagler Beach, FL 32136 and has Flagler County Tax Parcel ID 29-12-32-000-01032-0000 and more particularly described as:

MORNINGSIDE SUB DIV BL-3 LOT 23 OR BOOK 54 PG 50  
OR 76 PG 521 OR BOOK 110 PAGE 126 & 127 OR 444 PG  
1485(DC) OR 791 PG 693 OR 1793/1077 OR 1812/1422 OR  
1823/195 OR 2088/118 OR 2264/707

(the "Subject Property").

2. Butler & Butler Properties, Inc. is the record title owner of the Subject Property.

3. The undersigned has previously found Respondent in violation of Chapter 13 of the City of Flagler Beach Code of Ordinances as a result of the extremely dilapidated condition of the Subject Property.

4. Respondent's counsel appeared at the June hearing and presented a time frame for completing certain initial steps in order to ensure the safety and security of the Subject Property

as well as mitigate some of the impacts the condition of the Subject Property has on neighbors. Said steps were memorialized in the undersigned's Order entered June 18, 2023.

5. Respondent did not complete the mitigation measures contained in the June 18, 2023 Order.

6. Respondent appeared by its counsel and Molly Butler at the July hearing and explained unforeseen events had prevented Respondent from completing the mitigatory measures detailed in the June Order and the representatives restated their commitment to completing the mitigatory measures in a timely manner while Respondent continues to work towards a cure of the overall condition of the Subject Property.

7. During multiple hearings the concern related to the danger the condition of the Subject Property presents should a hurricane or strong storm cross the area was stressed upon Respondent's representatives.

8. Neighboring property owners have diligently and patiently attended each of the hearings and presented testimony as to impacts the condition of the Subject Property has on them.

9. As of the August 23, 2023 hearing, the interim mitigatory measures have not been completed and no progress appears to have been made toward the ultimate cure of the violations.

**BASED UPON THE FOREGOING, IT IS ORDERED:**

10. A Fine of \$250.00 per day is hereby imposed beginning on July 6, 2023 and continuing to run until compliance is achieved. As of August 23, 2023 the fines have accrued to \$12,250.00. The fines shall continue to accrue until the Respondent brings the Subject Property into compliance.

11. Upon recordation of a certified copy of this Order in the Official Records of Flagler County, Florida, this order shall constitute a lien against the real and personal property of Respondent.

ORDERED on this 26<sup>th</sup> day of August, 2023.



Gregory Popp  
Code Enforcement Magistrate

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a true and correct copy of the foregoing has been served upon Respondent by Certified and Regular Mail to Respondent this 28 day of August, 2023 at the following addresses: 354 Marsh Point Circle Saint Augustine, Florida 32080 and Butler and Butler Properties, LLC c/o David Borack, P.O. Box 915498, Longwood, Florida 32791.



Bonnie Bramer  
Bonnie Bramer,  
Clerk to the Special Magistrate

# City of Flagler Beach Inspection History

Section 6, Item b.

<b>Building Permit   PB250502</b>			
<b>Property Information</b>			
29-12-32-0000-01032-0000	20 CLUBHOUSE DR BLDG 1	Subdivision:	
	Flagler Beach FL, 32136	Lot:	Block:
<b>Name Information</b>			
Owner:	BUTLER & BUTLER PROPERTIES LLC	Phone:	
Occupant:		Phone:	
Applicant:	SAMSULA DEMOLITION	Phone:	(386) 423 6769
Contractor:	SAMSULA DEMOLITION	Phone:	(386) 423 6769
Licensee:	SAMSULA DEMOLITION	Phone:	(386) 423 6769
License Issued:			
License Expires:	08/31/2026		
<b>Permit Information</b>			
Date Issued:	01/15/2025	Date Expires:	09/08/2025
		Status:	FINALED
Work Description:			
DEMOLITION OF 2 UNCOMPLETED STRUCTURES (CONCRETE SLABS AND FOUNDATIONS TO REMAIN ON BOTH STRUCTURES.			
PERMIT IS FOR BUILDING 1 AND BUILDING 2			
Stipulations:			
<b>Building Final Inspection   GLENN DUNN</b>			
Status:	Completed	Result:	Approved
Scheduled:	03/12/2025 12:00 AM	Completed:	03/12/2025 03:23 PM
<b>Fee Information</b>			
Building Permit Fee	Application Fee - Building	1.00	35.00
Building Permit Fee	Demolition	546.00	546.00
Miscellaneous	Education	30,620.00	5.60
Building Permit Fee	Plan Review- 1st Review(non SFR/Com Bld)	226.00	56.50
Miscellaneous	Technology	30,620.00	5.60
Florida State Tax	FS 553.721	1.00	6.43
Florida State Tax	FS 468.631	1.00	9.65



**ORDINANCE 2025-03**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FLAGLER BEACH, FLORIDA, AMENDING THE CITY’S COMPREHENSIVE PLAN TO INCORPORATE MAKE REFERENCE TO CERTAIN STATE LEGISLATION INCLUDING THE STATE’S ADOPTION OF AND AMENDMENTS TO THE LIVE LOCAL ACT AND OTHER STATE LEGISLATION RELATED TO AFFORDABLE HOUSING, ENERGY RESOURCES, AND RESILIENCY; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY, DEPARTMENT OF ECONOMIC OPPORTUNITY; PROVIDING THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Section 163.3187, Florida Statutes, provides for the authority and procedure for the City Commission of Flagler Beach, Florida to amend its Comprehensive Plan utilizing procedures applicable to large scale developments; and

**WHEREAS**, Section 163.3191, Florida Statutes, requires that local governments evaluate their comprehensive development plans to determine if plan amendments are necessary to reflect changes in state requirements; and

**WHEREAS**, Section 163.3191, Florida Statutes, requires that local governments who have determined that plan amendments are necessary to reflect changes in state requirements transmit the amendments to the state land planning agency; and

**WHEREAS**, on May 6, 2025, the Planning and Architectural Review Board sitting as the local planning agency for the city, recommended transmittal of the amendments to the comprehensive plan of the city; and

**WHEREAS**, the City Commission desires to adopt the amendments to the current comprehensive plan to guide and control the future development of the city, and to preserve, promote, and protect the public health, safety, and welfare.

**WHEREAS**, on May 22, 2025 the Flagler Beach City Commission authorized transmittal of the proposed plan amendments to the appropriate state agencies;

NOW, THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF FLAGLER BEACH, FLORIDA:

**SECTION 1. APPROVAL**

The City of Flagler Beach Comprehensive Plan is hereby amended as set forth on Exhibit "A".

**SECTION 2. CONSISTENCY WITH CITY OF FLAGLER BEACH COMPREHENSIVE PLAN**

The City Commission hereby finds and determines that the approval of the amendments is consistent with the goals, objectives and policies of the City of Flagler Beach Comprehensive Plan as amended.

**SECTION 3. ENFORCEMENT**

The city may enforce this Ordinance as authorized by law.

**SECTION 4. REPEAL**

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION 5. SEVERABILITY**

The provisions of this Ordinance are hereby declared to be severable. If any provision of this Ordinance, or the application thereof, to any person or circumstance is held to be invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application.

**SECTION 6. EFFECTIVE DATE**

The effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the state land planning agency notifies the local government that the plan amendment package is complete. If timely challenged, this amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the state land planning agency.

This Ordinance was adopted in regular meeting after its second reading this \_\_ day of May, 2025.

ATTEST:

CITY OF FLAGLER BEACH, FLORIDA  
CITY COMMISSION

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
Patti King, Mayor

APPROVED AS TO FORM AND LEGALITY:

\_\_\_\_\_  
DREW SMITH, CITY ATTORNEY

EXHIBIT “A”

[Note: Underline Text represents language to be added to the Comprehensive Plan, ~~strikethrough text~~ represents deletions, and ellipses ( . . . or \* \* \* ) represent portions of the Comprehensive Plan that are not reprinted here and which remain unchanged].

\* \* \*

**GOAL B.** Allow Mixed-Use Residential Development projects in commercial and industrial land uses in accordance with applicable Florida Statutes if the project includes affordable housing as defined in Section 166.04151, .

**Goal C.** To the extent required by the Florida Live Local Act, allow for administrative approval of multi-family and mixed-use residential development by developers of affordable housing as defined in Section 166.04151, Florida Statutes.<sup>1</sup>

**Policy C.1** In accordance with the Act, a developer must demonstrate they have the capacity to sustain affordability of the project and have resources available for determining income eligibility of future residents and ensure affordability thresholds are maintained.

**Policy C.1.2.** Update and maintain information on the City’s website regarding Live Local procedures and policies as set forth in Section 166.04151, Florida Statutes.

**Policy C.1.3.** Certain development utilizing the Live Local Act are not required to obtain a rezoning, conditional use approval, variance, or comprehensive plan amendment for the building height, zoning, or density described in the Live Local Act.

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<sup>1</sup> As of 2025, the Live Local Act requires the City to administratively approve multi-family and mixed-use development if:

1. The property is zoned for commercial, industrial, or mixed use;
2. A minimum of 40% of the residential rental units are affordable to households 120% of area median income or below for a period of at least 30 years;
3. For mixed use developments - at least 65% of the development’s total square footage must be residential.



**Policy C.1.4.** To the extent provided by Section 166.04151, Florida Statutes, the density of an affordable residential rental multi-family or mixed-use development may not be restricted below the highest allowed density on any City land where residential land use is allowed.

**Policy C.1.5.** To the extent provided by Section 166.04151, Florida Statutes, the height of an affordable residential rental multi-family or mixed-use development may not be restricted below the highest allowed height for a commercial or residential development located in the city which is 35'.

**Policy C.1.6.** Pursuant to Section 166.04151, Florida Statutes, the City is encouraged to reduce parking requirements for affordable housing.

**Policy C.1.7.** To the extent prohibited by Section 166.0451, Florida Statutes, to avoid is limiting the Floor Area Ratio (FAR) for affordable housing, as defined by said statute, below 150%, or such other percentage as the statute may be amended to provide, of the highest currently allowed FAR in the City.

**Policy C.1.8.** Live Local Act projects must adhere to all other limitations and requirements contained in the City's Comprehensive Plan, Land Development Code regulations, building code, and other regulations such as flood plain regulations and requirements to connect to City water and sewer service.

**Policy C.1.9.** Land to be developed utilizing Live Local must be zoned for commercial, industrial uses, or mixed-use. Planned Developments (PUDs) that allow commercial uses, industrial uses or mixed-uses qualify under Live Local.

\* \* \*

**Policy A.1.1.4** To the extent required by Section 163.32051, Florida Statutes, floating solar facilities are to be a permitted use in the appropriate land use category in local comprehensive plan, future land use element; mainland Highway Commercial or Industrial Land Use categories.

**Senate Bill 1624/House Bill 1645 Energy Resources –**

**Policy A.1.1.5** To the extent required by Section 163.3210, resiliency facilities are to be a permitted use in commercial, manufacturing, and industrial land use categories and local development regulations are not to conflict with resiliency facility citing.

Serial Number  
25-00120F

**Observer**  
You. Your Neighbors. Your Neighborhood.  
**PalmCoastObserver.com**

Palm Coast Observer  
Published Weekly  
Palm Coast, Flagler County, Florida

COUNTY OF FLAGLER

STATE OF FLORIDA

Before the undersigned authority personally appeared Nancy Kay Raymond who on oath says that he/she is Publisher's Representative of the Palm Coast Observer a weekly newspaper published at Palm Coast, Flagler County, Florida; that the attached copy of advertisement,

being a Notice of Meeting

in the matter of May 6th. May 8th. May 22nd

in the Court, was published in said newspaper by print in the

issues of 5/1/2025

Affiant further says that the Palm Coast Observer complies with all legal requirements for publication in chapter 50, Florida Statutes.

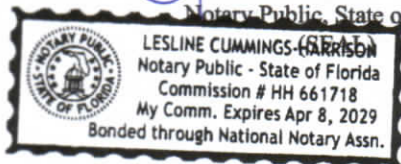
\*This Notice was placed on the newspaper's website and floridapublicnotices.com on the same day the notice appeared in the newspaper.

*N. Kay Raymond*  
Nancy Kay Raymond

Sworn to and subscribed, and personally appeared by physical presence before me,

1st day of May, 2025 A.D.

by Nancy Kay Raymond who is personally known to me.



**PUBLIC NOTICE**  
The City of Flagler Beach proposes to adopt the following ordinances entitled:  
**ORDINANCE NO. 2025-03**  
AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FLAGLER BEACH, FLORIDA, AMENDING THE CITY'S COMPREHENSIVE PLAN TO INCORPORATE AND MAKE REFERENCE TO CERTAIN STATE LEGISLATION INCLUDING THE STATE'S ADOPTION OF AND AMENDMENTS TO THE LIVE LOCAL ACT AND OTHER STATE LEGISLATION RELATED TO AFFORDABLE HOUSING, ENERGY RESOURCES, AND RESILIENCY; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY, DEPARTMENT OF ECONOMIC OPPORTUNITY; PROVIDING THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.  
**ORDINANCE NO. 2025-04**  
AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FLAGLER BEACH, FLORIDA, AMENDING ITS COMPREHENSIVE PLAN TO ADOPT BY REFERENCE THE UPDATED WATER FACILITIES SUPPLY WORK PLAN AS REQUIRED BY 163.317, FLORIDA STATUTES; PROVIDING FOR THE ADOPTION OF AMENDMENTS TO THE CITY'S COMPREHENSIVE PLAN TO IMPLEMENT THE UPDATED WATER FACILITIES SUPPLY WORK PLAN; PROVIDING FOR ADOPTION OF UPDATED POLICIES WITHIN THE COMPREHENSIVE PLAN PUBLIC FACILITIES ELEMENT; PROVIDING FOR ADOPTION OF AMENDMENTS TO THE CAPITAL IMPROVEMENT ELEMENT AND PROVIDING FOR UPDATED FIVE-YEAR SCHEDULE OF CAPITAL IMPROVEMENTS; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY, DEPARTMENT OF ECONOMIC OPPORTUNITY; PROVIDING THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.  
Public Hearings will be conducted to consider the amendments as follows:  
Planning & Architectural Review Board meeting Tuesday, May 6, 2025, at 5:30 p.m. or soon thereafter  
First Reading, Flagler Beach City Commission Meeting Thursday, May 8, 2025, at 5:30 p.m. or soon thereafter  
Second Reading, Flagler Beach City Commission Meeting Thursday, May 22, 2025, at 5:30 p.m. or soon thereafter  
The public hearings may be continued to a future date or dates. The times and dates of any continuance of a public hearing shall be announced during the public hearing without any further published notice. The request will be heard at 6:00 PM, or as soon thereafter as possible, in the City Commission Chambers located at 105 South Second Street, Flagler Beach, Florida. If a person decides to appeal any decision made with respect to any matter considered at the above referenced hearings, he/she will need a record of the proceedings. For such purposes, it may be necessary to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. In accordance with the Americans with Disabilities Act, persons needing assistance to participate in any of these proceedings should contact the City Clerk's Office at 386-517-2000 Ext. 233 at least 48 hours prior to the meeting.  
May 1 25-00120F

ORDINANCE NO. 2025-04  
COMPREHENSIVE PLAN AMENDMENT

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FLAGLER BEACH, FLORIDA, AMENDING ITS COMPREHENSIVE PLAN TO ADOPT BY REFERENCE THE UPDATED WATER FACILITIES SUPPLY WORK PLAN AS REQUIRED BY 163.3177, FLORIDA STATUTES; PROVIDING FOR THE ADOPTION OF AMENDMENTS TO THE CITY'S COMPREHENSIVE PLAN TO IMPLEMENT THE UPDATED WATER FACILITIES SUPPLY WORK PLAN; PROVIDING FOR ADOPTION OF UPDATED POLICIES WITHIN THE COMPREHENSIVE PLAN PUBLIC FACILITIES ELEMENT; PROVIDING FOR ADOPTION OF AMENDMENTS TO THE CAPITAL IMPROVEMENT ELEMENT PROVIDING FOR UPDATED FIVE-YEAR SCHEDULE OF CAPITAL IMPROVEMENTS; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY, DEPARTMENT OF ECONOMIC OPPORTUNITY; PROVIDING THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

---

**WHEREAS**, the State Legislature of the State of Florida has mandated that all municipalities adopt comprehensive plans to regulate development and planning with regard to land within their corporate limits; and

**WHEREAS**, all amendments to the comprehensive development plan must be adopted in accordance with detailed procedures which must be strictly followed; and

**WHEREAS**, Subsection 163.3167(9), Florida Statutes, requires each local government to address in its Comprehensive Plan, the water supply sources necessary to meet and achieve the existing and projected water use demand for an established planning period; and

**WHEREAS**, Subsection 163.3177(4)(a), Florida Statutes, requires the city to coordinate its local Comprehensive Plan with the Northeast Florida Regional Planning Council (NEFRPC) Regional Water Plan; and

**WHEREAS**, Subsection 163.3177(6)(c), Florida Statutes, requires local governments to prepare and adopt an updated Water Facilities Supply Plan and to amend their comprehensive plans within 18 months after the St. Johns River Management District approves the Northeast Florida Regional Planning Council (NEFRPC) Water Plan Update; and,

**WHEREAS**, the St. Johns River Water Management District approved the Northeast Florida Regional Water Supply Plan Update on December 12, 2023; and,

**WHEREAS**, the CITY OF FLAGLER BEACH, Florida, has carefully prepared amendments to its comprehensive plan pursuant to sub-section 163.3177(6)(c), Florida Statutes, in order to adopt amendments or revisions in conformance with the adopted Water Supply Facilities Work Plan; and

**WHEREAS**, the purpose of the Capital Improvements Element is to demonstrate the fiscal feasibility of the City's Comprehensive Plan accomplished by estimating costs of improvements, analysis of the City's fiscal capability to finance and construct improvements, and adoption of financial policies to guide funding.

**WHEREAS**, the goal for Capital Improvements is to provide the necessary capital facilities to meet current infrastructure deficiencies and to accommodate future growth concurrent with demonstrated infrastructure needs in a timely and fiscally sound manner.

**WHEREAS**, the Five-year Schedule of Capital Improvements is required for identification and to ensure that the goals, objectives and policies established in the Capital Improvements Element are met or exceeded and contain the project description, location, determination of consistency, and projected costs and revenue sources needed to construct the project.

**WHEREAS**, the CITY OF FLAGLER BEACH has held all duly required public hearings; both prior to submission of the proposed amendment of the plan to the State Land Planning Agency, Department of Economic Opportunity and after the proposed amendment of the plan was returned to the CITY OF FLAGLER BEACH, in accordance with Chapter 163.3184, Florida Statutes; and

**WHEREAS**, the City Commission desires to adopt the updated Work Plan along with amendments to the current comprehensive plan to guide and control the future development of Flagler Beach, and to preserve, promote and protect the public health, safety and welfare;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF FLAGLER BEACH, FLORIDA, THAT:**

**Section 1:** The whereas clauses are hereby incorporated as true and correct findings of fact of the City COMMISSION.

**Section 2:** The CITY OF FLAGLER BEACH hereby adopts by reference, the

updated Water Facilities Supply Work Plan which is attached hereto and incorporated herein as Exhibit "A". The CITY OF FLAGLER BEACH's Comprehensive Plan is hereby amended by adopting water supply related amendments to its current Comprehensive Plan; which amendments are set forth in Exhibit "B" and made a part hereof. These amendments specifically amend by adding Objectives and Policies to its Public Facilities Element; and amend the Capital Improvement Element with an updated Five-year Capital Improvement Schedule.

**Section 3:** A copy of the Comprehensive Plan, as amended, shall be kept on file in the office of the City Clerk, CITY OF FLAGLER BEACH, Florida.

**Section 4:** The Planning and Zoning Department is hereby directed to transmit three copies of the amendments hereby adopted to the State Land Planning Agency, Department of Economic Opportunity; the NE Florida Regional Planning Council, and to any other unit of local government who has filed a written request for a copy, within 10 working days after adoption, in accordance with Section 163.3184(3)(b), Florida Statutes.

**Section 5:** Repeal of Laws in Conflict. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**Section 6:** Severability. Should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this Ordinance.

**Section 7:** Effective Date. The effective date of this ordinance amending the City's Comprehensive Plan shall be 31 days after the State Land Planning Agency notifies the City that the plan amendment package is complete. No development orders dependent on this amendment may be issued or commence before the effective date of this ordinance. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless become effective by the City Commission's adoption of an ordinance affirming its effective status, a copy of which ordinance shall be sent to the State Land Planning Agency, Department of Economic Opportunity. If timely challenged, this amendment shall not become effective until the State Land Planning Agency or the Administration Commission enters a final order determining the adopted amendment to be in compliance.

**APPROVED** on first reading after due public notice and hearing the 8<sup>th</sup> of May 2025.

**ADOPTED** on second reading after due public notice and public hearing this 22<sup>nd</sup> day of May 2025.

ATTEST:

CITY OF FLAGLER BEACH, FLORIDA  
CITY COMMISSION

---

CITY CLERK

---

Patti King, Mayor

APPROVED AS TO FORM AND LEGALITY:

---

DREW SMITH, CITY ATTORNEY

EXHIBIT A

10-YEAR WATER SUPPLY FACILITIES WORK PLAN

Prepared by  
City of Flagler Beach  
and  
Mead and Hunt

Adopted May 22, 2025  
Ordinance 2025-04



PREPARED BY  
**Mead  
& Hunt**

2025-2035  
Water Supply Work Plan  
City of Flagler Beach

April 2025



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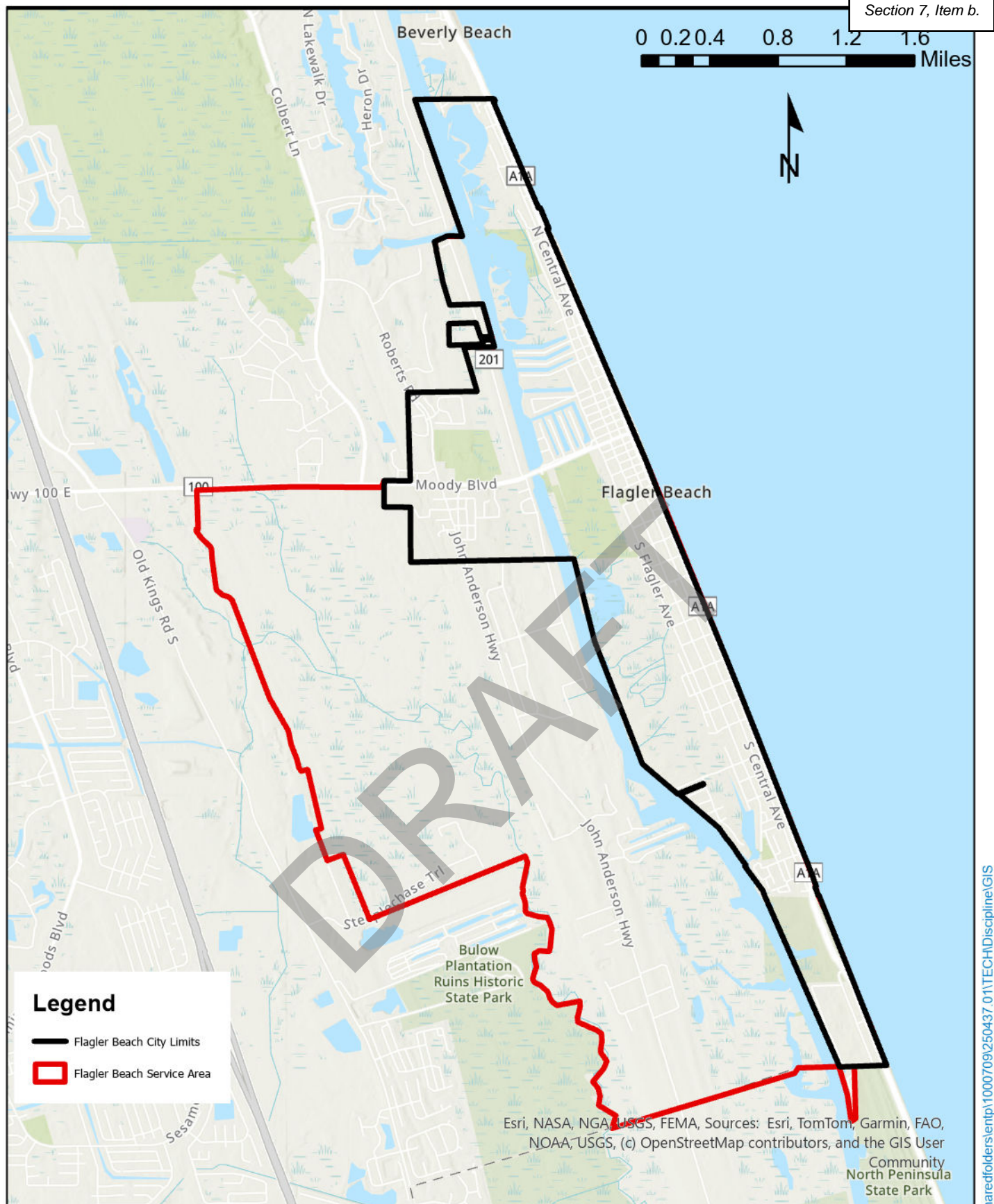
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## 1. Introduction

The North Florida Regional Water Supply Plan (2020-2045) [NFRWSP] was approved by the St. Johns River Water Management District's (SJRWMD's) Governing Board on December 12, 2023. The NFRWSP was developed as part of the North Florida Regional Water Supply Partnership in coordination with the Suwannee River Water Management District. In accordance with Section 163.3177(6)(c), Florida Statutes (F.S.), local governments within the NFRWSP area are required to amend their comprehensive plans to include a new or updated a Water Supply Facilities Work Plan (WSFWP). A WSFWP and its related comprehensive plan amendment identify and plan for the water supply sources and facilities needed to serve existing and new development within a local government's jurisdiction.

The planning period for this WSFWP is 2025-2035. At a minimum, it will be necessary to update the WSFWP prior to the end of the planning period, or at such time as SJRWMD updates the NFRWSP. Public Facilities Element Policy D.1.7.1 contains enabling language that incorporates the WSFWP into the comprehensive plan as Appendix A of the Public Facilities Element. Intergovernmental Coordination Element policies G.1.4.4, G.1.4.5, G.1.4.6, G.1.4.7 contain enabling language to ensure maintenance of the work plan and coordination of the City's comprehensive plan with SJRWMD's NFRWSP.

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**Legend**

- Flagler Beach City Limits
- Flagler Beach Service Area

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**City of Flagler Beach  
Water Supply Facilities  
Work Plan**

**Figure 1-  
Potable Water  
Service Area**



## 2. Potable Water Supplier Information

### 21 Service Area and Agreements

The City of Flagler Beach is located South of Palm Coast and North of Ormond Beach. It has a municipal boundary and a utility service area encompassing approximately 10.3 square miles, as shown in **Figure 1**. The utility service area does not overlap into any other unincorporated or incorporated areas. The current utility planning area has a population of 5,550. The City is the only potable water supplier within its municipal limit, which includes sections of the City located on both the mainland and barrier islands. In addition, the City provides sewer service to a portion of the City of Palm Coast. Palm Coast reimburses the City of Flagler Beach each month for the sewer services. The City of Flagler Beach also provides water and sewer service to Ocean Palm Villas South Condos in northeast Volusia County. This service is not a wholesale agreement.

In January 2007, the City, Flagler County, the City of Palm Coast, and a private developer (i.e., The Gardens at Hammock Beach Property Owners Association, Inc) entered into a stipulated settlement agreement that delineated the water and wastewater services areas for each utility provider. The City is financially responsible for the maintenance and improvements to the potable water system within its service area. The City currently has no plans to expand its potable water service area within the next ten years.

The City has interlocal agreements with the City of Palm Coast, the City of Beverly Beach, and Flagler County for emergency interconnects. The purposes of these interconnects are so that either City/County may effectively provide water service to the other to deal with potential public emergencies caused by water shortages. Intergovernmental Coordination Element Policy G.1.4.4 and G.1.4.5 contains enabling language for the City's intergovernmental agreements relative to water supply, service, and planning. In addition, Intergovernmental Coordination Element Policy G.1.4.6 contains enabling language for this coordination activity.

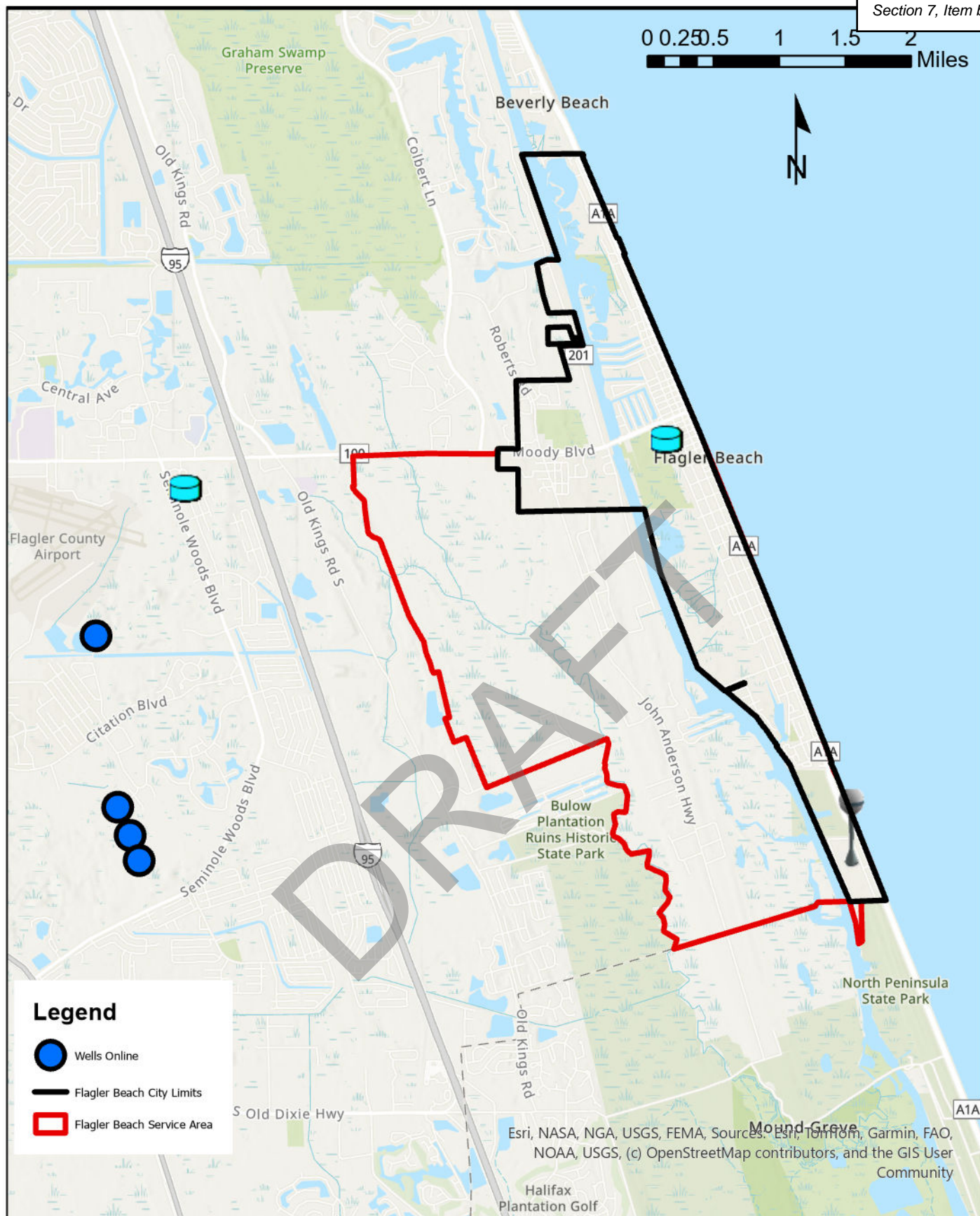
### 22 Potable Water System Inventory

The City's wellfield is located outside City limits, in unincorporated Flagler County, just south of the Flagler County airport. Currently, the City has four active wells Upper Floridan aquifer wells for public supply with two more (Wells #17 & #18) currently in design. The City owns and operates one low pressure reverse osmosis (RO) water treatment plant (WTP), which has a maximum capacity of 2.0 million gallons per day (mgd). The City is permitted to blend up to 0.50 MGD maximum daily flow RO concentrate water from the WTP to the existing gravity flow line from the City's wastewater facility for discharge into the Intercoastal Waterway (ICW).

### 23 Consumptive Use Permit (CUP)

The City's current consumptive use permit (CUP) [#59-5] was issued in October 2016 and expires in 2036. The CUP has an allocation of 0.912 MGD annual average of groundwater from the UFA based on 0.91 MGD water use projection and the population projected to increase to 6,517.

Based on the City's billing records, there are no residents on individual wells and 22 residential septic tanks in the City's service area.



**Legend**

-  Wells Online
-  Flagler Beach City Limits
-  Flagler Beach Service Area

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**City of Flagler Beach  
Water Supply Facilities  
Work Plan**

**Figure 2-  
Active Wells**



### 3. Water Demand and Supply

#### 3.1 Water Treatment Capacity

Water supply to the City of Flagler Beach is derived from a series of Upper Floridian aquifer wells installed outside City limits. The City's firm well production capacity is 333.0 million gallons per year (0.912 mgd annual average). The City's current well capacity is 1,550 gpm or 2.23 MGD as shown in Table 3-1. The City has 16 total wells constructed. As of the writing of this report, Wells 10, 12R, 14, and 15 are active. Wells 1-9 and Well 12 have been abandoned. Well 13 is out of service due to serious water drought, with sand and grout plugging the pre-filters. Well 11 is offline for modification. Well 16 is construction but not yet online. Saltwater intrusion and projected growth of the area have driven the need for new wells to meet demand. Additional Wells 17 & 18 are under design.

TABLE 3-1: WELL INVENTORY

Well Number (PWS)	Status	Source	Total Depth (feet)	Casing Depth (feet)	Casing Diameter (inches)	Capacity (GPM)	Use Type
10	Active	FAS-Upper Floridian Aquifer	250	125	8	500	Public Supply
11 <sup>(1)</sup>	Offline	FAS-Upper Floridian Aquifer	250	127	8	500	Public Supply
12R	Active	FAS-Upper Floridian Aquifer	200	110	12	350	Public Supply
13 <sup>(2)</sup>	Offline	FAS-Upper Floridian Aquifer	186	108	12	350	Public Supply
14	Active	FAS-Upper Floridian Aquifer	200	110	12	350	Public Supply
15	Active	FAS-Upper Floridian Aquifer	200	110	12	350	Public Supply
16 <sup>(3)</sup>	Constructed	FAS-Upper Floridian Aquifer	200	110	12	350	Public Supply

(1) Well 11: Offline for modification

(2) Well 13: Offline due to severe water drought

(3) Well 16: Is still not being Monitoring by the EN50.

## 32 Population Projection

### 3.2.1 Current Flow/Population Served/Per Capita Usage

**Table 3-2** exhibit the annual average daily flow and peak month the City of Flagler Beach service water. Data represents water supplied by the City of Flagler Beach and was obtained from monthly records from the City of Flagler Beach.

TABLE 3-2: SERVICED WATER

Year	Annual Average Daily Flow (MGD)	Peak Month (MGD)
2014	0.529	0.556
2015	0.518	0.591
2016	0.598	0.712
2017	0.591	0.654
2018	0.581	0.653
2019	0.579	0.669
2020	0.647	0.750
2021	0.704	0.791
2022	0.606	0.668
2023	0.568	0.611
2024	0.595	0.639

Historically, the population in the City of Flagler Beach utility service area has grown steadily over the past years. Development trends for Flagler County area remain strong and population is expected to increase steadily throughout the planning period.

Historical projections are listed in **Table 3-3** and population growth for the new 10 years is projected expecting an annual 2.25% growth. It includes the historical demand and the projected demand through the year 2035. The projections are based on the BEBR historical population with the historical growth change. The City currently has some projects such as residential units approved and/or under construction. Using the number of units and a density of 2.08 persons per unit, results in an additional 3,100 population projected until 2035.

TABLE 3-3: CITY'S HISTORICAL & PROJECTED POPULATION

Year	BEHR Historical Population	Year Change (%)	Population Projection from City Approved Projects	Population Projection from City Approved Projects
2014	4,462			
2015	4,503	0.9%		
2016	4,582	1.8%		
2017	4,625	0.9%		
2018	4,666	0.9%		
2019	4,719	1.1%		
2020	4,700	-0.4%		
2021	5,133	9.2%		
2022	5,182	1.0%		
2023	5,216	0.7%		
2024	5,550	6.4%		
Historical Average		2.25%		

2025		2.25%	443	6,118
2026		2.25%	277	6,532
2027		2.25%	1464	8,143
2028		2.25%	94	8,419
2029		2.25%	94	8,702
2030		2.25%		8,898
2031		2.25%		9,098
2032		2.25%		9,302
2033		2.25%		9,511
2034		2.25%		9,724
2035		2.25%	728	10,671

Using the previous data from **Table 3-3** a calculation can be made for the per capita potable water usage in gallons per capita per day (GCD) for the City of Flagler Beach **Table 3-4** for the past 10 years.

TABLE 3-4: HISTORIC PER CAPITA WATER USAGE

Year	Average Daily Flow (MGD)	Service Area Population	Per Capita Consumption (GPCD)
2014	0.5287	4,462	118
2015	0.5184	4,503	115
2016	0.5984	4,582	131
2017	0.5905	4,625	128
2018	0.5813	4,666	125
2019	0.5790	4,719	123
2020	0.6475	4,700	138
2021	0.7045	5,133	137
2022	0.6063	5,182	117
2023	0.5677	5,216	109
2024	0.5953	5,550	107
10-year average			122
5-year average			122

The 10-year historical average flow and the 5-year historical average flow 122 GPCD. The reduction in per capita flow is partially due to higher rates, vacancies and lower occupancy. New construction is expected to raise the consumption from new customers. A per capita flow of 125 GPCD is used for this report refer to **Section 3.3**.

### 33 Level Of Service Standard (LOS) and Water Supply Concurrency

The US Census estimate for people per residential unit is 2.08 and the Flagler Beach Comprehensive Plan includes a water LOS of 125 gallons per capita. The LOS flow for each residential unit is 125 gal/person multiplied by a 2.08 people/unit= 260 gpd/unit.

### 34 Cup Allocation / Supply Projection

Using the projected population and the per capita demand of 125 gallons per capita day, the total water demand anticipated for the City is depicted on **Table 3-5**. The permitted capacity for the wells will exceed due to the growth of population. The City currently uses potable water for irrigation and is planning to transition to reclaim in the future, see **Section 0** for more information on nonpotable water.

TABLE 3-5:PROJECTED AND PERMITTED ANNUAL WITHDRAWALS

Year	Population	(1)Avg. Annual Demand (MGD)	(2)Peak Month Demand (MGD)	Permitted Capacity (MGD)	WTP Facility Capacity (MGD)	Well Capacity (MGD)	Annual Average Daily Raw Water Demand (MGD)
2025	6,118	0.765	0.856	0.912	2	2.23	1.16
2026	6,532	0.816	0.914	0.912	2	2.23	1.24
2027	8,143	1.018	1.140	0.912	2	2.23	1.54
2028	8,419	1.052	1.179	0.912	2	2.23	1.59
2029	8,702	1.088	1.218	0.912	2	2.23	1.65
2030	8,898	1.112	1.246	0.912	2	2.23	1.68
2031	9,098	1.137	1.274	0.912	2	2.23	1.72
2032	9,302	1.163	1.302	0.912	2	2.23	1.76
2033	9,511	1.189	1.332	0.912	2	2.23	1.80
2034	9,724	1.216	1.361	0.912	2	2.23	1.84
2035	10,671	1.334	1.494	0.912	2	2.23	2.02

(1) Population \*125 GPCD

(2)1.12 peak flow\* AADF

## 4. Nonpotable Water Supplier Information

The City's currently owns and operates one wastewater treatment plant (WWTP), located three miles east of the WTP, which has a maximum capacity of 1.0 mgd. The WWTP provides advanced secondary treatment and disposes of the effluent into ICW. The City's wastewater service area is identical to the potable water service area, shown in **Figure 4-1**. The City does not currently have reclaimed water production infrastructure at the wastewater treatment facility nor a distribution system network for public access reuse (PAR).

### 4.1 Reuse Water Practices

#### 4.1.1 Service Area Inventory

The City completed a Reuse Master Plan in September 2024 as a guide for the orderly development and phased implementation of a PAR system for the City of Flagler Beach to ultimately eliminate effluent surface water discharges into the ICW as required by Senate Bill 64. Per the City's Reuse Master Plan, the City's initial reclaimed water service area is planned to serve customers along John Anderson Highway, Roberts Road, and Lambert Avenue/Palm Drive; at the Flager Beach WWTP; and at Wadsworth Park along SR 100. The development and expansion of the PAR system is proposed to occur in five phases over the next six (6) fiscal years. The Reuse Master Plan proposes a PAR system comprised of the following components:

- Reclaimed Water Supply
- Reclaimed Water Storage (at least 2.0 MGD storage volume in short-term)
- High Service Pumping via Reclaimed Water Distribution Pump Station
- Reject Water Storage System (1.0 MG storage volume)
- Reclaimed Water Distribution System Layout
- Controls and Instrumentation Systems

#### 4.1.2 Reuse Demand

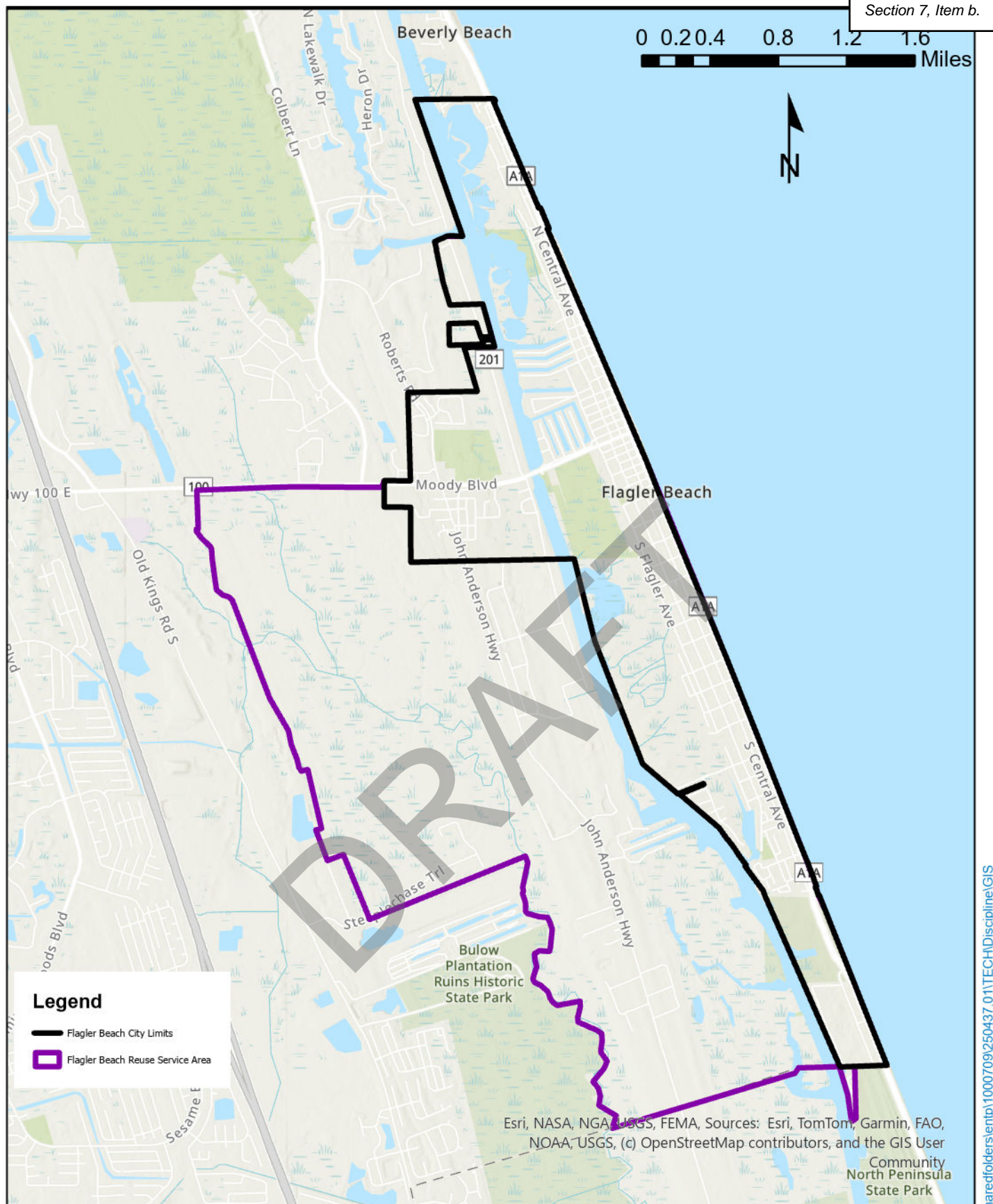
Per the Reuse Master Plan, proposed reclaimed PAR demands were compared to wastewater flow projections. With the City's current WWTP treatment and capacity, the City would be able to meet the projected PAR demand until 2032 and 2034 when deficits would occur. The Reuse Master Plan details proposed improvements to the Flagler Beach WWTP that would enable the City to meet the growing demand for wastewater and reuse and avoid deficits. **Table 4-1** shows the projected irrigation demand within the 10-year planning period of this Work Plan.

TABLE 4-1: PROJECTED RECLAIMED WATER DEMAND

Year	Population	Total Potable Water Demand (MGD)	<sup>(1)</sup> Wastewater Effluent (MGD)	<sup>(1)</sup> Reclaimed Water Demand (MGD)	<sup>(1)</sup> Surplus / Deficit (MGD)
2025	6,167	0.771	0.781	0.000	0.781
2026	6,079	0.760	0.793	0.310	0.483
2027	7,717	0.965	0.805	0.310	0.495
2028	6,399	0.800	0.777	0.310	0.467
2029	6,296	0.787	0.747	0.310	0.437
2030	6,341	0.793	0.718	0.549	0.169
2031	6,484	0.810	0.688	0.549	0.139
2032	6,629	0.829	0.658	0.662	-0.004
2033	6,778	0.847	0.669	0.662	0.007
2034	6,930	0.866	0.678	0.679	-0.001
2035	7,814	0.977	0.686	0.679	0.007

(1) City of Flagler Beach Reuse Master Plan







## 5. Water Supply and Facility Capacity Projects – Alternative and Traditional; Potable and Nonpotable

The latest NFRWSP (2023) did not identify any project options related to the City of Flagler Beach. Currently, the City utilizes its interconnects as an alternative water source only in the event of an emergency. Additionally, the City has embarked on a swale/retention program to help retain stormwater to recharge the groundwater aquifer. **Section 8** details specific projects the City has planned to occur during this WSFWP's planning period.

In June 2023, the City proceeded with the new design for upgrades to the City's existing WWTP. To produce reclaimed water, the facility needs to be upgraded to add filtration, pumping, and storage facilities for advanced water treatment (AWT). The scope of work includes new design of the WWTP-AWT Plant Expansion, with funding provided by an FDEP grant. These upgrades are the first phase of a future plan to provide a reclaimed water distribution system to future developments. Expansion of the City's wastewater facilities in conjunction with the development of a comprehensive PAR system will allow the City to offset its potable water demand as the City experiences projected growth.

## 6. Water Source Protection Practices

The City's wellfield is located outside of the City's municipal limit, in unincorporated Flagler County. Therefore, the City coordinates with Flagler County relative to water source protection. In order to protect the City's sources of water the City does not allow house construction within 1,000 feet of a well. The City's comprehensive plan includes water source protection for quality and quantity of water as well as aquifer recharge protection. A summary of source protection policies is below.

- Land use restrictions to protect water quality (Policies E.1.1.1, E.1.1.2)
- Restrictions in septic tanks (Policy E.1.1.4, D.2.1)
- Intergovernmental coordination for wellfield protection (Policy E.1.2.5)

## 7. Water Conservation

The City has implemented a variety of water conservation practices. For example, the City implements a water conservation rate structure. In addition, the City is implementing its Water Conservation Plan that was submitted as part of the CUP process. The City's comprehensive plan also includes some other water conservation practices. A summary of these policies is below. The City plans to maintain these practices and improve upon them when feasible.

- Monitoring water consumption trends (Policy D.1.4.1)
- Conduct public education efforts informing and encouraging responsible water use (Policy D.1.6.1)
- Implementation of City's Water Conservation Plan and associated practices (Policy D.1.6.2)
- Enforce FBC requirements for max flow rates in new developments (Policy D.1.6.3)
- Investigate potential use of gray-water for certain onsite irrigation systems (Policy D.1.6.4)
- Metering Requirements (Policy D.1.6.5)
- Requirements for native plants (Policies E.2.5.3 and E.2.6.3)
- Intergovernmental coordination of water conservation (Policies G.1.4.4-G.1.4.7)

## 8. Capital Improvements

The latest NFRWSP (2018) did not identify any project options related to the City of Flagler Beach. In 2017, the City completed construction of Well #12R as a replacement for Well #12 per the recommendations of the previous NFRWSP. The City plans on further expanding the wellfield capacity from 2.0 MGD to 5.0 MGD (10 wells), as well as expanding the water treatment plant capacity to provide potable water to future developments. The City also plans to build a 1.0 MGD tank on plant grounds to have sufficient storage on the mainland, as well as run a 16-inch water main down Lambert Avenue for a second river crossing in the future.

Appendix A details the capital improvements the City has scheduled to occur from FY2026 to FY2030 to meet growing demand within the WSFWP's ten-year planning period.

DRAFT

# APPENDIX A

## CITY OF FLAGLER BEACH CAPITAL IMPROVEMENT PROGRAM (CIP)

DRAFT

**EXHIBIT B**

**Ordinance 2025-04** adopts the updated Water Facilities Supply Plan along with amendments to the current comprehensive plan to guide and control future development of Flagler Beach. It provides amendments to the comprehensive plan to implement the Water Facilities Work Plan policies in the Public Facilities Element; amendments to the Capital Improvements Plan and annual Five-year Schedule of Capital Improvements required for identification to ensure Levels of service (LOS) and established goals, objectives, and policies in the Capital Improvements Element are met or exceeded. The annually updated Five-Year Schedule of Improvements contains the project description, location, determination of consistency, projected costs and revenue sources needed to construct the project; and includes grant funded capital facility improvements to be funded each year.

**E. Public Facilities Element**

Policy D.1.7.2.3 Groundwater quality degradation may constrain the availability of fresh groundwater due to the susceptibility to both vertical and lateral saltwater intrusion. The City shall continue wellfield management including implementing as needed back plugging, reduced pumping rates, and relocation of withdrawals to less susceptible areas to effectively manage increasing chloride trend.

**I. Capital Improvement Element**

**IMPLEMENTATION**

**Five-Year Capital Improvements Schedule**

The five-year schedule of capital improvements required for identification as the program to be adopted to ensure that the goals, objectives and policies established in the Capital Improvements Element are met or exceeded is contained in Appendix A, Capital Improvements Schedule-Fiscal Years ~~2017-18 to 2021-2022~~ 2022/2023 to 2027/2028.

The Annual Schedule of Improvements is the basis for the annual capital improvement program adopted by ordinance and contains the project description, location, determination of consistency, and projected costs and revenue sources needed to construct the project.

# 5 YR Capital Improvement Plan

Powered by 

## Approved FY 24/25 CIP Schedule

Project	Fund	Funding Source	FY 24/25	Budget	Status	FY 25/26	Budget	FY 26/27	Budget	FY 27/28	Budget	FY 28/29	Budget
CRA - City Parking Lot # 3 - S. 8th Street	CRA	CRA Fund Balance	FY 24/25	\$147,000	100 % Complete	FY 25/26	\$200,000	FY 26/27	\$0	FY 27/28	\$0	FY 28/29	\$0
CRA - City Parking Lot # 4 - N. 5th Street	CRA	CRA Fund Balance / CRA Salary Section 2	FY 24/25	\$164,500	90 % Complete	FY 25/26		FY 26/27		FY 27/28		FY 28/29	
CRA - Light Replacements	CRA	CRA	FY 24/25	\$292,731	25% Complete	FY 25/26	\$200,000	FY 26/27	\$0	FY 27/28	\$0	FY 28/29	\$0
CRA - Crosswalks (Re-stamp)	CRA	CRA	FY 24/25	\$0		FY 25/26	\$0	FY 26/27	\$460,000	FY 27/28	\$0	FY 28/29	\$0
CRA - Underground Utilities	CRA	CRA	FY 24/25	\$0		FY 25/26	\$0	FY 26/27	\$0	FY 27/28	\$0	FY 28/29	\$700,000
BCI - Sound Dampening Building Dept - Main Space	BCI	75 BCI / 25 GF	FY 24/25	\$18,750	CC Agenda Pending	FY 25/26	\$0	FY 26/27	\$0	FY 27/28	\$0	FY 28/29	\$0
Pier - Pier Reconstruction	Pier	FEMA / State Grant	FY 24/25	\$16,600,000	Grant in Process	FY 25/26	\$1,400,000	FY 26/27	\$0	FY 27/28	\$0	FY 28/29	\$0
Pier - Pier Bathroom / Beach Walk	Pier	TDC Grant/ GF Transfer	FY 24/25	\$2,658,600	Grant in Process	FY 25/26	\$1,131,000	FY 26/27	\$0	FY 27/28	\$0	FY 28/29	\$0
P&Z - Sound Dampening Building Dept - Main Space	General	75 BCI / 25 GF	FY 24/25	\$6,250	CC Agenda Pending	FY 25/26	\$0	FY 26/27	\$0	FY 27/28	\$0	FY 28/29	\$0
Recreation - Sun Trail	General	Grant	FY 24/25	\$0		FY 25/26	\$0	FY 26/27	\$2,000,000	FY 27/28	\$0	FY 28/29	\$0
IT - BSA Cloud Version Update	General	Funds / Split	FY 24/25	\$0		FY 25/26	\$75,000	FY 26/27	\$0	FY 27/28	\$0	FY 28/29	\$0
Library - Bathroom Renovations	General	Unrestricted GF	FY 24/25	\$50,000	TBD	FY 25/26	\$0	FY 26/27	\$0	FY 27/28	\$0	FY 28/29	\$0
Library - Interior LED Lighting Replacement & Wiring Update	General	Unrestricted GF	FY 24/25	\$0		FY 25/26	\$10,000	FY 26/27	\$0	FY 27/28	\$0	FY 28/29	\$0
Roads / Bridges - Street Paving	General	Paving Reserves	FY 24/25	\$100,000	Pending Scope	FY 25/26	\$0	FY 26/27	\$0	FY 27/28	\$0	FY 28/29	\$0
Sanitation - Awning Big Blue	Sanitation	Sanitation Fund	FY 24/25	\$25,000	TBD	FY 25/26	\$0	FY 26/27	\$0	FY 27/28	\$0	FY 28/29	\$0
Maintenance - Bypass Pump On Trailer	Utility	Unrestricted Utility Fund	FY 24/25	\$70,000	Pending Quotes	FY 25/26	\$0	FY 26/27	\$72,000	FY 27/28	\$0	FY 28/29	\$75,000
Maintenance - Wet Well Rehabs	Utility	Unrestricted Utility Fund	FY 24/25	\$80,000	Pending Scope	FY 25/26	\$80,000	FY 26/27	\$80,000	FY 27/28	\$80,000	FY 28/29	\$80,000
Maintenance - LS # 11 S. Flagler Ave & S. 25th					Unfunded								
Maintenance - Manhole Rings and Covers / Installation	Utility	Unrestricted Utility Fund	FY 24/25	\$239,756	CC Agenda Pending	FY 25/26	\$239,756	FY 26/27	\$239,756	FY 27/28	\$239,756	FY 28/29	\$239,756
Maintenance - Lift Stations Rebuild - Emergency	Utility	Unrestricted Utility Fund	FY 24/25	\$300,000	25% Complete	FY 25/26	\$0	FY 26/27	\$350,000	FY 27/28	\$0	FY 28/29	\$375,000
Maintenance - Backup Diesel Driven Pumps	Utility	Grant	FY 24/25	\$0	3rd Qtr Reporting	FY 25/26	\$500,000	FY 26/27	\$0	FY 27/28	\$0	FY 28/29	\$0
Maintenance - Fire Hydrant Replacement	Utility	Infrastructure Reserve	FY 24/25	\$87,954	25% Complete	FY 25/26	\$130,100	FY 26/27	\$131,100	FY 27/28	\$132,100	FY 28/29	\$0
Maintenance - Sewer Connection Oak Street	Utility	Transfer from Reserves	FY 24/25	\$80,000	CC Agenda Pending	FY 25/26	\$0	FY 26/27	\$0	FY 27/28	\$0	FY 28/29	\$0
Maintenance - Abandon 2" Galvanized Lines - S. 13th to 15th	Utility	Transfer from Reserves	FY 24/25	\$125,000	CC Agenda Pending	FY 25/26	\$0	FY 26/27	\$0	FY 27/28	\$0	FY 28/29	\$0

Approved FY 24/25 CIP Schedule

Section 7, Item b.

Project	Fund	Funding Source	FY 24/25	Budget	Status	FY 25/26	Budget	FY 26/27	Budget	FY 27/28	Budget	FY 28/29	Budget
Maintenance - S. 13th Alleyway A1A & Central - Replace Galvanized Line	Utility	Impact Fees - Water	FY 24/25	\$475,000	CC Agenda Pending	FY 25/26	\$0	FY 26/27	\$0	FY 27/28	\$0	FY 28/29	\$0
Maintenance - (4) Grant Rehab - Lift Stations	Utility	HNWAG Grant - HA009	FY 24/25	\$2,059,785	Grant in Process	FY 25/26	\$0	FY 26/27	\$0	FY 27/28	\$0	FY 28/29	\$0
Wastewater Plant - Screw Press Project	Utility	50/50 Match (\$850K Each) Total \$1.7 M	FY 24/25	\$1,287,000	Value Engineering Review	FY 25/26	\$0	FY 26/27	\$0	FY 27/28	\$0	FY 28/29	\$0
Wastewater Plant - WWTP - New Plant	Utility	SRF Loan/ Line of Credit	FY 24/25	\$25,000,000	Out for Bid	FY 25/26	\$10,000,000	FY 26/27	\$5,000,000	FY 27/28	\$0	FY 28/29	\$0
Wastewater Plant - Flow Equalization Basin / Master Lift Station	Utility	HNWAG Grant	FY 24/25	\$1,693,681	Out for Bid	FY 25/26	\$0	FY 26/27	\$0	FY 27/28	\$0	FY 28/29	\$0
Water Production - Well # 17 Design	Utility	Impact Fees - Water	FY 24/25	\$0		FY 25/26	\$0	FY 26/27	\$150,000	FY 27/28	\$0	FY 28/29	\$0
Water Production - Well # 17 Construction	Utility	Impact Fees - Water	FY 24/25	\$0		FY 25/26	\$0	FY 26/27	\$0	FY 27/28	\$1,400,000	FY 28/29	\$0
Water Production - Potable Water (Intercoastal) Upland Swale - River Crossing Design	Utility	Unrestricted Utility Fund	FY 24/25	\$150,000	25% Complete	FY 25/26	\$0	FY 26/27	\$0	FY 27/28	\$0	FY 28/29	\$0
Water Production - Potable Water (Intercoastal) Upland Swale -River Crossing Construction	Utility	Unrestricted Utility Fund / Grant	FY 24/25	\$0		FY 25/26	\$1,500,000	FY 26/27	\$0	FY 27/28	\$0	FY 28/29	\$0
Water Production - Potable Water (Lambert) River Crossing Construction	Utility	Grant	FY 24/25	\$1,500,000	TBD	FY 25/26	\$0	FY 26/27	\$0	FY 27/28	\$0	FY 28/29	\$0
Water Production - Replacement S. Central Water Line	Utility	Unrestricted Utility Fund	FY 24/25	\$900,000	90 % Complete	FY 25/26	\$2,500,000	FY 26/27	\$2,500,000	FY 27/28	\$2,500,000	FY 28/29	\$2,500,000
Water Production - 1 MG Tank Design	Utility	Impact Fees - Water	FY 24/25	\$150,000	50% Complete	FY 25/26	\$0	FY 26/27	\$0	FY 27/28	\$0	FY 28/29	\$0
Water Production - 1 MG Tank Construction	Utility	Impact Fees - Water	FY 24/25	\$0		FY 25/26	\$2,000,000	FY 26/27	\$0	FY 27/28	\$0	FY 28/29	\$0
Water Production - Plant Ground Stone - Wells 16	Utility	Unrestricted Utility Fund	FY 24/25	\$17,000	TBD	FY 25/26	\$0	FY 26/27	\$0	FY 27/28	\$0	FY 28/29	\$0
Water Production - Stabilization Well 13 Road	Utility	Unrestricted Utility Fund	FY 24/25	\$0		FY 25/26	\$20,000	FY 26/27	\$0	FY 27/28	\$0	FY 28/29	\$0
Water Production - Well # 18 Design	Utility	Impact Fees - Water	FY 24/25	\$0		FY 25/26	\$0	FY 26/27	\$0	FY 27/28	\$150,000	FY 28/29	\$0
Water Production - Well # 18 Construction	Utility	Impact Fees - Water	FY 24/25	\$0		FY 25/26	\$0	FY 26/27	\$0	FY 27/28	\$0	FY 28/29	\$1,800,000
Storm Water - Improvements South Flagler Avenue Rte. 100-S 7th City Share	Storm Water	HMPG 4486 Grant 10% City	FY 24/25	\$0		FY 25/26	\$943,800	FY 26/27	\$0	FY 27/28	\$0	FY 28/29	\$0
Storm Water - Custer's Palm Harbor	Storm Water	Storm Water Funds	FY 24/25	\$0		FY 25/26	\$0	FY 26/27	\$0	FY 27/28	\$395,400	FY 28/29	\$0
Storm Water - Palm Harbor	Storm Water	Storm Water Funds	FY 24/25	\$0		FY 25/26	\$0	FY 26/27	\$0	FY 27/28	\$0	FY 28/29	\$757,800
Storm Water - Storm Water Improvement McKim & Creed	Storm Water	Storm Water Funds	FY 24/25	\$520,000	25% Complete	FY 25/26	\$0	FY 26/27	\$0	FY 27/28	\$0	FY 28/29	\$0
				\$54,798,007				\$20,929,656	\$10,982,856	\$4,897,256			



Serial Number  
25-00120F

**Observer**  
You. Your Neighbors. Your Neighborhood.  
**PalmCoastObserver.com**

Palm Coast Observer  
Published Weekly  
Palm Coast, Flagler County, Florida

COUNTY OF FLAGLER

STATE OF FLORIDA

Before the undersigned authority personally appeared Nancy Kay Raymond who on oath says that he/she is Publisher's Representative of the Palm Coast Observer a weekly newspaper published at Palm Coast, Flagler County, Florida; that the attached copy of advertisement,

being a Notice of Meeting

in the matter of May 6th. May 8th. May 22nd

in the Court, was published in said newspaper by print in the

issues of 5/1/2025

Affiant further says that the Palm Coast Observer complies with all legal requirements for publication in chapter 50, Florida Statutes.

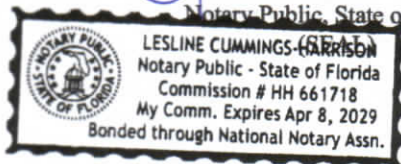
\*This Notice was placed on the newspaper's website and floridapublicnotices.com on the same day the notice appeared in the newspaper.

*N. Kay Raymond*  
Nancy Kay Raymond

Sworn to and subscribed, and personally appeared by physical presence before me,

1st day of May, 2025 A.D.

by Nancy Kay Raymond who is personally known to me.



**PUBLIC NOTICE**  
The City of Flagler Beach proposes to adopt the following ordinances entitled:  
**ORDINANCE NO. 2025-03**  
AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FLAGLER BEACH, FLORIDA, AMENDING THE CITY'S COMPREHENSIVE PLAN TO INCORPORATE AND MAKE REFERENCE TO CERTAIN STATE LEGISLATION INCLUDING THE STATE'S ADOPTION OF AND AMENDMENTS TO THE LIVE LOCAL ACT AND OTHER STATE LEGISLATION RELATED TO AFFORDABLE HOUSING, ENERGY RESOURCES, AND RESILIENCY; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY, DEPARTMENT OF ECONOMIC OPPORTUNITY; PROVIDING THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.  
**ORDINANCE NO. 2025-04**  
AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FLAGLER BEACH, FLORIDA, AMENDING ITS COMPREHENSIVE PLAN TO ADOPT BY REFERENCE THE UPDATED WATER FACILITIES SUPPLY WORK PLAN AS REQUIRED BY 163.317, FLORIDA STATUTES; PROVIDING FOR THE ADOPTION OF AMENDMENTS TO THE CITY'S COMPREHENSIVE PLAN TO IMPLEMENT THE UPDATED WATER FACILITIES SUPPLY WORK PLAN; PROVIDING FOR ADOPTION OF UPDATED POLICIES WITHIN THE COMPREHENSIVE PLAN PUBLIC FACILITIES ELEMENT; PROVIDING FOR ADOPTION OF AMENDMENTS TO THE CAPITAL IMPROVEMENT ELEMENT AND PROVIDING FOR UPDATED FIVE-YEAR SCHEDULE OF CAPITAL IMPROVEMENTS; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY, DEPARTMENT OF ECONOMIC OPPORTUNITY; PROVIDING THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.  
Public Hearings will be conducted to consider the amendments as follows:  
Planning & Architectural Review Board meeting Tuesday, May 6, 2025, at 5:30 p.m. or soon thereafter  
First Reading, Flagler Beach City Commission Meeting Thursday, May 8, 2025, at 5:30 p.m. or soon thereafter  
Second Reading, Flagler Beach City Commission Meeting Thursday, May 22, 2025, at 5:30 p.m. or soon thereafter  
The public hearings may be continued to a future date or dates. The times and dates of any continuance of a public hearing shall be announced during the public hearing without any further published notice. The request will be heard at 6:00 PM, or as soon thereafter as possible, in the City Commission Chambers located at 105 South Second Street, Flagler Beach, Florida. If a person decides to appeal any decision made with respect to any matter considered at the above referenced hearings, he/she will need a record of the proceedings. For such purposes, it may be necessary to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. In accordance with the Americans with Disabilities Act, persons needing assistance to participate in any of these proceedings should contact the City Clerk's Office at 386-517-2000 Ext. 233 at least 48 hours prior to the meeting.  
May 1 25-00120F



## **FREQUENTLY ASKED QUESTIONS REGARDING WATER SUPPLY FACILITIES WORK PLANS**

### **Why update the Water Supply Facilities Work Plan (Work Plan)?**

- Ensure adequate water supply for current and future residents
- Strengthen position to compete for funding assistance
- Plan for alternative water supply sources that take time to develop and finance
- Ensure local needs are considered by regional water suppliers and the South Florida Water Management District (SFWMD)
- Meet statutory requirements (Chapter 163, Florida Statutes) after the applicable Regional Water Supply Plan (RWSP) has been updated

### **How is the Work Plan updated?**

- As a Comprehensive Plan amendment, pursuant to Chapter 163, Florida Statutes, under the Expedited State Review Process or the State Coordinated Review Process. The Work Plan can be incorporated into the Comprehensive Plan in one of three ways:
  - Incorporated as a standalone document adopted by reference,
  - Incorporated as a separate element or sub-element, or
  - Incorporated into applicable elements.
- May be combined and submitted with other Comprehensive Plan amendments

### **Who prepares the Work Plan update?**

- Each local government, including those that obtain their water from another local government or utility

### **When are adopted Comprehensive Plan amendments due?**

- Within 18 months after the applicable RWSP update is approved by the SFWMD
- If a local government is in one or more water management districts or water supply regions, the Work Plan update is due 18 months after the later RWSP is adopted.

### **What is included in the Work Plan update?**

- Population estimates and projections
- Water demand estimates and projections
- Identification of viable water sources to meet demands
- Capital improvement needs to meet existing and future demands
- Conservation efforts

- Planning time frames
- Changes since the original Work Plan was adopted (e.g., water supplier, service area, planned facilities, water suppliers, water users, level of service standards)

### **Will assistance be provided to update the Work Plan?**

- The Water Supply Facilities Work Plan Updates Technical Assistance Guide is available on the SFWMD website at: <https://www.sfwmd.gov/our-work/water-supply/work-plans>
- Assistance can be provided through regional workshops, one-on-one meetings, and information on the SFWMD website
- SFWMD staff are available to conduct informal pre-submittal reviews

### **Is there a sample policy that incorporates a Work Plan into an adopted Comprehensive Plan?**

Below is a sample policy to incorporate the Work Plan into the Comprehensive Plan:

*The [local government] hereby adopts by reference the Water Supply Facilities Work Plan (Work Plan) into the [local government's] Comprehensive Plan, dated xxxx, for a planning period of not less than 10 years. The Work Plan addresses issues that pertain to water supply facilities and requirements needed to serve current and future development within the [local government].*

### **How are Comprehensive Plan amendments submitted to the SFWMD for review?**

Local governments are encouraged to submit Comprehensive Plan amendments to the SFWMD via the [SFLOCALGOVPLAN@sfwmd.gov](mailto:SFLOCALGOVPLAN@sfwmd.gov) email

Submit amendments to:

David Ragsdale, Policy and Planning Analyst  
 Water Supply Implementation Unit  
 South Florida Water Management District  
 3301 Gun Club Road  
 West Palm Beach, FL 33406  
[dragsdal@sfwmd.gov](mailto:dragsdal@sfwmd.gov)



## STAFF REPORT

### City Commission Regular Meeting

April 10, 2025



**To:** Elected Officials

**From:** Dale L. Martin, City Manager

**Date:** April 30, 2025

**Item Name:** Ordinance 2025-05. 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 method of determining roof height for certain residential roof-types, including gable, hip, and gambrel roofs, providing for conflicts, providing for severability; and providing an effective date -first reading.

**Background:** The Planning and Architectural Review Board reviewed Ordinance 2025-05 (Item 7a) at their April 8, 2025, meeting and provided the following recommendation.

City Attorney Drew Smith presented the item. Discussion ensued and included commercial vs. residential, using the average between peak and eave to calculate building height, proposed amendment to add a forty-two (42) foot cap on building height, determining average lot elevation, building at a higher elevation in a flood zone effecting building height, existing code elevation regulations, building height measured from finished floor elevation, and a recent ordinance amending base flood elevation that the board recommended at plus three (3) not plus two (2). Public comment was opened. Joseph Pozzuoli, local architect, spoke in favor of the proposed amendment. Jordan Farkas, resident, spoke in regards to local regulations limiting the height of electrical outlets and the raising the base flood elevation. Public comment was closed.

Joann Soman made a motion to recommend approval of item 7a.; Lisa Smith seconded. The motion passed unanimously, after a roll call vote.

**Fiscal Impact:** N/A

**Staff Recommendation:**

**Attachment:** Ordinance 2025-05

ORDINANCE NO. 2025-05

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 METHOD OF DETERMINING ROOF HEIGHT FOR CERTAIN RESIDENTIAL ROOF-TYPES, INCLUDING GABLE, HIP, AND GAMBREL ROOFS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, in 2024, the City amended the height regulations related to commercial buildings to provide greater clarity and improve enforcement; and

WHEREAS, the City now finds it necessary to amend the method of calculation of roof height for certain residential roof types; and

WHEREAS, specifically, the Land Development Regulations provide for the height of gable, hip, and gambrel roofs to be calculated based on the mean between the eaves and ridge; and

WHEREAS, in order to avoid manipulation of the mean in such calculations, the City Commission finds it appropriate to include a maximum total height regardless to apply in addition to the mean height.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FLAGLER BEACH, FLORIDA THAT:

**SECTION ONE. Amendment of Code.** Section 2.05.06, “Height Regulations,” of the Code of Ordinances is Amended as follows (Note: underline text indicates additions, ~~strike through~~ text indicates deletions).

**Sec. 2.05.06. Height regulations.**

Section 2.05.06.1 *Building height.*

Roof height shall not exceed thirty-five (35) feet above the finished grade as described herein.

Section 2.05.06.2 *Building height measurement.*

For purposes of this section, building height is defined as the vertical distance of a building measured from the finished grade at the center of the front of the building to:

1. The highest point of the roof surface for a flat roof.
2. To the deck line of a mansard roof.

3. To the mean height level between eaves and ridge for gable, hip and gambrel roofs; provided, however, that the highest point of the roof shall not exceed 42 feet.

Finished grade, for the purpose of measuring building height, is hereby defined as the greater of:

- (a) The average natural grade along the front of the building.
- (b) The minimum required finished floor elevation, if in a flood zone; or
- (c) The highest allowable grade, defined as the average grade of adjacent developed lots or the minimum grade necessary to provide positive drainage.

\* \* \*

**SECTION TWO. Ordinances in Conflict.** All ordinances or parts thereof, which may be determined to be in conflict herewith, are hereby repealed and superseded by this Ordinance, to the extent of such conflict.

**SECTION THREE. Severability.** If any section, sentence, phrase, word or portion of this Ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word or portion of this Ordinance not otherwise determined to be invalid, unlawful or unconstitutional.

**SECTION FOUR. Codification.** It is the intent of the City Commission of the City of Flagler Beach that the provisions of this Ordinance shall be codified. The codifier is granted broad and liberal authority in codifying the provisions of this Ordinance.

**SECTION FIVE. Effective Date.** This Ordinance shall become effective immediately upon its passage and adoption.

PASSED ON FIRST READING THIS \_\_\_\_ DAY OF \_\_\_\_\_ 2025.

PASSED AND ADOPTED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2025.

CITY OF FLAGLER BEACH, FLORIDA  
CITY COMMISSION

\_\_\_\_\_  
Pattie King, Mayor

ATTEST:

\_\_\_\_\_  
Penny Overstreet, City Clerk



## STAFF REPORT

City Commission Regular Meeting

April 10, 2025



**To:** Elected Officials

**From:** Dale L. Martin, City Manager

**Date:** April 30, 2025

**Item Name:** Ordinance 2025-06. An Ordinance by the City Commission of the City of Flagler Beach, Florida, amending provisions of Appendix "A," Land Development Regulations, relating to Article II, Zoning; amending Section 2.06.02, "Parking," amending the Schedule of Off-Street Parking Requirements; providing for inclusion in the Code of Ordinances;; providing for conflict and providing and effective date hereof - first reading.

**Background:** The Planning and Architectural Review Board reviewed Ordinance 2025-06 (Item 7b) at their April 8, 2025, meeting and provided the following recommendation.

*City Attorney Drew Smith presented the item. Discussion ensued and included challenges with calculating minimum parking requirements for restaurants, occupancy load vs. fixed seating, proposed amended ordinance eliminates secondary calculation of fixed seating leaving formula calculating occupancy load based on the square footage, proposed amendment is broadly applied but does not take away the existing exemption for certain districts, code section correction in amended ordinance on line 42 should read section 2.04.02.7.1. Downtown Design Guidelines Regulations, clarification on line 71 paragraph three (3) section 2.06.02 as it relates to proposed amendment, easing off on certain regulations with existing parking concerns when commercial property abuts residential property. Public comment was opened. No comments were received. Public comment was closed.*

*Lisa Smith made a motion to recommend approval of item 7b.; Barbara Revels seconded. Motion passed unanimously after a roll call vote.*

**Fiscal Impact:**

**Staff Recommendation:**

**Attachment:** Ordinance 2025-06

ORDINANCE 2025-06

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FLAGLER BEACH, FLORIDA, AMENDING PROVISIONS OF APPENDIX "A," LAND DEVELOPMENT REGULATIONS, RELATING TO ARTICLE II, ZONING; AMENDING SECTION 2.06.02, "PARKING;" AMENDING THE SCHEDULE OF OFF-STREET PARKING REQUIREMENTS; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR CONFLICT AND PROVIDING AN EFFECTIVE DATE HEREOF

**WHEREAS**, the City recognizes off-street parking requirements are an essential tool within the Land Development Regulations; and

**WHEREAS**, over the years, calculation of required off-street parking for restaurants has presented challenges due to the fact that alternative potential formulas were included for the calculation: fixed seats and square footage; and

**WHEREAS**, within the development patterns of the City, the fixed seat calculation method has been the less reliable of the two because it fails to account for possible temporary seating; and

**WHEREAS**, in order to bring more clarity to the calculation of required off-street parking for restaurants and similar commercial uses, the City Commission finds it appropriate to amend the Land Development Regulations and provide for a formula using square footage as the sole formula for calculating required off-street parking for restaurants, night-clubs, and eating places.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COMISSION OF THE CITY OF FLAGLER BEACH, FLORIDA, AS FOLLOWS:**

**SECTION ONE.** The findings set forth in the recitals above are hereby adopted as legislative findings of the City Commission pertaining to this Ordinance.

**SECTION TWO.** Section 2.06.02 of the City of Flagler Beach Land Development Regulations is hereby amended as follows): Note: underscore indicates new text and ~~strikethrough~~ indicates deletion of text and asterisks "\*" \* \*" denote sections of the existing Ordinance which remain unaltered and not reprinted herein).

**Sec. 2.06.02. Parking.**

Section 2.06.02.1 *Off-street parking.*

In all districts and in connection with every use, with the exception of those zoning districts within the Downtown Mixed-Use District and the Downtown A1A Retail Corridor as defined and regulated by Section 2.04.02.7.1 Downtown Design Guidelines, there shall be provided, at the time any building is constructed or any existing building is moved, altered, added to or enlarged or reconstructed, or if there is a change in the category of use listed in the schedule of off-street requirements which requires issuance of a new business tax receipt and/or certificate of occupancy, off-street parking space in accordance with the requirements as set forth herein. (Note: Any nonconforming use may replace an existing nonconforming use if the parking requirements under the schedule are less for the new nonconforming use.)

- (1) Size and access—An off-street parking space shall consist of a parking space having minimum dimensions of ten (10) feet in width by twenty (20) feet in length for the parking of each automobile, exclusive of access drives or aisles thereto. Minimum width for the maneuvering of an automobile into a parking space shall be in conformance with the illustrative chart as set forth in Attachment One of this ordinance. The parking plan must be so arranged that each automobile may be placed and removed from the property without the necessity of moving any other automobile to complete the maneuver.



Street or sidewalk areas may not be used for off-street parking purposes as herein defined. Individual ingress and egress drives extending across the public sidewalks and curbs and connecting the off-street parking spaces to the public street areas shall not exceed a maximum of twelve (12) feet for a one-way drive and twenty-four (24) feet for a two-way drive. The number and placement of such drives is to be subject to the approval of the planning and architectural review board before being installed.

- (2) Number of parking spaces required—There shall be provided at the time of the erection of any structure or at the time any structure is enlarged or increased in capacity by adding dwelling units, guest rooms, floor area or seats, or at the time any use or occupancy of an existing building is changed to a use or occupancy which increases the requirements for off-street parking, minimum off-street

parking facilities with adequate provisions for ingress and egress, in accordance with paragraph (1) of this section and the schedule of off-street parking requirements.

- (3) Location of parking spaces—Parking spaces for all uses or structures which are provided as required parking in conformance with the schedule of off-street parking and other applicable provisions shall be located within two hundred (200) feet and have the same zoning district, as the principal use or structure they are intended to serve.

SCHEDULE OF OFF-STREET PARKING REQUIREMENTS\*  
CITY OF FLAGLER BEACH

1.	Single and two-family dwellings and townhouses	Two per dwelling unit
2.	Multi-family dwellings	Two per dwelling unit
3.	Churches or other places of worship	One per six permanent seats in the main auditorium
4.	Private clubs	One per three hundred sq. ft. of total floor area or portion thereof
5.	General business, commercial and personal service	One per three hundred fifty sq. ft. of establishments or office buildings total [floor] area or portion thereof
6.	Hotels, motels and motor inns	One per bedroom or sleeping unit plus one per each five units or portion thereof
7.	Libraries and museums	One per five hundred sq. ft.
8.	Medical or dental offices or clinics	Eight for each doctor or dentist
9.	Restaurants, nightclubs or other eating places	<del>One per one hundred fifty sq. ft. total floor area or one per three fixed seats or</del> <u>One (1) parking space per four (4) seats based on the maximum floor area allowed per occupant as established by the standards of the Florida Building Code whichever is greater.</u> Where the restaurant abuts the Intracoastal Waterway, boat slips may be counted for seating. One boat slip per three seats. When counting boat slips for seating as provided herein, such boat slips must be transient in nature and cannot have electrical or water hookups. Boat slips can only represent an additional 25% of land parking.  <i>Source: 2021 International Building Code Table 1004.5* see note 2</i>
10.	Theatres, auditoriums	One per each four seats
11.	Schools (public or private)	
	Grades 1—6	One per fourteen students
	Grades 7—9	One per nine students
	Grades 10—12	One per three students
12.	Industrial	One per six hundred sq. ft. of total floor space or portion thereof
13.	Hospitals	1.5 per bed
14.	Tennis, hand-ball, and racquetball facilities	Two spaces/court plus required parking for additional uses on the site

15.	Health club	One space/one hundred fifty square feet of gross floor area
16.	Driving range (golf)	One space/tee plus required parking for any other uses on the site
17.	Golf course (regulation)	Six spaces/hole plus required parking for any other uses on the site
18.	Boat slips	One space per boat slip, except charter boats.
19.	Charter boats*	One space per six permanent seats on the boat, plus one space for the captain/skipper
*Note 1. Charter boats are permitted in marinas. Prior to the date when a charter boat begins operation, the owner shall submit a parking plan to the city. * Note 2. <u>Maximum floor area in square feet allowance per occupant for restaurant = 15 net (tables and chairs) 1000SQFT/15 = 67 max occupancy/4 people = 17 parking spaces</u>		

\* \* \*

**SECTION THREE. Codification.** This Ordinance shall be incorporated into the Flagler Beach City Code. Any section, paragraph number, letter and/or any heading may be changed or modified as necessary to effectuate the foregoing. Grammatical, typographical and similar or like errors may

be corrected, and additions, alterations, and omissions not affecting the construction or meaning of this ordinance or the City Code may be freely made.

**SECTION FOUR. Severability.** If any section, subsection, sentence, clause, phrase, word or provision of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reason, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

**SECTION FIVE. Conflicts.** In the event of a conflict or conflicts between this Ordinance and any other ordinance or provision of law, this Ordinance controls to the extent of the conflict, as allowable under the law.

**SECTION SEVEN. Effective Date.** This Ordinance shall become effective immediately upon adoption by the City Commission of the City of Flagler Beach, Florida.

PASSED ON FIRST READING THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2025.

PASSED AND ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2025.

CITY OF FLAGLER BEACH, FLORIDA  
CITY COMMISSION

\_\_\_\_\_  
Pattie King, Mayor

ATTEST:

\_\_\_\_\_  
Penny Overstreet, City Clerk



## STAFF REPORT

City Commission Regular Meeting

April 10, 2025



**To:** Elected Officials

**From:** Dale L. Martin, City Manager

**Date:** April 30, 2025

**Item Name:** Ordinance 2025-07. An Ordinance by the City Commission of the City of the City of Flagler Beach, Florida, amending provisions of Appendix "A," Land Development Regulations, relating to Irrigation System Requirements; amending Section 5.04.00, Landscaping/Trees; providing for inclusion in the Code of Ordinances; providing for conflict and providing an effective date hereof - first reading.

**Background:** The Planning and Architectural Review Board reviewed Ordinance 2025-07 (Item 7c) at their April 8, 2025, meeting and provided the following recommendation.

City Planner Lupita McClenning presented item. Ms. McClenning stated, after discussions with Elected Officials and City Management, they were opposed to requiring irrigation. The reasons for opposition included utilizing potable water to irrigate, simply the requirement itself and the City would not be irrigating the public parking lots. Ms. McClenning explained the public parking lots currently being updated will utilize a xeriscape, which needs to be established with water for at least a year. Ms. McClenning further explained, the way the Code is being interpreted by City Staff is you are not required to have an irrigation system, but you are required to submit a proposed irrigation plan which satisfies the regulations set by St. Johns River Water Management. The proposed amendment to the code would delete section 5.04.01 (n). Ms. McClenning stated Senate Bill 64, an unfunded mandate, will require the City to dispose of one million gallons of affluent a day by the year 2035. The City has already put in their first phase of purple pipe to assist with requirements. Further supporting documents were provided to the Board at the meeting (attached to minutes). City Attorney Smith directed the Board to the change in the language on page 17 of the agenda packet, the word proposed, which led to striking 5.04.01 (n) all together which would be the proposed ordinance. Discussion ensued and included further clarification on the purpose of this proposed ordinance, required screening, definition of xeriscape, types of screening, types of landscaping, reuse water, previous requirements by the City for reuse water, irrigation in public parking lots and enforcement of maintaining landscaping. The City Attorney clarified the proposed ordinance would clarify if you do not have a need for irrigation, you do not have to put in irrigation. The City Attorney advised the Board, they can make a recommendation of this item and Staff will draft a proposed ordinance for Commission consideration.

Lisa Smith made a motion to recommend approval as amended striking through Section 5.04.01(n) located on page 17 of the original agenda packet.; Joann Soman seconded. Motion passed unanimously after roll call vote.

**Fiscal Impact:** N/A

**Staff Recommendation:**

**Attachment:** Ordinance 2025-07

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**AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FLAGLER BEACH, FLORIDA, AMENDING PROVISIONS OF APPENDIX "A," LAND DEVELOPMENT REGULATIONS, RELATING TO IRRIGATION SYSTEM REQUIREMENTS; AMENDING SECTION 5.04.00, "LANDSCAPING/TREES; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR CONFLICT AND PROVIDING AN EFFECTIVE DATE HEREOF**

**Sec. 5.04.00. Landscaping/Trees.**

Section 5.04.01 *General criteria.*

- A. Emphasis shall be placed upon landscaping as a means of achieving beauty in the community. It will be required on all projects, and in some projects and areas, it will be the primary tool available.
- B. Landscape design and planning shall be integrated with the overall area design concept and not be considered merely as an after thought. Toward this end, proposed landscaping schemes will be evaluated as to their relationship to the existing natural landscape, developed and other proposed landscape, including those on adjacent properties and street rights-of-way and the building or buildings existed and proposed.
- C. The existing natural landscape character shall be preserved whenever possible. As an example of this, in an area containing a stand of trees, the developer should preserve as many of these trees as possible and further landscape in a complementary manner, rather than destroy the existing trees and replant with a type of vegetation foreign to the immediate natural environment.
- D. Landscaping includes not only trees and plantings, but paving, benches, fountains, exterior lighting fixtures, fences, and any other item or exterior furniture. All items of the landscape are to be selected not only for their functional value but for their aesthetic value, and must complement the whole.
- E. One (1) of the uses of landscaping will be to screen. It is the masking out or concealing of any objectionable area. The achievement of this is left to the designer, whether by walls, fences, mounds of earth, or vegetation. It must be complimentary to the whole as outlined above. Screening shall be employed in parking lots, and to mask from the public view of adjacent properties such service areas as trash and garbage areas, outside equipment of unaesthetic character, and accessory buildings or areas not enhancing or in keeping with the aesthetics of the project or neighborhood. Screening of air conditioning units and other mechanical equipment shall be accomplished in a manner that does not interfere with the proper operation and/or maintenance of such equipment.
- F. Landscaping shall be designed in such a manner as to impact its aesthetic character when viewed from any area accessible to the public or from adjacent properties. This is to include view from high rise and bridges.
- G. All landscaping and plantings designated on the plans approved by the planning and architectural review board shall be installed in accordance with the specified height, spread and quality before a certificate of occupancy is issued.
- H. Xeriscape landscaping techniques using native vegetation shall be required landscaping for all new construction.
- I. Plant materials used shall conform to the standards for Florida No. 1 or better as given in "Grades and Standards for Nursery Plants", Part I, Current Edition, and Part II, State of Florida, Department of Agriculture, Tallahassee, or equal thereto. Grass sod shall be clean and reasonably free of weeds and noxious pests or diseases.
- J. Grass areas may be sodded, plugged, spread or seeded except that solid sod shall be used in swales or other areas subject to erosion. Seed where used shall be of a variety which will produce complete coverage within ninety (90) days from sowing. Where other than solid sod or grass seed is used, nurse grass seed shall be sown for immediate effect and protection until coverage is otherwise achieved.
- K. Installation—All landscaping shall be installed in a sound workmanlike manner and according to accepted good planting procedures with the quality of plant materials as described. All elements of landscaping shall be installed so as to meet all other applicable ordinances and code requirements.
- L. Landscaped areas shall require protections from vehicular encroachment. Car stops shall be placed at least three (3) feet from the edge of such landscaped areas. Where a wheel stop or curb is utilized, the paved area between the curb/wheel stop and the end of the parking space may be omitted, provided it is landscaped in addition to the required landscaping provided. Car stops shall be located so as to prevent damage to any trees, fences, shrubs or landscaping by automobiles.
- M. Maintenance—The owner, occupant, tenant and the respective agent of each, if any, shall be jointly and severally responsible for the maintenance of all landscaping. Landscaping shall be maintained in a good condition so as to present a healthy, neat and orderly appearance at least equal to the original installation and shall be kept free

from refuse and debris. Any dead vegetation and landscaping material shall be promptly replaced with healthy, living plantings.

~~N. All landscaped areas shall be provided with an approved irrigation system.~~

\* \* \*

**SECTION THREE. Codification.** This Ordinance shall be incorporated into the Flagler Beach City Code. Any section, paragraph number, letter and/or any heading may be changed or modified as necessary to effectuate the foregoing. Grammatical, typographical and similar or like errors may be corrected, and additions, alterations, and omissions not affecting the construction or meaning of this ordinance or the City Code may be freely made.

**SECTION FOUR. Severability.** If any section, subsection, sentence, clause, phrase, word or provision of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reason, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

**SECTION FIVE. Conflicts.** In the event of a conflict or conflicts between this Ordinance and any other ordinance or provision of law, this Ordinance controls to the extent of the conflict, as allowable under the law.

**SECTION SEVEN. Effective Date.** This Ordinance shall become effective immediately upon adoption by the City Commission of the City of Flagler Beach, Florida.

PASSED ON FIRST READING THIS \_\_\_\_ DAY OF \_\_\_\_\_ 2025.

PASSED AND ADOPTED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2025.

CITY OF FLAGLER BEACH, FLORIDA  
CITY COMMISSION

\_\_\_\_\_  
Patti King, Mayor

ATTEST:

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Penny Overstreet, City Clerk