



CITY COMMISSION REGULAR MEETING AGENDA

Thursday, April 11, 2024 at 5:30 PM

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

ALL MEETING ITEMS WILL BE CONTINUED UNTIL MEETING IS COMPLETE.

1. Call the meeting to order

2. Proclamations and Awards

- [a.](#) Excellence in Policing Award - Officer Evan Scherr
- [b.](#) Sexual Assault Awareness Month
- [c.](#) Water Conservation Month
- [d.](#) Volunteer Appreciation Month

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 workshop minutes of March 14, 2024, the regular meeting minutes of March 14th and 28th, 2024, and the special meeting minutes of March 28, 2024.
- [b.](#) Approve a License Agreement between the Florida Department of Transportation and the City of Flagler Beach for proposed changes to the City of Flagler Beach Right-of-Way for the SR A1A Resurfacing Project from S. 8th Street to N. 18th Street, and authorize Mayor to sign same.

6. General Business

- [a.](#) Consider a vote to either maintain the current location of a fence or revert it to its previous location - Steve Scott.
- [b.](#) Resolution 2024-25, a Resolution by the City of Flagler Beach, Florida, approving a Five-Year Capital Plan for the 2024/2025 Fiscal Year Budget; providing for conflict and effective date.
- [c.](#) Resolution 2024-26 A Resolution by the City of Flagler Beach, Florida, authorizing the City Manager to submit an application to the Florida Inland Navigational District for the 2024 Grant Cycle; providing for conflict and effective date.

7. Public Hearings

- [a.](#) Ordinance 2024-04 an ordinance of the City of Flagler Beach, Florida, relating to impact fees; adopting the Fee Study prepared by Tischler Bise; increasing the amounts to be charged for water and wastewater impact fees; adopting new Police, Fire, Library, and Parks and Recreation Impact Fees; establishing an administrative charge consistent with state law; amending regulations pertaining to the collection, use, and timing of payments of Water, Wastewater, Police, Fire, Library, and Parks and Recreation Impact Fees; providing for notice of increased and new fees; providing for codification; providing for severability and conflicts, and providing an effective date. – final reading.

- [b.](#) Ordinance 2024-05 an ordinance by the City of Flagler Beach, Florida, amending Chapter 2, Article IX of the City of Flagler Beach Code of Ordinances relating to purchasing and procurement; addressing suggestions made by the Florida Department of Emergency Management; adding provisions related to procurements regulated by 2CFR, Part 200; providing for severability; providing for codification, conflicts, and effective date - final reading.
- [c.](#) Ordinance 2024-06, an ordinance of the City of Flagler Beach, Florida amending Appendix A, Land Development Regulations, Article II, Zoning, of the Code of Ordinances; adding a zoning category for Master Planned Development ("MPD"); providing for review, approval, development standards, permitted uses, regulation, and implementation of Master Planned Developments; providing for conflicts; providing a severability clause; and providing for an effective date - first reading.

8. Staff Reports

- a. City Attorney:
- b. City Manager:
- c. City Clerk:
- [d.](#) Staff Reports

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, or you may buy a CD of the meeting for \$3.00 at the City Clerk's office. Copies of CDs are only made upon request. 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.



FLAGLER BEACH POLICE DEPARTMENT

Section 2, Item a.

PO BOX 36 • FLAGLER BEACH, FL 32136
(386) 517-2023 • FAX (386) 517-2022
WWW.FBPD.ORG

CHIEF MATTHEW P. DOUGHNEY

February 23, 2024

Mr. John Feind
P.O. Box 664
Flagler Beach, FL 32136

Re: Excellence in Policing Nomination Letter – Officer Evan Scherr

Dear Mr. Feind,

The Flagler Beach Police Department is proud to recommend **Officer Evan Scherr** as a candidate for recognition by the **Sons of the American Revolution**. Officer Scherr has been with our Department since 2019, and his dedication to his community, combined with his desire to learn and willingness to educate himself make him a great candidate for the **"Excellence in Policing Award"**. Officer Scherr was born and raised in Flagler County and he is a graduate from Flagler College in St. Augustine. He is currently enrolled in the online Masters of Science program, studying Law Enforcement & Public Safety Leadership, facilitated by the University of San Diego.

During the calendar year 2023, Officer Scherr was responsible for sixteen (16) proactive arrests for Driving Under the Influence (DUI), and he's already made one (1) DUI arrest in 2024. Officer Scherr's paperwork is meticulous and his DUI investigative affidavits are being used as examples for others to follow in our Department, as they've been recognized by the State Attorney's Office for their thoroughness. Officer Scherr takes pride in "Protecting & Serving" his community, as this is where he was raised, where he works and where he owns a home. He is not just involved in Law Enforcement in Flagler Beach, he's 100% committed to the profession in order to make our City a safer place to live, work and visit.

As the Chief of Police, and an Instructor at the Police Academy that taught Officer Scherr, I'm extremely proud of his development into an outstanding Police Officer. Officer Scherr is a valuable asset to the Department and the City and thank you for considering him for this prestigious award. If you need anything else, please feel free to contact me.

Sincerely,

Matthew Doughney
Chief of Police, City of Flagler Beach

**A PROCLAMATION OF THE
CITY OF FLAGLER BEACH
PROCLAIMING APRIL 2024 AS
"SEXUAL ASSAULT AWARENESS MONTH"**

WHEREAS, Sexual Assault Awareness Month calls attention to the fact that sexual assault violence is widespread and impacts every person in this community; and

WHEREAS, rape, sexual assault, and sexual harassment impact our community and statistics show that one in five women and one in 33 men will be raped at some point in their lives; that one in four boys and one in three girls will experience a sexual assault before age 18; youth ages 11-17 are 2.5 times as likely to be victims of rape or sexual assault and on campus one in five women and one in 16 men are sexually assaulted; and

WHEREAS, during 2023, Family Life Center, as the certified Rape Crisis Center in Flagler County, provided 65 sexual assault related community education events, 462 supportive services and answered 39 sexual assault crisis hot line calls for survivors of sexual assault and their families living in Flagler County; and

WHEREAS, the "Start By Believing" public awareness campaign (a program of End Violence Against Women International) is designed to improve the responses of friends, family members, and community professionals, so they can help sexual assault victims access supportive resources and engage the criminal justice system; and

WHEREAS, the City of Flagler Beach joins advocates and communities across the country because we are strongest when we raise our voices together to change the culture to prevent sexual violence. Prevention requires addressing the root causes and social norms that allow sexual violence to exist. April is Sexual Assault Awareness Month, and each day of the year is an opportunity to create change for the future.

WHEREAS, the Flagler County Advocate Alliance (comprised of Victim Advocates from the Bunnell Police Department, Family Life Center, Flagler Beach Police Department, Flagler County Sheriff's Office and the Office of the State Attorney, Seventh Judicial Circuit, Flagler) is hereby dedicated to strengthening victims and survivors in the aftermath of crime, building resilience in our communities and our victim responders, and working for a better future for all victims and survivors.

NOW, THEREFORE, THE CITY OF FLAGLER BEACH does hereby proclaim April 2024 as "SEXUAL ASSAULT AWARENESS MONTH", and do hereby encourage all citizens to support the "Start By Believing" public awareness campaign.

Adopted this _____ day of _____, 2024

Patti King, Mayor

Proclamation

Declaring April as Water Conservation Month In the City of Flagler Beach

WHEREAS, water is a basic and essential need of every living creature; and

WHEREAS, The State of Florida, Water Management Districts and the City of Flagler Beach are working together to increase awareness about the importance of water conservation; and

WHEREAS, the City of Flagler Beach and the State of Florida has designated April, typically a dry month when water demands are most acute, Florida's Water Conservation Month, to educate citizens about how they can help save Florida's precious water resources; and

WHEREAS, the City of Flagler Beach has always encouraged and supported water conservation, through various educational programs and special events; and

WHEREAS, every business, industry, school and citizen can make a difference when it comes to conserving water; and

WHEREAS, every business, industry, school and citizen can help by saving water and thus promote a healthy economy and community; and

WHEREAS, outdoor irrigation comprises a large portion of water use, the City of Flagler Beach will encourage citizens and businesses to focus on improving outdoor irrigation efficiency;

NOW, THEREFORE, be it resolved that by virtue of the authority vested in me as Mayor, I do hereby proclaim the month of April as

Water Conservation Month

in the City of Flagler Beach, Florida and call upon each citizen and business to help protect our precious resource by practicing water saving measures and becoming more aware of the need to save water. For this, the 26th year of Water Conservation Month, there will be a special focus on improving outdoor irrigation efficiency.

Adopted this 11th day of April, 2024.

City of Flagler Beach

Patti King, Mayor

Proclamation Recognizing Florida Volunteer Month In the City of Flagler Beach

WHEREAS, April is Florida Volunteer Month, and National Service Recognition Day was April 2, 2024 and National Volunteer Week April 21-27, 2024 was established as the official time to recognize and celebrate the efforts of volunteers at the local, state, and national levels; and

WHEREAS, volunteers can connect with local community service experiences through hundreds of community service organizations including Flagler Volunteer Services and

WHEREAS, volunteers address the most pressing challenges facing our cities, counties and our nation, from educating students for the jobs of the 21st century and supporting veterans and military families to preserving the environment and helping communities recover from natural disasters; and

WHEREAS, volunteering enhances the lives of volunteers, increases self-esteem and physical well-being, provides opportunities to learn new skills and abilities and offers the chance to meet new friends and associates; and

WHEREAS, nonprofits, charities, community and faith-based groups, schools, national service programs and volunteer centers such as Flagler Volunteer Services have joined with state and local governments to celebrate and praise volunteers who have given tirelessly and selflessly to the service of others; and

WHEREAS, volunteers are vital to our future as a caring and productive nation.

NOW, THEREFORE, BE IT PROCLAIMED that the Mayor and City of Flagler Beach, Florida, do hereby recognize Florida Volunteer Month in the City of Flagler Beach and encourage residents to recognize the positive impact of volunteer service in our city, to thank those who serve, and to find ways to give back to their communities.

Mayor Patti King



CITY COMMISSION WORKSHOP MEETING MINUTES

Thursday, March 14, 2024 at 5:30 PM

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

MINUTES

Present: Mayor Suzie Johnston, Chair Eric Cooley, Vice Chair Rick Belhumeur, Commissioner Jane Mealy, James Sherman 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 Cooley called the meeting to order at 5:30 p.m.
2. **Pledge of Allegiance followed by a moment of silence to honor our Veterans, members of the Armed Forces and First Responders:** Mayor Johnston led the pledge to the flag.

3. General Business

- a. **Discussion regarding the building height moratorium:** Mr. Martin reviewed and stated the purpose of the workshop meeting is primarily intended for public awareness. No support from the Commission was presented to change the 35-foot height limitation. Mr. Martin advised the issue will go to the Planning and Architectural Review Board (PARB) in April and will come back to Commission for a decision of if there should be amendments to the exceptions or if the moratorium should sunset or be reinstated while amendments are made.

Discussion amongst the Commission ensued and included removing all of the exceptions except for steeples and water towers, leaving it as is, leaving it alone, but feels some builders are taking advantage of the elevator shaft exemption, open to some adjustments but acknowledging some of the exemptions are necessary and improve the facade of the building, feeling a tower needs to be defined, architectural elements and adding definitions to provide clarity.

Chair Cooley opened public comments: Joseph Pozzouli feels the issue is the up to 40% exception, everything is about proportions and scale to him as an Architect. Scott Crone suggested clarification is needed regarding where the measurement starts. Paul Matykta thinks 40% is a lot, being almost 14 feet. He respects the architecture but feels it should be reduced and ornamental tower language needs to be addressed. Ed Lansdowne feels the exceptions will not ruin the charm of our town. Don Deal suggested the Planner and the Power Point he presented last December should be shown before any decisions are made. Caryn Miller stated the fire code for stairwells is 6 foot above the roof. Chair Cooley closed public comments. Mayor Johnston commented she would rather a building look beautiful than implement restrictions that would affect the facade. Commissioner Belhumeur reiterated his opinion that no changes are needed and the new hotel would look silly without the architectural parapets. Commissioner Spradley feels we should be listening to the experts and that there is time to consider amendments; maybe there is some room in the 40% to make some changes but we do not want is a flat 35 feet. Commissioner Mealy wants to hear from Larry Torino and suggested a workshop with Mr. Torino present. Commissioner Sherman agreed with all of the comments heard. Commissioner Belhumeur expressed concern that there is not enough time for a workshop and suggested Mr. Torino speak at the PARB. City Manager Martin suggested inviting Mr. Torino to make his presentation to the PARB and let the PARB make their determination to see if more work is needed. The Commission

reached a consensus to have Mr. Torino make his presentation to the PARB and provide their recommendation on the moratorium and if amendments are necessary.

4. **Adjournment:** Motion by Commissioner Sherman to adjourn the Workshop at 6:32 p.m.

Eric Cooley, Chair

Attest:

Penny Overstreet, City Clerk



CITY COMMISSION REGULAR MEETING MINUTES

Thursday, March 14, 2024 at 5:30 PM

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

MINUTES

Present: Mayor Suzie Johnston, Chair Eric Cooley, Vice-Chair Rick Belhumeur, Commissioners Jane Mealy, Scott Spradley and James Sherman, City Attorney D. Andrew Smith, III, City Manager Dale L. Martin, and City Clerk Penny Overstreet.

1. **Call the meeting to order:** Chair Cooley called the meeting to order at 6:33 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 Johnston led the pledge.
3. **Proclamations and Awards**
 - a. **Commendation Award Officer Maria Guerrero and Detective Rosanna Vinci:** Chief Matthew Doughney presented commendation awards to Detective Vinci and Officer Guerrero, for their work in recovering a stolen trailer that had thousands of dollars' worth of equipment inside of it.
 - b. **Certificates of Completion 2024 Citizens Academy Graduates.** Commissioner Mealy presented the class with their certificates of completion.
 - c. **Proclamation: Problem Gambling Awareness Month:** Mayor Johnston read the proclamation into the record.
4. **Deletions and changes to the agenda:** Mr. Martin requested Item 6B removed from the consent agenda to discuss the topic.
5. **Public comments regarding items not on the agenda:** No comments were offered.
6. **Consent Agenda**
 - a. **Minutes: Workshop February 15, 2024, Regular Meetings of February 08, 2024 and February 22, 2024.**
 - b. **Approve Workshop Meeting Dates.** Mr. Martin recommend changing the May 9th Workshop meeting topic from outdoor display to a hurricane preparedness forum. Mr. Martin further requested the parking workshop be postponed. Commissioner Belhumeur suggested the Pier branding discussion needs to be held soon while the planning is taking place. The Commission reached a consensus to change May subject to City and Resident Storm Preparedness.
 - c. **Authorize East Flagler Mosquito Control District to perform low-level aerial treatment within the city limits.**

Motion by Commissioner Belhumeur to approve the consent agenda minus Item 6b. Commissioner Sherman seconded the motion. The motion carried unanimously.
7. **General Business**
 - a. **River To Sea Transportation Planning Organization, Citizen Advisory Committee activity report - Ed Fendley:** Mr. Fendley reviewed a prepared statement on the opportunities available to the City to

redesign and strengthen the safety aspects of our pedestrian and bicycle traffic. Also, to beautify the city's entrance; the bridge and Moody Boulevard. Mr. Fendley's advised the Transportation Planning Organization can help, financially and in other ways. Discussion ensued and included: does the Board want to make the SR 100 corridor safer, do we want to make changes, what do we do to get to those action items, setting the goals, give those goals to planners for them to provide proposals of what could be done, take those recommendations and decide if the Board wants to act on them, waiting until after the pier and hotel are completed, when FDOT is paving is a time to get some of those safety goals accomplished, interior street speed limit lowered before the detours start with the beach, pier and road repairs, those discussions needing to happen now, because it will take a year's worth of discussion to reach consensus and model drawings etc. and requesting funding for the planning process through the TPO's call for projects. Chair Cooley opened public comments. Comments were received from Paul Eik and Paul Matykta. Chair Cooley closed public comments. The Commission reached a consensus to add this as a discussion item to the Strategic Planning Session.

- b. **Consider waiving Section 6-5 (a) & (c) of the Flagler Beach Code of Ordinance to allow a Dog Surfing contest within the banned area for dogs to be on the beach:** Chair Cooley passed the gavel to Vice-Chair Belhumeur. Mr. Cooley reviewed his request and indicated they will not be using Veterans Park for the event and would like to keep the event in the same area as the previous events. Vice-Chair Belhumeur opened public comments. Comments were received from Paul Eik. Vice-Chair Belhumeur closed public comments. Motion by Commissioner Mealy to waive Section 6-5 (a) & (c) of the code for the Hang 8 event. Commissioner Spradley seconded the motion. The motion carried unanimously, with Commissioner Cooley abstaining and filing **Form 8b** Memorandum of voting conflict.
- c. **Resolution 2024-08, a resolution by the City of Flagler Beach, Florida, establishing its intent to reimburse certain capital expenditures incurred in connection with the repair of the Flagler Pier as described herein, with proceeds of a future tax-exempt financing; providing certain other matters in connection therewith; and providing an effective date:** Attorney Smith read the title of the resolution into the record. Attorney Smith advised this resolution is necessary to secure the \$18 million dollar loan for the reconstruction of the pier and this resolution will allow us to repay ourself for the purpose of the loan, in anticipation of FEMA expenses. Chair Cooley opened public comments. No comments were offered. Chair Cooley closed public comments. Motion by Commissioner Sherman to approve resolution 2024-08. Commissioner Belhumeur seconded the motion. The motion carried unanimously, after a roll call vote.
- d. **Resolution 2024-09, a resolution by the City of Flagler Beach, Florida, authorizing the Mayor to execute Statewide Mutual Aid Agreements and related documents; providing for conflict and effective date:** Attorney Smith read the title of the resolution into the record. City Manager Martin reviewed the request advising this is a provision for mutual assistance for communities facing emergency situations. Chair Cooley opened public comments. No comments were offered. Chair Cooley closed public comments. Motion by Commissioner Belhumeur that we approve Resolution 2024-09. Commissioner Mealy seconded the motion. The motion carried unanimously, after a roll call vote.
- e. **Resolution 2024-10, a resolution by the City of Flagler Beach, Florida, approving the adoption of GASB 54 Standards and Applications and approving a Fund Balance Policy for the General, Utility, Stormwater and Sanitation Funds; providing for conflicts, severability, and effective date:** Attorney Smith read the title of the resolution into the record. City Manager Martin introduced the city new Finance Director, Mrs. Hollie Harlan. Mrs. Harlan advised the Fund Balance Policy has been a comment on the audit for a few years and this policy will address the concerns raised by the auditors. Chair Cooley opened public comments. No comments were offered. Chair Cooley closed public comments. Motion by Commissioner Sherman to approve Resolution 2024-10. Commissioner Belhumeur seconded the motion. The motion carried unanimously, after a roll call vote.

- f. **Resolution 2024-14, a resolution by the City of Flagler Beach, Florida approving an inter-governmental procurement effort between the City of Longboat Key and R & M Service Solutions, LLC, for the repair and maintenance of the City's hydrants; providing for conflict and effective date:** Attorney Smith read the title of the resolution into the record. City Manager Martin reviewed the request advising this is a piggyback on an exiting contract between the City of Longboat Key and R & M Solutions. Chair Cooley opened public comments. No comments were offered. Chair Cooley closed public comments. Motion by Commissioner Mealy to approve Resolution 2024-14. Commissioner Sherman seconded the motion. The motion carried unanimously, after a roll call vote.

8. Public Hearings

- a. **Ordinance 2024-03, an Ordinance by the City of Flagler Beach, Florida, amending Article II of the City of Flagler Beach Land Development Regulations relating to signs; reducing the window sign allowance; amending the size and time allowance for temporary banner signs; providing for severability; providing for codification, conflicts, and effective date:** Attorney Smith read the title of the ordinance into the record. Attorney Smith reviewed the amendments as recommended by the Planning Board. Discussion ensued regarding the window area and calculation. The Commission recommended amending the window coverage from 25% up to 50%, and to amend the banner section to have staff review through the special event process. Chair Cooley opened public comments. Mordekhay Amsalem, E.T. Sharpe and Paul Mykytka provided comments. Chair Cooley closed public comments. Motion by Commissioner Belhumeur to approve Ordinance 2024-03. Commissioner Sherman seconded the motion. Commissioner Belhumeur amended his motion to approve Ordinance 2024-03 as amended. Commissioner Sherman amended his second. The amended motion carried unanimously, after a roll call vote.

Chair Cooley recessed the meeting at 8:22 p.m.

Chair Cooley resumed the meeting at 8:34 p.m.

9. Staff Reports

- a. **City Attorney:** Provided an update on recent legislation that has passed and is waiting for the Governor's signature or veto. Attorney Smith reported Senate Bill 28 related to short term rental registration. Attorney Smith reported this will provide the city with the evidence needed when bringing violations to the Magistrate. The law requires rentals to be registered with the Department of Business and Professional Regulation.
- b. **City Manager:** Reported the staffing efforts for City Engineer and Planner. Reported a public meeting with McKim and Creed and the residents is being scheduled related to Stormwater concerns. Reported he has a meeting tomorrow with the Florida Department of Environmental Protection regarding the Consent Order. He advised the City will be requesting an in-kind project consisting of flow testing in lieu of the fine. Reported the 90% plans for the pier are in and estimates are still roughly \$18 million dollars. Department heads meet with the Finance Director and City Manager for review of capital improvement items, and the Parks Committee reached a consensus to meet monthly. Commissioner Cooley inquired when will the City be notified if awarded a Florida Recreation Development Assistance Program (FRDAP) Grant for Wickline Park. Mr. Martin responded the FRDAP award announcements come out in July. Commissioner Sherman requested an expense /balance report regarding recreation/parks budget(s). Mr. Martin acknowledged our Lobbyist, Edgar Fernandez, for his advocacy of financial support for the legislative request we were awarded. Mr. Martin reported the City will receive 50% of the \$3.3 million needed for the redundant water main line under the Intracoastal, and we will receive \$250,000 for flood mitigation equipment which are flood gates for the Maintenance and T&D buildings on S. Flagler Avenue.

- c. **City Clerk:** Clerk Overstreet requested Commissioner Mealy provide the name of a new representative for the Parks Committee as her previous appointee has moved from the city limits. Commissioner Mealy named Tim Davies to fill the vacancy on the Parks Committee.
- d. **Set a date for the Strategic Planning Session:** The Commission reached a consensus to hold the Strategic Planning Session at the Senior Center on Wednesday, April 17, 2024.

10. **Commission Comments**

- a. **Commission comments, including reports from meetings attended:** The Officials reported their attendance at meetings, gatherings, and events since the last regular meeting. Commissioner Belhumeur questioned why the post and rope is not on the property line at Pal & Irma Parker Park. Commissioner Belhumeur requested a consensus regarding dedicating the new pier to former manager Newsom. The Commission reached a consensus to have some type of memorial to Mr. Newsom, be it a plank or plaque. Commissioner Mealy suggested looking at Oak Ridge Road in Daytona as a model for how to slow traffic in our town.
- b. **Public comments regarding items not on the agenda.** Marvin Sutton Jr. provided comments.

11. **Adjournment:** Commissioner Sherman put forth a motion to adjourn the meeting at 9:19 p.m.

Eric Cooley, Chair

Attest:

Penny Overstreet, City Clerk

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

LAST NAME—FIRST NAME—MIDDLE NAME <u>Cooley, ERIC D.</u>		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <u>Flagler Beach City Commission</u>	
MAILING ADDRESS <u>105 S. 2nd St.</u>		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY <u>Flagler Beach</u>	COUNTY <u>Flagler</u>	<input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY	
DATE ON WHICH VOTE OCCURRED <u>March 14, 2024</u>		NAME OF POLITICAL SUBDIVISION: <u>municipal Government</u>	
		MY POSITION IS: <input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTIVE	

WHO MUST FILE FORM 8B

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

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

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

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

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

ELECTED OFFICERS:

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

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

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

APPOINTED OFFICERS:

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

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

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

APPOINTED OFFICERS (continued)

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

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

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

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, ERIC CODEY, hereby disclose that on MARCH 14,, 20 24:

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

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

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

Consideration of a waiver of Code for the purpose of a Special Event
"Hang 8 Dog Surfing Contest"

MARCH 14, 2024
Date Filed

[Signature]
Signature

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



SPECIAL SINE DIE/ORGANIZATIONAL MEETING FLAGLER BEACH CITY COMMISSION

Section 5, Item a.

Thursday, March 28, 2024

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

MINUTES SINE DIE MEETING

Present: Mayor Suzie Johnston, Chair Eric Cooley, Vice-Chair Rick Belhumeur, Commissioners Jane Mealy, Scott Spradley and James Sherman, City Attorney D. Andrew Smith, III, City Manager Dale L. Martin, and City Clerk Penny Overstreet.

1. **Call the meeting to order.** Chair Cooley called the meeting to order at 5:34 p.m.
2. **Pledge of Allegiance.** Mayor Johnston led the pledge.
3. **Any remaining unfinished business.** None.
4. **Resolution 2024-15, determining the date and time of Adjournment Sine Die of the City Commission of the City of Flagler Beach, Florida; providing for conflict and an effective date.** Attorney Smith read the title of the resolution into the record. Motion by Commissioner Belhumeur to approve resolution 2024-15. Commissioner Sherman seconded the motion. Chair Cooley opened public comments. No comments were offered. Chair Cooley closed public comments. The motion carried unanimously, after a roll call vote.
5. **Adjournment.** Commissioner Belhumeur put forth a motion to adjourn the meeting at 5:36 p.m.

MINUTES ORGANIZATIONAL MEETING

Present: Mayor Patti King, Commissioners Rick Belhumeur, Eric Cooley, Jane Mealy, Scott Spradley and James Sherman, City Attorney D. Andrew Smith, III, City Manager Dale L. Martin, and City Clerk Penny Overstreet.

1. **Call the meeting to order.** Commissioner Cooley called the meeting to order at 5:38 p.m.
2. **Swearing in of the Commissioners.** Attorney Smith swore in Mayor King and Commissioner Cooley.
3. **Nominations:**
 - a) **Nominations for Chairman.** Commissioner Spradley nominated Commissioner Sherman for Chairman. Commissioner Mealy nominated Commissioner Spradley for Chair. Commissioner Belhumeur nominated himself for Chair. Commissioner Sherman seconded Commissioner Mealy's nomination for Commissioner Spradley to be Chair. Commissioner Cooley seconded the nomination for Commissioner Belhumeur for Chair. Roll call vote for the Nomination of Scott Spradley as Chair. Commissioner Belhumeur Nay, Commissioner Cooley Nay, Commissioner Mealy Yay, Commissioner Spradley Yay, Commissioner Sherman Yay.
 - b) **Nominations for Vice-Chairman.** Commissioner Mealy nominated Commissioner Sherman for Vice-Chair. Commissioner Spradley seconded the nomination. No other nominations were received.



**SPECIAL SINE DIE/ORGANIZATIONAL MEETING
FLAGLER BEACH CITY COMMISSION**

Section 5, Item a.

Thursday, March 28, 2024

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

-
4. **Resolution 2024-16, appointing Scott Spradley as Chairman of the City of Flagler Beach, Florida City Commission; providing for conflict and an effective date.** Attorney Smith read the title of the resolution into the record. Motion by Commissioner Mealy to approve Resolution 2024-16. Commissioner Sherman seconded the motion. The motion carried unanimously, after a roll call vote.
 5. **Resolution 2024-17, appointing Vice-Chairman of the City of Flagler Beach, Florida City Commission, providing for conflict and an effective date.** Attorney Smith read the title of the resolution into the record. Motion by Commissioner Mealy to approve Resolution 2024-17. Commissioner Spradley seconded the motion. Commissioner Cooley opened public comments. Mark Blythe commented. Commissioner Cooley closed public comments. The motion carried unanimously, after a roll call vote.
 6. **Resolution 2024-18, designating signatories for the bank and investment accounts at Florida Prime, Florida Municipal Investment Trust and Truist Bank; providing how said funds may be withdrawn; providing for conflict and an effective date.** Attorney Smith read the title of the resolution into the record. Commissioner Cooley opened public comments. No comments were offered. Commissioner Cooley closed public comments. Motion by Commissioner Mealy to approve Resolution 2024-18 with the inclusion of the names of Commissioner Spradley as Chair and Commissioner Sherman and Vice-Chair. Commissioner Sherman seconded the motion. The motion carried unanimously, after a roll call vote.
 7. **Appoint Elected Officials to Various Boards and Committees to serve as City's Representative.** Clerk Overstreet recorded the amendments to the representative list and has attached the to these minutes as Exhibit "A".
 8. **Resolution 2024-19, declaring the City Commission of the City of Flagler Beach, Florida, is duly organized and ready to transact any business that would properly come before it; providing for conflict and an effective date.** Attorney Smith read the title of the resolution into the record. Commissioner Cooley opened public comments. No comments were offered. Commissioner Cooley closed public comments. Motion by Commissioner Belhumeur to approve resolution 2024-19. Commissioner Sherman seconded the motion. The motion carried unanimously, after a roll call vote.
 9. **Adjournment.** Commissioner Mealy put forth a motion to adjourn the meeting at 6:01 p.m.

Scott Spradley, Chair

Attest:

Penny Overstreet, City Clerk

2024/2025
Appointments of Elected Officials to Various Boards & Committees

APPOINTMENT	MEETING DATES	CONTACT	CURRENT REPRESENTATIVE
Flagler Beach Investment Committee (Commission Seat)	Typically, quarterly on a Tuesday at 8 am. To be determined at next Investment meeting.	Finance Director	Commissioner Mealy
Flagler Beach Investment Committee (Mayor Seat)	To be determined at organizational meeting	Finance Director	Mayor King
Safety Committee	Quarterly meetings, times to be announced @ Fire Station	Chief Pace	Commissioner Mealy
Economic Development Task Force	3 rd Wednesday of each month at 4:30 p.m.	Jeanelle Jarrah 517-2000 ext. 235	Commissioner Belhumeur
Flagler County Tourist Development Committee	3 rd Wednesday at 10:00 a.m. @ Government Services Building	Flagler County Administration 1769 E. Moody Blvd #2 Bunnell, FL 32110	Commissioner Cooley
Friends of the A1A Scenic & Historic Coastal Byway	2:00 p.m. to 4:00 p.m. the fourth Wednesday of each month Hammock Community Center 79 Mala Compra Road Palm Coast, FL 32167	Bill McClure , President www.scenica1a.org 2175 Mizel Rd St. Augustine, FL 32080	Commissioner Belhumeur Alternate: Commissioner Sherman
Museum Board	2nd Tuesday at 4:00 p.m. @ Fire Station	Patti King P.O Box 2136 Flagler Beach, FL 32136	Mayor King to serve as Liaison
Flagler League of Cities Mayors Meetings	Quarterly Meetings 3rd Wednesday at Noon, Rotating meeting sites	Palm Coast Mayor David Alfin 160 Lake Avenue Palm Coast, FL 32164 dalfin@palmcoastgov.com	Mayor King
Florida League of Cities (voting member)	Periodic meeting, times and locations to be announced	Florida League of Cities P.O. Box 1757 Tallahassee, FL 32302-1757	Commissioner Sherman
Florida League of Cities Legislative Policy Committees	<ul style="list-style-type: none"> • 3x's prior to session • Usual Fall Meeting 	FLC Contact: Mary Edenfield	Commissioner Spradley

2024/2025

Appointments of Elected Officials to Various Boards & Committees

APPOINTMENT	MEETING DATES	CONTACT	CURRENT REPRESENTATIVE
Finance Taxation and Personnel	<ul style="list-style-type: none"> Committee openings start June 1 of each year. Commissioners each sign themselves up for committees. 	FLC Policy Committee Memberships medenfield@flcities.com Mary Edenfield Legislative Coordinator Florida League of Cities, Inc. 850.701.3624 www.flcities.com	Commissioner Belhumeur
Land Use and Economic Development			
Transportation & Intergovernmental Relations		Openings for Committees are every June 1 st , current appointments will receive an email reminder from Mary.	Commissioner Sherman
Utilities, Natural Resources & Public Works			Commissioner Mealy
Liaison to St. Johns River Water Management District	Periodic meeting, times to be announced usually @ District Office	Adam Lovejoy (Director, Governmental Affairs Program) Office: Maitland Service Center Office telephone: 407-659-4844 Cell: 321-356-1959 Email: alovejoy@sjrwmd.com Bill White (Intergovernmental Coordinator)	Commissioner Belhumeur Alternate: Commissioner Mealy

2024/2025

Appointments of Elected Officials to Various Boards & Committees

Section 5, Item a.

APPOINTMENT	MEETING DATES	CONTACT	CURRENT REPRESENTATIVE
Business Ambassadors Meetings	Periodic	Contact for Flagler County Office: Palatka Headquarters Office telephone: 386-326-2875 Email: wwhite@sjrwmd.com City Manager P.O. Box 70 Flagler Beach, FL 32136 386-517-2000 ext. 222 dmartin@cityofflaglerbeach.com	Mayor King (Primary) & Commissioner Cooley
APPOINTMENT	MEETING DATES	CONTACT	
River to Sea Transportation Planning Organization (TPO)	3 rd Wednesday at 9:00 a.m. @ the Airport	Pamela Blankenship The River to Sea TPO office has moved. Our new address is: 1 Deuce Court Suite 100 Daytona Beach, FL 32124 All TPO Board, BPAC, CAC, and TCC meetings will be held in the Daytona Beach International Airport Airline Room located at: 700 Catalina Drive Daytona Beach, FL 32114 *Parking will be validated* (386) 226-0422 pblankenship@r2ctpo.org	Commissioner Belhumeur
TPO's (BPAC) Bicycle/ Pedestrian Advisory Committee	2 nd Wednesday at 3:00 p.m. @the Airport		Primary Rep. Vacant Alternate Vacant
TPO's Citizens' Advisory Committee (CAC)	3 rd Tuesday at 1:15 p.m. @ the Airport		Ed Fendley(Primary) edfendley@gmail.com Mary Dioguardi (Alt) Mydio105@gmail.com
TPO's Technical Advisory Committee (TAC)	3 rd Tuesday at 3:00 p.m. @ the Airport		Caryn Miller, CRA Director cmiller@cityofflaglerbeach.com

2024/2025
Appointments of Elected Officials to Various Boards & Committees

Section 5, Item a.

APPOINTMENT	MEETING DATES	CONTACT	CURRENT REPRESENTATIVE
Family Life Center Board	Noon on the 3 rd Tuesday, every other month Currently via Zoom?	Trish Giaccone, CEO Meeting Site, Amaral Center 4721 E. Moody Blvd, Unit 503 Bunnell, FL 32110 Mailing Address P.O. Box 2058 Bunnell, FL 32110 Executive trish@familylifecenterflagler.org	Commissioner Mealy (Primary) No alternate
Public Safety Coordinating Council	2 nd Wednesday of each month 8:45 a.m.	Emergency Operations Center 1769 E. Moody Blvd Bldg. 3 Bunnell, FL 32110 Staff: Sheri Gopie sgopie@flaglersheriff.com	Commissioner Spradley
School Board Oversight Committee for Public School Facility Planning (ILA)	June 8 th 12	Dave Freeman, Coordinator of Planning and Intergovernmental Relations Flagler County Public Schools 386-586-5192 ext. 1313 freemand@flaglerschools.com Clarice Dias, Admin Assistant diasc@flaglerschools.com	Commission Representatives Commissioner Mealy Commissioner Sherman Staff representative Caryn Miller



CITY COMMISSION REGULAR MEETING AGENDA

Thursday, March 28, 2024 at 5:30 PM

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

MINUTES

PRESENT: Mayor Patti King, Chair Scott Spradley, Vice-Chair James Sherman, Commissioners Rick Belhumeur, Eric Cooley and Jane Mealy, City Attorney D. Andrew Smith, III, City Manager Dale L. Martin and City Clerk Penny Overstreet.

1. **Call the meeting to order.** Chair Spradley called the meeting to order at 6:15 p.m.
2. **Pledge of Allegiance followed by a moment of silence to honor our Veterans, members of the Armed Forces and First Responders.** Commissioner Sherman led the pledge to the flag.
3. **Deletions and changes to the agenda.** Item 5 a was removed from the agenda, at the request of the City Clerk.
4. **Public comments regarding items not on the agenda.** None.
5. **Consent Agenda**
 - a. **Approve the Minutes of the March 14, 2024 Workshop and Regular Meetings.** This item was removed from the agenda.
6. **General Business**
 - a. **Resolution 2024-24 a resolution by the City of Flagler Beach, Florida, approving Easement Agreements between the City of Flagler Beach and DCB Orchid to construct infrastructure within the City of Flagler Beach and utilize the associated property for the purposes of leasing the infrastructure, providing for conflict and effective date.** Attorney Smith read the title of the resolution into the record. Discussion ensued and included: proposed infrastructure locations and moving the infrastructure into the right-of-way at the South 6th Street location. Chair Spradley opened public comments. Mr. & Mrs. Hodavance and Scott Fox provided comments. Chair Spradley closed public comments. Motion by Commissioner Cooley to table the item. Commissioner Belhumeur seconded the motion. The motion carried unanimously.
 - b. **Resolution 2024-20, a resolution by the City of Flagler Beach, Florida, authorizing the City Manager to submit an application to the Florida Inland Navigational District (FIND) for the 2024 Grant Cycle; providing for conflict and effective date.** Attorney Smith read the title of the resolution into the record. Mr. Martin reviewed the request for the grant submission, reporting the total cost is \$20K and the grant request is in the amount of \$10k. Chair Spradley opened public comments. FIND Commissioner, Randy Stapleford encouraged the City Commission to approve the resolution and spoke in favor of the project, advising they have accepted it contingent upon the property ownership issue cleared within the next month. Chair Spradley closed public comments. Motion by Commissioner Sherman to approve Resolution 2024-20. Commissioner Cooley seconded the motion. The motion carried unanimously, after a roll call vote.
 - c. **Resolution 2024-21 a resolution by the City of Flagler Beach, Florida, approving a proposal from McKim & Creed, Inc. for Engineering & Field Assessment Services, Wastewater Collection System Investigation related to Consent Order 23-0409 "In-kind" Project in an amount not to exceed \$50,000,**

providing for conflict and effective date. Attorney Smith read the title of the resolution into the record. Mr. Martin reviewed the request. Chair Spradley opened public comments. No comments were offered. Chair Spradley closed public comments. Motion by Commissioner Mealy to approve Resolution 2024-21. Commissioner Belhumeur seconded the motion. The motion carried unanimously, after a roll call vote.

- d. **Resolution 2024-22 a resolution by the City of Flagler Beach, Florida approving a Master Service Agreement and Statement of Work for Forerunner Software in an amount not to exceed \$20,500, providing for conflict and effective date.** Attorney Smith read the title of the resolution into the record. Mr. Martin reviewed the request. Chair Spradley opened public comments. No comments were offered. Chair Spradley closed public comments. Motion by Commissioner Mealy to approve Resolution 2024-22. Commissioner Sherman seconded the motion. The motion carried unanimously, after a roll call vote.
- e. **Resolution 2024-23 a resolution by the City of Flagler Beach, Florida, declaring certain property to be surplus, providing for conflict and effective date.** Attorney Smith read the title of the resolution into the record. Mr. Martin reviewed the request. Chair Spradley opened public comments. No comments were offered. Chair Spradley closed public comments. Motion by Commissioner Belhumeur to approve Resolution 2024-23. Commissioner Sherman seconded the motion. The motion carried unanimously, after a roll call vote.

7. Public Hearings

- a. **Ordinance 2024-03 an ordinance by the City of Flagler Beach, Florida, amending Article II of the City of Flagler Beach Land Development Regulations relating to signs; reducing the window sign allowance; amending the size and time allowance for temporary banner signs; providing for severability; providing for codification, conflicts, and effective date - final reading.** Attorney Smith read the title of the ordinance into the record and explained the amendments made as directed from the last meeting. Discussion ensued and included: increasing the percentage allowed for window coverage and the number of existing businesses that would not be in compliance. Chair Spradley opened public comments. Comments were heard from Paul Matykta, Scott Fox, Heather Hodavance, and Christina Mashadow. Chair Spradley closed public comments. Motion by Commissioner Belhumeur to table the ordinance to the July 11, 2024 meeting. Commissioner Sherman seconded the motion. The motion carried unanimously.
- b. **Ordinance 2024-04 an ordinance of the City of Flagler Beach, Florida, relating to impact fees; adopting the Fee Study prepared by Tischler Bise; increasing the amounts to be charged for water and wastewater impact fees; adopting new Police, Fire, Library, and Parks and Recreation Impact Fees; establishing an administrative charge consistent with state law; amending regulations pertaining to the collection, use, and timing of payments of Water, Wastewater, Police, Fire, Library, and Parks and Recreation Impact Fees; providing for notice of increased and new fees; providing for codification; providing for severability and conflicts, and providing an effective date. – first reading.** Attorney Smith read the title of the ordinance into the record. Mr. Martin reviewed the history of the item and the previous direction from the commission. Commissioner Mealy requested “Police” stricken from line 87. Discussion ensued regarding including a Mobility Impact Fee. Attorney Smith advised regarding the required notice period and suggested a new ordinance to consider the mobility impact fee. Mr. Martin advised he would check with the consultant Tischler Bise regarding the mobility fee and would proceed with the study if the expense is within his spending authority. Chair Spradley opened public comments. Annamaria Long, Executive Officer, Flagler Home Builders Association, suggested the Commission adopt a flat fee versus the square footage ratio. Chair Spradley closed public comments. Motion by Commissioner Mealy I recommend we approve Ordinance 2024-04 with a correction to line 87 and that we move forward. Commissioner Cooley seconded the motion. The motion carried four to one, with Commissioner Belhumeur voting no.

- c. **Ordinance 2024-05 an ordinance by the City of Flagler Beach, Florida, amending Chapter 2, Article IX of the City of Flagler Beach Code of Ordinances relating to purchasing and procurement; addressing suggestions made by the Florida Department of Emergency Management; adding provisions related to procurements regulated by 2CFR, Part 200; providing for severability; providing for codification, conflicts, and effective date - first reading.** Attorney Smith read the title of the ordinance into the record. Mr. Martin reviewed advising the Florida Department of Emergency Management suggested the amendment to the procurement code to meet Federal Emergency Management Agency requirements. Chair Spradley opened public comments. No comments were offered. Chair Spradley closed public comments. Motion by Commissioner Mealy to approve Ordinance 2024-05. Commissioner Sherman seconded the motion. The motion carried unanimously, after a roll call vote.

8. **Staff Reports**

- a. **City Attorney:** Reminded the Officials to place a disclaimer on their personal social media accounts.
- b. **City Manager:** Reported the sand fencing was delivered.
- c. **City Clerk:** Reported a request for a once per month Farmers Market in Veterans Park.
- d. **Department Weekly Reports:**

9. **Commission Comments**

- a. **Commission comments, including reports from meetings attended.** The Officials reported their attendance at meetings, gatherings, and events since the last regular meeting. Commissioner Sherman reported on a presentation he received regarding pedestrian safety, named “Best Foot Forward”, and suggested the Commission receive the presentation.
- b. **Public comments regarding items not on the agenda.** None.

10. **Adjournment.** Commissioner Sherman put forth a motion to adjourn the meeting at 8:19 p.m.

Attest:

Scott Spradley, Chair

Penny Overstreet, City Clerk



STAFF REPORT

Regular City Commission Meeting

April 11, 2024

To: Elected Officials

From: Dale L. Martin, City Manager

Date: April 11, 2024

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

Background: The Florida Department of Transportation (FDOT) is completing design efforts for the scheduled re-paving on Highway A1A from S. 8th Street to N. 18th Street. Some of the proposed work, specifically the integration of sidewalk crossings and other pedestrian-related improvements, will extend into the City’s rights-of-way. Because of that work, FDOT desires a License Agreement to work within the City’s rights-of-ways.

Fiscal Impact: None, although if the City wishes to restore the decorative sidewalk removed as part of the FDOT project, the City (Community Redevelopment Agency) will have to fund that restoration.

Staff Recommendation: Staff recommends approval of the proposed License Agreement

Attachments: FDOT correspondence
Proposed License Agreement

LICENSE AGREEMENT

Financial Project Number (FPN): 448795-1-52-01
State Road Name/Number: A1A

County: Flagler
Co. Section No.: 73030

Project Information:

SR A1A Resurfacing from S 8th Street to N 18th Street

Property Owner:

City of Flagler Beach Right of Way

Location:

SR A1A at S 5th Street, S 4th Street, N 2nd Street, and N 4th Street.

The Florida Department of Transportation proposed changes within the City of Flagler Beach right of way in accordance with FPN 448795-1-52-01 (SR A1A Resurfacing from S 8th Street to N 18th Street).

The City of Flagler Beach hereby agrees to allow the Florida Department of Transportation to make the changes within the City of Flagler Beach right of way as part of FPN 448795-1-52-01. They may enter the City of Flagler Beach right of way as necessary to do the work. I understand the work proposed to be completed and waive all causes of action that would arise as a direct result of the proposed work to be completed except those that may arise out of not doing the work properly.

The Florida Department of Transportation will make these changes at the Department's expense and will clean up when they are finished.

Once the Department receives this signed agreement, the Department will review, sign, and forward to the City of Flagler Beach a fully executed copy of their records.

OWNER:

Signature

Date _____

Patti King
Mayor, City of Flagler Beach

DEPARTMENT:

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

ATTEST:

Signature

Date _____

FDOT Project Manager Signature

Date _____

Penny Overstreet, City Clerk

Date _____

Name (Please Print of Type)

Date _____

Dale Martin

From: Megan Lerner <mlerner@garretteg.com>
Sent: Friday, April 5, 2024 11:42 AM
To: Caryn Miller
Cc: Garner, Ty; Carlos Ramirez; Dale Martin; Lee Richards
Subject: Re: FDOT project 448795-1-52-01; SR A1A from S 8th St to N 18th St - Decorative Crosswalk at N 4th ST

Thank you Caryn.

Hope you have a great weekend as well.

Megan Lerner, PE
 Vice President / Project Manager
 Garrett Engineering Group, Inc.
 (813) 334-8588
 Mlerner@garretteg.com

From: Caryn Miller <CMiller@cityofflaglerbeach.com>
Sent: Friday, April 5, 2024 11:17:56 AM
To: Megan Lerner <mlerner@garretteg.com>
Cc: Garner, Ty <Ty.Garner@dot.state.fl.us>; Carlos Ramirez <cramirez@garretteg.com>; Dale Martin <dmartin@cityofflaglerbeach.com>; Lee Richards <LRichards@cityofflaglerbeach.com>
Subject: RE: FDOT project 448795-1-52-01; SR A1A from S 8th St to N 18th St - Decorative Crosswalk at N 4th ST

Megan,

Lee and I have looked at it and we are Ok with the changes. I do understand that we will lose the decorative crosswalk there as well.

I have informed the let date of September 2024 and start day of early 2025 to the City Manager as we discussed. the project has been moved up some from what was originally planned.

The City Manager has the Agreement you sent and I am sure he will send it back to you soon. I know you are in the last straights of the design and you need it ASAP.

Thanks for all your help!!! Have a great weekend.

Caryn Miller MPA

CRA Executive Director
 City of Flagler Beach
***** NOTE NEW ADDRESS**
 105 S. 2ND STREET
 Flagler Beach FL, 32136
 386-517-2000 xt 243 office
 386-846-1323 Cell

"Nothing is impossible, the word itself says 'I'm possible!'". – Audrey Hepburn

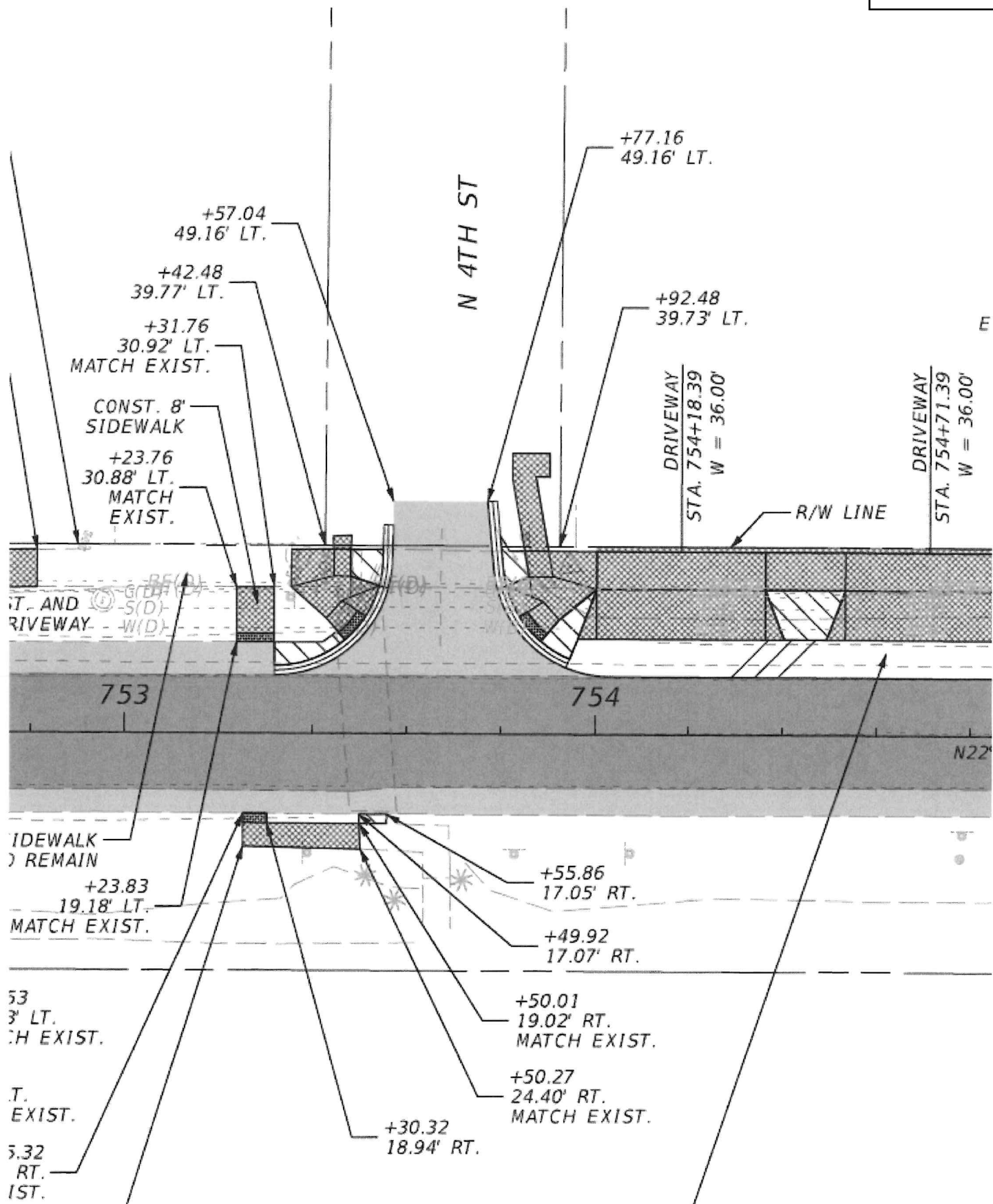
From: Megan Lerner <mlerner@garretteg.com>

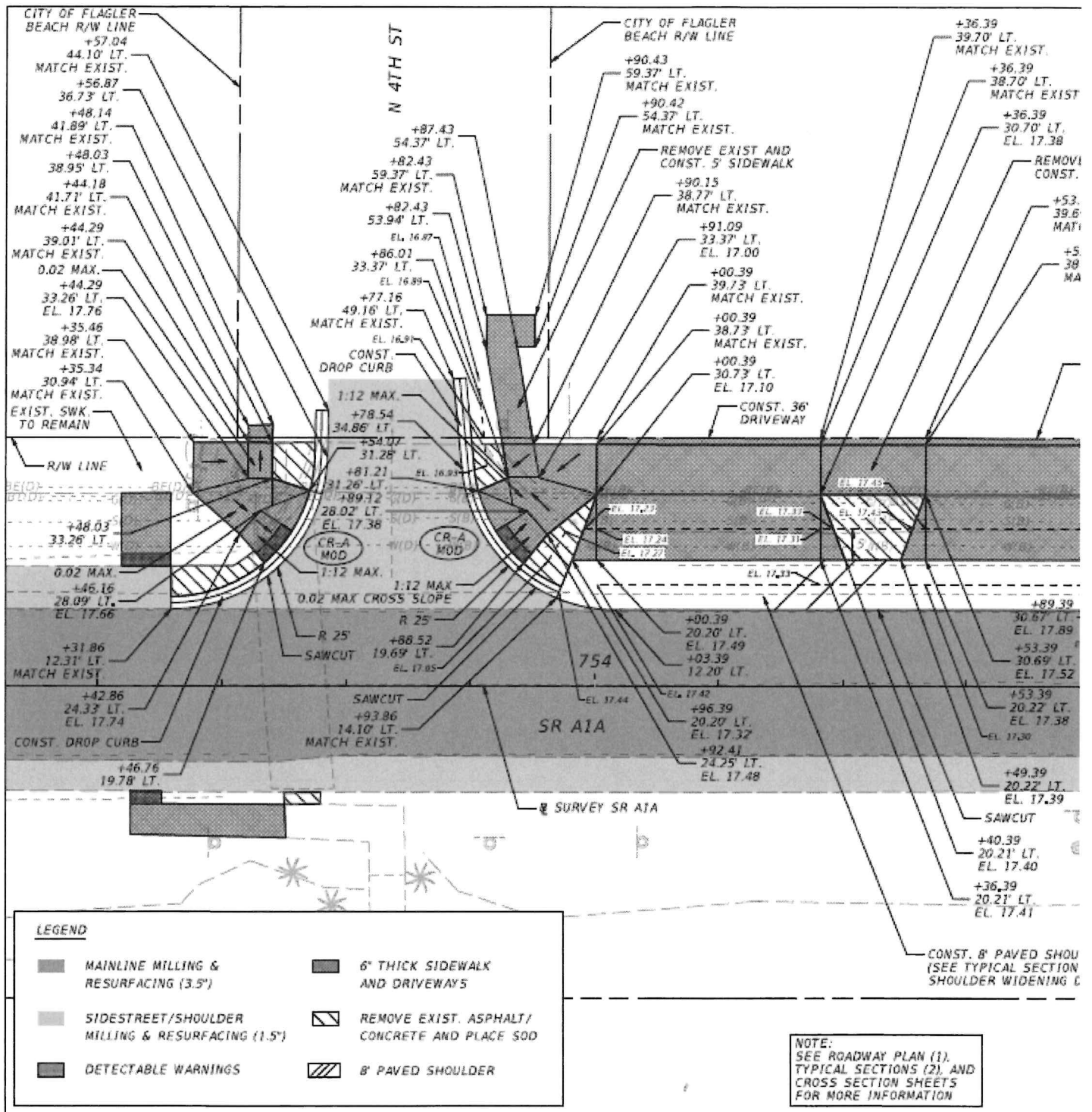
Sent: Friday, April 5, 2024 9:38 AM

To: Caryn Miller <CMiller@cityofflaglerbeach.com>

Cc: Garner, Ty <Ty.Garner@dot.state.fl.us>; Carlos Ramirez <cramirez@garretteg.com>

Subject: RE: FDOT project 448795-1-52-01; SR A1A from S 8th St to N 18th St - Decorative Crosswalk at N 4th ST





Megan Lerner, PE
Vice President/ Project Manager
Garrett Engineering Group, Inc, A Certified DBE Firm
120 10th Avenue, North | Saint Petersburg, FL 33701
813.334.8588 (M) | mlerner@garretteg.com | garretteg.com

From: Caryn Miller <CMiller@cityofflaglerbeach.com>
Sent: Thursday, April 4, 2024 2:59 PM
To: Megan Lerner <mlerner@garretteg.com>

Cc: Garner, Ty <Ty.Garner@dot.state.fl.us>; Carlos Ramirez <cramirez@garretteg.com>

Subject: Re: FDOT project 448795-1-52-01; SR A1A from S 8th St to N 18th St - Decorative Crosswalk at N 4th ST

I will call you tomorrow

Get Outlook for iOS

From: Megan Lerner <mlerner@garretteg.com>

Sent: Thursday, April 4, 2024 11:55:55 AM

To: Caryn Miller <CMiller@cityofflaglerbeach.com>

Cc: Garner, Ty <Ty.Garner@dot.state.fl.us>; Carlos Ramirez <cramirez@garretteg.com>

Subject: FDOT project 448795-1-52-01; SR A1A from S 8th St to N 18th St - Decorative Crosswalk at N 4th ST

Good afternoon Caryn,

As a follow up to our phone call earlier this week, there is one location that I did want to discuss with you in more detail. That is the improvements at the intersection of N 4th St and SR A1A. We are currently intending to add a pedestrian bulb-out at this location to improve sight distance. If we move forward with this improvement, it will change the location of the existing crosswalk and therefore the decorative crosswalk would have to be removed. Do you have some time to meet with me (virtually) next week? Ty and I are available at the following dates/times:

Let me know if one of these will work for you and I will send you over a TEAMS invite.

Tuesday 3/9 – 10a-12p

Thursday 3/11 – 10a-11a

Friday 3/12 – 9:30a-11a

Thank you,



Megan Lerner, PE

Vice President/ Project Manager

Garrett Engineering Group, Inc, A Certified DBE Firm

120 10th Avenue, North | Saint Petersburg, FL 33701

813.334.8588 (M) | mlerner@garretteg.com | garretteg.com

Dale Martin

From: Megan Lerner <mlerner@garretteg.com>
Sent: Monday, April 1, 2024 7:58 AM
To: Lee Richards; Garner, Ty; Katherine Monroy
Cc: Dale Martin; Caryn Miller
Subject: RE: FDOT Project 448795-1-52-01; Resurfacing of SR A1A from S 8th St to N 18th St - Request for License Agreement
Attachments: 44879515201_SRA1A_License_Agreement.docx

Hi Lee and Caryn,

The draft license agreement is attached for your review.

Thank you,



Megan Lerner, PE
 Vice President/ Project Manager
Garrett Engineering Group, Inc, A Certified DBE Firm
 120 10th Avenue, North | Saint Petersburg, FL 33701
 813.334.8588 (M) | mlerner@garretteg.com | garretteg.com

From: Lee Richards <LRichards@cityofflaglerbeach.com>
Sent: Monday, April 1, 2024 7:56 AM
To: Garner, Ty <Ty.Garner@dot.state.fl.us>; Katherine Monroy <KMonroy@cityofflaglerbeach.com>; Megan Lerner <mlerner@garretteg.com>
Cc: Dale Martin <dmartin@cityofflaglerbeach.com>; Caryn Miller <CMiller@cityofflaglerbeach.com>
Subject: RE: FDOT Project 448795-1-52-01; Resurfacing of SR A1A from S 8th St to N 18th St - Request for License Agreement

Good morning Ty.

I like your idea of a draft license agreement. If you would like to send that to me, I would be happy to look it over and, if appropriate, use it in conjunction with our permit.

Please note that these areas are in the City's CRA area and need to be approved by the CRA director Caryn Miller (who is cc'd above).

Sincerely,

Lee Richards

Dr. Lee Richards, Ph.D.



**Program Coordinator for
Engineering Services**
 Office: 386-517-2000 ext. 248
 Cell: 386-283-1054
 800 S. Daytona Ave
 Flagler Beach, FL 32136

lrichards@cityofflaglerbeach.com

From: Garner, Ty <Ty.Garner@dot.state.fl.us>
Sent: Friday, March 29, 2024 7:40 AM
To: Katherine Monroy <KMonroy@cityofflaglerbeach.com>; Lee Richards <LRichards@cityofflaglerbeach.com>; Megan Lerner <mlerner@garretteg.com>
Cc: Dale Martin <dmartin@cityofflaglerbeach.com>
Subject: RE: FDOT Project 448795-1-52-01; Resurfacing of SR A1A from S 8th St to N 18th St - Request for License Agreement

Katherine,

Thank you for forwarding this to Lee. Please let us know if you need anything else.

The department is very flexible on obtaining permission to work on City property. We can send a draft License agreement that we have used on other projects, or a simple email response to this request would be sufficient. Whatever the City policy or preference is, I'm sure we can work with.

Please let me know if you would like to meet to discuss further.

Thanks again for all your help and support with this and all of the other projects the department has in Flagler Beach.

Ty Garner
HNTB Corporation
In-house Consultant for FDOT D-5
District Consultant Project Management

Florida Department of Transportation - District 5
719 S. Woodland Blvd. MS-2-542
Deland, FL 32720-6834
(386) 943-5299
ty.garner@dot.state.fl.us



Chat with me on [Teams!](#)

From: Katherine Monroy <KMonroy@cityofflaglerbeach.com>
Sent: Thursday, March 28, 2024 4:48 PM
To: Lee Richards <LRichards@cityofflaglerbeach.com>; Megan Lerner <mlerner@garretteg.com>
Cc: Garner, Ty <Ty.Garner@dot.state.fl.us>; Dale Martin <dmartin@cityofflaglerbeach.com>
Subject: RE: FDOT Project 448795-1-52-01; Resurfacing of SR A1A from S 8th St to N 18th St - Request for License Agreement

EXTERNAL SENDER: Use caution with links and attachments.

Katherine Monroy
Executive Assistant to the City Manager
City of Flagler Beach
O: 386-517-2000 ext. 238

C: 386-627-4460

E: KMonroy@cityofflaglerbeach.com



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.

Website: [www.cityofflaglerbeach.com]www.cityofflaglerbeach.com

From: Lee Richards <LRichards@cityofflaglerbeach.com>

Sent: Thursday, March 28, 2024 1:28 PM

To: Katherine Monroy <KMonroy@cityofflaglerbeach.com>; Megan Lerner <mlerner@garretteg.com>

Cc: Garner, Ty <Ty.Garner@dot.state.fl.us>; Dale Martin <dmartin@cityofflaglerbeach.com>

Subject: RE: FDOT Project 448795-1-52-01; Resurfacing of SR A1A from S 8th St to N 18th St - Request for License Agreement

Hi Katherine.

None of the attachments came through with your email. Can you please resend making sure the attachments come with it?

Sincerely,

Lee Richards

Dr. Lee Richards, Ph.D.



**Program Coordinator for
Engineering Services**

Office: 386-517-2000 ext. 248

Cell: 386-283-1054

800 S. Daytona Ave

Flagler Beach, FL 32136

lrichards@cityofflaglerbeach.com

From: Katherine Monroy <KMonroy@cityofflaglerbeach.com>

Sent: Thursday, March 28, 2024 12:04 PM

To: Megan Lerner <mlerner@garretteg.com>; Lee Richards <LRichards@cityofflaglerbeach.com>

Cc: Garner, Ty <Ty.Garner@dot.state.fl.us>; Dale Martin <dmartin@cityofflaglerbeach.com>

Subject: RE: FDOT Project 448795-1-52-01; Resurfacing of SR A1A from S 8th St to N 18th St - Request for License Agreement

Good afternoon Ms. Megan,

I hope this email finds you well. Lee Richards handles our right-of-way permits. I have included him, and our City Manager, Mr. Martin in the email.

Thank you,
Katherine Monroy

Executive Assistant to the City Manager
City of Flagler Beach
O: 386-517-2000 ext. 238
C: 386-627-4460
E: KMonroy@cityofflaglerbeach.com



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Website: [www.cityofflaglerbeach.com]www.cityofflaglerbeach.com

From: Megan Lerner <mlerner@garretteg.com>
Sent: Wednesday, March 27, 2024 4:18 PM
To: Katherine Monroy <KMonroy@cityofflaglerbeach.com>
Cc: Garner, Ty <Ty.Garner@dot.state.fl.us>
Subject: FW: FDOT Project 448795-1-52-01; Resurfacing of SR A1A from S 8th St to N 18th St - Request for License Agreement

You don't often get email from mlerner@garretteg.com. [Learn why this is important](#)

I am working with Ty Garner and FDOT on a resurfacing project on SR A1A from S 8th St to N 18th St. As part of the project we are reconstructing some of the sidewalks along SR A1A to meet ADA compliance. In order to tie the sidewalks to existing sidewalk along the side streets, FDOT is requesting a License Agreement to work within the City of Flagler Beach right of way. We prepared the attached exhibits for your review and consideration.

We have completed the 90% plans and are working to towards the final design. Our plans are being finalized within the next 4-6 weeks so our goal is to have any agreements in place by then.

Do you know who at the City would be able to review and approve these documents? I am happy to schedule a meeting to discuss further if the reviewers would like any additional information.

Thank you,



Megan Lerner, PE
Vice President/ Project Manager
Garrett Engineering Group, Inc, A Certified DBE Firm
120 10th Avenue, North | Saint Petersburg, FL 33701
813.334.8588 (M) | mlerner@garretteg.com garretteg.com

From: noreply@civicplus.com
To: [Kathleen Settle](#); [Penny Overstreet](#)
Subject: Online Form Submittal: Commission Agenda Item Application
Date: Thursday, March 21, 2024 11:17:05 AM

Commission Agenda Item Application

Individual's Name	Steve Scott
Phone Number	386-562-6947
Business Name	Field not completed.
Street Address	2594 Lakeshore Dr.
Mailing Address	2594 Lakeshore Dr.
City	Flagler Beach
State	Fl
Zip	32136
Subject matter to be discussed with the commission	City installed fence on Pal Parker Park land adjacent to Steve and Nancy Scott's house. My wife and I were satisfied with the placement of the fence, and now at the insistence of one Commissioner (Rick Belhumeur) the fence is being moved so close to my house that I have a very hard time negotiating my yard. I'm 75 years old and don't think the city should treat me this way.
Background information regarding the subject	Several City managers have visited the property and promised many things over the years. All promises have gone unfulfilled. Dale Martin, the current City Manager, and I agreed after two meetings the details of the "Belhumeur" mandated fence. It was installed at the City manager's directions. Myself and my wife were satisfied and because of one commissioner out of five, yelling at the men who installed the fence. The City is going to the expense of pulling up the fence and reinstalling it at a location that the City Manager had not originally approved..
Requested Action sought from the commission	I request that the full Board vote to either move the fence, as a Commission Board, or leave the fence where it is, satisfying myself and my neighbors. This is too important an issue to be left to one Commissioner that has a proven personal grudge against me and my family.
Attachments	20240313_103303.jpg

[20240313_104708.jpg](#)

[20240313_110308.jpg](#)

[20240313_104807.jpg](#)

Please note the City Commission's rules of procedures require all supporting documents to be provided at the time the agenda application is submitted. Please refrain from handing out material at the commission meetings.

The maximum time allowed for each request is 10 minutes.

Signature of Applicant Steve Scott

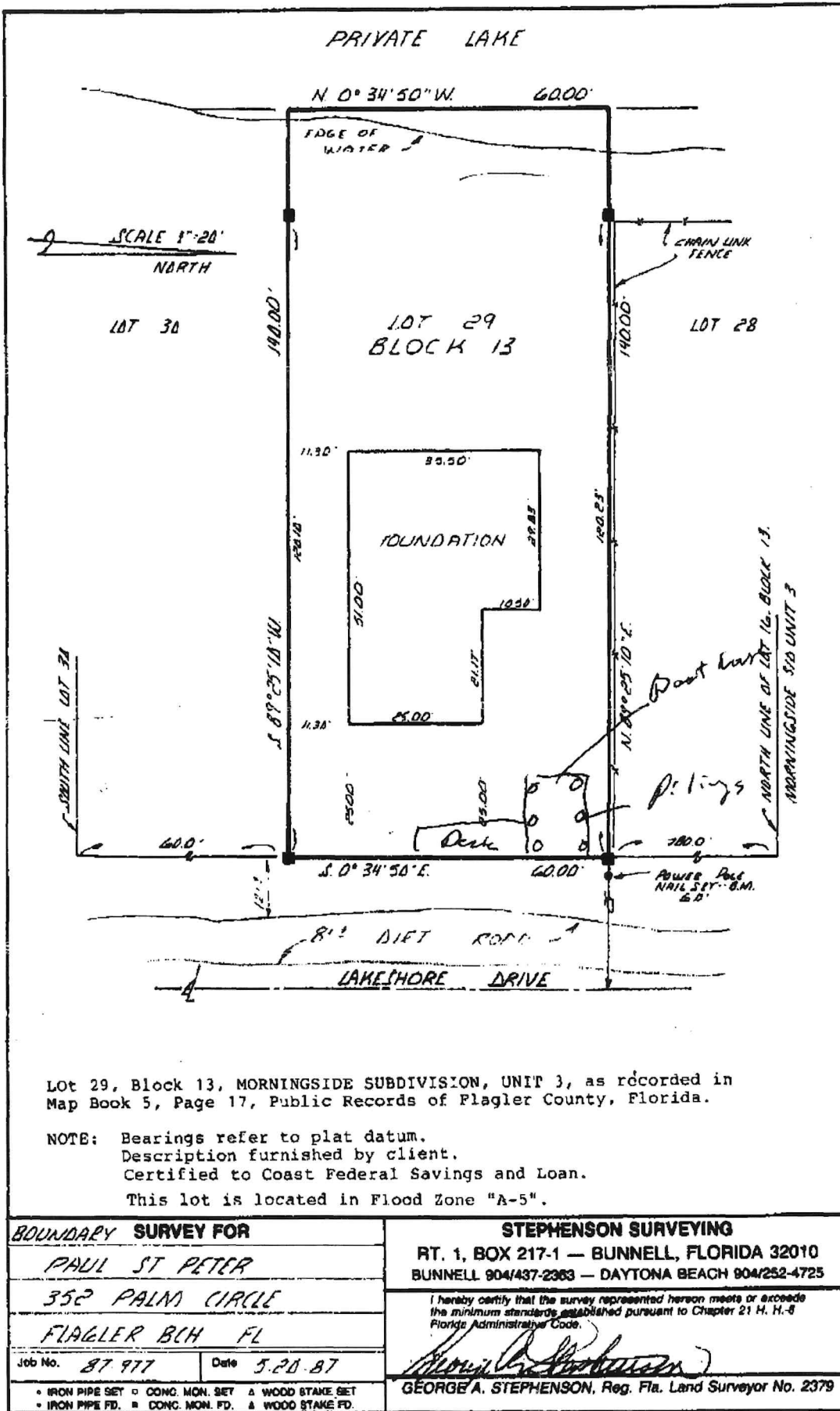
Date *Field not completed.*

Email not displaying correctly? [View it in your browser.](#)









Deuce! #



STAFF REPORT

Regular City Commission Meeting

April 11, 2024

To:

Elected Officials

From:

Dale L. Martin, City Manager

Date:

April 11, 2024

Item Name:

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

Background: The City Commission was provided a Budget Calendar for the preparation of the 2024/2025 Fiscal Year budget. In accordance with that calendar, please find attached a copy of the proposed Five-Year Capital Improvement Budget for the 2024/2025 Fiscal Year.

The Capital Improvement Budget will be subject to revision as the budget process moves forward, but the City Commission review of staff effort to-date will provide initial direction for major projects anticipated next year.

Please note that “reserve” funds which were once included in the Capital Improvement Budget are no longer included. Those funds, as part of a reconfiguration of the total budget, will be allocated in a specific Reserve Fund, and, when slated to be utilized for specific projects or programs, transferred to a new Capital Improvement Fund. This reconfiguration effort is a work in progress by City staff, but should be incorporated into the 2024/2025 Budget.

Fiscal Impact: The proposed Five-Year Capital Improvement Budget totals \$57,654,416. This includes a series of capital improvement projects for the 2024/2025 Fiscal Year totaling \$19,678,216, of which nearly \$18,000,000 is proposed for Utility improvements.

Staff Recommendation: Staff recommends approval of proposed Resolution 2024-25

Attachments: 2024/2025 Fiscal Year Budget Calendar
Proposed Resolution 2024-25

RESOLUTION 2024-25

A RESOLUTION BY THE CITY OF FLAGLER BEACH, FLORIDA, APPROVING A FIVE-YEAR CAPITAL PLAN FOR THE 2024/2025 FISCAL YEAR BUDGET; PROVIDING FOR CONFLICT AND EFFECTIVE DATE, PROVIDING FOR CONFLICT AND EFFECTIVE DATE.

WHEREAS, in preparation of the Fiscal Year 2024/2025 Budget staff is presenting the Five-Year Capital Plan for approval; and

WHEREAS, the approval provides staff the guidance to prepare the remainder of the Fiscal Year 2024/2025 budget.

NOW THEREFORE BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FLAGLER BEACH:

SECTION 1. The Fiscal Year 2024/2025 Five-Year Capital Budget is attached hereto this resolution as Exhibit A.

SECTION 2. All resolutions or parts of resolutions in conflict herewith be and the same are hereby repealed.

SECTION 3. This Resolution shall become effective immediately as provided by law.

PASSED AND ADOPTED THIS _____ DAY OF APRIL, 2024.

CITY OF FLAGLER BEACH, FLORIDA
CITY COMMISSION

ATTEST:

Patti King, Mayor

Penny Overstreet, City Clerk

City of Flagler Beach Five Year Capital Plan - Draft - 4/4/24

Section 6, Item b.

Fund	Department	Project or Equipment Description for Current Year	Funding Grant/Reserves/ Etc.	TOTAL PROJECT 5 YEAR BUDGET Total	BUDGET FY 24/25	BUDGET FY25/26	Budget FY26/27	Budget FY27/28	Budget FY28/29
CRA	CRA	City Parking Lots	CRA	\$ 400,000	\$ 200,000	\$ 200,000			
CRA	CRA	Light Replacements (30YRS)	CRA	\$ 500,000	\$ 300,000	\$ 200,000			
CRA	CRA	Crosswalks (Restamp)	CRA	\$ 460,000			\$ 460,000		
CRA	CRA	Underground Utilities (S. 5th - S. 9th)	CRA	\$ 700,000					\$ 700,000
CRA	CRA	Replace Streetscape Irrigation	CRA	\$ 300,000				\$ 300,000	
	CRA Total			\$2,360,000	\$500,000	\$400,000	\$460,000	\$300,000	\$700,000
BCI	Building Code Inspection	Building Official Vehicle	BCI Fund	\$ 55,000					\$ 55,000
BCI	Building Code Inspection	Building Official Vehicle	BCI Fund	\$ 40,000	\$ 40,000				
BCI	Building Code Inspection	Carport for Vehicles - New	75 BCI/ 25 GF	\$ 50,000			\$ 50,000		
	BCI Total			\$145,000	\$ 40,000	\$ -	\$ 50,000	\$ -	\$ 55,000
General	Planning/Zoning	Code Enforcement New Truck	Unrestricted General Fund	\$ 45,000	\$ 45,000				
General	Planning/Zoning	Sound dampening building department main space - New	75 BCI / 25 GF	\$ 15,250	\$ 15,250				
	Planning/Zoning Total			\$60,250	\$ 60,250	\$ -	\$ -	\$ -	\$ -
General	Beach	Vehicles (Ocean Rescue Truck , ATV, Utility ATV)	Unrestricted General Fund	\$ 100,000	\$ 20,000	\$ 20,000	\$ 20,000	\$ 20,000	\$ 20,000
	Beach Total			\$100,000	\$20,000	\$20,000	\$20,000	\$20,000	\$20,000
General	City Clerk	Fire Wall and Core Switch	Unrestricted General Fund	\$ 50,000				\$ 50,000	
General	City Clerk	Nimble Storage Backup Device	Unrestricted General Fund	\$ 43,000			\$ 43,000		
General	City Clerk	New Server	Unrestricted General Fund	\$ 38,000		\$ 38,000			
	City Clerk Total			\$131,000	\$ -	\$38,000	\$43,000	\$50,000	\$ -
General	IT	Synology Storage Device	Unrestricted General Fund	\$ 13,350	\$ 13,350				
	IT Total			\$13,350	\$13,350	\$ -	\$ -	\$ -	\$ -
General	Fire Dept.	Fire Hydrant Replacement	Infrastructure Reserve	\$ 522,339	\$ 129,039	\$ 130,100	\$ 131,100	\$ 132,100	
General	Fire Dept.	Exterior Surveillance Cameras - Replacement	Unrestricted Utility Fund	\$ 25,000			\$ 25,000		
General	Fire Dept.	Air Pack Replacement	General Fund Reserves	\$ 100,000	\$ 20,000	\$ 20,000	\$ 20,000	\$ 20,000	\$ 20,000
	Fire Dept. Total			\$547,339	\$129,039	\$130,100	\$156,100	\$132,100	\$ -
General	Library	Shelving Replacement	Unrestricted General Fund	\$ 7,000				\$ 7,000	
General	Library	Bathroom Renovations	Unrestricted General Fund	\$ 50,000	\$ 50,000				
General	Library	Interior LED Lighting Replacement & possible wiring update	Unrestricted General Fund	\$ 10,000		\$ 10,000			
	Library Total			\$67,000	\$50,000	\$10,000	\$ -	\$7,000	\$ -
General	Maintenance	2018 Service Truck Replacement F250 (2)	Unrestricted General Fund	\$ 80,000	\$ 40,000			\$ 40,000	
General	Maintenance	Air Conditioning Units	Unrestricted General Fund	\$ 120,000	\$ 24,000	\$ 24,000	\$ 24,000	\$ 24,000	\$ 24,000
General	Maintenance	Trailer	Unrestricted General Fund	\$ 7,000			\$ 7,000		
General	Maintenance	Mower	Unrestricted General Fund	\$ 14,000	\$ 7,000			\$ 7,000	
	Maintenance Total			\$221,000	\$71,000	\$24,000	\$31,000	\$71,000	\$24,000
General	Police Total	New Door Access Control Security System PD	Unrestricted General Fund	\$ 40,000	\$ 40,000				
General	Police	Vehicles	Unrestricted General Fund	\$ 945,000	\$ 185,000	\$ 190,000	\$ 190,000	\$ 190,000	\$ 190,000
	Police Total			\$985,000	\$225,000	\$190,000	\$190,000	\$190,000	\$190,000
General	Roads/Bridges	Multi-Modal - Sidewalks	Unrestricted General Fund	\$ 125,000	\$ 25,000	\$ 25,000	\$ 25,000	\$ 25,000	\$ 25,000
	Roads/Bridges Total			\$125,000	\$25,000	\$25,000	\$25,000	\$25,000	\$25,000
General	Recreation	Sun Trail	Grant	\$ 2,000,000			\$2,000,000		
General	Recreation	Tennis Courts / Parks Improvement Etc.	Unrestricted General Fund	\$ 250,000	\$ 50,000	\$ 50,000	\$ 50,000	\$ 50,000	\$ 50,000
	Recreation			\$2,250,000	\$ 50,000	\$ 50,000	\$ 2,050,000	\$ 50,000	\$ 50,000
Sanitation	Sanitation	Forklift (Pre-Owned)	Sanitation Fund	\$ 15,000	\$ 15,000				
Sanitation	Sanitation	Mechanics Truck (Pre-Owned)	Sanitation Fund	\$ 20,000		\$ 20,000			
Sanitation	Sanitation	Sanitation Truck	Sanitation Fund	\$ 250,000			\$ 250,000		
	Sanitation			\$285,000	\$15,000	\$20,000	\$250,000	\$ -	\$ -
Utility	Lift Station Maintenance	Bypass Pump on Trailer	Unrestricted Utility Fund	\$ 217,000	\$ 70,000		\$ 72,000		\$ 75,000
Utility	Lift Station Maintenance	Large Pumps	Unrestricted Utility Fund	\$ 300,000	\$ 60,000	\$ 60,000	\$ 60,000	\$ 60,000	\$ 60,000
Utility	Lift Station Maintenance	Wet Well Rehabs	Unrestricted Utility Fund	\$ 400,000	\$ 80,000	\$ 80,000	\$ 80,000	\$ 80,000	\$ 80,000
Utility	Lift Station Maintenance	Manhole Rings and Covers	Unrestricted Utility Fund	\$ 250,000	\$ 50,000	\$ 50,000	\$ 50,000	\$ 50,000	\$ 50,000
Utility	Lift Station Maintenance	Lift Stations Rebuild - PS-05, PS-08, LS-01	Unrestricted Utility Fund	\$ 1,025,000	\$ 300,000		\$ 350,000		\$ 375,000
Utility	Lift Station Maintenance	Backup Diesel Driven Pumps	Grant	\$ 500,000		\$ 500,000			
Utility	Lift Station Maintenance	Lift Stations	HNWAG Grant	\$ 2,059,785	\$ 2,059,785				
	Lift Station Maintenance Total			\$4,751,785	\$2,619,785	\$690,000	\$612,000	\$190,000	\$640,000
Utility	Sewer Collections	Crew Truck Replacement	Unrestricted Utility Fund	\$ 40,000		\$ 40,000			
Utility	Sewer Collections	Sewer Connect on Oak Street	Transfer from Reserves	\$ 80,000	\$ 80,000				
	Sewer Collections & Transmission Total			\$120,000	\$80,000	\$40,000	\$ -	\$ -	
Utility	Wastewater Plant	WWTP - New Plant - Placeholder Loan	SRF Loan	\$ 16,000,000	\$ 8,000,000	\$ 8,000,000			
Utility	Wastewater Plant	Operations Building	TBD	\$ 1,500,000		\$ 1,500,000			

Section 6, Item b.

Fund	Department	Project or Equipment Description for Current Year	Funding Grant/Reserves/ Etc.	TOTAL PROJECT 5 YEAR BUDGET Total	BUDGET FY 24/25	BUDGET FY25/26	Budget FY26/27	FY27/28	FY28/29
Utility	Wastewater Plant	Reclaimed Water Project	Water Impact Fees/Grant (Fund 402)	\$ 2,000,000				\$ 1,000,000	\$ 1,000,000
Utility	Wastewater Plant	Retaining Wall (Dirt Berm)- East Side of WWTF	T&D	\$ 325,000	\$ 325,000				
Utility	Wastewater Plant	Flow Equalization Basin/Master Lift Station	HNWAG Grant	\$ 2,013,792	\$ 2,013,792				
	Wastewater Plant Total			\$21,838,792	\$10,338,792	\$9,500,000	\$-	\$1,000,000	\$1,000,000
Utility	T & D Department	Water Service Truck	Unrestricted Utility Fund	\$ 68,000			\$ 68,000		
Utility	T & D Department	Meter Truck Replacement	Unrestricted Utility Fund	\$ 30,000					\$ 30,000
Utility	T & D Department	Potable Water (Intercoastal) River Crossing Design	Unrestricted Utility Fund	\$ 150,000	\$ 150,000				
Utility	T & D Department	Potable Water (Intercoastal) River Crossing Construction	Unrestricted Utility Fund / Grant	\$ 1,500,000		\$ 1,500,000			
Utility	T & D Department	Potable Water (Lambert) River Crossing Construction	Unrestricted Utility Fund	\$ 1,500,000	\$ 1,500,000				
Utility	T & D Department	South 13th Alleyway A1A & Central	Unrestricted Utility Fund	\$ 475,000	\$ 475,000				
Utility	T & D Department	Replacement S. Central Water Line	Potential Grant Funding	\$ 12,500,000	\$ 2,500,000	\$ 2,500,000	\$ 2,500,000	\$ 2,500,000	\$ 2,500,000
Utility	T & D Department	Meter Reader Golf Cart - Replacement	Unrestricted Utility Fund	\$ 6,700	\$ -		\$ 6,700		
	T & D Department			\$16,229,700	\$4,625,000	\$4,000,000	\$2,574,700	\$2,500,000	\$2,530,000
Utility	Water Production	Well # 17 Design	Impact Fees	\$ 115,000			\$ 115,000		
Utility	Water Production	Well # 17 Construction	Impact Fees	\$ 1,400,000				\$ 1,400,000	
Utility	Water Production	1 MG Tank Design	Unrestricted Utility Fund	\$ 150,000	\$ 150,000				
Utility	Water Production	1 MG Tank Construction	Unrestricted Utility Fund	\$ 2,000,000		\$ 2,000,000			
Utility	Water Production	Plant Ground Stone - New Addition	Unrestricted Utility Fund	\$ 17,000	\$ 17,000				
Utility	Water Production	Replacement Vehicles	Unrestricted Utility Fund	\$ 75,000	\$ 75,000				
Utility	Water Production	Acid Tanks - Placeholder	Unrestricted Utility Fund	\$ 66,000	\$ 66,000				
Utility	Water Production	Stabilization Well 13 Road	Unrestricted Utility Fund	\$ 20,000		\$ 20,000			
Utility	Water Production	Well # 18 Design	Impact Fees	\$ 120,000				\$ 120,000	
Utility	Water Production	Well # 18 Construction	Impact Fees	\$ 1,800,000					\$ 1,800,000
Utility	Water Production	Extend Equipment Shed	Unrestricted Utility Fund	\$ 8,000	\$ 8,000	\$ -	\$ -	\$ -	\$ -
	Water Production Total			\$5,771,000	\$316,000	\$2,020,000	\$115,000	\$1,520,000	\$1,800,000
Storm Water	Engineering/ Stormwater	Stormwater Improvements South Flagler Avenue Rte. 100-S 7th	HMPG 4486 Grant Fed 75%/State 15%/City 10%	\$ -					
Storm Water	Engineering/ Stormwater	Custer's Palm Harbor	Stormwater Funds	\$ 395,400				\$ 395,400	
Storm Water	Engineering/ Stormwater	Palm Harbor	Stormwater Funds	\$ 757,800					\$ 757,800
Storm Water	Engineering/ Stormwater	Back Flow Preventers on Southwest Area of Town	Stormwater Funds	\$ 500,000	\$ 500,000				
	Engineering Total			\$1,653,200	\$500,000	\$-	\$-	\$395,400	\$757,800
	Totals			\$ 57,654,416	\$ 19,678,216	\$ 17,157,100	\$ 6,576,800	\$ 6,450,500	\$ 7,791,800

5 Year Capital Plan by Fund

Fund	TOTAL PROJECT 5 YEAR BUDGET	BUDGET FY 24/25	BUDGET 25/26	BUDGET 26/27	BUDGET 27/28	BUDGET 28/29
CRA	\$ 2,360,000	\$ 500,000	\$ 400,000	\$ 460,000	\$ 300,000	\$ 700,000
Building Code Inspection	\$ 60,250	\$ 60,250	\$ 0	\$ 0	\$ 0	\$ 0
General	\$ 4,584,689	\$ 623,389	\$ 487,100	\$ 2,565,100	\$ 545,100	\$ 364,000
Sanitation	\$ 285,000	\$ 15,000	\$ 20,000	\$ 250,000	\$ 0	\$ 0
Storm Water	\$ 1,653,200	\$ 500,000	\$ 0	\$ 0	\$395,400	\$757,800
Utility	\$ 48,711,277	\$ 17,979,577	\$ 16,250,000	\$ 3,301,700	\$ 5,210,000	\$ 5,970,000
Total	\$ 57,654,416	\$ 19,678,216	\$ 17,157,100	\$ 6,576,800	\$ 6,450,500	\$ 7,791,800



STAFF REPORT

Regular City Commission Meeting

March 28, 2024

To: Elected Officials

From: Dale L. Martin, City Manager

Date: March 28, 2024

Item Name: Resolution 2024-26 A Resolution by the City of Flagler Beach, Florida, authorizing the City Manager to submit an application to the Florida Inland Navigational District for the 2024 Grant Cycle; providing for conflict and effective date.

Background: At the previous City Commission meeting, the City Commission adopted Resolution 2024-20, supporting an application to The Florida Inland Navigation District (FIND) for project funding. The proposed project was the clearance of vegetation and enhanced parking in the vicinity of Lambert Avenue beneath the State Route 100 (Moddy Boulevard) bridge over the Atlantic Intracoastal Waterway (AICW). Following City Commission adoption of Resolution 2024-20, the City’s application was completed and submitted to FIND on April 1, 2024.

Resolution 2024-20 was not properly formatted as required by the FIND application instructions; therefore, a revised Resolution (identified as Resolution 2024-26) is presented to the City Commission for consideration. The revised proposed Resolution entails no changes to the original project application.

The other shortcoming of the City’s application- clarification of ownership and authorization to use the subject property- will continue to be pursued by City staff. The City has until May 15 to submit additional supporting documentation to FIND. A formal presentation of the project will be provided to the FIND Board of Directors on June 21-22, 2024 (Brevard County).

Fiscal Impact: The cost of the project is estimated at \$20,040: commercial clearance of vegetation, paver blocks, and picnic tables. If awarded, the project will be funded through the General Fund, Recreation Department, Line 001.5800.606300 (Improvements).

Staff Recommendation: Staff recommends approval of proposed Resolution 2024-26

Attachments: Proposed Resolution 2024-26

RESOLUTION 2024-26

A RESOLUTION BY THE CITY OF FLAGLER BEACH, FLORIDA,
REQUESTING ASSISTANCE UNDER THE 2024 FLORIDA INLAND
NAVIGATION DISTRICT WATERWAYS ASSISTANCE PROGRAM;
PROVIDING FOR CONFLICT AND AN EFFECTIVE DATE.

WHEREAS, the City of Flagler Beach, Florida is interested in carrying out the following described project for the enjoyment of the citizenry of Flagler Beach and the State of Florida:

PROJECT TITLE: Flagler Beach Intracoastal Access/Overwatch
PROJECT COST: \$20,040
BRIEF DESCRIPTION OF PROJECT: Removal of invasive vegetation (Brazilian Pepper), installation of concrete pavers for picnic table(s) base, shore-based fishing, a small passive park with non-consumptive uses such and wildlife and bird observation and fishing, for the preservation of wildlife and the environment, and

WHEREAS, Florida Inland Navigational District financial assistance is required for the program mentioned above.

NOW THEREFORE BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FLAGLER BEACH, AS FOLLOWS:

SECTION 1. The Flagler Beach City Commission hereby authorizes the Project, and further resolves to make application to the Florida Inland Navigational District in an amount up to \$9,920, 50% of the cost of the project in behalf of the City of Flagler Beach, and it further resolves the following:

SECTION 2. That it will accept the terms and conditions set forth in FIND RULE 66B-2 F.A.C. and which will be a part of the Project Agreement for any assistance awarded under the attached proposal.

SECTION 3. That it is in complete accord with the attached proposal and that it will carry out the Program in a manner described in the proposal and any plans and specifications attached thereto unless prior approval for any change has been received from the District.

SECTION 4. That it has the ability and intention to finance its share of the cost of the project and that the project will be operated and maintained at the expense of the City of Flagler Beach for public use.

SECTION 5. That it will not discriminate against any person on the basis of race, color or national origin in the use of any property or facility acquired or developed pursuant to this proposal, and shall comply with the terms and intent of Title VI of the Civil Rights Act of 1964, P.L.88-352 (1964) and design and construct all facilities to comply fully with statutes relating to accessibility by persons with disabilities as well as other federal, state and local laws, rules and requirements.

SECTION 6. That it will make available to FIND if requested, a post-audit of expenses incurred on the project prior to, or in conjunction with the request for the final 10% of the funding agreed to by FIND.

SECTION 7. All resolutions or parts of resolutions in conflict herewith be and the same are hereby repealed.

SECTION 8. This Resolution shall become effective immediately upon passage as provided by law.

PASSED AND ADOPTED THIS ____TH DAY OF APRIL, 2024.

CITY OF FLAGLER BEACH, FLORIDA
CITY COMMISSION

ATTEST:

Patti King, Mayor

Penny Overstreet, City Clerk

ATTACHMENT E-7
RESOLUTION FOR ASSISTANCE 2024
UNDER THE FLORIDA INLAND NAVIGATION DISTRICT
WATERWAYS ASSISTANCE PROGRAM

WHEREAS, THE City of Flagler Beach is interested in carrying out the
(Name of Agency)
following described project for the enjoyment of the citizenry of Flagler Beach
and the State of Florida:

Project Title Flagler Beach Intracoastal Access/Overwatch

Total Estimated Cost \$ 20,040.00

Brief Description of Project:
Enhanced access to and visibility of the AICW from a site located beneath the
SR100 bridge (Mile 810.6)

AND, Florida Inland Navigation District financial assistance is required for the program
mentioned above,

NOW THEREFORE, be it resolved by the City of Flagler Beach
(Name of Agency)
that the project described above be authorized,

AND, be it further resolved that said City of Flagler Beach
(Name of Agency)
make application to the Florida Inland Navigation District in the amount of 49.5 % of the
actual cost of the project in behalf of said City of Flagler Beach
(Name of Agency)

AND, be it further resolved by the City of Flagler Beach
(Name of Agency)
that it certifies to the following:

1. That it will accept the terms and conditions set forth in FIND Rule 66B-2
F.A.C. and which will be a part of the Project Agreement for any assistance awarded under
the attached proposal.
2. That it is in complete accord with the attached proposal and that it will carry out
the Program in the manner described in the proposal and any plans and specifications attached
thereto unless prior approval for any change has been received from the District.

(1)

3. That it has the ability and intention to finance its share of the cost of the project and that the project will be operated and maintained at the expense of said _____
City of Flagler Beach for public use.
(Name of Agency)

4. That it will not discriminate against any person on the basis of race, color or national origin in the use of any property or facility acquired or developed pursuant to this proposal, and shall comply with the terms and intent of the Title VI of the Civil Rights Act of 1964, P. L. 88-352 (1964) and design and construct all facilities to comply fully with statutes relating to accessibility by persons with disabilities as well as other federal, state and local laws, rules and requirements.

5. That it will maintain adequate financial records on the proposed project to substantiate claims for reimbursement.

6. That it will make available to FIND if requested, a post-audit of expenses incurred on the project prior to, or in conjunction with, request for the final 10% of the funding agreed to by FIND.

This is to certify that the foregoing is a true and correct copy of a resolution duly and legally adopted by the City of Flagler Beach at a legal meeting
(agency governing board)
held on this 11 day of April 2024.

Attest
City Clerk

Title

Signature
Mayor

Title

NOTE: This specific Resolution was not adopted by the City Commission, but a similar Resolution of official support for the project was adopted⁽²⁾ (see attached). With permission, and to satisfy the formal acknowledgment and acceptance of the aforementioned terms, this Resolution will be submitted to the Flagler Beach City Commission at the next available opportunity (April 11, 2024).

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ORDINANCE NO. 2024-04

AN ORDINANCE OF THE CITY OF FLAGLER BEACH, FLORIDA, RELATING TO IMPACT FEES; ADOPTING THE FEE STUDY PREPARED BY TISCHLER BISE; INCREASING THE AMOUNTS TO BE CHARGED FOR WATER AND WASTEWATER IMPACT FEES; ADOPTING NEW POLICE, FIRE, LIBRARY, AND PARKS AND RECREATION IMPACT FEES; ESTABLISHING AN ADMINISTRATIVE CHARGE CONSISTENT WITH STATE LAW; AMENDING REGULATIONS PERTAINING TO THE COLLECTION, USE, AND TIMING OF PAYMENTS OF WATER, WASTEWATER, POLICE, FIRE, LIBRARY, AND PARKS AND RECREATION IMPACT FEES; PROVIDING FOR NOTICE OF INCREASED AND NEW FEES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY AND CONFLICTS, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, under its home rule powers and pursuant to §163.31801, *Florida Statutes*, the City of Flagler Beach may impose impact fees to ensure that new development pays for its proportional share of capital facilities required by such new development; and

WHEREAS, the City of Flagler Beach last amended its water and wastewater impact fee program in 2012; and

WHEREAS, the City Commission of the City of Flagler Beach has studied the necessity for and implications of the adoption of an ordinance updating the water and wastewater impact fees and adopting police, fire, library, and parks and recreation impact fees and has retained a professional consulting firm to prepare a study relating to these fees (the “Study”) to determine the proportionate demand that new development generates for additional water, wastewater, police, fire, library, and parks and recreation facilities and improvements; and

WHEREAS, the Study has been presented to and reviewed by the City Commission of the City of Flagler Beach, and it has been determined: (1) water, wastewater, police, fire, library, and parks and recreation impact fees are necessary to offset the costs associated with meeting future demands for the City’s water, wastewater, police, fire, library, and parks facilities pursuant to the

projections set forth in the Study; (2) that the new impact fees bear a reasonable relationship to the burden imposed upon the City to provide infrastructure and facilities to meet the demand of new City residents; (3) that impact fee revenues will provide a direct benefit to such new City residents reasonably related to the fees assessed; (4) that an essential nexus exists between projected new development and the need for additional facilities and infrastructure to be funded with impact fees and the benefits that accrue to new development paying the fees; (5) that the amount of the impact fees are roughly proportional to the *pro rata* share of the additional facilities and infrastructure needed to serve new development; and

WHEREAS, §163.31801, *Florida Statutes* requires impact fee increases to be implemented in annual increments as directed by the statute; and

WHEREAS, Section 163.31801, *Florida Statutes* requires that local governments ensure that collection of an impact fee not be required to occur earlier than the date of issuance of the building permit for the property that is subject to the fee; and

WHEREAS, the fees adopted herein are consistent with the maximum increase and phase-in provisions of Section 163.31801, *Florida Statutes*;

WHEREAS, the decisions of the City Commission as set forth herein are reasonable and prudent steps pertaining to sound growth management which have been taken for the benefit of the citizens of the City, both present and future; and

WHEREAS, the City is projected to significantly grow in population and further economically develop in the future; and

WHEREAS, this Ordinance contains an administrative framework to ensure that the benefit of facilities and infrastructure funded with impact fees will accrue proportionately to new development paying the fees; and

55
56 **WHEREAS**, Section 163.3202(3), *Florida Statutes*, encourages the use of innovative
57 land use regulations and impact fees by local governments to manage growth and to provide the
58 necessary public facilities and for the imposition by local governments of impact fees on
59 development to fund the capital cost of facilities necessitated by such development; and

60 **WHEREAS**, requiring future growth to contribute its fair share of the costs necessary to
61 fund required capital improvements and additions is an integral and vital part of the regulatory
62 plan of growth management in the City and is a practice consistent with sound and generally
63 accepted growth management, fiscal and public administration practices and principles; and

64 **WHEREAS**, for clarity and ease of reference all impact fees provisions shall be located in
65 a new Chapter 12 of the Code of Ordinances entitled “Impact Fees” and deletion of the existing
66 provisions related to water and wastewater impact fees contained herein is a relocation of the
67 provisions establishing and regulating those impact fees, not a repeal of said impact fees.

68 Note: Underlined words constitute the new text of the City of Flagler Beach Code of
69 Ordinances, asterisks (***) indicate an omission from the original text of the Code of Ordinances,
70 City of Flagler Beach, which is intended to remain unchanged, and ~~striketrough~~ constitutes
71 deletions from the original Code of Ordinances.

72 **NOW, THEREFORE, BE IT ORDAINED** by the City Commission of the City of Flagler
73 Beach, Florida, as follows:

74 **SECTION 1.** The above recitals, or “Whereas” clauses, are hereby adopted as the City
75 Commission’s legislative findings and are incorporated herein by reference.

76 **SECTION 2.** Chapter 12 of the Flagler Beach Code of Ordinances is hereby created as follows:
77

CHAPTER 12 – IMPACT FEES

ARTICLE I. ADOPTION OF FEE STUDY AND RATIONAL NEXUS

(a) The city commission hereby adopts by reference the Impact Fee Study dated February 8, 2024 as prepared by Tischler Bise relating to the capital costs of the City of Flagler Beach to meet facilities and infrastructure needs related to the impacts of new development for water, wastewater, police, fire, library parks and recreation, and administrative services.

(b) The city commission finds that there is a reasonable connection, or rational nexus, between the need for new or expanded facilities and infrastructure in the city and the growth in population anticipated within the city. In addition, the city commission finds there is a reasonable connection, or rational nexus, between the anticipated expenditures of the impact fees collected and the benefits accruing to anticipated new development.

ARTICLE II. DEFINITIONS

The following words, terms and phrases, when used in this chapter, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning, or except as otherwise provided.

Applicant means any person, developer, builder or entity which requires public services as a result of development for the benefit of itself or a prospective future occupant.

Building is any structure, either temporary or permanent, designed or built for the support, enclosure shelter or protection of persons, chattels or property of any kind. This term shall include trailers, mobile homes or any other vehicles serving in any way the function of a building. This term shall not include temporary construction sheds or

trailers erected to assist in construction and maintained during the time of a construction.

Nonresidential includes all land uses not otherwise specified as residential or exempted as set forth herein. This shall include, but is not limited to day care facilities, residential care facilities, nursing homes, boarding houses, educational facilities, cultural facilities, churches, all commercial uses, all transient lodging and entertainment facilities except those which are temporary in nature, all automotive facilities and/or structures, all miscellaneous business uses and services and all industrial uses.

Owner of record means the most recent owner of a parcel of property appearing in the official records of Flagler County, Florida.

Residential means multifamily dwelling units, mobile homes, and single-family detached houses.

ARTICLE III. GENERAL TERMS RELATED TO COLLECTION AND ACCOUNTING OF IMPACT FEE FUNDS

(a) There are established capital fund accounts for impact fees, to be generally designated as the "Impact Fee Capital Improvement Trust Fund for the Extension of Primary Water Systems," "Impact Fee Capital Improvement Trust Fund for the Extension of Primary Wastewater Systems," "Police Impact Fee Account," "Fire Impact Fee Account," "Library Impact Fee Account, and "Parks and Recreation Impact Fee Account." Each capital fund account for impact fees shall continue to be maintained separate and apart from all other accounts of the city. The monies deposited into the impact fee capital fund accounts shall be used solely for the purposes allowed by *Florida Statutes* and as set forth in this chapter.

124 (b) Funds on deposit in impact fee accounts established within this article
125 shall not be used for any expenditure that would be classified as an operational expense,
126 a maintenance expense or a repair expense.

127 (c) Any funds on deposit in an impact fee account not immediately
128 necessary for expenditure shall be invested in interest-bearing accounts. Applicants
129 shall not receive a credit for or be entitled to interest from the investment of such funds,
130 except as otherwise required in this chapter.

131 (d) An applicant may request an estimate of impact fees which may be
132 imposed by filing a written request to the city. Any estimate which the city provides is
133 non-binding and may be subject to change when the impact fees become due and
134 payable pursuant to this chapter. Non-binding estimates are for the sole benefit of the
135 prospective applicant and neither bind the city, nor preclude it from making
136 amendments or revisions to any provisions of this chapter. No vested rights, legal
137 entitlements, or equitable estoppel accrue by reason of a non-binding estimate. A non-
138 binding fee estimate does not constitute a final decision and may not be appealed
139 pursuant to this chapter.

140 (e) Any person who disagrees with a decision or interpretation of this
141 chapter may appeal to the city manager or designee by filing a written notice of appeal
142 within ten (10) days after the date of the action or decision complained of. The written
143 notice of appeal shall set forth concisely the action or decision appealed as well as the
144 grounds upon which the appeal is based. The city manager or designee shall consider
145 all facts material to the appeal and render a written decision within thirty (30) days of
146 receiving the appeal. Any person who disagrees with the decision of the city manager

147 or designee may appeal to the city commission by filing a written notice of appeal with
148 the city manager's office setting forth concisely the decision appealed within ten (10)
149 days after the date of the city manager's decision. The appeal shall be set for the next
150 available city commission meeting for consideration. The city commission's written
151 decision shall constitute final administrative review

152 (f) In accordance with state law, impact fees for new construction shall not
153 become due until issuance of building permits for such construction. Notwithstanding
154 the foregoing, impact fees may be prepaid at the developer's option. Failure to pay an
155 impact fee when determined by the city that an obligation is required to satisfy the
156 impact of development may result in the amount due becoming a lien against the
157 property. The city shall provide a written notice of the impact fee due by personal
158 service, certified, return receipt requested United States Mail or Federal Express or
159 other equivalent overnight letter delivery company. Upon failure to pay the impact fee
160 within thirty (30) days of the date of the notice, a notice of lien may be served upon the
161 applicant owing impact fees and recorded in official records of Flagler County, Florida.
162 Such lien may be foreclosed in the manner provided by law, and there shall be added to
163 the amount of such lien all costs incident to such proceedings including reasonable
164 attorney's fees

165 (g) If impact fees have not been expended or encumbered by the end of the
166 calendar quarter immediately following ten (10) years from the date the fees were paid,
167 upon application of the fee payer of proof of payment, or proof of the date the
168 development permit was approved by the city and that development was never begun,
169 the fees shall be returned with interest at the rate determined by the city based upon the

average interest earning rate incurred by the city in accordance with the following procedure:

(1) The present owner must petition the city Commission for the refund within one (1) year following the end of the calendar quarter immediately following ten (10) years from the date on which the fee was received.

(2) The petition must be submitted to the city manager and must contain:

(i) A notarized sworn statement that the petitioner is the current owner of the property;

(ii) A copy of the dated receipt issued for payment of the fee or other document evidencing the date the development was approved by the city, which development was never begun;

(iii) A certified copy of the latest recorded deed; and

(iv) A copy of the most recent ad valorem tax bill.

If reimbursement is approved, the city shall remit to the petitioner within sixty (60) days of approval. In determining whether a petitioner is entitled to a refund, it shall be assumed that impact fees are expended or encumbered in the same order in which they were received (that is, "first in, first out"). No refund shall be made of any administrative fee authorized and collected pursuant to this chapter.

(h) Any change in the use of property shall require payment of an impact fee in an amount equal to any increase in density or intensity.

(i) All impact fee revenues expended from an impact fee fund shall be used for the purpose of providing growth necessitated capital improvements and acquiring,

designing, constructing, extending, expanding, relocating, and/or separating capital facilities and infrastructure determined by the city commission to be necessary to serve new development.

(j) The City shall be exempt from impact fee charges.

ARTICLE IV. POTABLE WATER IMPACT FEE

(a) Any applicant who seeks to develop land or make improvements to real property shall pay the following potable water impact fees in the manner and amount established and computed pursuant to this article.

(b) Subject to the phase-in of fees pursuant to Section 163.31801, *Florida Statutes*, as set forth in paragraph (c) below, impact fees charged and collected for potable water shall be as follows:

<u>Meter Size and Type</u>	<u>Capacity Ratio</u>	<u>Total Impact Fee to be Collected after Phase-In¹</u>	<u>Existing Impact Fee at Time of Adoption²</u>	<u>Increase Over Existing</u>
<u>0.75 Displacement</u>	<u>1.00</u>	<u>\$3,007</u>	<u>\$2,509</u>	<u>\$498</u>
<u>1.00 Displacement</u>	<u>1.67</u>	<u>\$5,022</u>	<u>\$4,190</u>	<u>\$832</u>
<u>1.50 Displacement</u>	<u>3.33</u>	<u>\$10,015</u>	<u>\$8,356</u>	<u>\$1,659</u>
<u>2.00 Displacement</u>	<u>5.33</u>	<u>\$16,029</u>	<u>\$13,374</u>	<u>\$2,655</u>
<u>3.00 Singlejet</u>	<u>10.67</u>	<u>\$32,089</u>	<u>\$26,773</u>	<u>\$5,316</u>
<u>3.00 Compound</u>	<u>10.67</u>	<u>\$32,089</u>	<u>\$26,773</u>	<u>\$5,316</u>

¹ AWWA Manual of Water Supply Practices M-1, 7th Ed.

² Base meter fee is the current water fee and then is scaled up using the proposed meter capacity ratio

<u>3.00 Turbine</u>	<u>11.67</u>	<u>\$35,096</u>	<u>\$29,282</u>	<u>\$5,814</u>
<u>4.00 Singlejet</u>	<u>16.67</u>	<u>\$50,133</u>	<u>\$41,828</u>	<u>\$8,305</u>
<u>4.00 Compound</u>	<u>16.67</u>	<u>\$50,133</u>	<u>\$41,828</u>	<u>\$8,305</u>
<u>4.00 Turbine</u>	<u>21.00</u>	<u>\$63,155</u>	<u>\$52,693</u>	<u>\$10,462</u>
<u>6.00 Singlejet</u>	<u>33.33</u>	<u>\$100,236</u>	<u>\$83,631</u>	<u>\$16,604</u>
<u>6.00 Compound</u>	<u>33.33</u>	<u>\$100,236</u>	<u>\$83,631</u>	<u>\$16,604</u>
<u>6.00 Turbine</u>	<u>43.33</u>	<u>\$130,310</u>	<u>\$108,723</u>	<u>\$21,586</u>
<u>8.00 Compound</u>	<u>53.33</u>	<u>\$160,383</u>	<u>\$62,396</u>	<u>\$31,198</u>
<u>8.00 Turbine</u>	<u>93.33</u>	<u>\$163,794</u>	<u>\$133,815</u>	<u>\$26,568</u>
<u>10.00 Turbine</u>	<u>140.00</u>	<u>\$421,032</u>	<u>\$351,287</u>	<u>\$69,746</u>
<u>12.00 Turbine</u>	<u>176.67</u>	<u>\$531,313</u>	<u>\$443,299</u>	<u>\$88,014</u>

(c) Implementation of the increased fees provided herein shall be phased in over two equal installments. During the twelve month period beginning October 1, 2024, the impact fee to be collected shall be the Existing Impact Fee at Time of Adoption amount plus one-half (1/2) of the Increase Over Existing amount. During the twelve month period beginning October 1, 2025, the impact fee to be collected shall be the Total Impact Fee to be Collected after Phase-In.

ARTICLE V. WASTEWATER IMPACT FEE

(a) Any applicant who seeks to develop land or make improvements to real property shall pay the following wastewater impact fees in the manner and amount established and computed pursuant to this article.

(b) Subject to the phase-in of fees pursuant to Section 163.31801, *Florida Statutes*, as set forth in paragraph (c) below, impact fees charged and collected for wastewater shall be as follows:

<u>Meter Size and Type</u>	<u>Capacity Ratio</u>	<u>Total Impact Fee to be Collected after Phase-In³</u>	<u>Existing Impact Fee at Time of Adoption⁴</u>	<u>Increase Over Existing</u>
<u>0.75 Displacement</u>	<u>1.00</u>	<u>\$3,806</u>	<u>\$3,083</u>	<u>\$723</u>
<u>1.00 Displacement</u>	<u>1.67</u>	<u>\$6,356</u>	<u>\$5,148</u>	<u>\$1,208</u>
<u>1.50 Displacement</u>	<u>3.33</u>	<u>\$12,673</u>	<u>\$10,265</u>	<u>\$2,408</u>
<u>2.00 Displacement</u>	<u>5.33</u>	<u>\$20,284</u>	<u>\$16,430</u>	<u>\$3,855</u>
<u>3.00 Singlejet</u>	<u>10.67</u>	<u>\$40,607</u>	<u>\$32,890</u>	<u>\$7,717</u>
<u>3.00 Compound</u>	<u>10.67</u>	<u>\$40,607</u>	<u>\$32,890</u>	<u>\$7,717</u>
<u>3.00 Turbine</u>	<u>11.67</u>	<u>\$44,412</u>	<u>\$35,973</u>	<u>\$8,440</u>
<u>4.00 Singlejet</u>	<u>16.67</u>	<u>\$63,441</u>	<u>\$51,385</u>	<u>\$12,056</u>
<u>4.00 Compound</u>	<u>16.67</u>	<u>\$63,441</u>	<u>\$51,385</u>	<u>\$12,056</u>
<u>4.00 Turbine</u>	<u>21.00</u>	<u>\$79,920</u>	<u>\$64,733</u>	<u>\$15,187</u>
<u>6.00 Singlejet</u>	<u>33.33</u>	<u>\$126,844</u>	<u>\$102,740</u>	<u>\$24,104</u>
<u>6.00 Compound</u>	<u>33.33</u>	<u>\$126,844</u>	<u>\$102,740</u>	<u>\$24,104</u>
<u>6.00 Turbine</u>	<u>43.33</u>	<u>\$164,901</u>	<u>\$133,565</u>	<u>\$31,336</u>

³ AWWA Manual of Water Supply Practices M-1, 7th Ed.

⁴ Base meter fee is the current sewer fee and then is scaled up using the proposed meter capacity ratio

<u>8.00 Compound</u>	<u>53.33</u>	<u>\$202,958</u>	<u>\$202,958</u>	<u>\$38,568</u>
<u>8.00 Turbine</u>	<u>93.33</u>	<u>\$355,186</u>	<u>\$287,690</u>	<u>\$67,496</u>
<u>10.00 Turbine</u>	<u>140.00</u>	<u>\$532,798</u>	<u>\$431,550</u>	<u>\$101,248</u>
<u>12.00 Turbine</u>	<u>176.67</u>	<u>\$672,353</u>	<u>\$544,585</u>	<u>\$127,767</u>

(c) Implementation of the increased fees provided herein shall be phased in over four equal installments. During the twelve month period beginning October 1, 2024, the impact fee to be collected shall be the Existing Impact Fee at Time of Adoption amount plus one-half (1/2) of the Increase Over Existing amount. During the twelve month period beginning October 1, 2025, the impact fee to be collected shall be the Total Impact Fee to be Collected after Phase-In.

ARTICLE VI. POLICE IMPACT FEE

(a) Any applicant who seeks to develop land or make improvements to real property shall pay the following police impact fees in the manner and amount established and computed pursuant to this article.

(b) Beginning October 1, 2024, the police impact fee to be charged and collected shall be as follows:

<u>Residential Fee per Unit</u>	
<u>Square Footage</u>	<u>Impact Fee to be Collected</u>
<u>1,100 or less</u>	<u>\$455</u>
<u>1,101 to 1,500</u>	<u>\$717</u>
<u>1,501 to 2,000</u>	<u>\$905</u>

<u>2,001 to 2,500</u>	<u>\$1,054</u>
<u>2,501 to 3,000</u>	<u>\$1,176</u>
<u>3,001 to 3,500</u>	<u>\$1,281</u>
<u>3,501 or more</u>	<u>\$1,373</u>

<u>Nonresidential Fee per 1,000 Square Feet</u>	
<u>Development Type</u>	<u>Impact Fee to be Collected</u>
<u>Industrial</u>	<u>\$381</u>
<u>Commercial</u>	<u>\$1,911</u>
<u>Office & Other Services</u>	<u>\$848</u>
<u>Institutional</u>	<u>\$1,166</u>

ARTICLE VII. FIRE IMPACT FEE

(a) Any applicant who seeks to develop land or make improvements to real property shall pay the following fire impact fees in the manner and amount established and computed pursuant to this article.

(b) Beginning October 1, 2024, the fire impact fee to be charged and collected shall be as follows:

<u>Residential Fee per Unit</u>	
<u>Square Footage</u>	<u>Impact Fee to be Collected</u>
<u>1,100 or less</u>	<u>\$538</u>

<u>1,101 to 1,500</u>	<u>\$849</u>
<u>1,501 to 2,000</u>	<u>\$1,071</u>
<u>2,001 to 2,500</u>	<u>\$1,247</u>
<u>2,501 to 3,000</u>	<u>\$1,392</u>
<u>3,001 to 3,500</u>	<u>\$1,516</u>
<u>3,501 or more</u>	<u>\$1,625</u>

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<u>Nonresidential Fee per 1,000 Square Feet</u>	
<u>Development Type</u>	<u>Impact Fee to be Collected</u>
<u>Industrial</u>	<u>\$451</u>
<u>Commercial</u>	<u>\$2,261</u>
<u>Office & Other Services</u>	<u>\$1,003</u>
<u>Institutional</u>	<u>\$1,380</u>

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242 **ARTICLE VIII. LIBRARY IMPACT FEE**

243 (a) Any applicant who seeks to develop land or make improvements to real
244 property for residential development shall pay the following library impact fees in the
245 manner and amount established and computed pursuant to this article.

246 (b) Beginning October 1, 2024, the library impact fee to be charged and
247 collected shall be as follows:

<u>Residential Fee per Unit</u>
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<u>Square Footage</u>	<u>Impact Fee to be Collected</u>
<u>1,100 or less</u>	<u>\$123</u>
<u>1,101 to 1,500</u>	<u>\$193</u>
<u>1,501 to 2,000</u>	<u>\$244</u>
<u>2,001 to 2,500</u>	<u>\$284</u>
<u>2,501 to 3,000</u>	<u>\$317</u>
<u>3,001 to 3,500</u>	<u>\$345</u>
<u>3,501 or more</u>	<u>\$370</u>

ARTICLE IX. PARKS AND RECREATION IMPACT FEE

(a) Any applicant who seeks to develop land or make improvements to real property for residential development shall pay the following parks and recreation impact fees in the manner and amount established and computed pursuant to this article.

(b) Beginning October 1, 2024, the parks and recreation impact fee to be charged and collected shall be as follows:

<u>Residential Fee per Unit</u>	
<u>Square Footage</u>	<u>Impact Fee to be Collected</u>
<u>1,100 or less</u>	<u>\$539</u>
<u>1,101 to 1,500</u>	<u>\$850</u>
<u>1,501 to 2,000</u>	<u>\$1,073</u>
<u>2,001 to 2,500</u>	<u>\$1,250</u>

<u>2,501 to 3,000</u>	<u>\$1,395</u>
<u>3,001 to 3,500</u>	<u>\$1,519</u>
<u>3,501 or more</u>	<u>\$1,628</u>

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256 **ARTICLE X. ADMINISTRATIVE FEE**

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Beginning October 1, 2024, the administrative fee charged and collected for new

258 development shall be as follows:

<u>Residential Fee per Unit</u>	
<u>Square Footage</u>	<u>Administrative Charge</u>
<u>1,100 or less</u>	<u>\$3</u>
<u>1,101 to 1,500</u>	<u>\$5</u>
<u>1,501 to 2,000</u>	<u>\$6</u>
<u>2,001 to 2,500</u>	<u>\$7</u>
<u>2,501 to 3,000</u>	<u>\$8</u>
<u>3,001 to 3,500</u>	<u>\$8</u>
<u>3,501 or more</u>	<u>\$9</u>

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<u>Nonresidential Fee per 1,000 Square Feet</u>	
<u>Development Type</u>	<u>Administrative Charge</u>
<u>Industrial</u>	<u>\$4</u>
<u>Commercial</u>	<u>\$6</u>
<u>Office & Other Services</u>	<u>\$9</u>
<u>Institutional</u>	<u>\$8</u>

SECTION 3. Appendix “A,” “Land Development Regulations” of the City of Flagler Beach, Code of Ordinances is amended by deleting existing Sections 5.03.87 through 5.03.93 which is being replaced by portions of the new language in Section 2, above.

~~**Sec. 5.03.87. Impact Fee.**~~

~~**Sec. 5.03.88. Definitions.**~~

~~The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:~~

~~*Combination accounts.* Accounts that contain both residential and commercial facilities served through a common meter may be treated as nonresidential.~~

~~*Equivalent living unit.* The following is a definition of equivalent living unit (E.L.U.)~~

~~(1) *Residential Single family.* Each single family residence served by the city through a single sewer service and/or water meter shall be one (1) equivalent living unit.~~

~~(2) *Residential Rooms, combinations of rooms, etc.* Each residential room, combination of rooms, apartment, or prepared mobile home space, that includes connection points for sewer and/or water service that is owner-occupied, offered separately for rent as a rental unit, or vacant, shall be one (1) equivalent living unit.~~

~~(3) *Nonresidential, commercial and industrial.* For nonresidential uses not specifically defined elsewhere in this article, the number of equivalent living units shall be computed by the building official using the fixture unit count as defined in the following table:~~

Fixture Units	E.L.U.	Fixture Units	E.L.U.
— 1 — 15	1	— 241 — 340	— 8

16 —30	2	341 —480	9
31 —60	3	481 —620	10
61 —80	4	621 —800	11
81 —100	5	801 —1000	12
101—160	6	1001—1300	13
161—240	7	1301—1650	14

For each additional increment of seven hundred fifty (750) fixture units, add one (1) E.L.U. ~~Expansion of an existing connection.~~ If a building permit is issued for an existing connection which will increase water or sewer demand, or if a building changes from residential to nonresidential occupancy, the total number of E.L.U.'s for the old and new parts of the facility shall be computed as outlined in the definition of "equivalent living unit." The number of new E.L.U.'s shall be determined by subtracting the old E.L.U.'s from the total number of E.L.U.'s in the entire facility. The impact fee will be assessed on the number of new E.L.U.'s. As an example, if an existing building contained one hundred fifty (150) fixture units and it was expanded to three hundred (300) fixture units, the impact fee would equal (8 E.L.U.'s ~~6 E.L.U.'s~~) or 2 E.L.U.'s.

~~Sanitary sewer facilities.~~ A sanitary sewer system includes two (2) broad categories or subsystems, which are:

- (1) Primary systems:
 - a. Plant facilities:
 - i. Treatment plants;
 - ii. Effluent disposal facilities.

308 ~~b.——Transmission facilities:~~

309 ~~i.——Master pump stations;~~

300 ~~ii.——Force mains;~~

301 ~~iii.——Interceptors.~~

302 ~~(2)——Secondary or local collection systems:~~

303 ~~a.——House laterals;~~

304 ~~b.——Eight inch or smaller collector sewers;~~

305 ~~c.——Lift stations;~~

306 ~~d.——Low pressure sewer mains;~~

307 ~~e.——Eight inch or smaller force mains.~~

308 ~~Water facilities. A water facility system includes two (2) broad categories or subsystems,~~

309 ~~which are:~~

310 ~~(1)——Primary systems:~~

311 ~~a.——Plant facilities:~~

312 ~~i.——Wells and well pumps;~~

313 ~~ii.——Raw water mains;~~

314 ~~iii.——Treatment plans;~~

315 ~~b.——Transmission facilities:~~

316 ~~i.——High service pumps;~~

317 ~~ii.——Storage and re-pumping;~~

318 ~~iii.——Transmission mains.~~

319 ~~Cross reference(s)——General definitions, § 1-2.~~

320 ~~Sec. 5.03.89. Purpose.~~

321 (a) ~~This article is to establish procedures to facilitate the orderly expansion of the city's~~
322 ~~water supply system and wastewater treatment system.~~

323 (b) ~~In order to fund primary capital improvements, several combined methods of~~
324 ~~financing will be necessary, one (1) of which is an impact fee defined as "a new building's~~
325 ~~contribution toward its equitable share of the cost of capital improvements required to serve~~
326 ~~new users."~~

327 (c) ~~All secondary facilities shall be provided by the customer or developer in~~
328 ~~accordance with the Uniform Extension Policy to facilitate the orderly expansion of this~~
329 ~~portion of the water and sewer systems.~~

330 ~~Sec. 5.03.90. Reserved.~~

331 ~~Sec. 5.03.91. Fee schedule.~~

332 (a) ~~There is hereby imposed an impact fee based on the city commission's~~
333 ~~determination of the equitable portion of the system upon the equivalent living unit~~
334 ~~responsible for the need for additional system financing.~~

335 (b) ~~The fee for each equivalent living unit connected to the system shall be as follows:~~

336 (1) ~~Water impact fee for primary systems:~~

Plant facilities	\$ 320.00
Transmission facilities	—850.00
—Total	—1,170.00

337

338 (2) ~~Sewer impact fee for primary systems:~~

Plant facilities	\$ 725.00
Transmission facilities	—515.00

—Total	—1,240.00
-------------------	----------------------

339
340 ~~(c) — Each additional equivalent living unit occasioned by changes in property usage~~
341 ~~subsequent to the effective date of this section shall be subject to an additional impact fee~~
342 ~~computed in accordance with the foregoing criteria.~~

343 ~~(d) — There shall be an annual adjustment of rates as set forth in Ordinance No. 2000-08~~
344 ~~[2000-28], such adjustment shall be calculated by using the annual indexing factor based~~
345 ~~on the Engineering News Record (ENR) Construction Cost Index. The resulting fee will~~
346 ~~become effective each October 1, starting October 1, 2002, and will be valid for the new~~
347 ~~fiscal year.~~

348 ~~Sec. 5.03.92. Imposing fee; when payable; penalty for nonpayment~~

349 ~~(a) — The fee in Section 5.03.91 shall be imposed on every equivalent living unit~~
350 ~~connected to the water or sewer system whether those units are new or existing as follows:~~

351 ~~(1) — On every new connection or addition to the water or sewer system where the~~
352 ~~building permit was issued on October 5, 1979, and subsequent thereto;~~

353 ~~(2) — On every equivalent living unit connecting to the water or sewer system as it existed~~
354 ~~on October 5, 1979 (excepting there from any equivalent living unit for which a building~~
355 ~~permit was issued prior to October 5, 1979);~~

356 ~~(3) — On every equivalent living unit connecting to the water or sewer system and not~~
357 ~~having obtained final building inspection as of September 25, 1980.~~

358 ~~(b) — The fee in Section 5.03.91 shall be imposed on every equivalent living unit~~
359 ~~constructed or connected in areas served by the existing sewer or water system as well as~~

~~in those areas that will be on an extension of the local collection and distribution system as well as those areas where the local facilities have been installed by the developer.~~

~~(c) Except as otherwise provided in this article, impact fees shall be due and payable as follows:~~

~~(1) In full, upon application for the building permit;~~

~~(2) If building permit has already been issued, the fees shall be paid within six (6) months from the date the permit was issued or upon request for final inspection by the building official, whichever occurs sooner;~~

~~(3) Regardless of method or time of payment, no final inspection shall be made or approved, nor shall a certificate of occupancy be issued until all such fees are paid in full;~~

~~(4) All deferred impact fee payments and all delinquent impact fees shall bear interest at the rate of four point seven five (4.75) percent per annum, compounded monthly from the effective date of this section or from the date due, whichever occurs later.~~

~~(d) For those equivalent residential units that:~~

~~(1) Obtained a building permit on October 5, 1979 and thereafter, and have obtained a final building inspection as of October 23, 1980;~~

~~(2) Are existing structures in areas that will be on future extensions of the local collection and distribution system, a deferred payment plan, known as monthly payback, is hereby established as follows:~~

~~a. For each water and sewer connection, the city shall receive thirty five dollars and seventy nine cents (\$35.79) per month. This is in addition to all other rates and fees. This fee shall be paid every month until the balance of the fee has been paid. In addition, all "monthly payback" accounts open on each May 1, commencing May 1, 1981, shall be~~

383 ~~assessed a service fee of twenty five dollars (\$25.00) in order to defray the administrative~~
384 ~~expense of the monthly payback system. The owner of the E.L.U. can pay the remaining~~
385 ~~amount due on the account at any time during the payback period;~~

386 ~~b. — For each water connection, the city shall receive seventeen dollars and seventy six~~
387 ~~cents (\$17.76) per month. This is in addition to all other rates and fees. This fee shall be~~
388 ~~paid every month until the balance of the fee has been paid. In addition, all "monthly~~
389 ~~payback" accounts open on each May 1, commencing May 1, 1981, shall be assessed a~~
390 ~~service fee of twenty five dollars (\$25.00) in order to defray the administrative expense of~~
391 ~~the monthly payback system. The owner of the E.L.U. can pay during the payback period;~~

392 ~~c. — For each sewer connection, the city shall receive eighteen dollars and three cents~~
393 ~~(\$18.03) per month. This is in addition to all other rates and fees. This fee shall be paid~~
394 ~~every month until the balance of the fee has been paid. In addition, all "monthly payback"~~
395 ~~accounts open on each May 1, commencing May 1, 1981, shall be assessed a service fee~~
396 ~~of twenty five dollars (\$25.00) in order to defray the administrative expense of the monthly~~
397 ~~payback system. The owner of the E.L.U. can pay during the payback period;~~

398 ~~d. — The monthly payback and service fee will be added to the monthly water and sewer~~
399 ~~bill for the unit and will be the owner's responsibility to ensure payment whether or not the~~
400 ~~unit is owner or tenant occupied.~~

401 ~~(e) — Nonpayment of the impact fee including the monthly pay back where applicable~~
402 ~~shall be grounds for discontinuing service.~~

403 ~~(f) — The impact fee is comprised of two (2) separate fees, i.e., water and sewer. In areas~~
404 ~~where only one (1) of these services is available, the applicable fee for the other service or~~

for both services if neither was available at the time of construction will be imposed when service is made available.

~~Sec. 5.03.93. Liens.~~

~~All charges due under this article shall be the obligation of the record owner of the equivalent residential unit, irrespective of actual occupancy, and shall constitute a lien against the property until paid. Notice of such lien need not be recorded in the official records of the county in order to be effective, but the city may cause such a notice to be recorded. If such charges are not promptly paid when due, such lien may be foreclosed in the manner provided by law, and there shall be added to the amount of such lien all costs incident to such proceedings including reasonable attorney's fees.~~

SECTION 4. The City Clerk is directed to post notice on the City's website informing interested parties of this ordinance and the new and increased impact fees contemplated herein.

SECTION 5. Codification. It is the intent of the City Commission of the City of Flagler Beach that the provisions of Section 2 of this Ordinance shall be codified. The codifier is granted broad and liberal authority in renumbering and codifying the provisions of Section 2 of this Ordinance; article and section numbers assigned throughout are suggested by the City.

SECTION 6. 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 7. Conflicts. In any case where a provision of this Ordinance is found to be in conflict with a provision of any other existing ordinance of this City, the provision which establishes the

427 higher standards for the promotion and protection of the health and safety of the people shall
428 prevail.

429 **SECTION 8.** Effective Date. **This Ordinance shall become effective on October 1, 2024,**
430 which date is more than ninety (90) days from the date of adoption of this Ordinance, pursuant to
431 the requirements of §163.31801, Florida Statutes.

432
433 **PASSED AND ADOPTED** this ____ day of _____, 2024, by the City Commission
434 of the City of Flagler Beach, Florida.

435
436
437 _____
438 Patti King, Mayor
439

440
441 ATTEST:
442
443 By: _____
444 Penny Overstreet, City Clerk

**Exhibit A Ordinance
2024-04
Impact Fee Study**

**Prepared for:
Flagler Beach, Florida**

February 8, 2024



**4701 Sangamore Road
Suite 5240
Bethesda, MD 20816
301.320.6900
www.TischlerBise.com**

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EXECUTIVE SUMMARY

Flagler Beach, Florida, contracted with TischlerBise to update its impact fees pursuant to Florida Statutes § 163.31801. Cities in Florida may assess impact fees to offset infrastructure costs necessitated by future growth. Impact fees are one-time payments used to construct system improvements needed to accommodate future development. The fee represents future development's proportionate share of infrastructure costs. Impact fees may be used for infrastructure improvements or debt service for growth-related infrastructure. In contrast to general taxes, impact fees may not be used for operations, maintenance, replacement, or correcting existing deficiencies.

FLORIDA IMPACT FEE ENABLING LEGISLATION

The authority for Florida counties to adopt and collect impact fees to offset the demands future development creates for new infrastructure is well established. *St. Johns County v. Northeast Florida Builders Association* (583 So. 2d 635, 638 Fla. 1991) states, "The use of impact fees has become an accepted method of paying for public improvements that must be constructed to serve new growth."¹ State statutes specifically "encourage the use of innovative land development regulations which include provisions such as [...] impact fees," and Florida courts have upheld local government's authority to adopt fees under general home rule and police power theories.²

In 2006, the Florida legislature passed the "Florida Impact Fee Act," which recognized impact fees as "an outgrowth of the home rule power of a local government to provide certain services within its jurisdiction." § 163.31801(2), Fla. Stat. The statute - concerned mostly with procedural and methodological limitations - did not expressly allow or disallow any particular public facility type from being funded with impact fees. The Act did specify procedural and methodological prerequisites, most of which were common to the practice already. Subsequent amendments to the Act, in 2009, removed prior notice requirements for impact fee reductions (but not increases) and purported to elevate the standard of judicial review. Under Florida law, impact fees must comply with the "dual rational nexus" test, which requires "a reasonable connection, or rational nexus, between the need for additional capital facilities and the growth in service units generated by new development. In addition, the government must show a reasonable connection, or rational nexus, between the expenditures of the funds collected and the benefits accruing to the subdivision," *St. Johns County*, 583 So.2d at 637 (quoting *Hollywood, Inc.* 431 So. 2d at 611-12). Impact fee calculation studies, generally speaking, establish the pro rata, or proportionate, "need" for new infrastructure and implementing ordinances to ensure that new growth paying the fees receive a pro rata "benefit" from their expenditure.

In the most recent amendments to the Florida Impact Fee Act, House Bill 750 (2021) specified that impact fees can only be used for fixed capital expenditures, revised requirements for crediting contributions against the collection of impact fees, and restricted impact fee increases. Among the increase restrictions, an adopted increase of 25 percent or less must be phased over two years; increases between 25-50 percent must be phased over four years; no increase can exceed 50 percent; and impact fees cannot be

¹Citing *Home Builders & Contractors Association v. Palm Beach City.*, 446 So.2d 140 (Fla. 4th DCA 1984); *Hollywood, Inc. v. Broward County*, 431 So.2d 606 (Fla. 4th DCA 1983).

²See §163.3202(3), Fla. Stat.; see also *Home Builders & Contractors Association*, 446 So.2d 140.

increased more than once every four years. The restrictions can be bypassed if the jurisdiction complies with the impact fee rational nexus test; can demonstrate extraordinary circumstances; and the jurisdiction hold two publicly noticed workshops the need to exceed the limitations; and the increase is approved by no less than two-thirds vote of the governing body.

Flagler Beach is updating its impact fees related to police, fire, park and recreation, libraries, water, and wastewater in order to fund capital facilities needed to meet the demand created by future development. The need for these services, and the infrastructure necessary to provide them, is driven by development; therefore, as vacant lands within Flagler Beach develop, or as existing uses expand, the demand imposed upon Flagler Beach for additional capital facilities increases proportionately.

The need for additional capacity for future development is further shown through an established level-of-service standard and Flagler Beach's existing capital improvement plan. *Hollywood, Inc.*, 431 So.2d at 611 (holding that a plan for providing facilities at a reasonable level of service demonstrates "a reasonable connection between the need for additional park facilities and the growth in population"). Capital facilities necessary to provide this infrastructure have been provided by Flagler Beach to date; however, Flagler Beach will need to provide new residents and visitors with the same levels of service. The expenditures required to maintain existing levels of service are not necessitated by existing development, but rather by future development.

Furthermore, through the implementation of Flagler Beach's capital improvement plans, future development paying impact fees will receive a pro rata benefit from new facilities built with those fees. In addition, Flagler Beach's impact fee ordinance, including any amendments necessary to implement the fees recommended in this study, earmarks impact fees solely for capital facilities necessary to accommodate future development.

Finally, there are several steps Flagler Beach will take to ensure ongoing compliance with applicable Florida laws related to impact fees. First, it will continue to update and implement plans for expending impact fee revenues on the types of facilities TischlerBise has used to develop the fees in this study. In Florida, this is typically satisfied through the Capital Improvement Plan (CIP) and Capital Improvements Element (CIE) framework. Also, Flagler Beach will update its existing impact fee ordinance to ensure compliance with the approach used here and any developments in statutory and case law since Flagler Beach's fees were last updated. This update will address, among other things, earmarking of impact fee revenues, limitations on the use of revenues, revisions related to developer credits, and ongoing compliance with other city and state law requirements.

CONCEPTUAL DEVELOPMENT FEE CALCULATION

In contrast to project-level improvements, impact fees fund growth-related infrastructure that will benefit multiple development projects, or the entire service area (usually referred to as system improvements). The first step is to determine an appropriate demand indicator for the particular type of infrastructure. The demand indicator measures the number of service units for each unit of development. For example, an appropriate indicator of the demand for parks is population growth and the increase in population can be estimated from the average number of persons per housing unit. The second step in the impact fee formula is to determine infrastructure improvement units per service unit, typically called level-of-service

(LOS) standards. In keeping with the park example, a common LOS standard is improved park acres per person. The third step in the impact fee formula is the cost of various infrastructure units. To complete the park example, this part of the formula would establish a cost per acre for land acquisition and/or park improvements.

GENERAL METHODOLOGIES

Impact fees for the capital improvements made necessary by new development must be based on the same level of service provided to existing development in the service area. There are three basic methodologies used to calculate impact fees that examine the past, present, and future status of infrastructure. The objective of evaluating these different methodologies is to determine the best measure of the demand created by new development for additional infrastructure capacity. Each methodology has advantages and disadvantages in a particular situation and can be used simultaneously for different capital improvements.

Reduced to its simplest terms, the process of calculating impact fees involves two main steps: (1) determining the cost of development-related capital improvements and (2) allocating those costs equitably to various types of development. In practice, though, the calculation of impact fees can become quite complicated because of the many variables involved in defining the relationship between development and the need for facilities within the designated service area. The following paragraphs discuss basic methodologies for calculating impact fees and how those methodologies can be applied.

- **Cost Recovery** (past improvements) - The rationale for recoupment, often called cost recovery, is that new development is paying for its share of the useful life and remaining capacity of facilities already built, or land already purchased, from which new development will benefit. This methodology is often used for utility systems that must provide adequate capacity before new development can take place.
- **Incremental Expansion** (concurrent improvements) - The incremental expansion methodology documents current LOS standards for each type of public facility, using both quantitative and qualitative measures. This approach assumes there are no existing infrastructure deficiencies or surplus capacity in infrastructure. New development is only paying its proportionate share for growth-related infrastructure. Revenue will be used to expand or provide additional facilities, as needed, to accommodate new development. An incremental expansion methodology is best suited for public facilities that will be expanded in regular increments to keep pace with development.
- **Plan-Based** (future improvements) - The plan-based methodology allocates costs for a specified set of improvements to a specified amount of development. Improvements are typically identified in a long-range facility plan and development potential is identified by a land use plan. There are two basic options for determining the cost per demand unit: (1) total cost of a public facility can be divided by total demand units (average cost), or (2) the growth-share of the public facility cost can be divided by the net increase in demand units over the planning timeframe (marginal cost).

Evaluation of Credits

Regardless of the methodology, a consideration of credits is integral to the development of a legally defensible impact fee. There are two types of credits that should be addressed in impact fee studies and ordinances. The first is a revenue credit due to possible double payment situations, which could occur when other revenues may contribute to the capital costs of infrastructure covered by the impact fee. This type of credit is integrated into the fee calculation, thus reducing the fee amount. The second is a site-specific credit or developer reimbursement for dedication of land or construction of system improvements. This type of credit is addressed in the administration and implementation of the impact fee program. For ease of administration, TischlerBise normally recommends developer reimbursements for system improvements.

IMPACT FEE COMPONENTS

Figure 1 summarizes service areas, methodologies, and infrastructure components for each fee category. There is a single, citywide service area for all impact fees.

Figure 1: Proposed Impact Fee Service Areas, Methodologies, and Cost Components

Category	Service Area	Methodology	Infrastructure Component	Population	Cost Component
Library	Citywide	N/A	Facilities	N/A	Population
Parks and Recreation	Citywide	N/A	Amenities	N/A	Population
Police Services	Citywide	N/A	Facilities, Vehicles	N/A	Population, Vehicle Trips
Fire	Citywide	N/A	Facilities, Vehicles	N/A	Population, Vehicle Trips
Water	Citywide	Treatment Plant	N/A	Wells, Storage, Transmission	EDU
Wastewater	Citywide	N/A	N/A	System Upgrades	EDU
Administrative Charge	Citywide	N/A	N/A	Administrative Costs	Population, Jobs

MAXIMUM SUPPORTABLE IMPACT FEES

Impact fees for residential development will be assessed per dwelling unit, based on the size of the unit, and nonresidential fees will be assessed per 1,000 square feet of floor area, based on the land use. Water and Wastewater fees will be assessed based on meter size. Flagler Beach may adopt fees that are less than the proposed fees shown below; however, a reduction in impact fee revenue will necessitate an increase in other revenues, a decrease in planned capital improvements, and/or a decrease in Flagler Beach's LOS standards. All costs in the Impact Fee Study are in current dollars with no assumed inflation rate over time.

Figure 2: Maximum Supportable Impact Fees

Residential Fees per Unit						
Dwelling Unit Type	Water	Sanitary Sewer	Storm	Police	Accident Prevention	Total
1,100 or less	\$123	\$539	\$538	\$455	\$3	\$1,658
1,101 to 1,500	\$193	\$850	\$849	\$717	\$5	\$2,614
1,501 to 2,000	\$244	\$1,073	\$1,071	\$905	\$6	\$3,299
2,001 to 2,500	\$284	\$1,250	\$1,247	\$1,054	\$7	\$3,841
2,501 to 3,000	\$317	\$1,395	\$1,392	\$1,176	\$8	\$4,288
3,001 to 3,500	\$345	\$1,519	\$1,516	\$1,281	\$8	\$4,670
3,501 or more	\$370	\$1,628	\$1,625	\$1,373	\$9	\$5,005

Nonresidential Fees per 1,000 Square Feet						
Industrial/Commercial Type	Water	Sanitary Sewer	Storm	Police	Accident Prevention	Total
Industrial	\$0	\$0	\$451	\$381	\$4	\$836
Commercial	\$0	\$0	\$2,261	\$1,911	\$6	\$4,177
Office & Other Services	\$0	\$0	\$1,003	\$848	\$9	\$1,860
Institutional	\$0	\$0	\$1,380	\$1,166	\$8	\$2,554

Meter Size and Type	Water	Wastewater	Total
0.75 Displacement	\$3,007	\$3,806	\$6,813
1.00 Displacement	\$5,022	\$6,356	\$11,378
1.50 Displacement	\$10,015	\$12,673	\$22,688
2.00 Displacement	\$16,029	\$20,284	\$36,314
3.00 Singlejet	\$32,089	\$40,607	\$72,695
3.00 Compound	\$32,089	\$40,607	\$72,695
3.00 Turbine	\$35,096	\$44,412	\$79,509
4.00 Singlejet	\$50,133	\$63,441	\$113,574
4.00 Compound	\$50,133	\$63,441	\$113,574
4.00 Turbine	\$63,155	\$79,920	\$143,075
6.00 Singlejet	\$100,236	\$126,844	\$227,080
6.00 Compound	\$100,236	\$126,844	\$227,080
6.00 Turbine	\$130,310	\$164,901	\$295,210
8.00 Compound	\$160,383	\$202,958	\$363,341
8.00 Turbine	\$280,678	\$355,186	\$635,864
10.00 Turbine	\$421,032	\$532,798	\$953,830
12.00 Turbine	\$531,313	\$672,353	\$1,203,665

1. AWWA Manual of Water Supply Practices M-1, 7th Edition

DRAFT Impact Fee Study
Flagler Beach, Florida

POLICE IMPACT FEES

METHODOLOGY

The Police impact fees include components for police facilities and police vehicles. The incremental expansion methodology is used for all components.

SERVICE AREA

Flagler Beach plans to provide a uniform level of service citywide; therefore, the police impact fees will be assessed in a citywide service area.



PROPORTIONATE SHARE

Impact fees should not exceed a proportionate share of the capital cost needed to provide capital facilities to the development. The police impact fees allocate the cost of capital facilities between residential and nonresidential development using functional population. Based on 2019 estimates from the U.S. Census Bureau's OnTheMap web application (the latest year available), residential development accounts for approximately 76 percent of functional population and nonresidential development accounts for the remaining 24 percent.

Figure PI: Proportionate Share

Demand Units in 2019				
Residential			Demand Hours/Day	Person Hours
Population	5,002			
		7).		
Residents Not Working	3,231		20	64,620
Employed Residents	1,771			
Employed in Flagler Beach	218		14	3,052
Employed outside Flagler Beach	1,553		14	21,742
Residential Subtotal				89,414
Residential Share				76%
Nonresidential				
Non-working Residents	3,231		4	12,924
Jobs Located in Flagler Beach	1,517			
Residents Employed in Flagler Beach	218		10	2,180
Non-Resident Workers (inflow commuters)	1,299		10	12,990
Nonresidential Subtotal				28,094
Nonresidential Share				24%
Total				117,508

Source: U.S. Census Bureau, OnTheMap Application and LEHD Origin-Destination Employment Statistics, Version 6.8 (employment).

DEMAND UNITS

Residential impact fees are calculated on a per capita basis, then converted to an appropriate amount for each size of housing unit based on the number of persons per housing unit (PPHU). As shown in Figure P2, the current PPHU factors range from 1.04 persons per unit units that are 1,100 square feet or less, to 3.14 persons per units that are 3,501 square feet or more. These factors are based on the U.S. Census Bureau's 2016-2020 American Community Survey 5-year estimates (further discussed in Appendix B).

Nonresidential Police impact fees are calculated on a per vehicle trip basis, then converted to an appropriate amount for each type of nonresidential development based on the number of vehicle trip ends generated per 1,000 square feet of floor area. Trip generation rates are used because vehicle trips are highest for retail developments, such as shopping centers, and lowest for industrial development.

Office and institutional trip rates fall between the other two categories. This ranking of trip rates is consistent with the relative demand for police services from nonresidential development. Other possible nonresidential demand indicators, such as employment or floor area, will not accurately reflect the demand for service. For example, if employees per thousand square feet were used as the demand indicator, police impact fees would be disproportionately high for office and institutional development because offices typically have more employees per 1,000 square feet than retail uses. If floor area were used as the demand indicator, police impact fees would be disproportionately high for industrial development.

A trip end represents a vehicle either entering or exiting a development (as if a traffic counter were placed across a driveway). Trip ends for nonresidential development are calculated per thousand square feet and require an adjustment factor to avoid double counting each trip at both the origin and destination points. As shown below, the current vehicle trip generation factors per 1,000 square feet of floor area are 2.44 trips for industrial, 12.21 trips for commercial, 5.42 trips for office and other service, and 7.45 trips for institutional. These factors are defined in *Trip Generation, 11th Edition*, published in 2021 by the Institute of Transportation Engineers (further discussed in Appendix A).

Figure P2: Service Units

Residential Development			
Development Type	Persons per Housing Unit ¹		
1,100 or less	1.04		
1,101 to 1,500	1.64		
1,501 to 2,000	2.07		
2,001 to 2,500	2.41		
2,501 to 3,000	2.69		
3,001 to 3,500	2.93		
3,501 or more	3.14		

Nonresidential Development			
Development Type	AWVTE per 1,000 Sq Ft ¹	Trip Rate Adjustment	AWVT per 1,000 Sq Ft ¹
Industrial	4.87	50%	2.44
Commercial	37.01	33%	12.21
Office & Other Services	10.84	50%	5.42
Institutional	22.59	33%	7.45

1. See Land Use Assumptions

LEVEL-OF-SERVICE ANALYSIS

Police Facilities – Incremental Expansion

Flagler Beach will maintain current levels of service by incrementally expanding police facilities. As Figure P3 indicates, Flagler Beach’s existing Police Station is 5,451 square feet. To allocate the proportionate share of demand to residential and nonresidential development, this analysis uses functional population outlined in Figure P1. Flagler Beach’s existing level of service for residential development is 0.5655 square feet per person (5,451 square feet X 76 percent residential share / 7,326 persons). For nonresidential development, the existing LOS is 0.2023 square feet per vehicle trip (5,451 square feet X 24 percent nonresidential share / 6,466 nonresidential vehicle trips).

This analysis uses a construction cost of \$520 per square foot. For police facilities, the cost is \$294.07 per person (0.5655 square feet per person X \$520 per square foot) and \$105.21 per vehicle trip (0.2023 square feet per vehicle trip X \$520 per square foot).

Figure P3: Existing Level of Service

Description	Square Feet
Main Station	5,451

Cost Factors	
Cost per Square Foot	\$520

Level-of-Service (LOS) Standards	
Existing Square Feet	5,451
Residential	
Residential Share	76%
2023 Peak Population	7,326
Square Feet per Person	0.5655
Cost per Person	\$294.07
Nonresidential	
Nonresidential Share	24%
2023 Vehicle Trips	6,466
Square Feet per Vehicle Trip	0.2023
Cost per Vehicle Trip	\$105.21

Source: Flagler Beach Police Department

Police Vehicles – Incremental Expansion

As indicated in Figure P4, Flagler Beach has an inventory of 23 police vehicles. This fleet will need to be expanded as the City hires additional officers to serve new growth. To allocate the proportionate share of demand to residential and nonresidential development, this analysis uses functional population outlined in Figure P1. Flagler Beach’s existing level of service for residential development is 0.0024 units per person (23 units X 76 percent residential share / 7,326 persons). For nonresidential development, the existing LOS is 0.0009 units per vehicle trip (23 units X 24 percent nonresidential share / 6,466 nonresidential vehicle trips).

Based on information from Flagler Beach staff, the cost for a new vehicle is \$60,000 – this includes the cost of the vehicle and any equipment needed to place the vehicle into service (i.e., decals, lights, radios, computers, etc.). For police vehicles, the cost is \$143.17 per person (0.0024 units per person X \$60,000 per unit) and \$51.22 per vehicle trip (0.0009 units per vehicle trip X \$60,000 per unit).

Figure P4: Existing Level of Service

Description	Vehicles
Police Vehicles	23

Cost Factors	
Cost per Vehicle	\$60,000

Level-of-Service (LOS) Standards	
Existing Vehicles	23
Residential	
Residential Share	76%
2023 Peak Population	7,326
Vehicles per Person	0.0024
Cost per Person	\$143.17
Nonresidential	
Nonresidential Share	24%
2023 Vehicle Trips	6,466
Vehicles per Vehicle Trip	0.0009
Cost per Vehicle Trip	\$51.22

Source: Flagler Beach Police Department

PROJECTED DEMAND FOR POLICE INFRASTRUCTURE

Police Facilities – Incremental Expansion

Projected demand for police facilities over the next 10 years is shown below in Figure P5. Based on a projected population increase of 6,769 persons, future residential development demands approximately 3,828 square feet of police facilities (6,769 additional persons X 0.5655 square feet per person). With projected nonresidential vehicle trip growth of 8,156 vehicle trips, future nonresidential development demands approximately 1,650.3 square feet of police facilities (8,156 additional vehicle trips X 0.2023 square feet per vehicle trip). Future development demands approximately 5,478.3 square feet of police facilities at a cost of \$2,848,705 (5,478.3 square feet X \$520 per square foot).

Figure P5: Projected Demand for Police Facilities

Type of Infrastructure	Level of Service	Demand Unit	Cost per Sq Ft
Police Facilities	0.5655 Square Feet	per Person	\$520
	0.2023 Square Feet	per Vehicle Trip	

Demand for Police Facilities					
Year	Peak Population	Vehicle Trips	Square Feet		
			Residential	Nonresidential	Total
2023	7,326	6,466	4,142.8	1,308.2	5,451.0
2024	8,002	7,281	4,525.6	1,473.3	5,998.8
2025	8,679	8,097	4,908.4	1,638.3	6,546.7
2026	9,356	8,913	5,291.1	1,803.3	7,094.5
2027	10,033	9,728	5,673.9	1,968.4	7,642.3
2028	10,710	10,544	6,056.7	2,133.4	8,190.1
2029	11,387	11,360	6,439.5	2,298.4	8,738.0
2030	12,064	12,175	6,822.3	2,463.5	9,285.8
2031	12,741	12,991	7,205.1	2,628.5	9,833.6
2032	13,418	13,806	7,587.9	2,793.5	10,381.5
2033	14,095	14,622	7,970.7	2,958.6	10,929.3
10-Yr Increase	6,769	8,156	3,828.0	1,650.3	5,478.3

Growth-Related Expenditures	\$1,990,534	\$858,171	\$2,848,705
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Police Vehicles – Incremental Expansion

Projected demand for police vehicles over the next 10 years is shown below in Figure P6. Based on a projected population increase of 6,769 persons, future residential development demands approximately 16.2 police vehicles (6,769 additional persons X 0.0024 units per person). With projected nonresidential vehicle trip growth of 8,156 vehicle trips, future nonresidential development demands approximately 7.0 police vehicles (8,156 additional vehicle trips X 0.0009 units per vehicle trip). Future development demands approximately 23.1 police vehicles at a cost of \$1,386,906 (23.1 units X \$60,000 per unit).

Figure P6: Projected Demand for Police Vehicles

Type of Infrastructure	Level of Service		Demand Unit	Cost per Unit
Police Vehicles	0.0024 Vehicles		per Person	\$60,000
	0.0009 Vehicles		per Vehicle Trip	

Demand for Police Vehicles					
Year	Peak Population	Vehicle Trips	Vehicles		
			Residential	Nonresidential	Total
2023	7,326	6,466	17.5	5.5	23.0
2024	8,002	7,281	19.1	6.2	25.3
2025	8,679	8,097	20.7	6.9	27.6
2026	9,356	8,913	22.3	7.6	29.9
2027	10,033	9,728	23.9	8.3	32.2
2028	10,710	10,544	25.6	9.0	34.6
2029	11,387	11,360	27.2	9.7	36.9
2030	12,064	12,175	28.8	10.4	39.2
2031	12,741	12,991	30.4	11.1	41.5
2032	13,418	13,806	32.0	11.8	43.8
2033	14,095	14,622	33.6	12.5	46.1
10-Yr Increase	6,769	8,156	16.2	7.0	23.1

Growth-Related Expenditures	\$969,101	\$417,805	\$1,386,906
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CREDITS

As the City has no outstanding debt on its police facilities, a credit for future principal payments is not included. If elected officials make a legislative policy decision to fully fund growth-related costs from impact fees, there will be no potential double-payment from other revenue sources.

POLICE IMPACT FEES

Infrastructure components and cost factors for police impact fees are summarized in the upper portion of Figure P7. The cost for police impact fees is \$437.24 per person and \$156.43 per vehicle trip.

Police impact fees for residential development are assessed according to the number of persons per household. The 2,001 square feet to 2,500 square feet fee of \$1,054 is calculated using a cost of \$437.24 per person multiplied by 2.41 persons per household.

Police impact fees for nonresidential development are assessed according to the number of vehicle trips generated per 1,000 square feet of floor area. The industrial fee of \$381 per 1,000 square feet is calculated using a cost of \$156.43 per vehicle trip multiplied by 2.44 vehicle trips per 1,000 square feet of industrial development.

Figure P7: Schedule of Police Impact Fees

Fee Component	Cost per Person	Cost per Trip
Police Facilities	\$294.07	\$105.21
Police Vehicles	\$143.17	\$51.22
Total	\$437.24	\$156.43

Residential Fees per Unit		
Development Type	Persons per Household ¹	Proposed Fees
1,100 or less	1.04	\$455
1,101 to 1,500	1.64	\$717
1,501 to 2,000	2.07	\$905
2,001 to 2,500	2.41	\$1,054
2,501 to 3,000	2.69	\$1,176
3,001 to 3,500	2.93	\$1,281
3,501 or more	3.14	\$1,373

Nonresidential Fees per 1000 Square Feet		
Development Type	Avg Weekday Vehicle Trips ¹	Proposed Fees
Industrial	2.44	\$381
Commercial	12.21	\$1,911
Office & Other Services	5.42	\$848
Institutional	7.45	\$1,166

1. See Land Use Assumptions

POLICE IMPACT FEE REVENUE

Projected fee revenue shown below is based on the development projections in Appendix B and the police impact fees shown on the previous page. To estimate single family revenue the 2,001 square feet to 2,500 square feet fee is used, and for multi-family the less than 1,100 square feet fee is used. If development occurs at a more rapid rate than projected, the demand for infrastructure will increase and impact fee revenue will increase at a corresponding rate. If development occurs at a slower rate than projected, the demand for infrastructure will also decrease, along with impact fee revenue. Over the next 10 years, projected impact fee revenues equals approximately \$4.5 million and projected expenditures equal approximately \$4.2 million. Based on the actual mix of future residential construction, the projected police fee revenue shown below may change.

Figure P8: Projected Police Impact Fee Revenue

		Fee Component		Growth Share	Existing Share	Total
		Police Facilities		\$2,848,705	\$0	\$2,848,705
		Police Vehicles		\$1,386,906	\$0	\$1,386,906
		Total		\$4,235,611	\$0	\$4,235,611

		Single Family \$1,054 per unit	Multi-Family \$455 per unit	Industrial \$380.92 per sq ft	Commercial \$1,910.58 per sq ft	Office & Other \$847.88 per sq ft	Institutional \$1,166.17 per sq ft
Year		Hsg Unit	Hsg Unit	KSF	KSF	KSF	KSF
Base	2023	3,012	775	54	373	208	88
Year 1	2024	3,318	779	61	420	235	99
Year 2	2025	3,624	783	67	467	261	110
Year 3	2026	3,930	787	74	514	287	121
Year 4	2027	4,236	791	81	561	314	132
Year 5	2028	4,542	795	88	608	340	143
Year 6	2029	4,848	799	95	655	366	154
Year 7	2030	5,154	803	101	702	392	165
Year 8	2031	5,460	807	108	749	419	176
Year 9	2032	5,766	810	115	796	445	187
Year 10	2033	6,072	814	122	843	471	198
10-Year Increase		3,060	39	68	470	263	111
Projected Revenue		\$3,224,465	\$17,734	\$25,857	\$898,164	\$222,881	\$129,039

Projected Fee Revenue	\$4,518,140
Total Expenditures	\$4,235,610

FIRE IMPACT FEES

METHODOLOGY

The Fire impact fees include components for fire facilities and fire Apparatus. The incremental expansion methodology is used for all components.

SERVICE AREA

Flagler Beach plans to provide a uniform level of service citywide; therefore, the fire impact fees will be assessed in a citywide service area.



PROPORTIONATE SHARE

Impact fees should not exceed a proportionate share of the capital cost needed to provide capital facilities to the development. The fire impact fees allocate the cost of capital facilities between residential and nonresidential development using functional population. Based on 2019 estimates from the U.S. Census Bureau’s OnTheMap web application (the latest year available), residential development accounts for approximately 76 percent of functional population and nonresidential development accounts for the remaining 24 percent.

Figure F1: Proportionate Share

Demand Units in 2019				
Residential			Demand Hours/Day	Person Hours
Population	5,002			
Residents Not Working	3,231		20	64,620
Employed Residents	1,771			
Employed in Flagler Beach	218		14	3,052
Employed outside Flagler Beach	1,553		14	21,742
Residential Subtotal				89,414
Residential Share				76%
Nonresidential				
Non-working Residents	3,231		4	12,924
Jobs Located in Flagler Beach	1,517			
Residents Employed in Flagler Beach	218		10	2,180
Non-Resident Workers (inflow commuters)	1,299		10	12,990
Nonresidential Subtotal				28,094
Nonresidential Share				24%
Total				117,508

Source: U.S. Census Bureau, OnTheMap Application and LEHD Origin-Destination Employment Statistics, Version 6.8 (employment).

DEMAND UNITS

Residential impact fees are calculated on a per capita basis, then converted to an appropriate amount for each size of housing unit based on the number of persons per housing unit (PPHU). As shown in Figure F2, the current PPHU factors range from 1.04 persons per unit units that are 1,100 square feet or less, to 3.14 persons per units that are 3,501 square feet or more. These factors are based on the U.S. Census Bureau’s 2016-2020 American Community Survey 5-year estimates (further discussed in Appendix B).

Nonresidential fire impact fees are calculated on a per vehicle trip basis, then converted to an appropriate amount for each type of nonresidential development based on the number of vehicle trip ends generated per 1,000 square feet of floor area. Trip generation rates are used because vehicle trips are highest for retail developments, such as shopping centers, and lowest for industrial development. Office and

institutional trip rates fall between the other two categories. This ranking of trip rates is consistent with the relative demand for fire and emergency medical services from nonresidential development. Other possible nonresidential demand indicators, such as employment or floor area, will not accurately reflect the demand for service. For example, if employees per thousand square feet were used as the demand indicator, fire impact fees would be disproportionately high for office and institutional development because offices typically have more employees per 1,000 square feet than retail uses. If floor area were used as the demand indicator, fire impact fees would be disproportionately high for industrial development.

A trip end represents a vehicle either entering or exiting a development (as if a traffic counter were placed across a driveway). Trip ends for nonresidential development are calculated per thousand square feet and require an adjustment factor to avoid double counting each trip at both the origin and destination points. As shown below, the current vehicle trip generation factors per 1,000 square feet of floor area are 2.44 trips for industrial, 12.21 trips for commercial, 5.42 trips for office and other service, and 7.45 trips for institutional. These factors are defined in *Trip Generation, 11th Edition*, published in 2021 by the Institute of Transportation Engineers (further discussed in Appendix A).

Figure F2: Service Units

Residential Development			
Development Type	Persons per Housing Unit ¹		
1,100 or less	1.04		
1,101 to 1,500	1.64		
1,501 to 2,000	2.07		
2,001 to 2,500	2.41		
2,501 to 3,000	2.69		
3,001 to 3,500	2.93		
3,501 or more	3.14		

Nonresidential Development			
Development Type	AWVTE per 1,000 Sq Ft ¹	Trip Rate Adjustment	AWVT per 1,000 Sq Ft ¹
Industrial	4.87	50%	2.44
Commercial	37.01	33%	12.21
Office & Other Services	10.84	50%	5.42
Institutional	22.59	33%	7.45

1. See Land Use Assumptions

LEVEL-OF-SERVICE ANALYSIS

Fire Facilities – Incremental Expansion

Flagler Beach will maintain current levels of service by incrementally expanding Fire facilities. As Figure F3 indicates, Flagler Beach’s existing Fire Station is 5,451 square feet. To allocate the proportionate share of demand to residential and nonresidential development, this analysis uses functional population outlined in Figure F1. Flagler Beach’s existing level of service for residential development is 0.5655 square feet per person (5,451 square feet X 76 percent residential share / 7,326 persons). For nonresidential development, the existing LOS is 0.2023 square feet per vehicle trip (5,451 square feet X 24 percent nonresidential share / 6,466 nonresidential vehicle trips).

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This analysis uses a construction cost of \$520 per square foot. For Fire facilities, the cost is \$294.07 per person (0.5655 square feet per person X \$520 per square foot) and \$105.21 per vehicle trip (0.2023 square feet per vehicle trip X \$520 per square foot).

Figure F3: Existing Level of Service

Description	Square Feet
Main Station	5,451

Cost Factors	
Cost per Square Foot	\$520

Level-of-Service (LOS) Standards	
Existing Square Feet	5,451
Residential	
Residential Share	76%
2023 Peak Population	7,326
Square Feet per Person	0.5655
Cost per Person	\$294.07
Nonresidential	
Nonresidential Share	24%
2023 Vehicle Trips	6,466
Square Feet per Vehicle Trip	0.2023
Cost per Vehicle Trip	\$105.21

Source: Flagler Beach

Fire Apparatus – Incremental Expansion

As indicated in Figure F4, Flagler Beach has an inventory of 16 Fire Apparatus. This fleet will need to be expanded to serve new growth. To allocate the proportionate share of demand to residential and nonresidential development, this analysis uses functional population outlined in Figure F1. Flagler Beach's existing level of service for residential development is 0.0017 units per person (16 units X 76 percent residential share / 7,326 persons). For nonresidential development, the existing LOS is 0.0006 units per vehicle trip (16 units X 24 percent nonresidential share / 6,466 nonresidential vehicle trips).

The weighted average cost for a new piece of fire apparatus is \$134,557. For Fire Apparatus, the cost is \$223.36 per person (0.0017 units per person X \$134,557 per unit) and \$79.91 per vehicle trip (0.0006 units per vehicle trip X \$134,557 per unit).

Figure F4: Existing Level of Service

Description	Cost
75 ft. Ladder Truck	\$650,000
Pumper Truck	\$550,000
Pumper Truck	\$550,000
Command Vehicle – Ford Explorer	\$36,760
Command Vehicle – Ford Explorer	\$36,760
Command Vehicle – Ford Expedition	\$42,998
Fire Marshal Truck- Ford Ranger	\$27,400
UTV Mule	\$17,000
ATV	\$8,399
Boat Trailer- 18-21 ft.	\$3,596
Boat Trailer-21-25 ft.	\$6,999
Jet Ski	\$15,000
Jet Ski Trailer	\$3,000
Brush Truck	\$175,000
Boat- Transom Style, Rigid Hull 12 ft.	\$12,000
Boat-Transom Style , Rigid Hull 15 ft.	\$18,000

Cost Factors	
Weighted Average Cost per Unit	\$134,557

Level-of-Service (LOS) Standards	
Existing Units	16
Residential	
Residential Share	76%
2023 Peak Population	7,326
Units per Person	0.0017
Cost per Person	\$223.36
Nonresidential	
Nonresidential Share	24%
2023 Vehicle Trips	6,466
Units per Vehicle Trip	0.0006
Cost per Vehicle Trip	\$79.91

Source: Flagler Beach Fire Department

PROJECTED DEMAND FOR FIRE INFRASTRUCTURE

Fire Facilities – Incremental Expansion

Projected demand for fire facilities over the next 10 years is shown below in Figure F5. Based on a projected population increase of 6,769 persons, future residential development demands approximately 3,828 square feet of Fire facilities (6,769 additional persons X 0.5655 square feet per person). With projected nonresidential vehicle trip growth of 8,156 vehicle trips, future nonresidential development demands approximately 1,650.3 square feet of Fire facilities (8,156 additional vehicle trips X 0.2023 square feet per vehicle trip). Future development demands approximately 5,478.3 square feet of Fire facilities at a cost of \$2,848,705 (5,478.3 square feet X \$520 per square foot).

Figure F5: Projected Demand for Fire Facilities

Type of Infrastructure	Level of Service	Demand Unit	Cost per Sq Ft
Fire Facilities	0.5655 Square Feet	per Person	\$520
	0.2023 Square Feet	per Vehicle Trip	

Demand for Fire Facilities					
Year	Peak Population	Vehicle Trips	Square Feet		
			Residential	Nonresidential	Total
2023	7,326	6,466	4,142.8	1,308.2	5,451.0
2024	8,002	7,281	4,525.6	1,473.3	5,998.8
2025	8,679	8,097	4,908.4	1,638.3	6,546.7
2026	9,356	8,913	5,291.1	1,803.3	7,094.5
2027	10,033	9,728	5,673.9	1,968.4	7,642.3
2028	10,710	10,544	6,056.7	2,133.4	8,190.1
2029	11,387	11,360	6,439.5	2,298.4	8,738.0
2030	12,064	12,175	6,822.3	2,463.5	9,285.8
2031	12,741	12,991	7,205.1	2,628.5	9,833.6
2032	13,418	13,806	7,587.9	2,793.5	10,381.5
2033	14,095	14,622	7,970.7	2,958.6	10,929.3
10-Yr Increase	6,769	8,156	3,828.0	1,650.3	5,478.3

Growth-Related Expenditures	\$1,990,534	\$858,171	\$2,848,705
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Fire Apparatus – Incremental Expansion

Projected demand for fire apparatus over the next 10 years is shown below in Figure F6. Based on a projected population increase of 6,769 persons, future residential development demands approximately 11.2 Fire Apparatus (6,769 additional persons X 0.0017 units per person). With projected nonresidential vehicle trip growth of 8,156 vehicle trips, future nonresidential development demands approximately 4.8 Fire Apparatus (8,156 additional vehicle trips X 0.0006 units per vehicle trip). Future development demands approximately 16.1 Fire Apparatus at a cost of \$2,163,686 (16.1 units X \$134,557 per unit).

Figure F6: Projected Demand for Fire Apparatus

Type of Infrastructure	Level of Service	Demand Unit	Cost per Unit
Fire Apparatus	0.0017 Units	per Person	\$134,557
	0.0006 Units	per Vehicle Trip	

Demand for Fire Apparatus					
Year	Peak Population	Unit Trips	Units		
			Residential	Nonresidential	Total
2023	7,326	6,466	12.2	3.8	16.0
2024	8,002	7,281	13.3	4.3	17.6
2025	8,679	8,097	14.4	4.8	19.2
2026	9,356	8,913	15.5	5.3	20.8
2027	10,033	9,728	16.7	5.8	22.4
2028	10,710	10,544	17.8	6.3	24.0
2029	11,387	11,360	18.9	6.7	25.6
2030	12,064	12,175	20.0	7.2	27.3
2031	12,741	12,991	21.1	7.7	28.9
2032	13,418	13,806	22.3	8.2	30.5
2033	14,095	14,622	23.4	8.7	32.1
10-Yr Increase	6,769	8,156	11.2	4.8	16.1

Growth-Related Expenditures	\$1,511,877	\$651,809	\$2,163,686
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CREDITS

As the City has no outstanding debt on its Fire facilities, a credit for future principal payments is not included. If elected officials make a legislative policy decision to fully fund growth-related costs from impact fees, there will be no potential double-payment from other revenue sources.

FIRE IMPACT FEES

Infrastructure components and cost factors for Fire impact fees are summarized in the upper portion of Figure F7. The cost for Fire impact fees is \$517.43 per person and \$185.12 per vehicle trip.

Fire impact fees for residential development are assessed according to the number of persons per household. The 2,001 square feet to 2,500 square feet fee of \$1,247 is calculated using a cost of \$517.43 per person multiplied by 2.41 persons per household.

Fire impact fees for nonresidential development are assessed according to the number of vehicle trips generated per 1,000 square feet of floor area. The industrial fee of \$451 per 1,000 square feet is calculated using a cost of \$185.12 per vehicle trip multiplied by 2.44 vehicle trips per 1,000 square feet of industrial development.

Figure F7: Schedule of Fire Impact Fees

Fee Component	Cost per Person	Cost per Trip
Fire Facilities	\$294.07	\$105.21
Fire Appartus	\$223.36	\$79.91
Total	\$517.43	\$185.12

Residential Fees per Unit		
Development Type	Persons per Household ¹	Proposed Fees
1,100 or less	1.04	\$538
1,101 to 1,500	1.64	\$849
1,501 to 2,000	2.07	\$1,071
2,001 to 2,500	2.41	\$1,247
2,501 to 3,000	2.69	\$1,392
3,001 to 3,500	2.93	\$1,516
3,501 or more	3.14	\$1,625

Nonresidential Fees per 1000 Square Feet		
Development Type	Avg Weekday Vehicle Trips ¹	Proposed Fees
Industrial	2.44	\$451
Commercial	12.21	\$2,261
Office & Other Services	5.42	\$1,003
Institutional	7.45	\$1,380

1. See Land Use Assumptions

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Flagler Beach, Florida

FIRE IMPACT FEE REVENUE

Projected fee revenue shown below is based on the development projections in Appendix B and the Fire impact fees shown on the previous page. To estimate single family revenue the 2,001 square feet to 2,500 square feet fee is used, and for multi-family the less than 1,100 square feet fee is used. If development occurs at a more rapid rate than projected, the demand for infrastructure will increase and impact fee revenue will increase at a corresponding rate. If development occurs at a slower rate than projected, the demand for infrastructure will also decrease, along with impact fee revenue. Over the next 10 years, projected impact fee revenues equal approximately \$5.3 million and projected expenditures equal approximately \$5.0 million. Based on the actual mix of future residential construction, the projected Fire fee revenue shown below may change.

Figure F8: Projected Fire Impact Fee Revenue

Fee Component	Growth Share	Existing Share	Total
Fire Facilities	\$2,848,705	\$0	\$2,848,705
Fire Units	\$2,163,686	\$0	\$2,163,686
Total	\$5,012,391	\$0	\$5,012,391

		Single Family \$1,247 per unit	Multi-Family \$538 per unit	Industrial \$450.78 per sq ft	Commercial \$2,260.98 per sq ft	Office & Other \$1,003.38 per sq ft	Institutional \$1,380.05 per sq ft
Year		Hsg Unit	Hsg Unit	KSF	KSF	KSF	KSF
Base	2023	3,012	775	54	373	208	88
Year 1	2024	3,318	779	61	420	235	99
Year 2	2025	3,624	783	67	467	261	110
Year 3	2026	3,930	787	74	514	287	121
Year 4	2027	4,236	791	81	561	314	132
Year 5	2028	4,542	795	88	608	340	143
Year 6	2029	4,848	799	95	655	366	154
Year 7	2030	5,154	803	101	702	392	165
Year 8	2031	5,460	807	108	749	419	176
Year 9	2032	5,766	810	115	796	445	187
Year 10	2033	6,072	814	122	843	471	198
10-Year Increase		3,060	39	68	470	263	111
Projected Revenue		\$3,815,835	\$20,987	\$30,599	\$1,062,886	\$263,757	\$152,705

Projected Fee Revenue	\$5,346,770
Total Expenditures	\$5,012,390

PARK AND RECREATION IMPACT FEES

METHODOLOGY

The Park and Recreation impact fees include a component for park amenities. The incremental expansion methodology is used for all components.

SERVICE AREA

Flagler Beach plans to provide a uniform level of service and equal access to parks within the city limits; therefore, the park and recreation impact fees will be assessed in a citywide service area.



PROPORTIONATE SHARE

Impact fees should not exceed a proportionate share of the capital cost needed to provide capital facilities to the development. The park and recreation impact fees allocate 100 percent of the cost of capital facilities to residential development. The proportionate share of costs attributable to residential development will be allocated to population and then converted to an appropriate amount by type of housing unit, based on housing unit type.

DEMAND UNITS

Residential impact fees are calculated on a per capita basis, then converted to an appropriate amount for each size of housing unit based on the number of persons per housing unit (PPHU). As shown in Figure P2, the current PPHU factors range from 1.04 persons per unit units that are 1,100 square feet or less, to 3.14 persons per units that are 3,501 square feet or more. These factors are based on the U.S. Census Bureau’s 2016-2020 American Community Survey 5-year estimates (further discussed in Appendix B).

Figure PR 1: Service Units

Residential Development	
Development Type	Persons per Housing Unit ¹
1,100 or less	1.04
1,101 to 1,500	1.64
1,501 to 2,000	2.07
2,001 to 2,500	2.41
2,501 to 3,000	2.69
3,001 to 3,500	2.93
3,501 or more	3.14

LEVEL-OF-SERVICE ANALYSIS

Park Amenities – Incremental Expansion

As indicated in Figure PR2, Flagler Beach currently provides 161 park amenities in its parks with an estimated value of \$3,798,500, which results in a weighted average cost per amenity of \$23,593 (\$3,798,500 / 161 amenities). As is the case with park land, the City plans to construct additional park amenities to serve future development.

Figure PR2: Existing Inventory

Description	Units	Unit Cost	Total Cost
Fields	4	\$90,000	\$360,000
Basketball Courts	1	\$30,000	\$30,000
Canoe Launch	1	\$10,000	\$10,000
Tennis Courts	2	\$100,000	\$200,000
Volleyball Courts	1	\$100,000	\$100,000
Restrooms	2	\$150,000	\$300,000
Playgrounds	3	\$260,000	\$780,000
Pavilions	4	\$20,000	\$80,000
Fitness Trails	2	\$20,000	\$40,000
Grills	6	\$200	\$1,200
Benches	64	\$1,000	\$64,000
Picnic Tables	19	\$700	\$13,300
Walkovers	52	\$35,000	\$1,820,000
Total	161	\$23,593	\$3,798,500

When the City’s inventory of 161 park amenities is compared to current population, the City’s existing level of service is 0.0220 amenities per person (161 amenities X 100 percent residential share / 7,326 persons). Using the weighted average cost per amenity of \$23,593, the cost per demand unit is \$518.52 per person (0.0220 amenities per person X \$23,593 per amenity).

Figure PR3: Existing Level of Service

Cost Factors	
Weighted Average per Unit	\$23,593

Level-of-Service (LOS) Standards	
Existing Units	161
Residential	
Residential Share	100%
2023 Peak Population	7,326
Units per Person	0.0220
Cost per Person	\$518.52

Source: Flagler Beach

PROJECTED DEMAND FOR PARK AND RECREATION INFRASTRUCTURE

Park Amenities – Incremental Expansion

Projected demand for park amenities over the next 10 years is shown below in Figure PR6. Based on a projected peak population increase of 6,769 persons, future residential development demands approximately 148.8 park amenities (6,769 additional persons X 0.0220 amenities per person) at a cost of \$3,509,851 (148.8 park amenities X \$23,593 per amenity).

Figure PR4: Projected Demand for Park Amenities

Park Amenities		
Level of Service	Demand Unit	Unit Cost
0.0220 Units	per Person	\$23,593

Demand for Park Amenities		
Year	Peak Population	Park Amenities
2023	7,326	161.0
2024	8,002	175.9
2025	8,679	190.8
2026	9,356	205.6
2027	10,033	220.5
2028	10,710	235.4
2029	11,387	250.3
2030	12,064	265.1
2031	12,741	280.0
2032	13,418	294.9
2033	14,095	309.8
10-Yr Increase	6,769	148.8

Growth-Related Expenditures	\$3,509,851
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CREDITS

As the City has no outstanding debt on its park and recreation facilities, a credit for future principal payments is not included. If elected officials make a legislative policy decision to fully fund growth-related costs from impact fees, there will be no potential double-payment from other revenue sources.

PARK AND RECREATION IMPACT FEES

Infrastructure components and cost factors for park and recreation impact fees are summarized in the upper portion of Figure PR5. The cost for park and recreation impact fees is \$518.52 per person, and Flagler Beach will not assess park and recreation impact fees to nonresidential development.

Park and recreation impact fees for residential development are assessed according to the number of persons per household. The 2,001 square feet to 2,500 square feet fee of \$1,250 is calculated using a cost of \$518.52 per person multiplied by 2.41 persons per household.

Figure PR5: Schedule of Park and Recreation Impact Fees

Fee Component	Cost per Person
Park Amenities	\$518.52
Total	\$518.52

Residential Fees per Unit		
Development Type	Persons per Household ¹	Proposed Fees
1,100 or less	1.04	\$539
1,101 to 1,500	1.64	\$850
1,501 to 2,000	2.07	\$1,073
2,001 to 2,500	2.41	\$1,250
2,501 to 3,000	2.69	\$1,395
3,001 to 3,500	2.93	\$1,519
3,501 or more	3.14	\$1,628

1. See Land Use Assumptions

PARK AND RECREATION IMPACT FEE REVENUE

Projected fee revenue shown below is based on the development projections in Appendix B and the updated park and recreation impact fees shown on the previous page. To estimate single family revenue the 2,001 square feet to 2,500 square feet fee is used, and for multi-family the less than 1,100 square feet fee is used. If development occurs at a more rapid rate than projected, the demand for infrastructure will increase and impact fee revenue will increase at a corresponding rate. If development occurs at a slower rate than projected, the demand for infrastructure will also decrease, along with impact fee revenue. Over the next 10 years, projected impact fee revenue equals approximately \$3.8 million and projected expenditures equal approximately \$3.5 million. Based on the actual mix of future residential construction, the projected parks and recreation fee revenue shown below may change

Figure PR6: Projected Park and Recreation Impact Fee Revenue

Fee Component		Growth Share	Existing Share	Total
Park Amenities		\$3,509,851	\$0	\$3,509,851
Total		\$3,509,851	\$0	\$3,509,851

		Single Family \$1,250 per unit	Multi-Family \$539 per unit
Year		Hsg Unit	Hsg Unit
Base	2023	3,012	775
Year 1	2024	3,318	779
Year 2	2025	3,624	783
Year 3	2026	3,930	787
Year 4	2027	4,236	791
Year 5	2028	4,542	795
Year 6	2029	4,848	799
Year 7	2030	5,154	803
Year 8	2031	5,460	807
Year 9	2032	5,766	810
Year 10	2033	6,072	814
10-Year Increase		3,060	39
Projected Revenue		\$3,823,907	\$33,165

Projected Fee Revenue	\$3,857,071
Total Expenditures	\$3,509,851

LIBRARY IMPACT FEES

METHODOLOGY

The Library impact fee includes a component for library facilities. The incremental expansion methodology is used for this component.

SERVICE AREA

Flagler Beach plans to provide a uniform level of service and equal access to libraries within the city limits; therefore, the library impact fee will be assessed in a citywide service area.



PROPORTIONATE SHARE

Impact fees should not exceed a proportionate share of the capital cost needed to provide capital facilities to the development. The library impact fee allocates 100 percent of the cost of capital facilities to residential development. The proportionate share of costs attributable to residential development will be allocated to population and then converted to an appropriate amount by type of housing unit, based on housing unit type.

DEMAND UNITS

Residential impact fees are calculated on a per capita basis, then converted to an appropriate amount for each size of housing unit based on the number of persons per housing unit (PPHU). As shown in Figure P2, the current PPHU factors range from 1.04 persons per unit units that are 1,100 square feet or less, to 3.14 persons per units that are 3,501 square feet or more. These factors are based on the U.S. Census Bureau’s 2016-2020 American Community Survey 5-year estimates (further discussed in Appendix B).

Figure L1: Service Units

Residential Development	
Development Type	Persons per Housing Unit ¹
1,100 or less	1.04
1,101 to 1,500	1.64
1,501 to 2,000	2.07
2,001 to 2,500	2.41
2,501 to 3,000	2.69
3,001 to 3,500	2.93
3,501 or more	3.14

LEVEL-OF-SERVICE ANALYSIS

Library Facilities – Incremental Expansion

The City of Flagler Beach operates one library facility – the Flagler Beach Library. As indicated in Figure L2, the library is currently 4,850 square feet. The City will either add on to this existing facility or construct an additional branch in order to maintain current levels of service for new growth. Flagler Beach’s existing level of service for residential development is 0.6621 square feet per person (4,850 square feet X 100 percent residential share / 7,326 persons).

Based on RS Means data this analysis uses a construction cost of \$178 per square foot. For library facilities, the cost is \$117.85 per person (0.6621 square feet per person X \$178 per square foot).

Figure L2: Existing Level of Service

Description	Square Feet
Flagler Beach Library	4,850

Cost Factors	
Cost per Square Foot	\$178

Level-of-Service (LOS) Standards	
Existing Square Feet	4,850
Residential	
Residential Share	100%
2023 Peak Population	7,326
Square Feet per Person	0.6621
Cost per Person	\$117.85

Source: Flagler Beach

PROJECTED DEMAND FOR LIBRARY INFRASTRUCTURE

Library Facilities – Incremental Expansion

Projected demand for library space over the next 10 years is shown below in Figure L3. Based on a projected population increase of 6,769 persons, future residential development demands 4,481.4 square feet of library facilities (6,769 additional persons X 0.6621 square feet per person) at a cost of \$797,698 (559.0 square feet X \$178 per square foot).

Figure L3: Projected Demand for Library Facilities

Library Facilities			
Level of Service		Demand Unit	Unit Cost
0.6621	Square Feet	per Person	\$178

Demand for Library Facilities		
Year	Peak Population	Square Feet
2023	7,326	4,850.0
2024	8,002	5,298.1
2025	8,679	5,746.3
2026	9,356	6,194.4
2027	10,033	6,642.6
2028	10,710	7,090.7
2029	11,387	7,538.9
2030	12,064	7,987.0
2031	12,741	8,435.2
2032	13,418	8,883.3
2033	14,095	9,331.4
10-Yr Increase	6,769	4,481.4

Growth-Related Expenditures		\$797,698
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CREDITS

As the City has no outstanding debt on its library facilities, a credit for future principal payments is not included. If elected officials make a legislative policy decision to fully fund growth-related costs from impact fees, there will be no potential double-payment from other revenue sources.

LIBRARY IMPACT FEES

Infrastructure components and cost factors for the library impact fees are summarized in the upper portion of Figure L3. The cost for library impact fees is \$117.85 per person, and Flagler Beach will not assess library impact fees to nonresidential development.

Library impact fees for residential development are assessed according to the number of persons per household. The 2,001 square feet to 2,500 square feet fee of \$284 is calculated using a cost of \$117.85 per person multiplied by 2.41 persons per single-family household.

Figure L3: Schedule of Library Impact Fees

Fee Component	Cost per Person
Library Facilities	\$117.85
Total	\$117.85

Residential Fees per Unit		
Development Type	Persons per Household ¹	Proposed Fees
1,100 or less	1.04	\$123
1,101 to 1,500	1.64	\$193
1,501 to 2,000	2.07	\$244
2,001 to 2,500	2.41	\$284
2,501 to 3,000	2.69	\$317
3,001 to 3,500	2.93	\$345
3,501 or more	3.14	\$370

1. See Land Use Assumptions

LIBRARY IMPACT FEE REVENUE

Projected fee revenue shown below is based on the development projections in Appendix B and the library impact fees shown on the previous page. To estimate single family revenue the 2,001 square feet to 2,500 square feet fee is used, and for multi-family the less than 1,100 square feet fee is used. If development occurs at a more rapid rate than projected, the demand for infrastructure will increase and impact fee revenue will increase at a corresponding rate. If development occurs at a slower rate than projected, the demand for infrastructure will also decrease, along with impact fee revenue. Over the next 10 years, projected impact fee revenue equals \$873,850 and projected expenditures equal \$797,700. Based on the actual mix of future residential construction, the projected library fee revenue shown below may change

Figure L4: Projected Library Impact Fee Revenue

Fee Component	Growth Share	Existing Share	Total
Library Facilities	\$797,698	\$0	\$797,698
Total	\$797,698	\$0	\$797,698

		Single Family \$284 per unit	Multi-Family \$123 per unit
Year		Hsg Unit	Hsg Unit
Base	2023	3,012	775
Year 1	2024	3,318	779
Year 2	2025	3,624	783
Year 3	2026	3,930	787
Year 4	2027	4,236	791
Year 5	2028	4,542	795
Year 6	2029	4,848	799
Year 7	2030	5,154	803
Year 8	2031	5,460	807
Year 9	2032	5,766	810
Year 10	2033	6,072	814
10-Year Increase		3,060	39
Projected Revenue		\$869,074	\$4,780

Projected Fee Revenue	\$873,850
Total Expenditures	\$797,700

WATER IMPACT FEES

METHODOLOGY

The City operates a water treatment plant with 2 million gallons a day (MGD) of capacity. Since the City’s Water treatment plant has excess capacity in the system to serve future development, the Water impact fee includes a buy-in components for the City’s investment. The Water impact fee utilizes a plan-based approach for planned water well, storage, and transmission projects.

PROPORTIONATE SHARE AND DEMAND UNITS

The Water impact fees are assessed on both residential and nonresidential development, using an equivalent dwelling unit approach. In order to determine the water system demand from an equivalent single family dwelling unit, TischlerBise obtained water billing data and production data for 2021. TischlerBise estimates that, the 2,937 residential customers served by the City accounted for 186.1 million gallons in 2021, or 509,919 gallons daily. The City’s 1,118 nonresidential customers are estimated to have accounted for 71.2 million gallons annually, or 195,160 gallons daily. To determine an equivalent dwelling unit (EDU) for the water system, the 2,937 residential customers are compared to the average daily consumption (509,919 gallons), for an average of 174 gallons a day.

Figure W1: Water Demand Factors

Account Type		Annual	Daily	Avg. Daily Usage
Residential	2,937	186,120,462	509,919	174
Commercial	1,118	71,233,538	195,160	175
Total	4,055	257,354,000	705,079	174

Source: Flagler Beach

As discussed above, Water impact fees are calculated by multiplying the number of gallons per single family unit equivalent (EDU) by the capacity ratio for the corresponding size and type of meter multiplied by the cost per EDU. The City’s demand for a single-family equivalent dwelling unit is 174 gallons per day. Figure W2 shows the capacity ratio by meter size from the *AWWA Manual of Water Supply Practices*, which is used for water meters larger than .75 inches.

Figure W2: Water Ratio of Demand Units to Development Units

Meter Size and Type		Capacity Ratio ¹
0.75	Displacement	1.00
1.00	Displacement	1.67
1.50	Displacement	3.33
2.00	Displacement	5.33
3.00	Singlejet	10.67
3.00	Compound	10.67
3.00	Turbine	11.67
4.00	Singlejet	16.67
4.00	Compound	16.67
4.00	Turbine	21.00
6.00	Singlejet	33.33
6.00	Compound	33.33
6.00	Turbine	43.33
8.00	Compound	53.33
8.00	Turbine	93.33
10.00	Turbine	140.00
12.00	Turbine	176.67

1. AWWA Manual of Water Supply Practices M-1, 7th Edition

WATER IMPACT FEE COMPONENTS

Treatment Plant Investment Buy-In

The Water impact fee contains a buy-in component for the City’s investment (original cost, no inflation included) in the water treatment plant, transmission lines, vehicles, and equipment, as well as administrative components. As shown in Figure W3, this investment is \$16,563,374. The City has the capacity to treat 2 million gallons a day. This results in a cost per gallon of \$8.28 (\$16,563,374 / 2,000,000 gallons).

Figure W3: Water Treatment and Transmission System Investment Buy-In

Water Treatment Plant Investment	
New Pumps and Clear	\$436,489
Portable Generator	\$8,794
Sierra Model 210 Flow Meter Tester	\$5,300
Water Treatment Plant from CIP 2009	\$8,294,281
Upgrade to Water Water Treatment Plant in	\$7,511,582
Acutec Detector Monitor	\$11,099
Million Gallon Fuel Tank @ WTP	\$57,731
Monitoring Equipment	\$14,355
Sulfuric Acid Tank	\$13,450
Sulfuric Acid Tank	\$13,450
Sodium Hypochlorite Tank	\$8,000
ABB Variable Frequency Drive Control Panel	\$6,630
Variable Frequency Drive Well #10	\$13,543
Variable Frequency Drive Well #11	\$13,543
Variable Frequency Drive Well #13	\$10,252
Antenna at South Tank	\$8,668
2015 Ford F250 4 x 4	\$31,474
High Speed Pump	\$10,945
Pump Replaced Well #10	\$15,870
2016 Ford F150	\$22,858
16 inch Ultra Mag Meter	\$6,576
Sand Separator	\$16,161
Sand Separator	\$16,161
Sand Separator	\$16,161
Total	\$16,563,374

Cost Allocation Factors	
Water Treatment Plant Investment	\$16,563,374
System Capacity	2,000,000
Cost per Gallon of Capacity	\$8.28

Planned Well Upgrades

Flagler Beach plans to construct an additional well to serve future development. This project will add 648,000 gallons of capacity to the water system, at a cost of \$1.5 million. To calculate the cost per demand unit (gallons), the costs of planned improvements (\$1.5 million) are allocated to the additional capacity added (648,000 gallons per day). This results in a cost of \$2.34 per gallon.

Figure W4: Planned Well Upgrades

Description	Cost
Well 17 Design	\$115,000
Well 17 Construction	\$1,400,000
Total Cost	\$1,515,000
Total Capacity (Gallons)	648,000
Cost per Gallon	\$2.34

Planned Water Storage Upgrades

Flagler Beach plans to construct upgrades to the water storage system to serve future development. These projects will add 1 million gallons of capacity to the water storage system, at a cost of \$1.9 million. To calculate the cost per demand unit (gallons), the costs of planned improvements (\$1.9 million) are allocated to the additional capacity added (1 million gallons). This results in a cost of \$2.00 per gallon.

Figure W5: Planned Water Storage Upgrades

Description	Cost
Tank Design	\$150,000
Tank Construction	\$1,800,000
High Service Pump #3	\$45,000
Total Cost	\$1,995,000
Total Capacity (Gallons)	1,000,000
Cost per Gallon	\$2.00

Planned Water Transmission Upgrades

Flagler Beach plans to construct upgrades to the water transmission system to serve future development. These projects will cost \$3.7 million. To calculate the cost per demand unit (gallons), the costs of planned improvements (\$3.7 million) are allocated to the projected increase in water usage within the utility service area the next 10 years (787,296 gallons). This results in a cost of \$4.70 per gallon.

Figure W6: Planned Water Transmission Upgrades

Description	Total Cost
16" Main Running Down Lambert Ave.	\$1,500,000
16" River Crossing	\$2,200,000
Total Cost	\$3,700,000
10 Year Increase in Gallons	787,296
Cost per Gallon	\$4.70

DRAFT Impact Fee Study
Flagler Beach, Florida

MAXIMUM ALLOWABLE WATER IMPACT FEES

The proposed Water impact fees are shown in Figure W7. As shown in Figure W7, the total water system investment totals \$17.32 per gallon. New residential units needing a 3/4" meter will have a maximum water impact fee of \$3,007 (174 gallons X capital cost per gallon of capacity of \$17.32 X 1.0 capacity ratio), and future development needing a 1.0" meter will have a maximum water impact fee charge of \$5,022 (174 gallons X capital cost per gallon of capacity of \$17.32 X 1.67 capacity ratio).

Figure W7: Maximum Allowable Water Impact fees

Fee Component	Cost per Gallon
Wells	\$2.34
Storage	\$2.00
Investment in Plant	\$8.28
Transmission	\$4.70
Total	\$17.32

Single Family (Base Meter) Demand Factors	
Average Day Gallons	174

Meter Size and Type	Capacity Ratio ¹	Maximum Fees	Current Fees ²	Difference
0.75 Displacement	1.00	\$3,007	\$2,509	\$498
1.00 Displacement	1.67	\$5,022	\$4,190	\$832
1.50 Displacement	3.33	\$10,015	\$8,356	\$1,659
2.00 Displacement	5.33	\$16,029	\$13,374	\$2,655
3.00 Singlejet	10.67	\$32,089	\$26,773	\$5,316
3.00 Compound	10.67	\$32,089	\$26,773	\$5,316
3.00 Turbine	11.67	\$35,096	\$29,282	\$5,814
4.00 Singlejet	16.67	\$50,133	\$41,828	\$8,305
4.00 Compound	16.67	\$50,133	\$41,828	\$8,305
4.00 Turbine	21.00	\$63,155	\$52,693	\$10,462
6.00 Singlejet	33.33	\$100,236	\$83,631	\$16,604
6.00 Compound	33.33	\$100,236	\$83,631	\$16,604
6.00 Turbine	43.33	\$130,310	\$108,723	\$21,586
8.00 Compound	53.33	\$160,383	\$133,815	\$26,568
8.00 Turbine	93.33	\$280,678	\$234,183	\$46,496
10.00 Turbine	140.00	\$421,032	\$351,287	\$69,746
12.00 Turbine	176.67	\$531,313	\$443,299	\$88,014

1. AWWA Manual of Water Supply Practices M-1, 7th Edition

2. Base meter fee is the current water fee and then is scaled up using the proposed meter capacity ratio

WASTEWATER IMPACT FEES

METHODOLOGY

The Wastewater impact fee utilizes a plan-based approach for planned wastewater capacity projects, and treatment plant improvements.

PROPORTIONATE SHARE AND DEMAND UNITS

The Wastewater impact fees are assessed on both residential and nonresidential development, using an equivalent dwelling unit approach. In order to determine the wastewater system demand from an equivalent single family dwelling unit, TischlerBise obtained sewer and production data for 2021. TischlerBise estimates that the 2,835 residential customers served by the City accounted for 171.4 million gallons in 2021, or approximately 469,000 gallons daily. The City’s 1,003 nonresidential customers accounted for 65.8 million gallons, or approximately 180,000 gallons daily. To determine an equivalent dwelling unit (EDU) for the wastewater system, the 2,835 residential customers are compared to the average daily consumption (469,706 gallons), for an average of 166 gallons a day.

Figure WW1: Wastewater Demand Factors

Account Type		Annual Consumption	Daily Consumption	Avg. Daily Usage
Residential	2,835	171,442,777	469,706	166
Commercial	1,003	65,807,223	180,294	180
Total	3,838	237,250,000	650,000	169

Source: Flagler Beach

As discussed above, Wastewater impact fees are calculated by multiplying the number of gallons per single family unit equivalent (EDU) by the capacity ratio for the corresponding size and type of meter multiplied by the cost per EDU. The City’s demand for a single family equivalent dwelling unit is 166 gallons per day. Figure WW2 shows the capacity ratio by meter size from the *AWWA Manual of Water Supply Practices*, which is used for meters larger than .75 inches.

Figure WW2: Wastewater Ratio of Demand Units to Development Units

Meter Size and Type		Capacity Ratio ¹
0.75	Displacement	1.00
1.00	Displacement	1.67
1.50	Displacement	3.33
2.00	Displacement	5.33
3.00	Singlejet	10.67
3.00	Compound	10.67
3.00	Turbine	11.67
4.00	Singlejet	16.67
4.00	Compound	16.67
4.00	Turbine	21.00
6.00	Singlejet	33.33
6.00	Compound	33.33
6.00	Turbine	43.33
8.00	Compound	53.33
8.00	Turbine	93.33
10.00	Turbine	140.00
12.00	Turbine	176.67

1. AWWA Manual of Water Supply Practices M-1, 7th Edition

WASTEWATER IMPACT FEE COMPONENTS

Planned Wastewater System Upgrades

The City of Flagler Beach plans to construct upgrades to its existing wastewater system to serve future development. These projects will cost a total of \$34.45 million. To calculate the cost per demand unit (gallons), the costs of planned improvements (\$34.45 million) are allocated to the total wastewater system capacity (1,500,000 gallons). This results in a cost of \$22.97 per gallon.

Figure WW3: Planned Wastewater Systems Upgrade Cost

Description	Total Cost
Treatment Plant Improvements Project	\$25,000,000
Reclaimed Water Infrastructure	\$3,000,000
Reclaimed Water Distribution System	\$4,500,000
New WWTF Operations Building	\$1,100,000
Screw Press*	\$850,000
Total	\$34,450,000
Total System Capacity (Gallons per Day)	1,500,000
Cost per Gallon	\$22.97

*City's share. Half is assumed to be funded through grants

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MAXIMUM ALLOWABLE WASTEWATER IMPACT FEES

Cost factors for Wastewater infrastructure components are summarized in the upper portion of Figure WW4. The Wastewater impact fee is derived from the average gallons per day per single family equivalent residential connection of 166 gallons multiplied by the capital cost per gallon of capacity (\$22.97). New residential units needing a 3/4" meter will have a maximum Wastewater impact fee of \$3,806 (166 gallons X capital cost per gallon of capacity of \$22.97 X 1.0 capacity ratio), and future development needing a 1.0" meter will have a maximum Wastewater impact fee charge of \$6,356 (166 gallons X capital cost per gallon of capacity of \$22.97 X 1.67 capacity ratio).

Figure WW4: Maximum Allowable Wastewater Impact fees

Fee Component	Cost per Gallon
System Upgrades	\$22.97
Total	\$22.97

Single Family (Base Meter) Demand Factors	
Average Day Gallons	166

Meter Size and Type	Capacity Ratio ¹	Maximum Fees	Current Fees ²	Difference
0.75 Displacement	1.00	\$3,806	\$3,083	\$723
1.00 Displacement	1.67	\$6,356	\$5,148	\$1,208
1.50 Displacement	3.33	\$12,673	\$10,265	\$2,408
2.00 Displacement	5.33	\$20,284	\$16,430	\$3,855
3.00 Singlejet	10.67	\$40,607	\$32,890	\$7,717
3.00 Compound	10.67	\$40,607	\$32,890	\$7,717
3.00 Turbine	11.67	\$44,412	\$35,973	\$8,440
4.00 Singlejet	16.67	\$63,441	\$51,385	\$12,056
4.00 Compound	16.67	\$63,441	\$51,385	\$12,056
4.00 Turbine	21.00	\$79,920	\$64,733	\$15,187
6.00 Singlejet	33.33	\$126,844	\$102,740	\$24,104
6.00 Compound	33.33	\$126,844	\$102,740	\$24,104
6.00 Turbine	43.33	\$164,901	\$133,565	\$31,336
8.00 Compound	53.33	\$202,958	\$164,390	\$38,568
8.00 Turbine	93.33	\$355,186	\$287,690	\$67,496
10.00 Turbine	140.00	\$532,798	\$431,550	\$101,248
12.00 Turbine	176.67	\$672,353	\$544,585	\$127,767

1. AWWA Manual of Water Supply Practices M-1, 7th Edition

2. Base meter fee is the current sewer fee and then is scaled up using the proposed meter capacity ratio

ADMINISTRATIVE CHARGE

Figure AC1 summarizes expected administrative costs over the next five years, totaling approximately \$12,866. This amount is split between residential and nonresidential development, with residential development paying for 76 percent of administrative costs and nonresidential development covering the remaining 24 percent. The residential share of administrative costs is divided by the projected increase in peak population over five years, 3,384 persons, to yield a cost per person of \$2.89. Similarly, the nonresidential share of administrative costs is divided by the projected increase in jobs over five years, 1,148 jobs, to yield a cost per job of \$2.69. The cost per person is then multiplied by the average number of persons per household for each size category to calculate the appropriate impact fee per residential dwelling unit. The cost per job is multiplied by the average number of jobs per 1,000 square feet for each nonresidential typology to calculate the appropriate impact fee per 1,000 square feet of nonresidential development.

Figure AC1. Administrative Costs

Bookkeeper salary (at 1%) [1]	\$764.19	
Permit Technician salary (at 2.5%) [1]	\$1,809.08	
Annual Administrative Costs	\$2,573.27	
Five-Year Administrative Costs	\$12,866.36	
	<i>Residential</i>	<i>Nonresidential</i>
Proportionate Share (Functional Population)	76%	24%
	<i>Peak Population</i>	<i>Jobs</i>
Five-Year Increase in Service Units	3,384	1,148
	<i>Cost per Person</i>	<i>Cost per Job</i>
	\$2.89	\$2.69

Figure AC2. Proposed Administrative Fee

Residential Fees per Unit		
Development Type	Persons per Household ¹	Proposed Fees
1,100 or less	1.04	\$3
1,101 to 1,500	1.64	\$5
1,501 to 2,000	2.07	\$6
2,001 to 2,500	2.41	\$7
2,501 to 3,000	2.69	\$8
3,001 to 3,500	2.93	\$8
3,501 or more	3.14	\$9

Nonresidential Fees per Square Foot		
Development Type	Jobs per 1,000 Sq Ft ¹	Proposed Fees
Industrial	1.57	\$4.22
Commercial	2.12	\$5.71
Office & Other Services	3.26	\$8.75
Institutional	3.03	\$8.15

1. See Land Use Assumptions

APPENDIX A: LAND USE DEFINITIONS

RESIDENTIAL DEVELOPMENT

As discussed below, residential development categories are based on data from the U.S. Census Bureau, American Community Survey. Flagler Beach will collect impact fees from all new residential units. One-time impact fees are determined by site capacity (i.e., number of residential units).

Single-Family Units:

1. Single-family detached is a one-unit structure detached from any other house, that is, with open space on all four sides. Such structures are considered detached even if they have an adjoining shed or garage. A one-family house that contains a business is considered detached as long as the building has open space on all four sides.
2. Single-family attached (townhouse) is a one-unit structure that has one or more walls extending from ground to roof separating it from adjoining structures. In row houses (sometimes called townhouses), double houses, or houses attached to nonresidential structures, each house is a separate, attached structure if the dividing or common wall goes from ground to roof.
3. Mobile home includes both occupied and vacant mobile homes, to which no permanent rooms have been added. Mobile homes used only for business purposes or for extra sleeping space and mobile homes for sale on a dealer's lot, at the factory, or in storage are not counted in the housing inventory.

Multi-Family Units:

1. 2+ units (duplexes and apartments) are units in structures containing two or more housing units, further categorized as units in structures with "2, 3 or 4, 5 to 9, 10 to 19, 20 to 49, and 50 or more apartments."
2. Boat, RV, Van, Etc. includes any living quarters occupied as a housing unit that does not fit the other categories (e.g., houseboats, railroad cars, campers, and vans). Recreational vehicles, boats, vans, railroad cars, and the like are included only if they are occupied as a current place of residence.

NONRESIDENTIAL DEVELOPMENT

As discussed below, the nonresidential development categories are defined by Trip Generation, Institute of Transportation Engineers, 11th Edition (2021). Flagler Beach will collect impact fees from all new nonresidential development. One-time impact fees are determined by site capacity (i.e., square feet).

Commercial: Establishments primarily selling merchandise, eating/drinking places, entertainment uses, and places of lodging. By way of example, *commercial* includes shopping centers, supermarkets, pharmacies, restaurants, bars, nightclubs, automobile dealerships, movie theaters, and lodging.

Industrial: Establishments primarily engaged in the production of goods. By way of example, *industrial – general* includes manufacturing plants, utility substations, power generation facilities, and telecommunications buildings.

Institutional: Public and quasi-public buildings providing educational, social assistance, or religious services. By way of example, *institutional* includes schools, universities, churches, daycare facilities, and government buildings.

Office & Other Services: Establishments providing management, administrative, professional, business services, and health services. By way of example, *office & other services* include banks, business offices, medical offices, hospitals, and veterinary clinics.

APPENDIX B: LAND USE ASSUMPTIONS

This section includes estimates and projections of development for areas within the boundaries of Flagler Beach, Florida. The map below illustrates Flagler Beach’s Impact Fee Service Area.



SUMMARY OF GROWTH INDICATORS

Key land use assumptions for the Flagler Beach Impact Fee Study are population, housing units, employment, and nonresidential floor area. Based on discussions with staff, TischlerBise projects Flagler Beach to add approximately 306 single family housing units per year, and approximately 4 multi-family housing units per year. For population, TischlerBise applies person per housing unit factors derived from American Community Survey 2016-2020 5-Year Estimates to housing unit projections. For nonresidential development, TischlerBise uses job estimates from Esri’s Business Analyst and uses projections based on the increase in Flagler Beach’s population. These employment projections are converted to floor area using employment density factors published in Trip Generation, Institute of Transportation Engineers, 11th Edition (2021).

Complete development projections are summarized in Figure B12. These projections will be used to estimate impact fee revenue and to indicate the anticipated need for growth-related infrastructure. However, impact fee methodologies are designed to reduce sensitivity to development projections in the determination of the proportionate share fee amounts. If actual development is slower than projected, fee revenue will decline, but so will the need for growth-related infrastructure. In contrast, if development occurs faster than anticipated, fee revenue will increase, but Flagler Beach will need to accelerate infrastructure improvements to keep pace with the actual rate of development. Over the next 10 years, development projections indicate an average increase of approximately 310 housing units per year and approximately 91,200 square feet of nonresidential development per year.

RESIDENTIAL DEVELOPMENT

This section details current estimates and future projections of residential development including population and housing units.

Housing Unit Size

According to the U.S. Census Bureau, a household is a housing unit occupied by year-round residents. Impact fees often use per capita standards and persons per housing unit (PPHU) or persons per household (PPH) to derive proportionate share fee amounts. When PPHU is used in the fee calculations, infrastructure standards are derived using year-round population. When PPH is used in the fee calculations, the impact fee methodology assumes a higher percentage of housing units will be occupied, thus requiring seasonal or peak population to be used when deriving infrastructure standards. TischlerBise recommends Flagler Beach impose impact fees for residential development according to the number of persons per household.

Occupancy calculations require data on population and the types of units by structure. The 2010 census did not obtain detailed information using a “long-form” questionnaire. Instead, the U.S. Census Bureau switched to a continuous monthly mailing of surveys, known as the American Community Survey (ACS), which has limitations due to sample-size constraints. For example, data on detached housing units are now combined with attached single units (commonly known as townhouses, which share a common sidewall, but are constructed on an individual parcel of land). For impact fees in Flagler Beach, detached, stick-built units and attached units are included in the “Single-Family” category. The “Multi-Family” category includes duplexes, structures with two or more units on an individual parcel of land, mobile homes, boats, RVs, and vans.

Figure B1 below shows the occupancy estimates for Flagler Beach. Single-family units average 2.19 persons per household and multi-family units average 1.39 persons per household.

Figure B1: Persons per Housing Unit

Housing Type	Persons	Households	Persons per Household	Housing Units	Persons per Housing Unit	Housing Mix	Vacancy Rate
Single-Family ¹	4,483	2,043	2.19	2,850	1.57	79.4%	28.32%
Multi-Family ²	582	418	1.39	741	0.79	20.6%	43.59%
Total	5,065	2,461	2.06	3,591	1.41	100.0%	31.47%

Source: U.S. Census Bureau, 2016-2020 American Community Survey 5-Year Estimates

1. Includes detached, attached (i.e., townhouses), and mobile home units.
2. Includes dwellings in structures with two or more units, RVs, and all other units.

Persons by Bedroom Range

Development fees must be proportionate to the demand for infrastructure. Because averages per housing unit have a strong, positive correlation to the number of bedrooms, TischlerBise recommends a fee schedule where larger units pay higher development fees. Benefits of the proposed methodology include

1) a proportionate assessment of infrastructure demand using local demographic data and 2) a progressive fee structure (i.e., smaller units pay less, and larger units pay more).

Custom tabulations of demographic data by bedroom range can be created from individual survey responses provided by the U.S. Census Bureau in files known as Public Use Microdata Samples (PUMS). PUMS files are only available for areas of at least 100,000 persons, and Flagler Beach is located within one Public Use Microdata Area (Florida PUMA 3500).

Shown in Figure B4 below, cells with yellow shading indicate the unweighted survey results, which yield the unadjusted estimate of 2.22 persons per household. Unadjusted persons per housing unit estimates are adjusted to match the control total for Flagler Beach – 2.06 persons per household. Adjusted persons per housing unit estimates range from 1.18 persons per housing unit for housing units with zero to one bedroom up to 3.27 persons per housing unit for housing units with five or more bedrooms.

Figure B2: Persons by Bedroom Range

Bedroom Range	Persons ¹	Households ¹	Housing Mix	Unadjusted PPH	Adjusted PPH ²
0-1	81	64	3%	1.27	1.18
2	790	447	18%	1.77	1.64
3	3,108	1,430	58%	2.17	2.02
4	1,262	467	19%	2.70	2.51
5+	257	73	3%	3.52	3.27
Total	5,498	2,481	100%	2.22	2.06

1. American Community Survey, Public Use Microdata Sample for Florida PUMA 3500 (2016-2020 ACS 5-Year unweighted data).
2. Adjusted multipliers are scaled to make the average PUMS values match control totals for Flagler Beach based on 2016-2020 ACS 5-Year Estimates.

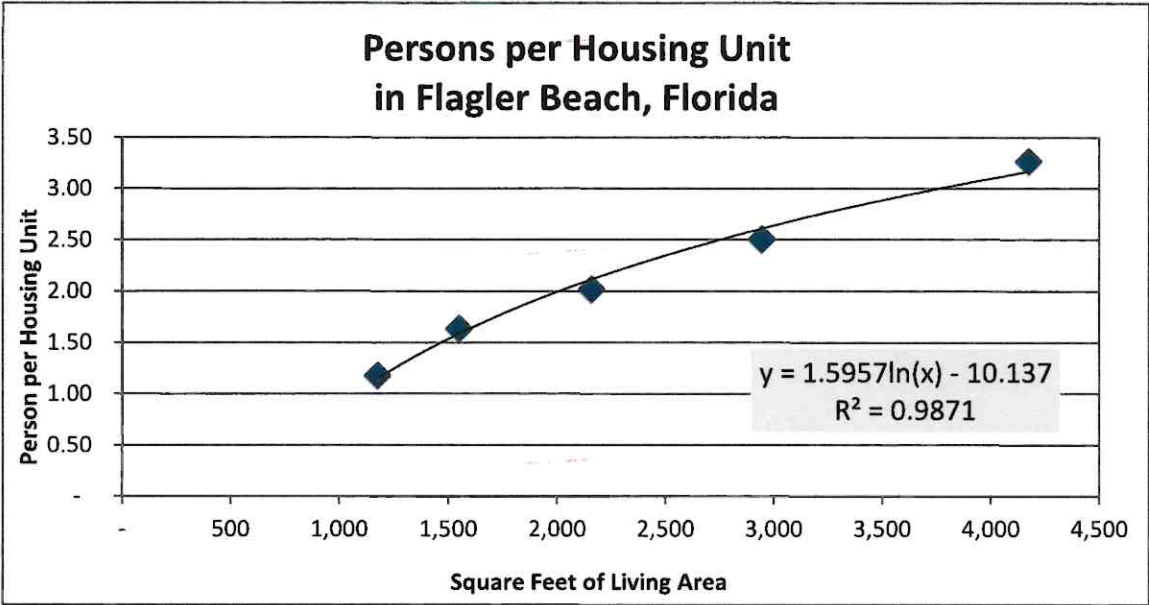
Persons by Square Feet of Living Area

To estimate square feet of living area by bedroom range, TischlerBise uses 2020 U.S. Census Bureau data for housing units constructed in the South Atlantic region. Based on 2020 estimates, living area ranges from 1,178 square feet for housing units with zero to one bedroom up to 4,174 square feet for housing units with five or more bedrooms.

Average square feet of living area and persons per housing unit by bedroom range are plotted in Figure B3 with a logarithmic trend line derived from U.S. Census Bureau estimates discussed in the previous paragraph and adjusted persons per housing unit estimates shown in Figure B3. Using the trend line formula shown in Figure B3, TischlerBise calculates the number of persons per housing unit, by living area, using intervals of 500 square feet. For the purpose of development fees, TischlerBise recommends a minimum development fee based on a unit size of 1,100 square feet and a maximum fee for units 3,501 square feet or more.

Figure B3: Persons by Square Feet of Living Area

Average persons per housing unit derived from 2016-2020 ACS PUMS data Flagler Beach. Unit size from the 2020 U.S. Census Bureau average for units constructed in the Census South Atlantic region.	Average per Housing Unit			Fitted-Curve Values	
	Bedrooms	Square Feet	PPHU	Sq Ft Range	PPHU
	0-1	1,178	1.18	1,100 or less	1.04
	2	1,550	1.64	1,101 to 1,500	1.64
	3	2,159	2.02	1,501 to 2,000	2.07
	4	2,944	2.51	2,001 to 2,500	2.41
	5+	4,174	3.27	2,501 to 3,000	2.69
				3,001 to 3,500	2.93
				3,501 or more	3.14



Seasonal Households

To account for seasonal residents, the analysis includes vacant households used for seasonal, recreational, or occasional use. According to 2020 ACS estimates, seasonal units account for 910 of Flagler Beach’s 1,130 vacant units. With all seasonal units occupied, Flagler Beach’s peak vacancy rate is 6.13 percent (3,527 peak households / 3,758 housing units). Applying Flagler Beach’s persons per household factor of 2.06 to seasonal households provides a seasonal population estimate of 1,966 persons. Shown in Figure B4, Flagler Beach’s peak population estimate for 2022 is 7,266 (5,300 fulltime resident population + 1,966 seasonal population).

Figure B4: Seasonal Households

Flagler Beach, Florida	2022
Population	
Single Family	4,691
Multi-Family	609
Resident Population	5,300
Seasonal Population	1,960
Peak Population	7,260
Housing Units	
Single Family	2,982
Multi-Family	775
Total Housing Units	3,758
Seasonal Households	230
Peak Households	3,527

Residential Estimates

According to information provided by city staff, Flagler Beach’s 2022 resident population equals 5,300 persons. Applying the housing unit occupancy rates shown on the previous page to the 2022 population estimate provides a 2022 estimate of 3,758 housing units. 2022 building permit data is used to get an estimate for 2023 housing units and the housing unit occupancy rates are used to calculate population. This results in a base year housing unit estimate of 3,788 total housing units, and a peak population of 7,326.

Residential Projections

Population and housing unit projections are used to illustrate the possible future pace of service demands, revenues, and expenditures. To the extent these factors change, the projected need for infrastructure will also change. If development occurs at a more rapid rate than projected, the demand for infrastructure will increase at a corresponding rate. If development occurs at a slower rate than is projected, the demand for infrastructure will also decrease.

While historically growth in Flagler Beach has occurred slowly, based on discussions with Flagler Beach staff, in the next 10 years there are multiple large scale developments expected to be built or annexed into the city, such as Veranda Bay (2,700 units), The Preserve (248 units), Beach Park 5 (112 units), and Legacy Pointe Apartments (39 units). These developments are projected to create approximately 306 single family units per year, and approximately 4 multi-family units per year. Based on these projections, Flagler Beach can expect 3,099 additional housing units over the next 10 years. For this study, the analysis assumes the occupancy factors shown in Figure B1 will remain constant. Converting projected housing units to population, as discussed above, results in a 10-year population increase of 6,769 persons.

Figure B5: Residential Projections

Flagler Beach, Florida	2023	2024	2025	2026	2027	2028	2033	10-Year Increase
	Base Year	1	2	3	4	5	10	
Population								
Single Family	4,757	5,428	6,100	6,771	7,443	8,114	11,471	6,715
Multi-Family	609	614	620	625	631	636	663	54
Resident Population	5,366	6,043	6,720	7,397	8,073	8,750	12,135	6,769
Seasonal Population	1,960	1,960	1,960	1,960	1,960	1,960	1,960	0
Peak Population	7,326	8,002	8,679	9,356	10,033	10,710	14,095	6,769
Housing Units								
Single Family	3,012	3,318	3,624	3,930	4,236	4,542	6,072	3,060
Multi-Family	775	779	783	787	791	795	814	39
Total Housing Units	3,788	4,098	4,407	4,717	5,027	5,337	6,887	3,099
Seasonal Households	230	230	230	230	230	230	230	0
Peak Households	3,556	3,846	4,137	4,428	4,719	5,010	6,465	2,909

NONRESIDENTIAL DEVELOPMENT

This section details current estimates and future projections of nonresidential development including jobs and nonresidential floor area.

Nonresidential Demand Units

In Figure B6, gray shading indicates the nonresidential development prototypes used by TischlerBise to derive employment densities and average weekday vehicle trip ends. For nonresidential development, TischlerBise uses data published in Trip Generation, Institute of Transportation Engineers, 11th Edition (2021). The prototype for industrial development is Light Industrial (ITE 110) which generates 4.87 average weekday vehicle trip ends per 1,000 square feet of floor area and has 637 square feet of floor area per employee. Institutional development uses Government Office (ITE 730) and generates 22.59 average weekday vehicle trip ends per 1,000 square feet of floor area and has 330 square feet of floor area per employee. For office & other services development, the proxy is General Office (ITE 710); it generates 10.84 average weekday vehicle trip ends per 1,000 square feet of floor area and has 307 square feet of floor area per employee. The prototype for commercial development is Shopping Center (ITE 820) which generates 37.01 average weekday vehicle trips per 1,000 square feet of floor area and has 471 square feet of floor area per employee.

Figure B6: Nonresidential Demand Units

ITE Code	Land Use / Size	Demand Unit	Wkdy Trip Ends Per Dmd Unit ¹	Wkdy Trip Ends Per Employee ¹	Emp Per Dmd Unit	Sq Ft Per Emp
110	Light Industrial	1,000 Sq Ft	4.87	3.10	1.57	637
130	Industrial Park	1,000 Sq Ft	3.37	2.91	1.16	864
140	Manufacturing	1,000 Sq Ft	4.75	2.51	1.89	528
150	Warehousing	1,000 Sq Ft	1.71	5.05	0.34	2,953
254	Assisted Living	bed	2.60	4.24	0.61	1,631
310	Hotel	room	7.99	14.34	0.56	1,795
610	Hospital	1,000 Sq Ft	10.77	3.77	2.86	350
620	Nursing Home	bed	3.06	3.31	0.92	1,082
710	General Office (avg size)	1,000 Sq Ft	10.84	3.33	3.26	307
720	Medical-Dental Office	1,000 Sq Ft	36.00	8.71	4.13	242
730	Government Office	1,000 Sq Ft	22.59	7.45	3.03	330
770	Business Park	1,000 Sq Ft	12.44	4.04	3.08	325
820	Shopping Center (avg size)	1,000 Sq Ft	37.01	17.42	2.12	471

1. Trip Generation, Institute of Transportation Engineers, 11th Edition (2021).

Nonresidential Estimates

TischlerBise uses the term jobs to refer to employment by place of work. Shown below in Figure B7, Esri Business Analyst estimates 2021 employment equal to 1,766 jobs. TischlerBise estimates 2021 nonresidential floor area equals 700,903 square feet. To estimate nonresidential floor area and employment in the 2023 base year, TischlerBise utilizes 2021 BEBR population estimates to get a population to jobs ratio, and then applies this ratio to the full time resident population estimate for 2023. As shown at the bottom of Figure B7, the 2023 estimate includes 1,821 jobs. Applying the employment

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multipliers shown in Figure B6 to the jobs results in a nonresidential floor area increase of 21,657 square feet. The 2023 base year nonresidential floor area estimate equals 722,560 square feet (700,903 square feet in 2021 + 21,657 additional square feet).

Figure B7: Nonresidential Estimates

Nonresidential Category	2021 Jobs ¹	Percent of Total Jobs	Square Feet per Job ²	2021 Estimated Floor Area ³	Jobs per 1,000 Sq. Ft. ²
Industrial ⁴	82	5%	637	52,197	1.57
Commercial ⁵	768	43%	471	361,485	2.12
Office & Other Service ⁶	658	37%	307	202,135	3.26
Institutional ⁷	258	15%	330	85,086	3.03
Total	1,766	100%		700,903	

1. Esri Business Analyst Online, Business Summary, 2021.
2. Trip Generation, Institute of Transportation Engineers, 11th Edition (2021).
3. TischlerBise calculation (2021 jobs X square feet per job).
4. Major sectors are Construction; Manufacturing.
5. Major sectors are Retail; Accommodation & Food Services.
6. Major sectors are Real Estate, Rental & Leasing; Other Services;
7. Major sectors are Public Administration; Health Care & Social Assistance.

Nonresidential Category	2023 Jobs ¹	Percent of Total Jobs	Square Feet per Job ²	2022 Estimated Floor Area ³	Jobs per 1,000 Sq. Ft. ²
Industrial ⁴	85	5%	637	53,810	1.57
Commercial ⁵	792	43%	471	372,655	2.12
Office & Other Service ⁶	678	37%	307	208,380	3.26
Institutional ⁷	266	15%	330	87,715	3.03
Total	1,821	100%		722,560	

1. TischlerBise calculation.
2. Trip Generation, Institute of Transportation Engineers, 11th Edition (2021).
3. TischlerBise calculation (2023 jobs X square feet per job).
4. Major sectors are Construction; Manufacturing.
5. Major sectors are Retail; Accommodation & Food Services.
6. Major sectors are Real Estate, Rental & Leasing; Other Services;
7. Major sectors are Health Care & Social Assistance; Education.

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Nonresidential Projections

This analysis projects jobs based off the projected increase in population. Shown below in Figure B8, this results in a 10-year increase of 2,297 jobs.

To project nonresidential floor area, TischlerBise divides the projected employment by the square feet per employee factors shown in Figure B6. Over the next 10 years, Flagler Beach is projected to gain 2,297 jobs and approximately 912,000 square feet of nonresidential floor area.

Figure B8: Nonresidential Projections

Flagler Beach, Florida	2023	2024	2025	2026	2027	2028	2033	10-Year
	Base Year	1	2	3	4	5	10	Increase
Population	5,366	6,043	6,720	7,397	8,073	8,750	12,135	6,769
Employment								
Industrial	85	95	106	117	127	138	191	107
Commercial	792	892	991	1,091	1,191	1,291	1,790	999
Office & Other Services	678	764	849	935	1,021	1,106	1,534	856
Institutional	266	300	333	367	400	434	601	336
Total	1,821	2,050	2,280	2,510	2,739	2,969	4,117	2,297
Nonres. Floor Area (x1,000)								
Industrial	54	61	67	74	81	88	122	68
Commercial	373	420	467	514	561	608	843	470
Office & Other Services	208	235	261	287	314	340	471	263
Institutional	88	99	110	121	132	143	198	111
Total	723	814	905	996	1,087	1,178	1,634	912

AVERAGE WEEKDAY VEHICLE TRIPS

Flagler Beach will use average weekday vehicle trips (AWVT) for nonresidential Police and Fire Impact Fees. Components used to determine average weekday vehicle trips include trip generation rates and adjustments for pass-by trips.

Nonresidential Demand Units

In Figure B9, gray shading indicates the nonresidential development prototypes used by TischlerBise to derive average weekday vehicle trip ends. For nonresidential vehicle trips, TischlerBise uses data published in Trip Generation, Institute of Transportation Engineers, 11th Edition (2021). The prototype for industrial development is Light Industrial (ITE 110) which generates 4.87 average weekday vehicle trip ends per 1,000 square feet of floor area. Institutional development uses Government Office (ITE 730) and generates 22.59 average weekday vehicle trip ends per 1,000 square feet of floor area. For office & other services development, the proxy is General Office (ITE 710); it generates 10.84 average weekday vehicle trip ends per 1,000 square feet of floor area. The prototype for commercial development is Shopping Center (ITE 820) which generates 37.01 average weekday vehicle trips per 1,000 square feet of floor area.

Figure B9: Nonresidential Demand Units

ITE Code	Land Use / Size	Demand Unit	Wkdy Trip Ends Per Dmd Unit ¹	Wkdy Trip Ends Per Employee ¹	Emp Per Dmd Unit	Sq Ft Per Emp
110	Light Industrial	1,000 Sq Ft	4.87	3.10	1.57	637
130	Industrial Park	1,000 Sq Ft	3.37	2.91	1.16	864
140	Manufacturing	1,000 Sq Ft	4.75	2.51	1.89	528
150	Warehousing	1,000 Sq Ft	1.71	5.05	0.34	2,953
254	Assisted Living	bed	2.60	4.24	0.61	1,631
310	Hotel	room	7.99	14.34	0.56	1,795
610	Hospital	1,000 Sq Ft	10.77	3.77	2.86	350
620	Nursing Home	bed	3.06	3.31	0.92	1,082
710	General Office (avg size)	1,000 Sq Ft	10.84	3.33	3.26	307
720	Medical-Dental Office	1,000 Sq Ft	36.00	8.71	4.13	242
730	Government Office	1,000 Sq Ft	22.59	7.45	3.03	330
770	Business Park	1,000 Sq Ft	12.44	4.04	3.08	325
820	Shopping Center (avg size)	1,000 Sq Ft	37.01	17.42	2.12	471

1. Trip Generation, Institute of Transportation Engineers, 11th Edition (2021).

Trip Rate Adjustments

To calculate impact fees, trip generation rates require an adjustment factor to avoid double counting each trip at both the origin and destination points. Therefore, the basic trip adjustment factor is 50 percent. As discussed further below, the impact fee methodology includes additional adjustments to make the fees proportionate to the infrastructure demand for particular types of development.

Adjustment for Pass-By Trips

For commercial and institutional development, the trip adjustment factor is less than 50 percent since these types of development attract vehicles as they pass by on arterial and collector roads. For example, when someone stops at a convenience store on the way home from work, the convenience store is not the primary destination. For an average shopping center, ITE data indicate 34 percent of the vehicles that enter are passing by on their way to another primary destination. The remaining 66 percent of attraction trips have the commercial site as their primary destination. Since attraction trips are half of all trips, the trip adjustment factor is 66 percent multiplied by 50 percent – approximately 33 percent of trip ends.

Average Weekday Vehicle Trips

Shown in Figure B10 are the demand indicators for nonresidential land uses related to average weekday vehicle trips (AWVT) generated per 1,000 square feet of floor area. To calculate average weekday vehicle trips, multiply average weekday vehicle trip ends by the trip rate adjustment factor. For example, the industrial demand unit of 2.44 average weekday vehicle trips per 1,000 square feet of floor area is the sum of 4.87 average weekday vehicle trip ends per 1,000 square feet of floor area multiplied by a trip rate adjustment factor of 50 percent. Figure B11 includes nonresidential vehicle trips in the 2022 base year.

Figure B10: Average Weekday Vehicle Trips (AWVT) by Development Type

Nonresidential Development			
Development Type	AWVTE per 1,000 Sq Ft ¹	Trip Rate Adjustment	AWVT per 1,000 Sq Ft ¹
Industrial	4.87	50%	2.44
Commercial	37.01	33%	12.21
Office & Other Services	10.84	50%	5.42
Institutional	22.59	33%	7.45

1. See Land Use Assumptions

Figure B11: Nonresidential Vehicle Trips

Development Type	ITE Code	Avg Wkday VTE	Trip Adjustment	2023 Dev Units	2023 Veh Trips
Industrial	110	4.87	50%	54	131
Commercial	820	37.01	33%	373	4,551
Office & Other Services	710	10.84	50%	208	1,129
Institutional	610	22.59	33%	88	654

DRAFT Impact Fee Study
Flagler Beach, Florida

DEVELOPMENT PROJECTIONS

Provided below are summaries of development projections used in the Impact Fee Study. Development projections are used to illustrate a possible future pace of demand for infrastructure and cash flows resulting from revenues and expenditures associated with those demands.

Figure B12: Development Projections

Flagler Beach, Florida	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	10-Year Increase
		Base Year	1	2	3	4	5	6	7	8	9	10	
Resident Population													
Single Family	4,691	4,757	5,428	6,100	6,771	7,443	8,114	8,786	9,457	10,129	10,800	11,471	6,715
Multi-Family	609	609	614	620	625	631	636	642	647	652	658	663	54
Resident Population	5,300	5,366	6,043	6,720	7,397	8,073	8,750	9,427	10,104	10,781	11,458	12,135	6,769
Seasonal Population	1,960	1,960	1,960	1,960	1,960	1,960	1,960	1,960	1,960	1,960	1,960	12,798	10,838
Peak Population	7,260	7,326	8,002	8,679	9,356	10,033	10,710	11,387	12,064	12,741	13,418	14,095	6,769
Housing Units													
Single Family	2,982	3,012	3,318	3,624	3,930	4,236	4,542	4,848	5,154	5,460	5,766	6,072	3,060
Multi-Family	775	775	779	783	787	791	795	799	803	807	810	814	39
Total	3,758	3,788	4,098	4,407	4,717	5,027	5,337	5,647	5,957	6,267	6,577	6,887	3,099
Employment													
Industrial	83	85	95	106	117	127	138	149	159	170	181	191	107
Commercial	782	792	892	991	1,091	1,191	1,291	1,391	1,491	1,591	1,691	1,790	999
Office & Other Services	670	678	764	849	935	1,021	1,106	1,192	1,277	1,363	1,448	1,534	856
Institutional	263	266	300	333	367	400	434	467	501	534	568	601	336
Total	1,798	1,821	2,050	2,280	2,510	2,739	2,969	3,199	3,428	3,658	3,888	4,117	2,297
Nonres. Floor Area (x1,000)													
Industrial	53	54	61	67	74	81	88	95	101	108	115	122	68
Commercial	368	373	420	467	514	561	608	655	702	749	796	843	470
Office & Other Services	206	208	235	261	287	314	340	366	392	419	445	471	263
Institutional	87	88	99	110	121	132	143	154	165	176	187	198	111
Total	714	723	814	905	996	1,087	1,178	1,269	1,361	1,452	1,543	1,634	912

Provided below are summaries of nonresidential vehicle trip projections used in the Impact Fee Study.

Figure B13: Nonresidential Vehicle Trip Projections

Flagler Beach, Florida	Base 2023	1 2024	2 2025	3 2026	4 2027	5 2028	6 2029	7 2030	8 2031	9 2032	10 2033	10-Year Increase
Industrial KSF	54	61	67	74	81	88	95	101	108	115	122	62
Commercial KSF	373	420	467	514	561	608	655	702	749	796	843	428
Office & Other Services KSF	208	235	261	287	314	340	366	392	419	445	471	239
Institutional KSF	88	99	110	121	132	143	154	165	176	187	198	101
Industrial Trips	131	148	164	181	197	214	230	247	263	280	296	150
Commercial Trips	4,551	5,125	5,700	6,274	6,848	7,422	7,996	8,570	9,145	9,719	10,293	5,223
Office & Other Services Trips	1,129	1,272	1,414	1,557	1,699	1,842	1,984	2,127	2,269	2,412	2,554	1,296
Institutional Trips	654	736	819	901	984	1,066	1,149	1,231	1,314	1,396	1,479	750
Nonresidential Trips	6,466	7,281	8,097	8,913	9,728	10,544	11,360	12,175	12,991	13,806	14,622	7,420

THE DAYTONA BEACH
NEWS-JOURNAL PO Box 631244 Cincinnati, OH 45263-1244

PROOF OF PUBLICATION

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STATE OF WISCONSIN, COUNTY OF BROWN

Before the undersigned authority personally appeared, who on oath says that he or she is the Legal Coordinator of The News-Journal, published in Volusia and Flagler Counties, Florida; that the attached copy of advertisement, being a Govt Public Notices, was published on the publicly accessible website of Volusia and Flagler Counties, Florida, or in a newspaper by print in the issues of, on:

03/29/2024

Affiant further says that the website or newspaper complies with all legal requirements for publication in chapter 50, Florida Statutes.

Subscribed and sworn to before me, by the legal clerk, who is personally known to me, on 03/29/2024

Kegan Moran
Legal Clerk
Kaitlyn Felty
Notary, State of WI, County of Brown
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The City of Flagler Beach proposes to adopt the following ordinances:

ORDINANCE 2024-04

AN ORDINANCE OF THE CITY OF FLAGLER BEACH, FLORIDA, RELATING TO IMPACT FEES; ADOPTING THE FEE STUDY PREPARED BY TISCHLER BISE; INCREASING THE AMOUNTS TO BE CHARGED FOR WATER AND WASTEWATER IMPACT FEES; ADOPTING NEW POLICE, FIRE, LIBRARY, AND PARKS AND RECREATION IMPACT FEES; ESTABLISHING AN ADMINISTRATIVE CHARGE CONSISTENT WITH STATE LAW; AMENDING REGULATIONS PERTAINING TO THE COLLECTION, USE, AND TIMING OF PAYMENTS OF WATER, WASTEWATER, POLICE, FIRE, LIBRARY, AND PARKS AND RECREATION IMPACT FEES; PROVIDING FOR NOTICE OF INCREASED AND NEW FEES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY AND CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

ORDINANCE 2024-05

AN ORDINANCE BY THE CITY OF FLAGLER BEACH, FLORIDA, AMENDING CHAPTER 2, ARTICLE IX OF THE CITY OF FLAGLER BEACH CODE OF ORDINANCES RELATING TO PURCHASING AND PROCUREMENT; ADDRESSING SUGGESTIONS MADE BY THE FLORIDA DEPARTMENT OF EMERGENCY MANAGEMENT; ADDING PROVISIONS RELATED TO PROCUREMENTS REGULATED BY 2CFR, PART 200; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION, CONFLICTS, AND EFFECTIVE DATE.

Public Hearings will be conducted to consider the amendments as follows:

City Commission:
Second Reading: April 11, 2024 @ 4:00 p.m. or soon thereafter
The public hearings may be continued to a future date or dates. The times and dates of any continuances of a public hearing shall be announced during the public hearing without any further published notice. The request will be heard at 4:00 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.

LF10002868 3/29/2024 1T

ORDINANCE NO. 2024-05

AN ORDINANCE OF THE CITY OF FLAGLER BEACH, FLORIDA, AMENDING CHAPTER 2, ARTICLE IX OF THE CITY OF FLAGLER BEACH CODE OF ORDINANCES RELATING TO PURCHASING AND PROCUREMENT; ADDRESSING SUGGESTIONS MADE BY THE FLORIDA DEPARTMENT OF EMERGENCY MANAGEMENT; ADDING PROVISIONS RELATED TO PROCUREMENTS REGULATED BY 2 CFR, PART 200; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION, CONFLICTS, AND EFFECTIVE DATE.

WHEREAS, the City has adopted by ordinance procurement and purchasing policies; and

WHEREAS, the City has received comments and suggestions from the Florida Department of Emergency Management (FDEM) related to procurements for projects using federal grant dollars; and

WHEREAS, the City Commission finds it advisable to address the comments and suggestions made by FDEM by incorporating into its procurement and purchasing policies applicable provisions of the Code of Federal Regulations.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION 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. Chapter 2, Article IX, “PURCHASING CODE,” of the City of Flagler Beach Code of Ordinances is hereby amended as follows (note, underlined text notates additions, strikethrough text notates deletions, and ellipses (***) notate text which remains unchanged and is not reprinted here):

ARTICLE IX. PURCHASING CODE
DIVISION 1. GENERALLY

Sec. 2-290. Policies and procedures.

The goal of this manual is to promote efficient and economical purchasing of commodities, goods and services for the city. The attainment of this goal is an essential element in establishing credibility and accountability for every employee of the city. However, these policies are not to be construed as placing any restriction or limitation on purchases made by direct action of the city commission in accordance with the Florida State Statutes.

Sec. 2-291. Purpose.

The purpose of this article is as follows:

- (1) To purchase in the open market, obtaining the maximum value for the money.

- (2) Eliminate unauthorized purchases and assist in budgetary control.
- (3) Provide assistance in the check and balance system of receipt of merchandise and expenditures for same.
- (4) Avoid any unethical business practices or any appearance thereof.
- (5) Increase the effectiveness of each purchase within the city by providing specific guidelines for all departments.
- (6) Serve as a continual reminder of the duties and responsibilities that each employee has in maintaining the city's reputation for fairness and integrity.
- (7) To encourage uniform bidding and to endeavor to obtain full and open competition on all purchases.
- (8) No employee of the city shall receive compensation from any entity doing business with the city, in accordance with F.S. Ch. 112.
- (9) Any attempt by any employee to subdivide a contract or purchase to avoid the threshold amounts in this policy shall be subject to disciplinary action up to and including termination.

"Professional services" (architecture, engineering, surveying, and accounting) are hereby exempted from the purchasing policies of the city but may be subject to state statutory procurement requirements established by the Consultants' Competitive Negotiations Act ("CCNA"). The city manager shall maintain a list of professional service firms approved by the city commission. This list may be changed at any time by action of the city commission.

* * *

DIVISION 3. COMPETITIVE BIDDING

Sec. 2-311. Invitation to bid and/or request for proposals.

For the purposes of this section the word bid and proposal will be considered the same.

- (1) All bids must be advertised a minimum of one (1) time in a newspaper of general circulation at least fourteen (14) days prior to the bid opening unless the department head can document that all potential bidders have been given a copy of the bid package.
- (2) The advertisement shall include a brief description of the goods and/or services desired, where a copy of the bid package may be obtained, and the time and place for the bid opening.
- (3) The bid package shall contain the time and place for the bid opening, general conditions required of all vendors, some background on the project, a bid bond, a performance bond for all contracts where the bid may be in excess of fifty thousand dollars (\$50,000.00), and the specifications for the product and/or services desired.
- (4) The use of brand names in a bid is permitted, but only for the purposes of establishing a standard. Brand names shall not be used as a way of limiting or restricting competition.

- (5) Any time constraints on a project must be identified within the bid package. Inability to meet the time constraints may be sufficient reason for a bid to be rejected.
- (6) All bids received after the time designated shall be returned unopened.
- (7) Prebid conferences may be held if needed. Attendance at a prebid conference can be but does not have to be mandatory. Notice of a prebid conference must be included in the newspaper advertisement and the bid package.
- (8) Every bid package shall contain a hold harmless provision whereby the contractor, to the fullest extent permitted by law, shall at all times indemnify, defend and hold the city harmless from and against any and all liability, loss, claim, suit, damage, charge or expense which the city may suffer, sustain, incur or in any way be subjected to, on account of death of or injury to any person whomsoever and damage to or loss of or destruction of any property whatsoever, arising from, or in any way connected with the construction project.
- (9) Prior to any work beginning the contractor must provide to the city a certificate of insurance for commercial liability insurance naming the city as an additionally insured in an amount not less than five hundred thousand dollars (\$500,000.00), auto liability insurance in an amount not less than five hundred thousand dollars (\$500,000.00), and workers compensation insurance as required by the State of Florida. The amounts of the insurance can be adjusted depending on the job.
- (10) Bid proposals must be opened at the time and place stated in the bid package. There must be at least one (1) witness to the opening in addition to the person opening the bid.
- (11) The purpose of the bid opening is only to record the vendors and the bid amounts. No analysis of the bids will be performed at the bid opening.
- (12) All bids shall be available for public inspection immediately after the bid opening.
- (13) All information within a bid shall be considered public information unless the information has been clearly marked as proprietary. No proprietary information shall be released without the written consent of the bidder except under a court order.
- (14) The city shall always have the right to waive irregularities, reject any and all proposals, request the item be rebid, or to negotiate separately with vendors.
- (15) All vendors responding to the bid package shall be notified of the results of the bid prior to city commission approval.
- (16) Except as otherwise provided by applicable state or federal law or regulation, All bid awards shall be to the bidder who has the lowest cost; and is the most responsive and responsible, and which is in the best interest of the city.
- (17) The memo containing the recommended vendor shall contain the date the bid was advertised, the number of vendors receiving a bid package, a list of those vendors responding, and a recommendation to the city commission as to the most responsive and responsible bidder. This does not have to be the lowest bidder. However, if the lowest bidder is not chosen an explanation must be included.

- (18) For each contractual services contract, the city shall designate an employee to function as contract manager who shall be responsible for enforcing performance of the contract terms and conditions and serve as a liaison with the contractor

Sec. 2-312. Bid challenge.

Any bid may be challenged on the grounds of irregularities in the bid procedure or the evaluation process. Notice of intent to challenge must be made to the city clerk within seventy-two (72) hours after receipt of the intended recommendation of award. A formal written challenge must be filed within five (5) working days of the date the notice of intent was provided. Failure to file in a timely manner will constitute a waiver of the proceedings.

Notice of protest shall contain the name of the bidder, the bidder's address and phone number, the solicitation involved, and a brief summary of the basis of the protest.

The formal written protest shall identify the solicitation involved, a clear statement of the grounds on which the protest is based and specifically state the relief the vendor believes himself to be entitled. The challenger must mail a copy of the notice of protest to the vendor receiving city staff's recommendation.

The city manager shall investigate the challenge within ten (10) working days of the formal written protest. In the event the challenge is not resolved, the city commission shall be presented the written challenge and the administrator's decision on the challenge prior to the award of the bid.

Sec. 2-313. Local preference.

- (a) *Definition of local business.* "Local business" as used herein shall mean a business that meets the following criteria:
- (1) Has a verifiable fixed office or distribution point and has had, for at least one (1) year prior to bid or proposal opening date, a street address, which shall not be interpreted to mean a post office box, in the City of Flagler Beach or a political jurisdiction located within Flagler County, Volusia County, Putnam County or St. Johns County that has been extended reciprocity pursuant to the terms of this section;
 - (2) Possesses all business licenses required by law;
 - (3) Has paid, for at least one (1) year prior to bid or proposal opening date, its local business tax to the City of Flagler Beach or a jurisdiction located within Flagler County, Volusia County, Putnam County or St. Johns County that has been extended reciprocity pursuant to the terms of this section;
 - (4) Has a staff comprised of employees and not independent contractors or borrowed or leased employees;
 - (5) Is not a joint venture or partnership unless all members or partners of the joint venture or partnership meet the criteria of (1) through (4) above; and
 - (6) Is the principal offeror on the subject proposal.
- (b) *Submittal of verification of local business status.* A local business desiring to receive the local business preference shall submit all information necessary to verify its status as a local

business upon submitting any bid, response to request for qualifications, letter of interest, or other proposal to the city.

(c) *Local preference in purchasing and contracting.*

- (1) In bidding for, or letting contracts for procurement of, supplies, materials, equipment and services as described in the purchasing policies of the city, the city commission, or other authorized purchasing authority, may give a preference to local businesses in making purchases or awarding contracts in an amount not to exceed:
 - a. Five (5) percent of the local business' total bid price for procurement activities in amounts less than five hundred thousand dollars (\$500,000.00); or
 - b. Three (3) percent of the local business' total bid price for procurement activities in amounts over five hundred thousand dollars (\$500,000.00);
- (2) The total bid price shall include not only the base bid price, but also all alterations to that base bid price resulting from alternates which were both part of the bid and actually purchased or awarded by the city commission or other appropriate authority.
- (3) In the case of requests for proposals or qualification, letters of interest, or other solicitations and competitive negotiations and selections in which objective factors are used to evaluate the responses, local businesses shall be assigned five (5) percent of the total points of the total evaluation points.

(d) *Exceptions to local preference policy.*

- (1) The procurement preference set forth in this section shall not apply to any of the following purchases or contracts:
 - a. Goods or services provided under a cooperative purchasing agreement or interlocal agreement;
 - b. Purchases or contracts which are funded, in whole or in part, by a governmental entity and the laws, regulations, or policies governing such funding prohibit application of that preference, including purchases or contracts subject to 2 CFR, Part 200;
 - c. Purchases made or contracts let under emergency or noncompetitive situations, for litigation related legal services, or sole source provider contracts;
 - d. Any contracts governed by the Consultants' Competitive Negotiations Act; or
 - e. Purchases with an estimated cost of five thousand dollars (\$5,000.00) or less.
- (2) Application of local preference to a particular purchase, contract, or category of contracts for which the city commission is the awarding authority may be waived upon written justification and recommendation by the city manager and approval of the city commission.
- (3) The preference established in this section does not prohibit the right of the city commission or other purchasing authority to compare quality or fitness for use of supplies, materials, equipment and services proposed for purchase and compare

- qualifications, character, responsibility and fitness of all persons, firms, or corporations submitting bids or proposals.
- (4) The bid preference established in this ordinance does not prohibit the city commission, or other authorized purchasing authority, from giving any other preference permitted by law in addition to the preference authorized in this section.
- (e) *Reciprocity.* For purposes of this section, reciprocity shall be extended to any business located within the jurisdictional boundaries of any political jurisdiction of Flagler County, Volusia County, Putnam County or St. Johns County and such business shall be given the same preference as given to local businesses in the City of Flagler Beach if:
- (1) Such business meets the criteria set forth in subsections (a)(1)—(6) above as to the subject political jurisdiction; and
- (2) The subject political jurisdiction extends to businesses located in the City of Flagler Beach the same preference it extends to businesses located within its own jurisdictional boundaries.
- (f) *Application and enforcement of preference policy.*
- (1) The local preference policy established in this section shall apply to new contracts and procurements solicited after the effective date of this section.
- (2) This section shall be implemented in a fashion consistent with otherwise applicable city purchasing policies and procedures.
- (g) *Promulgation of rules.*
- (1) The city manager is hereby authorized to adopt administrative rules supplemental to the provisions of this section as deemed necessary and appropriate to implement the provisions of this section.
- (2) The provisions of this section and the rules adopted by the city manager shall be provided to potential bidders, vendors and contractors to the widest extent practicable.

1 * * *

2 DIVISION 5. PROCUREMENT SUBJECT TO 2 CFR, PART 200

3 When a purchase or procurement is subject to 2 CFR Part 200, the following
4 provisions shall apply. In the event of any conflict between this division and any other part
5 of this chapter, this division shall control.

6 (1) The city shall use documented procurement procedures that are consistent with state
7 and local laws and regulations and the standards of this division, for the acquisition
8 of property or services required under a federal award or subaward. The city's
9 documented procurement procedures shall conform to the procurement standards
10 identified in 2 CFR 317 through 327.

11 (2) The city shall maintain oversight to ensure that contractors perform in accordance
12 with the terms, conditions, and specifications of their contracts or purchase orders.

13 (3) Conflicts of interest.

14 (a) No employee, officer, or agent may participate in the selection, award, or
15 administration of a contract supported by a federal award if he or she has a real or
16 apparent conflict of interest. Such a conflict of interest would arise when the
17 employee, officer, or agent, or any member of his or her immediate family, his or
18 her partner, or an organization which employs or is about to employ any of the
19 parties indicated herein, has a financial or other interest in or a tangible personal
20 benefit from a firm considered for a contract.

21 (b) Officers, employees, and agents of the city may neither solicit nor accept
22 gratuities, favors, or anything of monetary value from contractors or parties to
23 subcontracts. Violations of this prohibition shall be subject to discipline and
24 sanctions in accordance with Section 2-396, herein.

25 (4) Efficiency review.

26 (a) The city's procurement procedures shall avoid acquisition of unnecessary or
27 duplicative items. Consideration shall be given to consolidating or breaking out
28 procurements to obtain a more economical purchase. Where appropriate, an
29 analysis will be made of lease versus purchase alternatives, and any other
30 appropriate analysis to determine the most economical approach.

31 (b) The city shall consider using value engineering clauses in contracts for
32 construction projects of sufficient size to offer reasonable opportunities for cost
33 reductions. "Value engineering" is a systematic and creative analysis of each
34 contract item or task to ensure that its essential function is provided at the overall
35 lower cost.

36 (5) Awards; contract administration.

37 (a) The city shall award contracts only to responsible contractors possessing the
38 ability to perform successfully under the terms and conditions of a proposed
39 procurement. Consideration will be given to factors including contractor integrity,

40 compliance with public policy, record of past performance, and financial and
41 technical resources.

42 (b) The city shall maintain records sufficient to detail the history of the
43 procurement. These records include but are not limited to: the rationale for the
44 method of procurement, selection of contract type, contractor selection or rejection,
45 and the basis for the contract price.

46 (c) The city shall not use time-and-materials type contracts.

47 (d) The city shall be solely responsible, in accordance with good administrative
48 practices and sound business judgment, for the settlement of all contractual and
49 administrative issues arising out of procurements. Violations of law will be referred
50 to the local, state, or federal authority having proper jurisdiction.

51 (6) Competition.

52 (a) All procurement transactions for the acquisition of property or services required
53 under a federal award shall be conducted in a manner providing full and open
54 competition consistent with the standards of this division, state laws and
55 regulations, and 2 CFR 319 and 2 CFR 320.

56 (b) In order to ensure objective contractor performance and eliminate unfair
57 competitive advantage, contractors that develop or draft specifications,
58 requirements, statements of work, or invitations for bids or requests for proposals
59 shall be excluded from competing for such procurements.

60 (c) Situations considered to be restrictive of competition include but are not limited
61 to:

62 (i) Placing unreasonable requirements on firms in order for them to qualify to
63 do business;

64 (ii) Requiring unnecessary experience and excessive bonding;

65 (iii) Noncompetitive pricing practices between firms or between affiliated
66 companies;

67 (iv) Noncompetitive contracts to consultants that are on retainer contracts;

68 (v) Organizational conflicts of interest;

69 (vi) Specifying only a "brand name" product instead of allowing "an equal"
70 product to be offered and describing the performance or other relevant
71 requirements of the procurement; and

72 (vii) Any arbitrary action in the procurement process.

73 (d) The city shall conduct procurements in a manner that prohibits the use of
74 statutorily or administratively imposed state or local geographical preferences in
75 the evaluation of bids or proposals, except in those cases where applicable federal
76 statutes expressly mandate or encourage geographic preference. Nothing in this
77 paragraph preempts state licensing laws. When contracting for architectural and
78 engineering services, geographic location may be a selection criterion, provided its

application leaves an appropriate number of qualified firms, given the nature and size of the project, to compete for the contract.

(e) All solicitations shall:

(i) Incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description must not contain features which unduly restrict competition. The description may include a statement of the qualitative nature of the material, product, or service to be procured and, when necessary, must set forth those minimum essential characteristics and standards to which it must conform if it is to satisfy its intended use. Detailed product specifications should be avoided if at all possible. When it is impractical or uneconomical to make a clear and accurate description of the technical requirements, a “brand name or equivalent” description may be used as a means to define the performance or other salient requirements of procurement. The specific features of the named brand which must be met by offers must be clearly stated; and

(ii) Identify all requirements which the offerors must fulfill and all other factors to be used in evaluating bids or proposals.

(f) The city shall ensure that all prequalified lists of persons, firms, or products which are used in acquiring goods and services are current and include enough qualified sources to ensure maximum open and free competition.

(g) The city shall not preclude potential bidders from qualifying during the solicitation period.

(h) Noncompetitive procurements may only be awarded in accordance with 2 CFR 320(c).

(7) Methods of procurement to be followed.

(a) *Informal procurement methods.* When the value of the procurement for property or services under a federal award does not exceed the “*simplified acquisition threshold*” (SAT), as defined in 2 CFR 200.1, formal procurement methods are not required. The city may use informal procurement methods to expedite the completion of its transactions and minimize the associated administrative burden and cost. The informal methods used for procurement of property or services at or below the SAT include:

(i) *Micro-purchases.*

(1) *Distribution.* The acquisition of supplies or services, the aggregate dollar amount of which does not exceed the micro-purchase threshold set forth in 2 CFR 200.1. To the maximum extent practicable, the city shall distribute micro-purchases equitably among qualified suppliers.

(2) *Awards.* Micro-purchases may be awarded without soliciting competitive price or rate quotations if the city considers the price to be reasonable based on research, experience, purchase history, or other information, and documents it files ^[HN1] accordingly.

(3) *Thresholds.* The city is responsible for determining and documenting an appropriate micro-purchase threshold based on internal controls, an evaluation of risk, and its documented procurement procedures. The micro-purchase threshold used by the city must not be prohibited under state or local laws or regulations.

(ii) *Small purchases.*

(1) *Small purchase procedures.* Small purchase procedures may be used for the acquisition of property or services, the aggregate dollar amount of which is higher than the micro-purchase threshold but which does not exceed the simplified acquisition threshold. If small purchase procedures are used, price or rate quotations must be obtained from an adequate number of qualified sources as determined appropriate by the city.

(2) *Simplified acquisition thresholds.* The city is responsible for determining an appropriate simplified acquisition threshold based on internal controls, an evaluation of risk and its documented procurement procedures which must not exceed the threshold established in the Federal Acquisition Regulations. A lower simplified acquisition threshold used by the city must be not be prohibited under state or local laws or regulations.

(b) *Formal procurement methods.* When the value of the procurement for property or services under a federal financial assistance award exceeds the SAT, or a lower threshold established by the city, formal procurement methods are required. Formal procurement methods require following documented procedures. Formal procurement methods also require public advertising unless a non-competitive procurement can be used in accordance with 2 CFR 200.319 or paragraph (c) of this section. The following formal methods of procurement are used for procurement of property or services above the SAT:

(i) *Sealed bids.* A procurement method in which bids are publicly solicited and a firm fixed-price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming with all the material terms and conditions of the invitation for bids, is the lowest in price.

(1) In order for sealed bidding to be feasible, the following conditions should be present:

(A) A complete, adequate, and realistic specification or purchase description is available;

(B) Two or more responsible bidders are willing and able to compete effectively for the business; and

(C) The procurement lends itself to a firm, fixed-price contract and the selection of the successful bidder can be made principally on the basis of price.

(2) If sealed bids are used, the following requirements apply:

(A) Bids must be solicited from an adequate number of qualified sources, providing them sufficient response time prior to the date set for opening the bids, and the invitation for bids must be publicly advertised;

(B) The invitation for bids, which will include any specifications and pertinent attachments, must define the items or services in order for the bidder to properly respond;

(C) All bids will be publicly opened at the time and place prescribed in the invitation for bids;

(D) A firm fixed-price contract award will be made in writing to the lowest responsive and responsible bidder. Where specified in bidding documents, factors such as discounts, transportation cost, and life cycle costs must be considered in determining which bid is lowest. Payment discounts will only be used to determine the low bid when prior experience indicates that such discounts are usually taken advantage of; and

(E) Any or all bids may be rejected if there is a sound documented reason.

(ii) *Proposals.* A procurement method in which either a fixed-price or cost-reimbursement type contract is awarded. Proposals are generally used when conditions are not appropriate for the use of sealed bids. They are awarded in accordance with the following requirements:

(1) Requests for proposals must be publicized and identify all evaluation factors and their relative importance. Proposals must be solicited from an adequate number of qualified sources. Any response to publicized requests for proposals must be considered to the maximum extent practical;

(2) The city shall include in the request for proposal a written method for conducting technical evaluations of the proposals received;

(3) Contracts must be awarded to the responsible offeror whose proposal is most advantageous to the city, with price and other factors considered; and

(4) The city may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby competitors' qualifications are evaluated and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can only be used in procurement of A/E professional services. It cannot be used to purchase other types of services through A/E firms that are a potential source to perform the proposed effort.

(c) *Noncompetitive procurement.* Noncompetitive procurement may be used only when one or more of the following circumstances apply:

(i) The acquisition of property or services, the aggregate dollar amount of which does not exceed the micro-purchase threshold;

(ii) The item is available only from a single source;

(iii) The public exigency or emergency for the requirement will not permit a delay resulting from publicizing a competitive solicitation;

(iv) The federal awarding agency or pass-through entity has expressly authorized in writing a noncompetitive procurement in response to a written request from the city; or

(v) After solicitation of a number of sources, competition is determined inadequate.

(8) Contracting with small and minority businesses, women's business enterprises, and labor surplus area firms.

(a) The city shall take all necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible.

(b) Affirmative steps shall include:

(i) Placing qualified small and minority businesses, and women's business enterprises on solicitation lists;

(ii) Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;

(iii) Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises;

(iv) Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises;

(v) Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and

(vi) Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in paragraphs (b)(i) through (v) of this subparagraph.

(9) Domestic preferences for procurements.

(a) As appropriate and to the extent consistent with law, the city shall, to the greatest extent practicable under a federal award, provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States (including but not limited to iron, aluminum, steel, cement, and other manufactured products). The requirements of this section must be included in all subawards, including all contracts and purchase orders for work or products under the award.

(b) For purposes of this paragraph 9:

(i) "Produced in the United States" means, for iron and steel products, that all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States.

(ii) “Manufactured products” means items and construction materials composed in whole or in part of non-ferrous metals such as aluminum; plastics and polymer-based products such as polyvinyl chloride pipe; aggregates such as concrete; glass, including optical fiber; and lumber.

(10) Procurement of recovered materials.

The city and its contractors shall comply with section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 CFR part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds \$10,000 or the value of the quantity acquired during the preceding fiscal year exceeded \$10,000; procuring solid waste management services in a manner that maximizes energy and resource recovery; and establishing an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines.

(11) Contract cost and price.

(a) The city shall perform a cost or price analysis in connection with every procurement action in excess of the SAT, including contract modifications. The method and degree of analysis is dependent on the facts surrounding the particular procurement situation; however, as a starting point, the city shall make independent estimates before receiving bids or proposals.

(b) The city shall negotiate profit as a separate element of the price for each contract in which there is no price competition, and in all cases where cost analysis is performed. To establish a fair and reasonable profit, consideration must be given to the complexity of the work to be performed, the risk borne by the contractor, the contractor's investment, the amount of subcontracting, the quality of its record of past performance, and industry profit rates in the surrounding geographical area for similar work.

(c) The city shall not allow costs or prices based on estimated costs for contracts under the federal award.

(d) The city shall not use the cost plus a percentage of cost or percentage of construction cost methods of contracting.

(12) Federal awarding agency or pass-through entity review.

(a) The city shall make available, upon request of the federal awarding agency or pass-through entity, technical specifications on proposed procurements where the federal awarding agency or pass-through entity believes such review is needed to ensure that the item or service specified is the one being proposed for acquisition.

(b) The city shall make available, upon request of the federal awarding agency or pass-through entity, pre-procurement documents, such as requests for proposals, invitations for bids, or independent cost estimates, for review when:

(i) The city's procurement procedures or operation fails to comply with relevant procurement standards;

(ii) The procurement is expected to exceed the SAT, and is to be awarded without competition or only one bid or offer is received in response to a solicitation;

(iii) The procurement, which is expected to exceed the SAT, specifies a "brand name" product;

(iv) The proposed contract is more than the SAT and is to be awarded to a firm other than the apparent low bidder under a sealed bid procurement; or

(v) A proposed contract modification changes the scope of a contract or increases the contract amount by more than the SAT.

(c) The city is exempt from the pre-procurement review in paragraph (b) above if the federal awarding agency or pass-through entity determines that its procurement systems comply with all relevant standards.

(i) The city may request that its procurement system be reviewed by the federal awarding agency or pass-through entity to determine whether its system meets these standards in order for its system to be certified;

(ii) The city may self-certify its procurement system. Such self-certification must not limit the federal awarding agency's right to survey the system. Under a self-certification procedure, the federal awarding agency may rely on written assurances from the city that it is complying with these standards. The city must cite specific policies, procedures, regulations, or standards as being in compliance with these requirements and have its system available for review.

(13) Bonding requirements. Unless the federal awarding agency or pass-through entity has accepted other bonding policies and requirements, the following requirements shall apply:

(a) A bid guarantee from each bidder equivalent to five percent of the bid price. The "bid guarantee" must consist of a firm commitment such as a bid bond, certified check, or other negotiable instrument accompanying a bid as assurance that the bidder will, upon acceptance of the bid, execute such contractual documents as may be required within the time specified.

(b) A performance bond on the part of the contractor for 100 percent of the contract price. A "performance bond" is one executed in connection with a contract to secure fulfillment of all the contractor's requirements under such contract.

(c) A payment bond on the part of the contractor for 100 percent of the contract price. A "payment bond" is one executed in connection with a contract to assure payment as required by law of all persons supplying labor and material in the execution of the work provided for in the contract.

(14) Contract provisions. The city's contracts must contain the applicable provisions contained in Appendix II to 2 CFR Part 200.

SECTION THREE. 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 FOUR. Conflicts. In any case where a provision of this Ordinance is found to be in conflict with the provisions of any other ordinance of this City, the conflicting provisions of the previous ordinance shall be repealed and superseded by this Ordinance.

SECTION FIVE. Effective date. This Ordinance shall take effect immediately upon adoption as provided by the Charter of the City of Flagler Beach.

PASSED ON FIRST READING THIS DAY OF MARCH, 2024.

PASSED AND ADOPTED THIS X DAY OF APRIL, 2024.

CITY OF FLAGLER BEACH, FLORIDA
CITY COMMISSION

Patti King, Mayor

ATTEST:

Penny Overstreet, City Clerk

THE DAYTONA BEACH
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PROOF OF PUBLICATION

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STATE OF WISCONSIN, COUNTY OF BROWN

Before the undersigned authority personally appeared, who on oath says that he or she is the Legal Coordinator of The News-Journal, published in Volusia and Flagler Counties, Florida; that the attached copy of advertisement, being a Govt Public Notices, was published on the publicly accessible website of Volusia and Flagler Counties, Florida, or in a newspaper by print in the issues of, on:

03/29/2024

Affiant further says that the website or newspaper complies with all legal requirements for publication in chapter 50, Florida Statutes.

Subscribed and sworn to before me, by the legal clerk, who is personally known to me, on 03/29/2024

Kegan Moran
Legal Clerk
Kaitlyn Felty
Notary, State of WI, County of Brown
3-7-27

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Notary Public
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The City of Flagler Beach proposes to adopt the following ordinances:

ORDINANCE 2024-04

AN ORDINANCE OF THE CITY OF FLAGLER BEACH, FLORIDA, RELATING TO IMPACT FEES; ADOPTING THE FEE STUDY PREPARED BY TISCHLER BISE; INCREASING THE AMOUNTS TO BE CHARGED FOR WATER AND WASTEWATER IMPACT FEES; ADOPTING NEW POLICE, FIRE, LIBRARY, AND PARKS AND RECREATION IMPACT FEES; ESTABLISHING AN ADMINISTRATIVE CHARGE CONSISTENT WITH STATE LAW; AMENDING REGULATIONS PERTAINING TO THE COLLECTION, USE, AND TIMING OF PAYMENTS OF WATER, WASTEWATER, POLICE, FIRE, LIBRARY, AND PARKS AND RECREATION IMPACT FEES; PROVIDING FOR NOTICE OF INCREASED AND NEW FEES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY AND CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

ORDINANCE 2024-05

AN ORDINANCE BY THE CITY OF FLAGLER BEACH, FLORIDA, AMENDING CHAPTER 2, ARTICLE IX OF THE CITY OF FLAGLER BEACH CODE OF ORDINANCES RELATING TO PURCHASING AND PROCUREMENT; ADDRESSING SUGGESTIONS MADE BY THE FLORIDA DEPARTMENT OF EMERGENCY MANAGEMENT; ADDING PROVISIONS RELATED TO PROCUREMENTS REGULATED BY 2CFR, PART 200; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION, CONFLICTS, AND EFFECTIVE DATE.

Public Hearings will be conducted to consider the amendments as follows:

City Commission:
Second Reading: April 11, 2024 @ 4:00 p.m. or soon thereafter
The public hearings may be continued to a future date or dates. The times and dates of any continuances of a public hearing shall be announced during the public hearing without any further published notice. The request will be heard at 4:00 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.

LF10002868 3/29/2024 1T

ORDINANCE NO. 2024-06

AN ORDINANCE OF THE CITY OF FLAGLER BEACH, FLORIDA, AMENDING APPENDIX A, LAND DEVELOPMENT REGULATIONS, ARTICLE II, ZONING, OF THE CODE OF ORDINANCES; ADDING A ZONING CATEGORY FOR MASTER PLANNED DEVELOPMENT (“MPD”); PROVIDING FOR REVIEW, APPROVAL, DEVELOPMENT STANDARDS, PERMITTED USES, REGULATION, AND IMPLEMENTATION OF MASTER PLANNED DEVELOPMENTS; PROVIDING FOR CONFLICTS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of Flagler Beach is and has been in the process of rewriting its Land Development Regulations; and

WHEREAS, a new Master Planned Development zoning district is included in the Land Development Regulation rewrite; and

WHEREAS, due to proposed development in the area, the City has identified a need to consider the Master Planned Development zoning district earlier than its consideration of the Land Development Regulation rewrite; and

WHEREAS, the Flagler Beach City Commission finds that the Master Planned Development zoning district creates a framework that allows developers and the City flexibility to work together to address and explore creative solutions to planning challenges unique to land configurations and development patterns.

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

SECTION 1. Text Change. Section 2.02.00, Definitions, and Section 2.04.02.8 of the City of Flagler Beach Land Development Regulations is hereby amended as follows (Note, additions are identified by underline, deletions are identified by strikethrough, and portions of Code not changed and not reprinted here are identified by ellipses (***)

SECTION 2.07.10. MASTER PLANNED DEVELOPMENT DISTRICT (MPD)

SEC.2.07.10.01. Purpose.

- A. The Master Planned Development (MPD) district is established and intended to encourage innovative land planning and site design concepts that support a high quality

of life and achieve a high quality of development, environmental sensitivity, energy efficiency, and other City goals and objectives by:

1. Reducing or diminishing the inflexibility or uniform design that sometimes results from strict application of zoning and development standards designed primarily for individual lots;
2. Allowing greater freedom in selecting the means of providing access, open space, and design amenities;
3. Allowing greater freedom in providing a well-integrated mix of residential and nonresidential land uses in the same development, including a mix of housing types, lot sizes, and densities;
4. Providing for efficient use of land resulting in smaller networks of utilities and streets and thereby lowering development and housing costs; or
5. Promoting quality design and environmentally sensitive development that respects surrounding established land use characteristics and respects and takes advantage of a site's natural and man-made features.

B. Master Planned Development Zoning District (MPD).

The Master Planned Development District shall supplement and be available in addition to the Planned Unit Development District (PUD). All previously approved and active PUD's shall be bound to the terms and requirements as recorded in their respective Development Agreements.

Commented [JS1]: Awkward

SEC.2.07.10.02. Master planned development review and approval process.

The application for a master planned development and the rezoning, along with the required Master Planned Development Agreement, shall be submitted and approved in conformance with the procedures outlined in this section and in compliance with the requirements of Chapter 166.00 FS. The Master Planned Development Agreement shall be approved contemporaneous with the rezoning.

SEC.2.07.10.03. General requirements

1. Comprehensive plan consistency. The MPD shall be consistent with the Comprehensive Plan. With exception of the Preservation and Conversation classification, a Master Planned Development District is allowed within all Comprehensive Plan Future Land Use Map categories.
2. Other ordinances. All building and housing codes of the City are applicable to the Master Planned Development District; however, requirements for dimensional standards, parking, open space, and other regulations established in the master planned development plan may differ from those specific to the underlying zoning district in

which the development is located to achieve a higher level of quality. Special exceptions and variances are, therefore, not applicable to master planned development plans.

SEC.2.07.10.04. Pre-adoption General Requirements for Master Planned Developments.

Prior to approving an MPD zoning district classification, the City Commission shall consider whether the application for the MPD zoning district classification, as well as the MPD Master Plan and the MPD Development Agreement Terms and Conditions included as part of the application, at minimum, address and incorporate the following information and data:

1. The MPD Master Plan shall:

- a. Include a statement of the planning objectives for the Master Planned development.
- b. Identify the general location of individual development areas, identified by land use(s) or development density or intensity;
- c. Identify for the entire MPD and each development area, by acreage,
 - a. types and mix of land uses.
 - b. number of residential units (by use type),
 - c. nonresidential floor area (by use type),
 - d. residential density, and nonresidential intensity by gross floor area;

2. Identify the general location, amount, and type of open space (whether designated for active or passive recreation).

3. Identify the general location of environmentally sensitive lands, wildlife habitat, waterway corridors, or other features to be protected.

4. Identify the on-site transportation circulation system, including the general location of all public and private streets, pedestrian, and bicycle pathways, and how they will connect with existing and planned City and County systems, and mobility alternatives, if proposed.

5. Identify the general location of on-site potable water, reuse water, and wastewater resources, and how these utilities will connect to City facilities.

6. Identify the general location of on-site stormwater management facilities, and how they will connect to existing or planned City stormwater systems; and

7. Identify the general location of all other on-site public facilities serving the development, including but not limited to parks, schools, and facilities for fire protection, police protection, EMS, and solid waste management.

SEC.2.07.10.05. Master Planned Development Agreement.

The MPD Terms and Conditions shall incorporate by reference or include, but not be limited to:

1. Conditions related to approval of the application for the MPD zoning district classification.
2. The MPD Master Plan, including any density/intensity standards, dimensional standards, and development standards established in the MPD Master Plan.
3. Conditions related to the approval of the MPD Master Plan, including any conditions related to the form and design of development shown in the PD Master Plan.
4. Provisions addressing how transportation, potable water, wastewater, stormwater management, and other public facilities will be provided to accommodate the proposed development.;
5. Provisions related to environmental protection and monitoring; and
6. Any other provisions the City Commission determines are relevant and necessary to the development of the MPD in accordance with applicable standards and regulations.

SEC.2.07.10.06. Compatibility with Surrounding Areas.

Development along the perimeter of the MPD shall be compatible with adjacent existing or proposed development. Where there are compatibility issues, the MPD Master Plan shall provide for transition areas at the perimeter edges of the MPD that provide for appropriate buffering or ensure complementary land uses. Determination of complementary character shall be based on:

1. densities/intensities.
2. lot size and dimensions.
3. building height.
4. building mass and scale.
5. hours of operation, exterior lighting, and siting of service areas, if applicable.

SEC.2.07.10.07. Development Standards.

All development in the MPD shall comply with the development standards as established and adopted in the MPD Development Agreement.

SEC.2.07.10.08. Conversion Schedule.

1. The MPD Master Plan may include a conversion schedule that identifies the extent to which one type of residential use may be converted to another type of residential use and one type of nonresidential use may be converted to another type of nonresidential use (i.e., residential to residential, or nonresidential to nonresidential).
2. These conversions may occur within development areas and between development areas, if they occur within the same development phase, as identified by the approved

development phasing plan, and are consistent with established extents of conversion set down in the conversion schedule.

SEC.2.07.10.09. On-Site Public Facilities.

- a. Design and Construction
The MPD Master Plan shall establish the responsibility of the developer/landowner to design and construct or install required and proposed on-site public facilities in compliance with applicable City, State, and Federal regulations.
- b. Dedication
The MPD Master Plan shall establish the responsibility of the developer/landowner to dedicate to the public the rights-of-way and easements necessary for the construction or installation of required and proposed on-site public facilities in compliance with applicable City, State, and Federal regulations.
- c. Modifications to Street Standards
In approving an MPD Master Plan, the City Council Commission may approve modifications or reductions of City street design standards—including those for right-of-way widths, pavement widths, required materials, and turning radii—on finding that:
 - i. The PD Master Plan provides for separation of vehicular, pedestrian, and bicycle traffic
 - ii. Access for emergency service vehicles is not substantially impaired;
 - iii. Adequate off-street parking is provided for the uses proposed; and
 - iv. Adequate space for public utilities is provided.

SEC.2.07.10.10. Land Uses.

The allowable uses in an MPD are identified in TABLE 2-1 and may be permitted subject to the MPD Master Plan. Allowed uses shall be established in the master plan and are subject to any use regulations applicable to the MPD district. Allowed uses shall be consistent with City regulations, and subject to additional limitations or requirements as may be agreed upon and established between the parties.

TABLE 2-1
Land Use Status Designations
Available for Consideration = A, Not Permitted = -

MASTER PLANNED DEVELOPMENT DISTRICT

<u>LAND USE TABLE</u>	
<u>LAND USES</u>	<u>STATUS</u>
<u>Adult arcade and Game rooms</u>	=
<u>Adult-Oriented Businesses (L)</u>	=
<u>Art galleries</u>	A
<u>Art and music supplies</u>	A
<u>Assisted Living Facilities</u>	A
<u>Automobile parking structures</u>	A
<u>Automobile rentals, sales</u>	A
<u>Automotive retail parts store</u>	A
<u>Automotive service stations without major mechanical repairs.</u>	A
<u>Automotive repair centers, tire sales and service without major mechanical repairs.</u>	A
<u>Automotive service stations, automotive repair centers, and lube shops abutting any residential zoning district</u>	A
<u>Bakeries/production</u>	A
<u>Bars, Clubs, Lounges, within a principal building or as an accessory to hotels and motels</u>	A
<u>Bars, cocktail lounges, taverns and like uses with outdoor entertainment</u>	A
<u>Barber shops</u>	A
<u>Beach, dune walkovers</u>	=
<u>Bed and Breakfast</u>	A
<u>Beer, Wine, and Liquor Stores</u>	A
<u>Boarding and Rooming Houses</u>	A
<u>Book and stationery</u>	A
<u>Bottle Clubs</u>	=
<u>Building Contractors</u>	=
<u>Cannabis dispensary facilities</u>	=

<u>Caretaker's Dwelling</u>	=
<u>Car wash to include self-wash and/or drive-thru, Detailing (L)</u>	A
<u>Civic Uses: town hall, libraries, museums</u>	A
<u>Civic Uses: police, fire, postal service</u>	A
<u>Civic Clubs and Fraternal Organizations</u>	=
<u>Churches, synagogues, or other houses of worship</u>	A
<u>Clinics and Medical Offices</u>	A
<u>Clothing boutiques</u>	A
<u>Cluster Development</u>	A
<u>Coffee Shops, donut shops, snack bars, sandwich shops, deli's</u>	A
<u>Commercial recreational facilities</u>	A
<u>Community Centers</u>	A
<u>Community Residential Licensed Facility, 01-6 residents per Chap 419.F.S</u>	A
<u>Community Residential Licensed Facility, 7-14 residents per Chap 419.F.S</u>	A
<u>Community Residential Licensed Facility, 15+ residents per Chap 419.F.S</u>	A
<u>Convenience commercial uses such as: food, grocery, drug, or convenience stores</u>	A
<u>Convenience stores/fueling stations (L)</u>	A
<u>Customary accessory uses and structures</u>	A
<u>Day care centers /child</u>	A
<u>Day care center/adult</u>	A
<u>Discount Stores or Centers ("Big Box")</u>	A
<u>Drive-through facilities (L)</u>	A
<u>Dry Cleaning (pick up/drop-off)</u>	A
<u>Essential public facilities and services</u>	A
<u>Farmer's Markets (L)¹</u>	=
<u>Family Child Day Care Home, (Small)</u>	A
<u>Family Child Day Care Home, (Large)</u>	A

¹ Exception - City co-sponsored event shall be deemed an unrestricted permitted use.

<u>Financial institutions with drive-thru windows</u>	<u>A</u>
<u>Financial institutions without drive-thru windows</u>	<u>A</u>
<u>Fire Stations</u>	<u>A</u>
<u>Foster Care Facilities</u>	<u>-</u>
<u>Fraternal, private, social, recreational clubs or organization</u>	<u>A</u>
<u>Funeral Homes (with or without crematory)</u>	<u>A</u>
<u>Garages, private</u>	<u>A</u>
<u>Gift Shops</u>	<u>A</u>
<u>Golf Courses, accessory uses</u>	<u>A</u>
<u>Golf Driving Ranges</u>	<u>A</u>
<u>Government Buildings</u>	<u>A</u>
<u>Hair salons/spa</u>	<u>A</u>
<u>Health Clubs</u>	<u>A</u>
<u>Home occupations</u>	<u>A</u>
<u>Hotel, motels, and inns</u>	<u>A</u>
<u>Ice cream shops</u>	<u>A</u>
<u>Laundry or Dry-Cleaning Pick-up Station</u>	<u>A</u>
<u>Light Industrial Uses</u>	<u>A</u>
<u>Live Theaters (Performing Arts)</u>	<u>A</u>
<u>Lodging Accommodations (Public Lodging Establishments)</u>	<u>A</u>
<u>Low Speed Vehicle Rental Business (Golf Carts)</u>	<u>A</u>
<u>Manufactured Homes and RV Sales Facilities</u>	<u>A</u>
<u>Marina</u>	<u>A</u>
<u>Marina/live-aboard vessel</u>	<u>-</u>
<u>Medical marijuana treatment center dispensaries</u>	<u>-</u>
<u>Medical services and facilities without overnight care of patients</u>	<u>A</u>
<u>Micro-breweries</u>	<u>A</u>
<u>Mixed Use Buildings</u>	<u>A</u>

<u>Motorcycle rentals and sale</u>	<u>A</u>
<u>Municipal Pump Stations and Well sites</u>	<u>A</u>
<u>Museums</u>	<u>A</u>
<u>News-stands</u>	<u>A</u>
<u>Neo-traditional Development</u>	<u>A</u>
<u>Nursing homes</u>	<u>A</u>
<u>Parks and Recreation Facilities (ACTIVE)</u>	<u>A</u>
<u>Parks and Recreation Facilities (PASSIVE)</u>	<u>A</u>
<u>Parking, Off-street and Garages (commercial), (SEE Note 1, 2, 3)</u>	<u>A</u>
<u>Personal /enclosed storage facilities structure</u>	<u>A</u>
<u>Pet shop</u>	<u>A</u>
<u>Pharmacies</u>	<u>A</u>
<u>Pier, Municipal, related facilities</u>	<u>=</u>
<u>Pizza Delivery Establishments and Takeout Places</u>	<u>A</u>
<u>Police Stations</u>	<u>A</u>
<u>Post Office (local)</u>	<u>A</u>
<u>Print and Copy Shops</u>	<u>A</u>
<u>Professional and business offices</u>	<u>A</u>
<u>Public administrative and service facilities</u>	<u>A</u>
<u>Public Works and Emergency Service Facilities</u>	<u>A</u>
<u>Recreational Vehicle Parks and Campgrounds</u>	<u>=</u>
<u>Repair Shops (light repair, small equipment repair)</u>	<u>A</u>
<u>Repair Shops (large equip. and appliances)</u>	<u>A</u>
<u>Repair Shops (computer, small appliance repair)</u>	<u>A</u>
<u>Residential</u>	<u>A</u>
<u>Resort dwelling</u>	<u>=</u>
<u>Restaurant (sit-down)</u>	<u>A</u>

Commented [JS2]: Might wind up needing a pump station or well within an MPD...

<u>Restaurant (with Drive-thru)</u>	<u>A</u>
<u>Restaurant (outdoor dining)</u>	<u>A</u>
<u>Retail building supplies.</u>	<u>A</u>
<u>Retail Sales and Services (not otherwise specified)</u>	<u>A</u>
<u>Self-storage Facilities / Mini warehouse</u>	<u>A</u>
<u>Service Stations/ Convenience Store with fueling stations (L)</u>	<u>=</u>
<u>Sexually oriented businesses (See Note)</u>	<u>=</u>
<u>School, Public or Private with day care center</u>	<u>A</u>
<u>Shoe store and shoe repair</u>	<u>A</u>
<u>Storage, open</u>	<u>=</u>
<u>Surf shops</u>	<u>A</u>
<u>Swimming pools and cabanas, private</u>	<u>A</u>
<u>Tattoo establishments, Body Piercing</u>	<u>=</u>
<u>Telecommunications Towers and Antennas</u>	<u>A</u>
<u>Trucking, freight, moving and storage</u>	<u>A</u>
<u>Vehicle sales, rental, or service facilities</u>	<u>A</u>
<u>Veterinary offices (no boarding facilities)</u>	<u>A</u>
<u>Veterinary hospitals or clinics (boarding within a noise-attenuated structure)</u>	<u>A</u>
<u>Wholesale Facilities</u>	<u>A</u>

187

188

189 SEC.2.07.10.11. Densities and Intensities

190 The densities for residential development and the intensities for nonresidential development
191 applicable in each development area of the MPD shall be as established in the MPD Master
192 Plan, and shall be consistent with Comprehensive Plan and Land Development Code.

193

194

195 SEC.2.07.10.12. Dimensional Standards.

The dimensional standards applicable in each development area of the MPD shall be as established in the MPD Master Plan. The MPD Master Plan shall include at minimum the following types of dimensional standards:

1. Minimum lot area;
2. Minimum lot width;
3. Minimum and maximum setbacks;
4. Maximum lot coverage;
5. Maximum building height;
6. Maximum individual building size;
7. Maximum gross floor area, and
8. Minimum setbacks from adjoining residential development or residential zoning districts.

SEC.2.07.10.13. Open space.

The MPD shall give priority to preservation and interconnection of wildlife corridors and wildlife preservation areas, including below grade crossings, if necessary. Open space should, to the maximum extent reasonably possible, attempt to preserve the most important environmental features on the site in their natural state or restrict these areas for passive outdoor recreational purposes only.

MPD's within a Development of Regional Impact (DRI) are exempt from the open space requirements of this section, provided that the MPD must comply and be consistent with the DRI Development Order.

1. Minimum required open space. An MPD shall be required to provide open space totaling forty (40) percent of the development's gross acreage. For a development with residential uses, at least twenty-five (25) percent of the total required open space shall be common areas accessible to the residents, customers, and invitees to the development. Additional open space shall be, where possible, located and designed to achieve the following:

- a. Provide areas for informal recreation and pathways;
- b. Connect to adjacent open space, parks, bike paths, or pedestrian paths;
- c. Provide natural greenbelts along roadways; and
- d. Buffer adjacent land uses where appropriate.

2. Open space requirement flexibility. As an alternative to meeting the open space percentage noted above, an applicant may propose alternative solutions such as, but not limited to, land donation, or other mechanisms that would justify decreasing the percentage standard.

3. Permitted uses of open space. The following type facilities and uses exemplify the resources permitted within what may be defined as required open space area:

a. Pervious areas including, but not limited to, conservation of natural, archeological, and historical resources; and woodlands, wetlands, ponds, lakes, wildlife corridors, landscape, and similar environmental or conservation-oriented areas.

b. Walking or bicycling trails or paths paved with pervious or semipervious materials.

c. Passive recreation areas such as playgrounds which meet the following standards:

1. Such areas do not exceed ten (10) percent of the required open space; and
2. Such areas are located outside any conservation areas that include wetlands that qualify as moderate and optimal as defined in Article IV, Sec. 4.00.06.

d. Easements for drainage and underground utility lines.

e. Stormwater retention and detention ponds provided that same are designed and landscaped to serve as either passive or active recreation.

f. Golf courses.

g. Similar uses approved by the City Commission.

4. Open space use prohibitions. The following shall not be counted toward open space requirements:

a. Roads and parking lots.

b. Buildings, structures, and other impervious surfaces, except as necessary for residential walkways connecting to public sidewalks.

5. Common open space and improvements. All common open space, as well as public and recreation facilities, shall be specifically included in the development plan and Master Planned Development Agreement.

a. Common improvements associated with residential uses, including private or public parks, pools, recreation centers, or other facilities shall be constructed in conjunction with residential dwellings. Such facilities shall be completed at a rate equal to that which can serve the number of completed residential units in the MPD. No more than forty (40) percent of the units for which the improvements are intended shall receive building permits until the improvements are completed.

b. Public improvements intended to be dedicated to the City must be supported by performance bonds issued to the City in a form and quantity acceptable to the City. The bond must be approved prior to the issuance of the first residential permit. If a project is phased, bonds shall only be required for those public improvements associated with or required for the phases under current development.

c. Improvements may be completed in phases if the capacity for the improvement can serve the associated phase of development.

6. Conveyance and preservation of open space. Open space shall be preserved in perpetuity based upon the type of space and the user, as follows:

a. Common open space, proposed for use of the master planned development owners and residents, shall ultimately be conveyed to a homeowners association or to a nonprofit organization whose principal purpose is the conservation of open space, to a corporation or trust owned or to be owned by the owners of the lots or dwelling units within the residential cluster development, or to owners of shares within a cooperative development. If such a corporation or trust is used, ownership shall pass with the conveyances of the lots or dwelling units. The proposed timing of the conveyance shall be consistent with applicable law and shall be included in the application for the MPD.

b. Open space associated with natural features including, but not limited to, wetlands and other environmentally sensitive areas shall be preserved in perpetuity via a conservation easement on a form approved by the City that shall be recorded with the Flagler County Clerk.

7. Maintenance of common areas, stormwater conveyance system, and open space. Homeowners or Property Owners Association Bylaws and Declaration shall be required for a master planned development project and shall identify the party(ies) or person(s) responsible for maintaining the common areas, stormwater conveyance system, and open space, including multiuse trails open to the public. If Developer is unable to create an Association at the time of rezoning, Developer must provide alternative means of assurance that any common infrastructure will be maintained.

SEC. 2.07.10.14. – MASTER PLANNED DEVELOPMENTSTAFF REVIEW CRITERIA.

MASTER PLANNED DEVELOPMENT REVIEW FINDINGS.

The Planning and Architectural Review Board and City Commission shall consider the following criteria when reviewing a master planned development application:

- A. Consistency with all adopted elements of the Comprehensive Plan and whether it furthers the goals and objectives of the Comprehensive Plan.
- B. Consistency with the general intent of the LDC.
- C. Degree of departure of the proposed development from surrounding areas and previous zoning districts in terms of character and density/intensity.
- D. Compatibility within the development and relationship with surrounding neighborhoods.
- E. Adequate provision for future public education and recreation facilities, transportation, water supply, sewage disposal, surface drainage, flood control, and soil conservation as shown in the development plan.

- 301 F. The feasibility and compatibility of development phases to stand as independent
 302 developments.
- 303 G. The availability and adequacy of primary streets and thoroughfares to support traffic to be
 304 generated within the proposed development.
- 305 H. The benefits within the proposed development to justify the requested departure from
 306 standard development requirements inherent in a Master Planned Development District
 307 classification.
- 308 I. The conformity and compatibility of the development with any adopted development plan
 309 of the City of Flagler Beach.
- 310 J. Impact upon the environment or natural resources.
- 311 K. Impact on the economy of any affected area.
- 312 L. Demonstrate consistency with the Concurrency Management Plan.

313

314 SEC. 2.07.10.15. – EXISTING MASTER PLANNED DEVELOPMENT.

315 Any Planned Development which exists either in part or in its entirety and has not lapsed or
 316 been abandoned under the terms under which it was ordained and is an ongoing venture at the
 317 time of the adoption of this ordinance, will be governed by the ordinance(s) under which it was
 318 instituted and allowed to exist into perpetuity if the terms of said ordinance(s) and conditions
 319 thereof are met.

320

321 SEC. 2.07.10.16. – ON-GOING MASTER PLANNED DEVELOPMENT.

322 An ongoing MPD is one in which there has been substantial compliance with the projected
 323 starting and completion dates approved by the City Commission as evidenced by substantial
 324 and good faith progress in obtaining permits and conducting construction activities in a
 325 regular, continuing, and orderly manner designed to meet the approved development schedule
 326 dates.

327

328 SEC. 2.07.10.17. – LAPSED MASTER PLANNED DEVELOPMENT.

329 Should a projected development schedule date for the MPD or any stage or phase thereof not
 330 be substantially complied with within sixty (60) days following the applicable development
 331 schedule date then the MPD or stage or phase thereof may be deemed by the City Commission
 332 after notice and hearing to have lapsed and been abandoned and all vested rights to
 333 development of the MPD insofar as the MPD is not at the time of such lapsing in conformity

with all then present zoning regulations, official zoning maps, comprehensive land use maps, building regulations, or other regulations of the City of Flagler Beach, be deemed forfeited unless an extension of time has been requested by the developer and granted by the City Commission as set forth below. The provisions of this section are specifically made applicable to any MPD which exists either in part or in its entirety on or after the effective date of this amendment.

A. PROJECTED DEVELOPMENT SCHEDULE DATE EXTENSIONS OR AMENDMENT REQUESTS

1. A request for an extension or amendment to a previously approved MPD projected development schedule date which is otherwise not consistent with existing zoning regulations, zoning maps or Comprehensive Plan land use maps, building regulations, or other regulations of the City of Flagler Beach, shall be an amendment to the MPD and shall be considered in the same manner as the initial adoption of the MPD. In determining whether to grant or deny a requested extension of an established projected development schedule date, the City may consider whether granting or denial of the request will have an adverse impact on phases or stages of the MPD which are completed and in existence at the time of the request.

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.

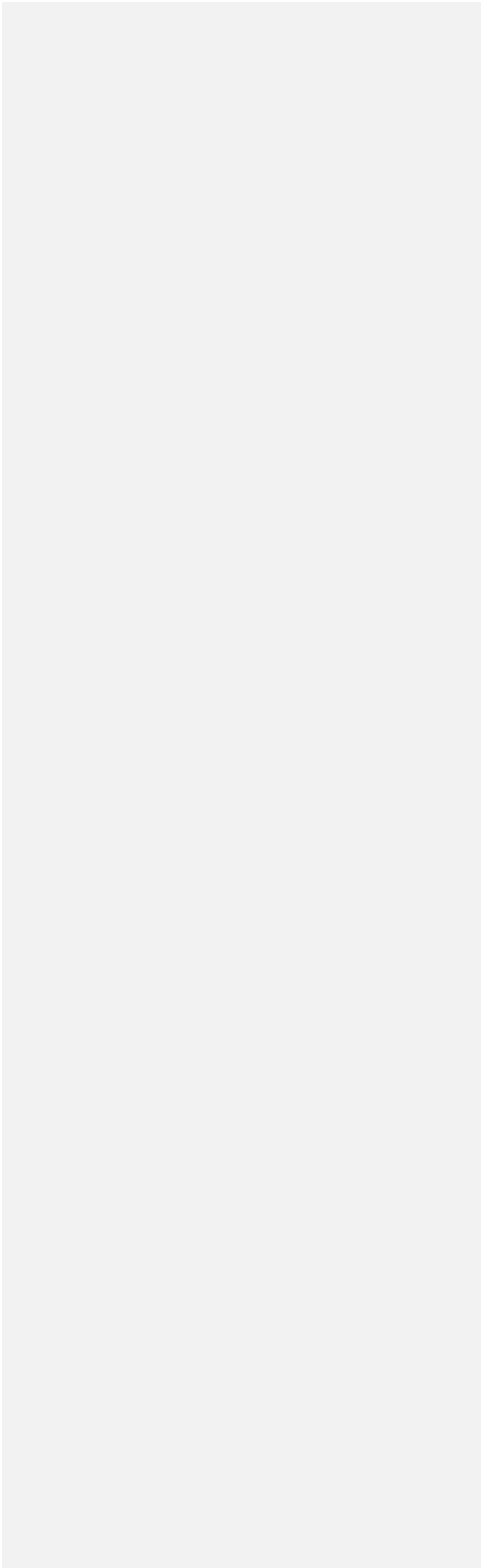
SECTION FOUR. Codification. It is the intent of the City Commission of the City of Flagler Beach that the provisions of this Ordinance shall be codified. The codifier is granted broad and liberal authority in codifying the provisions of this Ordinance.

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

ADOPTED by the City Commission of the City of Flagler Beach, Florida, this ____ day of _____, 2024.

City of Flagler Beach, Florida

370 By: _____
371 Patti King, Mayor
372
373 Attest: _____
374 Penny Overstreet, City Clerk
375



NOTICE OF CHANGE TO PERMITTED USES

The City of Flagler Beach proposes to adopt the following ordinance entitled:

ORDINANCE 2024-06

AN ORDINANCE OF THE CITY OF FLAGLER BEACH, FLORIDA, AMENDING APPENDIX A, LAND DEVELOPMENT REGULATIONS, ARTICLE II, ZONING, OF THE CODE OF ORDINANCES; ADDING A ZONING CATEGORY FOR MASTER PLANNED DEVELOPMENT (“MPD”); PROVIDING FOR REVIEW, APPROVAL, DEVELOPMENT STANDARDS, PERMITTED USES, REGULATION, AND IMPLEMENTATION OF MASTER PLANNED DEVELOPMENTS; PROVIDING FOR CONFLICTS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE

Public Hearings on this ordinance will be conducted as follows:

City Commission: First Reading, April 11, 2024 at 5:30 p.m. or soon thereafter

City Commission: Second and Final Reading, April 25, 2024 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 continuances of a public hearing shall be announced during the public hearing without any further published notice. The hearings will be conducted in the City Commission Chambers at 105 South Second Street, Flagler Beach, Florida.

Pursuant to Section 166.041(3)(a), F.S. all interested parties may appear and be heard with respect to the proposed ordinance. Any person wishing to express his/her opinion may submit written comments regarding the proposed amendment to the City through the City Clerk. Comments should be made as early as possible to ensure full consideration.

Pursuant to Sec. 286.0105 F.S. 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 at least 48 hours prior to the meeting.

Beach/Parks/Recreation

Weekly Highlights April 3, 2023

- Lifeguard beach protection will begin on April 20. We will have lifeguards on the beach only on weekends until Memorial Day weekend where we will provide lifeguard protection seven days per week through Labor Day. During the times where there are no lifeguard services on the beach, Flagler Beach Fire Department will be the primary responders to all beach emergencies.
- This upcoming weekend, we will be conducting swim testing for summer lifeguards at the Belle Terre Swim and Racquet Club in Palm Coast. All new and returning lifeguards must be able to complete the United States Lifesaving Association swimming standard of being able to swim 500 meters in less than ten minutes.
- First Friday will be on April 5. Last month we gave out over 80 pinewood derby race car kits to be raced at our First Friday Event. The racing will begin at 7:00.
- ATVs and Jet skis are still being operated on a regular basis in order to keep all of our summer rescue vehicles and vessels properly maintained.
- Lifeguard towers from last season are being repaired and repainted as necessary in preparation for the summer season.
- We are continuing to schedule our Junior Lifeguard water safety presentations at our local elementary schools. We will be presenting at Old Kings Elementary School on April 16 and 23, and at Rymfire Elementary School on April 26. Our goal is to promote water safety at all of the elementary schools in Flagler County.
- On April 18, the first-grade students from Wadsworth Elementary School will be visiting Flagler Beach for an educational field trip. The students will learn about the operations of our fire department, sanitation department and ocean rescue department.

FBFD Operational Response Report

This weekly report conducted by the Flagler Beach Fire Department contains the following data:

- Number of incidents responded to over the dates listed below.
- Incident types.
- Total number of incidents for 2024.

Report Conducted: March 28 - April 3

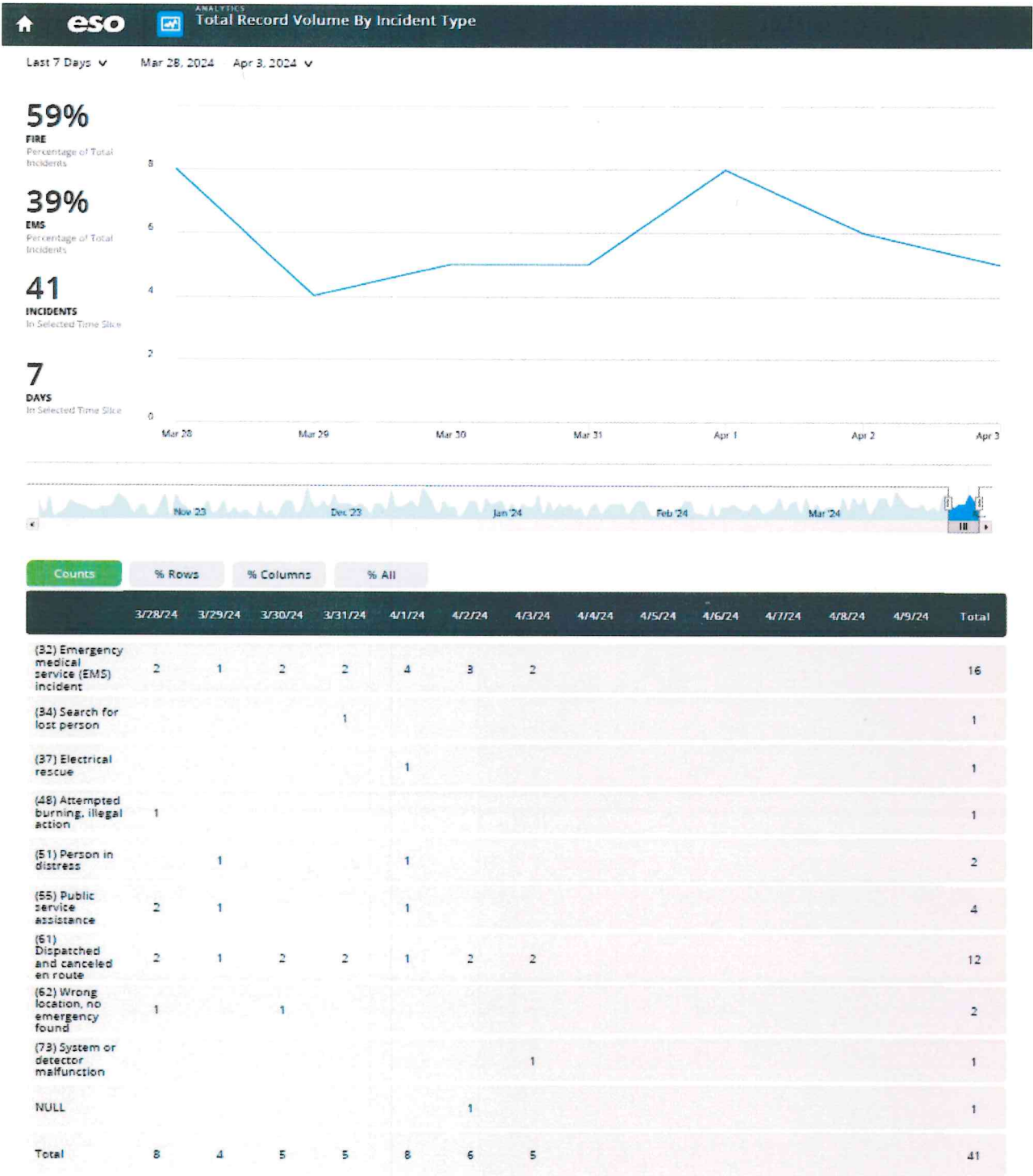
Flagler Beach Fire Department

Deputy Chief Stephen Cox

Scox@Fbfire.org



Weekly Incident Response Data



Total Number of Incident for 2024

402

Penny Overstreet

From: Robert Pace
Sent: Thursday, April 4, 2024 1:18 PM
To: Dale Martin
Cc: Penny Overstreet; Katherine Monroy
Subject: Weekly Highlights

Mr. Martin,

The following are the weekly highlights;

- Apparatus Maintenance

It is the goal of all department members to maintain and preserve agency equipment. The department’s EVT relayed the importance of driving larger apparatus (Engine & Ladder 11) at a sustained high rate of speed periodically. This will assist with pressure in the air system and sediment build-up in the DEF (Diesel Exhaust Fluid) canaster. A sign-up roster went out to the 3 Driver/Engineers to accomplish this task monthly. The designated D/E for the month will take each truck as they are coming off shift to I-95 and operate the truck for approximately 30 minutes and return to the station. D/E Prince has taken the first month and will pick a day of his choice in April to accomplish the task.

- Emergency Response for the New Hotel

I met with one of the supervisors from Welbro to discuss emergency response to the grounds of the new hotel. As we all know, there is much material stored within the compound and the possibility for theft and injury. In addition, it there was a utility issue on the grounds, the area is behind a locked fencing after hours. Welbro’s Supervisor and I discussed entry for emergency crews. There are multiple locks on a few gates. The combination is the same for each lock and that has been shared with staff. The combination is now stored in the clipboard box on Engine 11. Crews have also toured the grounds conducting pre-incident planning.

- Cyber Security Training

I am aware of your April 30th deadline for Flagler Beach employees working with computers to complete the Cyber Security Training. This has been passed on to staff. Several members have already completed the training and I anticipate all of staff to reach completion by the end of business next week. They training was beneficial, because there have been many terms to describe software fraud, the training went in detail of each and the steps to be taken to avoid being hacked. The training was assigned to all full-time staff and administrative assistant (Larry Wolfe).

- Ribbon Cutting at Station 25

Flagler County Fire Rescue scheduled a ribbon cutting and push in ceremony for the new Rescue 25 and Station 25 yesterday. Push in ceremony is a fire service tradition that involves firefighters pushing a new truck into the bay upon its delivery. This is to simulate horses pushing a new fire wagon into the bay years ago. Although the ceremony is not within the city of Flagler Beach, Chief Tucker requested FBFD representation in attendance as this is an operational enhancement that positively impacts all residents within Flagler County. Deputy Chief Cox represented the department at the event.

- Annual Hose and Ladder Testing

The next scheduled annual inspection to be completed is hose and ladder testing. This involves flowing each length of department fire hose under high pressure for a designated period of time. The hoses are inspected for wear & tear and coupling expansion. Hose that does meet the criteria will be removed from service. Both ground ladders and the aerial unit are tested weight capabilities and heat resistance. The technicians from American Fire Service will be in town the next couple of days conducting testing. I will deliver the final results in next week's meeting.

- Flagler Significant Incident Response & Management Working Group

This group meets regularly to discuss larger (or unique) incidents and unified command. The calls may not necessarily require full-scale EOC activation like COVID or hurricanes and not as common as smaller MCI events (car crashes or typical fires). Instead, those less frequent, but significantly impactful multi-agency events in the middle; that typically result in or could benefit from unified command. The group will meet this afternoon at the EOC.

- Impact Issues

The Mission 5K Race will take place on Saturday beginning Santa Maria Del-Mar Catholic Church. In addition, and dependent on the weather, there is potential of many beach-goers. Several hundred visitors are expected in the city over the weekend.

I look forward to talking to you soon.

Thanks,

Robert Pace

Fire Chief

Flagler Beach Fire Rescue

320 S. Flagler Ave

Flagler Beach, Florida 32136

Office-386-517-2010

Cell-386-276-0405



Beach/Parks/Recreation

Weekly Highlights March 27, 2024

- We have begun to schedule our Junior Lifeguard water safety presentations at our local elementary schools. We will be presenting at Old Kings Elementary School on April 3 and at Wadsworth Elementary School in May. Our goal is to promote water safety at all of the elementary schools in Flagler County.
- Sunday, March 24 was the final day of spring break for Flagler County Schools. The final weekend of spring break was not very busy due to the bad weather. Many thanks to the Flagler Beach Fire Department who helped out with beach safety on the days that we had limited lifeguards available.
- Lifeguard leadership staff has met to discuss new lifeguard recruitment, summer training, lifeguard testing, equipment needs, and implementation of our Junior Lifeguard summer program.
- ATVs and Jet skis are still being operated on a regular basis in order to keep all of our summer rescue vehicles and vessels properly maintained.
- Lifeguard towers from last season are being repaired and repainted as necessary in preparation for the summer season.

FBFD Operational Response Report

This weekly report conducted by the Flagler Beach Fire Department contains the following data:

- Number of incidents responded to over the dates listed below.
- Incident types.
- Total number of incidents for 2024.

Report Conducted: March 21 - March 27

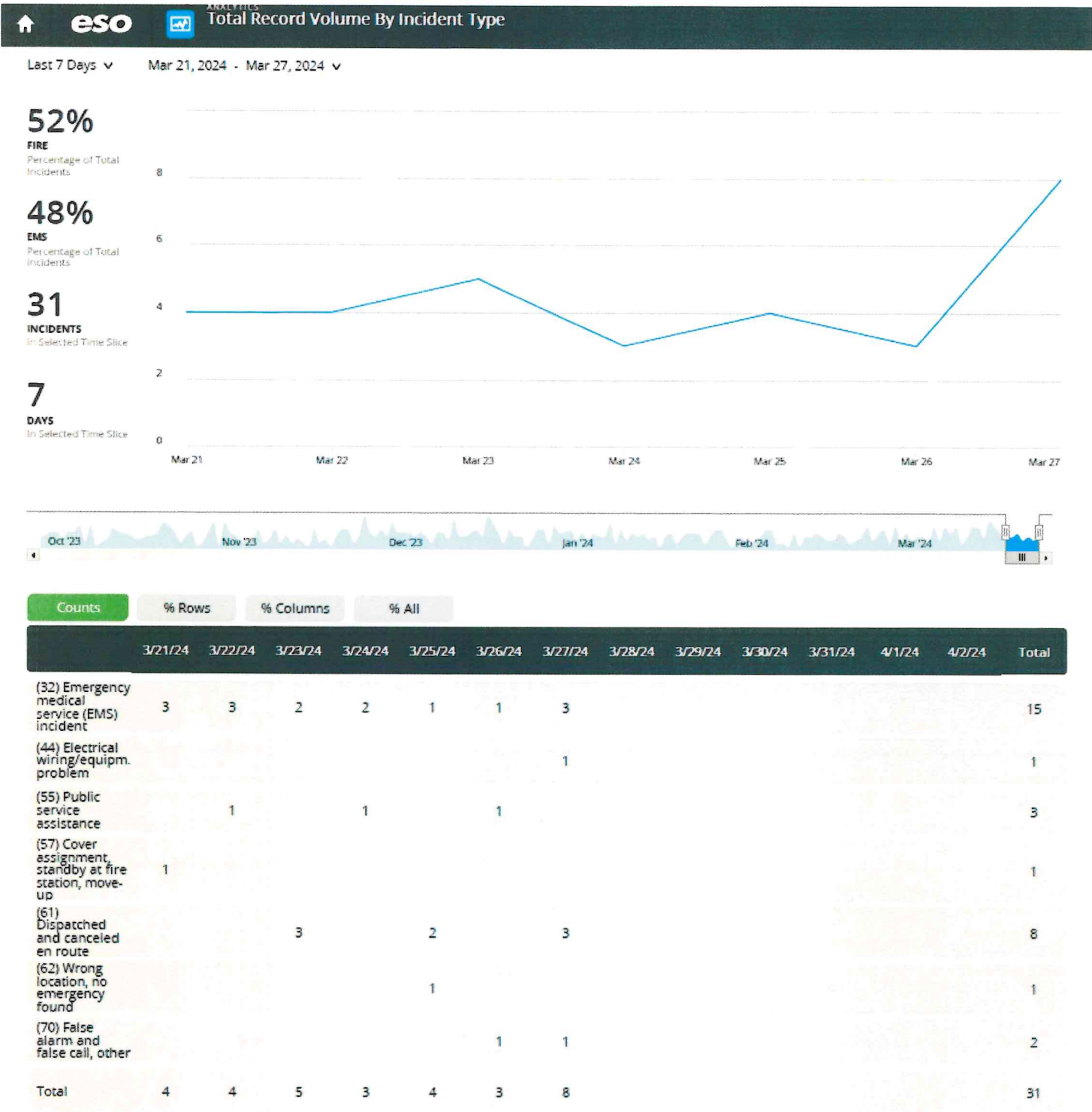
Flagler Beach Fire Department

Deputy Chief Stephen Cox

Scox@fbfire.org



Weekly Incident Response Data



Total Number of Incident for 2024

360

Penny Overstreet

From: Robert Pace
Sent: Thursday, March 28, 2024 10:45 AM
To: Dale Martin
Cc: Penny Overstreet; Katherine Monroy
Subject: Weekly Highlights

Mr. Martin,

The following are the weekly highlights;

- Conclusion of Spring Break

Including the weekends, spring break took place locally between March 16th – 24th. Mother Nature definitely assisted with the weather, considering minimal staffing. There were multiple rainy and cold days. Director Gillin worked with FF/EMT Carre to cover weekend coverage. FF/EMT Carre also worked with members of FBFD and a lifeguard for FBOR to cover the rest week. All be it, staffing was minimal, there were at least two guards assigned to the beach daily. Fortunately, there were no significant rescues reported during the time period.

- Beach Front Grille Irish Golf Tournament

Every year around this time Jamie Boudreau (Beach Front Grille) hosts a golf tournament. It is called the Beach Front Grille Irish Golf Tournament and all proceeds go to benefit Flagler Beach public safety. This would include both the Police and Fire Departments. The tournament took place this past Monday March 25th and Chief Doughney and Deputy Chief Cox represented public safety. In years past the tournament on average generates approximately \$6,000 for both departments. For the Fire Department, those funds are allocated to the Volunteer Firefighter's Association. I look forward to see what the tournament brings in this year.

- New Key/Alarm Panel at the Library

Melissa Parish informed there were some issues at the library and all doors received new locks. I met Mrs. Parish at the library and she explained that the new key will work both for the front and rear doors. I realized at the time we have some newer members and this would be the ideal time to conduct pre-planning of the building. The key and alarm code are stored in the clipboard box on Engine 11. Each crew has visited the library to tour the building, use the new key and familiarize themselves with the alarm panel.

- Fire Hydrant Repairs

The technicians from R&M Service Solutions have made some good progress in the needed fire hydrant repairs throughout the city. The company has completed over half the repairs to this point and estimate the project will be complete over the next two weeks. Repairs have included bolt, upper barrel and entire hydrant replacements. In addition, and as you are aware, the projections for fire hydrant maintenance and replacement in the 2024/2025 budget year have been received by the department. I continue to stay contact with R&M's supervisor on the company's progression.

- Confined Space Recue Technician Training (Lt. Evans)

Lieutenant Evans has completed the Confined space Rescue Technician Training. This is one class of a four-part series that will ultimately yield certification as a Technical Rescue Technician. Confined Space Rescue Technician is an intensive 40-hour confined space entry and rescue class that provides hands-on training and real-life scenarios allowing the student to gain confidence in this dangerous environment. Some of skills taught included rescuer safety, supplied air breathing systems, rope systems for confined space entry, patient packaging and recovery. I received nothing but positive feedback from Lt. Evans.

- Firefighters Supplemental Compensation Program

It was recently brought to my attention that two of the department's newer members qualify for the Firefighters Supplemental Compensation Program. This program is offered by the Bureau of Fire Standards and Training and awards firefighters that have obtained a college degree a monthly payment. The previously mentioned members include Lt. Oberst that completed an Associate of Science in Emergency Medical Services and FF/EMT John Strickland with a Bachelor's of Science in Psychology. I am currently working with both members on their application submission to the State. Currently six of the eleven full-time members have obtained college degrees.

- Impact Issues

The only special events scheduled in the city this weekend is Easter Sunrise Services. There are three church groups holding sunrise services on the beach. Several hundred visitors are expected early morning hours on Sunday.

I look forward to talking to you soon.

Thanks,

Robert Pace

Fire Chief

Flagler Beach Fire Rescue

320 S. Flagler Ave

Flagler Beach, Florida 32136

Office-386-517-2010

Cell-386-276-0405





FLAGLER BEACH POLICE DEPARTMENT
Matthew P. Doughney, Chief of Police
204 South Flagler Avenue
Flagler Beach, FL 32136
386.517.2023

Chief's Weekly Report

From: Friday		3/22/2024	To: Thursday		3/28/2024
Calls For Service	63	Felony Arrest	4	Reports Written	18
Self-Initiated	48	Misd. Arrest	3	Comm. Policing	14
Traffic Stops	45	City Ordinance	2	Security Checks	197
				Citations Issued	32
				Warnings (Written/Verbal)	57

Chief's Weekly Summary

Friday: 3/22/24 @ 4:00 a.m. / Battery (Follow-Up) / 3600 South Central Avenue: Officers received the remaining documents required from the victim in this case. The incident occurred on March 15th but was not reported to the Department until March 17th. The victim in this case was out of town until March 20th and a charging affidavit was completed, along with a supplement report. Charges have been forwarded to the State Attorney's Office for review.

Friday: 3/22/24 @ 7:19 a.m. / Narcotics - Arrest / 815 Moody Lane (Under bridge): While on routine patrol, an Officer located a suspicious vehicle in the parking area under the SR1200/Moody Bridge. Upon the Officers approach, the single occupant, a female, was observed sleeping in the car. The female was found to be in possession of both Fentanyl and Crack Cocaine. The female was placed under arrest without incident, and she was transported to the Flagler County Inmate Facility. A Police report was completed.

Friday: 3/22/24 @ 11:59 a.m. / Narcotics - Arrest / 500 Block of South Oceanshore Boulevard: Patrol Officers were dispatched in reference to a welfare check on a female driving a blue Ford Taurus who appeared to be "on something" and had a child with her. Officer was able to locate the vehicle in question and made contact with the female driver who was not driving at the time. Through investigation the female was found to be in possession of two (2) THC vapes. The female was arrested without incident and she was transported to the Flagler County Inmate Facility. A Police report completed. The Department of Children and Families (DCF) were notified and the child was not with the mother at the time of her arrest.

Friday: Nightshift Officers conducted briefing training by completing a course in the online "Briefing Room", titled; "What is the value of a stolen paper check?" Officers watched a video on the topic, and then conducted a discussion afterwards.

Friday: Nightshift Officers conducted proactive traffic enforcement at the following locations and times; 2200 block of Moody Boulevard, from 7:15 p.m. to 8:00 p.m. Three (3) traffic stops, with three (3) written warnings issued.

Friday: Nightshift Officers conducted Operation "No Fight Night". There were large crowds at all the bars in the City, and our Patrol Officers conducted extensive patrols, staying highly visible, to deter criminal activity and bar fights.

Saturday: 3/23/24 @ 12:56 a.m. / Driving Under the Influence - Arrest / Moody Boulevard at North Central Avenue: A traffic stop was conducted on a gray Toyota for unlawful speed and an improper turn. The ensuing investigation found that the Driver operating the motor vehicle while impaired. The make Driver was taken into custody without incident, and he was transported to the Flagler County Inmate Facility. A Police report was completed.

Saturday: 3/23/24 @ 7:52 a.m. / Disturbance Verbal / 900 Block of South Flagler Avenue: Patrol Officers responded in reference to a disturbance between landlord and tenant. Upon arrival, Officers made contact with both parties who had opposing and conflicting stories. It was determined that the matter was civil in nature and that the eviction process has been started on the landlord's side. The involved parties in this dispute were advised to let the Courts determine the outcome, and not to contact each other.

Saturday: 3/23/24 @ 11:02 a.m. / Ordinance Violation / 500 Block of South Flagler Avenue: A Patrol Officer checked out with a Stratus pull behind RV left on the City's right-of-way with no tag. Contact was made with the owner who advised that she just swapped RV's at lot 33 and she was waiting for her son to pick this one up. The owner was advised that the RV was "Red Tagged", meaning that by City Ordinance she had until Monday, March 25th at 11:00 a.m. to have the RV removed or it will be towed. The "Red Tag" placed on the RV, and Axon photo taken.

Follow Up: The RV in question was removed prior to the deadline time of 11:00 a.m. on Monday, March 25th.

Saturday: 3/23/24 @ 12:41 p.m. / Baker Act / 215 South Oceanshore Boulevard: Officers responded to the area of the Pier in reference to a welfare check on a female, who's boyfriend had broken up with her. The female was located and she was in an emotionally charged state and acting irrationally. The female was taken into protective custody under the Baker Act and she was transported to Stewart-Marchman's facility in Bunnell without incident. A Police report was completed

Saturday: A \$150 City parking citation was issued to a motor vehicle illegally parked on the sea dunes in the 1500 block of North Oceanshore Boulevard.

Saturday: Nightshift Officers conducted proactive traffic enforcement at the following locations and times; 2200 block of Moody Boulevard, from 7:30 p.m. to 8:00 p.m. No violations. 1200 block of South Oceanshore Boulevard, from 9:00 p.m. to 10:00 p.m. Three (3) traffic stops, with two (2) State Traffic citations issued, along with one (1) written warning.

Saturday: 3/23/24 @ 5:37 p.m. / Crash - No Injury / 400 Block South Oceanshore Boulevard: Patrol Officers responded to a crash involving two (2) motor vehicles; with minor property damage and no injuries. The involved vehicles were removed from the scene by their respective Drivers. A Drivers Exchange of Information form was completed.

Saturday: 3/23/24 @ 10:15 p.m. / Crash - No Injury / 100 Block South Flagler Avenue: Patrol Officers responded to a crash involving two (2) motor vehicles; with minor property damage and no injuries. The involved vehicles were removed from the scene by their respective Drivers. A Drivers Exchange of Information form was completed.

Sunday: 3/24/24 @ 1:01 a.m. / Marchman Act / 101 North Oceanshore Boulevard (Finn's): Patrol Officers were dispatched to the business in reference to a highly intoxicated female that was passed out in a vehicle that did not belong to her. Due to the females high level of intoxication, she was taken into protective custody under the Marchman Act, without incident, and she was transported to Advent South for medical clearance. Once the subject was medically cleared and released, she was transported to the Flagler County Inmate Facility due to Stewart Marchman not having any beds. A Police report was completed.

Sunday: 3/24/24 @ 3:59 a.m. / Driving Under the Influence - Arrest / 100 Block Moody Boulevard: While on routine patrol, Officers observed a motor vehicle sitting stationary in the roadway, with the Driver slumped over behind the wheel. When Officers attempted to wake up the Driver, he drove off towards A1A and stopped again in the middle of the intersection. Officers were able to safely get the vehicle stopped, and they were able to get the male out of the vehicle safely. After the Driver was checked out by personnel from Station 11, a Driving Under the Influence investigation was initiated. The investigation resulted in the arrest of the male for operating the motor vehicle while impaired. The subject was taken into custody without incident, and he was transported to the Flagler County Inmate Facility. A Police report completed.

Sunday: Dayshift Officers conducted proactive traffic enforcement at the following locations and times;
North Flagler Avenue at 8th Street North, from 11:32 a.m. to 12:26 p.m. No violations.
South Central Avenue at 13th Street South, from 11:22 a.m. to 12:20 p.m. One (1) traffic stop, with a written warning issued.

Sunday: 3/24/24 @ 4:37 p.m. / Property Found / 215 South Oceanshore Boulevard: A concerned citizen came to the Police Department to turn in a wallet and a pair of "Air-pods" that were found on the Boardwalk, near the Pier. The owner of the aforementioned items was contacted and the items were successfully returned to her.

Monday: 3/25/24 @ 1:09 a.m. / Driving Under the Influence - Arrest / Beach Village: Patrol Officer's conducted a traffic stop on a vehicle that was traveling 67 MPH in a 45 MPH zone. Upon the Officer contacting the Driver, the Driver appeared to be impaired. The ensuing investigation resulted in the arrest of the Driver for Driving Under the Influence, and an inventory of the vehicle resulted in the seizure of approximately 5.9 grams of Crack Cocaine, along with a firearm and a scale. Additionally, Officers located Cocaine inside Driver's wallet. The Driver was additionally charged with Felony narcotics charges, and he was transported to the Flagler County Inmate Facility without incident. A Police report was completed. **Great Job!**

Monday: 3/25/24 @ 2:50 a.m. / Driving Under the Influence – Arrest / Moody Boulevard: A Patrol Officers conducted a traffic stop on a motor vehicle for multiple traffic violations. Upon the Officer contacting the male Driver of vehicle, he appeared to be under the influence. An investigation for Driving Under the Influence was conducted, which ultimately resulted in the arrest of the Driver. The Driver was taken into custody without incident, and he was transported to the Flagler County Inmate Facility. A Police report was completed.

Monday: 3/25/24 @ 4:34 a.m. / Narcotics – Arrest / 11th Street South and South Oceanshore Boulevard: Patrol Officers were dispatched in reference to a disabled vehicle. Upon the Officers making contact with the owner of the vehicle they believe the he had narcotics in his possession. Upon a search of the Driver and the vehicle, Fentanyl was located. The Driver was arrested for felony Possession of Fentanyl, as well as Violation of Probation; due to the subject being on Felony Probation for trafficking in illegal narcotics. A Police report was completed.
Good Job!

Monday: 3/25/24 @ 11:28 a.m. / Stolen Tag / 1400 Block of South Flagler Avenue: A Patrol Officer responded to the Police Department with regards to a missing license plate. The reporting party advised that her husband's struck has been parked at their residence for several days, and they noticed the license plate is missing. It is unknown when or where the plate the plate was removed and it's been entered into FCIC/NCIC as stolen. A Police report was completed.

Monday: Nightshift Officers conducted briefing training on "Pretextual Stops", as this is this month's topic on Police Law Institute. Officers discussed, in detail, two (2) precent stetting case laws; Terry v. Ohio and Whren v. United States.

Monday: 3/25/24 @ 6:51 p.m. / Information / 800 South Daytona Avenue (Wickline Park): An anonymous complainant advised that his wife observed a gray-haired white male in his late 30s in the women's bathroom on March 24th. The complainant did not want to be contacted, but requested additional patrols. Officers monitored the bathrooms prior to closing them, but did not observe anyone suspicious.

Monday: 3/25/24 @ 10:22 p.m. / Verbal Disturbance / 101 North Oceanshore Boulevard (Finn's): Patrol Officers were dispatched to the business in reference to an unruly patron that was refusing to leave the premises. Upon our Officers' arrival, the patron had already departed the area and he could not be located. Finn's management requested that the subject be trespassed if he returned, as he has caused issues in the business several times over the last few days. The subject did not return this evening.

Tuesday: Dayshift Officers conducted briefing training by watching a video from Mr. Gordon Graham, titled; "What do you want your legacy to be?" The squad watched the video and discussed how it affects their daily lives and careers.

Tuesday: Dayshift Officers conducted Operation: "Slow Your Roll". The operation was conducted throughout the shift for speeding and stop sign violations. During the shift, Officers conducted five (5) traffic stops and issued one (1) written warning for unlawful speed and four (4) written warnings for violation of a traffic control device.

Tuesday: Dayshift Officers conducted proactive traffic enforcement at the following locations and times;

800 block of North Flagler Avenue, from 9:59 a.m. to 10:43 a.m. Two (2) traffic stops, with two (2) written warnings issued.
2200 block of South Oceanshore Boulevard, from 10:24 a.m. to 10:55 a.m. One (1) traffic stop, with one (1) written warning issued.

Tuesday: 3/26/24 @ 8:44 a.m. / Assist Outside Agency / Moody Boulevard and Colbert Avenue: At the County's request, a Patrol Officer responded to a crash with injuries and assisted with traffic control, until the roadway could be cleared. The crash investigation was handled by the Flagler County Sheriff's Office.

Tuesday: 3/26/24 @ 11:44 a.m. / Animal Problem / 200 Block of 8th Street South: A Patrol Officer was flagged down in reference to a loose dog. The Officer was familiar with the dog and he was able to detain it. The dog was returned home safely to its family without incident.

Tuesday: 3/26/24 @ 4:04 p.m. / Suspicious Person / 3100 block South Oceanshore Boulevard: Officers contacted a male subject lying on the City sidewalk. The subject advised that he was traveling, his foot hurt, and he just needed to rest for a little while. The subject requested a ride to the north County line, which was provided without incident.

Tuesday: 3/26/24 @ 7:09 p.m. / Assist Public / 312 Moody Boulevard (Dollar General Plaza): Officers were flagged down by a female requesting a jump for her dead vehicle battery. Officers spent nearly thirty (3) minutes attempting to jump the battery, using multiple battery packs; but these efforts failed. Officers provided the female and her young grandson a courtesy ride back to their residence in Palm Coast.
Good Job!

Tuesday: 3/26/24 @ 7:50 p.m. / Lost Property / 215 South Oceanshore Boulevard: Officers responded to the Police Department in reference to a female subject who had lost her blue iPhone 13 in a Kate Spade case; somewhere in the area of the Pier. A Police report was completed.

Tuesday: Nightshift Officers conducted Operation "Walkover". Acting on a tip from a concerned citizen, Officers checked multiple dune walkovers on the north end of the City, to ensure no homeless encampments were present. None were located throughout the shift. Additionally, over an hour of extensive foot patrol was conducted at the Preserve Apartments and Beach Park Village construction homes.

Wednesday: Detective Vinci attended a surprise 100th birthday party for a Port Orange Police Volunteer that she worked with, prior to returning to our Department. Happy 100th Birthday Mary!

Wednesday: 3/27/24 @ 4:41 a.m. / Disabled Vehicle / 2500 of Block Moody Boulevard: Officers were dispatched in reference to a semi-truck broke down, blocking all east bound lanes of travel. Upon our Officers arrival, a flat-bed semi was pulling out of the DMV parking lot and lost its drive shaft. Traffic was diverted into Beach Village Drive, and Rodgers Towing responded and removed semi from the roadway. Eastbound traffic on Moody Boulevard was re-opened at 5:46 a.m.

Wednesday: Dayshift Officers conducted proactive traffic enforcement at the following location and times; South Central Avenue at 13th Street South, from 12:30 p.m. to 1:05 p.m. No violations.

Wednesday: 3/27/24 @ 8:52 p.m. / Threats / 100 Block of Village Drive: Officers were dispatched to a residence in reference to the reporting party receiving threats from his wife's co-worker. A Police report was completed and a charging affidavit will be completed once the suspect has been positively identified.

Wednesday: 3/37/24 @ 10:48 p.m. / Welfare Check / 204 South Flagler Avenue: Officers were dispatched to an unknown address in Flagler Beach Villas in reference to a male subject who made statements to family members that he wanted to harm himself. Officers were able to locate a possible location where residents knew the subject, but he does not reside there. Officers checked other addresses in the City and were unable to locate the subject. Flagler County Sheriff's Office Deputies checked an address in the "U" section and they were unable to locate the subject as well. The subject does not own a vehicle, and family members and friends do not know where he currently lives. Officers pinged his cell-phone, but his location was approximately 4043 meters from the John Anderson tower. A local and surrounding County "Be On the Lookout" (BOLO) was issued as well. Family members called back in later in the night to state they had received a text from the male subject, and that he was O.K. The subjects location is unknown at this time. A Police report was completed.

Thursday: 3/28/24 @ 1:03 p.m. / Crash - No Injuries / 414 Beach Village Drive: A Patrol Officer responded in reference to a possible Hit and Run crash. Upon our Officers arrival, the Officer was able to make contact with all parties involved. The investigation determined that the Driver who left the scene was still in the parking lot, but did not realize that he struck another vehicle when backing up. A Drivers Exchange of Information form was completed.

Thursday: 3/28/24 @ 2:53 p.m. / Property Found / 1700 Block of North Oceanshore Boulevard: A Patrol Officer responded in reference to a firearm being found in an Air BNB rental home. A Glock 42 (.380 auto) with four (4) rounds was located by the property inspector. The firearm was turned over for safekeeping and the property agency is going to contact the last renters to advise what was found. The firearm was placed in Property & Evidence. A Police report was completed, and follow up will be conducted next week.

Thursday: Chief Doughney attended a 4th of July meeting at Palm Coast City Hall from 3:30 p.m. to 4:30 p.m. Chief Doughney also attended the City Commission meeting at our City Hall from 5:00 p.m. to 8:00 p.m.

Thursday: The investigating Officer from Wednesday's "Threats" call on Village Drive re-contacted with the victim, and was able to identify the suspect. A charging affidavit was completed and forwarded to the State Attorney's Office for review. A supplemental report was completed.

Thursday: The investigating Officer from the "Welfare Check" case from Wednesday made contact with family members again, who stated they had been in contact with the male and he was O.K. Officers located the subject in question at a lot in the trailer park. The male subject mental health was evaluated and he did not meet the criteria for protective custody under the Baker Act. The case report was updated with this new information; case closed.

Monthly Training: Officers continued to work on completing the March 2024 online monthly training though Police Law Institute. This month's topic is; **Pretextual Stops of Pedestrians and Motorists – Supreme Court.**

Formal Recognition: Chief Doughney was advised by a local resident, Mr. John Feind, that Officer Scherr will be honored with an award by the Sons of the American Revolution for "Excellence in Policing". Officer Scherr was nominated by Chief Doughney back in February of this year, and the award will be presented to Officer Scherr at the April 11th City Commission meeting, by a contingent of Sons of the American Revolution. **Congratulations Officer Scherr!**



City of Flagler Beach

Water Treatment Plant



To: Dale Martin, City Manager

From: Jim Ramer, Water Plant Superintendent

Subject: Monthly Report for March 2024

April 2, 2024

In March, we produced 17,620,000 gallons of drinking water. This amount was 766,000 gallons greater than the amount we treated in February. The rainfall for February was 1.90 inches. We used 3,100 Gallons at the plant and used 10,606 Gallons for irrigation. We checked the chlorine residual in Seaside Landings. We used 10,260 gallons. The fire department used 20,000 gallons. Flushed the North End of town due to low chlorine residual. We used 766,000 gallons. We flushed Lakeshore Dr. due to low chlorine residual. We used 6,310 gallons.

We have routine duties that we perform every day on each of our shifts. We collect samples every hour to make sure we keep the chemistry of the drinking water within the parameters for DEP. We regularly perform over 200 tests on the City water and raw water daily between the three shifts. We do routine plant maintenance. We mow the plant grounds. We collect monthly Well samples for statics and drawdowns for St. Johns River Water Management. We keep daily records for our monthly reports that are required to be turned in to the Department of Environmental Protection Agency. We also do quarterly reports for DEP on disinfection byproducts. We have the midnight shift flush the trains with high pH permeate water. We do yearly TTHM and HAA5 tests. We clean both de-gasifiers every two weeks.

DEP requires us to take five bacteriological samples from the distribution system monthly, according to our population. All samples passed on March 11th.

I have Santiago performing weekly vehicle checks. He checks all the fluids such as Brake fluid, windshield wiper fluid, transmission fluid, and all the lights.

We collected our monthly Well samples meter readings, drawdowns and statics.

We collected our Monthly Bacteriological samples per DEP.

We did our monthly reports and quarterly Disinfection Reports for DEP and the City.

We sent our Well monthly consumption to Joe Young of Biological Consulting for our Reporting to St Johns River Water Management District.

Ehab cleaned Train #4. We do this every year to protect the elements.

We received our Final Report on Well 16 from CCI.

We cleaned the Chlorine Analyzer.

We are working with Florida Rural Water Association and Sensible Water Solutions on our Lead Service Line Inventory for EPA's new rule by October. We are getting this inventory done through a grant from FRWA.

We collected Bacteriological samples on the Boil Water Notice on the main break on Leslie St. We lost around 50,000 gallons.

Ehab replaced cooling temperature sensor on Well 13 Generator. He saved us around \$1,000 by doing the repair in house.

Ehab changed the oil in the F-150, F-250, and the Gator.

Staff cleaned Degasifier #1.



FLUSHING REPORT

Month / Year: March 2024

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