



CITY COMMISSION REGULAR MEETING AGENDA

Thursday, July 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. Pledge of Allegiance followed by a moment of silence to honor our Veterans, members of the Armed Forces and First Responders

3. Proclamations and Awards

[a.](#) Proclamation Recognizing July 2024 as "Christmas Come True Month"

4. Deletions and changes to the agenda

5. 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.

6. Consent Agenda

[a.](#) Approve the Regular Meeting Minutes of June 13, and June 27, 2024.

7. General Business

[a.](#) Proposed Resolution 2024-39, a Resolution by the City of Flagler Beach, Florida Sunsetting the Flagler Beach Parks Ad Hoc Committee, providing for conflict and effective date.

[b.](#) Award Bid No. FB-242305, Modifications to the Wickline Building, Project No. 539, to R&K Roofing, in an amount not to exceed \$65,000.

[c.](#) Proposed Resolution 2024-40, a Resolution by the City of Flagler Beach, Florida approving a proposal from McKim and Creed to complete the requirements of a Consent Order, and a Budget Amendment to cover the expense, providing for conflict and effective date.

[d.](#) Proposed Resolution 2024-41, a Resolution by the City of Flagler Beach, Florida, approving a Sole Source Purchase from Wapro, Inc. in the amount of \$133,613 for Nineteen (19) in-line Stormwater Check Valves, and approving a budget amendment to move the funds to cover the expense, providing for conflict and effective date.

8. Public Hearings

[a.](#) Ordinance 2024-08, An Ordinance by the City of Flagler Beach, Florida, amending Chapter 14 "Offences and Miscellaneous Provisions" of the Code of Ordinances to add Article VIII "Juvenile Curfew", providing for conflict and an effective date.

[b.](#) Ordinance 2024-03, an Ordinance of 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.

- [c.](#) Ordinance 2024-11, an Ordinance of the City Commission of the City of Flagler Beach, Florida, establishing a temporary moratorium on certain development activities within AE SFHA flood zones; directing staff to review and develop Land Development Code provisions related to fill standards and limitations for properties located within the AE SFHA flood zones; providing for expiration and extension of the moratorium; providing standards for relief from the application of the moratorium; providing for severability, conflicts, and an effective date.

9. Staff Reports

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

10. 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.*

11. Adjournment

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

**A PROCLAMATION OF THE
CITY OF FLAGLER BEACH
RECOGNIZING THE MONTH OF JULY 2024
AS CHRISTMAS COME TRUE MONTH**

WHEREAS, family poverty transcends race, religion, and ethnicity and is one of the greatest challenges to not only the family, but for our entire community which suffers the consequences of its many negative and depressing effects on our children. The reality is that over 40 % are between families in poverty and those who are **in an Asset Limited, Income Constrained, employed households that earn above the Florida Poverty Level but cannot afford the basic cost of living in this county. Out of the 163 families with 468 children we served this year, 40% have medical issues, of that 10% were disabled. 99 of those Children have varying levels of special needs.**

WHEREAS, Christmas Come True is a non-profit organization that has been serving Flagler County for 15 years and has addressed the many aspects of family poverty in Flagler County including food distribution, financial assistance with housing, utilities, transportation, furniture, home goods and medical expenses. Christmas Come True has invested over \$165,000.00 in assistance throughout the year, without including the yearly Christmas distribution. Since 2009, this distribution consists of a complete personalized Christmas experience for a total of 1831 families with 5195 children by providing a Christmas Dinner, new clothing, toys, gifts, and Christmas stockings filled with hygiene products and assorted goodies.

WHEREAS, Christmas Come True is a non-profit organization in Flagler County that provides free furniture and home goods through their Begin Again Home Goods store for families in crisis. In 2024 alone, Christmas Come True has given out 12 Beds & Bedding, Dressers, Kitchen tables, Sofas, Kitchenware, and more.

WHEREAS, Christmas Come True is planning an expansion of their mission and support system by incorporating, **Innovative Community Resource Solutions**, a community-based Center creating the tools for makers, creators, innovators, and visionaries to bring their dreams to life. A diversified, multi-generational collaboration to grow new careers and businesses.

WHEREAS, The increased high cost of living has resulted in many more families suffering a devastating loss of income, Christmas In July events will enable Christmas Come True to provide additional assistance with food, rent, car payments, car registrations, car insurance, furniture and home goods to those High-Risk families.

WHEREAS, this recognition also allows the community to support working together to create an environment where people can share their time, treasure, and talents to help the families who were affected by the devastating effects of poverty and the high cost of living.

NOW THEREFORE, BE IT PROCLAIMED BY THE CITY OF FLAGLER BEACH, that they hereby declare the month of JULY 2024 as CHRISTMAS COME TRUE MONTH in Flagler Beach and further recognize that it takes a dedicated community to stand together and make a positive difference. Together, we can break the cycle and impact the lives of future generations.

Adopted this ____ day of July 2024.

ATTEST: City of Flagler Beach, Florida



CITY COMMISSION REGULAR MEETING AGENDA

Thursday, June 13, 2024 at 5:30 PM

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

PRESENT: Mayor Patti King, Chair Scott Spradley, 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 5:58 p.m.
2. **Pledge of Allegiance followed by a moment of silence to honor our Veterans, members of the Armed Forces and First Responders:** Commissioner Sherman led the pledge to the flag.
3. **Proclamations and Awards**
 - a. Proclamation Recognizing June 19th - 23rd as Flagler County Amateur Radio Week: Mayor King read the proclamation into the record. Antony Cinelli accepted the proclamation.
4. **Deletions and changes to the agenda:** There were no deletions or changes to the agenda.
5. **Public comments regarding items not on the agenda:** The following citizens came forward to give the concerns, opinions and suggestions: Darryl Reynolds, Robby Roberts and Mary Dioguardi.

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.

6. **Consent Agenda**
 - a. Approve the Regular Meeting Minutes of May 23, 2024.
 - b. Approve an Agreement for the purpose of Sludge Hauling from Environmental Land Services.
 - c. Approve payment of an invoice in the amount of \$254,222.76 to Ferguson Waterworks for the material purchase for moving of the raw waterline as approved in the June 2, 2022 Wellsite Relocation Agreement.

Motion by Commissioner Mealy, seconded by Commissioner Sherman to approve the consent agenda. The motion carried unanimously.

7. **General Business**
 - a. Resolution 2024-30, a resolution by the City of Flagler Beach, Florida accepting the 2023 Fiscal Year Audit; providing for conflict and an effective date. Attorney Smith read the title of the resolution into the record. Webb Shepard, James Moore & Company, reviewed their Power Point presentation highlighting the 2023 FY Audit for the City and for the Community Redevelopment Agency. Public comment was open. The following citizens came forward to give their concerns, opinions and suggestions: Paul Mykytka. Public comment was closed. Motion by Commissioner Belhumeur, seconded by Commissioner Sherman, to approve 2024-30. The motion carried unanimously, after a roll call vote.
 - b. Approve a piggy-back purchase on a Government Contract with Ringpower Corporation for a generator for Well #16 in the amount of \$66,639. Public comment was opened. No comments were received. Public comment was closed. Motion by Commissioner Mealy, seconded by Commissioner Belhumeur

to approve a piggy-back purchase from Ring Power Corp. for the generator for the well system. The motion carried unanimously.

- c. Award Bid No. FB-24-2105 for Potable Water Well #16 to McMahan Construction Co., Inc. in an amount not to exceed \$881,760. Mr. Martin reviewed the item. Motion by Commissioner Sherman to award Bid No. FB24-2105 to McMahan Construction Co. for the construction of Well #16. Commissioner Mealy seconded the motion. The motion carried unanimously. It is to be noted, after the meeting an email was discovered that had been sent to the Clerk before the meeting commenced protesting the bid award. Per the procurement regulations the City Manager will review the protest and respond to the protester within ten days.
- d. Resolution 2024-31, a resolution by the City of Flagler Beach, Florida, approving a "piggy-back" on the agreement between the City of St. Augustine and Engineered Spray Solutions to install twenty (20) Sanitary Manhole Rings & Covers, providing for conflict and effective date. Attorney Smith read title of the resolution into the record. Public comment was opened. The following citizens came forward to express their concerns, opinions and suggestions: Rob Santori and Robby Roberts. Public comment was closed. Motion by Commissioner Belhumeur, seconded by Commissioner Sherman to approve Resolution 2024-31. The motion carried unanimously, after a roll call vote.
- e. Resolution 2024-32, a resolution by the City of Flagler Beach, Florida, approving the purchase of fifty (50) sets of sanitary manhole rings and covers, providing for conflict and effective date. Attorney Smith the read title of the resolution into the record. Public comment was opened. The following citizens came forward to give their concerns, suggestions and opinions: Richard Clemmons and Robby Roberts. Public comment was closed. Motion by Commissioner Mealy, seconded by Commissioner Belhumeur, to approve Resolution 2024-32. The motion carried unanimously, after a roll call vote.
- f. Resolution 2024-33, a resolution by the City of Flagler Beach, Florida, approving a piggy back on the agreement between the City of St. Augustine and Engineered Spray Solutions to install fifty (50) Sanitary Manhole Rings & Covers, providing for conflict and effective date. Attorney Smith read the title of the resolution into the record. Public comments were opened. The following citizens came forward to give their concerns, opinions and suggestions: Rob Santori. Public comment was closed. Motion by Commissioner Belhumeur, seconded by Commissioner Mealy, we approve Resolution 2024-33. The motion carried unanimously.
- g. Annual CRS Progress Report on Implementation of Credited Plan. The report was submitted to the Commission. No action was required.
- h. Resolution 2024-34, a resolution of the City of Flagler Beach, Florida, approving a Budget Amendment and expenditure to Rogers Environmental Inc., for the installation of 10,750 linear feet of sand fencing providing for conflict and effective date. Attorney Smith read the title of the resolution into the record. Public Comment was opened. No comments were received. Public comment was closed. Motion by Commissioner Mealy, seconded by Commissioner Cooley, to approve Resolution 2024-34. The motion carried unanimously, after a roll call vote.

8. Public Hearings

- a. Ordinance 2024-08, an ordinance of the City of Flagler Beach, Florida, amending Chapter 14 "Offences and Miscellaneous Provisions" of the Code of Ordinances to add Article VII "Juvenile Curfew" providing for conflict and an effective date hereof - first reading. Attorney Smith read the title of the ordinance into the record. Attorney Smith explained that the City is simply adopting the State Statutes. The Commission agreed this is a quality-of-life ordinance and is a safety issue for our community. The public hearing was opened. No comments were received. The public hearing was closed. Motion by Commissioner Sherman, seconded by Commissioner Mealy, to adopt Ordinance 2024-08. The motion carried unanimously, after a roll call vote.

- b. Ordinance 2024-09, an ordinance of the City Commission of the City of Flagler Beach, Florida, amending the Comprehensive Plan Future Land Use Map designation for 0.11+/- acres of certain real property located on North 6th Street with tax parcel I.D. number 12-12-31-4500-00020-0081 from Commercial to Single Family Residential; providing for conflict; providing an effective date hereof - first and final reading. Attorney Smith read title of the ordinance into the record, and noted typo in the 5th whereas change from Edgewood to Flagler Beach. The public hearing was opened. No comments were received. The public hearing was closed. Motion by Commissioner Belhumeur, seconded by Commissioner Sherman, to approve Ordinance 2024-09. The motion carried unanimously, after a roll call vote.
- c. Ordinance 2024-10, an ordinance of the City Commission of the City of Flagler Beach, Florida amending the Official Zoning Map designation for 0.11+/- acres of certain real property located on North 6th Street with tax parcel ID number 12-12-31-4500-00020-0081 from General Commercial to Single Family Residential; providing for conflict; providing an effective date hereof - first reading. Attorney Smith read the title of the ordinance into the record. The public hearing was opened. No comments were received. The public hearing was closed. Motion by Commissioner Mealy, seconded by Commissioner Belhumeur to approve Ordinance 2024-10. The motion carried unanimously, after a roll call vote.

9. Staff Reports

- a. City Attorney: Spoke to the Commission about Form 6 litigation. He let them know if they had not filed their Form 6 yet, they are required to file a Form 1.
- b. City Manager: Thanked Ms. Monroy for her work on the TDC Grant. It is available electronically. The ACOE scheduled for their ground breaking ceremony on Monday, June 17 at 10 a.m. in Veterans Park. City is Working with Weeks Marine, the awarded bidder for the Beach Renourishment.
- c. Weekly Staff Reports: Thanked the Commission, City Manager and City Attorney for their support of Ordinance 2024-08.

10. Commission Comments

- a. Commission comments, including reports from meetings attended: Mayor King reported per the Governor's veto, the Museum lost its State funding for 2025. She reminded everyone to come to the beach clean-up. Commissioner Belhumeur thanked the County for providing sand for the beach access and a mobi matt. He reported since the Army Corps' contractor is starting on the south end of town, there will be no need for long term detours and they will not be using Veterans Park. Commissioner Sherman thanked Commissioner Mealy for planning the Memorial Day Ceremony. He was not pleased with the news from the County regarding a proposed beach tax. Commissioner Cooley felt the proposed the beach tax should be on the agenda for the next multi-municipality meeting and on the future Joint City County meeting. Commissioner Mealy reported on the Smokey Bear Summer Reading Challenge. She reported on how the Governor's Veto effected the funding for the Lambert Avenue Water Line Looping Project.
- b. Public comments regarding items not on the agenda. Citizens are encouraged to speak. However, comments should be limited to three minutes. The following citizens came forward to share their concerns, opinions and suggestions: Anthony Cinelli and Ralph Santori.

11. Adjournment: Motion by Commissioner Mealy to adjourn the meeting at 7:38 p.m.

Attest:

Scott Spradley, Chair

Penny Overstreet, City Clerk



CITY COMMISSION REGULAR MEETING MINUTES

Thursday, June 27, 2024 at 5:30 PM

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

Present: Mayor Patti King, Chair Scott Spradley, Vice-Chair James Sherman, Commissioners Rick Belhumeur, 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 5:30 p.m.
2. **Pledge of Allegiance followed by a moment of silence to honor our Veterans, members of the Armed Forces and First Responders.** Commissioner Sherman led the pledge to the flag.
3. **Proclamations and Awards**
 - a. Neurodiversity Pride Day Proclamation: Mayor King presented the proclamation to representatives from the Cedar Bridge Foundation.
 - b. Proclamation Recognizing the Efforts of Carla Cline. Mayor King read the proclamation into the record and presented the proclamation to Mrs. Cline.
4. **Deletions and changes to the agenda**
5. **Consent Agenda**
 - a. Approve the Minutes of the Regular Meeting June 13, 2024, Workshop Meetings of June 4, 2024 and June 13, 2024
 - b. Approve an Agreement with Townsend and Associates for the EPA Program
 - c. Flagler Beach Professional Firefighters IAFF Local #5270 Recognition-Acknowledgement Petition.

Commissioner Belhumeur pulled the regular and workshop minutes of June 13th, Commissioner Cooley pulled Item 5b, and Commissioner Mealy pulled item 5c for discussion. Motion by Commissioner Belhumeur to approve the June 4, 2024 minutes. Commissioner Cooley seconded the motion. The motion carried unanimously. Commissioner Belhumeur stated Item 7c of the June 13, 2024 regular minutes were incomplete. Clerk Overstreet advised to remove those minutes, she would complete them and include them on the July 11th agenda for consideration. Commissioner Belhumeur suggested additional verbiage to the June 13th Workshop minutes. Add to the sentence "Commissioner Belhumeur suggested putting aside \$156,000 per year" "into an accumulation reserve for dune walkover restoration." Motion by Commissioner Belhumeur to approve the June 13th Workshop Minutes as amended. Commissioner Sherman seconded the motion. The motion carried unanimously. Commissioner Cooley questioned how frequently the EAP services used by employees. Attorney Smith indicated the service is vital for First Responders. Motion by Commissioner Belhumeur to approve Consent agenda Item 5b. Commissioner Sherman seconded the motion. The motion carried unanimously. Commissioner Mealy inquired how many members are in the union. Firefighter Evans responded there are seven (7) members. Motion by Commissioner Mealy, that we recognize the Flagler Beach Firefighters Local 5270. Commissioner Cooley seconded the motion. The motion carried unanimously.

- 6. Public comments regarding items not on the agenda:** Steve Dalley spoke about his attendance at the Flagler County Board of County Commission meeting and the proposed tax for beach repairs. Ted Barnhill suggested the city install metered parking in the downtown area.

7. General Business

- a. Resolution 2024-37, a Resolution by the City of Flagler Beach, Florida, awarding Bid No. FB-24-2105 to McMahan Construction in an amount not to exceed \$881,760; providing for conflict and an effective date. Attorney Smith read the title of the resolution into the record. Chair Spradley opened public comments. No comments were offered. Chair Spradley closed public comments. Motion by Commissioner Mealy that we approve Resolution 2024-37. Commissioner Belhumeur seconded the motion. The motion carried unanimously, after a roll call vote.
- b. Resolution 2024-36, a Resolution by the City of Flagler Beach, Florida, awarding the contract to SNG Pavement Marking Inc. for stop bars citywide; providing for conflict and providing an effective date. Attorney Smith read the title of the resolution into the record. Mr. Martin reviewed the item and recommended the award to SnG Pavement. Chair Spradley opened public comments. No comments were offered. Chair Spradley closed public comments. Motion by Commissioner Belhumeur to approve Resolution 2024-36. Commissioner Mealy seconded the motion. The motion carried unanimously, after a roll call vote.
- c. Resolution 2024-38, 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. Mr. Martin reviewed the item and turned the floor over to Chris Gatch, Executive Vice President of Sales and Business Development, DC Blox. Mr. Gatch reviewed the request and the amendments they have made at the request of the Commission. Mr. Gatch reported they have a sense of urgency as they need to have this completed by December of 2025, and they have yet to obtain approvals from Florida Department of Environmental Protection and the Army Corps of Engineers. Commissioners Cooley and Belhumeur and Mayor King were opposed to utilizing Veterans Park for the easement. Chair Spradley asked Commissioner Cooley if they instead granted an easement for the S. 6th Street Right- of-Way (ROW) would that satisfy his concerns of using Veterans Park. The Commission reached a consensus to support the project subject to the location being N. 11th and the ROW on 6th Street S. with detailed drawings and engage Attorney Tommaro to negotiate the fees for the Commission's consideration. Mr. Gatch expressed concern because Mr. Tommaro was reluctant to sign a Non-Disclosure Agreement. Jeff Uphues, Chief Executive Officer, DC Blox, gave the Commission a brief review of his background. Chair Spradley opened public comments. Mark Blythe and Steve Dalley provided comments. Chair Spradley closed public comments. Motion by Commissioner Cooley to table Resolution 2024-28. Commissioner Belhumeur seconded the motion. The motion carried unanimously.

8. Public Hearings

9. Staff Reports

- a. City Attorney. Attorney Smith reported on recent legislation signed into law by Governor DeSantis. Attorney Smith sought direction regarding the proposed height ordinance. Asking if they wanted to see it as a discussion item before it goes before the Planning Board. The Commission requested to see the ordinance first.
- b. City Manager. Mr. Martin spoke regarding Parks Committee activities, he will have a proposed budget to the Commission before July 15, 2024.
- d. Staff Reports

10. Commission Comments

- a. Commission comments, including reports from meetings attended. This Item was skipped.
- b. Public comments regarding items not on the agenda. Citizens are encouraged to speak. However, comments should be limited to three minutes. No comments were offered.

11. **Adjournment.** Commissioner Belhumeur put forth a motion to adjourn the meeting at 7:32 p.m.

Scott Spradley, Chair

Attest:

Penny Overstreet, City Clerk



STAFF REPORT

Regular City Commission Meeting

July 11, 2024

To: Elected Officials

From: Dale L. Martin, City Manager

Date: July 11, 2024

Item Name: Proposed Resolution 2024-39, a Resolution by the City of Flagler Beach, Florida Sunsetting the Flagler Beach Parks Ad Hoc Committee, providing for conflict and effective date.

Background: Resolution 2023-22, adopted on October 12, 2024 established the Flagler Beach Parks Ad Hoc Committee, including its mission and operations. The mission was to provide recommendations related to the maintenance of the existing parks and equipment and recommendations for new or replacement equipment, as well as other duties as assigned by the City Commission. Those recommendations have been recorded and staff is prepared to incorporate, as funding permits, those recommendations into the proposed 2024/2025 annual budget. The Committee operations were scheduled to sunset after one year, but staff believes the mission has been completed and the sunset provision should be implemented at this time.

Fiscal Impact: None directly related to the operations of the Parks Ad Hoc Committee, but the recommendations presented will be evaluated and appropriately budgeted in next year’s proposed budget.

Staff Recommendation: Staff recommends approval of proposed Resolution 2024-39, sunsetting the Parks Ad-Hoc Committee.

Attachments: Proposed Resolution 2024-39

RESOLUTION 2024-39

A RESOLUTION BY THE CITY OF FLAGLER BEACH, FLORIDA,
SUNSETTING THE FLAGLER BEACH PARKS AD HOC COMMITTEE,
PROVIDING FOR CONFLICT AND EFFECTIVE DATE.

WHEREAS, Resolution 2023-22 created the Parks Ad-Hoc Committee, and

WHEREAS, the City Commission upon review, believes the charges to the Parks Ad-Hoc Committee have been completed; and

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

SECTION 1. The Parks Ad-Hoc Committee, shall be sunset, and all activities of the committee shall cease.

SECTION 2. The City Commission expresses gratitude and appreciation to Ms. Erica Corpening, Mr. Bob Cunningham, Mr. Tim Davis, Mr. Fred Ferrera, Mr. Quentin Parker, Ms. Deborah Phillips, and Ms. Jennifer Vaders for their dedication and service to the City of Flagler Beach.

SECTION 3. The City Commission also recognizes the staff support for the Committee provided by Mr. Bill Clemence, Ms. Caryn Miller, and Ms. Kathleen Settle.

SECTION 4. The record of activities and recommendations of the Parks Ad Hoc Committee have been officially recorded by the Office of the City Clerk for future review and consideration.

SECTION 5. All resolutions or parts of resolutions in conflict herewith be and the same are hereby repealed.

SECTION 6. This Resolution shall become effective immediately as provided by law.

PASSED AND ADOPTED THIS 11th DAY OF JULY, 2024.

CITY OF FLAGLER BEACH, FLORIDA
CITY COMMISSION

ATTEST:

Patti King, Mayor

Penny Overstreet, City Clerk

From: [Dale Martin](#)
To: [Bob Cunningham](#); [Erica Corpening](#); [Fred Ferrara](#); [jennifer@winmtg.com](#); [Quentin Parker \(quent-222@hotmail.com\)](#); [Tim Davis](#)
Cc: [Caryn Miller](#); [Bill Clemence](#); [Penny Overstreet](#); [Hollie Harlan](#); [Kathleen Settle](#); [Rhonda Allen](#)
Subject: Parks Ad Hoc Committee
Date: Friday, July 5, 2024 9:31:47 AM
Attachments: [image002.png](#)

Good morning:

As was intended and discussed at Wednesday's Parks Ad Hoc Committee meeting, City staff has prepared a proposed Resolution for the City Commission to "sunset" the Parks Ad Hoc Committee at next week's Regular City Commission Meeting.

Some recent exceptional news may warrant reconsideration of that effort: Ms. Caryn Miller has informally notified me that the City has received the grant funding for Wickline Park improvements. When matched by the City (specifically the Community Redevelopment Agency), the total funds now available are approximately \$300,000.

If you are interested in continuing to play a leading role and assisting City staff in the redevelopment of Wickline Park, please let me know by no later than Tuesday, July 8. Several of you have expressed a variety of concepts and features for Wickline Park and I hope that you consider this continuing opportunity. If sufficient interest exists, I will advise the City Commission that the efforts and leadership of the Parks Ad Hoc Committee should continue for the final three or four months as originally "chartered." If you are not able or interested in continuing to serve, please know that your service to-date has been wonderfully appreciated and will be appropriately recognized when the Parks Ad Hoc Committee is formally disbanded.

Congratulations to Ms. Miller for her successful funding efforts.

I look forward to hearing of your possible interest in redeveloping a critical quality of life asset in our community.

Mr. Dale L. Martin

City Manager

105 S. 2nd Street

Flagler Beach, FL 32136

O: (386) 517-2000 x222 M: (904) 557-5047



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



STAFF REPORT

Regular City Commission Meeting

July 11, 2024

To: Elected Officials

From: Dale L. Martin, City Manager

Date: July 2, 2024

Item Name: Award Bid No. FB-242305, Modifications to the Wickline Building, Project No. 539, to R&K Roofing, in an amount not to exceed \$65,000.

Background: The City Commission included \$110,000 in the FY 2023/2024 Capital Improvements budget to rehab the restrooms and repair other maintenance issues on the building.

Fiscal Impact: \$110,000 is budgeted in the FY 2023/24 Capital Improvements Budget for the improvements to the Wickline Center.

Staff Recommendation: Staff has reviewed the bid documents and the supporting materials and found all to be in order. We recommend awarding Bid No. FB 24305 to R&K Roofing, Inc. for \$65,000.

Attachments: Proof of Publication, Scope of Work from the Bid Package, Bid Tabulation, and the Notice of Intent to Award.

BID TABULATION
Bid Number FB-242305
Bid Name Modifications to the Wickline Center

8 Document(s) found for this bid

7 Planholder(s) found

SupplierName	Bid Amount	Email	Address1	City	PostalCod	Phone
Arkest LLC		arkest@att.net	50 N Laura Street, ste 2500	Jacksonville	32202	9043559001
ConstructConnect		content@constructconnect.com	3825 Edwards Rd, ste 800	Cincinnati	45209	8772271680
Dodge Data		dodge.docs@construction.com	4300 Beltway Place, Ste 150	Arlington	76018	4133767032
Fugit Property Maintenance		Fpmervice1@gmail.com	72 Kathleen Trail	Palm Coast	32164	(386) 986-6684
J&H Painting Services Inc.		jhpaintingjncfl@gmail.com	11840 WINDY FOREST WAY	BOCA RATON	33498	5619063823
Onvia, Inc. - Content Department		sourcingsupport@deltek.com	509 Olive Way, Suite 400	Seattle	98101	2063739500
R&K Certified Roofing of Florida	65,000.00	Jon@rkrroof.com	4551 N US highway 1, ste.A	Bunnell	32110	3866274856



SECTION 01110**SUMMARY OF WORK****PART 1 GENERAL****1.01 Section Includes**

Summary of work, other contracts, work sequence, operation of existing facilities, use of premises, City furnished products, coordination, cutting and patching

1.02 Summary of Work

- A. The Project consists of modifications to the Wickline Building, 800 S. Daytona Avenue, Flagler Beach, FL.

1. Men's' and Ladies' Restrooms

- a. Do not remove any toilets or urinals except to install new flooring tiles, if required. Replace such to original location and condition.
- b. Remove all floor tiles, partitions, shoe molding, sinks and countertops, vanities, paper-towel dispensers, mirrors, and all other wall-hung accessories. Do not remove fire detectors.
- c. Remove and reuse existing toilet paper holders.
- d. Remove all ceiling tiles, grilles, fluorescent light fixtures, and exhaust fans.
- e. Paint existing ceiling grid.
- f. Supply and install new ceiling tiles.
- g. Supply and install new 2'x4' LED lighting fixtures.
- h. Supply and install new exhaust fans.
- i. Supply and install new air intake and return grilles.
- j. Supply and install new partitions.
- k. Re-mount toilet paper dispensers.
- l. Supply and install new grab bars in handicap stalls.
- m. Supply and install new cultured marble sinks, spigots, and countertops.
- n. Supply and install under-sink pipe protection.
- o. Supply and install new mirrors.
- p. Supply and install new ceramic tile floors.
- q. Supply and install new shoe molding.
- r. Supply and install new toilet accessories:
 - i. Combination paper towel dispensers;
 - ii. Hand soap dispensers;
- s. Paint all walls, moldings, doors and trim.

2. Restroom Corridor

- a. Remove all ceiling tiles.
- b. Remove existing 2'x4' fluorescent light fixture.
- c. Paint existing ceiling grid.
- d. Remove all shoe molding.
- e. Remove all floor tiles.
- f. Supply and install new ceramic floor tiles.
- g. Supply and install new ceramic transition tile.



- h. Supply and install new shoe molding.
- i. Paint all walls, moldings, doors and trim.

3. Building Corridor

- a. Supply and install new shoe molding.
- b. Paint shoe molding to match walls.

4. Exterior Railings

- a. Remove all existing railings, brackets, hangers, and hardware shown on drawings.
- b. Repair all walls and concrete surfaces where railings are removed.
- c. Power wash all surfaces where railings were removed including walls, concrete platforms, ramps, columns, and stairs.
- d. Supply and install new stainless-steel railings to include all new stainless-steel hardware, hangers, brackets, plates, etc.

5. Exterior Concrete

- a. Remove sidewalk concrete as shown on plans.
- b. Remove existing concrete blocks that support railing on south exit stairway.
- c. Repair any deteriorated concrete on the south landing, walls, and stair components.
- d. Reform and pour new sidewalk as shown on plans.

6. Exterior Painting

- a. Paint all concrete wall surfaces from ground to underside of roof structure.
- b. Paint all trim work around doors and windows.
- c. Paint all half-walls at stairways and handicap ramp.
- d. Paint all wood undersides of overhangs, conduits on the wall surfaces, and fasciae below the drip edges.
- e. Do NOT paint over city logos, signage, or camera mountings
- f. Do NOT paint any windows or doors.

1.03 Work Under Other Contracts – N/A

1.04 Work Sequence

The Contractor's sequence of work may be of their choosing in order to complete the work in the allowed time frame while accommodating other contractors on site.

1.05 Operation of Existing Facilities

The City shall be able to operate existing facilities during the hours of 7:30 am to 5:00 pm, Mondays through Fridays. Add protective measures for staff and the public entering and egressing during business hours.

1.06 Contractor Use of Premises

Confine operations at the site to areas permitted by applicable laws, ordinances, permits, and by the Contract Documents. Do not unreasonably encumber the site with materials or equipment. Do not load structures with weight that will endanger the structure. The



Contractor shall assume full responsibility for protection and safekeeping of products stored on the job site.

1.07 City Furnished Products – N/A

1.08 Coordination

- A. The Contractor shall be fully responsible for the coordination of its work and the work of its employees, subcontractors, and suppliers and to assure compliance with schedules.
- B. The coordination requirements of this Section are in addition to the requirements of the front-end bidding documents issued by the City.
- C. It is the Contractor's responsibility to coordinate with all the utilities regarding locates, testing, or relocations.

1.09 Cutting and Patching

- A. The Contractor shall, at no additional expense to the City, perform cutting and patching necessary to the completion of the Project. Perform cutting and patching in a manner to prevent damage to the structure or previously completed work.
- B. Refinish surfaces as necessary to provide an even finish.

PART 2 PRODUCTS - Not Used

PART 3 EXECUTION - Not Used

END OF SECTION



**ADVERTISEMENT FOR BID NO. FB-242305
MODIFICATIONS TO THE WICKLINE BUILDING
City Project No. 539**

NOTICE IS HEREBY GIVEN THAT THE CITY OF FLAGLER BEACH IS ISSUING THIS INVITATION TO BID (ITB) TO SOLICIT COMPETITIVE SEALED BIDS FROM LICENSED AND INSURED CONTRACTORS FOR THE CITY OF FLAGLER BEACH **MODIFICATIONS TO THE WICKLINE BUILDING** ACCORDING TO THE SCOPE OF WORK SPECIFICATIONS. BIDS WILL BE RECEIVED FOR A SINGLE PRIME CONTRACT. BIDS SHALL BE ON A LUMP SUM AS INDICATED IN THE BID FORM.

IT IS THE INTENT AND PURPOSE OF THE CITY OF FLAGLER BEACH THAT THIS INVITATION TO BID (ITB) PROMOTES COMPETITIVE SELECTION. IT IS THE BIDDER'S RESPONSIBILITY TO ADVISE THE FINANCE DIRECTOR IF ANY LANGUAGE, REQUIREMENTS, ETC., OR ANY COMBINATION THEREOF, INADVERTENTLY RESTRICTS OR LIMITS THE REQUIREMENTS STATED IN THIS ITB

All applicants must be properly licensed and show proof of insurance, licenses, and certificates as required by all local, State of Florida, and Federal agencies. Successful applicants will obtain all required permitting as previously stated.

Interested contractors may secure the, bid forms and other pertinent information by visiting the city website bid page: <http://www.cityofflaglerbeach.com/Bids.aspx> or the website www.demandstar.com Bid packages also may be obtained by contacting the City Clerk, Penny Overstreet at 386-517-2000 ext. 233 or poverstreet@cityofflaglerbeach.com

For further information, contact: Penny Overstreet, City Clerk
Preferred method of contact email: poverstreet@cityofflaglerbeach.com (386) 517-2000, ext. 233

Sealed Bids must be addressed to the attention of **Penny Overstreet, City Clerk**. Sealed Bids must be received on or before **1:00 PM, Friday July 01, 2024**.

No bids will be accepted after this deadline.

Sealed Bids must have the project title and bid number on outside of package. The City of Flagler Beach reserves the right to reject any and all Bids, to award all or segments of the project, and to waive any informality in Bids received, as may be in the best interest of the City.

MAILING ADDRESS:
105 S. 2nd Street
Flagler Beach, FL 32136

WALK-IN DELIVERY ADDRESS:
105 S 2nd Street
Flagler Beach, FL 32136

Date of Distribution: MONDAY JUNE 10, 2024 EST
Non-Mandatory Pre-Bid Meeting: FRIDAY JUNE 21, 2024 at 10:00 AM EST
Last Date of Inquiries: THURSDAY JUNE 27, 2024 at 5:00 PM EST
Last Date for Addenda if Needed: MONDAY JULY 01, 2024 at 5:00 PM EST
BIDS DUE BY: FRIDAY JULY 05, 2024 at 11:00 AM EST after which time they will be
publicly opened and read aloud.

END INVITATION TO BID

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

AFFIDAVIT OF PUBLICATION

City Of Flagler Beach-Hr
Po Box 70
Flagler Beach FL 32136-0070

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 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:

06/10/2024

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 06/10/2024

Keegan Moran

Legal Clerk
Kaitlyn Felty

Notary, State of WI, County of Brown
3-7-24

My commission expires

Publication Cost: \$300.32
Tax Amount: \$0.00
Payment Cost: \$300.32
Order No: 10261368 # of Copies:
Customer No: 465673 0
PO #:

THIS IS NOT AN INVOICE!
Please do not use this form for payment remittance.

KAITLYN FELTY
Notary Public
State of Wisconsin

CITY OF FLAGLER BEACH
ADVERTISEMENT FOR BID NO. FB-242305 MODIFICATIONS TO THE
WICKLINE BUILDING
City Project No. 539

NOTICE IS HEREBY GIVEN THAT THE CITY OF FLAGLER BEACH IS ISSUING THIS INVITATION TO BID (ITB) TO SOLICIT COMPETITIVE SEALED BIDS FROM LICENSED AND INSURED CONTRACTORS FOR THE CITY OF FLAGLER BEACH MODIFICATIONS TO THE WICKLINE BUILDING IN ACCORDANCE WITH THE SCOPE OF WORK IN THE SPECIFICATIONS. BIDS WILL BE RECEIVED FOR A SINGLE PRIME CONTRACT. BIDS SHALL BE ON A LUMP SUM AS INDICATED IN THE BID FORM. IT IS THE INTENT AND PURPOSE OF THE CITY OF FLAGLER BEACH THAT THIS INVITATION TO BID (ITB) PROMOTES COMPETITIVE SELECTION. IT IS THE BIDDER'S RESPONSIBILITY TO ADVISE THE FINANCE DIRECTOR IF ANY LANGUAGE, REQUIREMENTS, ETC., OR ANY COMBINATION THEREOF, INADVERTENTLY RESTRICTS OR LIMITS THE REQUIREMENTS STATED IN THIS ITB. All applicants must be properly licensed and show proof of insurance, licenses, and certificates as required by all local, State of Florida, and Federal agencies. Successful applicants will obtain all required permitting as previously stated. Interested contractors may secure the bid forms and other pertinent information by visiting the city website bid page: <http://www.cityofflaglerbeach.com/Bids.aspx> or the website www.demandstar.com. Sealed Bids must be addressed to the attention of Penny Overstreet, City Clerk. Sealed Bids must be received on or before 1:00 PM, Friday July 01, 2024. No bids will be accepted after this deadline. Sealed Bids must have the project title and bid number on outside of package. The City of Flagler Beach reserves the right to reject any and all Bids, to award all or segments of the project, and to waive any informality in Bids received, as may be in the best interest of the City.

Received
JUN 17 2024
City of Flagler Beach



105 S. 2nd Street
Flagler Beach, Florida 32136
386-517-2000
www.cityofflaglerbeach.com

MEMO

DATE: July 08, 2024
TO: Bid Package Holders City of Flagler Beach Bid No. FB-242305 Modifications to the Wickline Center
FROM: Penny Overstreet, City Clerk
SUBJECT: Recommendation to award Bid - Memo containing the recommendation of award for Bid No. FB-242305 Modifications to the Wickline Center

The advertisement for the Invitation to Bid on the above referenced project ran as a legal ad one time in a newspaper of general circulation, the Daytona Beach News Journal, on Monday, June 10, 2024, as well as on the City's web-site, and listed on Demand Star a privately held company that provides on-line procurement and purchasing services for government agencies. The number of vendors the bid package was directed to was twelve, of those recipients one (1) responded with a bid. After a review by Staff of the respondents bid package and supporting documents, staff recommends the City Commission award the Bid to R&K Certified Roofing of Florida to the most responsive bidder in the amount of \$65,000.



STAFF REPORT

Regular City Commission Meeting

July 11, 2024

To: Elected Officials

From: Dale L. Martin, City Manager

Date: July 11, 2024

Item Name: Proposed Resolution 2024-40, a Resolution by the City of Flagler Beach, Florida approving a proposal from McKim and Creed to complete the requirements of a Consent Order, and a Budget Amendment to cover the expense, providing for conflict and effective date.

Background: On December 22, 2023, the Florida Department of Environmental Protection (FDEP) and the City of Flagler Beach entered into Consent Order Case Number 23-0409. The Consent Order stipulates a variety of corrective actions for the City to complete. With preliminary assistance from the staff of McKim & Creed, the City has begun compliance efforts in accordance with the Consent Order (such as the approved in-kind project to evaluate the effectiveness of “slip lining” the City’s wastewater collection system to reduce inflow and infiltration (“clean” water that reduces the effectiveness and increases the cost of wastewater treatment).

Additional compliance efforts are beyond the technical capacity of City staff and require further assistance to ensure compliance with the provisions of the Consent Order. McKim & Creed, a pre-approved professional engineering consultant, has offered a proposal to provide the needed assistance.

Fiscal Impact: A Budget Amendment is necessary to move the \$289,920 from the Utility Unrestricted Reserve Fund (401. 3800.389101) to Utility Capital Equipment (401.5351.303100.568).

Staff Recommendation: Adopt Resolution 2024-40 approving the McKim & Creed proposal dated June 28, 2024. Authorizing the Consent Order Response Assistance & Capacity Management Operations and Maintenance (CMOM) Phase I, and amending the FY 2023/24 budget.

Attachments: Proposed Resolution 2024-40
Consent Order

RESOLUTION 2024-40

RESOLUTION 2024-40, A RESOLUTION BY THE CITY OF FLAGLER BEACH, FLORIDA APPROVING A PROPOSAL FROM MCKIM AND CREED TO COMPLETE THE REQUIREMENTS OF A CONSENT ORDER WITH THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION, AND A BUDGET AMENDMENT TO COVER THE EXPENSE, PROVIDING FOR CONFLICT AND EFFECTIVE DATE.

WHEREAS, the City agreed to a Florida Department of Environmental Protection (FDEP) Consent Order No. 23-0409 in December 2023, and

WHEREAS, the City has previously approved McKim and Creed as a professional consultant, and staff recommends engaging McKim & Creed to ensure compliance with the Consent Order.

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

SECTION 1. The City Commission approves the proposed McKim & Creed Scope of Services Summary (Exhibit A) to assist City compliance efforts with the FDEP Consent Order.

SECTION 2. The City Commission hereby approves a budget amendment in the amount of \$289,920 to move the funds to cover the expense.

From:	To:
Utility Unrestricted Reserve 401.3800.389101	Utility Capital Equip. 4015351.303100.568

SECTION 3. All resolutions or parts of resolutions in conflict herewith be and the same are hereby repealed.

SECTION 4. This Resolution shall become effective immediately as provided by law.

PASSED AND ADOPTED THIS 11th DAY OF JULY, 2024.

CITY OF FLAGLER BEACH, FLORIDA
CITY COMMISSION

ATTEST:

Patti King, Mayor

Penny Overstreet, City Clerk

Attachment: Exhibit A

June 28, 2024

Bill Freeman, P.E., City Engineer
City of Flagler Beach
Via Email: bfreeman@cityofflaglerbeach.com

RE: Consent Order Response Assistance & Capacity Management Operation and Maintenance (CMOM) – Phase 1 Professional Services Task Order Proposal

Dear Bill,

On behalf of the entire team at McKim & Creed, we thank the City for this opportunity to assist with the response to the City’s FDEP Consent Order (CO) to resolve Case Number 23-0409. Our team is happy to present the following professional services proposal for Phase 1 of that effort. Considering the urgent need to address the CO and the States’s deadlines, we have offered a proposal that represents the City’s best use of the time remaining and the requirements of the CO. The table below summarizes our proposed tasks and fees. We estimate this phase of the CO response will require approximately 180 days of effort. For additional details on scope and schedule, please see **Attachment A – Scope of Services Summary**.

Task	Description	Task Fee	Fee Type
Task 1 –	Project Management	\$28,120	Lump Sum
Task 2 –	Field Research / Personnel Interviews	\$38,240	Lump Sum
Task 3 –	CO Compliance Plan & Reporting	\$44,800	Lump Sum
Task 4 –	Wastewater Emergency Response Plan	\$17,140	Lump Sum
Task 5 –	CMOM Development	\$161,620	Lump Sum
Total Proposed Fee		\$289,920	

Note: Lump Sum tasks will be invoiced monthly based on percent of scope completed for that task. Direct expenses for project-related costs (e.g., travel, print shop services) are included in the stated lump sum fees and will not be submitted for separate reimbursement.

This Phase 1 proposal covers the CO items that are the most time sensitive. This includes an evaluation of your Wastewater Treatment Plant that is required as well.

After your review of the details of our proposal, please let me know if you would like to schedule a time to discuss.

Sincerely,



Mario E. Loaiza, P.E., F.ASCE
Regional Manager



Charles Hill, P.E., BCEE
Client Manager

ATTACHMENT A
SCOPE OF SERVICES SUMMARY

Proposal No.: 242178
Project Name: Consent Order Response and CMOM – Phase 1
Project Jurisdiction: City of Flagler Beach, Florida
Proposal Date: June 28, 2024

Pursuant to the terms of its Master Contract for Professional Services, dated March 1, 2024, McKim & Creed, Inc. (Consultant) is providing this scope of services to the City of Flagler Beach, Florida (City) for professional services related to Consent Order (CO) Response Assistance & CMOM development.

PROJECT UNDERSTANDING

The overall scope of this project is focused on addressing the requirements of the Florida Department of Environmental Protection Consent Order for Case Number 23-0409. It is imperative to communicate with the State in a timely manner to avoid additional penalties. McKim & Creed understands that the City has the following goals:

- Goal 1 – Address the Requirements of the CO
- Goal 2 – Communicate with the State in a timely manner
- Goal 3 – Convert from responding to Sanitary Sewer Overflows to preventing them

At this time, the City desires to proceed with Phase 1 based on the need to respond quickly, with an understanding that future Phases will be necessary.

PROPOSED SCOPE AND FEE

Details of our proposed scope of services, fees, and deliverables associated with Phase 1 of the Consent Order Response and CMOM development effort are outlined on the following pages.

TASK 1 – PROJECT MANAGEMENT **\$28,120 Lump Sum**

This task includes general project administration and management tasks such as meetings and general communication with the City, project documentation, management of proposed scope, fee, and schedule, and project invoicing.

Deliverables for this task will be the following:

- 1) Project kick-off meeting hosted on Microsoft Teams between City and Consultant to confirm Phase 1 objectives, schedule, milestones, etc.
- 2) Regular coordination meetings between City and Consultant, assumed to be held on a bi-weekly basis and typically hosted on Microsoft Teams. In-person meetings can be coordinated on an as-needed basis, if preferred.
- 3) Monthly invoicing accompanied by a project status summary memo.

TASK 2 – FIELD RESEARCH / PERSONNEL INTERVIEWS

\$38,240 Lump Sum

Consultant will solicit and review information from the City and other publicly available sources, including prior studies, plans, surveys, as-builts, permits, and similar sources from which data on existing wastewater infrastructure and related elements can be obtained. Consultant will meet with City Utility Staff to review all existing Emergency Response and Sanitary Sewer Overflow policies and procedures and to discuss best practices.

M&C will review all Wastewater Collection system mapping and available data. M&C will incorporate any newer data collected as part of the “in-kind” project as well.

Note: We understand that Mrs. Jenifer Crews, Public Works Supervisor, will be our primary point of contact when seeking records from the City. (386-285-7737 / jcrews@cityofflaglerbeach.com).

Deliverables for this task will be the following:

- 1) Cataloged PDF inventory of all sourced data.
- 2) Memo-style records of conversations with City personnel.

This task will not include creation of any GIS shape files, or other mapping deliverables.

TASK 3 – CO COMPLIANCE PLAN & REPORTING

\$44,800 Lump Sum

Consultant will prepare a compliance plan in coordination with the City to respond to the State as required by the CO. This compliance plan will include a schedule to prevent and minimize sanitary sewer overflows and reduce infiltration and inflow into the collection system and to address exceedances for Total Recoverable Iron and Total Phosphorous (annual loading). The Compliance Plan may involve modifications to the WWTP Facility, recommend modifications to the treatment process, modifications to the sewer collections system or reductions in the amounts of contaminants entering the WWTP facility. M&C staff will provide an assessment of the WWTP as part of this task.

Deliverables for this task will be the following:

- 1) Signed and Sealed Compliance Plan
- 2) Compliance Schedule
- 3) Compliance Report to the State required now and in six months.

This task will not include BIOWIN modeling, or in-depth wastewater process reviews outside of what is necessary to address the Consent Order. This task will also not cover the design of solutions to any WWTP deficiencies identified.

TASK 4 – WASTEWATER EMERGENCY RESPONSE PLAN

\$17,140 Lump Sum

Consultant will perform a peer review of the City’s current Wastewater Emergency Response Plan and revise as necessary to comply with the States requirements. These include utility staff instructions on handling unauthorized wastewater discharges, how staff will access critical information, who has authority to direct the response, how internal communications are handled, how and when sampling of surface waters will be conducted, how equipment and materials will be obtained, how and when required notifications will be made to the State, how discharge volumes will be estimated, how the event will be documented and tracked, numbers and types of generators, pumps, vacuum trucks, fuel and personnel will be kept ready, which contractors and Mutual Aid Agreements are in place, and public education campaign as required by the State.

Deliverables for this task will be the following:

- 1) New Wastewater Emergency Response Plan

TASK 5 – CMOM DEVELOPMENT

\$161,620 Lump Sum

Consultant will develop a documented Capacity, Management, Operation, and Maintenance (CMOM) program in accordance with US EPA document 305-B-05-002 dated January 2005 (“Guide for Evaluating Capacity, Management, Operation, and Maintenance (CMOM) Programs at Sanitary Sewer Collection Systems”). This effort will include the “self-assessment” results from staff interviews. The CMOM is a framework for municipalities to identify and incorporate widely accepted wastewater industry practices to better manage, operate, and maintain collection systems. It will also be used to identify capacity constrained areas of the collection system and provide guidelines on how to respond to sanitary sewer overflow (SSO) events. The CMOM will help optimize the use of human and material resources by shifting maintenance activities from “reactive” to “predictive” leading to cost savings and reducing regulatory noncompliance. The CMOM planning framework covers operation and maintenance (O&M) planning, capacity assessment and assurance, capital improvement planning, and financial management planning.

Deliverables for this task will be the following:

- 1) Draft CMOM
- 2) Final CMOM

As there are many unknowns regarding the wastewater collection system conditions and potential deficiencies, we are unable to scope all the efforts and designs for engineering solutions that may be required to address all items. This CMOM effort will be based solely on records that can be provided by the City. This draft may also identify deficiencies based on the first draft with a schedule to address them in future Phases.

MILESTONES AND SCHEDULE

The following milestones and schedules are contemplated for the purposes of this proposal, and these may be refined after Notice to Proceed. Interim progress updates and deliverables will be reviewed with the City at recurring coordination meetings between milestone dates. The schedule below assumes approval of this scope and fee will be issued at the next City Commission Regular Meeting, followed by preparation and execution of the task order and receipt of Notice to Proceed in July 2024.

- 1) Kick-Off MeetingWithin 1 week of NTP
- 2) Field Research ±2 wks from kickoff
- 3) CO Compliance Plan ±4 wks from Field Research
- 4) Wastewater Emergency Response Plan ±8 wks from NTP
- 5) CMOM Development ±24 wks from NTP

Overall Schedule for Phase 1 Scope of Services..... ±25 weeks
(Not including City review periods, public notice periods, or other factors outside of Consultant's control.)

ADDITIONAL SERVICES

Services requested by the City other than those specifically listed in this Scope of Services will be considered Additional Services for which the City and Consultant will mutually agree to additional fee and time prior to the execution of the services.

Please be advised of the following:

1. Evaluation of wastewater infrastructure not specifically described in scope above is not included.
2. Permitting assistance is not included.
3. Record drawings, water quality, and operations data required to support the evaluation will be provided by the City in accordance with the project schedule for data collection.
4. Evaluations for structural integrity, lead, asbestos, flood elevation, wind loading, and storm surge for existing structures are not included. Architectural and structural services for any building modifications are not included. If information suggests that further evaluation is needed to design and construct the intended improvements, additional services will be negotiated and amended to the scope of the project.
5. The following items are specifically excluded from the design:
 1. Field verifying existing construction and information indicated on existing record drawings, or field survey.
 2. Non-destructive testing of existing structural and architectural components. In the event such testing is warranted an amendment to the proposal will be provided to CITY subject for acceptance.
 3. HVAC systems
 4. Plumbing and fire protection/sprinkler system design

5. Hazardous materials abatement design
 6. Code related upgrades outside of the project scope of work
 7. Statements of Special Inspection
-
6. Modeling, geotechnical engineering, architectural and landscaping designs are not included as part of this project.
 7. Wetland impacts, mitigation plans and protected species permitting; maintenance of traffic plans; environmental services; and tree permitting are not anticipated and are not included in this scope of work.
 8. City will provide as-built/record documents of the existing facilities, utilities, and improvements within the service area in PDF format.
-

**END OF ATTACHMENT A
SCOPE OF SERVICES SUMMARY**



FLORIDA DEPARTMENT OF Environmental Protection

Northeast District
8800 Baymeadows Way West, Suite 100
Jacksonville, Florida 32256

Section 7, Item c.

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Shawn Hamilton
Secretary

December 22, 2023

Sent electronically to: dmartin@cityofflaglerbeach.com

Mr. Dale Martin, City Manager
City of Flagler Beach
105 Second Street
Flagler Beach, FL 32136

SUBJECT: Department of Environmental Protection v. City of Flagler Beach
OGC File No. 23-0409
Facility ID No. FL0026611
Flagler County

Dear Mr. Martin:

Enclosed is a copy of the executed Consent Order to resolve Case Number 23-0409. The effective date of this Order is December 22, 2023, and all timeframes will be referenced from this date.

As a reminder, a Consent Order is a binding legal document and was voluntarily entered into by both parties.

Should you have any questions concerning the Consent Order, please contact Tom Kallemeyn, at (904) 256-1606, or via email at Thomas.Kallemeyn@floridadep.gov. Your continued cooperation in the matter is appreciated.

Sincerely,

A handwritten signature in blue ink that reads "T G Kallemeyn".

Thomas G. Kallemeyn
Assistant Director

Enclosure: Executed Consent Order #23-0409

ec: Johnny Lynn: jlynn@cityofflaglerbeach.com
FDEP-OGC: Lea Crandall
FDEP-NED: Joni Petry, Herndon Sims, Thomas Kallemeyn, Shannon Taylor, Dung Vo,
DEP_NED

BEFORE THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

STATE OF FLORIDA DEPARTMENT)	IN THE OFFICE OF THE
OF ENVIRONMENTAL PROTECTION)	NORTHEAST DISTRICT
)	
v.)	OGC FILE NO. 23-0409
)	
CITY OF FLAGLER BEACH)	
_____)	

CONSENT ORDER

This Consent Order (Order) is entered into between the State of Florida Department of Environmental Protection (Department) and City of Flagler Beach (Respondent) to reach settlement of certain matters at issue between the Department and Respondent.

The Department finds and Respondent admits the following:

1. The Department is the administrative agency of the State of Florida having the power and duty to protect Florida’s air and water resources and to administer and enforce the provisions of Chapter 403, Florida Statutes (F.S.), and the rules promulgated and authorized in Title 62, Florida Administrative Code (F.A.C.). The Department has jurisdiction over the matters addressed in this Order.
2. Respondent is a person within the meaning of Section 403.031(9), F.S.
3. Respondent is the owner and is responsible for the operation of the Flagler Beach Wastewater Treatment Facility (WWTF), a 1.0 million gallons per day (MGD) annual average daily flow (AADF) domestic wastewater treatment facility consisting of a automatically cleaned bar screen with integral compactor, one oxidation ditch, two secondary clarifiers, two chlorine contact chambers (0.021 MG each), one dechlorination chemical feed system, one sludge holding tank (0.215 MG), eight sludge drying beds, and one Parshall Flume effluent flow meter (Facility). The Facility is also authorized to blend up to 0.50 MGD maximum daily flow reverse osmosis (RO) concentrate water from the City’s nano-filtration potable water system. The final treated effluent is discharged to the Intracoastal Waterway. The domestic wastewater biosolids are treated to meet Class B requirements and applied on approved land application sites. The

Facility is operated under Wastewater Permit No. FL0026611 (Permit), which was issued on July 31, 2019, and will expire on July 31, 2024. The Facility is located at 2000 Avenue A, Flagler Beach, Florida, 322136, in Flagler County, Florida (Property). Respondent owns the Property on which the Facility is located.

4. The Department conducted a compliance evaluation and sanitary sewer inspection on November 18, 2022 and file review on October 29, 2023, and finds that the following violations occurred:

a) Respondent did not have a Sanitary Sewer Overflow Plan (SSOP) in violation of Rules 62-600.410(1) and 62-604.500(4)(b), F.A.C.

b) Respondent reported final effluent exceedances for Enterococci, Total Recoverable Iron, pH, Total Phosphorus (annual loading), Total Suspended Solids, and Total Radium 226 + Radium 228 from September 2020 through October 2023.

c) Respondent failed to report sanitary sewer overflows in accordance with Section X.20. of the permit in violation of Chapter 403, F.S. and Rule 62-604.130(1), F.A.C.

d) Additionally, Respondent had the following sanitary sewer overflows in violation of Rules 62-604.500(3) and 62-620.300(1), F.A.C.

I) On December 26, 2020, a 25-gallon spill from an overflowing manhole.

II) On October 18, 2021, a 70-gallon spill from a force main break.

III) On March 30, 2022, a 200-gallon spill from a scum pit overflow.

IV) On May 5, 2022, a 10,000-gallon spill from a crack in a force main.

V) On September 29, 2022, the WWTF designed for a flow of 1.0 MGD AADF; received flows due to Hurricane Ian and exceeded 2.0MGD for approximately two (2) days. The result was 1.5 million gallons of partially treated wastewater overflowed from the plant because of inflow and infiltration. The overflow stayed on property at 2000 Avenue A and did not reach surface waters.

VI) On November 11, 2022, a 3,000-gallon spill from the collection system during Tropical Storm Nicole.

VII) On November 11, 2022, 1 million gallons overflowed from a break in the gravity line during Tropical Storm Nicole. The overflow stayed on property at 2000 Avenue A and did not reach surface waters. A vactor truck was used to recover approximately 95% of the volume.

Having reached a resolution of the matter Respondent and the Department mutually agree and it is

ORDERED:

5. Respondent shall comply with the following corrective actions within the stated time periods:

6. Within 120 days of the effective date of this Consent Order, Respondent shall submit to the Department a plan with schedule to prevent and minimize sanitary sewer overflows and reduce infiltration and inflow into the collection system and to address exceedances for Total Recoverable Iron and Total Phosphorous (annual loading), (hereinafter, Compliance Plan).

a) The Compliance Plan may involve modifications to the Facility, modifications to the treatment processes, modifications to the collections system or reductions in the amounts of contaminants entering the facility. The Compliance Plan shall be prepared and sealed by a professional engineer registered in the State of Florida and shall include a time schedule by which compliance shall be achieved. Respondent must receive written notification of review and acceptance of the Compliance Plan from the Department (Notification) prior to implementation. If the Compliance Plan is deemed incomplete by the Department, or if the Department Requests Further Information (RFI), the Respondent shall provide this information in a written response within 30 days of the date of the RFI.

b) The Compliance Plan shall be implemented within 60 days of the date of Notification or the timeframe included within the accepted Compliance Plan.

c) Any design modifications to remedy the violations identified in paragraph 4 above and to ensure the Facility and associated collection system, will function in full

and consistent compliance with all applicable rules shall be prepared and submitted to the Department under seal by a professional engineer registered in the state of Florida.

d) Respondent shall submit a complete application for a Department wastewater permit to construct the modifications submitted pursuant to the Compliance Plan, if such permit is required. In the event the Department requires additional information to process the permit application, Respondent shall provide a written response to information requested by the department within 30 days of the date of the request.

e) Within 60 days after completion of the construction, Respondent shall submit to the Department a Certification of Completion, prepared and sealed by a professional engineer registered in the State of Florida, stating that modifications to the Facility and collection system have been constructed in accordance with the provisions of the Permit or, if no Permit is required the design modification(s) submitted pursuant to the Compliance Plan.

7. Respondent shall comply with the following discharge limitations and other requirements set forth in the Permit:

a. Beginning on the first day of the month following the effective date of this Order and lasting until July 31, 2024, the interim limits are as shown in Table 10, below:

Table 1- Interim Limits

Parameter	Units	Max/Min	Limit	Statistical Basis	Frequency of Analysis	Monitoring Site Number	Sample Type
Total Phosphorus, (as P)	lb/yr	Max	6900	Annual Total	Monthly	CAL - 1	Calculated

b. Tests conducted pursuant to this monitoring program shall conform to Rule 62-4.246, Florida Statutes, Chapters 62-160 and 62-660, Fla. Admin. Code, and 40 Code of Federal Regulations 136, as appropriate.

c. These monitoring requirements do not act as State of Florida Department of Environmental Protection Wastewater Permit effluent limitations, nor do they authorize or otherwise justify violation of the Florida Air and Water Pollution Control Act, Part I, Chapter 403, Florida Statutes, during the pendency of this Order.

8. Within 365 days of the effective date of this Consent Order, Respondent shall develop a documented Capacity, Management, Operation, and Maintenance (CMOM) program in accordance with US EPA document 305-B-05- 002 dated January 2005 (“Guide for Evaluating Capacity, Management, Operation, and Maintenance (CMOM) Programs at Sanitary Sewer Collection Systems”).

9. Within 528 days of the effective date of this Consent Order, Respondent shall fully implement for the entire system, a documented Capacity, Management, Operation, and Maintenance (CMOM) program in accordance with US EPA document 305-B-05- 002 dated January 2005 (“Guide for Evaluating Capacity, Management, Operation, and Maintenance (CMOM) Programs at Sanitary Sewer Collection Systems”).

10. Within 180 days of the effective date of this Consent Order, Respondent shall provide an updated comprehensive wastewater Emergency Response Plan as part of the collection system Operations & Maintenance Manual that is consistent with Rule 62-604.500, F.A.C., and details the City’s (1) SSO response plans including surface water quality sampling protocols, and (2) hurricane and severe storm preparedness and response.

The Emergency Response Plan shall include:

(i) The steps staff shall follow upon discovery of an unauthorized discharge, with the goal of immediately limiting the threat to public health and the environment by stopping the discharge, limiting the extent of impacts, and controlling public access to impacted areas;

(ii) Where and how staff may rapidly access information regarding the locations of pipes, valves, pumps, and other components of the system for purposes of responding to an unauthorized discharge;

(iii) Who has authority to direct a response, including acquiring equipment or

materials, mobilizing and directing staff and contractors, and initiating required notifications;

(iv) How internal communications will be conducted, beginning with notification of the person authorized to direct the response when an unauthorized discharge is discovered;

(v) How and when sampling of surface waters will be conducted, if necessary, who will collect samples and how the samples will be handled and transported to a certified laboratory, and what parameters will be analyzed, with analyses to include *Escherichia coli* for Class III fresh waters and *Enterococci* for Class III marine waters. Sampling locations should be selected to reflect (1) background/upstream conditions not receiving effluent or sewage, (2) the impacted area as close as possible to where the wastewater entered the water body, and (3) the impacted area downstream of or outward from the point in which the effluent or sewage entered the waterbody, with multiple sample points as needed to demonstrate the extent of the impacts.

(vi) Where and how equipment or materials may be obtained, how staff may be dispatched, and how contractors may be mobilized to respond to the discharge and to repair the damage or correct the problem that resulted in the discharge;

(vii) How and when the required notifications will be made and updates provided to the Department, other regulatory agencies, and the public, including signs and other measures prepared in advance for public access control, and specifically including;

1) Oral notification to the department for all incidents within 24 hours of discovery and/or the State Watch Office at (800) 320-0519, for unauthorized discharges greater than 1,000 gallons or that may endanger public health or the environment within 24 hours of discovery, as describe under permit condition X.20;

2) Respondent shall report all noncompliance events related to sanitary sewer overflows or bypass events to the Department electronically using the Department's Business Portal at <http://www.fldepportal.com/go/> (via "Submit" followed by "Report" or "Registration/Notification").

3) The Department's Public Notice of Pollution may also be reported

through the Business Portal webpage above or at <http://prodenv.dep.state.fl.us/DepPNP/user/pnpRequest> for unauthorized discharges greater than 1,000 gallons or that may endanger public health or the environment within 24 hours of discovery, and;

4) A written report submitted to the Department within 5 days of discovery to include the following information:

- i. What is the final spill volume of the SSO?
- ii. Did the SSO reach surface waters?
- iii. How much of the SSO's volume reached surface waters, if any?
- iv. How much volume of the SSO was recovered?
- v. How much volume of the SSO was not recoverable?
- vi. Describe what happened to cause the SSO;
- vii. Describe the actions taken to remediate the SSO; and
- viii. Describe the actions taken, or to be taken, to prevent future SSOs of this nature.

(viii) How discharge volumes will be estimated, basing calculations on such factors as pipe size, pressure, size of opening, and any other applicable information;

(ix) How the event will be documented and tracked, and how the information will be incorporated into Respondent's management of the sanitary sewer system;

(x) Numbers and type of portable or fixed generators, bypass pumps, vacuum trucks, transport vehicles, personnel, and quantities of fuel to be kept in readiness for emergencies, and how items will be mobilized and deployed to keep pump stations and wastewater treatment and disposal operating during a significant power outage event,

(xi) What outside resources, such as contractors, Mutual Aid Agreements or FlaWARN, may be called upon when needed, how the request for assistance is handled, what documentation is necessary as work proceeds, and how the outside assistance will be supervised, accounted for, and coordinated with Respondent's own equipment and personnel,

(xii) A public education campaign with 3 components:

- 1) outreach to customers via social media and other means prior to hurricane season, addressing sanitary sewer overflow prevention through maintenance of service connections and grease traps, not opening cleanouts or manholes, and preventing blockages,
- 2) outreach as a predicted event approaches (e.g., hurricane), addressing what customers should do or should avoid to prevent or be prepared for sanitary sewer overflows, and how customers can get information regarding their system before the storm,
- 3) outreach after the event, addressing how to deal with backups and floodwaters, proper cleanup, health precautions, and how to get information about the sewer system's status or report problems.

11. Every six months after the effective date of this Order and continuing until all corrective actions have been completed, Respondent shall submit to the Department a written report containing information about the status and progress of projects being completed under this Order, information about compliance or noncompliance with the applicable requirements of this Order, including construction requirements and effluent limitations, and any reasons for noncompliance. These reports shall also include a projection of the work Respondent will perform pursuant to this Order during the 12-month period which will follow the report. Respondent shall submit the reports to the Department within 30 days of the end of each six-month period.

12. Within 30 days of the effective date of this Order, Respondent shall pay the Department \$17,750.00 in settlement of the regulatory matters addressed in this Order. This amount includes \$16,750.00 for civil penalties and \$1,000 for costs and expenses incurred by the Department during the investigation of this matter and the preparation and tracking of this

Order. The civil penalty in this case includes two violations that each warrant a penalty of \$2,000.00 or more.

13. Respondent agrees to pay the Department stipulated penalties in the amount of \$100.00 per day for each and every day Respondent fails to timely comply with any of the requirements of paragraphs 5 through 11 of this Order.

The Department may demand stipulated penalties at any time after violations occur. Respondent shall pay stipulated penalties owed within 30 days of the Department's issuance of written demand for payment, and shall do so as further described in paragraph 16 below. Nothing in this Paragraph shall prevent the Department from filing suit to specifically enforce any terms of this Order. Any stipulated penalties assessed under this paragraph shall be in addition to the civil penalties agreed to in paragraph 11 of this Order.

14. In lieu of making payment of \$16,750 in civil penalties as set forth in paragraph 12 above, Respondent may elect to off-set this amount by implementing an in-kind penalty project, which must be approved by the Department. An in-kind project must be either an environmental enhancement, environmental restoration, or a capital/facility improvement project and may not be a corrective action requirement of the Order or otherwise be required by law. The Department may also consider the donation of environmentally sensitive land as an in-kind project. The value of the in-kind project shall be one and a half times the civil penalty off-set amount, which in this case is the equivalent of at least \$25,125.00. If the Respondent chooses to implement an in-kind project, Respondent shall notify the Department of its election by certified mail within 15 days of the effective date of this Consent Order. Notwithstanding the election to implement an in-kind project, payment of the remaining \$1,000 in Department costs must be paid within 30 days of the effective date of the Consent Order.

15. In the event that Respondent elects to off-set civil penalties by implementing an in-kind penalty project which is approved by the Department, during the period that this Order remains in effect or during the effective date of any Department issued Permit to Respondent whichever is longer (Prohibited Transfer Duration), Respondent shall not transfer or use funds obtained by the Respondent from the collection of sewer rates for any purpose not related to the

management, operation, or maintenance of the Sewer System or to any capital improvement needs of the Sewer System (hereinafter, Prohibited Transfer). Respondent shall annually certify to the Department using the Annual Certification Form located on Exhibit A to this Order that no Prohibited Transfer has occurred. In the event of any Prohibited Transfer, the In-Kind project option shall be forfeited, and entire civil penalty shall immediately become due and owing to the Department irrespective of any expenditures by the Respondent in furtherance of the In-Kind project.

16. If Respondent elects to implement an in-kind project as provided in paragraph 13, the respondent shall comply with all the requirements and time frames in Exhibit A entitled In-Kind Projects.

17. Respondent shall make all payments required by this Order by cashier's check, money order or on-line payment. Cashier's check or money order shall be made payable to the "Department of Environmental Protection" and shall include both the OGC number assigned to this Order and the notation "Water Quality Assurance Trust Fund." Online payments by e-check can be made by going to the DEP Business Portal at: <http://www.fldepportal.com/go/pay/>. It will take a number of days after this order is final, effective and filed with the Clerk of the Department before ability to make online payment is available.

18. Except as otherwise provided, all submittals and payments required by this Order shall be sent to Abhi Maturi, Department of Environmental Protection, Northeast District Office. Online payments may be made at the FDEP Business Portal;

<https://www.fldepportal.com/DepPortal/go/home>18. Respondent shall allow all authorized representatives of the Department access to the Facility and the Property at reasonable times for the purpose of determining compliance with the terms of this Order and the rules and statutes administered by the Department.

19. In the event of a sale or conveyance of the Facility or of the Property upon which the Facility is located, if all of the requirements of this Order have not been fully satisfied, Respondent shall, at least 30 days prior to the sale or conveyance of the Facility or Property,

(a) notify the Department of such sale or conveyance, (b) provide the name and address of the purchaser, operator, or person(s) in control of the Facility, and (c) provide a copy of this Order with all attachments to the purchaser, operator, or person(s) in control of the Facility. The sale or conveyance of the Facility or the Property does not relieve Respondent of the obligations imposed in this Order.

20. If any event, including administrative or judicial challenges by third parties unrelated to Respondent, occurs which causes delay or the reasonable likelihood of delay in complying with the requirements of this Order, Respondent shall have the burden of proving the delay was or will be caused by circumstances beyond the reasonable control of Respondent and could not have been or cannot be overcome by Respondent's due diligence. Neither economic circumstances nor the failure of a contractor, subcontractor, materialman, or other agent (collectively referred to as "contractor") to whom responsibility for performance is delegated to meet contractually imposed deadlines shall be considered circumstances beyond the control of Respondent (unless the cause of the contractor's late performance was also beyond the contractor's control). Upon occurrence of an event causing delay, or upon becoming aware of a potential for delay, Respondent shall notify the Department by the next working day and shall, within seven calendar days notify the Department in writing of (a) the anticipated length and cause of the delay, (b) the measures taken or to be taken to prevent or minimize the delay, and (c) the timetable by which Respondent intends to implement these measures. If the parties can agree that the delay or anticipated delay has been or will be caused by circumstances beyond the reasonable control of Respondent, the time for performance hereunder shall be extended. The agreement to extend compliance must identify the provision or provisions extended, the new compliance date or dates, and the additional measures Respondent must take to avoid or minimize the delay, if any. Failure of Respondent to comply with the notice requirements of this paragraph in a timely manner constitutes a waiver of Respondent's right to request an extension of time for compliance for those circumstances.

21. The Department, for and in consideration of the complete and timely performance by Respondent of all the obligations agreed to in this Order, hereby conditionally waives its

right to seek judicial imposition of damages or civil penalties for the violations described above up to the date of the filing of this Order. This waiver is conditioned upon Respondent's complete compliance with all of the terms of this Order.

22. This Order is a settlement of the Department's civil and administrative authority arising under Florida law to resolve the matters addressed herein. This Order is not a settlement of any criminal liabilities which may arise under Florida law, nor is it a settlement of any violation which may be prosecuted criminally or civilly under federal law. Entry of this Order does not relieve Respondent of the need to comply with applicable federal, state, or local laws, rules, or ordinances.

23. The Department hereby expressly reserves the right to initiate appropriate legal action to address any violations of statutes or rules administered by the Department that are not specifically resolved by this Order.

24. Respondent is fully aware that a violation of the terms of this Order may subject Respondent to judicial imposition of damages, civil penalties up to \$15,000.00 per day per violation, and criminal penalties.

25. Respondent acknowledges and waives its right to an administrative hearing pursuant to sections 120.569 and 120.57, F.S., on the terms of this Order. Respondent also acknowledges and waives its right to appeal the terms of this Order pursuant to section 120.68, F.S.

26. Electronic signatures or other versions of the parties' signatures, such as .pdf or facsimile, shall be valid and have the same force and effect as originals. No modifications of the terms of this Order will be effective until reduced to writing, executed by both Respondent and the Department, and filed with the clerk of the Department.

27. The terms and conditions set forth in this Order may be enforced in a court of competent jurisdiction pursuant to sections 120.69 and 403.121, F.S. Failure to comply with the terms of this Order constitutes a violation of section 403.161(1)(b), F.S.

28. This Consent Order is a final order of the Department pursuant to section 120.52(7), F.S., and it is final and effective on the date filed with the Clerk of the Department

unless a Petition for Administrative Hearing is filed in accordance with Chapter 120, F.S. Upon the timely filing of a petition, this Consent Order will not be effective until further order of the Department.

29. Respondent shall publish the following notice in a newspaper of daily circulation in Flagler County, Florida. The notice shall be published one time only within 15 days of the effective date of the Order. Respondent shall provide a certified copy of the published notice to the Department within 10 days of publication.

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

NOTICE OF CONSENT ORDER

The Department of Environmental Protection ("Department") gives notice of agency action of entering into a Consent Order with CITY OF FLAGLER BEACH pursuant to section 120.57(4), Florida Statutes. The Consent Order addresses the sanitary sewer overflows at 2000 Avenue A Flagler Beach, Florida 32136 and collection system, as well as effluent exceedances. The Consent Order is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at the Department of Environmental Protection, Northeast District Office.

Persons who are not parties to this Consent Order, but whose substantial interests are affected by it, have a right to petition for an administrative hearing under sections 120.569 and 120.57, Florida Statutes. Because the administrative hearing process is designed to formulate final agency action, the filing of a petition concerning this Consent Order means that the Department's final action may be different from the position it has taken in the Consent Order.

The petition for administrative hearing must contain all of the following information:

- a) The name and address of each agency affected and each agency's file or identification number, if known;
- b) The name, address, any e-mail address, any facsimile number, and telephone number of the petitioner, if the petitioner is not represented by an attorney or a qualified representative; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the

course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination;

- c) A statement of when and how the petitioner received notice of the agency decision;
- d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action;
- f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and
- g) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the agency to take with respect to the agency's proposed action.

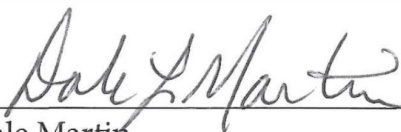
The petition must be filed (received) at the Department's Office of General Counsel, 3900 Commonwealth Boulevard, MS# 35, Tallahassee, Florida 32399-3000 or received via electronic correspondence at Agency_Clerk@floridadep.gov, within 21 days of receipt of this notice. A copy of the petition must also be mailed at the time of filing to the District Office at Northeast District Office. Failure to file a petition within the 21-day period constitutes a person's waiver of the right to request an administrative hearing and to participate as a party to this proceeding under sections 120.569 and 120.57, Florida Statutes. Before the deadline for filing a petition, a person whose substantial interests are affected by this Consent Order may choose to pursue mediation as an alternative remedy under section 120.573, Florida Statutes. Choosing mediation will not adversely affect such person's right to request an administrative hearing if mediation does not result in a settlement. Additional information about mediation is provided in section 120.573, Florida Statutes and Rule 62-110.106(12), Florida Administrative Code.

30. Rules referenced in this Order are available at:

<https://floridadep.gov/water/water/content/water-resource-management-rules>

FDEP vs. City of Flagler Beach
Consent Order, OGC File No. 23-0409
Page 15

FOR THE RESPONDENT:




Dale Martin
City Manager

12/18/23
Date

FOR DEPARTMENT USE ONLY

DONE AND ORDERED this 22nd day of December 2023, in Duval County, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



Gregory J. Strong
District Director
T6K Northeast District Office

Filed, on this date, pursuant to section 120.52, F.S., with the designated Department Clerk,
receipt of which is hereby acknowledged.



Clerk

December 22, 2023
Date

Copies furnished to:

FDEP OGC: Lea Crandall, Agency Clerk, Mail Station 35 (executed copy)
FDEP-NED: Abhi Maturi, Herndon Sims, Joni Petry, DEP_NED, Tom Kallemeyn
WCAPHQ@dep.state.fl.us (executed copy)

Exhibit A

In-Kind Projects

I. **Introduction**

Proposal

a. Within 60 days of the effective date of this Consent Order, or, of the Department’s notification that applying stipulated penalties to an in-kind project is acceptable, Respondent shall submit, by certified mail, a detailed in-kind project proposal to the Department for evaluation. The proposal shall include a summary of benefits, proposed schedule for implementation and documentation of the estimated costs which are expected to be incurred to complete the project. These costs shall not include those incurred in developing the proposal or obtaining approval from the Department for the in-kind project.

Proposal Certification Form

b. The proposal shall also include a Certification by notarized affidavit from a senior management official for the City of Flagler Beach who shall testify as follows:

My name is _____ (print or type name of senior management official) and do hereby testify under penalty of law that:

A. I am a person with management responsibilities for _____ (print or type name of Respondent) budget and finances. During the eighteenth month period prior to the effective date of Consent Order OGC Case No.: _____ there has not been any transfer or use of funds obtained by the _____ (print or type name of Respondent) from the collection of sewer rates for any purpose not related to the management, operation, or maintenance of the Sewer System or to any capital improvement needs of the Sewer System.

B. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowingly submitting false information in this certification.

Sworn to and subscribed before me, by means of ☐ physical presence or ☐ online notarization, this ____ day of _____, 20__ by

Personally, known or by Production of the following Identification _____

Notary Public, State of Florida
Printed/ typed or stamped name:
My Commission Expires: _____
Commission/Serial No.: _____

Annual Certification Form

My name is _____ (print or type name of senior management official) and do hereby testify under penalty of law that:

A. I am a person with management responsibilities for _____ (print or type name of Respondent) budget and finances. During the twelve month period immediately preceding the notary date on this Certification, there has not been any transfer or use of funds obtained by the _____ (print or type name of Respondent) from the collection of sewer rates for any purpose not related to the management, operation, or maintenance of the Sewer System or to any capital improvement needs of the Sewer System.

B. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowingly submitting false information in this certification.

Sworn to and subscribed before me, by means of ☐ physical presence or ☐ online notarization, this ____ day of _____, 20__ by

Personally, known or by Production of the following Identification _____

Notary Public, State of Florida
Printed/typed or stamped name:
My Commission Expires: _____
Commission/Serial No.: _____

c. If the Department requests additional information or clarification due to a partially incomplete in-kind project proposal or requests modifications due to deficiencies with Department guidelines, Respondent shall submit, by certified mail, all requested additional information, clarification, and modifications within 15 days of receipts of written notice.

d. If upon review of the in-kind project proposal, the Department determines that the project cannot be accepted due to a substantially incomplete proposal or due to substantial deficiencies with minimum Department guidelines; Respondent shall be notified, in writing, of the reason(s) which prevent the acceptance of the proposal. Respondent shall correct and redress all the matters at issue and submit, by certified mail, a new proposal within 30 days of receipt of written notice. In the event that the revised proposal is not approved by the Department, Respondent shall make payment of the civil penalties as set forth in paragraph above, within 30 days of Department notice.

e. Within 120 days of the effective date of this Consent Order, or, of the Department's notification that applying stipulated penalties to an in-kind project is acceptable Respondent shall obtain approval for an in-kind project from the Department. If an in-kind project proposal is not approved by the Department within 120 days of the effective date of this Consent Order, or, of the Department's notification that applying stipulated penalties to an in-kind project is acceptable then Respondent shall make payment of the civil penalties as set forth in paragraph above, within 30 days of Department notice.

f. Within 180 days of obtaining Department approval for the in-kind proposal or in accordance with the approved schedule submitted pursuant to paragraph above, Respondent shall complete the entire in-kind project.

g. During the implementation of the in-kind project, Respondent shall place appropriate sign(s) at the project site indicating that Respondent's involvement with the project is the result of a Department enforcement action. Respondent may remove the sign(s) after the project has been completed. However, after the project has been completed Respondent shall not post any sign(s) at the site indicating that the reason for the project was anything other than a Department enforcement action.

h. In the event, Respondent fails to timely submit any requested information to the Department, fails to complete implementation of the in-kind project or otherwise fails to comply with any provision of this paragraph, the in-kind penalty project option shall be forfeited, and the entire amount of civil penalties shall be due from the Respondent to the Department within 30 days of Department notice. If the in-kind penalty project is terminated and Respondent timely remits the \$16,750 penalty, no additional penalties shall be assessed under paragraph 13 for failure to complete the requirement of this paragraph.

i. Within 15 days of completing the in-kind project, Respondent shall notify the Department, by certified mail, of the project completion and request a verification letter from the Department. Respondent shall submit supporting information verifying that the project was completed in accordance with the approved proposal and documentation showing the actual costs incurred to complete the project. These costs shall not include those incurred in developing the proposal or obtaining approval from the Department for the project.

j. If upon review of the notification of completion, the Department determines that the project cannot be accepted due to a substantially incomplete notification of completion or due to substantial deviations from the approved in-kind project; Respondent shall be notified, in writing, of the reason(s) which prevent the acceptance of the project. Respondent shall correct and redress all the matters at issue and submit, by certified mail, a new notification of completion within 15 days of receipt of the Department's notice. If upon review of the new submittal, the Department determines that the in-kind project is still incomplete or not in accordance with the approved proposal, the in-kind penalty project option shall be forfeited, and the entire amount of civil penalty shall be due from the Respondent to the Department within 30 days of Department notice. If the in-kind penalty project is terminated and Respondent timely remits the \$16,750, no additional penalties shall be assessed under paragraph 12 for failure to complete the requirements of this paragraph.



STAFF REPORT

Regular City Commission Meeting

July 11, 2024

To: Elected Officials

From: Dale L. Martin, City Manager

Date: July 11, 2024

Item Name: Proposed Resolution 2024-41, a Resolution by the City of Flagler Beach, Florida, approving a Sole Source Purchase from Wapro, Inc. in the amount of \$128,940 for seventeen (17) in-line Stormwater Check Valves, and approving a budget amendment to move the funds to cover the expense, providing for conflict and effective date.

Background: At a February, 2023, meeting, the City Commission directed staff to replace and or install stormwater valves at all out-fall locations. The specific valves that fit City infrastructure are manufactured in Europe and not available through another vendor. Section 2-302 (d) & (e) of the Code of Ordinance regulates how Sole Source purchases are to be approved:

- **Sec. 2-302. - Objectives.**

(d) Sole source vendors. Subject to the approval of the city commission and/or the city manager.

(1) A vendor may be declared a sole source if the department head provides written documentation to the city manager stating that this is the only vendor which can fill the needs of his department. A sole source vendor for purchases over twenty thousand dollars (\$20,000.00) can only be approved by the city commission.

(2) A vendor may be declared a sole source by a department head through written documentation to the city manager stating that this vendor's product, service or price exceeds that of the competition. If the evaluation is based on price, it must be limited to items which are purchased regularly. In addition, the department head must provide a price quote sheet documenting the cost of competing vendors.

The approval by the city manager of a vendor as an evaluated sole source is limited to a time period not to exceed six (6) months. Should the quality of material, service, or price change during the six-month period the sole source classification for that vendor will be immediately lifted.

(e) Purchases may be made from the State of Florida contract, federal general services administration contracts, university contracts, or other recognized governmental units without competitive bidding. Permission for purchases over twenty thousand dollars (\$20,000.00) must be approved by the city commission.

(Ord. No. 92-9, §§ 1, 2, 5-14-92; Ord. No. 2008-04, § 3, 4-24-08)

Since this purchase is over the \$20,000 threshold authority for City Manager approval, this request must be approved by the City Commission.

A budget amendment is required to support this effort.

Fiscal Impact: \$128,940 Budget amendment to move the funds from Stormwater Reserves (405.3800.38901) to Stormwater Capital Equipment (405.5391.606300.566).

Staff Recommendation: Staff recommends approval of proposed Resolution 2024-41.

Attachments: Estimate from Wapro, Inc.
Proposed Resolution 2024-41

RESOLUTION 2024-41

A RESOLUTION BY THE CITY OF FLAGLER BEACH, FLORIDA
APPROVING A SOLE SOURCE PURCHASE FROM WAPRO INC., FROM
STORMWATER VALVES, AND A BUDGET AMENDMENT TO COVER
THE EXPENSE, PROVIDING FOR CONFLICT AND EFFECTIVE DATE.

WHEREAS, the City Commission directed staff to replace and or install stormwater valves at all of the outfall locations in the City; and,

WHEREAS, Section 2-302 (d) and (e) of the Code of Ordinances regulates how a Sole Source Vendor can be utilized; and,

WHEREAS, the specific valves that fit existing City infrastructure are manufactured in Europe and not available through another vendor;

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

SECTION 1. The City Commission approves the Sole Source Purchase from Wapro Inc. (Exhibit A).

SECTION 2. The City Commission hereby approves a budget amendment in the amount of \$128,940 to appropriate necessary funds for the project:

<i>From:</i>	<i>To:</i>
Stormwater Unrest. Reserve 405.3800.389101	Stormwater Cap. Equip. 405.5391.606300.566

SECTION 3. All resolutions or parts of resolutions in conflict herewith be and the same are hereby repealed.

SECTION 4. This Resolution shall become effective immediately as provided by law.

PASSED AND ADOPTED THIS 11th DAY OF JULY, 2024.

CITY OF FLAGLER BEACH, FLORIDA
CITY COMMISSION

ATTEST:

Patti King, Mayor

Penny Overstreet, City Clerk

FINAL TO Agenda 7/11/24 @ 3:34

Section 7, Item d.



Estimate

Estimate# EST-6028 REV

Bill To

City of Flagler Beach

800 South Daytona Avenue
Flagler Beach 32136, Florida

Estimate Date : July 11, 2024

Expiry Date : September 01, 2024

Reference# : RFQ: Lee Richards

Sales person : Neal Richard

Project State : Florida

Ship To

800 South Daytona Avenue
Flagler Beach 32136 Florida
U.S.A

Subject :

Purchase Wastop Valves 7/2024

Accepted By

Accepted Date

#	Model	Qty	Rate	Amount
1	WS101-S2-316 WS101-S2-316 WaStop Inline check valve NPS 4" AISI 316 ss body with bracket mounting. Location N-5A	1	865.00	865.00
2	WS146-S2-316 WS146-S2-316 WaStop Inline check valve NPS 6" AISI 316ss body with bracket mounting. Location N-5B	1	962.00	962.00
3	WS193-S3-316 WS193-S3-316 WaStop Inline check valve NPS 8" AISI 316ss body with bracket mounting. Location N-5C	1	2,113.00	2,113.00
4	WS240-S3-316 WS240-S3-316 WaStop Inline check valve NPS 10" AISI 316ss body with bracket mounting. Location N-4A	2	2,724.00	5,448.00
5	WS290-S3-316-SHDC WS290-S3-316 WaStop short body inline check valve NPS 12" AISI 316ss body with bracket mounting. Location N-6B N-4B N-3A N-3B	3	4,258.00	12,774.00

#	Model	Qty	Rate	Amount
6	WS340-S3-316-SHDC WS340-S3-316 WaStop short body inline check valve NPS 14" AISI 316ss body with bracket mounting. Location N-6A S18-B	2	5,857.00	11,714.00
7	WS440-S3-316-SHDC WS440-S3-316 WaStop short body inline check valve NPS 18" AISI 316 body with bracket mounting. Location N-8 N-4C N-2 N-1A S-18A	5	8,996.00	44,980.00
8	WS590-S3-316-SHDC WS590-S3-316 WaStop short body inline check valve NPS 24" AISI 316ss body with bracket mounting. Location N-9	1	12,454.00	12,454.00
9	WS750-S3-316-SHDC WS750-S3-316 WaStop short body inline check valve NPS 30" AISI 316ss body with bracket mounting. Location N-7 S-20	2	18,415.00	36,830.00
10	Shipping Charges Miami to Flagler Beach	1	800.00	800.00
Items in Total 19		Sub Total		128,940.00
		Total		\$128,940.00

Notes

Thank you for your inquiry. Looking forward to working with you.

Terms & Conditions

Estimated shipping cost provided, actual shipping will be prepaid and added to your invoice.

Shipping from Doral, FL 33172, please allow 7 to 60 days for delivery.

Please include applicable sales tax or provide your tax exempt certificate number with your purchase order.

FB FY23/24 Stormwater Modifications - City Outfalls

Outfall Designation	Location	Structure	Existing Backflow Preventer	Discharge Pipe	Proposed WaStop Valve	GPS Coordinates
1 N-9	N. Flagler Ave	Type D	None	24" RCP	WS590-S3-316-SHOC	29.484714, -81.132886
2 N-8	Palm Cir	Type D	None	18" RCP	IN STOCK CoFB	29.483986, -81.133415
3 N-7	311 N. Flagler Ave	Type D	None	30" RCP	WS750-S3-316-SHOC	29.482775, -81.132031
4 N-6A	147 Lehigh Ave	Type C	None	14" RCP	WS340-S3-316-SHOC	29.480589, -81.135781
5 N-6B	131 Lehigh Ave	Type C	None	12" RCP	WS290-S3-316-SHOC	29.479659, -81.135317
6 N-5A	167 Lantana Ave	12"x24" Grate Inlet	None	4" PVC	WS101-S2-316	29.482186, -81.135317
7 N-5B	139 Lantana Ave	12"x24" Grate Inlet	None	6" PVC	WS146-S2-316	29.482191, -81.135335
8 N-5C	116 Lantana Ave	Type C	None	8" PVC	WS193-S3-316	29.479700, -81.134096
9 N-4A	168 Avalon Ave	Type C	None	10" DIP	WS240-S3-316	29.482543, -81.134302
10 N-4B	128 Avalon Ave	12"x24" Grate Inlet	None	12" RCP	IN STOCK CoFB	29.480883, -81.133475
11 N-4C	111 Avalon Ave	Type C	None	18" RCP	WS440-S3-316-SHOC	29.479814, -81.133056
12 N-3A	168 Palmetto Ave	Type X	None	12" PVC	WS290-S3-316-SHOC	29.482900, -81.133370
13 N-3B	108 Palmetto Ave	Type C	None	12"PVC	WS290-S3-316-SHOC	29.480094, -81.131999
14 N-2	123 N. Flagler Ave	Type D	None	18"RCP	WS440-S3-316-SHOC	29.481033, -81.131226
15 N-1A	N. Flagler Ave & Moody Ln	Type E	None	(2) 18" RCP	WS440-S3-316-SHOC	29.480226, -81.130966
16 S-8B	2215 S. Flagler Ave			12" HDPR		
17 S-18 A	238 Ocean Palm Dr.	Type J	None	18" RCP	WS440-S3-316-SHOC	29.433059, -81.106370
18 S-18 B	207 Ocean Palm Dr	Type C w/ apron & slot	None	14" HDPE	WS440-S3-316-SHOC	29.433933, -81.107664
19 S-20	18 N. Ocean Palm Villas	Type D w/ apron & slot	None	30" HDPE	WS750-S3-316-SHOC	29.427237, -81.106761

4" PVC 1
 6" PVC 1
 8" PVC 1
 10" DIP 2
 12" RCP 1
 12" PVC 2
 14" RCP 1
 14" HDPE 1
 18" RCP 5
 24" RCP 1
 30" RCP 1
 30" HDPE 1
 TOTAL 18

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46

ORDINANCE NO. 2024-_____

**AN ORDINANCE OF THE CITY OF FLAGLER
BEACH, FLORIDA, AMENDING CHAPTER 14
“OFFENSES AND MISCELLANEOUS PROVISIONS”
OF THE CODE OF ORDINANCES TO ADD ARTICLE
VIII “JUVENILE CURFEW”**

WHEREAS, Florida Statutes Sections 877.20 through 877.24 provide a curfew framework for minors that only applies in a municipality where the governing body has adopted an ordinance incorporating these statutory provisions by reference; and

WHEREAS, the City Commission of the City of Flagler Beach has determined it to be in the best interest of the City of Flagler Beach, its residents, business, and visitors to adopt an ordinance incorporating the juvenile curfew program recognized by State law.

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

SECTION 1. The recitals outlined above are incorporated by reference herein as findings of fact.

SECTION 2. Chapter 14, Article VIII, Section 14-120 is hereby created and shall read as follows:

14-120. – “Curfew for underage persons and parental responsibility.”

The provisions of F.S. §§ [877.20](#)—[877.24](#) are hereby adopted by reference.

SECTION 3. Ordinances in Conflicts. 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 4. 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 5. 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 _____.

City of Flagler Beach, Florida

47

48

49

50

51

52

By: _____
Patti King, Mayor

Attest: _____
Penny Overstreet, City Clerk

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

AFFIDAVIT OF PUBLICATION

Kathleen Settle
City Of Flagler Beach-Hr
Po Box 70
Flagler Beach FL 32136-0070

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:

06/27/2024

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 06/27/2024

Legal Clerk

Notary, State of WI, County of Brown

My commission expires

Publication Cost: \$209.92

Tax Amount: \$0.00

Payment Cost: \$209.92

Order No: 10298811

Customer No: 465673

PO #:

of Copies:

1

THIS IS NOT AN INVOICE!

Please do not use this form for payment remittance.

ORDINANCE 2024-08
AN ORDINANCE OF THE CITY OF FLAGLER BEACH, FLORIDA, AMENDING CHAPTER 14 "OFFENCES AND MISCELLANEOUS PROVISIONS" OF THE CODE OF ORDINANCES TO ADD ARTICLE VII "JUVENILE CURFEW" PROVIDING FOR CONFLICT AND AN EFFECTIVE DATE.

Public Hearing will be conducted to consider the ordinance as follows:

City Commission:

Second Reading: July 11, 2024 @ 6:00 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 6:00 PM, or as soon thereafter as possible, in the City Commission Chambers located at 105 South Second Street, Flagler Beach, Florida. If a person decides to appeal any decision made with respect to any matter considered at the above referenced hearings, he/she will need a record of the proceedings. For such purposes, it may be necessary to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. In accordance with the Americans with Disabilities Act, persons needing assistance to participate in any of these proceedings should contact the City Clerk's Office at 386-517-2000 Ext. 233 at least 48 hours prior to the meeting.

L#10298811 6/27/2024 11

KAITLYN FELTY
Notary Public
State of Wisconsin

Business Impact Estimate

This form should be included in the agenda packet for the item under which the proposed ordinance is to be considered and must be posted on the City’s website by the time notice of the proposed ordinance is published.

ORDINANCE NO. 2024-

AN ORDINANCE OF THE CITY OF FLAGLER BEACH, FLORIDA, AMENDING CHAPTER 14 “OFFENSES AND MISCELLANEOUS PROVISIONS” OF THE CODE OF ORDINANCES TO ADD ARTICLE VIII “JUVENILE CURFEW”

This Business Impact Estimate is provided in accordance with section 166.041(4), Florida Statutes. If one or more boxes are checked below, this means the City is of the view that a business impact estimate is not required by state law¹ for the proposed ordinance, but the City is, nevertheless, providing this Business Impact Estimate as a courtesy and to avoid any procedural issues that could impact the enactment of the proposed ordinance. This Business Impact Estimate may be revised following its initial posting.

- ☐ The proposed ordinance is required for compliance with Federal or State law or regulation;
- ☐ The proposed ordinance relates to the issuance or refinancing of debt;
- ☐ The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- ☐ The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;
- ☐ The proposed ordinance is an emergency ordinance;
- ☐ The ordinance relates to procurement; or
- ☐ The proposed ordinance is enacted to implement the following:

a. Part II of Chapter 163, Florida Statutes, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;

b. Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;

c. Section 553.73, Florida Statutes, relating to the Florida Building Code; or

d. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

In accordance with the provisions of controlling law, even notwithstanding the fact that an exemption noted above may apply, the City hereby publishes the following information:

¹ See Section 166.041(4)(c), Florida Statutes.

1. Summary of the proposed ordinance:

The Ordinance implements the juvenile curfew provisions of Florida Statutes, Sections 877.20-877.24.

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the City, if any:

The ordinance is not expected to have any negative direct economic impact on private, for profit businesses.

3. Good faith estimate of the number of businesses in the City likely to be impacted by the proposed ordinance:

The City does not expect any businesses in the City to be negatively impacted by the proposed ordinance.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41

ORDINANCE NO. 2024-03

AN ORDINANCE OF 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.

WHEREAS, the City Commission wishes to protect the safety of motorists, pedestrians, and others from distraction caused by signs; and

WHEREAS, the City Commission finds that an overabundance of temporary signage can detract from the aesthetic beauty of the landscape, waterways, and the Atlantic Ocean; and

WHEREAS, the City Commission wishes to preserve the aesthetic beauty of the City of Flagler Beach; and

WHEREAS, the regulation of signage for purposes of aesthetics has long been recognized as advancing the public welfare; and

WHEREAS, the Florida Constitution provides that it shall be the policy of the state to conserve and protect its scenic beauty; and

WHEREAS, the regulation of signage for purposes of aesthetics directly serves the policy of this state by conserving and protecting its scenic beauty; and

WHEREAS, the City Commission finds that the existing allowance for window signs in the Code allows situations where windows can be completely covered by window signage as long as such signage does not exceed 50% of the total window area of the building; and

WHEREAS, the City Commission finds that such coverage contributes to sign clutter and detracts from the aesthetic beauty of the City; and

WHEREAS, the City Commission finds that the current banner sign allowances are being abused by a small number of users and finds that a reduction in the size and time allowances are appropriate and necessary; and

WHEREAS, the Planning and Architectural Review Board, acting as the Local Planning Agency, found and determined that this Ordinance is consistent with the City’s Comprehensive Plan, and the City Commission finds and determines that the following amendments are consistent with all applicable policies of the City’s Comprehensive Plan; and

WHEREAS, the City Commission finds and determines that the City’s sign regulations are concerned with the secondary effects of speech including but not limited to aesthetics and traffic safety, and are not intended to regulate viewpoints or censor speech,

and for those and other reasons that the foregoing provisions are not subject to, or would not fail, a “prior restraint” analysis; and

WHEREAS, the City Commission finds and determines that adoption of this Ordinance is in the best interest of the residents, businesses, and visitors of Flagler Beach.

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. Article VII, “Signs,” of the City of Flagler Beach Land Development Regulations 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 VII. SIGNS

* * *

Sec. 7.06.07. Window signs.

Copy area of window signs shall not exceed fifty (50) percent of the area of any window as viewed from the outside of the building the building's window area. For purposes of calculation, Ssuch signage shall include permanently and temporarily affixed window signs, neon displays, or any other sign displayed in a manner to be readily visible from the exterior of the building. ~~Window signs shall not be calculated in a lot or premises' total allowable number of signs and sign copy area unless otherwise specified in this article.~~ Window signs existing as of April 11, 2024, shall be brought into compliance with the coverage limitation provided herein on or before May 10, 2024.

Sec. 7.07.03. Standards for certain temporary signs ~~erected with a permit.~~

The number of such signs and a sign's copy area shall not be calculated in a lot or premises' total allowable number of signs and sign copy area unless otherwise specified in this article.

A. Temporary freestanding signs.

1. Only one (1) temporary freestanding sign may be erected on a lot. All temporary signs may be authorized for a total period not to exceed ninety (90) days during any calendar year. Said sign shall be removed upon the expiration of the above-described period.
2. A temporary freestanding sign's copy area shall not exceed sixteen (16) square feet in the SFR, LDR, MDR zoning districts and thirty-two (32) square feet in all other zoning districts except the single- and two-family residential use portions of the comprehensive plan designated planned and limited development overlays and the mixed-use overlay. Temporary freestanding signs erected in the comprehensive plan designated planned and limited development overlays and the mixed-use overlay shall not

exceed sixteen (16) square feet of copy area within single-family and two-family residential use areas and thirty-two (32) square feet of copy area in all other use areas.

3. Temporary freestanding signs shall not exceed six (6) feet in height measured from the finished grade to the highest point on the sign.

B. On-site temporary banner signs.

1. No more than ~~two (2)~~ one (1) temporary on-site banner signs of sixteen (16) square feet or less of copy area in a residential zone and ~~sixty-four (64)~~ thirty-six (36) square feet or less of copy area in a non-residential zone may be displayed for up to two (2) weeks ~~one (1) week, twelve (12) six (6) times per calendar year, with a minimum of fourteen (14) thirty (30) days between times of display.~~

- ~~2. No more than two (2) temporary on-site banner signs of six (6) square feet or less of copy area in a residential zone and twelve (12) square feet or less of copy area in a nonresidential zone may be displayed for up to three (3) weeks, twelve (12) times per calendar year, with a minimum of seven (7) calendar days between times of display.~~

- ~~23.~~ Applications for temporary on-site banner signs shall meet all of the following content-neutral criteria:

~~a. The temporary sign is not displayed more than fourteen (14) days prior to the start of the special event, and the sign will be removed within twenty-four (24) hours of the closing of the special event.~~

~~ab.~~ The temporary banner sign will not exceed nine (9) feet in height.

~~be.~~ The temporary banner sign will not conceal or obstruct adjacent land uses or signs.

~~cd.~~ The temporary banner sign will not conflict with the principal permitted use of the site.

~~de.~~ The temporary banner sign will not interfere with, obstruct the vision of or distract motorists, bicyclists or pedestrians.

~~ef.~~ The temporary banner sign will be installed and maintained in a safe manner and in such a way that it will not disassemble, float, or fall in the event of wind.

3. Banner signs erected as part of a special event approved pursuant to Chapter 4, Article III of this code of ordinances shall be exempt from this subsection provided that the signage to be erected for the special event has been approved by the city as part of the special event approval.

C. Sandwich signs.

1. Sandwich signs are temporary signs which are only permitted in the General Commercial, Highway Commercial and Tourist Commercial Zoning Districts, the Community Redevelopment Area's Downtown

Mixed-Use Overlay District and A1A Retail Corridor Overlay District. All of the following regulations shall apply:

- a. Only one (1) sandwich sign is allowed per business and can be displayed only during the business hours of the business it identifies and shall be stored indoors during non-business hours.
- b. Maximum sign area is twelve (12) square feet, with a maximum height of four (4) feet.
- c. A sandwich sign shall be placed in front of the use and shall allow for a minimum of at least five (5) feet of unobstructed pedestrian clearance adjacent to the sign. If a sandwich sign cannot be placed in front of the business because of these regulations, and the business is on a corner, the sandwich sign can be placed in the side yard.
- d. The sign shall not be located in a public right-of-way or on a sidewalk.
- e. A business located above the first floor of a building may place one (1) sandwich sign on the ground level of the building in which the business is located.
- f. A sandwich sign does not count against other allowable sign number or area of a business.
- g. A sandwich sign shall not be located in a manner which violates the provisions of Section 7.06.04 of this article.
- h. A sandwich sign shall not be illuminated or electric, shall not have any electric devices attached thereto, and shall not contain any attachment for holding pamphlets, leaflets, written material, or any other items.
- i. A sandwich sign shall be stored indoors during tropical storm/hurricane watches and warnings and other severe weather advisories.

D. *Special events parking signs.* Signs directing participants on parking availability during a special event shall be no more than sixteen (16) square feet in sign copy area and six (6) feet in height.

E. The temporary signs shall comply with all other applicable sections of this article not in conflict with this section. Specifically, prohibited signs under Section 7.05.00 shall not be allowed.

F. The temporary sign permit is in addition to any other permit required by applicable county, state or federal statute, law or regulation.

G. Any decision of the city manager or designee regarding the display of temporary signs may be appealed in accordance with Section 7.02.03 except that the initial time in which the city must make a determination on the sign permit application shall be ten (10) days as opposed to the forty-five (45) days provided in Section 10.02.03.

163
164
165
166
167
168
169
170
171
172
173
174
175
176
177
178
179
180
181
182
183
184
185
186
187
188
189
190
191
192

* * *

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 14TH DAY OF MARCH 2024.

PASSED AND ADOPTED THIS _____ DAY OF MARCH, 2024.

CITY OF FLAGLER BEACH, FLORIDA
CITY COMMISSION

Patti King, Mayor

ATTEST:

Penny Overstreet, City Clerk

Business Impact Estimate

This form should be included in the agenda packet for the item under which the proposed ordinance is to be considered and must be posted on the City’s website by the time notice of the proposed ordinance is published.

ORDINANCE NO. 2024-03

AN ORDINANCE OF 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.

This Business Impact Estimate is provided in accordance with section 166.041(4), Florida Statutes. If one or more boxes are checked below, this means the City is of the view that a business impact estimate is not required by state law¹ for the proposed ordinance, but the City is, nevertheless, providing this Business Impact Estimate as a courtesy and to avoid any procedural issues that could impact the enactment of the proposed ordinance. This Business Impact Estimate may be revised following its initial posting.

- ☐

The proposed ordinance is required for compliance with Federal or State law or regulation;
- ☐

The proposed ordinance relates to the issuance or refinancing of debt;
- ☐

The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- ☐

The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;
- ☐

The proposed ordinance is an emergency ordinance;
- ☐

The ordinance relates to procurement; or
- ☐

The proposed ordinance is enacted to implement the following:

a.

Part II of Chapter 163, Florida Statutes, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;

b.

Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;

c.

Section 553.73, Florida Statutes, relating to the Florida Building Code; or

d.

Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

In accordance with the provisions of controlling law, even notwithstanding the fact that an exemption noted above may apply, the City hereby publishes the following information:

¹ See Section 166.041(4)(c), Florida Statutes.

1. Summary of the proposed ordinance:

Ordinance 2024-03 amends the size and duration standards for allowed temporary banner signs as well as window signs in an effort to prevent sign clutter.

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the City, if any:

The ordinance continues to allow temporary banner signs and window signs, it only amends the time, place, and manner restrictions to how such banners may be displayed. Accordingly, it is not expected to have any direct negative impact on private, for-profit business. The ordinance is not expected to have any negative direct economic impact on private, for profit businesses.

3. Good faith estimate of the number of businesses in the City likely to be impacted by the proposed ordinance:

For the reasons stated in Section 2, above, the City does not expect any businesses in the City to be negatively impacted by the proposed ordinance.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46

ORDINANCE NO. 2024-11

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FLAGLER BEACH, FLORIDA, ESTABLISHING A TEMPORARY MORATORIUM ON CERTAIN DEVELOPMENT ACTIVITIES WITHIN AE SFHA FLOOD ZONES; DIRECTING STAFF TO REVIEW AND DEVELOP LAND DEVELOPMENT CODE PROVISIONS RELATED TO FILL STANDARDS AND LIMITATIONS FOR PROPERTIES LOCATED WITHIN THE AE SFHA FLOOD ZONES; PROVIDING FOR EXPIRATION AND EXTENSION OF THE MORATORIUM; PROVIDING STANDARDS FOR RELIEF FROM THE APPLICATION OF THE MORATORIUM; PROVIDING FOR SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

WHEREAS, the City is granted the authority, under Section 2(b), Art. VIII of the State Constitution, and Section 166.021, Florida Statutes, to exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, the Federal Emergency Management Agency has identified Special Flood Hazard Areas (“SFHA”) within the City’s boundaries that may be subject to periodic inundation; and

WHEREAS, development activities within these high-risk flood zones can significantly impact floodplain management, exacerbate flooding conditions, and lead to increased risks to properties and residents; and

WHEREAS, specifically, the placement of fill material within high-risk flood zones can alter natural water flow patterns, reduce flood storage capacity, and increase the potential for flood damage to surrounding areas; and

WHEREAS, recent weather patterns have raised concerns about the increased severity and frequency of flooding events within the City; and

WHEREAS, the City has identified the need to review and potentially revise its current regulations regarding the placement of fill material to developments within certain high-risk flood zones; and

WHEREAS, the City Commission finds a temporary moratorium on the placement of fill material for any development project within AE SFHA flood zones is necessary to prevent any adverse effects on floodplain management and flood risk while the City undertakes a comprehensive review of its fill regulations; and

WHEREAS, it is the City’s intent that this moratorium be applicable only to development activities involving fill material on parcels located within AE SFHA flood zones, as described in Art. IX, Sec. 9.04.04(b), of the City’s Land Development Code; and

47 **WHEREAS**, this Ordinance is adopted in good faith, is not discriminatory against any
48 property owner, is of limited duration, and will allow for the development and implementation of
49 measures to ensure sustainable and safe development within flood zones; and
50

51 **WHEREAS**, the City Commission finds this Ordinance to be in the best interests of the
52 public health, safety, and welfare of the citizens of Flagler Beach.
53

54 **NOW THEREFORE, IT IS HEREBY ORDAINED BY THE CITY OF FLAGLER**
55 **BEACH, FLORIDA:**
56

57 **SECTION 1. RECITALS.** The foregoing recitals are hereby ratified and fully
58 incorporated herein by reference as legislative findings of the City Commission of the City of
59 Flagler Beach.
60

61 **SECTION 2. TEMPORARY MORATORIUM.** Beginning on the effective date of this
62 Ordinance and continuing for a period of 180 days, a moratorium is hereby imposed upon the
63 placement of fill material to any parcel located within AE SFHA flood zones, as described in Art.
64 IX, Sec. 9.04.04(b), of the City's Land Development Code.
65

66 **SECTION 3. EXPIRATION OF THE TEMPORARY MORATORIUM.** The
67 temporary moratorium imposed by Section 2 of this Ordinance shall expire 180 days from the
68 effective date of this Ordinance, upon the adoption of an amendment to the Land Development
69 Code implementing changes to fill standards and regulations for AE SFHA flood zones, or upon
70 the majority vote of the City Commission, whichever occurs earliest. If the City requires additional
71 time to complete the enactment of amending fill regulations applicable to the properties subject to
72 this moratorium, the City Commission may consider extending the moratorium through a
73 subsequent ordinance providing the justification for the extension.
74

75 **SECTION 4. RECOMMENDATIONS FOR LAND DEVELOPMENT CODE.** City
76 staff is hereby directed to examine the current land use regulations and make recommendations to
77 the City Commission and the Planning and Architectural Review Board related to updating the
78 limitations on fill material placement for properties located within the AE SFHA flood zones.
79

80 **SECTION 5. ADMINISTRATIVE RELIEF PROCEDURE.**

81 (a) The City Commission may authorize exceptions to the moratorium imposed by this
82 Ordinance when it finds, based upon substantial competent evidence presented to it, that deferral
83 of a proposed placement of fill for the duration of the moratorium would impose an extraordinary
84 hardship on a landowner or petitioner.
85

86 (b) A request for an exception based upon extraordinary hardship shall be filed with
87 the City Clerk, including a non-refundable fee of \$350.00 by the owner/petitioner, or the petitioner
88 with the consent of the owner/petitioner, to cover processing and advertising costs, and shall
89 include a recitation of the specific facts that are alleged to support the claim of extraordinary
90 hardship.
91

(c) A public hearing on any request for an exception for extraordinary hardship shall be held by the City Commission at the first regular meeting of the City Commission that occurs after the expiration of the period for publication of notice of the request for an exception.

(d) Notice of filing of a request for an exception, and the date, time, and place of the hearing thereon shall be published once at least 7 days prior to the hearing in a newspaper of general circulation within the city limits of the City of Flagler Beach, Florida.

(e) In reviewing a request for an exception based upon a claim of extraordinary hardship, the City Commission shall consider, at a minimum, the following criteria:

- (1) The extent to which the owner/petitioner has, prior to the effective date of this Ordinance, received a permit or approval to conduct a use subject to this moratorium.
- (2) The extent to which the owner/petitioner has, prior to the effective date of this Ordinance, made a substantial expenditure of money or resources in reliance upon a permits or approvals of the City of Flagler Beach directly associated with a use subject to this moratorium.
- (3) Whether the moratorium will expose the owner/petitioner to substantial monetary liability to third persons; or would leave the owner/petitioner completely unable, after a thorough review of alternative solutions, to earn a reasonable investment backed expectation on the real property that is affected by this Ordinance.

(f) At a minimum, the City Commission shall consider the following non-exclusive factors under the criteria set forth in subsection (e) above:

- (1) The history of the property;
- (2) The history of the commercial, business, or any use on the property; and
- (3) The location of the property.

(g) After reviewing the evidence and testimony placed before it, the City Commission shall either approve, deny, or approve in part and deny in part, the request made by the owner/petitioner.

SECTION 6. SEVERABILITY. If any phrase, clause, sentence, paragraph, or section of this Ordinance is deemed invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance.

SECTION 7. CONFLICTS. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

SECTION 8. EFFECTIVE DATE. This Ordinance shall become effective immediately upon its passage and adoption.

PASSED ON FIRST READING THIS [REDACTED] DAY OF [REDACTED], 2023.

PASSED AND ADOPTED THIS [REDACTED] DAY OF [REDACTED], 2023.

CITY OF FLAGLER BEACH, FLORIDA
CITY COMMISSION

Suzie Johnston, Mayor

ATTEST:

Penny Overstreet, City Clerk

Beach/Recreation

Weekly Highlights June 26, 2024

- Lifeguards
 - Lifeguards continue to patrol the beach seven days per week. Normal off duty time is at 5:15 pm each day. If there are still many people in the water at that time, lifeguards will remain in towers for 30-minute intervals until the beach crowd subsides.
- Special Events
 - The next major event will be July 4th weekend. July 4th will be highlighted by the annual parade which will begin at 9:00am. There will also be a live DJ in Veterans Park throughout the afternoon. The fireworks at night will be at the Flagler County Airport.
 - The Flagler County All-stars have rescheduled their monthly beach cleanup to Friday, July 5.
 - First Friday for July has been canceled.
- Junior Lifeguard Summer Camp
 - Monday, June 24 was the first day of session 4 of Junior Lifeguard Summer Camp. Each camp session last for one week, Monday through Friday, from 9:30am to 12:30pm.
 - Junior Lifeguard swim testing will continue take place Saturday mornings at The Belle Terre Swim and Racquet Club in Palm Coast.
- In-service training
 - Lifeguard continue to participate in daily in-service training drill sessions from 9:00 to 9:45.

Beach/Parks/Recreation

Weekly Highlights July 3, 2024

- Surf conditions are expected to increase as the July 4th weekend approaches. Large beach crowds are expected and swimmers are encouraged to always swim near a lifeguard. Full staff of lifeguards will be on duty throughout the holiday weekend.
- The Rotary Club of Flagler Beach has completed the lineup and logistics for the Independence Day Parade on Thursday, July 4. The parade will begin at 9:00am and there will be activities in Veterans Park from 10:00am to 3:00pm. Fireworks will be displayed at the Flagler County Airport at 9:00pm.
- The Flagler County Photography Club will be doing a photo shoot with the Flagler Beach lifeguards on Saturday, July 6 at 5:30pm on the beach.
- There is no Junior Lifeguard summer camp session this week as ocean rescue staff is preparing for the busy holiday weekend. Session 5 will begin on Monday, July 8.
- Happy Independence Day!

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: June 20 - June 26

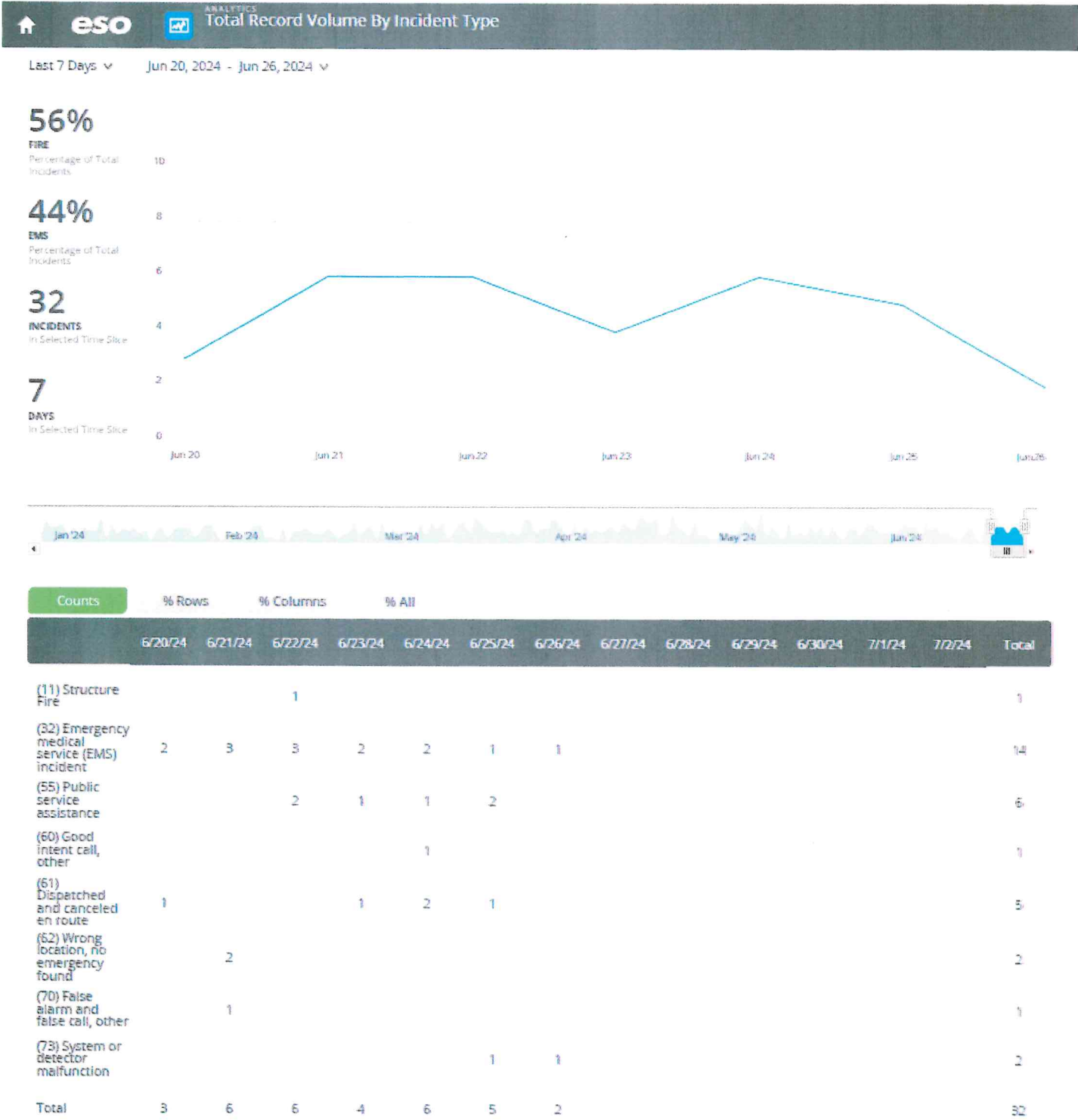
Flagler Beach Fire Department

Deputy Chief Stephen Cox

Scox@Fbfire.org



Weekly Incident Response Data



Total Number of Incident for 2024

811

Penny Overstreet

From: Robert Pace
Sent: Thursday, June 27, 2024 12:52 PM
To: Dale Martin
Cc: Penny Overstreet; Katherine Monroy
Subject: Weekly Highlights

Mr. Martin,

The following are the weekly highlights:

- Drone Training

There are some updates concerning the city's drone operators. As recently reported, Deputy Chief Cox, Lieutenant Rainey and Driver/Engineer Poeira have recertified on the FAA requirements. There are some practical portions of training that still needed to be accomplished. This included Phase II training that involved flying the drone to specified buckets in a controlled area. Phase III includes four missions, three in the daytime and one night time operation. Lt. Rainey and D/E Poeira have completed all portions of the training and are now certified to operate the drone for emergency calls within the county. Officer Keith Jones has also obtained certification and is authorized to operate in the county. The lead instructor (Dr. Robert T. Aldinger) has had some scheduling difficulties, which has not allowed Deputy Chief Cox to complete his training. The final portions are expected to be completed by Deputy Chief Cox over the next couple of weeks.

- Marine Rescue Training

The fire department has responded to marine rescue calls for years. Staff members work in coordination with FBOR when in season, but the fire department will respond to these call types year-round. It is the responsibility of each staff member to be proficient in all aspects of marine rescue. This includes rescue swimmers, beach/flagging operations and utilizing the proper piece of equipment for each call. Operating the rescue boats and jet-ski is a requirement and when the department hires a new staff member, they must go through this training. Although, FF/EMT John Strickland has been a member of the department for several months he has not yet completed the Marine Rescue Equipment Training. Lieutenant Rainey is currently working with FF Strickland to accomplish this task. This week FF Strickland operated Rescue Boat 111 in the IW. Lt. Rainey expects him to complete all training in approximately one month.

- Floor Buffing

The floors in the station house are stripped and waxed once a year. This is typically done in November, with the start of the holiday season. Bumble Bee Cleaning & Restoration is the company that has conducted the cleaning for several years. As much traffic that comes through the fire station, the floors usually become dingy after a few months. This is the case even with regular mopping/cleaning performed by staff. Approximately a year ago, I spoke with the owner/operator of Bumble Bee and he explained periodic buffing of the station floors will alleviate this problem. In addition to stripping/waxing, the floors are now buffed twice a year. The buffing project will take place this afternoon. Staff will remove all required station furniture and return it to its proper place once the project is completed. The station house will look its best for the 4th of July, as there will be many visitors.

- 4th of July Update

Every piece of equipment utilized by the department is washed once a week. For Christmas and 4th of July events units are cleaned to parade-ready status and receive a full wax job. The trucks assigned to the parade detail include Engine 11, Fire Police 11 (Emergency Service Vehicle) and Chief 11. The cleaning assignments for these units have been assigned. Both FCFR and the PCFD are planning to participate in the parade. Ladder 11 and Deputy Chief Cox will be staged at the station house to respond for any calls during the parade. After the parade, Ladder 11, Engine 11, command vehicles, and station volunteers will be available for calls. Provisions have already begun to be purchased for the lunch to take place at the station house on the 4th. Lunch includes subs, chips, cookies and multiple types of drinks. Lunch supplies are being purchased by the Volunteer Firefighter Association.

- Upcoming Large-Scale Incident Training

I stated in a recent report that there is a committee comprised of representatives of all public safety agencies in the county to identify needs for large-scale incident training. The next training to be conducted will be an active shooter scenario at FPC. The group completed a walk-through of the high school and agreed on the area to be utilized for the training. The committee had a follow-up meeting at the EOC to discuss some of the more significant points to be addressed at the training. This would include police/fire entry to the structure, hot & warm zones, triage, transport, unified command and communication. The training evolution is tentatively scheduled for late July or early August.

- Update on Reserve Fire Engines

The two reserve fire engines purchased from the county have gone through multiple maintenance inspections and cleaning projects performed by staff. Payment was made to the county and the titles delivered to finance. The new tags for the trucks have been obtained. I am currently working with city administration to have the trucks insured. I have spoken with the technician from Archangel Repair LLC and the company is prepared to take delivery of Engine 12 in their maintenance facility, once all administrative requirements have been completed.

- Impact Issues

There are no scheduled events to take place within the city this weekend. FBFD & FBOR are however expecting busy beach days and thousands of visitors in town.

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

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: June 27 - July 3

Flagler Beach Fire Department

Deputy Chief Stephen Cox

Scox@Fbfire.org



Weekly Incident Response Data



Total Number of Incident for 2024
846

Penny Overstreet

From: Robert Pace
Sent: Thursday, July 4, 2024 12:28 PM
To: Dale Martin
Cc: Penny Overstreet; Katherine Monroy
Subject: Weekly Highlights

Mr. Martin,

The following are the weekly highlights;

- Post Disaster Recovery Meeting

Deputy Chief Cox and I attended the Post Disaster Recovery Meeting held in the chambers. Although there are a few more moving parts in the submission process, I do believe the new electronic submissions will be more efficient and accurate in reimbursement for the city. DC Cox and I met to discuss the specifics including F-ROC standardized 214 activity logs, damage assessments, debris removal, public safety protective emergency measures and permanent repairs. I have requested of Chris Novak that the department's lieutenants and Larry Wolfe also be set-up as administrators for submissions. Larry Wolfe will be utilized to report on any volunteer activity. In addition, Larry Wolfe, DC Cox and I met again with Mrs. Novak for some follow-up questions. The one drive share folder for submissions has been minimized specifically for the fire department, so that only responsibilities of the agency are contained in the folder.

- Fire Officer 2 Certification (Morgan Rainey)

As mentioned in a recent report, Lieutenant Rainey has completed all the required courses in the Fire Officer 2 series of classes. She has been studying for her state exam the last couple of weeks and awaiting a testing date. On June 28th Lieutenant Rainey reported to the Pearsonvue Testing Center to sit for her state exam. I am proud to report, she was successful in doing so. There are several classes in the Fire Officer 2 series and successful completion/state certification was goal for Lieutenant Rainey this year. Lieutenant Rainey is now planning to attend a Chief Officer Class at Station 25 on August 12th. The PCFD's Deputy Chief Clark will be instructing the class.

- Target Solutions Training

There was a Target Solutions Training recently held at PCFD's Station 25. It was determined at the meeting, that the fire agencies within the county are not maximizing all the capabilities of the on-line continual education unit training. DC Cox attended a follow-up Teams Meeting to discuss incorporating a dashboard within the system for submissions. The dashboard will allow department officers to create and input training evolutions to be utilized by all staff.

- Continual Education Unit

Staff was assigned a continual education unit called Unstable Pelvic Fractures. Upon successful completion, the firefighters were to obtain several objectives. Identify pelvis anatomy and the structures protected by the pelvis. Describe mechanisms of injury for pelvic fractures. Use clues, findings, and rapid trauma exam to assess pelvic fracture instability. Finally, to describe goals, indications, and methods to stabilize a pelvic fracture.

- Smoke Detector Installation and Battery Replacement Program

A call came into the station house requesting a smoke detector installed and battery replacement for an existing detector. The resident lived in the Bridgewater Community off of Palm Dr. The detector requiring a battery change was located on a vaulted ceiling and the new detector installed was in a voided area of the home. The crew also took the opportunity while in the home to conduct a full fire safety inspection of the residence. The homeowner was very appreciative of the service.

- 4th of July Update

As you are well aware, the department assigned an all-hands mandate today for the 4th of July celebration. The parade detail has already been completed and the three units that participated looked their best. Those trucks were Engine 11, Fire Police 11 and Chief 11. Special thanks goes out to FCFR and the PCFD for also attending. ATV 11 is assigned the rest of the day for EMS calls on the beach. Engine 11, Ladder 11, Command Vehicles and volunteers will respond to all other calls. A hydration team will run from 0800 to 1400 and lunch is here at the station house at 1300. The collective estimate is most visitors will be exiting the city around dinner time.

- Impact Issues

Obviously with holiday, there will be many visitors in the city over the next few days. In addition, there is a beach party scheduled on the beach across from Finns July 7th from 1100 to 2000. All totaled, there are thousands of visitors expected in the city.

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	6/21/2024	To: Thursday	6/27/2024
Calls For Service	67	Felony Arrest	1
Self-Initiated	29	Misd. Arrest	1
Traffic Stops	39	City Ordinance	6
		Security Checks	232
		Reports Written	13
		Comm. Policing	20
		Citations Issued	32
		Warnings (Written/Verbal)	45

Chief's Weekly Summary

Friday: 6/21/24 @ 10:30 a.m. / Disturbance Verbal / Area of 28th Street South: Patrol Officers were dispatched in reference to a male subject walking in the street that appeared to be intoxicated; while also being diagnosed with a deteriorating mental capacity. Officers made contact with this subject in question and his spouse. It was determined that the subject was under close care by the spouse and their sibling. No further action required.

Friday: 6/21/24 @ 2:00 p.m. / Trespassing / 1224 South Oceanshore Boulevard (Topaz Motel): Patrol Officers were dispatched to the Motel in reference to non-guest juveniles that were using the pool. Upon our Officers arrival the juveniles in question were identified, and contact was made with their parents. All four (4) juveniles were fourteen (14) years old. The juveniles were advised that the Motel Staff did not want them back on the property, and they were released from the scene.

Friday: 6/21/24 @ 4:32 p.m. / Assist Public / 709 North Oceanshore Boulevard: Patrol Officers were dispatched in reference to two (2) missing juveniles; ages four (4) and two (2) years old. Upon our Officers arrival to the Airbnb property, they searched the home level by level. Upon reaching the second level, a bathroom door was discovered to be locked. Upon the Officers making entry into the bathroom, the juveniles were located hiding inside the vanity. There were no injuries to the children. A Police report was completed. **Good Job!**

Saturday: 6/22/24 @ 8:17 a.m. / Suspicious Person / North and South Oceanshore Boulevard: Patrol Officers were dispatched several times throughout the shift in reference to a female that was walking up and down Oceanshore Boulevard. The female subject in question was never observed in, nor was she reported to be engaged in criminal activity. The subject was not violating any City Ordinances and she did not meet the Baker Act or Marchman Act criteria.

Saturday: 6/22/24 @ 1:55 p.m. / Trespassing / 408 South Oceanshore Boulevard (7-11): A Flagler County Deputy was in the parking lot of the business when a juvenile came running out the door. A Store Clerk from the business came out the door yelling that the juvenile needed to be trespassing from the business. The Deputy located the juvenile approximately one (1) block away, and a Notice of Trespass was issued. The juvenile's mother was contacted and notified of the trespass.

Saturday: 6/22/24 @ 10:12 p.m. / Suspicious Person / 2420 Moody Boulevard (Mavis Tires & Brakes): Patrol Officers made contact with a transient male subject who was located behind the business. The suspect was not engaged in any criminal activity, and once that was determined, the subject departed the scene.

Sunday: 6/23/24 @ 12:09 a.m. / Suspicious Incident / 101 North Oceanshore Boulevard: Patrol Officers were called to the Beach because a life preserver was observed floating in the ocean. After Fire Rescue personnel arrived on-scene, our Officers were informed that Staff from our Ocean Rescue had placed a floatation device on a partially submerged Pier piling; in order to keep it visible.

Sunday: 6/23/24 @ 2:12 a.m. / Marchman Act / Moody Lane and Palmetto Avenue: Patrol Officers were dispatched to the area in reference to a male subject who was reportedly laying in the roadway and not moving. Upon our Officers arrival, contact was made with the subject in question, who was found to be highly intoxicated and he refused medical treatment. The subject could not provide an address of where he was staying and he was taken into protective custody under the Marchman Act. The subject was transported to the hospital for treatment.

Sunday: 6/23/24 @ 2:50 a.m. / Alarm Commercial / 2525 Moody Boulevard (Tax Collectors Office): Patrol Officers responded in reference to an audible alarm. Officers found no signs of forced entry, and all doors were secured; no access to the roof could be found.

Sunday: 6/23/24 @ 7:54 a.m. / Residential Alarm / 1200 Block of South-Central Avenue: Patrol Officers were dispatched to a residential alarm. Upon our Officers arrival, contact was made with the homeowner who advised she hit a wrong button. The alarm was determined to be false; no further action required.

Sunday: 6/23/24 @ 12:09 p.m. / Assist Public / North Oceanshore Boulevard at North 10th Street: A Patrol Officer observed a motorcycle laying on the ground. Contact was made with two (2) citizens who advised that they had accidentally dropped the motorcycle. The subjects did not need medical attention, and the motorcycle was operable. Officers assisted with clearing the roadway and once the motorcycle was back on two (2) wheels, it departed the area. No further action required.

Sunday: 6/23/24 @ 7:38 p.m. / 911 Investigation / 300 Block of 22nd Street South: Patrol Officers responded to a "911" hang-up investigation that was "geo-located". A Patrol Officer checked area and there were no emergencies located.

Monday: 6/24/24 @ 1:12 a.m. / Suspicious Person / 200 Block of 8th Street South: A Patrol Officer observed an adult female subject sitting on sidewalk. The female was intoxicated and she advised that she was staying with family at the Topaz. The female was transported to the Topaz Motel where she was reunited with her family. No further action required.

Monday: Dayshift Officers conducted proactive traffic enforcement at the following location and times;

400 block of John Anderson Highway, from 10:15 a.m. to 11:15 a.m. Five (5) traffic stops, with one (1) written warning and five (5) State Traffic citations issued.

Monday: A Patrol Officer conducted one (1) golf cart inspection at the Police Department for a citizen that had a newly purchased cart.

Monday: 6/24/24 @ 8:49 a.m. / Trespassing / 3900 South Oceanshore Boulevard (Costa Del Sol): Patrol Officers were dispatched in reference to a report of trespassing that had occurred earlier. The owner of the property wished for a neighbor to stay off his property, so he requested we attempt contact with the neighbor. Our Officers were not able to make contact with the neighbor.

Monday: 6/24/24 @ 6:02 p.m. / Crash - No Injuries / 915 North Central Avenue (Santa Maria Del Mar Church): Patrol Officers responded in reference to a crash involving two (2) vehicles in the parking lot; with no injuries. There was minor damage to the two (2) vehicles, and a Driver's Exchange of Information form was completed and provided to both Drivers.

Monday: 6/25/24 @ 6:29 p.m. / Trespassing / 1500 Block of South Daytona Avenue: Patrol Officers were dispatched in reference to a delayed trespassing incident, where a female walked onto the reporting party's property without permission. The reporting party requested that an Officer make contact with the female and advise her to stay off of his property. Contact was made with the female in question, who advised that she saw smoke coming from the cleared lot and wanted to make sure the fire was contained; which it was and she left the property. The female was informed of the reporting party's request.

Monday: 6/25/24 @ 6:49 p.m. / Battery / 3900 South Oceanshore Boulevard (Costa Del Sol): Patrol Officers responded in reference to a delayed battery that occurred at the condos pool area. The victim advised that she went to lay out at the pool, and a female from another unit purposely squirted her with a garden hose. The victim desired to prosecute, and a charging affidavit was completed along with a Police report. The charging affidavit has been forwarded to the State Attorney's Office for review.

Monday: 6/25/24 @ 8:55 p.m. / Suspicious Incident / 101 North Oceanshore Boulevard: A Patrol Officer responded in reference to a report of an orange object floating in the water attached to something. Upon arrival, the floating object was an Ocean Rescue can marking a pylon from the damaged Pier. **Update:** The Pier debris and the rescue can were removed on Tuesday, June 25th.

Tuesday: 6/25/24 @ 8:23 a.m. / Traffic Stop - Arrest / 1700 Block South Oceanshore Boulevard: A Patrol Officer conducted a traffic stop on a Kia Soul for failure to stop at a stop sign. The Driver was found to be operating the vehicle without a valid Driver's License. The Driver was taken into custody without incident and he was transported to the Flagler County Inmate Facility. A Police report was completed.

Tuesday: 6/25/24 @ 12:21 p.m. / Ordinance Violation / 400 Block North Oceanshore Boulevard (Beach): Officers were flagged down about dogs on the beach. Officers made contact with the individuals in question and advised them of the parameters on the Beach where dogs are allowed, and the subjects were appreciative and complied. No further action required.

Tuesday: 6/25/24 @ 3:41 p.m. / Suspicious Vehicle / 800 South Daytona Avenue (Wickline Park): Officers made contact with a homeless couple who were hanging around in the parking lot. The subject vehicle is broken down, and they advised that they're having it towed tomorrow. The subjects were advised of our camping Ordinance and vehicle red-tag policy. Update: The vehicle was removed on 6/26/24.

Tuesday: 6/25/24 @ 4:24 p.m. / Narcotics / 2400 Moody Boulevard: A Patrol Officer conducted a traffic stop on a Honda CRV for unlawful speed. During the investigation, a very small amount of marijuana and two (2) pipes were located in the vehicle. All items were seized and submitted to Property & Evidence for destruction. A Police report was completed.

Tuesday: 6/25/24 @ 4:51 p.m. / Narcotics - Arrest / 3100 South Oceanshore Boulevard (Gamble Rogers): Patrol Officers were dispatched to the Beachside Park at Gamble Rogers in reference to a male subject who was punching the bathroom doors. The subject was last observed walking northbound on the Beach. Officers located the subject at 28th Street South and upon patting the male down for weapons, a Hashish vape pen cartridge was located in his pocket. The male was taken into custody without incident and he was transported to the Flagler County Inmate Facility. A Police report was completed.

Tuesday: Officers responded to two (2) "911" hang-up investigations throughout the shift. Neither of the calls were emergencies.

Tuesday: Dayshift Officers conducted proactive traffic enforcement at the following locations and times;
2000 block of North Oceanshore Boulevard, from 12:30 p.m. to 1:00 p.m. No violations.

400 block of John Anderson Highway, from 7:15 a.m. to 8:15 a.m. Two (2) traffic stops, with one (1) written warning and two (2) State Traffic citations.

Tuesday: 6/25/24 @ 5:47 p.m. / Disabled Vehicle / Westbound Lane of Moody Bridge: Patrol Officers responded in reference to a SUV that was broken down on the bridge. The vehicle was pulled to the inside shoulder of the roadway and the Driver had already contacted AAA. A Patrol Officer stood by with emergency lights engaged until the tow company arrived and removed the vehicle. No further action required.

Tuesday: 6/25/24 @ 7:23 p.m. / 911 Investigation / 501 North Oceanshore Boulevard (Golden Lion): A patrol Officer responded to the business in reference to a 911 call that was "geo-located" to the area. Dispatch advised they could hear people talking but the sound was muffled. Officer walked through the restaurant and found no signs of anyone in distress. No further action taken.

Tuesday: 6/25/24 @ 7:24 p.m. / Notification Welfare Check / 1224 South Ocean Shore Boulevard (Topaz Motel): Patrol Officers responded to the Motel in reference to a male subject requesting to go to the hospital to get treatment; and detoxification. The subject advised that he had been drinking to keep from being in pain, but wanted to get sober. The subject was transported to Halifax Hospital in Daytona Beach without incident. A Police report was completed.

Tuesday: 6/25/24 @ 10:16 p.m. / 911 Investigation / 300 Block of 2nd Street South: A Patrol Officer responded to a residence in reference to a male subject that accidentally dialed 911. Dispatch advised that the subject answered the phone on call back and advised there was no emergencies. The Officer confirmed that there were no emergencies and that the call was accidental. No further action required.

Tuesday: 6/25/24 @ 10:27 p.m. / Marchman Act / 1224 South Ocean Shore Boulevard (Topaz Motel): Patrol Officers were requested to conduct a welfare check on a female subject that was staying at the Motel. The reporting party, the subject in question's sister, advised that her sister has a drinking problem and that she was very intoxicated. Upon our Officers arrival, they made contact with the female; who was taken into protective custody under the Marchman Act. The female was transported to Stewart-Marchman-Act, where she was denied a bed due to her high level of intoxication, a Blood Alcohol Content level of .340. The female was then transported to Halifax Hospital for treatment. A Police report was completed.

Tuesday: 6/25/24 @ 10:56 p.m. / Notification Welfare Check / 319 Moody Boulevard (Johnny D's): A female called into Dispatch requesting that an Officer check on her mother, who was reportedly at Johnny D's in the parking lot. The mother was located by our Officers in the parking lot, and she was highly intoxicated. The daughter made arrangements with an Uber to pick her mother up from Johnny D's and deliver her home to her. A Patrol Officer stood by with the mother until her Uber ride arrived and departed. No further action taken.

Wednesday: 6/26/24 @ 12:01 a.m. / Suspicious Incident / 604 River View Road: A Patrol Officer was dispatched to a suspicious vehicle in a driveway; with its headlights on for several hours. The reporting party advised that the homeowner had passed away several months ago and nobody has been around the house. Upon our Officers arrival, the vehicle's license plate was checked, and it came back to the son of the deceased. Contact was made with the son, who advised he came to stay at his mother's house. No further action required.

Wednesday: 6/26/24 @ 1:02 a.m. / Suspicious Person / 520 South Daytona Avenue: Patrol Officers were dispatched in reference to a male subject that was passed out in the homeowner's bushes. Upon our Officers arrival, contact was made with the male subject who was sleeping under a bush. The male was intoxicated and he advised that he thought he was at his friend's house. Officers were able to determine where the male subject was supposed to be, and they made sure he got there safe. The subject was turned over to his friend. No further action required.

Wednesday: Chief Doughney participated in Wellness Walk Wednesday from 8:00 a.m. to 8:50 p.m. From 9:00 a.m. to 9:40 a.m. Chief Doughney met with the Rotarians from the Rotary Club of Flagler Beach to go over final logistics for the 4th of July holiday parade. Chief Doughney and Deputy Chief Blanchette attended post storms claim process training at City Hall, that was facilitated by our City's Finance Department.

Thursday: 6/27/24 @ 1:46 a.m. / Stolen Vehicle - Recovered / 204 South Flagler Avenue: The vehicle in this case was recovered (unoccupied) in Daytona Beach by the Daytona Beach Police Department; with no arrests made. A supplement report was completed and the vehicle was removed from NCIC/FCIC. Follow up investigation on Thursday morning revealed that the suspect in the case was a co-owner of the vehicle, and that the vehicle was never actually stolen. **Good follow up!**

<p>Thursday: Nightshift Officers conducted proactive traffic enforcement at the following locations and times: 2200 Moody Boulevard, from 6:45 p.m. to 7:15 p.m. One (1) traffic stop for a LPR Alert; verbal warning issued. 2200 Moody Boulevard, from 10:00 p.m. to 10:30 p.m. Two (2) traffic stops, with two (2) written warnings.</p> <p>Thursday: Officers responded to two (2) residential alarms and one (1) commercial alarm during their shift. All alarms were checked with no suspicious or criminal activity or suspicious persons located.</p> <p>Thursday: Officers responded to one (1) 911 hang-up investigation during their shift. The call was accidental, with no further action required.</p> <p>Monthly Training: Officers continued to work on their June 2024 online monthly training through Police Law Institute. This month's topic is; Lawful Personal Seizures.</p> <p>Update Department Directives: Department Directives for Drone flights, Public Information Officer (PIO) Duties and Field Training for newly hired Police Officers were updated by our Accreditation Manager, reviewed and approved by Deputy Chief Blanchette and Chief Doughney this week.</p> <p>4th of July: The Police Departments <i>"Operational Plan"</i> for the 4th of July was issued to all Department personnel on Thursday, June 27th. The plan was also provided to the Flagler County sheriff's Office and the Flagler County Communication Center (Dispatch). The Police Departments <i>"Traffic Plan"</i> for the holiday parade will be issued on Friday, June 28th.</p> <p>Vacation: Chief Doughney returned from vacation on Monday, June 24th.</p>
--



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		6/28/2024		To: Thursday		7/4/2024	
Calls For Service	82	Felony Arrest	2	Reports Written	11	Citations Issued	73
Self-Initiated	36	Misd. Arrest	0	Comm. Policing	13	Warnings (Written/Verbal)	98
Traffic Stops	88	City Ordinance	4	Security Checks	253		

Chief's Weekly Summary

Friday: Dayshift Officers conducted proactive traffic enforcement at the following locations and times;

400 block of John Anderson Highway, from 7:23 a.m. to 7:42 a.m. No violations.

400 block of John Anderson Highway, from 9:13 a.m. to 9:59 a.m. Two (2) traffic stops, with two (2) State Traffic citations issued.

Friday: 6/28/24 @ 8:01 a.m. / Property Damage / 105 John Anderson Highway (Caliber Car Wash): A Patrol Officer responded to a report of a vehicle that had been damaged after getting a car wash. Once the Officer was on scene, it was determined that three (3) vehicles had been damaged due to a malfunction of the car wash. A Police report was completed.

Friday: 6/28/24 @ 1:06 p.m. / 911 Investigation / 2501 Moody Boulevard: A Patrol Officer received a reported "911" hang-up. On callback, there was no answer, and the call was "geo-located" to this area. The Officer checked the area and confirmed it was an accidental dial.

Friday: 6/28/24 @ 3:00 p.m. / Baker Act / 1400 Block of South Flagler Avenue: Patrol Officers were dispatched in reference to a requested welfare check. Upon completing the investigation, one (1) subject was taken into protective custody under the Baker Act. The subject was transported to Halifax Hospital in Daytona Beach for treatment. A Police report was completed.

Friday: 6/28/24 @ 4:11 p.m. / Crash - No Injury / 105 John Anderson Highway: A Patrol Officer was dispatched to a report of a minor crash involving two (2) vehicles; with no injuries. The investigation determined that the crash was a rear end collision; with no confirmed injuries and the vehicles were operational. All information was gathered, and a short form was completed.

Friday: 6/28/24 @ 4:34 p.m. / 911 Investigation / 2800 Block of South Oceanshore Boulevard: A Patrol Officer received a reported "911" hang-up. On callback, there was no answer; the call was "geo-located" to this area. The Officer checked the area and confirmed no emergency.

Friday: Chief Doughney attended Police Union negotiations with our City Attorney, Mr. Drew Smith, and representatives from the International Union of Police Associations (IUPA). Negotiations were held at City Hall from 2:00 p.m. to 2:30 p.m.

Friday: Patrol Officers conducted two (2) golf cart inspections at the Police Department during their shift.

Friday: 6/28/24 @ 6:24 p.m. / Reckless Driver / 3900 Block of South Oceanshore Boulevard: A Patrol Officer was dispatched in reference to a call from Volusia County Dispatch with regards to a black Lexus travelling northbound on A1A towards our City. The vehicle was alleged to be driving recklessly. The Officer monitored South Oceanshore Boulevard, and the vehicle in question was not observed.

Friday: 6/28/24 @ 9:17 p.m. / Reckless Driver / 3900 Block of South Oceanshore Boulevard: A Patrol Officer was dispatched in reference to a call from Volusia County Dispatch with regards to a grey Toyota Tacoma travelling northbound on A1A towards our City; alleged to be driving recklessly. The Officer was positioned on A1A at the South County line and the vehicle in question was not observed.

Friday: 6/28/24 @ 11:25 p.m. / Civil / 800 Block of South Daytona Avenue: A Patrol Officer was dispatched in reference a vehicle being repossessed by the finance company. Upon arrival, it was determined that the company was a legitimate repossession company, and they had proper documentation; to include the repossession order. The owner cleared her belongings out of the vehicle and turned it over to the repossession company. No further action taken.

Friday: 6/28/24 @ 11:28 p.m. / Suicide / 2040 South Oceanshore Boulevard: Patrol Officers were dispatched in reference to a domestic disturbance. Upon our Officers arrival, contact was attempted at the residence with negative results. A female subject was located about a block away hiding from her boyfriend. A Patrol Officer attempted contact at the residence, and after time the Officer made entry into the residence. The boyfriend located deceased in the bathroom. A Police report and supplemental reports were completed. Detective Vinci was notified and she responded, as did Staff the Medical Examiner's Office.

Saturday: 6/29/24 @ 8:51 a.m. / Alarm Residential / 1400 Block of North Oceanshore Boulevard: Patrol Officers were dispatched to a residential alarm that was sounding. Upon our Officers arrival, the home was secured, and the alarm had reset. No further action required.

Saturday: 6/29/24 @ 9:11 a.m. / Abandoned Vehicle / 200 Block of 3rd Street South: A Patrol Officer located a boat trailer parked on the right-of-way, unattached and without a tag. The VIN was checked with negative results, so the Officer red-tagged the trailer for removal.

Saturday: 6/29/24 @ 12:21 p.m. / Suspicious Person / 2601 Moody Boulevard (Self Storage): Patrol Officers were dispatched to a report of a male hanging outside the business. Officers checked the area with negative results. No additional calls in reference to the male were received.

Saturday: 6/29/24 @ 1:35 p.m. / Crash - Injuries / 2300 Block of Moody Boulevard: Patrol Officers responded to a report of a crash, with injuries. All of the required information was gathered. A State crash report was completed.

Saturday: 6/29/24 @ 4:31 p.m. / Crash - No Injuries / 2200 block Moody Boulevard: A Patrol Officer was conducting a traffic stop when a truck crashed into the rear of his patrol vehicle. The truck then backed up, and fled northbound on Roberts Road; only to be stopped and detained. The crash was turned over to a Trooper from the Florida Highway Patrol for investigation. The Driver of the truck was arrested for Driving Under the Influence and his Blood Alcohol Content (BAC) was .24; which is three (3) times over the legal limit of .08. The Driver was also charged with Aggravated Fleeing with Property Damage. The involved Officer was uninjured, and the vehicle sustained minor damage to the rear bumper. Copies of all reports have been forwarded to Ms. Liz Mathis.

Saturday: Dayshift Officers conducted proactive traffic enforcement at the following location and times;
1300 Block of South Oceanshore Boulevard, from 2:39 p.m. to 3:34 p.m. No violations.

Saturday: Dayshift Officers responded to three (3) "911" investigations during their shift; none of which were actual emergencies.

Sunday: 6/30/24 @ 12:58 a.m. / Suicidal Threats / 600 Block of North Oceanshore Boulevard (On Beach): Patrol Officers were dispatched in reference to a female reporting party advising that her girlfriend was suicidal and that she had a gun in her possession. The female in question was not located, but an alert from a License Plate Reader (LPR) showed her vehicle travelling westbound on SR100. The subject's cellphone was "pinged" and it placed her in St. Johns County. Deputies from the St. John's County Sheriff's Office located the subject, and their investigation determined that she did not meet the Baker Act criteria. No further action taken. **Good Job!**

Sunday: 6/30/24 @ 12:05 p.m. / Found Property / 204 South Flagler Avenue: A Patrol Officer located a credit card. The credit card company was contacted and advised that the cardholder had already canceled said. The credit company requested that the Officer shred the card; which was accomplished. No further action required.

Sunday: 6/30/24 @ 12:07 p.m. / Found Property / 204 South Flagler Avenue: A Patrol Officer located a wallet. The owner was contacted and advised that he will respond to the Police Department to retrieve his property.

Sunday: 6/30/24 @ 4:00 p.m. / Assist FCSO (Criminal Mischief) / 1224 South Oceanshore Boulevard (Topaz Motel): Patrol Officers responded to the Motel in an effort to make contact with the victim of a criminal mischief incident that occurred in the County's jurisdiction. The victim believed that she saw the suspect vehicle at the Topaz, and Officers checked out with the vehicle and determined it was not involved in the aforementioned crime. No further action required.

Sunday: 6/30/24 @ 3:26 p.m. / Welfare Check / 900 Block of Lambert Avenue: Patrol Officers responded to this location in order to make contact with an elderly male resident who had not arrived at Publix to pick up his wife as planned. The resident was found to have fallen asleep, with no medical issues. No further action required, and the resident departed enroute to Public to pick up his wife.

Sunday: Dayshift Patrol Officers conducted two (2) "911" investigations during their shift; both of which were determined to be non-emergencies.

Sunday: 6/30/24 @ 7:26 p.m. / Animal Problem / 100 Block of Palm Circle: A Patrol Officer was dispatched in reference to a large dog running at loose in the area. The Officer was able to identify the dog and contacted the owner, who lives on Palm Circle. The owner was able to retrieve his dog, and he advised that he is going to fix the fence where the dog escaped. No further action taken.

Sunday: 6/30/24 @ 8:03 p.m. / Crash - No Injuries / 100 Block of North Central Avenue: A Patrol Officer was dispatched in reference to a crash involving two (2) motor vehicle; with no injuries. The crash occurred when the Driver of the GMC backed into an unoccupied Ford that was legally parked. A Driver's Exchange of information form was completed due to very minor damage on the parked vehicle. The owner of the Ford could not be located, and the Drivers Exchange form was left on the vehicle. No further action taken.

Sunday: Nightshift Patrol Officers conducted two (2) "911" investigations during their shift; both of which were determined to be non-emergencies.

Monday: 7/1/24 @ 7:54 a.m. / Burglary Residential / 3580 South Oceanshore Boulevard (Nautilus Condo): Patrol Officers were dispatched to the Condominium in reference to two (2) bicycles that were stolen from the parking garage by non-residents. CCTV footage was reviewed and an investigation is being completed.

Monday: 7/1/24 @ 11:32 a.m. / Suspicious Incident / 215 South Oceanshore Boulevard (Pier): Officers received a complaint in reference to a kayak dolly being stolen (said property was unsecured and not being watched) from the Beach earlier morning, while the owner was out on a kayak fishing. The owner did not want to pursue charges therefore, an investigation was not completed.

Monday: 7/1/24 @ 12:04 p.m. / Crash - Injuries / Moody Boulevard at Colbert Lane: Patrol Officers were dispatched in reference to a serious crash involving one (1) vehicle rolling over onto its roof. The crash occurred in the Sheriff's Office jurisdiction, therefore our Officers assisted with traffic control. Our Fire Department and Fire Police personnel arrived on scene to assist, and a Florida Highway Patrol Trooper responded to conduct the crash investigation.

Monday: 7/1/24 @ 3:02 p.m. / Structure Fire / 608 South Oceanshore Boulevard (Tortugas): Patrol Officers were dispatched to the business in reference to assisting our Fire Department with an active fire. Upon investigating the scene, it was apparent that the electrical panel for an air conditioning unit caught fire. The fire was extinguished quickly.

Monday: 7/1/24 @ 4:41 p.m. / Disturbance Verbal / 1224 South Oceanshore Boulevard (Topaz Motel): Patrol Officers were dispatched to the Motel in reference to Motel Staff and a guest engaged in a verbal argument over a television remote. The guests were provided a refund and they voluntarily vacated the property without incident. No further action required.

Monday: Chief Doughney assisted Dayshift Patrol with parking enforcement during lunchtime, issuing two (2) City parking citations for vehicles parked the wrong direction.

Monday: 7/1/24 @ 5:46 p.m. / Civil / 700 Block of North Central Avenue: Patrol Officers were dispatched to a residence in reference to a tenant who had questions about her possibly being evicted. Officers were able to answer the tenant's questions and they provided her with ideas/options if she was removed from the residence.

Monday: 7/1/24 @ 8:47 p.m. / Civil / 520 South Daytona Avenue Lot (Flagler Beach Villas): Patrol Officers were dispatched to a residence in reference to an argument between neighbors about setting off fireworks, and walking on each-others property. There were no threats, nor was there any physical actions taken. All parties involved were intoxicated and advised to avoid one another.

Monday: Nightshift Officers conducted proactive traffic enforcement at the following location and times; 2200 Moody Boulevard, from 9:15 p.m. to 9:45 p.m. No violations.

Tuesday: 7/2/24 @ 2:12 a.m. / Suspicious Incident / South Central Avenue @ 11th Street South: Patrol Officers were dispatched to the area in reference to the reporting party thinking she heard someone moving and breathing in the bushes while she was walking her dog. Officers canvassed the area, but did not locate anyone. No further action required.

Tuesday: Officers checked out with two (2) suspicious vehicles at the Moody Boat Ramp. The occupants were advised of our City's Camping Ordinances. The subjects departed the area without incident.

Tuesday: Chief Doughney assisted Dayshift Patrol with parking enforcement during lunchtime, issuing one (1) City parking citation.

Tuesday: /2/24 @ 5:15 p.m. / Marchman Act / 101 North Oceanshore Boulevard (Finn's): Patrol Officers were dispatched to the business in reference to a highly intoxicated female subject who was causing issues with both Staff and customers. The female was taken into protective custody under the Marchman Act. After the subject was medically cleared at Advent-Health South, she was transported to a Stewart Marchman facility in Daytona Beach. A Police report was completed.

Tuesday: 7/2/24 @ 7:19 p.m. / Fraud / 400 Block of 10th Street North: The reporting party called in wishing to speak with an Officer about a suspicious phone call that she received. The Officer was able to provide the reporting party with guidance for the future. No further action was needed.

Tuesday: 7/2/24 @ 9:06 p.m. / Weapons Complaint / 2200 Block of Joyce Street: Patrol Officers were dispatched to the area in reference to the reporting party hearing what they believed to be one (1) single gunshot in the area. Officers canvassed the area, but were unable to locate anything. There were no additional calls for service in reference to this alleged activity.

Tuesday: 7/2/24 @ 10:32 p.m. / Suspicious Incident / 100 Block of Forest Road: Officers were dispatched to the residence in reference to the reporting party thinking an unknown male subject with a handgun was at her front door. The male was actually the reporting party's boyfriend, and he was unarmed. No further action was needed.

Tuesday: 7/2/24 @ 10:44 p.m. / Warrant Service / 608 South Oceanshore Boulevard (Tortugas): Patrol Officers were dispatched to the business in reference to a tip that an employee was on scene, who has an active Felony arrest warrant. The male subject in question had left prior to our Officers arrival. The warrant information has been passed along to oncoming shifts.

Wednesday: 7/3/24 @ 2:39 a.m. / Welfare Check / 100 Block of Palm Harbor Village Way: Patrol Officers were dispatched to assist Flagler County Sheriff's Office Deputies who were looking for a female subject that had made statements of wanting to drive her vehicle into a tree. An alert from a License Plate Reader (LPR) in our City was received, and the subject was located (unharmful) at Moody Boulevard and Colbert Lane. Flagler County Deputies interviewed the female subject, and she did not meet criteria for protective custody under the Baker Act. The female subject was released by Flagler County Deputies without incident.

Wednesday: 7/3/24 @ 10:06 a.m. / Road Obstruction / 2000 Block of South-Central Avenue: A Patrol Officer was dispatched to a report of several vehicles parked on the roadway. Upon the Officers arrival, the vehicles in question were leaving the area. No action was needed.

Wednesday: 7/3/24 @ 12:19 p.m. / Crash - No Injury / 100 Block of North Oceanshore Boulevard: A Patrol Officer responded to a report of a minor crash; with no injuries. The investigation revealed that a truck stopped for traffic, and a motorcycle struck the truck from behind; causing minor damage. A Driver's Exchange of Information was completed for the involved parties.

Wednesday: 7/3/24 @ 4:44 p.m. / Lost Property / 2500 Block of Moody Boulevard: The reporting party advised that she was walking on Moody Boulevard, tripped, and then fell. The females subject stated that she continued home and realized later she had dropped her purse. A Police report was completed.

Wednesday: Officers completed two (2) golf cart inspections and one (1) vehicle repair inspection at the Police Department.

Wednesday: Dayshift Officers conducted proactive traffic enforcement at the following location and times; 2200 block of Moody Boulevard, from 12:24 p.m. to 12:49 p.m. One (1) traffic stop, with one (1) written warning issued.

Wednesday: Chief Doughney participated in Wellness Walk Wednesday from 8:00 a.m. to 8:50 p.m. From 9:00 a.m. to 9:45 a.m. Chief Doughney attended the Department Head Staff meeting at City Hall with Mr. Martin.

Wednesday: Nightshift Officers blocked off parking on SRA1A and SR100 in preparation for the 4th of July holiday parade. This assignment was accomplished after bar closing, and many of the materials necessary to block of parking were from our "Emergency Response Trailer"; which was donated last year by the Rotary Club of Flagler Beach.

Wednesday: 7/3/24 @ 5:34 p.m. / Ordinance Violation / 1900 Block of South Flagler Avenue: Patrol Officers were dispatched in reference to a male subject walking up to vacant houses. Upon our Officer arrival, the male subject was located and identified. The subject advised that he was working for a tree company, trying to get business. The subject was advised of the City Ordinance that prohibits this activity and how to obtain the proper permit through the City. The subject departed the scene with no other issues. No further action taken.

Thursday: 7/4/24 @ 12:19 a.m. / Trespassing / 101 North Oceanshore Boulevard (Finn's): Patrol Officers were dispatched in reference to a male subject trying to start a fight. Upon our Officers arrival, the male had departed the business, but he was located at Moody Boulevard and South Daytona Avenue. Management from Finn's requested that the subject be trespassing from the establishment, and a Notice of Trespass was completed. No further action required.

Thursday: 7/4/24 @ 5:51 a.m. / Alarm Business / 2302 Moody Boulevard (Sherman Williams Paint): Patrol Officers were dispatched to a reported alarm sounding at the business. The business was checked and found to be secured. The alarm reset, and there were no other alarms that sounded during the shift. No further action required.

Thursday: 7/4/24 @ 1:33 p.m. / Abandon Vehicle / 200 Block of 8th Street South: A motor vehicle that has recently been involved in a crash was observed parked on the right-of-way for several days. A Patrol Officer took proactive action by "red-tagging" the vehicle for removal; which will occur on 7/7/24 if the vehicle is not moved.

Thursday: 7/4/24 @ 2:05 p.m. / Welfare Check / 1500 block South Flagler Avenue: Officers responded to a report of a male who fell. Upon making contact, the male had been drinking, and Officers provided him a courtesy ride to his home.

Thursday: 7/4/24 @ 2:52 p.m. / Disturbance Verbal / 215 South Oceanshore Boulevard: Patrol Officers were flagged down by citizens in reference to a report of juveniles in a verbal disagreement. The investigation resulted in the parents of one (1) juvenile responding to take custody of their child. The second juvenile was taken into custody for Trespass After Warning and Battery on a Law Enforcement Officer; our Officer was uninjured. The juvenile was transported to the Flagler County Inmate Facility. A Police report was completed.

Thursday: Activity from Nightshift on the 4th of July will be included in next week's reports, as there was a lot of activity throughout the shift, and all of the traffic control materials for the holiday parade were removed and secured by our Nightshift Officers.

"Stars & Stripes Holiday Parade": This year's parade started at 9:00 a.m., and the Rotarians from the Rotary Club of Flagler Beach did an outstanding job of organizing the event. There were forty-eight (48) entries in the parade, and thanks to the Flagler County Sheriff's Office, Flagler County Assist and Flagler Volunteers Services, traffic posts along the parade route were staffed in order to provide safety for the entrants and spectators. Our City's Sanitation Department utilized their large trucks to help secure the parade route at South 7th and A1A, North 7th and A1A, and SR100 and Central Avenue. The parade concluded just before 10:00 a.m. and all traffic posts and detours associated with the parade were secured and/or removed by 10:15 a.m. The new start time of 9:00 a.m. was greatly appreciated by those working the parade, those in the parade and there were many positive comments received by those on hand watching the parade.

Monthly Training: Officers started to work on their July 2024 online monthly training through Police Law Institute. This month's topic is; **New Florida Laws 2024 - Part 1 of 3.**

4th of July After Action Report: An "After Action Report" for this year's holiday events will be completed. Our Officers input, as well as input from the Flagler County Sheriff's Office, Flagler County Assist and Flagler Volunteers Services, and City Staff, will be compiled and distributed in order to make improvement for next year's events.