

REGULAR MEETING OF THE FLAGLER BEACH CITY COMMISSION THURSDAY, NOVEMBER 10,
2011 AT 5:30 P.M. AND TO BE CONTINUED UNTIL ITEMS ARE COMPLETE.

AGENDA

1. Call the meeting to order.
2. Pledge of Allegiance followed by a moment of silence to recognize the members of the Armed Forces.
3. Proclamations and awards.
 - a. Recognizing the service of Mayor Stan Totman.
 - b. Election Proclamation.
4. Deletions and Changes to the Agenda.
5. Comments regarding items not on the agenda. Citizens are encouraged to speak. However, comments should be limited to three minutes.

CONSENT AGENDA

(All items are to be approved by one motion, unless pulled from the Consent Agenda.)

6. Approve the regular meeting minutes of October 13th and 27th, 2011.
7. Approve the 2012 Commission Meeting and Holiday Schedules.
8. Approve City Manager Contract and authorize signature.

GENERAL BUSINESS

9. Approve a proposed Work Assignment for Engineering Services from Quentin L. Hampton Associates, Inc. for the design, permitting, bidding, construction administration and inspection phase services for the Wastewater Treatment and Water Distribution Improvements Projects in the amount of \$39,020.
10. Review and provide direction on recommended changes to the sign regulations regarding on-site temporary banners – Chad Lingenfelter, Planner.
11. Consider request for a Business Tax Receipt – Trix deBoer.
12. Consider a request for additional reimbursement of sewer connection charges - John Hockenberry.
13. Consider appointment to fill the vacancy on the Planning and Architectural Review Board – City Clerk.

14. Select codes for amendment consideration related to fees, fines, penalties and validity – City Clerk.
15. Resolution 2011-51, amending Resolution 2010-40 which adopted the FY 11/12 budget, to reflect a budget amendment to roll the appropriated fund balances from fiscal year 2010/11 into the budget for 2011/12; providing for conflict, providing an effective date.
16. Resolution 2011-52, amending resolution 2010-50 which adopted the FY 2010/11 budget, to reflect a budget amendment to increase revenues earned and related expenditures of Flagler Beach Bait Shop; providing for conflict; providing an effective date.
17. Resolution 2011-53, amending Resolution 2010-50 which adopted the FY 2010/11 budget, to reflect a budget amendment to provide funds needed from the general fund and utility funds for increase to funds for year end salary accruals, gasoline and machinery repairs; providing for conflict; providing an effective date.
18. Resolution 2011-54, amending Resolution 2011-40 which adopted the FY 2011/12 budget, to reflect a budget amendment to provide funds needed and recognize revenues for a change order to the pier restroom renovation; providing for conflict; providing an effective date.
19. Resolution 2011-55, amending Resolution 2011-40 which adopted the FY 2011/12 budget, to reflect a budget amendment to provide funds needed from the stormwater fund to fence a retention pond created during the South Flagler Avenue Stormwater Project; providing for conflict; providing an effective date.
20. Discussion and possible action regarding the establishment of a regular “Agenda Setting Workshop,” to be conducted each Wednesday, preceding a regularly scheduled Commission meeting – Commissioner Settle.

COMMISSION COMMENTS

21. Commission comments, including reports from meetings attended.

PUBLIC HEARINGS, TO BEGIN NO EARLIER THAN 6:30 P.M.

22. SE 11-11-01: Consider a request for a Special Exception to allow professional offices. The subject property is zoned as Tourist Commercial and contains approximately 0.13 acre, and is generally located northwest of the intersection of 22nd Street North and North Oceanshore Boulevard also known as 2201 North Oceanshore Boulevard.
23. VAR 11-11-01: Consider a Variance to the Land Development Regulations Section 2.04.02.9 Zoning District Schedule Two, Lot Density, Yard height and Lot Coverage requirements and Section 4.00.06(a) Wetland Buffers; to permit a 7.5’ front yard variance , 3’ corner lot variance side yard variance and 15’ wetland buffer variance to allow a single family dwelling setback 17.5’ from the East property line, 12’ from the South property line and 10’ from the wetland line; the subject property contains

approximately 0.8 acre, is zoned R-I, Single Family Residential, and is generally located Northwest of the intersection of 14th Street North and North Daytona Avenue also known as 1401 North Daytona Avenue.

24. Ordinance 2011-18, an ordinance of the City of Flagler Beach, Florida, establishing a temporary moratorium for a maximum of one hundred eighty days on acceptance, review, processing, or approval of applications for development, building permits, site plans, development orders, and land use activities which would allow or permit the construction of pain clinics or pain management clinics within the City; establishing a temporary moratorium for a maximum of one hundred eighty days on the issuance of business tax receipts for the operation of pain clinics and pain management clinics; providing exemptions; providing for possible extension of this ordinance; providing for determination of vested rights; providing for severability and conflicts; providing for non-codification and providing an effective date. Second and Final Reading.
25. Ordinance 2011-19, amending Chapter 16, creating Article VI; Pain Management Clinic Regulations and Definitions, providing for findings of fact, intended purpose and supplemental regulations of pain management clinics; providing for severability and conflicts; providing for codification and providing an effective date. First Reading.

STAFF REPORTS

26. Staff Reports.
27. Adjournment.

RECORD REQUIRED TO APPEAL: In accordance with Florida Statute 286.0105 if you should decide to appeal any decision the Commission makes about any matter at this meeting, you will need a record of the proceedings. You are responsible for providing this record. You may hire a court reporter to make a verbatim transcript, or you may buy a CD of the meeting for \$3.00 at the City Clerk's office. Copies of CDs are only made upon request. The City is not responsible for any mechanical failure of the recording equipment.

In accordance with the Americans with Disabilities Act, persons needing assistance to participate in any of these proceedings should contact the City Clerk at (386) 517-2000 ext 235 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.

PROCLAMATION

IN RECOGNITION OF THE DEDICATED AND FAITHFUL SERVICE OF MAYOR STAN TOTMAN

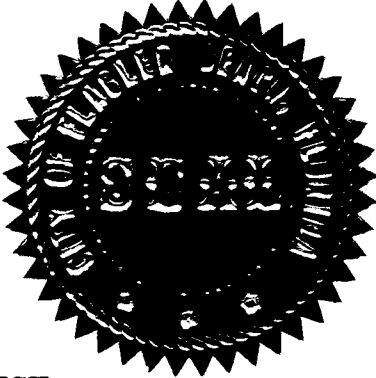
WHEREAS, upon the occasion of your fulfilled term as President of the Northeast Florida League of Cities, this proclamation is awarded as a testimonial of the loyal and dedicated service which you have rendered; and

WHEREAS, your tireless effort and devotion to duty have had a valuable affect on the efficiency and morale on this organization; we wish to extend to you our sincere appreciation for your outstanding performance of duty; and

WHEREAS, we look forward to you serving as Director on the Northeast Florida League of Cities' Board.

NOW, THEREFORE, BE IT PROCLAIMED that I, Alice M. Baker, Mayor of the City of Flagler Beach, do present this proclamation in grateful appreciation for your unselfish, dedicated service to the Northeast Florida League of Cities.

Presented this Tenth day of November, 2011.

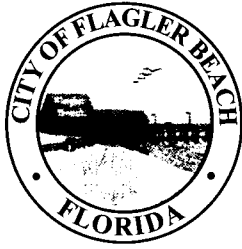


Alice M. Baker, Mayor
City of Flagler Beach

ATTEST:

Penny Overstreet

Penny Overstreet, City Clerk



City of Flagler Beach

3b.

P.O. Box 70 • 105 South 2nd Street
Flagler Beach, Florida 32136

Phone (386) 517-2000 • Fax (386) 517-2008

ELECTION PROCLAMATION

PROCLAMATION OF THE MAYOR OF THE CITY OF FLAGLER BEACH, FLORIDA CALLING A MUNICIPAL ELECTION FOR THE CITY OF FLAGLER BEACH, FLORIDA, FOR THE YEAR TWO THOUSAND AND TWELVE (2012).

I, Alice M. Baker, Mayor of the City of Flagler Beach, Florida, do hereby give notice that a Municipal Election of the City of Flagler Beach will be held on January 31, 2012. At this time the Mayor and one (1) Commissioner will be elected to serve for a period of three (3) years and/or until their successors are elected and qualified, in accordance and pursuant to the Charter of the City of Flagler Beach, Florida. Qualifying of Candidates will begin on November 14, 2011 at 9:00 a.m. Qualifying will end at 5:00 p.m. on November 18, 2011.

WITNESS by my hand and the Seal of the City of Flagler Beach, Florida on this 10th day of November 2011.

Alice M. Baker, Mayor

Attest:

Penny Overstreet, City Clerk

Filed in the Office of the City Clerk,
City Hall, Flagler Beach, Florida

2012 Holiday Schedule

HOLIDAY	DAY / DATE OBSERVED
New Years Eve	Friday/December 30, 2011
New Years Day	Monday/January 2, 2012
Martin Luther King's Birthday	Monday/January 16, 2012
Good Friday	Friday/April 6, 2012
Memorial Day	Monday/May 28, 2012
Independence Day	Wednesday/July 4, 2012
Labor Day	Monday/September 3, 2012
Veterans Day	Monday/November 12, 2012
Thanksgiving	Thursday/November 22, 2012
Thanksgiving	Friday/November 23, 2012
Christmas Eve	Monday/December 24, 2012
Christmas Day	Tuesday/December 25, 2012
New Years Eve	Monday/December 31, 2012
New Years Day	Tuesday/January 1, 2013

Sec. 2-232. Days observed.

(a) The following and any other days which the city commission may declare are city holidays. They shall be granted with pay to all eligible employees scheduled to work on such days.

- (1) New Year's Eve, December 31
- (2) New Year's Day, January 1
- (3) Martin Luther King Day [third Monday in January]
- (4) Good Friday, Friday before Easter
- (5) Memorial Day, last Monday in May
- (6) Independence Day, July 4
- (7) Labor Day, first Monday in September
- (8) Veteran's Day, November 11
- (9) Thanksgiving Day, fourth Thursday in November
- (10) Friday after Thanksgiving, fourth Friday in November
- (11) Christmas Eve, December 24
- (12) Christmas Day, December 25
- (13) Optional holiday

b) When a holiday falls on a Saturday, the preceding Friday shall be observed as the official holiday for that year. When a holiday falls on a Sunday, the following Monday shall be observed as the official holiday.

(c) Employees in departments working on a shift basis will receive credit for the holiday on the actual date of the holiday. For fire protection employees see section 9-225.5, Special twenty-eight-day work period for fire protection employees.

(d) The city manager will determine when any department or operation will be closed in observance of a holiday.

(e) Holidays will be counted as time worked for overtime computations. For fire protection employees see section 2-225.5, Special twenty-eight-day work period for fire protection employees.

#7

2012 Regular Commission Meeting Schedule

Agenda Cut Off Date	Commission Meeting
Agenda Items and all supporting documents must be received by the City Clerk's office by 4:30 p.m. on the Tuesday one week prior to the Commission Meeting Date.	All Commission meetings will begin at 5:30 p.m. Public hearings are scheduled no earlier than 6:30 p.m.
January 3, 2012	January 12, 2012
January 17, 2012	January 26, 2012
January 31, 2012	February 9, 2012
February 14, 2012	February 23, 2012
February 28, 2012	March 8, 2012
March 13, 2012	March 22, 2012
April 3, 2012	April 12, 2012
April 17, 2012	April 26, 2012
May 1, 2012	May 10, 2012
May 15, 2012	May 24, 2012
June 5, 2012	June 14, 2012
June 19, 2012	June 28, 2012
July 3, 2012	July 12, 2012
July 17, 2012	July 26, 2012
July 31, 2012	August 9, 2012*
September 4, 2012	September 13, 2012
September 18, 2012	September 27, 2012
October 2, 2012	October 11, 2012
October 16, 2012	October 25, 2012
October 30, 2012	November 8, 2012
December 4, 2012	December 13, 2012

***The 2nd August Regular Meeting was removed in order to accommodate the dates for the Annual Florida League of Cities Conference.**

CITY MANAGER EMPLOYMENT AGREEMENT

Introduction

This Agreement, made and entered into this ____ day of November, 2011, by and between the **City of Flagler Beach** a Florida municipal corporation, (hereinafter called "Employer") and **Bruce C. Campbell**, (hereinafter called "Employee") an individual who has the experience in local government management, both of whom agree as follows:

Section 1: Term

The City Commission of the City of Flagler Beach may terminate Employee as provided in Section 3.02 of the City Charter. This City Manager Employment Agreement shall continue in effect unless terminated in accordance with such charter provision, or by operation of law or as otherwise set forth herein.

Section 2: Duties and Authority

Employer agrees to employ Employee as City Manager to perform the functions and duties specified in the City Charter and City Code of Ordinances and to perform other legally permissible and proper duties and functions.

Section 3: Compensation

Employer agrees to pay Employee an annual base salary of \$90,000.00, payable in installments at the same time the other management employees of Employer are paid. Employer may increase the compensation of Employee dependent upon the results of an annual performance evaluation conducted by the City Commission.

Section 4: Health, Disability and Life Insurance Benefits

Employer agrees to provide and to pay the premiums for the maximum benefits for health, and life insurances available to Employee as a management employee of Employer, consistent with Employer's approved benefits package.

Section 5: Vacation, Annual Leave and Sick Leave

Employee shall be given all scheduled holidays allowed to other general employees.

Employee shall retain all annual leave (vacation) and sick leave accrued during his employment with the City prior to the effective date of this City Manager Employment Agreement.

Employee shall accrue annual leave days at the maximum rate of 120 hours per year throughout the duration of this Agreement. Employee shall not use more than two (2) consecutive weeks of annual leave days during any year of his employment without the advance agreement of Employer to such use, or unless the result of an extenuating circumstance such as flight cancelation, sickness, weather delay, etcetera. Employee is entitled to carry over annual leave days from one year to the next up to a maximum of 100%

of Employee's annual accrual. The City Commission, by affirmative vote on a case by case basis may in its sole discretion allow Employee to carry over more than 100% of Employee's annual accrual from one year to the next.

Employee shall also accrue 8 hours per month of sick leave per each year of employment in accordance with the personnel policy manual of Employer, including any rollover and use limits placed thereon, as same may be amended by Employer from time to time. Said sick leave is not compensable upon Employee's cessation of employment with Employer for any reason.

Section 6: Automobile

Employer shall reimburse Employee at the IRS standard mileage rate for any official business use of his personal vehicle. It is understood that this rate may go up or down as set by the IRS from time to time.

Section 7: Retirement

Employer shall contribute to an IRS 401(a) plan on behalf of Employee at the same percentage of salary that is contributed for other general employees of the City.

In addition to Employer's 401(a) contribution referenced above, Employer agrees to execute all necessary agreements or documents to allow Employee's participation or continuation in the Section 457 deferred compensation plan of Employee's choosing.

Section 8: Professional Development, Dues and Subscriptions; Cell Phone

Employer agrees to budget for and to pay for Employee's professional license fees and continuing professional education classes required for the Employee to maintain his professional license.

Additionally, Employer agrees to budget for and to pay the professional dues and subscriptions of Employee reasonably necessary for his continuation and full participation in national, regional, state, and local associations, and organizations necessary and desirable for Employee's continued professional participation, growth, and advancement, and for the good of Employer, subject to the approval of the Employer and in accordance with City policies.

Employer also agrees to budget for and to pay for an e-mail capable cell phone, and an appropriate data enabled monthly wireless service plan. However, Employee agrees that said phone shall not be utilized as his primary source of communication during regular working hours.

Section 9: Civic Club Memberships

Employee is authorized to become a member of one local civic club of Employee's choosing, for which Employer shall pay all reasonable dues (not including meal expenses). Employee shall not be reimbursed mileage to or from civic club meetings.

Section 10: No Reduction in Benefits

Employer shall not, at any time during the term of this Agreement, reduce the salary, compensation or other financial benefits of Employee, except in the case of such a reduction across the board for all department heads of Employer, and then only in the same proportion to those department heads.

Section 11: Parity in Benefits

Employee is entitled to any employment benefit which is now furnished to or is hereafter furnished to any City Department Head, not including items which are already covered by this Agreement.

Section 12: Termination

Any one of the following acts or events shall constitute termination of this Agreement and Employee's employment under it:

1. A vote of the City Commission, pursuant to City Charter Section 3.02. The parties hereto understand that no cause is required for a Charter Section 3.02 termination.
2. Final action by Employer, citizens or the Florida Legislature to amend any provisions of the City Charter, ordinances or other legislation governing the role, powers, duties, authority or responsibilities of Employee's position that substantially changes the form of government of the City. Under such circumstances, Employee shall have the right to declare that such amendments constitute termination, and his doing so will constitute termination of this Agreement.
3. Employee's written declaration of termination following a request for his resignation by Employer or an offer of Employer to accept his resignation.

Section 13: Severance

Severance shall only be paid to Employee if employment is terminated as defined in Section 12 and if employment is terminated within three years of the execution of this City Manager Employment Agreement. If Employee is terminated as defined in Section 12, Employer shall provide a minimum severance payment equal to twenty (20) weeks ("the Severance Period") salary at the then current rate of pay.

As additional severance, Employee shall also be compensated for all accrued annual leave days.

For the Severance Period, Employer shall pay, as a lump sum, its normal Employer portion of Employee's health insurance for Employee and dependants, if any.

Severance shall be paid in a lump sum unless otherwise agreed to by Employer and Employee. All required and applicable payroll deductions will be made from any such payment.

If Employee is terminated or separated from Employer for one or more of the following reasons, then Employer shall not be obligated to pay severance:

1. The commission by Employee of any embezzlement or other act of dishonesty toward the Employer;
2. The conviction, including by plea of no contest, of Employee for any felony;
3. Willful damaging of Employer's real or personal property;
4. Abuse of alcohol, narcotics or other controlled substances, including any conviction, including by plea of no contest, of Employee for operating a motor vehicle under the influence or for public intoxication;
5. Willfully causing physical injury to any other employee of Employer;
6. Determination by an independent third-party investigator appointed by Employer that Employee has committed sexual harassment of any other employee of Employer;
7. Any other act involving moral turpitude or that would tend to bring dishonor or embarrassment to Employer;
8. The death of Employee;
9. The physical or mental incapacity of Employee which renders him unable to perform his duties and which lasts for ninety (90) consecutive days.
10. Employee's decision to move from his current residence to somewhere other than within the City of Flagler Beach.

Section 14: Resignation

In the event that Employee voluntarily resigns his position with Employer for reasons other than being requested to do so by Employer, Employee shall provide a minimum of ninety (90) days notice unless the parties agree otherwise and shall not be entitled to any severance. In the event the parties agree to a shorter notification period for resignation, such agreement shall in no event be interpreted as Employer exercising a termination of Employee.

Section 15: Performance Evaluation

Employer shall annually review the performance of Employee subject to a process, form, criteria, and format for the evaluation which shall be determined by Employer. Employer shall make reasonable efforts to conduct this performance review in September of each year or as soon thereafter as reasonably possible.

Section 16: Hours of Work

It is recognized that Employee must devote a great deal of time outside the normal office hours on business for Employer, and to that end Employee shall be allowed to establish an appropriate work schedule but must work a minimum of forty (40) hours per week unless on other approved leave.

Section 17: Outside Activities

The employment provided for by this Agreement shall be Employee's sole employment. Recognizing that certain outside consulting or teaching opportunities provide indirect benefits to Employer and the community, Employee may, upon the approval in advance of Employer, elect to accept teaching, consulting or other business opportunities with the understanding that such limited arrangements shall not constitute interference with or a conflict of interest with his responsibilities under this Agreement.

Section 18: Indemnification

Employer shall defend, save harmless and indemnify Employee against any tort, professional liability claim or demand or other legal action, whether groundless or otherwise, arising out of an alleged act or omission occurring in the course and scope of Employee's duties as City Manager or resulting from the exercise of judgment or discretion in connection with the performance of program duties or responsibilities, unless the act or omission involved willful or wanton conduct. Employer may choose, in its sole discretion, the appropriate attorney or firm to represent Employee as provided herein.

Legal representation, provided by Employer for Employee, shall extend until a final determination of the legal action including any appeals brought by either party. Employer shall indemnify Employee against any and all losses, damages, judgments, interest, settlements, fines, court costs and other reasonable costs and expenses of legal proceedings including attorneys fees, and any other liabilities incurred by, imposed upon, or suffered by such Employee in connection with or resulting from any claim, action, suit, or proceeding, actual or threatened, arising out of or in connection with the performance of his or her duties. Any settlement of any claim must be made with prior approval of Employer in order for indemnification, as provided in this Section, to be available.

Employee recognizes that Employer shall have the right to compromise and settle any claim or suit covered by this indemnity obligation. If Employee is a named party to any such litigation or claim, he shall have the right to decline to settle the litigation or claim as to himself, but in such event Employer shall have the right to opt to no longer defend and/or indemnify Employee.

Section 19: Bonding

Employer shall bear the full cost of any fidelity or other bonds required of Employee under any law or ordinance.

Section 20: Other Terms and Conditions of Employment

Employer shall fix any such other terms and conditions of employment, as it may determine from time to time, relating to the performance of Employee, provided such terms

and conditions are not inconsistent with or in conflict with the provisions of this Agreement, the City Charter or any other law.

Section 21: Notices

Notice pursuant to this Agreement shall be given by depositing in the custody of the United States Postal Service, postage prepaid, addressed as follows:

TO EMPLOYER: Mayor
City of Flagler Beach
P.O. Box 70
Flagler Beach, FL 32136

TO EMPLOYEE: Bruce C. Campbell
3656 South Central Ave
Flagler Beach, FL 32136

Alternatively, notice required pursuant to this Agreement may be personally served in the same manner as is applicable to civil judicial practice. Notice shall be deemed given as of the date of personal service or as the date of deposit of such written notice in the course of transmission in the United States Postal Service.

Section 22: Residency

City Charter Section 3.01 requires the City Manager reside in the City.

Section 23: General Provisions

A. Integration. This Agreement sets forth and establishes the entire understanding between Employer and Employee relating to the employment of Employee by Employer. Any prior discussions or representations by or between the parties are merged into and rendered null and void by this Agreement. The parties by mutual written agreement may amend any provision of this Agreement during the life of the Agreement. Such amendments shall be incorporated and made a part of this Agreement.

B. Binding Effect. This Agreement shall be binding on Employer and Employee as well as their heirs, assigns, executors, personal representatives and successors in interest.

C. Effective Date. This Agreement shall become effective on _____, 2011.

D. Severability. The invalidity or partial invalidity of any portion of this Agreement will not affect the validity of any other provision. In the event that any provision of this Agreement is held to be invalid, the remaining provisions shall be deemed to be in full force and effect as if they have been executed by both parties subsequent to the expungement or judicial modification of the invalid provision.

“EMPLOYER”

City of Flagler Beach

Alice Baker, Mayor

ATTEST:

Penny Overstreet, City Clerk

“EMPLOYEE”

Bruce C. Campbell

Bruce C. Campbell



City of Flagler Beach **AGENDA ITEM # 9** **Item Summary and Recommendation**

SUBJECT: Approve proposed work assignment for engineering services from Quentin L. Hampton Associates, Inc., for the design, permitting, bidding, construction administration and inspection phase services for the Wastewater Treatment and Water Distribution Improvements in the amount of \$39,020.

BACKGROUND: The City has budgeted capital funds for improvements to the wastewater plant and the 1 MG potable water ground storage tank and pump station. The wastewater plant phase includes digester modifications, aerator replacement, access at clarifier splitter box and replacing exterior panels and structure at the electrical building. The project also includes installing an additional pump and VFD controls to provide additional capacity during scheduled servicing of the City's elevated storage tank (south tank) in FY 2012 and is to be equipped with a Variable Frequency Drive to reduce electricity costs.

RECOMMENDATIONS: Approval

ATTACHMENTS: Work assignment for the remaining engineering services from Quentin L. Hampton Associates, Inc., dated October 18, 2011.

SUBMITTED BY: Robert Smith **DATE:** November 1, 2011

Staff Comments:

City Manager: The proposal is for engineering services, primarily at our WWTP along with update to million gallon water tank. The project ultimately will include:

- 1) **Digester Improvements:** Actually expanding the size to allow an additional 40k gallons of sludge to be processed in the digester stage of process. This expansion has been recommended by DEP for our style of WWTP. The longer we can hold sludge in digester, the better or dryer the sludge becomes – ultimately improving the effluent into ICW.
- 2) **Carrousel Aerator Replacement:** Deals with mixers on top of oxygen ditch. The current mixers are in rough shape and need replaced. The replacements will be of a new style that will improve the de-nitrogenation of our ultimate effluent into ICW.
- 3) **Access at Clarifier Splitter Box:** We currently only have adequate access to North clarifier. This additional access to South Clarifier will aid our ability to clean out debris, that ultimately can stop our treatment process.
- 4) **Replace Exterior of Electrical/Maintenance Building:** Replacement of gurts and corrugated sheeting on badly deteriorated building.
- 5) **Install Pump/VFD's on 1 Million Gallon Storage Tank:** Project approved during 2010/2011 FY and encumbered into 2011/2012 FY budget.

MARK A. HAMPTON, P.E.
BRAD T. BLAIS, P.E.
DAVID A. KING, P.E.
ANDREW M. GIANNINI, P.E.
KEVIN A. LEE, P.E.

Quentin L. Hampton Associates, Inc.
Consulting Engineers
P.O. DRAWER 290247
PORT ORANGE, FLORIDA 32129-0247

TELEPHONE: (386) 761-6810
FAX: (386) 761-3977
EMAIL: qha@qha.com

October 18, 2011

Robert Smith
Public Works Director/City Engineer
City of Flagler Beach
105 Second Street
Flagler Beach, FL 32136

CITY OF FLAGLER BEACH

OCT 21 2011

RECEIVED

**CITY OF FLAGLER BEACH
WASTEWATER TREATMENT AND WATER DISTRIBUTION IMPROVEMENTS**

Dear Mr. Smith:

Enclosed is our proposed work assignment for the (remaining) engineering services required for the completion of this project. The project involves improvements to wastewater treatment facility including digester modifications, carousel (oxygen ditch) aerator replacement, access at the clarifier splitter box, and replacing the exterior of the electrical/maintenance building. The project also includes installing one pump and VFD at the City's 1 MG ground storage tank that is part of the water distribution system. The design and permitting of the digester modifications and the pump/VFD addition are/have been completed via separate work assignments. The enclosed assignment includes the design of the additional items (aerator replacement, splitter box and building exterior) and bidding and construction phase services for the entire combined project.


The estimated construction costs of the improvements are as follow:

Digester Improvements	\$150,000
Carousel Aerator Replacement	\$130,000
Access at Clarifier Splitter Box	\$15,000
Replace Exterior of Electrical/Maintenance Building	\$25,000
Install Pump and VFDs and 1 MG GST	<u>\$30,000</u>
Construction Subtotal	\$350,000
Engineering Services	<u>\$ 39,020</u>
TOTAL	\$389,020

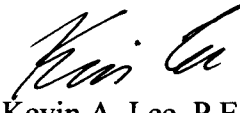
We understand the City budgeted approximately \$392,000 for these improvements.

Please review the enclosure and if acceptable, execute both copies and return one to our office. We will proceed upon receipt of the executed assignment. Contact our office if you have any questions.

Sincerely,
QUENTIN L. HAMPTON ASSOCIATES, INC



David A. King, P.E.
Vice President



Kevin A. Lee, P.E.
Project Engineer

DAK/KAL:km:ah

Enclosure – 2 copies of Work Assignment

cc: QLH file array

**WORK ASSIGNMENT
FOR
AGREEMENT FOR CONTINUING ENGINEERING CONSULTING SERVICES**

General: This Work Assignment constitutes a supplemental agreement to the Agreement for Continuing Engineering Consulting Services between the City of Flagler Beach (CITY) and Quentin L. Hampton Associates, Inc. (QLH), dated April 28, 2003 and Addendum to the Contract dated April 22, 2010. This Work Assignment is subject to all conditions listed within the Agreement including Article 9, "Work Assignments".

Project Title: Wastewater Treatment and Water Distribution Improvements

Purpose of Work: The CITY desires to have QLH provide professional services for the design, permitting, bidding, construction administration, and inspection phase services which are needed for this project.

Not To Exceed Maximum Fee: The total fee shall not exceed **\$39,020.00** unless authorized by the City.

Background: The CITY has contracted with QLH to complete design and permitting phases for various projects involving water and wastewater treatment/distribution. However, these projects have not been bid and constructed. This Work Assignment will package the existing designs and include some additional design for bidding as one project. A detailed description of the project is included below.

Description of Services: QLH shall provide the following services:

DESIGN: QLH shall provide design drawings and specifications for the following items:

Wastewater:

- Digester Modification (previously designed)
- Carrousel Aerator Replacement
- Access at the Clarifier Splitter Box
- Replacing Exterior of Electrical/Maintenance Building

Water:

- Installation of one pump and VFD at the 1 MG GST (included in separate work assignment)

Permitting: QLH shall assist the CITY in applying for the following permits for this project:

- FDEP Wastewater Facility Minor Modification
- Water permit (included in separate work assignment).

The CITY/Contractor will be responsible for application for the building permit(s).

Bidding Phase: QLH will assist the CITY in the public bidding of the project by completing the following work items:

- Preparation of bidding documents per CITY standards
- Distribution of electronic documents to potential bidders/plan rooms
- Preparation /Issuance of addenda
- Address bidder questions
- Review received bids
- Prepare certified bid tabulation
- Investigate low bidder(s) qualifications
- Prepare bid award recommendation letter
- Attend Commission meeting for bid award

Construction Contract Administration: QLH will provide the following services during the construction phase:

- Coordinate execution of contracts
- Schedule and preside over preconstruction conference
- Issue Notice to Proceed to Contractor
- Review shop drawing/material submittals
- Provide Engineer of Record services including monthly site visits
- Address Contractor/CITY questions
- Respond to Contractor's Requests for Information (RFIs)
- Review of monthly Contractor pay requests
- Review of Contractor as-built drawings
- Review change orders
- Prepare final record drawings, utilizing Contractor as-builts and inspector sketches, etc
- Determine substantial completion
- Provide final inspection
- Recommend final payment
- Coordinate execution of final paperwork
- Provide certificate of completion to permitting agencies

Construction Project Representative: QLH will provide a qualified inspector to provide the following services during the construction phase:

- Attend pre-construction conference
- Assist Engineer with shop drawing review
- Observe Contractor's construction activities
- Document construction activity via daily reports/logs
- Review Contractor's monthly pay requests/quantities
- Prepare supplemental as-built sketches
- Review Contractor's as-built surveys

The estimate construction time frame is three months.

Basis of Fee: The proposed fee is based on the attached man hour estimate and is summarized below:

Design and Permitting	\$12,560
Bidding Assistance	\$3,760
Construction Administration	<u>\$22,700</u>
Estimated Total	\$39,020

All fees will be billed on a lump sum basis except for "allowances" which will be billed at actual cost.

QLH Project Manager: David A. King, P.E.

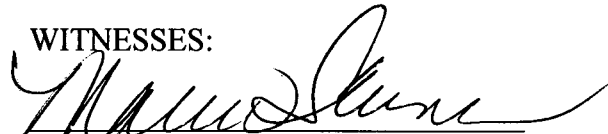
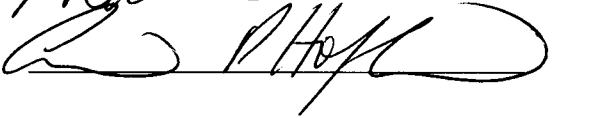
CITY Project Manager: Robert Smith

Quentin L. Hampton Associates, Inc.
Consulting Engineers
P.O. Box 290247
Port Orange, FL 32129

By:  _____

Title: VICE PRESIDENT

WITNESSES:

RECOMMENDED BY: _____
Bruce Campbell, City of Flagler Beach, City Manager

APPROVED AS TO FORMAT AND CORRECTNESS BY: _____
Drew Smith,
City of Flagler Beach Attorney

APPROVED, this _____ day of _____, 2011

CITY OF FLAGLER BEACH by its
BOARD OF CITY OF FLAGLER BEACH
COMMISSIONERS

Penny Overstreet, City of Flagler Beach Clerk

Mayor

WATER AND WASTEWATER TREATMENT/DISTRIBUTION IMPROVEMENTS

**City of Flagler Beach
Estimated Engineering Fees
October 18, 2011**

Person/Item	Hourly Rate	Project Design/Permitting		Bidding Assistance		Construction Admin	
		Estimated Hours	Cost	Estimated Hours	Cost	Estimated Hours	Cost
Project Manager	\$ 175.00	16	\$ 2,800.00	12	\$ 2,100.00	24	\$ 4,200.00
Project Engineer	\$ 140.00	24	\$ 3,360.00	4	\$ 560.00	16	\$ 2,240.00
CADD Operator	\$ 70.00	40	\$ 2,800.00	0	\$ -	4	\$ 280.00
Administrative Aide	\$ 50.00	12	\$ 600.00	12	\$ 600.00	12	\$ 600.00
Construction Project Representative Allowance (1).	\$ 57.50	0	\$ -	0	\$ -	264	\$ 15,180.00
	Subtotal		\$ 9,560.00		\$ 3,260.00		\$ 22,500.00
Electrical Design Allowance (Estes)			\$ 1,500.00				
Printing/Permit Fee Allowance			\$ 1,500.00		\$ 500.00		\$ 200.00
	Total		\$ 12,560.00		\$ 3,760.00		\$ 22,700.00
QLH Grand Total			\$39,020.00				

Notes:

(1) Construction project representative allowance is based on estimated 3 months construction time frame or 66 actual days of construction. Part-time inspector at 4 hours (minimum) per day.

Prepared By: Quentin L. Hampton Associates, Inc.



City of Flagler Beach AGENDA ITEM # 10

Item Summary and Recommendation

SUBJECT: Review and provide direction on recommended changes to the sign regulations regarding on-site temporary banners – Chad Lingenfelter, Planner.

BACKGROUND: The City Commission replaced the previous sign regulations with Ordinance 2010-15 on November 18, 2010. The amendment in Ordinance 2011-12 on August 25, 2011, made time and size changes to the on-site temporary banner sign regulations and added a simplified permit application process for temporary (including banner) signs. The sign regulations prior to November 18, 2010, stated, "Temporary signs: It is the express intent of this ordinance that the erection of any such temporary signs shall comply with all the terms, provisions and requirements as set forth for the erection of any signs. This type of sign will not require a permit, but the owners of the business will be required to go to the building department where there will be a sign-in sheet to be filled in, stating the business name, type of sign, and the date the sign is erected. There will be no fee for this. Decorations for all legal holidays will not require the use of the sign-in sheet. Any special events using temporary signs will have to use the sign-in sheet, giving the name of the sponsoring group, type of sign and date erected."

The most recent fee schedule for City Clerk permits, engineering permits, and planning reviews was adopted on July 28, 2011. This resolution includes a "Temporary Sign" fee of \$30. Therefore, the \$30 is to administer an application and permitting process that did not exist prior to November 18, 2010. The \$30 may not cover the time staff spends to administer that application and enforce the dimensional requirements.

On-site temporary banner signs must adhere to specific number, size, time durations, location, and condition standards.

RECOMMENDATIONS: On November 1, 2011, staff recommended that the Planning and Architectural Review Board recommend that the City Commission consider an amendment to the *Land Development Regulations* to replace the present on-site temporary banner sign permit requirements with the previous "Temporary Signs" exemption and maintain the present specific number, size, time durations, location, and condition standards.

The Planning and Architectural Review Board recommended by a vote of 4-0 that the City Commission replace the present on-site temporary banner sign permit requirements with the previous "Temporary Signs" exemption and maintain the present specific number, size, time durations, location, and condition standards.

ATTACHMENTS: Draft Amendment to the Sign Ordinance
SUBMITTED BY: Chad Lingenfelter, City Planner

K:\2011\Commission\Regular Meetings\Summary #10.docx

Staff Comments:

City Manager: As discussed under staff comments during the October 27th meeting, Staff is recommending amendments to the language within our current sign ordinance regarding on-site temporary banners.

The proposed changes include:

- Eliminate the permit
- Eliminate the \$30 permit fee
- Grant future permission by utilizing log system/process
- Maintain all dimensional and time requirements as currently written/adopted

Planner: Although the proposed amendment removes the application, review, and issuance of a permit, which removes the need to collect the \$30 fee, permission will be granted by the staff prior to the placement of on-site temporary banner signs.

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ORDINANCE 2011-XX

AN ORDINANCE OF THE CITY OF FLAGLER BEACH, FLORIDA, AMENDING ARTICLE VII, "SIGNS," OF THE CITY OF FLAGLER BEACH LAND DEVELOPMENT REGULATIONS; PROVIDING LEGISLATIVE FINDINGS; EXEMPTING ON-SITE TEMPORARY BANNER SIGNS AND SANDWICH SIGNS FROM SIGN PERMITTING; PROVIDING FOR CODIFICATION, CONFLICTS, AND AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Flagler Beach adopted Ordinance No. 2010-15, on November 18, 2010, which Ordinance entirely deleted all previous sign regulations; and

WHEREAS, the City Commission of the City of Flagler Beach adopted Ordinance No. 2011-12, on August 25, 2011, which Ordinance clarified certain definitions and exemptions from sign permitting; clarified provisions regarding signs on public property and temporary signs, including banner signs; provided for a shortened application for temporary signs; and provided that signs shall be maintained in good repair; and

WHEREAS, the City Commission wishes to ensure that the City's Land Development Regulations as it relates to signs is in compliance with all constitutional and other legal requirements; and

WHEREAS, the City Commission confirms its decision to separately classify offsite and on-site advertising signs in taking steps to minimize visual pollution throughout the City [see *City of Lake Wales v. Lamar Advertising Association of Lakeland, Florida*, 414 So.2d 1030, 1032 (Fla. 1982)]; and

WHEREAS, the City Commission confirms that it recognizes that on-site business signs are considered to be part of the business itself, as distinguished from off-site outdoor advertising signs, and finds and determines that it is well-recognized that the unique nature of outdoor advertising and the nuisances fostered by offsite signs, including billboards, justify the separate classification of such structures for the purposes of governmental regulation and restrictions [see *E.B. Elliott Adv. Co. v. Metropolitan Dade County*, 425 F.2d 1141, 1153 (5th Cir. 1970), *cert. denied*, 400 U.S. 878, 91 S.Ct. 12, 27 L.Ed. 2d 35 (1970), quoting *United Advertising Corp. v. Borough of Raritan*, 11N.J. 144, 93 A.2d 362, 365 (1952); *Clear Channel Outdoor, Inc. v. City of Los Angeles*, 340 F.3d 810, 814 (9th Cir. 2003)]; and

WHEREAS, the City Commission confirms that a prohibition on the erection of off-site outdoor advertising signs will reduce the number of driver distractions and the number of aesthetic eyesores along the roadways and highways through the City [see *e.g.*, *E.B. Elliott Adv. Co. v. Metropolitan Dade County*, 425 F.2d 1141, 1154 (5th Cir. 1970), *cert. denied*, 400 U.S. 878 (1970)]; and

WHEREAS, the City Commission confirms its findings that the prohibition on

1 portable signs reasonably advances the governmental goal of protecting the aesthetic
2 environment of the City [*see Harnish v. Manatee County*, 783 F.2d 1535 (11th Cir. 1986);
3 and *Don's Porta Signs, Inc. v. City of Clearwater*, 829 F.2d 1051 (11th Cir. 1987), *cert. de-*
4 *nied*, 485 U.S. 981 (1988)]; and

5 **WHEREAS**, to further advance its goal of protecting the aesthetic environment of
6 the City [*see Harnish v. Manatee County*, 783 F.2d 1535 (11th Cir. 1986), the City finds
7 that it is in the best interests of its citizens and business owners to require that all signs
8 be maintained in good repair and that owners be prohibited from allowing signs to be-
9 come noticeably worn, rusty, torn, unreadable, or corroded; and

10 **WHEREAS**, the City Commission recognizes that frivolous challenges to its provi-
11 sions regulating signage might be advanced under the pretext that the City is uncon-
12 stitutionally restraining free speech, and the City Commission desires to amend the
13 Code to provide an exemption from sign permitting for on-site temporary banner signs
14 and sandwich signs; and

15 **WHEREAS**, the City Commission confirms its previous findings that the Code's
16 severability clauses were adopted with the intent of upholding and sustaining as much
17 of the City's regulations, including its sign regulations, as possible in the event that any
18 portion thereof (including any section, sentence, clause or phrase) be held invalid or un-
19 constitutional by any court of competent jurisdiction;

20 **WHEREAS**, the City Commission has determined that the purpose and intent
21 provisions of this Ordinance is to further describe the beneficial aesthetic and other ef-
22 fects of the City's sign regulations, and to reaffirm that the sign regulations are con-
23 cerned with the secondary effects of speech and are not designed to censor speech or
24 regulate the viewpoint of the speaker; and

25 **WHEREAS**, the City Commission wishes to ensure that the City's Land Devel-
26 opment Regulations relative to signs is in compliance with all constitutional and other
27 legal requirements; and

28 **WHEREAS**, the City confirms its policy of disallowing signage in public rights of
29 way and on public property, because public property has not historically been used in
30 the City for free expression and communication by the public, with the exception of
31 temporary signs in public parks for events to be held in such parks; and

32 **WHEREAS**, the City Commission finds and determines that the limitations on the
33 height, size, number, and other regulations adopted herein is based upon the sign types
34 and sign functions; and

35 **WHEREAS**, the City Commission finds and determines that sign types described
36 herein are related in other ways to the functions they serve and the properties to which
37 they relate [*see Bond, Making Sense of Billboard Law; Justifying Prohibitions and Ex-*
38 *emptions*, 88 Mich.L.Rev., 2481 (1980)]; and

39 **WHEREAS**, the City Commission finds and determines that the sign prohibitions
40 and regulations adopted herein still allow adequate alternative means of communica-

1 tions; and

2 **WHEREAS**, alternative method of communications in lieu of signs exist through
3 vehicular navigational systems, guidebooks, newspapers, radio, television, and the Inter-
4 net; and

5 **WHEREAS**, the City Commission recognizes that under current jurisprudence all
6 noncommercial signs are considered to be on-premises signs; and

7 **WHEREAS**, the Planning and Architectural Review Board, acting as the Local
8 Planning Agency, found and determined that this Ordinance is consistent with the City's
9 Comprehensive Plan, and the City Commission finds and determines that the following
10 amendments are consistent with all applicable policies of the City's Comprehensive
11 Plan.

12 **NOTE:** Underlined words constitute additions to the City of the City of Flagler
13 Beach Land Development Regulations, ~~striketrough~~ constitutes deletions from the orig-
14 inal Code of Ordinances, and any asterisks (***) indicate an omission from the exist-
15 ing text which is intended to remain unchanged.

16
17 **NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF**
18 **FLAGLER BEACH, FLORIDA, AS FOLLOWS:**

19
20 **SECTION ONE.** The findings set forth in the recitals above are hereby adopted as leg-
21 islative findings of the City Commission pertaining to this Ordinance.

22 **SECTION TWO.** Article VII, "Signs," of the City of Flagler Beach Land Development Regu-
23 lations is hereby amended as set forth below:

24 **ARTICLE VII. SIGNS**

25 ***

26 **7.01.00. Definitions.**

27 *Abandoned sign:* A sign which for a period of a least 90 days no longer correctly relates
28 to a bona fide business, lessee, owner, or activity conducted on the premises where the
29 sign is displayed; and/or the sign has been damaged, and repairs and restoration are not
30 started within 90 days of the date the sign was damaged, or repairs are not diligently
31 pursued, once started.

32 *Advertising:* Sign copy intended to aid, directly or indirectly, in the sale, use or promo-
33 tion of a product, service, commodity, entertainment or real or personal property.

34 *Alter:* To make a change to a sign or sign structure, including but not limited to, changes
35 in size, sign copy area to signs other than manual changeable copy signs, height, projec-
36 tion, illumination, shape, materials, placement and location on a site. Altering a sign
37 does not include ordinary maintenance, repair or repainting an existing sign surface
38 provided the sign copy area is not increased.

39 *Animated sign:* A sign which has any visible moving part, color change, flashing or oscu-

1 lating lights, visible mechanical movement of any description, or other apparent visible
2 movement achieved by any means that move, change, flash, osculate or visibly alters in
3 appearance. The term may include electronic changeable signs with optical illusion of
4 movement, color change, or change of lighting, to depict action or create a special effect
5 or scene; and signs using electronic ink, signs set in motion by movement of the atmos-
6 phere, any type of screen using animated or scrolling displays, such as an LED (light
7 emitting diode) screen or any other type of video display.

8 *Artwork:* A 2 or 3 dimensional representation of a creative idea that is expressed in a
9 form and manner as to provide aesthetic enjoyment for the viewer rather than to spe-
10 cifically convey a commercial and/or non-commercial message related to the premises
11 upon which the artwork is displayed. All outdoor artwork shall conform to the maximum
12 height and size restrictions of buildings in any particular zoning district in which it is lo-
13 cated. All outdoor artwork shall also conform to any applicable building and safety stan-
14 dards. Stringlighting is considered artwork. Wall murals and artwork that do not com-
15 municate informational messages, apart from any artistic or aesthetic enjoyment, are
16 not signs as defined herein.

17 *Awning:* A shelter projecting from and supported by the exterior wall of a building con-
18 structed of rigid or non-rigid materials on a supporting framework that may include a
19 type that can be retracted, folded or collapsed against the wall of a supporting building.

20 *Awning sign:* A sign that is painted on, printed on, or attached flat against the surface of
21 an awning.

22 *Balloon sign:* A sign consisting of a membrane that relies on internal gaseous pressure
23 or a semi-rigid framework for maintaining its form.

24 *Banner:* A temporary sign applied to cloth, plastic, paper, fabric or other light pliable
25 material of any kind either with or without frames; and which is suspended, mounted or
26 attached across its longest side to buildings or poles at two ends. Flags are not consi-
27 dered banners.

28 *Beacon:* A stationary or revolving light which flashes or projects illumination, single col-
29 or or multicolored, in any manner which has the effect of attracting or diverting atten-
30 tion, expect, however, this term does not include any kind of lighting device which is re-
31 quired or necessary under the safety regulations of the Federal Aviation Administration
32 or other similar agency. This definition does not apply to any similar type of lighting de-
33 vice contained entirely within a structure and which does not project light to the exte-
34 rior of the structure.

35 *Bench sign:* A sign on an outdoor bench.

36 *Billboard:* A freestanding off-site sign or sign structure.

37 *Bus shelter advertising sign:* An advertising sign appearing on a bus shelter.

38 *Bus stop informational sign:* A freestanding or attached non-commercial sign located at
39 a bus stop and providing information as to the route, hours or times of service.

1 *Canopy*: A roof-like structure with no walls that is attached or not attached to an adja-
2 cent structure. A canopy is not a marquee.

3 *Canopy sign*: A sign that is placed on or integrated into fabric or other material that is
4 an integral part of a canopy.

5 *Changeable copy sign*: A sign that is designed so that characters, letters or illustrations
6 can be manually changed or rearranged without altering the sign face.

7 *Clearance*: The distance between the finished grade to the lowermost portion of the
8 sign.

9 *Cold air inflatable sign*: A balloon-type portable sign with a blower (fan) system which
10 runs continuously to keep the sign standing tall. Often, the sign is anchored in place with
11 tether straps.

12 *Commercial message*: Any sign wording, logo, or other representation or image that
13 directly or indirectly names, advertises, or calls attention to a product, service, sale or
14 sales event or other commercial activity.

15 *Construction sign*: A temporary on-site sign identifying the ongoing construction activity
16 during the time that a building permit is active and prior to completion of the work for
17 which the permit was issued, and containing sign copy that is limited to the ongoing
18 construction activity and identifying the contractor and/or any subcontractor engaged
19 to perform construction activity on the site.

20 *Copy*: The linguistic or graphic content of a sign.

21 *Directional sign*: An attached or freestanding on-site non-commercial sign directing the
22 movement of pedestrian or vehicular traffic on the premises where it is located. These
23 signs may use words such as "entrance," "exit," "caution," "no parking," "one way only,"
24 "no trespassing," and the like, or arrows or similar graphics.

25 *Directory sign*: A non-commercial sign that lists the names and locations of occupants or
26 the use of a building, limited to multi-tenant buildings and a development made up of a
27 group of buildings.

28 *Election sign*: A temporary on-site sign erected or displayed with the permission of the
29 property owner or tenant, for the purpose of expressing support for or opposition to a
30 candidate or stating a position regarding an issue upon which the voters of the City shall
31 vote. Election signs are exempt from the 90-day limit for temporary signs, as defined
32 herein.

33 *Electronic changeable sign*: A sign that uses changing lights or an electronic medium to
34 form an image, picture, or message of any kind, whether the image, picture, or message
35 is moving or stationary, wherein the sequence of the messages and the rate of change
36 are electronically programmed and can be modified by electronic processes. Electronic
37 changeable signs include LED signs (light emitting diode technology or other similar
38 semiconductor technology), OLED signs (transmissive, organic light emitting diodes), LEP
39 signs (light emitting polymer), OEL signs (organic electro luminescence), or any similar

- 1 technology.
- 2 *Erect:* To construct, assemble, attach, hang, place, suspend, affix or alter a sign. Does
3 not include ordinary maintenance, repair or repainting of an existing sign surface pro-
4 vided the sign copy area is not increased.
- 5 *Fixed aerial sign:* Any aerial advertising medium that is tethered to the ground or any
6 object that is on the ground.
- 7 *Flag:* A piece of fabric of distinctive design that is displayed hanging free from a staff
8 halyard or building to which it is attached, used as an ornamental flag or as a symbol of
9 the United States, a nation, state, local government or other political subdivision, corpo-
10 ration, business, organization or a person. Flags are not banners.
- 11 *Flashing sign:* Any directly or indirectly illuminated sign that exhibits changing natural
12 or artificial light or color effects by any means whatsoever.
- 13 *Free expression sign:* A sign, communicating information or views of concern to the
14 owner of the sign, or containing any other non-commercial message, that is otherwise
15 lawful.
- 16 *Freestanding sign:* Any sign that is not attached to any building. The definition of a
17 "freestanding sign" does not include a portable sign.
- 18 *Garage or Yard Sale or Garage-Yard Sign:* Any on-site temporary sign pertaining to the
19 sale of personal property in, at or upon any residentially-zoned property. Garage or yard
20 sales shall include but not be limited to all such sales, and shall include the advertising of
21 the holding of any such sale, or other offering to make any sale, whether made under
22 any name such as garage sale, lawn sale, yard sale, front yard sale, back yard sale, attic
23 sale, rummage sale, patio sale, moving sale or any similar designation.
- 24 *Ground sign:* Any sign that is defined as a freestanding sign.
- 25 *Historical or landmark sign:* A sign erected in close proximity to a historic place, object,
26 building or other landmark recognized by an official historical resources entity.
- 27 *Holiday and seasonal decorations:* Decorations that do not communicate informational
28 messages apart from recognizing legal or other recognized holidays or to a season of the
29 year and are not considered signage.
- 30 *Holographic display sign:* An advertising display that creates a three-dimensional image
31 through projection, OLED (organic light emitting diode) or any similar technology.
- 32 *Illuminated sign:* A sign illuminated by an internal light source or an external light
33 source primarily designed to illuminate the sign. There are 4 types of illuminated signs
34 that are defined as follows:
- 35 A. Internal illuminated message. The sign is made of a non-translucent material and
36 the message is cut out of the material and replaced with translucent material.
37 The sign's light source is located inside the sign.
- 38 B. Internal illuminated sign. The sign face is made of translucent material with in-

- 1 ternal light source.
- 2 C. Backlight illuminated sign. The message is raised beyond the sign's background
3 and the lighting illuminates the sign from behind in the form of backlighting or
4 reverse channel lighting.
- 5 D. External illuminated sign. The sign is illuminated only with steady, stationary,
6 down directed and shielded light sources directed solely onto the sign and not
7 visible from adjacent public rights-of way or adjoining properties.
- 8 *Interior sign:* A sign erected and maintained inside of a building that is not viewable
9 from outside of the building.
- 10 *Machinery and equipment sign:* Any sign that is integral to the machinery or equipment
11 and that identifies the manufacturer of the machinery or equipment that is placed on
12 the machinery or equipment at the factory at the time of manufacture. Machinery and
13 equipment signs are not vehicle signs as defined herein.
- 14 *Maintenance:* The repairing or repainting, provided the sign copy area is not increased,
15 of a portion of a sign or sign structure, periodically manually changing changeable copy
16 or renewing the copy provided there are no sign copy area changes for signs which have
17 been made unusable by ordinary wear.
- 18 *Marquee:* A permanent roofed structure that is attached to or supported by a building
19 and extending more than 2 feet from the building, generally designed and constructed
20 to provide protection from the weather.
- 21 *Marquee sign:* A sign that is integrated into, on or attached to a marquee.
- 22 *Menu board:* A sign placed at the beginning of a drive-up service lane of a food service
23 establishment that includes a two-way speaker system for taking food orders.
- 24 *Menu display sign:* A fully enclosed or otherwise protected from the elements on-site
25 sign, including but not limited to a box, shadow box or cabinet, attached to a wall or
26 freestanding, which is used solely for the purpose of displaying restaurant menus. A
27 menu display sign may be used for a restaurant without drive-through service and for
28 transient lodging facilities that have restaurant facilities open to the general public in
29 addition to the registered guests. Menu display sign structures shall be limited to 1 per
30 establishment.
- 31 *Mobile billboard:* Any vehicle or wheeled conveyance that carries, conveys, pulls, or
32 transports any sign or billboard for the exclusive purpose of advertising.
- 33 *Monopole sign:* A freestanding, on-site ground sign supported by a single vertical pole or
34 column. The definition of a "monopole sign" includes a "pylon sign".
- 35 *Monument sign:* A freestanding, on-site ground sign not erected on 1 or more poles or
36 similar structures but has a solid supporting base on the ground equal or greater than
37 the width of the sign face and generally made of stone, masonry or concrete, with no
38 separations between the sign and base and which is of a finished or decorative-type
39 construction.

- 1 *Multipole sign:* An allowable freestanding, on-site ground sign supported by two vertical
2 poles or columns.
- 3 *Mural:* Any wall graphics and/or representation of a creative idea that is expressed in a
4 form and manner as to provide aesthetic enjoyment for the viewer rather than to specifically
5 convey a commercial and/or non-commercial message related to the premises
6 upon which the artwork is displayed. All murals shall conform to the maximum height
7 and size restrictions of buildings in any particular zoning district in which it is located. All
8 murals shall also conform to any applicable building and safety standards.
- 9 *Nameplate sign or occupant identification sign:* An attached wall sign indicating the
10 name and/or profession or address of a person or persons residing on the premises
11 where the sign is located or legally occupying the premises where the sign is located.
- 12 *Neon sign:* A sign manufactured utilizing neon tubing, which is visible to the viewer.
13 Neon signs are considered to be illuminated signs. Neon signs which are animated,
14 which flash, or are in motion are prohibited in this Article.
- 15 *Neon tubing:* Electric discharge, cold cathode tubing manufactured into shapes that
16 form letters, parts of letters, skeleton tubing, outline lighting and other decorative elements
17 or art forms, in various colors and diameters and filled with inert gases.
- 18 *Non-commercial message:* Any message that is not a commercial message.
- 19 *Nonconforming sign:* Any sign that was lawful when it was erected but does not meet
20 the requirements of this Article at the time of its effective date.
- 21 *Obscene sign:* Any unlawful sign that which displays any statement, word, character, or
22 illustration of an obscene, indecent or immoral nature as defined by Chapter 847, Florida
23 Statutes.
- 24 *Off-site sign:* A sign with either non-commercial and/or commercial message that is not
25 related in its subject matter to the premises on which the sign is located.
- 26 *On-site sign:* A sign that (1) is located on the premises to which the sign pertains (2)
27 identifies an activity conducted or products or services available on the premises where
28 the sign is located, (3) displays a non-commercial message or (4) is any combination of
29 the first 3.
- 30 *Pennant:* Any small flag-like pieces plastic or paper attached to any staff, cord, building,
31 or at only one or two edges, the remainder hanging loosely.
- 32 *Permanent sign:* Any sign which, once installed, is intended for permanent use. For the
33 purposes of this Article, any sign with an intended use in excess of 90 days from the date
34 of installation shall be deemed a permanent sign unless otherwise indicated elsewhere
35 in this Article.
- 36 *Person:* Any person or persons, individual or groups of individuals, company, firm, corporation,
37 partnership, organization or association.
- 38 *Pole sign:* A freestanding, on-site ground sign supported by one or more vertical poles or

1 columns. A pole sign with only one supporting pole or column is defined as a monopole
2 sign and is a prohibited sign type. A pole sign with two poles or columns is defined as a
3 multipole sign and is a permitted sign type.

4 *Portable sign:* A sign that is not permanently affixed to a building, structure or the
5 ground and designed to be moved from place to place. A portable sign may fall within
6 the definition of other types of signs, yet still be a portable sign. For purposes of this de-
7 finition, a cold air inflatable sign, and sandwich sign, shall be considered to be portable
8 signs. Vehicle signs as defined herein are not considered portable signs.

9 *Premises:* A lot together with all buildings and structures if any.

10 *Projecting sign:* A sign attached to a building or other structure extending in whole or in
11 part more than 12 inches beyond the surface of the portion of the building to which it is
12 attached.

13 *Pylon sign:* A freestanding, on-site sign that is supported from the ground up by a single
14 vertical pole or column.

15 *Real Estate Sign:* A temporary sign advertising the sale, rental or lease of the premises
16 or part of the premises on which the sign is displayed temporarily. For purposes of this
17 Article, an open house or a model home sign shall be considered a real estate sign.

18 *Roof signs:* Any sign erected, constructed and maintained wholly upon the roof of any
19 building with the principal support on the roof structure.

20 *Safety sign:* See Warning signs.

21 *Sandwich sign:* A portable, temporary sign that may be double or single faced, with the
22 base of the sign being the supporting structure and the connecting point(s) located at
23 the top. Sandwich signs may be easily moved. Sandwich signs are only allowed within
24 the City's Community Redevelopment Area Downtown Mixed-Use and A1A Retail Corri-
25 dor Overlay Districts under certain conditions and restrictions.

26 *Sign:* Any written and/or illustrated device or display including structural or supporting
27 elements, consisting of letters, numbers, symbols, pictures, illustrations, announce-
28 ments, decorations, emblems, cut-outs, insignias, trademarks or demonstrations, ban-
29 ner, flag, pennant, attached balloon, streamers, spinners, or ribbons, that is designed to
30 convey information to the public. Wall murals and artwork that do not communicate
31 informational messages, apart from any artistic or aesthetic enjoyment, are not signs.

32 *Sign copy:* The message or image conveyed by a sign.

33 *Sign copy area:* The surface area of a sign upon which the sign copy is displayed includ-
34 ing all of the elements of the copy including frames and borders and structural elements
35 or trim that forms the outer most perimeter of the sign.

36 *Sign face:* The sum of the surfaces of the sign copy area as seen from 1 plane or eleva-
37 tion.

- 1 *Sign height:* The vertical distance measured from finished grade below the sign to the
2 topmost point of the sign structure.
- 3 *Sign structure:* Any construction designed to support or to provide a surface for a sign,
4 and including any marquee, canopy or awning.
- 5 *Snipe sign:* Any sign tacked, nailed, fastened, affixed to, painted, posted, pasted, glued
6 or otherwise attached to trees or other vegetation (living or dead), telephone poles, util-
7 ity poles, or fences, with the message appearing thereon not applicable to the owner
8 utility poles or present use of the premises upon which the sign is located. Specifically
9 excluded are holiday and seasonal decorations, which are not signage, attached to utili-
10 ty poles in the right of way when such decorations are authorized by the utility company
11 and installed by the City for the benefit of the citizens and visitors.
- 12 *Special event:* An event as defined by Section 4-103 of the Flagler Beach Code of Ordin-
13 ances.
- 14 *Statutory sign:* A sign required by any statute of the State of Florida or the United
15 States.
- 16 *Street address sign:* Any sign denoting the street address of the premises on which it is
17 attached or located.
- 18 *Suspended sign:* A sign attached to and located below a canopy or similar structure.
- 19 *Temporary sign:* Any sign, banner, valance or display typically constructed of cloth, can-
20 vas, light fabric, cardboard, wood, wallboard or other light materials, with or without
21 frames, intended to be displayed periodically for short periods of time and removed
22 when not in use by the owner or tenant, or displayed for a period of time not to exceed
23 90 days, or as otherwise authorized by this Article. Certain temporary signs require
24 permitting by the City pursuant to Section 7.07.03 while others do not.
- 25 *Traffic control device sign:* Any sign located within the right-of-way that is used as a
26 traffic control device and that is described and identified in the Manual on Uniform Traf-
27 fic Control Devices (MUTCD) and approved by the Federal Highway Administrator as the
28 National Standard. A traffic control device sign includes those signs that are classified
29 and defined by their function as regulatory signs (that give notice of traffic laws or regu-
30 lations), warning signs (that give notice of a situation that might not readily be appar-
31 ent), and guide signs (that show route designations, directions, distances, services,
32 points of interest, and other geographical, recreational, or cultural information). Some
33 traffic control device signs may be portable.
- 34 *Umbrella sign:* A sign printed on umbrellas used for legal outdoor eating and drinking
35 establishments, push-carts, sidewalk cafes and which is made of a lightweight fabric or
36 similar material.
- 37 *Vehicle sign:* A sign on a truck, vehicle, or trailer which displays an advertisement or
38 business identification of its owner and is for the purpose of transporting equipment,
39 owners or employees during the course of conducting the business advertised on the

1 vehicle. Vehicle signs are not considered portable signs or mobile billboards.

2 *Wall sign/attached sign:* A sign that is attached to and extends no more than 12 inches
3 from a wall or painted on a wall of a building

4 *Warning sign or safety sign:* A sign that provides warning of a dangerous condition or
5 situation that might not be readily apparent or that poses a threat of serious injury (e.g.,
6 gas line, high voltage, condemned building, etc.) or that provides warning of a violation
7 of law (e.g., no trespassing, no hunting allowed, etc.).

8 *Wind Sign:* A sign that uses objects or a series of fabric, paper, plastic, or other similar
9 material fastened in such a manner as to move upon being subjected to pressure by
10 wind, and shall include, ribbons, spinners, streamers or captive balloons; however, the
11 term wind sign shall not include flags or pennants.

12 *Window sign:* A temporary or permanent sign mounted, attached to, placed upon or
13 painted on a window of a building that is viewable from the outside of the building.

14 **7.02.00. Sign Permits, Fees, Applications and Appeals.**

15 ***

16 **7.02.02. Permit Applications.**

17 A. ~~This section is applicable to p~~Permanent signs. See Section 7.07.03 regarding permit-
18 ~~ting requirements for temporary signs.~~ Applications for a sign permit shall be made
19 in writing upon forms furnished by the City. The applicant shall furnish the following
20 information on or with the sign permit application form. City staff has the authority
21 to require additional information on the form application that is not inconsistent
22 with this Article.

- 23 1. Name, address and telephone number of the person making application for the
24 permit. If the applicant is anyone other than the property owner, the applicant
25 shall provide notarized authorization from the property owner permitting the in-
26 stallation of the sign.
- 27 2. Name, address and telephone number of the property owner. If the owner is an
28 entity other than an individual, list the contact person's name.
- 29 3. Name, address and telephone number of the business tenant, if applicable. If the
30 tenant is an entity other than an individual, list the contact person's name.
- 31 4. Name, address, telephone and license number of the contractor, if applicable. If
32 the contractor is an entity other than an individual, list the contact person's
33 name.
- 34 5. Address and legal description of the property upon which the sign is to be lo-
35 cated.
- 36 6. Lot frontage on all streets and public rights-of-way.
- 37 7. Indicate in feet and inches the location of the sign in relation to property lines,
38 public rights-of-way, easements, buildings and other signs on the property.

- 1 8. Freestanding signs shall require a current boundary survey signed and sealed by
- 2 a land surveyor or engineer licensed in Florida showing the proposed location of
- 3 the sign.
- 4 9. For all wall mounted signs, the facade elevation with dimensions, drawn to scale.
- 5 Windows and doors and other openings shall be delineated and their dimensions
- 6 given.
- 7 10. Sign dimensions and elevation, drawn to scale.
- 8 11. Sign height measured as defined by this Article.
- 9 12. Dimensions of the sign's copy area measured as defined by this Article.
- 10 13. Sign illumination, specifying illumination type, placement, intensity and hours of
- 11 illumination.
- 12 14. Three copies of the plans, specifications, calculations and details, signed and
- 13 sealed by an engineer or architect licensed in Florida, specifications documenting
- 14 compliance with applicable provisions of the Florida Building Code.
- 15 15. Number, type, location and surface area of all existing signs on the same premis-
- 16 es.
- 17 16. Landscape plan, as applicable.
- 18 17. Signature of applicant.

19 **B. Temporary freestanding signs. Applications for erection and display of temporary**
 20 **signs shall be prepared and submitted on forms available at the office of the City**
 21 **Manager or designee with an application fee as set by resolution of this Council.**
 22 **Consistent with this article, approval or disapproval of an application shall not be**
 23 **based on the content of the message (i.e., the viewpoint expressed) on such signs.**
 24 **The applicant shall furnish the following information on or with the application form:**

- 25 **1. Name, address and telephone number of the person making application for the**
 26 **permit. If the applicant is anyone other than the property owner, the applicant**
 27 **shall provide written authorization from the property owner where the sign is to**
 28 **be located permitting the temporary installation of the sign. This information is**
 29 **to be used only in order to regulate the safety of the temporary special event**
 30 **signs and in order to regulate the duration of display of the signs. The informa-**
 31 **tion shall not be used in order to regulate viewpoint.**
- 32 **2. Address of the property upon which the sign is to be located.**
- 33 **3. Sign dimensions and elevation, drawn to scale.**
- 34 **4. Maximum and minimum height of the sign measured from finished grade.**
- 35 **5. The applicant shall not be required to provide to the City examples of the illu-**
 36 **strations or artwork to be placed on the sign as part of the application process.**
- 37 **6. How the temporary sign will satisfy the applicable criteria set forth in Section**

1 7.07.03.

2 C. Special events parking signs. Pursuant to Chapter 4 of the Code of Ordinances, spe-
3 cial events parking signs may be erected so long as the applicant submits a parking
4 signage site sketch as part of the application of the special event. No additional fee
5 for parking signage shall be imposed when associated with a special event applica-
6 tion.

7 D. B- Unless a master sign plan is required pursuant to section 7.06.11, the city man-
8 ager or designee shall determine if the permit application complies with all applica-
9 ble requirements of this article. If the city manager or designee determines that the
10 permit application complies with all applicable requirements of this article, the city
11 manager or designee shall issue a sign permit. The sign permit number shall be iden-
12 tified on the sign.

13 ***

14 **7.04.00. Exemptions from City Sign Permitting; Posting of Street Address Numbers.**

15 The following exempt signs, decorations and/or artwork do not require a sign permit but
16 may require a permit pursuant to the Florida Building Code if determined to be a struc-
17 ture. The number of exempt signs and an exempt sign's copy area shall not be calcu-
18 lated in a lot or premises' total allowable number of signs and sign copy area unless
19 otherwise specified in this Article. However, these exemptions in no way waive any ap-
20 plicable limitation or restriction on the number, size, height, setback, placement or du-
21 ration of such signs regulated by this Article or any limitation or restriction under any
22 other applicable law or regulation.

23 A. All signs (except permanent window signs which are not "opened" and "closed"
24 signs) located entirely inside the premises of a building or enclosed space and which
25 are not readily visible from the exterior of the enclosed space or premises.

26 B. Statutory signs, traffic control device signs, or signs required by law, administrative
27 order or judicial order erected by public employees performing official duties.

28 C. One on-site temporary garage-yard sale sign may be displayed along each public
29 street abutting the premises. However, the sign shall only be displayed on the par-
30 cel of land upon which the garage-yard sale is taking place and shall not be placed in
31 the right-of-way. A temporary garage-yard sale sign shall not exceed 4 square feet in
32 sign area and 3 feet in height. A temporary garage-yard sale sign may not be dis-
33 played for a period longer than 3 days during any calendar month and shall be re-
34 moved upon the conclusion of the garage-yard sale.

35 D. For each parcel within the City, one temporary on-site real estate sign may be dis-
36 played along each public street abutting the premises but shall not be placed in the
37 right-of-way, may be displayed more than 90 days and shall be removed immediat-
38 ely upon the sale, lease or rent of the real estate that was offered for sale, lease or
39 rent. Temporary real estate signs shall not exceed 4 square feet in sign copy area
40 and 3 feet in height for residential zoned properties, and 16 square feet in sign copy

- 1 area and 6 feet in height for non-residential zoned properties. When more than 1
2 dwelling unit or non-residential space on a parcel of land is for sale, lease or rent,
3 there may be only 1 additional temporary window sign located at each such unit or
4 space for sale, lease or rent and shall be subject to regulations herein regarding
5 temporary window signs.
- 6 E. Nameplate or occupant identification signs. For each residence, business or other
7 occupancy within the City, 1 attached wall nameplate sign may be displayed. For res-
8 idences, the nameplate or occupant identification signs shall not exceed 2 square
9 feet in total sign area. Signs for home businesses shall be considered an occupant
10 identification sign. In any non-residential zoning district, the nameplate or occupant
11 identification sign shall not exceed 4 square feet in total sign area.
- 12 F. No permit shall be required for changing the copy of a sign, as long as the sign copy
13 is not increased and/or no changes are made to the sign's height, size, location, or
14 structural design.
- 15 G. Flags and flagpoles and pennants as regulated by Section 7.06.09 of this Article.
- 16 H. Bus stop informational signs up to 4 square feet in area shall be allowed in all zoning
17 districts. These signs shall have a maximum height of 6 feet unless otherwise re-
18 quired by applicable law.
- 19 I. One or more temporary window signs may be displayed on the inside of the win-
20 dower. On parcels that are in residential use, the temporary window sign(s) shall not
21 exceed an aggregate of 3 square feet in total sign area. On parcels that are in non-
22 residential use, the temporary window sign(s) shall not exceed an aggregate of 6
23 square feet in total sign area. However, temporary window signs shall not cover
24 more than 25 percent of any window surface, and the total area of all window signs,
25 including both permanent and temporary, shall not exceed 50 percent of an occu-
26 pant's window area. These limitations are to allow non-residential occupants to
27 post signs, while still maintaining visibility. This is not to prevent non-residential oc-
28 cupants from erecting window displays with items that are not directly affixed to the
29 windows, as long as visibility through the window is maintained at the ground level.
30 The dimensional requirements of this subsection shall apply to election signs, free
31 expression signs, temporary commercial signs, and any other signs which are placed
32 in windows.
- 33 J. Signs on buses, taxicabs, and similar common carriers that are licensed or certified
34 by a governmental entity, and vehicle signs, except mobile billboards.
- 35 K. Signs incorporated onto machinery and equipment by a manufacturer or distributor
36 that identify the manufacturer, or product or service dispensed by the machine or
37 equipment, such as signs customarily affixed to newspaper racks, gasoline pumps,
38 telephone booths, mail drop-boxes, bus shelters, and vending machines.
- 39 L. Temporary on-site construction signs may be displayed, if necessary, more than 90
40 days but shall be removed before or at the date the construction is no longer active.

- 1 One sign shall be allowed on each parcel within the City. Temporary on-site con-
2 struction signs shall not exceed 4 square feet in sign area and 3 feet in height for res-
3 idential zoned properties, and 16 square feet in sign area and 6 feet in height for
4 non-residential zoned properties.
- 5 M. Stringlighting and holiday and seasonal decorations.
- 6 N. Signs carried or worn by a person.
- 7 O. One temporary valet parking station sign no more than 4 square feet in total sign
8 area, and not more than 3 feet in height, shall be allowed on each parcel where the
9 valet station is located. The temporary valet parking station sign shall only be visible
10 during hours that the valet is operating, and shall be located on the same parcel as
11 the valet station.
- 12 P. One on-site free expression sign may be displayed along each public street abutting
13 the premises but shall not be placed in the right-of-way. The free expression sign
14 shall not exceed 4 square feet in total sign area and may be displayed as an attached
15 sign, window sign or as a freestanding sign. If displayed as a freestanding sign, the
16 freestanding sign shall not exceed 3 feet in height in a residential zoning district and
17 6 feet in height in a non-residential zoning district. If displayed as a window sign, the
18 dimensional requirements set forth in subsection I herein shall apply to free expres-
19 sion signs. A free expression sign is allowed in addition to any other sign permitted
20 under this Article.
- 21 Q. Temporary election signs may be displayed more than 90 days. For each parcel
22 within the City, 1 on-site election sign for each candidate and each issue may be dis-
23 played along each public street abutting the premises but shall not be placed in the
24 right-of-way. An election sign may be displayed as an attached sign, a window sign,
25 or as a freestanding sign. On residentially zoned parcels, the election sign shall not
26 exceed 4 square feet in sign area; and, if the election sign is displayed as a freestand-
27 ing sign on the parcel, the election sign shall not exceed 3 feet in height. On parcels
28 that are not zoned residential, the election sign shall not exceed 16 square feet in
29 sign area; and, if the election sign is displayed as a freestanding sign on the parcel,
30 the election sign shall not exceed 6 feet in height. If displayed as a window sign, the
31 dimensional requirements set forth in subsection I herein shall apply to election
32 signs. An election sign shall be removed within 7 calendar days following the elec-
33 tion to which it pertains.
- 34 R. Murals.
- 35 S. Non-commercial on-site parking space number or identification signs, not exceeding
36 one 1 square foot of sign face per sign, shall be allowed on each parcel in non-
37 commercial use having multiple parking spaces on-site. One such sign shall be al-
38 lowed for each parking space. The maximum height for a freestanding or attached
39 wall sign shall be 6 feet unless otherwise required by applicable law.
- 40 T. Warning signs and safety signs, not exceeding 4 square feet in sign area, shall be al-

1 lowed in all zoning districts. The maximum height for these signs shall be 6 feet un-
2 less otherwise required by applicable law.

3 U. On-site non-commercial directional signs.

4 V. On-site non-commercial directory signs.

5 W. Umbrella signs.

6 X. On-site home occupation signs as regulated under the Code of Ordinances.

7 Y. Permanent window signs on non residential uses which indicate whether the busi-
8 ness or store is opened or closed.

9 Z. On-site temporary banner signs. It is the express intent of this ordinance that the
10 erection of any on-site temporary banner signs shall satisfy the applicable criteria set
11 forth in Section 7.07.03. This type of sign will not require a permit, but the owners
12 of the business will be required to go to the building department where there will be
13 a sign-in sheet to be filled in, stating the business name, type of sign, and the date
14 the sign is erected. There will be no fee for this. Decorations for all legal holidays will
15 not require the use of the sign-in sheet. Any special events using on-site temporary
16 banner signs will have to use the sign-in sheet, giving the name of the sponsoring
17 group, type of sign, and the date the sign is erected.

18 **7.05.00. Prohibited Signs.**

19 The following signs and sign-types are inconsistent with the purpose and intent of this
20 Article and are therefore prohibited. Any lawfully existing permanent sign or sign-type
21 that is among the prohibited signs and sign-types listed below shall be deemed a non-
22 conforming sign subject to the provisions of Section 7.08.00.

23 A. Animated signs.

24 B. Electronic changeable signs except when required as traffic control device signs.

25 C. Billboards.

26 D. Permanent banners, wind signs, ribbons, spinners, streamers or captive balloons or
27 other inflatable signs or devices and fixed aerial signs.

28 E. Any sign which, or any part of which, is in motion by any mechanical or electrical
29 means.

30 F. Any sign displaying flashing, undulating, swinging, rotating, revolving or scrolling
31 lights; alternating or intermittent lights or lights of changing degrees of intensity,
32 brightness, or color or move or appear to move.

33 G. Any sign that emits sparks, fire, sound, vapor, smoke, odor, particles or gaseous mat-
34 ter.

35 H. Any sign or exterior illumination sign that is not shielded so that the source of light
36 (light bulb) can be seen from any abutting street or property or building other than
37 the building or property to which the sign is related.

- 1 I. Any sign constructed or maintained by an entity or person which, by reason of its
2 size, location, movement, coloring or manner of illumination may be confused with
3 or construed as a traffic control device or which hides from view any traffic control
4 device.
- 5 J. Any sign erected by an entity or person in or on or over any public right-of-way, or
6 other public property, except where otherwise permitted under this Article.
- 7 K. Any sign located in a manner that could impede traffic on any street, alley, sidewalk,
8 bikeway or other pedestrian or vehicular travel way.
- 9 L. Any sign other than a traffic control device sign that uses the word "stop" or "dan-
10 ger," or presents or implies the need or requirement of stopping or the existence of
11 danger, or which is a copy or imitation of a traffic control device sign and which is
12 adjacent to the right-of-way of any road, street, or highway.
- 13 M. Any sign that is wholly or partially illuminated by flashing or intermittent lights, rota-
14 rily beacon lights, strobe lights or similar devices.
- 15 N. Portable signs except sandwich signs that are located in the City Community Redeve-
16 lopment Area's Downtown Mixed-Use and A1A Retail Corridor Overlay Districts.
- 17 O. Any sign that obstructs the sightline at private and public drives as determined by
18 Subsection 7.06.04 of this Article.
- 19 P. Temporary signs except those allowed by this Article.
- 20 Q. Snipe signs.
- 21 R. Sandwich signs except within the City's Community Redevelopment Area Downtown
22 Mixed-Use and A1A Retail Corridor Overly Districts.
- 23 S. Roof signs, except that roof signs shall be allowed in Recreational Zoning District
24 east of the SR A1A right-of-way.
- 25 T. Signs that display any statement, word, character, or illustration of any obscene na-
26 ture, as defined by Chapter 847, Florida Statutes.
- 27 U. Mobile billboards consistently or repeatedly parked for more than 24 consecutive
28 hours at a fixed location on any street and are visible within 100 feet of any street.
- 29 V. Signs, other than those erected by a federal, state and/or local government, pur-
30 suant to federal or Florida law, within any waterway within the City.
- 31 W. Signs attached to a seawall, dock, tie pole, or pier, other than warning or safety
32 signs.
- 33 X. Abandoned signs.
- 34 Y. Monopole signs.
- 35 Z. Bench advertising signs.
- 36 aa. Illuminated vehicle signs.

1 ***

2 **7.06.10. Signs on or over public property.**

3 A. No person except the governmental entity owning the property shall erect a sign on
4 or over any public right-of-way or public property.

5 B. Temporary signs in City public parks shall be allowed only for events to be held at
6 the public park which are open to the public upon application for a permit, pursuant
7 to this Article. Applicants shall not be required to provide a bond or public liability
8 insurance unless a temporary sign is associated with a special event required to be
9 permitted under the City's Code of Ordinances. Standards for such signs in City parks
10 are governed by Section 7.07.03.

11 ***

12 **7.07.03. Standards for temporary signs.**

13 ~~The following temporary signs are permitted provided the City has approved a sign~~
14 ~~permit for said sign.~~ The number of such signs and a sign's copy area shall not be calcu-
15 lated in a lot or premises' total allowable number of signs and sign copy area unless
16 otherwise specified in this Article.

17 A. Temporary freestanding signs.

18 1. Only 1 temporary freestanding sign may be erected on a lot. All temporary signs
19 may be authorized for a total period not to exceed 90 days during any calendar
20 year. Said sign shall be removed upon the expiration of the above-described pe-
21 riod.

22 2. A temporary freestanding sign's copy area shall not exceed 16 square feet in the
23 SFR, LDR, MDR zoning districts and 32 square feet in all other zoning districts ex-
24 cept the single-and two-family residential use portions of the Comprehensive
25 Plan designated Planned and Limited Development Overlays and the Mixed-Use
26 Overlay. Temporary freestanding signs erected in the Comprehensive Plan desig-
27 nated Planned and Limited Development Overlays and the Mixed-Use Overlay
28 shall not exceed 16 square feet of copy area within single-family and two-family
29 residential use areas and 32 square feet of copy area in all other use areas.

30 3. Temporary free standing signs shall not exceed 6 feet in height measured from
31 the finished grade to the highest point on the sign.

32 B. On-site temporary banner signs.

33 1. No more than two temporary on-site banner signs of 16 square feet or less of
34 copy area in a residential zone and 64 square feet or less of copy area in a non-
35 residential zone may be displayed for up to 1 week, 12 times per calendar year,
36 with a minimum of 14 days between times of display. Applications for temporary
37 on-site banners to be affixed to walls shall meet the criteria set forth in Section
38 7.02.02 regarding wall signs except that time limitations of display and size of
39 wall banners set forth in this section shall apply to wall banners,

- 1 2. No more than two temporary on-site banner signs of 6 square feet or less of
2 copy area in a residential zone and 12 square feet or less of copy area in a non-
3 residential zone may be displayed for up to 3 weeks, 12 times per calendar year,
4 with a minimum of 7 calendar days between times of display.
- 5 3. Applications for temporary on-site banner signs shall meet all of the following
6 content-neutral criteria:
- 7 a. The banner sign provides notice of, or direction to, a function, perfor-
8 mance, election, special event, gathering, sale, service, assembly or meet-
9 ing that is open to the public at large (hereinafter "event").
- 10 b. The banner sign shall be removed within 24 hours of the closing of the
11 event.
- 12 c. The banner sign shall not exceed 9 feet in height in a non-residential dis-
13 trict and 6 feet in height in a residential district.
- 14 d. The sign shall not conceal or obstruct adjacent land uses or signs.
- 15 e. The banner sign shall not conflict with the principal permitted use of the
16 site.
- 17 f. The banner sign shall not interfere with, obstruct the vision of or distract
18 motorists, bicyclists or pedestrians.
- 19 g. The banner sign shall be installed and maintained in a safe manner and in
20 such a way that it will not disassemble, float, or fall in the event of wind.
- 21 C. Sandwich signs.
- 22 1. Sandwich signs are temporary signs which are only permitted in the Community
23 Redevelopment Area's Downtown Mixed-Use Overlay District and A1A Retail
24 Corridor Overlay District. All of the following regulations shall apply:
- 25 a. Only 1 sandwich sign is allowed per business and can be displayed only
26 during the business hours of the business it identifies and shall be stored
27 indoors during non-business hours.
- 28 b. Maximum sign area is 12 square feet, with a maximum height of 4 feet.
- 29 c. A sandwich sign shall be placed in front of the use and shall allow for a
30 minimum of at least 5 feet of unobstructed pedestrian clearance adjacent
31 to the sign. If a sandwich sign cannot be placed in front of the business
32 because of these regulations, and the business is on a corner, the sand-
33 wich sign can be placed in the side yard.
- 34 d. The sign shall not be located in a public right-of-way or on a sidewalk.
- 35 e. A business located above the first floor of a building may place one
36 sandwich sign on the ground level of the building in which the business is
37 located.

- 1 f. A sandwich sign does not count against other allowable sign number or
2 area of a business.
- 3 g. A sandwich sign shall not be located in a manner which violates the pro-
4 visions of Section 7.06.04 of this Article.
- 5 h. A sandwich sign shall not be illuminated or electric, shall not have any
6 electric devices attached thereto, and shall not contain any attachment
7 for holding pamphlets, leaflets, written material, or any other items.
- 8 i. A sandwich sign shall be stored indoors during tropical storm/hurricane
9 watches and warnings and other severe weather advisories.
- 10 ~~j. The sign permit number shall be permanently affixed to the sandwich~~
11 ~~sign or sign structure in such a manner as to be plainly visible from grade.~~

12 D. Special events parking signs.

- 13 ~~1. Pursuant to Chapter 4 of the Code of Ordinances, special events parking signs~~
14 ~~may be erected so long as the applicant submits a parking signage site sketch as~~
15 ~~part of the application of the special event. No additional fee for parking signage~~
16 ~~shall be imposed when associated with a special event application.~~

17 Signs directing participants on parking availability during a special event shall be no
18 more than 16 square feet in sign copy area and 6 feet in height.

19 ~~E. Application for Temporary (Including Banner) Signs.~~

- 20 ~~1. The application for the erection and display of temporary signs shall be pre-~~
21 ~~pared and submitted on forms available at the office of the City Manager or de-~~
22 ~~signee with an application fee as set by resolution of this Council. Consistent~~
23 ~~with this article, approval or disapproval of an application shall not be based on~~
24 ~~the content of the message (i.e., the viewpoint expressed) on such signs.~~

- 25 ~~2. The applicant shall furnish the following information on or with the application~~
26 ~~form:~~

27 ~~a. Name, address and telephone number of the person making application~~
28 ~~for the permit. If the applicant is anyone other than the property owner,~~
29 ~~the applicant shall provide written authorization from the property own-~~
30 ~~er where the sign is to be located permitting the temporary installation of~~
31 ~~the sign. This information is to be used only in order to regulate the safe-~~
32 ~~ty of the temporary special event signs and in order to regulate the dura-~~
33 ~~tion of display of the signs. The information shall not be used in order to~~
34 ~~regulate viewpoint.~~

35 ~~b. Address of the property upon which the sign is to be located.~~

36 ~~c. Sign dimensions and elevation, drawn to scale.~~

37 ~~d. Maximum and minimum height of the sign measured from finished~~
38 ~~grade.~~

1 | ~~e. The applicant shall not be required to provide to the City examples of the~~
2 | ~~illustrations or artwork to be placed on the sign as part of the application~~
3 | ~~process.~~

4 | ~~f. How the temporary sign will satisfy the applicable criteria set forth in this~~
5 | ~~Section 7.07.03.~~

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

9 | ~~G.F.~~ The temporary sign permit is in addition to any other permit required by appli-
10 | cable county, state or federal statute, law or regulation.

11 | ~~H.G.~~ Any decision of the City Manager or designee regarding the display of temporary
12 | signs may be appealed in accordance with section 7.02.03 except that the initial time
13 | in which the City must make a determination on the sign permit application shall be
14 | ten (10) days as opposed to the forty-five (45) days provided in section 10.02.03.

15 | ***

16 | **7.09.00. Enforcement of regulations and removal of signs.**

17 | **7.09.01. General.**

18 | A. All signs in the City shall be maintained structurally sound, in good repair, with prop-
19 | er anchorage. Owners and tenants shall not allow signs to become noticeably worn,
20 | rusty, torn, unreadable or corroded. Signs installed in violation of this Article shall be
21 | removed or brought into compliance with the requirements of this Article. The sign
22 | owner, the owner of the property on which the sign is placed and the sign contractor
23 | shall each be held responsible for adherence to this Article and any other applicable
24 | laws or regulations. This Article may be enforced through code enforcement pro-
25 | ceedings or by any equitable or legal remedy available to the City.

26 | ***

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

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

33 | **SECTION FIVE. Effective date.** This Ordinance shall take effect immediately upon adop-
34 | tion as provided by the Charter of the City of Flagler Beach.

35 |
36 | PASSED ON FIRST READING THIS ____ DAY OF _____, 2011.

37 |
38 | PASSED AND ADOPTED THIS ____ DAY OF _____, 2011.
39 |

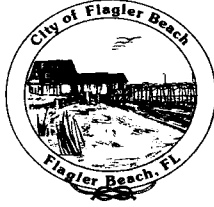
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CITY OF FLAGLER BEACH, FLORIDA
CITY COMMISSION

Alice M. Baker, Mayor

ATTEST:

Penny Overstreet, City Clerk



City of Flagler Beach **AGENDA ITEM # 11**

Item Summary and Recommendation

SUBJECT: Consider request for a Local Business Tax Receipt – Trix deBoer.

BACKGROUND: Trix deBoer is the proprietor of Bed and Mattress Palace at 2505 Moody Boulevard and requested permission to rent moving trucks and trailers at this same location. This property is within the GC, General Commercial zoning district.

The City of Flagler Beach does not list vehicle sales or rentals as a permitted use within any of the zoning districts. Therefore, staff looked for permitted accessory uses within the GC, General Commercial zoning district and found the following provision:

3. Customary uses and structures clearly incidental to one (1) or more permitted uses or structures.

RECOMMENDATION: Staff does not interpret vehicle rentals to be “clearly incidental” to the retail establishment. Therefore, staff has denied the request for permission to rent moving trucks and trailers at this location.

ATTACHMENTS: Email correspondence between applicant and Planner.

SUBMITTED BY: Chad Lingenfelter, City Planner

Staff Comments:

City Manager: Both the City Manager and Planner have corresponded with the applicant. The request involved expanding the current business of retailing bedding and mattress with a U-Haul truck/trailer franchise. The interpretation of the current/proposed business does not match the “clearly incidental” requirements; not to mention vehicle sales or rentals are prohibited in the Highway Commercial Zoning District. Therefore staff recommends to Commission that the request be denied.

Planner: Ms. deBoer is appealing staff’s interpretation of “clearly incidental” to the City Commission.

Penny Overstreet

From: Trix deBoer [bedmattress@live.com]
Sent: Monday, October 31, 2011 3:20 PM
To: Penny Overstreet
Subject: FW: 2505 Moody Blvd. - added business

Ms Overstreet, I would like to be included on the agenda for the next commission meeting. Trix deBoer and Jim Simmons, Bed & Mattress Place, 2505 Moody Blvd Flagler Square, 439-9202. Uhaul dealer issue.

Subject: RE: 2505 Moody Blvd. - added business
Date: Fri, 28 Oct 2011 07:33:45 -0400
From: BCampbell@cityofflaglerbeach.com
To: bedmattress@live.com
CC: CLingenfelter@cityofflaglerbeach.com

Ms. deBoer : I must agree with Mr. Lingenfelter regarding this issue. You are more than welcome to come before our Commission to present your case of the U-Haul rentals being "completely incidental" to your mattress sales LBTR. If you would like to be included on the November 10th agenda please contact our City Clerk, Penny Overstreet, on or before 4 p.m. on November 1,2011. That date is the cutoff for agenda items included on the November 10th meeting. Bruce

From: Trix deBoer [mailto:bedmattress@live.com]
Sent: Thursday, October 27, 2011 4:01 PM
To: Bruce Campbell
Subject: FW: 2505 Moody Blvd. - added business

Mr. Campbell, I have been corresponding with Chad, the City Planner. He suggested I present this to you. I currently have a retail mattress store (Bed & Mattress Place) in Flagler Sq, we opened on 9/1/11. We where approached by Uhaul to become a dealer. We felt like it was a good fit, many people who are moving also have bedding needs and we can provide that. Retail mattresses would remain our primary business. Uhaul is just seceondary to make a little more money and bring more business not only to us but other merchants within Flagler Square. Uhaul expects it to be secondary. We did get approval from our landlord as long as the trucks are parked in the back of the building. Thank you for your consideration. Trix deBoer

Subject: RE: 2505 Moody Blvd. - added business
Date: Wed, 26 Oct 2011 14:44:34 -0400
From: CLingenfelter@cityofflaglerbeach.com
To: bedmattress@live.com
CC: CPillsbury@cityofflaglerbeach.com

Ms. deBoer:

Based on the information that has been presented to me, I cannot justify vehicle rentals being "clearly incidental" to your retail establishment. Therefore, we cannot issue a local business tax receipt for this type of business.

Chad

From: Trix deBoer [mailto:bedmattress@live.com]
Sent: Wednesday, October 26, 2011 1:29 PM
To: Charlene Pillsbury; Chad Lingenfelter
Subject: RE: 2505 Moody Blvd. - added business

Does this mean we can not do Uhaul? There was a Qwik Pack N Ship located in this unit that also did Uhaul. We could really use the extra business, for the whole plaza as well. We have contacted the landlord, he says it would be okay because there was a Uhaul dealer here before. As long as we park the trucks in the back of the plaza behind the building. Thank you Trix deBoer

Subject: FW: 2505 Moody Blvd. - added business
Date: Tue, 25 Oct 2011 16:56:31 -0400
From: CPillsbury@cityofflaglerbeach.com
To: bedmattress@live.com

From: Chad Lingenfelter
Sent: Tuesday, October 25, 2011 4:53 PM
To: 'BEAMATTRESS@LIVE.COM'
Cc: Charlene Pillsbury
Subject: RE: 2505 Moody Blvd. - added business

Ms. DeBoer:

The City of Flagler Beach does not list vehicle sales or rentals as a permitted use within any of the zoning districts. Therefore, I looked for permitted accessory uses within the GC, General Commercial zoning district and found the following provision:

3. Customary uses and structures clearly incidental to one (1) or more permitted uses or structures.

However, I do not interpret vehicle rentals to be "clearly incidental" to your retail establishment.

Chad T. Lingenfelter, AICP, PTP
City Planner

City of Flagler Beach
116 South 3rd Street PO Box 70
Flagler Beach, Florida 32136 3677

☎ 386 517 2000 ext 230
☎ 386 517 2016
☎ 386 931 7507
✉ clingenfelter@cityofflaglerbeach.com
🌐 www.cityofflaglerbeach.com

From: Charlene Pillsbury
Sent: Monday, October 17, 2011 1:17 PM
To: BEAMATTRESS@LIVE.COM
Cc: Chad Lingenfelter
Subject: 2505 Moody Blvd. - added business

Hi Trix,

I received your message about opening a U Haul dealership at your current location. I am attaching a Business Tax Application for you to complete.

I will give the information to Chad Lingenfelter our City Planner. He will review the information and we will let you know if it is a permitted use at your current location and what you would be required to do. Call me if you have any questions in the mean time.

Charlene Pillsbury

Business Tax Clerk
City of Flagler Beach
Phone: 386-517-2000 Ext. 231
Fax: 386-517-2016

cpillsbury@cityofflaglerbeach.com

Please Note: Florida has a very broad Public Records Law . Most written communications to or from the City of Flagler Beach officials and employees regarding public business are public records available to the public and media upon request. Your e-mail communications may be subject to public disclosure . Confidentiality Notice: This e-mail message including any attachments is for the sole use of the intended recipient (s) and may contain confidential and privileged information . Any unauthorized use disclosure or distribution is prohibited. If you are not the intended recipient contact the sender by reply e-mail and destroy all copies of the original message.



City of Flagler Beach **AGENDA ITEM # 12** **Item Summary and Recommendation**

SUBJECT: Consider a request for additional reimbursement of sewer connection charges - John Hockenberry.

BACKGROUND: At the September 22nd regular meeting the Commission motion to approve the reimbursement of connection cost up to \$1,000. The applicant is now seeking reimbursement of the additional \$150.00 he expended to have the sewer system installed.

ATTACHMENTS: Agenda application, receipts related to request, back-up from 09-22-11 packet.

SUBMITTED BY: Summary submitted by City Clerk.

Staff Comments:

City Manager: During the September 22nd meeting Commission gave staff direction to only reimburse up to \$1,000 for the property owner's portion of sewer line hook-up. (Work completed on owner's property.) Upon completion of the owner's portion of this hook-up, the actual receipt cost to owner was \$150 greater or \$1150. We have reimbursed the approved \$1,000. Mr. Hockenberry requests the additional \$150.

City of Flagler Beach

Agenda Application

INDIVIDUAL'S NAME: John Hackenberry

BUSINESS NAME: _____
(If Applicable)

STREET ADDRESS: 1613 N. Daytona Ave. Flagler Beach FL
(If within City of Flagler Beach) 32136

MAILING ADDRESS: PO BOX 97 Flagler Beach FL 32136
(Please provide City & Zip Code)

PHONE NUMBER: 386.793.5931

SUBJECT MATTER TO BE DISCUSSED WITH THE COMMISSION:
(This is the wording you would like on the agenda)

Approval of Cost over run of connection to sewer
of \$150.00 to be paid to John & Linda
Hackenberry.

BACKGROUND INFORMATION REGARDING THE SUBJECT:

Item 16, City Commission Meeting 9/22/2011.

(OVER)

City of Flagler Beach
Agenda Application Continued

REQUESTED ACTION SOUGHT FROM THE COMMISSION:

Payment of \$150.00 to John Ackenberry

ATTACHMENTS: *paid receipts*

Please note the City Commission's Rules of Procedures require all supporting documents to be provided at the time the agenda application is submitted. Please refrain from handing out material at the Commission Meetings.

The maximum time allowed for each request is 10 minutes.

[Handwritten Signature]
SIGNATURE OF APPLICANT

11/2/2011
DATE

TURNER'S SEPTIC SERVICE, INC.



Flagler (386) 437-2842 • Fax (386) 437-0402
 1107 N. US1 • P.O. Box 1419 • Bunnell, FL 32110
 Putnam (386) 649-9999 Bryan
 P.O. Box 284 Pomona Park, FL 32079

DATE OF ORDER 10/26/11

CUSTOMER'S ORDER NO.	PHONE	MESNANC	HELPER	STARTING DATE
BILL TO John Hockenberry		ORDER TAKEN BY		
ADDRESS P.O. Box 97		<input type="checkbox"/> DAY WORK <input type="checkbox"/> CONTRACT <input type="checkbox"/> EXTRA		
CITY Flagler Beach FL 32136				
JOB NAME AND LOCATION 1609 N. Daytona Ave., Flagler Beach				
john@felinubanyachts.com / cell		JOB PHONE (386) 793-5931		

DESCRIPTION OF WORK

- Pump Septic tank and
 Abandon tank

- Run pipe and connect to sewer
 with installed cleanouts

Total = \$1100.00

Paid check 2095

2nd Dec

	TOTAL MATERIALS	
	TOTAL LABOR	
	TAX	
DATE COMPLETED	WORK ORDERED BY	TOTAL AMOUNT \$

I hereby acknowledge the satisfactory completion of the above described work.

- No one home
- Total amount due for above work or
- Total billing to be mailed when job finished

Signature _____

FLAGLER CHD-ENVIRO HEA
208 DR CARTER BLVD
BUNNELL, FL 32110
386-437-7350

TERMINAL ID.: 75132452
MERCHANT #: 352325407233



Flagler County Health Dept.
Post Office Box 847 Bunnell, FL 32110

SWIPED

SMIT #: 18-SX-1374855 BILL DOC #: 18-BID-18447 CONSTRUCTION APPLICATION #: AP1050419

SALE
CATCH: 000031 INU: 000001
Oct 20, 11 10:28
RRN: 129314408180 AUTH: 931962
TRAN SEQ #: 000210

JRNER'S SEPTIC SERVICE, INC. (R
CREDIT CARD 931962

AMOUNT PAID: \$ 50.00
PAYMENT DATE: 10/20/2011

APPROVAL 931962

TOTAL \$50.00

JOHN E. ROCKENBERRY

THANK YOU

CUSTOMER COPY

LOC: _____ Block: 9 _____

Property ID: 01-12-31-2900-00090-0180

EXPLANATION or DESCRIPTION:	QUANTITY	FEE
134 - OSTDS Construction Abandonment Permit and Inspecti	1	\$ 50.00

RECEIVED BY: FarnsworthRC

AUDIT CONTROL NO. 18-PID-1772142



City of Flagler Beach

AGENDA ITEM # 16

Item Summary and Recommendation

From 9-22-11 mtg.

SUBJECT: Consider request to apply sewer credit towards Sewer Impact and Connection Fee's – John Hockenberry.

BACKGROUND: The applicant, who resides at 1613 N. Daytona Avenue, has remitted sewer payments since June 1992. Neither Mr. Hockenberry nor the City was aware he was not connected to the City's sewer system. The T & D Department performed a video inspection and determined he did not have a lateral connection to the City main. The City has record of utility payments including sewer dating from 2002. The assessment for installation of the sewer line were been paid in full in 1993. Mr. Hockenberry wishes to connect to the City system, and to have the credit due him applied to the connection and impact fees. As you may recall, in April we heard from Ms. Calcerano with the same issue, the Commission approved her request by applying the credit towards the connection and impact fees and issuing her a check for the remainder. (Motion by Commissioner Mealy, seconded by Commissioner Shupe, that we approve the credit due to Catherine Calcerano in the amount of \$2,412.70 and include the application of the \$3,343.50 to the sewer connection fees. The motion carried unanimously.) As of the September 16th the Utility Billing Clerk she has records back to December 2001 showing his remittance of sewer fees the amount totals \$2,815.45. Public Works Director Smith indicated Mr. Hockenberry showed him a receipt from 1992 showing he was charged sewer. The Clerk's office did not have the receipt(s) to submit at the printing of the agenda packet. The current impact and connection fee schedule is attached, please note the impact fees will increase/decrease effective October 1, 2011 (There shall be an annual adjustment of rates as set forth in Ordinance No. 2000-08 [2000-28], such adjustment shall be calculated by using the annual indexing factor based on the Engineering News Record (ENR) Construction Cost Index. The resulting fee will become effective each October 1, starting October 1, 2002, and will be valid for the new fiscal year.)

ATTACHMENTS: current impact and connection fee information sheet.

SUBMITTED BY: Summary submitted by City Clerk

Staff Comments:

City Manager: Recommend Commission approval.

Finance Director: In the past the city has refunded a customer the past three years of charges, which is what the amount of time that the state statute requires us to maintain utility billing records. When a customer pays the bill they are agreeing to the charges they have incurred. A three year refund would total \$1,132.26

K:\2011\Commission\Item Summary\09222011\Summary 16.doc



City of Flagler Beach

Building & Zoning Department
 PO Box 70116 South 3rd
 Flagler Beach, Florida 32136
 Phone (386) 517-2000 Fax (386) 517-2016
www.cityofflaglerbeach.com

Effective 10-01-10

IMPACT FEE INFORMATION

****Commercial water/sewer impact fees are calculated per City of Flagler Beach Land Development Regulations Sec. 5.03.88**

County Impact Fees

County Transportation Impact Fee (TIF)	1,438.10
County Recreation Impact Fee (Parks)	268.45
County Education Facilities Impact Fee	3,600.00
	<u>\$5306.55</u>

City Impact Fees for Residential Construction

Water Impact Fee	1,940.19	1,940.19	1,940.19
Water Connection Fee**	¾"=570.00	1"=665.00	1½"=850.00
Water Meter Deposit Fee	¾"= 35.00	1"=45.00	1½"=75.00
Water Meter Maintenance Fee	15.00	15.00	15.00
	<u>\$2560.19</u>	<u>\$2665.19</u>	<u>\$2880.19</u>
Sewer Impact Fee		2,383.50	
Sewer Connection Fee**		950.00	
Sewer Inspection Fee		10.00	
		<u>\$3,343.50</u>	

Totals: Standard ¾"meter = \$11,210.24 1" meter = \$11,315.24 1 1/2" meter = \$11,530.24

** For property in Rio Mar, Pebble Beach, Custers Palm Harbor Subdivision and Palma Vista Subdivision only on 12th Street, Water Connection = \$265.00.
 In the above listed subdivisions or portions of subdivisions- no Sewer Connection fees will be assessed.

** For property in Cedar Island Subdivision, no Water or Sewer Connection fees will be assessed.

ALL FEES ARE TO BE PAID WHEN THE PERMIT IS PICKED UP

Note: Impact fees change on an annual basis

Revised: 10-01-10



City of Flagler Beach

P.O. Box 70 • 105 South 2nd Street
Flagler Beach, Florida 32136

Phone (386) 517-2000 • Fax (386) 517-2008

MEMO

DATE: September 20, 2011

TO: Elected Officials, Acting City Manager Campbell

FROM: Penny Overstreet, City Clerk

A handwritten signature in black ink, appearing to read "Penny Overstreet".

SUBJECT: Item 16 09-22-2011 Agenda

Public Works Director Smith provided back up information to me today regarding Mr. Hockenberry's request for a sewer credit. Two (2) bills from 1993 and his utility service request from 1992. As you may recall from Ms. Calcerano's request she had all of her utility bill stubs, so we could determine the amount she had actually paid for sewer. Unfortunately, Mr. Hockenberry has only produced two (2) stubs from the period of time he claims to have paid sewer and the sewer payment records the City has only goes back to December 2001. As you know the monthly rates for sewer charges is based upon water usage, if we have no records to show what was paid\used, how can we provide an accurate credit. I requested Mr. Smith contact Mr. Hockenberry to see if he could locate more utility bill stubs. The total amount of sewer charges paid that we have proof of is \$2,861.72.

UTILITY SERVICE REQUEST

CITY OF FLAGLER BEACH

5509

105 South 2nd Street
Post Office Box 70
Flagler Beach, Florida 32138
(904) 439-2377

SOC. SEC. #

LICENSE #

ACCOUNT NO. 10504580101

[Signature]

JOHN E. & LINDA A. HICKERBERRY
3834 S.E. 4TH ST.
OCALA FL 32671

694-2582

1613 N. DAYTONA AVE
 RENTER OWNER

FORMER ACCOUNT NO. 1
METERD 25.00
MNTN 13.00
SUBTL 40.00
TOTAL 78.00
CHECK 49.00
DANCED 0.00

NEW		
RESID CITY	<input type="checkbox"/> RESIDENTIAL	<input type="checkbox"/> COMMERCIAL
YEAR NO 1		

AMOUNT OF DEPOSIT 10A 6-08-92 \$ 410.00

ACCOUNT MAINT. FEE/ TRANSFER FEE (NON REFUNDABLE) \$ 18.00
TOTAL \$ 410.00

WATER SEWER GARBAGE

CASHIER 0.9 DATE 6-8-92

WHITE COPY: Office . YELLOW COPY: Customer *Clawing 6-10-92*

RETAIN THIS STUB FOR YOUR RECORDS

SERVICE ADDRESS		
1613 N DAYTONA AVE		
DATE WATER METER READ	PREVIOUS WATER READING	LATEST WATER READING
2/16/93	486900	491250
BILLING DATE	PREVIOUS CONNECT DATE	GALLONS WATER USED
2/26/93	3/22/93	4350
DUE DATE	PREVIOUS BALANCE (includes late charge)	
3/16/93	BASE CHARGE (WATER)	3.00
	WATER	12.73
ACCOUNT NUMBER	SEWER	20.23
1550332003	GARBAGE	8.35
A 10% late charge is added to bill after due date. The City is not responsible for delay or loss of mail.		
TOTAL AMOUNT DUE		44.31

PLEASE READ THE MESSAGE PRINTED ON THE BACK OF THIS BILL PERTAINING TO POSSIBLE ELEVATED LEAD LEVELS IN YOUR DRINKING WATER...

RETAIN THIS STUB FOR YOUR RECORDS

SERVICE ADDRESS		
1613 N DAYTONA AVE		
DATE WATER METER READ	PREVIOUS WATER READING	LATEST WATER READING
3/17/93	491250	497260
BILLING DATE	PREVIOUS CONNECT DATE	GALLONS WATER USED
3/31/93	4/20/93	6010
DUE DATE	PREVIOUS BALANCE (includes late charge)	
4/15/93	BASE CHARGE (WATER)	3.00
	WATER	18.54
ACCOUNT NUMBER	SEWER	26.04
1550332003	GARBAGE	8.35
A 10% late charge is added to bill after due date. The City is not responsible for delay or loss of mail.		
TOTAL AMOUNT DUE		55.93

PLEASE HAVE GARBAGE, RECYCLABLES AND YARD TRASH AT THE CURB BY 7:00 AM ON YOUR PICK UP DAY. YARD TRASH IS PICKED UP EVERY OTHER WEDNESDAY.





City of Flagler Beach AGENDA ITEM # 13

Item Summary and Recommendation

SUBJECT: Consider appointment to fill the vacancy on the Planning and Architectural Review Board – City Clerk.

BACKGROUND: Member Stacy Zwenger resigned from the Planning & Architectural Review Board. Attached are four applications for your consideration. Please review and complete the tabulation sheets and return to me prior to the meeting for tabulation. At the meeting I will announce the results and request a motion to appoint whoever receives the highest number of votes.

RECOMMENDATIONS: Review complete tabulation and return to City Clerk before meeting.

ATTACHMENTS: Applications, tabulation sheets.

SUBMITTED BY: City Clerk.

**Planning and Architectural Review Board
Ranking Sheet for Open Positions**

Complete term of Term 5/10/11 - 5/9/14

Four (4) applicants have applied for one (1) seat on the PAR Board.

Please rank each member 1-4, with 1 being the highest score.

Applicant	Seat 1						Totals
	Mayor	Comm. Carney	Comm. Feind	Comm. Mealy	Comm. Settle	Comm. Shupe	
Paul W. Just III							
Andy Miklos							
Joseph Pozzuoli							
Teri Vigneau (Holleran)							

PLEASE MARK YOUR SELECTIONS AND RETURN TO CLERK BEFORE THE MEETING.

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

Name: PAUL W. JUST III Date: 07-22-2010

Physical address: 310 SOUTH OCEANSHORE BLVD., UPSTAIRS STUDIO
FLAGLER BEACH, FLA.

Mailing address: P.O. BOX 1892

Home phone: NA Daytime phone: 386-338-4595

Fax: NA E-Mail: apjust@earthlink.net architectpauljust@gmail.com

Occupation: ARCHITECT (IN THE PROFESSION FOR 32 YEARS)

Number of years of City residence: 5 Own: _____ Rent: X

Are you registered to vote in Flagler County? Yes X No _____

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

① CODE ENFORCEMENT BOARD/PARB

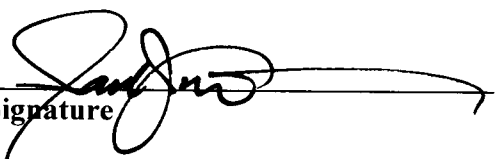
Please describe your professional and/or volunteer experience or background which best qualifies you for selection to the board(s) or committee(s):

CURRENTLY SERVING ON FLAGLER COUNTY CONTRACTOR REVIEW BOARD.

How many City Commission/board meetings have you attended in the last 2 years? 5

Have you ever served on a City advisory board or committee in the past?
Yes _____ No X

If yes, please describe: _____


Signature

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

**CITY OF FLAGLER BEACH
ADVISORY BOARD AND COMMITTEE APPLICATION FORM**

(Please fill out form completely)

Name: ANDY MIKLAS Date: 10/6/2011
Physical address: 112 LEHIGH AVE, FLAGLER BEACH, FL
Mailing address: P.O. Box 1276, FLAGLER BEACH, FL 32136
Home phone: 439-6012 Daytime phone: 904-501-2468
Fax: 439-6523 E-Mail: A.Miklas@YAHOO.COM
Occupation: CONTRACTOR

Number of years of City residence: 23 Own: Rent:

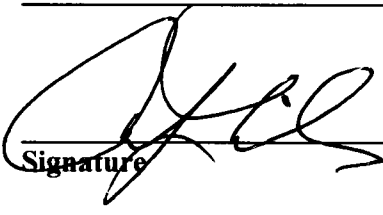
Are you registered to vote in Flagler County? Yes No

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

Please describe your professional and/or volunteer experience or background which best qualifies you for selection to the board(s) or committee(s):
23 YRS. F.B. BUSINESSMAN, EC. DEV. TASK FORCE MEMBER
CITIZEN WHO CARES ABOUT OUR TOWN

How many City Commission/board meetings have you attended in the last 2 years? 10+

Have you ever served on a City advisory board or committee in the past?
If yes, please describe: ECONOMIC DEV. TASK FORCE Yes No


Signature

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

AUG 17 2007

RECEIVED

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

Name: Joseph Pozzuoli Date: 8-17-07

Physical address: 2204 S. Daytona Ave., Flagler Bch, FL 32136

Mailing address: 2060 E. Moody Blvd., Flagler Bch, FL 32136

Home phone: 386-439-5650 Daytime phone: 386-439-5650

Fax: 386-439-5651 E-Mail: jpa@jpaflorida.com

Occupation: Architect

Number of years of City residence: 3 1/2 yrs. Own: Rent:

Are you registered to vote in Flagler County? Yes No

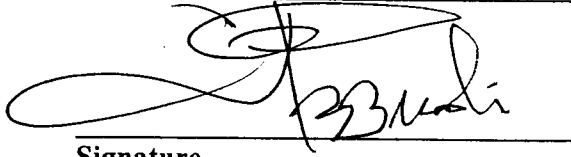
Identify the board(s) or committee(s) to which you request appointment:
New Economic Development Task Force
PARB

Please describe your professional and/or volunteer experience or background which best qualifies you for selection to the board(s) or committee(s):
Licensed Architect since 1990 (FL-AR13178), Licensed Interior Designer (FL-ID4843), Flagler County Code Enforcement (2004, 2005, 2006), Flagler Bch. Board of Adjustments (2007), Flagler Beach Rotary (2005, 2006, 2007)

How many City Commission/board meetings have you attended in the last 2 years? many!!

Have you ever served on a City advisory board or committee in the past? Yes No

If yes, please describe:
Code Enforcement - Flagler County (2004-2006)
Flagler Beach Board of Adjustment (2007)



Signature

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

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

Name: Theresa (Teri) Vigneau (Holleran) Date: 10-31-11

Physical address: 2028 S Oceanshore Blvd., Flagler Beach, FL 32136

Mailing address: SAME

Home phone: 386-931-6699 Daytime phone: 386-226-7179

Fax: _____ E-Mail: Hollerat@flerou.edu

Occupation: Manager, Research Administrator

Number of years of City residence: 6 Own: X Rent: _____

Are you registered to vote in Flagler County? Yes X No _____

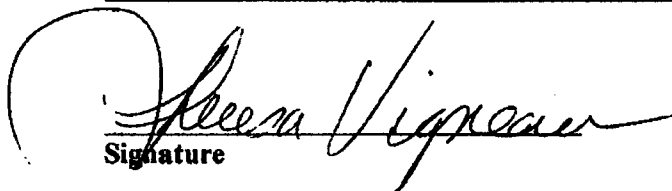
Identify the board(s) or committee(s) to which you request appointment:
Planning and Architectural Review Board

Please describe your professional and/or volunteer experience or background which best qualifies you for selection to the board(s) or committee(s): Previous Principal Planner with City of Ormond Beach and Flagler County. Former Executive Director for Flagler Habitat for Humanity. See resume.

How many City Commission/board meetings have you attended in the last 2 years? 4

Have you ever served on a City advisory board or committee in the past?
Not City, but County as Staff Yes _____ No X

If yes, please describe: I worked as a staff member with the Citizens of AIA Scenic Byway Committee, Land Acquisition Committee, and the Long Range Planning Board as well as the Economic Development Committee.


Signature

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



City of Flagler Beach AGENDA ITEM # 14 **Item Summary and Recommendation**

SUBJECT: Select codes for amendment consideration related to fees, fines, penalties and validity– City Clerk.

BACKGROUND: At the Strategic Planning Session two goals were set regarding this subject. 1.) Review the Code of Ordinance for sections needing amendments to either adopt fees by resolution or increases to fines and penalties, and have those amendments completed by the end of the calendar year. 2.) Review fee's currently adopted by resolution to evaluate if they are equal to the cost incurred to provide those services. At the July 14, 2011 meeting direction was provide to move forward with Goal 2. Resolution 2011-33 adopted July 28, 2011 completed Goal 2. I am returning to you with Goal 1 requesting direction for which codes, you feel are: 1) no longer valid, and you wish for me to present an ordinance to delete 2) which codes you wish for me to present to you in ordinance form to increase fees, fines or penalties.

ATTACHMENTS: List of items for consideration.

SUBMITTED BY: Penny Overstreet, City Clerk

Item 14

Code Section	Current Fine, Fee or Penalty	Statutory Reference	Recommendation
<p>Chapter 3 Alcoholic Beverages; Article II Public Consumption; Section 3-19 Permit for nonprofit organization, application, approval</p>	<p>no fee established , current code requires review by Building Official. (B.O.)</p>	<p>Definitions adopted by reference to F.S. 561.01</p>	<p>add language to have review done by B.O. or Planner, have fee established by Resolution and set fee to mirror a zoning review for a business tax receipt \$60.00.</p>
<p>Chapter 4 Amusements and Entertainment; Article III Special Events; Section 4-103 Definition of Special Event (1) Major Event, (2) Intermediate Event, (3) Minor Event</p>	<p>Size of events are determined by a dollar threshold on cost of services provided. The application fees are set by Resolution.</p>		<p>Direct EDTF to amend definitions of event classifications when they review, recommend the dollar threshold' s, for cost of services be amended to: Minor, less than \$500. Intermediate, between \$501. and \$2,000. and Major, over \$2,001. Resolution adopting S.E. fees will be amended separately.</p>
<p>Chapter 4 Amusements and Entertainment; Article IV Outdoor Entertainment; Section 4-171 Penalties</p>	<p>1st violation verbal warning, 2nd \$100.00, 3rd \$250.00, \$250.00 thereafter.</p>		<p>Increase by \$50.00</p>
<p>Chapter 5 Animals; Section 5-19 Fees (a) (1) -(9) and (b) (1) - (7)</p>	<p>(a) 2-9; sequence of fines imposed for uncontested first - fourth offenses (\$38., \$103.,\$203.,\$303.); (b) 1 & 2, \$5.00; (b) 3 \$53.00, (b) 4, \$20. per day; (b) 6 , \$38. subsequent \$103.</p>		<p>Recommend agreement with Humane Society is reviewed to ensure their charge to City for these services is not more than code. Recommend Dog tag fee increased to \$7.00. Police Chief recommends increase in first violation from \$38. to \$50.00 on (a) 2-9.</p>
<p>Chapter 6 Beaches & Recreation; Article II Municipal Pier; Section 6-22 Admission Tariff</p>	<p>Daily & Monthly Fishing Rate \$6.00 and \$25.00</p>		<p>Daily rate increase would be more of an impact to tourist or day trippers, our local fishing enthusiast generally have a 3 month or more pass . Recommend increase to \$8.00 and \$30.00</p>

Chapter 6 Beaches & Recreation; Article III Wickline Center; Section 6-41			consider rental fees for the two pavilions in Wick line Park , \$50.00 each per day
Chapter 6 Beaches & Recreation; Article IV Surfing & Surfboards Section 6-56 Surfing (e)	1st offense \$35.00, 2nd \$50.00, forfeiture of surfboard		Police Chief recommends increasing to \$50.00 and \$100.00.
Chapter 6 Beaches & Recreation; Article V Rules & Regulations for Parks	1st written warning, 2nd \$50.00 3rd \$100.00,		Police Chief recommends increasing 2nd and 3rd to \$100.00 and \$150.00.
Chapter 13 Nuisances; Article III Noise; Section 13-33 Penalties	1st verbal warning, 2nd \$100. 3rd & thereafter \$250.00,		Police Chief recommends increasing 2nd and 3rd to \$150 and \$300 thereafter.
Chapter 14 Offenses & Miscellaneous Provisions; Article I In General Section 14-6 and 14-9	Business registration cost and Show van rental fees		Recommend both of these section be deleted from the code , we no longer have the show van and in the 11 years I have been with the City I have never maintained or collected a business registration fee.
Chapter 16 Sales ; Article II Canvassers & Solicitors; Section 16-18 Application; fee	same as fee for Business Tax Receipt	F.S.	Ordinance currently under review increasing BTR's cost by %5 to \$52.50.
Chapter 21 Vehicles for Hire; Section 21-5 Fee	\$50.00 initial permit and \$50.00 annual renewal fee		Increase to \$100. for each, a few section's need to be deleted regarding State Inspection of Vehicles and Chauffeurs license.
Chapter 22 Bulkheads Division II and III	\$10.00 for 1st 100 feet then \$2.00 for each additional 100 feet		Delete this section has not been charged since I have been employed with the City.
Appendix A Land Development Regulations, Section 2.06.09 Removal of Trees (3) (B)	\$25.00 tree removal permit, 200 deposit for unimproved and rebate of \$4.00 for each percent of tract to retain native vegetation penalty is double permit fee		This section of the Code is currently being reviewed by the Planning a Department and our Attorney.

Item 14

Appendix A LDR; Section 2.09.10 Fee(Mobile Home Parks) 2.09.28, .29 Licenses	\$75.00 to alter or develop Mobile Home Park ; Licenses: annual fee set by Commission		Wow never knew about this, please advise.
Appendix Z LDR; Section 4.02.09 Penalties for violation of landscape irrigation	1st violation written warning, 2nd \$50.00 subsequent not to exceed \$500.00		increase 1st violation to \$100.00
Appendix A LDR; Section 5.02.07 Handicap Parking	current \$50.00		increase to \$250.00
Appendix A LDR; Section 5.02.21 Truck Parking	1st \$35.00 there after not less than \$100.00 but not more than \$500.00		Police Chief recommends increasing 1st to \$35.00
Appendix A LDR; Section 5.02.22 Penalties violations of 5.02.02 - 5.02.21 (Parking Violations)	\$25.00		Police Chief recommends \$35.00



City of Flagler Beach AGENDA ITEM # 15

Item Summary and Recommendation

SUBJECT: Resolution 2011-51, amending resolution 2011-40 which adopted the fiscal year 11/12 budget, to reflect a budget amendment to roll the appropriated fund balances from fiscal year 2010/11 into the budget for 2011/12; providing for conflict, providing an effective date hereof.

BACKGROUND: On September 30, 2011 several projects and purchases were planned and/or underway which were originally approved during the 2010-2011 fiscal year. Since the funds were not budgeted in 2011-2012, the attached schedule details the projects which need to be encumbered into the new fiscal year in order to provide funding. The net effect will return unused funds to the Unreserved Fund Balance in the 2010/2011 Budget Year and increase Appropriated Fund Balance use in the 2011/12 Budget Year.

RECOMMENDATIONS: Approve the attached Resolution.

ATTACHMENTS: Resolution 2011– 51, Schedule of Year End Encumbrances.

SUBMITTED BY: Kathleen Doyle, Finance Director

DATE: 10/20/11

Reviewed by:

City Manager: The resolution serves to amend the 2011/2012 FY Budget to properly account for the required encumbrances from 2010/2011 FY or prior. The projects/amounts to encumber include: \$160,696 w/in the General Fund; \$37,494 w/in CRA Fund; and \$132,973 W/in Utility Fund.

RESOLUTION 2011-51

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF FLAGLER BEACH, FLORIDA, AMENDING RESOLUTION 2011-40 WHICH ADOPTED THE FY 11/12 BUDGET, TO REFLECT A BUDGET AMENDMENT TO ROLL THE APPROPRIATED FUND BALANCES FROM FISCAL YEAR 2010/11 INTO THE BUDGET FOR 2011/12; PROVIDING FOR CONFLICT, PROVIDING AN EFFECTIVE DATE HEREOF.

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

SECTION 1. The FY 2011-2012 Approved Budget it amended as follows:

Increase	001.5191.305200	Operating Supplies	540.00
Increase	001.5192.606302	Improvements-Welcome Signs	1,900.00
Increase	001.5724.606301	IMPROVEMENTS-RESTROOMS	68,092.08
Increase	001.5221.305200	OPERATING SUPPLIES	540.00
Increase	001.5411.305200	OPERATING SUPPLIES	135.00
Increase	001.5721.305200	OPERATING SUPPLIES	270.00
Increase	001.5123.304000	TRAVEL/TRAINING	215.00
Increase	001.5123.304700	PRINTING & BINDING	3,855.00
Increase	001.5123.606401	EQUIPMENT	850.00
Increase	001.5192.304600	REPAIRS & MAINTENANCE	761.00
Increase	001.5214.304910	ConProp,Educ,Automtn,Expense	1,580.00
Increase	001.5192.303101	Professional Service - Design	4,900.00
Increase	001.5411.304600	REPAIRS & MAINTENANCE	62,058.26
Increase	001.5191.606300	IMPROVEMENTS	15,000.00
Increase	001.3300.334305	STATE GRANT -TDC	68,092.08
Increase	001.3800.389100	APPROPRIATED FUND BALANCE	92,604.26

Increase	101.5391.808203	LANDSCAPING GRANT	2,400.00
Increase	101.5391.808204	LARGE REDEVELOPMENT INCENTIVE GRANT	10,000.00
Increase	101.5392.303100	Engineering Service _ Capital Projects	479.79
Increase	101.5392.606602	STREETSCAPE PHASE IIC	24,614.90
Increase	101.3800.389100	APPROPRIATED FUND BALANCE	37,494.69

Increase	401.5331.305200	OPERATING SUPPLIES	675.00
Increase	401.5332.305200	OPERATING SUPPLIES	405.00
Increase	401.5351.305200	OPERATING SUPPLIES	675.00
Increase	401.5391.305200	OPERATING SUPPLIES	135.00

Increase	401.5392.606302	IMPROVEMENTS/WTR-SWR LINES	32,825.06
Increase	401.5392.606303	CAPITAL IMPROVEMENTS	1,650.00
Increase	401.5392.606303	CAPITAL IMPROVEMENTS	19,454.84
Increase	401.5392.606303	CAPITAL IMPROVEMENTS	403.93
Increase	401.5392.606303	CAPITAL IMPROVEMENTS	13,200.00
Increase	401.5392.606303	CAPITAL IMPROVEMENTS	10,966.00
Increase	401.5392.606303	CAPITAL IMPROVEMENTS	890.00
Increase	401.5392.606400	CAPITALIZED EQUIPMENT	40,048.00
Increase	401.5392.606300	IMPROVEMENTS	6,800.00
Increase	401.5331.304600	REPAIRS & MAINTENANCE	4,846.00
Increase	401.3800.389100	APPROPRIATED FUND BALANCE	132,973.83

Increase	402.5392.303100	Professional Services	59,281.24
Increase	402.3800.389100	APPROPRIATED FUND BALANCE	59,281.24

Increase	403.5341.305200	OPERATING SUPPLIES	675.00
Increase	403.3800.389100	APPROPRIATED FUND BALANCE	675.00

Increase	405.5392.606304	Improvements - City Wide - Stormwater	233,284.99
Increase	405.3800.389100	APPROPRIATED FUND BALANCE	233,284.99

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

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

PASSED AND ADOPTED THIS _____ DAY OF _____, 2011.

ATTEST: CITY OF FLAGLER BEACH, FLORIDA
CITY COMMISSION

Penny Overstreet, City Clerk

Alice Baker, Mayor

PO #	Vendor	GL Account #	Project Description	Original Amount	Amount to Encumber (Balance as of 9/30/11)
6221	Public Safety Center	401.5331.305200	Safety Equipment - Water Dept	675.00	675.00
6221	Public Safety Center	401.5332.305200	Safety Equipment - T & D	405.00	405.00
6221	Public Safety Center	401.5351.305200	Safety Equipment - Waste Water Dept	675.00	675.00
6221	Public Safety Center	401.5391.305200	Safety Equipment - Meter Reader	135.00	135.00
	Encumber Siplining Funds - Capital Project	401.5392.606302	Slip Lining City Wide Capital Project	964,536.00	32,825.06
5753	Q.L. Hampton	401.5392.606303	Well Monitoring	22,380.00	1,650.00
6057	Sensus Metering	401.5392.606303	Meter Replacement	98,579.52	19,454.84
6059	Sunstate Meter & Supply	401.5392.606303	Meter Replacement	5,000.00	403.93
6095	Connect Consulting, Inc.	401.5392.606303	Capping Old Wells	13,200.00	13,200.00
6205	Diversified Drilling	401.5392.606303	Rebuild Service Pump	10,966.00	10,966.00
6217	Stewart Motor Services	401.5392.606303	Repair High Service Pump	890.00	890.00
6172	Flagler Fence	401.5392.606400	Barbed Wire Fence @ WWTP	10,048.00	10,048.00
6195	Ring Power	401.5331.304600	Replace Controller on Generator @ WTP	4,846.00	4,846.00
	Capital Project	401.5392.606400	WTP Million Gallon Tank - Variable Frequency Drives	30,000.00	30,000.00
6227	Q.L. Hampton	401.5392.606300	Potable Water Pump Improvements	6,800.00	6,800.00
Utility Fund Encumbrance \$				132,973.83	

PO #	Vendor	GL Account #	Project Description	Original Amount	Amount to Encumber (Balance as of 9/30/11)
6134	Q. L. Hampton	402.5392.303100	Morningside Sewer Project	59,281.24	59,281.24
Utility Capital Fund Encumbrance \$				59,281.24	59,281.24

PO #	Vendor	GL Account #	Project Description	Original Amount	Amount to Encumber (Balance as of 9/30/11)
6221	Public Safety Center	403.5341.305200	Safety Equipment	675.00	675.00
Sanitation Fund Encumbrance \$				675.00	675.00

PO #	Vendor	GL Account #	Project Description	Original Amount	Amount to Encumber (Balance as of 9/30/11)
5618	QLHampton	405.5392.606304	Stormwater Improvements related to South Flagler Avenue South 9 - 13 Streets	51,560.00	32,202.00
5619	QLHampton	405.5392.606304	Stormwater Improvements related to Palma Vista	59,060.00	40,300.00
	Encumbered for Stormwater Projects	405.5392.606304	Remainder of Bond Proceeds	1,065,145.00	128,993.39
6153	D & W Paving	405.5392.606304	Stormwater Improvements related to South Flagler Avenue (Near Fire Station)	317,896.00	31,789.60
Stormwater Fund Encumbrance \$				233,284.99	233,284.99

Scheduled of Year End Encumbrances as of September 30, 2011

PO #	Vendor	GL Account #	Project Description	Original Amount	Amount to Encumber (Balance as of 9/30/11)
6134	Q. L. Hampton	402.5392.303100	Morningside Sewer Project	59,281.24	59,281.24
Utility Capital Fund Encumbrance				\$	59,281.24

PO #	Vendor	GL Account #	Project Description	Original Amount	Amount to Encumber (Balance as of 9/30/11)
6221	Public Safety Center	403.5341.305200	Safety Equipment	675.00	675.00
Sanitation Fund Encumbrance				\$	675.00

PO #	Vendor	GL Account #	Project Description	Original Amount	Amount to Encumber (Balance as of 9/30/11)
5618	QLHampton	405.5392.606304	Stormwater Improvements related to South Flagler Avenue South 9 - 13 Streets	51,560.00	32,202.00
5619	QLHampton	405.5392.606304	Stormwater Improvements related to Palma Vista	59,060.00	40,300.00
	Encumbered for Stormwater Projects	405.5392.606304	Remainder of Bond Proceeds	1,065,145.00	128,993.39
6153	D & W Paving	405.5392.606304	Stormwater Improvements related to South Flagler Avenue (Near Fire Station)	317,896.00	31,789.60
Stormwater Fund Encumbrance				\$	233,284.99



City of Flagler Beach

AGENDA ITEM # 16

Item Summary and Recommendation

SUBJECT: Resolution 2011-52 amending resolution 2010-50 which adopted the FY 2010/11 budget, to reflect a budget amendment to increase revenues earned and related expenditures of the Flagler Beach Bait Shop; providing for conflict; providing an effective date.

BACKGROUND: With the startup of the bait shop during the 2010/11 Budget year the city did not have any history from which to budget. Revenues were higher than originally anticipated and the related expenditures were higher as well. Revenues exceed the expenditures so there will not be an increase to the Appropriated Fund Balance.

Attached is a Resolution to amend the 2010/11 General Fund Budget.

RECOMMENDATIONS: Approve Resolution 2011-52.

ATTACHMENTS: Resolution 2011-52, Department Expense Schedules.

SUBMITTED BY: Kathleen Doyle DATE: 10/30/2011

Staff Comments:

City Manager: Upon startup of the Pier Bait Shop it was necessary to "forecast" what the remaining 2010/2011 FY revenues and expenses would be. Fortunately sales were greater than forecast which meant our purchases of "goods for sale" also became more; along with salaries, utilities and misc. This amendment adjusts actual to budget forecast for FY 2010/2011 startup.

RESOLUTION 2011-52

A RESOLUTION AMENDING RESOLUTION 2010-50 WHICH ADOPTED THE FY 2010/11 BUDGET, TO REFLECT A BUDGET AMENDMENT TO INCREASE REVENUES EARNED AND RELATED EXPENDITURES OF THE FLAGLER BEACH BAIT SHOP; PROVIDING FOR CONFLICT; PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. The FY 2010-2011 Approved Budget is amended as follows:

Increase	001.5725.101200	SALARY & WAGES BAIT SHOP	\$ 575.00
Increase	001.5725.304100	UTILITIES	\$ 150.00
Increase	001.5725.305200	OPERATING SUPPLIES BAIT SHOP	\$ 9,200.00
Increase	001.5725.304900	OTHER CURRENT CHARGES	\$ 250.00
Increase	001.3400.347202	BAIT SHOP SALES - BAIT	\$ 8,450.00
Increase	001.3400.347203	Bait Shop Rentals	\$ 1,725.00

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

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

PASSED AND ADOPTED THIS _____ DAY OF _____, 2011.

CITY OF FLAGLER BEACH, FLORIDA
CITY COMMISSION

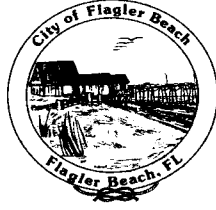
ATTEST:

Alice M. Baker, Mayor

Penny Overstreet, City Clerk

Year 2011 Period 13
Fund 001 - GENERAL FUND

Account / Description	Actual		Requested		Current		MTD	YTD	Pct Exp	Remaining Balance
	2009/2010 Annual	2010/2011 Budget	2010/2011 Budget	2010/2011 Budget						
Dept 5725										
Personnel Costs										
101200 SALARY & WAGES BAIT SHOP	0	0	0	70,727	3303.75	72238.92	102.1	1511.92-		
101400 OVERTIME Bait shop	0	0	0	1,930	.00	948.11	49.1	981.89		
102100 FECA & MEDICARE	0	0	0	5,564	252.72	5498.72	98.8	64.90		
102300 LIFE & HEALTH INSURANCE	0	0	0	100	10.24-	85.44	85.4	14.56		
Personnel Costs TOTAL	0	0	0	78,321	3546.23	78771.19	100.6	450.57-		
Contractual Services										
303100 Professional Services - Bait	0	0	0	0	.00	.00	.0	.00		
Contractual Services TOTAL	0	0	0	0	.00	.00	.0	.00		
Supplies & Material Costs										
304000 TRAVEL - BAIT SHOP	0	0	0	305	.00	295.23	96.8	9.77		
304100 UTILITIES	0	0	0	765	125.83	885.69	115.8	120.69-		
304600 REPAIRS MAINT BAIT SHOP	0	0	0	1,900	.00	1411.09	74.3	488.91		
305100 OFFICE SUPPLIES BAIT SHOP	0	0	0	275	56.47	77.45	28.2	197.55		
305200 OPERATING SUPPLIES BAIT SHOP	0	0	0	22,600	2065.93	31757.72	140.5	9157.72-		
305201 Rental Equipment Purchases	0	0	0	320	.00	96.00	30.0	224.00		
Supplies & Material Costs TOTAL	0	0	0	26,165	2248.23	34523.18	131.9	8358.18-		
Capital Outlays										
606300 IMPROVEMENTS BAIT SHOP	0	0	0	1,525	.00	208.95	13.7	1316.05		
606400 EQUIPMENT	0	0	0	4,585	3685.00	4443.25	96.9	141.75		
Capital Outlays TOTAL	0	0	0	6,110	3685.00	4652.20	76.1	1457.80		
Operations/Services										
304900 OTHER CURRENT CHARGES	0	0	0	0	.00	217.30	.0	217.30-		
Operations/Services TOTAL	0	0	0	0	.00	217.30	.0	217.30-		
	0	0	0	110,596	9479.46	118163.87	106.8	7568.25-		



City of Flagler Beach

AGENDA ITEM #17

Item Summary and Recommendation

SUBJECT: Resolution 2011-53 amending resolution 2010-50 which adopted the FY 2010/11 budget, to reflect a budget amendment to provide funds needed from the general fund and utility funds for increase to funds for year end salary accruals, gasoline and machinery repairs; providing for conflict; providing an effective date.

BACKGROUND: Part of the year end close out procedure includes accruing salaries paid in October of 2011 for wages earned in September 2011. Last year there were 261 working days between October 1, 2010 and September 30, 2011; normally there would be 260 days (52 weeks times 5 days per week). For most budgets there are enough funds left in other line items to cover an extra day of salaries and the related expenses. In the VOCA budget salary, related expenses and gasoline costs were higher than budgeted. In the Finance Budget salary related expenses were higher than budgeted. In the Wastewater Treatment Plant budget repairs to lift stations were higher than anticipated. A budget amendment in the amount of \$850.00 will be needed to balance the General Fund. A budget amendment in the amount of \$1200.00 will be necessary to balance the Utility fund budget.

Attached is a Resolution to amend the General Fund and Utility Fund budgets.

RECOMMENDATIONS: Approve Resolution 2011-53

ATTACHMENTS: Resolution 2011-53, Department Expense Schedules

SUBMITTED BY: Kathleen Doyle **DATE:** 10/30/2011

Reviewed by:

City Manager: All required for proper FY 2010/2011 accounting close-out by our Finance Department.

RESOLUTION 2011-53

A RESOLUTION AMENDING RESOLUTION 2010-50 WHICH ADOPTED THE FY 2010/11 BUDGET, TO REFLECT A BUDGET AMENDMENT TO PROVIDE FUNDS NEEDED FROM THE GENERAL FUND AND UTILITY FUNDS FOR INCREASE TO FUNDS FOR YEAR END SALARY ACCRUALS, GASOLINE AND MACHINERY REPAIRS; PROVIDING FOR CONFLICT; PROVIDING AN EFFECTIVE DATE.

NOW THEREFORE BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FLAGLER BEACH
SECTION 1. The FY 2010-2011 Approved Budget is amended as follows:

Increase	001.5131.102300	Life and Health Insurance- Finance	\$ 50.00
Increase	001.5215.101200	Salary-VOCA	\$160.00
Increase	001.5215.102200	Retirement – VOCA	\$ 15.00
Increase	001.5215.102300	Life and Health Insurance - VOCA	\$225.00
Increase	001.5215.464105	Gasoline – VOCA	\$400.00
Increase	001.3800.389100	Appropriated Fund Balance – General Fund	\$850.00
Increase	401.5351.304601	Machinery & Equip Repair – WWTP	\$1200.00
Increase	401.3800.389100	Appropriated Fund Balance – Utility Fund	\$1200.00

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

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

PASSED AND ADOPTED THIS _____ DAY OF _____, 2011..

CITY OF FLAGLER BEACH, FLORIDA
CITY COMMISSION

ATTEST:

Alice M. Baker, Mayor

Penny Overstreet, City Clerk

Year 2011 Period 13
Fund 001 - GENERAL FUND

Account / Description	Actual	Requested	Current	MTD	YTD	Pct Exp	Remaining Balance
	2009/2010 Annual	2010/2011 Budget	2010/2011 Budget				
Dept 5131 FINANCE							
Personnel Costs							
101200 SALARY	214,661	215,371	215,718	7925.32	215718.41	100.0	.00
101300 OTHER SALARIES & WAGES	0	0	0	.00	.00	100.0	.00
101400 OVERTIME	455	1,000	1,513	.00	1512.71	100.0	.00
101500 SPECIAL & INCENTIVE PAY	0	0	0	.00	.00	100.0	.00
102100 FICA/MEDICARE	16,014	16,552	15,974	593.83	15974.31	100.0	.00
102200 RETIREMENT	13,922	13,725	13,557	515.14	13556.57	100.0	.00
102300 LIFE & HEALTH INSURANCE	33,593	34,351	35,039	1411.39	35067.77	100.1	28.32-
102600 IRA PENSION	0	0	0	.00	.00	100.0	.00
Personnel Costs TOTAL	278,645	280,999	281,801	10445.68	281829.77	100.0	28.32-
Contractual Services							
303100 PROFESSIONAL SERVICES	0	0	0	.00	.00	100.0	.00
Contractual Services TOTAL	0	0	0	.00	.00	100.0	.00
Supplies & Material Costs							
304000 TRAVEL/TRAINING	1,491	2,300	2,941	69.31	2940.87	100.0	.00
304100 TELEPHONE	0	0	0	.00	.00	100.0	.00
304700 PRINTING & BINDING	0	0	0	.00	.00	100.0	.00
304900 OTHER CURRENT CHARGES	0	0	0	.00	.00	100.0	.00
304903 MISCELLANEOUS	0	0	0	.00	.00	100.0	.00
305100 OFFICE SUPPLIES	1,998	2,000	1,398	.00	1397.88	100.0	.00
305200 OPERATING SUPPLIES	0	0	0	.00	.00	100.0	.00
305400 MEMBERSHPS SUBSCRPTS DUES	185	180	200	.00	200.00	100.0	.00
464100 VEHICLE REPAIRS & MAINTENANC	0	0	0	.00	.00	100.0	.00
464105 GASOLINE & DIESEL FUEL	0	0	0	.00	.00	100.0	.00
606401 Equipment	0	0	0	.00	.00	100.0	.00
Supplies & Material Costs TOTAL	3,674	4,480	4,539	69.31	4538.75	100.0	.00
Capital Outlays							
606400 NEW EQUIPMENT	0	0	0	.00	.00	100.0	.00
Capital Outlays TOTAL	0	0	0	.00	.00	100.0	.00
FINANCE	282,319	285,479	286,340	10514.99	286368.52	100.0	28.32-

Year 2011 Period 13
Fund 001 - GENERAL FUND

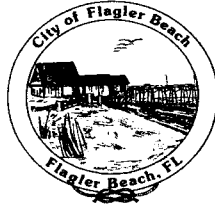
Account / Description	Actual	Requested	Current	MTD	YTD	Pct Exp	Remaining Balance
	2009/2010 Annual	2010/2011 Budget	2010/2011 Budget				
Dept 5215 VICTIM'S ADVOCATE							
Personnel Costs							
101200 VOCA - SALARY	44,988	42,560	42,560	1604.72	42717.63	100.4	157.63-
101300 VOCA - OTHER SALARY & WAGES	0	0	0	.00	.00	.0	.00
101400 VOCA - OVERTIME	0	0	0	.00	.00	.0	.00
101500 VOCA - SPECIAL & INCENTIVE P	0	0	0	.00	.00	.0	.00
102100 VOCA - FICA	3,409	3,256	3,256	121.99	3247.78	99.8	8.22
102200 VOCA - RETIREMENT	2,722	2,712	2,712	104.31	2722.49	100.4	10.49-
102300 VOCA - LIFE & HEALTH	5,625	5,742	5,742	233.12	5949.74	103.6	207.74-
Personnel Costs TOTAL	56,744	54,270	54,270	2064.14	54637.64	100.7	367.64-
Contractual Services							
303100 VOCA - PROFESSIONAL SERVICES	0	0	0	.00	.00	.0	.00
303400 VOCA - CONTRACTUAL SERVICES	0	0	0	.00	.00	.0	.00
303500 VOCA - INVESTIGATIONS	0	0	0	.00	.00	.0	.00
Contractual Services TOTAL	0	0	0	.00	.00	.0	.00
Supplies & Material Costs							
304000 VOCA - TRAVEL/TRAINING	49	0	215	.00	215.00	100.0	.00
304100 VOCA - TELEPHONE-COMMUNICATI	817	840	1,090	59.16	1083.63	99.4	6.37
304300 VOCA - UTILITY SERVICES	0	0	0	.00	.00	.0	.00
304600 VOCA - REPAIRS & MAINTENANCE	0	0	0	.00	.00	.0	.00
304800 VOCA - PROMOTIONAL ACTIVITIE	0	0	0	.00	.00	.0	.00
304900 VOCA - OTHER CURRENT CHARGES	0	0	0	.00	.00	.0	.00
305100 VOCA - OFFICE SUPPLIES	430	425	225	.00	144.28	64.1	80.72
305200 VOCA - OPERATING SUPPLIES	0	0	0	.00	.00	.0	.00
305400 VOCA - MEMBERSHIP SUBSCRIPTI	0	100	0	.00	.00	.0	.00
464100 VOCA - VEHICLE REPAIR & MAIN	0	0	0	.00	.00	.0	.00
464105 VOCA - GASOLINE & DIESEL FUE	1,435	1,800	1,635	98.21	2019.86	123.5	384.86-
Supplies & Material Costs TOTAL	2,731	3,165	3,165	157.37	3462.77	109.4	297.77-
Capital Outlays							
606400 VOCA - CAPITAL EQUIPMENT	0	0	0	.00	.00	.0	.00
606401 EQUIPMENT	0	0	0	.00	.00	.0	.00
Capital Outlays TOTAL	0	0	0	.00	.00	.0	.00
VICTIM'S ADVOCATE	59,475	57,435	57,435	2221.51	58100.41	101.2	665.41-

Year 2011 Period 13
Fund 401 - Utility

Account / Description	Actual	Requested	Current	MTD	YTD	Pct	Remaining
	2009/2010 Annual	2010/2011 Budget	2010/2011 Budget			Exp	Balance
Dept 5351 WASTE WATER TREATMENT PLANT							
Personnel Costs							
101200 SALARY	141,056	148,404	139,098	5689.32	139097.79	100.0	.21
101300 OTHER SALARIES & WAGES	0	0	0	.00	.00	100.0	.00
101400 OVERTIME	8,786	6,000	8,414	188.40	8413.55	100.0	.45
101500 SPECIAL & INCENTIVE PAY	3,233	3,300	3,107	128.00	3106.55	100.0	.45
102100 FICA/MEDICARE	11,387	12,064	11,160	429.93	11159.95	100.0	.05
102200 RETIREMENT	10,779	9,457	7,956	298.71	7955.74	100.0	.26
102300 LIFE & HEALTH INSURANCE	18,366	18,967	19,593	775.90	19592.64	100.0	.36
102600 IRA PENSION	0	0	0	.00	.00	100.0	.00
Personnel Costs TOTAL	193,606	198,192	189,328	7510.26	189326.22	100.0	1.78
Contractual Services							
303005 SLUDGE REMOVAL	32,242	30,000	19,816	991.36	19815.62	100.0	.38
303100 PROFESSIONAL SERVICES	1,412	8,000	12,545	5329.00	12541.20	100.0	3.80
304400 RENTALS & LEASES	3,579	31,200	30,023	8581.92	30022.34	100.0	.66
Contractual Services TOTAL	37,233	69,200	62,384	14902.28	62379.16	100.0	4.84
Supplies & Material Costs							
304000 TRAVEL/TRAINING	845	2,000	413	.00	413.00	100.0	.00
304100 TELEPHONE/COMMUNICATIONS	3,209	3,500	4,195	111.44	4194.07	100.0	.93
304300 UTILITY SERVICES	35,777	45,000	62,271	3321.05	62270.13	100.0	.87
304600 REPAIRS & MAINTENANCE	42,969	14,049	8,857	571.41	8856.33	100.0	.67
304601 MACHINERY & EQUIP REPAIR	11,897	44,200	67,163	7404.87	68313.55	101.7	1150.55-
304900 OTHER CURRENT CHARGES	264	240	0	.00	.00	0	.00
305100 OFFICE SUPPLIES	530	600	460	22.34	459.43	99.9	.57
305200 OPERATING SUPPLIES	42,573	57,748	62,173	2441.72	62172.40	100.0	.60
305400 MEMBERSHPS SUBSCRIPTS DUES	6,100	7,000	6,000	.00	6000.00	100.0	.00
464100 VEHICLE REPAIRS & MAINTENANC	3,446	3,000	669	.00	668.27	99.9	.73
464105 GASOLINE & DIESEL FUEL	3,425	4,000	6,036	1619.97	6035.25	100.0	.75
Supplies & Material Costs TOTAL	151,034	181,337	218,237	15492.80	219382.43	100.5	1145.43-
Capital Outlays							
606200 IMPROVEMENTS-BUILDING	0	0	0	.00	.00	0	.00
606300 IMPROVEMENTS	0	0	0	.00	.00	0	.00
606400 NEW EQUIPMENT	0	0	0	.00	.00	0	.00
606401 EQUIPMENT	0	0	0	.00	.00	0	.00
999999 TEMP CONTRA CAPITAL EXP	0	0	0	.00	.00	0	.00
Capital Outlays TOTAL	0	0	0	.00	.00	0	.00

Year 2011 Period 13
Fund 401 - Utility

Account / Description	Actual 2009/2010 Annual	Requested 2010/2011 Budget	Current 2010/2011 Budget	MTD	YTD	Pct Exp	Remaining Balance
WASTE WATER TREATMENT PLANT	381,873	448,729	469,949	37905.34	471087.81	100.2	1138.81-



City of Flagler Beach **AGENDA ITEM # 18**

Item Summary and Recommendation

SUBJECT: Resolution 2011-54 amending resolution 2011-40 which adopted the FY 2011/12 budget, to reflect a budget amendment to provide funds needed and recognize revenues for a change order to the Pier Restroom Renovation; providing for conflict; providing an effective date

BACKGROUND: On October 18th, City Commission approved a change order in the amount of \$3743.57 to the contract with A.G. Pifer Construction Company, for the Pier Restroom Renovation Project. This project is funded by a grant from the Flagler County TDC. The change order will be covered 100% by the grant since the total cost of the project is still below the grant award.

Attached is a Resolution to amend the 2011/12 General Fund Budget.

RECOMMENDATIONS: Approve Resolution 2011-54

ATTACHMENTS: Resolution 2011-54

SUBMITTED BY: Kathleen Doyle **DATE:** 10/30/2011

Staff Comments:

City Manager: The change order was requested by the City as we altered the original project specifications. These changes included floor tile being installed on a diagonal, larger stainless steel plumbing inspection panels, and accent wall tiles. The budget amendment is necessary to properly recognize these approved changes.

RESOLUTION 2011-54

A RESOLUTION AMENDING RESOLUTION 2011-40 WHICH ADOPTED THE FY 2011/12 BUDGET, TO REFLECT A BUDGET AMENDMENT TO PROVIDE FUNDS NEEDED AND RECOGNIZE REVENUES FOR A CHANGE ORDER TO THE PIER RESTROOM RENOVATION; PROVIDING FOR CONFLICT; PROVIDING AN EFFECTIVE DATE

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

SECTION 1. The FY 2011-2012 Approved Budget is amended as follows:

Increase	001.5724.606301	Improvements – Pier Restrooms	\$3,743.57
Increase	001.3300.334305	TDC Grant	\$3,743.57

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

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

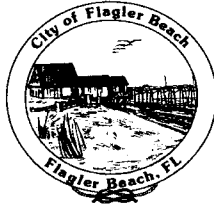
PASSED AND ADOPTED THIS _____ DAY OF _____, 2011.

CITY OF FLAGLER BEACH, FLORIDA
CITY COMMISSION

ATTEST:

Alice M. Baker, Mayor

Penny Overstreet, City Clerk



City of Flagler Beach **AGENDA ITEM # 19**

Item Summary and Recommendation

SUBJECT: Resolution 2011-55, amending resolution 2011-40 which adopted the FY 2011/12 budget, to reflect a budget amendment to provide funds needed from the stormwater fund to fence a retention pond created during the South Flagler Avenue Stormwater Project; providing for conflict; providing an effective date

BACKGROUND: City Commission discussed their concerns related to a large retention pond that was created during the South Flagler Avenue Stormwater Project which was completed in the 10/11 budget year. Staff was directed to fence the entire pond to provide safety to the public; funds were not budgeted for this amount and an amendment to the budget will be necessary. An estimated \$10,000 will be needed for this project.

RECOMMENDATIONS: Approve Resolution 2011-55

ATTACHMENTS: Resolution 2011-55

SUBMITTED BY: Kathleen Doyle **DATE:** 10/30/2011

Staff Comments:

City Manager: The proposed budget amendment is necessary to complete Commissions direction to properly fence the large retention pond located on South Flagler Avenue adjacent to our Fire Station.

RESOLUTION 2011-55

A RESOLUTION AMENDING RESOLUTION 2011-40 WHICH ADOPTED THE FY 2011/12 BUDGET, TO REFLECT A BUDGET AMENDMENT TO PROVIDE FUNDS NEEDED FROM THE STORMWATER FUND TO FENCE A RETENTION POND CREATED DURING THE SOUTH FLAGLER AVENUE STORMWATER PROJECT; PROVIDING FOR CONFLICT; PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. The FY 2011-2012 Approved Budget is amended as follows:

Increase	405.5392.606304	Stormwater Improvements – Citywide	\$10,000.00
Increase	405.3800.389100	Appropriated Fund Balance	\$10,000.00

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

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

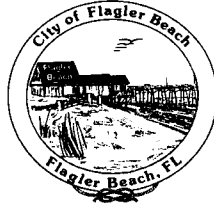
PASSED AND ADOPTED THIS _____ DAY OF _____, 2011.

CITY OF FLAGLER BEACH, FLORIDA
CITY COMMISSION

ATTEST:

Alice M. Baker, Mayor

Penny Overstreet, City Clerk



City of Flagler Beach **AGENDA ITEM # 20** Item Summary and Recommendation

SUBJECT: Discussion and possible action regarding the establishment of a regular “Agenda Setting Workshop,” to be conducted each Wednesday, preceding a regularly scheduled Commission meeting

BACKGROUND: The purpose of an “Agenda Setting Workshop” would, in my mind, be to:

(1) Conduct an inventory of all issues (public or City) to be placed on any Commission agenda, and to choose those which are “ripe” for consideration (meaning, those items adequately researched, documented, and with a purpose that is commonly understood);

(2) allow Commissioners to share their concerns and/or their reasoning for support, so as their colleagues can better understand the issue, or gain needed information before being asked to vote; and

(3) Permit staff to more effectively participate in the formulation of policy and provide insight into any administrative advantages (or disadvantages) in a proposed course of action.

ATTACHMENTS: Original Agenda Application

SUBMITTED BY: Commissioner Steve Settle

Staff Comments:

City Manager: The recommendation (as described in background) is suggesting the formation of a “full blown” workshop prior to each Commission meeting. Bullet points (2) and (3) go beyond “setting the agenda.” Like most issues there are both pros and cons to this idea.

Recommendation:

Pros:

- Publicly discuss issues prior to the commission meeting as a governing body.
- Eliminate the need for Commission to meet individually with the City Manager preparing for each Commission meeting.
- Overall time savings for the City Manager.
- Possibly lead to reduced meeting time prior to the Commission meeting.
- Would possibly lead to more items being placed on consent agenda (those not requiring input as do resolutions and ordinance).

Cons:

- An additional two meetings a month (except for August, November and December).
- More meeting minutes to be prepared by staff.
- Possibility would lead to redundancy of time; talking over each issue at both workshop and commission meetings; actually doubling staff and Commission time spent on Commission Meetings.

Having identified the above, I am willing to try a pre-commission workshop meeting for three months to gage the overall effectiveness vs. present approach – knowing it is ultimately a Commission decision.

Tabled from the 10/27/2011 meeting

CITY OF FLAGLER BEACH

AGENDA APPLICATION

Name: Commissioner Stephen Settle
Business name: N/A
Mailing Address: 279 Ocean Palm Drive, Flagler Beach, FL 32136
Phone Number: 386-439-6896

SUBJECT MATTER TO BE DISCUSSED WITH THE COMMISSION:

Discussion and possible action regarding the establishment of a regular “Agenda Setting Workshop,” to be conducted each Wednesday, preceding a regularly scheduled Commission meeting.

BACKGROUND INFORMATION REGARDING THE SUBJECT: The purpose of an “Agenda Setting Workshop” would, in my mind, be to:

(1) conduct an inventory of all issues (public or City) to be placed on any Commission agenda, and to choose those which are “ripe” for consideration (meaning, those items adequately researched, documented, and with a purpose that is commonly understood);

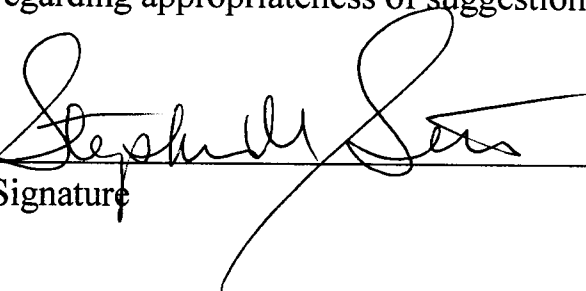
(2) allow Commissioners to share their concerns and/or their reasoning for support, so as their colleagues can better understand the issue, or gain needed information before being asked to vote; and

(3) permit staff to more effectively participate in the formulation of policy and provide insight into any administrative advantages (or disadvantages) in a proposed course of action.

DISCUSSION: Good government requires clear and well understood communication between elected officials, their City’s staff, and the public. Florida’s Sunshine Law, however, while valuable in many respects, operates to inhibit this critical understanding. Agenda setting workshops, I believe, would overcome this by permitting officials, staff, and the public to gain a better

understanding before leaping into action, and thereby, reduce the undesirable dysfunction at regular Commission meetings.

REQUESTED ACTION SOUGHT FROM THE COMMISSION: Decision regarding appropriateness of suggestion.


Signature

10/18/2011
Date



City of Flagler Beach AGENDA ITEM # 22

Item Summary and Recommendation

SUBJECT: SE 11-11-01: Consider a request for a Special Exception to allow professional offices. The subject property is zoned as Tourist Commercial and contains approximately 0.13 acre, and is generally located northwest of the intersection of 22nd Street North and North Oceanshore Boulevard also known as 2201 North Oceanshore Boulevard.

BACKGROUND: Special exception uses, as enumerated in Schedule One, Zoning Schedule of Use Controls, shall be permitted only upon authorization of the City Commission after review by the Planning and Architectural Review Board. In recommending approval or denial of the use, the reviewing boards shall provide findings and recommendations on whether the requirements of Section 2.06.01 (1. through 7.) are met as well as other comments such board feel will assist the City Commission in the determination of whether to grant the use. The applicant's responses to each of the prescribed criteria are as follows:

1. That the use is a permitted special use as set forth in Schedule One hereof.
Professional offices are a permitted special use as set forth in Schedule One for the TC, Tourist Commercial zoning district.
2. That the use is so designed, located and proposed to be operated that the public health, safety, welfare and convenience will be protected.
"The use of this property for the business requesting the exception as it would be operated should not have any impact on the public in terms of health, safety, welfare or convenience."
3. That the use will not cause substantial injury to the value of other property in the neighborhood where it is to be located.
"This is a small office with business being conducted electronically and neighbors would probably not even know there was a business there."
4. That the use will be compatible with adjoining development and the proposed character of the district where it is to be located.
"This business would be located on the bottom level at the back (near Central Avenue). The business of timeshare sales could be of potential interest to residents as well as visitors to Flagler Beach who might wish to purchase timeshares."
5. That the adequate landscaping and screening is provided as required herein, or otherwise required.
No response.
6. That adequate off-street parking and loading is provided and ingress and egress is so designed as to cause minimum interference with traffic on abutting streets.
"Impact on parking in the area generated by this business would be minimal. Parking would be off-street where the owner had recently had the private parking area upgraded with pavers making it very attractive to residents and passers-by. There is parking on A1A for the coffee shop and parking on 22nd Street for the salon. The timeshare business would require no more than three parking spaces. Traffic generated by this business would have practically no impact on 22nd Street or Central Avenue. There is no product involved in this business, so

any loading are would not be required. Any ingress or egress to the office would be negligible and cause minimal interference at this location.”

7. That the use conforms with all applicable regulations governing the district where located.

“The building currently has two businesses operating there. A three-person office should conform to the existing uses of the building.”

The applicant’s application indicates that the requested special exception is for a specific business located in a specific portion of the building. However, a special exception for professional offices may be granted for any type of professional office and any proportion of the building. Staff generally agrees with the applicant’s responses to the criteria. Since the TC, Tourist Commercial zoning district permits uses that are typically more intense than professional offices, specifically restaurants and gift shops, the trip generation and parking demand of professional offices will less than or equal to the impact of a restaurant or a gift shop occupying the same space.

RECOMMENDATIONS: On November 1, 2011, staff recommended that the Planning and Architectural Review Board recommend that the City Commission approve this special exception for professional offices at the subject property.

The Planning and Architectural Review Board recommended by a vote of 4-0 that the City Commission approve this special exception for professional offices at the subject property.

ATTACHMENTS: PARB packet

SUBMITTED BY: Chad Lingenfelter, Planner

Staff Comments:

City Manager: PAR Board recommended approval 4-0 to allow Professional Office within Tourist Commercial as a Special Exception. With Commission’s approval the applicant can obtain LBTR permit. Staff recommends your approval.

Planner: In addition to advertising a notice of public hearing in the *Daytona Beach News-Journal*, staff mailed notices to the 12 owners of properties within 200 of the subject property. No concerns have been received by staff at the time of this agenda packet.

THE NEWS-JOURNAL

Published Daily and Sunday
Daytona Beach, Volusia County, Florida

State of Florida,
County of Volusia

Before the undersigned authority personally appeared

Cynthia Maley

who, on oath says that she is

LEGAL COORDINATOR

of The News-Journal, a daily and Sunday newspaper,
published at Daytona Beach in Volusia County, Florida; the
attached copy of advertisement, being a
.....

NOTICE OF PUBLIC HEARING

L 962795

in the Court,
was published in said newspaper in the issues.....

OCTOBER 22, 2011

Affiant further says that The News-Journal is a newspaper
published at Daytona Beach, in said Volusia County, Florida,
and that the said newspaper has heretofore been continuously
published in said Volusia County, Florida, each day and
Sunday and has been entered as second-class mail matter at
the post office in Daytona Beach, in said Volusia County,
Florida, for a period of one year next preceding the first
publication of the attached copy of advertisement; and affiant
further says that he has neither paid nor promised any person,
firm or corporation any discount, rebate, commission or
refund for the purpose of securing this advertisement for
publication in the said newspaper

Cynthia Maley

Sworn to and subscribed before me

This 24TH of OCTOBER

A.D. 2011

Kelley Jean Meehan

49D

Notice of Public Hearing
City of Flagler Beach
SE 11-11-01: 2201 North
Oceanshore Boulevard - Albert
M. Esposito, applicant on behalf
of the property owner, Dean
Osterloh, requests a special ex-
ception to allow professional of-
fices. The subject property is
zoned as TC, Tourist Commer-
cial, contains approximately
0.13 acre, and is generally locat-
ed northwest of the intersection
of 22nd Street North and North
Oceanshore Boulevard.
The Planning and Architectural
Review Board will consider the
request and make a recommen-
dation to the City Commission
during a regular meeting on
Tuesday, November 1, 2011, at
5:30 p.m., in the City of Flagler
Beach Commission Chambers
at 105 South 2nd Street, Flagler
Beach, Florida.
The City Commission will con-
duct a quasi-judicial public hear-
ing on Thursday, November 10,
2011, at 6:30 p.m., or as soon
thereafter as possible, in the
City of Flagler Beach Commis-
sion Chambers at 105 South
2nd Street, Flagler Beach, FL.
All interested parties are invited
to attend.
Please direct any questions to
Chad T. Lingenfelter, AICP, PTP,
City Planner, at (386) 517-2000
ext. 230.
L962795, October 22, 2011 it.





City of Flagler Beach

To: Don Deal, Chairperson, Planning and Architectural Review Board
Planning and Architectural Review Board Members

FROM: Chad T. Lingenfelter, AICP, PTP, City Planner

RE: #SE 11-11-01 – 2201 North Oceanshore Boulevard Special Exception

DATE: October 28, 2011

Applicant: Albert M. Esposito, Albert M. Esposito & Associates, Inc., 206 Moody Boulevard, Flagler Beach, Florida 32136

Property: 2201 North Oceanshore Boulevard – 36-11-31-5630-00020-0120

Property Owner: Dean Osterloh, 14 Great Oak Road, Saint James, New York 11780

Future Land Use: Commercial

Zoning District: Tourist Commercial

Summary

Pursuant to the *City of Flagler Beach Code of Ordinances, Appendix A, Land Development Regulations, Section 2.06.01., Special Exception Uses*, the applicant is requesting a special exception to allow professional offices. The subject property is zoned as TC, Tourist Commercial, contains approximately 0.13 acre, and is generally located northwest of the intersection of 22nd Street North and North Oceanshore Boulevard. The subject property has an approximately 4,000 square foot building divided into four (4) separate suites.

Analysis

Special exception uses, as enumerated in Schedule One, Zoning Schedule of Use Controls, shall be permitted only upon authorization of the City Commission after review by the Planning and Architectural Review Board. In recommending approval or denial of the use, the reviewing boards shall provide findings and recommendations on whether the requirements of Section 2.06.01 (1. through 7.) are met as well as other comments such board feel will assist the City Commission in the determination of whether to grant the use. The applicant's responses to each of the prescribed criteria are as follows:

1. That the use is a permitted special use as set forth in Schedule One hereof.
Professional offices are a permitted special use as set forth in Schedule One for the TC, Tourist Commercial zoning district.
2. That the use is so designed, located and proposed to be operated that the public health, safety, welfare and convenience will be protected.
"The use of this property for the business requesting the exception as it would be operated should not have any impact on the public in terms of health, safety,

welfare or convenience."

3. That the use will not cause substantial injury to the value of other property in the neighborhood where it is to be located.

"This is a small office with business being conducted electronically and neighbors would probably not even know there was a business there.

4. That the use will be compatible with adjoining development and the proposed character of the district where it is to be located.

"This business would be located on the bottom level at the back (near Central Avenue). The business of timeshare sales could be of potential interest to residents as well as visitors to Flagler Beach who might wish to purchase timeshares."

5. That the adequate landscaping and screening is provided as required herein, or otherwise required.

No response.

6. That adequate off-street parking and loading is provided and ingress and egress is so designed as to cause minimum interference with traffic on abutting streets.

"Impact on parking in the area generated by this business would be minimal. Parking would be off-street where the owner had recently had the private parking area upgraded with pavers making it very attractive to residents and passers-by. There is parking on A1A for the coffee shop and parking on 22nd Street for the salon. The timeshare business would require no more than three parking spaces. Traffic generated by this business would have practically no impact on 22nd Street or Central Avenue. There is no product involved in this business, so any loading are would not be required. Any ingress or egress to the office would be negligible and cause minimal interference at this location."

7. That the use conforms with all applicable regulations governing the district where located.

"The building currently has two businesses operating there. A three-person office should conform to the existing uses of the building."

The applicant's application indicates that the requested special exception is for a specific business located in a specific portion of the building. However, a special exception for professional offices may be granted for any type of professional office and any proportion of the building. Staff generally agrees with the applicant's responses to the criteria. Since the TC, Tourist Commercial zoning district permits uses that are typically more intense than professional offices, specifically restaurants and gift shops, the trip generation and parking demand of professional offices will less than or equal to the impact of a restaurant or a gift shop occupying the same space.

Recommendation

Staff recommends the Planning and Architectural Review Board recommends that the City Commission approve the special exception for professional offices at the subject property.

Enclosure: Special Exception Application Packet

SPECIAL EXCEPTION APPLICATION

Property	2201 N Oceanshore Blvd, Flagler Beach, Unit #3
Owner	Dean Osterloh
Representative	Albert M Esposito; Albert M Esposito & Associates

Table of Contents:

Application Fee Sheet w/ check

Special Exception Application

Durable Power of Attorney

Justification Statement

Recorded Warranty Deed

Survey

Location Map

CITY OF FLAGLER BEACH
Special Exception Application Fee Sheet

Project Address: 2201 N. Oceanshore Blvd Date: 10/4/11

Applicant: Albert Esposito (POA for owner)

<i>ITEM</i>		<i>G/L CODE</i>	<i>FEE</i>
Application Fee \$600.00	(505)	001.3200.329102	<u>600.00</u>
Zoning Review \$55.00	(098)	001.3200.321107	<u>55.00</u>

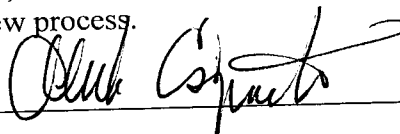
One Check for General Account (TOTAL) _____

<i>ITEMS FOR DEPOSIT</i>		<i>G/L CODE</i>	<i>FEE</i>
Public Notice(News Paper)-Estimated(607)	(607)	001.3200.321108	<u>300.00</u>
Certified Mailings – Estimated (604)	(604)	001.3200.321108	<u>45.00</u>

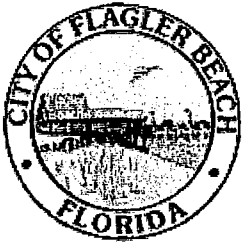
One Check for Deposit Account (TOTAL) # 1000.00

FEES ARE NON REFUNDABLE!!!

Please Note: If during the review process, the initial deposit is not sufficient to cover the on-going review process, additional estimated calculated fees will be required before continuance of the review process.

Customer's Signature:  Rec'd By: _____

Date Paid:



City of Flagler Beach
PO Box 70 105 South 2nd Street
Flagler Beach, Florida 32136
Phone (386) 517-2000 Fax (386) 517-2016

Special Exception – (SPEX)

PETITION NO.: _____

DATE: _____

Pursuant to Appendix A, Land Development Regulations, Section 2.06.01 of the Zoning Ordinance,
 I hereby request a Special Exception as described below:

PURPOSE FOR THE SPECIAL EXCEPTION PETITION: T/C change to Office

PETITIONER: Albert Esposito

PROJECT ADDRESS: 2201 N Oceanshore PHONE NO.: 386-439-5 ⁵⁰³⁻⁰⁹³⁶

OWNER OF SUBJECT PROPERTY: Dean Osterloh

ADDRESS: 14 Great Oak Road, St. James, NY 11780 PHONE NO.: 203-840-6430

PETITIONER'S RELATION TO SUBJECT PROPERTY: Owner's Realtor

ADDRESS/LEGAL DESCRIPTION: Sunrise Beach Sub Bl 2 LT 12 OR 57 PG 469 OR 81 PG 458 OR 100 PG 101 OR 222 PG 925 OR 319 PG 312 OR 494 PG 685 OR 583 PG 1978 OR 655 PG 1380 OR 983 PG 817
 LOT: 12 BLOCK: 2 SUBDIVISION: Sunrise Beach ZONING DISTRICT: Tourist Commercial

ATTACH JUSTIFICATION STATEMENTS ADDRESSING ALL SEVEN (7) REQUIREMENTS FOR THIS SPECIAL EXCEPTION REQUEST AS REQUIRED: (See Attachment "A" Special Exception Requirements.)

THIS IS TO CERTIFY THAT I AM THE OWNER AND/OR PETITIONER OF THE SUBJECT PROPERTY DESCRIBED IN THIS SPECIAL EXCEPTION PETITION. I HAVE READ THIS PETITION AND THE STATEMENTS CONTAINED HEREIN ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

SIGNATURE OF PETITIONER: [Signature]

SIGNATURE OF OWNER: See Power of Atty Pg 2

DATE: 10/4/11

See attached Power of Attorney.

AS OWNER, I AUTHORIZE _____ TO ACT AS MY AGENT IN THIS MATTER.
PRINT NAME, ADDRESS AND PHONE NUMBER OF REPRESENTATIVE, IF APPLICABLE.

NAME: _____

ADDRESS: _____

PHONE: _____

STATE OF FLORIDA,
County of Flagler

Subscribed and Sworn to (or affirmed) before me by

SIGNATURE OF OWNER

OWNER'S NAME (Print/Type)

ADDRESS (Street, City) & Phone Number

This ___ day of _____, 20___. Who is personally known to me or has produced _____ as
identification.

Commission Number & Expiration

Notary Public

TO BE COMPLETED BY THE PLANNING & ZONING DEPARTMENT

ACCEPTED BY: _____ DATE: _____

PETITION #: _____



SPECIAL DURABLE POWER OF ATTORNEY

BE IT KNOWN BY THESE PRESENTS, That I *Dean Osterloh* have made, constituted and appointed and by these presents do make, constitute and appoint *Albert Esposito*, my true and lawful attorney and agent for me and my name, place and stead, and for my behalf and benefit:

1. To exercise or perform any act, power, duty, right or obligation whatsoever that I now have or may hereafter acquire, relating to the following authorization: to bargain, sell, assign, transfer, convey (land and improvements) and lease said real property, to execute mortgages, notes, or accept a mortgage or other financing for said sale of said real property, to grant or accept options for all of said real estate transaction, to accept delivery of deeds (with or without mortgage assumption clauses); and to execute, deliver, or receive all closing papers pertaining thereto, and to otherwise conduct all other real estate transactions to wit:

To secure a special exception permit for zoning at 2201 N Oceanshore, Flagler Beach, Florida 32136

2. To do and perform any act reasonably necessary to carry into effect the general and underlying purpose set forth above.
3. This instrument is to be construed and interpreted as a Special Durable Power of Attorney immediately effective upon the execution of this power. This Power of Attorney shall not be affected by my disability or incompetence. This instrument is to be delivered within the State of Florida and the laws of the State of Florida shall govern all questions as to the validity of this power and the construction of its provisions.
4. Third parties may rely upon the representations of my agent as to all matters relating to any power granted to my agent, and no person who may act in reliance upon the representations of my agent or the authority granted to my agent shall have any liability to us or my estate as a result of permitting my agent to exercise any power.
5. If part of this agreement is adjudged invalid, the remaining parts are not affected and shall remain in full force and effect.

IN WITNESS WHEREOF, I have executed this Special Durable Power of Attorney immediately effective upon the execution of this power, on this 30 day of September 2011

WITNESSES:

[Signature] properly owner.

Sign Witness Name

Dean R Osterlich

Print Witness Name

Laura Burke

Sign Witness Name

Laura Burke

Print Witness Name

State of New York
County of Suffolk

I HEREBY CERTIFY that on Sept. 30, 2011, before me, an officer duly authorized to take acknowledgements, personally appeared Dean Roland Osterlich who is personally known to me or who has produced Driver's License as identification, and who executed the foregoing instrument.

WITNESS my hand and official seal on this 30 day of September 2011.

[Signature]

(SEAL)

Notary Public

My commission expires:

TINA M. GRENNAN
Notary Public, State of New York
No. 01GR6168736
Qualified in Suffolk County
Commission Expires: June 8, 2012

REQUEST FOR SPECIAL EXCEPTION OF
CITY OF FLAGLER BEACH ZONING CODE
JUSTIFICATION STATEMENT

This application should contain all the information required, as set forth in the Checklist of Required Items, as part of the Special Exception Application Information Packet.

Included in this packet are the following:

- Recorded warranty deed
- Owner's authorization
- Survey of property
- Aerial location map
- Check for application fee & zoning review
- Power of attorney from owner
- Description of business for which special exception is requested

Subject Property

The use of a portion of the property at 2201 N Oceanshore Blvd., Flagler Beach, FL 32136 requesting the exception for ***Safe Exit LLC***.

The business is an office and does not presently conform to the current zoning of Tourist/Commercial. As described on the document, "Schedule One Zoning, Schedule of Use Controls, City of Flagler Beach," the proposed business is listed as a permitted Special Exception Use.

The building consists of four entities; top floor is a coffee house/sandwich shop and a hair salon. Downstairs one area is vacant; the second is the business making this request.

Description of Business Seeking Exception

The business, ***Safe Exit LLC***, is a business of timeshare and resort property acquisitions and transfers. The company has two office representatives and one manager who operate as appointment setters and scheduling coordinators. When an appointment is made the company sends a consultant out to visit the prospective client generally at their home. The company sets an appointment, meets with the client, and acquisitions the resort property of

interested clients and forwards to their title company. Occasionally a situation might possibly dictate meeting at the office location.

Safe Exit LLC does not sell or advertise the resort property. The business is conducted 90% by telephone, email and fax and meeting at the client property.

This is a small office with business being conducted electronically and neighbors would probably not even know there was a business there. This business would be located on the bottom level at the back (near Central Avenue). The business of timeshare sales could be of potential interest to residents as well as visitors to Flagler Beach who might wish to purchase timeshares.

Impact on parking in the area generated by this business would be minimal. Parking would be off-street where the owner recently had the private parking area upgraded with pavers making it very attractive to residents and passers-by. There is parking on A1A for the coffee shop and parking on 22nd street for the salon. The timeshare business would require no more than three parking spaces.

Traffic generated by this business would have practically no impact on 22nd Street or Central Avenue.

There is no product involved in this business, so any loading area would not be required. Any ingress and egress to the office would be negligible and cause minimal interference at this location.

The use of this property for the business requesting the exception as it would be operated should not have any impact on the public in terms of health, safety, welfare or convenience.

The building currently has two businesses operating there. A three-person office should conform to the existing uses of the building.

Prepared By: RECORD AND RETURN TO:
LAW OFFICES OF KATZ & GREEN
1 Florida Park Drive South, Atrium Suite
Palm Coast, FL

Inst No: 2003050843 Date: 09/16/2003
Doc Stamp-Deed : 4137.00
GAIL WADSWORTH, FLAGLER Co. Time: 13:20
Book: 983 Page: 817 Total Pgs: 1

incident to the issuance of a title insurance policy.
File Number: 0306182
Parcel ID #: 361131-5630-00020-0120

OFF REC 0983 PAGE 0817

**WARRANTY DEED
(INDIVIDUAL)**

This WARRANTY DEED, dated 15th day of September, 2003

by

JOSEPH KISH, a single man

whose post office address is:

224 Windsor Avenue, Port Orange, FL 32119

hereinafter called the GRANTOR, to

DEAN OSTERLOH, a single man

whose post office address is:

2201 N. Oceanshore Blvd., Flagler Beach, FL 32136

hereinafter called the GRANTEE:

(Wherever used herein the terms "Grantor" and "Grantee" include all parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations.)

WITNESSETH: That the GRANTOR, for and in consideration of the sum of \$10.00 and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the GRANTEE, all that certain land situate in Flagler County, Florida, viz:

Lot 12, Block 2, Sunrise Beach Subdivision, a subdivision according to the plat or map thereof described in Plat Book 1, at Page(s) 20, Public Records of Flagler County, Florida.

SUBJECT TO covenants, conditions, restrictions, reservations, limitations, easements and agreements of record, if any; taxes and assessments for the year 2003 and subsequent years; and to all applicable zoning ordinances and/or restrictions and prohibitions imposed by governmental authorities, if any,

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD, the same in fee simple forever.

AND THE GRANTOR hereby covenants with said GRANTEE that except as above noted, the GRANTOR is lawfully seized of said land in fee simple; that the GRANTOR has good right and lawful authority to sell and convey said land; that the GRANTOR hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, GRANTOR has signed and sealed these presents the date set forth above.

SIGNED IN THE PRESENCE OF THE
FOLLOWING WITNESSES:

Signature: *Regina Cinelli*
Print Name: Witness #1: REGINA CINELLI

Joseph Kish
JOSEPH KISH

Signature: *J. Clay Gibson*
Print Name: Witness #2: J. Clay Gibson

State of Florida
County of Flagler

THE FOREGOING INSTRUMENT was acknowledged before me on 09/15/2003 by:

JOSEPH KISH

who is personally known to me or who has produced Driver's License as identification and who DID take an oath.

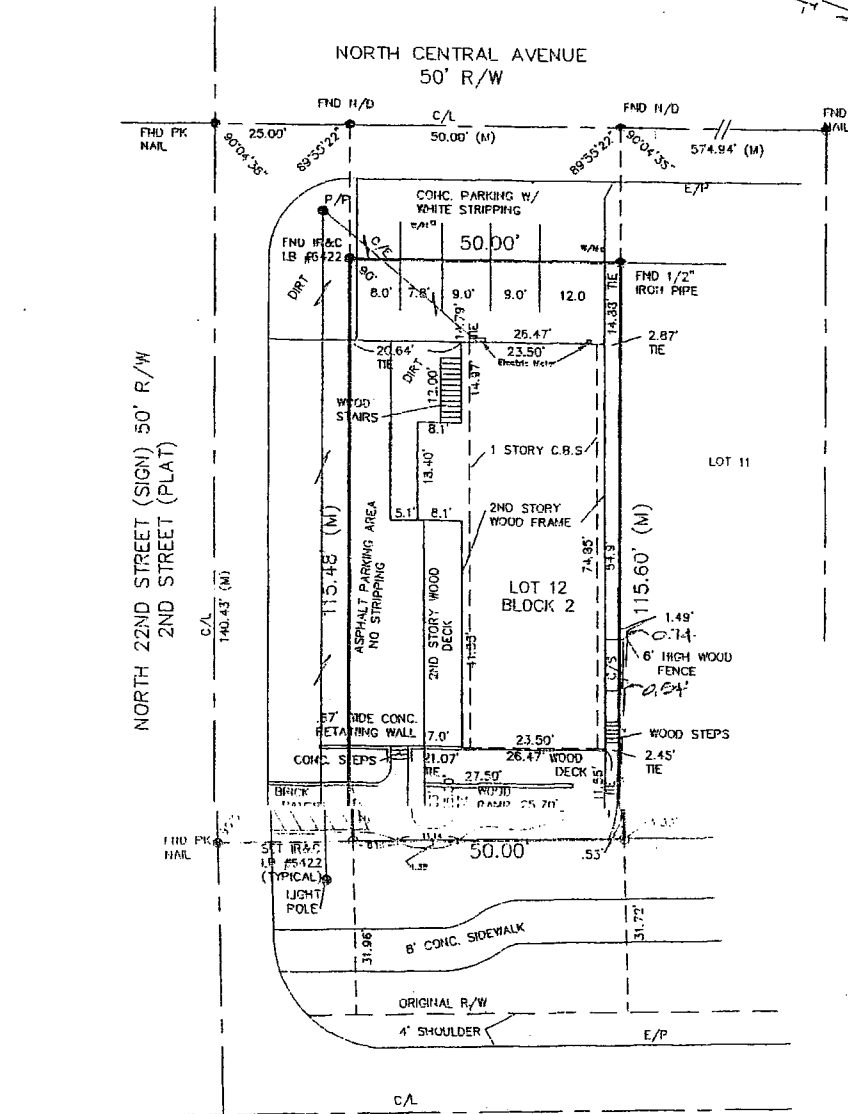
Notary Seal

Signature: *Nancy B. Mannino*
Print Name: _____ Notary Public

My Commission Expires _____



Nancy B. Mannino
Commission # CC 975424
Expires Nov. 18, 2004
Bonded Through
Atlantic Bonding Co., Inc.



OCEAN SHORE BOULEVARD (100' R/W)
A.K.A. STATE ROAD A1A

DESCRIPTION:

LOT 12, BLOCK 2, SUNRISE BEACH SUBDIVISION, AS RECORDED
IN M&P BOOK 1, PAGE 20, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA

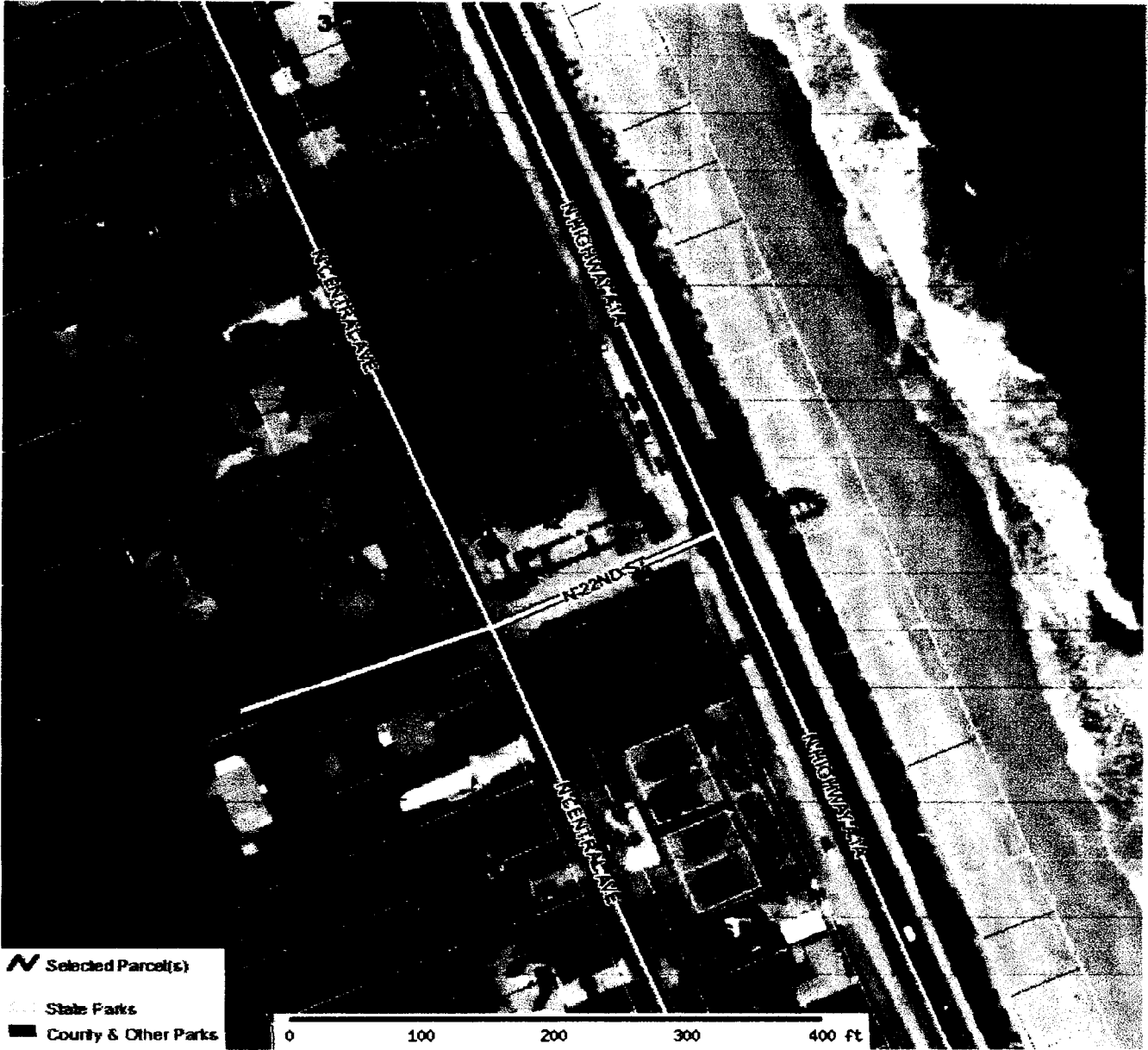
REVISIONS:
REVISED WALK: 5-15-05

NOTES:

1. Underground improvements and utilities not located.
2. No bearings shown on plat.
3. Descriptions and easements shown provided by client.
4. No search for encumbering instruments was made by surveyor.
5. Error of closure meets or exceeds 1" in 7,500'.
6. Flood Zone "C", Panel No. 120087 0001B, Effective Date: 5/15/85. This location is based on maps prepared by the Federal Emergency Management Agency. Final location and Flood Zone determination rest with said agency. This surveyor assumes no responsibility for said location and determination.

TYPE OF SURVEY: BOUNDARY

PREPARED FOR: DEAN OSTERLOH 4004 ACOMA DRIVE ORMOND BEACH, FL 32174 (386) 846-3704		COUNTY: Flagler, FL SEC: TWP: RGE: DT. NO.: 05-3906 DTG DATE: 5/11/05 FIELD DATE: 5/10/05 DRAWN BY: LM		STEPHENSON SURVEYING, INC. 4721 E. Kirby, Blvd., P.O. Box 1938, Palm Bay, FL 32910 Phone: 386/437-2383 Fax: 386/252-4225 Cell: 386/417-0071 SPECIALTY SURVEYING AND CONSULTING DIVISION OF A FLORIDA LICENSED PROFESSIONAL ENGINEER	
DTG NAME: FLAGLER/PLANTS/SUNRISE BEACH/BLK 2, LOT 12		I hereby certify that the survey represented herein was made by me or under my direct supervision and complies with the requirements of the Florida Statutes, and I am a duly licensed professional engineer in the State of Florida.			
LEGEND: 1. Iron Rod Found 2. Iron Pipe Set 3. Concrete Monument Found 4. Concrete Monument Set C/L Center Line R/W Right of Way P.O.D. Point of Beginning P.C.S. Point of Curvature	I.C. Iron Pipe P.C.S. Point of Curvature P.M. Permanent Reference Monument P.O.D. Point of Beginning P.P. Permanent Point T.M. Temporary Monument T.P. Temporary Point T.S. Temporary Station T.W. Temporary Wall T.Y. Temporary Yoke	D.C. Dashed Center Line E.S. Easement Strip C.R.S. Concrete Road Surface C.C. Concrete A. Asphalt L. Limestone C.H. Cement C.C. Concrete T.M. Temporary Monument	R.C.V. Rectangular Vertical Curve S.V. Square Vertex M.S.L. Mean Sea Level P.F.S. Public Filing System M. Monument P. Pole D. Post C.H. Chain F.F.E. Faint Filing Extension E.D.P. Edge of Footprint L.B. Lateral Boundary	Date: 5-15-05 DON A. WILCOX, No. 5275 DAVID T. WILCOX, No. 5071 ROBERT P. STEWART, No. 6103 DON A. WILCOX, Jr., No. 5242	



Flagler County Property Appraiser

Parcel: 36-11-31-5630-00020-0120 Sqft: 5790

Name:	OSTERLOH DEAN	Land Value:	150,000
Site:	2201 OCEANSHORE BLVD N	Building Value:	110,170
Sale:	\$591,000 on 09-2003 Vacant=N Qual=Q	Misc Value:	12,911
Mail:	14 GREATOAK ROAD	Just Value:	273,081
	SAINT JAMES, NY 11780	Assessed Value:	273,081
		Exempt Value:	0
		Taxable Value:	273,081



The Flagler County Property Appraiser's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation. The assessment information is from the last certified taxroll. All data is subject to change before the next certified taxroll. PLEASE NOTE THAT THE PROPERTY APPRAISER MAPS ARE FOR ASSESSMENT PURPOSES ONLY NEITHER FLAGLER COUNTY NOR ITS EMPLOYEES ASSUME RESPONSIBILITY FOR ERRORS OR OMISSIONS —THIS IS NOT A SURVEY—
Date printed: 10/05/11 : 10:31:36



City of Flagler Beach AGENDA ITEM # 23

Item Summary and Recommendation

SUBJECT: VAR 11-11-01: Consider a Variance to the Land Development Regulations Section 2.04.02.9 Zoning District Schedule Two, Lot Density, Yard height and Lot Coverage requirements and Section 4.00.06(a) Wetland Buffers; to permit a 7.5' front yard variance , 3' corner lot variance side yard variance and 15' wetland buffer variance to allow a single family dwelling setback 17.5' from the East property line, 12' from the South property line and 10' from the wetland line; the subject property contains approximately 0.8 acre, is zoned R-I, Single Family Residential, and is generally located Northwest of the intersection of 14th Street North and North Daytona Avenue also known as 1401 North Daytona Avenue.

BACKGROUND:

RECOMMENDATIONS: Motion to continue to December 15, 2011.

ATTACHMENTS: None, will be included in your December 15th packet.

SUBMITTED BY: Chad Lingenfelter, Planner

Staff Comments:

City Manager: The Par Board requested a continuance for "more information" during the November 1st meeting. (Par Board will again discuss on December 6th agenda.) Due to the advertisement being date and time certain, staff is asking that the Commission Chairman also request a "continuance" of this item to our next regular meeting on December 18th, 2011. The issue in question is the upland buffer zone within a wetland area.

THE NEWS-JOURNAL

Published Daily and Sunday
Daytona Beach, Volusia County, Florida

State of Florida,
County of Volusia

Before the undersigned authority personally appeared

Cynthia Maley

who, on oath says that she is

LEGAL COORDINATOR

of The News-Journal, a daily and Sunday newspaper,
published at Daytona Beach in Volusia County, Florida; the
attached copy of advertisement, being a
.....

NOTICE OF PUBLIC HEARING

L 962792

in the Court,
was published in said newspaper in the issues.....

OCTOBER 22, 2011

Affiant further says that The News-Journal is a newspaper
published at Daytona Beach, in said Volusia County, Florida,
and that the said newspaper has heretofore been continuously
published in said Volusia County, Florida, each day and
Sunday and has been entered as second-class mail matter at
the post office in Daytona Beach, in said Volusia County,
Florida, for a period of one year next preceding the first
publication of the attached copy of advertisement; and affiant
further says that he has neither paid nor promised any person,
firm or corporation any discount, rebate, commission or
refund for the purpose of securing this advertisement for
publication in the said newspaper

Cynthia Maley
.....

Sworn to and subscribed before me

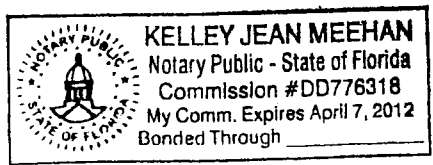
This 24TH of OCTOBER

A.D. 2011

Kelley Jean Meehan
.....

49D

Notice of Public Hearing
City of Flagler Beach
VAR 11-11-01: 1401 North
Daytona Avenue. Dennis K.
Bayer, applicant on behalf of the
property owners, John and
Joyce Fanelli, requests varian-
ces from the City of Flagler
Beach Land Development Regu-
lations Section 2.04.02.9, Zon-
ing District, Schedule Two: Lot,
Density, Yard, Height and Lot
Coverage Requirements and
Section 4.00.06.(a) Wetland
Buffers to permit a 7.5' front
yard variance, 3' corner lot side
yard variance, and 15' wetland
buffer variance to allow a single-
family dwelling setback 17.5'
from the east property line, 12'
from the south property line,
and 10' from the wetland line.
The subject property contains
approximately 0.8 acre, is zoned
as R-1, Single-Family Residen-
tial, and is generally located
northwest of the intersection of
14th Street North and North
Daytona Avenue.
The Planning and Architectural
Review Board will consider the
request, and make a recommen-
dation to the City Commission
during a regular meeting on
Tuesday, November 1, 2011, at
5:30 p.m., in the City of Flagler
Beach Commission Chambers
at 105 South 2nd Street, Flagler
Beach, Florida.
The City Commission will con-
duct a quasi-judicial public hear-
ing on Thursday, November 10,
2011, at 6:30 p.m., or as soon
thereafter as possible, in the
City of Flagler Beach Commis-
sion Chambers at 105 South
2nd Street, Flagler Beach, FL.
All interested parties are invited
to attend.
Please direct any questions to
Chad T. Lingenfetter, AICP, PTP,
City Planner, at (386) 517-2000
ext. 230.
L962792, October 22, 2011 It.



ORDINANCE 2011-18

AN ORDINANCE OF THE CITY OF FLAGLER BEACH, FLORIDA, ESTABLISHING A TEMPORARY MORATORIUM FOR A MAXIMUM OF ONE HUNDRED EIGHTY DAYS ON ACCEPTANCE, REVIEW, PROCESSING, OR APPROVAL OF APPLICATIONS FOR DEVELOPMENT, BUILDING PERMITS, SITE PLANS, DEVELOPMENT ORDERS, AND LAND USE ACTIVITIES WHICH WOULD ALLOW OR PERMIT THE CONSTRUCTION OF PAIN CLINICS OR PAIN MANAGEMENT CLINICS WITHIN THE CITY; ESTABLISHING A TEMPORARY MORATORIUM FOR A MAXIMUM OF ONE HUNDRED EIGHTY DAYS ON THE ISSUANCE OF BUSINESS TAX RECEIPTS FOR THE OPERATION OF PAIN CLINICS AND PAIN MANAGEMENT CLINICS; PROVIDING EXEMPTIONS; PROVIDING FOR POSSIBLE EXTENSION OF THIS ORDINANCE; PROVIDING FOR DETERMINATION OF VESTED RIGHTS; PROVIDING FOR SEVERABILITY AND CONFLICTS; PROVIDING FOR NON-CODIFICATION AND PROVIDING AN EFFECTIVE DATE

WHEREAS, pursuant to Article VII, Section 2 of the Florida Constitution and Chapter 166 of the Florida Statutes, the City of Flagler Beach is authorized and required to protect the public health, safety, and welfare of its citizens and has the power and authority to enact regulations for valid governmental purposes that is not inconsistent with general or special law; and

WHEREAS, the public health, safety, and welfare is a legitimate public purpose recognized by the courts of Florida; and

WHEREAS, at the Florida Board of Medicine (the “Board”) Meeting in December 2008, in Tampa, Florida, the Board cited the “rapid proliferation of pain clinics that may be contributing to increased abuse of controlled substances,” and concluded “there may be a need to develop rules and regulations for these clinics to provide oversight related to evaluation and follow up of these difficult patients and help physicians identify persons not seeking care but just pill shopping for narcotics;” and

WHEREAS, the Board further notes that “an average of 7 patients a day are reported of dying of prescription drug overdose in Florida, a number that far exceeds the number dying from illegal drug abuse;” and

WHEREAS, the U.S. Department of Health and Human Services has released data showing prescription drug deaths are now the fourth leading cause of death in the United States; and

WHEREAS, nearby areas in Florida have experienced an influx of so-called pain clinics and pain management clinics; and

WHEREAS, the City Commission has heard evidence pertaining to proliferation of pain clinics and pain management clinics in Florida, prescription drug abuse, deaths associated with such abuse, and crimes stemming from such abuse; and

WHEREAS, Florida law enforcement officers have observed criminal activities on and around the properties on which various pain clinics and pain management clinics are located including but not limited to, illegal sales and trafficking of prescription drugs; and

WHEREAS, the City Commission finds it in the best interest of the citizens of the City of Flagler Beach to mitigate the negative secondary effects of these businesses by adopting appropriate regulations relating thereto; and

WHEREAS, time is needed in which to research the nature and scope of possible measures of mitigation and regulation of pain clinics and pain management clinics; and

WHEREAS, the City Commission deems it in the best interest of the City to enact an ordinance regulating such businesses.

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

SECTION 1: The recitals set forth above are hereby adopted as legislative findings of the City Commission of the City of Flagler Beach.

SECTION 2: For the purposes of this ordinance, “pain clinic” and “pain management clinic” are defined as meeting the following criteria:

Any clinic, medical practitioner’s office, or pharmacy that is not affiliated with a hospital, hospice, or other facility for treatment of the terminally ill in Flagler County, Florida; and

- a) the primary business purpose of such clinic, medical practitioner’s office, or pharmacy is to prescribe or dispense pain medication such as but not limited to: opioids including fentanyl, hydrocodone, morphine, and oxycodone to individuals; or
- b) the clinic medical practitioner’s office, or pharmacy holds itself out through advertising as being in business to prescribe pain medication, including, but not limited to the controlled substances listed in the criteria above, and which clinic, medical practitioner’s office, or pharmacy may or may not provide dispensing of pharmaceuticals onsite.

SECTION 3. Temporary Moratorium.

- (a) A temporary moratorium is hereby established for a period of one hundred eighty days from the effective date of this ordinance to research the nature and scope of possible measures of mitigation and regulation of pain clinics and pain management clinics. There is hereby imposed a temporary moratorium on:
- 1) all non-exempt activity and actions relating to the acceptance, review, processing, and/or approval of, applications for development, building permits, site plans, development orders, or any other land use activity within the City which would allow or permit the construction of pain clinics or pain management clinics; and
 - 2) the submission, processing and issuance of Business Tax Receipts for the operation of pain clinics and pain management clinics.
- (b) During the time that this moratorium is in effect, no applications subject to the provisions of this Ordinance shall be accepted or considered for any real property located within the City or for Business Tax Receipts for the operation of pain clinics or pain management clinics.
- (c) Notwithstanding the time limit on the moratorium herein established, in the event the City Commission finds that additional time is needed for staff to conclude its review of the problems associated with pain clinics and pain management clinics, as defined herein, within the City and the drafting of regulations of those businesses, then the term of this moratorium may be extended for an additional one hundred eighty days.

SECTION 4. Exemptions. This moratorium shall not affect any business currently operating within the City pursuant to a validly issued Business Tax Receipt until the renewal date of such Business Tax Receipt.

SECTION 5. Administrative/Quasi-Judicial Review Procedures

- (a) Owners of real property within the City or an expressly authorized agent of such an owner may request the City Commission make a determination of vested rights.
- (b) The following categories shall be presumptively vested for purposes of this Ordinance and shall not be required to file an application: all properties subject to an approved Development Agreement that includes a pain clinic or pain management clinic and which has not expired or been terminated. A particular land use classification, however, does not guarantee or vest any specific development rights.

SECTION 6. Severability. If any section, part of a section, paragraph, sentence, clause, phrase or word of this ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holding of invalidity shall not affect the remaining portions of this ordinance and shall be construed to have been the legislative intent to pass this ordinance without such unconstitutional, invalid or inoperative parts therein; and the remainder of this ordinance,

after the exclusion of such part or parts, shall be deemed to be held valid as if this ordinance had been adopted without such unconstitutional, invalid or inoperative part therein. If this ordinance or any provision thereof, shall be held inapplicable to any person, group or persons, property, kind of property circumstances, or set of circumstances, such holding shall not affect the application thereof to any other person, property or circumstances.

SECTION 7. Conflicts. Any ordinances or resolutions in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 8. Non-Codification. The provisions of this ordinance shall not be included and incorporated within the City of Flagler Beach Land Development Code.

SECTION 9. Effective Date; Repeal or Expiration. This ordinance shall become effective immediately upon approval of the City Commission and shall stand repealed as of 11:59 p.m. on the 180th day after the effective date of the ordinance, unless repealed sooner or extended by the City Commission consistent with the terms of this ordinance, or upon adoption of an ordinance addressing pain clinics and/or pain management clinics which shall be drafted to protect the health, safety and welfare of the residents of the City of Flagler Beach.

PASSED ON FIRST READING THIS 27TH DAY OF OCTOBER, 2011
PASSED ON SECOND READING THIS ____ DAY OF _____, 2011

Attest:

Penny Overstreet, City Clerk
City of Flagler Beach

Alice M. Baker, Mayor
City of Flagler Beach

ORDINANCE 2011-18

AN ORDINANCE OF THE CITY OF FLAGLER BEACH, FLORIDA, ESTABLISHING A TEMPORARY MORATORIUM FOR A MAXIMUM OF ONE HUNDRED EIGHTY DAYS ON ACCEPTANCE, REVIEW, PROCESSING, OR APPROVAL OF APPLICATIONS FOR DEVELOPMENT, BUILDING PERMITS, SITE PLANS, DEVELOPMENT ORDERS, AND LAND USE ACTIVITIES WHICH WOULD ALLOW OR PERMIT THE CONSTRUCTION OF PAIN CLINICS OR PAIN MANAGEMENT CLINICS WITHIN THE CITY; ESTABLISHING A TEMPORARY MORATORIUM FOR A MAXIMUM OF ONE HUNDRED EIGHTY DAYS ON THE ISSUANCE OF BUSINESS TAX RECEIPTS FOR THE OPERATION OF PAIN CLINICS AND PAIN MANAGEMENT CLINICS; PROVIDING EXEMPTIONS; PROVIDING FOR POSSIBLE EXTENSION OF THIS ORDINANCE; PROVIDING FOR DETERMINATION OF VESTED RIGHTS; PROVIDING FOR SEVERABILITY AND CONFLICTS; PROVIDING FOR NON-CODIFICATION AND PROVIDING AN EFFECTIVE DATE

A PUBLIC HEARING AND FINAL READING WILL BE HELD ON NOVEMBER 10, 2011 AT 6:30 P.M., OR AS SOON THEREAFTER AS POSSIBLE, IN THE CITY COMMISSION CHAMBERS, 105 S. 2ND ST., FLAGLER BEACH, FL. THIS PUBLIC HEARING 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 ORDINANCE MAY BE VIEWED AT THE ABOVE LOCATION. INTERESTED PARTIES MAY APPEAR AT THE MEETING AND BE HEARD WITH RESPECT TO THE PROPOSED ORDINANCE.

L964809, November 3, 2011 1t.

#25

ORDINANCE 2011-19

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FLAGLER BEACH, AMENDING CHAPTER 16, CREATING ARTICLE VI; PAIN MANAGEMENT CLINIC REGULATIONS AND DEFINITIONS, PROVIDING FOR FINDINGS OF FACT, INTENDED PURPOSE AND SUPPLEMENTAL REGULATIONS OF PAIN MANAGEMENT CLINICS; PROVIDING FOR SEVERABILITY AND CONFLICTS; PROVIDING FOR CODIFICATION AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Flagler County Sheriff has informed the Flagler Beach City Commission ("City Commission") that a pattern of illegal drug use and distribution has been linked in large part to certain pain management clinics operating throughout the State of Florida; and

WHEREAS, the illegal distribution of prescription drugs, increased crime associated with such activity, and the health concerns in Flagler County and Flagler Beach relating to prescription drug abuse create an urgent situation requiring immediate action to reduce the threat to the health, safety and welfare of the Flagler Beach citizens; and

WHEREAS, on November 10, 2011, the City Commission adopted Ordinance No. 2011-18 to implement a moratorium which shall expire on May 8, 2012, on the issuance of any new Local Business Tax Receipts for pain management clinics, to direct City staff to analyze the effects of pain management clinics on the Flagler Beach community and to prepare recommendations to better promote, protect and improve the health, safety and welfare of the citizens of the City by local regulation of pain management clinics, to restrict cash only operations, and to regulate hours of operation of existing clinics through the period of the moratorium; and

WHEREAS, the State of Florida, Flagler County Sheriff, the City Commission and City staff have identified negative adverse secondary effects associated with pain management clinics that necessitate a recommendation for certain changes to the Flagler Beach code that will result in additional substantive regulations, compatible with the State of Florida initiatives, for pain management clinics in Flagler Beach.

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

SECTION 1. **Creation of Pain Management Clinic Ordinance.** A Pain Management Clinic Ordinance is hereby created to read as follows, to be codified at Article VI, Chapter 16, Flagler Beach Code of Ordinances.

SECTION 2. **Title**

This Ordinance shall be known as the "Pain Management Clinic Ordinance".

43 **Sec. 16-72. Findings of Fact; Intent and Purpose.**

- 44
- 45 (a) The Flagler County Sheriff informed the City Commission that a pattern of
- 46 illegal drug use and distribution has been linked in large part to certain pain
- 47 management clinics operating throughout the State of Florida ; and
- 48
- 49 (b) The illegal distribution of prescription drugs, increased crime associated
- 50 with such activity, and the health and safety issues relating to prescription drug
- 51 abuse has created an urgent situation requiring immediate action to reduce the
- 52 threat to the health, safety and welfare of City citizens; and
- 53
- 54 (c) The Florida Legislature has identified concerns regarding the increased use
- 55 and abuse of substances controlled by federal and/or state law and the
- 56 frequency of injury and death occurring as a result of the increased availability
- 57 of controlled substances via medical practitioners operating in pain
- 58 management clinics or facilities; and
- 59
- 60 (d) Florida Statutes require physicians and other persons dispensing
- 61 prescription drugs through pain management clinics, facilities or offices, to
- 62 register with the State Department of Health in order to conduct such business;
- 63 and
- 64
- 65 (e) The negative secondary impacts associated with the certain pain
- 66 management clinics include the congregation of drug users and drug addicted
- 67 persons outside of pain management clinics in a manner that has a negative
- 68 effect on the willingness of residents to patronize nearby businesses and which
- 69 disturbs nearby residents all hours of the day but particularly in the early
- 70 morning and late evening hours thus creating an urgent situation necessitating
- 71 immediate investigation into and potential regulation of such clinics in Flagler
- 72 Beach; and
- 73
- 74 (f) It is not the intent of this Ordinance to interfere with the legal prescription,
- 75 dispensation, or use of controlled substances; and
- 76
- 77 (g) Under its home rule authority Flagler Beach can pass additional legislation
- 78 to further regulate pain management clinics as long as these additional
- 79 regulations are not preempted in the law and are not inconsistent with the
- 80 statutory provisions.

81 **Sec. 16-73. Definitions.**

82

83

84 For purposes of this article, the following terms, whether appearing in the singular

85 or plural form, shall have the following meanings. All other terms used in this

86 article shall have the meaning provided in Chapter 2011-141, Laws of Florida, as it

87 may be amended from time to time.

88
89 ***“Acute Pain”*** means the normal, predicted, physiological response to an
90 adverse chemical, thermal, or mechanical stimulus and is associated with surgery,
91 trauma, or illness. It is generally short-lived. Acute Pain responses may vary
92 between patients and between pain episodes within an individual patient. Acute
93 Pain episodes may be present in patients with Chronic Pain.

94
95 ***“Chronic Pain” or “Chronic Non-Malignant Pain”*** means pain unrelated to
96 cancer or rheumatoid arthritis which persists beyond the usual course of disease or
97 the injury that is the cause of the pain or more than 90 days after surgery.

98
99 ***“City”*** means the City of Flagler Beach, Florida.

100
101 ***“Dangerous Drugs”*** means a controlled substance listed in Schedule II and
102 Schedule III in Section 893.03, Florida Statutes as amended from time to time,
103 specifically opiate analgesic and benzodiazepine drugs.

104
105 ***“Health Care Physician or Physician”*** means any practitioner who is subject
106 to licensure or regulation by the Florida Department of Health under Chapters 458
107 (physician) or 459 (osteopathic physician), Florida Statutes.

108
109 ***“Pain”*** means an unpleasant sensory and emotional experience associated
110 with actual or potential tissue damage or described in terms of such damage.
111 Categories of pain include Acute Pain or Chronic Pain.

112
113 ***“Pain Management”*** means the use of pharmacological and non-
114 pharmacological interventions to control a patient’s identified pain. Pain
115 Management often extends beyond pain relief, encompassing the patient’s quality
116 of life, ability to work productively, to enjoy recreation, and to function normally in
117 family and society.

118
119 ***“Pain Management Clinic”*** means any publicly or privately-owned facility:

- 120
121 1. That advertises in any medium for any type of pain-management
122 services; or
123
124 2. Where in any month a majority of patients are prescribed opioids,
125 benzodiazepines, barbiturates, or carisoprodol for the treatment of chronic
126 nonmalignant pain.

127
128 ***“Physician Primarily Engaged in the Treatment of Pain”*** means a physician
129 who prescribes or dispenses Dangerous Drugs when a substantial portion of the
130 patients seen are prescribed or dispensed Dangerous Drugs for the treatment of
131 chronic pain. For purposes of this definition, the term “substantial portion” means

132 more than an insignificant or incidental portion. The term “substantial portion”
133 does not necessarily mean a majority or predominant amount.

134
135 **Sec. 16-74. Exceptions.**

136
137 Businesses with one of the following characteristics are not regulated by this
138 Section:

139
140 1. Licensed as a hospital or other licensed facility pursuant to Chapter
141 395, Florida Statutes, as may be amended;

142
143 2. The majority of the physicians who provide services in the clinic
144 primarily provide surgical services;

145
146 3. Owned by a publicly held corporation whose shares are traded on a
147 national exchange or on the over-the-counter market and whose total assets at the
148 end of the corporation’s most recent fiscal quarter exceeded \$50 million dollars:

149
150 4. Affiliated with an accredited medical school at which training is
151 provided for medical students, residents, or fellows;

152
153 5. Does not prescribe controlled substance for the treatment of pain;

154
155 6. Owned or operated by a governmental entity for the sole purpose of
156 serving that governmental entity.

157
158 7. The clinic is wholly owned and operated by one or more board-
159 certified anesthesiologists, physiatrists, or neurologists; or

160
161 8. The clinic is wholly owned and operated by one or more board-
162 certified medical specialists who have also completed fellowship in pain medicine
163 approved by the Accreditation Council for Graduate Medical Education, or who are
164 also board-certified in pain medicine by a board approved by the American Board
165 of Medical Specialties and perform interventional pain procedures of the type
166 routinely billed using surgical codes.

167
168 **Sec. 16-75. Regulation of pain management clinics.**

169
170 Pain Management Clinics shall be subject to the following supplemental regulations
171 and the physician designated as responsible for complying with all requirements
172 related to registration and operation of the Pain Management Clinic shall ensure
173 compliance herewith as follows:

174
175 (1) *Display of licenses.* Any Pain Management Clinic shall be validly
176 registered with the State of Florida and with the City and shall prominently display

177 in a public area near its main entrance copies of all state licenses, City licenses, and
178 Occupational License/Local Business Tax Receipts, and the name of the owner and
179 designated physician responsible for compliance with state and City law.
180

181 (2) *Minimum floor area.* A Pain Management Clinic shall have a total
182 leasable floor area of not less than one thousand (1,000) square feet.
183

184 (3) *Activities in enclosed areas.* All activities of Pain Management Clinics,
185 including sale, display, preparation and storage, must be conducted entirely within
186 a fixed and completely enclosed business. Pain Management Clinics shall not
187 provide outdoor waiting areas, such as seating and queues.
188

189 (4) *Facility and Physical Operations.* Pain Management Clinics shall
190 provide the following:
191

- 192 a. emergency lighting and communications (land line
193 telephone),
- 194 b. reception and waiting area,
- 195 c. restroom(s),
- 196 d. administrative area, including room for storage of medical
197 records, supplies, and equipment,
- 198 e. private patient examination room,
- 199 f. treatment rooms, if treatment is being provided to patients,
- 200 g. a printed sign located in a conspicuous place in the waiting
201 room viewable by the public with the name and contact
202 information of the clinic's designated physician and all
203 physicians practicing in the clinic.
204

205 (5) *Drive-thru.* Pain Management Clinics shall not provide drive-thru
206 window operations or services.
207

208 (6) *Alcoholic beverages.* Alcoholic beverages shall be prohibited from
209 being sold on the premises.
210

211 (7) *No loitering.* The Pain Management Clinic shall not direct or
212 encourage any patient or business invitee to stand, sit (including in parked car),
213 gather, or loiter outside of the building where the clinic operates, including in any
214 parking area, sidewalk adjacent, right-of-way, or neighboring property for any
215 period of time longer than that reasonably required to arrive and depart. The Pain
216 Management Clinic shall post conspicuous signs stating that no loitering is allowed
217 on the property.
218

219 (8) *Operating hours.* Regular business hours for Pain Management
220 Clinics are limited from Monday through Saturday and only during the hours of 7:00

221 a.m. to 7:00 p.m. and shall only provide emergency services outside the regular
222 business hours.

223
224 (9) *Landlord responsibility.* Any landlord who knows, or in the exercise
225 of reasonable care should know, that a Pain Management Clinic is operating in
226 violation of the Flagler Beach Code of Ordinance, or applicable Florida law,
227 including the rules and regulations promulgated by the Department of Health,
228 Board of Medicine, or Board of Osteopathic Medicine, shall have the responsibility
229 to stop or take reasonable steps to prevent the continued illegal activity on the
230 leased premises. Landlords who lease space to a Pain Management Clinic must
231 expressly incorporate language into the lease or rental agreement stating that
232 failure to comply with the Flagler Beach Code of Ordinance is a material breach of
233 the lease and shall constitute grounds for termination and eviction by the landlord.

234
235 (10) *Compliance with other laws.* A Pain Management Clinic shall at all
236 times be in compliance with all federal and state laws and regulations and the
237 Flagler Beach Code of Ordinance.

238
239 (11) *Patient payment options.* No Pain Management Clinic shall limit
240 patient payment options to cash only.

241
242 (12) *Certificate of Use.* A Pain Management Clinic must apply for and
243 receive a Certificate of Use from the City at the time that it seeks issuance or
244 renewal of the Local Business Tax Receipt for the business, or at any time that there
245 is a change of owner or the physician of record, pursuant to Section 458.3265,
246 Florida Statutes or Section 459.0137, Florida Statutes, as amended. This application
247 for Certificate of Use shall establish, and shall be updated as needed:

248
249 (a) owner or operator of the facility;

250
251 (b) proof of registration with the Florida Department Health,
252 pursuant to Section 458.3265 or Section 459.0137, Florida Statutes. If the
253 registration of the Pain Management Clinic is revoked or suspended by the Florida
254 Department of Health, the City's Certificate of Use shall be revoked automatically
255 and shall not be subject to the provisions herein;

256
257 (c) the application for a Certificate of Use shall include an
258 affidavit by the owner or the physician of record, pursuant to Section 458.3265 or
259 Section 459.0137, Florida Statutes, as amended, attesting to the fact that no
260 employee of the business, nor any independent contractor or volunteer having
261 regular contact with customers of the business, has been convicted of a drug
262 related felony within the five (5) year period prior to the date of the application,
263 and that the business shall not employ or allow any such convicted employee,
264 independent contractor or volunteer on the premises thereafter.

265

266 (d) the application shall contain a sketch of the intended
267 business to confirm compliance with the business/floor plan requirements of this
268 Section. The sketch shall confirm that the Pain Management Clinic will not have
269 any outdoor waiting areas such, such as seating or queues.

270 (e) a copy of the lease agreement for business location.
271
272

273 **Sec. 16-76. Application to Existing Pain Management Clinics.**

274
275 All Pain Management Clinics legally in existence prior to the effective date of this
276 Section, shall comply with the requirements herein within 365 days of the effective
277 date of this Section. Any Pain Management Clinic legally in existence prior to the
278 effective date of this Section, but now in violation of this provision due to the Pain
279 Management Clinic's failure to meet the requirements of this section, shall be
280 considered a legal nonconforming use for a period of one (1) year from the
281 effective date of this Section. After the one (1) year period of time, such
282 nonconforming use shall be removed or discontinued.
283

284 If at any time the City determines that a Pain Management Clinic is operating in any
285 manner that is inconsistent with, or contrary to the provisions of this Chapter, or
286 any other applicable Code or statutes, the City may revoke the Certificate of Use
287 through the process outlined herein or as allowed by State Statutes.
288

289 **Sec. 16-77. Penalties.**

290
291 Unless as otherwise provided herein, violations of this Article shall be punishable in
292 accordance with Section 14-1 of the City of Flagler Beach Code of Ordinances. In
293 addition, the City may bring any other action available at law or equity to penalize
294 or enjoin violations of this Article.
295

296 **SECTION 3.** If any Section, Subsection, sentence, clause, phrase, or portion of this ordinance, or
297 application thereof, is for any reason held invalid or unconstitutional by any Court, such portion or
298 application shall be deemed a separate, distinct, and independent provision, and such holding shall
299 not affect the validity of the remaining portions or application hereof.
300

301 **SECTION 4.** It is the intent of the City Commission of Flagler Beach, and is hereby provided that
302 the provisions of this ordinance shall be made a part of the Flagler Beach Code; that the
303 sections of this ordinance may be re-numbered or re-lettered; and that the word "ordinance"
304 may be changed to "section", "article", "chapter" or other appropriate designation to
305 accomplish such intention.
306

307 **SECTION 5.** All ordinances or parts of ordinances in conflict herewith be and the same are hereby
308 repealed.
309

310 **SECTION 6.** This ordinance shall take effect immediately upon passage as provided by law.

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PASSED ON FIRST READING THIS _____ DAY OF _____, 2011.
PASSED AND ADOPTED THIS _____ DAY OF _____, 2011.

CITY OF FLAGLER BEACH, FLORIDA
CITY COMMISSION

Alice M. Baker, Mayor

ATTEST:

Penny Overstreet, City Clerk

#26

Staff

Reports

TO: Bruce Campbell, Acting City Manager
FROM: Penny Overstreet, City Clerk
SUBJ: Monthly Report for October 2011



Administrative support for the Commission:

- 2 Regular City Commission Meetings
- 1 CRA Meeting
- 1 Special Meeting
- 2 Staff Meetings
- 1 Economic Development Task Force
- 1 Planning & Architectural Review Board

Administrative support for the City Manager's Office/Other Departments: Assisted the City Manager provided support for general correspondence and memos.

Assessments: Twenty-nine (29) requests from title companies inquiring about balances of assessments and utility bills were processed. The amount collected in research and fees was \$200.00.

Computer Network Preventative Maintenance and Support: Coordinated troubleshooting efforts with James Moore & Company. This does not include day-to-day troubleshooting done by the City Clerk's office. James Moore & Co. completed 17 service tickets for the month. Eight Terabytes of memory were added to the NAS device we utilize for our off-site backup.

Department Budget: Processed invoices and ordered supplies as needed. Budget on task for the department no significant variances in monthly report provided by Finance Director.

Public records requests: This office processed hundreds of requests for public records. These requests came from various sources, including but not limited to individuals, attorneys, other City Departments, other Agencies. This number does not include the many phone calls and e-mails that are received by our department requesting verbal and written information. We collected a total of \$15.45 in fees for copies of documents and compact discs.

Records Management Functions: Assisted staff in scanning, storing and properly using templates in laser fiche. Scan; assign templates for easy search on laser fiche. Continued to linked contracts, resolutions, ordinance, to minutes for years 2009-2011 and update templates and scanned missing documents as needed. Assigning templates and folders to the building permit files that were recently imported. Preparing for year end when documents that have met their retention will be pulled and destroyed per State guidelines.

Web Site: Approximately nine (9) hours were spent posting, updating the City's website. Information put on the website public notice re: commission room meetings were posted, events, construction updates, bid information, as well as any updates needed to department's pages as well as updating the First Friday's page and the News and Events pages per requests. There were 17,041 hits on the website.

Itinerant Merchants: Two (2) licenses were issued \$70.00 was collected.

Training: Deputy City Clerk attended the 2011 Florida Association of City Clerk's Academy in Sarasota, brought back information we intend to implement.

Finance Department Monthly Report
October 2011

- Entered new budget into our Mainstreet Software
- Reviewed RFP's for new software, met with staff to create Project Team which includes myself, Jerry Pflueger (our IT person from James Moore & Co.) and Chad Lingenfelter. All Finance Staff and Department Heads will be involved in creating the RFP and reviewing proposals. We will work hard to get proposals in before the holidays!
- Working on tying out our Year End accruals so audit can begin earlier this year
- Reviewed September Department Expense reports to create transfers for shortfalls within budgets. This helps our history go forward correctly. Also to determine if any budget amendments were needed after all the year end expenses were posted.
- Reviewed Open PO's and projects from 2010/11 with various Department Heads to determine what should be encumbered into the current year.
- Reviewed and issued October Department Expense Reports; Budget Line Transfers for August, September and October are attached. (Per Sec. 2-168). We changed the format on this report for ease in reading and conserve paper.

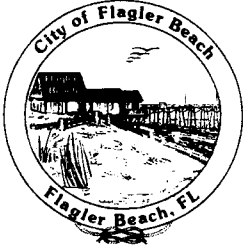
Kathleen

Budget Line Transfers for the Months of August and September 2011

Fund	Department	Reason for Line Transfer	Transfer FROM	Transfer TO	Amount
Utility	Utility Expense	Increase Office Supplies	Professional Services	Office Supplies	\$ 100.00
General	Executive	Increase Travel/Training	Salary	Travel/Training	\$ 700.00
Utility	Wastewater	Brighthouse/Alarm Pro	Salary	Telephone	\$ 400.00
Utility	Wastewater	Generator Wiring	Salary	Improvements	\$ 8,000.00
Utility	Wastewater	Increase Operating Supplies	Salary	Operating Supplies	\$ 7,000.00
General	General Gov	Increase for Animal Control	Utilities	Animal Control	\$ 1,800.00
General	Fire	Increase AC on Chiefs SUV	Improvements	Vehicle Repairs	\$ 3,000.00
General	VOCA	Increase Travel/Training	Memberships	Travel/Training	\$ 50.00
General	Building	Increase for Planner Expenses	Professional Services	Travel/Training	\$ 1,000.00
General	Building	Increase for Planner Expenses	Professional Services	Salary	\$ 6,225.00
General	Building	Increase for Planner Expenses	Professional Services	Insurance	\$ 600.00
General	Building	Increase for Planner Expenses	Professional Services	Memberships	\$ 410.00
General	Building	Increase for Planner Expenses	Professional Services	Gasoline	\$ 200.00
General	City Clerk	Increase for Retirement	Insurance	Retirement	\$ 1,000.00
Sanitation	Sanitation	Volusia County Landfill Shortfall	Professional Services	Contractual Services	\$ 2,800.00
General	Streets	Increase for Purchase of Sign Post	Repairs and Maint	Operating Supplies	\$ 400.00
Sanitation	Sanitation	Increase for Utility Services	Insurance	Utilities	\$ 900.00
Stormwater	Stormwater	Increase for Salary Expenses	Repairs and Maint	Salary	\$ 905.00
Sanitation	Sanitation	Increase for Salary Expenses	Overtime	Salary	\$ 1,700.00
Utility	Utility Expense	Increase for Bad Debt Expense	Insurance	Bad Debt	\$ 5,800.00
Utility	Sewer	Increase for Overtime	Salary	Overtime	\$ 125.00
Utility	Sewer	Increase for Operating Supplies	Road Materials	Operating Supplies	\$ 25.00
Utility	WWTP	Increase for Salary Expenses	Sludge Removal	Salary/Overtime/Insur	\$ 12,625.00
Utility	WWTP	Increase for Utility Services	Improvements	Utilities	\$ 5,271.00
Utility	WWTP	Increase for Machine Repairs	Professional Services	Machinery Repairs	\$ 14,294.00
Utility	WWTP	Increase for Gasoline	Operating Supplies	Gasoline	\$ 2,036.00
Utility	WWTP	Increase for Telephone	Office Supplies	Telephone	\$ 25.00
Utility	T&D	Increase for Salary Expenses	Professional Services	Salary/Overtime/Insur	\$ 600.00
Utility	T&D	Increase for Utility Services	Machinery Repairs	Utilities/Operating	\$ 650.00
Utility	Water Plant	Increase for Salary Expenses	Insurance	Salary	\$ 3,075.00
Utility	Water Plant	Increase for Utility Services	Operating Supplies	Utilities	\$ 4,300.00
Utility	Water Plant	Increase for Rentals and Leases	Machinery Repairs/Operating	Rentals and Leases	\$ 6,500.00
Utility	Water Plant	Increase for Gasoline	Operating Supplies	Gasoline	\$ 900.00
CRA	CRA Expense	Increase for Phase IID Construction	Professional Services	Phase IID Construct	\$ 3,900.00
CRA	CRA Expense	Increase for Professional Services	Salary	Professional Services	\$ 2,625.00
General	Recreation	Increase for Salary Expenses	Lifeguard Salaries	Salary/Overtime/Insur	\$ 225.00
General	Pier	Increase for Rentals and Leases	Utilities	Rentals and Leases	\$ 2,840.00
General	Beach	Increase for Salary Expenses	Other Salaries	Salary/Overtime/Insur	\$ 1,260.00
General	Beach	Increase for Repairs and Maint	Other Current Charges	Repairs and Maint	\$ 1,935.00
General	Parks	Increase for Overtime	Salary	Overtime	\$ 600.00
General	Parks	Increase for Contractual Services	Repairs and Maint	Contractual Services	\$ 225.00
General	Museum	Increase for Utility Services	Repairs and Maint	Utilities	\$ 300.00
General	Library	Increase for Retirement/Repairs/Operating	Salary	Retirement/repairs	\$ 775.00
General	Library	Increase for Books	Utilities	Books	\$ 800.00
General	Roads	Increase for Repairs/Gasoline	Street Lighting	Repairs/Gasoline	\$ 400.00
General	Zoning	Increase for Salary/Office Supplies	Professional Services	Salary/Office Supplies	\$ 275.00
General	Fire	Increase for Overtime/Retirement	Salary	Overtime/Retirement	\$ 9,730.00
General	Fire	Increase for Telephone/Gasoline	Operating Supplies	Telephone/Gasoline	\$ 1,525.00
General	VOCA	Increase for Telephone	Memberships	Telephone	\$ 250.00
General	Police	Increase for Retirement	Salary	Retirement	\$ 9,800.00
General	Police	Increase for Rentals and Leases	Salary	Rentals and Leases	\$ 80.00
General	Police	Increase for Professional Services	Operating Supplies	Professional Services	\$ 150.00
General	Police	Increase for Utilities/Gasoline	Operating Supplies	Utilities/Gasoline	\$ 4,925.00
General	Finance	Increase for Salary/Travel/Insurance	FICA/OT/Retirement	Salary/Travel/Insurance	\$ 1,676.73
General	Clerks	Increase for Salary Expenses	Insurance	Salary	\$ 350.00
General	General Gov	Increase for Animal Control	Utilities	Animal Control	\$ 50.00
General	General Gov	Increase for Telephone	Utilities	Telephone	\$ 650.00
General	Maintenance	Increase for Gasoline	Repairs and Maint	Gasoline	\$ 410.00
General	Maintenance	Increase for Salary/OT	Insurance	Salary/OT	\$ 575.00
General	Commission	Increase for Promotional Activities	Travel	Promotional Activities	\$ 40.00
General	Executive	Increase for Telephone	Travel	Telephone	\$ 20.00

Budget Line Transfers for the Month of October 2011

Fund	Department	Reason for Line Transfer	Transfer FROM	Transfer TO	Amount
Utility	Utility Expense	For Hockenberry Sewer Connect	Insurance	Improvements	\$ 1,000.00
Bldg Insp	Inspections	For Open House Expenses	Memberships	Promotional Activities	\$ 500.00



City of Flagler Beach

P.O. Box 70 • 105 South 2nd Street
Flagler Beach, Florida 32136

Phone (904) 517-2000 • Fax (904) 517-2008
Suncom 370-2000 • Suncom Fax 370-2008

Flagler Beach Fire Department Monthly Report for September 2011

During the month of September the Flagler Beach Fire Department answered 97 calls for assistance in the city and surrounding areas.

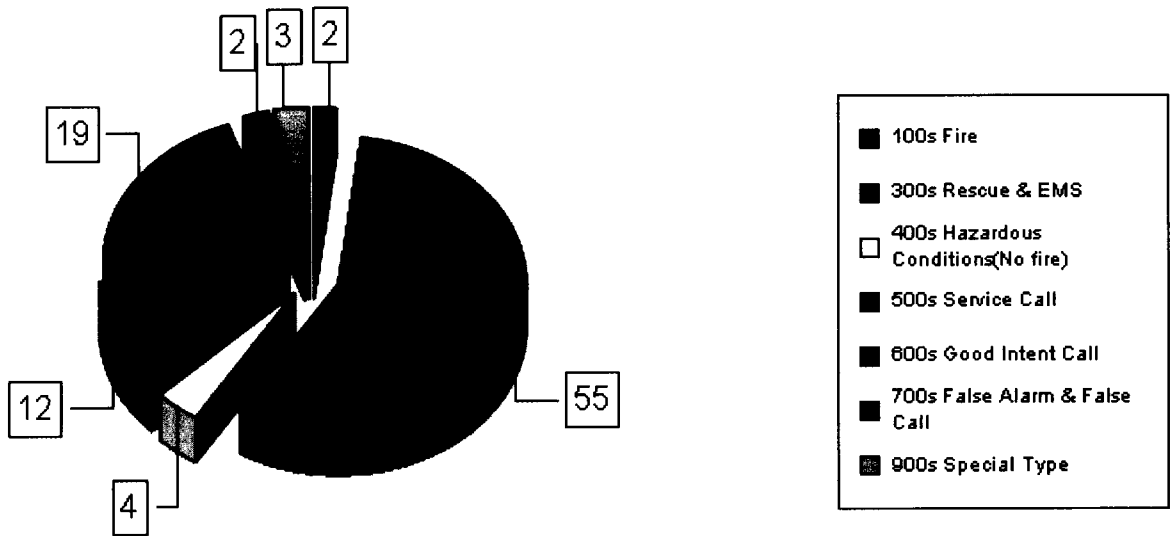
The majority of the calls were emergency medical calls as is normally the case; however we answered six calls for motor vehicle accidents with injuries and several water rescues where people got out to far and couldn't get back without assistance. One call we searched for several hours for a boat Captain who was knocked off his boat. He later turned up swimming to shore in the Hammock.

We answered two structure fires and two transformer fires along with a multitude of calls for wires down or burning. There was one vehicle fire where the vehicle sustained minimal damage.

The department also answered several brush fires during the month and several alarm malfunctions.

Fire Department Incident Report

October 2011



Graphed Items are sorted by Incident Type

Type Of Incident:

Total Of Incidents:

Percentage Value:

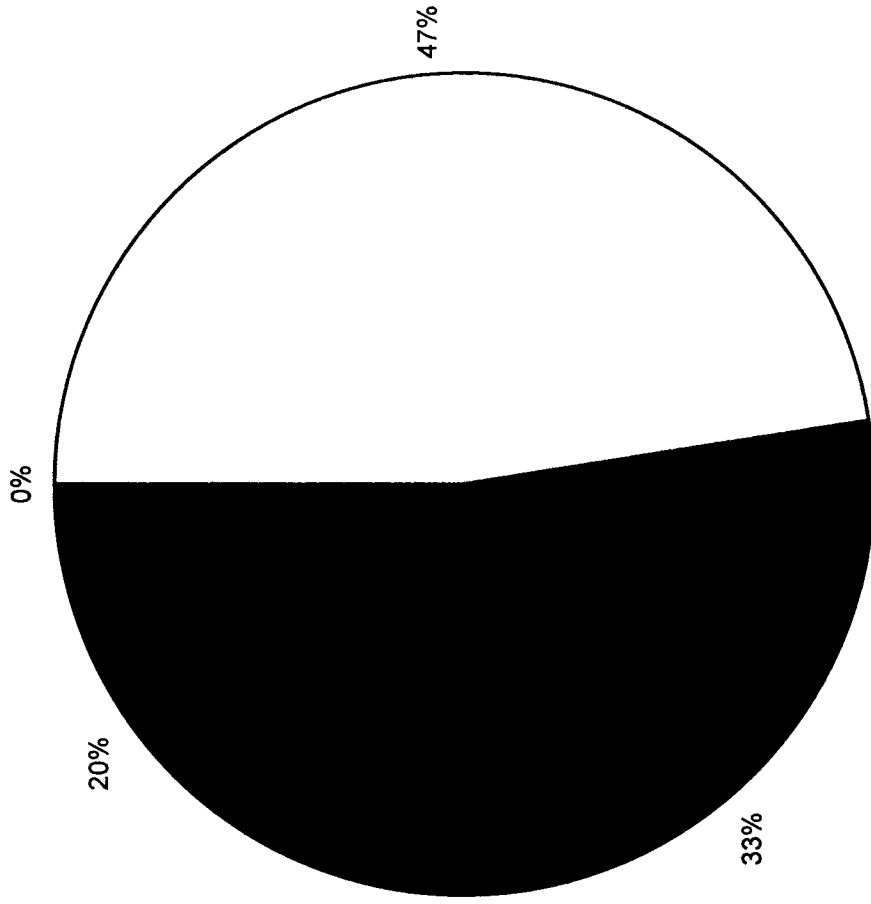
100 Series-Fire	2	2.06%
300 Series-Rescue & EMS	55	56.70%
400 Series-Hazardous Conditions(No fire)	4	4.12%
500 Series-Service Call	12	12.37%
600 Series-Good Intent Call	19	19.59%
700 Series-False Alarm & False Call	2	2.06%
900 Series-Special Type	3	3.09%

Grand Total: 97

Type Of Incident Most Frequent: 300 Series-Rescue & EMS

Print Date: 10/27/2011

SOLID WASTE OCTOBER 2011



OCTOBER 2011 SANITATION TRASH LOG**"11" freightliner "07" "09"STER-FREI TOTAL**

4-Oct		33,100	33,100
5-Oct	25,420		25,420
10-Oct	33,180	35,500	68,680
11-Oct	29,320	11,940	41,260
14-Oct		19,740	19,740
18-Oct	34,080		34,080
19-Oct		29,140	29,140
25-Oct	33,120	68,140	101,260
28-Oct	30,480		30,480
			0
			0
TOTAL	185,600	197,560	383,160

OCTOBER 2011 YARDWASTE LOG

	"04" STERLING	"04" ACTERRA	TOTAL
5-Oct		20,130	20,130
12-Oct		39,640	39,640
15-Oct	18,340	37,550	55,890
16-Oct		38,230	38,230
18-Oct		18,640	18,640
19-Oct		36,850	36,850
20-Oct		18,640	18,640
27-Oct		36,900	36,900
TOTAL	18,340	246,580	264,920

RECYCLE TOTALS FOR OCTOBER 2011

04-Oct-11	14,440
06-Oct-11	20,020
11-Oct-11	17,880
14-Oct-11	21,900
18-Oct-11	17,040
18-Oct-11	14,800
21-Oct-11	21,960
27-Oct-11	30,560
TOTAL	158,600

Oct-11	TOTAL lbs.
GARBAGE	383,160
YARD WASTE	264,920
NEWSPAPER, PLASTIC, GLASS, ALUMINUM, STEEL CANS, CARDBOARD, MAGAZINES & METAL APPLIANCES	158,600
TOTAL RECYCLE	

OCTOBER 2011 FUEL SUMMARY - SANITATION

2004 STERLING ACTERRA (DIESEL)	2004 STERLING (DIESEL)	2002 STERLING (DIESEL)	1999 STERLING (DIESEL)	1993 FORD L8000 (DIESEL)	2007 STERLING (DIESEL)
	74	83			71 74 58 65
0	74	83	0	0	268

2010 FUEL SUMMARY - SANITATION

2009 STERLING (DIESEL)	95 DODGE (GAS)	2010 freightliner (DIESEL)	STERLING (DIESEL)	2011 freightliner (DIESEL)	STERLING (DIESEL)
66 63 81 80 85 70	20	77 75 65 81		42 73 50 80	
445	20	298	0	245	0
1,413 gallons diesel				20 gallons gas	



City of Flagler Beach

Water Treatment Plant



To: Bob Smith, City Engineer and City Commissioners
From: Jim Ramer, Water Plant Superintendent
Subject: Monthly Report for October 2011

November 1, 2011

In, October we produced 14,040,000 gallons of drinking water. This amount was less than the amount we treated in September (1,106,000 gallons less). Rainfall for the month of October was 5.65 inches.

We have routine duties that are performed every day on each of the shifts. Samples taken every hour to make sure we keep the chemistry of the water within the parameters of DEP. We regularly perform over 200 tests on the City water and raw water daily between the three shifts. We do routine plant maintenance. We mow the plant grounds. We take well samples and draw downs for St. Johns River Water Management, also keeping daily records for the monthly reports that are required to be turned into the Department of Environmental Protection Agency every month. We also do quarterly reports for DEP on disinfection byproducts. We have the mid night shift flush the trains with high pH permeate water. We do yearly TTHM and HAA5 tests.

DEP requires us to take 5 bacteriological samples from the distribution system monthly, according to our population. All samples passed on October 11th.

I have Dennis Walker perform weekly vehicle checks. He checks all the fluids such as Brake fluid, windshield wiper fluid, transmission fluid, and all the lights.

We replaced valve on acid system.

We rebuilt the pressure relief valve on the caustic system.

We had Diversified Drillers pick up # 1 High Service Pump and we had Stewart Motors pick up the motor. They will refurbish the pump. We never had it done since the pump was put in 1999. This is for preventative maintenance.

We repaired a leak on Train # 1. The leak was from a cracked union. We saved about \$ 1,500 to \$ 2,000 to replace the manifold.

We built racks for our extension cords and hoses.

We installed new transfer display panel on well # 11 generator.

We cleaned both degasifier units.

We installed new timer on the degasifier sprinkler system.

We installed new blower fan and shaft on # 1 degasifier.

We had our AC unit at the plant repaired. The drain pan had a crack and was leaking water on the floor.

We had our mower repaired.

We installed a level indicator in our CIP unit. This will stop our operators from over flowing the tank.

We painted the safety posts on plant grounds and spread mulch around the trees.

We changed the oil and oil filter on the F-150.

