

REGULAR MEETING OF THE FLAGLER BEACH CITY COMMISSION THURSDAY, JUNE 9, 2016
AT 5:30 P.M. AND TO BE CONTINUED UNTIL ITEMS ARE COMPLETE. CITY COMMISSION
CHAMBERS, 105 S. SECOND STREET, FLAGLER BEACH, FLORIDA 32136

AGENDA

1. Call the meeting to order.
2. Pledge of Allegiance followed by a moment of silence to honor our Veterans, Members of the Armed Forces and First Responders.
3. Proclamations and Awards.
 - A. Presentation to the City "Purple Heart Plaque" – Colonel Jack Howell.
 - B. Proclamation declaring the week of June 19th through 26th, 2016 "Flagler Emergency Communications Association Week".
 - C. Certificate of Recognition to Patrick Hile for his lifesaving efforts.
 - D. Certificates of Appreciation for the Volunteers removing the invasive Brazilian Pepper plants.
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

6. Approve the Minutes of the Regular Meeting of May 26, 2016 and the Special Meeting minutes of May 19, 2016.
7. Approve Change Order No. 1 from McMahan Construction Company, Inc. for the 2015 Improvements to the Waste Water Treatment Plant Project. This change order reflects an increase of \$1,059 to the original contract price. – Staff assigned Robert Smith, Public Works Director.

GENERAL BUSINESS

8. Consider a request for a refund of a \$3,300 fee paid to the Tree Fund – Dennis Bayer representing Chris Bache.
9. Consider a request for an Annual Outdoor Entertainment Permit: Application OE-16-05-01 – The Anchor Restaurant, 500 S. Ocean Shore Boulevard - applicant Mr. J. Frascogna.
10. Resolution 2016-28 a resolution by the City Commission of the City of Flagler Beach Florida accepting the Flagler County Local Mitigation Strategy Plan, providing for conflict and an effective date.
11. Provide City Attorney direction as to foreclosure sale set in matter of City of Flagler Beach v. Ricardo Otero Culver.

12. Discussion and direction to staff regarding potential amendments to sign code – Staff assigned City Attorney.
13. Provide Staff direction regarding the South 27th Street Dune Walk over – Penny Overstreet, City Clerk.

COMMISSION COMMENTS

14. Commission comments, including reports from meetings attended.

STAFF REPORTS

15. Staff Reports.
16. Adjournment.

RECORD REQUIRED TO APPEAL: In accordance with Florida Statute 286.0105 if you should decide to appeal any decision the Commission makes about any matter at this meeting, you will need a record of the proceedings. You are responsible for providing this record. You may hire a court reporter to make a verbatim transcript, or you may buy a CD of the meeting for \$3.00 at the City Clerk's office. Copies of CDs are only made upon request. The City is not responsible for any mechanical failure of the recording equipment. In accordance with the Americans with Disabilities Act, persons needing assistance to participate in any of these proceedings should contact the City Clerk at (386) 517-2000 ext 233 at least 72 hours prior to the meeting. The City Commission reserves the right to request that all written material be on file with the City Clerk when the agenda item is submitted.

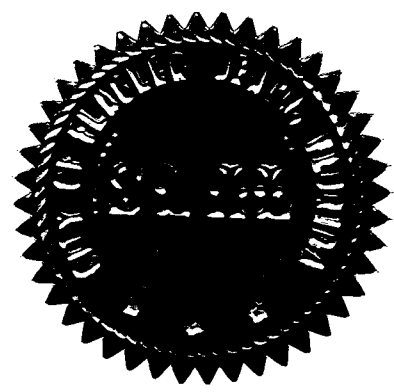
PROCLAMATION
Recognizing
June 19 through 26, 2016
As
Flagler County Amateur Radio Week

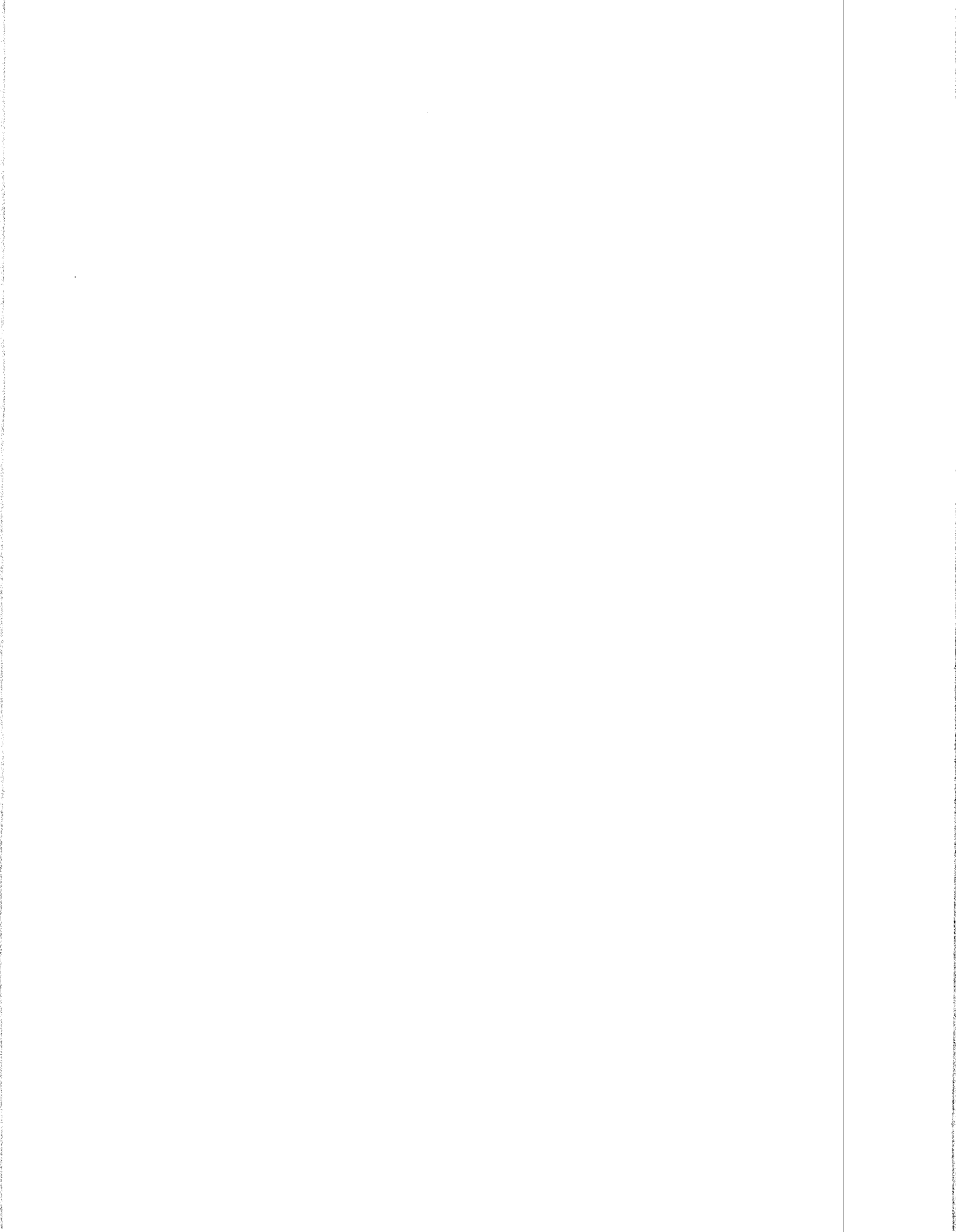
Whereas, Amateur Radio has historically played a significant role in developing world wide radio communications; and **Whereas**, Amateur Radio has continued to provide a bridge between peoples, societies and countries by creating friendships and the sharing of ideas; and **Whereas**, Flagler Beach, Florida has a great many Radio Amateurs who continuously demonstrate their value in public assistance; and **Whereas**, the Radio Amateurs of the Flagler County are on alert for tornadoes, floods, hurricane, wildfires and other local emergencies and utilize their communications skills to assist City, County, and State officials; and **Whereas**, the Radio Amateurs of the Flagler County have generously and repeatedly donated their considerable energy, effort, time and equipment to provide communications support to local service clubs and organizations at no charge; and **Whereas**, the Radio Amateurs of the Flagler County offer free technical training to all interested citizens and **Whereas**, The City of Flagler Beach recognizes and appreciates the diligence of these "hams" who also serve as weather spotters in the Skywarn program of NOAA's National Weather Service (NWS), part of the U.S. Department of Commerce **Whereas**, Amateur Radio once again proved its undisputed relevance in the modern world by providing emergency communications when other systems failed in the devastation of Hurricanes Katrina and Rita in the USA and in the Tsunami catastrophe overseas; and **Whereas**, the Radio Amateurs of the Flagler County continue to hone their communications skills by operating the twenty-four hour simulated emergency known as 'American Radio Relay League Field Day' on June 25th and 26th, 2016. **Now, therefore**, we, the City Commission of Flagler Beach hereby declare the week of June 19th through 26th, 2016 Flagler County Amateur Radio Week In recognition of this important emergency preparedness exercise we call upon all citizens to pay tribute to all the Amateur Radio operators of Flagler County.

Attest:

Mayor Linda Provencher

Penny Overstreet, City Clerk





CERTIFICATE OF RECOGNITION

This certificate is presented to the

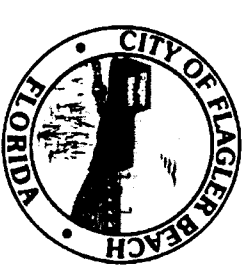
Patrick Hile

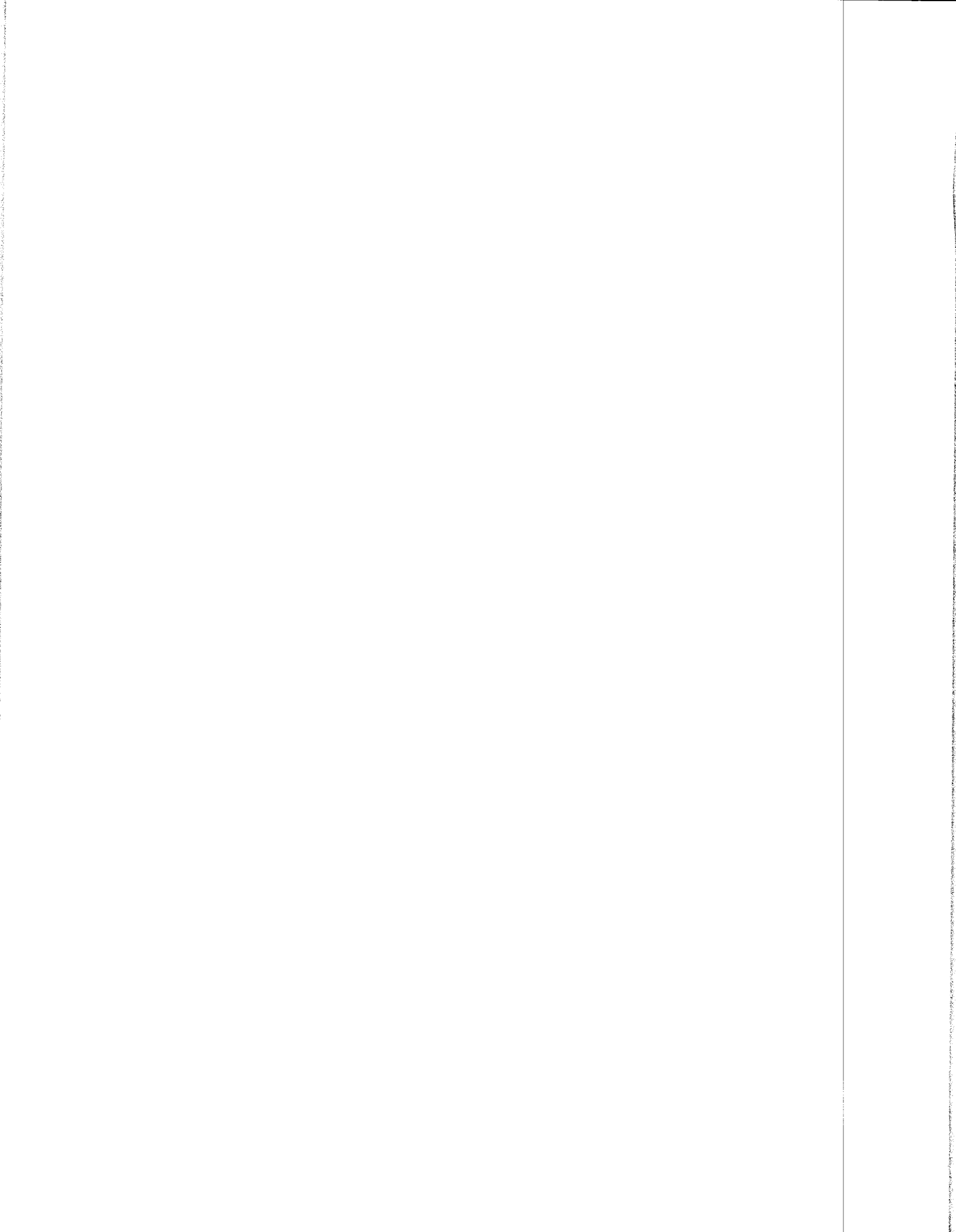
In recognition of his lifesaving efforts . Mr. Hile successfully rescued a swimmer caught in the rip current, and remained with her until emergency personnel arrived on scene.

CITY OF FLAGLER BEACH

Mayor Linda Provencher

June 09 2016





#6

SPECIAL MEETING OF THE FLAGLER BEACH CITY COMMISSION, THURSDAY, MAY 19, 2016. 1:00 P.M. IN THE COMMISSION CHAMBERS AT 105 SOUTH SECOND STREET, FLAGLER BEACH, FLORIDA 32136

MINUTES

PRESENT: Mayor Linda Provencher, Chair Jane Mealy, Vice-Chair Marshall Shupe, Commissioners Rick Belhumeur and Kim M. Carney, City Attorney D. Andrew Smith, III, City Manager Larry Newsom, and City Clerk Penny Overstreet.

ABSENT: Commissioner Joy McGrew.

1. CALL THE MEETING TO ORDER: Chair Mealy called the meeting to order at 1:00 p.m.
2. PLEDGE TO THE FLAG: Mayor Provencher led the pledge to the flag.
3. DISCUSSION AND REVIEW OF THE 2015 LEASE FOR AMENDMENTS TO THE 2016 LEASE WITH THE MONTESSORI SCHOOL: The Commission reviewed their concerns with the current contract and provided suggestions for amendments. Discussion included; identifying the specific building in an exhibit attached to the lease versus identifying by address alone. A security deposit, not increasing rent to the point where the building would be vacant, the city using the budgeted money and perform the needed maintenance and repairs to the building, specifically the fascia. The alterations the tenant has performed on the building. Including a better description of the tenant responsibilities regarding maintenance to interior. Attorney Smith advised tenant is responsible for interior repairs (with exception of HVAC) and lessor for exterior, correcting the typo in the reference to seventy-two hours to provide lessor new keys. An exhibit that documents the alterations to the building, and the tenant is to return to condition as was when originally leased. A checklist for tenant and lessors protection with photographs. An addendum for moisture and mold. Suggestion to permit the garden to a certain well described area and with size limitations with suggestion of maintenance. Attorney Smith suggested the lease should be only to the walls of the building and recommended the Commission formalize a process for using the grounds outside the building, not an exhibit to lease; it would be an exhibit to a letter. If you want details fine, then if not in compliance with the detail, a process for how that will come to fruition. Discussion of estimated cost to return building to pre-alteration condition of \$7,500. The Fire Inspection which noted safety concerns was discussed and included; the locks on the exit doors. Tenant was advised the law requires a one-step process to exit, no more than one lock in use, and hole not repaired by the A/C technician that is open to the attic. The tenant Kerri Huckabee responded to the comments from the Commission. Ms. Huckabee feels she has improved the building and the buildings condition was poor when she leased it. Ms. Huckabee reported her numerous request for new doors made to the former city manager. Ms. Huckabee reported that belly-dancing and yoga classes are still provided at the building. Ms. Huckabee reported she has to leave due to a family emergency and noted her interest in the rent amount; adding, if more than a few

hundred dollars she would have to find another location. The Commission discussed rent amount and possibility of substantial increase after repairs are made. Discussion turned to the maintenance on the building. City Manager Newsom reported the repairs to the building will be done with or without this tenant and are a priority, unless this Commission tells him different. There are upgrades that are needed and will be presented in the 2016/2017 budget. City Attorney Smith advised at this time, City Manager is seeking direction to send a letter to the tenant advising that current lease will not be renewed, beyond that first step is to determine rent, provide that information to the tenant, and if requesting a deposit advise tenant as well. The Commission reached a consensus to increase the rent 20% and require a deposit equal to first and last month's rent, and to remove the CPI adjustment clause from the lease. Chair Mealy opened public comments. Paul Eik provided comment. Chair Mealy closed public comments.

4. TAKE ANY NECESSARY ACTION: Motion by Commissioner Belhumeur, that we serve the Montessori School notice that we are not going to renew their current lease, Commission Carney seconded the motion. The motion carried unanimously, after a roll call vote.
5. ADJOURNMENT: Motion by Commissioner Belhumeur to adjourn the meeting at 3:10 p.m. Commissioner Shupe seconded the motion. The motion carried unanimously.

Attest:

Penny Overstreet, City Clerk

Jane Mealy, Chair

#6

MINUTES

PRESENT: Mayor Linda Provencher, Chair Jane Mealy, Vice-Chair Marshall Shupe, Commissioners Rick Belhumeur, Kim M. Carney, and Joy McGrew, City Attorney D. Andrew Smith, III, City Manager Larry Newsom, and City Clerk Penny Overstreet.

1. CALL THE MEETING TO ORDER: Chair Mealy called the meeting to order at 5:30 p.m.
2. PLEDGE OF ALLEGIANCE FOLLOWED BY A MOMENT OF SILENCE TO HONOR OUR VETERANS, MEMBERS OF THE ARMED FORCES AND FIRST RESPONDERS: Mayor Provencher led the pledge to the flag.
3. PROCLAMATIONS AND AWARDS.
 - A. AWARD NATIONAL FIGHT ACADEMY SCHOLARSHIP TO COLIN WALLACE: Colin Wallace was present to accept the scholarship from Mayor Provencher. Master Wallace thanked the Elected Officials for this opportunity and reported his desire to join the Air Force. Police Captain Matt Doughney reported the money raised from the Solar Plunge event on July 30th will be donated to Colin's family for use towards the travel expense to, and from, Pensacola.
 - B. CERTIFICATES OF APPRECIATION TO THE STUDENTS PARTICIPATING IN THE BEACHY CLEAN PROJECT: Mayor Provencher presented the certificate of appreciation to students: Michael, Patrick, Michael, Hope, Abigail and Matthew from Bunnell Elementary School. The student's presented a short video of their collaboration of work. The students reported they have been doing beach clean-ups, and noted they won second place in the Jr. Division of the Florida Future Problem Solving competition.
 - C. CERTIFICATE OF APPRECIATION TO THE DAYTONA BEACH BICYCLE CLUB FOR THE DONATION FROM THE "BERNEY" COPELAND JR. MEMORIAL FUND OF 120 BICYCLE HELMETS TO THE FLAGLER BEACH POLICE DEPARTMENT: This item was removed from the agenda.
4. DELETIONS AND CHANGES TO THE AGENDA: Item's 3C and 10 are removed from the agenda.
5. COMMENTS REGARDING ITEMS NOT ON THE AGENDA. CITIZENS ARE ENCOURAGED TO SPEAK. HOWEVER, COMMENTS SHOULD BE LIMITED TO THREE MINUTES: None.

CONSENT AGENDA

6. APPROVE THE MINUTES OF THE WORKSHOP AND SPECIAL MEETINGS OF MAY 9, 2016 AND REGULAR MEETING OF MAY 12, 2016:
7. APPROVE THE JOINT APPOINTMENT OF THE 5TH MEMBER SEAT TO THE FIREFIGHTERS RETIREMENT SYSTEM PENSION BOARD OF TRUSTEES:

8. APPROVE A MEMORANDUM OF UNDERSTANDING BETWEEN SMDMCC AND COFB FOR PARKING DURING SPECIAL EVENTS:

Chair Mealy reviewed the consent agenda items. Chair Mealy opened public comments. No comments offered; Chair Mealy closed public comments. Motion by Commissioner Belhumeur to approve the consent agenda. Commissioner Carney seconded the motion. The motion carried unanimously.

GENERAL BUSINESS

9. RECEIVE PRESENTATION OF THE 2015 AUDIT – DUFRESNE & ASSOCIATES: Ms. Linda Dufresne, Dufresne & Associates, presented the FY 2015 Audit. Ms. Dufresne thanked the Finance Department and Staff for their cooperativeness in preparing the audit. Ms. Dufresne reported the City again had no negative comments. Chair Mealy opened public comment. No comments offered; Chair Mealy closed public comments. Motion by Commissioner Carney to accept the report. Commissioner Belhumeur seconded the motion. The motion carried unanimously.

10. CONSIDER A REQUEST FOR A REFUND OF A \$3,300 FEE PAID TO THE TREE FUND, DENNIS BAYER REPRESENTING CHRIS BACHE: This item was moved to June 9, 2016 meeting.

11. RESOLUTION 2016-27, A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF FLAGLER BEACH, FLORIDA, DECLARING ITEMS AS SURPLUS, PROVIDING FOR CONFLICT AND AN EFFECTIVE DATE – STAFF ASSIGNED PENNY OVERSTREET: Attorney Smith read the title of the resolution into the record. Chair Mealy opened public comment. No comments offered; Chair Mealy closed public comments. Motion by Commissioner McGrew to approve Resolution 2016-27. Commissioner Shupe seconded the motion. The motion carried unanimously, after a roll call vote.

COMMISSION COMMENTS

12. COMMISSION COMMENTS, INCLUDING REPORTS FROM MEETINGS ATTENDED:

The Elected Officials reported their attendance at gatherings, events and meetings since the last regular meeting. Commissioner Carney reported she had met with City Manager Newsom regarding a sign inventory on the east and west side of A1A. The inventory is part of the beach management plan. Commissioner Carney asked the Mayor if the "All Stars" would be interested in volunteering for the inventory, and requested the Mayor inform them. Commissioner Carney stated she is working on the forms for documentation and would hold a training class in the middle part of June.

A. CONSIDER SENDING A LETTER TO THE STATE OF FLORIDA CULTURAL GRANT PROGRAM IN SUPPORT OF THE DENNIS FITZGERALD PERFORMING ARTS CENTER APPLICATION: Commissioner Carney reviewed the request for a letter of support. Motion by Commissioner Shupe that we go ahead and send this letter under the Mayors signature. Commissioner Belhumeur seconded the motion. The motion carried unanimously.

PUBLIC HEARINGS

13. ORDINANCE 2016-03, AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FLAGLER BEACH, FLORIDA, APPROVING THE COLLECTIVE BARGAINING AGREEMENT

BETWEEN THE CITY OF FLAGLER BEACH, FLORIDA AND THE INTERNATIONAL UNION OF POLICE ASSOCIATIONS; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE – SECOND READING: Attorney Smith read the title of the ordinance into the record. Chair Mealy opened public comments. No comments offered; Chair Mealy closed public comments. Motion by Commissioner McGrew to approve Ordinance 2016-03 on second reading. Commissioner Carney seconded the motion. The motion carried unanimously after a roll call vote.

STAFF REPORTS

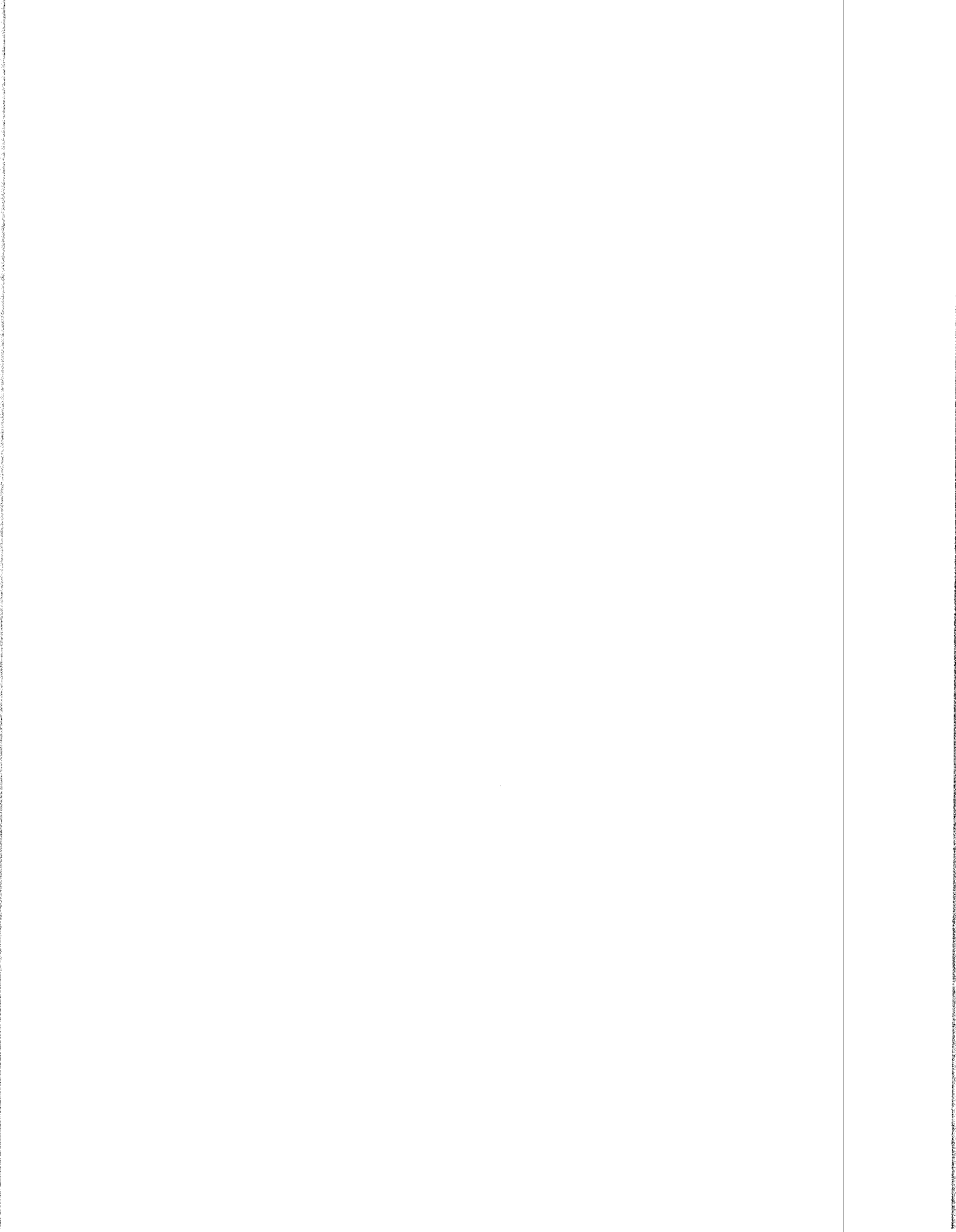
14. STAFF REPORTS: Attorney Smith reported the Florida Supreme Court declined jurisdiction on the former golf course owner's appeal. Attorney Smith reported there is no question the existing order awarded cost and fees to the city, but the appellate court remanded on the issue of cost and fees that were not awarded that the appellate court said should have been awarded. Assuming the appeal process is over, there is need to go back to trial court to get the trial court to enter an order that increases the amount of cost and fees due to the city. Attorney Smith reported he is working with another city on their sign code and has crafted provisions that effectively address the Town of Gilbert ruling, stating basically, the changes would be to regulations on election, real estate and construction signage. Attorney Smith reported he would put the document on a future agenda for the Commissions review and direction. City Manager Newsom reported on the letters to Florida Department of Environmental Protection (FDEP) asking to leave in place the foundations for the Scenic Highway Wayfinding signage that was not installed. Theory is that removing the foundations will cause more harm to the dune system than leaving them in place. Mr. Newsom reported on the Emergency Operations Center (EOC) Training attended by senior staff. Mr. Newsom spoke of the procurement process to have vendors in place in the event of a disaster. Mr. Newsom reported he received a call from Stephen Harris regarding the missing link (Flagler Beach) of the trail system in Flagler County. Mr. Newsom reported he would advise further when information is obtained. Mr. Newsom reported the Building Official provided an estimate of around 100k to bring the S. Central foreclosure property in to a state of habitability. Discussion ensued and included the possibility of a reversionary clause in the deed requiring the property to be brought into code within a specified time frame. City Clerk Overstreet reported the Deputy Clerk has scheduled the organizational meeting of the Economic Development Task Force (EDTF); one of the members has withdrawn. Clerk Overstreet requested direction regarding filling the vacant seat. Clerk Overstreet reported two persons have made their interest in serving on the Committee know, Vern Shank and Eric Cooley. Clerk Overstreet inquired, does the Commission want her to advertise for the position or do they wish to appoint the position from the two applicants. Chair Mealy opened public comment. Vern Shank recommended Mr. Cooley for the vacant seat on the EDTF. Chair Mealy closed public comments. Motion by Commissioner Shupe to appoint Eric Cooley to the Economic Development Task Force. Commissioner Carney seconded the motion. The motion carried unanimously.

15. ADJOURNMENT: Motion to adjourn at 7:21 p.m. by Commissioner McGrew. Commissioner Shupe seconded the motion. The motion carried unanimously.

ATTEST:

Penny Overstreet, City Clerk

Jane Mealy, Chair





FLAGLER BEACH CITY COMMISSION

City Manager's Report

Item No. 7

Meeting Date: June 1, 2016

Issue: Approve Change Order No. 1 from McMahan Construction Company, Inc. for the 2015 Improvements to the Waste Water Treatment Plant Project. This change order reflects an increase of \$1,059 to the original contract price.

From: Staff assigned Robert Smith, Public Works Director

Organization: COFB

RECOMMENDATION: Approve the Change Order and authorize the Mayor to sign.

BACKGROUND: The City Commission approved the original contract with McMahan Construction Company for this project. The contract included an allowance of \$5,000 to repair the steelwork on the north clarifier. These repairs exceeded this allowance by \$1,059 due to unforeseen problems with existing steelwork. The Project schedule remains unchanged.

BUDGETARY IMPACT: The city budgeted \$266,000 for this project; total cost after the change order will be \$267,059. A budget amendment for \$1,059 will be needed from unrestricted utility fund balance.

Attachments

- Change Order No 1 dated 05/17/2016
- Invoice for welding

CHANGE ORDER FORM

Project: City of Flagler Beach
Wastewater Treatment Plant
Improvements FY15

CHANGE ORDER NO. 1

DATE OF ISSUANCE: 5/17/16

CONTRACTOR: McMahan Construction

EFFECTIVE DATE: 5/17/16

ENGINEER: Quentin L. Hampton Assocs. Inc.

OWNER'S CONTRACT NO.: N/A

The following changes are hereby made to the Contract Documents:

<p>CHANGE IN CONTRACT PRICE:</p> <p>Original Contract Price</p> <p style="text-align: right;"><u>\$266,000.00</u></p>	<p>CHANGE IN CONTRACT TIMES:</p> <p>Original Contract Times</p> <p>Substantial Completion: <u>August 7, 2016</u></p> <p>Ready for final payment: <u>September 6, 2016</u> <small>days or dates</small></p>
<p>Net changes from previous Change Orders No. <u> </u> to No. <u> </u></p> <p><u>\$0</u></p>	<p>Net change from previous Change Orders No. <u> </u> to No. <u> </u></p> <p><u>0</u> Days</p>
<p>Contract Price prior to this Change Order</p> <p><u>\$ 266,000.00</u></p>	<p>Contract Times prior to this Change Order</p> <p>Substantial Completion: <u>August 7, 2016</u></p> <p>Ready for final payment: <u>September 6, 2016</u> <small>days or dates</small></p>
<p>Net Increase (decrease) of this Change Order</p> <p><u>\$ 1,059.00</u></p>	<p>Net Increase (decrease) of this Change Order</p> <p><u>0 days</u> Days</p>
<p>Contract Price with all approved Change Orders</p> <p><u>\$ 267,059.00</u></p>	<p>Contract Times with all approved Change Orders</p> <p>Substantial Completion: <u>August 7, 2016</u></p> <p>Ready for final payment: <u>September 6, 2016</u> <small>days or dates</small></p>

CHANGES ORDERED:

I. **GENERAL** This change order is necessary to cover changes in the work to be performed under this Contract. The General Conditions, Supplementary Conditions, Specifications and all parts of the Project Manual listed in Article 1, Definitions, of the General Conditions apply to and govern all work under this change order.

II. **REQUIRED CHANGES:**

CONTRACT PRICE: The contract price is hereby increased by \$ 1,059.00

CONTRACT TIME: The contract time is not changed

III. **JUSTIFICATION:**

CONTRACT PRICE: The contract included an allowance for steel repairs for clarifier rehabilitation and other items, the allowance is \$5,000. The following list of items were identified during the project to be addressed under this allowance. The total of all items exceeded the \$5,000 allowance by \$1,059.

1. Installation of additional brackets for spiral screen control panel. The panel was shown to be mounted on the existing handrail, due to size of the panel additional supports were mounted to the concrete structure.
2. Oil pump power feed voltage change. Panel was specified to feed the oil pumps at 120v, the pumps are 480v and provisions were made in the control panel for this power service.
3. Steel repairs at clarifier per attached invoice.
4. 6" SS skirt at base of clarifier sludge collector column. Existing skirt was deteriorated and not able to be reinstalled.
5. Scum beach wash down water installed with new 1" PVC, sprayers and ball valve.

Item #	Description	Costs
1	Spiral Screen Control Panel Brackets	\$308.00
2	Oil Pump Voltage Change	\$1,343.00
3	Clarifier Steel Repairs	\$3,408.00
4	6" SS Skirt for Sludge Collector	\$600.00
5	Scum Beach Wash Water	\$400.00
Subtotal		\$6,059.00
Steel Repair Allowance		\$5,000.00
Change Order Amount		\$1,059.00

CONTRACT TIME: The project contract time is not changed.

IV. PAYMENT: Payment for such changes shall be made with the progress payments to the Contractor, as described in the Contract.

V. APPROVAL AND CHANGE AUTHORIZATION:

Acknowledgments:

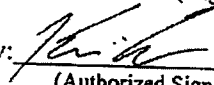
The aforementioned change, and work affected thereby, is subject to all provisions of the original contract not specifically changed by this Change Order; and,

The change in price and/or delivery date described, is considered to be fair and reasonable and has been mutually agreed upon in full agreement and final settlement of all claims arising out of the modification including all claims for delays and disruptions resulting from, caused by, or incident to such modifications and change orders.

It is expressly understood and agreed that the approval of the Change Order shall have no effect on the original contract other than matters expressly provided herein.

RECOMMENDED BY:

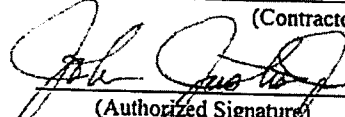
Quentin L. Hampton Associates, Inc.
(Engineer)

By:  5/17/16
(Authorized Signature) (Date)

Kevin Lee, P.E., Project Manager

ACCEPTED BY:

McMahan Construction
(Contractor)

 5/17/16
(Authorized Signature) (Date)

John Justus, Jr.

APPROVED BY:

(Owner)

By: _____
(Authorized Signature) (Date)

(Authorized Signature) (Date)

Lemoine's Welding, Inc.

Lake Helen, FL 32744

Phone (386) 228-0579

Nextel (386) 804-1848

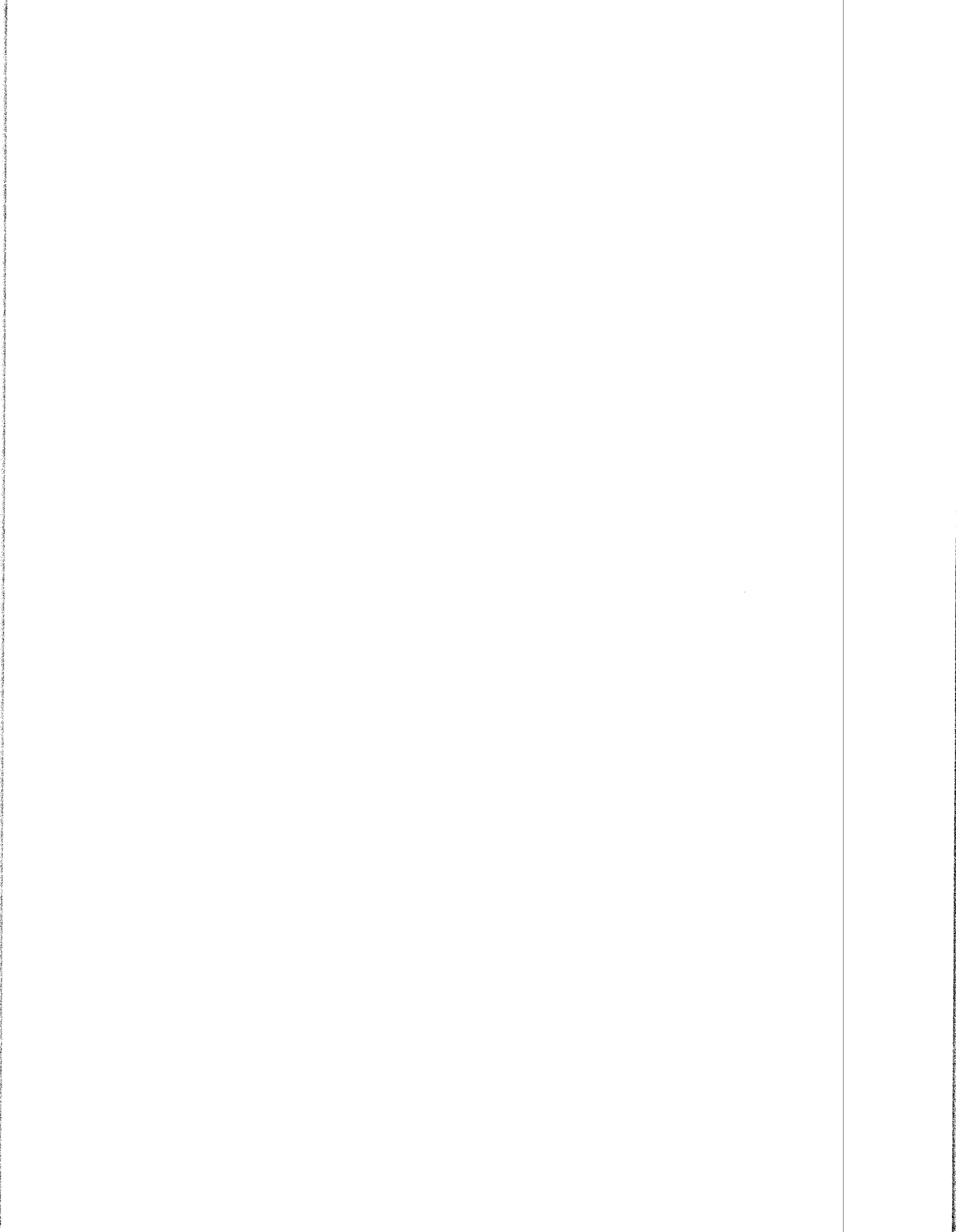
Invoice

DATE	INVOICE #
5/3/2016	11531

BILL TO
McMahan Construction Co., Inc. 123 E. Indiana Ave. P.O. Box 223 DeLand, FL 32721-0223

P.O. NO.	TERMS	OUR ORDER #
John J.	NET 14	

QUANTITY	DESCRIPTION	RATE	AMOUNT
1	1. Fabricate and install 8 reinforcing plates at the 6" channel connection on the center drum. 2. Weld new strut at the gear box. 3. Replace (4) 1/2" rods at the rectangular tubing. 4. Cut the lips back on the scum trough to get it back to straight. 5. Fabricate new 1-1/2" backing plates for the rubber on the scum arm. 6. Patch a 6" hole and the nipple on the trough. 7. Patch 5 holes in the rectangular tube that is the scum arm. 8. Reweld the latch on the S.S. electrical box	3,200.00	3,200.00T
		Subtotal	\$3,200.00
		Sales Tax (6.5%)	\$208.00
		Total	\$3,408.00





FLAGLER BEACH CITY COMMISSION

City Manager's Report

Item No. 8

Meeting Date: 05-26-2016

Issue: Consider a request for a refund of a \$3,300 fee paid to the Tree Fund. Dennis Bayer, representing Chris Bache.

From: Summary submitted by Penny Overstreet, City Clerk

Organization:

RECOMMENDATION:

BACKGROUND: As you may recall Mr. Bache has been in front of the Commission twice requesting a refund, he was denied on both occasions. His SFR Permit was submitted after the first tree ordinance was adopted, and before the amendment was made to not charge for trees within the footprint. Flagler Beach Code of Ordinance, Appendix "A" Land Development Regulations Article 8 – Administration and Enforcement Section 8.04.17 (2) states: Procedure: Any person appealing any decision of an administrative official shall make such appeal within thirty (30) days after rendition of the order, requirement, decision or determination appealed from in writing to the city commission and file the same, and ten (10) copies thereof, with supporting facts and data with the city clerk. This does not, however, restrict the filing of a request for a special exception or variance by any person at any time as provided for elsewhere in this article. Upon receipt of said appeal, the building official shall forthwith examine such appeal or request application and endorse his or her recommendation thereon together with all documents, plans, papers or other materials constituting the record upon which the action appealed was taken and transmit same to the city commission. At the hearing, any party may appear in person, or by agent or by attorney.

Mr. Bache and /or his builder missed that time period. Yes, two others appealed and were refunded but they met the requirements of the regulations regarding appeal. In response to the reference to one appeal/refund approved by parent of a Board Member, it was actually Don Deal's (PARB Chair) son. Mr. Deal filed a Form 8B Memorandum of Voting Conflict, abstaining from the vote. Compounding Mr. Bache's frustration is he spoke with current Planner Larry Tornio a few months back and was told it was Chad's interpretation. Mr. Torino was not aware of the previous more stringent ordinance that included trees in the footprint. (The ordinance was passed and amended in the time period Mr. Torino worked at the City of Palm Coast.) I spoke with Mr. Bache and explained that Larry worked here previously and was not aware of both ordinances he is just seeing the current. Mr. Bache implied he feels singled out. Mr. Bache claims hardship as he was in Virginia at the time his house was being built.

BUDGETARY IMPACT:

LEGAL CONSIDERATIONS/SIGN-OFF:

Attachments

- Request from Attorney Bayer
- 12-12-2013 minutes and agenda packet
- 02-13-2014 minutes and agenda packet

Nowell, Bayer & Maguire

Flagler Law Attorneys

Website: www.flaglerlaw.com

Sidney M. Nowell, P.A.
Dennis K. Bayer, Esq.
Matthew C. Maguire, Esq.

Reply to:
Flagler Beach
109 South 6th Street, Suite 200
Flagler Beach, FL 32136
Tel: 386-439-2332
Fax: 386-439-6522

May 10, 2016

City Commission
City of Flagler Beach
P.O. Box 70
Flagler Beach, FL 32136

RE: Refund request, 1624 S. Central Ave., Flagler Beach

Dear Commissioners,

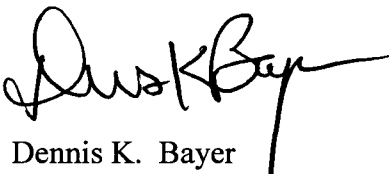
This firm represents Mr. and Mrs. Chris Bache in reference to the fine assessed against them for the clearing of trees located within the foot print of their home. This assessment was imposed by the former planning director, Chad Lingenfelter.

The Baches have twice previously requested a refund and been denied both times. The basis for this request is that my clients have now discovered that they are the only property in the entire city for which this fine was imposed. Several other properties were excluded from the payment, including the parents of a planning board member.

Please consider this request for relief. The interpretation by Mr. Lingenfelter to require this payment for the removal of palm trees in the footprint of the home was a bit extreme and without merit. To allow this payment to stand when no other property owners have been required to comply is not proper and would appear to result in unfair enforcement of the powers of the city.

I look forward to discussing this matter in more detail with the commission.

Sincerely,



Dennis K. Bayer

DKB/shw
cc: Clients

City of Flagler Beach

Agenda Application

INDIVIDUAL'S NAME: Dennis Bayer for Buche

BUSINESS NAME: _____
(If Applicable)

STREET ADDRESS: 109 S. 6th St
(If within City of Flagler Beach)

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

PHONE NUMBER: 386 439 2332

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

Refund of \$3300 for tree removal
penalty

BACKGROUND INFORMATION REGARDING THE SUBJECT:

See attached letter

(OVER)

City of Flagler Beach

Agenda Application Continued

REQUESTED ACTION SOUGHT FROM THE COMMISSION:

See attached letter

ATTACHMENTS:

letter, copy check + building permit

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

05/10/16

DATE

View Check Copy

[Print](#)

Check Number 5256
 Date Posted 02/05/2013
 Check Amount \$3,300.00

CHRISTIAN BACHE OR ALEXANDRA BACHE 4485 MYRTLE ST EDGEWATER, FL 32141		5256 63-751/031
PAY TO THE ORDER OF <u>CITY OF FLAGLER BEACH</u>		<u>2-4</u> 20 <u>13</u>
<u>THREE THOUSAND THREE HUNDRED & .00/100</u>		\$ <u>3300.00</u>
WELLS FARGO BANK		DOLLARS
FOR <u>TREES (UNDER PROTEST)</u>		<i>C. Bache</i>
@005256@		

OR DEPOSIT ONLY
 CITY OF FLAGLER BEACH
 GENERAL FUND

PERMIT

PERMIT INFORMATION		LOCATION INFORMATION	
Permit #: 20120709	Issued: 7/10/2012	Address: 1624 S CENTRAL AVE FLAGLER BEACH, FL	
Permit Type: SINGLE FAMILY RESIDENCE		Township: 12	Range: 32
Class of Work: NEW		Lot(s): 7	Block: 5 Section: 18
Proposed Use: SINGLE FAMILY RESIDENCE		Book:	Page: 0
Sq. Feet:	Est. Value:	Subdivision: FUQUAY	
Cost: 200,000.00	Total Fees: 2,408.10	Parcel Number: 18-12-32-2750-00050-0070	
Amount Paid:	Date Paid:		

CONTRACTOR INFORMATION		OWNER INFORMATION	
Name: LARRY GROSS CONSTRUCTION		Name: BACHE, CHRISTIAN & ALEXANDRA	
Addr: 201 BARRACUDA BLVD NEW SMYRNA, FL 32169		Address: 4485 MYRTLE STREET EDGEWATER, FL 32141	
Phone: (386)423-8238	Lic: CRC 040989	Phone: (540)745-3654	

Work Desc: NEW SINGLE FAMILY RESIDENCE - PROTECTIVE BARRIER & TIPLINE @ OAK TREES, RELOCATE OR REPLACE 66" OF PALM & 24" OF OAK TREES OR PMT OF \$4,500 BEFORE C.O.

APPLICATION FEES			
098 - ZONING REVIEW MAJOR	55.00	300 - FS 553.721	9.75
200 - BUILDING PERMIT	625.00	225 - PLAN REVIEW 1	65.00
301 - TRANSPORT IMPACT	1,438.10	TREE REMOVAL	25.00
322 - RES. DRIVEWAY REVIEW	55.00		
		300 - FS 468.631	9.75
		200 - SCAN COPY FEE	100.50
		230 - RES. DRIVEWAY PERMIT	25.00

JUL 10 2012

INSPECTIONS REQUIRED			
TEMPORARY POLE	ROOF DECK 7-6-12 AM	SEWERS 12-10-12 AM	DRIVEWAY/FORM
FOOTER 7-26-12 AM	ROOF IN PROGRESS 11-12-12 AM	FINAL-ELECTRICAL	TERMITE 1
STEM WALL 7-30-12 AM	FRAMING 10-24-12 AM	FINAL-PLUMBING	TERMITE 2
1ST ROUGH PLUMBING 8-6-12 AM	ROUGH ELECTRICAL 10-24-12 AM	ROOF FINAL	ELEVATION CERTIFICATE
SLAB-MONOLITHIC 8-6-12 AM	TOP OUT PLUMBING 10-24-12 AM	FINAL-HVAC	AS BUILT SURVEY
LINTEL	ROUGH HVAC 10-24-12 AM	FINAL-BUILDING	ENGINEERING FINAL
STRAPING 10-24-12 AM	INSULATION	ROAD INSPECTION	CERTIFICATE OF OCCUPANCY
	Deck 10-11-12 AM	Sheathing 12-10-12 AM	

FOR INSPECTIONS ON THIS PERMIT PLEASE CALL (386) 517-2000 EXT. 311

THIS PERMIT EXPIRES IF WORK HAS NOT COMMENCED WITHIN SIX (6) MONTHS OF BEING ISSUED OR IF THERE IS NOT AN APPROVED INSPECTION FOR A PERIOD OF SIX (6) MONTHS PER FLORIDA BUILDING CODE REQUIREMENTS, 105.4 "PERMITS" SECTION.

IN ADDITION TO THE REQUIREMENTS IN THIS PERMIT THERE MAY BE ADDITIONAL RESTRICTIONS APPLICABLE TO THIS PROPERTY THAT MAY BE FOUND IN THE RECORDS OF THIS JURISDICTION AND THERE MAY BE ADDITIONAL PERMITS REQUIRED FROM OTHER GOVERNMENT ENTITIES SUCH AS WATER MANAGEMENT DISTRICTS, STATE AGENCIES AND FEDERAL AGENCIES. FS: 553.79 (10)

Richard McFadden

Florida Testing & Engineering
 PO Box 730295 • Ormond Beach, FL 32113
 866-732-8134

CHIEF BUILDING OFFICIAL

Date: 8-2-12
 Tested By: J. Tuggle
 Paid: Passed Other: _____

ORD A NOTICE OF COMMENCEMENT MAY RESULT IN PAYING TWICE FOR OVEMENTS TO YOUR PROPERTY.

GENERAL BUSINESS

pages 5

9. CONSIDER A REQUEST FOR ROAD CLOSURE FOR A SPECIAL EVENT FOR ATTEMPT TO BREAK GUINNESS WORLD RECORD – JOHNATHAN STRAUSS, IDSA ORG: Georgia Turner and Doreen Chase from the Flagler County Chamber of Commerce represented the applicant. The International Distance Skateboarding Association is seeking permission to have S.R. A1A closed for a period of 30 minutes from South 16th Street to South 3rd Street to compete in a Guinness World Record Attempt. Ms. Turner reported attendance at national sporting conferences attracted this event to Flagler Beach. Chairman Settle opened the floor to public comment. Marie Gater inquired if Colbert Lane from S.R. 100 to Palm Coast Parkway would be affected. Ms. Chase responded. Chairman Settle closed public comment. Motion by Commissioner Carney, seconded by Commissioner Mealy, that we approve the road closure for the special event Guinness World Record attempt. The motion carried unanimously.
10. CONSIDER A REQUEST TO REFUND PAYMENT TO TREE BANK FEE – CHRIS BACHE: Chairman Settle inquired to the City Attorney, if this is similar to the other request we received? City Attorney Smith stated similar but the changing of the legislation does not require the City to reimburse. Mr. Bache reviewed his request, stating that while the fee was required he was out of the state and felt somewhat handicapped by the distance. He felt the responsibility of arguing the fee was not the responsibility of his builder. He is asking the Commission to be fair and consistent, and he should be granted the request for refund. Chairman Settle opened the floor to public comment. Rick Belhumeur felt this is different as the other applicant had a chance to appeal. Mr. Boche explained he was not in the state to protest the fee, circumstances being he could not physically address it until this time. Chairman Settle closed public comment. Commissioner Carney stated her concern is a situation that a local builder came forward to protest a fee, appealed to the PARB, and it stopped there. Motion by Commission Carney that we refund Mr. Boche \$3,300 for the tree bank, that he wrote a check for. The motion failed for lack of a second.
11. CONSIDER REQUEST REGARDING A PLACEMENT OF A MEMORIAL IN VETERANS PARK – DONNA LUNSFORD: Ms. Lunsford reviewed her request, to have a memorial at Veterans Park. Ms. Lunsford stated she would hold fundraisers to purchase the statue; funds could be raised by selling memorial bricks. The Commission reached a consensus to have the City Manager meet with Ms. Lunsford to further discuss the dimensions and other areas of possible placement. The City Manager was directed to speak with the various veterans groups to gauge their feelings. Ms. Lunsford agreed to bring back dimensions and to bring back more detailed information to the City Manager. Chairman Settle opened public comment. Bob Chase expressed his feeling that Veterans Park should remain just that. Marie Gater asked what the Commission would like to see. A schematic with dimensions? Paul Eik expressed sentiment that the memorial is a good thing for our community. However, he feels Veterans Park is not the place for it. Chairman Settle closed public comments. This item was voluntarily withdrawn by the applicant. Ms. Lunsford agreed to meet with the City Manager to discuss the options.

City of Flagler Beach

Agenda Application

INDIVIDUAL'S NAME: CHRIS BACHE

BUSINESS NAME: —
(If Applicable)

STREET ADDRESS: 1624 S. CENTRAL AVE.
(If within City of Flagler Beach)

MAILING ADDRESS: " " "
(Please provide City & Zip Code)

PHONE NUMBER: 386-693-4608

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

RETURN OF \$3,000 FOR TREES REMOVED THAT
WERE IN THE FOOTPRINT OF THE NEW HOME,

BACKGROUND INFORMATION REGARDING THE SUBJECT:

I UNDERSTAND OTHER HOMEOWNERS HAVE
RECEIVED A REFUND AND CONSTRUCTION OF
NEW HOMES ARE NOT REQUIRED TO PAY THIS
FEE.

(OVER)

NOV 23 2013

City of Flagler Beach

Agenda Application Continued

REQUESTED ACTION SOUGHT FROM THE COMMISSION:

RETURN OF \$3,300

ATTACHMENTS: CANCELED CHECK # 5256

COPY - CITY OF FLAGLER BEACH BUILDING DEPARTMENT

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.

C. Beebe
SIGNATURE OF APPLICANT

11-26-13
DATE

CHRISTIAN BACHE OR
ALEXANDRA BACHE
4485 MYRTLE ST
EDGEWATER, FL 32141

2-4 2013

5256

63-751/631

PAY TO THE
ORDER OF CITY OF FLAGLER BEACH

THREE THOUSAND THREE HUNDRED & .00/100

\$ 3300.⁰⁰/₁₀₀

DOLLARS

 Security features
are visible
when the check
is held to the light.

WELLS FARGO BANK

FOR TREES (UNDER PROTEST)

C. Bache

MF

⑈005256⑈



CITY OF FLAGLER BEACH
BUILDING DEPARTMENT

COPY

Permit# 20120709

Job Address: 1624 S. Central Ave.

Type of Permit: SFR

Foundation Survey: 8/3/12

Foundation Termite Treatment: 8/16/12 Detached garage: 11/21/12

Building Under Construction Elevation Certificate: N/A

As Built Survey: ✓

Final Termite Treatment: ✓

As Built Elevation Certificate: N/A

Tree Replacement/Landscaping: CK # 5256-3700.50 Paid 2/4/13 MB

Engineering Site Inspection ✓

FOUNDATION

Planning & Zoning (Setbacks) Approved Yes No OTC 3 Aug 2012
House Only

Engineer/Public Works (Flood Prevention) Approved Yes No N/A

AS BUILT

Planning & Zoning (Setbacks) Approved Yes No OTC 25 Jan 2013
AC 22 Jan 2013

Engineer/Public Works (Flood Prevention) Approved Yes No OTC 25 Jan 2013
Garage Only - closer than 8 feet from 101.7th property line granted by tree variance on 4 Sep 2012

approve SP 14-02-01 for Gamble Rogers State Recreation Area. The motion carried unanimously.

The agenda moved to Item 10.

9. CONSIDER A REQUEST FOR AN ANNUAL OUTDOOR ENTERTAINMENT PERMIT; # OE-13-12-01, APPLICANT FLAGLER BREEZE 2444 OCEANSHORE BOULEVARD, BUSINESS OWNER LEO KOULIK: This item was heard after Item 11. Mr. Brian Norman, Manager Flagler Breeze was present to respond to inquiries from the Commission. Chairman Settle reported the Planning and Architectural Review Boards voted to approve the annual permit, with contingencies. Chairman Settle requested the City Clerk read the motion into the record. "Motion by Joseph Pozzuoli, seconded by Roseanne Stocker, that we approve this outdoor entertainment license contingent upon the nine (9) foot wall with insulation, the three (3) foot wing wall, two (2) foot overhang, if it is a live band, the speakers will be held behind the wing wall, speakers will face east as indicated on these drawings, and we will provide a six (6) inch diameter metal post/bollard, concrete filled with a minimum embedment of twelve inches, eight (8) feet on center, thirty-six inches high for protection from the cars and their backing out of the spaces. The motion was amended to include a live band or DJ, and was amended to strike "we will provide a six (6) inch diameter metal post/bollard"" and change to "the applicant will provide the steel bollard six (6) inch diameter minimum which is typical application". The motion carried four to one, with Ms. Baker voting no." Commissioner Carney recommended the eight (8) feet on center be reduced to five (5) feet on center, as smaller model cars could pass through the eight (8) foot opening. Planner Lingenfelter noted the permit would not to be issued until all contingent items are complete and installed. Chairman Settle opened public comments. The following persons spoke: Rick Belhumeur. Chairman Settle closed public comments. Motion by Commissioner Shupe, seconded by Commissioner Carney, that we approve the Outdoor Entertainment permit OE -13-12-1 for the applicant at 2444 S. Oceanshore Blvd. as presented from the Planning and Architectural Review Board with the amendments we made, as to spacing of bollards or post and to include all construction as we know it from sample drawing, that was amended by us that they would be no further apart that 5 feet. The motion carried unanimously, after a roll call vote.

Agenda moved to Item #12.

10. CONSIDER SECOND REQUEST FOR RETURN OF TREE BANK MONEY BASED ON NEW INFORMATION – CHRISTIAN BACHE: Mr. Bache reviewed his request. Discussion ensued regarding when the contractor was informed of the fees. City Planer Lingenfelter read from the permit placard, which stated relocate or replace 66" of palm and 24" of oak trees or payment of \$4,500 before CO is issued. Planner Lingenfelter continued by stating that amount was mitigated because they moved items to save oak trees so it was reduced to \$3,300. Chairman Settle opened public comments. The following persons spoke Rick Belhumeur. Chairman Settle closed public comments. Motion by Commissioner Carney, refund Mr. Bache 3,300 from the tree bank that he did pay under protest. The motion died for lack of a second. No action was taken.
11. CONSIDER A REQUEST TO AMEND THE FLAGLER BEACH CODE OF ORDINANCES, CHAPTER 22, WATERCRAFT AND WATERWAY, ARTICLE II, BULKHEADS, DIVISION 3. INTRACOASTAL



City of Flagler Beach **AGENDA ITEM # 10** **Item Summary and Recommendation**

SUBJECT: Consider second request for return of tree bank money based on new information – Christian Bache.

BACKGROUND: The applicant came before the City Commission on December 12, 2013 with the same request. The following is the discussion captured from that meeting. Consider a request to refund payment to tree bank fee – Chris Bache: Chairman Settle inquired to the City Attorney, if this is similar to the other request we received? City Attorney Smith stated similar but the changing of the legislation does not require the City to reimburse. Mr. Bache reviewed his request, stating that while the fee was required he was out of the state and felt somewhat handicapped by the distance. He felt the responsibility of arguing the fee was not the responsibility of his builder. He is asking the Commission to be fair and consistent, and he should be granted the request for refund. Chairman Settle opened the floor to public comment. Rick Belhumeur felt this is different as the other applicant had a chance to appeal. Mr. Boche explained he was not in the state to protest the fee, circumstances being he could not physically address it until this time. Chairman Settle closed public comment. Commissioner Carney stated her concern is a situation that a local builder came forward to protest a fee, appealed to the PARB, and it stopped there. Motion by Commission Carney that we refund Mr. Boche \$3,300 for the tree bank, that he wrote a check for. The motion failed for lack of a second.

RECOMMENDATIONS: Staff is not aware of any new information beyond what was presented on December 12, 2013. Applicant still requests Commissions consideration for refund.

ATTACHMENTS: Application, Agenda back up from

SUMMARY SUBMITTED BY: Bruce C. Campbell, City Manager

City of Flagler Beach

Agenda Application

INDIVIDUAL'S NAME: CHRISTIAN BACHE

BUSINESS NAME: _____

(If Applicable)

STREET ADDRESS: 1624 S. CENTRAL AVE.

(If within City of Flagler Beach)

MAILING ADDRESS: 1624 S. CENTRAL AVE, FLAGLER BEACH

(Please provide City & Zip Code) FL, 32136

PHONE NUMBER: 386-693-4608

SUBJECT MATTER TO BE DISCUSSED WITH THE COMMISSION:

(This is the wording you would like on the agenda)

SECOND REQUEST FOR RETURN OF TREE

BANK MONEY (\$3,300.00) BASED ON NEW

INFORMATION.

BACKGROUND INFORMATION REGARDING THE SUBJECT:

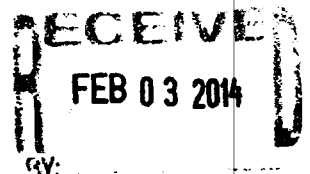
(A) MY LOT (50' WIDE WITH 12 PALMS AND 2 OAKS) DID NOT ALLOW THE OPTION TO TRANSPLANT THE PALMS THAT WERE IN THE HOUSE FOOTPRINT TO ANOTHER PART OF THE PROPERTY.

(B) IF I WOULD HAVE DELAYED MY C.O. I WOULD NOT HAVE HAD TO PAY THIS FEE.

(C) THE CURRENT THREE BANK ACCOUNT IS \$6356, IF YOU TAKE OUT MY \$3300 THAT LEAVES \$3056 (WHICH I BELIEVE ARE FINES NOT FEES)

(D) I WAS ONE OF THE FIRST TO PROTEST THIS FEE AND IT SEEMS LIKE I AM THE ONLY PERSON WHO HAS PAID IT.

(OVER)



City of Flagler Beach

Agenda Application Continued

REQUESTED ACTION SOUGHT FROM THE COMMISSION:

RETURN OF \$3,300

ATTACHMENTS: _____

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.

C. Bache
SIGNATURE OF APPLICANT

1-3-14
DATE

(FOR 1-13-14 MEETING)

City of Flagler Beach

Planning and Architectural Review Board

Tuesday, September 4, 2012 at 5:30 p.m.

City Hall Commission Chambers

Agenda

1. Call the meeting to order.
2. Call the roll.
3. Pledge of Allegiance.
4. Approve the minutes of the Regular Meeting of July 3, 2012.
5. New Business:
 - A. Application #AP 12-09-01
Appeal for a Minor Variance to the Building Setback Line for Tree Preservation
Applicant: Larry Gross
1624 South Central Avenue
Property Owner: Christian R. and Alexandra T. Bache
6. PARB Member Comments.
7. Adjournment.



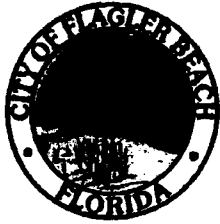
RECORD REQUIRED TO APPEAL: In accordance with Florida Statute 286.0105 if you should decide to appeal any decision the Commission makes about any matter at this meeting, you will need a record of the proceedings. You are responsible for providing this record. You may hire a court reporter to make a verbatim 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. Please take notice that individual Elected Officials of the City of Flagler Beach may attend this meeting. Those Elected Officials who attend will not take any action or take any vote at this committee meeting. This is not an official meeting of the Flagler Beach City Commission. This notice is being provided to meet the spirit of the Sunshine Law to inform the public that Elected Officials may be present at this committee meeting.

Planning and Building Department

P.O. Box 70 • 116 3rd Street South, Flagler Beach, Florida 32136 • Phone (386) 517-2000 • Fax (386) 517-2016

Posted August 30, 2012



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: #AP 12-09-01 – Appeal for a Minor Variance to the Building Setback Line for Tree Preservation

DATE: August 30, 2012

Applicant: Larry Gross, 201 Barracuda Boulevard, New Smyrna Beach 32169

Property Owner: Christian R. and Alexandra T. Bache, 4485 Myrtle Street, Edgewater, Florida 32141

Property: 1624 South Central Avenue – 18-12-32-2750-00050-0070

Future Land Use: Low Density Residential

Zoning District: R-1, Single-Family Residential

Summary

Pursuant to the *City of Flagler Beach Code of Ordinances, Appendix A, Land Development Regulations, Article II., Zoning*, the applicant is requesting an appeal to allow a detached accessory structure to be eight (8) feet from the side property line, a reduction of the required setback of ten (10) feet by two (2) feet, or 20 percent to preserve two (2) 12 inch oak trees.

Analysis

The applicant has been issued a building permit for a single-family dwelling unit with a detached garage on a 50 foot wide property. A driveway permit and tree removal permit were also granted in conjunction with the structures. The building permit was issued with a condition that a protective tree barrier be placed at the dripline of the existing oak trees and that 66 inches of palm trees and 24 inches of oak trees be relocated, replaced, or a payment of \$4,500 be paid in lieu of relocation or replacement must be made prior to a certificate of occupancy.

Pursuant to Section 2.06.09.(12), Tree and Vegetation Removal; Tree Protection., "Any person required to obtain a permit and who is adversely affected by a decision of any city official or employee in the enforcement or interpretation of this article, may appeal such decision to the Planning and Architectural Review Board, which, by a majority vote, may affirm, reverse, or modify the adverse decision, (the Planning and Architectural Review Board shall have the authority to grant minor variances of no more than twenty (20) percent of any building setback line where such variance will preserve a tree which otherwise may be required to be removed in the absence of such variance) and any decision of the Planning and Architectural Review Board may be appealed to the City Commission, who may consider the entire matter de novo, and

by a majority vote, may fix anew the condition for removal of trees or vegetation, or may affirm, reverse or modify any decision made by any city official or city board prior thereto. Notice of appeal shall be made in writing to the City Clerk within thirty (30) days of the decision being appealed from. Any decision of the City Commission is subject to review as provided by law.

The applicant is appealing the requirement issued by the City Planner to mitigate the 24 inches of oak trees by requesting that the Planning and Architectural Review Board grant a minor variance of two (2) foot to the required ten (10) foot detached accessory building setback line and allow the permitted garage to be eight (8) feet from the north property line and preserve two (2) 12 inch oak trees.

The single-family house is setback 5.22 feet from the north property line, where the required setback is five (5) feet.

Recommendation

Staff recommends that the Planning and Architectural Review Board grant the requested minor variance of two (2) foot to the required ten (10) foot detached accessory building setback line and allow the permitted garage to be eight (8) feet from the north property line and preserve two (2) 12 inch oak trees with the following conditions:

1. A protective tree barrier be also placed at the dripline of the preserved two (2) 12 inch oak trees during construction; and
2. If the preserved two (2) 12 inch oak trees do not survive one (1) year after the issuance of the certificate of occupancy or completion, then the tree or trees shall be replaced by the owner of the site with a suitable replacement tree described in Section 2.06.09.(11), Tree Replacement Requirements and Schedule.

Enclosures: Application, July 10, 2012
Site Plan, July 10, 2012
Stemwall Location Survey, August 3, 2012

7-10-12

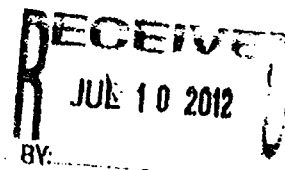
CITY OF FLAGLER BEACH
PLANNING AND ARCHITECTURAL REVIEW BOARD

I WOULD LIKE YOU TO CONSIDER A MINOR VARIANCE TO YOUR SIDE YARD SETBACK FOR A DETACHED GARAGE. IF I COULD BUILD THIS GARAGE 20% CLOSER TO THE SIDE YARD THAN THE REQUIRED 10 FEET I COULD SAVE TWO 12" DIAM. OAK TREES. I BELIEVE THIS REQUEST SHOULD BE GRANTED BECAUSE THE GARAGE SETBACK WILL STILL BE 3' MORE THAN THE MAIN HOUSE,

THANK YOU,



LARRY GROSS
(CONTRACTOR)



FLAGLER BEACH PLANNING AND ARCHITECTURAL REVIEW BOARD
TUESDAY, SEPTEMBER 4, 2012 AT 5:30 P.M
MINUTES

PRESENT: Dan Bayerl, Don Deal, Cathy Feind, Joseph Pozzuoli, Roseanne Stocker, City Attorney Andrew Hand, City Planner Chad Lingenfelter, Board Secretary Marlene Beams.

ABSENT: Theodore Johnson and Lea Stokes

1. CALL THE MEETING TO ORDER: Chairman Deal called the meeting to order at 5:31 p.m.
2. CALL THE ROLL: Ms. Beams called the roll.
3. PLEDGE OF ALLEGIANCE: Mr. Bayerl led the pledge to the Flag.
4. APPROVE THE MINUTES OF THE REGULAR MEETING OF JULY 3, 2012: **Motion** by Joseph Pozzuoli, seconded by Roseanne Stocker, to accept the meeting minutes. The **motion** carried unanimously.
5. NEW BUSINESS:
 - A. APPLICATION #SP 12-09-01
Appeal for a Minor Variance to the Building Setback Line for Tree Preservation
Applicant: Larry Gross
1624 S. Central Avenue
Property Owner: Christian R. and Alexandra T. Bache

Larry Gross, contractor, explained the nature of property owner's request. Mr. Lingenfelter reviewed his recommendation to grant the minor variance of the two (2) feet into the ten (10) foot north side yard in order to save the tree on the property. Cathy Feind needed clarification regarding the end of the house and the property line and where the garage would be within the property line. Ms. Stocker asked that if the PAR Board allows for the minor variance, can the City take a photo of the trees now and go back in a year to monitor. Mr. Lingenfelter indicated he would be photographing the trees tomorrow. **Motion** by Roseanne Stocker, seconded by Dan Bayerl, that we recommend approval of the minor variance to the building setback line for tree preservation and subject to the recommendations from staff. The public hearing was opened. No comments were received. The public hearing was closed. The **motion** carried four to one with Cathy Feind voting no.
6. PARB MEMBER COMMENTS: No comments were made. Chad Lingenfelter wanted to set a day for the "Fill Subcommittee." The members of the subcommittee are Don Deal, Joseph Pozzuoli and Ted Johnson. Mr. Deal asked that Mr. Lingenfelter send an email to the group asking for available dates. Mr. Lingenfelter will also be contacting the Comprehensive Plan Subcommittee, consisting of Cathy Feind, Joseph Pozzuoli and Ted Johnson. Happy Birthday to Drew Smith.
7. ADJOURNMENT: **Motion** by Joseph Pozzuoli, seconded by Dan Bayerl to adjourn the meeting at 5:30 p.m. The **motion** carried unanimously.



9

City of Flagler Beach Item Summary

SUBJECT: Application OE-16-05-01 – 500 S. Ocean Shore Blvd. (The Anchor) - Outdoor Entertainment Permit.

RECOMMENDATION: Staff recommends approval.

BACKGROUND:

UPDATE: The applicant was not present at the May 3, 2016 PAR Board meeting. The PAR Board tabled the item to the June 7th agenda. The Board tabled due to questions about safety, due to deck size and questions about entertainment location. See attached email.

Applicant: Joe Frascogna, 500 South Ocean Shore Boulevard, Flagler Beach, Florida 32136. The subject property is zoned GC General Commercial. The applicant is seeking approval of an Annual Outdoor Entertainment Permit to allow amplified and non-amplified events consisting of music, spoken word and/or other forms of entertainment. Section 4-167, Review of Permit Application states, the city commission, after receiving recommendation from the planning and architectural review (PAR) board, shall approve, approve with conditions, or deny a permit for outdoor entertainment activity based on any of the following grounds:

- (1) The activity would present an adverse impact to the health, safety or welfare of the applicant, participants, public employees or members of the public and/or fails to protect the city's environment.
- (2) The activity would unreasonably inconvenience the general public.
- (3) The proposed activity is prohibited by or inconsistent with the Flagler Beach Code of Ordinances or the Flagler Beach Comprehensive Plan.
- (4) The applicant cannot meet, or is unwilling to meet, all of the requirements of this article.
- (5) The activity is proposed for a site that does not have adequate parking to accommodate the activity.
- (6) The activity is proposed for a site that is inherently hazardous to the participants or the public.
- (7) The event would have an adverse effect, and would unreasonably infringe upon, the rights of property owners within two hundred (200) feet of the property line of the subject property.
- (8) The event would conflict with another proximate event or interfere with construction or maintenance work.
- (9) The information furnished in the application is not materially complete and accurate.
- (10) The applicant has violated a provision, restriction or condition of this article or an outdoor entertainment activity permit issued to the applicant within the past and has not presented competent substantial evidence that measures to prevent future violations will be implemented at the property.
- (11) The requirements identified by the city staff to ensure public health, safety and welfare have not been met.
- (12) The comments and/or recommendations of the planning and architectural review board have not been addressed.

- (13) The proposed event or activity is prohibited by federal, state, or local regulations.
- (14) Other issues in the public interest as identified by the city commission.
- (a) In making a determination to approve a permit the city commission may limit the type and number of temporary structures and the duration of the activity including the hours and the number of days of the activity conducted to minimize any adverse impact caused by the activity.
- (b) Upon receipt of an application for outdoor entertainment activity, the city clerk's office shall review the application within five (5) working days of receiving it to determine if it is complete, fees have been paid and if the proposed activity qualifies as an outdoor entertainment activity. If so determined, the city clerk's office shall mail via regular mail a notice to all real property owners located within two hundred (200) feet from the property line of the subject property which notice shall include: the address of the subject property, the nature of outdoor entertainment activity sought, and the date, time and location of the PAR board meeting at which the application will be heard for recommendation. In deciding its recommendation on the application, the PAR board shall consider those same grounds listed above for consideration by the city commission. The recommendation will be brought to the city commission for final decision at its next available commission meeting.

ATTACHMENTS: Application, letter sent to applicant, letter sent to surrounding properties, site plan showing location of outdoor entertainment. Email dated 5-4-2016

SUBMITTED BY: Penny Overstreet, City Clerk

Penny Overstreet

From: Penny Overstreet
Sent: Wednesday, May 04, 2016 1:48 PM
To: Don Deal; 'Roseanne Stocker R1'; Mike Flank (mlfclf@aol.com); peik@cfl.rr.com; eric@cooley.cc; jonkat@aol.com; joseph@jpaflorida.com
Cc: Drew Smith
Subject: RE: Outdoor Entertainment Application

Update: The applicant did not appear because he had to go the Lake County(Villages) because his father had a stroke. Marshall spoke with the applicant to address the concerns. The max capacity of the deck of 30 persons. He will move the musician to the east end of the deck he will remove the speaker on the east end and have the two remaining facing east, He will not utilize extension cords.
Penny

From: Penny Overstreet
Sent: Wednesday, May 04, 2016 11:47 AM
To: Don Deal; 'Roseanne Stocker R1'; Mike Flank (mlfclf@aol.com); peik@cfl.rr.com; eric@cooley.cc; jonkat@aol.com; joseph@jpaflorida.com
Subject: FW: Outdoor Entertainment Application

FYI, Please do not respond to each other. I have also asked our Fire Inspector to go by and then provide me his recommendations.

Thank you,
Penny

From: Penny Overstreet
Sent: Wednesday, May 04, 2016 11:45 AM
To: 'anchorflaglerbeach@gmail.com'
Cc: Gayla Lancenese; Larry Newsom; Larry Torino; Drew Smith
Subject: Outdoor Entertainment Application

Hello Mr. Frascogna,

Your application was reviewed by The Planning & Architectural Review Board (PARB) last evening. The PARB continued the item to the next meeting in June without recommendation. They expressed concerns of the size of the deck and proposed entertainment, and location/direction of speakers. They requested that yourself or a representative appear at the next meeting to respond to their inquiries. I have asked our Fire Inspector to view the proposed location of the entertainment, to respond to the PARBs inquiries. I advised the PARB the drawing (site plan) was actually done by me in front of you and that I may not have communicated your wishes totally through the drawing. Since the PARB continued the item, it will not be on the May 12th Commission agenda as stated in my April 20th letter to you. The next PARB meeting is scheduled for June 7, 2016. Please contact me with any concerns or questions.

Regards,

Penny Overstreet CMC

City Clerk
City of Flagler Beach
105 S. 2nd Street
Flagler Beach, FL 32136
www.cityofflaglerbeach.com
☎ 386-517-2000 ext. 233
📠 386-517-2008

Penny Overstreet

From: Penny Overstreet
Sent: Friday, June 03, 2016 10:13 AM
To: anchorflaglerbeach@gmail.com
Subject: Outdoor Entertainment review application by PARB & City Commission
Attachments: Outdoor Entertainment Application

Hello Mr. Frascogna:

I attached the email I sent to you on May 4th. Just a reminder that yourself or a representative is requested to attend the June 7, 2016 Planning Board Meeting which begins at 5:30 p.m. to respond to inquiries so the board can make a recommendation to the Commission regarding your application. Then the Commission will review the application at their June 9, 2016 meeting which begins at 5:30 , yourself or a representative will also need to be in attendance. Let me know if you have any questions or concerns.

Penny Overstreet CMC

City Clerk

City of Flagler Beach

105 S. 2nd Street

Flagler Beach, FL 32136

www.cityofflaglerbeach.com

☎ 386-517-2000 ext. 233

📠 386-517-2008

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

Website: www.cityofflaglerbeach.com

OFFICE USE ONLY:

DATE REC'D 4-5-16

FEE REC'D \$ 150.00

INITIALS: P.O.

APPROVED

DISAPPROVED

SENT PARB

PERMIT ISSUED _____

INSTRUCTIONS:

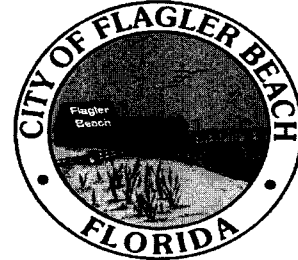
Please print or type all information.

The application must be filled out accurately and completely. Answer all questions. Do not leave an item blank. If an item does not apply, write N/A (not applicable).

Incomplete applications may delay your request. All statements made on the application are subject to verification.

City of Flagler Beach

APPLICATION FOR
OUTDOOR ENTERTAINMENT



105 South 2nd Street,
Post Office Box 70
Flagler Beach, Florida 32136
Phone (386) 517-2000 Fax (386) 517-2008

Please type or print legibly
Required Information

Business Name: The Anchor

Contact Person: Joe Frascogna Frascogna

Address: 500 South Ocean Shore Blvd

City: Flagler Beach State: FL Zip: 32136

Work Phone: 439-1818 Home Phone: _____

Fax: _____ Mobile Phone: 693 6615

E-Mail Address: Anchor Flagler Beach@gmail.com

What type of permit are you applying for? (check one)

Annual Permit (permit fee = \$150.00)

Per event that occurs fewer than 12 times a year (permit fee = \$75.00)
(Please list dates and times for the events on the bottom of page 2)

One day event on Date _____ (permit fee = \$50.00)
Start time _____ am/pm End time _____ am/pm

Will you utilize temporary structures at your event? No Yes
(If yes, attach a sketch of the site showing the location of these structure and see note below)
(Indicate number of each)

_____ Stages _____ Scaffolding _____ Fences _____ Other _____

_____ Tents Do any of the tents exceed 200 square feet? _____ No Yes

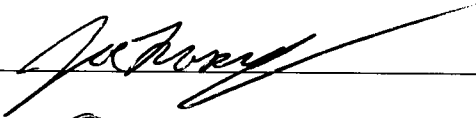
Note: Special Permits are required for tents exceeding 200 square feet. Special Building permits are required for temporary structures 700 or more square feet in area and those that are four feet above grade.

Does the establishment have adequate parking? _____ No Yes
(Attach a sketch of the site showing the location and number of current spaces. If No how do you propose to provide parking? Attach additional statement if necessary.)

PLEASE ATTACH A SITE PLAN REGARDING THE SET UP OF THE OUTDOOR ENTERTAINMENT. PLEASE ATTACH A CURRENT COPY OF YOUR LIABILITY INSURANCE TO THIS APPLICATION.

By signing below I understand:

- This is an application only and does not obligate the City in any fashion to issuing a permit or approve an event.
- I have included my application fee and understand that my application will not be processed without the application fee.
- In no case shall the City's Noise Ordinance be violated.
- The City Commission may reasonably limit the type and number of temporary structures and the duration of the activity including the hours and the number of days of the activity conducted.
- The event(s) may not be held until a permit is received.

Signature of Applicant  Date 4/5/16

Title of Applicant Owner

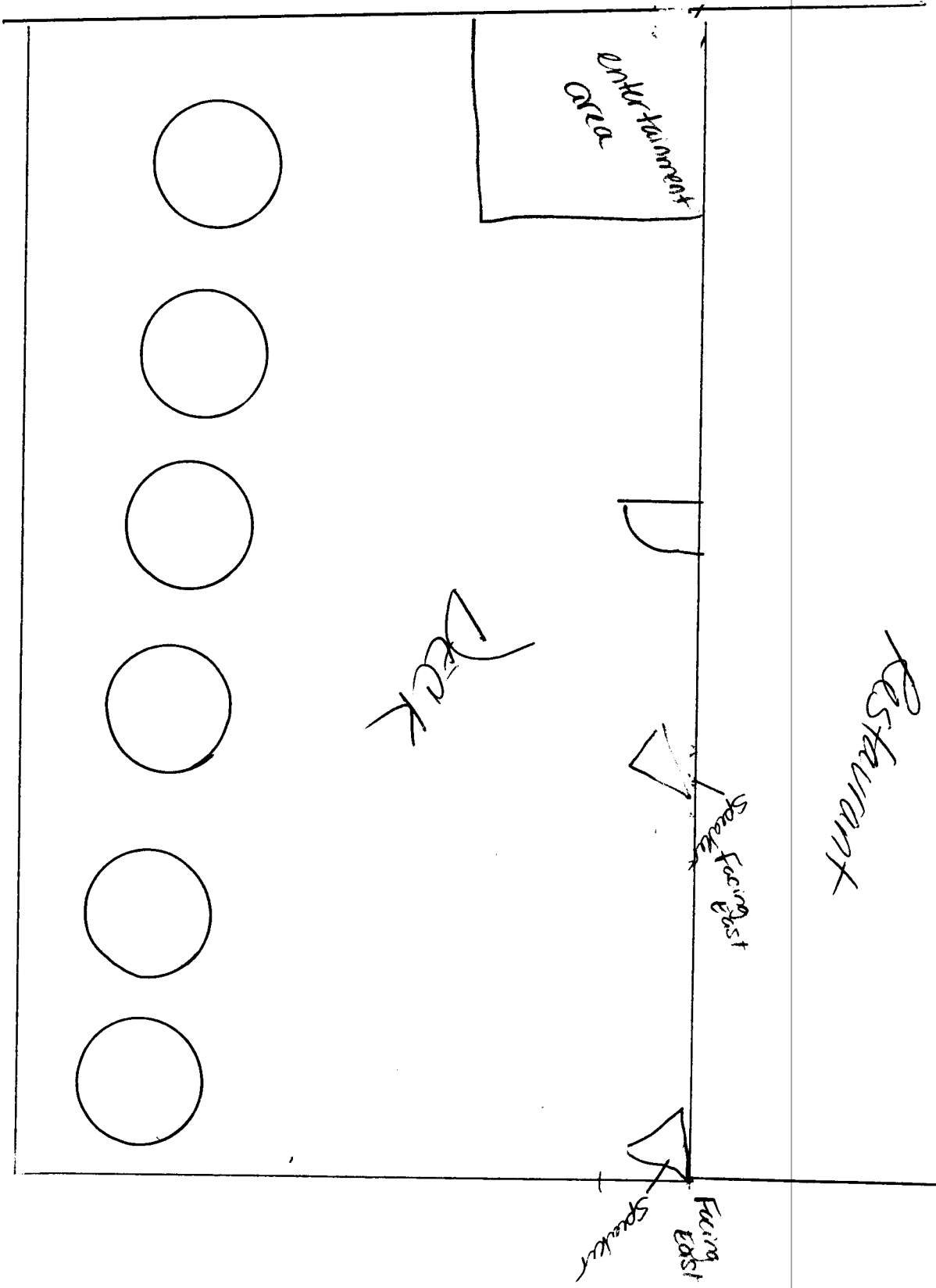
Affiliation _____

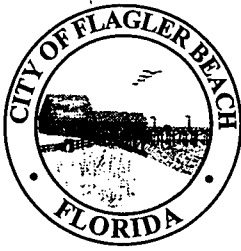
- | | | |
|----------------|------------------------|----------------------|
| 1. Date _____ | Start time _____ am\pm | End time _____ am\pm |
| 2. Date _____ | Start time _____ am\pm | End time _____ am\pm |
| 3. Date _____ | Start time _____ am\pm | End time _____ am\pm |
| 4. Date _____ | Start time _____ am\pm | End time _____ am\pm |
| 5. Date _____ | Start time _____ am\pm | End time _____ am\pm |
| 6. Date _____ | Start time _____ am\pm | End time _____ am\pm |
| 7. Date _____ | Start time _____ am\pm | End time _____ am\pm |
| 8. Date _____ | Start time _____ am\pm | End time _____ am\pm |
| 9. Date _____ | Start time _____ am\pm | End time _____ am\pm |
| 10. Date _____ | Start time _____ am\pm | End time _____ am\pm |
| 11. Date _____ | Start time _____ am\pm | End time _____ am\pm |
| 12. Date _____ | Start time _____ am\pm | End time _____ am\pm |

Amended
after 5:30 pm
mtg.

A1A

S. 5th St.





City of Flagler Beach

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

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

April 20, 2016

Mr. Joe Frascogna
The Anchor
500 South Oceanshore Boulevard
Flagler Beach, Florida 32136

RE: Outdoor Entertainment application

Dear Mr. Frascogna:

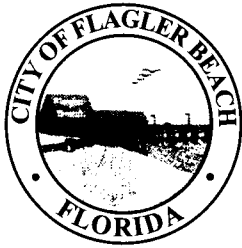
This letter is to advise you your request for an Outdoor Entertainment Permit will be heard by the Planning and Architectural Review Board on May 3, 2016 at 5:30 p.m. The Planning Boards recommendation will be heard by the City Commission and the final decision will be made at their May 12, 2016 meeting which begins at 5:30 p.m. I have enclosed a copy of the letter that has been mailed to the businesses and residents within 200 feet of your location. Should you have concerns or questions please contact me at povestreet@cityofflaglerbeach.com or 386-517-2000 ext. 233.

Sincerely,

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

Penny Overstreet
City Clerk

Cc: Larry Torino, Planner
Planning & Architectural Review Board
Elected Officials
Larry Newsom, City Manager



City of Flagler Beach

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

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

April 20, 2016

RE: Outdoor Entertainment Permit Application Review

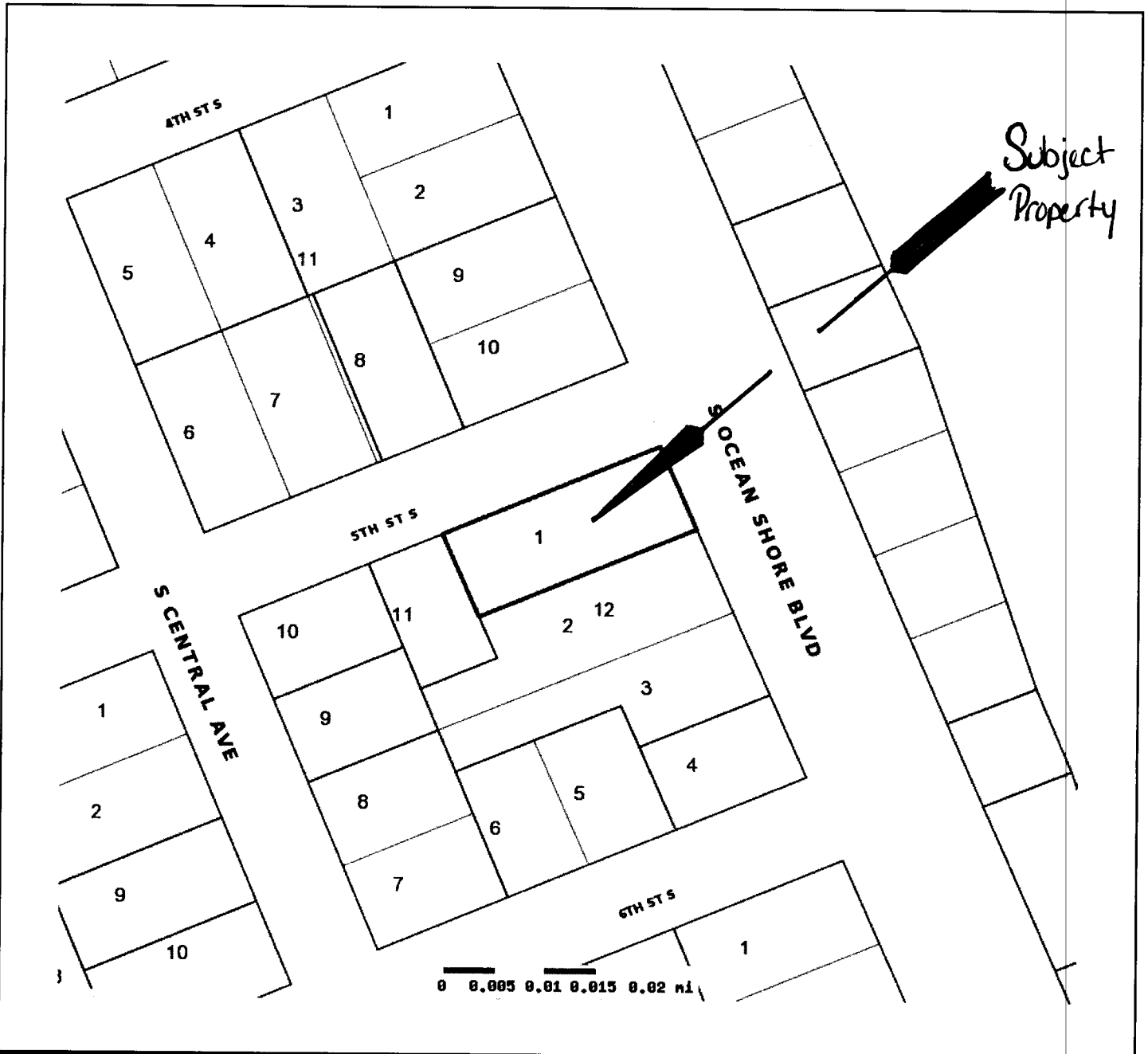
Dear Sir or Madam:

The purpose of this letter is to advise you, the City is in receipt of a request from "The Anchor" located at 500 S. Oceanshore Blvd. requesting an Annual Outdoor Entertainment Permit. Per Ordinance 2010-02 the office of the City Clerk is required to notify property owners in a two-hundred foot radius of the subject property of the meeting dates and times the request will be reviewed by the Planning & Architectural Review Board and the date the City Commission will have final review. The request will be reviewed by the Planning & Architectural Review Board on May 3, 2016; meeting begins at 5:30 p.m. The request will be before the City Commission for consideration on May 12, 2016 meeting begins at 5:30 p.m. The intent of this notice is to provide to you the opportunity to appear at the meeting(s) to voice your concerns or approval of the requested activity. Should you have any questions please contact the City Clerk's Office at 386-517-2000 ext. 233 if you wish to view the application.

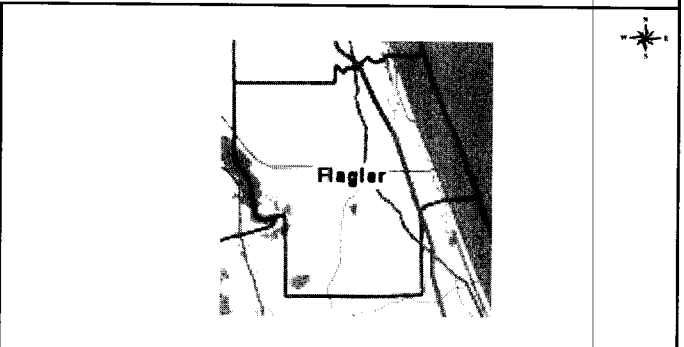
Sincerely,

Penny Overstreet
City Clerk

CC: Larry Newsom, City Manager
Larry Torino, Planner
Joe Frascogna, Applicant



Flagler County Property Appraiser			
Parcel: 12-12-31-4500-00120-0010 Acres: 0.143			
Name:	A1NET LLC	Land Value	156,250
Site:	500 S OCEAN SHORE BLVD	Building Value	157,161
Sale:	315,000 on 10-2015 Reason=U Qual=N	Misc Value	1,422
Mail:	383 N FRONT STREET LL	Just Value	314,833
	COLUMBUS, OH 43215	Assessed Value	314,833
		Exempt Value	0
		Taxable Value	314,833



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: 04/20/16 : 13:09:44

112 SOUTH 5TH ST PROPERTY LLC
2205 N DAYTONA AVE
FLAGLER BEACH, FL 32136

411SC, LLC
1640 LAMBERT AVENUE
FLAGLER BEACH, FL 32136

BERLEENE INC
PO BOX 848
FLAGLER BEACH, FL 32136

BONILLA ERIC & CAROL H&W
6150 BAY SHORE WALK #405
LONG BEACH, CA 90803

CARLETTO REAL ESTATE
PROPERTIES INC
1827 GILFORD AVENUE
NEW HYDE PARK, NY 11040

CITY OF FLAGLER BEACH
PO BOX 70
FLAGLER BEACH, FL 32136

CITY OF FLAGLER BEACH
PO BOX 70
FLAGLER BEACH, FL 32136

FLAGLER BEACHSIDE SUITES LLC
PO BOX 1714
FLAGLER BEACH, FL 32136

HARRIS ALBERT J & DEBORAH M
H&W
5 SANDPIPER COURT
PALM COAST, FL 32137

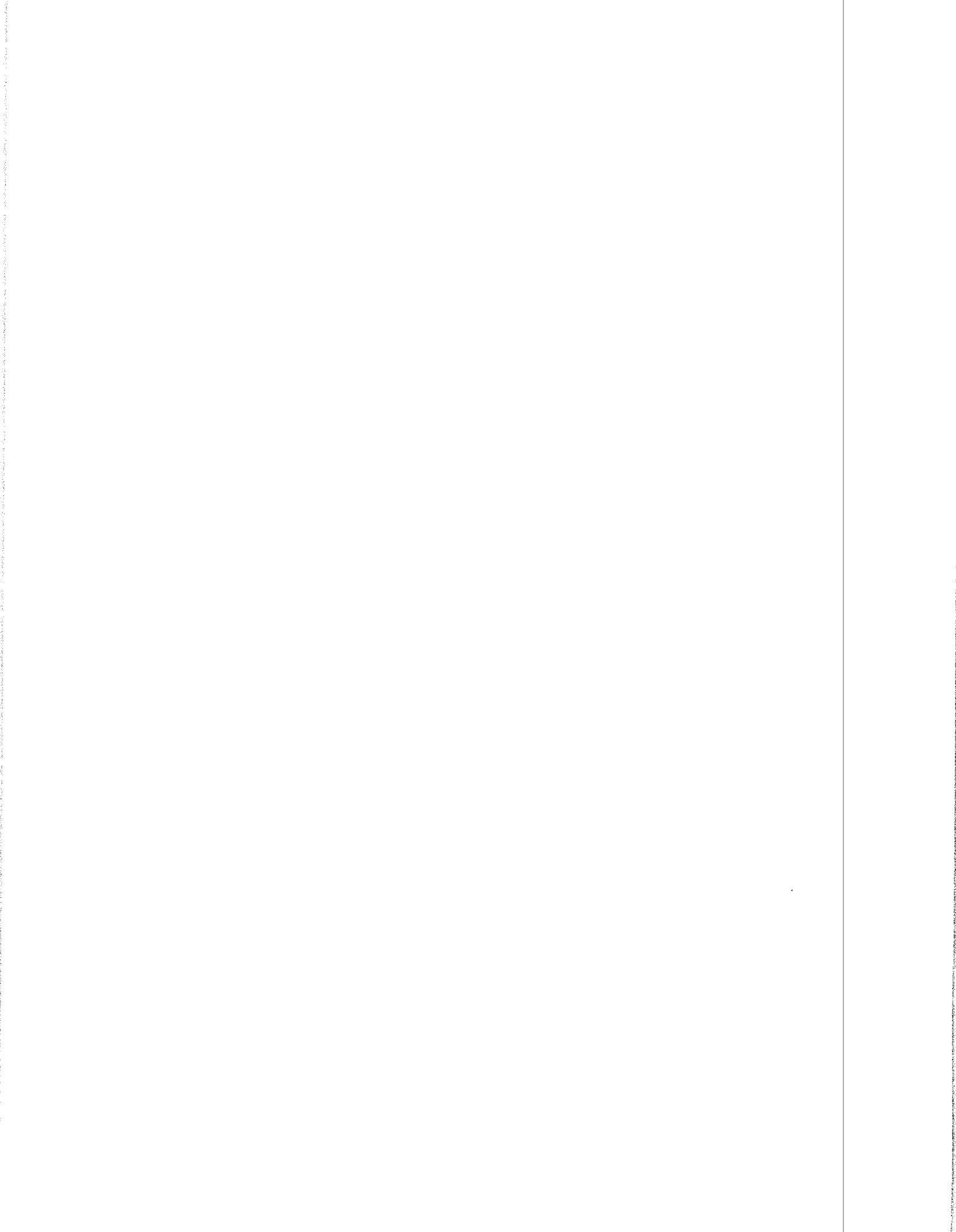
MARCIN JOHN B
TRUSTEE
5567 RESEDA BLVD
SUITE 320
TARZANA, CA 91356

PERRY SADIE J TRUSTEE
PO BOX 903
FLAGLER BEACH, FL 32136

PERRY SADIE JOHNSON
TRUSTEE
PO BOX 903
FLAGLER BEACH, FL 32136

PERRY SADIE JOHNSON
TRUSTEE
PO BOX 903
FLAGLER BEACH, FL 32136

VRE FLAGLER BEACH LLC
1211 S WHITE CHAPEL BLVD
SOUTHLAKE, TX 760929303





FLAGLER BEACH CITY COMMISSION

City Manager's Report

Item No. 10

Meeting Date: June 9, 2016

Issue: Resolution 2016-28 a resolution by the City Commission of the City of Flagler Beach, Florida accepting the Flagler County Local Mitigation Strategy Plan, providing for conflict and an effective date.

From: Kay McNeely

Organization: COFB

RECOMMENDATION: : Adopt the 2016 LMS Plan. Proof of the City Council's adoption of the most recent Plan is required by ISO for CRS points and required by the Federal Emergency Management Agency in order to be eligible for federal mitigation grants.

Note: The Plan is close to 500 pages long. It can be viewed on the County's website.

Either enter www.flagleremergency.com in the Address Field of your Internet provider, or search by entering "Flagler County Emergency" and choosing Local Mitigation Strategy.

When the home page pops up, look below the photo of the fire trucks and select "Local Mitigation Strategy" from the blue boxes. It will take you directly to the LMS Plan.

BACKGROUND: Every five years, an updated LMS Plan must be adopted by the City Commission.

IMPLEMENTATION/COORDINATION:

Attachments

Resolution 2016-28

RESOLUTION 2016-28

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF FLAGLER BEACH, FLORIDA, ACCEPTING THE FLAGLER COUNTY LOCAL MITIGATION STRATEGY PLAN, PROVIDING FOR CONFLICT AND AN EFFECTIVE DATE.

WHEREAS, the Flagler County Local Mitigation Strategy (LMS) Work Group was created in 1999, with the responsibility of developing a Local Hazard Mitigation Strategy Plan; and

WHEREAS, the Flagler County LMS Work Group has completed a Local Mitigation Strategy Plan which has been reviewed and approved by the Florida Division of Emergency Management as meeting the criteria for such plans; and

WHEREAS, this LMS Plan is intended to provide a strategy to mitigate dangers and costs associated with severe weather and manmade hazards and to provide a priority for recovery following the occurrence of a hazardous event in Flagler County; and

WHEREAS, the LMS Plan also serves as the City's Floodplain Management Plan under the Federal Emergency Management Agency's Community Rating System (CRS) program; and

WHEREAS, the LMS Work Group has completed their review of the 2016 LMS Plan and updated the previously adopted LMS Plan;

NOW THEREFORE, BE IT RESOLVED that the City of Flagler Beach accepts and adopts the Flagler County Local Mitigation Strategy Plan and assigns maintenance of the Project List to the Local Mitigation Strategy Work Group to be coordinated by Flagler County Emergency Services.

PASSED AND ADOPTED THIS _____ DAY OF JUNE, 2016.

CITY OF FLAGLER BEACH, FLORIDA
CITY COMMISSION

Linda Provencher, Mayor

ATTEST:

Penny Overstreet, City Clerk

Flagler County Local Mitigation Strategy Plan 2016

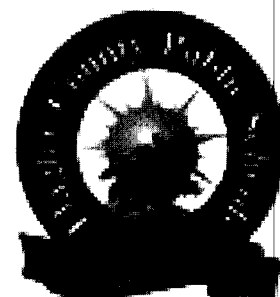
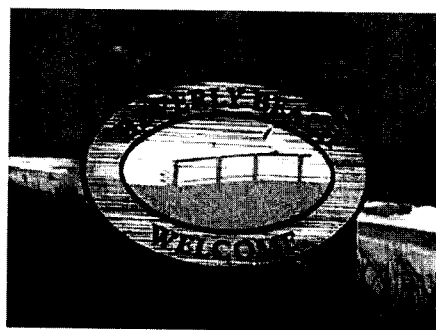
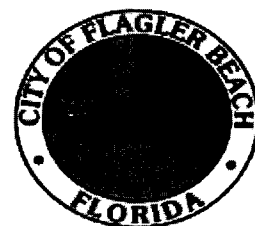


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Appendix C – Additional Wildfire Risk Assessment Information

Appendix D – Hazard Summary Table

Appendix E – Project Prioritization Process

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Appendix J – Approval Letter and Resolutions

1.0 – Introduction

Under Section 322 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act) enacted under the Disaster Mitigation Act of 2000 (DMA2K), states and local governments are required to have a Federal Emergency Management Agency (FEMA)-approved hazard mitigation plan in order to be eligible for federal hazard mitigation funding. DMA2K requires communities to develop a plan that follows a planning process to identify risks and prioritize projects. Local plans must be updated and adopted by all participating jurisdictions every five years in order to remain eligible for funding. Developing a Local Mitigation Strategy (LMS) gives Flagler County and its municipalities the opportunity to determine what all-hazards mitigation actions need to be taken to minimize damage before the next disaster strikes.

Communities face a variety of hazards. A hazard is any event or condition with the potential to cause fatalities, injuries, property damage, infrastructure damage, agricultural loss, environmental damage, business interruption, or other structural and financial loss. Three types of hazards profiled within this plan include:

- *Natural hazards*- result from acts of nature, such as hurricanes, earthquakes, tornadoes, wildfires, animal disease outbreak, pandemics, or epidemics.
- *Technological hazards*- result from accidents or the failures of systems and structures, such as hazardous materials spills or dam failures.
- *Human-caused incidents*- result from the intentional actions of an adversary, such as a threatened or actual chemical attack, biological attack, or cyber incident.

The Flagler County LMS focuses on the major hazards that could potentially affect Flagler County and all of the participating jurisdictions in this plan. By evaluating hazards, identifying vulnerabilities and proposing solutions to them, Flagler County will be able to more efficiently meet the needs of its constituents. Hazards fully profiled in this plan include:

- Erosion
- Drought
- Extreme heat
- Flooding
- Tornadoes
- Tropical cyclones
- Severe storms
- Coastal flooding
- Storm surge
- Wildfire

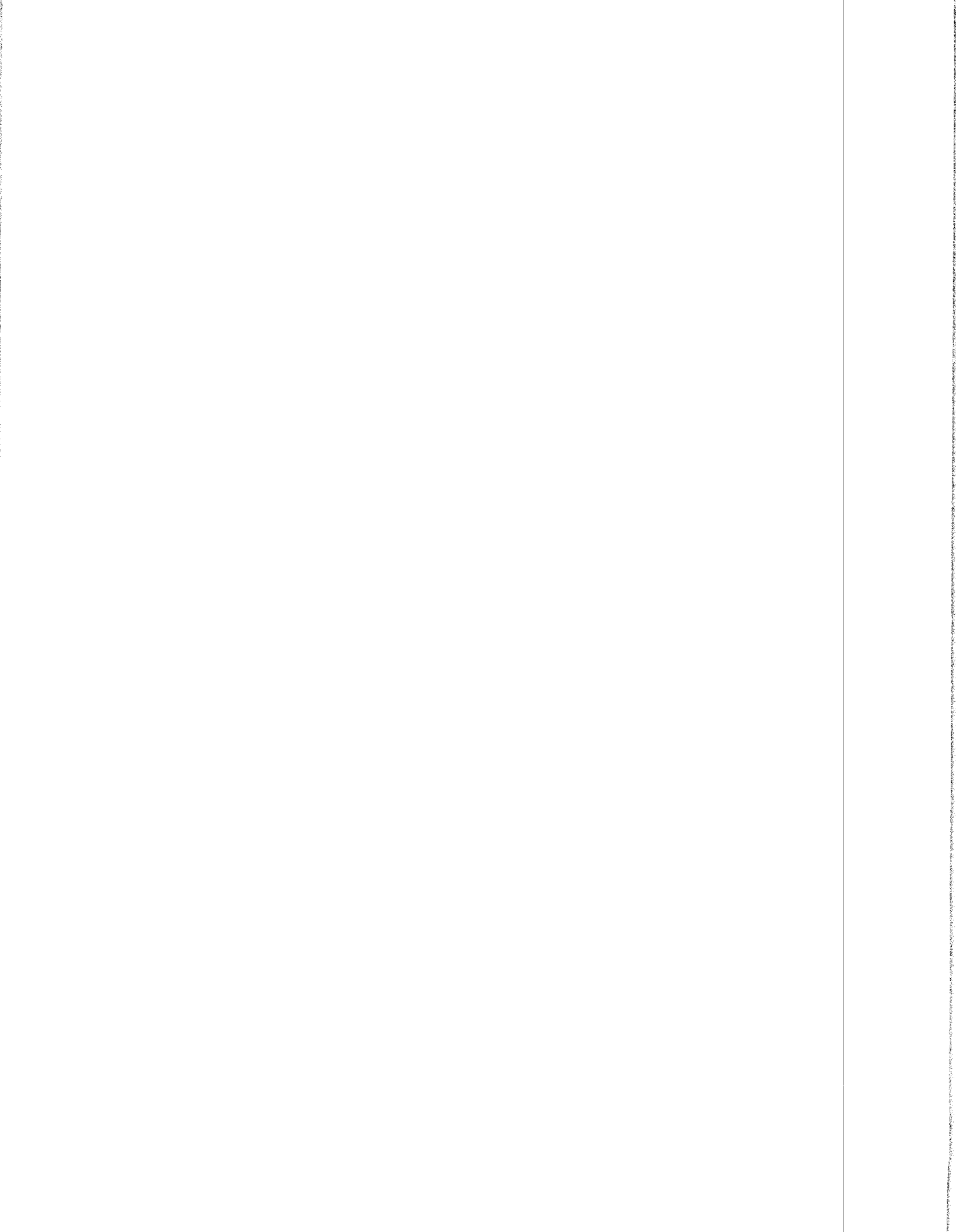
Additionally, there are several natural hazards, as well as technological and human-caused incidents, that while not profiled to the same extent as those above, have been evaluated, and identified to be researched and monitored further.

The concept and practice of hazard mitigation is defined by FEMA as “Any action taken to reduce or eliminate the long term risk to human life and property from hazards”. While the threat from hazardous events may never be fully eliminated, by minimizing the impact of hazards upon our built environment, we can prevent such events from escalating into major disasters.

The purpose of the LMS is to establish an ongoing process that will make hazard mitigation part of the daily routine for the entire community. The LMS identifies hazards based on the history of their occurrences and lists goals, objectives, strategies, and actions that will reduce or eliminate long-term risk to life and property from these hazards. Hazard mitigation is most effective when based on an inclusive, comprehensive, long-term plan that is developed before a disaster occurs. It is widely accepted that the most effective mitigation measures are implemented at the local government level, where decisions on the regulation and control of development are ultimately made. Implementation of planned, pre-identified, and cost-effective mitigation measures not only helps reduce loss of life, destruction of property, and damage to the environment, but also aides in the decision making process during the recovery and reconstruction following a disaster.

The 2016 LMS has undergone major revisions from the previous version. In spring of 2014 Flagler County Emergency Management hired a full-time mitigation planner. This newly created position was the impetus that inspired a renewed and energetic approach by the county toward mitigation initiatives. Future updates to the plan will be conducted in conjunction with the LMS Working Group and will continue to be a foundation for mitigation projects and prioritization throughout county government, municipalities, and other organizations within the county.

**Item
15
Staff
Reports**





Flagler Beach Fire Department

Weekly Run Report from 5/20/16-5/26/16

CALLS BY INCIDENT TYPE

EMS

9

FIRE

3

Hazardous Condition (No Fire)

1

Service Call

2

Motor Vehicle Accident

4

Fire Alarm

2

Total Calls

21

Penny Overstreet

From: Robert Pace
Sent: Thursday, May 26, 2016 12:05 PM
To: Larry Newsom
Cc: Penny Overstreet
Subject: Weekly Highlights

05/26/2016

Mr. Newsom,

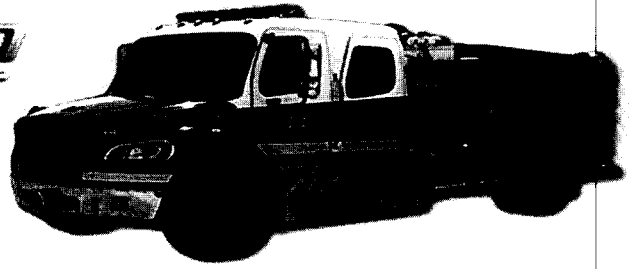
The following are the weekly highlights;

- As you know there were several city members that attended the FEMA training on Friday. I've spoken to Kay a couple times and I relayed to her I will continue to work with Emergency Management to ensure the city is making all the correct preparations.
- On Saturday FF/EMT Jeremy Macklefresh conducted a CPR certification class for several local residents and lifeguards. The cost of the class and certification cards was once again covered by the Volunteer Association.
- I reported to earlier this week that Fire Inspector Gocke completed his annual inspection of the Wickline Building. The issue of the single action locks installed on the doors was submitted to Bob Smith. He has instructed Bill Clemence to replace the locks over the next couple days. Inspector Gocke also completed 3 additional annual inspections, a courtesy inspection, and a 2nd visit inspection.
- I have spoken with Allen Watts concerning the fire mitigation project located at 2262 S. Oceanshore Blvd. and he expects to have that project completed by the end of the week.
- Lt. Kennedy attended E950 (an All-Hazards Position Specific Incident Commander Class) this week. The class was held at Daytona state College and covered the duties, responsibilities, and capabilities of an effective Incident Commander on an All-Hazards Incident Management Team (AHIMT).
- Later today Captain Doughney, Allen Watts, Tom Gillan and I will attend another 4th of July Planning Meeting. The meeting will once again review the IAP and resources required for the event.

I look forward to talking to you soon.

Thanks,

Bobby Pace
Fire Captain
Flagler Beach Fire Department



Flagler Beach Fire Department

Weekly Run Report from 5/27/16-6/1/16

CALLS BY INCIDENT TYPE

EMS

14

FIRE

4

Hazardous Condition (No Fire)

2

Service Call

4

Motor Vehicle Accident

3

Fire Alarm

2

Water Rescue

3

Total Calls

32

Penny Overstreet

From: Robert Pace
Sent: Thursday, June 02, 2016 1:21 PM
To: Larry Newsom
Cc: Penny Overstreet
Subject: Weekly Highlights

Mr. Newsom,

The following are the weekly highlights;

- I have spent much time reviewing the Hurricane Evacuation Plan this week and discussed a few areas of concern with Kay. In addition I've been working with Steve Garten to ensure an ILA be put in place for transportation of special needs residents involved in disaster scenarios.
- Training has been scheduled for the home on S. Daytona to be demolished. FBFD will be working with crews from FCFR later this month.
- Lieutenant Snyder attended an Emergency Use and Evacuation from Elevators class this week. He will be instructing other department members on lessons learned upon his return.
- Another Fire Mitigation project was identified and the property owner was notified on Monday. FF/EMT Forehand was contacted by the resident and he was informed the work would be completed over the next two weeks. The property in question is located on Joyce Street.
- The delivery of the new air compressor and fill station was postponed until tomorrow. Members of Public Works staff will be assisting with the offload and placement into the cascade room.
- This week's training covered Incident Response Safety. The training reviewed safety issues that confront members of the fire service when responding to various emergency incidents. Upon completion the firefighters were to identify types of general hazards that can be encountered due to environmental conditions or dangers present at the scene.

Look forward to talking to you soon.

Thanks,

Bobby Pace
Fire Captain
Flagler Beach Fire Department



FLAGLER BEACH POLICE DEPARTMENT
 Matthew P. Doughney, Police Captain
 204 S. Flagler Ave
 Flagler Beach, FL 32136
 386.517.2023

Captains Weekly Report

From: Friday	5/13/2016	To: Thursday	5/19/2016
Calls For Service	80	Reports Written	23
Self-Initiated	66	Comm. Policing	41
Traffic Stops	31	Security Checks	290
		Citations Issued	31
		Warnings (Written/Verbal)	43

Captains Weekly Summary

Monday: 5/16/16 @ 4:43 a.m. / Fugitive in State Arrest / North Oceanshore Boulevard & North 4th Street (Dune Walkover): Officers located a male subject sleeping on the dune walkover. Upon checking the subject through teletype, it was discovered that the subject had an active warrant out of Sarasota County. The Felony arrest warrant was confirmed, the subject was arrested without incident and transported to the Flagler County Inmate Facility. Good Job!

Monday: 5/16/16 @ 1:07 p.m. / Narcotics Arrest / 300 Block of South 5th Street: Officers were waved down by a City Sanitation employee, in reference to a group of juveniles pulling on car doors on South 5th Street. Officers made contact with the group and Field Interview Cards were completed. An Officer noticed a bulge in a juvenile's sock and when asked to show what was concealed, the juvenile pulled out a clear plastic baggy containing a small amount of marijuana. The juvenile was arrested and then released to a parent. The arrest charge was Possession of Marijuana under 20 Grams.

Monday: 5/16/16 @ 2:43 p.m. / Shoplifting Arrest /408 South Oceanshore Boulevard (7-11): The owner of the store advised he observed a male juvenile pass all points of sale with a towel that was for sale, wrapped around him. The juvenile was brought back into the store to wait for Officers to arrive. The store owner desired prosecution and the juvenile was subsequently arrested for Retail Theft and released to his Mother.

Tuesday: 5/17/16 @ 8:50 a.m. / Burglary of a Vehicle / 600 Block of Shearwood Drive: The victim reported that his 1999 Chevrolet Suburban was broken into sometime over the previous night. He advised the rear doors of the vehicle were unlocked and it appeared that was the point of entry. The vehicle was processed with negative results. Various tools, a camera, and approximately \$16 in cash were stolen from the vehicle. No suspect(s) at this time.

Tuesday: 5/17/16 / 12:24 a.m. / Driving Under the Influence (DUI) Arrest / SR100 and North Flagler Avenue: A vehicle was observed swerving in a traffic lane and then driving down the center of both lanes. Upon the vehicle being stopped an investigation for DUI was conducted. The Driver was arrested for DUI without incident and transported to the Flagler County Inmate Facility.

Captain Doughney and Mayor Provencher attended a 1:00 p.m. meeting at the Emergency Operations Center in reference to Adult Civil Citations and Misdemeanor Marijuana Possession. Many questions were asked regarding the legalities of the proposed Ordinance as well as prosecution of cases, the lack of statewide data bases, etc. The meeting end at 3:00 p.m.

Tuesday: 5/17/16 @ 1:58 a.m. / Narcotics Arrest / 100 Block South 10th Street: Officers were dispatched in reference a suspicious vehicle complaint. Upon arrival Officers made contact with a male subject inside the vehicle. Upon the male opening the window a strong smell of Marijuana emanated from the drivers compartment. The vehicle was searched and approximately twenty-two grams (22g) of Marijuana was located, as was approximately one gram (1g) of Cocaine. Great Job!

Wednesday: 5/18/16 @ 12:36 p.m. / Burglary to a Vehicle / 500 Block of Shearwood Drive: The victim advised that the vehicle was possibly left unlocked overnight, and there were no signs of forced entry. Items taken to include one (1) ring, some electronics and miscellaneous clothing. No suspect(s) at this time.

Wednesday: 5/18/16 @ 7:33 p.m. / Disturbance Battery Arrest / 2200 Block of South Flagler Avenue: Officers responded in reference to a disturbance at a residence. Upon arrival, the female victim advised that her husband grabbed her in an attempt to keep her from leaving the house. Both parties advised that they were drinking, started arguing and when the female went to leave the house, the male suspect grabbed her. The male was arrested without incident and transported to the Flagler County Inmate Facility.

Sea Dune Parking: Officers monitored sea dune parking during the week and issued one (1) verbal warning and two (2) written warnings.

Training: Officer Bingham and Detective Williams successfully completed the 2nd week of Line Supervision training at Daytona State College. This week's topics of instruction included Budgeting, Team Building, Legal Issues, Time Management, Community Policing and Media Relations.



FLAGLER BEACH POLICE DEPARTMENT
 Matthew P. Doughney, Police Captain
 204 S. Flagler Ave
 Flagler Beach, FL 32136
 386.517.2023

Captains Weekly Report

From: Friday	5/20/2016		To: Thursday		5/26/16		
Calls For Service	67	Felony Arrest	1	Reports Written	20	Citations Issued	32
Self-Initiated	54	Misd. Arrest	2	Comm. Policing	25	Warnings (Written/Verbal)	23
Traffic Stops	36	City Ordinance	11	Security Checks	346		

Captains Weekly Summary

Friday: 5/20/16 @ 8:42 p.m. / Traffic Fatality / South Oceanshore Boulevard & South 26th Street: The pedestrian victim was attempting to cross South Oceanshore Boulevard from east to west at the South 26th Street dune crossover. The victim darted out into traffic and was struck by an SUV traveling southbound on South Oceanshore Boulevard. The victim succumbed to her injuries and was pronounced at the scene. Traffic on South Oceanshore Boulevard was diverted for approximately four (4) hours and our Fire/Police did an outstanding job at the detour locations. Troopers from the Florida Highway Patrol responded and conducted a Traffic Homicide Investigations. Two (2) of our Victim Advocates responded to assist with persons involved in and associated with the fatal crash.

Saturday: The Police Department received information that a large beach party was to occur in our City starting at 1:00 p.m. An off-duty Officer was brought in on overtime to patrol the beach on our ATV until 6:00 p.m. There was a large crowd on the beach but no organized party was located. There was a small incident in the 500 block of South Oceanshore at approximately 8:00 p.m. and that crowd dispersed quickly upon Law Enforcement arrival.

Saturday: 5/21/16 @ 12:43 p.m. / Narcotics Arrest / 2600 Block South Central Avenue: A traffic stop conducted on a vehicle for unlawful passing. When the Officer approached the vehicle a strong smell of cannabis was emanating from vehicle. The Driver was asked to exit the vehicle and a green leafy substance along with drug paraphernalia was found. The Driver was issued a Notice to Appear in re; to Possession of Marijuana Under 20 Grams and Possession of Drug Paraphernalia.

Sunday: 5/22/16 @ 10:51 a.m. / Traffic Arrest / 1000 Block South Oceanshore Boulevard: A traffic stop was conducted on a vehicle due to Officers having knowledge that the Driver was operating said vehicle with a Suspended Driver's License. Officers were out with the vehicle on an illegal parking complaint earlier in the morning and the Driver was issued a parking citation. A check of the subjects Driver's License during the parking encounter revealed the suspension and he was notified by Officers not to operate the vehicle due to the suspension. The Driver waited and then drove the vehicle after being notified and he was subsequently arrested for Driving While License Suspended.

Monday: 5/23/16 @ 3:20 p.m. / Burglary Vehicle / 1700 Block of South Oceanshore Boulevard: The burglary occurred on May 22nd when the front passenger side window was broken with a rock. The victim's purse was sitting on front passenger seat and was taken. No suspect(s) at this time.

Tuesday: Captain Doughney patrolled the City on one (1) of our Police bicycles from 12:00 p.m. to 4:00 p.m. The barrier island was the focus of today's ride, which went from North 23rd Street to South 28th Street. Time was spent on SRA1A in the core of the City, as well as on the side streets of the island.

Tuesday: 5/24/16 @ 10:39 p.m. / Warrant Arrest / 1400 Block of South Central Avenue: Officers were dispatched to a residence in reference to a possible larceny between roommates. During the investigation a teletype check on the suspect revealed four (4) active arrest warrants out of Volusia County. The warrants were confirmed, the subject was arrested on the outstanding warrants without incident and he was transported to the Flagler County Inmate Facility.

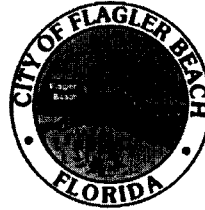
Wednesday: 5/25/16 @ 8:18 p.m. / Narcotics / 1000 Block of North Central Avenue: The reporting party called to report that a small black box fell from an unknown motor vehicle and appeared to contain narcotics. Upon arrival Officers located a black plastic box with two (2) large magnets on the bottom. Located within the box was Methamphetamine, Xanax, Viagra, a scale and multiple unused plastic bags. The reporting party could not provide a vehicle description or any other information. The recovered items were submitted into Property & Evidence for destruction.

Sea Dune Parking: Officers monitored sea dune parking this week and issued three (3) verbal warnings and nine (9) citations.



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 May 2016

June 1, 2016

In May we produced 16,942,000 gallons of drinking water. This amount was 708,000 gallons less than the amount we treated in April. Rainfall for the month of May was 6.90 inches. We used 3,400 Gallons at the plant and used 8,052 Gallons on irrigation. The fire department used 7,000 gallons. We lost approximately 200,000 gallons on main break at Marina Bay paving project.

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 for DEP. We regularly perform over 200 tests on the City water and raw water daily between the three shifts. We do routine plant maintenance. We mow the plant grounds. We 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 May 10th.

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 cleaned both Degasifiers.

We installed new lights in our Utility Shed.

We troubleshooted problem with well 11 generator and found the FPL power was low on one leg of the three phase power.

We installed new box for the finished water meter. We installed new finished water meter. We connected the new finished meter to the control cabinet.

We collected our monthly bacteriological samples for DEP.

We worked on getting quotes on different projects.

We pumped out electrical pits throughout the plant grounds.

We collected our quarterly well samples for St Johns River Water Management District. We also collected our monthly well, generator meter readings. We submitted our quarterly well quality report to St Johns River Water Management District.

We had a pine tree collapse and damaged the power pole to the water plant. FPL installed a new pole.

We built new shelves in our supply room. We installed a new laundry sink in the shop.

We updated our SOP for bacteriological testing.

We installed a new cooling fan in chlorine analyzer cabinet.