

AMENDED 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. National Stalking Awareness Month
 - b. Human Trafficking Awareness Month
 - c. Certificates of Appreciation to Firefighters who assisted with the New Year's Eve Surfboard Drop.
 - d. Certificate of Appreciation to My Three Sons Fireworks Company.
4. Deletions and changes to the agenda.
5. Public comments regarding items not on the agenda. Citizens are encouraged to speak. However, comments should be limited to three minutes. *A thirty-minute allocation of time for public comment on items not on the agenda. Each speaker has up to three-minutes to address the Chair, and one opportunity to speak, no time can be allotted to another speaker.*

CONSENT AGENDA

6. Approve the regular meeting minutes of December 14, 2023.
7. Approve the amended First Friday Management Agreement.

GENERAL BUSINESS

8. Discussion and possible action regarding certain provisions of the existing golf course lease – Attorney Smith.
9. Approve the Final Plat for Beach Park Village Subdivision – KB Homes.
10. Consider a request for a Flag Pole Memorial for Mr. Albert Esposito – Peggy Krantz.
- 10.5 Consider Change Order No.'s 4 and 5 for the Public Access Dune Walkover Project – Penny Overstreet.
11. Approve a direct purchase for the necessary material to comply with the existing agreement/easements between the City and Grand Landings for the relocation of the raw water line.
12. Set a date for a Workshop to discuss Commission form and terms – Penny Overstreet, City Clerk.

PUBLIC HEARINGS

13. Application ZV#23-12-01 Accessory Structure Variance for a Pool at 1324 S. Ocean Shore Blvd. Applicant Carl Epp: Artisan Custom Homes.
14. Ordinance 2023-08 an ordinance by the City Commission of the City of Flagler Beach, Florida, amending Appendix "A", Land Development Regulations, Article II, Zoning; amending Section 2.04.02.9.1 related to barrier island residential development standards; providing for twenty-five foot front yard setbacks along Ocean Shore Boulevard; providing a process for determining side setbacks on irregular shaped lots; addressing double frontage lots; addressing impervious pavers; addressing side yard setbacks when a driveway is to be constructed; providing for inclusion in the code of ordinances; providing for conflict; providing an effective date hereof – final reading.
15. Ordinance 2024 -01, an ordinance of the City of Flagler Beach, Florida, amending Chapter 2, Section 2-2 of the Code of Ordinances related to annexation procedures; providing that annexations shall be conducted in accordance with state statutes; providing for inclusion in the code of ordinances; providing for conflict; providing an effective date hereof.
16. Staff Reports.
 - City Attorney:
 - City Manager:
 - City Clerk:

COMMISSION COMMENTS

17. Commission comments, including reports from meetings attended.
18. Public comments regarding items not on the agenda. Citizens are encouraged to speak. However, comments should be limited to three minutes. *A thirty-minute allocation of time for public comment on items not on the agenda. Each speaker has up to three-minutes to address the Chair, and one opportunity to speak, no time can be allotted to another speaker.*
19. 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.

ORDINANCE 2024- 01

AN ORDINANCE OF THE CITY OF FLAGLER BEACH, FLORIDA, AMENDING CHAPTER 2, SECTION 2-2 OF THE CODE OF ORDINANCES RELATED TO ANNEXATION PROCEDURES; PROVIDING THAT ANNEXATIONS SHALL BE CONDUCTED IN ACCORDANCE WITH STATE STATUTES; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR CONFLICT; PROVIDING AN EFFECTIVE DATE HEREOF

WHEREAS, Section 2-2 of the Code of Ordinances currently requires additional procedures for annexation beyond those required by Florida state law; and

WHEREAS, said additional procedures place the City at a competitive disadvantage with neighboring jurisdictions that have in the past enthusiastically pursued annexation; and

WHEREAS, in order to address such disadvantage, the City Commission finds it necessary and appropriate to remove requirements for annexation over and above those required by State law.

NOTE: Underlined words constitute additions to the City of Flagler Beach Code of Ordinances and Land Development Code, asterisks (***) indicate an omission from the existing text which is intended to remain unchanged, and strikethrough constitutes deletions from the original Code of Ordinances and Land Development Code.

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

SECTION 1. Chapter 2, Section 2-2 of the Code of Ordinances is hereby amended as follows:

Sec. 2-2. Annexation; ~~vote required, when.~~

(a) ~~If the city commission adopts any ordinance of annexation, voluntary or involuntary, that would cause the total area annexed during one (1) calendar year cumulatively to exceed more than five (5) percent of the total geographic area of the city, the ordinance shall be submitted to a binding vote of the registered voters of the city.~~

(b) ~~Notwithstanding the above, t~~The provisions of F.S. §§ 171.042, Prerequisites to Annexation; 171.043, Annexation Procedures; and 171.044, Voluntary Annexation, shall apply to annexations conducted by the city~~the rules and procedures of the city commission.~~

SECTION 2. Severability. If any portion of this Ordinance is declared invalid or unenforceable, then to the extent it is possible to do so without destroying the overall intent and effect of this Ordinance, the portion deemed invalid or unenforceable shall be severed here from, and the

36 remainder of this Ordinance shall continue in full force and effect as if it were enacted without
37 including the portion found to be invalid or unenforceable.

38 **SECTION 3. Conflicts.** All ordinances or parts of ordinances in conflict herewith are hereby
39 repealed.

40 **SECTION 4. Codification.** It is the intent of the City Commission of the City of Flagler Beach
41 that the provisions of this Ordinance shall be codified. The codifier is granted broad and liberal
42 authority in renumbering and codifying the provision of this Ordinance; article and section
43 numbers assigned throughout are suggested by the City.
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45 **SECTION 5. Effective date.** This Ordinance shall take effect immediately upon adoption as
46 provided by the Charter of the City of Flagler Beach.
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48 PASSED ON FIRST READING THIS _____ DAY OF _____ 2024.
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50 PASSED AND ADOPTED THIS _____ DAY OF _____, 2024.
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53 CITY OF FLAGLER BEACH, FLORIDA
54 CITY COMMISSION
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Suzie Johnston, Mayor

ATTEST:

Penny Overstreet, City Clerk

Attach to
Item
15

Business Impact Estimate

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

ORDINANCE NO. 2024-01

AN ORDINANCE OF THE CITY OF FLAGLER BEACH, FLORIDA, AMENDING CHAPTER 2, SECTION 2-2 OF THE CODE OF ORDINANCES RELATED TO ANNEXATION PROCEDURES; PROVIDING THAT ANNEXATIONS SHALL BE CONDUCTED IN ACCORDANCE WITH STATE STATUTES; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR CONFLICT; PROVIDING AN EFFECTIVE DATE HEREOF.

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

- The proposed ordinance is required for compliance with Federal or State law or regulation;
- The proposed ordinance relates to the issuance or refinancing of debt;
- The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;
- The proposed ordinance is an emergency ordinance;
- The ordinance relates to procurement; or
- The proposed ordinance is enacted to implement the following:
 - a. Part II of Chapter 163, Florida Statutes, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;
 - b. Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;
 - c. Section 553.73, Florida Statutes, relating to the Florida Building Code; or
 - d. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

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

¹ See Section 166.041(4)(c), Florida Statutes.
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1. Summary of the proposed ordinance:

Ordinance 2024-01 removes from the Code of Ordinances a requirement that annexations involving more than five percent of the total geographic area of the City can only occur after a referendum of the voters of the City and, instead, follows the procedures required by State law.

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

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

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

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