REGULAR MEETING OF THE FLAGLER BEACH CITY COMMISSION THURSDAY, APRIL 9, 2015 AT 5:30 P.M. AND TO BE CONTINUED UNTIL ITEMS ARE COMPLETE.CITY HALL, 105 S. SECOND STREET, FLAGLER BEACH, FL

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) Recognizing April as "Water Conservation Month"
 - b) Recognizing April as "Sexual Assault Awareness Month"
 - c) Recognizing "National Library Week" as April 12 18, 2015
 - d) Declaring Friday, April 3, 2015 as Phuncoast Parrot Head Club Day
- 4. Deletions and Changes to the Agenda.
- 5. Comments regarding items not on the agenda. Citizens are encouraged to speak. However, comments should be limited to three minutes.

CONSENT AGENDA

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

6. Approve the minutes of the Regular Meetings of March 26, 2015 and the Workshop Meeting of February 11, 2015.

GENERAL BUSINESS

- 7. Resolution 2015-12 amending Resolution 2014-24, which adopted the FY 2014/15 budget, to reflect a budget amendment to provide funding for various city activities, providing for conflict and an effective date.
- 8. Review and provide direction to Staff regarding a draft ordinance amending Chapter 6, Article II, Municipal Pier, to provide regulations for the rental of the pier for special events City Clerk

COMMISSION COMMENTS

9. Commission comments, including reports from meetings attended.

STAFF REPORTS

- 10. Staff Reports.
- 11. Adjournment.

RECORD REQUIRED TO APPEAL: In accordance with Florida Statute 286.0105 if you should decide to appeal any decision the Commission makes about any matter at this meeting, you will need a record of the proceedings. You are responsible for providing this record. You may hire a court reporter to make a verbatim transcript, 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.

3a.

PROCLAMATION OF THE CITY OF FLAGLER BEACH, FLORIDA DECLARING APRIL 2015 AS WATER CONSERVATION MONTH

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

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

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

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

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

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

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

Water Conservation Month

The City of Flagler Beach, Florida is calling upon each citizen and business to help protect our precious resource by practicing water saving measures and becoming more aware of the need to save water.

Approved this 9th day of April, 2015

PROCLAMATION

A PROCLAMATION OF THE FLAGLER BEACH CITY COMMISSION PROCLAIMING APRIL 2015 AS SEXUAL ASSAULT AWARENESS MONTH IN FLAGLER

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

WHEREAS, rape, sexual assault, and sexual harassment impact our community, and statistics show one in five women and one in 71 men will be raped at some point in their lives; and

WHEREAS, child sexual abuse prevention must be a priority to confront the reality that one in six boys and one in four girls will experience a sexual assault before the age 18; and

WHEREAS, young people experience heightened rates of sexual violence, and youth ages 12-17 were 2.5 times as likely to be victims of rape or sexual assault; and

WHEREAS, on campus one in five women and one in sixteen men are sexually assaulted; and

WHEREAS, we must work together to educate our community about sexual violence prevention, supporting survivors, and speaking out against harmful attitudes and actions; and

WHEREAS, when we all play a role we can prevent sexual violence. The first step is increasing education, awareness, and community involvement. It's time for all of us to take action to create a safer environment for all; and

WHEREAS, Flagler Beach City Commission joins advocates and communities across the country in playing an active role to prevent sexual violence. April is Sexual Assault Awareness Month, and each day of the year is an opportunity to create change for the future.

NOW THEREFORE, BE IT RESOLVED BY THE FLAGLER BEACH CITY COMMISSION that they hereby proclaim April 2015 as SEXUAL ASSULT AWARENESS MONTH in Flagler Beach.

Adopted this 9th day of April 2015

	raspied the conday of April 2010.
Attest:	Linda Provencher Mayor of Flagler Beach
Penny Overstreet	·

City Clerk

A PROCLAMATION OF THE CITY OF FLAGLER BEACH, FLORIDA PROCLAIMING APRIL 12 – 15 2015 AS NATIONAL LIBRARY WEEK

WHEREAS, libraries help lives change in their communities, campuses and schools;

WHEREAS; librarians work to meet the changing needs of their communities, including providing resources for everyone and bringing services outside of library walls;

WHEREAS, libraries and librarians bring together community members to enrich and shape the community and address local issues;

WHEREAS, libraries offer programs to meet community needs, and

WHEREAS, libraries continuously grow and evolve in how they provide for the needs of every member of their communities;

WHEREAS, libraries, librarians, library workers and supporters across America are celebrating National Library Week.

NOW, THEREFORE, be it resolved that I Linda Provencher proclaim National Library Week, April 13-19, 2014. I encourage all residents to visit the library this week to take advantage of the wonderful library resources available at your library. Lives change at your library.

	Adopted this 9 th day of April 2015.
Attest:	Linda Provencher Mayor of Flagler Beach
Penny Overstreet City Clerk	



A PROCLAMATION OF THE CITY OF FLAGLER BEACH, FLORIDA PROCLAIMING FRIDAY, APRIL 3, 2015 AS PHUNCOAST PARROT HEAD CLUB DAY

Whereas, the Phuncoast Parrot Head Club formed in 2003 and is comprised from a group of people who enjoy Jimmy Buffets music and community service, and

Whereas, the Phuncoast Parrot Head Club supports local charities and its main fund raising projects each year are for Relay for Life, Alzheimer's Disease research, Wounded Warriors and filling our local food banks, and

Whereas, in 2014 the Phuncoast Parrot Head Club raised over \$15,000 dollars for non-profit organizations in Flagler County, and

Whereas, the Phuncoast Parrot Head Club volunteered over 2, 230 community service hours within Flagler County in 2014, and

Whereas, the Club's motto is "Party with a purpose" and is dedicated to having a good time and working to make their communities better places through their financial support of non-profits and their participation in community events that raise awareness.

NOW, THEREFORE, I Linda Provencher by the authority vested in me as Mayor of the City of Flagler Beach, Florida does hereby declare April 3, 2015 as Phuncoast Parrot Head Club Day.

Linda Provencher, Mayor

WORKSHOP MEETING OF THE FLAGLER BEACH CITY COMMISSION FEBRUARY 11, 2015 at 5:00 pm 105 S. 2ND STREET, FLAGLER BEACH, FL 32136 **MINUTES**

PRESENT: Mayor Linda Provencher, Chairman Kim M. Carney, Vice-Chairman Marshall Shupe, Commissioners Joy McGrew and Jane Mealy, City Attorney D. Andrew Smith, III, Human Resources Manager Elizabeth Mathis, and City Clerk Penny Overstreet.

ABSENT: Commissioner Steve Settle.

MINUTES

- CALL THE MEETING TO ORDER: Chairman Carney called the meeting to order at 5:01 p.m. 1.
- PLEDGE OF ALLEGIANCE: Mayor Provencher led the pledge to the flag. 2.
- **DISCUSSION AND DIRECTION TO STAFF FOR PURPOSE OF PREPAREDNESS:** 3.
 - a. REVIEW OF JOB DESCRIPTION FOR THE POSITION OF CITY MANAGER.
 - i. RESPONSIBILITY OF PERFORMING CRA DIRECTOR FUNCTIONS.
 - RESPONSIBILITY OF PERFORMING BUILDING & ZONING SUPERVISOR ii. FUNCTIONS.

The Commission reviewed the current job description. Attorney Smith advises the job description accurately covers the position description; you may want to add a narrative of the individual responsibilities (CRA Director and Supervising the Planning & Building Department.) He stated smaller cities commonly have consolidation of job responsibilities, as we do. Commissioner Mealy recommended an addition to the current job description as "Represent the City of Flagler Beach to other levels of government." The Commission reached a consensus to add this item. Chairman Carney recommended the narrative detail be included in the job profile. The Commission reached a consensus to amend the general description of the City Manager Job Description to read. "Highly responsible administrative work as the Chief Administrative Officer and responsible for the day-to-day operations."

b. REVIEW THE EVALUATION PROCESS: The Commission reached a consensus to amend the weighted scoring in the evaluation-scoring sheet. Section 2 Public Relations reduce the weighted score from 15% to 10%. Section 3 Effective Leadership of Staff increase the weighted score from 15% to 20%. Section 5 Communication increase the weighted score from 10% to 15%. Section 6 Personal Traits reduce the weighted score from 15% to 10%. Chairman Carney

suggested a get well/repair program, which would designate a time-period to improve performance on areas where an improvement needed or unsatisfactory score was received. The Commission reached consensus to establish a timeperiod for corrective action.

- c. FORMAT A POSITION PROFILE IF/WHEN JOB SEARCH IS NECESSARY: Commission reached a consensus to have the Human Resources Officer develop a profile for the position and bring it back to the Commission for review. Attorney Smith suggested statements that would be helpful to a candidate, such as, specific issues the city is working on. An example would be beach renourishments.
- d. <u>DEVELOP STANDARD FOR POSITION ADVERTISEMENT</u>: City Clerk Overstreet reviewed the periodicals, newspapers and web sites she generally advertises the open executive positions. The Commission reached a consensus to continue with the current advertising practices.
- e. <u>DESIGNATE ASSOCIATIONS/PUBLICATIONS HUMAN RESOURCES MANAGER IS TO</u> CONTACT IF/WHEN POSITION IS OPENING: The Commission reached a consensus not to hire an outside firm for promoting position and reviewing the applications.
- 4. ADJOURNMENT: Motion to adjourn by Commissioner Mealy, seconded by Commissioner Shupe, to adjourn the meeting at 6:09 p.m. The motion carried unanimously.

Attest:	
Penny Overstreet, City Clerk	Kim M. Carney, Chairman

REGULAR MEETING OF THE FLAGLER BEACH CITY COMMISSION THURSDAY, MARCH 26, 2015 AT 5:30 P.M. AND TO BE CONTINUED UNTIL ITEMS ARE COMPLETE.CITY HALL, 105 S. SECOND STREET, FLAGLER BEACH, FL

MINUTES

PRESENT: Mayor Linda Provencher, Chairman Marshall Shupe, Vice-Chairman Jane Mealy, Commissioners Kim M. Carney and Joy McGrew, City Attorney D. Andrew Smith, III, City Manager Bruce C. Campbell, City Clerk Penny Overstreet.

ABSENT: Commissioner Steve Settle.

- CALL THE MEETING TO ORDER: Chairman Shupe called the meeting to order at 5:30p.m. 1.
- 2. PLEDGE OF ALLEGIANCE FOLLOWED BY A MOMENT OF SILENCE TO RECOGNIZE THE MEMBERS OF THE ARMED FORCES: Mayor Provencher led the pledge to the flag followed by a moment of silence.
- 3. **PROCLAMATIONS AND AWARDS:**
 - a) CERTIFICATE OF APPRECIATION TO LOUIS DEFAZIO FOR HIS VOLUNTEER SERVICE TO THE CITY.
 - Mayor Provencher presented a certificate of appreciation to Lou DeFazio for his volunteer service to the City.
 - b) RECOGNIZING APRIL AS "FAIR HOUSING MONTH." Dorothy Spurger representing the Flagler Realtors Association was present to accept the Proclamation. Ms. Spurger invited everyone to the Flagler Realtors Association on April 11, 2015 from 10:00 a.m. until 2:00 p.m.
- 4. **DELETIONS AND CHANGES TO THE AGENDA: None.**
- COMMENTS REGARDING ITEMS NOT ON THE AGENDA. CITIZENS ARE ENCOURAGED TO 5. SPEAK. HOWEVER, COMMENTS SHOULD BE LIMITED TO THREE MINUTES: None.

CONSENT AGENDA

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

- APPROVE THE MINUTES OF THE REGULAR MEETINGS OF FEBRUARY 26, AND MARCH 12, 6. 2015 AND THE SINE DIE/ ORGANIZATIONAL MEETING OF MARCH 12, 2015.
- APPROVE DEDUCTIVE CHANGE ORDER NO. 2., IN THE AMOUNT OF (\$98,292.05) FOR THE 7. PALMA VISTA & S. FLAGLER AVENUE STORMWATER IMPROVEMENTS.

APPROVE AUTHORIZATION TO EAST FLAGLER MOSQUITO CONTROL DISTRICT FOR LOW-8. LEVEL FLIGHTS FOR MOSQUITO CONTROL SERVICES.

Chairman Shupe reviewed the consent agenda items. Chairman Shupe opened public comments. No comments were offered. Chairman Shupe closed public comments. Motion by Commissioner Carney, seconded by Commissioner Mealy, to approve Item 6, 7 and 8 on the consent agenda. The motion carried unanimously.

GENERAL BUSINESS

- DISCUSSION OF THE PROPOSED RESEARCH COLLABORATION BETWEEN LUND 9. UNIVERSITY RESEARCHER CHAD BODA AND THE CITY OF FLAGLER BEACH REGARDING BEACH MANAGEMENT PLAN - CHAD BODA PHD CANDIDATE IN SUSTAINABILITY SCIENCE: Chad Boda reviewed a power point presentation regarding the research collaboration proposal. He is not interested in bringing vision for the beach to the community, he is interested in helping the community bring to fruition the vision they have already adopted, using a scientific process to address the issues brought up by the community. The Commission thanked Mr. Boda for choosing Flagler Beach for his graduate paper. The Commission reached a consensus for Mr. Boda to continue on the direction he is going.
- DISCUSSION AND POSSIBLE ACTION RELATED TO CODE ENFORCEMENT LIEN IN CODE 10. ENFORCEMENT CASE #E12RTM-00295, CITY OF FLAGLER BEACH V. RICARDO OTERO CULVER. City Attorney Smith advised the Elected Officials the property would be sold at a foreclosure sale on the steps of the courthouse. Attorney Smith reviewed strategies for bidding process. Attorney Smith reviewed the defendants' necessary steps. Attorney Smith reported our only option is foreclosure or wait for the property to sell. Chairman Shupe opened public comment. Paul Eik and Debbie Meyer provided public comments. Chairman Shupe closed public comments. Motion by Commissioner McGrew, seconded by Commissioner Mealy, to direct the City Attorney to proceed with foreclosure. The motion carried unanimously.

COMMISSION COMMENTS

COMMISSION COMMENTS, INCLUDING REPORTS FROM MEETINGS ATTENDED: The 11. Elected Officials reported on Meetings, gatherings and functions they have attended since the last regular meeting. Commissioner Carney reported she would resign from her Commission representative seat on the Economic Development Task Force after April. Commission McGrew offered to represent the Commission on the Task Force. Commissioner Mealy indicated meeting dates and times in need to updating on the Commission appointment roster. Commissioner Mealy spoke of the County's decision to approve the comprehensive plan amendments for the Sea Ray property. Commissioner Mealy would like to have a special meeting to discuss the issue of how this land use change affects our city. City Manager Campbell reported Planner Tornio is preparing a

technical review for submittal to the Department of Economic Opportunity (DEO). Mr. Campbell reported the City has up to thirty days after the County transmits to submit the technical review. Mr. Campbell reiterated Planner Tornio has statutory requirements he must stay within in the technical report. Mr. Campbell added if the County's amendment is accepted the residents who abut the property will have an additional 30 days to object to the amendment. Commissioner Mealy requested an item on a future agenda to provide the public a chance to voice their opinion. City manager Campbell indicated he would place an item on the April 23 agenda to review Planner Torino's technical review. Mayor Provencher requested the City Manager direct staff to place additional garbage containers from North 7th to South 7th Streets at the beach access walkovers.

STAFF REPORTS

STAFF REPORTS: Attorney Smith reported the Request for Summary Judgement from 12. the Plaintiffs in 110 Holly Avenue case is scheduled for Monday, March 30, 2015. Attorney Smith reported he would attend along with Attorney Dale Scott. Commissioners Mealy and Shupe indicated their willingness to attend.

City Manager Campbell reported on his attendance at the Florida League of Cities Legislative Days. Mr. Campbell reported he spoke with our representatives regarding our needs at our Waste Water Treatment Plant. Mr. Campbell provided an update on the actions of the Alternate Use Committee. Mr. Campbell reported the City is the recipient of a grant from Fire House Subs, and we will receive eight (8) automated external defibrillators (AED's). Mr. Campbell reported our Police Officers will distribute information/pamphlets received from FDOT to people they find parking on/blocking the sidewalks.

ADJOURNMENT: Motion by Commissioner Carney, seconded by Commissioner Mealy, to 13. adjourn the meeting at 7:02 p.m. The motion carried unanimously.

Attest:	
Penny Overstreet, City Clerk	Marshall Shupe, Chairman



City of Flagler Beach AGENDA ITEM # 7 Item Summary and Recommendation

<u>SUBJECT:</u> Resolution 2015-12, amending Resolution 2014-24, which adopted the FY 2014/15 budget, to reflect a budget amendment to provide funding for various city activities, providing for conflict and an effective date.

BACKGROUND: Two amendments to the budget are needed.

- 1. In November 2013, the Police Department received a "cease and desist notice" from TASER Inc. in reference to the "Karbon Arms" technology that the Department was utilizing. TASER Inc. sued "Karbon Arms" for copyright/patent infringement and the resulting cease and desist notice rendered our Officers without usable "TASER" technology. A request was made to the Sheriff of Flagler County Sheriff's in regards to utilizing surplus TASERS and said request was granted. Our Officers utilized the County's TASER for the remainder of 2013 and most of 2014 and during this year's budgeting process; funds were set aside to purchase new TASERs. A one-time startup fee through TASER Inc. was overlooked during the budgeting process and said fee subsequently was not included in this year's budget. The Police Department is respectfully requesting a budget amendment of \$11,000 to complete the TASER purchase process. The city has \$13,885 available in the restricted "Police Enforcement Fund" to use for this purchase. The amendment will reflect use of this fund.
- 2. On March 12, 2015, City Commission approved a work order for Quentin L. Hampton and Associates to provide a study for future improvements at the Waste Water Treatment Plant. The study would encompass the items discussed at the special meeting on February 17, 2015, which included a potable water reuse operation. The study was not budgeted; an amendment in the amount of \$23,420 from unrestricted funds is needed. The cash balance of unrestricted Utility Funds on February 28, 2015 was \$710,033
- 3. Police Department secured a JAG grant in the amount of \$1,000. They used the funds to purchase 20 Water Safety Disks. The grant revenue and expense needs to be added to the budget.

RECOMMENDATIONS: Approve Resolution 2015-12

ATTACHMENTS: Resolution 2015-12

SUBMITTED BY: Kathleen Doyle, Finance Director Date: 03/24/2015

Staff Comments:

Police Captain: Captain Doughney respectfully recommends approval.

RESOLUTION 2015-12

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF FLAGLER BEACH, FLORIDA, AMENDING RESOLUTION 2014-24 WHICH ADOPTED THE FY 14/15 BUDGET, TO REFLECT A BUDGET AMENDMENT FOR VARIOUS CITY ACTIVITIES; PROVIDING FOR CONFLICT, PROVIDING AN EFFECTIVE DATE HEREOF.

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

1. SECTION 1. The FY 2014-2015 Approved Budget it amended as follows:

Increase	001.5214.304910	Police Enforcement Purchases	\$11,000.00
Increase	001.3600.384000	Other Funding Sources	\$11,000.00
Increase	401.5392.303100.040	Professional Services	\$23,420.00
Increase	401.3800.389102	Appropriated Fund Balance – Utility Fund	\$23,420.00
Increase	001.3300.334300	State Grant Revenue	\$ 1,000.00
Increase	001.5214.305201	Equipment – Grants	\$ 1,000.00

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

 $\underline{\text{SECTION 3.}}$ This Resolution shall become effective immediately upon passage as provided by law.

Penny Overstreet, City Clerk	Linda Provencher, Mayor
ATTEST:	CITY OF FLAGLER BEACH, FLORIDA CITY COMMISSION
PASSED AND ADOPTED THIS	DAY OF APRIL, 2015.
iaw.	



City of Flagler Beach AGENDA ITEM # 8 Item Summary and Recommendation

<u>SUBJECT:</u> Review and provide direction to Staff regarding a draft ordinance amending Chapter 6, Article II Municipal Pier, to provide regulations for the rental of the pier for special events – City Clerk.

BACKGROUND: In May 2014, City Staff and Elected Officials held their annual Strategic Planning Session. At that meeting, a goal was established to develop an ordinance and fee table for the rental of the pier structure as a way to generate additional revenue in the general fund. After discussion with the City Manager, the daily intake for walk out and fishing passes on a good weather day was determined. Based upon this figure the attached ordinance amending Chapter 6, Article II, Municipal Pier, to establish the rental rate and a resolution establishing Pier facility rental policies and procedures is presented for your review and recommendations.

ATTACHMENTS: draft ordinance, draft resolution.

SUBMITTED BY: Penny Overstreet, City Clerk

1 ORDINANCE 2015-XX 2 3 AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FLAGLER 4 BEACH, AMENDING THE CODE OF ORDINANCES, CHAPTER 6, 5 BEACHES AND RECREATION, ARTICLE II, MUNICIPAL PIER: SECTION 6-6 27; AND CREATING SECTION 6-28 USE CHARGES, TO ESTABLISH A 7 FEE FOR RENTAL OF THE PIER STRUCTURE FOR SPECIAL EVENTS: 8 PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE 9 CODE OF ORDINANCES; PROVIDING FOR CONFLICT; AND PROVIDING 10 AN EFFECTIVE DATE. 11 WHEREAS, Section 6 of the Code of Ordinances relates to the regulations and operation of the 12 13 Municipal Pier; and 14 WHEREAS, City Staff and the Elected Officials at their 2014-2015 Strategic Planning Session 15 16 established a goal to reevaluate the pier fee ordinance and develop rental fee table. 17 NOTE: Underlined words constitute the additions to the existing text of the Flagler Beach Code of 18 19 Ordinances, strikethroughs constitute deletions to the existing text, and asterisks (***) indicate an omission from the existing text which is intended to remain unchanged. 20 21 22 NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FLAGLER BEACH, AS 23 **FOLLOWS:** 24 25 SECTION 1. The City Commission of the City of Flagler Beach herby amends Chapter 6, Beaches and 26 Recreation, Article II as follows: 27 28 Sec. 6-27. - Consuming, dispensing, or possessing alcohol or intoxicating beverages on municipal 29 pier. 30 31 Consumption or possession prohibited. It shall be unlawful for any person to consume or to (a) 32 have in his possession, custody or control any alcoholic beverage on the municipal pier-, unless 33 exempted by Chapter 4, Section 4-129 of the Code of Ordinances. 34 Consuming, possessing, or dispensing prohibited. It shall be unlawful for any person to (b) drink, consume, dispense, sell or possess an open container containing any alcoholic or intoxicating 35 beverage of any kind whatsoever on the municipal pier-, unless exempted by Chapter 4, Section 4-36 37 129 of the Code of Ordinances. 38 39 40 41 Sec.6-28. – Use charges. 42 43 A charge for the use of the Municipal Pier is hereby established to be as follows:

44

Fee Schedule	Rental Rates for	Rental Rates for
	Category 1	Category 2**
Municipal Pier*	\$75.00 per hour -	Determined by
	includes \$25.00	Flagler Beach City
	non-refundable fee	Commission
	\$75 – includes	
	\$25.00 non-	
	refundable fee	
Additional Services		
Electric use	\$10 per hour	\$10 per hour
Restroom supply and	<u>\$35.00</u>	\$35.00
facility charge	Current amount	Current amount
Police Staff	established by	established by
	F.O.P. Union	F.O.P. Union
	<u>Agreement</u>	<u>Agreement</u>
Other Staff	Overtime rate as	Overtime rate as
	established by City	established by City
	<u>Manager</u>	<u>Manager</u>

 Category 1 – All non-residents of the City of Flagler Beach – individuals and/or groups City of Flagler Beach residents, local civic groups, political parties, religious or charitable organizations, local teams or organizations not sponsored or governed by the City of Flagler Beach and any other groups or individual not covered under Category 2.

Category 2- Departmental recreation activities, community programs and government activities directly or indirectly sponsored by the City of Flagler Beach. Usage Fees determined by the Flagler Beach City Commission if applicant is seeking sponsorship/co-sponsorship of the Special Event.

*Long term rental contracts will be negotiated by the City Manager and approved by the City Commission.

** For Profit rentals are limited to non-profit fund raising events only. Insurance documents and a 501(c) 3 certificate must be provided before rental is approved.

Fees are based on a minimum of three hours and shall be subject to change.

Should any unpaid portion of this account be placed for collection with an outside agency or attorney, the undersigned agrees to be responsible for all costs related to collection.

<u>SECTION 2</u>. If any Section, Subsection, sentence, clause, phrase, or portion of this ordinance, or application thereof, is for any reason held invalid or unconstitutional by any Court, such portion or application shall be deemed a separate, distinct, and independent provision, and such holding shall

70 71	not affect the validity of the remaining portions or application hereof.
72	SECTION 3. It is the intent of the City Commission of Flagler Beach, and is hereby provided that
73	the provisions of this ordinance shall be made a part of the Flagler Beach Code; that the
74	sections of this ordinance may be re-numbered or re-lettered; and that the word "ordinance"
75	may be changed to "section", "article", "chapter" or other appropriate designation to
76	accomplish such intention.
77	
78	SECTION 4. All ordinances or parts of ordinances in conflict herewith be and the same are hereby
79	repealed.
80	
81	SECTION 5. This ordinance shall take effect immediately upon passage as provided by law.
82	
83	PASSED ON FIRST READING THIS DAY OF, 2015.
84	PASSED AND ADOPTED THIS DAY OF, 2015
85	
86	CITY OF FLAGLER BEACH, FLORIDA
87	CITY COMMISSION
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91	Linda Provencher, Mayor
92	ATTEST:
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95 96	Dearwood and the City of the
フロ	Penny Overstreet City Clerk

RESOLUTION 2015-XX

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF FLAGLER BEACH, ESTABLISHING PIER FACILITY RENTAL POLICIES AND PROCEDURES, PROVIDING FOR CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Flagler Beach City Commission desires to establish rental policies and procedures for the Municipal Pier, and

WHEREAS, the City of Flagler Beach has determined it to be in the public's best interest to recover cost associated with the rental of the City's Municipal Pier.

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

<u>SECTION 1</u>. The City of Flagler Beach hereby adopts Fees and Facility Rental Policies and Procedures for the Municipal Pier as outlined in Exhibit "A" attached hereto.

 $\underline{\sf SECTION~2}.$ All resolutions or parts of resolutions in conflict herewith be and the same are hereby repealed.

SECTION 3. This Resolution shall become effective	e immediately upon passage as provided by law
PASSED AND ADOPTED THIS DAY OF _	, 2015.
	CITY OF FLAGLER BEACH, FLORIDA CITY COMMISSION
ATTEST:	

Linda Provencher, Mayor

Penny Overstreet, City Clerk



City of Flagler Beach Pier Facility Rental Policies and Procedures

General Information

<u>Municipal Pier</u> - Located at 215 South Oceanshore Boulevard ., the pier can accommodate small to large groups. The Pier's vibe is low-key and laid-back. This setting offers unparalleled views, the ocean breeze and the setting provides for an unforgettable unique event. Consider this venue for your wedding, anniversary or fundraising or banquet event. The Pier has a _____ person maximum capacity. The Pier Facility includes electric connections and potable water along with restroom facilities.

User Responsibilities

The applicant reserving the facility must remain on the premises throughout the period for which it is reserved or until the event ends. Facilities must be restored to their original clean condition. Users of the City facilities agree to pay for any damages to City property.

The following are prohibited:

- Drugs and the use of such products.
- Disruptive behavior.
- The use of any equipment that interferes with City operations or which creates any losses or liabilities for the City.
- Organizations or individuals gathering petition signatures may not block the public right-of-way, interfere with the conduct of business, or create litter problems.
- Admission fees (except for preauthorized fundraisers)

Reservations

To reserve a facility, a fully completed and signed Facility Reservation Form and Special Event Application must be submitted to City Hall during regular business hours (Monday through Friday 8:00 a.m. to 5:00 p.m.).

Note: Reservation must be reserved (90) days prior to the event.

Facility reservations/special event applications requested by not-for-profit organizations must include a copy of the 501(c) 3 or a tax exempt certificate granting a tax exempt status recognized by the United States Internal Revenue Service.

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A facility will not be booked until the deposit has been paid in full. Any additional fees must be paid in full before the event date; otherwise the event will be cancelled by the City. Use of facilities is limited to the type of meeting or activity stated on the application.

Facilities are made available on an equitable basis, regardless of the beliefs or affiliations of individuals or groups requesting their use. Allowing a group to meet in City facilities does not constitute the City's endorsement of the group's policies, beliefs or practices. Advertisements or announcements by any group implying such endorsement are not permitted. Some restrictions regarding time, place, and manner of presentation may apply.

A final guaranteed number of guests and security arrangements (if necessary) with the Flagler Beach Police Department must be completed by noon **three business days** (72 hours) prior to the event date. If no guarantee is received, the City will prepare and charge for the number of guests specified on the original reservation.

Spaces and Fees
A charge for the use of the Municipal Pier is hereby established to be as follows:

Fee Schedule	Rental Rates for	Rental Rates for
	Category 1	Category 2**
Municipal Pier*	\$75.00 per hour –	Determined by
	includes \$25.00	Flagler Beach City
	non-refundable fee	Commission
	\$75 – includes	
	\$25.00 non-	
	refundable fee	
Additional Services		
Electric use	\$10 per hour	\$10 per hour
Restroom supply and	\$35.00	\$35.00
facility charge	Current amount	Current amount
Police Staff	established by	established by
	F.O.P. Union	F.O.P. Union
	Agreement	Agreement
Other Staff	Overtime rate as	Overtime rate as
	established by City	established by City
	Manager	Manager

Category 1 – All non-residents of the City of Flagler Beach – individuals and/or groups City of Flagler Beach residents, local civic groups, political parties, religious or charitable organizations, local teams or

organizations not sponsored or governed by the City of Flagler Beach and any other groups or individual not covered under Category 2.

Category 2- Departmental recreation activities, community programs and government activities directly or indirectly sponsored by the City of Flagler Beach. Usage Fees determined by the Flagler Beach City Commission if applicant is seeking sponsorship/co-sponsorship of the Special Event.

- *Long term rental contracts will be negotiated by the City Manager and approved by the City Commission.
- ** For Profit rentals are limited to non-profit fund raising events only. Insurance documents and a 501(c) 3 certificate must be provided before rental is approved.

Fees are based on a minimum of three hours and shall be subject to change. Should any unpaid portion of this account be placed for collection with an outside agency or attorney, the undersigned agrees to be responsible for all costs related to collection.

Insurance

The Lessee shall procure and retain commercial general liability insurance in an amount of not less than \$1,000,000 per occurrence for bodily injury and property damage and shall name the City of Flagler Beach as certificate holder and additional insured and shall provide a copy of the same to the Lessor prior to the utilization of the before-described premises. The requirement of insurance shall be within the sole discretion of the City.

Operating Hours

Facilities are available for use Sunday through Saturday from 6 a.m. to midnight. When planning an event, please take these hours into consideration when arranging the set-up and cleanup of the event. Lessees must return the pier facility to its original condition and then vacate the facility by the time noted on the rental application.

Right to Cancel

Either party may cancel this Agreement, within 3 days (72 hours) prior to the event and with written notice to the other, without liability as a result of acts of God, over which neither party has control, government regulation, terrorism, disaster, strikes, civil disorders, or any other factors over which neither party has control, making it impossible or illegal to conduct the program consistent with those conditions that existed at the time the contract was entered into. The parties may, however, agree to go forward on such terms and conditions that may be re-negotiated. With proper written notice, any advance deposit(s) made shall be refunded in full to the party who made the deposit.

Refund of Security Deposit/Cancellation Fees

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Deposits are refunded after City personnel inspect the facility. Deposit refunds take 2-4 weeks to be processed.

If this event is cancelled less than 48 hours prior to the date of the event, the undersigned lessee agrees to forfeit fifty percent (50%) of the deposit. If this event is cancelled without notification, the undersigned lessee agrees to forfeit one hundred percent (100%) of the deposit.

Pier Configuration

The lessee will be responsible for any seating requirements.

Food and Beverage

Alcoholic beverages are allowed with the permission of the Flagler Beach City Commission, the promoter of the event must obtain the proper licensing and permits. If violation of the City's alcohol ordinance or Florida state law is found, the event will immediately be closed and participants will be asked to leave and will be subject to full cancellation fees.

Food and beverage may be served in the facilities, provided approval has been issued by the City Commission and the Fire Captain or Fire Inspector has approved the heating source for the food, and proper care is given to clean-up after the event.

All food and beverage trash must be placed in the appropriate receptacles.

Cleaning

The pier facility must be returned to the condition in which it was when you entered. The bathrooms are to be cleaned and wiped down. Please make sure that you turn all equipment completely off before you exit the premises. You are responsible for the disposal of all trash. No trash is to be left behind; dumpsters and or tipper carts are required as a part of the special event permit are located at each facility.

Parking

The City assumes no responsibility for lost or stolen items or damage to vehicles while parking within the City of Flagler Beach.

Security/Emergency Personnel

The Lessee is responsible for providing off duty officers for any event when the attendance is above 100 persons or whenever deemed necessary by the City of Flagler Beach. Each event, regardless of size of attendance, is to be reviewed and approved by the Flagler Beach City Commission, Flagler Beach Police Department, and Flagler Beach Fire Department, to determine if additional emergency personnel are required.

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Publicity

Each group is responsible for its own publicity. Any printed publicity must include the statement: "This event is not sponsored by the City of Flagler Beach." Publicity is not to include the City's telephone number, nor may the City's name and address be used as a mailing address.

Signage and Decorations

Unauthorized signs will be removed without notice.

Materials may not be attached to walls, windows, doors or furnishings.

No open flames, glitter, confetti, silly string, etc. may be used in the facilities. Flameless votive candles will be allowed.

Indemnification

Lessee shall indemnify and hold harmless the City of Flagler Beach and its elected officials, directors, agents and employees from and against all losses, damages, claims, costs and expenses arising from injury or death of any person(s), or damage to property resulting from any act or omission of Lessee or its employees, agents, representatives, guests, invitees, or the general public to the extent that such losses, damages, claims, costs and expenses arise in connection with or relate to this Contract and Lessee's use of the Premises.

Lessee shall indemnify and hold harmless the City of Flagler Beach if the facility is deemed unsafe and unusable due to an act of nature or war.

The City of Flagler Beach will not assume or accept any responsibility for damage to or loss of any merchandise or articles brought onto the premises prior to, during or following the Lessee's event.

Damages

The Lessee is liable for all damages, expense, and loss, including theft and property loss, caused by any person who attends, participates in, or provides goods and services connected with the Lessee's use of the facility and all tangible property. Repair or replacement costs due to damage of City of Flagler Beach facilities, furnishings and equipment will be charged to the event sponsor. The cost of damages assessed by the City of Flagler Beach will be based on the replacement value.

Revocation and Refusal of Authorization for Use

Each renter understands that authorized City personnel may enter the facility at any time during the scheduled event for periodic checks of the facility. The privilege of using a City of Flagler Beach Pier facility will be revoked and all persons being removed from the property and forfeiture of entire deposit will be made if the activities of the facility users negatively impact in the following ways:

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- The event is conducted in a noisy, disorderly or inflammatory manner.
- The size of the meeting presents personal safety or security issues, or creates an undue parking demand on the surrounding neighborhood.
- The facility users neglect to pay all required fees, or neglect to pay for damage to the facility.
- The facility users neglect to leave the room in the condition in which it was found.
- There is any violation of City policy.
- A lessee fails to show for a scheduled rental without prior notification.

The City of Flagler Beach reserves the right to decline lessees the use of City facilities based on prior rental history violations.

Priorities

Priority will be given to: City of Flagler Beach sponsored events; groups that are City of Flagler Beach based. All other groups will be given consideration on a first-come/first-served basis. The City of Flagler Beach reserves the right to preempt any event for a City-sponsored event. In such rare instances, the City will make every reasonable effort to give ample notice and to assist the group in reserving another date. If that is not possible, there will be a full refund of any advanced deposit.

The City reviews this policy annually and reserves the right to change it anytic					
Lessee Signature	Date				
City of Flagler Beach	 Date				



City of Flagler Beach Facility Rental Application

Event Date:	Time Requested	:
Facility Requested:		
Type of Function/Event:		
Tentative # of Guests: Gu	uaranteed # of Guests: Due	before noon
Name/Organization:		
Address:		
Phone:	Fax:	
Driver's License #:		
FundraiserYes(Copy of the organization's 501 (c) 3		e Required)
Deposit Paid: (Includes \$25.00 non-refundable fee)	Credit Card Cash Check Cash	□ Money Order
Amount Due:		er
Amount of Returned Deposit:	Date returned:	
N CASE OF EMERGENCY - PLEASE CA	LL 911.	

Initial___

IN THE EVENT THAT THERE IS NO ONE TO UNLOCK/LOCK THE FACILITY AT YOUR SCHEDULED TIME PLEAS CALL (386) 517-2020.					
Lessee Signature	Date				
City of Flagler Beach	Date	<u></u>			

Initial_

Item10StaffReports



City of Flagler Beach

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

Phone (386) 517-2000 • Fax (386) 517-2008 Suncom 370-2000 • Suncom Fax 370-2008

MEMO

DATE:

April 3, 2015

TO:

Elected Officials, City Manager Bruce Campbell

FROM:

Penny Overstreet, City Clerk

SUBJECT:

Application for Outdoor Entertainment

At the February 26, 2015 Commission Meeting you reached a consensus to incorporate an additional question on the application for outdoor entertainment asking if the establishment has adequate parking. The question has been added and is attached.

OFFICE USE ONLY	: INSTRUCTIONS: Please print or type all information.	City of Flagler Beach APPLICATION FOR
DATE REC'D	The application must be filled out	OUTDOOR ENTERTAINMENT
FEE REC'D \$	accurately and completely. Answer	OF FLAGLER B
INITIALS:		Fagility CO
APPROVED	write N/A (not applicable). Incomplete applications may delay	
DISAPPROVED 🗆	your request. All statements made	A ORIDA
SENT PARB	on the application are subject to verification.	105 South 2nd Street,
PERMIT ISSUED	1	Post Office Box 70 Flagler Beach, Florida 32136 Phone (386) 517-2000 Fax (386) 517-2008
	Please type or print legib	oly
Business Name:	Required Information	
	» .	
	State:	
Work Phone:	Home Phone	e:
ax:	Mobile Phon	e:
	it are you applying for? (check one)	
	Annual Permit (permit fee = \$150.00)
	Per event that occurs fewer than 12 time (Please list dates and times for the	es a year (permit fee = \$75.00) e events on the bottom of page 2)
	One day event on Date	(permit fee = \$50.00)
:	Start time am\pm En	d timeam\pm
Vill you utilize tem _l f yes, attach a sketo	porary structures at your event? ch of the site showing the location of these s	NoYes tructure and see note below)
	(Indicate number of each)ScaffoldingFences	•

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.)

grade.

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 Applica	nt		Date	
Title of Applicant				
1. Date	Start time	am\pm	End timeam\pm	
2. Date	Start time	am\pm	End timeam\pm	
3. Date	Start time	am\pm	End timeam\pm	
4. Date	Start time	am\pm	End timeam\pm	
5. Date	Start time	am\pm	End timeam\pm	
6. Date	Start time	am\pm	End timeam\pm	
7. Date	Start time	am\pm	End timeam\pm	
	Start time		End timeam\pm	
	Start time		End timeam\pm	
10. Date			·	
11. Date		·	End timeam\pm	
			End timeam\pm	
12. Date	Start time	am\pm	End time am\nm	



FLAGLER BEACH POLICE DEPARTMENT

Matthew P. Doughney, Police Captain 204 S. Flagler Ave Flagler Beach, FL 32136 386.517.2023

Captains Weekly Report

2/26/2015	S/26/2015 Citations Issued 57				Warnings (Written/Verbal) 48		
		16	2	2	2	106	26
To: Thursday				Comm Policing	Sommer officials	Security Charke	
		0		7		31	
3/20/2015		relony Arrest		Misd. Arrest		City Ordinance	
	3	25	,,	44	1	10	
From: Friday	Calle For Congres	במווז ו מו זבו אורב	Colf Initiated	Sell-Illiflated	Traffic Ctone	Hallic Stops	

Captains Weekly Summary

Saturday: Officers monitored a bonfire and party on the Beach at North 5th Street. Based on social media sites the party was to start at 8:00 p.m. and bonfire permit was issued Saturday morning. Sergeant Parrish and Officer Guerrero monitored the area prior to 8:00 p.m. and made contact with the individual that was advertising the party. The subject did not have a City issued special events permit and he was advised that loud speakers were unauthorized. The area was monitored during the evening and there were no major issues and no speakers were set up.

Tuesday: 3/24/15 @ 1:34 p.m. / Burglary Residential / 2000 Block of North Daytona Avenue: The victim came to the Police Department to report that one (1) of his prescription medications was stolen from his residence. The point of entry to the residence was an unsecured rear door and the victim advised that nothing else was taken. The suspect in this case is the victim's step-grandson.

Tuesday: 3/24/15 @ 10:57 a.m. / Assist Public / 100 Block of Palm Circle: Officers responded to a call of a missing four (4) year old child. Upon arrival Officers began searching the property and the child was located asleep in his father's vehicle. Good job by all involved!

subject smoking marijuana. The subject was taken into custody without incident and transported to the Police Department. Upon completion of the necessary Tuesday: 3/24/15 @ 4:22 p.m. / Narcotics Arrest / 815 Moody Boulevard (Flagship Park on T-Dock): While walking the T-Docks, an Officer observed a paperwork, the subject was issued a Notice to Appear in Court and he was also issued a Notice of Trespass for Flagship Park. Good job!

vehicle was observed eastbound on SR 100 in the westbound traffic lanes. There were multiple cars west bound on SR 100 at the time of this incident and Wednesday: 3/25/15 @ 2:11 a.m. / DUI Arrest / Moody Boulevard & Palm Drive: While Officer's were conducting a traffic stop at 414 Beach Village Drive, once the vehicle reached the intersection of SR 100 and John Anderson the driver decided to switch to the eastbound lanes. Upon contacting the vehicle operator, Officers conducted a DUI Investigation. The driver was subsequently arrested without incident and transported to the Flagler Inmate Facility.

meeting included Countywide members from Law Enforcement, Fire, Medical, Volunteers, etc. and the focus was future training needs that will be provided at Wednesday: Captain Doughney attended a meeting at the Emergency Operations Center (EOC) in re; to multi-discipline training & exercise planning. The the EOC for all stakeholders in the County specific to their fields of expertise. Wednesday: 3/25/15 @ 2:58 p.m. / Welfare Check / 1544 South Oceanshore Boulevard (Beach Front Motel): Officers were dispatched in reference to the Department of Children and Families (DCF) receiving a report of children left alone in a hotel room. Officers arrived at the hotel and made contact with the grandmother of the children in question. The grandmother advised that she is with the children when her daughter is at work. Officers checked the hotel room, which had no hazards and there was food for the children to eat. DCF was contacted and advised of our findings.

assistance with vehicles parking on sidewalks. We've received a complaint regarding vehicles parking/blocking sidewalks, and this initiative was designed to Community Policing Initiative: Officers Bingham and McCraney contacted management of nine (9) businesses on North & South A1A in reference to enlist the assistance of our local business with compliance from their customers/patrons.

Children" was instructed by Staff from the Florida Department of Law Enforcement (FDLE) and topics included; sexual exploitation investigations, forensic interviewing of children, interviewing offenders and injury identification. Sergeant Blank attended Crisis Intervention training on Thursday, March 26th at Training: Detective Williams attended a week long, forty (40) hour, free training at Daytona State College. The course, "Investigating Crimes Against Daytona State College. The last day of this training class is Tuesday, March 31st

Sea Dune Parking: Officers monitored sea dune parking and took the following enforcement actions; two (2) citations and one (1) warning.



To:

City of Flayler Beach



Water Treatment Plant

Bob Smith, City Engineer and City Commissioners

From: Jim Ramer, Water Plant Superintendent

Subject: Monthly Report for March 2015

April 1, 2015

In March we produced 16,552,000 gallons of drinking water. This amount was greater than the amount we treated in February (1,432,000 gallons greater). Rainfall for the month of March was 1.81 inches. We used 10,300 Gallons at the plant and used 5,977 Gallons on irrigation. Fire Department used 1,000 gallons on flushing hydrants.

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 March 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 out both Degasifiers.

We are having the security fences repaired at the Million Gallon Tank and South Tank.

We sent St Johns River Water Management District our quarterly well sample results.

We pressure washed the walls of the wash water recovery basin, sewer pumps and pad, concentrate pumps and pad, and all electrical conduit pull boxes on east side of plant.

We painted well 13 and raw water line. We painted valve handles on degasifier and high service pumps. We painted both sewer pumps on the lift station on plant grounds.

We cleaned the filter on the AC unit on the clearwell.

We installed 100' of pipe for the front gate phone line.

We replaced the belt on degasifier #1.

We changed cartridge filters on trains 1,2,3 and 4.

We replaced light bulbs in our chemical feed rooms.

We stripped the wax on the floors and waxed the floors in control building.

We started wiring up the panel to the neutralization pit pump.

We did our first quarter disinfection report for DEP.