

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. Certificates of Appreciation to Eric Cooley and Karen Barkowski in recognition of their participation in the Thanksgiving 2015 Feed Flagler.
  - b. Employee Service Awards 1<sup>st</sup> Quarter.
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 Regular Meeting Minutes of November 12, 2015, and the Special Meeting(s) of November 4, November 5, November 6 at 10:00 a.m., November 6, immediately following 10:00 a.m. meeting, November 12, and the November 20, 2015 Meeting.
7. Approve the appointment of the 5<sup>th</sup>/Joint Member to the Flagler Beach Police Pension Board.
8. Appoint a Commission Appointee to fill the vacant position on the Fire Pension Board.
9. Approve the 2016 Holiday Schedule.
10. Approve the 2016 Commission Meeting Schedule.

GENERAL BUSINESS

11. Consider application OE-15-12-01 – a request for an Annual Outdoor Entertainment Permit at 2316 South Oceanshore Boulevard Flagler Beach, Florida Island Cottage/Tropical Breeze – applicant owner: Marie (Toni) Melton-Treworgy.
12. Consider applicants to fill the vacant position of the Planning & Architectural Review Board.
13. Resolution 2015-32, a resolution by the City Commission of the City of the City of Flagler Beach, Florida, amending Resolution 2015-30 which rolled the appropriated Fund Balances from fiscal year 2014/15 into the budget for fiscal year 2015/16; providing for conflict and an effective date.
14. Review and consider entering into a contract with Larry Newsome for the City Manager position.

## COMMISSION COMMENTS

15. Commission comments, including reports from meetings attended.

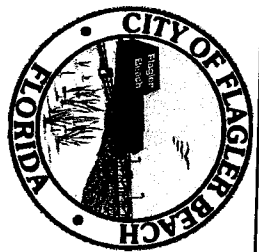
## PUBLIC HEARINGS

16. Ordinance 2015-12 an ordinance of the City Commission of the City of Flagler Beach, Florida, providing for the amendment of the Official Zoning Map as previously established in Appendix A Land Development Regulations Section 2.03.03 of the City of Flagler Beach, Florida, as amended and supplemented; amending the Official Zoning Map for 2.94+/- acres of certain real property described as tax parcel identification number 29-12-32-0000-01010-0010 from Recreation Planned Unit Development (RPUD) to Medium Density Residential (MDR); providing for conflicts, ratification of prior acts; providing for legislative findings and intent; providing for the taking of implementing administrative actions; repealing all conflicting ordinances; providing for severability; providing for non-codification and providing for an effective date – second and final reading.
17. Ordinance 2015- 15, amending Chapter 11 Solid Waste, Sections 11-1 Definitions; Section 11-6 (2) b, c, to amend the regulations for yard waste standards, providing for codification, conflict, repeal and an effective date – second reading.
18. Ordinance 2015-16, an ordinance of the City of Flagler Beach, amending Chapter 2, Administration, Article V, Employee Benefits, Division 1, Section 2-101, Firefighters' Retirement System, of the Code of Ordinances of the City of Flagler Beach; amending Section 1, Definitions; amending Section 4, Finances and Fund Management; amending Section 6, Benefit Amounts and Eligibility; amending Section 8, Disability; amending Section 10, Optional Forms of Benefits; amending Section 15, Maximum Pension; amending Section 16, Minimum Distribution of Benefits; amending Section 25, Prior Fire Service; adding Section 28, Supplemental Benefit Component for Special Benefits; Chapter 175 Share Accounts; providing for codification; providing for severability of provisions; repealing all ordinances in conflict herewith and providing an effective date – first reading.

## STAFF REPORTS

19. Staff Reports.
20. 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.



# CERTIFICATE OF APPRECIATION

This certificate is awarded to

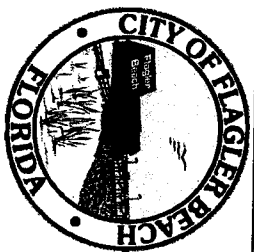
**ERIC COOLEY**

In recognition of their participation in the Thanksgiving 2015, Feed Flagler.



Mayor Linda Provencher

December 10, 2015

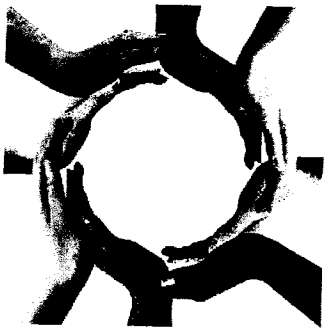


# CERTIFICATE OF APPRECIATION

This certificate is awarded to

**KAREN BARKOWSKI**

In recognition of their participation in the Thanksgiving 2015 Feed Flagler



Mayor Linda Provencher

December 10, 2015



## 1st Quarter Service Awards

		Hire Date	Anniversary Date	Total Years of Service
Bookkeeper	Brenda Ludecker	10/25/2010	10/25/2015	5
Permit Tech	Marlene Beams	12/6/2010	12/6/2015	5
Fire Fighter	Andy Thomas	12/20/2010	12/20/2015	5
Operator "C"- WTP	Ehab Hashem	11/9/2009	11/9/2015	6
Fire Captain	Robert Pace	10/27/2006	10/27/2015	9
Operator "C" WTP	Dennis Walker	10/31/2005	10/31/2015	10
Administrative Assistant	Donna Kearney	12/3/2001	12/3/2015	14
City Clerk	Penny Overstreet	11/22/2000	11/22/2015	15
Pier Bait Shop Attendant	Ken Williams	10/7/1991	10/7/2015	24
Police Sergeant	Bill Shamp	10/18/1988	10/18/2015	27

REGULAR MEETING OF THE FLAGLER BEACH CITY COMMISSION THURSDAY, NOVEMBER 12, 2015 AT 5:30 P.M. AND TO BE CONTINUED UNTIL ITEMS ARE COMPLETE. CITY HALL, 105 S. SECOND STREET, FLAGLER BEACH, FL 32136

### MINUTES

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

1. CALL THE MEETING TO ORDER: Chairman Shupe 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) PLAQUE OF APPRECIATION TO ALICE BAKER FOR HER SERVICE ON THE PLANNING & ARCHITECTURAL REVIEW BOARD: Mayor Provencher presented a plaque of appreciation to Former Mayor Alice Baker for her service to the Planning and Architectural Review Board.
4. DELETIONS AND CHANGES TO THE AGENDA: Item 15 has been 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: The following persons provided comments. Rick Belhumeur, Paul Eik and Michael Pugliese.

### CONSENT AGENDA

6. APPROVE THE REGULAR MEETING MINUTES OF OCTOBER 22, 2015, AND THE SPECIAL MEETING(S) OF OCTOBER 8, OCTOBER 20, AND OCTOBER 23, 2015.
7. APPROVE A WORK ASSIGNMENT TO QUENTIN L. HAMPTON ASSOCIATES, INC. FOR RENEWAL OF CONSUMPTIVE USE PERMIT (CUP) #59 FOR THE FLAGLER BEACH WATER TREATMENT PLANT IN AN AMOUNT NOT TO EXCEED \$59,670.
8. APPROVE A PIGGYBACK ON A MASTER AGREEMENT BETWEEN VOLUSIA COUNTY AND HALIFAX PAVING, INC. TO PERFORM BUDGETED PAVING PROJECTS IN AN AMOUNT NOT TO EXCEED \$204,860:

Chairman Shupe reviewed the items. Chairman Shupe opened public comment. The following persons provided comments. Rick Belhumeur. Chairman Shupe closed public comment. Motion by Commissioner Mealy to approve the consent agenda. Commissioner McGrew seconded the motion. The motion carried unanimously, after a roll call vote.

#### GENERAL BUSINESS

9. CONSIDER A PROPOSAL TO HAVE AN "INVISIBLE WOUNDS MEMORIAL" DEDICATED TO VETERANS WHO SUFFER OR HAVE SUFFERED WITH PTSD/TBI PLACED IN VETERANS PARK – CATHY HEIGHTER – MOORE: Ms. Heighter, President of Florida Gold Star Mothers Volusia Chapter, soon to be the Volusia/Flagler Chapter reviewed the request. Ms. Heighter reported she is hoping to place a memorial in Veterans Park for Veterans Day 2017, and that the American Gold Star Mothers will do the fundraising. Ms. Heighter reviewed the dimensions of the monument, jet-black granite, top piece is four (4) feet long and three and a third (3.4) feet tall, base is five (5) feet long and one and a third (1.4) feet thick. The Commission discussed the request, comments included notifying the Forehands of placement, the need to see specific dimensions and a picture for visualization, and one Commissioners opinion that Veterans Park is for all Veterans and feels it may be an inappropriate placement. Ms. Heighter reported she would provide additional information, updated drawings, front back and side view with dimensions to the City Manager. No action taken.
10. RESOLUTION 2015-30- A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF FLAGLER BEACH, FLORIDA, AMENDING RESOLUTION 2015-24 WHICH ADOPTED THE FY 2015/16 BUDGET, TO REFLECT A BUDGET AMENDMENT TO ROLL THE APPROPRIATED FUND BALANCES FROM FISCAL YEAR 2014/15 INTO THE BUDGET FOR 2015/16; PROVIDING FOR CONFLICT, PROVIDING AN EFFECTIVE DATE HEREOF: Attorney Smith read the title of the resolution into the record. City Manager Campbell reviewed the need. Chairman Shupe opened public comments. No comments were offered and Chairman Shupe closed public comment. Motion by Commissioner Carney that we pass Resolution 2015-30. Commissioner Mealy seconded the motion. The motion carried unanimously, after a roll call vote.
11. RESOLUTION 2015-31 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 TO PROVIDE FUNDS FOR YEAR-END BUDGET SHORTFALLS; PROVIDING FOR CONFLICT, PROVIDING AN EFFECTIVE DATE HEREOF: Attorney Smith read the title into the record. Mr. Campbell reviewed the request. Chairman Shupe opened public comments. The following person provided comment. Paul Eik. Chairman Shupe closed public comments. Motion by Commissioner McGrew to approve Resolution 2015-31. Commissioner Carney seconded the motion. The motion carried unanimously, after a roll call vote.

The agenda moved to item #14.

12. CONSIDER UTILIZING LOBBYIST AT THE STATE GOVERNMENT LEVEL OPPOSED TO FEDERAL LEVEL AND PROVIDE APPROPRIATE DIRECTION TO STAFF: City Manager Campbell reviewed the item, stating he is seeking direction as to if the Commission wants staff to proceed with negotiating a contract for Commission approval with a State level lobbyist. Discussion ensued. The Commission directed Staff to have the City Manager draft a RFP for distribution.

The agenda moved to Item 16.

#### COMMISSION COMMENTS

13. COMMISSION COMMENTS, INCLUDING REPORTS FROM MEETINGS ATTENDED: Mayor Provencher reported the Feed Flagler Event would be in the parking lot of the 7-11, they would serve prepackaged meals. Discussion ensued revolving around the Flood Plain Management ordinance and specifically the building 2 feet above base flood elevation that was pulled from the agenda. The Commission reached a consensus to have Staff contact the Planning Board Members to obtain availability dates in January, and to have the Clerk place an item on the December 10, 215 agenda to set a Joint Workshop date.

The agenda moved to Item 19.

#### PUBLIC HEARINGS

14. ORDINANCE 2015-12 AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FLAGLER BEACH, FLORIDA, PROVIDING FOR THE AMENDMENT OF THE OFFICIAL ZONING MAP AS PREVIOUSLY ESTABLISHED IN APPENDIX A LAND DEVELOPMENT REGULATIONS SECTION 2.03.03 OF THE CITY OF FLAGLER BEACH, FLORIDA, AS AMENDED AND SUPPLEMENTED; AMENDING THE OFFICIAL ZONING MAP FOR 2.94+/- ACRES OF CERTAIN REAL PROPERTY DESCRIBED AS TAX PARCEL IDENTIFICATION NUMBER 29-12-32-0000-01010-0010 FROM RECREATION PLANNED UNIT DEVELOPMENT (RPUD) TO MEDIUM DENSITY RESIDENTIAL (MDR); PROVIDING FOR CONFLICTS, RATIFICATION OF PRIOR ACTS; PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT; PROVIDING FOR THE TAKING OF IMPLEMENTING ADMINISTRATIVE ACTIONS; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR NON-CODIFICATION AND PROVIDING FOR AN EFFECTIVE DATE: Attorney Smith read the title of the ordinance into the record. Commissioner Settle reported he would recuse himself from this item for the reason that his property is adjacent to the zoning request. Commissioner Settle indicated his interest to participate in the discussion. Attorney Dennis Bayer introduced himself representing the applicant. Planner Larry Tornio reviewed a power point presentation related to the request. Mr. Torino stated the Future Land Use Map (FLUM) would not change

but the Zoning map would from Recreation PUD to Medium Density. Mr. Tornio reviewed the final judgement of the litigation for the 34 acres and the 2.94 acres. Conclusion, current zoning is R-PUD the development agreement that existed between the parties has expired under its own terms, the land that was the subject of that agreement, is now governed by the City's Land Development Code, current zoning and comp plan. Planner Torino recommended the City Commission approve application RZ#15-10-01: Rezone of Parcel I.D. No. 29-12-32-0000-0101-0010 from Recreation Planned Unit Development to Medium Density Residential predicated based upon compliance with applicable Objectives and Policies of the Comprehensive Plan. Attorney Bayer reported the applicant is not necessarily seeking approval to build 42 units. The next step is permitting, which they will be required to have a stormwater system, landscaping, parking and buffers. Additionally, they will be required to obtain a permit from St. Johns River Water Management District. The Elected Officials posed questions to the City Planner in relation to the application. Chairman Shupe opened public comments. The following persons provided public comments. Howard Sklar, Paul Eik, and Michael Pugliese. Chairman Shupe closed public comment. Motion by Commissioner Mealy, to approve Ordinance 2015-12. Commissioner Carney seconded the motion. The motion carried four to zero, with Commissioner Settle recusing himself.

The agenda moved back to Item #12

15. ORDINANCE 2015-09, AN ORDINANCE BY THE CITY COMMISSION AMENDING ORDINANCE 2015-03, APPENDIX "A" LAND DEVELOPMENT REGULATIONS, SECTIONS 4.7.03.(D) (3) AND 4.07.09; SECTION 5.00.10 AMENDING SECTION 202 OF THE FLORIDA BUILDING CODE, BUILDING SECTION 5.00.11 AMENDING SECTION 202 AND SECTION 1103.5 OF THE FLORIDA BUILDING CODE, EXISTING BUILDING; PROVIDING FOR APPLICABILITY; REPEAL; SEVERABILITY; AND AN EFFECTIVE DATE – FIRST READING: This item was removed from the agenda.
16. ORDINANCE 2015- 15, AMENDING CHAPTER 11 SOLID WASTE, SECTIONS 11-1 DEFINITIONS; SECTION 11-6 (2)B, C, TO AMEND THE REGULATIONS FOR YARD WASTE STANDARDS, PROVIDING FOR CODIFICATION, CONFLICT, REPEAL AND AN EFFECTIVE DATE – FIRST READING: Attorney Smith read the title of the ordinance into the record. Public Works Director Smith reviewed the item. Discussion ensued regarding pick up times per week, adopting this ordinance to see how it will work out, increasing the sanitation fee, and picking yard waste up no matter the size. Chairman Shupe opened public comment. The following persons provided comments. Rick Belhumeur, Roseanne Stocker, Jim Poldoian and Joe Kovach. Commissioner Shupe closed public comments. Motion by Commissioner Settle that we pass Ordinance 2015-15 on first reading. Commissioner Mealy seconded the motion. The motion carried unanimously, after a roll call vote. Commissioner Carney requested the Public Works Director provide a report of how the ordinance is working.

The agenda moved to Item 17.

17. ORDINANCE 2015-11, AN ORDINANCE OF THE CITY OF FLAGLER BEACH, FLORIDA, APPROVING THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF FLAGLER BEACH, FLORIDA AND THE FLORIDA STATE FRATERNAL ORDER OF POLICE, INC. FOR THE PERIOD OCTOBER 1, 2015 THROUGH SEPTEMBER 30, 2018; PROVIDING FOR CONFLICTS, PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE – SECOND READING: Attorney Smith read the title of the ordinance into the record. Commissioner Mealy inquired to the City Attorney regarding two missing sentences in Article 39. Attorney Smith will double check and compare it to the ratified version from the Fraternal Order of Police. Attorney Smith suggested if putting forth a motion to approve, to do so noting the possible scrivener's errors. Chairman Shupe opened public comment. The following person provided comment. Allen Whetsell. Chairman Shupe closed public comments. Motion by Commissioner Mealy to approve Ordinance 2015-11, correcting any scrivener's errors as drafted. Commissioner Settle seconded the motion. The motion carried unanimously after a roll call vote.
  
18. ORDINANCE 2015-13 AN ORDINANCE OF THE CITY OF FLAGLER BEACH, AMENDING CHAPTER 2, ADMINISTRATION, ARTICLE V, EMPLOYEE BENEFITS, DIVISION 1, GENERALLY, SECTION 2-102, POLICE OFFICERS; RETIREMENT SYSTEM, OF THE CODE OF ORDINANCES OF THE CITY OF FLAGLER BEACH; AMENDING SECTION 1, DEFINITIONS; AMENDING SECTION 6, BENEFIT AMOUNTS AND ELIGIBILITY; AMENDING SECTION 8, DISABILITY; AMENDING SECTION 15, MAXIMUM PENSION; ADDING SECTION 29, SUPPLEMENTAL BENEFIT COMPONENT FOR SPECIAL BENEFITS; CHAPTER 185 SHARE ACCOUNTS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE – SECOND READING: Attorney Smith read the title of the ordinance into the record. Attorney Smith advised the ordinance is required to be compliant with new legislation. Chairman Shupe opened public comment. The following persons provided comments. Allen Whetsell. Chairman Shupe closed public comments. Motion by Commissioner McGrew to approve Ordinance 2015-13. Commissioner Carney seconded the motion. The motion carried unanimously, after a roll call vote.

The agenda moved to item 13.

#### STAFF REPORTS

19. STAFF REPORTS: City Manager Campbell reported the Staff Holiday Luncheon is scheduled for December 18 at noon. Mr. Campbell reported Chairman Shupe and he would attend and report to the Legislatures our Priority Request for FY 2015/2016 at Flagler Delegation Day at the Flagler County Administration building.

20. ADJOURNMENT: Commissioner Carney put forth a motion to adjourn the meeting at 8:41 p.m. Commissioner McGrew seconded the motion. The motion carried unanimously.

Attest:

\_\_\_\_\_  
Penny Overstreet, City Clerk

\_\_\_\_\_  
Marshall D. Shupe, Chairman

# FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME <b>STEPHEN MICHAEL SETTLE</b>	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <b>FLAGLER BEACH CITY Commission</b>
MAILING ADDRESS <b>279 OCEAN PALM DRIVE</b>	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
CITY <b>FLAGLER BEACH</b>	COUNTY <b>FLAGLER</b>
DATE ON WHICH VOTE OCCURRED <b>NOVEMBER 12, 2015</b>	NAME OF POLITICAL SUBDIVISION: <b>CITY Commission</b>
	MY POSITION IS: <input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTEE

## WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

## INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

\* \* \* \* \*

### ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

**PRIOR TO THE VOTE BEING TAKEN** by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

**WITHIN 15 DAYS AFTER THE VOTE OCCURS** by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

\* \* \* \* \*

### APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

**IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:**

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)



**APPOINTED OFFICERS (continued)**

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

**DISCLOSURE OF LOCAL OFFICER'S INTEREST**

I, Steve Settle, hereby disclose that on November 12, 2015:

(a) A measure came or will come before my agency which (check one)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, \_\_\_\_\_;
- inured to the special gain or loss of my relative, \_\_\_\_\_;
- inured to the special gain or loss of \_\_\_\_\_, by whom I am retained; or
- inured to the special gain or loss of \_\_\_\_\_, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

Property Adjacent to zoning request.

November 12, 2015  
Date Filed

[Signature]  
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.

SPECIAL MEETING OF THE FLAGLER BEACH CITY COMMISSION, NOVEMBER 4, 2015 AT 5:15 P.M. 105 S. SECOND STREET FLAGLER BEACH, FLORIDA 32136

MINUTES

PRESENT: Mayor Linda Provencher, Chairman Marshall D. Shupe, Vice-Chair Jane Mealy, Commissioners Kim M. Carney, Joy McGrew, and Stephen M. Settle, Human Resources Officer Elizabeth Mathis, and City Clerk Penny Overstreet.

1. CALL THE MEETING TO ORDER.: Chairman Shupe called the meeting to order at 5:15 p.m.
2. PLEDGE OF ALLEGIANCE: Mayor Provencher led the pledge to the flag.
3. INTERVIEWS FOR CITY MANAGER:  
5:15 P.M. TO 6:15 P.M. – LARRY NEWSOME.

Chairman Shupe reviewed the purpose of the meeting. The Commission welcomed Mr. Newsome and informed him they would be asking him a series of questions. Each Commissioner and the Mayor posed questions to which the applicant responded. Mr. Newsome inquired of the Commission what they are looking for in a City Manager, to which each Commissioner responded. The Commission thanked Mr. Newsome for appearing.

4. ADJOURNMENT: Motion by Commissioner Mealy, to adjourn the meeting at 6:21 p.m. Commissioner McGrew seconded the motion.

Attest:

\_\_\_\_\_  
Penny Overstreet, City Clerk

\_\_\_\_\_  
Marshall D. Shupe, Chairman

MINUTES

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

1. CALL THE MEETING TO ORDER: Chairman Shupe called the meeting to order at 6:00 p.m.
2. PLEDGE OF ALLEGIANCE: Mayor Provencher led the pledge to the flag.
3. ORDINANCE 2015-14, AN ORDINANCE OF THE CITY OF FLAGLER BEACH, FLORIDA, AUTHORIZING AND APPROVING A LEASE AGREEMENT FOR THE GOLF COURSE PROPERTY LOCATED AT 3600 SOUTH CENTRAL AVENUE AND PROVIDING FOR AN EFFECTIVE DATE – FIRST READING: Attorney Smith read the title of the ordinance into the record. Attorney Smith reviewed the changes including the exhibits. The Elected Officials reviewed with the City Attorney the sections they would like amended or questioned. Attorney Smith reported he would include the suggested changes and present them to the lessee for approval/rejection or further amendment. The changes would be presented to the Commission for second reading at the November 20 meeting. The changes suggested were: a clause related to re-opening the contract if the 3% of all gross revenue, is above norm; a clause regarding hours of operation; a clause regarding days per year of operation, correcting a scrivener's error in Article 11 and 13.3; the Commission reached a consensus to have the provision entered for the ability to place lien for no payment of rent; drafting an agreement related to the monies the City has budgeted for the maintenance of the golf course, to be used for removal of brazilian pepper plants on the property. The Commission requested Staff obtain a clean copy of the legal description (Exhibit "A"). Chairman Shupe opened public comments. The following people provided comments. Howard Sklar, Rick Belhumeur, Carmen Manzac, Paul Eik, and Roy Wildman. Chairman Shupe closed public comments. Mr. McDaniel and Mr. McManus requested approval to begin "overseeding" the greens in preparation for a soft opening on June 1, 2016. The Commission reached a consensus to permit the proposed Lessee's to begin mowing and overseeding the greens in advance of the lease signing and second reading of the ordinance. The Commission scheduled the date of second reading of the ordinance for November 20, 2015 at 6:00 p.m. Discussion turned to the definition of a regulation golf course vs an executive course and the Land Development Regulations parking requirements. The Planner interpreted the code to mean this course is different from a "regulation" course due to the size and number of holes. Attorney Smith agrees with the Planners interpretation. Discussion turned to the rent being enough to cover taxes; The Commission reached a consensus to cap the lease amount at \$5,000 for now and it could be reopened if needed. Motion by Commissioner Carney to approve Ordinance 2015-14

on first reading. Commissioner McGrew seconded the motion. The motion carried unanimously, after a roll call vote.

4. ADJOURNMENT: Motion by Commissioner Mealy to adjourn the meeting at 7:55 p.m. Commissioner McGrew seconded the motion. The motion carried unanimously.

Attest:

\_\_\_\_\_  
Penny Overstreet, City Clerk

\_\_\_\_\_  
Marshall Shupe, Chairman

MINUTES

PRESENT: Mayor Linda Provencher, Chairman Marshall D. Shupe, Vice-Chair Jane Mealy, Commissioners Kim M. Carney, Joy McGrew, and Stephen M. Settle, Human Resources Officer Elizabeth Mathis, and City Clerk Penny Overstreet.

1. CALL THE MEETING TO ORDER: Chairman Shupe called the meeting to order at 5:15 p.m.
2. PLEDGE OF ALLEGIANCE: Mayor Provencher led the pledge to the flag.
3. INTERVIEWS FOR CITY MANAGER:  
10:00 a.m. to 11:00 a.m. – ANTHONY BARRETT

Chairman Shupe reviewed the purpose of the meeting. The Commission welcomed Mr. Barrett and informed him they would be asking him a series of questions. Each Commissioner and the Mayor posed questions to which the applicant responded. Mr. Barrett inquired of the Commission when they plan to make a decision, and when would he be expected to report for duty. Mr. Barrett informed the Commission he is being considered by a couple of other communities and that he would expect an ICMA approved contract. The Commission thanked Mr. Barrett for appearing.

The meeting recessed at 11:05 a.m. Scheduled to resume at 11:25 a.m.

The meeting reconvened at 11:30 p.m. Chairman Shupe reported the applicant is stuck in traffic and hopes to be there soon. Chairman Shupe requested the meeting recess until 12:10 p.m. The meeting reconvened at 12:10 p.m.

11:30 A.M. TO 12:30 P.M. – THOMAS ERNHARTH

Mr. Ernharth apologized for his tardiness, explaining it was a result of a traffic accident on I-95. Chairman Shupe reviewed the purpose of the meeting. The Commission welcomed Mr. Ernharth and informed him they would be asking him a series of questions. Each Commissioner and the Mayor posed questions to which the applicant responded. Mr. Ernharth inquired as to what type of Manager the Commission is looking for? Day to day operations or someone to come in a solve problems. In closing, Mr. Ernharth stated he would be a good fit with the City's Vision Statement.

4. ADJOURNMENT: Motion by Commissioner McGrew, to adjourn the meeting at 12:53 p.m. Commissioner Carney seconded the motion.

Attest:

\_\_\_\_\_  
Penny Overstreet, City Clerk

\_\_\_\_\_  
Marshall D. Shupe, Chairman

SPECIAL MEETING OF THE FLAGLER BEACH CITY COMMISSION, FRIDAY NOVEMBER 6, 2015  
IMMEDIATELY FOLLOWING THE 10:00 A.M. SPECIAL MEETING 105 SOUTH 2<sup>ND</sup> STREET FLAGLER  
BEACH, FLORIDA 32136

MINUTES

PRESENT: Mayor Linda Provencher, Chairman Marshall D. Shupe, Vice-Chair Jane Mealy, Commissioners Kim M. Carney, Joy McGrew and Stephen M. Settle, Human Resources Officer Elizabeth Mathis, and City Clerk Penny Overstreet.

1. CALL THE MEETING TO ORDER: Commissioner Shupe called the meeting to order at 12:53 p.m.
2. SELECT CITY MANAGER CANDIDATE TO ENTER INTO CONTRACT NEGOTIATIONS WITH CITY ATTORNEY: The Elected Officials noted the candidates with whom they would like to enter into negotiations. Commissioners Mealy and Settle selected Mr. Garrity. Commissioners Carney, McGrew and Shupe selected Mr. Newsome however; Commissioner McGrew suggested a second interview with each. Discussion ensued regarding a unified vote for one candidate, and checking their references. Motion by Commissioner Settle to make a conditional offer to Mr. Garrity subject to a background check. Commissioner Mealy seconded the motion. The motion failed three to two, with Commissioners Carney, McGrew and Shupe voting no. Motion by Commissioner Settle to make a conditional offer to Mr. Newsome subject to a background check. The motion failed three to two, with Commissioners McGrew and Mealy voting no. (Section 2-42 of the Code of Ordinance requires "The city manager shall be appointed by a vote of four-fifths of the full commission.") Discussion ensued it was suggested each of the Elected Officials contact the two candidates to further help them make their determination.
3. ADJOURNMENT: Motion by Commissioner Carney to adjourn the meeting at 1:26 p.m. Commissioner McGrew seconded the motion. The motion carried unanimously.

Attest:

\_\_\_\_\_  
Penny Overstreet, City Clerk

\_\_\_\_\_  
Marshall D. Shupe, Chairman

SPECIAL MEETING OF THE FLAGLER BEACH CITY COMMISSION, THURSDAY NOVEMBER 12, 2015  
IMMEDIATELY FOLLOWING THE 5:30 P.M. REGULAR MEETING 105 SOUTH SECOND STREET  
FLAGLER BEACH, FLORIDA 32136

MINUTES

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

1. CALL THE MEETING TO ORDER: Chairman Shupe called the meeting to order at 8:55 p.m.
2. SELECT CITY MANAGER CANDIDATE TO ENTER INTO CONTRACT NEGOTIATIONS WITH CITY ATTORNEY: Commissioner Carney indicated if voting now, she would select Mr. Newsome. Commissioner Settle expressed opinion that both Mr. Newsome and Mr. Garrity are outstanding candidates. Commissioner McGrew suggested both candidates coming back for a second interview. Commissioner Mealy expressed both are qualified, however she feels Mr. Garrity would be a better fit for our City, adding, she too would like second interviews with Garrity and Newsome. Mayor Provencher expressed opinion that both are very qualified, however, she would select Mr. Garrity. Chairman Shupe reported he would vote to hire Mr. Newsome. Discussion ensued regarding a unified vote for the City Manager position. Motion by Commissioner Settle, that we offer the job to Mr. Newsome. Chairman Shupe opened public comments. The following person provided comments: Rick Belhumeur and Paul Eik. Chairman Shupe closed public comment. Commissioner Carney seconded the motion. The motion carried unanimously, after a roll call vote. Commissioner Carney inquired, what are the next steps. Attorney Smith advised he would write up a contract agreeable to Mr. Newsome and then present that to the Commission at which time, they may approve or amend. Attorney Smith reported the terms would be general and would have a start date of January 1, 2016 pending successful negotiations. The Commission asked Ms. Mathis to send letters to the applicants thanking them for the interest in the position.
3. ADJOURNMENT: Motion by Commissioner Settle to adjourn the meeting at 9:11 p.m. Commissioner Carney seconded the motion. The motion carried unanimously.

Attest:

\_\_\_\_\_  
Penny Overstreet, City Clerk

\_\_\_\_\_  
Marshall D. Shupe, Chairman

MINUTES

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

ABSENT: Commissioner Stephen M. Settle.

1. CALL THE MEETING TO ORDER. Chairman Shupe called the meeting to order at 6:00 p.m.
2. PLEDGE OF ALLEGIANCE. Mayor Provencher led the pledge to the flag.
3. ORDINANCE 2015-14, AN ORDINANCE OF THE CITY OF FLAGLER BEACH, FLORIDA, AUTHORIZING AND APPROVING A LEASE AGREEMENT FOR THE GOLF COURSE PROPERTY LOCATED AT 3600 SOUTH CENTRAL AVENUE AND PROVIDING FOR AN EFFECTIVE DATE – SECOND READING: Attorney Smith read the title of the ordinance into the record. Attorney Smith reviewed the changes to the lease agreement, which were agreed to at first reading of the ordinance on November 4, 2015 at a Special Meeting. Additionally, a recommendation from the Finance Director to Article 4, related to sales tax. The following are additional items for incorporation into the lease: Article 1, include the cart barn, include the addition of beer and wine sales, and enter the company name above the address. Chairman Shupe opened public comments. The following persons provided comments. Rick Belhumeur and Paul Eik. Chairman Shupe closed public comments. Attorney Smith suggested changing the word “adjusted” to “increased” in Article 3.3 clarifying the contract to ensure that an increase is upward. Motion by Commissioner Mealy to approve Ordinance 2015-15, as amended. Commissioner McGrew seconded the motion. The motion carried unanimously, after a roll call vote.

Chairman Shupe asked if there was anyone from the public who wished to address the agreement for brazilian pepper removal. No comments were offered. Motion by Commissioner McGrew to approve the Brazilian Pepper removal agreement. Commissioner Carney seconded the motion. The motion carried unanimously, after a roll call vote.

4. ADJOURNMENT: Commissioner McGrew motioned to adjourn the meeting at 6:20 p.m. Commissioner Carney seconded the motion. The motion carried unanimously.

Attest

\_\_\_\_\_  
Penny Overstreet, City Clerk

\_\_\_\_\_  
Marshall D. Shupe, Chairman



# 17

**Penny Overstreet**

---

**From:** susypita@comcast.net  
**Sent:** Wednesday, November 18, 2015 11:11 AM  
**To:** Penny Overstreet  
**Cc:** Hury, Tom; Eric Cooley; Anthony Marlow; William Shamp  
**Subject:** FBPO 5th Member Appointment

The Flagler Beach Police Officers' Pension Board appointed resident Eric Cooley to fill the 5th member trustee position on the board at their special meeting on November 18, 2015. We respectfully request that this matter be placed on an upcoming City Commission agenda for ratification.

Please contact me if you have any questions.  
Thanks!  
Susy Pita  
Plan Administrator

HA

## 2016 Holiday Schedule

HOLIDAY	DAY / DATE OBSERVED
New Year's Eve	Thursday/December 31, 2015
New Year's Day	Friday/January 1, 2016
Martin Luther King's Birthday	Monday/January 18, 2016
Good Friday	Friday/March 25, 2016
Memorial Day	Monday/May 25, 201530, 2016
Independence Day	Monday/July 4, 2016
Labor Day	Monday/September 5, 2016
Veterans Day	Friday/November 11, 2016
Thanksgiving	Thursday/November 24, 2016
Thanksgiving	Friday/November 24, 2016
Christmas Eve	Thursday/December 23, 2016
Christmas Day	Monday/December 26, 2016
New Years Eve	Thursday/December 30, 2016
New Years Day	Monday/January 2, 2016

**Sec. 2-232. Days observed.**

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

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

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

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

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

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

#10

### 2016 Regular Commission Meeting Schedule

Agenda Cut Off Date	Commission Meeting
Agenda Items and all supporting documents must be received by the City Clerk's office by <b>4:30 p.m. on the Tuesday</b> one week prior to the Commission Meeting Date.	All Commission meetings will begin at 5:30 p.m. Public hearings are scheduled no earlier than 6:30 p.m.
December 29, 2015	January 7, 2016
January 12, 2016	January 21, 2016
February 2, 2016	February 11, 2016
February 16, 2016	February 25, 2016
March 1, 2016	March 10, 2016
March 15, 2016	March 24, 2016
April 5, 2016	April 14, 2016
April 19, 2016	April 28, 2016
May 3, 2016	May 12, 2016
May 17, 2016	May 26, 2016
May 31, 2016	June 9, 2016
June 14, 2016	June 23, 2016
July 5, 2016	July 14, 2016
July 19, 2016	July 28, 2016
August 2, 2016	August 11, 2016
August 30, 2016	September 8, 2016
September 13, 2016	September 22, 2016
September 27, 2016	October 6, 2016
October 11, 2016	October 20, 2016
November 1, 2016	November 10, 2016
November 29, 2016	December 8, 2016

**The Annual Florida League of Cities Conference is scheduled for August 18-21, 2016 in Hollywood, Florida; therefore only one meeting is scheduled for August.**



# City of Flagler Beach 11

## Item Summary

**SUBJECT:** Application OE-15-12-01 – 2316 South Oceanshore Boulevard - Outdoor Entertainment Permit.

**BACKGROUND:** Applicant: Toni Treworgy, 2316 South Oceanshore Blvd., Flagler Beach, Florida 32136. The subject property is zoned TC Tourist 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 then be brought to the city commission for final decision at its next available commission meeting.

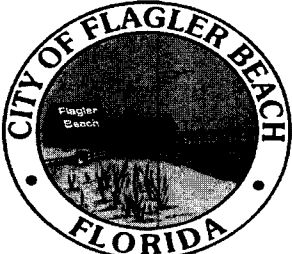
*The PARB recommended approval the item at their December 1, 2015 meeting. Motion by Cathy Feind to approve application OE 15-12-01. Rick Belhumeur seconded the motion. The motion carried unanimously.*

**ATTACHMENTS:** Application, letter sent to applicant, letter sent to surrounding properties, site plan showing location of outdoor entertainment.

**SUBMITTED BY:** Penny Overstreet, City Clerk

**STAFF COMMENTS:**

**CITY MANAGER:** Recommend approval as recommended by the PAR Board following their review.

<b>OFFICE USE ONLY:</b> DATE REC'D <u>11-6-2015</u> FEE REC'D \$ _____ INITIALS: <u>P.O.</u> APPROVED <input type="checkbox"/> DISAPPROVED <input type="checkbox"/> SENT PARB <input checked="" type="checkbox"/> PERMIT ISSUED _____	<b>INSTRUCTIONS:</b> <i>Please print or type all information.</i> 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.	<b>City of Flagler Beach</b> APPLICATION FOR OUTDOOR ENTERTAINMENT  105 South 2nd Street, Post Office Box 70 Flagler Beach, Florida 32136 Phone (386) 517-2000 Fax (386) 517-2008
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**Please type or print legibly  
Required Information**

Business Name: Island Cottage / Tropical Breeze

Contact Person: Toni Kreworgy

Address: 2316 S. Oceanshore Blvd

City: Flagler Beach State: FL Zip: 32136

Work Phone: 386-439-0092 Home Phone: (same)

Fax: / Mobile Phone: /

E-Mail Address: ICV@CFLVRR.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? N/A 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? N/A 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.*

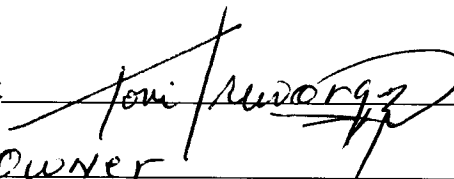
Does the establishment have adequate parking?  No  Yes <sup>Approved in 2003</sup>  
(Attach a sketch of the site showing the location and number of current spaces. If No how do you propose to provide parking? Attach additional statement if necessary.)

Attach Site plan showing parking, location of entertainment & speakers, amplifiers, seating, etc.

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 11/4/2015

Title of Applicant Owner

Affiliation Owner

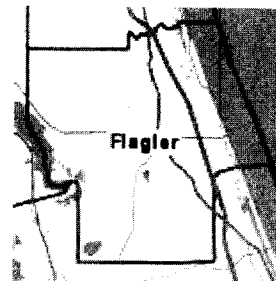
- |                |                        |                      |
|----------------|------------------------|----------------------|
| 1. Date _____  | Start time _____ am\pm | End time _____ am\pm |
| 2. Date _____  | Start time _____ am\pm | End time _____ am\pm |
| 3. Date _____  | Start time _____ 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 |



Flagler County Property Appraiser

Parcel: 19-12-32-0150-00010-0170 Acres: 0.148

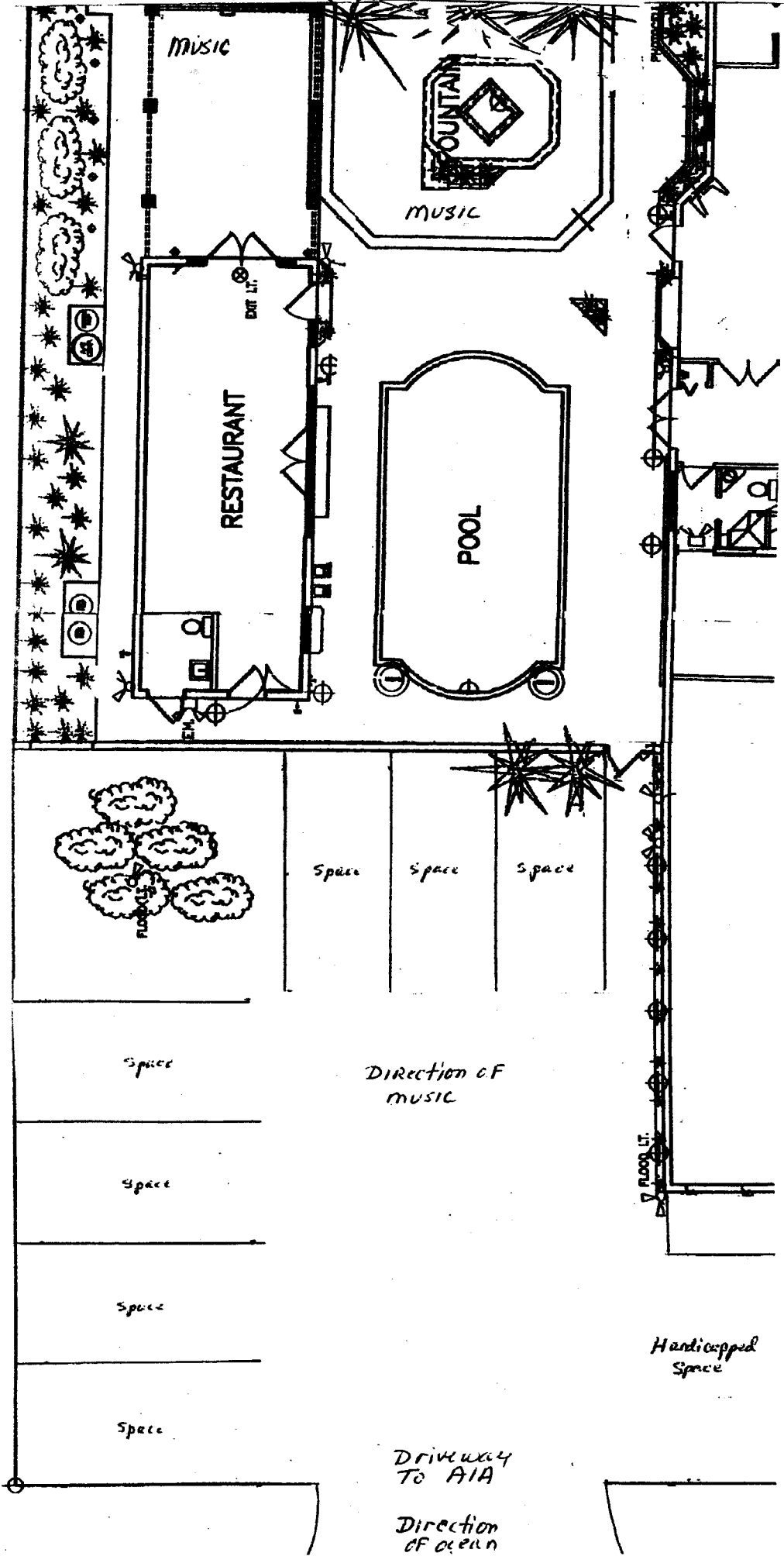
Name:	MELTON MARIE A	Land Value	92,880
Site:	2320 OCEANSHORE BLVD S	Building Value	27,806
Sale:	65,000 on 06-1999 Reason=U Qual=Y	Misc Value	17,918
	2316 S OCEANSHORE BLVD	Just Value	138,604
Mail:	FLAGLER BEACH, FL 32136	Assessed Value	138,604
		Exempt Value	0
		Taxable Value	138,604



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: 11/18/15 : 14:31:31





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RESTAURANT

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7th FLOOR LIT.

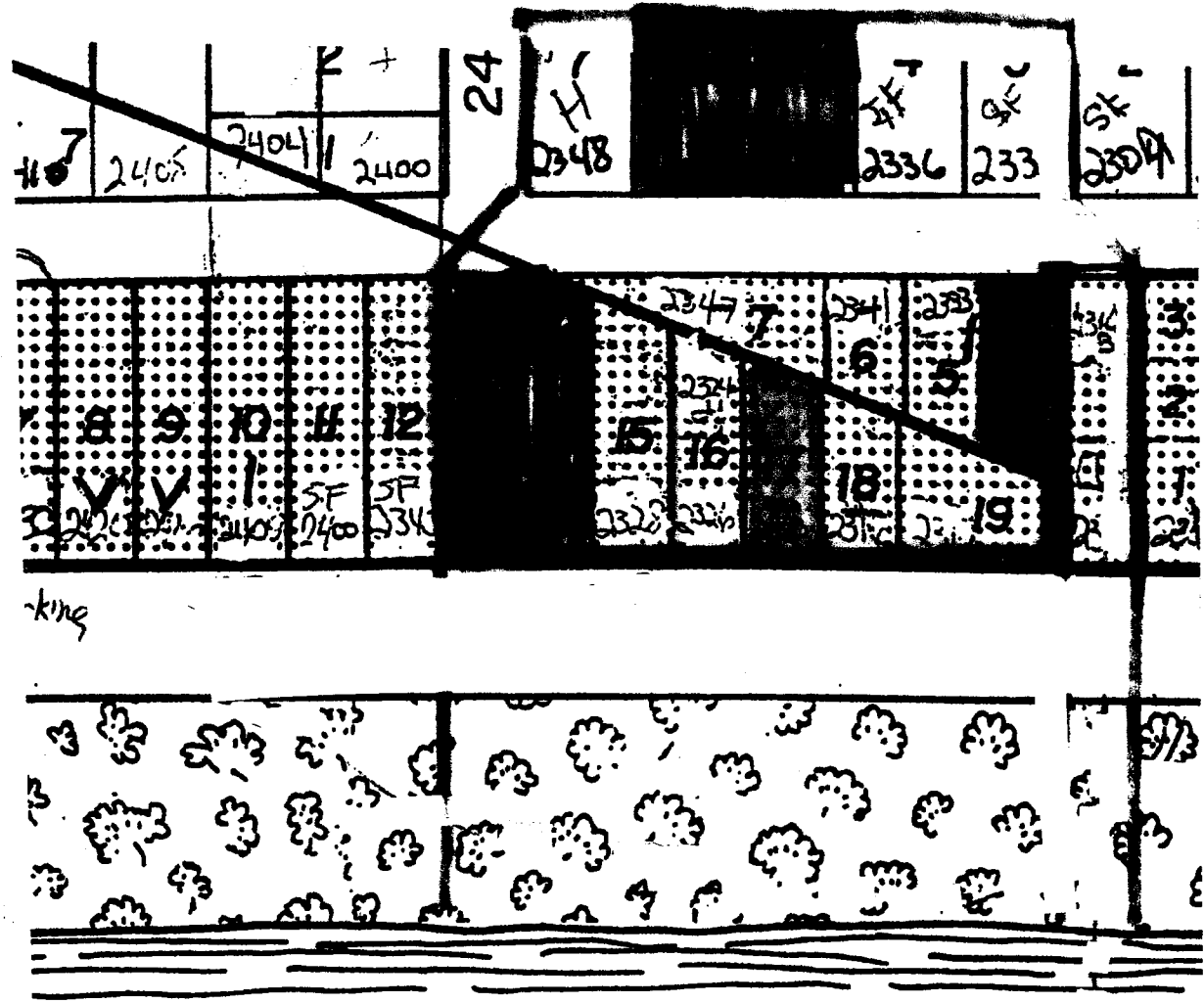
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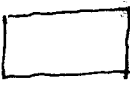
DRIVEWAY TO AIA

DIRECTION OF OPEN

# Area Site Plan



king

KEY: VACANT LOTS   
 SUBJECT LOT   
 OUTLINED AREA   
 WITHIN 200'

**COMMERCIAL LIABILITY COVERAGE PART  
DECLARATIONS**

Policy Number: PGP0816942

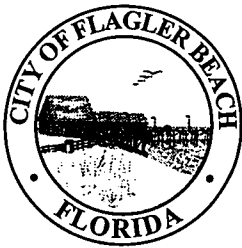
Effective Date: 08/13/2015  
12:01 A.M., Standard Time

General Aggregate Limit (Other Than Products-Completed Operations)	\$ <u>2,000,000</u>
Products - Completed Operations Aggregate Limit	\$ <u>INCLUDED</u> +
Personal and Advertising Injury Limit	\$ <u>1,000,000</u> Any One Person or Organization
Each Occurrence Limit	\$ <u>1,000,000</u>
Damage to Premises Rented to You	\$ <u>100,000</u> Any One Premises
Medical Expense Limit	\$ <u>0</u> Any One Person
+ If the Limit is shown as Included, Products-Completed Operations are subject to the General Aggregate Limit.	
Personal Liability Each Occurrence Limit	\$ <u>1,000,000</u>
Personal Liability Aggregate Limit	\$ <u>2,000,000</u>

Classification	Code No.	Premium Basis	Rate		Advance Premium	
			Pr/Co	All Other	Pr/Co	All Other
RESTAURANTS - WITH SALE OF ALCOHOLIC BEVERAGES THAT ARE LESS THAN 30% OF THE ANNUAL RECEIPTS OF THE RESTAURANT - WITH TABLE SERVICE	16910	500 (s)	INCLUDED	INCLUDED	INCLUDED	4
HOTELS AND MOTELS LESS THAN FOUR STORIES	45192	176 (g)	INCLUDED	INCLUDED	INCLUDED	388
HOTELS AND MOTELS - OTHER SERVICES	45194	6,000 (s)	INCLUDED	INCLUDED	INCLUDED	66
GIFT SHOPS	13506	1,000 (s)	INCLUDED	INCLUDED	INCLUDED	6
<b>Total Advance Premium</b>						<b>\$ 675 MP</b>

**Forms and Endorsements applying to this coverage part and made part of policy at time of issue:  
See Schedule Of Forms And Endorsements**

THESE DECLARATIONS ARE PART OF THE POLICY DECLARATIONS CONTAINING THE NAME OF THE INSURED AND THE POLICY PERIOD.



# City of Flagler Beach

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

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

November 18, 2015

Ms. Toni Treworgy  
2316 S. Oceanshore Blvd.  
Flagler Beach, Florida 32136

RE: Outdoor Entertainment application

Dear Ms. Treworgy:

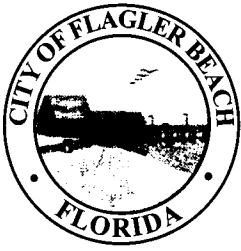
This letter is to advise you your request for an Outdoor Entertainment Permit will be heard by the Planning and Architectural Review Board on December 1, 2015 at 5:30 p.m. The Planning Boards recommendation will be heard by the City Commission and the final decision will be made at their December 10, 2015 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](mailto: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  
Bruce Campbell, City Manager



# City of Flagler Beach

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

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

November 18, 2015

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 "Island Cottage/Tropical Breeze" located at 2316 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 December 1, 2015; meeting begins at 5:30 p.m. The request will be before the City Commission for consideration on December 10, 2015 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 Planning & Zoning Office at 386-517-2000 ext. 232 or the City Clerk's Office at 386-517-2000 ext. 233 if you wish to view the application.

Sincerely,

A handwritten signature in black ink, appearing to read "Penny Overstreet", is written over a large, light-colored circular mark.

Penny Overstreet  
City Clerk

CC: Bruce Campbell, City Manager  
Larry Torino, Planner  
Toni Treworgy, Applicant

2332 FLAGLER LLC  
11621 KEW GARDEN AVE STE 109  
PALM BEACH GARDENS, FL 33410

ASEVEDO AARON & MARIA H&W  
2304 S OCEANSHORE BLVD  
FLAGLER BEACH, FL 32136

BARLAN RUDOLPH & MARGARET P  
628 YORKSHIRE DR  
FLAGLER BEACH, FL 32136

BAYERL DANIEL W &  
TERI L PRUDEN H&W  
PO BOX 123  
FLAGLER BEACH, FL 32136

BUSCH PHILIP C &  
RANDY L H&W  
2328 SOUTH OCEANSHORE BLVD  
FLAGLER BEACH, FL 32136

CHANDRUPATLA SREEKANTH R &  
VANDANA R H&W  
1700 N JIMMIE FOXX PATH  
HERNANDO, FL 34442

CHANDRUPATLA SREEKANTH R &  
VANDANA R H&W  
1700 N JIMMIE FOXX PATH  
HERNANDO, FL 34442

FANNING GEORGE F &  
GAIL E H&W  
2404 S CENTRAL AVE  
FLAGLER BEACH, FL 32136

FEOLA FRANK & ANIELLO  
FEOLA  
17 VAN ETHEL DRIVE  
MATAWAN, NJ 07747

FOSHAY LEE C & LOIS A H&W  
151 CENTER ROAD  
DUDLEY, MA 01571

HALL LINDA B & RICHARD D  
628 YORKSHIRE DR  
FLAGLER BEACH, FL 32136

HAMAKAMI TOMIO &  
JUANITA H&W  
TRUSTEES  
2332 S CENTRAL AVE  
FLAGLER BEACH, FL 32136

HARTSELL ELOISE J  
3761 OAK STREET  
DULUTH, GA 30136

HAUVER PHYLLIS R  
LIFE ESTATE  
PO BOX 2123  
FLAGLER BEACH, FL 32136

HILLIER LORETTA  
2340 S OCEANSHORE BLVD  
FLAGLER BEACH, FL 32136

HUNDLEY MARCIA  
1509 S CENTRAL AVE  
FLAGLER BEACH, FL 32136

LEE NANCY S  
2333 S CENTRAL AVE  
FLAGLER BEACH, FL 32136

MELTON MARIE A  
2316 S OCEANSHORE BLVD  
FLAGLER BEACH, FL 32136

MELTON MARIE A  
2316 S OCEANSHORE BLVD  
FLAGLER BEACH, FL 32136

MELTON MARIE A  
2316 S OCEANSHORE BLVD  
FLAGLER BEACH, FL 32136

MELTON MARIE A  
2316 S OCEANSHORE BLVD  
FLAGLER BEACH, FL 32136

MELTON-TREWORGY MARIE A  
2316 S OCEANSHORE BLVD  
FLAGLER BEACH, FL 32136

NICKLER MICHAEL  
TRUSTEE  
8246 MAN O WAR ROAD  
PALM BEACH GARDENS, FL 334187719

NICKLER MICHAEL  
TRUSTEE  
8246 MAN O WAR ROAD  
PALM BEACH GARDENS, FL 334187719

PAL PARKER & SONS INC  
PO BOX 218  
FLAGLER BEACH, FL 32136

PATTERSON RANDLE F &  
NANNETTE  
7222 GARDNER ST  
STE 102  
WINTER PARK, FL 327926616

POLAN JOSEPHINE S  
PO BOX 1782  
FLAGLER BEACH, FL 32136

UHL CHARLES W & JACQUELINE K  
H&W  
26629 STATE HIGHWAY 76  
BLANCHARD, OK 73010

UHL CHARLES W & JACQUELINE K  
H&W  
26629 STATE HIGHWAY 76  
BLANCHARD, OK 73010

UPSON WILLIAM RANDALL  
2304 S CENTRAL AVE  
FLAGLER BEACH, FL 32136

WALLY JOSEF & VALENDON  
WALLY & H&W TRUSTEES  
908 HARDSTONE WAY  
SANTA ROSA, CA 95405

WILLETT RICHARD R &  
RITA J TRUSTEES  
PO BOX 750  
FLAGLER BEACH, FL 32136

WITKOWSKI BARBARA K  
2310 SOUTH A1A  
FLAGLER BEACH, FL 32136

Item #12

Planning & Architectural Review Board  
Ranking Sheet for Open Positions

***Please rank each member 1-2, with 1 being the highest score. The applicant receiving the lowest score will be selected. Incomplete scoring sheets will be returned to you.***

Applicant	To complete Mr. Sandiford's term ending May 9, 2017.						
<i>Alphabetical Order</i>	Mayor	Carney	McGrew	Mealy	Settle	Shupe	Totals
Paul Eik							
Charles (Charlie) Morrow							

PLEASE MARK YOUR SELECTIONS AND RETURN TO CLERK AFTER YOU HAVE INTERVIEWED THE APPLICANT.



## Kate Settle

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**From:** noreply@civicplus.com  
**Sent:** Monday, November 23, 2015 8:49 AM  
**To:** Kate Settle  
**Subject:** Online Form Submittal: Advisory Board and Committee Application Form

### Advisory Board and Committee Application Form

First Name	Paul
Last Name	Eik
Street Number	308
Street Name	Flagler N.
Street Type	Avenue
P.O. Box	<i>Field not completed.</i>
City	Flagler Beach
State	FL
Zip	32136
Phone Number	505-603-0752
Cell Phone	<i>Field not completed.</i>
Email Address	<u><a href="mailto:peik@cfl.rr.com">peik@cfl.rr.com</a></u>
Occupation	Retired
Number of Years as a Resident	3+
Are you registered to vote in Flagler County	Yes
Please describe your professional and/or volunteer experience which best qualifies you for your selection to the board(s) or committee(s).	Education - Master's Degree in Social Work Professional Experience - Twenty five + years working with diverse communities to achieve common goals including Adult Protective Services, formulation and implementation of statewide juvenile drug courts and juvenile justice programs. Executive Budget Analyst for the Governor of New Mexico. This position required me to be familiar with and reference

multiple state statutes and the constitution of the State of New Mexico (please see attached). Volunteer Experience - Voting Member- River 2 Sea TPO Voting Member- R2CTPO's Transportation Improvement Program sub-committee Other - US Veteran - Honorably discharged from the USAF

Please check all boxes of the Committees you would like to serve.

Boards and Committees      Planning and Architectural Review Board

Have you served on a City Board or Committee in the past?      Yes

If yes, please describe.      Alternative Use Committee

Email not displaying correctly? [View it in your browser.](#)

**Executive Summary**

The State Courts and other judicial agencies are comprised of the following agencies: Supreme Court Law Library; New Mexico Compilation Commission; Judicial Standards Commission; Court of Appeals; Supreme Court; and Supreme Court Building Commission. All policy issues regarding the judicial branch of government are addressed under the state courts as the Supreme Court has superintending authority over all judicial agencies in New Mexico.

	FY10 Operating Budget	FY11 Recommendation	% Change
<b>General Fund</b>	11,945.4	11,823.6	-1.0
<b>Total Sources</b>	13,806.0	13,697.0	-0.8
<b>Program</b>			
Supreme Court Law Library	1,668.7	1,652.0	-1.0
New Mexico Compilation Commission	2,020.9	2,019.2	-0.1
Judicial Standards Commission	771.8	764.0	-1.0
Court of Appeals	5,579.5	5,522.6	-1.0
Supreme Court	2,968.5	2,950.7	-0.6
Supreme Court Building Commission	796.6	788.5	-1.0
<b>Total Uses</b>	13,806.0	13,697.0	-0.8
<b>FTE</b>	135.25	134.25	-0.7

- The FY10 Operating Budget column reflects reductions enacted by Laws 2009 (1st SS), Chapter 5 (HB17/33).
- The Executive recommendation of \$11,823.6 in General Fund reflects a \$121.8 (1.0%) decrease from FY10 adjusted levels.
- The Executive recommends the transfer of \$12.5 from the Supreme Court Law Library to the Supreme Court for financial services rendered by the Supreme Court on behalf of the Law Library.

**Agency Mission and Program Purpose**

- Statutory Authority: Supreme Court Law Library: Sections 18-1-1 through 18-1-12 NMSA 1978.
- New Mexico Compilation Commission: Sections 12-1-1 through 12-1-14 NMSA 1978.
- Judicial Standards Commission: Amendment to Article VI, Chapter 32, New Mexico Constitution; Laws 1968, Chapter 38.
- Court of Appeals: Sections 34-5-1 through 34-5-14 NMSA 1978.
- Supreme Court: Article VI, New Mexico Constitution, Sections 34-2-1 through 34-2-9 NMSA 1978.
- Supreme Court Building Commission: Sections 34-3-1 through 34-3-3 NMSA 1978.

*Supreme Court Law Library*

The Supreme Court Law Library provides legal materials and research services, as well as statewide oversight of district court law libraries and instructions for public and academic librarians providing access to legal material. The main library is located in the Supreme Court building in Santa Fe.

*New Mexico Compilation Commission*

The New Mexico Compilation Commission is required to publish the official compilation of New Mexico laws. Publication of the NMSA 1978 includes proofreading, printing and distribution of all new laws, joint resolutions and court rules. The commission publishes and sells all opinions of the New Mexico Supreme Court, Court of Appeals and Attorney General. The commission assists state agencies with special publications of the NMSA 1978 and state regulations and assists the Secretary of State with the publication of the session laws.

*Judicial Standards Commission*

The Judicial Standards Commission is responsible for the investigation of complaints made against justices and judges of the state judiciary for violations of the code of judicial conduct. The commission strives to protect the public from improper behavior by judges, preserve the integrity of the judicial process, maintain public confidence in the judiciary and provide for the expeditious disposition of complaints of judicial misconduct.

*Court of Appeals*

The New Mexico Court of Appeals is the intermediate appellate court between the district courts, certain administrative agencies and the New Mexico Supreme Court. The court's goal is to decide cases fairly and expeditiously, and to make archived copies of case materials accessible to the public.

*Supreme Court*

The Supreme Court hears appeals from the Public Regulation Commission, from district court judgments imposing a sentence of death or life imprisonment and cases from the Court of Appeals. The New Mexico Constitution, Article IV, Section 25, mandates that the Chief Justice preside at impeachment trials. The Supreme Court provides oversight and superintending control over all the courts in the state. The Supreme Court also has authority to set rules for the conduct of lawyers and judges, admission to the practice of law and continuing legal education requirements.

*Supreme Court Building Commission*

The Supreme Court Building Commission has care, custody and control of the Supreme Court building and its grounds, along with all equipment, furniture and fixtures used by agencies of the judiciary housed, therein, although such equipment may also be maintained in part by the individual agencies.

## Executive Recommendation

### *Agency Strategic Directions*

The courts and other judicial agencies play an important role in the safety of all New Mexicans. In addition to providing access to justice and the opportunity to resolve disputes in a just and timely manner, the courts look for alternative ways to support the public. The courts continue to support programs such as: DWI programs; adult and juvenile drug courts; family courts; domestic violence programs; and mental health courts. These initiatives provide a measure of public safety and support families by providing where possible alternative sentencing, counseling, parenting classes, education, and parenting skills. By implementing and continuing support of such programs where fiscally responsible, the courts address the goals of keeping families together and reducing recidivism.

### *Key Elements of Recommendation*

*Supreme Court Law Library.* The General Fund budget for this agency was reduced by 2% (\$34.0) by Laws 2009 (1st SS), Chapter 5 (HB 17/33) as part of the FY10 solvency package. The General Fund appropriations reported in the FY10 Operating Budget columns of the Executive Summary and Budget Summary tables of this report reflect the reduced budget pursuant to the legislation. The Executive recommendation for the Supreme Court Law Library further reduces the operating budget 1% (\$17.0). The recommendation reduces personal services and employee benefits by \$42.3 and increases other costs by \$13.1 primarily for subscriptions and dues. Due to the loss of the Supreme Court Law Library's financial administrator, the recommendation includes a reduction of one position and a transfer of \$12.5 to the Supreme Court for the services of its financial administrator.

*New Mexico Compilation Commission.* The Compilation Commission receives funding from the General Fund, through the sale of legal documents and through transfers from the Legislative Council Services for its XML database. The General Fund for this agency was reduced by 2% (\$3.3) by Laws 2009 (1st SS), Chapter 5 (HB17/33) as part of the FY10 solvency package. The General Fund appropriation reported in the FY10 Operating Budget columns of the Executive Summary and Budget Summary tables of this report reflect the reduced budget pursuant to the legislation. The Executive recommendation for the New Mexico Compilation Commission further reduces General Fund appropriations for FY11 by 1% (\$1.7). The recommendation reflects a reduction of \$10.8 in personal services and benefits and increases contractual services of \$5.0 and operating costs of \$4.1 for telecommunication costs and supplies.

*Judicial Standards Commission* The General Fund budget for this agency was reduced by 2% (\$15.8) by Laws 2009 (1st SS), Chapter 5 (HB17/33) as part of the FY10 solvency package. The General Fund appropriation reported in the FY10 Operating Budget columns of the Executive Summary and Budget Summary tables of this report reflect the reduced budget pursuant to the legislation. The Executive recommendation for the Judicial Standards Commission further reduces General Fund appropriations for FY11 by 1% (\$7.8) in personnel services and benefits.

*Court of Appeals.* Except for \$1.0, collected from court costs, all funding for the Court of Appeals comes from the General Fund. The General Fund budget for the Court of Appeals was reduced 2.0% (\$113.9) by Laws 2009 (1st SS), Chapter 5 (HB17/33) as part of the FY10 solvency package. The General Fund appropriation reported in the FY10 Operating Budget columns of the Executive

Summary and Budget Summary tables of this report reflect the reduced budget pursuant to the legislation. The Executive recommendation for the Court of Appeals further reduces General Fund by 1% (\$56.9); personal services and benefits increased by 0.5% (\$23.8), contractual services remained flat from the FY10 adjusted budget and other operating costs are reduced by 20.5% (\$80.7) primarily from subscriptions and dues, utilities, reporting and recording and information technology supplies.

*Supreme Court* The General Fund budget for the Supreme Court was reduced 2.0% (\$60.6) by Laws 2009 (1st SS), Chapter 5 (HB17/33) as part of the FY10 solvency package. The General Fund appropriation reported in the FY10 Operating Budget columns of the Executive Summary and Budget Summary tables of this report reflect the reduced budget pursuant to the legislation. The Executive recommendation for the Supreme Court reduces the General Fund appropriation by an additional 1.0% (\$30.3). Consistent with FY10 reductions, contractual services is reduced by \$6.6 or 37.3% in information technology services and the other operating cost are reduced \$34.3 or 22.2% primarily for maintenance of equipment and buildings, subscriptions and dues, supplies, and reporting and recording costs. The Supreme Court Law Library lost the services of their financial administrator and has requested that the Supreme Court's financial administrator take over fiscal oversight of the Supreme Court Law Library. The Supreme Court Law Library in turn, will transfer \$12.5 to the Supreme Court in return for the services rendered.

*Supreme Court Building Commission* The General Fund budget for the Building Commission was reduced by 2% (\$16.3) by Laws 2009(1st SS), Chapter 5 (HB17/33) as part of the FY10 solvency package. The General Fund appropriation reported in the FY10 Operating Budget columns of the Executive Summary and Budget Summary tables of this report reflect the reduced budget pursuant to the legislation. The Executive recommendation for the Supreme Court Building Commission further reduces the General Fund by 1% (\$8.1) in operating costs for FY11.

### **Performance Report**

For FY09, the Supreme Court Law Library percent of updated titles was 70.8%, short of its goal of 80%. The Supreme Court Law Library did not achieve its target primarily as a result of budgetary reductions that required the cancellation of numerous titles. The Supreme Court Law Library exceeded its target for the percent of staff time used in updating library materials. It also met its target for the number of website hits recorded and exceeded the target for the number of research requests.

For FY09, the Compilation Commission reported \$1,300.0 for the amount of revenue collected, slightly exceeding its target goal of \$1,291.3.

For FY09, the Judicial Standards Commission met two performance measures, the time for release of the annual report to the public and the average time for formal hearing for cases in which formal charges were filed. Results for both measures were right on target. The measure for the time for the commission to file for temporary suspension, in days was reported as zero because there were no matters requiring interim suspension.

The Court of Appeals reported that it had written 693 opinions, decisions and dispositional orders for FY09, a substantial increase over the number reported for FY08. The Court of Appeals did not reach its target of 97% for cases disposed as a percent of cases filed. Budgetary constraints were cited as the primary cause for the 3% difference between target and results.

The Supreme Court exceeded the target for cases disposed as a percent of cases filed by 8%. The Supreme Court reported it had written 87 opinions, decisions and orders for FY09.

The Supreme Court Building Commission reports that FY09 results for the accuracy of fixed-assets inventory records is yet to be determined. The Building Commission relies on its audit report to provide year-end performance measure information. The audit report was available when performance measures were reported.

### Budget Summary Tables

#### Agency Budget Summary (Dollars in Thousands)

	FY09 Actuals	FY10 Operating Budget	Recom- mendation	FY11	
				Budget to Recommendation Dollar/FTE Change	Percent Change
<b>SOURCES</b>					
General Fund Transfers	12,493.8	11,945.4	11,823.6	-121.8	-1.0
Other Transfers	404.3	400.0	412.5	12.5	3.1
Other Revenues	1,302.8	1,460.6	1,460.9	0.3	0.0
<b>TOTAL SOURCES</b>	<b>14,200.9</b>	<b>13,806.0</b>	<b>13,697.0</b>	<b>-109.0</b>	<b>-0.8</b>
<b>USES</b>					
Personal Services and Employee Benefits	10,511.7	10,364.3	10,350.5	-13.8	-0.1
Contractual Services	1,552.2	1,837.3	1,835.7	-1.6	-0.1
Other	1,784.1	1,604.4	1,498.3	-106.1	-6.6
Other Financing Uses	0.0	0.0	12.5	12.5	***
<b>TOTAL USES</b>	<b>13,848.0</b>	<b>13,806.0</b>	<b>13,697.0</b>	<b>-109.0</b>	<b>-0.8</b>
<b>FTE</b>					
Permanent	124.25	133.25	132.25	-1.00	-0.8
Term	1.00	1.00	1.00	0.00	0.0
Temporary	0.00	1.00	1.00	0.00	0.0
<b>TOTAL FTE POSITIONS</b>	<b>125.25</b>	<b>135.25</b>	<b>134.25</b>	<b>-1.00</b>	<b>-0.7</b>

#### Supreme Court Law Library (Dollars in Thousands)

	FY09 Actuals	FY10 Operating Budget	Recom- mendation	FY11	
				Budget to Recommendation Dollar/FTE Change	Percent Change
<b>SOURCES</b>					
General Fund Transfers	1,803.1	1,667.2	1,650.2	-17.0	-1.0
Other Revenues	1.4	1.5	1.8	0.3	20.0
<b>TOTAL SOURCES</b>	<b>1,804.5</b>	<b>1,668.7</b>	<b>1,652.0</b>	<b>-16.7</b>	<b>-1.0</b>
<b>USES</b>					
Personal Services and Employee Benefits	698.8	646.3	604.0	-42.3	-6.5
Contractual Services	418.6	392.3	392.3	0.0	0.0
Other	663.4	630.1	643.2	13.1	2.1
Other Financing Uses	0.0	0.0	12.5	12.5	***
<b>TOTAL USES</b>	<b>1,780.8</b>	<b>1,668.7</b>	<b>1,652.0</b>	<b>-16.7</b>	<b>-1.0</b>

CITY OF FLAGLER BEACH  
ADVISORY BOARD AND COMMITTEE APPLICATION FORM

(Please fill out form completely)

Name: CHARLES G. MORROW Date: 12/1/15

Physical address: 2230 S FLAGLER AVE

Mailing address: 2230 S FLAGLER AVE

Home phone: 386-290-7679 Daytime phone: \_\_\_\_\_

Fax: \_\_\_\_\_ E-Mail: C.MORROW5@hotmar.com

Occupation: PHYSICIAN ASST.

Number of years of City residence: 28 Own:  Rent: \_\_\_\_\_

Are you registered to vote in Flagler County? Yes  No \_\_\_\_\_

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

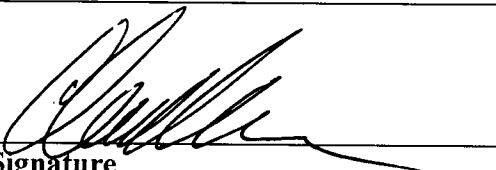
Please describe your professional and/or volunteer experience or background which best qualifies you for selection to the board(s) or committee(s):

Volunteer through Church with  
ABTAT FOR HUMANITY, Food Pantry  
MEDICAL TRIPS TO GUATEMALA

How many City Commission/board meetings have you attended in the last 2 years? 15

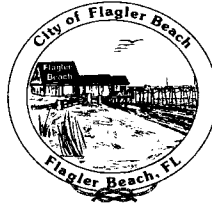
Have you ever served on a City advisory board or committee in the past?  
Yes \_\_\_\_\_ No

If yes, please describe: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

  
Signature

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





## City of Flagler Beach      **AGENDA ITEM # 13** **Item Summary and Recommendation**

**SUBJECT:** A resolution by the city commission of the City of Flagler Beach, Florida, amending resolution 2015-30 which rolled the appropriated fund balances from fiscal year 2014/2015 into the budget for 2015/2016; providing for conflict, providing an effective date hereof.

**BACKGROUND:** On November 12, 2015, City Commission approved Resolution 2015-30 which encumbered projects and purchases not completed by September 30, 2015.

There was a calculation error on the three projects at the Waste Water Treatment Plant. Attached is the corrected resolution, resulting in a decrease to the appropriated fund balance in the Utility Fund.

**RECOMMENDATIONS:** Approve the attached Resolution

**ATTACHMENTS:** Resolution 2015-32

**SUBMITTED BY:** Kathleen Doyle, Finance Director

**DATE:** 11/17/15

**STAFF COMMENTS:**

**City Manager:** Due to calculation error a correction is necessary. Recommend approval as corrected.

RESOLUTION 2015-32

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF FLAGLER BEACH, FLORIDA, AMENDING RESOLUTION 2015-30 WHICH ROLLED THE APPROPRIATED FUND BALANCES FROM FISCAL YEAR 2014/15 INTO THE BUDGET FOR 2015/16; PROVIDING FOR CONFLICT, AND AN EFFECTIVE DATE.

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

1. SECTION 1. The FY 2015-2016 Approved Budget is amended as follows:

Increase	001.5111.304600	Repairs & Maintenance	\$ 6,000.00
Increase	001.5123.304600	Repairs & Maintenance	\$ 982.00
Increase	001.5131.304000	Travel & Training	\$ 1,700.00
Increase	001.5192.303100	Professional Service	\$ 2,500.00
Increase	001.5214.464100	Vehicle Repairs and Maintenance	\$ 2,900.00
Increase	001.5392.606300.036	Improvements - City Hall Roof	\$ 7,098.00
Increase	001.5411.606300.042	Improvements - S 8th Street Parking	\$ 5,000.00
Increase	001.5411.304600	Repairs & Maintenance (Paving Funds)	\$ 176,057.49
Increase	001.5392.606400	Capitalized Equipment	\$ 10,000.00
Increase	001.5392.606300	Improvements - Wickline Building	\$ 10,000.00
Increase	001.5392.606300.024	Landscaping Grant Improvements	\$ 40,000.00
Increase	001.3300.334309.024	Landscaping Grant Revenue	\$ (30,000.00)
Increase	001.3800.389101	Encumbered to Fund Balance from Prior Year	\$ 232,237.49
Increase	401.5392.304600	Repairs & Maintenance	\$ 59,997.50
Increase	401.5392.606300.002	Improvements Well #12	\$ 15,197.62
Increase	401.5392.606300.002	Improvements Well #12	\$ 35,600.00
Increase	401.5392.606300.002	Improvements Well #12	\$ 84,580.00
Increase	401.5392.606300.067	Improvements-Marina Bay Lift Station	\$ 92,468.00
Increase	401.5392.606400.056	Equipment-WTP Nano Filters	\$ 55,565.00
Increase	401.5392.6063000.037	Improvements - WWTP North Clarifier	\$ 59,804.44
Increase	401.5392.606400.038	Capitalized Equipment - WWTP VFD's on Aerators	\$ 114,847.67
Increase	401.5392.606400.039	Capitalized Equipment - WWTP Bar/Screen	\$ 115,847.67
Increase	401.3800.389101	Encumbered to Fund Balance from Prior Year	\$ 633,907.89
Increase	403.5392.606402	Equipment-Sanitation Trucks	\$ 183,907.00
Increase	403.3800.389101	Encumbered to Fund Balance from Prior Year	\$ 183,907.00

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

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

PASSED AND ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2015.

ATTEST:

CITY OF FLAGLER BEACH, FLORIDA  
CITY COMMISSION

\_\_\_\_\_  
Penny Overstreet, City Clerk

\_\_\_\_\_  
Linda Provencher, Mayor

## CITY MANAGER EMPLOYMENT AGREEMENT

### **Introduction**

This Agreement, made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2015, by and between the **City of Flagler Beach** a Florida municipal corporation, (hereinafter called "Employer") and **Larry Newsom**, (hereinafter called "Employee") an individual who has the experience in local government management, both of whom agree as follows:

### **Section 1: Term**

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

### **Section 2: Duties and Authority**

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

### **Section 3: Compensation**

Employer agrees to pay Employee an annual base salary of \$88,000, payable in installments at the same time the other management employees of Employer are paid. Employer may increase the compensation of Employee dependent upon the results of an annual performance evaluation conducted by the City Commission.

### **Section 4: Health, Disability and Life Insurance Benefits**

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

### **Section 5: Vacation, Annual Leave and Sick Leave**

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

Employee shall commence employment with 40 hours of annual leave and 32 hours of sick leave.

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

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

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

#### **Section 6: Automobile**

Employer shall pay Employee an automobile allowance of \$200.00 per month. Employee will not reimburse Employee's mileage for any travel within 50 miles of City Hall. Employer shall reimburse Employee at the IRS standard mileage rate for any official business use of his personal vehicle for travel over 50 miles from City Hall. It is understood that the IRS standard mileage rate may go up or down as set by the IRS from time to time.

#### **Section 7: Retirement**

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

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

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

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

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

Employer also agrees to budget for and to pay for an e-mail capable, cell phone, and an appropriate data enabled monthly wireless service plan. However, Employee agrees that said phone shall not be utilized as his primary source of personal (non-work related) communication.

### **Section 9: Civic Club Memberships**

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

### **Section 10: No Reduction in Benefits**

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

### **Section 11: Parity in Benefits**

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

### **Section 12: Termination**

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

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

### **Section 13: Severance**

Severance shall only be paid to Employee if employment is terminated as defined in Section 12. If Employee is terminated as defined in Section 12, Employer shall provide severance payment equal to sixty 60 days ("the Severance Period") salary at the then current rate of pay.

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

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

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

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

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

#### **Section 14: Resignation**

In the event that Employee voluntarily resigns his position with Employer for reasons other than being requested to do so by Employer, Employee shall provide a minimum of sixty (60) days notice unless the parties agree otherwise and shall not be entitled to any severance. In the event the parties agree to a shorter notification period for resignation, such agreement shall in no event be interpreted as Employer exercising a termination of Employee.

#### **Section 15: Performance Evaluation**

Employer shall annually review the performance of Employee subject to a process, form, criteria, and format for the evaluation which shall be determined by Employer. Employer shall make reasonable efforts to conduct this performance review in December of

each year or as soon thereafter as reasonably possible. At a minimum, the Employer shall consider the performance items included in Exhibit "A," attached hereto and incorporated herein. Any amendments to the process, form, criteria, and format shall be discussed with Employee at least 12 months prior to implementation.

### **Section 16: Hours of Work**

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

### **Section 17: Outside Activities**

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

### **Section 18: Indemnification**

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

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

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



### **Section 19: Bonding**

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

### **Section 20: Other Terms and Conditions of Employment**

Employer shall fix any such other terms and conditions of employment, as it may determine from time to time, relating to the performance of Employee, provided such terms and conditions are not inconsistent with or in conflict with the provisions of this Agreement, the City Charter or any other law.

### **Section 21: Notices**

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

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

TO EMPLOYEE: Larry Newsom  
\_\_\_\_\_  
\_\_\_\_\_

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

### **Section 22: Residency**

City Charter Section 3.01 requires the City Manager reside in the City of Flagler Beach. Employee shall within 90 days from the effective date of this Agreement to relocate to a permanent residence located within the City of Flagler Beach. The City Commission my affirmative vote may upon good cause shown extend this period for up to 90 days.

### **Section 23: General Provisions**

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

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

C. Effective Date. This Agreement shall become effective on \_\_\_\_\_, 2015.

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

**“EMPLOYER”**

**“EMPLOYEE”**

**City of Flagler Beach**

**Larry Newsom**

\_\_\_\_\_  
Linda Provencher, Mayor

\_\_\_\_\_  
Larry Newsom

ATTEST:

\_\_\_\_\_  
Penny Overstreet, City Clerk

**CITY OF FLAGLER BEACH  
PERFORMANCE EVALUATION**

**CITY MANAGER**

**PURPOSE**

The purpose of the employee performance evaluation and development report is to increase communication between the City Commission and the City Manager concerning the performance of the City Manager in the accomplishment of his/her assigned duties and responsibilities, and the establishment of specific work-related goals and objectives.

**PROCESS**

The City Commission shall conduct an annual review and evaluation of the City Manager's work performance. The results of such evaluation shall commend areas of good performance and point out areas for improvement. It shall, also, be the basis for contract extension and compensation decisions.

1. Evaluation forms are distributed to all Elected Officials.
2. The City Manager prepares a memorandum to the Commission including his/her self-evaluation in a narrative format.
3. Each Commissioner completes the form, signs, dates and returns to the Mayor.
4. The Mayor tabulates the results of the evaluation forms. The Mayor and the Commission Chairman will summarize the results of the evaluation forms as submitted.
5. A composite evaluation form and the City Manager's self-evaluation are distributed to the Commission prior to the evaluation meeting.
6. The Commission meets with the City Manager in open hearing to review the evaluation.

**INSTRUCTIONS**

Review the City Manager's work performance for the entire period; to refrain from basing judgment on recent events or isolated incidents only. Disregard your general impression of the City Manager and concentrate on one factor at a time.

Evaluate the City Manager on the basis of standards you expect to be met for the job to which assigned considering the length of time in the job. Check the number which most accurately reflects the level of performance for the factor appraised using the rating scale described below. If you did not have an opportunity to observe a factor during this evaluation period, please indicate so in the "N/O" column next to the factor. An excel spreadsheet was e-mailed to you for tabulations. The form is formatted to calculate your entries for the weighted score for each section.

**CITY MANAGER  
PERFORMANCE EVALUATION**

**Rating Scale Definitions (1-5)**

- |                                 |   |
|---------------------------------|---|
| <b>Unsatisfactory (1)</b>       | The City Manager's work performance is inadequate and definitely inferior to the standards of performance required for the job. Performance at this level can not be allowed to continue. |
| <b>Improvement (2)</b>          | The City Manager's work performance does not consistently meet the standards of the position. Serious effort is needed to improve performance.  |
| <b>Meets Job Standards (3)</b>  | The City Manager's work performance consistently meets the standards of the position.   |
| <b>Exceeds Job Standard (4)</b> | The City Manager's work performance is frequently or consistently above the level of a satisfactory employee, but has not achieved an overall level of outstanding performance.           |
| <b>Outstanding (5)</b>          | The City Manager's work performance is consistently excellent when compared to the standards of the job.  |

**Note: This page and the following two pages are for review only, (Word documents will not calculate your rating's) the spread sheet will be emailed to you for calculating, if you do not have a version of excel compatible with this version (2010) please come into the Clerk's Office and use one of our computers.**

**1. PERFORMANCE EVALUATION AND ACHIEVEMENTS**

City Manager

Annual Performance Review

1. Relationship with City Commission	Rating	Weight
A. Effectively implements policies and programs approved by the City Commission.		15%
B. Reporting to City Commission is timely, clear, concise and thorough.		
C. Accepts direction/instructions in a positive manner		
D. Effectively aids the City Commission in establishing long range goals		
E. Keeps the City Commission informed of current plans and activities of administration and new developments in technology, legislation, governmental practices and regulations, etc		
F. Provides the City Commission with clear report of anticipated.		
G. Has an "open door policy" for Commissioners		
Composite Score		
Weighted Score		0

2. Public Relations	Rating	Weight
A. Projects a positive public image		10%
B. Is courteous to the public at all times		
C. Maintains effective relations with media representatives		
D. Responds to requests from the public in a timely manner		
Composite Score	0	
Weighted Score		0

<b>3. Effective Leadership of Staff</b>			
	A. Delegates appropriate responsibilities		
	B. Effective at directing and developing a team of staff members, encouraging decision making, instilling confidence, and emphasizing support		
	C. Initiates programs to motivate staff		
	D. Initiates programs to enhance the Flagler Beach workplace		
	Composite Score	0	
	Weighted Score		0

<b>4. Fiscal Management</b>			20%
	A. Prepares realistic annual budget, which is easy to understand		
	B. Controls expenditures in accordance with approved budget		
	C. Keeps City Commission informed about revenues and expenditures, actual and projected		
	D. Ensures the budget addresses the goals and objectives, including readability		
	Composite Score	0	
	Weighted Score		0

<b>5. Communication</b>			15%
	A. Facilitates the flow of information regarding Commission policy to the various constituents including the media, public employees and other organizations		
	B. Written communications are clear, timely, forthright and encourages feedback		
	Composite Score	0	
	Weighted Score		0

6. Personal Traits		10%
A. Initiative		
B. Openness: Encourages participation in decision making process.		
C. Fairness and Impartiality		
D. Creativity		
E. Visionary		
Composite Score	0	
Weighted Score		0

7. Intergovernmental Affairs		10%
A. Maintains effective communication with local, regional, State and Fed		
B. Financial resources (grants) from other agencies are pursued		
C. Contributions to good government through regular participation		
D. Lobbies effectively with legislators and State agencies		
Composite Score	0	
Weighted Score		0

0 100%

up to 29 Unsatisfactory  
 30 to 58 Improvement Needed  
 59 to 87 Meets Job Standards  
 88 to 116 Exceeds Job Standard  
 117 to 145 Outstanding

**Note: Written comments should be submitted on a separate paper.(Please indicate item your comments are tied to.)**

**CITY OF FLAGLER BEACH  
2014-2015 STRATEGIC PRIORITIES**

<b>GOAL AREA (What)</b>	<b>GOAL STATEMENT (How)</b>	<b>DEPARTMENT (Who)</b>	<b>DUE DATE (When)</b>
<b>FISCAL – Generate Additional Revenue</b>	Develop criteria for evaluating use of City property for Special Events	Mayor Provencher	September 1, 2014
	Reevaluate the pier fee ordinance and develop rental fee table	Bruce C. Campbell, Penny Overstreet	December 30, 2014
	Consider the Parking Committee recommendation	City Commission	October 30, 2014
	Explore the use of the Council of Aging Facility for Flagler Beach residents	Bruce C. Campbell, Tom Gillin	December 30, 2014
	Staff to propose Utility and Stormwater Rate increases	Kathleen Doyle, Bob Smith and Liz Mathis	September 30, 2014
<b>FISCAL – Cost Savings</b>	Pension Reviews	Liz Mathis	June 30, 2015
	Water Loss Prevention	Bob Smith	Ongoing
	Continue to Develop Fund Balance Policy	Kathleen Doyle	June 30, 2015
<b>ECONOMIC DEVELOPMENT</b>	Monitor progress of the EDTF & prioritize projects	Commission	Quarterly Updates
	Remain involved in Flagler County's Economic Development process	City Commission and Bruce C. Campbell	Ongoing
	Staff to research and report annexation opportunities	Bruce C. Campbell, City Planner	December 31, 2014
	Review and Develop a incentive program in the CRA	EDTF	June 30, 2015
	Continue Business Ambassador Program	Bruce C. Campbell, Marshall Shupe	Ongoing
<b>GROWTH MANAGEMENT</b>	Approve Comprehensive Plan Update	City Commission	December 31, 2014
<b>INFRASTRUCTURE &amp; FACILITIES</b>	Vacate and sell the Mosquito Control Building and property	Bruce C. Campbell	June 30, 2015
	Fill in the dead parking spaces within CRA streetscaped areas	Bob Smith	June 30, 2015
	Determine usage of 3600 S. Central Avenue	Bruce C. Campbell	June 30, 2015
	Pursue land for public parking	Bruce C. Campbell	Ongoing



	Pursue purchase of recommended Fire Equipment (Quint)	Bruce C. Campbell and Robert Pace	September 30, 2014
<b>HUMAN RESOURCES</b>	Maintain Training Budget	Bruce C. Campbell, City Manager	September 30, 2015
	Recruitment & Retention	Commission/Dept. Heads	Ongoing
	Ensure adequate Staffing in order to seize additional revenue opportunities	Bruce C. Campbell, City Commission	Ongoing
	Cross Training for critical staff	All Department Supervisors	Ongoing
<b>TECHNOLOGY</b>	Implement 3 year computer rotation	Penny Overstreet	December 1, 2014
<b>NATURAL RESOURCE PROTECTION</b>	Increase recycling at the Beach	Bruce C. Campbell,	Ongoing
	Beach Fencing/Vegetation	Bob Smith	Ongoing
	Park Maintenance & Improvement/ Identification of projected cost	Bob Smith	September 30, 2015
	Beach Management Plan	Kim Carney	September 31, 2014
<b>INTERGOVERNMENTAL RELATIONSHIPS</b>	Develop and maintain close relationships with State and Federal Legislators	Commissioners Bruce C. Campbell	Ongoing
<b>PUBLIC SAFETY</b>	ICS Training for all Commissioners & Staff to meet FEMA requirements	Commissioners	July 30, 2015
	Communicate to residents the value of services received from City of Flagler Beach Departments	Bruce C. Campbell	September 30, 2015

## II. SUMMARY RATING

Overall Performance Rating – Considering the results obtained against established performance standards as well as overall job performance, the following rating is provided:

Unsatisfactory \_\_\_ Improvement \_\_\_ Meets Job \_\_\_ Exceeds Job \_\_\_ Outstanding \_\_\_  
Needed Standards Standards

## III. OBSERVATIONS

- Two things that the Manager does now that this Commission Member would like him/her to continue.
- Two things the Manager does that this Commission member would like him/her to discontinue or modify.
- Two things the Manager does not do now that this Commission member would like to see him/her do.

## IV. FUTURE GOALS AND OBJECTIVES

- Specific goals and objectives to be achieved in the next evaluation period:

This evaluation has been reviewed and discussed between the City Commission and the City Manager on \_\_\_\_\_.

Commission \_\_\_\_\_ Concurrence

Chairman \_\_\_\_\_ Yes / No

Vice Chairman \_\_\_\_\_ Yes / No

Commissioner \_\_\_\_\_ Yes / No

Commissioner \_\_\_\_\_ Yes / No

Commissioner \_\_\_\_\_ Yes / No

**ORDINANCE 2015-12**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FLAGLER BEACH, FLORIDA, PROVIDING FOR THE AMENDMENT OF THE OFFICIAL ZONING MAP AS PREVIOUSLY ESTABLISHED IN APPENDIX A LAND DEVELOPMENT REGULATIONS SECTION 2.03.03 OF THE CITY OF FLAGLER BEACH, FLORIDA, AS AMENDED AND SUPPLEMENTED; AMENDING THE OFFICIAL ZONING MAP FOR 2.94+/- ACRES OF CERTAIN REAL PROPERTY DESCRIBED AS TAX PARCEL IDENTIFICATION NUMBER 29-12-32-0000-01010-0010 FROM RECREATION PLANNED UNIT DEVELOPMENT (R-PUD) TO MEDIUM DENSITY RESIDENTIAL (MDR); PROVIDING FOR CONFLICTS, RATIFICATION OF PRIOR ACTS; PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT; PROVIDING FOR THE TAKING OF IMPLEMENTING ADMINISTRATIVE ACTIONS; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR NON-CODIFICATION AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Caribbean Condominium, LP, the owner of certain real property (“subject property”) comprising 2.94 acres more or less, has applied for and requested a rezoning to have said property rezoned from Recreation Planned Unit Development (RPUD) to Medium Density Residential (MDR), pursuant to the controlling provisions of State law and the Comprehensive Plan and Code of Ordinances of the City of Flagler Beach; and

**WHEREAS**, City staff has reviewed and recommended approval of the proposed rezoning to the Medium Density Residential zoning classification; and

**WHEREAS**, the Planning and Architectural Review Board conducted a public hearing to consider the proposed rezoning to the Medium Density Residential zoning classification and found said zoning classification to be in compliance with the City’s Comprehensive Plan and recommended approval of the proposed rezoning; and

**WHEREAS**, the City Commission of the City of Flagler Beach has taken all actions relating to the rezoning action set forth herein in accordance with the requirements and procedures mandated by State law and the Comprehensive Plan and Code of Ordinances, including holding duly noticed public hearings on the proposed zoning change and hearing testimony of staff and the public regarding the rezoning.

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

**SECTION 1. FINDINGS AND INTENT.**

(a) The “Whereas” clauses set forth above are incorporated as the findings and intent of the City Commission of the City of Flagler Beach.

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**SECTION 2. REZONING OF REAL PROPERTY.**

(a) Upon the enactment of this Ordinance the subject property with Flagler County Tax Parcel Identification Number 29-12-32-0000-01010-0010 shall be rezoned from Recreation Planned Unit Development (RPUD) to Medium Density Residential (MDR), said property being legally described in Attachment "A," attached hereto and by this reference incorporated herein.

(b) Zoning Map Amendment. The Official Zoning Map of the City of Flagler Beach is hereby amended to change the classification of the subject property from Recreation Planned Unit Development (RPUD) to Medium Density Residential (MDR). City Staff is directed to promptly amend the Official Zoning Map upon the effective date of this Ordinance and to execute any other documents and take any other action as necessary to effectuate this change.

**SECTION 3. CONFLICTS.** All ordinances or part of ordinances in conflict with this Ordinance are hereby repealed to the extent of such conflict.

**SECTION 4. SEVERABILITY.** If any section, sentence, phrase, word, or portion of this Ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word, or portion of this Ordinance not otherwise determined to be invalid, unlawful, or unconstitutional.

**SECTION 5. EFFECTIVE DATE.** This Ordinance shall become effective immediately upon its passage and adoption as provided by law.

PASSED ON FIRST READING THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2015.

PASSED AND ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2015.

CITY OF FLAGLER BEACH, FLORIDA  
CITY COMMISSION

\_\_\_\_\_  
Linda Provencher, Mayor

ATTEST:

\_\_\_\_\_  
Penny Overstreet, City Clerk

LEGAL DESCRIPTION:

DESCRIPTION OF REAL ESTATE:

A PORTION OF SECTION 29 AND 30, TOWNSHIP 12 SOUTH, RANGE 32 EAST, FLAGLER COUNTY, FLORIDA, DESCRIBED AS FOLLOWS: FROM THE NORTHEAST CORNER OF PALM HAVEN SUBDIVISION. AS RECORDED IN MAP BOOK 27, PAGE 27, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA, BEING ON THE WESTERLY RIGHT-OF-WAY LINE OF SOUTH CENTRAL AVENUE; A 50 FOOT RIGHT-OF-WAY, RUN NORTH 21 DEGREES 48 MINUTES 08 SECONDS WEST ALONG SAID WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 130.00 FEET TO THE POINT OF BEGINNING; THENCE DEPARTING SAID RIGHT-OF-WAY LINE, RUN SOUTH 68 DEGREES 11 MINUTES 52 SECONDS WEST, A DISTANCE OF 86.00 FEET; THENCE SOUTH 59 DEGREES 08 MINUTES 59 SECONDS WEST, A DISTANCE OF 109.23 FEET; THENCE SOUTH 02 DEGREES 29 MINUTES 39 SECONDS EAST, A DISTANCE OF 400.00 FEET; THENCE SOUTH 87 DEGREES 30 MINUTES 21 SECONDS WEST, A DISTANCE OF 220.00 FEET; THENCE NORTH 02 DEGREES 29 MINUTES 39 SECONDS WEST, A DISTANCE OF 495.00 FEET; THENCE NORTH 68 DEGREES 11 MINUTES 52 SECONDS EAST, A DISTANCE OF 240.09 FEET; THENCE SOUTH 21 DEGREES 48 MINUTES 08 SECONDS EAST, A DISTANCE OF 105.22 FEET; THENCE NORTH 68 DEGREES 11 MINUTES 52 SECONDS EAST, A DISTANCE OF 130.00 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF SAID SOUTH CENTRAL AVENUE; THENCE SOUTH 21 DEGREES 48 MINUTES 08 SECONDS EAST ALONG SAID WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 40.00 FEET TO THE POINT OF BEGINNING.



#14

# City of Flagler Beach

## Planning and Building Department Staff Report: Application #RZ 15-10-01

### OVERVIEW

**Date:** ..... October 6, 2015

**To:** ..... Chairperson and Planning and Land Development Regulation Board Members

**From:** ..... Planning and Building Department

**Subject:** ..... Application #RZ15-10-01; A rezoning request to change the zoning of 2.94+/- acres of land from Recreation Planned Unit Development (R-PUD) to Medium Density Residential District (MDR).

1. **Applicant Requested Action/Purpose:** The request is for a recommendation of approval to the City Commission of a rezoning from R-PUD (Recreation Planned Unit Development) to MDR (Medium Density Residential) District.

**Property Owner:** ..... Caribbean Condominium Limited Partnership

**Applicant:** ..... Mr. Dennis Bayer, Agent

**Property Description:** ..... Generally flat, scrub vegetation

**Site Location:** ..... S. Central Avenue (westerly side)/ intersection Clubhouse Dr.

**Property ID #:** ..... 29-12-32-0000-0101-0010

**Current FLUM designation:** High Density Residential

**Current Zoning designations:** Recreation Planned Unit Development (RPUD)

**Current Use:** ..... Vacant

**Total Acreage:** ..... 2.94+/- acres (128,066+/- sq. ft.)

2. **Application:** (See Attachment 1)

3. **PUBLIC NOTIFICATION:**

- a) **Legal Advertisement:** Per Land Development Regulations (LDR's): Section 8.04.12. announcement of the rezoning application has been published in a newspaper of daily circulation in keeping with the requirements of F.S. 166.041 (See Attachment 2).
- b) **Public Notice:** Property owners within a radius of five hundred (500) feet of the subject property question have been notified by certified mail per records provided by the Flagler County Property Appraiser. (See Attachment 3). One correspondence has been received from the public and enclosed herein (See Attachment 4).

*clerk has on file removed to reduce paper*

4. **Land Development Regulations Sections Affected (Zoning):** Article VIII ADMINISTRATION AND ENFORCEMENT; Rezoning Sec. 8.04.12.

5. **Report in Brief:**

The property is situated westerly of the intersection of Clubhouse Drive and S. Central Avenue (See Attachment 5 Location Map). Property Appraiser records indicate the owner of record Caribbean Condominium Limited Partnership acquired the subject property in November, 2001. The applicant requests a zoning map amendment changing the Official Zoning Map designation of the subject property from Recreation Planned Unit Development (R-PUD) to Medium Density Residential (MDR). The 2.94+/- acre parcel associated with this rezoning request carries with it, a history. Following is a timeline of specific actions which summarize the standing of the property as it pertains to this application request.

1. Ordinance 88-12: (See Attachment 6)  
Purpose of action: To establish a zoning classification entitled Recreation Planned Unit Development District.
2. Ordinance 89-4: (See Attachment 7)  
Purpose of action:
  - A. Official Zoning Map Amendment – Rezoning of 36.93 acres (Golf Course) from Recreation to Recreation Planned Unit Development (R-PUD)
  - B. Comprehensive Plan – Future Land Use Map amendment changing the Golf course property to Recreation/PUD
3. Development Agreement, Covenants and Restrictions – Executed March 27, 1989  
Purpose of action: in part to;
  - I. Permit residential development within the golf course property not exceed an area of three (3) acres.
  - II. Permit no more than eighty-four (84) dwelling units.
  - III. Permit a building height not to exceed height of the Nautilus condominium (approx.. 85 ft. above grade).
  - IV. Provide a construction completion date no later than July 1, 2003.
4. Court Proceeding; Seventh Judicial Circuit, Flagler County; CASE NO. 2005-524-CA Division; FINAL JUDGEMENT ON THE PLEADINGS: (See Attachment 8)  
Purpose of action: Final judgement and Order declaring the rights of the parties (property owner/City of Flagler Beach) under a development agreement which decrees in part, the following:
  - I. By virtue of Ordinance 89-4 the 2.94 acres was rezoned Recreation to R-PUD district.
  - II. Development Agreement approved by City of Flagler Beach March 23, 1989.
  - III. A portion of the "land" would be used for residential condominiums the construction of which established a completion date of July 1, 2003.
  - IV. The Development Agreement lapsed without construction of the condominium(s), any and all remaining rights, duties, or liabilities afforded the property owner expired.
  - V. The land continues to be zoned R-PUD and approval of any new development under such zoning requires a new Development Agreement.
  - VI. The "land" which was the subject of that Agreement is now governed by the City's land development code, current zoning, and comprehensive plan.



## ANALYSIS

### 6. FUTURE LAND USE AND ZONING INFORMATION

The following table summarizes existing and proposed land use and zoning information for the subject property:

**USE SUMMARY TABLE:**

<b>CATEGORY</b>	<b>EXISTING</b>	<b>PROPOSED</b>
Future Land Use Map (FLUM)	High Density Residential (See Attachment 9)	N/A
Zoning District (Zoning Map)	Recreation Planned Unit Development (See Attachment 10)	Medium Density Residential
Overlay District	N/A	N/A
Land Use	Vacant	Multi-family Residential
Acreage	2.94+/-	2.94+/-
Access	S. Central Avenue/Clubhouse Drive	S. Central Avenue/Clubhouse Drive

### 7. SURROUNDING LAND USES:

**North:** City of Flagler Beach FLUM: Golf Course  
Zoning: Recreation

**South:** City of Flagler Beach FLUM: Golf Course  
Zoning: Recreation

**East:** City of Flagler Beach FLUM: Golf Course  
Zoning: Recreation

**West:** City of Flagler Beach FLUM: Golf Course  
Zoning: Recreation

### 8. Standards for Review:

LDR's Article VIII ADMINISTRATION AND ENFORCEMENT; Rezoning Sec. 8.04.12. – Action(s) by the Planning and Architectural Review Board (PARB) and City Commission:

The PARBoard may recommend and the City Commission may enact an ordinance amending the zoning classification of the subject parcel. The adopted City of Flagler Beach *Land Development Regulations* lacks *specific standards for review* of a rezoning request; however, generally a request should be in compliance with the adopted Goals, Objectives, and Policies of the Comprehensive Plan and other relevant factors as may be deemed essential. In light of this circumstance the following considerations are proffered by staff to enable the PARB a definitive foundation upon which to render a recommendation to the City Commission.

A. The requested zoning designation must be consistent with the *Future Land Use designation* of the parcel as depicted on the adopted Future Land Use Map and as described in the Future Land Use Element of the adopted City of Flagler Beach Comprehensive Plan.

**Finding:** The Future Land Use designation of the City of Flagler Beach Comprehensive Plan Future Land Use Map for the subject property is *High Density Residential*. The requested zoning is in compliance with the current FLUM designation and does not require a land use amendment (See Attachment 11).

**NOTE:** Notwithstanding the Development Agreement (DA) having lapsed effective July 1, 2003, staff opines as to the standing of the FLUM designation (High Density Residential), that the FLUM designation and underlying zoning classification (R-PUD) remain in-tact (Ord. 89-4). This position is maintained inasmuch as the DA speaks only to the manner in which the "land" shall be developed and the timeframe to complete the construction approved therein. Additionally, reference is made to the Court Order decree(s) as adjudged by the Circuit Court; 2005.

B. The requested zoning designation must be consistent with the Goals, Objectives, and Policies of the City of Flagler Beach Comprehensive Plan.

Following are applicable Comprehensive Plan Objectives and specific Policy and Policy Findings. Each is evaluated as it relates to compliance or non-compliance with the stated Policy.

**Objective A.1.2** 9J-5.006(3) (b) 1

Upon plan implementation, the City of Flagler Beach shall regulate the location of future land use and development with regard to appropriate topography and soil conditions, as described by the following policies:

**Policy A.1.2.1** 9J-5.006(3)(c)(6)

The City of Flagler Beach shall review all future *re-zoning* applications and subdivisions for development compatibility with topography, soil conditions, and natural resources.

**Finding:** The property lies within a larger parcel which previously housed a golf course. The parcel which is the subject of this application was specifically established to support residential development within an expanse of open space (golf course). The physical characteristics are consistent with that of the surrounding developed area which supports a diversity of residential uses.

More specifically, the adjacent land uses to the north and west are Low Density Residential in nature and significantly separated from the subject property. To the south and east the residential uses are primarily comprised of Medium Density Residential, High Density Residential and an area of General Commercial. And like the uses to the north and west, well detached. As such, the requested zoning classification and permitted uses are determined to be compatible with proximate residential and commercial zoning and land uses.

**NOTE:** the subject property lies within a designated Special Flood Hazard Area (100 year floodplain), which if, and when development were to occur, will require meeting zone specific development standards and stormwater requirements.

**Policy A.1.2.4** 9J-5.006(3) (c) 6

Application filing procedures shall require topographic, soil condition, flood hazard zone and wetland zone and wetland information on all land surveys filed in support of a land use amendment, zoning change or land subdivision.

**Finding:** A certified Boundary Survey has been provided as an element of the Application materials. The data included is deemed sufficient for this process given data previously provided and/or discussed as an element of an earlier submitted land use change amendment application (2008). The survey does not indicate the presence of wetlands, references flood zone status and other relevant data that is typically incorporated into an American Land Title Association (ALTA)/American Congress on Surveying and Mapping (ASCM) survey document.

**Objective A.1.13** 9J-5.006(3) (b) 3

Coordinate all new development and *rezoning* with the land use categories, densities and intensities as outlined in the City's adopted Comprehensive Plan.

**Policy A.1.13.2** 9J-5.006(3) (c) 2

The City of Flagler Beach shall discourage the issuance of variances, special use permits, building permits or *zoning changes* in any case where the proposed land use is not consistent with the City of Flagler Beach duly adopted Comprehensive Plan.

**Finding:** The requested rezoning classification is in compliance with the land use categories, densities and intensities as outlined in the City's adopted Comprehensive Plan as indicated in the below table (See Standard of Review A. above for further edification).

Parcel Area	FLUM Current	Maximum Density	FLUM Proposed	Maximum Density	Maximum Dwelling Units
2.94+/- acres	High Density Residential	18 units per acre	Medium Density Residential	14 units per acre	42*

\*Subject to meeting all applicable site development standards of the LDR's

**Objective A.1.4** 9J-5.006(3) (b)7

In order to discourage the proliferation of urban sprawl, upon plan adoption, new residential construction shall be guided to infill lots on existing streets in areas already served with water and sewer facilities.

**Policy A.1.4.1** 9J-5.006 (3) (c) 7

Flagler Beach shall extend roads and other utilities only when they promote compact contiguous patterns of development.

**Finding:** The site is an infill parcel and contiguous to developed residential uses; the surrounding community is served by a central water and sewer system.

**Objective A.2.3.** 187.201 (15) (b) 1, 2, 3

The City of Flagler Beach shall protect private property rights and recognize the existence of private interests in land use.

**Policy A.2.3.1**

The City of Flagler Beach will regulate the use of land only for valid public purposes in a reasonable manner, in accordance with due process.

**Finding:** This rezoning request is a quasi-judicial procedure and as such, falls within the purview of a due process circumstance. The land use(s) associated with the requested rezoning will provide alternative residential opportunities consistent with the visioning of the City of Flagler Beach Comprehensive Plan and Future Land Use Map.

C. The requested zoning designation must be compatible with the adjacent and surrounding land uses. Land uses shall include, but not be limited to permitted uses, structures, and activities allowed within the Future Land Use category.

**Finding:**

The proposed Medium Density Residential zoning for the subject property is compatible with:

- I. The surrounding area as it relates to the Comprehensive Plan Future Land Use Map designation for the neighboring community.
- II. The surrounding area as it relates to current land uses and the City of Flagler Beach Official Zoning Map.

D. The requested zoning will not adversely impact or exceed the capacity or the fiscal ability of Flagler County to provide available public facilities, including transportation, water and sewer, solid waste, drainage, recreation, education, fire protection, library service and other similar public facilities.

**Finding:** Roadway infrastructure, utility service capacity and current level of service are sufficient to accommodate the maximum number of units that could eventually be developed on the subject property. These considerations (i.e. Level of service standards, capacity, reserves, etc.) will be evaluated in greater detail at the time of development if and when that should occur. Notwithstanding development review, the following analysis summarizes the effects of development based on the impact of 42 dwelling units on current levels-of-service.

- a) As to transportation, and transportation impacts, in 2008 an application was submitted to the City of Flagler Beach requesting a land use amendment to change the FLUM designation of the subject property and golf course (36+/- total ac.) from Recreation and High Density Residential to Low Density Residential. The number of dwelling units associated with the proposed amendment totaled 160 dwelling units.

Based on the findings of a traffic analysis conducted for that process all neighboring roadway segments inclusive of A-1-A were determined to have sufficient capacity. That scenario amounts to four times the number of units (160 vs 42) that would be permitted by virtue of the requested zoning change. The above is offered only to demonstrate that adopted levels-of-service for all affected roadways would not be compromised.

- b) As to utility service capacity, and impacts as the result of the zoning change request, the following table indicates that notwithstanding other commitments sufficient capacity is available to support the maximum number of units should development avail itself and levels -of-service for potable water and sanitary sewer will not be lowered.

Utility Service	Residential Units	Gallons Per Day (Based on 250 GPD* multiplier)	Plant Capacity	Capacity Expended
Potable Water	42	10,500 GPD*	1 million GPD*	600,000 GPD*
Waste water	42	10,500 GPD*	1 million GPD*	500,000 GPD*

\*GPD= Gallons Per Day

- c) As to solid waste, the Comprehensive Plan adopted level of service for the City of Flagler Beach is established at 3.71 lbs. per capita per day. Assuming 42 additional residential units, at 2 persons per household with 84 additional residents, the total amount of solid waste anticipated to be generated is approximately 312 lbs. per day. Presently, the regional landfill has adequate capacity to sustain the adopted level-of-service. Additionally, an operating City of Bunnell transfer station affords an enhanced level-of-service opportunity.

E. The requested zoning shall not be approved if any of the proposed permitted uses or activities result in a public nuisance.

**Finding:** The principal permitted uses allowed in the Medium Density Residential district are consistent and deemed compatible with that of the neighboring area and therefore presumed that typical nuisances, if any, would be no more or less than that experienced currently in the surrounding area.

F. The requested zoning shall not be approved if any of the proposed traffic flow of the permitted uses have an unreasonable impact on the contiguous and surrounding area; or if the proposed traffic has an unreasonable impact upon the projected wear and tear of any public roadway designed to carry lighter traffic than proposed with the rezoning; or if the proposed traffic results in an unreasonable danger to the safety of other traffic, pedestrians, and bicyclists.

**Finding:** The requested MDR rezoning, based upon traffic impact studies conducted in 2008 for a land use amendment with a greater density resulted in negligible impacts. As such, given maximum development, it has been demonstrated transportation and traffic related concerns will result in a di minimus impact to the surrounding community (See Attachment 12. 2008 Traffic Impact Study by PBS &J.)

**RECOMMENDATION:**

Planning and Architectural Review Board recommend City Commission approve Application RZ#15-10-01: Rezone of Parcel I.D. No. 29-12-32-0000-0101-0010 from Recreation Planned Unit Development to Medium Density Residential predicated based upon compliance with applicable Objectives and Policies of the Comprehensive Plan.

**Enclosures:**

- Attachment 1..... Application
- Attachment 2..... Legal Advertisement
- Attachment 3 .... Public Notice/Property Appraiser Property Owner List
- Attachment 4..... Public Comments
- Attachment 5.... Aerial/Location Map
- Attachment 6..... Ordinance 88-12
- Attachment 7.... Ordinance 89-4
- Attachment 7a... Development Agreement
- Attachment 8..... Seventh Judicial Circuit, Flagler County; CASE NO. 2005-524-CA Division
- Attachment 9..... Future Land Use Map
- Attachment 10... Zoning Map
- Attachment 11... Florida Dept. of Economic Opportunity – Land Use Amendment Response
- Attachment 12.... 2008 Traffic Impact Study PBS&J Summary (Excerpt)

# Nowell, Bayer & Maguire

## Flagler Law Attorneys

Website: [www.flaglerlaw.com](http://www.flaglerlaw.com)

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

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

August 10, 2015

Larry Torino, Acting City Planner  
City of Flagler Beach  
113 S. 3<sup>rd</sup> Street  
Flagler Beach, FL 32136

AUG 10 2015

RE: Rezoning Application, Carribbean Condominium Limited Partnership

Dear Mr. Torino,

This letter serves as the written statement in support of the rezoning application for the 2.92 acre parcel known as the Carribbean Condominium. As you are well aware, this parcel has a long history with the city as to the various efforts undertaken to develop the site since 1999.

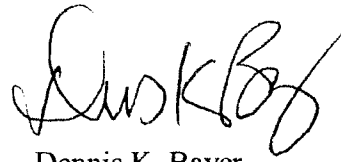
The property is currently zoned RR PUD according to a ruling issued by Judge Hammond related to the issues on the expiration of the development agreement. The Future Land Use designation of the site is High Density Residential which allows for up to 19 units per acre. Under Florida law, a property owner is entitled to rezone property in a manner that is consistent with the FLU designation. The City does not have a corresponding zoning category for high density residential, therefore a medium density zoning would be appropriate. My client has agreed to a cap of 42 units for the entire parcel, subject to compliance with the applicable technical site development requirements.

The intent is to develop the property in a manner consistent with the South Beach Condominiums located to the south east of the site. Buildings will be of a similar dimension and height. There will not be a commercial component to the project.

The site is currently vacant uplands with the only improvements being the former driving range. There are no wetlands on this site. Vehicular access and utilities are provided through the parking area of the golf course through an easement. Utilities will tie in to the existing facilities. The application is compatible with existing development in the area which is a mix of multi-family and single family uses. A site plan for development will be provided once the density and zoning issues are resolved. When the site plan is submitted, all buildings will comply with the height requirements, set backs and other development criteria.

Enclosed you will find the application check, the plot plan, the aerial photograph and the legal description. I am also enclosing a survey. Please contact my office should you have any questions or comments about this application.

Sincerely,

A handwritten signature in black ink, appearing to read 'DKB' with a stylized flourish extending from the end.

Dennis K. Bayer

DKB/shw

RETURN TO:  
JAMES L. REINMAN, ESQ. (KAV)  
110 EAST GRANADA BLVD., #104  
ORMOND BEACH, FL 32176  
(904) 673-6733

OFF REC 0790 PAGE 1119

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED, made the 21<sup>st</sup> day of November, 2001, between Ocean Palm Condominium Ventures, Inc., a Florida corporation ("Grantor"), whose address is 3600 South Central Avenue, Flagler Beach, FL, 32126, and Caribbean Condominium Ventures, Inc., a Florida corporation ("Grantee") address is 3600 South Central Avenue, Flagler Beach, FL, 32126.

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

WITNESSETH: That said Grantor, for and in consideration of the sum of TEN DOLLARS (\$10.00), and other good and valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the Grantee, all that certain land situate in Volusia County, State of Florida, viz:

FOR LEGAL DESCRIPTION: SEE SCHEDULE A ATTACHED HERETO AND INCORPORATED HEREIN.

SUBJECT TO taxes for 2001 and subsequent years.  
SUBJECT TO zoning, restrictions, prohibitions, and other requirements imposed by governmental authority; restrictions and matters appearing on the plat or otherwise common to the subdivision; and public utility easements of record; this reference to said restrictions shall not operate to reimpose the same.

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

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

AND the Grantor hereby warrants and defends against the lawful claims and demands of all persons claiming by, through or under Grantor, but against none other.

IN WITNESS WHEREOF, the said Grantor has signed and sealed these presents this 30<sup>th</sup> day of November, 2001.

Signed, sealed and delivered in the presence of:

Melissa Hildreth  
Witness  
Printed Name: Melissa Hildreth

OCEAN PALM CONDOMINIUM VENTURES, INC.  
A Florida corporation

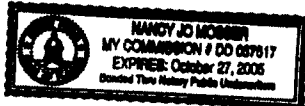
Nancy Jo Mosser  
Witness  
Printed Name: Nancy Jo Mosser

Stephen B. Cejner  
BY: Stephen B. Cejner, President

STATE OF Florida )  
COUNTY OF Volusia ) ss

The foregoing instrument was acknowledged before me this 30<sup>th</sup> day of November, 2001, by Stephen B. Cejner, President, Ocean Palm Condominium Ventures, Inc., a Florida corporation, on behalf of said corporation, who is personally known to me and did not take an oath.

Nancy Jo Mosser  
NOTARY PUBLIC  
Typed Or Printed Name:  
Commission Number:  
Commission Expires:





Attached # 3



City of Flagler Beach
PO Box 70 105 South 2nd Street
Flagler Beach, Florida 32136
Phone (386) 517-2000. Fax (386) 517-2008

PETITION FOR REZONING - (ZR)

TITLE CERTIFICATE WILL BE REQUIRED AS PROOF OF OWNERSHIP

PLEASE TYPE OR PRINT THE FOLLOWING INFORMATION:

PETITIONER: Caribbean Condominium Ltd. Partnerships
ADDRESS: 530 Riverside Dr., Ormond Beach Fl
CONTACT NUMBERS: HOME: WORK 386 439 2332 FAX 386 439 6522

PETITIONER'S RELATION TO SUBJECT PROPERTY: Owner

LEGAL DESCRIPTION OF SUBJECT PROPERTY (Attach if necessary): See attached property appraiser print out

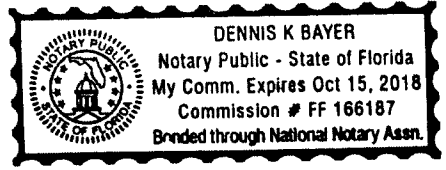
PRESENT ZONING: R PD0 REQUESTED ZONING PD0 MDR

(NOTE: IF MORE THAN ONE ZONING CLASSIFICATION IS REQUESTED, ATTACH A COMPLETE LEGAL DESCRIPTION FOR EACH ZONING CLASSIFICATION REQUESTED.)

PROVIDE REASONS AND JUSTIFICATION FOR REQUESTED ZONING (See Item 4 on page 2) Written Statement, Attached): See written statement

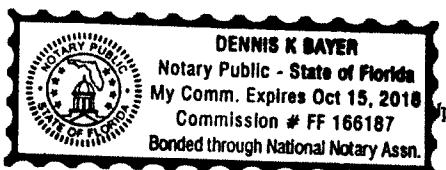
STATE OF FLORIDA, County of Flagler

Subscribed and Sworn to (or affirmed) before me by [Signature] AUG 7 2015



SIGNATURE OF PETITIONER [Signature]
PETITIONER'S NAME (Print/Type) Stephen B. Ceyner
ADDRESS (Street, City) & Phone Number 530 Riverside Dr., O. B Fl

This 7th day of Aug, 2015. Who is personally known to me or has produced identification. FF 166187 as
[Signature] Notary Public



**FOR USE WHEN PETITIONER IS THE OWNER OF SUBJECT PROPERTY**

This is to certify that I am the owner in fee simple of subject lands described above in the Petition for Rezoning.

**STATE OF FLORIDA,**  
County of Flagler

Subscribed and Sworn to (or affirmed) before me by

\_\_\_\_\_  
SIGNATURE OF OWNER

\_\_\_\_\_  
OWNER'S NAME (Print/Type)

\_\_\_\_\_  
ADDRESS (Street, City) & Phone Number

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

\_\_\_\_\_  
Commission Number & Expiration

\_\_\_\_\_  
Notary Public

**FOR USE WHEN PETITIONER IS THE AGENT OF THE OWNER OF SUBJECT PROPERTY**

This is to certify that I am the owner of subject lands described above in the Petition for Rezoning and that I have authorized Dennis Bayer, Esquire to make and file the aforesaid Petition for Rezoning..

**STATE OF FLORIDA,**  
County of Flagler

Subscribed and Sworn to (or affirmed) before me by

[Signature]  
SIGNATURE OF OWNER

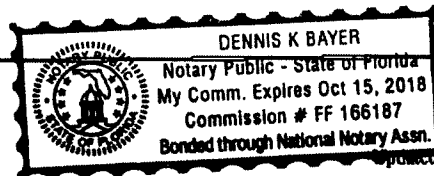
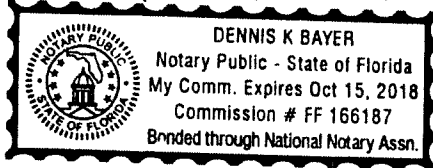
STEPHEN B CIEJNER  
OWNER'S NAME (Print/Type)

530 Riverside Dr OB. FL  
ADDRESS (Street, City) & Phone Number

This 7<sup>th</sup> day of August, 20\_\_\_\_. Who is personally known to me or has produced \_\_\_\_\_ as identification.

\_\_\_\_\_  
Commission Number & Expiration

[Signature]  
Notary Public



**CHECKLIST OF SUBMITTAL REQUIREMENTS FOR STANDARD DISTRICT REZONINGS**

	<b>Applicant Initials</b>	<b>Intake Initials</b>	<b>Requirements</b>
1.	<u>DB</u>	<u>JA</u>	<b>Fee Payment</b>
2.	<u>DB</u>	<u>JA</u>	<b>Application</b> (Included in this packet)
2.2	<u>DB</u>	<u>JA</u>	<b>Copy of Recorded Deed(s)</b> (Can be obtained in room 115 of the County Courthouse)
3.	<u>    </u>	<u>JA</u> <i>City</i>	<b>Public Notice</b> (Notice Letters and Affidavits will be obtained at time of filing.)
4.	<u>DB</u>	<u>JA</u>	<b>Written Statement</b>
5.	<u>DB</u>	<u>JA</u>	<b>Existing or Potential Zoning Violation</b>
6.	<u>DB</u>	<u>JA</u>	<b>Legal Description</b>
7.	<u>DB</u>	<u>N.A.</u> <i>JA</i>	<b>Plot Plan</b>
8.	<u>DB</u>	<u>JA</u>	<b>Aerial Photographs</b> (1.0 acre or more, available at County Courthouse),

**2015 FLORIDA LIMITED PARTNERSHIP REINSTATEMENT**

DOCUMENT# A01000001561

Entity Name: CARIBBEAN CONDOMINIUM LIMITED PARTNERSHIP

**Current Principal Place of Business:**

3600 SOUTH CENTRAL AVENUE  
FLAGLER BEACH, FL 32126

**Current Mailing Address:**

530 RIVERSIDE DRIVE  
ORMOND BEACH, FL 32176 US

FEI Number: 59-3757661

Certificate of Status Desired: No

**Name and Address of Current Registered Agent:**

VAUGHAN, KATHRYN AESQ.  
110 EAST GRANADA BLVD., SUITE 104  
ORMOND BEACH, FL 32176 US

*The above named entity submits this statement for the purpose of changing its registered office or registered agent, or both, in the State of Florida.*

SIGNATURE: KATHRYN VAUGHAN AESQ

08/17/2015

Electronic Signature of Registered Agent

Date

**General Partner Detail :**

Document # P01000108165  
Name CARIBBEAN CONDOMINIUM  
VENTURES, INC.  
Address 110 E. GRANADA BLVD., SUITE 104  
City-State-Zip: ORMOND BEACH FL 32176

*I hereby certify that the information indicated on this report or supplemental report is true and accurate and that my electronic signature shall have the same legal effect as if made under oath; that I am a general partner of the limited partnership or the receiver or trustee empowered to execute this report as required by Chapter 620, Florida Statutes; and that my name appears above, or on an attachment with all other like empowered.*

SIGNATURE: STEPHEN CEJNER

MM

08/17/2015

Electronic Signature of Signing General Partner Detail

Date



<a href="#">Sales In Area</a>	<a href="#">Previous Parcel</a>	<a href="#">Next Parcel</a>	<a href="#">Return to Main Search</a>	<a href="#">Flagler Home</a>
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**Property Record Card**

**Owner and Parcel Information**

<b>Owner Name</b>	CARRIBBEAN CONDOMINIUM LIMITED PARTNERSHIP	<b>Today's Date</b>	August 7, 2015
<b>Mailing Address</b>	530 RIVERSIDE DRIVE	<b>Parcel Number</b>	29-12-32-0000-01010-0010
	ORMOND BEACH, FL 32176	<b>Tax District</b>	FLAGLER BEACH AREA (District 21)
<b>Location Address</b>	3600 CENTRAL AVE S	<b>2014 Millage Rates</b>	21.63550
<b>Property Usage</b>	VACANT COM (001000)	<b>Homestead</b>	N

**Value Information**

	2013 Certified Values	2014 Certified Values	2015 Preliminary Values
<b>Building Value</b>	\$0	\$0	\$0
<b>Extra Feature Value</b>	\$1,437	\$1,437	\$1,437
<b>Land Value</b>	\$73,500	\$73,500	\$735
<b>Land Agricultural Value</b>	\$0	\$0	\$0
<b>Agricultural (Market) Value</b>	\$0	\$0	\$0
<b>Just (Market) Value*</b>	\$74,937	\$74,937	\$2,172
<b>Assessed Value</b>	\$74,937	\$74,937	\$2,172
<b>Exempt Value</b>	\$0	\$0	\$0
<b>Taxable Value</b>	\$74,937	\$74,937	\$2,172
<b>Protected Value</b>	\$0	\$0	\$0

**Legal Information**

2.942 AC PT SECS 29 & 30-12-32BGN NW CRNR PALM HAVEN SUBD BEING ON W RW S CENTRAL AVE, N21.4808W ALONG RW 130' TO POB-DEPART RW S 68.1152W 86', S 59.0859W 109.23', S 02.2939E 400', S 87.3021W 220', N 02.2939W 495', N 68.1152E 240.09'S 21.4808E 105.22', N 68.1152E 130' TO WLY RW S CENTRAL AVE, S 21.4808E ALONG RW 40' TO POB OR 649 PG 908 OR 790 PG 1119 OR 815 PG 585-CD OR 815 PG 587-CD

The legal description shown here may be condensed for assessment purposes. Exact description should be obtained from the recorded deed.

\*Just (Market) Value\* description - This is the value established by the Property Appraiser for ad valorem purposes. This value does not represent anticipated selling price.

**Building Information**

No buildings associated with this parcel.

**Extra Features Data**

Description	Units	Effective Year Built
ASPH PRKG SPACE AVG	8 UT	1995

**Sale Information**

Sale Date	Sale Price	Instrument	Deed Book	Deed Page	Sale Qualification	Vacant or Improved	Grantor
11-01-2001	\$ 100,000	N/A	790	1119	Qualified	Vacant	OCEAN PALM CONDOMINIUM
03-01-1999	\$ 100,000	N/A	649	908	Qualified	Vacant	
01-01-1900	\$ 84,672	N/A	Q	Q	Qualified	Vacant	CONVERSION

**Land Information**

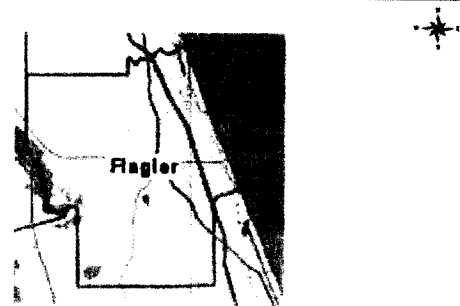
For land plat information see [Flagler Clerk of Court Website](#)

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 Senior Exemption Does Not Apply to All Taxing Authorities. Just (Market) Value is established by the Property Appraiser for ad valorem tax purposes. It does not represent anticipated selling price. Working values are subject to change. Website Updated: August 4, 2015

© 2011 by the County of Flagler, FL | Website design by [qpublic.net](#)



<b>Parcel: 29-12-32-0000-01010-0010 Acres: 2.94</b>		
Name:	CARRIBBEAN CONDOMINIUM LIMITED	
Site:	3600 CENTRAL AVE S	
Sale:	100,000 on 11-2001 Reason=Q Qual=Y	
	PARTNERSHIP	
Mail:	530 RIVERSIDE DRIVE ORMOND BEACH, FL 32176	
	Land Value	735
	Building Value	0
	Misc Value	1,437
	Just Value	2,172
	Assessed Value	2,172
	Exempt Value	0
	Taxable Value	2,172



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: 08/07/15 : 12:14:04

Attachment # 2

**THE NEWS-JOURNAL**

Published Daily and Sunday  
Daytona Beach, Volusia County, Florida

State of Florida,  
County of Volusia

Before the undersigned authority personally appeared

**Cynthia Anderson**

who, on oath says that she is .....

**LEGAL COORDINATOR**

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

**PUBLIC NOTICE**

**L 2156369**

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

**SEPTEMBER 12, 2015**

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

*Cynthia Anderson*  
.....

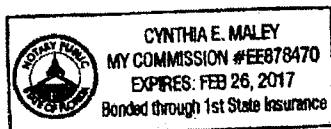
Sworn to and subscribed before me

This 14TH of SEPTEMBER

A.D. 2015

*Cynthia E. Maley*  
.....

49D



0907156369

**CITY OF FLAGLER BEACH  
NOTICE OF PROPOSED  
OFFICIAL ZONING MAP  
AMENDMENT RZ-15 -10 -01**

The City of Flagler Beach Planning and Architectural Review Board (PARB) will consider and make a recommendation to the City Commission regarding Ordinance No. 2015-XX Entitled:

**ORDINANCE NO. 2015 - XX**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FLAGLER BEACH, FLORIDA, PROVIDING FOR THE AMENDMENT OF THE OFFICIAL ZONING MAP AS PREVIOUSLY ESTABLISHED IN APPENDIX A LAND DEVELOPMENT REGULATIONS SECTION 2.03.03 OF THE CITY OF FLAGLER BEACH, FLORIDA, AS AMENDED AND SUPPLEMENTED; AMENDING THE OFFICIAL ZONING MAP FOR 2.94+- ACRES OF CERTAIN REAL PROPERTY DESCRIBED AS TAX PARCEL IDENTIFICATION NUMBER 29-12-32-0000-0101-0010 FROM RECREATION PLANNED UNIT DEVELOPMENT (RPUD) TO MEDIUM DENSITY RESIDENTIAL (MDR); PROVIDING FOR CONFLICTS, RATIFICATION OF PRIOR ACTS; PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT; PROVIDING FOR THE TAKING OF IMPLEMENTING ADMINISTRATIVE ACTIONS; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR NON-CODIFICATION AND PROVIDING FOR AN EFFECTIVE DATE.**

Caribbean Condominium Limited Partnership is requesting this Official Zoning Map amendment for property currently zoned Recreation Planned Unit Development (RPUD) to Medium Density Residential (MDR). The property consists of 2.94+- acres and generally situated on the westerly side of South Central Avenue and lying west of the terminus of Clubhouse Drive (See Location Map below). Public Hearings will be conducted for this request as follows:

Planning and Architectural Review Board: October 6, 2015 at 5:30 p.m.  
City Commission: First reading October 22, 2015 6:00 p.m. or as soon thereafter  
City Commission: Second Reading November 12, 2015 6:00 p.m. or as soon thereafter

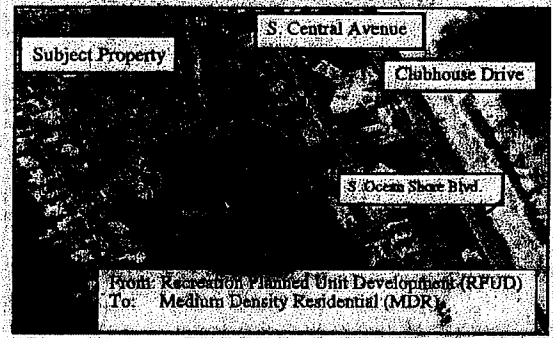
The public hearings may be continued to a future date or dates. The times and dates of any continuances of a public hearing shall be announced during the public hearing without any further published notice. The request will be heard in the City Commission Chambers located at 105 South Second Street, Flagler Beach, Florida.

A copy of this notice, the file relating to the proposed Official Zoning Map amendment and the proposed ordinance are available for public inspection during regular business hours Monday through Friday from 8:00 a.m. to 5:00 p.m. at 105 South Second Street, Flagler Beach, Florida. The public is encouraged to participate in the processes and procedures of the City and to request copies of the proposed ordinance.

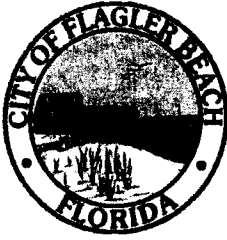
Any person wishing to express his/her opinion may submit written comments regarding the proposed amendment to the City through the Planning and Building Department. Comments should be made as early as possible to ensure full consideration.

If a person decides to appeal any decision made with respect to any matter considered at the above referenced hearings, he/she will need a record of the proceedings. For such purposes, it may be necessary to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with the Americans with Disabilities Act, persons needing assistance to participate in any of these proceedings should contact the City Clerk's Office at 386-517-2000 at least 48 hours prior to the meeting.



Attachment # 3



# City of Flagler Beach

P.O. Box 70 • 116 3rd Street South  
Flagler Beach, Florida 32136

Phone (386) 517-2000 • Fax (386) 517-2016

September 9, 2015

## NOTICE OF PUBLIC HEARING

RE: Notice of Zoning Request Change: Application No. RZ-15-10-01

Dear Sir or Madam,

Notice of Intent is hereby given that the City of Flagler Beach Planning and Building Department has received a request to re-designate the current zoning district of 2.94+/- acres of land from Recreation Planned Unit Development (RPUD), as depicted on the Official Zoning Map of the City of Flagler Beach, to Medium Density Residential (MDR) will be heard on the dates indicated below. The property associated with this rezoning request is designated High Density Residential on the City of Flagler Beach Future Land Use Map. The location of the "Subject Property" is shown on the map included below. This action is taken pursuant to the application of record identified No. RZ-15-10-01 filed on behalf of Caribbean Condominium Ltd. Partnership, represented by Dennis K. Bayer, Attorney at Law.

This proposed application may be inspected at the office of the Planning and Building Department, 116 S. 3<sup>rd</sup> Street, Flagler Beach, FL 32136. Notice is hereby given of the following public hearings, which will be held in the City Commission Chambers at City Hall, 105 S. 2<sup>nd</sup> Street, Flagler Beach, Florida:

Planning and Architectural Review Board: October 6, 2015 @ 5:30 p.m.

City Commission: First reading October 22, 2015 @ 6:00 p.m. or as soon thereafter

City Commission: Second Reading November 12, 2015 @ 6:00 p.m. or as soon thereafter

All interested parties are invited to attend.

Please direct any questions to the Planning and Building Department at (386) 517-2000 Ext 230.

**RECORD REQUIRED TO APPEAL:** In accordance with Florida Statute 286.0105 if you should decide to appeal any decision the board, agency or Commission makes about any matter at the 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 the CD are only made upon request. The City is not responsible for any mechanical failure of the recording equipment.

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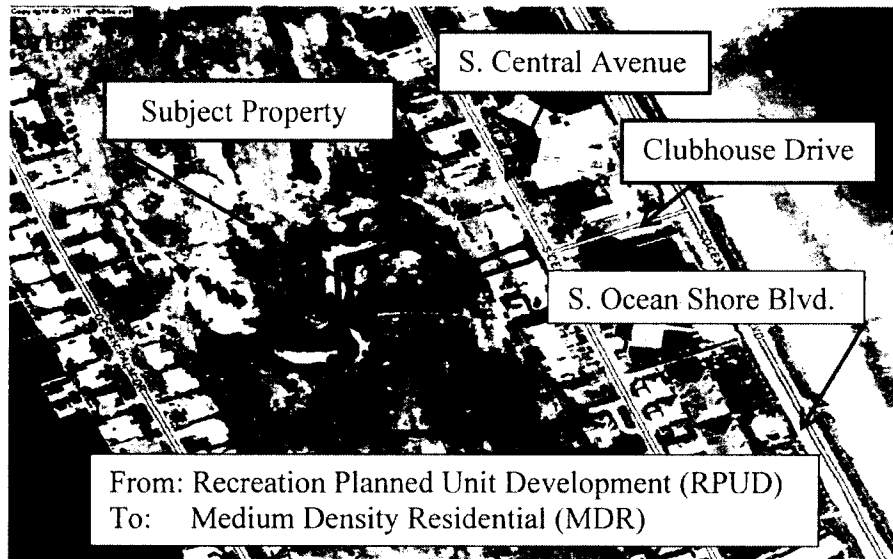
**Planning and Building Department**



In accordance with the American with Disabilities Act, persons needing assistance to participate in any of these proceedings should contact the Secretary at (386) 517-2000 ext. 231 at least seventy-two (72) hours prior to the meeting.

Please take notice that individual Elected Officials of the City of Flagler Beach may attend the Planning and Architectural Review Board 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 board meeting.

LOCATION MAP



Attachment # 4

3580 South Oceanshore Boulevard  
Unit # 209  
Flagler Beach, Florida 32136

September 5, 2015

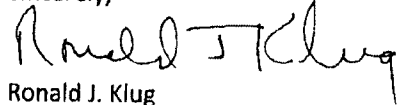
To: Planning and Architectural Review Board  
Subject: Application No RZ-15-09-01

I reside in Unit # 209 of the Nautilus Condo at 3580 South Oceanshore Blvd., Flagler Beach.  
I am opposed to the zoning request on behalf of Caribbean Condominium Ltd. Partnership.

This property sits between two major state Recreational Parks and the inclusion of new additional homes will distract from the surrounding properties. Since the parcel has been designated Recreational Planned Unit Development, I can see no reason to consider a change to Medium Density Residential.

Flagler Beach has ample residential areas of growth. I believe the town would benefit from more recreational planned unit development and to maintain and improve what recreational areas we are fortunate to have already.

Sincerely,

  
Ronald J. Klug

ORDINANCE 88-12

AN ORDINANCE AMENDING ORDINANCE 81-1, CITY OF FLAGLER BEACH ZONING REGULATIONS, ARTICLE IV, DISTRICT REGULATIONS SCHEDULE 1 BY PROVIDING FOR THE CREATION OF A NEW ZONING DISTRICT, RECREATION/PUD: PROVIDING FOR THE USES PERMITTED IN THE NEWLY CREATED ZONING DISTRICT: ESTABLISHING PROCEDURES FOR RECREATION/PUD APPROVAL PROCESS: REPEALING ALL ORDINANCES OR PARTS THEREOF IN CONFLICT HERewith AND SETTING AN EFFECTIVE DATE HEREOF.

WHEREAS, the City of Flagler Beach, Florida desires to provide for recreational sites and facilities in conjunction with residential uses in certain areas of the City as it now exists and as the City may exist in the future due to annexations and in order to provide for the recreational needs in conjunction with residential uses in the city in those areas, the City finds that it is in the best interest of the health, safety and welfare of its citizens to create a zoning district to be entitled Recreation/PUD.

NOW THEREFORE, it is ordained as follows:

1. Ordinance 81-1, City Zoning Regulations, Article IV, Schedule 1, is amended by adding thereto the zoning classification to be entitled Recreation/PUD.

2. The purpose of this District is to provide for sites and facilities that offer recreational uses in conjunction with planned unit development residential projects. It is intended that this district shall apply to relatively large areas of land, generally thirty (30) acres or more, where the City finds that preserving much of the open space in the area of land while at the same time allowing reasonable residential development will best meet the recreational needs of the citizens of Flagler Beach as well as the associated residential development. It is contemplated that permitting residential development of the subject area to be compacted into a relatively small area with higher density levels and building heights than otherwise provided in the City will have the effect of preserving wider expanses of open space and recreational space for the remainder of the project.

3. Uses permitted in the Recreation/PUD zoning district shall be those uses presently permitted in the recreation zoning district of the City, including the principal and accessory uses allowed. In addition thereto, Planned Unit Development for residential purposes shall be permitted as a special exception use subject to the regulations applicable to special exception uses and Planned Unit Developments generally in the zoning regulations except as modified specifically herein.

4. The regulations concerning special excetion uses and planned unit development requirements, including the procedures therein, shall apply to the Recreation/PUD zoning district, except, however, as set forth as follows:

- a. Density: Density shall be limited to three

residential units (or equivalent living unit as defined in the Ordinances of the City pertaining to Impact Fees) per usable acre, that is land area above the mean high water mark and land area which is not comprised of wetlands as defined under the rules and regulations of the Florida Department of Environmental Regulation and Department of Natural Resources and as the same may be amended from time to time.

b. No commercial activities will be permitted the the Recreation/PUD District except those specifically relating to the recreational use pertaining to the planned unit development.

c. A Recreation/PUD shall contain a minimum of thirty (30) acres. A lesser minimum area may be approved if the City Commission determines that the intent and purpose of the Recreation/PUD regulations and express municipal development policy can be served in the particular case before the Commission.

d. Maximum Building Height: The maximum building height generally applicabe in PUD zones shall be applicabe, however the City and the developer may enter into an agreement permitting a maximum building height not to exceed one hundred (100') feet above grade in conjunction with the approval of the concept plan in order to maximize the open space associated with the Recreation/PUD.

e. At the concept approval stage of any Recreation/PUD project the City and Developer shall enter into a development agreement, which shall contain the following mimnimum provisions:

1. Development Schedule: An agreed upon development schedule which shall set forth the anticipated starting construction date and anticipated completion of construction date. A final approved development schedule shall be strictly adhered to and in the event a starting construction date or completion construction date is not adhered to, then in the absence of a waiver by the City, the building height limitation shall revert to thirty-five (35') feet and shall be restricted to the area for buildig structures as set forth in the approved concept plan and the open space contained therein shall remain as open space.

2. Concept Plan Approval: Concept plans shall be submitted to the Planning Board for recommendation and comment and then to the City Commission for approval or disapproval. The City and applicant shall then enter into a binding agreement incorporating the concept plan, development schedule and other conditions of the proposed development, specifically designating those areas that shall remain as open space and the areas where structures will be permitted, setting forth density caps and building height caps and shall otherwise set forth the requirements for concept plans as contained in Article VII of the City Zoning Regulations. Thereafter, preliminary plans shall be



# City of Flagler Beach

Planning and Building Department

AERIAL/LOCATION MAP



submitted prior to the anticipated construction starting date and the preliminary plans shall be required to be within the parameters of the approved concept plan and development agreement.

5. All Ordinances or parts thereof in conflict herewith be and the same are hereby repealed.

6. This Ordinance shall become effective immediately upon passage as provided for by law.

Passed on first reading this 13th day of October 1988.

Adopted on second and final reading this 16th day of November 1988.

CITY COMMISSION, CITY OF FLAGLER BEACH, FLORIDA

Betty Steflik  
BETTY STEFLIK, Chairperson

Dorothy B. Moore  
DOROTHY B. MOORE, City Clerk

Fred J. Belhumeur  
FRED J. BELHUMEUR,  
Vice-chairman

Helen M. Terpstra  
HELEN M. TERPSTRA,  
Commissioner

Approved this 16th day of November  
1988.

James A. Darby  
James A. Darby, Mayor

Mary Ann Clark  
MARY ANN CLARK, Commissioner

John V. Kelly  
JOHN V. KELLY, Commissioner

copy given to Mr. Law - 3/24/89

Attest #7  
[Signature]

ORDINANCE 89-4

AN ORDINANCE REZONING A PARCEL OF LAND LYING IN SECTIONS 29 AND 30, TOWNSHIP 12 SOUTH, RANGE 32 EAST, FLAGLER COUNTY, FLORIDA, BY CHANGING THE ZONING CLASSIFICATION FROM RECREATION TO RECREATION/PUD, AUTHORIZING THE CITY CLERK TO AMEND THE OFFICIAL ZONING MAP AND COMPREHENSIVE LAND USE PLAN CONSISTENT THEREWITH, REPEALING ALL ORDINANCE IN CONFLICT HEREWITH AND SETTING AN EFFECTIVE DATE HEREOF.

WHEREAS, the City of Flagler Beach has considered the Petition for Rezoning a parcel of land lying in Sections 29 and 30, Township 12 South, Range 32 East, Flagler County, Florida, and being more particularly described in the Addendum "A", Survey and legal description dated November 23, 1988, prepared by Sliger & Associates, Inc., which is attached hereto and by reference made a part hereof, and

WHEREAS, the City of Flagler Beach has considered the recommendations of the Planning Board and Architectural Review Board adopted after public hearing as required by the Zoning Ordinances of the City of Flagler Beach, Florida,

NOW, THEREFORE, be it ordained as follows:

1. The request of the Applicant for rezoning the parcel of property described in the attached Addendum "A", which is by reference made a part hereof from Recreation to Recreation/PUD is hereby granted and the subject property be and is hereby classified as Recreation/PUD under the zoning laws of the City of Flagler Beach.
2. The City Clerk be and is hereby authorized to change the official City zoning map and comprehensive land use plan by showing the subject property to be Recreation/PUD.
3. All ordinances in conflict herewith be and the same are hereby repealed.
4. This Ordinance shall become effective immediately upon passage as provided for by law.

Passed on first reading this 23rd day of February, 1989.

Adopted on second and final reading this 23rd day of March, 1989.

CITY COMMISSION, CITY OF FLAGLER BEACH, FLORIDA

APPROVED THIS 23rd DAY OF March, 1989.

[Signature]  
JAMES A. DARBY, Mayor

[Signature]  
DOROTHY D. MOORE, City Clerk

[Signature]  
BETTY STEFLIK, Chairperson

[Signature]  
FRED J. BELHUMEUR, Commissioner

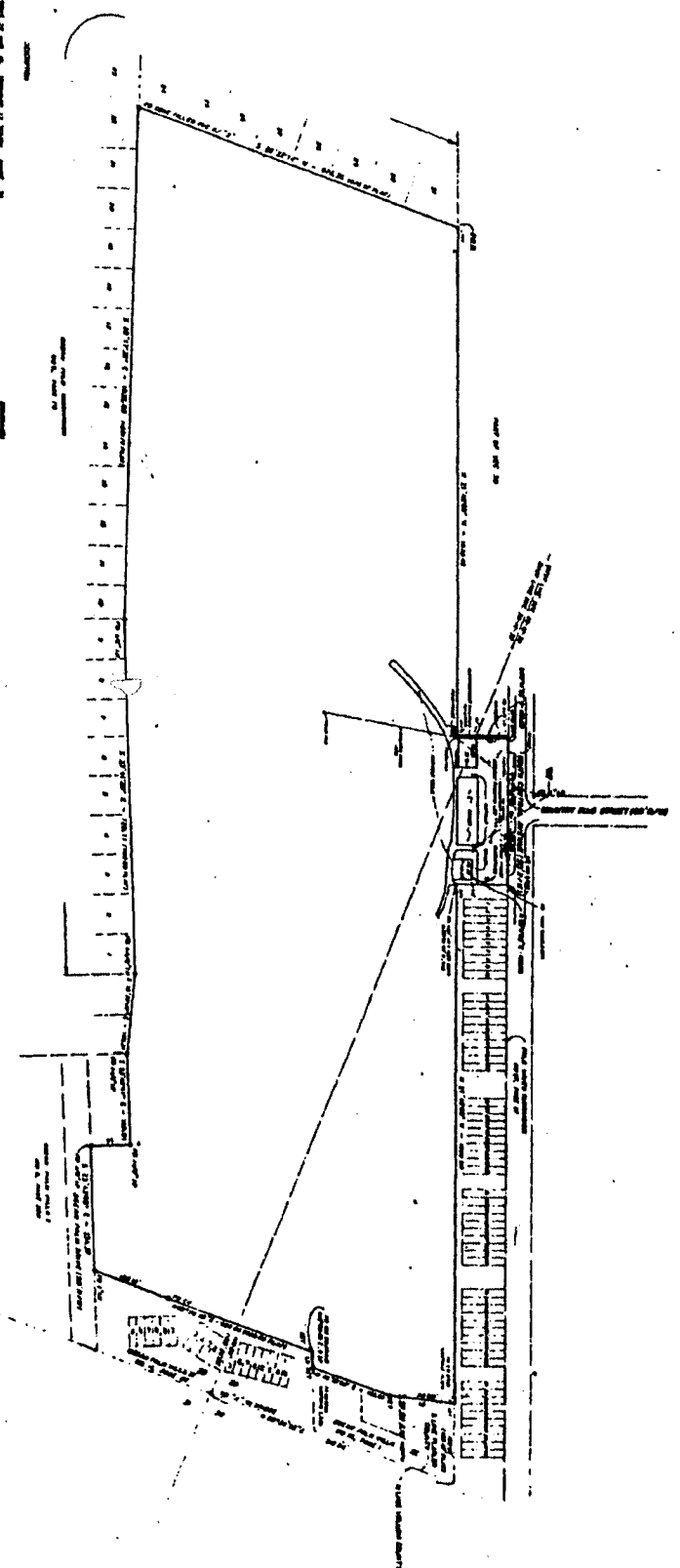
[Signature]  
HELEN M. TERPSTRA, Commissioner

[Signature]  
MARY ANN CLARK, Commissioner

[Signature]  
JOHN V. KELLY, Commissioner

recorded 4-13-89


1. 1/2" = 1'-0"  
 2. 1/4" = 1'-0"  
 3. 1/8" = 1'-0"  
 4. 1/16" = 1'-0"



This plan shows the layout of the proposed building and parking areas. The building is located on the eastern side of the site, and the parking areas are located to the west and south of the building. The site boundaries are shown by a dashed line. The plan is drawn to a scale of 1/2" = 1'-0".

The proposed building is a single-story structure with a total area of approximately 10,000 square feet. It is located on the eastern side of the site. The parking areas are located to the west and south of the building. The site boundaries are shown by a dashed line. The plan is drawn to a scale of 1/2" = 1'-0".

1. The proposed building is a single-story structure with a total area of approximately 10,000 square feet. It is located on the eastern side of the site. The parking areas are located to the west and south of the building. The site boundaries are shown by a dashed line. The plan is drawn to a scale of 1/2" = 1'-0".


**BLIGH & ASSOCIATES, INC.**  
 PROFESSIONAL LAND SURVEYORS  
 1000 WEST 10TH AVENUE  
 DENVER, COLORADO 80202  
 PHONE 733-1111  
 FAX 733-1112  
 PROJECT NO. 100-1111-1111  
 DATE: 1/1/1999



DEVELOPMENT AGREEMENT, COVENANTS AND RESTRICTIONS

THIS AGREEMENT is made this date between the City of Flagler Beach, Florida, (hereinafter referred to as the City) and Ocean Palm Estates, Inc., a Florida Corporation (hereinafter referred to as the Applicant). The Applicant has applied for development approval for a recreation/PUD project and in conjunction with the concept plan approval provided for under the zoning regulations of the City, this Agreement is entered into as part and parcel of said concept plan approval and is contingent upon such approval.

1. Ocean Palm Estates, Inc., the Applicant, warrants to the City that it is the sole owner of the entire parcel of real property sought to be developed herein and as more fully described in the attached Addendums A & B.

2. The Applicant agrees that the proposed development will be developed according to all the applicable zoning and building regulations of the City and consistent with the concept plan approval for this project and that upon such concept plan approval, the Applicant will cause this Agreement to be recorded as a covenant and restriction running with the land providing that the open space requirements and other requirements of the concept plan to be approved shall remain in full force and effect and that the open space shall be used primarily for the operation of a viable nine (9) hole golf course, substantially the same as presently exists, less the driving range facilities and further providing that the same shall be operated in a reasonable and competent fashion. In any event, the Applicant or its successors or a subsequent condominium association insures that the open space, whether it is used as a golf course or not, will be maintained in a reasonable fashion so as to prevent the open space from becoming overgrown, a trash site or otherwise becoming a nuisance to the City or surrounding properties. Land to be actively developed for purposes other than a golf course or open space shall not exceed three (3) acres as shown on the proposed concept plan, including all structures, parking areas, sidewalks and landscaping associated with the main structure.

3. That the open space shall be used primarily for the operation of a viable 9 hole golf course as set forth in the proposed concept plan and further providing that the same shall be operated in a reasonable and competent fashion and that should the Applicant or its successor fail to so operate the golf course facilities for a period of twelve (12) months within any calendar year, then the unit owners of the

planned unit development shall have the option of taking over the operation and maintenance of the golf course facilities or in the event that the residents shall elect through their condominium association not to so operate or maintain the property, then the City of Flagler Beach, Florida shall have the option of maintaining and operating the facilities as a golf course, together with operation and maintenance of the associated pro shop and facilities dedicated to the golf course purposes. In the event that none of the above shall desire to operate or maintain the open spaces as a golf course, then the land shall revert to open space in perpetuity. In the event that the Applicant, its successors, the condominium association, or the City of Flagler Beach, as the case may be, shall have commenced operation and maintenance of the golf course pursuant to the terms hereof, such operation and maintenance shall continue to be the exclusive right of such party so long as the operation is not interrupted for a period of twelve (12) months within any given calendar year. Thereafter, if the property reverts to open space, any of the three named parties shall have the right to recommence operation with priority going to the Applicant or its successors, the condominium association and then to the City of Flagler Beach, Florida.

4. The building height limitations permitted shall be set forth in the concept plan approved herewith. In no event shall any building be constructed in excess of the height of the existing Nautilus Condominium (being approximately eighty-five (85') feet above grade structure. Likewise, there shall be permitted no more than eighty-four (84) dwelling units and associated restaurant and golf facilities, all of which shall be constructed within the three (3) acre site allowed for structures and in accordance with the concept plan.

5. This Agreement and the Covenants and Restrictions referred to herein shall be enforceable by Applicant or its successors, the future condominium association (to be comprised of the unit owners of the proposed eighty-four dwelling units), each individual unit owner and by the City and each of the named entities shall have standing to enforce the terms hereof.

6. Upon City Commission approval of the proposed concept plan and this Agreement and during the term of the proposed building schedule (to-wit: Starting construction date no sooner than July 1, 1993, and completion of construction no later

than July 1, 2003) the Applicant shall have a vested right to development within the parameters of the concept plan and this Agreement. If the City can provide municipal services such as sewer and water connections to the development prior to the construction starting date of July 1, 1993, without creating an unreasonable burden upon such services, the Applicant or its successors shall have the right to apply for a building permit prior to said date after the preliminary site plan and other development matters have been approved by the City and its various boards as required by Article 7 of the City's Zoning regulations. Thereafter, a preliminary plan shall be submitted for approval and the development shall conform with the requirements of the preliminary plan and the procedures and requirements of the City Zoning and Building regulations as they now exist or may exist in the future.

7. Use of the golf course facilities by the citizens of the City shall continue to be available to the residents of the proposed development and the citizens of Flagler Beach on an equal basis and the operator of the golf course will not place additional restrictions or regulations on the citizens of the City other than those restrictions and regulations imposed on users of the golf course generally.

8. This Agreement shall bind and inure to the benefit of the parties hereto and their successors in interest.

EXECUTED this 27th day of March, 1989.

Ronald N. Johnson  
Deborah J. Harrison  
Witnesses as to Ocean Palm Estates, Inc.

OCEAN PALM ESTATES, INC., a Florida Corporation

By Craig Shankland  
Craig Shankland, It's Vice-President

Jean Garrison  
Witnesses as to Mayor & City Clerk

James A. Dancy Mayor  
Verity D. Moore City Clerk

STATE OF FLORIDA  
COUNTY OF FLAGLER

BEFORE ME the undersigned authority, duly authorized to take acknowledgments personally appeared Craig Shankland to me known to be the Vice-President of OCEAN PALM ESTATES, INC. and he acknowledged before me that he executed the foregoing Development Agreement, Covenants and Restrictions for the purposes set forth therein. Sworn to and subscribed before me on this 27th day of March, 1989.

Deborah J. Harrison  
Notary Public

My Commission Expires: 7-1-89

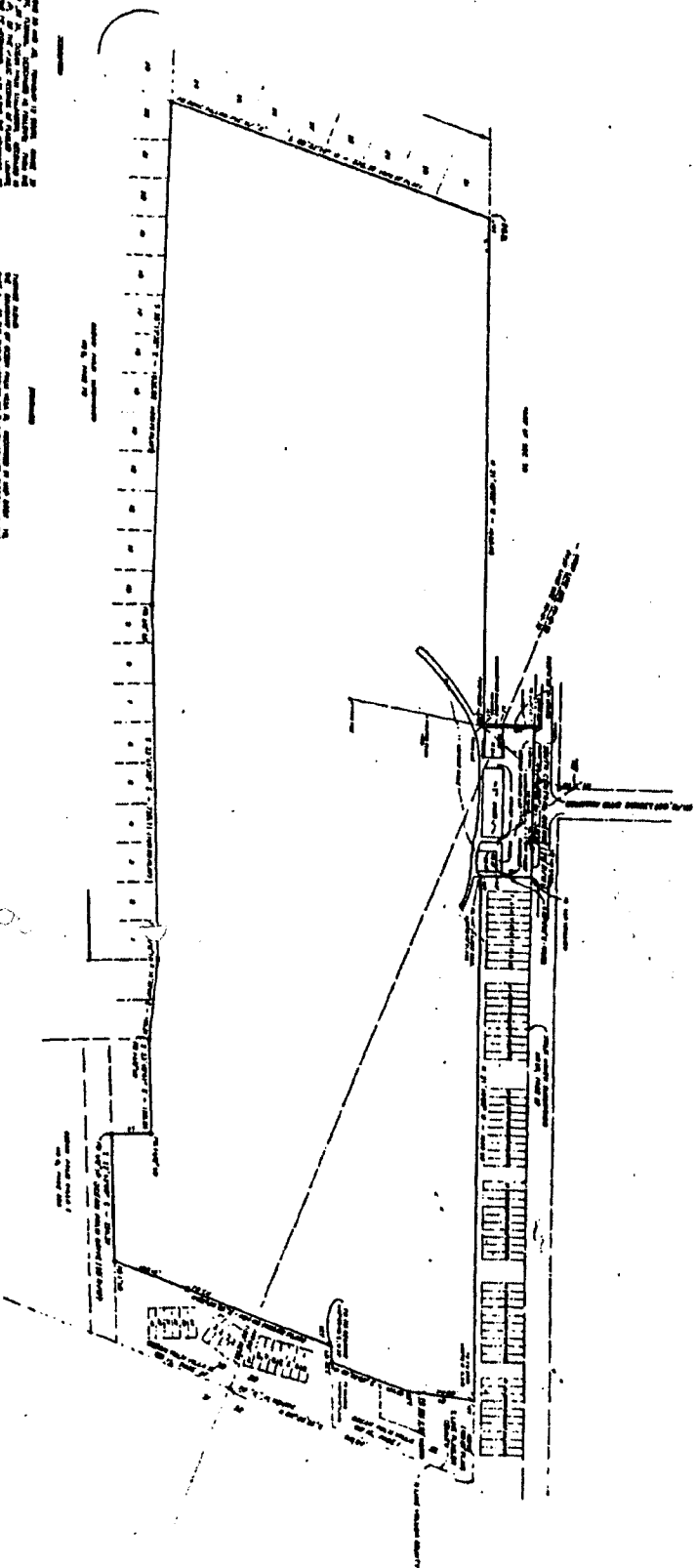
ADDENDUM "A"

Lot	Area	Volume
1	10,000	10,000
2	10,000	10,000
3	10,000	10,000
4	10,000	10,000
5	10,000	10,000
6	10,000	10,000
7	10,000	10,000
8	10,000	10,000
9	10,000	10,000
10	10,000	10,000

THESE LOTS ARE TO BE CONVEYED TO THE STATE OF TEXAS FOR THE PURPOSE OF BEING USED AS A PUBLIC PARK AND RECREATION AREA. THE STATE OF TEXAS IS THE GRANTEE OF THESE LOTS AND THE GRANTEE OF THE LOTS IS THE STATE OF TEXAS. THE GRANTEE OF THE LOTS IS THE STATE OF TEXAS. THE GRANTEE OF THE LOTS IS THE STATE OF TEXAS.

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**SLIDER & ASSOCIATES, INC.**  
 ENGINEERS, ARCHITECTS, PLANNERS  
 1000 WEST 10TH STREET, SUITE 100  
 DENVER, COLORADO 80202  
 TEL: 303.733.1100

DATE: 11/15/88  
 DRAWN BY: [Signature]  
 CHECKED BY: [Signature]

PROJECT: [Project Name]  
 SHEET: [Sheet Number]

SCALE: 1" = 100'  
 DATE: 11/15/88



STATE OF FLORIDA  
COUNTY OF FLAGLER

BEFORE ME the undersigned authority, duly authorized to take acknowledgments personally appeared JAMES A. DARBY, as Mayor and DOROTHY D. MOORE, as City Clerk, both of the City of Flagler Beach, to me known and they acknowledged that they executed the foregoing Development Agreement, Covenants and Restrictions for the purposes set forth therein.

Sworn to and subscribed before me on this 29<sup>th</sup> day of March, 1989.

  
Notary Public, State of Florida

My Commission Expires:

Notary Public, Florida, State at Large  
My Commission Expires Oct 31, 1991

Inst No: 2005062902; 10/12/05 12:22PM; Book: 1335 Page: 1002; Total Pgs: 13  
GAIL WADSWORTH, FLAGLER Co.

IN THE CIRCUIT COURT,  
SEVENTH JUDICIAL CIRCUIT, IN  
AND FOR VOLUSIA COUNTY,  
FLORIDA

CASE NO. 2005-524-CA  
DIVISION

OCEAN PALMS GOLF CLUB  
PARTNERSHIP, a Florida limited  
partnership, and CARIBBEAN  
CONDOMINIUM LIMITED  
PARTNERSHIP, a Florida limited  
partnership,

Plaintiff,

v.

CITY OF FLAGLER BEACH, a Florida  
municipal corporation,

Defendant.

FILED STATE OFFICE  
CLERK OF COURT  
FLAGLER COUNTY, FLA.  
2005 JUN 19 PM 2:35  
PART NO. 52

**FINAL JUDGMENT ON THE PLEADINGS**

THIS CAUSE coming on for disposition upon the Complaint of the Plaintiffs, the Acceptance of Service and Response to Complaint of the Defendant, and the Plaintiffs' Motion for Judgment on the Pleadings, all parties having waived hearing, the Court finds from the pleadings that the following matters are undisputed:

1. This is an action for judgment declaring the rights of the parties under a development agreement concerning certain real property in Flagler County, Florida.
2. The court has subject matter jurisdiction pursuant to Chapter 83, Florida Statutes.
3. The land covered by the agreement is approximately 36.93 acres more particularly described in Exhibit A, and is hereafter described as "the land."

Book: 1335 Page: 1003

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4. On or about March 10, 1989, by virtue of Ordinance 89-4, the land was rezoned by the Defendant to the classification of RR-PUD. A true copy of said Ordinance is attached as Exhibit B.

5. On or about March 23, 1989, Plaintiffs' predecessor in title entered into a Development Agreement with Defendant. Said Agreement is attached as Exhibit C.

6. The Agreement, as extended by mutual agreement, further provided that a portion of the land would be used as a condominium pursuant to a concept plan, provided that the condominium was built by July 1, 2003. That portion is described in Exhibit E and is presently owned by the Plaintiff CARIBBEAN CLUB CONDOMINIUM LIMITED PARTNERSHIP.

7. In the intervening period between Plaintiffs' acquisition of the land and July 1, 2003, several proposed site plans were submitted for review and approval by the Defendant. None were approved on terms acceptable to both parties and the Plaintiffs and City proceeded to litigation over the entitlements and vested rights granted by the development agreement.

8. On or about March 27, 2003 in Case No. 02-1264-CA, this Court entered final judgment denying a petition for writ of certiorari in which plaintiff CARIBBEAN CLUB CONDOMINIUM LIMITED PARTNERSHIP had sought review of its entitlements and vested rights under the Development Agreement.

9. Thereafter the Development Agreement lapsed by its own terms, without construction of the condominium, and neither plaintiffs nor defendant have any remaining rights, duties or liabilities with respect thereto.

10. The Defendant has requested and procured a legal opinion from a qualified expert in land use law, advising that the Development Agreement, even if construed under §163.3220 *et seq.*, Fla. Stat. (2004), has lapsed. A true copy of the opinion is attached as Exhibit F.



Book: 1335 Page: 1004

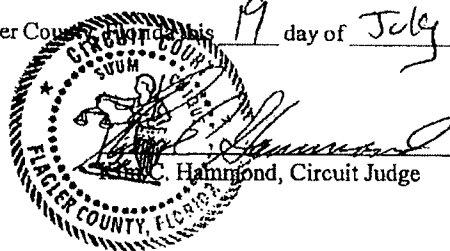
11. The land continues to be zoned by defendant as RR-PUD, and approval of any new development under such zoning requires a new Development Agreement to be entered between the parties after the public hearings and approvals required by the City's code of ordinances.

12. The parties have each separately prayed that the Court will determine that the Development Agreement has expired under its own terms and that the land is now governed by the City's land development code, current zoning and comprehensive plan.

Whereupon it is:

**ORDERED and ADJUDGED** that the Motion for Final Judgment on the Pleadings is **GRANTED**, and the Court adjudges and decrees that the Development Agreement between the parties or their predecessors in interest, recorded at Official Records Book 388 Page 88 ff. of the Public Records of Flagler County, Florida has expired under its own terms and that the land which was the subject of that Agreement is now governed by the City's land development code, current zoning and comprehensive plan. Each party shall bear its own costs and fees.

Done and ordered in Bunnell, Flagler County, Florida this 19 day of July, 2005.



Copies furnished to:

C. Allen Watts, Esq.  
351 E. New York Ave.  
Suite 200  
DeLand, FL 32724

Charles J. Cino, Esq.  
555 W. Granada Boulevard,  
E-12  
Ormond Beach, FL 32174



# City of Flagler Beach

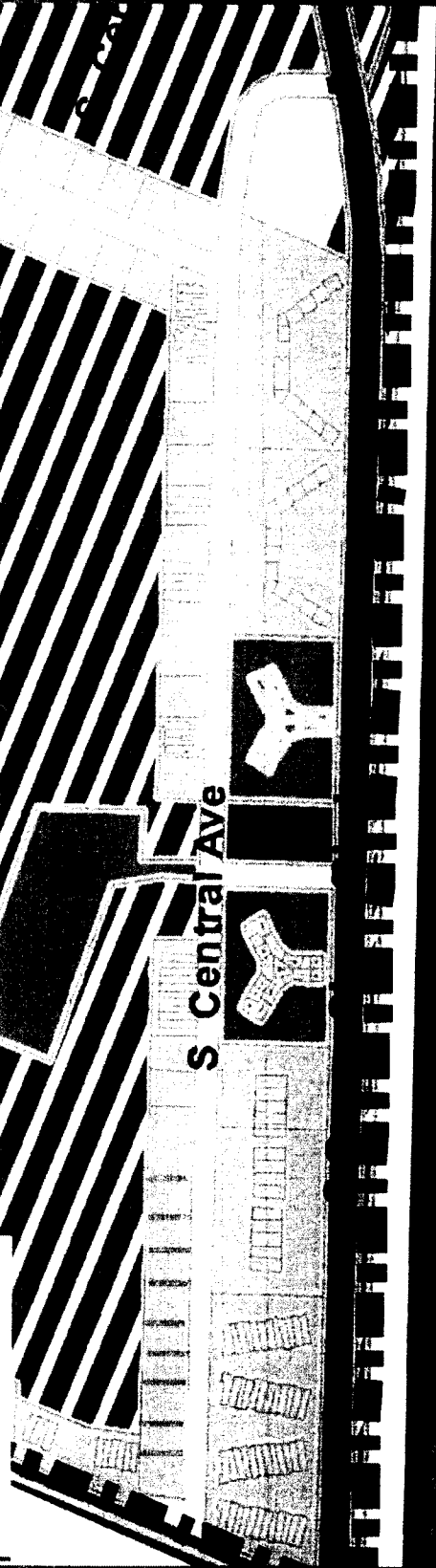
Planning and Building Department

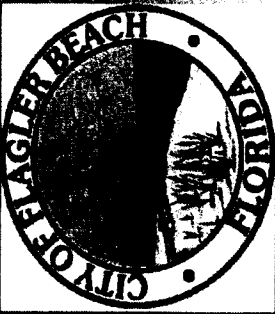
## FUTURE LAND USE MAP

Future Land Use	
	Conservation
	Recreation
	Low Density Residential
	Medium Density Residential
	Mobile Home Park
	High Density Residential
	Mixed Use Overlay
	Commercial
	Industrial

Ocean Palm Dr

S Central Ave





# City of Flagler Beach

## Planning and Building Department

### OFFICIAL ZONING MAP

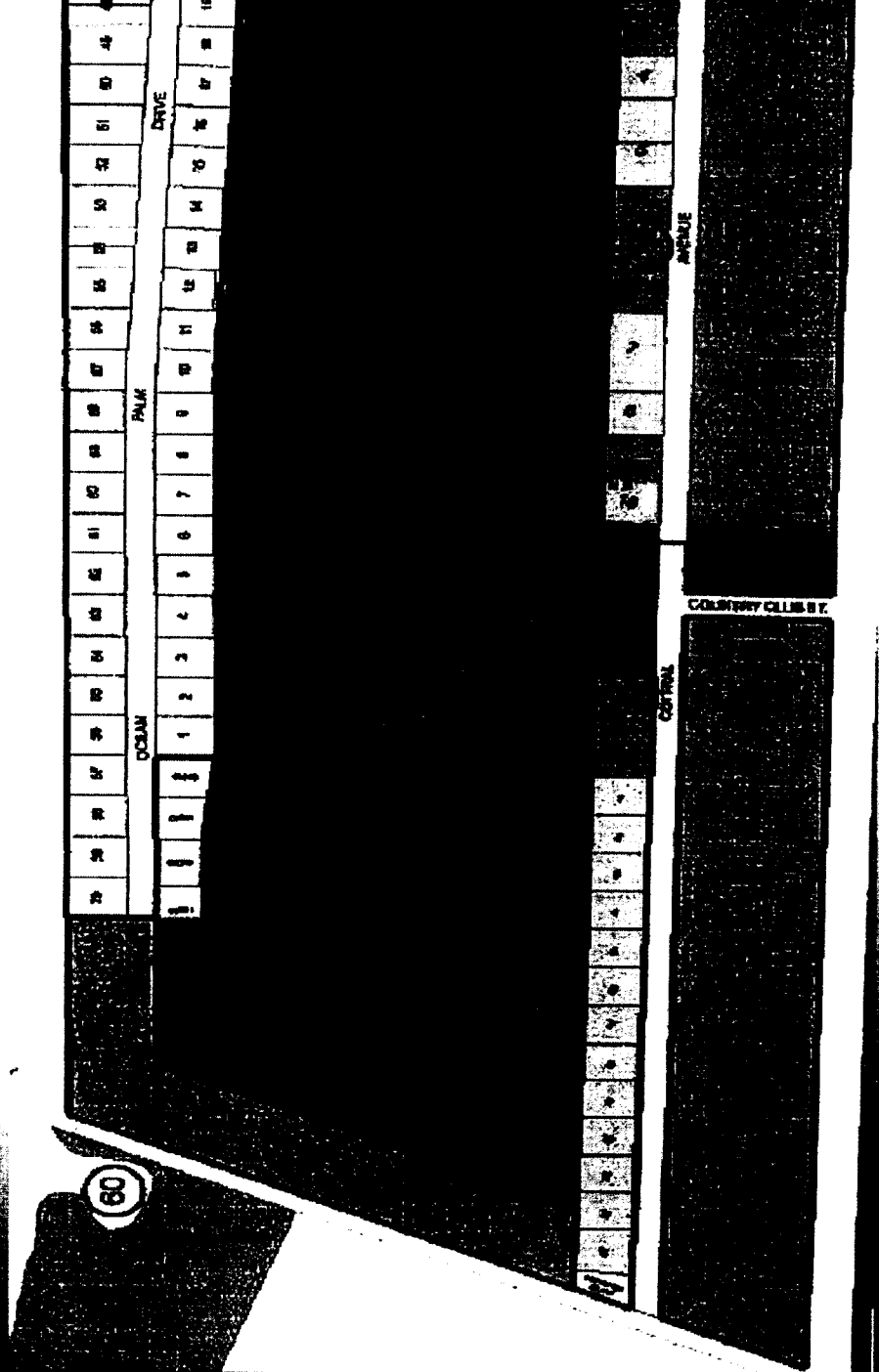
**FLAGLER BEACH ZONING**

**Zoning Overlay**

- Dotted pattern: Downtown A1A Retail Corridor
- Horizontal dashed lines: Downtown Mixed-Use
- Vertical dashed lines: Mirror Lake Watershed

**Residential Neighborhoods**

- Light gray: R, Reserved
- Medium gray: C, Conservation
- Dark gray: P, Preservation
- Black: REC, Recreation
- White: REC/PUD, Recreation PUD
- Light gray: R-1, Single-Family Residential
- Medium gray: R-4, Single-Family Residential
- Dark gray: LDR, Low Density Residential
- Black: MDR, Medium Density Residential
- White: PUD, Planned Unit Development
- Light gray: TC, Tourist Commercial
- Medium gray: GC, General Commercial
- Dark gray: HC, Highway Commercial
- Black: LI, Light Industrial



**Larry Torino**

---

**From:** Addae-Mensa, Joseph <Joseph.Addae-Mensa@deo.myflorida.com>  
**Sent:** Monday, September 21, 2015 8:51 AM  
**To:** Larry Torino  
**Subject:** RE: Land Use Amendment

Good Morning Larry,

Your situation, as you describe it, is rezoning and not a FLUM designation change. Therefore, no small scale amendment is required.

Have a good day.  
Joseph

**From:** Larry Torino [<mailto:LTorino@CityofFlaglerBeach.com>]  
**Sent:** Thursday, September 17, 2015 12:29 PM  
**To:** Addae-Mensa, Joseph <[Joseph.Addae-Mensa@deo.myflorida.com](mailto:Joseph.Addae-Mensa@deo.myflorida.com)>  
**Subject:** Land Use Amendment

Good Morning Joseph,  
Hope all is well. I have a situation that hopefully you can enlighten me with direction. The City recently received an interest to rezone a 3 ac. parcel of land currently classified Recreation PUD District to Medium Density Residential. The current FLUM designation is High Density Residential. Does such a circumstance require a small scale LUA given the same land use (residential) but different classification, less density? Thank you in advance for your assistance.  
Larry Torino

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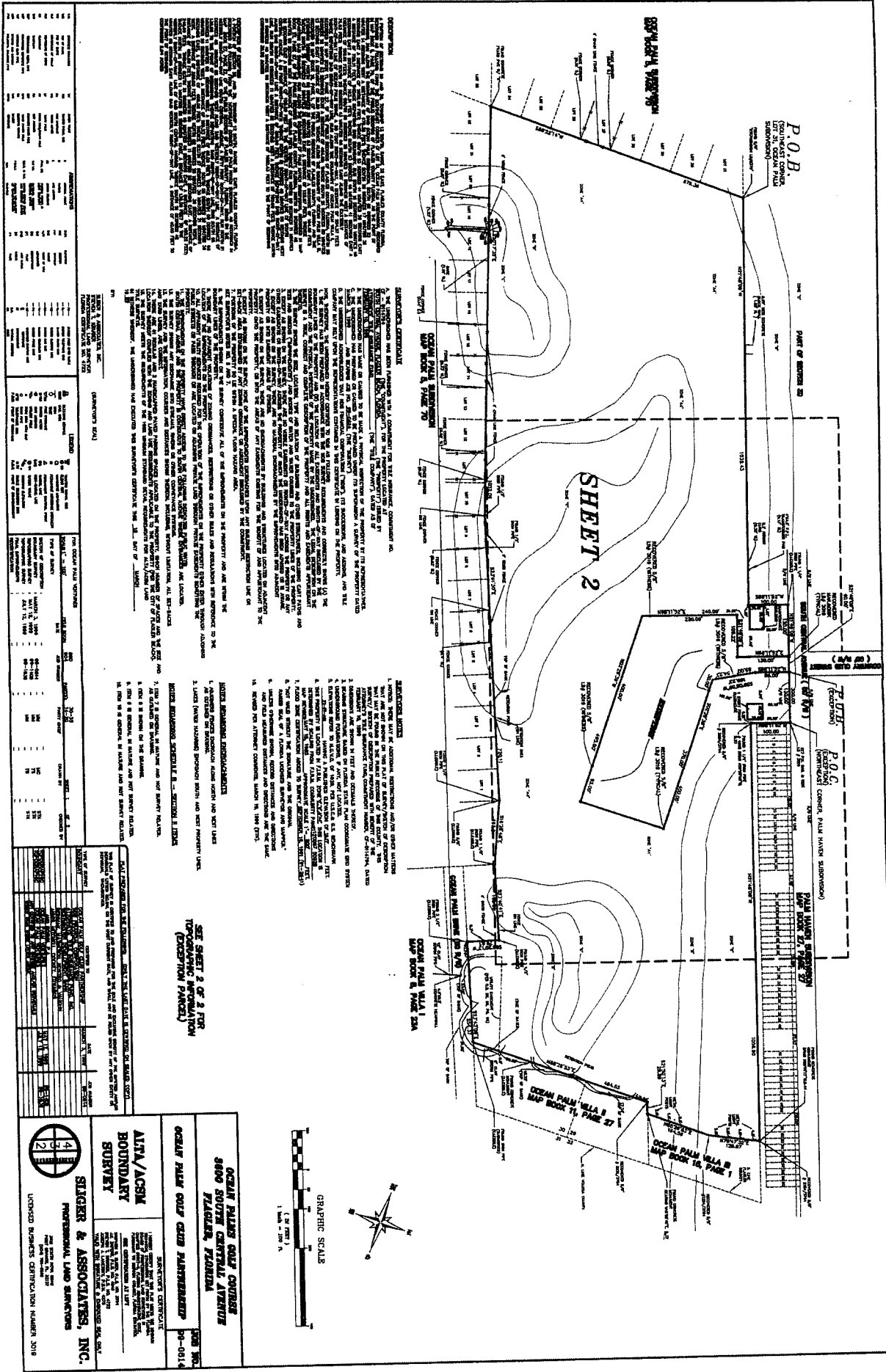
This email communication may contain confidential information protected from disclosure by privacy laws and is intended for the use of the individual named above. If the reader of this message is not the intended recipient, this is notice to you that any dissemination, distribution or copying of this communication or any attachment to it may be a violation of federal and state privacy laws. If you have received this email in error, please notify the sender immediately by return email and delete this message. Please note that Florida has a broad public records law, and that all correspondence to me via email may be subject to disclosure. Under Florida law email addresses are public records

ATTACHMENT 12 – Summary 2008 LUA Traffic Impact Study: PBS&JTransportation:

The application included a traffic impact study based on the impact of 160 single-family dwelling units and not the worst-case scenario determined by the gross number of units permitted by the Comprehensive Plan of 184 dwelling units. The roadway capacity analysis included S.R. A1A as well as S.R. 100 and revealed no existing deficient roadway segments in the study area. Using a comparison of net trip generation rates between the existing nine-hole golf course and the proposed 160 dwelling units the total number of net project trips was estimated at 139 p.m. peak hour trips. Based on the use of the generalized tables provided by the Florida Department of Transportation (FDOT) all segments were determined to have sufficient capacity to support the proposed development.

In advance of the Local Planning Agency public hearing (Planning and Architectural Review Board) the application was forwarded to the Florida Department of Transportation (FDOT) for courtesy review comments. The FDOT review comments dated September 8, 2008, are attached hereto as part of the official record. The number of daily trips projected based on the Low Density Residential Land Use classification was estimated by the FDOT to be approximately 1,822 trips and 186 p.m. peak hour trips. As compared to the existing land use designations, a net increase of 1,359 daily trips and 140 p.m. peak hour trips will be generated by the amendment. The roadway impacted by the proposed change is S.R. A1A and the traffic segments include CR 15A to Flagler County Line and Volusia County Line to S. 9<sup>th</sup> Street with adopted levels-of-service (LOS) "C" and "D", respectively. The FDOT analysis determined that the additional trips generated would not result in the degradation of the LOS.

Overall, the Traffic Impact Analysis prepared by PBS&J on behalf of the developer and the courtesy analysis provided by the FDOT are in agreement. Therefore, the adopted levels-of-service will not be degraded by the proposed land use map amendment.



**COMPASSION**

THESE LOTS ARE TO BE CONVEYED TO THE CITY OF PALM BEACH, FLORIDA, BY THE CITY OF PALM BEACH, FLORIDA, IN ACCORDANCE WITH THE CITY OF PALM BEACH, FLORIDA, RESOLUTION NUMBER 2018-014.

THESE LOTS ARE TO BE CONVEYED TO THE CITY OF PALM BEACH, FLORIDA, BY THE CITY OF PALM BEACH, FLORIDA, IN ACCORDANCE WITH THE CITY OF PALM BEACH, FLORIDA, RESOLUTION NUMBER 2018-014.

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**INTERSECTION**

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**OCEAN PALMS GOLF COURSE**  
**8000 SOUTHERN CANTAL AVENUE**  
**PALM BEACH, FLORIDA**

**OCEAN PALMS GOLF CLUB PARTNERSHIP**

**1500 INL**

**ALTA/ACSM**  
**BOUNDARY**  
**SURVEY**

**SILGER & ASSOCIATES, INC.**  
**PROFESSIONAL LAND SURVEYORS**

LICENSED SURVEYOR CERTIFICATION NUMBER 2018

**CONVEYANCE**

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**SHEET 2**

**P.O.B. (POST OFFICE BOX)**

**OCEAN PALMS GOLF COURSE**

**OCEAN PALMS WELLS**

**MAP BOOK 16, PAGE 27**

**MAP BOOK 18, PAGE 1**

**MAP BOOK 18, PAGE 2**

**MAP BOOK 18, PAGE 3**

**MAP BOOK 18, PAGE 4**

**MAP BOOK 18, PAGE 5**

**MAP BOOK 18, PAGE 6**

**MAP BOOK 18, PAGE 7**

**MAP BOOK 18, PAGE 8**

**MAP BOOK 18, PAGE 9**

**MAP BOOK 18, PAGE 10**

**MAP BOOK 18, PAGE 11**

**MAP BOOK 18, PAGE 12**

**MAP BOOK 18, PAGE 13**

**MAP BOOK 18, PAGE 14**

**MAP BOOK 18, PAGE 15**

**MAP BOOK 18, PAGE 16**

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**MAP BOOK 18, PAGE 32**

**MAP BOOK 18, PAGE 33**

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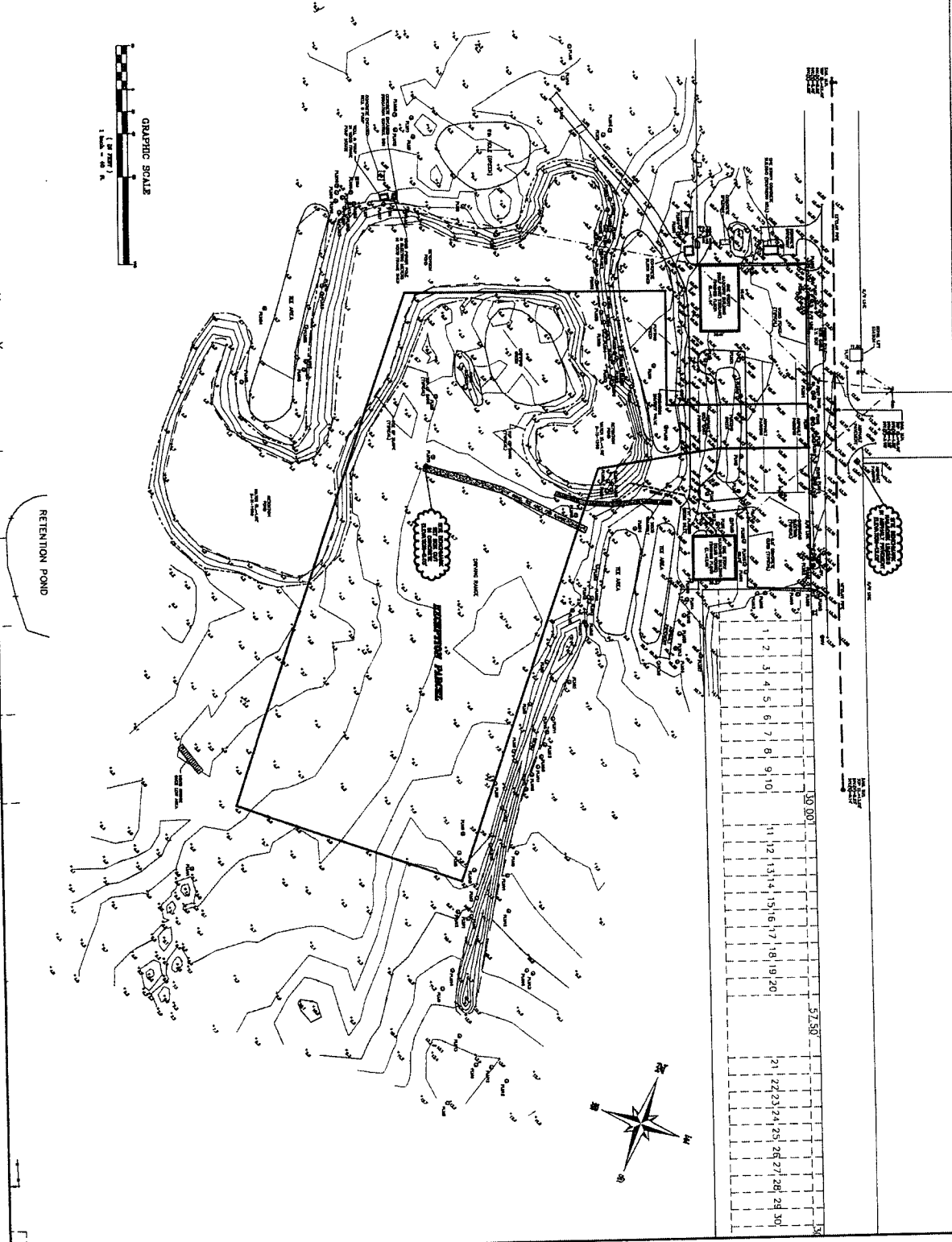
**MAP BOOK 18, PAGE 50**

**GRAPHIC SCALE**

1" = 100' N.

**SEE SHEET 2 OF 2 FOR TOPOGRAPHIC INFORMATION (PROVISION PANEL)**

<b>SLAGER &amp; ASSOCIATES, INC.</b> PROFESSIONAL LAND SURVEYORS 100 SOUTH PALM AVENUE PALM BEACH, FLORIDA 33480 LICENSED BUSINESS CERTIFICATION NUMBER 3909 SINCE 1925		<b>TOPOGRAPHIC SURVEY</b>	
<b>OCEAN PALM GOLF CLUB PARTNERSHIP</b>		<b>JOB NO. 90-1836</b>	
<b>OCEAN PALMS GOLF COURSE</b> 3600 SOUTH CENTRAL AVENUE PALM BEACH, FLORIDA			



**CITY OF FLAGLER BEACH  
NOTICE OF PROPOSED  
OFFICIAL ZONING MAP  
AMENDMENT RZ-15 -10 -01**

The City Commission of the City of Flagler Beach will consider and make a recommendation regarding Ordinance 2015-12 Entitled:

**ORDINANCE NO. 2015 - 12**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FLAGLER BEACH, FLORIDA, PROVIDING FOR THE AMENDMENT OF THE OFFICIAL ZONING MAP AS PREVIOUSLY ESTABLISHED IN APPENDIX A LAND DEVELOPMENT REGULATIONS SECTION 2.03.03 OF THE CITY OF FLAGLER BEACH, FLORIDA, AS AMENDED AND SUPPLEMENTED; AMENDING THE OFFICIAL ZONING MAP FOR 2.94+/- ACRES OF CERTAIN REAL PROPERTY DESCRIBED AS TAX PARCEL IDENTIFICATION NUMBER 29-12-32-0000-01010-0010 FROM RECREATION PLANNED UNIT DEVELOPMENT (RPUD) TO MEDIUM DENSITY RESIDENTIAL (MDR); PROVIDING FOR CONFLICTS, RATIFICATION OF PRIOR ACTS; PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT; PROVIDING FOR THE TAKING OF IMPLEMENTING ADMINISTRATIVE ACTIONS; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR NON-CODIFICATION AND PROVIDING FOR AN EFFECTIVE DATE.**

Caribbean Condominium Limited Partnership is requesting this Official Zoning Map amendment for property currently zoned Recreation Planned Unit Development (RPUD) to Medium Density Residential (MDR). The property consists of 2.94+/- acres and generally situated on the westerly side of South Central Avenue and lying west of the terminus of Clubhouse Drive (See Location Map below). Public Hearings will be conducted for this request as follows:

City Commission: Second Reading December 10, 2015 6:00 p.m. or as soon thereafter

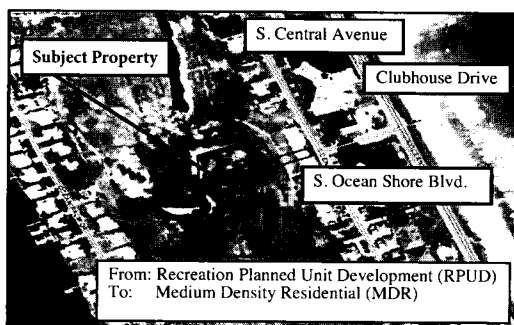
The public hearings may be continued to a future date or dates. The times and dates of any continuances of a public hearing shall be announced during the public hearing without any further published notice. The request will be heard in the City Commission Chambers located at 105 South Second Street, Flagler Beach, Florida.

A copy of this notice, the file relating to the proposed Official Zoning Map amendment and the proposed ordinance are available for public inspection during regular business hours Monday through Friday from 8:00 a.m. to 5:00 p.m. at 105 South Second Street, Flagler Beach, Florida. The public is encouraged to participate in the processes and procedures of the City and to request copies of the proposed ordinance.

Any person wishing to express his/her opinion may submit written comments regarding the proposed amendment to the City through the Planning and Building Department. Comments should be made as early as possible to ensure full consideration.

If a person decides to appeal any decision made with respect to any matter considered at the above referenced hearings, he/she will need a record of the proceedings. For such purposes, it may be necessary to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with the *Americans with Disabilities Act*, persons needing assistance to participate in any of these proceedings should contact the City Clerk's Office at 386-517-2000 at least 48 hours prior to the meeting.





ORDINANCE 2015-15

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FLAGLER BEACH, AMENDING CHAPTER 11 SOLID WASTE, SECTIONS 11-1 DEFINITIONS; SECTION 11-6 (2)B, C, TO AMEND THE REGULATIONS FOR YARD WASTE STANDARDS, PROVIDING FOR CODIFICATION, CONFLICT, REPEAL AND AN EFFECTIVE DATE.

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

SECTION 1. Chapter 11 Solid Waste, Sections 11-1 Definitions; and Section 11-6 (2) b and (2) c, of the City of Flagler Beach Code of Ordinances is hereby amended as follows (note: strikethrough text indicates deletions, underline text indicates additions, ellipses (\*\*\*) identify text that remains unchanged and that is not reprinted herein)

\*\*\*

Sec. 11-1. - Definitions.

\*\*\*

*Special pickup service* means an excessive amount of garbage or yard waste as determined by the director to be beyond reasonable amounts that do not lend themselves to normal service. This includes but is not limited to accumulation of more than eight (8) thirty-two-gallon containers of garbage or yard waste; a pile of yard waste no larger than three (3) feet wide ~~three (3)~~ six (6) feet high and six (6) feet long, or no more than 4 cubic yards or yard waste that is not placed in an approved manner, (see standards for yard waste collection).

\*\*\*

Section 11-6. Collection for residential service

\*\*\*

(2) Standards for yard waste collection are as follows:

\*\*\*

b. Branches shall be cut into lengths of five (5) feet or less and shall be no bigger than (5) inches in diameter, stacked with other yard waste.

c. Palm fronds need to be neatly piled with all stems towards the street in a pile no larger than three (3) feet wide ~~three (3)~~ six (6) feet high and six (6) feet long, or tied in bundles no larger than one man can handle.

\*\*\*

SECTION 2. 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 not affect the validity of the remaining portions or application hereof.

SECTION 3. It is the intent of the City Commission of Flagler Beach, and is hereby provided that the provisions of this ordinance shall be made a part of the Flagler Beach Code; that the sections of this ordinance may be re-numbered or re-lettered; and that the word "ordinance" may be changed to "section", "article", "chapter" or other appropriate designation to accomplish such intention.

SECTION 4. All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 5. This ordinance shall take effect immediately upon passage as provided by law.

PASSED ON FIRST READING THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2015.

PASSED AND ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2015

CITY OF FLAGLER BEACH, FLORIDA  
CITY COMMISSION

\_\_\_\_\_  
Linda Provencher, Mayor

ATTEST:

\_\_\_\_\_  
Penny Overstreet, City Clerk

ORDINANCE 2015-15  
ORDINANCE 2015-15 AN ORDINANCE  
OF THE CITY OF FLAGLER BEACH,  
AMENDING CHAPTER 11 SOLID WASTE,  
SECTIONS 11-1 DEFINITIONS; SECTION  
11-6 (2)B, C, TO AMEND THE  
REGULATIONS FOR YARD WASTE  
STANDARDS, PROVIDING FOR  
CODIFICATION, CONFLICT, REPEAL  
AND AN EFFECTIVE DATE  
PUBLIC HEARING'S AND FINAL  
READING WILL BE HELD ON DECEMBER  
10, 2015 AT 6:00 P.M., OR AS SOON  
THERE AFTER AS POSSIBLE, IN THE  
CITY COMMISSION CHAMBERS, 105 S.  
2ND ST., FLAGLER BEACH, FL. THIS  
PUBLIC HEARING MAY BE CONTINUED  
TO A FUTURE DATE OR DATES. THE  
TIMES AND DATES OF ANY  
CONTINUANCES OF A PUBLIC HEARING  
SHALL BE ANNOUNCED DURING THE  
PUBLIC HEARING WITHOUT ANY  
FURTHER PUBLISHED NOTICE. THE  
ORDINANCE MAY BE VIEWED AT THE  
ABOVE LOCATION. INTERESTED  
PARTIES MAY APPEAR AT THE  
MEETING AND BE HEARD WITH  
RESPECT TO THE PROPOSED  
ORDINANCE.

CITY OF FLAGLER BEACH  
P.O. BOX 70, 105 S. 2ND STREET  
FLAGLER BEACH, FL 32136  
PHONE (386) 517-2000  
FAX (386) 517-2008  
L2167930. Nov. 30, 2015. It

#18

Law Offices  
**Christiansen & Dehner, P.A.**

63 Sarasota Center Blvd. Suite 107 Sarasota, Florida 34240 • 941-377-2200 • Fax 941-377-4848

---

August 12, 2015

Ms. Susy Pita  
Flagler Beach Firefighters' Retirement System  
21629 Stirling Pass  
Leesburg, FL 34748

Re: City of Flagler Beach Firefighters' Retirement System - Proposed Ordinance

Dear Susy:

Enclosed please find a proposed ordinance amending the City of Flagler Beach Firefighters' Retirement System. With the recent adoption by the Florida Legislature of Chapter 2015-39, Laws of Florida, and changes to the Internal Revenue Code (IRC) and its associated Regulations, as well as guidance from the Internal Revenue Service (IRS), the following amendments to the pension plan are proposed:

1. Section 1, Definitions, is being amended for IRC changes and requirements, to amend the definitions of:
  - a. Actuarial Equivalent - to amend the definition to incorporate the Mortality Table and interest rate currently being used by the plan's actuary.
  - b. Credited Service - to clarify IRC regulations on leave conversions
  - c. Firefighter - to update a reference in Florida Statutes.
  - d. Spouse - To clarify the definition in accordance with a recent US Supreme Court ruling
2. Section 4, Finances and Fund Management, is being amended to further incorporate recent IRC requirements with regard to investments in commingled funds.
3. Section 6, Benefit amounts and eligibility, is being amended to change the Normal Retirement Date to include IRC required language regarding Normal Retirement Age and Normal Retirement Date.
4. Section 8, Disability, is being amended to more clearly identify those individuals who may be eligible to apply for a disability pension who have been terminated by the City due to medical reasons.

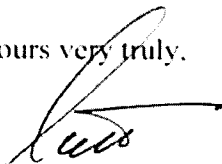
5. Section 10, Optional Forms of Benefits, subsection (b). has been amended to clarify that if proof of good health of a joint pensioner who is being replaced is not provided, the actuary will assume that the joint pensioner is deceased for purposes of calculating the revised benefit amount.
6. Section 15, Maximum Pension, has had several subsections amended to comply with IRC changes.
7. Section 16, Minimum Distribution of Benefits, is being amended for a reference clarification in subsection (b)(2)d.
8. Section 25, Prior Fire Service, subsection (5), is being amended to correct a reference.
9. Section 28, Supplemental Benefit Component for Special Benefits; Chapter 175 Share Accounts. is a new Section being added to the plan. This Section creates a 'Share Plan', or defined contribution component, and the addition of a share plan is a requirement of recently adopted Chapter 2015-39, Laws of Florida, for all pension plans that are subject to the provisions of Chapters 175 and 185.

This Share Plan provides for a share account for each member of the plan. The Share Plan is to be funded solely and entirely by Chapter 175 premium tax monies for each plan year that funding is made available to it in accordance with governing Florida Statutes and/or mutual agreement between the City and the plan members. This supplemental benefit, therefore, may or may not be funded.

If the share plan is funded, at retirement, termination (vested), disability or death, there is an additional lump sum benefit paid to the eligible member. Available share plan funding is allocated to the members' accounts based on a formula which provides an allocation based on years of credited service. Each share account receives its proportionate share of the income or loss on the assets in the plan.

By copy of this letter to the Board's actuary, Foster & Foster, Inc., I am requesting that they provide you with a letter indicating the cost, if any, associated with the adoption of this ordinance. If you have any questions with regard to this ordinance, please feel free to give me a call.

Yours very truly,



Scott R. Christiansen

SRC/dm  
enclosure  
cc: Doug Lozen, with enclosure

ORDINANCE NO. 2015-16

AN ORDINANCE OF THE CITY OF FLAGLER BEACH, AMENDING CHAPTER 2, ADMINISTRATION, ARTICLE V, EMPLOYEE BENEFITS, DIVISION 1, SECTION 2-101, FIREFIGHTERS' RETIREMENT SYSTEM, OF THE CODE OF ORDINANCES OF THE CITY OF FLAGLER BEACH; AMENDING SECTION 1, DEFINITIONS; AMENDING SECTION 4, FINANCES AND FUND MANAGEMENT; AMENDING SECTION 6, BENEFIT AMOUNTS AND ELIGIBILITY; AMENDING SECTION 8, DISABILITY; AMENDING SECTION 10, OPTIONAL FORMS OF BENEFITS; AMENDING SECTION 15, MAXIMUM PENSION; AMENDING SECTION 16, MINIMUM DISTRIBUTION OF BENEFITS; AMENDING SECTION 25, PRIOR FIRE SERVICE; ADDING SECTION 28, SUPPLEMENTAL BENEFIT COMPONENT FOR SPECIAL BENEFITS; CHAPTER 175 SHARE ACCOUNTS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE.

**BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FLAGLER BEACH, FLORIDA, that;**

**SECTION 1:** Chapter 2, Administration, Article V, Employee Benefits, Division 1, Section 2-101, Firefighters' Retirement System, of the Code of Ordinances of the City of Flagler Beach, is hereby amended by amending Section 1., Definitions, to amend the definitions of "*Actuarial Equivalent*", "*Credited Service*". "*Firefighter*" and "*Spouse*", to read as follows:

\* \* \* \* \*

*Actuarial equivalent* means a benefit or amount of equal value, based on the ~~1983 Group Annuity RP 2000 Combined Healthy Unisex Mortality Table with disabled lives set forward five (5) years~~ and an interest rate of ~~eight (8) seven and one-half (7.5) percent~~. This definition may only be amended by city ordinance using the assumptions adopted by the board with the advice of the plan's actuary, such that actuarial assumptions are not subject to city discretion.

\* \* \* \* \*

*Credited service* means the total number of years and fractional parts of years of service as a firefighter with member contributions to the system, when required, omitting intervening years or fractional parts of years when such member was not employed by the city as a firefighter or does not receive credited service as provided below. A volunteer firefighter shall not receive credited service for any purpose, including vesting, for any plan year during which he is a member if he does not meet the minimum requirements to qualify to receive a year of credited service as set forth in the City of Flagler Beach Firefighter Retirement System Volunteer Firefighter Qualifications Criteria, dated November, 2014, attached hereto. If a member accumulates service both as a full-time firefighter and a volunteer, credited service shall be calculated separately for full-time and volunteer service with the sum of all years used only for vesting and benefit eligibility purposes. A member may voluntarily leave his accumulated contributions in the fund for a period of five years after

leaving the employ of the fire department pending the possibility of being reemployed as a firefighter, without losing credit for the time that he was a member of the system. If a vested member leaves the employ of the fire department, his accumulated contributions will be returned only upon his written request. If a member who is not vested is not reemployed as a firefighter with the fire department within five (5) years, his accumulated contributions, if one thousand dollars (\$1,000.00) or less, shall be returned. If a member who is not vested is not reemployed within five (5) years, his accumulated contributions, if more than one-thousand dollars (\$1,000.00), will be returned only upon the written request of the member and upon completion of a written election to receive a cash lump sum or to rollover the lump sum amount on forms designated by the board. Upon return of a member's accumulated contributions, all of his rights and benefits under the system are forfeited and terminated. Upon any reemployment, a firefighter shall not receive credit for the years and fractional parts of years of service for which he has withdrawn his accumulated contributions from the fund, unless the firefighter repays into the fund the contributions he has withdrawn, with interest, as determined by the board, within 90 days after his reemployment.

The years or fractional parts of a year that a member performs "Qualified Military Service" consisting of voluntary or involuntary "service in the uniformed services" as defined in the Uniformed Services Employment and Reemployment Rights Act (USERRA) (P.L.103-353), after separation from employment as a firefighter with the city to perform training or service, shall be added to his years of credited service for all purposes, including vesting, provided that:

- (1) The member is entitled to reemployment under the provisions of USERRA.
- (2) The member returns to his employment as a firefighter within one year from the earlier of the date of his military discharge or his release from active service, unless otherwise required by USERRA.
- (3) The maximum credit for military service pursuant to this paragraph shall be five (5) years.
- (4) This paragraph is intended to satisfy the minimum requirements of USERRA. To the extent that this paragraph does not meet the minimum standards of USERRA, as it may be amended from time to time, the minimum standards shall apply.

In the event a Member dies on or after January 1, 2007, while performing USERRA Qualified Military Service, the beneficiaries of the Member are entitled to any benefits (other than benefit accruals relating to the period of qualified military service) as if the Member had resumed employment and then died while employed.

Volunteer Firefighters who, on, February 12, 2009, have at least two (2) years of credited service as defined herein, shall be credited with all years of past credited service.

Beginning January 1, 2009, to the extent required by Section 414(u)(12) of the Code, an individual receiving differential wage payments (as defined under Section 3401(h)(2) of the Code) from an employer shall be treated as employed by that employer, and the differential wage payment shall be treated as compensation for purposes of applying the limits on annual additions under Section 415(c) of the Code. This provision shall be applied to all similarly situated individuals in a reasonably equivalent manner.

Leave conversions of unused accrued paid time off shall not be permitted to be applied toward the accrual of credited service either during each plan year of a member's employment with the City or in the plan year in which the member terminates employment.

\* \* \* \* \*

*Firefighter* means an actively employed full-time person employed by the city, including his initial probationary employment period, who is certified as a firefighter as a condition of employment in accordance with the provisions of F.S. § ~~633.35~~ 633.408, and whose duty it is to extinguish fires, to protect life and to protect property. The term shall also mean any person whose name is carried on the active membership roll of the Flagler Beach Fire Department as a volunteer firefighter, and whose duty it is to extinguish fires, to protect life and to protect property. A person shall not be disqualified as a volunteer firefighter solely because he has other gainful employment. The term includes all certified, supervisory, and command personnel whose duties include, in whole or in part, the supervision, training, guidance, and management responsibilities of full-time firefighters, part-time firefighters, or auxiliary firefighters but does not include part-time firefighters or auxiliary firefighters.

\* \* \* \* \*

*Spouse* means the ~~lawful wife or husband of a member or retiree~~ Member's or Retiree's spouse under applicable law at the time benefits become payable.

\* \* \* \* \*

**SECTION 2:** Chapter 2, Administration, Article V, Employee Benefits, Division 1, Section 2-101, Firefighters' Retirement System, of the Code of Ordinances of the City of Flagler Beach, is hereby amended by amending Section 4., Finances and Fund Management, subsection (6)b.7., to read as follows:

\* \* \* \* \*

- (6) b. 7. In addition, the board may, upon recommendation by the board's investment consultant, make investments in group trusts meeting the requirements of Internal Revenue Service Revenue Ruling 81-100, Revenue Ruling 2011-1, IRS Notice 2012-6 and Revenue Ruling 2014-24 or successor rulings or guidance of similar import, and operated or maintained exclusively for the commingling and collective investment of monies, provided that the funds in the group trust consist exclusively of trust assets held under plans qualified under Section 401(a) of the Code, individual retirement accounts that are exempt under Section 408(e) of the Code, eligible governmental plans that meet the requirements of Section 457(b) of the Code, and governmental plans under 401(a)(24) of the Code. For this purpose, a trust includes a custodial account or separate tax favored account maintained by an insurance company that is treated as a trust under Section 401(f) or under Section 457(g)(3) of the Code. While any portion of the assets of the fund are invested in such a group trust, such group trust is itself adopted as a part of the system or plan.
- (i) Any collective or common group trust to which assets of the fund are transferred pursuant to subsection 7. shall be adopted by the board as part of the plan by executing appropriate participation, adoption agreements, and/or trust agreements with the group trust's trustee.
  - (ii) The separate account maintained by the group trust for the plan pursuant to subsection 7. shall not be used for, or diverted to, any purpose other than for the exclusive benefit of the members and beneficiaries of the plan.
  - (iii) For purposes of valuation, the value of the separate account maintained by the group trust for the plan shall be the fair



market value of the portion of the group trust held for the plan, determined in accordance with generally recognized valuation procedures.

\* \* \* \* \*

**SECTION 3:** Chapter 2, Administration, Article V, Employee Benefits, Division 1, Section 2-101, Firefighters' Retirement System, of the Code of Ordinances of the City of Flagler Beach, is hereby amended by amending Section 6., Benefit Amounts and Eligibility, subsection (a), Normal Retirement Date, to read as follows:

\* \* \* \* \*

- (a) *Normal retirement age and date.* ~~A member's normal retirement date shall be the first day of the month coincident with or next following the attainment of age fifty-five (55) and the completion of ten (10) years of credited service or the attainment of age fifty-two (52) and the completion of twenty-five (25) years of credited service. A member may retire on his normal retirement date or on the first day of any month thereafter, and each member shall become one hundred (100) percent vested in his accrued benefit on the member's normal retirement date. Normal retirement under the system is retirement from employment with the city on or after the normal retirement date. A member's normal retirement age is the earlier of the attainment of age fifty-five (55) and the completion of ten (10) years of credited service or the attainment of age fifty-two (52) and the completion of twenty-five (25) years of credited service. Each member shall become one hundred percent (100%) vested in his accrued benefit at normal retirement age. A member's normal retirement date shall be the first day of the month coincident with or next following the date the member retires from the City after attaining normal retirement age.~~

\* \* \* \* \*

**SECTION 4:** Chapter 2, Administration, Article V, Employee Benefits, Division 1, Section 2-101, Firefighters' Retirement System, of the Code of Ordinances of the City of Flagler Beach, is hereby amended by amending Section 8., Disability, subsection (a), Disability Benefits In-Line of Duty, and subsection (c), Disability Benefits Not-in-Line of Duty, to read as follows:

\* \* \* \* \*

- (a) *Disability benefits in-line of duty.* Any member who shall become totally and permanently disabled to the extent that he is unable, by reason of a medically determinable physical or mental impairment, to render useful and efficient service as a firefighter, which disability was directly caused by the performance of his duty as a firefighter, shall, upon establishing the same to the satisfaction of the board, be entitled to a monthly pension calculated in the same manner as for normal retirement, but in any event the minimum amount paid to the member shall be forty-two ((42) percent of the average final compensation of the member. (Members with both full-time and volunteer credited service shall have this benefit calculated in the same manner as for normal retirement.) Terminated persons, either vested or non-vested, are not eligible for disability benefits, ~~except that those terminated by the city for medical reasons may apply for a disability within thirty (30) days after termination.~~ Notwithstanding the previous sentence, if a member is terminated by the city for medical reasons, the terminated person may apply for a disability benefit if the application is filed with the board within thirty (30) days from the date of termination. If a timely application is received, it shall be processed and the terminated person shall be eligible to receive a

disability benefit if the board otherwise determines that he is totally and permanently disabled as provided for above.

\* \* \* \* \*

- (c) *Disability benefits not-in-line of duty.* Any member with ten (10) years or more credited service who shall become totally and permanently disabled to the extent that he is unable, by reason of a medically determinable physical or mental impairment, to render useful and efficient service as a firefighter, which disability is not directly caused by the performance of his duties as a firefighter shall, upon establishing the same to the satisfaction of the board, be entitled to a monthly pension calculated in the same manner as for normal retirement, but in any event, the minimum amount paid to the member shall be twenty-five (25) percent of the average final compensation of the member. (Members with both full-time and volunteer credited service shall have this benefit calculated in the same manner as for normal retirement.) Terminated persons, either vested or non-vested, are not eligible for disability benefits, ~~except that those terminated by the city for medical reasons may apply for a disability within thirty (30) days after termination.~~ Notwithstanding the previous sentence, if a member is terminated by the city for medical reasons, the terminated person may apply for a disability benefit if the application is filed with the board within thirty (30) days from the date of termination. If a timely application is received, it shall be processed and the terminated person shall be eligible to receive a disability benefit if the board otherwise determines that he is totally and permanently disabled as provided for above.

\* \* \* \* \*

**SECTION 5:** Chapter 2, Administration, Article V, Employee Benefits, Division 1, Section 2-101, Firefighters' Retirement System, of the Code of Ordinances of the City of Flagler Beach, is hereby amended by amending Section 10., Optional Forms of Benefits, subsection (b), to read as follows:

\* \* \* \* \*

- (b) The member, upon electing any option of this section, will designate the joint pensioner (subsection (a)(2) above) or beneficiary (or beneficiaries) to receive the benefit, if any, payable under the system in the event of member's death, and will have the power to change such designation from time to time. Such designation will name a joint pensioner or one or more primary beneficiaries where applicable. A member may change his beneficiary at any time. If a member has elected an option with a joint pensioner and member's retirement income benefits have commenced, member may thereafter change his designated beneficiary at any time, but may only change his joint pensioner twice. Subject to the restriction in the previous sentence, a member may substitute a new joint pensioner for a deceased joint pensioner. In the absence of proof of good health of the joint pensioner being replaced, the actuary will assume that the joint pensioner has deceased for purposes of calculating the new payment.

\* \* \* \* \*

**SECTION 6:** Chapter 2, Administration, Article V, Employee Benefits, Division 1, Section 2-101, Firefighters' Retirement System, of the Code of Ordinances of the City of Flagler Beach, is hereby amended by amending Section 15., Maximum Pension, subsections (b), (f), (h), (j)(1), (l)(2), and by adding subsection (m), to read as follows:

\* \* \* \* \*

- (b) *Adjustments to basic limitation for form of benefit.* If the benefit under the plan is other than the annual benefit described in subsection (a), then the benefit shall be adjusted so that it is the equivalent of the annual benefit, using factors prescribed in Treasury Regulations. If the form of the benefit without regard to any automatic benefit increase feature is not a straight life annuity or a qualified joint and survivor annuity, then the preceding sentence is applied by either reducing the Code Section 415(b) limit applicable at the annuity starting date or adjusting the form of benefit to an actuarially equivalent amount (determined using the assumptions specified in Treasury Regulation Section 1.415(b)-1(c)(2)(ii)) that takes into account the additional benefits under the form of benefit as follows:
- (1) For a benefit paid in a form to which Section 417(e)(3) of the Code does not apply (generally, a monthly benefit), the actuarially equivalent straight life annuity benefit that is the greater of:
    - a. The annual amount of the straight life annuity (if any) payable to the member under the plan commencing at the same annuity starting date as the form of benefit to the member, or
    - b. The annual amount of the straight life annuity commencing at the same annuity starting date that has the same actuarial present value as the form of benefit payable to the member, computed using a five (5) percent interest assumption (or the applicable statutory interest assumption) and: ~~1. (i)~~ for years prior to January 1, 2009, the applicable mortality tables described in Treasury Regulation Section 1.417(e)-1(d)(2) (Revenue Ruling 2001-62 or any subsequent Revenue Ruling modifying the applicable provisions of Revenue Rulings 2001-62), and ~~2. (ii)~~ for years after December 31, 2008, the applicable mortality tables described in Section 417(e)(3)(B) of the Code (Notice 2008-85 or any subsequent Internal Revenue Service guidance implementing Section 417(e)(3)(B) of the Code); or
  - (2) For a benefit paid in a form to which Section 417(e)(3) of the Code applies (generally, a lump sum benefit), the actuarially equivalent straight life annuity benefit that is the greatest of:
    - a. The annual amount of the straight life annuity commencing at the annuity starting date that has the same actuarial present value as the particular form of benefit payable, computed using the interest rate and mortality table, or tabular factor, specified in the plan for actuarial experience;
    - b. The annual amount of the straight life annuity commencing at the annuity starting date that has the same actuarial present value as the particular form of benefit payable, computed using a five and one-half (5.5) percent interest assumption (or the applicable statutory interest assumption) and: ~~1. (i)~~ for years prior to January 1, 2009, the applicable mortality tables for the distribution under Treasury Regulation Section 1.417(e)-1(d)(2) (the mortality table specified in Revenue Ruling 2001-62 or any subsequent Revenue Ruling modifying the applicable provisions of Revenue Ruling 2001-62), and ~~2. (ii)~~ for years after December 31, 2008, the applicable mortality tables described in Section 417(e)(3)(B) of the Code (Notice 2008-85 or any subsequent Internal Revenue Service guidance implementing Section 417(e)(3)(B) of the Code); or

c. The annual amount of the straight life annuity commencing at the annuity starting date that has the same actuarial present value as the particular form of benefit payable (computed using the applicable interest rate for the distribution under Treasury Regulation Section 1.417(e)-1(d)(3) (the thirty (30) year Treasury rate (prior to January 1, 2007, using the rate in effect for the month prior to retirement, and on and after January 1, 2007, using the rate in effect for the first day of the plan year with a one (1) year stabilization period)) and ~~1: (i)~~ for years prior to January 1, 2009, the applicable mortality tables for the distribution under Treasury Regulation Section 1.417(e)-1(d)(2) (the mortality table specified in Revenue Ruling 2001-62 or any subsequent Revenue Ruling modifying the applicable provisions of Revenue Ruling 2001-62), and ~~2: (ii)~~ for years after December 31, 2008, the applicable mortality tables described in Section 417(e)(3)(B) of the Code (Notice 2008-85 or any subsequent Internal Revenue Service guidance implementing Section 417(e)(3)(B) of the Code), divided by 1.05.

(3) The actuary may adjust the 415(b) limit at the annuity starting date in accordance with subsections (b)(1) and (2).

\* \* \* \* \*

(f) *Less than ten (10) years of participation ~~or service~~.* The maximum retirement benefits payable under this section to any member who has completed less than ten (10) years of ~~credited service participation~~ participation with the city shall be the amount determined under subsection (a) multiplied by a fraction, the numerator of which is the number of the member's years of ~~credited service participation~~ participation and the denominator of which is ten (10). The reduction provided by this subsection cannot reduce the maximum benefit below ten (10) percent of the limit determined without regard to this subsection. The reduction provided for in this subsection shall not be applicable to pre-retirement disability benefits paid pursuant to Section 8, or pre-retirement death benefits paid pursuant to Section 7.

\* \* \* \* \*

(h) *Ten thousand dollar (\$10,000.00) limit; less than ten (10) years of service.* Notwithstanding anything in this Section 15, the retirement benefit payable with respect to a member shall be deemed not to exceed the limit set forth in this subsection if the benefits payable, with respect to such member under this system and under all other qualified defined benefit pension plans to which the city contributes, do not exceed ten thousand dollars (\$10,000.00) for the applicable limitation year ~~and or~~ for any prior limitation year, and the city has not at any time maintained a qualified defined contribution plan in which the member participated; provided, however, that if the member has completed less than ten (10) years of credited service with the city, the limit under this subsection shall be a reduced limit equal to ten thousand dollars (\$10,000.00) multiplied by a fraction, the numerator of which is the number of the member's years of credited service and the denominator of which is ten (10).

\* \* \* \* \*

(j) (1) Effective for permissive service credit contributions made in limitation years beginning after December 31, 1997, if a member makes one (1) or more contributions to purchase permissive service credit under the system, as allowed in Sections 25 and 26, then the requirements of this section will be treated as met only if:

- a. The requirements of Code Section 415(b) are met, determined by treating the accrued benefit derived from all such contributions as an annual benefit for purposes of Code Section 415(b), or
- b. The requirements of Code Section 415(c) are met, determined by treating all such contributions as annual additions for purposes of Code Section 415(c).
- c. For purposes of applying subsection (j)(1)a., the system will not fail to meet the reduced limit under Code Section 415(b)(2)(C) solely by reason of this subsection ~~(j)(1)c.~~, and for purposes of applying subsection (j)(1)b. the system will not fail to meet the percentage limitation under Section 415(c)(1)(B) of the Internal Revenue Code solely by reason of this subsection (j)(1) c.

\* \* \* \* \*

- (1) (2) No member of the system shall be allowed to receive a retirement benefit or pension which is in part or in whole based upon any service with respect to which the member is already receiving, or will receive in the future, a retirement benefit or pension from a different employer's retirement system or plan. This restriction does not apply to social security benefits or federal benefits under Chapter 67 1223, Title 10, U.S. Code.

(m) *Effect of Direct Rollover on 415(b) Limit.* If the plan accepts a direct rollover of an employee's or former employee's benefit from a defined contribution plan qualified under Code Section 401(a) which is maintained by the employer, any annuity resulting from the rollover amount that is determined using a more favorable actuarial basis than required under Code Section 417(e) shall be included in the annual benefit for purposes of the limit under Code Section 415(b).

**SECTION 7:** Chapter 2, Administration, Article V, Employee Benefits, Division 1, Section 2-101, Firefighters' Retirement System, of the Code of Ordinances of the City of Flagler Beach, is hereby amended by amending Section 16., Minimum Distribution of Benefits, subsection (b)(2)d., to read as follows:

\* \* \* \* \*

- (b) (2) d. If the member's surviving spouse is the member's sole designated beneficiary and the surviving spouse dies after the member but before distributions to the surviving spouse begin, this subsection (b)(2), other than subsection (b)(2)a., will apply as if the surviving spouse were the member.

For purposes of this subsection (b)(2) ~~and subsection (c)~~, distributions are considered to begin on the member's required beginning date or, if subsection (b)(2)d. applies, the date of distributions are required to begin to the surviving spouse under subsection (b)(2)a. If annuity payments irrevocably commence to the member before the member's required beginning date (or to the member's surviving spouse before the date distributions are required to begin to the surviving spouse under subsection (b)(2)a.) the date distributions are considered to begin is the date distributions actually commence.

\* \* \* \* \*

**SECTION 8:** Chapter 2, Administration, Article V, Employee Benefits, Division 1, Section 2-101, Firefighters' Retirement System, of the Code of Ordinances of the City of Flagler Beach, is hereby amended by amending Section 25., Prior Fire Service, subsection (5), to read as follows:

\* \* \* \* \*

- (5) In no event, however, may credited service be purchased pursuant to this section for prior service with any other municipal or special district fire department, if such prior service forms or will form the basis of a retirement benefit or pension from a different employer's retirement system or plan as set forth in Section ~~15(k)(2)~~ 15(l)(2).

\* \* \* \* \*

**SECTION 9:** Chapter 2, Administration, Article V, Employee Benefits, Division 1, Section 2-101, Firefighters' Retirement System, of the Code of Ordinances of the City of Flagler Beach, is hereby amended by adding Section 28., Supplemental Benefit Component for Special Benefits; Chapter 175 Share Accounts, to read as follows:

**Sec. 28. Supplemental benefit component for special benefits; chapter 175 share accounts.**

There is hereby established an additional plan component to provide special benefits in the form of a supplemental retirement, termination, death and disability benefits to be in addition to the benefits provided for in the previous Sections of this Plan, such benefit to be funded solely and entirely by F.S. Chapter 175, premium tax monies for each plan year which are allocated to this supplemental component as provided for in F.S. §175.351. Amounts allocated to this supplemental component ("Share Plan") shall be further allocated to the members as follows:

(a) *Individual Member Share Accounts.* The board shall create individual member share accounts and maintain appropriate books and records showing the respective interest of each member hereunder. Each member shall have a member share account for his share of the F.S. Chapter 175 tax revenues described above, forfeitures and income and expense adjustments relating thereto. The board shall maintain a separate membership share account for each member, however, the maintenance of separate accounts is for accounting purposes only and a segregation of the assets of the trust fund to each account shall not be required or permitted.

(b) *Share Account Funding.*

(1) Individual member share accounts shall be established as of September 30, 2015 for all members who were actively employed as of October 1, 2014. Individual member share accounts shall be credited with an allocation as provided for in the following subsection (c) of any premium tax monies which have been allocated to the share plan for that plan year, beginning with the plan year ending September 30, 2015.

(2) In addition, any forfeitures as provided in subsection (d), shall be allocated to the individual member share accounts in accordance with the formula set forth in subsection (d).

(c) *Allocation of Monies to Share Accounts.*

(1) *Allocation of Chapter 175 Contributions.*

a. Effective as of September 30, 2015, the amount of any premium tax monies allocated to the share plan shall be allocated to individual member share accounts as provided for in this subsection. Members retiring on or after October 1, 2014 and prior to September 30, 2015 shall receive an allocation.

In addition, all premium tax monies allocated to the share plan in any subsequent plan year shall also be allocated as provided for in this subsection. Available premium tax monies shall be allocated to individual Member share accounts at the end of each plan year on September 30 (a "valuation date").

- b. On each valuation date, each current member of the plan and each retiree who retires in the plan year ending on the valuation date (including each disability retiree), or beneficiary of a deceased member(not including terminated vested persons) who is otherwise eligible for an allocation as of the valuation date shall receive a share allocation as follows:
- c. The total funds subject to allocation on each valuation date shall be allocated to each share account of those eligible for an allocation in an amount equal to a fraction of the total amount, the numerator of which shall be the individual's total years and fractional parts of years of credited service as of the valuation date, and the denominator of which shall be the sum of the total years and fractional parts of years of credited service as of the valuation date of all individuals to whom allocations are being made. Beneficiaries shall receive an allocation based on the years of credited service of the deceased member.
- d. Re-employed retirees shall be deemed new employees and shall receive an allocation based solely on the credited service in the reemployment period.

- (2) Allocation of Investment Gains and Losses. On each valuation date, each individual share account shall be adjusted to reflect the net earnings or losses resulting from investments during the year. The net earnings or losses allocated to the individual member share accounts shall be the same percentage which is earned or lost by the total plan investments, including realized and unrealized gains or losses, net of brokerage commissions, transaction costs and management fees.

Net earnings or losses are determined as of the last business day of the fiscal year, which is the valuation date, and are debited or credited as of such date.

For purposes of calculating net earnings or losses on a member's share account pursuant to this subsection, brokerage commissions, transaction costs, and management fees for the immediately preceding fiscal year shall be determined for each year by the investment consultant pursuant to contracts with fund managers as reported in the custodial statement. The investment consultant shall report these annual contractual fees to the board. The investment consultant shall also report the net investment return for each manager and the net investment return for the total plan assets.

- (3) Allocation of Costs, Fees and Expenses. On each valuation date, each individual share account shall be adjusted to allocate its pro rata share of the costs, fees and expenses of administration of the share plan. These fees shall be allocated to each individual member share account on a proportionate basis taking the costs, fees and expenses of administration of the share plan as a whole multiplied by a fraction, the numerator of which is the total assets in each individual member share account (after adding the annual investment gain or loss) and the denominator of which is the total assets of the fund as a whole as of the same date.

- (4) No Right to Allocation. The fact of allocation or credit of an allocation to a member's share account by the board shall not vest in any member, any right, title, or interest in the assets of the trust or in the Chapter 175 tax revenues except at the time or times, to the extent, and subject to the terms and conditions provided in this Section.

(5) Members shall be provided annual statements setting forth their share account balance as of the end of the plan year.

(d) Forfeitures. Any member who has less than ten (10) years of service credit and who is not otherwise eligible for payment of benefits after termination of employment with the city as provided for in subsection (e) shall forfeit his individual member share account or the non-vested portion thereof. Forfeited amounts shall be redistributed to the other individual member accounts on each valuation date in an amount determined in accordance with subsection (c)(1).

(e) Eligibility For Benefits. Any member (or his beneficiary) who terminates employment as a Firefighter with the City or who dies, upon application filed with the board, shall be entitled to be paid the value of his individual member share account, subject to the following criteria:

(1) Retirement Benefit.

a. A member shall be entitled to one hundred percent (100%) of the value of his share account upon normal or early retirement pursuant to Section 6.

b. Such payment shall be made as provided in subsection (f).

(2) Termination Benefit.

a. In the event that a member's employment as a Firefighter is terminated by reason other than retirement, death or disability, he shall be entitled to receive the value of his share account only if he is vested in accordance with Section 9.

b. Such payment shall be made as provided in subsection (f).

(3) Disability Benefit.

a. In the event that a member is determined to be eligible for either an in-line of duty disability benefit pursuant to Section 8, subsection (a) or a not-in-line of duty disability benefit pursuant to Section 8, subsection (c), he shall be entitled to one hundred percent (100%) of the value of his share account.

b. Such payment shall be made as provided in subsection (f).

(4) Death Benefit.

a. In the event that a Member dies while actively employed as a Firefighter, one hundred percent (100%) of the value of his share account shall be paid to his designated Beneficiary as provided in Section 7.

b. Such payment shall be made as provided in subsection (f).

(f) Payment of Benefits. If a member terminates employment for any reason or dies and he or his beneficiary is otherwise entitled to receive the balance in the member's share account, the member's share account shall be valued by the plan's actuary on the next valuation date as provided for in subsection (c) above, following termination of employment. Payment of the calculated share account balance shall be payable as soon as administratively practicable following the valuation date, but not later than one hundred fifty (150) days following the valuation date and shall be paid in one lump sum payment. No optional forms of payments shall be permitted.



(g) *Benefits Not Guaranteed.* All benefits payable under this Section 28 shall be paid only from the assets accounted for in individual member share accounts. Neither the City nor the board shall have any duty or liability to furnish any additional funds, securities or other assets to fund share account benefits. Neither the board nor any trustee shall be liable for the making, retention, or sale of any investment or reinvestment made as herein provided, nor for any loss or diminishment of the share account balances, except due to his or its own negligence, willful misconduct or lack of good faith. All investments shall be made by the board subject to the restrictions otherwise applicable to fund investments.

(h) *Notional account.* The share account established for such a member is a notional account, used only for the purpose of calculation of the share distribution amount. It is not a separate account in the system. There is no change in the system's assets, and there is no distribution available to the member until the member's termination from employment. The member has no control over the investment of the share account.

(i) *No employer discretion.* The share account benefit is determined pursuant to a specific formula which does not involve employer discretion.

(j) *Maximum Additions.* Notwithstanding any other provision of this Section, annual additions under this Section shall not exceed the limitations of Section 415(c) of the code pursuant to the provisions of Section 15, subsection (k).

(k) *IRC limit.* The share account distribution, along with other benefits payable from the system, is subject to limitation under Internal Revenue Code Section 415(b).

**SECTION 10:** Specific authority is hereby granted to codify and incorporate this Ordinance in the existing Code of Ordinances of the City of Flagler Beach.

**SECTION 11:** All Ordinances or parts of Ordinances in conflict herewith be and the same are hereby repealed.

**SECTION 12:** If any section, subsection, sentence, clause, phrase of this ordinance, or the particular application thereof shall be held invalid by any court, administrative agency, or other body with appropriate jurisdiction, the remaining section, subsection, sentences, clauses, or phrases under application shall not be affected thereby.

**SECTION 13:** That this Ordinance shall become effective upon its adoption.

PASSED ON FIRST READING THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2015.

ADOPTED ON SECOND READING THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2015.

CITY OF FLAGLER BEACH, FLORIDA  
CITY COMMISSION

\_\_\_\_\_  
Linda Provencher, Mayor

ATTEST:

\_\_\_\_\_  
Penny Overstreet, City Clerk



September 2, 2015

VIA EMAIL

Ms. Susy Pita  
Flagler Beach Municipal Firefighters' Pension Trust Fund  
21629 Stirling Pass  
Leesburg, FL 34748

Re: City of Flagler Beach  
Municipal Firefighters' Retirement Trust Fund

Dear Susy:

In response to Scott Christiansen's letter dated August 12, 2015, we have reviewed the proposed Ordinance (identified on page 13 as dm/flagler/firc/08-12-15.ord) including, but not limited to, the following proposed changes:

1. Section 1, Definitions, is being amended for IRC changes and requirements, to amend the definitions of:
  - a. Actuarial Equivalent – to amend the definition to incorporate Mortality Table and interest rate currently being used by the plan's actuary
  - b. Credited Service – to clarify IRC regulations on leave conversions
  - c. Firefighter – to update a reference in Florida Statutes
  - d. Spouse – to clarify the definition in accordance with a recent US Supreme Court ruling
2. Section 6, Benefit amounts and eligibility, is being amended to change the Normal Retirement Date to include IRC required language regarding Normal Retirement Age and Normal Retirement Date.
3. Section 8, Disability, is being amended to more clearly identify those individuals who may be eligible to apply for a disability pension who have been terminated by the City due to medical reasons.
4. Section 10, Optional Forms of Benefits, subsection (b), has been amended to clarify that if proof of good health of a joint pensioner who is being replaced is not provided, the actuary will assume that the joint pensioner is deceased for purposes of calculating the revised benefit amount.
5. Section 28, Supplemental Benefit Component for Special Benefits; Chapter 175 Share Accounts, is a new Section being added to the plan. This Section creates a 'Share Plan', or defined contribution component, and the addition of a share plan is a requirement of recently adopted Chapter 2015-39, Laws of Florida, for all pension plans that are subject to the provisions of Chapters 175 and 185.

Ms. Susy Pita  
September 2, 2015  
Page 2

This Share Plan provides for a share account for each member of the plan. The Share Plan is to be funded solely and entirely by Chapter 175 premium tax monies for each plan year that funding is made available to it in accordance with governing Florida Statutes and /or mutual agreement between the City and the plan members. This supplemental benefit, therefore, may or may not be funded.

If the share plan is funded, at retirement, termination (vested), disability or death, there is an additional lump sum benefit paid to the eligible member. Available share plan funding is allocated to the members' accounts based on a formula which provides an allocation based on years of credited service. Each share account receives its proportionate share of the income or loss on the assets in the plan.

Because the changes do not result in a change in the valuation results, it is our opinion that a formal Actuarial Impact Statement is not required in support of its adoption. However, since the Division of Retirement must be aware of the current provisions of all public pension programs, it is recommended that you send a copy of this letter and a copy of the fully executed Ordinance to each of the following offices:

Mr. Keith Brinkman  
Bureau of Local Retirement Systems  
Division of Retirement  
P. O. Box 9000  
Tallahassee, FL 32315-9000

Ms. Sarah Carr  
Municipal Police and Fire  
Pension Trust Funds  
Division of Retirement  
P.O. Box 3010  
Tallahassee, FL 32315-3010

If you have any questions, please let me know.

Sincerely,



Douglas H. Lozen, F.A, MAAA  
DHL/lke

Item

19

Staff

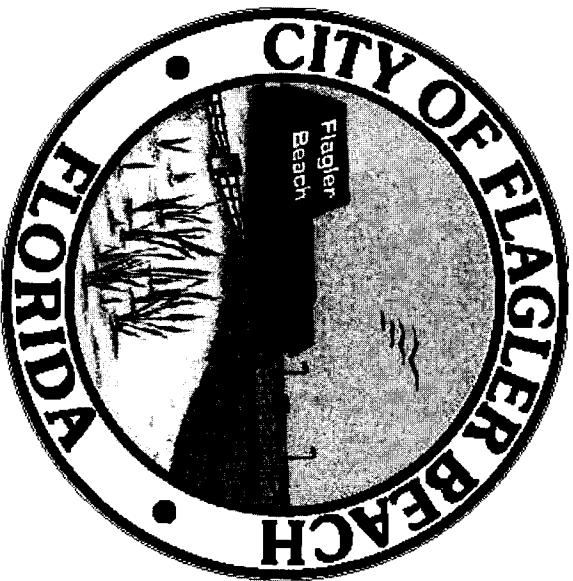
Reports

*City of Flagler Beach*

*Budget Report*

*as of*

*November 30, 2015*



# November 2015

## General Fund

REVENUES	ORIGINAL BUDGET	AMENDED BUDGET	ACTUAL YEAR TO DATE	PERCENT REALIZED	PERCENT OF YEAR	VARIANCE
Total Dept 3100- AD VALOREM, SALES AND USE TAXES	3,575,507	3,575,507	71,359	2.00%	16.67%	-14.67%
Total Dept 3200- LICENSE & PERMITS	204,202	204,202	49,538	24.26%	16.67%	7.59%
Total Dept 3300- INTERGOVERNMENTAL	620,609	625,909	4,324	0.69%	16.67%	-15.98%
Total Dept 3400- CHARGES FOR SERVICE	48,451	48,451	8,980	18.53%	16.67%	1.87%
Total Dept 3500- FINES & FORFEITURES	40,050	40,050	5,460	13.63%	16.67%	-3.03%
Total Dept 3600- MISCELLANEOUS REVENUE	50,100	50,100	961	1.92%	16.67%	-14.75%
<b>TOTAL Revenues</b>	<b>4,538,919</b>	<b>4,544,219</b>	<b>140,622</b>	<b>3.09%</b>	<b>16.67%</b>	<b>-13.57%</b>

EXPENDITURES	ORIGINAL BUDGET	AMENDED BUDGET	ACTUAL YEAR TO DATE	PERCENT REALIZED	PERCENT OF YEAR	VARIANCE
Total Dept 5111- COMMISSION	61,874	67,874	8,351	12.30%	16.67%	-4.36%
Total Dept 5122- EXECUTIVE	102,843	102,843	14,116	13.73%	16.67%	-2.94%
Total Dept 5123- CITY CLERK	127,669	128,651	18,439	14.33%	16.67%	-2.33%
Total Dept 5131- FINANCE	155,091	156,791	22,148	14.13%	16.67%	-2.54%
Total Dept 5141- LEGAL	170,900	170,900	11,088	6.49%	16.67%	-10.18%
Total Dept 5191- MAINTENANCE	241,030	241,030	30,511	12.66%	16.67%	-4.01%
Total Dept 5192- GENERAL GOVERNMENT	778,579	821,079	314,093	38.25%	16.67%	21.59%
Total Dept 5214- POLICE DEPARTMENT	1,206,253	1,209,153	145,903	12.07%	16.67%	-4.60%
Total Dept 5215- VICTIM'S ADVOCATE	96,059	69,039	9,444	13.68%	16.67%	-2.99%
Total Dept 5221- FIRE DEPARTMENT	515,676	515,676	62,652	12.15%	16.67%	-4.52%
Total Dept 5241- BUILDING & ZONING	107,826	107,826	12,036	11.16%	16.67%	-5.50%
Total Dept 5392- GENERAL FUND CAPITAL	342,834	369,932	15,284	4.13%	16.67%	-12.54%
Total Dept 5411- ROADS & STREETS	248,256	429,313	10,714	2.50%	16.67%	-14.17%
Total Dept 5711- LIBRARY	98,637	98,637	14,446	14.65%	16.67%	-2.02%
Total Dept 5712- MUSEUM	5,080	5,080	270	5.31%	16.67%	-11.35%
Total Dept 5722- BEACH DEPARTMENT	163,929	163,929	4,585	2.80%	16.67%	-13.87%
Total Dept 5723- DUNE CROSSOVERS	6,000	6,000	0	0.00%	16.67%	-16.67%
Total Dept 5800- RECREATION	75,458	75,458	4,965	6.58%	16.67%	-10.09%
<b>TOTAL Expenditures</b>	<b>4,503,994</b>	<b>4,739,211</b>	<b>699,045</b>	<b>14.75%</b>	<b>16.67%</b>	<b>-1.92%</b>

GENERAL FUND SUMMARY			
	ORIGINAL BUDGET	AMENDED BUDGET	ACTUAL YEAR TO DATE
TOTAL REVENUES	4,538,919	4,544,219	140,622
TRANSFERS OUT (INFRASTRUCTURE SURTAX)	45,227	45,227	
USE (RETURN) OF FUND BALANCE RESERVES	(80,152)	(82,472)	
ENCUMBERED FROM PRIOR YEAR		232,237	
TOTAL EXPENDITURES	4,503,994	4,739,211	699,045
<b>NET OF REVENUES &amp; EXPENDITURES</b>	<b>-</b>	<b>-</b>	<b>(558,424)</b>

Note: Ad Valorem revenues received in December

# November 2015

## CRA Fund

REVENUES	ORIGINAL BUDGET	AMENDED BUDGET	ACTUAL YEAR TO DATE	PERCENT REALIZED	PERCENT OF YEAR	VARIANCE
Total Dept 3100-	TAX INCREMENT FUNDING	132,551	132,551	0.00%	16.67%	-16.67%
<b>TOTAL Revenues</b>		<b>132,551</b>	<b>0</b>	<b>0.00%</b>	<b>16.67%</b>	<b>-16.67%</b>

EXPENDITURES	ORIGINAL BUDGET	AMENDED BUDGET	ACTUAL YEAR TO DATE	PERCENT REALIZED	PERCENT OF YEAR	VARIANCE
Total Dept 5391-	FUND EXPENSE	121,265	1,748	1.44%	16.67%	-15.23%
<b>TOTAL Expenditures</b>		<b>121,265</b>	<b>1,748</b>	<b>1.44%</b>	<b>16.67%</b>	<b>-15.23%</b>

CRA FUND SUMMARY		
ORIGINAL BUDGET	AMENDED BUDGET	ACTUAL YEAR TO DATE
TOTAL REVENUES	132,551	0
USE (RETURN) OF FUND BALANCE RESERVES	(11,286)	
ENCUMBERED FROM PRIOR YEAR	0	
TOTAL EXPENDITURES	121,265	1,748
<b>NET OF REVENUES &amp; EXPENDITURES</b>	<b>-</b>	<b>(1,748)</b>

### Building Code Inspection Fund

REVENUES	ORIGINAL BUDGET	AMENDED BUDGET	ACTUAL YEAR TO DATE	PERCENT REALIZED	PERCENT OF YEAR	VARIANCE
Total Dept 3200-	LICENSE & PERMITS	146,500	31,843	21.74%	16.67%	5.07%
<b>TOTAL Revenues</b>	<b>146,500</b>	<b>146,500</b>	<b>31,843</b>	<b>21.74%</b>	<b>16.67%</b>	<b>5.07%</b>

EXPENDITURES	ORIGINAL BUDGET	AMENDED BUDGET	ACTUAL YEAR TO DATE	PERCENT REALIZED	PERCENT OF YEAR	VARIANCE
Total Dept 5242-	BUILDING CODE INSPECTION	158,112	22,676	14.34%	16.67%	-2.32%
<b>TOTAL Expenditures</b>	<b>158,112</b>	<b>158,112</b>	<b>22,676</b>	<b>14.34%</b>	<b>16.67%</b>	<b>-2.32%</b>

#### BUILDING CODE INSPECTION FUND SUMMARY

	ORIGINAL BUDGET	AMENDED BUDGET	ACTUAL YEAR TO DATE
TOTAL REVENUES	146,500	146,500	31,843
USE (RETURN) OF FUND BALANCE RESERVES	19,112	19,112	(1,799)
TRANSFERS OUT (EDUCATION FEES)	(7,500)	(7,500)	
TOTAL EXPENDITURES	158,112	158,112	22,676
<b>NET OF REVENUES &amp; EXPENDITURES</b>	<b>-</b>	<b>-</b>	<b>7,368</b>



# November 2015

## Pier Fund

REVENUES	ORIGINAL BUDGET	AMENDED BUDGET	ACTUAL YEAR TO DATE	PERCENT REALIZED	PERCENT OF YEAR	VARIANCE
Total Dept 3400-						
CHARGES FOR SERVICE	251,200	251,200	40,620	16.17%	16.67%	-0.50%
Total Dept 3600-						
MISCELLANEOUS REVENUE	111,092	111,092	20,581	18.53%	16.67%	1.86%
<b>TOTAL Revenues</b>	<b>362,292</b>	<b>362,292</b>	<b>61,201</b>	<b>16.89%</b>	<b>16.67%</b>	<b>0.23%</b>

EXPENDITURES	ORIGINAL BUDGET	AMENDED BUDGET	ACTUAL YEAR TO DATE	PERCENT REALIZED	PERCENT OF YEAR	VARIANCE
Total Dept 5725-						
PIER BAIT SHOP	309,928	309,928	25,294	8.16%	16.67%	-8.51%
<b>TOTAL Expenditures</b>	<b>309,928</b>	<b>309,928</b>	<b>25,294</b>	<b>8.16%</b>	<b>16.67%</b>	<b>-8.51%</b>

### PIER FUND SUMMARY

	ORIGINAL BUDGET	AMENDED BUDGET	ACTUAL YEAR TO DATE
TOTAL REVENUES	362,292	362,292	61,201
USE (RETURN) OF FUND BALANCE RESERVES	(52,364)	(52,364)	
TOTAL EXPENDITURES	309,928	309,928	25,294
<b>NET OF REVENUES &amp; EXPENDITURES</b>	<b>-</b>	<b>-</b>	<b>35,907</b>

# November 2015

## Utility Fund

REVENUES	ORIGINAL BUDGET	AMENDED BUDGET	ACTUAL YEAR TO DATE	PERCENT REALIZED	PERCENT OF YEAR	VARIANCE
Total Dept 3400	2,901,304	2,901,304	456,465	15.73%	16.67%	-0.93%
Total Dept 3500	35,000	35,000	5,604	16.01%	16.67%	-0.66%
Total Dept 3600	272,400	272,400	33,181	12.18%	16.67%	-4.49%
<b>TOTAL Revenues</b>	<b>3,208,704</b>	<b>3,208,704</b>	<b>495,250</b>	<b>15.43%</b>	<b>16.67%</b>	<b>-1.23%</b>

EXPENDITURES	ORIGINAL BUDGET	AMENDED BUDGET	ACTUAL YEAR TO DATE	PERCENT REALIZED	PERCENT OF YEAR	VARIANCE
Total Dept 5331- WATER TREATMENT PLANT	718,458	718,458	63,259	8.80%	16.67%	-7.86%
Total Dept 5332- D - WATER TRANSMISSION & DISTRIBUTION	262,719	262,719	33,202	12.64%	16.67%	-4.03%
Total Dept 5351- WASTE WATER TREATMENT PLANT	560,551	560,551	72,127	12.87%	16.67%	-3.80%
Total Dept 5352- SEWER COLLECTION	69,352	69,352	8,229	11.87%	16.67%	-4.80%
Total Dept 5391- FUND EXPENSE	882,201	882,201	177,391	20.11%	16.67%	3.44%
Total Dept 5392- FUND CAPITAL	943,000	1,576,908	23,517	1.49%	16.67%	-15.18%
<b>TOTAL Expenditures</b>	<b>3,436,281</b>	<b>4,070,189</b>	<b>377,725</b>	<b>9.28%</b>	<b>16.67%</b>	<b>-7.39%</b>

### UTILITY FUND SUMMARY

	ORIGINAL BUDGET	AMENDED BUDGET	ACTUAL YEAR TO DATE
TOTAL REVENUES	3,208,704	3,208,704	495,250
USE (RETURN) OF FUND BALANCE RESERVES	429,577	429,577	(35,318)
TRANSFERS OUT (RESTRICTED IMPACT FEES)	(202,000)	(202,000)	
ENCUMBERED FROM PRIOR YEAR	0	633,908	
TOTAL EXPENDITURES	3,436,281	4,070,189	377,725
<b>NET OF REVENUES &amp; EXPENDITURES</b>	<b>-</b>	<b>-</b>	<b>82,207</b>

November 2015

Sanitation Fund

REVENUES	ORIGINAL BUDGET	AMENDED BUDGET	ACTUAL YEAR TO DATE	PERCENT REALIZED	PERCENT OF YEAR	VARIANCE
Total Dept 3400						
Total Dept 3500						
Total Dept 3600						
TOTAL Revenues						
CHARGES FOR SERVICE	923,836	923,836	158,158	17.12%	16.67%	0.45%
FINES & FORFEITURES	10,500	10,500	1,701	16.20%	16.67%	-0.47%
MISCELLANEOUS REVENUE	8,350	8,350	160	1.92%	16.67%	-14.75%
	942,686	942,686	160,019	16.97%	16.67%	0.31%

EXPENDITURES	ORIGINAL BUDGET	AMENDED BUDGET	ACTUAL YEAR TO DATE	PERCENT REALIZED	PERCENT OF YEAR	VARIANCE
Total Dept 5341						
Total Dept 5391						
Total Dept 5392						
TOTAL Expenditures						
REFUSE COLLECTION	797,842	797,842	95,719	12.00%	16.67%	-4.67%
FUND EXPENSE	59,409	59,409	33,177	55.85%	16.67%	39.18%
CAPITAL FUND	0	183,907	0	0.00%	16.67%	-16.67%
	857,251	1,041,158	128,896	12.38%	16.67%	-4.29%

SANITATION FUND SUMMARY		
ORIGINAL BUDGET	AMENDED BUDGET	ACTUAL YEAR TO DATE
TOTAL REVENUES	942,686	160,019
USE (RETURN) OF FUND BALANCE RESERVES	(85,435)	
ENCUMBERED FROM PRIOR YEAR	0	
TOTAL EXPENDITURES	857,251	128,896
NET OF REVENUES & EXPENDITURES	-	31,123

Stormwater Fund

REVENUES	ORIGINAL BUDGET	AMENDED BUDGET	ACTUAL YEAR TO DATE	PERCENT REALIZED	PERCENT OF YEAR	VARIANCE
Total Dept 3400						
Total Dept 3500						
Total Dept 3600						
TOTAL Revenues						
CHARGES FOR SERVICE	248,138	248,138	42,624	17.18%	16.67%	0.51%
FINES & FORFEITURES	2,800	2,800	440	15.71%	16.67%	-0.95%
MISCELLANEOUS REVENUE	400	400	73	18.25%	16.67%	1.58%
	251,338	251,338	43,137	17.16%	16.67%	0.50%

EXPENDITURES	ORIGINAL BUDGET	AMENDED BUDGET	ACTUAL YEAR TO DATE	PERCENT REALIZED	PERCENT OF YEAR	VARIANCE
Total Dept 5391-						
Total Dept 5392-						
TOTAL Expenditures						
FUND EXPENSE	197,786	197,786	12,449	6.29%	16.67%	-10.37%
CAPITAL FUND	45,000	45,000	-	0.00%	16.67%	-16.67%
	242,786	242,786	12,449	5.13%	16.67%	-11.54%

STORMWATER FUND SUMMARY		
ORIGINAL BUDGET	AMENDED BUDGET	ACTUAL YEAR TO DATE
TOTAL REVENUES	251,338	43,137
USE (RETURN) OF FUND BALANCE RESERVES	(8,552)	
ENCUMBERED FROM PRIOR YEAR	0	
TOTAL EXPENDITURES	242,786	12,449
NET OF REVENUES & EXPENDITURES	-	30,688

# November 2015 All Funds Budget Report

## REVENUES

FUND	ORIGINAL BUDGET	AMENDED		DATE	PERCENT REALIZED	PERCENT OF YEAR	VARIANCE
		BUDGET	ACTUAL YEAR TO				
001	4,538,919	4,776,456	140,622		2.94%	16.67%	-13,722%
101	121,265	121,265	0		0.00%	16.67%	-16.67%
102	146,500	146,500	31,843		21.74%	16.67%	5.07%
103	362,292	362,292	61,201		16.89%	16.67%	0.23%
304	38,827	38,827	25,576		65.87%	16.67%	49.21%
401	3,638,281	4,272,189	495,249		11.59%	16.67%	-5.07%
403	857,251	857,251	160,019		18.67%	16.67%	2.00%
405	251,338	251,338	43,137		17.16%	16.67%	0.50%
<b>TOTAL REVENUES</b>	<b>9,954,673</b>	<b>10,826,118</b>	<b>957,647</b>		<b>8.85%</b>	<b>16.67%</b>	<b>-7.82%</b>

## EXPENDITURES

FUND	ORIGINAL BUDGET	AMENDED		DATE	PERCENT REALIZED	PERCENT OF YEAR	VARIANCE
		BUDGET	ACTUAL YEAR TO				
001	4,538,919	4,776,456	699,045		14.64%	16.67%	-2.03%
101	121,265	121,265	1,748.00		1.44%	16.67%	-15.23%
102	165,612	165,612	24,475		14.78%	16.67%	-1.89%
103	309,928	309,928	25,294		8.16%	16.67%	-8.51%
304	38,827	38,827	25,576		65.87%	16.67%	49.21%
401	3,638,283	4,272,192	413,043		9.67%	16.67%	-7.00%
403	857,251	1,041,158	128,896		12.38%	16.67%	-4.29%
405	251,338	251,338	12,449		4.95%	16.67%	-1.71%
<b>TOTAL EXPENDITURES</b>	<b>9,921,423</b>	<b>10,976,776</b>	<b>1,330,526</b>		<b>12.12%</b>	<b>16.67%</b>	<b>-4.55%</b>

## REVENUES LESS EXPENDITURES

FUND	ACTUAL YEAR TO	DATE
001	(558,424)	
101	(1,748)	
102	7,368	
103	35,907	
401	82,206	
403	31,123	
405	30,688	
<b>TOTAL REVENUES LESS EXPENDITURES</b>	<b>(372,880)</b>	

Encumbered, Restricted and Available Cash Balances

**Monday, November 30, 2015**

	<b>General</b>	<b>Utility</b>	<b>Sanitation</b>	<b>Stormwater</b>	<b>CRA</b>
Operating Accounts	1,094,101	619,318	452,514	257,796	144,092
Inter Fund Transfers Pending					
Budgeted Salaries & Operations Averaged Monthly	(374,670)	(209,298)	(73,135)	(6,747)	(1,420)
SBA Accounts	1,522,441	1,269,265	501,438	95,007	
FL Municipal	2,747,764	4,012,741	501,540		
<b>Total Cash &amp; Investments</b>	<b>4,989,636</b>	<b>5,692,026</b>	<b>1,382,357</b>	<b>346,055</b>	<b>142,672</b>
<b>Encumbrances:</b>					
CRA Loan Payments					105,321
Landscaping Grant (City Costs Only)	10,000				
Wickline Building Improvements	10,000				
Beach Management Support	15,000				
Cooling System Police Dept	10,000				
City Hall Roof Improvements	3,618				
2016 Police Vehicles	54,000				
Public Works Building		14,985			
Lift Station Pumps & Panels		58,000			
Lift Station Rebuild Citywide		127,747			
Marina Bay Lift Station		92,468			
New Wells		150,000			
Rehabilitate Well #10		20,000			
Improvements Well #12		135,378			
South Clarifier - WWTP		125,000			
Drying Beds - WWTP		22,000			
Motor Control Building Modification - WWTP		25,000			
Replace Fire Hydrants - Citywide		40,000			
Crit Removal - WWTP (Maintenance)		59,998			
WWTP North Clarifier		43,888			
WWTP VFD's on Aerators		114,682			
WWTP Bar/Screen		115,682			
Nano Filters WTP		139,565			
Trench Box		12,000			
Mini Excavator		40,000			
Antenna WTP		25,000			
WWTP 1/2 Ton Pickup		30,000			
Upgrade Meters @ WTP		20,000			
Tractor		17,000			
WTP Pickup Truck		30,000			
Consumptive Use Permit Renewal		70,000			
SRF Loan for the Water Treatment Plant		465,750			
Customer Utility Deposits		196,937			
Sanitation Truck			185,000		
Lambert Avenue/S Central Swale Maintenance				45,000	
Stormwater Loan Payment				117,863	
<b>Total Encumbered Funds</b>	<b>102,618</b>	<b>2,191,080</b>	<b>185,000</b>	<b>162,863</b>	<b>105,321</b>
<b>Restricted For Projects funded by:</b>					
Infrastructure (ISX)	382,286				
Reserve for Fire Truck (Transferred from ISX)	81,579				
Radio Reserve (ISX Reserve)	233,334				
Support Equipment Reserve - Fire Department (ISX Funds)	29,167				
Computer Hardware Reserve	3,195				
Police Training	76				
Law Enforcement Automation	7,383				
A1A Land Purchases	18,490				
Restricted Education Fund - Bldg Code Inspection	24,835				
Reserve for Contingencies	15,913				
Reserved for Paving	113,057				
S 8th Street Parking Lot Improvements (Paving Funds)	5,000				
S 4th Street Parking (Demolition) (Paving Funds)	15,000				
S 4th Street & S Flagler Parking Lot Improvements (Paving Funds)	40,000				
Sidewalk - N Flagler (Paving Funds)	8,000				
Sewer Impact		1,404,204			
Water Impact		1,580,144			
Reserve for Utility Infrastructure		50,976			
Reserve for Pumps		39,055			
<b>Total Restricted Funds</b>	<b>977,316</b>	<b>3,074,379</b>			
<b>Total Encumbered and Restricted Funds</b>	<b>1,079,934</b>	<b>5,265,459</b>	<b>185,000</b>	<b>162,863</b>	<b>105,321</b>
<b>Unencumbered, Unrestricted Funds (Cash Balance)</b>	<b>3,909,702</b>	<b>426,566</b>	<b>1,197,357</b>	<b>183,192</b>	<b>37,351</b>
<b>Total All Funds</b>	<b>4,989,636</b>	<b>5,692,026</b>	<b>1,382,357</b>	<b>346,055</b>	<b>142,672</b>
<b>Total Available Funds (after Encumbrances)</b>	<b>4,887,018</b>	<b>3,500,945</b>	<b>1,197,357</b>	<b>183,192</b>	<b>37,351</b>

11/11/2015

Mr. Campbell,

The department had several of its members in attendance for the 7<sup>th</sup> Annual Bed Race on Saturday. Unfortunately as you know the racing cart constructed for this year's event had a break down with one of its wheels. The equipment failure prevented the combined team of Guns-N- Hoses from competing, but I did extend my appreciation to DE Dixon for all the hard work he put into the cart. The team representing Flagler County School Board was missing a member and DE Thomas stepped in to assist. This team came in first place and although the department was unable to compete, DE Thomas was very proud of his medal. Over the week department members have also been involved with completing the special needs list, a report writing class, smoke detector installation, and training. Many of the week's activities are listed as followed;

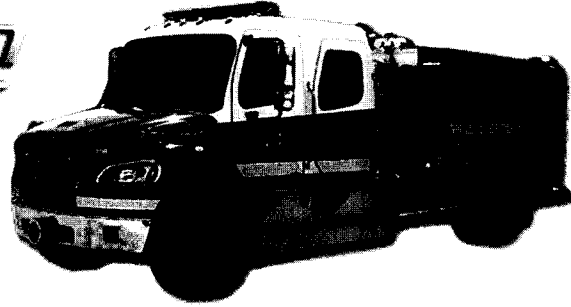
1. Fire crews completed their work on the updated list for residents with special needs. This completed list will be submitted to Flagler County Emergency Management and eventually the data will be entered into State records ensuring cohesion with all agencies. The updated list was accomplished by fire crews calling, speaking with family/ neighbors of participants, and actually going to residents to deliver applications. This latest list has a significant decrease in participants due to residents moving, entering assisted living facilities, and unfortunately several had passed away. The number of participants has changed from 59 to 9 residents on the updated list.
2. Lieutenant Cox is very committed to offering the best possible medical care to our local residents. He has been assigned as the departments' Clinical Service Director and worked closely with both the medical director and assistant medical director. This week a review class covering reported writing was delivered by the assistant medical director (Dr. Blue). There were many aspects of report writing discussed, points that were reviewed in detail included quality documentation in the field, medical terminology/abbreviations, and accuracy of events. There were 11 department members in attendance, the request was made to anyone certified as an EMT or Paramedic to participate. Considering there were already several department members gathered Dr. Blue took the opportunity to conduct the monthly QA Documentation Meeting.
3. Fire crews have been very active with the smoke detector installations and donations over the last couple weeks. The most recent inquiries were generated at the annual Health Fair held at the Flagler Beach Methodist Church. There were several detectors given to local residents at the event and few came to the station after the fair requesting smoke detectors. An elderly female resident who was in attendance at the fair and living on N. Daytona Ave. called the station to request that her batteries be replaced in her detectors. Before the fire crew had arrived at the home an additional call came into the station from a neighbor living across the street from the N. Daytona Ave. property. This elderly resident stated she had never had any smoke detectors installed in her residence and since the crew would be in the area, could they stop her home as well. There were three detectors installed in the home of the second caller and batteries replaced for the initial caller on Tuesday.

4. There were several repairs that took place around the station this week. Although the water fountain is operational the plumber from Halifax Plumbing returned to the station this week to install a temperature control device and replace a broken mouth piece. As you know the department experienced an issue with one of the bay doors coming off its track last week. A technician from the Overhead Door Co. came on Monday and performed routine maintenance on all the station's bay doors. In addition an electrician from Giles Electric also came this week to conduct the annual inspection of the fire alarm panel. There were some minor discrepancies noted that included faulty back-up batteries on the panel, frayed wires connected to a smoke detector, and water flow alarm was not activating. This company will return in the next couple of weeks for the wiring issue and to replace the alarm.
5. Some minor maintenance issues were detected on two pieces of fire equipment this week. Brush Attack 11 had a brake light out and Engine 11 had a faulty headlight. Department members located the correct bulbs, retrieved them at the parts store, and installed the replacement bulbs. This may seem to be a small task, but is imperative that emergency vehicles always have all its lighting operational. In addition the department is committed to accomplishing as many in-house repairs as possible. All the vehicles within the fleet are on schedule for routine maintenance. Squad 11 and the Command Vehicle are the next units in rotation for preventive maintenance.
6. This week's training covered the fourth and final module in the First Responder Hazardous Materials Refresher. First responders at the operations level need to know how to handle hazardous material incidents, but they also must be prepared to respond to incidents involving terrorism and criminal activity. Hazardous materials and weapons of mass destruction are often used by terrorists to inflict harm on large numbers of people or a certain targeted group of individuals. This module covered incident management systems, the operations level responder's role in the response plan, factors unique to terrorist attacks and intentional incidents, and common agents used by terrorists. After successful completion of the course, the firefighters will be able to;
  - Describe the incident command system
  - Identify different types of terrorism
  - Recall the characteristics of various chemical agents used in terrorism
  - Demonstrate how to respond to terrorist incidents

Next week department members will continue to flow test hydrants and begin to remove all the Christmas decorations from storage. Considering many fault lights identified at the season's end last year the Volunteer Association is prepared to purchase some new decorations. Decorating the station coupled with floors being stripped/waxed Thanks giving week, the station will be in great shape for the children's Christmas party.

Thanks,

Bobby



# Flagler Beach Fire Department

Weekly Run Report from 11/5/15-11/11/15

## CALLS BY INCIDENT TYPE

EMS

12

FIRE

1

Hazardous Condition

0

Service Call

1

Fire Alarm

4

Motor Vehicle Accident

5

Total Calls

23



## Bruce Campbell

---

**From:** Robert Pace  
**Sent:** Thursday, November 19, 2015 3:44 PM  
**To:** Bruce Campbell  
**Subject:** Weekly Report

11/19/2015

Mr. Campbell,

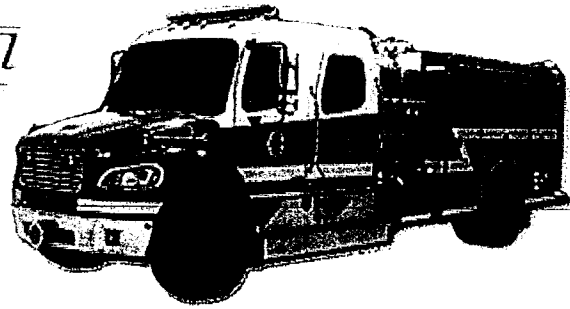
I did not mention it in last week's report, but the few department members who were in attendance at the Veterans' Day Ceremony appreciated the opportunity to show their respect to our country's heroes. Listening to veterans speak of their service in the world wars is confirmation of how precious freedom truly is. As a past military member myself I was honored to attend the event. Over this week department members have been involved with fire inspections, completing another fire mitigation project, hydrant testing, and training. Many of the week's activities are listed as followed;

1. Fire Marshal Gocke has been very busy over the last two weeks by visiting thirteen local businesses for inspection. Four of the businesses received their annual inspections and passed. Several of the other stops were courtesy inspections with only minor issues noted. Fire Marshal Gocke also assisted a local complex on what the exact alerting system required per the State Fire Code. The department and Fire Marshal Gocke are looking forward to a new computer program that will be delivered shortly. The program was developed by the FARO Co. and is used for fire inspection submissions and pre-incident planning.
2. DE Dixon completed a fire mitigation project this week. This property was located in the 1800 block of South Daytona Avenue. DE Dixon was contacted by a neighbor of the property in question about two weeks ago. After inspecting the property he did identify some minor mitigation issues, but issues that could easily be resolved. The property owner requested she be allowed to complete the project. DE Dixon returned to the location this week and he reported that the outlined tasks had been accomplished. The completed project marks the 54<sup>th</sup> to date.
3. Flow testing and inspection of city fire hydrants has continued this week. The latest count of completed hydrants as of yesterday was one hundred and thirty four. Issues noted during testing have continued to be delivered to Alan Watts. There were only three hydrants identified with discrepancies out of the last approximate fifty hydrants and those hydrants were just hard to open. The gallons per minute flowed by most hydrants were accurately recorded last year with a few actually having increases and requiring the bonnets to be painted a different color. The hydrants on the side streets or not waterfront have held up very well this year, but as mentioned before after flow testing is complete the hydrants on A1A will require much attention.
4. Department members decorated the station for Christmas this week. Unfortunately the decorations used in previous years were beyond repair. Once the fire crews pulled the decorations from the attic and began to work with them, they just fell apart. The Volunteer Association was generous enough to purchase some new lights and ornaments. Lights have been displayed across the front of the building and both the front lobby and training room were decorated. The plan was to get all the Christmas decorations up this week before the cleaning crew is waxing the floors next week. The department has also made all additional preparations for the parade and children's party.

5. Lieutenant Snyder attended the monthly Communication User's Group meeting at the EOC on Wednesday. Typically there is a decent turn out at these meetings, but considering all the recent issues there was a representative from each agency in attendance. As you know, CAD has experienced many of its systems shutting down over the last couple of weeks. The systems that are now operational were discussed as well as NWS working in mobile/teletype. Realizing the use of the 800 MHz radios could play the primary role in communications due to the crash the importance of minimal radio traffic was also discussed. There is a possibility of a calling a special meeting for the User's Group once all systems are operational.
6. This week's training was a Propane Emergency Training held at the EOC. This was a free class offered to all fire personnel in and around Flagler County. Lieutenants Cox and Snyder reached out to Certified Training Instructor Carl R. Weeks requesting this class be brought into the county. Flagler County's Training Chief Ensalaco offered the use of the EOC allowing a larger number of students to attend. The training took place November 16<sup>th</sup>- 19<sup>th</sup> with seven classes offered over the period. FBFD had many of its members attend during the four days. There were many topics covered throughout the course, points that were reviewed in more detail included Propane History & Industry Safety Initiatives, Physical Properties and Characteristics of Propane, and Common Propane Emergencies. All attendees received a Certificate of Training from Propane Environmental Services LLC, with the National Propane Gas Association and Propane Education and Resource Council Propane Emergencies Endorsement. In addition a roster was electronically filed at the conclusion of course with the Florida State Fire College.

As previously mentioned the station's floor will be stripped and waxed next week. The project is scheduled to take place Monday through Wednesday and the fire crews will be responsible for the removal of the station's furniture. In addition an electrician from Wired UP Electric will be at the station next week addressing multiple lighting issues throughout the building. Considering the short holiday week, the absence of furniture, and the cleaning/maintenance projects taking place I will be condensing the next two weeks reports into one delivered on 12/03/2015.

Thanks,  
Bobby



# Flagler Beach Fire Department

Weekly Run Report from 11/13/15-11/19/15

## CALLS BY INCIDENT TYPE

EMS

14

FIRE

0

Hazardous Condition

1

Service Call

5

Fire Alarm

2

Motor Vehicle Accident

3

Total Calls

25

## Bruce Campbell

---

**From:** Robert Pace  
**Sent:** Thursday, December 03, 2015 3:25 PM  
**To:** Bruce Campbell  
**Subject:** Weekly Report.

12/03/2015

Mr. Campbell,

As I mentioned in the last report, due the short week and time off for Thanksgiving I've combined the events of the last two weeks into one report. Several department members took vacation around the holiday and enjoyed well deserved time off with their families. I enjoyed time with my family as well, especially hanging Christmas lights with my kids while on the break. Over the last two weeks the department has been involved with station improvement projects, vehicle/equipment maintenance, and three volunteer members completing Paramedic school. Many of the weeks' activities are listed as followed;

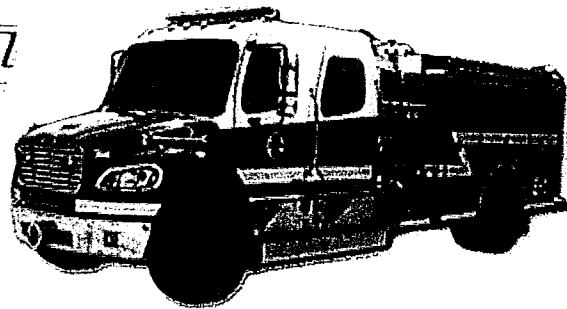
1. As mentioned in the opening there have been several station improvements projects that took place over the last two weeks. One of those projects was the annual floor cleaning which involves all the station's tile floor being stripped and waxed. Bumble Bee Carpet and Tile cleaning arrived on 11/23/15 to complete the job. Over the last couple of years the station flooring has stayed in much better repair due to the annual cleaning. B shift's crew removed all the furniture from the building on 11/22 and upon completion A shift's crew moved all back in. The floors really turned out nice especially the training room.
2. Station lighting has been an ongoing problem and this issue was also addressed in the last reporting cycle. There were multiple lights not operational both inside the station and out. Department members attempted on several occasions replacing some bulbs before realizing issues may be more in depth. I received a couple of quotes, which I viewed as excessive before agreeing to allow WiredUp Electric to complete the job. The electrician from this company spent five days at the station before completion. In addressing all the lighting issues, there were over 200 bulbs and 50 ballast requiring replacement. The job was completed today and I don't think I've seen the station ever looking brighter.
3. The final station project completed was restoring the overhead communication speakers back to operation. The overhead speakers are used in conjunction to pagers and radios ensuring department members will receive an emergency page anywhere in the station. Many of the speakers have not functioned properly for several months. Considering Retired Chief Creal addresses many the departments' communication issues, I asked him to look into this one. He discovered last week that power cord connecting 800MHZ mobile unit to the speakers was disconnected. Though the overheads are once again operational, they are very low volume. Retired Chief Creal is planning to install an amplifier on the central unit to increase the volume. His plan is to have this done in the next couple of weeks.
4. The air compressor and filling station were due for their semi-annual inspection 12/01/15. The technician from Breathing Air Systems arrived on this day to complete the task. The tech begins with a pre-check which includes an oil level check, air flow clearance, and drive belts. The more detailed operational /maintenance checks is a point inspection covering pressures, electrical levels, compressor rotation, and filter replacements. The units received all required parts due for replacement and passed all inspections. In addition the units also passed the air quality test conducted.
5. There were a few issues requiring attention with vehicles and equipment maintenance. Engine 11 was experiencing a small radiator leak, which was repaired by the technician from McGee Commercial Services this week. In addition the tech repaired loose wiring on E-11's portable generator. The boat motor on Rescue Boat

11 is miss-firing and is currently being investigated. This unit may have to go into the repair shop for further inspection and eventual repair. The department has also reached the latest quarterly rotation for preventive/routine maintenance. The cycle will begin with the pumpers and progress to the smaller units over the next few weeks.

6. The department is very proud of three of its volunteer members for completing Paramedic school just before the Thanksgiving. Shane Beckman, Drew D'Angelo, and Brandon Berry are some of the latest graduates from Daytona State's Paramedic school. I know all of these guys have worked very hard over the last year and are looking forward to putting their newly acquired knowledge to use. Due to the long term academy the three firefighters have only been required to serve forty eight hours each month. Now that they have graduated, the seventy two hour monthly mandate will be the new minimum for the firefighters and we all look forward to seeing them more. All three plan to their state exams within the next month.

The upcoming weekend will be a very busy one for the department starting tomorrow morning. The department is hosting a station tour for ninety kids from the Imagine School. Considering it is the holiday 1<sup>st</sup> Friday and Santa will be there, the department has a dozen members scheduled to be in attendance. In addition there will also be fifteen members in attendance for the Christmas Parade and children's party. The station looks great and everyone is looking forward to visiting with the kids.

Thanks,  
Bobby



# Flagler Beach Fire Department

Weekly Run Report from 11/26/2015 – 12/3/2015

## CALLS BY INCIDENT TYPE

EMS

15

FIRE

4

**Hazardous Condition (No Fire)**

2

**Service Call**

5

**Good Intent Call**

1

**False Alarm & False Call**

2

**Total Calls**

29

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	10/30/2015	To: Thursday	11/5/2015				
Calls For Service	66	Felony Arrest	1	Reports Written	14	Citations Issued	12
Self-Initiated	28	Misd. Arrest	3	Comm. Policing	32	Warnings (Written/Verbal)	27
Traffic Stops	9	City Ordinance	26	Security Checks	183		

### Captains Weekly Summary

**Friday:** Captain Doughney attended the monthly Volusia/Flagler Police Chiefs Association meeting held at the Daytona International Airport.

**Saturday:** 10/31/15 @ 12:53 p.m. / Larceny / 500 Block of South Daytona Avenue: The victim advised that he left his Trek Hybrid bicycle outside as he does every night. When he went out in the morning, the bicycle was gone. The victim had the bicycle's serial number and the bicycle was entered into teletype as stolen. No suspect(s) or witnesses at this time.

**Sunday:** 11/1/15 @ 12:41 p.m. / Trespassing / 408 South Oceanshore Boulevard (7-11): Officers responded in reference to two (2) juveniles that attempted to steal fountain drinks from the store. The juvenile's mother responded to the store and paid for the fountain drinks. The store owner declined prosecution and the two (2) juveniles were subsequently trespassed from the store.

**Monday:** 11/2/15 / 6:04 p.m. / Disorderly Intoxication (Arrest) / 1200 Block of South Oceanshore Boulevard: The reporting party advised that an intoxicated male subject was on the property of a local motel and was being rude and disorderly with guests. The subject left the property and confronted an elderly gentlemen walking his dog. The subject was contacted by Officers and was subsequently arrested for Disorderly Intoxication.

**Tuesday:** Captain Doughney attended the 11:00 a.m. ribbon cutting ceremony at the new Flagler County Sheriff's Office. Governor Rick Scott was in attendance for the ceremony as were many elected officials.

**Tuesday:** 11/3/15 @ 11:48 a.m. / Single Vehicle Crash & D.U.I. / 2000 Block of Palm Drive: A vehicle jumped a curb with its passenger side tires, glanced off a power pole and collided with a sign on the shoulder of the road. The vehicle was rendered inoperable and was towed from the scene. The driver appeared to be impaired and a D.U.I. investigation was conducted. The vehicle operator admitted to recent narcotics use and was transported to Florida Hospital Flagler where additional evidence was collected. The vehicle operator was arrested without incident and charged with D.U.I. with Property Damage. Staff from Public Work were contacted in reference to replacing to the damaged sign.

**Wednesday:** Captain Doughney patrolled the south end of the barrier island on one (1) of our Police bicycles from 1:30 p.m. to 3:30 p.m.

Wednesday: 11/4/15 @ 4:58 p.m. / Narcotics Arrest / 200 Block of North Central Avenue: Officers were called to the PNC Bank reference to a reckless driver. Upon arrival, the vehicle was leaving the bank and a traffic stop for unlawful speed was conducted. During the traffic stop Officers smelled a strong odor of marijuana coming from the vehicle. A search of the vehicle was conducted and a small amount of Marijuana and Xanax were located. The driver of the vehicle was arrested without incident and transported to the Flagler Inmate Facility.

Thursday: 11/5/15 @ 9:39 a.m. / Warrant Arrest / 204 South Flagler Avenue: A male subject with an active warrant for his arrest turned himself in at the Police Department. The Flagler County warrant for Violation of Probation was confirmed, the subject was taken into custody with incident and transported to the Flagler Inmate facility.

Tommy Tant Surf Classic: The 16<sup>th</sup> annual surf classic was held on Saturday, October 31<sup>st</sup> and Sunday, November 1<sup>st</sup>. Off-duty Officers were assigned to the detail and the County Emergency Operations Center placed their variable message board in the 1300 block of South Oceanshore Boulevard. The surf classic was well attended and the off-duty Officers were assigned at the Pier pedestrian cross walk and on foot in the Boardwalk area; between the Pier and South 8<sup>th</sup> Street. There were no problems with this year's event and the Tant family was very complimentary regarding the professional services provided by the detail Officers.

Sea Dune Parking: Officers monitored sea dune parking during the week and issued seven (7) warnings and two (2) parking citations.





**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	11/6/2015	To: Thursday	11/12/2015				
Calls For Service	53	Reports Written	12	Citations Issued	24		
Self-Initiated	24	Misd. Arrest	0	Comm. Policing	31	Warnings (Written/Verbal)	16
Traffic Stops	12	City Ordinance	28	Security Checks	227		

### Captains Weekly Summary

Friday: Staff from the Florida Sheriff's Youth Ranch picked up twenty-seven (27) unclaimed bicycles and a surplus amount of donated clothes. The bicycles and clothes were donated to the Youth Ranch and will be used for youth and families in need.

Friday: 11/6/15 @ 2:01 p.m. / Baker Act / 2300 Block of South Oceanshore Boulevard: Officers were dispatched in reference to a disturbance involving a juvenile out of control in the house. Upon Officers arrival the father was attempting to subdue the violent juvenile. The juvenile was making suicidal statements, she was taken into custody under the Baker Act and transported to HBS without incident. The youth is on Probation and her Juvenile Probation Officer was contacted and provided a copy of the Police report.

1<sup>st</sup> Friday: J.W. Gilmore & the Blues Authority were this month's musical act and the weather was absolutely perfect. An enthusiastic crowd estimated at 900 attended the event and there were no problems. A handful of dog owners were contacted about our City Ordinance prohibiting animals in the Park and all contacted owners were compliant.

Saturday: 11/7/15 @ 11:01 a.m. / Found Property / 3500 Block of South Central Avenue: The reporting party called wanting to turn over a firearm that he found while clearing out a vacant rental property. The previous tenant, a family member of the reporting party, passed away recently and he didn't want the firearm. A Sterling Arms .22 caliber pistol has been submitted into the Property & Evidence room for destruction.

Saturday: 11/7/15 @ 2:05 p.m. / Larceny / 200 Block of South Oceanshore Boulevard: The reporting party advised that his sons skateboard was stolen off the beach while they were in the ocean surfing. The skateboard was last seen at 9:00 a.m. and it was discovered missing at approximately 11:00 a.m. There are no suspects or witnesses and the custom skateboard was valued at \$300.

Monday: 11/9/15 @ 3:04 p.m. / Criminal Mischief / Palm Drive & Village Drive: While conducting a security check of the stairway on the north west side of the bridge an Officer located graffiti. The black and white painted graffiti was approximately 3"x 4" and the word "KONG" was painted on the wall. There is no suspect at this time and Flagler County Sheriff's School Resource Deputies were contacted in an effort to obtain information on the identity of "Kong".

Tuesday: 11/10/15 @ 11:38 a.m. / Burglary Residential / 1300 Block of South Daytona Avenue: An Officer responded in reference to a delayed burglary and made contact with the homeowner who advised the last time anyone was at the house was over three (3) weeks prior to today. The front door appeared to be pried open and a blue chisel was located behind the door. The owner advised that nothing was missing from the house but his Honda self-propelled lawn mower was missing out of the shed. The chisel was processed for latent prints with negative results and Leads Online was also checked with negative results.

Tuesday: Captain Doughney was the special guest on Surf 97.3 FM with D.J. Vern from 2:15 p.m. to 2:45 p.m. Topics of discussion were the new "Report It" program, IRS phone scams and the Veterans Day celebration being held tomorrow at Veterans Park. Captain Doughney also attended a Tobacco Free Flagler meeting at the County Building in Bunnell from 4:00 p.m. to 5:00 p.m.

Wednesday: 11/11/15 @ 10:17 a.m. / Criminal Mischief / 2600 Block South Oceanshore Boulevard (Beach Approach): The reporting party called and advised he observed two (2) youth spray painting the beach approach. The youth were followed to a residence on 26th Street where they were contacted by Officers. The two (2) juvenile's initials matched the initials sprayed on the approach and they subsequently admitted to the graffiti. The youth were turned over to their parents and charging affidavits for Criminal Mischief were forwarded to the State Attorney's Office. A copy of the report has been provided to Public Works.

Sea Dune Parking: Officers monitored sea dune parking during the week and issued seven (7) warnings and twelve (12) parking citations.



**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	11/13/2015	To: Thursday	11/19/2015				
Calls For Service	68	Felony Arrest	0	Reports Written	15	Citations Issued	18
Self-Initiated	31	Misd. Arrest	3	Comm. Policing	38	Warnings (Written/Verbal)	25
Traffic Stops	14	City Ordinance	25	Security Checks	219		

**Captains Weekly Summary**

Friday: Captain Doughney patrolled the City on one (1) of our Police bicycles from 11:00 a.m. to 2:00 p.m.

Monday: 11/16/15 @ 7:14 a.m. / Narcotics Arrest / Palm & Village Drive: Officers were dispatched in reference to a suspicious person on Lambert Avenue looking in the window of a vacant home. The subject was located walking at the corner of Palm and Village Drives, where he was found to be in possession of Marijuana and Drug Paraphernalia. The residence in question was found to be secure and had a for sale sign in the front yard. The subject was arrested and transported to the Flagler County Inmate Facility without incident.

Monday: 11/16/15 @ 12:25 p.m. / Violation of Probation (Juvenile) / 500 Block of North Central Avenue: A male juvenile who is currently on probation walked out of school this morning and was located in our City. The youth was arrested for Violation of Probation without incident.

Monday: 11/16/15 / 5:42 p.m. / Aggravated Assault / 2500 Block of Moody Boulevard: The victim contacted an Officer at the SR100 Shell Station and advised that he had been threatened by his boss earlier that morning. The victim advised that his boss told him to get into his truck then drove him around to the back of the storage facility where he accused the victim of theft from the business. According to the victim he was then fired and advised to go into the building and get his belongings. Once inside the business the victim turned around and his boss allegedly had a tire iron saying he was going to "break him". A physical arrest was not made and charges were forwarded to the State Attorney's Office for review.

Tuesday: 11/17/15 @ 7:39 a.m. / Crash - No Injuries & Traffic Arrest / 100 Block of North Daytona Avenue: A Honda mini-van was traveling north on North Daytona Avenue when a Nissan pickup truck pulled out in front of it from the shoulder. There was minor damage to both vehicles and the driver of the Nissan was arrested for operating a motor vehicle with a valid license.

Sea Dune Parking: Officers monitored sea dune parking during the week and issued three (3) warnings and four (4) parking citations.

"Toys for Tickets": This week Officers issued nineteen (19) written warnings in conjunction with the inaugural "Toys for Tickets" program.





**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	11/27/2015	To: Thursday	12/3/2015				
Calls For Service	56	Felony Arrest	1	Reports Written	8	Citations Issued	2
Self-Initiated	20	Misd. Arrest	0	Comm. Policing	42	Warnings (Written/Verbal)	24
Traffic Stops	11	City Ordinance	14	Security Checks	222		

**Captains Weekly Summary**

Sunday: 11/28/15 @ 10:34 a.m. / Warrant Arrest / 204 South Flagler Avenue: An individual with an active arrest warrant for Violation of Probation in re: to Grand Theft turned herself in to Officers at the Police Department. The arrest warrant was confirmed and the female was transported to the Flagler Inmate Facility without incident.

Monday: 11/30/15 @ 8:55 p.m. / Larceny / 414 Beach Village Drive (Publix Liquors): A male subject entered the store, walked around and when the store clerk turned her back he ran out of the store with a \$40 bottle of champagne. A Publix worker followed the suspect on foot and was able to get the tag number of the getaway vehicle. An "Attempt to Identify" filer was issued to the local media and a suspect has been developed. The suspect is scheduled for an interview on Friday, December 5<sup>th</sup>.

Monday: Captain Doughney worked as the Patrol Supervisor from 6:00 p.m. to 6:00 a.m.

Thursday: 12/3/15 @ 4:13 p.m. / Grand Theft / 100 Block of Lambert Avenue: The victim advised that on sometime between 12:55 p.m. and 1:45 p.m. on Wednesday, December 2<sup>nd</sup>, someone entered his back yard and removed two (2) I-pads from the pool area. The victim also reported that two (2) kayaks were missing from the back yard. No suspect information at this time.

Thursday: 12/3/15 @ 6:54 p.m. / Baker Act / 300 Block of 3rd Street North: Officers were dispatched in reference to a possible mentally ill person. The person in question advised dispatch that he had a sawed off shotgun and that he was distraught. Upon Officers arrival dispatch advised the male to come out of the house without the shotgun. The subject exited the house unarmed and he was taken into custody under the Baker Act. The shotgun was located under the living room couch and placed into Property & Evidence for safekeeping. The male was transported to Halifax Hospital for evaluation.

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

"Toys for Tickets": This week Officers issued twenty-one (21) written warnings in conjunction with the program.

Training: Officer Cozzone attended the free, forty (40) hour Speed Measurement (Radar) class conducted at Daytona State College.

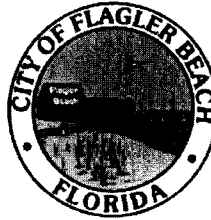
Recreation Staff report  
Tom Gillin  
Recreation Director  
October 2016

1. Parks and Recreation
  - a. Junior Lifeguards
    - i. Contacted schools to schedule visits
    - ii. Began work on 2016 schedule and handbook
  - b. "Music in the Park"
    - i. Music in the Park event on October 2nd evening cut short due to weather.
    - ii. Next music event planned for November 6th.
2. Lifeguards
  - a. Removed all towers from the beach
  - b. Inventoried first aid supplies and rescue equipment.
  - c. Compiled statistics for United States Lifesaving Association review.
3. Pier
  - a. Supervised daily operations at the pier
  - b. Planned for November schedule
  - c. Continued with operations of the bait shop
4. Special Events
  - a. Fun Coast Bed Race
    - i. Scheduled for November 7th
    - ii. 8 Beds entered
  - b. 6th Annual Corvette Cruise-in, October 11<sup>th</sup>.
    - i. Best attended event thus far
    - ii. Over 125 cars registered
5. Upcoming events
  - a. Tommy Tant Surf Tournament, October 31 – November 1.
  - b. Holiday at the Beach in December 4th and 5th.



**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 November 2015

December 1, 2015

In November we produced 14,640,000 gallons of drinking water. This amount was 797,000 gallons less than the amount we treated in October. Rainfall for the month of November was 1.90 inches. We used 3,600 Gallons at the plant and used 10,574 Gallons on irrigation. We flushed the north end of town due to low chlorine residual and we used 194,900 gallons. The fire department used 600 gallons.

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 November 10<sup>th</sup>.

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 greased the motors and tightened the belts on both degasifiers.

We changed the ballast and bulb on the light over the degasifier.

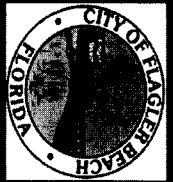
We installed a bigger exhaust fan on well 11 VFD panel this will allow the unit to run cooler in the summer months.

We collected our quarterly well samples and sent our Alternative Water Supply to the St Johns River Water Management District.

We replaced sprinklers in Biorem building. We installed 2" air relieve valve on well 13.

We moved the awning from the old ammonia system to over the clearwell cabinet. We had the help from Ed's Crane Service. We are hoping this will keep the cabinet cooler in the summer months. We saved the city \$200,000 by not having a building built by the engineers.

We rebuilt the pressure relieve valves on the chlorine system.



# CITY OF FLAGLER BEACH FLUSHING REPORT

Month / Year: November 2015

Date	Location	pH	Start c12	Finished c12	Start Time	Stop Time	Total Minutes	GPM	Total Gallons	Remarks	Int.
11/5	Marina Bay	7.9	0.80	1.40					19700	Low c12 Residual	PH
11/10	Marina Bay	8.5	0.50	1.40					0		
11/10	Marina Bay								28800	Low c12 Residual	PH
11/10	Marina Bay								0		
11/23	Marina Bay	8.5	0.80	1.10					60000	Low c12 Residual	EP
11/24	A1A & N. 22ND	8.4	0.90	1.20					10500	Low c12 Residual	PH
11/24	A1A & N. 13TH	10.7	0.10						24400	Low c12 Residual	PH
11/25	A1A & N. 13TH	11.1	0.10	0.90					30000	Low c12 Residual	EP
11/26	A1A & N. 17TH	8.3	0.70	1.70					21500	Low c12 Residual	PH
									0		
									0		
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