

MINUTES

PRESENT: Mayor Linda Provencher, Chair Jane Mealy, Vice-Chair Eric Cooley, Commissioners Rick Belhumeur, Ken Bryan and Deborah Phillips, City Attorney D. Andrew Smith, III, Interim City Manager Rick McFadden and City Clerk Penny Overstreet.

1. CALL THE MEETING TO ORDER: Chair Mealy called the meeting to order at 5:42 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. PROCLAMATION RECOGNIZING NATIONAL STALKING AWARENESS MONTH:
 - b. PROCLAMATION RECOGNIZING HUMAN TRAFFICKING AWARENESS MONTH: Mayor Provencher read both proclamations into the record. Staff from the Flagler Beach Victim Advocates, State Attorney Victim Advocates, Flagler County Victim Advocates and the Family Life Center were present to accept the proclamations.
 - c. CERTIFICATES OF APPRECIATION FOR VOLUNTEER EFFORTS AND DONATIONS TO THE FEED FLAGLER BEACH PROGRAM: Mayor Provencher presented a certificate to Jamie Bourdeau, owner, Beachfront Grille, for his donation of food and preparation of the meals for the Feed Flagler Beach Program for Thanksgiving and Christmas. Mayor Provencher presented a certificate to the Flagler Woman's Club for their donations of gifts and delivery of the meals to the residents.
 - d. CERTIFICATES OF APPRECIATION FOR EFFORTS IN THE FIRST ANNUAL STARRY NIGHTS EVENT: Mayor Provencher presented certificates to Johnny Lulgjuraj from Oceanside Bar and Grill, Debra Naughton, Destination Development & Community Engagement Manager, Palm Coast & the Flagler Beaches, and Nick Kimball, owner, Whaam! Burger and the Taco Shoppe.
4. DELETIONS AND CHANGES TO THE AGENDA: Items 11 & 12 were removed from the agenda.
5. UPDATE REGARDING DUNES RESTORATION PROJECT – AL HADEED, FLAGLER COUNTY ATTORNEY: Attorney Hadeed reminded the audience they could go to the website www.shoreuptheshore.org for information related to the ACOE and County Beach Project. Attorney Hadeed advised 133 easements have been secured, four (4) are in process, and four (4) have stalled and will likely go to legal action via eminent domain. Attorney Hadeed distributed a handout with information on the remaining 8 parcels for which easements have not been secured. Attorney Hadeed offered the County's assistance in drafting the FDOT Agreement for the \$500,000 annual maintenance of the dunes. The Commission reached a consensus for the Clerk to add an item on the next regular agenda for the Commission to discuss this option.
6. COMMENTS REGARDING ITEMS NOT ON THE AGENDA. CITIZENS ARE ENCOURAGED TO SPEAK. HOWEVER, COMMENTS SHOULD BE LIMITED TO THREE MINUTES: The new Palm Coast Regional Chamber of Commerce President, Greg Blose, introduced himself and indicated he is interested in learning about the community, and feels there needs to be a different type of discussion when disagreements arise.

CONSENT AGENDA

7. APPROVE THE MINUTES OF THE SPECIAL MEETINGS OF DECEMBER 15 AND 22, 2020 AND JANUARY 14, AND 19, 2021, AND THE REGULAR MEETING OF DECEMBER 10, 2020.
8. APPROVE SUBMISSION OF PAPERWORK FOR THE FEDERALLY FUNDED SUB AWARD AND GRANT AGREEMENT NO. Z1787 THROUGH PA-COVID19-4486 AND AUTHORIZE MAYOR TO SIGN SAME – KATHLEEN DOYLE, FINANCE DIRECTOR.
9. APPROVE A PIGGY-BACK CONTRACT WITH INSITUFORM TECHNOLOGIES, LLC IN THE AMOUNT OF \$699, 997.40 FOR THE SLIP LINING OF 2.6 MILES OF VITRIFIED CLAY SEWER PIPE – PENNY OVERSTREET, CITY CLERK.
10. APPROVE TERMINATION OF THE INTERLOCAL AGREEMENT BETWEEN FLAGLER COUNTY, FLORIDA AND THE CITY OF FLAGLER BEACH, FLORIDA FOR JOINT USE OF THE MOODY-WICKLINE SENIOR SERVICES CENTER – DREW SMITH, CITY ATTORNEY.
11. APPROVE A COST SHARE AGREEMENT BETWEEN ST. JOHNS RIVER WATER MANAGEMENT DISTRICT AND THE CITY OF FLAGLER BEACH FOR THE 2020/2021 REDI GRANT FOR THE CITY OF FLAGLER BEACH SEWER SLIP LINING REHABILITATION PHASE II PROJECT – PENNY OVERSTREET, CITY CLERK: *This item was removed from the agenda.*

Chair Mealy reviewed the consent agenda items and, pulled item 8 for discussion. Chair Mealy opened public comments. Kim Carney directed comments to item number ten. Chair Mealy closed public comments. Motion by Commissioner Belhumeur that we approve the consent agenda item numbers seven, nine and ten. Commissioner Phillips seconded the motion. The motion carried unanimously.

Item 8: *Approve submission of paperwork for the federally funded Sub Award and Grant Agreement No. Z1787 through PA-COVID19-4486 and authorize Mayor to sign same – Kathleen Doyle, Finance Director.* Chair Mealy inquired to the Finance Director regarding the purpose of the Grant. Chair Mealy opened public comments. No comments were offered. Chair Mealy closed public comment. Motion by Commissioner Belhumeur to approve agenda item number eight. Commissioner Cooley seconded the motion. The motion carried unanimously.

GENERAL BUSINESS

12. CONSIDER A REQUEST TO ALLOW THE USE OF SHIPPING CONTAINERS FOR COMMERCIAL AND RESIDENTIAL STRUCTURES – CORINNE & TREVOR FISHER: *This item was removed from the agenda.*
13. APPLICATION OE-21-01-05 FOR AN ANNUAL OUTDOOR ENTERTAINMENT PERMIT AT LOCATION 909 NORTH OCEAN SHORE BOULEVARD – APPLICANT KAREN GREEN, ISLAND FLAVAZ RESTAURANT – STAFF ASSIGNED: PENNY OVERSTREET, CITY CLERK: Clerk Overstreet advised the Officials the Planning Board unanimously approved the request for the Outdoor Entertainment Permit at their January 5, 2021 meeting. Chair Mealy opened public comments. No comments were offered. Chair Mealy closed public comment. Motion by Commissioner Phillips to approve application OE-21-01-05. Commissioner Bryan seconded the motion. The motion carried unanimously, after a roll call vote.
14. CONSIDER A COUNTER OFFER OF \$150,000 FOR THE PROPERTY AT 1844 S. CENTRAL AVENUE – JOHN HORAN, PALM WAVE REALTY: John Horan provided the Officials with a counter offer from the perspective buyers. Mr. Horan explained their position that they feel the offer is fair

considering the current market, the number of active tortoise burrows on the property, and the comps. Discussion ensued amongst the officials regarding the counter-offer. Chair Mealy opened public comments. Johnny Lulgjuraj, Oceanside Bar & Grill, adjacent property owner wanted to ensure the buyers were aware of the proximity to the commercial property and the active restaurant. Chair Mealy closed public comments. Motion by Commissioner Belhumeur that we accept the offer from Garry and Michelle Grigull, that we accept the counter offer of \$150,000 for the property at 1844 S. Central Avenue. Commissioner Cooley seconded the motion. The motion carried unanimously.

15. CONSIDER PROPOSAL TO AMEND THE VOCA GRANT AND FUNDING FOR 2021/2022 FY BUDGET – CHIEF MATT DOUGHNEY: Chief Doughney reviewed the request. Finance Director Doyle provided budget comments. Donna Kearney and Michelle Ficocello, City of Flagler Beach Victim Advocates spoke in favor of the request and hoped the city would approve which will allow them to provide additional assistance to residents in crisis. Chair Mealy opened public comments. Kim Carney spoke of the increase in opioid overdoses and suicides in our County due to COVID-19 and spoke of the Flagler Countywide Opioid Task Force offerings. Chair Mealy closed public comments. Motion by Commissioner Belhumeur that we approve the change of the VOCA Grant funding to 75% as opposed to 100% in the physical year 2021/2022. Commissioner Bryan seconded the motion. The motion carried unanimously.

16. RESOLUTION 2021-02, A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF FLAGLER BEACH, FLORIDA FOR SANITATION FEE INCREASES TO PROVIDE REVENUES THAT WILL BE SUFFICIENT TO OPERATE FINANCIALLY SELF-SUPPORTING SANITATION FUND. REPEALING RESOLUTION 2017-35; PROVIDING FOR CONFLICT AND AN EFFECTIVE DATE – KATHLEEN DOYLE, FINANCE DIRECTOR: Attorney Smith read the title of the resolution into the record. Finance Director Doyle reviewed the item stating a residential account with 1 tippy cart will see a 55 cent per month increase. Ms. Doyle reported included in this resolution is the requirement for a home based business with a Local Business Tax Receipt (LBTR) to purchase a tippy cart. Rob Smith, Sanitation Supervisor, reviewed the cost issues associated with recycling, and the solution staff has proposed is to only recycle aluminum cans and clean cardboard. Mr. Smith reported he has already altered the routes to eliminate the need for a new driver position. The recycling changes will apply to commercial and residential. Commissioner Bryan reported he met with some of the residents on this issue. Commissioner Bryan reported the Marine Environmental Science Group at the high school is willing to help us locate grants and promote what we want the residents to do. Commissioner Bryan expressed opinion that this is a big educational process and he feels the department needs assistance in the resident and business owner education on the new process. Chair Mealy indicated the Woman's Club has offered assistance as well. Commissioner Belhumeur expressed his dislike of the requirement for a home based business with a LBTR to have a tippy cart, and explained why he felt this way. Mayor Provencher inquired about the Commercial rates and new requirements. Ms. Doyle responded yes, the commercial rates will increase 1.79 %, and noted the big difference will be the change in what is recycled. The businesses will now place glass with the solid waste, not the recycle carts, and this will likely increase the number of pick-ups they schedule per week or require additional containers, which will increase their costs. Ms. Doyle reported the tipping fees the City is charged for disposal are increasing as well. Ms. Doyle indicated if this resolution is approved, it is projected the city would only need to annually increase rates as prescribed by the Gross Domestic Product Implicit Price Deflator Index, which is the city's code requirement. Discussion ensued regarding streamlining services, analyzing for possible labor reductions, and decreasing runs, the summer expense related to beach can pick-ups and the additional cost being bore by residents and created largely by Palm Coast and County residents. Chair Mealy opened public comments. Comments were heard from Doug O'Conner, Daryl Reynolds and Paul Harrington. Chair Mealy closed public comments. Motion by Commissioner Belhumeur that we approve Resolution

2021-02. Commissioner Cooley seconded the motion. The motion carried unanimously, after a roll call vote.

17. QUARTERLY BUDGET REPORT, PERIOD ENDING DECEMBER 31, 2020 – KATHLEEN DOYLE, FINANCE DIRECTOR: Ms. Doyle reviewed the last quarter revenues and expenses. No action was taken.

The agenda moved to Item #19.

COMMISSION COMMENTS

18. COMMISSION COMMENTS, INCLUDING REPORTS FROM MEETINGS ATTENDED: Mayor Provencher inquired about a request for a commission representative to support “Fresh from Flagler”. Commissioner Phillips indicated her interest and reported she will call her to get more information. Commissioner Bryan spoke of actions at the TDC meeting. Commissioner Belhumeur asked the Interim Manager for an update regarding the emergency repair of the pier. Mr. McFadden reported the pier repair will begin on Monday, and they have not received a start date for the A-Frame roof. The discussion turned to rental scooters, they are becoming a nuisance. Attorney Smith advised he would bring back information on what other cities are doing to regulate this activity. Commissioner Belhumeur inquired about the development across from City Hall (Barnhill property) what is being erected is very different from what was approved on the commercial site plan. Attorney Smith advised for additional permits to be withheld and to not issue a certificate of occupancy until the issue is clarified. Commissioner Cooley spoke of Item 14 from the December 10, 2020 agenda regarding Well 14. Commissioner Cooley stated the information presented to the officials for approval was inaccurate. Interim Manager McFadden indicated he would like to meet with David King, P.E., Mead Hunt, to discuss options. Discussion turned to the Library and it still being closed to the public. Mr. McFadden indicated he would meet with the Safety Officer (Chief Pace) and the Librarian to discuss solutions to reopening the building. Commissioner Phillips reported on her interaction with the Pal Parker Park Group indicated they hope to come before the Commission in about one month with a proposed plan for the park.

The agenda moved to Item #21.

PUBLIC HEARINGS

19. APPLICATION VAR #21-01-01 – 2444 S. OCEAN SHORE BOULEVARD –A VARIANCE TO REDUCE THE REQUIRED FRONT YARD SETBACK OF A PROPOSED NON-RESIDENTIAL ATTACHED ACCESSORY STRUCTURE (OUTDOOR DINING AREA) FROM THE REQUIRED TWENTY-FIVE (25) FEET AS ESTABLISHED IN THE CITY OF FLAGLER BEACH LAND DEVELOPMENT REGULATIONS, SECTION 2.04.02.9 ZONING, SCHEDULE TWO, LOT, YARD, HEIGHT, AND BULK REGULATIONS TO TWO (2) FEET (3) INCHES – APPLICANT RICHARD SMITH, STAFF ASSIGNED LARRY TORINO, PLANNER: Larry Torino, Planner, reviewed the request. Mr. Torino stated due to Tourist Commercial zoning he feels this is a reasonable request. If it was a General Commercial zone he would not have denied the application. Chair Mealy opened public comments. No comments were offered. Chair Mealy closed public comments. Motion by Commissioner Belhumeur that we approve application VAR 21-01-01. Commissioner Cooley seconded the motion. The motion carried unanimously, after a roll call vote.
20. ORDINANCE 2021-01, AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FLAGLER BEACH, FLORIDA, AMENDING CHAPTER 2, SECTION 2-135 AND 2-167; CHAPTER 6, SECTION 6-25; CHAPTER 14, SECTION 14-9; AND SECTION 14-6; TO CORRECT CLERICAL ERRORS AND TO REMOVE SECTIONS OF THE CODE NO LONGER APPLICABLE; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR CONFLICT AND AN EFFECTIVE DATE – FIRST READING –

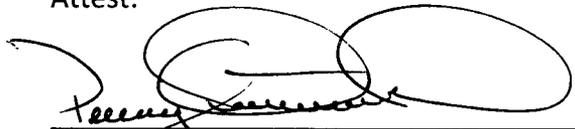
STAFF PENNY OVERSTREET, CITY CLERK: Attorney Smith read the title of the ordinance into the record. Chair Mealy opened public comments. No comments were offered. Chair Mealy closed public comments. Motion by Commissioner Belhumeur that we approve Ordinance 2021-01. Commissioner Bryan seconded the motion. The motion carried unanimously, after a roll call vote.

Chair Mealy recessed the meeting at 8:15 P.M.
Chair Mealy resumed the meeting at 8:27 P.M.
The agenda moved to Item #18.

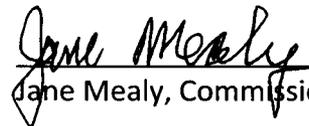
STAFF REPORTS

21. STAFF REPORTS: Attorney Smith reported on the appeal filed on the Motion to dismiss on the 2019 federal case regarding the golf course property. Interim Manager McFadden reported on an issue regarding a Golf Course retention pond at south end of the course, installed by contractors hired by the city, it's eroding and creeping closer to a building. Mr. McFadden reported we will bring in an engineer to come inspect and advise what can be done. Mr. McFadden reported on the issue with the dumpster pad at the Funky Pelican, advising we need to repair it as soon as possible. Attorney Smith concurred. Chair Mealy asked Mr. McFadden to reach out to the Palm Coast Manager regarding Boston Whaler re-opening at the former Sea Ray plant. Mayor Provencher reported she has spoken with Palm Coast Mayor Holland and Palm Coast has hired environmentalist working on the issue and will ensure their opening will be of the best interest to the community. Penny Overstreet, City Clerk, reminded of the upcoming election and reported the candidates who completed qualification. Ms. Overstreet reported on the progress of the Southside Dune Walkover Project and reminded of the approaching deadline of the PA extension FEMA approved for the Pier.
22. ADJOURNMENT: Commissioner Belhumeur put forth a motion to adjourn the meeting at 9:27 p.m. Commissioner Cooley seconded the motion. The motion carried unanimously.

Attest:



Penny Overstreet, City Clerk



Jane Mealy, Commission Chair