

REGULAR MEETING OF THE FLAGLER BEACH CITY COMMISSION THURSDAY, OCTOBER 24, 2019, 2019 AT 5:30 P.M. AND TO BE CONTINUED UNTIL ITEMS ARE COMPLETE. CITY COMMISSION CHAMBERS, 105 S. SECOND STREET, FLAGLER BEACH, FLORIDA 32136

AGENDA

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

ABSENT: Commissioner Eric Cooley.

1. CALL THE MEETING TO ORDER: Chair Carney 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. SWEARING IN OF OFFICER BRIAN WOOD – CHIEF DOUGHNEY: Captain Blanchette swore in Officer Wood.
4. DELETIONS AND CHANGES TO THE AGENDA: Commissioner Shupe removed Item 10 from the agenda.
5. COMMENTS REGARDING ITEMS NOT ON THE AGENDA. CITIZENS ARE ENCOURAGED TO SPEAK. HOWEVER, COMMENTS SHOULD BE LIMITED TO THREE MINUTES: Joanne Soman 1313 N. Ocean Shore Blvd. spoke of the former Tavolacci building on North Ocean Shore Blvd. that has not been repaired since damaged as a result of Hurricane Matthew. Ms. Soman spoke of the code enforcement process and requested the City take more proactive actions on properties in disrepair.

CONSENT AGENDA

6. APPROVE THE MINUTES OF THE REGULAR MEETING OF OCTOBER 10, 2019: Chair Carney opened public comments. No comments were offered. Chair Carney closed public comments. Motion by Commissioner Mealy to approve the minutes of the October 10, 2019 regular meeting. Commissioner Shupe seconded the motion. The motion carried unanimously.

GENERAL BUSINESS

7. AWARD THE SOUTH FLAGLER SWALE PROJECT NO. FB-2019-2607 TO W. GARDNER, LLC, THE LOWEST RESPONSIVE BIDDER IN AN AMOUNT NOT TO EXCEED \$463,739.15 – FRED GRIFFITH, CITY ENGINEER: Chair Carney reviewed the request. Fred Griffith, City Engineer, stated the \$500,000 the City received from the St. Johns River Water Management Districts (SJRWMD) Cost Share Funding Program will cover the costs associated with the project. The bid recommended for award came in under budget. Mr. Griffith advised if the FDOT A1A Project stays on schedule, Mr. Griffith would like to begin this project in December and start with the swale improvements to S. Daytona Avenue. Commissioner Shupe inquired if the contractor would hold tailgate meetings for the residents as was done for the stormwater projects on Palm Circle and Venice Park neighborhoods. Mr. Griffith stated he would like to hold a public town hall style meeting for the residents to apprise them of the projects details. Commissioner Shupe recommended the tailgate style neighborhood meeting be implemented as they were helpful in conveying the project timeline and provided the residents the project was impacting an outlet for their concerns to be addressed by the contractor and project manager. Mr. Griffith advised the land development regulations call for swales to be installed, he is not clear as to why this has not been enforced. Mr. Griffith advised Palm Avenue, Cumberland Drive, Palm Drive and Oak Lane will also have swales constructed. Mr. Griffith introduced Thomas Inman, P.E., Kimley Horn & Associates, stating he will oversee the construction management. Mr. Griffith added Mead & Hunt will provide the construction site inspector. Commissioner Carney requested the City Engineer provide to the officials a schedule of construction for the different streets they will be working on. Chair Carney opened public comment. Sarah Rapetti, 222 N. 12th St., spoke of drainage issues in her area. Chair Carney closed public comment. Motion by Commissioner Shupe to recommend the award for the South Flagler Beach Project Bid No. FB-2019-2607 to the lowest bidder W. Gardner in the amount of \$463,739.15. Commissioner Belhumeur seconded the motion with an amendment of the corrected Bid No. FB-2019-2609. Commissioner Shupe amended his motion. The amended motion carried unanimously.

8. CONSIDER REQUEST FOR STAFF DIRECTION TO MEET & COORDINATE PLAN TO REPAIR/REPLACE THE DUMPSTER PAD AT PIER RESTAURANT – RAY BARSHAY, TENANT: Ray Barshay reviewed the request. Mr. Barshay indicated the Florida Department of Environmental Protection (FDEP) permit has been issued, but has the stipulation that construction cannot begin until after November 1st. Mr. Barshay reviewed the issue which first arose in 2011. Mr. Barshay reported the issue continues to deteriorate and he wishes to avoid any new problems for his employees or the city. Commissioner Carney inquired of the City Manager what the plans for repair were. City Manager Larry Newsom advised he wants the project to be advertised for bid before the end of November. Mr. Newsom indicated the tenant will need a plan in place for the restaurants placement of solid waste while the construction is taking place, additionally the propane tanks will need to be temporarily relocated. Mr. Barshay stated he understood there may need to be days the restaurant will need to be closed for instance when the propane is relocated. Mr. Newsom reported the plan is still based off of the design Mr. Barshay had Joseph Pozzouli design, Mr. Newsom indicated the City would require sealed drawings for the permit. Mr.

Newsom reported the city is looking at the same space currently used and hopes to incorporate a space in the same area for the washing of the mats. It was noted the project is budgeted in this fiscal year. No action was taken.

9. RESOLUTION 2019-22, A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF FLAGLER BEACH FLORIDA, FOR WATER, SEWER AND STORMWATER FEE INCREASES TO PROVIDE REVENUES THAT WILL BE SUFFICIENT TO OPERATE FINANCIALLY SELF-SUPPORTING UTILITIES; REPEALING RESOLUTION 2018-33, PROVIDING FOR CONFLICT AND AN EFFECTIVE DATE – KATHLEEN DOYLE, FINANCE DIRECTOR: Attorney Smith read the title of the resolution into the record. Chair Carney spoke of the budget process where the utility rates were discussed. Staff had proposed a 25% increase, at the budget workshops the Commission reached a consensus to direct staff to reduce the increase to no more than 12.5%, and no increases are to made to the Sanitation rates. Kathleen Doyle, Finance Director, began by stating there is still a deficit in the Utility Fund even with this increase. Ms. Doyle stated the proposed rates are based on monies needed to maintain and improve the infrastructure for the next 5 years. Commissioner Belhumeur spoke of the infrastructure improvement project that are needed and reviewed those that are being done. A discussion ensued regarding the base fees and how they are based on size of the pipe and meter, how some businesses have more than one meter, and the many different variables. Chair Carney opened public comment. Comments were heard from George Gunn, Rick (last name was illegible), Johnny Lulgjuri, Kent Ryan, Ann Kissel, Chris Marlow, Shannon Willer, Larry Bell, Connie Lummi, Sterling Dutton, Carla Cline, Trish Humphreys, Jerry Bloom, Pricilla Faust and Sarah Rapetti. Mr. Newsom indicated he would be submitting a legislative request for \$1.2 million for Waste Water Treatment Plant Improvements. Larry will be asking for 1.2 million from legislation this year for the WWTP improvements, we are also slip lining the sewer lines to prevent water intrusion. Chair Carney closed public comment. Motion by Commissioner Mealy to approve resolution 2019-22. Commissioner Shupe seconded the motion. The motion carried unanimously.

Chair Carney recessed the meeting at 7:34 p.m.

Chair Carney reconvened the meeting at 7:46 p.m.

The agenda moved to Item 12.

10. DISCUSSION AND POSSIBLE DIRECTION TO STAFF REGARDING ADDITIONAL PROPOSED CHARTER AMENDMENT – COMMISSIONER MARSHALL D. SHUPE: This item was removed from the agenda.

COMMISSION COMMENTS

11. COMMISSION COMMENTS, INCLUDING REPORTS FROM MEETINGS ATTENDED: The officials provided reports on their attendance at meetings, gatherings and events since the last regular meeting. Mayor Provencher indicated she is meeting to discuss Feed Flagler beach, her annual Thanksgiving Project. Mayor Provencher spoke of requested support

from the City of Palm Coast for the University of North Florida Palm Coast Campus. Mayor Provencher spoke of a Compete Count Census Committee meeting she attended. Mayor Provencher reported paper mailers will not be sent out this year, and she spoke of the need for a campaign to get residents involved and the need to set up a computer at the Library for residents who do not have internet access. Mayor Provencher spoke of complaints she has received from visitors, residents and business owners regarding the political parties who participate as vendors at First Friday events. Discussion ensued, a consensus was reached to schedule a Workshop to discuss the issue.

The agenda moved to Item 14.

PUBLIC HEARINGS

12. ORDINANCE 2019-12, AN ORDINANCE OF THE CITY OF FLAGLER BEACH, FLORIDA, AMENDING CHAPTER 14, OFFENSES AND MISCELLANEOUS PROVISIONS, OF THE CODE OF ORDINANCES, TO CREATE ARTICLE VI, "AGGRESSIVE PANHANDLING" TO PROHIBIT AGGRESSIVE PANHANDLING; PROVIDING LEGISLATIVE FINDINGS, PROVIDING PENALTIES FOR VIOLATIONS; PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION AND EFFECTIVE DATE – SECOND AND FINAL READING: Attorney Smith read the title of the ordinance into the record. Chair Carney opened public comments. No comments were offered. Chair Carney closed public comment. Motion by Commissioner Belhumeur that we approve Ordinance 2019-12. Commissioner Mealy seconded the motion. The motion carried three to one, with Commissioner Shupe voting no.

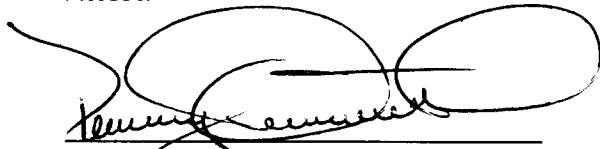
13. ORDINANCE 2019-17 AN ORDINANCE OF THE CITY OF FLAGLER BEACH, FLORIDA, APPROVING THE FIRST AMENDMENT TO THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF FLAGLER BEACH AND THE INTERNATIONAL UNION OF POLICE ASSOCIATIONS FOR THE PERIOD OCTOBER 1, 2018 THROUGH SEPTEMBER 30, 2021; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE – FIRST READING. Attorney Smith read the title of the ordinance into the record. Attorney Smith noted the changes to Article 12 and 36. Chair Carney opened public comments. No comments were offered. Chair Carney closed public comment. Commissioner Shupe spoke of the raises provided to the police positions to make our pay structure competitive so we may retain the officers. Commissioner Shupe commented now we have competitive pay, however, it should be noted we cannot compete with a city with a population of 60k, and he indicated his hope to have more input in the next round of negotiations. Motion by Commissioner Belhumeur to approve ordinance 2019-17. Commissioner Mealy seconded the motion. The motion carried unanimously, after a roll call vote.

The agenda moved back to Item 11.

STAFF REPORTS

14. STAFF REPORTS: Attorney Smith reported he has heard there is support for legislation to end the requirement for legal ads in newspapers of general circulation. Attorney Smith requested the Clerk review the Code for possible amendments if this legislation passes. City Manager Newsom reported the three walkovers removed by Superior Construction as a part of the FDOT Project on the North side will be replaced by FDOT or their contractor. Mr. Newsom advised that the State met the requirements to qualify for category "B" reimbursement from FEMA regarding costs associated with Hurricane Dorian.
15. ADJOURNMENT: Motion by Commissioner Shupe to adjourn the meeting at 8:13 p.m.

Attest:



Penny Overstreet, City Clerk



Kim M. Carney, Chair

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