



City Commission Regular Meeting Minutes :

Thursday, August 28, 2025, at 5:30 PM

City Commission Chambers – 105 S. 2ND Street, Flagler Beach, FL 32136



Present: Mayor Patti King, Chairman James P. Sherman, Vice-Chairman Rick Belhumeur, Commissioners Eric D. Cooley, John Cunningham and Scott Spradley, City Attorney D. Andrew Smith, III, City Manager Dale L. Martin and City Clerk Penny Overstreet.

1. **Call the meeting to order.** Chairman Sherman 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.** Commissioner Cunningham led the pledge to the flag.
3. **Proclamations and Awards.** None.
4. **Deletions and changes to the agenda**
Amended the Agenda to include under Consent Agenda approval of an Interlocal Agreement with Flagler County for CAD Services. Item 7c was removed from Agenda.
5. **Public comments regarding items not on the agenda**
John Timmons, Lou Pincus, Carla Cline, John Lepeck, Darryl Reynolds and Angie Yaghoubi provided comments. City Manager Martin in response to Ms. Clines comments stated he will ask staff to put mesh on the bottom of the lost toy box at the S. 8th Street walkover, and Deputy Chief Blanchette will determine the need of a four-way stop at the intersection of S. Daytona and S. 3rd Street.
6. **Consent Agenda**
 - a. Approve the Regular Meeting Minutes of July 10 and 24, 2025, and the Workshop Meeting Minutes of August 6 and 7, 2025.
 - b. Approve an Interlocal Agreement between the City of Flagler Beach and Flagler County for CAD Services. Amended at the August 28th meeting to include this item.

Motion by Commissioner Belhumeur to approve the Consent Agenda as amended. Commissioner Cooley seconded the motion. Chairman Sherman opened public comments. None were offered. Chairman Sherman closed public comments. The motion carried unanimously.
7. **General Business**
 - a. Receive a presentation from the Northeast Florida Regional Council on the recently completed comprehensive vulnerability assessment of Flagler County, including a compound flooding analysis, and associated adaptation plan to address the vulnerabilities. Andrew Prokopiak, Senior Resiliency Planner, Northeast Florida Regional Council, reviewed a Power Point Presentation providing an overview of the assessment performed

to identify vulnerability, and as a supplement a compound flooding analysis was included. In addition, Flagler County received funding to develop an adaptation plan. The adaptation plan will list and describe measures in the near (1 -5 years) and medium (5 -10 years) terms to mitigate and adapt to flood hazards identified in both the vulnerability assessment and compound analysis.

- b. Interview and appoint members to the Parks Committee. Clerk Overstreet distributed the score sheets. After scoring the applications. Diane Cline, Katherine Conrad, Amanda Tully, and John Timmins were appointed for a two-year term. Tim Davis, Michelle Dunn and Edward Landsdowne were appointed for a one-year term.
- c. Resolution 2025-57. A Resolution by the City Commission of the City of Flagler Beach, Florida, to codify the Goals of the City Commission as developed from the Strategic Planning Session, providing for conflict and an effective date. This item was removed from Agenda.
- d. Resolution 2025-59. A Resolution by the City Commission of the City of Flagler Beach to award construction services for clearing blockages in the North Clarifier underground piping at the Wastewater Treatment Plant to U.S. Submergent Technologies for an amount not to exceed \$52,500; providing for conflict and an effective date. Attorney Smith read the title of the Resolution into the record. Motion by Commissioner Belhumeur to approve Resolution 2025-59. Commissioner Cooley seconded the motion. Chairman Sherman opened public comments. No comments were offered. Chairman Sherman closed public comments. The motion carried unanimously, after a roll call vote.
- e. Resolution 2025-62. A Resolution by the City Commission of the City of Flagler Beach to award construction services for lift station rehabilitation to Ferreira Construction Company for an amount not to exceed \$1,969,971.00; providing for conflict and an effective date. Attorney Smith read the title of the Resolution into the record. Attorney Smith noted to the Clerk the contracts will need the specifics added before signature. Motion by Commissioner Cooley to approve Resolution 2025-62. Commissioner Belhumeur seconded the motion. Chairman Sherman opened public comments. No comments were offered. Chairman Sherman closed public comments. The motion carried unanimously, after a roll call vote.
- f. Resolution 2025-63. A Resolution by the City Commission of the City of Flagler Beach approving an agreement with CPH Consulting, LLC for Engineer of Record services for the construction of the Wastewater Treatment Plant for an amount not to exceed \$1,991,460.00; providing for conflict and an effective date. Attorney Smith read the title of the Resolution into the record. Motion by Commissioner Belhumeur to approve Resolution 2025-63. Commissioner Spradley seconded the motion. Chairman Sherman opened public comments. No comments were offered. Chairman Sherman closed public comments. The motion carried unanimously, after a roll call vote.
- g. Resolution 2025-64. A Resolution by the City Commission of the City of Flagler Beach to authorize the purchase of three new 45KW Generators from Generac Power Systems Inc., utilizing an existing Generac Power Systems contract with Sourcewell, for an amount not to exceed \$105,185.86; providing for conflict and an effective date. Attorney Smith read the title of the Resolution into the record. Motion by Commissioner Belhumeur to approve Resolution 2025-64. Commissioner Cooley seconded the motion. Chairman Sherman opened public

comments. Edward Landsdowne provided comments. Chairman Sherman closed public comments. The motion carried unanimously, after a roll call vote.

- h. Resolution 2025-65. A Resolution by the City Commission of the City of Flagler Beach, Florida, adopting 2025/2026 Fee Schedule for Water, Sewer, Stormwater, Sanitation, Building Permit, Inspections, Plan Review, Growth Management Technology, Zoning and Land Development, Engineering Permit and Review, Business Licensing, Impact, Library, Police, Fire, Administrative, and other miscellaneous fees; repealing Resolutions 2025-08, 2021-24, 2016-20, 2012-46 and 2011-33; providing for conflict and an effective date. Attorney Smith read the title of the Resolution into the record. Discussion ensued regarding the price of recycled glass, doggie dining fees and individually priced pick up items under solid waste. A consensus was reached to remove the doggie dining fees and reduce the cost of recycled glass by 1/3. Motion by Commissioner Belhumeur that we approve Resolution 2025-65 as amended. Commissioner Spradley seconded the motion. Chairman Sherman opened public comments. Angie Yaghoubi and Quentin Parker provided comments. Chairman Sherman closed public comments. The motion carried three to two, with Commissioners Cooley and Cunningham voting no.
- i. Resolution 2025-66. A Resolution by the City Commission of the City of Flagler Beach, Florida, for the creation of a Flagler Beach Community Redevelopment Association Advisory Board; providing for the establishment, purpose and duties of said board; providing for appointed members and terms; setting forth Officers, rules and procedures; providing a sunset clause; and providing an effective date. Attorney Smith read the title of the Resolution into the record. Chairman Sherman opened public comments. Paul Mykyta felt a member seat should be opened to residents residing outside the CRA District. City Manager Martin responded it is up to the Commission as to the make-up. Edward Landsdowne questioned whether a resident could serve on more than one board. Chairman Sherman closed public comments. The Commission reached a consensus to change one of the seats to a city resident, residing outside of the CRA District. Motion by Commissioner Belhumeur to approve 2025-66. Commissioner Spradley seconded the motion. The motion carried unanimously, after a roll call vote.
- j. Resolution 2025-71. A Resolution by the City Commission of the City of Flagler Beach, Florida, approving a contract with the Overhead Door Company for the emergency replacement and repair of the Emergency Services Building Bay doors in an amount not to exceed \$73,950; providing for conflict and an effective date. Attorney Smith read the title of the Resolution into the record. Motion by Commissioner Spradley to approve Resolution 2025-71. Commissioner Cooley seconded the motion. Chairman Sherman opened public comment. No comments were offered. Chairman Sherman closed public comments. The motion carried unanimously, after a roll call vote.
- k. Resolution 2025-72. A Resolution by the City Commission of the City of Flagler Beach authorizing the City Manager to extend the Wickline Center Facility Use Agreement with Salty Church on a month-to-month basis, but no later than September 30, 2025, providing for conflict and an effective date. Attorney Smith read the title of the Resolution into the record. Motion by Commission Belhumeur to approve Resolution 2025-72. Commissioner Cunningham seconded the motion. Chairman Sherman opened public comment. No comments were offered. Chairman Sherman closed public comments. The motion carried

unanimously, after a roll call vote.

Chairman Sherman recessed the meeting at 7:25 p.m.

Chairman Sherman reconvened the meeting at 7:45 p.m.

8. Public Hearings

- a. Application PVAR25-0002: Variance – Applicant is requesting a variance from the Land Development Code, Article II, Section 2.04.02. Design Guidelines, Location (2) and (5). Applicants request relief from the land development code minimum standards for a two-way drive requiring eighteen feet (18') for a two-way drive for commercial use to a twelve-foot (12') lane for a two-way commercial use drive. Location: 907 N Ocean Shore Blvd., Flagler Beach, FL. It was noted that the applicant, nor its representatives were not present. Motion by Commission Belhumeur to table the item to the September 11, 2025, Meeting at 5:30 p.m. or soon thereafter. Commissioner Cooley seconded the motion. The motion carried unanimously, after a roll call vote.
- b. Ordinance 2025-09. An Ordinance of the City Commission of the City of Flagler Beach, FL, Facilities Supply Work Plan as required by 163.3177, Florida Statutes; providing for the adoption of amendments to the City's Comprehensive Plan to implement the updated Water Facilities Supply Work Plan; providing for adoption of updated policies within the Comprehensive Plan Public Facilities Element; providing for adoption of amendments to the Capital Improvement Element providing for updated Five-year Schedule of Capital Improvements; providing for transmittal to the State Land Planning Agency, Department of Economic Opportunity; providing the repeal of laws in conflict; providing for severability; providing for an effective date. Final reading. Attorney Smith read the title of the Ordinance into the record. Motion by Commissioner Belhumeur to approve Ordinance 2025-09. Commissioner Cooley seconded the motion. Chairman Sherman opened public comment. No comments were offered. Chairman Sherman closed public comments. The motion carried unanimously, after a roll call vote.
- c. Ordinance 2025-10. An Ordinance of the City Commission of the City of Flagler Beach, Florida, amending the City's Comprehensive Plan to incorporate and make reference to certain State Legislation including the State's adoption of and amendments to the Live Local Act and other State Legislation related to Affordable Housing, Energy Resources, and Resiliency; providing for transmittal to the State Land Planning Agency, Department of Economic Opportunity; providing the repeal of laws in conflict; providing for severability; providing for an effective date. Final reading. Attorney Smith read the title of the Ordinance into the record. Motion by Commissioner Belhumeur to approve Ordinance 2025-10. Commissioner Spradley seconded the motion. Chairman Sherman opened public comment. No comments were offered. Chairman Sherman closed public comments. The motion carried unanimously, after a roll call vote.
- d. Ordinance 2025-11. An Ordinance of the City of Flagler Beach, Florida, amending the Comprehensive Plan to add a property rights element; providing for conflicts, severability, and an effective date. Final reading. Attorney Smith read the title of the Ordinance into the record. Motion by Commissioner Cooley to approve Ordinance 2025-11. Commissioner

Belhumeur seconded the motion. Chairman Sherman opened public comment. No comments were offered. Chairman Sherman closed public comments. The motion carried unanimously, after a roll call vote.

- e. Ordinance 2025-12. An Ordinance by the City Commission of the City of Flagler Beach, Florida, Amending the Code of Ordinances, Creating Section 11-9 Related to Litter and Requiring Owners and Operators of Certain Retail Establishments to Install Adequate Garbage Receptacles for Litter Generated by the Business Activity, Providing for Severability and Providing for an Effective Date. Final reading. Attorney Smith read the title of the Ordinance into the record. Motion by Commissioner Cooley to approve Ordinance 2025-12. Commissioner Spradley seconded the motion. Chairman Sherman opened public comments. No comments were offered. Chairman Sherman closed public comments. The motion carried unanimously, after a roll call vote.
- f. Ordinance 2025-13. An Ordinance of the City of Flagler Beach, Florida, amending the Code of Ordinances related to the safe interaction of people fishing, people swimming, and people walking on the beach; providing for designation of areas of the beach within which surfcasting or other forms of fishing from the shoreline are prohibited; providing for severability; and providing an effective date. First reading. Attorney Smith read the title of the Ordinance into the record. Discussion ensued regarding the need for adoption of a resolution to designate the areas. Commissioner Cooley suggested not breaking the areas up, adding for enforcement and clarity, having one continuous area is preferred. Chairman Sherman opened public comments. RJ Santore and Paul Mykytko commented. Chairman Sherman closed public comments. Motion by Commissioner Cooley to approve Ordinance 2025-13. Commissioner Cunningham seconded the motion. The motion carried unanimously, after a roll call vote.
- g. Ordinance 2025-14. An Ordinance of the City of Flagler Beach, Florida, amending Chapter 6, Beaches and Recreation, Section 6-41, "Use Charges," Chapter 5, Animals, deleting Section 5-6 "Requirements for Registering/Licensing of Animals", amending Section 5-19, "Fees", amending Chapter 3, Alcoholic Beverages, Section 3-19 "Permit for Nonprofit Organization; Application; Approval," amending Chapter 16, Sales, Article II, Canvassers and Solicitors, Section 16-18, "Application; Fee," Section 16-19, "Investigation of Issuance," deleting Section 16-20, "Surety Bond," amending Section 16-24, "Inapplicability of Sections 16-18 through 16-20 to Designated Persons," amending Chapter 19 Traffic and Motor Vehicles, Section 19-55 "Enforcement" and amending Chapter 22, Watercraft and Waterways; Article II, Bulkheads; Division 3, Intracoastal Waterway, Section 22-52 "Building Permit, Fee," of the Code of Ordinances; amending sections of the Code that are no longer applicable; 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. Discussion ensued regarding amending the Ordinance to include removal of the doggie dining regulations. Consensus was reached to include at second reading removal of Section 5-31 of the Code of Ordinance. Motion by Commissioner Cooley to approve Ordinance 2025-14. Commissioner Belhumeur seconded the motion. Chairman Sherman opened public comments. None were offered. Chairman Sherman closed public comments. The motion carried unanimously, after a roll call vote.

- h. Ordinance 2025-15. An Ordinance by the City Commission of the City of Flagler Beach, Florida, amending the City Charter Sections 7.05(b) Runoff and 7.02(a) Qualifying; modifying the runoff election date and qualifying period for the 2026 General Municipal Election and in each subsequent year except for those years that are multiples of four (4) to a period that is in harmony with the Statutory Vote-By-Mail requirements imposed on the Supervisor of Elections; providing for severability; providing for conflicts; providing for codification; and providing an effective date. First reading. Attorney Smith read the title of the Ordinance into the record. Motion by Commissioner Cooley to approve Ordinance 2025-15. Commissioner Spradley seconded the motion. Chairman Sherman opened public comments. None offered. Chairman Sherman closed public comments. The motion carried unanimously, after a roll call vote.

9. Staff Reports

- a. City Attorney. Attorney Smith reported he had received information from Attorney Livingston regarding the Golf Course purchase, and he would be providing that to the City Manager when the document is received.
- b. City Manager. Reported the City Engineer had received confirmation from Florida Department of Transportation, District Five, that they will fund the repaving of S. Central Avenue
- c. City Clerk. Inquired if the Officials were interested in having the City Attorney draft an ordinance for a referendum item to change the Commissioners' terms from three to four years and follow the County's election schedule. Discussion ensued, the Commission provided consensus to not pursue a change in terms or a switch to elections every four years.

10. Commission Comments

- a. Commission comments, including reports from meetings attended

Chairman Sherman: Reported concern of pedestrian traffic in and around the pier construction area. Attorney Smith suggested speaking to the contractor for placement of additional signage.

Vice Chairman Belhumeur: Inquired if we had determined the Legislative Priority Requests. City Manager Martin indicated he intends to place an item on September 11, 2025, agenda to approve the Legislative Priority Requests.

Commissioner Cooley: Suggested the creation of an ordinance prohibiting the binding of lots on S.R. A1A to prevent the construction of behemoth structures along the scenic drive. City Attorney Smith stated he would review and see if it conflicts with legislation particularly Senate Bill 180.

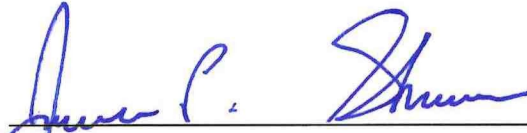
- b. Public comments regarding items not on the agenda.

Charlie Marrow inquired if there was an update on Veranda Bay annexation. Attorney Smith responded the City is awaiting the applications, they are targeting for October meetings.

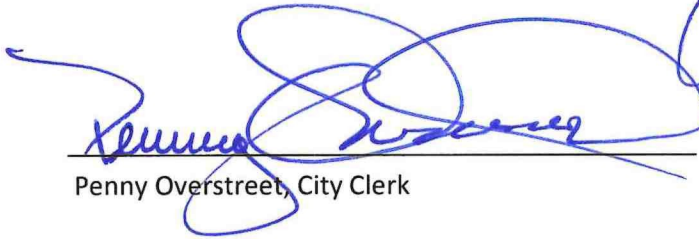
Anthony Cinelli commented late on Ordinance 2025-13 stating when a large fish is on their line the Fishermen generally go to the beach to land the catch, now that the pier will be taller than the current its assumed this would occur more frequently.

Anthony Cinelli inquired if the Commission would be regulating eBikes'. Attorney Smith responded he would share with the Clerk an ordinance draft to be distributed to the Officials, so they determine if this is the direction they wish to go. Attorney Smith advised he will also contact the County Attorney to see if they have a draft available.

11. **Adjournment.** Commissioner Cooley put forth a motion to adjourn the meeting at 8:42 p.m.



James Sherman, Chairman



Penny Overstreet, City Clerk