



Flagler County Board of County Commissioners Meeting Agenda

May 1, 2023 • 9:00 a.m.

Government Services Building 2, Board Chambers, 1769 E. Moody Blvd., Bunnell, FL 32110

1. **Pledge to the Flag and Moment of Silence**
2. **Additions, Deletions and Modifications to the Agenda**
3. **Announcements by the Chair**
4. **Recognitions, Proclamations and Presentations:**
 - 4a) **Recognitions:** None
 - 4b) **Proclamations:**
 - 1) **Motorcycle Safety Awareness Month – May 2023** (*Requested by ABATE Florida and Florida Blue Knights, Chapter XXII*)
 - 2) **National Correctional Officers and Employees Week – May 7-13, 2023** (*Requested by Flagler County Sheriff Staly*)
 - 3) **National Travel and Tourism Week – May 7-13, 2023** (*Requested by Amy Lukasik, Tourism Development Director*)
 - 4c) **Presentations:**
 - 1) **Transparency and Strategic Plan Dashboard Update** (*Presented by County Administration*)
 - 2) **Army Corps of Engineers Update**
 - 3) **Beaches Renourishment Update** (*Presented by Engineering*)
5. **Community and Board Comments:**
 - 5a) **Community Outreach:** *This thirty-minute time period has been allocated for public comment on any consent agenda item or topic not on the agenda. Each speaker will be allowed up to three (3) minutes to address the Commission. Speakers should approach the podium, identify themselves and direct comments to the Chair.*
 - 5b) **Board Comments on Consent Items**
6. **Consent: Constitutional Officers:**
 - 6a) **Clerk: Bills and Related Reports:** Request the Board approve the report(s) of funds withdrawn from County depositories by the Flagler County Clerk of the Circuit Court and the Revenue Collected Report presented in compliance with the provisions of Section 136.06, Florida Statute as listed below:
 - 1) Disbursement Report for Week Ending April 7, 2023
 - 2) Disbursement Report for Week Ending April 14, 2023
 - 6b) **Clerk: Approval of Board Meeting Minutes:** Request the Board approve the minutes from the following Meetings:
 - 1) Regular Meeting April 3, 2023
 - 2) Workshop April 3, 2023

7. Consent: BOCC Departments:

- 7-a) Ratification of Flagler County Emergency Proclamations Extending the State of Local Emergency Due to Severe Coastal Erosion and Vulnerability:** Request the Board ratify the Proclamations Extending the State of Local Emergency for Hurricanes Matthew, Ian, and Nicole. *(Requested by Jonathan Lord, Emergency Management Director)*
- 7-b) Approval of Corrective Quit Claim Deed to Release Statutorily-Reserved Mineral Rights – Former Public Safety Site in Hunter’s Ridge DRI:** Staff recommends that the Board accept the Corrective Quit Claim Deed. *(Requested by County Attorney and Adam Mengel, Growth Management Director)*
- 7-c) Consideration to Amend the FY 2022-23 Budget with a Transfer from General Fund Reserves, Court Innovations Fund 1197 Reserves for additional Adult Drug Treatment Services:** Request the Board approve the Budget Transfer and the Unanticipated Revenue Resolution. *(Requested by E. John Brower, Financial Services Director)*
- 7-d) Consideration of an Amendment to the Fiscal Year 2022-23 Budget to Recognize County Gas Payment from the Coronavirus State Fiscal Recovery Fund:** Request the Board approve the Unanticipated Revenue Resolution. *(Requested by E. John Brower, Financial Services Director)*
- 7-e) Consideration of Approval to Execute the Simply Healthcare Ancillary Service Provider Agreement:** Request the Board approve the “Simply Healthcare Ancillary Service Provider Agreement”, authorizing the County Administrator to execute all necessary documents associated with accepting and implementing said contract, including any amendments approved as to form by the County Attorney. *(Requested by Joseph Hegedus, Health & Human Services Director)*
- 7-f) Consideration to Amend the FY 2022-23 Budget to Recognize Grant Revenue for Emergency Home Energy Assistance for Senior Services:** Request the Board approve the Unanticipated Revenue Resolution. *(Requested by Joseph Hegedus, Health & Human Services Director)*
- 7-g) Consideration of SHIP Change order in the amount of \$7,010.00 for additional housing repairs for SHIP Applicant #85-58:** Request the Board approve the change order request increasing the amount of the Purchase Order by \$7,010.00. *(Requested by Joseph Hegedus, Health & Human Services Director)*
- 7-h) Consideration of Assignment and Assumption of Lease and Release of Current Lessee Regarding Flagler Tailwinds, Inc. D/B/A Highjackers Space/Use Agreement to Quantum Cowboys, LLC:** Request the Board approve the assignment of County property located at 202 Airport Road, Palm Coast, FL 32164 located at the Flagler Executive Airport to Quantum Cowboys, LLC. *(Requested by Roy Sieger, Airport Director)*
- 7-i) Consideration to Amend the Fiscal Year 2022/2023 Grant Special Revenue Fund (Fund 1129) Budget for the Florida Department of Environmental Protection (FDEP) 22PLN37 Grant Agreement for a Vulnerability Assessment in the amount of \$75,000:** Request the Board approve the Unanticipated Revenue Resolution and authorize the County Administrator to sign any necessary forms or other documentation associated with the implementation of the grant including contractor agreements and scope of work agreements. *(Requested by Michael Lagassé, Land Management)*

- 7-j) **Consideration and Approval of the Following: 1) Fifth Amendment to the Construction Agreement 23-010B between Flagler County and Eastman Aggregate Enterprises, LLC; and 2) Fourth Amendment to the Professional Services Agreement 21-009Q between Flagler County and Eisman and Russo, Inc. for Construction Engineering and Inspection Services (CEI) to Include FEMA Contract Terms:** Request the Board to approve the Fifth Amendment to the Construction Agreement 23-010B between Flagler County and Eastman Aggregate Enterprises, LLC; and 2) the Fourth Amendment to the Professional Services Agreement 21-009Q between Flagler County and Eisman and Russo, Inc. for CEI to include FEMA contract terms. *(Requested by Faith Alkhatib, P.E., County Engineer)*
- 7-k) **Consideration of Project Recommendations and Ranking of the FDOT Transportation Alternative Priorities for Fiscal Years 2024/2025 through 2028/2029:** Request the Board approve staff's recommended FDOT Transportation Alternatives Program submittal for Fiscal Years 2024/2025 through 2028/2029. *(Requested by Faith Alkhatib, P.E., County Engineer)*
- 7-l) **Consideration of the Florida Department of Transportation (FDOT) Five-Year Work Program Project Priority List for Fiscal Years 2024/2025 through 2028/2029:** Request the Board approve the FDOT Five-Year Work Program project priority list for fiscal years 2024/2025 through 2028/2029. *(Requested by Faith Alkhatib, P.E., County Engineer)*

8. **General Business:** *Presentations limited to 15 minutes with public comments limited to 3 minutes per speaker.*

8-a) **Perpetual Easement Agreement Between Flagler County and the Hammock Dunes Owners' Association, Inc., for Beach Restoration and Maintenance:** Consider the input from staff and others on finalizing the HDOA Easement Agreement. *(Requested by County Attorney)*

9. **Public Hearings:** *Public Hearings will be heard after 9:30 a.m.*

Quasi-Judicial Process: *The audience should refrain from clapping, booing or shouts of approval or disagreement. To avoid potential legal ramification and possible overturning of a decision by the Courts, a public hearing must be fair in three respects: form, substance and appearance.*

Time limits will be observed:

- *Staff – 10 minute presentation.*
- *Applicant – 15 minute presentation (unless time extended by consensus of Board).*
- *Public Comment – 3 minutes per speaker, 5 minutes if speaking on behalf of a group.*
- *Applicant Rebuttal and Closing Staff Comments – 10 minutes each.*

9-a) **Opossum Lane (also known as County 14) Vesting, Abandonment, and Adjacent Land Acquisition, including: Adoption of a Resolution to Designate by Map that Ownership and Maintenance in Opossum Lane (County Road 14) is Vested in Flagler County; Adoption of a Resolution to Vacate that Portion of Opossum Lane located East of the Portion Vested in Flagler County, lying West of the Florida East Coast Railroad Bunnell-Palatka Line (Now Abandoned); and Acceptance of a Special Warranty Deed conveying Tract "A" of Whistle Stop Farms plat, as recorded in Map Book 40, Pages 71 and 72, Public Records of Flagler County, Florida, to the Board of County Commissioners:** Request the Board: adopt the resolution vesting the County's

ownership and maintenance in Opossum Lane (also known as County Road 14); adopt the resolution vacating a portion of Opossum Lane; and accept the Special Warranty Deed for Tract "A" in Whistle Stop Farms subdivision. *(Requested by Adam Mengel, Growth Management Director)*

- 9-b) LEGISLATIVE – Request for Approval on First Reading of an Ordinance Amending Chapters 8 and 9 of the Flagler County Code of Ordinances Related to the Building Code and Code Enforcement:** Options for the Board: The Board finds that the draft ordinance amending the Code of Ordinances related to the building code and code enforcement furthers the implementation of the County's Strategic Plan, is appropriate, and is in the best interest of the public, and: Approved; or Denies; or Continues. *(Requested by Adam Mengel, Growth Management Director)*

10. Additional Reports and Comments:

10-a) County Administrator Report/Comments

10-b) County Attorney Report/Comments

10-c) Community Outreach: *This thirty-minute time period has been allocated for public comment for items not of the agenda. Each speaker will be allowed up to three (3) minutes to address the Commission. Speakers should approach the podium, identify themselves and direct comments to the Chair.*

10-d) Commission Reports/Comments/Action

11. Adjournment

Section 286.0105, Florida Statutes states that if a person decides to appeal any decision made by a board agency, or commission with respect to any matter considered at a meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he may need 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 this meeting should contact the (386) 313-4001 at least 48 hours prior to the meeting.