



Flagler County Board of County Commissioners Meeting Agenda

May 15, 2023 • 5:00 p.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:
 - 1) April 7, 2023 Choking Victim Life Saving Awards Presented To:
Paramedic/Firefighter Prince Mack and Paramedic/Firefighter Marianne Hutson
(Requested by Fire Rescue Chief Michael Tucker)
 - 2) April 8, 2023 Ocean Rescue Life Saving Awards Presented To:
Paramedic/Firefighter Andrew Shook and EMT/Firefighter John Strickland
(Requested by Fire Rescue Chief Michael Tucker)
 - 4b) Proclamations:
 - 1) Historic Preservation Month – May 2023 *(Requested by the Flagler County Historical Society)*
 - 2) Emergency Medical Services Week – May 21-27, 2023 *(Requested by Fire Rescue Chief Michael Tucker)*
 - 3) Mental Health Awareness Month – May 2023 *(Requested by Pam Wu, Human Resources Director)*
 - 4c) Presentations:
 - 1) Flagler County, the Carver Community Center, its Foundation, the Bunnell Police Department and the Flagler-NAACP have worked together to secure funding to install a New Digital Security Camera for the Carver Center. *(Check Presentation Requested by Shelley Ragsdale)*
 - 2) Pre-Hurricane Season Briefing *(Presented by Jonathan Lord, Emergency Management Director)*
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 - 6a) **Clerk: Bills and Related Reports:** Request the Board approve the report(s) of funds withdrawn from County depositories by the Flagler County Clerk of the Circuit Court and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 21, 2023
- 2) Disbursement Report for Week Ending April 28, 2023

6b) Clerk: Approval of Board Meeting Minutes: Request the Board approve the minutes from the following Meetings:

- 1) April 17, 2023 Regular Meeting

6c) Sheriff:

- 1) **Patrick Leahy Bulletproof Vest Partnership (BVP) Program Grant:** Request the Board approve the application submittal. If awarded, any agreements, certifications or other documents required to be executed by the County will be brought back to the Board for approval. *(Requested by the Flagler County Sheriff's Office)*
- 2) **BJA FY23 Paul Coverdell Forensic Science Improvement Grant:** Request the Board approve the application submittal. If awarded, any agreements, certifications or other documents required to be executed by the County will be brought back to the Board for approval. *(Requested by the Flagler County Sheriff's Office)*
- 3) **Justice Assistance Grant (JAG) Program:** Request the Board approve the application submittal. If awarded, any agreements, certifications or other documents required to be executed by the County will be brought back to the Board for approval. *(Requested by the Flagler County Sheriff's Office)*

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) Consideration of a Resolution and First Amendment to the Public Transportation Grant Agreement (PTGA) with the Florida Department of Transportation (FDOT) in the Amount of \$900,000 to Add Funding to the T-Hangar Construction Project at the Flagler Executive Airport: Request the Board approve the First Amendment to the PTGA, approve the Unanticipated Revenue Resolution, and adopt the Resolution authorizing the Chair to execute the agreement and authorize the County Administrator to execute all necessary documents associated with accepting and implementing said agreement as approved as to form by the County Attorney. *(Requested by Roy Sieger, Airport Director)*

7-c) Budget Transfer from the Daytona North Service District Fund 1104 Reserves for increased Road and Bridge Staff Time: Request the Board approve the Budget Transfer. *(Requested by Mike Dickson, General Services Director and E. John Brower, Financial Services Director)*

7-d) Request for Authorization for the County Administrator to Execute Flagler County School District Proportionate Share Mitigation Agreements on Behalf of Flagler County: Staff recommends that the Board adopt the Resolution authorizing the County Administrator to execute Flagler County School District Proportionate Share Mitigation Agreements on behalf of Flagler County. *(Requested by Adam Mengel, Growth Management Director and Sean Moylan, Deputy County Attorney)*

- 7-e) Interlocal Agreement with Tax Collector for Solid Waste Special Assessments:** Request the Board approve the Interlocal Agreement with the Tax Collector for Collection of the Solid Waste Special Assessment. *(Requested by Sean Moylan, Deputy County Attorney)*
- 7-f) Consideration to Amend Resolution 2003-190 to Change the Interest Rate Index:** Request the board approve the resolution. *(Requested by E. John Brower, Financial Services Director)*
- 7-g) Tourist Development Council Appointment Requests:** Request the Board approve the reappointments of Mr. Eric Cooley and Mr. John Lulgjuraj and the appointment of Mr. Daniel Mundrean to the Tourist Development Council each for a four-year term. *(Requested by Amy Lukasik, Tourism Director)*
- 7-h) Consideration of Flagler County Tourist Development Council Fund 1110 Discretionary Event Funding:** Request the Board approve the recommendation of the Flagler County Tourist Development Council 1110 Discretionary Event funding in the amount of \$4,000.00 and authorize the County Administrator to execute the contract as approved to form by the County Attorney. *(Requested by Amy Lukasik, Tourism Director)*
- 7-i) Consideration of Flagler County Tourist Development Council Fund 1110 Discretionary Event Funding:** Request the Board approve the recommendation of the Flagler County Tourist Development Council 1110 Discretionary Event funding in the amount of \$6,500.00 and authorize the County Administrator to execute the contract as approved to form by the County Attorney. *(Requested by Amy Lukasik, Tourism Director)*
- 7-j) Consideration of Contract with Arrivalist to Provide Visitor Research and Behavioral Data Services to the Tourism Development Office in the Amount of \$63,750:** Request the Board approve entering into a contract with Arrivalist and authorize the County administrator to execute all necessary documents associated with accepting and implementing the contract, including any amendments approved as to form by the County Attorney. *(Requested by Amy Lukasik, Tourism Director)*
- 7-k) Consideration of Distribution of Local Option Gas Tax FY 2023-2024:** Request the Board approve the Distribution Table as presented and authorize the County Engineer to forward this information to the Florida Department of Revenue. *(Requested by Faith Alkhatib, County Engineer)*
- 7-l) 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, County Engineer)*
- 7-m) Consideration to Negotiate Interlocal Agreement between Flagler County and the City of Bunnell for Permitting, Building Code Services, Plan Review and Inspection Services and Authorize County Staff to Provide Temporary Services:** Request the Board authorized staff to negotiate an Interlocal Agreement with the City of Bunnell for permitting services related to Florida Building Code compliance permit review and inspections and authorize staff to provide temporary services by the Flagler County Building Division.

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

8-a) **Interlocal Agreement with the City of Bunnell to Provide Solid Waste Collection and Disposal Services to Certain City Residents:** Approve the Interlocal Agreement Providing for Solid Waste Collection and Disposal Services to Certain Residential Properties within the City of Bunnell. *(Requested by Mike Dickson, General Services Director and Sean Moylan, Deputy County Attorney)*

8-b) **Perpetual Easement Agreement Between Flagler County and the Hammock Dunes Owners' Association, Inc., for Beach Restoration and Maintenance – Continued Discussion.**

9. **Public Hearings:** *Public Hearings will be heard after 5:30 p.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) **LEGISLATIVE—Amendments to Chapter 27 of the County Code Related to Solid Waste:** Request the Board approve the ordinance on first reading, which will return on June 5, 2023, for approval and adoption on second reading. *(Requested Sean Moylan, Deputy County Attorney)*

9-b) **Approval of Resolution Including List of County-owned Parcels Suitable for Affordable Housing:** Staff recommends that the Board accept the inventory of County-owned parcels suitable for affordable housing and adopt the Resolution. *(Requested Adam Mengel, Growth Management Director)*

9-c) **LEGISLATIVE – Application #3330 – Future Land Use Map Amendment from Commercial: High Intensity and Industrial to Residential High Density for a 28.32+/- acre parcel located South of State Road 100 East; Parcel Number: 08-12-31-0650-000B0-0070. Owner: Flagler Pines Properties, LLC / Applicant: Jay W. Livingston, Esquire. (Project # 2022090031):** The Board of County Commissioners may: 1) Approve; 2) Deny; or 3) Continue. *(Requested Adam Mengel, Growth Management Director)*

9-d) **QUASI-JUDICIAL – Application #3331 – Request to Rezone from C-2 (General Commercial and Shopping Center) and I (Industrial) Districts to R-3b (Multifamily Residential) District located on the South side of State Road 100 East and North of the Flagler Executive Airport; Parcel Number: 08-12-31-0650-000B0-0070. 28.32+/- acres, 5615 State Highway 100 East. Owner: Flagler Pines Properties, LLC/Applicant: Jay W. Livingston, Esquire (Project # 2022090031):** The Board of County Commissioners may: 1) Approve; 2) Deny; or 3) Continue. *(Requested Adam Mengel, Growth Management Director)*

9-e) **LEGISLATIVE – Adoption of an Ordinance Establishing the Ormond Station Community Development District:** Staff recommends that the Board of County

Commissioners adopt the ordinance establishing the Ormond Station Community Development District. *(Requested Adam Mengel, Growth Management Director)*

9-f) QUASI-JUDICIAL – Application #3346 – Request for Approval of a PUD (Planned Unit Development) Site Development Plan for Groveside Model Homes. Parcel Number 22-14-31-0000-01010-0110; 39.81+/- acres. Owner: ADJ Hunters Ridge, LLC; Applicant: D. R. Horton (Project #2023020047): The Board of County Commissioners may: 1) Approve; 2) Deny; or 3) Continue. *(Requested Adam Mengel, Growth Management Director)*

9-g) QUASI-JUDICIAL – Application #3347 – Request for Approval of a PUD (Planned Unit Development) Site Development Plan for Gardenside Model Home. Parcel Numbers: 21-14-31-0000-01010-0000; 21-14-31-0000-01010-0030; 22-14-31-0000-01010-0070; 22-14-31-0000-01010-0080; and 22-14-31-0000-01010-0130; 60.06+/- acres. Owner: US Capital Alliance, LLC; Applicant: D. R. Horton (Project #2023020048): The Board of County Commissioners may: 1) Approve; 2) Deny; or 3) Continue. *(Requested 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 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.*

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.