



Flagler County Board of County Commissioners Meeting Agenda

August 21, 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: Resolution Honoring Former Commissioner Charles F. Ericksen, Jr.**
 - 4b) **Proclamations:**
 - 1) **Overdose Awareness Day – August 31, 2023** (*Requested by Michael Feldbauer, Flagler County Drug Court Foundation*)
 - 2) **National Preparedness Month – September 2023** (*Requested by Jonathan Lord, Emergency Management Director*)
 - 4c) **Presentations (3-5 Minutes): 2023 Flagler County Veterans Day Parade** (*Presented by Chief David Brannon, Bunnell Police Department*)
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:** None
 - 6b) **Clerk: Approval of Board Meeting Minutes:** Request the Board approve the minutes from the following Meetings:
 - 1) July 31, 2023 Workshop
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) **Request the Board Declare Items as Surplus, Removal from the County Fixed Assets and Authorize Purchasing to Dispose of Surplus Property Pursuant to the Fixed Asset Policy:** Request the Board declare items as surplus, removal from the County's fixed asset inventory and authorize Purchasing to dispose of surplus property pursuant to the

Fixed Asset policy. *(Requested by Robert Rounds, Purchasing Manager and Richard Zufelt, Property Control Agent)*

- 7-c) Consideration of a Fiscal Year 2023-24 Grant Agreement between Flagler County and the Early Learning Coalition of Flagler and Volusia Counties, Inc:** Request the Board approve the FY 23-24 grant agreement between Flagler County and the Early Learning Coalition in the amount of \$63,200.00 to be used as local match (6%) for federal and state funds to subsidize childcare services for eligible at-risk children and children from low-income families. *(Requested by Joseph Hegedus, Health & Human Services Director)*
- 7-d) Consideration of a Fiscal Year 2023-24 Grant Agreement between Flagler County and Flagler Ecumenical Social Service Center, Inc., d/b/a Family Life Center:** Request the Board approve the FY 2023-24 grant agreement between Flagler County and the Family Life Center for the total amount of \$92,500.00 to support emergency shelter services to victims of domestic violence and their children, (\$65,000.00) and support services to victims of sexual assault (\$27,500.00). *(Requested by Joseph Hegedus, Health & Human Services Director)*
- 7-e) Consideration of a Fiscal Year 2023-24 Grant Agreement between Flagler County and Flagler County Free Clinic, Inc:** Request the Board approve the FY 2023-24 Grant Agreement between Flagler County and the Flagler County Free Clinic, Inc., in the amount of \$60,000.00 to provide primary care, dental care, and VMSN services to eligible Flagler County residents. *(Requested by Joseph Hegedus, Health & Human Services Director)*
- 7-f) Consideration of a Fiscal Year 2023-24 Grant between Flagler County and SMA Healthcare, Inc:** Request the Board approve the FY 2023-24 Grant Agreement between Flagler County and SMA Healthcare, Inc. in the amount of \$173,300.00 to support substance abuse and mental health treatment services. *(Requested by Joseph Hegedus, Health & Human Services Director)*
- 7-g) 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 Amendment and the Unanticipated Revenue Resolution. *(Requested by Joseph Hegedus, Health & Human Services Director)*
- 7-h) Consideration of SHIP Down Payment Assistance of \$55,000:** Request the Board approve the award of \$55,000 in SHIP Down Payment Assistance for SHIP Applicant #711. *(Requested by Joseph Hegedus, Health & Human Services Director)*
- 7-i) Request Approval for a Change Order Increasing an Agreement with A Morea Group, LLC for Aggregates and Road Materials to \$140,000.00:** Request the Board to approve the change order for A Morea Group, LLC. *(Requested by Mike Dickson, General Services Director)*
- 7-j) Consideration and Approval of Final Ranking and Authorization to Negotiate for Request for Statement of Qualifications RSQ 23-028Q for Professional Engineering Services for Planning and Design of Bulow Creek Headwaters Regional Park Project:** Request the Board approve the Evaluation Committee final ranking of Request for Statement of Qualifications RSQ 23-028Q, Professional Engineering Services for Planning and Design of Bulow Creek Headwaters Regional Park project and authorize staff to negotiate a contract with Kimley-Horn & Associates, Inc. Upon final completion of negotiations, staff will bring the contract to the Board for approval. *(Requested by Robert Rounds, Purchasing Manager)*

- 7-k) Authorization to Execute a Conservation Easement within Princess Place Preserve for a Gopher Tortoise Relocation Area:** Request the Board approve the Unanticipated Revenue Resolution and authorize the Chair to execute the conservation easement in favor of the Florida Fish and Wildlife Conservation Commission as approved to form by the County Attorney. *(Requested by Michael Lagasse, Public Lands & Natural Resources Manager)*
- 7-l) Consideration of Fiscal Year 2023/2024 Florida Department of Environmental Protection (FDEP) Resilient Florida – Infrastructure Grant Application:** Authorize staff to submit grant applications to the Resilient Florida program as described. *(Requested by Michael Lagasse, Public Lands & Natural Resources Manager)*
- 7-m) Consideration of Approval of the Standard Grant Agreement No. 23FL4 between Flagler County and the Florida Department of Environmental Protection (FDEP) for the 2022 Hurricane Ian and Nicole Emergency Recovery Project Implementation Financial Assistance in the Amount of \$5,000,000:** Request the Board to approve the Standard Agreement #23FL4 between the Florida Department of Environmental Protection (FDEP) and Flagler County Board of County Commissioners. *(Requested by Faith Alkhatib, County Engineer)*
- 7-n) Consideration of Approval of the Florida Department of Transportation (FDOT) Coronavirus State and Local Fiscal Recovery Funds Agreement with Flagler County for the Paving of Old Haw Creek Road from County Road 304 to State Road 11 Improvements; FDOT Financial Project No. 437209-1-54-01/02, CE23005:** Request the Board approve the Coronavirus State and Local Fiscal Recovery Funds Agreement and the Authorizing Resolution between Flagler County and the Florida Department of Transportation for the Paving of Old Haw Creek Road from County Road 304 to State Road 11 Improvements in the amount of \$5,823,415.00. *(Requested by Faith Alkhatib, County Engineer)*
- 7-o) Consideration and Approval of the Fourth Amendment to the Construction Agreement 20-033B between Besch & Smith Civil Group, Inc and Flagler County for the Construction of the Marineland Acres Drainage and Roadway Improvement Project in the Amount of \$843,174.84:** Request the Board approve: 1) The Fourth Amendment to the construction Agreement 20-033B between Besch & Smith Civil Group, Inc and Flagler County for the construction of the Marineland Acres Drainage and Roadway Improvement Project in the amount of \$843,174.84; 2) Authorizing the County Administrator to approve change orders or other project related documents, as approved by the County Attorney within the overall project budget; 3) Approving the budget transfers. *(Requested by Faith Alkhatib, County Engineer)*
- 7-p) Consideration of Memorandum of Agreement for Additional Sand Placement in Connection with Initial Construction of the Flagler County, Florida Coastal Storm Risk Management Project:** Request the Board approve: 1) Memorandum of Agreement between Flagler County and the Army Corps of Engineers; 2) authorizing the County Administrator to approve other project related documents, as approved by the County Attorney within the overall project budget, 3) and approve the Budget Transfer of \$130,000 from Beach Fund Reserves. *(Requested by Faith Alkhatib, County Engineer)*
- 7-q) Consideration of a Cash Advance from the General Fund to the Grant Special Revenue Fund 1128:** Approve a cash advance not to exceed ~~\$250,000~~ 500,000 from the General Fund to Fund 1128. *(Requested by E. John Brower, Financial Services Director)*
Item 7q was updated 08-15-2023

7-r) **Approval of the Scope of Services Provided by the Center for Urban Transportation Research (CUTR) and Authorization for the Execution of an Agreement for Technical Assistance in Eligibility and Application of Federal Transit Administration Section 5307 Grant Funds:** Request the Board approve the Scope of Services and authorize the County Administrator to execute an agreement with CUTR that conforms to the allocated budget and scope of services as approved to form by the County Attorney. *(Requested by Trevor Martin, General Services Financial Management Coordinator)*

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

8-a) **Confirm Board's Policy of Non-Involvement with Private Covenants and Restrictions Including in Regard to Amendment to Declaration of Covenants, Conditions and Restrictions of Cinnamon Grove Village Property and Homeowners Association, Inc:** Request that the Board confirm the Board's longstanding policy of not involving itself in review, approval, denial, or arbitration of private covenants and restrictions, including without limitation, the proposed amendment to the Declaration of Covenants, Conditions and Restrictions of Cinnamon Grove Village Property and Homeowners Association, Inc. *(Requested by Adam Mengel, Growth Management Director)*

8-b) **QUASI-JUDICIAL – Application #3358 – Request for Approval of Veranda Bay Phase 1B, a Final Plat in the PUD (Planned Unit Development) District for 54 Lots in Phase 1B in the Hammock Beach River Club PUD located South of State Road 100 East and lying East and West of John Anderson Highway; Parcel Number: 13-12-31-0000-01010-0030; 18.02+/- acres. Owner: Palm Coast Intracoastal, LLC/Applicant: Ken Belshe. (Project #2023040027):** Staff recommends that the Board of County Commissioners approve the final plat for the Veranda Bay Phase 1B subdivision, subject to the applicant submitting a mylar in accordance with staff comments, finding that the plat is consistent with Chapter 177, Florida Statutes, and Article IV of the Land Development Code, and: 1) the Board approves the final plat, subject to conditions; 2) the Board accepts the draft performance bond – subject to County Attorney's Office approval as to form – to be provided in the amount of \$4,991,861.69 (125% of the Engineer's Cost Estimate of \$3,993,489.35 for both Phase 1B and Phase 1C), conditioned upon the provision of as-builts and verification of improvements prior to release of the performance bond – whether in whole or in part – by the County; and 3) the Board temporarily waives (LDC Sec. 4.07.00) the secondary means of ingress and egress requirement (LDC Sec. 4.06.02.A.4.). *(Requested by Adam Mengel, Growth Management Director)*

8-c) **QUASI-JUDICIAL – Application #3359 – Request for Approval of Veranda Bay Phase 1C, a Final Plat in the PUD (Planned Unit Development) District for 35 Lots in Phase 1C in the Hammock Beach River Club PUD located South of State Road 100 East and lying East and West of John Anderson Highway; Parcel Number: 13-12-31-0000-01010-0030; 26.73+/- acres. Owner: Palm Coast Intracoastal, LLC/Applicant: Ken Belshe. (Project #2023040028):** Staff recommends that the Board of County Commissioners approve the final plat for the Veranda Bay Phase 1C subdivision, subject to the applicant submitting a mylar in accordance with staff comments, finding that the plat is consistent with Chapter 177, Florida Statutes, and Article IV of the Land Development Code, and: 1) the Board approves the final plat, subject to conditions; 2) the Board accepts the draft performance bond – subject to County Attorney's Office approval as to form – to be provided in the amount of \$4,991,861.69 (125% of the Engineer's Cost Estimate of \$3,993,489.35 for both Phase 1B and Phase 1C), conditioned upon the provision of as-

builts and verification of improvements prior to release of the performance bond – whether in whole or in part – by the County; and 3) the Board temporarily waives (LDC Sec. 4.07.00) the secondary means of ingress and egress requirement (LDC Sec. 4.06.02.A.4.).
(Requested by Adam Mengel, Growth Management Director)

9. Public Hearings: None

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.