



# Flagler County Board of County Commissioners Meeting Agenda

November 20, 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:** None
  - 4b) **Proclamations:** None
  - 4c) **Presentations (3-5 Minutes):** **Flagler County Historical Society 40th Anniversary**  
*(Presented by the Historical Society)*
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  - 6a) **Clerk: Bills and Related Reports:** Request the Board approve the report(s) of funds withdrawn from County depositories by the Flagler County Clerk of the Circuit Court and the Revenue Collected Report presented in compliance with the provisions of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 October 27, 2023
    - 2) Disbursement Report for Week Ending November 3, 2023
  - 6b) **Clerk: Approval of Board Meeting Minutes:** Request the Board approve the minutes from the following Meetings:
    - 1) October 16, 2023 Regular Meeting
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 to Amend the Legal Aid Fund 1105 FY 2022-23 Budget:** Request the Board approve the Unanticipated Revenue Resolution. *(Requested by E. John Brower, Financial Services Director)*
- 7-c) Consideration to Amend the Sheriff Ops Center Capital Project Fund 1315 FY 2022-23 Budget:** Request the Board approve the Unanticipated Revenue Resolution. *(Requested by E. John Brower, Financial Services Director)*
- 7-d) Consideration to Amend the Legal Aid Fund (Fund 1105), Law Library Fund (Fund 1107), Juvenile Diversion Fund (Fund 1195), and the Court Innovations Fund (Fund 1197) for Fiscal Year 2022-23 Due to Additional Revenue Collections:** Request the Board approve the Unanticipated Revenue Resolutions. *(Requested by E. John Brower, Financial Services Director)*
- 7-e) Consideration to Amend the Health Insurance Fund (Fund 1501) FY 23 Related to the \$11,865 Employer Contribution for Health Insurance:** Request the Board approve the Unanticipated Revenue Resolution and Budget Transfers. *(Requested by E. John Brower, Financial Services Director)*
- 7-f) 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 \$10,000.00 and authorize the County Administrator to execute the contract as approved to form by the County Attorney. *(Requested by Amy Lukasik, Tourism Development Director)*
- 7-g) Consideration of an Increase to the W.W Grainger (Grainger) Cooperative Purchase Agreement 31160000-20-NASPA-ACS \$100,000.00:** Request the Board approve the increase to the Grainger Cooperative Purchase Agreement 31160000-20-NASPA-ACS to not to exceed \$100,000.00. *(Requested by Robert Rounds, Purchasing Manager and Michael Tucker, Fire Chief)*
- 7-h) FY 2024 State Aid to Libraries Annual Plan of Service:** Request the Board approve and sign the FY 2023/24 State Aid to Libraries Annual Plan of Service. *(Requested by Holly W. Albanese, Library Director)*
- 7-i) Ratification of Multiple Cooperative Contracts:** Request the Board to approve the annual spend for the term of the contracts listed above, ratify the use of these cooperative purchase contracts, and authorize the Chair to execute the county contracts. *(Requested by Robert Rounds, Purchasing Manager)*
- 7-j) Consideration of Approval of Supplemental Agreements to Two (2) Joint Participation Agreements (JPA) between Flagler County and the Florida Department of Transportation (FDOT) For State Road A1A Dune Restoration for FDOT Financial Project No. 440557-8-58-01 and Financial Project No. 440557-8-58-02:** Request the Board approve the Unanticipated Revenue Resolution and the Two (2) Supplemental Agreements for Joint Participation Agreements and adopt the Resolutions authorizing the Chair to execute the Agreements and Administrative Approval of any subsequent Supplemental Agreements. *(Requested by Hamid Tabassian, P.E., Assistant County Engineer and Amy Stroger, Project Manager)*
- 7-k) Consideration to Purchase the Kelly Property using Environmentally Sensitive Lands (ESL) Program Funding:** Request the Board approve the purchase of the Kelly Property using ELS program funding and the Budget Transfers. Request the Chair to sign the Option Agreement for Sale and Purchase, and the Joint Participation

Agreement with the SJRWMD for acquisition of the Kelly Property as approved to form by the County Attorney; and authorize the County Administrator to execute the Purchase and Sale Agreement as approved to form by the County Attorney at closing. *(Requested by Mike Lagasse, Public Lands and Natural Resources Management)*

- 7-l) Flagler County 2023-32 Transit Development Plan (TDP) Annual Progress Report (APR):** Request the Board adopt the Resolution approving the TDP Annual Progress Report and authorize staff to submit the TDP Annual Progress Report to the Florida Department of Transportation. *(Requested by Mike Dickson, General Services Director)*
- 7-m) Consideration of an Increase to the following Cooperative Purchase Agreements: North America Fire Equipment, Company, Inc. (NAFECO) Cooperative Purchase Agreement 22-730I, and Ten-8 Fire and Safety, LLC (Ten-8) Cooperative Purchase Agreement 22-730K. from \$45,000 to \$150,000 for each Agreement:** Request the Board approve the increase to the NAFECO Contract 22-730I and Ten-8 Contract 22-730K to not to exceed \$150,000.00 for each contract. *(Requested by Robert Rounds, Purchasing Manager and Michael Tucker, Fire Chief)*

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

- 8-a) QUASI-JUDICIAL – Consideration of Access Easement and County Property Utilization Agreement for Coquina Shores – Parcel No. 39-12-31-0000-01010-0050; Owner: JX Palm Coast Land, LLC:** Staff recommends that the Board of County Commissioners approve the Access Easement and County Property Utilization Agreement. *(Requested by Sean Moylan, Deputy County Attorney and Adam Mengel, Growth Management Director)*
- 8-b) Request the Board Approve the Addition of FireFlight’s Airbus H125 Helicopter to the Existing Master Equipment Lease/Purchase Agreement, dated as of February 23, 2017, between Banc of America Public Capital Corp. (BAPCC), as Lessor, and Flagler County, Florida, as Lessee and Authorize Lease Financing from BAPCC for the Remaining Balance of the New Helicopter in an Amount Not-to-Exceed \$2,500,000:** Request the Board approve subject to conditions. *(Requested by E. John Brower, Financial Services Director)*
- 8-c) Resolution Invoking the Florida Governmental Conflict Resolution Act in Regard to Dispute with the City of Ormond Beach over the 40 Grade Easement:** Adopt the Resolution Invoking the Governmental Conflict Resolution Act in Regard to Dispute with the City of Ormond Beach over the 40 Grade Easement. *(Requested by Sean Moylan, Deputy County Attorney)*
- 8-d) Consider Proposed Settlement of the Captain’s BBQ Lawsuit:** Approve and Authorize the Chair to execute the proposed Settlement Agreement and 2023 Captain’s BBQ Lease. *(Requested by Heidi Petito, County Administrator and Al Hadeed, County Attorney)*
- 8-e) Reorganization of the Board of County Commissioners:** Request the Board select a Chair and Vice Chair. *(Requested by the County Attorney’s Office)*

**9. Public Hearings:** *Public Hearings will be heard after 5:30 p.m.*

**9-a) Consideration of a Resolution Amending the Fiscal Year 2023-24 Budget in the Amount of \$93,374,959:** Request the Board approve the resolution amending the fiscal year 2023-24 budget in the amount of \$93,374,959 for various funds as detailed in Schedule B to the resolution. *(Requested by E. John Brower, Financial Services 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.