



Flagler County Board of County Commissioners Meeting Agenda

June 2, 2025 • 9:00 a.m.

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

View the meeting broadcast live on cable television: Spectrum Channel 492

View the meeting streamed live on the County's YouTube Channel: www.YouTube.com/FlaglerCounty

- 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) [Homeownership Month – June 2025](#) (Requested by Joseph Hegedus)
 - 2) [World Oceans Day – June 8, 2025](#) (Requested by Laura Valencia, UF/IFAS Extension Director and Carolyn Kovacs, UF/IFAS Extension Florida Sea Grant Agent)
 - 4c) Presentations (3-5 Minutes):** [Florida Sea Grant Presentation](#) (Presented by Carolyn Kovacs, UF/IFAS Extension Florida Sea Grant Agent)
- 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 - 6a) Clerk: Bills and Related Reports:** Request the Board approve the report(s) of funds withdrawn from County depositories by the Flagler County Clerk of the Circuit Court and the Revenue Collected Report presented in compliance with the provisions of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) [Revenue Collected for April 2025](#)
 - 2) [Disbursement Report for Week Ending May 9, 2025](#)
 - 6b) Clerk: Approval of Board Meeting Minutes:** Request the Board approve the minutes from the following Meetings:
 - 1) [April 21, 2025 Regular Meeting](#)
 - 2) [April 29, 2025 Joint 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) Consideration of a Piggyback on Sourcewell RFP #121923 Contract for Technology Products and Services with Related Solutions:** Request the Board approve the Piggyback agreement with CDW Government, LLC, with an annual not-to-exceed amount of \$750,000.00 and to approve the annual spend for the term of the contract. *(Requested by Robert Rounds, Purchasing Manager)*
- 7-c) Consideration of Approval of RSQ Agreement No. 25-RSQ-046 between Flagler County and Absolute Health Professionals, Amwell Home Care, Capstone Home Health, and Collaborative Therapies DBA Collaborative Care, to Provide Community Senior Care in the Amount of \$560,000:** Request the Board approve and authorize the Chair to execute this RSQ Agreement No. 25-RSQ-046 to four who bid, in the NTE amount of \$560,000 for Community Senior Care as approved to form by the County Attorney, authorize the County Administrator to execute change orders and other related project documents as approved to form by the County Attorney. *(Requested by Joe Hegedus, Health and Human Services Director and Robert Rounds, Purchasing Manager)*
- 7-d) Approval of Request for Proposals (RFP) Award #25-RFP-039, Professional Land Management Services, to Vanasse Hangen Brustlin, Inc., Terracon Consultants, Inc., and Stantec Consulting Services, Inc.:** Request the Board approve Request for Proposals (RFP) awards to Vanasse Hangen Brustlin, Inc., Terracon Consultants, Inc., and Stantec Consulting Services, Inc., for a period of three (3) years with the option to renew for two (2) additional one (1) year renewals, if mutually agreed on by both parties prior to contract expiration, and authorize the Chair to execute the contracts as approved to form by the County Attorney and approved by the County Administrator. *(Requested by Erick Revuelta, Public Lands & Natural Resource Manager)*
- 7-e) Consideration of Project Recommendations and Ranking of the Florida Department of Transportation (FDOT) and the Volusia-Flagler Transportation Planning Organization (TPO) Transportation Alternative Priorities for Fiscal Years 2026/2027 through 2030/2031:** Request the Board approve staff's recommended FDOT and Volusia-Flagler TPO Transportation Alternatives program submittal for Fiscal Years 2026/2027 through 2030/2031. *(Requested by Hamid Tabassian, PE, County Engineer and Richard Zion, PE, PG, Asst. County Engineer)*
- 7-f) Consideration of the Flagler County's Transportation Improvement Projects Priority List for the Florida Department of Transportation (FDOT) and the Volusia-Flagler Transportation Planning Organization (TPO) Five-Year Work Program Funding for Fiscal Years 2026/2027 through 2030/2031:** Request the Board approve the County's transportation improvement projects priority list for the FDOT and the TPO 5-Year Work Program funding for fiscal years 2026/2027 through 2030/2031. *(Requested by Hamid Tabassian, PE, County Engineer and Richard Zion, PE, PG, Asst. County Engineer)*
- 7-g) Consideration of Distribution of Local Option Gas Tax FY 2025-2026:** 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 Hamid Tabassian, PE, County Engineer)*

- 7-h) **Consideration of an Amendment to the Current Contract with Aqua Marketing & Communications, INC:** Approve the recommended amendment for letter “I”. *(Requested by Amy Lukasik, Tourism Development Director)*
- 7-i) **Consideration of an Interlocal Agreement between Flagler County and City of Bunnell to Consolidate Software Maintenance Agreements for the Computer Aided Dispatch System:** Request the Board approve and authorize the Chair to execute the Interlocal Agreement with the City of Bunnell as approved to form by the County Attorney and approved by the County Administrator. *(Requested by Matt Rivera, Chief Information Officer)*
- 7-j) **Consideration of an Interlocal Agreement between Flagler County and City of Flagler Beach to Consolidate Software Maintenance Agreements for the Computer Aided Dispatch System:** Request the Board approve and authorize the Chair to execute the Interlocal Agreement with the City of Flagler Beach as approved to form by the County Attorney and approved by the County Administrator. *(Requested by Matt Rivera, Chief Information Officer)*
- 7-k) **Consideration of an Interlocal Agreement between Flagler County and City of Palm Coast to Consolidate Software Maintenance Agreements for the Computer Aided Dispatch System:** Request the Board approve and authorize the Chair to execute the Interlocal Agreement with the City of Palm Coast as approved to form by the County Attorney and approved by the County Administrator. *(Requested by Matt Rivera, Chief Information Officer)*
- 7-l) **Consideration of an Interlocal Agreement between Flagler County and Flagler County Sheriff’s Office to Consolidate Software Maintenance Agreements for the Computer Aided Dispatch System:** Request the Board approve and authorize the Chair to execute the Interlocal Agreement with the Flagler County Sheriff’s Office as approved to form by the County Attorney and approved by the County Administrator. *(Requested by Matt Rivera, Chief Information Officer)*
- 7-m) **Request the Board Approve the Repair to the Flagler County Fire Rescue Training Tower, Commonly Known as the “Burn Building”, as Approved in the FY25 Flagler County Capital Improvement Program:** Request the Board approve WHP Training towers as the single source provider to repair and refurbish the Flagler County Fire Rescue Training Tower. *(Requested by Mike Dickson, General Services Director)*
- 7-n) **Consideration of FY25/26 Application to the Commission for the Transportation Disadvantaged (CTD) for the Annual Trip and Equipment Grant in the Amount of \$907,974 for Public Transportation Operating Funds:** Request the Board approve the Resolution authorizing the County Administrator to execute and submit the application for the FY25/26 Transportation Disadvantaged Trust Fund Grant Program. *(Requested by Mike Dickson, General Services Director)*
- 7-o) **Request the Board Approve the Purchase for the Replacement of Two (2) Rooftop Units (RTUs) for the Flagler County Historical Courthouse in the Amount of \$159,692.62:** Request the Board approve the purchase and installation of two rooftop units for the Flagler County Historical Courthouse and approve the budget transfer. *(Requested by Mike Dickson, General Services Director)*

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

8-a) Consideration of the Appointment of Five (5) Members to the Industrial Development Authority: Options for the Board: 1) Vote from current slate of applicants selecting a full or partial board; 2) Continue advertising and recruiting for applications for members with current professional preferences; 3) Open application process to citizens at large who may want to serve; 4) Board of County Commissioners become the sitting Industrial Development Authority; 5) Issue Industrial Development Revenue Bonds without forming an IDA; or 6) Refer prospective clients to adjacent counties for consideration. *(Requested by Amy Lukasik, Tourism Director and Dolores Key, Economic Development Manager)*

8-b) Consideration for Approval of Purchase and Sale Agreement with TCC Real Estate, LLC, for the Purchase of a 5.15+/- Acre Parcel Utilizing Environmentally Sensitive Lands (ESL) Program Funds: Request the Board approve the Budget Transfer and the Purchase and Sale Agreement with TCC Real Estate, LLC, subject to the final amount of the Budget Transfer to be based on the purchase price and adjusted by any closing costs, and subject to any adjustments to the Agreement made by the County Attorney for title purposes and for other terms, for the purchase of a 5.15+/- acre parcel (Parcel No. 38-11-31-0000-01010-0000) for a purchase price not to exceed \$1,886,000 using Environmentally Sensitive Lands (ESL) Program Funds and to otherwise approve the closing of the transaction upon satisfaction of all terms within the Purchase and Sale Agreement. *(Requested by Adam Mengel, Growth Management Director)*

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) QUASI-JUDICIAL – Project No. 2025040005 – Request for an Appeal of the Planning and Development Board's Decision Approving a Variance from the Minimum Required Rear Setback in the R/C (Residential/Limited Commercial) District at 3295 North Oceanshore Boulevard (AR No. 5314/Project No. 2024120023). Parcel Number: 23-11-31-0000-01022-0121; 5,114+/- square feet (0.12+/- acres). Owners: Sidney and Leane Silhan/Appellants: Charles and Sandy Muller (AR No. 5582): The Board of County Commissioners may: 1) Approve; 2) Deny; 3) Remand; or 4) Continue. *(Requested by Adam Mengel, Growth Management Director)*

9-b) Consideration to Levy Local Option Gas Tax on Motor Fuel and Special Fuel for an Additional 30 Years: Request the Board adopt the ordinance allowing the continuation of the Local Option Gas Tax Levy. *(Requested by the County Attorney's Office)*

- 9-c) **QUASI-JUDICIAL – Project No. 2025030017 – Request for Approval of an Amendment to the Planned Unit Development (PUD) Development Agreement and PUD Site Development Plan for the Gardenside Phase II at Ormond Station PUD in the Hunter’s Ridge Development of Regional Impact, Consisting of 33.01+/- Acres; North of Airport Road and East of Iris Branch Boulevard (multiple parcels). Owner: US Capital Alliance, LLC/Agent: Kimberly A. Buck, P.E., Alann Engineering Group, Inc. (AR No. 5515):** The Board of County Commissioners may: 1) Approve; 2) Deny; or 3) Continue. *(Requested by Adam Mengel, Growth Management Director)*
- 9-d) **LEGISLATIVE – Request to Approve and Adopt the Update to the Flagler County Water Supply Facilities Work Plan:** Staff recommends that the Board – sitting in its capacity as the Local Planning Agency and the Board of County Commissioners – adopt the Ordinance updating the Flagler County Water Supply Facilities Work Plan. *(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 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.

FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS
CONSENT / AGENDA ITEM # 7a

SUBJECT: Ratification of Flagler County Emergency Proclamations Extending the State of Local Emergency Due to Severe Coastal Erosion and Vulnerability.

DATE OF MEETING: June 2, 2025

OVERVIEW/SUMMARY: Flagler County has been under a declared state of local emergency due to Hurricane Matthew since October 4, 2016. During that time, other storms have struck the County exacerbating the damage to the dune system and compounding the exposure of public and private property on the barrier island to future storms and flooding. The County also declared local states of emergency for Hurricane Irma (2017), Hurricane Dorian (2019), Hurricane Isaias (2020), and Hurricanes Ian and Nicole (2022).

Due to the cumulative effect of the storms as well as tidal events, nor'easters, and erosion, Flagler County continues to be in the most precarious position relative to ocean flooding and storms in its history. Although the County has completed a series of emergency protective berm projects since Hurricane Matthew, public and private property on the barrier island remain vulnerable to catastrophic storm damage without further and sustained protective efforts.

As part of addressing the emergency, the Board adopted a long-term beach management plan assisted by an independent coastal engineer, the County's engineering staff and with input from residents and local HOAs. Continuing the state of local emergency will help the County with its ongoing and future efforts and allow the County to take any necessary emergency measures, including expedited emergency procurement and the issuance of emergency administrative orders, as necessary.

FUNDING INFORMATION: Funding in accordance with grant agreements with the Army Corps of Engineers, FEMA, FDOT and DEP

DEPARTMENT CONTACT: Jonathan Lord, Emergency Management Director (386) 313-4240

RECOMMENDATION: Request the Board ratify the Proclamations Extending the State of Local Emergency for Hurricanes Matthew, Ian and Nicole.

ATTACHMENTS: [Click this link to view the attachments listed below](#)

1. Proclamation Declaring a Local State of Emergency – May 26, 2025
2. Proclamation Declaring a Local State of Emergency – June 2, 2025

FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS
CONSENT/ AGENDA ITEM # 7b

SUBJECT: Consideration of a Piggyback on Sourcewell RFP #121923 Contract for Technology Products and Services with Related Solutions.

DATE OF MEETING: June 2, 2025

OVERVIEW/SUMMARY: Staff are seeking Board approval to piggyback Sourcewell RFP #121923 Contract for a Cooperative Purchase Agreement with CDW Government (CDW-G), LLC for a not to exceed amount of \$750,000.00. The term of this contract began on March 13, 2024, and continues through February 27, 2028, with the option of up to three additional one (1) year extensions. The contract will allow the County to continue to purchase IT equipment, products and services at the best possible rates. Historically, CDW-G has proven to be the most reliable with respect to pricing, quality of product, speed of delivery, and customer service. Types of purchases with CDW-G include computer hardware such as desktops, laptops, monitors, tablets, servers, and switches and products and services including security, cloud, network and data services. Approving this piggyback would allow for even more of an expedited purchasing process which will allow the IT Department to deliver on its mission to provide the best and most consistent end-user experience possible.

STRATEGIC PLAN:

- Focus Area: Effective Government
 - Goal 1 – Maintain Financial Stability
 - Goal 3 – Provide an Excellent Customer Experience
- Focus Area: Growth and Infrastructure
 - Goal 1 – Provide Quality Fundamental Infrastructure and Assets
- Focus Area: Public Health and Safety
 - Goal 3 – Improve Public Safety Response and Capabilities

DEPARTMENT CONTACT: Robert Rounds, Purchasing Manager 386-313-4097

FUNDING INFORMATION: All products and services acquired through CDW-G are paid for out of the applicable IT Operating or Replacement Fund budget lines.

RECOMMENDATIONS: Request the Board approve the Piggyback agreement with CDW Government, LLC, with an annual not-to-exceed amount of \$750,000.00 and to approve the annual spend for the term of the contract.

ATTACHMENTS: [Click this link to view the attachment listed below](#)

1. CDW Government, LLC Cooperative Purchase Agreement 25-RFP-058

FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS
CONSENT / AGENDA ITEM # 7c

SUBJECT: Consideration of Approval of RSQ Agreement No. 25-RSQ-046 between Flagler County and Absolute Health Professionals, Amwell Home Care, Capstone Home Health, and Collaborative Therapies DBA Collaborative Care, to Provide Community Senior Care in the Amount of \$560,000.

DATE OF MEETING: June 2, 2025

OVERVIEW/SUMMARY: The primary scope of work includes a variety of elder care services which the County Senior Services Division of the Health and Human Services Department provides, or otherwise arranges, for County residents over the age of 60 to live in the least restrictive yet most cost-effective environment suitable to their needs.

A Request for Qualifications (RSQ) 25-RSQ-046 was publicly broadcast on www.opengov.com on Thursday, February 27, 2025 and requested proposals from suppliers to provide Community Senior Care. The County received five submissions in response to the RSQ which were opened in a publicly noticed meeting on March 27, 2025, 2:00pm. Staff reviewed the bids for conformity to requirements of the RSQ. All responses were deemed to be responsive and four of the submissions were selected in accordance with the evaluation criteria stated in the RSQ.

The Evaluation Committee unanimously recommends award of Agreement No. 25-RSQ-046 to four firms: Absolute Health Professionals, Amwell Home Care, Capstone Home Health, and Collaborative Therapies DBA Collaborative Care.

STRATEGIC PLAN:

Focus Area: Public Health and Safety

PHS-1.2 Develop and execute a community outreach program.

1.1.1 Number of programs offered by HHS

FUNDING INFORMATION: Funding through the ElderSource Older American Act Agreement grants is included in the FY 24-25 Amended Budget within the Senior Services division.

DEPARTMENT CONTACT: Joe Hegedus, H&HS Director 386-586-2324

Rob Rounds, Purchasing Manager 386-313-4097

RECOMMENDATION: Request the Board approve and authorize the Chair to execute this RSQ Agreement No. 25-RSQ-046 to four who bid, in the NTE amount of \$560,000 for Community Senior Care as approved to form by the County Attorney, authorize the County Administrator to execute change orders and other related project documents as approved to form by the County Attorney.

ATTACHMENTS: [Click this link to view the attachments listed below](#)

1. Contract Absolute Health Professionals
2. Contract Amwell Home Care
3. Contract Capstone Home Health
4. Contract Collaborative Therapies DBA Collaborative Care

FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS
CONSENT/ AGENDA ITEM # 7d

SUBJECT: Approval of Request for Proposals (RFP) Award #25-RFP-039, Professional Land Management Services, to Vanasse Hangen Brustlin, Inc., Terracon Consultants, Inc., and Stantec Consulting Services, Inc.

DATE OF MEETING: June 2, 2025

OVERVIEW/SUMMARY: Request for Proposal #25-RFP-039 requested bids from qualified firms to assist Flagler County with Professional Land Management Services including but not limited to Land Management, Forest Resource Management, Wildlife Management, Exotic and Invasive Species Management, Permitting Assistance and Prescribed Fire Management. This RFP was publicly broadcast on www.OpenGov.com.

On March 5, 2025, the County received ten (10) responses as detailed on the attached Bid Tabulation Sheet. The Selection Committee scored each proposal individually and met on March 20, 2025, to rank each submission. Staff recommend awarding contracts to the top three (3) proposers, who each submitted fully responsive responses to this RFP. Multiple contracts will be issued at the discretion of the Procurement and Contracts Manager and Land Management Department due to the nature of the work and anticipated needs of Flagler County.

STRATEGIC PLAN:

Focus Area: Growth and Infrastructure

- Goal 2 – Protect and Manage Natural Resources

DEPARTMENT CONTACT: Erick Revuelta, Public Lands & Natural Resource Manager,
(386) 313-4446

FUNDING INFORMATION: Funding will be identified and appropriated within each project or within departmental operating budgets as needed.

RECOMMENDATIONS: Request the Board approve Request for Proposals (RFP) awards to Vanasse Hangen Brustlin, Inc., Terracon Consultants, Inc., and Stantec Consulting Services, Inc., for a period of three (3) years with the option to renew for two (2) additional one (1) year renewals, if mutually agreed on by both parties prior to contract expiration, and authorize the Chair to execute the contracts as approved to form by the County Attorney and approved by the County Administrator.

ATTACHMENTS: [Click this link to view the attachments listed below](#)

1. Contracts including Attachments
 - a. Vanasse Hangen Brustlin, Inc.
 - b. Terracon Consultants, Inc.
 - c. Stantec Consulting Services, Inc.
2. Notice of Intent to Award
3. Evaluation Tabulation

FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS
CONSENT / AGENDA ITEM # 7e

SUBJECT: Consideration of Project Recommendations and Ranking of the Florida Department of Transportation (FDOT) and the Volusia-Flagler Transportation Planning Organization (TPO) Transportation Alternative Priorities for Fiscal Years 2026/2027 through 2030/2031.

DATE OF MEETING: June 2, 2025

OVERVIEW/SUMMARY: Each year the FDOT and TPO solicit local candidate projects for funding under the Transportation Alternatives (TA) program. Now that the boundaries for the TPO have been expanded to include the entire county, all our priorities may now be considered. TA projects focus on improvements that create alternatives to transportation for the non-motorized user and enhancements to the transportation system for all users.

The projects have been ranked based on need as determined by County staff. We are requesting that the Board approve the rankings below.

Recommended FDOT Transportation Alternatives Priorities for Fiscal Years 2026/2027 through 2030/2031:

1. Bulow Creek Headwaters Regional Park (Construction)
2. Revitalization of Historic Old Brick Road for Multi-Use Trail (Design and Construction)
3. CR 305 Multi-Use Trail, Mahogany Road to CR 302 (Design and Construction)
4. Water Oak Road Multi-Use Trail from CR 2006W (Bull Creek Campground) to CR 305 (Design and Construction)
5. CR 302 Multi-Use Trail, from CR 305 to SR-100 (Design and Construction)
6. Old Kings Road North Multi-Use Trail, Matanzas Woods Pkwy to US-1 (Design and Construction)
7. John Anderson Highway Multi-Use Trail, SR 100 to Volusia County Line (Design and Construction)
8. US-1 Trail - Royal Palms to Palm Coast Parkway (Design and Construction)

STRATEGIC PLAN:

Focus Area: Growth and Infrastructure

- Goal 1 – Provide quality fundamental infrastructure and assets.
 - Objective GI1.1: Ensure public safety through continuous planning for future needs and adequate evacuation capacity.
Measure GI 1.1.3: Coordinate with municipalities and FDOT to obtain grants to study traffic safety issues.
 - Objective GI 1.2: Expand and improve infrastructure to support commercial/ industrial and residential growth.
Measure GI 1.2.2: Make surface transportation improvements.

FUNDING INFORMATION: N/A

DEPARTMENT CONTACT: Hamid Tabassian, PE, County Engineer (386) 313-4046
Richard Zion, PE, PG, Asst. County Engineer 313-4051

RECOMMENDATIONS: Request the Board approve staff's recommended FDOT and Volusia-Flagler TPO Transportation Alternatives program submittal for Fiscal Years 2026/2027 through 2030/2031.

ATTACHMENTS: [Click this link to view the attachments listed below](#)

1. Resolution to approve Transportation Alternatives Program List with Exhibits A and B.

FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS
CONSENT / AGENDA ITEM # 7f

SUBJECT: Consideration of the Flagler County's Transportation Improvement Projects Priority List for the Florida Department of Transportation (FDOT) and the Volusia-Flagler Transportation Planning Organization (TPO) Five-Year Work Program Funding for Fiscal Years 2026/2027 through 2030/2031.

DATE OF MEETING: June 2, 2025

OVERVIEW/SUMMARY: The Florida Department of Transportation (FDOT) and the Volusia-Flagler Transportation Planning Organization have requested Flagler County to submit a project priority list for transportation improvements for 2026/2027 through 2030/2031 funding cycle. The list is utilized in determining Flagler County's needs and what new projects are to be added to the FDOT and the Volusia-Flagler TPO 5-year Work Program.

Flagler County's transportation improvement projects have been scored and ranked based on need, safety, environmental, traffic, project costs, readiness, and equity considerations as shown in the attached Prioritization Evaluation Matrix. We are requesting that the Board approve the rankings below.

Recommended Flagler County's transportation improvement projects priority list for the FDOT and the Volusia-Flagler TPO 5-Year Work Program funding considerations and programming in Fiscal Years 2026/2027 through 2030/2031:

- 1 CR 304 Resurfacing Segment 2 (SR 11 to US1) (Construction)
- 2 CR 304 Bridge Replacement - Bridge 734012 - Sweet Water Creek Bridge (Construction)
- 3 CR 304 Bridge Replacement - Bridge 734011 - Middle Haw Creek Bridge (Construction)
- 4 CR 304 Bridge Replacement - Bridge 734013 - Parker Canal Bridge (Construction)
- 5 CR 305 Resurfacing from CR 304 to County Line (Design and Construction)
- 6 CR 304 Bridge Replacement - Bridge 734010 - Canal Box Culvert (Construction)
- 7 Roberts Road Resurfacing from SR 100 to Colbert Lane (Design and Construction)
- 8 Old Kings Road South 4-Laning from SR 100 to Flagler County Line (Planning, Design and Construction)
- 9 Old Kings Road North I-95 Overpass (Planning, Design and Construction)
- 10 First Avenue Roadway Project – Phase 2 (Design and Construction)
- 11 Jungle Hut Road Resurfacing from SR A1A to End (Construction)
- 12 Otis Stone Hunter Road Paving (CR 13 to US1) (Construction)
- 13 Hargrove Grade Road (Otis Stone Hunter Road to US-1) (Construction)
- 14 Canal Avenue Paving from Water Oak Road to Forest Park Street (Construction)
- 15 Sawgrass Road Resurfacing from CR 13 to End (Design and Construction)
- 16 Colbert Lane 4-Laning from SR 100 to Palm Cost Pkwy NE (Planning, Design and Construction)
- 17 Forest Park Street and CR 35 Paving from SR 100 to End (Construction)
- 18 CR 65 Paving Project from CR 302 to east end of CR 80 (Design and Construction)
- 19 Strickland Road/Durrance Lane Paving Project from County Line to Boice Lane (Design and Construction)
- 20 Walnut Avenue Paving from Forest Park Street to Water Oak Road (Construction)
- 21 Sugarmill Plantation Roadway Resurfacing Project Multiple Roads (John Bulow Circle, Audubon Lane, Wilderness Run, Bulows Landing, Sugarmill Lane and Coacochee Dr.), (Design and Construction).
- 22 John Anderson Highway Collector Roadway Resurfacing - Bulow Woods Cir, Trail Run, Indian Mound Ct, and Creek Bluff Run (Design and Construction)

FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS
CONSENT / AGENDA ITEM # 7f

- 23 Westmayer Place Paving from SR A1A to End (Construction)
- 24 East Daytona North Roadway Resurfacing. Butternut Avenue from Forest Park Street to Lancewood and Clove Avenue from CR 305 to Forest Park Street (Design and Construction)
- 25 East Daytona North Roadway Paving (multi-phase project) (Design and Construction)
- 26 West Flagler County Roadway Paving (multi-phase project) (Design and Construction)
- 27 West Daytona North Roadway Paving (multi-phase project) (Design and Construction)
- 28 Various Roads Roadway Paving - CR 110, CR 140, CR 200, and CR 335 - 4.7 Miles (Design and Construction)
- 29 St. Mary's Place Paving and Drainage Improvements – Old Dixie Highway to End of Roadway (Design and Construction)
- 30 Washington Street and Lake Shore Drive Paving from County Line to End (Design and Construction)

STRATEGIC PLAN:

Focus Area: Growth and Infrastructure

- Goal 1 – Provide quality fundamental infrastructure and assets.
 - Objective GI1.1: Ensure public safety through continuous planning for future needs and adequate evacuation capacity.
Measure GI 1.1.3: Coordinate with municipalities and FDOT to obtain grants to study traffic safety issues.
 - Objective GI 1.2: Expand and improve infrastructure to support commercial/ industrial and residential growth.
Measure GI 1.2.2: Make surface transportation improvements.

FUNDING INFORMATION: N/A

DEPARTMENT CONTACT: Hamid Tabassian, PE, DBIA, County Engineer (386) 313-4046
Richard Zion, PE, PG, Asst. County Engineer 313-4051

RECOMMENDATIONS: Request the Board approve the County's transportation improvement projects priority list for the FDOT and the TPO 5-Year Work Program funding for fiscal years 2026/2027 through 2030/2031.

ATTACHMENTS: [Click this link to view the attachments listed below](#)

1. Resolution to approve FDOT 5-Year Work Program Priority List with Exhibits
2. Prioritization Evaluation Matrix

FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS
CONSENT / AGENDA ITEM # 7g

SUBJECT: Consideration of Distribution of Local Option Gas Tax FY 2025-2026

DATE OF MEETING: June 2, 2025

OVERVIEW/SUMMARY: Florida Statutes, Chapter 336.025(5)(a) requires the County notify the Florida Department of Revenue of any revision to the rate of tax and distribution proportions for Local Gas Tax each year. The statute further provides for the methodology to be used for the distribution of local option fuel taxes to be established through an Interlocal Agreement between the County and the municipality representing a majority of the incorporated areas within the County, in this case, the City of Palm Coast.

An Interlocal Agreement reached between the City of Palm Coast and Flagler County on July 15, 2002 stipulates that the City provide the County with any revisions to its Road Inventory annually in order that such revisions can be incorporated into the distribution formula to be reported to the Florida Department of Revenue.ⁱ

Each municipality within Flagler County was contacted by letter and given the opportunity to update their road inventory data as appropriate. Adjustments in lane mileage reported by municipalities were received from Palm Coast. No lane mileage updates were reported by other municipalities. Current population data (2024 Population estimates) was obtained from the Bureau of Economic and Business Research (BEBR) at the University of Florida.

The table below reflects the previous year's information and most current available data:

JURISDICTION	POPULATION 2022-2023	POPULATION 2023-2024	LANE-MILES 2022-2023	LANE-MILES 2023-2024	PERCENTAGE OF TOTAL FY 2023-2024	
					Population	Lane-Miles
City of Marineland	12	12	0	0	0	0
City of Beverly Beach	495	503	4.115	4.115	0.38%	0.24%
City of Bunnell	4,027	4,149	54	54	3.08%	3.16%
City of Flagler Beach	5,216	5,550	61.435	61.435	3.99%	3.59%
City of Palm Coast	101,737	106,193	1,125	1,128	77.81%	65.92%
Unincorporated County	19,269	19,903	463.52	463.52	14.74%	27.09%
TOTALS	130,756	136,310	1,708.07	1,711.07	100%	100%

The following table reflects a distribution formula based on a 50%-50% ratio of population and lane miles in accordance with the Interlocal Agreement.

JURISDICTION	<i>Distribution proportion based on population (Percentage X 0.5)</i>	<i>Distribution proportion based on lane-miles (Percentage X 0.5)</i>	TOTAL DISTRIBUTION (PERCENTAGE)
City of Marineland	0	0	0
City of Beverly Beach	0.19	0.12	0.31%
City of Bunnell	1.54	1.58	3.12%
City of Flagler Beach	2.0	1.80	3.80%
City of Palm Coast	38.90	32.96	71.86%
Unincorporated County	7.37	13.54	20.91%
TOTALS	50	50	100%

FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS
CONSENT / AGENDA ITEM # 7g

STRATEGIC PLAN:

Focus Area: Growth & Infrastructure

Goal 1 Provide Quality Fundamental Infrastructure and Assets

Objective GI 1.2.2 Make surface transportation improvements.

FUNDING INFORMATION: N/A

DEPARTMENT CONTACT: Hamid Tabassian, P.E. County Engineer (386) 313-4006

RECOMMENDATION: Request the Board approve the Distribution Table as presented and authorize the County Engineer to forward this information to the Florida Department of Revenue.

ATTACHMENTS: N/A

ⁱ This stipulation was carried forward in the Interlocal Agreement recently approved by the Flagler County Board of County Commissioners on May 19, 2025 and by the City of Palm Coast on May 20, 2025.

**FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS
CONSENT/ AGENDA ITEM # 7h**

SUBJECT: Consideration of an Amendment to the Current Contract with Aqua Marketing & Communications, INC.

DATE OF MEETING: June 2, 2025

OVERVIEW/SUMMARY: On March 18, 2024, the Board approved Contract No. 23-033P for Branding, Creative Services, and Media Buying for the Tourism Development Office. Staff is seeking approval to amend letter “I” to state: During the term of this Contract, SUPPLIER shall not provide the same services for any other tourism development organization within two hundred miles of Flagler County unless approved in writing beforehand by the Tourism Development Director.

STRATEGIC PLAN:

Focus Area: Economic Vitality

- Goal 3: Promote and Market Flagler County as a Desirable Place to Live, Work and Visit
 - Objective EV3.3: Increase public communication and outreach.

Focus Area: Economic Vitality

- Goal 1: Diversify and Enhance the Tax Base to Improve the Local Economy
 - Objective EV1.2: Increase visitor spending in all tourism-related sectors.

DEPARTMENT CONTACT: Amy Lukasik, Tourism Development Director 386-313-4226

FUNDING INFORMATION: N/A

RECOMMENDATIONS: Approve the recommended amendment for letter “I”.

ATTACHMENTS: [Click this link to view the attachments listed below](#)

1. March 18, 2024 Aqua Marketing & Communications, Inc. - Contract 23-033P
2. Contract Amendment

FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS
CONSENT / AGENDA ITEM # 7i

SUBJECT: Consideration of an Interlocal Agreement between Flagler County and City of Bunnell to Consolidate Software Maintenance Agreements for the Computer Aided Dispatch System.

DATE OF MEETING: June 2, 2025

OVERVIEW/SUMMARY: Staff is requesting the Board approval of an interlocal agreement with the City of Bunnell based on the continued software maintenance to the County's Computer Aided Dispatch (CAD) system utilized by the public safety partner. This agreement coincides with the Tyler Technologies New World Systems (Tyler) agreement approved by the Board on July 13, 2020. As part of the Tyler agreement, the consolidated, five-year Maintenance Agreement will include Flagler County Fire Rescue, Flagler County Sheriff's Office, City of Palm Coast Fire Department, City of Flagler Beach Fire and Police Departments, and the City of Bunnell Police Department.

The fees listed below reflect the amount paid by the City based on the FY2026 fee calculations, plus a 5% accelerator compounded annually beginning in FY 2026-2027.

The table below enumerates the annual costs per fiscal year for the City under the contract for its respective share of the software maintenance agreement. The interlocal agreement includes a provision that requires each public safety partner to pay for any additional add-on modules it may choose to purchase.

FY 2025 - 2026	\$11,715.82
FY 2026 – 2027	\$12,301.61
FY 2027 - 2028	\$12,916.69
FY 2028 - 2029	\$13,562.53
FY 2029 - 2030	\$14,240.65

STRATEGIC PLAN:

Focus Area – Effective Government

- Goal 1 – Maintain Financial Stability
- Goal 2 – Build & Maintain Relationships to Support Effective & Efficient Government

Focus Area – Growth & Infrastructure

- Goal 1 – Provide Quality Fundamental Infrastructure and Assets
- Goal 2 – Protect and Manage Natural Resources

Focus Area – Public Health & Safety

- Goal 3 – Improve Public Safety Response and Service Delivery Capabilities

FUNDING INFORMATION: Annual maintenance is included in the FY26 Tentative Budget (1001-104-0407), as well as offsetting revenue anticipated from the City of Bunnell.

DEPARTMENT CONTACT: Matt Rivera, Chief Information Officer, 386-313-4281

RECOMMENDATION: Request the Board approve and authorize the Chair to execute the Interlocal Agreement with the City of Bunnell as approved to form by the County Attorney and approved by the County Administrator.

ATTACHMENTS: [Click this link to view the attachments listed below](#)

1. September 9, 2020 Interlocal Agreement
2. Interlocal Agreement

FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS
CONSENT / AGENDA ITEM # 7j

SUBJECT: Consideration of an Interlocal Agreement between Flagler County and City of Flagler Beach to Consolidate Software Maintenance Agreements for the Computer Aided Dispatch System.

DATE OF MEETING: June 2, 2025

OVERVIEW/SUMMARY: Staff is requesting the Board approval of an interlocal agreement with the City of Flagler Beach based on the continued software maintenance to the County's Computer Aided Dispatch (CAD) system utilized by the public safety partner. This agreement coincides with the Tyler Technologies New World Systems (Tyler) agreement approved by the Board on July 13, 2020. As part of the Tyler agreement, the consolidated, five-year Maintenance Agreement will include Flagler County Fire Rescue, Flagler County Sheriff's Office, City of Palm Coast Fire Department, City of Flagler Beach Fire and Police Departments, and the City of Bunnell Police Department.

The fees listed below reflect the amount paid by the City based on the FY2026 fee calculations, plus a 5% accelerator compounded annually beginning in FY 2026-2027.

The table below enumerates the annual costs per fiscal year for the City under the contract for its respective share of the software maintenance agreement. The interlocal agreement includes a provision that requires each public safety partner to pay for any additional add-on modules it may choose to purchase.

FY 2025 - 2026	\$20,471.16
FY 2026 - 2027	\$21,494.72
FY 2027 - 2028	\$22,569.46
FY 2028 - 2029	\$23,697.92
FY 2029 - 2030	\$24,882.83

STRATEGIC PLAN:

Focus Area – Effective Government

- Goal 1 – Maintain Financial Stability
- Goal 2 – Build & Maintain Relationships to Support Effective & Efficient Government

Focus Area – Growth & Infrastructure

- Goal 1 – Provide Quality Fundamental Infrastructure and Assets
- Goal 2 – Protect and Manage Natural Resources

Focus Area – Public Health & Safety

- Goal 3 – Improve Public Safety Response and Service Delivery Capabilities

FUNDING INFORMATION: Annual maintenance is included in the FY26 Tentative Budget (1001-104-0407), as well as offsetting revenue anticipated from the City of Flagler Beach.

DEPARTMENT CONTACT: Matt Rivera, Chief Information Officer, 386-313-4281

RECOMMENDATION: Request the Board approve and authorize the Chair to execute the Interlocal Agreement with the City of Flagler Beach as approved to form by the County Attorney and approved by the County Administrator.

ATTACHMENTS: [Click this link to view the attachments listed below](#)

1. September 9, 2020 Interlocal Agreement
2. Interlocal Agreement

FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS
CONSENT / AGENDA ITEM # 7k

SUBJECT: Consideration of an Interlocal Agreement between Flagler County and City of Palm Coast to Consolidate Software Maintenance Agreements for the Computer Aided Dispatch System

DATE OF MEETING: June 2, 2025

OVERVIEW/SUMMARY: Staff is requesting the Board approval of an interlocal agreement with the City of Palm Coast based on the continued software maintenance to the County's Computer Aided Dispatch (CAD) system utilized by the public safety partner. This agreement coincides with the Tyler Technologies New World Systems (Tyler) agreement approved by the Board on July 13, 2020. As part of the Tyler agreement, the consolidated, five-year Maintenance Agreement will include Flagler County Fire Rescue, Flagler County Sheriff's Office, City of Palm Coast Fire Department, City of Flagler Beach Fire and Police Departments, and the City of Bunnell Police Department. This agreement will be presented to the City of Palm Coast Commission at their September 15, 2020 meeting.

The fees listed reflect the amount paid by the City based on the FY 2026 fee calculations, plus a 5% accelerator compounded annually beginning in FY 2026-2027.

The table below enumerates the annual costs per fiscal year for each entity under the contract for its respective share of the software maintenance agreement. The interlocal agreement includes a provision that requires each public safety partner to pay for any additional add-on modules it may choose to purchase.

FY 2025 – 2026	\$15,991.42
FY 2026 – 2027	\$16,790.99
FY 2027 – 2028	\$17,630.54
FY 2028 – 2029	\$18,512.07
FY 2029 – 2030	\$19,437.67

STRATEGIC PLAN:

Focus Area – Effective Government

- Goal 1 – Maintain Financial Stability
- Goal 2 – Build & Maintain Relationships to Support Effective & Efficient Government

Focus Area – Growth & Infrastructure

- Goal 1 – Provide Quality Fundamental Infrastructure and Assets
- Goal 2 – Protect and Manage Natural Resources

Focus Area – Public Health & Safety

- Goal 3 – Improve Public Safety Response and Service Delivery Capabilities

FUNDING INFORMATION: Annual maintenance is included in the FY26 Tentative Budget (1001-104-0407), as well as offsetting revenue anticipated from the City of Palm Coast.

DEPARTMENT CONTACT: Matt Rivera, Chief Information Officer, 386-313-4281

RECOMMENDATION: Request the Board approve and authorize the Chair to execute the Interlocal Agreement with the City of Palm Coast as approved to form by the County Attorney and approved by the County Administrator.

**FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS
CONSENT / AGENDA ITEM # 7k**

ATTACHMENTS: [Click this link to view the attachments listed below](#)

1. September 9, 2020 Interlocal Agreement
2. Interlocal Agreement

FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS
CONSENT / AGENDA ITEM # 7I

SUBJECT: Consideration of an Interlocal Agreement between Flagler County and Flagler County Sheriff's Office to Consolidate Software Maintenance Agreements for the Computer Aided Dispatch System

DATE OF MEETING: June 2, 2025

OVERVIEW/SUMMARY: Staff is requesting the Board approval of an interlocal agreement with the Flagler County Sheriff's Office based on the continued software maintenance to the County's Computer Aided Dispatch (CAD) system utilized by the public safety partner. This agreement coincides with the Tyler Technologies New World Systems (Tyler) agreement approved by the Board on July 13, 2020. As part of the Tyler agreement, the consolidated, five-year Maintenance Agreement will include Flagler County Fire Rescue, Flagler County Sheriff's Office, City of Palm Coast Fire Department, City of Flagler Beach Fire and Police Departments, and the City of Bunnell Police Department.

The foregoing fees reflect the amount paid by the Sheriff based on the FY2026 fee calculations, plus a 5% accelerator compounded annually beginning in FY 2026-2027.

The table below enumerates the annual costs per fiscal year for each entity under the contract for its respective share of the software maintenance agreement. The interlocal agreement includes a provision that requires each public safety partner to pay for any additional add-on modules it may choose to purchase.

FY 2025 – 2026	\$ 346,007.17
FY 2026 – 2027	\$ 363,307.53
FY 2027 – 2028	\$ 381,472.90
FY 2028 – 2029	\$ 400,546.55
FY 2029 – 2030	\$ 420,573.88

STRATEGIC PLAN:

Focus Area – Effective Government

- Goal 1 – Maintain Financial Stability
- Goal 2 – Build & Maintain Relationships to Support Effective & Efficient Government

Focus Area – Growth & Infrastructure

- Goal 1 – Provide Quality Fundamental Infrastructure and Assets
- Goal 2 – Protect and Manage Natural Resources

Focus Area – Public Health & Safety

- Goal 3 – Improve Public Safety Response and Service Delivery Capabilities

FUNDING INFORMATION: Annual maintenance is included in the FY26 Tentative Budget (1001-192-9205), as well as offsetting revenue anticipated from the Sheriff's Office.

DEPARTMENT CONTACT: Matt Rivera, Chief Information Officer, 386-313-4281

RECOMMENDATION: Request the Board approve and authorize the Chair to execute the Interlocal Agreement with the Flagler County Sheriff's Office as approved to form by the County Attorney and approved by the County Administrator.

**FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS
CONSENT / AGENDA ITEM # 7I**

ATTACHMENTS: [*Click this link to view the attachments listed below*](#)

1. September 9, 2020 Interlocal Agreement
2. Interlocal Agreement – Draft

FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS
CONSENT / AGENDA ITEM # 7m

SUBJECT: Request the Board Approve the Repair to the Flagler County Fire Rescue Training Tower, Commonly Known as the “Burn Building”, as Approved in the FY25 Flagler County Capital Improvement Program.

DATE OF MEETING: June 2, 2025

OVERVIEW/SUMMARY: As previously approved in the Flagler County FY25 Budget Capital Improvement Program, staff is seeking Board approval through single source procurement for the repair and refurbishment of the Flagler County Fire Rescue Training Tower, commonly known as the “Burn Building”, located at 655 Justice Lane. The repairs will be performed by Jahnke & Sons Construction, Inc., doing business as WHP Training towers, the exclusive worldwide distributor of the Behlen Frameless building system currently used by the FCFR Training Tower. The cost of repairs based on the quote provided is \$128,092.00, which can be funded through the existing FY25 Budget.

STRATEGIC PLAN:

Focus Area: Growth & Infrastructure

- Goal 1 – Provide Quality Fundamental Infrastructure & Assets
 - Capital Improvement Program

FUNDING INFORMATION: Funding is included in the Adopted FY 24-25 Budget within Fund 1187 Capital Preservation Fund.

DEPARTMENT CONTACT: Mike Dickson, General Services Director (386) 313-4191

RECOMMENDATIONS: Request the Board approve WHP Training towers as the single source provider to repair and refurbish the Flagler County Fire Rescue Training Tower.

ATTACHMENTS: [Click this link to view the attachments listed below](#)

1. Quote
2. Inspection Report
3. Single Source Letter
4. Single Source Forms

FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS
CONSENT / AGENDA ITEM # 7n

SUBJECT: Consideration of FY25/26 Application to the Commission for the Transportation Disadvantaged (CTD) for the Annual Trip and Equipment Grant in the Amount of \$907,974 for Public Transportation Operating Funds.

DATE OF MEETING: June 2, 2025

OVERVIEW/SUMMARY: The Transportation Disadvantaged Trust Fund is administered by the Florida Commission for the Transportation Disadvantaged (CTD), pursuant to Section 427.0159, Florida Statutes. The purpose of the Transportation Disadvantaged Trust Fund is to provide a dedicated funding source for the operational and planning expenses of the Commission in carrying out its legislative responsibilities. The trust fund is appropriated by the Legislature annually from revenues collected from vehicle registrations and voluntary contributions. The Trip & Equipment Grant program was established to provide opportunities for transportation disadvantaged citizens to obtain access to transportation for daily living needs. These grant funds are for the specific purpose of funding a portion of passenger trips provided to eligible transportation disadvantaged individuals.

The CTD has notified counties of the Commission for the Transportation Disadvantaged Trip and Equipment Grant Allocations for Fiscal Year 2025-2026. The total grant amount allocated to Flagler County is \$907,974 with a required local match of \$100,886 plus voluntary contributions from the CTD in the amount of \$29.00 with a local match of \$3.00 all totaling \$1,008,892.00 in funding for the program.

FUNDING INFORMATION: Funding for this grant will be included as part of the Tentative FY 25-26 Budget, with the local match of \$100,889 included within the Public Transportation Division operating budget.

DEPARTMENT CONTACT: Mike Dickson, General Services Director (386) 313-4191

RECOMMENDATION: Request the Board approve the Resolution authorizing the County Administrator to execute and submit the application for the FY25/26 Transportation Disadvantaged Trust Fund Grant Program.

ATTACHMENTS: [Click this link to view the attachments listed below](#)

1. Resolution
2. Transportation Disadvantaged Trip & Equipment Grant Recipient Information

FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS
CONSENT / AGENDA ITEM # 7o

SUBJECT: Request the Board Approve the Purchase for the Replacement of Two (2) Rooftop Units (RTUs) for the Flagler County Historical Courthouse in the Amount of \$159,692.62.

DATE OF MEETING: June 2, 2025

OVERVIEW/SUMMARY: The Flagler County Historical Courthouse is a historically significant structure requiring consistent and efficient climate control to preserve its architectural integrity. The two existing rooftop units (RTUs) were installed over 15 years ago and an inspection conducted on May 20, 2025, revealed excessive cooling coil degradation, mechanical wear and corrosion which has reduced their efficiency and reliability to the point of failure. The existing units operate using outdated technology and refrigerants. HVAC regulations and energy codes have evolved requiring new systems to have significantly improved energy efficiency ratings (SEER and EER), aligning with Flagler County's sustainability goals and reducing operational energy consumption and costs.

Whereas the Flagler County Board of County Commissioners approved a Standardization of Heating, Ventilating and Air Conditioning Equipment through Carrier Corporation at a regularly scheduled meeting held on August 5, 2013, the General Services Department requests the Board approve the emergency procurement and replacement of two (2) rooftop units as stated in the attached quote.

STRATEGIC PLAN:

Focus Area: Growth and Infrastructure

- Goal 1: Provide Quality Fundamental Infrastructure and Assets.

FUNDING INFORMATION: Funding for the replacement and installation of two rooftop units (RTUs) in the amount of \$159,693 will be appropriated upon approval of the budget transfer from dedicated Historic Courthouse Reserves within the General Fund.

DEPARTMENT CONTACT: Michael Dickson, General Services Director (386) 313-4191

RECOMMENDATION: Request the Board approve the purchase and installation of two rooftop units for the Flagler County Historical Courthouse and approve the budget transfer.

ATTACHMENTS: [Click this link to view the attachments listed below](#)

1. Carrier Quote
2. Budget Transfer

FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS
GENERAL BUSINESS / AGENDA ITEM # 8a

SUBJECT: Consideration of the Appointment of Five (5) Members to the Industrial Development Authority.

DATE OF MEETING: June 2, 2025

OVERVIEW/SUMMARY: The Flagler County Board of County Commissioners approved the formation of the **Flagler County Industrial Development Authority (IDA)** as it supports the county's Strategic Plan for Economic Vitality – specifically Goal 1 “Diversify & Enhance the Tax Base to Improve the Local Economy” and Goal 2 “Develop Competitive Advantages for New & Existing Businesses.”

The primary purpose of an IDA is to issue tax-exempt bond financing for certain economic development projects within Flagler County. By utilizing the tax-exempt financing, the end user receives a lower interest rate and therefore has a more economically viable project. Tax-exempt bonds may be issued for:

- Manufacturing facilities
- Water & sewer projects
- Solid waste facilities
- 501(c)(3) Nonprofit organizations
- Expansion of qualifying businesses

Proceeds realized resulting from IDA activities will be used to enhance the economic competitiveness of Flagler County.

Further, the County Commission gave staff direction to begin the recruitment process for applicants for the Industrial Development Authority at its November 4, 2024, Regular Meeting. The newly formed board would be comprised of five (5) members with representatives from the following professions: attorney-at-law; business at large; commercial banker; real estate broker; and CPA / Financial professional.

In addition to county press releases sent through the normal distribution channels, staff has sent three notices to over 380 business partners inviting participation in the IDA (average of 36.9% open rate), hosted an informational meeting with 15 business leaders, and ran an ad in the Flagler Observer (March 27, 2025) followed by an e-mail blast to 8,000 opt-in contacts to garner support and interest.

A total of fourteen (14) applications have been received to serve on the Industrial Development Authority. This includes four (4) applications for consideration from persons that are not residents of Flagler County yet have business interests within the County.

FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS
GENERAL BUSINESS / AGENDA ITEM # 8a

	Attorney	Business at Large	Commercial Banker	Real Estate Broker	CPA / Financial	Other
Alfin, David		X		X		X
Ricchi, Raymond R		X				X
Browne, Daniel		X				
Rhoton, Shawn		X				
Madden, Donald	X					
Blose, Greg		X				
Hardin, Derrick			X			
Phillips, John		X				
Mielbye, Richard						X
Parker, Bruce						X
Raymond, Chad		X		X		X
Turlington, R. Donald	X				X	
Rizzo, Guy				X		
Rizzo, Elizabeth						X

*Applicants **highlighted in yellow** are NOT residents

STRATEGIC PLAN:

Economic Vitality:

Goal 1 – Diversify & Enhance the Tax Base

Goal 2 – Develop Competitive Advantages for New & Existing Businesses

DEPARTMENT CONTACT: Amy Lukasik, Tourism Director (386) 313-4230 or
Dolores Key, Economic Development Manager

OPTIONS FOR THE BOARD:

1. Vote from current slate of applicants selecting a full or partial board;
2. Continue advertising and recruiting for applications for members with current professional preferences;
3. Open application process to citizens at large who may want to serve;
4. Board of County Commissioners become the sitting Industrial Development Authority;
5. Issue Industrial Development Revenue Bonds without forming an IDA;
6. Refer prospective clients to adjacent counties for consideration.

ATTACHMENTS: [Click this link to view the attachments listed below](#)

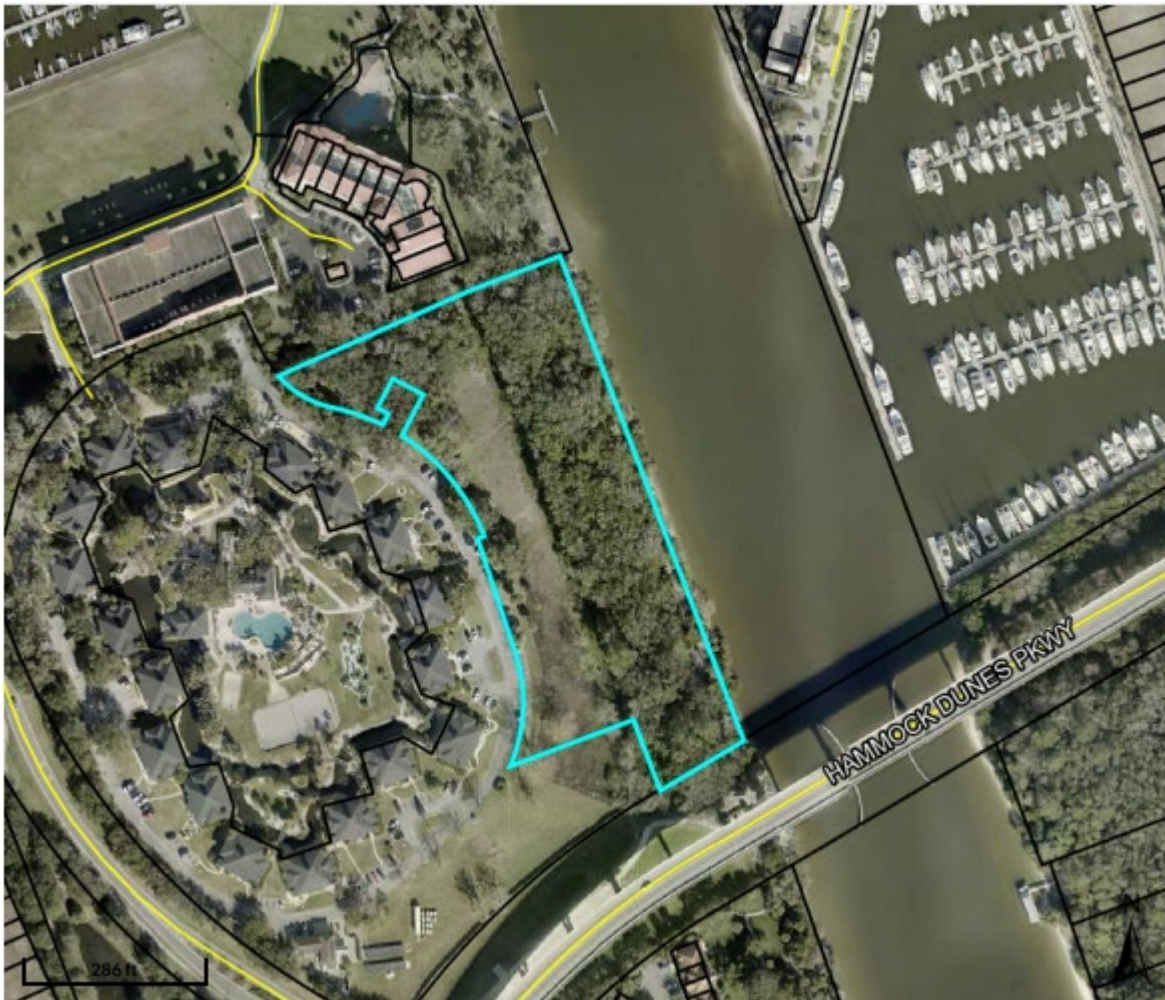
1. Application – David Alfin: Business at Large, Real Estate Broker, Other
2. Application – Raymond Ricchi: Business at Large, Other
3. Application – Daniel Browne: Business at Large
4. Application – Shawn Rhoton: Business at Large
5. Application – Donald Madden: Attorney
6. Application – Greg Blose: Business at Large
7. Application – Derrick Hardin: Commercial Banker (non-resident)
8. Application – John Phillips: Business at Large (non-resident)
9. Application – Richard Mielbye: Other
10. Application - Bruce Parker: Other
11. Application – Chad Raymond: Business at Large, Real Estate Broker, Other
12. Application – R. Donald Turlington: Attorney
13. Application – Guy Rizzo: Real Estate Broker (non-resident)
14. Application – Elizabeth Rizzo: Other (non-resident)

**FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS
GENERAL BUSINESS/AGENDA ITEM # 8b**

SUBJECT: Consideration for Approval of Purchase and Sale Agreement with TCC Real Estate, LLC, for the Purchase of a 5.15+/- Acre Parcel Utilizing Environmentally Sensitive Lands (ESL) Program Funds.

DATE OF MEETING: June 2, 2025

OVERVIEW/SUMMARY: The Board has been requested to consider and approve a Purchase and Sale Agreement with TCC Real Estate, LLC, subject to any adjustments in the Agreement for title purposes in advance of closing, for the purchase of Parcel No. 38-11-31-0000-01010-0000:



This parcel is located within the City limits of the City of Palm Coast, is designated as Mixed-Use Future Land Use, and is zoned MPD (Master Planned Development). The Land Acquisition Committee (LAC) previously designated this parcel as a Priority A acquisition, which with its anticipated valuation exceeding \$500,000 prompted the two appraisals. The two appraisals are less than six months apart, and have a variance of \$820,000, with the midpoint between the two appraisals being \$1,780,000. The owner has agreed to the County's purchase at \$1,886,000. The attached Purchase and Sale Agreement reflects this purchase price and provides for up to seventy-five days to complete the closing.

**FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS
GENERAL BUSINESS/AGENDA ITEM # 8b**

If purchased, this parcel will be turned over to the City of Palm Coast as the northern extension of the City's Intracoastal Trail extending northward from the City's Waterfront Park.

The LAC reviewed the expenditure of the Environmentally Sensitive Lands (ESL) Program funds for the purchase of this parcel at its May 12, 2025, Regular Meeting and unanimously approved a recommendation to purchase the property as presented in the Purchase and Sale Agreement after reviewing the memorandum prepared by the County Attorney's Office relative to potential issues with the purchase. A copy of this memorandum is attached with the agenda materials. **NOTE: As set forth in the memorandum, the proposed purchase of this property must be approved by a super majority of the Board of County Commissioners (i.e. four out of five members) given that the purchase price exceeds the maximum allowable offer authorized by the Flagler County ESL Acquisition Manual.**

FUNDING INFORMATION: Funding in the amount of \$1,886,000 will be appropriated for this purchase from the Environmentally Sensitive Lands Program Fund 1119 reserves upon approval of the budget transfer.

STRATEGIC PLAN:

Focus Area: Growth and Infrastructure

- Goal 2 – Protect and Manage Natural Resources
- Goal 3 – Preserve & Enhance Cultural, Recreational & Leisure Activities

DEPARTMENT CONTACT: Adam Mengel, Growth Management Director, 386-313-4065

RECOMMENDATION: Request the Board approve the Budget Transfer and the Purchase and Sale Agreement with TCC Real Estate, LLC, subject to the final amount of the Budget Transfer to be based on the purchase price and adjusted by any closing costs, and subject to any adjustments to the Agreement made by the County Attorney for title purposes and for other terms, for the purchase of a 5.15+/- acre parcel (Parcel No. 38-11-31-0000-01010-0000) for a purchase price not to exceed \$1,886,000 using Environmentally Sensitive Lands (ESL) Program Funds and to otherwise approve the closing of the transaction upon satisfaction of all terms within the Purchase and Sale Agreement.

ATTACHMENT: [Click this link to view the attachments listed below](#)

1. Purchase and Sale Agreement
2. ESL Purchase Memorandum
3. Budget Transfer

**FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS
PUBLIC HEARING/AGENDA ITEM #9a**

SUBJECT: QUASI-JUDICIAL – Project No. 2025040005 – Request for an Appeal of the Planning and Development Board's Decision Approving a Variance from the Minimum Required Rear Setback in the R/C (Residential/Limited Commercial) District at 3295 North Oceanshore Boulevard (AR No. 5314/Project No. 2024120023). Parcel Number: 23-11-31-0000-01022-0121; 5,114+/- square feet (0.12+/- acres). Owners: Sidney and Leane Silhan/Appellants: Charles and Sandy Muller (AR No. 5582).

DATE OF MEETING: June 2, 2025

OVERVIEW/SUMMARY: This request is quasi-judicial in nature and requires disclosure of ex parte communication. An appeal was filed by the owners of the adjacent parcel to the North, the Mullers, on April 4, 2025 related to the Planning and Development Board's variance approval for a deck at 3295 North Oceanshore Boulevard, specifically appealing the rear yard minimum setback variance that was granted to the Silhan's that would permit vertical posts to be added to support the upper story deck where previously the deck was supported by braced diagonal supports. The subject parcel owned by the Silhan's is outlined in the light blue line in the aerial photo below, while the Mullers adjoin the subject parcel to the North:



**FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS
PUBLIC HEARING/AGENDA ITEM #9a**

The variance request submitted by the Silhan's was prompted by their initial work without a permit that dated back to Thanksgiving in 2024. Following the Muller's complaint to Code Enforcement, a Stop Work Order was posted on December 2, 2024, to the Silhan's parcel (Case No. 2024120023), and a building permit application was subsequently applied for by the Silhan's (to remedy the code violation) on December 10, 2024. Review of the building permit application by County staff indicated that the proposed deck expansion and vertical posts would require a variance. The issuance of the building permit is dependent on the approval of the variance.

The initial building permit application – and the initial variance application – included an expansion of the second story deck by 96 square feet – according to the Silhan's – to improve the usability of the space. As described by the Silhan's at the February 11, 2025, Planning and Development Board meeting, the additional deck area was requested “for a variety of reasons,” but importantly, the pending request has been reduced to eliminate the additional deck area and would only include the rear setback variance to allow the vertical posts to support the existing deck at its current limits. In a nutshell, this case is to decide whether the existing deck may be supported with vertical posts as opposed to diagonal posts.

According to Mr. Sid Silhan (as stated in part at the February 11, 2025 Planning and Development Board meeting as part of his PowerPoint presentation to the Board):

“When we purchased the house [in October 2024], we knew that it has some deck issues. The homeowner – excuse me – the home inspector identified that the joist supports themselves were rotted away on the entire East side of the house. There was water incursion on the outside between the block and the stucco, that we had no real way of identifying where the water was coming from. There was water incursion on the inside, running from right where the deck attaches to the house. Also no way to at that time identify exactly what the cause of the problem was but we knew that there was problems both on the outside with water incursion and on the inside.

When replacing the joist holders we recognized what the problem was: the existing cantilevers which are designed with metal buckets holding the wood had gathered enough rain and salt water to allow for those metal buckets to corrode and the wood inside to rot away such that the cantilevers had failed, the deck was beginning to remove from the house, causing the separation and allowing the water to come into the house.

This is clear safety concerns for us. We have children, they enjoy the deck. We enjoy the deck. The thought that the deck was supported by failed and failing cantilevers was a bit distressing. I had done some research, understood that by

**FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS
PUBLIC HEARING/AGENDA ITEM #9a**

far the best engineering design for safety, for maintenance, for the ability to inspect the deck supports was a vertical support as opposed to the cantilevered support.

I spoke to the original builder of the house who suggested that if water was indeed entering where it was entering that it was likely the cause of the deck moving from the house. I spoke to a number of builders – excuse me, contractors – who supported the same. One of the contractors in fact is the group that repaired failed cantilevers on the property two doors to our North. About a year ago, 18 months ago, that property owner was here before this Board requesting a variance for the very same thing, to put vertical posts to replace his failed cantilevers. And the same contractor reviewed our property and suggested that indeed the same was to be the case.

I've also asked for and supplied to the Board a copy of a review by a certified structural engineer to give me an objective perspective as to what would be the better approach to manage the cantilevers as opposed to the posts. You have a copy of his report, and his primary concern was frankly our primary concern: the safety of the deck falling off the house. This is a safety issue of course for us not only at the house, but I believe it is a safety issue for the neighboring members of the community. I don't have as much experience with hurricane winds as many of you do, but I do understand that a deck that is separated from the house – a two-story deck incidentally – supported by failed cantilevers can become quite a windborne debris item that I would not want to be responsible for damaging or creating."

The Silhan's PowerPoint and the structural engineer's letter (from Christopher Sabourin, P.E., with Sabo Structural Engineering of Jacksonville Beach, Florida, dated February 6, 2025) are attached to this staff report. These were made part of the record evidence upon which the Planning and Development Board based its decision.

As part of the public comments, Mrs. Sandy Muller, Mr. Charles Muller, Mr. Stan Tavanese, and Mr. Tom Tant provided testimony to the Planning and Development Board. Each speaker's statement is provided below in relevant part (the appellants' full transcript is attached):

Mrs. Sandy Muller, 3299 North Oceanshore Boulevard (the Appellant), stated (in part):

"We respected our neighbor's views and properties, we are asking for the same respect and consideration for the views of our property. We are a small community here on the beach but we have become neighbors and friends and we support and help each other. And we take care of the beach, the dunes, and the wildlife behind our houses. All we are asking is to receive the same consideration and respect

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we have given. Therefore, we object – I object – to Mr. Silhan’s application. I love our beautiful Flagler beach. Please do not let Mr. Silhan take that away.”

When questioned by Chair Michael Boyd as to what in particular was Mrs. Muller’s objection related to the Silhan’s variance request, she replied:

“Well, when they put the posts in and we are out on our balcony and try to look out, we are now being blocked by their posts. Where we don’t have posts – our neighbors have a – have a view of the dunes and the beach, but now we’re not gonna be able to have that view once those posts go in next to our house. So that’s what I’m – we’re objecting to.

And we’ve respected our neighbors, when – our house was built after the houses on each side of us. So we made sure that we followed the Code and – we followed Code and we did not put any posts on the ground floor of our house. And so our neighbors when they look out, they have a perfect view of the dunes. We have beautiful dunes out there. And now ours will be blocked, if they put these big posts in, so that’s what I’m objecting to.”

Mr. Charles Muller, 3299 North Oceanshore Boulevard (the Appellant), stated:

“My name is Charles Muller. I live in the property directly North of that. In fact that is now the view [motioning towards the overhead screen at a photo depicting a view facing southerly from the Mullers’ parcel at the rear deck on the Silhan’s parcel] from my second story deck. And when you were looking at the yellow house before, that is our house, okay, and there are no cantilevers, there are no posts, but we have a perfectly built deck at that house.

They argue – the Applicants argue – that because of the size and the shape of their lot they had design difficulties. Okay, we did not have design difficulties. We built the house in accordance with the Code, didn’t need variances, and we certainly don’t impede and encroach on the setbacks. The other neighbors that you saw from the four lots [motioning at the screen], okay, who are here today, okay, the same thing. They perfectly built the house even though the lots are – you might call them odd-shaped – but they can be dealt with. And everyone has dealt with them.

It gives me no joy to object to the Applicants, but they simply don’t need this variance, and they haven’t proved that they’re entitled to it under County Land Development Code. And that is, to get a variance, okay, the applicants have the burden to prove five legal requirements, and all of which need to be approved. And they’ve only proved one out of the five. They simply are not entitled to a

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variance even if they needed one. And the reason that I say even if they needed one, okay, there is no indication that they can't repair the cantilevers, okay. They bought the house with cantilevers. And as such if there is a hardship – if there is a hardship – legally they are responsible for that hardship, okay. It is self-created, where you basically bought the house with the cantilevers and you stepped in the shoes of your seller. So legally, if it is a hardship – and I would submit to you it's not – because you can repair and replace the cantilevers – no reason you can't – it's a self-created hardship, and we would ask that you deny this application. But if you are going to grant something, okay, then at least it should have the conditions against enclosures that staff has suggested, okay. And I would ask you to please tell us, okay, what is there unnecessary hardship that supports this variance.

As far as good – one of the other requirements is that they have to act in all events in good faith, okay. Well they built [motioning towards the screen], they built that, okay. They built that in our sight over the Thanksgiving weekend. It is a detriment to us and our neighbors and the ocean views? I think you can see it. And we submitted several pictures and written comments which we would hope could be entered into the record and we would ask you to enter it into the record. We have several pictures that show all of this that is in our view and this is, this is from the second story, okay. We've also provided pictures of down on the ground floor, you know, looking at this, what it's doing to our ocean views. In particular the zoning code says that in order to grant a variance, there must be, it must be the minimum necessary to alleviate an unnecessary hardship. And an unnecessary hardship is specifically defined as that which without the variance the owner is deprived of all use of the property. It is very strict, legally it's very strict. And these Applicants argue that they need the variance in order to place supports for their deck in the setback in place of cantilevers that have rusted, rotted, and caused water intrusion. That's not, that is not an unnecessary hardship. That can be remedied. That can be remedied by fixing the cantilevers and the water intrusion.

And there is no proof of that alleged rot or water intrusion. And by the way, when it talks about rot, they're using the same wood as the support [pointing towards the photo on the podium being depicted on the overhead]. But you can see it. And you know it's the cantilevers because they still have the metal brackets on there. Finally, cantilevers are a commonly accepted construction practice. They're used all up and down the State of Florida, and in our little neighborhood that you've heard of, four out of the eight homes have cantilevers including the Applicants' on the front and the back. So once again I say there is no need for this variance because they can fix the cantilevers, okay, and they haven't proved the legal requirements for a variance in any event."

Mr. Stan Tavanese, 3309 North Oceanshore Boulevard, stated (in part):

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“We’re a very closeknit community. We love helping one another. Very emphatic to things that go on, trying to find happy mediums wherever we can. And obviously seeing something like this the first thought I had was, knowing that, you know, there’s some conflict in terms of, of this resolution [motioning towards the overhead], how potentially could I help to maybe get the Silhan’s to take, to look at repairing the cantilever system. My home has a cantilever system. It was built in 2009. It works perfectly. So I assume, I’m not a mechanical engineer but I assume whoever installed it installed it right. I happen to have all of the plans, I have all of the original blueprints for my home including the cantilever system. I would be more than happy to avail it to Sid and Leann [the Silhan’s] and to whoever their contractor might be to see if maybe there is a resolution that replaces the damaged cantilevers and avoids the conflict that we have here today. And that’s all I have to say. Thank you.”

Following his comments and in response to a question from Mr. Langelo asking if Mr. Tavanese’s home was a block house on the first floor, Mr. Tavanese replied: “It is. First floor, yeah.”

Mr. Tom Tant, 3311 North Oceanshore Boulevard, stated:

“We were the first house to be built in this neighborhood. We have been there 38 years. And we have seen 80 feet of dune behind our house disappear because of wave action that happens to our lots and our property. That’s why we put in the wall but the wall is very much lower, it won’t stop wave action. It will hopefully stop sand from going under. And I think you, I would like the Commission to first recognize when we built our house we had to have a 100 foot lot. In Jan-, in September 9th, 2001 – a very famous date – the Commission met at 6 o’clock even though everybody else was off during that emergency. They did pass that they could have 50 foot lots. We were at that meeting. We, we didn’t want that to happen but it did, the Commission did approve that, and they said they would have the appropriate requirements.

If you look at the second point that I am making just like the other houses around us the cantilevers are built for a reason. The reason is that house has 30 foot pillars underneath it, and those pillars are designed if the wave action hits the house and takes the under, the sand away, the house will be maintained. And you have to realize that those cantilevers are attached to the pillars. So you are now defeating the purpose that those houses were built because now, let’s say in the third situation, if wave action hits that house, that porch will be destroyed. When that porch is destroyed the East side of that house’s integrity will be compromised. And 110 mph wind and rain will be able to enter into that structure which will be

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very detrimental to that structure. That's the reason for the design of the cantilevers.

My third point is when the porch will be destroyed by wave action – because like I've said we've seen wave action destroy 80 feet of dune that's 19 feet high since 1988 – so the wave action will be coming. When that wave action hits and we have other older houses North of us it destroys the porch, it opens up the side of the house, and it destroys the house even in worse shape.

And my fourth point is when that porch is destroyed you have the pieces of the porch that are now wind-driven into houses that are North of this house, and because it's on a 50 foot lot, you don't have a 10 or 15 foot setback between houses. You have much less setback. And that North corner, if those porches destroyed, it's going to hit, or could hit the side of that other house. And it will also, it will also, I'm finishing, also the debris will hit A1A and it will also hit the houses on the West side. So that's the reason that they have the cantilevers is to keep the integrity of the home, and the integrity of the other homes beside it. Thank you very much for your attention."

The photos provided by Mr. Muller and as displayed on the overhead were previously attached in an email sent to the County by Mr. Muller. These photos are also attached to this appeal as part of the record. It should be noted that through the Board's questioning of Mr. Muller it was unclear whether the photo presented was from the Muller's first or second floor, as answered by Mrs. Muller in response to Mr. Langelo's question if they "are missing the view from the second floor – from your deck or from the ground floor?":

"From both. It would be from both, if – if those posts go in."

As Mr. Langelo additionally questioned the Mullers over their view, asking "but those palmettos [as shown in the photo on the landward side of the dune] are basically clocking the view of the ocean right now, correct?" In response, Ms. Muller replied:

"Well, from the first floor."

and

"From the second floor, that's what you see. And those two white posts in the back actually were their cantilevers that they're saying are rotted and they're using them as their posts. And that's what – when we are out on our balcony that's what we see now."

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Following the Board's consideration of the testimony and evidence presented – and Board discussion regarding the request – the Board, on a motion from Mr. Long and seconded by Mr. Goodman, to approve the variance request subject to the condition that the deck not be enclosed above or below. The Board additionally incorporated staff's report as its findings. Prior to the final vote on the motion, the Board discussed the previous variance for a similar request on a neighboring parcel, and the recognition that each variance is considered for a specific parcel and its unique circumstances. Finally, as to the ultimate extent of the vertical posts and the extension of the deck, the vertical posts would be placed in the location on the deck where the diagonal supports currently extend, while the unpermitted deck extension would ultimately be removed. The vote on the motion was 5-1, with Mr. Langelo opposed. Following the meeting, the Board's Order was prepared, signed by the Chair, and recorded on March 10, 2025 at Official Records Book 2942, Page 671, Public Records of Flagler County, Florida.

The Appeal filed on April 4, 2025 included, among other things, a verbatim transcript in support of the appeal request, along with a narrative case history (and legal argument) – which was not previously provided in the record – in support of the Mullers' request that the Planning and Development Board's approval of the variance (with the prohibition on future enclosures) did not demonstrate a hardship, or that relief through a variance was necessary. Specifically, the Appellants request through their filed appeal that:

“In granting the Applicants' variance the Planning and Development Board did not apply the correct law to the evidence in the record, and as such the Planning and Development Board did not observe the essential requirements of law. Haines City Community Dev. v. Heggs, 658 So.2d 523, 350 (Fla. 1995). Therefore, the Board of County Commissioners must overturn the decision of the Planning and Development Board, apply the correct law, and deny the Applicants' Request for Variance.”

The Board of County Commissioners is the appellate authority following a decision by the Planning and Development Board provided under this section of the Land Development Code Section 3.07.03.C.1. In turn, the decision of the Board of County Commissioners may ultimately be appealed to the Circuit Court.

The appeal must be reviewed based on the record presented at the Planning and Development Board meetings and also argument of the appellant and applicant before the County Commission. No new evidence or testimony may be provided. In deciding, the Board of County Commissioners must make three determinations:

- 1. Whether the Planning and Development Board's decision was supported by competent substantial evidence;**
- 2. Whether due process was accorded; and**

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3. Whether the essential requirements of law (primarily, the four Criteria for Variances within the LDC) have been observed.

As a variance request, the necessary detail is provided to the Planning and Development Board through a site plan. Initial site plan requirements for both Variances and Special Exceptions are listed at LDC Section 3.07.03.A.2. The Planning and Development Board considered the Applicants' site plan, which is included in the back up material attached hereto.

Specific to Variances, the LDC requires (at LDC Sec. 3.07.03.E.) demonstration that the four Variance guidelines are considered by a Variance applicant, with these guidelines typically depicted on a site plan and through written narrative (and where "the board [Planning and Development Board] shall be guided by the following"):

"Variance guidelines. A variance may be granted from the terms and provisions of this article where, owing to special conditions relating to the property, a literal enforcement of the provisions of this article will, in an individual case, result in unnecessary hardship. Variances may be granted by the Planning and Development Board in such an individual case of unnecessary hardship upon a written finding based on competent, substantial evidence in the official record that:

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, topography, or other unique features that, when considered in whole or in part, creates an unnecessary hardship; and
2. Such conditions were not created by the affirmative actions of the applicant and the applicant has acted at all times in good faith; and
3. The variance, if granted, would not cause substantial detriment to the public health, welfare, safety, and morals of the community or impair the purpose and intent of this article; and
4. No variance may be granted for a use of land or building that is not permitted by this article.

A variance, if granted, shall be the minimum variance necessary to alleviate the hardship. For purposes of this section, an unnecessary hardship shall mean that without the granting of the variance the owner will be deprived of all reasonable use of the property as allowed in the zoning district."

The Planning and Development Board's findings regarding these criteria are stated in the Order granting the variance and were reflected in the Technical Staff Report which was part of the Board's February 11, 2025 Planning and Development Board agenda and backup (attached).

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PUBLIC HEARING/AGENDA ITEM #9a**

This agenda item is:

 X quasi-judicial, requiring disclosure of ex-parte communication; or
 legislative, not requiring formal disclosure of ex-parte communication.

STRATEGIC PLAN:

Focus Area: Effective Government

- Goal 2 – Build & Maintain Relationships to Support Effective & Efficient Government
 - Objective EG 2.4: Establish joint strategies to identify and address needs through leveraging of local resources.

DEPARTMENT CONTACT: Adam Mengel, Growth Management Director, (386) 313-4065

Public notice has been provided for this application according to Land Development Code (LDC) Section 2.07.00.

OPTIONS FOR THE BOARD: As a reminder, the Board of County Commissioners is sitting in an appellate capacity as it relates to this matter. It is limited by LDC Section 3.07.03.C. to determining whether:

1. The Planning and Development Board's decision was supported by competent, substantial evidence;
2. Whether due process was accorded; and
3. Whether the essential requirements of the law have been observed.

The Board of County Commissioners may take ONE of the following actions:

1. APPROVE the Appeal request, overturning the Planning and Development Board's conditional approval of the Variance in the R/C (Residential/Limited Commercial Use) District at 3295 N. Oceanshore Boulevard. With this course of action, the Board of County Commissioners will be **OVERTURNING** the decision of the Planning and Development Board's variance to allow the vertical posts supporting the deck, subject to the condition that the deck and the areas both below and above the deck cannot be enclosed.
2. DENY the Appeal request, upholding the Planning and Development Board's conditional approval of the Variance at 3295 N. Oceanshore Boulevard. With this course of action, the Board of County Commissioners will be **AFFIRMING** the Planning and Development Board's decision to grant the Variance *with the condition as originally imposed by the Planning and Development Board*.
3. REMAND the Variance approval back to the Planning and Development Board for further proceedings with direction on how the Planning and Development Board failed to base its decision on competent substantial evidence, accord due process, and/or

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observe the essential requirements of law. The Variance use is held in abeyance until the Planning and Development Board renders a decision on the Variance as remanded.

4. CONTINUE the Board of County Commissioners' review of the appeal to a time and date certain. A continuance should be for the appellants or for staff to provide additional information to the Board of County Commissioners.

It should be noted that, unlike a rezoning request that is limited to no more than one request for the same parcel of land every six months, a Variance application submittal is not time-barred (see LDC Sec. 3.07.05.G.). Accordingly, should the Board of County Commissioners overturn the Planning and Development Board's approval of the Variance, the owner may immediately refile a Variance request with the County for a similar request.

ATTACHMENTS: [Click this link to view the attachments listed below](#)

1. Application for Appeal of Planning and Development Board's Decision, including verbatim transcript
2. Planning and Development Order
3. Planning and Development Board February 11, 2025, draft amended regular meeting minutes (in part), with handouts/graphics
4. Link to: [February 11, 2025 Planning and Development Board Agenda – Item 6: Variance Staff Report and Backup \(See pages 56 through 120 in the 280 page pdf file\)](#)
5. Public Notice

FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS
PUBLIC HEARING / AGENDA ITEM # 9b

SUBJECT: Consideration to Levy Local Option Gas Tax on Motor Fuel and Special Fuel for an Additional 30 Years.

DATE OF MEETING: June 2, 2025

OVERVIEW/SUMMARY: On August 10, 1995, the Flagler County Board of County Commissioners adopted Ordinance No. 95-05, as authorized by Section 336.025(1)(a), Florida Statutes and pursuant to the procedures contained in Section 336.025(3), Florida Statutes. The Ordinance, as amended by Ordinance No. 95-05A, imposed a Local Option Gas Tax of six cents (\$0.06) on every gallon of motor fuel and special fuel sold within Flagler County for a period of 30 years.

This Local Option Gas Tax, which aids the County and local municipalities by allowing road and transportation-related projects and maintenance of transportation assets, is set to expire on June 30, 2025. Staff are seeking approval to continue the Local Option Gas Tax for an additional 30 years. Section 336.025(1)(a)3., Florida Statutes allows for the Local Option Gas Tax to be extended on a majority vote of the Board of County Commissioners provided that a redetermination of the method of distribution is made as provided in the statute.

The method of distribution was established by Interlocal Agreement between Flagler County and City of Palm Coast, which was approved by the County on May 19, 2025, and by the City on May 20, 2025. The recently approved Interlocal Agreement carries forward the same formula from the 2002 Interlocal Agreement, which bases the distribution 50% on population and 50% on lane miles maintained, regardless of location. As noted in the Staff Report relating to the Gas Tax Distribution presented on today's Consent Agenda, the table below reflects the previous year's information and most current available data:

JURISDICTION	POPULATION 2022-2023	POPULATION 2023-2024	LANE-MILES 2022-2023	LANE-MILES 2023-2024	PERCENTAGE OF TOTAL FY 2023-2024	
					Population	Lane-Miles
Town of Marineland	12	12	0	0	0	0
Town of Beverly Beach	495	503	4.115	4.115	0.38%	0.24%
City of Bunnell	4,027	4,149	54	54	3.08%	3.16%
City of Flagler Beach	5,216	5,550	61.435	61.435	3.99%	3.59%
City of Palm Coast	101,737	106,193	1,125	1,128	77.81%	65.92%
Unincorporated County	19,269	19,903	463.52	463.52	14.74%	27.09%
TOTALS	130,756	136,310	1,708.07	1,711.07	100%	100%

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The following table reflects a distribution formula based on a 50%-50% ratio of population and lane miles in accordance with the Interlocal Agreement.

JURISDICTION	Distribution proportion based on population (Percentage X 0.5)	Distribution proportion based on lane-miles (Percentage X 0.5)	TOTAL DISTRIBUTION (PERCENTAGE)
Town of Marineland	0	0	0
Town of Beverly Beach	0.19	0.12	0.31%
City of Bunnell	1.54	1.58	3.12%
City of Flagler Beach	2.0	1.80	3.80%
City of Palm Coast	38.90	32.96	71.86%
Unincorporated County	7.37	13.54	20.91%
TOTALS	50	50	100%

Staff will continue to provide an updated breakdown based on the distribution formula using current numbers on an annual basis.

STRATEGIC PLAN:

Focus Area: Growth & Infrastructure

Objective GI 1.2: Expand and Improve infrastructure to support commercial/industrial and residential growth

DEPARTMENT CONTACT: Sarah Spector, Assistant County Attorney (386) 313-4058

FUNDING INFORMATION: Estimated county-wide revenues as determined by the Office of Economic & Demographic Research for FY 2024-25 are \$2,764,088 of which \$567,744 is expected for the BOCC.

RECOMMENDATIONS: Request the Board adopt the ordinance allowing the continuation of the Local Option Gas Tax Levy.

ATTACHMENTS: [Click this link to view the attachments listed below](#)

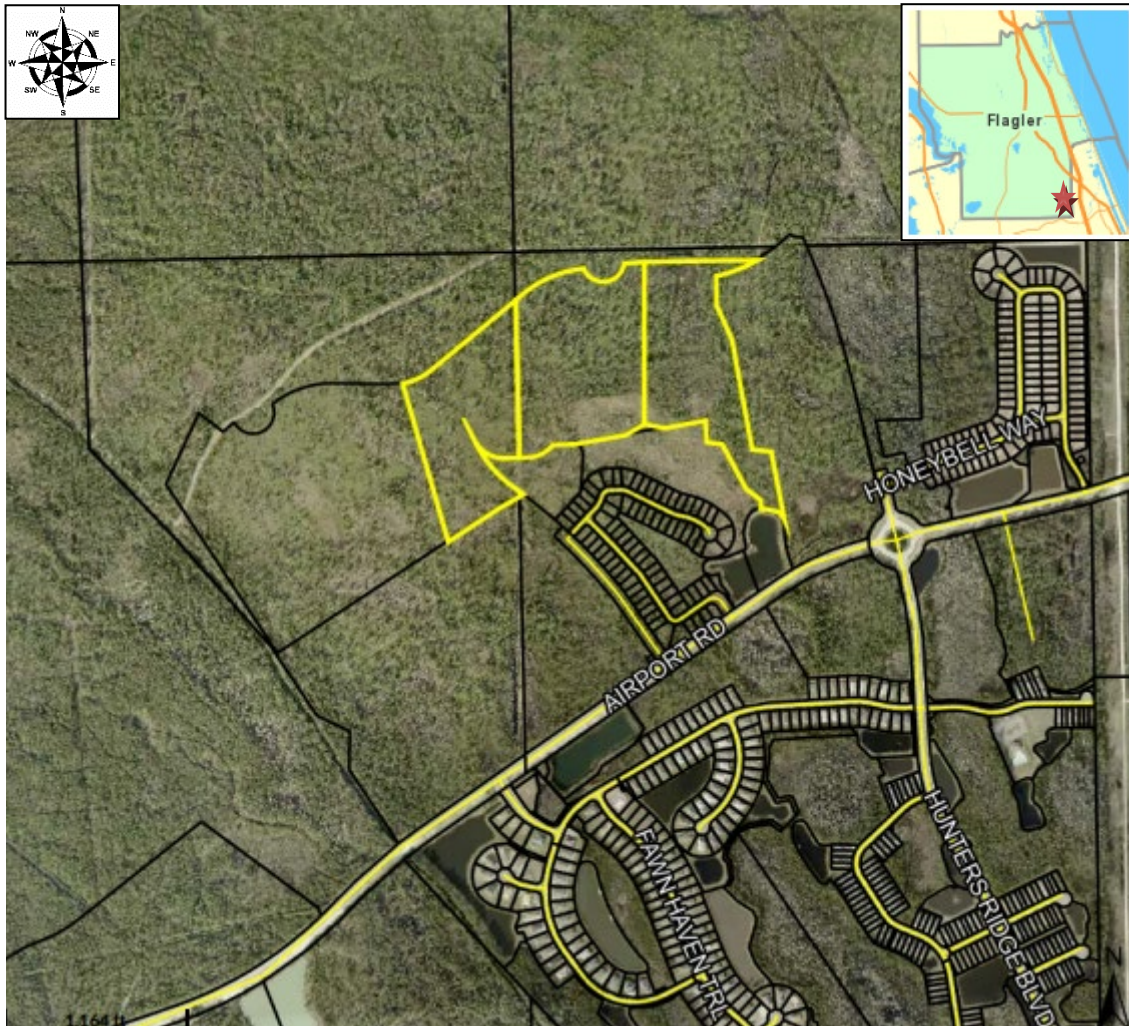
1. Gas Tax Ordinance
2. Legal Notice

**FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS
PUBLIC HEARING/AGENDA ITEM NO. 9c**

SUBJECT: QUASI-JUDICIAL – Project No. 2025030017 – Request for Approval of an Amendment to the Planned Unit Development (PUD) Development Agreement and PUD Site Development Plan for the Gardenside Phase II at Ormond Station PUD in the Hunter's Ridge Development of Regional Impact, Consisting of 33.01+/- Acres; North of Airport Road and East of Iris Branch Boulevard (multiple parcels). Owner: US Capital Alliance, LLC/Agent: Kimberly A. Buck, P.E., Alann Engineering Group, Inc. (AR No. 5515).

DATE OF MEETING: June 2, 2025

OVERVIEW/SUMMARY: This request is quasi-judicial in nature (not legislative) and does require disclosure of ex parte communication.



On March 7, 2025, Kimberly A. Buck of Alann Engineering Group, LLC submitted an application on behalf of owner US Capital Alliance to amend the PUD Development Agreement for the Gardenside Phase II at Ormond Station PUD. Gardenside Phase II was previously approved through the adoption of Ordinance No. 2024-02 for the

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development of 89 lot single family residential subdivision on approximately 33.01+/- acres.

The amendment to the Gardenside Ph II PUD was prompted by the owner's desire to change the minimum required rear setback language incorporated into the Gardenside Phase II PUD text, and the Site Data table on the Gardenside Phase II Site Development Plan table from 20 feet to 10 feet. The intent is to keep the dimensional requirements of the Gardenside Phase II PUD consistent with other recently approved subdivisions within the Hunter's Ridge DRI, and thereby not impede the future home builder's, D.R. Horton, standard design plans. For example, the Gardenside Phase I PUD, f/k/a Iris, and the Groveside PUD, f/k/a Celedine, both have a 10-foot minimum required rear setback. D.R. Horton is the home builder in both of these subdivisions.

The reduction of the minimum required rear setback will not impede the future homeowners' association for maintaining stormwater drainage. There is also a 25-foot-wide common area tract behind all lots to provide buffer between the lots and the conservation tract. While the reduction of the minimum required rear setback increases the overall buildable area of each lot, the maximum impervious lot coverage of 65 percent is not being changed.

BCC review authority: Section 3.04.02.F, Land Development Code, *Action by the Planning and Development Board and Board of County Commissioners*.

The Planning and Development Board considered this request at its May 13, 2025 regular meeting and unanimously recommended approval of the amendment to the PUD for the rear setback.

This agenda item is:

 X quasi-judicial, requiring disclosure of ex-parte communication; or
 legislative, not requiring formal disclosure of ex-parte communication.

Public Notice: Public notice has been provided for this application according to LDC Section 2.07.00. No comments have been received as a result of the public notice.

STRATEGIC PLAN:

Focus Area: Growth and Infrastructure

- Goal 1 – Provide Quality Fundamental Infrastructure and Assets
 - Objective GI 1.1: Ensure public safety through continuous planning for future needs and adequate evacuation capacity.

DEPARTMENT CONTACT: Simone Kenny, Senior Planner, (386) 313-4067

**FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS
PUBLIC HEARING/AGENDA ITEM NO. 9c**

OPTIONS FOR THE BOARD: The Board of County Commissioners may:

APPROVE the Amendment to the Gardenside Phase II at Ormond Station PUD Development Agreement and Site Development Plan.

DENY the Amendment to the Gardenside Phase II at Ormond Station PUD Development Agreement and Site Development Plan.

CONTINUE the Amendment to the Gardenside Phase II at Ormond Station PUD Development Agreement and Site Development Plan to a time and date certain.

ATTACHMENTS: [Click this link to view the attachments listed below](#)

1. Ordinance with Amended and Restated PUD Development Agreement and PUD Site Development Plan
2. Ordinance No. 2024-02
3. Application and supporting documents
4. Planning and Development Board May 13, 2025 draft meeting minutes (in part)
5. Public Notice

**FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS
PUBLIC HEARING/AGENDA ITEM 9d**

SUBJECT: LEGISLATIVE – Request to Approve and Adopt the Update to the Flagler County Water Supply Facilities Work Plan.

DATE OF MEETING: June 2, 2025

OVERVIEW/SUMMARY: This request is legislative in nature and does not require disclosure of ex parte communication. The St. Johns River Water Management District (SJRWMD) adopted its updated regional water supply plan on December 12, 2023. Through the adoption of the 2023 North Florida Regional Water Supply Plan (NFRWSP) by the District's Governing Board, the District has established population estimates for future water supply needs, and identified processes and projects that, among other things, seek to conserve water resources and to identify (and promote) the use of alternative water sources instead of relying on finished potable water. As required by Section 163.3177(6)(c)4, Florida Statutes, the adoption of the NFRWSP by the District requires that all local governments – including those local governments like Flagler County who are not water utility providers with active Consumptive Use Permits (CUPs) – within the District's planning area adopt respective components of the NFRWSP into each local government's Water Supply Facility Work Plan, together with any related comprehensive plan amendment(s). According to statute, each local government's update must be adopted within 18 months of the District's adoption of the NFRWSP, corresponding to adoption on or before June 12, 2025.

County staff had anticipated including the update to the Flagler County Water Supply Facilities Work Plan (FCWSFWP) as part of the update to the Comprehensive Plan, but the Board has requested additional reviews of the draft Goals, Objectives, and Policies, requiring that the Board of County Commissioners adopt the update to the Flagler County Water Supply Facilities Work Plan now before the update to the Comprehensive Plan is complete. Adopting the update to the FCWSFWP now will satisfy the timing related to the statutory requirement to locally integrate the updated regional water supply plan; however, since the Comprehensive Plan update is not complete, the FCWSFWP will need to be readopted as part of the overall Comprehensive Plan update, primarily to revise the specific Policy references that are included in the FCWSFWP since these presently reference the prevailing adopted 2010-2035 Flagler County Comprehensive Plan.

The adoption of the update to the FCWSFWP will be transmitted to the State's Department of Commerce and the District, and the District will review the adopted amendment for consistency with the NFRWSP.

The Planning and Development Board reviewed this request at its May 13, 2025 regular meeting and unanimously recommended approval. Public notice has been provided for this request according to Section 125.66 and Chapter 163, Florida Statutes.

This agenda item is:

☐ quasi-judicial, requiring disclosure of ex-parte communication; or
☒ legislative, not requiring formal disclosure of ex-parte communication.

RECOMMENDATION: Staff recommends that the Board – sitting in its capacity as the Local Planning Agency and the Board of County Commissioners – adopt the Ordinance updating the Flagler County Water Supply Facilities Work Plan.

ATTACHMENTS: [Click this link to view the attachments listed below](#)

1. Ordinance
2. Planning and Development Board draft May 13, 2025 regular meeting minutes (in part)
3. Public notice