



Flagler County Board of County Commissioners Meeting Agenda

May 5, 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) [Problem Solving Court Month – May 2024](#) (Requested by Court Administration, Seventh Judicial Circuit)
 - 2) [Correctional Officers & Employees Week – May 4-10, 2025](#) (Requested by the Flagler County Sheriff's Office)
 - 3) [Emergency Medical Services Week – May 18-24, 2025](#) (Requested by Flagler County Fire Rescue, Chief Michael Tucker)
 - 4) [National Travel and Tourism Week](#) (Requested by Amy Lukasik, Tourism Director)
 - 5) [Public Works Week – May 18-24, 2025](#) (Requested by Hamid Tabassian, County Engineer)
 - 4c) **Presentations (3-5 Minutes):**
 - 1) [Public Works Update](#) (Presented by Hamid Tabassian, County Engineer)
 - 2) [Residential Horticulture & Master Gardener Programs](#) (Presented Laura Valencia, Extension Director and Judy Jean, Extension Agent I, Urban Horticulture)
5. **Community and Board Comments:**
 - 5a) **Community Outreach:** *This thirty-minute time period has been allocated for public comment on any consent agenda item or topic not on the agenda. Each speaker will be allowed up to three (3) minutes to address the Commission. Speakers should approach the podium, identify themselves and direct comments to the Chair.*
 - 5b) **Board Comments on Consent Items**
6. **Consent: Constitutional Officers:**
 - 6a) **Clerk: Bills and Related Reports:** Request the Board approve the report(s) of funds withdrawn from County depositories by the Flagler County Clerk of the Circuit Court and the Revenue Collected Report presented in compliance with the provisions of Section 136.06, Florida Statute as listed below:
 - 1) [Disbursement Report for Week Ending February 28, 2025](#)
 - 2) [Disbursement Report for Week Ending April 4, 2025](#)
 - 3) [Disbursement Report for Week Ending April 11, 2025](#)

- 4) [Disbursement Report for Week Ending April 18, 2025](#)
- 5) [Revenue Collected for March 2025](#)

- 6b) **Clerk: Approval of Board Meeting Minutes:** Request the Board approve the minutes from the following Meetings:
- 1) [March 17, 2025 Workshop](#)
 - 2) [April 7, 2025 Regular Meeting](#)

7. Consent: BOCC Departments:

- 7-a) **Ratification of Flagler County Emergency Proclamations Extending the State of Local Emergency Due to Severe Coastal Erosion and Vulnerability:** Request the Board ratify the Proclamations Extending the State of Local Emergency for Hurricanes Matthew, Ian and Nicole. *(Requested by Jonathan Lord, Emergency Management Director)*
- 7-b) **Board Ratification of State of Local Emergency Due to Threat of Wildfire and Emergency Administrative Order Related to Forest and Brush Fires:** Request the Board ratify the State of Local Emergency and Emergency Administrative Orders executed by the Chair. *(Requested by Michael Tucker, Fire Rescue Chief and Jonathan Lord, Emergency Management Director)*
- 7-c) **This item has been moved to 8c as another application has been received.**
~~Consideration of Land Acquisition Committee Advisory Board Appointments:~~ Request the Board approve the reappointments of Ms. Susan Anderson and Ms. Anne Wilson to the Land Acquisition Committee Advisory Board for a three-year term from May 6, 2025, to May 6, 2028. *(Requested by Erick Revuelta, Public Lands and Natural Resources Manager)*
- 7-d) **Request the Board Declare Items as Surplus, Removal from the County Fixed Assets and Authorize Purchasing to Dispose of Surplus Property Pursuant to the Fixed Asset Policy and Approve the Trade in of Select Items:** Request the Board declare items as surplus, removal from the County's fixed asset inventory and authorize Purchasing to dispose of surplus property pursuant to the Fixed Asset policy. *(Requested by Robert Rounds, Purchasing Manager)*
- 7-e) **Consideration to Amend the FY 2024-2025 Budget to Recognize New Grant Revenue from New FY24/25 Grant with ElderSource, for the Department of Health and Human Services' Senior Services Division in the Amount of \$ \$9,442.40:** Request the Board approve the Unanticipated Revenue Resolution. *(Requested by Joe Hegedus, Health & Human Services Director)*
- 7-f) **Consideration of Approval of State Funded Grant Agreement (SFGA) between Flagler County and the Florida Department of Transportation (FDOT) for the design of Old Kings Road South Multi-Use Trail from Flagler/Volusia County Line to State Road 100, FDOT Financial Project No. 438636-2-34-01:** Request the Board (1) Approve the State Funded Grant Agreement, (2) Adopt the associated Resolution authorizing the Chair to execute the Agreement (3) Request Board to approve the Unanticipated Revenue Resolution (4) amend CIP and authorize County Administrator approval of any project related documents, Work Authorizations and grant agreement amendments within the project overall budget. *(Requested by Hamid Tabassian, County Engineer)*
- 7-g) **Consideration of an Increase to the Ring Power Contract #25-023PB for Annual Generator Inspections in the amount of \$20,000:** Request the Board approve an

increase to the existing Contract #25-023PB from \$50,000 to \$70,000 annually for the remainder of the contract term, expiring November 22, 2026, with an option of one (1) renewal term for one (1) year. *(Requested by Mike Dickson, General Services Director)*

- 7-h) Consideration of Approval of Ranking and Award of a General Engineering Consultant Agreement for Request for Statement of Qualifications (RSQ) No. 25-019Q for General Engineering Consultant (GEC) Services:** Request the Board approve the Selection Committee's recommended top-ranking firm and authorize the Chair to execute a General Engineering Consultant Agreement, approved as to form by the County Attorney for RSQ No. 25-019Q with the highest ranked responsive and responsible proposer, HNTB Corporation. *(Requested by Hamid Tabassian, County Engineer and Ansley Wren-Key, Coastal Engineering Administrator)*
- 7-i) Consideration and Approval of the following Agreements: 1) Tenth Amendment to the Construction Agreement 23-010B between Flagler County and Eastman Aggregate Enterprises, LLC for Reconstruction of the Northern County Dune Restoration Project in the Amount of \$8,426,354.00 and (2) the Nineteenth Amendment to the Professional Services Agreement 17-0032Q between Flagler County and Olsen Associates Inc. to Foth Infrastructure & Environment, LLC for Construction Engineering and Inspection Services in the Amount of \$432,444.00:** Request the Board approve Tenth Amendment to the Construction Agreement 23-010B with Eastman Aggregate Enterprises, LLC in the amount of \$8,426,354.00 and Nineteenth Amendment to the Professional Services Agreement 17-0032Q between Flagler County and Olsen Associates Inc. to Foth Infrastructure & Environment, LLC in the amount of \$432,444.00. *(Requested by Hamid Tabassian, County Engineer and Robert Rounds, Purchasing Manager)*
- 7-j) Consideration of a Space/Use Agreement between Flagler County and Olga's Hair Design, LLC for Office Space in a County facility located at 269 Old Moody Boulevard, Flagler Executive Airport:** Request the Board approve the Space/Use Agreement for the County facility located at 269 Old Moody Boulevard, Flagler Executive Airport to Olga's Hair Design, LLC *(Requested by Roy Sieger, Airport Director)*
- 7-k) Consideration of Award Piggyback Agreement 25-PB-062 to Karl N. Flagg Serenity Memorial Chapel, Inc. utilizing Putnam County Agreement per RFP 25-11:** Request the Board approve award of the Piggyback Agreement 25-PB-062 for Transportation of Cadaver Services, through April 7, 2028, and authorize the Chair to execute the Agreement as approved as to form by the County Attorney and approved by the County Administrator, in the annual not-to-exceed amount of \$100,000. *(Requested by Robert Rounds, Purchasing Manager)*
- 7-l) Consideration of Piggyback Agreement with Boulevard Tire Center as an Approved Vendor Under Florida Sheriffs Association Cooperative Contract FSA25-TRS27.0 for Tires for Fire & Rescue Vehicles & Equipment:** Request the Board approve the piggyback agreement with the Boulevard Tire as Approved Vendor Under Florida Sheriffs Association Cooperative Contract FSA25-TRS27.0 for Tires for Fire & Rescue Vehicles, Boats & Equipment in an annual amount not to exceed \$250,000.00. *(Requested by Robert Rounds, Purchasing Manager)*

8. **General Business:** *Presentations limited to 15 minutes with public comments limited to 3 minutes per speaker.*
- 8-a) **Consideration of Approval of State Funded Grant Agreement # FM987 between the Florida Department of Financial Services and Flagler County for the new Administration Fire Rescue Station Facility #50 (Formerly Fire Rescue Station Facility #62) construction in the Amount of \$10,000,000.00:** Request the Board approve the State Funded Grant Agreement, adopt the Resolution authorizing the Chair to execute the agreement between Flagler County Board of County Commissioners and the Florida Department of Financial Services for construction of the Flagler County Fire Rescue Administration Facility in the amount of \$10,000,000. *(Requested by Hamid Tabassian, County Engineer and Richard Zion, Assistant County Engineer)*
- 8-b) **QUASI-JUDICIAL – Project No. 2024110031 – Request for an Appeal of the Planning and Development Board’s Decision Approving a Variance from the Minimum Required Rear Setback, Minimum Required Streetside (West) Setback, and Maximum Lot Coverage Requirement for a Proposed Pool, Pool Deck, and Pump House, Subject to the Condition that the Pump House be within the Walled-in Area of the Pool and Pool Deck, and with its Height not to Exceed Four (4) Feet in the R/C (Residential/Limited Commercial) District at 3 Pelican Lane. Parcel Number: 23-11-31-5300-00000-0130; 7,500+/- square feet (0.17+/- acres). Owners: Raymond R. Royer, Jr., and Janice L. Paxson/Appellant: Raymond R. Royner, Jr. (AR No. 5518):** 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: Approve; Deny; Remand; or Continue. *(Requested by Adam Mengel, Growth Management Director)*
- 8-c) **Moved from Item 7c: Consideration of Land Acquisition Committee Advisory Board Appointments:** Request the Board **select two members** (applicants Ms. Susan Anderson, Ms. Anne Wilson, **Mr. Charles Cowart**) to serve on the Land Acquisition Advisory Board for a three-year term from May 6, 2025, to May 6, 2028.. *(Requested by Erick Revuelta, Public Lands and Natural Resources Manager)*
9. **Public Hearings:** *Public Hearings will be heard after 9:30 a.m.*
- 9-a) **LEGISLATIVE – Request for Review and Recommendation to the Board of County Commissioners on the Amendment to the Floodplain Management Ordinance:** The Board of County Commissioners may: Adopt; Not Adopt; or Continue. *(Requested by Adam Mengel, Growth Management Director)*
- 9-b) **Adoption of a Resolution to Vacate a Portion of the Plat of the Plantation Bay Section 2 A-F, Unit 8 consisting of a 7.5 foot wide Drainage Easement on lot 13 in the PUD (Planned Unit Development) Zoning District – Cheryl L. Armstrong & Craig R. Armstrong, Husband and Wife – 331 Stirling Bridge Drive; Parcel No.: 09-13-31-5120-2AF08-0130:** Request the Board adopt the resolution for the partial vacation of easement lying on Lot 13, according to the Plat of Plantation Bay Section 2 A-F Unit 8, Map Book 39, Pages 44-51, of the Public Records of Flagler County, Florida. *(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: May 5, 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. Furthermore, the County sought Congressional authorization to extend the scope of the Army Corps Feasibility Study to the north county beaches, for the benefit of offshore, dredged sand sources, among other reasons. The County is exploring ways to generate revenue for future renourishment and management of the Flagler County's entire 18-mile shoreline.

The County is in the initial stages of extending the renourishment project in Flagler Beach northward from North 7th Street to Beverly Beach, continuing to Varn Park, and staying south of the coquina hardbottom areas where a dredge project would have direct or indirect impacts. Staff currently refers to this project as "Reach 2." Initial work includes permitting and obtaining easements from landowners.

The County also is presently planning to commence yet more work. The County is putting together a new project in Reach 3, extending from Reach 2 and continuing north all the way to Washington Oaks State Park. The County was able to obtain appropriations to perform this work. Further, the County's eligibility for Category G funding from FEMA is pending. Eligibility will increase substantially the amount of financial support for this extension of dune work. The County will need to procure easements and is working on securing truck hauled sand and construction services. To perform this work on an expedited schedule, the County will need to invoke its emergency procurement authority under Florida law and its emergency proclamation.

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.

The County is pursuing these project initiatives to restore, protect and maintain the dunes and beaches or any other viable buffer between the community and the Atlantic Ocean.

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

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

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 – April 28, 2025
2. Proclamation Declaring a Local State of Emergency – May 5, 2025

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

SUBJECT: Board Ratification of State of Local Emergency Due to Threat of Wildfire and Emergency Administrative Order Related to Forest and Brush Fires.

DATE OF MEETING: May 5, 2025

OVERVIEW/SUMMARY: On the recommendation of the Fire Chief and Emergency Management Director, in coordination with the County's municipal Fire Chiefs, a proclamation declaring a State of Local Emergency for Flagler County was executed by the Chair on April 23, 2025.

This proclamation was preceded by an increase in wildfire type calls-for-service by the County's Fire Departments over several weeks. Additionally, on April 23rd the drought index climbed to over 500 (scale of 0-800) and the weather forecast predicted little chance of significant rainfall for the subsequent 7-days.

This State of Local Emergency prohibited any burning within Flagler County (except for outdoor cookers/grills that are monitored by an adult). Discharging fireworks is also prohibited during the emergency period. The Emergency Declaration enables an increased response to any wildfire.

Florida law requires that any State of Local Emergency may be extended every seven (7) days to assure the need for protective actions. The Chair also will execute any appropriate extensions to continue protective actions, including on April 30th if necessary. Should the Chair execute such an extension, it will be presented to the Board at future meetings as a supplement to the agenda back up materials. Florida law also requires that the Board ratify protective actions approved by the Chair, and any such actions will likewise be presented to the Board.

STRATEGIC PLAN: Public Health & Safety

FUNDING INFO: N/A

DEPARTMENT CONTACT: Michael Tucker, Fire Rescue Chief (386) 313-4255
Jonathan Lord, Emergency Management Director (386) 313-4240

RECOMMENDATION: Request the Board ratify the State of Local Emergency and Emergency Administrative Orders executed by the Chair.

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

1. State of Local Emergency and Burn Ban, dated April 23, 2025
2. Draft Extension of Local Emergency and Burn Ban, dated April 30, 2025

FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS
CONSENT / AGENDA ITEM # 7c – Moved to GENERAL BUSINESS ITEM 8c

SUBJECT: Consideration of Land Acquisition Committee Advisory Board Appointments.

DATE OF MEETING: May 5, 2025

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

SUBJECT: Request the Board Declare Items as Surplus, Removal from the County Fixed Assets and Authorize Purchasing to Dispose of Surplus Property Pursuant to the Fixed Asset Policy and Approve the Trade in of Select Items.

DATE OF MEETING: May 5, 2025

OVERVIEW/SUMMARY: Pursuant to the provisions of Chapter 274, Florida Statutes, the Board of County Commissioners must declare items as surplus and authorize the disposal of all tangible personal property, owned by the governmental unit, of a non-consumable nature. The list was sent to the Purchasing Manager to create a master list to present to the Board. Items on this list have exceeded their useful life and will be either sold, used as a trade-in, or exchanged under warranty as outlined on the attached list.

STRATEGIC PLAN:

Focus Area: Effective Government

- Goal 1 – Maintain Financial Stability

FUNDING INFO: Proceeds generated by the sale of surplus property will be deposited into the fund from which the original purchase was funded.

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

RECOMMENDATIONS: Request the Board declare items as surplus, removal from the County's fixed asset inventory and authorize Purchasing to dispose of surplus property pursuant to the Fixed Asset policy.

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

1. Surplus List

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

SUBJECT: Consideration to Amend the FY 2024-2025 Budget to Recognize New Grant Revenue from New FY24/25 Grant with ElderSource, for the Department of Health and Human Services' Senior Services Division in the Amount of \$ \$9,442.40.

DATE OF MEETING: May 5, 2025

OVERVIEW/SUMMARY: The Senior Services Division at Flagler County's Department of Health and Human Services (HHS) provides an array of supportive services to seniors in the community, as well as evaluation and referral to supports available from other service providers. Services are funded by Federal and State grants, matched with local government funds.

HHS seeks to recognize the newly awarded Suppers for Seniors grant funds from Northeast Florida Area Agency on Aging, Inc., d/b/a ElderSource, awarded as of April 1, 2025, and to be expended by December 31, 2025. The newly awarded funding is allocated for the purchase of additional Home Delivered Meals for clients currently on the wait list for Flagler County's Home Delivered Meal Program. This new funding contract was signed by Administration under their approved signature authority; however, it requires the Board to consider and amend the FY2024-2025 Budget.

STRATEGIC PLAN: Focus Area: Public Health & Safety

- Goal 1 – Increase Resident Awareness of Services Available of the Health and Human Services Department.
 - Objective PHS 1.1: Provide a range of educational programs.

FUNDING INFORMATION: Funding in the amount of \$9,443 will be appropriated in the General Fund (Fund 1001) upon approval of the Unanticipated Revenue Resolution.

DEPARTMENT CONTACT: Joe Hegedus, Health & Human Services Director 586-2324 x3626

RECOMMENDATIONS: Request the Board approve the Unanticipated Revenue Resolution.

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

1. Unanticipated Revenue Resolution
2. SFS025- FCBCC Funding Agreement

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

SUBJECT: Consideration of Approval of State Funded Grant Agreement (SFGA) between Flagler County and the Florida Department of Transportation (FDOT) for the design of Old Kings Road South Multi-Use Trail from Flagler/Volusia County Line to State Road 100, FDOT Financial Project No. 438636-2-34-01

DATE OF MEETING: May 5, 2025

OVERVIEW/SUMMARY: Through the FDOT Grant Application process, an application was submitted by the County to the Department for funding to complete the design and permitting for an asphalt shared use path (SUP) along the Shared-Use Non-motorized (SUN) trail network along the east side of Old Kings Road South. The project limits are from the Volusia/Flagler County line to a connection with the existing sidewalk at Old Kings Elementary School, approximately 1,800' south of State Road 100. The project length is approximately 4.2 miles.

FDOT has allocated \$534,706.00 in funding for the design and permitting phase of the project through FDOT's SUN Trail Network Program.

A Work Authorization will be developed under the County's Continuing Contract for Professional Services for Design of Capital Improvement Program projects to complete the design and permitting phase of the project.

STRATEGIC PLAN:

Focus Area: Growth and Infrastructure Objectives

- Goal 1- Provide Quality Fundamental Infrastructure and Assets
 - Objective G1.5: Ensure completion of various engineering projects.
 - M.ID 1.5.15 Begin the design phase of Old Kings Road Trail.

FUNDING INFORMATION: Grant funds in the amount of \$534,706.00, will be appropriated with approval of the Unanticipated Revenue Resolution.

DEPARTMENT CONTACT: Hamid Tabassian, PE, DBIA, County Engineer 386-313-4046

RECOMMENDATION: Request the Board (1) Approve the State Funded Grant Agreement, (2) Adopt the associated Resolution authorizing the Chair to execute the Agreement (3) Request Board to approve the Unanticipated Revenue Resolution (4) amend CIP and authorize County Administrator approval of any project related documents, Work Authorizations and grant agreement amendments within the project overall budget.

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

1. State Funded Grant Agreement (SFGA) 438636-2-34-01
2. Resolution
3. Unanticipated Revenue Resolution
4. Amend CIP

4/14/25 – Requested by County Engineer – Hamid Tabassian

4/17/25 – Approved by Financial Services Director – E. John Brower – MC BE RJR

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

SUBJECT: Consideration of an Increase to the Ring Power Contract #25-023PB for Annual Generator Inspections in the amount of \$20,000.

DATE OF MEETING: May 5, 2025

OVERVIEW/SUMMARY: Staff is seeking Board approval to increase the funding for the Ring Power Contract for annual generator inspections by \$20,000. The original Piggyback Agreement was approved by the Board on November 18, 2024, for \$50,000 annually under contract #23-047PB. This contract number was an error and has since been corrected to #25-023PB.

Since the approval of the contract, we have dealt with setbacks that have caused the original contract amount to be exceeded. Between aging equipment, rising costs and limited availability of parts, necessary repairs, and other circumstances beyond our control, we have incurred unexpected costs for Caterpillar equipment that we need to perform daily operations. The additional funds in the amount of \$20,000 will cover the costs for upcoming inspections of County equipment.

FUNDING INFORMATION: Funding is available in the existing Facilities Management Operating Budgets.

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

RECOMMENDATION: Request the Board approve an increase to the existing Contract #25-023PB from \$50,000 to \$70,000 annually for the remainder of the contract term, expiring November 22, 2026, with an option of one (1) renewal term for one (1) year.

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

1. Ring Power Agreement #25-023PB
2. Change Order Request

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

SUBJECT: Consideration of Approval of Ranking and Award of a General Engineering Consultant Agreement for Request for Statement of Qualifications (RSQ) No. 25-019Q for General Engineering Consultant (GEC) Services.

DATE OF MEETING: May 5, 2025

OVERVIEW/SUMMARY: Use of a GEC consultant will save the County significant time and effort while expediting delivery of projects. GEC consultants also give us access to specialized services and skills, on an as-needed basis that would be too costly and impractical to retain in-house. Having a GEC consulting contract available would allow the County to engage professional consultants quickly, perform planning and conceptual design, expedite project delivery and reduce overall costs that are aligned with the Engineering Department's goal of organizational efficiency and effectiveness. The GEC services vary and include, but are not limited to, civil engineering, structural engineering, mechanical engineering, electrical engineering, architectural, landscape architectural, land surveying, real estate and rights-of-way appraisal, coastal and marine engineering, project management, project controls, grants writing and management, public outreach, construction engineering & inspection (CEI), preliminary design and environmental studies for roadway, facility and beach projects, support to the engineering staff, project budget and schedule management and related services.

On February 5, 2025, Request for Statement of Qualifications (RSQ) No. 25-019Q was issued through the OpenGov Procurement System, seeking proposals indicating team qualifications from qualified proposers to provide General Engineering Consultant (GEC) Services.

Seven (7) submissions were received on March 11, 2025. The evaluation committee evaluated the proposals submitted by the seven (7) responding consultants and submitted ranking on March 27, 2025. Staff is recommending that the County contract with the highest ranked responsive and responsible proposer, HNTB Corporation to provide general engineering consultant (GEC) services on an as-needed basis.

- | | |
|-------------------------------------|-------------------------------|
| 1. HNTB Corporation | 5. EXP U.S. Services, Inc. |
| 2. Kimley-Horn and Associates, Inc. | 6. NV5, Inc. |
| 3. Eisman & Russo, Inc. | 7. Matthews Design Group, LLC |
| 4. Crawford, Murphy & Tilly, Inc. | |

If any work authorizations exceed County Administrator spending thresholds, they will be brought to the Board for approval.

STRATEGIC PLAN:

Focus Area: Growth and Infrastructure

- Goal 1- Provide Quality Fundamental Infrastructure
 - Objective G1-1.2 Make surface transportation improvements
- Goal 2- Protect and Manage Natural Resources
 - Objective EV 2.1.1: Protect and renourish the dunes/beaches

FUNDING INFORMATION: No funding is obligated by awarding a contract for these services. The contract simply provides an agreement mechanism by which the County Engineering can request, on an as-needed basis, consulting services identified in the RSQ, at which time,

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

Engineering Department would negotiate a scope of service and fee for the specific work identified with the contracted firm for that task or project. Funding would be provided by the funding source of the project or activity for which the consulting services are required.

DEPARTMENT CONTACT: Hamid Tabassian, PE, DBIA, County Engineer, 386-313-4046
Robert Rounds, Purchasing Manager, 386-313-4097

RECOMMENDATION: Request the Board approve the Selection Committee's recommended top-ranking firm and authorize the Chair to execute a General Engineering Consultant Agreement, approved as to form by the County Attorney for RSQ No. 25-019Q with the highest ranked responsive and responsible proposer, HNTB Corporation.

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

1. Notice of Intent to Award
2. RSQ 25-019Q Overall Scoring Tabulation
3. GEC Agreement

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

SUBJECT: Consideration and Approval of the following Agreements: 1) Tenth Amendment to the Construction Agreement 23-010B between Flagler County and Eastman Aggregate Enterprises, LLC for Reconstruction of the Northern County Dune Restoration Project in the Amount of \$8,426,354.00 and (2) the Nineteenth Amendment to the Professional Services Agreement 17-0032Q between Flagler County and Olsen Associates Inc. to Foth Infrastructure & Environment, LLC for Construction Engineering and Inspection Services in the Amount of \$432,444.00.

DATE OF MEETING: May 5, 2025

OVERVIEW/SUMMARY: Due to the severe erosion of the dunes along the northern County coastline, an \$8,800,000 emergency dune restoration project is being funded by Florida Department of Environmental Protection (FDEP) Standard Agreement 25FL1 which requires a 50% local match to restore approximately 2.3 miles of dune along the coastline between FDEP Range Monuments R-35.1 to R-47.9. On April 7th, 2025, the FDEP Agreement 25FL1 was approved by the Board of County Commissioners, and the Memorandum of Agreement was adopted by the Board of County Commissioners and the HDOA Board to split the required 50% local share for the project.

Due to the emergent timeline to restore the dunes before the upcoming hurricane season, and considering that Eastman is currently under contract with the County, it is recommended that the Tenth Amendment to the Construction Agreement 23-010B between Flagler County and Eastman Aggregate Enterprises, LLC amends the scope of work and cost for construction services associated with this project and adds \$8,426,354.00 and sixteen weeks, or 112 additional calendar days, to the contract. The project will be constructed by truck-haul using compatible beach material from FDEP approved upland sand mines with an average fill density of approximately 8 cy/ft. Dune vegetation will also be included in the project. This emergency dune restoration project will be authorized under the active EFO from Hurricane Milton.

Additionally, considering time is of the essence and that Foth | Olsen LLC is already working on the final design and specifications for the upcoming Reach 2 beach nourishment project, and that the dune restoration project will be an extension of the dune from the Reach 2 project from Varn Park north to Jungle Hut Park, it is recommended that Amendment Nineteen amend the scope of work and cost to the Foth | Olsen contract for \$432,444.00. This scope of work includes a Lump Sum amount of \$64,804.00 for pre- and post-construction engineering services and reporting, and a Time and Materials - Not To Exceed (T&M,NTE) amount of \$188,136.00 for CEI services and an additional T&M, NTE amount of \$119,446.00 for environmental services. The scope of work will include project layout and coordination, on-going design modifications throughout construction, project monitoring, environmental services with turtle patrol monitoring, and a post-construction report for the project.

All field-based services will be on a Time & Materials basis. Based on previous dune restoration projects with Eastman Aggregate Enterprises, it is anticipated that the project will be completed within a shorter schedule than 16 weeks, therefore, the County has agreed to spend any

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

remaining funds to purchase additional sand on the northern end of the project area. The Scope of Work is described in more detail in "Exhibit A".

A memorandum is attached hereto, further explaining the procurement of the contractor and professional services under the emergency powers of the County pursuant to the Local State of Emergency due to Hurricanes Matthew, Ian, and Nicole.

STRATEGIC PLAN:

Focus Area: Growth and Infrastructure

- Goal 2- Protect and Manage Natural Resources
 - Objective EV 2.1.1: Protect and renourish the dunes/beaches

FUNDING INFORMATION: FDEP Agreement 25FL1 will fund \$4,400,000 and \$ 4,400,000 will come from TDC funds (Fund 1111 - \$2,000,000) and ½ Cent Discretionary Sales Tax (Fund 1311 - \$200,000) and the Hammock Dunes Owners Association will provide \$2,200,00 in accordance with the MOA between Flagler County and Hammock Dune Owners Association. This funding was approved at 4/7/25 BOCC Meeting (7q).

DEPARTMENT CONTACT:

Hamid Tabassian, PE, DBIA, County Engineer (386) 313-4046
Ansley Wren-Key, Ph.D., Coastal Engineering Administrator 386-313-4112;

RECOMMENDATIONS: Request the Board approve Tenth Amendment to the Construction Agreement 23-010B with Eastman Aggregate Enterprises, LLC in the amount of \$8,426,354.00 and Nineteenth Amendment to the Professional Services Agreement 17-0032Q between Flagler County and Olsen Associates Inc. to Foth Infrastructure & Environment, LLC in the amount of \$432,444.00.

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

1. Tenth Amendment to Agreement 23-010B with Eastman Aggregate Enterprises, LLC
2. Nineteenth Amendment to the Professional Services Agreement 17-0032Q between Flagler County and Olsen Associates Inc. to Foth Infrastructure & Environment, LLC
3. Memorandum of County Attorney Regarding Procurement

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

SUBJECT: Consideration of a Space/Use Agreement between Flagler County and Olga's Hair Design, LLC for Office Space in a County facility located at 269 Old Moody Boulevard, Flagler Executive Airport.

DATE OF MEETING: May 5, 2025

OVERVIEW/SUMMARY Olga's Hair Design, LLC desires to continue leasing 1,050 sq. ft. of office space located in the Triangle Air Business Park. The office space will continue to be utilized for operations associated with a hair salon and associated services. Olga's Hair Salon has been a tenant of the Flagler Executive Airport for 11 years and is in good standing.

The Space/Use Agreement for the Board's consideration and approval is for an initial term of three (3) years with a provision to renew for two (2) additional one (1) year terms. The lease payment is \$1,050.00, with an additional \$87.50 per month for Common Area Maintenance. The lease rate will be adjusted annually by three percent (3%).

STRATEGIC PLAN:

Focus Area: Economic Vitality,

- Goal 2- Diversify the Tax Base to Improve the Local Economy
 - Objective EV 2.4: Expand facilities and attract aviation related businesses to the Flagler Executive Airport.

FUNDING INFORMATION: This lease revenue was anticipated during the FY24/25 budget process (Space Use Agreements,1401-001-0000-344100-340-00-000-000-344114 and CAM 1401-001-0000-344100-340-00-000-000-344117 / F-AP00012-LOCAL-SERV).

DEPARTMENT CONTACT: Roy Sieger, Airport Director (386) 313-4220

RECOMMENDATION: Request the Board approve the Space/Use Agreement for the County facility located at 269 Old Moody Boulevard, Flagler Executive Airport to Olga's Hair Design, LLC

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

1. Proposed Space/Use Agreement, with Exhibits A & B

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

SUBJECT: Consideration of Award Piggyback Agreement 25-PB-062 to Karl N. Flagg Serenity Memorial Chapel, Inc. utilizing Putnam County Agreement per RFP 25-11.

DATE OF MEETING: May 5, 2025

OVERVIEW/SUMMARY: Staff are seeking authorization to piggyback on the Putnam County Board of County Commissioner's agreement with Karl N. Flagg Serenity Memorial Chapel, Inc., per Request for Proposal (RFP) #25-11 for Transportation of Cadavers.

The Karl N. Flagg Serenity Memorial Chapel has been actively servicing Flagler County for these needs since June 16, 2021. This vendor has an active agreement with the Putnam County Board of County Commissioners, which was executed formally by acceptable procurement practices and statutes and is active until April 7, 2028.

The new contract represents an increase of \$35 per transport, increasing from \$525 to \$560. In FY 2023 we had 134 transports, in FY 2024 we had 106 transports, and so far, 49 transports have been completed in FY 2025.

STRATEGIC PLAN: Focus Area: Public Health and Safety

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

FUNDING INFORMATION: Funding for this contract in the amount of \$70,000 is included in the FY 2024-25 Budget within the Pooled Expenditures division of the General Fund.

RECOMMENDATION: Request the Board approve award of the Piggyback Agreement 25-PB-062 for Transportation of Cadaver Services, through April 7,2028, and authorize the Chair to execute the Agreement as approved as to form by the County Attorney and approved by the County Administrator, in the annual not-to-exceed amount of \$100,000.

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

1. Contract
2. Putnam County Contract 25-11

FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS
CONSENT/ AGENDA ITEM # 71

SUBJECT: Consideration of Piggyback Agreement with Boulevard Tire Center as an Approved Vendor Under Florida Sheriffs Association Cooperative Contract FSA25-TRS27.0 for Tires for Fire & Rescue Vehicles & Equipment.

DATE OF MEETING: May 5, 2025

OVERVIEW/SUMMARY: This contract is being brought to the Board for consideration and approval because this cooperative purchase (also known as a “piggyback”) has the likelihood of exceeding \$250,000, which is above the County Administrator’s approval authority, and it may be utilized over multiple years. A cooperative purchase means the County is relying on the procurement procedures of another public entity that has already procured the goods or services needed by the County. Through the piggybacking process, the County can use the pricing negotiated by other public entities through their competitive procurement procedures. Using these cooperative contracts reduces the administrative burden of purchasing, expedites the purchasing process, and can achieve price-saving advantages from purchasing off a contract created by an agency with greater purchasing power. In each case, the other public entity’s contract is made an exhibit to the County’s contract which has Flagler-specific terms.

Vendor	Annual Spend Request (Not to Exceed)	Term of Contract
Boulevard Tire Center	\$250,000	March 31, 2027

STRATEGIC PLAN:

- Focus Area: Effective Government
 - Goal 1 – Maintain Financial Stability

FUNDING INFORMATION: Funding for this contract is included within various budgets utilized by multiple departments. The above requested annual spending can only be spent if budget is available.

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

RECOMMENDATION: Request the Board approve the piggyback agreement with the Boulevard Tire as Approved Vendor Under Florida Sheriffs Association Cooperative Contract FSA25-TRS27.0 for Tires for Fire & Rescue Vehicles, Boats & Equipment in an annual amount not to exceed \$250,000.00.

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

1. Cooperative Purchase Agreement with Boulevard Tire Center

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

SUBJECT: Consideration of Approval of State Funded Grant Agreement # FM987 between the Florida Department of Financial Services and Flagler County for the new Administration Fire Rescue Station Facility #50 (Formerly Fire Rescue Station Facility #62) construction in the Amount of \$10,000,000.00.

DATE OF MEETING: May 5, 2025

OVERVIEW/SUMMARY: Fire Station #50 will serve as the new Flagler County Administration headquarters and Fire Rescue Station. The facility will be located on the County owned property located at 1600 Old Moody Blvd., Bunnell, Florida 32110. The new Fire Rescue Station will include the construction of an approximately ±19,000 square foot building having four (4) vehicle apparatus bays, administrative offices, training rooms, along with various support infrastructure, storage, kitchen, laundry and gear areas.

Staff are seeking approval of the State Funded Grant Agreement and authorization from the Board for the Chair to execute the State Funded Grant Agreement.

FUNDING INFORMATION: Grant funds in the amount of \$ 10,000,000 are included in the FY 2024-25 Budget within the General Capital Project Fund (Fund 1316).

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.
 - Objective GI 1.2: Expand and improve infrastructure to support commercial/ industrial and residential growth.

DEPARTMENT CONTACTS: Hamid Tabassian, PE, DBIA, County Engineer, 386-313-4046
Richard Zion, P.E., P.G., Asst. County Engineer, 386-313-4051

RECOMMENDATION: Request the Board approve the State Funded Grant Agreement, adopt the Resolution authorizing the Chair to execute the agreement between Flagler County Board of County Commissioners and the Florida Department of Financial Services for construction of the Flagler County Fire Rescue Administration Facility in the amount of \$10,000,000.

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

1. Copy of the State Funded Grant Agreement for execution
2. Proposed Resolution to execute the State Funded Grant Agreement

**FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS
PUBLIC HEARING/AGENDA ITEM #8b**

SUBJECT: QUASI-JUDICIAL – Project No. 2024110031 – Request for an Appeal of the Planning and Development Board’s Decision Approving a Variance from the Minimum Required Rear Setback, Minimum Required Streetside (West) Setback, and Maximum Lot Coverage Requirement for a Proposed Pool, Pool Deck, and Pump House, Subject to the Condition that the Pump House be within the Walled-in Area of the Pool and Pool Deck, and with its Height not to Exceed Four (4) Feet in the R/C (Residential/Limited Commercial) District at 3 Pelican Lane. Parcel Number: 23-11-31-5300-00000-0130; 7,500+/- square feet (0.17+/- acres). Owners: Raymond R. Royer, Jr., and Janice L. Paxson/Appellant: Raymond R. Royner, Jr. (AR No. 5518).

DATE OF MEETING: May 5, 2025

OVERVIEW/SUMMARY: This request is quasi-judicial in nature and requires disclosure of ex parte communication.

An appeal has been filed by the Owner on March 11, 2025 related to the Planning and Development Board’s Variance approval for pool, pool deck, and pump house at 3 Pelican Lane, specifically on the condition imposed by the Planning and Development Board that the pump house be located within the walled-in area of the pool and pool deck, and with its height not to exceed four (4) feet.

Specifically, the Appellant/Owner’s appeal requests:

“The pool pump house/shed was submitted and was denied and granted for a 4x4x4 wick[sic] is [im]possible to house my required equipment being purchased. The pump house was a 72 sqft block build and after legal counsel I might wish to upgrade to a 92-101 sqft building. The County adding 10’ set back to this application is overreach on the River Beach Subd. Covenants of 1959 and our community to revise as mentioned in State Statute of 2022...”

**FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS
PUBLIC HEARING/AGENDA ITEM #8b**

The subject parcel lies on the North side of Pelican Lane, East of Mockingbird Lane):



The Variance application request to place pool, pool deck, and pump house within the left streetside setback at 3 was initially reviewed at the Planning and Development Board’s January 14, 2025, meeting before being continued by the Board to the February 11, 2025, meeting pending additional information from Staff and the Applicant.

In addition to the pool related variance requests, the initial application also included variance requests to bring the existing non-conforming single-family dwelling into conformance. Currently, the existing dwelling is a “grandfathered” structure encroaching into the front, rear, and west side setbacks. The additional variance requests for the non-conforming dwelling were intended to allow the Owner the opportunity to rebuild the dwelling within the setbacks should disaster damage the home. However, as a non-conforming structure, the dwelling would have to be rebuilt within the current Land Development Code setback requirements should it ever face damages calculated to be more that 50 percent of its value.

**FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS
PUBLIC HEARING/AGENDA ITEM #8b**

Prior to making its decision, the Planning and Development Board heard from staff, the applicant, and a concerned neighbor. The Chair inquired about the height of the proposed pump house, to which the Owner clarified would be a 10-foot-tall block structure. Board members were concerned that the structure was taller than necessary for a pump house and therefore not the minimum relief necessary, a requirement of variance requests. The neighbor's concerns included the proximity of the existing dwelling to the vacant lot to the north, the zero foot setbacks to the pool, pool deck, and pump house if the variances were granted, as well as drainage and the current condition of Mockingbird Lane.

The Board discussed if there were any alternatives to the location of the pump house other than directly on the property line and unanimously voted to continue to the request to the February 11, 2025 meeting on the basis that additional information was needed from staff or the applicant, and that based on the presentation and the public hearing, the Board did not have sufficient information to render a decision on the request. The Board also suggested that the applicant modify his request based on the issues raised.

Prior to the February 11, 2025, meeting, the Owner amended his application to remove the requests for the non-conforming dwelling and to shift the proposed location of the pump house three feet East off the property line as compared to directly on the property line as originally reviewed at the January 14, 2025, meeting and reduced the proposed height to eight (8) feet.

During his presentation at the February 11, 2025, meeting, the Owner clarified that the pump house could not be located directly adjacent to the dwelling citing fire concerns as the northwest corner of the dwelling is comprised of wood-framing rather than block.

The Board again inquired as to the necessity of an eight (8) foot tall pump house to which the applicant responded was needed to store outdoor furniture during the hurricane season.

Additionally, two neighbors spoke in favor of the variance request.

The Chair then inquired of staff if the Board could only approve the application as a whole or if they can approve parts of the application and not approve others. Staff affirmed that they could address the four variances as separate requests or condition any of the approvals further.

The Planning and Development Board voted unanimously to approve the variance requests with one condition:

The Planning and Development Board finds that all the variance criteria as listed in the guidelines at Land Development Code Section 3.07.03.E have been met and therefore approves Project No. 2024110031 for 3.49 foot rear

**FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS
PUBLIC HEARING/AGENDA ITEM #8b**

(North) variance from the minimum required 10 foot rear setback for a pool and pool deck, a 25 foot left streetside (West) variance from the minimum required 25 foot streetside setback for a pool and pool deck, a 22 foot left streetside (West) variance from the minimum required 25 foot streetside setback for a pump house, and 0.82 percent lot coverage variance from the maximum allowed 35 percent lot coverage at 3 Pelican Lane (Parcel No. 23-11-31-5300-00000-0130), subject to the following condition:

1. The pumphouse is to be within the boundaries of the block wall (pool barrier) and not taller than 4 feet in height.

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 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**
- 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 applicant’s site plans, which are 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 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

**FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS
PUBLIC HEARING/AGENDA ITEM #8b**

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 are reflected in the technical staff report attached to this report.

The Appellant’s appeal request claims that the four (4) foot height limitation imposed on the pump house deprives him of his use of the pump house and that he may wish to expand its design. However, the final paragraph of the Variance guidelines listed above states, “**A variance, if granted, shall be the minimum variance necessary to alleviate the hardship.**” (Emphasis added). The Planning and Development Board’s intent with the imposed condition was to ensure that variance granted was the minimum variance necessary to alleviate the hardship, space for a pump house but arguably not for lawn furniture.

Additionally, the Appellant claims that the County added a 10-foot setback in the River Beach Subdivision, assumingly to the rear, and is “overreach”. The 10-foot rear setback is the requirement of the R/C Zoning District which has been in place on this property since the adoption of the Land Development Code in 1991.

This agenda item is:

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

**FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS
PUBLIC HEARING/AGENDA ITEM #8b**

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 Variances for the Pool, Pool Deck, and Pump House in the R/C (Residential/Limited Commercial Use) District at 3 Pelican Lane. With this course of action, the Board of County Commissioners will be **OVERTURNING** the decision of the Planning and Development Board's condition to limit the height of the proposed Pump House to Four (4) Feet.
2. DENY the Appeal request, upholding the Planning and Development Board's approval of the Variance– along with the condition to limit the height of the proposed Pump House to Four (4) Feet at 3 Pelican Lane. 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 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.

**FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS
PUBLIC HEARING/AGENDA ITEM #8b**

4. CONTINUE the Board of County Commissioners' review of the appeals 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 attachment listed below.](#)

1. Application for Appeal of Planning and Development Board's Decision
2. Planning and Development Order
3. Planning and Development Board regular meeting minutes
 - a. January 14, 2025, regular meeting minutes (in part)
 - b. February 11, 2025, regular meeting minutes (in part)
4. Planning and Development Board Agenda and Backup
 - a. January 14, 2025, Staff Report and Backup (in part) link to:
 - b. February 11, 2025, Staff Report and Backup (in part) link to:
5. Public Notice

FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS
CONSENT / AGENDA ITEM # 7c – Moved to GENERAL BUSINESS ITEM 8c

SUBJECT: Consideration of Land Acquisition Committee Advisory Board Appointments.

DATE OF MEETING: May 5, 2025

OVERVIEW/SUMMARY: The Commission has received applications for reappointment from Ms. Susan Anderson and Ms. Anne Wilson and an application for appointment from Charles Cowart. All are Flagler County residents and registered voters.

Function: Serves as an advisory board to the Board of County Commissioners on issues involving the acquisition and management of environmentally sensitive lands, recreation and water recharge areas.

Membership: Seven (7) members appointed by the Board. Must file a Disclosure of Financial Interests Form annually.

Appointment Terms: 3-year terms

Consideration: When selecting members the BOCC will strive to balance the LAC's membership experience. Preferred consideration will be given to the applicants with relevant experience and expertise in planning, real estate and biology or geo-sciences. The BOCC will also consider an applicant's geographic residence in Flagler County in order to ensure the Committee represents all areas of the County.

Meeting Information: Meets quarterly the 2nd Monday of the month @ 3:30 p.m. in the First Floor Conference Room, Government Services Building.

Staff Liaison: Erick Revuelta 386-313-4446 ERevuelta@FlaglerCounty.gov

Current Appt - Expiration	Member
03/21/2022 – 03/21/2025	Ms. Susan Anderson (Appt 03/21/2022)
05/06/2022 – 05/06/2025	Ms. Anne Wilson (Appt 05/06/1996)
10/03/2022 – 10/03/2025	Mr. Carl Laundrie (Appt 10/03/2022)
03/04/2024 – 03/04/2027	Ms. Elayne Byrd (Appt 02/01/2021)
03/04/2024 – 03/04/2027	Ms. Jane Davis (Appt 06/21/2021)
05/07/2024 – 05/07/2027	Ms. Ann Moore (Appt 04/20/2009)
02/10/2025 – 02/01/2028	Ms. Brynn Newton (Appt 02/06/1986)

Vacancies are advertised on the County's website, www.FlaglerCounty.gov. If additional applications are received, they will be presented to the Board prior to the meeting.

DEPARTMENT CONTACT: Mike Dickson, General Services Director 386-313-4020

RECOMMENDATION: Request the Board select two members (applicants Ms. Susan Anderson, Ms. Anne Wilson, Mr. Charles Cowart) to serve on the Land Acquisition Committee Advisory Board for a three-year term from May 6, 2025, to May 6, 2028.

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

1. Reappointment Application – Ms. Susan Anderson
2. Reappointment Application – Ms. Anne Wilson
3. Application – Mr. Charles Coward (Requested consideration on 04/28/2025)

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

SUBJECT: LEGISLATIVE – Request for Review and Recommendation to the Board of County Commissioners on the Amendment to the Floodplain Management Ordinance.

DATE OF MEETING: May 5, 2025

OVERVIEW/SUMMARY: This request is legislative in nature and does not require disclosure of ex parte communication. The State’s Bureau of Mitigation in the Division of Emergency Management has informed the County of necessary amendments to the County’s Floodplain Management Ordinance to remain consistent with Federal and State requirements. These regulations were last amended in 2018.

These amendments for the most part amend the floodplain requirements related to mobile homes (referred to as manufactured homes). With the adoption of these amendments, the County will be able to meet prerequisites under the Community Rating System (CRS) Program to retain its Class 6, which carries with it substantial premium discounts to parcel owners who purchase flood insurance.

Public notice has been provided for this application according to Sec. 125.66.

This agenda item is:

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

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

ADOPT the Amendment to the Floodplain Management Ordinance on first reading.

NOT ADOPT the Amendment to the Floodplain Management Ordinance on first reading.

CONTINUE the Amendment to the Floodplain Management Ordinance on first reading on the basis that additional information is needed from staff. Based on the presentation and the public hearing, the Board does not have sufficient information to be able to approve the ordinance on first reading. Continuing the Board’s review of the draft ordinance to a time and date certain will preserve public notice and provide an opportunity for staff to provide additional information.

If approved on first reading, second reading and adoption of the Amendment to the Floodplain Management Ordinance will occur at the Board’s May 19th, 2025, meeting at 5:30 p.m. or as soon thereafter as the matter may be heard.

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

1. Draft Ordinance
2. Public notice

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

SUBJECT: Adoption of a Resolution to Vacate a Portion of the Plat of the Plantation Bay Section 2 A-F, Unit 8 consisting of a 7.5 foot wide Drainage Easement on lot 13 in the PUD (Planned Unit Development) Zoning District – Cheryl L. Armstrong & Craig R. Armstrong, Husband and Wife – 331 Stirling Bridge Drive; Parcel No.: 09-13-31-5120-2AF08-0130.

DATE OF MEETING: May 5, 2025

OVERVIEW/SUMMARY: The County has received a petition from Craig and Cheryl Armstrong, parcel owners, seeking the partial vacation of the shared 15 foot shared drainage easement located between lots 13 and 14, as depicted on the plat of Plantation Bay Section 2 A-F, Unit 8 as recorded in Map Book 39, Pages 44 through 51, of the Public Records of Flagler County, Florida. The Property Appraiser’s aerial depicts:



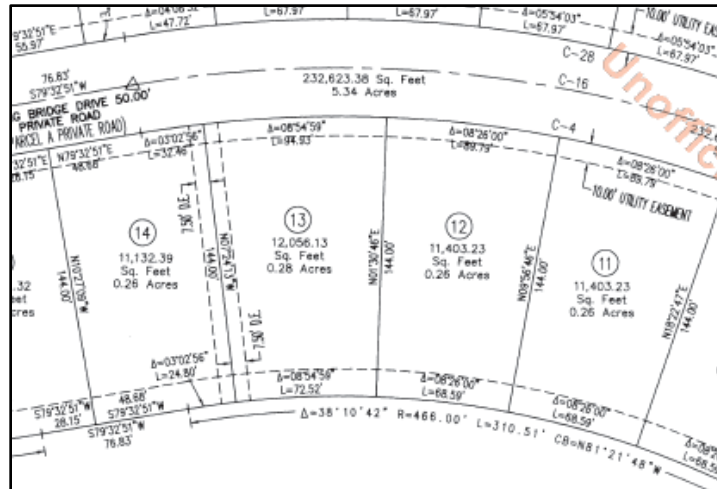
Specifically, the Armstrongs are requesting a partial vacation of their 7.5 foot portion of the shared 15 foot common easement between lots 13 and 14. This is an after-the-fact request due to an encroachment of a pool deck into the easement. A pool deck permit was approved/issued on August 23, 2023 with a proposed 7' 8" setback, however when the final survey was received the deck measured at 7' 4", which is a 2" encroachment into 7' 6" platted drainage easement. The portion they seek to vacate can be described as

“COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 13, THENCE RUN S 07°12'13" E ALONG THE WEST LINE OF LOT 13, A DISTANCE OF 144.00 FEET TO THE SOUTHWEST CORNER OF LOT 13, THENCE RUN N 83°03'27" E ALONG THE S LINE OF LOT 13, A DISTANCE OF 7.50 FEET, THENCE RUN N 07°24'13" W A DISTANCE OF 17.17 FEET TO THE POINT OF BEGINNING, THENCE RUN S 87°03'43" W, A DISTANCE OF 0.20 feet, THENCE RUN N 02°33'48" W A DISTANCE OF 2.34

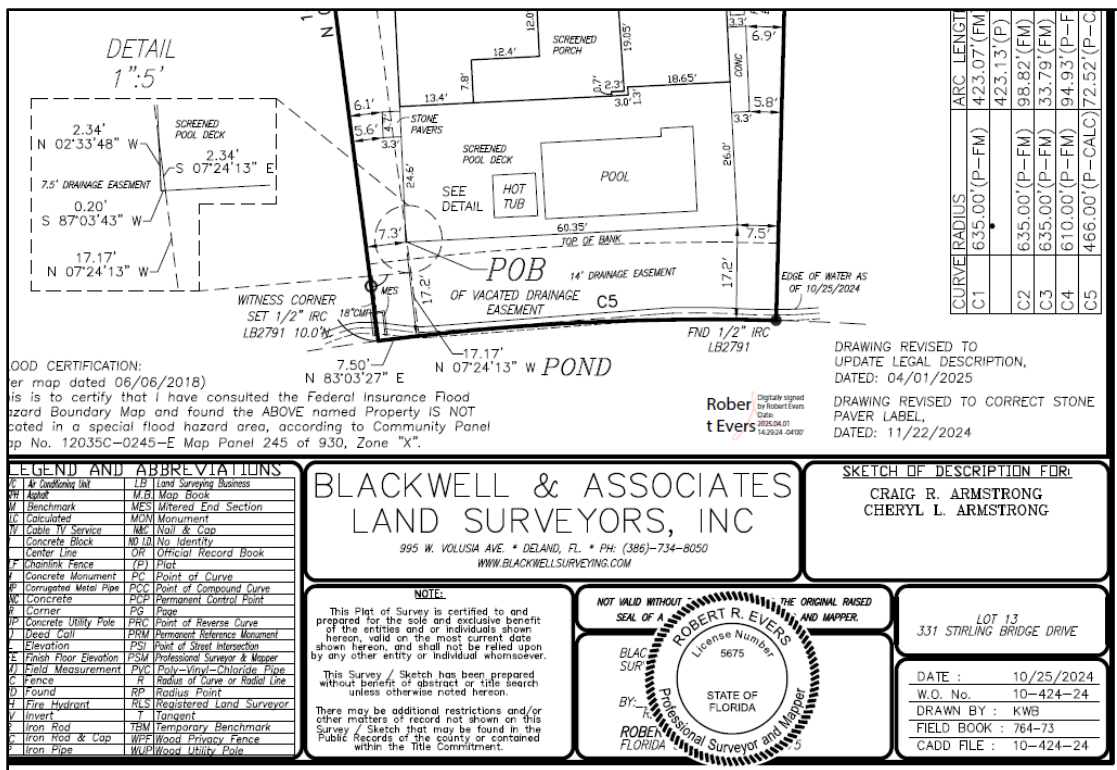
**FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS
PUBLIC HEARINGS / AGENDA ITEM #**

FEET, THENCE RUN S 07'24'13" E, A DISTANCE OF 2.34 FEET TO THE POINT OF BEGINNING" as provided by Blackwell & Associates Land Surveyors, Inc. on the final survey signed and sealed on April 1, 2025 by Robert R. Evers.

The plat depicts Lot 13 as follows:



The following excerpt from the survey depicts the encroachment and details portion of the easement seeking vacation:



The statutory guidance for plat vacations is primarily limited to ensuring that continued access is provided following any plat vacation:

**FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS
PUBLIC HEARINGS / AGENDA ITEM #**

“The governing bodies of the counties of the state may adopt resolutions vacating plats in whole or in part of subdivisions in said counties, returning the property covered by such plats either in whole or in part into acreage. Before such resolution of vacating any plat either in whole or in part shall be entered by the governing body of a county, it must be shown that the persons making application for said vacation own the fee simple title to the whole or that part of the tract covered by the plat sought to be vacated, and it must be further shown that the vacation by the governing body of the county will not affect the ownership or right of convenient access of persons owning other parts of the subdivision.” (s. 177.101(3), Florida Statutes).

The County’s Land Development Code provides:

“The owner(s) of any land within an existing approved plat may request BOCC approval to vacate that portion of the plat which is owned by the applicant(s). If the existing plat includes a plat agreement/amendment, a portion of the original plat cannot be vacated without the consent of all current property owners within the plat. The vacating of public streets/rights-of-way and easements within a plat is subject to state statutes and county ordinances. Plats, or portions thereof, cannot be vacated without the consent of the appropriate utilities or regulatory agencies.” (Sec. 4.08.03. – Vacating plats, Flagler County Land Development Code).

All respective utility providers – Florida Power & Light and Florida Governmental Utility Authority – have consented to the partial vacancy. Additionally, Tomoka Community Development District has also provided a letter of no objection, as the encroachment into the easement would not preclude the district from performing repairs or replacement if necessary.

Public Notice: Public notice has been provided in accordance with Section 2.07.00 of the LDC, and consistent with Section 177.101, Florida Statutes.

DEPARTMENT CONTACT: Planning & Zoning, Adam Mengel (386) 313-4065

RECOMMENDATION: Request the Board adopt the resolution for the partial vacation of easement lying on Lot 13, according to the Plat of Plantation Bay Section 2 A-F Unit 8, Map Book 39, Pages 44-51, of the Public Records of Flagler County, Florida.

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

1. Resolution
2. Petition to Vacate and related documents, including consent letter from the Tomoka Community Development District
3. Public Notice