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: National Senior Citizens Day – August 21, 2019
   4c) Presentations:
      1) Care Connect – A Community Health and Organization and Platform (Presented by Jason Barrett, President and CEO, Flagler Health Plus)
      2) Mental Health Statistics in Flagler County (Presented by Lynette Shott, Flagler County Schools, Student and Community Engagement Executive Director)
      3) SMA Healthcare Overview of Services (Presented by Ivan Cosimi, SMA Healthcare)
      4) Next Door (Presented by Julie Murphy, Public Information Officer)

5. 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.

6. Consent: Constitutional Officers:
   Clerk:
   6a) Bills and Related Reports: Request the Board approve the report(s) of funds withdrawn from County depositories by the Flagler County Clerk of the Circuit Court and the Revenue Collected Report presented in compliance with the provisions of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 July 26, 2019
      2) Disbursement Report for Week Ending August 2, 2019
   6b) Approval of Board Meeting Minutes: Request the Board approve the minutes from the following Meetings:
      1) July 15, 2019 Regular Meeting

7. Consent: BOCC Departments:
   7-a) Ratification of Flagler County Emergency Proclamations Extending the State of Local Emergency – Hurricane Matthew: Request the Board ratify the Proclamations Extending the State of Local Emergency for Hurricane Matthew. (Submitted by Jonathan Lord, Emergency Management Chief)
7-b) **Ratification of Flagler County Emergency Proclamations Extending the State of Local Emergency – Hurricane Irma:** Request the Board ratify the Proclamations Extending the State of Local Emergency for Hurricane Irma. *(Submitted by Jonathan Lord, Emergency Management Chief)*

7-c) **Partnership Agreement between Flagler County and State of Florida Department of Agriculture and Consumer Services’ Florida Forest Service:** Request the Board approve the Partnership Agreement with the Florida Forest Service and authorize the County Administrator to execute any instruments necessary to effectuate the process, as approved to legal form by the County Attorney. *(Submitted by Tim Telfer, Public Lands and Natural Resource Manager)*

7-d) **Rescheduling of Rezoning from R/C to PUD for the Beachwalk PUD (Application #3150) and the PUD Site Development Plan (Application #3158) from August 19, 2019 to September 16, 2019:** The Board approves the rescheduling of the public hearing for the rezoning from R/C to PUD for the Beachwalk PUD (Application #3150) and the PUD Site Development Plan (Application #3158) to September 16, 2019 at 5:30 p.m. and directs staff to complete the required public notice. *(Submitted by Adam Mengel, Planning Director)*

7-e) **Consideration of Resolution to Change a Road Name from Old A1A to Hammock Preserve Lane:** Request the Board approve the Resolution to change the road name of Old A1A to Hammock Preserve Lane. *(Submitted by Jarrod Shupe, Chief Information Officer)*

7-f) **Consideration of Fiscal Year 2018-19 Budget Transfer for the Municipal Services Fund (180):** Request the Board approve budget transfer #19-132 in the amount of $4,606 for the Municipal Services Fund (180). *(Submitted by Lauren Shank, Budget Analyst)*

7-g) **Appointment of Dawn Morton as a Flagler County Animal Control Officer:** Request the Board appoint Dawn Morton as a Flagler County Animal Control Officer. *(Submitted by Sean Moylan, Assistant County Attorney)*

7-h) **Consideration of Change Order to Purchase Order 26153 In the Amount of $5,000 to the City of Flagler Beach for the Annual July 4th Fireworks Display:** Request the Board approve the increase of $5,000.00 to purchase order 26153. *(Submitted by Amy Lukasik, Interim Tourism Development Director)*

7-i) **Establish a Flagler County 2020 Complete Count Committee:** Request the Board approve a Resolution creating the Flagler County 2020 Complete County Committee.

7-j) **FY 2021 $500,000 Public Library Construction Grant Application and Resolution:** Request the Board approve the 2020 Public Library Construction Grant Application and Resolution in support of Flagler County Public Library’s construction of the Bunnell Library and Administrative Headquarters.

7-k) **Consideration of Agreement with The Crawford Group, Inc. for a Tourism Production and Sponsorship Package in the Amount of $30,150.00:** Request the Board approve agreement with The Crawford Group, Inc. for Production and Sponsorship Package in the amount of $30,150.00 and authorize the County Administrator to execute all necessary documents associated with accepting and implementing, including any amendments of said agreement as approved to form by the County Attorney.

7-l) **Ratification of Purchase Orders:** Request the Board approve the ratification of Purchase Orders 26477, 26701, 26987 and 26988.
8. **General Business:** Presentations limited to 15 minutes with public comments limited to 3 minutes per speaker.

8-a) **Contractor Review Board Appointments:** Request the Board approve the reappointment of Mr. William Dudley, Jr. in the category of “Licensed Electrical Contractor” and consider the reappointment of Mr. Luis Medeiros or appointment of Mr. Daniel Priotti in the category of “Licensed General, Building or Residential Contractor” on the Contractor Review Board for a four-year term. *(Submitted by Mari Davis, Administration Department)*

8-b) **QUASI-JUDICIAL – Application #3178 – Request for Final Plat Approval and Acceptance of a Performance Bond and Maintenance Bond for Surfview at Matanzas Shores Subdivision. Owner: Surfview, LLC; Agent: Ken Atlee, Duval Realty Trust, LLC:** Request the Board approve Application #3178, Final Plat for Surfview at Matanzas Shores, finding that the proposed final plat is consistent with Chapter 177 of Florida Statutes, the Flagler County Comprehensive Plan, the Flagler County Land Development Code, and the Surfview at Matanzas Shores PUD, and accept the performance bond in the amount of $40,625.00 and the maintenance bond in the amount of $19,291.20. *(Submitted by Adam Mengel, Planning Director)*

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

9-a) **An Ordinance Amending Chapter 5, Flagler County Code of Ordinances, Related to Animals:** Approve the Ordinance amending Chapter 5 of the County Code related to animals. *(Submitted by Sean Moylan, Assistant County Attorney)*

9-b) **An Ordinance Amending Article I, Chapter 13, Flagler County Code of Ordinances, Prohibiting the Destruction and Removal of Natural Resources and the Unauthorized Use of Public Lands:** Approve the Ordinance amending Article I, Chapter 13 of the County Code prohibiting unauthorized use and the destruction of natural resources on County-owned lands. *(Submitted by Sean Moylan, Assistant County Attorney)*

9-c) **An Ordinance Amending Article I, Chapter 23, Flagler County Code of Ordinances, Regulating the Use of County Parks:** Approve the Ordinance amending Article I, Chapter 23 of the County Code regulating the use of County Parks. *(Submitted by Sean Moylan, Assistant County Attorney)*

10. **Additional Reports and Comments:**

10-a) **County Administrator Report/Comments**

10-b) **County Attorney Report/Comments**

10-c) **Commission Action**

10-d) **Community Outreach:** This thirty-minute time period has been allocated for public comment for items not of 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-e) **Commission Reports/Comments**
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.
A PROCLAMATION OF THE
FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS
RECOGNIZING AUGUST 21, 2019 AS
“NATIONAL SENIOR CITIZENS DAY” IN FLAGLER COUNTY

WHEREAS, throughout our history, older people have achieved much for our families, our communities, and our country. That remains true today, and gives us ample reason this year to reserve a special day in honor of the senior citizens who mean so much to our land; and

WHEREAS, with improved health care and more years of productivity, older citizens are reinforcing their historical roles as leaders and as links with our heritage and sense of purpose as individuals and as a Nation. Many older people are embarking on second careers, providing younger Americans a fine example of responsibility, resourcefulness, competence, and determination. And more than 48 million senior citizens are serving as volunteers in various programs and projects that benefit every sector of society. Wherever the need exists, older people are making their presence felt -- for their own good and that of others; and

WHEREAS, for all they have achieved throughout life and for all they continue to accomplish, we owe older citizens our thanks and a heartfelt salute. We can best demonstrate our gratitude and esteem by making sure that our communities are good places in which to mature and grow older -- places in which older people can participate to the fullest and can find the encouragement, acceptance, assistance, and services they need to continue to lead lives of independence and dignity; and

WHEREAS, the Congress, by House Joint Resolution 138, designated August 21, 1988, as the first “National Senior Citizens Day” and authorized and requested the President to issue a proclamation in observance of this event; and

WHEREAS, Ronald Reagan, President of the United States of America proclaimed August 21, 1988, as National Senior Citizens Day and called upon the people of the United States to observe this day with appropriate ceremonies and activities.

NOW THEREFORE, BE IT PROCLAIMED BY THE FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS that they hereby declare August 21, 2019 as “National Senior Citizens Day” in Flagler County, and ask that all remember the positive contributions senior citizens have made in their communities.

Adopted this 19th day of August 2019.

ATTEST:                 FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS
Tom Bexley, Clerk of the Donald T. O’Brien, Jr.
Circuit Court and Comptroller   Chair
Invoices Processed for week ending 07/26/2019

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"?" G = Grant supported expenditure; Note: "in-kind" or "match" to grants are not annotated
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**G** = Grant supported expenditure; Note: "in-kind" or "match" to grants are not annotated
## Flagler County Board of Commissioners - Disbursement Report Required per F.S. 136.06

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## Disbursement Report

**Flagler County Board of Commissioners - Disbursement Report Required per F.S. 136.06**

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"?" G = Grant supported expenditure; Note: "in-kind" or "match" to grants are not annotated
### Invoices Processed for week ending 07/26/2019

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*?* G = Grant supported expenditure; Note: "in-kind" or "match" to grants are not annotated
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**"?" G = Grant supported expenditure; Note: "in-kind" or "match" to grants are not annotated**
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*"?" G = Grant supported expenditure; Note: "in-kind" or "match" to grants are not annotated*
## Flagler County Board of Commissioners - Disbursement Report Required per F.S. 136.06
### Invoices Processed for week ending 07/26/2019

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**Total** 3,746,553.94

*"?" G = Grant supported expenditure; Note: "in-kind" or "match" to grants are not annotated*
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*"G" = Grant supported expenditure; Note: "in-kind" or "match" to grants are not annotated*
Flagler County Board of Commissioners - Disbursement Report Required per F.S. 136.06
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## Flagler County Board of Commissioners - Disbursement Report Required per F.S. 136.06

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*?” G = Grant supported expenditure; Note: "in-kind“ or "match" to grants are not annotated
Flagler County Board of Commissioners - Disbursement Report Required per F.S. 136.06
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*"?" G = Grant supported expenditure; Note: "in-kind" or "match" to grants are not annotated*
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*?* G = Grant supported expenditure; Note: "in-kind" or "match" to grants are not annotated
Date: 08/07/2019

**Invoices Processed for week ending 08/02/2019**

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*?* G = Grant supported expenditure; Note: "in-kind" or "match" to grants are not annotated
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Flagler County Board of Commissioners - Disbursement Report Required per F.S. 136.06

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"?" G = Grant supported expenditure; Note: "in-kind" or "match" to grants are not annotated
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"G" = Grant supported expenditure; Note: "in-kind" or "match" to grants are not annotated
## Flagler County Board of Commissioners - Disbursement Report Required per F.S. 136.06

Invoices Processed for week ending 08/02/2019

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### Invoices Processed for week ending 08/02/2019

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*"?" G = Grant supported expenditure; Note: "in-kind" or "match" to grants are not annotated*
Flagler County Board of Commissioners - Disbursement Report Required per F.S. 136.06
Invoices Processed for week ending 08/02/2019

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<th>Check Date</th>
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"?" G = Grant supported expenditure; Note: "in-kind" or "match" to grants are not annotated
FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS

JULY 15, 2019

REGULAR MEETING

Present: Chair Donald O’Brien, Vice Chair David Sullivan, Commissioners Charles Ericksen, Gregory Hansen and Joe Mullins, Interim County Administrator Jerry Cameron, County Attorney Al Hadeed and Deputy Clerk Rhea Cosgrove

Chair O’Brien called the meeting to order at 5:00 p.m. in the Board Chambers of the Government Services Building in Bunnell, Florida.

ITEM 1 - PLEDGE TO THE FLAG AND MOMENT OF SILENCE

Chair O’Brien led the Pledge to the Flag and requested a moment of silence.

ITEM 2 - ADDITIONS, DELETIONS AND MODIFICATIONS TO THE AGENDA

Chair O’Brien noted Item 8b was modified due to the resignation of Mr. Jim Crehan.

Stated there were two items for the BCC’s consideration to add to the agenda:

- Resolution and Public Transportation Grant Agreement with the Florida Department of Transportation in the amount of $639,120 to assist with funding the design and rehabilitation of Runway 96-24 at the Flagler Executive Airport
- Hurricane Loss mitigation Program application in the amount of $194,000

A motion was made by Commissioner Hansen to add the resolution and Public Transportation Grant Agreement to the Consent Agenda as Item 7m. Seconded by Commissioner Sullivan.

Chair O’Brien called the question. Motion carried unanimously.

A motion was made by Commissioner Hansen to add the Hurricane Loss Mitigation Program application to the Consent Agenda as Item 7n. Seconded by Commissioner Ericksen.

Chair O’Brien called the question. Motion carried unanimously.

ITEM 3 - ANNOUNCEMENTS BY THE CHAIR

Chair O’Brien announced the following:

- Old Dixie Highway closed from Sunday, July 14 through July 18 for next phase of the new roundabout construction
- Fire Station 92 located holding an open house on July 20 from 9:00 a.m. to noon
- Flagler County soliciting registered voters residing in Flagler County for various citizen volunteer boards and councils
- Upcoming meetings: Regular Meeting – August 5 at 9:00 a.m. in the Board Chambers
ITEM 4A - RECOGNITION – NORTHEAST FLORIDA CRIME STOPPERS OFFICER OF THE YEAR AWARD

The BCC recognized Deputy Jennifer Prevatt as the Northeast Florida Crime Stoppers Officer of the year award.

ITEM 4B – PROCLAMATION – PRETRIAL SERVICES WEEK

The following proclamation was read by Commissioner Hansen:

A PROCLAMATION OF THE FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS RECOGNIZING THE WEEK OF JULY 21-27, 2019 AS PRETRIAL SERVICES WEEK IN FLAGLER COUNTY

WHEREAS, pretrial services has become an essential part of the justice system, with trained professionals supervising adult offenders in the community; and

WHEREAS, pretrial services officers uphold the law with dignity, while recognizing the right of the public to be safeguarded from criminal activity; and

WHEREAS, since 2014 Flagler County Pretrial Services has monitored defendants released into the community while awaiting disposition of their cases, helping to lower county jail costs; and

WHEREAS, of the defendants supervised by Flagler County Pretrial Services, 99 percent of them made their court appearances; and

WHEREAS, pretrial service officers are a true force for positive change in their communities.

NOW THEREFORE, BE IT PROCLAIMED BY THE FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS that they hereby proclaim the week of July 21-27, 2019 as “Pretrial Services Week” in Flagler County and urge all citizens to honor these professionals.

Judge Melissa Distler and Shirley Olson, Director of Court Services accepted the proclamation.
ITEM 4C1 – PRESENTATION - HOMELESS INFORMATION MANAGEMENT SYSTEMS

Removed from the agenda.

ITEM 4C2 – PRESENTATION – AED (AUTOMATED EXTERNAL DEFIBRILLATOR) DONATION

Tony Papandrea, John Subers, Wally De Aquino and Dr. Joe McKinley, AdventHealth, donated AED’s to Flagler Baseball, Palm Coast Little League and for Wadsworth Park.

ITEM 4C3 – PRESENTATION - LLC RISE ABOVE THE VIOLENCE INCORPORATED

Carmen Gray, mother of Flagler County student-athlete Curtis Gray, who was shot and killed April 2019, stated she started the foundation LLC Rise Above the Violence, Inc. and spoke on how the “Long Live Curtis” track and field scholarship was presented in his honor. Stated the foundation would support programs already in place by offering after school workshops dealing with crisis management, bully prevention, peer group therapy and open forums.

ITEM 4C4 – PRESENTATION – LIBRARY BOARD OF TRUSTEES REPORT

Jim Ulsamer, Library Board of Trustees Chair, reviewed the report (on file in the Clerk’s Office) and spoke about problems with vandalism and threats. Also spoke of the $500,000 construction grant awarded for the new library that due to another County project they were forced to turn down. Spoke about the bathroom renovation proposed for the main library which had not yet been done. Pointed out the problems with the retention and recruitment of personnel due to poor salary structure. Spoke on the benefit of having the Library Director attend the County Administrator’s staff meetings, which did not happen in the past. Continued with the report.

ITEM 4C5 – PRESENTATION – TRANSPORTATION UPDATE

Heidi Petito, General Services Director, gave a PowerPoint presentation (on file in the Clerk’s Office), explaining the service was a prescheduled demand-response transportation system and was not a taxi or same day service. Stated the service was primarily for employment, education and training, non-emergency medical transportation and quality of life. Pointed out the problems with retention of drivers due to weak compensation, which she was proposing to increase.

ITEM 5 – COMMUNITY OUTREACH

Jill Crawford, Word of Mouth Creations Ministry, stated she was a mental health peer support recovery specialist and a mental health services consumer advocate. Spoke on the suicide rate and the decline of social service benefits.

James Bellino, Palm Coast, spoke on the lack of action in creating programs that would assist the homeless.
(Item 5 – continued)

Lana Donnini stated Flagler County transportation had scheduling issues, noting you could not call and get a ride the next day. Felt the service was not working as it should.

Jane Gentile Youd, Plantation Bay, commended Ms. Petito on great job and her past efforts to raise the pay for her employees.

CONSENT AGENDA – ITEMS 6A THROUGH 70

Commissioner Ericksen removed Item 7k for discussion.

Commissioner Sullivan removed Item 7j for discussion.

A motion was made by Commissioner Hansen to approve the Consent Agenda with the exception of Items 7j and 7k. Seconded by Commissioner Ericksen.

Chair O’Brien called the question. Motion carried unanimously.

The following items were approved as part of the Consent Agenda:

ITEM 6A – BILLS AND RELATED REPORTS

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 were approved as part of the Consent Agenda.

- Revenue Collected for May 2019
- Disbursement Report for Week Ending May 17, 2019 in the amount of $3,826,360.44
- Disbursement Report for Week Ending May 31, 2019 in the amount of $1,974,513.79
- Disbursement Report for Week Ending June 7, 2019 in the amount of $1,152,859.87
- Disbursement Report for Week Ending June 14, 2019 in the amount of $1,237,103.34

ITEM 6B – APPROVAL OF BOARD MEETING MINUTES

The minutes from the following meetings were approved as part of the Consent Agenda.

- Regular Meeting – June 3, 2019
- Budget Workshop #2 – June 3, 2019
- Budget Workshop #3 – June 17, 2019
- Regular Meeting – June 17, 2019
ITEM 7A – RATIFICATION OF EMERGENCY PROCLAMATIONS EXTENDING
THE STATE OF LOCAL EMERGENCY – HURRICANE MATTHEW

The emergency proclamations were ratified as part of the Consent Agenda as requested in the following information:

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

SUBJECT: Ratification of Flagler County Emergency Proclamations Extending the State of Local Emergency – Hurricane Matthew

DATE OF MEETING: July 15, 2019

OVERVIEW/SUMMARY: On October 3, 2016, Governor Scott issued Executive Order No. 16-230 declaring a state of emergency in the State of Florida due to Hurricane Matthew. The following day, on the recommendation of the public safety emergency manager and the county administrator, the Chair issued a Proclamation declaring a state of local emergency. The declared state of emergency allows the County to bypass normal protocols, for example regarding procurement, to the extent necessary to address the emergency. By law, the Proclamation may only last for seven days but may be renewed as needed. Under Section 12-34 of the County Code of Ordinances, actions of the County Administrator pursuant to a declared state of local emergency must be reported to the Board as soon as practical under the circumstances.

Hurricane Matthew struck the County on October 7, 2016 devastating the entire coastline of the County, downing many trees countywide, damaging hundreds of homes and knocking out electricity for the vast majority of residents. As a result, on October 11, 2016 and every seventh day thereafter, the Chair, by Proclamation, extended the state of local emergency for additional seven day periods as the County continues the process of recovery. The damaged dune system and severe erosion of the beach makes public infrastructure and neighborhoods on the barrier island vulnerable to storm and tidal events. The coastline remains in disrepair with damaged dunes and much of A1A in Flagler Beach in need of a long term solution.

The County has completed installation of seawalls in Painters Hill and is conducting a dune restoration project by repairing dune walkovers and installing an emergency berm along much of the coastline. The County has established special assessment districts to recoup some of the costs of the seawall and dune restoration projects. In addition, the County has passed an ordinance recognizing the right of customary use of the beach by the public, including privately owned portions of the beach benefitting from the dune restoration project. Finally, the County has implemented an educational campaign called, “Dodge the Dunes,” to protect the emergency berm and new dune vegetation.

FUNDING INFORMATION: N/A

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

RECOMMENDATION: Request the Board ratify the Proclamations Extending the State of Local Emergency for Hurricane Matthew.

ATTACHMENTS:
1. Proclamation Extending State of Local Emergency – Hurricane Matthew, 06/18/2019
2. Proclamation Extending State of Local Emergency – Hurricane Matthew, 06/26/2019
3. Proclamation Extending State of Local Emergency – Hurricane Matthew, 07/02/2019
ITEM 7B – RATIFICATION OF EMERGENCY PROCLAMATIONS EXTENDING THE STATE OF LOCAL EMERGENCY – HURRICANE IRMA

The emergency proclamations were ratified as part of the Consent Agenda as requested in the following information:

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

SUBJECT: Ratification of Flagler County Emergency Proclamations Extending the State of Local Emergency – Hurricane Irma.

DATE OF MEETING: July 15, 2019

OVERVIEW/SUMMARY: On September 4, 2017, Governor Scott issued Executive Order No. 17-235 declaring a state of emergency in the State of Florida due to Hurricane Irma. The following day, on the recommendation of the Public Safety Emergency Manager and the County Administrator, the Chair issued a Proclamation declaring a state of local emergency. The declared state of emergency allows the County to bypass normal protocols, for example regarding procurement, to the extent necessary to address the emergency. By law, the Proclamation may only last for seven days but may be renewed as needed. Under Section 12-34 of the County Code of Ordinances, actions of the County Administrator pursuant to a declared state of local emergency must be reported to the Board as soon as practical under the circumstances.

Hurricane Irma struck the County on September 11, 2017 flooding and damaging hundreds of homes, knocking out electricity for the vast majority of residents, and damaging an already compromised dune system on the barrier island. As a result, on September 12, 2017 and every seventh day thereafter the Chair, by Proclamation, extended the state of local emergency for additional seven-day periods as the County continues the process of recovery. The Board has ratified each of the Proclamations at regular meetings.

As part of the recovery, the County has repaired dune crossovers and other public infrastructure along the coastline and installed seawalls in Painters Hill. The County is also conducting a dune restoration project by installing an emergency berm along most of the coastline. The County has established special assessment districts to recoup some of the costs of the seawall and dune restoration projects. The County has passed an ordinance recognizing the right of customary use of the beach by the public, including privately owned portions of the beach benefiting from the dune restoration project. Finally, to protect the berm and new dune vegetation, the County has implemented an educational campaign called, “Dodge the Dunes.”

FUNDING INFORMATION: N/A

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

RECOMMENDATION: Request the Board ratify the Proclamations Extending the State of Local Emergency for Hurricane Irma.

ATTACHMENTS:
1. Proclamation Extending State of Local Emergency – Hurricane Irma, 06/19/2019
2. Proclamation Extending State of Local Emergency – Hurricane Irma, 06/25/2019
3. Proclamation Extending State of Local Emergency – Hurricane Irma, 07/02/2019
4. Proclamation Extending State of Local Emergency – Hurricane Irma, 07/08/2019
ITEM 7C – FLAGLER COUNTY BOARD OF COUNTY COMMISSION 2020 MEETING SCHEDULE

The meeting schedule was approved as part of the Consent Agenda as requested in the following information:

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

SUBJECT: Flagler County Board of County Commission 2020 Meeting Schedule.

DATE OF MEETING: July 15, 2019

OVERVIEW/SUMMARY: Each year, at this time, the Board is asked to review and approve the next year’s Board of County Commission meeting schedule.

In the previous year, the Board has chosen to lighten their meeting schedule to one meeting in January and July due to budget meetings, vacation schedules, and holidays. The proposed schedule is consistent with the previous year’s schedule.

The 2019 meeting schedule is provided as reference.

FUNDING INFORMATION: N/A

DEPARTMENT CONTACT: Administration, (386) 313-4001

RECOMMENDATION: Request the Board approve the Flagler County Board of County Commission 2020 Meeting Schedule with only one meeting in both January and July.

ATTACHMENTS:
1. 2020 Proposed Flagler County Board of County Commission Meeting Schedule.
2. 2019 Flagler County Board of County Commission Meeting Schedule.
(Item 7c – continued)

2020 Commission Meeting Schedule

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<thead>
<tr>
<th>Time</th>
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<td>9:00 a.m.</td>
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<td>9:00 a.m.</td>
<td>Monday, February 3, 2020</td>
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<tr>
<td>5:00 p.m</td>
<td>Monday, February 17, 2020</td>
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<td>9:00 a.m.</td>
<td>Monday, March 2, 2020</td>
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<td>5:00 p.m</td>
<td>Monday, March 16, 2020</td>
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<td>9:00 a.m.</td>
<td>Monday, April 6, 2020</td>
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<td>5:00 p.m</td>
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<td>9:00 a.m.</td>
<td>Monday, May 4, 2020</td>
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<td>5:00 p.m</td>
<td>Monday, May 18, 2020</td>
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<td>9:00 a.m.</td>
<td>Monday, June 1, 2020</td>
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<td>5:00 p.m</td>
<td>Monday, June 15, 2020</td>
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<tr>
<td>9:00 a.m.</td>
<td>* Monday, July 13, 2020</td>
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<tr>
<td>9:00 a.m.</td>
<td>Monday, August 3, 2020</td>
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<td>5:00 p.m</td>
<td>Monday, August 17, 2020</td>
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<td>9:00 a.m.</td>
<td>Wednesday, September 9, 2020</td>
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<td>5:00 p.m</td>
<td>Monday, September 21, 2020</td>
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<td>9:00 a.m.</td>
<td>Monday, October 5, 2020</td>
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<tr>
<td>5:00 p.m</td>
<td>Monday, October 19, 2020</td>
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<tr>
<td>9:00 a.m.</td>
<td>Monday, November 2, 2020</td>
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<td>5:00 p.m</td>
<td>Monday, November 16, 2020</td>
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<tr>
<td>9:00 a.m.</td>
<td>Monday, December 7, 2020</td>
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<tr>
<td>5:00 p.m</td>
<td>Monday, December 14, 2020</td>
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ITEM 7D – FLAGLER COUNTY 2020 HOLIDAY SCHEDULE

The holiday schedule was approved as part of the Consent Agenda as requested in the following information:

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

SUBJECT: Flagler County 2020 Holiday Schedule.

DATE OF MEETING: July 15, 2019

OVERVIEW/SUMMARY: Each year at this time the Board is asked to review and approve the County holiday schedule for the upcoming year. The Holiday Schedule is in keeping with the prior year days and is posted by calendar year to allow employees to coordinate schedules. The proposed schedule also includes provisions for employees who work a 56-hour week in accordance with their union contract.

The 2019 holiday schedule is provided as a reference.

FUNDING INFORMATION: N/A

DEPARTMENT CONTACT: Pam Wu, Human Resources Director (386) 313-4007

RECOMMENDATION: Request the Board approve the Flagler County 2020 Holiday Schedule as proposed by the County Administrator.

ATTACHMENTS:
1. 2020 Proposed Flagler County Holiday Schedule
2. 2019 Current Flagler County Holiday Schedule
(Item 7d – continued)

**2020 Holiday Schedule**

<table>
<thead>
<tr>
<th>Official Holiday</th>
<th>County Observed Holiday</th>
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<td>New Year’s Day</td>
<td>Wednesday, January 1, 2020</td>
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<tr>
<td>Martin Luther King Day</td>
<td>Monday, January 20, 2020</td>
</tr>
<tr>
<td>Good Friday</td>
<td>Friday, April 10, 2020</td>
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<tr>
<td>Memorial Day</td>
<td>Monday, May 25, 2020</td>
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<td>Independence Day</td>
<td>Friday, July 3, 2020</td>
</tr>
<tr>
<td>Labor Day</td>
<td>Monday, September 7, 2020</td>
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<tr>
<td>Veterans Day</td>
<td>Wednesday, November 11, 2020</td>
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<tr>
<td>Thanksgiving Day</td>
<td>Thursday, November 26, 2020</td>
</tr>
<tr>
<td>Day After Thanksgiving</td>
<td>Friday, November 27, 2020</td>
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<tr>
<td>Christmas Eve</td>
<td>Thursday, December 24, 2020</td>
</tr>
<tr>
<td>Christmas Day</td>
<td>Friday, December 25, 2020</td>
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For 56 hour employees, holidays per union contract:

- **New Year’s Day:** Wednesday, January 1, 2020
- **Easter:** Sunday, April 12, 2020
- **Independence Day:** Saturday, July 4, 2020
- **Veterans Day:** Wednesday, November 11, 2020
- **Christmas Eve:** Thursday, December 24, 2020
- **Christmas:** Friday, December 25, 2020
ITEM 7E – VALUE ADJUSTMENT BOARD REAPPOINTMENT

The reappointment was approved as part of the Consent Agenda as requested in the following information:

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

SUBJECT: Value Adjustment Board Reappointment.

DATE OF MEETING: July 15, 2019

OVERVIEW/SUMMARY: The Value Adjustment Board currently has one vacancy on its board for a citizen representative appointed by the Flagler County Board of County Commissioners (BOCC). Mr. Donald (Toby) Tobin has submitted an application for reappointment for this position. Mr. Tobin is a Flagler County resident, and staff has verified he owns homestead property within the County and is a registered voter.

Value Adjustment Board:

Function: To hear appeals regarding property value assessments, denied exemptions or classifications, ad valorem tax deferrals, portability decisions, and change

Membership: Consists of 2 members of the BOCC, 1 member from the School Board, 2 citizen members, one of whom must be appointed by the BOCC and owns homestead property within the county and one who much be appointed by the School Board and owns a business occupying commercial space located within the school district. For further requirements, see Florida Statutes 194.015.

Appointment Terms: Tax Season

Meeting Information: Meets as needed at the Government Services Complex, 1769 E. Moody Blvd, Building 2, Board Chambers, Bunnell, FL 32110

Staff Liaison: Clerk to the Value Adjustment Board (386) 313-4400; VAR@FlaglerClerk.com

Vacancies are advertised on the County’s website, www.FlaglerCounty.org.

If any further applications are received, they will be presented to the Board prior to the meeting.

FUNDING INFORMATION: N/A

DEPARTMENT CONTACT: Mari Davis, Executive Administrative Assistant (386) 313-4094

RECOMMENDATION: Request the Board consider the reappointment of Mr. Donald Tobin to the Value Adjustment Board for a five-year term.

ATTACHMENTS:
1. Florida Statutes 194-015
2. Application: Mr. Donald (Toby) Tobin
ITEM 7F – TOURIST DEVELOPMENT COUNCIL APPOINTMENT

The appointment was approved as part of the Consent Agenda as requested in the following information:

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

SUBJECT: Tourist Development Council Appointment.

DATE OF MEETING: July 15, 2019

OVERVIEW/SUMMARY: The Tourist Development Council currently has one vacancy on its board for a representative who is "involved in the Tourist Industry". Ms. Felicia Robinson Cook has submitted an application for consideration. Ms. Robinson Cook is a Flagler County resident, and staff has verified she is a registered voter.

Tourist Development Council:

Function: To recommend to the Board expenditures of tourist development tax monies and to generally review and make recommendations on other aspects of tourism in the County.

Membership: Consists of 9 members - the Board of County Commission Chair, 2 elected municipal officials (1 from the most populous municipality in the County), 3 owners or operators of business subject to tourist development tax, and 3 involved in tourist industry.

Appointment Terms: Four-year terms.

Meeting Information: 3rd Thursday of the month at 9:00 a.m. at the Government Services Complex, Building 2, in the Chambers

Staff Liaison: Amy Lukasik, Interim Tourism Director (386) 313-4230

Vacancies are advertised on the County’s website, www.FlaglerCounty.org.

If any further applications are received, they will be presented to the Board prior to the meeting.

FUNDING INFORMATION: N/A

DEPARTMENT CONTACT: Mari Davis, Executive Administrative Assistant (386) 313-4094

RECOMMENDATION: Request the Board consider the appointment of Ms. Felicia Robinson Cook to the Tourist Development Council in the category of “involved in the Tourist Industry Only”, for a four-year term.

ATTACHMENTS:
1. Application: Ms. Felicia Robinson Cook
ITEM 7G – CONFIRM THE SELECTION OF THE FLAGLER COUNTY HEALTH AND HUMAN SERVICES DIRECTOR

The selection was approved as part of the Consent Agenda as requested in the following information:

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

SUBJECT: Confirm the Selection of the Flagler County Health and Human Services Director.

DATE OF MEETING: July 15, 2019

OVERVIEW/SUMMARY: At the May 20, 2019 Regular Meeting this Board approved the addition of the Health and Human Services Director position. The Health and Human Services Director will provide a span of control and cohesion among within five divisions: Human Services, Senior Services, the Adult Daycare, SHIP and Veteran Services.

The County Administrator and the Human Resources Director conducted interviews and selected Joyce Bishop as the Health and Human Services Director for Flagler County.

Joyce has worked for the Board of County Commissioners since January 8, 2007. She was a Human Resources Analyst for 3 years, a Budget Analyst for 2 years and has been the Financial Management Coordinator for Social Services Department for 7 years. She has prior experience as an Assistant Director in upstate New York for a Private Non-Profit for Children with Special Needs Birth–Five Years of age and the county Head Start program. Joyce received her A.S. in Business Administration from Columbia-Greene Community College in Greenport, New York and her B.S. in Public Administration from Flagler College in St. Augustine, Florida.

State of Florida Statute 125.74 (1) (k) states that the County Administrator shall “select, employ, and supervise all non-legal personnel and fill all non-legal vacancies, positions for employment under the jurisdiction of the board. However, the employment of all department heads shall require confirmation by the Board”.

FUNDING INFORMATION: This position for the remainder of FY19, will require funds in the amount of $24,000 which includes salary and benefits.

DEPARTMENT CONTACT: Pam Wu, Human Resources Director (386) 313-4033

RECOMMENDATION: Request the Board confirm the selection of Joyce Bishop as Health and Human Services Director.

ATTACHMENTS:
1. Employment Application
2. Applicant Resume
3. Job Description
4. BTR 19-126
ITEM 7H – RATIFICATION OF FY2019/20 APPLICATION SUBMISSION TO THE FLORIDA COMMISSION FOR THE TRANSPORTATION DISADVANTAGED (CTD) FOR THE INNOVATION AND SERVICE DEVELOPMENT GRANT AND AUTHORIZING RESOLUTION IN THE AMOUNT OF $407,298

The application and resolution was ratified as part of the Consent Agenda as requested in the following information:

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

SUBJECT: Ratification of FY2019/20 Application Submission to the Florida Commission for the Transportation Disadvantaged (CTD) for the Innovation and Service Development Grant and Authorizing Resolution in the Amount of $407,298.00

DATE OF MEETING: July 15, 2019

OVERVIEW/SUMMARY: The Florida Commission for the Transportation Disadvantaged has announced the application period for the Innovation and Service Development grant funds to provide financial assistance to eligible recipients in rural areas for providing cost-effective, door to door, on demand and scheduled services. Flagler County was notified on June 6, 2019 that funding for this purpose was to become available for the upcoming fiscal year. The deadline for submission was June 28, 2019. The grant application and supporting resolution are attached for your review and subsequent approval. The total project cost is $407,298.00, with the award from CTD in the amount of $366,568.00, and a local match of $40,730.00. As part of this application, staff has proposed adding an additional 6 full time Transportation Drivers. If awarded, this project will be used to increase a transportation disadvantaged person's access to and from job training, employment, health care, and other life-sustaining services.

FUNDING INFORMATION: This CTD Innovation and Service Development Grant requires a local match of $40,730.00. If approved, and this grant is awarded, staff will come before the board to appropriate funding and request additional FTEs.

DEPARTMENT CONTACT: General Services, Heidi Petito, 313-4185

RECOMMENDATIONS: Request the Board ratify the submittal of the application for the Florida Commission for Transportation Disadvantaged (CTD) and adopt the resolution authorizing the County Administrator to execute the application and all associated documents related to the application acceptance, full implementation and closeout including but not limited to serving as the authorized representative for reimbursement of the grant if awarded.

ATTACHMENTS:
1. CTD Grant Application
2. Grant Resolutions
ITEM 7I – CONSIDERATION OF THE ACCEPTANCE OF TWO (2) LIFEPAK CR2 DEFIBRILLATORS DONATED BY ADVENT HEALTH AND DR. JOSEPH MCKINLEY VALUED AT $5,488

The donation was accepted as part of the Consent Agenda as requested in the following information:

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

SUBJECT: Consideration of the Acceptance of Two (2) LifePak CR2 Defibrillators Donated by Advent Health and Dr. Joseph McKinley valued at $5,488.00.

DATE OF MEETING: July 15, 2019

OVERVIEW/SUMMARY: Sudden cardiac arrest can happen to anyone, anywhere. Immediate treatment is vital to a victim’s chance for survival. That is why public access to defibrillators are so important. Recently the Director of Advent Health Foundation expressed the desires of Advent Health and Dr. Joseph McKinley wanting to donate two automated external defibrillators (AEDs) and wall mount boxes to Flagler County Parks and Recreation for support to their athletic fields located at Wadsworth Park and the Flagler County Recreational Area, as they are currently without them. The defibrillators will be housed at their respective park’s concession stand and made available for public use. In the event that maintenance needs to be performed, i.e. replacement batteries and pads which typically last up to four years, the nominal cost will be borne by the Parks and Recreation Division.

Due to the current value of each AED, being greater than $1,000.00, they would be added to the County’s Fixed Asset list, as #10558 and 10559.

FUNDING INFO: N/A

DEPARTMENT CONTACT: General Services, Heidi Peltio, (386) 313-4185

RECOMMENDATIONS: Request the Board consider accepting two (2) LifePak CR2 Defibrillators and authorize Purchasing to add those items to the County’s Fixed Asset list.
ITEM 7L – AIRPORT COMMONS SANITARY SEWER AGREEMENT AND ACCEPTANCE OF DEDICATION

The agreement was approved as part of the Consent Agenda as requested in the following information:

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

SUBJECT: Airport Commons Sanitary Sewer Agreement and Acceptance of Dedication.

DATE OF MEETING: July 15, 2019

OVERVIEW/SUMMARY: This request is for approval an agreement with Airport Commons, LLC for the construction and dedication of a sanitary sewer line to serve the Airport Commons project. This sanitary sewer line would connect to the County’s lift station on the Flagler Executive Airport:

The Agreement provides for the construction of a sanitary sewer line within the area generally depicted above. This sanitary sewer line was mentioned in the Pre-Annexation, Economic Development and Joint Planning Agreement recorded at Official Records Book 2329, Page 927, Public Records of Flagler County, Florida, at Section 9.e.:
The County will provide sewer services to the Property through the Flagler Executive Airport's ("Airport") onsite wastewater collection system (as a customer of the City's wastewater system), utilizing the existing sewer infrastructure located on the Airport property, and subject to standard City utility requirements related to Airport Commons' contributions-in-aid-of-construction, payment of connection fees, granting of appropriate easements, and dedication of other facilities as necessary or appropriate. Airport Commons will execute the necessary standard County Agreements, if any, at the appropriate time and connect to the sewer system as it is available. Airport Commons acknowledges that if the City's sewer services are expanded so that they are available and immediately adjacent to the Project's existing utility connections and allow a connection to the City's sewer services without the needs for additional sewer infrastructure improvements, including, without limitation, a lift station, and without interruption of service or disruptions of the businesses and other activities on the Property, then Airport Commons shall connect to the City's sewer services. Future connection to the City's sewer service shall be accomplished by Airport Commons within 120 days of sewer service being made available to the Property as provided for above.

There will be no additional connection charge or other costs to Airport Commons to connect to the City's sewer service in the future if and when that connection is made.

Through the Agreement, Airport Commons dedicates the sanitary sewer line to the County, eliminating the need for an easement. In lieu of any consideration for the benefit offered by the sanitary sewer line, Airport Commons has agreed to maintain and repair the sanitary sewer line for a period of ten (10) years following the date of the Agreement.

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

RECOMMENDED ACTION: Approve and authorize the Chair to sign on behalf of the Board of County Commissioners the Sanitary Sewer Agreement with Airport Commons, LLC.

ATTACHMENT:
1. Sanitary Sewer Agreement
ITEM 7M – CONSIDERATION OF A RESOLUTION AND PUBLIC TRANSPORTATION GRANT AGREEMENT (PTGA) WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) IN THE AMOUNT OF $639,120 TO ASSIST WITH FUNDING FOR THE DESIGN FOR THE REHABILITATION OF RUNWAY 06-24 AT THE FLAGLER EXECUTIVE AIRPORT

The following information was provided by County Administration:

FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS AGENDA ITEM # 7M

SUBJECT: Consideration of a Resolution and Public Transportation Grant Agreement (PTGA) with the Florida Department of Transportation (FDOT) in the amount of $639,120 to assist with funding for the design for the rehabilitation of Runway 06-24 at the Flagler Executive Airport.

DATE OF MEETING: July 15, 2019

OVERVIEW/SUMMARY: Staff is bringing forward for consideration a Resolution and an FDOT Public Transportation Grant Agreement (PTGA) in the amount of $639,120, which will fund 100% of the project costs for the Design for the Rehabilitation Runway 06-24.

This project will rehabilitate the entire Runway 06-24 pavement at a published length of 5,000 feet and a width of 100 feet. The new pavement strength will support a minimum 75,000-pound weight capacity for aircraft with dual wheel type landing gear. The project also includes the addition of blast pads on each end, new Medium Intensity Runway Lights (MIRLs), and Runway End Identifier Lights (REILs) on each end. This project also includes the relocation of the current electrical vault from the north side of the airfield to the southeast side near the Airport Traffic Control Tower. This project is consistent with the approved Master Plan updated in 2015.

FUNDING INFORMATION: The Florida Department of Transportation (FDOT) has offered a Public Transportation Grant Agreement (PTGA) in the amount of $639,120, which will fund 100% of the cost of the project. Funding was appropriated in the FY15-20 budget in account number 401-8298-542.63-57, Project #050504.

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

RECOMMENDATIONS: Request the Board approve the FDOT Public Transportation Grant Agreement (PTGA) and adopt the Resolution authorizing the Chairman to execute the agreement and authorize the County Administrator to execute all necessary documents associated with accepting and implementing said agreement, including any amendments approved as to form by the County Attorney.

ATTACHMENTS:
1. FDOT Public Transportation Grant Agreement (PTGA)
2. Resolution in support of the Public Transportation Grant Agreement
ITEM 7N – HURRICANE LOSS MITIGATION PROGRAM (HLMP) APPLICATION IN THE AMOUNT OF $194,000

The following information was provided by County Administration:

FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM # 7n

SUBJECT: Hurricane Loss Mitigation Program (HLMP) Application in the Amount of $194,000.

DATE OF MEETING: July 15, 2019

OVERVIEW/SUMMARY: Staff is seeking approval to apply for, and if awarded, enter into an Agreement with the State of Florida, through its Division of Emergency Management (FDEM) to accept funds from the Hurricane Loss Mitigation Program (HLMP).

For most years since 2000, the FDEM has made HLMP funds available, for eligible applicants to make improvements to structures that will reduce losses from, or reduce the cost of rebuilding after, a disaster.

These funds are awarded through a competitive process; historically focusing on enhancing the hurricane wind resistance of site-built residential homes; through the installation of hurricane resistant windows and doors, hurricane shutters, and other similar hurricane wind mitigation measures.

For State Fiscal Year 2019-2020 (SFY 2020), each eligible applicant is limited to a single proposal in an amount not the exceed $194,000. The HLMP funds do not require matching local funds.

If Flagler County is awarded these funds for SFY 2020, the Health and Human Services Department will solicit and prioritize applications from homeowners within Flagler County, and hire vendor(s) to complete the approved mitigation projects.

FUNDING INFORMATION: If awarded the anticipated revenue and expenditures will be appropriated in designated accounts. Matching funds are not required.

DEPARTMENT CONTACT: Ralston Reolica, SHIP Administrator (386) 313-4033
Jonathan Lord, Emergency Management Director (386) 313-4240

RECOMMENDATIONS: Request the Board approve the attached Resolution authorizing the County Administrator, or designee to apply for, receive, and expend HLMP funds, to include any related documents and agreements for SFY2020; as well as any future funds made available by the State of Florida pursuant to the Hurricane Loss Mitigation Program, that do not require a local match.

ATTACHMENTS:
1. Resolution
2. State Request for Proposals for the SFY2020 HLMP
The following items were removed from the Consent Agenda for discussion and action:

**ITEM 7J – CONSIDERATION TO PURCHASE A REPLACEMENT PC, PRINT/SCAN/FAX MANAGEMENT SYSTEM, AND A NEW REVENUE MANAGEMENT SYSTEM FOR FLAGLER COUNTY PUBLIC LIBRARY FROM INSIGHT PUBLIC SECTOR**

The following information was provided by County Administration:

**FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS**

**CONSENT/AGENDA ITEM # 7**

**SUBJECT:** Consideration to Purchase a Replacement PC, Print/Scan/Fax Management System, and a new Revenue Management System for Flagler County Public Library from Insight Public Sector

**DATE OF MEETING:** July 15, 2019

**OVERVIEW/SUMMARY:** Staff is seeking approval for the purchase and installation of a replacement of the current PC and Print/Scan/Fax Management System. This purchase will also add a revenue management system with multiple points of payment. Staff was in search of an all-in-one system that would provide an improved PC and Print management system similar to what the public currently enjoys with the added benefit of a point of sale (POS) system that has credit card capability with multiple points of payment for all library services, fines and fees. Currently the library only accepts cash, check or money order. This new system would allow us to change our forms of payment by discontinuing acceptance of checks and add credit cards as an acceptable form of payment. On the staff side, the POS system is designed specifically for libraries with a Windows based system that can turn a PC into a cash register and interface with our automated circulation system for enhanced reporting and auditing requirements.

The proposed new system includes PC, Print Management and Mobile Printing software, licenses and support for two (2) locations (Palm Coast and Bunnell), Print Release Kiosk for the Palm Coast location, Three Points of Sale Software with Cash Drawers for Palm Coast location, One Scan Station with Translation, Image Enhance, Fax and Payment Tower. The existing Scannx scanner will be used as a trade-in for a reduced price on the new scanner.

The purchase price of $23,602.34 includes on-site installation and training, along with the first twelve (12) months of maintenance. Maintenance after the first year will be provided by Today’s Business Solutions, Inc. (TBS) at a cost of approximately $6,000.00 per year for a contract term of five (5) years.

The proposal has been reviewed by the Purchasing Manager and is in conformance with the purchasing policy. Pricing is in accordance with the OMNIA Partners (formerly U.S. Communities) IT Products, Services, and Solutions Contract No. 4400006844 which is effective through April 30, 2021.

**FUNDING INFORMATION:** Funding from the Library Passport Reserves will be allocated with a Budget Transfer 19-127. This budget transfer totals $23,715 and leaves a balance of $508,956 remaining in the Passport Reserves.

**DEPARTMENT CONTACT:** Purchasing, Kris Collora (386) 313-4062
Library, Holly Albanese (386) 445-6763

**RECOMMENDATIONS:** Request the Board approve the purchase and installation of a new PC, Print/Scan/Fax Management System, and a new Revenue Management System for Flagler County Public Library from Insight Public Sector at a purchase price not to exceed $23,715, authorize the Chair to execute the budget transfer and approval to issue a purchase order. Also, authorize the County Administrator to execute all necessary documents associated with accepting and implementing said agreement, including any amendments approved as to form by the County Attorney.

**ATTACHMENTS:**
1. BTR 19-127
(Item 7j – continued)

Joe Saloom, Flagler County Public Library Assistant Director, explained the system would allow the library to accept credit and debit cards for fines or services, which would help the patrons as most people do not carry cash.

Chair O’Brien confirmed the system would be paid for out of the Library’s passport revenue.

Commissioner Hanson noted it would eliminate the ability to pay by check.

Jarrod Shupe, IT Director, spoke about the system bringing new technologies to the library.

Chair O’Brien requested public comment. There was none.

A motion was made by Commissioner Sullivan to approve Item 7j as presented. Seconded by Commissioner Hansen.

Chair O’Brien called the question. Motion carried unanimously.
ITEM 7K – TEMPORARY LAND USE AGREEMENT AND GRANT OF NON-EXCLUSIVE UTILITY EASEMENT TO PEOPLES GAS SYSTEM

The following information was provided by County Administration:

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

SUBJECT: Temporary Land Use Agreement and Grant of Non-Exclusive Utility Easement to Peoples Gas System.

DATE OF MEETING: July 15, 2019

OVERVIEW/SUMMARY: This request is for approval of a Temporary Land Use Agreement and Grant of Non-Exclusive Utility Easement to Peoples Gas System for installation of natural gas lines to serve Flagler Beach. The Temporary Land Use area would be located within Wadsworth Park, west of the Park entrance on State Road 100. The Utility Easement borders the south right-of-way line of State Road 100 under the Flagler Beach bridge within the Betty Steflik Preserve:

The Temporary Land Use Agreement has been structured with a two-year duration, which should allow sufficient time for Peoples Gas to complete the work extending the gas main. The Non-Exclusive Utility Easement’s location adjoining the State Road 100 right-of-way
Commissioner Ericksen asked if this was the same gas company the County dealt with a few years ago that ran a pipe down US1 and then east on SR100.

Adam Mengel, Planning and Zoning Director, replied yes, but was not sure of US1. Explained this was an extension of the line that ran east to Flagler Beach.

Chair O’Brien requested public comment. There was none.

A motion was made by Commissioner Ericksen to approve Item 7k as presented. Seconded by Commissioner Hansen.

Chair O’Brien called the question. Motion carried unanimously.
GENERAL BUSINESS

ITEM 8A – CONSIDERATION OF THE ECONOMIC DEVELOPMENT GROWTH PROGRAM NEW CONSTRUCTION PROGRAM AGREEMENT BETWEEN FLAGLER COUNTY AND PROJECT COLUMBUS FOR A PERFORMANCE-BASED FUND PAYMENT NOT-TO-EXCEED $680,160 PAYABLE OVER TEN (10) YEARS

The following staff report was provided by County Administration:

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

SUBJECT: Consideration of the Economic Development Growth Program New Construction Program Agreement between Flagler County and Project Columbus for a Performance-Based Fund Payment not-to-exceed $680,160 Payable over Ten (10) Years.

DATE OF MEETING: July 15, 2019

OVERVIEW/summary: Staff is requesting that the Board of County Commissioners approve an Economic Development New Construction Growth Agreement between the County and Project Columbus, for a performance-based fund payment for a not-to-exceed amount of $680,160 that will be payable over a period of ten (10) years. Project Columbus assembles and distributes furniture products. With a proven record, the company has decades of experience assembling and distributing quality furniture.

The company will consolidate operations in Flagler County upon completion of construction of a new 250,000 square foot facility in unincorporated Flagler County. The construction of the new facility by the company will require an investment of approximately $20 Million and will result in the creation of 50 new jobs, at an average wage of $50,000 per year. The Agreement is a performance-based economic growth program payment. Before the company can become eligible for the disbursement of funds, the company must demonstrate that it:

1. has title to the property
2. has completed construction of the 250,000 sf facility
3. has obtained a Certificate of Occupancy, and
4. has paid annual property taxes.

The terms and conditions of the incentive package are set forth in the proposed Agreement.

As shown in the chart below, an economic investment assessment was prepared using the Economic Impact Analysis for Planning (IMPLAN - modelling software). The data illustrates the estimated local economic impact over a 12-year period, without including cost-of-living adjustments or employee benefits.

<table>
<thead>
<tr>
<th>Parameter</th>
<th>$/Year</th>
<th>Total Dollars</th>
</tr>
</thead>
<tbody>
<tr>
<td>B3 Jobs (50 direct, 24 indirect, 9 induced) (excludes cost of living &amp; benefits)</td>
<td>$2.4 Million/yr</td>
<td>$29 Million</td>
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<tr>
<td>Economic Output</td>
<td>$15.8 Million/yr</td>
<td>$190 Million</td>
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<tr>
<td>Total Capital Investment, estimated (Land, Bldg &amp; Equip)</td>
<td>$20 Million</td>
<td></td>
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Table 2 provides the Estimated Annual Revenue/Growth Program Payment Table for Project Columbus, reflecting the anticipated annual disbursements from 2021 through 2032.
(Item 8a – continued)

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

<table>
<thead>
<tr>
<th>Year</th>
<th>Schools</th>
<th>SWMD</th>
<th>FINO</th>
<th>County</th>
<th>Total Revenue</th>
<th>Growth Program Funding</th>
<th>%</th>
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</thead>
<tbody>
<tr>
<td>2021</td>
<td>$ 83,378</td>
<td>$ 3,382</td>
<td>$ 390</td>
<td>$113,426</td>
<td>$ 200,576</td>
<td>$ 113,380</td>
<td>100</td>
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<tr>
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<td>$ 3,382</td>
<td>$ 390</td>
<td>$113,426</td>
<td>$ 200,576</td>
<td>$ 113,380</td>
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<tr>
<td>2023</td>
<td>$ 83,378</td>
<td>$ 3,382</td>
<td>$ 390</td>
<td>$113,426</td>
<td>$ 200,576</td>
<td>$ 113,426</td>
<td>80</td>
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<td>2024</td>
<td>$ 83,378</td>
<td>$ 3,382</td>
<td>$ 390</td>
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<td>80</td>
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<tr>
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<tr>
<td>2029</td>
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<td>$ 3,382</td>
<td>$ 390</td>
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<td>$ 390</td>
<td>$113,426</td>
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<td>0</td>
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<tr>
<td>2032</td>
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<td>$ 200,576</td>
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<td>TOTAL</td>
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<td>$60,378</td>
<td>$390,000</td>
<td>$1,134,260</td>
<td>$2,005,760</td>
<td>$1,134,260</td>
<td>TOTAL</td>
</tr>
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</table>

The estimated $660,160 Growth Program Funding will be distributed over a ten-year period, from the County Reserve Fund, upon proof of Project Columbus’ property taxes being received and only following its construction and use of the new facility. Accordingly, a revenue stream for the incentive is created indirectly by the construction of the new facility with no negative impacts to existing County revenues projected. Actually, during the period of time that the Program is in place, the County and Flagler Schools will realize an estimated revenue stream of approximately $2.4M.

Some have questioned the projections and this is understandable. Per the direction of the Chair of the County Commission, the funding schedule will be reduced pro rata by the percentage reduction in the investment of the company. The funding chart is based on an assessed value of $13 Million for the building improvements, excluding the costs to bring the project to fruition. If the assessment is $11.7 Million, for example, the funding schedule will be reduced uniformly by 10% in order that the growth payment from the County is proportional to the stated intent of the company on which the Commission relies. In no event, however, in any given year may the fund disbursement be greater than the property taxes paid to satisfy the annual tax bill issued by the Tax Collector.
July 15, 2019
Regular Meeting

(Item 8a – continued)

The Flagler County Economic Opportunity Advisory Council recommends to the Board of County Commissioners the approval of the Economic Growth Program Funding as follows:

- Growth Program disbursements are equal to or less than the annual taxes paid by the company each year to avoid any negative impacts to the County’s finances.
- Growth Program disbursements run over a ten (10) year period.
- Annual Growth Program disbursements will only begin upon completion of construction, receipt of Certificate of Occupancy and proof of County Tax payment each year.

The Agreement is in furtherance of the County Commission’s expressed goal within its Strategic Plan to expand and diversify the local economy in order to provide new employment opportunities and increase the tax base for a sustainable business community.

**FUNDING INFORMATION**: Beginning in FY 2022, New Construction Economic Growth Program installments will be budgeted by the County.

**DEPARTMENT CONTACT**: Economic Opportunity, Helga van Eckert (386) 313-4071

**RECOMMENDATIONS**: Request the Board approve and authorize the Chair to execute the New Construction Economic Growth Program Agreement with Project Columbus as approved to form by the County Attorney and as approved by the County Administrator.

**ATTACHMENT**:
1. New Construction Economic Growth Program Agreement

Helga van Eckert, Economic Opportunity Director, presented PowerPoint (on file in the Clerk’s Office) stating the business behind Project Columbus was an almost 30-year old company that assembled and distributed residential furniture. Stated the company was looking at the County and doing evaluations. Stated if the company decided to come to Flagler County it would construct a 250,000 square-foot facility and create 50 jobs with an average annual wage of $50,000 and would be invest $20 million between land and facility construction.

Commissioner Ericksen asked if they saw an average in growth of employees.

Ms. van Eckert stated there would be 50 jobs to start and expected to grow, but had not included those numbers in the projection.

There was further discussion.

Chair O’Brien requested public comment.

Jane Gentile Youd, Plantation Bay, spoke in opposition to Project Columbus.
(Item 8a – continued)

The following people spoke in favor of Project Columbus:

- Rodney Lucas, City of Bunnell Director of Community Development
- Mike Gill, Economic Development Council
- Jorge Gutierrez, Flagler County Chamber of Commerce President
- Jim Manfre
- Garry Lubi
- Howard Holley
- Cornelia Manfre
- Robin King, CareerSource Flagler/Volusia President/CEO
- Tom Hellman
- James Bellino

A motion was made by Commissioner Hansen to approve Item 8a as presented. Seconded by Commissioner Sullivan.

Chair O’Brien called the question. Motion carried unanimously.
ITEM 8B – AIRPORT ADVISORY BOARD APPOINTMENT

The following staff report was provided by County Administration:

SUBJECT: Airport Advisory Board Appointment.

DATE OF MEETING: July 15, 2019

OVERVIEW/SUMMARY: The Airport Advisory Board currently has one vacancy on its board due to the resignations of Mr. Gordon Herbage and Mr. Jim Crehan. As has been the standard procedure, the current alternate member, Mr. P. Wayne Harrison, is now a regular member and will finish his term as appointed and the applicants will fill the remaining Regular Member and Alternate Member positions. Applicants for these positions are Mr. Martin Stohr and Mr. Frank Ayers. Both are Flagler County residents and registered voters.

Airport Advisory Board Information:

Function: To assist and make recommendations to the Board on matters pertaining to the Flagler County Airport.

Membership: Consists of 5 regular members and 1 alternate appointed by the Board.

Appointment Terms: 3-year terms

Meeting Information: Meets the 2nd Thursday at 4 p.m., Flagler County Executive Airport, Corporate Center (120 Airport Road)

Staff Liaison: Roy Sieger, Airport Director / Gina Friedman (386) 313-4220

Vacancies are advertised on the County's website, www.FlaglerCounty.org.

If any further applications are received, they will be presented to the Board prior to the meeting.

FUNDING INFORMATION: N/A

DEPARTMENT CONTACT: Mari Davis, Executive Administrative Assistant (386) 313-4094

RECOMMENDATION: Request the Board confirm Mr. P. Wayne Harrison as a regular member with his term expiring March 1, 2022 and appoint either Mr. Mark Stohr or Mr. Frank Ayers to the Airport Advisory Board as a regular Member of an alternate member for a three-year term.

ATTACHMENTS:
1. Application: Mr. Mark Stohr
2. Application: Mr. Frank Ayers
(Item 8b – continued)

Luci Dance, Executive Assistant, handed out the ballots and announced the following results:

Commissioner Ericksen – Mr. Frank Ayers
Commissioner Hansen – Mr. Frank Ayers
Chair O’Brien – Mr. Frank Ayers
Commissioner Sullivan – Mr. Frank Ayers
Commissioner Mullins – Mr. Frank Ayers

Ms. Dance stated Mr. Frank Ayers would be appointed to the Airport Advisory Board for a three-year term and Mr. Mark Stohr would serve as the alternate.

(No motion was made on Item 8b. The appointments will be ratified at the August 5, 2019 Regular Meeting.)
ITEM 8C – CONSIDERATION OF THE AMENDED AND RESTATED ANIMAL CONTROL SERVICE AGREEMENT BETWEEN FLAGLER COUNTY AND FLAGLER HUMANE SOCIETY, INC. IN THE AMOUNT OF $230,000

The following staff report was provided by County Administration:

The Human Society has requested the following contract increases:

<table>
<thead>
<tr>
<th>Animal Control Service</th>
<th>Current</th>
<th>Proposed</th>
<th>Increase</th>
</tr>
</thead>
<tbody>
<tr>
<td>Animal Shelter Services</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>$140,000</td>
<td>$160,000</td>
<td>$20,000</td>
</tr>
<tr>
<td>1. Per impounded animal.</td>
<td>$75</td>
<td>$80</td>
<td>$5</td>
</tr>
<tr>
<td>2. Animal that is to be placed under quarantine.</td>
<td>$175</td>
<td>$200</td>
<td>$25</td>
</tr>
<tr>
<td>3. Animals involved in any litigation pending judge’s order or court appearance.</td>
<td>$30</td>
<td>$30</td>
<td>$0</td>
</tr>
<tr>
<td>4. Wildlife impounds.</td>
<td>$15</td>
<td>$15</td>
<td>$0</td>
</tr>
<tr>
<td>5. Dead on arrival.</td>
<td>$15</td>
<td>$15</td>
<td>$0</td>
</tr>
<tr>
<td>Spay and Neuter</td>
<td>$24,000</td>
<td>$35,000</td>
<td>$11,000</td>
</tr>
</tbody>
</table>

Additionally, the contract requires a surcharge on citations issued by Animal Control of $5 as authorized by statute and required already by county ordinance. The courts are to assess and the Clerk is to pay the surcharge amount on citation collections to the Humane Society. The collected surcharge applies solely to defray the costs for professional training for animal control officers duly appointed by the County Court. While this has been the state of the law, the governmental entities have not been implementing it because of the nature of citation collections does not accommodate this requirement. The Humane Society has requested the assistance of the County Attorney to assist the agencies in implementing the surcharge system.

If approved the agreement with the Flagler Humane Society, Inc. would be for three (3) years commencing October 1, 2019 and ending September 30, 2022, with an automatic renewal for up to two years unless either party gives advance notice of cancellation six months before expiration of the three (3) year term. This agreement continues to provide for an annual adjustment of three (3) percent or an increase based upon the Consumer Price Index for All Urban Consumers, South Region, and US City Average, whichever is less.

FUNDING INFORMATION: The Proposed FY 19-20 Budget will be amended to reflect the increase of this contract upon approval. At this time there is a budget of $195,000, included in the Proposed FY 19-20 Budget in the Pooled account 001-4900-562.83-79 for this contract.

DEPARTMENT CONTACT: Lorrie Bailey Brown, County Administrator, (386) 313-4094
Lori Bailey Brown, Financial Services Director presented the item; noted the item before them was a request for an increase of the three levels of service in the contract. Stated if approved it would be an amendment to the proposed budget of approximately $35,000 which would come from the reserves.

Commissioner Sullivan noted the entrance of the facility was extremely rough and asked if they were taking steps to correct the problem.

Amy Carotenuto, Executive Director of the Flagler County Humane Society replied JB Rental and Flagler Power Equipment donated their time and expertise and they paid for the millings in order to fix the drive.

Commissioner Mullins asked if the air-conditioning had been repaired. He commended them on how clean the facility was and how well they were taken care of.

Ms. Carotenuto explained out of eight air conditioners they had three go down in one week. Stated FPL helped them out and they were raising money; there was a new one just installed and two others on order.

Chair O’Brien requested public comments. There were none.

A motion was made by Commissioner Sullivan to approve Item 8c as presented. Seconded by Commissioner Hansen.

Chair O’Brien called the question. Motion carried unanimously.
ITEM 8D – FISCAL YEAR 2019-2020 ESTABLISHMENT OF MILLAGE RATES FOR NOTICE OF PROPOSED PROPERTY TAXES

The following staff report was provided by County Administration:

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


DATE OF MEETING: July 15, 2019

OVERVIEW/SUMMARY: On July 1, 2019, staff received the final Certified Taxable Value information from the Property Appraiser Office. In accordance with the provisions of Section 200.065(2)(b), Florida Statutes, authorize the completion and execution by the County Administrator of the 2019 DR-420 Forms to include the following information:

<table>
<thead>
<tr>
<th></th>
<th>Adopted Millage Rate FY18-19</th>
<th>Proposed Millage Rate FY19-20</th>
<th>Ad Valorem Revenue @100%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Operating Millage Levies:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Fund (Fund 001)</td>
<td>8.2297 mills</td>
<td>8.1297 mills</td>
<td>$74,957,131</td>
</tr>
<tr>
<td>Remainder of ESL (Fund 119)</td>
<td>0.1128 mills</td>
<td>0.1250 mills</td>
<td>$1,152,520</td>
</tr>
<tr>
<td>Total Operating Millage</td>
<td>8.3425 mills</td>
<td>8.2547 mills</td>
<td>$76,105,651</td>
</tr>
</tbody>
</table>

| Voted Debt Service Levies: |                               |                              |                          |
| Series 2009 ESL (Fund 219) | 0.0582 mills                  | - mills                      | $ -                      |
| Series 2016 ESL (Fund 219) | 0.0790 mills                  | 0.1250 mills                  | $1,152,520               |
| 2015 GO Refunding Bonds (Fund 211) | 0.2450 mills               | 0.2050 mills                  | $1,890,133               |
| Total Voted Debt Service Millage | 0.3822 mills                  | 0.3300 mills                  | $3,042,653               |

Total - All Millage Levies: 8.7247 mills     8.5847 mills     $79,152,304

The general fund millage rate of 8.1267 mills will generate a total of 571,209,274 (@ 95%), which is an increase of $4,740,533 or 7.15% from the amount of property tax revenue included in the adopted fiscal year 2018-19 budget. The Environmentally Sensitive Land (ESL) operating millage of 0.1250 will generate a total of $1,034,894 (@ 95%), which is an increase of $183,843 or 20% from the amount of property tax revenue included in the adopted fiscal year 2018-19 budget. The total operating millage rate of 8.2547 mills is 4.41% above the rolled back rate of 7.9059 mills, and represents a 0.3878 millage rate decrease from the 8.3425 mills levied in fiscal year 2018-19.

This is the second year since 2011 that a portion of the 0.25 mills allowed per referendum has been directed back to a special revenue fund to purchase Environmentally Sensitive Lands (ESL) and not needed for ESL debt service obligations. The voted millage rate for ESL debt is 0.1250. The ESL operating millage of 0.1250 will be deposited into Fund 119 for purchase of Environmentally Sensitive Lands. The Series 2009 ESL Bonds matures in fiscal year 2018-2019. The Series 2016 Bonds debt service will increase in fiscal year 2019-2020 in anticipation of the maturity.
The 2015 General Obligation Refunding Bond millage rate is for debt issued to construct the Judicial Center. Originally issued in 2005, this debt was refunded during 2015 saving interest over the remaining life of the Bonds (20 years). The millage rate of 0.2050 is a reduction of .0400 mills from the .2450 mills levied in fiscal year 2016-2019.

There is additional debt service for the GSB Complex, Jail Expansion and Sheriff Operations Center that does not include a voted debt service millage. Flagler County pledged all non-Ad Valorem Revenues for this debt service. The ½ Cent Non-Discretionary Sales Tax, a portion of the State Revenue Sharing and the Communications Services Tax are deposited into Fund 212 for this Debt Service.

**DEPARTMENT CONTACT:** Lone Bailey Brown CPA, Financial Services Director (386) 313-4094

**RECOMMENDATIONS:** Request the Board establish the proposed millage rates as set forth above and authorize the County Administrator to execute the forms DR-420 as well as take any other actions necessary to complete this process. The form DR-420 will include the following information:

A. Proposed Operating Millage Rate  
B. Proposed Debt Service Millage Rates  
C. Establish the date, time, and place at which a public hearing will be held to consider the proposed millage rate and the tentative budget

**Staff Recommendation:** Thursday, September 5, 2019 – 5:30 p.m.  
Flagler County Government Services Building  
1769 East Moody Boulevard, Building 2  
Bunnell, Florida 32110
(Item 8d – continued)

Lori Bailey Brown, Financial Services Director presented the item noting the BCC had received the proposed budget; stated the total operating millage was 8.2547. Stated their recommendation was for approval operating and millage rates, debt service rate and to establish the date and time for the first public hearing to adopt budget; which they were recommending be September 5, 2019 at 5:30 in the Board Chambers.

Commissioner Sullivan voiced his concerns there were still issues in the County that could significantly impact their budget for the next year.

Commissioner Mullins stated he wanted to see the sheriff’s space problem worked out so it did not cause additional cost. Noted the sheriff and clerk were both requesting increases in their budgets and advised the county administrator there needed to be a strong effort to make it work so they would not have to go to the taxpayers for additional funds.

County Administrator Cameron stated the county’s financial health was measured by the level of reserves, indebtedness and by the millage rate and the budget reflected their effort to address all three areas in the budget. Noted if they continued on the path they would be on sound financial footing in the next couple of years. Pointed out if they had to spend $1 million in the next two or three years to accommodate the sheriff’s space it would delay returning them to a solid foundation financially; he continued.

Pointed out the millage reduction was not a tax reduction, it was a reduction in the percentage they were using in order to calculate the taxes; noting a millage reduction could result in a tax reduction, but in this case it means a much less tax increase.

Chair O’Brien requested public comments. There were none.

A motion was made by Commissioner Hansen to approve as recommended. Seconded by Commissioner Ericksen.

Chair O’Brien called the question. Motion carried unanimously.
ITEM 8E – FLAGLER COUNTY SHERIFF SPACE DISCUSSION

Chair O’Brien stated he requested this item be on the agenda in order to keep the discussion going and to follow up on the BCC’s request from May 20, 2019 to the County Administrator to conclude what the options were in regards to more space for the Sheriff at the courthouse. Since then there have been numerous discussions both online and offline with multiple parties. Stated the BCC received a very detailed letter from the Sheriff regarding his thoughts on where the issue stood. Commented on the letter the BCC received from Chief Judge Zambrano on his thoughts about things the BCC should consider and the ramifications with respect to utilizing the courthouse space. Advised the BCC received information from the County Attorney on the legal background and options, and the County Administrator gave the BCC a situation awareness report entitled “Status of the Courthouse Space.”

Reviewed the options, 1) do a space study of the courthouse by a third party, 2) acquire additional space outside the courthouse, or 3) legally challenge the Clerk.

County Administrator Cameron stated staff made every effort to find alternatives to reach an accord with the Clerk’s Office to avoid a legal confrontation and was prepared to get a space study. Stated they were also trying to find rental space, which would cost approximately $1 million over the time the Sheriff would be there. Pointed out Mr. Hadeed had prepared for legal action, if that was the BCC’s will, and had contacted a constitutional law firm. Stated staff was ready to move forward with whatever action the BCC wanted, but it seemed to him that there was very little likelihood they would reach a voluntary solution at the courthouse.

Chair O’Brien asked if the $1 million number would consolidate the Sheriff’s operation completely out of the courthouse and into a new space or would that be the additional space requested.

County Administrator Cameron replied yes, for consolidation. Stated they had already rented space for the Sheriff in order to accommodate some of his ancillary functions and the BCC had approved the acceleration of building the training facilities on Justice Lane in order for the Sheriff to have a place for crime scene and evidence. Stated the rest of the Sheriff’s core function, patrol and investigators, needed to stay together, so any solution outside of the courthouse needed to take all of those functions with it.

Commissioner Hansen stated without an agreement, he saw no reason to do a space study if it would not solve the conflict.

County Administrator Cameron stated staff did a preliminary space review and on paper it appeared there could be space at the courthouse available, but were not experts in the face of a conflicting opinion, so would need a party with credentials and with all parties agreeing.

Commissioner Mullins stated the tradition of the BCC in the past was to just punt things around, but had been very active in the last seven months making decisions and getting things done. Stated if they could not come up with something then the BCC would need to instruct Mr. Cameron with what direction it wanted him to go. Stated it would be a win for the taxpayers if the County could utilize space in the courthouse and did not have to rent space.
(Item 8e – continued)

County Administrator Cameron stated the reason he had drug his feet a little bit was if the County went the litigation route it would be expensive. Noted the Clerk would obviously defend against the action and both would be using taxpayer dollars and would receive nothing in return. Stated staff had been reluctant to go that route; however, it may be the decision of the BCC to go the litigation route and staff was prepared to do it.

Commissioner Mullins stated the County would have to use taxpayer’s dollars to rent something.

County Administrator Cameron agreed if they did not reach a resolution the taxpayers would lose. Explained if they could nail down exactly what it would cost for the buildout and modification of the areas identified and what the concessions of the landlord would be for the efforts it put in, then staff would have a better number. Stated it would be a tremendous win if the County could utilize space in the courthouse and did not have to rent; not only on the financial front, but also for the future of the agencies working together.

Chair O’Brien announced the Sheriff was out of town and could not be present. Stated this was not adversarial; they were trying to get something done.

Chief Strobridge, Flagler County Sheriff’s Office read a letter from Sheriff Staly (copy of the letter not provided).

Chief Deputy Clerk Givens, Flagler County Clerk of Court and Comptroller, read a letter from Clerk Bexley and handed out copies of “Records Division Space Utilization Study” (both on file in the Clerk’s Office).

Commissioner Hansen questioned the difference in the square footage the Sheriff now occupied at the courthouse, with the Clerk stating the Sheriff occupied 8,851 square feet and the Sheriff stating it was 6,000.

Chief Deputy Clerk Givens replied they went over the courthouse plans thoroughly, but he could not speak for the Sheriff.

Commissioner Sullivan stated it seemed the company that came in to analyze the situation at the courthouse talked about things not necessarily related to a temporary usage of the additional space. Noted the company seemed to be emphasizing that it would change the nature of the way the Clerk did his job. Pointed out the BCC was looking for a temporary solution and not a permanent one.

County Administrator Cameron stated he did not feel they had solved anything in regards to a hard impasse and then questioned why he had not seen the study dated June 4, 2019 before now.
(Item 8e – continued)

Chief Deputy Clerk Givens replied the space study had been done on June 4 or 6 and the only question posed to the Clerk’s Office to his knowledge was if there was any additional space to give and also, to his knowledge, no one came over to look at the space.

County Administrator Cameron stated he had great respect for the Clerk and Mr. Givens, but would have liked to have seen the report ahead of time so he could review it. Felt with him providing the Clerk with any information that he or Mr. Hadeed had would have some reciprocity. Noted he was in front of his board and could not tell them what he thought of the report because he had not had time to review it.

Commissioner Mullins asked the County Administrator if the BCC did not at a few commission meetings ago say “let’s just get this done” and meet with them and make it happen.

County Administrator Cameron replied he tried to do that in a collegial way.

Commissioner Mullins asked Mr. Cameron what options he felt the BCC had. Stated he wanted it done and did not want to see the taxpayers pay any more money than they had, so he was asking, in order to get it done, what did they need to do.

County Administrator Cameron replied there were only three option as he saw them and the only no cost option was to come to an accord with the Clerk and the Sheriff to utilize existing space at the courthouse. Stated he felt the BCC had bent over backwards trying to accommodate the situation, stating the BCC did not create it and had already expended money to address the problem and would expend a great bit more at the end of the day. Pointed out the other solutions would be to rent the space or engage in litigation. Stated staff was prepared to move forward with any one of the three.

Commissioner Mullins stated he remembered making the motion that was seconded and approved to get it worked out at the county courthouse and not to look at another building or other options.

County Administrator Cameron stated that was correct and he carried out the instructions from the BCC in a legal fashion and with advice from the County Attorney, stating he did not have the legal right to go to the courthouse and evict the Clerk from his current space. Stated it would have to be done another way and there were court cases to support that.

County Attorney Hadeed explained he had engaged in parallel communications with the Clerk in an attempt to resolve it or have some dialogue. Stated his questions were not as narrow as Mr. Givens had described the question. Noted he sent the BCC a memorandum he prepared at the Florida Association of Counties conference, stating he had communicated and advised all that the important point was collaboration of all of the offices to try and find a resolution in good faith which would include dialogue among the stockholders that would include looking at all data. Stated the one thing the County withheld doing was compelling some sort of inspection of
the facilities to see who was using what and what was available or not. He felt it was done in a way that respected the authority and also with some particular guidelines that stated in no way would the efforts interfere with the judicial function of the court, as had been referenced. There was a certain volume of unused or underutilized capacity. Pointed out just by a casual tour of the courthouse there was a lot of unused space and posed the question, could it be reallocated on an interim basis. Stated the Clerk’s space study did not meet the kind of rationale and specificity that would give guidance as to whether there might be a readjustment of space; he did not know the answer.

Advised there was a process laid out in the law that was an extremely challenging and expensive process and without a doubt placing the taxpayer as the ultimate loser who would have to bear the cost of litigation. Stated as he mentioned in his memo, he suspected there would not just be two parties; noting the Sheriff and the court might want to have counsel. Explained the Florida Supreme Court had ordained for these kinds of disputes where a judge outside the circuit would be appointed and all parties would have an evidentiary hearing to determine whether there was an appropriate allocation of space to meet needs, whether there was conflict, and was there a way to allocate space so there was little to no interference to the functions of the constitutional offices. Stated the County was in a unique emergency situation caused by the fact the Sheriff’s Operations Center was closed and the transaction to provide other space failed to succeed because it was found there were not full disclosures concerning problems with the building that doomed it for use for the interim purpose. The County could proceed with the litigation, but it was not just the cost; the dollar cost in his estimation would be $100,000 for all sides and felt the cost could be more with the manpower of the agencies involved and the distractions from their central missions. He tried to encourage the stakeholders to have discussions, but for whatever reason he had not received any response from the Clerk except to say “no, unwilling to discuss.” Stated if there was an impasse and no more movement, the BCC would have to decide whether it would set aside $2 million for rental space or proceed with an independent space study. Stated he did not know the answer, but when the BCC gave instruction, he would know what to do.

Commissioner Hansen asked if the Clerk’s Office had responded to the letter from the BCC telling him to provide 5,000 more square feet for the Sheriff. Asked if the Clerk’s Office looked to see if it could provide the additional space.

Chief Deputy Clerk Givens replied he had not and did not know if the Clerk had, noting the Clerk was not in the office at this time.

Commissioner Hansen asked Mr. Cameron if he received a response from the Clerk.

County Administrator Cameron replied through the media.

Commissioner Hansen asked Mr. Givens if the Clerk’s Office looked to see if 5,000 square feet could be made available or was it a flat no. The request was “provide 5,000 square feet to the Sheriff” and asked if they even considered seeing if there was 5,000 square feet available.
Chief Deputy Clerk Givens stated the plans provided to the Clerk’s Office by County Administration indicated it was the Sheriff’s preference to occupy the entire first floor of the Clerk’s Records Division, which it was currently partially occupying. Stated the other plan was a variation of that. Stated he did not know what the intent of the Sheriff’s Office or County Administration was to utilize space because there were two different variations. Pointed out it was not the Clerk’s responsibility to provide the plans; it was the County’s responsibility.

Commissioner Hansen stated he would make the question basic and asked if the Clerk’s Office considered any additional space for the Sheriff.”

Chief Deputy Clerk Givens stated he had not had an opportunity to speak to the Clerk about it.

Commissioner Hansen stated that was not a good sign.

Chair O’Brien stated that was his answer. Asked how long a space study would take and what the cost would be.

County Administrator Cameron replied going by a previous space study done for the Sheriff, he estimated it would cost around $25,000 and should take about 25 days.

Commissioner Sullivan stated he had been to the courthouse two or three times and had looked at the space and blueprints. Stated he did not think there was a lot they could do as commissioners to move it forward at this point because the people who had to take action were not the five county commissioners. Pointed out the BCC had given straight forward direction to the County Administrator by a unanimous vote to get it done and he and his staff had tried a couple of times to make it happen. Stated the BCC heard from the Sheriff’s Office and the Clerk’s Office and he did not see a clear-cut way to go including as a commissioner stating there was no point in doing a space study if the result would be the same. Commented he felt the BCC needed to go the legal route and look at what the precedents in law say, unless accommodations were made by the parties involved.

Commissioner Mullins asked if all parties were really ready to go to the taxpayers after they just spent $10 million on the Sheriff’s Operations Center that was unusable to say they needed to spend another million for a temporary fix. Stated his job was to defend the tax dollar and at some point he needed to say it had to end; if there was a solution they should come up with it because it was just two years. He would not go to the taxpayers for more money. Asked if they really wanted the image to show they were internally fighting, stating it was bad enough the Sheriff’s employees were displaced and begged all parties to consider the taxpayer first.

Commissioner Hansen asked the Sheriff and Clerk to put their “big boy pants on” and sit down to solve the problem. Stated he felt it was solvable, but if the Clerk would not come to the table he did not know how they would do it, but felt there needed to be an agreement between the two of them to figure it out. He felt the solution was for the Clerk to come to the table to give relief.
(Item 8c – continued)

to the Sheriff and give him more space on a temporary basis for the next two years, noting the
courthouse was built for future growth.

Commissioner Ericksen confirmed the additional space the Sheriff wanted was 5,000 square feet.
 Asked if the School Board had any extra space in the Government Service Building, noting it
 was also built for future growth.

County Administrator Cameron replied the County’s Financial Services Department volunteered
to vacate some of its space, but the Sheriff said it was not sufficient to accommodate him. The
important thing to remember was the Sheriff’s operations, as contained in the courthouse, were
fractured and his command, investigation and patrol units were essential functions that work
hand and hand, so putting them in separate buildings would just aggravate the situation rather
than resolving the problem.

Stated the plans Mr. Givens spoke about were not drawn by administration, but came from the
Sheriff, which he forwarded to the Clerk, and were plans the Sheriff felt would work for him.
Stated no plans were submitted by the Clerk.

Chair O’Brien asked Chief Strobridge to clarify the additional 5,000 square feet the Sheriff was
asking for at the courthouse.

Chief Strobridge stated one of the issues when looking at other spaces was being fragmented.
Noted the Clerk and the Sheriff had spoken since back in October and were talking to each other
and not at an impasse. Stated the Sheriff was looking for a way to expand and spread out the
Investigative Services Division and was looking for about 5,000 additional square feet at the
courthouse to do so. That would cause a reallocation of some space to make it more feasible and
more efficient and effective for everyone to get the job done. He could not speak for the
Clerk’s operation, nor had he every pretended to speak on his function or what he did. Stated he
was asked to provide information and that was what he did.

Chair O’Brien asked if the Sheriff could utilize the entire first floor of the courthouse, would it
entail the Sheriff and Chief Strobridge and the administrative staff moving down to the first
floor.

Chief Strobridge replied if the Sheriff had the whole first floor, he would pull people out of the
Clerk’s finance operation and the second floor operation and consolidate them within that
location, if they had the entire first floor. There were variations to make sure the Clerk still had a
presence, but again he could not speak to the Clerk’s operation or what was necessary. Advised
he was in contact with the Sheriff who was watching this meeting live and he wanted a
resolution to the problem.

County Attorney Hadeed pointed out all of the agencies in the courthouse had made
contributions to address the Sheriff’s need for space. The judges had released some of their
space, the State Attorney had and the Clerk had, so it had not been without any attempt.
(Item 8c – continued)

Noted the County government tried to alleviate the situation as much as possible by accelerating the development of a district office to get it online, along with looking at rental space.

Chair O’Brien stated he abhorred one governmental unit suing another and felt it was a complete waste of taxpayer dollars and would be completely opposed to such action. If there was no agreement before a space study, then the study would be a waste of time and money.

Commissioner Mullins asked if the County could put portables outside of the courthouse for the additional 5,000 square feet. Reiterated he really did not feel it was appropriate to go to the taxpayers.

County Administrator Cameron stated that could be done, but there would be an expense associated. He saw the estimates and thought Chief Strobridge might have them.

Chief Strobridge stated they ran some of the estimates for the trailers upfront and it was close to $1 million with no return. Stated the facilities although temporary in nature were quite expensive to lease short term.

County Administrator Cameron stated $1 million seemed to be the number the County would be looking at regardless of what it did. One of the buildings being looked at was $1.2 million just to get the space ready to be used, so that would be the number if the County could not get some sort of resolution between the parties.

Commissioner Mullins noted both the Sheriff and the Clerk had requested increases in their budgets and asked if the BCC could trim those requests to pay for rental space for the Sheriff.

County Administrator Cameron replied the budget including increases was within the domain of the BCC and he would want to know the impacts, but the BCC could do that if it wanted.

Commissioner Mullins stated he would rather see that than ask the taxpayers.

Chair O’Brien requested public comment.

Susan Peters stated she felt these Board Chambers were probably used twice a month and it was about 5,000 square feet and felt it was a perfect solution as the additional space for the Sheriff.

Ed Fuller stated he did not represent Crime Stoppers, Flagler Tiger Bay, Flagler County Republican Club or Flagler County Executive Committee. Noted the tension could be cut with a knife and he felt sorry for Luke, who was a good and honorable guy, and felt sorry for the BCC and everyone in the room. Stated he read the judge’s letter, the Honorable Judge Zambrano, but he just said “consider” and did not say they were breaking the law. Commented, Luke could not
(Item 8e – continued)

answer the question if it was 1,000, 2,000 or 5,000 so he thought the answer was no; in negotiations that was not compromise. Luke was too intelligent a fellow to be put in that position and so was Tom. He thought the tension in the courthouse was unbearable and asked where was the reasonable person and hated to use that legal term. He first wanted to thank the BCC for making the motion to instruct the County Administrator to do it, then he applauded Commissioner Sullivan for writing the letter; it was probably the only reason Judge Zambrano wrote the letter because the BCC was going to take action. Stated a position was not leadership; leadership was taking action and questioned whether on the weekend if the County could just move four offices up one floor, he doubted that was illegal. The BCC was the primary owner of the courthouse and the clerks would not stop looking at records or giving documents; that had not been proven. Asked where the reasonableness was, there was no reasonable reason. If anybody visited that courthouse, 100,037 square feet with only 27-28 employees over there. The Sheriff had 60 plus people over there; it was public safety and that was the BCC’s number one priority. He knew this was easy for him to say, but as a taxpayer felt he did not want to pay a penny litigating anything and move the space on the weekend to put the ball in the Clerk’s court. Reiterated the judge did not say it was illegal as he would have cited that, but he did not say that.

Chief Strobridge clarified the Clerk had more than 50 people employed at the courthouse. The Sheriff had cooperated at every turn trying get some resolution and the suggestion that his budget should be sacrificed as a result of that and impact public safety was not a path they should go down as a community.

Candice Dorsey, the Hammock, questioned whether the BCC wanted to pay $27,000 for a space study if was there a way to force both parties into mediation rather than have a lengthy lawsuit. Asked if both parties would be willing to ease some ground after a space study, because it was only a temporary two-year thing. As a taxpayer she could not afford to pay her taxes and was glad the County was all working to have commercial development come in. She would rather see $1 million in taxpayer money spent than this kind of stuff continue to go on for a prolonged period of time; it was far from ideal and she did not like it or want it.

There was no further public comment.

County Attorney Hadeed stated it would be possible if the parties were to get together to agree to a process of mediation, but it would involve the willingness of the parties in good faith to contribute to the effort. Stated a dialogue was missing, there had not been a dialogue, it had been a one-way communication. He hated to evoke the great line from a movie “what they have is a failure to communicate, effectively”.

Commissioner Hansen asked Mr. Givens if the County did a space study would he and the Clerk go along with the study. Stated if the Clerk and Sheriff agreed then they could move forward.

Chief Deputy Clerk Givens replied he was not authorized to agree to anything at this time.

Commissioner Hansen replied he understood that.
Chief Strobridge stated it was not the Sheriff’s responsibility to do it. The mediation was not between the Sheriff and the Clerk; the issue was between the BCC and the Clerk’s Office, the Sheriff was just the other party. Stated the Sheriff would take anything the BCC gave, but it was not really his battle to be in.

Chair O’Brien agreed.

Commissioner Mullins stated the BCC made it very clear in the previous motion to get the space and understood he was being told the only way to do that was to force it and the fear was not that the County was going to sue the Clerk, but that the Clerk might come back and sue the BCC. Then there was a lawsuit with the BCC being the people. Asked if he was following that clearly.

County Administrator Cameron stated he did not think that was an accurate characterization; his understanding was the County would seek the equivalent of a declaratory judgement and the Clerk would oppose the County getting a judgement that would require him to surrender any space at the courthouse and then they would have to get into some evidentiary proceedings with experts.

Stated as he was looking over the space study Mr. Givens passed out and he was hoping there was something in it to rely on, but it stated on page 10, “A space need analysis of the Records Division was conducted based on best practices in courtroom design and the Flagler County Clerk’s Office’s stated requirements for existing operations needs and projected growth. Verification of existing space conditions and usage was not conducted as a part of this analysis.” He felt that statement would make the document probably pretty weak as evidence.

Commissioner Mullins summed up, the County Administrator asked the Clerk and the Clerk would not do it, so the next phase was to legally or forcefully do it or seek another place.

County Administrator Cameron agreed.

Commissioner Mullins stated he thought any action like this would stunt Flagler County’s growth economy to the world if they did not get along and work together.

County Administrator Cameron stated it certainly would not do Flagler County any good if it continued.

Commissioner Sullivan stated legal action was not good, but at some points in time people get put in different situations and by taking legal action the County might set a precedent for the State of Florida so if this ever came up again there would be a legal determination as to how it should be worked out. Felt the BCC might have stumbled on an issue that needed clarification at the legal level. Commented he was not a lawyer, but a sea lawyer as all navy guys are sea lawyers, and people at times in their lives come to situations at an impasse and this did need clarification and it might well be the only way to resolve it was through a legal determination.
A motion was made by Commissioner Sullivan to proceed with legal action hoping in the meantime people would come to their senses and get it arranged; in the meantime at least take the initial steps toward legal action. Seconded for discussion by Commissioner Hansen.

Commissioner Hansen felt there was a step the BCC could take before legal action and wanted to amend the motion to state, “direct the Clerk to come up with an additional 5,000 square feet.”

Commissioner Mullins stated the BCC already did that.

Commissioner Hansen stated the Clerk was asked to do it, but he had not responded.

Commissioner Mullins stated the County Administrator said the next step was to push legally, so he would second the motion because he did not know what other options there were, but hopefully had a few weeks to sit down and work it out.

Chair O’Brien suggested sending a letter to the Clerk asking if he would abide by an independent space analysis and get it on the record whether he would agree with whatever report the County received through an agreed upon third party company. Stated he agreed with Chief Strobridge and the Sheriff that the negotiation was between the BCC and the Clerk, if it was determined that using the Clerk’s space at the courthouse was the most cost effective way to go.

Commissioner Mullins commented if the BCC said do the study and spent the money to do it, but the Clerk turned around and the answer was still no, then that money was wasted.

Chair O’Brien stated that was why he wanted it in writing ahead of time before the County undertook the study, that there was an agreement from the Clerk he would accept the results of the study.

County Administrator Cameron interjected he had some experience working with the parties and he did not believe that would have a positive outcome, but it was certainly worth a try. Asked, in that the BCC only meet once every two weeks and it only take 24 to 48 hours to prepare a letter and get an answer, that the BCC to give staff its next course of action so it would not be delayed any further.

Commissioner Sullivan noted he had a motion on the floor with a second and amended that motion as follows:

Such a letter just discussed by the Chairman be written and delivered to the Clerk, but if unanswered would be considered a no, unless the County heard differently within 48 hours.

Stated he had to put a lot of time limits on it and if that occurred then the amended motion moved forward.
(Item 8c – continued)

Chair O’Brien asked that the motion be cleaned up.

Commissioner Sullivan repeated his motion:
Due to the situation and significance there might be a broader legal determination required; therefore, the BCC directs the County Attorney to initiate legal action to make a determination as to whether or not the BCC has full right to determine exact spacing in a building owned by the County Commission. In the meantime it would help that the parties involved would continue discussions along the lines that a letter be prepared by the County Administrator to assist in the process where he would ask the Clerk if he would be willing to accept the results of a space usage study in the meantime and the BCC must receive a response from the Clerk within 48 hours. Amendment seconded by Commissioner Hansen.

Chief Deputy Clerk Givens stated it was a fine motion no doubt, but advised the Clerk would not be available for at least a week.

Commissioner Sullivan demanded to know why as this had been going on for a long time.

Chief Deputy Clerk Givens pointed out the Clerk was indisposed for a week.

Commissioner Sullivan replied okay, then Mr. Givens must take the responsibility.

Chief Deputy Clerk Givens replied with all due respect, he was not a constitutionally elected official.

Commissioner Sullivan responded good luck.

County Attorney Hadeed explained the Florida Supreme Court had addressed this kind of dispute and what was required when parties could not agree to the allocation of space was a lawsuit for an evidentiary hearing pursuant to a petition to get into a courtroom. A judge from outside the circuit would be appointed to hear the case. As there was already a procedure he asked if the maker of the motion would allow him to restate what he thought the intent of the motion was in words that would be appropriate.

He restated the motion:
Authorize the County Attorney working with the County Administrator to begin preparation for a suit in accordance with the precedent of the Florida Supreme Court and, in the interim with the hope of averting litigation, that a request be made to attempt an agreement on a third party space study that may resolve the issue thereby averting the litigation.

Asked if that reflected Commissioner Sullivan’s intent.

Commissioner Sullivan stated he wanted to put some time constraint on the response.
(Item 8e – continued)

County Attorney Hadeed stated he could not fill in that blank as it was not legal wording, but was a judgement on the commissioner’s part.

Commissioner Sullivan stated he agreed with the County Attorney’s wording with the exception of the time limit on the response and had explained the motion in a more concise and legal way.

Commissioner Hansen suggested a time of 10 days for the Clerk.

Commissioner Mullins asked if the Clerk would be back in 10 days.

Chief Deputy Clerk Givens indicated 7 days.

Commissioner Sullivan interjected he was not in communication, he was incommunicado.

(Commissioner Sullivan left the chambers.)

The BCC recessed at 8:27 p.m. and reconvened at 8:47 p.m.

Chair O’Brien noted there was a motion clarified by County Attorney Hadeed and asked if Commissioner Sullivan would like to add a time constraint to the motion.

Commissioner Sullivan stated the time constraint he would suggest was 48 hours for the letter that would go directly to the Clerk asking if he would be willing to abide by the space study that would be done by the County.

Commissioner Hansen asked, knowing the Clerk was not available for 7 days, why not give it 10 days.

Commissioner Sullivan replied because the Clerk’s offices had been able to operate and make decisions in the meantime.

Commissioner Hansen replied that was a good point.

Commissioner Sullivan added to the motion: In addition, the BCC would give the Clerk 48 hours to respond to the letter that would go direct to the Clerk asking if he would abide by the space study done by the County.

Commissioner Hansen seconded the amendment as restated.
(Item 8c – continued)

Chair O’Brien called the question. Motion carried unanimously.

County Attorney Hadeed advised he had spoken to an outside law firm, Nabors, Giblin & Nickerson, who were constitutional lawyers and discussed the situation with them and they were willing to represent the BCC. Requested the BCC authorize him to engage them if litigation went forward.

A motion was made by Commissioner Hansen to authorize the County Attorney and County Administrator to retain the Nabors, Giblin & Nickerson law firm. Seconded by Commissioner Sullivan.

Chair O’Brien requested public comment.

Bernard Wishnia, Hammock Beach, stated there was no reason to hire an attorney and enter litigation to prove a point. Suggested the BCC wait for an answer and not retain counsel until it had to. Commented on the embarrassment and tens of thousands of dollars because the BCC did not want to wait a week.

County Attorney Hadeed clarified the counsel would not be engaged until the County knew it would be going to litigation.

There was no further public comment.

Chair O’Brien called the question. Motion carried unanimously.
ITEM 9A – QUASI JUDICIAL – APPROVAL OF MEDIATION AS MODIFIED BY THE BOARD OF COUNTY COMMISSIONERS ON JUNE 17, 2019, RELATING TO REZONING (APPLICATION #3150) FROM R/C (RESIDENTIAL/LIMITED COMMERCIAL) TO PUD (PLANNED UNIT DEVELOPMENT) AND PUD SITE DEVELOPMENT PLAN (APPLICATION #3158) FOR THE BEACHWALK PUD LOCATED AT 4931 NORTH OCEANSHORE BOULEVARD; PARCEL NUMBER: 40-10-31-5137-000H0-0000 12.44+/– ACRES

The following staff report was provided by County Administration:

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

SUBJECT: QUASI-JUDICIAL – Approval of Mediation as Modified by the Board of County Commissioners on June 17, 2019, relating to Rezoning (Application #3150) from R/C (Residential/Limited Commercial) to PUD (Planned Unit Development) and PUD Site Development Plan (Application #3158) for the Beachwalk PUD located at 4931 North Oceanshore Boulevard; Parcel Number 40-10-31-5137-000H0-0000; 12.44+/- acres. Owner: LRA Rio, LLC/Applicant: Ateee Development Group, Inc.

DATE OF MEETING: July 15, 2019

OVERVIEW/SUMMARY: This request is quasi-judicial in nature and requires disclosure of ex parte communication. On March 18, 2019, the Board unanimously denied the request to rezone the subject parcel depicted below from Residential-Commercial (R-C) to Planned Unit Development (PUD). Following the denial, the applicant invoked a statutory right of landowners faced with an adverse development order to conflict resolution under Section 70.51, Florida Statutes. The applicant and the staff, along with interested stakeholders, conducted a mediation and brought a proposed mediated settlement to the Board at its last regular meeting on June 17, 2019. After discussion and further negotiation, the Board approved the mediated settlement as modified at its June 17th meeting. As per the modified mediation outcome, staff has prepared a rezoning ordinance and, with the assistance of the applicant, a site development plan. These are the legal instruments that implement the mediation.

The subject parcel is 12.44+/– acres in size and is located North of Jungle Hut Road between North Oceanshore Boulevard (aka State Road A1A) and Hammock Dunes Parkway, as depicted below.

The attached documents reflect the decreased lot count, reconfigured roadway tract and stormwater pond along with a walkway, increased open space, wider vegetative buffer on Jungle Hut Road, and emergency ingress/egress. These are intended to achieve compatibility with the adjacent neighborhood and a better project over what the R/C zoning would allow.

With the inclusion of the emergency access, a waiver of this requirement will not be necessary; however, a waiver of the paved secondary ingress/egress (FCLDC Section 4.06.02 A.4) requirement will be needed as part of the review of the subdivision plat.

BCC review authority: FCLDC Section 3.04.02 requires that the Board of County Commissioners find, together with any special conditions, that:

   1. The proposed PUD does not affect adversely the orderly development of Flagler County and complies with the comprehensive plan adopted by the Flagler County Board of County Commissioners.

   2. The proposed PUD will not affect adversely the health and safety of residents or workers in the area and will not be detrimental to the use of adjacent properties or the general neighborhood.
(Item 9a – continued)

Public notice has been provided for this application according to LDC Section 2.07.00 and Section 125.66, Florida Statutes.

This agenda item is:

X quasi-judicial, requiring disclosure of ex-parte communication; or

_____ legislative, not requiring formal disclosure of ex-parte communication.

DEPT./CONTACT/PHONE #: Planning & Zoning/Adam Mengel/386-313-4065

RECOMMENDATION FOR THE BOARD:

1. APPROVE THE REZONING ORDINANCE AND SITE DEVELOPMENT PLAN IMPLEMENTING THE APPROVED SETTLEMENT— If the Board believes that the attached codify the mediated settlement as modified at the last Board hearing, then the Board should approve Application #3150, amending the zoning classification of a total of 12.44 acres, more or less, identified as Parcel Number 401-10-31-5137-000H0-0000, from R/C (Residential/Limited Commercial) to PUD (Planned Unit Development) District, and approve Application #3188, the Beachwalk PUD Site Development Plan, creating the Beachwalk Planned Unit Development.

The rezoning ordinance is titled as follows:
Chair O’Brien stated Item 9a was quasi-judicial and asked for disclosures.

Commissioners O’Brien, Hansen and Sullivan disclosed they had received emails, handouts and briefs.

County Attorney Hadeed noted this was not a general land use decision, but was a carry forward from the mediation conclusion the BCC reached at the last meeting. Pointed out they were in a statutory process following the denial of the original application. Stated the parties agreed to an informal mediation without a special master or transcript and at the conclusion of the mediation, the applicant agreed to do a resubmittal with various items that had been discussed. Advised the BCC received no recommendation but was presented with three options that the applicant was willing to do, which were to approve what was submitted, modify or reject. Explained staff would prepare the implementing documents, the land use document, that would bring legal reality to the mediation, which was now before the BCC.

Commissioner Sullivan stated he felt they were not ready to complete the transaction because he felt there was a mistake in the written proposed recommendation at the last meeting where used Application 3150 was used improperly. Stated they discussed land use, which was Application 3158, and because of that, there was confusion and Application 3158 was not addressed in the motion at the last meeting.
(Item 9a – continued)

Adam Mengel, Planning Director, stated they were not divorced from each other; they were both a land use and went together. He further explained Application 3150 was specific to zoning the PUD and Application 3158 was the site plan.

Commission Hansen stated he did not feel it qualified as a PUD and did not feel they were bringing better land use to the Hammock. Pointed out it was wrong for the Hammock, and would ruin Jungle Hut Park and Jungle Hut Road and leave the intersection at A1A a mess.

There was discussion on the RC zoning.

Chair O’Brien agreed with the statement that it would codify the mediated settlement the BCC voted on 3 to 2.

Sid Ansbacher, attorney for the applicant, spoke about a case from St. Johns County, pointing out the statute had multiple provisions supporting finality and settlement. Stated more people than the applicant had to under the statute were noticed and a lot of public comments taken.

Chair O’Brien requested public comment.

Jan Sullivan, the Hammock requested the BCC vote no on Applications 3150 and 3158 and work with the developer on a more appropriate RC zoning for the site, which was 36 homes.

Dennis Clark, the Hammock, requested the BCC to limit it to 36 residents or vote to reconsider.

Joy Ellis, the Hammock, spoke about density in the Hammock and its relationship to a PUD and RC zoning and provided a handout (on file in the Clerk’s Office).

Dr. Lynne Bravo Rosewater, the Hammock, spoke against the PUD and provided a handout (on file in the Clerk’s Office).

Roberta Polletta, Ormond Beach, stated there was no discussion about the PUD and felt it was inappropriate for the area.

Jan Cullinane, the Hammock, read how the County’s website described the Hammock and respectfully requested the County leave the Hammock as it was described.

Roger Cullinane, the Hammock, felt Jungle Hut Road would be a problem with all of the traffic.

Ann Butler, the Hammock, spoke against the PUD and an increase in density.
(Item 9a – continued)

Candice Dorsey, the Hammock, spoke against the PUD, noting the dangers in evacuating the beachside with the increase in housing density.

Joshua Rosenbaum, the Hammock resident and business owner, stated there were ways to develop and build to create a smaller footprint while preserving more of the land. Stated the intent of the comprehensive plan was to push the community, developers and builders to be more creative.

There was no further public comment.

Mr. Ansbacher stated the applicant was asking the BCC to implement at the two stages what they considered before.

A motion was made by Commissioner Hansen to table the request. Seconded by Commissioner Sullivan.

Chair O’Brien called the question. Motion carried 3 to 2 with Chair O’Brien and Commissioner Mullins dissenting.

**ITEM 10A – COUNTY ADMINISTRATOR REPORT/COMMENTS**

County Administrator Cameron stated the Florida Governmental Utility Authority formally looked at Plantation Bay for potential acquisition and determined that it was not suitable, but came back and asked if there was interest in them having another look. Explained that would be done in three phases and authorization was needed for phase one, which would allow them to evaluate the structure, rates and income stream. Advised there was no cost to the county. Stated he was looking for BCC consensus.

There was BCC consensus to approve the request.

**ITEM 10B – COUNTY ATTORNEY REPORT/COMMENTS**

None

**ITEM 10C – COMMISSION ACTION**

None
ITEM 10D – COMMUNITY OUTREACH

Animal Control on the Westside

Steve Grossman, Westside, stated there was a problem in the area with animals getting loose and damaging his property. Noted there were holes in the owners’ fences and animals would roam freely. Stated after calling the police he was informed there was no law that required people to control their animals. He asked the BCC to look into the problem.

Chair O’Brien advised Mr. Grossman that the County Administrator was taking notes and would work with him.

ITEM 10E – COMMISSION REPORTS/COMMENTS

Commissioner Sullivan stated he had mentioned before that the Lehigh Trail had some dangerous situations and suggested using paint to warn people of the problems.

Commissioner Hansen noted horseback riding on the beach was becoming an issue again and he would bring forward a solution at the next meeting.

Commissioner Mullins stated he attended the annual meeting of the National Association of Counties. Reported the country was moving forward to get fiber technology and suggested possibly creating a task force to help drive that initiative. Also stated there would be a lot of senior programs coming forward.

ADJOURNMENT

The meeting adjourned by consensus at 9:58 pm.

APPROVED AND ADOPTED __________________________________________________

ATTEST:                                                                     FLAGLER COUNTY BOARD OF
                                                                 Clerk of the Circuit Court & Comptroller        COUNTY COMMISSIONERS
                                                                 Chair

Tom Bexley                                                                
Donald T. O’Brien, Jr.

53
UNOFFICIAL
SUBJECT: Ratification of Flagler County Emergency Proclamations Extending the State of Local Emergency – Hurricane Matthew

DATE OF MEETING: August 19, 2019

OVERVIEW/SUMMARY: On October 3, 2016, Governor Scott issued Executive Order No. 16-230 declaring a state of emergency in the State of Florida due to Hurricane Matthew. The following day, on the recommendation of the public safety emergency manager and the county administrator, the Chair issued a Proclamation declaring a state of local emergency. The declared state of emergency allows the County to bypass normal protocols, for example regarding procurement, to the extent necessary to address the emergency. By law, the Proclamation may only last for seven days but may be renewed as needed. Under Section 12-34 of the County Code of Ordinances, actions of the County Administrator pursuant to a declared state of local emergency must be reported to the Board as soon as practical under the circumstances.

Hurricane Matthew struck the County on October 7, 2016 devastating the entire coastline of the County, downing many trees countywide, damaging hundreds of homes and knocking out electricity for the vast majority of residents. As a result, on October 11, 2016 and every seventh day thereafter, the Chair, by Proclamation, extended the state of local emergency for additional seven day periods as the County continues the process of recovery. The damaged dune system and severe erosion of the beach makes public infrastructure and neighborhoods on the barrier island vulnerable to storm and tidal events. The coastline remains in disrepair with damaged dunes and much of A1A in Flagler Beach in need of a long term solution.

The County has completed installation of seawalls in Painters Hill and is conducting a dune restoration project by repairing dune walkovers and installing an emergency berm along much of the coastline. The County has established special assessment districts to recoup some of the costs of the seawall and dune restoration projects. In addition, the County has passed an ordinance recognizing the right of customary use of the beach by the public, including privately owned portions of the beach benefitting from the dune restoration project. Finally, the County has implemented an educational campaign called, “Dodge the Dunes,” to protect the emergency berm and new dune vegetation.

FUNDING INFORMATION: N/A

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

RECOMMENDATION: Request the Board ratify the Proclamations Extending the State of Local Emergency for Hurricane Matthew.

ATTACHMENTS:
1. Proclamation Extending State of Local Emergency – Hurricane Matthew, 08/06/2019
2. Proclamation Extending State of Local Emergency – Hurricane Matthew, 08/13/2019
FLAGLER COUNTY, FLORIDA
PROCLAMATION EXTENDING
STATE OF LOCAL EMERGENCY
(Hurricane Matthew)

WHEREAS, based on the recommendation of the Public Safety Emergency Manager, the Sheriff, and the County Administrator in preparation for the imminent impact of Hurricane Matthew on Flagler County, the Chair of the Board of County Commissioners of Flagler County, Florida issued a Proclamation declaring a state of local emergency, dated October 4, 2016; and

WHEREAS, Hurricane Matthew passed along the County's coastline on October 7, 2016, severely damaging the entire dune system of the County, flooding hundreds of homes through dune breaches and destroying public infrastructure and other public and private property along the coastline; and

WHEREAS, Hurricane Matthew had a particularly devastating impact on the right of way of State Road A1A in Flagler Beach, threatening adjoining homes and businesses, which roadway remains under repair; and

WHEREAS, Hurricane Matthew has exposed the beachfront of Flagler Beach to a critical risk of further damage; and

WHEREAS, on October 11, 2016, and every seventh day thereafter, based on the further recommendation of the County Administrator and the Emergency Management Director, the Chair of the Board of County Commissioners extended the state of local emergency for additional seven day periods; and

WHEREAS, the Board of County Commissioners ratified each of the Proclamations declaring and extending the local state of emergency by unanimous votes at public meetings; and

WHEREAS, while recovery efforts in response to Hurricane Matthew were still underway, Hurricane Irma struck Flagler County on September 11, 2017, further scarring the already badly damaged dune system of the county, flooding hundreds of homes, and nearly collapsing beachfront homes in the Painters Hill area of unincorporated Flagler County; and

WHEREAS, the County is engaged in a coastal dunes rehabilitation effort at multiple locations along the Flagler County coast including the installation of a seawall in Painters Hill and an emergency protective berm along the dune in most of unincorporated Flagler County; and
WHEREAS, the County is presently undertaking, with the assistance of local, state, and federal agencies, the renourishment of approximately six miles of dunes in the City of Flagler Beach and in the southern part of the Town of Beverly Beach; and

WHEREAS, the County has repaired dune crossovers and installed specialized mats over the emergency protective berm at certain beach access points for pedestrian and authorized vehicular traffic to protect the berm; and

WHEREAS, the County issued Emergency Order 2018-02, prohibiting driving on the dunes and the emergency protective berm, and Emergency Order 2018-03 preventing pedestrian and equestrian traffic on the dunes and emergency protective berm, in order to preserve the structural integrity of the berm, protect dune vegetation, and prevent erosion; and

WHEREAS, the Board of County Commissioners passed an ordinance in July 2018 recognizing the customary use of the beaches by the public, including privately owned portions of the beaches adjacent to the emergency berm and recently installed seawalls in Painters Hill in order, in part, to validate the use of public resources for the emergency repairs in light of new state law governing customary use of the beaches; and

WHEREAS, the municipalities of Marineland, Beverly Beach, and Flagler Beach have adopted and endorsed customary use on their municipal beachfronts; and

WHEREAS, to complement these engineering and regulatory measures, the County is conducting an educational campaign to protect the fragile dune system entitled, “Dodge the Dunes”; and

WHEREAS, the need to facilitate procurement for these and other recovery efforts is urgent due to the risk of future hurricanes, and accordingly, the County has adopted an expedited procurement process under its emergency powers; and

WHEREAS, extending the local emergency declaration facilitates the County’s ability to continue to respond to emergency conditions along the beaches and within lands containing public and private property and infrastructure, including the securing of funding sources and entering into agreements with adjacent property owners and municipalities—all with the goal of mitigating future losses.

NOW THEREFORE, in accordance with the emergency power vested in the County pursuant to Chapter 252, Florida Statutes, and Section 12-34 of the Flagler County Code of Ordinances, Flagler County hereby proclaims that:

1. The state of local emergency declared on October 4, 2016, extended by emergency proclamations every seventh day thereafter and duly ratified by the Board of County Commissioners, is hereby extended for an additional 7
days from the effective date of this Proclamation, unless terminated or modified earlier or extended in accordance with law.

2. All emergency powers authorized by the Proclamation of October 4, 2016, declaring a state of local emergency, and extended every seventh day thereafter are hereby retained and continued for the duration of this Proclamation.

DONE AND ORDERED in Flagler County, Florida, this 6th day of August 2019.

FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS:

Donald T. O'Brien Jr., Chair

CONCURRENCE:

Jonathan Lord, Emergency Management Director

APPROVED AS TO FORM:

Al Hadeed, County Attorney
FLAGLER COUNTY, FLORIDA
PROCLAMATION EXTENDING
STATE OF LOCAL EMERGENCY
(Hurricane Matthew)

WHEREAS, based on the recommendation of the Public Safety Emergency Manager, the Sheriff, and the County Administrator in preparation for the imminent impact of Hurricane Matthew on Flagler County, the Chair of the Board of County Commissioners of Flagler County, Florida issued a Proclamation declaring a state of local emergency, dated October 4, 2016; and

WHEREAS, Hurricane Matthew passed along the County's coastline on October 7, 2016, severely damaging the entire dune system of the County, flooding hundreds of homes through dune breaches and destroying public infrastructure and other public and private property along the coastline; and

WHEREAS, Hurricane Matthew had a particularly devastating impact on the right of way of State Road A1A in Flagler Beach, threatening adjoining homes and businesses, which roadway remains under repair; and

WHEREAS, Hurricane Matthew has exposed the beachfront of Flagler Beach to a critical risk of further damage; and

WHEREAS, on October 11, 2016, and every seventh day thereafter, based on the further recommendation of the County Administrator and the Emergency Management Director, the Chair of the Board of County Commissioners extended the state of local emergency for additional seven day periods; and

WHEREAS, the Board of County Commissioners ratified each of the Proclamations declaring and extending the local state of emergency by unanimous votes at public meetings; and

WHEREAS, while recovery efforts in response to Hurricane Matthew were still underway, Hurricane Irma struck Flagler County on September 11, 2017, further scarring the already badly damaged dune system of the county, flooding hundreds of homes, and nearly collapsing beachfront homes in the Painters Hill area of unincorporated Flagler County; and

WHEREAS, the County is engaged in a coastal dunes rehabilitation effort at multiple locations along the Flagler County coast including the installation of a seawall in Painters Hill and an emergency protective berm along the dune in most of unincorporated Flagler County; and

WHEREAS, the County is presently undertaking, with the assistance of local, state, and federal agencies, the renourishment of approximately six miles of dunes in the City of Flagler Beach and in the southern part of the Town of Beverly Beach; and
WHEREAS, the County has repaired dune crossovers and installed specialized mats over the emergency protective berm at certain beach access points for pedestrian and authorized vehicular traffic to protect the berm; and

WHEREAS, the County issued Emergency Order 2018-02, prohibiting driving on the dunes and the emergency protective berm, and Emergency Order 2018-03 preventing pedestrian and equestrian traffic on the dunes and emergency protective berm, in order to preserve the structural integrity of the berm, protect dune vegetation, and prevent erosion; and

WHEREAS, the Board of County Commissioners passed an ordinance in July 2018 recognizing the customary use of the beaches by the public, including privately owned portions of the beaches adjacent to the emergency berm and recently installed seawalls in Painters Hill in order, in part, to validate the use of public resources for the emergency repairs in light of new state law governing customary use of the beaches; and

WHEREAS, the municipalities of Marineland, Beverly Beach, and Flagler Beach have adopted and endorsed customary use on their municipal beachfronts; and

WHEREAS, to complement these engineering and regulatory measures, the County is conducting an educational campaign to protect the fragile dune system entitled, “Dodge the Dunes”; and

WHEREAS, the need to facilitate procurement for these and other recovery efforts is urgent due to the risk of future hurricanes, and accordingly, the County has adopted an expedited procurement process under its emergency powers; and

WHEREAS, extending the local emergency declaration facilitates the County’s ability to continue to respond to emergency conditions along the beaches and within lands containing public and private property and infrastructure, including the securing of funding sources and entering into agreements with adjacent property owners and municipalities—all with the goal of mitigating future losses.

NOW THEREFORE, in accordance with the emergency power vested in the County pursuant to Chapter 252, Florida Statutes, and Section 12-34 of the Flagler County Code of Ordinances, Flagler County hereby proclaims that:

1. The state of local emergency declared on October 4, 2016, extended by emergency proclamations every seventh day thereafter and duly ratified by the Board of County Commissioners, is hereby extended for an additional 7 days from the effective date of this Proclamation, unless terminated or modified earlier or extended in accordance with law.
2. All emergency powers authorized by the Proclamation of October 4, 2016, declaring a state of local emergency, and extended every seventh day thereafter are hereby retained and continued for the duration of this Proclamation.

DONE AND ORDERED in Flagler County, Florida, this 13th day of August 2019.

FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS

Donald T. O'Brien Jr., Chair

CONCURRENCE:

Jonathan Lord, Emergency Management Director

APPROVED AS TO FORM:

Af Hadeed, County Attorney
SUBJECT: Ratification of Flagler County Emergency Proclamations Extending the State of Local Emergency – Hurricane Irma.

DATE OF MEETING: August 19, 2019

OVERVIEW/SUMMARY: On September 4, 2017, Governor Scott issued Executive Order No. 17-235 declaring a state of emergency in the State of Florida due to Hurricane Irma. The following day, on the recommendation of the Public Safety Emergency Manager and the County Administrator, the Chair issued a Proclamation declaring a state of local emergency. The declared state of emergency allows the County to bypass normal protocols, for example regarding procurement, to the extent necessary to address the emergency. By law, the Proclamation may only last for seven days but may be renewed as needed. Under Section 12-34 of the County Code of Ordinances, actions of the County Administrator pursuant to a declared state of local emergency must be reported to the Board as soon as practical under the circumstances.

Hurricane Irma struck the County on September 11, 2017 flooding and damaging hundreds of homes, knocking out electricity for the vast majority of residents, and damaging an already compromised dune system on the barrier island. As a result, on September 12, 2017 and every seventh day thereafter the Chair, by Proclamation, extended the state of local emergency for additional seven-day periods as the County continues the process of recovery. The Board has ratified each of the Proclamations at regular meetings.

As part of the recovery, the County has repaired dune crossovers and other public infrastructure along the coastline and installed seawalls in Painters Hill. The County is also conducting a dune restoration project by installing an emergency berm along most of the coastline. The County has established special assessment districts to recoup some of the costs of the seawall and dune restoration projects. The County has passed an ordinance recognizing the right of customary use of the beach by the public, including privately owned portions of the beach benefitting from the dune restoration project. Finally, to protect the berm and new dune vegetation, the County has implemented an educational campaign called, “Dodge the Dunes.”

FUNDING INFORMATION: N/A

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

RECOMMENDATION: Request the Board ratify the Proclamations Extending the State of Local Emergency for Hurricane Irma.

ATTACHMENTS:
1. Proclamation Extending State of Local Emergency – Hurricane Irma, 08/06/2019
2. Proclamation Extending State of Local Emergency – Hurricane Irma, 08/13/2019
FLAGLER COUNTY, FLORIDA
PROCLAMATION EXTENDING THE
STATE OF LOCAL EMERGENCY
(Hurricane Irma)

WHEREAS, based on the recommendation of the Emergency Management
Chief and the County Administrator concerning the potential impact of Hurricane Irma
on Flagler County, the Chair of the Board of County Commissioners of Flagler County
issued a Proclamation declaring a state of local emergency on September 5, 2017; and

WHEREAS, Hurricane Irma struck Flagler County on September 11, 2017,
further scarring the dune system of the county already badly damaged by Hurricane
Matthew in 2016, also flooding hundreds of homes and nearly collapsing beachfront
homes in the Painters Hill area of unincorporated Flagler County; and

WHEREAS, Hurricane Irma damaged the right of way of State Road A1A and
threatened adjoining homes and businesses;

WHEREAS, Hurricane Irma has exposed the beachfront of Flagler Beach to a
critical risk of further damage; and

WHEREAS, on September 12, 2017, and every seventh day thereafter, based on
the further recommendation of the County Administrator and the Emergency
Management Director, the Chair of the Board of County Commissioners extended the
state of local emergency declared for Flagler County for additional seven day periods;
and

WHEREAS, the Board of County Commissioners ratified the Proclamations
declaring and extending the local state of emergency by unanimous vote at public
meetings following each of the Proclamations; and

WHEREAS, the County is engaged in a coastal dunes rehabilitation effort at
multiple locations along the Flagler County coast and has completed the installation of a
seawall in Painters Hill and an emergency protective berm in most of unincorporated
Flagler County; and

WHEREAS, the County is presently undertaking with the assistance of local,
state, and federal agencies the renourishment of approximately six miles of dunes in the
City of Flagler Beach and the southern part of the Town of Beverly Beach; and

WHEREAS, to accommodate the critical time table for these recovery efforts, the
County has adopted a procurement process under its emergency powers; and

WHEREAS, the Board of County Commissioners passed an ordinance in July
2018, recognizing the customary use of the beaches by the public, including privately
owned portions of the beaches adjacent to the emergency berm and seawalls in
Painters Hill in order, in part, to validate the use of public resources for the emergency
repairs in light of new state law governing customary use of the beaches; and
WHEREAS, the municipalities of Marineland, Beverly Beach, and Flagler Beach have adopted and endorsed customary use on their municipal beachfronts; and

WHEREAS, the County issued Emergency Order 2018-02, prohibiting driving on the dunes and the emergency protective berm, and Emergency Order 2018-03 preventing pedestrian and equestrian traffic on the dunes and emergency protective berm, in order to preserve the structural integrity of the dune, protect dune vegetation, and prevent erosion; and

WHEREAS, to complement these engineering and regulatory measures, the County is conducting an educational campaign to protect the fragile dune system entitled, “Dodge the Dunes”; and

WHEREAS, extending the local emergency declaration facilitates the County’s ability to continue to respond to emergency conditions along the beaches and within lands containing public and private property and infrastructure, including the securing of funding sources and entering into agreements with adjacent property owners and municipalities to facilitate these activities—all with the goal of mitigating future losses.

NOW THEREFORE, in accordance with the emergency power vested in the County pursuant to Chapter 252, Florida Statutes, and Section 12-34 of the Flagler County Code of Ordinances, Flagler County hereby proclaims that:

1. The state of local emergency declared on September 5, 2017, is hereby extended for an additional 7 days from the effective date of this Proclamation, unless terminated or modified earlier or extended in accordance with law.

2. All emergency powers authorized by the Proclamation of September 5, 2017, declaring a state of local emergency, and extended every seventh day thereafter are hereby retained and continued for the duration of this Proclamation.

DONE AND ORDERED in Flagler County, Florida, this 6th day of August 2019.

FLAGLER COUNTY BOARD OF
COUNTY COMMISSIONERS

Donald T. O’Brien Jr., Chair

CONCURRENCE:

Jonathan Lord, Emergency Management Director

APPROVED AS TO FORM:

Al Hadeed, County Attorney
FLAGLER COUNTY, FLORIDA
PROCLAMATION EXTENDING THE
STATE OF LOCAL EMERGENCY
(Hurricane Irma)

WHEREAS, based on the recommendation of the Emergency Management
Chief and the County Administrator concerning the potential impact of Hurricane Irma
on Flagler County, the Chair of the Board of County Commissioners of Flagler County
issued a Proclamation declaring a state of local emergency on September 5, 2017; and

WHEREAS, Hurricane Irma struck Flagler County on September 11, 2017, further
scarring the dune system of the county already badly damaged by Hurricane Matthew in 2016, also
flooding hundreds of homes and nearly collapsing beachfront
homes in the Painters Hill area of unincorporated Flagler County; and

WHEREAS, Hurricane Irma damaged the right of way of State Road A1A and
threatened adjoining homes and businesses;

WHEREAS, Hurricane Irma has exposed the beachfront of Flagler Beach to a
critical risk of further damage; and

WHEREAS, on September 12, 2017, and every seventh day thereafter, based on
the further recommendation of the County Administrator and the Emergency
Management Director, the Chair of the Board of County Commissioners extended the
state of local emergency declared for Flagler County for additional seven day periods;
and

WHEREAS, the Board of County Commissioners ratified the Proclamations
declaring and extending the local state of emergency by unanimous vote at public
meetings following each of the Proclamations; and

WHEREAS, the County is engaged in a coastal dunes rehabilitation effort at
multiple locations along the Flagler County coast and has completed the installation of a
seawall in Painters Hill and an emergency protective berm in most of unincorporated
Flagler County; and

WHEREAS, the County is presently undertaking with the assistance of local,
state, and federal agencies the renourishment of approximately six miles of dunes in the
City of Flagler Beach and the southern part of the Town of Beverly Beach; and

WHEREAS, to accommodate the critical time table for these recovery efforts, the
County has adopted a procurement process under its emergency powers; and

WHEREAS, the Board of County Commissioners passed an ordinance in July
2018, recognizing the customary use of the beaches by the public, including privately
owned portions of the beaches adjacent to the emergency berm and seawalls in
Painters Hill in order, in part, to validate the use of public resources for the emergency
repairs in light of new state law governing customary use of the beaches; and
WHEREAS, the municipalities of Marineland, Beverly Beach, and Flagler Beach have adopted and endorsed customary use on their municipal beachfronts; and

WHEREAS, the County issued Emergency Order 2018-02, prohibiting driving on the dunes and the emergency protective berm, and Emergency Order 2018-03 preventing pedestrian and equestrian traffic on the dunes and emergency protective berm, in order to preserve the structural integrity of the dune, protect dune vegetation, and prevent erosion; and

WHEREAS, to complement these engineering and regulatory measures, the County is conducting an educational campaign to protect the fragile dune system entitled, "Dodge the Dunes"; and

WHEREAS, extending the local emergency declaration facilitates the County's ability to continue to respond to emergency conditions along the beaches and within lands containing public and private property and infrastructure, including the securing of funding sources and entering into agreements with adjacent property owners and municipalities to facilitate these activities—all with the goal of mitigating future losses.

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2. All emergency powers authorized by the Proclamation of September 5, 2017, declaring a state of local emergency, and extended every seventh day thereafter are hereby retained and continued for the duration of this Proclamation.

DONE AND ORDERED in Flagler County, Florida, this 13th day of August 2019.

FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS

[Signature]
Donald T. O'Brien Jr., Chair

CONCURRENCE:

[Signature]
Jonathan Lord, Emergency Management Director

APPROVED AS TO FORM:

[Signature]
Al Hadeed, County Attorney
SUBJECT: Partnership Agreement between Flagler County and State of Florida Department of Agriculture and Consumer Services’ Florida Forest Service.

DATE OF MEETING: August 19, 2019

OVERVIEW/SUMMARY: Flagler County Land Management requests the Board of County Commissioners to enter into a partnership agreement with FDACS Florida Forest Service (FFS) to assist in the management of certain timber sales on Flagler County public lands. The Land Planning and Administration Section of the Florida Forest Service (LPA) will advise on the health and merchantability of units selected by the County and, if requested, further assist in the bidding process and oversee the contractor during harvest.

The FFS will receive a share of revenues from the sales it administers on behalf of the County pursuant to this agreement. FFS activities are at the sole discretion and direction of Land Management staff. Payment to FFS will be the greater of: (a) twenty percent of the total sales revenue or (b) the actual cost of sale preparation plus 3% of the total sales revenue for an administrative fee. We believe the FFS expertise will benefit Flagler County by optimizing timber community health, providing increased marketing and confidence in maximizing revenue, while freeing up County staff for other duties while still providing opportunities for the acquisition of additional knowledge in this field.

Flagler County will be responsible for the completion of any road repairs necessary to access and remove timber that are above and beyond the requirements of the timber harvest contractor.

FUNDING INFORMATION: Revenue generated from this agreement will be deposited into designated Timber Revenue accounts based on location of harvesting.

DEPARTMENT CONTACT: Land Management, Tim Telfer (386) 313-4064

RECOMMENDATION: Request the Board approve the Partnership Agreement with the Florida Forest Service and authorize the County Administrator to execute any instruments necessary to effectuate the process, as approved to legal form by the County Attorney.

ATTACHMENTS:
1. Partnership Agreement
Partnership Agreement between
Flagler County and State of Florida
Department of Agriculture and Consumer Services
Florida Forest Service

This Agreement is made and entered into this ____ day of ______, 2019, between Flagler County, Florida, hereinafter referred to as the COUNTY, and the State of Florida Department of Agriculture and Consumer Services, Florida Forest Service, hereinafter referred to as the FFS.

WITNESSETH

WHEREAS, certain lands are owned by the COUNTY and managed through the Flagler County Board of County Commissioners; and

WHEREAS, these lands are utilized for conservation and management of the natural resources, storm water management, outdoor recreation, environmental education, and related public purposes; and

WHEREAS, in the land management plan for these lands, provisions are made to provide for maintenance of the sites in a natural state and/or restore sites to enhance natural resource values; and

WHEREAS, several of these properties require restoration activities to include but not limited to the harvesting of sand pine and hardwood trees, thinning of long leaf and slash pine trees, and other forest management activities to improve wildlife habitat and reduce wildfire fuels; and

WHEREAS, the FFS has the expertise required to perform the services identified under this Agreement and desires to assist the COUNTY in administering timber management activities at selected properties.

NOW, THEREFORE, the parties hereto, for and in consideration of the mutual covenants and agreements contained herein agree as follows:

1. The FFS shall plan, administer, and supervise the harvest of timber on COUNTY lands in accordance with a Scope of Services, provided by the COUNTY per individual task order. All timber management activities shall follow the most current version of Silviculture Best Management Practices.

2. The FFS shall receive revenues from all timber sales it administers on behalf of the COUNTY pursuant to this Agreement. FFS will be paid the greater of: (a) twenty percent (20%) of the total sales revenue or (b) the actual cost of sale preparation plus 3% of the total sales revenue for an administrative fee. Funds retained by FFS for sale preparation shall cover the cost of field consultation with COUNTY staff, field reconnaissance to prepare the sale, necessary timber cruising or marking, purchase of expendable field supplies, and preparation of the
sale package. The sale preparation and administrative fee retained by the FFS shall cover the cost of solicitation and receipt of bids, execution of contract, and supervision of the sale while in progress. Once each sale is completed, FFS will subsequently remit to the COUNTY the total sales revenue accrued from these sales, minus FFS’s fee for sale preparation and administration. If FFS hires a private contractor to perform any of the above listed activities, FFS will pay the contractor’s fee from FFS’s share of the revenues. The COUNTY shall complete any road repairs necessary to access and remove timber from the sites above and beyond those road repairs the timber harvest contractor would be responsible for under the timber harvest contract. The COUNTY shall also assist FFS with field administration of timber sales. Such assistance will be mutually agreed upon in advance and include activities such as site visits and truck tallies.

3. This Agreement shall become effective on the date of execution by the second party and shall remain in effect for five (5) years. This Agreement shall be automatically renewed for three (3) five-year terms, unless terminated by either party with 60 days written notice.

4. It is understood by both parties that the COUNTY lands shall be managed in a manner consistent with the approved County land management plan.

5. The COUNTY’s Project Manager is;
   Michael Lagasse, Land Management Coordinator
   Flagler County BOCC
   1769 E. Moody Blvd., Bldg. #2
   Bunnell, FL 32110
   Telephone (386) 313-4064

   The FFS’s Project Manager is;
   Michael Edwards, Senior Forester
   Florida Forest Service, Other Public Lands
   8392 Rock Lake Road Brooksville, FL 34602
   Telephone (352) 540-6041.

   All project matters shall be directed to the Project Managers for appropriate action or disposition.

6. The COUNTY represents that it has the right to agree to resource management activities necessary to facilitate the sale of forest products on COUNTY lands by the FFS.

7. The COUNTY, or its duly authorized agents, shall have the right to inspect the COUNTY timber project areas and the works and operations thereon of the FFS in any matter pertaining to this Agreement.
8. This Agreement and any rights and privileges contained herein are for the sole use of the FFS and shall not be assigned or transferred to another party without prior written approval of the COUNTY. The FFS shall have the right to enter and occupy COUNTY lands for the purposes necessary to meet its designated responsibilities, including protection of those lands. The FFS's agents and employees shall take all reasonable measures to provide security against damage, degradation and unauthorized uses of the COUNTY lands.

9. The FFS shall submit a written report once every calendar year to the COUNTY on items related to its timber management activities on the COUNTY lands during the year.

10. The COUNTY and FFS agree that this Agreement shall confer upon the FFS the right to implement silvicultural treatments necessary to facilitate the sale of timber on the COUNTY lands. The FFS shall investigate any, and all claims of injury or damage either for or against the COUNTY or the FFS pertaining to forest resource management activities conducted on the COUNTY lands by the FFS and shall notify the COUNTY in writing regarding the legal action deemed appropriate to remedy such damages or claims.

11. The COUNTY and FFS hereto agree that each party shall be solely responsible for the negligent or wrongful acts of its employees and agents during the course of this Agreement. However, nothing contained herein shall be construed as an indemnity or constitute a waiver by either party of its sovereign immunity or the provisions of Section 768.28, Florida Statutes, as amended from time to time, or any other law providing limitations on claims.

12. Either party may terminate this Agreement for cause or convenience by giving sixty (60) days notice in writing to the other party of its intent to do so. Upon such termination invoked by either the FFS or the COUNTY, and upon cessation of timber operations on said COUNTY lands by the FFS, the FFS agrees to remove any improvements placed or made by the FFS at FFS's sole cost and expense.

13. To the extent required by law, the FFS will be self-insured against, or will secure and maintain during the life of this Agreement, Worker’s Compensation Insurance for all of its employees connected with the work under this Agreement. Such self-insurance coverage shall comply fully with the Florida Worker’s Compensation law. In case any class of employees engaged in hazardous work under this Agreement is not protected under Worker’s Compensation statutes, the FFS shall provide adequate insurance satisfactory to the COUNTY, for the protection of its employees not otherwise protected.

14. The FFS warrants and represents that it is self-funded for liability insurance, appropriate and allowable under Florida law, and that such self-insurance offers
protection applicable to the FFS’s officers, employees, servants and agents while acting within the scope of their employment with the FFS.

15. This Agreement represents the entire agreement of the parties. Any alterations, variations, changes, modifications, and waivers of provisions of this Agreement shall only be valid when they have been reduced to writing, duly signed by each of the parties.

IN WITNESS WHEREOF, the Florida Department of Agriculture and Consumer Services, The Florida Forest Service, and Flagler County have caused this Agreement to be duly executed by their authorized representatives.

ATTEST:

By: ________________________
    Tom Bexley
    Clerk of the Circuit Court and Comptroller

(OFFICIAL SEAL)

FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS

By: ________________________
    Donald T. O’Brien, Jr.
    Chair

[Signature Page To Follow]
WITNESSES

STATE OF FLORIDA
DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES,
NICOLE “NIKKI” FRIED

________________________________________
BY:

JOEY B. HICKS, DIRECTOR
DIVISION OF ADMINISTRATION

STATE OF FLORIDA
COUNTY OF LEON

The foregoing instrument was acknowledged before me this ________ day of
______________, 2019, by _____________________, as Director, Division of Administration,
Department of Agriculture and Consumer Services, who is personally known to me and who did
take an oath.

________________________________________
Notary Public
My Commission Expires: ________
SUBJECT: Rescheduling of Rezoning from R/C to PUD for the Beachwalk PUD (Application #3150) and the PUD Site Development Plan (Application #3158) from August 19, 2019 to September 16, 2019

DATE OF MEETING: August 19, 2019

OVERVIEW/SUMMARY: This request follows the Board’s action at its August 5, 2019 regular meeting to add the Beachwalk PUD to the August 19, 2019 regular meeting agenda. While the August 19th meeting date provided sufficient lead-time for public notice to be completed according to statutory requirements for ordinances listed at Section 125.66, Florida Statutes, requiring a minimum 10-day public notice, the August 19th meeting date did not allow sufficient time to complete the Land Development Code’s minimum 14-day public notice for publication of a newspaper legal ad as listed at LDC Section 2.07.00. Following the Board’s action on August 5th, Planning Department staff sent out same-day mailed notice and sign posting of the subject parcel to satisfy the LDC’s 14-day requirement, and provided the Daytona Beach News-Journal with a legal ad to run on Thursday, August 8th, the earliest date that a legal ad could run following the August 5th Board action. Subsequent discussion between the County Attorney and the applicant’s counsel determined that adherence to the LDC’s minimum public notice scheduling requirements was necessary, prompting staff to prepare this consent agenda item for the Board’s consideration.

While public notice could be provided for the Board’s September 4th regular meeting, the Board’s policy requires land use public hearings to be held at evening Board meetings instead of morning meetings. Planning Department staff has provided a follow-up mailed notice to those owners within the notification area (300 feet of the subject parcel) and those parties previously noticed for the mediation advising that the anticipated public hearing would not be held on August 19th, that staff was requesting this rescheduling, and that the target meeting date for the public hearing – subject to Board approval and provision of public notice – would be the Board’s September 16, 2019 regular meeting.

Due to this rescheduling request and the lack of completed public notice, the Board is advised not to take testimony and evidence from the applicant or the public; a public hearing cannot be held at today’s meeting because the minimum public notice requirements could not be met. Because of this, a rescheduling is requested in lieu of a continuance of a public hearing. Likewise, the public hearing cannot be opened. Public notice for the September 16, 2019 public hearing will be provided according to LDC Section 2.07.00 and Section 125.66, Florida Statutes.

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

RECOMMENDATION: The Board approves the rescheduling of the public hearing for the rezoning from R/C to PUD for the Beachwalk PUD (Application #3150) and the PUD Site Development Plan (Application #3158) to September 16, 2019 at 5:30 p.m. and directs staff to complete the required public notice.
SUBJECT: Consideration of Resolution to Change a Road Name from Old A1A to Hammock Preserve Lane.

DATE OF MEETING: May 6, 2019

OVERVIEW/SUMMARY: The County Master Street Address Guide indicates Old A1A as a County maintained road running south off of North Ocean Shore Blvd, approximately 472 feet in length. One structure is addressed on this segment of Old A1A but is owned by the requestor. The adjoining parcels are planned to be developed and the owner would like to resolve the issue prior to construction. Presently, there are two other segments of roadway named Old A1A so the renaming will eliminate confusion for future residents and emergency services, not to mention private and public delivery services.

To maximize the delivery of emergency services, staff and the affected residents are recommending a name change from Old A1A to Hammock Preserve Lane.

FUNDING INFORMATION: There are no financial impacts expected beyond routine sign creation and maintenance.

DEPARTMENT CONTACT: Jarrod Shupe, IT Director & 911 Coordinator (386) 313-4281

RECOMMENDATIONS: Request the Board approve the Resolution to change the road name of Old A1A to Hammock Preserve Lane.

ATTACHMENTS:
1. Resolution
RESOLUTION NO. 2019 - ___

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF FLAGLER COUNTY, FLORIDA, RENAMING A ROADWAY SEGMENT KNOWN AS OLD A1A TO HAMMOCK PRESERVE LANE; PROVIDING FOR AMENDMENT OF THE MASTER STREET ADDRESS GUIDE; PROVIDING FOR REPLACEMENT OF AFFECTED STREET SIGNS; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners is authorized by Section 336.05, Florida Statutes, to name and rename streets and roads within its jurisdiction; and

WHEREAS, there is a section of County-maintained roadway within Flagler County, approximately 472 feet in length, running south off of North Ocean Shore Blvd., approximately 265 feet east of Dawson Drive, as depicted in Exhibit A, attached hereto and incorporated herein; and

WHEREAS, the section of roadway is currently listed as “Old A1A” on the Property Appraiser’s website and is also listed as “Old A1A” in the County’s Master Street Address Guide, but for which no address ranges have been set; and

WHEREAS, the section of roadway is one of three remnant sections of Old A1A, none of which is contiguous to each other and which can confuse residents, visitors, and emergency responders; and

WHEREAS, the County and residents owning the frontage lots desire to rename the roadway segment to Hammock Preserve Lane in order to alleviate confusion; and

WHEREAS, the Board of County Commissioners hereby finds that this Resolution serves a legitimate government purpose and is in the best interests of the public health, safety, and welfare of the citizens of Flagler County, Florida.

NOW, THEREFORE, BE IT RESOLVED BY THE FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS, AS FOLLOWS:

Section 1. Recitals. The foregoing recitals are true and correct and are fully incorporated herein by this reference.

Section 2. Rename. The roadway section described above, previously named Old A1A, shall henceforth be known as “Hammock Preserve Lane.”
Section 3.  Directions. The County e911 Coordinator is hereby directed to update the County’s Master Street Address Guide to show the new street name, Hammock Preserve Lane, and to furnish a copy of this Resolution to the Road and Bridge Department and all appropriate governmental agencies, including, but not limited to, the U.S. Postal Service, the Clerk of the Court for Flagler County, the Flagler County Property Appraiser, and all fire, law enforcement and emergency medical service agencies.

Section 4.  Signage. The County shall replace the affected street signs as soon as practicable.

Section 5.  Conflict. Any prior resolution or policy of the County which is inconsistent with this Resolution is hereby repealed to the extent of such inconsistency.

Section 6.  Effective Date. This Resolution shall become effective immediately upon adoption.

ADOPTED this 19th Day of August 2019 by the Flagler County Board of County Commissioners.

FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS

_________________________
Donald T. O’Brien Jr., Chair

ATTEST:

_________________________
Tom Bexley, Clerk of the Circuit Court and Comptroller

APPROVED AS TO FORM:

_________________________
Al Hadeed, County Attorney
SUBJECT: Consideration of Fiscal Year 2018-19 Budget Transfer for the Municipal Services Fund (180).

DATE OF MEETING: August 19, 2019

OVERVIEW/SUMMARY: Transfer of funds from Reserves to appropriate for overages in the Municipal Services Fund (180).

<table>
<thead>
<tr>
<th>BTR # 19-</th>
<th>To Dept:</th>
<th>Amount</th>
<th>Description</th>
<th>Contact</th>
</tr>
</thead>
<tbody>
<tr>
<td>132</td>
<td>2001</td>
<td>$4,606</td>
<td>Transfer from Reserves for Overages in Line Items within the Municipal Services Fund</td>
<td>Lauren Shank</td>
</tr>
</tbody>
</table>

The Municipal Services Fund is presently showing a negative balance in several line items and overall has a negative category balance of $-476.94.

The negative balance represents the unanticipated maintenance expenses associated with the Growth Management Department’s software conversion to EnerGov which, due to delays in implementation, caused an additional year of maintenance expenses to be due in the 2018-19 Fiscal Year.

This transfer from Reserves also anticipates encumbered, but not yet invoiced expenses that will be due and payable prior to the end of the Fiscal Year.

DEPT./CONTACT/PHONE #: Financial Services, Lauren Shank (386) 313-4095

RECOMMENDATION: Request the Board approve budget transfer #19-132 in the amount of $4,606 for the Municipal Services Fund (180).

ATTACHMENT:
1. Budget Transfer 19-132
Transfer from Reserves for the maintenance expenses associated with the Tyler Technologies EnerGov software conversion. Approved by the Board on 8/19/19 item #7.

<table>
<thead>
<tr>
<th>LINE NO.</th>
<th>FUND NO.</th>
<th>DEPT. NO.</th>
<th>SUB. NO.</th>
<th>ACCT NO.</th>
<th>PROJ NO.</th>
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<th>TO (CR.)</th>
<th>WAS</th>
<th>WILL BE</th>
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<td>2</td>
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<td>4,606</td>
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<td>Maintenance Agreements</td>
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</tbody>
</table>

**TOTAL**

|        |        |        |        |        |        | $4,606.00  | $4,606.00  | $424,176.00 | $424,176.00 |

**Budget Manager**

Financial Service Director's APPROVAL

Administrator's APPROVAL

Board Action @ Meeting APPROVAL

POSTED BY: _______________ DATE POSTED: _______________ CC: _______________
SUBJECT: Appointment of Dawn Morton as a Flagler County Animal Control Officer.

DATE OF MEETING: August 19, 2019

OVERVIEW/SUMMARY: Section 828.03(1), Florida Statutes, requires the County to appoint agents for purposes of investigating violations of animal protection laws. Staff is seeking the appointment of Dawn Morton. Ms. Morton has worked at either the Flagler County Humane Society or the Animal Emergency Hospital of St. Johns County since 2014 and, prior to this, worked in a veterinarian office in Palatka. She is certified as an animal control officer and also as a euthanasia technician by the Florida Animal Control Association. These certifications require a combined total of 56 hours of classes.

After appointment, the County Attorney’s Office will arrange for Ms. Morton to be sworn in by the Honorable Melissa Distler. The Board’s appointment will continue until her employment with the Flagler County Humane Society ends.

FUNDING INFORMATION: Animal Control Officers are paid by the Flagler County Humane Society.

DEPARTMENT CONTACT: County Attorney’s Office

RECOMMENDATION: Request the Board appoint Dawn Morton as a Flagler County Animal Control Officer.
SUBJECT: Consideration of Change Order to Purchase Order 26153 In the Amount of $5,000 to the City of Flagler Beach for the Annual July 4th Fireworks Display.

DATE OF MEETING: August 19, 2019

OVERVIEW/SUMMARY: For the past several years, the TDC has budgeted $20,000.00 for Flagler Beach Fourth of July fireworks, which have typically covered the entire cost. Due to the increase in costs from the local vendor, Fireworks by Santore, Inc. of Palm Coast, along with the City of Flagler Beach hiring charted buses to provide citizen transportation at no charge during the event, the overall cost to City for the annual event has increased.

The TDC recognizes that this annual event is the largest event that takes place in the County and our support is vital. Also for consideration is the effect on tourism businesses in Flagler Beach due to two hurricanes and now the A1A road construction. These businesses rely heavily on the thousands of visitors to Flagler Beach for the holiday weekend and its impressive fireworks display.

Staff requests a $5,000.00 increase to the purchase order to cover the added expenses of the fireworks display bringing the total purchase order to $25,000.00. Due to the cancellation of several events in the Discretionary budget, funds are available to transfer to cover the cost.

FUNDING INFORMATION: Funding is available to cover the cost in account 110-4700-559.xx-xx. As mentioned, events were cancelled and there is funding available in the Discretionary budget to cover the increase for the 4th of July firework display.

DEPARTMENT CONTACT: TDC, Amy Lukasik, 386-313-4226

RECOMMENDATION: Request the Board approve the increase of $5,000.00 to purchase order 26153.

ATTACHMENTS:
1. Santore Fireworks Contract with Flagler Beach
This writing, expressing the agreement made and entered into by and between Fireworks By Santore, Inc. (hereinafter "Santore") and City of Flagler Beach (hereinafter "Sponsor"), on this 25th day of March, 2019.

WITNESSETH

Whereas, Santore is experienced in conducting fireworks exhibitions, and
Whereas, Sponsor wishes to arrange for a fireworks exhibition, at a site and on a date of its selection, and
Whereas, Sponsor and Santore have discussed the type of exhibition Sponsor wishes to arrange, and
Santore is prepared to stage such an exhibition, and Sponsor wishes to have Santore stage such an exhibition.

Now therefore, in consideration of these premises, and the mutual promises, covenants and undertakings of each other, the parties hereto agree as follows:

1. Exhibition:
Santore agrees to furnish to Sponsor, on the 4th day of July, 2019 an exhibition of Aerial Fireworks.

Location to be designated to: The City of Flagler Beach Pier.

2. Payment:
Sponsor agrees to pay Twenty Five Thousand Dollars ($25,000.00) for this display.

3. Time and Method of Payment:
At the time this agreement is made, as evidenced by the execution of this writing, Sponsor will pay a deposit equal to one-half (1/2) of all anticipated charges and expenses as set forth in rhetorical paragraph 2. Payment is due immediately upon the completion of the exhibition and shall be paid to Pyrotechnic Operator in a sealed envelope after the exhibition has taken place. Any payment not made in full shall accrue interest at the rate of eighteen percent (18%) per annum from the date the exhibition was staged. In the event payment is not made within ten (10) days, Sponsor shall be deemed to be in default, and Santore shall have the right to retain an attorney to collect the payment amount, and shall be entitled to recover a reasonable fee for its attorney in doing so.

4. Site for Exhibition:
Sponsor acknowledges its responsibilities to provide a suitable site for the exhibition, which shall include arrangements to keep spectators at least 350 feet away from the area where the aerial fireworks firing will take place.

5. Santore’s Responsibilities: Santore will obtain all required permits, not to exceed $100.00, for the firing of the exhibition. At the completion of the exhibition, Santore will clear all equipment and debris from the firing sites.
6. **Sponsor’s Responsibilities:**
Sponsor is responsible for all fire watch and fire truck fees. These fees are over and above the $100.00 allowance for local permit fees. Santore will arrange for fire watch / inspection. Sponsor agrees to procure, furnish, and maintain a suitable place to display the said fireworks and to arrange for any security bonds as required by law in their community when necessary, and agrees to furnish necessary police, fire and Sponsor’s protection, for proper crowd control and auto parking. Sponsor is responsible for removal and or protecting all property and persons in the “fireworks fallout zone”. By signing below the Sponsor indemnifies and holds harmless Santore and assumes full liability for damages to property and/or injury to persons outside the “fireworks fallout zone” resulting from any source other than the fireworks produced by Santore.

7. **Postponement:**
In the event that weather conditions are such that Santore or the Authority Having Jurisdiction determines that the Fireworks Display would be Impossible, Impractical or risk damage or danger to person and/or property, the parties agree to immediately hold a postponement meeting at which time an attempt to reschedule the Fireworks Display shall be discussed. In the event a mutually satisfactory postponement date is made the Sponsor will be charged the actual expenses incurred by Santore related to the postponement. Actual expenses include but are not limited to: travel, lodging, labor, meals, rentals, security and permit fees.

In the event Sponsor postpones display before June 4, 2019 and agrees to a postponement date no more than 180 days from original contracted display date, Santore will only charge the amount equal to any expenses that cannot be recovered for items such as barge / equipment rental, travel, lodging, labor, meals, security, custom products (if applicable) and permit fees. The balance of the original contact amount will be due upon completion of the display.

In the event: Sponsor postpones display after June 4, 2019 and agrees to a postponement date no more than 180 days from original contracted display date Santore will charge as follows:

- **15%** 48 – 24 hours prior
- **30%** 24 – 12 hours prior
- **60%** less than 12 hours prior

8. **Cancellation:**
If Sponsor cancels this Contract for any reason, Sponsor shall pay damages for such cancellation to Santore as follows:

- **25%** 30 or more days
- **35%** 29 – 11 days prior
- **45%** 10 – 3 days prior
- **70%** 48 – 24 hours prior
- **100%** less than 24 hours prior
9. Exhibition Insurance:
Santore will furnish an insurance certificate providing coverage in the amount of five (5) million dollars for the safe firing of the exhibition. Sponsor may, at its option, procure insurance to cover the risk of loss due to cancellation of the exhibition.

10. Publicity:
Any and all publicity of the exhibition, including in particular all advance announcements and advertising shall name Fireworks by Santore, Inc. as the primary contractor conducting the display.

11. Florida Law:
The laws of the State of Florida shall govern this agreement, and in the event of any dispute, venue for all proceedings, be they litigation, mediation, arbitration or otherwise shall be in Flagler County, Florida.

12. Attorney's Fees:
In the event of litigation or arbitration to enforce the terms of this agreement, the prevailing party shall recover a reasonable fee for its attorneys, plus costs reasonably incurred in the proceedings.

13. Entire Agreement:
This writing expresses the entire agreement between the parties, integrating all previous agreements, understandings, practices and discussions, and no modification shall be made to this agreement except as such is expressed in writing, executed by both parties.

In Witness whereof, the parties have hereunto affixed their signatures signifying their agreement on this 25th day of March, 2019.

Sponsor

By ____________________________
Signature
Linda Provencher Mayor
Printed Name & Title

Fireworks by Santore, Inc.

By ____________________________
Signature
Anthony J. Santore Jr.
Date
25 March 2019
SUBJECT: Establish a Flagler County 2020 Complete Count Committee.

DATE OF MEETING: August 19, 2019

OVERVIEW / SUMMARY: Staff is seeking resolution approval, establishing a Flagler County 2020 Complete Count Committee (CCC). This committee would plan and conduct local education initiatives, handle publicity and promotional activities to increase community awareness and participation in the 2020 Census which will occur April 1, 2020.

The primary goal of the 2020 Census is to count everyone once, only once, and in the right place. A complete and accurate count is critical to apportioning representation, and to the allocation of federal funds - $675 billion nationwide - as well as state funds, grant-in-aid, revenue sharing programs, and local government initiatives.

Community influencers, organized as a CCC, create localized messaging that resonates with the population in their area. They are the trusted voices best suited to motivate a robust community response. With focused subcommittees, the CCC creates relevant messaging and selects the most efficient channels to reach all residents, including those in historically low-response areas of our community.

Action to Date:
December 2017 through August 2018: County staff completed the Local Update of Census Addresses (LUCA) operation for Flagler County.

March 2019: County GIS and Communications staff coordinated with their counterparts from the five municipalities, attending a presentation made by Florida Partnership Specialist of the Atlanta Regional Census Center, Victor M. Cora, at the Government Services Building. Mr. Cora’s introduction encouraged participation, through the formation of a local CCC, and spoke briefly to the benefits of a full and accurate count which included future funding qualification, and Census-related employment opportunities.

April 2019: Staff met with IS Census Recruiter, Atlanta Regional Census Center, Milton Rivera. The number of applicants for Census 2020 positions, who have applied in Flagler County to date, is 48.5% of the recruitment goal. Mr. Rivera will be a resource to the CCC, specific to job messaging within Flagler County.

Moving Forward Staff will:
1. Inform the Census Bureau Partnership staff of the selected Chairperson, Committee members, and Subcommittee chairpersons and members.
2. Schedule a Census workshop on CCC Workplans and Strategies.

Timeline from Census.gov:
- 2019 – Continue establishing CCC’s, Open Area Census Offices, CCCs develop strategy and work plan.
- April 1, 2020 CENSUS DAY – CCC’s urge households who do not respond to cooperate with census takers.
**FUNDING:** The Board of County Commissioners will need to determine budget for communication/education activities once committee is formed and established.

**DEPARTMENT CONTACT:** Rose Keirnan, PR & Marketing Specialist (386) 313-4026

**RECOMMENDATIONS:** Request the Board approve a Resolution creating the Flagler County 2020 Complete County Committee.

**ATTACHMENTS:**
1. Resolution
RESOLUTION 2019 - ___

A RESOLUTION OF FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS ESTABLISHING THE FLAGLER COUNTY 2020 COMPLETE COUNT COMMITTEE AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, a complete and accurate 2020 Census count in Flagler County is vitally important to help understand demographic, social, and economic changes; to serve as the basis for apportioning representation, allocating state and federal funds, and to develop plans, make decisions related to zoning and land use, housing, utilities, transportation and other community facilities; and to provide needed information for the private sector; and

WHEREAS, to ensure a more complete and accurate response, county residents must be made aware of the 2020 Census, its purpose, and its importance to the community; and

WHEREAS, the U.S. Bureau of the Census has established a “Complete Count Committee Program” and has invited local governments, agencies, and individuals to participate in this program as a means to plan and implement a countywide promotion on the importance of the 2020 Census; and

WHEREAS, the objective of the 2020 Census is to achieve the most accurate and complete count possible, reaching the traditionally undercounted groups with new and more effective methods for disseminating information;

WHEREAS, to assist in the achievement of that objective, the Flagler County Board of County Commissioners finds it appropriate to establish the Flagler County 2020 Census Complete Count Committee with the following goals:

A. To motivate every head of household to fill out a census form completely and accurately;
B. To make every resident of Flagler County aware of the Census and its importance to them;
and
C. To assist the local census office in the planning and execution of its data collection activities.

NOW THEREFORE, BE IT RESOLVED BY THE FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS, THIS 19th DAY OF AUGUST, 2019, AS FOLLOWS:

SECTION I: There is hereby established to serve until June 30, 2020, the Flagler County 2020 Census Complete Count Committee (hereinafter, the “CCC Committee”).

SECTION II: The Chair of the County Commission shall appoint a CCC Committee chair. In addition, each municipality in the county may appoint a member to the CCC Committee. The CCC Committee Chair along with the municipality appointed members will determine the total number of committee members and fill those appointments by majority vote. All CCC Committee members must be registered voters of Flagler County and will serve without compensation.

SECTION III: To the extent practicable, the CCC Committee will appoint members representing a cross section of the community, from the areas of education, media, business, inter-governmental, faith-based and community groups. If the CCC Committee determines subcommittees are necessary, the CCC Committee shall appoint residents to serve on subcommittees based upon their interest in developing
methods for a complete and accurate census count. To the extent practicable, the subcommittees should include representatives from various ethnic groups that comprise the population of Flagler County.

**SECTION IV:** The CCC Committee shall serve as a working task force. It has neither final decision-making authority, nor responsibility to make recommendation to the County Commission for legislative action. Rather, it is a group of residents with the following charge:

1) To develop a local targeted plan of action to support the 2020 Census operations, partnerships, and promotional activities;

2) To identify and use highly visible and well respected local figures to increase community support for and response to the 2020 Census;

3) To implement activities that will improve census participation by all residents, especially the historically undercounted segments of the population;

4) To develop ways to emphasize the U.S. Census Bureau’s commitment to confidentiality to further increase participation in the census;

5) To provide ideas and suggestions to implement the marketing programs, i.e., media, publicity, and promotional ideas to create awareness about the importance of the 2020 Census;

6) To support the U.S. Census Bureau’s programs and promotional activities; and

7) To identify contact persons in universities, businesses, churches, social agencies, etc., who are willing to help promote the 2020 Census to their constituencies.

**SECTION V:** All CCC Committee records shall be maintained in accordance with the public records laws of the State of Florida.

**SECTION VI:** The County Administrator shall assign up to two staff members to assist the CCC Committee in fulfilling its duties. The County Administrator will transmit a copy of this Resolution to the mayor of each of the municipalities in the county.

**SECTION VII:** This Resolution shall take effect immediately upon its adoption.

**ADOPTED** by the Flagler County Board of County Commissioners, this 19th Day of August 2019.

ATTEST:  

Donald T. O’Brien Jr., Chair

Approved as to Form:

Tom Bexley, Clerk of the Circuit Court and Comptroller

Al Hadeed, County Attorney
SUBJECT: FY 20/21 $500,000 Public Library Construction Grant Application and Resolution.

DATE OF MEETING: August 19, 2019

OVERVIEW/SUMMARY: At the June 5, 2017 Board of County Commissioner’s workshop the direction from the Board was to move forward with the Public Library Construction Grant Application for the new facility of the Flagler County Public Library in Bunnell. The new library will be approximately 20,000 square feet and include much needed space and enhanced services for the Southern part of Flagler County.

Staff has applied for the State Construction Grant and ranked #1 for the past three years. The Florida Legislature determines the amount appropriated annually for this program and for fiscal year 2017-18 and 2018-19, $0 was appropriated. However, in fiscal year 2019-20, $1 million was appropriated but Flagler County withdrew prior to the award. As a result, we are eligible to roll over our grant request for the 2020/21 grant cycle. Once notified of the award we would have until June 2023 or year 4 to complete the grant project.

The Public Library Construction grant program is administered by the Florida Department of State, Division of Library and Information Services, Office of Community Development. The program is authorized under Section 257.191, Florida Statutes. Rules for administration of the program are outlined in Section 1B-2.011, Florida Administrative Code, and in the Public Library Construction Grants Guidelines and Application.

The grant provides state funding to governments for the construction of public libraries including the construction of new buildings and the acquisition, expansion or remodeling of existing buildings to be used for public library service. The maximum grant is $500,000 and the minimum grant is $10,000. Applications are evaluated and ranked by Division staff using criteria outlined in the Public Library Construction Guidelines and Application. Eligible applications are included in the Division’s Legislative Budget Request, which is submitted to the Secretary of State.

A dollar-for-dollar match is required for all construction grants. This means that if an applicant is awarded a grant of $500,000, the grantee must have a local match of at least $500,000. The matching funds must be available and unencumbered at the time of the grant award. A library in a county or community with a rural status (REDI) may request a waiver of the match requirement at the time of the grant application in compliance with Section 288.06561, Florida Statutes. When planning remodeling and expansion projects, the current appraised fair market value of the site, building, or portion of a building not being used as a public library may be included toward the local matching portion. The appraisal shall be prepared by an independent licensed appraiser.

Eligible uses of grant funds include architectural services; acquisition of land; new construction; expansion; remodeling; site preparation, including the provision of parking spaces; engineering costs and legal fees directly related to the construction of the library; and initial or fixed equipment, including shelving, tables, chairs, information and building technologies, video and telecommunications equipment, machinery, utilities, built-in equipment and enclosures or structures necessary to house them, opening day collections, and all other items necessary to furnish and operate a new or improved facility for the provision of library services.
Grant payments are made on a reimbursement basis with a maximum of four payments total. All reimbursements are according to the percentage of the project that is completed. The first payment is 30% of grant award and will be made upon completion of at least 30% of the project and after receipt and approval of the required documents. Second payment will be 30% of the grant award and will be made after completion of 60% of the project with required documentation. Third payment will be 30% of the grant award and will be made after completion of 100% of the project along with required documentation. The final payment will be 10% of the grant award and will be made after completion of the project including all agreement obligations.

Flagler County Public Library is requesting to roll over our application for the 2020/21 grant cycle and although we could request the waiver of the match, it is not necessary, as the total project cost will exceed the match needed. Any changes to the Resolution or Application on file must be submitted to the State by August 30, 2019.

To complete the roll over process staff must submit the following:

1. Application pages
2. Certified Resolution from the Board of County Commissioner’s providing required assurances;

**FUNDING INFORMATION:** This Public Library Construction Grant requires a dollar for dollar match, which equates to $500,000. This match is being satisfied between Passport funds and any future loan proceeds. The County has previously acquired land for the future site of the Flagler County Public Library. Funding will occur later at the time of the 2020/21 grant cycle.

**DEPARTMENT CONTACT:** Holly Albanese, Library Director, (386) 446-6764

**RECOMMENDATIONS:** Request the Board approve the 2020 Public Library Construction Grant Application and Resolution in support of Flagler County Public Library’s construction of the Bunnell Library and Administrative Headquarters.

**ATTACHMENTS:**
1. Grant Application Pages
2. Resolution
3. Public Library Construction Grant Guidelines
I. APPLICANT INFORMATION

A. LEGAL NAME OF APPLICANT (Government)

Flagler County, Florida

Street 1769 E. Moody Blvd   City Bunnell   Zip FL   County 32110

Name of Chairman of Applicant's Governing Authority Donald O'Brien Jr.

Federal Employer Identification (FEID) Number 59-6000605

B. NAME OF LIBRARY DIRECTOR  Holly Albanese

Telephone (386)446-6763   Fax (386)446-6773   Email halbanese@flaglercounty.org

Library Flagler County Public Library

Street 2500 Palm Coast Parkway, NW   City Palm Coast   Zip 32137

C. NAME OF PROJECT MANAGER  Faith Alkhatib, P.E.

Title County Engineer/Public Works Director

Agency, organization or governmental unit Flagler County

Street 1769 E. Moody Boulevard, Bldg 2   City Bunnell   Zip 32110

Telephone (386)313-4006   Fax (386)313-4106   Email falkhatib@flaglercounty.org

D. NAME OF BUILDING CONSULTANT (MLS degree) Holly Albanese

Street 2500 Palm Coast Parkway, NW   City Palm Coast   Zip 32137

Telephone (386)446-6763   Fax (386)446-6773   Email halbanese@flaglercounty.org

E. NAME OF REGISTERED ARCHITECT  To Be Determined

Street   City   Zip

Telephone ( )   Registration Number

F. INDICATE IF CONSIDERING STARTING THE CONSTRUCTION PROJECT PRIOR TO THE GRANT AWARD   YES   NO X
II. PROPOSED PROJECT

A. Name of Proposed Facility Flagler County Public Library – Bunnell Library and Administrative Headquarters

B. Type Construction Project (check one):

X New Building  _____ Expansion  _____ Remodeling

C. Building to be Used as (check one):

X Single county library headquarters
___ Multicounty or library cooperative headquarters
___ Multicounty or library cooperative branch or member (more than one library in county)
___ Multicounty or library cooperative branch or member (only library in county)
___ Single county branch or library cooperative member
___ Independent municipal library (headquarters)
___ Independent municipal library (branch)

III. PROJECT DATA

A. Floor Area in Square Feet

Facility prior to project (Check one and give square feet where applicable):

_____ a. No facility currently exists
_____ b. A facility currently exists but will not be used as a library after project completion
_____ c. A facility currently exists and will be used by library after project (may be present library or another building) 3,000 sq. ft.

Facility after the project is completed (Check one and give square feet where applicable):

1. New facility to be constructed

2. Expansion of existing facility
   • Square footage of existing building
   • Square footage of the portion of building to be expanded
   • Total square feet of building after expansion

3. Remodeling of existing facility (not included in # 2)

B. Geographical Area To Be Served By Proposed Facility:

1. Name of city(s), county(s) or region. (If the service area does not conform to city or county boundaries, give the location and population by census tracts.) Flagler County (112,067)
### IV. ESTIMATED COST OF PROJECT

#### A. Funds By Category (Indicate project cost by applicable categories):

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<thead>
<tr>
<th>Category</th>
<th>Amount</th>
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<tbody>
<tr>
<td>1. Architect’s fees (include planning costs)</td>
<td>$ __400,000</td>
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<tr>
<td>2. Site acquisition</td>
<td>$ __675,000</td>
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<tr>
<td>3. Acquisition cost of building</td>
<td>$ __</td>
</tr>
<tr>
<td>4. New construction</td>
<td>$ __4,200,000</td>
</tr>
<tr>
<td>5. Expansion of existing building</td>
<td>$ __</td>
</tr>
<tr>
<td>6. Remodeling of existing building</td>
<td>$ __</td>
</tr>
<tr>
<td>7. Initial equipment</td>
<td>$ __200,000</td>
</tr>
<tr>
<td>8. Other (specify) Furnishings</td>
<td>$ __800,000</td>
</tr>
<tr>
<td>9. TOTAL (Must equal B.4)</td>
<td>$ __6,275,000</td>
</tr>
</tbody>
</table>

#### B. Source of Funds:

<table>
<thead>
<tr>
<th>Source of Funds</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Local funds available</td>
<td>$ __5,775,000</td>
</tr>
<tr>
<td>2. Amount of funds requested from the Public Library</td>
<td>$ __500,000</td>
</tr>
<tr>
<td>Construction Grant Program (State General Revenue)</td>
<td></td>
</tr>
<tr>
<td>3. Amount of funds requested from other State sources</td>
<td>$ __unknown</td>
</tr>
<tr>
<td>4. TOTAL (Must equal A.9)</td>
<td>$ __6,275,000</td>
</tr>
</tbody>
</table>

If total above includes funds already spent, please specify amounts, type and dates of expenditures. (Appraisal costs and incidental purchase costs, such as surveys, title insurance, legal fees, etc., are not eligible expenditures and are not reimbursable.)

<table>
<thead>
<tr>
<th>Budget Category</th>
<th>Amount</th>
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<td>Advance plans</td>
<td>$ __</td>
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<tr>
<td>Estimates</td>
<td>$ __</td>
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</tr>
<tr>
<td>Acquisition of lands</td>
<td>$ __</td>
<td></td>
</tr>
<tr>
<td>Other (specify)</td>
<td>$ __</td>
<td></td>
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</table>
RESOLUTION 2017 - 37

A RESOLUTION OF THE FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS AUTHORIZING THE EXECUTION AND SUBMISSION OF A GRANT APPLICATION AND SUPPORTING DOCUMENTS AND ASSURANCES TO THE FLORIDA DEPARTMENT OF STATE, DIVISION OF LIBRARY AND INFORMATION SERVICES; AUTHORIZING THE ACCEPTANCE OF ANY GRANT AWARDED PURSUANT TO THE APPLICATION; AND AUTHORIZING EXECUTION OF A GRANT AGREEMENT.

WHEREAS, the Flagler County Board of County Commission (the "Board") desires to apply for and secure a Public Library Construction Grant from the Florida Department of State, Division of Library and Information Services; and

WHEREAS, the Board is requesting a grant in the amount of Five Hundred Thousand Dollars and No Cents ($500,000.00) with a required Five Hundred Thousand Dollars and No Cents ($500,000.00) match from the County; and

WHEREAS, funds will be used toward the construction of a new Library Building; and

WHEREAS, in addition to authorizing the grant submittal, the Board wishes as well as to fully authorize the negotiation and execution of an agreement for grant funds between the County and the Florida Department of State, Division of Library Information Services.

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF FLAGLER COUNTY FLORIDA, AS FOLLOWS:

Section 1. Approval of Submittal of Application. The Board authorizes submission of the grant application, along with supporting documents and assurances, to the Florida Department of State, Division of Library and Information Services.

Section 2. Authority to County Administrator. The Board authorizes and empowers the County Administrator or his designee to execute the application and any other documents, including but not limited to, the acceptance of the grant award and the grant agreement as approved to legal form by the County Attorney, unless specifically rescinded.

Section 3. Assurances. Flagler County Board of County Commissioners assures that:

1. Flagler County assures that local dollars will be used to match, dollar for dollar, the grant amount, and that such funds will be available and unencumbered at the time of grant award; and

2. Flagler County projects that funding will be sufficient and will be available in order that the construction project will result in a completed library building; and
3. Upon completion of the project, sufficient funds will be available to operate the new facility; and

3.4. Flagler County assures that the building will be used exclusively for the public library purposes for which it is being built. Should the County build a joint use facility the County assures that the library portion of the building will be used exclusively for public library purposes, and that any proposed changes in that use occurring within twenty (20) years of the completion of the construction project will be submitted to the Division for its approval; and

4. The building will be used exclusively for the public library purposes for which it is being built, and that any proposed changes in that use occurring within twenty (20) years of the completion of the construction project will be submitted to the Division for its approval; and

Section 4. Effective Date. This Resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED in open session of the Flagler County Board of County Commissioners, Florida, on this 19th day of July, 2019.

FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS

__________________________________________
Donald T. O'Brien, Jr., Chair

Attest: Approved as to form:

__________________________________________
Tom Bexley, Clerk of the Circuit and Comptroller

__________________________________________
Al Hadeed, County Attorney
PUBLIC LIBRARY CONSTRUCTION GRANT

GUIDELINES

Public Library Construction Application
dosgrants.com

Application Deadline: April 1, 2019

Florida Department of State
Division of Library and Information Services
R. A. Gray Building, 500 South Bronough Street
Tallahassee, Florida 32399-0250
Application Submission

Applications must be submitted on or before April 1, 2019.

Applications must be submitted on the DOS Grants System at dosgrants.com.

For Assistance and Information

Contact Grants Staff:
  850.245.6620 Voice
  850.245.6643 Fax
  850.922.4085 TDD
  Email: grantsoffice@dos.myflorida.com

These Guidelines are also available electronically at: info.florida.gov/services-for-libraries/grants/construction/guidelines-application-and-forms/ and can be made available in alternative formats.
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### LAW AND RULE

Chapter 257, *Florida Statutes*

Rule 1B-2.011, *Florida Administrative Code*, Library Grant Programs
PUBLIC LIBRARY CONSTRUCTION GRANTS GUIDELINES

I. OVERVIEW

The Department of State, Division of Library and Information Services, provides state funds to governments to construct public libraries. Funds are awarded on a dollar-for-dollar match of the grant amount to selected governments after evaluation of applications submitted by the application deadline. The Legislature determines the amount appropriated annually for the program. These guidelines specify program policies and procedures.

II. DEFINITIONS

A. Applicant means the government requesting a Public Library Construction Grant and which will own or have the unconditional use of the library building to be constructed, expanded or remodeled and the site on which it is located.

B. Application means a completed Public Library Construction Grant application, submitted online, consisting of all required documents.

C. Application Correction Period means the period of time to allow applicants to complete and correct application deficiencies. Applicants will have 30 days after the notification date to complete and correct deficiencies. All corrections must be submitted on or before the last day of the correction period specified by the Division. Failure to correct identified deficiencies within the 30-day period shall automatically make the application ineligible.

D. Application Submission Period means the formally announced period of time in a funding cycle for the submission of an application for a Public Library Construction Grant.

E. Audit means the annual audit of the government for that year, carried out in accordance with the requirements of Section 215.97, Florida Statutes, or Section 218.39 Florida Statutes, and generally accepted accounting principles.

F. Building Consultant means a professional librarian who has completed a library education program accredited by the American Library Association. The building consultant will prepare the project narrative, the building program and the site evaluation and serve as a consultant to the applicant and its architect throughout the design and construction of the project. The building consultant may be a library staff member and may also be the project manager.

G. Building Program means a narrative, in-depth description of the library’s service philosophy and programs as they relate to the function and contribute to the design of the library building for which a Public Library Construction Grant is being sought.

H. Catalog of State Financial Assistance (CSFA) is a statewide compendium of state projects that provide financial assistance to nonstate entities. As the basic reference source for state projects, the primary purpose of the Catalog is to assist users obtaining general information on state projects and identifying state projects that meet specific
objectives. State projects are cataloged by agency and are assigned a Catalog of State Financial Assistance (CSFA) number for easy referencing.

The Public Library Construction Grant Program CSFA number is 45.020.

I. Competitively Award means to award contracts based on the submission of sealed bids, proposals submitted in response to a request for proposal, proposals submitted in response to a request for qualifications or proposals submitted for competitive negotiations in accordance with Section 255.20, Florida Statutes. This also includes contracts for construction management services or design-build contracts. Such awards to a private sector contractor must be permitted by applicable municipal or county ordinance, by special district resolution or by state law including Section 255.20, Florida Statutes. If competitive negotiations are used, the award shall be in accordance with Section 287.055, Florida Statutes.

J. Construction Project means the construction of new buildings and the acquisition, expansion or remodeling of existing buildings to be used for public library service. The project shall result in a completed library building on the specified site. A construction project may begin up to 12 months prior to the date of grant award. The project shall include the bidding or competitive negotiations, award of the construction contract, construction of the facility, submission of required documents, expenditure of all grant and local funds for the project, completion of the building and submission and approval of the audit.

A construction project is considered to have begun when a construction contract is awarded or a guaranteed maximum price for the project is awarded.

K. Deliverable means the quantifiable goods or services that must be provided in order to receive payment. Each deliverable must be connected with the activities identified and described in the Scope of Work. Deliverables, along with the Scope of Work, are included in the grant agreement.

L. Department means the Florida Department of State.

M. Division means the Division of Library and Information Services of the Florida Department of State.

N. Expansion means adding square feet to an existing library facility.

O. Financial Consequences means the financial consequences that will be applied if the grant recipient fails to perform all activities outlined in the Scope of Work and/or fails to meet the deliverables outlined in the grant agreement. Financial consequences are tied to deliverables and each payment. Per Section 287.058, Florida Statutes, the Division is required to specify a reduction in grant funding that will be applied if the grant recipient fails to perform all activities outlined in the Scope of Work and/or fails to meet the deliverables outlined in the grant agreement.

P. Florida Accountability Contract Tracking System (FACTS) is the State of Florida’s centralized online contract reporting system. All information pertaining to the grant agreement will be available on the FACTS system and viewable by the public. This includes the grant agreement, payment information, deliverables, performance metrics, grant award and audit information. FACTS is online at facts.fldfs.com.
Q. **Free Public Library Services** means an established program of free public library services and resources which is maintained to provide library service without discrimination to all residents of the legal service area taxed for library purposes.

R. **Funding Cycle** means the interval of time between the start of an announced application submission period and the date of grant award.

R. **Governing Body** means the governing body of a county, the governing body of a municipality or the governing body of a special district or special taxing district.

S. **Government** means a county, municipality, special district or special taxing district.

T. **Grant Agreement** means a written document setting forth the terms and conditions under which a grant is provided to an applicant by the Department, including the rights and responsibilities of each party to the agreement, which is approved and signed by the Department and an authorized representative of the applicant. The agreement, incorporated by reference, will be sent to the library along with the grant award notification. The grant agreement will include a scope of work and project deliverables.

U. **Grant Award** means funding provided to the applicant by the legislature for the construction project. The date of grant award shall be July 1.

V. **Grantee** means the government to which a grant is awarded.

W. **Noncompliance** means the grant recipient is not following *Florida Statutes*, rules, the terms of the grant agreement, Florida Department of State policies and guidance, local policies, or other applicable laws. For the consequences that result from noncompliance, see Section XI.W, Noncompliance Status.

X. **Performance Measures** provide the criteria for evaluating the successful completion of each deliverable.

Y. **Performance Metrics** describe the documentation to be used to prove the deliverable has been met.

Z. **Performance Standards** describe the acceptable level of services to be performed or products to be delivered.

AA. **Project Close-out** means the submission and approval by the Division of all project documents, reports and payment requests. The project must be closed out by the end of the project period.

BB. **Project Period** shall begin on July 1 of the year in which the grant funds are awarded and shall end on June 1 two (2) years later.

CC. **Remodeling** means any structural alteration to the permanent interior walls, floors, ceilings or exterior shell of a previously completed building. The term does not include maintenance or repairs such as repainting, replacing worn carpet, repairing leaky roofs, replacing HVAC or paving parking lots unless they are part of an eligible construction project.

DD. **Scope of Work** means a description of the specific work to be performed under the grant agreement in order to complete the project.
EE. **Site Evaluation** means a narrative analysis of the suitability of the location for the library building.

FF. **Unconditional Use** means that the building to be remodeled, expanded or constructed and the site of such building are or will be owned by or under lease to the applicant and are to be used exclusively as a library. This must occur no later than 90 days after the date of the grant award or, if the applicant anticipates starting a project prior to the date of the grant award, at the time of application submission.

If the applicant is partnering with another entity to construct a library building where the ownership or unconditional use of the building will not be transferred until the completion of the construction project, a legal agreement, such as an interlocal agreement, can be provided in lieu of ownership documentation. This agreement must show when the transfer will take place and result in the applicant having ownership or unconditional use of the building. Before the project can be closed out, documentation of the final transfer of ownership or unconditional use must be provided to the Division.

Such ownership or lease interest must be continuous and for at least 20 years from completion of the remodeling, expansion or construction of the building. Leases shall not be revocable at will. Release from the unconditional use requirement may be requested and will be granted by the Division if a situation arises which will provide a library facility to serve the same community that will result in a higher level of library service. The request for release shall be submitted in writing to the Director of the Division of Library and Information Services.

If the facility is not maintained exclusively as a public library and does not provide free library service for the 20-year period and release from the unconditional use requirement has not been requested and approved, the grant funds shall be repaid as follows: for each year that the facility is maintained as a public library, the amount to be repaid will be reduced by 5%. The 20-year period begins on the date of project close-out.

III. **ELIGIBILITY**

To be eligible to apply for or to receive a Library Construction Grant:

A. Applications must be submitted on the DOS Grants System at dosgrants.com on or before the application deadline to receive consideration.

B. The applicant for a Library Construction Grant must be a county, municipality, special district or special tax district.

C. The applicant requesting a Public Library Construction Grant shall either own or have unconditional use of the library building to be constructed, expanded or remodeled and the site on which it is located. Assurance of unconditional use by the applicant’s governing body must be submitted to the Division no later than 90 days after the grant award. If an applicant anticipates starting a project prior to the date of the grant award, the assurance of unconditional use must be submitted at the time of application submission.

If the applicant is partnering with another entity to construct a library building where the ownership or unconditional use of the building will not be transferred until the completion of the construction project, a legal agreement, such as an interlocal agreement, can be
provided in lieu of ownership documentation. This agreement must show when the transfer will take place and result in the applicant having ownership or unconditional use of the building. Before the project can be closed out, documentation of the final transfer of ownership or unconditional use must be provided to the Division.

D. An applicant for a Public Library Construction Grant shall be eligible to receive funding for a construction project from more than one state funding source provided that the following criteria are met:

1. The additional state funding source(s) must be based on a statutorily approved process administered by another state agency, and

2. The applicant must demonstrate that the project will provide a higher level of service to residents or that the project is in partnership with another organization or agency.

E. A government receiving a Library Construction Grant must have an established program of free public library services and resources which is maintained to provide library service without discrimination to all residents of the legal service area taxed for library purposes.

F. Library Construction Grant will be awarded on a matching basis only, and the applicant shall assure the Division that local matching funds will be available and unencumbered at the time of grant award. The Division of Library and Information Services will waive the financial matching requirements on grants for rural communities that have been designated in accordance with Sections 288.0656 and 288.06561, Florida Statutes. Eligible communities applying for a Public Library Construction Grant must request a waiver of matching requirements at the time of grant application.

G. A project will not be eligible for a grant when:

1. The state portion of the project will be less than $10,000;

2. The project will result in a total building of less than 3,000 square feet; or

3. The project will not result in a complete library facility.
IV. TIMELINE

<table>
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<tr>
<th>Year 1</th>
<th>January 2019</th>
<th>Announcement of application availability in <em>Florida Administrative Register</em> and via email.</th>
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<tr>
<td></td>
<td>February -March 2019</td>
<td>Division staff assistance and consultation available to applicants.</td>
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<tr>
<td></td>
<td>April 1, 2019</td>
<td>Application deadline. Applications must be submitted on DOS Grants System at dosgrants.com on or before this date.</td>
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<tr>
<td></td>
<td>May – June 2019</td>
<td>Division staff review of applications.</td>
</tr>
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<td></td>
<td>July 2019</td>
<td>Application correction period. Applicants will have 30 days after the notification date to complete and correct deficiencies. All corrections must be submitted on the DOS Grants System at dosgrants.com on or before the last day of the correction period specified by the Division. Failure to correct identified deficiencies within the 30-day period shall automatically make the application ineligible.</td>
</tr>
<tr>
<td></td>
<td>August 2019</td>
<td>Division develops ranked list of Public Library Construction Grant applications for consideration by the Legislature.</td>
</tr>
<tr>
<td>Year 2</td>
<td>January-February 2020</td>
<td>Legislative committees hear budget requests and make recommendations as part of the overall state budget.</td>
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<td></td>
<td>April-May 2020</td>
<td>Legislature approves state budget.</td>
</tr>
<tr>
<td></td>
<td>June 2020</td>
<td>Division communicates applications status to applicants (funded or not funded).</td>
</tr>
<tr>
<td></td>
<td>July 1, 2020</td>
<td>Project begins.</td>
</tr>
<tr>
<td></td>
<td>June 1, 2022</td>
<td>Grant completion deadline. This is the ending date of the project period. The Construction project must be 100% complete, all grant and matching funds must be paid out and the project must be closed out with the Division.</td>
</tr>
</tbody>
</table>
V. APPLICATION SUBMISSION

A. Applications must be submitted on DOS Grants System at dosgrants.com on or before the application deadline to receive consideration.

B. Application availability will be announced in the Florida Administrative Register and via email.

C. An applicant for a Public Library Construction Grant shall be eligible to receive funding for a construction project from more than one state funding source provided that the following criteria are met:
   1. The additional state funding source(s) must be based on a statutorily approved process administered by another state agency, and
   2. The applicant must demonstrate that the project will provide a higher level of service to residents or that the project is in partnership with another organization or agency.

D. An applicant whose project was partially funded during a funding cycle may not reapply in the subsequent funding cycles for funds to add to the previous award.

E. An applicant that receives a grant to build a new library or to expand or remodel an existing library may not apply for a grant to expand the same library until the original project has been closed out with the Division.

F. Only one grant will be awarded to a government until all other eligible applicants have been awarded a grant during the funding cycle.
VI. APPLICATION

The following documents must be submitted on DOS Grants System at dosgrants.com as part of the application:

1. An ordinance, an adopted and certified resolution, or an approved agenda item from the governing body of the county, municipality, special district or special taxing district including:
   a. Authorization for submission of the application;
   b. Name or position title of person authorized to sign the application and provide required certifications;
   c. Assurance that the required match of a dollar-for-dollar of the grant request will be available and unencumbered at the time of grant award;
   d. Assurance that funding is sufficient and will be available in order that the project will result in a completed library building;
   e. Assurance that upon completion of the project, sufficient funds will be available to operate the facility; and
   f. Assurance that the building will be used exclusively for the public library purposes for which it was constructed or altered and submission of proposed changes in use to the Division for approval if within 20 years of the completion of the construction project.

2. Copy of documents that establish the library, such as a contract, resolution or ordinance of the government. A copy of the interlocal agreement(s) for library cooperatives and multicounty libraries may be used to meet this requirement.

3. A narrative description of the construction project prepared by a professional librarian functioning as the building consultant. The narrative statement must describe:
   a. How the building will function in a currently established multicounty, county or municipal library. This includes, but is not limited to, programs, services and governance;
   b. How the construction project will contribute to new or improved services in the area it will serve; and
   c. The effects of staffing, maintaining and costs of operating the proposed facility.
4. A detailed written building program, prepared by a professional librarian functioning as a building consultant. The building program must include:
   a. A brief overview of the library including a historical perspective, mission and goals (or roles) of the library;
   b. A description of how library functions relate to each other in terms of space, including a description of patron use and work flow patterns; and
   c. Projection of future needs based upon anticipated future demographics.

5. If an applicant is applying for funding for a construction project from more than one state funding source, the following information must be provided:
   a. Identification of all additional state funding sources being applied for. Include the name of the funding program and the state agency administering the program, and
   b. Description of how:
      1. The multiple funding sources will result in a project to provide a higher level of service to residents; or
      2. The project is in partnership with another organization or agency and how it will provide a higher level of service to residents; or
      3. Each funding source will be used to accomplish a different or unique portion of the entire construction project.

6. If an applicant anticipates starting a project prior to the date of the grant award, the additional documentation required in Section X must be submitted at the time of application submission.

G. The applicant may withdraw applications at any time prior to grant award without penalty.

   If any library construction project that has previously been awarded a grant that is later withdrawn or vacated files a new application during the next application submission period for substantially the same project, the project shall be considered only after the Division has acted upon all other applications during the funding cycle.

H. An applicant whose project was not funded during the previous funding cycle may either update the application already on file or submit a new one. If an applicant intends to update or resubmit an application, a letter of intent should be submitted to the Division within 30 days after notification from the Division. The updated information specified in Section VI.1 shall be submitted within 60 days after notification from the Division, or the Division should be notified that no updates are needed. Failure to meet this deadline shall result in rejection of this application.

   1. If a new application is submitted by the application submission date, it will be reviewed for eligibility and completeness and evaluated.
   2. If the applicant requests that the application already on file be considered for funding, it will not be reevaluated. The point values assigned during the previous review period will remain unchanged. The application will be included in the ranked listing.
along with new applications. The applicant must update and provide the following information:

a. Applicant Information; and

b. Ordinance or an adopted and certified resolution from the governing body of the government as required and described in Section VI.1.

VII. APPLICATION REVIEW

Following the close of the application submission period, all applications will be reviewed for eligibility and completeness. In reviewing applications, the Division has the authority to ensure compliance with these guidelines. The Division will determine the eligibility of an applicant, the sufficiency of the application and the eligibility of a project element or expense.

A. The Division will notify applicants in writing of any application deficiencies. Eligible applicants will have an application correction period of up to 30 days after notification date to correct deficiencies. Insufficient applications or the failure to correct the identified deficiencies shall result in rejection of the application. All corrections must be submitted in DOS Grants System at dosgrants.com on or before the last day of the correction period specified by the Division. Since the purpose of this period is to determine eligibility, point totals already assigned to applications will not be changed during the correction period unless there is a change in the square feet of the building.

The Division will evaluate eligible applications in accordance with the Section VIII, Criteria for Evaluating and Ranking Grant Applications, and assign a total point score to each application. Applications will be ranked based on the point score with the applications with the most points ranked highest.

B. The ranked application list is submitted to the Secretary of State for final review and approval. The Secretary of State has the final authority to approve, amend or deny funding recommendations and to award grants.

C. Applications that are approved by the Secretary of State will be included in the Department of State’s ranked list of public library construction applications for consideration by the Legislature.
VIII. CRITERIA FOR EVALUATING AND RANKING APPLICATIONS

1. An application can receive a maximum of 100 points. Applications will be ranked based on the point score with the most points ranked the highest.

2. If multiple applications are submitted by one government, then the application with the higher point total will be placed in the higher ranked position. If multiple applications from one government receive the same score, the applicant will be asked to rank the applications. The higher ranked application will be placed in the higher ranked position. The other application(s) shall be placed at the bottom of the rankings. For those application(s) placed at the bottom of the rankings, the application with the higher point totals will be ranked before those with a lower point totals.

3. If two or more applications from different applicants receive the same score, the applicant having the most need based on the Community Need, Section VIII.4.D will receive the higher ranking. If two or more applications remain tied, the applicant having received the lowest amount of construction funds within five (5) years of the application date will receive the higher ranking.

4. The points for each section are:

   **A. Type of Library Building.** Only one category can apply to an application:
   1. Headquarters for a multicounty or library cooperative – 20
   2. Headquarters for a single county library not in a multicounty – 15
   3. Headquarters for a single county library in a multicounty – 12
   4. Branch or member of a multicounty library that represents the only library facility in a county – 8
   5. Branch or member library that is part of a county or multicounty – 4
   6. A municipal library and its branches operating independently of a county or multicounty library – 4

   **B. Project Narrative,** prepared by a professional librarian functioning as a building consultant. The narrative statement must describe:
   1. How the building will function in a currently established multicounty, county or municipal library. This includes, but is not limited to, programs, services and governance – 5;
   2. How the construction project will contribute to new or improved services in the area it will serve – 10; and
   3. The effects of staffing, maintaining and operating the proposed facility – 5.

   **C. Building Program,** prepared by a professional librarian functioning as a building consultant. The building program must include:
1. A brief overview of the library including a historical perspective of the library system (if applicable) and the facility covered by the application, the mission and the goals (or roles) of the library – 5;

2. A description of how library functions relate to each other in terms of space, including a description of patron use and workflow patterns – 20; and


D. Community Need. Points are awarded based on the extent to which the applicant’s present or existing facilities meet the standard of .6 square feet per capita for total floor space in its multicounty, county or municipal library.

The total square feet will be taken from the most current Annual Statistical Report Form for Public Libraries on file with the Division of Library and Information Services. The report is available free of charge from the Director, Division of Library and Information Services, R.A. Gray Building, Mail Station #9D, Tallahassee, Florida 32399-0250. The population served will be taken from the most current Florida Estimates of Population, University of Florida.

The following describes how the square footage and population will be determined for each type of library. The calculation of the square footage is based upon the type of library.

For cooperative libraries consisting of a countywide system and/or municipal libraries:

- For the countywide library system, the population and square feet for only the legal (taxed) service area of the countywide system will be used.

- For an independent municipal library, the population and square feet for only the legal (taxed) service area of the municipal library will be used.

- For a multicounty library, the population and square feet for the applicable county will be used.
For consolidated single county libraries:

- The population and square feet for the legal (taxed) service area of the county applying for the grant will be used. This includes consolidated multicounty libraries.

- If a municipality submits an application for a library (e.g., a branch) that is a part of a consolidated countywide system, the population of the municipality and square feet of the library (branch) will be used.

The further away an applicant’s total square footage in its present or existing facilities is from the standard, the higher the amount of points that are awarded.

<table>
<thead>
<tr>
<th>Range</th>
<th>Points</th>
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<tr>
<td>0 – 25</td>
<td>30 points;</td>
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<td>26 – 50</td>
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<td>51 – 70</td>
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<td>71 – 90</td>
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<td>91 – 100</td>
<td>10 points.</td>
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<td>Over 100</td>
<td>10 points.</td>
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**IX. MAXIMUM GRANT AWARD**

The total maximum grant award is $500,000.
X. ADDITIONAL REQUIRED DOCUMENTS

The following material must be submitted to the Division using the DOS Grants System at dosgrants.com no later than 90 days after the date of grant award. This deadline may be extended by the Division if the applicant is resolving an issue that would affect the content of the additional information to be provided, such as a site change or a change in the scope of the project. If the applicant anticipates starting the construction project prior to the date of the grant award, the following material must be submitted for approval at the time of application submission.

These documents will become a part of the grant application.

1. Specific location of site and a narrative evaluation of the site of the building to be constructed, expanded or remodeled that is prepared by a professional librarian functioning as a building consultant. The site evaluation should justify the choice of site considering:
   a. Plans for future expansion or growth;
   b. Community growth and traffic pattern projections for the future;
   c. Adequate parking, taking into consideration local zoning and building codes or standards;
   d. Convenient access to major pedestrian and vehicular traffic routes; and
   e. Physical characteristics of the site.

2. Assurances, such as a deed showing that the applicant has legal title to the property and building, a long-term lease of not less than 20 years or a resolution adopted by the applicant's governing body that the applicant has unconditional use of the site and the building. If a resolution is used as proof, it must state whether the applicant owns or leases the site and building.

   If the applicant is partnering with another entity to construct a library building where the ownership or unconditional use of the building will not be transferred until the completion of the construction project, a legal agreement, such as an interlocal agreement, can be provided in lieu of ownership documentation. This agreement must show when the transfer will take place and result in the applicant having ownership or unconditional use of the building. Before the project can be closed out, documentation of the final transfer of ownership or unconditional use must be provided to the Division.
3. A comparison of the proposed project to .6 square feet per capita for total floor space and standards for library facilities and services. Cite standards used and the source of standards. This shall include at a minimum:
   a. Total floor space;
   b. The amount and kind of space required for all library functions, including both public and staff areas, meeting space, and space for specific services;
   c. Shelving requirements;
   d. Staffing requirements;
   e. Lighting requirements; and
   f. Telecommunications and electrical requirements.

4. A list of the kind and amount of initial furniture and equipment needed for the project.

5. Subsurface soil analysis. This analysis, which involves soil borings, is to assure that the site can support the weight of a library building. The analysis is required for the following:
   a. New construction;
   b. Expansion of existing library facility onto previously unbuilt land, including parking lots; or
   c. Projects involving an existing building that was not previously used as a library building.

   If problems are identified in the analysis, the Division must be informed of how the problems will be corrected.

6. Flood hazard analysis. Regulations governing the use of state funds for construction require that evaluations be made of the potential effect of any proposed construction in relation to flood hazards.

   Each applicant filing an application for construction funds must request an evaluation of the proposed site of construction from the U.S. Army Corps of Engineers. When submitting requests, the following information should be included regarding the project:
   a. A legal description of the site, giving exact boundaries, a location map showing the site, and a street address if available;
   b. The need for the evaluation in order to receive construction funds from the Division of Library and Information Services, Florida Department of State; and
   c. The date by which the evaluation is needed. Allow at least two weeks to receive this evaluation prior to the additional required documents filing date.
If problems are identified, the Division must be informed of how the problems will be corrected.

Copies of the evaluation reports and the plans for correction, if applicable, must be submitted for each application.

7. Assurance that the proposed construction project will not have an adverse effect on historic properties listed or eligible for listing on the National Register of Historic Places. This assurance must be obtained from the Department of State, Division of Historical Resources.

Regulations governing the use of state funds for construction require that evaluations be made of the potential effect of any proposed construction in relation to historic properties. Each applicant filing an application for construction funds must request an evaluation of the proposed site of construction from the Division of Historical Resources. Projects directly impacting historic properties will be evaluated for consistency with the Secretary of the Interior’s Standards for the Treatment of Historic Properties (the Standards) (nps.gov/tps/standards.htm), incorporated by reference. Projects involving new construction within or adjacent to a historic district will be evaluated according to the Standards for compatibility with the historic character of the district. When submitting requests, the following information should be included regarding the project:

a. State that an evaluation is needed in order to receive construction funds from the Division of Library and Information Services, Florida Department of State;

b. Provide the name, address and/or the tax parcel identification for the project;

c. Provide a detailed written description of the proposed project including related activities that will be carried out in conjunction with the project, for example the proposed rehabilitation (include specific details) or demolition of a building or structure or the extent of proposed land clearing or ground disturbing activities;

d. Provide a project site location map depicting the project area on an aerial photograph and/or street map.

e. Provide photograph(s) of the project site if available (no photocopies). If a project does or may involve a building(s) or structure(s) 50 years of age or older, photographs must be provided of the exterior and interior (as appropriate). Provide photographs of specific elements of the building(s) affected by the project, if applicable. All photographs should be keyed to a project or building sketch plan;
f. For new construction projects, describe the present condition of the project area and a history of the past land use activities, i.e., agriculture or silviculture. Describe any manmade improvements in the study area. Provide information on the project area describing the natural environment(s) (biological and geological), for example drainage, wetlands, soils, vegetation, etc.

g. Describe any surrounding buildings or structures (include photographs of such improvements keyed to a map). Indicate the recorded or estimated construction dates for each building or structure. Indicate if the project area is within or adjacent to a historic district; and

h. Indicate the date by which you need the evaluation. Allow at least 30 days for the historic site evaluation.

Address requests to:

Director
Division of Historical Resources
R. A. Gray Building, Mail Station 4
500 S. Bronough Street
Tallahassee, Florida 32399-0250
Phone: 850.245.6333
Email: CompliancePermits@dos.myflorida.com

Copies of the letters of evaluation must be submitted for each application. If the project affects historic properties listed or eligible for listing on the National Register of Historic Places in accordance with Section 267.061, Florida Statutes, the applicant must obtain written approval from the Division of Historical Resources before the project is let for bid.
XI. ADMINISTRATION OF GRANTS

A. **Project Start.** The grant period will start on July 1, 2018. A construction project may be initiated 12 months or less prior to the project start date. However, the Division shall not release any grant funds to the applicant before the grant funds have been appropriated by the Legislature and the grant agreement is executed between the Division and the grantee.

B. **Notification of Grant Award.** The Notification of Grant Award is the official notice of the amount of the grant award for the applicable fiscal year. On the notification, the project to be funded is listed along with the award amount, the Catalog of State Financial Assistance (CSFA) number, the project start date, the ending date of the grant and any other special project-related comments or instructions.

C. **Grant Agreement.** The application, if approved, will become a part of the grant agreement between the Department of State, Division of Library and Information Services and the grantee. The Division shall be responsible for preparing a grant agreement. Grant agreements, incorporated by reference, will be sent to grantees along with the notification of grant award. The grant agreement will include a scope of work and project deliverables. A construction project may be initiated 12 months or less prior to the grant award. However, the Division shall not release any grant funds to the applicant before the grant funds have been appropriated by the Legislature and the grant agreement is executed between the Division and the grantee.

The grant agreement must be signed between the grantee and the Department prior to February 1 of the second fiscal year after the grant award. If the agreement is not executed by this date, the grant funds shall revert to the Legislature in accordance with Section 216.301, Florida Statutes.

D. **Grant Agreement Amendments.** Requests may be made to modify the provisions of the Grant Agreement. A Change Request must be submitted to the Division in the DOS Grants System at dosgrants.com. Changes that are agreed upon shall be valid only when put in writing and signed by each of the parties in a Grant Agreement Amendment. If changes are implemented without the Division’s written approval, the organization is subject to noncompliance, and the grant award is subject to reduction, partial, or complete refund to the State of Florida.

E. **Project Manager.** The project manager is the applicant’s single authorized representative for all contact with the Division regarding the project. This includes all written and verbal communications with the Division, processing grant-related paperwork processing, receipt of grant payments, etc. If the project manager changes from the information provided in the application, the applicant or grantee must notify the Division in writing of this change. The project manager may be the same person as the applicant’s building consultant. The project manager does not have to be the physical construction project manager.

F. **Planning Assistance.** Division staff are available to provide planning assistance as the plans for the construction project are being developed. It is recommended that Division staff be involved during several points in the development of project plans: when the initial drawings have been completed based on the building program, approximately half
way through design development; and, when the furniture and equipment plan for the facility is being developed.

G. Architectural Drawings and Specifications. The grantee shall provide the Division the following material no less than 30 days prior to the construction project being let for bid or guaranteed maximum price being awarded. This also includes contracts for construction management services or design-build contracts.

1. Final floor plan with furnishings and equipment;
2. Final site plan; and
3. Final elevations.

Submit two sets of drawings prepared by a licensed architect. One set of these plans shall be 24” x 36” or 30” x 42” and the other shall be 11” x 14” or 11” x 17”.

If there are changes in the design or size of the building, the grantee shall provide revised floor plans, site plans and elevations to the Division. An example of when this might occur would be if project bids exceed available funding, necessitating a revision to project plans.

H. Architectural Supervision. The grantee shall provide engineering or architectural supervision and inspection to ensure that the completed work conforms to the approved plans and specifications.

I. Accessibility. All facilities constructed must comply fully with Sections 255.21 and Sections 553.501 through 553.514, Florida Statutes, relating to accessibility by persons with disabilities and the Americans with Disabilities Act of 1990 (ada.gov), incorporated by reference.

J. Competitive Awards. The grantee shall competitively award construction contracts based on the submission of sealed bids, proposals submitted in response to a request for proposal, proposals submitted in response to a request for qualifications, or proposals submitted for competitive negotiations. This also includes contracts for construction management services or design-build contracts. Such awards to a private sector contractor must be permitted by applicable municipal or county ordinance, by special district resolution or by state law including Section 255.20, Florida Statutes. If competitive negotiations are used, the award shall be in accordance with Section 287.055, Florida Statutes.

All procurement of goods and services must be made in a manner so as to provide maximum free competition.

K. Project Publicity. Each construction project shall display a project identification sign in a prominent location at the project site and shall maintain said sign while work is in progress. The sign must be a minimum of eight (8) square feet in area, be constructed of plywood or other durable material, and contain the following acknowledgment of grant assistance in accordance with Section 286.25, Florida Statutes:

This project is sponsored in part by the Department of State’s Division of Library and Information Services and the State of Florida.

Any variation in the above specifications must receive prior approval in writing by the
Division. The cost of preparation and erection of the project identification sign is an allowable project cost. Routine maintenance costs of project identification signs are not allowable project costs.

L. **Progress Reports.** The grantee must submit a progress report to the Division every six (6) months until the project is completed. The report should include a status of the construction project and photographs of project progress. The report must be submitted in DOS Grants System at dosgrants.com.

M. **Change Orders.** Should grant expenditures exceed the budgeted category amount by more than 20%, the Grantee shall be required to submit a proposal for revision of the Project Budget with a written explanation for the reason(s) for deviation(s) from the original Project Budget to the Division for review and written approval. The proposed revision should be submitted using a Change Request in DOS Grants System at dosgrants.com.

N. **Final Inspection.** The grantee should notify the Division of the date and time of final inspection so that the Division may participate in such inspection for the purpose of concurring in the final acceptance of the building. The grantee shall also provide the Division with a copy of the Certificate of Substantial Completion (AIA Document G704).

O. **Project Completion.** The construction project shall be completed by June 1 three years after the year of the grant award. The project completion date is the date that the project is 100% complete and all grant and matching funds have been paid out.

P. **Extension of the Project Completion Deadline.** An extension of the completion date must be requested at least 30 days prior to the end of the project period and may not exceed 120 days unless the grantee can clearly demonstrate extenuating circumstances. An extenuating circumstance is one that is beyond the control of the grantee and one that prevents timely completion of the project, such as a natural disaster, death or serious illness of the individual responsible for the completion of the project, litigation related to the project, or failure of the contractor or architect to provide the services for which they were contracted to provide. An extenuating circumstance does not include failure to read or understand the administrative requirements of a grant or failure to raise sufficient matching funds. Written approval from the Division is required for extensions.

Q. **Project Audit.** A financial audit of the government, carried out in accordance with the requirements of Section 215.97, *Florida Statutes* and generally accepted accounting principles, must be submitted following the end of the grant.

If desired, a grantee may submit a project specific audit in lieu of the annual audit. The project specific audit must be carried out in accordance with the requirements of Section 215.97, *Florida Statutes*, or Section 218.39, *Florida Statutes*, and generally accepted accounting principles.

R. **Record Retention.** Financial records, supporting documents, statistical records, and all other records, including electronic storage media pertinent to the project, shall be retained for a period of five (5) years after the close-out of the grant and release of the audit. If any litigation or audit is initiated or claim is made before the expiration of the five-year period, the records shall be retained until five (5) years after the litigation, audit, or claim has been resolved.
S. **Withdrawal of Project.** The applicant may withdraw applications at any time prior to grant award without penalty.

If any library construction project that has previously been awarded a grant which is later withdrawn or vacated files a new application during the next application submission period for substantially the same project, the project shall be considered only after the Division has acted upon all other applications during the funding cycle.

T. **Change in Project Scope.** If the grantee desires to change the scope of the project from what was submitted in the application (for example, from renovation to new construction), the request must be submitted using a Change Request in the DOS Grants System at dosgrants.com. Permission to change the scope of the project will be granted if a situation arises that will provide a library facility to serve the same community that will result in a higher level of library service. If a change in project scope is approved, the applicant or grantee will have 30 days to update the application documents that are on file with the Division.

U. **Change in Project Site.** If the grantee desires to change the site or location of the project from what was submitted in the application, the request must be submitted using a Change Request in the DOS Grants System at dosgrants.com. Permission to change the project site will be granted if a situation arises that will provide a library facility to serve the same community that will result in a higher level of library service. If a change in the project site is approved, the applicant or grantee will have 30 days to update the application documents that are on file with the Division.
V. **Financial Consequences.** The following financial consequences will be applied if the grant recipient fails to perform all tasks outlined in the Scope of Work and/or fails to meet the deliverables outlined in the grant agreement. Financial consequences are tied to deliverables and each payment:

1. First payment will be withheld if deliverables are not satisfactorily completed.
2. Second payment will be withheld if deliverables are not satisfactorily completed.
3. Third payment will be withheld if deliverables are not satisfactorily completed.
4. Fourth payment will be withheld if deliverables are not satisfactorily completed.

W. **Payments.** A maximum of four payments of grant funds will be made on a reimbursement basis. Payment requests and supporting documentation must be submitted in the DOS Grants System at dosgrants.com.

1. **The first payment** will be 30% of the grant award. Payment will be made upon completion of at least 30% of the project and after receipt and approval of the following required documents. This information is found on the Application and Certificate for Payment (AIA Document G702, incorporated by reference) and Continuation Sheet (AIA Document G703, incorporated by reference) [General Counsel will address], or its equivalent. The following documents must be either on file with the Division or completed and submitted for the first payment:
   a. Material required in Section X, and Section XI. F;
   b. Executed contract for architectural services between the owner and architect;
   c. Documentation that the project was competitively bid and awarded in accordance with Section 255.20, *Florida Statutes* and local bidding requirements. If competitive negotiations are used, the documentation must show that the contract was awarded in accordance with Section 287.055, *Florida Statutes*;
   d. Complete and executed contract(s) for construction that shows the total cost to construct the facility or the guaranteed maximum price; and
   e. Application and Certificate for Payment (AIA Document G702) and Continuation Sheet (AIA Document G703), or the equivalent showing at least 30% of the construction project has been completed. This item is the project deliverable for the first payment.

2. **The second payment** will be 30% of the grant award. Payment two will be made upon completion of at least 60% of the project and after receipt and approval of the following required documents. This information is found on the Application and Certificate for Payment (AIA Document G702, and Continuation Sheet (AIA Document G703), or its equivalent. The following documents must be either on file with the Division or completed and submitted for the second payment:
   a. Application and Certificate for Payment (AIA Document G702) and Continuation Sheet (AIA Document G703), or the equivalent, showing at least 60% of the project has been completed. This item is the project deliverable for the second payment.
3. **The third payment** will be 30% of the grant award. Payment will be made upon completion of 100% of the project and after receipt and approval of the following required documents. This information is found on the Application and Certificate for Payment (AIA Document G702) and Continuation Sheet (AIA Document G703), or its equivalent. The following documents must be either on file with the Division or completed and submitted for the third payment:

   a. Certificate of Substantial Completion (AIA Document G704, incorporated by reference) or its equivalent;

   b. Documentation of the transfer of ownership or unconditional use of the property and building if the applicant was partnering with another entity to construct a library building where the ownership or unconditional use of the building was not completed at the start of the project; and

   c. Application and Certificate for Payment (AIA Document G702) and Continuation Sheet (AIA Document G703) or the equivalent. The G702 form must show that the project is 100% complete, all construction contract funds have been expended, including all retainages, and a zero balance on line 9. This item is the project deliverable for the third payment.

4. **The final payment** will be 10% of the grant amount. Payment shall be made only after successful completion of the project and agreement obligations. The following documents must be either on file with the Division or completed and submitted for the fourth payment:

   a. Final Report, certified by the project manager and chief financial officer of the applicant’s governing body, assuring that all project funds have been expended and that the project has been closed out. This item is the project deliverable for the fourth payment.

X. **Noncompliance Status.** If the grant recipient is in noncompliance with any term(s) of the grant agreement or any other grant agreement with the Division of Library and Information Services, the Division of Historical Resources or the Division of Cultural Affairs, the Division may withhold grant payments until the organization and/or governing body comes into compliance. Violation of a grant program requirement, including but not limited to failure to submit grant reports and other grant documents, submission of incomplete grant reports or other grant documents or violation of other contractual requirements, shall constitute a basis for the Division to place the recipient and/or its governing body in noncompliance status with the Department of State.

XII. **ALLOWABLE USES OF GRANT FUNDS**

Funds provided under a Library Construction Grant may be used to cover costs of any of the following, as long as the construction project results in a completed library facility:

A. Architectural services;

B. New construction;
C. Expansion;
D. Remodeling;
E. Purchase of a facility or property to be used as a library. All requirements for having ownership of the property or facility as specified in Section X.2 must be met.
F. Site preparation, including the provision of parking spaces;
G. Engineering costs and legal fees directly related to the construction of the library;
H. Initial or fixed equipment, including shelving, tables, chairs, information and building technologies, video and telecommunications equipment, machinery, utilities, built-in equipment and enclosures or structures necessary to house them, and all other items necessary to furnish and operate a new or improved facility for the provision of library services; or
I. Opening day collections.

Expenditures must be in compliance with the state guidelines for allowable project costs as outlined in the Department of Financial Services’ Reference Guide for State Expenditures (dated February 2011), incorporated by reference, which are available online at myfloridacfo.com/aadir/reference_guide.

XIII. MATCHING FUNDS

Matching funds must equal the grant amount, dollar for dollar. The Division of Library and Information Services will waive the financial matching requirements on grants for rural communities that have been designated in accordance with Sections 288.0656 and 288.06561, Florida Statutes. Eligible communities applying for a Public Library Construction Grant must request waiver of matching requirements at the time of grant application.

Eligible matching funds include cash, governmental appropriation, negotiable and non-negotiable securities, bonds sold or validated, funds used for advance plans, estimates, or the cost of the land for the construction or acquisition of a building not already in use as a public library.

For new construction, the current appraised fair market value of a currently owned site may be included as a part of the local matching portion. For remodeling and expansion projects, the current appraised fair market value of the site, building or portion of a building currently not being used as a public library that will be become part of the library as a result of the project may be included towards the local matching portion. The appraisal shall be prepared by an independent licensed appraiser.

There is no time limit prior to submitting the application when the applicant must have ownership of the site being used towards match. However, if the site is being used towards match, the applicant must own the site no later than the time of grant award.
Funds expended on furnishings and equipment for the facility, such as shelving, computers, tables and chairs, and opening day collections may be used towards match as long as the funds are expended less than 12 months prior to the date of grant award or before the project is closed out.

All funds, including local matching and donated funds used towards the project, must be administered by the grantee.

**XIV. UNALLOWABLE USE OF GRANT AND MATCHING FUNDS**

Funds are allowed for grant or matching expenditures only as specifically stated in Sections XII and XIII. In addition, the following are not allowed as grant or matching expenditures:

A. In-kind services; and

B. Routine maintenance costs of project identification signs.

**XV. OPERATION AND USE OF FACILITY**

A facility that will be constructed, remodeled or expanded using state grant funds must be maintained exclusively as a public library and provide free library service for a period of 20 years. Failure to maintain the facility exclusively as a public library or to provide free library service for the 20-year period will result in repayment of all or a portion of the grant funds. The 20-year period begins on the date of project close-out.

If the facility is not maintained exclusively as a public library or free library service has not been provided for the 20-year period and release from the unconditional use requirement has not been requested and approved, the repayment schedule is as follows:

For each year that the facility is maintained as a public library, reduce the amount to be repaid by 5%, i.e., 1 year – 95% of the grant funds, 5 years – 75% of the grant funds, 10 years – 50% of the grant funds, etc.

If the facility is not maintained as a public library for an entire year, the amount to be repaid will be prorated based on the number of months the facility was not maintained as a public library, rounded to the next whole month.

Release from the unconditional use requirement may be requested and will be granted if a situation arises that will provide a library facility to serve the same community that will result in a higher level of library service. The request shall be submitted in writing to the Director of the Division of Library and Information Services.
CHAPTER 257, Florida Statutes

PUBLIC LIBRARIES AND STATE ARCHIVES

257.14 Division of Library and Information Services; rules.

257.15 Division of Library and Information Services; standards.

257.191 Construction grants.

257.14 Division of Library and Information Services; rules. – The Division of Library and Information Services has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this chapter.

History. – s. 2, ch. 61-402; s. 4, ch. 63-39; ss. 10, 35, ch. 69-106; s. 21, ch. 69-353; s. 3, ch. 83-24; s. 19, ch. 86-163; s. 46, ch. 98-200.

257.15 Division of Library and Information Services; standards. – The Division of Library and Information Services shall establish reasonable and pertinent operating standards under which libraries will be eligible to receive state moneys.

History. – s. 3, ch. 61-402; s. 4, ch. 63-39; ss. 10, 35, ch. 69-106; s. 21, ch. 69-353; s. 2, ch. 72-353; s. 3, ch. 83-24; s. 20, ch. 86-163.

257.191 Construction grants. – The Division of Library and Information Services may accept and administer library construction moneys appropriated to it and shall allocate such appropriation to municipal, county, and regional libraries in the form of library construction grants on a matching basis. The local matching portion shall be no less than the grant amount, on a dollar-for-dollar basis, up to the maximum grant amount, unless the matching requirement is waived by s. 288.06561. Initiation of a library construction project 12 months or less prior to the grant award under this section shall not affect the eligibility of an applicant to receive a library construction grant. The division shall adopt rules for the administration of library construction grants. For the purposes of this section, s. 257.21 does not apply.

History. – s. 4, ch. 73-138; s. 5, ch. 83-24; s. 23, ch. 86-163; s. 2, ch. 2003-126.
1B-2.011 Library Grant Programs.

(1) This rule provides procedures for library grant programs administered by the Division of Library and Information Services (Division). Each program shall be governed by guidelines which contain information on eligibility requirements, application review procedures, evaluation and funding criteria, grant administration procedures, if applicable, and application forms. All grant awards shall be subject to final approval by the Secretary of State.

(2) Applicants for grants shall meet the eligibility and application requirements as set forth in the following guidelines for each grant program:


(e) The Community Libraries in Caring Program Application, http://www.flrules.org/Gateway/reference.asp?No=Ref-01122, effective 4-10-12; which contains instructions and application (Form DLIS/CLIC01), effective 11-16-04; Annual Report (Form DLIS/CLIC02), effective 11-16-04; and Grant Agreement (Form DLIS/CLIC03), http://www.flrules.org/Gateway/reference.asp?No=Ref-01123, effective 4-10-12.

(3) Guidelines and forms in this rule are incorporated by reference and may be obtained from the Director of the Division, Florida Department of State, Division of Library and Information Services, R.A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250.

(4) The Division of Library and Information Services will waive the financial matching requirements on grants for rural communities that have been designated in accordance with sections 288.0656 and 288.06561, F.S. Eligible communities applying for Library Services and Technology Act grants and Library Construction grants must request waiver of matching requirements at the time of grant application.

Rulemaking Authority 257.14, 257.191, 257.192, 257.24, 257.41(2) FS. Law Implemented 257.12, 257.15, 257.16, 257.17, 257.171, 257.172, 257.18, 257.191, 257.192, 257.195, 257.21, 257.22, 257.23, 257.24, 257.25, 257.40, 257.41, 257.42 FS. History–New 1-25-93, Amended 7-17-96, 4-1-98, 2-14-99, 4-4-00, 12-18-00, 11-20-01, 3-20-02, 1-9-03, 12-28-03, 11-16-04, 2-21-06, 2-21-07, 1-24-08, 4-1-10, 4-21-10, 4-10-12, 12-25-13, 7-8-14, 4-7-15, 7-12-16, 7-6-17, 4-30-18, 11-19-18.
SUBJECT: Consideration of Agreement with The Crawford Group, Inc. for a Tourism Production and Sponsorship Package in the Amount of $30,150.00.

DATE OF MEETING: August 19, 2019

OVERVIEW/SUMMARY: Staff is seeking approval of an advertising agreement with The Crawford Group, Inc., DBA Crawford Entertainment to be featured in a half-hour episode of the syndicated television series, “how to Do florida with Chad Crawford” for Season 11.

The Emmy award-winning series features adventure, unique destinations, and food only found in Florida. Episode will feature one main activity and two points of interest to be highlighted during the episode. Distribution of the television show reaches both local and global audiences by using a wide range of delivery formats including:

- Broadcast Syndication: For all eleven FL markets and ten airings: 935,766 viewers
- Cable Networks: Fox Networks (208 airings): 4,215,174 viewers
- Discover Florida Channel: 60,000+ subscribers
- Online/Digital: Estimated reach at 1.2 million over a twelve month season
- Other distribution elements include online banner ads on how to Do florida website, social media (Facebook-104K fans and Instagram-17.7K followers), and newsletter (20K subscribers).

Chad Crawford is a native Floridian and is often referred to as Florida’s Ambassador. His mission and viewer demographic is right in line with the type of community that staff is proud to serve. Chad has worked alongside Florida Fish and Wildlife, Coastal Conservation Association, Florida Department of Environmental Protection, Florida Department of Agriculture, Everglades Foundation, Captains for Clean Water, and author Richard Louv in directed efforts to help preserve Florida’s natural resources, and to communicate how we can all be part of solving the environmental problems the state is facing today.

A 10% discount was also given for being a Visit Florida partner and will receive at no additional charge: three short social media videos and full license of entire episode for additional marketing and promotional purposes.

FUNDING INFORMATION: The Proposed FY19-20 Budget includes funding for this request in account 110-4700-559.49-15. Upon approval by the Board of County Commissioners at the final budget adoption hearing in September 2019, funds will be available to fund this Destination Advertising in the amount of $30,150.00.

DEPARTMENT CONTACT: TDC, Amy Lukasik, 386-313-4226

RECOMMENDATION: Request the Board approve agreement with The Crawford Group, Inc. for Production and Sponsorship Package in the amount of $30,150.00 and authorize the County Administrator to execute all necessary documents associated with accepting and implementing, including any amendments of said agreement as approved to form by the County Attorney.

ATTACHMENTS:
1. “how to Do florida” Destination Discovered Proposal
2. Agreement
Palm Coast and the Flagler Beaches

&

“how to Do florida” Season 11

Sponsorship Opportunity

Key:
how to Do florida = HTDF
Crawford Entertainment = CE
Visit Flagler = VF
Palm Coast and the Flagler Beaches = PCFB

how to Do florida with Chad Crawford is a half-hour syndicated television series that will feature, but is not limited to, Florida destinations, activity segments, a host, and “in-content” sponsored segments.

Series Distribution/Reach for HTDF:
Season 11 of HTDF is expected to air year-round, according to the following 3-Phase Distribution Model:

- **Phase 1 - Broadcast Affiliates** (ABC/CBS/NBC/FOX)
  All 10 episodes will be syndicated, and are expected to air once, to all 11 FL broadcast markets (June, 2020-August, 2020)
  Sample schedule:
  - Orlando - ABC (Sun, 5pm)
  - Tampa - CBS (Sun, noon)
  - Miami - CBS (Sat, 12:30pm)
  - Jacksonville - FOX (Sat, 1pm)
  - Gainesville - ABC (Sat, 1pm)
  - Tallahassee - ABC (Sun, 1pm)
  - Panama City - NBC/My (Sat, 4:30pm)
○ Pensacola - CW (Sun, 9am)
○ Ft. Myers - ABC (Sat, 12pm)
○ West Palm Beach - CBS (Sun, noon)
○ Mobile AL - CW (Sun, 9am)
○ Sarasota - ABC (Sat, 12pm)

- **Phase 2 - Cable Networks**
  All 10 episodes are expected to air, in rotation, 3-4 times/week on FOX Sports Sun from October, 2020 to October, 2021.

Combining Phases 1 and 2, there will be an estimated **220 airings over a 16-month period**.

- **Phase 3 - Online/Digital**
  All 10 episodes will be placed on:
  - howtodoflorida.com (for 4 years)
  - Our digital channel, “Discover Florida”, in perpetuity (AppleTV, Amazon Fire TV, iPhones and Androids). Currently, the channel has over 60,000 subscribers. This channel is a travel destination guide for visitors and gives VF the opportunity to advertise globally.
  - Vimeo on Demand
  - Potentially in other media, including Amazon, Visit Florida website, HTDF YouTube channel, select PBS stations, and in-flight video and international territories

**Viewership**

**Broadcast Syndication**
Audience estimates for 11 broadcast markets and 10 airings: **935,766 viewers**

**Cable Networks**
According to FOX networks (with 208 airings): **4,215,174 viewers**

**Digital Platform**
Reach is estimated at **1.2 million** over the 12-month season.
Custom Package for Palm Coast and the Flagler Beaches

“Destination Discovered” Package

“how to Do the Palm Coast”
(working title)

Chad Crawford will explore an activity in Flagler County. The episode will feature a main activity and POIs mutually agreed upon by PCFB and HTDF, and may also feature a restaurant unique to PCFB. Viewers will be directed to howtodoflorida.com for a list of places Chad visited and activities he participated in. The episode will establish Flagler County as a unique Florida must-Do destination!

PCFB Exposure Within Episode:

- Includes featuring one main outdoor activity plus points of interest mutually agreed upon by VF and HTDF with a total broadcast exposure of approximately 14-15 minutes
- Lower-third graphic directing viewers to VF’s website (or website of your choosing)
- Chad endorsing PCFB as a prime travel destination
- Includes thanks to VF in ending credits
- Content licensing to use the episode for VF’s marketing purposes
- Rotating banner ad and VF’s logo with hyperlinked URL placed on howtodoflorida.com (June, 2020-June, 2021)
- Up to 4 Facebook posts and up to 4 Instagram posts will be made to promote episode and/or other events and activities pertinent to VF
- Episode will be placed on “Discover Florida” OTT channel

Total cost of Destination Discovered Package: $33,500
Total with 10% discount applied to Visit Florida Partner: $30,150

Added Value (No Additional Charge)

- CE will cut down 3 short social media videos (1-2 minutes each) to be posted on HTDF’s Facebook page
- Videos will be cut from footage shot while on-location to film episode
- VF will have access to all three videos for their marketing purposes
Thank you for the opportunity to present this proposal. We welcome ideas and comments regarding the above proposal and we look forward to building a partnership with Palm Coast and the Flagler Beaches

Regards,

Stephanie Stoudenmire
Director of Partnership Development
Crawford Entertainment
stephanie@crawfordentertainment.tv
O: 407-321-3460
Sponsorship Agreement

This Agreement is made by and between The Crawford Group, Inc., DBA Crawford Entertainment, whose principal address is 3256 W. Lake Mary Blvd., Suite 1100, Lake Mary, FL, 32746, referred to herein as (PRODUCER), and Flagler County Board of County Commissioners, whose principal address is 1769 E. Moody Boulevard, Building 2, Bunnell, FL 32110, collectively referred to herein as (SPONSOR).

WHEREAS, the PRODUCER is the owner of the television production currently entitled “how to Do Florida” (PRODUCTION), and

WHEREAS, the SPONSOR desires to participate in the PRODUCTION.

NOW, THEREFORE, for and in consideration of the premises and the mutual promises, covenants, and agreements set forth in this Agreement, the PRODUCER and SPONSOR agree as follows:

I. PROGRAM DESCRIPTION:
The PRODUCTION, “how to Do Florida,” hosted by Florida enthusiast Chad Crawford, is a half-hour syndicated television series that will feature, but is not limited to, Florida destinations, activity segments, a host, and in-content sponsored segments.

II. SPONSORSHIP PACKAGES:
1. “Destination Discovered”
   • One full episode with a total broadcast exposure of approximately 14-15 minutes
   • Episode will feature one main activity and points of interest, all mutually agreed upon between SPONSOR and PRODUCER
   • Includes thanks to SPONSOR in ending credits
   • One rotating banner ad, which SPONSOR provides to the PRODUCER, will run throughout howtodoflorida.com on all pages randomly
   • Destination URL and logo will be placed on howtodoflorida.com
   • All web ads on howtodoflorida.com will run from June 2020-June 2021
   • Up to 4 Facebook posts and up to 4 Instagram posts will be made to promote SPONSOR episode and/or other events and activities pertinent to SPONSOR
   • SPONSOR will receive content licensing of episode for select platforms with approval of PRODUCER
   • Episode will be placed on “Discover Florida” OTT channel
   • PRODUCER will cut down 3 short social media videos (1-2 minutes each) to be posted on PRODUCTION’s Facebook page
   • Videos will be cut from footage shot while on-location to film SPONSOR’s episode
   • SPONSOR will have access to all three videos for their marketing purposes

III. SPONSOR RESPONSIBILITIES:
• Provide an in-house coordinator to work with PRODUCER on in-content ideas.
• Assist in logistics and coordination of certain aspects of production, as specified by PRODUCER, and as needed.
• Assist PRODUCERS in acquiring hotel accommodations for cast and crew
• Assist in setting up points of contact with various vendors and any state agencies for filming permission.
• Provide PRODUCER with logo, design materials, taglines, (collectively referred to as “Sponsorship Materials”).
• SPONSOR is responsible for obtaining all licenses and permissions required to provide, distribute, use, display or access the Sponsorship Materials in all manners and methods contemplated by this agreement.
The dates of the taping of series elements (show opens, closes, content, segment introductions, sponsor interviews) are anticipated to begin on or around October 1, 2019, and be completed on or around May 31, 2020.

IV. PRODUCER Responsibilities:
- Communicate with SPONSOR’s in-house coordinator on production-related elements, including the delivery of logos and language.
- Produce, write, and supply production staff and services, including, but not limited to, Executive Producer, Producer, Production Coordinator, Director, Production Assistants, cameraman, voice-over talent, graphics, music selection, audio operators, distribution, closed-captioning, production schedule, and all post-production, including editing and audio mixing.

V. SPONSOR FEE AND PAYMENT SCHEDULE
The SPONSOR’S fee is $30,150
- First payment - $10,000 due upon completion of initial brainstorming session
- Second payment - $10,000 due upon completion of principal photography
- Third payment - $10,150 due upon broadcast airing of SPONSOR episode

Checks will be payable to “Crawford Entertainment”

VI. SERIES DISTRIBUTION
A. Broadcast on select tv stations in Florida
- “how to Do florida” (June 2020 – August 2020)*

There is a potential that some markets may repeat some episodes.

*Syndication may be subject to change. Additional markets and other broadcast and exposure opportunities may be added. PRODUCER is not responsible for broadcast station schedule changes or preemptions. Syndicator will make best efforts to clear all Florida markets; PRODUCER is not responsible for failure of episode to air in any given market.

B. Cable Distribution for PRODUCTION (October 2020 - October 2021)*

*Subject to change. PRODUCER is not responsible for Fox Sports Sun schedule changes or preemptions.

C. Online Presence

“how to Do the Palm Coast” will be added to:
- Discover Florida digital Channel (available on AppleTV, Amazon Fire TV, androids, and iphones)
- Vimeo on Demand
- Potentially in other media, including Visit Florida website, YouTube channel, select PBS stations, and in-flight video and international territories

VII. OWNERSHIP AND COPYRIGHT
Upon execution of this Agreement, The Crawford Group, Inc. d/b/a Crawford Entertainment, shall solely and exclusively own the copyright and all intellectual property rights, title, interest and all footage and materials in and to the “how to Do the Palm Coast” (working title) in all media, including, but not limited to, television and cable broadcasts, websites and web pages, social media and streaming media, and other media and technical formats,
whether or not now known or hereafter devised, throughout the universe in perpetuity. This provision shall survive and remain in full force and effect after the termination of this Agreement.

VIII. SPONSOR/Creative Input
Sponsor will have the right to fact-check the script that pertains to their segment(s) and to review and offer input into the rough cut and final edit of their segment(s).

IX. The Crawford Group Final Approval
The Crawford Group, Inc. d/b/a Crawford Entertainment shall have final approval over (title of program). This final approval includes, but is not limited to, script, format, direction, footage, post-production, scenes, graphics, and music selection.

X. SPONSOR REPRESENTATIONS AND WARRANTIES
SPONSOR is solely responsible for any legal liability arising out of or relating to the Sponsorship Materials. SPONSOR represents and warrants to PRODUCER that it has full authority to provide and use the Sponsorship Materials as contemplated by this agreement, and that such provision and use of the banners (Sponsorship Materials) do not and will not violate any copyrights, trademarks, trade secrets or other proprietary rights of any third party or create any liability to any third party. SPONSOR further warrants that the Sponsorship Materials do not contain any matter that is defamatory or which may cause injury or result in damage to any third party and that the Sponsorship Materials do not contain any matter that is false or deceptive. SPONSOR also represents and warrants that it will comply with all applicable laws and rules or regulations in its performance under this Agreement. SPONSOR acknowledges that any breach of SPONSOR's representations and warranties in this Agreement is a material breach of this Agreement.

XI. DISCLAIMER OF WARRANTY
PRODUCER shall have no liability whatsoever for any claim(s) relating to any broadcast, promotional or Internet user's inability to view SPONSOR's Banner or access SPONSOR's Banner Destination through SERIES website linking and any services provided, are provided as is, without warranty of any kind, express or implied, including, but not limited to, warranties or performance, merchantability, fitness for a particular purpose, accuracy, omissions, completeness, currentness and delays. Neither PRODUCER nor its Affiliates or Agents make any warranty as to the results that may be obtained under this Agreement, that display of SPONSOR'S Banner under this Agreement will be uninterrupted, or that display of SPONSOR'S Banner or the ability of any Internet user to access SPONSOR'S Banner designation through SPONSOR'S Banner will be error free.

XII. LIMITATION OF LIABILITY
The Crawford Group, Inc., DBA Crawford Entertainment, its affiliates’ and its agents’ entire liability under this Agreement, if any, for any claim(s) for damages relating to this Agreement, which are made against them, whether based in contract or tort (including negligence) shall be limited to the amount of charges paid by SPONSOR relative to the period of occurrence of the events, which are the basis of the claim(s). In no event will The Crawford Group, Inc., DBA Crawford Entertainment, its affiliates or its agents be liable for any lost profits or any consequential, exemplary, incidental, indirect or special damages arising from or in any way related to this Agreement or relating in whole or part to SPONSOR's rights under this Agreement, even if advised of the possibility of such damages.

XIII. TERM AND TERMINATION
A. Term and Renewal

This Agreement will become effective at the signing of the agreement and will continue for the duration of the broadcast schedule, which represents the first broadcast season of THE PRODUCTION.
B. Termination by PRODUCER

Notwithstanding the foregoing, PRODUCER may terminate this Agreement immediately upon delivery of written notice of termination to SPONSOR. Any remaining payments at that time will be terminated and any refunds representing any unused exposure opportunities will be refunded.

C. Termination for convenience: Either party may terminate this agreement by giving 30 days notice to the other party.

D. Obligations upon Termination

Upon any termination of this Agreement, PRODUCER shall, within a reasonable period of time, delete SPONSOR's Banner from any PRODUCER's exposure opportunities, including broadcast, web pages and any electronic media.

XIV. AGENCY

The Parties to this Agreement are independent contractors. Neither Party is an agent, representative or partner of the other Party. Neither Party shall have the right, power or authority to enter into any Agreement for or on behalf of, or to incur any obligation or liability of, or to otherwise bind, the other Party. This Agreement shall not be interpreted or construed to create association, joint venture or partnership between the parties or to impose any partnership obligation or liability on either party.

XV. ASSIGNMENT

SPONSOR may not resell, assign or transfer any of its rights or obligations under this Agreement, in whole or in part, without PRODUCER’s prior written consent, and any attempt to so resell, assign or transfer will be null and void.

XVI. NOTICES

All notices under this Agreement must be given in writing to (a) PRODUCER at 3256 W. Lake Mary Blvd., Suite 1100, Lake Mary, FL, 32746, and (2) to SPONSOR at __________________________; or (c) at such other addresses as the parties may mutually agree.

XVII. INDEMNIFICATION

To the extent permitted by law, and notwithstanding any other provision of this Agreement to the contrary, including Exhibits, Producer shall indemnify, save and hold harmless the Sponsor and all its officers, agents or employees from and against any and all causes of action, demands, claims, losses, liabilities and expenditures of any nature whatsoever, including defense costs and fees, caused by intentional or negligent act of, or omission of, Producer, its subcontractors, agents or employees or accruing, resulting from, or related to the subject matter of this Agreement including, without limitation, any and all claims, losses, liabilities, expenditures, demands or causes of action of any nature whatsoever resulting from injuries or damages sustained by any person or property. Neither Producer nor any of its agents will be liable under this section for damages arising out of injury or damage to persons or property directly caused or resulting from the sole negligence of the Sponsor or any of its officers, agents or employees. In the event any lawsuit or other proceeding is brought against Sponsor by reason of any such claim, cause of action or demand, Producer shall, upon written notice from Sponsor, resist and defend such lawsuit or proceeding by counsel satisfactory to Sponsor or, at Sponsor's option, pay for an attorney selected by Sponsor to defend Sponsor. This indemnification includes attorney’s fees and all costs of litigation including appellate attorney’s fees and costs as well as any judgments. The parties agree that this clause shall not waive the benefits or provisions of Section 768.28, Florida Statutes, or any similar provision of law. The provisions and obligations of this section shall survive the expiration or earlier termination of this Agreement. To the extent considered necessary by the Sponsor, any sums due Producer under this Agreement may be retained by Sponsor until all of the Sponsor’s claims for indemnification...
pursuant to this Agreement have been settled or otherwise resolved; and any amount withheld shall not be subject to payment of interest by Sponsor.

XVIII. PUBLIC RECORDS
Producer will keep and maintain public records that ordinarily and necessarily would be required by the Sponsor in order to perform the service. Producer will provide the public with access to public records on the same terms and conditions that Sponsor would provide the records and at a cost that will not exceed the cost provided in Florida Statutes Chapter 119 or otherwise as provided by law. Producer will ensure that the public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law. Producer will meet all requirements for retaining public records and transfer, at no cost to Sponsor, all public records in possession of Producer upon termination of the contract and destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. All records stored electronically must be provided to Sponsor in a format that is compatible with the information technology system of Sponsor. If Producer does not comply with a public records request, Sponsor shall enforce the contract provisions in accordance with the contract.

XIX. ENTIRE AGREEMENT
This Agreement, including any and all exhibits, comprises the entire understanding between PRODUCER and SPONSOR with respect to, and supersedes any understanding or agreement, oral or written, relating to, the subject matter of this Agreement.

WITNESS our signatures as of the day and date first above stated.

Agreed and Accepted by:

____________________________________  __________________
Representative  Date

Agreed and Accepted by

________________________________________
Representing The Crawford Group, Inc., DBA Crawford Entertainment

Date________________________

Witness________________________

Date________________________
SUBJECT: Ratification of Purchase Orders

DATE OF MEETING: August 19, 2019

OVERVIEW/SUMMARY: The following purchase orders have been submitted for ratification. The purchases have been reviewed by the Purchasing Manager and are in conformance with the purchasing policy.

- **Purchase Order 26477** – This purchase order including two changes orders were issued to Terracon Consultants, Inc. totaling $30,523.17 for various investigations and lab testing at the Sheriff’s Operation Center. The expenditures will be paid from 001-1413-519.31-10, Project Number 646078.

- **Purchase Order 26701** – This purchase order was issued to Norment Security Group, Inc. in the amount of $26,305.50 for the Sheriff’s Visitor Substation at 1001 Justice Lane and the VMS Upgrade including camera additions. The project expenses will be paid from various operating and capital accounts 001-0203-519.

- **Purchase Order 26987** – This purchase order was issued to Visit Florida in the amount of $45,000.00 for the advertising across Expedia’s Brand Portfolio – including on-site banner ads, bundle units, placement on landing page, native image links and tiles and a dedicated email. The expenditures will be paid from 110-4700-559.49-15.

- **Purchase Order 26988** – This purchase order was issued to Visit Florida in the amount of $45,453.00 for advertising on digital billboards in three (3) out of state markets: Greenville/Spartanburg/Asheville, Raleigh and Savannah. These billboards are on major highways and delivered messages in all areas for varying periods up to six months. The expenditures will be paid from 110-4700-559.49-15.

FUNDING INFORMATION: Identified above.

DEPT./CONTACT/PHONE #: Purchasing, Kris Collora (386) 313-4062

RECOMMENDATIONS: Request the Board approve the ratification of Purchase Orders 26477, 26701, 26987 and 26988.

ATTACHMENTS: n/a
SUBJECT: Contractor Review Board Appointments.

DATE OF MEETING: August 19, 2019

OVERVIEW/SUMMARY: The Contractor Review Board has two appointments expiring August 20, 2019. Staff has received the following applications for consideration and has verified all are registered voters. If any further applications are received, they will be presented to the Board prior to the meeting.

In the “Licensed Electrical Contractor” category:
Mr. William Dudley, Jr. is seeking reappointment

In the “Licensed General, Building or Residential Contractor” category:
Mr. Luis Medeiros is seeking reappointment; or
Mr. Daniel Priotti is seeking appointment

Contractor Review Board:

Function: The Contractor Review Board (the “Board”) will assist in the proper administration of this Ordinance. The Board shall have the power and authority to discipline authorized or Certified contractors as set forth in Section 8-15 of this Ordinance.

Membership: 10 members total – 7 representing various licensed trades and 3 consumer members. The members shall not be elected officials or employees of Flagler County or its municipalities. Members shall serve without compensation.

Terms: 4-year terms. Contractor members must remain actively licensed and in good standing with the FL Department of Business and Professional Regulation throughout their term.

Meeting Info: 3rd Wednesday of the month at 5 p.m. in the BOCC Chambers at the Government Services Building in Bunnell

Staff Liaisons: Mark Boice, Chief Building Official and Ed Rodriguez, License Director/Code Enforcement Officer

There are three other vacancies on this board, “Licensed Engineer or Architect”, “Licensed Plumbing Contractor” and “Licensed Roofing Contractor”. Vacancies are advertised on the County’s website, www.FlaglerCounty.org.

DEPARTMENT CONTACT: Mari Davis, Executive Administrative Assistant (386) 313-4094

RECOMMENDATION: Request the Board approve the reappointment of Mr. William Dudley, Jr. in the category of “Licensed Electrical Contractor” and consider the reappointment of Mr. Luis Medeiros or appointment of Mr. Daniel Priotti in the category of “Licensed General, Building or Residential Contractor” on the Contractor Review Board for a four-year term.

ATTACHMENTS:
1. Application: Mr. William Dudley
2. Application: Mr. Luis Medeiros
3. Application: Mr. Daniel Priotti
William F Dudley, Jr
Name: __________________________________________ Date: 7-23-2019
Mailing Address: __________________________________________

1100 CR 302 Bunnell, FL 32110

Physical Address (if different):
Flagler
County of Residence: __________________________ Voter ID: __________________________
N/A
Home Phone: __________________________ Cell Phone: __________________________
frank@palmettoelectricinc.com
Email: __________________________ Years in Flagler: 44

Advisory Board or Committee Applying for:
Contractors Review Board

What aspect of this Board/Committee interests you?
I wish to continue serving on this board to help protect the construction industry and the citizens of Flagler County

Describe your training and/or experience that would make you a good fit for this position:
I am a State Certified Electrical Contractor and have been since 2000

What contributions do you feel you could make to this Board/Committee should you be selected?
I have over 25 years of construction experience

Have you ever served on a Flagler County appointed Board or Committee?
☐ No  ☑ Yes, if so, please identify below those on which you have served:

Advisory Board / Committee
Contractors Review Board

Dates Served
2007- Current
Education: High School and Electrical Apprenticeship Graduate

Business (name & type): Palmetto Electric, Inc.

Business Address: 1150 West Moody Blvd. #101

Business Phone: 386-437-3068  Position: President/Owner

Applicable Professional Organization Memberships:
Home Builders Association

As an applicant, you are encouraged to provide additional information (including a cover letter and/or resume) to better explain your qualifications for the position for which you are making application. This information will aid in the decision of the County Commission when making appointments.

Additional Information you wish to share:

If appointed, I will attend meetings in accordance with the adopted policies of Flagler County. If at any time my business or professional interests conflict with the interests of the Advisory Board or Committee, I will sign the appropriate (Form 8B) and excuse myself from participating in such deliberations. I understand that if appointed, I will serve at the pleasure of the Board of County Commissioners.

Signature of Applicant

Please Return To:
Flagler County Administration Department
Attn: Mari Davis
1769 E. Moody Blvd., Building 2, Suite 302, Bunnell, FL 32110
Email: MDavis@FlaglerCounty.org  Fax: (386) 313-4101  Phone (386) 313-4094

*Please note a hard copy is not required. Please feel free to email your application.
Flagler County Board of County Commissioners
Volunteer Advisory Boards and Committees
General Application

Name: Luis Medina
Date: 7-19-19

Mailing Address: 306 S Railroad St Unit C

Physical Address (if different):

County of Residence: Flagler
Voter ID: 104/67180

Home Phone: ___________________________ Cell Phone: 386-981-6527

Email: aplusimprovements outlook.com
Years in Flagler: 19

Advisory Board or Committee Applying for:

Contractor Review Board

What aspect of this Board/Committee interests you? I have been on the Board since it began in 2007 and have been its Chairman also since 2007.

Describe your training and/or experience that would make you a good fit for this position:
I have been a contractor for over 30 years. Had 4 years of apprentices in carpenter's union, been president of the Flagler HBA 3 times.

What contributions do you feel you could make to this Board/Committee should you be selected? I would continue what we have been doing since it began, give everyone a fair chance to help protect the community.

Have you ever served on a Flagler County appointed Board or Committee?

☐ No ☑ Yes, if so, please identify below those on which you have served:

Advisory Board / Committee

Contractor Review Board

Dates Served

August 2007 until present
Education: 4 years Trade School Apprenticeship

Business (name & type): A Plus Home Improvements, LLC

Business Address: 306 S Trail Road, St. Bunnell, FL 32110

Business Phone: 386-263-2167  Position: Builder

Applicable Professional Organization Memberships: Flagler Home Builders Assn., FACC.

As an applicant, you are encouraged to provide additional information (including a cover letter and/or resume) to better explain your qualifications for the position for which you are making application. This information will aid in the decision of the County Commission when making appointments.

Additional Information you wish to share:

If appointed, I will attend meetings in accordance with the adopted policies of Flagler County. If at any time my business or professional interests conflict with the interests of the Advisory Board or Committee, I will sign the appropriate (Form 8B) and excuse myself from participating in such deliberations. I understand that if appointed, I will serve at the pleasure of the Board of County Commissioners.

Signature of Applicant

Please Return To:
Flagler County Administration Department
Attn: Mari Davis
1769 E. Moody Blvd., Building 2, Suite 302, Bunnell, FL 32110
(Email: M.Davis@FlaglerCounty.org) • Fax: (386) 313-4101 • Phone (386) 313-4094

*Please note a hard copy is not required. Please feel free to email your application.
Dear Flagler County Commissioners:

I am applying for the General Contractors position on the Flagler county Contractors Review Board.

Attached for your consideration please find my application along with my resume.

Based on my experience as outlined in my resume, I have qualifications necessary to address the following.

1. Florida Sunshine Laws.
2. Florida state Contracting laws
3. Flagler County local contracting rules and regulations.

I hope that my qualifications meet your requirements.

Sincerely,

Daniel Priotti CGC CPC
Flagler County Board of County Commissioners
Volunteer Advisory Boards and Committees
General Application

Name: Daniel Priotti
Date: 7/22/2019

Mailing Address: 1 Chesney Ct Palm Coast Fl 32137

Physical Address (if different):

County of Residence: Flagler
Voter ID: 104219274

Home Phone: ____________________ Cell Phone: 386-931-0008

Email: dan@aguaconstruction.com
Years in Flagler: 25

Advisory Board or Committee Applying for:
Contractors review board

What aspect of this Board/Committee interests you?
Educating the public on the importance of hiring Licensed and insured contractors.

Describe your training and/or experience that would make you a good fit for this position:
I hold 2 CGC state license, CGC 1521660, CGC 1525234 and a State CPC license, Also
Please see attached resume

What contributions do you feel you could make to this Board/Committee should you be selected?
I believe I can bring a new and independent view point to decision making by the board.

Have you ever served on a Flagler County appointed Board or Committee?

☑ No     □ Yes, if so, please identify below those on which you have served:

Advisory Board / Committee
 Dates Served

________________________________________  ____________________________

________________________________________  ____________________________
Education: A.S.S. Construction Management

Business (name & type): Agua Construction Company

Business Address: 2550 N State St unit 14 Bunnell Fl

Business Phone: 386-263-3153 Position: Owner

Applicable Professional Organization Memberships:
FCAR, FSPA, NFIB

As an applicant, you are encouraged to provide additional information (including a cover letter and/or resume) to better explain your qualifications for the position for which you are making application. This information will aid in the decision of the County Commission when making appointments.

Additional Information you wish to share:
I just want to assure you I want to be involved with the decision making to help improve communication between homeowners, contractors and Flagler county municipalities.

If appointed, I will attend meetings in accordance with the adopted policies of Flagler County. If at any time my business or professional interests conflict with the interests of the Advisory Board or Committee, I will sign the appropriate (Form 8B) and excuse myself from participating in such deliberations. I understand that if appointed, I will serve at the pleasure of the Board of County Commissioners.

Signature of Applicant

Please Return To:
Flagler County Administration Department
Attn: Mari Davis
1769 E. Moody Blvd., Building 2, Suite 302, Bunnell, FL 32110
Email: MDavis@FlaglerCounty.org Fax: (386) 313-4101 Phone (386) 313-4094

*Please note a hard copy is not required. Please feel free to email your application.
# Daniel Priotti

## Objective
To be voted in for the General Contractors position on the Flagler County Contractors review board

## Experience
<table>
<thead>
<tr>
<th>Year</th>
<th>Position</th>
<th>Company</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>1994-1996</td>
<td>Construction labor</td>
<td>Bunkoff General Contractors</td>
<td>Albany NY</td>
</tr>
<tr>
<td>1998-2002</td>
<td>Pinch a penny</td>
<td>Palm Coast FL</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Pool Service and repairs, Customer service</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2002-2008</td>
<td>Vice President</td>
<td>Priotti Group</td>
<td>Palm Coast</td>
</tr>
<tr>
<td></td>
<td>Mange daily operation of Spec homes and swimming pools.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Scheduling of projects and budgeting</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2008-2013</td>
<td>Injury from accident attended college</td>
<td></td>
<td></td>
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<tr>
<td>2013-Present</td>
<td>President</td>
<td>Agua Construction Company, Agua Pools and Saps</td>
<td></td>
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<tr>
<td></td>
<td>Over sea the Daily operation of Projects, Budgets, scheduling, Hiring, Bookkeeping,</td>
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## Education
<table>
<thead>
<tr>
<th>Year</th>
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<th>Location</th>
<th>Degree/Program Name</th>
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<td>Gainesville FL</td>
<td>Construction Management A.S. degree</td>
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<tr>
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<td></td>
<td></td>
<td>Voted in For Sargent at arms total 4 semesters</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Senator for with Student builders association for 4 semesters with Student Government</td>
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</table>

## References
References are available on request.
SUBJECT: QUASI-JUDICIAL – Application #3178 – Request for Final Plat Approval and Acceptance of a Performance Bond and Maintenance Bond for Surfview at Matanzas Shores Subdivision. Owner: Surfview, LLC; Agent: Ken Atlee, Duval Realty Trust, LLC.

DATE OF MEETING: August 19, 2019

OVERVIEW/SUMMARY: This request is quasi-judicial in nature and requires disclosure of ex parte communication. The request is for approval of a final plat for a five lot subdivision to be known as Surfview at Matanzas Shores within the PUD (Planned Unit Development) District. The subject parcel is 1.01+/- acres in size, identified as parcel #37-10-31-1550-00000-0153 and is located on the East side of State Road A1A (a/k/a North Oceanshore Boulevard), formerly part of the Matanzas Shores Development of Regional Impact (DRI).

Property Appraiser aerial photo (2017):
Report in Brief
On March 14, 2019, Ken Atlee, on behalf of the parcel owner, Surfview, LLC, submitted an application for Final Plat approval in a PUD for the development of a 5-lot single family residential subdivision on approximately 1.01 acres to be known as Surfview at Matanzas Shores. Accompanying the two sheet final plat is the performance bond in the amount of $40,625.00, which is 125% of the engineer’s cost estimate of remaining subdivision improvements of $32,500.00, and the maintenance bond in the amount of $19,291.20, which is 10% of the total cost of improvements of $192,912.00; the final plat, performance bond, and maintenance bond are subject to review and approval by the Board of County Commissioners.

The proposed Surfview at Matanzas Shores subdivision is located on the Business Office/Commercial site previously designated through the Matanzas Shores Development of Regional Impact. The smallest lot is 0.15+/- acres (6,520 s.f.) in size (Lot 2), while the largest is 0.24+/- acres (10,612 s.f.) in size (Lot 5).

The Board of County Commissioners initially considered the preliminary plat (Application #3085) on November 20, 2017, with the Board continuing the public hearing to the December 18, 2017 meeting, and again continuing the hearing to the January 22, 2018 meeting at which time the Board approved the preliminary plat.

This agenda item is:
__X__ quasi-judicial, requiring disclosure of ex-parte communication; or
______ legislative, not requiring formal disclosure of ex-parte communication.

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

RECOMMENDATION: Request the Board approve Application #3178, Final Plat for Surfview at Matanzas Shores, finding that the proposed final plat is consistent with Chapter 177 of Florida Statutes, the Flagler County Comprehensive Plan, the Flagler County Land Development Code, and the Surfview at Matanzas Shores PUD, and accept the performance bond in the amount of $40,625.00 and the maintenance bond in the amount of $19,291.20.

ATTACHMENTS:
1. Technical Staff Report
2. Final Plat
3. Application and supporting documents:
   a. Application
   b. Cover letter dated March 13, 2019
   c. Certification by Applicant’s Representative
   d. Opinion of Title dated April 25, 2019
   e. Special Warranty Deed (Official Records Book 2258, Page 291, PRFCF)
   f. Proof of Taxes Paid
   g. Certification by Reviewing Surveyor dated July 17, 2019
   h. Engineer’s Certificate of Completion dated February 8, 2019
   i. Performance Bond #41K000021 in the amount of $40,625.00
   j. Engineer’s Cost Estimate of Performance Bond dated May 21, 2019
   k. Maintenance Bond #41K000022 in the amount of $19,291.20
   l. Engineer’s Cost Estimate of Maintenance Bond dated May 21, 2019
4. Ordinance No. 2018-03
5. Board of County Commissioner meeting minutes (in part) for November 20, 2017, December 18, 2017, and January 22, 2018
APPLICATION #3178
FINAL PLAT FOR SURFVIEW AT MATANZAS SHORES
TECHNICAL STAFF REPORT

Project Name: Final Plat for the Surfview at Matanzas Shores Subdivision in the PUD (Planned Unit Development) District (Application #3178)

Owner: Surfview, LLC

Agent: Ken Atlee, Duval Realty Trust, LLC

Parcel Size: 1.01 +/- acres

Existing Zoning and Land Use(s):
Zoning: PUD (Planned Unit Development) District
Land Use: Mixed Use: Low Intensity, Low/Medium Density (MUL)

Future Land Use Map Classification/Zoning of Surrounding Land:
North: Mixed Use: Low Intensity/PUD (Planned Unit Development) District
East: Mixed Use: Low Intensity/PUD (Planned Unit Development) District
South: Surfview condos; Mixed Use: Low Intensity/PUD (Planned Unit Development) District
West: State Road A1A; Mixed Use: Low Intensity/PUD (Planned Unit Development) District

Previous Applications:
Application #3088 – Application for Site Development Plan review in the PUD (Planned Unit Development) District for Surfview at Matanzas Shores

Application #3085 – Preliminary Plat for Surfview at Matanzas Shores

Report in Brief: This request seeks final plat approval of a 5-lot subdivision on 1.01 acres to be known as Surfview at Matanzas Shores.

Standards for Review: LDC Section 4.05.03, Final plat review

Staff Analysis:
Lots: Five lots are depicted, with frontage along North Oceanshore, but direct access prohibited through a five-foot wide non-vehicular access easement. Each of the lots abuts at their rear lot lines the Scrub Jay parcel, which was set aside as part of the Matanzas Shores DRI.

Easements: Access, drainage, and utilities are provided to each lot through a 20-foot wide easement running along the West portion of each lot, while an additional 10-foot wide utility easement is depicted adjoining the East easement line of the access easement.

Stormwater: Design will meet St. Johns River Water Management District requirements and maintenance responsibility will be assumed by the Matanzas Shores Owners Association, Inc.

The final plat is generally consistent with the approved preliminary plat, meets the applicable LDC requirements, and is consistent with the PUD Development Agreement and the PUD Site Development Plan.
**APPLICATION FOR FINAL PLAT**

**FLAGLER COUNTY, FLORIDA**

1769 E. Moody Blvd, Bldg 2, Suite 105
Bunnell, FL 32110
Telephone: (386) 313-4099 Fax: (386) 313-4109

Application/Project #: App #3178 / Project #2019030019

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<td>Surfview, LLC</td>
<td></td>
</tr>
<tr>
<td>Mailing Address:</td>
<td>5851 Timuquana Rd # 301</td>
<td></td>
</tr>
<tr>
<td>City:</td>
<td>Jacksonville</td>
<td>State: FL</td>
</tr>
<tr>
<td>Zip:</td>
<td>32210</td>
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<tr>
<td>Email:</td>
<td><a href="mailto:kelly@atleegroup.net">kelly@atleegroup.net</a></td>
<td>Telephone #: (904) 384-6964</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Fax #: (904) 384-6889</td>
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<tr>
<td>Name(s):</td>
<td>Atlee Development Group, Inc., Manager</td>
<td></td>
</tr>
<tr>
<td>Mailing Address:</td>
<td>5851 Timuquana Rd #301</td>
<td></td>
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<tr>
<td>City:</td>
<td>Jacksonville</td>
<td>State: FL</td>
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<td>Email:</td>
<td><a href="mailto:kelly@atleegroup.net">kelly@atleegroup.net</a></td>
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<td>Fax #: 904 )684-6889</td>
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<tr>
<th>SITE LOCATION (street address):</th>
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<tr>
<td>LEGAL DESCRIPTION: (briefly describe, do not use “see attached”)</td>
<td>S28-10S-R31E</td>
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<tr>
<td>Parcel #: (tax ID #):</td>
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<tr>
<td>Parcel Size:</td>
<td>1.02 acres</td>
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<tr>
<td>Number of Miles of New Road(s):</td>
<td>n/a private driveway</td>
</tr>
<tr>
<td>Current Zoning Classification:</td>
<td>PUD</td>
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<tr>
<td>Current Future Land Use Designation:</td>
<td>Res. Med. Density</td>
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<tr>
<td>Subject to A1A Scenic Corridor IDO?</td>
<td>YES</td>
</tr>
</tbody>
</table>

**PURPOSE OF SUBMISSION / PROJECT DATA:** Development of 5 single family lots with shared private HOA driveway, COPC water, Matanzas Shores WWTP sewer and stormwater

**Signature of Owner(s) or Applicant/Agent if Owner Authorization form attached:**

**Kenny S. Atlee, President**

**Date:**

2/12/19

**RECEIVED**

**BOARD OF COUNTY COMMISSIONERS ACTION:**

**APPROVED [ ]**

*APPROVED WITH CONDITIONS [ ]

**DENIED [ ]**

**Signature of Chairman:**

**Date:**

__________________________ *approved with conditions, see attached.
March 13, 2019

Flagler County
1769 East Moody Boulevard
Building 2, Suite 105
Bunnell, FL 32110

RE: Application #3085 – Application for Final Plat
   Project # 2017070008 - Surfview at Matanzas Shores
   Applicant: Atlee Development Group, Inc., Manager for Surfview, LLC
   Owner: Surfview, LLC

Dear Sirs,

Please see the attached Final Plat Application package for the development Surfview at Matanzas Shores. Surfview at Matanzas Shores is described as a 5 lot single family home development with a private shared driveway. The community is part of the Master Association known as Matanzas Shores Owners Association (“MSOA”). Surfview at Matanzas Shores will share in the use of the MSOA’s waste water treatment plant and amenities. Upgrades to the MSOA facilities and percolation pond reconfigurations have been completed to facilitate the new community. Water is provided by the City of Palm Coast. The private driveway is dedicated and will be maintained by the new sub-association Surfview at Matanzas Shores Homeowners Association, Inc.

Attached are 6 sets of the Flagler County requested items as required on the Application for Plat

1. Owner’s recorded Warranty Deed
2. Plat
3. Application and fee in the amount of $1150.00
4. Attorney’s opinion of title
5. Paid property taxes
6. BCC meeting minutes for plat approval
7. Mortgagee’s original Consent (C-6)
8. Representative’s affidavit
9. Engineer’s Construction Cost Estimate & contractor’s proposal
10. Engineering plan page 5.1-A for the pavers - private driveway
11. Draft Acknowledgment of Responsibility (P-1) & Draft Performance Bond (P-5)
12. Cost Estimate of Maintenance Bond & Engineers Cert of Completion
13. Draft Maintenance Bond with copies of FDEP closed permit, DEP Acceptances
14. Draft Covenants and Restrictions to be recorded after plat

Thank You,

Kenyon S. Atlee, President
Atlee Development Group, Inc. as Manager for Surfview, LLC
CERTIFICATION BY APPLICANT’S REPRESENTATIVE

Subdivision Plat Name: **Surfview at Matanzas Shores**

I hereby certify that the referenced project as submitted to Flagler County is in compliance with local, state and federal regulations and that the material and data submitted to Flagler County was prepared under the supervision and direction of the undersigned.

[Signature]

Signature of Responsible Party

Printed Name: **Kenyon S. Atlee, President**

Company Name: **Atlee Development Group, Inc.**

Manager for the LLC

Address: **5851 Timuquana Rd # 301, Jacksonville, FL 32210**

Telephone Number: **(904)384-6964**

Registration Number and Seal if applicable: ____________________________
April 25, 2019

Via Hand Delivery
Flagler County
Development Services Division
1769 E. Moody Blvd, Bldg 2, Suite 105
Bunnell, FL 32110

RE: Opinion of Title for: (see attached legal description – the “Property”)
Application Number: 3085
Project: 2017070008
Parcel ID Numbers: 37-10-31-1550-00000-0153;
Proposed Subdivision Name: Surfview at Matanzas Shores

To whom it may concern:

The undersigned is an attorney licensed to practice in the State of Florida. I have in that
capacity conducted a search of the public records of Flagler County, Florida through 05:00:00
p.m. on April __, 2019, (the most recent date available through the public records), with respect
to the Property. Based on such search, it is my opinion that:

1. **Surfview, LLC A FLORIDA LIMITED LIABILITY COMPANY** holds fee
simple record title to the Property pursuant to that certain Special Warranty Deed recorded in

2. The Property is encumbered by a Mortgage in favor of PDL Seventeen, LLC
recorded in Official Records Book 2258, page 0296 of the public records of Flagler County,
Florida as extended by a Loan Extension Agreement recorded in Official Records Book 2349,
page 0346 of the public records of Flagler County, Florida and a UCC Financing Statement in
favor of PDL Seventeen, LLC recorded in Official Records Book 2258, page 0317 of the public
records of Flagler County, Florida.

3. The Property is not subject to any other liens or encumbrances except as follows
are otherwise excepted below:
   a. Notice of Commencement Recorded in Official Records Volume 2276 page
      0854.

4. Ad valorem real estate taxes for the 2018 tax year have been paid on the Property.
Notwithstanding the foregoing, the undersigned makes no representation and renders no opinion with respect to the following matters, which are specifically excepted from this opinion:

5. Defects, liens, encumbrances, adverse claims, or other matters, if any, created, first appearing in the public records or attaching subsequent to the date and time my search of the public records was concluded.

6. Rights or claims of parties in possession not shown by the public records.

7. Easements, or claims of easement, not shown by the public records.

8. Any lien, or right to a lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the public records.

9. Taxes or special assessments which are not shown as existing liens by the public records.

10. Zoning or other restrictions which may exist by reason of the regulatory activities of federal, state or local governmental authorities.

11. Any claim that any portion of the insured land is sovereign lands of the State of Florida, including submerged, filled or artificially exposed lands accreted to such land.

12. All matters as contained on the Plat of Section 88, Tall Palms Country Club, Old Kings Farms at Palm Coast, as recorded in Plat Book 26, Page 4, of the Public Records of Flagler County, Florida.


14. Terms and conditions of Palm Coast Utility Corporation Service Availability Agreement as recorded in O.R. Book 444, Page 1108, of the Public Records of Flagler County, Florida.

15. Easement to Florida Power and Light Company recorded in O.R. Book 434, Page 1465, of the Public Records of Flagler County, Florida.

17. Drainage Easement in favor of the State of Florida Department of Transportation as recorded in O.R. Book 388, Page 104, of the Public Records of Flagler County, Florida.

18. Easement in favor of Palm Coast Utility Corporation, contained in instrument recorded in O.R. Book 361, Page 225, of the Public Records of Flagler County, Florida.

19. Reciprocal Easement between Surfview, LLC and the Matanzas Shores Owner’s Association, Inc. contained in instrument recorded in O.R. Book 2263, Page 38, of the Public Records of Flagler County, Florida.

20. The rights, if any, of the public to use as a public beach or recreation area any part of the land lying between the body of water abutting the subject property and the natural line of vegetation, bluff, extreme highwater line, or other apparent boundary lines separating the publicly used area from the upland private area.

Should you have questions or desire further information, please feel free to contact the undersigned.

Sincerely,

Duane C. Romanello, P.A.

Duane Romanello, Esq.
EXHIBIT "A"
SURFVIEW AT MATANZAS SHORES

LEGAL DESCRIPTION

A PARCEL OF LAND LYING IN GOVERNMENT SECTION 38, TOWNSHIP 10 SOUTH, RANGE 31 EAST, BEING A PORTION OF THE "SUBDIVISION PLAT SECTION 88, PALM COAST" RECORDED IN MAP BOOK 26, PAGES 4 AND 5 OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A POINT OF REFERENCE BEING THE INTERSECTION OF THE SOUTHERLY LINE OF SAID GOVERNMENT SECTION 38 EXTENDED WESTERLY TO THE EASTERNLY RIGHT-OF-WAY LINE OF THE INTRACOASTAL WATERWAY (500 FOOT RIGHT-OF-WAY); THENCE NORTH 17°14'46" WEST ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 2801.75 FEET; THENCE NORTH 15°28'50" WEST ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 1506.16 FEET, THENCE DEPARTING SAID INTRACOASTAL WATERWAY NORTH 69°39'14" EAST ALONG SAID NORTHERLY BOUNDARY OF SAID PLAT "SECTION 88" A DISTANCE OF 3166.37 FEET, THENCE SOUTH 20°21'28" EAST A DISTANCE OF 420.80 FEET TO A POINT OF THE EASTERNLY RIGHT-OF-WAY LINE OF STATE ROAD A-1-A AS RECORDED IN THE OFFICIAL RECORDS BOOK 388, PAGES 110 THROUGH 112; THENCE ALONG SAID RIGHT-OF-WAY LINE SOUTH 10°17'52" WEST ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 211.82 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION, THENCE DEPARTING SAID RIGHT-OF-WAY SOUTH 20°21'28" EAST A DISTANCE OF 349.50 FEET, THENCE SOUTH 69°38'32" WEST A DISTANCE OF 194.31 FEET; THENCE NORTH 80°07'31" WEST A DISTANCE OF 33.00 FEET TO A POINT ON SAID EASTERNLY RIGHT-OF-WAY LINE OF STATE ROAD A-1-A; THENCE NORTH 09°52'29" EAST ALONG SAID RIGHT-OF-WAY LINE 276.42 FEET; THENCE NORTH 21°17'09" EAST ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 125.87 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINING 1.010 ACRES MORE OR LESS.
SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED is made and executed as of the 31st day of January, 2018 by and Diane D. Falconetti the un-remarried widow of Robert J. Falconetti, John J. Falconetti and Robert John Falconetti ("Grantor"), whose address is 5595 Westbriar Court, Roanoke, VA 24018-3842, to SURFVIEW, LLC, a Florida limited liability company ("Grantee"), whose address is PO Box 1426, Ponte Vedra Beach, Florida 32082.

WITNESSETH:

That in consideration of the sum of Ten Dollars ($10.00) and other valuable considerations, the receipt and sufficiency of which is hereby acknowledged, Grantor hereby grants, bargains, sells, conveys and confirms to Grantee and its successors and assigns, all of the real property in Flagler County, Florida, more particularly described on Exhibit "A" attached hereto and made a part of this Deed (the "Property"), together with all tenements, hereditaments, and appurtenances pertaining to the Property and subject to the restrictions, easements, agreements, reservations and other matters set forth on Exhibit "B" attached hereto (the "Permitted Exceptions").

TO HAVE AND TO HOLD the same in fee simple forever.

AND Grantor hereby covenants with Grantee that Grantor has good right and lawful authority to sell and convey the Property, and hereby warrants the title to the Property and will defend the same against the lawful claims of all persons claiming by, through or under Grantor (except claims made pursuant to the Permitted Exceptions).

The Property is not the homestead of Grantor.

[This Space Intentionally Left Blank]
IN WITNESS WHEREOF, Grantors have hereunto set their hands and seals the day and year first above written.

Signed, sealed and delivered in the presence of:

[Signatures]

Print Witness Name: Tyra Nelson

GRANTOR:

[Signatures]

Print Witness Name: Crystal Johnson

STATE OF Florida
COUNTY OF Duval

The foregoing instrument was acknowledged before me this 31st day of January, 2018, by Diane D. Falconetti and John J. Falconetti who are personally known to me or who has produced a FL. DL as identification.

[Signature]

Print Name: DANIEL TAPIA
NOTARY PUBLIC
State of Florida at Large
Commission # GG 41539
My Commission Expires: 12/09/2020
Print Witness Name

Diane D. Falconetti

Print Witness Name

John J. Falconetti

STATE OF Florida

COUNTY OF Duval

The foregoing instrument was acknowledged before me this ___ day of January, 2018, by Diane D. Falconetti and John J. Falconetti who are personally known to me or who has produced a __________ as identification.

Print Name

NOTARY PUBLIC

State of Florida at Large

Commission #

My Commission Expires:

(Robert J. Falconetti – Signature Page)
Signed, sealed and delivered in the presence of:

Mariah Hessner

Sarah Solis

STATE OF Florida

COUNTY OF Polk

The foregoing instrument was acknowledged before me this ___ day of January, 2018, by Robert J. Falconetti who is personally known to me or who has produced a __________ as identification.

Print Name

NOTARY PUBLIC

State of Florida at Large

Commission #

My Commission Expires: June 30, 2018
Schedule A

LEGAL DESCRIPTION

A PARCEL OF LAND LYING IN GOVERNMENT SECTION 38, TOWNSHIP 10 SOUTH, RANGE 31 EAST, BEING A PORTION OF THE "SUBDIVISION PLAT SECTION BB, PALM COAST" RECORDED IN MAP BOOK 26, PAGES 4 AND 5 OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

A POINT OF REFERENCE BEING THE INTERSECTION OF THE SOUTHERLY LINE OF SAID GOVERNMENT SECTION 38 EXTENDED WESTERLY TO THE EASTERN RIGHT-OF-WAY LINE OF THE INTRACOASTAL WATERWAY (500 FOOT RIGHT-OF-WAY); THENCE NORTH 17°14'46" WEST ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 2801.75 FEET; THENCE NORTH 15°28'50" WEST ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 1506.16 FEET, THENCE DEPARTING SAID INTRACOASTAL WATERWAY NORTH 69°39'14" EAST ALONG SAID NORTHERLY BOUNDARY OF SAID PLAT "SECTION BB" A DISTANCE OF 3166.37 FEET, THENCE SOUTH 20°21'28" EAST A DISTANCE OF 420.00 FEET TO A POINT OF THE EASTERN RIGHT-OF-WAY LINE OF STATE ROAD A-1-A AS RECORDED IN THE OFFICIAL RECORDS BOOK 388, PAGES 110 THROUGH 112; THENCE ALONG SAID RIGHT-OF-WAY LINE SOUTH 10°17'52" WEST ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 211.82 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE DEPARTING SAID RIGHT-OF-WAY SOUTH 20°21'28" EAST A DISTANCE OF 349.50 FEET, THENCE SOUTH 69°38'32" WEST A DISTANCE OF 194.31 FEET; THENCE NORTH 80°07'31" WEST A DISTANCE OF 33.00 FEET TO A POINT ON SAID EASTERN RIGHT-OF-WAY LINE OF STATE ROAD A-1-A; THENCE NORTH 09°52'29" EAST ALONG SAID RIGHT-OF-WAY LINE 276.42 FEET; THENCE NORTH 21°17'09" EAST ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 125.87 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINING 1.010 ACRES MORE OR LESS.
Exhibit "B"

All matters as contained on the Plat of Section 88, Tall Palms Country Club, Old Kings Farms at Palm Coast, as recorded in Plat Book 26, Page 4, of the Public Records of Flagler County, Florida.

Covenants, conditions and restrictions as recorded in O.R. Book 403, Page 928, and Amendments recorded in O.R. Book 633, Page 1838, and O.R. Book 642, Page 633, of the Public Records of Flagler County, Florida.

Terms and conditions of Palm Coast Utility Corporation Service Availability Agreement as recorded in O.R. Book 444, Page 1108, of the Public Records of Flagler County, Florida.

Easement to Florida Power and Light Company recorded in O.R. Book 434, Page 1465, of the Public Records of Flagler County, Florida.

Easement to Florida Power and Light Company recorded in O.R. Book 434, Page 1956, of the Public Records of Flagler County, Florida.

Drainage Easement in favor of the State of Florida Department of Transportation as recorded in O.R. Book 388, Page 104, of the Public Records of Flagler County, Florida.

Easement in favor of Palm Coast Utility Corporation, contained in instrument recorded in O.R. Book 361, Page 225, of the Public Records of Flagler County, Florida.
### Tax Record

**Last Update:** 12/6/2018 3:31:07 PM EST

**Ad Valorem Taxes and Non-Ad Valorem Assessments**

The information contained herein does not constitute a title search and should not be relied upon as such.

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<th>Account Number</th>
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<th>Tax Year</th>
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<tbody>
<tr>
<td>3710311550000000153</td>
<td>REAL ESTATE</td>
<td>2018</td>
</tr>
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**Mailing Address**

FALCONETTI ROBERT J & SURFVIEW LLC
23 LAKE ELOISE LANE
WINTER HAVEN FL 33884

**Physical Address**

PALM COAST

**Exempt Amount**

<table>
<thead>
<tr>
<th>Exempt Amount</th>
<th>Taxable Value</th>
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<tbody>
<tr>
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**Exemption Detail**

NO EXEMPTIONS

**Millage Code**

001

**Legal Description**

1.01 AC #707 PARCEL BOUNDED ON W BY AIA, ON S BY BEACH CLUB, BEING 349.50' ON E BOUNDED BY SCRUR JAY HABITAT OR 679 PG 316 OR 942 PG 580 OR 1436 PG 253-CD OR 2258/291 OR 2275/505-ORD 2018-03

### Ad Valorem Taxes

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**Total Millage**: 15.6747

**Total Taxes**: $4,076.57

### Non-Ad Valorem Assessments

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<tr>
<th>Code</th>
<th>Levying Authority</th>
<th>Amount</th>
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</thead>
</table>

**Total Assessments**: $0.00

**Taxes & Assessments**: $4,076.57

<table>
<thead>
<tr>
<th>If Paid By</th>
<th>Amount Due</th>
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<tbody>
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<td>$0.00</td>
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</table>

### Date Paid | Transaction | Receipt | Year | Amount Paid |
<table>
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**Prior Years Payment History**
July 17, 2019

Gina Lemon, Development Planner III  
FLAGLER COUNTY PLANNING & DEVELOPMENT  
1769 East Moody Blvd, Bldg 2  
Bunnell, FL 32110

RE: SURFVIEW AT MATANZAS SHORES - Review of Plat

Dear Gina,

The purpose of this letter is to summarize our review of the plat provided to SWA for SURFVIEW AT MATANZAS SHORES.

Our review is completed to the best of our ability. The document has been prepared and is in conformance with Chapter 177, Florida Statutes and Flagler County Platting Standards. As a final statement and condition of this summary letter, SWA being the reviewing surveyor of the plat has been paid in full for our services.

If you need additional information or should you have any questions, please do not hesitate to call.

Sincerely

STEPHENSOn, WILCOX & ASSOCIATES, INC. (SWA)

[Signature]

David T. Wilcox, FL PSM LS5871
Form E-1

Engineer’s Certificate of Completion

As a registered professional engineer in the State of Florida, to the best of my knowledge, information, and belief, it is my professional opinion that the subdivision required improvements for Surfview at Matanzas Shores, based on field reviews under my responsible charge, have been constructed in accordance with the approved construction plans, the Subdivision and Development Regulations of Flagler County, Florida and Chapter 336.045(4) Florida Statutes, in effect on the date of plan approval. Attached, as itemized below, are copies of measurements, tests and reports made on the work and materials during the progress of construction, along with reproducible mylar, and a digital file in AutoCAD .dwg format showing the original design in comparison to the actual finished work with all material deviations noted thereon. In my professional opinion, the deviations noted, if any, will not impair the intended functioning of the required improvements. Attachments to this completion statement are as follows:

(Reports, measurements, test results, reproducible mylars and sealed record drawing prints shall be listed and submitted with the certification.)

Michael R. Light, P.E.  
(printed name)

Company: North Florida Engineering Services, Inc.

Address: 9432 Baymeadows Road Suite 280  
Jacksonville, FL 32256

Dated: February 8, 2019
NOW ALL MEN BY THESE PRESENTS: That We, SURFVIEW, LLC hereinafter called PRINCIPAL, and The Ohio Casualty Insurance Company, a surety company authorized to do business in the State of Florida, hereinafter referred to as SURETY, are held and firmly bound unto Flagler County, a political subdivision of the State of Florida, hereinafter called COUNTY, in the full and just sum of FORTY THOUSAND SIX HUNDRED TWENTY FIVE U.S. DOLLARS AND 00/100 ($40,625.00) lawful money of the United States of America, to be paid to the Flagler County Board of County Commissioners, to which payment will be truly be made, we bind and assigns, jointly and severally, firmly be these presents:

WHEREAS, the above bound PRINCIPAL, has received approval of COUNTY for recording of a certain Subdivision Plat known as SURFVIEW AT MATANZAS SHORES prior to completion of construction of the Required Improvements as prescribed by the Subdivision, Subdivision Plat, Plat Agreement, Platting, and Required Improvements Regulations, Land Development Code of Flagler County, Florida hereinafter the REGULATIONS, pertaining to said subdivision; and

WHEREAS, PRINCIPAL has been issued Land Development Permit No. 2018040215, hereinafter the PERMIT, for construction of said Required Improvements, a copy of which PERMIT is attached hereto and by reference made a part hereof, and

WHEREAS, it was one of the conditions of said REGULATIONS and PERMIT that this bond be executed:

NOW, THEREFORE, the conditions of this obligation are such that if the above bound PRINCIPAL shall in all respects comply with the terms and conditions of the PERMIT, then this obligation shall be null and void; otherwise it shall remain in full force and effect.

THE SURETY UNCONDITIONALLY COVENANTS AND AGREES that if the PRINCIPAL fails to perform all or any part of the constructions work required by said PERMIT and REGULATIONS, within the time specified, the SURETY, upon thirty (30) days written notice from COUNTY, or its authorized agent or officer, of the default, will forthwith perform and complete the aforesaid construction work and pay the cost thereof, including but not limited to, engineering, legal and contingent costs. Should the SURETY fail or refuse to perform and complete the said improvements, COUNTY, in view of the public interest, health, safety and welfare factors involved and the inducement in approving and filing the said Plat, shall have the right to resort to any and all legal remedies against the PRINCIPAL and SURETY, or either both at law and in equity including specifically specific performance, to which the PRINCIPAL and SURETY unconditionally agree.

(Form P-5)
Page 1 of 3
THE PRINCIPAL AND SURETY FURTHER JOINTLY AND SEVERALLY AGREE that COUNTY, at its option, shall have the right to construct or, pursuant to public advertisement and receipt of bids, cause to be constructed the aforesaid improvements in case of the PRINCIPAL should fail or refuse to do so in accordance with the terms of said PERMIT. In the event COUNTY should exercise and give effect to such right, the PRINCIPAL and SURETY shall be jointly and severally liable hereunder to reimburse COUNTY the total cost thereof, including, but not limited to, engineering, legal and contingent costs, together with any damages, either direct or consequential, which may be sustained on account of the failure of the PRINCIPAL to carry out and execute all the obligations for construction of Required Improvements pursuant to the REGULATIONS and PERMIT.

IN WITNESS WHEREOF, the PRINCIPAL and SURETY has executed the presents this 12th day of July, 2019.

SURFVIEW, LLC
a Florida Limited Liability Company

[Signature]

DEVELOPER
BY: Atlee Development Group, Inc, Manager for the LLC
Kenyon S. Atlee President of Atlee Development, Group, Inc.

[Signature]  
(Date: 7/15/19)

ATTEST:

[Signature]  
(John Kiddy, Manager)  
(Impression Corporate Seal)

ADDRESS:
5851 Timuquana Rd # 301
Jacksonville, FL 32210

(Form P-5)
(INDIVIDUAL PRINCIPAL)

WITNESS: ________________________  BY: __________________________
          (typed name) PRINCIPAL

ADDRESS:

(SURETY SIGNATURE BLOCK)

The Ohio Casualty Insurance Company, SURETY

WITNESS: ________________________  BY: __________________________
          Cindy L. Mirisola, Attorney-in-Fact & Florida Resident Agent (power of attorney must be attached)

ADDRESS:
1021 Douglas Avenue
Altamonte Springs, FL 32714
INQUIRIES: (407)389-3588
POWER OF ATTORNEY

KNOWN ALL PERSONS BY THESE PRESENTS: That American Fire & Casualty Company and The Ohio Casualty Insurance Company are corporations duly organized under the laws of the State of New Hampshire, that Liberty Mutual Insurance Company is a corporation duly organized under the laws of the State of Massachusetts, and West American Insurance Company is a corporation duly organized under the laws of the State of Indiana (herein collectively called the "Companies"), pursuant to and by authority herein set forth, does hereby name, constitute and appoint, Shelley Fane; Louis G. Mitchell; Cindy L. Mirlosita; Gerald K. Sihle all of the city of Altamonte Springs, state of FL each individually if there be more than one named, its true and lawful attorney-in-fact to make, execute, seal, acknowledge and deliver, for and on its behalf as surety and as its act and deed, any and all undertakings, bonds, recognizances and other surety obligations, in pursuance of these presents and shall be as binding upon the Companies as if they have been duly signed by the president and attested by the secretary of the Companies in their own proper persons.

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Companies and the corporate seals of the Companies have been affixed thereto this 1st day of December, 2012.

STATE OF WASHINGTON
COUNTY OF KING

On this 1st day of December, 2012, before me personally appeared Gregory W. Davenport, who acknowledged himself to be the Assistant Secretary of American Fire and Casualty Company, Liberty Mutual Insurance Company, The Ohio Casualty Company, and West American Insurance Company, and that he, as such, being authorized so to do, execute the foregoing instrument for the purposes therein contained by signing on behalf of the corporations by himself as a duly authorized officer.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my notarial seal at Seattle, Washington, on the day and year first above written.

By: ____________________________
K D Riley, Notary Public

This Power of Attorney is made and executed pursuant to and by authority of the following By-laws and Authorizations of American Fire and Casualty Company, The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company which resolutions are now in full force and effect reading as follows:

ARTICLE IV - OFFICERS - Section 12. Power of Attorney. Any officer or other official of the Corporation authorized for that purpose in writing by the Chairman or the President, and subject to such limitations as the Chairman or the President may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act on behalf of the Corporation to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact, subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Corporation by their signature and execution of any such instruments and to attach thereto the seal of the Corporation. When so executed, such instruments shall be as binding as if signed by the President and attested to by the Secretary. Any power or authority granted to any representative or attorney-in-fact under the provisions of this article may be revoked at any time by the Board, the Chairman, the President or by the officer or officers granting such power or authority.

ARTICLE XIII - Execution of Contracts - SECTION 5. Surety Bonds and Undertakings. Any officer of the Company authorized for that purpose in writing by the chairman or the president, and subject to such limitations as the chairman or the president may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act on behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Company by their signature and execution of any such instruments and to attach thereto the seal of the Company. When so executed such instruments shall be as binding as if signed by the president and attested by the secretary.

Certificate of Designation - The President of the Company, acting pursuant to the Bylaws of the Company, authorizes Gregory W. Davenport, Assistant Secretary to appoint such attorneys-in-fact as may be necessary to act on behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations.

Authorization - By unanimous consent of the Company's Board of Directors, the Company consents that facsimile or mechanically reproduced signature of any assistant secretary of the Company, wherever appearing upon a certified copy of any power of attorney issued by the Company in connection with surety bonds, shall be valid and binding upon the Company with the same force and effect as though manually affixed.

I, David M. Carey, the undersigned, Assistant Secretary, of American Fire and Casualty Company, The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company do hereby certify that the original power of attorney of which the foregoing is a full, true and correct copy of the Power of Attorney executed by said Companies is in full force and effect and has not been revoked.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seals of said Companies this 12 day of July, 2019.

By: ____________________________
David M. Carey, Assistant Secretary
May 21, 2019

Flagler County, Florida  
1769 E. Moody Blvd, Bldg 2, Suite 105  
Bunnell, Florida 32110

Re: Surfview at Matanzas Shores - Cost Estimate of Performance Bond

To Whom It May Concern:

To the best of my knowledge, the below total is adequate to complete the remaining improvements in accordance with engineering plans on file with Flagler County for the above referenced project.

The following items are necessary to complete the required project improvements (Costs taken from Schedule of Values provided by developer, attached):

<table>
<thead>
<tr>
<th>Description of Work</th>
<th>Scheduled Value</th>
<th>Total Completed</th>
<th>Balance to Finish</th>
</tr>
</thead>
<tbody>
<tr>
<td>Survey Layout and As-Builts</td>
<td>$6,000.00</td>
<td>$6,000.00</td>
<td>$0.00</td>
</tr>
<tr>
<td>Erosion Control</td>
<td>$3,000.00</td>
<td>$3,000.00</td>
<td>$0.00</td>
</tr>
<tr>
<td>Clearing and Stripping</td>
<td>$16,000.00</td>
<td>$16,000.00</td>
<td>$0.00</td>
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<tr>
<td>Sewer System</td>
<td>$27,000.00</td>
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<td>$0.00</td>
</tr>
<tr>
<td>Water</td>
<td>$42,712.00</td>
<td>$42,712.00</td>
<td>$0.00</td>
</tr>
<tr>
<td>Pavement Repair</td>
<td>$10,000.00</td>
<td>$10,000.00</td>
<td>$0.00</td>
</tr>
<tr>
<td>Fill Dirt</td>
<td>$40,200.00</td>
<td>$40,200.00</td>
<td>$0.00</td>
</tr>
<tr>
<td>Grading</td>
<td>$18,000.00</td>
<td>$18,000.00</td>
<td>$0.00</td>
</tr>
<tr>
<td>Sod</td>
<td>$12,000.00</td>
<td>$12,000.00</td>
<td>$0.00</td>
</tr>
<tr>
<td>Plants along A1A - no irrigation</td>
<td>$3,000.00</td>
<td>$3,000.00</td>
<td>$0.00</td>
</tr>
<tr>
<td>Crushed Rock Driveway</td>
<td>$8,500.00</td>
<td>$8,500.00</td>
<td>$0.00</td>
</tr>
<tr>
<td>Pavers &amp; Curb</td>
<td>$28,500.00</td>
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<td>$28,500.00</td>
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<tr>
<td>Underground Electric</td>
<td>$6,500.00</td>
<td>$6,500.00</td>
<td>$0.00</td>
</tr>
<tr>
<td>Set Lot Corners</td>
<td>$2,000.00</td>
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<td>Final As-Builts w/ Finished DW Elev.</td>
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<td>$2,000.00</td>
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<td><strong>$225,412.00</strong></td>
<td><strong>$192,912.00</strong></td>
<td><strong>$32,500.00</strong></td>
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Total Cost to Complete: $32,500.00

Plus 25% of Total Cost to Complete: $8,125.00

**Total Bond Amount:** $40,625.00

Please let me know if you have any questions or concerns.

Sincerely,

[Signature]

[Stamp]

Michael R. Licht, P. E.
Vice President
Email: cmlicht@fsemail.com
MAINTENANCE BOND

KNOW ALL MEN BY THESE PRESENTS, That we Surfview, LLC, hereinafter called PRINCIPAL, and The Ohio Casualty Insurance Company, as surety company authorized to do business in the State of Florida, hereinafter referred to as SURETY, are held and firmly bound unto Flagler County, a political subdivision of the State of Florida, hereinafter called COUNTY, in the penal sum of Nineteen Thousand Two Hundred ninety one dollars and 20/100 to which payment will truly be made, we bind ourselves and assigns, jointly and severally, firmly by these presents:

WHEREAS, the said Principal has guaranteed to the Surety the maintenance of certain obligations and improvements identified by the Plat, Development Plans, Engineer’s Estimate of Construction Costs and Land Development Permit No. 2018040215 related to Surfview at Matanzas Shores; and

WHEREAS, said Principal has completed construction of certain improvements identified by the Plat, Development Plans, Engineer’s Estimate of Construction Costs and Land Development Permit; and

WHEREAS, County regulations require that the Principal will furnish a bond conditioned to guarantee for a period of two (2) years from the date of plat recordation and after approval of the construction on said job against all defects in workmanship and materials which may become apparent or exist during said period.

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION IS SUCH that if the Principal shall guarantee that work will be free of any defective materials or workmanship which became apparent or exists during the period of two (2) years following acceptance of all improvements identified by the Plat, Development Plans, Engineer’s Estimate of Construction Costs and Land Development Permit No. 2018040215 related to Surfview at Matanzas Shores

then this obligation shall be void when approved by Flagler County Board of County Commissioners, otherwise to remain in full force and effect.

Principal shall guarantee, indemnify and save harmless and defend COUNTY, its agents, servants and employees from and against any claim, demand or cause of action of whatsoever kind or nature arising out of error, omission defect in materials and/or workmanship or negligent act of its agents, servants or employees in the performance of said obligations and improvements referenced herein.
Principal further agrees to guarantee, indemnify, save harmless and defend COUNTY, its agents, servants and employees from and against any claim, demand or cause of action of whatever kind or nature arising out of any conduct or misconduct of the Principal not included above and for which the COUNTY, its agents, servants or employees are alleged to be liable.

The exclusive jurisdiction and venue for resolving all issues relating to this Bond shall be the Circuit Court of Flagler County, Florida.

IN WITNESS WHEREOF, the PRINCIPAL and SURETY has executed the presents this 12th day of July, 2019.

(CORPORATE PRINCIPAL)

[Signature]

(a Florida corporation) [a (state) corporation, licensed to do business in Florida]

DEVELOPER

By: Atlee Development Group, Inc., Manager for the LLC
Kenyon S. Atlee, President of Atlee Development Group, Inc.

ATTEST:

[Signature]

DATE: 7/15/19

(address of other corporate officer)

John Kidd, Manager for Surfview, LLC

ADDRESS:

5851 Timuquana Rd # 301
Jacksonville, FL 32210

(Impression Corporate Seal)
(SURETY SIGNATURE BLOCK)

The Ohio Casualty Insurance Company, SURETY
(name of surety company)

WITNESS: [Signature]

BY: [Signature]

Cindy L. Mirisola
(typed name) Its Attorney-in-Fact & Florida Resident Agent

ADDRESS:

1021 Douglas Avenue
Altamonte Springs, FL 32714
(407)389-3588

(Power of Attorney for Surety must be attached)
POWER OF ATTORNEY

KNOWN ALL PERSONS BY THESE PRESENTS: That American Fire & Casualty Company and The Ohio Casualty Insurance Company are corporations duly organized under the laws of the State of New Hampshire, that Liberty Mutual Insurance Company is a corporation duly organized under the laws of the State of Massachusetts, and West American Insurance Company is a corporation duly organized under the laws of the State of Indiana (herein collectively called the "Companies"), pursuant to and by authority herein set forth, does hereby name, constitute and appoint, Shelley Fane; Louis G. Mitchell; Cindy L. Minnola; Gerald K. Sihie

all of the city of Altamonte Springs, state of FL________ each individually if there be more than one named, its true and lawful attorney-in-fact to make, execute, seal, acknowledge and deliver, for and on its behalf as surely and as its act and deed, any and all undertakings, bonds, recognizances and other surety obligations, in pursuance of these presents and shall be as binding upon the Companies as if they have been duly signed by the president and attested by the secretary of the Companies in their own proper persons.

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Companies and the corporate seals of the Companies have been affixed thereto this 1st day of December, 2012.

By: ______________________________
American Fire and Casualty Company
The Ohio Casualty Insurance Company
Liberty Mutual Insurance Company
West American Insurance Company

Gregory W. Davenport, Assistant Secretary

STATE OF WASHINGTON
COUNTY OF KING

On this 1st day of December, 2012, before me personally appeared Gregory W. Davenport, who acknowledged himself to be the Assistant Secretary of American Fire and Casualty Company, Liberty Mutual Insurance Company, The Ohio Casualty Company, and West American Insurance Company, and that he, as such, being authorized so to do, execute the foregoing instrument for the purposes therein contained by signing on behalf of the Corporations by himself as a duly authorized officer.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my notarial seal at Seattle, Washington, on the day and year first above written.

By: ______________________________
KD Boley, Notary Public

This Power of Attorney is made and executed pursuant to and by authority of the following By-laws and Authorizations of American Fire and Casualty Company, The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company which resolutions are now in full force and effect reading as follows:

ARTICLE IV – OFFICERS – Section 12. Power of Attorney. Any officer or other official of the Corporation authorized for that purpose in writing by the Chairman or the President, and subject to such limitation as the Chairman or the President may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Corporation to make, execute, seal, acknowledge and deliver as surely any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact, subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Corporation by their signature and execution of any such instruments and to attach thereto the seal of the Corporation. When so executed, such instruments shall be as binding as if signed by the President and attested to by the Secretary. Any power or authority granted to any representative or attorney-in-fact under the provisions of this article may be revoked at any time by the Board, the Chairman, the President or by the officer or officers granting such power or authority.

ARTICLE XIII – Execution of Contracts – SECTION 5. Surety Bonds and Undertakings. Any officer of the Company authorized for that purpose in writing by the Chairman or the President, and subject to such limitations as the Chairman or the President may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Company to make, execute, seal, acknowledge and deliver as surely any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Corporation by their signature and execution of any such instruments and to attach thereto the seal of the Corporation. When so executed such instruments shall be as binding as if signed by the President and attested by the Secretary.

Certificate of Designation – The President of the Company, acting pursuant to the Bylaws of the Company, authorizes Gregory W. Davenport, Assistant Secretary, to appoint such attorneys-in-fact as may be necessary to act on behalf of the Company to make, execute, seal, acknowledge and deliver as surely any and all undertakings, bonds, recognizances and other surety obligations.

Authorization – By unanimous consent of the Company’s Board of Directors, the Company consents that facsimile or mechanically reproduced signature of any assistant secretary of the Company, wherever appearing upon a certified copy of any power of attorney issued by the Company in connection with surety bonds, shall be valid and binding upon the Company with the same force and effect as though manually attested.

I, David M. Carey, the undersigned, Assistant Secretary of American Fire and Casualty Company, The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company do hereby certify that the original power of attorney of which the foregoing is a full, true and correct copy of the Power of Attorney executed by said Companies, is in full force and effect and has not been revoked.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seals of said Companies this 12th day of July, 2019.

By: ______________________________
David M. Carey, Assistant Secretary
May 21, 2019

Flagler County, Florida
1769 E. Moody Blvd, Bldg 2, Suite 105
Bunnell, Florida 32110

Re: Surfview at Matanzas Shores - Cost Estimate of Maintenance Bond

To Whom It May Concern:

To the best of my knowledge, the below represents the total cost of improvements in accordance with engineering plans on file with Flagler County for the above referenced project.

The following items are necessary to complete the required project improvements (Costs taken from Schedule of Values provided by developer, attached):

<table>
<thead>
<tr>
<th>Description of Work</th>
<th>Scheduled Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Survey Layout and As-Builts</td>
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<td>Erosion Control</td>
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<td>$8,500.00</td>
</tr>
<tr>
<td>Underground Electric</td>
<td>$6,500.00</td>
</tr>
</tbody>
</table>

Totals: $192,912.00

Total Project Cost: $192,912.00
10% of Total Project Cost: $19,291.20
Total Bond Amount: $19,291.20

Please let me know if you have any questions or concerns.

Since:

[Signature]
Michael R. Lightree, P.E.
Vice President
Email: mike.litee@gmail.com
ORDINANCE NO. 2018 – 03

AN ORDINANCE OF THE FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS, FLAGLER COUNTY, FLORIDA ADOPTING THE PUD (PLANNED UNIT DEVELOPMENT) DEVELOPMENT AGREEMENT FOR SURFVIEW AT MATANZAS SHORES; PROVIDING FOR FINDINGS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Robert J. Falconetti and Diane D. Falconetti, husband and wife, and John J. Falconetti and Robert John Falconetti, are the owners of Parcel #37-10-31-1550-00000-0153, which is 1.01 acres, more or less, in size as more particularly described in Exhibit “A” attached hereto and made a part hereof; and

WHEREAS, the owners of the above-listed parcel are seeking the approval of this Ordinance creating the Surfview at Matanzas Shores Planned Unit Development (PUD); and

WHEREAS, this Ordinance and its attached Exhibits shall serve as the PUD Development Agreement for the Surfview at Matanzas Shores PUD; and

WHEREAS, on October 10, 2017, the Planning and Development Board conducted a public hearing on this request and voted to recommend approval; and

WHEREAS, on January 22, 2018, the Flagler County Board of County Commissioners held a public hearing on this request and voted to approve the Surfview at Matanzas Shores PUD; and

WHEREAS, public notice of this action has been provided in accordance with Section 125.66, Florida Statutes, and Section 2.07.00, Flagler County Land Development Code.

NOW, THEREFORE, BE IT ORDAINED BY THE FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS:

SECTION 1. FINDINGS

A. The Board of County Commissioners, pursuant Section 3.04.02 of the Flagler County Land Development Code, finds as follows:

1. The proposed Surfview at Matanzas Shores Planned Unit Development (PUD) does not adversely affect the orderly development of Flagler County and complies with applicable Comprehensive Plan goals, objectives and policies; and

2. The proposed Surfview at Matanzas Shores PUD will not adversely affect the health and safety of residents or workers in the area and will not be detrimental to the use of adjacent properties or the general neighborhood.
Section 2. ADOPTION OF DEVELOPMENT AGREEMENT

A. This Ordinance and its Exhibits attached hereto shall serve as the PUD Development Agreement for the Surfview at Matanzas Shores Planned Unit Development (PUD).

B. The Board of County Commissioners hereby adopts the PUD Development Agreement for the Surfview at Matanzas Shores PUD, the boundaries of said PUD as depicted in the legal description included at Exhibit “A” and attached hereto.

C. Development within the boundaries of the Surfview at Matanzas Shores PUD as approved shall take place consistent with the Flagler County Land Development Code as may be modified or amended, this Ordinance, and the PUD Site Development Plan included at Exhibit “B” and attached hereto. The requirements of this Ordinance supersede any inconsistent provisions of the Flagler County Land Development Code or other ordinances of the County.

D. Uses within the Surfview at Matanzas Shores PUD as herein established shall rely on those uses and requirements listed within the R-1c (Urban single-family residential) district, with the exception of the following dimensional requirements which shall vary from those listed for the R-1c district:

- Minimum lot size: 6,500 square feet
- Minimum lot width: 50 feet
- Minimum front setback: 20 feet
- Minimum rear setback: 10 feet
- Minimum side setback (interior lot): 5 feet
- Minimum accessory structure setback: 5 feet
- Minimum setback for pools, hot tubs, decks, screen rooms, and patios: 5 feet
- Maximum building height: 35 feet
- Maximum lot coverage: 49%
- Maximum floor area: 21,556 square feet

E. The Surfview at Matanzas Shores PUD will require final plat approval prior to the sale of individual lots. The subdivision may be developed in multiple phases. All infrastructure necessary to support each phase shall be constructed within that phase or sufficient surety provided in the form of a performance bond or other instrument as approved by the County Attorney as a condition of this PUD approval. Adequate emergency vehicle access and turn-arounds shall be provided at all times.

F. The Finished Floor Elevation for lots shall be those depicted on the PUD Site Development Plan at Exhibit “B” and based on the National Geodetic Vertical Datum of 1929 (NGVD 29). Any variation shall be subject to the approval of the County Development Engineer at the time of building permit application; however, no elevations may be lowered below that necessary to comply with the adopted drainage system level of service.
standard of the twenty-five year, twenty-four hour duration, design storm event.

G. Construction trailers may be permitted on any lot within the subdivision prior to final plat approval in conjunction with the issuance and continuation of a land development permit. Construction trailers may not remain within the subdivision following expiration or completion of a land development permit.

H. Model homes may be permitted following final plat approval. A maximum of two of the lots may be used as a model home; the model homes may also be used as temporary sales centers.

I. Variances shall be subject to the County's variance procedures as provided in the Land Development Code.

J. The provisions of this Ordinance shall be binding upon successors and assigns, including individual successor lot owners, to the extent applicable.

K. This Ordinance shall be effective as of the date provided herein and shall remain effective until amended or rescinded.

Section 3. EFFECTIVE DATE
This Ordinance shall take effect upon Official Acknowledgement by the Secretary of State that the Ordinance has been filed.

PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF FLAGLER COUNTY, FLORIDA THIS 22ND DAY OF JANUARY, 2018

FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS
By: [Signature]
Gregory J. Hansen, Chair

ATTEST:
By: [Signature]
Tom Bexley, Clerk of the Circuit Court and Comptroller

Approved as to Form:
By: [Signature]
Albert J. Hadess, County Attorney
A PARCEL OF LAND LYING IN GOVERNMENT SECTION 38, TOWNSHIP 14 SOUTH, RANGE 31 EAST, BEING A PORTION OF THE "SUBDIVISION PLAT SECTION BB, PALM COAST" RECORDED IN MAP BOOK 26, PAGES 4 AND 5 OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

A POINT OF REFERENCE BEING THE INTERSECTION OF THE SOUTHERLY LINE OF SAID GOVERNMENT SECTION 38 EXTENDED WESTERLY TO THE EASTERLY RIGHT-OF-WAY LINE OF THE INTRACOASTAL WATERWAY (500 FOOT RIGHT-OF-WAY); THENCE NORTH 17°14′46″ WEST ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 2801.75 FEET; THENCE NORTH 15°28′50″ WEST ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 1506.16 FEET, THENCE DEPARTING SAID INTRACOASTAL WATERWAY NORTH 60°39′14″ EAST ALONG SAID NORTHERLY BOUNDARY OF SAID PLAT "SECTION 88" A DISTANCE OF 3168.37 FEET, THENCE SOUTH 20°21′28″ EAST A DISTANCE OF 420.80 FEET TO A POINT OF THE EASTERLY RIGHT-OF-WAY LINE OF STATE ROAD A-1-A AS RECORDED IN THE OFFICIAL RECORDS BOOK 328, PAGES 110 THROUGH 112; THENCE ALONG SAID RIGHT-OF-WAY LINE SOUTH 10°17′52″ WEST ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 211.82 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE DEPARTING SAID RIGHT-OF-WAY SOUTH 20°21′28″ EAST A DISTANCE OF 349.50 FEET, THENCE SOUTH 69°38′32″ WEST A DISTANCE OF 194.31 FEET; THENCE NORTH 80°07′31″ WEST A DISTANCE OF 33 FEET TO A POINT ON SAID EASTERLY RIGHT-OF-WAY LINE OF STATE ROAD A-1-A; THENCE NORTH 09°52′29″ EAST ALONG SAID RIGHT-OF-WAY LINE 278.42 FEET; THENCE NORTH 21°27′09″ EAST ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 125.87 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINING 1.010 ACRES MORE OR LESS.
FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS

NOVEMBER 20, 2017

REGULAR MEETING

Present: Chair Nate McLaughlin, Vice Chair Charles Ericksen, Commissioners Gregory Hansen, Donald O’Brien and David Sullivan, County Administrator Craig Coffey, County Attorney Al Hadeed and Recording Clerk Deb Jenkins

Chair McLaughlin called the meeting to order at 5:00 p.m. in the Board Chambers of the Government Services Building in Bunnell, Florida.

ITEM 1 : PLEDGE TO THE FLAG AND MOMENT OF SILENCE

Commissioner Ericksen led the Pledge to the Flag and Chair McLaughlin requested a moment of silence.

ITEM 2 : ADDITIONS, DELETIONS AND MODIFICATIONS TO THE AGENDA

Chair McLaughlin announced the General Business items would be heard after the Public Hearings. Announced Items 9H through 9N would be heard to continue them to the BCC’s regular meeting on December 18 at 5:30 p.m.

ITEM 3 - ANNOUNCEMENTS BY THE CHAIR

Chair McLaughlin announced the following:

• Dodge the Dunes Campaign - use walkovers to access beach and not park, ride, or drive on the dunes
• Flagler County Offices closed November 23 and 24 in observance of Thanksgiving
• Centennial Celebration continued with excerpts and stories about Flagler County
• Flagler County soliciting registered voters residing in Flagler County for various citizen volunteer boards and councils
• Upcoming Meeting:
  o Regular Meeting – December 4 at 9:00 a.m. in the Government Services Building
ITEM 9H – QUASI-JUDICIAL – APPLICATION #3088 – REQUEST FOR SITE DEVELOPMENT PLAN REVIEW IN THE PUD (PLANNED UNIT DEVELOPMENT) DISTRICT FOR SURVIEW AT MATANZAS SHORES OWNERS: ROBERT J. FALCONETTI AND DIANE D. FALCONETTI, HUSBAND AND WIFE, AND JOHN J. FALCONETTI AND ROBERT JOHN FALCONETTI; AGENT: KEN ATLEE, DUVAL REALTY TRUST, LLC; SID ANSBACHER, ESQ., UPCURCH, BAILEY AND UPCURCH; AND MATT LAHTI, P.E., GULFSTREAM DESIGN GROUP, LLC

ITEM 9I – QUASI-JUDICIAL – APPLICATION #3085 – REQUEST FOR PRELIMINARY PLAT IN THE PUD (PLANNED UNIT DEVELOPMENT) DISTRICT FOR SURVIEW AT MATANZAS SHORES SUBDIVISION OWNERS: ROBERT J. FALCONETTI AND DIANE D. FALCONETTI, HUSBAND AND WIFE, AND JOHN J. FALCONETTI AND ROBERT JOHN FALCONETTI; AGENT: KEN ATLEE, DUVAL REALTY TRUST, LLC; SID ANSBACHER, ESQ., UPCURCH, BAILEY AND UPCURCH; AND MATT LAHTI, P.E., GULFSTREAM DESIGN GROUP, LLC

ITEM 9J – QUASI-JUDICIAL – APPLICATION #3082 – REQUEST FOR SITE DEVELOPMENT PLAN REVIEW IN THE PUD (PLANNED UNIT DEVELOPMENT) DISTRICT FOR LOS LAGOS OWNER: LR5A-JV, LP; AGENT: KEN ATLEE, DUVAL REALTY TRUST, LLC; SID ANSBACHER, ESQ., UPCURCH, BAILEY AND UPCURCH; AND BRETT WITTE, P.E., SINGHOFEN & ASSOCIATES, INC.

ITEM 9K – QUASI-JUDICIAL – APPLICATION #3078 – REQUEST FOR PRELIMINARY PLAT IN THE PUD (PLANNED UNIT DEVELOPMENT) DISTRICT FOR LOS LAGOS I SUBDIVISION OWNER: LR5A-JV, LP; AGENT: KEN ATLEE, DUVAL REALTY TRUST, LLC; SID ANSBACHER, ESQ., UPCURCH, BAILEY AND UPCURCH; AND BRETT WITTE, P.E., SINGHOFEN & ASSOCIATES, INC.

ITEM 9L – QUASI-JUDICIAL – APPLICATION #3079 – REQUEST FOR PRELIMINARY PLAT IN THE PUD (PLANNED UNIT DEVELOPMENT) DISTRICT FOR LOS LAGOS II SUBDIVISION OWNER: LR5A-JV, LP; AGENT: KEN ATLEE, DUVAL REALTY TRUST, LLC; SID ANSBACHER, ESQ., UPCURCH, BAILEY AND UPCURCH; AND BRETT WITTE, P.E., SINGHOFEN & ASSOCIATES, INC.

ITEM 9M – QUASI-JUDICIAL – APPLICATION #3081 – REQUEST FOR SITE DEVELOPMENT PLAN REVIEW IN THE PUD (PLANNED UNIT DEVELOPMENT) DISTRICT FOR LAS CASITAS OWNERS: MATANZAS SHORES OWNERS ASSOCIATION AND LR5A-JV, LP; AGENT: KEN ATLEE, DUVAL REALTY TRUST, LLC; SID ANSBACHER, ESQ., UPCURCH, BAILEY AND UPCURCH; AND BRETT WITTE, P.E., SINGHOFEN & ASSOCIATES, INC.
November 20, 2017
Regular Meeting

ITEM 9N - QUASI-JUDICIAL - APPLICATION #3080 - REQUEST FOR
PRELIMINARY PLAT IN THE PUD (PLANNED UNIT DEVELOPMENT)
DISTRICT FOR LAS CASITAS SUBDIVISION. OWNERS: MATANZAS
SHORES OWNERS ASSOCIATION AND LR5A-JV, LP; AGENT: KEN
ATLEE, DUVAL REALTY TRUST, LLC; SID ANSBACHER, ESQ.,
UPCHURCH, BAILEY AND UPCHURCH; AND BRETT WITTE, P.E.,
SINGHOFEN & ASSOCIATES, INC.

Chair McLaughlin announced the BCC would be making a motion to continue Items 9H through
9N to the regular meeting on December 18, 2017 at 5:30 p.m., or soon thereafter.

He opened to public comment on Items 9H through 9N.

Charles DeMartin, manager of North Ocean Shore Holdings LLC., stated he made a written
submission to BCC to let it know that he had a commercial zoned property next to where part of
this rezoning would be where there was currently a retention pond. Explained because there
would be homes next to his property he wanted to go on the record that his property was already
approved as commercially zoned by the County. Stated wanted to make sure existing approvals
would not be affected by this application.

There was no further public comment.

Chair McLaughlin closed the public hearing.

A motion was made by Commissioner Hansen to continue Items 9H through 9N to the
regular meeting on December 18, 2017 at 5:30 p.m., or soon thereafter. Seconded by
Commissioner Ericksen.

Chair McLaughlin called the question. Motion carried unanimously.
FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS

DECEMBER 18, 2017

REGULAR MEETING

Present: Chair Gregory Hansen, Commissioners Charles Ericksen, Nate McLaughlin and David Sullivan, County Administrator Craig Coffey, County Attorney Al Hadeed and Deputy Clerk Rhea Cosgrove

Absent: Vice Chair Donald O’Brien

Chair Hansen called the meeting to order at 5:00 p.m. in the Board Chambers of the Government Services Building in Bunnell, Florida.

ITEM 1 - PLEDGE TO THE FLAG AND MOMENT OF SILENCE

Chair Hansen led the Pledge to the Flag and requested a moment of silence.

ITEM 2 - ADDITIONS, DELETIONS AND MODIFICATIONS TO THE AGENDA

Chair Hansen announced the following:

- Vice Chair O’Brien absent
- Deletions – Items 7d and 9d through 9j
- Additions – Items 4c1, 6a3 and 7g

ITEM 3 - ANNOUNCEMENTS BY THE CHAIR

Chair Hansen announced the following:

- Flagler County Citizens Academy to begin February 27, 2018
- County Offices closed December 25 – 26, 2017 and January 1, 2018
- Centennial Celebration continued with a time capsule to be preserved on the grounds of the Government Services Complex
- Flagler County soliciting registered voters residing in Flagler County for various citizen volunteer boards and councils
- Upcoming meetings:
  - Special Meeting - December 20 at 1:00 p.m. in the Emergency Operation Center
  - Regular Meeting – January 8 at 9:00 a.m. in the Board Chambers
  - Workshop – January 8 at 1:00 p.m. in the Emergency Operation Center

ITEM 4A - RECOGNITIONS

None

ITEM 4B - PROCLAMATIONS

None
ITEM 9D – QUASI-JUDICIAL – APPLICATION #3088 – REQUEST FOR SITE DEVELOPMENT PLAN REVIEW IN THE PUD (PLANNED UNIT DEVELOPMENT) DISTRICT FOR SURFVIEW AT MATANZAS SHORES

ITEM 9E – QUASI-JUDICIAL – APPLICATION #3085 – REQUEST FOR PRELIMINARY PLAT IN THE PUD (PLANNED UNIT DEVELOPMENT) DISTRICT FOR SURFVIEW AT MATANZAS SHORES SUBDIVISION

ITEM 9F – QUASI-JUDICIAL – APPLICATION #3082 – REQUEST FOR SITE DEVELOPMENT PLAN REVIEW IN THE PUD (PLANNED UNIT DEVELOPMENT) DISTRICT FOR LOS LAGOS

ITEM 9G – QUASI-JUDICIAL – APPLICATION #3078 – REQUEST FOR PRELIMINARY PLAT IN THE PUD (PLANNED UNIT DEVELOPMENT) DISTRICT FOR LOS LAGOS I SUBDIVISION

ITEM 9H – QUASI-JUDICIAL – APPLICATION #3079 – REQUEST FOR PRELIMINARY PLAT IN THE PUD (PLANNED UNIT DEVELOPMENT) DISTRICT FOR LOS LAGOS II SUBDIVISION

ITEM 9I – QUASI-JUDICIAL – APPLICATION #3081 – REQUEST FOR SITE DEVELOPMENT PLAN REVIEW IN THE PUD (PLANNED UNIT DEVELOPMENT) DISTRICT FOR LAS CASITAS

ITEM 9J – QUASI-JUDICIAL – APPLICATION #3080 – REQUEST FOR PRELIMINARY PLAT IN THE PUD (PLANNED UNIT DEVELOPMENT) DISTRICT FOR LAS CASITAS SUBDIVISION

A motion was made by Commissioner McLaughlin by direction of the County Attorney pursuant to the quasi-judicial rules to postpone Items 9d through 9j to a date and time certain of January 22, 2018 at 5:30 p.m. Seconded by Commissioner Sullivan.

Chair Hansen called the question. Motion carried 4 to 0 with Commissioner O’Brien absent.
FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS

JANUARY 22, 2018

REGULAR MEETING

Present: Chair Gregory Hansen, Vice Chair Donald O’Brien, Commissioners Charles Ericksen, Nate McLaughlin and David Sullivan, County Administrator Craig Coffey, County, Attorney Al Hadeed and Recording Clerk Deb Jenkins

Chair Hansen called the meeting to order at 5:00 p.m. in the Board Chambers of the Government Services Building in Bunnell, Florida.

ITEM 1 – PLEDGE TO THE FLAG AND MOMENT OF SILENCE

Commissioner O’Brien led the Pledge to the Flag.

Chair Hansen requested a moment of silence.

ITEM 2 – ADDITIONS, DELETIONS AND MODIFICATIONS TO THE AGENDA

None.

ITEM 3 – ANNOUNCEMENTS BY THE CHAIR

- Flagler County Job Fair – February 23 from 11 a.m. to 3 p.m. at Daytona State College-Palm Coast Campus
- Ceremonial Groundbreaking for Dunes Restoration Project – February 27 at Mala Compra Park
- Flagler County Citizens Academy – to begin February 27
- AARP Tax Help – by appointment only
- Flagler County soliciting registered voters residing in Flagler County for various citizen volunteer boards and councils
- Upcoming meetings:
  - Special Meeting – January 30 at 1:00 p.m. in the Board Chambers
  - Regular Meeting – February 5 at 9:00 a.m. in the Board Chambers
  - Strategic Planning Workshop – February 5 at 1:00 p.m. in the Emergency Operations Center

ITEM 4A – RECOGNITIONS

None

ITEM 4B – PROCLAMATIONS

None
ITEM 9C - QUASI-JUDICIAL - APPLICATION #3085 - REQUEST FOR PRELIMINARY PLAT IN THE PUD (PLANNED UNIT DEVELOPMENT) DISTRICT FOR SURFVIEW AT MATANZAS SHORES SUBDIVISION, OWNERS: ROBERT J. FALCONETTI AND DIANE D. FALCONETTI, HUSBAND AND WIFE, AND JOHN J. FALCONETTI AND ROBERT JOHN FALCONETTI; AGENT: KEN ATLEE, DUVAL REALTY TRUST, LLC; SID ANSBACHER, ESQ., UPCHURCH, BAILEY AND UPCHURCH; AND MATT LAHTI, P.E., GULFSTREAM DESIGN GROUP, LLC.

The following information was provided by Craig Coffey, County Administrator:

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

SUBJECT: QUASI-JUDICIAL – Application #3085 – Request for Preliminary Plat in the PUD (Planned Unit Development) District for Surfview at Matanzas Shores Subdivision. Owners: Robert J. Falconetti and Diane D. Falconetti, husband and wife, and John J. Falconetti and Robert John Falconetti; Agent: Ken Atlee, Duval Realty Trust, LLC; Sid Ansbacher, Esq., Upchurch, Bailey and Upchurch; and Matt Lahit, P.E., Gulfstream Design Group, LLC

DATE OF MEETING: January 22, 2018

OVERVIEW/SUMMARY: This request is quasi-judicial in nature and requires disclosure of ex parte communication. The request is for approval of a preliminary plat for a 5 lot subdivision to be known as Surfview at Matanzas Shores within the PUD (Planned Unit Development) District. This parcel totals 1.01+/- acres in size, identified as parcel #37-10-31-1550-00000-0150 and is located on the East side of State Road A1A (a/k/a North Oceanshore Boulevard), formerly part of the Matanzas Shores Development of Regional Impact (DRI).

Property Appraiser aerial photo (2014):
January 22, 2018
Regular Meeting

(Item 9C – continued)

Report in Brief
On July 5, 2017, Gulfstream Design Group, on behalf of the parcel owner, the Falconettis, submitted an application for Preliminary Plat approval in a PUD for the development of a 5-lot single family residential subdivision on approximately 1.01 acres to be known as Surfview at Matanzas Shores. Accompanying the two sheet preliminary plat is the six sheet construction plan package (not including a one page survey), both of which are subject to review and approval by the Board of County Commissioners.

The proposed Surfview at Matanzas Shores subdivision is located on the Business Office/Commercial site previously designated through the Matanzas Shores Development of Regional Impact. The smallest lot is 0.15±/- acres (6,520 s.f.) in size (Lot 2), while the largest is 0.24±/- acres (10,612 s.f.) in size (Lot 5).

The applicant met with the Technical Review Committee on July 19, 2017 and on August 16, 2017. The majority of staff comments have been satisfactorily addressed by the applicant in advance of this meeting, with the Development Engineer working with the project engineer to resolve outstanding comments related to the construction plans.

Public notice has been provided for this application according to LDC Section 2.07.00.

This request was reviewed by the Planning and Development Board at their October 10, 2017 regular meeting. The Planning and Development Board voted unanimously (5-0) to recommend approval of the requested preliminary plat. Ultimately, approval of the preliminary plat by the Board of County Commissioners cannot occur until the PUD is approved by the Board.

Public notice has been provided for this application according to LDC Section 2.07.00.

This agenda item is:

X quasi-judicial, requiring disclosure of ex-parte communication; or

___ legislative, not requiring formal disclosure of ex-parte communication.

DEPT./CONTACT/PHONE #: Planning & Zoning / Adam Mengel / 386-313-4085

RECOMMENDATION: Request the Board approve Application #3085, Preliminary Plat for Surfview at Matanzas Shores, finding that the proposed preliminary plat is consistent with Chapter 177 of Florida Statutes, the Flagler County Comprehensive Plan, the Flagler County Land Development Code, and the Surfview at Matanzas Shores PUD, subject to satisfaction of outstanding Development Engineering comments and approval of construction plans.

ATTACHMENTS:
1. Technical Staff Report
2. Preliminary Plat
3. Construction Plans
4. Application and supporting documents
5. Planning and Development Board October 10, 2017 regular meeting minutes (in part)
6. Public notice

Sally A. Sherman, Deputy County Admin. Date

18
January 22, 2018
Regular Meeting

(Item 9C – continued)

Chair Hansen asked for ex-parte disclosures.

The BCC referred to the same disclosures as for Item 9B.

Adam Mengel, Planning Director, noted emails and the presentation had been sent electronically to the Clerk and the BCC and a binder was available for public viewing in the back of the room.

He gave the presentation and stated staff recommended approval of Application #3085.

Chair Hansen opened the public hearing.

There was no public comment.

A motion was made by Commissioner Sullivan to approve Item 9C. Seconded by Commissioner O’Brien.

Chair Hansen called the question. Motion carried unanimously.
SUBJECT: An Ordinance Amending Chapter 5, Flagler County Code of Ordinances, Related to Animals

DATE OF MEETING: August 19, 2019

OVERVIEW/SUMMARY: In November 2018, the Board updated and clarified the Dangerous Dog Ordinance to assure the lawful application of quasi-judicial procedures consistent with Florida statutes and case law. Today's ordinance amendment addresses the rest of the County Animal Code, most of which has not been updated in a quarter century. The comprehensive scope of this amendment necessitates the restructuring of Chapter 5 of the County Code, including the renumbering of certain sections, such as those pertaining to the inoculation of cats and dogs.

Chapter 5 of the County Code regulates the possession and care of animals in the unincorporated areas of the county. Section 828.27, Florida Statutes, authorizes the Board to enact ordinances to implement a civil citation system to regulate conduct that would otherwise be criminal under Florida Statutes. The statute also authorizes the Board to require mandatory court appearances for certain aggravated and repeat violators of animal control ordinances. Currently, many repeat violators ignore citations issued by Animal Services and do not pay the fines. Today's ordinance amendment will authorizes Animal Services to require the mandatory appearance in court for repeat and aggravated violations of the Code.

Today's ordinance also prohibits animal cruelty and neglect. Currently, these are not prohibited by County Ordinance and are only addressed through criminal prosecution or through a petition to the court to obtain an order deeming an owner unfit to possess animals and remanding custody of animals to the Humane Society. Animal Services encounters many situations that do not rise to the level of criminal neglect or to the level where an owner should be forever barred from care or custody of animals, but nevertheless merit consequence. Today's ordinance will give Animal Services tools to address these cases through civil citations.

Other highlights of the ordinance include:

- Provides a civil citation enforcement mechanism through Animal Services for violations of the Code.
- Regulates the tethering of dogs and prohibits the unattended tethering of dogs with mandatory exceptions for farm operations.
- Prohibits owners from allowing animals to run at large.
- Imposes a $5 surcharge on civil citations to be used for training animal control officers.

FUNDING INFORMATION: N/A

DEPARTMENT CONTACT: Al Hadeed, County Attorney and Amy Carotenuto, Animal Services

RECOMMENDATION: Approve the Ordinance amending Chapter 5 of the County Code related to animals.

ATTACHMENTS:
1.) Animal Ordinance
2.) Legal Advertisement
ORDINANCE 2019 - ___

AN ORDINANCE OF THE FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING CHAPTER FIVE OF THE COUNTY CODE OF ORDINANCES RELATED TO ANIMALS; AMENDING ARTICLE I, PROVIDING FOR PURPOSE AND DEFINITIONS; AMENDING ARTICLE II, PROVIDING FOR ANIMAL CONTROL AND ENFORCEMENT; AMENDING ARTICLE III, PROVIDING FOR TETHERING OF DOGS; PROVIDING FOR CODIFICATION AND SCRIVENER’S ERRORS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Sec. 125.01, Fla. Stat., authorizes the Board of County Commissioners (“Board”) to perform acts, not inconsistent with law, that are in the common interest of the people of the County; and

WHEREAS, Art. I, §18, Fla. Const., prohibits the Board from imposing penalties except as authorized through enactments of the Legislature; and

WHEREAS, the Legislature authorized boards of county commissioners through Sec. 828.27, Fla. Stat., to enact ordinances relating to animal control and cruelty, which ordinances are to be identical to Ch. 828, Fla. Stat., except that the penalty for violation of such ordinances shall be civil, not criminal; and

WHEREAS, Sec. 828.03, Fla. Stat., authorizes the Board to appoint animal control officers for the purpose of investigating violations of local animal control and cruelty ordinances or any other law of the state for the purpose of protecting animals; and

WHEREAS, Sec. 828.27, Fla. Stat., further authorizes the County to require the mandatory court appearance for certain aggravated or repeat violations of the County’s animal control ordinances; and

WHEREAS, the Board desires to curtail repeat violators of animal control standards from ignoring citations issued by Flagler County Animal Services and to otherwise empower Animal Services to enforce the standards of proper animal care;

NOW THEREFORE, be it ordained by the Flagler County Board of County Commissioners as follows:

SECTION 1. FINDINGS
The above recitals are incorporated herein as true and correct and establish the legislative intent of this Ordinance.

SECTION 2. FLAGLER COUNTY CODE AMENDMENT

Chapter 5 of the Flagler County Code of Ordinances is hereby amended as follows (additions are shown in underline, and deletions are shown in strikethrough format):

Chapter 5 – ANIMALS

ARTICLE I. – IN GENERAL

Sec. 5-1. – Penalty Purpose, jurisdiction and scope.

This chapter is enacted pursuant to Florida law and is intended to regulate the possession, ownership, care and custody of animals in the interest of the health, safety and welfare of both the citizens and animals of the county. This chapter shall apply to, and be effective within, the unincorporated areas of the county.

Sec. 5-2. – Inoculation of dogs; health certificate. Definitions.

(a) Each dog possessed or owned within the unincorporated area of the county shall be inoculated annually against the following diseases:

(1) Canine distemper;
(2) Infections hepatitis;
(3) Leptospirosis;
(4) Tracheobronchitis; and
(5) Canine parvo virus.

(b) Dogs shall be vaccinated for rabies as required by Florida law.

(e) The person who owns or possesses a dog within the unincorporated area of the county shall, at all times, have available for inspection an official health certificate of the dog. As used in this section the term “official health certificate” means a certificate signed by a veterinarian to the dog and shall state that the animal has no contagious or infections disease.

The following terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section:

Animal means any living dumb creature.

Animal abuse shall mean the commission of any act that constitutes the criminal offense of:

(1) Euthanasia of dogs or cats under F.S. §828.058, or its successor, or the euthanasia of animals in violation of F.S. §828.065 or its successor;
(2) Exposing poison under F.S. §828.08 or its successor;
(3) Cruelty to animals under F.S. §828.12 or its successor;
(4) Fighting or baiting animals under F.S. §828.122 or its successor;
(5) Killing a dog or cat with the intent to sell or give away its pelt under F.S. §828.123 or its successor;
(6) Killing or aggravated abuse of horse or cattle under F.S. §828.125 or its successor;
(7) Sexual activities involving animals under F.S. §828.126 or its successor;
(8) Abandonment or confinement of animals without sufficient food, water, or exercise under F.S. §828.13 or its successor.

*Animal control officer* means any person approved by the Board of County Commissioners and employed or appointed by Flagler County Animal Services to investigate civil infractions relating to animal control or cruelty and to issue citations pursuant to this chapter.

*Animal Services* means Flagler County Animal Services as the agent appointed by the Board of County Commissioners to investigate violations of this chapter and any other law of the state for the purpose of protecting animals or such other entity as the board may appoint as successor to Flagler County Animal Services.

*Owner* means any person, organization, or business entity possessing, harboring, keeping or having control or custody of an animal or, if the animal is owned by a person under the age of eighteen, that person’s parent or guardian.

**Sec. 5-3. – Inoculation of cats; health certificate**

(a) Each cat possessed or owned within the unincorporated area of the county shall be inoculated annually against the following diseases:

(1) Feline respiratory infection; and
(2) Feline distemper.

(b) Cats shall be vaccinated for rabies as required by Florida law.

(e) The person who owns or possesses a cat within the unincorporated area of the county shall, at all times, have available for inspection an official health certificate of the cat. As used in this section the term “official health certificate” means a certificate signed by a veterinarian licensed by the state which shows the age, sex, breed, description and health record of the cat, and which shall list the date of all vaccines by the type and lot number administered by a licensed veterinarian to the cat and shall state that the animal has no contagious or infectious disease.
Sec. 5-4. – Reserved.

Secs. 5-55-3 – 5-25. Reserved.

ARTICLE II. – RESERVED: ANIMAL CONTROL AND ENFORCEMENT

Sec. 5-26. – 5-59. - Reserved. Cruelty and Neglect Prohibited.

(a) It shall be unlawful for any person to commit any act of animal abuse as defined herein.

(b) It shall be unlawful for any person to neglect or mistreat an animal. Such conduct shall include but is not limited to the following:

1. Fail to supply an animal with a continuous supply of fresh water and sufficient quantity of wholesome food.

2. Keep an animal in an enclosure without wholesome exercise, proper ventilation or lighting.

3. Keep, house or maintain an animal in unsanitary conditions or conditions inconsistent with acceptable standards of care for the particular species.

4. Entice or lure an animal off the property of its owner to molest or tease the animal.

5. Failure to provide humane treatment or proper veterinary care or allowing an animal to suffer from illness or injury unnecessarily.

(c) The owner of an animal shall ensure that the animal does not run at large or stray onto public property or the private property of another without permission from the property owner. Any animal that is off the property of its owner shall be restrained in a manner suitable for the type of animal such that it is under the direct control of the owner.

1. An animal control officer may require an owner with three or more violations of this subsection to install physical restraints in order to prevent further violations of this subsection.

2. This subsection shall not apply to law enforcement officers in the exercise of their duties.

Sec. 5-27. – Enforcement, Citations, and Penalty.

(a) Animal control officers and law enforcement officers shall be responsible for enforcement of the provision of this chapter. Animal control officers shall be trained and certified in accordance with Florida law. Animal control officers, upon finding probable cause that a violation of the provisions of this chapter
has occurred, have the authority to investigate civil infractions relating to
animals and take appropriate action as is reasonably necessary to enforce the
provisions and accomplish the purposes of this chapter.

(b) This chapter is an additional, supplemental, and alternative means of enforcing
county ordinances related to animals. This chapter does not prohibit the county
from enforcing its ordinances by any other means, including the procedures
provided in F.S. Ch. 162, or its successor, or as provided in section 1-6 of this
Code.

(c) A violation of this chapter is a civil infraction. Law enforcement and animal
control officers shall have the authority to issue citations to persons the law
enforcement or animal control officer has probable cause to believe has
committed an act in violation of any provision of this chapter. Any person who
willfully refuses to sign and accept a citation issued pursuant to this chapter is
guilty of a misdemeanor of the second degree, punishable as provided in F.S.
§§775.082 or 775.083, or their successors. It is a violation of this chapter for
any person to resist, obstruct, hinder, or interfere with a law enforcement or
animal control officer in the enforcement of this chapter.

(1) The maximum civil penalty for violations of this chapter shall not
exceed $500. A civil penalty less than the maximum amount shall be
assessed if the violator does not contest the citation. Animal Services
shall establish a schedule of penalties for uncontested violations. The
schedule shall include a surcharge of $5 for each civil penalty for
violation of this chapter. The proceeds from these surcharges shall be
used to defray the costs of training for animal control officers. The
Clerk of the Court and Comptroller shall remit the $5 surcharge from
each fine paid to Animal Services.

(i) All civil penalties shall be satisfied by payment made payable to
and acceptable by the Clerk of the Court. All monies collected
pursuant to this chapter, less the Clerk’s administrative fee, shall
be credited to Animal Services to be used solely for defraying
the expenses of implementing this chapter, less any statutorily
imposed fees for administrative handling of such sums.

(ii) Animal Services may refer judgments entered against violators
of this chapter to a collection agency for processing, collection
and notification of failure of payment to any credit bureau. Any
expenses imposed on the owner by operation of this chapter
which remain unpaid as of the time of judicial handling shall be
ordered paid as part of the court’s disposition. Animal Services
may also seek payment of outstanding expenses as restitution in
prosecuting any violation of this chapter, including for any
companion or related criminal or civil prosecution. Nothing
herein shall relieve the owner of civil liability for injuries or damage which result from actions or inactions that are violations of this chapter.

(2) An alleged violator may pay the civil penalty indicated on the written citation at any time within 30 days of the date of issuance of the written citation. Payment of the civil penalty waives the alleged violator’s right to a hearing to contest the citation and shall constitute an admission of the violation. An alleged violator may contest the validity of a citation by requesting a hearing before a judge of the Flagler County Court. The alleged violator shall request a hearing in writing within thirty days from the date of issuance according to the instructions on the citation.

(3) If an alleged violator fails to pay the civil penalty, fails to appear in court to contest the citation, or fails to appear in court as required by subsection (c) below, the court may issue an order to show cause upon the request of the law enforcement or animal control officer. This order to show cause shall require such person to appear before the court to explain why action on the citation has not been taken. If any person who is issued such order fails to appear in response to the court’s directive, that person may be held in contempt of court. It shall be a separate violation for any person who does not contest a citation issued under this chapter to fail to pay the citation.

(d) An animal control officer, after consultation with the county attorney, may issue a citation requiring the mandatory court appearance of an alleged violator for the following violations:

1. Aggravated violations of any county ordinance resulting in the unprovoked biting, attacking, or wounding of a domestic animal;

2. Violations resulting in the destruction or loss of personal property;

3. Second or subsequent violations of the provisions of this chapter pertaining to animal cruelty; or

4. Violations of any part of this chapter resulting in the issuance of a third or subsequent citation to a person.

Animal Services shall maintain records to prove the number of citations issued to the person. Citations issued pursuant to this subsection must clearly inform the person of the mandatory court appearance. Persons required to appear in court pursuant to this subsection do not have the option of paying the fine to avoid appearing before the court.

**ARTICLE III. – CONFINEMENT OF DOGS; INNOCULATION OF DOGS, CATS**
Sec. 5-61. – Leashed/under control of owner and tethering.

(a) For purposes of this subsection:

(a)(1) All dogs shall be confined to their owner’s property or leashed and under the control of the owner and may not run at large outside of the owner’s property.

(b)(2) All dogs, except those otherwise exempted within this article and those identified as service animals as defined in F.S. § 413.08, or its successor, are prohibited at all times from active public recreation areas where organized recreational activities take place, including sports fields, ball fields, tennis and basketball courts, and adjacent spectator areas, except an owner shall be permitted to pass through these areas to access permissible areas.

(c)(3) This subsection shall not apply to designated dog parks; provided, however, that an owner may not knowingly permit a sick, dangerous, or rabid dog within, or to remain within, a dog park. All dogs within a dog park, as a condition of the use of the facility, shall be appropriately vaccinated and an owner shall retain on his/her person such proof of current vaccinations in the form of the "official health certificate" consistent with section 5-69 of this chapter for the duration of the use of the dog park. An owner's failure or refusal to provide an official health certificate when requested by any animal control officer or sheriff's deputy shall be a violation of this provision and be subject to the penalties provided within this article.

(b) Except as otherwise provided herein, the unsupervised, unattended outdoor tethering of a dog is prohibited, whether or not the dog is otherwise inside a fenced or enclosed outdoor area. Where the dog is being held or kept outdoors, a tether may be used as a means of direct control of the dog, only if all of the following conditions are met:

(1) The dog is in visible range of the owner or responsible party, which person must also be outside with the dog at all times. In no event may the owner or responsible person leave the premises while a dog is left tethered, unattended, and outdoors. A dog may never be left tethered and unattended on vacant or abandoned property.

(2) Any tether must be of sufficient strength to prevent escape. The tether must be attached to the animal by a properly applied collar or harness, with a swivel hook, and configured so as to protect the animal from injury and prevent entanglement with other objects and/or animals. A leash or lead may not be attached directly to the animal’s neck in lieu of
a manufactured collar or harness. Chain, choke or prong collars are prohibited during tethering of an animal. The tether shall not be attached to a stationary object or trolley at a point or location that would allow the animal to extend the tether over a fence or other object or edge in such manner that could result in the strangulation of or injury to the animal.

(3) Notwithstanding the exceptions provided below, a dog that is sick or injured cannot be tethered as a means of confinement by the owner nor may a puppy under the age of six months be tethered at any time unless the owner is present and attending to the puppy during the entire time the puppy is tethered.

(4) A dog classified as dangerous pursuant to F.S. Ch. 767, or its successor, may only be kept on a tether according to the foregoing requirements if it is otherwise secured within a proper enclosure as required by law.

(5) In accordance with F.S. §163.3162, or its successor, the provisions of this subsection do not apply to dogs that are kept or used on lands being used for a bona fide farm operation on lands classified as agricultural pursuant to F.S. §193.461 or its successor.

Sec. 5-69.—Applicability and enforcement in unincorporated areas; definition. Inoculation of dogs; health certificate.

This article shall apply to and be enforced in the unincorporated areas of the county. For the purposes of this article, “owner” shall mean any person, firm, corporation or organization possessing, harboring, keeping or having control or custody of an animal or, if the animal is owned by a person under the age of eighteen (18), that person’s parent or guardian.

(a) Each dog possessed or owned within the unincorporated area of the county shall be inoculated annually against the following diseases:

(1) Canine distemper;
(2) Infections hepatitis;
(3) Leptospirosis;
(4) Tracheobronchitis; and
(5) Canine parvo virus.

(b) Dogs shall be vaccinated for rabies as required by Florida law.

(c) The person who owns or possesses a dog within the unincorporated area of the county shall, at all times, have available for inspection an official health certificate for the dog. As used in this section the term “official health
“official health certificate” means a certificate signed by a veterinarian to the dog and shall state
that the animal has no contagious or infectious disease.

Sec. 5-70. — Enforcement. Inoculation of cats; health certificate.
The animal control officer, in conjunction with the sheriff of the county, shall be
responsible for enforcement of the provisions of this article. It is a violation of this article
for any person to resist, obstruct, hinder, or interfere with the animal control officer or the
sheriff’s deputies in the enforcement of this article.

(a) Each cat possessed or owned within the unincorporated area of the county shall
be inoculated annually against the following diseases:

(1) Feline respiratory infection; and

(2) Feline distemper.

(b) Cats shall be vaccinated for rabies as required by Florida law.

(c) The person who owns or possesses a cat within the unincorporated area of the
county shall, at all times, have available for inspection an official health
certificate for the cat. As used in this section the term “official health
certificate” means a certificate signed by a veterinarian licensed by the state
which shows the age, sex, breed, description and health record of the cat, and
which shall list the date of all vaccines by the type and lot number administered
by a licensed veterinarian to the cat and shall state that the animal has no
contagious or infectious disease.

Secs. 5-71. — 5-72. Violation; penalty. Reserved.

A violation of this article is a civil infraction which carries a maximum civil penalty
not to exceed five hundred dollars ($500.00). If a person who has committed the civil
infraction does not contest the citation, the civil penalty shall be less than the maximum
civil penalty. Such lesser amount shall be set by the law enforcement officer or animal
control officer. Any civil penalties assessed and paid shall be used solely for defraying
the expenses, costs and contracts in implementing this article, less any statutorily
imposed fees for administrative handling of such sums. Further, any expenses imposed
on the animal’s owner by operation of this article that remain unpaid as of the time of
judicial handling shall be ordered paid as part of the court’s disposition. The county
may also seek payment of outstanding expenses as restitution in any companion or
related civil or criminal prosecution. In the event of a violation of F.S. ch. 767, the
animal’s owner shall be subject to applicable criminal penalties in addition to any civil
infraction. Further, nothing herein shall relieve the owner of civil liability for injuries
or damage that result from actions or inactions that are violations of the provisions
herein.

Sec. 5-72. Issuance of citation; show cause order.
A law enforcement or animal control officer who has probable cause to believe that a person has committed an act in violation of this article may issue a citation to the person. Such a citation may be contested in the county court. If a person fails to pay the civil penalty or fails to appear in court to contest the citation, the court may issue an order to show cause upon the request of the law enforcement or animal control officer. This order shall require such a person to appear before the court to explain why action on the citation has not been taken. If any person who is used such an order fails to appear in response to the court’s directive, that person may be held in contempt of court.

* * * *

Sec. 5-74.—Maximum surcharge imposed for violation; use of proceeds. Reserved

A surcharge in the maximum amount permitted by state law shall be imposed upon each violator receiving a civil penalty. The proceeds shall be used to defray the costs for required training courses for animal control officers.

SECTION 3. CODIFICATION AND SCRIVENER’S ERRORS

A. The provisions of this Ordinance shall be included and incorporated into the Code of Ordinances of Flagler County, Florida, as additions and amendments thereto, and shall be appropriately renumbered or re-lettered to conform to the uniform numbering system of the Code. Scrivener's errors may be corrected as deemed necessary.

B. Only Section 2 herein shall be codified within the Flagler County Code of Ordinances. Sections not specifically amended herein shall remain unchanged by this Ordinance.

SECTION 4. SEVERABILITY

If any section, sentence, clause, or phrase of this Ordinance is held to be invalid or unconstitutional by any Court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

SECTION 5. EFFECTIVE DATE

This Ordinance shall take effect upon filing with the Secretary of State as provided in Section 125.66, Florida Statutes.

[Signature Page To Follow.]
PASSED AND ADOPTED BY THE FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS, THIS 19TH DAY OF AUGUST 2019.

FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS

ATTEST:

Donald T. O’Brien Jr., Chair

Tom Bexley, Clerk of the Circuit Court and Comptroller

APPROVED AS TO FORM:

Al Hadeed, County Attorney
attachment 2

Flagler/Palm Coast
NEWS-TRIBUNE

Published Each Wednesday
Flagler County, Florida

State of Florida,
County of Flagler

Before the undersigned authority personally appeared

Irene Zucker

who, on oath says that she is ........................................

LEGAL COORDINATOR

of The Flagler/Palm Coast NEWS-TRIBUNE, a weekly newspaper, published in Flagler County, Florida; that the attached copy of advertisement, being a ........................................

PUBLIC NOTICE

NT 2336458

in the Court, was published in said newspaper in the issues ..................

AUGUST 7, 2019

Affiant further says that The Flagler/Palm Coast News-Tribune is a newspaper published in said Flagler County, Florida, and that the said newspaper has heretofore been continuously published in said Flagler County, Florida, each Wednesday and has been entered as second-class mail matter at the post office in Flagler Beach, in said Flagler County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper

..............................................................

Sworn to and subscribed before me

This 7TH of AUGUST

A.D. 2019

..............................................................
SUBJECT: An Ordinance Amending Article I, Chapter 13, Flagler County Code of Ordinances, Prohibiting the Destruction and Removal of Natural Resources and the Unauthorized Use of Public Lands

DATE OF MEETING: August 19, 2019

OVERVIEW/SUMMARY: The County owns lands in trust for its citizens. The County has a fiduciary responsibility to its citizens of stewardship of County-owned lands. These lands are utilized for a variety of purposes beyond providing public services including conservation, recreation, and economic development. In some instances, the County has acquired lands through grant funding which require management plans that protect the natural resources. The ordinance would prohibit the unauthorized taking of plants or animals from public lands, such as is done with palmetto berry picking or illegal hunting. Conversely, the ordinance prohibits the introduction or abandonment of plants and animals on County land. The ordinance also prohibits installing structures on county land such as unauthorized signs or structural encroachments. Other prohibited activities include unauthorized camping, fires, and the feeding of wildlife.

FUNDING INFORMATION: N/A

DEPARTMENT CONTACT: County Attorney’s Office

RECOMMENDATION: Approve the Ordinance amending Article I, Chapter 13 of the County Code prohibiting unauthorized use and the destruction of natural resources on County-owned lands.

ATTACHMENTS:
1.) Public Lands Ordinance
2.) Legal Advertisement
ORDINANCE 2019 - ___

AN ORDINANCE OF THE FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING ARTICLE I OF CHAPTER 13 OF THE FLAGLER COUNTY CODE OF ORDINANCES, PROHIBITING THE DESTRUCTION OR REMOVAL OF NATURAL RESOURCES ON PUBLIC LANDS; PROHIBITING UNAUTHORIZED USE AND ACCESS OF PUBLIC LANDS; PROVIDING FOR CODIFICATION AND SCRIVENER'S ERRORS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Sec. 125.01, Fla. Stat., authorizes the Board of County Commissioners (“Board”) to perform acts, not inconsistent with law, that are in the common interest of the people of the County; and

WHEREAS, each year, increasing numbers of individuals enter onto County owned lands in order to harvest and remove natural resources, including palmetto berries and coquina rocks among other items; and

WHEREAS, individuals also enter onto County owned lands which are not open to the public for a variety of reasons, including hunting, fishing, trekking, biking, and camping; and

WHEREAS, Flagler County Code of Ordinances provides some protection of natural resources on lands owned by the County or accessible to the public, including the removal of plants from parks and recreation areas and the removal of coquina from the beaches; and

WHEREAS, the Board finds it necessary to prohibit the unauthorized access and use of County owned lands; and

WHEREAS, in order to prevent destruction of public resources in Flagler County, the Board finds it necessary to extend and enhance the protection of public resources already in the Code to include all natural resources and to apply to all County owned land, whether or not it is open to the public.

NOW THEREFORE, be it ordained by the Flagler County Board of County Commissioners as follows:

SECTION 1. FINDINGS

The above recitals are incorporated herein as true and correct and establish the legislative intent of this Ordinance.
SECTION 2. FLAGLER COUNTY CODE AMENDMENT

Article I of Chapter 13 of the Flagler County Code of Ordinances is hereby amended as follows (additions are shown in underline, and deletions are shown in strikethrough format):

* * * *

Sec. 13-2. – Prohibited Conduct on public land.

(a) It shall be unlawful for any person to engage in any of the following activities on lands owned by the County without prior approval:

(1) Cutting, trimming, harvesting, and taking of flora.
(2) Killing, harassment, taking, or removing of fauna.
(3) Digging, cutting, taking, or removing of soil, sand, rock or any other natural feature.
(4) Igniting of fire.
(5) Erecting or installing of fixtures, devices, objects, signs or structures.
(6) Overnight camping.
(7) Feeding any wildlife.
(8) Introducing, depositing, leaving or abandoning any plants or animals.

(b) In any prosecution charging a violation of this section of the code, proof that the particular individual described in the complaint was in constructive or actual possession of tools commonly used in conducting the activities prohibited by this section shall constitute prima facie evidence of intent to violate this section.

(c) This section shall not apply to individuals expressly authorized by law to engage in activities otherwise prohibited herein.

(d) Violations of this section are civil infractions punishable as provided for section 1-6 or chapter 9 of this code.


SECTION 3. CODIFICATION AND SCRIVENER'S ERRORS

A. The provisions of this Ordinance shall be included and incorporated into the Code of Ordinances of Flagler County, Florida, as additions and amendments thereto, and shall be appropriately renumbered or re-lettered to conform to the uniform numbering system of the Code. Scrivener's errors may be corrected as deemed
necessary.

B. Only Section 2 herein shall be codified within the Flagler County Code of Ordinances. Sections not specifically amended herein shall remain unchanged by this Ordinance.

SECTION 4. SEVERABILITY

If any section, sentence, clause, or phrase of this Ordinance is held to be invalid or unconstitutional by any Court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

SECTION 5. EFFECTIVE DATE

This Ordinance shall take effect upon filing with the Secretary of State as provided in Section 125.66, Florida Statutes.

PASSED AND ADOPTED BY THE FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS, THIS 19TH DAY OF AUGUST 2019.

SIGNATURES:

FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS

ATTEST:

Donald T. O’Brien Jr., Chair

Tom Bexley, Clerk of the Circuit Court and Comptroller

APPROVED AS TO FORM:

Al Hadeed, County Attorney
Flagler/Palm Coast NEWS-TRIBUNE

Published Each Wednesday
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Before the undersigned authority personally appeared

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of The Flagler/Palm Coast NEWS-TRIBUNE, a weekly newspaper, published in Flagler County, Florida; that the attached copy of advertisement, being a ...........................................

PUBLIC NOTICE

NT 2336459

in the Court,
was published in said newspaper in the issues..............

AUGUST 7, 2019

Affiant further says that The Flagler/Palm Coast News-Tribune is a newspaper published in said Flagler County, Florida, and that the said newspaper has heretofore been continuously published in said Flagler County, Florida, each Wednesday and has been entered as second-class mail matter at the post office in Flagler Beach, in said Flagler County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper

........................................

Sworn to and subscribed before me

This 7TH of AUGUST

A.D. 2019

........................................

CYNTHIA ANDERSON
State of Florida-Notary Public
Commission # GG 1555724
My Commission Expires
October 29, 2021
SUBJECT: An Ordinance Amending Article I, Chapter 23, Flagler County Code of Ordinances, Regulating the Use of County Parks

DATE OF MEETING: August 19, 2019

OVERVIEW/SUMMARY: This is an amendment to Chapter 23 of the County Code of Ordinances which governs the use of County Parks and which was last updated in 2012. Summary of the changes:

• Specifies that boat ramps at County Parks may be utilized 24 hours/day so as not to prevent a boater from returning to land.
• Prohibits the launching of airboats from County Parks.
• Prohibits dangerous activities such as archery or rocket launching.
• Requires parents/guardians of minors under 17 years old to provide written consent for those minors to use skate parks or off-road bicycling. This requirement limits the County’s liability for injuries pursuant to §316.0085, Fla. Stat.

The ordinance also provides flexibility to allow for activities, that are normally prohibited, without having to amend the ordinance again:

• Provides an application process for uses of County Parks, which are ordinarily prohibited. For example, if an organizer wanted to skydive into a park for a special event, the organizer could request an exception, and the County Administrator could impose conditions and allow it.
• Authorizes the County Administrator to establish certain parks or portions of parks as special use areas, which reserve those areas for particular uses. For example, although drones are generally prohibited, the County Administrator could set aside a portion of a park for drone use.

FUNDING INFORMATION: N/A

DEPARTMENT CONTACT: County Attorney’s Office

RECOMMENDATION: Approve the Ordinance amending Article I, Chapter 23 of the County Code regulating the use of County Parks.

ATTACHMENTS:
1.) Parks Ordinance
2.) Legal Advertisement
ORDINANCE 2019 - ___

AN ORDINANCE OF THE FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING ARTICLE I OF CHAPTER 23 OF THE FLAGLER COUNTY CODE OF ORDINANCES, REGULATING USE OF BOAT RAMPS; PROHIBITING CERTAIN DANGEROUS ACTIVITIES; PROVIDING FOR SPECIAL USE AREAS WITHIN COUNTY PARKS; PROVIDING FOR SKATEBOARDING AND BICYCLING REGULATIONS; PROVIDING FOR CODIFICATION AND SCRIVENER’S ERRORS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Sec. 125.01(1)(f), Fla. Stat., authorizes the Board of County Commissioners (“Board”) to provide parks, preserves, playgrounds, recreation areas, libraries, museums, historical commissions, and other recreation and cultural facilities and programs; and

WHEREAS, Flagler County has gained approximately thirty-five thousand residents since the parks ordinance was last updated in 2005, and with this growth, County parks have undergone a concomitant increase in usage; and

WHEREAS, the Board finds the need to update and enhance its regulation of County park usage as provided herein.

NOW THEREFORE, be it ordained by the Flagler County Board of County Commissioners as follows:

SECTION 1. FINDINGS

The above recitals are incorporated herein as true and correct and establish the legislative intent of this Ordinance.

SECTION 2. FLAGLER COUNTY CODE AMENDMENT

Article I of Chapter 13 of the Flagler County Code of Ordinances is hereby amended as follows (additions are shown in underline, and deletions are shown in strikethrough format):

* * * *

Sec. 23-1. – Hours of operation.

Unless otherwise posted, all parks, preserves and community centers hours of operation are dawn to 11:00 p.m., provided however that boat ramps at county facilities shall remain open at all times.
Sec. 23-2. – Prohibited activities.

(16) **Reserved.** Use or engage in any activity that creates an unreasonable interference or danger to other persons. Such activity shall include, but not be limited to, the use of golf clubs, archery equipment, discuss, javelin, shotput, or any aircraft, rocket, or missile powered by fuel or mechanical means.

(32) Take off or land any aircraft, seaplane, helicopter, glider, balloon, parachute, or other aerial apparatus except in emergency law enforcement or public safety situations or when otherwise authorized by the county.

(33) Launch airboats from county facilities.

Sec. 23-3. – Authorization to conduct activities.

Anyone wishing to obtain an exception to the above regulations must submit a written request to the parks and recreation department which includes dates, times, the nature of the proposed activities, and the name, address and telephone number of the responsible party. The said request then will be reviewed, and approved or denied by the board of county commissioners. Notwithstanding the foregoing, any activity approved pursuant to this section which qualifies as special event, as defined in section 21-53, must comply with the requirements of the Special Events Ordinance of Flagler County.

Sec. 23-5. – Exemptions Special use areas.

There are no exemptions except as provided in section 23-3. The county administrator is authorized to set aside, establish, alter, and/or discontinue special use parks or special use areas in one or more of the county parks. The special use parks or areas may allow for activities otherwise prohibited by this chapter. Before establishing, altering, or discontinuing such special use area, the county administrator shall determine, in his or her reasonable discretion, priority of need for such an area and whether the activity may be carried on safely, without adverse environmental impacts, and without unreasonable interference to other persons. Under the direction of the county administrator, the county shall mark the boundaries of special use areas and establish rules and post such signs concerning the special use area that the County Administrator deems appropriate.

If the county administrator establishes a special use park or area, the county administrator may designate such hours or days of usage, the particular activity or activities which are permitted, and such conditions as he or she determines to be reasonably required for the safety or convenience of persons and property.

Sec. 23-6. Enforcement Skateboarding and bicycling.
The provisions of this section may be enforced by any person having the authority to enforce county ordinances. Nothing in this section shall prohibit the county sheriff from exercising the authority granted him in F.S. § 30.07, to appoint individuals as deputies for the purpose of enforcing this section. In accordance with F.S. § 316.0085, or its successor, the parks and recreation manager shall post rules identifying any area of county parks specifically designated for skateboarding, inline skating, and freestyle or off-road bicycling, or other similar activity. For each area so designated, the parks and recreation manager shall also post a rule that any child under seventeen years of age may not engage in such activities until his or her parent or legal guardian submits a written consent to the county in a form acceptable to the county.

Sec. 23-7. – Violation; penalty.

As set forth in Section 162.21, Florida Statutes, violation of this article is punishable by a code enforcement officer who has reasonable cause to believe the person has committed an act in violation of this Code. A violation of this section is a civil infraction punishable by a civil fine not to exceed five hundred dollars ($500.00). A civil penalty of less than the maximum civil penalty will be assessed if the person cited does not contest the citation. Violations of this chapter are civil infractions punishable as provided for in section 1-6 or chapter 9 of this code or may be charged and prosecuted as misdemeanors.

SECTION 3. CODIFICATION AND SCRIVENER'S ERRORS

A. The provisions of this Ordinance shall be included and incorporated into the Code of Ordinances of Flagler County, Florida, as additions and amendments thereto, and shall be appropriately renumbered or re-lettered to conform to the uniform numbering system of the Code. Scrivener's errors may be corrected as deemed necessary.

B. Only Section 2 herein shall be codified within the Flagler County Code of Ordinances. Sections not specifically amended herein shall remain unchanged by this Ordinance.

SECTION 4. SEVERABILITY

If any section, sentence, clause, or phrase of this Ordinance is held to be invalid or unconstitutional by any Court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

SECTION 5. EFFECTIVE DATE

This Ordinance shall take effect upon filing with the Secretary of State as provided in Section 125.66, Florida Statutes.
PASSED AND ADOPTED BY THE FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS, THIS 19TH DAY OF AUGUST 2019.

FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS

ATTEST:

Donald T. O’Brien Jr., Chair

Tom Bexley, Clerk of the Circuit Court and Comptroller

APPROVED AS TO FORM:

Al Hadeed, County Attorney
Flagler/Palm Coast
NEWS-TRIBUNE

Published Each Wednesday
Flagler County, Florida

State of Florida,
County of Flagler

Before the undersigned authority personally appeared

Irene Zucker

who, on oath says that she is ...........................................

LEGAL COORDINATOR

of The Flagler/Palm Coast NEWS-TRIBUNE, a weekly
newspaper, published in Flagler County, Florida; that the
attached copy of advertisement, being a
...........................................

PUBLIC NOTICE

NT 2336460

in the Court,
was published in said newspaper in the issues...............

AUGUST 7, 2019

Affiant further says that The Flagler/Palm Coast News-
Tribune is a newspaper published in said Flagler County,
Florida, and that the said newspaper has heretofore been
continuously published in said Flagler County, Florida, each
Wednesday and has been entered as second-class mail matter
at the post office in Flagler Beach, in said Flagler County,
Florida, for a period of one year next preceding the first
publication of the attached copy of advertisement; and affiant
further says that he has neither paid nor promised any person,
firm or corporation any discount, rebate, commission or
refund for the purpose of securing this advertisement for
publication in the said newspaper

...........................................

Sworn to and subscribed before me

This 7TH of AUGUST

A.D. 2019

...........................................

CYNTHIA ANDERSON
State of Florida-Notary Public
Commission # GG 155574
My Commission Expires
October 29, 2021