

**CATHERINE D. ROBINSON**  
**MAYOR**

**JOHN ROGERS**  
**VICE-MAYOR**

**DR. ALVIN B. JACKSON, JR.**  
**CITY MANAGER**



*Crossroads of Flagler County*

**COMMISSIONERS:**

**VACANT**

**TINA-MARIE SCHULTZ**

**TONYA GORDON**

## **BUNNELL CITY COMMISSION MEETING**

**Monday, November 14, 2022**

**7:00 PM**

1769 East Moody Boulevard (GSB),  
Chambers Room  
Bunnell, FL 32110

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**A. Call Meeting to Order and Pledge Allegiance to the Flag**

**Roll Call**

**Invocation for our Military Troops and National Leaders**

**B. Introductions, Commendations, Proclamations, and Presentations:**

**B.1. Proclamation: Sergeant Dominic Guida Day**

**C. Consent Agenda:**

**C.1. Approval of Warrant**

- a. November 14, 2022 Warrant FY2021/2022
- b. November 14, 2022 Warrant FY2022/2023

**C.2. Approval of Minutes**

- a. October 24, 2022 City Commission Meeting Minutes

**C.3. Request Approval to Sign Release Agreement with Katherine Fuller**

**C.4. Approval of two Budget Transfers**

**C.5. Approval of two FY 21/22 Budget Transfers from Reserves**

**C.6. Approval of Deletion of Items from Fixed Assets**

**C.7. Notification and Acceptance of Property Transferred from the Federal Government to the Bunnell Police Department**

**D. Public Comments:**

Comments regarding items not on the Agenda. Citizens are encouraged to speak; however, comments are limited to four (4) minutes.

**E. Ordinances: (Legislative):**

- E.1. Ordinance 2022-24 Requesting to change the Future Land Use Map in the Comprehensive Plan for 74.98+ acres of land, owned by Oare Associates, LLC ,from the Mixed Use to the Multi-Family District" future land use designation. - Second Reading
- E.2. Ordinance 2022-25 Requesting to change the official zoning map for 74.98 +/- acres of land, owned by Oare Associates, LLC, Bearing the Parcel ID: 12-12-30-0650-000C0-0070 from City of Palm Coast COM-1 (COPC) to City of Bunnell R-3B (Multiple-Family Residential). - Second Reading
- E.3. Ordinance 2022-27 Amending the Capital Improvements Element of the 2035 Comprehensive Plan. -Second Reading

**F. Resolutions: (Legislative):**

- F.1. Resolution 2022-14 Amending the FY 2021/2022 Budget

**G. Old Business: None**

**H. New Business:**

- H.1. Requested Update: Old Haw Creek drainage ditch

**I. Reports:**

- **City Clerk**
- **Police Chief**
- **City Attorney**
- **City Manager**
- **Mayor and City Commissioners**

**J. Call for Adjournment.**

**This agenda is subject to change without notice. Please see posted copy at City Hall, and our website [www.BunnellCity.us](http://www.BunnellCity.us).**

**NOTICE:** If any person decides to appeal any decision made by the City Commission or any of its boards, with respect to any matter considered at any meeting of such boards or commission, he or she will need a record of the proceedings, and for this purpose he or she 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 based, 286.0105 Florida Statutes.

**Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the City Clerk at (386) 437-7500 at least 48 hours prior to the meeting date.**

**THE CITY OF BUNNELL IS AN EQUAL OPPORTUNITY SERVICE PROVIDER.**

***Posted by City Clerk's office on November 7, 2022***



## *Proclamation*

*WHEREAS, there are more than 800,000 law enforcement officers serving in communities across the United States, including the dedicated members of the City of Bunnell Police Department; and*

*WHEREAS, Bunnell's own Police Sergeant Dominic Guida, died in the line of duty on November 9, 2021, and whose name is one of the 621 new names of fallen heroes added to the National Law Enforcement Officers Memorial in the Spring 2022; and*

*WHEREAS, the service and sacrifice of all officers lost in the line of duty should be honored; and*

*WHEREAS, it is important for citizens to know and understand the problems, duties and responsibilities of the police officers serving their community; and*

*WHEREAS, law enforcement officers recognize their duty to the public by safeguarding life and property, protecting citizens and visitors to the community from violence or disorder, protecting the innocent from deception and protecting all from intimidation, sometimes at the cost of their own safety and lives; and*

*WHEREAS, the City Commission and those living, working and visiting Bunnell wish to honor the contributions of and loss of our own Sergeant Dominic Guida.*

*NOW, THEREFORE, We, the Bunnell City Commission by virtue of the authority vested in us as the Elected Officials of the City of Bunnell, Florida do hereby proclaim November 9, 2022 as "Sergeant Dominic Guida Day" in the City of Bunnell. We publicly salute the service Dominic Guida gave to the City of Bunnell and our community; he is greatly missed.*

*Adopted this 14<sup>th</sup> day of November 2022*

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*Catherine D. Robinson, Mayor*

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*John Rogers, Vice Mayor*

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*Tonya Gordon* , *Commissioner*  
*Commissioner*

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*Tina-Marie Schultz,*



## City of Bunnell, Florida

### ATTACHMENTS:

Description  
Warrant FY2021/2022

Type  
Warrant



City of Bunnell, FL

# Expense Approval Register

Packet: APPKT07798 - FY 21-22 11.14.22 Warrant

(None)	Post Date	Vendor Name	Description (Item)	Account Number	Amount
<b>Vendor: Atlantic Pipe Services LLC</b>					
	09/20/2022	Atlantic Pipe Services LLC	Emergency Jetting	404-0535-535.3400	1,410.00
<b>Vendor Atlantic Pipe Services LLC Total:</b>					<b>1,410.00</b>
<b>Vendor: Flagler County Board of County Commissioners</b>					
	09/12/2022	Flagler County Board of County..	Fuel Charges - August 2022	001-0521-521.5210	1,320.61
<b>Vendor Flagler County Board of County Commissioners Total:</b>					<b>1,320.61</b>
<b>Vendor: Flagler County Clerk of Courts</b>					
	09/30/2022	Flagler County Clerk of Courts	Recording of Ord. 2022-19, 20...	001-0512-512.3300	149.00
<b>Vendor Flagler County Clerk of Courts Total:</b>					<b>149.00</b>
<b>Vendor: Gannett Media Corp</b>					
	09/30/2022	Gannett Media Corp	TRIM ad 1 and 2	001-0513-513.4800	2,613.52
<b>Vendor Gannett Media Corp Total:</b>					<b>2,613.52</b>
<b>Vendor: Hawkins Inc</b>					
	08/19/2022	Hawkins Inc	Chemicals for WWTP	404-0535-535.5200	528.00
<b>Vendor Hawkins Inc Total:</b>					<b>528.00</b>
<b>Vendor: Kimball Midwest</b>					
	08/24/2022	Kimball Midwest	Replenish Fleet Supplies	001-0549-549.5200	367.50
<b>Vendor Kimball Midwest Total:</b>					<b>367.50</b>
<b>Vendor: Laba Dry Cleaners</b>					
	08/20/2022	Laba Dry Cleaners	Dry Cleaning Roberts/Ogden	001-0521-521.3410	154.96
<b>Vendor Laba Dry Cleaners Total:</b>					<b>154.96</b>
<b>Vendor: Laser Labs, Inc</b>					
	08/29/2022	Laser Labs, Inc	Enforcer Tint Meters	001-0521-521.5200	648.00
<b>Vendor Laser Labs, Inc Total:</b>					<b>648.00</b>
<b>Vendor: Lowe's Companies, Inc</b>					
	05/03/2022	Lowe's Companies, Inc	Water Cooler for UT Truck	401-0533-533.5205	23.74
<b>Vendor Lowe's Companies, Inc Total:</b>					<b>23.74</b>
<b>Vendor: Office Depot Inc</b>					
	09/15/2022	Office Depot Inc	Copy Paper	001-0521-521.5100	85.98
<b>Vendor Office Depot Inc Total:</b>					<b>85.98</b>
<b>Vendor: Safariland, LLC</b>					
	09/02/2022	Safariland, LLC	6395RDS-ALS Holster	001-0521-521.5220	171.75
	09/02/2022	Safariland, LLC	6395RDS-ALS Holster	001-0521-521.5220	171.75
<b>Vendor Safariland, LLC Total:</b>					<b>343.50</b>
<b>Vendor: Sunshine State One Call of Florida, Inc</b>					
	09/30/2022	Sunshine State One Call of Flor...	Monthly Assessment Billing Se...	401-0533-533.3401	45.52
	09/30/2022	Sunshine State One Call of Flor...	Monthly Assessment Billing Se...	404-0535-535.3400	45.53
<b>Vendor Sunshine State One Call of Florida, Inc Total:</b>					<b>91.05</b>
<b>Vendor: Terry Taylor Ford Company</b>					
	09/16/2022	Terry Taylor Ford Company	Oil Change #2001	001-0521-521.4620	49.99
<b>Vendor Terry Taylor Ford Company Total:</b>					<b>49.99</b>
<b>Vendor: Vose Law Firm, LLP</b>					
	09/30/2022	Vose Law Firm, LLP	September Legal Fees 2022	001-0514-514.3102	7,000.00
	09/30/2022	Vose Law Firm, LLP	September Legal Fees 2022	001-0524-524.3102	500.00
<b>Vendor Vose Law Firm, LLP Total:</b>					<b>7,500.00</b>
<b>Vendor: Zev Cohen &amp; Associates, Inc.</b>					
	09/30/2022	Zev Cohen & Associates, Inc.	Planning Through September ...	001-0524-524.3400	4,206.45
<b>Vendor Zev Cohen &amp; Associates, Inc. Total:</b>					<b>4,206.45</b>
<b>Grand Total:</b>					<b>19,492.30</b>

**Fund Summary**

<b>Fund</b>	<b>Expense Amount</b>
001 - GENERAL FUND	17,439.51
401 - WATER	69.26
404 - SEWER	1,983.53
<b>Grand Total:</b>	<b>19,492.30</b>

**Account Summary**

<b>Account Number</b>	<b>Account Name</b>	<b>Expense Amount</b>
001-0512-512.3300	Recording Fees	149.00
001-0513-513.4800	Advertising / Promo - Adm..	2,613.52
001-0514-514.3102	Legal Services	7,000.00
001-0521-521.3410	Other Contract-Dry Cleani...	154.96
001-0521-521.4620	Repair / Maint - Vehicles	49.99
001-0521-521.5100	Office Supplies Expenses	85.98
001-0521-521.5200	Operating Supplies	648.00
001-0521-521.5210	Fuel	1,320.61
001-0521-521.5220	Uniforms Exp	343.50
001-0524-524.3102	Legal Services	500.00
001-0524-524.3400	Other Contract Services	4,206.45
001-0549-549.5200	Operating Supplies	367.50
401-0533-533.3401	Other Contract Services	45.52
401-0533-533.5205	Operating Supplies Exp - ...	23.74
404-0535-535.3400	Other Contractual Services	1,455.53
404-0535-535.5200	Operating Supplies	528.00
<b>Grand Total:</b>	<b>Grand Total:</b>	<b>19,492.30</b>

**Project Account Summary**

<b>Project Account Key</b>	<b>Expense Amount</b>
**None**	19,492.30
<b>Grand Total:</b>	<b>19,492.30</b>



## City of Bunnell, Florida

### ATTACHMENTS:

Description  
Warrant FY2022/2023

Type  
Warrant





City of Bunnell, FL

# Expense Approval Register

Packet: APPKT07800 - 11.14.22 Warrant

(None)	Post Date	Vendor Name	Description (Item)	Account Number	Amount
<b>Vendor: Access Wireless Data Solutions LLC</b>					
	10/17/2022	Access Wireless Data Solutions...	Antenna & Cable for Security ...	001-0572-572.4100	226.21
<b>Vendor Access Wireless Data Solutions LLC Total:</b>					<b>226.21</b>
<b>Vendor: ADT US Holdings Inc</b>					
	10/21/2022	ADT US Holdings Inc	Monitoring Service 10/21/22-...	001-0519-519.3401	49.99
<b>Vendor ADT US Holdings Inc Total:</b>					<b>49.99</b>
<b>Vendor: Advance Stores Company, Incorporated</b>					
	10/21/2022	Advance Stores Company, Inco...	AM/FM Radio for Truck 939	402-0534-534.4620	64.59
	10/31/2022	Advance Stores Company, Inco...	Replace Bad Battery	401-0533-533.4640	43.70
<b>Vendor Advance Stores Company, Incorporated Total:</b>					<b>108.29</b>
<b>Vendor: Advanced Environmental Laboratories, Inc.</b>					
	11/01/2022	Advanced Environmental Labo...	Water Testing October 2022	404-0535-535.3400	551.05
<b>Vendor Advanced Environmental Laboratories, Inc. Total:</b>					<b>551.05</b>
<b>Vendor: AG-PRO, LLC</b>					
	10/21/2022	AG-PRO, LLC	Replace Broken Stop Light	401-0533-533.4640	163.41
	10/28/2022	AG-PRO, LLC	Throttle Spring Replacement	401-0533-533.4640	14.68
	10/28/2022	AG-PRO, LLC	Maintenance Service on Gator	001-0541-541.4640	426.37
<b>Vendor AG-PRO, LLC Total:</b>					<b>604.46</b>
<b>Vendor: Alexander McCarthy</b>					
	10/12/2022	Alexander McCarthy	Safety Footwear Reimbursene...	001-0541-541.5220	125.00
<b>Vendor Alexander McCarthy Total:</b>					<b>125.00</b>
<b>Vendor: American Family Life Assurance Company of Columbus</b>					
	10/15/2022	American Family Life Assuranc...	AFLAC - October 2022	001-2185000	917.72
<b>Vendor American Family Life Assurance Company of Columbus Total:</b>					<b>917.72</b>
<b>Vendor: Automation Logix, Inc</b>					
	10/17/2022	Automation Logix, Inc	Replacement Starter for WWTP	404-0535-535.4640	595.00
<b>Vendor Automation Logix, Inc Total:</b>					<b>595.00</b>
<b>Vendor: Bambi Johnson</b>					
	10/19/2022	Bambi Johnson	Family Gathering VLMCC	001-2201000	125.00
<b>Vendor Bambi Johnson Total:</b>					<b>125.00</b>
<b>Vendor: Blue Cross Blue Shield of Florida</b>					
	11/01/2022	Blue Cross Blue Shield of Flori...	FCL - November 2022	001-2184000	1,565.58
	11/01/2022	Blue Cross Blue Shield of Flori...	FCL - November 2022	001-2184500	81.17
<b>Vendor Blue Cross Blue Shield of Florida Total:</b>					<b>1,646.75</b>
<b>Vendor: Boulevard Tire Center</b>					
	10/31/2022	Boulevard Tire Center	Repair and Mount Tire	402-0534-534.4600	30.00
<b>Vendor Boulevard Tire Center Total:</b>					<b>30.00</b>
<b>Vendor: BuildersFirst</b>					
	10/13/2022	BuildersFirst	Lumber 4x4-8	001-0541-541.6300	578.16
	10/13/2022	BuildersFirst	Lumber 4x4-12	001-0541-541.6300	485.52
	10/13/2022	BuildersFirst	Lumber 2x8-16	001-0541-541.6300	6,003.62
<b>Vendor BuildersFirst Total:</b>					<b>7,067.30</b>
<b>Vendor: Bunnell Auto Supply, Inc.</b>					
	10/10/2022	Bunnell Auto Supply, Inc.	Oil Filter / Coolant	001-0521-521.4620	92.37
	10/14/2022	Bunnell Auto Supply, Inc.	Tank Cleaner - Wrong Fuel Us...	001-0541-541.4640	68.37
	10/19/2022	Bunnell Auto Supply, Inc.	Replace Hydraulic Hose and Flu..	404-0535-535.4640	154.18
	10/24/2022	Bunnell Auto Supply, Inc.	Windshield Sealant	001-0541-541.4640	62.30
	10/24/2022	Bunnell Auto Supply, Inc.	Fan for 929, Gasket for 956, CL...	402-0534-534.4620	70.73
	10/24/2022	Bunnell Auto Supply, Inc.	Fan for 929, Gasket for 956, CL...	402-0534-534.5200	7.49
	10/25/2022	Bunnell Auto Supply, Inc.	Scrubber Cleaner x2, Gloves XL	001-0549-549.5200	107.00

## Expense Approval Register

Packet: APPKT07800 - 11.14.22 Warrant

(None)	Post Date	Vendor Name	Description (Item)	Account Number	Amount
	10/26/2022	Bunnell Auto Supply, Inc.	2 U Joints	402-0534-534.4620	38.26
	10/27/2022	Bunnell Auto Supply, Inc.	Injector Line Assembly	001-0521-521.4620	60.00
	10/31/2022	Bunnell Auto Supply, Inc.	Radio Dash Install Kit	402-0534-534.4620	35.00
			<b>Vendor Bunnell Auto Supply, Inc. Total:</b>		<b>695.70</b>
<b>Vendor: Charles J. Cino</b>					
	10/26/2022	Charles J. Cino	October 2022 Legal Assistance...	001-0524-524.3102	437.50
			<b>Vendor Charles J. Cino Total:</b>		<b>437.50</b>
<b>Vendor: Charter Communications Holdings LLC</b>					
	10/21/2022	Charter Communications Hold...	200 Tolman St 10/26-11/25/22	404-0535-535.4100	109.26
			<b>Vendor Charter Communications Holdings LLC Total:</b>		<b>109.26</b>
<b>Vendor: City of Bunnell - WS O&amp;M</b>					
	11/01/2022	City of Bunnell - WS O&M	01-0040-01 OCT 2022	001-0572-572.4300	757.23
	11/01/2022	City of Bunnell - WS O&M	01-5270-01 OCT 2022	401-0533-533.4300	169.45
	11/01/2022	City of Bunnell - WS O&M	02-2060-09 OCT 2022	001-0519-519.4300	242.30
	11/01/2022	City of Bunnell - WS O&M	02-2070-07 OCT 2022	001-0519-519.4300	235.38
	11/01/2022	City of Bunnell - WS O&M	02-2080-08 OCT 2022	001-0519-519.4300	237.61
	11/01/2022	City of Bunnell - WS O&M	02-2503-00 OCT 2022	404-0535-535.4300	85.04
	11/01/2022	City of Bunnell - WS O&M	02-3191-00 OCT 2022	001-0541-541.4300	84.76
	11/01/2022	City of Bunnell - WS O&M	03-0161-00 OCT 2022	404-0535-535.4300	85.51
	11/01/2022	City of Bunnell - WS O&M	03-0320-01 OCT 2022	001-0572-572.4300	357.90
	11/01/2022	City of Bunnell - WS O&M	03-0370-01 OCT 2022	001-0572-572.4300	503.76
	11/01/2022	City of Bunnell - WS O&M	03-0545-00 OCT 2022	404-0535-535.4300	85.80
	11/01/2022	City of Bunnell - WS O&M	03-1541-00 OCT 2022	404-0535-535.4300	84.76
	11/01/2022	City of Bunnell - WS O&M	03-4991-00 OCT 2022	001-0541-541.4300	84.76
	11/01/2022	City of Bunnell - WS O&M	03-5151-00 OCT 2022	001-0541-541.4300	84.76
	11/01/2022	City of Bunnell - WS O&M	03-5191-00 OCT 2022	001-0572-572.4300	84.76
	11/01/2022	City of Bunnell - WS O&M	03-5240-01 OCT 2022	404-0535-535.4300	504.75
	11/01/2022	City of Bunnell - WS O&M	03-5260-01 OCT 2022	001-0541-541.4300	580.76
	11/01/2022	City of Bunnell - WS O&M	04-0170-02 OCT 2022	404-0535-535.4300	84.76
	11/01/2022	City of Bunnell - WS O&M	04-1140-01 OCT 2022	001-0572-572.4300	301.82
	11/01/2022	City of Bunnell - WS O&M	04-2181-00 OCT 2022	404-0535-535.4300	85.14
	11/01/2022	City of Bunnell - WS O&M	04-3031-00 OCT 2022	001-0541-541.4300	84.76
	11/01/2022	City of Bunnell - WS O&M	04-3032-00 OCT 2022	404-0535-535.4300	84.85
	11/01/2022	City of Bunnell - WS O&M	04-3360-01 OCT 2022	404-0535-535.4300	84.76
	11/01/2022	City of Bunnell - WS O&M	06-0327-01 OCT 2022	404-0535-535.4300	84.76
			<b>Vendor City of Bunnell - WS O&amp;M Total:</b>		<b>5,080.14</b>
<b>Vendor: CivicPlus LLC</b>					
	10/01/2022	CivicPlus LLC	CivicCMS Standard Annual Fee...	001-0516-516.5230	3,858.75
			<b>Vendor CivicPlus LLC Total:</b>		<b>3,858.75</b>
<b>Vendor: Colonial Life &amp; Accident Insurance Company</b>					
	10/13/2022	Colonial Life & Accident Insura...	Colonial Life - October 2022	001-2185000	887.88
			<b>Vendor Colonial Life &amp; Accident Insurance Company Total:</b>		<b>887.88</b>
<b>Vendor: DG Hardware, Inc.</b>					
	10/13/2022	DG Hardware, Inc.	FEC Barricades	001-0541-541.5200	1,564.90
	10/13/2022	DG Hardware, Inc.	Parts for Mounting Generator ...	404-0535-535.5200	9.12
	10/19/2022	DG Hardware, Inc.	Boxes Wood Screws	001-0541-541.5200	63.98
	10/25/2022	DG Hardware, Inc.	Liftstation Paint and Supplies	404-0535-535.5200	126.80
	10/25/2022	DG Hardware, Inc.	Masonry Drill Bit Set	001-0572-572.5265	35.69
	11/01/2022	DG Hardware, Inc.	WWTP Operating Supplies	404-0535-535.5200	169.25
			<b>Vendor DG Hardware, Inc. Total:</b>		<b>1,969.74</b>
<b>Vendor: Engineered Spray Solutions LLC</b>					
	10/14/2022	Engineered Spray Solutions LLC	Repair and Coat MH-4 29 Palm	404-0535-535.6300	6,428.67
	10/14/2022	Engineered Spray Solutions LLC	Repair and Coat MH-7 Granada..	404-0535-535.6300	8,452.67
	10/14/2022	Engineered Spray Solutions LLC	Repair and Coat MH-3 Palm & ...	404-0535-535.6300	6,948.67
	10/14/2022	Engineered Spray Solutions LLC	Repair and Coat MH-1 102 N R...	404-0535-535.6300	4,614.67
	10/14/2022	Engineered Spray Solutions LLC	Repair and Coat MH-2 N RR & ...	404-0535-535.6300	5,666.67
	10/14/2022	Engineered Spray Solutions LLC	Repair and Coat MH-5 Granada..	404-0535-535.6300	9,652.67
	10/14/2022	Engineered Spray Solutions LLC	Repair and Coat MH-6 Granada..	404-0535-535.6300	9,584.67

## Expense Approval Register

Packet: APPKT07800 - 11.14.22 Warrant

(None)	Post Date	Vendor Name	Description (Item)	Account Number	Amount
	10/18/2022	Engineered Spray Solutions LLC	Repair and Coat Lift Station #13	404-0535-535.6300	6,140.00
			<b>Vendor Engineered Spray Solutions LLC Total:</b>		<b>57,488.69</b>
<b>Vendor: Environmental Land Services of Flagler County, Inc</b>					
	10/21/2022	Environmental Land Services of..	Garbage Dumping 10/14-10/2...	402-0534-534.3400	4,887.64
	10/28/2022	Environmental Land Services of..	Garbage Dumping 10/21-10/2...	402-0534-534.3400	3,991.90
	11/04/2022	Environmental Land Services of..	Garbage Dumping - 10/28-11/...	402-0534-534.3400	5,193.39
			<b>Vendor Environmental Land Services of Flagler County, Inc Total:</b>		<b>14,072.93</b>
<b>Vendor: Epic Community Services Inc.</b>					
	10/21/2022	Epic Community Services Inc.	BTR Return	001-3161000	93.00
			<b>Vendor Epic Community Services Inc. Total:</b>		<b>93.00</b>
<b>Vendor: Expert Chemical Sales &amp; Service LLC</b>					
	10/28/2022	Expert Chemical Sales & Servic...	10 Towel Centerpull	001-0572-572.5200	370.00
			<b>Vendor Expert Chemical Sales &amp; Service LLC Total:</b>		<b>370.00</b>
<b>Vendor: Flagler County Clerk of Courts</b>					
	11/02/2022	Flagler County Clerk of Courts	Emergency Declaration	001-0512-512.3300	54.00
	11/02/2022	Flagler County Clerk of Courts	Emergency Declaration	401-0533-533.3300	25.00
	11/02/2022	Flagler County Clerk of Courts	Emergency Declaration	404-0535-535.3300	25.00
			<b>Vendor Flagler County Clerk of Courts Total:</b>		<b>104.00</b>
<b>Vendor: Florida City and County Management Association</b>					
	10/13/2022	Florida City and County Mana...	FCCMA Membership Dues (20...	001-0524-524.5400	279.00
			<b>Vendor Florida City and County Management Association Total:</b>		<b>279.00</b>
<b>Vendor: Florida Health Care Plans, Inc.</b>					
	11/01/2022	Florida Health Care Plans, Inc.	FHCP Retiree - November 2022	001-2184500	1,985.93
	11/01/2022	Florida Health Care Plans, Inc.	FHCP T-23 - November 2022	001-2184000	3,323.72
	11/01/2022	Florida Health Care Plans, Inc.	FHCP - November 2022 T-66	001-2184000	36,939.19
			<b>Vendor Florida Health Care Plans, Inc. Total:</b>		<b>42,248.84</b>
<b>Vendor: GRAINGER PARTS</b>					
	10/21/2022	GRAINGER PARTS	Ball Valves for Air Lift Valve Re...	401-0533-533.4640	51.44
			<b>Vendor GRAINGER PARTS Total:</b>		<b>51.44</b>
<b>Vendor: Hawkins Inc</b>					
	10/14/2022	Hawkins Inc	Chemicals for WWTP	404-0535-535.5200	820.00
	10/21/2022	Hawkins Inc	Chemicals for WWTP	404-0535-535.5200	480.00
	10/21/2022	Hawkins Inc	Chemicals for WTP	401-0533-533.5205	1,205.00
	10/27/2022	Hawkins Inc	Chemicals for WWTP	404-0535-535.5200	402.00
			<b>Vendor Hawkins Inc Total:</b>		<b>2,907.00</b>
<b>Vendor: Jada White</b>					
	10/31/2022	Jada White	Kids B-Day Party VLMCC	001-2201000	125.00
			<b>Vendor Jada White Total:</b>		<b>125.00</b>
<b>Vendor: Jeff Gibson</b>					
	10/03/2022	Jeff Gibson	Safety Footware Reimburse...	404-0535-535.5220	125.00
			<b>Vendor Jeff Gibson Total:</b>		<b>125.00</b>
<b>Vendor: Jeremy Clyde Mobile Home Service &amp; Repair, LLC</b>					
	10/21/2022	Jeremy Clyde Mobile Home Se...	Stabilize Mobile Home due to S...	404-0535-535.4600	1,500.00
	10/21/2022	Jeremy Clyde Mobile Home Se...	Relevel Mobile Home after Se...	404-0535-535.4600	1,000.00
			<b>Vendor Jeremy Clyde Mobile Home Service &amp; Repair, LLC Total:</b>		<b>2,500.00</b>
<b>Vendor: Kehle Plumbing, Inc.</b>					
	11/03/2022	Kehle Plumbing, Inc.	Replacement of Leaking Bathr...	001-0519-519.4610	200.00
	11/03/2022	Kehle Plumbing, Inc.	JB King Water Foundation Rep...	001-0572-572.4610	99.00
			<b>Vendor Kehle Plumbing, Inc. Total:</b>		<b>299.00</b>
<b>Vendor: Kerri A Uebel</b>					
	10/19/2022	Kerri A Uebel	Filter - Wrong Fuel Used	001-0541-541.4640	41.00
	11/01/2022	Kerri A Uebel	Chainsaw Diagnostics	001-0541-541.4640	25.50
			<b>Vendor Kerri A Uebel Total:</b>		<b>66.50</b>

## Expense Approval Register

Packet: APPKT07800 - 11.14.22 Warrant

(None)	Post Date	Vendor Name	Description (Item)	Account Number	Amount
<b>Vendor: Knight Jon Boy Inc</b>					
	11/02/2022	Knight Jon Boy Inc	Port-A-Let Setups (2) - Hallow...	001-0511-511.4900	600.00
				<b>Vendor Knight Jon Boy Inc Total:</b>	<b>600.00</b>
<b>Vendor: Liberty National Life Insurance</b>					
	11/01/2022	Liberty National Life Insurance	Liberty - November 2022	001-2185000	808.55
				<b>Vendor Liberty National Life Insurance Total:</b>	<b>808.55</b>
<b>Vendor: Lowe's Companies, Inc</b>					
	10/17/2022	Lowe's Companies, Inc	WTP Misc Tools for Plant	401-0533-533.5265	207.45
	10/20/2022	Lowe's Companies, Inc	Hedge Trimmer	001-0541-541.5265	189.05
	11/03/2022	Lowe's Companies, Inc	Collections Field Operating Su...	404-0535-535.5200	296.21
				<b>Vendor Lowe's Companies, Inc Total:</b>	<b>692.71</b>
<b>Vendor: Lynch Oil Company</b>					
	10/18/2022	Lynch Oil Company	Tank 2 - Off-Road Diesel	001-0541-541.5215	304.53
	10/18/2022	Lynch Oil Company	Tank 2 - Off-Road Diesel	404-0535-535.5210	203.02
				<b>Vendor Lynch Oil Company Total:</b>	<b>507.55</b>
<b>Vendor: MacData LLC</b>					
	10/15/2022	MacData LLC	Background Check - Fortier Ro...	001-0513-513.4900	76.00
				<b>Vendor MacData LLC Total:</b>	<b>76.00</b>
<b>Vendor: Margaret Pilon</b>					
	11/01/2022	Margaret Pilon	Rock & Walk - JB King Park	001-2200000	45.00
				<b>Vendor Margaret Pilon Total:</b>	<b>45.00</b>
<b>Vendor: Mary Breland</b>					
	10/31/2022	Mary Breland	B-Day Party VLMCC	001-2201000	125.00
				<b>Vendor Mary Breland Total:</b>	<b>125.00</b>
<b>Vendor: Matthew Wiedmann</b>					
	10/18/2022	Matthew Wiedmann	Gator Canopy Kit	001-0541-541.4640	823.49
				<b>Vendor Matthew Wiedmann Total:</b>	<b>823.49</b>
<b>Vendor: Michael Leo Dove</b>					
	10/12/2022	Michael Leo Dove	Building Inspection 10/12-10/...	001-0524-524.3401	1,750.00
				<b>Vendor Michael Leo Dove Total:</b>	<b>1,750.00</b>
<b>Vendor: Monro, Inc</b>					
	10/31/2022	Monro, Inc	315/80r22.5 Steer Tires	402-0534-534.4620	989.66
				<b>Vendor Monro, Inc Total:</b>	<b>989.66</b>
<b>Vendor: New Directions</b>					
	11/01/2022	New Directions	EAP Services 11/22-01/23	001-0511-511.2300	32.44
	11/01/2022	New Directions	EAP Services 11/22-01/23	001-0512-512.3400	19.46
	11/01/2022	New Directions	EAP Services 11/22-01/23	001-0513-513.2300	34.39
	11/01/2022	New Directions	EAP Services 11/22-01/23	001-0516-516.2300	3.57
	11/01/2022	New Directions	EAP Services 11/22-01/23	001-0521-521.2300	97.32
	11/01/2022	New Directions	EAP Services 11/22-01/23	001-0524-524.2300	25.95
	11/01/2022	New Directions	EAP Services 11/22-01/23	001-0541-541.2300	35.04
	11/01/2022	New Directions	EAP Services 11/22-01/23	001-0549-549.2300	6.49
	11/01/2022	New Directions	EAP Services 11/22-01/23	001-0572-572.3400	25.95
	11/01/2022	New Directions	EAP Services 11/22-01/23	401-0533-533.2300	54.18
	11/01/2022	New Directions	EAP Services 11/22-01/23	402-0534-534.2300	26.28
	11/01/2022	New Directions	EAP Services 11/22-01/23	404-0535-535.2300	54.18
				<b>Vendor New Directions Total:</b>	<b>415.25</b>
<b>Vendor: NextEra Energy Inc</b>					
	10/01/2022	NextEra Energy Inc	02735-15254 October 2022	001-0519-519.4300	45.96
	10/01/2022	NextEra Energy Inc	06115-08987 November 2022	404-0535-535.4300	70.48
	10/01/2022	NextEra Energy Inc	16455-03937 November 2022	001-0541-541.4300	987.02
	10/01/2022	NextEra Energy Inc	16525-04919 November 2022	404-0535-535.4300	13,098.83
	10/01/2022	NextEra Energy Inc	16885-09957 November 2022	404-0535-535.4300	81.17
	10/01/2022	NextEra Energy Inc	27076-01973 November 2022	404-0535-535.4300	65.78
	10/01/2022	NextEra Energy Inc	27516-03917 November 2022	404-0535-535.4300	193.34
	10/01/2022	NextEra Energy Inc	50935-93118 November 2022	001-0519-519.4300	57.79
	10/01/2022	NextEra Energy Inc	51926-14112 November 2022	001-0519-519.4300	142.82

## Expense Approval Register

Packet: APPKT07800 - 11.14.22 Warrant

(None)	Post Date	Vendor Name	Description (Item)	Account Number	Amount
	10/01/2022	NextEra Energy Inc	56661-53118 November 2022	001-0519-519.4300	368.29
	10/03/2022	NextEra Energy Inc	37390-07957 November 2022	001-0541-541.4300	3,000.01
	10/04/2022	NextEra Energy Inc	47533-10046 November 2022	404-0535-535.4300	64.96
		<b>Vendor NextEra Energy Inc</b>		<b>Total:</b>	<b>18,176.45</b>
<b>Vendor: Nicholson A/C &amp; Heating, Inc.</b>					
	11/01/2022	Nicholson A/C & Heating, Inc.	Ice Machine Rental - Novembe...	001-0541-541.4400	130.00
		<b>Vendor Nicholson A/C &amp; Heating, Inc.</b>		<b>Total:</b>	<b>130.00</b>
<b>Vendor: Pace Analytical Services, LLC</b>					
	10/31/2022	Pace Analytical Services, LLC	Water Testing 9/22-10/20/22	401-0533-533.3401	605.56
		<b>Vendor Pace Analytical Services, LLC</b>		<b>Total:</b>	<b>605.56</b>
<b>Vendor: Palm Coast Observer, LLC</b>					
	11/14/2022	Palm Coast Observer, LLC	Ord. 2022-27 CIE Amendment	001-0512-512.4800	91.00
		<b>Vendor Palm Coast Observer, LLC</b>		<b>Total:</b>	<b>91.00</b>
<b>Vendor: Preferred Governmental Insurance Trust</b>					
	12/01/2022	Preferred Governmental Insur...	PGIT - December Installment	001-2182000	5,702.75
		<b>Vendor Preferred Governmental Insurance Trust</b>		<b>Total:</b>	<b>5,702.75</b>
<b>Vendor: Public Risk Insurance Advisors</b>					
	10/20/2022	Public Risk Insurance Advisors	Policy #NPP8932936 10/31-11...	001-0511-511.4500	825.00
		<b>Vendor Public Risk Insurance Advisors</b>		<b>Total:</b>	<b>825.00</b>
<b>Vendor: Quality QuickPrint</b>					
	10/03/2022	Quality QuickPrint	10'x10' Event Tent	001-0521-521.5200	950.00
		<b>Vendor Quality QuickPrint</b>		<b>Total:</b>	<b>950.00</b>
<b>Vendor: Rayco Funding &amp; Development, Inc</b>					
	10/19/2022	Rayco Funding & Development...	Dewatering Box Maintenance	404-0535-535.3400	1,575.00
	10/26/2022	Rayco Funding & Development...	Dewatering Box Maintenance	404-0535-535.3400	1,575.00
		<b>Vendor Rayco Funding &amp; Development, Inc</b>		<b>Total:</b>	<b>3,150.00</b>
<b>Vendor: RDK TRUCK SALES AND SERVICE INC</b>					
	10/04/2022	RDK TRUCK SALES AND SERVIC...	Solid Waste Truck Rental (Fron...	402-0534-534.4400	8,000.00
	10/04/2022	RDK TRUCK SALES AND SERVIC...	Solid Waste Rental ( Side Load...	402-0534-534.4400	8,000.00
	10/31/2022	RDK TRUCK SALES AND SERVIC...	Solid Waste Truck Rental (1 M...	402-0534-534.4400	8,000.00
		<b>Vendor RDK TRUCK SALES AND SERVICE INC</b>		<b>Total:</b>	<b>24,000.00</b>
<b>Vendor: Ring Investments LLC</b>					
	12/05/2022	Ring Investments LLC	Boom Mower (B296040) Annu...	001-0541-541.4400	39,822.93
		<b>Vendor Ring Investments LLC</b>		<b>Total:</b>	<b>39,822.93</b>
<b>Vendor: Ring Power Corporation</b>					
	10/10/2022	Ring Power Corporation	Repair Non-Operating Equipm...	001-0541-541.4640	854.82
		<b>Vendor Ring Power Corporation</b>		<b>Total:</b>	<b>854.82</b>
<b>Vendor: Robert C Little</b>					
	10/25/2022	Robert C Little	2 Dedicated Protected Lines W...	001-0521-521.5264	1,400.00
		<b>Vendor Robert C Little</b>		<b>Total:</b>	<b>1,400.00</b>
<b>Vendor: Staples Inc</b>					
	10/17/2022	Staples Inc	DX4108-01 9/16-10/15/22	001-0512-512.3400	214.48
	10/17/2022	Staples Inc	DX4108-01 9/16-10/15/22	001-0513-513.3400	112.33
	10/17/2022	Staples Inc	DX4108-01 9/16-10/15/22	001-0521-521.3400	106.39
	11/01/2022	Staples Inc	DX54548-01 11/2-2/4/22	001-0541-541.3400	14.17
	11/01/2022	Staples Inc	DX54548-01 11/2-2/4/22	001-0541-541.3400	24.40
	11/01/2022	Staples Inc	DX54548-01 11/2-2/4/22	401-0533-533.3401	14.17
	11/01/2022	Staples Inc	DX54548-01 11/2-2/4/22	401-0533-533.3401	24.41
	11/01/2022	Staples Inc	DX54548-01 11/2-2/4/22	404-0535-535.3400	24.12
	11/01/2022	Staples Inc	DX54548-01 11/2-2/4/22	404-0535-535.3400	14.16
		<b>Vendor Staples Inc</b>		<b>Total:</b>	<b>548.63</b>
<b>Vendor: Staples, Inc</b>					
	10/11/2022	Staples, Inc	Office Supplies	001-0524-524.5100	229.96
	10/13/2022	Staples, Inc	Brother Toner Deputy Clerk	001-0512-512.5100	58.46
	10/18/2022	Staples, Inc	Numbered Tab Dividers for Ele...	001-0512-512.5100	48.90
		<b>Vendor Staples, Inc</b>		<b>Total:</b>	<b>337.32</b>

## Expense Approval Register

Packet: APPKT07800 - 11.14.22 Warrant

(None)	Post Date	Vendor Name	Description (Item)	Account Number	Amount
<b>Vendor: Stone Plus LLC</b>					
	10/13/2022	Stone Plus LLC	Stone for Inventory and Emerg...	401-0533-533.5205	1,562.60
<b>Vendor Stone Plus LLC Total:</b>					<b>1,562.60</b>
<b>Vendor: Sun Country Termite &amp; Pest Control</b>					
	10/12/2022	Sun Country Termite & Pest C...	604 E Moody 6 10/12/22	001-0519-519.3401	25.00
	10/14/2022	Sun Country Termite & Pest C...	Police Department 10/21/22	001-0519-519.3401	50.00
	10/20/2022	Sun Country Termite & Pest C...	300 Tolman St 10/20/22	001-0541-541.3400	40.00
	10/28/2022	Sun Country Termite & Pest C...	604 E Moodu 4 10/28/22	001-0519-519.3401	25.00
	10/28/2022	Sun Country Termite & Pest C...	100 Utility Dr 10/28/22	401-0533-533.3401	30.00
	10/28/2022	Sun Country Termite & Pest C...	200 Tolman St 10/28/22	404-0535-535.3400	30.00
	10/28/2022	Sun Country Termite & Pest C...	VLMCC 10/28/22	001-0572-572.3400	30.00
	10/03/2022	Sun Country Termite & Pest C...	Heritage Park 10/3/22	001-0572-572.3400	25.00
	10/03/2022	Sun Country Termite & Pest C...	JB King Park 10/3/22	001-0572-572.3400	40.00
	10/03/2022	Sun Country Termite & Pest C...	EJ Park - 10/3/22	001-0572-572.3400	75.00
	10/03/2022	Sun Country Termite & Pest C...	Jackson Park - 10/3/22	001-0572-572.3400	30.00
<b>Vendor Sun Country Termite &amp; Pest Control Total:</b>					<b>400.00</b>
<b>Vendor: Sunshine State One Call of Florida, Inc</b>					
	10/31/2022	Sunshine State One Call of Flor...	Monthly Assessment Billing FY...	401-0533-533.3401	45.53
	10/31/2022	Sunshine State One Call of Flor...	Monthly Assessment Billing FY...	404-0535-535.3400	45.52
<b>Vendor Sunshine State One Call of Florida, Inc Total:</b>					<b>91.05</b>
<b>Vendor: Tara A. Fisher</b>					
	10/25/2022	Tara A. Fisher	WWTP Air Conditioner Diagno...	404-0535-535.4640	80.00
<b>Vendor Tara A. Fisher Total:</b>					<b>80.00</b>
<b>Vendor: Terry Taylor Ford Company</b>					
	10/27/2022	Terry Taylor Ford Company	Ford Hubcaps	001-0521-521.4620	131.58
<b>Vendor Terry Taylor Ford Company Total:</b>					<b>131.58</b>
<b>Vendor: The Gaboton Group, LLC</b>					
	10/31/2022	The Gaboton Group, LLC	Retainer - November 2022	001-0511-511.3100	2,000.00
<b>Vendor The Gaboton Group, LLC Total:</b>					<b>2,000.00</b>
<b>Vendor: UniFirst Corporation</b>					
	10/12/2022	UniFirst Corporation	3XSV Company Name	001-0521-521.3400	8.00
	10/19/2022	UniFirst Corporation	Uniform Maintenance	001-0541-541.5220	23.53
	10/19/2022	UniFirst Corporation	Uniform Maintenance	001-0549-549.5220	12.04
	10/19/2022	UniFirst Corporation	Uniform Maintenance	001-0572-572.5220	21.09
	10/19/2022	UniFirst Corporation	Uniform Maintenance	001-0572-572.5220	29.12
	10/19/2022	UniFirst Corporation	Uniform Maintenance	401-0533-533.5220	85.70
	10/19/2022	UniFirst Corporation	Uniform Maintenance	402-0534-534.5220	18.20
	10/19/2022	UniFirst Corporation	Uniform Maintenance	404-0535-535.5220	80.53
	10/26/2022	UniFirst Corporation	3XSV Company Name	001-0521-521.3400	8.00
	10/26/2022	UniFirst Corporation	Uniform Maintenance	001-0541-541.5220	23.52
	10/26/2022	UniFirst Corporation	Uniform Maintenance	001-0549-549.5220	12.04
	10/26/2022	UniFirst Corporation	Uniform Maintenance	001-0572-572.5220	21.09
	10/26/2022	UniFirst Corporation	Uniform Maintenance	001-0572-572.5220	29.13
	10/26/2022	UniFirst Corporation	Uniform Maintenance	401-0533-533.5220	28.50
	10/26/2022	UniFirst Corporation	Uniform Maintenance	402-0534-534.5220	18.20
	10/26/2022	UniFirst Corporation	Uniform Maintenance	404-0535-535.5220	11.78
	10/05/2022	UniFirst Corporation	Uniform Maintenance	001-0541-541.5220	28.17
	10/05/2022	UniFirst Corporation	Uniform Maintenance	001-0549-549.5220	11.66
	10/05/2022	UniFirst Corporation	Uniform Maintenance	001-0572-572.5220	21.09
	10/05/2022	UniFirst Corporation	Uniform Maintenance	001-0572-572.5220	22.77
	10/05/2022	UniFirst Corporation	Uniform Maintenance	401-0533-533.5220	18.45
	10/05/2022	UniFirst Corporation	Uniform Maintenance	402-0534-534.5220	17.63
	10/05/2022	UniFirst Corporation	Uniform Maintenance	404-0535-535.5220	11.05
<b>Vendor UniFirst Corporation Total:</b>					<b>561.29</b>
<b>Vendor: United Rentals (North America), Inc.</b>					
	10/31/2022	United Rentals (North America...	Light Tower Rental (3) - Hallo...	001-0511-511.4900	474.00
<b>Vendor United Rentals (North America), Inc. Total:</b>					<b>474.00</b>

## Expense Approval Register

Packet: APPKT07800 - 11.14.22 Warrant

(None)	Post Date	Vendor Name	Description (Item)	Account Number	Amount
<b>Vendor: USAbLe Life</b>					
	11/01/2022	USAbLe Life	USAbLe Life - November 2022	001-2184000	304.01
				<b>Vendor USAbLe Life Total:</b>	<b>304.01</b>
<b>Vendor: Verizon Connect Telo Inc.</b>					
	11/01/2022	Verizon Connect Telo Inc.	Gov't Fleet Subscription 11/01...	001-0541-541.4100	76.00
	11/01/2022	Verizon Connect Telo Inc.	Gov't Fleet Subscription 11/01...	001-0572-572.4100	57.30
	11/01/2022	Verizon Connect Telo Inc.	Gov't Fleet Subscription 11/01...	401-0533-533.4100	76.40
	11/01/2022	Verizon Connect Telo Inc.	Gov't Fleet Subscription 11/01...	402-0534-534.4100	171.90
	11/01/2022	Verizon Connect Telo Inc.	Gov't Fleet Subscription 11/01...	404-0535-535.4100	76.40
				<b>Vendor Verizon Connect Telo Inc. Total:</b>	<b>458.00</b>
<b>Vendor: Verizon Wireless</b>					
	10/13/2022	Verizon Wireless	Cellular Service 9/14-10/13/22	001-0512-512.4100	80.62
	10/13/2022	Verizon Wireless	Cellular Service 9/14-10/13/22	001-0513-513.4100	40.31
	10/13/2022	Verizon Wireless	Cellular Service 9/14-10/13/22	001-0516-516.4100	50.14
	10/13/2022	Verizon Wireless	Cellular Service 9/14-10/13/22	001-0521-521.4100	1,407.21
	10/13/2022	Verizon Wireless	Cellular Service 9/14-10/13/22	001-0524-524.4100	145.12
	10/13/2022	Verizon Wireless	Cellular Service 9/14-10/13/22	001-0541-541.4100	115.51
	10/13/2022	Verizon Wireless	Cellular Service 9/14-10/13/22	001-0549-549.4100	152.76
	10/13/2022	Verizon Wireless	Cellular Service 9/14-10/13/22	001-0572-572.4100	153.20
	10/13/2022	Verizon Wireless	Cellular Service 9/14-10/13/22	401-0533-533.4100	301.39
	10/13/2022	Verizon Wireless	Cellular Service 9/14-10/13/22	402-0534-534.4100	193.07
	10/13/2022	Verizon Wireless	Cellular Service 9/14-10/13/22	404-0535-535.4100	303.48
				<b>Vendor Verizon Wireless Total:</b>	<b>2,942.81</b>
<b>Vendor: Vision Service Plan</b>					
	10/18/2022	Vision Service Plan	VSP - November 2022	001-2184000	945.78
				<b>Vendor Vision Service Plan Total:</b>	<b>945.78</b>
<b>Vendor: Vose Law Firm, LLP</b>					
	10/28/2022	Vose Law Firm, LLP	October 2022 - Legal Fees	001-0514-514.3102	7,000.00
	10/28/2022	Vose Law Firm, LLP	October 2022 - Legal Fees	001-0524-524.3102	500.00
				<b>Vendor Vose Law Firm, LLP Total:</b>	<b>7,500.00</b>
<b>Vendor: WB Mason</b>					
	10/31/2022	WB Mason	Office Supplies	001-0541-541.5100	39.17
	10/31/2022	WB Mason	Office Supplies	401-0533-533.5102	49.40
	10/31/2022	WB Mason	Office Supplies	404-0535-535.5100	49.51
				<b>Vendor WB Mason Total:</b>	<b>138.08</b>
				<b>Grand Total:</b>	<b>266,833.01</b>

**Fund Summary**

<b>Fund</b>	<b>Expense Amount</b>
001 - GENERAL FUND	139,472.65
401 - WATER	4,776.42
402 - SOLID WASTE	39,753.94
404 - SEWER	82,830.00
<b>Grand Total:</b>	<b>266,833.01</b>

**Account Summary**

<b>Account Number</b>	<b>Account Name</b>	<b>Expense Amount</b>
001-0511-511.2300	Medical/Dental/Life Exp.	32.44
001-0511-511.3100	Professional Services Exp...	2,000.00
001-0511-511.4500	Insurance Expense	825.00
001-0511-511.4900	Other Current Chgs & Obl...	1,074.00
001-0512-512.3300	Recording Fees	54.00
001-0512-512.3400	Other Contracted Services	233.94
001-0512-512.4100	Communications Expense	80.62
001-0512-512.4800	Advertising	91.00
001-0512-512.5100	Office Supplies Expenses	107.36
001-0513-513.2300	Medical / Life Ins Exp - Ex...	34.39
001-0513-513.3400	Other Contract Services	112.33
001-0513-513.4100	Communications Expense	40.31
001-0513-513.4900	Other Current Chgs - Adm...	76.00
001-0514-514.3102	Legal Services	7,000.00
001-0516-516.2300	Medical/Life Ins Exp	3.57
001-0516-516.4100	Communications Expense	50.14
001-0516-516.5230	Software	3,858.75
001-0519-519.3401	Other Contractual Services	149.99
001-0519-519.4300	Utilities	1,330.15
001-0519-519.4610	Repairs & Maint. - Building	200.00
001-0521-521.2300	Medical / Life Ins Exp - Ex...	97.32
001-0521-521.3400	Other Contract Services	122.39
001-0521-521.4100	Communications Expense	1,407.21
001-0521-521.4620	Repair / Maint - Vehicles	283.95
001-0521-521.5200	Operating Supplies	950.00
001-0521-521.5264	Small Equipment Purchase	1,400.00
001-0524-524.2300	Medical / Life Ins Exp - Ex...	25.95
001-0524-524.3102	Legal Services	937.50
001-0524-524.3401	Bldg / Fire Inspection Exp -..	1,750.00
001-0524-524.4100	Communications Expense	145.12
001-0524-524.5100	Office Supplies Expenses	229.96
001-0524-524.5400	Memberships, Publication...	279.00
001-0541-541.2300	Medical / Life Ins Exp - Ex...	35.04
001-0541-541.3400	Other Contract Services	78.57
001-0541-541.4100	Communications Expense	191.51
001-0541-541.4300	Utility - Public Services	4,906.83
001-0541-541.4400	Rental / Lease Expense	39,952.93
001-0541-541.4640	Equipment Repair & Maint..	2,301.85
001-0541-541.5100	Office Supplies Expenses	39.17
001-0541-541.5200	Operating Supplies	1,628.88
001-0541-541.5215	Fuel - Off Road Diesel	304.53
001-0541-541.5220	Uniforms Exp	200.22
001-0541-541.5265	Tools	189.05
001-0541-541.6300	Improvements - Other Th...	7,067.30
001-0549-549.2300	Medical/Life Ins Exp	6.49
001-0549-549.4100	Communications	152.76
001-0549-549.5200	Operating Supplies	107.00
001-0549-549.5220	Uniforms	35.74
001-0572-572.3400	Other Contract Services	225.95
001-0572-572.4100	Communications Expense	436.71
001-0572-572.4300	Utility - Public Services	2,005.47



**Account Summary**

<b>Account Number</b>	<b>Account Name</b>	<b>Expense Amount</b>
001-0572-572.4610	Repair / Maint - Bldgs	99.00
001-0572-572.5200	Operating Supplies	370.00
001-0572-572.5220	Uniforms Exp	144.29
001-0572-572.5265	Tools	35.69
001-2182000	WC Payable	5,702.75
001-2184000	Med/Health Employee Lia...	43,078.28
001-2184500	Retiree Medical	2,067.10
001-2185000	125 Plans Employee Paybl ..	2,614.15
001-2200000	Deposits Paybl - Park Ren...	45.00
001-2201000	Deposits Paybl - CtyHall/C...	375.00
001-3161000	Business/Occ License Fees	93.00
401-0533-533.2300	Medical / Life Ins Exp - Ex...	54.18
401-0533-533.3300	Recording Fees	25.00
401-0533-533.3401	Other Contract Services	719.67
401-0533-533.4100	Communications Expense	377.79
401-0533-533.4300	Utility - Public Services	169.45
401-0533-533.4640	Repair / Maint - Equipme...	273.23
401-0533-533.5102	Office Supplies - Water	49.40
401-0533-533.5205	Operating Supplies Exp - ...	2,767.60
401-0533-533.5220	Uniforms Exp	132.65
401-0533-533.5265	Tools	207.45
402-0534-534.2300	Medical/Dental Insurance ..	26.28
402-0534-534.3400	Other Contract Services - ...	14,072.93
402-0534-534.4100	Communications - Solid ...	364.97
402-0534-534.4400	Rental/Lease - Solid Waste	24,000.00
402-0534-534.4600	Repair / Maint - Service	30.00
402-0534-534.4620	Repair/Maint Vehicles - So..	1,198.24
402-0534-534.5200	Operating Supplies	7.49
402-0534-534.5220	Uniforms - Solid Waste	54.03
404-0535-535.2300	Medical/Life	54.18
404-0535-535.3300	Recording Fees	25.00
404-0535-535.3400	Other Contractual Services	3,814.85
404-0535-535.4100	Communications	489.14
404-0535-535.4300	Utilities	14,844.69
404-0535-535.4600	Repair / Maint. - Service	2,500.00
404-0535-535.4640	Repairs & Maint. - Equip...	829.18
404-0535-535.5100	Office Supplies	49.51
404-0535-535.5200	Operating Supplies	2,303.38
404-0535-535.5210	Fuel	203.02
404-0535-535.5220	Uniforms	228.36
404-0535-535.6300	Improvements Other Than..	57,488.69
	<b>Grand Total:</b>	<b>266,833.01</b>

**Project Account Summary**

<b>Project Account Key</b>	<b>Expense Amount</b>	
**None**	208,270.32	
2022 Gravity MH	51,348.69	
2022 Halloween Exp.	1,074.00	
LS13 R&R	6,140.00	
	<b>Grand Total:</b>	<b>266,833.01</b>



## City of Bunnell, Florida

### ATTACHMENTS:

Description  
Proposed Minutes

Type  
Minutes

CATHERINE D. ROBINSON  
MAYOR

JOHN ROGERS  
VICE-MAYOR

DR. ALVIN B. JACKSON, JR  
CITY MANAGER



COMMISSIONERS:

TONYA GORDON

TINA-MARIE SCHULTZ

VACANT

## BUNNELL CITY COMMISSION MINUTES

Monday, October 24, 2022

7:00 PM

1769 East Moody Boulevard (GSB)

Chambers Room

Bunnell, FL 32110

### A. Call Meeting to Order and Pledge Allegiance to the Flag

Mayor Robinson called the meeting to order at 7:00 PM and led the Pledge to the Flag.

**Roll Call (Present):** Mayor Catherine D. Robinson; Vice Mayor John Rogers; Commissioner Tina-Marie Schultz; Commissioner Gordon; City Attorney John Cary; City Manager Alvin B. Jackson, Jr.; Infrastructure Director Dustin Vost; City Clerk Kristen Bates

### Invocation for our Military Troops and National Leaders

Vice Mayor Rogers led the invocation.

### B. Introductions, Commendations, Proclamations, and Presentations:

#### B.1. Proclamation: World Polio Day

Mayor Robinson read the proclamation aloud. Nealon Joseph, President of the Bunnell Satellite Branch of the Rotary Club of Flagler Beach, read a statement from Rotary International and accepted the proclamation.

### C. Consent Agenda:

#### C.1. Approval of Warrant

a. October 24, 2022 Warrant FY2021/2022

b. October 24, 2022 Warrant FY2022/2023

#### C.2. Approval of Minutes

a. October 10, 2022 City Commission Meeting

#### C.3. Approval of First Amendment to Contract 2022-10 with Loci Architects LLC

**Motion:** Approve the Consent Agenda.

**Motion by:** Commissioner Schultz

**Second by:** Commissioner Gordon

**Board Discussion:** None

**Public Discussion:** None

**Vote:** Motion carried unanimously

### D. Public Comments:

**Comments regarding items not on the agenda. Citizens are encouraged to speak; however, comments are limited to four (4) minutes.**

Shelly Bradley (Old Haw Creek Rd)- spoke about the flooding along Old Haw Creek Road from Hurricane Ian. She stated the water flowed from the direction of the

County Jail and the canal leading from the Jail to SR 11 in several places. The residents in this area ask that the County and/or City take responsibility for this canal/ditch and clean it out regularly. She reported several houses in this area of Old Haw Creek were damaged by water rising from this canal/ditch.

Jean Johnson (Old Haw Creek Rd)- Spoke about how Hurricane Ian affected her property; the flooding from the canal/ditch next to her property washed out her culvert. Her family did not have access to her property for almost a month. The last time this happened was 5 years ago with Hurricane Irma. Prior to that storm, she stated the City did some work on the canal/ditch, but couldn't access all the canal/ditch. They have met with FEMA, but cannot afford to take out a loan to make a claim. She discussed how the flooding affected their FPL power service and the risk it created. She advised the residents in the area are willing to give access to whoever needs it in order to provide regular maintenance to this canal/ditch.

Renee Flynt (Old Haw Creek Rd) – Spoke about how high the water got on her property and how close it came to the house. She's not sure how the easements given to the County in the past work or if they transferred upon annexation into the City, but thinks that research on that needs to be done so that the canal/ditch can be maintained.

Keith Johnson (Old Haw Creek Rd)- spoke about how his property was impacted by Hurricane Ian; his driveway and culvert were washed out, leaving him no way to get to his property by car. If it had been an older couple, something very bad could have happened to them. He said something needs to be done about this canal/ditch. It is too deep for anyone to take care of. Neither the County or City is offering to take care of it.

*City Manager Jackson and Infrastructure Director Vost responded to comments; they advised this is a complicated issue as the City needs to legally be able to access private property to perform any maintenance. The City is working on getting this, but it will take time. City Attorney Cary also spoke to what an easement would grant the City. Vice Mayor Rogers asked the Commission get an update on the progress toward getting these easements in 30 days.*

**E. Ordinances: (Legislative):**

**E.1. Ordinance 2022-26 Repealing Land Development Code Section 30-9 Rural Developments and Section 34-190 Rural Subdivisions. – First Reading**

*Staff removed this item from the agenda; there was no action taken on this item*

**E.2. Ordinance 2022-27 Amending the Capital Improvements Element of the 2035 Comprehensive Plan. – First Reading**

City Attorney Cary read the short title into the record. City Manager Jackson introduced and explained this item. This is the State required annual amendment to the Comprehensive Plan Capital Improvements Element Project Schedule.

**Motion:** Approve Ordinance 2022-27 Amending the Capital Improvements Element of the 2035 Comprehensive Plan. – First Reading

**Motion by:** Vice Mayor Rogers

**Second by:** Commissioner Schultz

**Board Discussion:** None

**Public Discussion:** None

**Vote:** Motion carried unanimously

**F. Resolutions: (Legislative):**

**F.1. Resolution 2022-12 Calling a Special Election to Fill the Vacancy in the City Commission.**

City Attorney Cary read the short title into the record.

**Motion:** Adopt Resolution 2022-12 Calling a Special Election to Fill the Vacancy in the City Commission.

**Motion by:** Vice Mayor Rogers

**Second by:** Commissioner Gordon

**Board Discussion:** Mayor Robinson asked if there would be any additional expense for this election. City Clerk Bates explained this proposed resolution is the official notice needed to hold the Special Election that is required by the City Charter. As the City is already holding a regular election in 2023, there should be no additional election expenses.

**Public Discussion:** Daisy Henry (E. Drain St.) stated it seems like the Commission is going out of their way to not follow the City Charter and this would result in un-necessary expense to the City.

**Vote:** Passed 3-1

**Yea:** Mayor Robinson; Vice Mayor Rogers; Commissioner Gordon

**Nay:** Commissioner Schultz

**G. Old Business:**

**G.1. Report and Action Items from the 2022 Charter Review Advisory Committee**

This item was introduced and explained by City Clerk Bates. The Charter Review Advisory Committee held their meetings and discussed many topics for Charter Revisions. They talked in depth about voting districts and the length of time between required Charter Reviews. They also discussed the filling of vacancies. There were no recommended Charter Amendments proposed by the Charter Review Advisory Committee.

**Motion:** Accept the report of the 2022 Charter Review Advisory Committee, Approve the Minutes of the July 27, 2022 Charter Review Advisory Meeting and Sunset the Charter Review Advisory Committee.

**Motion by:** Commissioner Gordon

**Second by:** Commissioner Schultz

**Board Discussion:** Vice Mayor Rogers recommended the Commission look at proposing a Charter amendment to fill vacancies on the Commission. There was discussion about completing the two different actions- accepting the Charter Review report and the proposal from Vice Mayor Rogers- and how a proposed amendment is done through the adoption of an Ordinance.

**Public Discussion:** None

**Vote:** Motion carried unanimously

**Motion:** Draft an Ordinance to clarify the Charter on the appointment of a Commissioner vacancy to include the 3<sup>rd</sup> person with highest votes would fill the vacancy and proceed in that manner until the vacancy is filled.

**Motion by:** Vice Mayor Rogers

**Second by:** Commissioner Gordon

**Board Discussion:** Commissioner Schultz asked for clarification on what the wording would be and how restrictive the language would be. She asked if other options would be presented for the selection or appointment of a Commissioner. Mayor Robinson stated she thinks the way being proposed is too restrictive and could be hard to follow if candidates ran unopposed or there were no other candidates to select from. Commissioner Schultz stated she felt the Charter needed to include and describe all the options for filling a vacancy; this should include the next option to fill a vacancy as Vice Mayor is stating, but that if the vacancy cannot be filled in that manner, the Commission appoint within 30 days. Commissioner Gordon stated she would like to know all the possible options the Commission would have to fill a vacancy.

Commissioner Schultz asked if the proposed concept is supposed to replace what is currently in the Charter or supplement the Charter by adding an additional option. Vice Mayor Rogers stated he is proposing that whoever came in after the two top vote winners in an election would fill the vacancy, but the details can be worked out when the Ordinance would be considered. Commissioner Gordon stated she is ok with the option being the next highest vote earner and if the vacancy cannot be filled in that manner, having the Commission appoint a person. Mayor Robinson stated the Commission has several options now and there could be an instance where what is being proposed may not work; there are too many parts or scenarios where having such a restrictive option would not be in the best interests of the City. **Public Discussion:** Daisy Henry (E. Drain St) stated she doesn't understand why the Board is discussing this as they already have the authority to appoint a Commissioner; they just didn't do it.

**Vote:** Failed 1-3

**Yea:** Vice Mayor Rogers

**Nay:** Mayor Robinson; Commissioner Gordon; Commissioner Schultz

## H. **New Business:**

### H.1. **Request to Approve Grant Agreement #W G045 (COB #2022-14) with the State of Florida Department of Environmental Protection.**

This item was introduced and explained by Infrastructure Director Vost.

**Motion:** Approve Grant Agreement #W G045 (COB #2022-14) with the State of Florida Department of Environmental Protection.

**Motion by:** Vice Mayor Rogers

**Second by:** Commissioner Schultz

**Board Discussion:** None

**Public Discussion:** None

**Vote:** Motion carried unanimously

### H.2. **Approval of Interlocal (ILA) with the Police Athletic League (PAL) for Use of City Parks.**

This item was introduced and explained by City Clerk Bates.

**Motion:** Approve the Interlocal (ILA) with the Police Athletic League (PAL) for Use of City Parks.

**Motion by:** Commissioner Gordon

**Second by:** Commissioner Schultz

**Board Discussion:** The Board deferred making comments or having discussion until they heard Public comments.

**Public Discussion:** Gary Perkins (former Bunnell resident) stated he was speaking on behalf of the Flagler Bulldogs. He feels that the Bulldog use of EJ Park could be impacted if PAL is allowed to operate from the field. He feels this could be better coordinated and that the Bulldog Board should have been approached first. He asked the Commission delay signing the agreement until more details can be worked out; it's a good idea but the transition should take longer. Deputy Erlandson (PAL) responded to initial questions. He advised this started about nine months ago and that Mr. Nelson was approached about joining under the PAL umbrella. He advised PAL does not want to take away from the Bulldog program and is trying to bring a variety of programs to all children in the County. PAL has a good plan to expand the programs and options for all children. Marcus Murphy (S. Pine St.) asked if PAL isn't trying to take over, then why are they asking to use all the fields. He stated the Bulldogs should be consulted before other programs come to the City and asked what the exact plan it to include the Bulldogs. Ashley Perkins (former Bunnell resident) stated the Bulldogs have been using the fields for three years. They created their program from nothing and are getting active in the community now. They are trying to keep kids off the streets. Their motto is "more than football, family." The Bulldogs should have rights of EJ Park. Donald (Palm Coast) stated PAL is a thing of the past. He said kids want travel ball and competitive ball;

they don't want rec ball anymore. He is only hearing about sports from PAL but no other programs like what the Bulldogs do for their team; he asked what else is offered. Bonita Robinson (Hymon Circle) stated the bottom line this is about our kids. Costs always play a factor in participation. She feels priority is too strong a word and stated the Bulldogs should be included in the agreement. She feels PAL and the Bulldogs should be able to work this out. Daisy Henry (E. Drain St.) stated she attended the meeting earlier today and asked about the costs being paid by the Bulldogs. It does not seem fair they pay for renting the fields, but the monetary amount for PAL is not similar. She doesn't think something should be started if it cannot be finished. All kids need to be included in programs. Davis Williams (S. Cherry St) stated he attended the meeting at the Carver Gym today too. He appreciated all the time taken at the meeting, but feels all questions were not addressed. His grandson played PAL ball and it was good for him; bad things still happened even in PAL because tempers get hot at games. He feels the issues can be ironed out to make it work. Justine Berry (Flagler Bulldogs Board Member) stated their whole organization is family. When the team gets together, sometimes this is the only opportunity family members get to see each other. If this is taken away from the Bulldogs, they won't be family anymore. Mark Anderson (Palm Coast) didn't sense any malicious intent in this and feels this would work with a bit more communication. There needs to be more inclusion. This could be a win-win situation for both sides. There needs to be expansion but not by leaving the Bulldogs behind. Deputy Erlandson (PAL) addressed the issued raised during comments. He feels there are a lot of misconceptions going on. There have been talks with Mr. Nelson about the Bulldogs operating under PAL but still managing their own teams. PAL does not want to take away the fields or field time from the Bulldogs. They are offering to help; there is no reason they cannot work together. It has been clear that everyone is here to help and be there for our kids. PAL offers more than just sports too; they have a lot to offer the entire community.

**Board Discussion:** Vice Mayor Rogers stated he thinks this can work; PAL has stated over and over they are not trying to take away field time or take away from the Bulldog program. When all is said and done, we want our kids to have options and a plan for their future; this provides for both programs to function; if we all "play together" it is only a benefit for our children. He proposed the 15-year agreement be broken into 5-year options. Mayor Robinson stated there is room for both programs and one should not usurp the other. There is a need for recreation programs as there are children who want to play and have fun but can't compete at the more competitive level. She is concerned about the disconnect between the two different Boards and that the agreement can be re-worked to make sure both can be accommodated. Commissioner Schultz proposed the 15 years be broken into 3-year review periods, add a percentage to go back to the City and fine tune the agreement a bit more. She is concerned about a precedent of exclusivity being set. Overall, she believes this is good for the City.

**Vote:** No vote taken

**Motion:** Continue this item to allow additional details to be worked on.

**Motion by:** Vice Mayor Rogers

**Second by:** Commissioner Gordon

**Vote:** Motion carried unanimously

### **H.3. Request Approval for Business Incentive Application for Project Sizemore**

*Staff removed this item from the agenda; there was no action taken on this item*

#### **I. Reports:**

- **City Clerk** – advised the 2023 Candidate Handbooks will be ready this week. Provided an update on the Hurricane Ian debris collection; to date the City has collected 600 yards of yard waste and 17.79 tons of construction debris.
- **Police Chief** – None
- **City Attorney** – advised there will be another animal cruelty case filed with the Courts

- **City Manager** – advised the City Manager Report has been published and pointed out the continued rise in permits. This shows how much the City continues to grow. Reminded everyone that as the fiscal year progresses, the City will be balancing the roles of daily operations plus project managers as several projects are going on now- the Wastewater Treatment Plant Expansion, Coquina Hall restoration, Flagler Central Commerce Parkway, the new Administration Complex and Hymon Circle project, just to name a few.
- **Mayor and City Commissioners**
  - **Commissioner Schultz** – will attend the River to Sea (TPO) meeting this week and report back at the next meeting. She asked in the City will be participating in the Trunk or Treat event this week. Staff confirmed the City will be there.
  - **Commissioner Gordon** - None
  - **Vice Mayor Rogers** – None
  - **Mayor Robinson** – thanked Vice Mayor for running the last meeting while she was out of town.

**J. Call for Adjournment.**

**Motion:** Adjourn

**Motion by:** Vice Mayor Rogers

**Seconded by:** Commissioner Schultz

**Vote:** Motion carried unanimously

Adjourned at 8:45 PM

\_\_\_\_\_  
Catherine D. Robinson, Mayor

\_\_\_\_\_  
Kristen Bates, CMC, City Clerk

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

***\*\*The City adopts summary minutes. Audio files in official City records are retained according to the Florida Department of State GS1-SL records retention schedule\*\****





## City of Bunnell, Florida

### Agenda Item No. C.3.

Document Date: 10/31/2022 Amount:  
Department: Infrastructure Account #:  
Subject: Request Approval to Sign Release Agreement with Katherine Fuller  
Agenda Section: Consent Agenda:  
Goal/Priority: Infrastructure

#### **ATTACHMENTS:**

Description	Type
Release Agreement	Contract

#### **Summary/Highlights:**

Damage to private property occurred and staff is seeking approval to settle with the property owner.

#### **Background:**

A broken water line under the residence of 29 Palm Dr belonging to Katherine Fuller has caused settling damage the home, screen enclosure, and driveway.

Estimates provided to perform all repairs amount to \$20,000. City staff is recommending the City cover the Cost of repairs. Prolonging the repairs will result in further settling damage. Broken concrete in the patio area is already a trip safety concern.

#### **Staff Recommendation:**

Staff recommends approval of the general release agreement with Katherine Fuller and payment of \$20,000 for settling damage repairs.

#### **City Attorney Review:**

Approved as to form and legality.

#### **Finance Department Review/Recommendation:**

**City Manager Review/Recommendation:**

Approved.

**GENERAL RELEASE**

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**THIS GENERAL RELEASE** ("Release") is made on this \_\_\_\_ day of November, 2022 by and between: **Katherine Fuller** at 29 Palm Dr., Bunnell, FL, 32110 (the "Releasor") and the **City of Bunnell**, Florida, at 604 E. Moody Blvd. Unit 6, Bunnell, FL, 32110 (the "Releasee"). Releasor and anyone claiming on Releasor's behalf, releases and forever discharges Releasee and its elected and appointed officers, employees, representatives, attorneys, agents, and anyone claiming through them (collectively, the "Released Parties"), in their individual and/or corporate capacities from any and all claims, liabilities, obligations, promises, agreements, disputes, demands, damages, causes of action of any nature and kind, known or unknown, which Releasor has or ever had or may in the future have against Releasee or any of the Released Parties, arising from personal injury and/or property damage sustained by Releasor, as a result of the water line leak which caused settling under Releasee's home, concrete patio, screened enclosure, and driveway (the "Claim"). In exchange for the release of Claims, Releasee will provide a payment to Katherine Fuller in the amount of **Twenty Thousand Dollars and 00/100 cents (\$20,000.00)**. In consideration of such payment, Releasor agrees to accept the payment as full and complete settlement and satisfaction of any present and/or prospective claims arising from the Claim described in this Release. Releasee will provide payment within 15 days of the execution of this Release by Releasor. This Release shall not be in any way construed as an admission by the Releasee that it has acted wrongfully with respect to Releasor or any other person, that it admits liability or responsibility at any time for any purpose, or that Releasor has any rights whatsoever against the Releasee. This Release shall be binding upon the parties and their respective heirs, administrators, personal representatives, executors, successors, and assigns. Releasor acknowledges he has the sole authority to release the Claims and has not assigned or transferred any Claims to any other party. The provisions of this Release are severable. If any provision is held to be invalid or unenforceable, it shall not affect the validity or enforceability of any other provision. This Release constitutes the entire agreement between the parties and supersedes any and all prior oral or written agreements or understandings between the parties concerning the subject matter of this Release. This Release may not be altered, amended or modified, except by a written document signed by both parties. The terms of this Release shall be governed by and construed in accordance with the laws of the State of Florida. Any litigation arising out of a dispute concerning the Release shall be litigated in Flagler County, Florida. The Parties agree to venue in that jurisdiction for all such disputes concerning this Release. Both parties represent they fully understand their right to review all aspects of this Release with attorneys of their choice, that they have had the opportunity to consult with attorneys of their choice, that they have carefully read and fully understand all the provisions of this Release and that they are freely, knowingly, and voluntarily entering into this Release. The Parties shall each bear their own costs and fees, including any attorney fees, incurred in connection with this Release or the underlying Claim.

\_\_\_\_\_  
Katherine Fuller

\_\_\_\_\_  
Date

City of Bunnell

\_\_\_\_\_  
By:



## City of Bunnell, Florida

### Agenda Item No. C.4.

Document Date: 10/31/2022 Amount: \$133,916  
Department: Finance Account #: 001-0521-521.6400  
Subject: Approval of two Budget Transfers  
Agenda Section: Consent Agenda:  
Goal/Priority: Financial Stability/Sustainability, Quality of Life, Technology

#### **ATTACHMENTS:**

Description	Type
Budget Transfers	Report

#### **Summary/Highlights:**

Approval of two Budget Transfers relating to the timing of the new surveillance system.

#### **Background:**

The Commission approved a contract to purchase a new surveillance system for the southside. The funding for the project is budgeted in FY 22/23, which began 10/1/22. Due to the urgency of the project, the contractor began work as soon as the contract was approved. The work completed prior to 10/1/22 equates to \$133,916. We are adjusting the 21/22 budget, to allocate reserves to the PD operating budget to pay the invoice. We are then adjusting the 22/23 budget, to remove \$133,916 from the PD budget to reimburse the reserves. Overall, the project remains the same. This is just a timing adjustment to the budget.

#### **Staff Recommendation:**

Approve budget transfers.

#### **City Attorney Review:**

Approved as to form and legality.

#### **Finance Department Review/Recommendation:**

Approve budget transfers.

#### **City Manager Review/Recommendation:**

Approved



# Budget Adjustment Register

## Adjustment Detail

Packet: GLPKT23601 - Timing of New Surveillance System

Adjustment Number	Budget Code	Description	Adjustment Date
BA0000615	FY 2021-2022 FINAL Approved...	Timing of New Surveillance System	9/30/2022

**Summary Description:**

Account Number	Account Name	Adjustment Description	Before	Adjustment	After
<a href="#">001-0521-521.6400</a>	Machinery/Equipment Expense	Timing of New Surveillance System	0.00	133,916.00	133,916.00
October: 11,159.67	January: 11,159.67	April: 11,159.67	July: 11,159.67	11,159.67	
November: 11,159.67	February: 11,159.67	May: 11,159.67	August: 11,159.67	11,159.67	
December: 11,159.67	March: 11,159.67	June: 11,159.67	September: 11,159.63	11,159.63	
<a href="#">001-0599-599.9900</a>	Reserves for Contingencies	Timing of New Surveillance System	542,298.00	-133,916.00	408,382.00
October: -11,159.67	January: -11,159.67	April: -11,159.67	July: -11,159.67	-11,159.67	
November: -11,159.67	February: -11,159.67	May: -11,159.67	August: -11,159.67	-11,159.67	
December: -11,159.67	March: -11,159.67	June: -11,159.67	September: -11,159.63	-11,159.63	

Adjustment Number	Budget Code	Description	Adjustment Date
BA0000616	FY 2022-2023 Budget approve...	Timing of New Surveillance System	10/1/2022

**Summary Description:**

Account Number	Account Name	Adjustment Description	Before	Adjustment	After
<a href="#">001-0521-521.6400</a>	Machinery/Equipment Expense	Timing of New Surveillance System	285,000.00	-133,916.00	151,084.00
October: -11,159.67	January: -11,159.67	April: -11,159.67	July: -11,159.67	-11,159.67	
November: -11,159.67	February: -11,159.67	May: -11,159.67	August: -11,159.67	-11,159.67	
December: -11,159.67	March: -11,159.67	June: -11,159.67	September: -11,159.63	-11,159.63	
<a href="#">001-0599-599.9900</a>	Reserves for Contingencies	Timing of New Surveillance System	168,294.00	133,916.00	302,210.00
October: 11,159.67	January: 11,159.67	April: 11,159.67	July: 11,159.67	11,159.67	
November: 11,159.67	February: 11,159.67	May: 11,159.67	August: 11,159.67	11,159.67	
December: 11,159.67	March: 11,159.67	June: 11,159.67	September: 11,159.63	11,159.63	

**Budget Code Summary**

Budget	Budget Description	Account	Account Description	Before	Adjustment	After
FY 2022 FINAL	FY 2021-2022 FINAL Approv...	<a href="#">001-0521-521.6400</a>	Machinery/Equipment Expense	0.00	133,916.00	133,916.00
		<a href="#">001-0599-599.9900</a>	Reserves for Contingencies	542,298.00	-133,916.00	408,382.00
			<b>FY 2022 FINAL Total:</b>	<b>542,298.00</b>	<b>0.00</b>	<b>542,298.00</b>
FY22/23 FINAL	FY 2022-2023 Budget approv...	<a href="#">001-0521-521.6400</a>	Machinery/Equipment Expense	285,000.00	-133,916.00	151,084.00
		<a href="#">001-0599-599.9900</a>	Reserves for Contingencies	168,294.00	133,916.00	302,210.00
			<b>FY22/23 FINAL Total:</b>	<b>453,294.00</b>	<b>0.00</b>	<b>453,294.00</b>
			<b>Grand Total:</b>	<b>995,592.00</b>	<b>0.00</b>	<b>995,592.00</b>

**Fund Summary**

Fund	Before	Adjustment	After
Budget Code:FY 2022 FINAL - FY 2021-2022 FINAL Approved 9/27/21 Fiscal: 2021-2022			
001	542,298.00	0.00	542,298.00
<b>Budget Code FY 2022 FINAL Total:</b>	<b>542,298.00</b>	<b>0.00</b>	<b>542,298.00</b>
Budget Code:FY22/23 FINAL - FY 2022-2023 Budget approved 9/26/22 Fiscal: 2022-2023			
001	453,294.00	0.00	453,294.00
<b>Budget Code FY22/23 FINAL Total:</b>	<b>453,294.00</b>	<b>0.00</b>	<b>453,294.00</b>
<b>Grand Total:</b>	<b>995,592.00</b>	<b>0.00</b>	<b>995,592.00</b>





## City of Bunnell, Florida

### Agenda Item No. C.5.

Document Date: 10/31/2022 Amount:  
Department: Finance Account #:  
Subject: Approval of two FY 21/22 Budget Transfers from Reserves  
Agenda Section: Consent Agenda:  
Goal/Priority: Financial Stability/Sustainability

#### **ATTACHMENTS:**

Description	Type
Budget Transfers from Reserves	Exhibit

#### **Summary/Highlights:**

Approval of two FY 21/22 Budget Transfers from Reserves

#### **Background:**

Throughout FY 21/22, several unanticipated expenditures occurred.

- The City contracted with FCSO to provide investigation services beginning in April 2022.
- Fuel prices increased dramatically, causing the PD's fuel line item to be short.
- The City needed further assistance from consultant Zev Cohen to complete the required EAR amendment, several re-zonings, etc.
- Solid Waste had many issues with vehicles resulting in the need to rent two units and to also purchase a new truck.

Staff tries to make adjustments within their budget and have done so to offset costs, but the budget wasn't able to absorb 100% of the unanticipated costs so reserves are needed. The Commission is aware of all of these items. This is the adjustment to the budget needed before closeout.

#### **Staff Recommendation:**

Approve the budget transfers from reserves.

#### **City Attorney Review:**

Approved as to form and legality.

#### **Finance Department Review/Recommendation:**

Approve the budget transfers from reserves.

**City Manager Review/Recommendation:**

Approved.



**Adjustment Number**      **Budget Code**      **Description**      **Adjustment Date**  
 BA0000620      FY 2021-2022 FINAL Approved...      General Fund from Reserves      9/30/2022

**Summary Description:**

Account Number	Account Name	Adjustment Description	Before	Adjustment	After
<a href="#">001-0521-521.3400</a>	Other Contract Services	General Fund from Reserves	62,007.00	28,892.00	90,899.00
October: 2,407.67	January: 2,407.67	April: 2,407.67	July: 2,407.67	August: 2,407.67	
November: 2,407.67	February: 2,407.67	May: 2,407.67	September: 2,407.63		
December: 2,407.67	March: 2,407.67	June: 2,407.67			
<a href="#">001-0521-521.5210</a>	Fuel	General Fund from Reserves	30,000.00	20,257.00	50,257.00
October: 1,688.08	January: 1,688.08	April: 1,688.08	July: 1,688.08	August: 1,688.08	
November: 1,688.08	February: 1,688.08	May: 1,688.08	September: 1,688.12		
December: 1,688.08	March: 1,688.08	June: 1,688.08			
<a href="#">001-0524-524.3400</a>	Other Contract Services	General Fund from Reserves	126,658.00	17,820.00	144,478.00
October: 1,485.00	January: 1,485.00	April: 1,485.00	July: 1,485.00	August: 1,485.00	
November: 1,485.00	February: 1,485.00	May: 1,485.00	September: 1,485.00		
December: 1,485.00	March: 1,485.00	June: 1,485.00			
<a href="#">001-0599-599.9900</a>	Reserves for Contingencies	General Fund from Reserves	542,298.00	-66,969.00	475,329.00
October: -5,580.75	January: -5,580.75	April: -5,580.75	July: -5,580.75	August: -5,580.75	
November: -5,580.75	February: -5,580.75	May: -5,580.75	September: -5,580.75		
December: -5,580.75	March: -5,580.75	June: -5,580.75			

**Adjustment Number**      **Budget Code**      **Description**      **Adjustment Date**  
 BA0000621      FY 2021-2022 FINAL Approved...      SW Fund BT from Reserves      9/30/2022

**Summary Description:**

Account Number	Account Name	Adjustment Description	Before	Adjustment	After
<a href="#">402-0534-534.4400</a>	Rental/Lease - Solid Waste	SW Fund BT from Reserves	3,281.00	57,299.00	60,580.00
October: 4,774.92	January: 4,774.92	April: 4,774.92	July: 4,774.92	August: 4,774.92	
November: 4,774.92	February: 4,774.92	May: 4,774.92	September: 4,774.88		
December: 4,774.92	March: 4,774.92	June: 4,774.92			
<a href="#">402-0534-534.6400</a>	Machinery & Equipment - Solid ...	SW Fund BT from Reserves	5,000.00	183,900.00	188,900.00
October: 15,325.00	January: 15,325.00	April: 15,325.00	July: 15,325.00	August: 15,325.00	
November: 15,325.00	February: 15,325.00	May: 15,325.00	September: 15,325.00		
December: 15,325.00	March: 15,325.00	June: 15,325.00			
<a href="#">402-0599-599.9999</a>	Cash to be Carried Forward	SW Fund BT from Reserves	435,775.00	-241,199.00	194,576.00
October: -20,099.92	January: -20,099.92	April: -20,099.92	July: -20,099.92	August: -20,099.92	
November: -20,099.92	February: -20,099.92	May: -20,099.92	September: -20,099.88		
December: -20,099.92	March: -20,099.92	June: -20,099.92			

**Budget Code Summary**

Budget	Budget Description	Account	Account Description	Before	Adjustment	After
FY 2022 FINAL	FY 2021-2022 FINAL Approv...	<a href="#">001-0521-521.3400</a>	Other Contract Services	62,007.00	28,892.00	90,899.00
		<a href="#">001-0521-521.5210</a>	Fuel	30,000.00	20,257.00	50,257.00
		<a href="#">001-0524-524.3400</a>	Other Contract Services	126,658.00	17,820.00	144,478.00
		<a href="#">001-0599-599.9900</a>	Reserves for Contingencies	542,298.00	-66,969.00	475,329.00
		<a href="#">402-0534-534.4400</a>	Rental/Lease - Solid Waste	3,281.00	57,299.00	60,580.00
		<a href="#">402-0534-534.6400</a>	Machinery & Equipment - Solid Was...	5,000.00	183,900.00	188,900.00
		<a href="#">402-0599-599.9999</a>	Cash to be Carried Forward	435,775.00	-241,199.00	194,576.00
			<b>FY 2022 FINAL Total:</b>	<b>1,205,019.00</b>	<b>0.00</b>	<b>1,205,019.00</b>
			<b>Grand Total:</b>	<b>1,205,019.00</b>	<b>0.00</b>	<b>1,205,019.00</b>

**Fund Summary**

Fund	Before	Adjustment	After
Budget Code: FY 2022 FINAL - FY 2021-2022 FINAL Approved 9/27/21 Fiscal: 2021-2022			
001	760,963.00	0.00	760,963.00
402	444,056.00	0.00	444,056.00
<b>Budget Code FY 2022 FINAL Total:</b>	<b>1,205,019.00</b>	<b>0.00</b>	<b>1,205,019.00</b>
<b>Grand Total:</b>	<b>1,205,019.00</b>	<b>0.00</b>	<b>1,205,019.00</b>



## City of Bunnell, Florida

### Agenda Item No. C.6.

Document Date: 10/31/2022 Amount:  
Department: Finance Account #:  
Subject: Approval of Deletion of Items from Fixed Assets  
Agenda Section: Consent Agenda:  
Goal/Priority: Financial Stability/Sustainability, Organizational Excellence

#### **ATTACHMENTS:**

Description	Type
Fixed Assets to be Deleted	Report

#### **Summary/Highlights:**

Approval of Deletion of Items from Fixed Assets

#### **Background:**

Departments are requested at least annually to review their fixed assets. Attached is a list of items that were deemed to no longer be needed and should be deleted from fixed assets. The assets on the list include the items associated with 201 W. Moody Blvd. (which was recently sold), obsolete IT related items (server, security cameras which are being replaced & software that the city now contracts with the County to use), and various pieces of equipment (which no longer run, have no value and will be scrapped for parts and/or metal).

#### **Staff Recommendation:**

Approve the attached report deleting certain items from Fixed Assets.

#### **City Attorney Review:**

Commission discretion.

#### **Finance Department Review/Recommendation:**

Approve

#### **City Manager Review/Recommendation:**

Approved.

**Fully Disposed Assets**

Asset ID	Description	Class	Disposal Date	Disposal Method	Disposal Reason			
		Adjusted Asset Cost	Accum. Depr.	Net Asset Value	Proceeds	Costs	Gain/Loss	
<b>Department: 519 - Municipal Complex</b>								
519-Building-1	Municipal Complex	Buildings	9/30/2022	Sale	201 W. Moody Property Sold			
		787,561.11	206,734.08	580,827.03	621,912.50	0.00	41,085.47	
519-Building-2	Network Infrastructure for Municipal Complex	Buildings	9/30/2022	Sale	201 W. Moody Property Sold			
		44,346.25	35,476.93	8,869.32	0.00	0.00	-8,869.32	
519-Building-3	Police Department Municipal Complex Roof	Buildings	9/30/2022	Sale	201 W. Moody Property Sold			
		19,672.00	8,961.78	10,710.22	0.00	0.00	-10,710.22	
<b>Class Buildings Totals:</b>		<b>851,579.36</b>	<b>251,172.79</b>	<b>600,406.57</b>	<b>621,912.50</b>	<b>0.00</b>	<b>21,505.93</b>	
<b>Department 519 Totals:</b>		<b>851,579.36</b>	<b>251,172.79</b>	<b>600,406.57</b>	<b>621,912.50</b>	<b>0.00</b>	<b>21,505.93</b>	
<b>Department: 521 - Police</b>								
521-25	Software - New World Computers	EQ-computer	9/30/2022	OB	City Contracts with County			
		26,000.00	26,000.00	0.00	0.00	0.00	0.00	
521-29	Dell Server Power Edge R710	EQ-computer	9/30/2022	Trade	Server Replaced with New Server			
		8,108.78	8,108.78	0.00	0.00	0.00	0.00	
<b>Class EQ-computer Totals:</b>		<b>34,108.78</b>	<b>34,108.78</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	
521-35	Security Cameras	Equip-other	9/30/2022	OB	Inoperable/Being Replaced			
		28,867.00	28,867.00	0.00	0.00	0.00	0.00	
<b>Class Equip-other Totals:</b>		<b>28,867.00</b>	<b>28,867.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	
<b>Department 521 Totals:</b>		<b>62,975.78</b>	<b>62,975.78</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	
<b>Department: 534 - Solid Waste</b>								
905	1999 Peterbilt Garbage Truck	Equip-truck	9/30/2022	Scrap	Does not Run - Scrap for Parts			
		29,257.44	29,257.44	0.00	0.00	0.00	0.00	
932	1984 Ford Grapple Truck	Equip-truck	9/30/2022	Scrap	Does not Run - Scrap for Parts			
		10,200.00	10,200.00	0.00	0.00	0.00	0.00	
<b>Class Equip-truck Totals:</b>		<b>39,457.44</b>	<b>39,457.44</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	
<b>Department 534 Totals:</b>		<b>39,457.44</b>	<b>39,457.44</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	
<b>Department: 541 - Public Works</b>								
541-37	2 John Deere Mowers (541-37 PW & 572-26 P&R)	Equip-other	9/30/2022	Scrap	Does not Run - Scrap for Parts			
		24,059.00	24,059.00	0.00	0.00	0.00	0.00	
<b>Class Equip-other Totals:</b>		<b>24,059.00</b>	<b>24,059.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	
<b>Department 541 Totals:</b>		<b>24,059.00</b>	<b>24,059.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	
<b>Department: 572 - Parks and Recreation</b>								
572-25	Coquina Generator - City Hall - 201 West Moody Blvd	Equip-other	9/30/2022	Sale	201 W. Moody Property Sold			
		6,221.79	6,221.79	0.00	0.00	0.00	0.00	
572-26	See 541-37 John Deere Mower	Equip-other	9/30/2022	Scrap	Does not Run - Scrap for Parts			
		0.01	0.00	0.01	0.00	0.00	-0.01	
<b>Class Equip-other Totals:</b>		<b>6,221.80</b>	<b>6,221.79</b>	<b>0.01</b>	<b>0.00</b>	<b>0.00</b>	<b>-0.01</b>	



**Disposal Register**

**Packet FA00106 - 9.30.22**

Asset ID	Description	Class	Disposal Date	Disposal Method	Disposal Reason		Gain/Loss
		Adjusted Asset Cost	Accum. Depr.	Net Asset Value	Proceeds	Costs	
910	F-250 Fire Truck (move to parks)	Equip-truck	9/30/2022	Scrap	Does not Run - Scrap for Parts		
		24,972.00	24,972.00	0.00	0.00	0.00	0.00
924	Ford F-150	Equip-truck	9/30/2022	Scrap	Does not Run - Scrap for Parts		
		13,566.95	13,566.95	0.00	0.00	0.00	0.00
<b>Class Equip-truck Totals:</b>		<b>38,538.95</b>	<b>38,538.95</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>
<b>Department 572 Totals:</b>		<b>44,760.75</b>	<b>44,760.74</b>	<b>0.01</b>	<b>0.00</b>	<b>0.00</b>	<b>-0.01</b>
<b>Report Totals:</b>		<b>1,022,832.33</b>	<b>422,425.75</b>	<b>600,406.58</b>	<b>621,912.50</b>	<b>0.00</b>	<b>21,505.92</b>



## City of Bunnell, Florida

### Agenda Item No. C.7.

Document Date: 11/1/2022 Amount: \$600.00  
Department: Police Account #:  
Subject: Notification and Acceptance of Property Transferred from the Federal Government to the Bunnell Police Department  
Agenda Section: Consent Agenda:

#### **ATTACHMENTS:**

Description	Type
Notification Letter	Exhibit

#### **Summary/Highlights:**

In accordance with Executive Order of the President of the United States, property transferred from the federal government to law enforcement must be noticed to the local elected body and to the public.

#### **Background:**

The Bunnell Police Department requested 2 generators but recently accepted one 10KW generator at Fort Stewart, Georgia. An assessment of the generator by the City Fleet Manager was completed and it was determined the only repair needed is a fuel line.

The City will be invoiced \$600.00 for this generator. The generator will be used to power the Police Department building in the event of extended power loss.

#### **Staff Recommendation:**

Accept the notification of property transferred from the Federal Government to the Bunnell Police Department.

#### **City Attorney Review:**

#### **Finance Department Review/Recommendation:**

Approve

**City Manager Review/Recommendation:**

Approved.



# BUNNELL POLICE DEPARTMENT

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September 19, 2022

**SUBJECT: Notification to Civilian Governing Body and Local Community**

On May 25, 2022, Presidential Executive Order (EO) 14074 “Advancing Effective, Accountable Policing and Criminal Justice Practices to Enhance Public Trust and Public Safety” was signed.

In accordance with EO 14074 (Section 12), State, Tribal, local, and Territorial Law Enforcement agencies (LEAs) must:

- 1) Notify their Civilian Governing Body (CGB) (*i.e.*, *City Council, County Government, or other local governing body*) of its intent to request property from Federal sources (to include Federal funds or grants).
- 2) Notify the Local Community of its request for property transfers, purchases from Federal funds, agencies, or subcontractors (including existing transfer contracts or grants).

The **Bunnell Police Department** has requested the below controlled property items from the Law Enforcement Support Office (LESO), or other Federal source: Defense Logistics Agency – Disposition Services - RTD (Reutilization/Transfer/Donate) Program.

Controlled Property Description
<b>2 (two) - 10kw trailer mounted, diesel powered, generators</b>
Additional items that may be requested at other times based upon needs, are included by reference on the attached page. Non-controlled items that are not subject to these requirements are not listed.

Pursuant to EO 14074 (Section 12), this memo fulfills the requirement to notify the Civilian Governing Body (CGB) and Local Community of my agency’s intent to request the controlled property items identified in the list above.

  
David F. Brannon II  
Chief of Police



# BUNNELL POLICE DEPARTMENT

Controlled Property Description	Controlled Property Description	Controlled Property Description
<i>This list is for example only, additional types of items may be available.</i>		
AIRCRAFT ACCESSORIES, COMPONENTS, MISC	FACEMASK	RANGE FINDER, LASER
AIRCRAFT REPAIR PARTS/COMPONENTS	FLASHLIGHTS	RANGE FINDER-TARGET DESIGNATOR, LASER
AIRCRAFT, FIXED WING	FLOODLIGHT	RED DOT SIGHT
AIRCRAFT, ROTARY WING	FORWARD LOOKING INFRARED IMAGING SYSTEM	RIFLESCOPE
ALL TERRAIN VEHICLE (ATV)	GENERATOR SET	SCANNER, X-RAY, BAGGAGE
AMMUNITION CONTAINER	GLOBAL POSITIONING SATELLITE (GPS)	SEARCHLIGHT
AMPLIFIER	HEAVY EQUIPMENT/VEHICLES	SHIELD, BALLISTIC
ANALYZER, HAZARDOUS MATERIAL IDENTIFICATION	INSULATION BLANKET	SHIPPING CONTAINER
ANTENNA	LIGHTING CARTS, PORTABLE	SIGHT, BORE, OPTICAL
ARMORED VEHICLE	LIFE PRESERVER, VEST	SIGHT, HOLOGRAPHIC
BALLISTIC BLANKET	MAGNIFIER	SIGHT, INFINITY
BARRIER, VEHICLE ARRESTING, PORTABLE	MARKER, IDENTIFICATION	SIGHT, REFLEX
BINOCULAR	MARKSMANSHIP TRAINER	SMALL ARMS STORAGE RACKS
BLANKETS	MEDICAL/FIRST AID SUPPLIES	SPOTTING INSTRUMENT, OPTICAL
BREATHING APPARATUS	MISC SMALL ARMS PARTS	TARGET, TRAINING, MOBILE
CAMERA SYSTEM	MISCELLANEOUS COMMUNICATION EQUIPMENT	TELESCOPE
COMPASS	MULTIMEDIA PROJECTION SET	TENTS/PORTABLE SHELTERS
COMPUTER SYSTEM	NAVIGATION SET, SATELLITE SIGNALS	THERMAL CAMERA
CONTAINER, AMMUNITION	NIGHT VISION DEVICE	THERMAL CAMERA ACCESSORIES
CONTAINER, K-9 TRANSPORT	NIGHT VISION GOGGLE	TRAINING AID/SIMULATORS
CONVERSION KIT, RIFLE	NON-ARMORED HMMWV	TRAINING AIDES/DEVICES
COVERALLS	OFFICE EQUIPMENT	TRANSLATION DEVICE
DECONTAMINATION DEVICES	OFFICE SUPPLIES	TRUCK, CARGO
DECONTAMINATION SYSTEM	PORTABLE RADIO	TRUCK, TANK
DEEP WATER FORDING KIT	PREFAB & PORTABLE BUILDINGS	VEHICLE REPAIR PARTS/COMPONENTS
DETECTOR, GAS	PROTECTIVE EYEWEAR	WARM WEATHER CLOTHING/SHOES
DIVER'S SUIT	PUBLIC ADDRESS SET	SMALL ARMS PARTS/ACCESSORIES
EXPLOSIVE ORDINANCE DISPOSAL ROBOT	RADIOS	SMALL ARMS



## City of Bunnell, Florida

### Agenda Item No. E.1.

Document Date: 8/23/2022 Amount:  
Department: Community Development Account #:  
Subject: Ordinance 2022-24 Requesting to change the Future Land Use Map in the Comprehensive Plan for 74.98+ acres of land, owned by Oare Associates, LLC ,from the Mixed Use to the Multi-Family District" future land use designation. - Second Reading  
Agenda Section: Ordinances: (Legislative):  
Goal/Priority: Increase Economic Base

#### ATTACHMENTS:

Description	Type
ORD 2022-24 Tupelo Parcel 10 FLUM (Adoption Hearing)	Cover Memo
Tupelo Parcel 10 Location Map	Location Map(s)
Support Document - Tupelo Parcel 10 Large Scale Comp Plan Amendment	Report

#### Summary/Highlights:

The applicant is requesting a large scale amendment to the City of Bunnell Comprehensive Plan to change the Future Land Use Map (FLUM) designation on a 74.98± acre property from the "Mixed Use" to the Multi-Family Designation".

There is a companion rezoning request to amend the official zoning map to change the zoning on the property from the the City of Palm Coast "Commercial-Low Density District" to the City of Bunnell "R-3B, Multiple-Family Residential District".

On July 07, 2022, at their regular meeting, the City of Bunnell, Zoning and Appeals Board unanimously voted to recommend that the City Commission approve the Future Land Use Map and Zoning Amendments assignment request.

In accordance with Florida Statutes, this item was advertised in the November 03, 2022 edition of the Daytona Beach News-Journal for Second Reading.

On August 22, 2022, the City Commission approved the ordinance on first reading and the future land use and zoning amendment ordinances were transmitted to the Department of Economic Opportunity (DEO) for review. There were no objections, comments, or recommendations specific to these requests.

#### Background:

The applicant, Charlie Faulkner with Faulkner & Associates, is the representative for the subject property owned by Oare Associates, LLC.

The subject property is approximately 74.98 ± acres, located south of East Moody Boulevard (State Highway 100 E), west of Briarwood Drive and east of Commerce Park. The applicant plans to construct a multi-family development on the property.

"Mixed Use" is the existing future land use classification on the property. The Mixed Use designation allows a maximum of up to 12 dwelling units per acre with an FAR of 0.20. The residential maximum is 70% of the developed area.

Under the proposed FLUM designation of "Multi-Family" a maximum density of 20 dwelling units per acre is allowed. The location of the subject along a major thoroughfare makes it an appropriate setting for the higher density.

Site specific concurrency requirements will be determined and addressed as part of the development approval process.

**Staff Recommendation:**

Adopted Ordinance 2022-24 Requesting to change the Future Land Use Map in the Comprehensive Plan for 74.98+ acres of land, owned by Oare Associates, LLC, from the Mixed Use to the Multi-Family District" future land use designation. - Second Reading

**City Attorney Review:**

Approved as to form and legality.

**Finance Department Review/Recommendation:**

**City Manager Review/Recommendation:**

Approved.

## ORDINANCE 2022-24

**AN ORDINANCE OF THE CITY OF BUNNELL, FLORIDA AMENDING THE CITY OF BUNNELL COMPREHENSIVE PLAN, AS PREVIOUSLY AMENDED; PROVIDING FOR AMENDMENT TO THE FUTURE LAND USE MAP IN THE FUTURE LAND USE ELEMENT OF THE CITY OF BUNNELL COMPREHENSIVE PLAN RELATIVE TO CERTAIN REAL PROPERTY CONTAINING 74.98± ACRES, OWNED BY OARE ASSOCIATES, LLC, BEARING PARCEL ID: 12-12-30-0650-000C0-0070 LOCATED APPROXIMATELY 1,335 FEET SOUTH OF EAST MOODY BOULEVARD AND APPROXIMATELY 350 FEET EAST OF COMMERCE PARKWAY WITHIN THE BUNNELL CITY LIMITS FROM “MIXED USE” TO “MULTI-FAMILY”; PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT; PROVIDING FOR ASSIGNMENT OF THE LAND USE DESIGNATION FOR THE PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR RATIFICATION OF PRIOR ACTS OF THE CITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION AND DIRECTIONS TO THE CODE CODIFIER AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the real property which is the subject of this Ordinance is described by Tax Identification Parcel Numbers 12-12-30-0650-000C0-0070 located in the City of Bunnell; and

**WHEREAS**, the owner of the property, Oare Associates, LLC, has requested this large scale future land use change to the City of Bunnell’s Future Land Use Map; and

**WHEREAS**, the City of Bunnell’s Planning, Zoning and Appeals Board, as the City’s local planning agency, held a public hearing on July 7, 2022 to consider amending the Future Land Use Map of the Future Land Use Element of the *City of Bunnell Comprehensive Plan* and recommended approval of the proposed Future Land Use Map amendment to the *Comprehensive Plan* for the subject property as requested by the property owner; and

**WHEREAS**, Section 163.3184, *Florida Statutes*, relates to the amendment of adopted local government comprehensive plans and sets forth certain requirements relating to large scale amendments, and which are related to proposed large scale development activities and provides, among other things, that such amendments may be approved without regard to statutory limits on the frequency of consideration of amendments to the *City of Bunnell Comprehensive Plan*; and

**WHEREAS**, the City of Bunnell has complied with all requirements and procedures of Florida law in processing this amendment to the *City of Bunnell Comprehensive Plan* including, but not limited to, Section 163.3184, *Florida Statutes*.



**NOW, THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF BUNNELL, FLORIDA:**

**Section 1. Legislative Findings and Intent.**

- a) The City Commission of the City of Bunnell hereby adopts and incorporates into this Ordinance the City staff report and City Commission agenda memorandum relating to the application relating to the proposed amendment to the City of Bunnell *2035 Comprehensive Plan* pertaining to the subject property.
- (b) The City of Bunnell has complied with all requirements and procedures of Florida law in processing and advertising this Ordinance.
- (c) This Ordinance is internally consistent with the goals, objectives and policies of the City of Bunnell *2035 Comprehensive Plan*.
- (d) The exhibits to this Ordinance are incorporated herein as if fully set forth herein verbatim.

**Section 2. Amendment to Future Land Use Map.**

- (a) The Future Land Use Plan Element of the City of Bunnell *2035 Comprehensive Plan* and the City's Future Land Use Map are hereby amended by assigning the "Multi-family" land use designation to the real property which is the subject of this Ordinance as set forth herein.
- (b) The property which is the subject of this Comprehensive Plan amendment is described as follows:

**LEGAL DESCRIPTION:** 74.98 ACRES BUNNELL DEV CO SUBD BLOCK C TRACTS 7-8-9-10-11-12 BLOCK D TRACTS 1-2-6-7-8-9-10-11 & THAT PART OF SE1/4 NOT SUBD (EXCEPT PART SUBD) EXCEPT OR BOOK 113 PAGE 462 OR 553 PG 1539 OR 950/1943 OR 1034/657 2320/1675-DEANNEX ORD 2018-27 OR 2340/1201-A

**ADDRESS:** N/A

**TAX PARCEL IDENTIFICATION NUMBER:** 12-12-30-0650-000C0-0070

**Section 3. Implementing Administrative Actions.**

The City Manager, or designee, is hereby authorized to implement the provisions of this Ordinance as deemed appropriate and warranted.

**Section 4. Ratification of Prior Actions.**

The prior actions of the City Commission and its agencies in enacting and causing amendments to the *2035 Comprehensive Plan of the City of Bunnell*, as well as the implementation thereof, are hereby ratified and affirmed.

**Section 5. Severability.**

If any section, sentence, phrase, word, or portion of this Ordinance proves to be invalid, unlawful or unconstitutional, it shall not be held to impair the validity of the ordinance or effect of any other action or part of this Ordinance.

**Section 6. Conflicts.**

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**Section 7. Codification/Instructions to Code Codifier.**

It is the intention of the City Commission of the City of Bunnell, Florida, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the codified version of the City of Bunnell *2035 Comprehensive Plan* and/or the *Code of Ordinances of the City of Bunnell*, Florida in terms of amending the Future Land Use Map of the City.

**Section 8. Effective Date.**

The large-scale Comprehensive Plan amendment set forth herein shall not become effective, in accordance with Section 163.3184, *Florida Statutes*, until the State land planning agency or the Administration Commission, respectively, issues a final order determining that the large-scale amendment is in compliance with controlling State law.

First Reading: approved on this 22<sup>nd</sup> day of August 2022.

Second Reading: adopted on this 14<sup>th</sup> day of November 2022.

**CITY COMMISSION, City of Bunnell, Florida.**

By: \_\_\_\_\_  
Catherine D. Robinson, Mayor

Approved for form and content by:

\_\_\_\_\_  
Vose Law Firm, City Attorney

Attest:

\_\_\_\_\_  
Kristen Bates, City Clerk, CMC

Seal:



**CATHERINE D. ROBINSON**  
**MAYOR**

**JOHN ROGERS**  
**VICE-MAYOR**

**DR. ALVIN B. JACKSON, JR.**  
**CITY MANAGER**



**COMMISSIONERS:**

**ROBERT BARNES**

**TINA-MARIE SCHULTZ**

**TONYA GORDON**

**To:** City Commission

**From:** Mark Karet, Community Development

**Subject:** Large Scale Comprehensive Plan Amendment

Parcel: 12-12-30-0650-000C0-0070 (Oare "Parcel 10")

Project Name: Tupelo (Phase 2) Multi-Family

**Owner/Applicant:** Oare Associates LLC.

**Request:**

The applicant is requesting a large scale Future Land Use Map (FLUM) amendment from the "Mixed Use " to "Multi-family Residential" future land use designation for a +/- 75 acre property.

**Location:**

The property is located approximately 1,335 feet south of East Moody Blvd and approximately 350 feet east of Commerce Parkway. It is directly south of the property known as the Oare's "Parcel's 8 & 9". Those parcels are addressed as 2904 Moody Blvd. East.

**Existing Use:**

The subject property is undeveloped, vacant and heavily wooded.

**Existing Future Land Use Designation & Zoning Classification:**

The property was annexed into the City of Bunnell in 2018 as part of Ordinance 2018-27. The existing future land use classification for this property is "Residential Mixed Use" which allows maximum of up to 12 dwelling units per acre with an FAR of 0.20. The residential maximum is 70% of the developed area. The property was formerly part of the City of Palm Coast and the current zoning is Palm Coast Neighborhood Commercial (COM-1).

**Proposed Future Land Use Designation & Zoning Classification:**

The proposed FLUM designation is “Multi-family Residential” Future Land Use (City of Bunnell) for the subject site. This category permits a maximum density of up to 20 dwelling units per acre, and a minimum density of 8 dwelling units per acre.

The proposed zoning is R-3B City of Bunnell. This proposed zoning change is planned for portions of Parcels 8 & 9 as well. R-3B Multiple-family residential district is a residential district intended to provide for high density unified multifamily residential development.

**Surrounding Characteristics**

These are the existing land uses, FLU designations and zoning that exist in the vicinity of the subject property:

North: Commercial FLUM and Commercial Zoning, (B-1) City of Bunnell.

South: Conservation, City of Palm Coast, MPD (COPC)

East: Mixed Use (COPC), COM-1 (COPC)

West: Industrial (City of Bunnell), Light Industrial (LI) & Public (P), City of Bunnell.

**Access:**

The properties primary access will be via East Moody Blvd to the north through properties known as Oare’s “Parcels 8 & 9” which are just north of the subject parcel. A secondary access is planned to Commerce Parkway.

**Soils:**

A review of the soil types present was conducted to characterize the existing conditions on the subject property. The soil review used soils surveys conducted by the United States Department of Agriculture (USDA) Natural Resources Conservation Services (NRCS). The following are found onsite:

8 – Hicoria, Riviera, and Gator Soils, depressional – This is a very deep, nearly level, very poorly drained soil that occurs in flatwoods. Typically, the surface layer is 20 inches thick with very clack mucky fine sand. In most years, undrained areas of this mapping unit are ponded with as much as 24 inches of water. Organic matter content is high.

11 – Myakka Fine Sand – This is a very deep, nearly level, poorly drained soil that occurs in broad flatwood areas. Typically, the surface layer is black fine sand about 6 inches thick. The seasonal high water table is at a depth of 6 to 18 inches during the wet season. Permeability is moderately slow and available water capacity is very low.

40 – Pomona Fine Sand – This is a very deep, poorly drained, nearly level soil in broad flatwood areas. Typically, the surface layer is black fine sand 4 inches thick. The seasonal high water table is at a depth of 6 to 18 inches during the wet season and extends to more than 40 inches during dry periods. Available water capacity is low and permeability is moderate to moderately slow.

#### **Flood Zone:**

Per the National Flood Insurance Program's (NFIP) Flood Insurance Rate Map Panel 12035C-402 and 12035C-620 (2017) a portion of the eastern and a portion of the western boundary of the subject site is located in Flood Zone A, which is subject to inundation by the 1% Annual Chance Flood Event.

#### **Land Use and Vegetative Community**

The subject property was assessed remotely using the St. Johns River Water Management District's habitat mapping database. There is the potential for pine flatwoods uplands and forested wetlands. Land use of the subject property was classified according to the Florida Department of Transportation (FDOT) (1999) *Florida Land Use, Cover and Forms Classification System* (FLUCFCS). The land use and vegetative communities observed on the subject property are described in detail below.

411 – Pine Flatwoods – There may be uplands onsite consistent with the pine flatwoods designation dominated by slash pine, longleaf pine, or pond pine. The common flatwoods understory species include saw palmetto, wax myrtle, gallberry, and a wide variety of herbs and brush.

621 – Cypress Wetland– There is the potential for wetlands onsite that are dominated by pond or bald cypress. Other trees such as swamp tupelo, black titi, slash pine, red maple, American elm, water hickory, sweet gum, laurel oak, and sweet bay may also be observed.

#### **Wetlands and Other Surface Water**

A database search of readily available data was used to determine the potential for wetlands and surface waters on the site. Databases such as the National Wetland Inventory (NWI) and the SJRMWD Habitat Mapping database were used. These maps were used to estimate the potential presence of wetlands and surface waters on the subject site. Their boundaries were not field delineated in accordance with Chapter 62-340 F.A.C. and the 1987 *Corps of Engineers Wetlands Delineation Manual*. According to the NWI, a total of 42.5 acres of wetlands may exist onsite. However, their limits have not been field verified nor delineated.

**Protected Species**

A background literature search was also conducted to compile a list of state and federally protected animal and plant species that could occur on-site. The three primary sources of literature reviewed include the Florida Fish and Wildlife Conservation Commission’s (FWC) *Florida’s Endangered Species, Threatened Species, And Species of Special Concern*, the United States Fish and Wildlife Service’s (USFWS) Threatened and Endangered Species System (TESS) database, and the Florida Department of Agriculture and Consumer Services (FDACS), Division of Plant Industry’s (DPI) *Notes on Florida’s Endangered and Threatened Plants*. Additional information was gathered from the Florida Natural Areas Inventory (FNAI) *Field Guides to the Rare Animals/Plants of Florida*, and the Florida Committee on Rare and Endangered Plants and Animals (FCREPA) *Rare and Endangered Biota of Florida Series: Volumes 1-5, ZCA’s Protected Species Database*, including the *Florida Scrub-Jay Database* (a Zev Cohen proprietary database comprised of data acquired from several agencies, direct observations, and scientific journals), and the Audubon’s Florida EagleWatch Locator web site. USFWS Information for Planning and Consultation (IPAC)’s listed species has provided a list of species that are potentially affected by the activities in this location.

**Protected Wildlife Species**

The state and federally protected animal species with the potential to occur on the project site are listed below. The estimated likelihood of occurrence of each species is noted in the table and those species with at least a moderate likelihood of occurrence are discussed following the table.

<b>Federally &amp; Florida state protected wildlife species with the potential to occur on the subject property in Flagler County, Florida</b>				
Species Name	Common Name	FWC/USFWS	Likelihood of Occurrence	Habitat
<i>Amphelocoma coerulescens</i>	Florida scrub jay	FT	Low	Scrub, Xeric
<i>Antigone Canadensis pratensis</i>	Florida sandhill crane	ST	Low	Open wetlands, prairies
<i>Calidris canutus rufa</i>	Red knot	FT	Low	Migratory use of coastal waterways
<i>Drymarchon corais couperi</i>	Eastern indigo snake	ST	Low	Wide variety of habitats
<i>Egretta caerulea</i>	Little blue heron	ST	Low	Shallow water bodies in FL
<i>Egretta tricolor</i>	Tricolored heron	ST	Low	Coastal ponds, marshes, swamps



Egretta rufescens	Reddish egret	ST	Low	Coastal ponds, marshes, swamps
Falco sparverius paulus	Southeastern American kestrel	ST	Low	Open habitat with scattered trees
Gopherus Polyphemus	Gopher Tortoise (1)	ST	Moderate	Sandhills, scrub, flatwoods
Haliaeetus leucocephalus	Bald Eagle	BE	Low	Common adjacent to water
Laterallus jamaicensis	Eastern Black Rail	FPT	Low	Salt, brackish, and fresh wetlands
Mycteria Americana	Wood stork	FT	Low	Shallow open waters
Picoides borealis	Red-cockaded woodpecker	FE	Low	Mature forests with regular burn
Pituophis melanoleucus	Florida Pine Snake	ST	Moderate	Upland areas adjacent to wetlands
Platalea ajaja	Roseate Spoonbill	ST	Low	Coastal ponds, marshes, swamps
FE=Federally Endangered; FT=Federally threatened; FPT=Federally Proposed Threatened; BE=Bald and Golden Eagle Protection Act; ST=State Threatened; SSC= Species of Special Concern				
(1) A 100% gopher tortoise survey will be required for the property within 90 days prior to construction to be conducted by an Authorized Gopher Tortoise Agent. Associated permitting with FWC will be required.				

**Consistency Analysis:**

The proposed amendment to the Future Land Use Map is consistent with the goals, objective and policies contained in the City of Bunnell Comprehensive Plan.

1. Overall Goal: Ensure that the character, density, intensity and location of all land uses provide a system for orderly growth and development that achieves a balanced natural, physical, economic environment that enhances the quality of life for all residents of the City of Bunnell.
2. FLU Policy 8.5: Multifamily shall accommodate a maximum density of 20 dwelling units per acre, with a minimum density of 8 dwelling units per acre. Permitted housing types include single family attached, single family detached. Other appropriate housing types include modular, manufactured, homes, public and institutional uses and PUD development, along with conservation.
3. FLU OBJECTIVE 2.1: The City shall coordinate future land uses with the availability of facilities and services.

4. FLU OBJECTIVE 2.2: Through the concurrency management process and the land use plan the use of existing facilities shall be maximized and urban sprawl shall be discouraged.
5. FLU Policy 2.2.1: The City's land use plan shall prioritize infill, redevelopment and mixed use developments, as well as compact and contiguous development within the existing urban area.
6. FLU Objective 5.1: The City shall discourage and/or reduce urban sprawl through a future land use pattern that promotes orderly, compact development and the provision of public facilities and services that minimize costs and environmental impacts and maximizes efficiency.
7. FLU Policy 5.1.2: The City shall encourage infill through the use of higher density and intensity land use designations and mixed use designations in appropriate locations.
8. FLU Policy 6.1.8: The implementation of the future land use plan by the City through the City's Comprehensive Map Series and subsequent Land Development Code intends to discourage urban sprawl and encourage efficient, viable and sustainable land use pattern within the City of Bunnell.

This Future Land Use Element goal is supportive of the request to amend the Future Land Use Map for the subject property because it is consistent with the desired character the trends and mix of uses in this growing area. This future land use change will allow an undeveloped property to cohesively develop into an integrated multifamily project with access to Moody Blvd. East.

**Concurrency Analysis:**

The following calculations summarize approximate conditions for the jurisdiction analyzed. To determine the impact assessment, staff utilized the adopted future land use theoretical maximum development potential to determine the existing impacts. Therefore, the impacts discussed in this **assessment do not reflect the actual density or intensity of development that the subject property will yield or that the applicant is actually proposing.** Physical constraints and regulatory requirements will reduce the actual yield that can be achieved on the subject property.

Dwelling Units (Density):

Existing: 788 units (15 units per acre over 70% of acreage)

Proposed: 1,500 units (20 units per acre)

Density Net Change: 712 units

LSCPA - Tupelo (Phase 2) Oare Associates, LLC.

Population - Existing: 1,970 persons  
Population - Proposed: 3,750 persons  
Net Change: 1780 persons

\* 2.5 persons per household –ACS 2020 5-year

**Potable Water:**

Existing: 236,400 GPCD @ 120 GPCD (gallons/capita/day)  
Proposed: 450,000 GPCD @ 120 GPCD (gallons/capita/day)  
Net Change: 213,600 gal/day  
Facility Capacity: 1 MGD  
Avg. Daily Usage: 0.30 MGD  
Capacity Available: Yes

**Waste Water:**

Existing: 201,531 @ 102.3 GPCD (gallons/capita/day)  
Proposed: 383,625 @ 102.3 GPCD (gallons/capita/day)  
Net Change: 182,094 gal/day  
Facility Capacity: .600 MGD (plant expansion to 1.2 MGD expected completion 5/2024)  
Avg. Daily Usage: 0.39 MGD  
Capacity Available: Yes

**Solid Waste:**

Existing: 18,321 lbs/day (9.3 per capita/day)  
Proposed: 34,875 lbs/day (9.3 lbs/capita/day)  
Net Change: 16,554 lbs./day  
Facility Capacity: The City has long-term contractual arrangements with Environmental Land Services to transport and manage its solid waste.  
Capacity Available: Yes

**Traffic/Daily Trips:**

Existing Generation: 3,467 @ 4.4 AADT/ unit  
315 PM Peak @ 0.4 trips/unit (Code 220 10th Edition ITE)  
Proposed: 6,600 @ 4.4 AADT/ unit  
600 PM Peak @ .4 trips/unit (Code 220 10th Edition ITE)  
Net Change: + 3,133 AADT/+ 285 PM Peak  
Facility Capacity: 20,200 AADT/42,000 capacity  
Capacity Available: Yes

**Summary**

Multifamily Residential FLUM is consistent with the City of Bunnell’s Comprehensive Plan in that the project site is in a location with infrastructure and access. This project will diversify

LSCPA - Tupelo (Phase 2) Oare Associates, LLC.

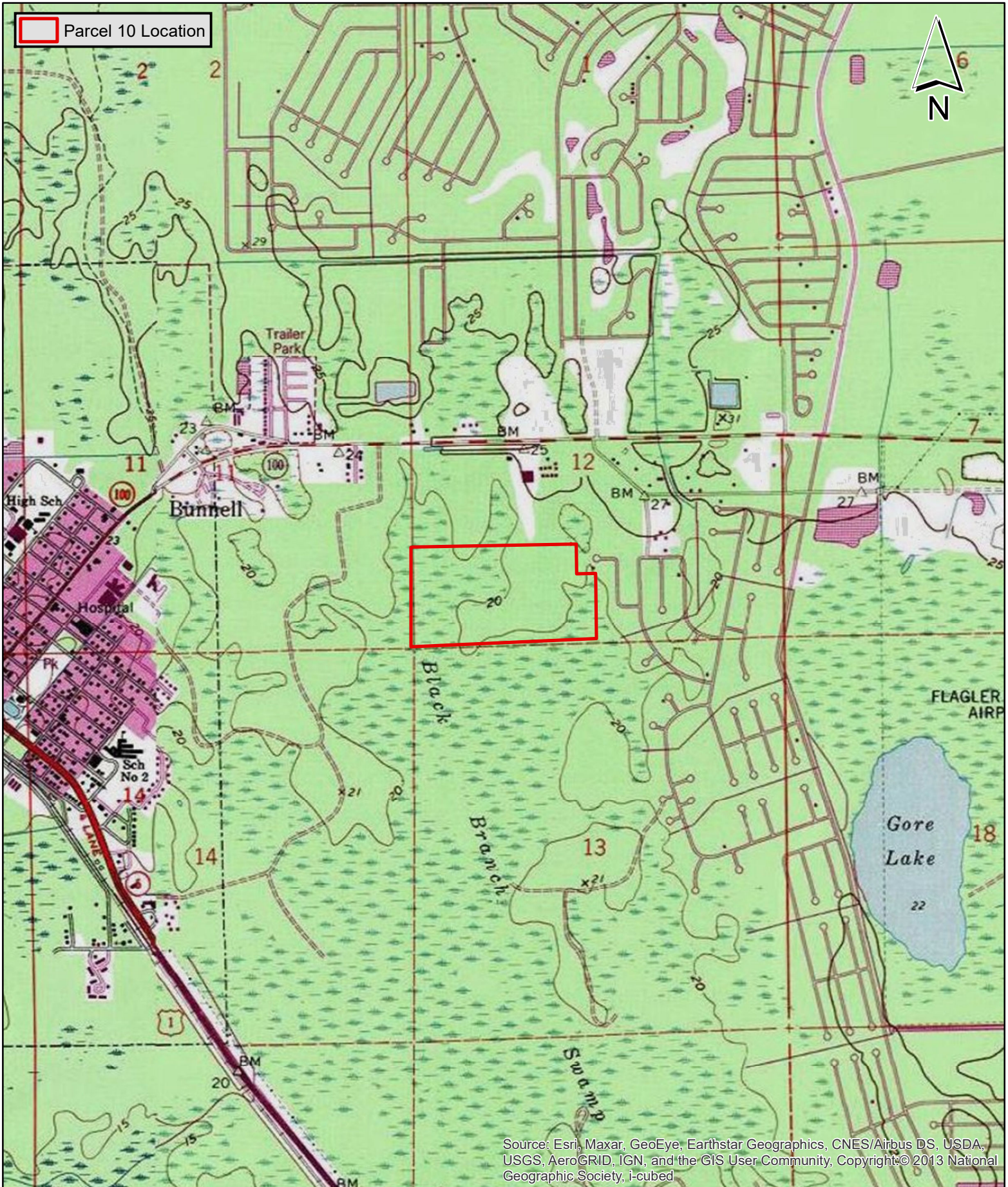
housing options and opportunities in the City and vicinity and promote the efficient use of City infrastructure and service.

**Recommendation:**

Based on the findings outlined above it is recommended that the City Commission approve the proposed large-scale future land use map amendment.



Parcel 10 Location



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Copyright © 2013 National Geographic Society, i-cubed

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# USGS Quadrangle Map Tupelo Retreat Flagler County, Florida



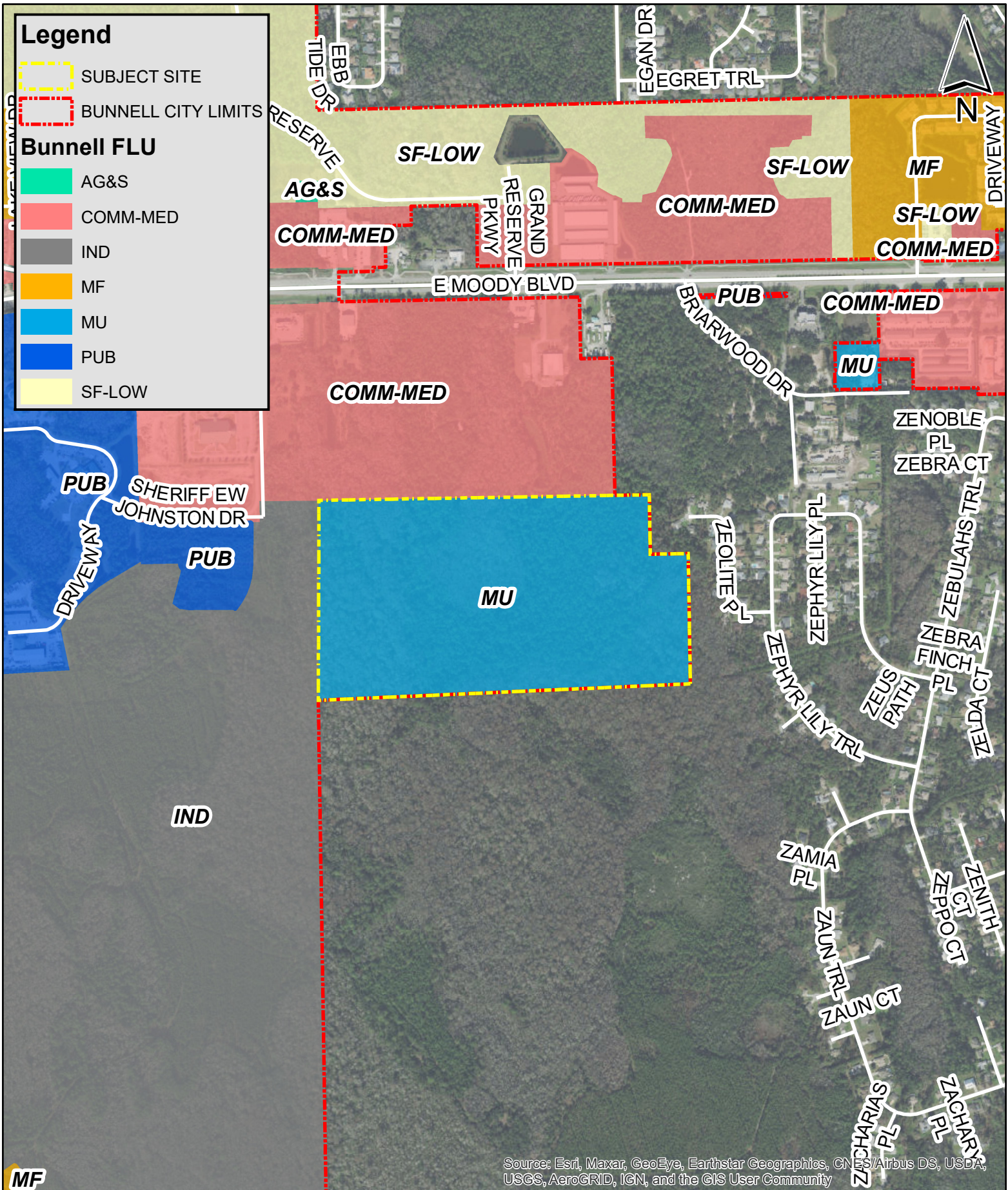
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ph 386-677-2482

# Legend

- SUBJECT SITE
- BUNNELL CITY LIMITS

## Bunnell FLU

- AG&S
- COMM-MED
- IND
- MF
- MU
- PUB
- SF-LOW



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

MF

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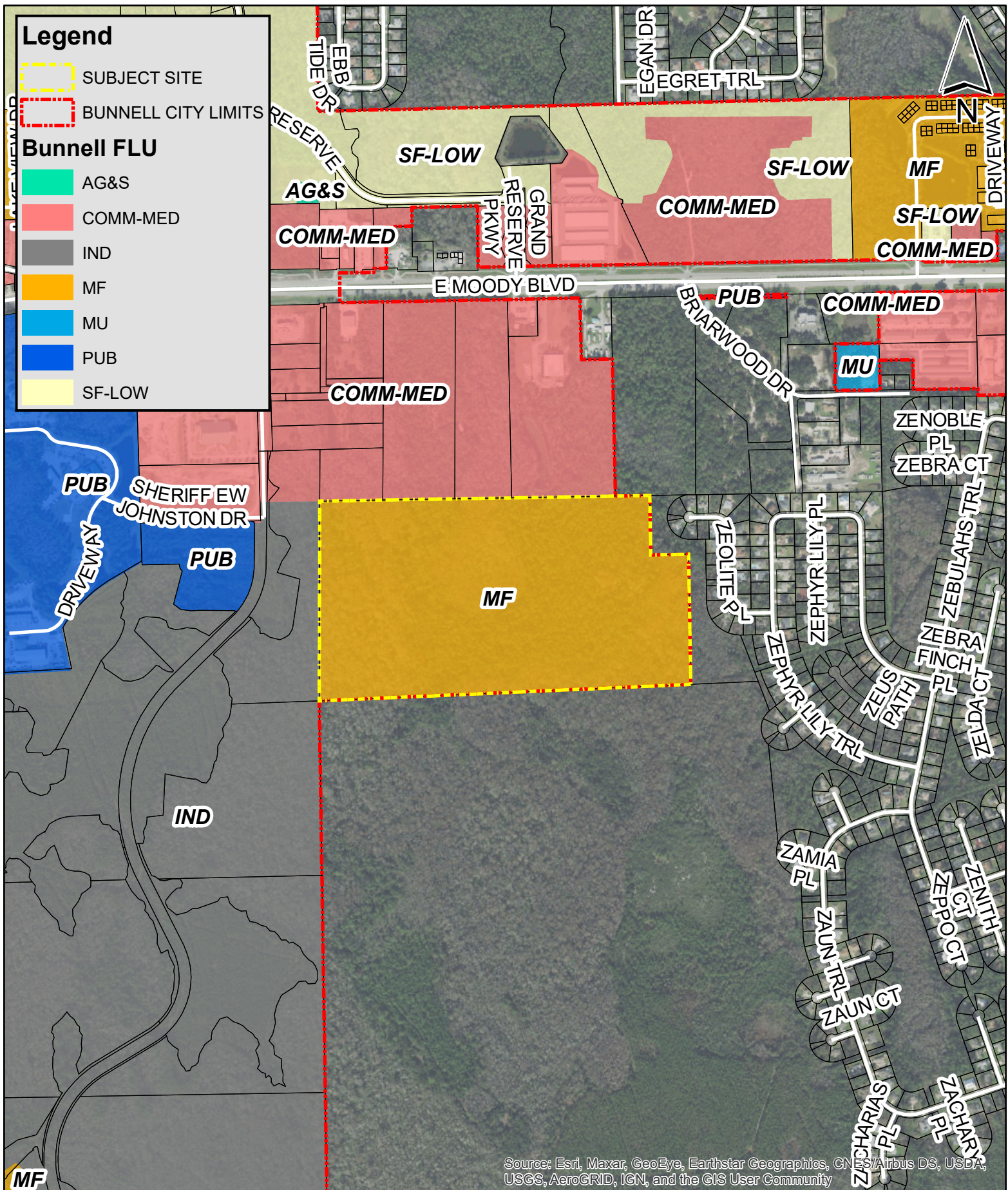
# Existing FLU Map Tupelo Retreat Bunnell, Florida



300 Interchange Blvd  
 Ormond Beach, FL 32174  
 ph 386-677-2482

# Legend

- SUBJECT SITE
  - BUNNELL CITY LIMITS
- ### Bunnell FLU
- AG&S
  - COMM-MED
  - IND
  - MF
  - MU
  - PUB
  - SF-LOW



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

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## Proposed FLU Map Tupelo Retreat Bunnell, Florida



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ph 386-677-2482

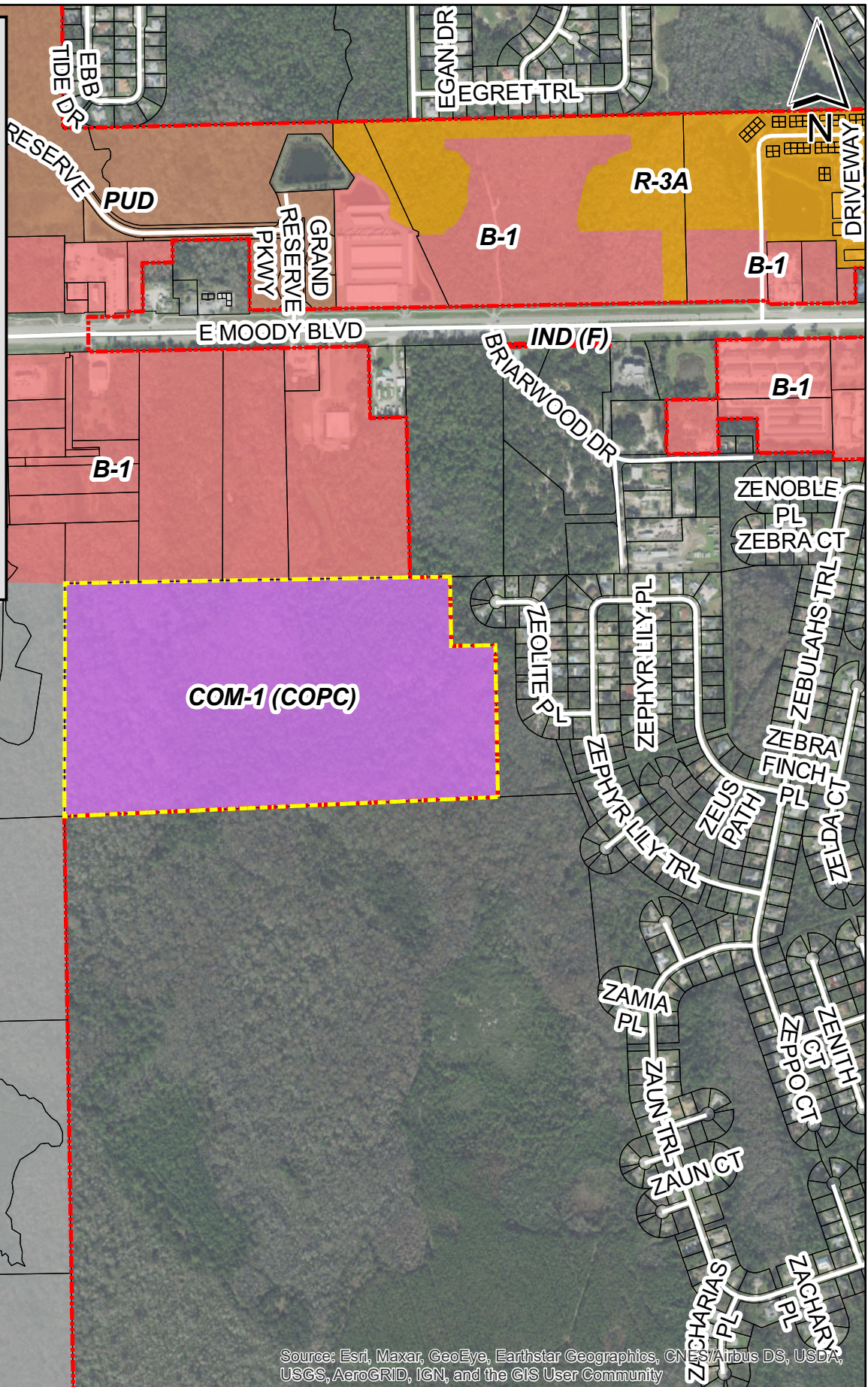


# Legend

- SUBJECT SITE
- BUNNELL CITY LIMITS

## Bunnell Zoning

- AC (F)
- B-1
- COM-1 (COPC)
- IND (F)
- L-1
- ND
- P
- PUD
- R-2
- R-3A



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

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# Existing Zoning Map Tupelo Retreat Bunnell, Florida



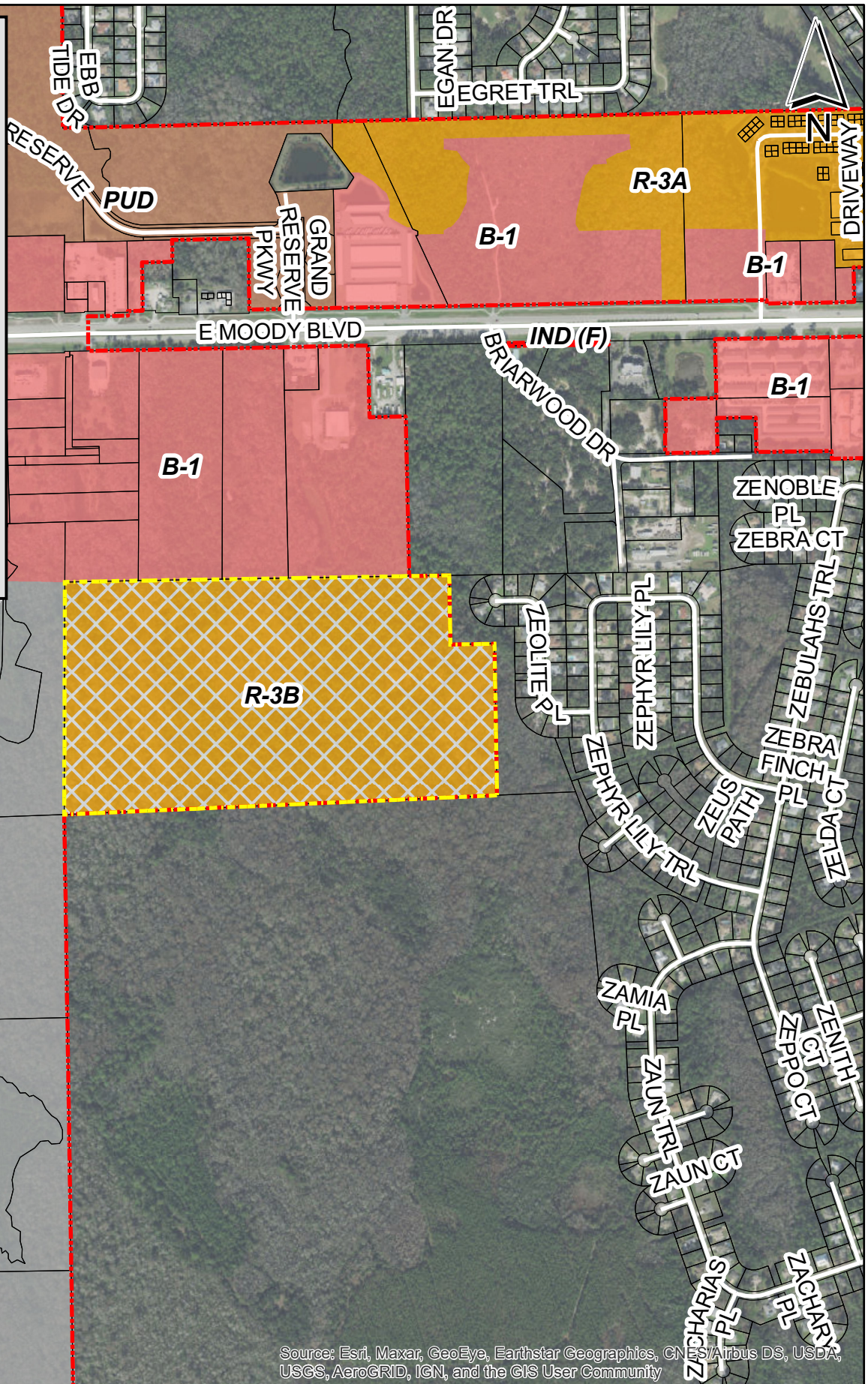
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# Legend

- SUBJECT SITE
- BUNNELL CITY LIMITS

## Bunnell Zoning

- AC (F)
- B-1
- IND (F)
- L-1
- ND
- P
- PUD
- R-2
- R-3A
- R-3B



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

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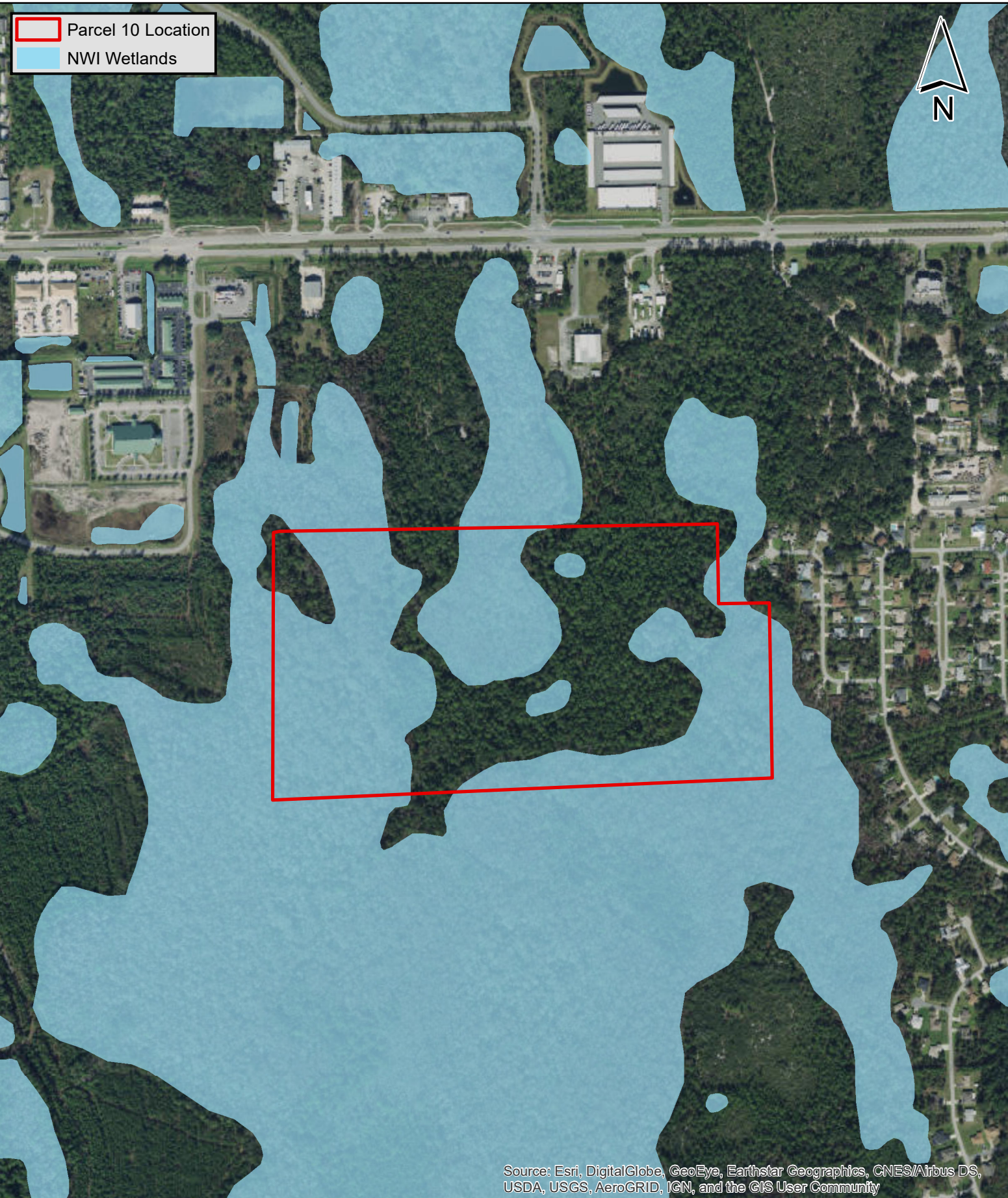
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# Proposed Zoning Map Tupelo Retreat Bunnell, Florida



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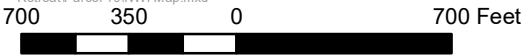
 Parcel 10 Location  
 NWI Wetlands



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

NWI = National Wetland Inventory

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# NWI Map

## Tupelo Retreat

### Flagler County, Florida











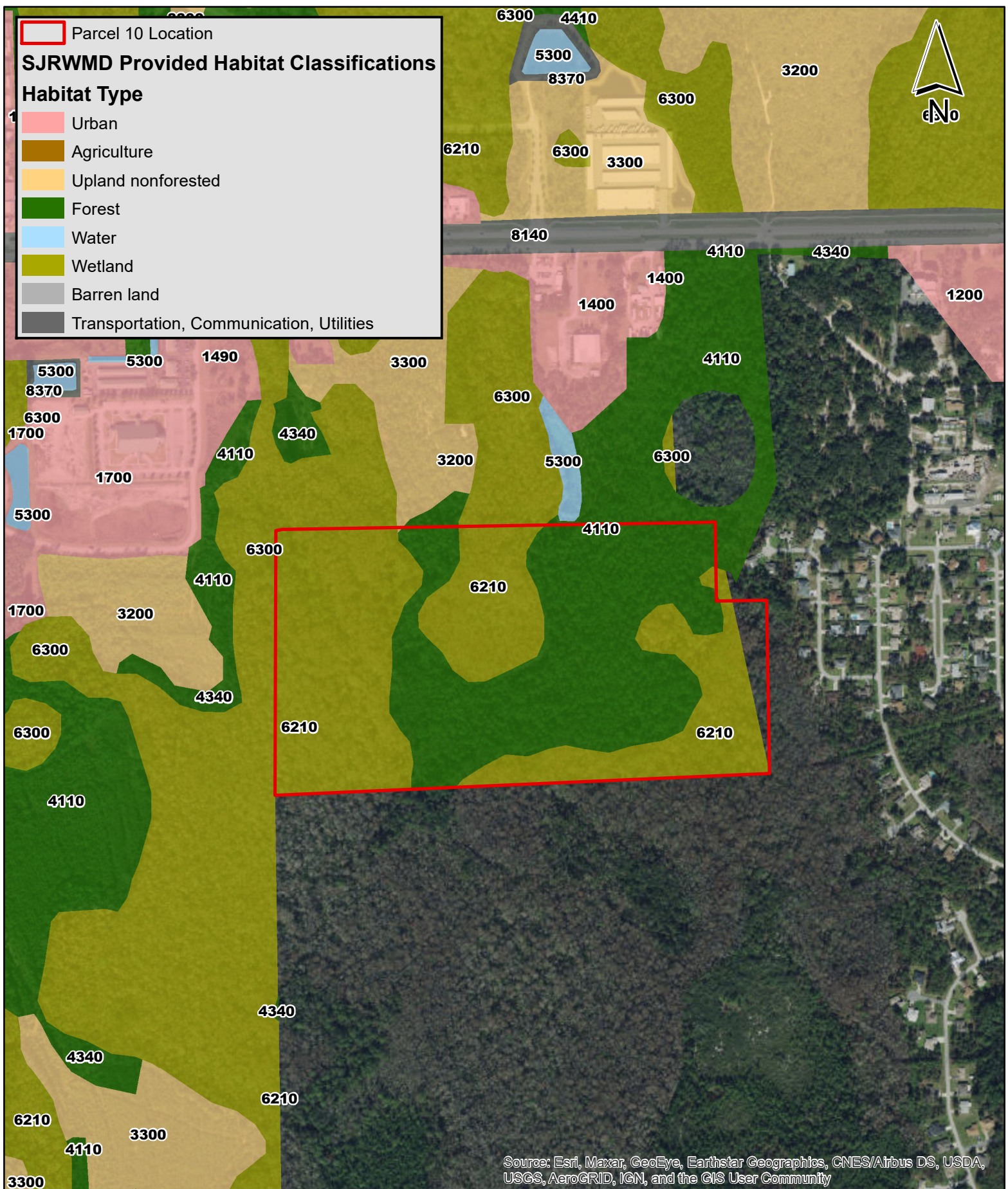
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 Ormond Beach, FL 32174  
 ph 386-677-2482

 Parcel 10 Location

### SJRWMD Provided Habitat Classifications

**Habitat Type**

-  Urban
-  Agriculture
-  Upland nonforested
-  Forest
-  Water
-  Wetland
-  Barren land
-  Transportation, Communication, Utilities



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

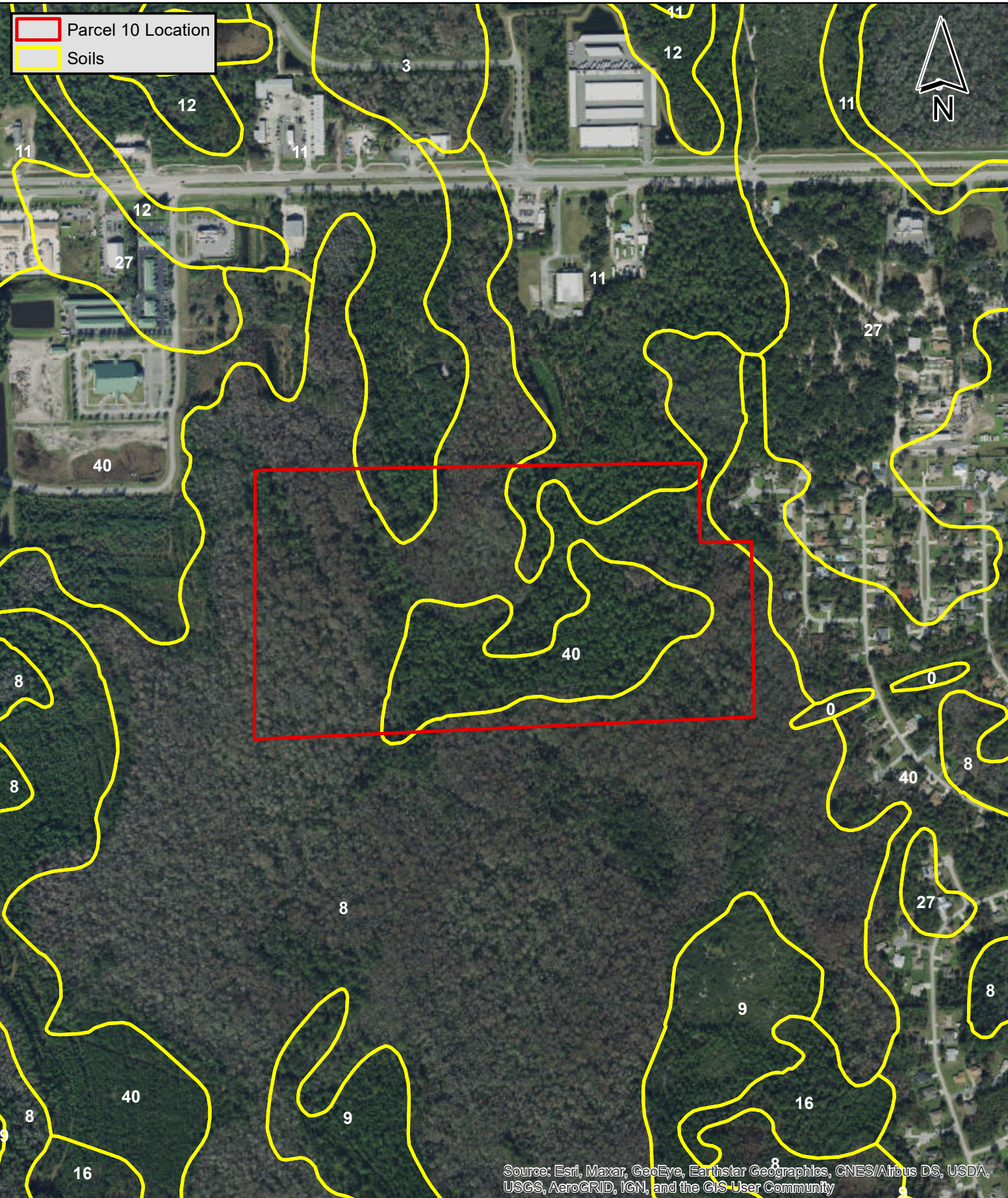
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## SJRWMD Habitat Map Tupelo Retreat Flagler County, Florida



**ZEV COHEN**  
 & ASSOCIATES INC  
 300 Interchange Blvd  
 Ormond Beach, FL 32174  
 ph 386-677-2482

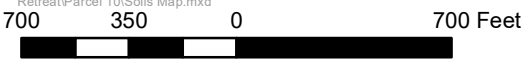
Parcel 10 Location  
Soils



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

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# Soils Map Tupelo Retreat Flagler County, Florida

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## City of Bunnell, Florida

### Agenda Item No. E.2.

Document Date: 8/23/2022 Amount:  
Department: Community Development Account #:  
Subject: Ordinance 2022-25 Requesting to change the official zoning map for 74.98 +/- acres of land, owned by Oare Associates, LLC, Bearing the Parcel ID: 12-12-30-0650-000C0-0070 from City of Palm Coast COM-1 (COPC) to City of Bunnell R-3B (Multiple-Family Residential). - Second Reading  
Agenda Section: Ordinances: (Legislative):  
Goal/Priority: Increase Economic Base

#### ATTACHMENTS:

Description	Type
Ordinance 2022-25 Tupelo Parcel 10 Proposed Rezoning	Cover Memo
Tupelo Parcel 10 Location Map	Location Map(s)

#### Summary/Highlights:

The applicant is requesting an amendment to the official zoning map to change the zoning on a 74.98 ± acre property from the City of Palm Coast "COM-1 (COPC) District" to City of Bunnell "R-3B, Multi-Family Residential District".

There is a companion FLUM amendment application requesting to change the Future Land Use Map (FLUM) designation on the property from "Mixed Use" to "Multi-Family".

This item was last heard at the August 22, 2022 City Commission meeting. As this meeting, the City Commission voted to approve the proposed ordinance.

As there is a companion FLUM Amendment for this property, Second Reading for this matter was delayed to be heard at the same time of the companion item.

On July 07, 2022, at their regular meeting, the City of Bunnell, Zoning and Appeals Board unanimously voted to recommend that the City Commission approve the Future Land Use Map and Zoning Map Amendments assignment request.

In accordance with Florida Statute, this item was advertised in the November 03, 2022 edition of the Daytona Beach News-Journal for Second Reading.

On August 22, 2022, the City Commission approved the ordinance on first reading and the future land use map amendment was transmitted to the Department of Economic Opportunity (DEO) for review.

There were no objections, comments, or recommendations specific to these requests.

**Background:**

The applicant, Charlie Faulkner with Faulkner & Associates, is the representative for the subject property owned by Oare Associates, LLC.

The subject property is approximately 74.95 ± acres, located south of East Moody Boulevard (State Highway 100 E), west of Briarwood Drive and east of Commerce Parkway. The applicant plans to construct a multi-family development on the property.

The subject property was previously in the City of Palm Coast and was de-annexed by the property owners. The current zoning designation on the subject property is City of Palm Coast "COM-L", Commercial Low Intensity Designation". The purpose of the COM-1 (Neighborhood Commercial) District is to provide areas for limited commercial and office uses developed at a neighborhood scale to meet the day-to-day retail and service needs of nearby residents.

The proposed zoning classification is "R-3B, Multi-Family Residential" district. This district provides for higher density residential developments. The R-3B allows up to 20 units per acre. The proposed R-3B zoning is consistent with the proposed FLUM designation. The location of the subject along a major thoroughfare makes it an appropriate setting for the higher density.

Site specific concurrency requirements will be determined and addressed as part of the development approval process.

**Staff Recommendation:**

Adopt Ordinance 2022-25 Requesting to change the official zoning map for 74.98 +/- acres of land, owned by Oare Associates, LLC, Bearing the Parcel ID: 12-12-30-0650-000C0-0070 from City of Palm Coast COM-1 (COPC) to City of Bunnell R-3B (Multiple-Family Residential). - Second Reading

**City Attorney Review:**

Approved as to form and legality.

**Finance Department Review/Recommendation:**

**City Manager Review/Recommendation:**

Approved.

## ORDINANCE 2022-25

**AN ORDINANCE OF THE CITY OF BUNNELL, FLORIDA PROVIDING FOR THE REZONING OF REAL PROPERTY TOTALING 74.98± ACRES, OWNED BY OARE ASSOCIATES, LLC, BEARING PARCEL ID: 12-1230-0650-000C0-0070 LOCATED APPROXIMATELY 1,3355± FEET SOUTH OF EAST MOODY BOULEVARD AND APPROXIMATELY 3505± FEET EAST OF COMMERCE PARKWAY WITHIN THE BUNNELL CITY LIMITS FROM CITY OF PALM COAST “COM-1, NEIGHBORHOOD COMMERCIAL” TO “R3-B MULTIPLE FAMILY RESIDENTIAL”; PROVIDING FOR THE TAKING OF IMPLEMENTING ADMINISTRATIVE ACTIONS; PROVIDING FOR THE ADOPTION OF MAPS BY REFERENCE; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR NONCODIFICATION AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Oare Associates, LLC, the owners of certain real property, which land totals 74.98± acres in size located south of Moody Blvd. East and east of Commerce Parkway and is assigned Tax Parcel Identification Number 12-12-30-0650-000C0-0070 by the Property Appraiser of Flagler County; and

**WHEREAS**, the Oare Associates, LLC have applied to the City of Bunnell pursuant to the controlling provisions of State law and the *Code of Ordinances of the City of Bunnell*, to have the subject property rezoned to the City of Bunnell “R-3B Multiple-Family Residential district” zoning classification from the existing City of Palm Coast “COM-1 Neighborhood Commercial” zoning classification; and

**WHEREAS**, the City’s Community Department has conducted a thorough review and analysis of the demands upon public facilities and general planning and land development issues should the subject rezoning application be approved and has otherwise reviewed and evaluated the application to determine whether is comports with sound and generally accepted land use planning practices and principles as well as whether the application is consistent with the goals, objectives and policies set forth in the City’s *Comprehensive Plan*; and

**WHEREAS**, on July 7th, 2022 the Planning, Zoning and Appeals Board of the City of Bunnell reviewed this request and recommended approval of the proposed ordinance to the City Commission; and

**WHEREAS**, professional City planning staff, the City’s Planning, Zoning and Appeals Board and the City Commission have determined that the proposed rezoning of the subject property as set forth in this Ordinance is consistent with the *Comprehensive Plan*



of the City of Bunnell, the land development regulations of the City of Bunnell, and the controlling provisions of State law; and

**WHEREAS**, the City Commission of the City of Bunnell, Florida has taken, as implemented by City staff, all actions relating to the rezoning action set forth herein in accordance with the requirements and procedures mandated by State law.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF BUNNELL, FLORIDA:**

**Section 1. Legislative Findings and Intent.**

- (a) The City Commission of the City of Bunnell hereby adopts and incorporates into this Ordinance the City staff report and City Commission agenda memorandum relating to the application relating to the proposed rezoning of the subject property as well as the recitals (whereas clauses) to this Ordinance.
- (b) The subject property, which is approximately 74.98± acres in size, is located approximately 1,335± feet south of Moody Blvd. East and approximately 350± feet east of Commerce Parkway
- (c) The City of Bunnell has complied with all requirements and procedures of Florida law in processing and advertising this Ordinance.

**Section 2. Rezoning of Real Property/Implementing Actions.**

- (a) Upon enactment of this Ordinance the following described property, as depicted in the map attached to this Ordinance, and totaling approximately 74.98± acres in size, shall be rezoned to the City of Bunnell “R-3B Multifamily District” zoning classification from the existing City of Palm Coast “COM-1 Neighborhood Commercial” zoning classification; and

**LEGAL DESCRIPTION:** 74.98 ACRES BUNNELL DEV CO SUBD BLOCK C TRACTS 7-8-9-10-11-12 BLOCK D TRACTS 1-2-6-7-8-9-10-11 & THAT PART OF SE1/4 NOT SUBD (EXCEPT PART SUBD) EXCEPT OR BOOK 113 PAGE 462 OR 553 PG 1539 OR 950/1943 OR 1034/657 2320/1675-DEANNEX ORD 2018-27 OR 2340/1201-A

**ADDRESS:** N/A

**TAX PARCEL IDENTIFICATION NUMBER :** 12-30-0650-000C0-0070

- (b) The City Manager, or designee, is hereby authorized to execute any and all documents necessary to formalize approval of the rezoning action taken herein and to revise and amend the Official Zoning Map or Maps of the City of Bunnell as may be appropriate to accomplish the action taken in this Ordinance.

(c) Conditions of development relating to the subject property may be incorporated into the subsequent pertinent development orders and such development orders may be subject to public hearing requirements in accordance with the provisions of controlling law.

**Section 3. Incorporation of Maps.**

The maps attached to this Ordinance are hereby ratified and affirmed and incorporated into this Ordinance as a substantive part of this Ordinance.

**Section 4. Conflicts.**

All ordinances or part of ordinances in conflict with this Ordinance are hereby repealed

**Section 5. Severability.**

If any section, sentence, phrase, word, or portion of this Ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word, or portion of this Ordinance not otherwise determined to be invalid, unlawful, or unconstitutional.

**Section 6. Non-codification.**

This Ordinance shall be not be codified in the *City Code of the City of Bunnell* or the *Land Development Code of the City of Bunnell*; provided, however, that the actions taken herein shall be depicted on the zoning maps of the City of Bunnell by the City Manager, or designee.

**Section 7. Effective Date**

This Ordinance shall take effect upon the effective date of Ordinance 2022-25.

First Reading: on this 22<sup>nd</sup> day of August 2022.

Second/Final Reading: adopted on this 14<sup>th</sup> day of November 2022.

**CITY COMMISSION, City of Bunnell, Florida.**

By: \_\_\_\_\_  
Catherine D. Robinson, Mayor

Approved for form and content by:

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Vose Law Firm, City Attorney

Attest:

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Kristen Bates, CMC, City Clerk

Seal:





## City of Bunnell, Florida

### Agenda Item No. E.3.

Document Date: 10/25/2022 Amount:  
Department: Community Development Account #:  
Subject: Ordinance 2022-27 Amending the Capital Improvements Element of the  
2035 Comprehensive Plan. -Second Reading  
Agenda Section: Ordinances: (Legislative):  
Goal/Priority: Financial Stability/Sustainability

#### **ATTACHMENTS:**

Description	Type
Proposed Ordinance	Ordinance
Capital Improvement Element GOPs 2022	Exhibit
Capital Improvements Schedule Fiscal Yr 2021-2022 (Strikethrough)	Exhibit

#### **Summary/Highlights:**

This is a request to amend the City's Capital Improvement Element Schedule of the 2030 Comprehensive Plan.

The Planning, Zoning and Appeals Board heard this request at their October 11, 2022 Meeting. At that meeting, the Planning, Zoning and Appeals Board voted to recommend approval of the proposed ordinance.

This item was heard at the October 24, 2022 City Commission Meeting. At this meeting, the Commission voted to approve the proposed Ordinance. This item was advertised for Second and Final Reading in the November 3, 2022 edition of the Palm Coast Observer.

#### **Background:**

This is the annual update of the Capital Improvement Element Schedule of the City of Bunnell 2030 Comprehensive Plan.

From Florida Statutes:

*163.3177(3)(b), Florida Statutes, the City of Bunnell is required to review and amend its 5-Year Schedule of Capital Improvements on an annual basis. Amendments shall be based on capital outlay required to meet existing deficiencies and to maintain the adopted level of service standards planned for public facilities as identified and adopted within the Capital*

*Improvements Element of the City of Bunnell's 2030 Comprehensive Plan.*

Per CIE Policy 1.1.3 of the Capital Improvements Element of the 2035 Comprehensive Plan, a capital improvement shall be defined as a project or study that is self-contained, has a useful life of at least 10 years, and involves a cost of at least \$10,000.00.

The proposed ordinance updates the 5-year schedule for capital improvements, facility analysis and capital construction expenditures for the City from 2021 through 2025 as defined in the 2035 Comprehensive Plan.

**Staff Recommendation:**

Adopt Ordinance 2022-27 Amending the Capital Improvements Element of the 2030 Comprehensive Plan and forwarding it on to the City Commission for approval. - Second Reading

**City Attorney Review:**

Approved as to form and legality.

**Finance Department Review/Recommendation:**

**City Manager Review/Recommendation:**

Approved.

## ORDINANCE 2022-27

**AN ORDINANCE OF THE CITY OF BUNNELL, FLORIDA AMENDING THE CAPITAL IMPROVEMENTS ELEMENT OF THE 2035 COMPREHENSIVE PLAN PURSUANT TO CHAPTER 163.3177 F.S.; PROVIDING FOR FINDINGS OF CONSISTENCY; PROVIDING FOR CONFLICTING PROVISIONS, SEVERABILITY AND APPLICABILITY AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, The City of Bunnell is authorized to amend the Capital Improvements Element of the City of Bunnell Comprehensive Plan in the manner set forth herein; and

**WHEREAS**, the City provided legal notice in accordance with Chapter 166.041(3)(c) F.S. and the City of Bunnell Land Development Code; and

**WHEREAS**, The Planning, Zoning and Appeals Board recommend approval of the amendment at the October 11, 2022, meeting; and

**WHEREAS**, for purposes of this Ordinance, underlined type shall constitute additions to the original text, \*\*\* shall constitute ellipses to the original text and ~~striketrough~~ shall constitute deletions to the original text.

**NOW, THEREFORE, BE IT ORDAINED BY THE COMMISSIO OF THE CITY OF BUNNELL:**

### **Section 1. FINDINGS.**

Pursuant to 163.3177(3)(b) F.S. the capital improvements element must be reviewed by the local government on an annual basis. Modifications to update the 5-year capital improvement schedule may be accomplished by ordinance and may not be deemed to be amendments to the local comprehensive plan.

### **Section 2. CITY OF BUNNELL COMPREHENSIVE PLAN AMENDMENT.**

The Capital Improvements Element of the City of Bunnell Comprehensive Plan shall be amended as indicated in Exhibit A.

### **Section 3. CONFLICTING PROVISIONS.**

All conflicting Ordinances and Resolutions, or parts thereof in conflict with this Ordinance, are hereby superseded by this Ordinance to the extent of such conflicts.

**Section 4. SEVERABILITY AND APPLICABILITY.**

If any portion of this Ordinance is for any reason held or declared to be unconstitutional, inoperative, or void, such holding shall not affect the remaining portions of this Ordinance. If this Ordinance or any provisions thereof shall be held to be inapplicable to any person, property, or circumstance, such holding shall not affect its applicability to any other person, property, or circumstance.

**Section 5. EFFECTIVE DATE.**

That this Ordinance shall become effective upon its final adoption.

First Reading: approved on this 24<sup>th</sup> day of October 2022.

Second Reading: adopted on this 14<sup>th</sup> day of November 2022.

**CITY COMMISSION, City of Bunnell, Florida.**

By: \_\_\_\_\_  
Catherine D. Robinson, Mayor

Approved for form and content by:

\_\_\_\_\_  
Vose Law Firm, City Attorney

Attest:

\_\_\_\_\_  
Kristen Bates, City Clerk, CMC

Seal:



## EXHIBIT A

**Appendix A**

**Capital Improvements  
Element  
Goals, Objectives & Policies**

# Capital Improvements Element

## Goals, Objectives, and Policies

163.3177(3)(a)

### Overall Goal

The City of Bunnell shall ensure capital facilities are provided to all residents and service areas of the City in a manner which protects the health, safety, and welfare of the public through use of existing facilities and the timely and efficient provision of new and expanded facilities.

### CIE Objective 1.1 Capital Facility Planning

To use the Capital Improvements Element as a planning tool to correct existing deficiencies, replace obsolete or worn-out facilities, and to accommodate desired future growth.

### Monitoring and Evaluation of Objective 1.1.

Whether Bunnell updates its Capital Improvement Element and the corresponding Schedule of Capital Improvements (SCI) on an annual basis.

#### CIE Policy 1.1.1:

As part of the City's annual budget cycle, the Bunnell Community Development Department shall prepare an inventory of concurrency related facilities for the purposes of establishing a five-year SCI.

#### CIE Policy 1.1.2:

The Schedule of Capital Improvements (SCI) shall be a five-year schedule of capital improvements needed to ensure that Bunnell maintains its adopted level of service standards for all concurrency related facilities.

#### CIE Policy 1.1.3:

All construction projects in excess of \$10,000 and any study which is expected to result in the determination of capital construction needs shall be included in the Schedule of Capital Improvements.

#### CIE Policy 1.1.4:

Bunnell may schedule and fund the capital improvements listed in the SCI in the City's Capital Improvement Program and update the Capital Improvement Element annually, by December 1, to ensure that the capital improvements scheduled will maintain or exceed adopted LOS standards over at least the five-year planning horizon.

**CIE Policy 1.1.5:**

After the adoption of the Capital Improvement Program (CIP), Bunnell shall make any changes necessary to update the Capital Improvements Element (CIE).

**CIE Policy 1.1.6:**

Bunnell shall annually adopt a capital budget that includes the projects listed in the first year of the Capital Improvement Program and Schedule of Capital Improvements.

**CIE Policy 1.1.7:**

Bunnell shall make the necessary amendments to the CIE, CIP, and SCI if the date of construction for a project that is relied upon to satisfy adopted LOS standards is changed.

**CIE Policy 1.1.8:**

Bunnell shall include externally funded projects in its CIE if the projects are relied upon to satisfy adopted LOS standards.

**CIE Policy 1.1.9:**

To the extent that it helps facilitate capital facility planning, the City's budgeting office shall continue the practice of distributing and collecting department project request forms.

**CIE Policy 1.1.10:**

Capital improvements shall be evaluated and prioritized according to the following guidelines:

1. Does the capital improvement eliminate possible hazards or protect the health, safety, and welfare of the public or provide the necessary infrastructure as part of a legal requirement or prior commitment?
2. Will the improvement eliminate or correct existing deficiencies, help achieve full use of existing facility, increase capacity of existing facilities to meet future demand, or reduce the necessity for or cost of future improvements?
3. Will or can funds be available for the project? Can operating and maintenance costs associated with the improvement be provided from the annual operating budget?
4. Does the project contribute to or further the achievement of goals, objectives, and policies contained in the elements of this Plan?
5. Will the project provide services to developed areas lacking services, or be a logical extension or expansion of facilities or services within designated service areas?
6. Will the project provide the necessary supporting infrastructure for existing and proposed school facilities in coordination with the Flagler County School Board and the Interlocal Agreement for Public School Facility Planning?

**CIE Policy 1.1.11:**

The City of Bunnell hereby adopts by reference the following documents and plans:

1. City of Bunnell Schedule of Capital Improvements as included herein.
2. Saint Johns Water Management District's North Florida Regional Water Supply Plan, adopted by the boards of the Saint Johns and Suwanee River Water Management Districts on January 17, 2017.
3. Flagler County School District 2016-2020 Work Plan, adopted by the Flagler County School Board in October, 2015.

**CIE Policy 1.1.12:**

Flagler Central Commerce Parkway shall not be funded from ad valorem taxes, fees, assessments, or other local tax payer funds.

**CIE Objective 1.2 Coordination with Land Uses**

To better coordinate land use decisions with available and committed funding sources as identified in capital facility budgets and plans.

**Monitoring and Evaluation of Objective 1.2.**

Whether the policies adopted under this objective were successfully implemented by the City of Bunnell.

**CIE Policy 1.2.1:**

Bunnell shall maintain an up-to-date Concurrency Management System (CMS) and implementing provisions in its land development regulations in order to evaluate whether sufficient capacity exists to serve new development and redevelopment.

**CIE Policy 1.2.2:**

Bunnell shall only issue development orders in accordance with the City's Concurrency Management System in order to ensure that the development will not cause the adopted level of service standard of facilities to not be met.

**CIE Policy 1.2.3:**

The City shall ensure through its concurrency management system established in the Land Development Regulations that any increase in the demand on the infrastructure generated by the proposed development or redevelopment would not reduce the level of service of such facilities below the adopted standards, or that any infrastructure improvements needed to maintain the adopted level of service will be in place in accordance with the following:

For sewer, solid waste, drainage, and potable water facilities, the facilities must be in place no later than the issuance of the certificate of occupancy.

For parks and recreation facilities, the facilities must be in place no later than one year after the issuance of the certificate of occupancy; however, prior to issuance of the certificate of occupancy either a.) the acreage for such facilities shall be dedicated or acquired; or b.) equivalent funds shall be committed for such purpose.

For all transportation facilities, the facilities needed to serve the new development shall be in place or under actual construction within three years after the local government approves a building permit or its functional equivalent that results in traffic generation.

**CIE Policy 1.2.4:**

The City shall ensure that adequate water supplies and facilities are available and in place prior to issuing a certificate of occupancy or its functional equivalent.

**CIE Policy 1.2.5:**

Bunnell shall coordinate proposed land use changes and development with projected fiscal resources and planned capital improvements.

**CIE Policy 1.2.6:**

The City shall aggressively seek all grant opportunities to fund Capital Improvement Program projects tied to desired land use patterns.

**CIE Policy 1.2.7:**

Bunnell shall coordinate planning for city improvements with the plans of state agencies, the Saint Johns River Water Management District (SJRWMD), Flagler County and adjacent municipalities when applicable.

**CIE Policy 1.2.8:**

Bunnell shall construct public facility improvements in a manner that supports efficient, compact, and desirable land development patterns.

**CIE Objective 1.3 Level of Service Standards**

To ensure that all concurrency related facilities are being maintained at the adopted level of service standard.

**Monitoring and Evaluation of Objective 1.3.**

Whether all concurrency related facilities are being maintained at the adopted level of service standard.

**CIE Policy 1.3.1:**

Bunnell shall periodically evaluate its adopted level of service standards to determine if the standards are consistent with the desires of the community and make revisions to the standards as necessary.

**CIE Policy 1.3.2:**

The City adopts the following minimum peak-hour level of service standards for its roadway network:

- Rural Principal Arterial - LOS standard C
- Rural Minor Arterial - LOS standard D
- Rural Minor Collector (Local & County) – LOS standard C
- Emerging SIS Facilities – LOS standard C.

**CIE Policy 1.3.3:**

The City's central potable water system shall be capable of distributing 120 gallons per capita per day for those connected to the system (Adopted by Ordinance 2013-09).

**CIE Policy 1.3.4:**

The City's central sanitary sewer system shall be capable of treating 102.3 gallons per capita per day for those connected to the system (Adopted by Ordinance 2013-09).

**CIE Policy 1.3.5:**

The City's solid waste system shall be capable of collecting and disposing 9.3 pounds per capita per day.

**CIE Policy 1.3.6:**

The City's parks and recreation system shall provide at least 3.0 acres of park land per 1,000 residents.

**CIE Policy 1.3.7:**

The City's stormwater management system shall adequately operate under the conditions of a storm with a 24-hour, 25 year frequency.

**CIE Policy 1.3.8:**

The City of Bunnell shall utilize the following LOS standards in coordination with the School District to implement School concurrency:

1. Elementary: one hundred percent (100%) of permanent Florida Inventory of School Houses (FISH) capacity with State Requirements for Educational Facilities (SREF) utilization factor;
2. Middle: one hundred percent (100%) of permanent FISH capacity with SREF utilization factor;
3. K-8: one hundred percent (100%) of permanent FISH capacity with SREF utilization factor;
4. High: one hundred percent (100%) of permanent FISH capacity with SREF utilization factor; and
5. Special Purpose: one hundred percent (100%) of permanent FISH capacity with SREF utilization factor.

**CIE Policy 1.3.9:**

The City, in coordination with the School District, shall allow relocatables to be utilized to maintain the LOS standards on a temporary basis when construction to increase capacity is planned and in process. The temporary capacity provided by relocatables shall not exceed twenty (20%) of the permanent FISH capacity and shall be used for a period not to exceed five (5) years. Relocatables may also be used to accommodate capacity utilized for any specific education/development programs as required by law and/or adopted by the School Board.

## **CIE Objective 1.4 Proportionate Fair Share Payments and Impact Fees**

To maintain a fair system where developers/land owners will bear a proportionate cost of facility improvements necessitated by proposed development in order to adequately maintain adopted level of service standards.

### **Monitoring and Evaluation of Objective 1.4.**

1. Whether the City of Bunnell maintains a proportionate fair share system in its Land Development Code which allows developers to proceed under certain conditions, notwithstanding the failure of concurrency, by contributing their proportionate fair-share of the cost of the facility.
2. Whether the City continues to maintain impact fees which are adequate to pay for its existing capital facilities.

#### **CIE Policy 1.4.1:**

Bunnell shall use capital facility cost estimates and/or city-adopted or state approved development impact methodologies to determine and assess proportionate fair share payments and dedications.

#### **CIE Policy 1.4.2:**

Bunnell shall periodically evaluate its impact fees to determine if collections are adequate to pay for its existing capital facilities.

#### **CIE Policy 1.4.3:**

Bunnell shall continue to support the Flagler County Recreation Impact Fee by verifying that the required fee has been paid prior to the issuance of a development order by the City.

## **CIE Objective 1.5 Financial Controls**

To exercise sound fiscal management practices to ensure the long-term health of the community and to ensure the necessary capital facility improvements are provided for existing and future development.

### **Monitoring and Evaluation of Objective 1.5.**

Whether the City has adopted a financially feasible five-year Capital Improvements Program (Adopted by Ordinance 2013-09).

#### **CIE Policy 1.5.1:**

The City shall issue municipal bonds or borrow funds for municipal purposes only to the extent authorized by and subject to the limitations provided for in Florida Statutes and Municipal Home Rule Law.



**CIE Policy 1.5.2:**

The Financial Services Director shall review all proposed capital improvement projects and make a recommendation to the City Manager concerning the City’s ability to finance such proposals. The recommendation shall include a review of the following:

1. Ability to use an existing revenue stream.
2. Ability to use impact fees or proportionate share payments.
3. Assessment of whether bonding is appropriate and the likelihood of getting a bond approved by voters of the City.
4. Availability of grant funds.

**CIE Policy 1.5.3:**

The term for repayment of any debt supporting public capital facility improvements shall not exceed the expected and useful life of the facility.

**CIE Policy 1.5.4:**

Before funding any public capital facility improvement, the City shall assess the impact of maintenance and operations costs anticipated to be generated by that facility.

**CIE Policy 1.5.5:**

Bunnell shall maximize its use of grant funds as a supplement to local revenue sources.

**CIE Policy 1.5.6:**

Prior to funding any public capital improvements, the City shall evaluate what opportunities the improvement may create (e.g., the need for sewer or water main extensions shall be considered when roadway improvements are planned in order to minimize the cost and disruption caused by the construction).

**CIE Policy 1.5.7:**

The City shall replace or renew capital facilities as necessary to protect the public’s health, safety, and welfare, and to ensure that the adopted level of service standards are maintained.

**CIE Objective 1.6 Public Expenditures in Designated Flood Prone Areas**

To discourage public capital facility improvements in the designated flood prone areas.

**Monitoring and Evaluation of Objective 1.6**

Whether the policies adopted under this objective were successfully implemented by the City of Bunnell.

**CIE Policy 1.6.1:**

Bunnell shall fund and construct public capital facility improvements in the designated flood prone areas only to the extent that it supports existing development patterns and will not encourage additional or more intensive development.

**CIE Policy 1.6.2:**

The designated flood prone areas shall mean those areas inundated by water during a 100 year flood as depicted on the City's flood prone area map.

**CIE Policy 1.6.3:**

Public expenditures in the designated flood prone area shall be limited to the following:

1. Maintenance of existing facilities.
2. Improvements designed to improve the efficiency of existing facilities.
3. Replacement of obsolete or worn-out facilities.
4. Limited Recreational Facilities.
5. Water quality and supply improvement facilities.
6. New construction and/or expansion of arterial and collector streets.

**CIE Policy 1.6.4:**

Construction of all public capital facilities must conform to the floodplain regulations adopted by the City of Bunnell.

Schedule of Capital Improvements, FY2021-2026

	<b>Policy/ Plan Implementation</b>	<b><u>FY21/22</u></b>	<b><u>FY22/23</u></b>	<b><u>FY23/24</u></b>	<b><u>FY24/25</u></b>	<b><u>FY25/26</u></b>	<b>Proposed funding in:</b>
Water System CIP	Infrastructure Element Policy 4.1.4	\$0	\$0	\$392,341	\$98,796	<u>\$97,568</u>	Enterprise Fund
Water System R&R	Infrastructure Element Policy 4.1.4	<del>\$100,000</del> <u>\$60,000</u>	<del>\$100,000</del> <u>\$0</u>	<del>\$100,000</del> <u>\$0</u>	<del>\$100,000</del> <u>\$0</u>	<u>\$0</u>	Enterprise Fund
Water Treatment Plant CIP	Infrastructure Element Policy 4.1.4	<del>\$255,000</del> <u>\$249,500</u>	<del>\$73,333</del> <u>\$200,000</u>	<del>\$0</del> <u>\$100,000</u>	\$33,800	<u>\$0</u>	Enterprise Fund
Water Treatment Plant CIP	Infrastructure Element Policy 4.1.4	\$0	<del>\$36,667</del> <u>\$0</u>	<del>\$0</del> <u>\$500,000</u>	\$0	<u>\$0</u>	REDI Grant
Sewer System CIP	Infrastructure Element Policy 1.1.8	<del>\$1,283,100</del> <u>\$100,000</u>	<del>\$840,650</del> <u>\$60,000</u>	<del>\$0</del> <u>\$548,000</u>	<del>\$131,000</del> <u>\$20,000</u>	<u>\$0</u>	Enterprise Fund
<u>Sewer System CIP</u>	<u>Infrastructure Element Policy 1.1.8</u>	<u>\$638,070</u>	<u>\$0</u>	<u>\$0</u>	<u>\$500,000</u>	<u>\$0</u>	<u>REDI &amp; HMGP Grants</u>
Sewer Collection System R&R	Infrastructure Element Policy 1.1.8	\$200,000	<del>\$200,000</del> <u>\$0</u>	<del>\$200,000</del> <u>\$0</u>	<del>\$200,000</del> <u>\$131,000</u>	<u>\$0</u>	Enterprise Fund
<b>Subtotal (this page)</b>		<b><u>\$1,247,570</u></b>	<b><u>\$260,000</u></b>	<b><u>\$1,540,341</u></b>	<b><u>\$783,596</u></b>	<b><u>\$97,568</u></b>	

City of Bunnell  
Capital Improvements Element  
Goals, Objectives and Policies Adopted by Ordinance 2022-xx unless Otherwise Indicated

Wastewater Treatment Plant CIP	Infrastructure Element Policy 1.1.8	\$200,000 <u>\$0</u>	\$0 <u>\$6,648,000</u>	\$0 <u>\$4,432,000</u>	\$0	<u>\$0</u>	Enterprise Fund
Wastewater Treatment Plant CIP	Infrastructure Element Policy 1.1.8	\$800,000 <u>\$0</u>	\$15,579,628 <u>\$12,348,000</u>	\$0 <u>\$8,232,000</u>	\$0	<u>\$0</u>	SRF / CDBG-MIT / State Grant / ACOE / SJRWMD
Reclaim Water Line CIP	Infrastructure Element Policy 1.2.10	\$0	\$0	\$800,400 <u>\$0</u>	\$5,521,600 <u>\$800,400</u>	\$0 <u>\$4,535,600</u>	Enterprise Fund
Reclaim Water Line CIP	Infrastructure Element Policy 1.2.10	\$0	\$0	\$640,320 <u>\$0</u>	\$4,417,280 <u>\$640,320</u>	<u>\$3,628,480</u>	USDA / SRF
Stormwater CIP	Infrastructure Element Policy 3.1.1	\$50,000 <u>\$20,000</u>	\$0 <u>\$115,000</u>	\$0	\$0	<u>\$0</u>	General Fund
<u>Stormwater Drainage R&amp;R Hymon Project</u>	<u>Infrastructure Element Policy 3.1.3</u>	<u>\$18,000</u>	<u>\$50,000</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>General Fund</u>
<u>Stormwater Drainage R&amp;R Hymon Project</u>	<u>Infrastructure Element Policy 3.1.3</u>	<u>\$12,000</u>	<u>\$688,000</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>CDBG</u>
Stormwater Drainage R&R Phase II	Infrastructure Element Policy 3.1.3	\$0	\$0	\$0	\$0	<u>\$0</u>	General Fund
<b>Subtotal (this page)</b>		<b><u>\$50,000</u></b>	<b><u>\$19,849,000</u></b>	<b><u>\$12,664,000</u></b>	<b><u>\$1,440,720</u></b>	<b><u>\$8,164,080</u></b>	

City of Bunnell  
Capital Improvements Element  
Goals, Objectives and Policies Adopted by Ordinance 2022-xx unless Otherwise Indicated

Stormwater Drainage R&R Phase II	Infrastructure Element Policy 3.1.3	\$0	\$0	\$0	\$0	\$0	REDI Grant
Sidewalk Repair & Replacement	Traffic Circulation Element Policy 4.7.8	\$10,000	\$10,000	\$10,000	\$10,000		General Fund
Street Paving/Resurfacing	Traffic Circulation Element Policy 1.1.1	\$90,000 \$0	\$80,000 \$115,000	\$80,000 \$270,000	\$80,000 \$125,000	\$130,000	General Fund
Speed Reduction Devices	Traffic Circulation Element Policy 5.1.3	\$10,000	\$10,000	\$10,000	\$10,000		General Fund
Fiber Optic CIP	N/A	\$10,000	\$30,000	\$30,000	\$30,000	\$30,000	General Fund
Flagler Central Commerce Parkway	Future Land Use Element Policy 10.3	\$4,000,000	\$0 \$1,000,000	\$4,000,000 \$200,000	\$0 \$200,000	\$200,000	General Fund <sup>1</sup>
Flagler Central Commerce Parkway	Future Land Use Element Policy 10.3	\$1,750,000	\$350,000	\$350,000	\$350,000	\$350,000	Impact Fees for Sewer Infrastructure Construction
Flagler Central Commerce Parkway	Future Land Use Element Policy 10.3	\$1,750,000	\$350,000	\$350,000	\$350,000	\$350,000	Impact Fees for Water Infrastructure Construction
<b>Subtotal (this page)</b>		<b>\$7,510,000</b>	<b>\$945,000</b>	<b>\$1,200,000</b>	<b>\$1,055,000</b>	<b>\$1,060,000</b>	

Per Capital Improvements Element Policy 1.1.12, Flagler Central Commerce Parkway shall not be funded from ad valorem taxes, fees, assessments, or other local taxpayer funds. Only pass through funds from Federal Earmark SAFETEA-LU #F172 will be spent by the City on this project.

City of Bunnell  
Capital Improvements Element  
Goals, Objectives and Policies Adopted by Ordinance 2022-xx unless Otherwise Indicated

<b>Parks and Recreation</b>							
Eddie Johnson Park Upgrade	Recreation & Open Space Element Policy 1.1.2	\$5,000	\$0	\$0	\$0		General Fund
Municipal Park Move	ROS Objective 1.1 Level of Service Standards for Parks	\$19,000	\$1,200				General Fund
JB King Concession Stand Upgrade	ROS Objective 1.1 Level of Service Standards for Parks		\$15,000				General Fund
<b>City Facility/Buildings</b>							
Demolish Old PD Building/Grade & Flatten Lot for subbase parking spaces & fencing	N/A	\$16,000	\$0	\$0	\$0		General Fund
Design Build - New City Hall – 201 W. Moody Blvd	N/A	\$20,000	\$20,000	\$0	\$0		General Fund
Build New City Hall – 201 W. Moody Blvd	N/A	\$0	\$0	\$5,200,000	\$0		General Fund
<b>Subtotal (this page)</b>		<b>\$39,000</b>	<b>\$36,200</b>	<b>\$5,200,000</b>	<b>\$0</b>	<b>\$0</b>	

City of Bunnell  
Capital Improvements Element  
Goals, Objectives and Policies Adopted by Ordinance 2022-xx unless Otherwise Indicated

Bunnell Administration Complex — Chamber Rehab	N/A	\$80,000	\$0	\$0	\$0		General Fund
Lake Lucille — Total Electrical upgrade/Rehab	N/A	\$0	\$0	\$0	\$0		General Fund
Versie Lee Mitchell	N/A	\$15,000	\$0	\$0	\$0		General Fund
Relocation of City Offices ( ? )							
Historic Coquina Hall Remediation	FLU Goal 3 Historic Resources	\$101,516					General Fund
Historic Coquina Hall Design	FLU Goal 3 Historic Resources	\$20,000	\$65,000				General Fund
<b>Subtotal (this page)</b>		<b>\$121,516</b>	<b>\$65,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	

City of Bunnell  
 Capital Improvements Element  
 Goals, Objectives and Policies Adopted by Ordinance 2022-xx unless Otherwise Indicated

<u>Historic Coquina Hall Reconstruction</u>	<u>FLU Goal 3 Historic Resources</u>		<u>\$500,000</u>				<u>Special Category Grant</u>
<b>Public Schools</b>							
<i>No Capacity Improvements Scheduled</i>	N/A	\$0	\$0	\$0	\$0		General Fund
<b>Grand Total</b>		<b><u>\$8,968,086</u></b>	<b><u>\$21,655,200</u></b>	<b><u>\$31,404,341</u></b>	<b><u>\$3,279,316</u></b>	<b><u>\$9,321,648</u></b>	

DRAFT





## City of Bunnell, Florida

### Agenda Item No. F.1.

Document Date: 9/28/2022 Amount: \$16,607.10  
Department: Finance Account #: 001-0572-572.6200  
Subject: Resolution 2022-14 Amending the FY 2021/2022 Budget  
Agenda Section: Resolutions: (Legislative):  
Goal/Priority: Financial Stability/Sustainability

#### **ATTACHMENTS:**

Description	Type
Resolution 2022-14	Resolution

#### **Summary/Highlights:**

Resolution 2022-14 Amending the FY 2021-2022 Budget

#### **Background:**

Insurance Proceeds in the amount of \$16,607.10 have been received for the repair to JB King Park regarding the vandalism which occurred at the end of August 2022. The restoration and repairs were completed by September 20, 2022.

#### **Staff Recommendation:**

Adopt Resolution 2022-14 Amending the FY 2021/2022 Budget

#### **City Attorney Review:**

Approved as to form and legality.

#### **Finance Department Review/Recommendation:**

Approve the Resolution

#### **City Manager Review/Recommendation:**

Approved.

**RESOLUTION 2022-14**

**A RESOLUTION OF THE CITY OF BUNNELL, FLORIDA AMENDING THE FISCAL YEAR 2021-2022 GENERAL FUND ANNUAL OPERATING BUDGET, AS AMENDED; APPROPRIATING INSURANCE PROCEEDS; SETTING FORTH REVENUES AND EXPENDITURES BY AMENDING RESOLUTION 2021-17 AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Bunnell has received Insurance Proceeds for the JB King Park; and

**WHEREAS**, the City of Bunnell City Commission adopted Resolution 2021-17 approving the Annual Operating Budget for Fiscal Year 2021-2022; and

**WHEREAS**, the City of Bunnell City Commission desires to amend the Fiscal Year 2021-2022 budget.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF BUNNELL AS FOLLOWS:**

**SECTION 1. BUDGET AMENDMENT.**

Amend the following line items in the Fiscal Year 2021-2022 Budget:

**Revenue(s):**  
001-3691000                      \$16,607

**Expenditure(s):**  
001-0572-572.6200              \$16,607

**SECTION 2. EFFECTIVE DATE.**

The budget amendment adopted in the preceding section shall govern the revenues and expenditures for the City during the current fiscal year effective October 1, 2021, through September 30, 2022. This Resolution shall become effective immediately upon its passage and adoption.

**PASSED and ADOPTED** at the meeting of the City Commission of the City of Bunnell, on the 14th day of November 2022.

**CITY OF BUNNELL, FLORIDA**

\_\_\_\_\_  
Catherine D. Robinson, Mayor

Approved as to Form:

\_\_\_\_\_  
Vose Law Firm, City Attorney

Attest:

Seal:

\_\_\_\_\_  
Kristen Bates, CMC, City Clerk



## City of Bunnell, Florida

### Agenda Item No. H.1.

Document Date: 11/2/2022 Amount:  
Department: Attorney Account #:  
Subject: Requested Update: Old Haw Creek drainage ditch  
Agenda Section: New Business:

#### **ATTACHMENTS:**

Description	Type
Attorney General Opinion	Exhibit
Old Haw Creek Maps	Location Map(s)
Engineer Report	Exhibit
Letter from Jan Reeger	Exhibit

#### **Summary/Highlights:**

Vice Mayor Rogers requested staff report back on the Old Haw Creek drainage issue. This is that update.

#### **Background:**

Staff and I met with the County Administrator Heidi Petito and her staff, also the Assistant County Attorney and our Attorney John Cary was present to discuss the Old Haw Creek drainage and the possibility of obtaining easements to maintain the ditch.

After discussion, following the presentation of findings from both City and County staffs. It was brought to our attention that obtaining easements for maintenance and/or to reconstruct culverts is prohibited by state law as per Attorney General's Legal Opinion #AGO 94-89.

This Attorney General Opinion was issued to Flagler County regarding the use of Public funds for repairs and maintenance of private infrastructure.

There is only one other option the Commission could explore: To obtain legal ownership of Ditch and 20 feet of access on either side, then an easement from property owners to get to access. See the map included in the attachments for all affected property owners and parcels. The properties would need to be purchased or donated for the City to own the ditch and property on either side of the ditch.

#### **Staff Recommendation:**

Per the Commission; this is discussion.

**City Attorney Review:**

**Finance Department Review/Recommendation:**

**City Manager Review/Recommendation:**

Approved.

# Florida Attorney General Advisory Legal Opinion

Number: AGO 94-89

Date: October 25, 1994

Subject: Temporary easement/repair private drains

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Mr. Noah C. McKinnon, Jr.  
Flagler County Attorney  
Post Office Box 305  
Ormond Beach, Florida 32175

RE: COUNTIES--COUNTY FUNDS--PUBLIC FUNDS--EASEMENTS--granting of temporary easement to permit county to enter private property to repair private drains and canals not sufficient to constitute public purpose for which county funds may be expended. Art. VII, s. 10, Fla. Const.

Dear Mr. McKinnon:

You ask the substantially following question:

May the county commission expend public funds to repair drainage canals located on the private property of several large landowners if the county is given a thirty-day easement?

In sum:

The determination of whether the expenditure of county funds serves a county purpose is one that the board of county commissioners, as the legislative body for the county, must make. However, granting a temporary easement of thirty days to the county would not appear to satisfy the public purpose requirement for the expenditure of public funds if the expenditure of such funds is not otherwise permissible.

According to your letter, many of the farms located in the western portion of Flagler County have become inundated with water due to the substantial rainfall experienced by the county in recent months. Although drainage canals or ditches are located on a number of the farms, Flagler County does not own easements to maintain the canals or ditches. While it has been the policy of the county for the last twenty years to maintain all canals that directly affect public roads, the canals in question, according to information provided to this office, do not fall within this category. While the possibility of using the provisions of Chapter 157 and section 125.01(1)(q), Florida Statutes, has been discussed by the county, the county has not utilized the procedures set forth therein at this time.

[1]

You state that many of the landowners are unwilling to provide a permanent public easement to provide access to the canals for maintenance work. They

are willing, however, to provide a thirty-day temporary easement for the county to allow this work. You have advised the county that a temporary easement makes it more difficult to conclude that the maintenance activity fulfills a public purpose.

Article VII, section 10, Florida Constitution, prohibits the state and its subdivisions from using their taxing power or pledging public credit to aid any private person or entity. The purpose of this constitutional provision is "to protect public funds and resources from being exploited in assisting or promoting private ventures when the public would be at most only incidentally benefited." [2] However, if the expenditure primarily or substantially serves a public purpose, the fact that the expenditure may also incidentally benefit private individuals does not violate Article VII, section 10. [3]

Thus, in order to satisfy Article VII, section 10, Florida Constitution, the expenditure of county funds must be for a public purpose. This office, in determining whether public funds may be expended for improvements to private property such as private roads, has considered whether the governmental entity has a property right or interest in such property or whether the public has an easement or right to use the property.

For example, in Attorney General Opinion 79-14, this office concluded that the expenditure of public funds by a municipality to repair or maintain private streets in which the municipality has no property rights or interest, and over which the public has no easement or right of use, would appear to contravene the public purpose requirements of Article VII, section 10, Florida Constitution. [4] Similarly, this office in Attorney General Opinion 85-101 concluded that public funds could not be used to maintain a private bridge that was not open to or set apart for the public and upon which the public had no right to travel.

In *Northern Palm Beach County Water Control District v. State*, [5] the Supreme Court of Florida in a 4-3 decision concluded that Article VII, section 10, Florida Constitution, did not prohibit the water control district from issuing bonds to finance on-site road improvements in a district created for the purpose of draining and reclaiming the land. In reaching its decision, the Court relied on the fact that the district's taxing power was not involved, there was no pledge of the district's credit, the Legislature had set forth a declaration of the public purpose to be served, and the district would retain ownership of the roadways in question.

The Court expressed concern that public access to the roads would be limited: "[T]he fact that public access to the roads will be limited raises a question of whether the stated public purposes are only incidental to a primary private purpose. . . ." [6] The fact that the district retained ownership of the roadways in question, coupled with the legislative declaration of a public purpose, "leads us to the conclusion that the on-site improvements serve a public purpose." [7] The Court stated, however, that "[a] broad, general public purpose . . . will not constitutionally sustain a project that in terms of direct, actual use, is purely a private enterprise." [8]

In the instant inquiry, the canals or ditches are located on private property over which neither the public nor the county has an easement. Granting a temporary easement to the county for the purpose of entering upon the property to repair the canals or ditches would not appear to be sufficient to satisfy the public purpose requirements of Article VII, section 10, Florida Constitution. The temporary grant of an easement would not appear to recharacterize the property involved as public property for which public funds may clearly be spent.

The determination, however, of what constitutes a valid public purpose is a factual determination for the legislative and governing body involved, in this case the Flagler County Board of County Commissioners. Such a determination is one that must be made by the county commission and cannot be delegated to this office.[9]

Accordingly, I am of the opinion that while the determination of whether the expenditure of county funds serves a county purpose is one that the board of county commissioners, as the legislative body for the county, must make, granting a temporary easement of thirty days to the county would not appear to satisfy the public purpose requirement for the expenditure of public funds if the expenditure of such funds is not otherwise permissible.

Sincerely,

Robert A. Butterworth  
Attorney General

RAB/tjw

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[1] Chapter 157, Florida Statutes, provides for drainage by counties, including the construction of public ditches, drains or canals. Section 125.01(1)(q), Florida Statutes, authorizes the creation of municipal service taxing units or benefit units within which may be provided essential facilities and municipal services from funds derived from service charges, special assessments or taxes within such unit.

[2] *Bannon v. Port of Palm Beach District*, 246 So. 2d 737, 741 (Fla. 1971).

[3] See, e.g., *State v. Housing Finance Authority of Polk County*, 376 So. 2d 1158, 1160 (Fla. 1979). If the county's taxing power or pledge of credit is involved, the improvements must serve a paramount public purpose. See *Orange County Industrial Development Authority v. State*, 427 So. 2d 174 (Fla. 1983). If, however, neither the taxing power nor a pledge of credit is involved, then it is enough to show only that a public purpose is involved. *Linscott v. Orange County Industrial Development Authority*, 443 So. 2d 97 (1983).

[4] And see *Padgett v. Bay County*, 187 So. 2d 410 (Fla. 1st DCA 1966); *Collins v. Jackson County*, 156 So. 2d 24 (Fla. 1st DCA 1963); Op. Att'y Gen. Fla. 73-222 (1973) (expenditure of county funds to provide minor work

or repair on private roads). *Cf. Brumby v. City of Clearwater*, 149 So. 203 (Fla. 1933), in which the Supreme Court of Florida voided a contract between a city and a private individual whereby the city financed the dredging of a channel leading to the private individual's place of business, because "the contract clearly required the appropriation of public money for the individual benefit of the applicant[.]"

[5] 604 So. 2d 440 (Fla. 1992).

[6] *Id.* at 443.

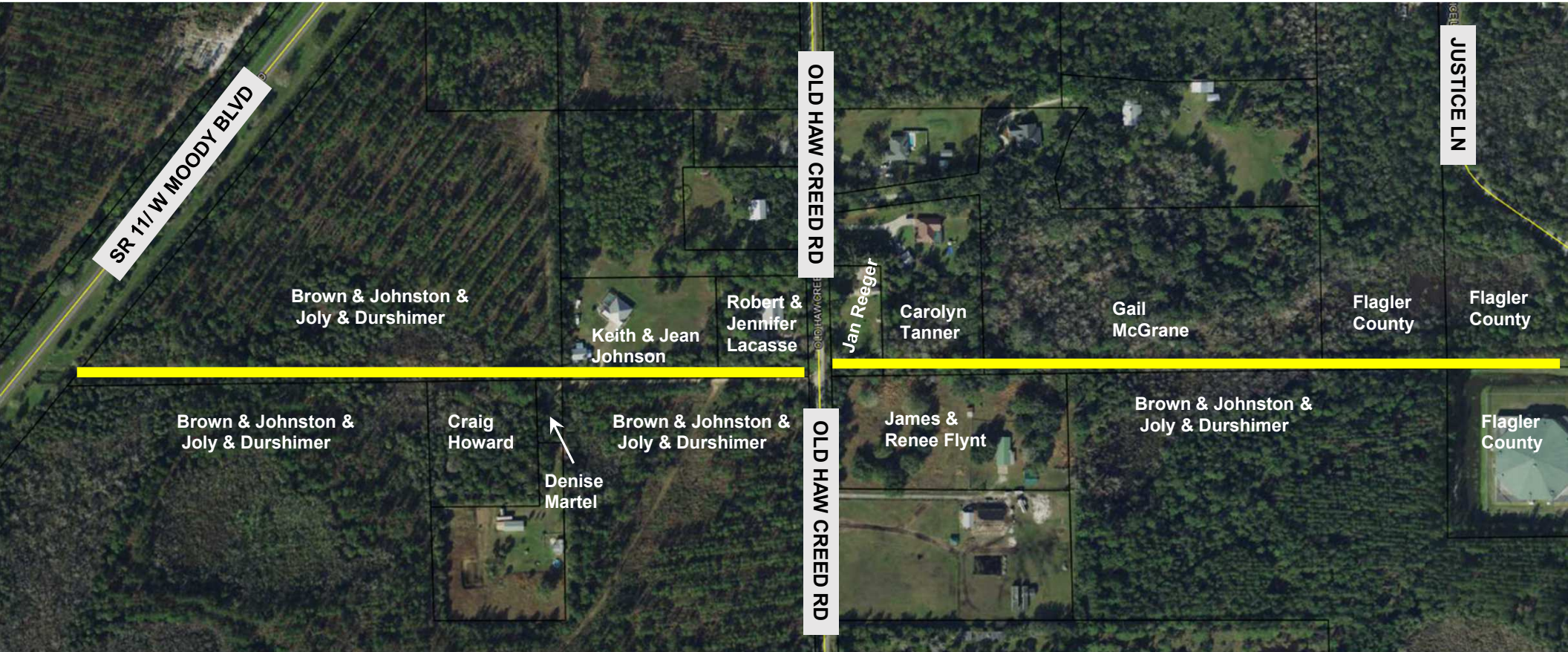
[7] *Id.*

[8] *Id.* quoting, *Orange County Industrial Development Authority v. State*, 427 So. 2d 174, 179 (Fla. 1983).

[9] See Ops. Att'y Gen. Fla. 90-37 (1990), 83-6 (1983), and 77-27 (1977), stating that the legislative determination and findings as to the purpose of the expenditure and the benefits accruing to the public body could not be delegated to the Attorney General nor could the Attorney General undertake to make such findings on behalf of the public body.



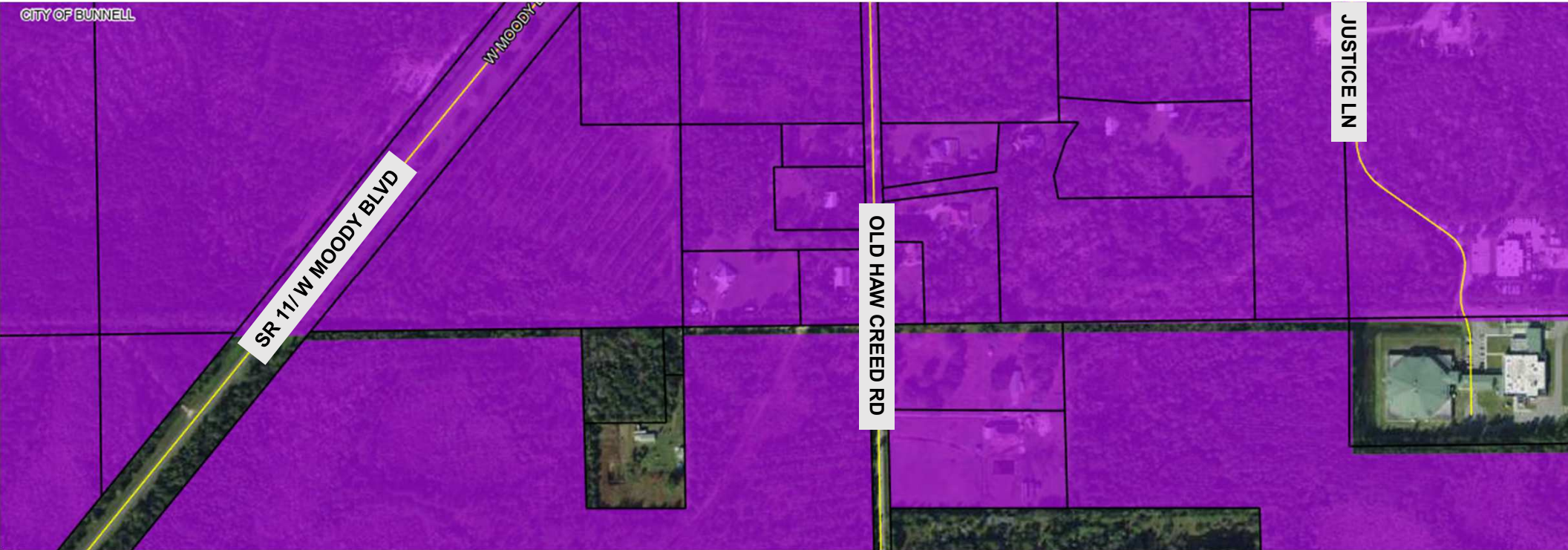
# Ditch Adjacent Property Owners



City of Bunnell Jurisdiction =



CITY OF BUNNELL



## Old Haw Creek Road - Ditch Notes

### Known History:

The Old Haw Creek Ditch originates at the wetlands located directly east of the County Jail and flows in a westerly direction crossing the southern tips of the below listed privately owned properties, under Old Haw Creek Road and proceeds to cross under SR 11 prior to discharging into Black Branch Creek. Black Branch Creek discharges to Crescent Lake which discharges to the St. Jons River.

Privately owned properties containing the above referenced ditch *only* (does not include ALL affected property owners should the City obtain ownership of the ditch and adjacent property needed on either side of the ditch for access) :

1. 1001 Justice Lane: 15-12-30-650-000D0-0060 – Flagler County
2. 614 Justice Lane: 15-12-30-0000-03080-0000 – Flagler County
3. 375 Old Haw Creek: 15-12-30-0650-000D0-0251 – Gail McGrane
4. 425 Old Haw Creek: 15-12-30-0650-000D0-0253 – Carolyn Tanner
5. 429 Old Haw Creek: 15-12-30-0650-000D0-0252 – Jan Reeger
6. Old Haw Creek Road crossing – 58” x 91” elliptical conc culvert with conc headwalls
7. 448 Old Haw Creek: 15-12-30-0650-000C0-0272 – Robert & Jennifer Lacasse
8. 450 Old Haw Creek: 15-12-30-0650-000C0-0273 – Keith & Jean Johnson
9. Brown and Johnston: 15-12-30-0650-000C0-0040 – Brown & Johnson & Joly & Durshimer

On November 1, 2022, the City and the County held an in person meeting to discuss the origin of the above described ditch. It is unclear as to when the ditch was created, it could have been 50 to 100 years ago by farmers and/or loggers. Due to its perfectly straight path, it was concluded that the ditch was likely man made.

### Old Haw Creek Ditch Ownership:

The County and City property records indicate that the ditch crosses through and is located on the above-mentioned “private properties”. Two of the property records call out a drainage easement (425 and 429 Old Haw Creek) and two call out a road easement (448 and 450 Old Haw Creek).

- A drainage easement is an easement specifically to allow water to drain over a person’s private property for the benefit of the surrounding properties.
- A road easement is an easement for a road to allow others to travel over a road that is on private property.

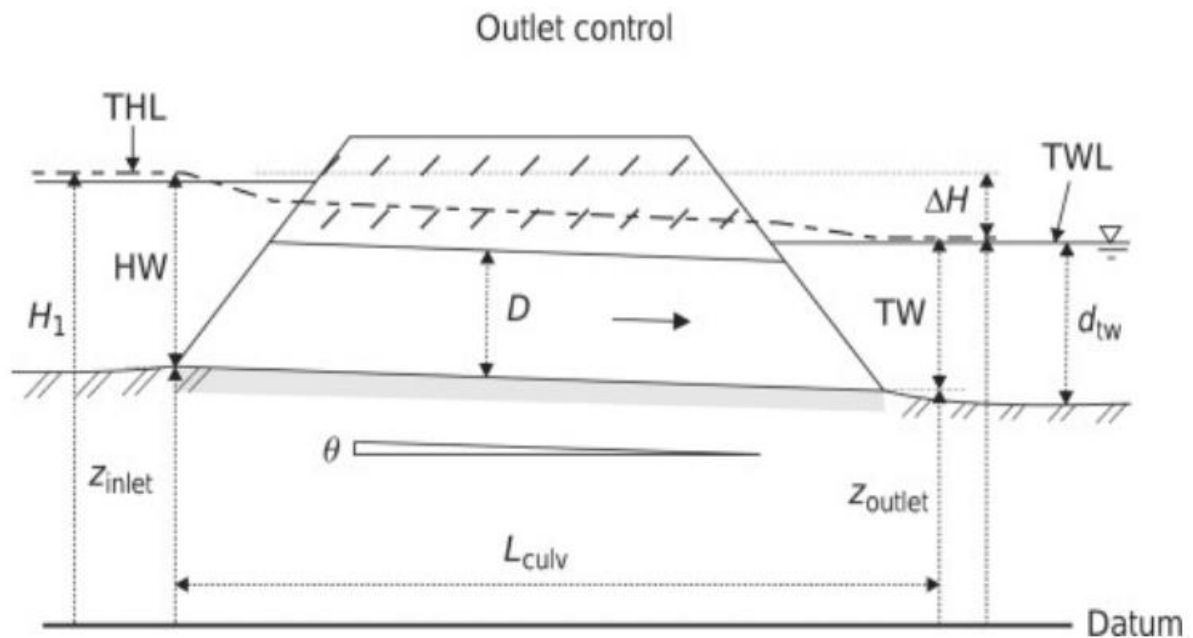
The above easements do not assign ownership of the ditch. The available property records indicate the ditch is located on private property and is consequently privately owned by each property owner. The ditch crossing at 450 Old Haw Creek Road is located off an unnamed private dirt road and is not within a public right-of-way. Since County and City records may not be entirely inclusive, at their sole discretion, the property owners could choose to perform a title search which may uncover additional information that may indicate findings different from the above.

A question posed to the Attorney General by Flagler County asked if the county commission could expend public funds to repair drainage canals located on the private property of several

large landowners if the county is given a thirty-day easement. The Attorney General responded in Attorney General Opinion 94-89 that Article VII, section 10 of the Florida Constitution prohibits local governments from using their taxing power or pledging public credit to aid any private person or entity. The government may only expend public funds “if the expenditure primarily or substantially serves a public purpose,” in which case, “the fact that the expenditure may also incidentally benefit private individuals” does not violate the Constitution. Therefore, it is clear that the city may not expend funds to improve private property unless the improvements primarily benefit the public at large rather than the private owners.

**Old Haw Creek Road and Ditch flooding:**

Both the City and County have been notified that Old Haw Creek Road, the ditch and the surrounding properties have experienced flooding during Hurricanes Irma and Ian. As can be expected, Hurricanes bring immense quantities of rainwater in a short period of time. This will inundate any stormwater infrastructure and the surrounding waterways ultimately causing the surrounding creeks and City outfalls to flow at a much higher capacity consequently causing a higher than typical tailwater condition. A high tailwater creates an outlet control situation which lessens the ability of the stormwater in lower lying areas to effectively drain. Please see below image of outlet control (tail water):



Residents have mentioned that the ditch hasn't maintained. The ditch has been in its current state for several decades and does not effectively convey stormwater as intended. Logs and/or debris that enters the ditch during heavy storms may likely have floated from the upland outer banks of the ditch, thus a clean ditch could not correct this. Additionally, cleaning the straight-line ditch could have a worsening effect by increasing the water's velocity, possibly causing erosion and could likely cause perching/flooding elsewhere downstream. The existing trees and underbrush maintain a controlled, laminar flow and slow the storm water down keeping the flow similar to a natural creek. Flooding images of the entire Old Haw Creek Road would indicate that the water is being properly conveyed. For large storm events the water simply has nowhere

to go and the above mentioned tailwater conditions presented during larger storm events result in upstream flooding.

Rain gauges around Flagler County during Hurricane Ian indicated rainfall amounts that equated to a 10-year to 25-year storm event for the Old Haw Creek Road area. Areas directly to the east that contribute to Black Branch Creek saw rainfall amounts in excess of the 100-year storm. It had been raining across Florida and in Bunnell for most of the 30 days prior. Consequently, the surrounding grounds were already saturated, the St. Jons River was above its normal banks and the contributing creeks such as Black Branch Creek were at capacity. All these factors plus the Hurricane rains contributed to excessive tailwater conditions causing the stormwater to back up the upstream tributaries with nowhere to go.

The jail and the lands to the contributing areas to the east of the jail did not experience flooding during Hurricanes Irma or Ian.

Day to day, 5-year and 10-year storm events within the above areas do not have a history of flooding and all the infrastructure functions as intended during normal rain events. Added to the fact that per the below table from the FDOT Manual of Minimum Design Standards for Design, Construction and Maintenance for Streets and Highways, the minimum design frequency for local roads and streets that are less than 3,000 trips per day is the 5 to 10-year storm. The Culvert under Old Haw Creek Road and the Ditch currently meet this standard.

**Table 20 – 4 Recommended Minimum Design Flood Frequency**

Roadway Classification	Exceedance Probability (%)	Return Period (Year)
Local Roads and Streets, ADT >3,000 VPD	4%	25
Local Roads and Streets, ADT ≤ 3,000 VPD*	20-10%	5-10

It is important to understand that the entire City as a whole and the associated stormwater infrastructure needs to be assessed via a Citywide stormwater study to properly understand localized flooding. Attempting to band aid a situation will not necessarily correct flooding problems. These are low lying areas which are naturally conducive to flooding during hurricane events.

**Old Haw Creek Ditch Field Visit and Existing Culvert sizes:**

Please see the below summary of the culverts collected from the Old Haw Creek field visit performed on October 26, 2022 regarding the ditch that begins at the wetlands to the east of the County Jail and continues as described below to the crossing at SR 11:

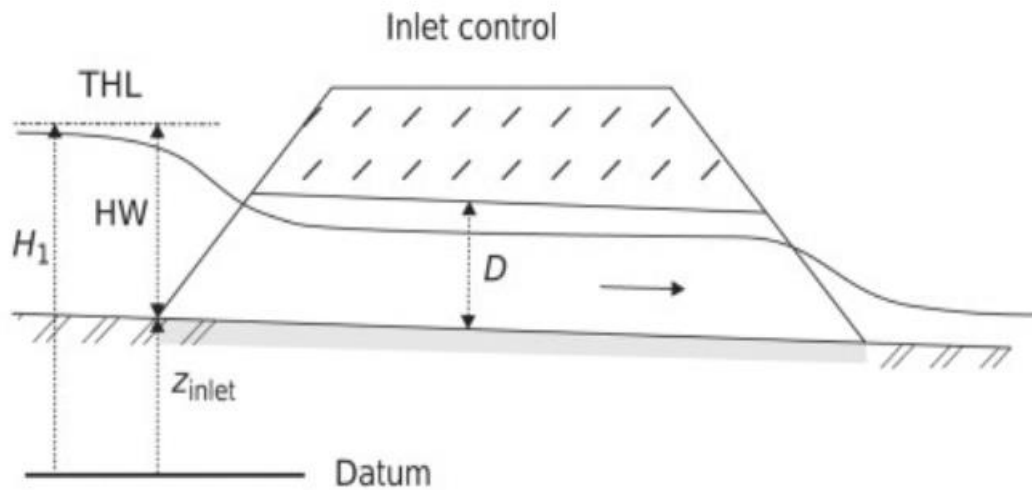
1. 3' round concrete culvert under access road to the County Jail.
  - a. Cross sectional area = 7.06 square feet.
  - b. Culvert is clear, in good condition and flowing at capacity.
  - c. Secured with concrete mitered end sections at both ends.



2. 4.83' x 7.58' elliptical concrete culvert under Old Haw Creek Rd.
  - a. Cross sectional area = 28.81 square feet.
  - b. Culvert is clear, in good condition and flowing at capacity.
  - c. Secured with concrete headwall at both ends.



3. Twin 4' round CMP pipes under the driveway serving 450 Old Haw Creek.
  - a. Cross sectional area of both pipes = 25.14 square feet. This is 3.67 square feet (12.74%) smaller than the upstream culvert. This could cause an inlet control situation. Please see below image if inlet control (headwater):



- b. Culverts are aged, under poor repair with crumples at both ends and partially clogged with sand. Currently, these culverts are not flowing at full capacity. Some of the condition may be due to the quick repair from recent failure.
- c. Culverts are open ended and not secured with concrete headwalls or mitered end sections. This makes them unstable subjecting them to erosion and/or wash out if water in ditch were to rise during another named storm event.

450 Old Haw Creek - Upstream



450 Old Haw Creek Downstream





450 Old Haw Creek – Driveway washout after Ian



4. Twin 10' x 5.5' box culverts under SR 11
  - a. Cross sectional area of both box culverts = 110 square feet.
  - b. Culverts are clean, in good condition and flowing at capacity.
  - c. Secured with concrete headwalls at both ends.
  - d. In addition to the ditch flow, these culverts collect the stormwater from the large ditch that parallels SR 11.



**Estimated Cost to Obtain Rights to Clean/Maintain the Old Haw Creek Ditch:**

Estimated costs to clear and clean Ditch beginning at the Jail to the most western edge of the 450 Old Haw Creek Road property:

Construction & clearing costs:	\$ 750,000
Land acquisition:	\$ 300,000
Engineering and Permitting:	\$ 85,000
Wetland mitigation:	<u>\$ 50,000</u>
<b>Estimated Total:</b>	<b>\$1,185,000</b>

Jan Reeger  
429 Old Haw Creek Road  
Bunnell, Florida 32110  
386-437-1413  
[Jan4769@aol.com](mailto:Jan4769@aol.com)

October 10, 2022

Heidi Petito  
County Administrator  
1769 East Moody Blvd.  
Bunnell FL 32110

Kifah Alkhatib  
County Engineer  
1769 East Moody Blvd.  
Bunnell FL 32110

RE: Flooding ~ Flagler County Drainage Canal

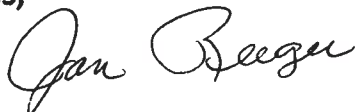
There is a major problem requiring attention before another huge event strikes like Hurricane Ian. The cause of the apparent blockage in the canal needs to be investigated and resolved. My Neighbors tell me this issue has been reported many times over very many years without any response.

Enclosed are photos of the flooding on and around my property from Irma in 2017 and Ian in 2022. It appears the water rose higher this year. I have either witnessed or been told of several neighbors who experience flooding and I am sure there are more.

Also enclosed is a copy of the first page of the Canal Right-of-Way Easement granted to Flagler County I received as part of my land survey. The Tanners also have this in Easement in their recently done survey.

I would appreciate acknowledgement of receipt of this letter and advise who will be the contact to oversee this issue.

Regards,



Jan Reeger

Cc: Alvin Jackson, Bunnell City Manager  
Neighbors: Tanner, Kelley, Flynt, Lacasse, Johnson

# Hurricane Irma 2017



Old Haw Creek Road  
under water

429 Old Haw Creek Road flooded



# Hurricane Ian 2022

Drainage Canal water up to OHCR

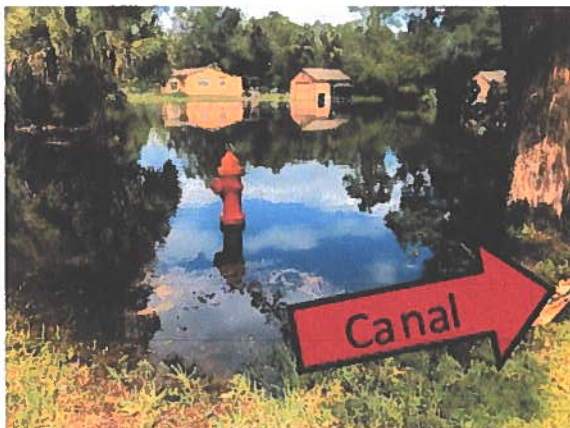


West side of culvert



East side of culvert

429 Old Haw Creek Road flooded





P. O. Box 609  
Bunnell FL 32110

ORLANDO FL 328

11 OCT 2022 PM 5 L



ENERGY  
ACTION  
MONTH



Heidi Petito  
County Administrator  
1769 East Moody Blvd.  
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32110-635599

