FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS

JUNE 1, 2026

REGULAR MEETING

Present: Chair Leann Pennington, Vice Chair Kim Carney, Commissioners Andrew Dance, Gregory Hansen, Interim County Administrator Adam Mengel, Deputy County Attorney Sean Moylan and Deputy Clerk Stephanie Tolson

Absent: Commissioner Pam Richardson

Chair Pennington called the meeting to order at 9:00 a.m. in the Board Chambers of the Government Services Building in Bunnell, Florida.

ITEM 1 - PLEDGE TO THE FLAG AND MOMENT OF SILENCE

Chair Pennington led the Pledge to the Flag and requested a moment of silence.

ITEM 2 - ADDITIONS, DELETIONS AND MODIFICATIONS TO THE AGENDA

None

ITEM 3 - ANNOUNCEMENTS BY THE CHAIR

None

ITEM 4A – RECOGNITIONS

None

ITEM 4B – PROCLAMATIONS

None

ITEM 4C1 – PRESENTATIONS – GFOA DISTINGUISHED BUDGET PRESENTATION AWARD

John Brower, Interim Deputy County Administrator shared the Government Financial Officer's Association of the United Stated and Canada (GFOA) has recognized Flagler County with the Distinguished Budget Presentation Award to Flagler County Annual Budget for the fiscal year ending September 30, 2026.

Commissioner Hansen thanked the Finance team for what they do.

ITEM 4C2 – PRESENTATIONS – TOURISM DEVELOPMENT OFFICE UPDATE

Amy Lukasik, Tourism Development Director gave a brief presentation update.

(Presentation on file with the Clerk's office.)
(Item 4c2 continued)

Commissioner Hansen asked if the numbers reflect that tourism is down primarily from Canada.

Ms. Lukasik answered yes, that's what our partners are telling us. Stated she did go to a conference not too long ago and there were people from Canada and they stated they will come back just not yet.

Commissioner Hansen stated visitors flying to Florida are also down but people driving has gone up. Stated he didn't see Atlanta on the list either.

Ms. Lukasik stated they didn't rank in that time as a high-quality number.

Commissioner Carney asked if the counties that don't have beaches and historical preservations are still required to charge a tourism tax or if they can choose not to.

Ms. Lukasik answered 65 out of 67 counties collect a bed tax.

Commissioner Dance stated one of the benefits of going through the Regional Council's leadership program is they stop at each of our northeast Florida counties and you get updates and reports from each of the counties' tourism departments.

<u>**ITEM 5A – COMMUNITY OUTREACH**</u>

Raymond Royer, Flagler County resident stated he has spoken to a few groups about the Charters of Freedom and the VFW would be interested in having them donated. Stated they intend to start fundraising to display the plates.

Ann Moore, Flagler County resident stated she doesn't believe the BOCC has received enough recognition for the environmentally sensitive lands that they have acquired. Shared some history about Lake Disston.

Commissioner Carney thanked Ms. Moore about the history of Lake Disston. Asked Ms. Lukasik if Lake Disston is promoted.

Discussion continued about Lake Disston.

Commissioner Carney asked if Commissioner Hansen was involved with the Charters of Freedom.

Commissioner Hansen stated he would speak with Interim County Administrator Mengel about it.
(Item 5a continued)

Commissioner Carney asked Interim County Administrator to look into options.

ITEM 5B – BOARD COMMENTS ON CONSENT ITEMS

Commissioner Dance asked Sean Moylan, Deputy County Attorney to discuss Item 7i.

Sean Moylan, Deputy County Attorney gave a brief overview of the item.

Commissioner Carney asked about Item 7i and if the balance reflected is accurate.

Commissioner Hansen stated he will meet with Interim County Administrator Mengel about Item 7b and the surplus list. Mentioned mobi-mats as an example of an item on the list.

Chair Pennington asked if we should table Item 7b or if the items are already gone.

Interim County Administrator Mengel answered majority of the items are already gone and stated the mobi-mats were loaned to Flagler Beach.

Discussion continued.

Robert Rounds, Procurement Manager stated majority of the items are gone and the people that knew or thought they knew where it was are also gone. Shared how they are updating their policies.

Discussion continued.

Commissioner Hansen stated he won't pull it but will sit down with Interim County Administrator Mengel to discuss this topic moving forward.

CONSENT AGENDA – ITEMS 6A THROUGH 7I

Commissioner Dance pulled Item 7e from the Consent Agenda for discussion.

A motion was made by Commissioner Carney to approve the Consent Agenda with the exception of Item 7e. Seconded by Commissioner Hansen.

Chair Pennington called the question. Motion carried unanimously.

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

ITEM 6A – BILLS AND RELATED REPORTS

The report(s) of funds withdrawn from the County depositories by the Flagler County Clerk of the Circuit Court and the Revenue Collected Report presented in the compliance with the provisions of Section 136.03, Florida Statute as listed below:

- Disbursement Report for Week Ending May 08, 2026
- Disbursement Report for Week Ending May 15, 2026

ITEM 6B – APPROVAL OF BOARD MEETING MINUTES

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

- May 4, 2026, Regular Meeting
- May 4, 2026, Workshop

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ITEM 7A – RATIFICATION OF FLAGLER COUNTY EMERGENCY PROCLAMATIONS EXTENDING THE STATE OF LOCAL EMERGENCY DUE TO SEVERE COASTAL EROSION AND VULNERABILITY

The following request was ratified as part of the Consent Agenda:

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

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

DATE OF MEETING: June 1, 2026

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

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

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

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

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

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

ITEM 7B – BOARD AUTHORIZATION OF DISPOSAL OF SURPLUS PROPERTY PURSUANT TO THE FIXED ASSET POLICY

The following request was approved as part of the Consent Agenda:

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

SUBJECT: Board Authorization of Disposal of Surplus Property Pursuant to the Fixed Asset Policy.

DATE OF MEETING: June 1, 2026

OVERVIEW/SUMMARY: Pursuant to the provisions of Chapter 274, Florida Statutes, the Board of County Commissioners must declare items as surplus and authorize the disposal of all tangible personal property, owned by the governmental unit, of a non-consumable nature. The list was sent to the Procurement Manager to create a master list to present to the Board. Items on this list have exceeded their useful life and will be either sold, used as a trade-in, or exchanged under warranty. This list is longer than usual due to the completion of a fixed asset "audit" which requires every asset the County owns to be physically identified and given staff turnover, an accounting and reporting software change/transition, and other factors, it's been a few years since the last physical count was able to be completed.

Review of the attached surplus list reveals assets that have been "on the books" for up to 24 years. The list presented is the result of countless hours of combing through decades of past Board meetings and minutes, files, emails, and inventories. For fixed assets that couldn't be found and for which paperwork was non-existent, the departments that were the custodian of the asset were responsible for writing a memo explaining why that was the case (e.g., the asset(s) were disposed of and proper records were not created and/or processed, staff inadvertently disposed an item in the trash, etc.). While unfortunate, the fact remains that the County's fixed asset record keeping, record management, and process follow-through have been sub-par until about 5 years ago, when the Fixed Asset Policy was rewritten and a focus was placed on getting this issue right. Completed memos, transfer forms, and disposal forms will be sent to the Clerk's Office.

That said, there is still much improvement that can be made. The Fixed Asset Policy continues to be fine-tuned to strengthen the process. In addition to the written policy, mandatory training has been created to re-enforce and ensure those involved in the process know what is required when dealing with fixed assets (chain-of-custody paperwork, proper disposal, etc.).

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

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

DEPARTMENT CONTACT: Robert Rounds, Office of Procurement and Contracts Manager (386) 313-4097

RECOMMENDATION: Request the Board declare items as surplus so that they can be removed from the County's fixed asset inventory and authorize the Office of Procurement and Contracts to dispose of surplus property pursuant to the Fixed Asset Policy.

ITEM 7C – CONSIDERATION OF AN INCREASE TO THE NORTH AMERICA FIRE EQUIPMENT COMPANY, INC. (NAFECO) COOPERATIVE PURCHASE AGREEMENT 22-050PB TO $345,000.00

The following request was approved as part of the Consent Agenda:

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

SUBJECT: Consideration of an Increase to the North America Fire Equipment Company, Inc. (NAFECO) Cooperative Purchase Agreement 22-050PB to $345,000.

DATE OF MEETING: June 1, 2026

OVERVIEW/SUMMARY: Staff is requesting Board approval to increase the NAFECO Cooperative Purchase Agreement 22 050PB from the current not to exceed amount from $120,000 to a revised total of $345,000, allowing Fire Rescue to continue purchasing essential uniforms, equipment, supplies, and related services in this fiscal year.

This increase is being requested because the current contract, originally awarded through Lake County, has been extended and remains in effect until July 2027, which we continue to utilize. The agreement also provides significant cost savings for our county, as it is used by multiple states, counties, and cities, allowing us to benefit from competitive, volume-based pricing while maintaining operational efficiency and reduced administrative workload.

STRATEGIC PLAN:
- Focus Area: Effective Government
  - Goal 2 – Support Effective and Efficient Government
- Public Health and Safety
  - Goal 3: Improve Public Safety Response and Service

FUNDING INFORMATION: Funding that will be utilized for this contract is within the Fire Rescue and EMS operating and capital budgets.

DEPARTMENT CONTACT: Robert Rounds, Purchasing Manager 386-313-4097
Michael Tucker, Fire Chief 386-313-4255

RECOMMENDATION: Request the Board approve the increase to the NAFECO Contract 22-050PB to not to exceed $345,000.

ITEM 7D – CONSIDERATION OF AN INCREASE TO RICOCHET CONTRACT ANNUAL SPEND LIMITS FROM $90,000 TO $150,000 (FIREFIGHTER BUNKER GEAR)

The following request was approved as part of the Consent Agenda:

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

SUBJECT: Consideration of an Increase to Ricochet Contract Annual Spend Limits from $90,000 to $150,000 (Firefighter Bunker Gear).

DATE OF MEETING: June 1, 2026

OVERVIEW/SUMMARY: Flagler County Fire Rescue is requesting approval to increase the contract amount for Ricochet Bunker Gear due to operational needs and compliance requirements under NFPA standards and Florida Statute 633.506(a) and (b). Florida Statute requires "firefighter employers" to purchase bunker gear that is free of "chemical hazards and taxic substances" (aka, PFAS). The Department was originally attempting to purchase "PFAS free" gear from a second vendor, but to date that vendor cannot "certify" the gear it sells is "PFAS free" which leaves Ricochet as the only available source meeting the requirements of F.S. 633.

Fire Rescue recently onboarded 15 additional firefighters, each of whom must be issued a full set of compliant structural firefighting protective gear. Additionally, 20 existing sets of bunker gear assigned to current personnel are scheduled to reach end-of-life and expire per NFPA 1971 standards, necessitating immediate replacement to ensure firefighter safety and regulatory compliance.

This request is necessary to maintain operational readiness, firefighter safety, and alignment with both NFPA standards and health-risk mitigation practices. Approving the contract increase will allow our Department to proceed with procurement without delay and maintain the high safety standards expected within Fire Rescue operations.

In order to comply with the new, statutory PFAS requirements, staff proposes to increase the annual spend limits (not to exceed) from $90,000 to $150,000.

STRATEGIC PLAN:
Focus Area: Effective Government
- Goal 1 – Maintain Financial Stability
- Goal 4 – Public Health and Safety

FUNDING INFORMATION: Funding for these contracts is included within Fire Rescue's budget.

DEPARTMENT CONTACT: Robert Rounds, Purchasing Manager, (386) 313-4097
Michael Tucker, Fire Chief, (386) 313-4255

RECOMMENDATION: Request the Board approve the annual spend for the term of the contract.

ITEM 7F – CONSIDERATION OF FLAGLER COUNTY TOURIST DEVELOPMENT COUNCIL FUND 1110 DISCRETIONARY EVENT FUNDING

The following request was approved as part of the Consent Agenda:

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

SUBJECT: Consideration of Flagler County Tourist Development Council Fund 1110 Discretionary Event Funding.

DATE OF MEETING: June 1, 2026

OVERVIEW/SUMMARY: On April 15, 2026, the Flagler County Tourist Development Council (TDC) met for the purpose of considering allocations from the Discretionary Event appropriation. The TDC deliberated on the requests and recommends that the Board of County Commissioners appropriate funds as follows:

$12,500 – Florida United Lacrosse, Father's Day Invitational, June 20-21, 2026
$12,500 Total Discretionary Event Allocations Requested

STRATEGIC PLAN:
Focus Area: Economic Vitality
- Goal 1- Increase Visitor Spending in all Tourism Related Sectors
  - Objective EV 1.2: Increase visitor spending in all tourism related sectors
- Goal 3 – Promote and Market Flagler County as a Desirable Place to Live, Work, and Visit
  - Objective EV 3.1: Execute objectives in the Tourist Development Strategic Plan

FUNDING INFORMATION: Funding in the amount of $100,000 (of which $56,000 has already been previously approved) is included in the Adopted FY 25-26 Budget for Discretionary Events in account number 1110-147-4700-559300-550-55-000-000-548004. Upon approval of the $12,500 request for these Discretionary Events, a balance of $31,500 will remain.

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

RECOMMENDATIONS: Request the Board approve the recommendation of the Flagler County Tourist Development Council 1110 Discretionary Event funding in the amount of $12,500 and authorize the County Administrator to execute the contract as approved to form by the County Attorney.

ITEM 7G – CONSIDERATION OF APPROVAL OF THE ENVIRONMENTALLY SENSITIVE LANDS PROJECT LISTS AS RECOMMENDED BY THE LAND ACQUISITION COMMITTEE

The following request was approved as part of the Consent Agenda:

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

SUBJECT: Consideration of Approval of the Environmentally Sensitive Lands Project Lists as Recommended by the Land Acquisition Committee.

DATE OF MEETING: June 1, 2026

OVERVIEW/SUMMARY: On May 11, 2026, the Environmentally Sensitive Land (ESL) Land Acquisition Committee (LAC) held its quarterly meeting. During this meeting, the LAC evaluated and score a new project application, Orange Hammock (2026-001), as well as recommended several changes to the ESL acquisition lists.

- The LAC recommends the addition of the Orange Hammock acquisition to the A list. This project consists of the acquisition of a conservation easement over eleven parcels totaling +/- 2,238 acres. The property encompasses pasture and silviculture lands between CR 305 and Little Haw Creek. The property owners would like Flagler County to purchase a conservation easement over the property that will allow continuation of current agricultural uses of the property. The property contains approximately 800-acres of wetlands and 1,514 acres of FEMA designated floodplain. Natural plant communities within the property include floodplain and basin swamp, hydric hammock, mesic and wet flatwoods. Acquisition of this conservation easement will ensure preservation of a critical conservation link between Crescent Lake and Lake Disston. The project evaluation criteria report prepared by ESL staff is included as an attachment to the staff report.

  Adding the project to the ESL acquisition list may allow the county to partner with the Florida Department of Agriculture (FDCAS) Rural and Family Lands Protection Program (RFLPP) and increase the chances the conservation easement acquisition would be funded by the state.

- The LAC recommends moving the Eggert 519 acquisition from the B List to the A List. The Eggert 519 acquisition is adjacent to the recently acquired Big Cypress Swamp Nature Preserve (Peterson Tract). The addition would increase the county's conservation holdings in a critical area of the Florida Wildlife Corridor. The staff report that was originally prepared by ESL staff in 2025 is included as an attachment.

- The LAC recommends moving the FAM 300 acquisition from the A List to the B List. After completing the appraisals, the negotiation team made separate offers for both the Sawmill and Museum Parcels. The parties tentatively agreed that the County would acquire the 61-acre Sawmill Parcel; however, in April the seller indicated that leadership was going to pursue an easement from FDACS over the property prior to the sale. The county's position is that this additional easement could affect the appraised value of the property and therefore, the offer was withdrawn. As a result, the county has communicated to the seller that the project may be reconsidered in the future.

Board approval of the updated list will allow staff to initiate discussions with applicants regarding a potential purchase of their property and expend ESL Program funds as part of the County's due diligence in advance of any purchase. Any agreement negotiated by the Negotiation Team will return to the LAC for recommendation to the Board and ultimately to the Board for approval or denial of any purchase.

(Item 7g continued)

The LAC recommends the following updates to the ESL A and B lists:

A List

Marineland 35 (fee)
Crescent Lake (less-than-fee)
Lastinger (less-than-fee)
Disston 132 (less-than-fee)
Cedar Point (less-than-fee)
Bulow Creek Floodplain Addition (fee or less than-fee)
Eggert 519 (fee)
Orange Hammock (less-than-fee)

B List

Favoretta 1301 (fee or less-than-fee)
Johnston (fee or less-than-fee)
Double C Ranch (less-than-fee)
FAM 300 (fee)

STRATEGIC PLAN

Focus Area: Growth and Infrastructure

- Goal 2 - Protect and Manage Natural Resources
    - Objective GI 2.5: Explore opportunities to acquire conservation lands through the Environmentally Sensitive Lands (ESL) program.

FUNDING INFORMATION: A total of approximately $9,970,019 (if Lastinger Purchase is approved this will be $6,720,019) is currently available in the ESL Program account for purchase of environmentally sensitive lands. Any potential property purchase and/or financing will be brought back to the Board for approval.

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

RECOMMENDATION: Request the Board approve the Environmentally Sensitive Lands project lists and authorize the Negotiation Team to open negotiations with listed applicants.

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ITEM 7H – CONSIDERATION OF LAND ACQUISITION COMMITTEE RECOMMENDATION TO USE ENVIRONMENTALLY SENSITIVE LANDS STEWARDSHIP FUNDS FOR THE ACQUISITION OF AN EASEMENT FOR BIG CYPRESS SWAMP NATURE PRESERVE ACCESS

The following request was approved as part of the Consent Agenda:

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

SUBJECT: Consideration of Land Acquisition Committee Recommendation to Use Environmentally Sensitive Lands Stewardship Funds for the Acquisition of an Easement for Big Cypress Swamp Nature Preserve Access.

DATE OF MEETING: June 1, 2026

OVERVIEW/SUMMARY: On May 11, 2026, the Environmentally Sensitive Land (ESL) Land Acquisition Committee (LAC) held its quarterly meeting. During this meeting, ESL staff discussed the acquisition of an access easement for the Big Cypress Swamp Nature Preserve (BCSNP) using ESL stewardship funds. BCSNP is a 3,819-acre property acquired for conservation purposes by Flagler County on April 9, 2026. The acquisition was funded through a state appropriation for a total price of $ 6,052,338.56 dollars.

The voter-approved ESL referendum allows the county to use up to 10% of the purchase price for each new property acquisition for improvements to the acquired property. These funds should be made available to allow public use or proper stewardship of the site. Lack of legal access to the property was identified during the acquisition process and factored into the appraisal value of the property. Both the LAC and BOCC recommended and authorized acquisition of the property, with an understanding that ESL staff would work with adjacent property owners to resolve access issues.

Adjacent property owners to the south and west of the property expressed no interest in allowing the county to acquire an access easement. However, Rayonier Forest Resources LP, who owns several properties to the east and north, is amenable to selling Flagler County an access easement.

Preliminary discussions between ESL and Rayonier staff identified two potential alternative routes. A northern route, extending from Potatoville Road to the northwest corner of the property, and a southern route from CR 205 to the eastern property boundary. Although shorter in length, the northern route poses several logistical challenges and requires driving through either Putnam or St. Johns County to access the property, increasing the overall long-term costs associated with transportation and staff time. Although longer in length, the southern route offers more efficient access and reduces long-term costs and has been identified as the preferred route. Acquiring an access easement would allow county staff to access BCSNP to conduct conservation-related (stewardship) work; however, public use of the easement to access the property is not included.

The request was discussed by the committee members and a motion recommending the use of stewardship funds for this purpose was unanimously approved. Board approval would allow staff to negotiate the acquisition of the easement and allow expenditure of ESL funds as part of County's due diligence in advance of a purchase. Any agreement negotiated by the Negotiation Team will return to the LAC for recommendation to the Board and ultimately to the Board for approval or denial of any purchase.

STRATEGIC PLAN
Focus Area: Growth and Infrastructure

- Goal 2 - Protect and Manage Natural Resources
  - Objective GI 2.5: Explore opportunities to acquire conservation lands through the Environmentally Sensitive Lands (ESL) program.

FUNDING INFORMATION: A total of approximately $9,970,019 (if Lastinger Purchase is approved this will be $6,720,019) is currently available in the ESL Program account for purchase of environmentally sensitive lands. Any potential property purchase and/or financing will be brought back to the Board for approval.

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

RECOMMENDATION: Request the Board approve the use of ESL stewardship funds and authorize County staff to negotiate an access easement for the Big Cypress Swamp Nature Preserve

ITEM 7I – CONSIDERATION OF PURCHASE AND SALE AGREEMENT FOR A CONSERVATION EASEMENT IN THE AMOUNT OF $3,250,000 FOR THE LASTINGER PROPERTY

The following request was approved as part of the Consent Agenda:

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

SUBJECT: Consideration of Purchase and Sale Agreement for a Conservation Easement in the amount of $3,250,000 for the Lastinger Property.

DATE OF MEETING: June 1, 2026

OVERVIEW/SUMMARY: On May 11, 2026, the Environmentally Sensitive Land (ESL) Land Acquisition Committee (LAC) held its quarterly meeting. During this meeting, ESL staff presented the purchase and sale agreement for a conservation easement over the Lastinger Property. The property is a 38.92-acre tract of land located on the east side of the Intracoastal Waterway (ICW) approximately 0.20-miles south of the River to Sea Preserve. The property is one of the largest remaining privately-owned, undeveloped properties along the ICW and contains rare and threatened natural communities including 13.16-acres of coastal strand, 1.83-acres of coastal swale, and 14-acres of maritime hammock. The property also contains two (2) documented archeological sites, of significant historical and cultural value.

The proposed conservation easement allows for continued use existing structures including a bunkhouse/barn building, pavilion, dock, internal roadway, and maintenance of all mowed/maintained areas. The easement limits future development of the property to the construction of three single family residences in three lots measuring 100 x 200 feet. Construction within the residential lots will be limited to a maximum of 5,000 square feet of impervious surface that includes the footprint of the residential unit on such lot, residential support buildings, as well as all impervious driveways, parking areas, decks or any other similar areas or improvements. Additionally, the easement allows for internal improvements of the barn/bunkhouse as well as expansion of the pavilion to a maximum of 2,000 square feet. The appraised value of the conservation easement far exceeds the agreed sales price, and the difference can be considered as a donation to the county.

The conservation easement agreement was discussed by LAC and a motion recommending its purchase was unanimously approved.

STRATEGIC PLAN
Focus Area: Growth and Infrastructure
- Goal 2 - Protect and Manage Natural Resources
    - Objective GI 2.5: Explore opportunities to acquire conservation lands through the Environmentally Sensitive Lands (ESL) program.

FUNDING INFORMATION: Funding in the amount of $3,250,000 will be transferred from Fund 1119 Reserves for the purchase of this property.

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

RECOMMENDATION: Request the Board approve the Purchase and Sale Agreement for the Acquisition of the Lastinger Conservation Easement in the Amount of $3,250,000, authorizing the Chair to execute the agreement and all necessary documents associated with this transaction approved as to form by the County Attorney, and approve the budget transfer from Fund 1119 reserves.

The following items were pulled from Consent Agenda for discussion and action:

ITEM 7E – CONSIDERATION OF SETTLEMENT AGREEMENT RELEASING ALL CLAIMS AGAINST THE COUNTY IN THE MATTER OF WHITFIELD V. FLAGLER COUNTY

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

SUBJECT: Consideration of Settlement Agreement Releasing All Claims Against the County in the Matter of Whitfield v. Flagler County

DATE OF MEETING: June 1, 2026

OVERVIEW/SUMMARY: After her resignation in 2024, former County employee Samantha Whitfield filed suit against the County under the Florida Public Whistle-blower's Act, alleging wrongful termination due to her disability and gender in violation of the Florida Civil Rights Act. The claims are covered by the County's insurance policy with Preferred Governmental Insurance Trust ("PGIT"), and PGIT provided the County's legal defense. During discovery, PGIT offered, and the plaintiff accepted, $20,000.00 in exchange for a waiver and release of claims of liability against the County. Under the agreement, the County does not admit liability but seeks to avoid the costs of litigation. In addition, both parties bear their own attorneys' fees and agree to non-disparagement of the other.

DEPARTMENT CONTACT: Michael Rodriguez, County Attorney (386) 313-4005
Mark Muzii, Risk Manager (386) 313-4032

FUNDING INFORMATION: N/A

RECOMMENDATION: Request the Board approve the Settlement Agreement and authorize the Interim County Administrator to Execute the Settlement Agreement.

Sean Moylan, Deputy County Attorney gave a brief overview of the item.

Commissioner Dance stated he has pulled the item to vote against it. Stated we've denied liability and it will perpetuate the perception that anything brought against us will be settled.

Commissioner Carney asked if this went through our legal team and HR before it went to insurance.

Mr. Moylan answered yes.

Discussion continued.

Commissioner Hansen asked if we litigate this, does the insurance company cover all the costs.

Received a yes answer.

(Item 7e continued)

Charlie Picano, Human Resources Director stated if we do not settle and go to trial then we are responsible for the legal fees. Stated if the insurance company decided to move forward with a trial then they would pay for the legal fees.

A motion was made by Commissioner Carney to approve Item 7e. Seconded by Commissioner Hansen.

Chair Pennington opened public comment.

There was none.

Chair Pennington closed public comment.

Chair Pennington asked for a roll call vote.

Stephanie Tolson, Deputy Clerk captured the following votes:

- **Chair Pennington – "Aye"**
- **Commissioner Carney – "Aye"**
- **Commissioner Dance – "Nay"**
- **Commissioner Hansen – "Aye"**

Motion carried 3-1 with Commissioner Dance in opposition.

GENERAL BUSINESS

ITEM 8 - NONE

PUBLIC HEARINGS

ITEM 9A – NONE

ITEM 10A - COUNTY ADMINISTRATOR REPORT/COMMENTS

Interim County Administrator Mengel reported the following:

- Shared he received the financial information and are reviewing it for both the anticipated growth percentage from the property appraiser and then also with a special assessment legislature and potentially the ballot implications all related to homestead exemption
- Stated the constitutionals will have their budgets in hopefully by close of business today

ITEM 10B - COUNTY ATTORNEY REPORT/COMMENTS

Deputy County Attorney Moylan reported the following:

- Shared staff is revamping an old ordinance that is related to culverts and drainage
- Stated Sarah Spector, Assistant County Attorney is working with Mr. Miranda in Growth Management preparing comments for the City of Palm Coast westward expansion MPD. Shared the first round of comments were not addressed to our satisfaction and we are concerned about impacts to county roads.

ITEM 10C – COMMUNITY OUTREACH

None

ITEM 10D – COMMISSION REPORTS/COMMENTS/ACTION

Commissioner Hansen asked to get on Interim County Administrator Mengel's calendar.

Commissioner Carney shared how the Canvassing Board is going. Thanked staff for taking care of Bing's Landing. Asked if we have an update on the application process for County Administrator.

Charlie Picano, Human Resources Director stated applications are still coming in and the posting closes this month.

Commissioner Carney asked when those will be received.

(Item 10d continued)

Mr. Picano answered they will be receiving them today.

Commissioner Carney stated the CFO topic popped up again. Asked if we have received any information regarding our formal records request.

Sean Moylan, Deputy County Attorney answered there has been no progress.

Commissioner Carney asked if we could stay on top of that topic. Asked if in the meantime, we have an information piece about where the County stands on that topic.

Commissioner Dance stated we need to be clear on what we want to have staff say.

Chair Pennington stated if we could address the general fund spending and what money went where.

Discussion continued.

Interim County Administrator Mengel stated they are working on a web page to review off the FAFO audit and hit all the points mentioned here.

Discussion continued about what to include in the web page.

Interim County Administrator Mengel stated direction is clear.

Commissioner Dance commented on the Item 7e. Stated there was discussion that this is the first time the BOCC has looked at these and that they are normally handled administratively. Asked if there was a policy change.

Mr. Moylan answered with Mr. Hadeed and his predecessors, it was handled through the carrier and the county administrator. Stated County Attorney Rodriguez, in his past, has always brought these to the board on consent. Stated that is his intent going forward.

Commissioner Dance stated he doesn't like it being able to be switched depending on who the attorney is.

Commissioner Carney stated she learned that at dismissal of an employee, our legal team isn't even made aware of it. Added she would like that going forward have all dismissals be presented to the attorney's office before they are actually dismissed.

(Item 10d continued)

Mr. Moylan stated he agrees and supports the idea of the county attorney's office reviewing any terminations.

Discussion continued.

Commissioner Dance asked if there is consensus to have that policy prepared.

Consensus received.

Chair Pennington thanked staff for getting Bings Landing time frame adjusted.

ADJOURNMENT

The meeting was adjourned by consensus at 10:20 a.m.

APPROVED AND ADOPTED ____

ATTEST: FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS

____
Tom Bexley
Clerk of the Circuit Court & Comptroller

____
Leann Pennington
Chair