



STAFF REPORT

Regular City Commission Meeting

March 28, 2024

To: Elected Officials

From: Dale L. Martin, City Manager

Date: March 28, 2024

Item Name: Resolution 2024-20 a resolution by the City of Flagler Beach, Florida, authorizing the City Manager to submit an application to the Florida Inland Navigational District for the 2024 Grant Cycle; providing for conflict and effective date.

Background: The Florida Inland Navigation District (FIND) offers competitive funding through its 2024 Waterways Assistance Program. In summary, "Project types eligible for funding include public navigation, public waterway access facilities, waterfront parks, environmental education and boating safety projects directly related to the waterways. Funding is provided at a "50/50" match with local funds.

The City's proposed project to submit for funding is the improvement of State land located on the western shore of the Atlantic Intracoastal Waterway (AICW) beneath the State Route 100 (Moody Boulevard) bridge. The site is currently heavily overgrown with invasive vegetation (Brazilian pepper trees). The site is frequently used for shore-based fishing. Once appropriately cleared, the visibility and accessibility of the site will be significantly enhanced.

The project seeks funding to clear the site of the invasive vegetation, enhancing the visibility and accessibility of the site. The project also includes the installation of approximately 100' x 8' of "paver blocks" to provide off-street parking for approximately four vehicles. Two picnic tables are also proposed for the site.

The proposed project was endorsed by the City's Ad Hoc Parks Committee and by Flagler County FIND Commissioner Randy Stapleford.

The project will likely be submitted on a conditional basis: it appears that two different State agencies have authority over the subject parcel. The agency of authority must be clarified before the project can be started.

The grant application is due (electronically) to the FIND office by no later than April 1, 2024.

Fiscal Impact: The cost of the project is estimated at \$15,000: commercial clearance of vegetation, paver blocks, and picnic tables. If awarded, the project will be funded through the General Fund, Recreation Department, Line 001.5800.606300 (Improvements).

Staff Recommendation: Staff recommends approval of proposed Resolution 2024-20

Attachments: 2024 Waterways Assistance Program Application (portion), Correspondence, D. Martin to D. English (March 4, 2024; with attachments) Correspondence, D. English to D. Martin (March 15, 2024) Proposed Resolution 2024-20.

RESOLUTION 2024-20

A RESOLUTION BY THE CITY OF FLAGLER BEACH, FLORIDA AUTHORIZING THE CITY MANAGER TO SUBMIT AN APPLICATION TO THE FLORIDA INLAND NAVIGATION DISTRICT FOR FUNDING THROUGH THE 2024 WATERWAYS ASSISTANCE PROGRAM, PROVIDING FOR CONFLICT AND EFFECTIVE DATE.

WHEREAS, the Florida Inland Navigation District (FIND) offers competitive funding through its 2024 Waterways Assistance Program; and

WHEREAS, the City wishes to enhance the visibility and accessibility of the Atlantic Intracoastal Waterway to benefit the residents of and visitors to Flagler Beach; and

WHEREAS, the proposed project has been endorsed by the City’s Ad Hoc Parks Committee and, as required, Flagler County FIND Commissioner Randy Stapleford; and

WHEREAS, the City will work with State agencies to clarify the disposition of the proposed project site prior to commencing the project;

NOW THEREFORE BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FLAGLER BEACH:

SECTION 1. The City Commission authorizes the City Manager to submit an application for the Flagler Beach Intracoastal Access/Overwatch to the 2024 Florida Inland Navigation District Waterways Assistance Program.

SECTION 2. All resolutions or parts of resolutions in conflict herewith be and the same are hereby repealed.

SECTION 3. This Resolution shall become effective immediately as provided by law.

PASSED AND ADOPTED THIS _____ DAY OF MARCH, 2024.

CITY OF FLAGLER BEACH, FLORIDA
CITY COMMISSION

ATTEST:

Patti King, Mayor

Penny Overstreet, City Clerk

ATTACHMENT E-2
APPLICANT INFORMATION & PROJECT SUMMARY
WATERWAY ASSISTANCE PROGRAM FY 2024

APPLICANT INFORMATION		
Applicant:		
Department:		
Project Title:		
Project Director:		Title:
Project Liaison: <i>(if different from Director)</i>		Title:
Mailing Address:		
City:	Zip Code:	
Email Address:	Phone #:	
Project Address:		

***** I hereby certify that the information provided in this application is true and accurate. *****

SIGNATURE: _____ DATE: _____

PROJECT NARRATIVE (Please summarize the project in space provided below in 2 paragraphs or less.)

ATTACHMENT E-3

Section 6, Item b.

PROJECT INFORMATION

WATERWAY ASSISTANCE PROGRAM FY 2024

Applicant:	Project Title:	
Total Project Cost: \$	FIND Funding Requested: \$	% of Total Cost:
Amount of Applicant's Matching Funds:		
Source of Applicant's Matching Funds:		

1. **Ownership of Project Site (check one):** Own: Leased: Other:

2. **If leased or other, please describe lease or terms and conditions:**

3. **Has the District previously provided assistance funding to this project or site?** Yes: No:

4. **If yes, please list:**

5. **What is the current level of public access in terms of the number of boat ramps, boat slips and trailer parking spaces, linear feet of boardwalk (etc.)? (as applicable):**

6. **How many additional ramps, slips, parking spaces or other access features will be added by this project?**

7. **Are fees charged for the use of this project?** No Yes **

****If yes, please attach additional documentation of fees and how they compare with fees from similar public & private facilities in the area.**

Please list all Environmental Resource Permits required for this project:

AGENCY	Yes / No / N/A	Date Applied For	Date Received
WMD			
DEP			
ACOE			

ATTACHMENT E-4
EVALUATION WORKSHEET

WATERWAY ASSISTANCE PROGRAM FY 2024

DIRECTIONS:

All applicants will complete questions 1 through 6, and then based on the type of project, complete one and only one subsection (E-4A, B, C, D or E) for questions 7-10.

*****Please keep your answers brief and do not change the pagination of Attachment E-4*****

All other sub-attachments that are not applicable to an applicant's project should not be included in the submitted application.

Project Title:	
Applicant:	

1) PRIORITY LIST:

a) Denote the priority list category of this project from Attachment C in the application.
(The application may only be of **one** type based upon the predominant cost of the project elements.)

b) Explain how the project fits this priority category.

(For reviewer only)
Max. Available Score for application _____

Question 1. Range of Score (1 to _____ points)

2) WATERWAY RELATIONSHIP:

- a) Explain how the project relates to the ICW and the mission of the Navigation District.

- b) What public access or navigational benefit to the ICW or adjoining waterway will result from this project?

(For reviewer only)
(1-6 points)

3) PUBLIC USAGE & BENEFITS:

- a) Describe how the project increases/improves boater/public access.
Estimate the amount of total public use.

- b) Discuss the regional and local public benefits provided by the project.
Can residents from other counties of the District reasonably access and use the project? Explain.

- c) Has the local Sponsor implemented or plans to implement any boating access, speed zone, commercial access or other restrictive use of this site?

(For reviewer only)
(1-8 points)

4) TIMELINESS:

a) Describe current status of the project and present a reasonable and effective timeline for the completion of the project consistent with Attachment E-6.

b) Briefly explain any unique aspects of this project that could influence the timeline.

(For reviewer only)
(1-3 points)

5) COSTS & EFFICIENCY:

a) List funding sources and the status and amount of the corresponding funding that will be utilized to complete this project including any cash match or matching grant funds.

b) Identify and describe any project costs that may be increased because of the materials utilized or specific site conditions.

c) Are there any fees associated with the use of this facility? If so, please list or attach fee sheet.

d) If there are any fees, please explain where these fees go and what they are used for. In addition, please provide a listing of the fees charged by similar facilities, public and private, in the project area.

(For reviewer only)
(1-6 points)

6) PROJECT VIABILITY:

a) Why is the project necessary and what need will it fill? Why are existing facilities insufficient to meet demand?

b) Clearly demonstrate how the project will continue to be maintained and funded after funding is completed.

c) Is this project referenced or incorporated in an existing maritime management, public assess or comp plan?

(For reviewer only)
(1-7 points)

SUB-TOTAL _____

ATTACHMENT E-4A
EVALUATION WORKSHEET
DEVELOPMENT & CONSTRUCTION PROJECTS

WATERWAY ASSISTANCE PROGRAM FY 2024

THIS ATTACHMENT IS TO BE COMPLETED IF YOUR PROJECT IS A DEVELOPMENT OR CONSTRUCTION PROJECT BUT **IS NOT** AN INLET MANAGEMENT OR BEACH RENOURISHMENT PROJECT.

7) PERMITTING:

**a) Have all required environmental permits been applied for? (USACE, DEP and WMD)
If permits are NOT required, explain why not.**

b) If the project is a Phase I project, please provide a general cost estimate for the future Phase II work.

c) Detail any significant impediments that may have been identified that would potentially delay the timely issuance of the required permits.

(For reviewer only)
(1-4 points)

8) PROJECT DESIGN:

- a) **Has the design work been completed?**
If this is a Phase I project, has a preliminary design been developed?
- b) **Are there unique beneficial aspects to the proposed design that enhance public usage or access, minimize environmental impacts, improve water quality or reduce costs?**

(For reviewer only)
(1-2 points)

9) CONSTRUCTION TECHNIQUES:

- a) **Briefly explain the construction techniques and materials to be utilized for this project. Identify any unique construction materials that may significantly alter the project costs. If a Phase 1, elaborate on potential techniques.**

- b) **What is the design life of the proposed materials compared to other available materials?**

(For reviewer only)
(1-3 points)

10) ENVIRONMENTAL COMPONENTS:

a) How has the facility where the project is located demonstrated commitment to environmental compliance, sustainability, and stewardship?

b) What considerations, if any, have been made for sea level rise impacts in the design and life span of this project?

(For reviewer only)
(1-3 points)

RATING POINT TOTAL _____

Note:
The total maximum score possible is dependent upon the project priority category but cannot exceed 50 points unless the project qualifies as an emergency-related project. The minimum score possible is 10 points. A score of 35 points or more is required to be considered for funding.

Form No. 91-25A
Rule 66B-2.005 (Effective Date: 3-21-01, revised 4-24-06, 1-27-14)

Dale Martin

From: Dale Martin
Sent: Monday, March 4, 2024 3:32 PM
To: English, Dana
Cc: Randy Stapleford
Subject: RE: Flagler Beach SR100 Bridge
Attachments: Attachments.pdf

Good afternoon, Ms. English:

Please find attached a series of documents to provide an overview of the City’s desired beautification/recreation effort as discussed previously.

The attachments are labelled in the upper righthand corner for reference.

- A- A plat of the area, including what is labelled as the right-of-way for “SRD Route #11” (what is now SR100). The highlighted portion illustrates the under-bridge parcel abutting the Atlantic Intracoastal Waterway (AICW).
- B- The site as viewed when approached from the west along Palm Drive (the only access to this site).
- C- The parcel (on the right) as seen looking north on Lambert Avenue from Palm Drive.
- D- The parcel (on the left) as seen looking south on Lambert Avenue.
- E- The parcel’s south boundary viewed from the west.
- F- An “internal” photo of the site.
- G- The parcel’s north boundary viewed from the west.
- H- An internal view of the parcel looking north along the AICW.
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- J- An eastward view from the parcel directly across the AICW.
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- L- An example of the facilities desired to be placed on the subject parcel (these facilities are located on the eastern side of the AICW directly across from the subject parcel).

Not illustrated but desired is the placement of “paver blocks” at the edge of the road to support two or three parallel parking spaces for the site. These paver blocks would protect the edge of pavement from deterioration due to vehicle traffic parking on-site.

As previously indicated, I am currently seeking a proposal from a professional landscaper to clear the parcel if permission/authority is granted. It is the intent of the City to financially support this project with not only assistance from the Florida Inland Navigation District, but with additional funding support from a private entity desiring to support City beautification efforts.

I hope that this information offers sufficient conceptual support for FDOT consideration. If you desire additional information, please contact me.

Mr. Dale L. Martin
City Manager
City of Flagler Beach
PO Box 70
Flagler Beach, FL 32136
(386) 517-2000 ext. 222
dmartin@cityofflaglerbeach.com



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Website: [www.cityofflaglerbeach.com]www.cityofflaglerbeach.com

From: English, Dana <Dana.English@dot.state.fl.us>
Sent: Friday, March 1, 2024 3:32 PM
To: Dale Martin <dmartin@cityofflaglerbeach.com>
Subject: RE: Flagler Beach SR100 Bridge

You don't often get email from dana.english@dot.state.fl.us. [Learn why this is important](#)

All of this would be helpful to assist in the review during circulation, but I will get this going on Monday, in the meantime, with your explanation below. That will be a good start. Send me what you can, and I will attempt to give everyone a 2-week deadline for review.

I'm glad to hear your request has been handled appropriately. I appreciate your compliments and look forward to working with you as well!

Have a great weekend.

Dana English
District Property Management Administrator
Florida Department of Transportation - District 5
719 S. Woodland Blvd. - MS 551
DeLand, FL 32720
Direct (386) 943-5030
Mobile (386) 279-9053
✉ Email: Dana.English@dot.state.fl.us



From: Dale Martin <dmartin@cityofflaglerbeach.com>
Sent: Friday, March 1, 2024 1:22 PM
To: English, Dana <Dana.English@dot.state.fl.us>
Subject: RE: Flagler Beach SR100 Bridge

Good afternoon, Ms. English:

Thank you for your prompt response. Please circulate the request in accordance with the appropriate FDOT procedures.

The fact that something similar may have been coordinated with Port Orange can at least provide me the proceed (on a conditional basis) with the application.

In all honesty, the "concept" is really simply to clear the land and perhaps put a picnic table/bench or two on site and perhaps place pervious paver blocks for two parallel parking spaces along the edge of the existing pavement. The style of paver block would be identical to the paver blocks used throughout the City to denote public parking. I will at least see if I can provide to you a survey or similar document to more specifically identify the property and its boundaries.

I may also be able to provide an estimate to have the invasive species removed by a professional landscape contractor (which I would need to include with my FIND grant application).

Again, thank you. I have been very impressed by the responsiveness and professionalism of FDOT District 5 officials and look forward to building the relationship between Flagler Beach and FDOT.

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I have received the below inquiry for handling. This request sounds similar to an area under the Port Orange Dunlawton bridge that we have a public purpose lease agreement in place with the City of Port Orange for. I would need to circulate this request to the multiple disciplines within FDOT to be able to provide you with preliminary consent. This process takes 2-3 weeks to complete. I know that does not offer you a lot of time between completing our circulation and your March 28 meeting, but I will do my best to expedite the review process.

Do you have any concept plans on paper yet that you may be able to share, subject to change, of course?

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From: Dale Martin <>
Sent: Thursday, February 29, 2024 3:07 PM
To: Clifton, Lauren <Lauren.Clifton@dot.state.fl.us>
Cc: Kirts, Scott <Scott.Kirts@dot.state.fl.us>; Randy Stapleford <rstapleford@aicw.org>
Subject: Flagler Beach SR100 Bridge

EXTERNAL SENDER: Use caution with links and attachments.

Good afternoon, Ms. Clifton:

During a meeting today with FDOT District 5 staff, I was directed to reach out to you with a right-of-way issue. To facilitate this discussion, please refer to the attached photograph.

It appears that under the SR 100/Atlantic Intracoastal Waterway (AICW) bridge that the right-of-way for the bridge includes the property beneath the bridge. I am specifically interested in the area highlighted in the photograph. Unlike the parcel on the opposite (eastern) side of the AICW, the highlighted area is significantly overgrown with vegetation, mainly several invasive Brazilian peppertrees. The City seeks FDOT permission to clear that site and “develop” the property as a passive access to the AICW: use for shore fishing, observation, relaxation, all of which are less available for use on the western shore of the AICW (no permanent structures are proposed for this area, although if determined to be popular, a future request may be to request consideration for structures such as a small fishing dock).

With FDOT consent, I would submit an application to the Florida Inland Navigation District (FIND) for a matching grant to undertake the proposed project. I expect the cost of said project would be relatively minimal (\$10,000) and, following the implementation, the City would assume maintenance responsibilities for the area. If you (or the appropriate official) can offer *preliminary* consent, I will prepare a conceptual plan to present to you for formal consideration. The grant application is due to FIND staff no later than April 1. My intention is to present the project to the Flagler Beach City Commission for formal consideration at its Regular Meeting on March 28.

I have also attached two photos to illustrate the perspective of the site from the eastern shore for additional familiarity. The final aerial view illustrates the more extensive availability of waterfront access on the eastern shore (which is owned and managed, in part, by Flagler County).

Thank you for your consideration. I look forward to hearing from you.

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Sent: Friday, March 15, 2024 11:28 AM
To: Dale Martin
Cc: Randy Stapleford
Subject: RE: Flagler Beach SR100 Bridge
Attachments: 7302-201(PROJ 1178).pdf; 73020-2513.pdf

Good morning, Mr. Martin:

We have run into a hiccup on the lease request for the underneath area of the SR100 bridge. We have found that FDOT owns a portion of the area under the bridge, but that TIIFT also owns some of the area and we only have an easement over their portion. We wouldn't be able to lease TIIFT's ownership area, but we can't determine where that property line is without survey work, but it is believed that the TIIFT property does overlap the area you are asking to lease.

Let me know if you would like to move forward with some survey work to determine exactly where the FDOT property ends and TIIFT property begins. I have attached the maps, but I can also send you the deeds with legal descriptions that I have if you'd like.

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Good afternoon, Ms. Clifton:

During a meeting today with FDOT District 5 staff, I was directed to reach out to you with a right-of-way issue. To facilitate this discussion, please refer to the attached photograph.

It appears that under the SR 100/Atlantic Intracoastal Waterway (AICW) bridge that the right-of-way for the bridge includes the property beneath the bridge. I am specifically interested in the area highlighted in the photograph. Unlike the parcel on the opposite (eastern) side of the AICW, the highlighted area is significantly overgrown with vegetation, mainly several invasive Brazilian peppertrees. The City seeks FDOT permission to clear that site and “develop” the property as a passive access to the AICW: use for shore fishing, observation, relaxation, all of which are less available for use on the western shore of the AICW (no permanent structures are proposed for this area, although if determined to be popular, a future request may be to request consideration for structures such as a small fishing dock).

With FDOT consent, I would submit an application to the Florida Inland Navigation District (FIND) for a matching grant to undertake the proposed project. I expect the cost of said project would be relatively minimal (\$10,000) and, following the implementation, the City would assume maintenance responsibilities for the area. If you (or the appropriate official) can offer *preliminary* consent, I will prepare a conceptual plan to present to you for formal consideration. The grant application is due to FIND staff no later than April 1. My intention is to present the project to the Flagler Beach City Commission for formal consideration at its Regular Meeting on March 28.

I have also attached two photos to illustrate the perspective of the site from the eastern shore for additional familiarity. The final aerial view illustrates the more extensive availability of waterfront access on the eastern shore (which is owned and managed, in part, by Flagler County).

Thank you for your consideration. I look forward to hearing from you.

Mr. Dale L. Martin

City Manager

City of Flagler Beach

PO Box 70

Flagler Beach, FL 32136

(386) 517-2000 ext. 222

dmartin@cityofflaglerbeach.com



Florida has a very broad Public Records Law. Virtually all written communications to or from State and Local Officials and employees are public records available to the public and media upon request. The City of Flagler Beach's policy does not differentiate between personal and business emails. This means email messages, including your e-mail address and any attachments and information we receive online might be disclosed to any person or media making a public records request. E-mail sent on the City system will be considered public and will only be withheld from disclosure if deemed confidential or exempt pursuant to State Law. If you are an individual whose identifying information is exempt under 119.071, Florida Statutes, please so indicate in your email or other communication. If you have any questions about the Florida public records law refer to Chapter 119 Florida Statutes.

Website: [www.cityofflaglerbeach.com]www.cityofflaglerbeach.com

MAP BOOK 5 PAGE 21



**STATE OF FLORIDA } S.S.
County of TAMPA }**

We the undersigned Leigh B. Baker, Esq., a Florida Corporation, do hereby certify that we are the owners of all that portion of the territory of the Southwest 1/4 of Section 16, T. 25. S., R. 21. W., which that portion of the Southwest 1/4 of the Southeast 1/4 of said Section 16, which lies outside of the existing 200' Right of Way of State Road #11, West of the existing West Right of Way line of the International Highway.

We further certify that we have caused a survey and plat to be made of said land as shown herein and that the same is correct to the best of our knowledge and belief, and we do hereby declare the same to be correct and all streets, roads, lanes, avenues, alleys, and other thoroughfares, lines, and other interests as shown herein, and we do hereby file this plat for Public Record.

Witness my hand and seal of said Corporation this 14th day of December, 1956.

Leigh B. Baker, Esq. (Signature)
 John S. Baker, Esq. (Signature)
 Leigh B. Baker, Esq. (Signature)
 John S. Baker, Esq. (Signature)

**STATE OF FLORIDA } S.S.
County of TAMPA }**

I hereby certify that on this day, before me as a Notary Public, authorized in the State of Florida to take acknowledgments, contracts, oaths, and other legal business, and have known the persons described in and who executed the foregoing instrument and acknowledged before me that they executed the same as their free act and deed, and I have read the contents of the same and the same are correct and true to the best of my knowledge and belief, and I have signed this certificate of acknowledgment.

Witness my hand and seal of said Notary Public this 14th day of December, 1956.

Leigh B. Baker, Esq. (Signature)

APPROVED BY THE BOARD OF COUNTY COMMISSIONERS OF TAMPA COUNTY, FLORIDA:

By _____

APPROVED BY THE BOARD OF COUNTY COMMISSIONERS OF TAMPA COUNTY, FLORIDA:

By _____

FILED FOR RECORD IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF TAMPA COUNTY, FLORIDA:

THIS 14th DAY OF DECEMBER, 1956, by _____

EXEMPTED FROM RECORD:

I hereby certify that the foregoing plat is a correct representation of the land surveyed and that personal notification has been given as required by the laws of the State of Florida.

By _____

PALM HARBOR SUB.

Being a subdivision of Section 16, T. 25. S., R. 21. W., Florida South Shore, being a subdivision of "SUNSHINE SUBDIVISION," recorded in Map Book 4, at Page 22 of the Public Records of Hillsborough County, Florida, except that the 1/4 acre North of State Road No. 11.

STACY, INC.,
 ENGINEERS, ARCHITECTS & SURVEYORS
 TAMPA, FLORIDA

PK 5, R. 31

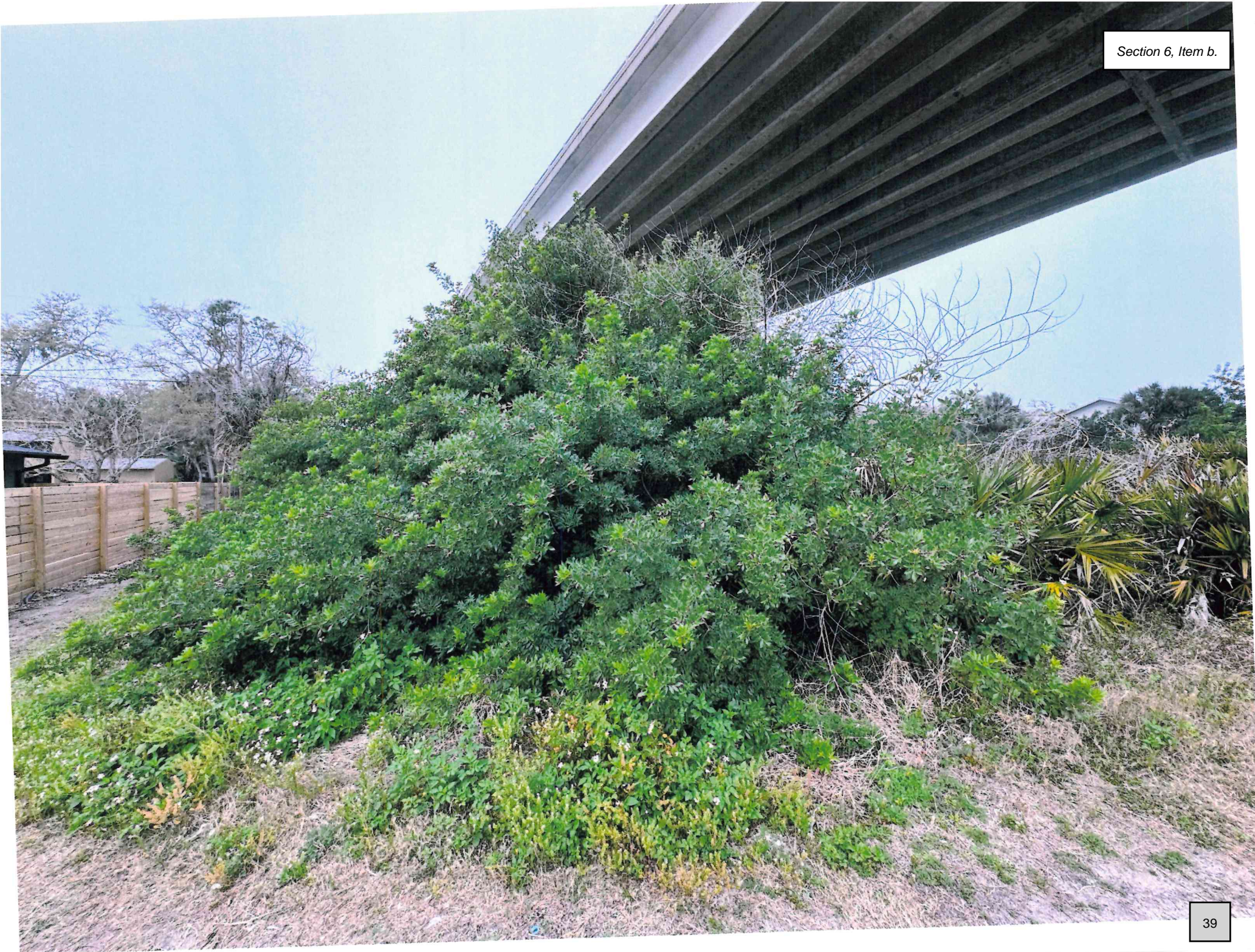






















RESOLUTION 2024-20

A RESOLUTION BY THE CITY OF FLAGLER BEACH, FLORIDA AUTHORIZING THE CITY MANAGER TO SUBMIT AN APPLICATION TO THE FLORIDA INLAND NAVIGATION DISTRICT FOR FUNDING THROUGH THE 2024 WATERWAYS ASSISTANCE PROGRAM, PROVIDING FOR CONFLICT AND EFFECTIVE DATE.

WHEREAS, the Florida Inland Navigation District (FIND) offers competitive funding through its 2024 Waterways Assistance Program; and

WHEREAS, the City wishes to enhance the visibility and accessibility of the Atlantic Intracoastal Waterway to benefit the residents of and visitors to Flagler Beach; and

WHEREAS, the proposed project has been endorsed by the City’s Ad Hoc Parks Committee and, as required, Flagler County FIND Commissioner Randy Stapleford; and

WHEREAS, the City will work with State agencies to clarify the disposition of the proposed project site prior to commencing the project;

NOW THEREFORE BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FLAGLER BEACH:

SECTION 1. The City Commission authorizes the City Manager to submit an application for the Flagler Beach Intracoastal Access/Overwatch to the 2024 Florida Inland Navigation District Waterways Assistance Program.

SECTION 2. All resolutions or parts of resolutions in conflict herewith be and the same are hereby repealed.

SECTION 3. This Resolution shall become effective immediately as provided by law.

PASSED AND ADOPTED THIS _____ DAY OF MARCH, 2024.

CITY OF FLAGLER BEACH, FLORIDA
CITY COMMISSION

ATTEST:

Patti King, Mayor

Penny Overstreet, City Clerk