

ST. JOHNS COUNTY

ST. AUGUSTINE, FLORIDA

BOARD OF COUNTY COMMISSIONERS

District 1 - Christian Whitehurst, Chair
District 2 - Sarah Arnold, Vice-Chair
District 3 - Roy Alaimo
District 4 - Krista Joseph
District 5 - Henry Dean



BOARD MEETING AGENDA

County Auditorium
500 San Sebastian View

Joy Andrews, Interim County Administrator
David Migut, County Attorney

Tuesday, September 19, 2023, 9:00 AM

Please be sure all cellular devices are turned off for the duration of the County Commission Meeting

REGULAR MEETING

- ❖ Call to Order by Chair
- ❖ Roll Call by the Clerk of the Court
- ❖ Invocation
- ❖ Pledge of Allegiance
- ❖ Proclamation Recognizing National Recovery Month
- ❖ Acceptance of Proclamation
- ❖ Public Safety Update
- ❖ Supervisor of Elections' Report
- ❖ Clerk of Court's Report
- ❖ Deletions to Consent Agenda
- ❖ Approval of Consent Agenda
- ❖ Additions/Deletions to Regular Agenda
- ❖ Approval of Regular Agenda
- ❖ Public Comment is Time Certain from 11:30 AM - 12:00 PM, or at the conclusion of the Regular Agenda, whichever occurs first

Presenter: Kathryn Whittington, Esq. | Whittington Law, PLLC

Staff Member: Justin Kelly, Senior Planner

District 2

1. **Public Hearing * MAJMOD 2023-04 Elevation Pointe.** Request for a Major Modification to the Elevation Pointe at Anderson Park PUD (Ordinance 1996-66, as amended) to increase wetland impacts with a corresponding decrease in preserved wetlands, open space, and upland buffers; increase development area; reconfigure commercial outparcels; and decrease approved commercial entitlements from 190,000 SF to 170,000 SF. This request was heard by the Planning and Zoning Agency at their regularly scheduled public hearing on Thursday, August 17, 2023, and was recommended for approval with a vote of 4-1.

Presenter: Autumn Martinage, Matthews Design Group

Staff Member: Saleena Randolph, Senior Planner

District 2

2. **Public Hearing * PUD 2023-05 Deer Run Road PUD.** Request to Rezone approximately 25.12 acres of land from Open Rural (OR) to Planned Unit Development (PUD) to allow up to 26 duplexes for a total of 52 dwelling units, specifically located at 2380 Deer Run Road, 1109 Fazio Road, and 1150 Fazio Road. The Planning and Zoning Agency heard this request at their regularly scheduled public hearing on August 17, 2023, and recommended approval with a vote of 3 to 2. Agency members discussed traffic in the area. The Agency considered the cumulative impact of the proposed project traffic on Four Mile Road and Holmes Boulevard, in addition to the approved Ferber SR 16 and St. Augustine Lakes projected traffic. In addition, the Agency discussed the compatibility of the proposed density of the site compared to the surrounding area and the currently approved development. There was public comment which discussed area traffic, schools, market demands, and wetlands.

Presenter: Matthew H. Lahti, Gulfstream Design Group
Staff Member: Evan Walsnovich, Planner

District 5

- 3. Public Hearing * REZ 2023-06 Whole 9 Yards.** Request to rezone approximately 1.37 acres of land from Open Rural (OR) to Industrial Warehousing (IW), located at 5285 Big Oak Road South. The Planning and Zoning Agency heard this request at their regularly scheduled public hearing on August 17, 2023, and recommended denial with a vote of 3 to 2. Agency members discussed traffic impacts and wetland impacts. Public comment was made regarding impacts to the wetlands onsite, intensifying of the traffic on Big Oak Road, and incompatibility with the surrounding residential uses.

Presenter: James Whitehouse, St. Johns Law Group
Staff Member: Evan Walsnovich, Planner

District 1

- 4. Public Hearing * MAJMOD 2023-09 Katepally Community Commercial PUD.** Request for a Major Modification to the Katepally Community Commercial PUD (ORD. 2022-83) to revise the Master Development plan for an additional vehicular access and connectivity point along with associated changes to wetland impacts. The Planning and Zoning Agency heard this request at their regularly scheduled public hearing on August 3, 2023, and recommended approval with a vote of 6 to 0. Agency members discussed traffic, wetland impacts, and commercial growth in the area. Public comment was made regarding wetland impacts.

Presenter: James Whitehouse, Esq.
Staff Member: Jeffrey Petrie, Engineer

District 3

- 5. Public Hearing * VACROA 2023-02 - Moody Family Unopened Alley Vacation - Public Hearing to vacate an unopened ROW.** The applicant has requested the vacation of a portion of the unopened right-of-way, known as Osceola Avenue, between Owens Avenue and East Magnolia Avenue in the Biera Mar by the Sea subdivision. The right-of-way to be vacated extends from Owens Avenue 300 feet to the south. Based on staff review thus far, no party will be unreasonably affected by the requested vacation.

Presenters: Shawna Novak, Health and Human Services Director; Mike Roberson, Growth Management Director; Kealey West, Senior Assistant County Attorney

- 6. Public Hearing * Approval of the 2023 Inventory List of Land Available for Affordable Housing in St. Johns County, Florida, and available affordable housing strategies through the Live Local Act.** At the regular meeting on April 18, 2023, the Board requested information regarding SB102, Live Local Act (LLA). LLA is a statewide housing strategy designed to increase the availability of attainable housing options through multiple tools. Action is required on the affordable housing inventory list. Pursuant to section 125.379, F.S., the County shall prepare an inventory list of all real property within its jurisdiction to which the county or any dependent special district within its boundaries holds fee simple title that is appropriate for use as affordable housing. The Board of County Commissioners is required to review the inventory list at a public hearing and adopt a resolution approving the final list. The Board may consider making tax exemptions available through LLA for those new and existing affordable housing units meeting certain criteria. An ordinance would be required. LLA includes a preemption on the development of affordable housing in commercial, industrial, and mixed-use zoning when 40% of rental units are developed according to density and height standards as specified in 125.01055(7) F.S. LLA also makes a discretionary option available to the Board allowing multi-family or mixed-use residential development consisting of a minimum 10% affordable units in commercial and industrial zoning (125.01055(6) F.S.). Staff seeks direction on further action on this option. LLA includes grant funding opportunities for affordable housing projects through the Florida Job Growth Grant Fund statute.

Presenter: Joseph Giammanco, PhD, Director

7. **Hurricanes Ian and Nicole FEMA Category B Emergency Beach Berm update and Contract Award.** On February 21, 2023, BOCC directed staff to design a FEMA Category B Emergency Beach Berm and work with Purchasing to select a firm for construction. SJC Purchasing Division issued a formal Invitation for Bids (Bid) solicitation for qualified firms to submit bids to complete the FEMA Cat B Post Hurricane Ian and Nicole construction of emergency berms for Butler Beach. Bids were received on September 16, 2023, and the bid tabulation is provided as part of the presentation. Due to the size of the exhibits included in the Bid Documents, they are available upon request from SJC Purchasing. Staff recommends Board approval to award Bid No: 23-89 to the lowest, responsive, responsible bidder for completion of the project in accordance with the specifications under Bid No: 23-89, provided no protest is received, as the protest period closes at 4:00 pm on Wednesday, September 20, 2023.

Presenter: Jaime Locklear, Asst Director, Purchasing

8. **Public-Private Partnership with SJC Cultural Events, Inc. for Operations and Management of St. Johns County Cultural Events.** On April 5, 2022, the Board requested an agenda item to discuss potential enhancements of programs and schedules at the St. Augustine Amphitheatre and Ponte Vedra Concert Hall. On April 19, 2022, the Board reached a consensus to establish the Amphitheatre and Concert Hall Advisory Committee to conduct a review and make recommendations for improvements. On May 17, 2022, the Advisory Committee was established, along with the By-Laws, and members appointed by the Board. On September 6, 2022, the Advisory Committee presented a Report and Recommendation to the Board. On January 23, 2023, the County received an unsolicited proposal from SJC Cultural Events, Inc., (SJCCE) for the transition of operations and management of the Cultural Events Division to a private partner. In April 2023, the County issued an RFP to publish notice of receipt of the unsolicited proposal and to request additional proposals from interested firms/entities. No additional proposals were received from the solicitation. On June 6, 2023, the Board gave consensus for County staff to enter into negotiations with SJCCE, with the intent to come to an agreement over terms and conditions. Attached is the draft contract, which has largely been agreed to by County staff and SJCCE. There are highlighted sections of the Contract, which require finalization for agreement. The Contract provides for annual amounts to be allocated by the County as follows: \$800,000.00 for Operations; \$750,000.00 for Annual Maintenance; and \$1,700,000.00 for the annual Cultural Series. These amounts are subject to escalation on an annual basis. The Contract also provides for County funding for the Deferred Maintenance Schedule to be transferred into an escrow account, between FY 2024 and FY 2026, for accomplishment of the Deferred Maintenance Projects. Additionally, the Contract provides for the transfer of the remaining funding for the Ponte Vedra Concert Hall Renovation Project to an escrow account for SJCCE to complete the project. An annual budget is required to be submitted by SJCCE, which shall include the amounts, as adjusted, above, as well as any other projects, programs, or initiatives for consideration by the County during the annual budgeting process. Additionally, the contract provides for the review and negotiation of the level of County funding and potential revenue sharing opportunities in FY 2025 for consideration in FY 2026. Board direction is required to finalize the contract for signature, or to direct staff to negotiate further.

Presenter: Bradley Bulthuis, Senior Assistant County Attorney

- 9. Second Reading of Proposed Amendments to St. Johns County Ordinance No. 2009-43, the St. Johns County Prohibited Holiday Activity Ordinance for Sexual Offenders and Sexual Predators.** At its regular meeting on August 1, 2023, the Board of County Commissioners heard the first reading of proposed amendments to the St. Johns County Prohibited Holiday Activity Ordinance for Sexual Offenders and Sexual Predators, Ordinance No. 2009-43. The ordinance seeks to reduce the risk of harm to children of the community by limiting the opportunity for sexual offenders and sexual predators to be in contact with unsuspecting children. The proposed amendments to the ordinance (attached to this item) would include additional prohibitions on participation in holiday activities by sexual offenders and sexual predators and would remove a requirement regarding signage that may be subject to constitutional challenge under the First Amendment.

Presenter: Jalisa Ferguson, Assistant County Attorney

- 10. Second Reading of Proposed Amendments to St. Johns County Ordinance No. 2009-36, the Child Safety Zone Ordinance.** At its August 15, 2023, regular meeting, the Board of County Commissioners heard the first reading of proposed amendments to the St. Johns County Ordinance No. 2009-36, which prohibits the presence of registered sexual offenders and sexual predators within 1000 feet of the Safety Zone. The proposed amendments to the ordinance (attached to this item) would include clarifying the notice requirement, updating references to Florida Statutes, and changing the Safety Zone to 1,000 feet.

Presenter: Bradley Bulthuis, Senior Assistant County Attorney

District 2

- 11. Public Hearing * Proposed Settlement of Lupoli v. St. Johns County and Guilmar, LLC Litigation and Statutory Demand.** St. Johns County ("County") is currently a party to Case No. CA20-1331 in the Circuit Court in and for St. Johns County, filed by Robert and Jennifer Lupoli (the "Lupolis") to challenge the County's administrative permit approval of the development of a proposed assisted-living facility by co-defendant Guilmar, LLC ("Guilmar") on property it owns at 5057 Silo Road. Additionally, Guilmar and its owners, Guillermo and Marjorie Labial (the "Labials"), have filed a statutory demand under Section 70.51, Florida Statutes, seeking relief for a July 28, 2022 order rendered by the Board of County Commissioner ("Board") approving a related administrative appeal filed by the Lupolis. The parties participated in voluntary mediation on May 10, 2023, and subsequently reached a tentative mediated settlement agreement that would resolve the litigation and the statutory demand, subject to approval of the Board of County Commissioners. A copy of the mediated settlement agreement is attached to this agenda item for review and consideration.

Presenter: Adam Tecler, Grants and Legislative Manager

- 12. Consider the proposed 2024 St. Johns County Legislative Action Plan.** The St. Johns County Legislative Action Plan is a focused list of priorities for which the County requests financial assistance and other support from our State and Federal representatives. County Administration presents a list of recommended items from County staff for the Board to consider adopting as the 2024 Legislative Action Plan. The approved Legislative Action Plan is subsequently presented to the public and submitted to the County's Legislative Delegation and other public agencies for consideration.

Presenter: Joanne Spencer, Sr Asst to the Board of County Commissioners

- 13. Consider appointments to the Cultural Resource Review Board.** Currently, there are two (2) vacancies on the Cultural Resource Review Board (CRRB). These vacancies are due to the resignation of Nancy Mock and the expiring term of Blair Knighting. A vacancy ad was placed and ran for (9) months. Please see for your review and consideration, recommendation letters from the CRRB and (7) qualifying applications: Dirk Lobenbruck Dist. 1, Leslee Keys Dist. 2, Eli Gillmore Dist. 3, Anila Lahiri Dist. 3, Blair Knighting, Dist. 4, Ann Breslauer Dist. 5, Garrett Colton Dist. 5.

- ❖ Public Comment
- ❖ Commissioners' Reports
- ❖ County Administrator's Report
- ❖ County Attorney's Report

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CONSENT AGENDA

1. Motion to approve the **Cash Requirement Report**. *For more information, contact Donna Echegoyen, Accounts Payable Supervisor at 904 819-3658*
2. Motion to adopt Resolution 2023-_____, approving the **final plat for Whisper Creek Phase 10 Unit A**. *For more information, contact Kelly Schley, Application Review Supervisor at 209-0720*
3. Motion to adopt Resolution 2023-_____, approving the **final plat for Shearwater Phase 3D**. *For more information, contact Kelly Schley, Application Review Supervisor at 904 209-0720*
4. Approval of the **draft conceptual management plan for the Anastasia Lakes property located on Fish Island Road**. *For more information, contact Ryan Mauch, Environmental Supervisor at 904 209-0621*
5. Motion to adopt Resolution 2023-_____, approving the **transfer of \$290,228 in park impact fee credits from the Marshall Creek PUD to the 2020 State Road 16 PUD** finding the request consistent with Florida Statute. *For more information, contact Jan Trantham, Senior Transportation Planner at 904 209-0611*
6. Motion to adopt Resolution 2023-_____, authorizing the Chair of the Board, on behalf of the County, to execute a **Release of Reverter Clause in a County Deed for property located on Volusia Street**. *For more information, contact Corey Bowens, Director, Land Management Systems at 904 209-0776*
7. Motion to adopt Resolution 2023-_____, authorizing the Chair of the Board, on behalf of the County, to **reject Bid No. 23-78 related to the sale of surplus property located at Harmony Drive South**. *For more information, contact Corey Bowens, Director, Land Management Systems at 904 209-0776*
8. Motion to adopt Resolution 2023-_____, approving and authorizing the Chair of the Board, on behalf of the County, to execute a **Termination of Memorandum of Understanding**. *For more information, contact Corey Bowens, Director, Land Management Systems at 904 209-0776*
9. Motion to adopt Resolution 2023-_____, authorizing the Chair of the Board, on behalf of the County, to **execute and deliver to the State of Florida Department of Transportation a Perpetual Easement over a portion of North Beach Avenue at its southeast intersection with State Road A-1-A (Coastal Highway)**. *For more information, contact Corey Bowens, Director, Land Management Systems at 904 209-0776*

10. Motion to adopt Resolution 2023-_____, approving the terms and authorizing the County Administrator, or designee, to **execute a Second Amendment to Lease Agreement with Home Again St. Johns, Inc. for temporary use of a portion of County-owned property located off South Holmes Boulevard.** *For more information, contact Corey Bowens, Director, Land Management Systems at 904 209-0776*
11. Motion to adopt Resolution 2023-_____, authorizing the County Administrator, or designee, to execute and issue a **franchise agreement to Gopher Waste, LLC for the collection and transportation of construction and demolition debris in unincorporated St. Johns County, in substantially the same form as the Non-Exclusive Construction and Demolition Debris Franchise Agreement attached hereto.** *For more information, contact Greg Caldwell, Public Works Director at 904 209-0266*
12. Motion to adopt Resolution 2023-_____, authorizing the County Administrator, or designee, to **award Bid No. 23-79; CR 2209 Force Main and Reclaimed Water Main from International Golf Parkway (IGP) to SR16 to T B Landmark Construction, Inc., as the lowest responsive, responsible bidder, and to execute a contract in substantially same form and format as attached hereto for completion of the project as provided in Bid No. 23-79, for a total lump sum cost of \$2,294,318.00.** *For more information, contact Jaime T. Locklear, Asst. Director of Purchasing at 904 209-0158*
13. Motion to adopt Resolution 2023-_____, authorizing the County Administrator, or designee, to **award Bid No. 23-84; Construction of Traffic Signal CR 210 West at Badger Park Drive Intersection to American Lighting and Signalization, LLC, as the most responsive and responsible bidder, and to execute a contract in substantially same form and format as attached hereto for completion of the project as provided in Bid No. 23-84, for a total lump sum cost of \$900,340.00.** *For more information, contact Jaime T. Locklear, Asst. Director of Purchasing & Contracts at 904 209-0158*
14. Motion to adopt Resolution 2023-_____, authorizing the County Administrator, or designee, to execute a contract, in substantially the same form and format as attached with the **St. Johns County Visitors and Convention Bureau, for performance of the specified services, at the annual price based upon the budgeted amount of the Destination Marketing Category of TDT.** *For more information, contact Jaime Locklear, Asst. Director, Purchasing & Contracts at 904 209-0158*
15. Motion to authorize the County Administrator, or designee to **appropriately donate 2300 surplus 14-gallon recycling bins to the City of Palm Coast Residential Collection Services Division.** *For more information, contact Jaime Locklear, Assistant Director of Purchasing & Contracts at 904 209-0158*
16. Motion to declare the attachments as **surplus** and authorize the County Administrator, or his designee, to dispose of same in accordance with the Purchasing Policy 308 and Florida Statute 274. *For more information, contact Jaime Locklear, Asst. Director Purchasing & Contracts at 904 209-0158*
17. Motion authorizing the **transfer of \$2,580,000 from the General Fund Interoperable Radio System department to the Special Obligation Revenue Note, Series 2022A debt service department for a partial debt paydown to achieve interest savings.** *For more information, contact Jesse Dunn, Director, OMB at 904 209-0568*

18. Motion to **revise the St. Johns County Administration Code (Budget Policy and Procedure), Section 202.9.4 Capitalization Threshold, as provided in the attachment to align with GFOA industry practice.** *For more information, contact Jesse Dunn, Director, OMB at 904 209-0568*
19. Motion to approve the **write-off of the following delinquent accounts receivable accounts, effective September 30, 2023: 2,766 EMS accounts totaling \$1,032,984.96; 337 Utility Service accounts totaling \$74,771,22; and the Clerk of the Circuit Court & Comptroller's accounts providing a net total of \$1,194.33.** *For more information, contact Jesse Dunn, Director at 209-0568*
20. Motion to adopt Resolution 2023-____, **amending the St. Johns County Fee Schedule for services provided by St. Johns County Departments for Fiscal Year 2024.** *For more information, contact Jesse Dunn, Director, Office of Management & Budget at 209-0568*
21. Motion to adopt Resolution 2023-_____, authorizing the Chair to execute a **contract between St. Johns County and JALA to provide legal aid services to indigent persons residing within St. Johns County.** *For more information, contact David Migut, County Attorney at 904 209-0805*
22. Motion to adopt Resolution 2023-_____, approving and authorizing the County Administrator, or designee, to execute and deliver, on behalf of the County, **Amendment No. 1 to Agreement No. HW406 between the County and Florida Department of Environmental Protection, in substantially the same form as attached hereto.** *For more information, contact Sarah Newell, Grants and Policy Analyst at 904 209-0566*
23. Motion to adopt Resolution 2023-_____, approving and authorizing the County Administrator, or designee, to execute a **Funding Agreement between St. Johns County and Home Again St. Johns, Inc., in a not to exceed amount of \$200,000 to provide financial support for Home Again's transition to their new location on SR 16, in substantially in the form as attached hereto.** *For more information, contact Shawna Novak, Director, Health and Human Services at 904 209-6089*
24. Motion to adopt Resolution 2023-____, to authorize the County Administrator to approve and execute a **Contract regarding the Federally Funded Sub-Award and Funding Assistance Agreement for CAPITAL ACCESS for Rental Assistance by and between St. Johns County and CAPITAL ACCESS substantially in the form of that which is attached hereto.** *For more information, contact Shawna Novak, Health and Human Services Director at 904 209-6089*
25. Motion to adopt Resolution 2023-_____, **granting a one-time exception to the owner-occupied rehabilitation strategy of the County's Local Housing Assistance Plan to Ashley A for the property located at 661 N. Volusia Street, waiving the requirement that first or subordinate mortgages must be current.** *For more information, contact Shawna Novak, Health and Human Services Director at 904 827-6894*
26. Motion to adopt Resolution 2023-_____, **requesting the United States Postal Service designate Flagler Estates as an alternate name under the 32145 ZIP code.** *For more information, contact Shawna Novak, Health and Human Services Director at 904 209-0770*

27. Motion to adopt Resolution 2023-_____, approving the terms, provisions, conditions and requirements of the contract between the Board of County Commissioners of St. Johns County and the State of Florida Department of Health for **operation of the St. Johns County Health Department to provide environmental health services, communicable disease control services and primary care services from October 1, 2023, through and until September 30, 2024;** and authorizing the Chair to execute the contract, in substantially the same form as attached hereto, on behalf of the County. *For more information, contact Jake Quigley, CHD Business Manager at 904 506-6111*
28. Motion to adopt Resolution 2023-_____, approving the terms and conditions of an **agreement between the State of Florida Department of Environmental Protection and St. Johns County for the use of the parking lot at 2700 South Ponte Vedra Boulevard for a beach nourishment project,** and authorizing the County Administrator, or designee, to execute the Agreement, along with any supplemental documentation, on behalf of the County. *For more information, contact Damon Douglas, Coastal Manager at 209-0794*
29. Motion to adopt Resolution 2023-_____, approving the **Library Long-Range Plan, 2024-2028.** *For more information, contact Debra Rhodes Gibson, Library Director at 904 827-6926*
30. Motion to adopt Resolution 2023-_____, authorizing the County Administrator, or designee, to execute an agreement in substantially the same form and format as attached with the **Visitors and Convention Bureau to provide tourism marketing services for a 6-month term at a funding rate of \$1,362,500.** *For more information, contact Tera Meeks, Tourism and Cultural Development Director at 904 209-4428*
31. Motion to adopt Resolution 2023-_____, authorizing the County Administrator, or designee, to execute an agreement in substantially the same form and format as attached with the **St. Johns County Chamber of Commerce to provide tourist related services for a 3-year term at an annual funding rate of \$156,000 to the Chamber with an additional allocation of \$75,000 to support the Autism Certification Program for tourism businesses.** *For more information, contact Tera Meeks, Tourism and Cultural Development Director at 904 209-4428*
32. Motion to approve **minutes:**
- 09/05/23, BCC Regular
 - 09/05/23, BCC Special