

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
APRIL 17, 2018
9:00 A.M.**

Proceedings of a regular meeting of the Board of County Commissioners (BCC) of St. Johns County, Florida, held in the auditorium at the County Administration Building, 500 San Sebastian View, St. Augustine, Florida.

Present: Henry Dean, District 5, Chair
Paul M. Waldron, District 3, Vice Chair
James K. Johns, District 1, Chair
Jeb S. Smith, District 2
Jay Morris, District 4
Michael Wanchick, County Administrator
Patrick McCormack, County Attorney
Sindy Wiseman, Deputy Clerk

Also present: Darrell Locklear, Senior County Administrator; Joy Andrews, Assistant County Administrator; Paolo Soria, Senior Assistant County Attorney; Regina Ross, Deputy County Attorney; Rebecca Lavie, Assistant County Attorney;

(04/17/18 - 1 - 9:00 a.m.)
CALL TO ORDER

Dean called the meeting to order.

(04/17/18 - 1 - 9:00 a.m.)
ROLL CALL

The clerk called the roll: All Board members were present.

(04/17/18 - 1 - 9:01 a.m.)
INVOCATION

Chaplin Kelley Kemp, St. Johns County Sheriff's Office, gave the invocation.

(04/17/18 - 1 - 9:02 a.m.)
PLEDGE OF ALLEGIANCE

Smith led the Pledge of Allegiance.

(04/17/18 - 1 - 9:03 a.m.)
PROCLAMATION RECOGNIZING THE 25TH ANNIVERSARY OF TALE TELLERS OF ST. AUGUSTINE

Dean welcomed the Tale Tellers of St. Augustine to the podium for the presentation. Melissa Lundquist, Assistant to the Board of County Commissioners, read the proclamation for the record.

Sallie O'Hara, Tale Tellers of St. Augustine, expressed her appreciation for the Board's recognition, provided a brief history of the Tale Tellers group, and extended the invitation to join the group at Jay Birds April 29, 2018, at 5:00 p.m. and to visit the website at taletellers.org.

(04/17/18 - 2 - 9:06 a.m.)

ACCEPTANCE OF PROCLAMATION

Motion by Smith, seconded by Waldron, carried 5/0, to accept the proclamation.

(04/17/18 - 2 - 9:11 a.m.)

PUBLIC COMMENT

Lance Williams, 273 Pine Hurst Point Drive, presented his traffic concerns regarding the proposed Buc-ee's, which included a dangerous intersection, 97 percent road capacity, more than 300 accidents over the past 10 years, and increased traffic and congestion. He spoke on the proximity to a school, sub-living wages, and the proposal having no benefit to the County.

(9:12 a.m.) Robert Davis, 710 Copperhead Circle, voiced his concern with the proposed location of Buc-ee's, which included increased traffic, decreased property values, diminishing tourism in World Golf area, and increased crime.

(9:16 a.m.) Eileen Davis, 710 Copperhead Circle, voiced her safety concerns with the proposed Buc-ee's.

(9:19 a.m.) Bob Yerkeys, 307 Outrigger Way, spoke regarding the drainage system in the Porpoise Point subdivision.

(9:21 a.m.) Ed Slavin, P.O. Box 3084, concurred with the previous concerns and commended staff regarding the Request for Proposal (RFP) for the Pier Park Farmer's Market; voiced the need for an ombudsman, a fee waiver for records requests, and a diverse Board of seven County Commissioner's, five from the districts and two County-wide.

(9:24 a.m.) Jim Yoakum, 307 Porpoise Point Drive, spoke in support of allocating funding for the drainage issues in the Porpoise Point subdivision.

(9:25 a.m.) Leonarda Carrow, 216 Fifth Street, spoke regarding a long-term beach re-nourishment plan and the unopened beach access points.

(9:26 a.m.) Elliott Palevsky, 511 Porpoise Point Drive, spoke on the eroded beach in the Porpoise Point subdivision and the need to restore the natural habitat.

(9:29 a.m.) Sandra Gillispie, 218 Sea Tuttle Way, requested the Board's support to alleviate the drainage/erosion issues in the Porpoise Point subdivision.

(9:30 a.m.) Dean responded to public comment, noting that he, Wanchick, and Locklear surveyed the beach erosion and drainage issues and hoped to deal with the issues as expeditiously as possible.

(04/17/18 - 2 - 9:31 a.m.)

DELETIONS TO CONSENT AGENDA

Johns requested to move Consent Items 9 and 17 to the Regular Agenda, which Dean assigned as Regular Item Nos. 14 and 15. Wanchick requested to pull Consent Item 6.

(04/17/18 - 2 - 9:32 a.m.)

APPROVAL OF CONSENT AGENDA

Motion by Johns, seconded by Smith, carried 5/0, to approve the Consent Agenda, as amended.

1. Motion to approve the Cash Requirement Report
2. Motion to adopt **Resolution No. 2018-106**, authorizing the county administrator, or designee, to execute a Memorandum of Understanding with the Florida Department of Law Enforcement, along with supplemental documents, in substantially the same form and format as attached hereto, providing for a grant award in the amount of \$2,500 to purchase an all-in-one computer, for use by the Medical Examiner's Office; and amending the Fiscal Year 2018 budget to recognize and appropriate the grant funds as revenue, within the Fiscal Year 2018 General Fund and Medical Examiner Department budgets

RESOLUTION NO. 2018-106

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, CONDITIONS, AND REQUIREMENTS OF A 2017 PAUL COVERDELL FORENSIC SCIENCE IMPROVEMENT GRANT; AUTHORIZING THE CHAIR TO EXECUTE THE GRANT AGREEMENT, ON BEHALF OF ST. JOHNS COUNTY, FLORIDA; RECOGNIZING THE GRANT AMOUNT AS UNANTICIPATED REVENUE; AND APPROPRIATING THE GRANT FUNDS WITHIN THE GENERAL FUND AND MEDICAL EXAMINER'S OFFICE 2018 FISCAL YEAR BUDGETS

3. Motion to adopt **Resolution No. 2018-107**, approving an Impact Fee Transfer Indemnity Agreement with DI-FL No.1, LLC, for the Morgans Cove Planned Unit Development

RESOLUTION NO. 2018-107

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF AN IMPACT FEE CREDIT TRANSFER INDEMNITY AGREEMENT BETWEEN THE COUNTY AND DI-FL NO. 1, LLC; AND AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO EXECUTE THE AGREEMENT, ON BEHALF OF THE COUNTY

4. Motion to adopt **Resolution No. 2018-108**, approving the final plat for Windward Ranch, Phase Eleven

RESOLUTION NO. 2018-108

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING A PLAT FOR WINDWARD RANCH, PHASE ELEVEN

5. Motion to adopt **Resolution No. 2018-109**, approving the final plat for Nocatee Landing Trail

RESOLUTION NO. 2018-109

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING A PLAT FOR NOCATEE LANDING TRAIL

(Consent Agenda Item 6 was pulled from the agenda.)

6. Motion to approve the final plat for PLAT 2018-05, Rivertown, Parcel 23, Phase 1
7. Motion to adopt **Resolution No. 2018-110**, authorizing the county administrator, or designee, to award RFP No. 18-06, Event Security Services, to Event Services America, Inc., d/b/a Contemporary Services Corporation, as the highest ranked firm, and to enter into negotiations, and upon successful negotiation, execute a contract, in substantially the same form and format as attached, for performance of the services provided in RFP No. 18-06

RESOLUTION NO. 2018-110

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO AWARD RFP NO. 18-06, AND TO EXECUTE AGREEMENTS FOR EVENT SECURITY SERVICES

8. Motion to adopt **Resolution No. 2018-111**, authorizing the county administrator, or his designee, to purchase Dow Membrane Elements Model. No. Filmtec BW30XFRLE-400/34, at a total price for \$318,920, from Dow Chemical Company, as a single source provider of the specified membranes

RESOLUTION NO. 2018-111

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO PURCHASE DOW MEMBRANE ELEMENTS FOR ST. JOHNS COUNTY UTILITY DEPARTMENT; AND TO EXECUTE A PURCHASE ORDER WITH DOW CHEMICALS COMPANY FOR THE PURCHASE

(Consent Agenda Item 9 was pulled and added to the Regular Agenda as Item 14.)

9. Motion to authorize the county administrator, or his designee, to execute a fourth amendment to Master Contract No. 11-MAS-REP-01987, in substantially the same form and format as attached hereto, providing for revised weekend hours of operation, a six-year renewal term, and a reduction in rate
10. Motion to adopt **Resolution No. 2018-112**, authorizing the county administrator, or his designee, to piggyback the NJPA Cooperative Contract No. 120617-CAT, and execute a Purchase Order, in the amount of \$105,903.63, to Ring Power Corporation, for the purchase of one Caterpillar C13 350kW 1800RPM Diesel Engine Generator Set, for Combined Fire Station 5/11

RESOLUTION NO. 2018-112

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO PIGGYBACK NJPA CONTRACT NO. 120617-CAT, PURCHASE A GENERATOR FOR THE ST. JOHNS COUNTY COMBINED FIRE STATION 5/11; AND TO EXECUTE A PURCHASE ORDER WITH RING POWER CORPORATION, FOR THE PURCHASE

11. Motion to adopt **Resolution No. 2018-113**, approving the exchange of real property, as specifically described in the deeds attached hereto, and as authorized in Section 125.37, Florida Statutes, for completion of the right turn lane from Russell Sampson Road north onto St. Johns Parkway

RESOLUTION NO. 2018-113

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING AN EXCHANGE OF REAL PROPERTY PURSUANT TO SECTION 125.37, FLORIDA STATUTES, IN CONNECTION WITH THE RIGHT-OF-WAY, LOCATED WITHIN THE FORMER RUSSELL SAMPSON ROAD

12. Motion to adopt **Resolution No. 2018-114**, authorizing the county administrator, or designee, to execute non-exclusive option agreements, in substantially the same form and format as the attached hereto, with each of the developers identified, in order to meet Veterans Affairs requirements for responding to its solicitation for lease proposals; and subject to the Veterans Affairs award of the project, authorizing the county administrator, or designee, to execute a ground lease with the selected party, in substantially the same form and format as attached hereto, along with all supplemental documentation required for completion of the project

RESOLUTION NO. 2018-114

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO EXECUTE A NON-EXCLUSIVE OPTION AGREEMENT, GROUND LEASE, AND SUPPLEMENTAL DOCUMENTS REQUIRED FOR DEVELOPMENT OF AN ONSITE COMMUNITY BASED OUTPATIENT CLINIC FOR VETERANS CARE; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR THE CORRECTION OF ERRORS; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR THE FILING OF DOCUMENTS IN THE OFFICIAL RECORDS

13. Local Mitigation Strategy Annual Report for the Community Rating System annual recertification of the 510 Floodplain Management Plan criteria, as required by the Federal Emergency Management Agency, for credit under the Community Rating System (CRS). This is for informational purposes
14. Motion to adopt **Resolution No. 2018-115**, approving the terms, conditions, and requirements of the agreement between St. Johns County, Florida, and Tonier

Cain, for trauma informed systems training, in an amount not to exceed \$14,000; and authorizing the county administrator, or designee, to execute the agreement, substantially in the same form as attached, on behalf of the County

RESOLUTION NO. 2018-115

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF AN AGREEMENT BETWEEN ST. JOHNS COUNTY, FLORIDA, AND TONIER CAIN; AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE AGREEMENT, ON BEHALF OF THE COUNTY

15. Motion to approve transfer of \$185,000 from Impact Fee Zone A Contingency Reserve to Improvements O/T building, for the construction of the Pacetti Bay Neighborhood Park
16. Motion to transfer \$1,093,000 from the Health Insurance Fund Reserves to account for the HRA funds associated with the High Deductible Health Plan (HDHP) enrollment, for the 2018 benefit year (January 1 to December 31, 2018)

(Consent Agenda Item 17 was pulled and added to the Regular Agenda as Item 15.)

17. Motion to approve the terms, provisions, conditions, and requirements of the Florida Department of Environmental Protection Agreement Number 17SJ2; and authorizing the county administrator, or designee, to execute the Grant Agreement for the St. Augustine Beach Renourishment Project, along with any supplemental documentation, on behalf of the County
18. Proofs:
 - a) Proof: Notice of Hearing, March 6, 2018, Impact Fee Ordinance, published on February 23, 2018, in *The St. Augustine Record*
 - b) Proof: Notice of Meeting, Insurance Committee Monthly Meeting, published on March 1, 2018, in *The St. Augustine Record*
 - c) Proof: Request for Bids, Bid No. 18-43, St. Johns County Permit Center First Floor Renovations, published on March 1, 2018, and March 8, 2018, in *The St. Augustine Record*
 - d) Proof: Notice of Action, Debbie's Way Resolution, published on March 8, 2018, in *The St. Augustine Record*
 - e) Proof: Notice of Hearing, February 20, 2018, Debbie's Way Vacation, published on February 6, 2018, in *The St. Augustine Record*
 - f) Proof: Request for Bids, Bid No. 18-45, Vilano Beach Boat Ramp Dock Repairs, published on March 5, 2018, and March 12, 2018, in *The St. Augustine Record*

(04/17/18 - 6 - 9:32 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

Dean noted that Regular Item 8 would be heard 8 prior to Regular Item 2.

(04/17/18 - 6 - 9:33 a.m.)

APPROVAL OF REGULAR AGENDA

Motion by Smith, seconded by Johns, carried 5/0, to approve the Regular Agenda, as amended.

(04/17/18 - 7 - 9:33 a.m.)

1. RULON COMPANY ECONOMIC DEVELOPMENT INCENTIVE REQUEST. THE ST. JOHNS COUNTY ECONOMIC DEVELOPMENT AGENCY (AGENCY) HAS RECEIVED AN APPLICATION FROM RULON COMPANY (APPLICANT), FOR ECONOMIC DEVELOPMENT INCENTIVES, TO CONSTRUCT A 27,000 SQUARE FOOT ADDITION TO THEIR 85,000 SQUARE FOOT OFFICE/MANUFACTURING BUILDING, LOCATED AT 2000 RING WAY, IN THE WORLD COMMERCE CENTER. THE APPLICANT MANUFACTURES ACOUSTIC CEILING AND WALL WOOD PANELS AND RELOCATED TO ST. JOHNS COUNTY IN 2006. THEY HAVE GROWN SUCCESSFULLY DURING THIS TIME AND CURRENTLY EMPLOY 139 PEOPLE IN ST. JOHNS COUNTY. THIS PROJECT REPRESENTS A PROPOSED EXPANSION OF AN EXISTING OPERATION, TO ACCOMMODATE ADDITIONAL SALES AND BUSINESS GROWTH. IF APPROVED, THE COMPANY INTENDS TO MAINTAIN THEIR LOCAL EMPLOYMENT BASE AND HIRE 20 NEW EMPLOYEES, AT AN AVERAGE WAGE OF \$40,500, WITHIN THE NEXT THREE YEARS. AFTER THE AGENCY RECEIVED THE APPLICATION, THE APPLICANT SUBSEQUENTLY WITHDREW THEIR REQUEST FOR CONFIDENTIALITY. THE PROJECT SCORED SIX POINTS UNDER THE 'EXISTING INDUSTRY' CATEGORY OF THE COUNTY'S BUSINESS INCENTIVE PROGRAM, WHICH MAKES IT ELIGIBLE FOR EXPEDITED PERMITTING AND AN ECONOMIC DEVELOPMENT GRANT OF UP TO 100% OF FEES PAID TO THE COUNTY BY THE APPLICANT (IMPACT FEES AND WATER/SEWER CONNECTION FEES) AND FOUR YEARS AD VALOREM TAXES PAID BY THE APPLICANT (GENERAL COUNTY PORTION) ON CAPITAL IMPROVEMENTS AND TANGIBLE PERSONAL PROPERTY. COMPLETION OF THE PROJECT IS ANTICIPATED BY THE LAST QUARTER OF CALENDAR YEAR 2018. WITH THIS SCHEDULE, THE FIRST ANNUAL GRANT PAYMENT WOULD BE ANTICIPATED DURING FY 20. THE TOTAL ESTIMATED VALUE OF THE INCENTIVE IS \$129,238. IN ACCORDANCE WITH PROGRAM REQUIREMENTS, THE AGENCY IS REQUIRED TO REVIEW THE APPLICATION AND MAKE A WRITTEN REPORT TO THE BOARD OF COUNTY COMMISSIONERS. STAFF RECOMMENDS SUPPORT OF THIS INCENTIVE APPLICATION

Melissa Glasgow, Director of Economic Development, presented the details of the Economic Development Incentive request, via PowerPoint.

(9:36 a.m.) Johns questioned net benefit to the County. Glasgow responded that over a 20 year period, the net benefit to the general County's portion of the taxes would be \$383,000.

(9:36 a.m.) Lance Williams, 273 Pine Hurst Drive, spoke on the incentive relief for Rulon Company.

(9:38 a.m.) Ed Slavin, P.O. Box 3084, agreed with Williams' public comment.

(9:39 a.m.) Morris commented that the five year payback was a good investment.

(9:39 a.m.) **Motion by Dean, seconded by Morris, carried 5/0, to instruct the county attorney to draft an Economic Development Grant Agreement for Rulon Company, to construct a 27,000 +/- square foot expansion; and place the proposed Grant Agreement for consideration by the Board, at a later regularly scheduled meeting.**

(9:40 a.m.) Wayne Robinson, Rulon International, gave a brief history and the mission of the Rulon Company.

The meeting moved to Regular Agenda Item No. 8.

Lavie left the meeting at 9:45 a.m.

(04/17/18 - 8 - 10:15 a.m.)

2. PUBLIC HEARING, VACROA 2017-03. A PUBLIC HEARING TO VACATE A PORTION OF LESTER & BAY STREETS. THE APPLICANT REQUESTS THE VACATION OF PORTIONS OF LESTER & BAY STREETS, LOCATED WITHIN PONCE DE LEON HEIGHTS AND SHEPARD & CROSBY SUBDIVISION. BASED ON STAFF'S REVIEW, TRAFFIC PATTERNS WILL NOT BE NEGATIVELY IMPACTED, AND NO PARTY WILL BE UNREASONABLY AFFECTED BY THE REQUESTED VACATION

Proof of publication for the notice of public hearing on Vacation of a Portion of Lester & Bay Streets, was received, having been published in *The St. Augustine Record* on April 3, 2018.

Benjamin Powelson, Engineer, provided the details of the vacation, via PowerPoint.

(10:17 a.m.) Lisa Franklin, 317 Orchis Road, spoke on the purpose of the vacation.

(10:19 a.m.) **Motion by Dean, seconded by Morris, carried 5/0, to adopt Resolution 2018-116, approving VACROA 2017-03 Lester & Bay Street, petition to vacate a portion of Lester & Bay Street**

RESOLUTION NO. 2018-116

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, VACATING A PORTION OF THE VARIABLE WIDTH RIGHT-OF-WAY KNOWN AS LESTER & BAY STREETS

(04/17/18 - 8 - 10:19 a.m.)

3. PUBLIC HEARING, NZVAR 2016-03, OAKRIDGE TRAIL PARCELS. NZVAR 2016-03, OAKRIDGE TRAIL PARCELS, A REQUEST FOR A NON-ZONING VARIANCE FROM THE LAND DEVELOPMENT CODE, SECTION 6.04.07.B.1, TO ALLOW FOR THREE ADDITIONAL UNITS TO TAKE ACCESS FROM AN EXISTING EASEMENT, THAT ALREADY PROVIDES ACCESS FOR TWO OR MORE UNITS. THE SUBJECT PROPERTIES ARE LOCATED ON OAKRIDGE TRAIL, A PRIVATE EASEMENT WITHIN THE CONFINES OF THE PRIVATE DEVELOPMENT SIX MILE CREEK NORTH, WITHIN THE WORLD GOLF VILLAGE AREA AND PACETTI ROAD

Proof of publication for the notice of public hearing on NZVAR 2016000003, was received, having been published in *The St. Augustine Record* on April 1, 2018.

Smith disclosed that he had spoken with Bruce Humphrey. Dean spoke with Humphrey about the property.

(10:20 a.m.) Eric Clark, Engineer, provided the details of the non-zoning variance, via PowerPoint, including a background of the property, and stated that there were no financial or maintenance responsibilities requested of the County.

(10:24 a.m.) Bruce Humphrey, 1524 Berrington Circle, stated that he was available for questions.

(10:25 a.m.) Dallas Skornia, 555 Oakridge Trail, requested to keep the integrity of the trail, which was not intended to be a road and requested the Board to deny the request.

(10:28 a.m.) BJ Kalaidi, 8 Newcomb Street, requested to deny the request.

(10:29 a.m.) Ed Slavin, P.O. Box 3084, agreed that the request should be denied.

(10:29 a.m.) Susan Speicher, 455 Oakridge Trail, stated for the record that there was no maintenance agreement for the road and that the parcels should be limited to the access already granted.

(10:32 a.m.) Micah Brinkley, 515 Oakridge Trail, spoke on the proposed emergency turn-around affecting the integrity of the road.

(10:34 a.m.) Humphrey said that the width of the roadway would be addressed at the time of permitting and any additional paving would continue at the existing width.

(10:37 a.m.) Johns questioned whether the builder intended to widen the paved portion to twenty or eighteen feet of stabilized surface. Humphrey responded. Discussion ensued on the road width standard per the Land Development Code (LDC).

(10:43 a.m.) Ed Houston, St. Johns County Fire Marshall, commented on the acceptance of the road width. Discussion continued.

(10:46 a.m.) Waldron questioned Houston on the location of the turn-around and whether there was a safety exit for World Golf Village onto the Old Rues Landing Road. Houston said he was unsure and would provide Waldron with that information.

(10:47 a.m.) Smith questioned the decision made on Rues Landing Road. Soria responded.

(10:50 a.m.) **Motion by Smith, seconded by Waldron, carried 4/1, with Johns dissenting, to approve NZVAR 2016-03, a request for a non-zoning variance from the Land Development Code, Section 6.04.07.B.1, to allow for additional units to take access from an easement, that already provides access for two or more units, subject to the six Findings and six Conditions, as provided in the Staff Report.**

(04/17/18 - 9 - 10:50 a.m.)

4. PUBLIC HEARING, REZ 2017-21, 1125 COMMERCIAL. REQUEST TO REZONE APPROXIMATELY 1.55 ACRES OF LAND FROM OFFICE PROFESSIONAL (OP) TO COMMERCIAL INTENSIVE (CI), WITH CONDITIONS TO LIMIT CERTAIN USES, OTHERWISE ALLOWED BY RIGHT OR BY SPECIAL USE PERMIT. THE SUBJECT PROPERTY IS LOCATED AT 1125 STATE ROAD 16, ON THE SOUTH SIDE OF STATE ROAD 16, EAST OF FOUR MILE ROAD, AND WEST OF KENTON MORRISON ROAD. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THE REZONING ON MARCH 15, 2018, WITH A 4-0 VOTE

Proof of publication for the notice of public hearing on REZ 2017000021, was received, having been published in *The St. Augustine Record* on February 24, 2018.

Smith disclosed that he received an email from Brad Wester, with a consolidated overview of the requested rezoning regarding location, compatibility, restrictions, and use the Planning and Zoning's vote. Dean, Morris, and Johns disclosed that they each spoke with Wester.

(10:51 a.m.) Casey Keough, Planner, provided the details of the rezoning, via PowerPoint, including the location, prohibited uses, and additional uses.

(10:54 a.m.) Brad Wester, applicant, stated he appreciated the Board's support on the item and was available for questions.

(10:55 a.m.) **Motion by Dean, seconded by Smith, carried 5/0, to enact Ordinance 2018-18, REZ 2017-21, 1125 Commercial, based upon four Findings of Fact.**

ORDINANCE NUMBER: 2018-18

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER, FROM THE PRESENT ZONING CLASSIFICATION OF OFFICE PROFESSIONAL (OP) TO COMMERCIAL INTENSIVE (CI), WITH CONDITIONS; MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE

(04/17/18 - 10 - 10:55 a.m.)

5. PUBLIC HEARING, MAJMOD 2017-18, MILL CREEK HARDWARE PUD. REQUEST FOR A MAJOR MODIFICATION TO INCORPORATE AN ADDITIONAL 1.14 ACRES, ADJACENT TO THE APPROVED MILL CREEK HARDWARE PLANNED UNIT DEVELOPMENT, TO ACCOMMODATE BUFFERS, STORMWATER FACILITIES, AND PRESERVATION OF SPECIMEN TREES, WHILE MAINTAINING 45,000 SQUARE FOOT OF COMMERCIAL SPACE. THE SUBJECT PROPERTY IS APPROXIMATELY 11.13 ACRES IN AREA AND IS LOCATED SOUTH OF STATE ROAD 16. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL WITH A 3-0 VOTE, AT THE MARCH 15, 2018, MEETING. DETAILS FOR THE MODIFICATION REQUEST ARE PROVIDED WITHIN THE GROWTH MANAGEMENT STAFF REPORT, ALONG WITH THE REVISED MASTER DEVELOPMENT PLAN

Proof of publication for the notice of public hearing on MAJMOD 2017000018, was received, having been published in *The St. Augustine Record* on February 24, 2018.

Waldron disclosed that he had spoken with Karen Taylor. Dean stated that he had received an email from Taylor.

(10:56 a.m.) Beverly Frazier, Senior Supervising Planner, provided the details of the modification, via PowerPoint, including the additional space to preserve the specimen trees.

(10:59 a.m.) Karen Taylor, 88 Saragossa Street, provided the details of the additional space to preserve the specimen trees, via PowerPoint. She noted the right-of-way designation, dedicated to the County, would be transferred to Department of Transportation.

(11:03 a.m.) BJ Kalaidi, 8 Newcomb Street, spoke on the number of changes being presented to the Board and suggested more due diligence prior to building.

(11:05 a.m.) **Motion by Smith, seconded by Waldron, carried 5/0, to enact Ordinance 2018-19, MAJMOD 2017-18, Mill Creek Hardware PUD, based upon six findings of fact.**

ORDINANCE NUMBER 2018-19

AN ORDINANCE OF THE COUNTY OF ST. JOHNS,
STATE OF FLORIDA, APPROVING A MAJOR
MODIFICATION TO MILL CREEK HARDWARE
PLANNED UNIT DEVELOPMENT (PUD), ORDINANCE
NO. 2016-20, AS AMENDED; REZONING LANDS FROM
OPEN RURAL (OR) TO PUD, FOR INCLUSION INTO
THE PUD; MAKING FINDINGS OF FACT; PROVIDING
A SAVINGS CLAUSE; REQUIRING RECORDATION;
AND PROVIDING AN EFFECTIVE DATE

Ross left the meeting and Brad Bulthuis, Assistant County Attorney entered the meeting at 11:07 a.m.

(04/17/18 - 11 - 11:06 a.m.)

6. PORPOISE POINT EROSION ISSUES. THE PORPOISE POINT COMMUNITY WAS SEVERELY IMPACTED BY HURRICANE IRMA. EXISTING DRAINAGE ISSUES HAVE BEEN FURTHER EXACERBATED BY THE SEVERE SAND DUNE EROSION THAT HAS OCCURRED, AT THE END OF PORPOISE POINT DRIVE. SINCE MOST OF THE EROSION OCCURRED ON FEDERALLY OWNED LANDS, COUNTY STAFF HAS REACHED OUT TO THE U.S. ARMY CORPS OF ENGINEERS (USACE), TO IDENTIFY THE CAUSE OF EROSION AND SEEK NECESSARY SOLUTIONS TO ADDRESS THE EROSION. THE USACE HAS REFERENCED A CONTINUING AUTHORITIES PROGRAM (CAP) AS A FUNDING MECHANISM, TO BETTER UNDERSTAND THE EROSION. STAFF WILL PROVIDE A BRIEF PRESENTATION TO THE BCC AND SEEK APPROVAL TO REQUEST THE USACE TO STUDY THE EROSION ISSUE

Neal Shinkre, Public Works Director, provided the details of the Porpoise Point erosion issues, via PowerPoint, including a history of the area and an opportunity available to the County, with the U.S. Army Corp of Engineer (USACE) to study the erosion issue.

Lavie entered the meeting at 11:13 a.m.

Shinkre spoke on the temporary berms that were put in place, in anticipation of a nor'easter; and provided details of the Continuing Authorities Program (CAP).

(11:18 a.m.) Johns questioned the purpose of the construction of the jetties and how it helped the inlet.

(11:19 a.m.) Jason Herrera, U.S. Army Corp of Engineer, 197 Rock Creek Drive, provided the details of the construction of the jetties and the accumulation of sand migrating into the inlet, which helped the tidal influence from the north, stabilizing the wave/wind impacts. Discussion ensued on the sand migration.

(11:21 a.m.) Waldron questioned the maintenance of the jetties. Herrera spoke on sand tightening the jetties.

(11:23 a.m.) Smith questioned the \$750,000 with CAP. Herrera responded. Discussion ensued on balancing the benefits of the property owners and maintaining the needs of the inlet.

(11:33 a.m.) Ed Slavin, P.O. Box 3084, proposed to ask congress to pass a St. Augustine National Historical Park and National Seashore study amendment, with the National Park Service as the lead agency. Additionally, he suggested planting Mangrove Trees to safeguard the coastline.

(11:36 a.m.) Bob Yerkesy, 307 Outrigger Way, spoke in support of the CAP; however, noted the need of immediate funding to remove standing water, during storm events. He submitted photos of Porpoise Point which were not displayed, *Exhibit A*.

(11:39 a.m.) Elliott Gelispe, 511 Porpoise Point Drive, spoke on the flow of sand during the year and requested the Board leverage grant funding as a resolution to the long-term sand issues.

(11:42 a.m.) Debbie Toro, 812 North End Street, spoke on re-nourishing the beach.

(11:43 a.m.) Dean spoke in support of the item; shared his thoughts regarding the challenges regarding the beach erosion, the need for a beach management program, and the need to find a source of revenue to support a beach management program.

Soria left the meeting at 11:44 a.m.

(11:45 a.m.) Smith questioned when the lost lots in the Porpoise Point subdivision were platted and whether the request obligated the Board to the 50 percent cost share. Shinkre said the lots were platted in 1982 and that there would not be an obligation to the Board, once USACE submitted their report.

(11:47 a.m.) Johns spoke on the time and financial needs to properly protect properties from Summerhaven to Ponte Vedra.

(11:51 a.m.) **Motion by Dean, seconded by Morris, carried 5/0, to authorize the county administrator, or his designee, to request the USACE to investigate the erosion problem at Porpoise Point Drive; and to determine whether it meets the requirements for federal participation, via its Continuing Authorities Program (CAP).**

(04/17/18 - 12 - 11:53 a.m.)

7. PERMIT FOR AN OFFSHORE SOURCE OF BEACH SAND FOR BEACH RESTORATION PROJECTS. ON APRIL 18, 2017, ST. JOHNS COUNTY AND THE ST. AUGUSTINE PORT WATERWAY AND BEACH DISTRICT (DISTRICT) ENTERED INTO AN INTERLOCAL AGREEMENT, TO SUBSTITUTE THE COUNTY IN PLACE OF THE DISTRICT AS THE APPLICANT FOR A PERMIT, TO PLACE SAND FROM THE ST. AUGUSTINE INLET SYSTEM ON THE BEACH BETWEEN FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FDEP) MONUMENT R-84 AND R-117. BASED ON RECENT DISCUSSIONS WITH THE FDEP AND THE U.S. ARMY CORPS OF ENGINEERS (USACE), THE COUNTY WILL NEED TO PERMIT AN OFFSHORE SAND SOURCE INSTEAD. PERFORMING THE REQUIRED ENGINEERING AND ENVIRONMENTAL WORK NECESSARY TO PERMIT THE OFFSHORE SAND SOURCE FOR FUTURE PROJECTS COULD TAKE 12 TO 18 MONTHS. AN ENGINEERING FIRM WOULD BE SELECTED BY RFQ TO ASSIST IN THE APPLICATION PROCESS, WHICH COULD COST UP TO \$400,000, FROM EXISTING BEACH NOURISHMENT FUNDING. SECURING THE PERMIT NOW WILL ENABLE THE COUNTY TO RESPOND TO PROJECTS AND FUNDING OPPORTUNITIES OVER THE COMING YEARS IN A TIMELY MANNER, INCLUDING BUT NOT LIMITED TO, THE MSTU PROJECT CURRENTLY UNDER CONSIDERATION, WHILE AVOIDING THE BOTTLENECK OF A LENGTHY PERMIT PROCESS

Damon Douglas, Project Manager, provided the details of the request for permitting for an offshore beach sand source, via PowerPoint.

(11:57 a.m.) Joe Bateman, 220 North Serenata Drive, spoke in support of the permit.

(11:59 a.m.) Kelly Sullivan, 141 Kingston Drive, spoke in support of the permit and a comprehensive coastal management program.

(12:00 p.m.) Linda Chambliss, 3043 South Ponte Vedra Boulevard, spoke in support of the permit.

(12:02 p.m.) Ed Slavin, P.O. Box 3084, spoke in support the permit and of a comprehensive beach management program.

(12:05 p.m.) **Motion by Dean, seconded by Morris, carried 5/0, to direct the county administrator, or designee, to pursue permits for an offshore sand source.**

The meeting moved to item 15.

(04/17/18 - 13 - 9:44 a.m.)

8. STAFF SEEKS BOARD DIRECTION REGARDING THE CURRENT TOURIST RELATED SERVICES AGREEMENTS WITH THE ST. JOHNS COUNTY VISITORS AND CONVENTION BUREAU, INC. AND THE ST. JOHNS CULTURAL COUNCIL, INC., WHICH ARE SET TO EXPIRE ON SEPTEMBER 30, 2018. THE COUNTY INITIALLY ENTERED INTO AN AGREEMENT WITH THE ST. JOHNS COUNTY VISITORS AND CONVENTION BUREAU, INC. (VCB) ON FEBRUARY 2, 2010, TO PROVIDE PROFESSIONAL ADVERTISING, MARKETING, AND PROMOTIONAL SERVICES, AIMED AT ATTRACTING TOURIST AND CONVENTION ACTIVITY TO THE COUNTY. SINCE THAT TIME, THE TERM OF THE AGREEMENT HAS BEEN EXTENDED BY AMENDMENT AND THE NOW CURRENT EXTENSION AGREEMENT (SEE ATTACHED). THE CURRENT EXTENSION AGREEMENT EXPIRES ON SEPTEMBER 30, 2018, AND PROVIDES FOR A TWO YEAR TERM EXTENSIONS UPON APPROVAL BY THE BOARD. FOR FY 2018, FUNDING IN THE AMOUNT OF \$4,448,612 IS APPROVED TO PROVIDE SERVICES UNDER THE AGREEMENT. THE COUNTY INITIALLY ENTERED INTO AN AGREEMENT WITH THE ST. JOHNS CULTURAL COUNCIL, INC. (CULTURAL COUNCIL) ON JULY 1, 2011, TO MARKET THE COUNTY AS AN ARTS, CULTURE AND HERITAGE DESTINATION; MANAGE THE COUNTY'S ARTS AND CULTURE GRANT PROGRAM; AND TO PERFORM OTHER TOURIST RELATED DUTIES AS DIRECTED. SINCE THAT TIME, THE TERM OF THE AGREEMENT HAS BEEN EXTENDED BY THE NOW CURRENT EXTENSION AGREEMENT (SEE ATTACHED). THE CURRENT EXTENSION AGREEMENT EXPIRES ON SEPTEMBER 30, 2018, AND PROVIDES FOR A TWO YEAR TERM EXTENSIONS UPON APPROVAL BY THE BOARD. FOR FY 2018, FUNDING IN THE AMOUNT OF \$1,921,727 IS APPROVED TO PROVIDE SERVICES UNDER THE AGREEMENT. ON FEBRUARY 26, 2018, THE TOURIST DEVELOPMENT COUNCIL (TDC) REVIEWED EACH OF THE AGREEMENTS AND CONSIDERED WHETHER TO: (1) EXTEND THE EFFECTIVE TERMS AS PROVIDED IN EACH OF THE AGREEMENTS; (2) EXTEND THE EFFECTIVE TERM OF EACH AGREEMENT, SUBJECT TO AMENDED REVISIONS; OR (3) ALLOW EACH OF THE EXISTING AGREEMENTS TO EXPIRE, AND PROCURE THE SERVICES BY ISSUING AN RFP. BY MAJORITY VOTE, THE TDC RECOMMENDS EXTENDING THE EFFECTIVE TERM OF EACH AGREEMENT, SUBJECT TO THE ATTACHED AMENDED REVISIONS. HERE, STAFF SEEKS BOARD DIRECTION IN MOVING FORWARD TO SECURE THE SERVICES

Tera Meeks, Director, Tourism and Cultural Development, provided the details of the Cultural Council and Arts, Culture, and Heritage service agreements, including the options for extension.

(9:47 a.m.) Ed Slavin, P.O. Box 3084, spoke in favor of the option to require competitive bidding.

(9:50 a.m.) Shannon Lake, 6970 A1A South, General Manager of Beaches Lodge, spoke on the VCB representing the entire County and was in favor of continuing the contracts with the suggested amendments.

(9:53 a.m.) Tom Manno, 141 Turtle Cove Court, requested the contracts be approved without initiating a Request for Proposal (RFP) process.

(9:54 a.m.) Bruce McGuire, 297 St. George Street, spoke in support of renewing the contract with the VCB without an RFP process.

(9:56 a.m.) Bob O'Neill, 333 South Ponce de Leon Boulevard, spoke in support of renewing the existing contracts.

(9:59 a.m.) Victor Ramos, 1789 Lakeside Avenue, spoke in support of renewing the existing contracts.

(9:59 a.m.) Irving Kass, 887 Garrison Drive, Vice Chairman TDC, provided a brief history of the VCB and spoke in support of renewing the contracts with the minor modifications.

(10:02 a.m.) Phil McDaniel, 112 Riberia Street, spoke in support of the recommendation of the TDC to renew the contracts with amendments.

(10:04 a.m.) Morris provided a history of the TDC and recommended moving forward with the recommendation of the TDC.

(10:08 a.m.) Johns spoke on transparency to the County, and supported issuing an RFP.

(10:12 a.m.) Dean supported continuing the contracts with the amendments recommended by the TDC.

(10:13 a.m.) Morris spoke on the phenomenal job of the VCB and Cultural Council.

(10:14 a.m.) Motion by Morris, seconded by Dean, carried 4/1, with Johns dissenting, to adopt the recommendation by the Tourist Development Council, and authorize the county administrator, or his designee, to execute agreements with the VCB and Cultural Council, in substantially in the same form and format as proposed, by the Tourist Development Council.

Ross left the meeting at 10:15 a.m.

The meeting moved to Regular Agenda Item No. 2.

(04/17/18 - 14 - 12:15 p.m.)

9. COST AND COST-RECOVERY ANALYSIS FOR BEACH SERVICES. PER A FEBRUARY 6, 2018, COMMISSION MEETING DISCUSSION, THE COMMISSION APPROVED THE EXPLORATION OF COST AND COST RECOVERY FOR CERTAIN SERVICES INCLUDING BEACH SERVICES, PARKS & RECREATIONAL SERVICES, BOAT RAMP SERVICES, AND LIBRARY SERVICES. THE OFFICE OF MANAGEMENT & BUDGET IS TO PRESENT EACH SERVICE INCLUDING ANY IMPLIED COST RECOVERY. ON APRIL 17TH, THE COMMISSION WILL CONSIDER BEACH SERVICES AND THE IMPLIED COST RECOVERY MECHANISM, THROUGH AN OFF-BEACH PARKING FEE. THE COMMISSION WILL REVISIT AN ANALYSIS FOR OFF-

BEACH PARKING, PROVIDED BY PUBLIC FINANCIAL MANAGEMENT &
PHILLIPS PARKING LLC, IN FISCAL YEAR 2016

Jesse Dunn, Director of Office of Management & Budget, provided the details of the Beach Services cost and cost-recovery analysis, via PowerPoint.

(12:37 p.m.) Dean stated that he supported having zero exemptions, stating that not everyone had to go to the beach; however, everyone that went to the beach, impacted the beach.

(12:39 p.m.) Johns concurred with Dean and supported no exemptions and questioned what happened to the meters at the end of the contract. Dunn responded.

(12:43 p.m.) Waldron questioned why the meter could not be programed by zip code to differentiate resident from non-resident; and the amount of County-owned property available that could be designated to beach parking, to ensure enough parking to the number of parking passes. Dunn responded that the figures were based on the number of existing parking available. Wanchick noted that the additional revenue would provide the opportunity to open other parking areas.

(12:46 p.m.) Billy Zeits, Assistant Director of Parks and Recreation, responded that it was unknown whether there would be enough spaces for parking; however, there were two available areas that, with available funding, could be turned into additional parking.

(12:46 p.m.) Smith questioned the cost of the study. Dunn said he would provide that information back to him. Smith urged the Board to consider adding the enforcement of illegal parking to the Study.

(12:51 p.m.) Ed Slavin, P.O. Box 3084, spoke on beach access and in opposition to parking fees, and the cost of the study. He questioned whether there were internal controls on money received through the toll collectors to ensure accountability and suggested eliminating parking on the beach.

(12:54 p.m.) BJ Kalaidi, 8 Newcomb Street, spoke in opposition to parking fees and questioned where the property taxes were utilized.

(12:57 p.m.) Dean commented on the issues with people finding alternative illegal parking.

(12:59 p.m.) Wanchick spoke about a possible unified system with the County, City of St. Augustine, and City of St. Augustine Beach.

(1:00 p.m.) **Motion by Smith, seconded by Morris, carried 5/0, to pursue an off-beach parking initiative for Beach Services.**

(04/17/18 - 15 - 1:00 p.m.)

10. PUBLIC HEARING, LAND DEVELOPMENT CODE AMENDMENTS - FINAL HEARING FOR THE BAN OF MEDICAL MARIJUANA TREATMENT CENTER DISPENSING FACILITIES. THIS IS THE FINAL HEARING FOR A PROPOSED AMENDMENT TO THE ST. JOHNS COUNTY LAND DEVELOPMENT CODE, ORDINANCE 99-51, TO BAN MEDICAL MARIJUANA TREATMENT CENTER DISPENSING FACILITIES, AS ALLOWED AND AUTHORIZED BY SECTION 381.986.(11)(B)(1), FLORIDA STATUTES (2017). THE BOARD OF COUNTY COMMISSIONERS HEARD THIS ITEM ON MARCH 20TH, 2018. THE PLANNING AND ZONING AGENCY HEARD THIS ITEM ON APRIL 5TH, 2018. A BAN ON DISPENSING FACILITIES DOES NOT BAN CULTIVATION OR PROCESSING FACILITIES OR BAN AT-HOME DELIVERY OF MEDICAL

MARIJUANA TO QUALIFIED PATIENTS IN ST. JOHNS COUNTY. MARIJUANA IS STILL ILLEGAL UNDER FEDERAL LAW. PLEASE SEE THE STAFF REPORT FOR ADDITIONAL INFORMATION

Proof of publication for the notice of public hearing on LDC BCC NPZA Marijuana, was received, having been published in *The St. Augustine Record* on April 5, 2018.

Paolo S. Soria, Sr. Assistant County Attorney, provided the details of the code amendments, via PowerPoint.

(1:01 p.m.) **Motion by Smith, seconded by Morris, carried 5/0, to enact Ordinance 2018-20, amending the St. Johns County Land Development Code, to ban Medical Marijuana Treatment Center Dispensing Facilities, as consistent with Florida Law and the St. Johns County Comprehensive Plan.**

ORDINANCE NO. 2018-20

AN ORDINANCE OF ST. JOHNS COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, RELATING TO THE BAN OF MEDICAL MARIJUANA TREATMENT CENTER DISPENSING FACILITIES; AMENDING THE ST. JOHNS COUNTY LAND DEVELOPMENT CODE, ORDINANCE 99-51, AS AMENDED; AMENDING ARTICLE II, PART 2.04.00, PROHIBITED USES, ADDING SECTION 2.04.09, MEDICAL MARIJUANA TREATMENT CENTER DISPENSING FACILITIES; AMENDING ARTICLE XII, PART 12.01.00, DEFINITIONS TO PROVIDE FOR DEFINITIONS FOR MEDICAL MARIJUANA TREATMENT CENTERS AND RELATED USES; PROVIDING FOR FINDINGS; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR INCLUSION AND CODIFICATION AND SCRIVNERS ERRORS INTO THE LAND DEVELOPMENT CODE; PROVIDING FOR LIBERAL CONSTRUCTION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

The meeting recessed at 1:02 p.m. and reconvened at 2:01 p.m., with Deputy Clerk Natasha McGee present.

****Following items are scheduled to be heard starting at 2:00pm.****

(04/17/18 - 16 - 2:02 p.m.)

11. PUBLIC HEARING, PLNAPPL 2018-03 AND PLNAPPL 2018-04, VILLAGE GARDEN FOOD TRUCK PARK (FTP), AN APPEAL TO THE PLANNING AND ZONING AGENCY (PZA) APPROVAL OF SUPMAJ 2017-21, A SPECIAL USE PERMIT, TO ALLOW CONSUMPTION OF BEER AND WINE IN CONNECTION WITH A MOBILE FOOD PARK. THIS IS AN APPEAL FILED PURSUANT TO LAND DEVELOPMENT CODE SECTION 2.03.02, APPEALS FROM DECISIONS OF THE PLANNING AND ZONING AGENCY, FILED BY JAMES AND MAUREEN LONG AND BARBARA OLSON AND PAUL DIXON. THE APPEAL REQUESTS THE BOARD OF COUNTY COMMISSIONERS TO REVERSE THE DECISION RENDERED BY THE PLANNING AND ZONING AGENCY AND DENY SUPMAJ 2017-21. THE PLANNING AND ZONING AGENCY CONSIDERED THE ORIGINAL REQUEST AT THEIR JANUARY 18, 2018, HEARING. THE REQUEST WAS APPROVED, BY A 5-1 VOTE, WITH MR. BRAD

NELSON DISSENTING. MR. RICE WAS ABSENT. PLEASE REFER TO THE GROWTH MANAGEMENT STAFF REPORT FOR DETAILS

Proof of publication for the notice of public hearing on PLNAPPL 2018000003, SUPMAJ 2017-21, Village Garden FTP, was received, having been published in *The St. Augustine Record* on March 31, 2018.

Soria described the public hearing format.

(2:03 p.m.) Ex parte communication was disclosed. On March 15, 2018, Smith met with Appellee Brendan Schneck and the following staff members: Teresa Bishop, Shannon Acevedo, Paolo Soria, and Valerie Stukes, regarding the special use permit, PZA voting, and opposition in regards to traffic concerns, ingress and egress, crash data, Anastasia Diner, limitation of sale, and shared parking. He received an email from Jane West, Jane West Law, explaining her clients' position with the Village Garden FTP, and phone calls from Lonnie Pomar and Peggy Stephens, regarding their opposition to the project. In addition, he received additional emails and disclosed a site visit. On March 15, 2018, Waldron met with Schneck, regarding project location, and traffic and neighbor concerns. He received an email from West explaining her clients' positions with the Village Garden FTP, and phone calls from Stephens and Pomar, regarding their opposition to the project. In addition, he disclosed two site visits. On March 15, Dean met with Schneck and with West, on April 13, 2018. He also received emails from Menendez Park residents. On March 15, Morris met with Schneck. He received an email from West explaining her client's position with the Village Garden FTP; and received emails from Menendez Park residents. On March 15, 2018, Johns met with Schneck and noted that they had also spoken on the phone, in April 2018, regarding project details and portions of the June 7, 2016, BCC meeting discussion. In addition, he viewed the June 7, 2016, BCC meeting video; received additional emails, letters, and phone messages, regarding the following project details: pros and cons, proposed building details, outdoor uses, and traffic concerns.

(2:07 p.m.) Valerie Stukes, Planner, presented details of the request, via PowerPoint.

(2:12 p.m.) Maureen Long, Appellant, 1821 Castile Street, referenced photographs and crash data, *Exhibit A*, and spoke in opposition of the special use permit for the consumption of beer and wine, with regard to traffic impacts and residential safety concerns.

(2:21 p.m.) Paul Dixon and Barbara Olsen, Appellants, 1824 Old Beach Road, spoke in opposition of the special use permit, via PowerPoint, with regard to traffic impacts, residential safety, parking, amplified music, and trash concerns. She proposed strategies for mitigating risk and shared responsibility.

(2:31 p.m.) Joy Andrews, Assistant County Administrator, entered the meeting.

(2:31 p.m.) Jane West, Jane West Law, 24 Cathedral Place, Suite 504, representing the appellees, presented details of the appeal, via PowerPoint. She reviewed what had been previously approved, the site plan, building renderings, standard of review, and the legal standards and specific requirements for the issuance of the special use permit.

(2:37 p.m.) Brendan Schneck, Appellee, 21 Sabor Del Sal Road, presented details that addressed concerns raised by the community and appellants, with regard to the appeal, via PowerPoint. He addressed the concerns on amplified music; installation of a movie screen, noting for the record that there was no intention to install a movie screen; ingress and egress points; traffic impacts, including a review of the crash data documentation that was provided, as supporting documents, by the appellant; and parking. He

requested that the Board uphold the PZA's decision to allow the Beer and Wine Consumption on Premises (2COP) license.

(2:44 p.m.) Jerry Liabraaten, 1343 Cortez Street, spoke in support of approving the appeals, with regard to traffic and noise impacts from the sale and consumption of alcohol.

(2:47 p.m.) Frances Bacon, 1340 Corunna Street, spoke in support of approving the appeals, with regard to the sale and consumption of alcohol.

(2:49 p.m.) Jay Bliss, 1704 Old Beach Road, referenced a hardscape layout map, *Exhibit B*, and spoke in support of approving the appeals, with regard to seating in the designated sale and consumption of alcohol area.

(2:53 p.m.) Tiffany Kemp, 12 Barracuda Place, spoke in opposition of approving the appeals, with regard to the sale and consumption of alcohol.

(2:56 p.m.) Ellen Mercado, 515 A Street, spoke in opposition of approving the appeals.

(2:59 p.m.) Amanda Asleer, a food truck owner and operator, 316 Arpieka Avenue, spoke in opposition of approving the appeals, with regard to the sale and consumption of alcohol.

(3:01 p.m.) Maggie Windle, 1353 San Juan Street, spoke in support of approving the appeals, with regard to environmental impacts.

(3:04 p.m.) Matt Tierney, 1204 Wild Palm Court, spoke in opposition of approving the appeals, with regards to the sale and consumption of alcohol.

(3:05 p.m.) Ed Slavin, P.O. Box 3084, stated he supported the food truck park and agreed with Olsen's proposed strategies for mitigating risk and shared responsibility. He spoke on environmental impacts, swearing in witnesses, and imposed speaker time limits.

(3:08 p.m.) Sara Schweitzer, 109 14th Street, Apartment A, spoke in opposition of the appeals, with regard to the sale and consumption of alcohol.

(3:09 p.m.) Jesse Davis, P.O. Box 840126, spoke in opposition of the appeals.

(3:11 p.m.) Jess Harding, 205 C West King Street, spoke in opposition of the appeals.

(3:12 p.m.) Robert Storey, member of the Menendez Park Association, 1803 Asturias Street, spoke in support of approving the appeals, with regard to the sale and consumption of alcohol.

(3:14 p.m.) Ellen Whitmer, 1178 Natures Hammock Road South, spoke in support of brick and mortar restaurants, and in support of approving the appeals, with regard to the sale and consumption of alcohol.

(3:16 p.m.) Peggy Stephens, 1303 Rivera Street, spoke in support of approving the appeals, with regard to traffic concerns and the sale and consumption of alcohol.

(3:19 p.m.) Maria Mansolillo, 550 West Pope Road, spoke in opposition of approving the appeals, with regard the sale and consumption of alcohol.

(3:21 p.m.) Bob Bond, 1815 Asturias Street, referenced a map, *Exhibit C*, and spoke in support of the appeals, with regard to the quality of life for residents of Menendez Park and the sale and consumption of alcohol.

(3:24 p.m.) Jodi Kotrady-Hatin, 27 Sea Oaks Drive, spoke in opposition of the appeals.

(3:26 p.m.) Renee Liabraaten, 1343 Cortez Street, spoke in support of the appeals, with regard to music and the sale and consumption of alcohol. She stated that she supported the initial proposed project without the 2COP license.

(3:28 p.m.) Kade Ortega, 5 Estey Street, spoke in opposition of the appeals.

(3:29 p.m.) Kelly Schneck, Appellee, 21 Sabor Del Sal Road, spoke in opposition of the appeals, noting that all traffic and parking requirements had been met.

(3:33 p.m.) Emily Meegan, 918 Palermo Road, spoke in opposition of the appeals.

(3:34 p.m.) Long presented rebuttal. She referenced a map, *Exhibit D*, and addressed concerns with traffic impacts and the sale and consumption of alcohol.

(3:38 p.m.) Olsen provided rebuttal, via PowerPoint. She noted a conference call in the spring of 2016, with Brendan and PZA staff members, regarding the sale and consumption of alcohol. She stated that she was told that the business plan would not involve on-site alcohol sales. McCormack questioned Olsen on the noted conference call.

(3:43 p.m.) West referenced the June 7, 2016, BCC minutes for Regular Agenda Item 3, regarding the sale of alcohol. She stated that the minutes reflected the following statement: "McClure asked if a food truck was allowed to sell alcohol or beer, and Mr. Schneck responded no, not that I know of. " She rebutted public comment, regarding food trucks paying taxes, Old Beach Road ingress, recycling, parking, and the sale and consumption of alcohol on-site. She noted that there were no objections for efforts to reduce speed or implementing parking signs.

(3:48 p.m.) Discussion ensued on alcohol sales, with and without the sale of food services; proper process for applying for a special use permit; and on-site length of stay, by patrons, connected to a 2COP license. McCormack commented on proper legal notice and criteria for granting or denying the appeal.

(3:56 p.m.) Motion by Dean, seconded by Johns, carried 4/1, with Morris dissenting, to approve PLNAPPL 2018-03 and PLNAPPL 2018-04, overturning the decision of the Planning and Zoning Agency, held January 18, 2018, approving a request for a Special Use Permit, to allow for the on-site consumption of alcoholic beverages, for beer and wine only, in connection with a restaurant. Consistent with a State of Florida Type 2COP license, in Commercial Intensive (CI) zoning, pursuant to LDC Section 2.03.02, specifically located at 1480 Old A1A South, subject to the four findings of fact to support the motion provided in the staff report.

(04/17/18 - 19 - 3:57 p.m.)

12. PUBLIC HEARING, PLNAPPL 2018-01, 955 PONTE VEDRA BOULEVARD. REQUEST TO APPEAL THE DECISION BY THE PONTE VEDRA ZONING AND ADJUSTMENT BOARD ON JANUARY 8, 2018, DENYING A REQUEST FOR ZONING VARIANCE PVZVAR 2017-06, TO ALLOW FOR VARIANCES TO SECTIONS VIII.D, VIII.I.2.B, VIII.I.2.D, AND VIII.N.1.I OF THE PONTE VEDRA ZONING DISTRICT REGULATIONS, TO ACCOMMODATE THE CONSTRUCTION OF A SINGLE FAMILY HOME, SEAWARD OF THE COASTAL CONSTRUCTION CONTROL LINE (CCCL), SPECIFICALLY LOCATED AT 955 PONTE VEDRA BOULEVARD. THE PONTE VEDRA

ZONING AND ADJUSTMENT BOARD CONSIDERED THE REQUEST AT THEIR JANUARY 8, 2018, HEARING. THE REQUEST WAS DENIED BY A 4-2 VOTE, WITH MR. SCOTT AND MR. PATTON DISSENTING. PLEASE REFER TO THE GROWTH MANAGEMENT STAFF REPORT FOR DETAILS

Proof of publication of the notice of public hearing on PLNAPPL 2018000001, PVZVAR 2017-06, 955 Ponte Vedra Boulevard, was received, having been published in *The St. Augustine Record* on April 1, 2018.

Ex parte communications: On 4/12/18, Smith met with the appellant Thomas Kennedy and the appellant's counsel James Whitehouse, regarding the CCCL, erosion, increased fill amounts, the previously approved variance PVZVAR 2012-02, and aesthetic benefits. Waldron met with Kennedy and Whitehouse, regarding the CCCL and project details, including setbacks. Dean met with Whitehouse, regarding project details, including the layout and specifications. Morris met with Kennedy and Whitehouse, regarding the same discussion topics as Smith and Waldron disclosed.

(3:59 p.m.) Beverly Frazier, Senior Supervising Planner, presented details of the appeal request, via PowerPoint, and related details of the site visit and current condition of the property, via drone videos. She reviewed the appeal summary, zoning variance summary, proposed house placement, coastal armoring and seawalls, and the January 8, 2018, Ponte Vedra Zoning and Adjustment Board (PVZAB) meeting. She noted that supporting documents had been submitted, by the appellant, to provide additional information, with regard to the proposed placement of the home, from Fisher and Simmons Architects; and an updated consultation letter, post Hurricane Matthew and pre Hurricane Irma, from Tony McNeal, Florida Department of Environmental Protection (FDEP) Coastal Construction Control Line Program Administrator, recommending approval of the proposed dwelling and pool location at a maximum 40 feet and 46.5 feet seaward of the control line. Discussion ensued on the variance request, with regard to the proposed placement of the dwelling and pool.

(4:13 p.m.) James Whitehouse, St. Johns Law Group, 104 Sea Grove Main Street, representing the appellants, presented details of the appeal, via PowerPoint. He reviewed the staff summary and aerial map, summary of the appellant's request, dune restoration, and fill for topographic conditions of the site. Kevin Partel, President Coastal Consulting and Restoration, P.A., 4230 Myrtle Street, referenced maps and FDEP recommendation correspondence, *Exhibit A*, and presented testimony on the FDEP approval of the proposed placement of the dwelling and pool. McCormack questioned Whitehouse on the proposed placement of the dwelling, with regard to coastal erosion.

(4:41 p.m.) Susan Jenness, 4280 Coastal Highway, voiced her support of the appeal.

(4:41 p.m.) Additionally, Board members expressed their positions. Discussion ensued on the dune restoration project. Whitehouse noted that the dune restoration project would take place with the development of the site.

(4:46 p.m.) Motion by Morris, seconded by Smith, carried 5/0, to approve PLNAPPL 2018-01, 955 PVB, overturning the decision of the Ponte Vedra Zoning and Adjustment Board and approving the request for a Zoning Variance from Ponte Vedra Zoning District Regulations Section VIII.D, Section VIII.I.2.b, and Section VIII.I.2.d, to construct a home seaward of the CCCL with land fill and retaining walls that exceed the regulations, specifically located at 955 Ponte Vedra Boulevard, subject to four Conditions and four Finding of Fact.

(04/17/18 - 20 - 4:48 p.m.)

13. CONSIDER DIRECTION TO STAFF FOR ACCEPTING OR DECLINING A BILL OF SALE FOR BULKHEAD IMPROVEMENTS AND STAIRS, AT THE EAST END OF THIRTEENTH STREET, IN THE NORTH BEACH SUBDIVISION.

FOLLOWING HURRICANE MATTHEW, SEVERAL BEACHFRONT PROPERTY OWNERS, IN NORTH BEACH BETWEEN THIRD STREET AND TWENTY-FOURTH, APPROACHED THE COUNTY TO ALLOW FOR CONSTRUCTION OF BULKHEADS ACROSS UNOPENED COUNTY RIGHT-OF-WAYS (ROW). THE BULKHEADS ARE BEING CONSTRUCTED AT THE ADJOINING PROPERTY OWNERS EXPENSE IN AN EFFORT TO BUILD A CONTINUOUS BULKHEAD ACROSS THEIR PROPERTY AND COUNTY ROW TO PREVENT THE "WASHOUT" EFFECT, PROVIDING PROTECTION FOR THE HOMES, COUNTY ROW, AND ULTIMATELY, STATE ROAD A1A (COASTAL HIGHWAY). AS PART OF THE PERMIT APPLICATION TO CONSTRUCT ACROSS THE COUNTY ROW, AN INDEMNITY AGREEMENT IS REQUIRED TO BE EXECUTED BY THE PROPERTY OWNER FOR MAINTENANCE OF THE BULKHEAD AND INDEMNIFICATION FOR LIABILITY. THE AGREEMENT FURTHER SETS FORTH THAT IT WOULD TERMINATE UPON THE CONVEYANCE OF THE BULKHEAD TO THE COUNTY AND ACCEPTANCE BY THE BOCC. MR. ERIC BERG IS THE PROPERTY OWNER ON EACH SIDE OF THIRTEENTH STREET AND HAS CONSTRUCTED A BULKHEAD AND STAIRS AND IS NOW REQUESTING ACCEPTANCE OF SUCH TO RELEASE HIS LIABILITY AND MAINTENANCE RESPONSIBILITIES, AS ALLOWED FOR IN THE AGREEMENT. A PORTION OF THE STAIRS ARE LOCATED ON BOTH COUNTY ROW AND MR. BERG'S PROPERTY, WHICH WOULD REQUIRE AN EASEMENT FROM MR. BERG. ACCEPTANCE OF PRIVATE PROPERTY OR PRIVATE IMPROVEMENTS IN THE COUNTY RIGHT-OF-WAY IS AT THE SOLE DISCRETION OF THE BOARD OF COUNTY COMMISSIONERS. STAFF IS NOT SEEKING APPROVAL OF THE RESOLUTION, BUT SEEKING POLICY DIRECTION FROM THE BOARD OF COUNTY COMMISSIONERS AND, IF DIRECTED, WILL PREPARE THE NECESSARY DOCUMENTS RELATED TO ACCEPTANCE OF THE BULKHEAD IMPROVEMENTS

Gail Oliver, Land Management Systems Director, presented details of the request, via PowerPoint. She noted eleven executed Indemnity Agreements, with two additional requests, and Florida Statute (F.S.) 375.251: that may limit liability to private property owners. She also reviewed photographs (pre-Hurricane Matthew, post-Hurricane Matthew, and Pre-Irma) provided by Eric Berg, 4020 and 4030 Coastal Highway, *Exhibit A*.

(4:55 p.m.) Discussion ensued on the construction and length of the south wing wall/retaining wall; permitting of the seawall; the complete length of the seawall; public access stairs/ROW, including liability and maintenance; and accepting property to protect public and private interests. Berg noted, per his attorney, that F.S. 375.251 was not sufficient liability protection, with regard to accidents.

(5:08 p.m.) McCormack stated that the interpretation of F.S. 375.251 provided immunity for liability, particularly for accidents. He requested to speak with Berg's attorney on F.S. 375.251. He reviewed the beach access incident claims that were made over the past five years. Discussion ensued on liability, maintenance, and the construction standards of the ROW.

(5:18 p.m.) Susan Jenness, 4280 Coastal Highway, referenced the following documents for the record: 1) Release Indemnifying the County for the Third Street ROW, and 2) Donation of a Seawall to St. Johns County, for Kevin Schmidt's, Twentieth Street's ROW, *Exhibit B*. She spoke on the ROW's and obtaining an indemnity agreement for the Third Street ROW. She requested that the property be conveyed to the County.

(5:21 p.m.) Discussion ensued on the donation memo; acceptance format for the donation of the Twentieth Street ROW and future ROW's; setting legal precedent; and on St. Johns County unopened right-of-ways.

McGee left the meeting and Deputy Clerk Bonnie A. Putman entered the meeting at 5:28 p.m.

(5:32 p.m.) **Motion by Dean, seconded by Morris, carried 5/0, to direct staff to prepare the necessary documents related to the acceptance of the bulkhead improvements, stairs, and the additional property, proposed by the grantor, at the east end of Thirteenth Street, in North Beach Subdivision; and to bring a Consent Agenda item back for the Board to consider.** Discussion ensued on bulkhead and public access construction and County acceptance standards, including establishing acceptance criteria, with additional comments provided by Locklear; budget concerns and maintaining assets; federal funding opportunities; the estimated cost of repairs for the Third Street ROW bulkhead and stairs; and unopened ROW's, including the condition of the existing ROW structures, with additional updates provided by Billy Zeits, Assistant Director, Parks and Recreation.

(5:42 p.m.) Andrews left the meeting.

(5:47 p.m.) The Board moved to Commissioners' Reports.

(04/17/18 - 22 - 12:10 p.m.)

14. MOTION TO ADOPT A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR, OR HIS DESIGNEE, TO EXECUTE A FOURTH AMENDMENT TO MASTER CONTRACT NO. 11-MAS-REP-01987, IN SUBSTANTIALLY THE SAME FORM AND FORMAT AS ATTACHED HERETO, PROVIDING FOR REVISED WEEKEND HOURS OF OPERATION, A SIX-YEAR RENEWAL TERM, AND A REDUCTION IN RATE

Greg Caldwell, Assistant Public Works Director, provided the details of the contract extension.

(12:11 p.m.) Johns questioned whether there was any change in the scope of work provided and the reason for the cost reduction. Caldwell stated that the only change was to identify the times open for yard waste, from 9:00 a.m. to 11:00 a.m. on Saturdays and said that as a benefit for contract extension the cost was lowered.

(12:12 p.m.) Shinkre stated that another change to the scope was that the rate for Customer Price Index (CPI) would adjust annually.

(12:13 p.m.) Johns questioned why an RFP was not done. Caldwell said that the existing contract allowed for a possible three year extension and, with the cost reduction, felt the extension was warranted.

(12:14 p.m.) **Motion by Johns, seconded by Morris, carried 5/0, to adopt Resolution No. 2018-118, authorizing the county administrator, or his designee, to execute a fourth amendment to Master Contract No. 11-MAS-REP-01987, in substantially the same form and format as attached hereto, providing for revised weekend hours of operation, a six-year renewal term, and a reduction in rate.**

RESOLUTION NO. 2018-118

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE COUNTY ADMINISTRATOR, OR

DESIGNEE, TO EXECUTE CONTRACT AMENDMENT NO. 4, TO EXTEND MASTER CONTRACT NO. 11-MAS-REP-01987, WITH REPUBLIC SERVICES OF FLORIDA, LP, D/B/A NINE MILE ROAD LANDFILL, THROUGH AND UNTIL JUNE 16, 2024

The meeting moved to item 9.

Lavie and left the meeting at 12:15 p.m.

(Formerly Consent 17.)

(04/17/18 - 23 - 12:05 p.m.)

15. MOTION TO ADOPT A RESOLUTION APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION AGREEMENT NUMBER 17SJ2, AND AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO EXECUTE THE GRANT AGREEMENT FOR THE ST. AUGUSTINE BEACH RENOURISHMENT PROJECT, ALONG WITH ANY SUPPLEMENTAL DOCUMENTATION, ON BEHALF OF THE COUNTY

Neal Shinkre, Public Works Director, presented the details of the grant agreement that allowed for reimbursement from Department of Environmental Protection (DEP).

(12:08 p.m.) Motion by Johns, seconded by Waldron, carried 5/0, to adopt Resolution No. 2018-117, approving the terms, provisions, conditions, and requirements of Florida Department of Environmental Protection Agreement Number 17SJ2; and authorizing the county administrator, or designee, to execute the Grant Agreement for the St. Augustine Beach Renourishment Project, along with any supplemental documentation, on behalf of the County.

RESOLUTION NO. 2018-117

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND CONDITIONS OF AN AGREEMENT BY AND BETWEEN THE STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION AND ST. JOHNS COUNTY; PROVIDING FOR THE EFFECT OF RECITALS; AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO EXECUTE THE AGREEMENT AND SUPPLEMENTAL DOCUMENTATION; PROVIDING FOR CORRECTION OF ERRORS; AND PROVIDING AN EFFECTIVE DATE

(12:09 p.m.) Wanchick thanked staff for working as a team to benefit the County.

The meeting moved to item 14.

(04/17/18 - 23 - 5:47 p.m.)

COMMISSIONERS' REPORTS

Commissioner Waldron

No report.

Commissioner Morris

No report.

Commissioner Dean

No report.

Commissioner Smith

No report.

Commissioner Johns

No report.

(04/17/18 - 24 - 5:47 p.m.)

COUNTY ADMINISTRATOR'S REPORT

No report.

(04/17/18 - 24 - 5:47 p.m.)

COUNTY ATTORNEY'S REPORT

No report.

(04/17/18 - 24 - 5:47 p.m.)

CLERK OF COURT'S REPORT

No report.

(04/17/18 - 24 - 5:48 p.m.)

ADJOURN

With there being no further business to come before the Board, Dean adjourned the meeting at 5:48 p.m.

REPORTS:

1. St. Johns County Board of County Commissioners Check Register, Check Nos. 556102-556136, totaling \$50,264.10 and Voucher Register, Voucher Nos. 35704-35720, totaling \$54,121.65 (4/04/18)
2. St. Johns County Board of County Commissioners Check Register, Check Nos. 556137-556147, totaling \$7,800 and Voucher Register, Voucher Nos. 35721-35727, totaling \$3,810 (4/06/18)
3. St. Johns County Board of County Commissioners Check Register, Check Nos. 556148-556361, totaling \$1,564,194.89 and Voucher Register, Voucher Nos. 35728-35835, totaling \$1,109,738.96 (4/10/18)
4. Letter dated March 16, 2018, regarding the filing of the 2017 St. Johns County Community Redevelopment Agency Annual Report
5. St. Johns County Board of County Commissioners Check Register, Check Nos. 556362-556371, totaling \$3,917.34 and Voucher Register, Voucher Nos. 35836-35838, totaling \$755.11 (4/12/18)
6. St. Johns County Board of County Commissioners Voucher Register, Voucher Nos. 35839-35840, totaling \$8,568.85 (4/12/18)
7. St. Johns County Board of County Commissioners Check Register, Check Nos. 556372-556376, totaling \$211,541.32 (4/16/18)

CORRESPONDENCE:

There was none.

Approved _____ June 5 _____, 2018

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: Henry Dean
Henry Dean, Chair

ATTEST: HUNTER S. CONRAD, CLERK

By: Sam Halterman
Deputy Clerk

