



Minutes of Meeting
Board of County Commissioners
St. Johns County, Florida
Regular Meeting
County Administration Building
500 San Sebastian View
St. Augustine, Florida 32084
March 21, 2023 - 9:00 am

CALL TO ORDER

Commissioner Whitehurst called the meeting to order at 9:00 am.

Present: Christian Whitehurst, District 1, Chair
Sarah S. Arnold, District 2, Vice Chair
Roy Alaimo, District 3
Krista Joseph, District 4
Henry Dean, District 5

Staff Present: Hunter S. Conrad, County Administrator
David Migut, County Attorney
Brad Bradley, Deputy County Administrator Chief of Staff
Joy Andrews, Deputy County Administrator of Strategic Affairs
Sarah Taylor, Assistant County Administrator
Lex Taylor, Deputy County Attorney
Artricia K. Allen, Deputy Clerk

ROLL CALL

The clerk called the roll. Commissioners Whitehurst, Arnold, Dean, Alaimo, and Joseph were present.

INVOCATION

Pastor Earl Glisson, Anchor Faith Church, gave the invocation.

PLEDGE OF ALLEGIANCE

Jerry Dedge, Chief Warrant Officer Five, United States Army Retired, led the Pledge of Allegiance.

RETIREMENT RECOGNITION OF DAN SIKES

Greg Caldwell, Public Works Director, invited Dan Sikes, Public Works Engineering Inspection Supervisor, to the podium. He spoke on Sikes' dedication and contributions to St. Johns County.

RETIREMENT RECOGNITION OF LESLIE BANTA

Roderick Potter, Code Enforcement Supervisor, invited Leslie Banta, Code Enforcement Officer, to the podium. He spoke on Banta's dedication and contributions to St. Johns County.

PUBLIC SAFETY UPDATE

Jason Caban, Director of Corrections Division, St. Johns County Sheriff's Office (SJSO), reported on the agency's reaccreditation status granted from the Commission for Florida Law Enforcement Accreditation (CFA), the March 17-18, 2023, Driving Under the Influence (DUI) Wolf Pack Operation results, jail capacity and renovations, and on the opening of the SJSO's Re-Entry Center.

Scott Bullard, Interim St. Johns County Fire Rescue Chief, reported on the 2023 Players Championship and the St. Augustine Celtic St. Patrick's Day Parade held on Saturday, March 11, 2023.

CLERK OF COURT'S REPORT

Brandon J. Patty, Clerk of the Circuit Court and Comptroller, reported on Government Finance Professionals Week and recognized clerks from the Comptroller's Office for their dedicated service. Dwala Anderson, Chief Financial Clerk, introduced her team and thanked them for their dedicated service. Patty highlighted the finance division and the services provided. He also reported on the recent U.S. bank instabilities, noting that the office was monitoring developments and had worked diligently to protect taxpayer dollars. Joseph requested a detailed report on the County's investment portfolio.

DELETIONS TO THE CONSENT AGENDA

There were none.

Public Comment: Ed Slavin provided public comment.

Joseph asked Tera Meeks, Tourism and Cultural Development Director, to provide additional information on Consent Agenda Items 20 and 21.

APPROVAL OF CONSENT AGENDA

Motion by Arnold, seconded by Joseph, carried 5/0, to approve the Consent Agenda, as submitted.

Yea: Whitehurst, Arnold, Dean, Alaimo, Joseph

Nay: None

1. Motion to approve the Cash Requirement Report
2. Motion to adopt **Resolution No. 2023-82**, approving the final plat for Middlebourne, Phase Two
3. Motion to adopt **Resolution No. 2023-83**, approving the final plat for Silver Falls (Silverleaf Parcel 22A), Phase 1
4. Motion to adopt **Resolution No. 2023-84**, approving the final plat for Shearwater, Phase 3E
5. Motion to adopt **Resolution No. 2023-85**, approving the final plat for St. Augustine Lakes, Phase 2B
6. Motion to adopt **Resolution No. 2023-86**, approving the final plat for Cordova Palms, Phase Two
7. Motion to adopt **Resolution No. 2023-87**, approving the final plat for Preserve at Bannan Lakes, Phase 2D
8. Motion to adopt **Resolution No. 2023-88**, accepting four Deeds of Dedication for property along the right-of-way of Silverleaf Parkway and St. Johns Parkway, for sidewalks and multi-use paths, approved in the Silverleaf Development of Regional Impact Resolution No. 2015-241
9. Motion to adopt **Resolution No. 2023-89**, authorizing the chair to execute an Abandonment and Release of Easement at Preserve at Bannan Lakes, Phase 2-C, located off International Golf Parkway
10. Motion to adopt **Resolution No. 2023-90**, approving the terms and conditions of a Purchase and Sale Agreement for the acquisition of an easement required for drainage improvements within the Porpoise Point Subdivision, and authorizing the county administrator, or designee, to execute the agreement on behalf of the county
11. Motion to adopt **Resolution No. 2023-91**, authorizing the county administration, or designee, to execute a Consent to Assignment Agreement, in substantially the same form and format as attached hereto, providing for an assignment of Master Contract No. 21-PSA-WOO-15757, Master Contract No. 17-MCC-AME-08046, and Master Contract No. 18-MCC-WOO-09667, to WSP USA Environment and Infrastructure, Inc.
12. Motion to adopt **Resolution No. 2023-92**, authorizing the county administrator, or his designee, to execute Change Order No. 02, to Master Contract No. 22-GSA-USS-16420, with U.S. Submergent Technologies, LLC, under Bid No. 22-88, Marsh Landing Wastewater Treatment Plant Aeration Basin Cleaning, for an amount not to exceed \$186,885.05, for completion of the project

13. 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 18.1 and Florida Statute 274
14. Motion to adopt **Resolution No. 2023-93**, amending the Fiscal Year 2023 budget to recognize and appropriate grant revenue, in the amount of \$111,512.98, within the Fiscal Year 2023 Supervisor of Elections Fund Budget
15. Motion to adopt **Resolution No. 2023-94**, approving, and authorizing the county administrator, or designee, to submit a completed Bass Pro Shops and Cabela's Grant and Donation Program application, on behalf of St Johns County Parks and Recreation Department, for fishing equipment for park programs
16. Motion to adopt **Resolution No. 2023-95**, approving the application for a Major Impact Special Event to take place on May 27-29, 2023, at Butler Beach
17. Motion to adopt **Resolution No. 2023-96**, approving the three applications for Major Impact Special Events to take place on May 21, 2023, and October 15, 2023, at Mickler's Beach, and July 30, 2023, at Vilano Beach
18. Motion to adopt **Resolution No. 2023-97**, authorizing the county administrator, or designee, to execute a Non-Exclusive Permissive Use Agreement, in substantially the same form and format as attached hereto, authorizing temporary use of county-owned property
19. Motion to adopt **Resolution No. 2023-98**, amending the Fiscal Year 2023 budget to recognize and appropriate State of Florida Department of Environmental Protection Agreement No. 19SJ2, in an amount up to \$879,820
20. Motion to adopt **Resolution No. 2023-99**, sunsetting the Arts, Culture and Heritage Funding Panel and providing an effective date
21. Motion to adopt **Resolution No. 2023-100**, establishing the by-laws of the Arts, Culture and Heritage Evaluation Panel, attached here, and providing an effective date
22. Motion to approve minutes: 03/03/2023, BCC Workshop and 03/07/2023, BCC Regular

ADDITIONS/DELETIONS TO THE REGULAR AGENDA

There were none.

APPROVAL OF REGULAR AGENDA

Motion by Dean, seconded by Alaimo, carried 5/0, to approve the Regular Agenda, as submitted.

Yea: Whitehurst, Arnold, Dean, Alaimo, Joseph

Nay: None

Christine Valliere, Senior Assistant County Attorney, entered the meeting.

1. Public Hearing - DRI MOD 2022-01, RiverTown. This request was continued from the March 7, 2023, Commissioners' meeting to provide a status of the Veterans Parkway construction from Longleaf Pine Parkway to County Road 210. The request is to modify the RiverTown Development of Regional Impact (DRI) to revise the school mitigation requirements, address the abandonment of the eagle nest, which include changes to Map H (DRI Master Plan), the proposed Greenway Map and the Wildlife/Plant Resources Map, add a date certain for the provision of a library site and a fire station site, clarify the residential development rights include age restricted units, and reduce the proposed roundabout locations on State Road 13. A Planned Unit Development Major Modification accompanies this DRI Modification request. RiverTown is located along State Road 13 north, south of Greenbriar Road, with Longleaf Pine Parkway being located to the east. The Planning and Zoning Agency recommended approval, with a 6-0 vote. The Agency discussed the provision of the fire station and library sites, and the School Mitigation Agreement. The applicant provided two sites that were under consideration by the County. Further, the applicant provided that the School District had approved the School Mitigation Agreement. There was no public comment

Board members disclosed ex parte communications.

Ellen Avery-Smith, Rogers-Towers, Attorneys at Law, presented the details of the request, via PowerPoint.

Public Comment: Gloria North and Ed Slavin provided public comment. Avery-Smith stated that documentation from a scientist was included in the staff report regarding the abandonment of the bald eagle's nest and the procedures he followed to comply with Federal, State, and County laws.

Motion by Whitehurst, seconded by Dean, carried 5/0, to approve Resolution No. 2023- 101, approving DRI MOD 2022-01, RiverTown, based upon five findings of fact, as provided in the staff report.

Yea: Whitehurst, Arnold, Dean, Alaimo, Joseph

Nay: None

2. Evaluation and Appraisal Review (EAR) for the Comprehensive Plan. Presentation of the process and content requirements of the upcoming Evaluation and Appraisal Review (EAR) for the County's Comprehensive Plan pursuant to Section 163.3191, Florida Statutes. General discussion of the County's current Plan; development of a preliminary list of key planning issues to be addressed; and process to be utilized to obtain citizen input

Michael Roberson, Growth Management Director, presented the details of the request, via PowerPoint.

Joseph questioned Roberson on utilizing an outside consultant, measuring the past ten years of performance, and on the potential disappearance of agricultural land.

Dean stated the importance of having a coordinator to work with all the county commissioners, stakeholders, residents, and landowners. He recommended extending the comment time from 30 to 60-days, submitting a letter of determination with the list of changes to the comprehensive plan and conducting at least five town hall meetings. Roberson responded that they would follow the direction of the Board.

Public Comment: Lisa McGlynn, Tom Ingram (Exhibit A), Trey Asner, Ed Slavin, Judy Spiegel, Dr. Yolanda Cillo, Vicki Pepper, Ervin Bullock, Carol Holtz, Dwight Miller, Ellen Avery-Smith, Nicole Crosby, Brandon Shee, Yashwant Deo, and Brandon Prevatt provided public comment.

Dean expressed his appreciation to the residents for attending and providing their input regarding the comprehensive plan. He also provided the history on how a comprehensive plan was initiated and the importance. *He then requested Board consensus on three suggested items: 1) hire an independent facilitator; 2) extend the public comment period from 30 to 60-days and 3) hold five town hall meetings* to include one in each commissioner's district prior to taking any final action by the Board on the comprehensive plan recommendations. Discussion ensued on having a neutral independent facilitator, and in support of the three suggested items. Whitehurst spoke about the future land use map, the population in St. Johns County, affordable housing, overdevelopment, and farmland. Joseph referenced a photo regarding farmlands, (Exhibit B), and spoke on incentives, Hillsborough County having a moratorium in place on certain items. Discussion ensued on how the moratorium process worked.

Migut recommended that the Board provide a motion instead of a consensus.

Motion by Dean, seconded by Arnold, carried 5/0, to direct staff to proceed with comprehensive plan review process with the three following directions: 1) to engage an Independent Facilitator to proceed with the process of working with all the stakeholders; 2) extend the comment period from thirty to sixty days; and 3) conduct at least five town hall meetings, one in each district prior to any final action by the Board on the Comprehensive Plan recommendations.

Whitehurst asked Roberson if he received clear direction from the Board. Roberson responded yes.

Yea: Whitehurst, Arnold, Dean, Alaimo, Joseph

Nay: None

Valliere left the meeting.

PUBLIC COMMENT

Robert Reale; Yashwant Deo (Exhibit A); Nicole Crosby (Exhibit B); Richard Norwood (Exhibit C); Juliet Mandler; Rock Springs Farm Homeowner Association (HOA) President; Randy Fitch

Rock Springs Farm HOA Vice President; Yolanda Cillo; Trey Asner; Kim Wilkie; Michelle Weitzel; Ed Slavin; James Whitehouse; and B.J. Kalaidi provided public comment.

Dean provided a response to the public's concerns regarding the St. Johns River Water Management District, with respect to pond elevations at Marsh Landing. Migut responded that the commissioners had no jurisdiction on the pond elevations.

COMMISSIONERS' REPORTS

Commissioner Alaimo

Alaimo reported on the proposed Tortuga Park Project. He *requested Board consensus to postpone awarding and opening the bid for the Tortugas Park Project*. Discussion ensued on the traffic, restroom and changing rooms, the support for postponing the project until further review.

Whitehurst asked Ryan Kane, St. Johns County Parks and Recreation Director, to schedule a briefing to discuss the parcel and beach access.

Motion by Alaimo, seconded by Joseph, to postpone the awarding/opening of the Tortugas Park project bid.

Public Comment: Ed Slavin provided public comment.

Conrad provided clarification on the opening of the bid and recommended that the Board not open the bid. Discussion ensued on amending the motion.

Motion by Alaimo, seconded by Joseph, carried 5/0, to approve the amended motion to not open the bid for the Tortugas Park project.

Yea: Whitehurst, Arnold, Dean, Alaimo, Joseph

Nay: None

Motion by Alaimo, seconded by Whitehurst, carried 5/0, to postpone the awarding/opening of the Tortugas Park project bid, as amended.

Yea: Whitehurst, Arnold, Dean, Alaimo, Joseph

Nay: None

Alaimo reported on the Rock Springs county-owned, public Park. He stated that currently, maintenance was maintained by the Homeowner Association (HOA) and the HOA was unable to obtain liability insurance because the park was county-owned. Dean suggested that the County acquire responsibility of the maintenance with the understanding from Kane that the County's blanket insurance policy would cover the liability insurance of the public park. Discussion ensued on bringing the item back before the Board for additional information.

Whitehurst questioned Kane on analyzing the public park space for future ball field space to demonstrate public benefit. Whitehurst also asked if Mandler and Fitch would set up meetings with the Board members and staff to discuss the project. Mandler and Fitch responded yes.

Migut suggested that the Board obtain consensus to direct staff to provide additional information regarding insurance, alternate uses, cost, and specific recommendations regarding the Rock Springs Farms Park. Consensus was given.

Alaimo also reported on a proposed House Bill 949 regarding increasing the age to drive a golf cart on public roads from 14 to 16 years of age and requiring a valid driver's license to operate a golf cart. Discussion ensued in support of the bill and writing a letter of support to the legislation. Migut reported on attending the subcommittee meeting on House Bill 949, as a citizen.

Motion by Dean, seconded by Arnold, carried 5/0, to support the chairman to sign a letter, on behalf of the Board, in support of House Bill 949.

Yea: Whitehurst, Arnold, Dean, Alaimo, Joseph

Nay: None

Public Comment: Nicole Crosby provided public comment.

Commissioner Dean

Dean reported on amending the current tree ordinance. Discussion ensued in support of the request. Additional comments were provided on clear cutting, saving tree canopies, private property rights for landowners, and not imposing any government regulations for builders or buyers that could. *Dean requested Board consensus to direct staff to prepare a presentation for a future meeting regarding the existing tree ordinance. Consensus was given.*

Commissioner Joseph

Joseph reported on Mickler's Road, traveling south. She requested to lower the speed limit. Dean responded that the Board could send a letter to the Florida Department of Transportation requesting an updated traffic study to be completed to reduce the speed limit. *Joseph requested Board consensus to send a letter to the Florida Department of Transportation requesting the speed limit be reduced to 45 mph on Mickler Road south on A1A in the residential area. Consensus was given.*

Joseph also reported on North Beach Park. She questioned Ryan Kane, St. Johns County Parks and Recreation Director, on the proposed designs. Kane stated that there was a public meeting scheduled for March 30, 2023, at the North Shore Community Center.

In addition, she recognized the Ponte Vedra Sharks swim team for their recent accomplishments.

Commissioner Arnold

No report.

Commissioner Whitehurst

No report.

COUNTY ADMINISTRATOR'S REPORT

Conrad reported on a 2021 fatal accident that occurred under the Pablo Creek Bridge. He stated a petition request was received requesting a no wake zone. *He requested Board consensus to direct staff to draft an ordinance to address a slower no wake zone in the Pablo Creek Bridge area.*

Consensus was given. In addition, he informed the Board that the judges have requested Education, Prevention, Intervention and Counseling (EPIC) Behavioral Health to investigate a Mental Health Court to move forward with requesting a grant from the State and for the County to commit \$50,000 in funds to support the mental health court. The Board members expressed their positions on the proposed funding request.

Migut recommended that the Board make a motion to waive the Board Rule 4.304.

Motion by Arnold, seconded by Alaimo, carried 5/0, to waive the Board Rule 4.304 regarding funding limitations.

Yea: Whitehurst, Arnold, Dean, Alaimo, Joseph

Nay: None

Motion by Arnold, seconded by Dean, carried 5/0, to authorize the county administrator, or designee, to execute the required commitment form, committing the County to \$50,000 in matching funds for the Florida Department of Children and Families Planning Grant to implement a mental health court in St. Johns County.

Public Comment: There was none.

Yea: Whitehurst, Arnold, Dean, Alaimo, Joseph

Nay: None

Motion by Arnold, seconded by Alaimo, carried 5/0, to reinstate Board Rule 4.304 regarding funding limitations.

Yea: Whitehurst, Arnold, Dean, Alaimo, Joseph

Nay: None

COUNTY ATTORNEY'S REPORT

Migut reported on PUD 2021-26, Miva Multi-family Development, from the October 18, 2022, Board of County Commissioners meeting. He stated the item was denied with a 2/2 vote, and that the applicants filed a petition, subsequent to the action, under the Florida Land Use and Environmental Dispute Resolution Act challenging the County's procedural determination. Migut

recommended that the Board reconsider the item. Discussion ensued on supporting the reconsideration/rehearing of the item.

Public Comment: Ed Slavin, Michael Sznajstajler, Nicole Crosby, and B.J. Kalaidi, provided public comment.

Migut responded to public comment. He stated that his proposal would settle the litigation case without further cost to taxpayers and would come back to the Board for a full review.

Joseph spoke about her concerns with this request. Discussion ensued on setting a precedence.

Motion by Dean, seconded by Arnold, carried 4/1, with Joseph dissenting, to reconsider PUD 2021-26, Mivo Multi-Family Development PUD, at the next available regular agenda meeting and upon due notice as required by law.

Yea: Whitehurst, Arnold, Dean, Alaimo

Nay: Joseph

With there being no further business to come before the Board, the meeting adjourned at 12:44 p.m.

REPORTS:

1. St. Johns County Board of County Commissioners Check Register, Check Nos. 610108-610112, totaling \$2,109.85 and Voucher Register, Voucher No. 71228, totaling \$455.11 (03/09/2023)
2. St. Johns County Board of County Commissioners Voucher Register, Voucher Nos. 71229-71230, totaling \$8,517.57 (3/09/2023)
3. St. Johns County Board of County Commissioners Check Register, Check Nos. 610113-610292, totaling \$2,550,987.60 and Voucher Register, Voucher Nos. 71231-71337, totaling \$3,482,711.34 (03/13/2023)
4. St. Johns County Board of County Commissioners Check Register, Check Nos. 610293-610479, totaling \$2,183,743.90 and Voucher Register, Voucher Nos. 71338-71428, totaling \$2,647,631.56 (03/20/2023)

CORRESPONDENCE:

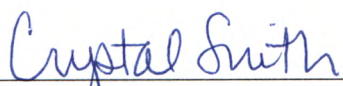
There was none.

Approved April 4, 2023

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: 
Christian Whitehurst, Chair

ATTEST: BRANDON J. PATTY,
CLERK OF THE CIRCUIT COURT & COMPTROLLER

By: 
Deputy Clerk

