



Minutes of Meeting
Board of County Commissioners
St. Johns County, Florida
Regular Meeting
County Administration Building
500 San Sebastian View
St. Augustine, Florida 32084
September 19, 2023 - 9:00 a.m.

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: Joy Andrews, Interim County Administrator
David Migut, County Attorney
Brad Bradley, Deputy County Administrator Chief of Staff
Sarah Taylor, Assistant County Administrator
Lex Taylor, Deputy County Attorney
Saundra Hutto, Deputy Clerk

ROLL CALL

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

INVOCATION

Rabbi Mendel Sharfstein, Chabad of St. Johns, gave the invocation.

PLEDGE OF ALLEGIANCE

Sue Wetherington, Sergeant First Class U. S. Amry retired, led the Pledge of Allegiance.

PROCLAMATION RECOGNIZING NATIONAL RECOVERY MONTH

Arnold presented the proclamation to Nicholas Wilson, who spoke on the importance of recovery. Shayna Keller, Assistant to the Board of County Commissioners, read the proclamation.

ACCEPTANCE OF PROCLAMATION

Motion by Dean, seconded by Alaimo, carried 5/0, to accept the proclamation.

Yea: Whitehurst, Dean, Arnold, Alaimo, Joseph

Nay: None

PUBLIC SAFETY UPDATE

Russ Martin, Operations Division Director of St. Johns County Sheriff's Office, provided information on mental health services and associated programs.

Scott Bullard, Interim St. Johns County Fire Rescue Chief, provided an update on the new vehicular fleet apparatus.

SUPERVISOR OF ELECTIONS' REPORT

Vicky Oaks, St. Johns County Supervisor of Elections, provided an update on the upcoming 2024 elections, and completing the Biannual List Maintenance. She commented on public tours, inactive voters, and early voting drop boxes.

CLERK OF COURT'S REPORT

Brandon J. Patty, Clerk of the Circuit Court and Comptroller, reported on a dedication ceremony being held on September 28, 2023, to designate the Governor's House as the original Clerk's Office in Florida. He displayed a deed from 1821.

DELETIONS TO THE CONSENT AGENDA

Dean requested that Consent Agenda Item 30 be pulled to Regular Agenda Item 1a.

Public Comment: Judy Speigel (Exhibit A) provided public comment.

APPROVAL OF CONSENT AGENDA

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

Yea: Dean, Arnold, Whitehurst, Alaimo, Joseph

Nay: None

1. Motion to approve the Cash Requirement Report
2. Motion to adopt **Resolution No. 2023-335**, approving the final plat for Whisper Creek, Phase 10, Unit A
3. Motion to adopt **Resolution No. 2023-336**, approving the final plat for Shearwater, Phase 3D

4. Approval of the draft Conceptual Management Plan for the Anastasia Lakes property, located on Fish Island Road
5. Motion to adopt **Resolution No. 2023-337**, approving the transfer of \$290,228 in park impact fee credits from the Marshall Creek Planned Unit Development (PUD) to the 2020 State Road 16 PUD, finding the request consistent with Florida Statute
6. Motion to adopt **Resolution No. 2023-338**, 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
7. Motion to adopt **Resolution No. 2023-339**, 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
8. Motion to adopt **Resolution No. 2023-340**, approving and authorizing the chair of the Board, on behalf of the County, to execute a Termination of Memorandum of Understanding
9. Motion to adopt **Resolution No. 2023-341**, 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)
10. Motion to adopt **Resolution No. 2023-342**, approving the terms of, 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
11. Motion to adopt **Resolution No. 2023-343**, 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
12. Motion to adopt **Resolution No. 2023-344**, authorizing the county administrator, or designee, to award Bid No. 23-79, County Road 2209, Force Main and Reclaimed Water Main, from International Golf Parkway (IGP) to State Road 16 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
13. Motion to adopt **Resolution No. 2023-345**, authorizing the county administrator, or designee, to award Bid No. 23-84, construction of traffic signal off County Road 210 West at the 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

14. Motion to adopt **Resolution No. 2023-346**, 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 Tourist Development Tax
15. Motion to authorize the county administrator, or designee to appropriately donate 2,300 surplus 14-gallon recycling bins to the City of Palm Coast Residential Collection Services Division
16. Motion to declare the attachments as surplus and authorize the county administrator, or his designee, to dispose of same in accordance with Purchasing Policy 308 and Florida Statute 274
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
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 the Government Finance Officers Association's industry practice
19. Motion to approve the write-off of the following delinquent accounts and receivable accounts, effective September 30, 2023: 2,766 Emergency Medical Services accounts totaling \$1,032,984.96; 337 Utility Service accounts totaling \$74,771,22; and the Clerk of the Circuit Court and Comptroller's accounts providing a net total of \$1,194.33
20. Motion to adopt **Resolution No. 2023-347**, amending the St. Johns County Fee Schedule for services provided by St. Johns County Departments for Fiscal Year 2024
21. Motion to adopt **Resolution No. 2023-348**, authorizing the Chair to execute a contract between St. Johns County and Jacksonville Legal Aid, Inc., to provide legal aid services to indigent persons residing within St. Johns County
22. Motion to adopt **Resolution No. 2023-349**, 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
23. Motion to adopt **Resolution No. 2023-350**, 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 its new location on State Road 16, substantially in the form as attached hereto

24. Motion to adopt **Resolution No. 2023-351**, 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
25. Motion to adopt **Resolution No. 2023-352**, 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 North Volusia Street, waiving the requirement that first or subordinate mortgages must be current
26. Motion to adopt **Resolution No. 2023-353**, requesting the United States Postal Service designate Flagler Estates as an alternate name under the 32145 zip code
27. Motion to adopt **Resolution No. 2023-354**, 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
28. Motion to adopt **Resolution No. 2023-355**, 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
29. Motion to adopt **Resolution No. 2023-356**, approving the Library Long-Range Plan, 2024-2028
30. Motion to authorize 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 six-month term at a funding rate of \$1,362,500

Consent Agenda Item 30 was pulled and added to the Regular Agenda as Item 1a.

31. Motion to adopt **Resolution No. 2023-357**, 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 three 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
32. Motion to approve minutes:
 - September 5, 2023, BCC Regular
 - September 5, 2023, BCC Special

ADDITIONS/DELETIONS TO THE REGULAR AGENDA

There were none.

APPROVAL OF REGULAR AGENDA

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

Yea: Arnold, Dean, Whitehurst, Alaimo, Joseph

Nay: None

TIME CERTAIN PUBLIC COMMENT

Public Comment: Dawn Bell, Vicky Pepper, Ed Slavin, Ann Taylor, Sherry Badger, Elizabeth Potter, Tom Ingram, Ann-Marie Evans, and B.J. Kalaidi provided public comment.

1. Public Hearing - MAJMOD 2023-04, Elevation Pointe. Request for a Major Modification to the Elevation Pointe at Anderson Park Planned Unit Development (PUD) (Ordinance No. 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 square feet to 170,000 square feet. This request was heard by the Planning and Zoning Agency at its regularly scheduled public hearing on Thursday, August 17, 2023, and was recommended for approval, with a vote of 4-1

There was no ex parte communication.

Kathryn Whittington, Esquire, Whittington Law, PLLC, representing the applicant, presented the details of the request. She introduced Mike Rich, Elevation Development, LLC, Development Manager, who provided a background of the company and project. Whittington discussed the completion of the County Road 208 extension and the Interstate 95 interchange. Discussion ensued on if any changes were made due to drainage concerns, since the Planning and Zoning Agency meeting and preserving the wetlands.

Public Comment: Judy Spiegel and Ed Slavin provided public comment.

Motion by Arnold, seconded by Dean, carried 4/1, with Joseph dissenting, to enact Ordinance No. 2023-42, approving MAJMOD 2023-04, Elevation Pointe, based on six findings of fact, as provided within the staff report.

Yea: Arnold, Dean, Whitehurst, Alaimo

Nay: Joseph

- 1a. The County is currently pursuing updated contractual relationships with various Tourism Agencies in the County, in an effort to further improve the efficiency and resulting economic impact of tourism promotions. As part of this effort, the County is seeking a contractual relationship with a single tourism marketing agency through the competitive Request for Proposals process. The existing tourism marketing contract with the Visitors

and Convention Bureau (VCB) expires September 30, 2023, and a six-month extension of the existing contract is necessary for the continuation of tourism marketing during the completion of the Request for Proposal process

Formerly Consent Agenda Item 30.

Tera Meeks, Tourism and Cultural Development Director, provided information regarding the extension of tourism marketing services.

Dean provided information on the VCB and branching out to create a new tourism marketing contract. He requested to extend the six-month extension to 12 months; discussion ensued on the proposal.

Public Comment: There was none.

Motion by Dean, seconded by Arnold, carried 5/0, to adopt Resolution No. 2023-358, 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 12-month term, at a funding rate of \$2,725,000 for one year.

Yea: Dean, Arnold, Whitehurst, Alaimo, Joseph

Nay: None

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 its 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 State Road 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

The Board disclosed ex parte communication.

Autumn Martinage, Matthews Design Group, representing the applicant, presented the details of the request, and provided an updated traffic assignment and Master Development Plan Text (Exhibit A). Rajesh Chindalur, PE, PTOE, Chindalur Traffic Solutions, Inc., spoke on trip generation and referenced a trip generation map (Exhibit B).

Public Comment: Jody Hunter, Ann-Marie Evans, B.J. Kalaidi, Ed Slavin, and Sherry Badger provided public comment.

Martinage responded to the public's concerns on school impacts and stormwater drainage, and Chindalur addressed the traffic concerns. Dick D'Souza, Assistant Director of Transportation,

explained on the improvements that would be made at the intersection of four-mile Road and Deer Run Road.

The Board members expressed their position on school and traffic impacts, as well as the Public Education Capital Outlay (PECO) Law.

Motion by Arnold, seconded by Alaimo, carried 5/0, to deny PUD 2023-05, Deer Run Road PUD, based upon ten findings of fact, as provided in the staff report.

Yea: Arnold, Alaimo, Dean, Whitehurst, Jospheh

Nay: None

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 its 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

The Board disclosed ex parte communication.

Matthew H. Lahti, Gulfstream Design Group, representing the applicant, presented the details of the request. He responded to concerns with changes the applicant made before or after the Planning and Zoning Agency meeting and the property owners waiving the Live Local Act.

Samantha Taylor, Owner, provided a background of the company and the expectation of the property.

Public Comment: Joseph Logan, William Rossignol, Ed Slavin, Jeffrey Gump, Judy Spiegel, B.J. Kalaidi, and Bruce Alvarez provided public comment.

Lahti and Taylor responded to the public's concerns regarding wetlands, fill dirt, the hours of operations and the real estate comparables. Discussion ensued on the neighboring property being airport overlay and the proposed plans, with additional comments from Evan Walsnovich, Growth Management Planner.

Dean expressed his position on the project and included the following conditions: *1.) Waiving the rights of the owner for the Live Local Act, 2.) Installing privacy fencing and shrub and tree plantings along the Big Oak Road South right-of-way, 3.) Eliminating the driveway and having no access on Big Oak Road South, 4.) The operating hours from 7 a.m. to 6 p.m., Monday-Friday; and, 5.) No installation of new buildings.*

Motion by Dean, seconded by Alaimo, carried 5/0, to enact Ordinance No. 2023-43, approving REZ 2023-06, Whole 9 Yards, based on four findings of fact, as provided in the staff report, as amended.

Yea: Dean, Alaimo, Arnold, Whitehurst, Joseph

Nay: None

4. Public Hearing - MAJMOD 2023-09, Katepally Community Commercial PUD. Request for a Major Modification to the Katepally Community Commercial Planned Unit Development (PUD) (Ordinance No. 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.

The Board disclosed ex parte communication.

James Whitehouse, St. Johns Law Group, representing the applicant, provided the details of the request. He responded to the concerns with buffers and preservations.

Public Comment: There was none.

Motion by Whitehurst, seconded by Arnold, carried 5/0, to enact Ordinance No. 2023-44, approving MAJMOD 2023-09, Katepally Community Commercial PUD, based upon six findings of fact, as provided in the staff report.

Yea: Whitehurst, Arnold, Alaimo, Dean, Joseph

Nay: None

5. Public Hearing - VACROA 2023-02, Moody Family Unopened Alley Vacation - public hearing to vacate an unopened right-of-way. 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

James Whitehouse, St. Johns Law Group, representing the applicant, provided the details of the request, via PowerPoint. He responded to the concern on who would obtain the southern portion of the road.

Public Comment: There was none.

Motion by Alaimo, seconded by Dean, carried 5/0, to adopt Resolution No. 2023-359, approving VACROA 2023-02, Moody Family Unopened Alley Vacation, a petition to vacate an unopened portion of Osceola Avenue right-of-way in the Biera Mar by the Sea subdivision.

Yea: Alaimo, Dean, Whitehurst, Arnold, Joseph

Nay: None

Whitehurst recessed the meeting at 11:46 a.m. and reconvened at 12:42 p.m. with Artricia Allen, Deputy Clerk, present.

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 Senate Bill 102, 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, Florida Statute (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 percent 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 of 10 percent affordable units in commercial and industrial zoning (125.01055(6) F.S.). Staff seek direction on further action on this option. LLA includes grant funding opportunities for affordable housing projects through the Florida Job Growth Grant Fund statute

Shawna Novak, Health and Human Services Director; Kealy West, Senior Assistant County Attorney; Mike Roberson, Growth Management Director; and Christine Valliere, Senior Assistant County Attorney, presented the details of the request, via PowerPoint. Discussion ensued on how the lots were obtained, property exemptions applications received, 10 percent options for reserved units, and directions to pursue the affordable housing grant program.

Public Comment: Ervin Bullock, Elizabeth Potter, Bill Lazar, Katessa Archer, Tom Ingram, Ed Slavin, and Doris Taylor provided public comment.

Whitehurst requested legal advice on the direction, or case law from, the State regarding waiver requirements, and the rights regarding commercial zoning with the Senate Bill 102.

Motion by Alaimo, seconded by Dean, carried 5/0, to adopt Resolution No. 2023-360, adopting the St. Johns County 2023 Affordable Housing Inventory List, in compliance with section 125.379, Florida Statutes.

Yea: Whitehurst, Arnold, Dean, Joseph, Alaimo

Nay: None

Alaimo requested Board consensus to have staff bring back an ordinance under the Live Local Act, to offer property tax exemptions for Affordable Housing developments. Discussion ensued on economic analysis, funding infrastructure, tax exemptions and impacts.

Public Comment: Ed Slavin, Bill Lazar, and Doris Taylor provided public comment. Discussion ensued on affordable housing rentals, building new units, the real-estate market going down, and tax exemptions being applied to existing developments.

Motion by Alaimo, seconded by Dean, carried 4/1, with Joseph dissenting, to direct staff to bring back an ordinance meeting the criteria under the Live Local Act for St. Johns County, to offer an ad valorem property tax exemption for Affordable Housing developments.

Yea: Alaimo, Dean, Whitehurst, Arnold

Nay: Joseph

7. Hurricanes Ian and Nicole Federal Emergency Management Agency (FEMA) Category B (CAT B) Emergency Beach Berm update and Contract Award. On February 21, 2023, the Board of County Commissioners directed staff to design a FEMA Category B Emergency Beach Berm and work with Purchasing to select a firm for construction. St. Johns County (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 p.m. on Wednesday, September 20, 2023

Joseph Giammanco, PhD, Director of Emergency Management, presented the details of the request, via PowerPoint.

Public Comment: There was none.

Motion by Arnold, seconded by Alaimo, carried 5/0, to adopt Resolution No. 2023-361, authorizing the county administrator, or designee, to award Bid No. 23-89; Construction of Emergency Berms - FEMA Cat B Post Hurricane Ian and Nicole - Crescent Beach and South Ponte Vedra Beach, to the lowest, responsive, and responsible bidder, at the amount of the submitted total not-to-exceed bid price; and authorize \$800,000 for project delivery cost; to recognize a FEMA grant reimbursement in the amount of \$6,183,615, a State of Florida Department of Emergency Management grant reimbursement in the amount of \$1,030,603, and to approve the transfer of General Fund Reserves in the amount of \$1,030,603.

Yea: Arnold, Alaimo, Whitehurst, Dean, Joseph

Nay: None

8. Public-Private Partnership with St. Johns County (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 a Request for Proposal (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 the agreement. The contract provides for annual amounts to be allocated by the County as follows: \$800,000 for Operations; \$750,000 for Annual Maintenance; and \$1,700,000 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 Fiscal Year (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.

Jaime Locklear, Assistant Director of Purchasing and Contracts Division, and Dylan Rumrell, Vice Chair of the Amphitheatre and Concert Hall Advisory Board, presented the details of the request.

Public Comment: Ed Slavin, Doris Taylor, and Ann-Marie Evans provided public comment.

Joseph requested clarification regarding revenue sharing and being self-sufficient.

Motion by Arnold, seconded by Joseph, carried 5/0, to adopt Resolution No. 2023-362, authorizing the county administrator, or designee, to finalize negotiations and execute a contract, in substantially the same form and format as attached, with SJC Cultural Events, Inc., a non-profit organization, for the operations and management of St. Johns County Cultural Events, in accordance with the contract; to transfer funds to SJC Cultural Events, Inc., or escrow, as applicable, pursuant to the contract; to transfer ownership of the Asset List, and all non-asset equipment, materials and supplies to SJC Cultural Events, Inc., pursuant to the contract; and to assign the contracts shown on the Existing Contracts List to SJC Cultural Events, Inc., pursuant to the contract.

Yea: Arnold, Joseph, Whitehurst, Dean, Alaimo
Nay: None

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.

Bradley Bulthuis, Senior Assistant County Attorney, reviewed the details of the proposed ordinance amendment.

Public Comment: There was none.

Motion by Dean, seconded by Alaimo, carried 5/0, to enact Ordinance No. 2023-45, amending Ordinance No. 2009-43, the St. Johns County Prohibited Holiday Activity Ordinance for Sexual Offenders and Sexual Predators.

Yea: Dean, Alaimo, Whitehurst, Arnold, Joseph

Nay: None

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 1,000 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

Jalisa Ferguson, Assistant County Attorney, reviewed the details of the proposed ordinance amendment.

Public Comment: There was none.

Motion by Dean, seconded by Alaimo, carried 5/0, to enact Ordinance No. 2023-46, amending Ordinance No. 2009-36, the St. Johns County Child Safety Zone Ordinance.

Yea: Dean, Whitehurst, Arnold, Alaimo, Joseph

Nay: None

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 Commissioners ("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

Bradley Bulthuis, Senior Assistant County Attorney, presented the details of the proposed settlement.

Public Comment: There was none.

Motion by Arnold, seconded by Dean, carried 5/0, to adopt Resolution No. 2023-363, approving the terms, conditions, provisions, and requirements of the Mediation Settlement Agreement between St. Johns County, Guilmar, LLC, Guillermo Labial, Marjorie U. Labial, Robert J. Lupoli and Jennifer L. Lupoli; authorizing the chair to execute the agreement on behalf of the County; and approving transfer of \$480,000 from General Fund Reserves to Office of County Attorney and payment of said funds pursuant to the Mediated Settlement Agreement.

Yea: Arnold, Dean, Whitehurst, Alaimo, Joseph

Nay: None

Mike Roberson, Growth Management Director, *requested Board consensus to direct staff to come back with Land Development Code Amendment clarification to be vetted as opposed to being allowed by right or review regarding these types of projects. Consensus was given.*

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

Adam Tecler, Grants and Legislative Affairs Manager, presented the details of the Legislative Action Plan.

Whitehurst requested *Board consensus to add the antiquated law that doesn't allow school boards to build new schools to keep up with growth be added on the Legislative Delegation Action Plan. Consensus was given.* Additionally, Dean spoke about beach renourishment and requested *Board consensus to amend the Legislative Plan to include a funding request of \$7.5 million for a one-time placement in the South Ponte Vedra area. Consensus was given.*

Andrews provided clarification on the Board's requested additions to the Legislative Action Plan.

Public Comment: Ed Slavin, Judy Spiegel (Exhibit A), Guy Rasch, and Doris Taylor provided public comment.

Motion by Dean, seconded by Arnold, carried 5/0, to adopt the 2024 St. Johns County Legislative Action Plan, as amended, and to present it at the upcoming Legislative Delegation meeting, scheduled on October 13, 2023.

Yea: Dean, Arnold, Whitehurst, Alaimo, Joseph

Nay: None

13. Consider appointments to the Cultural Resource Review Board. Currently, there are two 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 nine months. Please see for your review and consideration, recommendation letters from the CRRB and seven 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; and Garrett Colton, Dist. 5

Joanne Spencer, Senior Assistant to the Board of County Commissioners, presented the details of the vacancies.

Public Comment: There was none.

Motion by Joseph, seconded by Dean, carried 5/0, to re-appoint Blair Knighting, to the Cultural Resource Review Board, for a full four-year term, scheduled to expire on September 19, 2027.

Yea: Joseph, Arnold, Dean, Whitehurst, Alaimo

Nay: None

Motion by Joseph, seconded by Dean, carried 5/0, to appoint Dr. Leslee Keys, to the Cultural Resource Review Board, for a full four-year term, scheduled to expire on September 19, 2027.

Yea: Joseph, Dean, Whitehurst, Arnold, Alaimo

Nay: None

PUBLIC COMMENT

Public Comment: Lori Moffett provided public comment.

Discussion ensued on the possibility of using part of the \$9 million that was received from the State/Department of Environmental Protection, through Hurricane Nicole and Ian disaster relief funds, for beach renourishment, and to eliminate the funding gap in North Ponte Vedra renourishment and the outstanding MSTU debt for South Ponte Vedra and Vilano Beach. Joe Giammanco, PhD, Director of Emergency Management, explained that he was working with the Department of Environmental Protection (DEP) to amend language to allow use of the funds for other projects besides FEMA projects. *Joseph requested consensus for staff to gather information on the requested funding of \$9 million that would go towards disaster recovery. Consensus was given.*

COMMISSIONERS' REPORTS

Commissioner Joseph

Joseph recommended that next tax season and the Board focus on having a rollback.

Commissioner Alaimo

Alaimo expressed his gratitude to the staff on the Treaty of Moultrie Creek Ceremony and spoke about attending the Florida Association of Counties (FAC) event. In addition, he spoke about the upcoming Sing Out Loud event, happening this weekend and the collaboration between the St. Johns County School Board and the Board of County Commissioners.

Commissioner Dean

Dean announced the opening of a new Lowe's Home Improvement store, located off County Road 210. He requested *Board consensus to schedule a meeting or workshop with the St. Johns County School Board members regarding the process for approval of new school construction and having sufficient classrooms for students. Consensus was given.*

Commissioner Arnold

Arnold expressed her gratitude to staff on the new library meeting room in Hastings, and encouraged attendance of the World Golf Town Hall meeting, scheduled on September 27th and September 28th in the County Auditorium. In addition, she provided an update on Dolphin Cove, stating that the developers were currently working with Jacksonville Electric Authority to have the irrigation system and planting materials installed to provide a buffer, beginning on September 27th.

Commissioner Whitehurst

Whitehurst reported on attending the Florida Association of Counties conference and encouraged the Board members to attend the next upcoming meeting in November. He spoke on the preemptions that would be discussed at the Legislative Delegation meeting.

COUNTY ADMINISTRATOR'S REPORT

Andrews requested Board approval for Jaime Locklear, Assistant Director of the Purchasing and Contracts Division, to be promoted to Director of the Purchasing and Contract Division. She provided a background of the department and of Locklear's work accomplishments.

Public Comment: Ed Slavin provided public comment.

Motion by Dean, seconded by Alaimo, carried 5/0, to approve Jaime Locklear as Director of the Purchasing and Contract Division.

Yea: Dean, Alaimo, Whitehurst, Arnold, Joseph

Nay: None

Andrews reported on the Federal Low-Income Pool Program by the Federal Government through Flagler Hospital, who is the designated provider, charity care health services for local residents.

Public Comment: There was none.

Motion by Arnold, seconded by Alaimo, carried 5/0, to authorize the county administrator, or designee, on behalf of Flagler Hospital, to enter into a letter of agreement with Florida Agency for Health Care Administration (AHCA), to allow for the transfer of funds to provide charity care healthcare in the amount not to exceed \$16,516.

Yea: Arnold, Alaimo, Whitehurst, Dean, Joseph

Nay: None

Andrews reported on the staff launching the Public Comprehensive Planning Process for the Hastings community. She encouraged the public to go on the website (stjohnscountyhastings.com) and complete the survey.

COUNTY ATTORNEY'S REPORT

Migut reported that the Florida statute that authorizes certain committees, e.g., the Affordable Housing Advisory Committee, created by Ordinance 2008-29, had been amended. *He requested Board authorization to make proposed revisions to the ordinance [to comply with Florida law] and to bring them back to the Board for approval. Consensus was given.*

With there being no further business to come before the Board, the meeting adjourned at 3:14 p.m.

REPORTS:

1. St. Johns County Board of County Commissioners Check Register, Check Nos. 615446-615582, totaling \$2,412,787.76 and Voucher Register, Voucher Nos. 75067-75128, totaling \$631,524.35 (09/05/2023)
2. St. Johns County Board of County Commissioners Check Register, Check Nos. 615583-615600, totaling \$21,543.20 and Voucher Register, Voucher Nos. 75129-75159, totaling \$79,701.34 (09/06/2023)
3. St. Johns County Board of County Commissioners Check Register, Check Nos. 615601-615604, totaling \$1,682.89 and Voucher Register, Voucher No. 75160, totaling \$455.11 (09/08/2023)
4. St. Johns County Board of County Commissioners Voucher Register, Voucher Nos. 75161-75162, totaling \$8,609.53 (09/08/2023)
5. St. Johns County Board of County Commissioners Check Register, Check Nos. 615605-615745, totaling \$3,999,650.17 and Voucher Register, Voucher Nos. 75163-75217, totaling \$1,823,159.43 (09/11/2023)
6. St. Johns County Board of County Commissioners Check Register, Check Nos. 615746-615755, totaling \$7,203 and Voucher Register, Voucher Nos. 75218-75222, totaling \$8,600 (09/13/2023)
7. St. Johns County Board of County Commissioners Check Register, Check No. 615756, totaling \$2,400 (09/13/2023)

8. St. Johns County Board of County Commissioners Check Register, Check No. 615757, totaling \$240.06 (09/15/2023)
9. St. Johns County Board of County Commissioners Check Register, Check Nos. 615758-616031, totaling \$1,687,727.72 and Voucher Register, Voucher Nos. 75223-75323, totaling \$784,270.37 (09/18/2023)
10. St. Johns County Board of County Commissioners Check Register, Check No. 616032, totaling \$333 (09/18/2023)

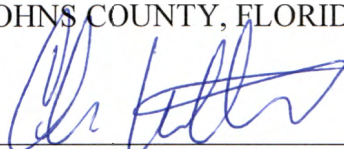
CORRESPONDENCE:

1. Letter dated August 30, 2023, regarding Entrada Community Development District's Annual Audit Report for the Fiscal Year Ended September 30, 2022.
2. Letter dated September 8, 2023, regarding Trout Creek Community Development District's Annual Audit Report for the Fiscal Year Ended September 30, 2022.

Approved _____ October 3 _____, 2023

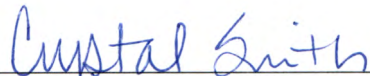
BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: _____


Christian Whitehurst, Chair

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

By: _____


Deputy Clerk

