



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

CALL TO ORDER

Commissioner Arnold called the meeting to order at 9:24 a.m.

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

Staff Present: Joy Andrews, 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 Arnold, Alaimo, Dean, Whitehurst, and Joseph were present.

INVOCATION

Reverend Eluit Alicea, Bridge of Life Church, gave the invocation.

PLEDGE OF ALLEGIANCE

Patrick McCormack, Captain United States Navy Retired, led the Pledge of Allegiance.

CERTIFICATE OF RECOGNITION FOR WESTMINSTER ST. AUGUSTINE IN RECEIVING THE GOLD SEAL AWARD

Arnold presented the certificate of recognition to Debbie Pattinson, Lynn Smith, and Misty Degross. Pattinson expressed her appreciation on receiving the Gold Seal Award.

PROCLAMATION RECOGNIZING NATIONAL HOSPICE AND PALLIATIVE CARE MONTH

Whitehurst presented the proclamation to Marisa Lamberto. Lamberto spoke on the importance of hospice and palliative care. 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 certificate and proclamation, as submitted.

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

PUBLIC SAFETY UPDATE

Sean McGee, St. Johns County Fire Rescue Chief, spoke on the Community Firefighters for Families Charity and responded to questions regarding the recent Ancient City Fire Expo.

Scott Beaver, St. Johns County Sheriff's Office Patrol Division Director, spoke on traffic concerns related to the upcoming holiday season and two incidents that happened this year.

CLERK OF COURT'S REPORT

Brandon J. Patty, Clerk of the Circuit Court and Comptroller, spoke on the recent launch of the clerk's QFlow system in an effort to lower the barriers and burdens of accessing government in St. Johns County.

DELETIONS TO THE CONSENT AGENDA

Andrews requested that Consent Agenda Items 5 and 6 be moved to the Regular Agenda and that Consent Agenda Item 9 be postponed to December 5, 2023. Arnold stated that Consent Agenda Item 5 would be moved to the Regular Agenda as Item 1a, and Consent Agenda Item 6 would be moved to the Regular Agenda as Item 1b. Legal requested more time to research the deadline, with additional comments from Corey Bowens, Land Management Director, regarding the postponement. Discussion ensued on the deadline, postponement, and the signed contract. Arnold suggested that Consent Agenda Item 9 be moved to the Regular Agenda as Item 13 for further discussion.

Public Comment: There was none.

APPROVAL OF CONSENT AGENDA

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

Yea: Alaimo, Whitehurst, Arnold, Joseph, Dean

Nay: None

1. Motion to approve the Cash Requirement Report
2. Motion to adopt **Resolution No. 2023-452**, approving the final plat for Rivertown - The Meadows (Parcel 19), Phase 1
3. Motion to adopt **Resolution No. 2023-453**, approving the final plat for Silver Meadows (Silverleaf Parcel 33), Phase 2
4. Motion to adopt **Resolution No. 2023-454**, approving the final plat for Eagles Cove, Lot 5, Replat
5. Motion approving the transfer of \$1,268,886 in road impact fee credits from the Twin Creeks Development of Regional Impact (DRI) to the Fountains East Apartments within the Fountains East Planned Unit Development (PUD), finding the request consistent with Florida Statute

Consent Agenda Item 5 was pulled and moved to the Regular Agenda as Item 1a.

6. Motion approving the transfer of \$1,864,706 in road impact fee credits from the Twin Creeks Development of Regional Impact to the 2020 State Road 16 Planned Unit Development, finding the request consistent with Florida Statute

Consent Agenda Item 6 was pulled and moved to the Regular Agenda as Item 1b.

7. Motion to adopt **Resolution No. 2023-455**, approving the terms of, and authorizing the county administrator, or designee, to execute, a Lease Agreement with Northland Services, Inc., for office space, located near State Road 16 and North 5th Street
8. Motion to adopt **Resolution No. 2023-456**, approving the terms of, and authorizing the county administrator, or designee, to execute, a Purchase and Sale Agreement for a temporary construction easement, to serve construction of right-of-way and drainage improvements for the Kings Estate Road Corridor Improvements Project
9. Motion authorizing the county administrator, or designee, to terminate the Purchase and Sale Agreement dated September 8, 2023, between 400 Orange Avenue, LLC, and St. Johns County, Florida

Consent Agenda Item 9 was pulled and moved to the Regular Agenda as Item 13.

10. Motion to adopt **Resolution No. 2023-457**, authorizing the county administrator, or designee, to execute and issue a Franchise Agreement to ATS Fix, 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
11. Motion to adopt **Resolution No. 2023-458**, authorizing the county administrator, or designee to execute a contract, in substantially the same form and format as attached, with Jones, Edmunds and Associates, Inc., as the top ranked firm under RFQ No. 23-87, Professional Engineering Services related to implementing a Septic-to-Sewer Planning Program, to perform the services as authorized by task order
12. Motion to adopt **Resolution No. 2023-459**, authorizing the county administrator, or designee, to execute and issue Change Order No. 05, to Master Contract 20-MAS-ENG-12227, with England, Thims and Miller, Inc., under RFQ No. 20-10, Design of Intersection and Widening Improvements for State Road 16 at International Golf Parkway to San Giacomo Road, for a not-to-exceed amount of \$356,271
13. Motion to declare the attachments as surplus and authorize the county administrator, or designee, to dispose of same in accordance with Purchasing Policy 308 and Florida Statute 274
14. Motion to declare the specified dental equipment from the closed Florida Department of Health dental clinic as surplus, and authorize the county administrator, or designee, to donate the equipment to Wildflower Clinic, a non-profit 501(2)3 organization
15. Motion to approve **Resolution No. 2023-460**, re-appropriating Community Development Block Grant Disaster Recovery (CDBG-DR) grant funding, in the amount of \$791,269, from CDBG-DR Infrastructure to CDBG-DR Housing, within the Fiscal Year 2024 General Fund budget
16. Motion to adopt **Resolution No. 2023-461**, approving and authorizing the county administrator, or designee, to execute and deliver the Maintenance Agreement between St. Johns County and Florida Department of Transportation, in substantially the same form as attached hereto
17. Motion to adopt **Resolution No. 2023-462**, approving and authorizing the county administrator, or designee, to execute the Data Sharing Agreement between the Florida Department of Children and Families and the County for the purpose of coordinating and exchanging information to avoid the duplication of benefits under the State Program and County Program, in substantially the same form as attached hereto
18. Motion to adopt **Resolution No. 2023-463**, authorizing the county administrator, or designee, to execute the Interlocal Agreement between St. Johns County Fire Rescue and the City of Jacksonville Beach, substantially in the same form as attached

19. Motion to adopt **Resolution No. 2023-464**, recognizing and appropriating \$23,538.75, representing \$17,654.06 in Firefighter Cancer Decontamination Equipment Grant funding from the Division of State Fire Marshall, and \$5,884.68, in County matching funds from the Fire District fund, and authorizing the county administrator, or designee, to execute and submit necessary forms and agreements, and certifying the funds will be used for the purchase of the approved decontamination equipment for St. Johns County Fire Rescue
20. Motion to adopt **Resolution No. 2023-465**, accepting the donation of a Novair MOGS 100 Mobile Oxygen Generator System, 24V Controls, with a value of \$127,253, from Florida Department of Health, for use as part of Fire Rescue operations
21. Motion to approve minutes:
 - October 26, 2023, Joint BCC/School Board
 - October 31, 2023, BCC Special
 - November 7, 2023, BCC Regular
22. Proofs:
 - a. Proof: Notice of a public hearing to consider settlement of proceeding under section 163.3215(3), Florida statutes, published on September 7, 2023, in *The St. Augustine Record*
 - b. Proof: Notice of public hearing, consider adoption of the following ordinance for sexual offenders and sexual predators, held on September 19, 2023, published on September 7, 2023, in *The St. Augustine Record*
 - c. Proof: Notice of public hearing of the St. Johns County Board of County Commissioners, an Ordinance No. 2009-36, Child Safety Zone, published on September 8, 2023, in *The St. Augustine Record*
 - d. Proof: Notice of a Special Meeting to consider and adopt the final mileage rates and budget for Fiscal Year 2024, published on September 11, 2023, in *The St. Augustine Record*
 - e. Proof: Notice of meetings of the St. Johns County Administrator Selection Committee, published on September 29, 2023, in *The St. Augustine Record*
 - f. Proof: Notice of Value Adjustment Board Meeting for the purpose of certifying the 2023 tax roll, published on September 29, 2023, in *The St. Augustine Record*
 - g. Proof: Legislative Delegation public meeting, the Delegation will hear testimony from local government agencies and the public, published on September 28, 2023, in *The St. Augustine Record*
 - h. Proof: Notice given that St. Johns County is soliciting sealed bids, Bids No. 23-94, St. Johns Widening, published on September 5, 2023, and September 12, 2023, in *The St. Augustine Record*
 - i. Proof: Request for Bids, Bid No. 24-03, CR 2209 Extension Central Segment, published on September 5, 2023, and September 12, 2023, in *The St. Augustine Record*
 - j. Proof: Notice given, soliciting sealed bids for Bid No. 24-04, Preservation Trail and Town Plaza Avenue Intersection Improvements, published on September 14, 2023, and September 21, 2023, in *The St. Augustine Record*

ADDITIONS/DELETIONS TO THE REGULAR AGENDA

There were none.

APPROVAL OF REGULAR AGENDA

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

Yea: Alaimo, Whitehurst, Dean, Arnold, Joseph

Nay: None

TIME CERTAIN PUBLIC COMMENT

Public comment: Chuck Labanowski (Exhibit A), Joe McAnarney (Exhibit B), Charlie Hunt (Exhibit C), Frances Lundberg, Micheline Boutin (Exhibit D), Dianne Campbell, and Susan Millerick provided public comment.

Arnold recessed the meeting at 11:28 a.m. and reconvened the meeting at 12:30 p.m., with Deputy Clerk Artricia Allen present.

1. Sheriff's Office Proposed Settlement Agreement to Civil Case. The purpose of this agenda item is to allow the Sheriff of St. Johns County to settle a civil case filed on March 25, 2020, bearing Case No. CA20-0387. This case stemmed from an automobile accident on State Road 16, whereby a deputy sheriff operating a marked patrol vehicle pulled in front of a motorcyclist causing serious bodily injury. The plaintiff and defendant are in agreement with the terms and conditions, and final payment to the plaintiff is subject to passage of Claims Bill(s) SB 10 and HB 6007. The net settlement amount is \$6.3 million after Sheriff's Office insurance coverage

Matthew Cline, St. Johns County Sheriff's Office General Counsel, provided the details of the proposed settlement and responded to any upcoming cases.

Whitehurst questioned legal on whether the Board could move forward without the sovereign immunity being waived. Migut responded to the process.

Public Comment: Ed Slavin provided public comment.

Migut responded to Slavin's concerns on scheduling a shade meeting. Discussion ensued on the motion, the transfer of funds, and how much funds would be coming from County and Sheriff's Reserves, with additional comments from Jessie Dunn, Office of Management and Budget Director, on where the funds would be utilized from.

Motion by Dean, seconded by Whitehurst, carried 5/0, to authorize up to \$6.3 million to support the St. Johns County Sheriff's Office's settlement of Circuit Court Case No. CA20-0387, including potential future use of General Fund Reserves and funding from the Sheriff's

Office identified non-public safety operational saving, contingent upon a claims bill being signed into law pursuant to Section 768.28 Florida Statute.

Yea: Dean, Whitehurst, Alaimo, Joseph, Arnold

Nay: None

- 1a. Motion approving the transfer of \$1,268,886 in road impact fee credits from the Twin Creeks Development of Regional Impact (DRI) to the Fountains East Apartments, within the Fountains East Planned Unit Development (PUD), finding the request consistent with Florida Statute

Formerly Consent Agenda Item 5.

Dick D'Souza, Assistant Director of Transportation, provided the details of the transfer.

Public Comment: John Kinsey provided public comment.

Discussion ensued on updating the motion regarding the timeline of signatures and the as-builts.

Motion by Dean, seconded by Alaimo, to adopt Resolution No. 2023-466, carried 5/0, to approve the transfer of \$1,268,886 in road impact fee credits from the Twin Creeks DRI to the Fountains East Apartments, within the Fountains East PUD, provided that the as-builts would be submitted and approved prior to the chair signing the resolution releasing the credits.

Yea: Dean, Alaimo, Whitehurst, Joseph, Arnold

Nay: None

- 1b. Motion approving the transfer of \$1,864,706 in road impact fee credits from the Twin Creeks Development of Regional Impact (DRI) to the 2020 State Road (SR) 16 Planned Unit Development (PUD), finding the request consistent with Florida Statute

Formerly Consent Agenda Item 6.

Dick D'Souza, Assistant Director of Transportation, provided the details of the transfer.

Public Comment: John Kinsey and B.J. Kalaidi provided public comment.

Motion by Dean, seconded by Whitehurst, to adopt Resolution No. 2023-467, carried 5/0, to approve the transfer of \$1,864,706 in road impact fee credits from the Twin Creeks DRI to the 2020 SR 16 PUD, provided there is a review and approval of the as-builts prior to the signing of the resolution releasing the credits.

Yea: Dean, Whitehurst, Alaimo, Arnold, Joseph

Nay: None

2. Charting Performance: A Framework for Open Governance and Efficiency. County Administrator Joy Andrews will introduce a framework aimed at enhancing open governance and operational efficiency within the County. A newly developed organizational chart, highlighted changes, and their intended purposes will be provided

Joy Andrews, County Administrator, presented the details of the item. She responded to the questions regarding expanding county government and the organizational chart placement of Parks and Recreation department.

Public Comment: Joe McAnarney, Ed Slavin, Charlie Hunt, and Judy Spiegel provided public comment.

Andrews also requested Neal Shinkre be appointed as the permanent Director of the Utility Department.

Motion by Alaimo, seconded by Joseph, carried 5/0, to appoint Neal Shinkre as the Utility Management Director.

Yea: Alaimo, Arnold, Whitehurst, Dean, Joseph

Nay: None

3. Consultant Briefing on the County's Comprehensive Plan Update. The County's Comprehensive Plan is in the process of being updated. The Board of County Commissioners directed that a consultant be hired to assist the county through the process. The consultant, Inspire Placemaking Collective, will provide a briefing on the overall process, including the schedule

Mike Roberson, St. Johns County Growth Management Director, introduced Consultant Chris Dougherty, Principal, Inspire Placemaking Collective, who presented the details of the item. He responded to questions regarding the opportunity for the community to re-evaluate its current decision-making practices, developer and public engagement, and the survey deadline.

Public Comment: Chuck Labanowski, Joe McAnarney, B.J. Kalaidi, Ed Slavin, and Charlie Hunt provided public comment.

Roberson responded to Labanowski's concern on the Comprehensive Plan survey.

4. Public Hearing - REZ 2023-14, 5461 and 5467 A1A South. Request to rezone approximately .84 acres of land from Commercial General (CG) to Residential Single Family (RS-3). The Planning and Zoning Agency heard this request at their regularly scheduled public hearing on Thursday, October 5, 2023, voting to recommend approval of the request, by a vote of 5-0. Members of the Agency had questions of the applicant about how the proposed homes would be accessing A1A South. The applicant responded that county staff in the past has required a shared driveway and believes that the same would be required here, along with a turnaround area closer to the homes. There were no comments received from the public

There was no ex parte communication.

Bill Miller, Applicant, provided the details of the request and responded to questions regarding the entrance of the properties.

Public Comment: There was none.

Motion by Alaimo, seconded by Dean, carried 5/0, to enact Ordinance No. 2023-51, approving REZ 2023-14, 5461 and 5467 A1A South, based upon four findings of fact, as provided in the staff report.

Yea: Alaimo, Dean, Whitehurst, Joseph, Arnold

Nay: None

5. Public Hearing - REZ 2023-02, St. Marks Industrial. Request to rezone approximately 13.26 acres of land, located south of International Golf Parkway, just west of US 1 North, from Open Rural (OR) to Industrial Warehousing (IW). This request was heard by the Planning and Zoning Agency (PZA) at their regularly scheduled public hearing on Thursday, June 1, 2023, and was recommended for approval, 5-0. After the PZA's recommendation of approval, the County was advised that a portion of the property was the subject of pending private civil litigation. As a result, the applicant has subsequently revised the application to remove that portion of the property from the request, reducing the proposed acreage for the site from 15.98 acres to 13.26 acres

There was no ex parte communication.

Matt Lahti, Gulfstream Design Group, LLC, representing the applicant, presented the details of the request and responded to questions regarding traffic impacts.

Public Comment: B.J. Kalaidi, Charlie Hunt, and Ann Taylor provided public comment.

Lahti responded to the public's concerns on traffic impacts and the intended use of the property.

The Board members expressed their position on the proposed rezoning, with additional comments from Dick D'Souza, Assistant Director of Transportation, on the upcoming improvements to International Golf Parkway. Discussion ensued on the zoning of the property.

Motion by Dean, seconded by Whitehurst, carried 4/1, with Joseph dissenting, to enact Ordinance No. 2023-52, approving REZ 2023-02, St. Marks Industrial, based on four findings of fact, as provided in the staff report.

Yea: Dean, Whitehurst, Arnold, Alaimo

Nay: Joseph

6. Public Hearing - PLAT 2023-21, Orchard Park, Phase 3. The subject of this Resolution is final plat approval for Orchard Park, Phase 3. The subject property is located southeast of State Road 207 and west of Wildwood Drive, within the Orchard Park II Planned Unit

Development. This project consists of 23.7 acres and 128 single-family townhome lots. The road rights of way designated as Gentle Fern Drive, Pittman Court, and Beach Palm Court are proposed to be dedicated to St. Johns County. Per the Orchard Park II PUD (Ordinance No. 2022-27), the internal roadways may be publicly owned and maintained, at the County's sole discretion. Orchard Park Phase 1 and 2 are within the Treaty Ground Planned Unit Development. Phase 3 is an addition to the existing Orchard Park community; however, it accesses directly to Wildwood Drive and does not connect to previous phases. This is the first and only plat within the Orchard Park II Development and has been found to be in compliance with the Orchard Park II Planned Unit Development. A Required Improvements Bond, in the amount of \$2,570,935.21, has been filed with the Clerk's office. A Required Improvements Bond, in the amount of \$659,683.19, is required for maintenance. Water and sewer will be provided by St. Johns County

There was no ex parte communication.

Doug Burnett, St. Johns Law Group, representing the applicant, presented the details of the request.

Public Comment: There was none.

Discussion ensued on the homeowners paying for the maintenance of the internal roads and the Board expressed their position on the request.

Motion by Alaimo, seconded by Whitehurst, carried 4/1, with Joseph dissenting, to adopt Resolution No. 2023-468, approving the final plat for Orchard Park, Phase 3, with the expense not being on the County.

Yea: Alaimo, Whitehurst, Arnold, Dean

Nay: Joseph

7. Federal Emergency Management Agency (FEMA) Public Assistance Category G (Permanent Work) for Hurricanes Ian and Nicole, specifically South Ponte Vedra Beach. Hurricanes Ian and Nicole inflicted severe impacts on Florida, resulting in a presidential declaration for federal assistance. FEMA's Public Assistance Program is a federal grant to aid state and local governments in returning a disaster area to pre-disaster conditions. The grant is provided to primarily address the repair and restoration of public facilities and infrastructure damaged or destroyed or the restoration of services that were negatively impacted. This update is focused on FEMA's Category G Parks, Recreational, and other Facilities for the South Ponte Vedra Beach project. Specifically, eligibility, project design, and project execution

Joseph Giammanco, PhD, Emergency Management Director, presented the details of the item and displayed a funding options chart (Exhibit A).

Discussion ensued on the funding options, permitting, the timeline to receive the funding, and project reimbursement.

Public Comment: Guy Rasch provided public comment.

Motion by Dean, seconded by Joseph, carried 5/0, to approve Resolution No. 2023-469, approving the planning design, permitting, project preparation, delivery, and execution cost of a South Ponte Vedra Beach FEMA Category G project in response to Hurricane Ian and Nicole; and to recognize and appropriate a Department of Homeland Security FEMA grant for up to \$562,000, and a State of Florida Division of Emergency Management grant for up to \$187,500, within the Fiscal Year 2024 Budget.

Yea: Dean, Joseph, Arnold, Whitehurst, Alaimo

Nay: None

8. Fiscal Year (FY) 2023: End of Year Budget Compliance. At the end of each fiscal year, adjusting entries may be necessary to ensure compliance with Section 200.6 (Budgetary Control Procedures) of the St. Johns County BCC Administrative Code; specifically, ensuring year-end account reconciliations do not reflect any negative balances. Some of these entries require reserve transfers from respective fund reserves, while other entries require Intra-fund department transfers. To accomplish these transfers, the BCC will need to approve the respective transfers for each Department as per the attached schedule. Under Florida Statutes, these adjustments may be made up to 60 days following the end of the Fiscal Year. The attached budget schedule will ensure compliance with our Administrative Code (Section 200.6 Budgetary Control Procedures). In addition, this agenda item includes the appropriation of remaining resources for the Cultural Events Division, which the Commission has approved (on September 19, 2023) to transfer to SJCCE, Inc. As well, this year-end agenda item includes project clean-up for Federal Emergency Management Agency (FEMA) berm projects and for the close-out of the golf course reconstruction fund. Where designated “projected,” these items were included in the FY 2023 projections and do not necessitate any additional funding from FY 2024

Jesse Dunn, Office of Management and Budget Director, presented the details of the item.

Public Comment: Ed Slavin, Doris Taylor, and B.J. Kalaidi provided public comment.

Motion by Alaimo, seconded by Whitehurst, carried 5/0, to approve the Fiscal Year 2023 end-of-year fund reserve transfers, per the attached schedule, to ensure fiscal year-end positive account balances, per the St. Johns County Administrative Code.

Yea: Alaimo, Whitehurst, Arnold, Dean, Joseph

Nay: None

9. First reading of a proposed amendment to St. Johns County Ordinance No. 2018-42, regulating the operation of golf carts, low speed vehicles, and mini trucks within St. Johns County. At its August 1, 2023, meeting, the Board of County Commissioners authorized the Office of County Attorney to prepare a proposed amendment to Ordinance No. 2018-42, to conform to recent changes in state law addressing the operation of golf carts on all public roads in Florida. The proposed amendment requires anyone 18 years or younger

who operates a golf cart to possess a valid learners or driver license, and anyone 18 years or older, to possess a valid form of identification

Kealey West, Senior Assistant County Attorney, presented the details of the proposed amendment.

Joseph questioned if golf carts were required to be registered. West responded that they were not.

Public Comment: There was none.

10. First reading of a proposed amendment to St. Johns County Ordinance No. 2008-29, regarding the St. Johns County Affordable Housing Advisory Committee. At its September 19, 2023, meeting, the Board of County Commissioners authorized the Office of County Attorney to prepare a proposed amendment to Ordinance No. 2008-29, to conform to recent changes in state law regarding the composition of the Affordable Housing Advisory Committee. The proposed amendment requires that the committee must consist of one member from the Board of County Commissioners and one representative from at least six of the categories identified in section 420.9076(2), Florida Statutes

Kealey West, Senior Assistant County Attorney, presented the details of the proposed amendment.

Discussion ensued on the proposed amendment and the Affordable Housing Advisory Committee members.

Public Comment: Joe McAnarney, Doris Taylor, and Jackie Lablanc provided public comment.

11. Proposed Settlement of Southeast Development Partners, LLC, v. St. Johns County State Court Litigation. St. Johns County ("County") is currently the defendant in Case No. CA23-1265, in the Circuit Court in and for St. Johns County, filed by Southeast Development Partners, LLC, ("Southeast"), relating to certain record requests. The County has defended, and continues to defend, its responses as consistent with Florida law. Pursuant to court order, the parties participated in mediation on October 30, 2023, and produced a tentative mediated settlement agreement, subject to approval of the Board of County Commissioners, to avoid the costs and uncertainty of further litigation of this matter. A copy of the mediated settlement agreement is attached to this agenda item for review and consideration. (This proposed settlement does not resolve the pending federal litigation regarding Southeast's concurrency obligations.)

David Migut, County Attorney, presented the details of the item and responded to questions regarding the County complying with Florida law, the settlement of the case, and setting precedence.

Public Comment: Charlie Hunt provided public comment.

Whitehurst suggested that Migut provide clarification to the public's concerns, stating that the proposed settlement would not affect the current federal lawsuit. Migut responded.

Motion by Arnold, seconded by Whitehurst, carried 4/1, with Joseph dissenting, to deny approving, accepting, and ratifying the Mediated Settlement Agreement between St. Johns County and Southeast Development Partners, LLC, and denying the transfer of \$45,000 from General Fund Reserves to Office of County Attorney and payment of said funds.

Yea: Arnold, Whitehurst, Alaimo, Dean

Nay: Joseph

12. Consider appointments to the Land Acquisition Management Program (LAMP) Conservation Board. Currently, there are four vacancies on the LAMP Conservation Board due to expired terms. Members of the LAMP Conservation Board are required to be registered voters of St. Johns County and have experience or expertise in one or more of the following areas, with at least five of these areas represented at all times: Agriculture, Archaeology, Business/Finance, Eco-Tourism, Education, Engineering, Environmental, History, Parks, Planning, Real Estate, Recreation, Soil/Hydrologic, and Natural Sciences, such as Biology, Botany, Geology and Zoology. A vacancy ad was placed and ran for approximately seven weeks. Attached for your review and consideration are nine applications and a recommendation letter from LAMP: Robin Robbins, Dist. 1; Dirk Lobenbruck, Dist. 1; Wayne Flowers, Dist. 1, Dist. 3; William Miller, Dist. 3; Anila Lahiri, Dist. 3; Nicole Crosby, Dist. 4; Kate Beck, Dist. 4; Garrett Colton, Dist. 5; and Benjamin Brandao, Dist. 5

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

Public Comment: Judy Spiegel and Joe McAnarney provided public comment.

Joseph suggested that the Board consider appointing Nicole Crosby to the LAMP Conservation Board.

Motion by Dean, seconded by Joseph, carried 5/0, to reappoint Robin Robbins, Wayne Flowers, and William "JB" Miller to the LAMP Conservation Board for a second term of four years, scheduled to expire November 21, 2027.

Yea: Dean, Joseph, Alaimo, Whitehurst, Arnold

Nay: None

Motion by Dean, seconded by Whitehurst, carried 4/1, with Joseph dissenting, to appoint Anila Lahiri, to the LAMP Conservation Board for a first four-year term, scheduled to expire November 21, 2027.

Yea: Dean, Whitehurst, Arnold, Alaimo

Nay: Joseph

13. Terminate the Purchase and Sale Agreement to ATS Fix, LLC, dated September 8, 2023, between 400 Orange Avenue, LLC, and St. Johns County, Florida

Formerly Consent Agenda Item 9.

Christine Valliere, Senior Assistant County Attorney, provided details on the effective date and stated it would allow time to continue the item to the December 5, 2023, meeting; and explained the reason why staff requested terminating the Purchase and Sale Agreement.

Jena Baker Dennis, broker for the property owner, provided information regarding the environmental concerns and ownership. She said that the seller would agree to an extension of the inspection period and closing.

The Board expressed their position on the proposed agreement.

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

Baker Dennis provided clarification on the public's concerns regarding Phase 1, explaining that it didn't state the property was contaminated, and that it was not a requirement for Phase 2. Arnold requested that staff proceed with inquiring about a Phase 2 environmental assessment.

Motion by Arnold, seconded by Whitehurst, carried 4/1, with Joseph dissenting, to inquire about Phase 2, and enter into an agreement with the seller to extend the inspection period for an additional 90 days.

**Yea: Arnold, Whitehurst, Alaimo, Dean
Nay: Joseph**

PUBLIC COMMENT

Public Comment: Judy Spiegel, B.J. Kalaidi, Ed Slavin, and Chuck Labanowski provided public comment.

COMMISSIONERS' REPORTS

Commissioner Joseph

Joseph reported that the Ponte Vedra High School girls swim team won a state championship.

Additionally, Joseph commented that there would be an election in less than nine months and that three seats on the Board would be open. Dean and Arnold objected to Joseph's comments and asked Migut to determine if they were appropriate. Discussion ensued on the Board's rules of decorum and civility.

Commissioner Alaimo

Alaimo wished everyone a Happy Thanksgiving.

Commissioner Dean

No report.

Commissioner Whitehurst

Whitehurst reported on attending the St. Johns County Parks Foundation meeting and congratulated the Park Foundation on acquiring parcels near Longleaf Pine Parkway and Greenbriar Road. He also congratulated the new chair and vice chair and wished everyone a Happy Thanksgiving.

Commissioner Arnold

Arnold thanked the Board for its confidence in both her and Commissioner Alaimo with leading the Board into the next year. She wished everyone a Happy Thanksgiving.

COUNTY ADMINISTRATOR'S REPORT

No report.

COUNTY ATTORNEY'S REPORT

Migut read an excerpt from Rule 4.402, Manner of Speaking, of the Board's Rules and Policies, and spoke on abiding by the Board's rules and procedures.

With there being no further business to come before the Board, the meeting adjourned at 2:18 p.m.

REPORTS:

1. St. Johns County Board of County Commissioners Check Register, Check Nos. 617623-617645, totaling \$46,636.87 and Voucher Register, Voucher Nos. 76346-76371, totaling \$63,780.32 (11/07/2023)
2. St. Johns County Board of County Commissioners Check Register, Check Nos. 617646-617658, totaling \$13,886.34 and Voucher Register, Voucher Nos. 76372-76375, totaling \$6,880 (11/08/2023)
3. St. Johns County Board of County Commissioners Check Register, Check Nos. 617659-617661, totaling \$10,218.66 (11/08/2023)
4. St. Johns County Board of County Commissioners Check Register, Check Nos. 617662-617663, totaling \$235.10 (11/09/2023)
5. St. Johns County Board of County Commissioners Check Register, Check Nos. 617664-617834, totaling \$2,607,829.09 and Voucher Register, Voucher Nos. 76376-76442, totaling \$3,069,252.24 (11/13/2023)
6. St. Johns County Board of County Commissioners Check Register, Check Nos. 617835-617900, totaling \$39,327.61 and Voucher Register, Voucher Nos. 76443-76650, totaling \$164,258.31 (11/15/2023)


7. St. Johns County Board of County Commissioners Check Register, Check Nos. 617901-617912, totaling \$64,737,83 and Voucher Register, Voucher No. 76651, totaling \$455.11 (11/16/2023)
8. St. Johns County Board of County Commissioners Voucher Register, Voucher Nos. 76652-76653, totaling \$8,786.09 (11/16/2023)
9. St. Johns County Board of County Commissioners Check Register, Check No. 614913, totaling \$12,875 (11/17/2023)

CORRESPONDENCE:

1. Letter dated November 14, 2023, regarding Turnbull Community Development District's Annual Financial Audit Report for the Fiscal Year Ended September 30, 2022
2. Letter dated November 14, 2023, regarding Maderia Community Development District's Annual Financial Audit Report for the Fiscal Year Ended September 30, 2022

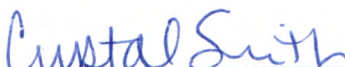
Approved December 5, 2023

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: 

Sarah Arnold, Chair

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

By: 

Deputy Clerk

