

ST. JOHNS COUNTY

ST. AUGUSTINE, FLORIDA

BOARD OF COUNTY COMMISSIONERS

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



BOARD MEETING AGENDA

County Auditorium
500 San Sebastian View

Joy Andrews, County Administrator
David Migut, County Attorney

Tuesday, November 21, 2023, 9:00 AM

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

REGULAR MEETING

- ❖ Call to Order by Chair
- ❖ Roll Call by the Clerk of the Court
- ❖ Invocation
- ❖ Pledge of Allegiance
- ❖ Certificate of Recognition for Westminster St. Augustine in receiving the Gold Seal Award
- ❖ Proclamation Recognizing National Hospice and Palliative Care Month
- ❖ Acceptance of Proclamation
- ❖ Public Safety Update
- ❖ Clerk of Court's Report
- ❖ Deletions to Consent Agenda
- ❖ Approval of Consent Agenda
- ❖ Additions/Deletions to Regular Agenda
- ❖ Approval of Regular Agenda
- ❖ Public Comment is Time Certain from 11:30 AM - 12:00 PM, or at the conclusion of the Regular Agenda, whichever occurs first

Presenter: Robert A. Hardwick, Sheriff

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 SR 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.

Presenter: Joy Andrews, County Administrator

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. **District**

Presenter: Chris Dougherty, Principal, Inspire Placemaking Collective

Staff Member: Mike Roberson, Director, Growth Management

- 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 process. The consultant, Inspire Placemaking Collective, will provide a briefing on the overall process including the schedule.

Presenter: Bill Miller, Applicant

Staff Member: Evan Walsnovich, Planner

District 3

- 4. Public Hearing * REZ 2023-14 5461 & 5467 A1A S.** 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 5th, 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.

Presenter: Matt Lahti, Gulfstream Design Group, LLC.

Staff Member: Justin Kelly, Senior Planner

District 5

- 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 their 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.

Presenter: Doug Burnett, St. Johns Law Group

Staff Member: Kelly Schley, Application Review Supervisor

District 3

- 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 2022-27), the internal roadways may be publicly owned and maintained, at the County's sole discretion. Orchard Park Phase 1 & 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.

Presenter: Joseph Giammanco, PhD, Emergency Management Director

District 5

- 7. 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, Other for South Ponte Vedra Beach project. Specifically, eligibility, project design, and project execution.

Presenter: Jesse Dunn, Office of Management and Budget Director

- 8. Fiscal Year 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 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.

Presenter: Kealey West, Office of County Attorney

- 9. First Reading of 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 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.
- 10. First Reading of Proposed Amendment to St. Johns County Ordinance 2008-29 regarding 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 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.

Presenter: Bradley Bulthuis, Senior Assistant County Attorney

- 11. Proposed Settlement of Southeast Development Partners, LLC v. St. Johns County State Court Litigation.** St. Johns County ("County") is currently 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.)

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

- 12. Consider appointments to the Land Acquisition Management Program (LAMP) Conservation Board.** Currently, there are (4) 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 approx. (7) weeks. Attached for your review and consideration are (9) 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, Benjamin Brandao Dist. 5.

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

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CONSENT AGENDA

1. Motion to approve the **Cash Requirement Report**. *For more information, contact Donna Echegoyen, Accounts Payable Supervisor at 904 819-3658*
2. Motion to adopt Resolution 2023-_____, approving the **final plat for Rivertown - The Meadows (Parcel 19) Phase 1**. *For more information, contact Kelly Schley, Application Review Supervisor at 904 209-0720*
3. Motion to adopt Resolution 2023-_____, approving the **final plat for Silver Meadows (Silverleaf Parcel 33) Phase 2**. *For more information, contact Kelly Schley, Application Review Supervisor at 209-0720*
4. Motion to adopt Resolution 2023-_____, approving the **final plat for Eagles Cove Lot 5 Replat**. *For more information, contact Kelly Schley, Application Review Supervisor at 209-0720*
5. Motion to adopt Resolution 2023-_____, approving the **transfer of \$1,268,886.00 in road impact fee credits from the Twin Creeks DRI to the Fountains East Apartments within the Fountains East PUD** finding the request consistent with Florida Statute. *For more information, contact Jan Trantham, Senior Transportation Planner at 904 209-0611*
6. Motion to adopt Resolution 2023-_____, approving the **transfer of \$1,864,706.00 in road impact fee credits from the Twin Creeks DRI to the 2020 SR 16 PUD** finding the request consistent with Florida Statute. *For more information, contact Jan Trantham, Senior Transportation Planner at 904 209-0611*
7. Motion to adopt Resolution 2023-_____, approving the terms 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 N 5th Street**. *For more information, contact Corey Bowens, Director, Land Management Systems at 904 209-0776*
8. Motion to adopt Resolution 2023-_____, approving the terms 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**. *For more information, contact Corey Bowens, Director, Land Management Systems at 904 209-0776*

9. Motion to adopt Resolution 2023-_____, authorizing the County Administrator, or designee, to **terminate the Purchase and Sale Agreement dated September 8, 2023, between 400 Orange Ave, LLC and St. Johns County, Florida.** *For more information, contact Corey Bowens, Director, Land Management Systems at 904 209-0776*

10. Motion to adopt Resolution 2023-_____, 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. *For more information, contact Greg Caldwell, Public Works Director at 904 209-0266*

11. Motion to adopt Resolution 2023-_____, authorizing the County Administrator, or designee to execute a contract, in substantially the same form and format as attached, with **Jones, Edmunds & Associates, Inc, as the top ranked firm under RFQ 23-87; Professional Engineering Services Related to Implementing a Septic-to-Sewer Planning Program,** to perform the Services as authorized by Task Order. *For more information, contact Jaime Locklear, Asst. Director of Purchasing at 904 209-0158*

12. Motion to adopt Resolution 2023-_____, authorizing the County Administrator, or designee, to execute and issue **Change Order No: 05 to Master Contract 20-MAS-ENG-12227 with England Thims & Miller, Inc. under RFQ No. 20-10; Design of Intersection & Widening Improvements for State Road (SR) 16 at International Golf Parkway (IGP) to San Giacomo Road** for a Not-To-Exceed amount of \$356,271.00. *For more information, contact Jaime Locklear, Director, Purchasing at 904 209-0158*

13. Motion to declare the attachments as **surplus** and authorize the County Administrator, or designee, to dispose of same in accordance with the Purchasing Policy 308 and Florida Statute 274. *For more information, contact Jaime Locklear, Director of Purchasing at 904 209-0158*

14. Motion to **declare the specified dental equipment from the closed DOH dental clinic as surplus, and authorize the County Administrator, or designee, to donate the equipment to Wildflower Clinic, non-profit 501(2)3 organization.** *For more information, contact Jaime Locklear, Asst. Director of Purchasing at 904 209-0158*

15. Motion to approve Resolution 2023-_____, **re-appropriating 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.** *For more information, contact Jesse Dunn, Director, Office of Management & Budget at 904 209-0568*

16. Motion to adopt Resolution 2023-_____, 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. *For more information, contact Greg Caldwell, Public Works Director at 209-0266*

17. Motion to adopt Resolution 2023-_____, 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. *For more information, contact Shawna Novak, Director, Health and Human Services at 904 209-6089*

18. Motion to adopt Resolution 2023-_____, 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. *For more information, contact Jeremy Robshaw, Fire Rescue Communications Chief at 904 209-1702*

19. Motion to adopt Resolution 2023-_____, **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. *For more information, contact Jeremy Robshaw, Communications Chief at 904 209-1750*

20. Motion to adopt Resolution 2023 _____, **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.** *For more information, contact Jeremy Robshaw, Fire Rescue Communications Chief at 904 209-1750*

21. Motion to approve **minutes:**
 - 10/26/23, Joint BCC/School Board
 - 10/31/23, BCC Special
 - 11/07/23, BCC Regular

22. **Proofs:**

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.

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

Proof: Notice of public hearing of the St. Johns County Board of County Commissioners, an Ordinance, number 2009-36, Child Safety Zone, published on September 8, 2023, in the St. Augustine Record.

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.

Proof: Notice of meetings of the St. Johns County Administrator Selection Committee, published September 29, 2023, in the St. Augustine Record.

Proof: Notice of Value Adjustment Board Meeting, for the purpose of certifying the 2023 tax roll, published September 29, 2023, in the St. Augustine Record.

Proof: Legislative Delegation Public Meeting, the Delegation will hear testimony from local government agencies and the public, published September 28, 2023, in the St. Augustine Record.

Proof: Notice given that St. Johns County is soliciting sealed bids, Bids No. 23-94, St. Johns Widening, published September 5 and 12, 2023, in the St. Augustine Record.

Proof: Request for Bids, Bid No. 24-03, CR 2209 Extension Central Segment, published September 5 and 12, 2023, in the St. Augustine Record.

Proof: Notice given, soliciting sealed bids for Bid No. 24-04, Preservation Trail and Town Plaza Avenue Intersection Improvements, published September 14 and 21, 2023, in the St. Augustine Record.