

ST. JOHNS COUNTY

ST. AUGUSTINE, FLORIDA

BOARD OF COUNTY COMMISSIONERS

District 1 - James K. Johns
District 2 - Jeb S. Smith, Chair
District 3 - Paul M. Waldron
District 4 - Jeremiah Ray Blocker, Vice Chair
District 5 - Henry Dean



BOARD MEETING AGENDA

County Auditorium
500 San Sebastian View

Hunter S. Conrad, County Administrator
Patrick F. McCormack, County Attorney

Tuesday, March 3, 2020 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
- ❖ Proclamation Recognizing March 2020 as Florida Archeology Month
- ❖ Acceptance of Proclamation
- ❖ Public Comment
- ❖ Deletions to Consent Agenda
- ❖ Approval of Consent Agenda
- ❖ Additions/Deletions to Regular Agenda
- ❖ Approval of Regular Agenda

Presenter - Beverly Frazier, Senior Supervising Planner

District 5

1. **Public Hearing * PUD 2019-06 Circle K at Masters Drive.** Request to rezone approximately 1.68 acres of land from Commercial Intensive (CI) and Residential, Single Family (RS-3) to Planned Unit Development (PUD) to accommodate development of a Convenience Store with gas pumps in the Residential-C Future Land Use Map designation. The property is located east of Masters Drive and south of State Road 16. The Planning and Zoning Agency heard this item on December 19, 2019 and voted 5-2 to recommend approval of the PUD rezoning with removal of the waiver requested for upland buffer reduction and relocation of one ground sign. The updated Master Development Plan (MDP) and additional information is provided in the attached Growth Management report.

Presenter - Cynthia A. May, ASLA, Senior Supervising Planner

District 5

2. **Public Hearing * PLNAPPL 2020-01: SUPMAJ 2019-12 (Village Garden Food Truck Park).** This is an appeal filed pursuant to Land Development Code Section 2.03.02, Appeals from Decisions of the Planning and Zoning Agency, filed by the Applicant, Brendan Schneck. Mr. Schneck is appealing a decision by the Planning and Zoning Agency on December 5, 2019, denying a request for a Special Use Permit (SUPMAJ 2019-12). The Agency decision was based on failure to obtain a majority vote of the Agency members present, to allow on-site consumption of beer and wine in connection with a restaurant, consistent with a State of Florida Type 2COP license, in Commercial Intensive (CI) zoning, pursuant to LDC, Section 2.03.02, specifically located at 1480 Old A1A South. The denial constitutes a technical denial, due to a 3-3 vote with no resolution, and comes before the Board with no recommended findings from the Agency. Please refer to the attached Growth Management Staff Report for details. Please also see a video recording of the December 5, 2019 Planning and Zoning Agency public hearing. A link is provided in the Growth Management Staff Report.

Presenter - Neal Shinkre, P.E., MBA, Public Works Director

District 5

- 3. USACE South Ponte Vedra and Vilano Beach Restoration Project.** On March 19, 2019, the St. Johns County Commission approved the St. Johns County and US Army Corps of Engineers (USACE) Project Partnership Agreement (PPA) that would allow the USACE to construct a beach nourishment project at South Ponte Vedra and Vilano Beach, and perform subsequent beach nourishments as needed (estimated nourishment interval of twelve years) over the next 50 years. Following the Board approval and direction, the County staff has worked with the USACE officials to provide project out-reach to its impacted residents, obtain necessary easements as required by the PPA and review the next steps of project financing. On March 3rd, staff will present the completion of these tasks and seek Board approval to allow the USACE to advertise, solicit bids and construct the first beach nourishment and restoration at South Ponte Vedra and Vilano Beach. Staff will seek Board approval to (1) accept easements as required by the PPA, (2) authorize an escrow agreement necessary for certain private land owners, (3) authorize the solicitation of required funding and (4) authorize transmittal of necessary funds to the USACE required per the PPA.

Presenter - Beverly Frazier, Senior Supervising Planner

District 3

- 4. Public Hearing * COMPAMD 2019-06 Faver Dykes Homesites.** Transmittal hearing for COMPAMD 2019-06 Faver Dykes Homesites, request for a Comprehensive Plan Amendment to change the Future Land Use classification of approximately 16.48 acres of land from Rural/Silviculture (R/S) to Residential-A (Res-A) with a Text Amendment limitation of five (5) dwelling units, specifically located at 820-860 Faver Dykes Road. The Planning and Zoning Agency voted 6-0 to recommend transmittal of the requested amendment on January 16, 2020. Additional details and possible impacts regarding the request are outlined in the attached Growth Management staff report and application submittal documents.

Presenter - Teresa Bishop, AICP, Planning Division Manager

District 1

- 5. Public Hearing * CDD 2019-01 - Petition to establish the Rivers Edge III Community Development District.** St. Johns County received a Petition to establish the Rivers Edge III Community Development District (CDD) on October 8, 2019. The CDD comprises approximately 989.14 acres of land and will serve portions of the RiverTown Development of Regional Impact (DRI) and Planned Unit Development (PUD). The RiverTown PUD was approved in 2005 and was last modified in August 2019. RiverTown has continually developed, since its approval. There are approximately 2,460 units in review in Subdivision Construction Plans, Plats, or are approved. Two CDDs currently exist within the RiverTown development: Rivers Edge and Rivers Edge II. Please see the Growth Management Department Staff Report for project details.

Presenter - Jan Brewer, Environmental Division Manager

- 6. Continued discussion on proposed fines for unauthorized tree removal or land clearing.** During Commissioner's Reports of October 15, 2019, the Board of County Commissioners (BCC) directed staff to bring forward to the BCC a discussion item concerning potential fines for unauthorized tree removal or land clearing. This item brings forward a proposed draft ordinance with drafted language consistent with previous Board direction. Staff is seeking further direction to process and implement the proposed changes to the Land Development Code. On December 17, 2019, a discussion item was brought forward to the BCC. The BCC directed staff to develop proposed LDC tree enforcement requirements that include: • A tiered fine approach for unauthorized tree removal • A time delay for development approvals • A fine for Specimen tree removal • A per acre fine for unauthorized clearing when tree inches lost cannot be determined. Staff conducted additional research to determine how other jurisdictions address unauthorized removal of Specimen trees. This information is provided within this agenda package. Based on the guidance provided by the BCC and the additional research that was conducted staff has prepared a draft amendment to the Land Development Code for discussion.

Presenter - Bradley Bulthuis, Senior Assistant County Attorney

- 7. Second Reading of Amendments to St. Johns County Ordinance No. 2011-4, Relating to Settlement Authority of Liability Claims.** At its February 4, 2020 public meeting, the St. Johns County Board of County Commissioners ("Board") heard the first reading of proposed amendments to Ordinance No. 2011-4, which currently authorizes the County Administrator, or designee, to negotiate and settle any liability claim up to an amount not to exceed \$10,000, upon concurrence of the County Attorney. The proposed amendments to the ordinance (attached to this item) would (a) increase the County Administrator's settlement authority to a County cost of up to \$25,000; (b) set forth certain factors for the County Administrator's consideration in determining whether a settlement or compromise is in the best interest of the County; and (c) provide that any settlement or compromise by the County Administrator shall be with the advice, rather than concurrence, of the County Attorney, in order to clarify their respective roles.

Presenter - Melissa A. Lundquist, Assistant to the Board of County Commissioners

- 8. Consider exception to BCC Rule 2.202.A.1 regarding the attendance of a member of the Health & Human Services Advisory Council.** In accordance with BCC Rule 2.202.A.1, Dr. Eric Colon was removed from the Health & Human Services Advisory Board (HHSAC) due to excessive absenteeism on November 21, 2019. HHSAC Staff records indicate that Dr. Colon missed the consecutively held monthly meetings of July 18, August 15, and October 17, 2019 (NOTE: No HHSAC Meetings were held in March, May or September due to RFP black out periods). Rule 2.202.A.3 of the Board Rules and Policies provides that when a member of an advisory board is removed due to violation of the attendance requirements, the Board of County Commissioners may take action to allow that member to serve upon a showing of good cause and exceptional circumstances. Dr. Colon provided a letter requesting reinstatement on the Health and Human Services Advisory Committee on January 2, 2020 and subsequently provided backup documentation showing that he was under military orders during the period in question. Please find attached for your consideration Rule 2.202 of Board Rules and Policies, the removal letter dated November 21, 2019, the letter of appeal from Dr. Colon dated January 2, 2020, along with his military orders, and the page of HHSAC Minutes during Dr. Colon's tenure on the council that reflects member absences (July 2016 through October 2019).

Presenter - Michael Ryan, Director, Communications Division

- 9. St. Johns County 200th Anniversary Celebration Options.** One of Florida's two original counties established July 21, 1821, St. Johns County will celebrate its 200th anniversary in 2021. During the January 17, 2020, Board meeting, the Board requested options to commemorate this milestone. Through staff research and communication with other counties, five options were identified to present to the board for consideration.

- ❖ Commissioners' Reports
- ❖ County Administrator's Report
- ❖ County Attorney's Report
- ❖ Clerk of Court's Report

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CONSENT AGENDA

1. Motion to approve the **Cash Requirement Report**. *For more information, contact Lon Stafford, CPA, County Chief Financial Officer at 819-3622*
2. Motion to adopt Resolution 2020-_____, approving the **final plat for Villages of Valencia Phase 4**. *For more information, contact Kelly Dobbing, Application Review Supervisor at 209-0720*
3. Motion to adopt Resolution 2020-_____, approving the **final plat for Arbors at Rivertown - Phase One**. *For more information, contact Kelly Schley, Application Review Supervisor at 209-0720*
4. Motion to adopt Resolution 2020-_____, approving the **final plat for Shearwater Phase 2A-5 (Replat)**. *For more information, contact Kelly Schley, Application Review Supervisor at 209-0720*
5. Motion to adopt Resolution 2020-_____, approving the **final plat for Shearwater Phase 2B-4 (Replat)**. *For more information, contact Kelly Schley, Application Review Supervisor at 209-0720*
6. Motion to adopt Resolution 2020-_____ approving the **final plat for Beacon Lake Phase 3A**. *For more information, contact Kelly Schley, Application Review Supervisor at 209-0720*
7. Motion to adopt Resolution 2020-_____ approving the terms and authorizing the County Administrator, or designee, **to execute a Non-Exclusive Permissive Use Agreement for use of St. Johns County Property in Ponte Vedra for construction access**. *For more information, contact Gail Oliver, Land Management Systems Director at 209-0770*
8. Motion to adopt Resolution 2020-_____ approving the terms and authorizing the County Administrator, or designee, **to execute a Lease Agreement with The Historic St. Johns County Police Athletic League, Inc.** for space at the W. E. Harris Community Center in Hastings. *For more information, contact Gail Oliver, Land Management Systems Director at 209-0770*

9. Motion to adopt Resolution 2020-_____, accepting a **Final Release of Lien, Warranty, Easement for Utilities and a Bill of Sale** conveying all personal property associated with the water, sewer and reuse systems to serve **Windward Ranch Phase Twelve** located off State Road 16. *For more information, contact Gail Oliver, Land Management Systems Department at 904 209-0770*
10. Motion to adopt Resolution 2020-_____, accepting a **Final Release of Lien, Warranty, Easement for Utilities and a Bill of Sale** conveying all personal property associated with the water and sewer force main systems to serve **St. Johns Marketplace Drive** located off State Road 207. *For more information, contact Gail Oliver, Land Management Systems Department at 904 209-0770*
11. Motion to adopt Resolution 2020-_____, accepting a **Final Release of Lien, Warranty, and Bill of Sale and Schedule of Values** conveying all personal property associated with the water and sewer systems to serve **Wendy's** located off State Road 207. *For more information, contact Gail Oliver, Land Management Systems Department at 904 209-0770*
12. Motion to adopt Resolution 2020-_____, accepting a **Final Release of Lien, Warranty, and Bill of Sale and Schedule of Values** conveying all personal property associated with the water system to serve **Beaches Dermatology located off International Golf Parkway.** *For more information, contact Gail Oliver, Land Management Systems Department at 904 209-0770*
13. Motion to adopt Resolution 2020-_____, accepting a **Final Release of Lien, Warranty, and Bill of Sale and Schedule of Values** conveying all personal property associated with the water and sewer systems to serve **Arbors at Valencia Phase Two** located off U.S. Highway 1 South. *For more information, contact Gail Oliver, Land Management Systems Department at 904 209-0770*
14. Motion to adopt Resolution 2020-_____, accepting a **Final Release of Lien, Warranty, Easement for Utilities and a Bill of Sale** conveying all personal property associated with the water system to serve **Rainbow Childcare** located off Pacetti Road. *For more information, contact Gail Oliver, Land Management Systems Department at 904 209-0770*
15. Motion to adopt Resolution 2020-_____, accepting a **Final Release of Lien, Warranty, Easement for Utilities, Special Warranty Deed and a Bill of Sale** conveying all personal property associated with the water, sewer, reuse, pump station and sewer force mains systems to serve **Arbors at Valencia Phase One** located off US 1 South. *For more information, contact Gail Oliver, Land Management Systems Department at 904 209-0770*
16. Motion to adopt Resolution 2020 – ____ authorizing the County Administrator, or his designee, to **award Bid 20-14; Construction of Turn Lane on Race Track Road at Veterans Parkway to G&H Underground 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. 20-14, for a lump sum cost of \$554,632.00. *For more information, contact Leigh Daniels, Assistant Purchasing Manager at 904 209-0154*

17. Motion to declare **the attachments as surplus** and authorize the County Administrator, or his designee, to dispose of same in accordance with the Purchasing Policy 308 and Florida Statute 274. *For more information, contact Jaime Locklear, Purchasing Manager at 209-0158*
18. Motion to adopt Resolution 2020-_____, authorizing the County Administrator, or designee, to **execute a Consent to Assignment Agreement**, in substantially the same form and format as attached hereto, providing for an assignment of Master Contract No. 16-MCC-SOU-07683 to **TRP Construction Group, LLC**. *For more information, contact Jesse Dunn, Management & Budget Director at 904 209-0568*
19. Motion to adopt Resolution 2020-_____, authorizing the Chair to **execute local government certifications for SFY 16/17, FY 17/18, & 18/19 SHIP annual reports**. *For more information, contact Shawna Novak, Director, Health and Human Services at 209-6089*
20. Motion to adopt Resolution 2020-_____, approving the terms, conditions, and requirements of the **subrecipient agreement**, substantially in the same form as attached, **between St. Johns County and St. Johns Housing Partnership, Inc.**, in the amount of \$323,798.00, for the purpose of providing housing rehabilitation for low to moderate-income homeowners and authorizing the County Administrator or designee to execute the Agreement on behalf of the County. *For more information, contact Shawna Novak, Director, Health and Human Services at 209-6089*
21. Motion to adopt Resolution 2020-_____, approving the terms, provisions, conditions, and requirements of the **Agreement between the St. Johns County, Florida, and Council on Accreditation**, and authorizing the County Administrator or designee to execute the Agreement on behalf of the County. *For more information, contact Shawna Novak, Health and Human Services Director at 904 209-6089*
22. Motion to approve the **transfer of \$2,411,765 from Fire District reserves for the purchase of Self Contained Breathing Apparatus (SCBA) from 10-8 Fire Equipment the contracted vendor**. *For more information, contact Jeff Prevatt, Fire Rescue Chief at 904 209-1750*
23. Motion to adopt Resolution 2020-_____, authorizing the Chair to **execute the attached Certification of County Matching Funds as required by the Department of State, Division of Elections to award the Supervisor of Elections a 2019-2020 Federal Election Security grant**, and recognizing the grant award as unanticipated revenue and directing the County Administrator, or designee, to allocate the funds to the Supervisor of Elections' FY 2020 budget. *For more information, contact Vicky C. Oakes, Supervisor of Elections at 904 823-2238*
24. Motion to adopt Resolution 2020-_____, amending the FY20 Budget **to recognize the \$1,820 contribution by Creeks Baseball Club** as unanticipated revenue, and approving allocation of the funds for use by the Parks and Recreation Department for the purchase and installation of a Wall of Fame sign board as described herein. *For more information, contact Doug Bataille, Director at 904 209-0322*

25. Motion to approve Resolution 2020-_____, authorizing the Chair or the County Administrator to **execute the Consent Amendment to SilverLeaf DRI School Proportionate Share Payment and School Siting Agreement, adjusting the school Proportionate Share Mitigation Payment and per-unit payment in the SilverLeaf DRI.** *For more information, contact Paolo Soria, Sr. Assistant County Attorney at 209-0805*

26. Motion to approve Minutes:

- 01/21/2020, BCC Regular

