

**MINUTES OF MEETING  
BOARD OF COUNTY COMMISSIONERS  
ST. JOHNS COUNTY, FLORIDA  
AUGUST 2, 2016  
9:00 A.M.**

Proceedings of a regular meeting of the Board of County Commissioners (BCC) of St. Johns County, Florida, held in the auditorium at the County Administration Building, 500 San Sebastian View, St. Augustine, Florida.

Present:       Jeb Smith, District 2, Chair  
              James K. Johns, District 1, Vice Chair  
              William A. McClure, District 3  
              Jay Morris, District 4  
              Rachael L. Bennett, District 5  
              Michael Wanchick, County Administrator  
              Patrick McCormack, County Attorney  
              Natasha McGee, Deputy Clerk

Also present: Darrell Locklear, Assistant County Administrator; Joy Andrews, Assistant County Administrator; Paola Soria, Assistant County Attorney; and Regina Ross, Senior Assistant County Attorney

(08/02/16 - 1 - 9:00 a.m.)  
CALL TO ORDER

Smith called the meeting to order.

(08/02/16 - 1 - 9:00 a.m.)  
ROLL CALL

The clerk called the roll: All Board members were present.

(08/02/16 - 1 - 9:00 a.m.)  
INVOCATION

Dr. Ronnie Warren, Christ the Redeemer Church of St. Augustine, gave the invocation.

(08/02/16 - 1 - 9:01 a.m.)  
PLEDGE OF ALLEGIANCE

Smith led the Pledge of Allegiance.

(08/02/16 - 1 - 9:02 a.m.)  
PROCLAMATION DESIGNATING AUGUST 2, 2016, AS UNITED WAY APPRECIATION DAY

Bennett presented the proclamation. She spoke on the United Way and the important work the organization had steered in St. Johns County. Melissa Lundquist, Assistant to the Board of County Commissioners, read the proclamation for the record. Melissa Nelson, United Way Executive Director, spoke on the United Way, partnering agencies, and the United Way St. Johns County Photographic Exhibit. Mark Miner, United Way of St. Johns County Board of Directors, spoke on partnerships and expressed his appreciation to the commissioners, administration, and staff for their continued support and campaign participation.

(08/02/16 - 2 - 9:11 a.m.)  
ACCEPTANCE OF PROCLAMATION

**Motion by Morris, seconded by Bennett, carried 5/0, to accept the proclamation.**

(08/02/16 - 2 - 9:11 a.m.)  
PUBLIC COMMENT

(9:12 a.m.) Ed Slavin, P.O. Box 3084, spoke on open public records requests and the off-beach parking implementation study.

(9:15 a.m.) Peter Royal, 345 Hefferon Drive, spoke in opposition to a sales tax referendum and read his comments for the record, *Exhibit A*.

(9:18 a.m.) Dr. Michel Pawlowski, 216 10<sup>th</sup> Street, spoke on servicing the auditorium's audio and video components for future meetings, and the County Attorney's Office efforts regarding the negotiation of voter registration at the St. Johns County Amphitheater. He referenced a photograph, *Exhibit B*, and spoke on the black taped designated area at the amphitheater. He also concurred with Commissioner Smith's comments that were published, in *The St. Augustine Record*, at the end of July 2016.

(9:21 a.m.) Walter Smith, 10010 West Deep Creek, spoke in support of lowering the impact fees for the Flagler Estates area.

(9:24 a.m.) Tom Reynolds, 880 A1A Beach Boulevard, spoke on the potential implementation of an additional percent to the Tourist Development Tax, Parking Implementation Study results, and the cancellation of Commission meetings.

(08/02/16 - 2 - 9:28 a.m.)  
DELETIONS TO CONSENT AGENDA

McClure questioned where the public could view the agenda packet associated with Consent Agenda Item 9. Locklear stated the packet could be viewed online.

(9:29 a.m.) McCormack requested to pull Consent Agenda Item 2.

(9:30 a.m.) Ed Slavin, P.O. Box 3084, requested that Consent Agenda Items 9, 10, and 11 be pulled.

(08/02/16 - 2 - 9:31 a.m.)  
APPROVAL OF CONSENT AGENDA

**Motion by Bennett, seconded by Morris, carried 5/0, to approve the Consent Agenda, as amended.**

1. Motion to approve the Cash Requirement Report

*(Item 2 was pulled.)*

2. Motion approving the final plat for Preserve at Ponte Vedra Lakes

3. Motion to adopt **Resolution No. 2016-226**, approving the final plat for Julington Lakes, Phase 2

**RESOLUTION NO. 2016-226**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING A PLAT FOR JULINGTON LAKES, PHASE 2**

4. Motion to adopt **Resolution No. 2016-227**, approving the final plat for Aberdeen of St. Johns, Unit Five-A

**RESOLUTION NO. 2016-227**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING A PLAT FOR ABERDEEN OF ST. JOHNS, UNIT FIVE-A**

5. Motion to adopt **Resolution No. 2016-228**, accepting a Bill of Sale and Schedule of Values, conveying all personal property associated with the water and sewer lines, to serve Deerfield Preserve, Phase 2, off State Road 207

**RESOLUTION NO. 2016-228**

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING A BILL OF SALE AND SCHEDULE OF VALUES, CONVEYING ALL PERSONAL PROPERTY ASSOCIATED WITH THE WATER AND SEWER LINES, TO SERVE DEERFIELD PRESERVE, PHASE 2, OFF STATE ROAD 207**

6. Motion to adopt **Resolution No. 2016-229**, authorizing the St. Johns County Utility Department to reimburse Fire Services for the two acres of property, located off of Domenico Circle, conveyed for future fire station location

**RESOLUTION NO. 2016-229**

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING ST. JOHNS COUNTY UTILITY DEPARTMENT TO REIMBURSE FIRE SERVICES FOR THE TWO ACRES OF PROPERTY, LOCATED OFF OF DOMENICO CIRCLE, CONVEYED FOR FUTURE FIRE STATION**

7. Motion to adopt **Resolution No. 2016-230**, accepting an Easement for Utilities for a water meter, located off Palm Valley Road

**RESOLUTION NO. 2016-230**

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING AN EASEMENT FOR A WATER METER, LOCATED OFF PALM VALLEY ROAD**

8. Motion to adopt **Resolution No. 2016-231**, accepting a Bill of Sale and Schedule of Values, conveying all personal property associated with the water and sewer lines, to serve Samara Lakes Parcel D, Phase 4, located off Pacetti Road

RESOLUTION NO. 2016-231

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING A BILL OF SALE AND SCHEDULE OF VALUES, CONVEYING ALL PERSONAL PROPERTY ASSOCIATED WITH THE WATER AND SEWER LINES, TO SERVE SAMARA LAKES, PARCEL D, PHASE 4, LOCATED OFF PACETTI ROAD

9. 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
10. Motion to adopt **Resolution No. 2016-232**, authorizing the county administrator, or his designee, to enter into negotiations with, and if negotiations are successful, enter into contract with the top ranked firm, St. Johns County Council on Aging, for RFP No. 16-37, Management and Operations of St. Johns County Transit System

RESOLUTION NO. 2016-232

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO AWARD RFP NO. 16-37, AND TO EXECUTE AGREEMENTS FOR MANAGEMENT AND OPERATION OF ST. JOHNS COUNTY TRANSIT SYSTEM AND ADOPTING SUPPLEMENTAL PROCUREMENT POLICIES AND PROCEDURES FOR USE WITH FTA FUNDS

11. Motion to adopt **Resolution No. 2016-233**, authorizing the county administrator, or his designee, to enter into negotiations with, and if negotiations are successful, enter into contract with the top ranked firm, Public Financial Management, Inc., for Financial Advisor under RFP No. 16-50

RESOLUTION NO. 2016-233

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO AWARD RFP NO. 16-50, AND TO EXECUTE AGREEMENTS FOR FINANCIAL ADVISOR

12. Motion to adopt **Resolution No. 2016-234**, approving and adopting the St. Johns County Comprehensive Emergency Management Plan

RESOLUTION NO. 2016-234

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING AND ADOPTING THE ST. JOHNS COUNTY COMPREHENSIVE EMERGENCY MANAGEMENT PLAN

13. Motion to adopt **Resolution No. 2016-235**, approving the terms, provisions, conditions, and requirements of an Interlocal Agreement between St. Johns County, Florida, and the City of St. Augustine, to provide for advanced life support treatment by qualified City personnel in emergency situations, and authorizing the county administrator to execute an Interlocal Agreement, in substantially the same form and format as attached hereto, on behalf of St. Johns County

**RESOLUTION NO. 2016-235**

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF AN INTERLOCAL AGREEMENT BETWEEN ST. JOHNS COUNTY, FLORIDA, AND THE CITY OF ST. AUGUSTINE, FLORIDA, FOR ADVANCED LIFE SUPPORT SERVICES**

14. Motion to adopt **Resolution No. 2016-236**, authorizing the county administrator, or his designee, to execute the attached Receipt, Release, Refunding and Indemnification Agreement and Waiver of Accounting, in connection with the William O'Connor Charitable Remainder Unitrust, on behalf of the County

**RESOLUTION NO. 2016-236**

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE COUNTY ADMINISTRATOR, OR HIS DESIGNEE, TO EXECUTE A RECEIPT, RELEASE, REFUNDING AND INDEMNIFICATION AGREEMENT AND WAIVER OF ACCOUNTING, IN CONNECTION WITH THE WILLIAM O'CONNOR CHARITABLE REMAINDER UNITRUST**

(08/02/16 - 5 - 9:31 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

There were none.

(08/02/16 - 5 - 9:31 a.m.)

APPROVAL OF REGULAR AGENDA

**Motion by Bennett, seconded by McClure, carried 5/0, to approve the Regular Agenda, as submitted, to include the red folder items regarding Items 2, 5, 6, and 7.**

(9:32 a.m.) Ross left the meeting.

(08/02/16 - 5 - 9:32 a.m.)

1. PONTE VEDRA MUNICIPAL SERVICE DISTRICT UPDATE. THE CHAIR OF THE PONTE VEDRA MUNICIPAL SERVICE DISTRICT (MSD) WILL GIVE A BRIEF UPDATE ON THE DISTRICT, INCLUDING THEIR AUDIT RESULTS AND FISCAL YEAR 2017 TENTATIVE BUDGET

Gary Jurenovich, Chairman, Ponte Vedra Municipal Service District, presented an update on the MSD, *Exhibit A*. He provided the Board with 2015 audit results, *Exhibit B*, and reviewed the Fiscal Year 2016-2017 tentative budget; supplemental services to

residents; ad valorem assessment rolls and non-exempt property values; completed, current, and on-going projects; and the organization of the MSD Board of Trustees. He also reviewed the following challenges: 1) traffic congestion, 2) Mickler's Road parking, 3) development, 4) replacing old infrastructure, 5) rumble stripes, and 6) mobile advertising. Discussion ensued on the enforcement of mobile advertising, and traffic congestion, including the status of the traffic study.

(9:56 a.m.) Ed Slavin, P.O. Box 3084, spoke on flooding, including road flooding, and fees for parking. He commented that the St. Augustine National Historical Park and National Seashore was the solution to flooding.

(08/02/16 - 6 - 9:59 a.m.)

2. CROP ALTERNATIVE PROGRAM (CAP). ST. JOHNS COUNTY IS WORKING TO MEET ITS LOWER ST. JOHNS RIVER (LSJR) BASIN MANAGEMENT ACTION PLAN (BMAP) NUTRIENT REDUCTION OBLIGATIONS THROUGH CREATIVE PROJECTS THAT PROVIDE BENEFITS TO THE REGION AND STAKEHOLDERS. THE COUNTY IS DEVELOPING A UNIQUE POLLUTANT SOURCE CONTROL APPROACH, THE CROP ALTERNATIVE PROGRAM (CAP), THAT WILL ALSO PROVIDE WATER SUPPLY AND OTHER ENVIRONMENTAL BENEFITS. THE PRIMARY CAP GOAL IS TO LOWER NUTRIENT LOADING TO THE LOWER ST. JOHNS RIVER BASIN (LSJR) WHILE REDUCING CONSUMPTIVE WATER USE AND PROVIDING ENVIRONMENTAL BENEFITS SUCH AS CREATING WILDLIFE HABITAT, INCREASING GREEN SPACE, AND PROVIDING RECREATIONAL OPPORTUNITIES. THE PUBLIC WORKS DEPARTMENT WILL PROVIDE AN OVERVIEW OF THE CROP ALTERNATIVE PROGRAM. THE ST. JOHNS RIVER WATER MANAGEMENT DISTRICT HAS APPROVED THE CAP AS PART OF THEIR INNOVATIVE COST-SHARE FUNDING PROGRAM FOR FISCAL YEAR 2015-16. THIS COST SHARE OPPORTUNITY IS DESIGNED TO FUND THE CONSTRUCTION OF PROJECTS OR INNOVATIVE PILOT PROJECTS THAT BENEFIT THE DISTRICT CORE MISSIONS. THIS AGREEMENT ALLOWS THE COUNTY TO SHARE THE COST OF CONVERTING AGRICULTURE LAND TO SILVICULTURE, UP TO A TOTAL COST OF \$348,860, IN ACCORDANCE WITH ATTACHED SCOPE OF WORK. THIS AGREEMENT WILL BEGIN ON ITS EXECUTED DATE

Neal Shinkre, P.E, Public Works Director, presented details of the proposed Crop Alternative Program (CAP) and the Cost Share Agreement, between the St. Johns River Water Management District and St. Johns County, via PowerPoint. He noted the additional motion: accepting a resolution implementing the St. Johns County CAP.

(10:18 a.m.) Dr. Ann Shortelle, Executive Director of the St. Johns River Water Management District (SJCRWD), spoke in support of the program.

(10:20 a.m.) Discussion ensued on the economic benefit, converting row crop lands, project costs, ad valorem taxation, capped acreage, easement concerns regarding a loss of CAP credits, program enrollment, eligible row crop land acreage, nutrient reduction regulations, and landowner rights regarding crop thinning.

(10:46 a.m.) Ed Slavin, P.O. Box 3084, spoke on Mangrove trees and a need for a County whistle blower protection policy.

(10:49 a.m.) Walter Smith, 10010 West Deep Creek Boulevard, questioned the location of the Masters Tract and Yarborough projects. Commissioner Smith explained the locations.

(10:51 a.m.) Motion by Smith, seconded by McClure, carried 5/0, to adopt Resolution No. 2016-237, implementing the St. Johns County Crop Alternative Program.

**RESOLUTION NO. 2016-237**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING AND AUTHORIZING THE ST. JOHNS COUNTY CROP ALTERNATIVE PROGRAM (CAP); AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO MANAGE AND EXECUTE ALL DOCUMENTS NECESSARY FOR THE PROGRAMMATIC REQUIREMENTS FOR THE CAP PROGRAM**

(10:53 a.m.) Motion by Smith, seconded by McClure, carried 5/0, to adopt Resolution No. 2016-238, authorizing the county administrator, or designee, to execute a Cost Share Agreement, on behalf of the County, with the St. Johns River Water Management District, for the Crop Alternative Program (CAP), up to a total cost of \$348,860.

**RESOLUTION NO. 2016-238**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE CHAIR, OR DESIGNEE, TO DIRECT STAFF TO ACCEPT A COST SHARE AGREEMENT WITH THE ST. JOHNS RIVER WATER MANAGEMENT DISTRICT (SJRWMD) FOR CROP ALTERNATIVE PROGRAM**

The meeting recessed at 10:54 a.m. and reconvened at 11:00 a.m., with Rebecca Lavie, Assistant County Attorney, present; and Soria and Andrews not in attendance.

(08/02/16 - 7 - 11:00 a.m.)

3. A PRESENTATION ON THE NORTHEAST FLORIDA REGIONAL TRANSPORTATION COMMISSION'S (RTC)'S CURRENT STATUS AND PROGRESS. MR. JOE STEPHENSON, RTC EXECUTIVE DIRECTOR, WILL PROVIDE A COMPREHENSIVE REPORT ON THE PROGRESS AND WORK OF THE RTC. THE 2010 FLORIDA LEGISLATURE RECOGNIZED THE NEED FOR A MORE ROBUST AND INTERCONNECTED MULTIMODAL REGIONAL TRANSPORTATION SYSTEM TO ENHANCE ECONOMIC COMPETITIVENESS BY IMPROVING THE MOBILITY OF PEOPLE AND FREIGHT WITHIN THE NORTHEAST REGION, AND THEREFORE CREATED THE NORTHEAST FLORIDA REGIONAL TRANSPORTATION STUDY COMMISSION IN 2012. THIS COMMISSION WORKED FOR TWO YEARS TO PRODUCE THEIR REPORTS TO THE FLORIDA LEGISLATURE. IN 2013, THE FLORIDA LEGISLATURE CHOSE TO FOLLOW THE RECOMMENDATIONS OF THE NORTHEAST FLORIDA REGIONAL TRANSPORTATION STUDY COMMISSION WHEN IT ADOPTED LEGISLATION CREATING CHAPTER 343 PART I, FLORIDA STATUTES, WHICH IN TURN CREATED THE NORTHEAST FLORIDA REGIONAL TRANSPORTATION COMMISSION. SECTION 343.1004 (1) OF THIS STATUTE ESTABLISHES THE COMMISSION'S PUBLIC PURPOSES: "THE EXPRESS PURPOSES OF THE COMMISSION ARE TO IMPROVE MOBILITY AND EXPAND MULTIMODAL TRANSPORTATION OPTIONS FOR PERSONS AND FREIGHT THROUGHOUT THE SIX-COUNTY NORTH FLORIDA REGION"

Phong Nguyen, Transportation Development Division Manager, stated that direction from the Board was necessary, at the end of the presentation, to determine St. Johns County's continued participation and funding of the Northeast Florida Regional Transportation Commission (RTC). He also introduced Joe Stephenson, Executive Director of the Regional Transportation Commission (RTC).

(11:02 a.m.) Stephenson gave a comprehensive report on the progress and work of the RTC, via PowerPoint. He reviewed the members and purpose of the RTC; tasks; performance criteria and deadlines, including that Legislative action would be required in the 2018 session; activities and accomplishments; upcoming activities and schedule; and funding and implementation of the Regional Transit Action Plan.

(11:13 a.m.) McClure questioned project accomplishments to improve mobility and expand multi-mobile transport. Stephenson listed the following accomplishments: 1) three-fourths completion of the planning process, and 2) identified benefits regarding the coordination of transit operations and transit operators. Discussion ensued on Jurisdictional boundaries, effectiveness and resident value of the program, and regional transit.

(11:25 a.m.) Ellen Whitmer, 1178 Natures Hammock Road South, spoke in opposition of regionalism. Bennett noted that regional transportation authorities had the power to assess ad valorem taxes and Florida Statutes stated that the Regional Transportation Commission did not have that authority.

(11:27 a.m.) Walter Smith, 10010 West Deep Creek Boulevard, spoke on the approved and adopted Northeast Florida Transportation Organization's 305 extension priority project, *Exhibit A*.

(11:31 a.m.) BJ Kalaidi, 8 Newcomb Street, spoke on the effectiveness and resident value of the program. Bennett responded on the resident value, stating that the First Coast Outer Beltway was added to the corridor plan as a transit corridor.

(11:34 a.m.) Stephenson responded to Whitmer's comments regarding transit authorities assessing ad valorem taxes.

(11:36 a.m.) Soria entered the meeting and Lavie left the meeting.

(08/02/16 - 8 - 11:36 a.m.)

4. PUBLIC HEARING, REZ 2014-11, MOULTRIE OAKS RETIREMENT COMMUNITY, PHASE VI. REQUEST TO REZONE APPROXIMATELY EIGHT ACRES FROM OPEN RURAL (OR) TO RESIDENTIAL, MANUFACTURED/MOBILE HOME (RMH) TO ALLOW EXPANSION OF THE EXISTING MOBILE HOME COMMUNITY FOR TWENTY ADDITIONAL LOTS, SPECIFICALLY LOCATED AT 245 WILDWOOD DRIVE. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THE REZONING WITH DEVELOPMENT LIMITATIONS AND ENHANCED BUFFER CRITERIA. THE CONDITIONS PROPOSED LIMIT THE NUMBER TO TWENTY MOBILE/MANUFACTURED HOME LOTS FOR PHASE VI AND A TOTAL OF TWO HUNDRED AND FORTY UNITS FOR THE RETIREMENT COMMUNITY, AND A CONDITION FOR PAYMENT TO THE COUNTY FOR SITE ACCESS IMPROVEMENTS IN LIEU OF CONSTRUCTION

Proof of publication of the notice of public hearing on REZ 2014-11, Moultrie Oaks Retirement Community, Phase VI, was received, having been published in *The St. Augustine Record* on June 30, 2016.



**Motion by Smith, seconded by Morris, carried 5/0, to open Regular Agenda Item 4, regarding [REZ 2014-11], Moultrie Oaks Retirement Community, Phase IV, and continue to August 16, 2016.**

(08/02/16 - 9 - 11:37 a.m.)

5. PUBLIC HEARING, PUD 2016-04, ASH COUNTY ROAD (C.R.) 210 COMMERCIAL. REQUEST TO REZONE FROM OPEN RURAL (OR) TO PLANNED UNIT DEVELOPMENT ( PUD) FOR A COMMERCIAL CENTER THAT INCLUDES 66,980 SQUARE FEET OF COMMERCIAL AND 102,100 SQUARE FEET OF ENCLOSED PERSONAL SELF-STORAGE

Proof of publication of the notice of public hearing on PUD 2016-04, Ash C.R. 210 Commercial, was received, having been published in *The St. Augustine Record* on July 18, 2016.

Bennett disclosed ex parte communication with Toni Robbins, Prosser, Inc., representing the applicant, regarding the plan and renderings. Morris disclosed ex parte communication with the applicant's representative, and stated that he had attended the Planning and Zoning Agency (PZA) meeting regarding the project. Johns disclosed ex parte communication with Ash Properties, applicant. Smith disclosed ex parte communication with the applicant and the applicant's representative regarding the project, waivers, and conceptual plan.

(11:38 a.m.) Georgia Katz, Senior Planner, presented details of the request, including waivers, community concerns raised at the Northwest Sector Community meeting and revisions made by the applicant that addressed the community concerns, via PowerPoint. She noted that staff received approximately 16 emails in objection to the project, *Exhibit A*, and at the May 19, 2016, PZA meeting, staff recommended approval, by a vote of 5-0, with the request that the one acre boat storage be removed; the applicant agreed and removed the request from the Master Development Plan (MDP) map and text.

(11:47 a.m.) Toni Robbins, American Institute of Certified Planners (AICP), Prosser, Inc., 13901 Sutton Park Drive South, Suite 200, Jacksonville, Florida, representing the applicant, summarized the details of the request, via PowerPoint.

(11:51 a.m.) Discussion ensued on the revisions made to address community concerns, and interconnectivity.

(11:59 a.m.) Ed Slavin, P.O. Box 3084, questioned the project's ownership, beneficial owner(s) of the LLC, and project lobbyist. Robbins responded.

(12:06 p.m.) **Motion by Smith, seconded by McClure, carried 5/0, to enact Ordinance No. 2016-37, PUD 2016-04, Ash C.R. 210 Commercial, based upon nine Findings of Fact.**

#### ORDINANCE NO. 2016-37

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM OPEN RURAL (OR), TO ASH C.R. 210 COMMERCIAL PLANNED UNIT DEVELOPMENT (PUD), PROVIDING FINDINGS OF FACT; PROVIDING A SAVINGS CLAUSE; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE

(12:07 p.m.) Bennett suggested that the Planning Department explore whether all vehicular and pedestrian interconnectivity access, additions or subtractions, in a Planned Unit Development, should remain as a major modification request.

(08/02/16 - 10 - 12:07 p.m.)

6. PUBLIC HEARING, MAJMOD 2016-04, SILVERLEAF. REQUEST TO MODIFY THE SILVERLEAF PLANNED UNIT DEVELOPMENT (PUD) TO ADD AND REZONE APPROXIMATELY 826 ACRES OF LAND FROM OPEN RURAL (OR) TO PUD, SPREAD THE EXISTING DEVELOPMENT RIGHTS OVER THE ADDED LAND, AND MODIFY THE OVERALL PLAN OF DEVELOPMENT. THE SUBJECT PROPERTY IS LOCATED SOUTH OF CR 210, NORTH OF CR 16 A AND WEST OF I-95. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS REQUEST AT ITS JUNE 16, 2016, MEETING

Proof of publication of the notice of public hearing on MAJMOD 2016-04, Silverleaf, was received, having been published in *The St. Augustine Record* on May 31, 2016.

Bennett disclosed ex parte communication with the applicant's representatives and that she had attended the Planning and Zoning Agency meeting (PZA). Johns disclosed ex parte communication with the applicant. Smith disclosed ex parte communication with John Metcalf, Vice President of the Hutson Companies, LLC, representing the applicant, and Kathryn Whittington, 24 Cathedral Place, Suite 400, representing the applicant, regarding the density of the project, road connection concerns, the school and park sites, and road dedication and finances associated with the dedication to St. Johns County. Smith also disclosed ex parte communication with Trevor Hutson, representing the applicant, regarding the road dedication. Morris disclosed ex parte communication with Whittington and Metcalf. McCormack stated that Johns and Morris had discussed the elements in the application and application materials.

(12:09 p.m.) Teresa Bishop, AICP, Planning Division Manager, presented details of the request, including waivers, via PowerPoint. She noted that waiver 17, in the Staff Report, indicated staff had objected to that waiver; however, the issue was worked out prior to the PZA meeting. She also noted the following Master Development Plan (MDP) Text revisions, *Exhibit A: 1) conveyance of the 60-foot wide right-of-way (ROW) to the County, at no charge, for interconnectivity purposes, on pages 29 and 33, and 2) size and height limitations for project identification signs, on page 48; and a revised Unified Sign Plan revision, Exhibit B, to limit the size and height of specific signs proposed along County Road (CR) 2209 and State Road (SR) 16.*

(12:18 p.m.) Kathryn Whittington, 24 Cathedral Place, Suite 400, representing the applicant, presented details of the request, including PZA concessions, via PowerPoint. She noted that the construction of CR 2209 to the SR 16 connector and the SR 16 connector from CR 2209 to SR 16 was required to be built, or committed to be built, prior to any vertical construction.

(12:25 p.m.) McClure questioned Whittington and Phong Nguyen, Transportation Development Division Manager, on the project's commercial development areas; conveyance of the 60' right-of-way (ROW) to the County, at no charge, for interconnectivity purposes; completing the connection of the approximate quarter-mile roadway that would provide a loop roadway connecting County Road (CR) 2209; height limitations on multi-family and commercial; roadway dedication; and size and height limitations for project identification signs.

(12:41 p.m.) Johns spoke on extending CR 2209, providing open space, and multi-use lanes. *He requested the addition of an emergency access road and the applicant agreed to amend the Master Development Plan (MDP) Text.*

(12:45 p.m.) Bennett questioned Nguyen on the local collector standard for a right-of-way minimum and the co-location of the park and school site.

(12:52 p.m.) Morris questioned the three-year time period for the completion of the collector road through the school and park sites. Whittington responded that the three year time limit had been amended to an unlimited time period.

(12:53 p.m.) Ed Slavin, P.O. Box 3084, spoke on building height limitations, ex parte communication and disclosures, and disclosing LLC beneficial owners.

(12:56 p.m.) Beth Breeding, Silverfield Development, 10175 Fortune Parkway, Jacksonville, Florida, spoke in support of the request.

(12:57 p.m.) Bennett questioned Bishop on when the request was submitted for review. Bishop responded April 5, 2016.

(12:59 p.m.) McClure questioned Bishop on existing development rights, and height limitations on multi-family and commercial. He also questioned Whittington on the completion of the quarter-mile collector road. John Metcalf, Vice President of the Hutson Companies, LLC, referenced the Master Development Plan Map, *Exhibit C*, and explained that the applicant would not complete the quarter-mile collector road, through the parcel 5 school site, due to the contractual commitment to convey the entire site to the St. Johns County School District. He noted that the school mitigation agreement's language allowed the District the right to decline acceptance of the parcel. He also noted that the applicant had committed to stabilize the road for an emergency access.

**(1:13 p.m.) Motion by Smith, seconded by Morris, carried 4/1 with McClure dissenting, to enact Ordinance No. 2016-38, MAJMOD 2016-04, Silverleaf, based upon six Findings of Fact, and to include the emergency vehicle access and MDP Text revisions, to support the motion, as amended.**

(1:14 p.m.) McClure questioned whether the motion included the proposed dedication of the roads to St. Johns County. Soria stated that while the language could stay in the MDP Text, there was an issue of whether or not that would bind a future Board in accepting the roads. He noted that the intent of the Board was to accept any formal offers of road dedication, but did not constitute the actual acceptance.

#### ORDINANCE NO. 2016-38

**AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, APPROVING A MAJOR MODIFICATION TO THE SILVERLEAF PLANNED UNIT DEVELOPMENT (PUD), ORDINANCE NO. 2016-117, AS AMENDED ; REZONING LANDS FROM OPEN RURAL (OR) TO SILVERLEAF PLANNED UNIT DEVELOPMENT; MAKING FINDINGS OF FACT; PROVIDING A SAVINGS CLAUSE; REQUIRING RECORDATION ; AND PROVIDING AN EFFECTIVE DATE**

The meeting recessed at 1:16 p.m. and reconvened at 1:20 p.m. with all commissioners, Wanchick, Locklear, Andrews, McCormack, Soria, Ross, and Deputy Clerk Bonnie Putman in attendance.

(08/02/16 - 12 - 1:20 p.m.)

7. PUBLIC HEARING, PUD 2015-11, CR 210 AND 2209 COMMERCIAL. THIS IS A REQUEST TO REZONE APPROXIMATELY 38.2 ACRES OF UNDEVELOPED LAND FROM OPEN RURAL (OR) TO PLANNED UNIT DEVELOPMENT (PUD) TO ALLOW FOR 172,000 SQUARE FEET OF COMMERCIAL RETAIL DEVELOPMENT. THE SUBJECT PROPERTY IS LOCATED ON THE NORTHWEST CORNER OF CR 210 WEST AND CR 2209. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THE REZONING REQUEST, AT THE FEBRUARY 4, 2016, HEARING, SUBJECT TO THE NINE FINDINGS OF FACT FOUND WITHIN THE STAFF REPORT, WITH A VOTE OF 6-0, CONTINGENT AND CONDITIONAL UPON THE REASONABLE RESOLUTION BETWEEN THE APPLICANT AND STAFF, THAT ADDRESSES AND RESOLVES THE PUBLIC HEALTH AND SAFETY ISSUES PERTAINING TO ACCESS

Proof of publication of the notice of public hearing on PUD 2015-11, CR 210 and 2209 Commercial, was received, having been published in *The St. Augustine Record* on July 18, 2016.

Ex parte communication disclosed: Smith, Bennett and Johns had met with and had phone conversations with the Michael Herzberg, applicant.

Danielle Handy, AICP, Chief Planner, presented details of the rezoning request, including four waivers, via PowerPoint presentation. Additionally, she stated that there were no outstanding public concerns.

Regina Ross left the meeting at 1:27 p.m.

(1:31 p.m.) McClure spoke in favor of the request, due to the subject property being commercial in an area where there was overcrowding. Discussion ensued on the 2040 Long-term Transportation Plan, specifically the need for grade separated interchange.

(1:33 p.m.) Bennett questioned the definition of "big box" and compliance with the Comprehensive Plan. Suzanne Konchan, Growth Management Director, clarified the land use for Residential-C zoning and stated that "big box" had not been defined, in the County Comprehensive Plan, but handled on a case by case basis. Bennett requested updating the Comprehensive Plan with current industry standards. Konchan agreed.

(1:38 p.m.) Michael Herzberg, 1 Sleiman Parkway, Jacksonville, Florida, applicant, thanked Handy for her service. He spoke on the changes made to the Master Development Plan (MDP) text.

(1:41 p.m.) Ellen Whitmer, 1178 Natures Hammock Road South, Fruit Cove, spoke in opposition of the request and stated the provisions for the northwest section scenic edges were being decreased to five feet, with the requested waiver.

(1:41 p.m.) Ed Slavin, P.O. Box 3084, spoke in opposition of the request and to the lack of transparency due to Mike Herzberg being listed as the applicant. He requested requiring the name of the developer and owners on the application.

(1:45 p.m.) McClure pointed out the setback reduction was due to the physical placement and future roads/flyover.

(1:46 p.m.) **Motion by Johns, seconded by McClure, carried 5/0, to adopt Ordinance No. 2016-39, PUD 2015-11, CR 210 and 2209 Commercial, adopting Findings of Fact 1-9, to support the motion, per the red folder changes and as further amended by the applicant.**

ORDINANCE NO. 2016-39

AN ORDINANCE OF THE COUNTY OF ST. JOHNS,  
STATE OF FLORIDA, REZONING LANDS, AS  
DESCRIBED HEREINAFTER FROM OPEN RURAL (OR)  
TO PLANNED UNIT DEVELOPMENT (PUD),  
PROVIDING FINDINGS OF FACT; PROVIDING A  
SAVINGS CLAUSE; REQUIRING RECORDATION; AND  
PROVIDING AN EFFECTIVE DATE

Lavie entered the meeting at 1:46 pm and Soria left the meeting.

Regina Ross entered the meeting at 1:49 p.m.

(08/02/16 - 13 - 1:47 p.m.)

8. PUBLIC HEARING, ST. JOHNS COUNTY HUD CDBG FY 2016 - 2020 CONSOLIDATED PLAN, FY 2016 - 2017 ANNUAL ACTION PLAN, AND SF-424 UNIVERSAL APPLICATION AND CERTIFICATES. THE BOARD OF COUNTY COMMISSIONERS (BCC) DIRECTED STAFF TO PROCEED WITH THE COMPLETION AND SUBMISSION OF THE APPLICATION FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT ENTITLEMENT PROGRAM (CDBG). THE COUNTY APPROVED THE CITIZEN PARTICIPATION PLAN, JUNE 7, AND COMPLETED THE DRAFT FY 2016-2020 CONSOLIDATED PLAN, FY 2016-2020 ANNUAL ACTION PLAN, PROVIDING A 30 DAY PUBLIC NOTICE, ACCORDING TO HUD RULE AND SF-424 UNIVERSAL APPLICATION AND CERTIFICATES. UPON BCC APPROVAL, THE FY 2016-2020 CONSOLIDATED PLAN, FY 2016-2017 ANNUAL ACTION PLAN, AND SF-424 UNIVERSAL APPLICATION AND CERTIFICATES WILL BE SUBMITTED TO HUD FOR REVIEW AND APPROVAL, ON OR BEFORE AUGUST 16, 2016

Proof of publication of the notice of public hearing on St. Johns County HUD CDBG FY 2016 - 2020 Consolidated Plan, FY 2016 - 2017 Annual Action Plan, and SF-424 Universal Application and Certificates, was received, having been published in *The St. Augustine Record* on July 22, 2016.

Shawna Novak, Director of Health and Human Services, presented the St. Johns County Department of Housing and Urban Development (HUD) Community Development Block Grant (CDBG) FY 2016 - 2020 Consolidated Plan and the proposed FY 2016 - 2017 Annual Action Plan for the Board's consideration, via PowerPoint presentation.

(1:56 p.m.) McClure suggested updating the number of detox facilities on page 41 of the plan.

(1:56 p.m.) Frank Williams, 6170 A1A South, stated he was a St. Johns County representative in the State Legislature from 1972-1984. He spoke of his involvement in the Homeless Coalition. He submitted comments for Debi Redding, Executive Director for Emergency Services and the Homeless Coalition of St. Johns County, *Exhibit A*.

(2:00 p.m.) Ed Slavin, P.O. Box 3084, suggested adopting a \$15 hourly living wage; mentioned the Governor's veto of funds to West Augustine, dredging in Summerhaven, Nocatee affordable housing's denied vote and suggested cancelling lobbyists' contracts.

(2:03 p.m.) Bill Lazar, Executive Director of the St. Johns Housing Partnership, 525 West Kings Street, thanked the Board and staff for their hard work on this project, which would allow local decisions and planning tools.

(2:05 p.m.) Dwala Willis, 895 South Orange Street, thanked the Board and spoke on the diversity in the County, underserved communities, and funding for West Augustine.

(2:06 p.m.) Greg White, 905 Pearl Street, thanked the Board and the County staff for the grant, those who came to the Dollar General opening and Bennett for educating the residents regarding to overlay districts and entitlement.

(2:08 p.m.) Walter Smith, 10010 West Deep Creek Boulevard, Hastings, Florida, spoke on the time limit constraint for Flagler Estates Road and Water District to submit a request and the need for funding. He suggested other agencies be given the opportunity to participate in the request for funding.

(2:10 p.m.) McClure stated that he attended the Vilano Beach CDBG meeting, the Weed and Seed meeting and spoke on the time limit constraints associated with the grant application. He responded to public comment concerning the proposed Nocatee's affordable housing project decision and noted the Community Development District (CDD) fees, which negated its affordability. He spoke on the history of the County's dedication of funds to West Augustine.

**(2:12 p.m.) Motion by Johns, seconded by Morris, carried 5/0, to adopt Resolution No. 2016-239, authorizing the Chair to execute the SF-424 Application and Certificates; and authorizing the county administrator, or his designee, to submit the FY 2016-2020 Consolidated Plan, FY 2016-2017 Annual Action Plan, and SF-424 Universal Application and Certificates to HUD, on behalf of the County.**

#### **RESOLUTION NO. 2016-239**

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE COUNTY ADMINISTRATOR, OR HIS DESIGNEE, TO SUBMIT TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD), THE APPROVED FISCAL YEAR 2016-2020 CONSOLIDATED PLAN, FISCAL YEAR 2016-2017 ANNUAL ACTION PLAN, AND SF-424 UNIVERSAL APPLICATION AND CERTIFICATES FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) OCTOBER 1, 2016- SEPTEMBER 30, 2017, CDBG ENTITLEMENT GRANT PROGRAM YEAR**

Lavie left the meeting and Ross entered the meeting at 2:14 p.m.

(08/02/16 - 14 - 2:13 p.m.)

9. DEPARTMENT OF REVENUE SALES AND USE TAX AUDIT. ON JULY 1, 2015, THE FLORIDA DEPARTMENT OF REVENUE SENT TO THE CLERK OF COURTS' FINANCE DIRECTOR, ALLEN MACDONALD, A NOTICE OF INTENT TO AUDIT BOOKS AND RECORDS (DR-840), FOR THE PERIOD 06/01/2012 - 05/31/2015, REGARDING SALES AND USE TAX, PER FLORIDA STATUTE 213.34. THE COUNTY STAFF WAS SUBSEQUENTLY TASKED WITH PROVIDING DOCUMENTATION REGARDING SALES AND USE TAX COLLECTION AND REMITTANCE. THE OFFICE OF MANAGEMENT AND BUDGET, THE OFFICE OF THE COUNTY ATTORNEY, AND THE CLERK OF COURTS' FINANCE DIRECTOR CONTINUED TO WORK WITH THE DEPARTMENT OF REVENUE FROM THE ONSET OF THE AUDIT, THROUGH INITIAL FINDINGS, TO ENSURE DEPARTMENT OF REVENUE (DOR) COMPLIANCE. AS PART OF THE AUDIT CLOSING, EFFECTIVE

07/26/2016, THE TAX DUE IS \$30,600, WITH AN ADDITIONAL \$5,119.73 IN INTEREST DUE. DOR HAS WAIVED A PENALTY OF \$15,300

Jesse Dunn, Assistant Director for the Office of Management and Budget, presented the history and findings from the Department of Revenue Sales and Use Tax Audit, highlighting beach access fees, a commercial rental for a County-owned bait shop, and Cultural Events, which included the Amphitheatre and the Ponte Vedra Concert Hall. He stated that the compliance issues had been resolved and that the County's responsibility was for sales tax remittance only, as penalties, in excess of \$15,000, had been waived. He recommended the use of General Fund Reserves to pay the remittance plus interest and requested the dollar amount in the motion be changed to \$35,761 and the date should read May 31, 2015.

(2:26 p.m.) Bennett asked for the total collection for that time and commented on how impressed she was with those County staff members who were involved in the audit process.

**(2:27 p.m.) Motion by Johns, seconded by Bennett, carried 5/0m to approve the transfer of \$35,761 from the General Fund Reserves, for sales and use tax, including interest, due to the Department of Revenue, associated with a June 1, 2012, through May 31, 2015, sales and use tax audit.**

(08/02/16 - 15 - 2:29 p.m.)  
COMMISSIONERS' REPORTS

Commissioner Bennett

No report.

Commissioner Johns

No report.

Commissioner Morris

(2:29 p.m.) Morris responded to the public comment concerning a suggestion that he resign from the BCC and the repeated negative comments spoken towards the county administrator and staff. He noted the need for civility during public comment, disapproved in allowing inappropriate comments to continue, and recommended the Board stop them.

(2:34 p.m.) Subsequently, Johns questioned the process to change the Board's Rules of Decorum. McCormack responded that the Board's Rules and Policies could be changed through resolution. Discussion ensued on public comment. Johns agreed to meet with the county attorney to discuss options that were objective, measureable, repeatable, and acceptable.

Commissioner McClure

(2:30 p.m.) McClure questioned the approximate cost of the Public Financial Management (PFM) Parking Study; different impact fees in Community Redevelopment Agency (CRA) areas; the rising sea level; disclosure of land ownership on applications; and the associated legal ramifications. McCormack clarified that the application currently requires owner's authorization.

Commissioner Smith

(2:41 p.m.) Smith reported on the St. Johns County 4-H awards banquet on August 4, 2016, at 6:00 p.m., at the Agricultural Center; Hastings School Supply Giveaway, from 10:00 a.m. through noon, at the Hastings Branch Library on August 6, 2016; St. Johns County 4-H Forestry Judging Team Competition; University of Florida (UF) Institute of Food and Agricultural Sciences (IFAS) audit was submitted

(08/02/16 - 16 - 2:44 p.m.)  
COUNTY ADMINISTRATOR'S REPORT

Wanchick reported on a major fiber line cut which took out many County telecommunications. He responded to the comments on GTV's signal and the Florida Whistle Blower Law, as well as, the County's Fraud Waste and Abuse Hotline. He noted that on August 4, 2016, he would sit on the selection committee, representing the County, for the new school superintendent; and commented that involved residents, who approach the County in a constructive manner, who try to tap into the County's programs and look for opportunities to work with the County, deliver more benefits back to their community than those residents who wait for things to happen to them or develop a very negative approach or attitude. He encouraged people in the community to participate more with the local government.

(08/02/16 - 16 - 2:48 p.m.)  
COUNTY ATTORNEY'S REPORT

McCormack gave kudos to Ross, Dunn, and McDonald for the sale tax audit results. He disclosed that Judy Hamilton was retiring on August 12, 2016, and has been an asset to the County; and congratulated Rebecca Lavie, who was notified that she had passed the Florida Bar Certified City, County, and Local Government Practitioner.

(08/02/16 - 16 - 2:49 p.m.)  
CLERK OF COURT'S REPORT

No report.

(08/02/16 - 16 - 2:49 p.m.)  
ADJOURN

With there being no further business to come before the Board, Smith adjourned the meeting at 2:49 p.m.

REPORTS:

1. St. Johns County Board of County Commissioners Check Register, Check Nos. 535310-535376, totaling \$41,025.65 and Voucher Register, Voucher Nos. 25395-25479, totaling \$53,745.80 (7/20/16)
2. St. Johns County Board of County Commissioners Check Register, Check Nos. 535377-535395, totaling \$37,330.42 (7/21/16)
3. St. Johns County Board of County Commissioners Voucher Register, Voucher Nos. 25480-25481, totaling \$10,787.94 (7/21/16)
4. St. Johns County Board of County Commissioners Check Register, Check No. 535396, totaling \$106.25 (7/22/16)

CORRESPONDENCE:

There was none.

Approved \_\_\_October 4\_\_\_\_\_, 2016

BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA



By: \_\_\_\_\_

*Jeb S. Smith*  
Jeb S. Smith, Chair

ATTEST: HUNTER S. CONRAD, CLERK

By: \_\_\_\_\_

*Pam Halterman*

Deputy Clerk