

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
JUNE 21, 2011
(9:00 A.M.)**

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

Present: J. Ken Bryan, District 5, Chair
Mark Miner, District 3, Vice Chair
Cyndi Stevenson, District 1
Ron Sanchez, District 2
Jay Morris, District 4
Michael Wanchick, County Administrator
Patrick McCormack, County Attorney
Lenora Newsome, Deputy Clerk

(06/21/11 - 1 - 9:00 a.m.)
CALL TO ORDER

Bryan called the meeting to order.

(06/21/11 - 1 - 9:00 a.m.)
ROLL CALL

The clerk called the roll and all members were present.

(06/21/11 - 1 - 9:00 a.m.)
INVOCATION

Reverend Ken Asplund, Marketplace Christian Professionals, gave the Invocation.

(06/21/11 - 1 - 9:02 a.m.)
PLEDGE OF ALLEGIANCE

Commissioner Miner led the Pledge of Allegiance.

(06/21/11 - 1 - 9:02 a.m.)
RECOGNITION OF FIRE/RESCUE EMPLOYEE ROBERT HALL WHO IS RETIRING
WITH 31 YEARS OF SERVICE

Chief Robert Hall said, after 35 years of service to St. Johns County, he was retiring.

(06/21/11 - 1 - 9:03 a.m.)
RECOGNITION OF FIRE/RESCUE EMPLOYEE STEVE CANFIELD WHO IS
RETIRING WITH 20 YEARS OF SERVICE

Chief Hall asked Steve Canfield to come down to the dais and gave his accolades. He stated that Canfield was retiring from St. Johns County with 25 years of service.

(06/21/11 - 1 - 9:05 a.m.)
RECOGNITION OF FIRE/RESCUE EMPLOYEE SHELLEY WOOD WHO IS RETIRING
WITH 30 YEARS OF SERVICE

Chief Hall asked Shelley Wood to come down to the dais and gave his accolades. He stated that Wood was retiring from St. Johns County with 30 years of service.

(9:07 a.m.) Jerry Cameron, Assistant County Administrator, asked Wood and Canfield to try their rocking chairs in front of the dais. He gave Chief Hall's accolades. He described Hall with two words; vision and passion. He stated that Chief Hall had made tremendous accomplishments.

(9:15 a.m.) Chief Hall said it had been an honor to service the citizens of St. Johns County. He thanked the Commissioners for all their support and asked them to keep his vision alive.

(06/21/11 - 2 - 9:18 a.m.)
DELETIONS TO CONSENT AGENDA

There were none.

(06/21/11 - 2 - 9:18 a.m.)
APPROVAL OF CONSENT AGENDA

Motion by Miner, seconded by Sanchez, carried 5/0, to approve the Consent Agenda as submitted.

1. Approval of the Cash Requirement Report
2. Minutes:
05/24/11 Joint Special Meeting County Commissioner/City Commissioners
05/31/11 Emergency Meeting BCC
3. Motion to adopt **Resolution No. 2011-154**, approving the terms and authorizing the Chair, or designee, to execute a Lease Agreement for the Department of Children and Families for space located at the Health and Human Services Center

RESOLUTION NO. 2011-154

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND AUTHORIZING THE CHAIR, OR DESIGNEE, TO EXECUTE A LEASE AGREEMENT FOR CHILDREN AND FAMILIES FOR SPACE LOCATED AT THE HEALTH AND HUMAN SERVICES CENTER

4. Motion to adopt **Resolution No. 2011-155**, authorizing the Board Chair to execute a County Deed to convey property to the Holy Church of Zion (current property owner)

RESOLUTION NO. 2011-155

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE BOARD CHAIR TO EXECUTE A COUNTY DEED TO THE HOLY CHURCH OF ZION IN ORDER TO CLEAR THE CLOUD ON THE TITLE TO THE PROPERTY

5. Motion to adopt **Resolution No. 2011-156**, authorizing the Chair of the Board to execute a Grant of Non-Exclusive Easement to the City of St. Augustine for Drainage Improvements in connection with the Riberia Street Drainage Improvements Project Phase II

RESOLUTION NO. 2011-156

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE CHAIR OF THE BOARD TO EXECUTE A GRANT OF NON-EXCLUSIVE EASEMENT TO THE CITY OF ST. AUGUSTINE FOR DRAINAGE IMPROVEMENTS IN CONNECTION WITH THE RIBERIA STREET DRAINAGE IMPROVEMENTS PROJECT PHASE II

6. Motion to adopt **Resolution No. 2011-157**, accepting a Bill of Sale and Schedule of Values for a force main to serve Barbara Jean's Restaurant on South Roscoe Boulevard

RESOLUTION NO. 2011-157

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 FORCE MAIN SERVING BARBARA JEAN'S RESTAURANT ON SOUTH ROSCOE BOULEVARD

7. Motion to adopt **Resolution No. 2011-158**, accepting an Easement for Utilities for water and sewer service to serve the residents in Bermuda Run Subdivision

RESOLUTION NO. 2011-158

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING AN EASEMENT FOR UTILITIES FOR WATER AND SEWER SERVICE TO SERVE BERMUDA RUN SUBDIVISION

8. Motion to adopt **Resolution No. 2011-159**, approving the terms and authorizing the County Administrator, or designee, to execute a Purchase and Sale Agreement for property needed for Communication Tower Site #4 for the County Emergency Communication System

RESOLUTION NO. 2011-159

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO EXECUTE A PURCHASE AND SALE AGREEMENT FOR PROPERTY NEEDED FOR COMMUNICATION TOWER SITE #4 FOR THE COUNTY EMERGENCY COMMUNICATION SYSTEM

9. Motion to adopt **Resolution No. 2011-160**, approving the terms and authorizing the County Administrator, or designee, to execute a Purchase and Sale Agreement for property needed for Communication Tower Site #6 for the County Emergency Communication System

RESOLUTION NO. 2011-160

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO EXECUTE A PURCHASE AND SALE AGREEMENT FOR PROPERTY NEEDED FOR COMMUNICATION TOWER SITE #6 FOR THE COUNTY EMERGENCY COMMUNICATION SYSTEM

10. Motion to adopt **Resolution No. 2011-161**, approving the transfer of the remaining balance of \$536,313 in Department 3372 (St. Johns County Transit Facility) to Department 3371 Public Transportation Assistance. This is to consolidate and track funding associated with the construction of the St. Johns County Transit Facility

RESOLUTION NO. 2011-161

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TRANSFER OF THE REMAINING BALANCE OF \$536,313 IN DEPARTMENT 3372 TO DEPARTMENT 3371

11. Motion to approve a transfer in the amount of \$2,500 from Vilano Street Lighting District Fund Reserves (1232-59920) to Other Maintenance (1232-54603) and to authorize the expenditure of the funds to retrofit existing street lighting
12. Authorization to substitute a vendor for a previously approved purchase of furnishings and specialized equipment for the Sheriff's Evidence Building. Motion to authorize the County Administrator or his designee, to substitute the 1st vendor's proposal dated 4/11/11, with the approved State contract manufacturer Vanerum-Stelter, whose proposal is dated 5/23/11; and Reduce the total purchase amount by \$1,273.08
13. Motion to approve the Administrative Assistant position at Pay Grade 118, Step 14 and the downgrade of the Customer Service/Operations Assistant, Pay Grade 117, Step 13 to a Billing Specialist III at Pay Grade 115, Step 1
14. Motion to recognize and appropriate the Bartram Oaks Utility budget for 90 days, and: Motion to approve the transfer of \$4,476 from Utility Reserves (4426-59920) to the Bartram Oaks Utility Fund to ensure a balanced budget, and: Motion to incorporate Bartram Oaks into the County's Main Utility System once the receivership period is complete
15. Motion to authorize **Resolution No. 2011-162**, approving the terms, provisions, conditions, and requirements of the First Amendment to the Cost Share Agreement between the St. Johns River Water Management District and St. Johns County, for the reuse and treatment initiative previously approved by the County by Resolution 2010-174, and authorizing the Chairman of the Board of

County Commissioners of St. Johns County, to execute the First Amendment on behalf of the County

RESOLUTION NO. 2011-162

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF THE FIRST AMENDMENT TO THE COST SHARE AGREEMENT BETWEEN ST. JOHNS COUNTY, FLORIDA, AND THE ST. JOHNS RIVER WATER MANAGEMENT DISTRICT, FOR THE REUSE AND TREATMENT INITIATIVE PREVIOUSLY APPROVED BY THE COUNTY BY RESOLUTION 2010-174, AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, TO EXECUTE THE FIRST AMENDMENT ON BEHALF OF ST. JOHNS COUNTY

16. Motion to adopt **Resolution No. 2011-163**, to authorize the County Administrator, or his designee, to enter into a contract for one (1) year with three (3) available one year extensions, with both Bore Tech, Inc., dba B.T.I. Directional Boring, and TB Landmark Construction, for as needed directional boring services described in the Bid Documents/Specifications and the firms' submitted Bid Proposals (Bid No. 11-66 Directional Boring Contractor)

RESOLUTION NO. 2011-163

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO AWARD BID NO. 11-66 AND TO EXECUTE AN AGREEMENT FOR AS NEEDED DIRECTIONAL BORING SERVICES

17. Motion to adopt **Resolution No. 2011-164**, to authorize the County Administrator, or his designee, to enter into a contract for one (1) year with three (3) available one year extensions, with Columbia Analytical Services, Inc., for environmental laboratory services for the St. Johns County Solid Waste Department as described in the Bid Documents/Specifications and the firm's submitted Bid Proposal (Bid No. 11-68, Environmental Lab Services for St. Johns County Solid Waste Department)

RESOLUTION NO. 2011-164

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO AWARD BID NO. 11-68 AND TO EXECUTE AN AGREEMENT FOR ENVIRONMENTAL LABORATORY SERVICES FOR ST. JOHNS COUNTY SOLID WASTE DEPARTMENT

18. Motion to adopt **Resolution No. 2011-165**, authorizing the County Administrator, or his designee, to award and execute a contract to Hubbard Construction Company as the lowest responsible bidder for Bid No. 11-69,

asphalt overlay of various St. Johns County roadways, for the Lump Sum Bid of \$486,629

RESOLUTION NO. 2011-165

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO AWARD BID NO. 11-69 AND TO EXECUTE AN AGREEMENT FOR THE COMPLETION OF THE ASPHALT OVERLAY OF VARIOUS ST. JOHNS COUNTY ROADWAYS

19. Motion to adopt **Resolution No. 2011-166**, authorizing the County Administrator, or his designee, to award and execute a contract Oldcastle Southern Group, Inc., d/b/a, APAC-Southeast, Inc., as the lowest responsible bidder for Bid No. 11-70, County Road (CR) 13A milling, widening & resurfacing, for the Lump Sum Bid of \$1,302,188.45

RESOLUTION NO. 2011-166

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO AWARD BID NO. 11-70 AND TO EXECUTE AN AGREEMENT FOR COUNTY ROAD 13A - MILLING, WIDENING AND RESURFACING

20. Motion to adopt **Resolution No. 2011-167**, authorizing the County Administrator, or his designee, to negotiate with and, if negotiations are successful, enter into contract with the number one ranked firm, RBC Capital Markets, and the number two ranked firm, Bank of America Merrill Lynch, for Bond Underwriting Services (RFP 11-55, Bond Underwriting Services). If an agreement cannot be reached with the top two ranked firms negotiations will cease and authorization is requested to begin negotiations with the next ranked respondent and continue until an agreement is reached with two firms

RESOLUTION NO. 2011-167

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO AWARD RFP #11-55, FOR BOND UNDERWRITING SERVICES; AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO ENTER INTO CONTRACT NEGOTIATIONS WITH TOP RANKED RESPONDENTS; AND AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO FINALIZE AND EXECUTE CONTRACTS FOR CONSULTING/PROFESSIONAL SERVICES

21. Motion to adopt and place into effect the State Housing Initiatives Partnership (SHIP) Local Housing Assistance Plan (LHAP) for state fiscal years: 2011/2012, 2012/2013, and 2013/2014. For information, contact Dana (Moore) Froberg, Homeownership Programs Administrator, at 827-6895

RESOLUTION NO. 2011-168

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE LOCAL HOUSING ASSISTANCE PLAN AS REQUIRED BY THE STATE HOUSING INITIATIVES PARTNERSHIP PROGRAM ACT, SUBSECTIONS 420.907-420.9079, FLORIDA STATUTES; AND RULE CHAPTER 67-37, FLORIDA ADMINISTRATIVE CODE; AUTHORIZING AND DIRECTING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS TO EXECUTE ANY NECESSARY DOCUMENTS AND CERTIFICATIONS NEEDED BY THE STATE; AUTHORIZING THE SUBMISSION OF THE LOCAL HOUSING ASSISTANCE PLAN FOR REVIEW AND APPROVAL BY THE FLORIDA HOUSING FINANCE CORPORATION; AND PROVIDING AN EFFECTIVE DATE

22. Motion to transfer \$28,000 from Building Services Fund Reserves to Building Services Federal Grant Expenditure for the EECBG Contract Amendment #1
23. Motion to approve agreement with St. Vincent's Ambulatory Care, Inc. This item will allow St. Vincents to shift responsibility from the Mobile Health Outreach ministries to St. Vincents Ambulatory Care, Inc.
24. Motion to repeal and replace Resolution 96-153; and motion to approve **Resolution No. 2011-169**, which approves the Revised Policies and Procedures of the St. Johns County Social Services Medical Assistance Program dated 6/1/2011. This item revises policies and procedures governing the delivery of St. Johns County Social Services Medical Assistance Program and brings them into alignment with current practices and State law

RESOLUTION NO. 2011-169

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, REPEALING AND REPLACING RESOLUTION NO. 96-153, AND APPROVING THE REVISED POLICIES AND PROCEDURES OF THE ST. JOHNS COUNTY SOCIAL SERVICES MEDICAL ASSISTANCE PROGRAM, DATED 6-1-2011, AND AUTHORIZING THE CHAIR OF THE BOARD OF COUNTY COMMISSIONERS TO EXECUTE THE RESOLUTION ON BEHALF OF THE COUNTY

25. Motion to adopt **Resolution No. 2011-170**, recognizing unanticipated revenue in the amount of \$13,525 for FY 11 for Library Donations, thereby increasing the appropriation to the Library Services budget by the same

RESOLUTION NO. 2011-170

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AMENDING THE FISCAL YEAR 2011 GENERAL FUND BUDGET TO RECEIVE UNANTICIPATED REVENUE AND AUTHORIZE ITS EXPENDITURE BY THE ST. JOHNS COUNTY PUBLIC LIBRARY SYSTEMS

26. Motion to adopt **Resolution No. 2011-171**, authorizing the conveyance of one and a half lots owned by St. Johns County, to the Housing Finance Authority of St. Johns County, to be used in connection with workforce housing initiatives

RESOLUTION NO. 2011-171

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE CONVEYANCE OF ONE AND A HALF LOTS OWNED BY ST. JOHNS COUNTY, TO THE HOUSING FINANCE AUTHORITY OF ST. JOHNS COUNTY, TO BE USED IN CONNECTION WITH WORKFORCE HOUSING INITIATIVES

27. Motion to approve the request from the St. Johns County Clerk of Court to dispose of 71.75 cubic feet of County finance records up to and including fiscal year 2003, in accordance with the statutory provisions of Florida Statute, Chapter 257.36(6) and by statutory authority of Florida Statute, chapter 119.021(2)
28. Motion to approve the request from the St. Johns County Clerk of Court to remove two unused microfilm readers from the fixed asset list and transfer both readers to the St. Johns County School Board. The microfilm readers are no longer being used by the Clerk of Court and are needed by the School Board
29. Motion to approve the transfer of state revolving fund loan agreement appropriations to a new FY 11 State Revolving Fund department [4487] within the Utility Services Fund
30. Motion to transfer \$64,650 from General Fund Reserves to Economic Development. This is to establish the budget for the Economic Development department for corresponding personal and operating expenses
31. Motion to approve **Resolution No. 2011-172**, authoring the Chair to direct staff to submit an application and execute all required documents to DCA for funds totaling \$449,465.77 for 2008 storm Disaster Recovery Enhancement Funds

RESOLUTION NO. 2011-172

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE CHAIR TO EXECUTE ALL REQUIRED DOCUMENTS AND DIRECTING STAFF TO SUBMIT AN APPLICATION TO THE DEPARTMENT OF COMMUNITY AFFAIRS (DCA) FOR THE 2009 DISASTER RECOVERY ENHANCEMENT FUNDS (DREF); AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO DO ALL THINGS DEEMED NECESSARY OR ADVISABLE IN CONNECTION THEREWITH; AND PROVIDING AN EFFECTIVE DATE

32. Proofs:
- a. Proof: Notice to Bidders, Bid #11-79, published May 13, 2011, and May 20, 2011, in *The St. Augustine Record*
 - b. Proof: Notice to Bidders, Bid #11-74, published May 17, 2011, and May 24, 2011, in *The St. Augustine Record*

- c. Proof: Notice of Joint Special Meeting of the St. Johns County Board of County Commissioners and the City of St. Augustine Commissioners on May 24, 2011, published May 19, 2011, in *The St. Augustine Record*
- d. Proof: Notice of Meeting of the St. Johns County Audit Committee on June 6, 2011, published May 25, 2011, in *The St. Augustine Record*
- e. Proof: Notice of Public Town Hall Meetings, published May 25, 2011, in *The St. Augustine Record*
- f. Proof: Notice to Bidders, Bid #11-64, published June 1, 2011, and June 8, 2011, in *The St. Augustine Record*
- g. Proof: Notice of Negotiation Meeting on June 8, 2011, published June 1, 2011, in *The St. Augustine Record*
- h. Proof: Notice of Public Hearing of the Board of County Commissioners on June 7, 2011, published June 4, 2011, in *The St. Augustine Record*
- i. Proof: Notice of Public Hearing of the Board of County Commissioners/St. Johns County Community Redevelopment Agency on June 21, 2011, published June 7, 2011, in *The St. Augustine Record*
- j. Proof: Notice of Public Hearing of the Board of County Commissioners on June 21, 2011, on establishment of Ordinance/Regulations affecting the Use of Land (Articles III, X and XII), published June 8, 2011, in *The St. Augustine Record*

(06/21/11 - 9 - 9:19 a.m.)

PUBLIC COMMENT

Ellen Whitmer, 1178 Natures Hammock Road South, spoke on the Religious Land Use and Institutionalized Persons Act (RLUIPA) Law. She spoke on religious entities or churches exercising their freedom of religion, by trying to extend commercial activity into their worship areas.

(9:22 a.m.) Patricia Laurencelle, 23 Versaggi Drive, spoke on filtering computers in libraries against pornography. She said the filters would not work, filters would not teach, they simply blocked certain kinds of material that appeared on computers, and the public computers did not offer the resources like private computers. She suggested that computers did not work with filtering systems and filtering in the library was best provided by the library staff personally supervising these computers.

(9:25 a.m.) Carolee Bertisch, Chair of St. Johns County Library Advisory Board, spoke on electronic filters for computers, and prohibiting the viewing of obscene material on the computers at the library. She said self filtering was more effective than electronic filtering.

(9:29 a.m.) Cindy Falco-Dicorrado, 132 San Marco Avenue, spoke on filtering and pornography in the libraries. She said homeless people spend time at the libraries. She stated that filters were needed on the computers at the libraries.

(06/21/11 - 9 - 9:32 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

There were none.

(06/21/11 - 9 - 9:32 a.m.)

APPROVAL OF REGULAR AGENDA

Motion by Sanchez, seconded by Miner, carried 5/0, to approve the Regular Agenda as submitted.

(06/21/11 - 10 - 9:33 a.m.)

1. REPORT ON ST. JOHNS COUNTY HEALTH DEPARTMENT RECEIPT OF THE 2011 GOVERNOR'S STERLING SUSTAINED PERFORMANCE EXCELLENCE AWARD

Dawn Allicock, M.D., M.P.H., Director of St. Johns County Health Department, gave a presentation, *Exhibit A*. She reviewed the history on earning the 2011 Governor's Sterling Sustained Performance Excellence Award. Bryan stated that he was impressed with how complex the process was on earning the 2011 Governor's Sterling Sustained Performance Excellence Award. Stevenson said that it was a great award and much went into pursuing an organization of excellence. Allicock reviewed the services provided by the St. Johns County Health Department. Stevenson thanked Allicock for her continued service working to protect the public health of the people in St. Johns County. Allicock said it was the group effort that made it work and thanked the Board for all their support.

(06/21/11 - 10 - 9:51 a.m.)

2. SUPERVISOR OF ELECTIONS BUDGET PRESENTATION.

Doug Timms, Director of Management and Budget, said it was a continuation from the last Board meeting, and the Supervisor of Election presented her budget.

(9:52 a.m.) Penny Halyburton, Supervisor of Elections, said that she was unable to cut her budget due to elements out of her control. She spoke on redistricting. She stated that staff had re-evaluated and changed several things that were good improvements. She said her 2011 budget was 27 percent lower than her 2008 budget. Miner, Stevenson, Morris, and Sanchez thanked Halyburton and her staff for all there work. Wanchick said that Halyburton and her staff worked closely with the Office of Management and Budget.

(06/21/11 - 10 - 10:00 a.m.)

3. PRESENTATION OF THE CHAMBER OF COMMERCE 2011/2012 LOCAL ADVOCACY AGENDA

Kirk Wendland, President, St. Johns County Chamber of Commerce, introduced the Chamber of Commerce's board members that were present. He gave a presentation reviewing the St. Johns County Chamber of Commerce Local Advocacy Agenda. All Commissioners and Wanchick thanked Wendland and his staff.

The meeting recessed at 10:14 a.m. and reconvened at 10:31 a.m.

(06/21/11 - 10 - 10:31 a.m.)

4. RESOLUTION APPROVING THE TERMS AND CONDITIONS OF AN AGREEMENT BETWEEN ST. JOHNS COUNTY AND ST. JOHNS CULTURAL COUNCIL, INC.

Glenn Hastings, Executive Director, Tourist Development Council, provided some of the highlights within the contract regarding: billing and invoice, purchasing procedures, access to public records, periodic evaluations, hiring of executive director and staff, strategic plan timeline, marketing plan requirement, budget, and termination clause. Hastings, at the request of Bryan, explained the budget approval process. Stevenson expressed concern about the benefit the Cultural Council provided to the County.

(10:39 a.m.) Greg White, 905 W. Pearl Street, St. Augustine, overhead projector, spoke on kids making beautiful music, *Exhibit A*.

(10:42 a.m.) Dwala Willis, West Augustine Weed and Seed Site Coordinator, 895 South Orange Street, spoke on the programs being successful and stated that they could not afford to lose the vital resource.

(10:44 a.m.) Cathy Hankins, 123 Lincoln Street, Tudor at American Legion Post 194, spoke on how important the art program was at the American Legion. She said it was very important for children's development.

(10:45 a.m.) McCormack commented that the proposed contract was before the Board for review and approval.

(10:45 a.m.) Dorothy Williams, 887 West 3rd Street, on behalf of the church after school tutoring program, told of the great impact the cultural programs of art had on the children.

(10:47 a.m.) Miner said it was a long road to get to that point. Stevenson spoke on cost segregation for tourism. Bryan spoke on all the many different kinds of art.

(10:53 a.m.) Motion by Sanchez, seconded by Miner, carried 5/0, to adopt Resolution No. 2011-173, approving the terms, conditions, provisions, and requirements of an Agreement by and between St. Johns County and the St. Johns Cultural Council, Inc., to perform the Scope of Services set forth in RFP #11-11, and to authorize the County Administrator, or his designee, to execute the Agreement on behalf of the County.

RESOLUTION NO. 2011-173

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, CONDITIONS, PROVISIONS, AND REQUIREMENTS OF AN AGREEMENT BY AND BETWEEN ST. JOHNS COUNTY, FLORIDA, AND ST. JOHNS CULTURAL COUNCIL, INC., TO MARKET ST. JOHNS COUNTY AS AN ARTS, CULTURAL, AND HERITAGE TOURIST DESTINATION, MANAGE THE ARTS AND CULTURE GRANT PROGRAM, AND PERFORM OTHER DUTIES AS DIRECTED BY THE ST. JOHNS COUNTY TOURIST DEVELOPMENT COUNCIL; AND AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO EXECUTE THE AGREEMENT ON BEHALF OF THE COUNTY

(10:54 a.m.) The Board convened as the St. Johns County Community Redevelopment Agency (CRA), with Bryan recessing the regular meeting and convening the Community Redevelopment Agency meeting.

Proof of publication of the notice of public hearing on the CRA Hearing regarding lots in Flagler Estates was received, having been published in *The St. Augustine Record* on June 7, 2011.

(06/21/11 - 11 - 10:55 a.m.)

5. RESOLUTION AUTHORIZING THE TRANSFER OF TWO CRA LOTS TO ST. JOHNS COUNTY THAT HAVE A PUBLIC USE TOWER LOCATED ON THE LOTS IN FLAGLER ESTATES, AND AUTHORIZING THE BOARD CHAIR TO EXECUTE THE COUNTY DEED ON BEHALF OF THE BOARD. IN 2005 ST. JOHNS COUNTY TRANSFERRED SEVERAL LOTS THAT WERE ACQUIRED BY TAX DEED TO THE ST. JOHNS COUNTY CRA. A PUBLIC USE TOWER IS

SITUATED ON TWO OF THE LOTS LOCATED IN FLAGLER ESTATES, AND BECAUSE THE LOTS CANNOT BE USED FOR THE AFFORDABLE HOUSING PROGRAM, COUNTY HOUSING STAFF RECOMMENDS CONVEYANCE OF THE LOTS BACK TO THE COUNTY. STAFF FURTHER RECOMMENDS THAT THE MINERAL RESERVATION BE RELEASED. STAFF MAINTAINS IT IS IN THE BEST INTEREST OF THE CRA TO APPROVE THE TRANSFER OF THE LOTS (SPECIFICALLY DESCRIBED IN THE COUNTY DEED) BACK TO THE COUNTY

Tom Crawford, Director of Housing & Community Services, said the issue involved a correction.

(10:55 a.m.) **Motion by Miner, seconded by Sanchez, carried 5/0, to adopt CRA Resolution No. 2011-1, authorizing the transfer of two CRA lots located in Flagler Estates to St. Johns County, and authorizing the Board Chair to execute the County Deed on behalf of the CRA Board.**

RESOLUTION NO. 2011-1

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACTING AS THE ST. JOHNS COUNTY COMMUNITY REDEVELOPMENT AGENCY ("CRA"), AUTHORIZING THE TRANSFER OF TWO LOTS IN FLAGLER ESTATES TO ST. JOHNS COUNTY; AND AUTHORIZING THE BOARD CHAIR TO EXECUTE THE COUNTY DEED ON BEHALF OF THE CRA

The Board adjourned the CRA meeting and reconvened the BCC meeting.

(06/21/11 - 12 - 10:56 a.m.)

6. COUNTY ROAD 210 CORRIDOR VISION PLAN. THE CR 210 COMMUNITY ALLIANCE PREPARED A CORRIDOR VISION PLAN TO ADDRESS ARCHITECTURAL STANDARDS ALONG CR 210 FROM US 1 WEST TO GREENBRIAR ROAD, AND GREENBRIAR ROAD WEST TO SR 13. THE COMMUNITY ALLIANCE PROPOSES ARCHITECTURAL STANDARDS BASED UPON COMMUNITY CHARACTER AND NATURAL ENVIRONMENT. THE COMMUNITY GROUP HAS REQUESTED AN OPPORTUNITY TO PRESENT THE KEY COMPONENTS OF THE PLAN TO THE BOARD OF COUNTY COMMISSIONERS

Larry Ingalls, 1114 Garrison Drive, Glenn Close, 1339 Ivyhedge Avenue, and Kim Allsup, 4376 Comanche Trail, introduced themselves.

(10:57 a.m.) Allsup gave a presentation of the CR 210 Overlay Vision Plan, *Exhibit A*. She said that they were trying to protect their property values and be competitive in the market with surrounding neighborhood markets.

(10:59 a.m.) Ingalls spoke on the environment of the CR 210 area. He said they came to a conclusion that an overlay zone was necessary. He spoke on underlined principles; southern inland type environment, endorsing four types of signs, suggested the Florida vernacular design, canopy trees, sidewalks and walkways, and improvement to retention ponds in public view. Stevenson mentioned the improvement made by County staff. Ingalls mentioned that the best buffer was natural vegetation. He stressed that lower impact designing and building, flexibility with document, and getting rid of quantities of big boxes. Stevenson said she appreciated the hard work that went into the Overlay Vision Plan. Sanchez thanked them for their work, and said

he appreciated the effort. Miner said the plan was very impressive and a good balance existed. Stevenson stated there were some very nice ideas for adequate signage for businesses. Bryan echoed his fellow commissioners' comments. Morris mentioned that the process should move quicker, so businesses could open quicker.

(11:31 a.m.) Bill Watson, 553 Spanish Way West, Fernandina Beach, mentioned that the group had done a good job, and cautioned them not to try to expand into additional regulations.

(11:32 a.m.) Beth Breeding, 10175 Fortune Parkway, Jacksonville, said that she agreed with a lot of the comments made that day, encouraged that some projects could look different as long as they were done in good taste, should include a variety of trees around the pond, but a 12 foot monument sign was not appropriate. Stevenson said signage had to be appropriate for the location. Bryan stated that the comments made by the last speaker were very valid. Miner said that this was definitely moving in the right direction.

(11:40 a.m.) *There was a consensus by the Board to accept the CR 210 Corridor Vision Plan.*

(06/21/11 - 13 - 11:41 a.m.)

DISTRICT 3

7. PUBLIC HEARING - REZ 2011-03, LEONARD'S STUDIO. THIS IS A REQUEST TO REZONE +/- .30 ACRES FROM INDUSTRIAL WAREHOUSE (IW) TO COMMERCIAL GENERAL (CG). BASED ON THE INFORMATION AVAILABLE TO STAFF, THE PLANNING & ZONING SECTION FINDS THE REQUEST TO REZONE TO CG SUBSTANTIALLY MEETS THE REQUIREMENTS OF THE COMPREHENSIVE PLAN AND THE LAND DEVELOPMENT CODE. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS ITEM AT THEIR JUNE 2ND MEETING BY A 7 TO 0 VOTE

Proof of publication of the notice of public hearing on the REZ 2011-03, Leonard's Studio, was received, having been published in *The St. Augustine Record* on May 18, 2011.

Miner declared ex parte communications by meeting with the applicant to discuss the nature of the project. Stevenson declared ex parte communication by speaking briefly with the applicant's representative and one of the owners in the hall outside the PZA meeting.

Michael Blackford, Planning and Zoning Manager, gave a presentation, *Exhibit A*. He said that the applicant had requested commercial general zoning.

(11:44 a.m.) **Motion by Miner, seconded by Sanchez, carried 5/0, to enact Ordinance 2011-21, known as REZ 2011-03, adopting findings of fact 1 through 4 to support the motion.**

ORDINANCE NO. 2011-21

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED, HEREINAFTER, FROM THE PRESENT ZONING CLASSIFICATION OF INDUSTRIAL WAREHOUSE (IW) TO COMMERCIAL GENERAL (CG); MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE

(06/21/11 - 14 - 11:44 a.m.)

DISTRICT 1

8. PUBLIC HEARING - MAJMOD 2010-09, FRUIT COVE. THIS IS A REQUEST FOR A MAJOR MODIFICATION (MAJMOD) TO FRUIT COVE MEDICAL PLAZA PLANNED SPECIAL DEVELOPMENT (PSD) TO: 1) EXTEND PHASING - PHASE II DID NOT MEET THE PHASING TIMELINE AND THEREFORE THE PSD EXPIRED. PER THE LAND DEVELOPMENT CODE, A MAJMOD IS REQUIRED TO REOPEN THE PSD AND EXTEND PHASING. A PSD REQUIRING A MAJMOD MUST CONVERT TO A PLANNED UNIT DEVELOPMENT (PUD) TO CONFORM TO THE NEW TEXT AND MAP STANDARDS; 2) ADD A 9,000 SQ. FT. BUILDING IN THE WEST HALF OF PROPERTY - A PREVIOUS APPROVAL ALLOWED A 13,000 SQ. FT. BUILDING IN THIS AREA; 3) EXPAND OFFICE & PROFESSIONAL USES AND ADD LIMITED NEIGHBORHOOD BUSINESS AND COMMERCIAL USES; 4) ALLOW AVERAGING OF THE 35' DEVELOPMENT EDGE IN THE UNDEVELOPED PORTION OF THE PROPERTY. THE PLANNING AND ZONING DIVISION FINDS THE REQUEST, SUBSTANTIALLY, MEETS THE REQUIREMENTS OF THE COMPREHENSIVE PLAN AND THE LAND DEVELOPMENT CODE. THE PLANNING & ZONING AGENCY RECOMMENDED APPROVAL BY A 7-0 VOTE. THERE WERE NO RECOMMENDED CHANGES TO THE PUD

Proof of publication of the notice of public hearing on the MAJMOD 2010-09, Fruit Cove, was received, having been published in *The St. Augustine Record* on June 7, 2011.

Michael Roberson, Planner I, gave a presentation, *Exhibit A*. He stated there were three five-year phases. He reviewed the changes; proposed building to the west, storm water pond adjacent to that property line, and had met requirements of the Land Development Code.

(11:49 a.m.) Karen Taylor, 77 Saragossa Street, said the intent was to put a dance studio in, and had requested up to an eight foot high fence in the rear of the property. Bryan asked the purpose of the eight foot fence. Taylor replied for privacy and better buffering. Stevenson disclosed ex parte communication by being at the community meeting. Taylor spoke on trash pickup times and stated that they were working with the residents. Roberson responded.

(11:55 a.m.) **Motion by Stevenson, seconded by Sanchez, carried 5/0, to enact Ordinance No. 2011-22, approving Major Modification 2010-09, adopting findings of fact 1 through 6 to support the motion, including the waiver for averaging of the development edge, and the amendments to the text to allow up to an eight foot fence, if requested by the neighboring property owners.**

ORDINANCE NO. 2011-22

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, APPROVING A MAJOR MODIFICATION TO THE FRUIT COVE MEDICAL PLAZA PLANNED UNIT DEVELOPMENT, ORDINANCE NUMBER 1981-22, AS AMENDED, MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING FOR AN EFFECTIVE DATE

Wanchick suggested getting through Items 9 and 10 before lunchtime.

(06/21/11 - 15 - 11:56 a.m.)

DISTRICT 1

9. PUBLIC HEARING - MAJMOD 2011-03, NOCATEE. REQUEST TO MODIFY THE NOCATEE PUD, ORDINANCE NO. 2002-46, AS AMENDED TO: MODIFY THE FRONT FACING GARAGE/CARPORT SETBACK IN THE AREAS PLANNED FOR TRADITIONAL NEIGHBORHOOD RESIDENTIAL (TNR) AND TOWN CENTER (TC) FROM 25 FEET TO 20 FEET; MODIFY THE SINGLE FAMILY MINIMUM LOT WIDTH FROM 45 FEET TO 40, WITHIN THE AREAS PLANNED FOR VILLAGE RESIDENTIAL (VR); REMOVE THE SIDEWALK REQUIREMENTS ON CUL-DE-SAC STREETS, WHICH HAVE FOUR OR LESS LOTS; PROVIDE FOR AN ALTERNATIVE METHOD OF TREE MITIGATION. THE PLANNING AND ZONING AGENCY UNANIMOUSLY RECOMMENDED APPROVAL AT THEIR JUNE 2, 2011, MEETING; HOWEVER, THEY EXPRESSED CONCERN WITH THE 40 FOOT LOT WIDTH

Proof of publication of the notice of public hearing on the MAJMOD 2011-03, Nocatee, was received, having been published in *The St. Augustine Record* on May 18, 2011.

Teresa Bishop, AICP, Director Long Range Planning, gave a presentation, *Exhibit A*. Bryan asked for an update on Nocatee, which Wanchick provided.

(12:01 p.m.) **Motion by Stevenson, seconded by Miner, carried 5/0, to enact Ordinance No. 2011-23, known as MAJMOD 2011-03, Nocatee PUD, adopting findings of fact 1 through 6 to support the motion.**

ORDINANCE NO. 2011-23

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, APPROVING A MAJOR MODIFICATION TO THE NOCATEE PUD, ORDINANCE NUMBER 2002-46, AS AMENDED, MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING FOR AN EFFECTIVE DATE

(12:01 p.m.) Whitehouse mentioned that the legal description would be included as part of the ordinance, as stated in their red folder. Stevenson said that she concurred with legal's advice. Bryan stated the modification was unanimously accepted.

(06/21/11 - 15 - 12:02 a.m.)

DISTRICT 1

10. IFA 2010-02, NOCATEE DRI IMPACT FEE CREDIT AGREEMENT FOR THE DONATION AND CONSTRUCTION OF THE RACETRACK ROAD EXTENSION FOR PORTIONS LOCATED IN ST. JOHNS COUNTY AND THE CONTRIBUTION OF FUNDS FOR THE CR 210 EAST IMPROVEMENTS. THE NOCATEE DRI DEVELOPER HAS EXPENDED FUNDS AND DONATED RIGHTS-OF-WAY AS REQUIRED BY CONDITIONS OF THEIR APPROVAL, INCLUDING DONATING RIGHT-OF-WAY FOR RACETRACK ROAD EXTENSION AND CONSTRUCTING ITS IMPROVEMENTS. THE DRI ALSO REQUIRED A CONTRIBUTION OF FUNDS FOR THE CR 210 EAST IMPROVEMENTS. THE DRI AND STATE LAWS ALLOW FOR IMPACT FEE CREDITS TO BE GRANTED FOR THESE IMPROVEMENTS AND CONTRIBUTIONS IN THE FORM OF IMPACT FEE CREDITS, WHICH MAY THEN BE USED IN LIEU OF THE PAYMENT OF FUTURE IMPACT FEES FOR TRANSPORTATION. THE RACETRACK ROAD EXTENSION COSTS, ELIGIBLE FOR IMPACT FEE CREDITS, HAVE BEEN CONFIRMED TO BE \$28,701,964.55; THE CR 210 IMPROVEMENT CONTRIBUTION WAS \$6,494.400. THEREFORE, THE TOTAL IMPACT FEE CREDIT IS \$35,196,364.55

Teresa Bishop, AICP, Director Long Range Planning, gave a presentation, *Exhibit A*. Stevenson said she appreciated the item being on the Regular Agenda due to the size, and the opportunity to clarify that the roads were constructed by the developer at their own risk.

(12:04 p.m.) **Motion by Stevenson, seconded by Miner, carried 5/0, to adopt Resolution No. 2011-174, authorizing the County Administrator to execute an impact fee credit agreement with the Tolomato Community Development District, with an impact fee credit of \$35,196,364.55.**

RESOLUTION NO. 2011-174

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE AN IMPACT FEE CREDIT AGREEMENT WITH THE TOLOMATO COMMUNITY DEVELOPMENT DISTRICT FOR THE RACETRACK ROAD EXTENSION CR 210 CONTRIBUTION

(12:05 p.m.) Bryan requested that Item 13 was heard prior to Item 11.

(06/21/11 - 16 - 12:13 p.m.)

11. PUBLIC HEARING - LAND DEVELOPMENT CODE AMENDMENTS FOR ARTICLE III, X, AND XII. THIS IS A PUBLIC HEARING TO CONSIDER MODIFICATIONS TO THE LAND DEVELOPMENT CODE (LDC). TWO YEARS AGO, FEMA BEGAN THE PROCESS OF UPDATING SEVERAL FLOOD INSURANCE RATE MAPS, INCLUDING A REVIEW OF THE COUNTY'S EXISTING FLOOD DAMAGE CONTROL REGULATIONS IN THE LDC TO ENSURE THEY SATISFY MINIMUM REQUIREMENTS FOR FEMA AND THE STATE OF FLORIDA'S DIVISION OF EMERGENCY MANAGEMENT. THE REVIEW WAS COMPLETED LAST MONTH, IDENTIFIED, AND NEEDED TECHNICAL MODIFICATIONS TO ARTICLES III, X, AND XII OF THE LDC. A FULL COPY OF THE AFFECTED ARTICLES IS AVAILABLE FOR VIEWING AT MINUTES AND RECORDS AND GROWTH MANAGEMENT. THE PLANNING & ZONING AGENCY HEARD THIS ITEM JUNE 2, 2011, AND RECOMMENDED ADOPTION BY THE BOARD OF COUNTY COMMISSIONERS BY A 7-0 VOTE

Proof of publication of the notice of public hearing on the establishment of ordinance/regulations affecting the use of land was received, having been published in *The St. Augustine Record* on June 8, 2011.

John Burnham, P.E., Chief Engineer Development Review, gave a presentation, *Exhibit A*. He reviewed the added language.

(12:15 p.m.) **Motion by Sanchez, seconded by Miner, carried 5/0, to enact Ordinance 2011-24, amending Articles III, X, and XII.**

ORDINANCE NO. 2011-24

AN ORDINANCE OF ST. JOHNS COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, AMENDING AND SUPPLEMENTING, ADDING AND REPEALING PARTS OF ARTICLE III - SPECIAL DISTRICTS; ARTICLE X - INTERPRETATIONS, EQUITABLE RELIEF, AND

ENFORCEMENT, AND ARTICLE XII - DEFINITIONS; OF THE ST. JOHNS COUNTY LAND DEVELOPMENT CODE AS PREVIOUSLY AMENDED; THIS ORDINANCE MAKES CHANGES INCLUDING AND RELATING TO: AMENDING ARTICLE III SPECIAL DISTRICTS, PART 3.03.00 FLOOD DAMAGE CONTROL REGULATIONS, SPECIFICALLY SECTION 3.03.01 GENERAL PROVISIONS, AND SECTION 3.03.02 STANDARDS AND CRITERIA; AMENDING ARTICLE X INTERPRETATIONS, EQUITABLE RELIEF, AND ENFORCEMENT, PART 10.04.00 VARIANCES, SPECIFICALLY SECTION 10.04.07 SPECIAL PROVISIONS WHERE VARIANCE IS SOUGHT TO REQUIREMENTS TO FLOOD DAMAGE PREVENTION REGULATIONS (FLOOD DAMAGE PREVENTION VARIANCE); AND AMENDING ARTICLE XII; SPECIFICALLY PART 12.01.00 DEFINITIONS; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE

(06/21/11 - 17 - 12:17 p.m.)

12. PUBLIC HEARING - LAND DEVELOPMENT CODE AMENDMENTS FOR ARTICLE II. THIS IS THE FIRST OF THREE PUBLIC HEARINGS TO CONSIDER MODIFICATIONS TO ARTICLE II ZONING DISTRICTS AND SPECIAL USES, LAND DEVELOPMENT CODE. THE PURPOSE OF THE CHANGES IS TO PROVIDE FOR ADDITIONAL USES WITHIN SEVERAL COMMERCIAL AND INDUSTRIAL DISTRICTS, PROVIDE SOME ADDITIONAL USES BY RIGHT, AND CLARIFY WHEN SOME USES MAY BE PERMITTED AS ACCESSORY OR TEMPORARY USES. A FULL COPY OF THE AFFECTED ARTICLE IS AVAILABLE FOR VIEWING AT MINUTES AND RECORDS AND GROWTH MANAGEMENT

Proof of publication of the notice of public hearing on establishment of ordinance/regulations affecting the use of land regarding Article II was received, having been published in *The St. Augustine Record* on June 10, 2011.

James Whitehouse, Deputy County Attorney, entered the meeting. Michael Blackford, Planning and Zoning Manager, gave a presentation, *Exhibit A*. He said the request involved modifying the actual use category, restrict some outside activities, alcohol consumption, buffering around the building, allowing on-site outdoor seating for restaurants, and vehicle recycling. Discussion followed regarding auto repair as an allowable use, vehicle sales, and alcohol sales. Wanchick asked the Board if they would like Blackford to return to the Board with wording that would incorporate no limitation. *Bryan said there was a consensus to do so.* Stevenson voiced concern about allowing a drive thru, and spoke on impacts from outdoor speakers. Blackford replied that there existed Drive-thru design standards in Article 6 of the Land Development Code. Stevenson mentioned having compatibility problems with outside speakers in residential areas. Blackford said that the design standards would apply.

(12:33 p.m.) Bryan announced the future public hearing dates of July 21, 2011, for the Planning and Zoning Agency, and August 2, 2011, for the Board of County Commissioners. Whitehouse mentioned taking a version, of no distance between the vendors, to the Planning and Zoning Agency to see what their comment was and then it would come back to the Board for a final decision. Blackford clarified that the separation would apply to lounges or package stores, and questioned whether all vendors with 14 percent liquor or higher, or should it be limited to the package stores. The Board replied that all should be included.

(06/21/11 - 18 - 12:05 p.m.)

13. SETTLEMENT AGREEMENT AND COMPLETE RELEASE PURSUANT TO VESTING APPEAL VEST2009000003 (VERANDA). APPELLANTS, VERANDA I PARTNERS LTD., VERANDA II PARTNERS LTD., VERANDA III PARTNERS LTD., VERANDA IV PARTNERS LTD., VERANDA V PARTNERS LTD., VERANDA VI PARTNERS LTD., AND VERANDA OWNERS ASSOCIATION OF PONTE VEDRA BEACH, INC., (HEREINAFTER COLLECTIVELY, "VERANDA") AND APPELLEE, ST. JOHNS COUNTY. VERANDA IS THE APPELLANT IN A PENDING APPLICATION FOR AN APPEAL OF A DECISION OF THE COUNTY ADMINISTRATOR (THE "APPEAL"), BEARING FILE NUMBER VEST2009000003, SEEKING THE REVERSAL OF THE FORMAL ADMINISTRATIVE DENIAL TO VERANDA'S CONFIRMATION OF VESTED RIGHTS TO THE TERMS OF THE ST. JOHNS COUNTY NOISE ORDINANCE IN EFFECT AT THE TIME OF THE ENACTMENT OF ORDINANCE 2006-140, A MAJOR MODIFICATION TO THE PLAYERS CLUB PUD WHICH MODIFICATION GRANTED VERANDA THE RIGHT TO OUTDOOR ENTERTAINMENT ON THE PROPERTY. THE COUNTY HAS ADMINISTRATIVELY DENIED THE INTERPRETATION OF THE FACTS AND PRINCIPLES OF LAW ASSERTED BY VERANDA. THE PARTIES TO THE AGREEMENT HAVE EACH READ IT IN THE PRESENCE OF COUNSEL, AND UNDERSTAND THE PURPOSE, TENOR AND EFFECT OF THE AGREEMENT

Erica Moore, Assistant County Attorney, reviewed the item and asked for the Board's approval.

(12:07 p.m.) Isabelle, Lopez, 1 Independent Drive, said they had finalized some of the legal language.

(12:08 p.m.) Daniel McDonald, Vickers Landing, representing PV Coalition, spoke in favor of the item.

(12:10 p.m.) McCormack asked for a sidebar. He thanked everyone and said a second DCA case was being considered, but would not affect the enforceability of the current issue, and Lopez concurred. Morris stated that he thought it was a good conclusion of the case.

(12:12 p.m.) Motion by Morris, seconded by Miner, carried 5/0, to approve said Settlement Agreement and Complete Release pursuant to Vesting Appeal Vest2009000003, (Veranda) as presented, and to authorize the Chairman of the St. Johns County Board of County Commissioners, to execute same on behalf of St. Johns County.

The Chairman returned to Item 11 of the agenda.

(06/21/11 - 18 - 12:35 p.m.)

14. CONSIDER TWO APPOINTMENTS TO THE PONTE VEDRA ZONING AND ADJUSTMENT BOARD

Melissa Lundquist, BCC Manager, mentioned that the agenda stated two appointments, however, a correction needed to be made because of some wrong information when the agenda was being prepared. She said only one appointment had an expired term. She stated that staff had received two applications for the position. The recommendation from the Ponte Vedra Zoning & Adjustment Board was Robert Becker.

(12:36 p.m.) Motion by Morris, seconded by Sanchez, carried 5/0, to appoint Robert D. Becker to the Ponte Vedra Zoning & Adjustment Board for a full four-year term scheduled to expire June 21, 2015.

(06/21/11 - 19 - 12:36 p.m.)

15. CONSIDER TWO APPOINTMENTS TO THE CONTRACTORS REVIEW BOARD

Melissa Lundquist, BCC Manager, stated that two appointments to the Contractors Review Board were due to expired terms and both positions were required to be licensed professionals. She stated that the Board needed a Class II professional and a Plumbing professional.

(12:37 p.m.) **Motion by Sanchez, seconded by Miner, carried 5/0, to appoint Greg Russell, Class II professional, to the Contractors Review Board for a full four-year term scheduled to expire June 21, 2015.**

And

Motion by Sanchez, seconded by Miner, carried 5/0, to appoint Dale Jackson, Plumbing professional, to the Contractors Review Board for a full four-year term scheduled to expire June 21, 2015.

(06/21/11 - 19 - 12:38 p.m.)

COMMISSIONERS' REPORTS

Commissioner Stevenson:

Stevenson mentioned a meeting with County staff regarding legislative changes, and asked the Planning staff to look at ways to address the density and intensity in certain areas in the event there was lost concurrency and items that had been approved without that consideration.

Stevenson thanked the library staff for coming in concerning the issue about filtering computers in the library.

(12:40 p.m.)

Commissioner Morris:

No report.

(12:40 p.m.)

Commissioner Sanchez:

Sanchez stated that the Florida Memorial University agreed to donate property for an art center. Bryan said he wanted to make sure there was sustainability in the plan, to build in some kind of economic component so it could maintain itself. (12:42 p.m.) *There was a consensus of the Board.*

(12:42 p.m.)

Commissioner Miner:

Miner stated that the list of transportation projects that the Board voted on a couple of meetings ago was adopted without hesitation at the TPO.

Miner mentioned that two firefighters were recently killed in Florida fighting wildfires. He said last week there were over 25 fires on-going in St. Johns County. He commended St. Johns County Fire Rescue personnel, as well as, the Forestry personnel for their hard work and sacrifices.

Miner said that he thought they needed filters on all the computers and he appreciated the Library Advisory Board's hard work on the subject.

(12:43 p.m.)

Commissioner Bryan:

No report.

(06/21/11 - 20 - 12:44 p.m.)

COUNTY ADMINISTRATOR'S REPORT

Wanchick stated that they were working with the Library Board on the library filters and testing a concept. If successful, he said they would bring it to the Commission for approval.

Wanchick mentioned that Locklear would be giving a quick update on beach renourishment activities.

(12:44 p.m.) Locklear stated that St. Johns County, in concert through the Army Corps of Engineers, had pursued a permit from the Department of Environmental Protection (DEP) to nourish the beaches in St. Augustine Beach. In April, he said the DEP published their intent to issue the permit. During that comment period, he noted that residents from the South Ponte Vedra/Vilano Beach Restoration Association requested a thirty-day extension from DEP to file an appeal of that permit, which was granted, and expired the end of June. He said they had been working on a compromise and had yet to be reached. He stated that a reasonable negotiation could be reached.

(12:46 p.m.) Locklear spoke on the Corps dredging project on the Intercoastal near Summer Haven. He stated that the project was not County related. Sanchez said that the dredging of the inlet had been going on a long time, so why, all of a sudden, had it caused south Ponte Vedra Beach to have a problem. Wanchick stated that they believed the science would not show that it caused a problem. He stated the matter was a serious situation that staff had worked on with Congress Mica's Office. He said they would return to the Board a more elaborate presentation at a later date. He stated that staff continued to try to mediate the issue.

(06/21/11 - 20 - 12:49 p.m.)

COUNTY ATTORNEY'S REPORT

McCormack mentioned that the West Augustine CRA had worked with staff on a number of items. He said one item would come to the Board on July 21, 2011, involving the Public Nuisance Ordinance.

McCormack mentioned that the Noise Ordinance had some issues and would not be ready to come before the Board on July 21, 2011.

McCormack spoke about being down one Assistant County Attorney and advertising for the position. He said that he would like to get authority from the Board to be able to offer at least mid grade of the Assistant County pay grade. He stated that the full grade went from \$70,000 k to \$102,000. He wanted to offer Step 11, which was at the \$86,000 mark and since the next time the Board met would be July 21, 2011, he would like to get somebody on board prior to that date. He said that he would like the Board to give consensus that he would be allowed to offer that amount. Bryan commented that \$86,000 was a lot of money. McCormack stated that he would not fill the position, but for the opportunity up to that step. He mentioned that it would be a \$20,000 drop from the current opened position. Bryan said that he would talk to McCormack later. (12:55 p.m.) *There was a consensus of the Board.*

McCormack said the Board adopted an ordinance pertaining to real estate acquisition to expedite, and in many cases, allow safeguards to reduce cost of real estate transactions in certain limited situations. He stated that an interesting situation had developed where the County had an opportunity to implement the ordinance, particularly, Section 5, allowing the County Administrator authority to execute and approve purchase and sale agreements, under certain conditions, for property under the amount of \$250,000 and were more formerly described in the ordinance. He asked the Board to authorize the actual use of that section, for a particular property; Hastings Manor, Block 1, Lots 14-23, as recorded in OR book 2535, Page 1246. He stated that the ordinance gave authority, and the Clerk of Courts was looking for awareness and approval by the Board. He asked the Board, in a recommended motion, to authorize the County Administrator to participate in property disposition activity, pertaining to the legal description read by McCormack, and was authorized to make an enforceable offer on such property up to the amount authorized by Ordinance No. 2011-17, Section 5. Stevenson said that she had no idea what property he was talking about. McCormack stated that the property was located in Hastings. He said he would like to add some language to the ordinance to make sure the County and the Clerk of Court were fully on board with the idea. Miner asked for the amount of the property. McCormack replied that the amount would not exceed \$250,000 for the property, which was much less than the appraised value. (12:59 p.m.) **Motion by Sanchez, seconded by Miner, carried 5/0, to authorize the County Administrator to participate in a property disposition activity pertaining to Hastings Manor, Block 1, Lots 14-23, as recorded in OR 2535, Page 1246, and authorized to make an enforceable offer on such property up to the amount authorized by Ordinance No. 2011-17, Section 5.**

(1:00 p.m.) Bryan said that staff would create a policy, and ask for a consensus of the Board, so when board and committee members leave their positions, a certificate of appreciation would be presented for serving on one of the boards or committees, signed by the Chairman and County Administrator. *There was a consensus of the Board.*

Bryan mentioned that a valued employee from the County, Rob Weber, had accepted a position with a private entity in Clay County. He said staff and the Board appreciated him and wished him well.

(06/21/11 - 21 - 1:02 p.m.)
CLERK OF COURT'S REPORT

No report.

With there being no further business to come before the Board, the meeting adjourned at 1:02 p.m.

REPORTS:

1. St. Johns County Board of County Commissioners Check Register, Checks No. 470797 - 470808, totaling \$191,347.19 (05/18/11)
2. St. Johns County Board of County Commissioners Check Register, Checks No. 470809 - 471049, totaling \$1,474,605.94 (05/31/11)
3. St. Johns County Board of County Commissioners Voucher Register, Vouchers No. 5992-6036, totaling \$482,156.02 (05/31/11)
4. St. Johns County Board of County Commissioners Check Register, Checks No. 471050-471070, totaling \$39,632.58 (06/02/11)
5. St. Johns County Board of County Commissioners Check Register, Checks No. 471071-471075, totaling \$152,148.09 (06/03/11)
6. St. Johns County Board of County Commissioners Check Register, Checks No. 471076-471246, totaling \$512,169.39 (06/08/11)
7. St. Johns County Board of County Commissioners Voucher Register, Vouchers No. 6037-6083, totaling \$178,928.91 (06/08/11)

8. St. Johns County Board of County Commissioners Check Register, Checks No. 471247-471458, totaling \$1,065,678.99 (06/14/11)
9. St. Johns County Board of County Commissioners Voucher Register, Vouchers No. 6084-6131, totaling \$972,215.18 (06/14/11)
10. St. Johns County Board of County Commissioners Check Register, Checks No. 471459-471490, totaling \$68,570.56 (06/16/11)

CORRESPONDENCE:

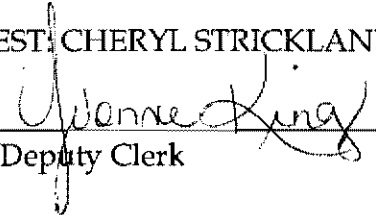
1. Letter dated June 7, 2011, to Liz Cloud, Program Administrator, Department of State, filing St. Johns County Ordinance Number 2011-19
2. Letter dated June 8, 2011, to Liz Cloud, Program Administrator, Department of State, filing St. Johns County Ordinances Number 2011-18 and 2011-20

Approved July 19, 2011

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: 
J. Ken Bryan, Chair

ATTEST: CHERYL STRICKLAND, CLERK

By: 
Deputy Clerk

