

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
OCTOBER 4, 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
Pam Halterman, Deputy Clerk

(10/04/11 - 1 - 9:00 a.m.)
CALL TO ORDER

Bryan called the meeting to order.

(10/04/11 - 1 - 9:00 a.m.)
ROLL CALL

The clerk called the roll, and all members were present.

(10/04/11 - 1 - 9:00 a.m.)
INVOCATION

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

(10/04/11 - 1 - 9:01 a.m.)
PLEDGE OF ALLEGIANCE

Commissioner Ron Sanchez led the Pledge of Allegiance.

(10/04/11 - 1 - 9:01 a.m.)
DELETIONS TO CONSENT AGENDA

Wanchick advised that Consent Item #6 would be pulled from the agenda and rescheduled to November 1st, 2011.

(10/04/11 - 1 - 9:02 a.m.)
APPROVAL OF CONSENT AGENDA

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

1. Approval of the Cash Requirement Report
2. Minutes:
 - BCC Regular 09/06/11
 - BCC Regular 09/20/11

3. Motion to adopt **Resolution No. 2011-287** declaring certain County property (2884 9th Street and 1603 N Whitney Street) as surplus and authorizing the County Administrator, or designee, to take all action necessary to close the transaction pursuant to the provisions set forth in Ordinance No. 2011-17

RESOLUTION NO. 2011-287

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, DECLARING CERTAIN COUNTY PROPERTY AS SURPLUS AND AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO TAKE ALL ACTION NECESSARY TO CLOSE THE TRANSACTION PURSUANT TO THE PROVISIONS SET FORTH IN ORDINANCE NO. 2011-17

4. Motion to adopt **Resolution No. 2011-288** approving the terms and authorizing the County Administrator, or designee, to execute a Release and Settlement Agreement, County Deed and accept a Warranty Deed from David & Francis Smith. The Release and Settlement Agreement is in the amount of \$10,000 and the result of a pipe encroaching onto private property while a pond site was being constructed for the improvements to Roberts Road

RESOLUTION NO. 2011-288

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 RELEASE AND SETTLEMENT AGREEMENT, COUNTY DEED, AND ACCEPT A WARRANTY DEED

5. Motion to adopt **Resolution No. 2011-289** accepting a Beach Storm Damage Reduction Easement located on St. Augustine Beach and authorizing the County Administrator to join in the execution of the easement on behalf of the County in connection with the St. Johns County Shore Protection Project

RESOLUTION NO. 2011-289

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING A BEACH STORM DAMAGE REDUCTION EASEMENT AND AUTHORIZING THE COUNTY ADMINISTRATOR TO JOIN IN THE EXECUTION OF THE EASEMENT ON BEHALF OF THE COUNTY IN CONNECTION WITH THE ST. JOHNS COUNTY SHORE PROTECTION PROJECT

Item #6 was pulled from the agenda and rescheduled to November 1, 2011.

6. Motion to adopt a resolution approving the final plat for Woodlake, Phase II
7. Motion to adopt **Resolution No. 2011-290** approving the terms, provisions, conditions, and requirements of Florida Department Environmental Protection Use Agreement Number 0375 for St. Augustine Beach Shore Protection Sand Nourishment between St. Johns County and the State Parks for use of Anastasia State Park Lands and authorizing the County Administrator, or designee, to

execute the Use Agreement, along with any supplemental documentation, on behalf of the County

RESOLUTION NO. 2011-290

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND CONDITIONS OF A USE AGREEMENT BY AND BETWEEN THE STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION AND ST. JOHNS COUNTY; PROVIDING FOR THE EFFECT OF RECITALS; AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO EXECUTE THE AGREEMENT AND SUPPLEMENTAL DOCUMENTATION; PROVIDING FOR CORRECTION OF ERRORS; AND PROVIDING AN EFFECTIVE DATE

8. Motion to adopt **Resolution No. 2011-291** approving the terms, provisions and conditions of a Landscape Maintenance Agreement between the State of Florida Department of Transportation and St. Johns County, Florida, along a portion of SR A1A North St. Johns County and a portion along SR 13 in Northwest St. Johns County, and authorizing the County Administrator or his designee to execute the landscape maintenance agreement on behalf of the County

RESOLUTION NO. 2011-291

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS, AND CONDITIONS OF A LANDSCAPE MAINTENANCE AGREEMENT BETWEEN THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION AND ST. JOHNS COUNTY, FLORIDA, ALONG A PORTION OF SR A1A NORTH ST. JOHNS COUNTY, AND AUTHORIZING THE COUNTY ADMINISTRATOR, OR HIS DESIGNEE, TO EXECUTE THE LANDSCAPE AGREEMENT ON BEHALF OF THE COUNTY

9. Motion to adopt **Resolution No. 2011-292** approving the terms, conditions, and requirements of the contract regarding responsibilities for the Quality Assurance, Continuous Quality Improvement between St Johns County and the Florida Department of Children and Families (DCF) and authorize the County Administrator, or his designee, to execute the contract on behalf of the County

RESOLUTION NO. 2011-292

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF AN AGREEMENT BETWEEN ST. JOHNS COUNTY, FLORIDA, AND FLORIDA DEPARTMENT OF CHILDREN AND FAMILIES OFFICE OF FAMILY AND COMMUNITY SERVICES - CHILD WELFARE AND AUTHORIZING THE CHAIR OF THE BOARD OF COUNTY COMMISSIONERS TO EXECUTE THE AGREEMENT ON BEHALF OF THE COUNTY

10. Proofs:
 - a. Proof: Notice to Bidders Bid #11-101, Janitorial Services for SJC Libraries, published August 31, 2011, and September 7, 2011, in *The St. Augustine Record*.
 - b. Proof: Notice to Bidders Bid #11-90, Transportation & Disposal of Class B Aerobic Wastewater Sludge, published September 1, 2011, and September 8, 2011, in *The St. Augustine Record*.
 - c. Proof: Notice of Public Hearing of the Board of County Commissioners on September 20, 2011, at 9am, establishment of Ordinance/Regulations of Firearms, published September 9, 2011, in *The St. Augustine Record*.

(10/04/11 - 4 - 9:02 a.m.)
PUBLIC COMMENT

None.

(10/04/11 - 4 - 9:03 a.m.)
ADDITIONS/DELETIONS TO REGULAR AGENDA

Miner asked to add Item #1a for a video news report concerning the BP Gas Station fire.

McCormack advised that he would provide an update to the Board in regards to redistricting. Bryan added the item to the agenda as #11a. He also pointed out that Item #6 would be lengthy.

(10/04/11 - 4 - 9:04 a.m.)
APPROVAL OF REGULAR AGENDA

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

- (10/04/11 - 4 - 9:04 a.m.)
1. OVERVIEW PRESENTATION ON THE UPCOMING NOVEMBER 6, 2011, VETERANS EVENT TO HONOR PRISONERS OF WAR BY BILL DUDLEY, CHAIRMAN, ST. JOHNS COUNTY VETERANS COUNCIL AND VIEWING OF A NEW VETERANS VIDEO DOCUMENTARY "PRISONERS OF WAR: STOLEN FREEDOM" BY MICHAEL CARROLL ROTHFELD, PRESIDENT, FLORIDA VETERANS PROGRAM & PROJECTS, INC.

Miner asked for Bill Dudley, Chairman St. Johns County Veterans Council, and Michael Rothfeld, President Florida Veterans Program and Projects, to approach the podium for their presentation to the Board. Dudley spoke about the November 6, 2011, Veterans Documentary Event to be held at the Anastasia Baptist Church which was the fourth in a series of Veterans' Programs. He extended an invitation to attend the documentary and pay tribute to the deserving and outstanding patriots who gave so much to the nation in a time of need.

(9:07 a.m.) Rothfeld spoke about the November event being held during Veterans Week and offered details about the celebrations coming in the near future. He presented the documentary to the Board and audience. Rothfeld thanked the Board for allowing him to show the documentary and reiterated the invitation to the November event. Miner thanked both men for the presentation.

(10/04/11 - 5 - 9:16 a.m.)

1a. BP GAS STATION FIRE VIDEO

Miner introduced a South Florida Television news report in regards to the BP Gas Station fire in St. Augustine, Florida, and the lack of necessary communications between emergency personnel.

(10/04/11 - 5 - 9:21 a.m.)

2. CONSIDER THE APPROVAL OF THE ST. JOHNS COUNTY 2012 LEGISLATIVE ACTION PLAN

Wanchick stated that the video underscored the national problem staff was attempting to address with the County's radio system through the increase in the millage in order to obtain the necessary radio system. He said the BP fire showed how a volunteer fire department would never be able to response effectively. He pointed out that the County was not alone in the struggle for better communications between emergency personnel.

He communicated that he would present the 2012 Legislative Action Plan to the Board and noted that many items would be familiar to the Board because several items were carried over from the previous years' list. He reviewed details of the recommended 2012 list, which would be presented by the Chairman to the Legislative Delegation on October 13, 2011, in the County auditorium.

(9:31 a.m.) Stevenson stated that she appreciated the Administrator placing the pretrial release element on the priority list and noted that the local jurisdictions were delegated costly duties as an effort to reduce the cost at the State level. She noted that the County needed cooperation from the Legislators if the County were to deliver cost effective services to the residents. In regards to Pretrial Release, Wanchick noted that 60% of inmates in the jail were on a pretrial status. Bryan pointed out that many cases involved non-violent cases, which Wanchick affirmed.

(9:35 a.m.) Motion by Miner, seconded by Sanchez, carried 5/0, to adopt the St. Johns County's 2012 Legislative Action Plan.

(10/04/11 - 5 - 9:35 a.m.)

3. PUBLIC HEARING - APPLICATION TO THE DEPARTMENT OF COMMUNITY AFFAIRS FOR SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FUNDS ON BEHALF OF ST. JOHNS COUNTY. CONSIDER A MOTION TO AUTHORIZE STAFF TO WORK WITH THE DEVELOPER OF SILVER CREEK ASSISTED LIVING FACILITY AND THEIR CONSULTANT TO PREPARE FOR SUBMITTAL OF AN APPLICATION TO THE DEPARTMENT OF COMMUNITY AFFAIRS FOR SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FUNDS

Proof of publication of the notice of public hearing on the application to the Dept. of Community Affairs for Small Cities Community Development Block Grant Program was received, having been published in *The St. Augustine Record* on September 26, 2011.

Tom Crawford, Director of Housing and Community Services, spoke about the Community Development Block Grant application to the State. He pointed out that the State had funds remaining from FY 2010 which could be used for economic development. He stated that the first public hearing was held in order to attempt to obtain funds from the State on a project that was ground ready. He introduced Fred Fox, Fred Fox and Associates for the CDBG.

(9:37 a.m.) Fred Fox explained details of the block grant through the State Department of Community Affairs but was changed to the Department of Economic Opportunity. He noted that a fourth category called Economic Development existed and applications were processed on a first come, first serve basis. He described that the County could obtain up to \$750,000 to complete infrastructure improvements necessary for the business to expand or relocate into the community. He explained that the Silver Creek Assisted Living Facility had expressed an interest and noted that the applicant would be the County. He summarized that the project required the developer to create one new permanent fulltime equipment job for each \$35,000 of grant funds requested. Therefore, he noted that the developer would be required to create at least 22 fulltime equivalent new jobs in the County. He added that at least 51% of the new jobs would be filled by people from households with low to moderate income for the past year.

In response to an inquiry from Bryan, Crawford affirmed that the entire amount of funding would be used for Silver Creek, who had two phases to the development with Phase One generating 90 jobs. He advised that the second public hearing would be scheduled for November 1st, 2011.

(9:41 a.m.) Stevenson asked whether any obligations to the County as a result of the grant for future performance. Crawford affirmed that to be correct and Fox explained that a job would be created for each \$35,000 requested. He explained that the County would be required to return the funds if new employees were not utilized for the grant fund project. He added that a fund match would exist for the developer.

(9:42 a.m.) Motion by Miner, seconded by Bryan, carried 5/0, to authorize Staff to work with the developer of Silver Creek Assisted Living Facility and their consultant to prepare for submittal of an application to the Department of Community Affairs for Small Cities Community Development Block Grant Program funds on behalf of St. Johns County.

(10/04/11 - 6 - 9:43 a.m.)

4. PUBLIC HEARING - PNZVAR - 2011-02 WORLD GYM NON-ZONING VARIANCE. THIS IS A REQUEST FOR A NON-ZONING VARIANCE (PNZVAR) TO WAIVE SECTION 3.08.07.D.2 (MID-ANASTASIA OVERLAY DISTRICT) OF THE LAND DEVELOPMENT CODE IN ORDER TO INCREASE WALL SIGN ADVERTISING DISPLAY AREA (ADA) FROM 24 TO 46.8 SQUARE FEET. THIS PROJECT IS LOCATED AT 1947 A1A S. THE MID-ANASTASIA DRB MADE A 4-0 RECOMMENDATION TO APPROVE THIS ITEM AT THEIR SEPTEMBER 8, 2011, MEETING. THE DEVELOPMENT REVIEW DIVISION FINDS THE REQUEST SUBSTANTIALLY MEETS THE REQUIREMENTS OF THE COMPREHENSIVE PLAN AND THE LAND DEVELOPMENT CODE. PLEASE REFER TO THE ATTACHED GROWTH MANAGEMENT REPORT FOR PROJECT DETAILS

Proof of publication of the notice of public hearing on PNZVAR 2011-02, World Gym non-zoning variance, was received, having been published in *The St. Augustine Record* on September 19, 2011.

David Harrell, Planner I, spoke about the development and offered details of the application for the Board. He specified that the practical difficulty, as mentioned in the Land Development Code, would be the size of the existing signage was too small to see.

(9:45 a.m.) Motion by Miner, seconded by Sanchez, carried 5/0, to approve non-zoning variance application, known as PNZVAR 2011-02, adopting findings of fact 1 through 6 to support the motion.

(10/04/11 - 7 - 9:46 a.m.)

5. PUBLIC HEARING - PNZVAR 2011-03 CRESCENT BEACH PLAZA SIGN. THIS IS A REQUEST FOR A NON-ZONING VARIANCE (PNZVAR) TO WAIVE SECTIONS 3.07.09.C AND 3.07.09.E (SOUTH ANASTASIA OVERLAY DISTRICT) OF THE LAND DEVELOPMENT CODE IN ORDER TO INCREASE GROUND SIGN HEIGHT FROM 8 FEET TO 12 FEET AND INCREASE ADVERTISING DISPLAY AREA FROM 32 TO 36 SQUARE FEET. THIS PROJECT IS LOCATED AT 6974 A1A S. THE SOUTH ANASTASIA DRB WILL MAKE A RECOMMENDATION ON THIS ITEM AT THEIR SEPTEMBER 22, 2011, MEETING. THE DEVELOPMENT REVIEW DIVISION FINDS THE REQUEST SUBSTANTIALLY MEETS THE REQUIREMENTS OF THE COMPREHENSIVE PLAN AND THE LAND DEVELOPMENT CODE. PLEASE REFER TO THE ATTACHED GROWTH MANAGEMENT REPORT FOR PROJECT DETAILS

Proof of publication of the notice of public hearing on PNZVAR 2011-03, Crescent Beach Plaza sign application, was received, having been published in *The St. Augustine Record* on September 19, 2011.

David Harrell reviewed the application and offered details of the non-zoning variance application to the Board. He explained that the sign was blocked because of the native shrubs, which was measured at eight feet; therefore, the applicant had asked that the sign be placed at twelve feet in height.

(9:48 a.m.) Stevenson voiced that the new sign would be more esthetically pleasing and offer better advertising to the existing businesses. Bryan said it was a good idea and suggested that other shopping centers could make their places more appealing by cleaning up and beautifying their areas. He noted that much had already been done in that area. He voiced that he would like to commend the South Anastasia Board, who were volunteers and who would approve the signs. Stevenson stated that an area by the Bartram Scenic Highway corridor area had an unattractive sign and suggested that Staff work on the signage issue to allow people to appeal such elements. Konchan affirmed that staff was currently working on that issue.

(9:52 a.m.) Motion by Stevenson, seconded by Miner, carried 5/0, to approve non-zoning variance application, known as PNZVAR 2011-03, adopting findings of fact 1 through 6 to support the motion.

Bryan called a break at 9:52 a.m. and reconvened at 10:14 a.m.

(10/04/11 - 7 - 10:14 a.m.)

6. PUBLIC HEARING - PROPOSED NOISE ORDINANCE. AN ORDINANCE ESTABLISHING REGULATIONS FOR THE CONTROL OF NOISE ORIGINATING WITHIN THE UNINCORPORATED AREAS OF ST. JOHNS COUNTY. THE OFFICE OF THE COUNTY ATTORNEY HAS HELD A WORKSHOP AND VARIOUS FOLLOW-UP MEETINGS FOR REVISIONS TO THE COUNTY NOISE ORDINANCE. THE ATTACHED ORDINANCE IS PRESENTED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION AND ENACTMENT OF SAME. AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA, ESTABLISHING REGULATIONS FOR THE CONTROL OF NOISE ORIGINATING WITHIN THE UNINCORPORATED AREAS OF ST. JOHNS COUNTY, AND WHERE PROPERTY IN THE UNINCORPORATED AREA IS NEGATIVELY AFFECTED; PROVIDING FOR EFFECT OF RECITALS; PROVIDING RECOGNITION OF AUTHORITY; PROVIDING FOR JURISDICTION; PROVIDING DEFINITION OF TERMS; PROHIBITING BREACH OF THE PEACE AND LIMITING THE UNREASONABLE AND EXCESSIVE LEVELS OF NOISES; PROVIDING FOR

EXEMPTIONS; PROVIDING FOR GRANDFATHERING, VESTING AND PRIORITY; PROVIDING FOR TEMPORARY NOISE PERMITS; PROVIDING FOR ENFORCEMENT; PROVIDING FOR PENALTIES, PROVIDING FOR CONFLICTS OF LAW; PROVIDING FOR SEVERABILITY AND REPEAL; PROVIDING FOR AN EFFECTIVE DATE

Proof of publication of the notice of public hearing on the proposed noise ordinance was received, having been published in *The St. Augustine Record* on September 23, 2011.

Erica Moore, Assistant County Attorney, spoke about the noise ordinance and offered revision details to the Board. She made a PowerPoint presentation concerning the proposed changes to the ordinance and pointed out that the ordinance had been amended five times and was cumbersome on paper as well as in the field. She explained that the noise ordinance would contain specific prohibited and exempted noise elements. She advised that the ordinance was not overbroad or too vague because it was necessary to touch lightly on the free speech issue. She stated that the restrictions must be content neutral and must allow ample alternative channels of communication. She noted that staff had added clauses to the proposed ordinance such as the civil breach of peace, grandfathering, exemptions, etc. She continued to review elements of the proposed ordinance.

(10:29 a.m.) Sanchez pointed out that he had received numerous emails and phone calls regarding the proposed ordinance. He mentioned that he was in favor of the optional language presented that day to the Board. He voiced that he was opposed to allowing the Animal Reserve as an exemption; although he was not against any animals.

(10:32 a.m.) Stevenson asked for clarification in regards to a civil matter between neighbors and whether the proposed ordinance would impact the County and be required to get involved in neighborhood disputes. She questioned whether the required sworn affidavits from the two or more parties would be acceptable by a judge. Moore responded to Stevenson and said any code enforcement ordinance had the danger of embroiling with neighborhood disputes. Bryan pointed out that a mediation service had recently been approved by the Board to help such disputes. Stevenson asked whether mediation could be included as an option prior to court. McCormack affirmed that the County had been developing a mediation program, but also suggested that Code Enforcement handled such issues on a regular basis.

(10:37 a.m.) Morris suggested that noise ordinance hours should be 7pm to 7am in the county. Moore noted that a Recognition of Authority clause was included in the proposed ordinance which had been upheld in Federal Court. She said the County could defend any challenges to the proposed times of 10pm to 7am. She pointed out that the County remained with the Civil Breach of Peace element of the ordinance for noise prior to the 10pm time regulation. (10:41 a.m.) Bryan said he supported the proposed timeframes. He noted that, although the county was small, the county was diverse and must consider the many different lifestyles because a single law would not adhere to the entire county community. He suggested that the proposed ordinance would allow most residents to live peacefully in the County.

(10:43 a.m.) Miner opened the public hearing and the following citizens spoke about the proposed ordinance:

- (10:45 a.m.) Deborah Warrick, 5190 Farm Creek Road, founder St. Augustine Wildlife Reserve, spoke about her animal reserve program and the history of the Reserve. She presented a petition with 600 signatures and many letters of support for the Reserve and Warrick.

- (10:49 a.m.) Ellen Avery-Smith, 100 Whetstone Place, Attorney with Rogers-Towers, spoke about the noise ordinance and the effect noise had on the public. She stated that the hours in Section 5c were changed to 10pm to 7am during the week and 11pm to 7am on Friday and Saturday nights. She voiced concern in regards to construction companies not being allowed to work prior to 10am on Saturdays. She pointed out that most construction companies started at 8am on Saturdays. She asked the Board to consider the amendment that added future and existing PUD agreements.
- (10:52 a.m.) Deborah White, 7 Buckthorn Look, Ormond Beach, spoke about St. Augustine Wildlife Reserve, being a volunteer at the Reserve, and the lack of noise from the lions on the property.
- (10:54 a.m.) Lynn Williams, 5010 Silo Road, spoke about the wildlife reserve and the benefit of the reserve in the county.
- (10:55 a.m.) Charles Liner, 5175 Silo Road, spoke about the Reserve and pointed out that he lived closest to the animals at the Reserve than anyone and enjoyed the wildlife and thought of it as an asset to the community. He noted that the lion only chuffed during dinner time.
- (10:58 a.m.) Richard Mansfield, 595 Palmera Drive, spoke about running a mower at night after the sunset due to the hot weather. He suggested that the Sheriff's manpower would be negatively affected because of the proposed noise ordinance.
- (10:59 a.m.) Rev. Jack Ford, 1066 Bernath Drive, St. Johns, spoke about his congregation visiting the Wildlife Reserve and his volunteering at the site. He pointed out that the Civil Breach of Peace element in the proposed ordinance should be neutral. He asked that an exception be in place for the St. Augustine Animal Reserve.
- (11:02 a.m.) Donald Enders, 5160 Silo Road, spoke about the wolves howling and lions roaring at the Reserve and asked that they not be allowed an exemption from the proposed ordinance.
- (11:04 a.m.) Diana Enders, 5160 Silo Road, thanked Sanchez for listening to the residents near the Reserve. She reiterated that the Wildlife Reserve should not be exempt.
- (11:05 a.m.) Avelina Schearer, 5184 Farm Creek Road, spoke about living next door to the Wildlife Reserve for 25 years and said the wild animals howled and roars all day and night, 365 days a year and asked that the Board not allow the Reserve an exemption.
- (11:06 a.m.) Susan Briers, 1719 East Cobblestone Lane, spoke about the wildlife facility and said the Reserve was an asset to the county and residents of the county.
- (11:08 a.m.) Neil Sanderson, 5230 Silo Road, spoke in favor of the Reserve and said it was an asset and educational for the County.
- (11:09 a.m.) Pamela Hill, 131 Ferdinand Avenue, spoke about the Wildlife Reserve and how the facility benefited the county and residents of the county. She pointed out that the property was zoned Open Rural that accommodated all animal owners.
- (11:12 a.m.) Brittany Seibold, 2318 Torbay Drive, Orange Park, spoke about the Wildlife Reserve and said she was in favor of allowing the Reserve an exemption status. She added that the Reserve was professionally operated and was an asset.
- (11:15 a.m.) Michael McPhillips, 2789 Oak Grove Avenue, spoke in favor of an exemption for the Wildlife Reserve and said it was a valuable resource.
- (11:17 a.m.) Joanna McPhillips, 2789 Oak Grove Avenue, spoke in favor of the St. Augustine Wildlife Reserve.
- (11:18 a.m.) Valerie Hale, 5235 Silo Road, commented that she was in favor of the Reserve. She questioned why the ordinance did not retain the exemption for the Reserve and also the sworn affidavits for a neighborhood dispute.
- (11:21 a.m.) Mary Sevard, 2785 Stratton Road, asked that the proposed hours adhered to weekend and holidays as well. She presented documents showing posted construction hour signage onsite at an approved PUD across from her residence.

- (11:24 a.m.) Michael Fara, 5210 Silo Road, spoke in favor of the St. Augustine Wildlife Reserve and asked that the organization be exempt.
- (11:26 a.m.) Kurt Wendland, President Chamber of Commerce, 1 Riberia Street, spoke about the creation of a separate ordinance for commercial, industrial, and construction activities.
- (11:29 a.m.) Julie Miller, 50 North Laura Street, Jacksonville, representative of the St. Augustine Wild Reserve, spoke about the animal noise provision, Section 5k, in the ordinance. She provided information about noise on the property and said they were more than willing to work with the county. She directed attention to the original draft which had a provision that stated: this provision shall not apply to properly zoned, licensed, and permitted petting or animal attractions. She stated that the Reserve was legal on all points and had met the State and local standards necessary for the facility.

(11:31 a.m.) Bryan said he and his wife had toured the facility. He stated that the geese had made more noise than the lion and wolves while on the property. Miller agreed that most complaints involved the male lion on the property; however, the property owner would be willing to buffer the cage to lessen the noise issue. In response to an inquiry, Miller noted that volunteers were willing to donate shrubs and bushes to buffer the noise. She added that a more structured element would be included in their attempt to buffer the noise. Morris stated that he had toured the facility and suggested that the exemption for the facility remain in the proposed ordinance. Miner also voiced that he had visited the site and took a tour of the property and noted that the sight was professional and a well operated facility. He added that the time of 8am should be included in the ordinance. McCormack advised that a provision could be created for the industrial element as well as the wildlife facility. Miner spoke about exemptions and said they were not necessary in the ordinance. Bryan agreed with Miner, and said he would not want to discourage companies from coming to the county for economic development which was needed in the county. Sanchez pointed out that the county had never approved the Reserve except for the commercial element but was only allowed to operate through the Federal and State governments. He said an exemption should not be needed if a noise problem did not exist at the Wildlife Reserve. He reiterated that he would not support the exemption status for the Reserve.

(11:46 a.m.) Moore clarified that the Wildlife Reserve was not located in the Open Rural zoning area but was zoned OR with Residential B. She noted that the hours in the draft proposal were currently on the books. She reviewed the proposed changes in Section 7 for the Board. McCormack clarified the updated language for the PUD ordinance. In response to a statement by Sanchez, Miller said the County letter did not specify that the owners' activities were commercial in nature. Moore reviewed the final change in Section 9c for the Board. Sanchez asked that all changes to the ordinance be in written form to be included in the motion. Morris agreed that he did not want to hinder commercial or industrial coming into the county. He voiced that he would be in favor of the proposed ordinance whether or not the Reserve exemption was included in the ordinance. Moore clarified that the current Noise Ordinance included an exemption for nonprofit animal facilities. She noted that the county was not allowed to single out animal facilities. Stevenson and Miner asked for a list of the proposed changes discussed that day. Moore stated that all Board members had yet to voice their opinions on the proposed ordinance; therefore, she would wait to create the list until after all had spoken on the issue.

Bryan called a break at 11:56 a.m. and reconvened at 12:11 p.m.

At this time the Board moved to Item # 11.

The Board returned to complete Item #6 after Item #8.

(12:37 p.m.) Bryan talked about sworn affidavits and asked staff for more details. Moore explained that the sworn affidavit would be signed by the affiant and was admissible in court. She articulated that those who sworn an affidavit would be required to appear in court and testify under oath as to what they had witnessed in regards to noise.

(12:39 p.m.) Stevenson pointed out the vast differences in County areas and spoke about noise and animal ownership and questioned how the proposed ordinance would affect the farmland animals in the County. She suggested that the proposed ordinance with sworn affidavits could impede the Code Enforcement process. Bryan brought up the situation with chicken and roosters in West Augustine and the St. Augustine Beach areas. He suggested that mediation could be part of the solution. Moore affirmed that the proposed ordinance would not handle such items like chicken or rooster noise. Stevenson clarified that chickens were allowed in OR zoned areas and asked why the chicken issue was not addressed in the proposed ordinance. Moore specified that the Land Development Code only included bona-fide agriculture. She added that an exemption for agriculture was included in the proposed ordinance. Stevenson questioned why the entire noise issue had not been included in the proposed ordinance. Discussion ensued between Moore and the Board in regards to noise, chickens, and agricultural animals. Sanchez suggested that a Sheriff's Deputy would be better off and would function better with the sworn affidavit element. Miner pointed out that two sworn affidavits would be an appropriate way to handle the matter. Moore spoke about sworn affidavits and witnesses. Miner noted that hours of construction should be discussed and changed from 10am to 8am start time. Discussion ensued between Board members regarding construction noise and hours. Subsequently, Wanchick suggested that three different start times would be confusing for the public and offered the following times: Monday thru Saturday 7am to 7pm, and Sundays and holidays 9am to 7pm.

(12:57 p.m.) Motion by Sanchez, seconded by Miner, carried 5/0, to enact Ordinance No. 2011-35, establishing regulations for the control of noise originating within the unincorporated areas of St. Johns County with the following changes to be proposed that: 1) insert the proposed optional alternative language in Section 5k, animals which that do not apply an exemption for properly zoned, licensed, and permitted kennels, zoos, or animals attractions; 2) in Section 7 insert OR FUTURE after the word existing on line one and replace the word THE with the word ANY on line 3; 3) delete Section 9.c.2 in its entirety; 4) replace Section 6.f with the following: all noise coming from the normal operations of aircraft, not including model aircraft and aircraft ground testing operations by special authorization of the Airport Authority; 5) replace Section 5k with the following language: animals, the owning, harboring, possessing, or keeping of any dog, animal, or bird which causes frequent, habitual, or long continued noises which is plainly audible across the property lines of the animal owner lasting thirty minutes or more while the animal is unprovoked shall be prima facie evidence of violation of this ordinance. For purpose of this subsection, a citation may be issued when two or more complaining witnesses who reside in two different chambers of dwelling units, complete sworn affidavits alleging the disturbance of the peace. A citation may also be issued when an enforcement officer witnesses the violation; 6) Section 5n, line 3, will now read 7am to 7pm Monday through Saturday, 9am to 7pm Sundays and Holidays.

(1:00 p.m.) Moore asked that in Section 4, the comma needed to be moved to include model aircraft and aircraft ground testing.

(1:00 p.m.) Motion amended by Sanchez, seconded by Miner, carried 5/0, to include moving the comma to the correct place.

(1:00 p.m.) Stevenson said she could not support the proposed language because the changes would put her dog kennel she uses out of business. She stated that kennels and zoos should remain in the ordinance. Discussion ensued between Board members and Moore about dog kennels relating to noise. In response to an inquiry from Bryan, Moore noted that dog kennels should proceed through a development review process. She affirmed that the current ordinance had included protection for those types of facilities in existence. Sanchez noted that existing dog kennels would be grandfathered in.

(1:04 p.m.) Suzanne Konchan, Growth Management Director, advised that kennels were allowed in certain zoned districts and some would need a Use Permit hearing. She suggested that dog kennels abut residential districts; therefore, the potential existed for residential complaints if the language did not exempt kennels. Wanchick suggested that status quo should be protected regarding kennels because currently no problem existed. Miner said he would want to proceed with the current proposal and see whether the new ordinance would inadvertently create issues for kennels. Discussion ensued between Board members regarding kennels and whether they were included in the existing ordinance. Morris suggested that the exemption be included because the lion would not continually roar for thirty minutes. McCormack stated that the existing ordinance did exempt permitted kennels which could be included in the motion. He reviewed the LDC language pertaining to dog kennels.

(1:10 p.m.) Motion amended by Sanchez, seconded by Miner, carried 5/0, to include permitted dog kennels as an exemption in the proposed ordinance.

(1:13 p.m.) Discussion occurred between the Attorney staff and Board members regarding future PUD's. Avery-Smith spoke about the "existing or future PUD" language involved in the noise ordinance. Stevenson spoke about compatible and reasonable economic development.

ORDINANCE NO. 2011-35

AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA,
ESTABLISHING REGULATIONS FOR THE CONTROL
OF NOISE ORIGINATING WITHIN THE
UNINCORPORATED AREAS OF ST. JOHNS COUNTY,
AND WHERE PROPERTY IN THE UNINCORPORATED
AREA IS NEGATIVELY AFFECTED; PROVIDING FOR
EFFECT OF RECITALS; PROVIDING RECOGNITION OF
AUTHORITY; PROVIDING FOR JURISDICTION;
PROVIDING DEFINITION OF TERMS; PROHIBITING
BREACH OF THE PEACE AND LIMITING THE
UNREASONABLE AND EXCESSIVE LEVELS OF
NOISES; PROVIDING FOR EXEMPTIONS; PROVIDING
FOR GRANDFATHERING, VESTING AND PRIORITY;
PROVIDING FOR TEMPORARY NOISE PERMITS;
PROVIDING FOR ENFORCEMENT; PROVIDING FOR
PENALTIES, PROVIDING FOR CONFLICTS OF LAW;
PROVIDING FOR SEVERABILITY AND REPEAL;
PROVIDING FOR AN EFFECTIVE DATE

The Board continued with Item #11a, presented by Patrick McCormack.

Item #7 was heard after Item #9.

(10/04/11 - 13 - 12:31 p.m.)

7. PUBLIC HEARING - WEST AUGUSTINE CRA PUBLIC NUISANCE ORDINANCE AMENDMENT. IT IS THE INTENT OF THE ATTACHED WEST AUGUSTINE CRA PUBLIC NUISANCE ORDINANCE TO PROMOTE, PROTECT, AND IMPROVE THE HEALTH, SAFETY, AND WELFARE OF THE CITIZENS OF WEST AUGUSTINE CRA BY AUTHORIZING IMPOSITION OF ADMINISTRATIVE FINES AND OTHER NONCRIMINAL PENALTIES IN ORDER TO PROVIDE AN EQUITABLE, EXPEDITIOUS, EFFECTIVE, AND INEXPENSIVE METHOD OF ENFORCING THIS ORDINANCE WITHIN THE WEST AUGUSTINE CRA UNDER CIRCUMSTANCES WHEN A PROPERTY OWNER ALLOWS THAT PROPERTY TO BECOME A PUBLIC NUISANCE BY TOLERATING PROSTITUTION, GANG ACTIVITY, DEALING IN STOLEN PROPERTY OR ALLOWING DRUG ACTIVITY TO GO UNABATED. ORDINANCE 2011-25 WILL ALLOW FOR A CIVIL CITATION OF PROPERTY OWNERS WHO CONDUCT, OPERATE OR MAINTAIN CONDITIONS CONDUCIVE TO THOSE CRIMINAL ACTIVITIES. THIS AMENDMENT TO ORDINANCE 2011-25 WILL ALLOW FOR TWO (2) ALTERNATES TO SERVE ON THE ADMINISTRATIVE BOARD AND HAVE VOTING RIGHTS IF NEEDED TO SECURE A QUORUM OR BREAK A TIE. AN ADMINISTRATIVE BOARD MUST BE APPOINTED BY THE COUNTY ATTORNEY TO CONDUCT CODE ENFORCEMENT HEARINGS SHOULD CITATIONS BE CHALLENGED. THE STEERING COMMITTEE OF THE WEST AUGUSTINE CRA WILL GIVE A RECOMMENDATION TO THE COUNTY ATTORNEY ON THE APPOINTMENTS OF THE ADMINISTRATIVE BOARD

Proof of publication of the notice of public hearing on the proposed West Augustine CRA Public nuisance ordinance was received, having been published in *The St. Augustine Record* on September 23, 2011.

McCormack offered a review of the proposed ordinance for the West Augustine CRA Public Nuisance and to allow for two alternates to serve on the Administrative Board. Lundquist pointed out that the Board's red folder contained an update to the amendment and were underlined for ease.

(12:33 p.m.) **Motion by Sanchez, seconded by Miner, carried 5/0, to enact Ordinance No. 2011-34, amending the West Augustine CRA Public Nuisance Ordinance to allow for two alternates to serve on the Administrative Board.**

ORDINANCE NO. 2011-34

AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA, AMENDING ORDINANCE NO. 2011-25, TO INCLUDE ALTERNATES ON THE ADMINISTRATIVE BOARD, AND TO ALLOW SOMEONE OPERATING AN ORGANIZATION WITH THE WEST AUGUSTINE COMMUNITY REDEVELOPMENT AREA TO BE ON THE ADMINISTRATIVE BOARD, PROVIDING FOR THE EXERCISE OF COUNTY POWERS; PROVIDING FOR THE REGULATION AND CONTROL OF PUBLIC NUISANCES WITHIN THE WEST AUGUSTINE COMMUNITY REDEVELOPMENT AREA OF ST. JOHNS COUNTY, FLORIDA; PROVIDING FOR EXAMPLES; PROVIDING FOR PENALTIES; PROVIDING FOR REPEAL OF ANY INCONSISTENT AND/OR CONFLICTING ORDINANCES; PROVIDING

SEVERABILITY; AND PROVIDING FOR AN
EFFECTIVE DATE

(10/04/11 - 14 - 12:34 p.m.)

8. CONSIDER A MOTION TO ADOPT A RESOLUTION APPOINTING THE INITIAL MEMBERS OF THE WEST AUGUSTINE CRA NUISANCE ABATEMENT BOARD

Lundquist advised that the West Augustine CRA had offered their recommendations. Stevenson and Bryan thanked the volunteers on the West Augustine CRA Board.

(12:34 p.m.) **Motion by Sanchez, seconded by Miner, carried 5/0, to adopt Resolution No. 2011-294, appointing the initial members of the West Augustine CRA Nuisance Abatement Board.**

RESOLUTION NO. 2011-294

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPOINTING MEMBERS TO THE WEST AUGUSTINE COMMUNITY REDEVELOPMENT AREA NUISANCE ABATEMENT BOARD.

At this time the Board returned to Item #6.

Item #9 was heard after Item #10.

(10/04/11 - 14 - 12:29 p.m.)

9. CONSIDER TWO APPOINTMENTS TO THE PONTE VEDRA/COASTAL CORRIDOR OVERLAY DISTRICTS ARCHITECTURAL REVIEW COMMITTEE (ARC)

Melissa Lundquist, BCC Manager, reviewed the packet information regarding two appointments to the Ponte Vedra-Coastal Corridor Overlay Districts Architectural Review Committee.

(12:29 p.m.) **Motion by Miner, seconded by Bryan, carried 5/0, to appoint Sean K. Mulhall to the Architectural Review Committee as a regular member for a full four-year term scheduled to expire October 4, 2015. (CCOD Resident Requirement)**

(12:30 p.m.) **Motion by Miner, seconded by Sanchez, carried 5/0, to appoint John L. Waldrop III to the Architectural Review Committee as an alternate member for a full four-year term scheduled to expire October 4, 2015. (PVZD Resident Requirement)**

The Board continued to Item #7.

Item #10 was heard prior to finishing Item #6 and after Item #11.

(10/04/11 - 14 - 12:25 p.m.)

10. CONSIDER TWO APPOINTMENTS TO THE PLANNING & ZONING AGENCY

Melissa Lundquist, BCC Manager, reviewed the packet information for the Board. She noted that the Planning and Zoning Agency meeting would be held on Thursday, and the appointments would be effective at the October 6, 2011, meeting.

(12:26 p.m.) **Motion by Miner, seconded by Sanchez, carried 5/0, to appoint Ray Quinn to the Planning & Zoning Agency for a full four-year term scheduled to expire October 4, 2015.**

(12:28 p.m.) **Motion amended by Miner, seconded by Sanchez, carried 5/0, to amend the motion to appoint Ray Quinn to the PZA for a full four-year term scheduled to expire on October 6, 2015.**

(12:27 p.m.) **Motion by Sanchez, seconded by Miner, carried 5/0, to (re) appoint Jeff Martin to the Planning & Zoning Agency for a full four-year term scheduled to expire October 4, 2015.**

The Board moved to Item #9 after Item #10.

(10/04/11 - 15 - 12:13 p.m.)

11. DISCUSSION OF INTERLOCAL AGREEMENT WITH ST. JOHNS COUNTY, ST. AUGUSTINE, ST. AUGUSTINE BEACH, AND HASTINGS FOR DISTRIBUTION OF PROCEEDS OF LOCAL OPTION FUEL TAX, AND ADOPTION OF RESOLUTION

McCormack spoke about the proposed interlocal agreement with local entities in regards to the proceeds of the local option fuel tax. He offered details to the Board about the revised formula that would round up to the nearest .01 percent which would be revised annually based on the University of Florida population statistics. He added that the draft proposal had been presented to each municipality located in the County. He pointed out that the interlocal agreement changes would protect any bond issuances that had been done concerning the gas tax revenues. He stated that if the Board agreed to approve the interlocal agreement, the approval would be in substantially the form presented to the Board. Bryan noted that David Migut, Assistant County Attorney, had attended the previous night's meeting with him at the City of St. Augustine Beach. Migut said the City of St. Augustine Beach did not take action at the previous night's meeting in regards to the agreement. He noted that staff would revise the formula to a more accurate and fair distribution of the funds. He offered a brief history of the gas option tax.

(12:21 p.m.) Stevenson asked if the revisions could include three or four decimals to be more fair and precise and eliminate the debate on the issue. Sanchez agreed with Stevenson. McCormack noted that a provision was included in the agreement to allow a more precise agreement and fair distribution of funds.

(12:25 p.m.) **Motion by Sanchez, seconded by Miner, carried 5/0, to adopt Resolution No. 2011-293, authorizing the Chair to execute the interlocal agreement providing for the distribution of the proceeds of the local option fuel tax and accept the revision to Section 3, which provided for "substantially in the form attached" language.**

RESOLUTION NO. 2011-293

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING A NEW INTERLOCAL AGREEMENT WITH PARTIES, ST. JOHNS COUNTY, FLORIDA, THE CITY OF ST. AUGUSTINE, THE CITY OF ST. AUGUSTINE BEACH, AND THE TOWN OF HASTINGS; PROVIDING FOR THE DIVISION AND DISTRIBUTION OF THE PROCEEDS OF THE LOCAL OPTION FUEL TAX THAT IS CURRENTLY IMPOSED BY ST. JOHNS COUNTY; PROVIDING FOR DURATION OF

AGREEMENT; PROVIDING FOR INITIAL PERCENTAGE DISTRIBUTIONS; ACCORDING FOR FUTURE UPDATES AND PERCENTAGE DISTRIBUTIONS; USE OR DISTRIBUTIONS; REPLACING PRIOR AGREEMENTS; PROVIDING FOR ASSIGNMENT/TRANSFER/SALE; PROVISION FOR COUNTERPARTS; WITHDRAWAL FROM AGREEMENT; TERMINATION OF AGREEMENT; PROVIDING FOR NOTICES; ACCESS TO RECORDS; NO THIRD PARTY BENEFICIARIES; PROVIDING FOR SEVERABILITY; CONTROLLING LAW/VENUE; FILING OF INTERLOCAL AGREEMENT; AND PROVIDING AN EFFECTIVE DATE

At this time the Board moved to Item #10.

Item #11a was heard after the completion of Item #6.

(10/04/11 - 16 - 1:16 p.m.)

11a. REDISTRICTING MAPS PRESENTED BY PATRICK MCCORMACK, COUNTY ATTORNEY

McCormack presented the redistricting maps and reviewed the three proposed configurations in the districts. Miner voiced that he liked both B and C maps. Sanchez said he liked map C because it included the entire city portion in one district. Morris said he would prefer map B. Stevenson voiced that she liked map A but could agree to either map B or C. Wanchick pointed out that all maps were currently on the Supervisor of Elections' website with a link to the School Board and County websites.

At this time the Board continued to Commissioners' Comments.

(10/04/11 - 16 - 5:02 p.m.)

12. PUBLIC HEARING - FINAL PUBLIC HEARING - LAND DEVELOPMENT CODE AMENDMENTS FOR ARTICLE II, VI, X AND XII. THIS IS THE SECOND AND FINAL PUBLIC HEARING TO CONSIDER MODIFICATIONS TO THE LAND DEVELOPMENT CODE TO PROVIDE FOR CLARIFICATION OF USES AND STANDARDS FOR ADULT ARCADE AMUSEMENT CENTERS, ELECTRONIC GAME PROMOTIONS, AND INDOOR ACTIVITIES ALLOWED BY OR ON THE PREMISES OF A LICENSED PARI-MUTUEL PERMIT HOLDER. A FULL COPY OF THE AFFECTED ARTICLES IS AVAILABLE FOR VIEWING AT MINUTES AND RECORDS, AND GROWTH MANAGEMENT. THE LAND DEVELOPMENT CODE CHANGES ARE PROPOSED TO BE ADOPTED IN CONJUNCTION WITH A COMPANION ORDINANCE THAT REGULATES THESE GAMING ACTIVITIES WITHIN ST. JOHNS COUNTY. THE PLANNING & ZONING AGENCY CONSIDERED THE PROPOSED CHANGES ON AUGUST 18, 2011 AND RECOMMENDED APPROVAL ON A VOTE OF 7-0. NO CHANGES HAVE BEEN MADE TO THE ORDINANCE SINCE THE BOARD'S REVIEW AT FIRST READING ON JULY 19, 2011

Proof of publication of the notice of public hearing on the Land Development Code amendments was received, having been published in *The St. Augustine Record* on September 27, 2011.

Suzanne Konchan, Director of Growth Management, spoke about the Land Development Code changes and offered details of the amendments to the Board. She pointed out that the current Code did not specifically address electronic game promotions, sometimes called internet cafés. She presented details to the Board

regarding electronic game promotions, adult arcades, and indoor pari-mutuel facilities. She pointed out that one clarification was included in regards to not-for-profit entities with five or fewer machines which would not be subject to the LDC requirements, but would be considered an accessory to the primary use. In response to an inquiry from Stevenson, Konchan affirmed that only 501c3 organizations would be included under and required to adhere to the LDC regulations. She pointed out that the LDC contained grandfathering rights.

(5:06 p.m.) Motion by Sanchez, seconded by Miner, carried 5/0, to enact Ordinance No. 2011-36, amending the Land Development Code Article II Zoning District; Article VI Design Standards and Improvement Requirements; Article X Interpretations, Equitable Relief, & Enforcement; and Article XII Definitions regulating adult arcade amusement centers, electronic game promotions, and indoor activities allowed by or on the premises of a licensed pari-mutuel permit holder.

ORDINANCE NO. 2011-36

AN ORDINANCE OF ST. JOHNS COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, AMENDING AND SUPPLEMENTING, ADDING AND REPEALING PARTS OF ARTICLE II - ZONING DISTRICTS AND SPECIAL USES; ARTICLE VI - DESIGN STANDARDS AND IMPROVEMENT REQUIREMENTS; 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 II ZONING DISTRICTS AND SPECIAL USES SPECIFICALLY PART 2.02.00 USES ALLOWED WITHIN ZONING DISTRICTS AND PART 2.03.00 SPECIAL USES; AMENDING ARTICLE VI DESIGN STANDARDS AND IMPROVEMENT REQUIREMENTS SPECIFICALLY PART 6.05.00 PARKING AND LOADING; AMENDING ARTICLE X INTERPRETATIONS, EQUITABLE RELIEF AND ENFORCEMENT SPECIFICALLY PART 10.03.00 NONCONFORMING LOTS, USES AND STRUCTURES; AND AMENDING ARTICLE XII DEFINITIONS PART 12.01.00 DEFINITIONS; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE

(10/04/11 - 17 - 5:09 p.m.)

13. PUBLIC HEARING - PROPOSED ADOPTION OF ADULT ARCADE AMUSEMENT ARCADE AND ELECTRONIC GAME PROMOTION REGULATORY ORDINANCE. THIS IS A PROPOSED ORDINANCE TO REGULATE ADULT ARCADE AMUSEMENT CENTERS AND ELECTRONIC GAME PROMOTIONS. THE ORDINANCE SUPPLEMENTS PROPOSED LAND DEVELOPMENT CODE CHANGES SET FOR ADOPTION ON THIS SAME AGENDA. THE ORDINANCE SEEKS TO ESTABLISH CERTAIN LIMITATIONS ON THESE TYPES OF BUSINESSES TO PROTECT THE HEALTH AND WELFARE OF THE CITIZENS OF ST. JOHNS COUNTY, INCLUDING LIMITING THE NUMBER OF ESTABLISHMENTS PERMITTED TO EXIST IN THE COUNTY. IT IS POSSIBLE THAT STATE LEGISLATIVE CHANGES MAY BE ADOPTED, ESPECIALLY RELATED TO ELECTRONIC

GAME PROMOTIONS (ALSO KNOWN AS 'INTERNET CAFÉS) THAT WOULD PREEMPT OR REQUIRE MODIFICATIONS TO OUR LOCAL REGULATIONS. HOWEVER, IN THE ABSENCE OF FURTHER STATE OVERSIGHT, THE PROPOSED ORDINANCE PROPOSES MINIMALLY NECESSARY PROTECTIONS FOR ST. JOHNS COUNTY

Proof of publication of the notice of public hearing on Adult Arcade Ordinance was received, having been published in *The St. Augustine Record* on September 24, 2011.

Konchan reviewed and offered details of the ordinance that related to the gaming ordinance. She pointed out that pari-mutuel facilities were covered under racetracks in the LDC and were extensively regulated by the State of Florida. She noted that staff had attended several meetings with companies and other interested parties of the ordinance. She advised recommendations from staff which included future permitting of only nine facilities excluding the non-profit entities that would not be capped at nine permits. She stated that all existing gaming operators would be allowed to permit because of the Grandfather provision in the code. She noted that the County currently had eight operating electronic game promotion businesses, and staff had received one pending application as of December 2010. She continued to offer details of the regulation and voiced that staff had recommended approval of the proposed ordinance.

(5:17 p.m.) Bryan asked for information regarding penalties for not registering and followed the new ordinance. Konchan acknowledged that penalties and enforcement provisions existed in the document. Stevenson voiced that she had heard from the Florida Association of Counties about gaming cafés and questioned whether the ordinance should specify the number of individuals for each machine. Konchan said she would confer with the County Attorney on the issue. McCormack asked for a break to review the issue for the Board.

Bryan recessed at 5:26 p.m. and reconvened at 5:28 p.m.

Whitehouse directed attention to page 9, Section C; definitions, subsection 3 under definition for electronic equipment; the new language should read: electronic equipment means any electronic or mechanical device intended and used for a single player at a time provided by or on behalf of the operator, etc. He pointed out that in subsection 5, under De Minimus, the new language should read: De Minimus Activity Facility means a facility operated by an organization exempt from federal taxation under Section 501(c) of the Internal Revenue Code and with five or fewer electronic or mechanical devices intended and used for a single player at a time that are used to conduct a drawing by chance, sweepstakes or game promotion utilizing those electronic or mechanical devices. Stevenson voiced that the language was acceptable.

(5:30 p.m.) Motion by Miner, seconded by Bryan, carried 5/0, to enact Ordinance No. 2011-37, as amended by the County Attorneys' office, establishing regulations over adult arcade amusement machines and electronic game promotions and related activities.

ORDINANCE NO. 2011-37

AN ORDINANCE OF ST. JOHNS COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, REGARDING ADULT ARCADE AMUSEMENT CENTERS AND ELECTRONIC GAME PROMOTIONS; MAKING FINDINGS; REGULATING THE OPERATION OF ADULT ARCADE AMUSEMENT CENTERS AND ELECTRONIC GAME PROMOTIONS; PROVIDING FOR STATUTORY AUTHORIZATION,

THE COVERED AREA TO BE THE UNINCORPORATED AREAS OF ST. JOHNS COUNTY, THE INTENT OF THE ORDINANCE, DEFINITIONS, REGULATIONS FOR PERMITTING AND FEES, LIMITATIONS ON THE OPERATIONS OF THE BUSINESSES; PROVIDING FOR ENFORCEMENT AND PENALTIES FOR VIOLATIONS; CREATING A NEW LOCAL BUSINESS LICENSE TAX; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

(10/04/11 - 19 - 5:30 p.m.)

14. PUBLIC HEARING - LAND DEVELOPMENT CODE AMENDMENTS FOR ARTICLES II, VI, VII AND XII. THIS IS THE SECOND OF TWO PUBLIC HEARINGS TO CONSIDER MODIFICATIONS TO THE LAND DEVELOPMENT CODE WHICH CREATE OPPORTUNITIES TO PERMIT ALTERNATIVE DEVELOPMENT STRATEGIES WHERE APPROPRIATE. THE PLANNING & ZONING AGENCY HEARD THIS ITEM SEPTEMBER 15, 2011, AND VOTED 7-0 TO RECOMMEND APPROVAL TO THE BCC. A STAKEHOLDER MEETING WAS HELD SEPTEMBER 7, 2011. A FULL COPY OF THE AFFECTED ARTICLES IS AVAILABLE FOR VIEWING AT MINUTES AND RECORDS AND GROWTH MANAGEMENT

Proof of publication of the notice of public hearing on the proposed Land Development Code amendments was received, having been published in *The St. Augustine Record* on September 21, 2011.

John Burnham, Chief Engineer/Development Review, spoke about the LDC revisions and offered the Board details of the amendments to Articles II, VI, VII and XII. In response to an inquiry from Stevenson, Burnham affirmed that the change would extend the time to September 2013. Wanchick noted that the sign requirement had been previously extended two years and said three years would also work. Whitehouse suggested that the timeframe was easy to change. *Consensus of the Board was to allow the timeframe to 2015.*

(5:36 p.m.) **Motion by Sanchez, seconded by Stevenson, carried 5/0, to enact Ordinance No. 2011-38, amending Articles II, VI, VII, and XII, including the amended date of 2015.**

ORDINANCE NO. 2011-38

AN ORDINANCE OF ST. JOHNS COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, AMENDING AND SUPPLEMENTING, ADDING AND REPEALING PARTS OF ARTICLE II - ZONING DISTRICTS AND SPECIAL USES, ARTICLE VI - DESIGN STANDARDS AND IMPROVEMENTS REQUIREMENTS, 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 II ZONING DISTRICT AND SPECIAL USES, PART 2.03.00 SPECIAL USES, SPECIFICALLY SECTION 2.03.15 OFF-SITE PARKING AND UNPAVED PARKING LOTS, AMENDING ARTICLE VI - DESIGN STANDARDS AND IMPROVEMENTS REQUIREMENTS, PART 6.01.00 DISTRICT PERFORMANCE AND DIMENSIONAL

STANDARDS, SPECIFICALLY SECTION 6.01.03.H PERMITTED PROJECTIONS INTO REQUIRED YARDS; PART 6.04.00 ROADWAYS, DRAINAGE & UTILITIES STANDARDS, SPECIFICALLY SECTION 6.04.05C DRIVEWAY DESIGN AND SECTION 6.04.06F.7 ACCESS AND MAINTENANCE EASEMENTS; PART 6.05.00 PARKING AND LOADING, SPECIFICALLY SECTION 6.05.02.H.1 AND 6.05.02.H.2 PARKING AREA DESIGN STANDARDS; AND PART 6.08.00 SUPPLEMENTAL DESIGN STANDARDS FOR SPECIFIED USES, SPECIFICALLY SECTION 6.08.42 USE OF UNPAVED PARKING, AMENDING ARTICLE VII SIGNS SPECIFICALLY PART 7.09.00 NON-CONFORMING SIGNS; AND AMENDING ARTICLE XII; SPECIFICALLY PART 12.01.00 DEFINITIONS; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE

(5:37 p.m.) Bryan pointed out that on October 12, 2011, between 10:00 a.m. and 2:00 p.m., the Commissioners' career fair would be held at the Solomon Calhoun Center. Wanchick noted that Cathy Brown, Council on Aging, would hold an event on Wednesday, October 5, 2011, in regards to aging and how it affected the community.

(5:39 p.m.) McCormack noted that a redistricting town hall calendar had been created for a schedule to post for the public. *Consensus was given by the Board on the tentative schedule.*

(5:41 p.m.) McCormack clarified that he had misspoke on Item #14 regarding the extended time to 2015 but should read 15 years. *Consensus of the Board was to extend the compliance element of the adoption of the Code to 15 years.*

(10/04/11 - 20 - 1:21 p.m.)
COMMISSIONERS' REPORTS

Commissioner Stevenson:

Stevenson said she was happy with the new ordinance and thanked all those involved with the process. She pointed out that some complaints on noise involved garbage pick up times and suggested that commercial hours be reviewed when the solid waste contract was renewed in the future.

(1:22 p.m.) Commissioner Miner:

Miner stated that he had joined Bryan and Morris at the St. Johns County Young Republicans Veterans Event in St. Augustine. He thanked the Young Republicans for honoring area Veterans. He thanked the Board for allowing Rothfeld time to present the documentary which would be presented again on November 6, 2011. He thanked Henry Green for his service on the PZA and to Ray Quinn for stepping up and serving his community, and said Quinn would be a tremendous asset to the PZA and to the BCC while serving in that capacity.

(1:23 p.m.) Commissioner Bryan:

Bryan noted that he would be talking with Ron Brown, Attorney for the City of St. Augustine and the Assistant County Attorney in regards to an interlocal agreement.

(1:24 p.m.) Commissioner Sanchez:

Sanchez asked if staff could provide an explanation of the area municipalities to compare how they handled raises, bonuses, and other financial increases or decreases for their employees.

(1:25 p.m.) Commissioner Morris:

Morris congratulated Quinn on his appointed to the PZA.

(10/04/11 - 21 - 1:26 p.m.)

COUNTY ADMINISTRATOR'S REPORT

Wanchick said staff had received comments from the City of St. Augustine Beach and the Ponte Vedra MSD for the Legislative Delegation. He noted that the School Board had requested a fee waiver for the Art Attack to be held on May 19th, 2011, which was less than \$1,000. He asked for consensus for the Chairman to send a letter to Tallahassee asking to waive the County requirements to receive additional emergency management funding. *Consensus was given for the letter to Tallahassee.* He pointed out that the Heritage Book Festival staff would like to present a plaque to the Board on November 1, 2011, to honor current and past award winners of their book and/or literary awards. Bryan noted that the Legislative Delegation would hold their meeting on October 13, 2011, at 4:00 p.m. In response to an inquiry from Stevenson in regards to Sheriff Shoar and personnel raises, Wanchick commented that the Sheriff was an independent elected Constitutional Officer who was not accountable directly to the Board or County Administration. He noted that Sheriff Shoar prepared his own budget and, at times, returned funds to the county's general fund. He stated that the Sheriff had returned funds to the County for the past four years with an accumulation of over \$1,000,000. He advised that Shoar was within his legal jurisdiction to give raises. He expanded that he was concerned with the issues of not being able to give raises, reduced salaries by 3% because of the State Retirement System mandate, and added that the County was about the only local government that had not given raises or merit increases to their employees. He stated that the Board had approved a compensation study to be completed by Condrey & Associates. He pointed out that the County had set money aside to address some of the deficiencies that the study might identify which would be finished in November. He said he would bring back a series of recommendations based on the professionally done pragmatic plan.

(1:31 p.m.) Bryan voiced that he supported staff and made no apology for anyone being a public servant. He said he felt bad that the County could not compensate employees which continued to lose good employees. Miner agreed with Bryan, and asked Wanchick for details about the compensation study. Wanchick noted that a classification study had not been completed in the County for many years. He noted that the County had over 700 job descriptions and 1,200 employees. In order to continue to tighten up government and operate in a more professional and pragmatic way, he said he would bring in Condrey & Associates, through an RFP, to sit with each employee to learn individual jobs to create a new series of job descriptions and better match employees responsibilities to compensation. He added that Condrey & Associates would compare benefits and pay classifications to other comparable counties in the United States. Miner suggested that the only objective way to handle the issue was to hire an outside professional company to handle the study. Wanchick suggested that, over time, the study would provide efficiency and professionalism. He advised that local governments were thriving and demands on the County and employees had increased. Sanchez voiced that a pay and compensation consultant was necessary. Stevenson pointed out that the study was beneficial to the County. Wanchick stated that the County was well posed for the future and should be proud of its accomplishments. He added that it was time to recognize the County employees. Sanchez, Stevenson, and Morris expressed agreement with Wanchick. Wanchick stated that the County had their financial controls in place, had stabilized programs and services, redefined what everyone wanted the County to be with help from the community, had broadening the economic base, and currently was appropriate to look at staff to continue delivering services in an efficient manner.

(10/04/11 - 22 - 1:45 p.m.)
COUNTY ATTORNEY'S REPORT

Additionally, McCormack pointed out that the Administrator had reduced the number of county departments to only thirteen. He thanked the Board and Stevenson for a well presented and well received Legislative Tort priorities list to the Florida Association of Counties. He also thanked Moore for work on the noise ordinance and said he was pleased with the efforts of all those involved in the process and creation of the ordinance. He pointed out that the County had hired John Libby to handle the redistricting project and said he would like to retain him. *Consensus was received from the Board to retain Libby for the redistricting project.* McCormack voiced congratulations to Quinn for his appointment to the PZA and thanked former PZA member Henry Green for his service.

Bryan recessed the meeting 1:50 p.m. and reconvened at 5:01 p.m.

At this time the Board continued to Item #12.

The meeting adjourned at 5:43 p.m.

With there being no further business to come before the Board, the meeting adjourned at 5:42 p.m.

REPORTS:

1. St. Johns County Board of County Commissioners Check Register, Check Nos. 474756-474757, totaling \$471 (09/16/11)
2. St. Johns County Board of County Commissioners Check Register, Check Nos. 474758-474987, totaling \$1,118,446.24 (09/20/11)
3. St. Johns County Board of County Commissioners Voucher Register, Voucher Nos. 7010-7063, totaling \$425,467.13 (09/20/11)
4. St. Johns County Board of County Commissioners Check Register, Check Nos. 474988-475002, totaling \$14,239.99 (09/21/11)
5. St. Johns County Board of County Commissioners Voucher Register, Voucher Nos. 7064-7074, totaling \$11,642.01 (09/21/11)
6. St. Johns County Board of County Commissioners Check Register, Check Nos. 475003-475033, totaling \$68,755.81 (09/22/11)
7. St. Johns County Board of County Commissioners Check Register, Check No. 475034, totaling \$159.52 (09/22/11)
8. St. Johns County Board of County Commissioners Check Register, Check Nos. 475035-475045, totaling \$174,501.74 (09/22/11)
9. St. Johns County Board of County Commissioners Check Register, Check Nos. 475046-475253, totaling \$961,848.16 (09/26/11)
10. St. Johns County Board of County Commissioners Voucher Register, Voucher Nos. 7075-7126, totaling \$1,250,754.70 (09/26/11)

CORRESPONDENCE:

1. Letter dated September 23, 2011, to Liz Cloud, Program Administrator, Department of State, filing Ordinance Numbers 2011-32 and 2011-33
2. Letter dated September 9, 2011, from Melissa Dobbins, District Manager, submitting Resolution No. 2011-07 identifying the Fiscal Year 2011/2012 meeting schedule for the Madeira Community Development District
3. Letter dated September 9, 2011, from Melissa Dobbins, District Manager, submitting Resolution No. 2011-07 identifying the Fiscal Year 2011/2012 meeting schedule for the Sandy Creek Community Development District
4. Letter dated September 9, 2011, from Melissa Dobbins, District Manager, submitting Resolution No. 2011-08 identifying the Fiscal Year 2011/2012 meeting schedule for the Glen St. Johns Community Development District

5. Letter dated September 14, 2011, from Melissa Dobbins, District Manager, submitting Resolution No. 2011-08 identifying the Fiscal Year 2011/2012 meeting schedule for the World Commerce Community Development District
6. Letter dated September 14, 2011, from Melissa Dobbins, District Manager, submitting Resolution No. 2011-07 identifying the Fiscal Year 2011/2012 meeting schedule for the Heritage Landing Community Development District

Approved October 18, 2011

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: _____

J. Ken Bryan
J. Ken Bryan, Chair

ATTEST: CHERYL STRICKLAND, CLERK

By: _____

Cheryl Strickland
Deputy Clerk

