

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
NOVEMBER 15, 2011
(9:18 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: Mark Miner, District 3, Chair
Jay Morris, District 4, Vice Chair
Cyndi Stevenson, District 1
Ron Sanchez, District 2
J. Ken Bryan, District 5
Michael Wanchick, County Administrator
Patrick McCormack, County Attorney
Lenora Newsome, Deputy Clerk

(11/15/11 - 1 - 9:18 a.m.)
CALL TO ORDER BY THE CHAIR

Miner called the meeting to order.

(11/15/11 - 1 - 9:18 a.m.)
ROLL CALL

All commissioners were present.

(11/15/11 - 1 - 9:18 a.m.)
DELETIONS TO CONSENT AGENDA

There were none.

(11/15/11 - 1 - 9:18 a.m.)
APPROVAL OF CONSENT AGENDA

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

1. Approval of the Cash Requirement Report
2. Minutes:
 - Regular BCC Meeting 11/1/11
 - Special BCC Joint Meeting 11/1/11
3. Motion to adopt **Resolution No. 2011-322**, accepting an Easement for Utilities for water service to Wellington Oaks Subdivision, Units One and Two, located off Kings Road

RESOLUTION NO. 2011-322

**A RESOLUTION BY THE BOARD OF COUNTY
COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA,
ACCEPTING AN EASEMENT FOR UTILITIES FOR**

**WATER SERVICE TO WELLINGTON OAKS
SUBDIVISION, UNITS ONE AND TWO, LOCATED OFF
KINGS ROAD**

4. Motion to adopt **Resolution No. 2011-323**, accepting an Easement for Utilities for sewer service for the residents and businesses in the vicinity of Crescent Beach Plaza

RESOLUTION NO. 2011-323

**A RESOLUTION BY THE BOARD OF COUNTY
COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA,
ACCEPTING AN EASEMENT FOR UTILITIES FOR
SEWER SERVICE FOR THE RESIDENTS AND
BUSINESSES IN THE VICINITY OF CRESCENT BEACH
PLAZA**

5. Motion to adopt **Resolution No. 2011-324**, approving the final plat for Woodlake, Phase II

RESOLUTION NO. 2011-324

**A RESOLUTION OF THE BOARD OF COUNTY
COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA,
APPROVING A PLAT FOR WOODLAKE, PHASE II**

6. Motion to adopt **Resolution No. 2011-325**, approving the terms, provisions, conditions, and requirements of an Agreement allowing for the design, construction, installation and maintenance of way-finding signs along various rights-of-way within the County; and authorizing the county administrator, or designee, to execute the Agreement, along with any supplemental documentation, on behalf of the County

RESOLUTION NO. 2011-325

**A RESOLUTION BY THE BOARD OF COUNTY
COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA,
APPROVING THE TERMS AND CONDITIONS OF AN
AGREEMENT BY AND BETWEEN THE FRIENDS OF
A1A SCENIC AND HISTORIC COASTAL BYWAY, INC.,
AND ST. JOHNS COUNTY, FLORIDA, REGARDING
INSTALLATION OF RIGHT-OF-WAY IMPROVEMENTS;
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**

7. Motion to approve a transfer in the amount of \$4,676 from Elkton Drainage District Fund Reserves (1235-53120) to Contractual Services (1235-53120), to purchase the necessary maintenance of the drainage canal within the Elkton Drainage District
8. Motion to approve the Fiscal Year 2011 end-of-year fund reserve transfers to ensure fiscal year-end account balances do not reflect a negative balance per the *Administrative Code*

9. Motion to approve the negotiated Collective Bargaining Agreement between the St. Johns County Board of County Commissioners and St. Johns County Professional Firefighters and Paramedics IAFF Local #3865, and to direct its execution by the chair and county administrator
10. Motion to authorize \$11,096 to be paid out of the Northwest Tower Committee account to the Creeks Athletic Association for the installation of two turf fields in Rivertown Park. Installation of synthetic turf fields benefit the club and save County maintenance expenses. The total cost of the project was \$22,192. Creeks Baseball Club paid \$11,096
11. Motion to adopt **Resolution No. 2011-326**, approving the terms, provisions, conditions, and requirements of a Contract renewal for The Players Community Senior Center, and the provision of financial assistance to the St. Johns County Council on Aging, Inc.; and authorizing the county administrator, or designee, to execute the contract renewal on behalf of the County

RESOLUTION NO. 2011-326

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF A CONTRACT RENEWAL FOR THE PROVISION OF FINANCIAL ASSISTANCE TO THE ST. JOHNS COUNTY COUNCIL ON AGING, INC.; AND AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO EXECUTE THE CONTRACT RENEWAL ON BEHALF OF THE COUNTY

12. Motion to adopt **Resolution No. 2011-327**, approving the terms, provisions, conditions, and requirements of a Contract renewal for The Trout Creek Community Center, and the provision of financial assistance to the St. Johns County Council on Aging, Inc.; and authorizing the county administrator, or designee, to execute the contract renewal on behalf of the County

RESOLUTION NO. 2011-327

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF A CONTRACT RENEWAL FOR THE PROVISION OF FINANCIAL ASSISTANCE TO THE ST. JOHNS COUNTY COUNCIL ON AGING, INC.; AND AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO EXECUTE THE CONTRACT RENEWAL ON BEHALF OF THE COUNTY

13. Motion to transfer \$27,000 from General Fund Reserves (0083-59920) and \$6,000 from Utility Services Reserves (4426-59920) to Contractual Services (0048-53120 for EMS and 4409-53120 for Utility Services), for contracting with NCS Plus for Collection Agency Services; and motion to adopt **Resolution No. 2011-328**, authorizing the county administrator, or his designee, to negotiate with and, if negotiations are successful, enter into contract for RFP 11-42, Collection Agency Services, with the number one ranked firm, NCS Plus, for collection agency services. If an agreement cannot be reached with the number one ranked firm,

authorization is requested to begin negotiations with the next ranked respondent and continue until an agreement is reached

RESOLUTION NO. 2011-328

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO EXECUTE AN AGREEMENT FOR COLLECTION AGENCY SERVICES

14. Motion to adopt **Resolution No. 2011-329**, to authorize the county administrator, or his designee, to enter into a contract for one (1) year with four (4) available one year extensions, with H & H Liquid Sludge Disposal, Inc., for the transportation and disposal of Class B Aerobic Wastewater Sludge for the SJC Utility Department, as described in the Bid No: 11-90, Documents/Specifications and the firm's submitted bid proposals

RESOLUTION NO. 2011-329

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO AWARD BID NO. 11-90, AND TO EXECUTE AN AGREEMENT FOR THE TRANSPORTATION & DISPOSAL OF CLASS B AEROBIC WASTEWATER SLUDGE FOR THE SJC UTILITY DEPARTMENT

15. Motion to adopt **Resolution No. 2011-330**, to authorize the county administrator, or his designee, to enter into a contract for one (1) year with four (4) available one year extensions, with M.J. Stavola Industries, and MFM Limestone, LLC, for the purchase of limerock base and stabilized base requirements for the SJC Road & Bridge Department, as described in the Bid No. 11-98, Documents/Specifications and the firms' submitted bid proposals

RESOLUTION NO. 2011-330

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONER OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO AWARD BID NO. 11-98, AND TO EXECUTE AN AGREEMENT FOR THE PURCHASE OF LIMEROCK BASE AND STABILIZED BASE REQUIREMENTS FOR SJC ROAD AND BRIDGE DEPARTMENT

16. Motion to adopt **Resolution No. 2011-331**, authorizing the county administrator, or his designee, to award and execute a contract to Sawcross, Inc., as the lowest responsible bidder for Bid No. 11-100, Sawgrass WWTP - Filter Replacement, for the total lump sum bid amount of \$142,000

RESOLUTION NO. 2011-331

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE COUNTY ADMINISTRATOR, OR

DESIGNEE, TO AWARD BID NO. 11-100, AND TO EXECUTE AN AGREEMENT FOR SAWGRASS WWTP - FILTER REPLACEMENT

17. Motion to adopt **Resolution No. 2011-332**, authorizing the county administrator, or his designee, to award and execute a contract to TLC Diversified, Inc., as the lowest responsive/responsible bidder for Bid No. 11-93, Lift Station Improvements-Group 3, for the total lump sum bid of \$576,492

RESOLUTION NO. 2011-332

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO AWARD BID NO. 11-93, AND TO EXECUTE AN AGREEMENT FOR LIFT STATION IMPROVEMENTS - GROUP 3

18. Motion to adopt **Resolution No. 2011-333**, authorizing the county administrator, or his designee, to purchase one new Caterpillar 430E-IT Loader Backhoe from Florida Sheriff's Association & Florida Association of Counties, Contract #11-19-0907, from Ring Power Corp. in the amount of \$107,338

RESOLUTION NO. 2011-333

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO PURCHASE AND TO EXECUTE A PURCHASE ORDER FOR NEW CAT 430E-IT LOADER BACKHOE

19. Motion to declare items (unrepairable phones, monitors, ups, printers and computers) as surplus, and authorize the county administrator, or his designee, to dispose of same in accordance with Purchasing Policy 308 and Florida Statute 274. This equipment is either non-functional, obsolete, or at the end of its useful operating life
20. Motion to declare a list of Willie Galimore Recreation Center pool equipment items (heat pump, pool heaters, pool blanket and storage reel) as surplus, and authorize the county administrator, or his designee, to donate the items to the City of St. Augustine for use at the Willie Galimore Recreation Center
21. Proofs:
- a. Proof: Notice to Bidders, Bid No. 12-17, Sentinel Patriot System, published in *The St. Augustine Record* on October 14, 2011 and October 21, 2011
 - b. Proof: Notice to Bidders, Bid No. 12-16, Water Treatment Chemicals, published in *The St. Augustine Record* on October 18, 2011 and October 25, 2011
 - c. Proof: Request for Qualifications RFQ#11-94, SRA1A/Solano Road Signal Design, published in *The St. Augustine Record* on August 26, 2011 and September 2, 2011
 - d. Proof: Notice of Hearing, SJC Delegation - Hearing on October 13, 2011, published in *The St. Augustine Record* on September 28, 2011
 - e. Proof: Request for Qualifications RFQ#12-03, Small Scale Construction, published in *The St. Augustine Record* on October 4, 2011 and October 11, 2011

- f. Proof: Request for Qualifications RFQ#12-02, RR Crossing Lease Agreement Investigations, published in *The St. Augustine Record* on October 11, 2011 and October 18, 2011
- g. Proof: Notice of Meeting, Fireman Collectible Bargaining Meeting on October 5, 2011, published in *The St. Augustine Record* on October 3, 2011
- h. Proof: Display Ad - Notice of Proposed Tax Increase on Sept 20, 2011, published in *The St. Augustine Record* on September 16, 2011
- i. Proof: Display Ad - Budget Summary FY 2012 - published in *The St. Augustine Record* on September 16, 2011

(11/15/11 - 6 - 9:19 a.m.)

PUBLIC COMMENT

Ed Slavin, P. O. Box 3084, said there was a greater need for civility and accuracy in public debate in the nation and in this building. He talked about the Tea Party mocking green jobs.

(9:23 a.m.) Ed Houston, 244 Odoms Mill Blvd., representing the St. Johns County Professional Firefighters, said the collective bargaining agreement was finalized by the Board's vote approving the Consent Agenda. Stevenson said that she appreciated the hard work that went into the agreement, and that it was hard to give things up. Bryan thanked Houston and the firefighters for all their hard work. Morris mentioned that the change in leadership had made a big difference. Sanchez said that Houston made a big difference with the community. Miner said that he appreciated Houston's leadership, and stated that they were excited to move forward as a team. Wanchick thanked Houston for his leadership, and stated that negotiations had been long and difficult. He stated that he looked forward to fulfilling the vision that they shared for the department. Houston said that working together in a partnership was the only way they were all going to succeed.

(11/15/11 - 6 - 9:28 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

Wanchick, and the County Attorney's Office, requested that Item 2 be pulled as it dealt with the IDA bond financing for Vicar's Landing, because the homeowners association and the management group, would like a longer period of time to learn more about the transaction.

(9:29 a.m.) McCormack mentioned that counsel for Item 4, Nuthouse, was in court this day. He requested that Item 4 be delayed until the applicant's counsel could attend.

(11/15/11 - 6 - 9:29 a.m.)

APPROVAL OF REGULAR AGENDA

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

(11/15/11 - 6 - 9:29 a.m.)

1. OVERVIEW OF ST. JOHNS COUNTY 2011 COMMUNITY HEALTH ASSESSMENT AND COMMUNITY HEALTH IMPROVEMENT PLAN

Dawn C. Allicock, M.D., M.P.H., reviewed the St. Johns County - 2011 Community Health Assessment and Community Health Improvement Plan, *Exhibit A*. She said that St. Johns County had been identified as one of the three healthiest counties in Florida. She mentioned that the St. Johns County Health Department had completed their annual strategic plan. She said that they were adding a private sector, model-type business plan to their tool. She stated for the first time in history, a National Voluntary

Public Health Accreditation Board now existed. She mentioned creating new public health at the Health Department. Bryan said that people did not understand the significance of having a good health department like they had in St. Johns County. Stevenson said she appreciated the presentation and asked about comparing counties. Allicock replied that the comparison was in the report.

This item was pulled. (See page 6)

2. CONSIDER A RESOLUTION APPROVING THE ISSUANCE OF NOT EXCEEDING \$15,000,000 HEALTH CARE REVENUE BONDS (VICAR'S LANDING PROJECT), SERIES 2011 BY THE ST. JOHNS COUNTY INDUSTRIAL DEVELOPMENT AUTHORITY TO FINANCE A HEALTH CARE EXPANSION PROJECT AS PART OF THE VICAR'S LANDING CONTINUING CARE FACILITY OWNED AND OPERATED BY LIFE CARE PONTE VEDRA, INC., TO BE LEASED, TO LIFE CARE ST. JOHNS, INC., FOR OPERATION AS A PART OF ITS GLENMOORE CONTINUING CARE FACILITY

(11/15/11 - 7 - 9:38 a.m.)

3. PUBLIC HEARING - COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) APPLICATION FOR SILVER CREEK ASSISTED LIVING FACILITY. ON OCTOBER 4, 2011, THE BCC HELD THE 1ST CDBG PUBLIC HEARING AND AUTHORIZED STAFF TO WORK WITH THE MONTGOMERY LAND CO., THE DEVELOPER OF THE PROPOSED SILVER CREEK ASSISTED LIVING FACILITY. THE DEVELOPER AND THEIR CONSULTANT HAVE PREPARED A CDBG APPLICATION, ON BEHALF OF ST. JOHNS COUNTY, IN THE AMOUNT OF \$750,000 FOR SUBMISSION TO THE STATE DEPT. OF ECONOMIC OPPORTUNITY. THIS IS THE REQUIRED SECOND PUBLIC HEARING AND STAFF REQUESTS THE BOARD OF COUNTY COMMISSIONERS' AUTHORIZATION TO SUBMIT THE APPLICATION

Proof of publication of the notice of public hearing on CDBG-Silver Creek Assisted Living Facility was received, having been published in *The St. Augustine Record* on November 7, 2011.

Melissa Glasgow, Economic Director, said that she was filling in for Tom Crawford, who had to leave town unexpectedly. She mentioned this item was a public hearing to consider authorization to submit a community development block grant application on behalf of Silver Creek Assistant Living Facility. She said a red folder was distributed with an updated application for the project. She stated that for reference, Silver Creek was a project that the Board recently approved for economic development incentives to encourage new job creation and capital investment in the County. She said that Fred Fox, Fred Fox Enterprises, was in attendance to present the grant application. She mentioned that this was the first Economic Development Grant proposal to be submitted by the County through the CDBG program.

(9:39 a.m.) Fred Fox reviewed the grant application. He stated that if the Board decided to proceed with the application, they would be back before the Board, at the next meeting, with the rezoning of the property considered, and they would have two resolutions for the submission of the application at that time. Bryan commented on the partnership between IDA and creating jobs.

(9:42 a.m.) **Motion by Stevenson, seconded by Sanchez, carried 5/0, to adopt Resolution No. 2011-334, authorizing the submission of a CDBG Economic Development application to the Department of Economic Opportunity for the Silver Creek Assisted Living Facility.**

RESOLUTION NO. 2011-334

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING SUBMITTAL OF AN APPLICATION TO THE DEPARTMENT OF ECONOMIC OPPORTUNITY FOR SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FUNDS ON BEHALF OF ST. JOHNS COUNTY; AUTHORIZING THE CHAIR OF THE BOARD OF COUNTY COMMISSIONERS TO EXECUTE THE APPLICATION ON BEHALF OF THE COUNTY

(11/15/11 - 8 - 10:33 a.m.)

DISTRICT 3

4. PUBLIC HEARING - NZVAR 2011-03, NUTHOUSE SIGNAGE. THIS IS A REQUEST FOR A NON-ZONING VARIANCE FROM LAND DEVELOPMENT CODE SECTION 7.02.01 (MAXIMUM ADVERTISING DISPLAY AREA OF 150 SQUARE FEET). THE SPECIFIC REQUEST SEEKS APPROVAL OF ADVERTISING DISPLAY AREA OF 416 SQUARE FEET FOR AN EXISTING SIGN. THE REQUEST IS SOUGHT AS A FINAL STEP IN A MULTI-PART PROCESS TO IMPLEMENT A 2001 MEDIATED SETTLEMENT AGREEMENT, AS WELL AS TO ADDRESS SIGNAGE IN TOTAL FOR THE SUBJECT PROPERTY. THE DEVELOPMENT REVIEW DIVISION FINDS THE REQUEST, SUBSTANTIALLY, MEETS THE REQUIREMENTS OF THE COMPREHENSIVE PLAN AND THE LAND DEVELOPMENT CODE

Proof of publication of the notice of public hearing on NZVAR 2011-03, Pecan Nuthouse 9, was received, having been published in *The St. Augustine Record* on October 31, 2011.

Attorney Stephen Alexander, for the applicant, requested a continuance to December 6, 2011. (10:34 a.m.) **Motion by Miner, seconded by Sanchez, carried 5/0, to continue the public hearing to December 6, 2011.**

(11/15/11 - 8 - 9:44 a.m.)

DISTRICT 1

5. PUBLIC HEARING - PUD 2011-02, NINE MILE GANG. THIS IS A REQUEST TO REZONE 580 ACRES FROM OPEN RURAL (OR) TO PLANNED UNIT DEVELOPMENT (PUD) TO ALLOW FOR: 385,000 SQUARE FEET OF COMMERCIAL USES; 97,500 SQUARE FEET OF OFFICE USES; AND 300 RESIDENTIAL UNITS. THE PLANNING & ZONING SECTION FINDS THE REQUEST TO REZONE TO PUD 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 OCTOBER 20TH HEARING, BY A 6-0 VOTE. DURING THE HEARING, AN ADDITIONAL WAIVER TO RELIEVE THE REQUIREMENT OF THE MASTER DEVELOPMENT PLAN (MDP) MAP TO SHOW A DETAILED DEPICTION WAS SUGGESTED BY STAFF, AGREED UPON BY THE APPLICANT, AND RECOMMENDED BY THE PZA. THIS WAIVER HAS BEEN ADDED TO THE MDP TEXT

Proof of publication of the notice of public hearing on PUD 2011-02, Nine Mile Gang, was received, having been published in *The St. Augustine Record* on October 5, 2011.

James Whitehouse, Deputy County Attorney, entered the meeting.

Michael Roberson, Planner I, gave a presentation, *Exhibit A*. He reviewed the Master Development Plan. He said that it met the Comprehensive Plan and the Land Development Code requirements. He mentioned that the applicant made changes on

some of the waivers that staff was concerned about. Bryan voiced concern about the height of the sign. Stevenson asked if the Board was supplied a copy of the changes. Roberson replied no, that it was too late in the game to provide them. Whitehouse stated that this was a quasi judicial item and asked if there was any ex parte communication that needed to be stated before the applicant came up. Stevenson disclosed ex parte communication with the applicant's representative, Tony Robbins, along with staff, regarding the application and concerns about signs and the color palette.

(9:49 a.m.) Tony Robbins, 13901 Sutton Park Drive South, Jacksonville, reviewed the changes, *Exhibit B*; 1) scrivener's error removing reference to Section Q.7, 2) color and use of color in the signage, 3) interstate identification signs, 4) remove allowance for sign to encroach in the public right-of-way, 5) reduced real estate sign to match LDC, 6) clarified dedication language, the dedication of any roads to St. Johns County was subject to acceptance, 7) remove the word "wooden" regarding the screening of unattached dumpsters, 8) added verbiage to assure new development did not prohibit access to conservation lands for any necessary fire prevention activities, and 9) revise requested waiver from 500 feet to 300 feet. He said concerning the construction signs; it would assure that each parcel had one sign.

(9:59 a.m.) Stevenson said it was a very attractive interchange and she wanted to make sure it stayed that way. Robbins spoke on the interchange.

(10:01 a.m.) **Motion by Stevenson, seconded by Bryan, carried 5/0, to enact Ordinance No. 2011-41, approving Planned Unit Development 2011-02, adopting findings of fact 1-7 to support the motion, and to include the changes presented by the applicant.**

ORDINANCE NO. 2011-41

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

(11/15/11 - 9 - 10:02 a.m.)

DISTRICT 2

6. PUBLIC HEARING - NOPC 2011-02, ST. JOHNS DRI. THIS IS A REQUEST BY ST. JOHN DRI TO EXTEND THE SCHEDULE OF DEVELOPMENT RELATED TO FLORIDA STATUTORY CHANGES IN SB 360 IN 2007, AND HB 7207 IN 2011, TO REVISE CONDITION FF RELATED TO ROAD IMPROVEMENTS, AND TO PROVIDE FOR AN UPDATED DEVELOPMENT ORDER AND DEVELOPER COMMITMENT DOCUMENTS. IF IT'S DETERMINED TO BE A SUBSTANTIAL DEVIATION BY THE NEFRC, BASED ON ADDITIONAL FDOT COMMENTS, THE APPLICATION WILL NEED ADDITIONAL REVIEW. ON OCTOBER 20, 2011, THE PZA UNANIMOUSLY RECOMMENDED APPROVAL, PENDING RESOLUTION OF FDOT COMMENTS, PRIOR TO OR AT THE TIME OF THE BCC NOVEMBER 15TH HEARING

Proof of publication of the notice of public hearing on NOPC 2011-02, St. Johns DRI, was received, having been published in *The St. Augustine Record* on October 5, 2011.

Georgia Katz, Principal Planner, gave a presentation, *Exhibit A*. She mentioned distributing a red folder containing additional information; 1) FDOT letter, 2) NEFRC e-mail, 3) strike thru amended and restated SJ DRI DO & Conditions, and 4) clean

restated SJ DRI DO & Conditions. She said the applicant asked for an extension of time for the road improvements. She said it was consistent with the 2025 Comprehensive Plan.

(10:07 a.m.) Ellen Whitmer, 1178 Natures Hammock Road South, spoke on having more control at the local level. She said there was inconsistency in the County. She stated that she would like more clarification on the authority of the local government. Wanchick spoke on Senate Bill 360.

(10:10 a.m.) John Metcalf, 1104 Millcreek Drive, representing IT Land Associates and SJ Land Associates, spoke on road improvements and their schedules. Stevenson disclosed ex parte communication with Mr. Davidson, asking for a narrative rundown of the project. She asked about traffic generations being associated with development rights. Metcalf responded. Stevenson said that they would certainly want to enable that important commercial corner to go forward.

(10:16 a.m.) George McClure, 81 King Street, confirmed Metcalf's comments. He mentioned that the Board should consider whether or not the improvement to International Golf Parkway should be reconsidered as a condition for this site.

(10:19 a.m.) Stevenson commented on how the power lines were installed on Nine Mile Road, so as not to interfere with the tree canopy.

(10:19 a.m.) **Motion by Sanchez, seconded by Bryan, carried 5/0, to adopt Resolution No. 2011-335, known as NOPC 2011-02, adopting findings of fact 1-5 to support the motion, and to include the new language mentioned in comments.**

RESOLUTION NO. 2011-335

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, RESTATING, INCLUDING AND MODIFYING THE SAINT JOHNS DRI DEVELOPMENT ORDER, AS PREVIOUSLY APPROVED BY ST. JOHNS COUNTY RESOLUTION NOS. 91-130, 91-183, 94-211, 95-06, 96-102, 96-233, 98-126, 98-179, 99-20, 99-173, 2002-53, 2003-116, 2004-133, AND 2006-290; FINDING THE MODIFICATIONS ARE CONSISTENT WITH THE ST. JOHNS COUNTY LAND DEVELOPMENT CODE; FINDING THAT THE MODIFICATIONS DO NOT CONSTITUTE A SUBSTANTIAL DEVIATION; AND PROVIDING FOR AN EFFECTIVE DATE

The meeting recessed at 10:21 a.m. and reconvened at 10:33 a.m.

(11/15/11 - 10 - 10:34 a.m.)

7. INFORMATIONAL UPDATE ON THE 800MHZ INTERGOVERNMENTAL COMMUNICATIONS SYSTEM

Wanchick relayed information regarding the status of the 800MHz radio system the County would build after the first of the year. He said if the Board had any questions or concerns, it would be the appropriate time to share.

(10:34 a.m.) Jeff Prevatt, Interim Assistant Fire Chief, gave a brief update on the procurement process, site identification, site development work, and tower locations, *Exhibit A*. He stated that the next steps for the BCC were; tower vendor proposals on

December 6, 2011, site work proposals in January, 2012, and tower vendor contract in January, 2012.

(10:41 a.m.) Stevenson asked about the height of the towers; to which, Prevatt responded.

(10:44 a.m.) Discussion followed on the towers and the ranking of the vendors.

(10:48 a.m.) Stevenson asked, since some of the towers would impact the community, if there would be any discussions with the community. Wanchick affirmed that to be correct.

(11/15/11 - 11 - 10:49 a.m.)

8. CONSIDER A REQUEST FOR FUNDING IMMEDIATE REPAIRS OF THE ST. JOHNS COUNTY PIER AT ST. AUGUSTINE BEACH

Mike Rubin, Director of Construction Services, gave a PowerPoint presentation, *Exhibit A*. He said they had three options; 1) to repair the existing pier, 2) to build a new pier, or 3) to do nothing, which would mean condemning the pier and taking it down. He recommended the first option: repairing the existing pier. Miner said doing nothing would cost the same as doing a temporary repair. Rubin confirmed it would. Bryan said it was obvious that they would have to do something. Rubin said his department did a great deal of research to see if it was worth repairing. He said it was worth it. Stevenson addressed funding for the repairs. Wanchick said that staff supported repairing the pier for \$300,000.

(11:01 a.m.) Ed Slavin, PO Box 3084, stated that the funding for the pier could come from the Federal government. He said St. Johns County was a Civil Rights site and would be able to get funding.

(11:04 a.m.) Linda Oakley, 701 Pinehurst Place, asked what kind of revenue the pier generated, and what the City of St. Augustine Beach was going to contribute to the repair of the pier.

(11:06 a.m.) James Arpaia, 3144 Kings Road, spoke on the Federal government being broke, and the pier needing to stay under local control.

(11:07 a.m.) Wanchick responded to Oakley's remarks. He said they were spreading the burden for the pier.

(11:08 a.m.) Bryan said the City of St. Augustine Beach was concerned about the condition of the pier.

(11:09 a.m.) **Motion by Bryan, seconded by Sanchez, carried 5/0, to authorize the county administrator, or his designee, to utilize a marine continuing contract holder to perform the recommended maintenance, and Atkins engineering (currently under contract) to perform the recommended engineering; and, to approve the transfer of \$125,000 from General Fund Capital Reserves [0083-59927] and the transfer of \$25,000 from the Tourist Development Recreation Category III Capital Reserves [1146-59927], into the Pier Fund, to fund the recommended maintenance.**

(11/15/11 - 11 - 11:10 a.m.)

9. CONSIDER AUTHORIZATION TO BEGIN THE REQUEST FOR PROPOSAL (RFP) PROCESS FOR A COUNTY TELECOMMUNICATIONS BILLING AUDIT

Doug Timms, Director, Office of Management & Budget, said that near the end of the previous fiscal year, his office completed an operational and financial review of County

telecommunication expenses. He said that a more specialized audit would be recommended, and that type of audit could result in a savings of as much as 30 percent on telecommunication costs. He said the cost of the audit had not been appropriated yet, and he would come to the Board at a later time for the budget part of it. Morris asked if the savings had a time limit on it. Timms responded yes, there was a reasonable time limit in terms of the savings calculation. Stevenson asked if it was looking back at billing practices or looking forward on the structure of the services or both. Timms responded they would be looking at the 2011 and 2012 expenditure. Wanchick said that the effort would be a foundation for some best managerial practices and polices, relative to telecommunications. He stated that County telecommunications needed to be standardized.

(11:16 a.m.) Motion by Bryan, seconded by Sanchez, carried 5/0, to approve the RFP process necessary for the County to engage a qualified firm for telecommunications billing audit services.

(11/15/11 - 12 - 11:17 a.m.)

10. PUBLIC HEARING - FINAL ADOPTION OF REDISTRICTING PLAN FOR ST. JOHNS COUNTY. ARTICLE VIII, §1(E), OF THE FLORIDA CONSTITUTION REQUIRES THAT AFTER EACH DECENNIAL CENSUS THE BOARD OF COUNTY COMMISSIONERS "SHALL DIVIDE THE COUNTY INTO DISTRICTS OF CONTIGUOUS TERRITORY, AS NEARLY EQUAL IN POPULATION AS PRACTICABLE. ONE COMMISSIONER RESIDING IN EACH DISTRICT SHALL BE ELECTED AS PROVIDED BY LAW." FLORIDA STATUTES §124.01(3) REQUIRES THAT THE BOARD OF COUNTY COMMISSIONERS SHALL, FROM TIME TO TIME, FIX THE BOUNDARIES OF THE ABOVE DISTRICTS SO AS TO KEEP THEM AS NEARLY EQUAL IN PROPORTION TO POPULATION AS POSSIBLE; PROVIDED, THAT CHANGES MADE IN THE BOUNDARIES OF COUNTY COMMISSIONER DISTRICTS, PURSUANT TO THIS SECTION, SHALL BE MADE ONLY IN ODD-NUMBERED YEARS. THE SCHOOL BOARD AND COUNTY COMMISSION HAVE TRADITIONALLY APPROVED THE SAME DISTRICT BOUNDARIES IN ST. JOHNS COUNTY, HOWEVER, IT IS NOT REQUIRED BY LAW. AFTER TOWN HALL MEETINGS IN EACH DISTRICT AND TWO JOINT SCHOOL BOARD/BOARD OF COUNTY COMMISSIONERS MEETINGS ON SEPTEMBER 28, 2011, AND NOVEMBER 1, 2011, TO GAIN PUBLIC INPUT, THE BCC WILL APPROVE AND ADOPT A FINAL REDISTRICTING PLAN. AT A SPECIAL MEETING ON NOVEMBER 8, 2011, THE SCHOOL BOARD UNANIMOUSLY RECOMMENDED PROPOSED REDISTRICTING PLAN "REVISED C" TO THE BCC. THE BCC MAY, BUT IS NOT REQUIRED TO ADOPT A FINAL BCC REDISTRICTING PLAN ON NOVEMBER 15, 2011. THEREAFTER, PURSUANT TO §124.02, F.S., A NOTICE DESCRIBING THE GEOGRAPHIC BOUNDARIES OF EACH DISTRICT WILL BE PUBLISHED BY THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS

Proof of publication of the notice of public hearing on the final redistricting plan was received, having been published in *The St. Augustine Record* on November 8, 2011.

McCormack gave a PowerPoint presentation, *Exhibit A*. He briefly went over some of ground rules and then gave options for the Board to consider. He reviewed the statutory requirement, concurrent districts, and advantages of having the same district boundaries for the BCC and School Board, and public participation in redistricting. He emphasized that there was a self imposed time line. He reviewed the Supreme Court recognized traditional districting principals.

(11:26 a.m.) John Libby, Consultant, gave a brief description of Plans A through E and the revised plans, *Exhibit B*. He said the difference in revised Plan E and Plan C was the

trade off in population in communities in District 2. The public submissions that came in after the joint meeting and the School Board recommendation were: Plan F through Plan J. Plan F had smallest deviation over the other plans; only 99 people between the largest and smallest district. He said the primary concern raised in the public hearings, and the meetings of the various boards, boiled down to the differences between Districts 2 and 5, and what territory fell within those two districts. He said that District 3 with a few minor moves remained fairly consistent, and the same was true with District 1. He stated that the population either went into Districts 2 or 5, or in some stranger configurations, perhaps District 4, but District 4 would not include South Ponte Vedra Beach, which was a concern of the Ponte Vedra/South Ponte Vedra Beach community of interest, that those two communities were within the same district.

(11:46 a.m.) McCormack reviewed the Board's options; 1) identify and adopt a plan this day; or 2) identify a preferred plan and bring it back for adoption.

(11:49 a.m.) Rick Torrence, 456 Sebastian Square, said that he supported Plan E and urged the Board to stand by the recommendation of supporting Plan E. Sanchez said that there was no vote taken by the Board on Plan E, it was simply confirming how everyone felt.

(11:53 a.m.) Dwala Williams, 895 South Orange Street, said that she supported Plan E and urged the Commission to support that plan.

(11:54 a.m.) Ellen Whitmer, 1178 Natures Hammock Road South, stated that she didn't have a problem with Plans J, revised C or A for District 1.

(11:55 a.m.) Brent Burkey, 701 Pinehurst Place, spoke on having the same districts for the county commission and the school board.

(11:56 a.m.) Bill McCormick, 9224 July Lane, said the School Board and County should have the same districts. He recommended having another joint meeting and coming up with something they could both agree on.

(12:01 p.m.) Ed Slavin, P. O. Box 3084, said that he supported Plan E.

(12:04 p.m.) James Arpaia, 3144 Kings Road, agreed with the School Board on revised C.

(12:05 p.m.) Beverly Slough, 341 W. Adelaide Drive, thanked the Commission for the cooperation that the two boards had, as they tried to work through the thorny issue that they only had to address once every ten years. She said both boards had worked diligently to find a plan that they could both adopt, so they could have the same voting districts. She requested that the School Board set a different date for final adoption of the plan, as Plan J was a late addition, and the School Board had not had the opportunity to review it yet.

(12:06 p.m.) Torrence clarified that the vote was not taken, but a straw-pole was taken, and four of the county commissioners were in favor of Plan E.

(12:07 p.m.) McCormack addressed Amendments 5 and 6, the School Board making a recommendation, not voting on a plan, and State redistricting changes.

(12:10 p.m.) Stevenson commented on Plan J awkwardly splitting the St. Ambrose Church area. Libby responded. Discussion followed.

(12:25 p.m.) Sanchez agreed with Stevenson regarding both boards having the same districts. He said that he favored Plan E, but could go with Plan C. He said that

Amendments 5 and 6 had nothing to do with their redistricting. He suggested deciding which plans the Board was interested in, and removing the others from the list.

(12:31 p.m.) Bryan agreed with Sanchez, that they needed to do something. He said that he was not ready to make a final decision this day. He said that they needed to take everything into consideration and do a process of elimination.

(12:36 p.m.) Morris said they had to look at the geographical change and population change. He said that he would go with Plan E or C.

(12:40 p.m.) Sanchez mentioned that he did not want to end up in a joint meeting where they disagreed again, and having a dispute over the item.

(12:42 p.m.) Miner said that he agreed, overall, with the sentiments that had been expressed, and the first priority was to have the same districts as the school board, but he preferred revised Plan E.

(12:43 p.m.) Morris suggested that the staff of both the School Board and the County work together to come up with an agreed upon final plan within the next couple of weeks.

(12:44 p.m.) Wanchick said that both the School Board and the County were trying to do a good job and be fair and open minded. He suggested to the Board that they identify which alternatives they felt were worthy of further consideration and set the others aside.

(12:45 p.m.) Bryan asked for a consensus from the Board on which plans they wanted to keep.

(12:46 p.m.) Wanchick suggested asking the School Board if there was an alternative that they would want to add to that group and then score based on criteria. He said not that the scoring methodology would dictate anything, but at least they could look at the alternatives and know their relative strengths and weaknesses, which would help build consensus.

(12:46 p.m.) Sanchez said the School Board favored Plan C. He said that he would go with revised Plan E, revised C and J. Bryan said he would go with E, C, J; Miner said that he would go with E, J, C; Morris said that he would go with E, J, C; and Stevenson said that she would go with C, E, J.

(12:51 p.m.) Discussion ensued between board members regarding the redistricting maps and the School Board. *The consensus of the Board was to limit the maps to what had already been submitted and to consider only the maps revised C, revised E, and J.* Wanchick clarified that they would send those three alternatives back to the School Board, and if the School Board wanted to add one, or more, of the existing alternatives into the discussion, they may do so, but the Board was asking the School Board to do the same thing; to narrow it down to the ones they were seriously considering. Miner said that the Board was asking the School Board to consider other options, as the Board was willing to consider other options to meet in the middle. Wanchick clarified that the Board wanted the respective staffs to work with Mr. Libby, to critique the various alternatives. McCormack asked if there would be a workshop between the boards prior to December 6. Miner said that they would be standing by for further information, but for now they would plan on December 6. Stevenson said that she needed to know a date on the workshop by the end of the week. Miner said that staff could get with Stevenson by the end of the week. Bryan asked about Stevenson calling in to participate if she could not be there. McCormack said that he had to check into it. Wanchick stated that they would update the website, so the public would be informed as to which

alternatives were under active consideration by the Board of County Commissioners and the School Board.

(11/15/11 - 15 - 1:00 p.m.)
COMMISSIONERS' REPORTS

Commissioner Sanchez:

Sanchez mentioned that there was not a problem with him serving on the Canvassing Board in January.

(1:00 p.m.) Commissioner Bryan:

Bryan commended everyone for doing a good job on the Veterans' programs, and commented on Rev. Rawls being a standup individual in the community.

(1:03 p.m.) Sanchez said that Rev. Rawls had done more for this County than most of the people who were complaining about him.

(1:03 p.m.) Commissioner Morris:

Morris spoke on Veterans' Day programs.

(1:04 p.m.) Commissioner Stevenson:

Stevenson said there had been a full calendar of wonderful programs for the Veterans, and spoke on Veterans' Day programs.

Stevenson mentioned the EDC Breakfast at the First Coast Technical College; said that the Safety Expo was well attended by County staff.

Stevenson mentioned that she traveled to Tallahassee for the State Bike and Pedestrian Safety Council hosted by FDOT.

Stevenson said there needed to be civility when there were comments between one group and another.

(1:09 p.m.) Bryan mentioned accompanying Cathy Brown, and some of her staff, last week to Veterans' Park in Jacksonville, to accept a grant from the Department of Transportation for approximately \$1.3 million to provide services for Veterans.

(1:10 p.m.) Commissioner Miner:

Miner addressed the Rev. Rawls issue, and mentioned that Veterans' Day had multiple events.

Miner said that he appreciated the Board trusting him with the chairmanship this year, and that he would work hard to serve everyone.

(11/15/11 - 15 - 1:12 p.m.)
COUNTY ADMINISTRATOR'S REPORT

Wanchick mentioned a last minute request from the Lighthouse Museum, for a letter of support by the chair, regarding a grant application to the State of Florida. He said it was a small matching grant, but the County would not be in the position to match the grant, the money would come from the TDC.

Wanchick requested to cancel the January 3, 2012, BCC meeting. *There was a consensus of the Board to do so.*

(1:13 p.m.) Stevenson thanked Bryan for being chair for the past year.

(11/15/11 - 16 - 1:15 p.m.)
COUNTY ATTORNEY'S REPORT

No report.

(11/15/11 - 16 - 1:15 p.m.)
CLERK OF COURT'S REPORT

No report.

With there being no further business to come before the Board, the meeting adjourned at 1:15 p.m.

REPORTS:

1. St. Johns County Board of County Commissioners Check Register, Check Nos. 476293-476350, totaling \$28,287.10 (10/26/11)
2. St. Johns County Board of County Commissioners Voucher Register, Voucher Nos. 7438-7496, totaling \$32,948 (10/26/11)
3. St. Johns County Board of County Commissioners Check Register, Check Nos. 476351-476352, totaling \$17,388.97 (10/27/11)
4. St. Johns County Board of County Commissioners Check Register, Check Nos. 476353-476589, totaling \$1,858,385.24 (10/28/11)
5. St. Johns County Board of County Commissioners Voucher Register, Voucher Nos. 7497-7554, totaling \$586,279.78 (10/28/11)
6. St. Johns County Board of County Commissioners Check Register, Check Nos. 476590-476613, totaling \$52,900.14 (11/02/11)
7. St. Johns County Board of County Commissioners Voucher Register, Voucher Nos. 7555-7566, totaling \$17,556 (11/02/11)
8. St. Johns County Board of County Commissioners Check Register, Check Nos. 476614-476618, totaling \$151,047.76 (11/02/11)
9. St. Johns County Board of County Commissioners Check Register, Check Nos. 476619-476638, totaling \$40,150 (11/03/11)
10. St. Johns County Board of County Commissioners Check Register, Check No. 476639, totaling \$300 (11/03/11)
11. St. Johns County Board of County Commissioners Check Register, Check No. 476640, totaling \$225 (11/07/11)
12. St. Johns County Board of County Commissioners Check Register, Check No. 476641, totaling \$31,909.19 (11/07/11)
13. St. Johns County Board of County Commissioners Check Register, Check Nos. 476642-476804, totaling \$2,065,651.91 (11/08/11)
14. St. Johns County Board of County Commissioners Voucher Register, Voucher Nos. 7567-7611, totaling \$148,104.93 (11/08/11)
15. St. Johns County Board of County Commissioners Check Register, Check Nos. 476805-476807, totaling \$4,806.29 (11/08/11)

CORRESPONDENCE:

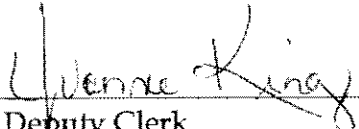
1. Letter dated November 3, 2011, to Liz Cloud, Program Administrator, Department of State, filing St. Johns County Ordinance No. 2011-40

Approved December 6, 2011

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: 
Mark P. Miner, Chair

ATTEST: CHERYL STRICKLAND, CLERK

By: 
Deputy Clerk

