

**MINUTES OF MEETING  
BOARD OF COUNTY COMMISSIONERS  
ST. JOHNS COUNTY, FLORIDA  
APRIL 17, 2012  
(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: 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

(04/17/12 - 1 - 9:00 a.m.)

CALL TO ORDER

Miner called the meeting to order.

(04/17/12 - 1 - 9:00 a.m.)

ROLL CALL

The clerk called the roll and all members were present.

(04/17/12 - 1 - 9:00 a.m.)

INVOCATION

Father John D. Gillespie, San Sebastian Catholic Church, gave the Invocation.

(04/17/12 - 1 - 9:01 a.m.)

PLEDGE OF ALLEGIANCE

Bryan led the Pledge of Allegiance.

(04/17/12 - 1 - 9:03 a.m.)

PROCLAMATION DESIGNATING APRIL 16-22, AS ST. JOHNS COUNTY AGRICULTURE WEEK

Commissioner Adam Putnam, Florida Department of Agriculture & Consumer Services, and Dr. Dan Cantliffe, St. Johns County Agriculture Extension Director, were present. Putnam accepted the proclamation and thanked the Commissioners. He said they were excited about the 450<sup>th</sup> Anniversary of the City of St. Augustine. Cantliffe said agriculture was the backbone of the United States of America, the State of Florida, and the County. He invited everyone to join them on Sunday, April 22, 2012, to tour their farms.

(04/17/12 - 1 - 9:11 a.m.)

PROCLAMATION DESIGNATING APRIL 2012, AS AUTISM AWARENESS MONTH

Troy Blevins, and his wife Gina, were present. Gina Blevins accepted the proclamation and gave statistics on autism.

(04/17/12 - 2 - 9:17 a.m.)

PROCLAMATION DESIGNATING APRIL, 2012, AS WATER CONSERVATION MONTH

Bill Young, Utility Director, reviewed water conservation and introduced key operators: Allen Klipstine, Greg James, Jerry Wright, and Harold Peeples. Young showed a video on water conservation; "Water Means Everything".

(04/17/12 - 2 - 9:26 a.m.)

PROCLAMATION DESIGNATING APRIL 2012, AS MOTORCYCLE AWARENESS MONTH

Tracy Massoth, ABATE, accepted the proclamation, and said that they appreciated receiving the proclamation on motorcycle awareness. James Kendrick, ABATE PR Communications, mentioned that there had been a 28 percent increase on motorcycle sales.

(04/17/12 - 2 - 9:33 a.m.)

SPECIAL RECOGNITION OF CLERK OF THE COURT, MINUTES & RECORDS DIRECTOR, PATRICIA DEGRANDE, WHO IS RETIRING WITH 24 YEARS OF SERVICE TO ST. JOHNS COUNTY

Sanchez presented a plaque to Pat DeGrande, Director of the Minutes and Record Department, on her retirement after 24 years of service to the county, congratulating and thanking her for her work and dedication to the County. DeGrande thanked the Board for recognizing her retirement, and said that it was always a pleasure to have the job that she had, and she felt honored to have had that job. She said the job was a learning experience and that she was going to miss everyone. Cheryl Strickland, Clerk of Court, publicly acknowledged Pat DeGrande for the work that she had done over the years. She said that DeGrande was a wonderful person and would be missed.

(04/17/12 - 2 - 9:36 a.m.)

PROCLAMATION DONATE LIFE MONTH

Miner mentioned Donate Life Month Proclamation which was not going to be presented. He read a couple of statistics, and said the proclamation was to recognize the need for organ donors.

(04/17/12 - 2 - 9:37 a.m.)

APPROVAL OF PROCLAMATIONS

**Motion by Sanchez, seconded by Stevenson, carried 5/0, to approve the proclamations.**

(04/17/12 - 2 - 9:38 a.m.)

DELETIONS TO CONSENT AGENDA

There were none.

(04/17/12 - 2 - 9:38 a.m.)

APPROVAL OF CONSENT AGENDA

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

1. Approval of the Cash Requirement Report
2. Minutes:  
BCC Regular 04/03/12
3. Motion to adopt **Resolution No. 2012-115**, approving the terms and conditions for renewal of the Memorandum of Understanding between St. Johns County Utilities and Parks & Recreation, at a new rental rate of \$48,447 per year to allow the Parks and Recreation Department to remain in the building and warehouse on Mizell Road

**RESOLUTION NO. 2012-115**

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND CONDITIONS FOR THE RENEWAL OF A MEMORANDUM OF UNDERSTANDING BETWEEN ST. JOHNS COUNTY UTILITY DEPARTMENT AND ST. JOHNS COUNTY PARKS AND RECREATION DEPARTMENT, FOR USE OF THE ADMINISTRATIVE BUILDING AND WAREHOUSE LOCATED ON MIZELL ROAD

4. Motion to adopt **Resolution No. 2012-116**, approving the terms and authorizing the County Administrator, or designee, to execute a 2nd Lease Amendment for space from the Town of Hastings in the Historical Hastings High School to St. Johns County, for the St. Johns County Hastings Branch Tax Collectors Office

**RESOLUTION NO. 2012-116**

A RESOLUTION APPROVING THE TERMS AND AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO EXECUTE A 2<sup>ND</sup> AMENDMENT FOR SPACE FROM THE TOWN OF HASTINGS IN THE HISTORICAL HIGH SCHOOL TO ST. JOHNS COUNTY, FOR THE HASTINGS BRANCH TAX COLLECTORS OFFICE

5. Motion to adopt **Resolution No. 2012-117**, approving the proposed locations of eleven bus shelters for the Sunshine Bus Route throughout the County. The construction of these shelters is funded by the Federal Transit Administration Grant

**RESOLUTION NO. 2012-117**

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE PROPOSED LOCATIONS OF ELEVEN BUS SHELTERS THROUGHOUT THE COUNTY

6. Motion to adopt **Resolution No. 2012-118**, authorizing a Partial Release of Mortgage in connection with a scrivener's error in the original mortgage for a Habitat client (Murray), and authorizing the County Administrator, or designee, to execute the Partial Release

**RESOLUTION NO. 2012-118**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING A PARTIAL RELEASE OF A MORTGAGE IN CONNECTION WITH A SCRIVENERS ERROR IN THE ORIGINAL MORTGAGE FOR A HABITAT CLIENT, AND AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO EXECUTE THE PARTIAL RELEASE OF MORTGAGE**

7. Motion to adopt **Resolution No. 2012-119**, accepting the three final Easements for Utilities, of the eight needed, for water service to St. Johns Medical Park Drive

**RESOLUTION NO. 2012-119**

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING THE THREE FINAL EASEMENTS FOR UTILITIES, OF THE EIGHT NEEDED, FOR WATER SERVICE TO SERVE THE MEDICAL OFFICES ALONG ST. JOHNS MEDICAL PARK DRIVE, LOCATED OFF US #1 SOUTH**

8. Motion to adopt **Resolution No. 2012-120**, authorizing acceptance of a counter offer by Cypress Lakes Property Owners Association for certain county owned property at Cypress Lakes, that was declared surplus by Resolution 2012-80

**RESOLUTION NO. 2012-120**

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING ACCEPTANCE OF A COUNTER OFFER FOR CERTAIN COUNTY OWNED PROPERTY THAT WAS DECLARED AS SURPLUS BY RESOLUTION 2012-80**

9. Motion to adopt **Resolution No. 2012-121**, approving the terms and conditions of the contract between St. Johns County and the St. Johns County Council on Aging, to provide transit services, and be reimbursed for those services from a Joint Participation Agreement JPA FP# 418441-1-84-11, and authorizing the County Administrator, or designee, to execute the contract on behalf of the County

**RESOLUTION NO. 2012-121**

**A RESOLUTION OF 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 ST. JOHNS COUNTY COUNCIL ON AGING, TO PROVIDE TRANSPORTATION SERVICES, AND TO BE REIMBURSED FOR THOSE SERVICES FROM FUNDS RECEIVED BY THE COUNTY FROM A FLORIDA DEPARTMENT OF TRANSPORTATION PUBLIC TRANSIT BLOCK GRANT IN ACCORDANCE WITH JOINT PARTICIPATION AGREEMENT FP-**

**NUMBER 414441-1-84-11, AND AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO EXECUTE THE AGREEMENT ON BEHALF OF THE COUNTY**

10. Motion to adopt **Resolution No. 2012-122**, approving the final plat for Davis Park Road

**RESOLUTION NO. 2012-122**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING A PLAT FOR DAVIS PARK ROAD**

11. Motion to adopt **Resolution No. 2012-123**, authorizing the County Administrator, or his designee, to award Bid No. 12-40, and execute an agreement with the lowest qualified bidder Callaway Contracting, Inc., for completion of the Davis Park Drainage Improvements, Phase II, for a total contract price of \$158,537.02

**RESOLUTION NO. 2012-123**

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO AWARD BID #12-40, AND EXECUTE A CONTRACT FOR SAME ON BEHALF OF THE COUNTY WITH CALLAWAY CONTRACTING, INC., IN THE AMOUNT OF \$158,537.02, FOR THE CONSTRUCTION OF THE DAVIS PARK DRAINAGE IMPROVEMENTS, PHASE II PROJECT**

12. Motion to adopt **Resolution No. 2012-124**, authorizing the County Administrator, or his designee, to award Bid #12-46, Signalization Improvements at Coastal Highway & SR A1A, and issue a contract to Traffic Control Devices, Inc., as the lowest responsible bidder for a total lump sum Bid of \$169,750. The Scope of Work for this project shall generally include removing the existing signal system on strain poles, and installing a new signal system on mast arms

**RESOLUTION NO. 2012-124**

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO AWARD BID NO. 12-46, AND TO EXECUTE AN AGREEMENT FOR SIGNALIZATION IMPROVEMENTS AT COASTAL HIGHWAY & SR A1A**

13. Motion to declare a Management Information Systems equipment list as surplus and authorize the County Administrator, or his designee, to dispose of same in accordance with Purchasing Policy 308 and Florida Statue 274. This equipment is either non-functional, obsolete, at the end of its useful operating life. Florida Statue 274 regulates the control of tangible personal property owned by local Governments. The authority to declare this property as surplus is vested in the Board of County Commissioners

14. Motion to adopt **Resolution No. 2012-125**, approving the terms, provisions and conditions of a Use Agreement between Linda Arnold and St. Johns County, allowing Ms. Arnold to host a North Beach Arts Market on a portion of the North Shores Park, and authorizing the Administrator, or designee, to execute the use agreement on behalf of the County

**RESOLUTION NO. 2012-125**

**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 LINDA ARNOLD ("NORTH BEACH ARTS MARKET") OF ST. AUGUSTINE, FLORIDA, FOR USE OF A PORTION OF NORTH SHORES PARK FOR A WEEKLY ARTS MARKET, AND AUTHORIZING THE COUNTY ADMINISTRATOR, TO EXECUTE THE AGREEMENT ON BEHALF OF ST. JOHNS COUNTY**

15. Motion to adopt **Resolution No. 2012-126**, approving the terms, conditions and provisions of the Economic Development Grant Agreement with Jacksonville Medical Center Development LLC, and authorizing the County Administrator, or designee, to execute the Agreement on behalf of the County

**RESOLUTION NO. 2012-126**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO EXECUTE AN ECONOMIC DEVELOPMENT GRANT AGREEMENT WITH JACKSONVILLE MEDICAL CENTER DEVELOPMENT, LLP, ON BEHALF OF ST. JOHNS COUNTY; AND PROVIDING FOR THE EFFECT OF RECITALS; PROVIDING FOR THE CORRECTION OF ERRORS; AND PROVIDING AN EFFECTIVE DATE**

16. Proofs:
- a. Proof: Certificate of Liability Insurance for Jacksonville Shetland Sheepdog Club, Inc., 5204 Beige Street, Jacksonville, FL 32258 (Darla Duffy)
  - b. Proof: Certificate of Liability Insurance for Public Financial Management, Inc., Two Logan Square, Suite 1600, 18th and Arch Streets, Philadelphia, PA 19103
  - c. Proof: Certificate of Liability Insurance for Natural Resources Management, 1093 A1A Beach Blvd, #143, St. Augustine, FL 32080
  - d. Proof: Certificate of Liability Insurance for Ayers Associates, Inc., PO Box 1590, Eau Claire, WI 54702 (RE: RFQ 08-06)
  - e. Proof: Certificate of Liability Insurance for Ayers Associates, Inc., PO Box 1590, Eau Claire, WI 54702 (RE: RFQ 08-22)
  - f. Proof: Certificate of Liability Insurance for Ayers Associates, Inc., 3433 Oakwood Hills Pkwy, Eau Claire, WI 54701
  - g. Proof: Certificate of Liability Insurance for Robert Sackrider, DBA: Sack Roofing Inc., 308 Oak St., Lady Lake, FL 32159

- h. Proof: Certificate of Liability Insurance for Prosser Hallock, Inc., 13901 Sutton Park Dr., S., #200, Jacksonville, FL 32224 (RE: RFQ 08-06 & RFQ 08-22)
- i. Proof: Certificate of Liability Insurance for Prosser Hallock, Inc., 13901 Sutton Park Drive South, Suite 200, Jacksonville, FL 32224 (RE: RFQ 08-06 and RFQ 08-22)
- j. Proof: Certificate of Liability Insurance for ETS-Engineering Technical Support Consultant Inc., 152 St George Street, Ste. A, Saint Augustine, FL 32084
- k. Proof: Certificate of Liability Insurance for Bradshaw-Niles & Associates, Inc., 280 Business Park Circle, Suite 410, Saint Augustine, FL 32095

(04/17/12 - 7 - 9:38 a.m.)

PUBLIC COMMENT

BJ Kalaidi, 8 Newcomb Street, questioned the status of the adult entertainment ordinance, and spoke on mandatory sewer hookups in West Augustine, *Exhibit A*.

(04/17/12 - 7 - 9:42 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

Wanchick requested to continue Item 6, St. Marks residential PUD to the May 1, 2012, BCC meeting.

(04/17/12 - 7 - 9:42 a.m.)

APPROVAL OF REGULAR AGENDA

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

(04/17/12 - 7 - 9:42 a.m.)

1. PRESENTATION BY KIRK WENDLAND, PRESIDENT AND CEO OF THE ST. JOHNS COUNTY CHAMBER OF COMMERCE, ON THE PROGRAMS AND ACTIVITIES AT THE ST. JOHNS COUNTY CHAMBER EDC

Melissa S. Glasgow, Director of Economic Development, introduced Kirk Wendland, President and CEO of the St. Johns County Chamber of Commerce.

(9:43 a.m.) Kirk Wendland, President of the St. Johns County Chamber of Commerce, introduced some of their Board members, who were able to join them today.

(9:46 a.m.) Norm Gregory, Vice President of Economic Development, gave a presentation, *Exhibit A*. He reviewed the Economic Development Report, Economic Development Activity in the past 12 months, and new companies. Bryan spoke on the relationship between the Chamber of Commerce and the Commission, and told the Chamber of Commerce to keep up the good job. Stevenson said that she enjoyed the presentation. Morris echoed Bryan's comments. Sanchez said there appeared to be a big difference in the operation of the Chamber of Commerce. Miner said St. Johns County had the lowest tax rate and best schools.

(04/17/12 - 7 - 9:58 a.m.)

2. CONSIDER AN ECONOMIC DEVELOPMENT INCENTIVE APPLICATION REQUEST FOR PROJECT LIQUID

Melissa S. Glasgow, Director of Economic Development, said that Project Liquid was a software developer of mobile application and was considering establishing their first formal headquarters in St. Johns County. She said that Project Liquid was proposing

the creation of 40 new jobs, and was considering establishing a hub for central operations in St. Johns County. She said, as part of their due diligence, Project Liquid had requested consideration of incentives and had applied to the State Target Industry Incentive Program (QTI). She said the value of the State incentive, if it were to be approved, would be \$240,000 and the local match requirement would be \$48,000, paid over a five-year period. She mentioned the total package being considered for St. Johns County would be about \$54,300, which would include the 20 percent local match for the State and the local incentive.

(10:01 a.m.) **Motion by Sanchez, seconded by Morris, carried 5/0, to adopt Resolution No. 2012-127, recommending Project Liquid be approved as a Qualified Target Industry Business for the State of Florida QTI tax refund program to commit to pay up to \$48,000 as 20% local financial support to attract a new IT corporate headquarters and software design center; and instructing the County Attorney to draft an Economic Development Grant Agreement of \$53,396 for later consideration by the Board upon final selection of St. Johns County as the Project Liquid site.**

#### RESOLUTION NO. 2012-127

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, RECOMMENDING PROJECT LIQUID, BE APPROVED AS A QUALIFIED TARGET INDUSTRY BUSINESS PURSUANT TO SECTION 288.106, FLORIDA STATUTES; PROVIDING FOR LOCAL FINANCIAL SUPPORT IN THE FORM OF CASH FOR THE QUALIFIED TARGET INDUSTRY TAX REFUND WITH HIGH-IMPACT SECTOR BONUS; DIRECTING THE COUNTY ATTORNEY TO DRAFT AN ECONOMIC DEVELOPMENT GRANT AGREEMENT; PROVIDING FOR THE CORRECTION OF ERRORS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE**

(04/17/12 - 8 - 10:02 a.m.)

3. THE CHAIRMAN OF THE WEST AUGUSTINE CRA STEERING COMMITTEE, GREGORY WHITE, ALONG WITH OTHER MEMBERS OF THE STEERING COMMITTEE, WILL PROVIDE THE BCC WITH AN UPDATE ON ACCOMPLISHMENTS, ACTIVITIES, AND FUTURE PLANS FOR THE WEST AUGUSTINE CRA

Tom Crawford, Housing and Community Services, introduced Greg White, Chairman of the West Augustine CRA Steering Committee, and stated that White would be providing the Board with an update on accomplishments, activities, and future plans for the West Augustine CRA.

(10:04 a.m.) Greg White, 905 West Pearl Street, gave an update, *Exhibit A*. He reviewed the history of the CRA, purpose of the CRA, mission statement, six components of redevelopment, utilization of the Solomon Calhoun Center, types of services provided, and center activities.

(10:15 a.m.) Dwala Willis, 895 South Orange Street, spoke on the Weed and Seed program.

(10:18 a.m.) Eric Terry, member of the CRA, Police Chair, spoke on Community Policing. He stated that it developed an increase in the level of trust between residents and the police, with an addition of 105 new street lights.



(10:19 a.m.) Willis spoke about the Wildflower Clinic located at 269 Herbert Street in West Augustine. She noted that the facility consisted of a reception and lab, 3 medical and 3 dental examination rooms, and would be open 2-3 days each week depending on the need. She continued with details of the Kids Safe Havens, which provided after school care.

(10:26 a.m.) Robert Nimmons, 871 West 9<sup>th</sup> Street, spoke about the grant workshops, economic development, purchasing, and further educational seminars and workshops. He noted discussions with churches in regards to economic development and helping the communities, and those residents who benefitted from work sources and career information. He mentioned that they had accomplished much in the area with the young people in the community. He mentioned the Black Heritage Tourism, which would be an addition to the already large tourism in the County. He thanked County Staff for their efforts involved with the area and community.

(10:35 a.m.) Willie Cooper, 455 S. Volusia Street, spoke about infrastructure in West Augustine. He specified that 117 houses would be able to obtain water and sewer services in West Augustine, as well as in-fill housing road improvements. Miner stated that he had met with City officials in regards to the sewer project and would meet again later in the year on the subject. He added that the economic development was very important and required infrastructure prior to economic developments.

(10:40 a.m.) Antonio Whitty, Blight Chairman, stated that from 2002 to the present, over 120 abandoned or blighted properties had been demolished with the cooperation of the County Code Enforcements involvement with the Blight Abatement Program.

(10:45 a.m.) White spoke on culture and gave recommendations. Miner said they appreciated all their hard work. Sanchez said the group of people really cared about their community and thank them for a job well done. Stevenson said it was a long standing community that cared about each other. Bryan echoed the other Commissioners comments and stated that all the Commissioners worked together for the community. Morris spoke on the group doing a good job.

The meeting recessed at 10:51 a.m. and reconvened at 10:59 a.m.

(04/17/12 - 9 - 10:59 a.m.)

DISTRICT 3

4. PUBLIC HEARING - PUD 2011-05, LOWE'S OF ST. AUGUSTINE. THIS IS A REQUEST TO REZONE 14.9 ACRES FROM COMMERCIAL GENERAL (CG) TO PLANNED UNIT DEVELOPMENT (PUD) FOR THE DEVELOPMENT OF A BIG BOX RETAILER. SUBJECT PROPERTY IS LOCATED AT 1955 US 1 SOUTH, WITHIN THE MIXED USE DISTRICT LAND USE. BASED ON THE INFORMATION AVAILABLE TO STAFF, THE CURRENT PLANNING & ZONING SECTION FINDS THE REQUEST FOR A REZONING SUBSTANTIALLY, MEETS THE REQUIREMENTS OF THE COMPREHENSIVE PLAN AND THE LAND DEVELOPMENT CODE. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS ITEM, INCLUDING THE REQUESTED WAIVERS, AT THEIR MARCH 15TH MEETING BY A VOTE OF 5 TO 0

Proof of publication of the notice of public hearing on PUD 2011-05, Lowe's of St. Augustine, was received, having been published in *The St. Augustine Record* on February 29, 2012.

All Commissioners disclosed not having any ex part communication.

Michael Blackford, Planning and Zoning Manager, gave a presentation, *Exhibit A*. He reviewed the site location, project summary, master development plan map, architectural rendering, eight waiver requests, and stated there were no objections from staff. Miner commented on the rezoning being an improvement to the area, and a great addition to St. Johns County. Stevenson asked about the transportation impact for the area.

(11:08 a.m.) Phong Nguyen, Transportation Planning Manager, responded to the transportation impact, and stated that Lowe's was a slightly lower transportation impact than the existing facility. Stevenson said it was a great project.

(11:11 a.m.) **Motion by Miner, seconded by Bryan, carried 5/0, to enact Ordinance No. 2012-9, known as PUD 2011-05, adopting findings of fact 1-8 to support the motion.**

#### ORDINANCE NO. 2012-9

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

(04/17/12 - 10 - 11:11 a.m.)

DISTRICT 2

5. PUBLIC HEARING - PFS AGREE 2012-01, VYSTAR CREDIT UNION. VYSTAR CREDIT UNION HAS PROPOSED A PROPORTIONATE FAIR SHARE AGREEMENT (AGREEMENT) TO PROVIDE RIGHT-OF-WAY NEEDED FOR THE 6-LANE IMPROVEMENT TO CR 210 (LINK 35) AND AN ADDITIONAL CASH PAYMENT, WHICH TOGETHER MAKE UP THE PROJECT'S PROPORTIONATE SHARE MITIGATION. THE PURPOSE OF THE AGREEMENT IS TO MITIGATE THE PROJECT'S PROPORTIONATE SHARE OF THE TRANSPORTATION IMPACTS TO CR 210 PURSUANT TO SECTION 11.09.04.B OF THE LAND DEVELOPMENT CODE IN ORDER TO MEET TRANSPORTATION CONCURRENCY REQUIREMENTS. THE PROJECT'S PROPORTIONATE FAIR SHARE IS CALCULATED TO BE \$254,472 AS DETAILED IN EXHIBIT B OF THE AGREEMENT. THE DEVELOPER IS PROPOSING TO DONATE RIGHT-OF-WAY FOR THE CR 210 6-LANE WIDENING, VALUED AT \$152,784 AND THE REMAINDER OF THE PROPORTIONATE SHARE, IN THE AMOUNT OF \$101,688, WILL BE PROVIDED AS A CASH PAYMENT TO THE COUNTY

Proof of publication of the notice of public hearing on Fair Share Agreement-VYSTAR/St. Johns County, was received, having been published in *The St. Augustine Record* on April 2, 2012.

Phong T. Nguyen, Transportation Planning Manager, gave a presentation, *Exhibit A*. He reviewed the background on the project, proposed mitigation and commitments, additional provisions, and staff recommendations that the Agreement was in compliance with Article XI, Part 11.09.00, of the Land Development Code and recommended approval of the Agreement. Stevenson said that VYSTAR had been an important part of the northwest part of St. Johns County for some time.

(11:17 a.m.) **Motion by Sanchez, seconded by Stevenson, carried 5/0, to approve PFS AGREE 2012-01, and authorize the County Administrator to execute the Proportionate Fair Share Agreement, finding that the proposed Agreement is consistent with Section 11.09 of the Land Development Code.**

*This item was continued to May 1.*

(04/17/12 - 11 - 11:18 a.m.)

6. PUBLIC HEARING - PRD 2010-01, ST. MARKS. THIS IS A REQUEST TO REZONE 1,148 ACRES FROM OPEN RURAL (OR) TO PLANNED RURAL DEVELOPMENT (PRD) FOR THE DEVELOPMENT OF 166 SINGLE-FAMILY RESIDENTIAL UNITS AND 40,000 SQUARE FEET OF COMMERCIAL USES. SUBJECT PROPERTY IS LOCATED ON SOUTH SIDE OF INTERNATIONAL GOLF PARKWAY, DIRECTLY WEST OF ST. MARK'S POND BLVD. THE PLANNING AND ZONING AGENCY (PZA) HEARD THE APPLICATION ON FEBRUARY 2, 2012, AND RECOMMENDED DENIAL BY A 4 TO 2 VOTE. THE AGENCY HAD NUMEROUS CONCERNS EXPRESSED WITH REGARD TO COMPATIBILITY. SPECIFICALLY, THE AGENCY STATED THAT PROXIMITY TO THE TWELVE MILE SWAMP CONSERVATION AREA TO THE WEST AND THE INDUSTRIAL LAND USE CORRIDOR TO THE EAST WERE PROBLEMATIC FOR THE INCREASED DENSITY PROPOSED BY THE APPLICATION. AFTER THE PZA HEARING, ADJACENT PROPERTY OWNERS PROVIDED DEVELOPMENT SUGGESTIONS FOR ST. MARKS POND BOULEVARD, AS IT RELATES TO IMPROVEMENT STANDARDS AND MAINTENANCE

Proof of publication of the notice of public hearing on PRD 2010-01, St. Marks, was received, having been published in *The St. Augustine Record* on March 16, 2012.

McCormack said that at this point, the request was to open the public hearing for the purpose of continuing it until May 1, 2012, at 9:00 a.m. (11:18 a.m.) **Motion by Stevenson, seconded by Sanchez, carried 5/0, to continue this item to May 1, 2012.**

(04/17/12 - 11 - 11:18 a.m.)

DISTRICT 4

7. PUBLIC HEARING - PLNAPPL 2012-01, APPEAL OF A DECISION BY THE PLANNING AND ZONING AGENCY, PURSUANT TO LAND DEVELOPMENT CODE SECTION 9.07.03, OF SUPMAJ 2011-19, PV GARDENS. THIS IS AN APPEAL FILED PURSUANT TO LAND DEVELOPMENT CODE SECTION 9.07.03, APPEALS FROM DECISIONS OF THE PLANNING AND ZONING AGENCY (PZA), FILED BY REN WEISE, OWNER OF THE SUBJECT BUSINESS. MR. WEISE FILED AN APPLICATION FOR A SPECIAL USE PERMIT (SUPMAJ 2011-19) TO ALLOW FOR AN UNLISTED USE, OUTDOOR WEDDINGS, AND FOR UNPAVED PARKING FOR PROPERTY LOCATED AT 4975 PALM VALLEY RD. THE PZA CONSIDERED THE REQUEST AT THEIR JANUARY 19TH HEARING AND APPROVED THE REQUEST, WITH CONDITIONS, BY A 7 TO 0 VOTE. ON FEBRUARY 21, 2012, ST. JOHNS LAW GROUP FILED AN APPEAL ON BEHALF OF REN WEISE IN A TIMELY MANNER AS PRESCRIBED BY THE LAND DEVELOPMENT CODE, REQUESTING THAT THE BOARD OF COUNTY COMMISSIONERS AMEND THE DECISION RENDERED BY THE PZA AND GRANT SUPMAJ 2011-19, WITH AMENDED CONDITIONS OF APPROVAL

Proof of publication of the notice of public hearing on PLNAPPL 2012-01, PV Gardens, was received, having been published in *The St. Augustine Record* on April 2, 2012.

Miner, Stephenson and Sanchez disclosed ex parte communication with some of the neighbors, some of the representatives, with the applicant and his counsel, and received a multitude of emails and phone calls. Bryan disclosed ex parte communication with Mr. Burnett, a number of individuals from the community, and the Law Enforcement Official Officer Datsko. Miner reviewed the public hearing template. Bryan mentioned that he had consulted with the County Attorney about his daughter's use of the particular facility about a year and a half ago, and some individuals thought he had a

conflict of interest. He stated there was no conflict of interest, however, based on caution, he would be making comments in regards to the particular item, but would recuse himself from voting on the matter, *Exhibit A*. Miner said that his wife was a professional photographer and would be taking pictures at a future wedding, but it was not a conflict of interest, and he would not recuse himself.

(11:23 a.m.) Michael Blackford, Planning and Zoning Manager, gave a presentation, *Exhibit B*. He reviewed the site location, request summary, special use general provisions, and final order conditions compliance.

(11:29 a.m.) Doug Burnett, St. Johns Law Group, 509 Anastasia Blvd., representing Ren Weise, owner of Palm Valley Gardens, gave a PowerPoint presentation, *Exhibit C*. He reviewed the street level view, site location, PZA Order granting special use permit, PZA's findings of fact, conditions of the PZA Order, the front yard, lack of a noise ordinance violation, preventing community events, and why to grant the appeal.

(11:49 a.m.) Melissa Kauttu, Law Firm of Mulligan and Kauttu, 1510 North Ponce de Leon Blvd., was representing Azalea Estates, adjacent property on the east side of Palm Valley Gardens, reviewed handouts she distributed, *Exhibit D*. She desired to go forward with the final order submitted in February 2010. She said they were not challenging the conditions, but the noise issue was the biggest concern, and pointed out the use of the Palm Valley Garden residence.

(12:00 p.m.) Ed Ronsman, 100 Whetstone Place, Attorney representing Keith and Cheryl Reagor, displayed pictures representing Palm Valley Gardens and surrounding properties, *Exhibit E*. He spoke on the noise issue, and played an audio regarding the noise issue. He asked the Commission to deny the special use permit. In regards to an inquiry from Bryan, Ronsman stated that the recording occurred near the fence area. Stevenson asked for details in regards to the light issues. Ronsman noted that the trees were not dense and vehicle lights were allowed to reach his client's house. He stated that the six foot fence helped, but did not completely handle all the vehicle lights and lights from the Palm Valley Gardens property. He added that noise was heard from inside his client's house with the windows closed. Miner asked if any recordings had been taken inside the home; whereas, Ronsman affirmed that no recordings existed from inside the home.

(12:14 p.m.) Jim Harkey, 437 E. Woodhaven Drive, Ponte Vedra Beach, representative of the Woodland East at the Ponte Vedra Homeowners Association, voiced concern about the tent and noise, and asked the Board to deny any special use permits in the future. Bryan said since Harkey was representing the Association, did everyone concurred with what he was saying. Harkey said that he did not represent each individual homeowner. Bryan asked if he represented their Board's opinion, with Harkey affirming yes. Bryan said that he would like to see some resolution and some kind of a compromise. Stevenson asked Harkey when he heard the noise, if it was from inside his home, and if his windows were closed. He said it was outside his home. Stevenson said that the current noise ordinance required hearing the noise from inside the home with the windows closed, and extended until 10:00 p.m. McCormack said according to the noise ordinance, the amplified sound should not be plainly audible after 10:00 p.m. and 11:00 p.m. on the weekends.

(12:21 p.m.) George Meyer, 103 Harbour Island Court, Ponte Vedra Beach, said he was there as an individual owner, as well as, at the request of the Board of Directors for the Fairfield Homeowners Association, requesting that the Commission not approve the application appeal because of the impact it had on their community. He said Palm Valley Gardens was a single family residence that was being used for commercial purposes.

(12:24 p.m.) Susan Reeves, 128 Sawbill Palm Drive, Ponte Vedra Beach, said she never had an issue with noise or safety, and spoke in favor of the Palm Valley Gardens appeal.

(12:26 p.m.) Katie Reasoner, 325 S. Mill View Way, Ponte Vedra Beach, PTO President, Ocean Palm Elementary School, spoke in favor of the Palm Valley Gardens appeal.

(12:28 p.m.) Christine Haithcock, 520 Honey Locust Lane, spoke in favor of the Palm Valley Gardens appeal.

(12:31 p.m.) Ryan Pahlow, 157 Bear Pen Road, Ponte Vedra Beach, spoke in favor of the Palm Valley Gardens appeal, and stated that he did not hear the noise. Stevenson asked Pahlow to show, on the overhead, where he lived in connection with the Palm Valley Gardens property. He did so.

(12:35 p.m.) Malaehi Pancoast, 716 Mill Stream Road, Ponte Vedra Beach, spoke in favor of the Palm Valley Gardens appeal.

(12:37 p.m.) Miles Wood, 140 Bear Pen Road, Ponte Vedra Beach, spoke in favor of the Palm Valley Gardens appeal.

(12:39 p.m.) Gene Bartels, 409 E. Woodhaven Drive, Ponte Vedra Beach, said the issue was about the business Weise was trying to run on that property being incompatible with the surrounding neighborhoods. He spoke in opposition of the Palm Valley Gardens appeal, and said the primary issue was noise.

(12:42 p.m.) William Tunstall, 115 Glen Cove Place, Ponte Vedra Beach, spoke on living to the east of the Weise property, the noise, and being in opposition of the Palm Valley Gardens appeal.

(12:43 p.m.) Zach Miller, 110 Alta Mar Drive, Ponte Vedra Beach, spoke in favor of the Palm Valley Gardens appeal.

(12:45 p.m.) James Klein, 145 Egret Walkway, Ponte Vedra Beach, spoke on the noise issues, being concerned about his property value, and asked to hold Weise to the PZA conditions that were originally issued in January, and not approve the appeal.

(12:48 p.m.) Kathy Reagor Ussery, 127 Willow Pond Lane, Ponte Vedra Beach, lived north of the Weise property, spoke in opposition of the Palm Valley Gardens appeal, and voiced concern about fires.

(12:51 p.m.) Madyson Holder, 1834 Live Oak Drive, Jacksonville, spoke in support of the Palm Valley Gardens appeal.

(12:54 p.m.) Debra Burchette, 411 Payasada Lakes Avenue, Ponte Vedra Beach, stated that she lived across the street from the Weise property, and did not have a noise problem. She stated that she was in favor of the Palm Valley Gardens appeal.

(12:55 p.m.) John Ussery, 137 Willow Pond Lane, Ponte Vedra Beach, spoke about the fence, drainage being a problem, and stated that the residents should not have to suffer for a bad business plan.

(12:58 p.m.) Lori Parker, 732 Blue Seas Court, Ponte Vedra Beach, spoke in favor, and asked the Board to grant the appeal.

(1:01 p.m.) Barbara Weise, 117 Palm Bay Court, spoke in favor of the Palm Valley appeal.

(1:04 p.m.) Keith Reagor, 5045 Palm Valley Road, Ponte Vedra Beach, spoke on the noise issue. He said the business plan was not wrong, but the location was wrong. Bryan spoke on a compromise. Reagor said he recommended an eight foot Styrofoam stucco fence.

(1:11 p.m.) Michael Wicks, 3896 Palm Valley Road, Ponte Vedra Beach, spoke in support of the Palm Valley Gardens appeal, and mentioned the noise complaints.

(1:14 p.m.) Tommy West, 100 Possum Trot Road, Palm Valley, spoke in opposition of the Palm Valley Gardens appeal. He stated that he lived to the east of the Weise property, and noise was a factor.

(1:17 p.m.) Melissa Kauttu, opposing party rebuttal, stated that her client did not want to put Palm Valley Gardens out of business. She asked for the first motion to be approved; to deny the appeal and to uphold the final order issued by the Planning and Zoning Agency on February 2, 2012. She reviewed the diagram of the site, and findings of fact six, regarding the enclosed tent.

(1:22 p.m.) Doug Burnett, applicant rebuttal, said that events were taking place in the back side of the house, there was a four foot fence stopping vehicle lights, and there was other commercial activity in the area. He spoke about the speakers, a band versus a DJ, not paving the parking lot helping the drainage, and there being a lot of support for this project.

(1:28 p.m.) Stevenson asked about the special use permit. (1:29 p.m.) Howard White, Director of Building Services, replied that since it was a residential home on that property, the event would have to be held outside, and that the residential occupancy could not be used in a business or assembly capacity. Stevenson said that they were enforcing the State Building Code, and involved a life safety issue. White said the Building Code was a State criteria, State Statute 553, and regulated throughout the entire State of Florida. Miner asked how the building code violations were handled and what the consequences were. White responded that, if portions of the current residence were to be altered to accommodate a business atmosphere, there were minimum criteria that the Code spelled out. He said the minimum criteria would have to be followed or there could be fees and fines assessed. Stevenson said she would like to focus concern on the noise issue, and was reluctant to allow five years on the project.

(1:36 p.m.) Morris relayed his problems with the project; the request not being in compliance with the Land Development Code, right business-wrong location. He mentioned the compromise with putting up a tent, and coming back in six months to see if it would work. He said the applicant came back three months later and wanted to negate all of that.

(1:39 p.m.) Bryan said the main issue to address today was the noise issue. He mentioned that an enclosed tent would not prevent noise. He spoke on having a total disregard of communication, and they needed to come to a resolution today, and think about how everyone could create a win-win solution.

(1:43 p.m.) Sanchez stated that there was no way to resolve the problem. He said the tent would not solve the sound problem. He said that he was not interested in allowing the permit to be transferrable, not interested in going five years, and concerned about numerous violations that were not taken care of.

(1:47 p.m.) Stevenson mentioned that she had to leave. She suggested that they vote on it, or continue it, before she left.

(1:47 p.m.) Sanchez said the house was being used as a commercial building, and it was not supposed to be.

(1:48 p.m.) Miner spoke on understanding the want for a longer term permit, being concerned about none of the criteria's being met, six foot fence being done, and the tent being debatable. He said the applicant should be given an opportunity to follow through with the permit, come into compliance, and have them come back to demonstrate that they complied with the terms that they agreed to a couple of months ago, and then at that point, ask for a longer term permit. He said until the applicant met the terms they agreed to a couple of months ago, he was not willing to grant the appeal. Stevenson spoke on lowering the tent flaps down, and said that she supported leaving the permit in place.

(1:50 p.m.) Miner asked why the tent was an issue, why they could not lower the flaps after the quiet ceremony was done, and then start the party. Weise explained that there were about ten flaps, that were about twelve feet up and it took two people on a ladder to lower the flaps, which would be disruptive to the wedding party. Miner asked why Weise agreed to the tent a couple of months ago. Weise replied that they thought it would work and realized that it was a bad idea. Miner asked who was on site during the events to enforce the noise control. Weise replied that they had a night manager on duty for every event, and before the event, the manager would sit down with the DJ to let them know the rules. Miner said he would agree to; Weise being willing to agree to no live bands, and to come up with a way to fine and penalize the DJ if they violated the rules. Morris suggested installing a Styrofoam fence, and spoke about the stipulation from the Planning and Zoning meeting regarding not booking anything in the year 2013. Miner suggested taking a five minute break and letting the lawyers work on a compromise. Wanchick suggested bringing it back in two weeks. Stevenson said the condition stood regardless, if Weise booked into 2013, and mentioned getting the noise under control.

(1:58 p.m.) McCormack said that the Board was struggling with competing public interest, economic development, and safety and compatibility of the neighborhood. He said returning in two weeks would be better. He said they did not want the business to fail, but they wanted the incompatibility to be resolved.

(1:59 p.m.) **Motion by Stevenson, seconded by Miner, to continue the item until May 1, 2012.** Sanchez said that they were in a situation where they know that violations existed in the fact that Weise was holding the weddings in the house. So by continuing the item for two weeks, were they allowing the violation to continue? McCormack replied, no they were not allowing it, because the building code may be enforced at any time. (2:00 p.m.) **The motion carried 4/0 with Bryan recusing himself.**

The meeting recessed at 2:02 p.m. and reconvened at 2:10 p.m., with Stevenson absent.

(04/17/12 - 15 - 2:10 p.m.)

8. FAIR HOUSING WORKSHOP. IN ORDER TO ENSURE ST. JOHNS COUNTY'S ELIGIBILITY FOR FEDERAL AND STATE FUNDING AND TO COMPLY WITH PROVISIONS OF THE FAIR HOUSING ACT AND OTHER CIVIL RIGHTS LAWS, INCLUDING TITLE VI OF THE CIVIL RIGHTS ACT OF 1964, SECTION 109 OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974, SECTION 504 OF THE REHABILITATION ACT OF 1973, TITLE II OF THE AMERICANS WITH DISABILITIES ACT OF 1990, THE AGE DISCRIMINATION ACT OF 1975, TITLE IX OF THE EDUCATION

AMENDMENTS ACT OF 1972, AND THE ARCHITECTURAL BARRIERS ACT OF 1968, A FAIR HOUSING WORKSHOP FOR THE PUBLIC AND ELECTED OFFICIALS WILL BE PRESENTED BY ATTORNEY DAVID CRONIN, SENIOR ATTORNEY/FAIR HOUSING UNIT JACKSONVILLE AREA LEGAL AID, INC.

Tom Crawford, Director Community Housing and Development, introduced David Cronin, Senior Staff Attorney with Jacksonville Area Legal Aid, Inc., and Program Manager for the Fair Housing Program, who gave a presentation on the Fair Housing Act.

(2:12 p.m.) Cronin explained the work of the Fair Housing Unit, outlined the Fair Housing Act, and the seven protected classes, *Exhibit A*. He outlined who was, and was not covered, reasonable accommodations and modifications, such as widened doorways, ramps, grab bars in bathrooms, removal of carpet from the floors of the unit, and lowering cabinets and sinks.

(2:23 p.m.) Miner left the meeting.

(04/17/12 - 16 - 2:23 p.m.)

9. CONSIDER A RESOLUTION AMENDING THE RULES & POLICIES OF THE ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS AND AMENDING THE BYLAWS OF THE TOURIST DEVELOPMENT COUNCIL FUNDING PANEL. THE TOURIST DEVELOPMENT COUNCIL ("TDC"), UPON REVIEW AND CONSIDERATION, SUBMITS THREE RECOMMENDATIONS TO THE BCC FOR ACCEPTANCE AND APPROVAL. FIRST, THE TDC RECOMMENDS THAT THE RULES AND POLICIES OF THE ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS BE AMENDED. SPECIFICALLY, THE TDC RECOMMENDS AMENDING PART 2, RULE 2.201 (C) TO ALLOW BOARD APPOINTMENT OF NON-RESIDENT MEMBERS TO BOARDS, COMMITTEES, COMMISSIONS AND AUTHORITIES. THE RECOMMENDATION IS BASED UPON THE TDC'S DESIRE TO FACILITATE INCREASED BALANCE AND DIVERSITY AMONG THE ARTS, CULTURE AND HERITAGE FUNDING PANEL ("PANEL") MEMBERSHIP. SECOND, THE TDC RECOMMENDS THAT REIMBURSEMENT OF ANY EXPENSES INCURRED UNDER RULE 2.201(D) BY NON-RESIDENT PANEL MEMBERS BE LIMITED TO A MAXIMUM OF \$500 PER MEMBER PER FISCAL YEAR. THIRD, THE TDC RECOMMENDS THAT PANEL BYLAWS BE REVISED TO: 1) PROVIDE THAT THE PANEL CONSISTS OF 7 MEMBERS (INCLUDING 2 NON-RESIDENT MEMBERS); (2) INCLUDE A CONFLICT OF INTEREST PROVISION; AND (3) PROVIDE FOR A MAXIMUM LIMIT IN THE AMOUNT OF FIVE HUNDRED DOLLAR (\$500) FOR REIMBURSEMENT OF EXPENSES INCURRED BY NON-RESIDENT MEMBERS

Glenn Hastings, Executive Director, Tourist Development Council, explained that the TDC was requesting a change to the Council Funding Panel to allow them to have two non-county residents as members of the funding panel, and to allow for reimbursement of travel expenses limited to \$500 per person.

(2:26 p.m.) Bryan commended Andy Witt and Hastings on the proposal, and mentioned that it was the final component, of part of the restructuring, that the Board had discussed.

(2:27 p.m.) Wanchick stated that any of the recommendations that came from the funding panel had to be ultimately approved by the Commission.

(2:28 p.m.) BJ Kalaidi, 8 Newcomb Street, spoke in opposition of the change.



(2:29 p.m.) Andrew Witt, St. Johns County Cultural Council Executive Director, commented on outside members. Discussion ensued regarding the \$500 travel expenses. Bryan said that they put in a program and process, that showed total accountability that they could track and look at the return of investment. Wanchick said it was up to \$500, and anything that was reimbursed had to go through the normal financial procedures.

(2:31 p.m.) **Motion by Bryan, seconded by Sanchez, carried 3/0 with Stevenson and Miner absent, to adopt Resolution No. 2012-128, accepting and approving recommendations by the Tourist Development Council to amend the Board's Rules and Policies, to provide for Board appointment of non-resident members to boards, committees, commissions, and/or authorities; to limit reimbursement of expenses incurred by non-resident Arts, Culture & Heritage Panel members to a maximum amount of \$500; and to revise the Panel's bylaws regarding Panel membership, conflicts of interest, and reimbursement of expenses incurred by non-resident Panel members.**

#### RESOLUTION NO. 2012-128

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AMENDING THE RULES/POLICIES OF THE ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS ADOPTED MAY 12, 1998, AND SUBSEQUENTLY AMENDED; PROVIDING FOR NON-RESIDENT MEMBERSHIP ON THE ARTS/CULTURE/HERITAGE PANEL; PROVIDING FOR THE CORRECTION OF ERRORS; AND PROVIDING AN EFFECTIVE DATE**

(04/17/12 - 17 - 2:33 p.m.)  
COMMISSIONERS' REPORTS

(2:33 p.m.) Commissioner Bryan

Bryan spoke about the career fair held in West Augustine last week.

(2:33 p.m.) Commissioner Sanchez

Reminded everyone about the farm tour on Sunday, April 22, 2012, noon until 5:00 p.m.

(2:34 p.m.) Commissioner Morris

Morris agreed that the job fair was outstanding.

Commissioner Stevenson

Absent.

Commissioner Miner

Absent.

(04/17/12 - 17 - 2:34 p.m.)  
COUNTY ADMINISTRATOR'S REPORT

Wanchick said that on April 12, 2012, Fire Chief Carl Shank, sent him a memo making him aware of the need for a potential burn ban to be instituted in the county because the

conditions only continue to worsen. He said that neither one of them wanted to institute a burn ban at that moment, but would like the authorization under last year's Ordinance, to institute a burn ban without a special meeting. *There was consensus of the Board to do so.*

(04/17/12 - 18 - 2:36 p.m.)

COUNTY ATTORNEY'S REPORT

McCormack said that the Florida Legislature passed a law that the Governor had signed about cost shifting to counties regarding Medicaid. He said that the Florida Association of Counties, through its governing body, was authorized to bring an action, pertaining to that matter, and there were also several counties that would be joining into that litigation. He stated that it was his recommendation that St. Johns County join in that effort pertaining to the issue about the Medicaid. He asked for authority from the Board of County Commissioners, to allow St. Johns County to join into the Florida of Association of Counties initiated litigation, that constitutionally challenged the Medicaid revenue share scheme as a result of Chapter 2012-33, Laws of Florida.

(2:37 p.m.) **Motion by Sanchez, seconded by Bryan, to authorize McCormack to join with the Florida Association of Counties.** McCormack said that FAC was estimating, for midsize counties, that the litigation cost for the County would be about \$3,500. Bryan spoke on the cost and gave his support. (2:38 p.m.) **The motion carried 3/0, with Stevenson and Miner absent.**

McCormack gave a brief update on the JEA matter pertaining to the 10-year True-Up Agreement. He said that at the end of that True-up period, JEA remitted to St. Johns County about \$10.3 million dollars. He said County staff identified some more funds that they thought were due to them under the Interlocal Agreement with JEA. He said the Interlocal Agreement provided for a dispute resolution mechanism, which the Board had authorized them to utilize, and they had selected a mediator with JEA, and expected within the next 45-90 days to conduct a mediation to see if there could be some further resolution to that professional disagreement.

(04/17/12 - 18 - 2:39 p.m.)

CLERK OF COURT'S REPORT

No report.

With there being no further business to come before the Board, the meeting adjourned at 2:40 p.m.

REPORTS:

1. St. Johns County Board of County Commissioners Check Register, Check Nos. 481489-481688, totaling \$888,986.76 (04/02/12)
2. St. Johns County Board of County Commissioners Voucher Register, Voucher Nos. 8981-9032, totaling \$168,682.36 (04/02/12)
3. St. Johns County Board of County Commissioners Check Register, Check Nos. 481689-481693, totaling \$150,774.79 (04/03/12)
4. St. Johns County Board of County Commissioners Check Register, Check Nos. 481694-481717, totaling \$33,140.43 (04/04/12)
5. St. Johns County Board of County Commissioners Voucher Register, Voucher Nos. 9033-9043, totaling \$11,814.66 (04/04/12)
6. St. Johns County Board of County Commissioners Check Register, Check Nos. 481718-481739, totaling \$41,830.54 (04/05/12)
7. St. Johns County Board of County Commissioners Check Register, Check Nos. 481740-481897, totaling \$550,732.61 (04/10/12)
8. St. Johns County Board of County Commissioners Voucher Register, Voucher Nos. 9044-9075, totaling \$132,620.56 (04/10/12)

CORRESPONDENCE:

1. Letter dated April 5, 2012, to Liz Cloud, Program Administrator, Department of State, filing St. Johns County Ordinance Nos. 2012-7 and 2012-8

Approved May 15, 2012

BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA

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

Jay Morris, Vice Chair

ATTEST: CHERYL STRICKLAND, CLERK

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

Deputy Clerk

