

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
APRIL 5, 2011
(9:00 A.M.)**

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

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

(04/05/11 - 1 - 8:59 a.m.)
CALL TO ORDER

Bryan called the meeting to order.

(04/05/11 - 1 - 9:00 a.m.)
ROLL CALL

The clerk called the roll and all members were present.

(04/05/11 - 1 - 9:00 a.m.)
INVOCATION - Rabbi Levi Vogel

(04/05/11 - 1 - 9:03 a.m.)
PLEDGE OF ALLEGIANCE - Commissioner Ken Bryan

(04/05/11 - 1 - 9:03 a.m.)
PRESENTATION OF A PROCLAMATION DECLARING APRIL 16, 2011, AS A DAY OF SERVICE HELPING HANDS AND LINKING ARMS TO FILL THE BLOOD AND FOOD BANKS

Karen Pan, Communications Manager, read the proclamation into the record. Stevenson said that St. Johns County was fortunate to have so many wonderful volunteer groups helping on critical issues. John Helgren, Special Events Coordinator, Blood Alliance, spoke on the importance of blood donations, saving lives, and helping people.

(9:08 a.m.) Linda Duty, Day of Service Chairman with the Church of Jesus Christ of Latter-day Saints, spoke on having a blood drive every April. Stevenson presented the proclamation to them.

(04/05/11 - 1 - 9:10 a.m.)
PRESENTATION OF A PROCLAMATION DECLARING APRIL 2011, AS CHILD ABUSE PREVENTION MONTH

Miner spoke on child abuse. Pan read the proclamation into the record. Miner presented the proclamation.

(9:13 a.m.) Jean Heaton, Family Integrity Program, spoke on it being a community effort.

(04/05/11 - 2 - 9:14 a.m.)

PRESENTATION OF A PROCLAMATION DECLARING APRIL 2011, AS AUTISM AWARENESS MONTH

Pan read the proclamation into the record. Sanchez presented the proclamation to Troy Blevins.

(9:17 a.m.) Troy Blevins thanked the commissioners for recognizing autism. He spoke on autism and mentioned that families with autism, or who were supporting it, would have blue lights in front of their houses for the month of April.

(04/05/11 - 2 - 9:18 a.m.)

PRESENTATION OF A PROCLAMATION DECLARING MAY 2011, AS MOTORCYCLE AWARENESS MONTH

Pan read the proclamation into the record. Bryan spoke on motorcycle awareness.

(9:21 a.m.) Debie Alameda, one of the founding members of the Vintage Chapter of Abate, FL, Inc., St. Augustine, spoke on doing safety presentations on how to watch out for motorcycles. Bryan spoke on motorcyclists holding fundraisers.

(04/05/11 - 2 - 9:23 a.m.)

ACCEPTANCE OF PROCLAMATIONS

Motion by Miner, seconded by Sanchez, carried 5/0, to accept the proclamations.

(04/05/11 - 2 - 9:24 a.m.)

DELETIONS TO CONSENT AGENDA

Wanchick requested to pull Item 12, so they would have a better opportunity to brief the Commission on it.

(04/05/11 - 2 - 9:24 a.m.)

APPROVAL OF CONSENT AGENDA

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

1. Approval of the Cash Requirement Report
2. Minutes:
March 15, 2011 - Regular Meeting
3. Motion to adopt **Resolution No. 2011-68**, accepting a Bill of Sale and Schedule of Values for water and sewer serving the residents within Las Calinas, Parcel 3A, Unit 3

RESOLUTION NO. 2011-68

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

ACCEPTING A BILL OF SALE AND SCHEDULE OF VALUES CONVEYING ALL PERSONAL PROPERTY ASSOCIATED WITH THE WATER AND SEWER SYSTEM SERVING THE RESIDENTS WITHIN LAS CALINAS, PARCEL 3A, UNIT 3

4. Motion to adopt **Resolution No. 2011-69**, accepting nineteen Easements for Utilities for water and sewer service for Marshview Estates subdivision

RESOLUTION NO. 2011-69

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING NINETEEN EASEMENTS FOR UTILITIES FOR WATER AND SEWER SERVICE FOR MARSHVIEW ESTATES SUBDIVISION

5. Motion to adopt **Resolution No. 2011-70**, approving the terms of, and authorizing the County Administrator, or designee, to execute, six Purchase Agreements for property required for Phase II of the CR 210/I-95 Roadway Improvement Project

RESOLUTION NO. 2011-70

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO EXECUTE SIX PURCHASE AGREEMENTS FOR PROPERTY REQUIRED FOR PHASE II OF THE CR 210/I-95 ROADWAY IMPROVEMENT PROJECT

6. Motion to adopt **Resolution No. 2011-71**, accepting an Easement for Utilities and Bill of Sale for water and sewer service to Coquina Crossing, Phase 2

RESOLUTION NO. 2011-71

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING AN EASEMENT FOR UTILITIES FOR WATER AND SEWER SERVICE TO COQUINA CROSSING, PHASE TWO, LOCATED OFF STATE ROAD 207, AND ACCEPTING A BILL OF SALE CONVEYING ALL PERSONAL PROPERTY ASSOCIATED WITH THE WATER AND SEWER SYSTEM

7. Motion to adopt **Resolution No. 2011-72**, approving the terms, provisions, conditions, and requirements of the Joint Project Agreement between the Board of County Commissioners of St. Johns County, Florida, and the State of Florida Department of Transportation, regarding the design of certain Phase 2 roadway improvements as part of the overall interchange of Interstate 95 at CR 210, and authorizing the County Administrator to execute said agreement; and motion to adopt **Resolution No. 2011-73**, recognizing unanticipated revenue in the amount of \$150,000 and increasing the 2006 Transportation Bond Fund - Transportation State Grant and authorize its expenditure on Project 5152, design of I-95 at CR 210 Phase 2 Improvements

RESOLUTION NO. 2011-72

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING AND AUTHORIZING THE EXECUTION OF THE TRANSPORTATION REGIONAL INCENTIVE PROGRAM AGREEMENT BETWEEN THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION AND ST. JOHNS COUNTY PERTAINING TO THE DESIGN OF COUNTY ROAD 210 AND INTERSTATE 95 INTERCHANGE PHASE 2 IMPROVEMENTS; PROVIDING DIRECTIONS; AND PROVIDING AN EFFECTIVE DATE

RESOLUTION NO. 2011-73

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AMENDING THE FISCAL YEAR 2011 "06 TRANSPORTATION IMPROVEMENT BONDS FUND", IN ORDER TO RECEIVE UNANTICIPATED REVENUE AND AUTHORIZE ITS EXPENDITURE ON PROJECT 5152 DESIGN OF PHASE 2 IMPROVEMENTS ON I-95 AT CR 210

8. Motion to adopt **Resolution No. 2011-74**, approving the terms, conditions, provisions, and requirements of a Non-Exclusive Franchise Agreement for Construction and Demolition Debris between St. Johns County, Florida, and A to Z Rolloff, Inc.; and authorizing the County Administrator to execute the Non-Exclusive Franchise Agreement for Construction and Demolition Debris on behalf of St. Johns County, Florida

RESOLUTION NO. 2011-74

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF A NON-EXCLUSIVE FRANCHISE AGREEMENT FOR CONSTRUCTION AND DEMOLITION DEBRIS BETWEEN ST. JOHNS COUNTY, FLORIDA, AND A TO Z ROLLOFF, INC.; AND AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO EXECUTE THE AGREEMENT ON BEHALF OF ST. JOHNS COUNTY

9. Motion to authorize the County Administrator, or his designee, to enter into an agreement under Bid No. 11-52 with Bound Tree Medical, School Health Corp., QuadMed, Inc., Regimed Medical, Henry Schein, Inc., and Midwest Medical Supply Company, for the purchase of miscellaneous fire rescue pharmaceutical supplies for a term of one (1) year with three (3) additional one (1) year renewal options
10. Motion to adopt **Resolution No. 2011-75**, recognizing unanticipated revenue in the amount of \$4,155.18 from Environmental Education Resource Council of Northeast Florida for work completed at Alpine Groves Park to General Fund Contributions and appropriating it to the Recreation Facilities Other Maintenance line item

RESOLUTION NO. 2011-75

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AMENDING THE FISCAL YEAR 2011 BUDGET TO RECEIVE UNANTICIPATED REVENUE AND AUTHORIZE ITS EXPENDITURE BY THE ST. JOHNS COUNTY RECREATION AND PARKS PROJECT FUND

11. Motion to approve a transfer from Law Enforcement Trust Fund (LETf) Reserves in the amount of \$5,000 to LETf - Aid to Private Organizations to support the local crime prevention program, the Justice Coalition

(This item was pulled.)

12. Motion to approve the Fiscal Year 2011 Utility Services Fund, Ponte Vedra Utility Fund, and Transportation Trust Fund Capital Improvement Program re-appropriation and associated budget transfers
13. Motion to adopt **Resolution No. 2011-76**, approving the terms and conditions of a contract between St. Johns County and Gamble Rogers Festival, Inc., to allow the St. Johns County Cultural Events Division to provide management services (including advertising, production, promotion, volunteer coordination & event staffing) for the Gamble Rogers Folk Festival; and authorizing the County Administrator to execute the agreement on behalf of the County

RESOLUTION NO. 2011-76

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 GAMBLE ROGERS FESTIVAL, INC., FOR EVENT MANAGEMENT SERVICES IN ORDER TO PREPARE FOR AND CONDUCT THE GAMBLE ROGERS FOLK FESTIVAL ("SPECIAL EVENT") TO BE HELD ON FRIDAY, APRIL 29, 2011, THROUGH SUNDAY, MAY 1, 2011; AND AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO EXECUTE THE AGREEMENT ON BEHALF OF THE COUNTY

14. Motion to approve the repair costs of the failing HVAC system for the Ponte Vedra Community Center/Concert Hall by transferring \$12,500 Consulting Services, \$25,000 Operating Supplies, \$12,500 Contractual Services, and \$25,000 Operating Supplies and up to \$45,000 Reserves (total amount \$180,000) from the General Fund to the County Cultural Center Building Maintenance
15. Motion to authorize the transfer of \$321,000 from the Law Enforcement Impact Fee Fund Capital Reserves to complete the Sheriff's Complex Stormwater Improvements Project
16. Motion to award RFP #11-13, Compensation and Classification Study to Condrey & Associates, Inc., and authorize the County Administrator, or his designee, to negotiate with and, if negotiations are successful, enter into contract with the number one ranked firm, Condrey & Associates, Inc. If an agreement cannot be

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

17. Motion to adopt **Resolution No. 2011-77**, recognizing unanticipated revenue in the amount of \$116,510 and increasing the Transportation Trust Fund Contributions and increasing the expenditure budget of the Countywide Stormwater Project in the same amount for project number PA-04-FL-1785-PW-02104(1) and allow for the County to administer the Contract for FIND

RESOLUTIONS NO. 2011-77

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AMENDING THE FISCAL YEAR 2011 COUNTYWIDE STORMWATER CAPITAL IMPROVEMENT PROJECT, IN ORDER TO RECEIVE UNANTICIPATED REVENUE AND AUTHORIZE IT'S EXPENDITURE ON A CONSTRUCTION PROJECT ON BEHALF OF THE FLORIDA INLAND NAVIGATION DISTRICT LOCATED AT SITE SJ-1

18. Proofs:
 - a. Proof: Request for Proposals, RFP#11-56, Maintenance and Repair to St. Johns County Fire Rescue Fleet, published in the Ponte Vedra Recorder on March 4, 2011
 - b. Proof: Request for Bids, Bid #11-58, West Augustine District Park Phase 3, published in the St. Augustine Record on February 23, 2011 and March 2, 2011
 - c. Proof: Request for Proposals, RFP #11-56, Maintenance and Repair to St. Johns County Fire Rescue Fleet, published in the St. Augustine Record on February 23, 2011 and March 2, 2011

(9:24 a.m.) McCormack stated that Regular Item 5, public hearing for the proposed parking ordinance, would be pulled from the agenda. Bryan stated that Item 5, which had to do with parking in the County, was being pulled, so if anyone present wanted to speak to that particular item, public comment would be the place to do it.

(04/05/11 - 6 - 9:25 a.m.)
PUBLIC COMMENT

Marie Hobbs, 4517 De Leon Place, spoke on behalf of the Betty Griffin House and herself. She stated that April was Sexual Assault Awareness Month and that Betty Griffin was a dual shelter and would be participating in a portion of a 39 day, 1,000 mile journey started by Lauren Booklem, a survivor of sexual abuse. She said that it would begin in Key West and would end on the steps of the historic Capitol in Tallahassee. She mentioned that their portion of the walk would begin at the courthouse on Saturday, April 9th at 4:00 p.m.

(9:27 a.m.) Ed Slavin, P. O. Box 3084, spoke on a civil rights museum coming to St. Augustine, and putting an interchange at I-95 to serve West King Street and West Augustine. He spoke on a hate site website.

(9:31 a.m.) James Stivers, 4620 Onion Creek Court, on behalf of Cypress Lakes Phase 1 HOA, spoke on dealing with parking issues for over a year.

(04/05/11 - 7 - 9:34 a.m.)

ADDITIONS OR DELETIONS TO THE REGULAR AGENDA

McCormack requested that Item 5 be pulled. Wanchick requested placing Item 6 at the beginning of the agenda. Stevenson requested to add an item to consider a resolution to oppose Senate Bill 372 and House Bill 1379 and it was added as Item 7a. McCormack requested to add an item regarding a resolution supporting the coordinated transportation system and it was added as Item 7b.

(04/05/11 - 7 - 9:35 a.m.)

APPROVAL OF REGULAR AGENDA

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

(04/05/11 - 7 - 9:35 a.m.) *(Formerly Regular Agenda Item 6.)*

CONSIDER A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO NEGOTIATE AND ENTER INTO A TRI-COUNTY INTERLOCAL AGREEMENT FOR MEDICAL EXAMINER SERVICES FOR DISTRICT 23

Wanchick stated that the prior medical examiner had retired, which necessitated the hiring process under R.J. Larizza's Office - State Attorney, per State Statute. He stated that currently they were under a temporary agreement with Volusia County for medical examiner's services while they make a new selection. He said if they made the appointment today as recommended, Larizza could immediately appoint an interim medical examiner to serve St. Johns County. He said this item was simply to recognize that person as a County employee. He mentioned that the prior medical examiner was not a County employee, but an independent contractor. He stated it would be better if the medical examiner was a County position, which would allow Wanchick to enter into the joint tri-party agreement with the two other counties, in which they would split the cost accordingly and transfer the appropriate funds from County reserves.

(9:37 a.m.) R. J. Larizza, State Attorney, stated that they formed a selection committee for choosing a medical examiner for District 23. He said that he felt comfortable and confident that Dr. Predrag Bulic was the best choice for District 23. He stated that he had personally worked with him in his first year in office, in Volusia County, on the death penalty case of a very tragic and violent murder that occurred at Tomoka Correctional, where he was the medical examiner, in which he had provided outstanding testimony. Wanchick mentioned that the governor's office had to make the formal appointment, which could take months or years, so Dr. Bulic would be an interim medical examiner until that took place. Stevenson stated that she would like to understand the ongoing budget implications of the decision. Wanchick explained the budget implications. Stevenson asked the increase of the ongoing cost. Wanchick responded that it was less than \$40,000. Miner stated that he thought the hiring process had been very thorough and he was ready to make a motion in support of it.

(9:41 a.m.) **Motion by Miner, seconded by Sanchez, carried 5/0, to adopt Resolution No. 2011-78, authorizing the County Administrator to negotiate and enter into a tri-county interlocal agreement for medical examiner services for District 23; and**

Motion by Miner, seconded by Sanchez, carried 5/0, to approve creation of medical examiner position; and

Motion by Miner, seconded by Sanchez, carried 5/0, to authorize the transfer of \$223,218 from General Fund Reserves to fund changes to the FY 2011 Medical Examiner's operating budget.

RESOLUTION NO. 2011-78

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE COUNTY ADMINISTRATOR TO NEGOTIATE AND ENTER INTO A TRI-COUNTY AGREEMENT BETWEEN ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS, PUTNAM COUNTY AND FLAGLER COUNTY FOR MEDICAL EXAMINER SERVICES FOR DISTRICT 23

(04/05/11 - 8 - 9:42 a.m.)

DISTRICT 2

1. PUBLIC HEARING - MAJMOD 2011-02, GOOD NEWS CHURCH. THE SUBJECT PROPERTY IS LOCATED ON THE SOUTH SIDE OF INTERNATIONAL GOLF PARKWAY, APPROXIMATELY ½ MILE WEST OF PALENCIA. THIS IS A REQUEST TO MODIFY THE TECHNOLOGY CENTER AT ST. MARKS PUD TO ALLOW FOR SPECIAL USES WITHIN THE IW ZONING DISTRICT, UNPAVED PARKING, AND ADDITIONAL SIGNAGE. BASED ON THE INFORMATION AVAILABLE TO STAFF, THE CURRENT PLANNING & ZONING SECTION FINDS THE REQUEST FOR A MAJOR MODIFICATION TO THE TECHNOLOGY CENTER AT ST. MARKS PUD SUBSTANTIALLY MEETS THE REQUIREMENTS OF THE COMPREHENSIVE PLAN AND THE LAND DEVELOPMENT CODE. THIS FINDING IS BASED UPON THE FOLLOWING INFORMATION: THE APPLICATION MATERIALS AS SUBMITTED BY THE APPLICANT, SIMILAR USES WITHIN THE SURROUNDING AREA, CONSISTENCY WITH THE INDUSTRIAL LAND USE, AND OTHER RELEVANT INFORMATION AVAILABLE TO STAFF. THIS FINDING MAY BE SUBJECT TO OTHER COMPETENT SUBSTANTIAL EVIDENCE RECEIVED, INCLUDING THAT MATERIAL RECEIVED AT THE QUASI-JUDICIAL PUBLIC HEARING. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS ITEM AT THEIR MARCH 17TH MEETING BY A 7 TO 0 VOTE

Proof of publication of the notice of public hearing on MAJMOD 2011-02, Good News Church, was received, having been published in *The St. Augustine Record* on March 6, 2011.

Michael Blackford, Planning and Zoning Manager, gave a presentation, *Exhibit A*. He stated that they were requesting to add in special uses as allowed by the Industrial Warehouse zoning district, unpaved parking, and additional signage.

(9:45 a.m.) Andy Halro, 907 Alicante Road, Pastor at World Golf Village campus of Good News Church, thanked the Board for the opportunity to be able to serve the northern part of the County.

(9:45 a.m.) Motion by Sanchez, seconded by Stevenson, carried 5/0, to enact Ordinance No. 2011-11, known as MAJMOD 2011-02, adopting findings of fact one through six to support the motion.

ORDINANCE NO. 2011-11

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, APPROVING A MAJOR MODIFICATION TO THE TECHNOLOGY CENTER AT ST. MARKS PLANNED UNIT DEVELOPMENT, ORDINANCE NUMBER 1998-09, AS AMENDED, MAKING FINDINGS OF FACT; REQUIRING

**RECORDATION; AND PROVIDING FOR AN
EFFECTIVE DATE**

(04/05/11 - 9 - 9:46 a.m.)

DISTRICT 3

2. PUBLIC HEARING - ADMR 2011-01, HIGH AND DRY STORAGE. THE SUBJECT PROPERTY IS LOCATED ON THE EAST SIDE OF HOLMES BLVD., APPROXIMATELY ¾ MILE NORTH OF SR 207. THIS IS A REQUEST TO REZONE +/- 7.1 ACRES FROM HEAVY INDUSTRIAL (HI) TO COMMERCIAL WAREHOUSE (CW). BASED ON THE INFORMATION AVAILABLE TO STAFF, THE CURRENT PLANNING & ZONING SECTION FINDS THE REQUEST TO REZONE TO CW SUBSTANTIALLY MEETS THE REQUIREMENTS OF THE COMPREHENSIVE PLAN AND THE LAND DEVELOPMENT CODE. THIS FINDING IS BASED UPON THE FOLLOWING INFORMATION: THE APPLICATION MATERIALS AS SUBMITTED BY THE APPLICANT, SIMILAR USES WITHIN THE SURROUNDING AREA, CONSISTENCY WITH THE MIXED USE DISTRICT LAND USE, AND OTHER RELEVANT INFORMATION AVAILABLE TO STAFF. THIS FINDING MAY BE SUBJECT TO OTHER COMPETENT SUBSTANTIAL EVIDENCE RECEIVED, INCLUDING THAT MATERIAL RECEIVED AT THE QUASI-JUDICIAL PUBLIC HEARING. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS ITEM AT THEIR MARCH 3RD MEETING BY A 7 TO 0 VOTE

Proof of publication of the notice of public hearing on ADMR 2011-01, High and Dry Storage, was received, having been published in *The St. Augustine Record* on February 16, 2011.

Michael Blackford, Planning and Zoning Manager, gave a presentation, *Exhibit A*. He stated that this was the only property in St. Johns County zoned Heavy Industrial. Discussion followed on Heavy Industrial zoning.

(9:51 a.m.) Motion by Miner, seconded by Sanchez, carried 5/0, to enact Ordinance No. 2011-12, known as ADMR 2011-01, adopting findings of fact one through four to support the motion.

ORDINANCE NO. 2011-12

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

(04/05/11 - 9 - 9:52 a.m.)

DISTRICT 1

3. PUBLIC HEARING - ADMR 2011-02, ELK PARK. THE SUBJECT PROPERTY IS LOCATED ON THE EAST SIDE OF US 1, APPROX. 1.2 MILES SOUTH OF IGP BLVD. AND US 1 (PALENCIA). THIS IS A REQUEST TO REZONE +/- 5 ACRES FROM IW WITH CONDITIONS TO CW WITH CONDITIONS TO ALLOW FOR ALL COMMERCIAL USES AVAILABLE WITHIN THE CW ZONING DISTRICT, WHILE MAINTAINING FORMER SITE CONDITIONS. BASED ON THE AVAILABLE INFORMATION, THE REQUEST TO REZONE SUBSTANTIALLY MEETS THE REQUIREMENTS OF THE COMPREHENSIVE PLAN AND THE LAND DEVELOPMENT CODE. THIS FINDING IS BASED UPON THE FOLLOWING INFORMATION: THE APPLICATION MATERIALS, SIMILAR USES WITHIN THE SURROUNDING AREA, MAINTENANCE OF

EXISTING CONDITIONS, AND CONSISTENCY WITH THE MIXED USE LAND USE. THIS FINDING MAY BE SUBJECT TO OTHER COMPETENT SUBSTANTIAL EVIDENCE RECEIVED, INCLUDING THAT MATERIAL RECEIVED AT THE QUASI-JUDICIAL PUBLIC HEARING. THE PLANNING AND ZONING AGENCY VOTED 7/0 TO RECOMMEND APPROVAL WITH SUGGESTED CONDITIONS, SPECIFICALLY MODIFYING 2(A) TO LIMIT USES TO HIGH INTENSITY COMMERCIAL

Proof of publication of the notice of public hearing on ADMR 2011-02, Elk Park, was received, having been published in *The St. Augustine Record* on February 16, 2011.

Lindsay Haga, AICP, Development Review Director, gave a presentation, *Exhibit A*.

(9:53 a.m.) **Motion by Stevenson, seconded by Miner, carried 5/0, to enact Ordinance No. 2011-13, known as ADMR 2011-02, adopting findings of fact one through four to support the motion, including suggested conditions one through six, and specifically modifying 2(a) to limit commercial uses to High Intensity Commercial.**

ORDINANCE NO. 2011-13

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

The meeting recessed at 9:56 a.m. and reconvened at 10:04 a.m.

(04/05/11 - 10 - 10:04 a.m.)

DISTRICT 1

4. PUBLIC HEARING - SPECIAL USE PERMIT APPEAL FOR FRATERNAL ORDER OF ORIOLES, NEST 324. THIS IS AN APPEAL FILED PLANAPPL 2011-01, FRATERNAL ORDER OF ORIOLES, NEST 324, APPEAL OF A DECISION BY THE PLANNING AND ZONING AGENCY, PURSUANT TO SECTION 9.07.03 OF THE LAND DEVELOPMENT CODE REGARDING DECISIONS OF THE PLANNING AND ZONING AGENCY (PZA) BY JOHN MCCARTHY, A NEIGHBORING PROPERTY OWNER. THE SUBJECT PROPERTY IS LOCATED ON THE NORTHWEST CORNER OF THE INTERSECTION OF COUNTY ROAD 13 NORTH AND COLEE COVE ROAD WITHIN AN EXISTING COMMERCIAL PLAZA. THE PZA ISSUED A FINAL DECISION REGARDING A SPECIAL USE PERMIT (SUPMAJ 2010-34) ALLOWING FOR ON-SITE CONSUMPTION OF ALCOHOLIC BEVERAGES (BEER/WINE/LIQUOR) PURSUANT TO A STATE OF FLORIDA TYPE 11-C BEVERAGE LICENSE AND SPECIAL USE APPROVAL TO OPERATE A PRIVATE CLUB SPECIFICALLY LOCATED AT 9155 CR 13 NORTH. THE PZA CONSIDERED THE MATTER ON DECEMBER 16, 2010, AND FOLLOWING A 3/2 VOTE, APPROVED SUPMAJ 2010-34. ON FEBRUARY 11, 2011, JOHN MCCARTHY FILED AN APPEAL, IN A TIMELY MANNER, AS PRESCRIBED BY THE LAND DEVELOPMENT CODE, REQUESTING THAT THE BOARD OF COUNTY COMMISSIONERS REVERSE THE DECISION GRANTED BY THE PZA, AND DENY SUPMAJ 2010-34

Proof of publication of the notice of public hearing on PLANAPPL 2011-01, Fraternal Order of Orioles, was received, having been published in *The St. Augustine Record* on March 21, 2011.

Court Reporter Carman Gaetanos was present.

McCormack stated that he met with both attorneys and they formulated a recommended hearing procedure and requested that the Board give ex parte disclosures pertaining to this item. Stevenson disclosed ex parte communication with the applicant's council Brenna Durden, and the owner Jim Laquidara, regarding the application for a club to have a liquor license, improvements they made to the area and also some of the other businesses they had in the community. Miner, Bryan, Sanchez, and Morris also met with the same parties as Stevenson regarding the same subjects.

(10:06 a.m.) McCormack asked if there were any questions pertaining to the ex parte communications. There were none. He requested that all parties, who would be testifying regarding this agenda item be sworn in. Linda Oakley, 701 Pinehurst Place, questioned the need for swearing in. McCormack replied that this was a disputed matter and for due process, protections for either side, this was their recommendation. The following people stated their name and address for the record: John McCarthy, 7705 Tocoil Road; George Boatright, 9915 Shands Pier Road; Michael Scala, 2205 SR 16; Velisha Sleaf, 7691 Palmo Fish Camp Road; Sumer Sleaf, 8104 Windover Road; James Sleaf, 7691 Palmo Fish Camp Road; Jim Laquidara, 8851 A1A South; Sue Hall, 8026 Colee Cove Road; Michael Barfoot, 16 Burning View Lane; Shawanna Al-Burkat, 1501 Tawny March Court; Paula Williams, 8141 Colee Cove Road; James Summers, 8317 Sheila Drive; Sherrill Summers, 8317 Sheila Drive; Paula Laquidara, 8851 A1A South; Pamela Hill, 1000 Whispering Circle #3; Patrick Wall, 309 West Jay Way; Niklaus Perez, 148 Sunset Circle South; Lauren Wilkinson, 205 South Matanzas Blvd.; and Marie Hobbs, Growth Management. Whitehouse swore in all of the witnesses.

(10:13 a.m.) Marie Hobbs, Assistant Program Manager, stated that this was an appeal of a decision by the Planning and Zoning Agency, approving a special use permit allowing a private club and associated sales of alcoholic beverages, including beer, wine and liquor, for on-site consumption in conjunction with the State of Florida Type 11-C beverage license. She gave a presentation, *Exhibit A*.

(10:17 a.m.) Isabelle Lopez, 1 Independent Drive, Jacksonville, representing Jack McCarthy, submitted documents for the record, *Exhibit B*. Lopez reviewed several documents regarding the Fraternal Order of the Orioles.

(10:33 a.m.) John McCarthy, 7705 Tocoil Road, commented on the sports bar and permit.

(10:37 a.m.) Brenna Durden, 245 Riverside Ave., Suite 15, Jacksonville, on behalf of the Fraternal Order of Orioles, Nest 324, and the President Jim Laquidara, spoke on the staff report, and the bar across the street. She distributed and reviewed a packet on the Fraternal Order Orioles, *Exhibit C*. She stated it was a clean operation, no smoking in the building, and submitted into the record, January's members list of the Fraternal Order of the Orioles, Nest #324, *Exhibit D*. She asked the Board to approve this application for special use.

(10:53 a.m.) Jim Laquidara, applicant, stated that it was a legitimate, 100 year old, non-profit, non-discriminatory, members-only club, based on community, fraternity, and charity. He said their focus was supporting schools. He spoke on the liquor license, not being able to build the business up and sell it, having four employees, spending a lot of money rebuilding the building itself, and the things they were doing to improve the community. He said that this was not the first project that he and his wife had done.

(10:58 a.m.) Niklaus Perez, bar manager for the club, 148 Sunset Circle South, was sworn in, spoke on the petition having false information on it. Stevenson asked how long Perez had been a manager. Perez replied for the 10 weeks they had been open. Bryan asked Perez if he had any documentation regarding the statement that the information that individuals were given regarding the petition was false. Perez said it was based on references that he had received from his members. Sanchez asked about the petitions not having a heading on them regarding what it was for. McCormack spoke on the petition and its heading. Sanchez said that the heading should be on each sheet that was signed. Bryan stated that Sanchez had a valid point. McCormack recommended continuing public comment. Sanchez mentioned that the agenda stated District 1, but it was actually in District 2. Stevenson spoke on sign-in sheets and headings being changed.

(11:05 a.m.) Paula Williams, 8141 Colee Cove Road, was sworn in, spoke on false information listed on the petition and signing it. She said it was a nice club and the purpose was going to be good for the community.

(11:07 a.m.) Patrick Wall, 309 West Jayce Way, was sworn in, spoke on signing the petition under false pretenses, and said there was no violence at the club.

(11:10 a.m.) Pamela Hill, 1000 Whispering Circle #3, had been sworn in, bartender at the club, spoke on harassment, and the petition being falsely signed by many people.

(11:12 a.m.) Michael Barfoot, 16 Burning View Lane, was sworn in, spoke on doing the renovation on the building, and said the operation going on now was different than what was there before.

(11:14 a.m.) Sherrill Summers, 8317 Sheila Drive, was sworn in, stated the club was a nice establishment, that smoking was not allowed, that people were nice there, it was a members' only club, and that no one off the street could just come in.

(11:16 a.m.) Sue Hall, 8026 Colee Cove Road, was sworn in, stated that they were glad there was a decent place for people to go and she stood behind them.

(11:17 a.m.) Michael Scala, 2205 SR 16, was sworn in, spoke on it being a nice bar with decent people, and the outrageous misrepresentation of what the private club was about.

(11:21 a.m.) Harold Lock, 134 Riberia St., was sworn in, spoke on seeing a lot of improvements done to the property, and stated that he supported Laquidara and the club.

(11:23 a.m.) Jonathan Robison, 2443 Woodstork Court, was sworn in, said Orioles was a nice establishment, he was never asked about a membership, so he was not qualified to make a statement about members, and he never saw underage drinkers in that bar.

(11:25 a.m.) Orville Laird, Palm Coast, was sworn in, spoke on signing a petition to prevent a club from opening. He said he was given false information about the club. He said the club was an asset to the community, and the area.

(11:28 a.m.) James Summers, 8317 Sheila Drive, was sworn in, stated that he was asked if he was a member when entering the club and the club was an asset to the community. Bryan asked if the door was locked, or if there was any way of controlling individuals who come and go. Summers replied that the door was unlocked, but the bartenders always ask if you're a member, or if you would like to join. Bryan said that there was

no one standing there actually monitoring the membership or individuals coming and going. Summers replied that was his experience.

(11:29 a.m.) George Boatwright, 9915 Shands Pier Road, was sworn in, spoke on Laquidara opening a bar that was open to the public. He said he thought the club was violating both the State beverage laws and the County ordinances, specifically in the serving of minors, allowing alcoholic beverages to be taken outside the building, serving non-members and operating after hours. He spoke on the petition. Bryan asked Boatwright about witnessing all the things he said, or was it hearsay. Discussion followed.

(11:34 a.m.) Shawana Al-Burkat, 1501 Tawny March Court, was sworn in, mentioned that she owned a convenience store next to the Fraternal Order of Orioles and said that since the bar had been there, her business had picked up a lot. She stated that there was underage drinking at the bar across the street, and that the bar was nothing but trouble.

(11:37 a.m.) Velisha Sleaf, 7691 Palmo Fish Camp Road, was sworn in, spoke on minors drinking at the bar, and the problem with hard liquor.

(11:38 a.m.) Sumer Sleaf, was sworn in, 8104 Windover Road, spoke on the license, and this not being about the competition between both bars.

(11:39 a.m.) Sam Sleaf, 7691 Palmo Fish Camp Road, was sworn in, spoke on the license and minors coming from next door drinking.

(11:42 a.m.) McCormack read the format.

(11:43 a.m.) Durden summarized that the testimony heard during public comment would be characterized as competition; the owner across the street didn't want to have another facility in the area; and it seemed that they heard from a number of people who were related to the person who operated the bar across the street. She said the club was not open to everybody, spoke on the petition, the people who spoke this day, said the club was bonafide, and improved the community by renovating the building, meet requirements of the Land Development Code. She asked the Board to deny the appeal. Stevenson asked about the license. Durden stated that the license was issued to the Fraternal Order of Orioles Nest #324. Discussion followed on the advertisement of the place, purchasing the property, and the signage with the logo.

(11:53 a.m.) Lopez rebutted some of the documentation that was submitted. She spoke on the bylaws, signage, donations, non compliance with state law, the sale of the property, the supporting landlord, citizen petitions, non members being served, and advertising. She said their signage did not comply with the special use under State law and Code. Discussion followed on the hours of operation.

(12:02 p.m.) Sumer Sleaf, 8104 Windover Road, owner of bar, gave their hours of operation.

(12:05 p.m.) Miner explained why he asked about the days and hours of operation; because of school buses in the afternoon in that area. He said the Orioles had demonstrated that they gave to charity. He stated, according to compatibility, that one bar was not anymore compatible than the other for that area. He said that he would be supporting the denial. Discussion followed on bylaws, membership control and club entry.

(12:10 p.m.) Durden commented on the bylaws being submitted to Alcohol, Beverages and Tobacco and the issue of the entrance. She said they would agree to a condition to

install a card entry system at the entrance. Sanchez questioned how they would enforce it. McCormack responded through Code Enforcement. McCormack advised the Board to base its decision on what was heard today.

(12:21 p.m.) **Motion by Sanchez, second by Miner, to deny Planning Appeal 2011-01 and uphold the Planning and Zoning Agency's approval of SUPMAJ 2010-34, based upon findings of fact one through eight, and subject to the suggested conditions one through eight and further admission to the club shall be controlled to insure compliance with the above State license.** Discussion followed regarding the controlled entry to the club and membership. McCormack asked Durden if she had any objection to the condition as stated. The record reflected that there was no objection. (12:24 p.m.) **The motion carried 5/0.**

The meeting recessed at 12:30 p.m. and reconvened at 12:37 p.m.

(Item No. 5 was pulled.)

5. PUBLIC HEARING - PROPOSED PARKING ORDINANCE

(This item was moved to the beginning of the agenda.)

6. CONSIDER A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO NEGOTIATE AND ENTER INTO A TRI-COUNTY INTERLOCAL AGREEMENT FOR MEDICAL EXAMINER SERVICES FOR DISTRICT 23

(04/05/11 - 14 - 12:37 p.m.)

7. CONSIDER AN APPOINTMENT TO THE CONTRACTOR'S REVIEW BOARD

Melissa Lundquist, BCC Manager, stated that the vacancy was for the citizen member position, the item was properly advertised and that only one application was received.

(12:37 p.m.) **Motion by Sanchez, seconded by Miner, carried 5/0, to appoint John Roach to the Contractors' Review Board for a full four-year term, scheduled to expire April 5, 2015.**

(12:38 p.m.) Lundquist mentioned that there was a Class II requirement position on the Board that needed to be filled as well, and if anyone was interested, they could contact her.

(04/05/11 - 14 - 12:38 p.m.)

7A. CONSIDER A RESOLUTION OPPOSING SB 372 AND HB 1379

Stevenson reviewed this item, stating that they did not have a pretrial release program in St. Johns County.

(12:40 p.m.) **Motion by Stevenson, seconded by Miner, carried 5/0, to adopt Resolution No. 2011-79, urging the Florida Legislature to oppose SB 372 and HB 1379 due to the increase public safety risk the bills will cause, and to support judicial discretion for setting bonds and establishment of pretrial release practices.**

RESOLUTION NO. 2011-79

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, URGING THE FLORIDA LEGISLATURE TO OPPOSE SB 372 AND HB 1379 DUE TO THE INCREASED PUBLIC SAFETY RISK THE BILLS WILL CAUSE AND TO SUPPORT JUDICIAL DISCRETION FOR SETTING

**BONDS AND ESTABLISHMENT OF PRETRIAL
RELEASE PRACTICES**

(04/05/11 - 15 - 12:41 p.m.)

7B. RESOLUTION SUPPORTING THE COORDINATED TRANSPORTATION SYSTEM

Bryan spoke on approving the resolution supporting the Coordinated Transportation System.

(12:43 p.m.) **Motion by Bryan, seconded by Miner, carried 5/0, to adopt Resolution No. 2011-80, in support of maintaining the coordinated transportation system including Medicaid non-emergency transportation, the Commission for the Transportation Disadvantaged, and the Transportation Disadvantaged Trust Fund.**

(12:44 p.m.) McCormack asked the Board to authorize the sponsor of each of those resolutions; Commissioner Stevenson for the pretrial release and the Chair for the transportation resolution to determine the most effective way to distribute those to have the greatest timely affect. (12:45 p.m.) *There was consensus by the Board.*

RESOLUTION NO. 2011-80

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, IN SUPPORT OF MAINTAINING THE COORDINATED TRANSPORTATION SYSTEM, INCLUDING MEDICAID NON-EMERGENCY TRANSPORTATION, THE COMMISSION FOR THE TRANSPORTATION DISADVANTAGED, AND THE TRANSPORTATION DISADVANTAGED TRUST FUND

(04/05/11 - 15 - 12:45 p.m.)

COMMISSIONERS' REPORTS

Commissioner Stevenson:

Stevenson reiterated the opportunity to support the Betty Griffin House event on Saturday, April 9th at 4:00 p.m.

Stevenson told Bryan that she appreciated his work on behalf of the transportation disadvantaged. She said the Legislature was desparately trying to balance their budget anyway they could to deal with Medicaid challenges, but they couldn't let them take the central services away that would make people less well off and less able to cope with illness and disability in order to balance the budget.

(12:48 p.m.) Commissioner Miner:

No report.

(12:48 p.m.) Commissioner Morris:

Morris spoke on getting businesses and industries into St. Johns County. He mentioned entities that were working with the PGA and The Players Championship. He said that they were getting Governor Rick Scott to come for the Thursday night meeting on May 12th, 5:30 p.m. to 7:30 p.m., and were working on getting Marco Rubio for the Friday session.

(12:50 p.m.) Commissioner Sanchez:

Sanchez spoke on the Beach Family, who were previously potato farmers, and now had cattle. He said that they lease their land for sod growing and also had the Tocoli Feed

Mill. He spoke on the farmers market, held at the Amphitheatre, turning down farmers and telling them they had to set up an appointment to sell at the market.

(12:52 p.m.) Commissioner Bryan:

Bryan spoke on being engaged with a company out of Alabama, who was considering moving to St. Johns County, with possibly 60 to 70 jobs.

Bryan said that he attended the Hastings Youth Academy a couple of weeks ago as a speaker.

Bryan said that he attended last night's meeting of the St. Augustine Beach Commission. One of the things they discussed was the property that was in the County's name, by Publix, and trying to decide what they were going to do with it. He stated that they understood that once the property was paid for, it would be turned over to the Beach itself.

Bryan spoke in response to the constituents talking about the County living within it means. He spoke on maybe not being able to waive usage fees for facilities around the County, including services that staff provided.

(04/05/11 - 16 - 12:56 p.m.)

COUNTY ADMINISTRATOR'S REPORT

Wanchick mentioned that Fire Rescue had an ambulance that they would like to send to surplus. The Sheriff's Department would like to take that vehicle, in the form of a donation, so they could convert it into a bomb vehicle. Administration would like to make that happen, with the Commission's consent. Wanchick asked the Board if they would declare it surplus and allow him to donate it to the Sheriff's Office. (12:56 p.m.)
There was a consensus of the Board to do so.

Wanchick said that they were working on the summer schedule; he thought they would be cancelling the July 5th meeting. He stated that they would bring the Board something more formal at the next meeting.

Wanchick stated that they were working on the joint meeting date with the City.

(04/05/11 - 16 - 12:57 p.m.)

COUNTY ATTORNEY'S REPORT

McCormack mentioned that their Deputy County Attorney Michael Hunt left last Friday. He spoke on accepting internal applications for the position of Deputy County Attorney. Only one person applied for the position, James Whitehouse. He was interviewed by himself and the Interim Personnel Director. He said in the County Attorney's Ordinance, there was a provision for a Deputy County Attorney to be appointed by the County Attorney. He submitted the appointment of James Whitehouse for consideration as Deputy County Attorney for an indefinite term.

(1:00 p.m.) **Motion by Sanchez, seconded by Miner, carried 5/0, to appoint James Whitehouse as Deputy County Attorney.**

(1:00 p.m.) Bryan announced that Team Teal Kickoff would begin tonight at 6:00 p.m. at the Ponte Vedra Concert Hall, *Exhibit A*. He stated that there would be two other rallies: one in Julington Creek and one in Palencia in a couple of weeks.

(04/05/11 - 16 - 1:02 p.m.)

CLERK OF COURT'S REPORT

No report.

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

REPORTS:

1. St. Johns County Board of County Commissioners Check Register, Check No. 467566 through 467805, totaling \$1,764,215.56 (03/08/11)
2. St. Johns County Board of County Commissioners Voucher Register, Voucher No. 5181 through 5245, totaling \$1,372,868.06 (03/08/11)
3. St. Johns County Board of County Commissioners Check Register, Check No. 467806 through 467826, totaling \$37,993.65 (03/10/11)
4. St. Johns County Board of County Commissioners Check Register, Check No. 467827, totaling \$7,500.00 (03/11/11)
5. St. Johns County Board of County Commissioners Check Register, Check No. 467828 through 468082, totaling \$1,991,979.20 (03/15/11)
6. St. Johns County Board of County Commissioners Voucher Register, Voucher No. 5246 through 5290, totaling \$553,568.09 (03/15/11)
7. St. Johns County Board of County Commissioners Check Register, Check No. 468083 through 468364, totaling \$921,648.35 (03/22/11)
8. St. Johns County Board of County Commissioners Voucher Register, Voucher No. 5291 through 5357, totaling \$773,390.06 (03/22/11)
9. St. Johns County Board of County Commissioners Check Register, Check No. 468365, totaling \$417.00 (03/22/11)
10. St. Johns County Board of County Commissioners Check Register, Check No. 468366 through 468395, totaling \$67,639.71 (03/24/11)
11. St. Johns County Board of County Commissioners Check Register, Check No. 468396 through 468407, totaling \$192,214.36 (03/18/11)
12. St. Johns County Board of County Commissioners Check Register, Check No. 468408 through 468658, totaling \$884,848.83 (03/29/11)
13. St. Johns County Board of County Commissioners Voucher Register, Voucher No. 5358 through 5470 totaling \$523,061.49 (03/29/11)

CORRESPONDENCE:

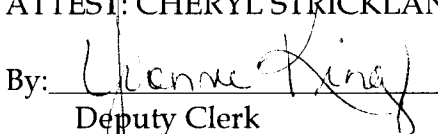
1. Letter dated March 18, 2011 to Liz Cloud, Program Administrator, Department of State, filing St. Johns County Ordinances Number 2011-8 through 2011-10.

Approved April 19, 2011

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: 
J. Ken Bryan, Chair

ATTEST: CHERYL STRICKLAND, CLERK

By: 
Deputy Clerk

