

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
APRIL 19, 2011
(9:00 A.M.)**

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

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

(04/19/11 - 1 - 9:00 a.m.)

CALL TO ORDER

Bryan called the meeting to order.

(04/19/11 - 1 - 9:00 a.m.)

ROLL CALL

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

(04/19/11 - 1 - 9:01 a.m.)

INVOCATION - Dennis Hollingsworth, Tax Collector

(04/19/11 - 1 - 9:02 a.m.)

PLEDGE OF ALLEGIANCE - Commissioner Ron Sanchez

(04/19/11 - 1 - 9:03 a.m.)

PRESENTATION BY THE UNITED STATES COAST GUARD TO SJCFR WITH A FORMAL CERTIFICATE OF MERIT FOR THEIR EFFORTS AND RESPONSE IN THE AREA OF MARINE RESCUE

Captain Andy Bloom stated that one of the Coast Guard's primary mission was search and rescue. He recognized some crucial partners in that mission as members of the St. Johns County Marine Rescue Unit. He read a citation on behalf of the Commandant of the U.S. Coast Guard, to the St. Johns County Fire Rescue, regarding a certificate of merit award.

(9:08 a.m.) Carl Shank, Assistant Chief, spoke on taking on lifeguard services and coming up with a program for them.

(04/19/11 - 1 - 9:12 a.m.)

PRESENTATION OF A PROCLAMATION DECLARING THE WEEK OF APRIL 10-16, 2011 AS NATIONAL LIBRARY WEEK

Sanchez invited Debra Rhodes-Gibson and her staff to come to the dais to receive the proclamation. Karen Pan, Communications Manager, read the proclamation.

(9:15 a.m.) Debra Rhodes-Gibson, Library System Director, thanked the commission for the proclamation. She said that the Library was a popular due to the downturn in the economy. She presented the commissioners with a smart key library card. She said everyone could receive a new library card which came with a key card.

(04/19/11 - 2 - 9:18 a.m.)

PRESENTATION OF A PROCLAMATION DECLARING APRIL 2011 AS SEXUAL ASSAULT AWARENESS MONTH

Miner invited Joyce Mahr, Executive Director, Betty Griffin House, to receive the proclamation. Pan read the proclamation. Miner spoke on joining the Betty Griffin House on their walk.

(9:20 a.m.) Joyce Mahr thanked the commissioners, and stated that sexual assault continued to affect the community. She asked everyone to go to their website, www.bettygriffinhouse.org, to become educated on sexual abuse and how to prevent it. She noted important numbers for the public; Outreach at 808-8544, or if you were a victim of sexual abuse, call the hotline at 824-1555 for help.

(04/19/11 - 2 - 9:22 a.m.)

PRESENTATION OF A PROCLAMATION DECLARING APRIL 2011 AS WATER CONSERVATION MONTH

Stevenson asked Greg James, Lead Water Operator, St. Johns County World Golf Village Water Plant, and Jerry Wright, Lead Water Operator, St. Johns County Ponte Vedra Water Plant, to receive the proclamation. Pan read the proclamation.

(9:24 a.m.) Greg James stated that water was one of the most valuable resources. He mentioned that the Water Operation Superintendent was conducting a tour, as they speak, for 95 school children at the CR 214 water treatment plant.

(04/19/11 - 2 - 9:26 a.m.)

ACCEPTANCE OF PROCLAMATIONS

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

(04/19/11 - 2 - 9:26 a.m.)

DELETIONS TO CONSENT AGENDA

Wanchick requested to pull Item 13 from the Consent Agenda.

(04/19/11 - 2 - 9:26 a.m.)

APPROVAL OF CONSENT AGENDA

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

1. Approval of the Cash Requirement Report
2. Minutes:
BCC Regular Meeting 04/05/11
3. Motion to adopt **Resolution No. 2011-81**, accepting a Corrective Easement for Utilities for water service and Bill of Sale for the personal property associated with the water and sewer system serving the Dollar General Store on State Road 207

RESOLUTION NO. 2011-81

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING A CORRECTIVE EASEMENT FOR UTILITIES FOR WATER SERVICE TO THE DOLLAR GENERAL STORE LOCATED ON STATE ROAD 207 AND ACCEPTING A BILL OF SALE CONVEYING ALL PERSONAL PROPERTY ASSOCIATED WITH THE WATER AND SEWER SYSTEM

4. Motion to authorize the County Administrator, or designee, to declare the materials of a 30' x 40' metal building located on County property at 1033 Hibiscus Street as surplus, and authorize a sale to the highest bidder
5. Motion to adopt **Resolution No. 2011-82**, approving the terms and authorizing the execution of a Consent and Joinder, to an easement for Florida Power and Light Company, to cross and use a platted drainage easement dedicated to St. Johns County

RESOLUTION NO. 2011-82

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND AUTHORIZING THE EXECUTION OF A CONSENT AND JOINDER TO AN EASEMENT FOR FLORIDA POWER AND LIGHT COMPANY TO CROSS AND USE A PLATTED DRAINAGE EASEMENT DEDICATED TO ST. JOHNS COUNTY

6. Motion to adopt **Resolution No. 2011-83**, authorizing payment per the terms of two Settlement Agreements in eminent domain cases for acquisition of property for the CR 210/I-95 Roadway Improvement Project

RESOLUTION NO. 2011-83

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING PAYMENT PER THE TERMS OF TWO SETTLEMENT AGREEMENTS IN THE EMINENT DOMAIN CASES FOR ACQUISITION OF PROPERTY FOR THE CR 210/I-95 ROADWAY IMPROVEMENT PROJECT

7. Motion to adopt **Resolution No. 2011-84**, accepting a Temporary Construction Easement required for the Ravenswood Drainage Improvement Project

RESOLUTION NO. 2011-84

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING A TEMPORARY CONSTRUCTION EASEMENT REQUIRED FOR THE RAVENSWOOD DRAINAGE IMPROVEMENT PROJECT

8. Motion to adopt **Resolution No. 2011-85**, accepting an Easement for Utilities for water service to Moultrie Lakes Condominium located on Old Moultrie Road

RESOLUTION NO. 2011-85

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING AN EASEMENT FOR UTILITIES FOR WATER SERVICE TO MOULTRIE LAKES CONDOMINIUM LOCATED ON OLD MOULTRIE ROAD

9. Motion to adopt **Resolution No. 2011-86**, accepting an Easement for Utilities for water service to Oak Bluffs Subdivision located off Wildwood Drive

RESOLUTION NO. 2011-86

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING AN EASEMENT FOR UTILITIES FOR WATER SERVICE TO OAK BLUFFS SUBDIVISION LOCATED OFF WILDWOOD DRIVE

10. Motion to adopt **Resolution No. 2011-87**, authorizing the Board Chair to execute the Release of Phosphate, Minerals, Metals and Petroleum reservations document in connection with property that was declared surplus and will be conveyed to Meldrim Heritage Timberlands

RESOLUTION NO. 2011-87

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE BOARD CHAIR TO EXECUTE THE RELEASE OF PHOSPHATE, MINERALS, METALS AND PETROLEUM RESERVATIONS AND RELEASE OF RELATED RIGHTS OF ENTRY AND EXPLORATION DOCUMENT, ON BEHALF OF THE BOARD, IN CONNECTION WITH PROPERTY THAT WAS DECLARED SURPLUS AND WILL BE CONVEYED TO MELDRIM HERITAGE TIMERLANDS

11. Motion to adopt **Resolution No. 2011-88**, approving the terms and authorizing the Chairman to execute a Conservation Easement over approximately 712 acres at the Turnbull Regional Offsite Mitigation Area to mitigate for wetland impacts associated with the future County Public Works Projects

RESOLUTION NO. 2011-88

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND AUTHORIZING THE CHAIRMAN TO EXECUTE A CONSERVATION EASEMENT OVER APPROXIMATELY 712 ACRES AT TURNBULL REGIONAL OFFSITE MITIGATION AREA TO MITIGATE FOR WETLAND IMPACTS ASSOCIATED WITH FUTURE COUNTY PUBLIC WORKS PROJECTS

12. Motion to adopt **Resolution No. 2011-89**, recognizing unanticipated revenue in the amount of \$11,050.20 and increasing the expenditure budget of the Utility Administration equipment line item (4409-56400) by the same amount

RESOLUTION NO. 2011-89

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AMENDING THE FISCAL YEAR 2011 UTILITY FUND BUDGET IN ORDER TO RECEIVE UNANTICIPATED REVENUE AND AUTHORIZE ITS EXPENDITURE BY THE ST. JOHNS COUNTY UTILITY DEPARTMENT

(This item was pulled from the Consent Agenda.)

13. Motion to approve a transfer from Law Enforcement Trust Fund Reserves in the amount of \$41,618 to Law Enforcement Trust Funds Operating Supplies to support The Justice Coalition, a local crime prevention program
14. Motion to authorize the County Administrator, or his designee, to enter into a contract to purchase sign materials from the low responsive bidder, Universal Signs and Accessories, for one year with three (3) one-year renewal options from Bid No: 11-59 in the amount of \$47,140.40
15. Motion to authorize the County Administrator, or his designee, to award Bid #11-06, and contracts for the operation and maintenance of a facility to process, recycle, dispose of, or otherwise manage all residential yard trash to Indianhead Biomass, LLC for the County's South Service Area at a rate of \$18.00 per ton and \$00.00 per Emergency Operating Hour and award a contract to Nine Mile Road Landfill for the County's North Service Area at a rate of \$18.75 per ton and \$100 per Emergency Operating Hour. Contracts shall be awarded for an initial seven (7) year period with either a one (1) three (3) year renewal option or three (3) one (1) year renewal options at the discretion of the County
16. Motion to authorize the County Administrator, or his designee, to award Bid #11-51, Moultrie Creek Pipe Crossing and a contract to S. E. Cline Construction, Inc., as the lowest responsible bidder for a Total Lump Sum Bid of \$133,325
17. Motion to authorize the County Administrator, or his designee, to award Bid #11-30, Roadway & Infrastructure Improvements to St. Johns & Duval Streets and a contract to R & B Contracting, Inc., as the lowest responsible bidder for a Total Lump Sum Bid of \$3,862,440, and motion to approve a transfer in the amount of \$2,400,000 from Transportation Trust Fund Reserves to Capital Projects-Improvements Other Than Buildings
18. 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
19. Motion to declare certain County items as surplus and authorize the County Administrator, or his designee, to dispose of same in accordance with Purchasing Policy 308 and Florida Statue 274
20. Motion to authorize the County Administrator, or his designee, to purchase one (1) 2011, 19,000 GVWR, 4X4, Regular Cab, Cab & Chassis, 84" CA, with Material Handler from Mullinax Ford of Osceola County from Bid No. 11-53, (Traffic Operations) in the amount of \$117,704

21. Motion to adopt **Resolution No. 2011-90**, approving the terms, conditions, and requirements of Amendment #7 to the Community Based Care Contract #NJ204 between St. Johns County, Florida and the State of Florida, Department of Children and Families, and authorizing the County Administrator, or designee, to execute Contract Amendment #7 on behalf of the County

RESOLUTION NO. 2011-90

A RESOLUTION OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE COUNTY ADMINISTRATOR TO SIGN THE SEVENTH AMENDMENT TO THE CONTRACT NJ204 BETWEEN ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS AND THE DEPARTMENT OF CHILDREN AND FAMILIES

22. Motion to adopt **Resolution No. 2011-91**, authorizing the County Administrator or designee, to award and execute a contract on behalf of the Florida Inland Navigation District for Sand Disposal Site Maintenance (the adjacent construction work Project located at SJ-1 - Summerhaven Sand Berm) to Eastman Aggregate Enterprises, LLC

RESOLUTION NO. 2011-91

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO AWARD AND EXECUTE A CONTRACT FOR THE ADJACENT CONSTRUCTION WORK PROJECT LOCATED AT SITE SJ-1 ON BEHALF OF THE FLORIDA INLAND NAVIGATION DISTRICT

23. Motion to adopt **Resolution No. 2011-92**, approving a contract between St. Johns County and Nabors, and a contract between St. Johns County and Foley, for provision of Bond Counsel Services to the County and authorizing the County Administrator or designee to execute same

RESOLUTION NO. 2011-92

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF A CONTRACT BETWEEN ST. JOHNS COUNTY, FLORIDA, AND NABORS, GIBLIN & NICKERSON, P.A., ATTORNEYS AT LAW, AND A CONTRACT BETWEEN ST. JOHNS COUNTY, FLORIDA, AND FOLEY & LARDNER, LLP, ATTORNEYS AT LAW, FOR THE PURPOSE OF PROVIDING BOND COUNSEL SERVICES TO ST. JOHNS COUNTY, AND AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO EXECUTE THE CONTRACTS ON BEHALF OF ST. JOHNS COUNTY

24. Motion to adopt **Resolution No. 2011-93**, approving a contract between St. Johns County and Foley for provision of Disclosure Counsel Services to the County and authorizing the County Administrator or designee, to execute same

RESOLUTION NO. 2011-93

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF A CONTRACT BETWEEN ST. JOHNS COUNTY, FLORIDA, AND FOLEY & LARDNER, LLP, ATTORNEYS AT LAW, FOR THE PURPOSE OF PROVIDING DISCLOSURE COUNSEL SERVICES TO ST. JOHNS COUNTY, AND AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO EXECUTE THE CONTRACT ON BEHALF OF ST. JOHNS COUNTY

25. Motion to adopt **Resolution No. 2011-94**, reactivating the St. Johns County Educational Facilities Authority and appointing Kenneth Russom to the Board. Flagler College has requested the County reactivate the St. Johns County Educational Facilities Authority (EFA) in order to facilitate a \$10 million financing for capital improvements on its campus. The bond will be purchased by PNC Bank. The tax-exempt bond financing will result in a significant interest savings for Flagler College

RESOLUTION NO. 2011-94

A RESOLUTION PERTAINING TO EDUCATION IN ST. JOHNS COUNTY; CREATING A ST. JOHNS COUNTY EDUCATIONAL FACILITIES AUTHORITY; PROVIDING FINDINGS; SETTING FORTH THE AUTHORITY OF THE ST. JOHNS COUNTY EDUCATIONAL FACILITIES AUTHORITY; PROVIDING FOR ACTIVATION OF THE ST. JOHNS COUNTY EDUCATIONAL FACILITIES AUTHORITY; SETTING FORTH THE PURPOSE AND POWERS OF THE ST. JOHNS COUNTY EDUCATIONAL AUTHORITY; PROVIDING FOR MEMBERSHIP; REQUIRING THE APPOINTMENT OF EXECUTIVE DIRECTOR; PROVIDING AN EFFECTIVE DATE

26. Motion to adopt **Resolution No. 2011-95**, accepting the Insurance Committee recommendations to select Blue Cross Blue Shield of Florida, Inc., to provide pharmacy services and to extend the current Blue Cross Blue Shield of Florida, Inc., medical plan until December 31, 2014; and to authorize the County Administrator, or designee, to execute an amendment to the Administrative Services Agreement between the County and Blue Cross Blue Shield of Florida, Inc., allowing for combined medical and pharmacy services coverage and to extend the Agreement until December 31, 2014

RESOLUTION NO. 2011-95

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING THE RECOMMENDATIONS BY THE INSURANCE COMMITTEE TO AMEND AN EXISTING AGREEMENT WITH BLUE CROSS BLUE SHIELD OF FLORIDA, INC., (BCBSFL) TO PROVIDE FOR COMBINED MEDICAL AND PHARMACY CARE SERVICES AND TO EXTEND THE DURATION OF THE AGREEMENT UNTIL DECEMBER 31, 2014; AND

**AUTHORIZING THE COUNTY ADMINISTRATOR, OR
DESIGNEE, TO EXECUTE THE AMENDMENT**

27. Proofs:
- a. Proof: Notice to Bidders, Bid #11-63, published March 5, 2011 and March 12, 2011 in The St. Augustine Record
 - b. Proof: Notice to Bidders, Bid #11-01, published March 8, 2011 and March 15, 2011 in The St. Augustine Record
 - c. Proof: Notice to Bidders, Bid #11-57, published March 8, 2011 and March 15, 2011 in The St. Augustine Record
 - d. Proof: Notice to Bidders, Bid #11-60, published March 8, 2011 and March 15, 2011 in The St. Augustine Record
 - e. Proof: Notice to Bidders, Bid #11-61, published March 8, 2011 and March 15, 2011 in The St. Augustine Record
 - f. Proof: Request for Proposals, RFP #11-45, for Tennis Management Services at Mills Field, published March 10, 2011 and March 17, 2011 in The St. Augustine Record
 - g. Proof: Notice to Bidders, Bid #11-63, published March 11, 2011 in the Ponte Vedra Recorder
 - h. Proof: Notice to Bidders, Bid #11-49, published March 11, 2011 and March 18, 2011 in The St. Augustine Record
 - i. Proof: Request for Proposals, RFP #11-55, for Bond Underwriter Services, published March 14, 2011 and March 21, 2011 in The St. Augustine Record
 - j. Proof: Notice of Sale of County Property and Request for Bids, published March 15, 2011 and March 22, 2011 in The St. Augustine Record
 - k. Proof: Notice to Bidders, Bid #11-65, published March 18, 2011 and March 25, 2011 in The St. Augustine Record
 - l. Proof: Notice to Bidders, Bid #11-49, published March 18, 2011 in the Ponte Vedra Recorder
 - m. Proof: Request for Proposals, RFP #11-55, for Bond Underwriter Services, published March 18, 2011 in the Ponte Vedra Recorder
 - n. Proof: Notice to Bidders, Bid #11-26, published March 22, 2011 and March 29, 2011 in The St. Augustine Record
 - o. Proof: Notice of Public Hearing of the Board of County Commissioners on April 5, 2011 to consider adoption of an Ordinance concerning parking of vehicles, published March 23, 2011 in The St. Augustine Record
 - p. Proof: Notice to Bidders, Bid #11-60, published March 25, 2011 in the Ponte Vedra Recorder
 - q. Proof: Notice to Bidders, Bid #11-61, published March 25, 2011 in the Ponte Vedra Recorder
 - r. Proof: Notice to Bidders, Bid #11-65, published March 25, 2011 in the Ponte Vedra Recorder
 - s. Proof: Notice of Public Hearing of the Board of County Commissioners on April 5, 2011 to consider adoption of an Ordinance concerning parking of vehicles, published March 25, 2011 in the Ponte Vedra Recorder
 - t. Proof: Notice of Sale of County Property and Request for Bids, published March 25, 2011 in the Ponte Vedra Recorder
 - u. Certificate of Liability Insurance for Williams Geotechnical Group of Gannett Fleming Inc., P.O. Box 67100, Harrisburg, PA 17106-7100
 - v. Certificate of Liability Insurance for Nodarse & Associates Inc., 1675 Lee Road, Winter Park, FL 32789
 - w. Certificate of Liability Insurance for Nodarse & Associates Inc., 1675 Lee Road, Winter Park, FL 32789
 - x. Certificate of Liability Insurance for St. Augustine Eco Tours Inc., 1093 A1A Beach Blvd #430, St. Augustine, FL 32080
 - y. Certificate of Liability Insurance for WPC Inc., Terracon Consultants Inc., 3047-4 St. Johns Bluff Rd. South, Jacksonville, FL 32246

(04/19/11 - 9 - 9:27 a.m.)
PUBLIC COMMENT

Ed Paucek, 970 Irma Way, mentioned that Frances Neelands had recently passed.

(04/19/11 - 9 - 9:29 a.m.)
ADDITIONS/DELETIONS TO REGULAR AGENDA

Bryan requested, that the West Augustine CRA Career Fair be added to the agenda, as Item 10.

(04/19/11 - 9 - 9:30 a.m.)
APPROVAL OF REGULAR AGENDA

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

(04/19/11 - 9 - 9:30 a.m.)

1. PUBLIC HEARING - PROPOSED REPEAL AND REPLACEMENT OF FIREARMS ORDINANCE. AT ITS MARCH 15, 2011 MEETING, THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY DIRECTED INQUIRY INTO, AND IF NECESSARY, REPEAL AND AMENDMENT OF COUNTY ORDINANCES FOR THE PURPOSES OF CLARIFICATION AND CONFORMANCE WITH CHAPTER 790, FLORIDA STATUTES. THE ATTACHED ORDINANCE IS PRESENTED FOR THE BOARD'S CONSIDERATION AND ENACTMENT TODAY. AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REPEALING ORDINANCE 82-18 PERTAINING TO LOCAL FIREARM PERMITS; PROHIBITING THE BEARING OR POSSESSION OF WEAPONS IN STRUCTURES OWNED OR OPERATED BY ST. JOHNS COUNTY AND/OR ITS BOARD OF COUNTY COMMISSIONERS; PROVIDING EXCEPTIONS; PROVIDING PENALTIES; REPEALING AND REPLACING ORDINANCE 88-1; AND PROVIDING AN EFFECTIVE DATE

Proof of publication of the notice of public hearing on an ordinance regarding weapons in buildings was received, having been published in *The St. Augustine Record* on April 9, 2011.

McCormack stated that the Board, through Miner, on March 15, had requested that the County Attorney review the county regulations pertaining to firearms. He stated that that staff reviewed it, and before them for consideration was an ordinance that repealed Ordinance No. 82-18, and repealed and replaced Ordinance No. 88-1. Miner thanked McCormack and his staff for their hard work on the ordinance.

(9:32 a.m.) **Motion by Miner, seconded by Sanchez, carried 5/0, to enact Ordinance No. 2011-14, repealing Ordinance 82-18 pertaining to local firearm permits; prohibiting the bearing or possession of weapons in structures owned or operated by St. Johns County and /or its Board of County Commissioners, providing exceptions, providing penalties, repealing and replacing Ordinance 88-1, and providing an effective date.**

ORDINANCE NO. 2011-14

AN ORDINANCE OF THE COUNTY OF ST. JOHNS,
STATE OF FLORIDA, REPEALING ORDINANCE 82-18,
PERTAINING TO LOCAL FIREARM PERMITS;
PROHIBITING THE BEARING OR POSSESSION OF

**WEAPONS IN STRUCTURES OWNED OR OPERATED
BY ST. JOHNS COUNTY AND/OR ITS BOARD OF
COUNTY COMMISSIONERS; PROVIDING
EXCEPTIONS; PROVIDING PENALTIES; REPEALING
AND REPLACING ORDINANCE 88-1; AND
PROVIDING AN EFFECTIVE DATE**

(04/19/11 - 10 - 9:33 a.m.)

2. PUBLIC HEARING - PROPOSED NOISE ORDINANCE. THE OFFICE OF THE COUNTY ATTORNEY HELD A WORKSHOP AND VARIOUS FOLLOW-UP MEETINGS FOR REVISIONS TO THE COUNTY NOISE ORDINANCE. THE ATTACHED ORDINANCE IS PRESENTED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION AND ENACTMENT OF SAME. AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA ESTABLISHING REGULATIONS FOR THE CONTROL OF NOISE ORIGINATING WITHIN THE UNINCORPORATED AREAS OF ST. JOHNS COUNTY, AND WHERE PROPERTY IN THE UNINCORPORATED AREA IS NEGATIVELY AFFECTED; PROVIDING TERMINOLOGY; PROHIBITING CERTAIN NOISES; EXEMPTING CERTAIN NOISES; LIMITING THE UNREASONABLE AND EXCESSIVE LEVELS OF NOISES, AND PLAINLY AUDIBLE NOISES IN CERTAIN CIRCUMSTANCES; PROHIBITING BREACH OF THE PEACE; PROVIDING PENALTIES AND REMEDIES; PROVIDING FOR NOISE PERMITS, AND GRANDFATHERING; PROVIDING FOR RELATED MATTERS; PROVIDING FOR REPEAL; AND PROVIDING AN EFFECTIVE DATE

Proof of publication of the notice of public hearing on the noise control ordinance was received, having been published in *The St. Augustine Record* on April 4, 2011.

McCormack asked the Board to postpone Item 2, and to move to Item 3.

The meeting recessed at 10:11 a.m. and reconvened at 10:29 a.m.

(10:29 a.m.) McCormack informed the Board that several changes had been made to the proposed ordinance.

Bryan stated that there was a gentleman who was talking to one of the staff, and missed the opportunity to speak at public comment. Bryan asked the Board to allow him to speak.

(10:32 a.m.) Joseph Williams, 1700 Adams Acres Road, thanked the Board for awarding his company a contract regarding yard waste.

(10:33 a.m.) Erika Moore, Assistant County Attorney, reviewed the changes to the ordinance regarding enforcement of the ordinance, and looking for direction from the Board on time change, which McCormack explained. Moore spoke on loud speakers, loud exhaust, and shouting. Stevenson asked about clearly audible, meaning feeling the vibrations. Moore responded in regards to the physical feeling of sound waves. She spoke about animals making loud, excessive noises. Discussion followed on noise lasting a certain amount of time. Moore said that she included under the animal section, some rare language.

(10:49 a.m.) Art May, Sheriff's Office, stated that 30 minutes was reasonable and that staff had considered many items during discussions of the ordinance.

(10:50 a.m.) Moore spoke on moving the citizen request to 10 minutes. She noted the changes to the industrial noise section, adding "daily" under item L, and noise coming from garbage and sanitation haulers.

(10:53 a.m.) Joe Stephenson, Public Works Director, spoke about changing the times for the sanitation haulers creating violations of their contracts, construction of roads at night, restricting hours of construction, raising the cost of construction, and the weather being too hot to start construction later in the day. Sanchez mentioned putting an exemption in the ordinance for highway construction. Stephenson pointed out that staff had criteria in the ordinance for County roadway construction noise. Sanchez mentioned putting an exemption in to include trash pick up. Stephenson replied that noise in regards to trash pickup was already in Section 6 of the ordinance.

(10:58 a.m.) Moore reviewed the exemptions, emergencies, crowd noises, railroad trains and aircraft noises. Morris spoke about noise from pilots taking off and landing at certain times. Moore stated that Item F was not to signify a change to the current Noise Ordinance, but if the Board would like to offer direction, staff would be happy to make any changes on the next draft. Miner said the railroads were exclusively regulated by the Federal Aviation Administration. He asked about getting Airport Authority input on it. Moore stated that they had been working on the process for six months and had sent inquiries for all those concerned. She said she remembered receiving input from the Airport Authority and addressing their concerns in an earlier draft. McCormack commented that the language was in the current Ordinance and should be clarified. Stevenson stated that she found that the recommendations by Lopez were very clear. May said that it was just a simple placement of a period that would exempt all aircrafts from taking off at anytime. Sanchez mentioned that Northrop Grumman should have a say in the aircraft ground testing. He said that he wanted to make sure that they didn't put any restrictions on the airport. Morris stated that he wouldn't limit anything with normal operations of aircraft. Moore stated that the consensus would be for a blanket exemption for the airport. McCormack said that the Board wanted the railroad and aircraft to be exempted from this Ordinance. He stated that they could think through what the hours should be for the model aircraft, because it was a separate issue. Miner spoke on 24/7 air operations. Stevenson spoke on getting a workable solution and asking the Airport if the existing rules were a problem. Moore stated that she understood the direction of the Board and would make the language changes. McCormack said that they would try to finalize the Ordinance that day or interact with the Airport and return with some language changes.

(11:12 a.m.) Moore continued with reviewing exemptions. She spoke on Item H; commercial or agricultural noises. Sanchez said he would not be in favor of doing anything to hurt the County's normal flow of business. Moore stated that the farmers were exempt, and the small farmers had asked to be exempt.

(11:15 a.m.) May spoke about feral chickens.

(11:16 a.m.) Moore spoke on Section 7; grandfathering, vesting, and priorities. Morris spoke on Pusser's Restaurant being grandfathered in. McCormack replied that they were not grandfathered in. Morris said that he had heard that Pusser's had decided to adhere to the interior noise ordinance. McCormack affirmed that to be correct, if it was part of a signed settlement agreement with the County. Miner said that he did want to make sure Hydro Aluminum was grandfathered in. Moore stated that she had added the PUD Id number for Hydro Aluminum. She moved onto Section 8, speaking on the temporary noise permit. She reviewed Section 9, enforcement by the Sheriff's Office, departments of Animal Control and Code Enforcement. She reviewed Section 10 including penalties. Discussion followed on penalties and resetting them after five years. Moore clarified that it would be a five year reset on individuals, but not on commercial or industrial. The Board agreed. She spoke on having a reasonable grace period, issuing citations for continuing violation, and changing restoration to mitigation. She stated that the rest of it was just housekeeping. Morris suggested the first citizen's request that was to set it starting at 7:00 p.m., 7 days a week. Moore stated

that, for risk purposes, the closer they stick to the Miami Dade City of Miami Beach Ordinance, the surer they were that it would be upheld because a Federal court had already upheld that language, so the closer they stick to it the better, as far as constitutional challenges were concerned. Stevenson asked to consider Item J. Miner told Stevenson that was an outstanding point and the way to mitigate it, was to clarify it in J, as natural bells, not digital. Stevenson said electronically generated. McCormack said that they could look at it as a natural thing not amplified. Moore spoke on practicing religions and not violating them. McCormack stated that they could look at some language to see what was out there and go for the non-amplified type. Moore said that in the second paragraph that tracked the Miami language, she deleted the word *additionally*, because it did not track the Miami language. She said that staff had suggested 10:00 p.m. to 7:00 a.m. during the week and 11:00 p.m. to 7:00 a.m. on the weekend. Miner stated that he agreed with the staff recommendation of 10:00 p.m. on weeknights and 11:00 p.m. on weekends. Bryan said that they had a very diverse county and asked what kinds of provisions could be provided, as far as making it unique, as far as some type of an ordinance that would be unique to any area that wanted to have its own noise ordinance. Moore said that they had overlay districts in the county. Morris stated that the time of day that he would not want to be disturbed would be the time he got home from work until the time he went to bed, from 7 p.m. to 10:00 p.m. Moore said that it was very different from the Miami Ordinance in the respect that people come home about 5:00 p.m. to 6:00 p.m. and that would be when they would begin to make noise and would be allowed to do so until 11:00 p.m. McCormack stated that they had made a lot of progress on the ordinance and spoke on the time changes. Bryan said that they needed to make sure they had something that was dependable in court. Moore spoke on balancing all the concerned interest. Sanchez spoke on people being able to relax in their homes at night and not being disturbed by outside noises. Discussion followed on the deputy determining if it was a civil breach of peace, not being happy with the hours like they were, going back to the law itself, and paragraph C. Wanchick suggested not trying to resolve all the issues that day, but let the County Attorney's Office take back the feedback they received this day. Wanchick suggested taking public comment and then going to lunch.

(12:02 p.m.) Mary Savard, 2785 Stratton Blvd., spoke on domestic and construction times.

(12:06 p.m.) Randy Wittmann, 141 Egrets Walk Lane, Ponte Vedra Beach, spoke on problems not being addressed in the Noise Ordinance, *Exhibit A*; the outdoor event center located at 4975 Palm Valley Road.

(12:09 p.m.) Don Powell, 8956 Lake Kathryn, Ponte Vedra Beach, addressed Section 5C of the Noise Ordinance; regarding sound being measured inside the residence from 7:00 p.m. to 7:00 a.m. as being a very reasonable compromise.

(12:11 p.m.) Ken Albin, 3000 Pacetti Road, voiced concerns about not using the decibel system for evaluation, and the nonprofit group being reworked to include nonprofit groups as exempt.

(12:13 p.m.) James Schearer, 5184 Farm Creek Road, spoke on the Wild Animal Reserve moving next door to him and putting animals in cages to be exhibited for the public, saying the reserve did not belong in a residential area, *Exhibit B*. He asked the Board not to grant the reserve an exemption from the Noise Ordinance.

(12:16 p.m.) George Meyer, 103 Harbour Island Court, Ponte Vedra, asked how the temporary use permit that was granted to the Palm Valley Garden six months ago, would be impacted by the Ordinance. He asked if the Palm Valley Garden events would be now exempted under Section 6E and if so, would they be required to get a

temporary permit for each event. He asked if that permit would have any restrictions like 100 feet from the source of the noise, similar to other sections in the proposed ordinance. He spoke on the penalties and fines of \$500.

(12:17 p.m.) Mona Drainer, 5172 Farm Creek Road, stated that she was happy that the Commissioners were finally addressing the noise problem, and that she distributed petitions about the reserve noise. She asked them to pass the ordinance with no exceptions to the Wild Life Reserve.

(12:21 p.m.) Arelina Schearer, 5184 Farm Creek Road, spoke on living next door to the reserve, the tours at the reserve, and heavy traffic, not being peaceful or quiet. She said that, if people did not live in the neighborhood, they should not have any say so about it. She asked the Board to please pass the ordinance with no exceptions or grandfathering for the reserve.

(12:23 p.m.) Diana Enders, 5160 Silo Road, presented photos of vultures on the top of her house because of the reserve, a police report, article written by the reserve, *Exhibit C*, and asked the Board not to grant an exception to the reserve.

(12:26 p.m.) Karen Malfy, 257 Fiddlers Point Drive, voiced concern about nonprofit entities not being exempt from some of the noise issues, and loosing educational resources for the schools, Boy Scouts, Youth Organizations, and Church groups, that came out to learn about animals in their natural habitat, *Exhibit D*. She asked the Board to take some of the language out of 5J and remove the part that did not exempt nonprofit entities.

(12:29 p.m.) Walt Rohrer, 2315 Clubview Court, Ponte Vedra Beach, representing the Ponte Vedra Coalition, spoke on not having any noise disturbance after 10:00 p.m., the suggested solution of an extension of the hours from 10:00 or 11:00 down to 7:00 p.m. He mentioned that no one had made a greater commitment to, or investment in the community than the homeowners.

(12:31 p.m.) Donald Enders, 5160 Silo Road, spoke on loud animal noises from the reserve, *Exhibit E*, and asked the Board not to allow an exemption for the reserve. He read a letter from Carol Green, 5178 Farm Creek Road, property owner in the area, who could not make the meeting.

(12:34 p.m.) Scott Yeoman, 4960 Vogel Road, spoke on the Land Development Code and changing the ordinance.

(12:37 p.m.) Ed Pasquella, 105 St. Andrews Place Drive, voiced concern on some of the language in the draft ordinance; using affidavits, and on profit versus nonprofit.

(12:40 p.m.) Maureen Ortagus, 1445 Masters Drive, spoke on noise from Vista Cove regarding trash pickup early in the morning.

(12:41 p.m.) Isabella Lopez, 1 Independent Drive, Jacksonville, gave a presentation on aircraft noise, and grandfathering, *Exhibit F*.

(12:43 p.m.) Ellen Avery-Smith, , Rogers Tower, 100 Whetstone Place, stated that the commission had come a long way in making St. Johns County business friendly. She spoke on reviewing some of the definitions, 5c balance segments in the communities, construction and industrial noise, grandfathering, and suggested that more than two businesses in St. Johns County needed to be added to the list.

(12:46 p.m.) Sid Ansbacher, 1100 50 North Laurel Street, Counsel for Hydro, spoke on being exempt.

(12:48 p.m.) Bryan asked for clarification from the commissioners as to the direction that they wanted their legal staff and administration to take. Miner spoke on nonprofit, and stated that he would be opposed to excluding the reserve. Stevenson spoke on businesses being concerned and getting a list of them, balance, and mixed use areas. Bryan said that he appreciated the comments from everyone. Sanchez commented that one process didn't fit all, didn't want to exempt the nonprofit, animal reserve, adjusting hours, and asking Administration to look into the problem regarding the vultures on the houses.

(12:56 p.m.) McCormack said he thought it was a fruitful meeting, they had significant more work to do, and would bring it back for the Board's consideration and approval. He said that they would need at least six weeks to bring it back, because they wanted to meet with everyone first. Stevenson stated that the temporary use permit was a new uncomfortable situation. Moore mentioned that the vultures were protected and fell under Fish and Wildlife. Sanchez stated that if the wild meat diminished, then the vultures would diminish.

(04/19/11 - 14 - 9:34 a.m.)

DISTRICT 3

3. PUBLIC HEARING - CPA(SS) 2010-04, RANDY WRIGHT SMALL SCALE FUTURE LAND USE MAP AMENDMENT FROM RURAL SILVICULTURE TO RESIDENTIAL A. THIS IS A REQUEST FOR A SMALL SCALE COMPREHENSIVE PLAN FUTURE LAND USE MAP AMENDMENT FROM RURAL SILVICULTURE (R/S) TO RESIDENTIAL A. THE SUBJECT PROPERTY IS APPROXIMATELY 1.89 ACRES IN SIZE AND IS PART OF A LARGER 19 ACRE TRACT OF LAND OWNED BY THE APPLICANT. THE PROPOSED AMENDMENT WOULD ALLOW ONE DWELLING UNIT. THE 19 ACRE PARCEL WAS CREATED AFTER SEPTEMBER 14, 1990 AND IS NOT AN EXEMPT PARCEL UNDER THE COMPREHENSIVE PLAN AND DOES NOT ALLOW A DWELLING UNIT. THE APPLICANT HAS WORKED WITH STAFF TO REDUCE THE IMPACT TO THE OVERALL AREA BY LIMITING THE AMENDMENT TO 1.89 ACRES WHICH UNDER RESIDENTIAL A WILL ALLOW ONE DWELLING UNIT. THE COUNTY HAS ADDRESSED SIMILAR NON-CONFORMING LOTS IN THE PAST, THROUGH SMALL SCALE COMPREHENSIVE PLAN AMENDMENTS FROM EITHER A-I OR R/S TO RESIDENTIAL A. THE PLANNING AND ZONING AGENCY RECOMMENDED DENIAL WITH A 7-0 VOTE AT THEIR MARCH 3, 2011 REGULAR MEETING

Proof of publication of the notice of public hearing on CPA (SS) 2010-04, Randy Wright, was received, having been published in *The St. Augustine Record* on April 4, 2011.

Teresa Bishop, AICP, Long Range Planning Director, gave a presentation, *Exhibit A*. She stated that staff did not object but was concerned with the land use map. She said the Planning and Zoning Agency unanimously recommended denial because the Residential A designation would change the character of the overall area. Bryan, Morris, Stevenson, and Miner had spoken to members of the Pringle family and did a site visit. Sanchez met with them on two occasions. McCormack reviewed the format. Bryan submitted several emails for the record, *Exhibit B*.

(9:41 a.m.) Rusty Collins, 2493 U.S. Hwy 1 South, representing Randy Wright, reviewed the history of the property, *Exhibit C*.

(9:46 a.m.) Matt Mercer of Mercer Law, 2804 North 5th Street, Suite 102, asked Vera Pringle to approach the podium.

(9:47 a.m.) Vera Pringle, 398 Harry Pringle Road, stated her address for the record. Mercer asked Pringle how Wright had acquired the 19 acres. Pringle responded that Wright purchased the 19 acres from her sister-in-law, Laura Pringle, on November 21, 2000. She said that Wright told Laura Pringle, who was 86 years old at the time that he planned to marry into the family. Mercer asked if Laura Pringle had conveyed rights of the 19 acres to Wright on the basis of the representation that he was going to marry into the family. Pringle replied yes and that she was opposed to the zoning change of Open Rural to Residential A.

(9:49 a.m.) William Leonard, 350 Harry Pringle Road, stated his address for the record. Mercer asked Leonard, with respect to the 19 acres, if there was an additional acre adjacent to the 19 acres that had a resident living on the property. Leonard responded that there was 1 acre with a family homestead. Discussion followed on purchasing the land and the mortgage note reviewed by Mercer, *Exhibit C*.

(9:52 a.m.) Amanda Hires, 380 Harry Pringle Road, stated her address for the record. Mercer reviewed a photograph of the for sale sign displayed by Wright and the MLS Listing, with discussion following.

(9:54 a.m.) Mercer gave a closing argument regarding the Comprehensive Plan amendment. He stated that it was not a matter of wanting to build a home, but he had the land for sale. He said that they were opposed to it and asked the Board to deny it.

(9:59 a.m.) McCormack said it would be prudent to allow Collins to have a brief rebuttal time and if there was any public comment, it should go prior to Collins.

(10:00 a.m.) Michelle Conley, 390 Harry Pringle Road, stated that she was opposed to Randy Wright being allowed to rezone his 19 acres from Rural Silviculture to Residential.

(10:01 a.m.) Vickie Hollingsworth, 300 Harry Pringle Road, stated that Randy Wright had improved their property in the area. She spoke in favor of the proposed change.

(10:03 a.m.) Katherine Pringle, 320 Harry Pringle Road, stated that Wright maintained the property well and was very helpful.

(10:05 a.m.) Collins rebutted and spoke on the proposed small use amendment not changing the characteristic of the overall area. He stated that they did not want urban sprawl.

(10:07 a.m.) Miner stated that the area was in the heart of District 3, and was a pristine beautiful part of the county. Miner voiced concern about spot changes and stated that he supported the motion to deny it. Stevenson stated that she supported Miner's direction.

(10:09 a.m.) **Motion by Miner, seconded by Sanchez, carried 5/0, to deny CPA (SS) 2010-04, Randy Wright, adopting findings of fact one through three to support the motion.**

(1:00 p.m.) Stevenson spoke on Agenda Item 6 regarding the State and gambling and said she spoke on being very concerned about electronic gambling, internet café, and controlling gambling.

(1:08 p.m.) Wanchick mentioned that the presentation by the Sawgrass group, representing Item 5, had to be in Jacksonville by 3:30 p.m. and asked the Board if they could be heard at 2:00 p.m. when the Board reconvened. The Board agreed.

The meeting recessed at 1:08 p.m. and reconvened at 2:02 p.m. with Item 5.

(04/19/11 - 16 - 2:19 p.m.)

4. REPORT ON THE ECONOMIC DEVELOPMENT GRANT APPLICATION FOR DOCTORS VILLAGE PARTNERS, LLC

Darrell Locklear, Assistant County Administrator, said the County had been approached by Memorial Hospital regarding establishing an ER in Doctor's Village. He reviewed a PowerPoint presentation, *Exhibit A*, of the grant application, location and site plan, and the project schedule. He said the project was ranked 4 out of 5; outlined the details of the grant that they qualified for, and said incentives would be based on actuals.

(2:26 p.m.) Bryan said he met with the applicant to address some questions he had received via e-mail. Locklear addressed EMS making decisions about where to take patients, with no restrictions being implemented.

(2:28 p.m.) Mark Rubin, P.O. Box 1975, Palm Valley, with Doctor's Village developer, gave a history of the project and said the area was lacking in medical care services. He said they still needed approval from the Hospital Corporation of America (HCA) on the location before they could move forward, but Memorial Hospital was eager to move forward. He stated that the economic benefits would bring jobs, both through construction and staffing. He voiced that he was seeking the largest economic benefits, so he asked that it be ranked at 5 to make a statement to HCA.

(2:36 p.m.) Bryan asked approximately how many jobs would be created. Rubin replied they would start off with 30 Full Time Equivalents (FTE), not including doctors. He said that Doctor's Village, at full capacity, would bring in about 200 to 250 jobs.

(2:37 p.m.) Miner asked whether the Board had the option to reevaluate the project if there were other better offers. Wanchick clarified that they were very comfortable with it scoring out as a 4, and if McCormack agreed that it could go to a 5, that the Board give him authorization to do that as well. Discussion followed by the Board members. McCormack commented on the Economic Development Ordinance 2006-99, and said it may need to be updated as the economy had changed. He said the Board governed the Ordinance which could be changed. (2:42 p.m.) ***The Board gave consensus to readdress the ordinance.*** Miner asked Rubin his time line, which Rubin replied. Wanchick asked if there was a way to interpret the Ordinance. McCormack replied that he would review it and stated that part of the motion would be to capture that, if there was a way under the present Ordinance to do so, and if not, to bring back a revised Ordinance. Wanchick said that would be helpful.

(2:44 p.m.) Ellen Whitmer, 1178 Natures Hammock Road South, stated that it wasn't a medical office; it was a more intense use. She spoke on the HCA being fined for improper billing procedures.

(2:47 p.m.) Kirk Wendland, President of St. Johns County Chamber of Commerce, stated that the County wisely established a public agency to provide them with an objective analysis. He asked them to consider using the latitude that was not only granted to them, but really anticipated in the incentive ordinance and make the project as viable as possible again. Wanchick stated that Wendland worked well on the proposal and thanked him for being there that day. Bryan spoke on how everyone was moving in the same direction.

(2:49 p.m.) Motion by Sanchez, seconded by Miner, to instruct the County Attorney to prepare an Economic Development Grant Agreement for Doctor's Village Partners, LLC, for a speculative space facility for a Medical Office/Full Service Emergency Department Project to be sponsored by Memorial Hospital, whose parent company is HCA, in accordance with Ordinance 2006-99 (as amended) using the associated grant calculations, and place the proposed Grant Agreement on a future consent agenda and improve it to a 5 instead of a 4. McCormack asked if the maker of the motion would consider, the language in the motion changing from "using associated grant calculations," to "considering the associated grant calculations," and place the proposed grant agreement on an appropriate agenda, and if necessary prepare an amendment to Ordinance No. 2006-99, to effectuate greater flexibility in eligibility criteria. Sanchez and Miner accepted the additional language by McCormack. The motion carried 4/0 with Stevenson absent.

(2:52 a.m.) Miner asked if they could give consensus to write a letter that would indicate to Mr. Rubin and HCA, that if another community in the State, that was also competing for this project had a more attractive incentive program, that they had an opportunity to come back and review it as a Board to see if they could go beyond the 5. Wanchick stated that they couldn't go beyond the 5. McCormack stated that the County could send a strong letter of interest in indication of maximum legal flexibility. (2:53 p.m.) *There was consensus from the Board.*

(04/19/11 - 17 - 2:03 p.m.)

5. INFORMATIONAL PRESENTATION ON THE "CELEBRATION UPDATE" ON THE UPCOMING THE PLAYERS CHAMPIONSHIP IN ST. JOHNS COUNTY

Jack Peter, Chief Operating Officer, World Golf Hall of Fame, and Matt Rapp, Executive Director, The Players Championship, discussed the induction ceremony and The Players Championship. Peter said the induction ceremony was scheduled for Monday, May 9, 2011 at 6:00 p.m. He listed the inductees and some invitees. Handouts were distributed, *Exhibit A*.

(2:09 p.m.) Rapp commented on the condition of the course, stated that ticket sales were up, and commented on all of the parties involved in making the tournament a success. He discussed broadcasting and advertising for and during the tournament. He said the tournament would reach 120 million viewers in the US, and six million outside the US. He discussed their charitable efforts.

(2:17 p.m.) Morris commented on working with the PGA on the tournament. Wanchick said, on behalf of staff, that he really enjoyed working with the tournament and addressed the parking issue at the tournament.

(04/19/11 - 17 - 2:53 p.m.)

6. PUBLIC HEARING - LAND DEVELOPMENT CODE AMENDMENTS FOR ARTICLE II, VI, AND X. THIS IS THE FIRST PUBLIC HEARING TO CONSIDER MODIFICATIONS TO THE LAND DEVELOPMENT CODE TO PROVIDE FOR CLARIFICATION OF USES AND STANDARDS FOR ADULT ARCADE AMUSEMENT CENTERS, ELECTRONIC GAME PROMOTIONS, AND INDOOR ACTIVITIES ALLOWED BY OR ON THE PREMISES OF A LICENSED PARI-MUTUEL PERMIT HOLDER. A COPY OF THE AFFECTED PAGES IN UNDERLINE/OVERSTRIKE FORMAT AND THE PROPOSED ORDINANCE IS ATTACHED. A FULL COPY OF THE AFFECTED ARTICLES IS AVAILABLE FOR VIEWING AT MINUTES AND RECORDS, AND GROWTH MANAGEMENT. MEETINGS WITH SOME STAKEHOLDERS HAVE OCCURRED OVER THE PAST SEVERAL MONTHS. THE LAND DEVELOPMENT CODE CHANGES ARE PROPOSED TO BE ADOPTED IN CONJUNCTION WITH A COMPANION ORDINANCE THAT REGULATES

THESE GAMING ACTIVITIES WITHIN ST. JOHNS COUNTY. THE COMPANION ORDINANCE WILL BE PRESENTED FOR ADOPTION AT THE SECOND READING OF THE LDC AMENDMENTS ON MAY 17, 2011, BUT IS INCLUDED IN THIS PACKET FOR INFORMATIONAL PURPOSES. THE PLANNING & ZONING AGENCY WILL CONSIDER THE PROPOSED CHANGES AT THEIR MEETING ON MAY 5, 2011, AND A SECOND PUBLIC HEARING WILL BE HELD FOR THE COUNTY COMMISSION ON MAY 17, 2011, AT 5:01 P.M.

Proof of publication of the notice of public hearing on establishing an ordinance and regulations affecting land use was received, having been published in *The St. Augustine Record* on April 9, 2011.

Suzanne Konchan, AICP, Growth Management Director, gave a presentation, *Exhibit A*. She said that it was a first reading of the Land Development Code amendment and announcement of the public hearing dates for Planning and Zoning Agency on May 5, 2011, and second reading and adoption presently scheduled for May 17. She spoke on occupational licenses, internet café, race tracks, and substantial changes.

(3:00 p.m.) McCormack gave a brief overview of the companion ordinance that pertained to adult arcade amusement centers, child amusements, internet café, and electric game promotions.

(3:06 p.m.) Ed Paucek, Black Star Corporation, 970 Irma Way, on behalf of several of the electronic gaming operators currently involved in St. Johns County, stated that Konchan and McCormack gave a good overview and he was present for any questions.

(3:08 p.m.) George McClure, 81 King Street Suite A, stated that he represented Jacksonville Kennel Club, who had a clean operation with a good reputation. He said that Administration had voiced some concerns and they were committed to work with them on resolving those concerns, before it came before the Board on May 17.

(3:11 p.m.) Kelly Mathis, law firm of Mathis and Murphy, 1200 River Place Blvd., Jacksonville, represented Allied Veterans, spoke on sweepstakes being regulated by State laws.

(3:13 p.m.) McCormack announced the future public hearing dates, May 5, 2011, for the Planning & Zoning Agency and May 17, 2011, at 5:01 p.m. for the Board of County Commissioners.

(04/19/11 - 18 - 3:14 p.m.)

7. CONSIDER A RESOLUTION APPROVING THE TERMS, PROVISIONS, CONDITIONS AND REQUIREMENTS OF THE STATE REVOLVING FUND LOAN AGREEMENT AND AUTHORIZING THE EXECUTION AND DELIVERY OF THE STATE REVOLVING FUND LOAN AGREEMENT

Bill Young, Utility Director, stated that they were awarded the loan for approximately \$8,368,469, for the Southern Enterprise Fund. He reviewed the projects that were funded; extensive repairs over 30 lift stations, one mile of twenty inch wastewater transmission and reuse lines to their proposed northwest wastewater treatment plant, a two million gallon reuse storage tank and pumping equipment at that plant, which the facilities at that plant was the reason they got that award. He recognized his staff for their work on it. He mentioned that the funding for that future plant would be through a future bond issue that the Board would be asked to approve at a later date. He said that he was asking for and strongly recommending the Board's adoption of the resolution approving the terms, conditions and requirements of the SRS Loan

Agreement and authorizing execution delivery of the same. He thanked everyone for their help. Bryan explained the reason they were borrowing the money. Young stated that they deferred this plant long enough and they were over capacity in other plants. Wanchick said that ad valorem and property taxes were not involved.

(3:20 p.m.) Stevenson reentered the meeting. Discussion followed on reducing the amount of money spent, reaching capacity, and cutting corners.

(3:22 p.m.) **Motion by Miner, seconded by Sanchez, carried 5/0, to adopt Resolution 2011-96, approving the terms, provisions, conditions, and requirements of the SRF Loan Agreement for the Construction of Wastewater Collection and Reclaimed Water Conveyance System and authorizing the execution and delivery of the State Revolving Loan Agreement.**

RESOLUTION NO. 2011-96

RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, RELATING TO FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION STATE REVOLVING LOAN PROGRAM; APPROVING THE TERMS, PROVISIONS, CONDITIONS AND REQUIREMENTS OF A CLEAN WATER STATE REVOLVING FUND LOAN AGREEMENT RELATING TO THE CONSTRUCTION AND FINANCING OF CERTAIN IMPROVEMENTS TO THE COUNTY'S PRIMARY WATER AND SEWER SYSTEM; AUTHORIZING THE EXECUTION AND DELIVERY OF SAID LOAN AGREEMENT ON BEHALF OF ST. JOHNS COUNTY; AND PROVIDING AN EFFECTIVE DATE

(04/19/11 - 19 - 3:24 p.m.)

8. OVERVIEW REPORT ON THE JERRY BLOUNT PROPERTY CONCERNING A DRAINAGE AREA OFF NASSAU STREET

Mary Ann Blount, Land Management Systems Director, reviewed the meetings and field trips to Jerry Blount's property in an attempt to answer some of his concerns. She spoke on the letters sent to him, *Exhibit A*, and reviewed the history of the property.

(3:28 p.m.) Jerry Blount, 135 Ford Street, spoke on wanting to sell his property, asking the County to buy it, and filling in the ditch. Miner asked about the culvert being built in the 1920s. Mary Ann Blount replied that a 48" culvert was installed under railroad tracks and flowed north into the Evergreen Cemetery area. Miner said he was still confused how the County was involved. Darrell Locklear, Assistant County Administrator, said Blount approached the County about his property and the situation with the ditch and that the County would have a use for it. Miner asked, who was telling Blount that he could not fill in the ditch. Locklear said that it was a natural drainage feature and had always been there. McCormack explained about the ditch and the problem with filling it in. Miner asked who specifically; County ordinance, Water Management District, was saying that the ditch could not be filled in. Locklear said that they can do it, but it was just a matter of cost in permitting and time. Discussion followed on filling in the ditch. Miner said it was an unfortunate situation but the bad guy was not the County. Wanchick stated that one couldn't simply divert water and act like its not going to go somewhere, because it would go on someone else's property. Sanchez spoke on the water running through the property and stated that Blount was restricted on what he could do with the property. Blount stated that he

disagreed with Sanchez. Blount asked if he could fill in the ditch. McCormack stated that the County had a drainage easement that ran through there, which was acquired over time, and coincided with the natural low point creek area, and if Blount filled in the ditch it would create a negative water flow and would be a County violation.

(04/19/11 - 20 - 4:02 p.m.)

9. CONSIDER AN APPOINTMENT TO THE PONTE VEDRA ZONING AND ADJUSTMENT BOARD

Melissa Lundquist, BCC Manager, said there was a vacancy due to an expired term, and Robert Cameron had requested to be reappointed. She stated that they would have two future vacancies coming up this year.

(4:03 p.m.) Motion by Miner, seconded by Bryan, carried 5/0, to reappoint Robert Cameron to the Ponte Vedra Zoning & Adjustment Board for a full four-year term scheduled to expire January 7, 2015.

(04/19/11 - 20 - 4:04 p.m.)

10. WEST AUGUSTINE CAREER FAIR

Bryan reviewed the item briefly, stating that they had been working on creating jobs and ensuing that people were ready. He said that they came up with a project authorizing a career fair for the West Augustine area.

(4:06 p.m.) Motion by Sanchez, seconded by Miner, carried 5/0, to authorize the West Augustine Career Fair hosted by the West Augustine CRA and Board of County Commissioners to be held on May 4, 2011, from 10:00 a.m. to 4:00 p.m. at the Solomon Calhoun Community Center, 1300 Duval Street.

(04/19/11 - 20 - 4:06 p.m.)

COMMISSIONERS' REPORTS

Commissioner Stevenson:

Stevenson said that the Order of Eastern Star, a service fraternity, would have approximately 1000 members staying in St. Johns County for about six years.

Stevenson announced that she had attended the Brandy Creek Community CDD meeting and stated that they were working on a forestry stewardship plan for the CDD which would allow them to harvest some of the timber adjacent to the community and manage it in a more active way.

Stevenson stated that on the April 7th community meeting at the Emergency Operation Center, the Emergency Operation Center Staff gave a nice tour and overview of some of the recent changes on emergency preparedness. She said that on May 5th, they would be having a meeting in the northwest area from 6:30 p.m. to 8:00 p.m. at Switzerland Point Middle School geared towards the northwest area.

(4:10 p.m.) Commissioner Miner:

Miner stated that some of the car dealership owners brought to his attention a growing problem with dealerships in other counties coming into parking lots in St. Johns County setting up temporary car lots, selling cars and the sales tax goes to their home county. *There was a consensus of the Board to check into it.*

Miner announced that the St. Augustine air show had a group of volunteers that were working to put on the St. Augustine air show on Memorial Day weekend.

Miner said that the flood maps were done incorrectly in Coquina Crossing and residents were being required to obtain flood insurance. He said County staff had been working with the residents.

Miner mentioned that the Early Learning Coalition would like to do about a 10 minute presentation at the next Board meeting. *There was a consensus of the Board to do so.*

(4:13 p.m.) Commissioner Morris:

No report.

(4:13 p.m.) Commissioner Sanchez:

Sanchez said that the Hastings Potato and Cabbage festival was coming next month.

Sanchez stated that he had attended the drug court graduation and that it was a good program.

Sanchez said that April was National Water Safety Month.

(4:15 p.m.) Commissioner Bryan:

Bryan commended the Commissioners for their work that day.

Bryan spoke on being at the Palm Valley Bridge fundraiser.

Bryan reported that he met with a manufacturing company out of Birmingham, Alabama last week, stating that it was a hair care products company. They would like to move to St. Johns County in June, 2011.

Bryan said that he received several calls regarding the Review Board not meeting when needed. Wanchick mentioned that was not county staff.

(4:21 p.m.) Stevenson said that businesses along the William Bartram Scenic Highway had received fines for putting out grand opening signs. There are no provisions in the Scenic Highway Overlay for any banners or special event signs along that corridor.

(04/19/11 - 21 - 4:22 p.m.)

COUNTY ADMINISTRATOR'S REPORT

Wanchick mentioned entering into an interlocal agreement with Volusia County for interim medical examiner services because the County's medical examiner had retired. He stated that they were in the process of hiring a medical examiner now and would like authorization from the Board per Section 19 of the Interlocal Agreement to send a formal notice to Volusia County thanking them for coming to their assistance, but also advising them of the termination. *There was a consensus of the Board to do so.*

Wanchick said that he would start the interviews for the Economic Development Director. He said that he had decided to open up the process to the Chamber of Commerce, the IDA, as well as former Commissioner Quinn, to sit on the interview panel along with staff. *There was consensus to do so.*

(04/19/11 - 22 - 4:24 p.m.)
COUNTY ATTORNEY'S REPORT

McCormack spoke on Chapter 125 in the Florida Statutes containing a provision pertaining to the county purchase and sale of property. County may adopt its own alternate procedures. He would like to develop an ordinance to present to the Board, so they would have an alternative method of the purchase and sale of property. *There was a consensus to do so.*

(04/19/11 - 22 - 4:26 p.m.)
CLERK OF COURT'S REPORT

No report.

With there being no further business to come before the Board, the meeting adjourned at 4:26 p.m.

REPORTS:

1. St. Johns County Board of County Commissioners Check Register, Check No. 468659 through 468663, totaling \$171,008.47 (04/01/11)
2. St. Johns County Board of County Commissioners Check Register, Check No. 468664 through 468909, totaling \$1,619,189.49 (04/05/11)
3. St. Johns County Board of County Commissioners Voucher Register, Voucher No. 5471 through 5515, totaling \$305,715.52 (04/05/11)
4. St. Johns County Board of County Commissioners Check Register, Check No. 468910 through 468930, totaling \$38,575.80 (04/07/11)
5. St. Johns County Board of County Commissioners Check Register, Check No. 468931 through 469116, totaling \$1,297,388.78 (04/12/11)
6. St. Johns County Board of County Commissioners Voucher Register, Voucher No. 5516 through 5547, totaling \$349,038.19 (04/12/11)

CORRESPONDENCE:

1. Letter dated April 8, 2011 for Liz Cloud, Program Administrator, Department of State, filing St. Johns County Ordinances Number 2011-11 through 2011-13.

Approved May 17, 2011

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: 
J. Ken Bryan, Chair

ATTEST: CHERYL STRICKLAND, CLERK

By: 
Deputy Clerk

