

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
JULY 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
Jerry Cameron, Assistant County Administrator
Darrell Locklear, Assistant County Administrator
Patrick McCormack, County Attorney
Pam Halterman, Deputy Clerk

Absent: Michael Wanchick, County Administrator

(07/19/11 - 1 - 9:00 a.m.)
CALL TO ORDER

Bryan called the meeting to order.

(07/19/11 - 1 - 9:00 a.m.)
ROLL CALL

The clerk called the roll; all members were present.

(07/19/11 - 1 - 9:00 a.m.)
INVOCATION

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

(07/19/11 - 1 - 9:01 a.m.)
PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Morris.

(07/19/11 - 1 - 9:02 a.m.)
PROCLAMATION THAT JULY 21, 2011 BE RECOGNIZED AS THE 190TH BIRTHDAY OF ST. JOHNS AND ESCAMBIA COUNTIES AND CELEBRATE ST. JOHNS COUNTY AND ESCAMBIA COUNTY AS THE TWO OLDEST COUNTIES IN FLORIDA

Robin Moore, Housing Department, spoke about the development and creation of St. Johns County and the many beautiful and historic elements of the area. Pan read the proclamation. Sarah Miller and Robin Moore accepted the proclamation. Bryan thanked Moore for the history lesson about St. Johns County.

(07/19/11 - 2 - 9:22 a.m.)

SPECIAL RECOGNITION TO THE ST. JOHNS COUNTY PUBLIC WORKS ENGINEERING DIVISION BY THE FLORIDA STORMWATER ASSOCIATION OF THE 2011 EXCELLENCE AWARD (MOST OUTSTANDING STORMWATER PROGRAM IN THE STATE)

Joe Stephenson, Public Works Director, introduced Brett Cunningham, Vice-President of the Florida Stormwater Association. Cunningham explained the process and requirements in order to obtain the excellence award. Press Tompkins, County Engineer, thanked everyone for their participation and noted that the County's Engineering Division won for their Stormwater Modeling efforts in the County.

(07/19/11 - 2 - 9:28 a.m.)

RECOGNITION OF FIRE/RESCUE EMPLOYEE CHRIS BONNEVIER WHO IS RETIRING WITH 27 YEARS OF SERVICE

Carl Shank, Fire Rescue Operations Chief, introduced Chris Bonnevier and noted his working years and accomplishments during his time with the County. Bonnevier thanked Shank, the Commissioners, County Administration, and the citizens of St. Johns County for the opportunity and said it had been an honor to work and serve the County.

(07/19/11 - 2 - 9:31 a.m.)

ACCEPTANCE OF PROCLAMATION

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

(07/19/11 - 2 - 9:32 a.m.)

DELETIONS TO CONSENT AGENDA

Locklear requested that consent item # 8 be pulled from the agenda. He asked that the board recognize that consent items #34 and #35 resolutions needed to be exchanged.

(07/19/11 - 2 - 9:32 a.m.)

APPROVAL OF CONSENT AGENDA

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

1. Approval of the Cash Requirement Report
2. Minutes:
 - BCC Regular Meeting 06/07/11
 - BCC Regular Meeting 06/21/11
3. Motion to adopt **Resolution No. 2011-175** accepting an Easement for Utilities for water and sewer service to serve Ponce Landing Subdivision on A1A South

RESOLUTION NO. 2011-175

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING AN EASEMENT FOR UTILITIES FOR WATER AND SEWER SERVICE TO PONCE LANDING SUBDIVISION ON A1A SOUTH

4. Motion to adopt **Resolution No. 2011-176** accepting an Easement for Utilities for water and sewer service to serve Rolling Hills Estates and Chelsea Woods Unit One subdivision off Rolling Hills Drive

RESOLUTION NO. 2011-176

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING AN EASEMENT FOR UTILITIES FOR WATER AND SEWER SERVICE TO ROLLING HILLS ESTATES AND CHELSEA WOODS UNIT ONE SUBDIVISION

5. Motion to adopt **Resolution No. 2011-177** approving the terms and authorizing the County Administrator, or designee, to execute a Purchase Agreement for property required for Phase II of the CR210/I95 Roadway Improvement Project

RESOLUTION NO. 2011-177

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

6. Motion to adopt **Resolution No. 2011-178** approving the terms and authorizing the County Administrator, or designee, to execute a Purchase and Sale Agreement for acquisition of property required for a County 911 Backup Emergency Communications Facility

RESOLUTION NO. 2011-178

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, AND AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO EXECUTE A PURCHASE AND SALE AGREEMENT FOR PROPERTY NEEDED AS A 911 BACKUP COUNTY EMERGENCY COMMUNICATION FACILITY

7. Motion to adopt **Resolution No. 2011-179** approving the terms and authorizing the County Administrator, or designee, to execute a Purchase and Sale Agreement for property needed for Communication Tower Site #11 for the County Emergency Communication System; and Motion to transfer \$10,000 from General Fund Reserves [0083-59920] to the Interoperable Radio System Capital Improvement Fund [3332-38101] for initial deposit and due diligence related to property acquisition

RESOLUTION NO. 2011-179

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO EXECUTE A PURCHASE AND SALE AGREEMENT FOR PROPERTY NEEDED FOR COMMUNICATION TOWER

**SITE #11 FOR THE COUNTY EMERGENCY
COMMUNICATION SYSTEM**

Consent item #8 was pulled from the agenda.

8. Motion to adopt a resolution approving the terms and authorizing the County Administrator, or designee, to execute a Purchase and Sale Agreement for property needed for Communication Tower Site #8 for the County Emergency Communication System; and Motion to transfer \$27,500 from General Fund Reserves [0083-59920] to the Interoperable Radio System Capital Improvement Fund [3332-38101] for initial deposit related to property acquisition
9. Motion to adopt **Resolution No. 2011-180** accepting a Deed of Dedication for a donation of property in connection with a drainage area in West Augustine

RESOLUTION NO. 2011-180

**A RESOLUTION BY THE BOARD OF COUNTY
COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA,
ACCEPTING A DEED OF DEDICATION FOR A
DONATION OF PROPERTY IN CONNECTION WITH A
DRAINAGE AREA IN WEST AUGUSTINE**

10. Motion to adopt **Resolution No. 2011-181** approving the terms and authorizing the Chair, or designee, to execute a Concession Lease Agreement with Augies Dogs, Inc., to operate a hot dog cart at the Health and Human Services Center

RESOLUTION NO. 2011-181

**A RESOLUTION BY THE BOARD OF COUNTY
COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA,
APPROVING THE TERMS AND AUTHORIZING THE
CHAIR, OR DESIGNEE, TO EXECUTE A CONCESSION
LEASE AGREEMENT TO OPERATE A HOT DOG CART
AT THE HEALTH AND HUMAN SERVICES CENTER**

11. Motion to adopt **Resolution No. 2011-182** authorizing the County Administrator, or designee, to execute an easement to Florida Power and Light to install electrical service to the West Augustine Community Center Phase III on Duval Street

RESOLUTION NO. 2011-182

**A RESOLUTION BY THE BOARD OF COUNTY
COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA,
AUTHORIZING THE COUNTY ADMINISTRATOR, OR
DESIGNEE, TO EXECUTE AN EASEMENT TO ALLOW
FLORIDA POWER & LIGHT COMPANY TO INSTALL
ELECTRICAL SERVICE TO PHASE III OF THE WEST
AUGUSTINE COMMUNITY CENTER ON DUVAL
STREET**

12. Motion to adopt **Resolution No. 2011-183** approving, in substantially the form presented, the terms, provisions, conditions, and requirements of the traffic calming conceptual plan for Reef Drive by the Board of County Commissioners of St. Johns County, Florida, and authorizing the County Administrator, or

designee, to execute a Task Order for design and construction of the improvements on behalf of the County

RESOLUTION NO. 2011-183

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE PROPOSED PLAN OF REEF DRIVE TRAFFIC CALMING IMPROVEMENTS

13. Motion to adopt **Resolution No. 2011-184** accepting and allocating the unanticipated revenue in the amount of \$324,108 from the Local Agency Program Agreement (FPN 426335-1-58-02, 426334-1-58-02 & 426214-1-58-02) between the Board of County Commissioners of St. Johns County, Florida, and the State of Florida Department of Transportation, regarding the compensation for bituminous adjustments and the construction of Safety Improvements along CR 214/West King Street from CR 13 to Palmer Avenue, and authorizing the County Administrator, or designee, to execute the tasks as necessary, on behalf of the County

RESOLUTION NO. 2011-184

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, TO RECEIVE UNANTICIPATED REVENUE, AND AUTHORIZE ITS EXPENDITURE ON PROJECT 5215 - CR 214 MILLING AND RESURFACING CONSTRUCTION; PROVIDING DIRECTIONS; AND PROVIDING AN EFFECTIVE DATE

14. Motion to adopt **Resolution No. 2011-185** approving the final plat for Aslan Beach House

RESOLUTION NO. 2011-185

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING A PLAT FOR ASLAN BEACH HOUSE

15. Motion to adopt **Resolution No. 2011-186** approving the final plat for Bartram Downs Unit Three Lot 33 Replat Plat

RESOLUTION NO. 2011-186

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING A PLAT FOR BARTRAM DOWNS UNIT THREE LOT 33 REPLAT

16. Motion to adopt **Resolution No. 2011-187** approving the terms and authorizing the Chairman to execute a Grant Award Agreement between St. Johns County and the U.S. Fish and Wildlife Service for structure demolition and limited habitat restoration at Summer Haven

RESOLUTION NO. 2011-187

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, AND AUTHORIZING THE CHAIRMAN TO EXECUTE A GRANT AWARD AGREEMENT BETWEEN ST. JOHNS COUNTY AND U.S. FISH AND WILDLIFE SERVICE FOR THE REMOVAL OF A DERELICT STRUCTURE ON COUNTY PROPERTY AND LIMITED HABITAT RESTORATION AT SUMMER HAVEN

17. Motion to adopt **Resolution No. 2011-188** recognizing unanticipated revenue in the amount of \$10,000 and increasing the General Fund Revenue (0001-33130) and increasing the expenditure budget of the Environmental Division Summer Haven Dune Restoration (0104-55304) in the same amount

RESOLUTION NO. 2011-188

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AMENDING THE FISCAL YEAR 2011 GENERAL FUND TO RECEIVE UNANTICIPATED REVENUE AND AUTHORIZE ITS EXPENDITURE BY THE ENVIRONMENTAL DIVISION

18. Motion to approve agreement terminating School Concurrency Proportionate Share Mitigation Agreement for the Worthington PUD, and authorizing the Chairman to execute the termination agreement
19. Motion to transfer \$5,000 from the General Fund reserve to Court Services (002353100) to cover the cost of deaf interpreters for deaf and hard of hearing parties in civil matters to participate in their case
20. Motion to declare items as surplus and authorize the County Administrator, or his designee, to dispose of same in accordance with Purchasing Policy 308 and Florida Statute 274
21. Motion to adopt **Resolution No. 2011-189** to authorize the County Administrator, or his designee, to enter into a contract with Municipal Equipment Co., LLC as responsible low bidder on Bid No 11-79. This bid is for the purchase of Personal Protective Equipment (Bunker Gear) and will be for one year with three renewal options of one year each

RESOLUTION NO. 2011-189

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO AWARD BID NO. 11-79, AND TO EXECUTE AN AGREEMENT FOR THE PURCHASE OF PERSONAL PROTECTIVE EQUIPMENT (BUNKER GEAR)

22. Motion to adopt **Resolution No. 2011-190** to authorize the County Administrator, or his designee, to negotiate with and, if negotiations are successful, enter into contract with the number one ranked firm, CRI Carr, Riggs & Ingram, for Financial Auditing Services. If an agreement cannot be reached with the top ranked firm, negotiations will cease and authorization is requested

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

RESOLUTION NO. 2011-190

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO AWARD RFP NO. 11-75, AND TO EXECUTE AN AGREEMENT FOR FINANCIAL AUDITING SERVICES

23. Motion to adopt **Resolution No. 2011-191** to authorize the County Administrator, or his designee, to enter into a contract for one (1) year with three (3) available one year extensions, with Danny Witt, Tennis Professional, for tennis management services at Cornerstone & Nocatee Parks as described in the RFP # 11-67 Documents/Specifications and the firm's proposal

RESOLUTION NO. 2011-191

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO AWARD RFP NO. 11-67, AND TO EXECUTE AN AGREEMENT WITH DANNY WITT, TENNIS PROFESSIONAL, FOR TENNIS MANAGEMENT SERVICES AT CORNERSTONE & NOCATEE PARKS

24. Motion to adopt **Resolution No. 2011-192** to authorize the County Administrator, or his designee, to enter into a contract for one (1) year with three (3) available one year extensions, with St. Johns Tennis Academy, for tennis management services at Mills Field as described in the RFP #11-45 Documents/Specifications and the firm's proposal

RESOLUTION NO. 2011-192

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO AWARD RFP NO. 11-45, AND TO EXECUTE AN AGREEMENT WITH ST. JOHNS TENNIS ACADEMY FOR TENNIS MANAGEMENT SERVICES FOR MILLS FIELD

25. Motion to adopt **Resolution No. 2011-193** amending the Capital Asset Policy (adopting the GASB Statement No. 51) contained within the St. Johns County Administrative Code

RESOLUTION NO. 2011-193

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AMENDING THE CAPITAL ASSET POLICY CONTAINED IN THE ST. JOHNS COUNTY ADMINISTRATIVE CODE

26. Motion to accept the Recapitulation 2010 Balanced Tax Roll and Error & Insolvencies Report from the St. Johns County Tax Collector
27. Motion to adopt **Resolution No. 2011-194** authorizing the Sheriff of St. Johns County, or designee, to submit an application seeking funding assistance through the Department of Justice: Edward Byrne Memorial Justice Assistance Formula Grant (JAG), State Solicitation. There are no financial match requirements for this grant

RESOLUTION NO. 2011-194

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE SHERIFF, OR DESIGNEE, TO SUBMIT AN APPLICATION SEEKING FUNDING ASSISTANCE THROUGH THE DEPARTMENT OF JUSTICE: EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE FORMULA GRANT (JAG), STATE SOLICITATION

28. Motion to adopt **Resolution No. 2011-195** approving the terms, provisions, conditions, and requirements of a one-year extension of the Contract between St. Johns County, Florida, and St. Johns Chamber of Commerce for the purpose of promoting economic development within St. Johns County, and authorizing the County Administrator, or designee, to execute the renewal on behalf of St. Johns County

RESOLUTION NO. 2011-195

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF A CONTRACT RENEWAL BETWEEN ST. JOHNS COUNTY, FLORIDA, AND ST. JOHNS COUNTY CHAMBER OF COMMERCE FOR THE PURPOSE OF PROMOTING ECONOMIC DEVELOPMENT WITHIN ST. JOHNS COUNTY, AND AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO EXECUTE THE CONTRACT RENEWAL ON BEHALF OF ST. JOHNS COUNTY

29. Motion to approve **Resolution No. 2011-196** authorizing the execution of an Interlocal Agreement with the Housing Finance Authority of St. Johns County, Florida, in connection with a St. Johns County surplus properties workforce housing program. This allows the County to acquire the title to 2 foreclosed unfinished homes, complete the construction, then it will be sold in the Surplus Housing Program

RESOLUTION NO. 2011-196

A RESOLUTION APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION OF AN INTERLOCAL AGREEMENT WITH THE HOUSING FINANCE AUTHORITY OF ST. JOHNS COUNTY, FLORIDA, IN CONNECTION WITH A ST. JOHNS COUNTY SURPLUS PROPERTIES WORKFORCE HOUSING PROGRAM;

APPROVING SAID COUNTY HOUSING PROGRAM; APPROVING AND AUTHORIZING THE EXECUTION AND DELIVERY OF CONTRACTS, DEEDS AND OTHER DOCUMENTS RELATING TO SAID PROGRAM; AUTHORIZING AND APPROVING PROCUREMENT PROCEDURES RELATING TO SAID PROGRAM; AUTHORIZING OFFICERS OF THE COUNTY TO DO ALL THINGS DEEMED NECESSARY OR ADVISABLE IN CONNECTION THEREWITH; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

30. Motion to adopt **Resolution No. 2011-197** authorizing the execution and submission of the Department of Community Affairs (DCA) Neighborhood Stabilization Program (NSP) Subgrant Agreement Modification Extension for the period of one year commencing October 6, 2011 for Grant Agreement Number 10DB-4X-04-65-01-F22

RESOLUTION NO. 2011-197

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING EXECUTION OF A SUBGRANT AGREEMENT MODIFICATION EXTENSION WITH THE DEPARTMENT OF COMMUNITY AFFAIRS FOR NEIGHBORHOOD STABILIZATION PROGRAM FUNDS ON BEHALF OF ST. JOHNS COUNTY

31. Motion to approve the reallocation of Impact Fee Parks Zone "A" Funds, not to exceed \$40,000 in order to improve Mill Creek Elementary School Fields to accommodate use after school hours by the Villages Athletic Association
32. Motion to approve organizational changes within the Health and Human Services Department as a result of the Reduction in Force for Mental Health Services and establish sufficient operating budgets for the remaining divisions; Motion to transfer \$106,375 from General Fund Reserves to Social Services-Personnel Services; Motion to transfer \$192,264 from General Fund Reserves to Mental Health Fund for allocation to Mental Health Department and \$74,485 from Mental Health Fund Reserves to Mental Health Operating Expenses. Purpose is to meet the costs associated with closing the Mental Health Division and assure funding to meet the operational needs of the Social Services and Community Based Care Divisions
33. Motion to adopt **Resolution No. 2011-198** approving the terms, conditions, and requirements of the Memorandum of Understanding between St. Johns County, Florida, and Family Support Services of North Florida, Inc., for Master Trust Administration and authorizing the County Administrator, or designee, to execute the MOU on behalf of the County

RESOLUTION NO. 2011-198

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 FAMILY SUPPORT SERVICES OF NORTH FLORIDA, INC., AND AUTHORIZING THE CHAIR OF THE BOARD OF COUNTY COMMISSIONERS TO EXECUTE THE AGREEMENT ON BEHALF OF THE COUNTY

34. Motion to adopt **Resolution No. 2011-199** approving the terms, provisions, conditions, and requirements of a Cost Share Agreement with the St. Johns River Water Management District for a reliability and performance testing of new landscape irrigation technology and authorizing the chairman of the Board of County Commissioners of St. Johns County to execute the agreement on behalf of St. Johns County and motion to authorize County Administrator, or his designee to enter into contract with King Engineering for an amount not to exceed \$300,000.00 to implement this project

RESOLUTION NO. 2011-199

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF A COST SHARE AGREEMENT BETWEEN ST. JOHNS COUNTY, FLORIDA, AND THE ST. JOHNS RIVER WATER MANAGEMENT DISTRICT, FOR THE WATER CONSERVATION COST SHARE PROGRAM FOR A WATER CONSERVATION INITIATIVE, AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, TO EXECUTE THE AGREEMENT ON BEHALF OF ST. JOHNS COUNTY

35. Motion to adopt **Resolution No. 2011-200** approving the terms, provisions, conditions, and requirements of a Cost Share Agreement with the St. Johns River Water Management District for the water conservation cost share program for a water conservation initiative; and authorizing the chairman of the Board of County Commissioners of St. Johns County to execute the agreement on behalf of St. Johns County and motion to authorize County Administrator, or his designee to enter into contract with Jones Edmunds and Associates for an amount not to exceed \$110,332.00 to implement this project

RESOLUTION NO. 2011-200

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF A COST SHARE AGREEMENT BETWEEN ST. JOHNS COUNTY, FLORIDA, AND THE ST. JOHNS RIVER WATER MANAGEMENT DISTRICT, FOR THE WATER CONSERVATION COST SHARE PROGRAM FOR A RELIABILITY AND PERFORMANCE TESTING OF NEW LANDSCAPE IRRIGATION TECHNOLOGY, AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, TO EXECUTE THE AGREEMENT ON BEHALF OF ST. JOHNS COUNTY

36. Motion to adopt **Resolution No. 2011-201** approving the terms, provisions, conditions, and requirements of the request between the Board of County Commissioners of St. Johns County, Florida, and the State of Florida Department of Environmental Protection (Long Range Beach Erosion Control Plan - Vilano Beach, Summer Haven, and South Ponte Vedra Beach), and authorizing the County Administrator to Budget for the Joint Participation Funds required for Beach Management Funding Assistance. The funding for this project will come from the Tourist Development Council

RESOLUTION NO. 2011-201

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO SUBMIT A LONG RANGE BEACH EROSION CONTROL BUDGET PLAN WITH THE DEPARTMENT OF ENVIRONMENTAL PROTECTION, BUREAU OF BEACHES AND COASTAL SYSTEMS

37. Motion to adopt **Resolution No. 2011-202** approving the terms, provisions, conditions, and requirements of the request between the Board of County Commissioners of St. Johns County, Florida, and the State of Florida Department of Environmental Protection (St. Johns County Shore Protection Project - St. Augustine Beach), and authorizing the County Administrator to budget for the Joint Participation Funds required for Beach Management Funding Assistance

RESOLUTION NO. 2011-202

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO SUBMIT A LONG RANGE BEACH EROSION CONTROL BUDGET PLAN WITH THE DEPARTMENT OF ENVIRONMENTAL PROTECTION, BUREAU OF BEACHES, AND COASTAL SYSTEMS

38. Motion to authorize a Settlement and Mutual Release Agreement concerning the Bakersville Fire Station with Cribbs Construction Company, David V. Cribbs, Junck & Walker Architects/Planners, Inc., Charles Walker, and Suresh Patel in the amount of \$10,000

39. Proofs:

- a. Proof: Request for Proposals, RFP#11-72, for Operation and Management of Robert Laryn Skate Park, published June 9, 2011, and June 16, 2011, in *The St. Augustine Record*
- b. Proof: Request for Proposals, RFP#11-75, for Auditing Services, published June 9, 2011, and June 16, 2011, in *The St. Augustine Record*
- c. Proof: Notice of Public Hearing of the Board of County Commissioners on June 21, 2011, and August 2, 2011, on establishment of Ordinance/Regulations affecting the Use of Land (Article II), published June 10, 2011, in *The St. Augustine Record*
- d. Proof: Notice of Public Hearing of the Board of County Commissioners on June 21, 2011, on an ordinance regarding regulation and control of public nuisances, published June 10, 2011, in *The St. Augustine Record*

- e. Proof: Notice to Bidders, Bid #11-78, published June 15, 2011, and June 22, 2011, in *The St. Augustine Record*
- f. Proof: Request for Proposals, RFP#11-81, for Operation and Management of restaurant at the St. Johns Golf Club, published June 15, 2011, and June 22, 2011, in *The St. Augustine Record*
- g. Proof: Notice of Canceled Regular Meeting of the St. Johns County Board of County Commissioners scheduled on Tuesday, July 5, 2011, published June 24, 2011, in *The St. Augustine Record*
- h. Proof: Notice of Special Meeting of the Board of County Commissioners on July 12, 2011, published June 24, 2011, in *The St. Augustine Record*
- i. Proof: Notice of Public Meeting of County Administrator and staff on July 1, 2011, published June 27, 2011, in *The St. Augustine Record*

(07/19/11 - 12 - 9:33 a.m.)
PUBLIC COMMENT

Maria Rivero, 17 Corunna Street, spoke about needed Vilano Beach area lighting for safety.

(9:35 a.m.) Robert Nimmons, 871 West 9th Street, Economic Chairman for the West Augustine CRA Steering Committee, thanked the Board for the career fair previously held. He said the area would like more career fairs in the future.

(9:37 a.m.) Lance Thate, 32 Bermuda Run Way, Tea Party member, suggested that the Chairman's remarks voiced the previous week to the Tea Party were condescending, and aimed to marginalize and to intimidate. He noted that *The St. Augustine Record* newspaper would have a response in the editorial section of the newspaper.

(07/19/11 - 12 - 9:38 a.m.)
ADDITIONS/DELETIONS TO REGULAR AGENDA

There were none.

(07/19/11 - 12 - 9:38 a.m.)
APPROVAL OF REGULAR AGENDA

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

(07/19/11 - 12 - 9:38 a.m.)

1. PUBLIC HEARING - WEST AUGUSTINE CRA (COMMUNITY REDEVELOPMENT AREA) PUBLIC NUISANCE ORDINANCE. IT IS THE INTENT OF THE WEST AUGUSTINE CRA PUBLIC NUISANCE ORDINANCE TO PROMOTE, PROTECT, AND IMPROVE THE HEALTH, SAFETY, AND WELFARE OF THE CITIZENS OF WEST AUGUSTINE CRA BY AUTHORIZING IMPOSITION OF ADMINISTRATIVE FINES AND OTHER NONCRIMINAL PENALTIES IN ORDER TO PROVIDE AN EQUITABLE, EXPEDITIOUS, EFFECTIVE, AND INEXPENSIVE METHOD OF ENFORCING THIS ORDINANCE WITHIN THE WEST AUGUSTINE CRA UNDER CIRCUMSTANCES WHEN A PROPERTY OWNER ALLOWS THAT PROPERTY TO BECOME A PUBLIC NUISANCE BY TOLERATING PROSTITUTION, GANG ACTIVITY, DEALING IN STOLEN PROPERTY OR ALLOWING DRUG ACTIVITY TO GO UNABATED. THIS ORDINANCE WILL ALLOW FOR A CIVIL CITATION OF PROPERTY OWNERS WHO CONDUCT, OPERATE OR MAINTAIN CONDITIONS CONDUCIVE TO THOSE CRIMINAL ACTIVITIES. A SPECIAL MAGISTRATE MUST BE APPOINTED BY THE COUNTY ATTORNEY TO CONDUCT CODE ENFORCEMENT

HEARINGS SHOULD CITATIONS BE CHALLENGED. THE STEERING COMMITTEE OF THE WEST AUGUSTINE CRA WILL GIVE A RECOMMENDATION TO THE COUNTY ATTORNEY ON THE APPOINTMENT OF THE SPECIAL MAGISTRATE

Proof of publication of the notice of public hearing on the Nuisance Ordinance was received, having been published in *The St. Augustine Record* on July 1, 2011.

Erica Moore, Assistant County Attorney, offered a brief explanation and provided a PowerPoint presentation and review of the proposed ordinance. She stated that cleaning up blight involved criminal elements such as prostitution, theft, and unlawful distribution of controlled substances. She advised that the ordinance would allow for a civil citation of property owners who conduct, operate, or maintain conditions conducive to criminal activities. She noted that the West Augustine CRA Steering Committee and residents of the area supported the proposed ordinance. Bryan questioned whether a fine scale would be utilized for the civil citation. Moore affirmed that to be correct and reviewed some of the possible fines involved with a citation.

(9:45 a.m.) Bryan noted that conditions needed to be improved and the proposed ordinance would help significantly for the West Augustine area. Stevenson asked about the special magistrate which Moore directed attention to page 2, section 4 of the ordinance, and said the creation of administrative board requirement in the ordinance was due to Florida Statutes. She noted that the statutes forced staff to change the ordinance to include an administrative committee. In response to an inquiry from Stevenson, Moore affirmed that the Administrative Board would be able to appeal to the Commission because the issue involved dealing with land and property. She explained that complaints could be reviewed and presented by anyone who initiated an investigation.

(9:51 a.m.) Antonio Witty, 855 S. St. Johns Street, Chairman of the CRA Steering Committee, said the committee had approved the proposed ordinance and asked that the Board approve the ordinance as well. He pointed out that the Committee had created an incentive for new businesses with a desire to locate to West Augustine.

(9:54 a.m.) Reverend Ron Stafford, 15 Christopher Street, representative for Pastors United, voiced that he appreciated staff working to push the ordinance forward. He asked the Commission to take the West Augustine area to a higher level and help continue the positive movement.

(9:55 a.m.) Pastor Rick Torrence, 456 Sebastian Square, representative from the St. Augustine Branch NAACP, thanked the board for their support and efforts in addressing the improvements in the West Augustine area. He said the ordinance was one building block of many to come to the area.

(9:57 a.m.) Tom Crawford, Director of Housing and Community Services, said the ordinance was truly a revolution and a tangible accomplishment for the area. McCormack recognized and thanked Moore for her work and effort on the proposed ordinance. He noted that the biggest thanks should go to the community leaders who had shown patience and willingness in assisting the county. Bryan agreed. Sanchez reiterated Bryan's sentiments about West Augustine improvements. He voiced that it had been an honor working with the Committee and residents of the area.

(10:00 a.m.) Motion by Sanchez, seconded by Miner, carried 5/0, to enact Ordinance No. 2011-25, known as the West Augustine CRA Public Nuisance Ordinance.

Moore explained that the motion should be amended to include direction to staff to bring to the board the names of the nominations for the Administrative Board in August.

(10:02 a.m.) **Motion by Sanchez, seconded by Miner, carried 5/0, to submit nominations for the West Augustine Administrative Board involved with the newly adopted ordinance.**

ORDINANCE NO. 2011-25

AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA, PROVIDING FOR THE EXERCISE OF COUNTY POWERS; PROVIDING FOR THE REGULATION AND CONTROL OF PUBLIC NUISANCES WITHIN THE UNINCORPORATED AREAS OF ST. JOHNS COUNTY, FLORIDA; PROVIDING FOR EXAMPLES; PROVIDING FOR PENALTIES; PROVIDING FOR REPEAL OF ANY INCONSISTENT AND/OR CONFLICTING ORDINANCES; PROVIDING SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

(07/19/11 - 14 - 10:03 a.m.)

2. **PRESENTATION ON CORNERSTONE AND UPCOMING CHANGES IN THE PROGRAM SUPERVISOR OF ELECTIONS BUDGET PRESENTATION**

Jerry Mallot, President of the Cornerstone Regional Development Partnership, reviewed the reports and upcoming changes to the program. He explained online property database, targeted industries, targeting jobs and talent for the future, marketing program and philosophies, important sources of business, website, newsletters, and direct marketing to targeted companies. He voiced that they were attempting to change the minds of people from the mindset that the Jacksonville area was not business friendly. He pointed out that JAXUSA Partnership, for regional economic development, was their new name and logo for Cornerstone. Bryan commented that the County and Cornerstone's relationship was somewhat rocky; however, the relationship had improved substantially, and he thanked Mallot for the presentation. In response to an inquiry from Bryan, Mallot said quality of life was very important to companies and their employees when deciding whether to move the business to St. Johns County.

(10:17 a.m.) Miner thanked Mallot and said the county was excited about the future. Sanchez agreed and noted that the current board was excited about bringing in businesses to the area. He voiced that it was a team effort and approach that could improve the economics for the county. Mallot agreed with Sanchez regarding a team effort. Stevenson added that she appreciated the regional effort but would like to see more in St. Johns County. Morris noted that he was on the Northeast Florida Regional Council with Bryan and thanked Mallot for his presentation.

Bryan called at break at 10:22 a.m. and reconvened the meeting at 10:35 a.m.

(07/19/11 - 14 - 10:36 a.m.)

3. **REPORT ON AN ECONOMIC DEVELOPMENT GRANT APPLICATION FOR SILVER CREEK LLP. PRESENTATION OF THE CHAMBER OF COMMERCE 2011/2012 LOCAL ADVOCACY AGENDA**

Darrell Locklear made a presentation to the Board regarding the Economic Development Grant incentive application for Silver Creek, LLP, for a 157,000 square

foot assisted living /medical office facility. He reviewed the proposed agreement and explained the possible benefits to the county.

(10:39 a.m.) Kirk Wendland, President St. Johns County Chamber of Commerce, provided information in regards to the agreement with Silver Creek, LLP, and incentives package involved with the agreement. He pointed out that the proposed agreement involved 190 jobs and \$31 million dollars of private investment that would hit the tax rolls. Bryan suggested that the developer consider utilizing local companies, businesses, and residents for the project. Stevenson voiced that she was encouraged by the proposed agreement which would add to the County's tax base but not children to the School District.

(10:46 a.m.) Mitchell Montgomery, 13400 Sutton Park Drive South, Jacksonville, Florida, complemented the Board and thanked those involved with the economic development agreement. He affirmed that they would utilize local businesses and personnel as much as possible while involved with the project. Morris stated that the only untapped funding resource was the construction of a larger commercial base in the county. Miner agreed with Morris and thanked Montgomery for his efforts.

(10:49 a.m.) Motion by Sanchez, seconded by Miner, carried 5/0, to instruct the County Attorney to prepare an Economic Development Grant Agreement for Silver Creek, LLP, for a 157,000 +/- Assisted Living/Medical Office Facility, and place the proposed Grant Agreement on a future consent agenda.

(07/19/11 - 15 - 10:50 a.m.)

DISTRICT 2

4. PUBLIC HEARING - NZVAR 2011-001 RUES LANDING EXTENSION. THIS IS A REQUEST FOR A NON ZONING VARIANCE TO SECTION 6.04.07.B.1 OF THE LAND DEVELOPMENT CODE (LDC) WHICH STATES THAT EASEMENTS SERVING MORE THAN TWO (2) RESIDENTIAL DWELLING UNITS SHALL MEET ALL REQUIREMENTS OF PART 6.04.00 (ROADWAY, DRAINAGE & UTILITIES STANDARDS). MULTIPLE HOMES WERE PERMITTED ACCESS PRIOR TO THE ADOPTION OF THE LDC; THERE ARE CURRENTLY SIX (6) SUCH PROPERTIES WHICH HAVE BEEN MAINTAINED OVER TIME BY THE AFFECTED OWNERS. THE APPLICANTS ARE REQUESTING THE DIVISION OF ONE LOT, THEREBY LEAVING 7 LOTS TOTAL. THE NON ZONING VARIANCE WILL ALSO BRING ALL LOTS ON THE EASEMENT INTO CONFORMANCE. RUES LANDING ROAD EXTENSION CONSISTS OF AN UNPAVED, 60 FOOT WIDE EASEMENT WITH A MINIMUM 20 FOOT WIDE STABILIZED SURFACE AND ACCEPTABLE TURNAROUND FOR FIRE SERVICES ACCESS. RESOLUTION APPROVING THE TERMS AND CONDITIONS OF AN AGREEMENT BETWEEN ST. JOHNS COUNTY AND ST. JOHNS CULTURAL COUNCIL, INC.

Proof of publication of the notice of public hearing on the NZVAR 2011-001, Rues Landing Extension, was received, having been published in *The St. Augustine Record* on July 1, 2011.

John Burnham, Chief Engineer, Development Review Division, offered a review of the Rues Landing Extension application for the board.

(10:54 a.m.) Motion by Stevenson, seconded by Sanchez, carried 5/0, to approve Non-Zoning Variance 2011-001, based upon findings of fact 1-5, and subject to suggested conditions 1-5.

(07/19/11 - 16 - 10:55 a.m.)

DISTRICT 3

- 5. PUBLIC HEARING - REZ 2011-02 FAMILY KIA. THIS IS A REQUEST TO REZONE +/- 4 ACRES FROM PLANNED UNIT DEVELOPMENT (PUD) AND OPEN RURAL (OR) TO COMMERCIAL INTENSIVE (CI). BASED ON THE INFORMATION AVAILABLE TO STAFF, THE PLANNING & ZONING SECTION FINDS THE REQUEST TO REZONE TO CI SUBSTANTIALLY MEETS THE REQUIREMENTS OF THE COMPREHENSIVE PLAN AND THE LAND DEVELOPMENT CODE. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS ITEM AT THEIR JUNE 16TH MEETING BY A 7 TO 0 VOTE

Proof of publication of the notice of public hearing on the REZ 2011-02, Family Kia, was received, having been published in *The St. Augustine Record* on July 4, 2011.

Michael Blackford, Planning and Zoning Manager, offered a review of the Family Kia proposed development and the area involved with the proposal.

(10:57 a.m.) Karen Taylor, 77 Saragossa Street, spoke about the application to expand the business and explained several details to the board.

(10:58 a.m.) **Motion by Miner, seconded by Sanchez, carried 5/0, to enact Ordinance No. 2011-26, known as REZ 2011-02, adopting findings of fact 1-4 to support the motion.**

ORDINANCE NO. 2011-26

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

(07/19/11 - 16 - 10:59 a.m.)

DISTRICT 3

- 6. PUBLIC HEARING - PLANAPPL 2011-04 - APPEAL OF A DECISION BY THE PLANNING AND ZONING AGENCY, PURSUANT TO LAND DEVELOPMENT CODE SECTION 9.07.03, OF SUPMAJ 2011-02 AMVETS. THIS IS AN APPEAL FILED PURSUANT TO LAND DEVELOPMENT CODE SECTION 9.07.03, APPEALS FROM DECISIONS OF THE PLANNING AND ZONING AGENCY (PZA), FILED BY AMERICANS SERVING AND ASSISTING PATRIOT VETERAN GROUPS (AMVETS), INC. AMVETS, INC FILED AN APPLICATION FOR SPECIAL USE PERMIT (SUPMAJ 2011-02) TO ALLOW FOR ADDITIONAL HOURS OF CONSUMPTION AND OUTDOOR CONSUMPTION SPECIFICALLY AT 1030 SR 206. THE PZA CONSIDERED THE REQUEST AT THEIR MAY 19, 2011 HEARING, AND DENIED THE REQUEST BY A 5 TO 0 VOTE. ON MAY 27, 2011 AMVETS, INC., FILED AN APPEAL IN A TIMELY MANNER AS PRESCRIBED BY THE LAND DEVELOPMENT CODE, REQUESTING THAT THE BOARD REVERSE THE DECISION RENDERED BY THE PZA AND GRANT SUPMAJ 2011-02, THUS ALLOWING FOR INCREASED HOURS OF CONSUMPTION AND OUTDOOR CONSUMPTION AREAS

Proof of publication of the notice of public hearing on the PLANAPPL 2011-04 was received, having been published in *The St. Augustine Record* on July 4, 2011.

Michael Blackford, Planning and Zoning Manager, offered the Board a review of the application involved with the appeal of the PZA decision regarding the AMVETS Lodge. He explained the history of the previous requests for increased hours and other elements of the appeal. He affirmed that the appeal request had been modified from the Special Use request that the PZA had denied, although the proposal retained the outside consumption area.

(11:08 a.m.) Bryan disclosed ex-parte communications by a site visit and he had talked with a manager at the Lodge. Stevenson also disclosed ex-parte communications by visiting the site and said she had spoke with McClure and Paucek. Sanchez voiced ex-parte communications by speaking with McClure. Miner said his ex-parte communications included a visit to the site and he had attended the PZA hearing as well as talked with the applicant. Morris disclosed ex-parte communications with the applicant and McClure.

(11:10 a.m.) George McClure, 81 King Street, Suite A, reviewed the application and noted details of the history and location of the AMVETS Lodge. He pointed out that the AMVETS Lodge was a private club that allowed members only in the establishment. He noted that the outdoor activities would be placed on the commercial side of the property. He reviewed the details of the AMVETS proposed plans, the location, and other businesses in the area. He pointed out that the proposed hours of the outside area would be 8:00 a.m. until 10:00 p.m.; however, the inside hours would be 7:00 a.m. until 2:00 a.m. Stevenson asked for the function of the building located in the rear of the property.

(11:21 a.m.) Ed Paucek, 970 Irma Way, affirmed that the building contained construction material and was used for storage. He reviewed the misinformation regarding their application and previous testimony given during the PZA meeting. He read a letter from Sheriff Shoar in support of the application and affirmed that no criminal activity had been reported in recent years. In response to an inquiry from Stevenson, Paucek advised that he had purchased the building which had been an air conditioning company. He noted that the building was in existence prior to the adjacent residential facilities being built. Bryan asked if the special use could be approved to AMVETS and the property owner only and not be carried forward to a new owner in the future. Paucek voiced that he would agree to the stipulation that the special use permit was for him and not a future owner of the property. Miner voiced that he would want a new owner to be allowed to continue the special use, if the property remained a Post for the AMVETS Lodge.

(11:31 a.m.) Mark Priester, 6762 Veronica Court, presented a petition for Commissioners to deny the AMVETS appeal application. He suggested that, in 1997, Paucek had created a Pack N' Ship business as well as a real estate business from the same location. He noted that the property consisted of only .43 of an acre. He stated that he had been harassed and humiliated by AMVETS and charged with trespassing on the property. In 2009, he said the Lodge was found to be serving hard liquor and other alcohol to non-members and without a liquor license. Bryan questioned whether Priester reported the incidents to the Sheriff's Department which he replied that he could not bother reporting noises that were created from the AMVETS property because the noise would stop before a deputy had a chance to arrive at the scene. He suggested that calling a deputy would be wasting the Sheriff's time to fight other important crimes. He voiced that people leave the lodge and have loud conversations or fistfights while outside which could be heard from inside his house. In response to an inquiry from Morris, Priester said he had notified the Planning and Zoning Department regarding the noise issues. Bryan noted that most of the patrons at the Lodge were older than he was and he had a difficult time believing the information regarding fights on the property.

(11:41 a.m.) Rosa Coello, 6762 Veronica Court, requested that the application be denied due to the location of the AMVETS building being only ten feet away from her residence. She expressed that the residents of "The Pines" did not want the bar near their residential area.

(11:44 a.m.) Malcolm Kingsley, 365 North Boulevard, spoke in favor of the proposed plan for the AMVETS. He voiced that he had yet to see any fights or arguments while visiting the establishment. He noted that the AMVETS had accomplished much in the community and they should be allowed their request.

(11:46 a.m.) Bill Arenburg, 6730 Veronica Court, spoke against the extension of the property due to the noise and because the owner bent the rules to suit the business several times during the past few years. He explained that a bulldozed path had been created for a fire-break; however, the path had allowed the motorcycle noise to travel from the AMVETS and followed the path straight to his property. He added that his tenants' bedroom was located just 20 feet from the business.

(11:50 a.m.) Ken Tucker, 5379 4th Street, AMVETS Senior Vice-Commander, said they had not received one noise complaint from the neighbors. In response to an inquiry, Tucker noted that the fence had been erected in 2009; however, the courts had dismissed the case. He noted that the average age of a member was 60 years old. Stevenson suggested that motorcycle parking be adjusted to eliminate or lessen the loud noise when motorcycles started up. She asked whether a compromise could be made between residents and business owner. Tucker reiterated that they have yet to receive a noise complaint. Bryan said he also rode a motorcycle and said motorcycles were loud. McClure asked Tucker to comment on who could be served at the business. Tucker said the place was small, veterans enjoyed the facility, and the Lodge helped the community in many ways. McClure provided further information about the configuration of the buildings on the property. Discussion ensued between Board members and Tucker concerning the patronage and parking at the building. Bryan commented that motorcycle and vehicle noise was hard to control. He pointed out that the Subway Shop and other businesses also generated the same loud noises. Kesner stated that Tucker had confirmed his comment that anyone could visit the business without being a member.

Melissa Lindeman, 6762 Veronica Court, spoke against the application to extend the AMVETS business. She stated that she had taken the petition against the expansion to residents in the neighborhood; although she supported the AMVETS and their cause. She expressed that the neighbors were very annoyed with the business and extending the hours; therefore, increasing the outside activities would be a detriment to the neighborhood.

(12:05 p.m.) Whitehouse advised that the AMVETS had already received the special use permit in September 2009 by the PZA; however, the specific special use application involved extended hours and outside use. Bryan thanked Whitehouse for his explanation and clarification. Sanchez stated that he would not support the expansion of the business because the changes to the noise ordinance invited a tense situation between business owner and resident. Miner voiced that he would support the AMVETS and the proposal. He said the noise ordinance would provide answers to the noise complaints. He noted that the owner had made and would continue to make adjustments to the outside area to prevent or lessen the noise. Morris agreed with Miner and said he would support any veterans' organization. He added that the issue boiled down to two outside picnic tables with four people being able to sit at each table. He stated that the expansion would not create any major problems. Bryan stated that loud noises would be handled by the noise ordinance and the board should only

consider two elements involved with the application which included outside consumption and extended hours.

(12:14 a.m.) In response to an inquiry from Stevenson, Michael Blackford stated that staff had received one complaint in the spring of 2009 concerning operating a business without a license under the County's Pride program. Stevenson stated that the increase in hours should not impact the neighborhood. Bryan stated that noise was relevant and interpreted individually. He pointed out that the Subway parking lot was side-by-side to the AMVETS parking. Discussion ensued between board members and staff regarding noise and hours of operation.

(12:26 p.m.) Motion by Miner, seconded by Bryan, carried 4/1 with Sanchez dissenting, to grant Planning Appeal 2011-04 and approve SUPMAJ 2011-02, based upon findings of fact 1-8 and subject to suggested conditions 1-8 listed in package, #1 shall not be transferable with the exception that it may be transferred to AMVETS Post #45 if the property was sold to them, #9 no outdoor amplified noise, #10 no lighting of the shoe-pit area, #11 separate fencing around the picnic table area to prevent people from wandering into the back part of the property, #12 construct two additional parking spaces as required under the previous SUP that were not constructed, and #13 restrict motorcycle parking to the front of building.

McClure voiced that the applicant would agree to the stipulations voiced by the board.

(12:27 p.m.) Sanchez stated that he was concerned with the fencing and gate because of fire safety for the patrons. Whitehouse suggested that the site plan needed to be revised to show a path to the shoe-pit area.

(12:29 p.m.) Stevenson commented that the motorcycle parking in front of the building was a significant concession for the noise issue. She suggested that everyone involved attempt to be good neighbors. Bryan stated that he was convinced that the owner and neighborhood would handle any issues that arise with professionalism. In response to a comment about the fencing, Sanchez noted that the contained area must have access for safety purposes.

Bryan called a recess at 12:33 p.m. Miner reconvened the meeting at 1:36 p.m. and immediately recessed until 1:43 p.m. The meeting reconvened at 1:43 p.m. with Commissioners Bryan, Miner, Stevenson, Sanchez, and Morris; Assistant County Administrators Darryl Locklear and Jerry Cameron; County Attorney Patrick McCormack; and Deputy Clerk Yvonne King present.

The Board addressed Agenda Item #8 at this juncture.

(07/19/11 - 19 - 2:41 p.m.)

7. PUBLIC HEARING - LAND DEVELOPMENT CODE AMENDMENTS FOR ARTICLE II, VI, X AND XII. THIS IS A REHEARING OF A 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. 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 SECOND READING OF THE LDC AMENDMENTS. THE PZA WILL CONSIDER THE PROPOSED CHANGES AUGUST 18, 2011

Proof of publication of the notice of public hearing on establishing ordinance/regulations affecting land use was received, having been published in *The St. Augustine Record* on July 8, 2011.

Suzanne Konchan, AICP, Growth Management Director, explained that the Land Development Code amendments were regarding electronic game promotions, adult arcade amusement centers, and pari-mutuel facilities. Konchan announced the public hearing schedule for the amendments: Planning & Zoning Agency on August 18, 2011, and Board of County Commissioners on September 20, 2011, at 5:01 p.m. for the second public hearing. However, due to the budget hearing also scheduled for the afternoon of September 20, 2011, she suggested the Board continue the second public hearing to October 4, 2011. (2:46 p.m.) ***Bryan announced the future public hearing dates: August 18, 2011, for the Planning & Zoning Agency and September 20, 2011, for the Board of County Commissioners.***

(07/19/11 - 20 - 1:43 p.m.)

8. FISCAL YEAR 2012 RECOMMENDED BUDGET WORKSHOP. FISCAL YEAR 2012 ST. JOHNS COUNTY RECOMMENDED FINANCIAL PLAN

Doug Timms, Director of Office of Management & Budget, informed the Board that a general fund expenditure summary was included in the front of the budget book, which summarized a portion of the budget in detail. Timms mentioned that regarding County Personnel, the elimination of the Mental Health Program resulted in a decrease of 44 staff positions, and four added to Social Services, and also four and a half in absorbing the Sheriff's Maintenance Complex. He then briefly reviewed the recommended budget. (2:07 p.m.) Stevenson mentioned that she had received many inquiries regarding the employees contributing more towards the group health insurance. (2:08 p.m.) Sanchez addressed employees having to contribute 3% towards their retirement. Timms explained the retirement contribution issue. (2:10 p.m.) Duane Ottenstroer, 2180 Eventide Road, St. Johns, commented on the proposed millage rate increase for fire service. (2:12p.m.) Ellen Whitmer, 1178 Natures Hammock Road S., Fruit Cove, stated that she didn't support the proposed millage rate increase for ad valorem taxes, but did support a non ad valorem tax assessment to fund the 800 MHz Communication System. (2:15 p.m.) Bill McCormick, 9224 July Lane, questioned the budget approval time frame and the transferring of budget money between funds. Sanchez responded to the questions posed by McCormick. (2:19 p.m.) Bryan urged the users of the 800 MHz Communication System to inform the public of the importance and the need for the system. Discussion followed regarding the public being educated on the 800 MHz Radio Communication System.

The meeting recessed at 2:30 p.m. and reconvened at 2:41 p.m.

At this juncture, the Board heard Agenda Item No. 7.

(07/19/11 - 20 - 2:46 p.m.)

COMMISSIONERS' REPORTS

Commissioner Stevenson:

No report.

(2:47 p.m.)

Commissioner Miner:

Miner suggested an ordinance be drafted charging a fee for sexual offenders/predators to register. (2:47 p.m.) ***It was the consensus of the Board to direct the County***

Attorney's Office to draft an ordinance requiring registration fees for sexual offenders/predators.

Miner announced that he had the privilege of appearing on J.D.'s Motorcycle Radio Show recently, and was requested to put "Watch Out For Motorcycles" stickers on all county vehicles, at no cost to the county. A brief discussion ensued. (2:48 p.m.) *It was the consensus of the Board to direct the County Attorney's Office to further review this issue.*

(2:48 p.m.)

Commissioner Sanchez:

No report.

(2:48 p.m.)

Commissioner Morris:

Morris reported that he met with two prospective business owners that were looking to relocate to St. Johns County.

(2:50 p.m.)

Commissioner Bryan:

Bryan addressed an issue regarding an organization which assist veterans in getting readjusted to the community; said they are providing assistance to a triple amputee Marine, Tyler Southern, by helping him build a house off of CR 208. Bryan then distributed a proposed resolution (Exhibit A) regarding the county waiving or offsetting various fees required for construction of this home. (2:51 p.m.) *It was the consensus of the Board to place the proposed resolution on the next meeting agenda.* (3:03 p.m.) Subsequently, Bryan informed the Board that he had been notified that the necessary permits have been issued, and Dream Finders Homes, LLC, would be moving forward to complete the construction of the new home.

Bryan reported on the achievement of St. Johns County issuing over 150 building permits last month in St. Johns County, which was the highest number in a preceding month.

Bryan concluded his reports by saying that it was said that he threw the Constitution down; but, as a disabled veteran during the Vietnam area, he assured the public that he swore to uphold the Constitution and that if there was a document thrown down, it wasn't because he threw it there.

(07/19/11 - 21 - 2:52 p.m.)

COUNTY ADMINISTRATOR'S REPORT

Cameron reported on and cleared some misstatements regarding the Mental Health Services transition. Cameron said the Department of Children and Family had already contracted with an out of county firm, Putnam Behavioral, to provide the services in the existing facility, and would be delivering services effective August 1, 2011; said there would be a one week hiatus for the transition, which would be the only interruption. He said this company would provide quality service in that they were certified by the Commission on Accreditation of Rehabilitation Facilities, which is the gold standard in accreditation in this area.

Cameron reported that the County has offered the City of St. Augustine some tentative options regarding the operation of the Willie Galimore Pool. (2:58 p.m.) *It was the consensus of the Board to direct the County Attorney to review the Interlocal*

Agreement regarding the operation of the Willie Galimore Center and coordinate with the City Attorney to revise the agreement to relieve St. Johns County of those obligations, and prepare the necessary documentation.

(2:58 p.m.) Stevenson requested some information regarding the Vilano lighting. Locklear reported that staff had worked through the issue with the lighting and had been in constant communication with citizens; said the requests to adjust the lights had been forwarded to Florida Power & Light.

(07/19/11 - 22 - 3:01 p.m.)
COUNTY ATTORNEY'S REPORT

McCormack reported on a recent editorial he read pertaining to First Amendment issues.

(07/19/11 - 22 - 3:03 p.m.)
CLERK OF COURT'S REPORT

No report.

With there being no further business to come before the Board, the meeting adjourned at 3:03 p.m.

REPORTS:

1. St. Johns County Board of County Commissioners Check Register, Check Nos. 471491 through 471756, totaling \$1,429,409.28 (06/21/11)
2. St. Johns County Board of County Commissioners Voucher Register, Voucher Nos. 6132 through 6199, totaling \$791,798.98 (06/21/11)
3. St. Johns County Board of County Commissioners Check Register, Check Nos. 471757 through 471768, totaling \$158,607.05 (06/27/11)
4. St. Johns County Board of County Commissioners Check Register, Check Nos. 471769 through 472054, totaling \$969,303.19 (06/28/11)
5. St. Johns County Board of County Commissioners Voucher Register, Voucher Nos. 6200 through 6307, totaling \$280,477.36 (06/28/11)
6. St. Johns County Board of County Commissioners Check Register, Check No. 472055, totaling \$5,200.68 (06/29/11)
7. St. Johns County Board of County Commissioners Check Register, Check Nos. 472056 through 472077, totaling \$40,361.68 (06/30/11)
8. St. Johns County Board of County Commissioners Check Register, Check No. 472078, totaling \$2,000 (06/30/11)
9. St. Johns County Board of County Commissioners Check Register, Check Nos. 472079 through 472127, totaling \$70,909.20 (07/05/11)
10. St. Johns County Board of County Commissioners Voucher Register, Voucher Nos. 6308 through 6316, totaling \$7,964.87 (07/05/11)
11. St. Johns County Board of County Commissioners Check Register, Check Nos. 472128 through 472278, totaling \$930,173.64 (07/05/11)
12. St. Johns County Board of County Commissioners Voucher Register, Voucher Nos. 6317 through 6354, totaling \$573,711.91 (07/05/11)
13. St. Johns County Board of County Commissioners Check Register, Check Nos. 472279 through 472283, totaling \$152,310.90 (07/07/11)
14. St. Johns County Board of County Commissioners Check Register, Check Nos. 472284 through 472511, totaling \$977,338.89 (07/12/11)
15. St. Johns County Board of County Commissioners Voucher Register, Voucher Nos. 6355 through 6408, totaling \$338,034.37 (07/12/11)

CORRESPONDENCE:

1. Letter dated June 24, 2011, to Liz Cloud, Program Administrator, Department of State, filing St. Johns County Ordinances Number 2011-21 through 2011-24
2. Letter dated July 8, 2011, to Liz Cloud, Program Administrator, Department of State, filing corrected copy of St. Johns County Ordinance No. 2011-20

Approved August 16, 2011

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: J. Ken Bryan
J. Ken Bryan, Chair

ATTEST: CHERYL STRICKLAND, CLERK

By: Wenme King
Deputy Clerk

