

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
DECEMBER 6, 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: Mark Miner, District 3, Chair
Jay Morris, District 4, Vice Chair
Cyndi Stevenson, District 1
Ron Sanchez, District 2
J. Ken Bryan, District 5
Michael Wanchick, County Administrator
Patrick McCormack, County Attorney
Lenora Newsome, Deputy Clerk

(12/06/11 - 1 - 9:00 a.m.)

CALL TO ORDER

Miner called the meeting to order.

(12/06/11 - 1 - 9:00 a.m.)

ROLL CALL

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

(12/06/11 - 1 - 9:01 a.m.)

INVOCATION

Ronnie Warren, Christ Redeemer Church of St. Augustine, gave the Invocation.

(12/06/11 - 1 - 9:01 a.m.)

PLEDGE OF ALLEGIANCE

Sanchez led the Pledge of Allegiance.

(12/06/11 - 1 - 9:02 a.m.)

PRESENTATION OF PROCLAMATION PROCLAIMING DECEMBER 6, 2011 AS A DAY OF MEMORIAM FOR PRIVATE FIRST CLASS MATTHEW CHRISTOPHER COLIN

Miner presented the proclamation to Terri Marcum and her family.

(12/06/11 - 1 - 9:07 a.m.)

ACCEPTANCE OF PROCLAMATION

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

(12/06/11 - 1 - 9:07 a.m.)

DELETIONS TO CONSENT AGENDA

There were no deletions.

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

1. Approval of the Cash Requirement Report
2. Minutes:
 - a) BCC Special Meeting, 1/15/11
 - b) BCC Regular Meeting, 11/15/11
3. Motion to adopt **Resolution No. 2011-336**, declaring certain County property as surplus and authorizing the County Administrator, or designee, to take all action necessary to close the transaction pursuant to the provisions set forth in Ordinance No. 2011-17

RESOLUTION NO. 2011-336

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, DECLARING CERTAIN COUNTY PROPERTY AS SURPLUS AND AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO TAKE ALL ACTION NECESSARY TO CLOSE THE TRANSACTION PURSUANT TO THE PROVISIONS SET FORTH IN ORDINANCE NO. 2011-17

4. Motion to adopt **Resolution No. 2011-337**, approving the terms and authorizing the County Administrator, or designee, to execute a 1st Amendment of the Interlocal Agreement between the County and St. Johns County School District for operating the Ketterlinus Gym

RESOLUTION NO. 2011-337

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 1ST AMENDMENT OF THE INTERLOCAL AGREEMENT BETWEEN THE COUNTY AND ST. JOHNS COUNTY SCHOOL DISTRICT

5. Motion to adopt **Resolution No. 2011-338**, accepting two Drainage Easements for the vacated portion of Second Street in Surfside Subdivision on Vilano Beach

RESOLUTION NO. 2011-338

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING TWO DRAINAGE EASEMENTS FOR THE VACATED PORTION OF SECOND STREET IN SURFSIDE SUBDIVISION ON VILANO BEACH

6. Motion to adopt **Resolution No. 2011-339**, accepting a Bill of Sale and Schedule of Values conveying all personal property associated with the relocation of the water and sewer lines to accommodate the intersection improvements at State Road 207 and Holmes Boulevard

RESOLUTION NO. 2011-339

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING A BILL OF SALE AND SCHEDULE OF VALUES CONVEYING ALL PERSONAL PROPERTY ASSOCIATED WITH THE RELOCATION OF THE WATER AND SEWER LINES TO ACCOMMODATE THE INTERSECTION IMPROVEMENTS AT STATE ROAD 207 AND HOLMES BOULEVARD

7. Motion to adopt **Resolution No. 2011-340**, approving the terms of two Temporary Construction Easements required for the Duval/St. Johns Street Drainage Improvement Project in the West St. Augustine Area

RESOLUTION NO. 2011-340

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS OF TWO TEMPORARY CONSTRUCTION EASEMENTS REQUIRED FOR THE DUVAL/ST. JOHNS STREET DRAINAGE IMPROVEMENT PROJECT IN THE WEST ST. AUGUSTINE AREA

8. Motion to adopt **Resolution No. 2011-341**, accepting a Drainage Easement for property at the intersection of Lewis Speedway and Varella Avenue

RESOLUTION NO. 2011-341

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING A DRAINAGE EASEMENT FOR THE PROPERTY AT THE INTERSECTION OF LEWIS SPEEDWAY AND VARELLA AVENUE

9. Motion to adopt **Resolution No. 2011-342**, accepting an Easement for Utilities for water and sewer service along Parkland Trail off International Golf Parkway

RESOLUTION NO. 2011-342

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING AN EASEMENT FOR UTILITIES FOR WATER AND SEWER SERVICE ALONG A PORTION OF PARKLAND TRAIL LOCATED OFF INTERNATIONAL GOLF PARKWAY

10. Motion to adopt **Resolution No. 2011-343**, approving the final plat for Hunters Creek Subdivision, Second Replat

RESOLUTION NO. 2011-343

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING A PLAT FOR HUNTERS CREEK SUBDIVISION, SECOND REPLAT

11. Motion to adopt **Resolution No. 2011-344**, approving the final plat for Durbin Crossing South, Phase 3

RESOLUTION NO. 2011-344

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING A PLAT FOR DURBIN CROSSING SOUTH, PHASE 3

12. Motion to adopt **Resolution No. 2011-345**, approving the final plat for Rivertown Boulevard and Kendall Crossing Drive Extension

RESOLUTION NO. 2011-345

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING A PLAT FOR RIVERTOWN BOULEVARD AND KENDALL CROSSING DRIVE EXTENSION

13. Motion to adopt **Resolution No. 2011-346**, approving the final plat for Greenleaf Village at Nocatee, Phase 2

RESOLUTION NO. 2011-346

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING A PLAT FOR GREENLEAF VILLAGE AT NOCATEE, PHASE 2

14. Motion to adopt **Resolution No. 2011-347**, approving the terms and conditions of Grant 17616 Amendment #2 for purposes of changing the location of energy retrofits in the existing Grant and authorizing the County Administrator to execute the Amendment and authorize the County Administrator to execute other related documents and take any actions necessary in connection with the Grant Amendment

RESOLUTION NO. 2011-347

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO AMEND THE ESTABLISHED CLEAN ENERGY GRANT #17616

15. Motion to approve the transfer of \$150,000 from General Fund Capital Outlay Reserves to the HHS Facility Capital Improvement Fund for preliminary design work associated with the forthcoming construction of a County Health & Human Services building

16. Motion to adopt **Resolution No. 2011-348**, recognizing unanticipated revenue in the amount of \$4,347.32 from the sale of pulpwood to General Fund Sale of Surplus Property 0001-36401, and appropriating it to the Recreation Facilities Other Maintenance account to perform underbrushing of the Mussallem Trailhead off of SR 207

RESOLUTION NO. 2011-348

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AMENDING THE FISCAL YEAR 2012 GENERAL FUND BUDGET TO RECEIVE UNANTICIPATED REVENUE AND AUTHORIZE ITS EXPENDITURE BY THE ST. JOHNS COUNTY RECREATION AND PARKS DEPARTMENT

17. Motion to authorize the Golf Course Manager, with final approval by the Recreation Director and the Office of Management and Budget, to develop and implement seasonal promotional packages for the St. Johns Golf Club, which include terms, pricing, and availability, not to exceed a duration of 90 days from the original date of offer
18. Motion to adopt **Resolution No. 2011-349**, authorizing the County Administrator, or designee, to enter into an Interlocal Agreement with the City of Jacksonville and St. Johns County to provide Mutual/ Automatic Aid

RESOLUTION NO. 2011-349

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE EXECUTION OF AN INTERLOCAL AGREEMENT WITH THE CITY OF JACKSONVILLE, FLORIDA FOR AUTOMATIC AID FOR THE RESPONSE OF EMERGENCY APPARATUS IN THE EVENT OF A STRUCTURAL FIRE OR OTHER EMERGENCY SITUATION THAT ENDANGERS LIFE OR PROPERTY IN A DESIGNATED RESPONSE AREA AND MUTUAL AID WHEN ASSISTANCE IS REQUESTED DURING OTHER LARGE SCALE EMERGENCIES

19. Motion to adopt **Resolution No. 2011-350**, approving the terms, conditions, and requirements of Amendment #9 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 #9

RESOLUTION NO. 2011-350

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

20. Motion to adopt **Resolution No. 2011-351**, recognizing unanticipated revenue for the Supervisor of Elections in the amount of \$4,657.88 (Polling Place Accessibility Grant) and increasing the General Fund General Government Federal Grant Revenue (0001-33110) and increasing the expenditure budget of the Supervisor of Elections Federal Grant Expenditure (0030-55304) in the same amount

RESOLUTION NO. 2011-351

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AMENDING THE FISCAL YEAR 2012 GENERAL FUND, IN ORDER TO RECEIVE UNANTICIPATED REVENUE AND AUTHORIZE ITS EXPENDITURE BY THE SUPERVISOR OF ELECTION

21. Proofs:
- a. Proof: Request for Qualifications, RFQ 12-06 - Engineering Services for Landfill, *The St. Augustine Record* appearing on October 21, 2011, and October 27, 2011
 - b. Proof: Notice to Bidders, Bid #12-21, Three ½ Ton Pick up Trucks, *The St. Augustine Record* appearing on October 25, 2011, and November 1, 2011
 - c. Proof: Notice to Bidders, Bid #12-12, Tower Prep Sites 3, 5, 9, *The St. Augustine Record* appearing on October 26, 2011, and November 2, 2011
 - d. Proof: Notice to Bidders, Bid #12-19, Tower Prep Sites 1, 2, 4, 6, *The St. Augustine Record* appearing on October 26, 2011, and November 2, 2011
 - e. Proof: Notice to Bidders, Bid #12-20, Tower Prep Sites 7, 8, 10, 11, *The St. Augustine Record* appearing on October 26, 2011, and November 2, 2011
 - f. Proof: Notice to Bidders, Bid #12-15 -Janitorial Services for SJC, *The St. Augustine Record* appearing on October 28, 2011, and November 4, 2011
 - g. Proof: Display Ad, Notice of Meetings for Redistricting, *The St. Augustine Record* appearing on October 10, 2011
 - h. Proof: Display Ad, Notice Adoption of Redistricting Plan, *The St. Augustine Record* appearing on November 8, 2011
 - i. Proof: Notice of Hearing - Silver Creek Econ Development Hearing, *The St. Augustine Record* appearing on November 7, 2011
 - j. Proof: Notice of Special Meeting - Reorganizational Meeting for BCC, *The St. Augustine Record* appearing on November 7, 2011
 - k. Proof: Request for Proposals, RFP 12-05 - Employee Assistance Program, *The St. Augustine Record* appearing on November 3, 2011, and November 10, 2011
 - l. Proof: Request for Proposals, RFP 11-96 - Inspections ETC for Elevators, *The St. Augustine Record* appearing on October 31, 2011, and November 7, 2011
 - m. Proof: Request for Proposals, Bid #12-14 - Portable Restrooms Rental & Servicing, *The St. Augustine Record* appearing on October 29, 2011, and November 5, 2011
 - n. Proof: Display Ad, Notice of Meetings Adoption of Redistricting Plan, *The St. Augustine Record* appearing on November 8, 2011, and November 14, 2011

(12/06/11 - 6 - 9:08 a.m.)
PUBLIC COMMENT

There was none.

(12/06/11 - 6 - 9:08 a.m.)
ADDITIONS/DELETIONS TO REGULAR AGENDA

Bryan requested to add for discussion the Cultural Arts Heritage budget, as Item 14a. Miner requested to move Item 9 after Item 6. Wanchick requested to add a community development plan resolution, as Item 9a and add a license agreement for the Salvation Army, as Item 15.

(12/06/11 - 7 - 9:09 a.m.)
APPROVAL OF REGULAR AGENDA

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

(12/06/11 - 7 - 9:09 a.m.)

1. INFORMATION PRESENTATION BY HEALTH PLANNING COUNCIL OF NORTHEAST FLORIDA ON THE NORTHEAST FLORIDA COUNTS DASHBOARD

Dawn Emerick, Ed.D., Executive Director of the Health Planning Council of Northeast Florida, gave a PowerPoint presentation of the Northeast Florida Counts Dashboard. She reviewed and showed details of the website. Bryan spoke about linking the County website with the Health Department website.

(9:22 a.m.) The Board recessed the Regular meeting and convened as the Community Redevelopment Agency (CRA).

(12/06/11 - 7 - 9:22 a.m.)

2. CONSIDER A RESOLUTION OF THE ST. JOHNS COUNTY COMMUNITY REDEVELOPMENT AGENCY AUTHORIZING THE ISSUANCE OF THE AGENCY'S REDEVELOPMENT REVENUE REFUNDING NOTE (FLAGLER ESTATES PROJECT), SERIES 2011, IN A PRINCIPAL AMOUNT OF \$4,701,000

Proof of publication of the notice of public hearing regarding the issuance of bonds for the Flagler Estates Project was received, having been published in *The St. Augustine Record* on November 19, 2011.

McCormack mentioned that the Board would convene as the CRA for Item 2 only. He said the item involved refunding of the Flagler Estates Bonding Project, concerning the 2007 bonds. He reviewed the interest rates regarding the bonds.

(9:24 a.m.) **Motion by Sanchez, seconded by Bryan, carried 5/0, to adopt CRA Resolution No. 2011-2, of the St. Johns County Community Redevelopment Agency authorizing the issuance of the Agency's Redevelopment Revenue Refunding Note (Flagler Estates Project), Series 2011, in a principal amount of \$4,701,000.**

CRA RESOLUTION NO. 2011-2

A RESOLUTION OF THE ST. JOHNS COUNTY COMMUNITY REDEVELOPMENT AGENCY PROVIDING FOR THE REFUNDING OF THE AGENCY'S OUTSTANDING REDEVELOPMENT REVENUE AND REFUNDING NOTE (FLAGLER ESTATES PROJECT), SERIES 2007, ISSUED TO FINANCE AND REFINANCE THE PAVING OF CERTAIN PUBLIC ROADS LOCATED WITHIN THE BOUNDARIES OF THE FLAGLER ESTATES COMMUNITY REDEVELOPMENT AREA AND THE FLAGLER ESTATES ROAD AND WATER CONTROL DISTRICT; AUTHORIZING THE ISSUANCE BY THE AGENCY OF \$4,701,000 IN PRINCIPAL AMOUNT OF A REDEVELOPMENT REVENUE REFUNDING NOTE (FLAGLER ESTATES PROJECT), SERIES 2011, TO REFUND SUCH 2007 NOTE AND PAY THE COSTS OF ISSUANCE OF SUCH 2011 NOTE; PLEDGING TO

SECURE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON SUCH 2011 NOTE THE TAX INCREMENT REVENUES RECEIVED ANNUALLY BY THE AGENCY AND DEPOSITED INTO THE FLAGLER ESTATES COMMUNITY REDEVELOPMENT AREA ACCOUNT IN THE ST. JOHNS COUNTY COMMUNITY REDEVELOPMENT AGENCY TRUST FUND, CERTAIN AMOUNTS CONTRIBUTED BY ST. JOHNS COUNTY FOR PAYMENT OF SUCH 2011 NOTE, ALL MONEYS ON DEPOSIT IN AND INVESTMENTS HELD FOR THE CREDIT OF CERTAIN FUNDS CREATED HEREUNDER AND THE EARNINGS ON SUCH INVESTMENTS; MAKING CERTAIN COVENANTS AND AGREEMENTS FOR THE BENEFIT OF THE HOLDER OF SUCH 2011 NOTE; AUTHORIZING THE EXECUTION AND DELIVERY OF AN INTERLOCAL AGREEMENT ADDENDUM BETWEEN THE AGENCY AND SAID DISTRICT; AUTHORIZING THE EXECUTION AND DELIVERY OF AN INTERLOCAL REIMBURSEMENT AGREEMENT BETWEEN THE AGENCY AND SAID COUNTY; AUTHORIZING A NEGOTIATED SALE OF SUCH 2011 NOTE; DESIGNATING SUCH 2011 NOTE FOR THE EXCEPTION CONTAINED IN SECTION 265 OF THE INTERNAL REVENUE CODE OF 1986 WHICH DENIES FINANCIAL INSTITUTIONS ANY DEDUCTION FOR INTEREST EXPENSE ALLOCABLE TO TAX-EXEMPT OBLIGATIONS; AWARDING SUCH 2011 NOTE TO THE PURCHASER THEREOF; AND PROVIDING AN EFFECTIVE DATE

(9:26 a.m.) The CRA meeting adjourned and the Regular meeting reconvened.

(12/06/11 - 8 - 9:26 a.m.)

3. ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS/ APPROVAL OF ISSUANCE OF ST. JOHNS COUNTY COMMUNITY REDEVELOPMENT AGENCY DEBT AND AGREEMENT TO COVENANT TO BUDGET AND APPROPRIATE CERTAIN FUNDS FOR DEBT SERVICE

Proof of publication of the notice of public hearing regarding the issuance of bonds for the Flagler Estates Project was received, having been published in *The St. Augustine Record* on November 19, 2011.

McCormack stated that the item was a St. Johns County proposed resolution to approve the issuance of the St. Johns County CRA debt and agreement, to covenant to budget and appropriate, certain funds for debt service, if needed.

(9:27 a.m.) Ellen Whitmer, 1178 Natures Hammock Road, South, spoke on servicing the debt in the CRA area. She stated that the taxpayers should not have to make up the difference owed, that the people who live in that area should pay.

(9:28 a.m.) Motion by Sanchez, seconded by Morris, carried 5/0, to adopt Resolution 2011-352, approving the issuance by St. Johns County Community Redevelopment Agency of its Redevelopment Revenue Refunding Note (Flagler Estates Project), Series 2011, in a principal amount of \$4,701,000 and authorizing a covenant to budget and appropriate legally available non-ad valorem revenues of the County to provide for the payment of the Note, as needed.

RESOLUTION NO. 2011-352

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE ISSUANCE BY THE ST. JOHNS COUNTY COMMUNITY REDEVELOPMENT AGENCY OF ITS REDEVELOPMENT REVENUE REFUNDING NOTE (FLAGLER ESTATES PROJECT), SERIES 2011, IN A PRINCIPAL AMOUNT OF \$4,701,000, FOR THE PURPOSE OF OBTAINING FUNDS TO REFUND CERTAIN OUTSTANDING INDEBTEDNESS OF SAID AGENCY ISSUED TO FINANCE AND REFINANCE THE COSTS OF PAVING CERTAIN PUBLIC ROADS LOCATED WITHIN THE FLAGLER ESTATES ROAD AND WATER CONTROL DISTRICT AND THE FLAGLER ESTATES COMMUNITY REDEVELOPMENT AREA; AUTHORIZING A COVENANT TO BUDGET AND APPROPRIATE LEGALLY AVAILABLE NON-AD VALOREM REVENUES TO PROVIDE FOR THE PAYMENT OF SUCH 2011 NOTE IN THE EVENT REVENUES OF SAID AGENCY ARE INSUFFICIENT THEREFOR; AUTHORIZING THE EXECUTION AND DELIVERY OF AN INTERLOCAL REIMBURSEMENT AGREEMENT WITH SAID AGENCY AND PROVIDING AN EFFECTIVE DATE

(12/06/11 - 9 - 9:29 a.m.)

4. EQUIPMENT LEASE FINANCING WITH SUNTRUST EQUIPMENT FINANCE & LEASING CORP., RELATING TO GUARANTEED ENERGY PERFORMANCE SAVINGS CONTRACT WITH TRANE U.S. INC.

McCormack stated that the County Administration had been looking for ways to save the County money, and make County operations more efficient. He said one example of that was energy consumption. He mentioned that Item 4 involved a financing mechanism that allowed for the replacement and improvement of County energy facilities through the financing, expertise, and new equipment installation from Trane.

(9:31 a.m.) Motion by Stevenson, seconded by Bryan, carried 5/0, to adopt Resolution No. 2011-353, authorizing the execution and delivery of the Master Lease Agreement, the Equipment Schedule No. 1 and the Escrow Agreement in connection with the related equipment lease financing in an amount not to exceed \$3,600,000.

RESOLUTION NO. 2011-353

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE EXECUTION AND DELIVERY OF A MASTER LEASE AGREEMENT WITH SUNTRUST EQUIPMENT FINANCE & LEASING CORP., A RELATED EQUIPMENT SCHEDULE NO. 01, AN ESCROW AGREEMENT WITH SUNTRUST BANK AND OTHER RELATED INSTRUMENTS IN CONNECTION WITH THE COUNTY'S GUARANTEED ENERGY PERFORMANCE SAVINGS CONTRACT WITH TRANE U.S.; AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH

(12/06/11 - 10 - 9:32 a.m.)

5. CONSIDER APPROVAL OF A GUARANTEED ENERGY PERFORMANCE SAVINGS CONTRACT WITH TRANE US, INC., FOR STAFF IDENTIFIED ENERGY EFFICIENCY IMPROVEMENTS TO COUNTY PROPERTIES

Jesse Dunn, Office of Management and Budget, said the next step was the approval of financing. He mentioned the savings achieved from the financing. He reviewed the interest rate and savings details.

(9:34 a.m.) **Motion by Stevenson, seconded by Morris, carried 5/0, to adopt Resolution No. 2011-354, authorizing the County Administrator or his designee, to approve the terms and conditions and execute the Guaranteed Energy Performance Savings Contract with Trane U.S., Inc., for staff-identified energy efficiency improvements to County properties.**

RESOLUTION NO. 2011-354

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE COUNTY ADMINISTRATOR, OR HIS DESIGNEE, TO APPROVE THE TERMS AND CONDITIONS AND EXECUTE THE GUARANTEED ENERGY PERFORMANCE SAVINGS CONTRACT WITH TRANE U.S., INC.

(9:35 a.m.) McCormack mentioned that the last two items that the Board passed, had a quick time line, and he requested the Board to sign the documents at the 10:30 a.m. break.

(12/06/11 - 10 - 9:36 a.m.)

DISTRICT 1

6. PUBLIC HEARING - VACROA 2011-002, PUBLIC HEARING REGARDING VACATING A PORTION OF RUSSELL SAMPSON ROAD. THE APPLICANT, DURBIN CROSSING DEVELOPMENT CORPORATION, REQUESTS THE VACATION OF A PORTION OF THE FORMER RUSSELL SAMPSON ROAD RIGHT-OF-WAY. THE ROAD SEGMENT TO BE VACATED WAS PART OF THE OLD ALIGNMENT OF RUSSELL SAMPSON ROAD PRIOR TO THE CONSTRUCTION OF CR 2209 (ST. JOHNS PARKWAY); THIS CONSTRUCTION IS NOW COMPLETE, AND THE +/- 1.28-ACRE PORTION OF THE OLD ROADWAY IS NO LONGER NEEDED BY THE COUNTY. THE APPLICANT HAS MET THE OTHER REQUIREMENTS AS PRESCRIBED BY F.S. 336.09 AND THE DEVELOPMENT REVIEW MANUAL INCLUDING THE LEGAL DESCRIPTION, ADJACENT PROPERTY OWNER INFORMATION, AND TITLE OPINION. THEY HAVE ALSO PROVIDED A STATEMENT FROM A LICENSED PROFESSIONAL ENGINEER OR TRAFFIC PLANNER THAT TRAFFIC PATTERNS WILL NOT BE NEGATIVELY IMPACTED AND NO PARTY WILL BE UNREASONABLY AFFECTED BY THE REQUESTED VACATION. STAFF HAS NO OBJECTIONS TO THE REQUEST

Proof of publication of the notice of public hearing regarding vacating a portion of Russell Sampson Road was received, having been published in *The St. Augustine Record* on November 17, 2011.

John Burnham, P.E., Chief Engineer, Development Review Division, gave a presentation, *Exhibit A*.

(9:38 a.m.) **Motion by Stevenson, seconded by Bryan, carried 5/0, to adopt Resolution No. 2011-355, vacating a portion of Russell Sampson Road as described.**

RESOLUTION NO. 2011-355

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, VACATING A 1.28-ACRE PORTION OF THE RIGHT-OF-WAY KNOWN AS RUSSELL SAMPSON ROAD

The meeting moved to Item 9.

(12/06/11 - 11 - 9:47 a.m.)

DISTRICT 1

7. PUBLIC HEARING - MAJMOD 2011-07, W.R. TOWNSEND. THIS IS A REQUEST FOR A MAJOR MODIFICATION (MAJMOD) TO MODIFY PLANNED SPECIAL DEVELOPMENT (PSD) ORDINANCE 89-60, AS AMENDED. THE REQUEST INCLUDES: 1) ADD 4.5-ACRE PARCEL, 2) ALLOW ADDITIONAL USES SUCH AS VEHICLE RECYCLING, RECYCLABLE MATERIAL AND METAL RECOVERY, AND USES FROM THE GENERAL PUBLIC SERVICE AND EMERGENCY USE CATEGORIES, 3) INCREASE MAXIMUM BUILDING HEIGHT TO 45 FEET, AND 4) CHANGE FROM PSD TO PUD AS REQUIRED BY THE LAND DEVELOPMENT CODE FOR ANY MAJOR MODIFICATION. THE PLANNING & ZONING AGENCY (PZA) RECOMMENDED APPROVAL BY A 6-1 VOTE. THERE WAS DISCUSSION REGARDING THE NOISE STANDARD PROPOSED WHICH RELIED ON A DECIBEL MEASUREMENT UNLIKE THE NEWLY APPROVED NOISE ORDINANCE WHICH USES A "PLAINLY AUDIBLE" STANDARD. THE APPLICANT HAS AGREED THAT THE PROJECT WILL BE SUBJECT TO THE RECENTLY ADOPTED NOISE ORDINANCE. THE APPLICANT HAS ALSO PROVIDED MORE SPECIFIC LANGUAGE THAT DESCRIBES WHAT PROCESSES WOULD BE PERFORMED OUTSIDE AND INSIDE THE BUILDINGS

Proof of publication of the notice of public hearing regarding a major modification to the Townsend PUD was received, having been published in *The St. Augustine Record* on October 5, 2011.

Cathy Upchurch, St. Augustine Court Reporter, was present.

Michael Roberson, Planner I, gave a presentation, *Exhibit A*. He mentioned a letter of endorsement, *Exhibit B*. Miner disclosed ex parte communication with the applicant, Ellen Avery-Smith, and Chris White. Stevenson disclosed the same ex parte communication, as Miner, with the addition of visiting an operating site that Townsend had in the Jacksonville area. Bryan disclosed the same ex parte communications. Morris disclosed ex parte communication with the developer's attorney and the Attorney, White with Orthopedic Associates. Sanchez declared the same ex parte communications.

(9:50 a.m.) Ellen Avery-Smith, 100 Whetstone Place, Rogers Towers, reviewed the details of both Items 7 and 8, because the properties were contiguous. She stated that the application was for Mr. Townsend to expand his existing business. She reviewed heavy industrial uses, adding the height of the fence to eight feet, vehicle recycling, and solid waste. She said that they were asking for 45 feet in building height to match the adjacent property, and one waiver to leave construction equipment parked outside on one side of the building, *Exhibit C*. She mentioned that Orthopedic Associates of St. Augustine was opposed to the application. She said that the applicant requested to be allowed to do metal recycling on the property. Stevenson asked how many acres would be used for storage after the materials were processed and moved into a market. Avery-Smith noted that the equipment that crushed concrete would be stored outside,

but was movable, and would be moved inside the building when actually crushing the concrete. Morris voiced his concern about switching to heavy industrial use, and what was included in that use. Dialogue ensued between Morris and Avery-Smith. Morris stated that he was against the item. Stevenson asked Avery-Smith to put the site map up and explain where processing uses were located. Avery-Smith reviewed the map and explained the uses. She mentioned that they were asking to be approved for concrete crushing and metal recycling on the Townsend property.

(10:24 a.m.) Chris White, 4230 Pablo Professional Court, Jacksonville, representing Orthopedic Associates, addressed concerns about future uses, *Exhibit D*; reviewed Ordinance No. 94-32; commented on concrete being recycled; whether concrete crushing would be performed inside; then, concluded by requesting the Board to deny the application. Stevenson asked White if his objection was to the concrete recycling being located inside; to which, he responded. Dialogue ensued between Stevenson and White. White mentioned that if the application was approved, then Orthopedic Associates would not build in the area.

(10:57 a.m.) Thomas Pulzone, Chief Operating Officer, One Orthopedic Place, said that they were aware the project involved light industrial use. Dialogue ensued between Bryan and Pulzone.

The meeting recessed at 11:01 a.m. and reconvened at 11:11 a.m.

(11:12 a.m.) Ellen Avery-Smith gave the history of the property, voicing that she was speaking on fact not theory.

(11:16 a.m.) Morris voiced concerned about solid waste. Avery-Smith said that they wanted heavy industrial uses for a future use of the property. She mentioned that they tried to limit elements that people did not desire in that neighborhood. Morris expressed concern about open ended contracts. He suggested that the applicant come back before the Board and get approved for changes. Dialogue ensued between Morris and Avery-Smith. Whitehouse addressed the proposed uses. Miner said the he was not comfortable placing limitations. Sanchez voiced concern about handling hazardous waste.

(11:27 a.m.) Roberson addressed the heavy industrial uses. Dialogue ensued between Morris and Roberson. Stevenson asked for clarification on heavy manufacturing. Roberson addressed the issue referring to the Land Development Code and the PUD. Miner clarified that they were not considering a straight rezoning of a piece of land that allowed heavy industrial, which would encompass all of it; however, they were dealing with a PUD that allowed for specific uses. Stevenson mentioned complying with the Noise Ordinance and noxious odors.

(11:37 a.m.) Avery-Smith directed attention to F5, and said the intent was that the uses would be limited to heavy manufacturing processing, storing, and distribution of goods. She said that they could delete the second sentence, and under solid waste facilities, could write the provision there would be no hazardous waste. Roberson said staff could rewrite the language to allow only three elements mentioned. Bryan said that he would feel more comfortable with the language added in. Avery-Smith clarified that they would comply with the Noise Ordinance. In response to a question from Morris, Avery-Smith said that she would delete that entire last sentence and the remaining language would be; *heavy manufacturing, processing, storing, and distribution of goods*. Stevenson questioned whether Item 7 was still the solid waste facilities, and asked if it could still be a landfill. Locklear responded that one proposal was to limit it to just the items that were listed under Item 7.

(11:41 a.m.) White asked to re-address the Board; however, Miner declined but added, unless a Commissioner had a question for him.

(11:41 a.m.) Avery-Smith reviewed the definition of solid waste and replied that the language would be written as; *that it will not include landfill or hazardous waste transfer facility.*

(11:42 a.m.) Whitehouse said if new discussion, evidence, or issues came up after White had a chance to do his presentation, then it would be appropriate under the rules to allow him to come back and speak. He said it was up to the Board to allow further comments. He said that the Planning Department needed to know exactly what wording was being used, and that it should be clarified better.

(11:43 a.m.) White said that he was not sure what language they were talking about. He suggested having staff research the suggested changes and to bring it back before the Board.

(11:44 a.m.) Stevenson spoke on the existing lighting under Section G4. She voiced concern about approving something that they were not even sure what it was. Roberson said that they had not received any on-going complaints regarding lighting. Stevenson questioned whether the area was being adequately buffered for the use, with Roberson replying that it was. Sanchez said the Board needed to know exactly what the applicant was asking to do with the property.

(11:49 a.m.) Avery-Smith read the changes into the record; page 4, Section F, paragraph 5, 1) keep general offices, 2) keep medical offices, 3) professional offices, 4) live industrial uses, 5) will be amended to read; *heavy manufacturing, processing, storing, and distribution of goods*, 6) stay the same, and 7) amended to; *solid waste facilities limited to vehicle recycling facilities, recyclable recovery facilities, recyclable metal recovery facilities, solid waste transfer facilities, recycling centers, composting and other yard waste facilities.* Morris said that he would like to see something in writing on the corrections when he voted on it, and requested for it to come back before the Board in two weeks. Miner asked if everyone was comfortable with the changes Avery-Smith read into the record. Stevenson mentioned language listed in 5, and stated that the language; *this will not include manufacturing or processing activities that emit noxious odors*, was dropped in the proposed wording. Wanchick suggested recessing for lunch, and let the parties work on something that could be an exhibit in writing, so the Board would know exactly what they were voting on. Bryan agreed with Wanchick on taking a lunch break and see if the attorneys could up with acceptable language, in writing, for the Board to vote on.

(11:54 a.m.) Wanchick stated that he needed authorization from the Board for Mr. Cameron to begin negotiations on the Motorola contract. He suggested letting Cameron give a brief update.

(11:54 a.m.) Whitehouse mentioned that during lunch the Commissioners were not to discuss Item 7 with each other or with anyone else unless they reveal it when the Board reconvened.

The meeting moved to Item 11.

(1:30 p.m.) Subsequently, Whitehouse said staff attempted to make the corrections with the language that the Board had talked about prior to the break.

(1:31 p.m.) Avery-Smith reviewed the changes item by item. She said that it would amend Section F, paragraph 5, taking out the language that was causing concern about limiting what uses were and were not permitted, and also inserted the language; *this*

will not include any manufacturing or processing activities that emit noxious odors. She mentioned on paragraph 7, they narrowed the solid waste facilities which would be limited to, with the limited to, being changed to; *limited to vehicle recycling facilities, recyclable material, recovery facilities, recyclable metal recovery facilities, that should be recycling centers and composting and other yard waste facilities.* She said that they limited the outdoor storage area to future development phases two and four, as depicted on the Master Development Plan, which would be in the back of the property and not up by CR 210. She mentioned under G4 lighting, insert the language; *that all lighting shall comply with the Land Development Code as may be amended.* She stated that Townsend was comfortable with and accepted the language. Whitehouse said if there was any ex parte during lunch, that this would be the appropriate time to reveal that. Stevenson disclosed ex parte communication with staff on the size of the collective parcel and storage of materials on the parcel. Smith responded that the text had been revised to; *outdoor work area and outdoor bulk storage yard and these areas shall be limited to future development phases two and four as depicted on the Master Development Plan.* She stated that those phases were enumerated in Roman numerals on the Master Development Plan.

(1:34 p.m.) Miner thanked White for doing an exceptional job. Bryan echoed Miner and stated that much buffering was involved in the area. Morris said that both attorneys did an excellent job, and that this was a very equitable compromise. Stevenson said that she appreciated the hard work.

(1:39 p.m.) **Motion by Stevenson, seconded by Bryan, carried 5/0, to enact Ordinance No. 2011-43, approving Major Modification 2011-07; adopting Findings of Fact 1-6 to support the motion and including the language as amended in the text.**

ORDINANCE NO. 2011-43

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING A MAJOR MODIFICATION TO THE W.R. TOWNSEND PLANNED UNIT DEVELOPMENT, ORDINANCE NUMBER 89-60, AS AMENDED, MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING FOR AN EFFECTIVE DATE

(12/06/11 - 14 - 1:39 p.m.)

DISTRICT 1

8. PUBLIC HEARING - MAJMOD 2011-08, CUMBERLAND. THIS IS A REQUEST FOR A MAJOR MODIFICATION (MAJMOD) TO MODIFY PLANNED UNIT DEVELOPMENT (PUD) ORDINANCE, 94-23, AS AMENDED. THE REQUEST INCLUDES: 1) PARCEL A - ALLOW ADDITIONAL USES SUCH AS VEHICLE RECYCLING, RECYCLABLE MATERIAL AND METAL RECOVERY, 2) PARCEL B, LOTS 2 & 4 - ALLOW USES FROM THE OFFICE AND PROFESSIONAL USE CATEGORY, AND 3) 32,000 BUILDING SQUARE FOOTAGE WILL BE TRANSFERRED FROM PARCEL B TO PARCEL A. THE TOTAL BUILDING SQUARE FOOTAGE ALLOTTED FOR THE PUD WILL REMAIN AT 400,000. THE PLANNING & ZONING AGENCY (PZA) RECOMMENDED APPROVAL BY A 6-1 VOTE. THERE WAS DISCUSSION REGARDING THE NOISE STANDARD PROPOSED WHICH RELIED ON A DECIBEL MEASUREMENT UNLIKE THE NEWLY APPROVED NOISE ORDINANCE WHICH USES A "PLAINLY AUDIBLE" STANDARD. THE APPLICANT HAS AGREED THAT THE PROJECT WILL BE SUBJECT TO THE RECENTLY ADOPTED NOISE ORDINANCE. THE APPLICANT HAS ALSO PROVIDED MORE SPECIFIC LANGUAGE THAT DESCRIBES WHAT PROCESSES WOULD BE PERFORMED OUTSIDE AND INSIDE THE BUILDINGS

Proof of publication of the notice of public hearing regarding a major modification to the Cumberland Industrial Park PUD was received, having been published in *The St. Augustine Record* on October 5, 2011.

Michael Roberson, Planner I, gave a presentation, *Exhibit A*. He said no building existed on the site, but the plans were for future buildings. He mentioned that staff did not have any objection to the waiver request.

(1:43 p.m.) Miner and Morris disclosed ex parte communication with both the applicant's and opposition's council relating to the item and Item 7. Stevenson, Bryan and Sanchez disclosed ex parte communication with both attorneys, and had visited the site.

(1:43 p.m.) Ellen Avery-Smith, Rogers Towers, 100 Whetstone Place, gave a presentation, *Exhibit B*. She stated due to the age of the old PUD, staff asked that the developer amend and restate the PUD text in its entirety to include all the provisions that were applicable. Dialogue ensued between Stevenson and Whitehouse regarding grandfathering and the Noise Ordinance.

(1:50 p.m.) Chris White, 4230 Pablo Professional Court, Jacksonville, said the arguments he made on Agenda Item 7, was the same he would make for Item 8. He spoke about Orthopedic Associates not building on their property if the item passed that day.

(1:52 p.m.) Stevenson mentioned signage. Smith responded to the signage issue.

(1:54 p.m.) **Motion by Bryan, seconded by Miner, to enact Ordinance No. 2011-44, approving Major Modification 2011-08; adopting Findings of Fact 1-6 to support the motion.** Bryan mentioned spending a lot of time on the item and on compromising. Stevenson mentioned that the concerns were heard and the Board made every effort to attend to them while respecting the existing property owner's rights. **The motion carried 5/0.**

ORDINANCE NO. 2011-44

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING A MAJOR MODIFICATION TO THE CUMBERLAND PLANNED UNIT DEVELOPMENT, ORDINANCE NUMBER 94-23, AS AMENDED; MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING FOR AN EFFECTIVE DATE

(12/06/11 - 15 - 9:38 a.m.)

DISTRICT 3

9. PUBLIC HEARING - MAJMOD 2011-11, SILVER CREEK. THIS IS A REQUEST FOR A MAJOR MODIFICATION (MAJMOD) TO THE SILVER CREEK PUD (SEA VIEW LANDINGS) ORDINANCE 2002-39, AS AMENDED. THE CHANGES PROPOSED ARE: 1) REMOVE INDUSTRIAL USES, 2) ADD SPECIAL CARE HOUSING WITH ACCESSORY SKILLED NURSING AND REHABILITATION, AND INDEPENDENT LIVING, AND 3) UPDATE PHASING. THE BOARD OF COUNTY COMMISSIONERS RECENTLY APPROVED RESOLUTION 2011-306, AN ECONOMIC DEVELOPMENT GRANT AGREEMENT FOR THIS PROJECT TO COVER IMPACT FEES AND WATER/SEWER CONNECTION FEES WITH THE TOTAL INCENTIVE NOT TO EXCEED \$619,832

Proof of publication of the notice of public hearing regarding the major modification to the Silver Creek PUD was received, having been published in *The St. Augustine Record*

on November 2, 2011.

Michael Roberson, Planner I, gave a presentation, *Exhibit A*. He said that the applicant wanted to add special care housing up to 490 residents. He stated that they were asking for a waiver involving two residential subdivision signs. He said that there was a handout regarding the language that was added in at one of the Planning and Zoning Agency meetings about landscaping a triangle site. He stated that they added the screening language for the Lightsey Road Parcel. Bryan said that the item was an example of a very good project.

(9:42 a.m.) Karen Taylor, 77 Saragossa Street, stated that they were present for questions. Stevenson asked if the area currently shown on page 4, as special care housing, outlined in red, was where the townhomes would go. Taylor responded in affirmative.

(9:44 a.m.) Motion by Bryan, seconded by Sanchez, carried 5/0, to enact Ordinance No. 2011-42, approving Major Modification 2011-11; adopting Findings of Fact 1-6 to support the motion.

ORDINANCE NO. 2011-42

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING A MAJOR MODIFICATION TO THE SILVER CREEK PLANNED UNIT DEVELOPMENT, ORDINANCE NUMBER 2002-39, AS AMENDED, MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING FOR AN EFFECTIVE DATE

(12/06/11 - 16 - 9:45 a.m.)

9A. SILVER CREEK CDBG COMMUNITY DEVELOPMENT PLAN

Tom Crawford, Director of Housing & Community Services, said that Item 9a included a resolution that was necessary for the CDBG application simply stating the goals and objectives of the community development plan tied to the Housing Assistance plan for the CDBG funding were being met for the particular project.

(9:46 a.m.) Motion by Miner, seconded by Sanchez, carried 5/0, to approve Resolution No. 2011-356, affirming the County's Community Development Plan's long-term objectives and incorporating short-term objectives for the Silver Creek Assisted Living Facility.

RESOLUTION NO. 2011-356

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, RESTATING THE COUNTY'S LONG TERM OBJECTIVES OF THE COMMUNITY DEVELOPMENT PLAN AND IMPLEMENTING THE SHORT TERM OBJECTIVES FOR THE SILVER CREEK ASSISTED LIVING FACILITY

The meeting moved back to Item 7.

(12/06/11 - 17 - 1:57 p.m.)

DISTRICT 3

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

Proof of publication of the notice of public hearing regarding the non-zoning variance for Nuthouse Signage was received, having been published in *The St. Augustine Record* on October 31, 2011.

Cathy Upchurch, St. Augustine Court Reporter, was present.

Lindsay Haga, AICP, Development Review Director, gave a presentation, *Exhibit A*. She reviewed the sign height.

(2:00 p.m.) Steve Alexander, representing the applicant, reviewed the history of the item. He said they were not asking to increase the square footage; they just wanted to come in compliance. Morris questioned whether the sign would stay regardless of what was decided that day. Alexander responded that was his understanding on the matter.

(2:03 p.m.) Erica Moore, Assistant County Attorney, stated that if the request was denied, the status quo would remain until the sign came down, by act of nature or man. She said that the County would not require the owner to take the sign down.

(2:04 p.m.) Stevenson asked about the remaining signage on the property. Alexander said they had not added any signs since 2001. He stated that they took some signs down, and had reduced the size of other ones. Stevenson mentioned that if the property changed use in the future, she would not like to see so much signage. She said that she was a little hesitant to grandfather in the sign. Bryan spoke on the first impression of entering St. Augustine/St. Johns County coming off of I-95, due to all the signs. Miner said that he appreciated the concerns that had been expressed. Moore mentioned that they prepared some conditions, if the Board approved the item, that could address some of the concerns expressed. Stevenson stated that she was not inclined to grandfather in the use. She said if she was to make the motion, she would defer it to another day.

(2:11 p.m.) Haga covered the conditions mentioned by Moore. She said they addressed transferability regarding the non-conformity in the sign, compliance of when the applicant would meet the requirements of the Land Development Code and some dates, subject to any modifications to the signage that they would meet the Land Development Code as it would be amended from time to time, addressing other issues that had risen on the site physically with signage and then outlining what would happen if there was failure to comply with those conditions, validating the Order, and allowing for enforcement under the Land Development Code. Stevenson said that was if the non zoning variance was approved. Haga replied that was correct, if the motion was positive, it could be conditioned with some of the more specific elements. Haga spoke on transferability.

(2:13 p.m.) Alexander said that they did not have any objections to the conditions. Stevenson said what was being suggested was two routes to get to a similar objective.

(2:14 p.m.) **Motion by Miner, seconded by Sanchez, carried 4/1 with Morris dissenting, to approve the non-zoning variance application, known as NZVAR 2011-03; including the conditions presented by Haga, adopting Findings of Fact 1-6 to support the motion.**

(12/06/11 - 18 - 11:55 a.m.)

11. CONSIDER AUTHORIZATION FOR THE COUNTY TO BEGIN NEGOTIATIONS WITH MOTOROLA SOLUTIONS, INC. FOR RFP# 11-84 - TOWERS & 800 MHZ RADIO SYSTEM

Jerry Cameron, Assistant County Administrator, said that the item before the Board for consideration was to give the Administrator, or his designee, authority to begin negotiations with the number one ranked firm in a recent RFP for the public safety and interoperable radio communication system. He cleared up a substantial misrepresentation listed in the newspaper that morning that the item had come in way beyond their projections. He said that the projections had always been in the range of \$26,000,000 for the actual cost of the system and the figure they would begin negotiating at was very close to that number. He stated that they needed to get started with the negotiation and asked for permission from the Board to proceed with those negotiations.

(11:57 a.m.) **Motion by Stevenson, seconded by Morris, carried 5/0, to authorize the County Administrator, or designee, to negotiate with Motorola Solutions, Inc., and submit a draft contract to the BCC for consideration at a future meeting.**

The meeting recessed at 11:58 a.m. and reconvened at 1:30 p.m. with all five Commissioners, Wanchick, McCormack and Deputy Clerk Lenora Newsome present.

The meeting moved back to Item 7.

(12/06/11 - 18 - 2:15 p.m.)

12. PUBLIC HEARING - REDISTRICTING PLAN FOR ST. JOHNS COUNTY. ARTICLE VIII, §1(E), OF THE FLORIDA CONSTITUTION REQUIRES THAT AFTER EACH DECENNIAL CENSUS THE BOARD OF COUNTY COMMISSIONERS "SHALL DIVIDE THE COUNTY INTO DISTRICTS OF CONTIGUOUS TERRITORY AS NEARLY EQUAL IN POPULATION AS PRACTICABLE. ONE COMMISSIONER RESIDING IN EACH DISTRICT SHALL BE ELECTED AS PROVIDED BY LAW." AFTER TOWN HALL MEETINGS IN EACH DISTRICT AND TWO (2) JOINT SCHOOL BOARD/BOARD OF COUNTY COMMISSIONERS MEETINGS WERE HELD ON SEPTEMBER 28, 2011, AND NOVEMBER 1, 2011, TO GAIN PUBLIC INPUT, THE BCC WILL APPROVE AND ADOPT A FINAL REDISTRICTING PLAN. AT ITS NOVEMBER 15 MEETING, THE BCC CONSIDERED REDISTRICTING PLANS AND DETERMINED THAT ONLY PLANS REVISED C, REVISED E, AND J (OR VARIANTS THEREOF) WOULD BE FURTHER CONSIDERED. AT A WORKSHOP ON NOV 22, 2011, THE SCHOOL BOARD INDICATED WHILE IT PREFERRED PROPOSED REDISTRICTING PLAN "REVISED C", A 4-1 MAJORITY OF SCHOOL BOARD APPEARED INCLINED TO CONSIDER A COMPROMISE "REVISED PLAN J" IN ORDER TO HAVE CONGRUENT DISTRICTS WITH THE BCC. THE BCC IS REQUIRED TO ADOPT A FINAL BCC REDISTRICTING PLAN BY DEC 31, 2011. A NOTICE FOR THE GEOGRAPHIC BOUNDARIES OF EACH DISTRICT WILL BE PUBLISHED BY THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS

Proof of publication of the notice of public hearing regarding the redistricting plan for St. Johns County was received, having been published in *The St. Augustine Record* on November 8 and 14, 2011.

McCormack mentioned that there was a meeting on November 15, 2011, where this Board narrowed its focus on the plans it was considering, essentially down to three. The three Plans were revised C and revised E and J and revised J, *Exhibit A*.

(2:19 p.m.) Ron Rawls, Pastor of St. Paul AME Church, 85 Martin Luther King Avenue, spoke on the African American vote and speaking for people who might not have a vote. He supported the revised Plan E and revised Plan J.

(2:22 p.m.) Dwala Willis, 895 South Orange Street, on behalf of the West Augustine CRA, informed the Board that they still stand in support of revised Plan E or revise Plan J.

(2:23 p.m.) Randy Covington, 619 Scrub Jay Drive, thanked the Board for their patience in working through what had become a contentious issue. He stated that map J represented an honest and fair attempt to address the issues of the School Board that was raised along that process.

(2:25 p.m.) Sanchez said that the process had been interesting, and the only plan before them that had basically been approved by the majority of both Boards in consensus was revised Plan J.

(2:26 p.m.) Morris stated that he supported Sanchez. He said only two districts had changed and they were Districts 4 and 1. He stated that he was in favor of revised Plan J.

(2:27 p.m.) Bryan spoke on compromise and working together. He said that he supported revised Plan J.

(2:30 p.m.) Miner said that he agreed with the sentiments expressed so far. He thanked the School Board and community for acknowledging that revised Plan J was the attempt on both sides to compromise and meet in the middle.

(2:30 p.m.) Stevenson spoke on making decisions where there were so many different considerations.

(2:32 p.m.) Morris thanked Libby for doing such a good job and spoke about plan revisions.

(2:32 p.m.) Sanchez thanked everyone and said that he appreciated their work.

(2:33 p.m.) **Motion by Sanchez, seconded by Bryan, to adopt Resolution No. 2011-357, and Redistricting revised Plan J, approving the final redistricting plan, and by publication of a notice establishing and fixing the boundaries of five County Commission Districts in St. Johns County.**

(2:34 p.m.) McCormack explained the revision to the resolution that would set out the revised Plan J. He directed attention to the resolution in the packet and added the paragraph; *in accordance with Florida Statute 124.01(3), The Board of County Commissioners hereby fixes the boundaries of the districts as set out in the attached map, titled **Plan Revised J**, along with the associated geographic boundary descriptions.* He recommended the maker of the motion and the second to consider adopting the resolution regarding revised Plan J.

The maker of the motion and the second accepted the revised resolution.

(2:36 p.m.) John Libby commented on having several different plans submitted by the public, and thanked the public for their input. Bryan said that he appreciated Libby's comments.

The motion carried 5/0.

RESOLUTION NO. 2011-357

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ADOPTING A REDISTRICTING PLAN, ESTABLISHING AND FIXING BOUNDARIES OF THE FIVE COUNTY COMMISSION DISTRICTS IN ST. JOHNS COUNTY, FLORIDA, AND PROVIDING FOR NOTICE BY PUBLICATION BY THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS

WHEREAS, Article VIII, §1(e), of the Florida Constitution requires that after each decennial census the Board of County Commissioners shall divide the County into districts of contiguous territory as nearly equal in population as practicable. One commissioner residing in each district shall be elected as provided by law; and

WHEREAS, Florida Statutes §124.01(3) requires The Board of County Commissioners shall from time to time, fix the boundaries of the above districts so as to keep them as nearly equal in proportion to population as possible; provided, that changes made in the boundaries of county commissioner districts pursuant to this section shall be made only in odd-numbered years; and

WHEREAS, the School Board and Board of County Commissioners have traditionally approved the same district boundaries in St. Johns County, although not required by law; and

WHEREAS, public input was given during Town Hall Meetings in each district and two joint School Board/Board of County Commissioners meetings were held on September 28, 2011 and November 1, 2011 and other opportunities for public input; and

WHEREAS, it is the intent of the Board of County Commissioners to review plans, adopt a final plan and establish commission districts in accordance with the above referenced laws of Florida and provided Notice of the geographic boundaries of each district by published by the Clerk of the Board of County Commissioners.

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, THAT:

The above recitals are hereby adopted as findings of fact.

In accordance with Florida Statutes §124.01(3), The Board of County Commissioners hereby affixes the boundaries of the districts as set out in the attached map, titled Revised Plan J, along with associated geographic boundary descriptions, so as to keep districts as nearly equal in proportion to population as possible.

In accordance with Florida Statutes §124.02, the Clerk of the Board of County , is hereby authorized and directed to publish Notice of the geographical boundaries of each district on behalf of the County for the purposes mentioned above, and it further authorized and directed to notify the Florida Department of State as required by Florida Statutes §124.03.

To the extent that there are typographical and/or administrative errors and/or omissions that do not change the tone, tenor, or context of this Resolution, then this Resolution may be revised without subsequent approval of the Board of County Commissioners.

District 1

Beginning at the intersection of the centerline of Interstate 95 with the centerline of County Road 210 west; thence westerly, along the centerline of County Road 210 west, to its intersection with the centerline of Ashford Mills Road; thence southerly, along the centerline of Ashford Mills Road, to its intersection with Pine Tree Lane; thence continue southerly, past Pine Tree Lane and along the centerline of a dirt logging road, to its intersection with the centerline of County Road 16A; thence easterly, along the centerline of County Road 16A, to its intersection with Trout Creek; thence southerly, along the westerly edge of Trout Creek and its southerly prolongation, to a point where said edge intersects the center of Palmo Cove; thence westerly to the west margin of the main channel of the St. Johns River and the boundary line with Clay County; thence northerly, along the main channel of the St. Johns River, to a point where it intersects a line that is due west of the center of the mouth of Julington Creek; thence due east, along last said line, to its intersection with the centerline of Julington Creek; thence easterly, along said centerline, the same being the boundary line with Duval County, to its intersection with the centerline of Durbin Creek; thence easterly, continuing along said centerline of Durbin Creek and said boundary line with Duval County, to a point where said boundary line departs from the centerline of Durbin Creek; thence continue southerly and easterly, on the boundary line with Duval County, to its intersection with the centerline of us highway 1 north; thence southeasterly, along said centerline of us highway 1 north, to its intersection with the centerline of international golf parkway; thence southwesterly, along said centerline of international golf parkway, to its intersection with the centerline of interstate 95; thence northwesterly and northerly, along said centerline of interstate 95, to its intersection with the centerline of county road 210 west and the point of beginning.

District 2

Beginning at the intersection of the centerline of Interstate 95 with the centerline of County Road 210 west; thence westerly, along the centerline of County Road 210 west, to its intersection with the centerline of Ashford Mills Road; thence southerly, along the centerline of Ashford Mills Road, to its intersection with Pine Tree Lane; thence continue southerly, past Pine Tree Lane and along the centerline of a dirt logging road, to its intersection with the centerline of County Road 16A; thence easterly, along the centerline of County Road 16A, to its intersection with Trout Creek; thence southerly, along the westerly edge of Trout Creek and its southerly prolongation, to a point where said edge intersects the center of Palmo Cove; thence westerly to the west margin of the main channel of the St. Johns River and the boundary line with Clay County; thence southerly, along the main channel of the St. Johns River, also known as the county line between St. Johns County and Clay County and Putnam County, to a point northwesterly of the mouth of deep creek; thence southeasterly to the mouth of Deep Creek; thence southeasterly, along the centerline of Deep Creek, to a point where it intersects the range line between Ranges 27 and 28 East also known as the St. Johns County Line shared with Putnam County; thence south, along the county line shared

with Putnam County and east along the county line shared with Flagler County, to the point where said line intersects the centerline of Amos Avenue; thence northerly, along the centerline of Amos Avenue, to its intersection with the centerline of Ashley Street; thence continue in a northerly direction, along the range line between Ranges 28 and 29 East, to its intersection with a north-south dirt logging road at County Road 13 South; thence continue northerly, along said north-south dirt logging road (which approximates the aforementioned range line), to its intersection with County Road 305 at State Road 206 West; thence northerly, along the centerline of County Road 305, to its intersection with the centerline of State Road 207; thence northeasterly, along the centerline of State Road 207, to its intersection with the centerline of Interstate 95; thence northerly, along the centerline of Interstate 95, to its intersection with the centerline of County Road 214; thence easterly, along the centerline of County Road 214, to its intersection with the centerline of Moultrie Creek; thence southerly, along the centerline of Moultrie Creek, to its intersection with the centerline of the Florida East Coast Railroad right of way; thence northeasterly, along said centerline of the Florida East Coast Railroad right of way, to a point that is approximately 25 feet northwesterly of an open ditch lying approximately 1675 feet southwesterly of S Holmes Boulevard, the same ditch (water feature) being 2010 US Census Block 1004, Tract 021103; thence southeasterly and along the southerly edge of said ditch to its intersection with the centerline of Northwood Drive; thence northeasterly, along the centerline of Northwood Drive, to its intersection with S. Holmes Boulevard; thence southeasterly, along the centerline of S. Holmes Boulevard, to its intersection with the centerline of State Road 207; thence northeasterly, along the centerline of State Road 207, to its intersection with the city limits of the City of St. Augustine as now established; thence northerly and westerly, along said city limit line, to a point lying approximately 125 feet southerly of the northerly right of way line of Columbus Street; thence northerly, departing from said city limit line, a distance of approximately 125 feet to the northerly right of way line of Columbus Street also rejoining the aforementioned city limit line; thence northerly, westerly, and easterly, along the city limit line, to a point lying approximately 140 feet northerly of the north right of way line of Live Oak Street, also being the northwest corner of Lot 3, Block 2, Live Oak Subdivision as recorded in Map Book 57, Pages 17 through 18 of the public records of St. Johns County, Florida; thence northwesterly, approximately 14 feet, to the southeasterly corner of Parcel Identification Number 121020-0000 as now established; thence westerly, along the southerly boundary of said parcel the same being the city limit line and its westerly prolongation, to the centerline of the Florida East Coast Railroad right of way; thence northeasterly, along said centerline, to its intersection with the aforementioned city limit line; thence northerly, westerly, southeasterly and northerly to the southwest corner of Lot 5, Block 23, Osceola Acres as recorded in Map Book 4, Page 30 of said public records; thence easterly, along the southerly line of said Lot 5 and its easterly prolongation, to its intersection with N. Whitney Street; thence northerly, along the centerline of N. Whitney Street, to its intersection with the centerline of Helen Street; thence westerly, along the centerline of Helen Street, to its intersection with the aforementioned city limit line; thence northerly, along the city limit line, to its intersection with the centerline of Ravenswood Drive; thence westerly and southerly, along the centerline of Ravenswood Drive, to its intersection with the centerline of Pacific Boulevard; thence westerly, along the centerline of Pacific Boulevard, to its intersection with the centerline of Lee Street; thence continue westerly,

along the centerline of Lee Street, to its intersection with the centerline of N. Brevard Street; thence southerly, along the centerline of N. Brevard Street, to its intersection with the centerline of Ervin Street; thence westerly, along the centerline of Ervin Street, to its intersection with the centerline of Four Mile Road; thence northwesterly, along the centerline of Four Mile Road, to its intersection with the centerline of State Road 16; thence westerly and northwesterly, along the centerline of State Road 16, to its intersection with the centerline of County Road 16A; thence continue northwesterly, approximately 650 feet along the centerline of County Road 16A, to its intersection with the centerline of a dirt logging road; thence northeasterly, along said centerline of a dirt logging road the same being the southeasterly boundary of 2010 US Census Block 3001, Tract 020902, to its intersection with the centerline of Interstate 95; thence northwesterly and northerly, along the centerline of Interstate 95, to its intersection with the centerline of County Road 210 west and the Point of Beginning.

District 3

Beginning on the county line shared with Flagler County at a point where said line intersects the centerline of Amos Avenue; thence northerly, along the centerline of Amos Avenue, to its intersection with the centerline of Ashley Street; thence continue in a northerly direction, along the range line between Ranges 28 and 29 East, to its intersection with a north-south dirt logging road at County Road 13 South; thence continue northerly, along said north-south dirt logging road (which approximates the aforementioned range line), to its intersection with County Road 305 at State Road 206 west; thence northerly, along the centerline of County Road 305, to its intersection with the centerline of State Road 207; thence northeasterly, along the centerline of State Road 207, to its intersection with the centerline of Interstate 95; thence northerly, along the centerline of Interstate 95, to its intersection with the centerline of County Road 214; thence easterly, along the centerline of County Road 214, to its intersection with Moultrie Creek; thence southerly, along the centerline of Moultrie Creek, to its intersection with the centerline of the Florida East Coast Railroad right of way; thence northeasterly, along said centerline of the Florida East Coast Railroad right of way, to a point lying approximately 25 feet northwesterly of an open ditch lying approximately 1675 feet southwesterly of S. Holmes Boulevard, the same ditch (water feature) being 2010 US Census Block 1004, Tract 021103; thence southeasterly and along the southerly edge of said ditch to its intersection with the centerline of Northwood Drive; thence northeasterly, along the centerline of Northwood Drive, to its intersection with S. Holmes Boulevard; thence southeasterly, along the centerline of S. Holmes Boulevard, to its intersection with State Road 207; thence northeasterly, along the centerline of State Road 207, to its intersection with the city limits of the City of St. Augustine as now established; thence southerly and easterly, along said city limit line, to its intersection with the centerline of old Dixie Highway; thence southerly and southeasterly, along said centerline of old Dixie Highway, to its intersection with the centerline of us highway 1 south; thence southerly, along the centerline of us highway 1 south, to its intersection with the centerline of state road 312; thence easterly, along said centerline of state road 312, to its intersection with the city limit line; thence southerly, westerly, easterly and northerly, along said city limit line as it continues and crosses the Intracoastal Waterway, to a point where its easterly prolongation intersects with the centerline of Mizell Road; thence southerly, along the centerline of Mizell Road, to its

intersection with the centerline of W. Pope Road; thence easterly, along said centerline of W. Pope Road, to its intersection with the city limit line of the City of St. Augustine Beach as now established; thence southerly, westerly, northerly, and easterly, along said city limit line, to its intersection with the shoreline of the Atlantic Ocean; thence southerly, along said shoreline of the Atlantic Ocean, to the line dividing townships 9 and 10 south; thence in a southwesterly direction, along the county line between St. Johns County and Flagler County, to the centerline of Pellicer Creek; thence southwesterly, along the centerline of Pellicer Creek, to the line dividing ranges 29 and 30 east, the same being the county line between St. Johns County and Flagler County; thence southerly and westerly, along said county line to its intersection with the centerline of Amos Avenue and the point of beginning.

District 4

Beginning at the intersection of the shores of the Atlantic Ocean with the north line of Section 15, Township 3 South, Range 29 East; said north line of Section 15 being also the northerly boundary of St. Johns County; thence southerly, along said shoreline, to its intersection with the easterly prolongation of the centerline of Guana River Road; thence westerly, along said prolongation and said centerline, to its intersection with the centerline of the Guana River; thence southerly, along said centerline of the Guana River, to its intersection with the centerline of the Tolomato River; thence southerly, along said centerline of the Tolomato River, to its intersection with the easterly extension of the centerline of Robinson Creek; thence easterly, along said extension of the centerline of Robinson Creek, to a point on the westerly bank of the Tolomato River, said point also lying on the aforementioned boundary of the city limits of the City of St. Augustine; thence northerly, westerly, and southerly, along said city limits and its westerly prolongation, to its intersection with the centerline of us highway 1 north; thence northwesterly, along said centerline of U.S. Highway 1 north, to its intersection with the boundary between Duval County and St. Johns County; thence easterly and northerly, along said boundary line between Duval County and St. Johns County, to its intersection with the shoreline of the Atlantic Ocean and the point of beginning.

District 5

Beginning at the intersection of the centerline of international golf parkway with the centerline of us highway 1 north; thence westerly, along said centerline of International Golf Parkway, to its intersection with the centerline of interstate 95; thence northerly, along the centerline of Interstate 95, approximately 2.5 miles to its intersection with the easterly prolongation of the centerline of a dirt logging road; thence southwesterly, along said prolongation and along said centerline of a dirt logging road the same being the southeasterly boundary of 2010 U.S. Census Block 3001, Tract 020902, to its intersection with County Road 16a; thence southeasterly, along the centerline of County Road 16a to its intersection with the centerline of state road 16; thence southeasterly and easterly, along the centerline of State Road 16, to its intersection with the centerline of four mile road; thence southeasterly, along the centerline of four mile road, to its intersection with the centerline of Ervin Street; thence easterly, along the centerline of Ervin Street, to its intersection with the centerline of N. Brevard Street; thence northerly, along the centerline of N. Brevard Street, to its intersection with the centerline of Lee Street; thence easterly, along the centerline of Lee Street, to its intersection with the centerline of

Pacific Boulevard; thence continue easterly, along the centerline of Pacific Boulevard, to its intersection with the centerline of Ravenswood Drive; thence northerly and easterly, along the centerline of Ravenswood Drive, to its intersection with the city limits of the City of St. Augustine as now established; thence southerly, along the city limits line, to its intersection with the centerline of Helen Street; thence easterly, along the centerline of Helen Street, to its intersection with the centerline of N. Whitney Street; thence southerly, along the centerline of N. Whitney Street, to its intersection with the easterly prolongation of the southerly line of lot 5, block 23, Osceola Acres as recorded in map book 4, pages 30 of the public records of St. Johns County, Florida; thence westerly, along said easterly prolongation and along said southerly line of lot 5, to its intersection with the city limits line; thence southerly, northwesterly, and easterly, along the city limit line, to its intersection with the centerline of the Florida East Coast Railroad right of way; thence southwesterly, along said centerline of the railroad right of way, to its intersection with the westerly prolongation of the southerly boundary of parcel identification number 121020-0000 as now established; thence easterly, along said prolongation and along the southerly boundary of said parcel, the same being the city limit line, to the southeasterly corner of said parcel; thence southeasterly, approximately 14 feet, to the northwest corner of lot 3, block 2, live oak subdivision as recorded in map book 57, pages 17 through 18 of said public records, said corner also being a point lying approximately 140 northerly of the north right of way of Live Oak Street; thence southerly, easterly, and westerly, along said city limit line, to its intersection with the northerly right of way line of Columbus Street; thence southerly, departing from said city limit line, a distance of approximately 125 feet to a point where it rejoins the aforementioned city limit line; thence southerly and easterly, along said city limit line, to its intersection with the centerline of Old Dixie Highway; thence southerly and southeasterly, along said centerline of Old Dixie Highway, to its intersection with the centerline of U.S. Highway 1 South; thence southerly, along the centerline of U.S. Highway 1 South, to its intersection with the centerline of State Road 312; thence easterly, along said centerline of State Road 312, to its intersection with the city limit line; thence southerly, westerly, easterly and northerly, along said city limit line as it continues and crosses the Intracoastal Waterway, to a point where its easterly prolongation intersects with the centerline of Mizell Road; thence southerly, along the centerline of Mizell Road, to its intersection with the centerline of W. Pope Road; thence easterly, along said centerline of W. Pope Road, to its intersection with the city limit line of the City of St. Augustine Beach as now established; thence southerly, westerly, northerly, and easterly, along said city limit line, to its intersection with the shoreline of the Atlantic Ocean; thence northerly, along said shoreline, to its intersection with the easterly prolongation of the centerline of Guana River Road; thence westerly, along said prolongation and said centerline, to its intersection with the centerline of the Guana River; thence southerly, along said centerline of the Guana River, to its intersection with the centerline of the Tolomato River; thence southerly, along said centerline of the Tolomato River, to its intersection with the easterly extension of the centerline of Robinson Creek; thence easterly, along said extension of the centerline of Robinson Creek, to a point on the westerly bank of the Tolomato River, said point also lying on the aforementioned boundary of the city limits of the City of St. Augustine; thence northerly, westerly, and southerly, along said city limits and its westerly prolongation, to its intersection with the centerline of U.S. Highway 1 North; thence northwesterly, along said centerline of

U.S. Highway 1 North, to its intersection with International Golf Parkway and the point of beginning.

District	2010 Total Population	Ideal Population	Population Deviation	Percent Deviation
1	38,235	38,008	227	0.60%
2	38,610	38,008	602	1.58%
3	37,475	38,008	-533	-1.40%
4	38,148	38,008	140	0.37%
5	37,571	38,008	-437	-1.15%

(2:38 p.m.) Sanchez thanked the School Board and their staff.

The meeting recessed at 2:30 p.m. and reconvened at 2:51 p.m.

(12/06/11 - 26 - 2:51 p.m.)

13. CONSIDER TWO APPOINTMENTS TO THE TOURIST DEVELOPMENT COUNCIL

Melissa Lundquist, BCC Manager, mentioned there were two vacancies. She said one vacancy was for a motel, hotel, or other tourist accommodation subject to the bed tax, and the other vacancy was involved in a tourist related business other than accommodations. She said staff received a request from Jack Peters to be reappointed along with three new applications. She said the TDC recommended the appointment of Irving Kass and the reappointment of Jack Peter.

(2:52 p.m.) Motion by Stevenson, seconded by Sanchez, carried 5/0, to reappoint Jack Peter to the Tourist Development Council for a four-year term scheduled to expire December 5, 2015; hotel/motel/accommodations owner/operator.

(2:53 p.m.) Motion by Bryan, seconded by Sanchez, carried 5/0, to appoint Irving Kass to the Tourist Development Council for a four-year term scheduled to expire December 5, 2015; person involved in tourist industry.

(12/06/11 - 26 - 2:53 p.m.)

14. CONSIDER TWO APPOINTMENTS TO THE HEALTH & HUMAN SERVICES ADVISORY COUNCIL

Melissa Lundquist, BCC Manager, stated there were two vacancies. She said one vacancy was due to an expired term and the other vacancy was due to a resignation. She said staff received 14 applications for the Board's review and consideration. She mentioned that the Health & Human Services Advisory Council recommended the appointment of William Shetler and Michael Woodruff.

(2:55 p.m.) Motion by Stevenson, seconded by Sanchez, carried 5/0, to appoint Bill Shetler to the Health & Human Services Advisory Council for a full four-year term scheduled to expire December 6, 2015; discipline of Health, Mental Health, Substance Abuse, or Social Services.

(2:56 p.m.) Motion by Stevenson, seconded by Sanchez, carried 5/0, to appoint Michael Woodruff to the Health & Human Services Advisory Council for a partial term scheduled to expire May 19, 2013; at large.

(12/06/11 - 27 - 2:56 p.m.)

14A. TDC TRANSFER OF RESERVE FUNDS IN CULTURAL ARTS

Bryan mentioned that the Tourist Development Council recommended that the BCC approve the Cultural Council's budget recommended by the Executive Director. He recommended placing the item on December 20, 2011, agenda.

(12/06/11 - 27 - 2:58 p.m.)

15. RESOLUTION APPROVING A LICENSE AGREEMENT FOR USE OF COUNTY PROPERTY BY THE SALVATION ARMY

Wanchick stated that the resolution authorized a licensing agreement between the County and the Salvation Army for 90 days with consideration of \$1.00. He said staff would like to license Fire Station 15, which was currently vacant, located on Dixie Highway for the use of storing toys for Christmas.

(2:59 p.m.) Motion by Stevenson, seconded by Morris, carried 5/0, to adopt Resolution No. 2011-358, to execute a License Agreement for use of County property by the Salvation Army located at 1424 Old Dixie Highway for the temporary use of that facility for storage of toys for distribution to local children during the holiday season, and the term of that license agreement would be for 90 days at a nominal fee of \$1.00.

RESOLUTION NO. 2011-358

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 LICENSE AGREEMENT FOR USE OF COUNTY PROPERTY BY THE SALVATION ARMY LOCATED AT 1424 OLD DIXIE HIGHWAY

(12/06/11 - 27 - 3:00 p.m.)

COMMISSIONERS' REPORTS

Commissioner Sanchez:

No report.

(3:00 p.m.) Commissioner Bryan:

Bryan mentioned the Tourist Development Council Meeting regarding the position description of the Executive Director for the TDC.

Bryan spoke on the West Augustine sewer project. He mentioned that 84 residents had 13 months to connect to the city water and sewer system. He said the 84 residents were also being used as part of the feasibility study by the City of St. Augustine to determine whether or not they wanted to proceed with actually seeking grant dollars in order to put the entire sewer system throughout the West Augustine area. He said West Augustine had a high rate of septic tank failure and some residents were still on wells, which were subject to leaking toxicants. He said that the CRA had agreed by resolution and interlocal agreement to try to expand the City's central sewer system to an additional 1,250 people within the next two to five years. He said the 84 residents and approximately 40 other residents on Duval Street and St. Johns Street were outside that agreement and staff needed direction from the Board, as far as, working with those individuals in order to obtain connections. He said that it would cost approximately \$186,000 to finance the individual's portions of the 124 residents to connect to the

existing sewer lines and gain consensus to provide financing to the resident's individual connection costs and direct staff to take all necessary actions in order to try and address that particular issue. He mentioned that Erica Moore, Assistant County Attorney, had much experience in that area because she handled that kind of work in a previous job. He asked for a consensus to move forward with the project. Sanchez voiced his consensus. Miner spoke on a previous goal setting meeting with staff in 2009 and identifying four goals with West Augustine being at the top of the list. Morris said that he was in favor of the project, and asked Bryan to check for State funding. Wanchick said that he dealt with those kind of projects in the past, and sometimes there would be community block grants or other State funds available, and that would be part of the effort. Stevenson asked Bryan if he was asking the Board to fund the 84 residents. Bryan mentioned an option of getting a consensus from the Board to ask staff to come back in January with some options that were available, and how to handle them. Sanchez mentioned there would be no commercial development in that area without water and sewer hookup and spoke on the cost. Stevenson mentioned knowing a contact that could work on financing mechanisms for that matter. Bryan asked that, as a Board, they could come to a consensus to direct staff to come back with some possible options in which they could address the individual hookups in the beginning, through some type of a payback method, and then proceed. McCormack said that the area residents had been waiting patiently for some improvement. He mentioned that the project belonged to the City of St. Augustine project and involved their utility system. He said the County signed an interlocal agreement with the City of St. Augustine to be a partner in support of the project. (3:19 p.m.) **There was consensus of the Board to move forward with Bryan's suggestion.**

(3:19 p.m.) Commissioner Morris:

Morris mentioned going to the ribbon cutting ceremony of the new elementary school in Palencia.

(3:20 p.m.) Commissioner Stevenson:

Stevenson spoke on receiving correspondence about a problem with copper theft in regards to scrap metal. (3:21 p.m.) **There was consensus of the Board to have staff check on the matter.** Wanchick said staff received an ordinance from Dade County to compare.

Stevenson stated that two items from the St. Johns County Legislative agenda that had State-wide significant were adopted into the Florida Association of County Legislative agenda; 1) economic development discussion, and road maintenance issues.

Stevenson mentioned that the Historic Resource Board had a robust discussion about transfer development rights in the Vilano area.

Stevenson said the Festival of Trees opened December 3, 2011, at the World Golf Village area.

(3:25 p.m.) Commissioner Miner:

Miner mentioned two vacancies on the North Florida Transportation Planning Organization Citizen Advisory Council.

Miner mentioned truck weight limits and asked for consensus of the Board to send a letter to Congressman Mica and two U.S. Senators encouraging them to address the issue at their level. (3:27 p.m.) **There was consensus of Board to do so.**

(12/06/11 - 29 - 3:27 p.m.)
COUNTY ADMINISTRATOR'S REPORT

Wanchick requested to appoint interim Fire Chief Carl Shank as the permanent Fire Chief for St. Johns County. (3:28 p.m.) **There was consensus of the Board to do so.**

Wanchick asked for the Board's consensus on appointing Ryan Murphy in a permanent position as general manager of the Amphitheater. (3:29 p.m.) **There was consensus of the Board to do so.**

Wanchick spoke on pay and compensation for County employees. He said from the study, they found out that they were paying 90% of the market in a majority of the positions. He said it was suggested that they adopt a complete new pay plan for the County and discard the one they had that day. He suggested deferring the ultimate implementation of whatever pay plan they could afford to do, and make it part of the budget process during the summer. He said they set aside \$1.8 million dollars in reserves to do something for employees in 2011, if a new plan was adopted. He recommended making an interim down payment on rectifying the pay plan by providing all County employees who were full time a net \$500 and all part time employees a net \$250, which would be a one time market adjustment to shift the pay plan closer to market conditions and ultimately if a position was going to be compensated more than \$500, that would had been counted towards that ultimate moving forward in the pay plan. He said that he was very surprised to find out that 79% of the employees made \$50,000 or less. He said the pay plan would apply to everyone, except the County Commission, County Administration, County Attorney and the Medical Examiner. He said the total cost would be about \$900,000 because they would factor in the benefits and take them out before they paid the employees, but it was less than the original budget. All five Commissioners agreed.

(3:36 p.m.) *Wanchick read the motion; to adjust every full time Board's employees current step, current pay plan by net \$500 and every part-time employees current step by net of \$250 and transfer the equivalent amount from reserves of the appropriate funds in order to more appropriately compensate Board employees through December 2011, payroll deductions to be delivered in a one time check. Motion by Sanchez, seconded by Bryan, carried 5/0, to approve the motion read by Wanchick.*

(12/06/11 - 29 - 3:42 p.m.)
COUNTY ATTORNEY'S REPORT

McCormack mentioned that on December 20, 2011, they expected to be advertising and presenting to the Board an anti-teen drinking ordinance to help protect the youth.

McCormack stated that they expected to be advertising and bringing to the Board a revised animal control ordinance regarding leash laws.

McCormack asked for consensus from the Board to move forward on the scrap metal ordinance.

McCormack mentioned that the gas tax interlocal agreement that the Board approved. He said that they had negotiated with the City of Hastings, Town of Hastings, St. Augustine Beach, and the City of St. Augustine. He stated one revision existed that needed Board approval. He said the interlocal agreement that the Board approved involved decimal points, which refined the allocation of the gas tax, but also included a change in the allocation every year, starting in 2011. He noted that the City of St. Augustine favored going to the new formula, but once the new formula was adopted, to retain for five years, then adjusted annually after the initial five year period. (3:46 p.m.) **There was consensus of the Board to do so.** Sanchez asked about getting an approval

on the scrap metal issue. McCormack replied that Stevenson wanted staff to look into it, but he was asking for one additional step, so they could develop an ordinance.

McCormack said the County Administration and staff, along with the County Attorney's Office, had developed a Separation and Release Agreement, substantially, in the standard form, which included a \$10,000 severance, as one of the provisions. He said they were usually handled on a case-by-case basis. He said there were several benefits from doing that, and in his professional opinion, for risk management and other public purpose reasons, and would be the appropriate way to handle it. *McCormack suggested that the Board voice a motion to approve a Separation and Release Agreement with the most recent former department director, substantially, in standard form, with a severance provision of \$10,000.* (3:48 p.m.) **Motion by Miner, seconded by Sanchez, carried 5/0, to approve McCormack's suggestion.**

McCormack spoke on the SR 207/Holmes Boulevard improvements through development agreements. He mentioned that one of the properties went bankrupt and the fees for the eminent domain associated bankruptcy work were substantial, and the developers contested an amount of those attorney fees in the range of \$23,343. He said the County Attorney's Office had negotiated with the developers to pay those fees. *McCormack suggested that the Board consider a motion to accept the settlement amount of \$17,500 pertaining to the SR 207/Holmes Boulevard property acquisition attorney's fee issue.* (3:50 p.m.) **Motion by Bryan, seconded by Stevenson, carried 5/0, to accept McCormack's suggestion.**

McCormack said the St. Johns County Fire Rescue Department submitted a request to the County Attorney's Office in regards to an old County Ordinance No. 95-17, which provided for the certification of private ambulance operators and first responder agencies. He stated that the old Ordinance, which was enacted pertaining to Chapters 125 and 401 of the Florida Statutes, to provide uniform county-wide standards in certifying all ambulance operators and first responder agencies, was out-of-date, since Chapter 401 and other applicable provisions of the Florida Statutes had been substantially amended. *So at the request of Fire Chief Shank, they would like to amend that ordinance and bring it back to the Board in accordance with a County resolution and was asking the Board's authorization to develop that.* (3:52 p.m.) **There was consensus of the Board to do so.**

(3:52 p.m.) Sanchez mentioned the ordinance on underage drinking coming before the Board, and said intern Jennifer worked very hard on the document and he wanted to thank her.

(3:52 p.m.) Stevenson congratulated the new Fire Chief Shank.

(3:53 p.m.) Wanchick reminded the Board the holiday schedule; December 20, 2011, was the last commission meeting of the year, and the Board would not meet again until January 17, 2012, because the meeting of January 3, 2012, had been cancelled.

(12/06/11 - 30 - 3:54 p.m.)
CLERK OF COURT'S REPORT

No report.

Motion by Sanchez, seconded by Bryan, carried 5/0, to adjourn the meeting. With there being no further business to come before the Board, the meeting adjourned at 3:54 p.m.

REPORTS:

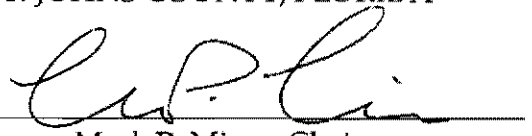
1. St. Johns County Board of County Commissioners Check Register, Check Nos. 476808-477016, totaling \$483,226.44 (11/15/11)
2. St. Johns County Board of County Commissioners Voucher Register, Voucher Nos. 7612-7656, totaling \$611,494.78 (11/15/11)
3. St. Johns County Board of County Commissioners Check Register, Check No. 477017, totaling \$1,680 (11/15/11)
4. St. Johns County Board of County Commissioners Check Register, Check Nos. 477018-477028, totaling \$9,951 (11/16/11)
5. St. Johns County Board of County Commissioners Voucher Register, Voucher Nos. 7657-7667, totaling \$13,306 (11/16/11)
6. St. Johns County Board of County Commissioners Check Register, Check No. 477029, totaling \$412.10 (11/16/11)
7. St. Johns County Board of County Commissioners Check Register, Check Nos. 477030-477060, totaling \$66,789.19 (11/17/11)
8. St. Johns County Board of County Commissioners Check Register, Check Nos. 477061-477275, totaling \$922,346.22 (11/21/11)
9. St. Johns County Board of County Commissioners Voucher Register, Voucher Nos. 7668-7725, totaling \$491,362.71 (11/21/11)
10. St. Johns County Board of County Commissioners Check Register, Check Nos. 477276-477331, totaling \$27,472 (11/23/11)
11. St. Johns County Board of County Commissioners Voucher Register, Voucher Nos. 7726-7784, totaling \$32,948 (11/23/11)
12. St. Johns County Board of County Commissioners Check Register, Check Nos. 477332-477343, totaling \$202,079.95 (11/18/11)

CORRESPONDENCE:

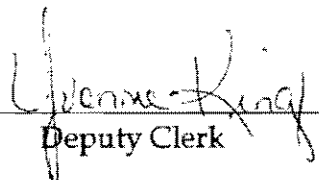
1. Letter dated November 18, 2011, to Liz Cloud, Program Administrator, Department of State, filing St. Johns County Ordinance Number 2011-41
2. Letter dated November 15, 2011, to Kristi R. Bronson, Chief, Department of State, filing Affidavits with the official signatures of Mark P. Miner as Chair, and Jay Morris as Vice Chair of the Board of County Commissioners of St. Johns County, Florida

Approved January 17, 2012

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: 
Mark P. Miner, Chair

ATTEST: CHERYL STRICKLAND, CLERK

By: 
Deputy Clerk

