

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
JANUARY 17, 2012
(9:00 A.M.)**

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

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

Also present: James Whitehouse, Deputy County Attorney

(01/17/12 - 1 - 9:00 a.m.)
CALL TO ORDER

Miner called the meeting to order.

(01/17/12 - 1 - 9:00 a.m.)
ROLL CALL

The clerk called the roll and all members were present.

(01/17/12 - 1 - 9:00 a.m.)
INVOCATION

Dr. J. Dudley Weaver, Jr., Memorial Presbyterian Church, gave the invocation.

(01/17/12 - 1 - 9:01 a.m.)
PLEDGE OF ALLEGIANCE

Miner led the Pledge of Allegiance.

(01/17/12 - 1 - 9:01 a.m.)
RECOGNITION OF HOUSING & COMMUNITY SERVICES EMPLOYEE WANDA BRINSON, WHO IS RETIRING WITH 35 YEARS OF DEDICATED SERVICE TO ST. JOHNS COUNTY

Tom Crawford, Director of Housing and Community Services, announced Wanda Brinson's retirement after 35 years with St. Johns County. Brinson reviewed her accomplishments over her 35 years with St. Johns County.

(01/17/12 - 1 - 9:12 a.m.)
PRESENTATION FOR HOWARD WHITE BY NORTHEAST BUILDERS ASSOCIATION

Dennis Ginder, representing the Northeast Florida Builders Association, said Howard White, and his staff, were presented the Good Government Award at their 2011 annual

awards ceremony. White accepted the award and thanked his staff for their help. The Commissioners thanked White and his staff.

(01/17/12 - 2 - 9:18 a.m.)

DELETIONS TO CONSENT AGENDA

There were none.

(01/17/12 - 2 - 9:18 a.m.)

APPROVAL OF CONSENT AGENDA

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:
 - BCC Regular 12/06/11
 - BCC Regular 12/20/11
3. Motion to adopt **Resolution No. 2012-1**, accepting an Easement for Utilities for water and sewer service to serve Old Ponte Vedra Marshside subdivision

RESOLUTION NO. 2012-1

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING AN EASEMENT FOR UTILITIES FOR WATER AND SEWER SERVICE TO SERVE OLD PONTE VEDRA MARSHSIDE SUBDIVISION

4. Motion to adopt **Resolution No. 2012-2**, accepting five Easements for Utilities for water service to serve the medical offices along St. Johns Medical Park Drive, off U.S. 1 South

RESOLUTION NO. 2012-2

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING FIVE EASEMENTS FOR UTILITIES, OF THE EIGHT NEEDED, FOR WATER SERVICE TO THE MEDICAL OFFICES ALONG ST. JOHNS MEDICAL PARK DRIVE LOCATED OFF U.S. 1 SOUTH

5. Motion to adopt **Resolution No. 2012-3**, accepting an Easement for Utilities for water service to serve McDonalds Restaurant on State Road 16, at Pacetti Road

RESOLUTION NO. 2012-3

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING AN EASEMENT FOR UTILITIES FOR WATER SERVICE TO SERVE MCDONALDS RESTAURANT LOCATED ON STATE ROAD 16, AT PACETTI ROAD

6. Motion to adopt **Resolution No. 2012-4**, accepting an Easement for Utilities for water and sewer service to serve Coquina Lakes Condominium on Pope Road, and authorizing the county administrator, or designee, to execute the Easement document

RESOLUTION NO. 2012-4

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING AN EASEMENT FOR UTILITIES FOR WATER AND SEWER SERVICE TO SERVE COQUINA LAKES CONDOMINIUM ON POPE ROAD, AND AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO EXECUTE THE EASEMENT DOCUMENT

7. Motion to adopt **Resolution No. 2012-5**, approving the terms of, and authorizing the county administrator, or designee, to execute, a Lease Agreement for space in the East D Wing of the Health & Human Services Center with Rural Health Care, Inc., Rural Health Care, Inc., provides health and dental care for the indigent and uninsured

RESOLUTION NO. 2012-5

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 LEASE AGREEMENT FOR SPACE WITH RURAL HEALTH CARE, INC., FOR THE TREATMENT OF PRIMARY HEALTH AND DENTAL CARE

8. Motion to adopt **Resolution No. 2012-6**, approving the guidelines for grant submission, and authorizing the county administrator, or designee, to submit an application, on behalf of the St. Johns County Growth Management Department's Environmental Division, for a U.S. Department of Interior grant, not to exceed \$500,000, to acquire land complementing the County's approved Habitat Conservation Plan

RESOLUTION NO. 2012-6

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO SUBMIT AN APPLICATION AND ANY OTHER REQUIRED PAPERWORK IN ORDER TO SEEK FUNDING ASSISTANCE THROUGH THE DEPARTMENT OF THE INTERIOR'S COOPERATIVE ENDANGERED SPECIES CONSERVATION FUND GRANTS PROGRAMS, TO ACQUIRE LAND IN ST. JOHNS COUNTY, FURTHERING THE COUNTY'S APPROVED HABITAT CONSERVATION PLAN

9. Motion to adopt **Resolution No. 2012-7**, approving the county administrator, or his designee, to submit and execute a Federal Transit Administration (FTA) Section 5307 Grant to receive \$250,000 in State Transportation Program (STP) funding, and to recognize these unanticipated revenues, and to adjust the Transit Revenue and Expense budget in recognition of these funds

RESOLUTION NO. 2012-7

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

AUTHORIZING THE COUNTY ADMINISTRATOR, OR HIS DESIGNEE, TO SUBMIT AND EXECUTE A FEDERAL TRANSIT ADMINISTRATION (FTA) SECTION 5307 GRANT TO RECEIVE \$250,000 IN STATE TRANSPORTATION PROGRAM (STP) FUNDING, FOR THE PURCHASE OF VEHICLES TO BE USED IN THE ST. JOHNS COUNTY PUBLIC TRANSPORTATION SYSTEM, AND TO RECOGNIZE THE UNANTICIPATED REVENUES, AND ADJUST THE TRANSIT EXPENDITURE BUDGET

10. Motion to approve the transfer of \$1,280, from General Fund Reserves, for the purpose of constructing signage to recognize the Shell Regan Community Resource Center
11. Motion to approve hiring the Information Systems Department vacant position of Technician III, at Pay Grade 124, Step 13, and Applications Manager at Pay Grade 127, step 11
12. Motion to adopt **Resolution No. 2012-8**, recognizing unanticipated revenue for insurance claim proceeds in the amount of \$1,549.72, and appropriating for expenditure, as vehicle maintenance, within the FY 2012 Utility Services budget

RESOLUTION NO. 2012-8

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

13. Motion to adopt **Resolution No. 2012-9**, approving the terms, provisions, conditions, and requirements of a one-year extension of the Contract 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 renewal on behalf of St. Johns County

RESOLUTION NO. 2012-9

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 THE 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; AND PROVIDING FOR THE CORRECTION OF ERRORS; AND PROVIDING AN EFFECTIVE DATE

14. Motion to adopt **Resolution No. 2012-10**, approving the Amended Economic Development Agreement with R & D Development (Lot 1), and to authorize the county administrator to execute the Agreement on behalf of the County

RESOLUTION NO. 2012-10

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

15. Motion to adopt **Resolution No. 2012-11**, approving the Amended Economic Development Agreement with R & D Development (Lot 3, 11/12), and to authorize the county administrator to execute the Amended Agreement on behalf of the County

RESOLUTION NO. 2012-11

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

16. Motion to adopt **Resolution No. 2012-12**, approving the terms, provisions, conditions and requirements of the Clean Water State Revolving Fund Loan Amendment 1 for State Revolving Fund (SRF) Loan Agreement WW550300 for construction and financing sewer improvements to phase-out existing septic tanks in the City of St. Augustine Beach (COSAB) Service Area

RESOLUTION NO. 2012-12

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS AND REQUIREMENTS OF THE CLEAN WATER STATE REVOLVING FUND LOAN AMENDMENT 1, TO THE PREVIOUSLY EXECUTED CONSTRUCTION LOAN AGREEMENT WW550300 BETWEEN THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION AND THE CITY OF ST. AUGUSTINE BEACH, FLORIDA, RELATING TO THE CONSTRUCTION OF SEWER IMPROVEMENTS TO PHASE-OUT EXISTING SEPTIC TANKS IN THE CITY, UNDER WHICH LOAN AGREEMENT ST. JOHNS COUNTY, FLORIDA, AGREES TO REPAY THE RELATED LOANS MADE TO THE CITY IN ACCORDANCE WITH SAID LOAN AGREEMENT AND THE INTERLOCAL AGREEMENT, AS AMENDED, BETWEEN THE CITY AND THE COUNTY RELATING THERETO; AND AUTHORIZING THE CHAIR OF THE BOARD OF COUNTY COMMISSIONERS TO EXECUTE SAID AMENDMENT 1 ON BEHALF OF ST. JOHNS COUNTY, FLORIDA

17. Motion to adopt **Resolution No. 2012-13**, approving the terms, provisions, conditions, and requirements of the Clean Water State Revolving Fund Loan Amendment 1, for State Revolving Fund (SRF) Loan Agreement WW550301, for construction and financing sewer improvements to phase-out existing septic tanks in the City of St. Augustine Beach (COSAB) Service Area

RESOLUTION NO. 2012-13

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS AND REQUIREMENTS OF THE CLEAN WATER STATE REVOLVING FUND LOAN AGREEMENT WW550301 BETWEEN THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION AND THE CITY OF ST. AUGUSTINE BEACH, FLORIDA, RELATING TO THE CONSTRUCTION OF SEWER IMPROVEMENTS TO PHASE-OUT EXISTING SEPTIC TANKS IN THE CITY, UNDER WHICH LOAN AGREEMENT ST. JOHNS COUNTY, FLORIDA, AGREED TO REPAY THE RELATED LOAN MADE TO THE CITY IN ACCORDANCE WITH SAID LOAN AGREEMENT AND THE INTERLOCAL AGREEMENT, AS AMENDED, BETWEEN THE CITY AND THE COUNTY RELATING THERETO; AND AUTHORIZING THE CHAIR OF THE BOARD OF COUNTY COMMISSIONERS TO EXECUTE SAID AMENDMENT 1, ON BEHALF OF ST. JOHNS COUNTY, FLORIDA

18. Motion to adopt **Resolution No. 2012-14**, recognizing unanticipated revenue related to a Florida Department of Health County Emergency Medical Services Award in the amount of \$18,065, within the General Fund, and appropriating within the EMS Department

RESOLUTION NO. 2012-14

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AMENDING THE FISCAL YEAR 2012 GENERAL FUND TO RECEIVE UNANTICIPATED FLORIDA DEPARTMENT OF HEALTH COUNTY EMERGENCY MEDICAL SERVICES AWARD REVENUE, AND AUTHORIZE ITS EXPENDITURE WITHIN THE EMS DEPARTMENT

19. Motion to approve the transfer of \$3,741 from General Fund Reserves to the Interoperable Radio System Fund for the purpose of ensuring revenue coverage on all FY 2012 appropriations
20. Motion to approve the transfer of \$1,600,000 from Communication Surcharge Fund Capital Outlay Reserve to the Interoperable Radio System Fund, to assist in funding the St. Johns County interoperable radio system. This item requests the use of \$1,600,000 from the Communication Surcharge Fund to assist in funding the Motorola Solutions, Inc., contract for the County's 800 MHz radio system
21. Motion to approve a transfer in the amount of \$6,402.22 from General Fund Reserves to Law Enforcement Trust Fund (LETF) Reserves, in that the Sheriff may utilize unclaimed funds returned to the General Fund for FY 2011

22. Motion to adopt **Resolution No. 2012-15**, to authorize the county administrator, or his designee, to award Bid No. 12-14, Portable Restroom Rental and Servicing for Annual and Seasonal Requirements, to Outhouse Portable Restrooms, Inc., and enter into a contract for one year with four available one-year extensions

RESOLUTION NO. 2012-15

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO AWARD BID NO. 12-14, AND TO EXECUTE AN AGREEMENT FOR PORTABLE RESTROOM RENTAL AND SERVICE

23. Motion to adopt **Resolution No. 2012-16**, to authorize the county administrator, or his designee, to award RFP 11-69, Annual Inspection, Maintenance and Repair of County Elevators, to Kone, Inc., and execute a contract agreement for one year with four available one-year extensions

RESOLUTION NO. 2012-16

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO EXECUTE AN AGREEMENT FOR ELEVATOR INSPECTION AND MAINTENANCE

24. Motion to adopt **Resolution No. 2012-17**, to authorize the county administrator, or his designee, to award Bid No. 12-16, Purchase of Water and Wastewater Treatment Chemicals, to Airgas Specialty Products, Allied Universal Corporation, Thatcher Chemical of Florida Mid-South, Inc., and The Dumont Company; and enter into a contract for one year with four available one-year extensions

RESOLUTION NO. 2012-17

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO AWARD BID NO. 12-16, AND TO EXECUTE AN AGREEMENT FOR THE SUPPLY OF WATER AND WASTEWATER TREATMENT CHEMICALS

25. Motion to approve the elimination of one Intensive Family Intervene Specialist from the Community Based Care Division (HHS) budget, and replace with one Senior Family Support Professional position, with an increase of \$1,827.31
26. Motion to adopt **Resolution No. 2012-18**, approving the terms, conditions, and requirements of the Fixed Price Agreement to offer pre-service training, certification services, and continual child welfare staff development, between St. Johns County, Florida, and University of South Florida Board of Trustees, a public body corporate; and authorizing the county administrator, or designee, to execute the Agreement on behalf of the County

RESOLUTION NO. 2012-18

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 THE UNIVERSITY OF SOUTH FLORIDA BOARD OF TRUSTEES, A PUBLIC BODY CORPORATE; AND AUTHORIZING THE CHAIR OF THE BOARD OF COUNTY COMMISSIONERS TO EXECUTE THE AGREEMENT ON BEHALF OF THE COUNTY

27. Motion to adopt **Resolution No. 2012-19**, approving the terms, conditions, and requirements of the Agreement between St. Johns County and Family Support Services of North Florida, Inc., authorizing the county administrator, or designee, to execute the Agreement on behalf of the County, and repeal Resolution 2011-198, terminating the MOU between St. Johns County and Family Support Services of North Florida, Inc.

RESOLUTION NO. 2012-19

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 AND REPEALING AND REPLACING RESOLUTION 2011-198, WHICH ADOPTED A MEMORANDUM OF UNDERSTANDING BETWEEN THE PARTIES

28. Motion to adopt **Resolution No. 2012-20**, repealing Resolution 2011-251, terminating the agreement between the Board of County Commissioners and Community Partnership for Children dated September 6, 2011, and authorizing the chairman to execute the resolution on behalf of the County

RESOLUTION NO. 2012-20

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, REPEALING RESOLUTION 2011-251, TERMINATING THE AGREEMENT BETWEEN THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, AND COMMUNITY PARTNERSHIP FOR CHILDREN DATED SEPTEMBER 6, 2011; AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS TO EXECUTE THE RESOLUTION ON BEHALF OF THE COUNTY

29. Proofs:
- a. Proof: Notice of Resolution 2011-357, published December 22, 2011, in *The St. Augustine Record*
 - b. Proof: Notice to Bidders, Bid #12-22, published December 23, 2011, and December 30, 2012, in *The St. Augustine Record*
 - c. Proof: Notice to Bidders, Bid #12-31, published December 28, 2011, and January 4, 2012, in *The St. Augustine Record*
 - d. Proof: Notice of Resolution 2011-357, published December 29, 2011, in *The St. Augustine Record*

(01/17/12 - 9 - 9:18 a.m.)
PUBLIC COMMENT

BJ Kalaidi, 8 Newcomb Street, spoke on septic tanks and paying for connections in the West Augustine area.

(01/17/12 - 9 - 9:22 a.m.)
ADDITIONS/DELETIONS TO REGULAR AGENDA

Miner requested to add, as Item 8a, consideration of an appointment to the North Florida TPO Citizen Advisory Committee, and as Item 8b, discussion on slot machine gaming. Bryan requested to add, as Item 8c, EPA Urban Waters Grant Proposal-West Augustine. Wanchick requested to add as Item 1a, lease termination between St. Johns County and Putnam St. Johns Behavioral Healthcare.

(01/17/12 - 9 - 9:23 a.m.)
APPROVAL OF REGULAR AGENDA

Motion by Bryan, seconded by Sanchez, to approve the Regular Agenda as amended. Stevenson asked since they were adding the discussion of the item on gambling to the regular agenda, could Miner read the title of the agenda item to improve the public's awareness of it. Miner read the title of the proposed resolution of agenda Item 8b into the record. (9:24 a.m.) **The motion carried 5/0.**

(01/17/12 - 9 - 9:24 a.m.)

1a. RESOLUTION TERMINATING THE LEASE AGREEMENT BETWEEN THE COUNTY AND PUTNAM-ST. JOHNS BEHAVIORAL HEALTHCARE, AND APPROVING THE TERMS; AND AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO EXECUTE A LEASE AGREEMENT WITH SMA BEHAVIORAL HEALTH SERVICES FOR SPACE AT THE HEALTH AND HUMAN SERVICES CENTER

Jerry Cameron, Assistant County Administrator, said the proposed resolution was requested by the Department of Children and Families to change providers for the Division of Mental Health Services in St. Johns County, to be effective February 1, 2012. He said that they needed to cancel the lease with the former provider, Putnam-St. Johns Behavioral, and enter into a similar agreement with SMA Behavioral Services, which the resolution would accomplish.

(9:26 a.m.) **Motion by Stevenson, seconded by Bryan, carried 5/0, to adopt Resolution No. 2012-21, terminating the Lease Agreement between Putnam-St. Johns Behavioral Healthcare, and approving the terms, and authorizing the county administrator, or designee, to execute a Lease Agreement with SMA Behavioral Health Services for space at the Health and Human Services Center.**

RESOLUTION NO. 2012-21

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, TERMINATING THE LEASE AGREEMENT BETWEEN THE COUNTY AND PUTNAM-ST. JOHNS BEHAVIORAL HEALTHCARE, AND APPROVING THE TERMS, AND AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO EXECUTE A LEASE AGREEMENT WITH SMA BEHAVIORAL HEALTH SERVICES FOR SPACE LOCATED AT THE HEALTH AND HUMAN SERVICES CENTER

(01/17/12 - 10 - 9:27 a.m.)

DISTRICT 2

1. PUBLIC HEARING - VACROA 2011-001, VACATING A PORTION OF YELVINGTON AVENUE. THIS ITEM WILL BE CONTINUED TO FEBRUARY 7, 2012. THE APPLICANT REQUESTS THE VACATION OF A PORTION OF THE YELVINGTON AVENUE RIGHT-OF-WAY. THE ROAD SEGMENT TO BE VACATED IS APPROXIMATELY 0.15 ACRES LOCATED SOUTH OF SR 207 IN THE ELKTON AREA. THE APPLICANT HAS PROVIDED A DRAINAGE EASEMENT AS REQUESTED BY THE ROAD & BRIDGE DEPARTMENT. 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

John Burnham, P.E., Chief Engineer, Development Review Division, said that staff was requesting a continuance to February 7, 2012, because the minimum advertising deadline was not satisfied for the hearing to proceed today.

(9:27 a.m.) Motion by Bryan, seconded by Sanchez, carried 5/0, to continue the public hearing for VACROA 2011-001, vacating a portion of Yelvington Avenue, to February 7, 2012.

(01/17/12 - 10 - 9:28 a.m.)

DISTRICT 4

2. PUBLIC HEARING - PLNADMAPL 2011-01, APPEAL OF A DECISION BY THE COUNTY ADMINISTRATOR, PURSUANT TO SECTION 9.07.02 OF THE LAND DEVELOPMENT CODE (MODEL HOME AT PLANTATION AT PONTE VEDRA). THIS IS AN APPEAL, FILED PURSUANT TO SECTION 9.07.02 OF THE LAND DEVELOPMENT CODE, REGARDING DECISIONS OF THE COUNTY ADMINISTRATOR. THE COUNTY ISSUED A DECISION THAT WOULD ALLOW MODEL HOMES TO BE BUILT ON TEN LOTS WITHIN THE PLANTATION AT PONTE VEDRA PUD, UNITS 10, 11 AND 12. THE COUNTY'S DECISION WAS BASED ON LANGUAGE IN THE PUD THAT SPECIFICALLY STATED MODEL HOMES WOULD BE DEPICTED ON THE FINAL DEVELOPMENT PLAN (FDP) MAP. THE RECORDED MAP IS ONLY VIEWABLE ELECTRONICALLY, AND DOES NOT DEPICT THE MODEL HOME LOCATIONS; HOWEVER, THE MAP LEGEND DID HAVE AN UN-SHADED SYMBOL LABELED "MODEL HOME LOCATIONS", WHICH INDICATED TO STAFF THE SHADING HAD NOT CARRIED OVER DURING THE RECORDING PROCESS. EVIDENCE FROM DOCUMENTS FOUND FROM THE COUNTY'S REVIEW AT THE TIME, AND THE ORIGINAL HARDY COPY OF THE FDP MAP THE CLERK OF COURTS USED TO ACCOMPLISH THE RECORDING, FURTHER AIDED IN THE COUNTY'S DECISION. THE APPLICANT CONTENDS AN UN-SHADED FDP MAP WAS RECORDED AND THAT THERE IS NO COMPETENT AND SUBSTANTIAL EVIDENCE INDICATING THE BCC APPROVED A SHADED FDP MAP THAT DEPICTED MODEL HOMES

Proof of publication of the notice of public hearing on PLNADMAPL 2011-01, Plantation was received, having been published in *The St. Augustine Record* on January 2, 2012.

Miner reviewed the template setup for the item. Morris recused himself, because he had lived in The Plantation for seven years. He mentioned that he would speak on the final development plan map as a private citizen. McCormack reviewed the conflict mentioned

by Morris. Miner, Sanchez, Morris, Stevenson and Bryan disclosed ex parte communication with Doug Burnett, who was the opposing counsel.

(9:31 a.m.) Michael Roberson, Planner I, gave a presentation, *Exhibit A*.

(9:34 a.m.) Doug Burnett, 509 Anastasia Blvd., St. Johns Law Group, representing homeowners, gave a presentation, with a brief overview of The Plantation, *Exhibit B*. He spoke on the recorded official map, and traffic concerns regarding the model homes. Bryan asked what percentage of the community was actually built-out. Burnett responded it was 94 percent built-out. Stevenson asked where the language “*shaded lots*,” was included. Burnett contended that even though the text mentioned shaded lots, if the map didn’t show the shaded lots, then the shaded lots were not approved by the commission.

(9:48 a.m.) Ellen Avery-Smith, 100 Whetstone Place, Rogers Towers Law Firm, spoke on the homeowners board. She stated the facts, spoke on shaded lots, model homes, and property rights. She asked the Board to deny the appeal.

(9:54 a.m.) David Mitchell, President of The Plantation Homeowners Association, read a comment regarding model homes. He said the lots would generate lots of cash and the program was good for The Plantation. He said The Plantation Homeowners Association Board already approved the program. He asked the Board to deny the appeal. Discussion ensued on provisions maintained during model home presentations, security procedures, and advertisement of their meetings.

(10:06 a.m.) Avery-Smith commented on the validity of the September 27, 2011, letter signed by Suzanne Konchan.

(10:08 a.m.) John Horne, 112 Muirfield Drive, appellant, emphasized one issue: that the proposed model home site was located almost two miles from the front entrance. He said he would be located across the street from a commercial enterprise.

(10:10 a.m.) Christopher Smith, 225 Cannon Court East, said Roger Towers might have a conflict in this situation. He spoke on the proposed model home program.

(10:13 a.m.) Pellegrino Porraro, 157 Plantation Circle South, commented in opposition to a model home program in The Plantation; then read a letter from C.D. Towers, Jr., that addressed the model home program.

(10:17 a.m.) Fred Robbins, 209 Cannon Court, addressed the model home external signage proposal.

(10:21 a.m.) Timothy Armstrong, 108 Cannon Court West, commented on the official Resolution No. 94-183, which included the map.

(10:24 a.m.) Sandra Dillon, 165 Plantation Circle South, commented in opposition to a model home program.

(10:25 a.m.) Harold Krivan, 158 Muirfield Drive, commented on being on The Plantation Homeowners Association Board of Directors and what they had agreed upon with the model home program issue. Bryan asked questions regarding the task force meetings that were held; to which, Krivan responded. Stevenson questioned having a copy of the model home program for the County’s record.

(10:32 a.m.) Robbins clarified who was on the task force board, and therefore, present at the task force meetings.

(10:34 a.m.) Dan Baker, 115 Muirfield Drive, spoke in opposition of the model home program.

(10:35 a.m.) Janice Hayden, 261 Plantation Circle South, commented in opposition to the model home program.

(10:37 a.m.) Kendell Reeves, 114 Muirfield Drive, supported Mr. Horne's position.

(10:39 a.m.) Thomas McAndrews, 152 Muirfield Drive, spoke on the residents protecting their driveways during a model home display, and stated that he supported Mr. Horne's appeal.

(10:42 a.m.) Ellen O'Brien, 102 Land Ends, commented on the task force.

(10:43 a.m.) Jack Harris, 193 Twelve Oaks Lane, questioned the need of the model home program, submitted letters written to the Board of Directors of The Plantation, *Exhibit C*, and said he supported John Horne's appeal.

(10:46 a.m.) Jack Sadler, 108 Muirfield Drive, said he liked that the general public did not have access to the subdivision, and he supported the appeal.

(10:48 a.m.) Ron Chiurozzi, 101 Carriage Court, said that he supported John Horne's appeal.

(10:48 a.m.) Richard Hernandez, 145 Muirfield Drive, said he supported John Horne's appeal.

(10:50 a.m.) Steve Foreman, 112 Laurel Lane, strongly supported the comments made on the appeal.

(10:51 a.m.) Morris, speaking as a private citizen, mentioned that he purchased the first lot sold on Muirfield Drive. He said there was no indication that any of the lots in The Plantation would be designated as a model home lot.

(10:53 a.m.) Miner stated for the record, that Morris had recused himself from this item and was making comments as a member of the public, not as a commissioner.

(10:53 a.m.) McCormack mentioned allowing the opposing side to make closing comments or statements.

(10:54 a.m.) Doug Burnett, 509 Anastasia Blvd., said he believed that County staff made an error, but he did not blame them for it. He said everything mentioned today was fact based. He spoke on not feeling sorry for the developer, traffic concurrency for model homes, no application being filed for interpretation, fact based information, shaded and un-shaded maps, and Resolution No. 94-183. He asked for the Board to grant the appeal.

The meeting recessed at 11:04 a.m. and reconvened at 11:14 a.m.

(11:14 a.m.) Stevenson mentioned that she would like to hear from Mr. Horne and Mr. Mitchell again.

(11:15 a.m.) Mitchell said some of the comments made, were not true. Burnett said that Mitchell was not the opposition, that he was public comment. Mitchell spoke about protecting contractual obligations.

(11:19 a.m.) Bryan commented on people attending meetings, and the board of directors' responsibilities. Stevenson echoed Bryan's comments. Sanchez said there was a big difference between a model home and a spec home.

(11:27 a.m.) McCormack briefly outlined the parameters the Board should use when making its decision.

(11:33 a.m.) **Motion by Stevenson, seconded by Sanchez, carried 4/0 with Morris recusing himself, to grant the Planning Administrative Appeal 2011-01, Plantation, with findings of fact to support the appeal.**

The meeting recessed at 11:35 a.m. and reconvened at 11:42 a.m.

The meeting moved to Items 4 and 5.

(01/17/12 - 13 - 11:48 a.m.)

DISTRICT 3

3. PUBLIC HEARING - PLANAPPL 2011-05, PUBLIX APPEAL OF A DECISION BY THE PLANNING AND ZONING AGENCY, PURSUANT TO SECTION 9.07.03 OF THE LAND DEVELOPMENT CODE. THIS IS AN APPEAL FILED PURSUANT TO SECTION 9.07.03 OF THE LAND DEVELOPMENT CODE REGARDING DECISIONS OF THE PLANNING AND ZONING AGENCY (PZA). THE PZA ISSUED A FINAL DECISION REGARDING A SPECIAL USE PERMIT (SUPMAJ 2010-27) TO ALLOW PUBLIX TO SELL BEER, WINE, AND LIQUOR AT A PACKAGE STORE THROUGH A STATE OF FLORIDA 3PS ALCOHOL LICENSE. THE SUBJECT PROPERTY IS LOCATED IN THE MOULTRIE SQUARE PLAZA, SOUTHWEST OF THE WILDWOOD DRIVE AND HWY. U. S. 1 INTERSECTION. THE APPLICANT CONTENDS THAT: 1) THE COUNTY'S AMENDMENT TO THE LAND DEVELOPMENT CODE, WHICH MODIFIED THE DISTANCE REQUIREMENT BETWEEN ALCOHOL VENDORS, WAS NOT EFFECTIVE TO CHANGE THE LAW APPLICABLE TO PUBLIX'S APPLICATION. 2) THE COUNTY'S ATTEMPT TO CHANGE THE LAW PENDENTE LITE (WHILE THE LITIGATION IS PENDING) WAS A VIOLATION OF THE PROCEDURAL DUE PROCESS

Proof of publication of the notice of public hearing on PLANAPPL 2011-05, Publix was received, having been published in *The St. Augustine Record* on January 2, 2012.

Michael Roberson, Planner I, gave a presentation, *Exhibit A*. He said this was an appeal of a decision of the Planning and Zoning Agency, to allow Publix to sell alcohol and liquor at a package store. He gave a brief history of the item.

(11:52 a.m.) Frank Upchurch, 780 North Ponce de Leon Blvd., representing DNR United, Inc., owner and operator of the Shores Liquor Store, said that they opposed the approval of the Special Use Permit (SUP). He said there was an appeal pending, and asked the Board to table this until the court had made its decision.

(11:58 a.m.) Sid Ansbacher, 50 N. Laura Street, STE.1100, on behalf of Publix Grocery Store, spoke about procedural due process and an amendment that changed the law. He submitted their Response to Order to Show Cause, the Order granting the special use permit and the staff report from the Bremer case, *Exhibit B*.

(12:05 p.m.) Upchurch spoke on substantial issues, and said that it was important to be systematic, Response to Order to Show Cause, *Exhibit C*. Discussion followed on withdrawing special use permits, the amount of time the appellate court would take to make a decision, the law that was in place when the appeal was started, granting a special use permit, and letting Publix move forward at their own risk, or make them wait until they receive the court findings on the issue. Whitehouse said when the special use permit was granted by the Planning and Zoning Agency, the law had changed and there was not a 3,000 foot regulation.

(12:21 p.m.) **Motion by Miner, seconded by Stevenson, carried 5/0, to deny Planning Appeal 2011-05, Publix, with findings of fact to support the appeal.**

The meeting recessed at 12:23 p.m. and reconvened at 1:33 p.m.

(01/17/12 - 14 - 11:42 a.m.)

DISTRICT 1

4. PUBLIC HEARING - NOPC 2011-01, DURBIN CROSSING DRI. THIS IS A REQUEST BY DURBIN CROSSING DRI TO EXTEND THE SCHEDULE OF DEVELOPMENT RELATED TO FLORIDA STATUTORY CHANGES IN SB 360 IN 2007 AND HB 7207 IN 2011, ADD 2.48 ACRES OF LAND TO THE DRI MASTER PLAN MAP THAT IS RELATED TO A VACATION OF RUSSELL SAMPSON ROAD ROW; REVISE SPECIAL CONDITION 24(B) AFFORDABLE HOUSING TO REMOVE PROVISION FOR 56 LOW INCOME HOUSING UNITS AND REDUCE THE AFFORDABLE HOUSING REQUIREMENT FROM 200 UNITS TO 144 UNITS.; AND REVISE THE LAND USE CONVERSION TABLE TO REDUCE MINIMUM ALLOWABLE FOR MULTI-FAMILY (MF) FROM 758 TO 500. ON DECEMBER 15, 2011, THE PZA UNANIMOUSLY RECOMMEND APPROVAL

Proof of publication of the notice of public hearing on NOPC 2011-01, Durbin Crossing DRI was received, having been published in *The St. Augustine Record* on November 30, 2011.

Suzanne Konchan, Principal Planner, gave a presentation on Items 4 and 5 together, *Exhibit A*. She said the notice of proposed change to the DRI was consistent with the Comprehensive Plan. The Planning and Zoning Agency and staff recommended approval of the NOPC. She said staff was recommending approval of the Major Modification and also found it consistent with the Comprehensive Plan.

(11:46 a.m.) **Motion by Stevenson, seconded by Morris, carried 5/0, to approve Resolution No. 2012-22, known as NOPC 2011-01, adopting findings of fact 1-5 to support the motion.**

RESOLUTION NO. 2012-22

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, MODIFYING THE DURBIN CROSSING DRI DEVELOPMENT ORDER, AS PREVIOUSLY APPROVED BY ST. JOHNS COUNTY RESOLUTION NO. 2003-61 AND 2006-176, FINDING THE MODIFICATION IS CONSISTENT WITH ST. JOHNS COUNTY COMPREHENSIVE PLAN 2025, ORDINANCE NO. 2010-38, AS MODIFIED, AND CONSISTENT WITH ST. JOHNS COUNTY LAND DEVELOPMENT CODE; FINDING THAT THE MODIFICATION DOES NOT CONSTITUTE A SUBSTANTIAL DEVIATION; AND PROVIDING FOR AN EFFECTIVE DATE

(01/17/12 - 14 - 11:46 a.m.)

DISTRICT 1

5. PUBLIC HEARING - MAJMOD 2011-06, DURBIN CROSSING PUD. THIS IS A REQUEST BY DURBIN CROSSING PUD TO EXTEND THE SCHEDULE OF DEVELOPMENT RELATED TO FLORIDA STATUTORY CHANGES IN SB 360 IN 2007, AND HB 7207 IN 2011, ADD 2.48 ACRES OF LAND TO THE PUD MASTER DEVELOPMENT PLAN MAP THAT IS RELATED TO A VACATION OF RUSSELL SAMPSON ROAD ROW; AND REVISE MASTER DEVELOPMENT PLAN LOT SIZES TO BE CONSISTENT WITH THE REVISIONS TO THE DRI LAND USE CONVERSION TABLE. ON DECEMBER 15, 2011, THE PZA UNANIMOUSLY RECOMMENDED APPROVAL

Proof of publication of the notice of public hearing on MAJMOD 2011-06, Durbin Crossing PUD was received, having been published in *The St. Augustine Record* on November 30, 2011.

Kathy Whittington, 75 Fullerwood Drive, said they had a couple of minor technicalities that needed to be corrected in the ordinance. Whitehouse reviewed the changes: in the ordinance in the packet, in the "whereas" section at the top, language to be added, "*this is a rezoning*", it will list that attached as Exhibit B, is a legal description of the added land, and attached as Exhibit C, is the new legal description, which includes the added land, under Section 1, Modification dated August 19, 2011, and before "*attached hereto*", insert the language, "*with the amended MDP and Text Exhibit D and E*", and attached hereto and made a part hereof. He said with the approval of the MAJMOD, and with the acceptance of the maker of the motion, and second, they would make the changes.

(11:48 a.m.) **Motion by Stevenson, seconded by Sanchez, carried 5/0, to enact Ordinance 2012-23, known as MAJMOD 2011-06, adopting findings of fact 1-5 to support the motion as amended by the county attorney.**

(12:22 p.m.) **Subsequently, Motion by Miner, seconded by Bryan, carried 5/0, to correct the Ordinance number on Item 5 from 2012-23 to 2012-1.**

ORDINANCE NO. 2012-1

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, APPROVING A MAJOR MODIFICATION TO THE DURBIN CROSSING PLANNED UNIT DEVELOPMENT, ORDINANCE NUMBER 2004-07, AS AMENDED, MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING FOR AN EFFECTIVE DATE

The meeting moved to Item 3.

(01/17/12 - 15 - 1:33 p.m.)

DISTRICT 5

6. PUBLIC HEARING - COMPAMD 2011-01, VILANO BEACH TOWN CENTER. THIS IS A TRANSMITTAL HEARING FOR COMPAMD 2011-01, A REQUEST BY VILANO TOWN CENTER PARTNERS TO AMEND COMPREHENSIVE PLAN POLICY A.3.1.27 TO ALLOW DRIVE-THROUGH/INS ON GROCERY STORE ANCHORED PROPERTY WITH LIMITATIONS, AS PROVIDED IN NEW PROPOSED POLICY A.3.2.8, AND TO REVISE POLICY A.3.2.6 TO ALLOW TRANSFER OF DEVELOPMENT RIGHTS (TDRS) FOR ALL TOWN CENTER PROPERTIES RATHER THAN ONLY HISTORIC PROPERTIES. AT THEIR JANUARY 5, 2012, MEETING, THE PZA RECOMMENDED TRANSMITTAL, WITH A 5-2 VOTE, OF AMENDED POLICY A.3.1.27 AND NEW POLICY A.3.2.8 PERTAINING TO DRIVE THROUGH/IN FACILITIES WITHIN THE VILANO BEACH TOWN CENTER, AS PROPOSED BY STAFF. THE AGENCY EXPRESSED CONCERN WITH ALLOWING MULTIPLE DRIVE THROUGH/IN FACILITIES AND RECOMMENDED THOSE FACILITIES BE LIMITED TO ONE WITHIN THE VILANO BEACH TOWN CENTER. STAFF IS CONSIDERING ALTERNATIVE POLICY LANGUAGE. THE AGENCY UNANIMOUSLY RECOMMENDED TRANSMITTAL OF POLICY A.3.2.6, PERTAINING TO THE TRANSFER OF DEVELOPMENT RIGHTS, AS PROPOSED BY STAFF

Proof of publication of the notice of public hearing on COMPAMD 2011-01, Vilano Beach Town Center was received, having been published in *The St. Augustine Record* on January 2, 2012.

Teresa Bishop, AICP, Director of Long Range Planning, gave a presentation, *Exhibit A*. She said that staff did not support amending their Policy A.3.1.27 to allow the drive-through uses in the Vilano Town Center, but if it was transmitted and considered, then staff believed the alternate policy was the best policy that they could have with the applicant, and to allow a drive-through type facility. Morris asked if the amendment was for blanket drive-through, or if it was specifically for only a bank. Bishop replied that it was not limited to a bank, it does prohibit drive-thru restaurants, but other type of drive-thru facilities could be allowed. She said the Planning and Zoning Agency (PZA) recommended only one drive-through type facility within the Vilano Town Center. She said staff drafted the policy to that particular direction from the PZA. Discussion followed on ratio being a part of the application.

(1:41 p.m.) Robin Moore, St. Johns County Historic Resources Staff, discussed the transfer of development rights policy. He spoke on historic structures, encouraging residential as a mixed use option, additional incentives proposed by staff, and being concerned about sliding scales.

(1:47 p.m.) Joe Lelonek, Vilano Town Center Partners, gave a PowerPoint presentation, *Exhibit B*. He said their first goal was to preserve density in the Town Center. He said they came up with an alternative to the Transfer of Development Rights (TDR) program that was originally proposed. He said if the units were not used, then they would gift the units to the County to use in the Town Center. He mentioned the drive-through facilities. He said they were proposing a bank with a drive-through; not fast food restaurants. He stated that they were proposing locating the drive-through within the grocery anchored area, and not fronting Vilano Road or the Coastal Highway. Discussion followed on the entrance to the drive-through.

(2:01 p.m.) Earl Jensen, 36 Ferrol Road, said he was against the transfer of the development density rights, and spoke against this item.

(2:04 p.m.) Patty Slawson, 2960 Coastal Highway, spoke on the drive-through issue.

(2:06 p.m.) Robert Slawson, 2960 Coastal Highway, spoke to the issue of transfer of development rights, and said to leave it as it was.

(2:08 p.m.) Lisa Cumpton, 114 Third Street, said that the issues would impact more than just the Town Center area, and voiced concern about access for emergency vehicles.

(2:10 p.m.) Sacha Martin, 133 Coastal Hollow Circle, voiced concern regarding the drive-through, and TDRs, emails in favor of and against the changes. *Exhibit C*.

(2:15 p.m.) Vivian Browning, 115 Vilano Road, Suite A, spoke about looking for the greater good of the community, TIF, and she said that she supported a drive-through.

(2:19 p.m.) Barbara Jenness, 313 Porpoise Point Drive, spoke on TDRs and options. She submitted a letter from Irene Kaufman, *Exhibit D*.

(2:22 p.m.) Al Aldrich, 42 Zamora Street, said that he was not in favor of the transfer of development rights, and that there were 21 people opposed to the drive-through, email from Aldrich against the change, *Exhibit E*.

(2:26 p.m.) Doug Burnett, 509 Anastasia Blvd., St. Johns Law Group, representing the adjoining property owner, spoke on the drive-through.

(2:30 p.m.) Maria Rivero, 17 Corunna Street, said to keep the original Comprehensive Plan, as written, and move forward.

(2:33 p.m.) Mike McCann, 140 Vilano Road, said that they needed density to insure that this did not become a failed Publix, like on the other side of the County, and that he would donate his TDR rights to those who were restoring historic structures.

(2:36 p.m.) Bob Bentz, 55 Ava Way, spoke on taking the TDR off the table and putting it aside, making Vilano Beach a successful area, and allowing them put in a financial institution.

(2:39 p.m.) Maureen Rice, 2704 Palencia Street, said she feared that the proposed density change would change the area.

(2:42 p.m.) Lelonek recommended taking TDR off the table, spoke on the concern regarding increased traffic, and said that the drive-through option was a good step. Bryan asked Lelonek if he was willing to restrict the drive-through to only a bank. McCormack said that this was a legislative action of the Board, and whatever decision was made would have to have a rational basis. Bryan said that he was asking for information for consideration by the Board. Lelonek said that they had originally come in with an application for a financial institution, and that they were trying to keep this as neighborhood serving. He spoke about the drive-through having handicapped convenience. He said the issue was having the density in the Town Center area. Wanchick said that the TDR issue was taken off the table for this day. Stevenson asked Bishop if there had been a request to expand boundaries of the Town Center, with Bishop replying, not that she was aware of. Sanchez spoke about historical properties, and not having a failed Publix. Whitehouse spoke on legal descriptions on having only one drive-through. Lelonek spoke on what the uses were, limiting the use to the financial institution, and limiting the location area. Wanchick said that some of the details would be worked out before final adoption. Bishop asked the Board if they would consider transmitting credits and ISR provisions that were part of that policy. Discussion followed on the drive-thru. Wanchick said to make a decision based on the best information they had this day. He suggested moving forward and working out the details after transmittal. Discussion followed on the drive-through and where it would be placed.

(3:27 p.m.) Doug Burnett, St. Johns Law Group, gave his thoughts on the issue. He asked to transmit as is, or continue it from today and work out the details before transmitting it.

The meeting recessed at 3:31 p.m. and reconvened at 3:46 p.m.

(3:46 p.m.) McCormack reviewed the consensus; continue for one month to come back with some polished language. Discussion followed on how many drive throughs to allow: one or two. *Consensus was one drive through.*

(3:48 p.m.) **Motion by Miner, seconded by Bryan, carried 5/0, to continue the item for one month, to February 21, 2012.**

(01/17/12 - 17 - 3:49 p.m.)

DISTRICT 2

7. PUBLIC HEARING - PUD 2005-39, TURNBULL. THIS IS A REQUEST TO REZONE 430 ACRES FROM OPEN RURAL (OR) TO PLANNED UNIT DEVELOPMENT (PUD) FOR THE DEVELOPMENT OF 590 RESIDENTIAL UNITS AND 112,000 SQUARE FEET OF COMMERCIAL. THE SUBJECT PROPERTY IS LOCATED ON THE WEST SIDE OF SR 16, APPROXIMATELY TWO MILES NORTHWEST OF I-95. BASED ON THE INFORMATION AVAILABLE TO STAFF, THE CURRENT PLANNING & ZONING SECTION FINDS THE REQUEST TO REZONE TO PUD, SUBSTANTIALLY, MEETS THE REQUIREMENTS OF THE COMPREHENSIVE PLAN AND THE LAND DEVELOPMENT CODE. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS ITEM AT ITS NOVEMBER 17TH MEETING, BY A VOTE OF 4 TO 3. THE RECOMMENDATION INCLUDED A CONDITION TO REVISE THE PHASING

LANGUAGE TO ADDRESS TIMING OF COMMERCIAL CONSTRUCTION AND
ADD SCHOOL CONCURRENCY LANGUAGE

Proof of publication of the notice of public hearing on PUD 2005-39, Turnbull PUD was received, having been published in *The St. Augustine Record* on November 2, 2011.

Miner disclosed ex-parte communication with the applicant. Sanchez, Bryan and Morris disclosed ex-parte communication with the applicant and Karen Taylor. Stevenson disclosed ex-parte communication with the applicant and Karen Taylor regarding the basic process and the history.

(3:50 p.m.) Michael Blackford, Planning and Zoning Manager, gave the presentation and distributed information for and against the rezoning, *Exhibit A*. Stevenson questioned the needs analysis. Bryan commented on the school concurrency.

(4:05 p.m.) Jesse Dunn, Office of Management & Budget, reviewed the Fiscal Impact Analysis, *Exhibit B*. Discussion followed regarding the analysis.

(4:12 p.m.) Karen Taylor, 77 Saragossa Street, reviewed the proposed PUD, and addressed the economic analysis. Stevenson asked if there was a market analysis to support the need for more housing, with Taylor responding.

(4:37 p.m.) Mike Herzberg, Director of Development, Sleiman, said a national home builder, who bought lots in surrounding subdivisions, had found the area to be a viable market.

(4:38 p.m.) Susanne Murphy, 150 Mariner Road, stated that she sold real estate, that sales were up, and there was a need for more housing.

(4:39 p.m.) Morris said there was a lot of inventory in St. Johns County; whether it was foreclosed homes, existing homes, or lots for sale. He said that he would not vote for this item.

(4:42 p.m.) Miner stated there was a need for assisted living. He said that he supported this item.

(4:44 p.m.) Stevenson said without a market analysis to show a need for housing, she could not support this item. Bryan stated that he did not see the need for additional housing.

(4:46 p.m.) Motion by Bryan, seconded by Morris, carried 4/1, with Miner descending, to deny rezoning application PUD 2005-39, adopting findings of fact 1-11 to support the motion.

(01/17/12 - 18 - 4:47 p.m.)

8. CONSIDER FISCAL YEAR 2012 BUDGET APPROPRIATIONS RELATED TO THE PURCHASE OF TOWERS AND 800 MHZ RADIO SYSTEM TO FULLY APPROPRIATE THE CONTRACT BETWEEN ST. JOHNS COUNTY AND MOTOROLA SOLUTIONS, INC.

Doug Timms, Office of Management and Budget, gave a brief history on the item. Stevenson asked how many years of revenue did the communication surcharge fund represent. Timms replied it was over five years. Stevenson asked where it left the general fund reserve balance. Timms responded that it would be \$24,000,000 plus, which left very adequate funds. Bryan asked once the system was up and running, what kind of revenues they could anticipate in order to help repay some of those dollars. Wanchick responded that their consultant estimated about \$1,000,000 a year. He said that they would continue to pursue more money from JEA.

(4:56 p.m.) **Motion by Bryan, seconded by Sanchez, carried 5/0, to approve the transfer of \$9,167,200 from General Fund Reserves/Capital Outlay Reserves to fully appropriate the contract between St. Johns County and Motorola Solutions, Inc., and**

Motion to adopt Resolution No. 2012-23, recognizing JEA monies in the amount of \$12,176,152, of which \$11,300,000 will be utilized for funding the towers and 800 MHz radio system.

RESOLUTION NO. 2012-23

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AMENDING THE FISCAL YEAR 2012 GENERAL FUND TO RECEIVE JEA MONIES, AND TO APPROPRIATE WITHIN THE FY 2012 BUDGET

(01/17/12 - 19 - 4:57 p.m.)

8a. **CONSIDER AN APPOINTMENT TO THE NORTH FLORIDA TPO CITIZEN ADVISORY COMMITTEE**

Miner said there was one application for the at-large seat, from Dan Butcher who lived in District 1.

(4:58 p.m.) **Motion by Miner, seconded by Morris, carried 5/0, to appoint Dan Butcher to the North Florida TPO's Citizen Advisory Council as an at-large St. Johns County representative.**

(01/17/12 - 19 - 5:53 p.m.)

8b. **RESOLUTION REGARDING PLACING A REFERENDUM ON THE BALLOT REGARDING SLOT MACHINE GAMING**

George McClure, 81 King Street, representing St. Johns Greyhound Park, requested the condition to pass a resolution authorizing a referendum of all the qualified voters of St. Johns County, to be conducted at the regularly scheduled general election on November 6, 2012. He said there was a statute, that passed recently, that dealt with the authorization of slot machines in various facilities of the state. He said that they didn't expect the Board of County Commissioners to take any position with respect to this, but only ask that they trust the voters to make a decision about whether or not they feel that it was an appropriate thing for St. Johns County. He mentioned that it represented a positive economic benefit not only to the County, but to the general revenue of the Board of County Commissioners. Discussion followed.

(6:04 p.m.) Howard Corman, President of Jacksonville Greyhound Racing in St. Johns County, said that they were not planning on going to anybody with this opportunity, other than St. Johns County, at the present time.

(6:05 p.m.) Stevenson asked if it would be for slot machines only. McClure replied yes, slot machines only. He said they were adding the additional whereas clause to make it clear that it applied to a single facility only. Discussion followed by the commissioners.

(6:13 p.m.) **Motion by Miner, seconded by Bryan, to adopt Resolution No. 2012-25, providing for a countywide referendum to be placed on the ballot at the general election on November 6, 2012, for the purpose of determining whether slot machine gaming shall be authorized at licensed pari-mutuel facilities located within St. Johns County; providing for title; providing for referendum and ballot language; and providing for certified copy to the Supervisor of Elections.** McCormack read into the record an additional whereas clause that was requested, which would be the second whereas clause; *Whereas, the St. Johns Greyhound Park, located at 6233 Racetrack Road, St.*

Johns, Florida, 32259, annually conducts a full schedule of live racing pursuant to Sections 550.002(11) and 550.475, Florida Statutes; and. **Miner amended the motion to include the language to the whereas clause as read into the record by the county attorney, the seconded accepted. The motion carried 4/1 with Sanchez dissenting.**

RESOLUTION NO. 2012-25

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, PROVIDING FOR A COUNTYWIDE REFERENDUM TO BE PLACED ON THE BALLOT AT THE GENERAL ELECTION ON NOVEMBER 6, 2012, FOR THE PURPOSE OF DETERMINING WHETHER SLOT MACHINE GAMING SHALL BE AUTHORIZED AT LICENSED PARI-MUTUEL FACILITIES LOCATED WITHIN ST. JOHNS COUNTY; PROVIDING FOR TITLE; PROVIDING FOR REFERENDUM AND BALLOT LANGUAGE; AND PROVIDING FOR CERTIFIED COPY TO THE SUPERVISOR OF ELECTIONS; PROVIDING FOR SEVERABILITY

The meeting moved to Commissioner's Reports.

(01/17/12 - 20 - 4:58 p.m.)

8c. EPA URBAN WATERS GRANT PROPOSAL - WEST AUGUSTINE

Bryan stated that the County had an opportunity to submit a proposal to the United States Environmental Protection Agency (EPA) under the Urban Waters Grant program. He said if the proposal was accepted by the EPA, the County would be invited to submit an application for up to \$60,000. The purpose of the grant related to educating the public about clean water and sewer in the West Augustine area, displaying pictures, *Exhibit A*.

(5:02 p.m.) Miner opened the 5:01 p.m. hearing, recessed that hearing, and returned to the regular agenda.

(5:02 p.m.) BJ Kalaidi, 8 Newcomb Street, spoke on residents not being able to afford sewer and water hookups. She said paying Black and Veatch \$60,000 for more education was a waste of Federal tax dollars. She mentioned changing the free proposal by Black and Veatch to use the \$60,000 as the beginning funds to pay for sewer and water hookups in West Augustine for 80 property owners. Bryan said it was 84 property owners and the dollars could only be used for the purposes they were discussing. He mentioned the low interest repayment plan the City had in place. Stevenson spoke on public health issues. Bryan mentioned that the legislature passed a mandatory septic tank inspection law last session. He said there was a moratorium on that particular law, because there were several legislatures who were trying to appeal it. Sanchez spoke about inspections and going to a new system. Bryan spoke on a new statute. McCormack said the Board had asked him and staff to come back in January with some options pertaining to paying for some of the connection fees. He said they were looking at those options; potentially, a deferred loan assistance program.

(5:16 p.m.) **Motion by Bryan, seconded by Sanchez, carried 5/0, to approve Resolution No. 2012-24, authorizing submission of a proposal and application to EPA for their Urban Waters Grant program.**

RESOLUTION NO. 2012-24

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING SUBMITTAL OF A PROPOSAL AND APPLICATION TO THE U.S. ENVIRONMENTAL PROTECTION AGENCY FOR AN URBAN WATERS GRANT ON BEHALF OF ST. JOHNS FOR COMMUNITY EDUCATION RELATED TO ANTICIPATED SEWER EXPANSION AND THE REMOVAL OF FAILING SEPTIC SYSTEMS IN THE WEST AUGUSTINE CRA

(01/17/12 - 21 - 5:16 p.m.)

9. PUBLIC HEARING - LAND DEVELOPMENT CODE AMENDMENTS FOR ARTICLE II, IV, VI AND XII. THIS IS THE FINAL PUBLIC HEARING TO CONSIDER MODIFICATIONS TO ARTICLES II, IV, VI AND XII OF THE LAND DEVELOPMENT CODE. THE PURPOSE OF THE CHANGES ARE TO ALIGN THE LAND DEVELOPMENT CODE WITH CURRENT FLORIDA STATUTES AND THE ST. JOHNS COUNTY 2025 COMPREHENSIVE PLAN, TO PROVIDE A PRACTICAL AND CONCISE APPROACH FOR LANDSCAPING REGULATIONS, TO PROVIDE COMPOSTING AND YARD WASTE STANDARDS, TO PROVIDE FOR OUTDOOR LIGHTING STANDARDS FOR NON-RESIDENTIAL PARCELS AND TO ADD/DELETE WORD DEFINITIONS FOR CLARIFICATION

Proof of publication of the notice of public hearing on Land Development Code Amendments for Article II, IV, VI, and XII was received, having been published in *The St. Augustine Record* on January 5, 2012.

Jan Brewer, Environmental Division Director, gave a presentation, *Exhibit A*, and on-line petitions were turned in, *Exhibit B*. She addressed the tree inch requirement, canopy trees, lighting standards, clarifying the definition of native tree, and was recommending adoption of the proposed amendments. Brewer said that she met with Diane Battle to discuss several of the changes and said that staff was still recommending the 40 inches per acre tree requirement. Stevenson asked if any other counties had gone ahead with the Cottage Industry's changes. Brewer responded that she was not sure if any of the surrounding counties had addressed the Cottage Industry changes. Stevenson spoke on inspecting kitchens.

(5:24 p.m.) Bill Hamilton, 1690 A1A South, said that he had been a landscape contractor for more than 30 years in St. Johns County. He commented on tree planting requirements. He said that St. Augustine was famous for one of its streets, Magnolia Street, and National Geographic declared it one of the most beautiful streets in the United States. He mentioned requiring developers to plant trees. Bryan asked if there should be some guidance as to the type of tree that should be planted. Hamilton said that native trees do the best.

(5:31 p.m.) Mike Herzberg, 1 Sleiman Parkway, Jacksonville, said that this was not a reduction, but a reallocation of the standards, allowing greater flexibility in site design, which was extremely helpful in those environments.

(5:32 p.m.) Chuck Lippi, 243 Shamrock Road, said he worked as a consulting arborist and the proposed changes in the ordinance were beneficial.

(5:33 p.m.) Jordan Whitmire, 676 Sun Down Circle, said he had been a landscaper for 13 years, and there were not too many trees on the properties; it had to do with the placement of the trees. He said to be careful in not reducing the quality of life.

(5:36 p.m.) Dianne Battle, 631 Sweetwater Branch Lane, concurred that the majority of the changes were good and beneficial. She said she was not happy with the 40 inches per acre tree requirement, *Exhibit C*.

(5:39 p.m.) Ellen Swain, 716 Willow Wood Place, mentioned petitions regarding the 40 inches per acre tree requirement change. Morris asked, if a 60 inches per acre tree requirement would be a compromise. Swain said it depended on the trees.

(5:41 p.m.) George McClure, 81 King Street, representing members of the Northeast Florida Builders Association, said they supported the conclusion of the packet. He said to trust the residents to decide what they would like to plant.

(5:45 p.m.) Discussion followed on the planting of trees, the 80 inches per acre tree requirement issue, and St. Johns County's standards remaining high compared to other counties.

(5:51 p.m.) Brewer reviewed the language changes; the change that would be required for the protected tree area, to change the grade would require approval by the county administrator, native tree definition, protective tree definition and adding back in the native Southern Red Cedar with a 2 inch requirement.

(5:52 p.m.) **Motion by Sanchez, seconded by Miner, carried 5/0, to enact Ordinance No. 2012-2, amending Articles II, IV, VI, and XII of the Land Development Code, as amended.**

ORDINANCE NO. 2012-2

AN ORDINANCE OF ST. JOHNS COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, AMENDING AND RESTATING ARTICLE II, ARTICLE IV, ARTICLE VI, AND ARTICLE XII OF THE ST. JOHNS COUNTY LAND DEVELOPMENT CODE AS PREVIOUSLY AMENDED; THIS ORDINANCE MAKES CHANGES INCLUDING AND RELATING TO: ARTICLE II, SPECIFICALLY SUBSECTION 2.02.01.J LIGHT INDUSTRIAL USES, TABLE 2.03.01 TABLE OF SPECIAL USES IN ZONING DISTRICTS; SUBSECTION 2.03.07.H HOME OCCUPATION; SECTION 2.03.49 COMPOSTING AND OTHER YARD WASTE FACILITIES; ARTICLE IV, SPECIFICALLY SECTION 4.01.05 TREES AND OTHER VEGETATION; SECTION 4.01.07 ENVIRONMENTALLY SENSITIVE AREAS SIGNIFICANT NATURAL COMMUNITIES HABITAT; SECTION 4.01.15 PROCEDURES; ARTICLE VI, SPECIFICALLY SECTION 6.06.02 GENERAL STANDARDS AND GUIDELINES; SECTION 6.06.09 LIGHTING STANDARDS; TABLE 6.17 OFF STREET PARKING REQUIREMENTS; AND ARTICLE XII, SPECIFICALLY PART 12.01.00 DEFINITIONS; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE

The meeting recessed at 5:53 p.m. and reconvened at 5:59 p.m.

The meeting moved to Item 8b.

(01/17/12 - 22 - 6:16 p.m.)
COMMISSIONERS' REPORTS

Commissioner Sanchez:

Sanchez said that EPIC Community Services had served 11,020 people in St. Johns County in the years 2010-2011.

Sanchez mentioned the St. Augustine Community School of Performing Arts' fundraiser tonight at Sonny's Restaurant on U.S. 1 South.

Sanchez mentioned entering a letter he received from Tommy Harrison into the public record regarding situations that existed on the forgotten Westside of town, particularly South Woodlawn Street and King Street. *There was a consensus of the Board to enter the letter into the record.*

(6:17 p.m.) Commissioner Bryan:

Bryan mentioned the great opening of the Publix Store last weekend in Vilano Beach.

(6:17 p.m.) Commissioner Stevenson:

Stevenson said that she had a fantastic opportunity on Friday, January 13, 2012, to hear Lt. Governor Jennifer Carroll speak on economic development in Florida, and her efforts on behalf of Florida, and the space related industry.

Stevenson stated that she attended the annual meeting of the Southeast Branch Library, and mentioned that the Friends' volunteers had contributed 3,068 volunteer hours.

Stevenson said that Mr. Woods had instituted a recycling program in a multi-family residential facility.

(6:21 p.m.) Commissioner Morris:

No report.

(6:21 p.m.) Commissioner Miner:

Miner thanked everyone who participated and stayed at today's long meeting.

(01/17/12 - 23 - 6:21 p.m.)
COUNTY ADMINISTRATOR'S REPORT

Wanchick thanked Dan Hersey, GIS, and Lenora Newsome, Clerk, for "hanging in there" during the long meeting. They were unsung heroes.

(01/17/12 - 23 - 6:21 p.m.)
COUNTY ATTORNEY'S REPORT

McCormack asked for consensus to move forward on a pending zoning ordinance pertaining to adult entertainment. *There was Board consensus to do so.*

McCormack said that Agenda Item 1a was missing the second page of the resolution. He asked the Board to amend Item 1a to include that second page. (6:23 p.m.) **Motion by Sanchez, seconded by Miner, carried 5/0, to amend Item 1a to include the second page of the resolution.**

McCormack asked for Board authority to begin an ordinance pertaining to street solicitation. *There was consensus of the Board to authorize McCormack to begin the ordinance.*

No report.

Wanchick also thanked Carrie Horn, GTV staff, the Sheriff's Office, and Melissa Lundquist, BCC Manager, for being at the long meeting.

With there being no further business to come before the Board, the meeting adjourned at 6:24 p.m.

REPORTS:

1. St. Johns County Board of County Commissioners Check Register, Check No. 477987, totaling \$8,726.25 (12/16/11)
2. St. Johns County Board of County Commissioners Check Register, Check No. 477988, totaling \$500 (12/16/11)
3. St. Johns County Board of County Commissioners Check Register, Check Nos. 477989-478188, totaling \$2,412,127.41 (12/20/11)
4. St. Johns County Board of County Commissioners Voucher Register, Voucher Nos. 7948-8004, totaling \$469,188.44 (12/20/11)
5. St. Johns County Board of County Commissioners Check Register, Check No. 478189, totaling \$62,500 (12/20/11)
6. St. Johns County Board of County Commissioners Check Register, Check Nos. 478190-478191, totaling \$51,930 (12/20/11)
7. St. Johns County Board of County Commissioners Check Register, Check Nos. 478192-478206, totaling \$10,403.81 (12/21/11)
8. St. Johns County Board of County Commissioners Voucher Register, Voucher Nos. 8005-8016, totaling \$12,531.13 (12/21/11)
9. St. Johns County Board of County Commissioners Check Register, Check Nos. 478207-478216, totaling \$149,544.14 (12/21/11)
10. St. Johns County Board of County Commissioners Check Register, Check Nos. 478217-478410, totaling \$1,217,992.05 (12/27/11)
11. St. Johns County Board of County Commissioners Voucher Register, Voucher Nos. 8017-8067, totaling \$638,959.50 (12/27/11)
12. St. Johns County Board of County Commissioners Check Register, Check Nos. 478411-478469, totaling \$30,506.70 (12/28/11)
13. St. Johns County Board of County Commissioners Voucher Register, Voucher Nos. 8068-8125, totaling \$32,596 (12/28/11)
14. St. Johns County Board of County Commissioners Check Register, Check Nos. 478470-478489, totaling \$39,964.59 (12/29/11)
15. St. Johns County Board of County Commissioners Check Register, Check Nos. 478490-478589, totaling \$652,799.88 (01/03/12)
16. St. Johns County Board of County Commissioners Voucher Register, Voucher Nos. 8126-8148, totaling \$79,146.86 (01/03/12)
17. St. Johns County Board of County Commissioners Check Register, Check Nos. 478590-478609, totaling \$40,079 (01/04/12)
18. St. Johns County Board of County Commissioners Voucher Register, Voucher Nos. 8149-8160, totaling \$17,426.11 (01/04/12)
19. St. Johns County Board of County Commissioners Check Register, Check Nos. 478610-478614, totaling \$151,599.19 (01/09/12)
20. St. Johns County Board of County Commissioners Check Register, Check Nos. 478615-478817, totaling \$698,418.45 (01/10/12)
21. St. Johns County Board of County Commissioners Voucher Register, Voucher Nos. 8161-8214, totaling \$847,888.50 (01/10/12)

CORRESPONDENCE:

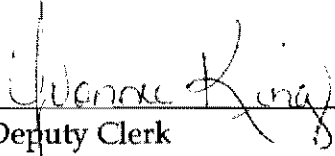
1. Letter dated December 21, 2011, to Liz Cloud, Program Administrator, Department of State, filing St. Johns County Ordinance Nos. 2011-45 and 2011-46.

Approved February 21, 2012

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: 
Mark P. Miner, Chair

ATTEST: CHERYL STRICKLAND, CLERK

By: 
Deputy Clerk

