

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
MARCH 6, 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

(03/06/12 - 1 - 9:00 a.m.)
CALL TO ORDER

Miner called the meeting to order.

(03/06/12 - 1 - 9:00 a.m.)
ROLL CALL

The clerk called the roll and all members were present.

(03/06/12 - 1 - 9:00 a.m.)
INVOCATION

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

(03/06/12 - 1 - 9:02 a.m.)
PLEDGE OF ALLEGIANCE

Stevenson led the Pledge of Allegiance.

(03/06/12 - 1 - 9:02 a.m.)
PROCLAMATION RECOGNIZING THE 100TH ANNIVERSARY OF GIRL SCOUTS
AND DESIGNATING MARCH 11-17, 2012, AS GIRL SCOUT WEEK

Nicole King, Membership Specialist, Girl Scouts of Gateway Council, accepted the proclamation and introduced Rachael and Leslie Banta as Girl Scout and Girl Scout Leader from Junior Troop 1293.

(03/06/12 - 1 - 9:08 p.m.)
PROCLAMATION DESIGNATING MARCH 13, 2012, AS INTERNATIONAL
WOMEN'S DAY

Marilyn Wiles, EWLI (Enterprising Women's Leadership Institute) Organization Founder and Chair, spoke on women leaders in the world. She introduced the Board of

Directors: Chris Man, President; Kathy Greska, and Jeanne Moeller, who was chairing this year's International Women's Day Celebration event on March 13, 2012. She introduced the five recognized women leaders selected by their Board; Sue Agresta, Founder of Lift-Up Lincolnville Revitalization Corporation, Social Entrepreneurship; Debra Rhodes-Gibson, Director of St. Johns County Public Library System, Literacy Advocacy; Diane Mills, St. Johns County Resident, Civic and Local Government Activist; Karen Selig, Founder of Psychological Services of St. Augustine, Women's Advocacy; and Terry Skulavik, St. Johns County Emergency Services and Homeless Coalition, Family Support. She accepted the proclamation and thanked everyone.

(03/06/12 - 2 - 9:15 a.m.)

APPROVAL OF PROCLAMATIONS

Motion by Sanchez, seconded by Bryan, carried 5/0, to approve the proclamations.

(03/06/12 - 2 - 9:15 a.m.)

DELETIONS TO CONSENT AGENDA

Wanchick requested to pull Consent Items 8, 20, and 21, to be rescheduled for the next meeting on March 20, 2012.

(03/06/12 - 2 - 9:15 a.m.)

APPROVAL OF CONSENT AGENDA

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

1. Approval of the Cash Requirement Report
2. Minutes: None
3. Motion to adopt **Resolution No. 2012-64**, accepting a Bill of Sale and Schedule of Values for all personal property associated with the water and sewer system, located in Cascades at World Golf Village subdivision

RESOLUTION NO. 2012-64

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING A BILL OF SALE AND SCHEDULE OF VALUES CONVEYING ALL PERSONAL PROPERTY ASSOCIATED WITH THE WATER AND SEWER SYSTEM, LOCATED IN CASCADES AT WORLD GOLF VILLAGE SUBDIVISION

4. Motion to adopt **Resolution No. 2012-65**, accepting a Bill of Sale and Schedule of Values conveying all personal property associated with the force main installed on North Roscoe Boulevard

RESOLUTION NO. 2012-65

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 FORCE MAIN SERVING A RESIDENCE ON NORTH ROSCOE BOULEVARD

5. Motion to adopt **Resolution No. 2012-66**, accepting an Easement for Utilities for water and sewer service to serve Island Hammock subdivision, located off A1A South

RESOLUTION NO. 2012-66

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 ISLAND HAMMOCK SUBDIVISION, LOCATED OFF A1A SOUTH

6. Motion to adopt **Resolution No. 2012-67**, approving the terms of, and authorizing the county administrator, or designee, to execute, the 1st Amendment to Lease Agreement between St. Johns County and Tenant for a mobile home located on Palmo Fish Camp Road, on behalf of the County

RESOLUTION NO. 2012-67

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 THE 1ST AMENDMENT TO THE LEASE AGREEMENT BETWEEN ST. JOHNS COUNTY AND THE TENANT FOR A MOBILE HOME LOCATED ON PALMO FISH CAMP ROAD, ON BEHALF OF THE COUNTY

7. Motion to adopt **Resolution No. 2012-68**, authorizing the Chair of the Board, on behalf of the County, to enter into, and execute, the updated "Interlocal Agreement for Creation of the Metropolitan Planning Organization"

RESOLUTION NO. 2012-68

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE CHAIR OF THE BOARD, ON BEHALF OF THE COUNTY, TO ENTER INTO, AND EXECUTE, AN INTERLOCAL AGREEMENT FOR CREATION OF THE METROPOLITAN PLANNING ORGANIZATION AS THE NORTH FLORIDA TRANSPORTATION PLANNING ORGANIZATION

This item was pulled from the Consent Agenda. (See page 2.)

8. Motion to adopt a resolution approving the final plat for Davis Park Road
9. Motion to approve converting the vacant Management Information Services position of Programmer II pay grade 121, step 1, to a Systems Support Tech pay grade 122, step 1
10. Motion to adopt **Resolution No. 2012-69**, authorizing the county administrator, or his designee, to purchase four small cutaway low floor type vehicles (buses) for St. Johns County Council on Aging, from FDOT Public Transit Office Transit

Research Inspection Procurement Services Contract #TRIPS-10-SCLF-FCCS, from First Class Coach Sales Corp. in the amount of \$527,780

RESOLUTION NO. 2012-69

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO PURCHASE FOUR SMALL CUTAWAY LOW FLOOR TYPE VEHICLES (BUSES) FOR ST. JOHNS COUNTY COUNCIL ON AGING

11. Motion to adopt **Resolution No. 2012-70**, to authorize the county administrator, or his designee, to award Bid No. 12-38, Purchase of Complete Traffic Signs to Rocal, Inc., and enter into a contract for one year, with three available one-year extensions. This bid is for the purchase of complete traffic signs (sheeting affixed to sign blanks and faces affixed to sign blanks)

RESOLUTION NO. 2012-70

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO AWARD BID NO. 12-38, AND TO EXECUTE AN AGREEMENT FOR THE PURCHASE OF COMPLETE TRAFFIC SIGNS

12. Motion to adopt **Resolution No. 2012-71**, to authorize the county administrator, or designee, to begin negotiations for RFP 12-05, Employee Assistance Program with the number 1 ranked firm, MHN, and, if negotiations are successful, to enter into a contract for employee assistance program services. If an agreement cannot be reached with the number one ranked firm, authorization is requested to terminate negotiations with the number one ranked firm and begin negotiations with the number two ranked firm and continue until an agreement is reached; and motion to approve the transfer of \$22,000 from the Health Insurance Fund Reserves (5500-59920) to the Health Insurance Fund Contractual Services, to fund this Employee Assistance Program contract

RESOLUTION NO. 2012-71

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO AWARD REP NO. 12-05, AND TO EXECUTE AN AGREEMENT FOR EMPLOYEE ASSISTANCE PROGRAM

13. Motion to authorize the county administrator, or his designee, to standardize the purchase and installation of the Apollo Access Control Systems in St. Johns County Facilities
14. Motion to approve the transfer of \$14,613 from the Sheriff's Office Complex Improvements Department [3349] to the Work Release Improvements Department [3352]
15. Motion to adopt **Resolution No. 2012-72**, recognizing unanticipated revenue in the amount of \$9,000, increasing the revenue budget for Beach Fund Pool Fees,

and appropriating \$5,268 to the Life Saving Corp Salaries & Benefits, and \$3,732 to Life Saving Corp Operating Supplies

RESOLUTION NO. 2012-72

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

16. Motion to approve the transfer of \$54,985 from General Fund Reserves to the Interoperable Radio System for public safety equipment P25 system upgrades related to the implementation of the County's Interoperable Radio System
17. Motion to adopt **Resolution No. 2012-73**, authorizing the county administrator or his designee, to approve the terms and conditions, and execute the second amendment to the Guaranteed Energy Performance Savings Contract with Trane U.S., Inc. This second amendment to the Contract modifies "Schedule A" [Scope of Work/Installation of Equipment], specifically two modifications to the project scope that do not have a financial impact to the overall contract

RESOLUTION NO. 2012-73

A RESOLUTION BY 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 SECOND AMENDMENT TO THE GUARANTEED ENERGY PERFORMANCE SAVINGS CONTRACT WITH TRANE U.S., INC.

18. Motion to approve the transfer of \$25,000 from Building Services Fund Reserves to cover the Building Services' portion of Merchant Service Charges (Credit Card Processing Fees) for FY12
19. Motion to approve the re-appropriation of two staff positions (Hydrant Valve Tech III & Pretreatment Technician) and associated FY 2012 approved budget within the Utility Services Fund

This item was pulled from the Consent Agenda. (See page 2.)

20. Motion to adopt a resolution authorizing the county administrator, or his designee, to execute a maintenance agreement with the Rivers Edge Community Development District, in which the District agrees to operate, maintain and/or repair improvements of the CDD's or St. Joe's creation, including a roundabout within the Department of Transportation's SR 13 right-of-way for which the County has been asked to sign a pass-through maintenance agreement with the Department

This item was pulled from the Consent Agenda. (See page 2.)

21. Motion to adopt a resolution authorizing the county administrator, or his designee, to execute a maintenance agreement with the State of Florida Department of Transportation, in which the County agrees to operate, maintain and/or repair improvements, including a roundabout within the Department of Transportation's SR 13 right-of-way, with the knowledge that the County has

also approved a pass-through maintenance agreement with the Rivers Edge CDD, requiring the CDD to be fully responsible for the operation, maintenance, and repair of these improvements

22. Motion to adopt **Resolution No. 2012-74**, approving the county administrator, or his designee, to execute Federal Transit Administration (FTA) Grant FL-04-0143, and to recognize and appropriate \$527,780 in revenues and expenditures within the Transit Fund for FY 2012

RESOLUTION NO. 2012-74

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, TO EXECUTE FEDERAL TRANSIT ADMINISTRATION GRANT FL-04-0143 AND TO RECOGNIZE UNANTICIPATED REVENUES OF \$527,780 FROM THIS GRANT, AND TO ADJUST THE TRANSIT REVENUE AND EXPENDITURE BUDGET IN RECOGNITION OF THESE FUNDS

23. Motion to adopt **Resolution No. 2012-75**, authorizing the county administrator, or designee, to submit an application seeking funding assistance through the Florida Department of Environmental Protection Office of Greenways and Trails Recreational Trails Program, for enhancement of the Nocatee Preserve trails

RESOLUTION NO. 2012-75

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 FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION OFFICE OF GREENWAYS AND TRAILS, RECREATIONAL TRAIL PROGRAM, TO IMPROVE EXISTING TRAILS IN NOCATEE PRESERVE

24. Motion to adopt **Resolution No. 2012-76**, approving the terms and conditions of a Park Conveyance Agreement in connection with the Nocatee DRI, and authorizing the county administrator to execute the agreement on behalf of the County

RESOLUTION NO. 2012-76

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND CONDITIONS OF A PARK CONVEYANCE AGREEMENT IN CONNECTION WITH THE NOCATEE DRI, AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE COUNTY

25. Proofs:
 - a. Proof: Notice to Bidders, Bid #12-32, published December 6, 2011, and December 13, 2011, in *The St. Augustine Record*

- b. Proof: Notice to Bidders, Bid #12-43, published February 7, 2012, and February 14, 2012, in *The St. Augustine Record*
- c. Proof: Notice to Bidders, Bid #12-45, published February 14, 2012, and February 21, 2012, in *The St. Augustine Record*
- d. Proof: Notice of St. Johns County Commissioners Tour/Lunch on February 28, 2012, published February 22, 2012, in *The St. Augustine Record*

(9:15 a.m.) Mrs. Chelsi Henry, 921 North Davis Street, Office of Chief Financial Officer Jeff Water, said that if there was anything she could do for St. Johns County, she and the CFO would be happy to be of assistance.

(03/06/12 - 7 - 9:16 a.m.)
PUBLIC COMMENT

Vivian Browning, 115 Vilano Road, spoke on the protocol for public comments during agenda items. She spoke about comments that were made after she had left a meeting. Miner said that the Board didn't typically interrupt public comments. He mentioned the comments he made at the conclusion of the item. Discussion followed regarding comments.

(9:23 a.m.) Andy Witt, 44 Magnolia Dunes Circle, spoke on the art show that opened in the lobby this morning. He mentioned that he was charged with revising the Arts, Culture and Heritage Grant Guidelines for the Tourist Development Council. He said that he had a recommendation that required the Board's approval; that two outside arts professionals be appointed to the review panel. Stevenson said she appreciated the art display in the lobby.

(9:27 a.m.) Phyllis Abbatiello, 1133 River Birch Road, asked that the Worthington project be reheard.

(9:29 a.m.) Al Abbatiello, 1133 River Birch Road, asked that the Worthington project be reheard.

(9:30 a.m.) Fred Hall, 1609 Rebecca Court, requested that the Worthington project be reheard.

(03/06/12 - 7 - 9:31 a.m.)
ADDITIONS/DELETIONS TO REGULAR AGENDA

There were none.

(03/06/12 - 7 - 9:31 a.m.)
APPROVAL OF REGULAR AGENDA

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

(03/06/12 - 7 - 9:31 a.m.)

1. FISCAL YEAR 2013 BOARD OF COUNTY COMMISSION BUDGET WORKSHOP

Doug Timms, Director of the Office of Management and Budget, gave a presentation, *Exhibit A*. He reviewed the County's budget process, recommended FY 2013 millage rates, and FY 2013 budget guidelines. Bryan thanked Timms and his staff for their work on the budget. He spoke about quality of life issues. Morris echoed Bryan, and said that Timms and his staff did a good job cutting the budget. He recommended that the public come to the budget meetings. Stevenson said she appreciated the report and

stated that the County was not out of the woods yet. She said that she would like to see the County continue including maintenance of local roads and services. She asked about the requirements that caused the timing of the hearing and millage rate setting to be so close together. Timms responded that it was the matter of the calendar and the way things fell. Stevenson commended Administration and staff for the hard work that had brought the County forward orderly. Wanchick said given the circumstances that were playing out nationally and within the State, the County was in a remarkably fine financial position. He said while they would still see revenues decline, they would offset it by revenue reserves that had been built up, which would give the County stability through 2017. Wanchick spoke on sales tax, and stated they would not need that revenue at this time, but would need it in the next few years. Sanchez stated that Management and Budget did not spend money, they just put reports together for the Board. Stevenson spoke on the sales tax, she said sales tax revenue could be used for capital improvement items. Miner mentioned the items that were eliminated from the budget.

(03/06/12 - 8 - 10:05 a.m.)

DISTRICT 2

2. PUBLIC HEARING - MAJMOD 2011-12, MORGAN'S COVE PUD. THIS IS A REQUEST TO REDUCE SINGLE FAMILY UNITS FROM 283 TO 266, AND ADD A 200 BED SPECIAL CARE HOUSING FACILITY. THE SUBJECT PROPERTY IS LOCATED ON THE NORTH SIDE OF CR 214, WITHIN RESIDENTIAL-B LAND USE. BASED ON THE INFORMATION AVAILABLE TO STAFF, THE CURRENT PLANNING & ZONING SECTION FINDS THE REQUEST FOR A MAJOR MODIFICATION SUBSTANTIALLY MEETS THE REQUIREMENTS OF THE COMPREHENSIVE PLAN AND THE LAND DEVELOPMENT CODE. THIS FINDING IS BASED UPON THE FOLLOWING INFORMATION: THE APPLICATION MATERIALS AS SUBMITTED BY THE APPLICANT, SIMILAR USES WITHIN THE SURROUNDING AREA, AND OTHER RELEVANT INFORMATION AVAILABLE TO STAFF. THIS FINDING MAY BE SUBJECT TO OTHER COMPETENT SUBSTANTIAL EVIDENCE RECEIVED, INCLUDING THAT MATERIAL RECEIVED AT THE QUASI-JUDICIAL PUBLIC HEARING. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS ITEM AT THEIR FEBRUARY 16TH MEETING BY A VOTE OF 6 TO 0

Proof of publication of the notice of public hearing on MAJMOD 2011-12, Morgan's Cove, was received, having been published in *The St. Augustine Record* on February 1, 2012.

Miner, Sanchez, Morris, Stevenson, and Bryan disclosed ex parte communication with Doug Burnett, applicant's counsel.

Michael Blackford, Planning and Zoning Manager, gave a presentation, *Exhibit A*. He stated the request was to add in a use; a 200 bed special care housing facility. He said there were a couple of specific requirements; 1) minimum 50 foot building setback, and 2) that every two-and-half beds equates to one residential unit. As a result, they reduced their single family unit total from 283 to 266 units. With that they reduced the minimum lot size to 5,600 square feet and lot width to 50 square feet. He spoke about the entrance road and buffering. Bryan asked for a brief description of special care housing, with Blackford responding.

(10:10 a.m.) Doug Burnett, 509 Anastasia Blvd., said it was an involved project and gave a brief history of the PUD, *Exhibit B*. He reviewed the estimated economic impact. Bryan asked how many jobs would be created. Stevenson asked about the density and wetlands. She also asked where the job generation numbers came from. Burnett said the density bonus was already part of the original residential PUD. Bryan spoke about

the workforce. Stevenson questioned staff regarding the density bonus. Blackford explained the density preservation bonus, which involved density credits. Discussion ensued between Stevenson and Blackford in regards to wetlands and mitigation of wetlands. Sanchez joined the discussion regarding wetlands and mitigation credits, as well as the Land Development Code.

(10:25 a.m.) **Motion by Sanchez, seconded by Morris, carried 5/0, to enact Ordinance No. 2012-6, known as MAJMOD 2011-12, adopting findings of fact 1-6 to support the motion.**

ORDINANCE NO. 2012-6

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, APPROVING A MAJOR MODIFICATION TO THE MORGAN'S COVE PLANNED UNIT DEVELOPMENT, ORDINANCE NUMBER 2006-92, AS AMENDED, MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING FOR AN EFFECTIVE DATE

The meeting recessed at 10:26 a.m. and reconvened at 10:41 a.m.

(03/06/12 - 9 - 10:41 a.m.)

DISTRICT 4

3. PUBLIC HEARING - NOPC 2011-03, NOCATEE. THIS NOPC PROPOSES TO 1) REVISE TRANSPORTATION CONDITIONS AS RELATED TO PROPORTIONATE SHARE, ESTABLISH A FIXED TIMING OF FINAL PAYMENT, ALLOW PARTICIPATION IN A REGIONAL TRANSPORTATION MANAGEMENT ASSOCIATION (TMA); 2) REVISE HURRICANE PREPAREDNESS CONDITIONS AS RELATED TO SAFE ROOMS; 3) REVISE TO ALLOW CARRY FORWARD OF RESIDENTIAL UNITS INTO SUBSEQUENT PHASES; 4) REVISE AFFORDABLE HOUSING CONDITIONS; 5) REVISE LEGAL DESCRIPTION AND MAPS H-1 AND H-2 TO REFLECT PREVIOUS CHANGES IN THE PROJECT; 6) REVISE RECREATION AND OPEN SPACE CONDITIONS; 7) REVISE PHASING SCHEDULE TO ACCOMMODATE CURRENT FLORIDA STATUTES; 8) REVISE ROAD NAMES TO CURRENT NAMES; AND 9) REVISE TO INCORPORATE APPROPRIATE REGIONAL AND STATE NAME CHANGES. THE PZA UNANIMOUSLY RECOMMENDED APPROVAL AT THEIR REGULAR MEETING, FEBRUARY 16, 2012

Proof of publication of the notice of public hearing on NOPC 2011-03, Nocatee, was received, having been published in *The St. Augustine Record* on January 27, 2012.

Miner, Stevenson, Morris, Bryan, and Sanchez disclosed ex-parte communications with the applicant and County Staff.

Teresa Bishop, AICP, Director of Long Range Planning, gave a presentation, *Exhibit A*. She spoke about the two mitigations and final payment. She pointed out the elements of changes to the Nocatee DRI. She mentioned a new resolution, *Exhibit B*, received at the meeting, with changes. Discussion ensued between Stevenson and Whitehouse regarding the changes in the resolution.

(10:50 a.m.) Bishop reviewed the residential carry forward, and mentioned that the developer was asking to carry forward all of their units. She spoke on affordable housing, miscellaneous type changes, and stated that the Planning and Zoning Agency recommended approval along with staff. She said that if the item were approved, staff

requested that they approve it with the amendments that were presented today in the new resolution.

(10:53 a.m.) Greg Barbour, 4314 Pablo Court, Jacksonville, PARC Group, stated that he was present to answer any questions. Stevenson stated that this had been a long process and that she appreciated staff's efforts.

(10:55 a.m.) Bryan said that he thought it was important that they work with the applicant and the owners of the property to insure that it continued to move forward, as they did not want this to turn into a dust bowl. He said there was a lot invested in that particular area, and that was one of the areas that they saw some movement, as far as the economy starting to turn around. He mentioned that there was one to one-and-a-half permits being issued in the Nocatee area every day.

(10:56 a.m.) **Motion by Morris, seconded by Bryan, carried 5/0, to approve Resolution No. 2012-77, known as NOPC 2011-03, adopting findings of fact 1-5 to support the motion, along with the new amendments as presented today in the resolution.**

RESOLUTION NO. 2012-77

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, MODIFYING THE NOCATEE DRI DEVELOPMENT ORDER AS PREVIOUSLY APPROVED BY RESOLUTION 2001-30, DATED FEBRUARY 23, 2001, AND PREVIOUSLY MODIFIED BY RESOLUTION 2006-95, DATED MARCH 21, 2006, RESOLUTION 2007-127, DATED MAY 1, 2007, RESOLUTION 2007-305, DATED OCTOBER 16, 2007, RESOLUTION 2009-87, DATED APRIL 7, 2009, RESOLUTION 2009-356, DATED DECEMBER 1, 2009, AND RESOLUTION 2010-163, DATED AUGUST 3, 2010, TO RESTATE THE LEGAL DESCRIPTION; MODIFY THE NOCATEE DRI DEVELOPMENT ORDER REQUIREMENTS RELATING TO TRANSPORTATION, HURRICANE PREPAREDNESS, HOUSING, BIENNIAL REPORTING, TEMPORARY COMMUNITY EVENT PARKING AND RECREATION AND OPEN SPACE; ALLOW THE CARRY FORWARD OF ALL RESIDENTIAL UNITS INTO SUBSEQUENT PHASES; SET FORTH THE DRI DEVELOPMENT ORDER PHASING, BUILDOUT, TERMINATION AND EXPIRATION DATES AS PREVIOUSLY EXTENDED; MODIFY THE DOWNZONING PROTECTION DATE; UPDATE AGENCY NAMES; MODIFY TRANSPORTATION EXHIBITS; ADD NEW EXHIBIT 22 TO THE DEVELOPMENT ORDER; AND MODIFY THE MASTER PLAN AND THE MASTER CIRCULATION PLAN; FINDING THE MODIFICATION DOES NOT CONSTITUTE A SUBSTANTIAL DEVIATION; AND PROVIDING FOR AN EFFECTIVE DATE

(03/06/12 - 10 - 10:57 a.m.)

4. DISCUSSION REGARDING ANONYMOUS COMPLAINTS

Miner stated that he raised the issue of anonymous complaints a few weeks ago. He said that the Board had asked the County Attorney's Office to come up with some possible solutions.

(10:58 a.m.) McCormack outlined the different kinds of complaints and the pros and cons, *Exhibit A*. He reviewed the Code Enforcement's priority and non-priority cases, anonymous complaints with 10 percent being frivolous/ non-actionable, anonymous complaints pros and cons, anonymous complaints options, prosecutorial discretion, and frivolous and harassing complaints. He spoke on how many complaints it would take to make it a frivolous complaint. Miner spoke about not taking anonymous complaints for the issues of quality of living, quality of life. Bryan stated that their resources were stretched and there should be some action they could take when dealing with frivolous complaints. Sanchez asked if there was a problem with the way things were handled now.

(11:12 a.m.) James Acosta, Code Enforcement, said handling things the way they are now, was not a problem. He spoke on the crime stoppers phone line. He asked what was considered a frivolous complaint, and said they checked all calls out. Miner asked how much time was spent on frivolous complaints. Acosta responded that they spend very little time on frivolous complaints. Stevenson said that she had been very impressed over the years at how issues were worked out with Code Enforcement. Morris stated that they should never eliminate anonymous complaints of eminent threat to public health and safety, and waste and fraud. Stevenson said the fraud, waste, and abuse line was set up anonymous, and that was a critical element to the success of that program. Wanchick spoke on the Code Enforcement Department.

(03/06/12 - 11 - 11:19 a.m.)

5. DISCUSSION REGARDING DIRECTIONAL SIGNS BY BUSINESSES IN ST. JOHNS COUNTY

Chris Hagan, 103 Century 21 Drive, Government Affairs Director, Northeast Florida Builders Association, reviewed the item. He stated that he would be available for any questions.

(11:21 a.m.) Robert Marshall, Chairman of the St. Johns Builders Council, spoke on the economy, and the building industry, and how they were related. He said that St. Johns County was a shining light in the State of Florida; it was number four in building permits. He stated that the County had a large pool of contractors and subcontractors, and would like to keep them in town. He spoke on spot signage and asked the Board to consider the directional signage.

(11:25 a.m.) Barbara Moore, 1438 Harrington Park Drive, Jacksonville, President of Northeast Builder's Association, said that they were requesting today to begin the process of creating a sign ordinance that would be acceptable to everyone. She spoke on proposing a fee for signage permit, and the fee should help create funds to support the enforcement to start eradicating some of the illegal signs. She asked the Board to get the process started today to create a sign ordinance, help the building industry recover, and make small businesses stronger.

(11:28 a.m.) Diane Kirk, 1201 Hideaway Drive North, Anatomy Homes, spoke on having signs to help the customers find them.

(11:30 a.m.) Daniel Blanchard, 2926 Sandy Branch Lane, realtor, spoke in favor of the directional signs. He said it would help breathe life back into the communities that were dying.

(11:31 a.m.) Ed Paucek, 970 Irma Way, spoke in favor of directional signs.

(11:34 a.m.) George McClure, 81 King Street, spoke in favor of directional signs. He asked for the opportunity to work with staff on the ordinance. Stevenson stated there

was some potential there, and supported staff looking into it. Sanchez asked, whatever the Board decided did not apply to the State right-of-way. McCormack responded that the County could have some sign regulations pertaining to the State and Federal right-of-ways. Discussion ensued between Sanchez and McCormack. Bryan mentioned looking at a compromise, and voiced concern regarding illegal signs. Discussion followed on illegal signs. McCormack stated that one couldn't favor commercial over noncommercial, but it would be a sensitive legal topic to consider. Sanchez asked about legally limiting the number of permits per intersections. McCormack replied yes there could be a limit, if it was rationally based and not intended to discriminate against any element of the community. Bryan mentioned trying to limit permits on a temporary basis. (11:53 a.m.) *There was a consensus to move forward with the dialog and the process.* Miner mentioned that all the commissioners had concerns, and suggested that McCormack meet with each commissioner to get a good idea what the concerns were, and also meet with the stake holders. He suggested bringing it back before the Board at the May 1, 2012 BCC meeting. McCormack suggested that they should come back before the Board with a plan, within one month, or even in two weeks. Bryan said that everyone should have an opportunity to provide their input. He said the season for marketing homes was getting short and he wanted to make sure it was done right the first time. Sanchez said it would be mandatory that the permit fees would cover the cost of the permitting, whatever was needed in materials, and for Code Enforcement to enforce it. He recommended coming up with a way to ID the permitted signs. Wanchick gave his perspective on the issue. He said that they needed to have a community workshop in front of the Board of County Commissioners, prior to directing an ordinance to be prepared. Stevenson said there were a lot of issues that needed to be worked through. Wanchick said there was 600 square miles in the County, and it would be a serious investment. McClure said that they know they needed to address issues, and just wanted the opportunity to do so. Sanchez said they needed to establish a substantial penalty for illegal signs that didn't have a permit. Miner mentioned the issue would be brought back before the Board, with ideas, on the March 20, 2012, BCC meeting.

(03/06/12 - 12 - 12:05 p.m.)

6. QUASI-JUDICIAL HEARINGS; CROSS-EXAMINATION OF PUBLIC COMMENT SPEAKERS. AT THE FEBRUARY 21, 2012 BOARD OF COUNTY COMMISSIONERS MEETING, DURING ONE OF THE PUBLIC HEARINGS A CONCERN AROSE ABOUT THE PROPRIETY OF CROSS-EXAMINATION OF PUBLIC COMMENT SPEAKERS. THE OFFICE OF COUNTY ATTORNEY WAS REQUESTED TO REVIEW THE MATTER AND PROVIDE A RECOMMENDED COURSE OF ACTION TO THE BOCC ON THIS ISSUE

McCormack recommended revising some of the wordage in the Land Development Code to determine if an applicant or other party brought in an expert, that person should be able to be cross-examined. He said for members of the public, they may be cross-examined, but were not required to be, and if they declined to be cross-examined, then there should be some language in the Land Development Code that the Board would accord that fact, that they declined to be cross-examined in weighing that evidence. He said essentially that would put the Board in the position of not being able to rely on that evidence. He said what could not happen for due process purposes was that evidence went in and the Board relied upon it, but was not subject to cross-examination. He said his recommendation was to come back with that revised, and until that time, if the Board so wished, they could construe or interpret the phrase and conduct such cross-examination as may be required for a full and true disclosure of facts. He said the Board could interpret that to mean, if a public speaker came up, they were subject to cross-examination, however not required, if they declined to be cross-examined, then the Board would discount that testimony. Stevenson mentioned using the verbiage, *clarifying questions* instead of *cross-examination*. Discussion ensued

between Stevenson, Sanchez, Miner, Bryan, and McCormack regarding cross-examination of a public speaker. Miner said it sounded like all the commissioners agreed, and McCormack's recommendation was something the commissioners were comfortable with, essentially, and in certain instances, if cross-examination was requested, the commissioners could leave it up to that individual. He said that as a matter of policy, nobody in the public that wanted to voice their opinion about any matter would ever be required to be cross-examined. McCormack replied that was true, other than someone that was identified by the applicant or ordered opposition as an expert, such as an AICP. He said there was some language in the Florida Statutes that the Board would feel comfortable with, where if the person was not cross-examined, the decision making body should assign weight and creditability to such testimony as it deemed appropriate. Stevenson suggested having a carefully worded disclosure when people signed up for public comment. Miner said he appreciated Stevenson's idea, and what McClure's concern was at the last hearing. He said everyone in the community had a right to come up and voice their opinion on any matter of public policy that the Board was discussing. Sanchez said he thought they should leave it as it was, and handle it when the item came up. McCormack said items that have controversy or disagreement, the hearing procedures where they try to get with counsel prior to the meeting and have them agree to them. He said he heard the Board's message, that it did not want members of the public required to be cross-examined. Stevenson clarified that she wanted people to know they may ask questions, and they did not have to answer them, but it might weight on the quality of the evidence. Morris said if this had only happened once in five years, to keep it the way it was.

(12:28 p.m.) George McClure said that the risk of having people consistently cross-examined would have a chilling effect on their willingness to come to hearings and speak. He said that Sanchez and Morris were right in saying, don't let one incident change things. Miner said the majority of the Board agreed.

(03/06/12 - 13 - 12:31 p.m.)

7. RESOLUTION SUPPORTING WATER MANAGEMENT STRUCTURE AND FUNCTIONS. COMMISSIONER STEVENSON HAS ASKED FOR THIS ITEM TO BE CONSIDERED IN AN EFFORT TO EXPRESS ST. JOHNS COUNTY'S SUPPORT OF WATER MANAGEMENT STRUCTURE AND FUNCTIONS AS LISTED IN CHAPTER 373, FLORIDA STATUTES

Stevenson said there had been some effort to centralize water planning. She said St. Johns County and Northeast Florida benefit from a basin management policy that prevented water transfers. She said managing water according to natural basins was one of the strengths of Florida's water law. She expressed being pleased that there were some reforms in this area. She said she believed that they were better off with Water Management District in place, and in that basin policy. She said that she hoped the Board would support the resolution. She mentioned that she had spoken to a number of people that she considered very pragmatic, but environmentally sensitive, that water was important for the economy and they needed it here in northeast Florida. Bryan said that he supported it.

(12:34 p.m.) Sarah Gledhill, 201 Owens Avenue #A, asked the Board to pass the resolution. She said the resolution was originally drafted by the Florida Conservation Coalition and in essence it supported adequate funding for the Water Management District, so they could manage and protect regional and local water resources. She said it opposed any effort to move water from public ownership, to ownership or total control by a private interest. She said the resolution had been passed by 16 counties throughout Florida. Sanchez asked if there was any impact from the resolution against the farmers. Gledhill said the resolution basically addressed the Water Management

District's funding, as well as conservation funding, so there were proactive programs that did benefit the farmers. She said the resolution did not affect the farmers.

(12:38 p.m.) **Motion by Stevenson, seconded by Bryan, carried 5/0, to adopt Resolution No. 2012-78, supporting the Water Management structure and functions as listed in Chapter 373, Florida Statutes.**

RESOLUTION NO. 2012-78

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, SUPPORTING THE WATER MANAGEMENT STRUCTURE AND FUNCTIONS AS LISTED IN CHAPTER 373, FLORIDA STATUTES

(03/06/12 - 14 - 12:39 p.m.)

8. CONSIDER AN APPOINTMENT TO THE SOUTH ANASTASIA DESIGN REVIEW BOARD

Melissa Lundquist, BCC Manager, said an individual was appointed at the last meeting to fill the position, but between the submitting of the application and the time of the appointment that person passed away. She said so before the Board now was the other applicant, Ms. Yvonne Chipman for consideration.

(12:39 p.m.) **Motion by Bryan, seconded by Sanchez, carried 5/0, to appoint Yvonne Chipman to the South Anastasia Design Review Board for a full four-year term scheduled to expire March 6, 2016.**

(03/06/12 - 14 - 12:41 p.m.)

COMMISSIONERS' REPORTS

Commissioner Sanchez:

Sanchez reminded everyone that the Board had decided to dedicate the Community Center Building in Hastings, in the name of Shell Regan on Friday, March 9, 2012 at 2:00 p.m.

(12:43 p.m.) Commissioner Bryan:

Bryan announced coming up next month in April, was the second Annual Spring Job Fair in West Augustine.

Bryan spoke about the Vilano Beach area regarding signs.

Bryan mentioned that he would not be able to attend Shell Regan's dedication because he would be in Tallahassee.

(12:45 p.m.) Commissioner Stevenson:

Stevenson mentioned that she attended a CR 210 Neighborhood Bill of Rights project, and stated that she would like the opportunity to meet with staff and a number of people in the business community that had expressed concerns about the overlay and at least incrementally, get something in place.

Stevenson said that she had discussions with neighbors regarding the Worthington PUD, and she did not have anyone who was willing to bring any evidence forward that would trigger that reconsideration.

Stevenson announced on March 22, 2012, St. Johns County would be hosting the St. Johns River Alliance meeting by Westminster Woods at 1:00 p.m.

(12:49 p.m.) Commissioner Morris:

Morris said that Wednesday night he went to the Palm Valley Town Center and to a gala event in Ponte Vedra to recognize and give information on the sidewalk project.

(12:49 p.m.) Commissioner Miner:

Miner thanked Sanchez for mentioning the conversation that occurred earlier in public comment. He said at the last meeting, that the staff had done an exceptional job with economic development. He said that they lived and operated within the boundaries set by the Board, and if anyone had a problem with any part of the process, they needed to speak to their commissioner.

Miner mentioned attending the Sheriff's Office Annual Award Ceremony at the World Golf Village on Friday night.

Miner said that he had the opportunity to go to Pedro Menendez High School on invitation for the Special Olympics. He said that he was very impressed to see how involved the Sheriff's Office was with the Special Olympics and how many hours of their own time they volunteer. He asked for the first item on the March 20, 2012 BCC meeting to be a brief update by Deputy Fuentes regarding the Law Enforcement Torch Run occurring on April 6, 2012. He said for the first BCC meeting in April he would like a proclamation, or resolution honoring a lot of those volunteers for the Special Olympics.

(03/06/12 - 15 - 12:52 p.m.)

COUNTY ADMINISTRATOR'S REPORT

Wanchick said that he would like the Board's authorization to work with the County Attorney's office to initiate the mediation provision within the agreement with JEA. *There was a consensus of the Board.*

(03/06/12 - 15 - 12:53 p.m.)

COUNTY ATTORNEY'S REPORT

McCormack mentioned that the property conveyance to Lowes, the Health and Human Services property, was proceeding well. He said there were a few technical title issues he wanted to expediently resolve. He said that he would like to have John Bailey, who worked on the conveyance years ago, assist him. *There was consensus of the Board.*

(03/06/12 - 15 - 12:54 p.m.)

CLERK OF COURT'S REPORT

No report.

With there being no further business to come before the Board, the meeting adjourned at 12:54 p.m.

REPORTS:

1. St. Johns County Board of County Commissioners Check Register, Check Nos. 480055-480228, totaling \$1,579,097.34 (02/21/12)
2. St. Johns County Board of County Commissioners Voucher Register, Voucher Nos. 8543-8583, totaling \$661,894.08 (02/21/12)

