

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
APRIL 2, 2013
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: John H. Morris, District 4, Chair
William A. McClure, District 3, Vice Chair
Ron Sanchez, District 2
Rachael Bennett, District 5
Michael Wanchick, County Administrator
Daryl Locklear, Assistant County Administrator
Jerry Cameron, Special Projects Manager
Patrick McCormack, County Attorney
Sindy Wiseman, Deputy Clerk

(04/02/13 - 1 - 9:00 a.m.)
CALL TO ORDER

Morris called the meeting to order.

(04/02/13 - 1 - 9:00 a.m.)
ROLL CALL

The clerk called the roll and all members were present except Stevenson.

(04/02/13 - 1 - 9:00 a.m.)
INVOCATION

Jerry Cameron gave the invocation.

(04/02/13 - 1 - 9:00 a.m.)
PLEDGE OF ALLEGIANCE

Morris led the Pledge of Allegiance.

(04/02/13 - 1 - 9:03 a.m.)
RECOGNITION OF ST. JOHNS COUNTY LIBRARY SERVICES EMPLOYEE
WILLIAM "BILL" ANDERSON

Harold George, Anastasia Branch Library, expressed his appreciation for the job Anderson did. Debra Gibson, Director of St. Johns County Library, presented Anderson with some guide maps so he could find his way home from his travels. Anderson expressed what an honor it was to serve the people of the county.

RECOGNITION OF ST. JOHNS COUNTY PURCHASING DIRECTOR JOE BURCH

Jerry Cameron recognized Burch for the service he had provided to St. Johns County. Burch said he was grateful to have had the opportunity to work for the County.

RECOGNITION OF ST. JOHNS COUNTY PUBLIC WORKS DIRECTOR JOE STEPHENSON

Darrell Locklear highlighted some of the excellent achievements demonstrated by Joe Stephenson. Locklear presented Stephenson with a plaque of appreciation. Stephenson accepted his award, and commented on how much he enjoyed working with everyone.

(04/02/13 - 2 - 9:14 a.m.)

PROCLAMATION DECLARING APRIL 2013 CHILD ABUSE PREVENTION MONTH

Sanchez spoke on the importance of child abuse prevention. Carrie Horn read the proclamation. Joy Andrews, Interim HHF Director, accepted the proclamation, commented on the great job their staff was doing, and spoke about making child abuse prevention a priority.

(04/02/13 - 2 - 9:20 a.m.)

PROCLAMATION DECLARING APRIL 2013 AS MOTORCYCLE SAFETY MONTH

McClure invited the participants for the motorcycle safety proclamation from Vintage Chapter of ABATE to come forward. Carrie Horn read the proclamation. Tracy Massoth, Shelly Ellsworth and Charles Johnston accepted the proclamation. Massoth spoke about the free program that taught people to watch for motorcycles. She reminded everyone to always watch for motorcycles. Massoth invited everyone to come to their meetings, held the last Sunday of the month, at 3:00 p.m. at the VFW.

(04/02/13 - 2 - 9:27 a.m.)

PROCLAMATION DECLARING APRIL 2013 AS SEXUAL ASSAULT AWARENESS MONTH

Bennett spoke about the Betty Griffin House and sexual assault awareness. Carrie Horn read the proclamation. Joyce Mahr, Director of the Betty Griffin House, accepted the award and gave some statistics of sexual assault.

(9:32 a.m.) Motion by Sanchez, seconded by McClure, carried 4/0 with Stevenson absent, to accept the proclamations.

(04/02/13 - 2 - 9:33 a.m.)

DELETIONS TO CONSENT AGENDA

McClure requested that Item 7 be pulled, and placed on the Regular Agenda as Item 7. Also, that Item 9 be pulled, and placed on the Regular Agenda as Item 8.

(04/02/13 - 2 - 9:33 a.m.)

APPROVAL OF CONSENT AGENDA

Motion by McClure, seconded by Bennett, carried 4/0 with Stevenson absent, to approve the Consent Agenda, as amended.

1. Approval of the Cash Requirement Report
2. Minutes:
BCC Regular Minutes 03/05/13
3. Motion to adopt **Resolution No. 2013-65**, accepting an Easement Agreement from the Hastings Drainage District; and authorizing the county administrator to join in the execution of the easement on behalf of the County. No funding was required

RESOLUTION NO. 2013-65

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING AN EASEMENT AGREEMENT FROM THE HASTINGS DRAINAGE DISTRICT, AND AUTHORIZING THE COUNTY ADMINISTRATOR TO JOIN IN THE EXECUTION OF THE EASEMENT ON BEHALF OF THE COUNTY

4. Motion to adopt Resolution No. 2013-66, approving and authorizing the execution of the Local Agency Program (LAP) agreement, between the State of Florida and St. Johns County, for the design of Armstrong Park Trailhead

RESOLUTION NO. 2013-66

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING AND AUTHORIZING THE EXECUTION OF A LOCAL AGENCY PROGRAM (LAP) AGREEMENT, BETWEEN THE STATE OF FLORIDA, AND ST. JOHNS COUNTY, FOR DESIGN OF THE ARMSTRONG PARK TRAILHEAD; AND PROVIDING AN EFFECTIVE DATE

Motion to adopt Resolution No. 2013-67, recognizing unanticipated revenue in the amount of \$75,000, increasing the Transportation Trust Fund (1111-33440), and authorizing its expenditure on the Armstrong Park Trailhead Project. This is a reimbursable grant, and construction funding will be provided in FY 2016, under a separate agreement

RESOLUTION NO. 2013-67

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AMENDING THE FISCAL YEAR 2013 "TRANSPORTATION TRUST FUND", IN ORDER TO RECEIVE UNANTICIPATED REVENUE AND AUTHORIZE ITS EXPENDITURE FOR ARMSTRONG PARK TRAILHEAD PROJECT

5. Motion to approve a transfer in the amount of \$5,007, from LETF (Law Enforcement Trust Funds) Reserves (1194-59920) to LETF - Refund P/Y Revenues (1194-59301), to refund prior year unclaimed funds at the request of the owner (Jack Henry) of the funds
6. Motion to approve a transfer in the amount of \$13,741, from General Fund Reserves, to Library Services Building Improvements, in order to relocate the book drop location, at Anastasia Island Library, to mitigate congestion issues

(Item 7 was pulled and placed as Item 7 on the regular agenda.)

7. Motion to approve the transfer of \$127,150, from Category I - VCB Reserve (1144-59920) and \$124,028, from Category I - VCB Contingency Reserve (1144-59923) to VCB Advertising (1144-54900), to fund the operations of the Visitor's Convention Bureau

8. Motion to adopt **Resolution No. 2013-68**, revising the existing Tourism Development Agreement, between St. Johns County and the Ponte Vedra Chamber of Commerce, approving the merger of the Ponte Vedra Chamber of Commerce into the St. Johns County Chamber of Commerce, for the purpose of the Tourism Development Agreement; providing a Visitor Information Center and Services for 2013; and authorizing the county administrator, or designee, to execute the Agreement on behalf of St. Johns County

RESOLUTION NO. 2013-68

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, REVISING THE EXISTING TOURISM DEVELOPMENT AGREEMENT, BETWEEN ST. JOHNS COUNTY AND THE PONTE VEDRA CHAMBER OF COMMERCE, APPROVING THE MERGER OF THE PONTE VEDRA CHAMBER OF COMMERCE INTO THE ST. JOHNS COUNTY CHAMBER OF COMMERCE, FOR THE PURPOSE OF SAID TOURISM DEVELOPMENT AGREEMENT; PROVIDING A VISITOR INFORMATION CENTER AND SERVICES FOR 2013, AND AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO EXECUTE THE AGREEMENT ON BEHALF OF ST. JOHNS COUNTY

(Item 9 was pulled and placed as Item 8 on the regular agenda.)

9. Motion to adopt a resolution authorizing acceptance of a U.S. Department of HUD grant award in the amount of \$750,000, for development of infrastructure improvements for the Silver Creek Assisted Living Facility, and authorizing the chair to execute the sub-grant agreement and all subsequent required agreements and documents, on behalf of the County
10. Proofs:
- a. Proof: Notice to Bidders, Bid No. 13-42, two ½ ton ext. cab pickups, published in *The St. Augustine Record* on Feb 27, 2013, and March 6, 2013
 - b. Proof: Notice of Proposed Exchange of County Property, Resolution for exchange of County Property, published in *The St. Augustine Record* on March 5, 2013, and March 12, 2013
 - c. Proof: Notice of Meeting, Special Meeting/Workshop on Concurrency on March 26, 2013, published in *The St. Augustine Record*

(04/02/13 - 4 - 9:34 a.m.)

PUBLIC COMMENT

Ellen Whitmer, 1178 Natures Hammock Rd. South, spoke about North Nocatee and cleaning up the contaminated waste sites.

(9:36 a.m.) Heather Neville, 167 Sunset Cir N., Director Velo Fest Community Initiative, spoke about the St. Johns County bike route map, and extended an invitation to come to their event, promoting bike safety and awareness, April 12, 2013 through April 14, 2013. She spoke about existing bike paths throughout the county, and requested to come back and present their public service announcement.

(9:40 a.m.) Bill Rosenstock, 57 White Court, spoke about a lack of parking on St. Augustine Beach. He urged the Board to save as many parking spaces as possible within the city of St. Augustine Beach.

(04/02/13 - 5 - 9:43 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

Morris added an item to consider an Economic Development Grant Application, from Project Green, as Item 1a on the Regular Agenda. He also added Item 7 and Item 9 that were pulled from the Consent Agenda, to the Regular Agenda as Items 7 and 8.

(04/02/13 - 5 - 9:44 a.m.)

APPROVAL OF REGULAR AGENDA

(9:44 a.m.) Motion by Morris, seconded by McClure, carried 4/0 with Stevenson absent, to approve the Regular Agenda, as amended.

(04/02/13 - 5 - 9:44 a.m.)

1A. CONSIDER AN ECONOMIC DEVELOPMENT GRANT APPLICATION FROM PROJECT GREEN (NORTHROP GRUMMAN)

Melissa Glasglow, Director of Economic Development, gave the presentation for consideration of economic development incentives to expand Northrup Grumman's operation, and covered the intended plans for the grant. Bennett congratulated Glasglow on the excellent job she was doing with economic development. Sanchez and Morris concurred with Bennett.

(9:48 a.m.) Motion by Sanchez, seconded by Bennett, carried 4/0 with Stevenson absent, to instruct the County Attorney to prepare an Economic Development Grant Agreement for Northrop Grumman Systems Corporation, to develop 330,000 + square feet of manufacturing/office space, and place the proposed Grant Agreement on a future consent agenda.

(04/02/13 - 5 - 9:49 a.m.)

1. CONSIDER A RESOLUTION TO ALLOW FUNDING OF DEBT SERVICE RESERVE SUBACCOUNTS, FOR THE PONTE VEDRA UTILITY SYSTEM REVENUE BONDS, SERIES 2006 AND 2007. ORIGINALLY, FINANCIAL SECURITY ASSURANCE, INC. (FSA) PROVIDED A RESERVE SUBACCOUNT INSURANCE POLICY IN THE AMOUNT OF \$2,019,100, FOR THE SERIES 2006 BONDS, AND A RESERVE SUBACCOUNT INSURANCE POLICY IN THE AMOUNT OF \$2,130,643.76, FOR THE SERIES 2007 BONDS, WHICH AMOUNTS EQUAL THE MAXIMUM ANNUAL DEBT SERVICE ON SUCH BONDS. FSA WAS ACQUIRED BY ASSURED GUARANTY MUNICIPAL CORP. IN 2008. MOODY'S INVESTOR SERVICE HAS DOWNGRADED ASSURED GUARANTY MUNICIPAL CORP. FROM AA3 TO A2. THE RATINGS DOWNGRADE OF ASSURED GUARANTY MUNICIPAL CORP. REQUIRES THAT THE PV UTILITY SYSTEM FUND DEBT SERVICE RESERVE SUBACCOUNTS FOR SERIES 2006 BONDS & SERIES 2007 BONDS, IN THE MANNER PROVIDED IN THE BOND RESOLUTION, IN AMOUNTS EQUAL TO THE MAXIMUM ANNUAL DEBT SERVICE ON SUCH BONDS. THIS RESOLUTION WILL AUTHORIZE THE CASH FUNDING OF A DEBT SERVICE RESERVE SUBACCOUNT FOR THE SERIES 2006 BONDS, IN THE AMOUNT OF \$2,019,100.00, AND THE CASH FUNDING OF A DEBT SERVICE RESERVE SUBACCOUNT FOR THE SERIES 2007 BONDS, IN THE AMOUNT OF \$2,130,643.76, SUCH FUNDING TO COME FROM EXISTING LEGALLY AVAILABLE RESERVES OF THE PONTE VEDRA UTILITY SYSTEM

Bill Young, Utility Director, gave the presentation and spoke about the reserve funds that would have no negative impact on the consumer. Discussion ensued about the reserves to be used.

(9:54 a.m.) Motion by Morris, seconded by McClure, carried 4/0, with Stevenson being absent, to adopt Resolution No. 2013-69, to allow funding of Debt Service Reserve subaccounts for the Ponte Vedra Utility System Revenue Bonds, Series 2006 and 2007, and authorize the cash funding of a Debt Service Reserve Subaccount for the Series 2006, Bonds in the amount of \$2,019,100, and the cash funding of a Debt Service Reserve Subaccount for the Series 2007, Bonds in the amount of \$2,130,643.76.

RESOLUTION NO. 2013-69

RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE FUNDING OF DEBT SERVICE RESERVED SUBACCOUNTS FOR THE COUNTY'S PONTE VEDRA UTILITY SYSTEM REVENUE BONDS, SERIES 2006 AND SERIES 2007

(04/02/13 - 6 - 9:55 a.m.)

2. PUBLIC HEARING - REZ 2012-10 BOARDWALK. THIS IS A REQUEST TO REZONE 1.07 ACRES FROM PLANNED UNIT DEVELOPMENT (PUD) TO COMMERCIAL GENERAL (CG). SUBJECT PROPERTY IS LOCATED ALONG STATE ROAD 16, JUST NORTH OF THE STATE ROAD 16 & I-95 INTERCHANGE. BASED ON THE INFORMATION AVAILABLE TO STAFF, THE CURRENT PLANNING & ZONING SECTION FINDS THE REQUEST FOR A REZONING SUBSTANTIALLY MEETS THE REQUIREMENTS OF THE COMPREHENSIVE PLAN AND THE LAND DEVELOPMENT CODE. THIS FINDING IS BASED UPON THE FOLLOWING INFORMATION: THE APPLICATION MATERIALS, CONSISTENCY WITH SURROUNDING ZONINGS, CONSISTENCY WITH THE EXISTING USE OF THE PROPERTY, CONSISTENCY WITH THE FUTURE LAND USE DESIGNATION OF MIXED USE 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 ISSUED A RECOMMENDATION OF APPROVAL BY A VOTE OF 6-0 AT THE FEBRUARY 21, 2013, MEETING

Proof of publication of the notice of hearing for REZ 2012-10, Boardwalk, was received, having been published in *The St. Augustine Record* on March 18, 2013.

Jeremy Hubsch, Planning and Zoning Department, gave the presentation, *Exhibit A*, on the Boardwalk rezoning request, and gave an overview of what was on the parcels of land around the piece in question. Hubsch stated that this piece was rezoned from CG to PUD in 2007. He said the property had changed hands, and the applicant would like the site to revert back to its original CG zoning. Staff researched policy A.2.1.1, and determined that it could revert back to its original CG zoning type with little to no impact.

(10:00 a.m.) Morris said this was a quasi-judicial item and gave ex-parte that he was at the Planning and Zoning meeting on this item. Bennett clarified that what they looked at, to determine impact and intensity of use, was the building's footprint and the demand on infrastructure.

(10:02 a.m.) Karen Taylor, 77 Saragossa St., spoke in support of the project.

(10:04 a.m.) Motion by Bennett, seconded by Morris, carried 4/0 with Stevenson absent, to enact Ordinance No. 2013-9, known as REZ 2012-10, adopting findings of fact 1-4 to support the motion.

ORDINANCE NO. 2013-9

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

(04/02/13 - 7 - 10:05 a.m.)

3. PUBLIC HEARING - PUD 2012-02, MILL CREEK PLANTATION. THIS IS A REQUEST TO REZONE 37 ACRES OF PROPERTY ON THE NORTH SIDE OF GREENBRIAR RD, JUST WEST OF LONGLEAF PINE PARKWAY, FROM OPEN RURAL (OR) TO PLANNED UNIT DEVELOPMENT (PUD), IN ORDER TO DEVELOP A 41 LOT SUBDIVISION. BASED ON THE INFORMATION AVAILABLE TO STAFF, THE PLANNING & ZONING SECTION FINDS THE REQUEST FOR A REZONING 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, CONSISTENCY WITH THE LAND USE DESIGNATION OF RESIDENTIAL-B, CONSISTENCY WITH THE LAND DEVELOPMENT CODE (UPON APPROVAL OF THE WAIVERS), 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, INCLUDING THE WAIVERS, OF THE REQUEST AT THE FEBRUARY 7, 2013, MEETING BY A VOTE OF 7 TO 0

Proof of publication of the notice of hearing for PUD 2012-02, Mill Creek Plantation, was received, having been published in *The St. Augustine Record* on March 18, 2013.

Michael Blackford, Growth Management Department, gave the presentation, *Exhibit A*. He noted that some of the property around Mill Creek Plantation had already been zoned PUD, and mentioned three waivers that were requested. Staff provided eight finding to approve/deny the request. *The Land Development Code* required a five foot sidewalk that would be provided.

(10:11 a.m.) Morris announced that this was a quasi-judicial item and gave ex-parte that he was at the Planning and Zoning meeting and spoke with Doug Burnett. Bennett said she spoke with Doug Burnett at the St. Augustine Beach meeting. Sanchez said he got a phone call from Doug Burnett.

(10:11 a.m.) McClure asked if they were coordinating the planning with the infrastructure. Phong Nguyen, Transportation Element Manager, talked about the road's capacity and moving the project along, based on existing traffic, because the trips were less than 1% of the capacity. He said school concurrency was still pending, and once it was approved by the Board, they would have concurrency all together.

(10:14 a.m.) Doug Burnet, St. Johns Law Group, 509 Anastasia Blvd., gave a

presentation on behalf of the applicant, *Exhibit B*. He covered the history of the property and surrounding area. He mentioned that the Colony subdivision was just about sold out. He talked about the access drive, density, and the agreement to install sidewalks along Greenbrier Road. He said they would be making a dedication to the County of 75' in length of the property, in exchange of for an impact fee credit agreement.

(10:23 a.m.) Bennett commented on the sidewalks for pedestrians.

(10:24 a.m.) Motion by Morris, seconded by Sanchez, carried 4/0, with Stevenson absent, to enact Ordinance No. 2013-10, known as PUD 2012-02, adopting findings of fact 1-8 to support the motion, which included the three waivers presented by staff.

ORDINANCE NO. 2013-10

AN ORDINANCE OF THE COUNTY OF ST. JOHNS,
STATE OF FLORIDA, REZONING LANDS AS
DESCRIBED HEREINAFTER FROM OPEN RURAL (OR)
TO PLANNED UNIT DEVELOPMENT (PUD),
PROVIDING FINDINGS OF FACT; PROVIDING A
SAVINGS CLAUSE; REQUIRING RECORDATION;
AND PROVIDING AN EFFECTIVE DATE

(04/02/13 - 8 - 10:25 a.m.)

4. PUBLIC HEARING - CPA (SS) 2013 - IRRISCAPE PROPERTY SMALL SCALE COMPREHENSIVE PLAN AMENDMENT. THIS IS A REQUEST FOR A SMALL SCALE COMPREHENSIVE PLAN AMENDMENT, TO AMEND THE FUTURE LAND USE MAP FROM RURAL SILVICULTURE (R/S) TO INTENSIVE COMMERCIAL (IC). THE SUBJECT PROPERTY CONTAINS APPROXIMATELY 3.73 ACRES, LOCATED AT 11390 US 1 NORTH, AND WAS DEVELOPED WITH THE NOW CLOSED IRRISCAPE LANDSCAPE MAINTENANCE BUSINESS. THE PROPERTY IS DEVELOPED WITH A WAREHOUSE, OFFICE AND STORAGE AREAS. THE PROPERTY IS ZONED COMMERCIAL INTENSIVE (CI). THE INTENSIVE COMMERCIAL (IC) FUTURE LAND USE DESIGNATION WILL BRING CONSISTENCY BETWEEN THE FUTURE LAND USE DESIGNATION AND THE ZONING. THE IC DESIGNATION RESULTS IN MINIMUM IMPACTS TO FACILITIES AND SERVICES. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL AT THEIR MARCH 7, 2013, REGULAR MEETING. STAFF RECOMMENDS APPROVAL

Proof of publication of the notice of hearing for CPA (SS) 2013-01, Old Irriscape Property, was received, having been published in *The St. Augustine Record* on February 20, 2013.

Theresa Bishop, Director AICP of Long Range Planning, gave the presentation, *Exhibit A*. She noted there would be minor impacts to facilities and services, and that the rezoning would be compatible and consistent with the surrounding area. The Planning and Zoning Agency and Staff recommend approval.

Discussion ensued on the current zoning.

(10:29 a.m.) Ray Spofford, 14775 Old St. Augustine Road, agent for the owner, commented on the request, and said he was available for questions.

(10:30 a.m.) Motion by McClure, seconded by Bennett, carried 4/0, with Stevenson absent, to enact Ordinance No. 2013-11, approving CPA (SS) 2013-01, adopting findings of fact 1-3 to support the motion.

ORDINANCE NO. 2013-11

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, AMENDING THE 2025, COMPREHENSIVE PLAN, ORDINANCE NO. 2010-38, AS AMENDED, TO CHANGE THE FUTURE LAND USE MAP DESIGNATION FROM RURAL/SILVICULTURE (R/S) TO INTENSIVE COMMERCIAL (IC) FOR THE PROPERTY LOCATED AT 11390 U.S. HIGHWAY 1 NORTH, IDENTIFIED BY PARCEL NO. 023410-0030, CONTAINING APPROXIMATELY 3.73 ACRES; PROVIDING FOR FINDINGS OF FACT; FINDINGS OF CONSISTENCY; SEVERABILITY; AND AN EFFECTIVE DATE

(04/02/13 - 9 - 10:31 a.m.)

5. PUBLIC HEARING - AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA, AMENDING ORDINANCE NO. 2008-45, PERTAINING TO AN AREA OF ST. JOHNS COUNTY KNOWN AS SUMMER HAVEN, BY REPEALING SECTION 3 OF SAID ORDINANCE. ORDINANCE NO. 2008-45 DISCONTINUED A TEMPORARY MORATORIUM ON CERTAIN BUILDING PERMITS WITH A PORTION OF THE PARTICULAR AREA OF ST. JOHNS COUNTY KNOWN AS SUMMER HAVEN (BLOCKS 3-65). THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, WISHES TO SUNSET ORDINANCES OR PROVISIONS THAT ARE SUPERSEDED, INEFFECTIVE, OR NO LONGER NECESSARY. ST. JOHNS COUNTY HAS BEEN INVOLVED IN LITIGATION PERTAINING TO SUMMER HAVEN ACCESS ISSUES (CASE NO. CA05-0694). THE COUNTY HAS APPROVED A SETTLEMENT ARRANGEMENT MAKING SECTION 3 OF ORDINANCE NO. 2008-45, NO LONGER TO BE ENFORCED

Proof of publication of the notice of hearing to amend Ord. No. 2008-45 was received, having been published in *The St. Augustine Record* on March 23, 2013.

McCormack gave the presentation, explaining the purpose of the verbiage in the original ordinance and why it was requested to be changed.

(10:33 a.m.) Motion by McClure, seconded by Morris, carried 4/0 with Stevenson absent, to enact Ordinance No. 2013-12, amending Ordinance No. 2008-45, pertaining to an area of St. Johns County, known as Summer Haven, by repealing Section 3 of said ordinance.

ORDINANCE NO. 2013-12

AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA, AMENDING ORDINANCE NO. 2008-45, PERTAINING TO AN AREA OF ST. JOHNS COUNTY KNOWN AS SUMMER HAVEN, BY REPEALING SECTION 3 OF SAID ORDINANCE; MAKING FINDINGS OF FACT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

The meeting recessed at 10:33 a.m., and reconvened at 10:49 a.m., with Stevenson in attendance.

(04/02/13 - 10- 10:49 a.m.)

6. CONSIDER THE CONTRACT FOR COUNTY ATTORNEY

Sanchez said he requested the item be placed on the agenda to get it resolved. Discussion ensued about the renewal the contract. McClure requested to continue the six month extension.

(10:59 a.m.) Morris spoke about McCormack's excellent performance and stated he was in favor of renewing his contract, as stated. Discussion ensued about the contract.

(11:03 a.m.) Sanchez spoke about stability and performance and what was important. He supported McCormack and said the contract needed to be settled.

(11:07 a.m.) McClure said he did not see stability and requested to continue the six month extension.

(11:09 a.m.) Jim Kowalski, 428 Chicopee Court, Executive Director of JALA, stated that of all the 67 counties, St. Johns County was the most effective in working with Legal Aid, as a result of McCormack. He spoke in support of the contract.

(11:13 a.m.) Megan Wall, 108 First Street, Managing Attorney for St. Johns County Legal Aid, spoke about the interactions, between Legal Aid and St. Johns County staff, and of the working relationship with McCormack. She expressed McCormack's expectations of his staff and his strong work ethics.

(11:18 a.m.) Stevenson spoke about McCormack's accountability, and stated her concerns with renewing his contract. McClure questioned the October 15, 2017, date and the performance appraisal in the contract. Discussion ensued on modifications to the contract. Stevenson requested to have continued direct contact with McCormack's staff.

(11:30 a.m.) Bennett said McCormack had heard the direction of the Board, and if the contract was signed he could take the comments as a directive. Sanchez spoke about access to the Board by staff, saying that staff needed to follow protocol with their issues.

(11:33 a.m.) **Motion by Sanchez, seconded by Bennett, carried 3/2, with Stevenson and McClure descending, to authorize the Chair of the Board of County Commissioners of St. Johns County, Florida, to execute the presented employment contract on behalf of the County with Patrick F. McCormack, as County Attorney of St. Johns County.**

(04/02/13 - 11 - 11:33 a.m.)(Formerly Consent Agenda Item No. 7.)

7. MOTION TO APPROVE THE TRANSFER OF \$127,150, FROM CATEGORY I - VCB RESERVE (1144-59920) AND \$124,028, FROM CATEGORY I - VCB CONTINGENCY RESERVE (1144-59923) TO VCB ADVERTISING (1144-54900) TO FUND THE OPERATIONS OF THE VISITOR'S CONVENTION BUREAU

McClure explained why he requested to pull this item from the Consent Agenda. He asked Goldman to summarize the transferring of the reserve funds for him. Discussion ensued about the reserve funds. Bennett spoke about advertising.

(11:34 a.m.) **Motion by McClure, seconded by Bennett, carried 5/0, to approve the transfer of \$127,150 from Category I - VCB Reserve (1144-59920), and \$124,028 from**

Category I -VCB Contingency Reserve (1144-59923), to VCB Advertising (1144-54900) to fund the operations of the Visitor's Convention Bureau.

(04/02/13 -11 - 11:45 a.m.)(Formerly Consent Agenda Item No. 9.)

8. MOTION TO ADOPT A RESOLUTION, AUTHORIZING ACCEPTANCE OF A U.S. DEPARTMENT OF HUD SMALL CITIES CDBG GRANT AWARD IN THE AMOUNT OF \$750,000, FOR DEVELOPMENT OF INFRASTRUCTURE IMPROVEMENTS, FOR THE SILVER CREEK ASSISTED LIVING FACILITY; AND AUTHORIZING THE CHAIR TO EXECUTE THE SUB-GRANT AGREEMENT AND ALL SUBSEQUENT REQUIRED AGREEMENTS AND DOCUMENTS ON BEHALF OF THE COUNTY

McClure asked for a history of the item, to see if there were any legal issues through the CDBG grant.

(11:46 a.m.) Benjamin Coney, St. Johns Housing and Community Development, explained that this was a resubmission of an economic development grant from the CDBG. He spoke about the two phases of the project, the number of jobs it would create, and said the construction funding was estimated to be a little over \$30,000,000. McClure asked about the improvements. Locklear clarified that an incentive packet had been offered to the development through the economic development ordinance, however, there were no additional economic incentives offered to this development. Bennett concurred that legal exposure was a concern of hers. Stevenson noted that it was a good location for the project.

(11:56 a.m.) Motion by McClure, seconded by Stevenson, carried 5/0, to adopt Resolution No. 2013-70, authorizing acceptance a U.S. Department of HUD Small Cities CDBG grant award in the amount of \$750,000; and authorizing the Chair to execute the sub-grant agreement and all subsequent required agreements and documents on behalf of the County.

RESOLUTION NO. 2013-70

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING ACCEPTANCE OF GRANT FUNDS AND EXECUTION OF A U.S. DEPARTMENT OF HUD SMALL CITIES COMMUNITY DEVELOPMENT BLOCK SUB-GRANT AGREEMENT WITH THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY, AUTHORIZING THE CHAIR OF THE BOARD OF COUNTY COMMISSIONERS, OR HIS DESIGNEE, TO EXECUTE THE CONTRACT AND ALL SUBSEQUENT REQUIRED DOCUMENTS ON BEHALF OF THE COUNTY, AND AMENDING THE FISCAL YEAR 2013 TRANSPORTATION TRUST FUND BUDGET TO RECOGNIZE AND APPROPRIATE THE GRANT

(04/02/13 - 12 - 11:57 a.m.)
COMMISSIONERS' REPORTS

Commissioner Stevenson:

Stevenson congratulated McCormack on his contract renewal. She said she appreciated the Board's help during her father's illness. She spoke about the resurfacing project on Racetrack Road and said she was interested in hearing about the purchasing reorganization.

(12:00 p.m.) Commissioner McClure:

McClure congratulated McCormack on his renewed contract. He said he met with Dr. Joiner and Governor Rick Scott, and reported that Florida had gone from 21st to 6th in the educational ranking, in the nation. He mentioned that there was progress being made with sunsetting the old Summer Haven ordinances, and that he enjoyed the concurrency workshop. Wanchick said staff was scheduled to meet, this afternoon, to put together a game plan on some ideas from the session.

(12:05 p.m.) Commissioner Sanchez:

(12:11 p.m.) Sanchez mentioned he would give a speech on April 13, 2013, at 2:00 p.m., at the Tolomato Cemetery Commemorative Ceremony for Francisco Xavier Sanchez, who was his great-great grandfather.

(12:05 p.m.) Commissioner Bennett:

Bennett mentioned the concurrency workshop and requested that the commissioners give administration their top three items they brought out of the workshop. She said she would like to see how staff would respond to the ratings of the road, whether they were urban, suburban, or transitional, and how they would respond to the participant's statement that the ghost trips were not removed from the roads over 85% capacity. Spoke about Heather Neville, with Velo Fest, and her bicycle map; and requested that she come back and do a presentation for the Board. She mentioned Melissa Glasglow's memo on the disbursements of the economic incentive grants, and said she was looking forward to the April 29, 2013, 4H speaking contest that she would judge, and the COA event to honor the centenarians and nonagenarians in the county. She mentioned the La Florida postage stamp that would be unveiled on April 3, 2013.

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

Morris said he gave an economic talk at the University of North Florida. He reported that the County's unemployment rate went from 9.7% to 6.2%, and as of Monday it was at 5.8%, which was the lowest of the 67 counties. He announced that he signed the contract for Lowes Thursday afternoon; and that \$8,000,000 had been wire transferred, which avoided \$4,000,000 in building maintenance.

(04/02/13 - 13 - 12:14 p.m.)

COUNTY ADMINISTRATOR'S REPORT

Wanchick said he planned to revisit the plan to build a new building north of town. He also mentioned the joint meeting with the School Board on April 24, 2013, at 9:00 a.m., in the auditorium.

Stevenson commended the staff member who recommended the site selected for the Lowes project. Wanchick said they were only as good as the Board they served.

(04/02/13 - 13 - 12:17 p.m.)

COUNTY ATTORNEY'S REPORT

McCormack said he had carefully listened to each agenda item and would address all of the concerns.

(04/02/13 - 13 - 12:18 p.m.)
CLERK OF COURT'S REPORT

No report.

With there being no further business to come before the Board, the meeting adjourned at 12:18 p.m.

REPORTS:

1. St. Johns County Board of County Commissioners Check Register, Check Nos. 493477-493648, totaling \$487,136.58 and Voucher Register, Voucher Nos. 12456-12499, totaling \$232,044.11.
2. St. Johns County Board of County Commissioners Check Register, Check Nos. 493649-493656, totaling \$7,808.00 and Voucher Register, Voucher Nos. 12500-12506, totaling \$7,536.00.
3. St. Johns County Board of County Commissioners Check Register, Check Nos. 493657-493680, totaling \$75,959.18.
4. St. Johns County Board of County Commissioners Check Register, Check Nos. 493681-493936, totaling \$1,991,885.47, and Voucher Register, Voucher Nos. 12507-12569 totaling \$348,068369.

CORRESPONDENCE:

Letter dated March 25, 2013, to Liz Cloud, Program Administrator, Department of State, filing St. Johns County Ordinance Numbers 2013-6 through 2013-8.

Approved _____ May 7 _____, 2013

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: _____

John H. Morris, Chair

ATTEST: CHERYL STRICKLAND, CLERK

By: _____

Pam Halterman
Deputy Clerk

