

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
APRIL 16, 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
Cyndi Stevenson, District 1
Ron Sanchez, District 2
Rachael Bennett, District 5
Michael Wanchick, County Administrator
Patrick McCormack, County Attorney
Lenora Newsome, Deputy Clerk

(04/16/13 - 1 - 9:00 a.m.)
CALL TO ORDER

Morris called the meeting to order. He asked everyone to bow their heads in a moment of silence for the people injured and killed at the Boston Marathon Monday afternoon.

(04/16/13 - 1 - 9:01 a.m.)
ROLL CALL

The clerk called the roll and all members were present.

(04/16/13 - 1 - 9:01 a.m.)
INVOCATION

Chaplin Kemp, St. Johns County Sheriff's Office, gave the invocation.

(04/16/13 - 1 - 9:02 a.m.)
PLEDGE OF ALLEGIANCE

Morris led the Pledge of Allegiance

(04/16/13 - 1 - 9:03 a.m.)
PROCLAMATION FOR EARTH DAY 2013, WITH A PRESENTATION BY ST. JOHNS RIVER WATER MANAGEMENT DISTRICT, AND PROCLAMATION FOR WATER CONSERVATION MONTH AND RECOGNITION OF ST. JOHNS COUNTY UTILITIES DROP SAVERS POSTER CONTEST WINNER MS. RAEGAN BARRY

Bill Young, Utility Director, gave an overview of the St. Johns County Conservation Recycling, an alternative energy program. He recognized his staff for receiving the Excellence Awards. He mentioned that staff recently won the American Water Work Association Excellence Best in Class Awards for long term conservation planning, and was recognized by the State as the best in class two years in a row. He said St. Johns County brought home the trophy for the best tasting drinking water in northeast Florida. He named other programs and departments involved. He recognized the Utilities Drop Savers Poster contest winner, Ms. Raegan Barry, giving her a plaque.

(9:13 a.m.) Stevenson spoke on the proclamation for St. Johns County Stewardship, mentioning that the County was so grateful for the hard work of the County Utility Department, and St. Johns County partners, St. Johns River Water Management District, businesses, and farms.

(9:17 a.m.) Geoff Samples, St. Johns Water Management District, thanked the County for presenting the proclamation, and all the departments for their help.

(04/16/13 - 2 - 9:18 a.m.)

PROCLAMATION DECLARING APRIL 14-20, 2013, AS NATIONAL LIBRARY WEEK IN ST. JOHNS COUNTY

(9:21 a.m.) Debra Rhodes Gibson, Library Director, thanked the Commissioners for their continued support of the Library system, and mentioned the services the Library provided. She thanked the Library staff and volunteers for their hard work.

(9:22 a.m.) Harold George, Library Branch Manager, shared a photo that was taken at one of the Library programs, *Exhibit A*. Sanchez thanked all the volunteers.

(04/16/13 - 2 - 9:25 a.m.)

ACCEPTANCE OF PROCLAMATIONS

Motion by Sanchez, seconded by McClure, carried 5/0, to accept the proclamations.

(04/16/13 - 2 - 9:25 a.m.)

DELETIONS TO CONSENT AGENDA

Morris requested to pull Consent Item 10, to be placed on the Regular agenda as Item 14. Wanchick requested to pull Consent Items 8 and 9, and they were placed on the Regular agenda as Items 12 and 13. McCormack requested to pull Consent Item 17 and to be scheduled on the first meeting in May.

(04/16/13 - 2 - 9:26 a.m.)

APPROVAL OF CONSENT AGENDA

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

1. Approval of the Cash Requirement Report
2. Minutes:
 - 02/19/13 Regular Meeting
 - 02/26/13 Special Workshop Meeting
 - 3/19/13 Regular Meeting
 - 3/26/13 Special Workshop Meeting
3. Motion to adopt **Resolution No. 2013-71**, authorizing the acquisition of real property by the Housing Finance Authority of St. Johns County in connection with the Neighborhood Stabilization Grant Program (NSP), with closing contingent upon due diligence, and fulfillment of NSP requirements and provisions. The HFA had identified the real properties located at 614 Daniels Street in Hastings, and 903 Royal Road in St. Augustine. Funding source is from NSP Grant

RESOLUTION NO. 2013-71

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE ACQUISITION OF REAL PROPERTY BY THE HOUSING FINANCE AUTHORITY OF ST. JOHNS COUNTY, LOCATED AT 614 DANIELS STREET, IN HASTINGS, AND 903 ROYAL ROAD, IN ST. AUGUSTINE, FOR REHABILITATION OR RENOVATION OF THE ACQUIRED PROPERTY IN ACCORDANCE WITH THE NEIGHBORHOOD STABILIZATION PROGRAM GRANT FUNDING ("NSP") REQUIREMENTS

4. Motion to adopt **Resolution No. 2013-72**, accepting two Grant of Drainage Easements, and a Temporary Construction Easement, required to install a pipe that will improve the drainage on Roscoe Boulevard. No funding is required

RESOLUTION NO. 2013-72

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING TWO GRANT OF DRAINAGE EASEMENTS, AND A TEMPORARY CONSTRUCTION EASEMENT, REQUIRED TO IMPROVE THE DRAINAGE ON ROSCOE BOULEVARD

5. Motion to adopt **Resolution No. 2013-73**, accepting a Bill of Sale and Schedule of Values conveying all personal property associated with the water and sewer lines to serve Westwind Subdivision, off Datil Pepper Road. No funding is required

RESOLUTION NO. 2013-73

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 LINES TO SERVE WESTWIND SUBDIVISION, OFF DATIL PEPPER ROAD

6. Motion to adopt **Resolution No. 2013-74**, that approves the terms and conditions of the Memorandum of Agreement, regarding the responsibilities of the County to utilize CR 2209, for access for the Northwest Area Regional Wastewater Treatment Plant ("NWWTP") between St. Johns County and White's Ford Timber, and authorizing the County Administrator, or designee, to execute the Agreement

RESOLUTION NO. 2013-74

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND CONDITIONS OF THE MEMORANDUM OF AGREEMENT BETWEEN ST. JOHNS COUNTY AND WHITE'S FORD TIMBER, AND AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO EXECUTE THE AGREEMENT

7. Motion to adopt **Resolution No. 2013-75**, approving the final plat for Coastal Oaks, Phase 3B, Unit 1. Subject property is located east of US 1 north and south of Nocatee Parkway

RESOLUTION NO. 2013-75

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING A PLAT FOR COASTAL OAKS, PHASE 3B, UNIT 1

(Item was pulled and placed on the Regular agenda as Item #12.)

8. Motion to approve the Proportional Fair Share Agreement (PFS AGREE 2013-01, Oakridge Landing), and authorize the County Administrator to execute the Proportionate Fair Share Agreement, finding that the proposed Agreement is consistent with Section 11.09 of the Land Development Code, as modified. The project's proportionate fair share is calculated to be \$812,517

(Item was pulled and placed on the Regular agenda as Item #13.)

9. Motion to approve the Oakridge Landing School Concurrency Proportionate Share Mitigation Agreement (CONSCA 2013-01). The proportionate share mitigation is the payment of \$713,908

(Item was pulled and placed on the Regular agenda as Item #14.)

10. Motion to authorize the County Administrator, or designee, to submit a letter of commitment on behalf of St. Johns County to the Florida Department of Environmental Protection/Florida Forever Program, for the demolition and future building replacement at Vilano Beach Oceanfront Park (Fiddlers Green Building)
11. Motion to adopt **Resolution No. 2013-76**, authorizing the County Administrator to execute Amendment No. 3 to the DEP Contract RP730, to provide lifeguards to the Anastasia State Recreation Area from May 24, 2013, to September 2, 2013, and increase the funding (as provided by DEP) in the amount of \$47,082.72

RESOLUTION NO. 2013-76

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE EXECUTION OF AMENDMENT NO. 3 TO DEP CONTRACT RP730, TO PROVIDE LIFEGUARDS TO ANASTASIA RECREATION AREA

12. Motion to adopt **Resolution No. 2013-77**, approving the terms, conditions and provisions, of the Economic Development Grant Agreement with 1st Place Team Sales, Inc., and authorizing the County Administrator, or designee, to execute the Agreement on behalf of the County. The total estimated value of the agreement is \$66,497

RESOLUTION NO. 2013-77

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO EXECUTE AN ECONOMIC DEVELOPMENT GRANT AGREEMENT WITH 1ST PLACE TEAM SALES, INC., ON BEHALF OF ST. JOHNS

COUNTY; AND PROVIDING FOR THE EFFECT OF RECITALS; PROVIDING FOR THE CORRECTION OF ERRORS; AND PROVIDING AN EFFECTIVE DATE

13. Motion to adopt **Resolution No. 2013-78**, recognizing unanticipated revenue from the Just Tri It Kids Triathlon participation fees in the amount of \$4,000 to General Fund Admissions Tax Exempt #0001-34724, and appropriating it to the Recreation Special Events account 0079-54801

RESOLUTION NO. 2013-78

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AMENDING THE FISCAL YEAR 2013 BUDGET, TO RECEIVE UNANTICIPATED REVENUE, AND AUTHORIZE ITS EXPENDITURE BY THE ST. JOHNS COUNTY RECREATION AND PARKS DEPARTMENT

14. Motion to adopt **Resolution No. 2013-79**, approving the provisions contained in the Second Amendment, to the existing Memorandum of Understanding ("MOU"), for the County Extension Director between St. Johns County, Florida, and University of Florida, Board of Trustees, to extend the duration of the MOU until March 31, 2018, subject to the same terms and conditions, and authorizing the County Administrator, or designee, to execute the Second Amendment essentially in this format to the MOU, on behalf of St. Johns County. The County will be responsible for 40% of the salary and benefits for April 1, 2013 - March 31, 2014, which totals \$44,352

RESOLUTION NO. 2013-79

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF THE SECOND AMENDMENT TO AN EXISTING MEMORANDUM OF UNDERSTANDING BETWEEN ST. JOHNS COUNTY, FLORIDA, AND THE UNIVERSITY OF FLORIDA, BOARD OF TRUSTEES, FOR THE PURPOSE OF PROVIDING FOR THE ST. JOHNS COUNTY EXTENSION DIRECTOR WITHIN ST. JOHNS COUNTY, AND AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO EXECUTE THE AGREEMENT ON BEHALF OF ST. JOHNS COUNTY

15. Motion to approve the Fiscal Year 2013 Capital Improvement Program re-appropriation and associated budget transfers. The annual mid-year budget process allows departments with substantial capital improvement programs (CIP) to re-appropriate funding in order to respond to project changes that have arisen since the adoption of the annual budget
16. Motion to adopt **Resolution No. 2013-80**, approving the terms, provisions, conditions, and requirements of the Clean Water SRF Loan Agreement Amendment Two, to reduce the loan amount of the previously executed Loan Agreement #WW550100 by \$1,355,435, and authorizing the execution and delivery of the amendment in the amount of \$8,474,719. On March 19, 2013, the BCC approved the award of the final project funded by the Loan Agreement, Northwest WWTP Phase 1, Base Bid (Reclaimed Water Facilities). Due to the

project bids coming in under the original budget, the FDEP has issued the attached Amendment 2 for the Loan Agreement, to reduce the total loan amount by \$1,355,435

RESOLUTION NO. 2013-80

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, RELATING TO FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION STATE REVOLVING LOAN PROGRAM; APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF A CLEAN WATER STATE REVOLVING FUND LOAN AGREEMENT, AMENDMENT 2, TO REDUCE THE LOAN AMOUNT OF THE PREVIOUSLY EXECUTED LOAN AGREEMENT WW550100; AUTHORIZING THE EXECUTION AND DELIVERY OF SAID LOAN AGREEMENT AMENDMENT ON BEHALF OF ST. JOHNS COUNTY; AND PROVIDING AN EFFECTIVE DATE

(Item was pulled to be scheduled to a future meeting.)

17. Motion to adopt a resolution approving a Permissive Use Agreement, allowing a property owner (Robert Urda) to remove a tree within an unopened Oak Street right-of-way, and authorizing the County Administrator to execute the agreement on behalf of the County

18. Motion to adopt **Resolution No. 2013-81**, authorizing the County Administrator, or his designee, to award Construction of Misc 13-27, State Road 16 Utility Relocations/Adjustments to Petticoat-Schmitt Civil Contractors, Inc., a contract in the amount of \$154,781.10. The Scope of Work for this project is to provide all labor, materials, equipment, supervision, and other items necessary for the relocation of a segment of existing St. Johns County 16" water main, located between Pleasure Lane and Circle Drive East, and adjustments to several valve jackets and manhole lids to match final grade of paving

RESOLUTION NO. 2013-81

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO AWARD AND TO EXECUTE AN AGREEMENT, FOR STATE ROAD 16 UTILITY RELOCATIONS/ADJUSTMENTS

19. Motion to adopt **Resolution No. 2013-82**, authorizing the County Administrator, or his designee, to award a contract for Bid #13-22, Signal Replacement at State Road A1A & Solana Road, to American Lighting and Signalization, Inc., as the lowest responsible bidder for a Total Lump Sum Bid of \$230,000. Per prior approval of the Board of County Commissioners, the State of Florida's Division of Emergency Management has contracted with St. Johns County to provide Hazard Mitigation Grant Program funds for the SR A1A and Solana Road intersection, strain pole replacement project. The county's match is 25% of the project costs, while 75% will be reimbursed by the grant, or a maximum of \$168,732

RESOLUTION NO. 2013-82

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO AWARD BID NO. 13-22, AND TO EXECUTE AN AGREEMENT FOR SIGNAL REPLACEMENT AT STATE ROAD A1A AND SOLANO ROAD

20. Motion to adopt **Resolution No. 2013-83**, authorizing the County Administrator, or his designee, to award a contract for Bid #13-09, Bishop Estates Road Stormwater Improvements - Outfalls 1 & 2 to S. E. Cline Construction, Inc., as the lowest responsible bidder for a Total Lump Sum Bid of \$263,007

RESOLUTION NO. 2013-83

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO AWARD BID NO. 13-09, AND TO EXECUTE AN AGREEMENT FOR BISHOP ESTATES ROAD STORMWATER IMPROVEMENTS-OUTFALLS 1 & 2

21. Motion to issue Task Order No. 1, to Master Contract No.08-138, for Engineering Services related to construction of the North West Regional Waste Water Treatment Plant, and to authorize the County Administrator, or designee, to execute the Task Order on behalf of the County
22. Motion to adopt **Resolution No. 2013-84**, approving the terms, conditions and provisions of the Economic Development Grant Agreement with Northrop Grumman Systems Corporation, and authorizing the County Administrator, or designee, to execute the Agreement on behalf of the County

RESOLUTION NO. 2013-84

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO EXECUTE AN ECONOMIC DEVELOPMENT GRANT AGREEMENT WITH NORTHROP GRUMMAN SYSTEMS CORPORATION, ON BEHALF OF ST. JOHNS COUNTY; AND PROVIDING FOR THE EFFECT OF RECITAL PROVIDING FOR THE CORRECTION OF ERRORS; AND PROVIDING AN EFFECTIVE DATE

23. Motion authorizing the County Administrator, or designee, to begin negotiations for RFP 12-05, Employee Assistance Program Services, with the next ranked firm New Directions and, if negotiations are successful, to enter into a contract

(04/16/13 - 7 - 9:27 a.m.)
PUBLIC COMMENT

BJ Kalaidi, 8 Newcomb Street, said that she would like to speak on Items 2, 9, and 11 on the Regular agenda at the time they were presented. She mentioned on Consent Item

#22, that Northrup Grumman would be reimbursed for their water/sewer connection fee to the City of St. Augustine. She said that was part of the agreement that Northrup Grumman made with the BCC, to receive incentives for the new building that they were going to place at their facility on US 1. She reminded the BCC and the citizens of St. Johns County that it needed to be done for West Augustine CRA residents, who may be required to connect to the City of St. Augustine's sewer system.

(9:28 a.m.) Bill Rosenstock, 57 White Court, spoke on the State of Florida and St. Johns County fighting over the ownership of Pope Road, Yankee Beach. He said St. Johns County was trying to claim Historic Yankee Beach at Pope Road, as County property, so they could reduce public beach parking from 65 cars to 25 cars. He mentioned handing out flyers and read the flyer.

(04/16/13 - 8 - 9:33 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

Morris moved the Regular Item 10, to Regular Item 2a.

(04/16/13 - 8 - 9:34 a.m.)

APPROVAL OF REGULAR AGENDA

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

(04/16/13 - 8 - 9:34 a.m.)

1. REPORT ON THE UPCOMING, THE PLAYERS CHAMPIONSHIP

Matt Rapp, Executive Director of The Players Championship, gave a brief presentation on the upcoming tournament. He spoke on advertising, hotel deals, transportation and parking plans, better food vendors, enhanced viewing experience, and creating a better kids zone. Discussion ensued on what made St. Johns County different, and what The Players Championship did for St. Johns County.

(04/16/13 - 8 - 9:46 a.m.) (*Formerly Regular Item 10.*)

2a. CONSIDER A RESOLUTION THAT WOULD APPROVE THE ISSUANCE BY ST. JOHNS COUNTY INDUSTRIAL DEVELOPMENT AUTHORITY OF TAX-EXEMPT AND TAXABLE SERIES 2013A AND SERIES 2013B BONDS, AND A LOAN OF THE PROCEEDS TO BVM CORAL LANDING, LLC, BVM LAKESHORE, LLC, AND BVM THE BRIDGES, LLC, (BVM FLORIDA OBLIGATED GROUP PROJECT) TO FINANCE THE ACQUISITION OF SENIOR LIVING AND HEALTHCARE FACILITIES. THE ISSUANCE OF THESE BONDS WILL BE FOR THE BENEFIT OF THE BVM FLORIDA OBLIGATED GROUP, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$60,000,000, TO FINANCE THE ACQUISITION OF SENIOR LIVING AND HEALTHCARE FACILITIES IN ST. JOHNS COUNTY AND HILLSBOROUGH COUNTY. SAID BONDS SHALL NOT CONSTITUTE A DEBT, LIABILITY OR OBLIGATION OF ST. JOHNS COUNTY, HILLSBOROUGH COUNTY, THE STATE OF FLORIDA OR OF ANY POLITICAL SUBDIVISION THEREOF, BUT WILL BE PAYABLE OUT OF FUNDS PLEDGED AND ASSIGNED UNDER A LOAN AGREEMENT BETWEEN THE IDA AND THE BVM FLORIDA OBLIGATED GROUP. THE BOARD OF COUNTY COMMISSIONERS APPROVAL WITH RESPECT TO THE BOND PROCEEDS SPENT IN HILLSBOROUGH COUNTY, WILL BE CONDITIONED UPON THE RECEIPT OF SIMILAR APPROVAL FROM HILLSBOROUGH COUNTY

McCormack said the item was a proposed resolution authorizing the issuance by St. Johns County Industrial Development Authority (IDA) of tax-exempt and taxable bonds.

(9:47 a.m.) Jeff Dobson, Attorney, said the particular issue had come to the IDA last year, and over time there had been various changes made toward enhancing the security of the particular issuance of one facility in St. Johns County, as well as facilities in Hillsborough County.

(9:49 a.m.) Robert Gall, Senior Vice President with HJ Simms, said that BVM was a non-profit organization credited in 1950. He said the bond issue was \$60,000,000, requiring 512 units in St. Johns County, and 401 employees throughout the two counties.

(9:51 a.m.) John Bartle, BVM Management, said BVM was a 501(c)(3) corporation based in Indianapolis, providing senior housing for persons who were at least 55 years old, skilled nursing, assisted living, independent living, and affordable housing. He said their charitable purpose was senior housing and they consult, operate, or own over 35 properties in four states, including Florida. He spoke about BVM providing jobs in St. Johns County and Hillsborough County.

(9:52 a.m.) Gall spoke on the three facilities in St. Johns County and Hillsborough County; including the security features.

(9:54 a.m.) McClure addressed the financial issues.

(9:55 a.m.) Stevenson asked why Hillsborough County did not handle the finance, having a certificate of need, nurses, and providing home services; Gall responded.

(9:59 a.m.) Morris said his biggest concern was the security for the bonds, and Gall addressed Morris' concerns.

(10:00 a.m.) Ellen Whitmer, 1178 Natures Hammock Rd., asked how much of the bond funds would filter into St. Johns County, and how much would go into Hillsborough County. Gall addressed Whitmer's concern. Stevenson reiterated for clarity, that IDA's involvement in these bonds did not diminish the County's borrowing capacity, and was not guaranteed by the County.

(10:03 a.m.) Gall read for the record: "Said bonds shall not constitute a debt, liability, or obligation of St. Johns County, Hillsborough County, the State of Florida, or any political subdivision thereof, will be payable out of the funds pledged and assigned under a Loan Agreement between the IDA and the BVM Florida Obligated Group, so the project was fully on the risk of the performance of the financial properties themselves as no tax issues had developed."

(10:04 a.m.) Motion by Sanchez, seconded by Morris, carried 5/0, to adopt Resolution No. 2013-85, approving the issuance by St. Johns County Industrial Development Authority of tax-exempt and taxable Series 2013A and Series 2013B Bonds (BVM Florida Obligated Group Project), for the benefit of the BVM Florida Obligated Group, in an aggregate principal amount not to exceed \$60,000,000, to finance the acquisition of senior living and healthcare facilities in St. Johns County and Hillsborough County.

RESOLUTION NO. 2013-85

**A RESOLUTION APPROVING THE ISSUANCE BY THE
ST. JOHNS COUNTY INDUSTRIAL DEVELOPMENT
AUTHORITY OF ITS HEALTHCARE FACILITIES**

REVENUE BONDS IN ONE OR MORE SERIES IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$60,000,000, THE PROCEEDS, OF WHICH ARE TO BE LOANED TO BVM CORAL LANDING, LLC, BVM LAKESHORE, LLC, AND BVM THE BRIDGES, LLC, FOR THE PRINCIPAL PURPOSES OF FINANCING THE COST (OR PROVIDING FOR REIMBURSEMENT OF PRIOR EXPENDITURES FOR) ACQUIRING SENIOR LIVING, AND HEALTH CARE FACILITIES, AND RELATED COMMON AREAS; PROVIDING FOR CERTAIN RELATED MATTERS IN CONNECTION THEREWITH, AND FOR AN EFFECTIVE DATE

(04/16/13 - 10 - 10:05 a.m.)

2. CONSIDER A RESOLUTION JOINING THE CITY OF ST. AUGUSTINE IN SUPPORT OF RENAMING THE SAN SEBASTIAN BRIDGE TO THE PONCE DE LEON BRIDGE IN HONOR OF THE 500TH ANNIVERSARY OF THE FOUNDING OF FLORIDA

Dana St. Claire, Director of the St. Augustine 450th Commemorations, asked for the Boards support on a resolution that was being circulated through the State Legislators. He distributed brochures on 450 years of St. Augustine history, *Exhibit A*. He said the principal objectives of the 450th Commemoration were destination, awareness, and economic impact. He stated that St. Augustine, in St. Johns County, represented the multi-cultural founding of America. He reviewed the signature events that were attracting people to St. Augustine. He mentioned that 2013 was the first year of the three-year linear events for the 450th Commemoration. He spoke on the reason for renaming the San Sebastian Bridge to the Ponce de Leon Bridge.

(10:10 a.m.) BJ Kalaidi, 8 Newcomb St., said the name of the San Sebastian Bridge should be changed to The Native American Indian Bridge in honor of Howling Wolf. She spoke on honoring the American Indians that were in St. Augustine first.

(10:13 a.m.) Bennett asked St. Claire about making plans for recognition of the Native American population in St. Augustine, and a celebration of their accomplishments. St. Claire responded that they had been working with the National Museum of the American Indian. Bennett spoke on naming the bridge, and on finding an area to commemorate the Native American population.

(10:18 a.m.) **Motion by Bennett, seconded by Sanchez, carried 5/0, to adopt Resolution No. 2013-86, joining the City of St. Augustine in support of renaming the San Sebastian Bridge to the Ponce de Leon Bridge in honor of the 500th anniversary of the founding of Florida.**

RESOLUTION NO. 2013-86

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, IN SUPPORT OF A RESOLUTION BY THE CITY OF ST. AUGUSTINE TO RENAME THE SAN SEBASTIAN BRIDGE TO THE PONCE DE LEON BRIDGE IN HONOR OF THE 500TH ANNIVERSARY OF THE FOUNDING OF FLORIDA

(04/16/13 - 10 - 10:18 a.m.)

3. PUBLIC HEARING - ST. JOHNS COUNTY UTILITY ORDINANCE. AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA, REPEALING AND

REPLACING ST. JOHNS COUNTY ORDINANCE 2006-73 AND 2006-118, THE ST. JOHNS COUNTY UTILITY ORDINANCE. THIS ORDINANCE REVISES NUMEROUS DEFINITIONS, REVISES RIGHT OF ENTRY FOR PURPOSE OF MAKING INSPECTION, REVISES WASTEWATER DISCHARGE LIMITS AND PROHIBITIONS, INDUSTRIAL WASTEWATER DISCHARGE PERMITTING AND PUBLIC INFORMATION ON INDUSTRIAL USERS, REVISES ENFORCEMENT RELATED MATTERS, FURTHER DEFINES AND REVISES THE WATER, WASTEWATER AND/OR RECLAIMED WATER UNIT CONNECTION FEE REFUND AGREEMENT, EXTENDS THE TIME PERIOD ALLOWED FOR THE REFUND AGREEMENTS AND SETS AN EFFECTIVE DATE

Proof of publication of the notice of public hearing on the Utility Ordinance was received, having been published in *The St. Augustine Record* on April 6, 2013.

William Young, Utility Director, spoke on repealing and replacing language in two important areas in the Master Utility Ordinance. He said the changes were in Industrial Pretreatment, a self-funded program regulated by the Florida Department of Environmental Protection, and the utility's policy of reimbursing developers for installation of major transmission infrastructure. He spoke on reimbursements, and said it was a win-win situation.

(10:24 a.m.) Stevenson recommended Young to make sure all the terms were defined in the documents. Young mentioned the terms were defined, except for Pretreatment Rule 62-625, and that he would clarify the language.

(10:28 a.m.) McCormack said instead of having three ordinances, they were consolidated into one.

(10:28 a.m.) **Motion by McClure, seconded by Stevenson, carried 5/0, to enact Ordinance No. 2013-13, which repeals and replaces County Ordinance 2006-73 and 2006-118.**

ORDINANCE NO. 2013-13

AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA, REPEALING AND REPLACING ST. JOHNS COUNTY ORDINANCE NO. 2006-73 AND 2006-118, THE ST. JOHNS COUNTY UTILITY ORDINANCE. THIS ORDINANCE REVISES NUMEROUS DEFINITIONS, REVISES RIGHT OF ENTRY FOR PURPOSE OF MAKING INSPECTION, REVISES WASTEWATER DISCHARGE LIMITS, AND PROHIBITIONS, INDUSTRIAL WASTEWATER DISCHARGE PERMITTING AND PUBLIC INFORMATION ON INDUSTRIAL USERS, REVISES ENFORCEMENT RELATED MATTERS, FURTHER DEFINES AND REVISES THE WATER, WASTEWATER AND/OR RECLAIMED WATER UNIT CONNECTIONS FEE REFUND AGREEMENT, EXTENDS THE TIME PERIOD FOR THE REFUND AGREEMENTS AND SETS AN EFFECTIVE DATE

(04/16/13 - 11 - 10:29 a.m.)

DISTRICT 5

4. PUBLIC HEARING - ORDINANCE OF ST. JOHNS COUNTY ESTABLISHING AN IDLE SPEED, NO WAKE ZONE ON THE TOLOMATO RIVER SURROUNDING THE FLOATING DOCK ON THE VILANO FISHING PIER.

IN THE INTEREST OF THE SAFETY AND WELL-BEING OF THE RESIDENTS OF ST. JOHNS COUNTY, FLORIDA, A FIVE HUNDRED FOOT (500 FT.) IDLE SPEED, NO WAKE ZONE IS RECOMMENDED ON THE TOLOMATO RIVER IN THE AREA SURROUNDING THE VILANO FISHING PIER. A FLOATING DOCK, WHICH IS OPEN TO THE GENERAL PUBLIC, EXTENDS OFF OF THE VILANO FISHING PIER. AS A RESULT, THERE IS A POTENTIAL FOR DANGEROUS CONDITIONS IN THE VICINITY OF THE FLOATING DOCK DUE TO BOAT TRAFFIC. SUCH CONDITIONS CAN BE MITIGATED BY AN IDLE SPEED, NO WAKE ZONE. THE PROPOSED IDLE SPEED, NO WAKE ZONE WILL EXTEND FIVE HUNDRED (500) FEET NORTH AND SOUTH FROM THE SOUTHERNMOST PORTION OF THE FLOATING DOCK AND WILL ALSO EXTEND WEST TO THE INTRACOASTAL WATERWAY RIGHT-OF-WAY LINE AND EAST TO THE SHORELINE

Proof of publication of the notice of public hearing on the No Wake Zone Ordinance was received, having been published in *The St. Augustine Record* on April 6, 2013.

David Migut, Assistant County Attorney, gave a presentation, *Exhibit A*. He spoke about the no wake zone boundaries on the Tolomato River surrounding the floating dock. He said, if the Board was to approve the ordinance, he would then consult with Fish and Wildlife Conservation Commission to obtain their approval to coordinate the permitting for the signs that would be posted, and enforcement of the zone could take place. He requested to add a sentence at the end of the motion: *and authorizing county staff and the County Attorney's Office to apply for approval of the ordinance by the Florida Fish and Wildlife Conservation Commission in accordance with Chapter 327 of the Florida Statute.*

(10:36 a.m.) Vivian Browning, 115 Vilano Rd, Suite A, stated that the No Wake Zone was very much needed for the safety of getting on and off of boats at the floating dock. She addressed the Fiddlers Green property issue.

(10:39 a.m.) **Motion by Bennett, seconded by Sanchez, to enact Ordinance No. 2013-14, establishing an Idle Speed, No wake Zone on the Tolomato River surrounding a floating dock on the Vilano Fishing Pier, and authorizing the County staff and the County Attorney's Office to pursue....** Migut suggested adding to the end of the motion; *to apply for approval of the ordinance by the Florida Fish and Wildlife Conservation Commission, in accordance with Chapter 327 of the Florida Statutes.* Bennett said she adopted the suggestion by Migut to complete the motion and the second agreed. The motion carried 5/0.

ORDINANCE NO. 2013-14

AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA, ESTABLISHING AN IDLE SPEED, NO WAKE ZONE TO REGULATE THE WAKE CREATED BY BOATS, VESSELS, AND WATERCRAFT PROPELLED OR POWERED BY MACHINERY ON THE TOLOMATO RIVER, EXTENDING FIVE HUNDRED FEET TO THE NORTH AND SOUTH FROM A STARTING POINT LOCATED AT THE SOUTHERNMOST PORTION OF A FLOATING DOCK LOCATED APPROXIMATELY THREE HUNDRED AND FIFTY FEET SOUTH OF THE VILANO BEACH BRIDGE, AND ALSO EXTENDING WEST TO THE INTRACOASTAL WATERWAY RIGHT-OF-WAY LINE AND EAST TO THE SHORELINE FROM THE SAME STARTING POINT; PROVIDING AN OPERATION STANDARD FOR BOATS, VESSELS, AND WATERCRAFT IN THE IDLE SPEED, NO WAKE ZONE;

PROVIDING FINDINGS; PROVIDING DEFINITIONS; PROVIDING FOR EXEMPTIONS; PROVIDING FOR THE POSTING OF SIGNS; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING FOR AUTHORIZATION OF COUNTY OFFICIALS; PROVIDING SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

(10:40 a.m.) Wanchick requested pulling Item 14, the Fiddlers Green Building, and deferring it for two weeks. *The Board approved.*

(04/16/13 - 13 - 10:40 a.m.)

DISTRICT 4

5. PUBLIC HEARING - REZ 2012-07, CANAL ROAD. THIS REQUEST IS TO REZONE 1.7 ACRES FROM COMMERCIAL GENERAL (CG) TO RESIDENTIAL SINGLE FAMILY (RS-2). SUBJECT PROPERTY IS LOCATED ON THE SOUTHERN END OF CANAL ROAD WITHIN THE RESIDENTIAL-C COASTAL FUTURE LAND USE. 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. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS ITEM AT THE MARCH 21, 2013 MEETING BY A VOTE OF 7 TO 0

Proof of publication of the notice of public hearing on REZ 2012-07, Canal Road was received, having been published in *The St. Augustine Record* on March 6, 2013.

Michael Blackford, Planning and Zoning Manager, mentioned that Items 5 and 6 would be presented together, but would require separate motions. He spoke about the request to rezone the property from Commercial General (CG) to Residential Single Family (RS-2). He gave a brief history of the zoning in the area off of Canal Road. He said that the Planning and Zoning Agency and staff recommended approval.

(10:44 a.m.) Bennett disclosed ex parte communications with the applicant's representative and staff, regarding technical issues with the application and with Karen Taylor regarding a follow-up on taking care of Bennett's concerns. Stevenson disclosed ex parte communication regarding a briefing with staff, and an offer of assistance with questions from Karen Taylor.

The Board moved to Item 6.

(10:55 a.m.) **Motion by Morris, to enact Ordinance No. 2013-15, known as REZ 2012-07, based upon findings of fact 1-4 to support the motion.** McCormack suggested adding to the end of the motion; *and authorized the substitution of the revised Exhibits B and C to reflect the corrected easement.* Morris agreed with McCormack's suggestion. The motion was seconded by Sanchez, and carried 5/0.

ORDINANCE NO. 2013-15

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED, HEREINAFTER FROM THE PRESENT ZONING CLASSIFICATION OF COMMERCIAL GENERAL (CG) TO RESIDENTIAL SINGLE FAMILY (RS-2); MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE

The Board moved to Item 6 for its motion.

(04/16/13 - 14 - 10:45 a.m.)

DISTRICT 4

6. PUBLIC HEARING – NZVAR 2012-002, CANAL ROAD. THIS IS A REQUEST FOR A NON-ZONING VARIANCE TO SECTIONS 6.02.01.B.3.A AND 6.04.07.A.3. THE FIRST CITATION STATES THAT EASEMENTS FOR ACCESS TO PUBLIC ROADWAYS SHALL ONLY BE PERMITTED IN MULTI-FAMILY RESIDENTIAL (EXCEPT TOWNHOMES), COMMERCIAL, OR NON-PLATTED SUBDIVISIONS. THE SECOND CITATION REQUESTS THE CONTINUED USE OF A NON-STANDARD ROADWAY WITHIN A PLATTED RIGHT-OF-WAY. THE SUBJECT LOTS ARE LOCATED WITHIN THE PALM VALLEY SHORES SUBDIVISION, WHICH WAS PLATTED IN 1958. THE APPLICANT PROPOSES TO EXTEND THE EXISTING NON-STANDARD ROADWAY APPROXIMATELY 100 FEET TO SERVE LOT 15, AND UTILIZE AN EASEMENT MEETING COUNTY STANDARDS IN ORDER TO ACCESS THE LAST LOT (16), ALONG THE ROADWAY. THE SUBDIVISION WAS PLATTED WITHOUT ACCESS TO LOT 16. THE AFFECTED OWNERS HAVE ALSO PROVIDED A HOLD HARMLESS AND MAINTENANCE AGREEMENT IN A FORM ACCEPTABLE TO THE COUNTY. THE APPLICANT HAD A HEARING TO REZONE THE PROPERTY FROM CG TO RS-2 AT THE MARCH 21, 2013, PLANNING AND ZONING AGENCY MEETING

Proof of publication of the notice of public hearing on NZVAR 2012-02, was received, having been published in *The St. Augustine Record* on February 18, and April 1, 2013.

John Burnham, P.E., Chief Engineer, made his half of the presentation, *Exhibit A*, involving a two-fold non-zoning variance request; a new Hold Harmless Agreement and site survey was distributed in the red folder, *Exhibit B*. He said use of an easement for access in a platted subdivision was a variance of Code, and an extension of a non-standard county roadway. He said access was not granted when the property was platted fifty-five years ago, and easements were only normally allowed in nonplatted developments. He stated that the applicant had committed to extending the road, and clearing the easement. He mentioned that the applicant had submitted a Hold Harmless Agreement approved by the County Attorney's Office. He said there would be no maintenance or construction cost to the County.

(10:48 a.m.) Bennett clarified for the record, that the easement being considered was not the one in the green box on the map, but was the one presented by Blackford in his presentation.

(10:48 a.m.) McClure asked if the Hold Harmless Agreement would stay with the lot, or with the current owner of the lot. Burnham replied that it would remain with the property.

(10:49 a.m.) Karen Taylor, 77 Saragossa Street, said five lots were involved, deeded together, and used together. She said they were asking to improve the portion of the right-of-way to the same standards that exist, and includes an easement. Stevenson thanked staff for keeping the small parcels together.

(10:53 a.m.) Bennett noted that the agenda packets, Exhibits A, B, and C, for the Hold Harmless Agreement, had the old easement, and she asked to be updated by both the applicant and the County Attorney. *McCormack said the maker of motion could authorize the updated exhibits to be substituted.*

(10:55 a.m.) **Motion by Morris, seconded by Sanchez, carried 5/0, to approve Non-Zoning Variance 2012-02, based upon findings of fact 1-5, and subject to suggested**

conditions 1-5, and authorize the substitution of the revised Exhibits B and C to reflect the corrected easement.

The Board returned to Item 5 for its motion.

The meeting recessed at 10:57 a.m. and reconvened at 11:10 a.m.

(04/16/13 - 15 - 11:10 a.m.)

DISTRICT 1

7. PUBLIC HEARING - PUD 2012-07, OXFORD ESTATES. THIS IS A REQUEST TO REZONE 75 ACRES OF PROPERTY ON THE WEST SIDE OF LONGLEAF PINE PARKWAY, APPROXIMATELY ½ MILE NORTH OF GREENBRIAR ROAD, FROM OPEN RURAL (OR) TO PLANNED UNIT DEVELOPMENT (PUD), IN ORDER TO DEVELOP A 102 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. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL, INCLUDING THE WAIVERS OF THE REQUEST AT THE MARCH 7, 2013 MEETING, BY A VOTE OF 6 TO 0

Proof of publication of the notice of public hearing on PUD 2012-07, Oxford Estates was received, having been published in *The St. Augustine Record* on April 1, 2013.

Michael Blackford, Planning and Zoning Manager, gave a presentation, *Exhibit A*. He distributed an email from John Pass regarding property flooding, because of the development of the new subdivision, *Exhibit B*. He said the request was to rezone 75 acres from Open Rural (OR) to Planned Unit Development (PUD), to permit 102 single family units. He reviewed the waivers; unified sign plan, requirement to provide a static 35 foot development edge, Incremental MDP, and special event signage. He said PZA recommended approval, with 8 findings of fact. He said staff recommended approval based on consistency with the Land Development Code, with surrounding development and with FLUM.

(11:17 a.m.) McClure asked whether the PUD was part of the Aberdeen DRI. Blackford replied that the property was south of the Aberdeen DRI. McClure asked about concurrency, money for schools, and funding requirement.

(11:18 a.m.) Phong Nguyen, Division Manager, mentioned that mitigation was in process, and there was about \$440,000 in transportation. Discussion ensued on schools.

(11:19 a.m.) Stevenson disclosed ex parte communication by attending the community meeting.

(11:20 a.m.) Bennett said according to the aerial map, it showed an electrical easement along the eastern side of the property. Blackford affirmed an electrical easement, which was owned by JEA.

John W. Lee, Trust, spoke on the easement. Discussion ensued on the easement.

(11:23 a.m.) Bennett spoke about the access to the property. Blackford responded.

(11:24 a.m.) Nate Day, H. Smith Inc., said staff was wonderful to work with. Stevenson spoke on buffers and placing vegetation. Day responded. Discussion ensued on buffers.

(11:27 a.m.) Ellen Whitmer, 1178 Natures Hammock Rd. South, said good planning for the County, was in a window time frame of about 25 years. She spoke on school issues and her concerns. McClure spoke about controlled growth.

(11:33 a.m.) Day spoke on proportionate fair share, and Bennett spoke on trails. Day responded.

(11:36 a.m.) **Motion by Stevenson, seconded by McClure, carried 5/0, to enact Ordinance No. 2013-16, known as PUD 2012-07, including the four waivers, adopting findings of fact 1-8 to support the motion.**

ORDINANCE NO. 2013-16

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

(04/16/13 - 16 - 11:37 a.m.)

DISTRICT 2

8. PUBLIC HEARING - PUD 2012-08, GREY HAWK. THIS IS A REQUEST TO REZONE 12 ACRES OF PROPERTY ON THE NORTH SIDE OF COUNTY ROAD 208, APPROXIMATELY ONE MILE WEST OF THE INTERSTATE 95/STATE ROAD 16 INTERCHANGE, FROM OPEN RURAL (OR) TO PLANNED UNIT DEVELOPMENT (PUD) IN ORDER TO DEVELOP A 33 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. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL, INCLUDING THE WAIVER OF THE REQUEST, AT THE MARCH 7, 2013 MEETING, BY A VOTE OF 6 TO 0

Proof of publication of the notice of public hearing on PUD 2012-08, Grey Hawk was received, having been published in *The St. Augustine Record* on April 1, 2013.

Michael Blackford, Planning and Zoning Manager, gave a presentation, *Exhibit A*. He said the request was to rezone 12 acres from Open Rural (OR) to Planned Unit Development (PUD), for the permitting of 33 single family units. Discussion ensued on industrial node, expired PUD, and adding to the comparison chart.

(11:41 a.m.) Nguyen said that staff looked at all development impacts and available capacity.

(11:42 a.m.) Blackford continued with the presentation regarding the development standards, modifying a waiver allowing for special event signage, the Master Development Site Plan, and the comparison charts. He said a community meeting was held in February, but no public attended.

(11:47 a.m.) Stevenson disclosed ex parte communication with staff and Karen Taylor, regarding her concern about the buffering for the adjacent uses/industrial uses. Sanchez disclosed ex parte communication by phone call, covering all the items that Karen Taylor had on the agenda.

(11:48 a.m.) Karen Taylor, 77 Saragossa Street, distributed a copy of a map, and a page from the Anderson Park PUD, in which the PUD had expired at the end of 2012, *Exhibit B*. She said since the PUD was expired, it would require a major modification. She reviewed the changes involving the Anderson Park PUD.

(11:52 a.m.) Bennett spoke on access to the Anderson Park PUD, and if it was reenacted, she would like to see it meet current standards.

(11:55 a.m.) Stevenson spoke on wetlands and access issues. Taylor said the property had some wetlands in the upper corner. Discussion ensued on the wetlands and the access issues.

(11:59 a.m.) Bennett spoke on modifying the buffer. Blackford responded.

(12:01 p.m.) **Motion by Sanchez, seconded by Bennett, carried 5/0, to enact Ordinance No. 2013-17, known as PUD 2012-08, including approval of the one waiver, adopting findings of fact 1-8 to support the motion.**

ORDINANCE NO. 2013-17

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

(04/16/13 - 17 - 12:00 p.m.)

9. PUBLIC HEARING - AMENDMENT 11 - CONSIDER AN ORDINANCE TO ALLOW FOR AN ADDITIONAL HOMESTEAD EXEMPTION FOR THE AMOUNT OF THE ASSESSED VALUE OF THE PROPERTY FOR ANY PERSON WHO HAS THE LEGAL OR EQUITABLE TITLE TO REAL ESTATE WITH A JUST VALUE LESS THAN \$250,000, AND HAS MAINTAINED, THEREON THE PERMANENT RESIDENCE OF THE OWNER FOR AT LEAST 25 (TWENTY-FIVE) YEARS, WHO HAS ATTAINED THE AGE OF 65 (SIXTY-FIVE), AND WHOSE HOUSEHOLD INCOME DOES NOT EXCEED THE LIMITATIONS SET FORTH IN THE LAW. FLORIDA VOTERS APPROVED CONSTITUTIONAL AMENDMENT #11 IN NOVEMBER 2012. AS A RESULT, PURSUANT TO ARTICLE VII, SECTION 6(D)(2) OF THE FLORIDA CONSTITUTION AND SECTION 196.075 OF THE FLORIDA STATUTES, THE BOARD MAY ADOPT AN ORDINANCE TO ALLOW FOR AN ADDITIONAL HOMESTEAD EXEMPTION EQUAL TO THE ASSESSED VALUE OF THE PROPERTY FOR LOW INCOME CITIZENS OVER THE AGE OF 65, WHO HAVE LEGAL OR EQUITABLE TITLE TO AND HAVE MAINTAINED A PERMANENT RESIDENCE IN ST. JOHNS COUNTY FOR AT LEAST 25 YEARS AND SAID RESIDENCE HAS AN ASSESSED VALUE OF LESS THAN \$250,000. IN 2007, THE BOARD APPROVED ORDINANCE NO. 07-20, WHICH ALLOWS AN ADDITIONAL \$50,000 HOMESTEAD EXEMPTION FOR LOW INCOME CITIZENS OVER THE AGE OF 65. THE ADDITIONAL HOMESTEAD EXEMPTION CONTAINED IN THIS ORDINANCE WOULD NOT AFFECT THE HOMESTEAD EXEMPTION IN ORDINANCE 07-20, AND BOTH HOMESTEAD EXEMPTIONS WOULD APPLY, IF THE BOARD PASSES THIS ORDINANCE

Proof of publication of the notice of public hearing on Additional Homestead Tax Exemption Ordinance was received, having been published in *The St. Augustine Record* on April 6, 2013.

David Migut, Assistant County Attorney, mentioned that the attached proposed ordinance would enact the provisions of recently passed Florida Constitutional Amendment #11. He said the Amendment was on the ballot for 2012, and it passed statewide. He explained the amendment, and said the proposed ordinance had two minor changes on page 2, in Section 2; the year 2013 would be switched to 2014, and a sentence was added; *"This exemption shall apply only to taxes levied by St. Johns County, Florida," Exhibit A.* This proposed ordinance would be in addition to Ordinance No. 2007-20, which the County past six years ago, that authorized an additional \$50,000 homestead exemption for qualified seniors. He reviewed the property that would be covered under the proposed ordinance and the existing Ordinance No. 2007-20.

(12:05 p.m.) Bennett asked if the exemption would be automatic. Migut responded the seniors had to apply annually, which was required by State law. He said for the ordinance to become effective, it had to be passed by a supermajority.

(12:05 p.m.) Stevenson mentioned the just value and asked if there was an adjustment for inflation provided in the Constitutional Amendment. Migut responded. Stevenson said she thought it was a good amendment because it would help people to remain in their homes.

(12:07 p.m.) McClure asked if the taxes levied by St. Johns County would be 41% of the overall tax bill. Migut said that was correct. Stevenson spoke on the 25 years permanent resident. Migut mentioned that research had already been done, and it would apply to 933 parcels in the County.

(12:09 p.m.) BJ Kalaidi, 8 Newcomb Street, said that 933 parcels minus 659 parcels would equal 274 parcels that would qualify. Migut replied yes, because the 659 already had the \$100,000 exemption, which passed in 2007. She spoke on eliminating taxes for low-income seniors, which *Amendment #11 authorized; not eliminating Amendment #11.* She mentioned she was bringing up the elimination of Amendment #11, because it was written in the minutes that way. She asked the clerk to change the word *eliminating* to *enforcing* in the Amendment.

(12:12 p.m.) **Motion by Sanchez, seconded by McClure, carried 5/0, to enact Ordinance No. 2013-18, authorizing an additional homestead tax exemption, of up to \$249,999 for eligible low-income senior citizens who own and have lived in homesteaded property for 25 years.** *Migut asked if the motion included the two changes on page 2 that was provided today. Sanchez amended the motion and McClure agreed to include the two changes listed on page 2, that was provided.*

ORDINANCE NO. 2013-18

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING AN ADDITIONAL HOMESTEAD TAX EXEMPTION OF ONE HUNDRED PERCENT (100%) OF THE ASSESSED VALUE OF THE PROPERTY FOR CERTAIN PERSONS WITH LEGAL AND EQUITABLE TITLE TO REAL ESTATE WITH A JUST VALUE LESS THAN \$250,000 AND WHO HAVE MAINTAINED, THEREON THE PERMANENT RESIDENCE OF THE OWNER FOR AT LEAST 25 (TWENTY-FIVE) YEARS, WHO HAVE ATTAINED THE AGE OF 65 (SIXTY-FIVE)

AND WHOSE HOUSEHOLD INCOME DOES NOT EXCEED THE STATUTORILY PRESCRIBED LIMIT; PROVIDING FOR ANNUAL FILING REQUIREMENTS; PROVIDING FOR REPEAL OF ANY CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

(Item moved to Regular Item 2a.)

10. CONSIDER A RESOLUTION THAT WOULD APPROVE THE ISSUANCE BY ST. JOHNS COUNTY INDUSTRIAL DEVELOPMENT AUTHORITY OF TAX-EXEMPT AND TAXABLE SERIES 2013A AND SERIES 2013B BONDS, AND A LOAN OF THE PROCEEDS TO BVM CORAL LANDING LLC, BVM LAKESHORE LLC, AND BVM THE BRIDGES LLC, (BVM FLORIDA OBLIGATED GROUP PROJECT) TO FINANCE THE ACQUISITION OF SENIOR LIVING AND HEALTHCARE FACILITIES. THE ISSUANCE OF THESE BONDS WILL BE FOR THE BENEFIT OF THE BVM FLORIDA OBLIGATED GROUP, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$60,000,000 TO FINANCE THE ACQUISITION OF SENIOR LIVING AND HEALTHCARE FACILITIES IN ST. JOHNS COUNTY AND HILLSBOROUGH COUNTY. SAID BONDS SHALL NOT CONSTITUTE A DEBT, LIABILITY OR OBLIGATION OF ST. JOHNS COUNTY, HILLSBOROUGH COUNTY, THE STATE OF FLORIDA OR OF ANY POLITICAL SUBDIVISION THEREOF, BUT WILL BE PAYABLE OUT OF FUNDS PLEDGED AND ASSIGNED UNDER A LOAN AGREEMENT BETWEEN THE IDA AND THE BVM FLORIDA OBLIGATED GROUP.. THE BOARD OF COUNTY COMMISSIONERS APPROVAL WITH RESPECT TO THE BOND PROCEEDS SPENT IN HILLSBOROUGH COUNTY, WILL BE CONDITIONED UPON THE RECEIPT OF SIMILAR APPROVAL FROM HILLSBOROUGH COUNTY

(04/16/13 - 19 - 12:13 p.m.)

11. CONSIDER APPOINTMENTS TO THE RECREATION ADVISORY BOARD

Melissa Lundquist, Assistant to the Board of County Commissioners, said there were five positions that were to be considered for appointments; two due to removal for absenteeism, two due to expired terms, and one due to resignation. She said there were two letters received for reappointment, seven applications for consideration, and enclosed in the packet was a recommendation from the Recreation Advisory Board. She mentioned that the motions were listed individually, so the Board could vote on them one at a time. She also mentioned that the last motion was for a resignation that would be filling an unexpired term.

(12:14 p.m.) McClure asked for clarification on the appointments, because citizens expressed concerns to him on how the appointments were submitted. Lundquist responded on how appointments were submitted. Discussion ensued on interviewing appointments.

(12:22 p.m.) **Motion by Sanchez, seconded by Stevenson, carried 5/0, to (re) appoint Fred Harris, to the Recreation Advisory Board for a two-year term, scheduled to expire April 16, 2015.**

(12:23 p.m.) **Motion by Sanchez, seconded by Stevenson, carried 5/0, to (re) appoint Marci Skinner, to the Recreation Advisory Board for a two-year term, scheduled to expire April 16, 2015.**

(12:23 p.m.) **Motion by Stevenson, seconded by Sanchez, carried 5/0, to appoint Franklin Givens, to the Recreation Advisory Board for a two-year term, scheduled to expire April 16, 2015.**

(12:24 p.m.) **Motion by Stevenson, seconded by Sanchez, carried 5/0, to appoint William Brown, to the Recreation Advisory Board for a two-year term, scheduled to expire April 16, 2015.**

(12:24 p.m.) **Motion by Sanchez, seconded by Morris, carried 5/0, to appoint Jody Stowers, to the Recreation Advisory Board for a partial term, scheduled to expire February 21, 2014.**

(04/16/13 - 20 - 12:25 p.m.) *(Formerly Consent Item 8.)*

12. MOTION TO APPROVE THE PROPORTIONAL FAIR SHARE AGREEMENT (PFS AGREE 2013-01, OAKRIDGE LANDING), AND AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE THE PROPORTIONATE FAIR SHARE AGREEMENT, FINDING THAT THE PROPOSED AGREEMENT IS CONSISTENT WITH SECTION 11.09 OF THE LAND DEVELOPMENT CODE, AS MODIFIED. THE PROJECT'S PROPORTIONATE FAIR SHARE IS CALCULATED TO BE \$812,517

Phong Nguyen, Manager, Transportation Development Division, mentioned that he would present both Items 12 and 13 together, but requested two separate motions. Wanchick said they pulled Consent Items 12 and 13, because they were not required to have a public hearing under State law, but was required under the Land Development Code. Nguyen gave a presentation, *Exhibit A*. He spoke on an application being submitted in 2012, by the applicant, including Towers Timber Company, White's Ford Timber, LLC, and Oakridge Landing, LLC, and said a denied determination was issued December 7, 2012, finding inadequate capacity for transportation and schools. He said the applicant was proposing the Proportionate Fair Share Agreement to mitigate the impacts that involved proposed to development for 196 single family units and 12,000 square feet of commercial. He said the project's proportionate fair share was calculated to be \$812,517 and the developer for the applicant was proposing to pay the Proportionate Fair Share through a five-year schedule payment. He mentioned that the road impact fee credits were also a part of the agreement seeking impact fee credit for the mitigation amount. He reviewed the two special provisions relating to the agreement, school concurrency, 2010 aerial depicting the location of Oakridge Landing, and PUD provisions/existing conditions.

(12:30 p.m.) Stevenson asked how much more in impact fees, was the transportation impact, than the ordinary impact fees that were charged in St. Johns County for single family homes. Nguyen responded for a total of 196, it would be less than the total road impact fees when the developers applied for development. Discussion ensued on road improvements, commitment of the County, the agreement being too complicated, the benefit for the county and burden for the developer, and when the money would be paid.

(12:35 p.m.) **Motion by Stevenson, seconded by Sanchez, carried 5/0, to approve the Proportionate Fair Share Agreement, PSF AGREE 2013-01, Oakridge Landing, and authorizing the County Attorney to execute the Proportionate Fair Share Agreement, finding that the proposed Agreement is consistent with Section 11.09 of the Land Development Code as modified.**

(04/16/13 - 20 - 12:36 p.m.) *(Formerly Consent Item 9.)*

13. MOTION TO APPROVE THE OAKRIDGE LANDING SCHOOL CONCURRENCY PROPORTIONATE SHARE MITIGATION AGREEMENT

(CONSCA 2013-01). THE PROPORTIONATE SHARE MITIGATION IS THE PAYMENT OF \$713,908

(12:36 p.m.) **Motion by Stevenson, seconded by Sanchez, carried 5/0, to approve the Oakridge Land and School Concurrency Proportionate Share Mitigation Agreement (CONSCA 2013-01), the Proportionate Share Mitigation payment was \$713,908.**

(Item was pulled.) (Formerly Consent Item 10.)

14. MOTION TO AUTHORIZE THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO SUBMIT A LETTER OF COMMITMENT ON BEHALF OF ST. JOHNS COUNTY TO THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION/FLORIDA FOREVER PROGRAM FOR THE DEMOLITION AND FUTURE BUILDING REPLACEMENT AT VILANO BEACH OCEANFRONT PARK (FIDDLERS GREEN BUILDING)

(04/16/13 - 21 - 12:37 p.m.)
COMMISSIONERS' REPORTS

Commissioner Stevenson:

Stevenson congratulated the Nease Winterguard for representing St. Johns County at the World finals.

Stevenson thanked County staff for their efforts in the Board's support for the road improvement work in the Race Track Road area.

Stevenson suggested that the Board consider making the 200-day waiver for the display of pennants on new development projects, and making it an amendment to the Land Development Code. It was mentioned that the amendment had already been done.

Stevenson said that she was interested in the inventory of housing, and in hearing more about the block wall requirement.

Stevenson commented on members being absent from board meetings, and the chair making a comment to let everyone know why the member was absent.

Stevenson mentioned her accolades and said it was important to respect the observations of other board members and their past experiences.

(12:42 p.m.) Commissioner McClure:

McClure congratulated the School Board for achieving the highest level of accreditation.

McClure said regarding the Health and Human Service Committee, he wanted to report that Joy Andrews was doing a good job as the interim director.

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

Sanchez said he filled in for Morris and spoke at the Ponce de Leon ceremony, and also at the Francisco Xavier Sanchez commemorative ceremony in the Tolomato Cemetery.

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

Bennett mentioned that she had asked staff to determine how many of the old plats were still un-built, how many entitled lots remained un-built, and she appreciated staff's work on it.

Bennett mentioned that she stood on the Transportation Planning Organization Board (TPO), and stated that she was happy to report that the Division of Transportation (DOT) appeared to be re-energized in its commitment to the portion of the outer beltway that ran through St. Johns County.

(12:46 p.m.) Commissioner Morris:

No report.

(04/16/13 - 22 - 12:46 p.m.)

COUNTY ADMINISTRATOR'S REPORT

Wanchick spoke on growth management, and planning development. He said it was important for the Board to give staff direction on how they wanted to proceed as the new wave-of-growth began to occur in the county. He said the best way to give direction, was to have the commissioners voice their ideas at a workshop/retreat, and then to staff. Morris replied that he thought it was a great idea, and he would like to know what the other four commissioners thought. Bennett asked McCormack if he had spoken to the Florida Association of Counties for feedback on that idea. McCormack said yes he did, and there was favorable commentary towards that. *The Board was in favor of it.*

Wanchick mentioned that the flags were flying at half-staff because of the Boston events.

Wanchick said they would present the financial plan to the Board regarding the Health and Human Services Building at the next BCC meeting.

Wanchick mentioned the separation agreement for James Whitehouse, who would be leaving the County, which included six weeks of compensation, his cobra for two months, and the balance of his unused sick leave. *The Board was in favor of it.*

Wanchick spoke on finalizing the agenda for the joint meeting with the School Board. McClure said he would like to discuss the timing of the impact fees. Stevenson mentioned discussing pedestrian and bike safety. Sanchez said he would like to discuss the compatibility between the schools and the Park and Recreation Department regarding the use of fields. McClure spoke on sharing maps.

Wanchick recommended cancelling July 2, 2013, BCC meeting. *There was consensus of the Board to cancel July 2, 2013 BCC meeting.*

(04/16/13 - 22 - 12:56 p.m.)

COUNTY ATTORNEY'S REPORT

McCormack mentioned having a conversation with BJ Kalaidi regarding her comments about the BCC minutes, and he explained to her that the minutes were summarized and not in transcript form. He requested authorizing the change, after being verified by the clerk, as followed: *eliminate property tax bill for low income seniors, authorized by Amendment 11. There was consensus of the Board to authorize the change requested by McCormack.*

(12:57 p.m.) Stevenson said on the Consent Agenda, there was a mid-year budget adjustment for certain capital items, and she wanted to thank Locklear for clarifying that item. She mentioned having issues with the intensity of parking uses. Locklear mentioned staff was working on the matter.

(04/16/13 - 23 - 1:00 p.m.)
CLERK OF COURT'S REPORT

No report.

With there being no further business to come before the Board, the meeting adjourned at 1:00 p.m.

REPORTS:

1. St. Johns County Board of County Commissioners Check Register, Check Nos. 493937-493948, totaling \$209,220.51 (03/26/13)
2. St. Johns County Board of County Commissioners Check Register, Check Nos. 493949-494016, totaling \$35,653.21 (03/27/13)
3. St. Johns County Board of County Commissioners Voucher Register, Voucher Nos. 12570-12631, totaling \$38,872.43 (03/27/13)
4. St. Johns County Board of County Commissioners Check Register, Check Nos. 494017-494184, totaling \$1,030,630.07 (04/02/13)
5. St. Johns County Board of County Commissioners Voucher Register, Voucher Nos. 12632-12664, totaling \$189,037.34 (04/02/13)
6. St. Johns County Board of County Commissioners Check Register, Check Nos. 494185-494200, totaling \$13,561.77 (04/03/13)
7. St. Johns County Board of County Commissioners Voucher Register, Voucher Nos. 12665-12676, totaling \$14,449.35 (04/03/13)
8. St. Johns County Board of County Commissioners Check Register, Check Nos. 494201-494204, totaling \$153,975.11 (04/03/13)
9. St. Johns County Board of County Commissioners Check Register, Check Nos. 494205-494221, totaling \$51,328.52 (04/04/13)
10. St. Johns County Board of County Commissioners Check Register, Check Nos. 494222-494475, totaling \$2,594,049.71 (04/08/13)
11. St. Johns County Board of County Commissioners Voucher Register, Voucher Nos. 12677-12728, totaling \$764,202.56 (04/08/13)

CORRESPONDENCE:

1. Letter dated April 4, 1013, to Liz Cloud, Program Administrator, Department of State, filing St. Johns County Ordinance Nos. 2013-9 through 2013-12

Approved May 21, 2013



BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: _____

John H. Morris
John H. Morris, Chair

ATTEST: CHERYL STRICKLAND, CLERK

By: _____

Pam Halterman
Deputy Clerk