

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
MARCH 18, 2014
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
Rachael Bennett, District 5, Vice Chair
Cyndi Stevenson, District 1
Ron Sanchez, District 2
William A. McClure, District 3
Michael Wanchick, County Administrator
Darrell Locklear, Assistant County Administrator
Jerry Cameron, Assistant County Administrator
Patrick McCormack, County Attorney
Paolo Soria, Assistant County Attorney
Natasha Lirette, Deputy Clerk

(03/18/14 - 1 - 9:00 a.m.)
CALL TO ORDER

Morris called the meeting to order.

(03/18/14 - 1 - 9:00 a.m.)
ROLL CALL

The clerk called the roll: all board members were present.

(03/18/14 - 1 - 9:00 a.m.)
INVOCATION

Cameron gave the invocation.

(03/18/14 - 1 - 9:02 a.m.)
PLEDGE OF ALLEGIANCE

Morris led the Pledge of Allegiance.

(03/18/14 - 1 - 9:02 a.m.)
SPECIAL RECOGNITION OF ST. JOHNS COUNTY AWARDS AND ACCOMPLISHMENTS

Morris acknowledged the following recent St. Johns County recognitions and accolades: 1) In February, Standard and Poor's increased the County's issuer credit rating from AA- to AA+; 2) The Government Finance Officers Association recognized the County with the Distinguished Budget Presentation Award; 3) The Sunny Review organization honored the County with The Sunny Award; 4) The Florida Department of State's Main Street program recognized the Vilano Beach Main Street initiative with the 2013 Merit Award for outstanding Florida Main Street private-public partnership; 5) NerdWallet ranked Fruit Cove No. 4 on the list of 2013 best places for job seekers in Florida, *Florida Trend Magazine* recognized St. Johns County's success in the business growth and economic development in the 2013 Economic Yearbook, and The St. Johns

unemployment rate is 4.7 percent; 6) FOX Business and Coldwell Banker named Fruit Cove as a top place to live and No. 3 suburb in the United States, *USA Today* listed St. Augustine as the No. 2 place to retire on a list of "5 Great Places to Retire," and Fodor's Travel Guide listed St. Augustine as one of the 10 best small towns in America; 7) The Florida Department of Education ranked the St. Johns County School District No. 1 in Florida and the district was recognized by the Florida Coordinated School Health Partnership, Florida Action for Healthy Kids, and Florida Association of District School Superintendents with a Silver Level Florida Healthy School District honor; and 8) A University of Wisconsin and Robert Wood Johnson Foundation study ranked St. Johns County as the healthiest county in Florida, the *Jacksonville Business Journal* recognized the St. Johns County Board of County Commissioner's as one of the top 2013 healthiest employers, and NerdWallet named St. Johns County among the best Northeast Florida counties for health insurance coverage.

(9:07 a.m.) Sanchez thanked Mary Green, Manager of Ross Dress For Less, for contributing \$1,000 to the St. Johns County Friends of the Library.

(03/18/14 - 2 - 9:08 a.m.)
PUBLIC COMMENT

Ellen Whitmer, 1178 Natures Hammock Road South, spoke on a Jacksonville Electric Authority (JEA) article in *The Florida Times Union*, Exhibit A. Discussion ensued on JEA utility taxation.

(9:12 a.m.) Cathy Brown, 20 Sevilla Street, spoke on native tree removal, including the removal of the Barnes and Noble trees; discussion ensued.

(9:17 a.m.) Derek Boyd Hankerson, Freedom Road Productions (FRP), 734 Medina Avenue, thanked the Commission, Administration, and staff for supporting FRP.

(03/18/14 - 2 - 9:21 a.m.)
DELETIONS TO CONSENT AGENDA

There were none.

(03/18/14 - 2 - 9:21 a.m.)
APPROVAL OF CONSENT AGENDA

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

1. Approval of the Cash Requirement Report
2. Minutes:
 - November 19, 2013 - Amended Regular Meeting
 - January 29, 2014 - Special Meeting
 - February 4, 2014 - Regular Meeting
 - February 7, 2014 - Special Meeting
3. Motion to adopt **Resolution No. 2014-67**, approving the terms and authorizing the chairman to execute a Grant Award Agreement, between St. Johns County and the Florida Fish and Wildlife Conservation Commission; recognizing unanticipated revenue in the amount of \$208,265; and increasing the General Fund Revenue (0001-33130) and increasing the expenditure budget of the Environmental Division (0104-55304) in the same amount; and authorizing its expenditure by the Environmental Division

RESOLUTION NO. 2014-67

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AMENDING THE FISCAL YEAR 2014 GENERAL FUND, TO RECEIVE UNANTICIPATED REVENUE; AND AUTHORIZE ITS EXPENDITURE BY THE ENVIRONMENTAL DIVISION OF ST. JOHNS COUNTY

4. Motion to adopt **Resolution No. 2014-68**, approving the terms of a Purchase Agreement, for purchase of property needed, for the Armstrong Park Trailhead/Bike Path in connection to the Rails-to-Trails Project; and authorizing the county administrator, or designee, to execute the agreement on behalf of the County

RESOLUTION NO. 2014-68

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS OF A PURCHASE AGREEMENT, FOR PURCHASE OF PROPERTY NEEDED, FOR THE ARMSTRONG PARK TRAILHEAD/BIKE PATH IN CONNECTION TO THE RAILS-TO-TRAILS PROJECT; AND AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO EXECUTE THE PURCHASE AGREEMENT ON BEHALF OF THE COUNTY

5. Motion to adopt **Resolution No. 2014-69**, accepting a Warranty Deed from Mattamy (Jacksonville) Partnership to St. Johns County, conveying Tract M-1 reserved for future right-of-way in the Worthington recorded plat

RESOLUTION NO. 2014-69

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING A WARRANTY DEED FROM MATTAMY (JACKSONVILLE) PARTNERSHIP TO ST. JOHNS COUNTY, CONVEYING TRACT M-1 RESERVED FOR FUTURE RIGHT-OF-WAY IN THE WORTHINGTON RECORDED PLAT

6. Motion to adopt **Resolution No. 2014-70**, accepting an Easement for Utilities for water service to Palencia Elementary School on Palencia Village Drive

RESOLUTION NO. 2014-70

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING AN EASEMENT FOR UTILITIES FOR WATER SERVICES TO PALENCIA ELEMENTARY SCHOOL ON PALENCIA VILLAGE DRIVE

7. Motion to adopt **Resolution No. 2014-71**, approving the terms and authorizing the county administrator, or designee, to execute five Maintenance and Hold Harmless Agreements associated with construction of pavers and overflow parking spaces for the public in Nocatee

RESOLUTION NO. 2014-71

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, AND AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO EXECUTE FIVE MAINTENANCE AND HOLD HARMLESS AGREEMENTS ASSOCIATED WITH CONSTRUCTION OF PAVERS AND OVERFLOW PARKING SPACES FOR THE PUBLIC IN NOCATEE

8. Motion to adopt **Resolution No. 2014-72**, authorizing the county administrator, or designee, to award Bid No. 14-21, Marsh Landing WTP High Service Pumps Upgrade to TLC Diversified, Inc. (TLC), lowest responsive, responsible bidder; and to enter into a contract with TLC for completion of the work for a Total Lump Sum of \$470,000

RESOLUTION NO. 2014-72

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE COUNTY, OR DESIGNEE, TO AWARD BID NO. 14-21; AND TO EXECUTE AN AGREEMENT FOR MARSH LANDING WTP HIGH SERVICE PUMPS UPGRADE

9. Motion to adopt **Resolution No. 2014-73**, authorizing the county administrator, or designee, to award Bid No. 14-22, Plantation WTP High Service Pump Station Improvements to TLC Diversified, Inc. (TLC), the lowest responsive, responsible bidder; and to enter into a contract with TLC, on behalf of the County, for completion of the work for a Total Lump Sum of \$659,000

RESOLUTION NO. 2014-73

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO AWARD BID NO. 14-22; AND TO EXECUTE AN AGREEMENT FOR PLANTATION WTP HIGH SERVICE PUMP STATION IMPROVEMENTS

10. Motion to adopt **Resolution No. 2014-74**, to authorize the county administrator, or his designee, to enter into a contract for one year with four available one year renewals, with Arwood Waste, for commercial solid waste collection services as described in the documents/specifications for Bid No. 14-02R and the firm's submitted bid proposal

RESOLUTION NO. 2014-74

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO AWARD AND EXECUTE AN AGREEMENT FOR BID NO. 14-02R COMMERCIAL SOLID WASTE COLLECTION SERVICES FOR ST. JOHNS COUNTY FACILITIES

11. Motion to approve the Sunshine 16, Parcel 4, School Concurrency Proportionate Share Mitigation Agreement (CONSCA 2014-01)
12. Motion to adopt **Resolution No. 2014-75**, revising the County's Fiscal Year 2014 Fee Schedule to reflect the revision and addition of fees (related to a Children's Triathlon event) with an effective date of March 18, 2014

RESOLUTION NO. 2014-75

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AMENDING THE FISCAL YEAR 2014 FEE SCHEDULE OF FEES FOR COUNTY DEPARTMENTS; AND PROVIDING AN EFFECTIVE DATE

13. Proofs (*The St. Augustine Record*):
 - a. Proof: Notice of Meeting, Collective Bargaining on February 28, 2014, published February 27, 2014
 - b. Proof: Notice of Meeting, Tour of JAXPORT on March 3, 2014, published March 1, 2014
 - c. Proof: Notice to Bidders, Bid No. 14-48, published February 26, 2014, and March 5, 2014
 - d. Proof: Notice of Hearing, CDBG Grant Second Public Hearing on March 4, 2014, published February 22, 2014
 - e. Proof: Notice of Hearing, Repealer Ordinance on March 4, 2014, published February 22, 2014

(03/18/14 - 5 - 9:21 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

(9:21 a.m.) Sanchez requested to add a discussion on Board Rules & Policies.

(9:23 a.m.) **Motion by Bennett, seconded by McClure, carried 5/0, to pull Regular Agenda Item 9.**

(9:24 a.m.) Morris stated the discussion on Board Rules & Policies would be New Regular Agenda Item 9.

(03/18/14 - 5 - 9:24 a.m.)

APPROVAL OF REGULAR AGENDA

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

(9:24 a.m.) Cameron left the meeting.

(03/18/14 - 6 - 9:24 a.m.)

1. CONSIDER A MOTION TO ADOPT A RESOLUTION APPROVING THE ISSUANCE OF TAX-EXEMPT OBLIGATIONS (GLENMOOR PROJECT) BY THE ST. JOHNS COUNTY IDA, IN AN AGGREGATE AMOUNT, NOT TO EXCEED \$57,145,893.75 TO RESTRUCTURE DEBT REPAYMENT OBLIGATIONS OF LIFE CARE ST. JOHNS, INC.

Patrick F. McCormack, County Attorney, gave an overview. He also introduced Jeff Dobson, representing the IDA Council; Will Milford, attorney with Bryant Miller Olive; Greg White, attorney with Bryant Miller Olive; and Rick Thames, attorney with Stutsman Thames & Markey.

(9:26 a.m.) Thames briefed the Board on the restructure debt repayment obligations of the Glenmoor Project. Discussion ensued, between McClure and Thames, on bond obligations.

(9:49 a.m.) Stevenson clarified the County's position/relationship to the Glenmoor Project.

(9:56 a.m.) McCormack reviewed the following proposed resolution revisions: 1) page 3, last WHEREAS, 4th line down, change the language from "either the Authority or the County shall never be required to" to "*neither the Authority nor the County shall ever be required to*", 2) page 3, last WHEREAS, 8th line down, (ii), change the language from "pay the same from any funds of the Authority or the County other than those derived by the Authority under the Loan Agreement" to "*pay the same from any funds of the Authority or the County other than by the Authority from those funds derived by the Authority under the Loan Agreement*" 3) Page 3, last WHEREAS, 10th line down, (iii), change the language from "require or enforce any payment or performance by the Borrower as provided by the Loan Agreement, Bond Indenture or the Master Indenture unless the Authority's expenses in respect thereof shall be paid from moneys derived under the Loan Agreement" to "*require or enforce any payment or performance by the Borrower as provided by the Loan Agreement, Bond Indenture or the Master Indenture unless voluntarily by the Authority if the Authority's expenses in respect thereof shall be paid from moneys derived under the Loan Agreement*" 4) page 5, Section 2, repealing clause should be changed to Section 3, and 5) page 5, Section 3, effective date, should be changed to Section 4.

(10:01 a.m.) **Motion by Stevenson, seconded by Morris, carried 5/0, to adopt Resolution No. 2014-76, approving the issuance of tax-exempt obligations (Glenmoor Project) by the St. Johns County IDA, in an aggregate amount, not to exceed \$57,145,893.75 to restructure debt repayment obligations of Life Care St. Johns, Inc., as amended.**

RESOLUTION NO. 2014-76

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE ISSUANCE BY THE ST. JOHNS COUNTY INDUSTRIAL DEVELOPMENT AUTHORITY (THE "AUTHORITY") OF ITS HEALTH CARE REFUNDING REVENUE BONDS (GLENMOOR PROJECT), SERIES 2014A (THE "SERIES 2014A BONDS") AND ITS SUBORDINATE HEALTH CARE REFUNDING REVENUE BONDS (GLENMOOR PROJECT), SERIES 2014B (THE "SERIES 2014B SUBORDINATE BONDS"), IN AN AGGREGATE PRINCIPAL AMOUNT OF NOT

TO EXCEED \$57,145,893.75 TO THE HOLDERS OF THE AUTHORITY'S FIXED RATE HEALTH CARE REVENUE REFUNDING BONDS (GLENMOOR PROJECT), SERIES 2006A AND ITS ADJUSTABLE RATE HEALTH CARE REVENUE REFUNDING REVENUE BONDS (GLENMOOR PROJECT), SERIES 2006B, ORIGINALLY ISSUED IN THE AGGREGATE PRINCIPAL AMOUNT OF \$59,555,000 (COLLECTIVELY, THE "SERIES 2006 BONDS"), WITH THE PROCEEDS FROM SUCH EXCHANGE OF THE SERIES 2006 BONDS FOR A RATABLE SHARE OF THE SERIES 2014A BONDS, AND SERIES 2014B SUBORDINATE BONDS TO BE LOANED TO LIFE CARE ST. JOHNS, INC., TO EFFECT A REFUNDING OF THE SERIES 2006 BONDS, PURSUANT TO CHAPTERS 125 AND 159, FLORIDA STATUTES, AS AMENDED, AND SECTION 147(f) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED; AND PROVIDING AN EFFECTIVE DATE

(03/18/14 - 7 - 10:02 a.m.)

DISTRICT 5

2. PUBLIC HEARING - DEVAGRMOD 2013-04, H.E. WOLFE DEVELOPMENT AGREEMENT MODIFICATION. THE H.E. WOLFE DEVELOPMENT AGREEMENT (DEVAGREE 2006-05) WAS APPROVED BY THE BOARD OF COUNTY COMMISSIONERS ON NOVEMBER 15, 2006, TO DEMONSTRATE FINANCIAL FEASIBILITY FOR THE H.E. WOLFE TRUST COMPREHENSIVE PLAN AMENDMENTS (CPA). THE AGREEMENT ALSO DEMONSTRATED ADEQUATE TRANSPORTATION CAPACITY, FOR ISSUANCE OF A FINAL CERTIFICATE OF CONCURRENCY (CONMAJ 2006-30), FOR THE DEVELOPMENT OF 801 RESIDENTIAL UNITS AND 181,603 SQ. FT. OF COMMERCIAL AND OFFICE USES. THE CONCURRENCY CERTIFICATE IS EXPIRED FOR ALL PUBLIC FACILITIES EXCEPT TRANSPORTATION, WHICH REMAINS IN EFFECT FOR 10 YEARS, CONSISTENT WITH THE H.E. WOLFE TRUST DEVELOPMENT AGREEMENT, AND WILL OTHERWISE EXPIRE ON NOVEMBER 15, 2016. THE REQUEST SEEKS TO TERMINATE THE DEVELOPMENT AGREEMENT BASED ON THE RESULTS OF A NEW APPLICATION FOR CONCURRENCY DETERMINATION (CONMAJ 2013-06) FOR THE DEVELOPMENT OF 345 SINGLE FAMILY UNITS. THE ROADWAY IMPROVEMENTS PREVIOUSLY CONTEMPLATED BY THE H.E. WOLFE DEVELOPMENT AGREEMENT ARE NO LONGER NECESSARY FOR CONCURRENCY APPROVAL GIVEN THE REDUCED NUMBER OF UNITS PROPOSED IN THE SOUTHAVEN PUD. ALL TRIPS IN EXCESS OF THOSE REQUIRED FOR THE REDUCED PLAN OF DEVELOPMENT WILL BE FORFEITED UPON TERMINATION OF THE DEVELOPMENT AGREEMENT. TWO PUBLIC HEARINGS ARE REQUIRED TO MODIFY OR TERMINATE A DEVELOPMENT AGREEMENT. THIS IS THE SECOND OF TWO REQUIRED PUBLIC HEARINGS. THE FIRST PUBLIC HEARING WAS HELD ON FEBRUARY 18, 2014

Proof of publication for the notice of public hearing on DEVAGRMOD 2013-04, Terminate H.E. Wolfe Development Agreement, was received, having been published in *The St. Augustine Record* on February 3, 2014.

Phong T. Nguyen, Transportation Development Division Manager, gave a PowerPoint presentation. He announced that the March 18, 2014, Board meeting was the second of two required hearings; and that the modification sought to terminate the agreement. He reviewed the request, site map, current findings, and the staff recommendation.

(10:04 a.m.) Discussion ensued on the staff recommendation, commercial capacity, and safety/rehabilitation of International Golf Parkway up to US 1.

(10:17 a.m.) Walter O'Shea, applicant, 372 South Mill View Way, highlighted transportation capacity, commercial capacity, and roadway improvements for International Golf Parkway.

(10:21 a.m.) Ellen Whitmer, 1178 Natures Hammock Road South, spoke on commercial space.

(10:23 a.m.) **Motion by Bennett, seconded by Sanchez, carried 5/0, to approve the Agreement terminating the H.E. Wolfe Development Agreement, finding that the request is consistent with Article XI of the Land Development Code.**

10:23 a.m. Locklear left the meeting.

(03/18/14 - 8 - 10:23 a.m.)

DISTRICT 1

3. PUBLIC HEARING - NZVAR 2013-06, BISHOP PROPERTY. THIS IS A REQUEST FOR A NON-ZONING VARIANCE TO SECTION 6.04.07.B.1, WHICH STATES, "EASEMENTS FOR ACCESS SERVING MULTI-FAMILY DWELLING PROJECTS (EXCEPT TOWNHOMES), NON-RESIDENTIAL PROJECTS, OR EASEMENTS SERVING MORE THAN TWO RESIDENTIAL DWELLING UNITS SHALL MEET ALL REQUIREMENTS OF PART 6.04.00 (ROADWAY, DRAINAGE & UTILITIES STANDARDS). THERE ARE CURRENTLY TWO DWELLING UNITS AND ONE UNIMPROVED LOT THAT ARE SERVED BY AN EXISTING EASEMENT, AND THE APPLICANT IS PROPOSING A FOURTH BY ESTABLISHING A LOT FOR A FAMILY MEMBER

Proof of publication for NZVAR 2013-06, Bishop Property, was received, having been published in *The St. Augustine Record* on March 3, 2014.

John Burnham, P.E., Chief Engineer, gave a PowerPoint presentation. He reviewed the site map, zoning map, future land use map, aerial map, a summary of the request, findings, and the recommendation, including correspondence with David Levy and Eileen Rowe.

(10:28 a.m.) Bennett spoke on the legibility of documents provided in the commissioners' agenda packets.

(10:28 a.m.) McClure questioned Rowe's existing easement.

(10:29 a.m.) Eileen Rowe, adjourning property owner, 708 Camelia Court, spoke on easement concerns, including environmental/unsuitable soil property concerns. She also requested an environmental survey. Discussion ensued on environmental/unsuitable soil concerns and the one acre building requirement.

(10:41 a.m.) **Motion by Stevenson, seconded by Sanchez, carried 5/0, to approve Non-Zoning Variance 2013-06, based upon findings of fact 1-5, and subject to suggested conditions 1-3.**

The meeting recessed at 10:42 a.m. and reconvened at 10:57 a.m. with Locklear and Cameron present.

(10:57 a.m.) McCormack and Cameron explained to the Board that a Consent Agenda item, regarding the West Augustine Lighting Program, was inadvertently not placed on the March 18, 2014, Consent Agenda. McCormack noted that the vendor was on site and that there would be additional start-up costs if the contractor could not proceed today.

(11:03 a.m.) Motion by Sanchez, seconded by Morris, carried 5/0, to reopen the Regular Agenda and add the West Augustine Lighting Program as Regular Agenda Item 10.

(11:03 a.m.) Cameron left the meeting.

(03/18/14 - 9 - 11:04 a.m.)

DISTRICT 3

4. PUBLIC HEARING - REZ 2013-04, CONTINENTAL AUTO/TRUCK SERVICE CENTER. THIS IS A REQUEST TO REZONE 9.9 ACRES FROM COMMERCIAL HIGHWAY TOURIST (CHT) TO COMMERCIAL INTENSIVE (CI). STAFF RECOMMENDS APPROVAL OF THE REQUEST BASED ON CONSISTENCY WITH THE FUTURE LAND USE DESIGNATION OF MIXED USE DISTRICT, CONSISTENCY WITH DEVELOPMENT TRENDS IN THE AREA, AND COMPATIBILITY WITH SURROUNDING PROPERTIES. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THE REQUEST ON FEBRUARY 6, 2014, BY A VOTE OF 7 TO 0

Proof of publication for REZ 2013-04, Continental Auto/Truck Service Center, was received, having been published in *The St. Augustine Record* on March 3, 2014.

Caitlin Cerame, Planner, gave a PowerPoint presentation. She reviewed the site map, zoning map, aerial map, conceptual site plan maps, proposed request overview, a use categories comparison chart, and recommendations.

(11:07 a.m.) Bennett questioned if the existing and proposed zonings would allow a truck stop, to which Cerame responded.

(11:08 a.m.) Discussion ensued on the rezoning and traffic concerns.

(11:11 a.m.) Morris noted that the item was an ex parte item: there was none.

(11:12 a.m.) Leo D. Giannini, applicant, noted that the business would be relocating to the proposed property location and that there was an anti-compete agreement with Flying J not allowing a truck stop to be built.

(11:14 a.m.) Motion by McClure, seconded by Stevenson, carried 5/0, to enact Ordinance 2014-15, known as REZ 2013-04, adopting findings of fact 1-4 to support the motion.

ORDINANCE NUMBER: 2014-15

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM THE PRESENT ZONING CLASSIFICATION OF COMMERCIAL HIGHWAY TOURIST (CHT) TO COMMERCIAL INTENSIVE (CI); MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE

(03/18/14 - 10 - 11:15 a.m.)

5. PUBLIC HEARING - ST. JOHNS COUNTY 2014 COMPREHENSIVE PLAN TEXT AMENDMENTS TRANSMITTAL HEARING. THIS IS A TRANSMITTAL HEARING FOR A COMPREHENSIVE PLAN AMENDMENT AMENDING THE TEXT OF THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN. THE AMENDMENTS CAN BE GENERALLY CATEGORIZED AS CHANGES MADE TO: REFLECT CURRENT STATE LAW; MODIFY OUTDATED TIMING STANDARDS; CLARIFY POLICIES; AND CHANGE POLICY TO REFLECT CURRENT BCC GOALS. THE PLANNING AND ZONING AGENCY IS SCHEDULED TO MAKE A RECOMMENDATION ON THESE AMENDMENTS AT THE MARCH 6, 2014, HEARING

Proof of publication for transmittal hearing, St. Johns County 2014 Comprehensive Plan Text Amendments, was received, having been published in *The St. Augustine Record* on February 19, 2014.

Suzanne Konchan, AICP, Growth Management Director, gave a PowerPoint presentation. She gave an overview of the item; and reviewed the following proposed text amendments: 1) Applicant Mandated Comprehensive Plan Studies; 2) Mixed Use District; 3) Maximum Lot Coverage; 4) Non-Conforming Structures; 5) Northwest Sector Scenic and Development Edges, including gated communities; and 6) Vilano Town Center Development Rights.

Discussion ensued on sign code provisions, gated communities and interconnectivity, coastal high hazard areas, and capping Vilano Town Center Mixed Use District (TCMUD) build out units to 186.

(11:35 a.m.) Konchan suggested rewording the policy from: eliminates aspiration to 'discourage' gated communities, to the following: *communities proposed to be gated shall be encouraged to provide pedestrian and bicycle interconnectivity.*

(11:39 a.m.) Bennett suggested that Konchan look at the language on the TCMUD boundaries.

(11:44 a.m.) Konchan continued reviewing the PowerPoint presentation, including a summary and Planning and Zoning Agency (PZA) recommendations. She noted that the PZA recommended approval with concerns regarding the Northwest Sector scenic edge reductions and asked that the 100 ft. expansion for non-conforming structures be cumulative and not sequential.

(11:45 a.m.) McClure questioned applicant mandated studies/fiscal impact analysis studies, to which Konchan responded; discussion ensued. McClure also noted that stakeholder meetings and recommendations had not occurred prior to the transmittal hearing. Konchan noted that communications would occur prior to the adoption hearings; discussion ensued on economic incentives, and sign code provisions.

Wanchick briefed the Board on the transmittal hearing process.

(11:55 a.m.) Cameron entered the meeting.

(11:56 a.m.) Discussion ensued between Stevenson and Konchan on fiscal impact analysis studies, Policy A.1.10, page 7, Natural Resource Protection, and Policy A.1.5.7, page 12, Coastal Areas.

(12:03 p.m.) Bennett noted that the St. Johns County Comprehensive Plan works hand in hand with the St. Johns County Land Development Code.

(12:04 p.m.) Ellen Whitmer, 1178 Natures Hammock Road South, spoke in opposition of approving the transmittal.

(12:06 a.m.) Vivian Browning, 115 Vilano Road, Suite A, spoke in favor of approving the transmittal, including support of Section F, Vilano Town Center, and on capping the build out units to 186. She also invited the Board and public to the Ponce de Leon celebration, on April 5, 2014, at 3:00 p.m.

Summary of approved changes:

1. *A.1.6.2(a)(3), page 15, clarifies planned rural developments (PDRs) and makes the provision to include commercial optional, Exhibit B*
2. *A.1.11.3, page 45, paragraph 6, clarifies maximum lot coverage in planned developments, Exhibit A*
3. *A.2.1.10(c)(5), page 86, eliminates aspiration to 'discourage' gated communities*
4. *A.3.2.5, clarifies that the 186 units cap in the Vilano Town Center would apply even if the Town Center boundaries are permitted to expand in the future*

(12:10 a.m.) Motion by Bennett, seconded by McClure, carried 5/0, to transmit the text amendments, as amended in the meeting today, specifically regarding the language for a gated community suggested by the planning director, and setting the maximum dwelling units in the [Vilano] Town Center Mixed Use [District] at 186, regardless of the acreage, and including all amendments as discussed and presented by the planning director, to the Future Land Use Element of the Comprehensive Plan to State and regional agencies for review, subject to findings of fact 1 through 3 to support the motion.

The meeting recessed at 12:11 p.m. and reconvened at 1:27 p.m. with commissioners Morris, Bennett, Sanchez, Stevenson, and McClure; County Administrator Wanchick; Assistant County Administrators Locklear and Cameron; County Attorney McCormack; Assistant County Attorney Paolo; and Deputy Clerk Lenora Newsome present.

(03/18/14 - 11 - 1:28 p.m.)

6. CONSIDER APPOINTMENTS TO THE CONTRACTORS BOARD OF ADJUSTMENT & APPEALS

Melissa A. Lundquist, Assistant to Board of County Commissioners, reviewed the item.

(1:32 p.m.) Motion by Sanchez, seconded by McClure, carried 5/0, to appoint John Ruggeri to the Adjustment and Appeals Board for a full term, scheduled to expire on March 18, 2018.

(1:33 p.m.) Motion by Bennett, seconded by McClure, carried 5/0, to appoint Alea Reimer to the Adjustment and Appeals Board for a full term, scheduled to expire on March 18, 2018.

(1:33 p.m.) Motion by Stevenson, seconded by McClure, carried 5/0, to appoint Peter Pollicino to the Adjustment and Appeals Board for a full term, scheduled to expire on March 18, 2017.

(1:34 p.m.) Motion by Bennett, seconded by Sanchez, carried 5/0, to appoint Charles White to the Adjustment and Appeals Board for a full term, scheduled to expire on March 18, 2018.

(1:34 p.m.) Motion by Stevenson, seconded by Sanchez, carried 5/0, to (re)appoint Keith Burney, Lawrence Evans, and Nick Andrade to the Adjustment and Appeals Board for a full term, scheduled to expire on March 18, 2016.

(03/18/14 - 12 - 1:35 p.m.)

7. CONSIDER AN APPOINTMENT TO THE INDUSTRIAL DEVELOPMENT AUTHORITY

Melissa A. Lundquist, Assistant to Board of County Commissioners, reviewed the vacancy.

(1:36 p.m.) Motion by Morris, seconded by Sanchez, carried 5/0, to appoint George Olsen to the Industrial Development Authority for a full term, scheduled to expire on March 18, 2018.

(03/18/14 - 12 - 1:37 p.m.)

8. PUBLIC HEARING - FIRST READING OF NUISANCE ABATEMENT BOARD AMENDMENT ORDINANCE. PURSUANT TO SECTION 893.138, FLORIDA STATUTES, AND SECTION 4, ST. JOHNS COUNTY ORDINANCE 2011-25, AND 2011-34, THE BOARD OF COUNTY COMMISSIONERS AUTHORIZED THE CREATION OF THE NUISANCE ABATEMENT BOARD IN ORDER TO HEAR AND DELIBERATE UNABATED PUBLIC NUISANCES WITHIN THE WEST AUGUSTINE AREA. MEETINGS WITH COUNTY STAFF, SHERIFF'S OFFICE, AND OTHERS HAVE CREATED THE AMENDING ORDINANCE

McCormack briefed the Board on the function of the Nuisance Abatement Ordinance and the Nuisance Abatement Board. He also reviewed the proposed changes; discussion ensued.

(1:44 p.m.) Stevenson said the Nuisance Abatement Board carried a heavy responsibility and deserved protection. McClure asked what the relationship was between the person who was conducting the improper legal activity and how that transferred onto foreclosure of the land owner. McCormack responded that this was a property item, and the property owner needed to get noticed before somebody's property rights were impacted. He spoke on removing certain nuisance elements of the property, and requiring certain features. Discussion ensued on noticing the owner of the premises and the owner of the land, including fencing the property. He said one of the things the Nuisance Abatement Board would look at was how active the property owner was in trying to resolve the problem, or was the property owner part of the problem. Stevenson said the main objective was to gain compliance not to create penalty. McCormack said the community in West Augustine reminded him of Ponte Vedra, in that they had a lot of pride in their community; they stepped up and looked for opportunities to improve further.

(1:54 p.m.) McCormack noted that the second hearing was scheduled on April 1, 2014, but he needed more time to review it and asked to move it forward two more weeks.

(Item 9 was pulled from the agenda.)

9. CONSIDER AN EMERGENCY PROCLAMATION DECLARING A LOCAL STATE OF EMERGENCY IN CERTAIN COASTAL AREAS

(New Item 9 was added to the agenda.)

(03/18/14 - 12 - 1:55 p.m.)

9. DISCUSSION OF BOARD RULES & POLICIES

Sanchez spoke on not allowing volunteers to utilize space in secured office areas. McCormack noted a provision in the Administrative Code. Sanchez mentioned that there was a situation last week, where people were utilizing office space in the commission office. Bennett said the incident he was referring to happened in a secured area of the complex. She said the person whose office they were using, knowingly was not present.

Sanchez said he thought it was important that people be supervised in secured areas. He suggested that the County Attorney's Office check with security to work out something with the office staff, so the staff could call security if need be. Bennett suggested that no unescorted visitors should be using the offices. McCormack indicated that Sanchez requested that it be placed in the Administrative Code. Discussion ensued on office safety, the commission office being a secured area and that security was violated, all volunteers in the County going through a background check, candidates, media, and members of the public not being left unsupervised in any secured area. There was lengthy discussion regarding unsupervised visitors in a secured area, and using office equipment for politics. *Sanchez asked for a consensus to have the County Attorney look into unsupervised public in secure areas of the County building, and if it should be added into the Boards Rules and Policies to include the public, not just the volunteers, and look into the security factor. Bennett asked Sanchez if he would consider asking the County Attorney to draft a policy that was not only a Board policy, but also a general county policy on unsupervised public in secured areas of the County building. (2:22 p.m.) There was consensus of the Board to do so.*

(03/18/14 - 13 - 2:22 p.m.)

10. WEST AUGUSTINE LIGHTING CONTRACT APPROVAL WITH M. GAY CONSTRUCTORS

Cameron mentioned that on December 17, 2013, the Board approved the lighting for West Augustine Park and stated that as a result they contracted with Musco Lighting. He said staff did not include the installation because they were able to negotiate directly with the contractor that would be doing the installation; M. Gay Constructors and they were able to save the County \$11,000. He said that Construction Services and Recreation was under the impression that this had gone through and would be approved today. They discovered it was not on the Consent Agenda because of time considerations. He said it should had been be on the agenda.

(2:24 p.m.) Motion by Sanchez, seconded by Bennett, carried 5/0, to authorize the county administrator, or designee, to negotiate and enter into a contract with M. Gay Constructors in the amount of \$110,000 for installation of the Musco Sports Lighting package at the West Augustine Park. (Resolution No. 2014-77)

(03/18/14 - 13 - 2:25 p.m.)

COMMISSIONERS' REPORTS

Commissioner Stevenson:

Stevenson reported that she attended the Northwest Tower Committee meeting, which was staffed by Matt Dobson, St. Johns County Parks and Recreation Department. She said that the group was working with the Creeks Athletic Association. She mentioned that they were working on a matching grant with Creeks Athletic to add lightning warning systems to both Aberdeen Fields and Rivertown Park to help keep the children safe from lightning strikes.

Stevenson said that she attended meetings with The Florida Greenways and Trail Counsel. She said that one of the board members met with her regarding the best alternative corridor between Ponte Vedra and St. Augustine. She asked for the County Commissioners consent to authorize staff to research funding opportunities. She said any identified funding would be brought back to the Board of County Commissioners for consideration and would not interfere with any existing funding or priorities that had been set for the trail network. (2:28 p.m.) *There was consensus of the Board to authorize staff to research funding opportunities on the trails.*

(2:29 p.m.) Commissioner Bennett:

Bennett spoke about the St. Johns County Delegation letters pertaining to Medicaid Managed Assistance, relating to non-emergency transportation. She requested consensus of the Board to allow her to sign and send letters to Representative Ronald 'Doc' Renuart, Senator John Thrasher, and Representative Travis Hutson pertaining to Medicaid Managed Assistance, relating to non-emergency transportation. (2:35 p.m.) *There was consensus of the Board to authorize Bennett to sign and send the mentioned letters.*

(2:36 p.m.) Commissioner Sanchez:

Sanchez spoke on the rules and regulations of the Department of Environmental Protection Agency (DEP), and stated that he didn't know if they came from a Federal level or a State level. He mentioned researching and sending out letters to the people that controlled those regulations. Locklear encouraged the people to work with their Legislature.

(2:39 p.m.) Commissioner McClure:

McClure mentioned that he attended the 30th Annual St. Johns County Sheriffs Awards.

McClure spoke on the Legislative budget regarding the school system.

McClure announced that he would miss the next Board meeting on April 1, 2014.

Commissioner Morris:

No report.

(03/18/14 - 14 - 2:40 p.m.)

COUNTY ADMINISTRATOR'S REPORT

No report.

(2:41 p.m.) Stevenson spoke on receiving emails from the parks subdivision. She said that she took pictures of that area and the pipes were in bad shape. She stated that Public Works estimated it would cost about \$20,000,000 to fix all of the pipes, which was about three times what they use for road maintenance on a routine basis. She said if they found blight in that area, maybe they could TIFF it, and work on the roads in that area, that were in the worse condition. She said it was an urgent issue.

(03/18/14 - 15 - 2:42 p.m.)

COUNTY ATTORNEY'S REPORT

McCormack stated that he had three items to brief the Board on. He said the first item was the City of Jacksonville's pension/JEA issue. He mentioned there had been news stories about the issue in the January/February/March time frame. He said the issue was discussed recently in Nassau County, in which JEA had service areas in. He said the Nassau County Board was very concerned about it, and authorized their county attorney to propose language in opposition to it, for their Board to consider. He said the issue was that the City of Jacksonville had pension funding issues and they had the Nationally Recognized Academic Study Group review the issue. He said there had been a proposal from the Mayor's office about increasing the amount of funding that the City of Jacksonville received from JEA by 40,000,000 a year for the purpose of supporting the City of Jacksonville's pension program. He said the City of Jacksonville had reviewed it, and the Mayor's office said it could be done without raising rates.

He said it may be the case, but there apparently was quite a bit of uncertainty about that. He said he would leave it to the Board to consider whether drawing \$40,000,000 out of JEA, would sooner or later have any effect on rates. He mentioned that he wanted to bring the matter to the Board's attention and give the Board the opportunity to review it and perhaps send a letter of concern/opposition. He said the City of Jacksonville had the legal right to get some funding from JEA in terms of cost pertaining to overhead. He said the City of Jacksonville already received \$100,000,000 plus a year from JEA, in which \$40,000,000 would be an addition to that.

(2:47 p.m.) Morris said to submit a strong letter of concern. Stevenson said she was meeting with the Intergovernmental person again and the executive director of JEA. She said not only did they have the \$100,000,000 a year that was already going to the General Fund for the City of Jacksonville; they had an escalator clause in it. Sanchez said that he thought the letter should be in strong opposition to that plan. Discussion ensued on sending a letter against the issue and raising the rates for JEA customers in all their service areas. *McCormack recommended the Board to consider a note of caution about the \$40,000,000 plan. He suggested the Board consider a letter from the Chair, in which he would draft a letter for the Chair's consideration, taking note of the Commissions' concerns as articulated here today.* (2:52 p.m.) ***There was consensus of the Board to do what McCormack suggested and recommended.***

(2:53 p.m.) Ellen Whitmer, 1178 Natures Hammock Road South, said that she spoke in favor of sending JEA a letter of concern.

(2:56 p.m.) McCormack said the second item was proposed legislation pertaining to short term vacation rentals. He said up until 2011, local governments could reasonably regulate short term vacation rentals, but the State law changed, where most aspects of that were preempted to the State. He said there had been some areas in Florida, like Flagler County, where they had instances of neighborhoods where the vacation rentals would operate and would put 10-20 people (party houses) in the rental for a week or weekend. He mentioned that Senator Thrasher was sponsoring a bill and Representative Hudson was sponsoring a house bill to restore to local governments the ability to regulate short term vacation rentals under their Home Rule Authority. He said that the issue was coming up for action in the legislature, and the industry was trying to articulate why local governments should not be involved. He said the St. Johns County Board would not support banning vacation rentals, but would recognize that maintaining the character and integrity of residential neighborhoods and assuring public safety were provided. *He suggested that the Board consider a letter of support to the proposed legislation from Senator Thrasher and Representative Hudson.* (2:59 p.m.) ***There was consensus from the Board to do as McCormack suggested.***

(2:59 p.m.) McCormack said the third issue was pertaining to the Department of Juvenile Justice (DJJ). He said there had been an issue for the last several years that had risen, pertaining to DJJ cost sharing with the counties. He said the way the system had worked was that the DJJ would estimate how much cost sharing each county should do for each year and require the counties to pay that, and then after that there would be a true-up and potentially do reimbursements to counties. He said DJJ also interpreted that the governing legislation shifted more of the cost to the counties. He said there were some counties that had issues with the annual true-ups, which actually started administrative litigation with DJJ on that point. He stated that part of the arguments in some of those cases was that the way DJJ was interpreting the law was improper and that issue went up through the Department of Administrative Hearings. He said he went back to DJJ, and then went up to a District Court of Appeal, which found that DJJ was not doing the cost of sharing correctly. He mentioned that Legislature was aware of that court ruling. He mentioned that there were a number of counties that participated, but St. Johns County did not. He said there was some proposed legislation, which would seek to improve the situation. He said on the Senate side,

Senator Bradley was proposing a fifty-fifty cost share, which would be better than what had been imposed by DJJ, which would make it good going forward, in that the counties would pay fifty percent of the actual cost of its share, rather than estimating, paying ahead, and then trying to get a reimbursement. He said on the House side, the House was looking at a possible reimbursement of the counties, as part of the legislation it was considering. McCormack said the Florida Association of Counties had looked to see what support there would be for this kind of reimbursement program. McCormack recommended supporting the change going forward, the actual cost versus prepaying estimate and trying to get a reimbursement. He said a proposal or recommended response would be to support that using the same kind of payback period as the State wanted to use for the Medicaid, which was a shorter time frame.

(3:08 p.m.) McCormack suggested the Board would authorize the Chair to write a letter in support of the aspects that it was actual cost instead of the estimate and then reimbursement, and the reimbursement for the past years, but not extended over a 20 year period. He mentioned that he could find the language that was in the Medicaid language to get that shortened period and have that as the recommendation. Discussion ensued. There was consensus of the Board to do as McCormack suggested.

(03/18/14 - 16 - 3:08 p.m.)
CLERK OF COURT'S REPORT

No report.

With there being no further business to come before the Board, the meeting adjourned at 3:11 p.m.

REPORTS:

1. St. Johns County Board of County Commissioners Check Register, Check Nos. 505345:505528, totaling \$1,901,491.88 and Voucher Register, Voucher Nos. 16032:16073, totaling \$312,832.29 (03/04/14)
2. St. Johns County Board of County Commissioners Check Register, Check Nos. 505529:505538, totaling \$24,353 and Voucher Register, Voucher Nos. 16074:16083, totaling \$20,125.49 (03/18/14)
3. St. Johns County Board of County Commissioners Check Register, Check Nos. 505539:505555, totaling \$55,097.69 (03/06/14)
4. St. Johns County Board of County Commissioners Check Register, Check Nos. 505556:505559, totaling \$159,566.41 (03/06/14)
5. St. Johns County Board of County Commissioners Check Register, Check Nos. 505560:505755, totaling \$501,803.21 and Voucher Register, Voucher Nos. 16084:16143, totaling \$2,247,220.47 (03/11/14)
6. St. Johns County Board of County Commissioners Check Register, Check Nos. 505756:505759, totaling \$5,024 and Voucher Register, Voucher Nos. 16144:16156, totaling \$15,921.39 (03/12/14)
7. St. Johns County Board of County Commissioners Check Register, Check No. 505760, totaling \$50.00 (03/13/14)

CORRESPONDENCE:

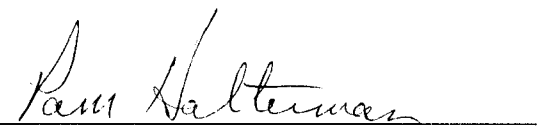
1. Memo dated March 10, 2014, correcting the November 19, 2013, BCC Regular meeting minutes.

Approved _____ May 20 _____, 2014

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: 
John H. Morris, Chair

ATTEST: CHERYL STRICKLAND, CLERK

By: 
Deputy Clerk

