

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
SEPTEMBER 2, 2008
(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, 4020 Lewis Speedway (County Road 16-A) and U.S. 1 North, St. Augustine, Florida.

Present were: Thomas G. Manuel, District 4, Chairman
 Cyndi Stevenson, District 1, Vice Chair
 Ron Sanchez, District 2
 Ben Rich, District 3
 James Bryant, District 5
 Michael D. Wanchick, County Administrator
 Patrick McCormack, County Attorney
 Darrell Locklear, Assistant County Administrator
 Pam Halterman, Deputy Clerk

(09/02/08 - 1 - 9:01 a.m.)

CALL TO ORDER

Manuel called the meeting to order.

(09/02/08 - 1 - 9:01 a.m.)

ROLL CALL

Manuel stated that all five commissioners were present.

(09/02/08 - 1 - 9:01 a.m.)

Bryant gave the Invocation and Stevenson led the Pledge of Allegiance.

(09/02/08 - 1 - 9:03 a.m.)

PROCLAMATIONS

LIBRARY CARD SIGN UP MONTH

The Commission presented the proclamation to Debra Rhodes-Gibson, Director, St. Johns County Library, who introduced Gary Reichow, Chairman, Library Advisory Board and Suzanne Batovsky, Library Board Member. Rich read the proclamation and thanked Rhodes-Gibson for her leadership. Reichow thanked the Commission for their support.

(09/02/08 - 1 - 9 :10 a.m.)

ACCEPTANCE OF PROCLAMATION

Motion by Rich, seconded by Stevenson, carried 5/0, to approve the Proclamation.

(09/02/08 - 1 - 9:11 a.m.)

DELETIONS TO CONSENT AGENDA

Manuel requested that Item #20 be moved to the regular agenda as Item #9a. Wanchick requested that Item #19 be pulled from the agenda and placed on the October 1st, 2008 meeting agenda.

(09/02/08 - 2 - 9:12 a.m.)
APPROVAL OF CONSENT AGENDA

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

1. Approval of the Cash Requirement Report
2. Minutes:
08/05/08 - BCC Regular Meeting
3. Motion to adopt **Resolution No. 2008-230** authorizing the chairman to execute a contract between St. Johns County and JALA to provide legal aid services to indigent persons residing within St. Johns County

RESOLUTION NO. 2008-230

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE CHAIRMAN TO EXECUTE A CONTRACT BETWEEN ST. JOHNS COUNTY, FLORIDA, AND JACKSONVILLE AREA LEGAL AID, INC., TO PROVIDE LEGAL SERVICES TO INDIGENT PERSONS RESIDING WITHIN ST. JOHNS COUNTY, FLORIDA

4. Motion to adopt **Resolution No. 2008-231** authorizing the Chairman to waive the County imposed property lien placed on 650 Pearl St., PIN# 113950-0000

RESOLUTION NO. 2008-231

A RESOLUTION OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A SATISFACTION AND RELEASE OF LIEN FILED AS A RESULT OF THE COUNTY CONSTRUCTION BOARD OF ADJUSTMENTS AND APPEALS CASE NO. 02-04, DIRECTING THE CLERK OF COURTS TO RECORD THE RELEASE IN THE PUBLIC RECORDS, ALLOCATING THE FINE AMOUNT AND PROVIDING AN EFFECTIVE DATE

5. Motion to adopt **Resolution No. 2008-232** approving the terms and authorizing the County Administrator to execute the Lease Agreement from Project Special Care to renew their lease for space in the Health and Human Services Center

RESOLUTION NO. 2008-232

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE LEASE AGREEMENT FROM PROJECT SPECIAL CARE TO RENEW THEIR LEASE FOR SPACE IN THE HEALTH AND HUMAN SERVICES CENTER

6. Motion to adopt **Resolution No. 2008-233** approving the terms and authorizing the County Administrator to execute the Lease Agreement from Therapeutic Learning Center to renew their lease for space in the Health and Human Services Center

RESOLUTION NO. 2008-233

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE LEASE AGREEMENT FROM THERAPEUTIC LEARNING CENTER TO RENEW THEIR LEASE FOR SPACE IN THE HEALTH AND HUMAN SERVICES CENTER

7. Motion to adopt **Resolution No. 2008-234** approving the 2008-2009 Non-Ad Valorem Assessment Rolls and Annual Assessment Rates for Private Road Grading MSBUs and Right-of-Way MSBUs and to authorize the Chairman to certify and deliver the 2008-2009 assessment rolls to the St. Johns County Tax Collector

RESOLUTION NO. 2008-234

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE 2008-2009 NON-AD VALOREM ASSESSMENT ROLLS AND ANNUAL ASSESSMENT RATES FOR PRIVATE ROAD GRADING MUNICIPAL SERVICE BENEFIT UNITS AND RIGHT-OF-WAY MUNICIPAL SERVICE BENEFIT UNITS AND AUTHORIZING THE CERTIFICATION OF SAID ASSESSMENT ROLLS TO THE ST. JOHNS COUNTY TAX COLLECTOR BY THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA

8. Motion to adopt **Resolution No. 2008-235** approving the 2008-2009 non-ad-valorem assessment roll for the Ponte Vedra Wastewater Vacuum Sewer Project pursuant to Resolution 2002-245, and authorizing the Chairperson to certify and deliver the 2008-2009 assessment roll to the St. Johns County Tax Collector

RESOLUTION NO. 2008-235

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING ASSESSMENT ROLLS FOR VARIOUS ASSESSMENT AREAS ESTABLISHED PURSUANT TO ORDINANCE NO. 2002-55; ESTABLISHING THE LIEN ASSOCIATED THEREWITH; DIRECTING THAT THE ASSESSMENT ROLL BE CERTIFIED TO THE ST. JOHNS COUNTY TAX COLLECTOR; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

9. Motion to authorize the Board of County Commissioners Chairman and County Administrator to certify the State Housing Initiatives Partnership (SHIP) Annual Report
10. Motion to adopt **Resolution No. 2008-236** approving deletion of and purging of 815 inactive patron records and a total of \$104,186.28 in uncollectable fines

RESOLUTION NO. 2008-236

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING DELETION OF AND PURGING OF 815 INACTIVE PATRON RECORDS AND A TOTAL OF \$104,186.28 IN UNCOLLECTABLE FINES

11. Motion to recognize the technical revision of the State Housing Initiatives Partnership (SHIP) Foreclosure Intervention Strategy
12. Motion to adopt **Resolution No. 2008-237** recognizing unanticipated revenue in the amount of \$118,833.00 and increasing the Transportation Trust Fund Insurance Proceeds (1111-36402) and increasing the expenditure budget of the Road & Bridge Division Capital Equipment (1122-56400) in the same amount

RESOLUTION NO. 2008-237

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AMENDING THE FISCAL YEAR 2008 TRANSPORTATION TRUST FUND TO RECEIVE UNANTICIPATED REVENUE AND AUTHORIZE IT'S EXPENDITURE BY THE ROAD & BRIDGE DEPARTMENT

13. Motion to adopt **Resolution No. 2008-238** approving the terms, provisions, conditions, and requirements of the proposed traffic calming plan for the 3rd Street neighborhood, attached hereto as Exhibit "A" thereby allowing staff to proceed with the design of final plans and specifications and submittal of a candidate capital improvement project for construction to be added to the 2010 budget cycle

RESOLUTION NO. 2008-238

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TRAFFIC CALMING IMPROVEMENT PLAN FOR THE 3RD STREET NEIGHBORHOOD, ATTACHED HERETO AS EXHIBIT "A"

14. Motion to adopt **Resolution No. 2008-239** setting a Public Hearing date of September 30, 2008 at 9:00 A.M. to hear a request for the vacation of a portion of Main Avenue

RESOLUTION NO. 2008 -239

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, SETTING A PUBLIC HEARING DATE OF SEPTEMBER 30, 2008 AT 9:00 A.M. TO HEAR A REQUEST FOR THE VACATION OF A PORTION OF MAIN AVENUE

15. Motion to authorize the County Administrator or his designee, to award Base Bid Amount of \$169,000, Bid Alternate # 3 (Completion Acceleration \$5,000.00), and Bid Additive Option # 1 (1/2" Steel Plate Armor Walls \$89,390.00), for a Total Lump Sum Bid Amount of \$263,390.00 and negotiate a Lump Sum Contract Amount of \$263,390.00 with CCI Cabot Construction, Inc for Bid # 08-98, Tillman Ridge Transfer Station Repairs
16. Motion to authorize the County Administrator or his designee, to award Lump Sum Bid #08-155 to Vallencourt Construction Company, Inc., and negotiate a contract in the amount of \$76,944.00 Lump Sum for Bid # 08-155, VA Nursing Home Site Clearing and Earthwork
17. Motion to adopt **Resolution No. 2008-240** disestablishing the Davis Park Revenue Fund and rolling it into the General Fund

RESOLUTION NO. 2008-240

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, REPEALING THE SCHEDULE OF FEES FOR THE USE OF SPORTS FIELDS AT DAVIS PARK AS SET FORTH IN RESOLUTION NUMBER 2002-78; PROVIDING THAT ANY REVENUE REMAINING IN THE SPECIAL FUND ESTABLISHED BY RESOLUTION NUMBER 2002-78 BE TRANSFERRED TO THE COUNTY GENERAL FUND; DISESTABLISHING THE SPECIAL REVENUE FUND ESTABLISHED BY RESOLUTION 2002-78; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

18. Motion to approve the negotiated contract between the St. Johns County Board of County Commissioners and the St. Johns County Professional Firefighters and Paramedics, IAFF Local 3865 and to direct its execution by the Chair

This item was pulled and placed on the October 1, 2008 meeting agenda.

19. Motion to approve a transfer in the amount of \$15,898 from the General Fund Reserves, \$5,565 from Transportation Trust Fund Reserves, \$8,686 from Building Services Fund Reserves, \$700 from Solid Waste Reserves, \$7,090 from Utility Services Fund Reserves, \$1,357 from PV Utility Services Fund Reserves, and \$1,283 from the Golf Course Fund Reserves to provide sufficient budget for the accomplishment of a pay-adjustment to the affected employees retroactive to October 1, 2007, per the attached list

This item was pulled and placed on the regular agenda as Item #9a.

20. Motion to transfer funds in the amount of \$75,888 from General Fund Reserves (0083-59920) to the Convention Center Fund to provide payment for the 2007 special assessment that is still outstanding to the Convention Center

21. Motion to transfer up to \$75,000 from the Fire Services Reserve to Fire Impact Fees for commercial paper coverage for Fiscal Year 2008

(09/02/08 - 6 - 9 :12 a.m.)

PUBLIC COMMENT

Ellen Whitmer, 1178 Nature Hammock Road S., Fruit Cove, stated that she wanted to thank Commissioner Rich for his service. She asked Rich to continue to fight for the citizens and truth, and keep corruption out of government.

(9:19 a.m.) Dwight Hines, 150 Nesmith Avenue, asked that the County place the budget on the SJC's website. He noted that the Animal Control Department and the Fraud, Waste and Abuse Office could trim their budget more and said he continued to have difficulty obtaining public records from those departments. Sanchez advised that newspaper advertising was required by State Statute and Animal Control had received the same budget cuts as other County departments. Hines suggested that the primary election was questionable with how citizens voted and he would be reviewing the situation. Rich said he had complete trust in the Supervisor of Elections but offered Hines his authority, if necessary, to review voting elements that he found questionable in regards to his election results. Stevenson pointed out that the county had started to utilize low-risk jail inmates for work detail at the Animal Control Department.

(9:27 a.m.) McCormack affirmed that legal notices were required by State Statute, Chapter 50, to be published in the local newspaper and all advertisements mentioned the county's web page link.

(09/02/08 - 6 -9:30 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

Stevenson asked that Item #8 be heard prior to Item #7.

(09/02/08 - 6 -9:30 a.m.)

APPROVAL OF REGULAR AGENDA

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

(09/02/08 - 6 - 9:31 a.m.)

(District 1)

1. CONSIDER MOTION TO ADOPT A RESOLUTION APPROVING A SETTLEMENT AGREEMENT AND ITS TERMS AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE RELATED PURCHASE AND SALE AGREEMENT, SUBSTANTIALLY IN FORM ATTACHED HERETO, FOR PROPERTY REQUIRED FOR A PROPOSED 9B CONNECTOR (EAST-WEST PARKWAY) LOCATED WEST OF US 1 APPROXIMATELY ½ MILE SOUTH OF RACE TRACK ROAD

Mary Ann Blount, Director, Real Estate, spoke on the issue which involved acquisition of property required for a county roadway, and she advised that it would eventually tie in with the important 9B extension. She noted that the project was on the County's Transportation Capital Improvement Project list.

(9:33 a.m.) Rich asked for confirmation that the issue was an arbitrated matter which Blount affirmed to be correct. Blount stated that the issue involved a team approach with the settlement agreement. Manuel pointed out that Stevenson had been very active in the project for over three years and congratulated her on her efforts. He

pointed out that it was time to acquire rights-of-way for the County's transportation projects. He noted that the one-cent sales tax proposal was important in assuring future road improvements. Stevenson said she had worked with three boards over many years on the 9B extension and its resolution. She thanked the other Commissioners for their support with the project. Desai suggested that two amendments be included in the motion: 1) condition upon receiving a Purchase & Sale Agreement signed from Centex, and 2) upon condition of the County going through the due diligence period to include both environmental check and title check including, but not limited to, the removal of property from the covenant conditions and restrictions from the HOA.

(9:38 a.m.) **Motion by Stevenson, seconded by Sanchez, carried 5/0, to adopt Resolution No. 2008-241, approving a Settlement Agreement and its terms and authorizing the County Administrator to execute the related Purchase and Sale Agreement, substantially in form attached hereto, with the conditions described by the County Attorney, for property required for a proposed 9B Connector (East-West Parkway) located West of US 1 approximately ½ mile south of Race Track Road.**

RESOLUTION NO. 2008-241

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING A SETTLEMENT AGREEMENT AND ITS TERMS AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE RELATED PURCHASE AND SALE AGREEMENT FOR PROPERTY REQUIRED FOR A PROPOSED 9B CONNECTOR (EAST-WEST PARKWAY) LOCATED WEST OF US 1 APPROXIMATELY ½ MILE SOUTH OF RACE TRACK ROAD

(09/02/08 - 7 - 9:39 a.m.)

2. CONSIDER MOTION TO ADOPT A RESOLUTION MODIFYING CERTAIN WEIGH SCALE FEES AND CHARGES PERTAINING TO GARBAGE AND REFUSE DISPOSAL AND ESTABLISHING THE RATE OF THE ANNUAL SOLID WASTE NON AD VALOREM ASSESSMENT LEVIED PURSUANT TO ORDINANCE 89-20, AS AMENDED AND CONSIDER MOTION TO ADOPT RESOLUTION ESTABLISHING THE RATE OF THE ANNUAL SOLID WASTE NON AD VALOREM COLLECTION ASSESSMENT AND THE ANNUAL SOLID WASTE NON AD VALOREM RECYCLED ASSESSMENT PURSUANT TO ORDINANCE 94-07, AS AMENDED

Wade Schroeder, Office of Management and Budget, spoke on the issue and noted the following increased rates: \$74.00 disposal, \$ 111.00 for collections, \$ 37.00 recycling, for a total of \$ 222.00 per residential unit as well as \$ 57.00 per ton for commercial. He advised that the glass recycling pilot program had been deemed a success; therefore, the project would be implemented throughout the entire county.

(9:42 a.m.) Dwight Hines, 150 Nesmith Avenue, spoke on the issue and noted that he was not in favor of the issue because he could not obtain data in regards to the waste disposal contracts. Manuel said he shared his concerns and had started an investigation on the details involving the garbage collection matter, including revenue and cost. Hines pointed out that no frogs existed in the ponds near Palencia which was not a good sign. Manuel noted that the County's new transfer station had rail connectivity and the plan was to expand the examination of moving trash out of the county by rail. He affirmed that contract records should be available to the public. Bryant pointed out that excessive amounts of construction and debris were being brought to the transfer

station which should be halted. He suggested that it was less expensive for the hauler to bring such items to the transfer station instead of hauling to the C & D landfill. Wanchick advised that he had asked for a complete audit of the solid waste operations. Sanchez noted that pressure treated lumber had gone to Tillman Ridge because the other landfill would not accept such material. In response to an inquiry from Rich, Schroeder noted that a \$4.00 increase had been proposed for residential disposal for an annual cost of \$74.00.

(9:49 a.m.) McCormack directed attention to errors in the resolution and explained that Section 1 should read Section 2, and Section 2 should read Section 3.

(9:50 a.m.) Rich asked that contract information from the contractor be readily available to the public. McCormack recommended that valid concerns be reviewed by the Administrator and himself but delay including an amendment in the current document. Rich voiced that he remain concerned because a public information request had recently been denied. He suggested that refusing to provide public information should not be continued and asked if a delay in approving the contract should be made. Wanchick stated that everyone was on the same page; however, the item needed to be approved due to budget constraints; however, he assured that the investigation would continue.

(9:55 a.m.) Motion by Rich, seconded by Sanchez, carried 5/0, to adopt Resolution 2008-242, modifying certain weigh scale fees and charges pertaining to garbage and refuse disposal and establishing the rate of the annual Solid Waste Non Ad Valorem Assessment levied pursuant to Ordinance 89-20, as amended, and include the changes to the text specified by the County Attorney.

RESOLUTION NO. 2008-242

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, MODIFYING CERTAIN WEIGH SCALE FEES AND CHARGES PERTAINING TO GARBAGE AND REFUSE DISPOSAL AND ESTABLISHING THE RATE OF THE ANNUAL SOLID WASTE NON AD VALOREM ASSESSMENT LEVIED PURSUANT TO ST. JOHNS COUNTY ORDINANCE 89-20, AS AMENDED

(9:56 a.m.) **Motion by Rich, seconded by Sanchez, carried 5/0, to adopt Resolution 2008-243, establishing the rate of the annual Solid Waste Non Ad Valorem Collection Assessment and the annual Solid Waste Non Ad Valorem Recycled Assessment pursuant to Ordinance 94-07, as amended.**

RESOLUTION NO. 2008-243

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ESTABLISHING THE RATE OF THE ANNUAL SOLID WASTE NON AD VALOREM COLLECTION ASSESSMENT AND THE ANNUAL SOLID WASTE NON AD VALOREM RECYCLED ASSESSMENT PURSUANT TO ST. JOHNS COUNTY ORDINANCE 94-07, AS AMENDED

(09/02/08 – 8 – 9:57 a.m.)

3. CONSIDER MOTION TO ADOPT A RESOLUTION APPROVING THE 2008-2009 NON-AD VALOREM ASSESSMENT ROLLS AND ANNUAL

ASSESSMENT RATES FOR THE SOLID WASTE MSBU AND TO AUTHORIZE THE CHAIRMAN TO CERTIFY AND DELIVER THE 2008-2009 ASSESSMENT ROLLS TO THE ST. JOHNS COUNTY TAX COLLECTOR

Wade Schroeder, Office of Management and Budget, spoke on the issue and noted that the Board was required to certify the non ad valorem assessment roll and deliver it to the Tax Collector each year by September 15.

(9:57 a.m.) **Motion by Rich, seconded by Sanchez, carried 5/0, to adopt Resolution No. 2008-244, approving the 2008-2009 Non Ad Valorem Assessment Rolls and Annual Assessment Rates for the Solid Waste MSBU and to authorize the Chairman to certify and deliver the 2008-2009 assessment rolls to the St. Johns County Tax Collector.**

RESOLUTION NO. 2008-244

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE 2008-2009 NON AD VALOREM ASSESSMENT ROLLS AND ANNUAL ASSESSMENT RATES FOR THE SOLID WASTE MUNICIPAL SERVICE BENEFIT UNITS AND AUTHORIZING THE CERTIFICATION OF SAID ASSESSMENT AUTHORIZING THE CERTIFICATION OF SAID ASSESSMENT ROLLS TO THE ST. JOHNS COUNTY TAX COLLECTOR BY THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA

(09/02/08 - 9 - 9:58 a.m.)

4. PUBLIC HEARING - COMMUNITY DEVELOPMENT BLOCK GRANT 2008 - THE DEPARTMENT OF COMMUNITY AFFAIRS HAS ANNOUNCED THE ANTICIPATED FUNDING AVAILABILITY UNDER THE FLORIDA SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM FOR ECONOMIC AND COMMUNITY DEVELOPMENT. STAFF ANTICIPATES THE FUNDS WILL BE USED IN THE AREA OF REHABILITATION, NEIGHBORHOOD REVITALIZATION, COMMERCIAL REVITALIZATION OR ECONOMIC DEVELOPMENT TO BENEFIT LOW AND MODERATE INCOME PERSONS, AID IN THE PREVENTION OR ELIMINATION OF SLUMS OR BLIGHT OR TO MEET COMMUNITY DEVELOPMENT NEEDS. THIS IS THE SECOND OF TWO PUBLIC HEARINGS REQUIRED TO RECEIVE CITIZEN'S VIEWS CONCERNING THE COMMUNITIES ECONOMIC AND DEVELOPMENT NEEDS.

Proof of publication of the notice of public hearing regarding the Community Development Block Grant 2008 was received, having been published in *The St. Augustine Record* on August 18, 2008.

Tom Crawford, Director of Housing Community Services, spoke on the issue and noted that it was a second public hearing for the CDBG application. He said if the application was successful it would generate \$750,000.00 and would not require any general funds from the County. He introduced Jeffery Winter, Gordon and Associates, who would explain the program.

(9:58 a.m.) Jeffery Winter, Gordon and Associates, stated that the County was eligible to apply for a block grant in the amount of \$750,000.00 for housing rehabilitation for low to moderate income households in unincorporated areas of the county. He noted

that they had \$250,000.00 in SHIP leverage secured as well to help maximize benefits of the program.

(10:00 a.m.) Dwight Hines, 150 Nesmith Avenue, said he would fight against obtaining the grant due to the difficulty in obtaining public records. Manuel pointed out that staff was working aggressively to correct the situation in regards to public records.

(09/02/08 - 10 - 10:03 a.m.)

(District 2)

5. PUBLIC HEARING - WAIVER TO BALD EAGLE REQUIREMENTS FOR BEVERLY & HARRISON CONSTRUCTION PROPERTY - THE APPLICANT SEEKS A WAIVER TO SECTION 4.01.10.B OF THE LAND DEVELOPMENT CODE, PERTAINING TO HABITAT MANAGEMENT FOR THE BALD EAGLE FOR PROPERTY LOCATED WITHIN THE COUNTY REQUIRED SECONDARY ZONE OF BALD EAGLE NEST SJ-021. THE WAIVER IS REQUESTED IN ORDER TO CONSTRUCT TWO SINGLE FAMILY HOMES DURING THE NESTING SEASON WHICH IS FROM OCTOBER 1ST TO MAY 15TH. THE APPLICANT WILL COMPLY WITH THE U.S. FISH AND WILDLIFE SERVICE DRAFT NATIONAL MANAGEMENT GUIDELINES FOR THE BALD EAGLE IN THAT THE ACTIVITY WILL BE APPROXIMATELY 1,300 FEET FROM THE NEST TREE WHICH IS OUTSIDE THE 660 FOOT FEDERAL PROTECTION AREA. THE APPLICANT SHALL PROVIDE A BALD EAGLE MONITOR, APPROVED BY COUNTY STAFF, DURING THE NESTING SEASON TO OBSERVE THE NEST DURING CONSTRUCTION TO WATCH FOR ANY SIGNS OF DISTURBANCE AND THE MONITOR SHALL HAVE THE AUTHORITY TO SUSPEND WORK ACTIVITIES THAT MAY BE RESPONSIBLE FOR ABNORMAL BEHAVIOR BY BALD EAGLES

Proof of publication of the notice of public hearing regarding the waiver to bald eagle requirements for bald eagle nest SJ-021 for Beverly & Harrison Construction property was received, having been published in *The St. Augustine Record* on August 18, 2008.

Jan Brewer, Environmental Manager, spoke on the issue and noted that she had not received any additional information or correspondence on the matter. Manuel said he would like to see the item included in the LDC. She affirmed that staff had presented the Board language but the issue had been wrapped up in several other changes; however, language for the eagle waiver could be brought back to the board in the near future.

(10:04 a.m.) **Motion by Rich, seconded by Sanchez, carried 5/0, to approve the waiver to Section 4.01.10.B of the Land Development Code based on the applicant providing an alternate Bald Eagle Management Plan.**

(10:05 a.m.) In response to an inquiry, Wanchick advised that consensus of the board was to delay hearing changes for the LDC until the EAR was completed which should be done by the end of 2008. Stevenson questioned whether one of those changes involved dumpsters which Wanchick affirmed that to be correct. Consensus of the board was to bring forward those changes currently under review.

(09/02/08 - 10 - 10:07 a.m.)

(District 2)

6. PUBLIC HEARING - REZ 2008-9 SR 16 PROPERTIES COMMERCIAL - THIS IS A REQUEST TO REZONE FROM OPEN RURAL (OR) TO COMMERCIAL GENERAL (CG) FOR THE DEVELOPMENT OF GENERAL BUSINESS AND COMMERCIAL USES. SUBJECT PROPERTY IS .94 ACRES AND IS LOCATED ON THE SOUTH SIDE OF SR 16 AND GREEN ACRES RD. THE PLANNING DIVISION FINDS THE REQUEST TO REZONE TO COMMERCIAL GENERAL SUBSTANTIALLY MEETS THE REQUIREMENTS OF THE COMPREHENSIVE

PLAN AND THE LAND DEVELOPMENT CODE. THIS FINDING IS BASED UPON THE FOLLOWING INFORMATION: THE APPLICATION MATERIALS AS SUBMITTED BY THE APPLICANT, THE LOCATION OF THE PROPERTY WITHIN THE MIXED USE LAND USE AND OTHER RELEVANT INFORMATION AVAILABLE TO STAFF. THIS FINDING MAY BE SUBJECT TO OTHER COMPETENT SUBSTANTIAL EVIDENCE RECEIVED AT THE QUASI-JUDICIAL PUBLIC HEARING. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS REQUEST AT THEIR JULY 17, 2008 MEETING BY A VOTE OF 5 TO 0 (MOTION BY NELSON, SECOND BY WILES WITH WHEELER AND GREEN ABSENT)

Proof of publication of the notice of public hearing Rezoning 2008-9 SR 16 Properties Commercial Rezoning was received, having been published in *The St. Augustine Record* on August 18, 2008.

Michael Blackford, Planning Division, spoke on the issue and noted that no additional information had been received by staff.

(10:07 a.m.) Karen Taylor, 77 Saragossa Street, on behalf of property owner John Arbazonni, explained that the rezoning involved just under one acre of property at the corner of Green Acres Road and SR 16.

(10:08 a.m.) **Motion by Sanchez, seconded by Rich, carried 5/0, to enact Ordinance No. 2008-44, known as REZ 2008-9 SR 16 Properties Commercial adopting findings of fact one through four to support the motion.**

ORDINANCE NO. 2008-44

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

Item #8 was heard prior to Item #7.

(09/02/08 - 11 - 11:02 a.m.)

(District 2)

7. PUBLIC HEARING - REZ 2007-31 SEBASTIAN BUSINESS COVE - THIS IS A REQUEST TO REZONE 7.25 ACRES FROM OPEN RURAL (OR) TO COMMERCIAL NEIGHBORHOOD (CN) FOR 4.52 ACRES AND COMMERCIAL GENERAL (CG) FOR 2.73 ACRES. THE PLANNING DIVISION FINDS THE REQUEST TO REZONE TO COMMERCIAL NEIGHBORHOOD (CN) AND COMMERCIAL GENERAL (CG) SUBSTANTIALLY MEETS THE REQUIREMENTS OF THE COMPREHENSIVE PLAN AND THE LAND DEVELOPMENT CODE. THIS FINDING IS BASED UPON THE FOLLOWING INFORMATION: THE APPLICATION MATERIALS (INCLUDING THE STATEMENT OF FACTS) AS SUBMITTED BY THE APPLICANT, AND THE PROPOSED TRANSITION OF USES. THIS FINDING MAY BE SUBJECT TO OTHER COMPETENT SUBSTANTIAL EVIDENCE RECEIVED AT THE QUASI-JUDICIAL PUBLIC HEARING. AT THE JULY 17, 2008 PUBLIC HEARING, THE PLANNING & ZONING AGENCY RECOMMENDED DENIAL BY A VOTE OF 3/2, PASSING AFTER FAILED MOTION TO APPROVE. DENIAL BASED UPON PROVIDED FINDINGS 1, 2 AND 4 REGARDING PROPOSAL FOR COMMERCIAL GENERAL (CG)

Proof of publication of the notice of public hearing Rezoning Application 2007-31 Sebastian Business Cove was received, having been published in *The St. Augustine Record* on August 18, 2008.

(11:02 a.m.) Hank Whetstone, 400 Old Quarry Road, spoke on the issue and offered that six hundred units had already been approved in the area. He noted that a sixteen acre parcel could hold a convenient store which would allow residents on Stratton Road to remain on the road without taking their lives in their hands by driving on SR 16 to purchase a gallon of milk. He stated that they had received support of the proposal by all surrounding property owners. He noted that it had been a long process and they had started the rezoning application in 2007; however, they would be willing to delay the development until clarification with the safety issue was addressed. Manuel said he supported the proposed projects but asked for the courtesy of allowing staff to clarify certain elements. Rich asked for patience from the developer on the issue.

(11:11 a.m.) Mary Savard, 2785 Stratton Blvd, spoke on the issue and noted that she had obtained letters from residents of Stratton Road and surrounding area who were opposed to the project. She pointed out the drainage problems and safety issues involved with the proposed project on Stratton Road. Manuel stated that the board would attempt to balance the rights of the residents as well as the developer. Sanchez asked for an answer as to why the Woodlawn extension was not kept as part of the agreement.

(11:17 a.m.) **Motion by Rich, seconded by Sanchez, carried 5/0, to continue the item until a date uncertain.**

The Board continued with Item #9.

(09/02/08 - 12 - 10:08 a.m.)

(District 2)

8. PUBLIC HEARING - REZ 2008-08 GERLAK - THIS IS A REQUEST TO REZONE 4.8 ACRES FROM OPEN RURAL (OR) TO COMMERCIAL GENERAL (CG). THE PLANNING DIVISION FINDS THE REQUEST TO REZONE TO COMMERCIAL GENERAL (CG) SUBSTANTIALLY MEETS THE REQUIREMENTS OF THE COMPREHENSIVE PLAN AND THE LAND DEVELOPMENT CODE. THIS FINDING IS BASED UPON THE FOLLOWING INFORMATION: THE APPLICATION MATERIALS (INCLUDING THE STATEMENT OF FACTS) AS SUBMITTED BY THE APPLICANT AND THE LOCATION OF PROPERTY AT THE INTERSECTION OF STRATTON ROAD AND SR16. THIS FINDING MAY BE SUBJECT TO OTHER COMPETENT SUBSTANTIAL EVIDENCE RECEIVED AT THE QUASI-JUDICIAL PUBLIC HEARING. THE PLANNING & ZONING AGENCY RECOMMENDS APPROVAL OF THIS REQUEST BY A VOTE OF 5/0 (MOTION BY NELSON, SECOND BY WILLIAMS WITH 2 MEMBERS ABSENT) BASED UPON LOCATION OF SUBJECT PROPERTY, ADJACENT ZONING DESIGNATIONS INCLUDING THE FINDINGS OF FACT PROVIDED

Proof of publication of the notice of public hearing Rezoning Application 2008-08 Gerlak was received, having been published in *The St. Augustine Record* on August 18, 2008.

Lindsay Haga, Planning Division, spoke on the issue and advised that she had no new information.

(10:09 a.m.) Karen Taylor, 77 Saragossa Street, stated that the property was located at the corner of Stratton Road and SR 16 and consisted of 4.8 acres. In response to an inquiry, Taylor affirmed that the developer had made provision for interconnectivity. She affirmed that the entrance would be a right-in, right-out situation and signalized at SR 16.

(10:12 a.m.) Mary Savard, 2785 Stratton Blvd, stated that she was opposed to allowing commercial on Stratton Blvd due to the congested intersection and the safety involved with the turning lanes. She noted that traffic was congested on Stratton Road and also pointed out that they experienced street flooding during heavy rains. She noted that Stratton Road was the residents' only way in and out of the area. She asked that the board not approve anymore developments in the area in the near future.

(10:18 a.m.) Rich stated that signalization was to be installed and paid for by D.R. Horton; however, it had not been done. He agreed that the traffic and speed was excessive on Stratton Road and because of that he could not support approval of the proposed development. Stevenson disclosed ex-parte communication with Savard in regards to flooding and the development, and said she had also received a letter regarding drainage, safety, and traffic complaints in regards to Stratton Blvd.

(10:23 a.m.) Hank Whetstone, 400 Old Quarry Road, stated that issues with the PUD documents were brought up during the PZB meeting regarding signalization. He suggested that it was up to the Commission to order signalization at the intersection if warranted with Horton being required to pay the cost. Wanchick clarified that the road was owned by the State and did not currently warrant signalization; however, if the proposed development went forward it would warrant signalization. Bryant asked for a date in which a warrant study had been completed regarding the signalization. Sanchez questioned whether the Horton agreement was not consistent with the development order.

(10:28 a.m.) Joe Stephenson, Public Works Director, advised that traffic conditions were studied by staff during the past six months; however, signalization was not warranted at that time. Stevenson asked Stephenson to explain safety concerns in the area. Stephenson affirmed that the accident threshold would be part of a warrant study and the study was not close enough to warrant signalization for the subject intersection. Rich stated that the D.R. Horton development was currently only one-fifth completed. He voiced discomfort with adding more development while not being allowed to install signalization at the intersection until a warrant study was achieved. He suggested that the left turn from Stratton Boulevard be eliminated to ease some safety concerns. Stephenson said the FDOT would decide whether to close a lane but reopening in the future would be difficult.

(10:40 a.m.) Wanchick suggested that Stephenson call to find out the exact traffic data at the intersection prior to the board making a decision. Sanchez said the development order and what had been noted during the meeting did not match; therefore, no decision should be made until the documents were corrected and it was determined who would be responsible for signalization. Stevenson asked for clarification on whether the proposed project would generate enough trips to warrant signalization. In response to an inquiry, Wanchick stated that, a few weeks earlier, the development order was reviewed but inconsistencies were not found. He noted that staff had sent a letter asking that impact fees be submitted. Stevenson asked for information regarding funding of the signalization cost. Wanchick affirmed that the signalization should be paid by D.R. Horton. Sanchez reiterated that he wanted the language reviewed to determine whether Horton needed to pay the entire cost of signalization or only a

portion of the cost. Taylor said they would agree if the board desired to continue the hearing.

Manuel called a break at 10:47 a.m. and reconvened at 10:55 a.m.

Manuel called the meeting to order and said he would like to continue Item #8 after elements in question were clarified. Rich agreed that the issue was muddy and needed clarification. Taylor said they would be willing to table the issue until clarification was completed on the issue. In response to an inquiry, Wanchick said the issue could be placed on the agenda for a date agreed to by the applicant and staff. Stevenson pointed out that the project had mixed land use for a considerable amount of time and the Board had yet to deal with concurrency issues on the side road.

(11:00 a.m.) Motion by Rich, seconded by Bryant, carried 5/0, to continue the item until a date uncertain for clarification purposes.

The board continued with Item #7.

(09/02/08 - 14 - 11:18 a.m.)

(District 3)

9. PUBLIC HEARING - SUMMER HAVEN BUILDING PERMIT MORATORIUM ORDINANCE - AN ORDINANCE, DISCONTINUING A TEMPORARY MORATORIUM ON CERTAIN BUILDING PERMITS WITHIN A PORTION OF THE PARTICULAR AREA OF ST. JOHNS COUNTY, KNOWN AS SUMMER HAVEN (BLOCKS 3 THROUGH 65); MAKING FINDINGS OF FACT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. THIS ORDINANCE AND RECOMMENDATION ARE SUBJECT TO THE LESSONS THAT MAY BE LEARNED FROM TROPICAL STORM FAY

Proof of publication of the notice of public hearing regarding the Summer Haven Building Permit Moratorium Ordinance was received, having been published in *The St. Augustine Record* August 23, 2008.

McCormack spoke on the building moratorium issue and pointed out several minor clarifications involved with the document. He offered a review of maps to show the erosion that had taken place along the beach within the Summer Haven area over eighty years. Manuel asked whether a hold harmless agreement would stand up in court. McCormack voiced that hold harmless agreements had been utilized in other jurisdictions and he believed that the agreement would be sufficient and appropriate. Rich stated that an inherent risk to build in the area existed for homeowners.

(11:33 a.m.) Motion by Rich, seconded by Manuel, carried 4/1, with Stevenson dissenting, to enact Ordinance No. 2008-45, discontinuing a temporary moratorium on certain building permits within a portion of the particular area of St. Johns County, known as Summer Haven (Block 3 through 65); making findings of fact; providing for severability; and providing an effective date, including the amendments presented by legal counsel.

ORDINANCE NO. 2008-45

AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA, DISCONTINUING A TEMPORARY MORATORIUM ON CERTAIN BUILDING PERMITS WITHIN A PORTION OF THE PARTICULAR AREA OF ST. JOHNS COUNTY, KNOWN AS SUMMER HAVEN (BLOCKS 3 THROUGH 65); MAKING FINDINGS OF FACT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

(09/02/08 - 15 - 11:34 a.m.)

9.A. MOTION TO TRANSFER FUNDS IN THE AMOUNT OF \$75,888 FROM GENERAL FUND RESERVES (0083-59920) TO THE CONVENTION CENTER FUND TO PROVIDE PAYMENT FOR THE 2007 SPECIAL ASSESSMENT THAT IS STILL OUTSTANDING TO THE CONVENTION CENTER *(This was previously consent agenda Item #20.)*

Manuel noted that one person had not paid last years' assessment fee. Dunn affirmed that the total amount outstanding was \$96,075.00, and the County was required, according to terms of the agreement, to makeup the shortfall. Manuel asked whether Dunn believed the County would need to fund the non ad valorem tax shortfall for calendar year 2007. Dunn affirmed that to be correct in regards to the shortfall and noted that it was funded through the tourist development tax. Manuel requested that Dunn provide a report at the next meeting concerning the projected TDC funds involved with the non ad valorem source.

(11:37 a.m.) **Motion by Manuel, seconded by Sanchez, carried 5/0, to approve the transfer of funds in the amount of \$75,888.00 from the General Fund Reserves (0083-59920) to the convention center fund to provide payment for the 2007 special assessment, that is still outstanding, to the Convention Center.**

(09/02/08 - 15 - 11:38 a.m.)

COMMISSIONERS' REPORTS

Commissioner Rich:

Rich suggested that the staff who handled the Amphitheatre should advise the Convention Center staff how to manage the facility.

(11:38 a.m.) Commissioner Sanchez:

Sanchez suggested that the county should be prepared for a larger bill from the Amphitheatre due to the slumping business economy. He noted that the Amphitheatre was doing good and complemented Blevins for his hard work.

(11:40 a.m.) Commissioner Stevenson:

Stevenson noted that six months earlier the board had agreed to pursue changes to the Land Development Code involving water conservation, supermajority votes for coastal height limits, and a supermajority vote for Comprehensive Plan Amendments that increased residential housing in the County. She suggested that those items be discussed during a workshop or be taken up by the 2008-2010 board. She asked for consensus to move forward with the elements she mentioned. She noted Rich's favorable impact to the county while being a Commissioner.

Commissioner Bryant:

No comment.

(11:43 a.m.) Commissioner Manuel:

Manuel noted that community access to the amphitheatre had been accomplished by the board, and he would recommend that TDC funds previously used to support the amphitheatre be allocated to cultural art activities. Sanchez asked that the funding not be diverted until the amphitheatre was financially secure. Rich suggested that the amphitheatre should allow a small cushion of funds in case of an emergency or other elements that might appear. Manuel suggested that a workshop should be held soon on the eastern coastal high hazard issue. He noted that language for the bed tax to help expand tourism should also be available. He asked for consensus to direct the County

Administrator to set forth a communication strategy in regards to placing the one-cent surtax and Charter on the ballot. He suggested that the document placed in the St. Augustine Record Newspaper by the opposition tainted the voters. Sanchez voiced that the voters did not receive correct and proper Charter information; therefore, he agreed that the Charter should be placed on the November ballot. Rich said his reason to approve the Charter being placed back on the ballot was due to the violations involved with the residential mailings from the opposition. Stevenson asked to see any document the county had sent or planned to send out to the public. Manuel asked for a resolution to specify direct mailing and a website information plan.

(11:55 a.m.)

COUNTY ATTORNEY'S REPORT:

McCormack asked the board whether they would like the Charter or Surtax item first on the ballot. Consensus of the board was that Charter was first and surtax second on the ballot. He advised that the water ward case would be at the trial phase from October 6 through October 10.

(11:56 a.m.)

COUNTY ADMINISTRATOR'S REPORT:

Wanchick advised that after Tropical Storm Fay the County had applied for a FEMA grant which had been approved allowing 75% reimbursement for debris pick up, public infrastructure and park damage. He noted that the grant applied to Flagler Estates, the City of St. Augustine and some non-profit agencies.

With there being no further business to come before the Board, the meeting adjourned at 11:57 a.m.

REPORTS:

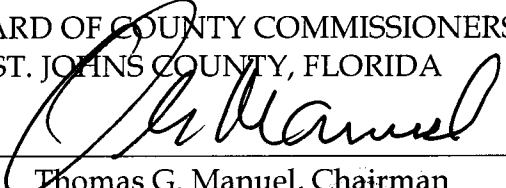
1. St. Johns County Board of County Commissioners Check Register, Check Nos. 424903 through 425190, totaling \$978,576.94 (8/12/08)
2. St. Johns County Board of County Commissioners Check Register, Check Nos. 425191 through 425221, totaling \$68,153.48 (8/14/08)
3. St. Johns County Board of County Commissioners Check Register, Check No. 425222, totaling \$26,478.32 (8/19/08)
4. St. Johns County Board of County Commissioners Check Register, Check Nos. 425223 through 425566, totaling \$5,029,508.79 (8/19/08)

CORRESPONDENCE:

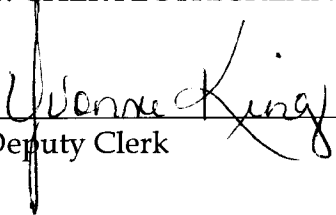
1. Letter to Michael D. Wanchick, County Administrator, regarding Designation of Emergency Deputy Clerk (August 20, 2008)

Approved September 30, 2008

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: 
Thomas G. Manuel, Chairman

ATTEST: CHERYL STRICKLAND, CLERK

By: 
Deputy Clerk

