

**MINUTES OF MEETING  
BOARD OF COUNTY COMMISSIONERS  
ST. JOHNS COUNTY, FLORIDA  
JANUARY 6, 2009  
(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 were:           Cyndi Stevenson, District 1, Chair  
                              Ron Sanchez, District 2, Vice Chair  
                              Mark P. Miner, District 3  
                              Phillip Mays, District 4  
                              Ken Bryan, District 5  
                              Michael D. Wanchick, County Administrator  
                              Patrick McCormack, County Attorney  
                              Terry Bulla, Deputy Clerk

(01/06/09 - 1 - 9:04 a.m.)  
CALL TO ORDER

Stevenson called the meeting to order.

(01/06/09 - 1 - 9:04 a.m.)  
ROLL CALL

Stevenson reported that all four commissioners were present.

(01/06/09 - 1 - 9:04 a.m.)  
Miner gave the Invocation and Bryan led the Pledge of Allegiance.

(01/06/09 - 1 - 9:05 a.m.)  
PUBLIC OFFICIAL BOND AND OATH OF OFFICE FOR COMMISSIONER  
PHILLIP J. MAYS

(9:05 a.m.) **Motion by Sanchez, seconded by Bryan, carried 4/0, to approve the Public Official Bond for Commissioner Phillip J. Mays.**

(01/06/09 - 1 - 9:06 a.m.)  
PUBLIC OFFICIAL BONDS FOR THE CONSTITUTIONAL OFFICERS:

**Motion by Bryan, seconded by Miner, carried 4/0, to approve the Public Official Bonds with rider provisions to amend term dates for Dennis W. Hollingsworth, St. Johns County Tax Collector, Sharon Outland, St. Johns County Property Appraiser, Cheryl Strickland, St. Johns County Clerk of Court, Penny L. Halyburton, St. Johns County Supervisor of Elections, and David B. Shoar, St Johns County Sheriff, as amended to include the County Attorney's comments.**

(9:09 a.m.) Oath of Office for Commissioner Phillip J. Mays by the Honorable Charles J. Tinlin, St. Johns County Judge of the Seventh Judicial Circuit.

McCormack introduced Commissioner Mays and noted that he had been appointed by Governor Christ on December 23, 2008 to fill the unexpired position for District 4, and as a prerequisite the statutory bond was just approved. He explained that he would subsequently be sworn in by the

Honorable Charles J. Tinlin. Judge Tinlin swore Mays in and offered his congratulations.

Stevenson extended a special thanks to Judge Tinlin for participating. She welcomed Commissioner Mays to the Board. Group photos were taken after which Mays took his seat at the dais.

(01/06/09 - 2 - 9:13 a.m.)

SPECIAL PRESENTATION BY COUNTY ADMINISTRATOR MICHAEL D. WANCHICK OF THE FLORIDA PLANNING AND ZONING ASSOCIATION AWARDS GIVEN TO ST. JOHNS COUNTY FOR THE ST. JOHNS COUNTY ADMINISTRATION BUILDING AND I-95/C.R. 210 INTERCHANGE IMPROVEMENTS

Michael Wanchick presented two awards from the Florida Planning and Zoning Association (FPZA) Sun Coast Chapter. The first award was the *Before Its Time Award* for the improvements at I-95/CR 210. He said the FPZA wanted to recognize the Commission for its efforts in promoting safety and capacity in that area during a very difficult financial period. He said that Joe Stephenson, Public Works Director, and his staff had played a big role in that work, and asked him to come forward as well. Stephenson stated it had been a team effort of the Commission, the Florida DOT, and the cooperation of the developer. He said it was greatly needed for safety, and in one year it would be completed.

(9:15 a.m.) Wanchick said the second award in recognition of the Commission, from the FPZA was the *Outstanding Development Award*, for the new Administration Building. He noted the environmental sensitivity of the building and the fact that it embraced the best of principles and practices of urban planning. Mike Rubin, Director of Building Services and Kevin Wiseman, Project Manager, who were active in the project, came forward. Rubin commented on the aspects of the building and said it was in the best interest to the tax payers that the building was so environmentally friendly. Wanchick noted that Betty Sue Stepp had also received an individual award, the FPZA *Focus Award* for her representing the Best in Principles and Practices of Planning.

(01/06/09 - 2 - 9:18 a.m.)

DELETIONS TO CONSENT AGENDA

There were none.

(01/06/09 - 2 - 9:18 a.m.)

APPROVAL OF CONSENT AGENDA

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

1. Approval of the Cash Requirement Report
2. Motion to adopt **Resolution No. 2009-1**, accepting a Grant of Sidewalk Easement for a public sidewalk along the entrance of the Lofts at Sebastian Cove

#### RESOLUTION NO. 2009-1

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING A GRANT OF SIDEWALK EASEMENT FOR A PUBLIC SIDEWALK ALONG**

**THE ENTRANCE OF THE LOFTS AT SEBASTIAN  
COVE**

3. Motion to adopt **Resolution No. 2009-2**, approving the terms and conditions of a Land Exchange Agreement for an exchange of real property in connection with the abandonment of existing well sites and construction of two new wells located off Water Plant Road

**RESOLUTION NO. 2009-2**

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND CONDITIONS OF A LAND EXCHANGE AGREEMENT FOR AN EXCHANGE OF REAL PROPERTY PURSUANT TO SECTION 125.37, FLORIDA STATUTES, IN CONNECTION WITH THE ABANDONMENT OF EXISTING WELL SITES AND CONSTRUCTION OF TWO NEW WELLS LOCATED OFF WATER PLANT ROAD AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE SAID LAND EXCHANGE AGREEMENT**

4. Motion to adopt **Resolution No. 2009-3**, implementing new and/or revised fees for services provided by the St. Johns County Library Services

**RESOLUTION NO. 2009-3**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AMENDING THE SCHEDULE OF FEES FOR THE ST. JOHNS COUNTY LIBRARY SERVICES**

5. Motion to adopt **Resolution No. 2009-4**, approving the terms, conditions, provisions, and requirements of a Supplemental Joint Participation Agreement between the State of Florida, Department of Transportation District Two, and St. Johns County, Florida for partial funding of certain required control and discharge measures, and authorizing the County Administrator to execute the Supplemental Joint Participation Agreement on behalf of the County

**RESOLUTION NO. 2009-4**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, CONDITIONS, PROVISIONS, AND REQUIREMENTS OF A SUPPLEMENTAL JOINT PARTICIPATION AGREEMENT BETWEEN THE STATE OF FLORIDA, DEPARTMENT OF TRANSPORTATION, DISTRICT TWO, AND ST. JOHNS COUNTY, FLORIDA, AND AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO EXECUTE THE SUPPLEMENTAL JOINT PARTICIPATION AGREEMENT ON BEHALF OF THE COUNTY**

6. Motion to adopt **Resolution No. 2009-5**, approving the terms, conditions, provisions, and requirements of a Railroad Reimbursement Agreement between the State of Florida Department of Transportation, and St. Johns County, Florida, for the crossing at Kings Estate Road and authorizing the County Administrator, or designee, to execute the Agreement on behalf of the County

**RESOLUTION NO. 2009-5**

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, CONDITIONS, PROVISIONS, AND REQUIREMENTS OF A RAILROAD REIMBURSEMENT AGREEMENT BETWEEN THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, AND ST. JOHNS COUNTY, FLORIDA, AND AUTHORIZING THE COUNTY ADMINISTRATOR OR DESIGNEE, TO EXECUTE THE AGREEMENT ON BEHALF OF THE COUNTY**

7. Motion to authorize the County Administrator, or his designee, to award a contract to the second low bidder, Florida Highway Products, Inc., for the Bid amount of \$154,100 for Bid # 09-32, Kirchherr Avenue Widening
8. Motion to authorize the County Administrator, or his designee, to award a contract to the low bidder, V. J. Usina Contracting, Inc. for the Total Bid amount of \$163,245 for Bid # 09-16, Lewis Speedway Milling, Resurfacing & Widening
9. Motion to authorize the transfer of \$8,000 from NW Tower Capital Outlay Reserves (1200-59927) to Northwest Tower Aid to Private Organization (1200-58200) for the purchase of equipment at Rivertown Park
10. Motion to adopt **Resolution No. 2009-6**, approving the Final Plat for Valley Ridge Boulevard

**RESOLUTION NO. 2009-6**

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING A SUBDIVISION PLAT FOR VALLEY RIDGE BOULEVARD**

11. Motion to adopt **Resolution No. 2009-7**, approving the Final Plat for Watson Woods II

**RESOLUTION NO. 2009-7**

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING A SUBDIVISION PLAT FOR WATSON WOODS II**

12. Motion to adopt **Resolution No. 2009-8**, authorizing certain modifications to St. Johns County's Fannie Mae housing program in connection with the Housing Finance Authority of St. Johns County's CWHIP program

RESOLUTION NO. 2009-8

RESOLUTION AUTHORIZING CERTAIN MODIFICATIONS TO ST. JOHNS COUNTY'S FANNIE MAE HOUSING PROGRAM IN CONNECTION WITH THE HOUSING FINANCE AUTHORITY OF ST. JOHNS COUNTY, FLORIDA'S CWHIP PROGRAM; AUTHORIZING AMENDMENTS TO THE LOAN AND SECURITY AGREEMENT DATED JUNE 8, 2007, BETWEEN THE COUNTY AND FANNIE MAE, RELATING TO SAID FANNIE MAE PROGRAM; APPROVING A FIRST ADDENDUM TO THE COUNTY'S LOAN PROGRAM CRITERIA RELATING TO SAID FANNIE MAE PROGRAM; DESIGNATING SAID AUTHORITY AS AN APPROVED DEVELOPER UNDER SAID FANNIE MAE PROGRAM; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

13. Proofs:
  - a. Proof, Notice to Bidders, Bid No. 09-27
  - b. Proof, Notice to Bidders, RFQ No. 09-17
  - c. Proof, Notice of Workshop, Board of County Commissioners, Training Workshop, Thursday, October 23, 2008 at 9:30a.m.
  - d. Proof, Notice to Bidders, Bid No. 09-04
  - e. Proof, Notice of Meeting, Board of County Commissioners, Tuesday, October 28, 2008 at 10:00a.m.
  - f. Proof, Notice to Bidders, Bid No. 09-26
  - g. Proof, Notice to Bidders, Bid No. 09-40
  - h. Proof, Notice to Bidders, Bid no. 09-31
  - i. Proof, Notice to Bidders, Bid No. 09-29
  - j. Proof, Notice to Bidders, Bid No. 09-16
  - k. Proof, Notice to Bidders, Bid No. 09-35
  - l. Proof, Notice to Bidders, Bid No. 09-34
  - m. Proof, Notice to Bidders, Bid No. 09-36
  - n. Proof, Notice to Bidders, Bid No. 09-33
  - o. Proof, Notice of Meeting, Board of County Commissioners and Community Redevelopment Agency, Tuesday, December 2, 2008 at 9:00a.m.
  - p. Proof, Revised Notice, Tax Impact of Value Adjustment Board of St. Johns County
  - q. Proof, Notice to Bidders, Bid No. 09-30
  - r. Proof, Notice to Bidders, Bid No. 09-18
  - s. Proof, Notice of Meetings, Board of County Commissioners, Canceled - November 11, 2008, November 25, 2008 and December 9, 2008 and Rescheduled December 2, 2008 and December 16, 2008
  - t. Proof, Notice of Meetings, St. Johns County Water & Sewer Authority, Canceled Meetings, Monday, November 3, 2008 and Monday, December 1, 2008
  - u. Proof, Notice of Workshop, Board of County Commissioners, Educational Workshop, Tuesday, November 18, 2008 at 1:30 p.m.
  - v. Proof, Notice to Bidders, Bid no. 09-32
  - w. Proof, Notice of Hearing, Board of County Commissioners, Ordinance relating to Water and Sewer Regulations in the Unincorporated Areas for St. Johns County, Tuesday, December 2, 2008 at 9:00 a.m.

- x. Proof, Notice of Meeting, Board of County Commissioners, Public/Private Meeting, Tuesday, November 18, 2008 at 10:30 a.m.
- y. Proof, Notice of Meeting, Board of County Commissioners, Special Meeting, Swearing-in ceremony for newly elected Commissioners, Tuesday, November 18, 2008 at 9:00 a.m.
- z. Proof, Notice to Bidders, Bid No. 09-28
- aa. Proof, Notice to Bidders, Bid No. 09-44
- bb. Proof, Notice of Hearing, Board of County Commissioners, Vacating a portion of Riviera Boulevard, December 16, 2008 at 9:00 a.m.
- cc. Proof, Notice to Bidders, Bid No. 09-41
- dd. Proof, Notice to Bidders, Bid No. 09-43
- ee. Proof, Certificate of Liability Insurance, North Florida Landscape Co. RLH Enterprises, Inc DBA Hartwig & Associates

(01/06/09 - 6 - 9:19 a.m.)

PUBLIC COMMENT

B. J. Kalaidi, 8 Newcomb Street, asked them not to spend \$20,000 of TDC funds on a consultant, Mayor Zidler of Williamsburg, for the 450<sup>th</sup> Anniversary of the City of St. Augustine. She said the services being offered were already available for free. She reviewed the websites that were available for reference purposes.

(9:24 a.m.) Bryan said he was the Board liaison with the City and asked for a meeting with staff to discuss the issue. Stevenson said there was a well thought out explanation presented at the TDC and she would provide a copy of it to him.

(01/06/09 - 6 - 9:25 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

There were none.

(01/06/09 - 6 - 9:26 a.m.)

APPROVAL OF REGULAR AGENDA

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

(01/06/09 - 6 - 9:26 a.m.)

1. CONSIDER A MOTION TO AUTHORIZE THE COUNTY ADMINISTRATOR, OR HIS DESIGNEE, TO AWARD A CONTRACT TO THE LOW BIDDER, BEACH CONSTRUCTION COMPANY, INC. FOR THE BASE BID AMOUNT OF \$1,523,700 PLUS ALTERNATE #1- \$12,000 PLUS ALTERNATE #2-\$167,000.00 FOR A TOTAL CONTRACT AMOUNT OF \$1,702,700 FOR BID # 09-18 SAWGRASS WWTP HEADWORKS ODOR CONTROL IMPROVEMENTS

Joe Burch, Purchasing Director, gave the presentation and explained the request. He said it was to improve odor control and reviewed the contract.

**(9:27 a.m.) Motion by Bryan, seconded by Miner, carried 5/0, to authorize the County Administrator, or his designee, to award a contract to the low bidder, Beach Construction Company, Inc. for the Base Bid amount of \$1,523,700 plus Alternate #1-\$12,000 plus Alternate #2-\$167,000 for a total contract amount of \$1,702,700 for Bid #09-18 Sawgrass WWTP Headworks Odor Control Improvements.**

(01/06/09 - 7 - 9:29 a.m.)

(DISTRICT 3)

2. CONSIDER A MOTION TO ADOPT A RESOLUTION APPROVING THE TERMS AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE PURCHASE AND SALE AGREEMENT FOR PROPERTY LOCATED ON HOLMES BLVD. AND NORTHWOOD DRIVE TO BE USED FOR MULTIPLE PURPOSES INCLUDING RIGHT-OF-WAY FOR SR 313 A DRAINAGE EASEMENT INTO THE FOX CREEK REGIONAL POND, AND A STOCK PILE AREA FOR ROAD AND BRIDGE

Mary Ann Blount, Land Management Director, gave the presentation and explained the request. She reviewed the specifics of the project.

**(9:30 a.m.) Motion by Miner, seconded by Sanchez, carried 5/0, to adopt Resolution No. 2009-9, approving the terms and authorizing the County Administrator to execute the Purchase and Sale Agreement for property located on Holmes Blvd. and Northwood Drive to be used for multiple purposes including right-of-way for SR 313, a drainage easement into the Fox Creek Regional Pond, and a stock pile area for Road and Bridge.**

#### RESOLUTION NO. 2009-9

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE PURCHASE AND SALE AGREEMENT TO ACQUIRE PROPERTY LOCATED ON HOLMES BLVD. AND NORTHWOOD DRIVE TO BE USED FOR MULTIPLE PURPOSES INCLUDING RIGHT-OF-WAY FOR SR 313, A DRAINAGE EASEMENT INTO THE FOX CREEK REGIONAL POND, AND A STOCK PILE AREA FOR ROAD AND BRIDGE**

(01/06/09 - 7 - 9:13 a.m.)

3. CONSIDER A MOTION TO ADOPT A RESOLUTION ESTABLISHING THE TERMS OF A ONE-TIME VOLUNTARY SEPARATION INCENTIVE PROGRAM AND AUTHORIZING THE COUNTY ADMINISTRATOR TO IMPLEMENT THE PROGRAM ON BEHALF OF ST. JOHNS COUNTY

Jessie Dunn, Assistant Director, Office of Management and Budget, gave the presentation and explained the proposal. He noted that the proposal would include all of the Constitutional Officers and their staffs. He reviewed the eligibility criteria for applicants. He stated that \$1 million per year would be the savings.

(9:37 a.m.) Sanchez commended Administration and Budget for working on this proposal.

(9:37 a.m.) Bryan asked how many employees would be taking advantage of this program. Dunn said that about 75 employees were eligible but he did not know how many would apply.

(9:38 a.m.) Stevenson said it was a voluntary program, and should result in positions that would not be filled. She commented that it was going to be difficult to recruit good people despite the budget contractions they were facing.

(9:40 a.m.) McCormack commended staff on being proactive rather than reactive. He said that in the Resolution, Section 2, he would like to add a phrase "substantially in the form attached".

(9:41 a.m.) **Motion by Sanchez, seconded by Miner, carried 5/0, to adopt Resolution No. 2009-10, establishing the terms of a one-time Voluntary Separation Incentive Program and authorizing the County Administrator to implement the Program on behalf of St. Johns County as amended by the County Attorney to include the wording in the Resolution Section 2, "substantially in the form attached".**

#### RESOLUTION NO. 2009-10

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS OF A ONE-TIME VOLUNTARY SEPARATION INCENTIVE PROGRAM AND AUTHORIZING THE COUNTY ADMINISTRATOR TO IMPLEMENT THE PROGRAM ON BEHALF OF ST. JOHNS COUNTY**

(9:42 a.m.) Wanchick thanked the Commission for their support. He said they had reduced staff by 8 percent, and they wanted to continue to make reductions in a humanistic way. He said in the future, they wanted to be the employer of first choice. He said it was a strong signal to their employees that they cared about them.

(01/06/09 - 8 - 9:43 a.m.) (DISTRICT 1)

4. PUBLIC HEARING - PROPOSED ORDINANCE IMPLEMENTING PROVISIONS FOR THE OPERATION OF GOLF CARTS ON COUNTY ROADS AND COUNTY RIGHT OF WAYS - THE PARC GROUP INC., DEVELOPER OF THE NOCATEE DEVELOPMENT OF REGIONAL IMPACT HAS REQUESTED THAT STAFF REVIEW AND UPDATE COUNTY ORDINANCE 1998-48. STAFF IN CONSULTATION WITH THE COUNTY ATTORNEY'S OFFICE HAS REVIEWED AND RE-DRAFTED THE PROVISIONS FOR GOLF CART OPERATIONS ON COUNTY ROADS AND COUNTY RIGHT OF WAYS, PURSUANT TO SECTION 316.212, FLORIDA STATUTES. SECTION 316.212, FLORIDA STATUTES, PERMITS COUNTIES TO ALLOW GOLF CARTS TO BE OPERATED ON COUNTY ROADS PROVIDED THE COUNTY FIRST DETERMINES THAT THEY MAY TRAVEL ON OR CROSS SUCH PUBLIC ROADS OR STREETS UPON CONSIDERING THE SPEED, VOLUME, AND CHARACTER OF MOTOR VEHICLE TRAFFIC USING THOSE ROADS OR STREETS. THIS ORDINANCE REPEALS COUNTY ORDINANCE 1998-48, AND IMPLEMENTS PROVISIONS AND PROCEDURES FOR OPERATION OF GOLF CARTS ON DESIGNATED COUNTY ROADS; SUBJECT TO THE COUNTY ENGINEER'S DETERMINATION THAT GOLF CARTS MAY TRAVEL UPON SAID ROADS AND RIGHT-OF-WAYS OF THE COUNTY

Proof of publication of the notice of public hearing regarding a proposed ordinance for use of golf carts on public roads and County right-of-ways was received, having been published in *The St. Augustine Record* on December 23, 2008.

Press Tompkins, County Engineer, gave the presentation and explained the request. He said it was an effort to bring the previous ordinance up to the



current standards with the Florida DOT, to allow alternate vehicle use within the county right-of-way.

(9:44 a.m.) Bryan commented on categories for golf carts which typically were electric. He asked if there were provisions for excluding gas powered vehicles. Tompkins said it was limited to electrical powered carts only.

(9:47 a.m.) McCormack said it was an Ordinance that would possibly be tweaked in the near future as needed. He said if the Board adopted the ordinance it would not allow golf carts on County roads starting the next day. He said there would need to be application for a particular segment of road and review and approved by the County Engineer.

(9:48 a.m.) Bryan said that the public needed to be aware that specific roads would be designated specifically for golf carts. It would not apply to all county roads. Stephenson clarified that it was for licensed drivers, electrical powered golf carts on designated and approved roadways.

(9:49 a.m.) Alex Mitchell, 111 Gene Johnson Rd., spoke in support of the issue with the one caveat that it be considered evenly across the County.

(9:50 a.m.) Vivian Browning, 30 Beachcomber Way, spoke in support of the ordinance. She said Vilano Beach was promoting the town center concept and this would certainly fit in. She said it was a progressive move for alternative transportation.

(9:52 a.m.) Tompkins reported a last minute change, which should read "motorized vehicles unable to exceed 25 miles per hour", rather than "electric vehicles". He noted the change was made due to some of the hybrid vehicles now coming out. He said the change was reflected in the Ordinance.

(9:53 a.m.) Miner asked them to use caution when reviewing the requests on a case by case basis. He cautioned about off road four wheel ATV vehicles in residential areas. Tompkins said the language was clear that they were not included.

(9:53 a.m.) Wanchick said it was a countywide ordinance, and any area in the County that met the criteria could apply. He said the only area in the County that would be approved currently, would be Nocatee, and others could be added when appropriate.

(9:54 a.m.) Locklear said the Sheriff's office would be responsible for enforcement of this ordinance on County road right-of-ways.

(9:55 a.m.) Mays clarified that it had to be a licensed driver. Tompkins said that was correct. He reviewed other criteria necessary. Wanchick said it had been in the works for two years, was not perfect and changes would probably be made as it was revisited.

**(9:58 a.m.) Motion by Bryan, seconded by Miner, carried 5/0, to enact Ordinance No. 2009-1, relating to the implementation of Golf Carts on County Roads and County Right-of-Ways; repealing County Ordinance 1998-68; providing equipment and age requirements for operation of golf carts upon roads within the County; providing finding of facts; providing definitions and purpose; providing for designation procedures and standards; providing for a method of appeal; providing operating requirement; providing geographic application; providing for enforcement and penalties; providing for severability and an effective date.**

ORDINANCE NO. 2009-1

AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA, IMPLEMENTING PROVISIONS FOR THE OPERATION OF GOLF CARTS ON DESIGNATED COUNTY ROADS; REPEALING COUNTY ORDINANCE 1998-68; PROVIDING EQUIPMENT AND AGE REQUIREMENTS FOR OPERATION OF GOLF CARTS UPON ROADS WITHIN THE COUNTY; PROVIDING FINDING OF FACTS; PROVIDING DEFINITIONS AND PURPOSE; PROVIDING FOR DESIGNATION PROCEDURES AND STANDARDS; PROVIDING FOR A METHOD OF APPEAL; PROVIDING OPERATING REQUIREMENTS; PROVIDING GEOGRAPHIC APPLICATION; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

(01/06/09 - 10 - 10:00 a.m.)

5. CONSIDER A MOTION TO ADOPT A RESOLUTION PROVIDING THE DEVELOPER OF NOCATEE REASONABLE ASSURANCES THAT THEY MAY USE GOLF CARTS WITHIN THE NOCATEE DEVELOPMENT OF REGIONAL IMPACT, SUBJECT TO COUNTY ENGINEER REVIEW AND APPROVAL CONSISTENT WITH THE COUNTY ORDINANCE REQUESTED PRIOR TO THIS ITEM

Press Tompkins, County Engineer, gave the presentation and noted that Nocatee was the first community to make a request to be designated for golf cart usage on their roads.

(10:00 a.m.) Mays asked what reasonable assurance was and what the impact would be.

(10:01 a.m.) McCormack said it was not a contract, but was a statement of good faith. He said Nocatee had applied because they were making investment decisions, and they wanted reasonable assurance, on behalf of the County, to have golf cart use eligibility available. He said there was no guarantee that any road segment would be approved. He said it was not binding, like a contract.

(10:03 a.m.) Tom Ingram, Pappas Metcalf Jenks & Miller, Jacksonville, who represented the applicant, thanked staff for their work on the project. He reviewed the request and explained that the use would be restricted to electric vehicles. He said additionally, that low speed vehicles would be utilized in Nocatee as well, but would not be able to exceed 35 mph. He said golf carts were limited to roads with a posted speed limit of 25 mph or less.

(10:07 a.m.) Chris Pilinko, 4314 Pablo Oaks Court, Jacksonville, said the appropriate wording had been added to the resolution. He said they had added great expense to their project and were looking for reasonable assurance from the County, but understood that it was subject to final approval and permitting.

(10:09 a.m.) **Motion by Bryan, seconded by Sanchez, carried 5/0, to adopt Resolution No. 2009-11, providing the Developer of Nocatee reasonable assurances that they may use Golf Carts within the Nocatee Development of**

Regional Impact, subject to County Engineer review and approval consistent with County Ordinance 2009-1.

RESOLUTION NO. 2009-11

A RESOLUTION OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE OPERATION OF GOLF CARTS AND LOW SPEED VEHICLES UPON COUNTY ROADS AND RIGHT-OF-WAYS WITHIN THE NOCATEE DEVELOPMENT OF REGIONAL IMPACT, SUBJECT TO COUNTY ENGINEER APPROVAL; AUTHORIZING THE OPERATION OF GOLF CARTS AND LOW SPEED VEHICLES ON DESIGNATED PATHS WITHIN COUNTY RIGHT-OF-WAYS WITHIN THE NOCATEE DEVELOPMENT OF REGIONAL IMPACT; PROVIDING FINDINGS OF FACT, SEVERABILITY PROVISIONS AND AN EFFECTIVE DATE

The meeting recessed 10:11 a.m. and reconvened at 10:28 a.m.

(01/06/09 - 11 - 10:28 a.m.)

6. PUBLIC HEARING - LAND DEVELOPMENT CODE AMENDMENTS - THIS IS THE SECOND OF TWO REQUIRED PUBLIC HEARINGS TO CONSIDER MODIFICATIONS TO THE LAND DEVELOPMENT CODE. A DESCRIPTION OF THE MODIFICATIONS AND A COPY OF THE PROPOSED ORDINANCE IN REDLINE/OVERSTRIKE FORMAT IS ATTACHED FOR REVIEW

Proof of publication of the notice of public hearing regarding Land Development Code Amendments was received, having been published in *The St. Augustine Record* on December 19, 2008.

Betty Sue Stepp, Project Liaison Growth Management Services, gave the presentation. She explained that this was the second of the two required public hearings along with a recommendation from the Planning and Zoning Agency (PZA) for compliance with the Comprehensive Plan, which was given on September 30, 2008. She noted the two drafts included in their packets were essentially the same as what was originally submitted, but with minor changes. She said the second draft was titled "PZA Recommendations with Staff Edits" and it was the focus of that day's presentation. She stated that an amended Ordinance would be given to the Clerk's Office, which would include housekeeping changes discovered that morning.

She reviewed the sections and the changes being proposed: Sections 1, 6, and 7 required pre-application meeting with the Florida Department of Transportation prior to public hearing. Section 2 provided flexibility for protecting Specimen and Historic Trees. She noted that one of the housekeeping changes was within that section: the language "unless as allowed by the County Administrator or his designee" in Paragraph A Section 2, and "or his designee" was recommended for removal by the PZA, and had been removed. Section 3 added to and clarified allowed expenditures for the SJC Tree Bank Fund. She stated another housekeeping change to that section had been made in Sub Paragraph 5: "determined by the County Administrator using acceptable environmental evaluation practices" had been added for clarification.

(10:39 a.m.) Miner asked if there was a differentiation between commercial and residential as it related to that section. Stepp said there was a differentiation in how the calculations were done between the two and explained. Miner said he would be more comfortable if they did something similar for commercial as well. He stated that in these difficult economic times, they needed to work on job creation and well planned commercial growth. Stepp responded that other counties had tree requirements and some were stricter and others were less restrictive. She said she did not know if those counties had Tree Bank Funds. She said she was not certain about how other counties treated commercial projects, but staff could research it and report back to the Board.

(10:42 am.) McCormack said that particular section of the LDC was not part of the advertised changes for these current LDC changes, and staff was continuing to look at changes for the next six months. Stepp said there were other changes being worked on and certainly could be brought back to the Board. McCormack said that on the section with paragraphs 4 and 5 on page 3 of the red line draft, he recommended adding the language "protection and enhancement" to the first line on paragraph 4. He said the counties goal was to preserve trees where possible. He suggested on paragraph 5 to add "acceptable environmental programs and practices". There was discussion on what "protection" and "programs" meant. He noted that every dollar had to be approved by the Board before it was spent. There was discussion on the term "conservation and natural preserve area." Miner reiterated his concern that these attempts at being proactive in environmental policy didn't inhibit their ability to get the economy going and create jobs. Bryan suggested they add language to include "to mitigate wildlife displacement". McCormack said that would be an appropriate phrase to include.

(10:50 a.m.) Miner said he would not support it unless it there was a differentiation between residential and commercial and until they had clarification on what other counties were doing related to that issue. He said he did not want to further impede ability of new businesses to come to St. Johns County. Stepp reported that commercial was currently required to pay into the Tree Bank Fund regardless of the changes that were being proposed that morning.

(10:50 a.m.) Stevenson suggested that the issue today was how the money came out. She noted Miner's issue was how the funds were assessed and went in. She said they were two separate discussions. Stepp said staff was prepared to get back with the Board and would meet with Miner personally. He said he appreciated it.

(10:54 a.m.) Stepp continued, stating that Section 4 also contained some housekeeping items to be clarified. She noted the modification provided flexibility in measuring the 25' setback from contiguous wetlands for non residential property. She said the code citation in that section needed to be corrected in two places from 4.01.06.a.2 and it should read 4.01.06.b.2. She said paragraph 2 should be changed to read "no reduced minimum setbacks may be allowed within the portion of the parcel to be developed except for residential as approved by the County Administrator using acceptable environmental evaluation practices." Discussion ensued regarding the reduction of setbacks and the fact that buffers were not being reduced.

(10:55 a.m.) She stated that Section 5 exempted existing lots of record from the Habitat Management for the Bald Eagle requirements. Stepp noted that Sections 6 and 7 had already been discussed. Section 8 allowed alternative water supply for fire protection. She noted the last housekeeping action was in that section and

the words "or his/her designee" needed to be omitted. She said that Section 9 allowed a reduction in hydrant fire flow with the use of an automatic fire sprinkler system. Bryan asked for examples of alternate water supplies. Stepp gave the example of a retention pond with sufficient capacity. She stated that Section 10 provided that only the first page of a survey or related report must be signed and sealed which made them consistent with the State requirement. She said that Section 11 eliminated the requirement for a Lot Grading Certificate as the language was obsolete and no longer needed. She stated that Sections 12 and 13 allowed flexible design of off-street vehicular access areas. Section 14 requires a recommendation on Non-Zoning Variances from the applicable Overlay Review Board, and Section 15 expanded buffering and screening requirement for solid waste storage. She gave the rationale for each proposed modification. She said the PZA also recommended the previous language proposed that required a majority plus one vote of the Board for Comprehensive Plan Amendments be taken out of the ordinance, and they had done so.

(11:06 a.m.) **Motion by Bryan, seconded by Sanchez, to enact Ordinance No. 2009-2, amending the Land Development Code.** McCormack asked that the amendments as described by Betty Sue Stepp be included. **Bryan said he would include the phrase with all amendments as described, Sanchez said the second agreed with the amendment, and to include "to provide the ability to mitigate wildlife displacement."** Sanchez said the second would accept that.

(11:07 a.m.) Mays asked for clarification regarding overlaying more and more sections of government on items that might have already been taken care of by other State, Federal or County laws. McCormack explained the Tree Bank Fund. Mays said this was covered by other state legislation. Stevenson clarified that this action was for funding only and not for additional regulatory power. She said it would allow the Tree Bank funds to be used for the relocation of Gopher tortoises. Discussion ensued on wildlife rescue organization funding. Mays said he was trying to avoid adding layers of legislation to accomplish the same thing.

(11:11 a.m.) McCormack said it did not add a regulatory mechanism. He said the language would recognize that because of certain effects, funds intended to mitigate those effects could be used as described. Stevenson said the funds should not be used for other regulatory funding. She said that was her resistance to the use of the word "program". McCormack clarified how the funds could be used; to mitigate local effects of local actions of the removal of the trees. Bryan offered to repeat the motion.

(11:14 a.m.) **Motion by Bryan, seconded by Sanchez, carried 5/0, to enact Ordinance 2009-2, amending the Land Development Code with amendments as described to include the ability to mitigate wildlife displacement and revisions as described by staff and counsel.**

#### ORDINANCE NO. 2009-2

AN ORDINANCE OF ST. JOHNS COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, AMENDING AND SUPPLEMENTING, ADDING AND REPEALING SECTIONS OF ARTICLE II - ZONING DISTRICTS; ARTICLE IV - NATURAL RESOURCES AND SPECIAL USES, ARTICLE V - DEVELOPMENT OPTIONS, ARTICLE VI - DESIGN STANDARDS AND IMPROVEMENT REQUIREMENTS, ARTICLE IX - ADMINISTRATION AND ARTICLE X

INTERPRETATIONS, EQUITABLE RELIEF, AND ENFORCEMENT, OF THE ST. JOHNS COUNTY LAND DEVELOPMENT CODE AS ADOPTED BY ORDINANCE 99-51, AS PREVIOUSLY AMENDED; THIS ORDINANCE MAKES CHANGES INCLUDING AND RELATING TO: AMENDING ARTICLE II ZONING DISTRICTS AND SPECIAL USES SPECIFICALLY PART 2.03.00 SPECIAL USES, AMENDING ARTICLE IV NATURAL RESOURCES, SPECIFICALLY PART 4.01.00 NATURAL RESOURCES, AMENDING ARTICLE V DEVELOPMENT OPTIONS, SPECIFICALLY PART 5.03.00 PLANNED UNIT DEVELOPMENT (PUD) DISTRICTS, AMENDING ARTICLE VI DESIGN STANDARDS AND IMPROVEMENT REQUIREMENTS SPECIFICALLY PART 6.02.00 SUBDIVISION DESIGN STANDARDS AND GUIDELINES AND PART 6.03.00 FIRE PROTECTION REGULATIONS, PART 6.04.00 ROADWAYS, DRAINAGE & UTILITIES STANDARDS, PART 6.06.00 LANDSCAPING AND BUFFERING REQUIREMENTS, AMENDING ARTICLE IX ADMINISTRATION SPECIFICALLY PART 9.05.00 LAND USE POLICY DECISIONS AND AMENDING ARTICLE X INTERPRETATIONS, EQUITABLE RELIEF, AND ENFORCEMENT SPECIFICALLY PART 10.04.00 VARIANCES; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

(01/06/09 - 14 - 11:14 a.m.)

(DISTRICT 5)

7. PUBLIC HEARING - PNZVAR 2008-04, COLONY REEF CLUB - THIS APPLICATION IS A PLANNING NON-ZONING VARIANCE TO SECTION 3.08.05.E, MID ANASTASIA OVERLAY DISTRICT, TO ALLOW AN ACCESSORY STRUCTURE (GUARD SHACK) CLOSER TO S.R. A1A THAN MAIN BUILDINGS ON-SITE. THE PLANNING DIVISION FINDS THE REQUEST FOR A PLANNING NON-ZONING VARIANCE TO SECTION 3.08.05.E SUBSTANTIALLY MEETS THE REQUIREMENTS OF THE COMPREHENSIVE PLAN AND THE LAND DEVELOPMENT CODE, SPECIFICALLY SECTION 10.04.03.B. THIS FINDING IS BASED UPON THE FOLLOWING INFORMATION: THE APPLICATION MATERIALS (INCLUDING THE STATEMENT OF FACTS) AS SUBMITTED BY THE APPLICANT AND OTHER RELEVANT INFORMATION AVAILABLE TO STAFF. THIS FINDING MAY BE SUBJECT TO ANY OTHER COMPETENT SUBSTANTIAL EVIDENCE THAT MAY BE RECEIVED AT THE QUASI-JUDICIAL PUBLIC HEARING. THE MID ANASTASIA DESIGN REVIEW BOARD RECOMMENDED APPROVAL AT ITS NOVEMBER 13TH, 2008 BY A UNANIMOUS VOTE (4-0)

Proof of publication of the notice of public hearing regarding PNZVAR 2008-04 known as Colony Reef, was received, having been published in *The St. Augustine Record* on December 22, 2008.

Lindsay Haga, Chief Planner, began the presentation and then invited David Harrell, Planner I to present this item.

(11:16 a.m.) David Harrell, Planner I, gave the presentation for Colony Reef Club and explained the details of the request. He gave an overhead presentation (Exhibit A). He reviewed the Non-Zoning Variance findings of fact and staff's interpretation of those findings of fact. He noted that staff recommended approval of the request as it met the requirements of Section 10.04.03.B and that the Mid Anastasia Design Review Board had recommended approval by a unanimous vote of 4/0.

(11:21 a.m.) James Whitehouse, Assistant County Attorney, stated a change needed to be made under finding of facts No. 2 where it says "there is no practical difficulty" the word "no" should not be there.

**(11:21 a.m.) Motion by Stevenson, seconded by Sanchez, carried 5/0, to approve Planning Non Zoning Variance PNZVAR 2008-04, Colony Reef, adopting findings of fact one through six to support the motion.**

(01/06/09 - 15 - 11:23 a.m.) (DISTRICT 5)

8. PUBLIC HEARING - PNZVAR 2008-03 BANK OF ST. AUGUSTINE/CENTURY 21 - THIS APPLICATION IS A PLANNING NON-ZONING VARIANCE TO SECTION 3.08.07.B.1, MID ANASTASIA OVERLAY DISTRICT, TO ALLOW A SIGN TO BE A MAXIMUM 15.2 FEET IN HEIGHT INSTEAD OF THE CODE MAXIMUM OF 12 FEET IN HEIGHT. THE PLANNING DIVISION FINDS THE REQUEST FOR A PLANNING NON-ZONING VARIANCE TO SECTION 3.08.07.B.1 SUBSTANTIALLY MEETS THE REQUIREMENTS OF THE COMPREHENSIVE PLAN AND THE LAND DEVELOPMENT CODE, SPECIFICALLY SECTION 10.04.03.B. THIS FINDING IS BASED UPON THE FOLLOWING INFORMATION: THE APPLICATION MATERIALS (INCLUDING THE STATEMENT OF FACTS) AS SUBMITTED BY THE APPLICANT AND OTHER RELEVANT INFORMATION AVAILABLE TO STAFF. THIS FINDING MAY BE SUBJECT TO ANY OTHER COMPETENT SUBSTANTIAL EVIDENCE THAT MAY BE RECEIVED AT THE QUASI-JUDICIAL PUBLIC HEARING. THE MID ANASTASIA DESIGN REVIEW BOARD RECOMMENDED APPROVAL BY A UNANIMOUS VOTE (4-0) AT ITS OCTOBER 9TH, 2008 REGULAR MEETING

Proof of publication of the notice of public hearing regarding PNZVAR 2008-03, known as Bank of St. Augustine/Century 21 was received, having been published in *The St. Augustine Record* on December 22, 2008.

David Harrell, Planner I, gave the presentation and explained the specifics of the request. He gave an overhead presentation (Exhibit A). He noted the sign would be located in a depressed area and would not be as obvious due to the slant of the land. He said most of the base would not be visible. He said staff recommended approval based on the fact that the request met the requirements of Section 10.04.03.B and that the Mid Anastasia Design Review Board had recommended approval with a 4/0 vote.

**(11:27 a.m.) Motion by Sanchez, seconded by Bryan, carried 5/0, to approve Planning Non Zoning Variance PNZVAR 2008-03, Bank of St. Augustine/Century 21, adopting the six findings of fact to support the motion.**

(01/06/09 - 15 - 11:28 a.m.) (DISTRICT 4)

9. PUBLIC HEARING - ARC APPEAL 2007-04, WINN DIXIE #5 - THIS IS AN APPEAL OF A DECISION BY THE PONTE VEDRA ARCHITECTURAL REVIEW COMMITTEE (PVARC) REGARDING AN APPLICATION FOR WALL SIGNAGE (ARC CC 2007-21) FOR THE

WINN DIXIE GROCERY STORE LOCATED AT 190 SOLANA ROAD, PONTE VEDRA. IN OCTOBER 2002, THE BOARD OF COUNTY COMMISSIONERS GRANTED A PLANNING NON ZONING VARIANCE TO WAIVE SECTION 3.06.09.C.2 OF THE LAND DEVELOPMENT CODE ALLOWING A TOTAL FOUR WALL SIGNS ALONG THE EAST ELEVATION OF THE EXISTING GROCERY STORE. THE APPLICANT SUBSEQUENTLY RECEIVED ARC APPROVAL OF THE WALL SIGNAGE, SPECIFICALLY ALLOWING WINN-DIXIE IN THE COLOR RED (PVARC CC 2002-16). THE APPLICANT FILED A MODIFICATION TO THE APPROVED SIGNAGE IN 2007 TO REMOVE CERTAIN LETTERING AND REPLACE THE DASH MARK WITH THE CHECK SYMBOL WITHIN THE LETTERING 'WINN DIXIE'. THIS REQUEST WAS DENIED BY THE PVARC AND IS THE SUBJECT OF THE APPEAL. THE APPLICANT ALLEGES THE PONTE VEDRA ARCHITECTURAL REVIEW COMMITTEE (ARC) ERRED IN FINDING THE SIGNAGE MODIFICATION INCONSISTENT WITH SECTION 3.06.09 AND POLICY A.1.3.7 AS IT RELATES TO SQUARE FOOTAGE AND BUILDING COMPATIBILITY. THE APPLICANT STATES THE ERROR CONFLICTS WITH THE ORDER APPROVING A NON ZONING VARIANCE (ATTACHMENT 3 PNZVAR 2002-14 ORDER) TO SECTION 3.06.09.E REGARDING TOTAL SIGNAGE AND SQUARE FOOTAGE. IN ADDITION, THE ERROR CONFLICTS WITH PREVIOUS ARC APPROVAL OF WALL SIGNAGE REGARDING COLOR, SIZE AND MATERIAL TYPE (PVARC CC 2002-16). REFER TO ATTACHMENT 2 ALLEGED ERROR. REFER TO ATTACHMENT 4 PVARC STAFF REPORT AND DENIAL ORDER. PURSUANT TO SECTION 9.07.04 OF THE LAND DEVELOPMENT CODE, ANY DECISION OF AN ARCHITECTURAL REVIEW COMMITTEE MAY BE APPEALED TO THE BOARD OF COUNTY COMMISSIONERS

Proof of publication of the notice of public hearing regarding ARC Appeal 2007-04, known as Winn Dixie #5 was received, having been published in *The St. Augustine Record* on December 22, 2008.

Lindsay Haga, Chief Planner, gave the presentation. She explained the particulars of the request and gave an overhead presentation (Exhibit A). She said the Ponte Vedra Architectural Review Committee had approved the signage colors and lettering. She explained the requested change to the signage, which was to change the dash to a checkmark and to remove the Deli Bakery wording. She explained the applicant's rationale for stating that an error had occurred in the ruling.

(11:32 a.m.) Clara Cowan, 244 Patrick Mill Circle, Ponte Vedra, President of the Ponte Vedra Coalition, asked them to comply with the previous decision made by the ARC and explained why.

Discussion ensued regarding how signage was measured; relying on the ARC for their input, why they had denied it and the possibility of remanding it back to the ARC; how the sign would be viewed from A1A; the fact that the only change was from a dash to a checkmark and the removal of the words Deli and Bakery.

(11:42 a.m.) Buddy Cleland, 3633 St. Augustine Rd., Jacksonville, the applicant, said the only change was taking the dash out. He said they had changed 125 locations already. He said they were taking down the deli/bakery sign, and the specific reason for rejection by the ARC was because of their regulations. He noted that the variance had already been granted.



(11:44 a.m.) Discussion ensued regarding the reasoning behind the ARC's decision, the fact that no reason was given for denial, remanding it back to ARC in order to be given a finding of fact to support their decision, the importance of the decision to Winn Dixie because of their new marketing approach, and the importance of respecting ARC's decisions.

(11:48 a.m.) McCormack said he had attended the PV ARC meetings and they significantly enhanced the quality of the esthetics for that area. He said they tried to make things the best that they could. He said they were a Board that was appointed by the BCC and worked for them. He said they were experts but looked at a small area. He said the BCC was able to look at the entire issue including other issues and could weigh those. He said if they had a differing opinion, it did not mean that the PVARC was not doing a correct job. He said the BCC was able to look at the full picture and it was in their purview.

(11:50 a.m.) There was discussion on what was covered in the original 2002 ordinance approval and what it had covered as compared to the current request. Further discussion was held on whether the item should be returned to the PVARC.

(11:56 a.m.) McCormack said that legally it could be sent back. He said the property owner and the applicant had a right to due process. He said it was currently not at that point. He said the Board would have to decide whether to approve, deny or send back.

(12:00 p.m.) Wanchick said they were all on record as supporting the PVARC and traditionally had not overridden their decisions. He said he was concerned from a different perspective; they were trying to attract business to St. Johns County and he would hate to be the only county to deny their request. He said if they were uncomfortable with the ARC decision, to fall back on their own staff's recommendation for approval.

(12:02 a.m.) McCormack added that in the four pages of requirements they did not know what the concern was. He said the specific reference to an exact paragraph would have been helpful.

(12:04 a.m.) Mays voiced concern for the applicant's due process. He said he would like to see more information from the ARC. He said he could see both sides.

**(12:04 p.m.) Motion by Miner, seconded by Sanchez, to approve ARC Appeal 2007-04, Winn Dixie #5, adopting findings of fact to support the motion. Stevenson asked that the motion be amended to include the specific sign as depicted. Miner said he would agree to that amendment, the second agreed as well. Motion carried 4/1 with Mays dissenting.**

The Board adjourned for lunch and returned at 1:34 p.m.

(01/06/09 - 17 - 1:35 p.m.)  
COMMISSIONERS' REPORTS

Commissioner Mays:

Mays expressed his honor to be representing the residents of Ponte Vedra and St. Johns County; said he was looking forward to working productively in a professional fashion.

(1:35 p.m.)

Commissioner Bryan:

Bryan welcomed Commission Mays to the Board.

Bryan reported that he met with a Census Bureau representative, who informed him that she was recruiting individuals for employment to collect census data throughout the county. Bryan announced that the starting salary was \$11.00 an hour; the phone number was 1-866-861-2010; and the website address was [www.2010censusjobs.gov](http://www.2010censusjobs.gov).

Bryan reported on his attendance at the City of St. Augustine Beach meeting, held on Monday, January 5, 2009, where the new commissioners were sworn in and Mayor Frank Charles, and Vice Mayor Brud Helhoski were appointed. He reported on the St. Augustine Beach's upcoming 50<sup>th</sup> Birthday Celebration.

Bryan commented briefly regarding renewable energy sources and cutting energy consumption in the county.

(1:39 p.m.)

Commissioner Sanchez:

Sanchez welcomed Commissioner Mays to the Board.

Sanchez reported on the Winter Wonderland attraction at the amphitheater. He said they had over 18,000 skaters; over 21,000 on the ice slides; over 60,000 in attendance throughout the event, which exceeded the financial projections.

(1:42 p.m.)

Commissioner Miner:

Miner welcomed Commissioner Mays to the Board.

(1:42 p.m.)

Commissioner Stevenson:

Stevenson also welcomed Commissioner Mays to the Board.

Stevenson reported on the Tourist Development Council meeting, held on Monday, January 5, 2009; Dana Ste Clair was elected Chair and Mayor Joe Boles was elected Vice Chair; said the TDC voted to support the MPS Tennis Tournament in April, 2009; said there was also comment that the Amphitheatre was up for an international award; said there was serious discussion regarding their budget.

Stevenson reported on the Historic Resource Review Board meeting, where they did some goal setting.

Stevenson said the St. Johns River Water Management District gave some previews of some information regarding water supply.

(01/06/09 - 18 - 1:47 p.m.)

COUNTY ADMINISTRATOR'S REPORT

No report.

(01/06/09 - 19 - 1:47 p.m.)  
COUNTY ATTORNEY'S REPORT

McCormack reported on the Waldron v. St. Johns County litigation that pertains to the Lightsey Road property; said there had been some settlement discussions. There had been a request for a 60-day relaxation in the 207 Corridor Group scheduled payment, which was due on January 10, 2009. Mays filed Form 8B, Memorandum of Voting Conflict, and abstained from voting. (1:51 p.m.) **There was consensus of the Board, with Mays abstaining, to not object to a 60-day relaxation.**

McCormack reported on the Whetstone v. St. Johns County matter pertaining to the utility lift station on Green Acres Road, which is scheduled for trial later this month. He said the plaintiff had requested a settlement of \$95,000. Discussion followed.

(01/06/09 - 19- 1:58 p.m.)  
CLERK OF COURT'S REPORT

No report.

**Motion by Sanchez, seconded by Bryan, carried 5/0, to adjourn the meeting.** With there being no further business to come before the Board, the meeting adjourned at 1:58 p.m.

REPORTS:

1. St. Johns County Board of County Commissioners Check Register, Checks No. 431113 through 431409, totaling \$1,826,813.78 (12/09/08)
2. St. Johns County Board of County Commissioners Check Register, Check No. 431410, totaling \$440 (12/15/08)
3. St. Johns County Board of County Commissioners Check Register, Checks No. 431411 through 431766, totaling \$3,055,150.99 (12/16/08)
4. St. Johns County Board of County Commissioners Check Register, Checks No. 431767 through 431796, totaling \$65,469.80 (12/18/08)

CORRESPONDENCE:

1. Letter to Liz Cloud, Program Administrator, Department of State filing St. Johns County Ordinances Number 2008-59 and 2008-60 (12/18/08)

Approved January 20, 2009

BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA

By: Cyndi Stevenson  
Cyndi Stevenson, Chair

ATTEST: CHERYL STRICKLAND, CLERK

By: Udanne King  
Deputy Clerk

