

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
JANUARY 20, 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
 Lenora Newsome, Deputy Clerk

(01/20/09 - 1 - 9:00 a.m.)
CALL TO ORDER

Stevenson called the meeting to order.

(01/20/09 - 1 - 9:00 a.m.)
ROLL CALL

Stevenson stated that all five commissioners were present.

(01/20/09 - 1 - 9:03 a.m.)
Bryan gave the Invocation and Stevenson led the Pledge of Allegiance.

(01/20/09 - 1 - 9:05 a.m.)
SPECIAL RECOGNITION OF RICHARD NIX FOR 35 YEARS OF SERVICE TO ST. JOHNS COUNTY BY BOB PETERS, PERSONNEL SERVICES DIRECTOR; AND SPECIAL RECOGNITION OF R. WILBER GRIFFIN FOR HIS 37 YEARS OF SERVICE TO ST. JOHNS COUNTY BY BOB PETERS, PERSONNEL SERVICES DIRECTOR

Bob Peters, Personnel Services Director, recognized both Richard Nix, who served the County for 35 years and Wilber Griffin, who served the County for 37 years, and gave both of them a wooden rocking chair. He reviewed the history of America when Nix and Griffin first started to work. He asked Joe Stephenson, Public Works Director, and Ivan Burrell, Road and Bridge Superintendent, to come up and say a few words about Nix and Griffin.

(9:07 a.m.) Joe Stephenson, Public Works Director, stated that they were sad to lose these gentlemen and their many years of experience, but they were happy and proud of them for having reached their retirement.

(9:09 a.m.) Wilbur Griffin stated that he appreciated the gift.

(9:11 a.m.) Stevenson said that Commissioners come and go, but the staff made the County run, and that the Board really appreciated them.

(9:11 a.m.) Bryan read a greeting from the Board of County Commissioners that was read at the Martin Luther King's Birthday Prayer Breakfast yesterday.

(01/20/09 - 2 - 9:13 a.m.)
DELETIONS TO CONSENT AGENDA

There were none.

(01/20/09 - 2 - 9:14 a.m.)
APPROVAL OF CONSENT AGENDA

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

1. Approval of the Cash Requirement Report
2. Minutes:
12/16/08 - BCC Regular Agenda
01/06/09 - BCC Regular Agenda
3. Motion to adopt **Resolution No. 2009-12**, authorizing the Chairman to execute a County Deed and Temporary Construction Easement for the conveyance of the property needed on A1A for improvements to the Matanzas Bridge by the State of Florida Department of Transportation

RESOLUTION NO. 2009-12

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE CHAIRMAN TO EXECUTE A COUNTY DEED AND TEMPORARY CONSTRUCTION EASEMENT FOR THE CONVEYANCE OF PROPERTY NEEDED ON A1A FOR IMPROVEMENTS TO THE MATANZAS BRIDGE BY THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION

4. Motion to adopt **Resolution No. 2009-13**, approving the terms and authorizing the County Administrator to execute the Purchase and Sale Agreement for the acquisition of property to mitigate wetland impacts as a result of the construction of Capital Improvement Projects

RESOLUTION NO. 2009-13

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 FOR THE ACQUISITION OF PROPERTY TO MITIGATE WETLAND IMPACTS AS A RESULT OF THE CONSTRUCTION OF CAPITAL IMPROVEMENT PROJECTS

5. Motion to adopt **Resolution No. 2009-14**, accepting and authorizing the execution of a Temporary Access Easement to a communications tower site located on US #1 North

RESOLUTION NO. 2009-14

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING AND AUTHORIZING THE EXECUTION

**OF A TEMPORARY ACCESS EASEMENT TO A
COMMUNICATIONS TOWER SITE LOCATED ON US
#1 NORTH**

6. Motion to authorize the transfer of \$20,000 from the Court Facilities Trust Fund Reserve (1301 - 59920) to be appropriated to the Courthouse Renovation Phase I CIP for remaining cost for re-assembling furniture that was recycled from the previous building tenants
7. Motion to authorize the County Administrator, or his designee, to award a contract to Basic Chemical Solutions, LLC, for the purchase of Sodium Hydroxide as described in the proposal documents Bid No. 09-31, purchase of Sodium Hydroxide for wastewater treatment
8. Motion to declare as surplus a 1997 Fire Truck #6024 and a 1998 Fire Truck #10505, and authorize staff to donate both to First Coast Technical College
9. Motion to authorize the County Administrator, or his designee, to negotiate with, and, if negotiations are successful, enter into an agreement with the No 1 ranked firm, Dixon & Associates Architects, LLC for RFP #09-17, Architectural/Engineering Services for COA Transit Facility
10. Motion to adopt **Resolution No. 2009-15**, approving the terms, provisions, conditions, and requirements of an agreement between St. Johns County, Florida, and K.S. Toney, North Carolina, for the provision of the Lease Agreement for the Moultrie Woods Wastewater Treatment Plant and authorizing the County Administrator to execute the agreement on behalf of St. Johns County

RESOLUTION NO. 2009-15

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF AN AGREEMENT BETWEEN ST. JOHNS COUNTY, FLORIDA, AND KS TONEY, NORTH CAROLINA, FOR THE PROVISION OF THE LEASE AGREEMENT AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE AGREEMENT ON BEHALF OF ST. JOHNS COUNTY

11. Motion to adopt **Resolution No. 2009-16**, granting ad valorem tax exemption for historic property located at 15 Bridge Street, St. Augustine, and to enter into a covenant with the property owner establishing the parameters of the exemption agreement

RESOLUTION NO. 2009-16

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, GRANTING AN AD VALOREM TAX EXEMPTION FOR HISTORIC PROPERTY LOCATED AT 15 BRIDGE STREET, ST. AUGUSTINE, FLORIDA, IN ACCORDANCE WITH ST. JOHNS COUNTY ORDINANCE NO. 97-61 AND SECTION 196.1997, FLORIDA STATUTES, AND PROVIDING AN EFFECTIVE DATE

12. Motion to adopt **Resolution No. 2009-17**, authorizing a grant in the amount of \$80,000 for the public purpose of enabling Good Samaritan Health Clinics Inc. to provide free dental and medical services to the residents of St. Johns County

RESOLUTION NO. 2009-17

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, AWARDED A GRANT TO GOOD SAMARITAN HEALTH CENTERS, INC. FOR THE PURPOSE OF ASSISTING WITH THE CONSTRUCTION FUNDING OF A CLINIC PROVIDING FREE DENTAL AND MEDICAL SERVICES. THE FACILITY IS TO BE LOCATED WITHIN THE WEST AUGUSTINE CRA PROVIDING SERVICES TO INCOME ELIGIBLE RESIDENTS OF ST. JOHNS COUNTY, AND AUTHORIZING THE CHAIRPERSON OF THE BOARD OF COUNTY COMMISSIONERS TO SIGN ANY REQUIRED DOCUMENTS ON BEHALF OF THE COUNTY AS DETERMINED BY THE COUNTY ATTORNEY

13. Proofs:
- a. Proof, Notice of Canceled/Rescheduled Meetings, Board of County Commissioners, Canceled - November 11, 2008, November 25, 2008, and December 9, 2008, Rescheduled - December 2, 2008 and December 16, 2008
 - b. Proof, Notice to Bidders, Bid No. 09-30
 - c. Proof, Notice to Bidders, Bid No. 09-18
 - d. Proof, Notice of Economic Summit, Congressman John Mica and St. Johns County Board of County Commissioners, Wednesday, December 17, 2008 at 3:30 p.m.
 - e. Proof, Notice to Bidders, RFQ No. 09-47
 - f. Proof, Notice to Bidders, Bid No. 09-37
 - g. Proof, Notice to Bidders, Bid No. 09-46
 - h. Proof, Notice of Proposed Exchange of County Property, Board of County Commissioners and Rayonier Forest Resources, LP, Tuesday, January 6, 2009.
 - i. Proof, Notice of Special Meeting, Board of County Commissioners, Tuesday, January 13, 2009 at 9:00 a.m.
 - j. Proof, Notice of Hearing, Board of County Commissioners, Ordinance providing for operation of golf carts on designated County Roads, January 6, 2009 at 9:00 a.m.
 - k. Proof, Notice to Bidders, Bid No. 09-50
 - l. Proof, Notice to Bidders, Bid No. 09-49
 - m. Proof, Notice to Bidders, Bid No. 09-48
 - n. Proof, Notice to Bidders, Bid No. 09-45
 - o. Proof, Notice to Bidders, Bid No. 09-33
 - p. Proof, Certificate of Liability Insurance, Schindler Elevator Corporation
 - q. Proof, Certificate of Liability Insurance, Elkins Constructors, Inc.
 - r. Proof, Certificate of Liability Insurance, North Florida Landscape Co. RLH Enterprises, Inc. dba Hartwig & Associates
 - s. Proof, Certificate of Liability Insurance, Rowell Contracting, Inc.
 - t. Proof, Certificate of Liability Insurance, Waste Management Holdings, Inc. & All Affiliated, related & Subsidiary Companies including: Waste Management, Inc. of Florida (Certificate Holder 3677749 and 3494532)
 - u. Proof, Certificate of Liability Insurance, Waste Pro USA Inc. Waste Pro of Florida, Inc. Waste Pro of Georgia, Inc. Waste Pro of South Carolina, Inc.

- v. Proof, Certificate of Liability Insurance, Vallencourt Construction Co., Inc.
- w. Proof, Certificate of Liability Insurance, South East Personnel Leasing, Inc.

(01/20/09 - 5 - 9:14 a.m.)

PUBLIC COMMENT

Dwight Hines, 150 Nesmith Avenue, spoke on the fire departments working overtime, too many e-mails coming in and going out at the County, and there being a break in the dike in the northern part of the County. He stated that he couldn't find out any detailed information about it. Stevenson asked the County Administrator to direct Hines to the environmental staff for an inquiry. Wanchick replied that they had no dredging going on in St. Johns County in that area and no information on any kind of break. He stated that it might be something that occurred in Jacksonville. Hines responded that the dredging was occurring in Jacksonville, but the dredged material was being stored here.

(9:18 a.m.) Catherine Sanders, 117 Hondo Drive, spoke on having issues with a group home right next door to them at 121 Hondo Drive, owned by Gary Bruce and run by Project Special Care. She stated that she e-mailed the Commissioners regarding those issues, Exhibit A. She stated that they felt like their children couldn't go out and play, the streets weren't safe, there were a lot of things going on next door that were not legal, and they would like to declare the home a public nuisance. Stevenson stated she spoke with the County Attorney about the matter on Friday, but had not received an update on it yet. McCormack responded that they were looking into what kind of license the property had, and to what extent the County had any jurisdiction over it. He stated that if there were any code enforcement type activities going on that would be applicable to the property that was something the County may have a say in. Discussion followed.

(9:23 a.m.) Harry Nolen, 125 Hondo Drive, mentioned that he had sent a letter to the Secretary of the Florida Department of Children and Families Services. He asked what avenue was available to them and what direction they should pursue to declare 121 Hondo Drive a nuisance.

(01/20/09 - 5 - 9:23 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

Wanchick requested to continue Items 7 and 8 until February 3rd. He asked the Chair to move them to the front of the agenda, open them, and then continue them because they were advertised public hearings. Stevenson stated that Items 7 and 8 would be moved to Regular Agenda Items 1a and 1b.

McCormack requested to add as Item 9, an Attorney Report on the Whetstone lawsuit.

(01/20/09 - 5 - 9:25 a.m.)

APPROVAL OF REGULAR AGENDA

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

(01/20/09 - 5 - 9:26 a.m.) (Formerly Regular Item 7) (District 3)

- 1a. PUBLIC HEARING - PLNAPPL 2008-02, SHOPPES AT RANCHO DEL MAR PUD PHASE 1 CONCURRENCY APPEAL - THIS IS AN APPEAL OF THE DENIAL DETERMINATION ISSUED BY THE CONCURRENCY REVIEW COMMITTEE ON AUGUST 28, 2008, FINDING INADEQUATE CAPACITY AT THE US 1/WILDWOOD DRIVE INTERSECTION. THE SHOPPES OF RANCHO DEL MAR PUD IS PROPOSED FOR THE DEVELOPMENT OF 80,000 SQ. FT. OF SHOPPING CENTER SPACE. PHASE 1 OF THE PROPOSED PUD CONSISTS OF 47,000 SQ. FT. OF SHOPPING CENTER SPACE. THE APPEAL STATES THAT THE US 1/WILDWOOD DRIVE INTERSECTION IS NOT

WITHIN THE TRAFFIC IMPACT AREA FOR PHASE 1 AND THEREFORE AN INTERSECTION ANALYSIS SHOULD NOT HAVE BEEN REQUIRED. STAFF REVIEW INCLUDED A DETERMINATION THAT THE DIRECTLY ACCESSED ROADWAY SEGMENT, US 1 FROM WILDWOOD DRIVE TO SHORES BLVD. SOUTH (LINK 117.2), IS IMPACTED AT MORE THAN THE 1% IMPACT THRESHOLD AND THAT THE SEGMENT IS OVER 90% OF CAPACITY (CRITICAL) THUS REQUIRING AN INTERSECTION ANALYSIS PURSUANT TO SECTION 14 OF THE TRAFFIC IMPACT STUDY METHODOLOGY AND PROCEDURES, APPENDIX A OF THE LAND DEVELOPMENT CODE (ATTACHED). THE INTERSECTION ANALYSIS INDICATES THAT THE INTERSECTION WILL OPERATE BELOW THE ADOPTED LEVEL OF SERVICE FOR PHASE 1

Stevenson opened Item 1a. (9:26 a.m.) **Motion by Bryan, seconded by Sanchez, carried 5/0, that Items 7 (1a) and 8 (1b) be moved to February 3rd.** McCormack mentioned as a technicality, since Item 8 (1b) was not open at the time of the motion, the Board needed to open Item 8 (1b) and do a motion for it also.

(01/20/09 - 6 - 9:26 a.m.) (Formerly Regular Item 8) (District 3)

1b. PUBLIC HEARING - PLNAPPL 2008-03, SHOPPES AT RANCHO DEL MAR PUD PHASE 1A CONCURRENCY APPEAL - THIS IS AN APPEAL OF THE DENIAL DETERMINATION ISSUED BY THE CONCURRENCY REVIEW COMMITTEE ON AUGUST 28, 2008, FINDING INADEQUATE CAPACITY AT THE US 1/WILDWOOD DRIVE INTERSECTION. THE SHOPPES OF RANCHO DEL MAR PUD IS PROPOSED FOR THE DEVELOPMENT OF 80,000 SQ. FT. OF SHOPPING CENTER SPACE. PHASE 1A OF THE PROPOSED PUD CONSISTS OF 25,200 SQ. FT. OF SHOPPING CENTER SPACE. THE APPEAL STATES THAT THE US 1/WILDWOOD DRIVE INTERSECTION IS NOT WITHIN THE TRAFFIC IMPACT AREA FOR PHASE 1A AND THEREFORE AN INTERSECTION ANALYSIS SHOULD NOT HAVE BEEN REQUIRED. STAFF REVIEW INCLUDED A DETERMINATION THAT THE DIRECTLY ACCESSED ROADWAY SEGMENT, US 1 FROM WILDWOOD DRIVE TO SHORES BLVD. SOUTH (LINK 117.2), IS IMPACTED AT MORE THAN THE 1% IMPACT THRESHOLD AND THAT THE SEGMENT IS OVER 90% OF CAPACITY (CRITICAL) THUS REQUIRING AN INTERSECTION ANALYSIS PURSUANT TO SECTION 14 OF THE TRAFFIC IMPACT STUDY METHODOLOGY AND PROCEDURES, APPENDIX A OF THE LAND DEVELOPMENT CODE (ATTACHED). THE INTERSECTION ANALYSIS INDICATES THAT THE INTERSECTION WILL OPERATE BELOW THE ADOPTED LEVEL OF SERVICE FOR PHASE 1A

Stevenson opened Item 1b. (9:27 a.m.) **Motion by Sanchez, seconded by Bryan, carried 5/0, to move Item 1b to February 3rd.**

(01/20/09 - 6 - 9:28 a.m.)

1. CONSIDER AN APPOINTMENT TO THE ADJUSTMENT & APPEALS BOARD

Melissa Lundquist, Administrative Coordinator, reviewed this item, stating that only one individual had responded, Keith Burney, District 2. Bryan mentioned that he called Mr. Burney to see if he was still interested, and he was. Sanchez mentioned that on the committee list, Mr. Metcalf was listed as District 5 and lived in District 2. Lundquist stated that she would check it out.

(9:30 a.m.) **Motion by Sanchez seconded by Miner, carried 5/0, to appoint Keith Burney to the Adjustment & Appeals Board for a full four-year term scheduled to expire January 20, 2013.**

(01/20/09 - 7 - 9:30 a.m.)

2. CONSIDER AN APPOINTMENT TO THE NORTH COASTAL CORRIDOR OVERLAY DISTRICT DESIGN REVIEW BOARD

Melissa Lundquist, Administrative Coordinator, reviewed this item, stating that there was one vacancy on this board due to the resignation of Ms. Vivian Browning. She noted that they only received one application, Mr. Frank Shumer. She stated that she recommended a motion to suspend BCC Policy 2.1 to allow staggering of this one particular term.

(9:31 a.m.) Motion by Sanchez, seconded by Bryan, carried 5/0, to suspend BCC Policy 2.1 to allow appointment of a member for more than the unexpired term.

(9:32 a.m.) Motion by Sanchez, seconded by Bryan, carried 5/0, to appoint Frank Shumer to the North Coastal Corridor Overlay District Design Review Board for a four-year term scheduled to expire January 20, 2013.

(01/20/09 - 7 - 9:32 a.m.)

3. CONSIDER REQUEST TO SEEK RELIEF FROM THE APPLICABLE DEVELOPMENT REVIEW SERVICES FEES, SPECIFICALLY THE STRAIGHT REZONING APPLICATION FEE, FOR THE LDC BUSINESS PARK, LOCATED ON HOLMES BOULEVARD

Jason Cleghorn, Planner III, Planning Division, reviewed this item.

(9:34 a.m.) Karen Taylor, 77 Saragossa Street, stated that when LDC Business Park went to get their certificate of occupancy, staff discovered that the access portion of their property was not zoned properly. She stated that the balance of the PSD needed to be rezoned. She requested to have staff perform it, and if that couldn't be done, she requested the fees to be waived. Miner asked if anyone disagreed with Taylor. Wanchick stated that they agreed it was a situation that should be rectified. Bryan stated that he agreed with doing it administratively.

(9:39 a.m.) James Whitehouse, Senior County Attorney, stated that it would just be direction to the staff. There was a consensus of the Board to let staff handle it, followed by a motion.

(9:40 a.m.) Motion by Bryan, seconded by Sanchez, carried 5/0 that staff would be the applicant, and it would go through the normal rezoning process.

(01/20/09 - 7 - 9:43 a.m.)

(District 2)

4. PUBLIC HEARING - REZ 2008-14, ELKTON CENTER REZONING - THIS IS A REQUEST TO REZONE FROM INDUSTRIAL WAREHOUSE (IW) TO COMMERCIAL RURAL (CR). SUBJECT PROPERTY IS APPROXIMATELY 4 ACRES IN SIZE AND IS LOCATED ON THE SOUTHWEST SIDE OF THE INTERSECTION OF SR 207 AND CR 305. THE PLANNING DIVISION FINDS THE REQUEST TO REZONE COMMERCIAL RURAL 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 RURAL COMMERCIAL 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 NOVEMBER 6, 2008 MEETING BY A VOTE OF 6 TO 0 (MOTION BY NELSON, SECONDED BY LAIDLAW WITH WHEELER ABSENT)

Proof of publication of the notice of public hearing on REZ 2008-14, Elkton Center, was received, having been published in *The St. Augustine Record* on January 5, 2009.

Michael Blackford, Planner II, reviewed this item, stating that the Planning and Zoning Agency recommended approval.

(9:45 a.m.) Karen Taylor, 77 Saragossa Street, stated that the IW was definitely nonconforming, so now they would match the zoning to the land use, which was much more appropriate.

(9:46 a.m.) Motion by Sanchez, seconded by Miner, carried 5/0, to enact Ordinance 2009-3, known as REZ 2008-14, Elkton Center, adopting findings of fact 1 through 4 to support the motion.

ORDINANCE NO. 2008-3

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

(01/20/09 - 8 - 9:46 a.m.)

(District 2)

5. PUBLIC HEARING - REZ 2008-16, THOMPSON COMMERCIAL REZONING - THIS IS A REQUEST TO REZONE FROM OPEN RURAL (OR) TO COMMERCIAL GENERAL (CG). SUBJECT PROPERTY IS APPROXIMATELY 9.8 ACRES IN SIZE AND IS LOCATED ON THE NORTH SIDE OF SR 16, JUST EAST OF I-95. THE PLANNING DIVISION FINDS THE REQUEST TO REZONE 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 NOVEMBER 6, 2008 MEETING BY A VOTE OF 6 TO 0 (MOTION BY WILES, SECONDED BY NELSON WITH WHEELER ABSENT)

Proof of publication of the notice of public hearing on REZ 2008-16, Thompson Commercial, was received, having been published in *The St. Augustine Record* on January 5, 2009.

Michael Blackford, Planner II, reviewed this item, stating that the Planning and Zoning Agency recommended approval.

(9:49 a.m.) Karen Taylor, 77 Saragossa Street, stated that the entire site was 9.78 acres and the borrow pit was included in the rezoning.

(9:50 a.m.) Motion by Sanchez, seconded by Miner, carried 5/0, to enact Ordinance 2009-4, known as REZ 2008-16, Thompson Commercial, adopting findings of fact 1 through 4 to support the motion.

ORDINANCE NO. 2008-4

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

(01/20/09 - 9 - 9:51 a.m.)

(District 1)

6. PUBLIC HEARING - REZ 2008-17, US 1 OFFICE AND WAREHOUSE REZONING - THIS IS A REQUEST TO REZONE FROM OPEN RURAL (OR) TO INDUSTRIAL WAREHOUSE (IW). SUBJECT PROPERTY IS APPROXIMATELY 9.9 ACRES IN SIZE AND IS LOCATED OFF OF US 1 NORTH, JUST NORTH OF STOKES LANDING RD. THE PLANNING DIVISION FINDS THE REQUEST TO REZONE TO INDUSTRIAL WAREHOUSE 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 NOVEMBER 6, 2008 MEETING BY A VOTE OF 5 TO 0 (MOTION BY NELSON, SECOND BY WILLIAMS WITH LAIDLAW RECUSED AND WHEELER ABSENT)

Proof of publication of the notice of public hearing on REZ 2008-17, US 1 Office and Warehouse Rezoning, was received, having been published in *The St. Augustine Record* on January 5, 2009.

Michael Blackford, Planner II, reviewed this item, stating that the Planning and Zoning Agency recommended approval.

(9:54 a.m.) Gary Davenport, 5378 4th Street, representing the owner of the property, spoke on warehouse use. Stevenson disclosed ex-parte communication with Mr. Davenport to discuss the basic project.

(9:57 a.m.) Doug Laidlaw, 120 Stokes Landing Road, spoke as an adjacent property owner and stated that they were in favor of this project. Discussion followed.

(10:03 a.m.) Motion by Bryan, seconded by Miner, carried 5/0, to enact Ordinance 2009-5, known as REZ 2008-17, US 1 Office & Warehouse, adopting findings of fact 1 through 4 to support the motion.

ORDINANCE NO. 2008-5

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

(01/20/09 - 10 - 9:23 a.m.)

(District 3)

7. PUBLIC HEARING - PLNAPPL 2008-02, SHOPPES AT RANCHO DEL MAR PUD PHASE 1 CONCURRENCY APPEAL - THIS IS AN APPEAL OF THE DENIAL DETERMINATION ISSUED BY THE CONCURRENCY REVIEW COMMITTEE ON AUGUST 28, 2008, FINDING INADEQUATE CAPACITY AT THE US 1/WILDWOOD DRIVE INTERSECTION. THE SHOPPES OF RANCHO DEL MAR PUD IS PROPOSED FOR THE DEVELOPMENT OF 80,000 SQ. FT. OF SHOPPING CENTER SPACE. PHASE 1 OF THE PROPOSED PUD CONSISTS OF 47,000 SQ. FT. OF SHOPPING CENTER SPACE. THE APPEAL STATES THAT THE US 1/WILDWOOD DRIVE INTERSECTION IS NOT WITHIN THE TRAFFIC IMPACT AREA FOR PHASE 1 AND THEREFORE AN INTERSECTION ANALYSIS SHOULD NOT HAVE BEEN REQUIRED. STAFF REVIEW INCLUDED A DETERMINATION THAT THE DIRECTLY ACCESSED ROADWAY SEGMENT, US 1 FROM WILDWOOD DRIVE TO SHORES BLVD. SOUTH (LINK 117.2), IS IMPACTED AT MORE THAN THE 1% IMPACT THRESHOLD AND THAT THE SEGMENT IS OVER 90% OF CAPACITY (CRITICAL) THUS REQUIRING AN INTERSECTION ANALYSIS PURSUANT TO SECTION 14 OF THE TRAFFIC IMPACT STUDY METHODOLOGY AND PROCEDURES, APPENDIX A OF THE LAND DEVELOPMENT CODE (ATTACHED). THE INTERSECTION ANALYSIS INDICATES THAT THE INTERSECTION WILL OPERATE BELOW THE ADOPTED LEVEL OF SERVICE FOR PHASE 1

This item was moved to Item 1a. (See page 6)

(01/20/09 - 10 - 9:23 a.m.)

(District 3)

8. PUBLIC HEARING - PLNAPPL 2008-03, SHOPPES AT RANCHO DEL MAR PUD PHASE 1A CONCURRENCY APPEAL - THIS IS AN APPEAL OF THE DENIAL DETERMINATION ISSUED BY THE CONCURRENCY REVIEW COMMITTEE ON AUGUST 28, 2008, FINDING INADEQUATE CAPACITY AT THE US 1/WILDWOOD DRIVE INTERSECTION. THE SHOPPES OF RANCHO DEL MAR PUD IS PROPOSED FOR THE DEVELOPMENT OF 80,000 SQ. FT. OF SHOPPING CENTER SPACE. PHASE 1A OF THE PROPOSED PUD CONSISTS OF 25,200 SQ. FT. OF SHOPPING CENTER SPACE. THE APPEAL STATES THAT THE US 1/WILDWOOD DRIVE INTERSECTION IS NOT WITHIN THE TRAFFIC IMPACT AREA FOR PHASE 1A AND THEREFORE AN INTERSECTION ANALYSIS SHOULD NOT HAVE BEEN REQUIRED. STAFF REVIEW INCLUDED A DETERMINATION THAT THE DIRECTLY ACCESSED ROADWAY SEGMENT, US 1 FROM WILDWOOD DRIVE TO SHORES BLVD. SOUTH (LINK 117.2), IS IMPACTED AT MORE THAN THE 1% IMPACT THRESHOLD AND THAT THE SEGMENT IS OVER 90% OF CAPACITY (CRITICAL) THUS REQUIRING AN INTERSECTION ANALYSIS PURSUANT TO SECTION 14 OF THE TRAFFIC IMPACT STUDY METHODOLOGY AND PROCEDURES, APPENDIX A OF THE LAND DEVELOPMENT CODE (ATTACHED). THE INTERSECTION ANALYSIS INDICATES THAT THE INTERSECTION WILL OPERATE BELOW THE ADOPTED LEVEL OF SERVICE FOR PHASE 1A

This item was moved to Item 1b. (See page 6)

The meeting recessed 10:04 a.m. and reconvened at 10:20 a.m.

(01/20/09 - 10 - 10:20 a.m.)

9. ATTORNEY REPORT ON WHETSTONE PROPERTY (*This Item was added*)

McCormack stated that this item, Whetstone versus St. Johns County, pertained to a lift station dispute. He asked for authorization from the Board to settle this matter at or about 80k plus the exchange of deeds pertaining to a small strip of real estate between

the fence of the lift station and the County right-of-way, in exchange for the County's easement which was adjacent to the lift station and appropriate releases. He asked for a motion to authorize the County Attorney, as so described.

(10:22 a.m.) **Motion by Sanchez, seconded by Bryan, to authorize the County Attorney in the Whetstone case to offer at or about \$80,000 to settle this case.** *McCormack said including the exchange of conveyances as he described, in including an exchange of releases, the exchange of real estate also includes the County will move its actual fence there to coincide with what would be the County's property, if they settle.* **Sanchez included in his motion what McCormack just said, with the second agreeing. The motion carried 5/0.**

(01/20/09 - 11 - 10:24 a.m.)
COMMISSIONERS' REPORTS

Commissioner Mays:

Mays spoke on approving commercial projects, hopefully providing more jobs within the County and balancing out the tax revenue to some extent, but noted they would have to be careful on the amount of concurrency of the projects they were approving.

Mays voiced concern on how the up coming, inevitable, federal stimulus package would affect the County. Discussion followed.

(10:26 a.m.)
Commissioner Bryan:

Bryan commented on the committee meeting he attended last week regarding the Health Care Association. He spoke on them developing a health care website that everyone would be able to view.

Bryan spoke on the City of St. Augustine having a big screen TV at the plaza downtown, so people from around the County and the City could gather there to witness the inauguration of the President of the United States.

(10:28 a.m.)
Commissioner Sanchez:

He spoke on needing to schedule a workshop dealing with concurrency.

(10:46 a.m.)
Commissioner Miner:

Miner spoke on the School Board Meeting that was held last week and asked for the Commission to pass a resolution stating their support for the St. Johns County School District and all Florida schools, encouraging Tallahassee not to cut the funding for education. Sanchez mentioned sending a letter of support, which had already been sent out. He said that they needed to get the people more involved, that they didn't seem as involved as they needed to be. Miner stated that the School Board would probably argue that there were a lot of parents that were involved. He stated that from the perspective of Tallahassee, he would like for them to say that the St. Johns County Board of County Commissioners and the School Board were on the same page, one team, one fight. Bryan agreed with Miner and Sanchez that legislators in Tallahassee would listen to the parents because they were voters. Sanchez stated that they could maybe say thank you for what they had already done in the past. Stevenson spoke on services suffering. Wanchick stated that he concurred with Sanchez about sending a letter and pairing it up with a resolution from the Board. McCormack mentioned providing a draft resolution to the Florida Association of Counties, particularly the Florida Association of County Attorneys to other counties, so they may consider or not,

to send in parallel ones, which might give it an additional affect. *There was concurrency of the Board, to do what McCormack mentioned.*

(10:28 a.m.)

Commissioner Stevenson:

Stevenson spoke on the Water Management District wanting to come before the Commission and stated that they would be contacting the Board for a scheduled time.

Stevenson spoke on the resolution from the City of Hastings regarding requesting the State Legislature to have the people that performed mortgage servicing, have some responsibility for also collecting homeowners association and fees. She asked staff to look into it.

Stevenson spoke on the initiative that started in Jacksonville, regarding local preference for local businesses. Bryan spoke on it being a great concern. Sanchez commented on attending the Chamber meeting in Hastings, stating that local preference was one of the subjects that came up. Wanchick spoke on it concerning him, and mentioned sending a message to Jacksonville stating that it was not in northeast Florida's interest to pursue something like that. Stevenson spoke on national funding regarding port funding. She stated that she wanted to be sure that the local vendors were not disadvantaged, but her primary concern was in sending a letter to the City of Jacksonville that they were concerned that its protection was not in the regional spirit. Mays stated that he agreed with the Chair. Wanchick suggested a letter from the Chair be sent expressing some of the same concerns that were discussed that morning. Mays suggested getting the letter to Karen Pan that week to get it out. Stevenson stated that Jacksonville already had a three percent preference in their qualifications and they already had it slightly tilted towards their local vendors. Wanchick stated there were two different issues. Discussion followed. Sanchez stated that what was brought up was not patterned after Duval County, and didn't have anything to do with Duval County. He stated that theirs was basically patterned, to give their local people a fair chance on bidding on a project. Stevenson spoke on bidding.

Stevenson mentioned that at 7:00 p.m. that evening at Switzerland Point Middle School, the Transportation Planning Organization would be holding an envision 2035 public meeting about transportation in northeast Florida.

(01/20/09 - 12 - 10:53 a.m.)

COUNTY ADMINISTRATOR'S REPORT

Wanchick mentioned that the Chamber of Commerce was looking for a date for an Economic Development Workshop with the Commission, suggesting February 10th from 9:00 a.m. to 11:00 a.m. He stated that they would move forward on that date, if there were no problems.

Wanchick mentioned that Mr. Hines, during Public Comments, expressed concern about an environmental situation relating to a spill. He stated that they looked into it and found out that it was a Florida Inland Navigation Project, not a County project that had taken place two years ago.

Wanchick spoke on concurrency and stated that they were waiting on a consultant report. Mays stated that the consultants were going to need some serious direction from the County. Wanchick mentioned that the consultants were bringing new ideas for them to try and Mays replied that they needed some ideas that would work. Wanchick stated that they didn't want to bring anything to the Board until they had a chance to work through everything. Stevenson mentioned that in some areas, there was

a need for investment in infrastructure, with Wanchick stating that it was critical. Discussion followed on the stimulus package.

(01/20/09 - 13 - 11:02 a.m.)

COUNTY ATTORNEY'S REPORT

McCormack revisited the topic of local preferences.

McCormack stated that the County Attorney's Office had two interns contributing, in an excess of 300 hours to the County.

(01/20/09 - 13 - 11:04 a.m.)

CLERK OF COURT'S REPORT

No report.

Motion by Bryan, seconded by Sanchez, carried 5/0, to adjourn the meeting. With there being no further business to come before the Board, the meeting adjourned at 11:04 a.m.

REPORTS:

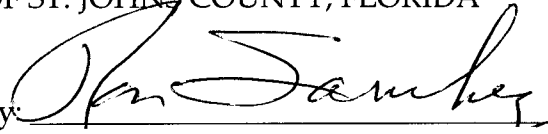
1. St. Johns County Board of County Commissioners Check Register, Check Nos. 431797 through 431807, totaling \$204,072.57 (12/19/08)
2. St. Johns County Board of County Commissioners Check Register, Check Nos. 431808 through 432153, totaling \$107,808.50 (12/22/08)
3. St. Johns County Board of County Commissioners Check Register, Check No. 432154, totaling \$52,731.18 (12/23/08)
4. St. Johns County Board of County Commissioners Check Register, Check Nos. 432155 through 432483, totaling \$2,107,078.49 (12/29/08)
5. St. Johns County Board of County Commissioners Check Register, Check Nos. 432484 through 432488, totaling \$1,816.04 (12/29/08)
6. St. Johns County Board of County Commissioners Check Register, Check Nos. 432489 through 432511, totaling \$39,956.31 (01/02/09)
7. St. Johns County Board of County Commissioners Check Register, Check Nos. 432512 through 432655, totaling \$883,769.56 (01/06/09)

CORRESPONDENCE:

1. Letter to Cheryl Strickland, Clerk of Circuit Court, acknowledging receipt of letter dated December 18, 2008 and certified copies of St. Johns County Ordinance Nos. 2008-59 and 2008-60 (12/19/08)
2. Letter to Inez Williams, Division of Elections, filing the Oath of Office for St. Johns County Commissioner Phillip J. Mays including the Elected Public Official Bond for Phillip J. Mays (01/06/09)
3. Letter to Liz Cloud, Program Administrator, Bureau of Administrative Code, filing Ordinance Numbers 2009-1 and 2009-2 (12/12/09)
4. Public Official Bond for Cheryl Strickland, St. Johns County Clerk of Court (12/31/08)
5. Public Official Bond for Sharon Outland, St. Johns County Property Appraiser (12/17/08)
6. Public Official Bond for Penny L. Halyburton, St. Johns County Supervisor of Elections (12/31/08)
7. Public Official Bond for Dennis W. Hollingsworth, St. Johns County Tax Collector (12/30/08)
8. Public Official Bond for David B. Shore, St. Johns County Sheriff (10/09/08)

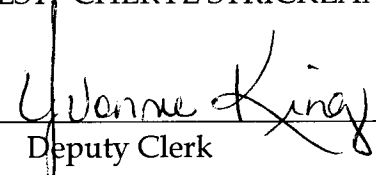
Approved February 17, 2009

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: 

Ron Sanchez, Vice Chair

ATTEST: CHERYL STRICKLAND, CLERK

By: 
Deputy Clerk

