

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
FEBRUARY 3, 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

(02/03/09 - 1 - 8:58 a.m.)
CALL TO ORDER

Stevenson called the meeting to order.

(02/03/09 - 1 - 8:58 a.m.)
ROLL CALL

Stevenson reported that all five commissioners were present.

(02/03/09 - 1 - 8:58 a.m.)
Stevenson gave the Invocation and Sanchez led the Pledge of Allegiance.

(02/03/09 - 1 - 8:59 a.m.)
SPECIAL PRESENTATION RECOGNIZING THE 20TH ANNIVERSARY OF FLORIDA ASSOCIATION OF COUNTIES TRUST (FACT) PRESENTED BY KEN MONEGHAN, FACT MARKETING SPECIALIST, AND CHIP LIABL, FACT BOARD OF TRUSTEES AND PUTNAM COUNTY COMMISSIONER

Sarah Taylor, Risk Manager, introduced Ken Moneghan, Florida Association of Counties Trust (FACT), who introduced Commissioner Chip Liabl, Commissioner from Putnam County and FACT Board member, Marcella Bredier, Risk Manager, and Latoya Washington, from FACT. He explained the Florida Association of Counties Trust and the functions it performed. He noted that Bob Peters, Personnel Director, was the Board representative from St. Johns County. Latoya Washington congratulated the Board on their 20th Anniversary with FACT. Mangham then introduced Chip Liabl, who presented a plaque to the Board to commemorate their 20th anniversary.

(02/03/09 - 1 - 9:11 a.m.)
PROCLAMATION DESIGNATING FEBRUARY 2009 AS NEASE HIGH SCHOOL GIRLS VOLLEYBALL MONTH

Mays introduced C. J. Sherman and the volleyball team from Nease High School. He then read the Proclamation to show support, pride and appreciation of the girls from the Nease High School volleyball team. Sherman received the award on behalf of the

team and the school. She introduced each player and noted they would be playing in New Zealand in international competition this summer.

(02/03/09 - 2 - 9:16 a.m.)

PROCLAMATION DESIGNATING FEBRUARY 2009 AS "ST. JOHNS READS" MONTH

Sanchez introduced Deborah Rhodes Gibson, Director of the Library System, and read the proclamation designating February 2009 as "St. Johns Reads Month". Gibson received the proclamation, explained the St. Johns Reads program and told about Marsha Hamilton and her book, *The Camel Bookmobile*, which was set in northeastern Kenya. She introduced Susan Flynn, a member of the Programming Committee, and Carolee Burdish, the Chair of the Advisory Board, who talked about the bookmobile and its upcoming programs.

(02/03/09 - 2 - 9:21 a.m.)

PROCLAMATION DESIGNATING FEBRUARY 2009 AS BLACK HISTORY MONTH

Bryan introduced Barbara Vickers, Barbara Allen, and former St. Augustine Mayor George Gardner who came forward to receive the Proclamation. Bryan read the Proclamation, and then made comments regarding the works of the ladies who were present. Others from St. Paul AME church stood up for recognition by the Board.

(02/03/09 - 2 - 9:27 a.m.)

ACCEPTANCE OF PROCLAMATIONS

Motion by Sanchez, seconded by Miner, carried 5/0, to approve the Proclamations.

(02/03/09 - 2 - 9:28 a.m.)

DELETIONS TO CONSENT AGENDA

Wanchick asked to pull Items 10 & 12 on the Consent Agenda.

(02/03/09 - 2 - 9:28 a.m.)

APPROVAL OF CONSENT AGENDA

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

1. Approval of the Cash Requirement Report
2. Minutes:
01/13/09 - BCC Special Meeting
3. Motion to adopt **Resolution No. 2009-18**, accepting an Easement for Utilities and Bill of Sale for water and sewer service for Whisper Creek Phase 1A subdivision

RESOLUTION NO. 2009-18

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING AN EASEMENT FOR UTILITIES FOR WATER AND SEWER SERVICE TO WHISPER CREEK PHASE 1A SUBDIVISION AND ACCEPTING A BILL OF SALE CONVEYING ALL PERSONAL PROPERTY

ASSOCIATED WITH THE WATER AND SEWER SYSTEM

4. Motion to adopt **Resolution No. 2009-19**, authorizing the County Administrator to execute an Easement to Florida Power & Light Company to install electrical service to Northwest Well Site three, off International Golf Parkway

RESOLUTION NO. 2009-19

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE AN EASEMENT TO FLORIDA POWER & LIGHT COMPANY TO INSTALL ELECTRICAL SERVICE TO NORTHWEST WELL SITE THREE LOCATED OFF INTERNATIONAL GOLF PARKWAY

5. Motion to adopt **Resolution No. 2009-20**, authorizing the County Administrator to execute an Easement to Florida Power & Light Company to allow relocation of concrete transmission poles on the corner of Deerpark Blvd. and State Road 207

RESOLUTION NO. 2009-20

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE AN EASEMENT TO FLORIDA POWER & LIGHT COMPANY TO ALLOW RELOCATION OF CONCRETE TRANSMISSION POLES ON THE CORNER OF DEERPARK BOULEVARD AND STATE ROAD 207

6. Motion to adopt **Resolution No. 2009-21**, approving the terms and authorizing the County Administrator to execute a certain Purchase and Sale Agreement for property needed for the intersection improvements to Dobbs Road and Kings Road

RESOLUTION NO. 2009-21

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A CERTAIN PURCHASE AND SALE AGREEMENT FOR PROPERTY NEEDED FOR THE INTERSECTION IMPROVEMENTS TO DOBBS ROAD AND KINGS ROAD

7. Motion to authorize the County Administrator, or his designee, to piggyback on Pasco County's RFP No 08-086 for Office Supplies (with Office Max., Inc.) for a period of 1 year, with 4 one-year renewal options
8. Motion to approve the transfer of \$58,840.38 from FSA- Medical Emp FSA Medical Claims (5511-52311) and \$3,223.74 from FSA Dependent Care Emp FSA Dpndnt Claims (5516-52312) to the Health Insurance Fund to pay AmeriFlex for the current Flexible Spending Account (FSA) monthly administrative charges

9. Motion to adopt **Resolution No. 2009-22**, accepting the terms of the Agreement between the County and the Northeast Florida Safety Council, Inc. and authorizing the County Administrator to execute the Agreement on behalf of the County

RESOLUTION NO. 2009-22

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ON BEHALF OF THE ST. JOHNS COUNTY MENTAL HEALTH DEPARTMENT, ACCEPTING THE AGREEMENT BETWEEN ST. JOHNS COUNTY AND NORTHEAST FLORIDA SAFETY COUNCIL, INC. AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE COUNTY

This item was pulled.

10. Motion to approve the hourly pay rate for the Medical Director for EMS from \$45.690750 to \$61.716391 due to additional duties he will take on with Health and Human Services as their Medical Director
11. Motion to approve reclassifying the position of Environmental Specialist III to Environment Supervisor in the Environmental Services Department and eliminating two FTEs

This item was pulled.

12. Motion to approve the closure of the Department of County Physician and the transfer of \$37,207 to the Personnel Department and \$8,438 to the Risk Management Department 13. Motion to authorize the transfer of \$1,440 from the Vilano CRA Reserve (1283-59920) and the transfer of \$24,920 from the General Fund Reserve (0083-59920) to assist in the funding of Fiscal Year 2009 Vilano CRA operating/maintenance expenditures
14. Motion to adopt **Resolution No. 2009-23**, recognizing unanticipated revenue in the amount of \$996,372, increasing the revenue budget for County Cultural Center Co-Promoter (1450-34769), Ticket Royalties (1450-34779), and Concession Sales (1450-34903) and appropriating to the Amphitheatre Operations Co-Promoter expenditure line (1451-53131)

RESOLUTION NO. 2009-23

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AMENDING THE FISCAL YEAR 2009 COUNTY CULTURAL CENTER FUND BUDGET TO RECEIVE UNANTICIPATED REVENUE AND AUTHORIZE ITS EXPENDITURE BY THE ST. JOHNS COUNTY AMPHITHEATRE OPERATIONS DEPARTMENT

15. Proofs:
 - a. Proof, Notice of Meeting, Board of County Commissioners, Goal Setting Workshop, Tuesday, January 27, 2009 at 9:00 a.m.
 - b. Proof, Notice of Hearing, Board of County Commissioners, Naming unnamed road Bartola Genovar Road, Tuesday, February 3, 2009

- c. Proof, Notice of Special Meeting, Board of County Commissioners Rules/Policies, Tuesday, January 13, 2009 at 9:00 a.m.
- d. Proof, Notice to Bidders, Bid No. 09-51

(02/03/09 - 5 - 9:30 a.m.)

PUBLIC COMMENT

(9:30 a.m.) Dwight Hines, 150 Nesmith Avenue, spoke regarding the fire fee or tax and stated they needed more data to be made public. He cited several areas where cuts could be made. He said there needed to be a system for evaluation of services.

(9:31 a.m.) Stevenson said they would be discussing Fire Services, but would not discuss a fire fee.

(9:32 a.m.) Ellen Whitmer, 1178 Natures Hammock Rd. South, Fruit Cove, reviewed an article in the Times Union, regarding schools needing JEA money. She said she did not like the fact that JEA was a municipal utility that served Jacksonville and a large portion of the profit went into the General Fund of Jacksonville. She noted she was served by JEA for electric, but others had water, sewer and electric provided by JEA. She said when the word "region" was used, it actually meant Jacksonville, and the communities around Jacksonville were given a bad deal. She said they should not subsidize non utility activities. She said it was a tremendous problem that had not been rectified, Jacksonville was a competitor, and the Board needed to be proactive for St. Johns County on that matter.

(9:37 a.m.) Stevenson said she would be happy to schedule a time at the Bartram Trail Library to talk about the County relationship with JEA.

(02/03/09 - 5 - 9:38 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

Stevenson requested to add letter of intent from the Office of Violence Against Women as Item 10A.

Wanchick asked to move Items 9 & 10, Rancho del Mar, as Item 1A, to open them, to be continued until a date uncertain.

McCormack asked to add a Lobbyist Contract and Resolution as Item 10B.

(02/03/09 - 5 - 9:40 a.m.)

APPROVAL OF REGULAR AGENDA

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

(02/03/09 - 5 - 9:41 a.m.)

1. PUBLIC HEARING - NAMING AN UNNAMED ROAD TO BARTOLA GENOVAR ROAD - THE BOARD OF COUNTY COMMISSIONERS HAS INITIATED NAMING THAT UNNAMED ROAD LYING IMMEDIATELY NORTH OF THE ST. JOHNS COUNTY HEALTH AND HUMAN SERVICES CENTER LOCATED AT 1955 U.S. 1 SOUTH TO BARTOLA GENOVAR ROAD. THE NAMING OF THIS ROAD IS RELATED TO THE DIXIE PROPERTIES OF ST. AUGUSTINE, INC. LAWSUIT AND IS PART OF THAT SETTLEMENT. THE PURPOSE OF THE NAMING IS TO ADD HISTORICAL SIGNIFICANCE TO THE NAME OF THE ROADWAY. THE GENOVAR FAMILY ORIGINALLY

OWNED THE LAND THAT THE ST. JOHNS COUNTY HEALTH AND HUMAN SERVICES CENTER IS LOCATED ON. THE NAMING OF THE ROADWAY MEETS THE REQUIREMENTS OF THE ST. JOHNS COUNTY LAND DEVELOPMENT CODE SECTION 6.02.03

Proof of publication for the notice of public hearing regarding the naming of Bartola Genovar Road was received, having been published in *The St. Augustine Record* on January 16, 2009.

Gail Oliver, County Surveyor, gave the presentation and explained the request and stated it was part of the settlement of the Dixie Properties Inc. lawsuit. She gave the history of Bartola Genovar, and introduced several family members who were present.

(9:45 a.m.) McCormack commented that there was substantial historical reason for the recognition and noted the road was adjacent to the property that had been conveyed to the hospital. He said it was most appropriate, and all notifications had been done properly.

(9:47 a.m.) Motion by Miner, seconded by Sanchez, carried 5/0, to adopt Resolution No. 2009- 24, naming that unnamed road lying immediately north of the St. Johns County Health and Human Services Center located at 1955 U.S. 1 South to Bartola Genovar Road.

RESOLUTION NO. 2009-24

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, NAMING AN UNNAMED ROAD TO BARTOLA GENOVAR ROAD LYING IMMEDIATELY NORTH OF THE ST. JOHNS COUNTY HEALTH AND HUMAN SERVICES CENTER BETWEEN US HIGHWAY 1 AND OLD MOULTRIE ROAD; PROVIDING AN EFFECTIVE DATE

(02/03/09 - 6 - 9:48 a.m.)

1A. Stevenson opened Rancho del Mar phase I and IA (previously Items 9 & 10) and stated that it would be continued until a date uncertain.

(02/03/09 - 6 - 9:48 a.m.)

2. CONSIDER A MOTION TO ADOPT A RESOLUTION APPROVING THE TERMS, PROVISIONS, CONDITIONS AND REQUIREMENTS OF THE TOURIST DEVELOPMENT AGREEMENT BETWEEN ST. JOHNS COUNTY AND PONTE VEDRA BEACH CHAMBER OF COMMERCE AND AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO ENTER INTO THE AGREEMENT ON BEHALF OF ST. JOHNS COUNTY

Glenn Hastings, TDC Director, gave the presentation. Discussion ensued regarding the need for a review of the funding for the allocation of the resources, the proposed location of the facility, the method of funding approval, the transparency on the use of the money and its importance. Hastings reviewed some of the unique and upcoming events. He told of a study that was underway and the role that tourism played in the local economy. Discussion ensued regarding guidance given to the prospective consultant.

(9:58 a.m.) Motion by Bryan, seconded by Miner, to adopt Resolution No. 2009-25, approving the terms, provisions, conditions and requirements of the Tourist

Development Agreement between St. Johns County and Ponte Vedra Beach Chamber of Commerce and authorizing the County Administrator, or designee, to enter into the Agreement on behalf of St. Johns County.

RESOLUTION NO. 2009-25

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 THE PONTE VEDRA CHAMBER OF COMMERCE TO PROVIDE A VISITOR INFORMATION CENTER AND SERVICES FOR 2009, AND AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO EXECUTE THE AGREEMENT ON BEHALF OF ST. JOHNS COUNTY

(02/03/09 - 7 - 9:58 a.m.)

3. **CONSIDER AN APPOINTMENT TO THE NORTH FLORIDA TRANSPORTATION PLANNING ORGANIZATION (TPO) CITIZEN ADVISORY COMMITTEE**

Melissa Lundquist, Administrative Coordinator, gave the presentation. Discussion ensued.

(10:01 a.m.) **Motion by Stevenson, seconded by Bryan, carried 5/0, to appoint Fred J. Schneider to the North Florida TPO's Citizen Advisory Council as an at-large St. Johns County representative.**

(10:02 a.m.) McCormack asked to revisit Item 1A, and asked the Board to present the item as an actual motion.

(10:02 a.m.) **Motion by Sanchez, seconded by Bryan, carried 5/0, to open and continue item 1A to a date uncertain.**

(02/03/09 - 7 - 10:03 a.m.)

4. **COUNTY FIRE SERVICES 5-YEAR FINANCIAL PROJECTIONS FY 2010-2014**

Wanchick clarified that this item was for information purposes only.

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

(10:20 a.m.) Doug Timms, OMB Director, gave the presentation and noted it was a discussion presentation for planning purposes only. He covered the recent impacts on Fire Services including the economic downturn which had resulted in a decrease in housing values and taxable values. He said they had to consider whether to maintain a professional staff, to ensure competitive salaries/benefits, to ensure the department was properly equipped and to modify the fire services' master plan to meet the circumstances. He said they needed to discuss ways to recoup the millage lost under reform, which had resulted in a severe loss of revenue. He noted the economic downturn had aggravated that. He reviewed the recent county millage history. He said the last time the millage was raised was in FY 04-FY 05 to transition the department to a full professional staff. He summarized the budget projections. He said that in Florida you could not operate with a deficit, which would occur in 2011. He reviewed the FY 09 salaries and benefits, and noted we were not out of line with Jacksonville and

the surrounding areas. He said if we met the deficit by staff reductions, it would result in 48.2% reduction which was not acceptable. He reviewed capital expenditures and said any reductions would result in a 35.1% staff reduction in FY 2012 which, again, was unacceptable. He reviewed the CIP projects that were waiting for funding. He reviewed the advantages to constructing the New Pine Island Station which was next in line for construction and would benefit 4,700 residents. He said the ISO rating would change from a 10 to a 5 which would result in homeowner savings. He said it would also be attractive to future and other growth. He reviewed the millage rate necessary to offset effect of property tax reform on Fire Services, which would be 1.400. He reviewed various ways to address the deficit and possible ways to address the remaining deficit.

(10:32 a.m.) Stevenson said there were many people in the community who had made suggestions on ways to improve Fire Services. She reviewed some of those suggestions. She said the way they funded Fire Services was different from the way they funded teachers and education. She said they needed both in the community. She said they needed to get the Pine Island Station up and running in order to improve service for other areas as well. She noted many of those suggestions had been incorporated into his presentation.

(10:36 a.m.) Timms continued with ways to reduce the remaining deficit. He said Fire Services was funded almost entirely by property tax, and reviewed the three options to deal with the \$25.3 in remaining deficit. He reviewed how those changes would result to the average household. Stevenson noted that the change in valuation would affect the change in the tax and would vary with each household. Discussion ensued regarding the projections based on the Tax Assessors valuation. Timms said they did project a decrease of 20 percent of taxable value for 2010. He reviewed the recommendations: to address the \$40.2 M deficit with a combination of operating cuts and a millage increase; to minimize the effect on the level of service; and to maintain necessary capital improvements. He noted that the State's one-size fits all property tax reform should not have applied to the County's Fire Services.

(10:43 a.m.) Miner thanked Timms for his presentation and said they had one of the best Fire Chief's available. He said to reduce benefits was not an option. He said you could not ask firefighters to risk their lives without providing the best training and equipment possible. He suggested they look at the General Fund for other options.

(10:44 a.m.) Ed Paucek, 970 Irma Way, said he was happy with the professionalism of the Fire Services Department and they had done an outstanding job. He said he was glad that the Board was taking a proactive position with the issue. He said we were in a very serious economic turndown and they were going to have to make some tough decisions, and perhaps they needed to re-evaluate some of the things we had done in the past. He said the perception that the public had was that the new Fire Services Administration Building was "the Palace". He said the perception was a tough problem. He said everyone had to make cuts. He asked them to look at it as a temporary situation.

(10:51 a.m.) Mays commented that the cost was not out of line based on his experience, even though the look may appear to be grand.

(10:51 a.m.) Miner said he agreed with Mays. He said when it came to emergency management, it was important to provide good facilities.

(10:53 a.m.) Wanchick said the position in the community was difficult. He said they were halfway, in moving from a voluntary system to a fully professional system. He

said they were all on the same page with the fire union. He said there was union and administration support.

(10:55 a.m.) Stevenson said the community did not realize the full effect of the action of the legislature and the falling tax values. She said they were going to have to be realistic about the ability to provide services, and noted some had been paying into the system for a long time without receiving services. She said improved response times and improved safety were important to our citizens.

(10:56 a.m.) Mike McNamara, 1551 CR 13 South, said he was a resident of the western part of the County and they lacked fire services, with an ISO rating of 10. He said he was 10 miles from the nearest active firehouse. He said he would endorse the concern shown by the Fire Services such as Pine Island as they were facing the exact same insurance problems. He said they were having their insurance cancelled due to the fact that they were so far from an active fire station. He said all his neighbors were concerned about their absence from the five year plan. He said they wanted to be in it and to be part of the results.

(10:59 a.m.) Discussion ensued regarding the complexity of the issue, the possibility of losing trained staff to other municipalities, the possibility of insurance rate increases, State and insurance regulations, the necessity for the new Fire Services Administration building and the need for the Pine Island Station. Further discussion involved the need for tightening our belts even further and raising millage rates as a last resort. It was noted that this was a most difficult situation and needed thought and planning for the future safety of all the citizens of the County.

(02/03/09 - 9 - 11:14 a.m.)

5. CONSIDER MOTION TO APPROVE A COUNTY BANK LOAN IN THE AMOUNT OF \$24 MILLION AND RELATED CAPITAL PROJECT LIST

Doug Timms, Director, Office of Management and Budget, gave the presentation. He said Jean Mangu was present. He said it would be presented to the board on February 17th. He asked that the Board approve the project list that day. He reviewed the project list as well as the alternative projects list. He also covered the areas for refinancing which he noted was appropriate at the current time. He said they were asking the Board for a motion not to exceed \$24 million. He said they had received four responses from banks and had selected the top response, which would be discussed at the February 17 meeting.

(11:22 a.m.) McCormack said it was not a tax increase, and explained that there was a 6 percent sales tax in the County, of which a half cent was deemed as the local government portion. He said the bank loan was funded by that half cent. He said they were adding one word to the motion to read; *"motion to approve a proposed County bank loan amount not to exceed \$24 million and related capital project list."*

(11:24 a.m.) Mays asked the amortization and interest rates. Timms said it was for 20 years fixed at 4.99 percent. He said the General Fund would be the last item to pick up the difference, and the Court Facilities Fund, the Sheriff Impact Fees, and the Fire Services would also contribute their shares to the debt service. He said the General Fund would stand behind all of them. He said the fees were \$74,000. He stated the refinancing was represented in the savings, and Fire Services would benefit by \$700,000 a year for the next three years, the most critical years. There was discussion on opening new development areas and the associated costs involved.

(11:29 a.m.) **Motion by Mays, seconded by Miner, carried 5/0, to approve proposed County bank loan in the amount not to exceed \$24 million, and related capital project lists, with limitations that the loan be at a 20 year amortization and the rate be not more than 5 percent.**

(02/03/09 - 10 - 11:31 a.m.)

(DISTRICT 2)

6. PUBLIC HEARING - REZ 2008-08, GERLAK REZONING - REZONING APPLICATION CONTINUED FROM SEPTEMBER 2, 2008 MEETING TO ADDRESS STATUS OF DEVELOPMENT ALONG STRATTON BOULEVARD. 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, SECONDED BY WILLIAMS WITH 2 MEMBERS ABSENT) BASED UPON LOCATION OF SUBJECT PROPERTY, ADJACENT ZONING DESIGNATIONS INCLUDING THE FINDINGS OF FACTS PROVIDED

Proof of publication of the Notice of Public Hearing regarding REZ 2008-08, Gerlak, was received, having been published in *The St. Augustine Record* on January 19, 2009.

Lindsay Haga, Chief Planner, gave the presentation and reviewed the request.

(11:35 a.m.) McCormack reminded the Board that ex parte needed disclosure. Stevenson said she was approached on the item regarding the timing of getting the item before the Board. Miner said he spoke with Doug Laidlaw of the PZA for both Items 6 and 7. Bryan said he had discussed the item with Doug Laidlaw of the PZA and had reviewed tapes from the entire Sebastian project.

(11:36 a.m.) Karen Taylor, 77 Saragossa St., said she was representing Mr. Gerlak, and reviewed their request.

(11:40 a.m.) Mary Savard, 2785 Stratton Blvd., said she was not against it being commercial, but was concerned about accidents that might occur going in and out on the curve on Stratton Blvd. She said the road had become a racetrack and it was an accident waiting to happen. She noted the road was built up and would require anyone who wanted to build along Stratton Blvd. to raise their property height, or flooding would occur. She suggested there should be one entrance for two pieces of property.

(11:44 a.m.) Bryan said he had visited the site, and reviewed the western part of SR 16, which would have to be improved by the State. He said there was a merging lane and asked if there would be any improvements to that intersection, and whether the project would come out on SR 16 or onto Stratton Blvd.

(11:46 a.m.) Taylor said staff might want to have input on that issue. She said signalization was covered in a PUD. She said this project was zoning, and there were no conditions that went along with it. She said it all depended on when and how it was

developed. She said impact fees were supposed to go into those types of things. She showed an overhead of the intersection at Stratton Blvd and SR 16 which showed the right hand turn lane, which would probably prohibit them from entering onto SR 16. She said if they triggered it, they would have to make the improvement, if not it would be done by whoever triggered it.

(11:49 a.m.) Discussion ensued regarding pedestrian access, connectivity, concurrency, curb cuts, the fact that it was only a rezoning request, things covered in the Development Review process, the changes which had occurred in the last 30 and the changes in the requirements since that time. Further discussion ensued regarding the clear intent to sell the property, commercial zoning being desirable, concurrency being for 11,000 square feet, staff limiting development to commercial retail, peak hour trips, taking care not to gloss over certain items, the design of the site, drainage issues and other items covered by the Land Development Code process, including any road improvements that might be necessary.

(12:06 p.m.) Whitehouse, Assistant County Attorney, emphasized that in a straight rezoning they were looking at all the possible uses allowed, and they could do anything allowed in that zoning category. He said the future improvements were not in their review right now. He said they were looking at compatibility because it was within the Comprehensive Plan. He said they were looking at use and compatibility.

(12:08 p.m.) **Motion by Sanchez, seconded by Mays, carried 5/0, to enact Ordinance 2009-6, known as REZ 2008-08, Gerlak, adopting findings of fact to support the motion.**

ORDINANCE NO. 2009-6

**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**

The Board recessed at 12:09 p.m. and reconvened at 12:27 p.m.

(02/03/09 - 11 - 12:27 p.m.)

(DISTRICT 2)

7. PUBLIC HEARING - REZ 2007-31, SEBASTIAN BUSINESS COVE REZONING - REZONING APPLICATION CONTINUED FROM SEPTEMBER 2, 2008 MEETING TO ADDRESS STATUS OF DEVELOPMENT ALONG STRATTON BOULEVARD. 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 regarding REZ 2007-31, Sebastian Cove Business Park, was received, having been published in *The St. Augustine Record* on January 19, 2009.

Lindsay Haga, Chief Planner, gave the presentation and reviewed the components of the request. She reviewed the history of what had transpired in the previous hearings. She gave an overhead presentation, and noted it met the Comprehensive Plan and the Land Development Code. She said the PZA denied the request by a vote of 3/2, passing after a failed motion to approve.

(12:34 p.m.) McCormack asked the Board for ex parte.

(12:34 p.m.) Mays talked with Doug Laidlaw about their recommendation for denial. Stevenson said she had spoken with Mrs. Savard a number of times about her concerns about compatibility. Bryan said he had spoken to Doug Laidlaw and reviewed the tapes. Sanchez said he had spoken with Doug Laidlaw.

(12:35 p.m.) Hank Whetstone, 400 Old Quarry Rd., said he had begun the request in 2007 and explained why they were there for a rezoning. He noted that 600 units could be built without further approval from the Board. He said there was no commercial of any kind that serviced the area without going onto the arterial road on SR 16. He reviewed the same overhead maps used in the previous item. He tried to explain the logic for the request for use. He explained that the road was curved because of the wetland across from the 19 acres, and told of the road easement to service the industrial area. He said the 19 acres was owned by five people who wanted to rezone as well. He said they had the written approval of every adjacent property owner supporting the rezoning. He said it made sense for the 19 acres to become commercial, and they asked for a straight rezoning as opposed to a PUD. He said they were small parcels and they were not some big aggregate developer. He said it would be less intensive to develop it in a commercial manner, and all the other development issues had nothing to do with land use. He asked them to look at the big picture. He said they asked for a portion of the land to be CG. He noted that they had a valid certificate of concurrency and had gone through half of it just trying to get rezoning. He said they were only asking for 29 peak hour trips, and asked for their consideration.

(12:48 p.m.) Mary Savard, 2785 Stratton Blvd., said she was approached by Whetstone who asked what her problem was with the rezoning. She said what she was presenting would not satisfy Whetstone. She said Whetstone would sell his property for financial gain once it was rezoned. She said she and her neighbors were opposed to the rezoning.

(1:00 p.m.) Whetstone said the property was consistent with the Comprehensive Plan and was compatible with the adjacent land uses. He commented on buffers that had been required against the 60 foot roadway, and explained there would never be any buildings constructed in that easement. Discussion ensued regarding the sign placed on the property and whether it was legal. It was noted that it was misleading at best. McCormack said it was not a part of the criteria under their code, but it was not proper to advertise for something that did not meet reality. He emphasized that it was not under their review that day.

(1:06 p.m.) Discussion ensued about what might be built on the property and whether it would be a service to the community, the fact that it would give justification to others to

zone commercial, and that it would push commercial up to the residential area. It was noted that interconnectivity would require them to exit onto Stratton Blvd., thus dumping more traffic onto Stratton Blvd.

(1:08 p.m.) Discussion ensued regarding the fact that development should not have been allowed to go in that area in the first place, compatibility of the area, and the effect of the wetlands at the site. Further discussion ensued regarding the various parcels of land in the immediate area, their zoning categories, and Savard's concerns being valid.

(1:16 p.m.) **Motion by Stevenson, seconded by Mays, carried 4/1 with Mays dissenting, to enact Ordinance 2009-7, known as REZ 2007-31, Sebastian Cove Business Park, adopting findings of fact, one through four, to support the motion.**

ORDINANCE NO. 2009- 7

**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**

(02/03/09 - 13 - 1:17 p.m.)

(DISTRICT 5)

8. PUBLIC HEARING - PLNADMAPL 2008-02, AMICI ITALIAN RESTAURANT - THIS IS AN APPEAL FILED PURSUANT TO SECTION 9.07.02 OF THE LAND DEVELOPMENT CODE REGARDING DECISIONS OF THE COUNTY ADMINISTRATOR, OR DESIGNEE, IN ENFORCING THE CODE. THE APPLICANT SEEKS AN APPEAL OF A STAFF DETERMINATION ISSUED FOR THE SUBJECT PROPERTY IN JULY 2008, ATTACHMENT 1. THE SUBJECT PROPERTY IS LOCATED AT THE INTERSECTION OF STATE ROAD A1A AND 312, WITHIN THE MID ANASTASIA OVERLAY DISTRICT. THE APPLICANT FILED AN APPLICATION FOR A PLANNING ADMINISTRATIVE INTERPRETATION (PLNADMINTRP 2007-02) SEEKING AN EXPLANATION OF SECTION 7.09.01 AS IT APPLIES TO EXISTING COMMERCIAL SIGNAGE, PROVIDING CHANGES TO THE EXISTING SIGNAGE WERE MADE IN COMPLIANCE WITH THE NON-CONFORMING SIGNAGE PROVISIONS OF THE LAND DEVELOPMENT CODE. STAFF FINDS THE MODIFICATIONS DO NOT MEET THE REQUIREMENTS OF SECTION 7.09.01 AND ARTICLE 12 NON CONFORMING SIGNAGE DEFINITIONS; AND THEREFORE, THE SIGNAGE MUST COMPLY WITH ALL APPLICABLE LAND DEVELOPMENT CODE REGULATIONS, INCLUDING OVERLAY REGULATIONS. THE APPLICANT SEEKS TO APPEAL THIS INTERPRETATION (ATTACHMENT 2)

Proof of publication of the notice of public hearing regarding Planning Administrative Appeal 2008-02 was received, having been published in *The St. Augustine Record* on January 19, 2009.

Lindsay Haga gave the presentation and explained the request. She gave an overhead presentation. She said two signs existed on site, a pylon sign which was legal, and a ground reader board sign which was not eligible to be repaired under the non-conforming sign provision. She said the signage did not meet the requirements of the Land Development Code including overlay regulations. Sanchez asked how long the sign had been there. Haga said three to four years.

(1:23 p.m.) *Commissioner Bryan recused himself from this item, citing that he had held a campaign event at the restaurant.* McCormack said what Bryan had done at the restaurant was perfectly legal, but with an abundance of caution he should recuse himself.

(1:24 p.m.) Edward Underhill, 304 Sea Woods Dr. North, Mid Anastasia Overlay District representative, spoke regarding the issue. He said they tried to balance the rights of the building owners with their rights to advertise. He said it was based on a technicality. He said the pylon sign was attractive but the reader board sign was now on a brace and from an esthetic standpoint, it took away from the attractiveness of the other sign, it was hard to see, and didn't add anything. He said they would like to see it taken down as it might establish a precedent for other reader board signs along A1A.

(1:29 p.m.) Vito Arena, 424 Ocean Drive, said he was one of the owners of Amici Italian Restaurant. He said the sign had been there since the Broudy's had owned the building in 1982. He said the sign was damaged, and he had repaired it. He said there was no structural change to the sign, he felt he hadn't done anything wrong and had only made the sign look better than it did before. He said it was a non-conforming sign and they claimed it was not, because he could not produce a permit, which was issued in the 1980s to another owner. He said he was allowed to repair the sign under the code.

(1:32 p.m.) Discussion ensued regarding ownership and structure of the sign, repair of wiring, the history of the sign and its having been there for ten years, the lack of a grandfather clause and the differences between conforming and nonconforming signs.

(1:39 p.m.) Deputy Clerk Terry Bulla left the meeting and Deputy Clerk Lenora Newsome entered the meeting.

(1:39 p.m.) Mays commented on the lack of a grandfather clause and non-conforming signs. Sanchez questioned the difference between a conforming and non-conforming sign. Haga explained.

(1:42 p.m.) Mc Cormack commented on the possible non-permitted electrical work that was done on the sign, and the sign not meeting the current code. He recommended that staff do more research on that item, particularly the electrical work, to possibly work out the issue. Sanchez suggested putting in a provision that the applicant pull a permit, have an inspection on it and staff could then accept the sign as it was, unless the electrical didn't pass inspection. McCormack commented on the non-conforming aspect of the issue.

(1:48 p.m.) Stevenson suggested an extension of the item; Sanchez and Mays concurred; Miner disagreed. Wanchick agreed that an extension would be the best solution, discussion followed.

(1:52 p.m.) **Motion by Mays, seconded by Sanchez, carried 3/1 with Miner dissenting and Bryan rescued himself, to continue this item to a date uncertain.**

(02/03/09 - 14 - 1:53 p.m.)

10A. LETTER OF INTENT TO APPLY FOR OFFICE ON VIOLENCE AGAINST WOMEN FISCAL YEAR 2009 SAFE HAVENS: SUPERVISED VISITATION AND SAFE EXCHANGE GRANT PROGRAM

Stevenson stated that this item was brought to her by the Kids Bridge Organization, which was requesting the opportunity to apply for an Office on Violence Against Women FY 2009 Safe Havens: Supervised Visitation and Safe Exchange Grant.

(1:54 p.m.) Motion by Stevenson, seconded by Bryan, carried 5/0, to authorize the Board Chair to execute the letter of intent to further submit by the February 19, 2009, deadline, a completed application for the OVW (Office on Violence Against Women) Fiscal Year 2009 Safe Havens: Supervised Visitation and Safe Exchange Grant.

(02/03/09 - 15 - 1:55 p.m.)
10B. LOBBYIST

Michael Hunt, Deputy County Attorney, stated this item was for the Board's consideration on a proposed agreement for professional lobbying services.

(1:57 p.m.) Motion by Miner, seconded by Sanchez, carried 5/0, to adopt Resolution 09-26 authorizing the County Administrator to select, enter into, and execute a Professional Services Lobbyist Agreement in substantially the same form as noted, attached and incorporated to the Resolution.

RESOLUTION NO. 2009-26

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACKNOWLEDGING THE COUNTY ADMINISTRATOR'S AUTHORITY TO EXERCISE BOTH SECTION 302.6.5.1 OF THE COUNTY'S PURCHASING MANUAL SO THAT THE COUNTY ADMINISTRATOR MAY SELECT A LOBBYIST FOR PURPOSES OF POSITIVELY IMPACTING THE COUNTY'S INTERESTS; APPROVING TERMS AND CONDITIONS OF A PROFESSIONAL SERVICES LOBBYIST AGREEMENT; AND AUTHORIZING THE COUNTY ADMINISTRATOR TO SELECT A LOBBYIST, AND THEREAFTER ENTER INTO, AND EXECUTE, ON BEHALF OF THE COUNTY, A PROFESSIONAL SERVICES AGREEMENT BETWEEN ST. JOHNS COUNTY, AND THE SELECTED PROFESSIONAL LOBBYIST

(02/03/09 - 15 - 1:57 p.m.)
COMMISSIONERS' REPORTS

Commissioner Mays:

Mays spoke on tax dollars.

(1:59 p.m.)
Commissioner Bryan:

Bryan spoke on attending the St. Augustine Beach City Commission meeting the previous night, and stated that one of the County Engineers made a presentation on the beach re-nourishment program, and the success in actually being able to acquire some Federal funds. He stated that they also covered awarding a \$10,000 check for the Veteran Memorial Lakeside Park and another \$10,000 that was given to them by the Allied Veterans Inc., for the memorial.

(2:00 p.m.)
Commissioner Sanchez:

No report.

(2:00 p.m.)

Commissioner Miner:

Miner reminded everyone that next Tuesday they were having their joint BCC and IDA Economic Development Workshop.

Miner asked about the status of the sex offenders/sexual predators ban from the parks. McCormack responded that they had been drafting a St. Johns County version of the draft and had met with the Sheriff's Office on it.

(2:01 p.m.)

Commissioner Stevenson:

Stevenson spoke on the art work in the Administration Building lobby.

Stevenson spoke on the Legislative Committee on Intergovernmental Relations regarding the 900 pages of data and the analysis of the house version of the stimulus package.

(02/03/09 - 16 - 2:06 p.m.)

COUNTY ADMINISTRATOR'S REPORT

Wanchick asked for the Commissions' authorization to extend an offer of employment to Suzanne Konchan as the new Director of Growth Management. He stated that there would not be an increase in finances, no financial impact, and in fact there was a reduction due to the fact that they didn't fill some of the other positions. (2:07 p.m.)

Motion by Bryan, seconded by Sanchez, carried 5/0, to authorize the County Administrator to move forward to hire her.

(02/03/09 - 16 - 2:08 p.m.)

COUNTY ATTORNEY'S REPORT

McCormack stated that he met the previous day with the Circuit Court Judges pertaining to the Legal Aid program in St. Johns County, and that they were pleased with the program in St. Johns County. He said an interesting aspect of the conversation was the large and growing number of foreclosures in the County, and he mentioned that Legal Aid had seminars pertaining to foreclosures and also had legal assistance available for those foreclosures. He stated the phone number for Legal Aid in St. Johns County was 827-9921. Wanchick stated that their Housing Department, Tom Crawford's area, had programs in place to help people stay out of foreclosure, and the message they were sending out to the community was not to wait until it was too late, to contact them for advice. Stevenson mentioned that people may not realize that the County could help them and suggested advertising it.

(02/03/09 - 16 - 2:12 p.m.)

CLERK OF COURT'S REPORT

No report.

Motion by Bryan, seconded by Miner, carried 5/0, to adjourn the meeting. With there being no further business to come before the Board, the meeting adjourned at 2:12 p.m.

REPORTS:

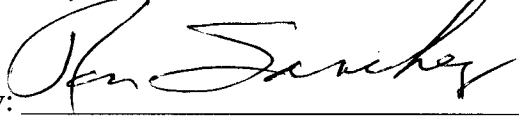
1. St. Johns County Board of County Commissioners Check Register, Check No. 432656 through 432989, totaling \$2,713,136.37 (01/13/09)
2. St. Johns County Board of County Commissioners Check Register, Check No. 432990 through 432991, totaling \$26,284.14 (01/14/09)
3. St. Johns County Board of County Commissioners Check Register, Check No. 432992 through 433021, totaling \$71,767.86 (01/15/09)
4. St. Johns County Board of County Commissioners Check Register, Check No. 433022 through 433296, totaling \$3,631,200.71 (01/20/09)

CORRESPONDENCE:

1. St. Johns River Water Management District's 2009 Governing Board Meeting Schedule
2. Letter dated January 22, 2009 to Shirley A. Taylor, Program Administrator, Financial Disclosure, regarding dissolving the St. Johns County Water and Sewer Utility Authority
3. Letter dated January 26, 2009 to Mrs. Liz Cloud, Bureau of Administrative Code and Weekly, filing St. Johns County Ordinances Number 2009-3 through 2009-5

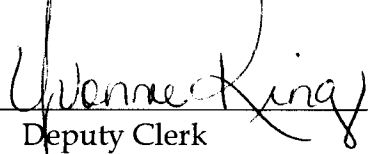
Approved February 17, 2009

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: 

Ron Sanchez, Vice Chair

ATTEST: CHERYL STRICKLAND, CLERK

By: 
Deputy Clerk

