

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
MARCH 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
 Ken Bryan, District 5
 Michael D. Wanchick, County Administrator
 Patrick McCormack, County Attorney
 Terry Bulla, Deputy Clerk

Absent were: Phillip Mays, District 4

(03/03/09 - 1 - 9:01 a.m.)
CALL TO ORDER

Stevenson called the meeting to order.

(03/03/09 - 1 - 9:01 a.m.)
ROLL CALL

Stevenson noted that four commissioners were present, with Mays absent.

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

Miner gave the Invocation, and Bryan led the Pledge of Allegiance.

(03/03/09 - 1 - 9:04 a.m.)
PROCLAMATION DESIGNATING 2009 AS THE CENTENNIAL ANNIVERSARY OF
THE ST. JOHNS COUNTY 4-H YOUTH DEVELOPMENT PROGRAM

Sanchez read the proclamation to a group of 4-H Youth. The proclamation was received by the group leader who invited everyone to their Centennial Celebration on March 13. Stevenson congratulated the group and acknowledged Nettie Ruth Brown, a lifelong worker with the 4-H organization.

(03/03/09 - 1 - 9:11 a.m.)
ACCEPTANCE OF PROCLAMATION

Motion by Sanchez, seconded by Bryan, carried 4/0 with Mays absent, to approve the Proclamation.

(03/03/09 - 1 - 9:11 a.m.)
DELETIONS TO CONSENT AGENDA

There were none.

Motion by Bryan, seconded by Miner, carried 4/0 with Mays absent, to approve the Consent Agenda.

1. Approval of the Cash Requirement Report
2. Minutes:

02/17/09 - BCC Regular Meeting
3. Motion to adopt **Resolution No. 2009-47**, approving the terms and authorizing the execution of the Memo of Understanding, Hold Harmless Agreement, and accepting the Grant of Drainage Easement necessary for the drainage improvements on Hill Top Road

RESOLUTION NO. 2009-47

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND AUTHORIZING THE EXECUTION OF THE MEMO OF UNDERSTANDING, HOLD HARMLESS AGREEMENT, AND ACCEPTING THE GRANT OF DRAINAGE EASEMENT NECESSARY FOR THE DRAINAGE IMPROVEMENTS ON HILL TOP ROAD

4. Motion to adopt **Resolution No. 2009-48**, declaring a parcel containing less than an acre of certain County owned property as surplus and approving a private sale to the Marsh Landing Homeowners Association, a Florida non profit organization, pursuant to the provisions set forth in Section 125.38, Florida Statutes

RESOLUTION NO. 2009-48

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, DECLARING A PARCEL CONTAINING LESS THAN AN ACRE OF CERTAIN COUNTY OWNED PROPERTY AS SURPLUS AND APPROVING A PRIVATE SALE TO MARSH LANDING HOMEOWNERS ASSOCIATION PURSUANT TO THE PROVISIONS SET FORTH IN SECTION 125.38, FLORIDA STATUTES

5. Motion to adopt **Resolution No. 2009-49**, accepting the terms of the Termination Agreement and Assignment of Lease for space from the Town of Hastings in the Historical Hastings High School to St. Johns County for the St. Johns County Hastings Branch Library authorizing the County Administrator to accept and execute the Termination Agreement and Assignment of Lease

RESOLUTION NO. 2009-49

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING THE TERMS OF THE TERMINATION

AGREEMENT AND ASSIGNMENT OF LEASE FOR SPACE FROM THE TOWN OF HASTINGS IN THE HISTORICAL HASTINGS HIGH SCHOOL TO ST. JOHNS COUNTY FOR THE ST. JOHNS COUNTY HASTINGS BRANCH LIBRARY AUTHORIZING THE COUNTY ADMINISTRATOR TO ACCEPT AND EXECUTE THE TERMINATION AGREEMENT AND ASSIGNMENT OF LEASE

6. Motion to adopt **Resolution No. 2009-50**, approving the terms and authorizing the County Administrator to execute a License Agreement to Diana Silva to conduct scientific research on County property in Matanzas Inlet related to her Master's thesis from the University of North Florida

RESOLUTION NO. 2009-50

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND AUTHORIZING THE EXECUTION OF A LICENSE AGREEMENT TO DIANA SILVA, A GRADUATE STUDENT OF THE UNIVERSITY OF NORTH FLORIDA, TO USE A PORTION OF COUNTY PROPERTY FOR GRADUATE RESEARCH

7. Motion to authorize the County Administrator, or his designee, to award a contract to the low bidder, Traffic Control Devices, Inc. for the Total Lump Sum Price Bid amount of \$331,777 for Bid No: 09-37 - Race Track Road Closed Loop Traffic Signal Control System
8. Motion to adopt **Resolution No. 2009-51**, authorizing the County Administrator, or designee, to submit an application, on behalf of the St. Johns County Public Library System, for a State Library Services and Technology Act Grant, in the amount of \$60,000. The Library must provide a minimum of one third in matching funds which will be provided as a regular part of the existing Library operating budget so no additional funding will be required by the County

RESOLUTION NO. 2009-51

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO SUBMIT, ON BEHALF OF THE ST. JOHNS COUNTY PUBLIC LIBRARY SYSTEM, AN APPLICATION FOR A STATE OF FLORIDA LIBRARY SERVICES AND TECHNOLOGY ACT GRANT, IN THE AMOUNT OF \$60,000

9. Motion to adopt **Resolution No. 2009-52**, authorizing the County Administrator, or designee, to submit an application seeking funding assistance through the Florida Inland Navigation District Waterways Assistance Program Grant for replacement of the Usina Fishing Pier

RESOLUTION NO. 2009-52

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA,

**AUTHORIZING THE COUNTY ADMINISTRATOR, OR
DESIGNEE, TO SUBMIT AN APPLICATION SEEKING
FUNDING ASSISTANCE THROUGH THE FLORIDA
INLAND NAVIGATION DISTRICT WATERWAY
ASSISTANCE PROGRAM GRANT FOR REPLACEMENT
OF THE USINA FISHING PIER**

10. Motion to adopt **Resolution No. 2009-53**, authorizing the County Administrator, or designee, to submit an application seeking funding assistance through the Florida Inland Navigation District Waterways Assistance Program Grant for Phase I Design, Engineering and Permitting of the Vilano Beach Fishing Pier Floating Dock

RESOLUTION NO. 2009-53

**A RESOLUTION BY THE BOARD OF COUNTY
COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA,
AUTHORIZING THE COUNTY ADMINISTRATOR, OR
DESIGNEE, TO SUBMIT AN APPLICATION SEEKING
FUNDING ASSISTANCE THROUGH THE FLORIDA
INLAND NAVIGATION DISTRICT WATERWAYS
ASSISTANCE PROGRAM GRANT FOR A PHASE I
DESIGN, ENGINEERING AND PERMITTING FOR A
FLOATING DOCK AT THE VILANO BEACH FISHING
PIER**

11. Motion to adopt **Resolution No. 2009-54**, reserving \$275,000 of Tree Bank Funds up to September 30, 2009 for the joint purchase of the Guana North Access with the North Florida Land Trust (NFLT) if the NFLT is successful in raising the balance of the asking price of \$1,000,000

RESOLUTION NO. 2009-54

**A RESOLUTION BY THE BOARD OF COUNTY
COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA,
RESERVING \$275,000 OF TREE BANK FUNDS
TOWARDS THE JOINT PURCHASE OF THE GUANA
RIVER NORTH ACCESS WITH THE NORTH FLORIDA
LAND TRUST IF THE NORTH FLORIDA LAND TRUST
IS SUCCESSFUL IN RAISING THE BALANCE OF THE
ASKING PRICE OF \$1,000,000**

12. Proofs:
- a. Proof, Notice to Bidders, Bid No. 09-61
 - b. Proof, Request for Letters of Interest, Ref No. 09-58
 - c. Proof, Notice to Bidders, Bid No. 09-54
 - d. Proof, Notice to Bidders, Bid No. 09-57
 - e. Proof, Notice of Workshop, Economic Development Council Workshop, Tuesday, February 10, 2009 at 9:00 a.m.
 - f. Proof, Certificate of Liability Insurance, Selective HR Solutions, Inc.

(03/03/09 - 4 - 9:13 a.m.)

PUBLIC COMMENT

Mary Savard, 2785 Stratton Blvd., spoke regarding property located on Stratton Blvd. She pointed out the Whetstone real estate sign, which read the property was zoned for

industrial, and questioned whether it was allowed. She said if it was allowed, that the Board should take into consideration those people who lived on Stratton Blvd. She noted it was only 4.85 acres, and that there would be dangerous traffic and safety situations created (Exhibit A).

(9:17 a.m.) Rev. Helen Tobey, 38 White Blvd., spoke regarding the lack of police patrol in District 3. She also spoke on the lack of a Housing Authority in St. Johns County. She said those apartments that qualified for affordable housing were running amuck. She noted that she had become homeless, but had received help to get into a home. She asked them to consider a Housing Authority because the situation was critical.

(9:24 a.m.) Sarah Owen Gledhill, Planning Advocate, Florida Wildlife Federation (FWF), 201 Owens Ave., said there was a misrepresentation of the facts in regards to FWF's relationship with Wilson Green, a large landowner and development applicant. She passed out a Memorandum of Understanding (MOU) between FWF and Wilson Green, LLC (Exhibit A). She said the misrepresentation had arisen through the MOU they had signed in 2008. She said Wilson Green owned approximately 20,000 acres that straddled St. Johns and Flagler Counties. She said FWF was concerned that impacts to the development would not be accounted for cumulatively and that one large comprehensive project would have been a win-win situation for the applicant and the County. She said a land exchange had been proposed between the St. Johns River Water Management District and Wilson Green, which involved a 90 acre access easement in exchange for a 1,100 acre conservation easement known as Dave Branch. She proceeded to explain the disagreement. She said they did not waive their right to comment during the DRI process and noted it was a very complex issue.

(9:29 a.m.) McCormack recommended that the presentation be made available for the applicant as part of the materials pertaining to that application. He recommended that the Board not have a dialogue pertaining to that topic since it was presented during Public Comment. Gledhill said the intent of the MOU was to support the exchange as it went before the governing board of the Water Management District, and the FWF did not give up their rights to participate in the DRI process. She said it was their intent to clarify that as they proceeded forward.

(03/03/09 - 5 - 9:31 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

There were none.

(03/03/09 - 5 - 9:31 a.m.)

APPROVAL OF REGULAR AGENDA

Motion by Bryan, seconded by Sanchez, carried 4/0 with Mays absent, to approve the Regular Agenda.

(03/03/09 - 5 - 9:32 a.m.)

1. PUBLIC HEARING - ORDINANCE DECREASING THE NUMBER OF MEMBERS OF THE HOUSING FINANCE AUTHORITY OF ST. JOHNS COUNTY FROM SEVEN TO FIVE MEMBERS - THE ATTACHED ORDINANCE, BEING CONSIDERED AT THE REQUEST OF THE HOUSING FINANCE AUTHORITY OF ST. JOHNS COUNTY, AMENDS ST. JOHNS COUNTY ORDINANCE NO. 80-7, AS RATIFIED, CONFIRMED AND REENACTED BY ST. JOHNS COUNTY ORDINANCE NO. 89-5, WHICH ORDINANCE CREATED THE HOUSING FINANCE AUTHORITY OF ST. JOHNS COUNTY. THE ATTACHED ORDINANCE DECREASES THE

NUMBER OF MEMBERS OF THE HOUSING FINANCE AUTHORITY OF ST. JOHNS COUNTY FROM SEVEN (7) TO FIVE (5) MEMBERS, DESIGNATES THE CURRENT MEMBERS WHOSE POSITIONS ARE BEING DELETED AND PROVIDES THAT THE AMENDMENTS AND PROVISIONS THEREOF SHALL APPLY PROSPECTIVELY

Proof of publication of the notice of public hearing on enacting proposed Ordinance amending Ordinance No. 80-7 was received, having been published in *The St. Augustine Record* on February 20, 2009.

Tom Crawford, Director of Housing and Community Services, gave the presentation and explained the request to reduce the number of board members from seven to five.

(9:33 a.m.) Motion by Miner, seconded by Sanchez, carried 4/0 with Mays absent, to enact Ordinance No. 2009-11, to decrease the number of members of the Housing Finance Authority of St. Johns County from seven to five members.

ORDINANCE NO. 2009-11

AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA, AMENDING ST. JOHNS COUNTY ORDINANCE NO. 80-7, AS RATIFIED, CONFIRMED AND REENACTED BY ST. JOHNS COUNTY ORDINANCE NO. 89-5, WHICH ORDINANCE CREATED THE HOUSING FINANCE AUTHORITY OF ST. JOHNS COUNTY; DECREASING THE NUMBER OF MEMBERS OF THE HOUSING FINANCE AUTHORITY OF ST. JOHNS COUNTY; PROVIDING THE AMENDMENTS AND PROVISIONS OF THIS ORDINANCE SHALL APPLY PROSPECTIVELY; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

(03/03/09 - 6 - 9:35 a.m.)

2. PUBLIC HEARING - NEIGHBORHOOD STABILIZATION PROGRAM - ST. JOHNS COUNTY IS PROJECTED TO RECEIVE \$2,489,443 IN FEDERAL FUNDING THROUGH THE NEIGHBORHOOD STABILIZATION PROGRAM (NSP) FROM THE FLORIDA DEPT. OF COMMUNITY AFFAIRS. HUD REQUIRES THAT A PUBLIC HEARING BE HELD IN ORDER TO EXPLAIN THE PURPOSE OF THE PROGRAM TO THE PUBLIC. ON DECEMBER 2, 2008 THE BCC AGREED TO HAVE FRED FOX & ASSOCIATES, FOR NO CHARGE, WORK WITH COUNTY STAFF TO PREPARE AN APPLICATION AND RELATED PLAN FOR IMPLEMENTATION OF THE NSP PROGRAM. STAFF AND A REPRESENTATIVE OF FRED FOX & ASSOCIATES WILL BE IN ATTENDANCE TO EXPLAIN THE PROGRAM, WHICH IS AIMED PRIMARILY AT THE ACQUISITION AND REHABILITATION OF FORECLOSED PROPERTIES FOR RESALE OR RENTAL TO VERY-LOW, LOW AND MODERATE INCOME HOUSEHOLDS. THERE IS NO MATCH FUNDING REQUIRED FOR THIS PROGRAM

Proof of publication of the notice of public hearing on Neighborhood Stabilization Program funding under the Small Cities Community Development Block Grant was received, having been published in *The St. Augustine Record* on February 24, 2009.

Tom Crawford, Housing and Community Services Director, gave the presentation. He said a finalized draft would be presented to the Board at their next meeting. He introduced Fred Fox, who had worked on the Neighborhood Stabilization program.

Fox reviewed the projected allocation and how it could be used for very low, low and moderate income families for purchase or rental of properties.

(9:39 a.m.) Randy Martin, Sun Works Solar Systems, 12474 Masters Ridge Drive, Jacksonville, spoke regarding funding available from the Federal Government to help low income people to solarize their homes for hot water heating, to weatherize their homes, as well as to produce some of their energy from solar applications. He said his company had done numerous projects for the Federal Government for industrial and residential clients from wind power to solar to weatherization and fuel cells. He said they would love to be able to help out as they had with other governmental entities. Discussion ensued regarding the approximate amount of paybacks from the Federal Government for various types of projects.

(9:42 a.m.) Crawford responded to a question from Stevenson regarding the application process and the release of funds. Discussion ensued regarding the purpose of the program, pre-approval of applicants, the inclusion of non-profit organizations for property acquisition and who would seek qualified renters. He noted that more detailed information would be provided to them on March 17.

(03/03/09 - 7 - 9:47 a.m.)

3. PRESENTATION ON THE DRAFT WATER SUPPLY ASSESSMENT 2008, THE WATER SUPPLY PLANNING PROCESS, AND HOW THE REGIONAL PROCESS RELATES TO WATER RESOURCE ISSUES FOR ST. JOHNS COUNTY

Harold Wilkening, St. Johns River Water Management District, Resource Management Director, gave a PowerPoint presentation regarding the 2008 District Water Supply Assessment (Exhibit A) as required by statute. He said it included existing and projected water use through 2030, existing and proposed sources of water and conservation efforts, and identification of areas where projected uses could not be sustained with proposed sources without unacceptable impacts to water resources and related natural systems, called priority water resource caution areas. He noted that priority water resource caution areas were paramount, as was water protection for sustainable water supplies. He reviewed the 20 year planning process, which was a public process and identified projections, options and funding sources. He reviewed the water supply planning history and projection. He pointed out priority water resource caution areas identified in 1998 and 2003. He reviewed the methods and tools used for assessment and stated that it was very scientific. Discussion ensued regarding the accuracy of the population projections based on the recent economic downturn. He said that population numbers were turned into water use numbers based on average climatic conditions. He reviewed the extent of the Florida Aquifer system, which was recharged in the center of the state. He said that coastal counties had poor quality aquifer water. He reviewed the levels of the aquifer since the 1930's, which is in decline, and said they had to determine how that would affect salt water intrusion and the levels of lakes and springs. He said they had to determine if that water use was sustainable. He pointed out that they looked at water resource constraints as well. He said levels had been determined to be unacceptable for certain areas, to be sure those kinds of impacts didn't happen. He outlined the priority water resource caution areas and potential caution areas. He said north Florida would likely be identified as a caution area. He added that they were working in conjunction with the Suwannee River Management District to our west. He reviewed the planning process objectives, and said they planned to focus on water conservation and reuse of reclaimed water methods. Beyond that, he noted, they would look at other sources that could be developed so they did not depend totally on ground water. He emphasized it would be a public process and would seek to engage all water users.

(10:11 a.m.) Bryant asked the incentive for users to conserve when JEA had said their customers weren't using enough water. Wilkening responded that it was in their best interest to implement water conservation. He said they would be able to serve more customers and not increase their production side. He said conservation made economic sense.

(10:13 a.m.) Stevenson said she was delighted to hear that we could move toward that goal by conservation and reuse. She said it was a resource we could no longer take for granted.

The Board recessed at 10:16 a.m. and reconvened at 10:30 a.m.

(03/03/09 - 8 - 10:30 a.m.)

(DISTRICT 2)

4. PUBLIC HEARING - REZ 2008-22 INMAN COMMERCIAL - THIS IS A REQUEST TO REZONE FROM OPEN RURAL (OR) TO COMMERCIAL INTENSIVE (CI). SUBJECT PROPERTY IS APPROXIMATELY 9.3 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 TO COMMERCIAL INTENSIVE 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, PROXIMITY TO COMMERCIAL ZONINGS 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 JANUARY 15, 2009 MEETING BY A VOTE OF 7/0 (MOTION BY LAIDLAW, SECOND BY WILLIAMS)

Proof of publication of the notice of public hearing on REZ 2008-22, Inman Commercial was received, having been published in *The St. Augustine Record* on February 16, 2009.

Michael Blackford, Planner II, gave the presentation and explained the request. He reviewed the CI zoning uses permitted and the development guidelines. He said staff found it met the requirement of the Comprehensive Plan and the Land Development Code. He noted the PZA had recommended approval unanimously at their January 15, 2009 meeting. Sanchez said the project had been mentioned to him, but there had been no discussion on the project. No other ex-parte was disclosed by Commission members.

(10:32 a.m.) Karen Taylor, 77 Saragossa St., said she had mentioned this item briefly to the entire Board when she had been before them on a previous item, and there had been no further discussion with any of the members. She said it was a straight forward rezoning near the interstate and the outlet mall. She said it was over nine acres and would be sufficient for the entire project. She noted PZA had recommended approval.

(10:34 a.m.) **Motion by Sanchez, seconded by Miner, carried 4/0 with Mays absent, to enact Ordinance No. 2009-12, known as REZ 2008-22, Inman Commercial, adopting findings of fact one through four to support the motion.**

ORDINANCE NO. 2009-12

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 INTENSIVE (CI); MAKING FINDINGS
OF FACT; REQUIRING RECORDATION; AND
PROVIDING AN EFFECTIVE DATE**

(03/03/09 - 9 - 10:35 a.m.)

(DISTRICT 3)

5. PUBLIC HEARING - REZ 2007-32 MR. T'S HEATING AND AIR - THIS IS A REQUEST TO REZONE FROM PLANNED SPECIAL DEVELOPMENT (PSD) TO COMMERCIAL INTENSIVE (CI). SUBJECT PROPERTY IS APPROXIMATELY .90 ACRES IN SIZE AND IS LOCATED OFF OF WATSON RD, JUST WEST OF US 1 SOUTH. THE PLANNING DIVISION FINDS THE REQUEST TO REZONE TO COMMERCIAL INTENSIVE SUBSTANTIALLY MEETS THE REQUIREMENTS OF THE COMPREHENSIVE PLAN AND THE LAND DEVELOPMENT CODE. THIS FINDING IS BASED UPON THE FOLLOWING INFORMATION: THE CURRENT USE AND ZONING OF THE PROPERTY, THE APPLICATION MATERIALS, 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 DENIAL OF THIS REQUEST AT THEIR JANUARY 15, 2009 MEETING BY A VOTE OF 4 TO 3 (MOTION BY LAIDLAW, SECOND BY NELSON WITH GREEN, WHEELER, AND WILLIAMS DISSENTING). OBJECTIONS TO THE REZONING CENTERED ON THE COMPATIBILITY OF COMMERCIAL INTENSIVE ZONING WITH THE ADJACENT RESIDENTIAL USE

Proof of publication of the notice of public hearing on REZ 2007-32, Mr. T's Enterprises was received, having been published in *The St. Augustine Record* on February 16, 2009.

Michael Blackford, Planner II, gave the presentation and explained the request. He noted the site had been developed ten years ago as Mr. T's Auto Repair and the adjacent properties were vacant with the exception of a residence. He explained that if it was approved, it required a 20-foot buffer and a zoning variance would be needed. He said CI would increase the uses available to that property. He reviewed the development guidelines. He said staff found that it met the Comprehensive Plan and Land Development Code. He said PZA recommended denial by a 4 to 3 vote.

Sanchez asked what could go on the property now. Blackford responded that only Mr. T's Heating and Air and the single family unit, and they would have to go through the concurrency process if they expanded. He said the previously existing auto mechanic shop could also be allowed.

(10:39 a.m.) Sanchez disclosed ex-parte with Karen Taylor and Mr. Touzet. Miner declared ex-parte with the applicant and was present at the PZA meeting at which the item was discussed. Bryan declared ex-parte with Taylor and the applicant, and visited the site. Stevenson declared ex-parte with Taylor and the applicant, and discussed the current use of the property and the cost of going to a PUD to address the concerns about compatibility. She said her sense from that discussion was, that the existing use was fine, but they were looking for a change to make it conforming because the PSD was so specific. She said they also discussed a strategy to deal with allowing a conditional zoning.

(10:41 a.m.) Karen Taylor, 77 Saragossa St., said she had reviewed most of the project with them. She said it was a single use PSD in order to get into compliance for the property's use. She noted the applicant's father had run an auto repair business from the site and upon his death, the applicant, his son, continued using the property for his air conditioning business. She noted that when he went to change some things out of his father's name, he recognized the fact that he was not in compliance, even though he was told that his business was not a problem because it was a lesser use. She said it was less than an acre in size and the use of the property was limited by the size of the property, and a PUD was cost prohibitive for a small businessman. She said they could not increase the height because of the lack of the necessary setbacks. She noted they had put up the required buffers and fences. She said the applicant had been using the property as a heating and air business without complaint. She said denial would keep it in a single use, just for auto repair.

(10:47 a.m.) Bryan said he visited the site and it was well setback, and the owner had done a good job with buffers and fencing. He said the adjoining property was a wetland, little could be built there, and there was buffering between his property and the adjacent property owner.

(10:48 a.m.) Freddie Touzet, Jr., 137 Watson Rd., owner of Mr. T's Heating and Air Conditioning, thanked them for their help, as a small businessman. He said these were difficult economic times and he was trying to keep his staff employed. He said he would appreciate their help.

(10:49 a.m.) Sanchez said if it was turned town, if his only resource would be to rent the property to someone who did mechanical work. Touzet said that was correct and he would have to rent it, lease it or sell it. Sanchez said an AC company would provide less noise than a mechanics shop and would also generate less traffic.

(10:51 a.m.) Art Stevens, 151 Watson Rd., said he and nine other neighbors were opposed to any change in zoning to the property. He said the current zoning was a protection to the neighborhood and the CI zoning would open a Pandora's Box for their neighborhood. He said there were wetlands close by that were protected sites for the re-nourishment of the aquifer system. He asked them to allow Mr. T's Air Conditioning to use the property for its current purpose under the current zoning. Stevenson clarified that they wanted to allow the applicant to stay on the property without opening it up to CI uses. Stevens said that was correct.

(10:54 a.m.) Stevenson expressed concern about compatibility issues. After discussion with staff, Stevenson asked Legal staff if they could consider doing this as a conditional zoning, because staff was in the process of creating additional zoning categories. She said they could then take administrative action and move it into a newly created zoning category. Discussion ensued.

(10:58 a.m.) McCormack reviewed the actions that the Board could take and still remain legal.

(11:03 a.m.) Miner said he would not support waiting. He said the applicant only wanted to meet payroll and keep his business running. He said he should not have to wait because there were problems on our end.

(11:03 a.m.) Sanchez asked if the applicant would be satisfied with conditional use on the property. Taylor said yes. But added, she had one more option, which would require waivers. She said that could take the old PSD and add in that use. She said they would have to get rid of the PSD when they developed their new code.

(11:05 a.m.) Michael Wanchick, County Administrator, said they could approve a conditional use that day, and ask the applicant if he would voluntarily be willing to submit his property when the new categories were approved, at the expense of the County. Stevenson said that sounded good. Bryan agreed that sounded like a fair compromise to satisfy the neighbors and to the business owner.

(11:06 a.m.) McCormack recommended the Board to take a recess on that item and allow staff to work on it, and come back with a motion. The Board moved on to Item 6.

(11:29 a.m.) Subsequently, Whitehouse gave the revised language to Miner.

(11:30 a.m.) Taylor verified that the applicant was happy with the revision.

(11:31 a.m.) **Motion by Miner, seconded by Sanchez, carried 4/0 with Mays absent, to enact Ordinance No. 2009-13, known as REZ 2007-32 Mr. T's Heating and Air, adopting findings of fact one through six to support the motion as read by the Legal Staff, by adding to the findings of fact, No. 5: It is common fact that this property is currently zoned PSD and our code currently prohibits modifying such to merely add a generally compatible use, this application is found to be generally compatible and to ensure further compatibility this rezoning shall be conditioned upon the uses described in Section 2.02.02.H.1.2 of the Land Development Code being limited to vehicle repair and building trades contractors. No. 6: the involved finding and its rezoning specifically recognizes the approval of Zoning Variance 2008-06 and incorporates such herein.**

ORDINANCE NO. 2009-13

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

(03/03/09 - 11 - 11:07 a.m.)

(DISTRICT 1)

6. PUBLIC HEARING - USP 2008-02 NOCATEE TOWN CENTER COMPREHENSIVE SIGNAGE PLAN (NOCATEE PUD/DRI) - THE NOCATEE PLANNED UNIT DEVELOPMENT TEXT AND SUBSEQUENT INCREMENTAL MASTER DEVELOPMENT PLANS FOR INDIVIDUAL VILLAGES AND COMMERCIAL SITES PROVIDE FOR THE APPROVAL OF SITE SPECIFIC UNIFIED SIGNAGE PLANS (USP). THE PROPOSED NOCATEE TOWN CENTER USP IDENTIFIES PROJECT SIGNAGE FOR THE NOCATEE TOWN CENTER WITHIN THE NOCATEE DRI/PUD. THE USP CONSISTS OF PROJECT IDENTIFICATION, MONUMENT, COMMUNITY MONUMENT, OUTPARCEL, TRAFFIC, PUBLIC INFORMATION, PRIMARY STOREFRONT, ANCHOR STORE PRIMARY STOREFRONT, OFFICE BUILDING, UNDER CANOPY, REAR DOOR AND BANNER SIGNAGE. (REFER TO THE ATTACHED USP TEXT AND GRAPHICS WITHIN THE STAFF REPORT), WITH FOUR WAIVER REQUESTS TO THE LAND DEVELOPMENT CODE

Proof of publication of the notice of public hearing on USP 2008-02, Nocatee Comp Signage Plan was received, having been published in *The St. Augustine Record* on February 16, 2009.

Jason Cleghorn, Planner III-DRI Coordinator, gave the presentation and a PowerPoint presentation (Exhibit A). He reviewed the waivers requested and noted that all other signs were LDC compliant. He said Waiver A, for increased signage, was only for the anchor stores. He noted that staff supported the waiver. He said Waiver B was for Special Event Signs to allow banners and flags to be used year round during certain times of the year. He said staff supported the waiver. He reviewed Waivers C, to allow more than one identification sign to be erected at major access points and D, to allow for private directional signage to be increased from 3 square feet and 3 feet in height to a maximum of 30 square feet and 8 feet in height and that more than one be permitted. He said staff supported these waivers. He said the request met the Comp Plan and the LDC and the overall Nocatee PUD.

(11:15 a.m.) Ellen Whitmer, 1178 Natures Hammock Rd. South, Fruitcove, said she objected to the waivers. She said it was self regulation, and the developers felt they did not have to abide to community laws, which violated the spirit of the law over and over. She said it was not in compliance.

(11:16 a.m.) Mike Madigan, Planner, England Thims and Miller, said he was there to answer any questions.

(11:17 a.m.) Stevenson asked if there was an internal governance group to oversee signage. Madigan said it was overseen by the master developer and the homeowners group. Stevenson asked who would be responsible if a sign fell into disrepair. Madigan said it would fall to the Master Developer.

(11:19 a.m.) Sanchez asked if the request being made was to satisfy business who would locate there. Madigan said yes, it was to promote the businesses, so that people would be able to see where they were located.

(11:20 a.m.) McCormack said Nocatee was not an incorporated town, but there was the possibility of being recognized as an unincorporated town. He said compatibility was one of the most important parts of the Comprehensive Code. He said the smaller the size of the population the more flexibility they could possibly have.

(11:25 a.m.) Greg Barbour, partner of the master developer, said any sign had to be submitted to them. He said what they were doing was setting up the regulations with the County so that they could enforce it within the development. He said they had more at stake than anyone to be sure the signs met certain criteria. He explained the types of banners they would be using.

(11:27 a.m.) Motion by Sanchez, seconded by Miner, carried 4/0 with Mays absent, to adopt Resolution No. 2009-55, known as USP 2008-02, Nocatee Town Center Comprehensive Signage Plan adopting findings of fact one through four to support the motion.

RESOLUTION NO. 2009-55

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, APPROVING A UNIFIED SIGNAGE PLAN (USP) TO THE NOCATEE PLANNED UNIT DEVELOPMENT; ORDINANCE NO. 2002-46, AS AMENDED

(11:28 a.m.) Subsequently the Board returned to item No. 5. (Page 11, 11:29 a.m.)

(03/03/09 - 13 - 11:32 a.m.)

7. FISCAL YEAR 2010 BOARD OF COUNTY COMMISSIONERS BUDGET WORKSHOP

Doug Timms, Director Office of Management & Budget, gave the presentation. He highlighted the budget process and the dates which each step would take place. He reviewed the projected County budget for FY 2010 of \$600 million. He said it would be an 8.3 percent decrease of the current budget. He said the budget peaked in 2007 and was on a downward trend through 2010. He projected tax revenues to decrease by about 10 percent and projected two years of decreases through 2011. He reviewed the recent financial impacts and said there had been an 18 percent reduction or \$31 million a year as a result of property tax reform. Additionally, he noted decreases of \$18 million due to the projected property value devaluation, and a \$15 million decrease as a result of impact fees collections decreases. He noted the new OPEB liability obligation was \$4.5 million and the sales tax revenue would decrease by \$1.5 million. He said that 2011 was going to be the difficult year for the County and there would be a \$17.3 million dollar deficit which would require a cooperative effort from all parties. He provided detail on the General Fund. Stevenson asked him to expound on the Transfers to Funds line item. Timms responded these were programs that we had to subsidize. He said the \$17.3 million deficit meant either a 50% staffing reduction if balanced solely on the Board's salaries and benefits or a 30% departmental budget reduction if balanced solely on the Board's operating budget. He reviewed steps already taken to reduce expenses. He reviewed the FY 2010 Budget Guidelines and said they were the most aggressive guidelines they had implemented during his 10 year tenure, but needed to be.

(11:47 a.m.) Discussion ensued. Thanks were given to Timms and his staff for all their hard work. Constituents were asked to be aware that the projects they wanted would not be forgotten but would be put on hold.

(11:56 a.m.) Sanchez said comments had been made by people who did not understand that the new administration building was approved many years ago and we were basically evicted from our old home, which was taken over as a judicial center. We were only there at the court's invitation, they needed the space and we had to move. He said it had been in the works for four or five years. Stevenson agreed that it was hard for people to understand. She said they needed to appeal to other local governments to be resourceful and to partner together to be able to provide the services to our citizens.

Darryl Locklear introduced, Suzanne Konchan as the new Growth Management Department Director, with 30 years of nationwide experience. Konchan said it had been a great first week and she was anxious to talk with them. The Commissioners welcomed her.

(03/03/09 - 13 - 12:03 p.m.)

COMMISSIONERS' REPORTS

Commissioner Mays: Absent

(12:03 p.m.) Commissioner Bryan:

Bryan attended the City of St. Augustine Beach meeting and reviewed some of the items they had covered. He said they discussed the sewer system improvement project and

the fact that we were working with them on that issue. He said they had met with County staff regarding West Augustine and the sewer improvement work being done in that area. He said he had attended the Rally for Education last Friday, it was exciting, and a message had been sent to Tallahassee. He said it was Bike Week, and he reminded everyone to be careful out there. He said bikers represented a lot of money to the County, and asked everyone to be cautious.

(12:06 p.m.) Commissioner Sanchez:

Sanchez said in Hastings, an active member of the Rotary, Shell Regan, had passed away and he would be missed greatly.

(12:07 p.m.) Commissioner Miner:

No comments.

(12:07 p.m.) Commissioner Stevenson:

Stevenson spoke about underage drinking notes from Crime Stoppers. She read a letter into the record from a Marine who was on active duty. It involved his treatment at the VA Service Center and what a great job they had done in assisting him.

(03/03/09 - 14 - 12:09 p.m.)

COUNTY ADMINISTRATOR'S REPORT

Wanchick said he appreciated the calm and professional demeanor of the Board as they approached the Budget. He said we would get through these difficult times. He said we needed to communicate well with staff and with the community. He said we needed to stay calm and professional and thanked all of them.

(03/03/09 - 14 - 12:09 p.m.)

COUNTY ATTORNEY'S REPORT

No report.

(03/03/09 - 14 - 12:09 p.m.)

CLERK OF COURT'S REPORT

No report.

(12:09 p.m.) Motion by Miner, seconded by Sanchez, carried 4/0 with Mays absent, to adjourn the meeting.

With there being no further business to come before the Board, the meeting adjourned at 12:09 p.m.

REPORTS:

1. St. Johns County Board of County Commissioners Check Register, Check No. 434084 through 434420, totaling \$2,679,316.29 (02/10/09)
2. St. Johns County Board of County Commissioners Check Register, Check No. 434421 through 434443, totaling \$39,557 (02/12/09)
3. St. Johns County Board of County Commissioners Check Register, Check No. 434444 through 434698, totaling \$2,237,067.42 (02/17/09)

CORRESPONDENCE:

1. Fax dated 02/12/09 from Public Service Commission to Michael D. Wanchick regarding Final Order acknowledging Ordinance transferring jurisdiction by St. Johns County Board of County Commissioners, St. Johns County relating to regulation of water and wastewater utilities within the unincorporated areas of St. Johns County

Approved March 17, 2009

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: Cyndi Stevenson
Cyndi Stevenson, Chair

ATTEST: CHERYL STRICKLAND, CLERK

By: Wannae King
Deputy Clerk

