

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
APRIL 21, 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

(04/21/09 - 1 - 9:02 a.m.)
CALL TO ORDER

Stevenson called the meeting to order.

(04/21/09 - 1 - 9:03 a.m.)
ROLL CALL

Stevenson said that all five commissioners were present.

(04/21/09 - 1 - 9:03 a.m.)
Stevenson gave the Invocation, and Sanchez led the Pledge of Allegiance.

(04/21/09 - 1 - 9:06 a.m.)
PROCLAMATION DESIGNATING MAY 2009 AS FOSTER CARE MONTH

Miner read the Proclamation and presented it to Karen Zink and to other Foster Parents and individuals involved with foster care. Zinc introduced the Family Integrity Staff: Pat Swan, Barbara Jacobi, Allison McMorrow, Jean Heaton, Mike McMorrow, Kelly Wilkerson, and Myra Henry, Placement Coordinator. She thanked all the foster parents and St. Johns County Board of Commissioners for their support of the program. She noted that 27 children had been adopted that fiscal year, most of which were by Foster Parents.

(04/21/09 - 1 - 9:11 a.m.)
PROCLAMATION DESIGNATING MAY 2, 2009 AS "FIT" ACULAR FUN KIDS DAY

Bryan read the Proclamation and presented it to Gay Pellicier, Billy Zites, Troy Blevins and other workers in the Recreation and Parks Department.

(04/21/09 - 1 - 9:13 a.m.)
PROCLAMATION DESIGNATING APRIL 25, 2009 AS A DAY OF SERVICE HELPING HANDS AND LINKING ARMS

Sanchez read the Proclamation and presented it to Ruth Karen, Church of Latter-day Saints, and to Kathryn Waddle, Public Affairs, Steve Brown, Site Leader for St. Johns Congregation, Dr. Jerry Carver, Counselor in the State Presidency, Linda Duty, Site Representative with the St. Augustine congregation, John Sutherland, Bishop of the St.

Johns congregation, Kyle Rouse, American Red Cross and Becky Rackenenburg, American Red Cross. Rouse told about disaster preparedness and disaster services materials that they would be handing out on April 25, 2009 to approximately 40,000 homes in Northeast Florida. He said they were honored to be a partner with the LDS. Dr. Carver thanked the Board for the proclamation and gave an overview of the program they were sponsoring which had about 2,000 volunteers participating.

(04/21/09 - 2 - 9:21 a.m.)

ACCEPTANCE OF PROCLAMATIONS

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

(04/21/09 - 2 - 9:21 a.m.)

DELETIONS TO CONSENT AGENDA

There were none.

(04/21/09 - 2 - 9:24 a.m.)

APPROVAL OF CONSENT AGENDA

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

1. Approval of the Cash Requirement Report
2. Minutes:
04/07/09 - BCC Regular Meeting
3. Sheriff Office Bonds:
Approve: April R Blount Andrew H Tallman John T Pack
 Matthew D Cline John J Connahey Jr Gordon B Scott
 Joseph L Anderson III
4. Motion to adopt **Resolution No. 2009-89**, recognizing unanticipated revenue in the amount of \$138,279.00, increasing the revenue budget for Utility Services Contributions and appropriating to the Transmission & Distribution System Improvements expenditure line

RESOLUTION NO. 2009-89

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

5. Motion to adopt **Resolution No. 2009-90**, approving, in substantially the form presented, the terms, provisions, conditions, and requirements of the Joint Project Agreement Supplement Agreement #1 between the Board of County Commissioners of St. Johns County, Florida, and the State of Florida Department of Transportation, regarding the construction of W. King Street and authorizing the County Administrator, or designee, to execute the Agreement, on behalf of the County

RESOLUTION NO. 2009-90

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING AND AUTHORIZING THE EXECUTION OF THE COUNTY INCENTIVE GRANT PROGRAM AGREEMENT SUPPLEMENTAL AGREEMENT #1 BETWEEN THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION AND ST. JOHNS COUNTY PERTAINING TO THE CONSTRUCTION OF W. KING STREET FROM WHITNEY STREET TO US 1; PROVIDING DIRECTIONS; AND PROVIDING AN EFFECTIVE DATE

6. Motion to adopt **Resolution No. 2009-91**, for the development of landscape plans, construction and establishment of landscaping with the CR 210 median, and authorizing the County Administrator, or designee, to execute task orders and agreements as necessary to complete this task, and Motion to approve the transfer and expenditure from Tree Bank Fund of \$100,000 from Reserves to Improvements Other Than Buildings

RESOLUTION NO. 2009-91

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING AND AUTHORIZING THE TRANSFER OF FUNDING FROM THE TREE BANK FUND RESERVES TO FUND CR 210 MEDIAN LANDSCAPING FROM S. HAMPTON CLUB WAY TO PROSPERITY LAKE DRIVE PERTAINING TO THE DEVELOPMENT OF CONSTRUCTION PLANS, CONSTRUCTION ACTIVITIES AND MAINTENANCE DURING THE ESTABLISHMENT PERIOD

7. Motion to approve the transfer of \$192,649 from Transit System CPF to Transit Complex in order to identify and account for all the new Transit Facility related Funds
8. Motion to approve the transfer \$30,105 from Tree Bank Capital Outlay Reserve to Tree Bank Contractual Services for the Hancock Place Project
9. Motion to adopt **Resolution No. 2009-92**, approving the terms and authorizing the County Administrator to allow the Growth Management Department's Environmental Division to apply for a grant through the Department of the Interior for up to \$6,000,000 to acquire land complementing the County's Habitat Conservation Plan

RESOLUTION NO. 2009-92

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 DEPARTMENT OF THE INTERIOR'S COOPERATIVE ENDANGERED SPECIES CONSERVATION FUND (SECTION 6 OF THE ENDANGERED SPECIES ACT) GRANTS PROGRAMS TO ACQUIRE LAND IN ST. JOHNS COUNTY FURTHERING

**THE COUNTY'S APPROVED HABITAT CONSERVATION
PLAN**

10. Motion to adopt **Resolution No. 2009-93**, approving the terms of a Lease for St. Augustine 450 Corporation to use County property on Ravenswood Drive for storage and stock piling of timber for the construction of a ship replica for the 450th Anniversary of St. Augustine and authorizing the County Administrator to execute the Lease

RESOLUTION NO. 2009-93

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING THE TERMS OF THE ST. AUGUSTINE 450 CORPORATION TO LEASE SPACE FROM ST. JOHNS COUNTY FOR STOCK PILING TIMBER FOR THE CONSTRUCTION OF A SHIP REPLIC FOR THE 450TH ANNIVERSARY OF ST. AUGUSTINE, FLORIDA AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE SAID LEASE

11. Motion to adopt **Resolution No. 2009-94**, approving the terms and authorizing the County Administrator to execute a certain Purchase and Sale Agreement for property needed for the drainage improvements in the West St. Augustine area (Nettles Agreement)

RESOLUTION NO. 2009-94

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 DRAINAGE IMPROVEMENTS IN THE WEST ST. AUGUSTINE AREA

12. Motion to adopt **Resolution No. 2009-95**, accepting a Bill of Sale and Schedule of Values conveying all personal property associated with the water and sewer system serving First Coast Distribution Center on Deer Park Boulevard

RESOLUTION NO. 2009-95

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING A BILL OF SALE AND SCHEDULE OF VALUES CONVEYING ALL PERSONAL PROPERTY ASSOCIATED WITH THE WATER AND SEWER SYSTEM SERVING FIRST COAST DISTRIBUTION CENTER ON DEERPARK BOULEVARD

13. Motion to adopt **Resolution No. 2009-96**, accepting a Bill of Sale and Schedule of Values conveying all personal property associated with the water and sewer system serving the St. Johns County Emergency Operations Center

RESOLUTION NO. 2009-96

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING A BILL OF SALE AND SCHEDULE OF VALUES CONVEYING ALL PERSONAL PROPERTY ASSOCIATED WITH THE WATER AND SEWER SYSTEM SERVING THE ST. JOHNS COUNTY EMERGENCY OPERATIONS CENTER ON AGRICULTURAL CENTER DRIVE

14. Motion to adopt **Resolution No. 2009-97**, accepting a Bill of Sale and Schedule of Values conveying all personal property associated with the water and sewer system serving The Cottages of St. Augustine Beach

RESOLUTION NO. 2009-97

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING A BILL OF SALE AND SCHEDULING OF VALUES CONVEYING ALL PERSONAL PROPERTY ASSOCIATED WITH THE WATER AND SEWER SYSTEM SERVING THE COTTAGES OF ST. AUGUSTINE BEACH ALSO KNOWN AS ATLANTIC BEACH SUBDIVISION

15. Motion to adopt **Resolution No. 2009-98**, accepting a Bill of Sale and Schedule of Values conveying all personal property associated with the water and sewer system serving Mariners Way Plaza

RESOLUTION NO. 2009-98

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA ACCEPTING A BILL OF SALE AND SCHEDULE OF VALUES CONVEYING ALL PERSONAL PROPERTY ASSOCIATED WITH THE WATER AND SEWER SYSTEM SERVING MARINERS WAY PLAZA OFF OF US #1 SOUTH

16. Motion to adopt **Resolution No. 2009-99**, accepting a Bill of Sale and Schedule of Values conveying all personal property associated with the water system serving the Food Lion Shopping Center located in Palencia Commons

RESOLUTION NO. 2009-99

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING A BILL OF SALE AND SCHEDULE OF VALUES CONVEYING ALL PERSONAL PROPERTY ASSOCIATED WITH THE WATER SYSTEM TO SERVE THE FOOD LION SHOPPING CENTER IN PALENCIA COMMONS

17. Motion to adopt **Resolution No. 2009-100**, accepting a Bill of Sale and Schedule of Values conveying all personal property associated with the water system serving Osprey Landing Subdivision

RESOLUTION NO. 2009-100

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING A BILL OF SALE AND SCHEDULE OF VALUES CONVEYING ALL PERSONAL PROPERTY ASSOCIATED WITH THE WATER AND SEWER SYSTEM SERVING OSPREY LANDING SUBDIVISION

18. Motion to adopt **Resolution No. 2009-101**, approving the terms of an Easement for utilities to the City of St. Augustine to provide water services to the new Community Center located in West Augustine off Osceola Elementary Road

RESOLUTION NO. 2009-101

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE CHAIR OF THE BOARD TO EXECUTE AN EASEMENT FOR UTILITIES TO THE CITY OF ST. AUGUSTINE TO PROVIDE WATER SERVICES TO THE NEW COMMUNITY CENTER LOCATED IN WEST AUGUSTINE OFF OSCEOLA ELEMENTARY ROAD

19. Motion to adopt **Resolution No. 2009-102**, approving the Final Plat for Willowcove Phase II

RESOLUTION NO. 2009-102

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING A SUBDIVISION PLAT FOR WILLOWCOVE PHASE II

20. Motion to adopt **Resolution No. 2009-103**, setting a Public Hearing date of June 2, 2009 at 9:00 A.M. to hear a request for the vacation of a portion of Pine Island Road

RESOLUTION NO. 2009-103

A RESOLUTION SETTING A PUBLIC HEARING DATE OF JUNE 2, 2009 AT 9:00 A.M. TO HEAR A REQUEST FOR THE VACATION OF A PORTION OF PINE ISLAND ROAD

21. Motion to adopt **Resolution No. 2009-104**, approving the terms and conditions of Joint Participation Agreement, FPN 418441-1-84-05, for purposes of receiving a State of Florida Public Transit Block Grant for \$200,280 and authorizing the Chairman of the Board of County Commissioners to execute the Agreement and authorize the County Administrator, or his designated representative, to execute other related documents and take any actions necessary in connection with the Joint Participation Agreement

RESOLUTION NO. 2009-104

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF A JOINT PARTICIPATION AGREEMENT BETWEEN THE BOARD OF COUNTY

COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AND THE FLORIDA DEPARTMENT OF TRANSPORTATION DESIGNATING ST. JOHNS COUNTY AS THE RECIPIENT OF A PUBLIC TRANSIT BLOCK GRANT (FINANCIAL PROJECT NUMBER 41844-1-84-05) IN THE AMOUNT OF \$200,280, AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA TO EXECUTE THE JOINT PARTICIPATION AGREEMENT ON BEHALF OF THE COUNTY AND AUTHORIZE THEIR EXPENDITURE BY ST. JOHNS COUNTY

22. Motion to adopt **Resolution No. 2009-105**, approving the terms, and conditions of the Contract between St. Johns County, Florida and the St Johns County Council on Aging to provide transit services and be reimbursed for those services from JPA FP#-418441-1-84-05, and authorizing the County Administrator , or designee, to execute the Contract on behalf of the County

RESOLUTION NO. 2009-105

A RESOLUTION OF 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 ST. JOHNS COUNTY COUNCIL ON AGING TO PROVIDE TRANSPORTATION SERVICES AND TO BE REIMBURSED FOR THOSE SERVICES FROM FUNDS RECEIVED BY THE COUNTY FROM A FLORIDA DEPARTMENT OF TRANSPORTATION PUBLIC TRANSIT BLOCK GRANT IN ACCORDANCE WITH JOINT PARTICIPATION AGREEMENT FP-NUMBER 414441-1-84-05, AND AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO EXECUTE THE AGREEMENT ON BEHALF OF THE COUNTY

23. Motion to adopt **Resolution No. 2009-106**, adjusting the Transit Fund revenue and expenditure budgets to account for unanticipated funds from Florida Department of Transportation Public Transit Block Grant, Joint Participation Agreement FP # 418441-1-84-05 in the amount of \$200,280

RESOLUTION NO. 2009-106

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, RECOGNIZING UNANTICIPATED REVENUES OF \$200,280 FROM A FLORIDA DEPARTMENT OF TRANSPORTATION PUBLIC TRANSIT BLOCK GRANT AND AUTHORIZE THEIR EXPENDITURE BY ST. JOHNS COUNTY FOR TRANSIT OPERATIONS AND TO ADJUST THE TRANSIT REVENUE AND EXPENDITURE BUDGET IN RECOGNITION OF THESE FUNDS

24. Motion to approve the related capital project rescheduling and the transfers per the attached schedule

25. Motion to adopt **Resolution No. 2009-107**, authorizing the Sheriff, or designee, to submit an application seeking funding assistance through the Department of Justice Recovery Act: Edward Byrne Memorial Justice Assistance Formula Grant (JAG), Local Solicitation

RESOLUTION NO. 2009-107

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE SHERIFF, OR DESIGNEE, TO SUBMIT AN APPLICATION SEEKING FUNDING ASSISTANCE THROUGH THE DEPARTMENT OF JUSTICE RECOVERY ACT: EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE FORMULA GRANT (JAG), LOCAL SOLICITATION

26. Motion to transfer \$7,477 from Cultural Center Reserves [1451-59920] to the appropriate salary [1451-51200] \$6,343 and benefits [1451-52100] \$486, [1451-52200] \$640, [1451-52400] \$8, to increase the General Manager salary
27. Motion to adopt **Resolution No. 2009-108**, approving the terms, provisions, conditions and requirements of a Joint Use Agreement between St. Johns County and the St. Johns County School Board for use of selected governmental properties in order to provide greater access for the community, and authorizing the County Administrator, or designee, to execute the agreement on behalf of St. Johns County

RESOLUTION NO. 2009-108

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF A JOINT USE AGREEMENT BETWEEN ST. JOHNS COUNTY, FLORIDA, AND THE ST. JOHNS COUNTY SCHOOL BOARD FOR USE OF SELECTED GOVERNMENTAL PROPERTIES IN ORDER TO PROVIDE GREATER ACCESS FOR THE COMMUNITY, AND AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO EXECUTE THE AGREEMENT ON BEHALF OF ST. JOHNS COUNTY

28. Motion to approve the transfer of \$14,000 from the General Fund Reserve to the Vilano CRA for utility expenditures through the remainder of Fiscal Year 09
29. Proofs:
- a. Proof, Notice to Bidders, RFP No. 09-74
 - b. Proof, Certificate of Liability Insurance, Atlantic Geotechnical & Environmental Services Inc.
 - c. Proof, Certificate of Liability Insurance, K.P. Meiring Company
 - d. Proof, Certificate of Liability Insurance, Vallencourt Construction Co., Inc.

04/21/09 - 8 - 9:25 a.m.)
PUBLIC COMMENT

Rev. Helen Toby, 38 White St., #1, spoke regarding the hearing that was held at the St. Johns River Water Management District. She said the public had been granted only one hour for public comments. She was told that they could not make special

accommodations for her to attend so she did not go. She said she was disappointed and concerned about the matter. She asked them to inquire about it.

(9:28 a.m.) Dwight Hines, 150 Nesmith, spoke regarding the European Parliament ruling that it was a right to have public information. He said it had not filtered down to St. Johns County. He said the new e-mail system which had been purchased so that the public could have access to the e-mail archive system was still not up and running. He commented on mileage misinformation. He said maybe they needed to ask Wanchick to resign. He said he was establishing a record that he had come there repeatedly, told them of the areas with problems, and there was several areas in which those problems had continued.

(04/21/09 - 9 - 9:31 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

Wanchick requested to add three items: the Sheriffs office grant (1A), Local Agency Participation Agreement for sidewalk repairs (1B), and finally an item dealing with additional public hearing for the Tolomato Pine Community Development District (A9). Stevenson asked to add an item to be the first item regarding the cooperative effort on the recent boat accident in the Ponte Vedra/Palm Valley area, and to offer recognition for the intergovernmental cooperation (1AA). Sanchez asked to add topic Local Option Gas Tax for City of Hastings as Item No. 10. He also asked to remove Item No. 2 until a future meeting two meetings forward. McCormack said Item 2 could be continued or rescheduled without disturbance to the TDC Board. He also commented on the Easter boating accident tragedy and said they should be mindful of pending investigations which were ongoing. Hunt asked to add a Consideration for a motion for a Bond Counsel (1C) and noted there was a time consideration.

(04/21/09 - 9 - 9:38 a.m.)

APPROVAL OF REGULAR AGENDA

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

(04/21/09 - 9 - 9:38 a.m.)

1aa. BOATING ACCIDENT REPORT

Chief Bobby Hall and Sheriff Shoar gave reports on the Easter Sunday boating accident in the Intracoastal Waterway at Palm Valley. Hall noted that five people were killed and nine people were injured. He said that the Emergency Personnel met the challenges of that day. He commended all St. Johns County Fire & Rescue and Sheriff's Office personnel, members of the public and all the first responders, and said he was proud of their decision to serve the citizens of the County.

(9:42 a.m.) Stevenson commented and said they were all deeply grateful for their services. She noted that the level of intergovernmental cooperation was great.

Chief Hall introduced the first responders that had responded at the accident, who were seated in the back of the auditorium.

(9:43 a.m.) Sanchez said he totally appreciated the response and the training. He said it was a hard job and he appreciated their response and attitude. He said they had received many e-mails complementing the departments.

(9:44 a.m.) Sheriff Shoar said they were proud of the intergovernmental cooperation but the real heroes were at the back of the room. He said those type things happened more frequently than they were aware of. He cited three deputies who had a loaded shotgun

pulled on them just the previous week. He said it was humbling to be able to serve with them and he appreciated their taking the time to recognize them.

(9:45 a.m.) Miner thanked both of them for their outstanding leadership and said they were all professional first responders.

(04/21/09 - 10 - 9:46 a.m.)

1a. CONSIDER MOTION TO ADOPT A RESOLUTION AUTHORIZING THE SHERIFF, OR DESIGNEE, TO SUBMIT AN APPLICATION SEEKING FUNDING ASSISTANCE THROUGH THE FLORIDA DEPARTMENT OF LAW ENFORCEMENT STATE HOMELAND SECURITY PROGRAM

Lt. Melvin Tinnyson, St. Johns County Sheriff's Office, gave the presentation and explained the request. He said they had applied for and been awarded the grant from the Department of Homeland Security and the Office of Domestic Preparedness and they were asking for their approval. He gave specifics of what the grant would cover, 29 rubber seals that were retrofitted into the head protection of their PPE suits. He said it protected first responders when they entered hazardous environments. He said the total grant amount was \$17,400.

(9:48 a.m.) Bryan said the equipment was present if anyone wanted to see it. Tinnyson demonstrated the equipment and how the grant upgrades would improve that equipment.

(9:50 a.m.) **Motion by Miner, seconded by Sanchez, carried 5/0, to adopt Resolution No. 2009-109, authorizing the Sheriff, or designee, to submit an application seeking funding assistance through the Florida Department of Law Enforcement State Homeland Security Program.**

RESOLUTION NO. 2009-109

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE SHERIFF, OR DESIGNEE, TO SUBMIT AN APPLICATION SEEKING FUNDING ASSISTANCE THROUGH THE FLORIDA DEPARTMENT OF LAW ENFORCEMENT STATE HOMELAND SECURITY PROGRAM

(04/21/09 - 10 - 9:51 a.m.)

1b. CONSIDER MOTION TO ADOPT A RESOLUTION APPROVING, IN SUBSTANTIALLY THE FORM PRESENTED, THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF THE LOCAL AGENCY PROGRAM AGREEMENT (FPN 426274-1-58-01; FED NO. ARRA-081-b) BETWEEN THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AND THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, REGARDING THE CONSTRUCTION OF VARIOUS SIDEWALKS ON DEL MONTE DRIVE, VARELLA AVENUE AND DURBIN CREEK BLVD. AND AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO EXECUTE THE AGREEMENT, ON BEHALF OF THE COUNTY

Press Tompkins, County Engineer, gave the presentation and said it was a very time sensitive issue. He said it was part of the stimulus money they were getting for three sidewalk projects.

(9:51 a.m.) **Motion by Mays, seconded by Sanchez, carried 5/0, to adopt Resolution No. 2009-110, approving, in substantially the form presented, the terms, provisions, conditions, and requirements of the Local Agency Program Agreement (FPN 426274-1-**

58-01; FED No. ARRA 081-B) between the Board of County Commissioners of St Johns County, Florida, and the State of Florida Department of Transportation, regarding the construction of various sidewalks on Del Monte Drive, Varella Avenue and Durbin Creek Blvd. and authorizing the County Administrator, or designee, to execute the agreement, on behalf of the County.

RESOLUTION NO. 2009-110

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING AND AUTHORIZING THE EXECUTION OF A LOCAL AGENCY PROGRAM AGREEMENT BETWEEN THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION AND ST. JOHNS COUNTY PERTAINING TO THE CONSTRUCTION OF VARIOUS SIDEWALKS ON DEL MONTE DRIVE, VARELLA AVENUE AND DURBIN CREEK BOULEVARD; PROVIDING DIRECTIONS; AND PROVIDING AN EFFECTIVE DATE

(9:54 a.m.) Motion by Mays, seconded by Sanchez, carried 5/0, to adopt Resolution No. 2009-111, to receive unanticipated revenue and authorize its expenditure on this project for construction improvement.

RESOLUTION NO. 2009-111

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AMENDING THE FISCAL YEAR 2009 BUDGET TO RECEIVE UNANTICIPATED REVENUE AND AUTHORIZE ITS EXPENDITURES ON CONSTRUCTION OF VARIOUS SIDEWALKS ON DEL MONTE DRIVE, VARELLA AVENUE AND DURBIN CREEK BOULEVARD.

The Board recessed at 9:56 a.m. and resumed at 10:10 a.m.

(04/21/09 - 11 - 10:10 a.m.)

1. **DESTINATION MASTER PLAN PHASE ONE REPORT**

Glenn Hastings, Tourist Development Council (TDC) Director, said the presentation was a progress report and not a final report. He gave a history of the meeting for stakeholders held in September and noted they had been working on it for three months. He stated that a lot more work was ahead of them and there would be more opportunities for input by the public and other stakeholders. He said they were meeting with City Commissioners from St. Augustine and St. Augustine Beach that evening and would be scheduling a meeting with the Town of Hastings at a later date. He introduced Tom Owen of Peckham, Guyton, Albers & Viets, Inc. (PGAV), who gave a presentation and explained the three phases of The Destination Master Plan. He also introduced Chris Cavanaugh from Magellan Strategies.

Stevenson said they had received a lot of feedback from community members that they had not been invited to the stakeholder meeting and no one had asked to talk with them, and they felt like their assets were not being considered. She asked how they had become aware of the resources in St. Johns County and why they had chosen the approach they had taken so far. Owen said they had not completed the process of getting input from people. He said there were two of those opportunities that were being held that day and there would be others upcoming.

After much discussion by the Board, it was the general consensus that the report did not reflect the level of participation that they expected. All members had received a significant number of contacts from members of the community who either had not been contacted or who had made an effort to contact them and had not had their calls returned. It was noted that large areas of the county were not represented geographically, ethnically, historically or as prospective areas of interest. Many stakeholders who provided significant amounts of revenue to the bed tax had not been included and the level of concern and frustration in that regard was very high. It was noted that there were many resources in the County and they wanted the community to understand that tourism could underwrite some of the things they wanted to see happen. All those with a stake in the project wanted to be sure that they were not overlooked as it was a planning tool for other resources. She said Tourism was the biggest industry in the County which contributed to the quality of life in St. Johns County. It was agreed that the consultants needed to get broader information than the instruction that they had been given up front, and what had happened so far clearly did not meet the standard.

(10:34 a.m.) Wanchick said he had sat through the longer version and said he had a lot of confidence in where the effort was going. He said they could make contact with other key players and they would make sure that they would be contacted. He said it was hard to get people around the initial phases of the planning. He said that day's findings were just part of the planning process. He said the two meetings planned for later that day would provide the opportunities for more public input. He said they were still in the very early stages in the process. He said in fairness to everyone they needed to concentrate on the final process. Mays said phase two and three would not be successful if phase one was not performed properly. He said he expected more for the money that was being spent. Wanchick said that phase one was not yet completed.

(10:41 a.m.) Owen proceeded with his presentation. He explained the planning process, and that they could still meet their September deadline. He reviewed the tourism stakeholders meetings and listed some of the participants.

Chris Cavanaugh, with Magellan Strategy Group, said he was working as a sub consultant on the project, and covered the Consumer Research Findings that were done with a focus group in the Atlanta area, and three distinct rounds of research. He reviewed the Top Line of Research Findings and Insights from Other Destinations and the Top Line Findings.

(10:49 a.m.) Owen reviewed the Brand Assessment and said it was a challenge because it was a broad and diverse County. He said they would continue to examine that issue as they moved forward. He reviewed their Strategies: Strategy #1: Own a Category...of Two, to make the destination "own" that category. Strategy #2: Use events to define the brand. Strategy #3: Add Product to bolster family appeal. Strategy #4: Differentiate with Authenticity, clean up and promote the authentic. Strategy # 5: Leverage Nature, it's a real asset and is a significant selling point. Strategy #6: Leverage Romance and the things that are already there should be promoted. Strategy #7: Make the St. Augustine Visitor Information Center a more effective portal. It could build excitement for what is available in all parts of the County. It's a chance to make a positive first impression. Strategy #8: Make improvements to St. Augustine waterfront. There is a wonderful opportunity to develop that area and to make it an asset. He said it was charming. Strategy #9: Drive group awareness through Fully Independent Traveler (FIT) appeal. Group planners want to book destinations that seem exciting to the group members who would then want to take their families. Strategy #10: Improve Wayfinding and Identity. Strategy #11: Improve St. Augustine beaches with improved lodging/amenities. He said St. Augustine beaches had limited quality or unique lodging, while Ponte Vedra offered an exclusive product. He summarized that those were the first steps in their recommendations. He

said there were other parts of Phase I, including workshops and to begin product development based on the recommended strategies.

(11:09 a.m.) Phil McDaniel, 51 Water Street, thanked Owen for the presentation. He spoke of the evolution of the Bed Tax and proceeded to give its history. He said he took issue with the recommendation to increase the advertising percentage above 60 percent. He said it was not the wish of members of the County. He said any increase in the tax should apply to all components of the program. He said they had to be sure they were moving in the right direction because the next 10 years could see them spending 1/3 of a billion dollars.

(11:14 a.m.) Sondra Parks, 71 Valencia St., St. A, said in 1985 she served as the City Commission's representation on the Advisory Board. She said they had been charged to get the support of the Arts Community. She said one Spoleto type festival would do more for the community than all the billboards on US 1. She said the people of the Arts community wanted them to appeal to the type of people who had the resources to bring the quality of life to St. Johns County. She expressed concern that the strategy did not promote the large events that could be a draw, and asked that it be much stronger. She said the report did not address the high visibility of cultural offerings. Secondly, she said it was necessary to develop the current and future cultural resources for branding of the community.

(11:18 a.m.) Richard Obrien, 812 A1A Beach Blvd., St. Augustine Beach, Commissioner St. Augustine Beach, made observations that the beaches were a great natural resource and yet St. Augustine Beach was barely mentioned. He said that no one in their administration had been contacted to date. He said the study was moving in the wrong direction with a clear bias towards downtown. He said they needed to revisit Phase I before moving on.

(11:20 a.m.) Dan Sullivan, 60 Ward Street, said he was wearing two hats as president of St. Augustine Uptown Neighborhood Association (SAUNA). He said he wanted to talk about his meeting with Tom Owens, and said that Owens expressed that he wanted their input. He said he was also Commodore of the Yacht Club and they thought of themselves as the hosts for the waterfront of the City. He said they wanted to express that it wasn't just an ancient city, but it was a romantic county and they should emphasize those resources that made it romantic.

(11:23 a.m.) Tom Costeira, 253 Oak Common Avenue, President St. Johns Cultural Council, commented on the findings of the report as they were compared to other tourist destinations. He said their strategies needed to include a broad definition of the arts. He added that St. Johns County had a long history of being a cultural melting pot for the world and they needed to promote that. He said we did not want to become another Orlando as the quality of life was very important. He said the music industry and venues in St. Johns County, as evidenced by the new Amphitheatre and its influence, needed to be fully developed as an economic driver. He noted that cultural tourists stayed longer and spent more money.

(11:28 a.m.) Ginger Lilley Peace, 29 Turtle Back Trail, Ponte Vedra Beach, Executive Director Ponte Vedra Beach Chamber of Commerce and of the new Visitor Information Center, invited them to their grand opening April 29. She said their four hotels, The Hilton Garden Inn, Ponte Vedra Resorts, which included the Inn, Club and Lodge, and The Sawgrass Marriott represented over 1000 room nights, and were a significant factor in the promotion of tourism in St. Johns County. She said they were working hard to promote Ponte Vedra as part of St. Johns County and not Jacksonville. She said their demographics needed to be addressed within the survey.

(11:32 a.m.) William Jones, 850 A1A Blvd., St. Augustine Beach, said if they were his attorneys they would be fired right now. He said all of their information presented could have been received from Google in just a short while. He said they saw the same families year after year because they felt there was so much to do in St. Augustine and cited many of those activities. He said their unique community was good and it was the charm that invited people back year after year. He said it was a romantic community and many destination weddings took place there because we were one of the most romantic communities in the world. He said we offered a unique quality of life.

(11:36 a.m.) Dick Williams, 193 Plantation Circle South, Ponte Vedra Beach, said he was representing the Cultural Center of Ponte Vedra Beach as its Executive Director. He said it was the largest cultural center in St. Johns County. He suggested that they save time and money, as there was no single brand. He said there was a geographical disparity with great differences. He noted there was a Ponte Vedra and a Ponte Vedra Beach and that distinction should be made. He said the celebration of the anniversary of St. Augustine was not the only brand and should not be marketed that way.

(11:40 a.m.) Ellen Whitmer, was absent but her comment was read by Sanchez; the William Bartram Scenic Highway had not been included and she asked that it be included in the review.

(11:41 a.m.) Mays summarized a letter from Rob Samuels, President of the St. Augustine Beach Civic Association, saying that the St. Augustine Beach community had not been given enough opportunity for input in the survey. He noted that there were 75 events held annually at the St. Johns County Pier and the existing water park at St. Augustine Beach. Mays added that all the e-mails they had received from the public were made part of the public record. Stevenson said she had forwarded them on to Hastings as well.

(11:42 a.m.) Bryan said a letter had been received from Derrick Hankerson, Chairman of the Ft. Mose Museum, and entered it into the record, regarding the accomplishment and achievements of the African American community from the 1500s up until the present. Hankerson had expressed disappointment in the fact that this whole area had been excluded from the study so far.

(11:43 a.m.) Hastings said they would accelerate the schedule of meetings, and they would make sure to go back and get more input before they were immersed in Phase 2. He said everything was still up for discussion and a lot of work still remained to be done, but they were still looking at completing this by September.

The Board recessed at 11:45 a.m. and reconvened at 11:56 a.m.

(04/21/09 - 14 - 11:58 a.m.)

1c. BOND COUNSEL - SALES TAX REVENUE BONDS, SERIES 2006, SECOND SUPPLEMENTAL TAX CERTIFICATE

Jerry Cameron, Assistant County Administrator, gave the presentation and said it would reprioritize the bond list and would allow them to do some capital projects that would not impact heavy staffing and would save maintenance on some of the fields. He said it would allow bond counsel to put the reprioritized projects into effect.

(11:59 a.m.) Motion by Miner, seconded by Sanchez, carried 5/0, to authorize the Chairman to execute Attachment 1 to Bond Counsel Opinion, on the St. Johns County Florida \$46,500,000 Sales Tax Revenue Bonds, Series 2006, Second Supplemental Tax Certificate.

This item was reschedule for two meetings forward.

(04/21/09 - 15 - 12:00 p.m.)

2. CONSIDER APPOINTMENTS TO THE TOURIST DEVELOPMENT COUNCIL

(04/21/09 -15 - 12:00 p.m.)

3. PRESENTATION ON THE ST. JOHNS COUNTY FORECLOSURE INTERVENTION PROGRAM

Tom Crawford, Director of Housing and Community Services, gave the presentation and said they had received a nice letter regarding the Foreclosure Intervention Program from Legal Services, Megan Wall, about how effective it was and how good it was to work with the program. He said Dana Moore developed the program and deserved the credit. He asked Dana to explain the program.

(12:02 p.m.) Dana Moore, St. Johns County Housing Community Services, spoke on the Foreclosure Intervention Program, and said the purpose was to prevent foreclosure. She explained how the program worked. She said one little thing could happen to a family and things would start snowballing. She said they had a partnership with a nationally certified intervention foreclosure specialist with the St. Johns Housing Partnership who was respected by lenders. She said they provided one on one mortgage review, financial education, and budgeting assistance. She reviewed how the program could help. She said the program helped 103 clients from September of 2008 through March of 2009. Of those, only 19 needed SHIP assistance. She reviewed the guidelines for qualification for SHIP assistance. She assured them that confidentiality and privacy was important but foreclosure was a public record as well. She said St. Johns County was the first jurisdiction to provide such a program with SHIP funding. She reviewed the ways that individuals could get in touch with them.

(12:11 p.m.) Crawford added that there was no charge for that service. He said a lot of guidance had been given to folks in all income brackets.

(12:12 p.m.) Miner thanked Moore for her hard work and said that Crawford and his folks constantly received positive feedback.

(12:12 p.m.) Bryan said he had referred someone to their office and said they had done a wonderful job. He said it was important to know that there was someplace for people to go if they were experiencing those kinds of problems. He said it was an important function that they were performing.

(12:14 p.m.) Moore offered thanks to St. Johns County and Jacksonville Legal Aid Offices for their assistance, and said they couldn't have done it without them.

The board recessed for lunch at 12:15 p.m. and reconvened at 1:35 p.m. with all five commissioners, Wanchick, McCormack and Deputy Clerk Lenora Newsome present.

Stevenson announced that the next item for discussion on the agenda was Item No. 4. She also reminded the Board of the added item regarding an optional public hearing for the Tolomato/Split Pine CDD Amendment Petition. (1:36 p.m.) **Motion by Bryan, seconded by Miner, carried 5/0, to hear the added item between agenda items 8 and 9.**

(04/21/09 - 15 - 1:37 p.m.)

4. PRESENTATION OF THE FISCAL YEAR 2010-2014 REQUESTED CAPITAL IMPROVEMENT PROJECTS (CIP)

Dawn Cardenas, Office of Management & Budget, gave a brief summary of the CIP program. She then highlighted the current requested projects and funding; reviewed the anticipated debt financing and the projects that were currently not funded; then provided some funding sources. Discussion followed on repaying money that had been borrowed, and possibly reducing or eliminating impact fees.

(04/21/09 - 16 - 1:55 p.m.)

(District 3)

5. PUBLIC HEARING - PFSAGREE 2009-02 SHOPPES AT RANCHO DEL MAR PROPORTIONATE FAIR SHARE CONCURRENCY AGREEMENT - THE ST. JOHNS DEVELOPER, LTD HAS PROPOSED A PROPORTIONATE FAIR SHARE CONCURRENCY AGREEMENT (AGREEMENT) TO PROVIDE IMPROVEMENTS AT THE US 1/WILDWOOD DRIVE INTERSECTION TO MITIGATE THE PROJECT'S PROPORTIONATE FAIR SHARE FOR TRANSPORTATION IMPACTS, PURSUANT TO SECTION 11.09.04.C OF THE LAND DEVELOPMENT CODE. THE PROJECT'S PROPORTIONATE FAIR SHARE IS CALCULATED TO BE \$417,000. THE PROJECT IS PROPOSING TO CONSTRUCT \$500,000 IN ROAD IMPROVEMENTS AT THE US 1/WILDWOOD DRIVE INTERSECTION. THE CONCURRENCY REVIEW COMMITTEE (CRC) REVIEWED THE AGREEMENT ON MARCH 12, 2009 AND RECOMMENDED APPROVAL WITH A CHANGE TO THE PRIORITIZED IMPROVEMENTS TO REQUIRE THREE COMPETITIVE BIDS FOR EACH IMPROVEMENT. THE AGREEMENT WAS REVISED AS REQUESTED BY THE CRC. THE PLANNING AND ZONING AGENCY REVIEWED THE REVISED AGREEMENT ON APRIL 2, 2009 AND RECOMMENDED APPROVAL WITH NO CHANGES (7/0 VOTE)

Proof of publication of the notice of public hearing regarding PFS AGREE 2009-02 (Shoppes at Rancho Del Mar Fair Share Concurrency Agreement) was received, having been published in *The St. Augustine Record* on March 18, 2009.

Phong Nguyen, Transportation Planning Manager, explained the proposed Proportionate Fair Share Concurrency Agreement to develop 80,000 square feet of shopping center. Discussion followed regarding the phasing timeline. (2:04 p.m.) **Motion by Mays, seconded by Miner, carried 5/0, to approve PFS AGREE 2009-02 (Shoppes at Rancho del Mar Proportionate Fair Share Concurrency Agreement), finding that the proposed Agreement is consistent with Section 11.09 of the Land Development Code.**

(04/21/09 - 16 - 2:05 p.m.)

(District 3)

6. PUBLIC HEARING - VACPLA 2007-02 MOULTRIE HEIGHTS PARTIAL PLAT VACATION - THE SUBJECT OF THIS RESOLUTION IS A PARTIAL PLAT VACATION OF MOULTRIE HEIGHTS. THE PROPERTY IS PART OF THE PROPOSED SHOPPES OF RANCHO DEL MAR PUD, LOCATED NORTH OF WATSON ROAD AND EAST OF US 1. THE PLAN OF DEVELOPMENT PLACES DRAINAGE IMPROVEMENTS OVER AN EXISTING PLATTED, BUT UNOPENED ROAD. THIS REQUEST SEEKS TO VACATE THE ROAD RIGHT-OF-WAY TO ALLOW FOR DEVELOPMENT PROPOSED UNDER THE PUD. THE PURPOSE OF THIS VACATION REQUEST IS STRICTLY TO ELIMINATE THE UNDERLYING ROAD RIGHT-OF-WAY TO ALLOW FOR THE DEVELOPMENT OF THE PROPOSED SHOPPES OF RANCHO DEL MAR PUD. THE PLAT VACATION PROCESS IS BEING UTILIZED SINCE THE COUNTY NEVER TOOK FORMAL ACTION TO ACCEPT THE ROW OF JOHNSON AVENUE AND, THEREFORE, CANNOT VACATE SUCH UNDER A ROAD VACATION PROCEDURE. ALL TECHNICAL COMMENTS HAVE BEEN ADDRESSED THROUGH THE DEVELOPMENT REVIEW PROCESS; THEREFORE, STAFF FINDS THE REQUEST CONSISTENT WITH SECTION 177.101 OF FLORIDA STATUTES. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL 7/0 (NELSON/LAIDLAW), AT THEIR APRIL 2, 2009 MEETING

Proof of publication of the notice of public hearing regarding VACPLA 2007-02, Moultrie Heights Partial Plat Vacation, was received, having been published in *The St. Augustine Record* on March 27 and April 3, 2009.

Michael Blackford, Planner II, gave the staff report for agenda items six and seven simultaneously. Blackford explained that the partial plat vacation would eliminate a substandard right-of-way, Johnson Avenue, which had never been built, and the proposed project would have retention and infrastructure in the area of the right-of-way. Blackford then reviewed the location of the right-of-way, the PUD boundary, the project's location, and the surrounding zoning uses. He then explained the request to rezone 9.56 acres from PSD to PUD to develop 80,000 square feet of retail and office space. Blackford relayed that the PZA requested some additional language to the text that additional dumpster language be consistent with the recently approved additions to the Land Development Code; it also added three uses to the prohibited use section: automotive repair, oil change facilities, and vehicle sales. (2:11 p.m.) Miner declared exparte communication with the Helds and their attorney, Doug Burnett. Stevenson declared exparte communication with Doug Burnett and the Helds regarding the residential section, and also regarding transportation. Sanchez declared exparte communication with Doug Burnett. Bryan declared exparte communication with the applicant. Mays declared exparte communication with the applicant. (2:12 p.m.) Ian Reardon, 5324 Bay Pine Road, Jacksonville, of Kenley Horn Associates, representing the Helds on this project regarding planning and traffic; said they were present to answer any questions the Board may have. (2:14 p.m.) **Motion by Miner, seconded by Sanchez, carried 5/0, to adopt Resolution No. 2009-112, approving the petition to vacate a portion of the Moultrie Heights plat, adopting findings of fact one through three to support the motion.**

RESOLUTION NO. 2009-112

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, VACATING A PORTION OF THE PLAT OF MOULTRIE HEIGHTS

(04/21/09 - 17 - 2:05 p.m.)

(District 3)

7. PUBLIC HEARING - PUD 2007-13 SHOPPES OF RANCHO DEL MAR - THIS IS A REQUEST TO REZONE 9.56 ACRES FROM PLANNED SPECIAL DEVELOPMENT (PSD) TO PLANNED UNIT DEVELOPMENT (PUD) FOR THE DEVELOPMENT OF 80,000 SQUARE FEET OF RETAIL AND OFFICE SPACE. THE PLANNING DIVISION FINDS THE REQUEST TO REZONE TO PLANNED UNIT DEVELOPMENT (PUD) SUBSTANTIALLY MEETS THE REQUIREMENTS OF THE COMPREHENSIVE PLAN AND THE LAND DEVELOPMENT CODE, SUBJECT TO THE RESOLUTION OF OPEN COMMENTS FROM STAFF. THIS FINDING IS BASED UPON THE FOLLOWING INFORMATION: THE APPLICATION MATERIALS AS SUBMITTED BY THE APPLICANT, THE LOCATION OF THE PROPERTY WITHIN RESIDENTIAL-C AND MIXED USE LAND USE, THE CURRENT ZONING 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 APRIL 2, 2009 MEETING BY A VOTE OF 7 TO 0. THE RECOMMENDATION INCLUDED REVISED DUMPSTER LANGUAGE AND ADDING ADDITIONAL USES TO THE PROHIBITED USE SECTION

Proof of publication of the notice of public hearing regarding PUD 2007-13, Shoppes of Rancho Del Mar, was received, having been published in *The St. Augustine Record* on April 6, 2009.

Michael Blackford, Planner II, gave the staff report for agenda items six and seven simultaneously. Blackford explained that the partial plat vacation would eliminate a substandard right-of-way, Johnson Avenue, which had never been built, and the proposed project would have retention and infrastructure in the area of the right-of-way. Blackford then reviewed the location of the right-of-way, the PUD boundary, the project's location, and the surrounding zoning uses. He then explained the request to rezone 9.56 acres from PSD to PUD to develop 80,000 square feet of retail and office space. Blackford relayed that the PZA requested some additional language to the text that additional dumpster language be consistent with the recently approved additions to the Land Development Code; it also added three uses to the prohibited use section: automotive repair, oil change facilities, and vehicle sales. (2:11 p.m.) Miner declared exparte communication with the Helds and their attorney, Doug Burnett. Stevenson declared exparte communication with Doug Burnett and the Helds regarding the residential section, and also regarding transportation. Sanchez declared exparte communication with Doug Burnett. Bryan declared exparte communication with the applicant. Mays declared exparte communication with the applicant. (2:12 p.m.) Ian Reardon, 5324 Bay Pine Road, Jacksonville, of Kenley Horn Associates, representing the Helds on this project regarding planning and traffic; said they were present to answer any questions the Board may have. (2:15 p.m.) **Motion by Miner, seconded by Sanchez, carried 5/0, to enact Ordinance No. 2009-20, known as PUD 2007-13, Shoppes of Rancho Del Mar, adopting findings of fact one through seven to support the motion.**

ORDINANCE NO. 2009-20

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM PLANNED SPECIAL DEVELOPMENT (PSD) TO PUD (PLANNED UNIT DEVELOPMENT); PROVIDING FINDINGS OF FACT; PROVIDING A SAVINGS CLAUSE; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE

(04/21/09 - 18 - 2:15 p.m.)

(District 3)

8. PUBLIC HEARING - PUD 2006-09 MOULTRIE BLUFF PLAZA PLANNED UNIT DEVELOPMENT - THIS IS A REQUEST TO REZONE AN EXPIRED PLANNED SPECIAL DEVELOPMENT (PSD) TO PLANNED UNIT DEVELOPMENT, AS REQUIRED BY SECTION 5.03.09 OF THE LAND DEVELOPMENT CODE AND AS A RESULT OF MEDIATION CONDUCTED SEPTEMBER 24, 2008. THE SUBJECT PROPERTY IS LOCATED WEST OF US 1 SOUTH, SOUTH OF WEST GENUNG STREET. THE PUD MASTER DEVELOPMENT PLAN PROPOSES TO DEVELOP 33,000 SQUARE FEET OF LIMITED COMMERCIAL AND OFFICE USES AND FIFTEEN (15) SINGLE-FAMILY DWELLING UNITS. STAFF FINDS THE REQUEST MEETS THE APPLICABLE POLICIES AND SECTIONS OF THE COMPREHENSIVE PLAN AND LAND DEVELOPMENT CODE, SUBJECT TO THE APPROVAL OF THE WAIVERS AS REQUESTED. THIS FINDING IS BASED UPON THE LOCATION OF THE PROPERTY IN RESIDENTIAL C LAND USE, PROVISION OF UNDISTURBED BUFFERS AND BUILDING SETBACKS, AND LIMITATIONS OF THE PROPOSED USE

Proof of publication of the notice of public hearing regarding PUD 2006-09, Moultrie Bluff Plaza Planned Unit Development, was received, having been published in *The St. Augustine Record* on April 6, 2009.

Lindsay Haga, Chief Planner, announced that all open issues in the Department Issues Report had been resolved and was reflected in the text that was provided. Haga then explained the request to rezone property from PSD to PUD. Discussion followed regarding access to the property, buffers, and phasing. (2:27 p.m.) Karen Taylor, 77 Saragossa Street, St. Augustine, representing the applicant, addressed the commercial area at the front of the property and the residential in the rear of the property. (2:29 p.m.) Stevenson declared exparte communication with Mr. Ford, Ms. Taylor, and citizens from the neighboring homeowners' association; said she also had a site visit. Sanchez declared exparte communication with Ms. Taylor. Miner declared exparte communication with Ms. Taylor and Mr. Ford. Bryan declared exparte communication with Ms. Taylor. (2:31 p.m.) Diane Mills, 3455 Lewis Speedway, spoke in opposition to the PUD. (*The applicant shall have the opportunity for thirty days from the date of the hearing to supplement the record specifically in response to personal allegations made pertaining to a member of the applicant's team. The minutes of the hearing shall include a reference to such opportunity to supplement the record. Such reference shall occur immediately following the citizen comments pertaining to the allegations.*) (2:35 p.m.) Scott Bartoush, 422 Camelia Trail, representing the Moultrie Trails Homeowners Association, addressed the relocation of the road to provide for additional buffer, the limitation of business hours, and the scaling back of the square footage of the commercial space from the original proposal; then expressed concerns with increased traffic on U.S. 1. (2:39 p.m.) Taylor addressed the mediation; then, gave a brief history of the project; addressed the buildings layout of the project, entrance to the project, buffers, the park area, the wetland area, building setbacks, and the conservation easement. Discussion followed regarding safety at the median opening and concurrency.

The meeting recessed at 3:04 p.m. and reconvened at 3:16 p.m.

Locklear informed the Board that modifications to the median opening would not be a cost to the County; those would be paid for by either FDOT or the applicant. Discussion followed regarding safety at the median opening. (3:31 p.m.) **Motion by Bryan, to continue this item until such time a letter of intent is received from FDOT.** Discussion followed. *McCormack voiced concern about a statement made into the record earlier in the meeting and asked the maker of the motion to include a provision that the applicant could supplement the record with a letter to that affect and also suggested including providing a record to that supplementation if there was any.* (3:34 p.m.) **Motion amended by Bryan, seconded by Miner, carried 5/0, to recommend that the applicant have the opportunity to supplement the record with a rebuttal or explanation letter, and to authorize the clerk to insert a citation of that into the minutes, right after where the comments were made; also the letter of intent from the FDOT to address the median safety issue.**

(04/21/09 - 19 - 3:36 p.m.)

a9. CONSIDER WHETHER TO HOLD AN OPTIONAL PUBLIC HEARING FOR THE TOLOMATO/SPLIT PINE CDD AMENDMENT PETITION

Lindsay Haga, Development Review Director, reviewed this item. (3:39 p.m.) **Motion by Mays, seconded by Miner, carried 5/0, to waive the optional hearing, pursuant to Florida State Statutes, Sections 190.005 and 190.046(3); and to adopt the findings and conditions of the CDD Processing Group.**

The meeting recessed at 3:39 p.m. and reconvened at 3:49 p.m.

(04/21/09 - 19 - 3:49 p.m.)

(District 3)

9. PUBLIC HEARING - PUD 2008-10 SOUTHWEST COMMERCE PARK PLANNED UNIT DEVELOPMENT - THIS IS A REQUEST TO REZONE 83 ACRES FROM OPEN RURAL TO PLANNED UNIT DEVELOPMENT (PUD), SEEKING TO DEVELOP 210,000 SQUARE FEET OF WAREHOUSE DISTRIBUTION AND 260,000 SQUARE FEET OF WAREHOUSE THEN DEVELOP 150 MULTI-FAMILY

APARTMENTS. THE SITE IS LOCATED SOUTH OF COUNTY ROAD 206, WEST OF INTERSTATE 95. THE PLANNING DIVISION FINDS THE REQUEST TO REZONE TO PLANNED UNIT DEVELOPMENT (PUD) 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 MIXED USE DISTRICT 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 BY A VOTE OF 5/2 (MOTION BY WHEELER, SECOND BY WILLIAMS WITH LAIDLAW AND HANSON DISSENTING), WITH AMENDMENTS AS AGREED TO BY THE APPLICANT: REMOVING THE WAIVER REQUEST REGARDING THE INCREMENTAL MDP SUBMITTAL REPLACING WITH A REQUIREMENT THAT THE MDP BE APPROVED BY THE BOARD OF COUNTY COMMISSIONERS AND NOT TO BE COMMENCED WITHIN THREE YEARS. THE RECOMMENDATION INCLUDES APPROVAL OF THE WAIVER REGARDING THE UNIFIED SIGN PLAN. IN BRIEF, DISCUSSION DURING THE HEARING QUESTIONED ECONOMIC DEVELOPMENT, LOCATION ALONG THE INTERSTATE, TYPE OF TRAFFIC GENERATION, ACCESS MANAGEMENT, CONTINUATION OF AGRICULTURAL ACTIVITIES, AND EXTENSION OF WATER/SEWER INFRASTRUCTURE

Proof of publication of the notice of public hearing regarding PUD 2008-10, Southwest Commerce Park Planned Unit Development, was received, having been published in *The St. Augustine Record* on April 6, 2009.

Court Reporter Janet Beeson was present.

McCormack explained how this agenda item should proceed; said it should begin with exparte disclosure, an opening presentation by county staff to introduce the item, the applicant would introduce its case, the opposing counsel would present its case, general public comments, the opposition would be given a brief period to sum up its opposition, the applicant would then have time for a final statement, then back to the Board for deliberation. (3:53 p.m.) Miner declared exparte communication with the applicant and its counsel, Mr. Pat Hamilton and his counsel, and Mr. Bill Hamilton and Kevin Lord with a conference call with representatives from the St. Johns River Water Management District, Ken John, Kao Phang, and Al Kanepa. Sanchez declared exparte communication with the applicant and their attorney; also, with Mr. Hamilton and his attorney. Stevenson declared exparte communication with the applicant on two occasions with their attorney, with citizens, and once with an attorney. Bryan declared exparte communication with the applicant and his attorney and representatives on at least two occasions; with Mr. Bill Hamilton, as well as Pat Hamilton and their attorney; hundreds of emails, and phone calls from individuals in the community expressing their opposition or their interest. Mays declared exparte communication with the applicant and their attorney and a phone call with Pat Hamilton.

(3:56 p.m.) Lindsay Haga, Development Review Director, explained the request to rezone approximately 83 acres of property from OR to PUD proposing industrial and multi-family uses. James Whitehouse, Assistant County Attorney, informed the board of their options regarding this issue. (4:01 p.m.) Haga then gave the basic facts regarding this project, the acreage, the current zoning, the property location, the surrounding zoning uses, the master development plan, the height requirement, low impact design, certificate of concurrency, and the waivers. Haga reviewed the negotiated language in the PUD text.

(4:10 p.m.) George McClure, 81 King Street, St. Augustine, applicant's attorney, reviewed the intersection of I-95 and SR 206, the adjacent properties in the area, access to the property, the mixed use classification, the PUD text, and businesses moving to St. Johns County. (4:34 p.m.) Paul Fletcher, President of Fletcher Land Corporation, Fletcher Management Company, reviewed some of the developments his company had designed and built in St. Johns County; then, requested the Board approve this project.

(4:37 p.m.) Ralf Brookes, attorney representing the South Anastasia Community Association, stated his credentials; reviewed a case, Snyder vs. Brevard County, regarding a residential rezoning request; and whether the project is consistent with the comprehensive plan.

(4:45 p.m.) Terry Bulla, Deputy Clerk, entered the meeting, and Lenora Newsome left the meeting.

(4:45 p.m.) Brookes continued his presentation. He reviewed a concurrency letter in the packet. He said the nearest water was seven miles away. He noted that there was no condition requiring the developer to put in a 24 inch water main. He covered the issue of sprawl and said it was not related only to residential units, but could be any type of development. He said there were established policies to prevent leap frog development and he cited the policies. He stated that by providing utilities they would be providing services that were inconsistent with the Comprehensive Plan. He said they also needed to look at the Land Development Code. He noted that the public safety facilities needed to be examined and they had to be sure that they existed. He said the current map did not show the location of the proposed construction. He returned to Snyder and said the courts should be able to take the Land Development Code, the Comp Plan and the application and use it as it currently existed. He said the Comp Plan had the force of law behind it, and was not to be used as a vest pocket tool. He noted there were millions of square feet of warehouse space within the County that had not been utilized. He discussed the wetlands on the property and its impact on surrounding areas including the Matanzas River. He said the Special Basin Designation for the Matanzas River was provided in report form. He noted that their access road went straight into the adjoining DRI. He said it used to be called the Ware/Wilson 112. He pointed out that Old Kings Park Development Ridge included that parcel. He cautioned that they were letting the developer plan the whole south county for them, and the piecemeal and leap frog development was not fair to them. He said they had to ensure that development did not affect the water quality. He stated that the Department of Community Affairs (DCA) was not always the enemy and could help them plan the area, and they should wait for the DCA recommendations.

The board recessed at 5:08 p.m. and reconvened at 5:22 p.m.

(5:22 p.m.) Stevenson welcomed everyone back and noted that it was time for public comment.

(5:23 p.m.) Gordon Lohman, 7648 A1A South, South Anastasia Community Association (SACA), had voted to oppose the Southwest Commerce Park PUD and had hired legal counsel. He explained that they cared about the project because it was in the area of the Matanzas River Basin of special concern. He said they had been working with the Water Management Association (WMA) for some time. He said whatever happened within the basin was going to affect the River, and he did not know what should go in that area. He said the entire area was being looked at by the WMA. He said the purpose of the committee was to decide what was appropriate to put in the entirely pristine estuary.

(5:27 p.m.) Ann Taylor, 1365 SR 206, said they shouldn't give up what they want for the future, and asked them to consider that when considering the PUD. She said the issue of

aggregation had been raised, and a convincing legal basis had been presented. She said the County was unable to meet their roadway obligations at present. She said they lived in the southern part of the county where they treasured the rural nature, and asked them to seriously analyze the basis for the applicant's projections. She asked them to consider the quality of life and health and safety of their community.

(5:30 p.m.) Patrick Hamilton, 201 Owens Ave., said he was a real estate broker at Crescent Beach, had grown up in the south part of the County, and owned property on 206. He said farming and tourism were the two engines that drove the south part of the County. He stated that Crescent Beach was a beautiful pristine place, and they had to be careful to keep the area pristine, and the watershed area for the Matanzas Basin needed to be protected. He said the Whitney Labs and the National Estuarine Research Reserve were located there because of the pristine conditions. He cautioned that they should be friendly to the business that was here as well as bringing in new business. He asked them to deny the project.

(5:35 p.m.) Sarah Owen Gledhill, Florida Wildlife Federation (FWF), 201 Owens Ave., said the FWF had been in conversations with the application for two years, and had three concerns: aggregation, compatibility and need. She noted they had expressed concerns to the County about aggregation in a March 20, 2008 letter to Tom Manuel. She said it was then known as the Ware/Wilson 112 site, and its Concurrency Application was intended to serve as both an alternative development scenario and a means to reserve available capacity on SR 206, in the event the St. Johns Ridge CPA did not move forward or was delayed. When the St. Johns Ridge CPA is approved the 112 Site development program would be amended as would the companion concurrency certificate, to be included within the St. Johns Ridge RAC, now known as Old Kings Park. She said it showed intent that it was part of one unified project. She said another critical issue was compatibility. She cautioned that the rural part of the county was not prepared for this type development. She said there was no demonstrated need because there was 7.5 million square feet of industrial remained in the northern park of the county, the totality of DRIs was 20.3 million square feet and there was an additional 8.4 million proposed on the books. She said the FWF believed that aggregation was an outstanding issue, the project was not compatible with the surrounding area, the timing was off and there was no need at that time due to other alternative sites. She asked them to deny the project.

(5:43 p.m.) Lamar Terry, 1218 San Jose Forest Drive, and also owned a home in that area. He said he was in favor of the project because it would provide jobs for St. Johns County as long as they paid their own way. Utilities should be paid for by the developer. He said they needed business in southwest St. Johns County because there was none there and Flagler County was moving north.

(5:45 p.m.) Eric Ziecheck, 747 Needle Grass Drive, said he had been going to Crescent Beach since 1991 and lived in south St. Augustine. He said he was opposed to the project. He noted that he had a degree in Community Development from the University of Florida. He said many watershed areas had already been developed, and it was the last watershed area that was unaffected in the county. He said he did not see any proposal that they were looking at industries that were compatible for the future and that would be sustainable.

(5:48 p.m.) George Jacunski, 5650 A1A South 103, said the PZA refused to consider the fact that four mega developments were waiting in the wings, which would add thousands of new homes, and millions of feet of industrial space to the County. He said it met the technical requirements of a PUD, but the county's goal of smart growth was absent. He said the approval of an open ended PUD further emphasized even minimal planning. He said they needed to take a long range view rather than allowing piecemeal development.

(5:51 p.m.) David Wiles, 8220 A1A South, thanked the Commission and legal staff for their stand against Seminole County's water extraction and for demanding full conservation compliance. He said he wanted to speak against the expansion of the Industrial Zone. He said that if all the quadrants at 206 and I95 filled out in CHT with a trucking intensity and an additional 83 acres of warehousing, there would be a dangerous traffic situation. He asked them to consider that by looking at the Interstate intersections throughout the County. He said the implications of that resulted in long commuting times, and uncontrolled sprawling situations.

(5:55 p.m.) Bill Hamilton, 1690 A1A, said he had been a landscape contractor for thirty years. He said they had a development before them that was a recharge area that drained into the Matanzas basin and it was one of the wettest areas ever proposed for a PUD. He asked them to let the DCA review it and prove to the County that they could afford to do it. He said it was part of the agricultural corridor and it was an important contributor to the economy of the County. He explained what agriculture had contributed to the County every year. He said agricultural productive land should be protected and kept in tact, and asked them to deny the request.

(6:01 p.m.) Sanchez read a letter from Malinda Peeples, 6231 Armstrong Road, into the record: "Armstrong Community Association supports this project and is working with the developer closely. We think bringing jobs to this area is very important at this time especially."

(6:01 p.m.) Nick Sacia, St. Johns County Chamber of Commerce, EDC, 1 Riberia St., said they had heard a lot about economic development. He said they needed to look at the community's ability to be competitive to attract new industries. He said the number one priority by companies looking to relocate was highway access. He said they needed to decide whether they wanted to be competitive and they needed to take advantage of that big piece of property along I95. He said once property was used in other ways, it was a lost opportunity. He said maintaining and preserving those areas was important and something to think about for the future.

(6:08 p.m.) Bryan commented on shovel ready projects close to I95, and asked why some of the available spaces were not being utilized now. He said there were millions of square feet of industrial space not being utilized. Sacia said that was a huge misconception. He said businesses were not lining up to move to St. Johns County. He said they were competing against other counties in the state, as well as with other states. He said in St. Johns County, the cost of development was more expensive the further they moved out from the urban core, so fewer services were provided but the cost was higher. He said they had to be competitive with price, workforce, infrastructure and it included many factions. He said it was so expensive when there were other properties that were 75 percent less expensive. He said it was dependent upon the market.

(6:15 p.m.) Tom Ward, Mayor of Hastings, 219 Park Ave., Hastings, said he had sent them a letter saying that the Town Council had voted unanimously to support the project. He noted that it was not virgin land, and the land needed someone to take care of it. He said Water River Management had to give their ok. He said the developer was reputable, and the Town Council supported the project, the PUD and possible further development in that area.

(6:21 p.m.) Miner asked if he agreed that it would hurt agriculture. Ward said they were not irrigating anything off that plain. He said it wasn't going to be farmland and the DCA or the SJRW RM would not allow it to be farmland. He said he saw zero impact on that.

(6:23 p.m.) Marcella Mathai, 6433 Madison St., St. Augustine, expressed concern about the extent to which the County wasn't as protective of its natural resources as it could be. She

cautioned that they were precious and few. She said this PUD was 83 acres adjacent to over 15,000 adjoining acres, with primarily industrial development, controlled by the same party, all within the Matanzas Basin. She cited the County Resolution 2008-176 stating that the Matanzas River Estuary was a basin of special ecological concern. She noted that the Board of County Commissioners had voted for the resolution unanimously. She asked them to revisit that document when they considered some of the things that came before them that day.

(6:26 p.m.) Carl Mathai, 6433 Madison St., asked them to wait for the final conclusions from the DCA. He read a letter from Teresa Bishop to the DCA regarding aggregation and other issues. He urged them to turn it down. He said they had given ample legal reasons.

(6:30 p.m.) Michael Shirley, Director, GTM Research Reserve, 505 Guana River Rd., Ponte Vedra Beach, said he was there to provide objective science based information. He said there were already water quality issues in Pellicer Creek and the Matanzas River. He said there were plans underway for the SJRWMD to look at water quality goals for the Matanzas River and to keep the area sustainable. He said the Reserve was working with landscape ecologists to see how the hydrology was connected. He asked them to let the science catch up with the rate of development and let science help them make their decisions. He cautioned that they should be very careful about the way they planned the future.

(6:32 p.m.) Bryan asked the timeline of their study. Shirley said they anticipated wrapping up within six months. He said there were some good proactive plans that the developer was putting forth, using science, and he was sorry that this project was put forth first.

(6:34 p.m.) Stevenson asked Dr. Shirley how many people were on the payroll at GTM. He said there were 36. He said he was at a ribbon cutting that day at Whitney Lab for a new laboratory facility. He said the watershed in that area was very precious to the research reserve, it was unique in that respect and it was fairly pristine. He said the developer had some unique development ideas and he wanted to be sure that they were included in their development process. He said they needed to look at the big picture to keep it sustainable.

(6:37 p.m.) Bryan asked if this was the most pristine in the state. Shirley said it was a very unique area in terms of how much of the watershed was left undeveloped. He said because of the size of the watershed, it was manageable as it was a relatively small size. He said there were only a few large landowners who were interested in looking at sustainable communities.

(6:38 p.m.) Mays clarified that two or three DRIs were in development, and Shirley's belief was that they were looking into progressive ideas of keeping the water clean, but it would take a little more time to look into the science. Shirley said that was correct, and it was important to use the science and to look at the bigger picture.

(6:41 p.m.) Brookes was allowed to make follow up comments, and said what they did not want to do was an end run around DCA. He said they had two choices: to ask for a binding letter saying it was an aggregate DRI under Chapter 380, or if it was not a DRI, to apply for a clearance letter. He said DCA was there to help them.

(6:44 p.m.) Mays asked Brooks if he was in support if it were not fragmented. He said yes, if they went through a well thought out DRI process.

(6:45 p.m.) George McClure said he was startled by the last comment and if that truly represented the position of Mr. Brooks' clients they might have an entirely different issue. He said it had been a fact based presentation and he thanked Brooks and his clients for their presentation. He said the map used by Brooks was given to the Florida Wildlife

Federation. He said the original intention was to do a project in Flagler County but the circumstances there were different. He gave a background of what had previously been considered. He said they did not know what they were going to do with the rest of the application. He said they were looking at something they thought would be easy and would provide revenue while they determined what to do with the remainder of the land. He gave their reasoning for making their decision as he thought they would be fought on a DRI. He said maybe it was not the problem they thought it was. He invited Jason Logan to come forward.

(6:55 p.m.) Jason Milton, Environmental Resource Solutions, Inc., 1597 The Greens Way, Jacksonville Beach, said he was an environmental consultant and a scientist, and the environmental consultant for the applicant. He said he provided the environmental assessment for that piece as well as other pieces in that area. He reviewed the impact to the area, and said the area was not pristine, had been disturbed in many areas by Silviculture for decades and the habitat value had been reduced for wetland species. He said there was fragmentation between wetlands, and there was no direct connection from one of the wetlands to the Matanzas River or the Pellicer Creek basin. He noted that another wetland did have a more direct surface water connection to those areas. He said the wetlands to the southwest had been highly disturbed as well. In response to a question, Milton said it would take nine months for the Environment Resource Permit for the site.

(7:04 p.m.) McClure said he wanted to clear up that there were existing water and sewer lines already in place and they had a full concurrency letter, based upon capacity. He said the size and location of the lines had been in the Utility Department capital improvements program plan for the last seven years. He said any lines to enhance the existing plan were at the developer's expense. He said they were required to do a fiscal impact analysis which indicated that the number of permanent jobs would range from 300 to 900 jobs and they said they picked the average number of 450 long jobs with a wage scale of \$58,000 per job on the average. He said the skill level for those jobs was probably not currently present. He said they had contacted local schools to try to coordinate efforts to provide the workforce training that would be necessary. He said it was subject to debate as to the range of jobs and pay scale, and they were going to work to assure it would benefit the local job base. He said there were two things they wanted to emphasize: that they would build to low impact design standards of the Florida Green Building Coalition and they would include that as a standard. The second issue was fire protection, as they were outside the 5 mile radius for that. He said they would commit to a monitored fire alarm system in each element. He said need was not an issue for the Comp Plan. He addressed the issue of sprawl. He said he had a very credit worthy client, and they intended to spec build which was a benefit. He said their average per acre cost was relatively low, and their biggest cost was the cost for infrastructure. He said they were able to build a cost competitive product because they did not buy it at a high amount. He said they had been trying to work proactively on the site, and they had met with many ecological entities as well as surrounding interests to try to do the project in an eco friendly manner. He said they were setting aside 7,000 acres for permanent conservation. He said all they wanted was 83 acres for a Development for Regional Impact. He said this project was an exception and they could have it ready quickly, could compete for jobs and provide an opportunity for the location of businesses in St. Johns County.

(7:16 p.m.) Bryan said he appreciated his addressing the job qualifications issue related to the project.

(7:18 p.m.) Sanchez said he had problems with the fact that the FDOT was also going to have to be involved in the project. He said there was another property that was also involved and until FDOT worked it out he was concerned. He said he still had concerns about the monitoring for the fire department, and there was no way to purchase land and

to build a fire station right now. He said he also had a problem with approving something when they did not know what it was going to be. He said they needed to know more about the water main issues. He said it was not the DRIs that caused the problems but the piecemeal PUDs. He said the aggregate aspect bothered him too. He said there were too many things that he was unsettled about, and he would rather see it come up later.

(7:22 p.m.) Miner thanked everyone for their input. He said one of their goals was economic development, he had no problem with that project and it was something that they needed.

(7:23 p.m.) Mays asked Bill Young to come forward.

(7:24 p.m.) Bill Young, Utility Director, said water and sewer were available at the site. He said it was part of the Master Development Plan and the County wanted to install a parallel line along I95 to serve that area and to complete a loop. He said the developer had committed to run 24 inch water lines down I95, and the developer was paying for all of that.

(7:25 p.m.) Mays asked McClure to look at the ingress and egress situation. McClure said the adjacent developer didn't even have a site plan for the proposed truck detailing facility. He said they were proposing to join the access so that it might qualify for a signal. He said they would work with him, but they did not want the tail wagging the dog, with the much smaller project impacting the much larger one. Additionally, he said it was 187 square miles of land, and doing an inventory on it in four months would be a challenge, and then to develop the standards would take additional time. He asked for them to at least give them a time frame if they wanted more information for the watershed.

(7:31 p.m.) Bryan expressed concern about the project because they were not sure what the other developer was going to do. He said approval was just too questionable. He said it was a project that needed to be subjected to aggregate issues. He said he would like to see jobs come to the county, but to sacrifice years and years of the kinds of things they would regret later was not worth it. He recommended waiting and letting it come forward in a planned effort in a DRI, and allow it to be done correctly.

(7:34 p.m.) Stevenson said significant evidence had been put before the Board that would allow a deferral until some of those items had been addressed. She stated she would like to see significant information about the watershed. She added that she was not at all convinced that the area would not be carved out to be developed, or that the mixed use was an appropriate use. She said they could not provide fire service to the area.

(7:38 p.m.) McCormack asked for a five minute recess. Brooke said it was improper.

(7:38 p.m.) Miner asked to make a few remarks and the motion since it was his district.

(7:38 p.m.) Mays asked if she had the WMD plan in 60 days or so if it would influence her decision. Stevenson said she had heard from Dr. Shirley that it would take about six months. Shirley clarified that what he was referring to, within the six months, was using the GIS system modeling to map out flowways. He said it was a hydrological study to look at the water flowways. He said he was not referring to the Water Management District study.

(7:40 p.m.) Stevenson said the topographical maps showed adjacent timber. She said what went on in the ten foot undisturbed buffer was important.

(7:41 p.m.) Miner said he would like his kids to be able to afford to live in St. Johns County. He said his age group did not live in this county because they could not afford it.

He said there was a deficit of residential growth and they needed more job growth to offset that deficit. He said he did not see how this project was going to destroy the environment. He said it was an alarmist strategy and his philosophy was people first.

(7:44 p.m.) Sanchez said business and commercial was not an issue. He said lots of commercial had been approved, but not everything commercial should be approved. He said the Board had done nothing to put anyone out of work, and had nothing to do with the economic problems they were currently facing. He said the Board had been dedicated to business approval.

(7:47 p.m.) Bryan agreed with Miner in respect to the jobs and economic development, and that it was one of their top priorities. He said they had fiduciary responsibilities to the County on other issues as well, including water and safety. He said he preferred to have things up front in an agreement, and they didn't even have total agreement with the access. He said he was not willing to stick his neck out on a promise, and waiting awhile would be wise.

(7:50 p.m.) Paul Fletcher, the applicant, said it was complex and they had spent a great deal of time on working on the issues. He said delaying in this uncertain economy could be fatal. He said they had over \$100 million invested in this project, and time was very important. He said he would prefer to defer the issue rather than receive a negative vote. Stevenson said deferral was an option. She asked if he was willing to make a binding commitment. Fletcher said he could not guarantee that. He said now was the time to take advantage and get the permitting out of the way. He said the reason it had changed shape and form so many times was that they had tried to take input from the County and to make the changes they had requested. She asked if they had committed to green build. Fletcher said yes they had. He said he had committed to putting in the first part of infrastructure.

(7:57 p.m.) Mays said his issues were different and he was concerned about the two other DRIs floating around out there. Fletcher said they were well motivated and they had the strength to move forward when the market returned. He said they had changed it to accommodate the needs of all the groups that had descended upon them. He said he was asking for a deferral.

(7:58 p.m.) Sanchez said he had known Fletcher a long time, and said he had not noticed the attention to this project that he had given to his other previous projects. He said he still had a problem with the FDOT.

(8:00 p.m.) McClure said that what he was hearing was not necessarily no, but not yes now. He said there seemed to be concern about the ecological impact on the area. He suggested a motion to defer it until the second meeting in October, which would give adequate time to address concerns, and it would give six months to clarify that issue and to get clarification on the aggregation as well, assuming they could keep the concurrency open.

(8:04 p.m.) Motion by Miner, seconded by Mays, carried 4/1 with Bryan dissenting, to defer the item until the second meeting in October.

Motion by Miner, seconded by Mays, carried 3/2 with Bryan and Sanchez dissenting, to include the concurrency certificate.

(8:04 p.m.) McCormack asked for clarification.

Miner amended his second motion to include only concurrency, seconded by Mays and carried 3/2 with Bryan and Sanchez dissenting.

(04/21/09 - 28 - 8:05 p.m.)

10. TOWN OF HASTINGS DISPUTE RESOLUTION PERTAINING TO LOCAL GAS TAX

Sanchez said a problem had surfaced on the Local Option Gas Tax and it had to be handled, by State law, according to population. He said Hastings got rounded off to nothing because they had dropped below ½ percent, and they got no money on the gas sales tax. He stated that even if they had to go back to paying them the exact amount of the percentage, if they knew the population, they should at least maintain that payment to the Town of Hastings. He said the Hastings Town Council had decided to issue a Resolution, a Chapter 164 Dispute Resolution, because of the payment they didn't get. He said he didn't want that type atmosphere within the County.

(8:08 p.m.) Stevenson said, at times, District 1 had also been underrepresented because of population counts. She said it would go the wrong way for Hastings for a long time.

(8:09 p.m.) Sanchez said it was based strictly on population, but they could at least pay Hastings for what was justly theirs for the sales tax they collected there.

(8:09 p.m.) McCormack said Sanchez was correct, and Hastings had issued the Resolution on April 13. He said it affected not only Hastings, but St. Augustine and St. Augustine Beach. He asked that they be allowed to work with staff on how to adjust the distribution basis rather than using a rounding figure. He said they had begun exploring alternatives. He said with regard to the dispute resolution that they would bring back a response to that as soon as possible. Sanchez asked they do it as soon as possible so they could put it to rest.

(8:12 p.m.) Motion by Mays, seconded by Sanchez, carried 5/0, to direct the County Administrator and the County Attorney to form a recommendation to the Board of County Commissioners, no later than May 26, as to a revised way, pertaining to the Local Gas Tax distribution to the municipalities.

(04/21/09 - 28 - 8:13 p.m.)

There were no reports.

With there being no further business to come before the Board, the meeting adjourned at 8:13 p.m.

REPORTS:

1. St. Johns County Board of County Commissioners Check Register, Check Numbers 436105 through 436434 totaling \$2,962,852.58 (03/24/09)
2. St. Johns County Board of County Commissioners Check Register, Check Numbers 436435 through 436464 totaling \$205,408.99 (03/25/09)
3. St. Johns County Board of County Commissioners Check Register, Check Numbers 436477 through 436507 totaling \$67,363.77 (03/26/09)
4. St. Johns County Board of County Commissioners Check Register, Check Numbers 436508 through 436966 totaling \$2,690,044.32 (03/31/09)
5. St. Johns County Board of County Commissioners Check Register, Check Numbers 436968 through 436972 totaling \$167,228.58 (04/02/09)
6. St. Johns County Board of County Commissioners Check Register, Check Numbers 436973 through 437213 totaling \$1,408,326.64 (04/07/09)
7. St. Johns County Board of County Commissioners Check Register, Check Numbers 437214 through 437239 totaling \$40,272.75 (04/09/09)

CORRESPONDENCE:

1. Letter dated April 9, 2009 to Liz Cloud, Program Administrator, Bureau of Administrative Code and Weekly, filing Ordinances Numbers 2009-16 through 2009-19.

Approved May 19, 2009

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: Cyndi Stevenson
Cyndi Stevenson, Chair

ATTEST: CHERYL STRICKLAND, CLERK

By: Wenue King
Deputy Clerk

