

**MINUTES OF MEETING  
BOARD OF COUNTY COMMISSIONERS  
ST. JOHNS COUNTY, FLORIDA  
MAY 5, 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

(05/05/09 - 1 - 9:03 a.m.)  
CALL TO ORDER

Stevenson called the meeting to order.

(05/05/09 - 1 - 9:03 a.m.)  
ROLL CALL

Stevenson noted that all five Commissioners were present.

(05/05/09 - 1 - 9:03 a.m.)  
Sanchez gave the Invocation and Miner led the Pledge of Allegiance.

(05/05/09 - 1 - 9:04 a.m.)  
PROCLAMATION DESIGNATING MAY 2009 AS NATIONAL DRUG COURT MONTH

Minor read and presented the proclamation to Judge Wendy Berger, Ralph Cumberbatch, Drug Court Coordinator and Chrissie Carlson along with Drug Court graduates. Judge Berger thanked the Board for their recognition on behalf of the team and said that Drug Court saved lives.

(05/05/09 - 1 - 9:11 a.m.)  
PROCLAMATION DESIGNATING MAY 5, 2009 AS BARTRAM TRAIL HIGH SCHOOL DANCE TEAM DAY

Sanchez read and presented the proclamation to the Bartram Trail High School Dance Team, and noted this was the second year in a row that they had won the National Dance Team competition. Several of last year's team members were also present this year. He offered congratulations to the outstanding team for their 9.96 out of 10, near perfect performance.

(05/05/09 - 1 - 9:15 a.m.)  
PROCLAMATION DESIGNATING MAY 2009 AS OLDER AMERICANS MONTH

Mays read and presented the proclamation to Kathy Brown, Director, Council on Aging, and to members of SNAP (Senior Nutrition and Activity Program). Brown accepted the Proclamation on behalf of the participants and told of the various centers throughout the County. She said during May everyone could ride the Sunshine Bus for free on Saturdays.

(05/05/09 - 2 - 9:20 a.m.)

PROCLAMATION DESIGNATING MAY 2009 AS MOTORCYCLE SAFETY AWARENESS MONTH

Bryan read and presented the proclamation to Dean Wilson and to Chief Bobby Hall. Wilson said he had created the organization called Boots and Badges whose members were from the Fire & Rescue Department and the Sheriff's Department, which sponsored fundraising events. He said the funds raised from the recent motorcycle ride went to the Dreams Come True Foundation, and they were able to help a young child from St. Johns County. Hall told everyone to wear their helmets. Debbie Alameta, with the Vintage Chapter of ABATE Florida, Inc., spoke saying that her organization had requested the proclamation and thanked them for making it happen.

(05/05/09 - 2 - 9:25 a.m.)

PROCLAMATION DESIGNATING MAY 9, 2009 AS LETTER CARRIERS FOOD DRIVE DAY

Stevenson read and presented the proclamation to Julie Gustafson, Letter carrier, on behalf of all letter carriers nationally. It was noted that it was the 17<sup>th</sup> year St. Johns County had participated in the Food Drive. Last year they collected over 56,000 pounds of food.

Gustafson received the proclamation and encouraged everyone to participate as they had a 50 to 80 percent increase of requests for food this year. She asked them to place non-perishable food at their mailboxes on Saturday, May 9<sup>th</sup>.

(05/05/09 - 2 - 9:30 a.m.)

ACCEPTANCE OF PROCLAMATIONS

**(9:30 a.m.) Motion by Miner, seconded by Sanchez, carried 5/0, to approve the Proclamations.**

(05/05/09 - 2 - 9:30 a.m.)

DELETIONS TO CONSENT AGENDA

There were none.

(05/05/09 - 2 - 9:31 a.m.)

APPROVAL OF CONSENT AGENDA

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

1. Approval of the Cash Requirement Report
2. Sheriff Office Bonds:  
Approve: William J. Lennon Jr.
3. Motion to adopt **Resolution No. 2009-113**, authorizing the County Administrator, or designee, to execute Inter-local Agreement Extension Number

4 between St. Johns County and Florida Inland Navigation District (FIND) and agreements as necessary for the purpose of removing free dredged material

**RESOLUTION NO. 2009-113**

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF EXTENSION NUMBER 4 TO THE MARCH 2005 INTERLOCAL AGREEMENT BY AND BETWEEN ST. JOHNS COUNTY AND THE FLORIDA INLAND NAVIGATION DISTRICT, FOR THE PROVISION OF OBTAINING FREE DREDGE MATERIAL AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE AGREEMENT ON BEHALF OF ST. JOHNS COUNTY, SPECIFICALLY FOR PROJECT # LAN 06-3.263, ADOPTED ON MARCH 9, 2005, AS RESOLUTION NO. 2005-59**

4. Motion to adopt **Resolution No. 2009-114**, recognizing unanticipated revenue in the amount of \$3,261,260, increasing the revenue budget for County Cultural Center Co-Promoter, Ticket Royalties, Parking Facilities, and Concession Sales and appropriating \$3,141,659 to the Amphitheatre Operations Co-Promoter expenditure line and \$119,601 to the Amphitheatre Operations Improvements Other Than Building line

**RESOLUTION NO. 2009-114**

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

5. Motion to adopt **Resolution No. 2009-115**, accepting the terms of the eighth amendment to Contract #DH646 between the State of Florida Department of Children and Families, and the St. Johns County Board of County Commissioners, and authorizing the Chair of the Board of County Commissioners to execute the Amendment on behalf of the County

**RESOLUTION NO. 2009-115**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE EIGHTH AMENDMENT TO THE CONTRACT BETWEEN ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS AND THE STATE OF FLORIDA DEPARTMENT OF CHILDREN AND FAMILIES, AND AUTHORIZING THE CHAIR TO EXECUTE THE EIGHTH AMENDMENT ON BEHALF OF THE COUNTY**

6. Motion to adopt **Resolution No. 2009-116**, amending and supplementing County Resolution No. 2006-442 for the purpose of amending the 2006 Sales Tax Bond Project List contained therein

**RESOLUTION NO. 2009-116**

A RESOLUTION AMENDING AND SUPPLEMENTING RESOLUTION NO. 2006-442 ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ON NOVEMBER 14, 2006, AS AMENDED AND SUPPLEMENTED, WHICH RESOLUTION AUTHORIZED THE ISSUANCE BY THE COUNTY OF ITS SALES TAX REVENUE BONDS, SERIES 2006; FOR THE PURPOSE OF AMENDING THE PROJECT LIST CONTAINED THEREIN; AND PROVIDING AN EFFECTIVE DATE

7. Motion to adopt **Resolution No. 2009-117**, accepting an Easement for Utilities for water service to service the Nader's Pest Raiders office building located on A1A North in Ponte Vedra and accepting a Bill of Sale conveying all personal property associated with the water system

**RESOLUTION NO. 2009-117**

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING AN EASEMENT FOR UTILITIES FOR WATER SERVICE TO THE NADER'S PEST RAIDERS OFFICE BUILDING LOCATED ON A1A NORTH IN PONTE VEDRA AND ACCEPTING A BILL OF SALE CONVEYING ALL PERSONAL PROPERTY ASSOCIATED WITH THE WATER SYSTEM

8. Motion to adopt **Resolution No. 2009-118**, 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 Utility Warehouse Complex

**RESOLUTION NO. 2009-118**

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 UTILITY WAREHOUSE COMPLEX ON THE CORNER OF INMAN ROAD AND ARC DRIVE

9. Motion to adopt **Resolution No. 2009-119**, accepting a Bill of Sale and Schedule of Values conveying all personal property associated with the relocation of the water line to serve the Belz Outlet Mall

**RESOLUTION NO. 2009-119**

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 RELOCATION OF THE WATER LINE TO SERVE THE BELZ OUTLET MALL**

10. Motion to adopt **Resolution No. 2009-120**, accepting an Easement for Utilities for access and maintenance of the sewer system located on Ponte Vedra Boulevard

**RESOLUTION NO. 2009-120**

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING AN EASEMENT FOR UTILITIES FOR ACCESS AND MAINTENANCE OF THE SEWER SYSTEM LOCATED ON PONTE VEDRA BOULEVARD**

11. Motion to adopt **Resolution No. 2009-121**, accepting a Bill of Sale and Schedule of Values conveying all personal property associated with the water system serving Colonial Bank on US #1 North

**RESOLUTION NO. 2009-121**

**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 SERVING COLONIAL BANK ON US #1 NORTH**

12. Motion to adopt **Resolution No. 2009-122**, accepting a Deed of Dedication Right-of-Way for additional right-of-way along Powell Road

**RESOLUTION NO. 2009-122**

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING A DEED OF DEDICATION RIGHT-OF-WAY FOR ADDITIONAL RIGHT-OF-WAY ALONG POWELL ROAD**

13. Motion to adopt **Resolution No. 2009-123**, accepting an Easement for Utilities for water service to serve the Shoppes of Murabella located on Murabella Parkway and accepting a Bill of Sale conveying all personal property associated with the water system

**RESOLUTION NO. 2009-123**

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING AN EASEMENT FOR UTILITIES FOR WATER SERVICE TO SERVE THE SHOPPES OF MURABELLA LOCATED ON MURABELLA PARKWAY AND ACCEPTING A BILL OF SALE CONVEYING ALL PERSONAL PROPERTY ASSOCIATED WITH THE WATER SYSTEM**

14. Motion to adopt **Resolution No. 2009-124**, accepting two Special Warranty Deeds for additional right-of-way needed for the widening of International Golf Parkway and accepting a Bill of Sale for the personal property associated with relocation of the utilities within the right-of-way

**RESOLUTION NO. 2009-124**

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING TWO SPECIAL WARRANTY DEEDS FOR ADDITIONAL RIGHT-OF-WAY NEEDED FOR THE WIDENING OF INTERNATIONAL GOLF PARKWAY FOR CONSTRUCTION OF A TURN LANE ONTO US#1 AND ACCEPTING A BILL OF SALE FOR THE PERSONAL PROPERTY ASSOCIATED WITH THE RELOCATION OF THE UTILITIES LOCATED WITHIN THE RIGHT-OF-WAY**

15. Motion to adopt **Resolution No. 2009-125**, approving the terms and authorizing the County Administrator to execute two Purchase and Sale Agreements for property needed for the drainage improvements in the West St. Augustine Area (2nd & 3rd of 10 Parcels)

**RESOLUTION NO. 2009-125**

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE TWO PURCHASE AND SALE AGREEMENTS FOR PROPERTY NEEDED FOR THE DRAINAGE IMPROVEMENTS IN THE WEST ST. AUGUSTINE AREA**

16. Motion to adopt **Resolution No. 2009-126**, accepting a Grant of Easement for maintenance of drainage facilities located in Surfside Subdivision on Lawn Avenue

**RESOLUTION NO. 2009-126**

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING A GRANT OF EASEMENT FOR MAINTENANCE OF DRAINAGE FACILITIES LOCATED IN SURFSIDE SUBDIVISION ON LAWN AVENUE**

17. Motion to adopt **Resolution No. 2009-127**, authorizing the County Administrator, or designee, to execute a Bill of Sale to the City of St. Augustine to convey the infrastructure associated with the water and sewer lines to serve the new West Augustine Community Park

**RESOLUTION NO. 2009-127**

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO EXECUTE A BILL OF SALE TO THE**

**CITY OF ST. AUGUSTINE TO CONVEY THE  
INFRASTRUCTURE ASSOCIATED WITH THE WATER  
AND SEWER LINES TO SERVE THE NEW WEST  
AUGUSTINE COMMUNITY PARK**

18. Motion to adopt **Resolution No. 2009-128**, approving the terms, provisions, conditions, and requirements of an amended Economic Development Agreement between St. Johns County and B&B Family, LLC, and authorizing the County Administrator, or designee, to execute the amended agreement on behalf of St. Johns County

**RESOLUTION NO. 2009-128**

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF AN AMENDED ECONOMIC DEVELOPMENT GRANT AGREEMENT BETWEEN ST. JOHNS COUNTY, FLORIDA (COUNTY) AND B&B FAMILY, LLC ("B&B"), AND AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO EXECUTE THE AMENDED AGREEMENT ON BEHALF OF ST. JOHNS COUNTY**

19. Motion to adopt **Resolution No. 2009-129**, approving the Final Plat for Azalea Estates of Fairfield Ponte Vedra

**RESOLUTION NO. 2009-129**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING A SUBDIVISION PLAT FOR AZALEA ESTATES OF FAIRFIELD PONTE VEDRA**

20. Motion to adopt **Resolution No. 2009-130**, approving the terms, provisions, conditions and requirements of an Agency Agreement between St. Johns County and the University of North Florida in order to provide student volunteer internships through the Health and Human Services Department and authorizing the County Administrator, or designee, to execute the agreement on behalf of St. Johns County

**RESOLUTION NO. 2009-130**

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF AN AGENCY AGREEMENT BETWEEN ST. JOHNS COUNTY, FLORIDA AND THE UNIVERSITY OF NORTH FLORIDA IN ORDER TO PROVIDE STUDENT INTERNSHIPS THROUGH THE HEALTH AND HUMAN SERVICES DEPARTMENT AND AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO EXECUTE THE AGREEMENT ON BEHALF OF ST. JOHNS COUNTY**

21. Motion to authorize the County Administrator or his designee, to award a contract for Bid 09-29, Alpine Groves Park Fishing Pier, in the amount of \$96,824.00 to the low bidder, Nature Bridges
22. Motion to authorize the County Administrator, or his designee, to award a contract to the low bidder, Barco Duval Engineering, Inc. for the Facility Lump Sum Fee amount of \$5,280,385.00 minus a Royalty Fee of \$1.00 per Cubic Yard for excess soil removed from the project site for Bid #09-07 Fox Creek Regional Stormwater Facility
23. Motion to authorize the County Administrator, or his designee, to award a contract to the lowest responsive and responsible bidder, Tank Rehab, Inc., for the Total Base Bid amount of \$174,000.00 for Bid #09-54 Sawgrass Water Plant Storage Tank Rehabilitation
24. Motion to adopt **Resolution No. 2009-131**, approving and adopting the St. Johns County Utilities Department Identity Theft Prevention Program, and designating the County Utilities Department Red Flag Rules Compliance Officer as the individual charged with on-going oversight of the County Utilities Department Identity Theft Prevention Program

**RESOLUTION NO. 2009-131**

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ADOPTING THE ST. JOHNS COUNTY UTILITIES DEPARTMENT IDENTITY THEFT PREVENTION PROGRAM, AND DESIGNATING THE COUNTY UTILITIES DEPARTMENT RED FLAG RULES COMPLIANCE OFFICER AS THE INDIVIDUAL CHARGED WITH ON-GOING OVERSIGHT OF THE COUNTY UTILITY DEPARTMENT IDENTITY THEFT PREVENTION PROGRAM

25. Motion to adopt **Resolution No. 2009-132**, approving and adopting the St. Johns County Fire Rescue Identity Theft Prevention Program, and designating the County Fire Rescue Red Flag Rules Compliance Officer as the Individual charged with on-going oversight of the County Fire Rescue Identity Theft Prevention Program

**RESOLUTION NO. 2009-132**

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ADOPTING THE ST. JOHNS COUNTY FIRE RESCUE IDENTITY THEFT PREVENTION PROGRAM, AND DESIGNATING THE COUNTY FIRE RESCUE RED FLAG RULES COMPLIANCE OFFICER AS THE INDIVIDUAL CHARGED WITH ON-GOING OVERSIGHT OF THE COUNTY FIRE RESCUE IDENTITY THEFT PREVENTION PROGRAM

26. Motion to adopt **Resolution No. 2009-133**, approving the terms, conditions, provisions, and requirements of a Non-Exclusive Franchise Agreement for Commercial/Industrial Solid Waste between St. Johns County, Florida, and Arwood Waste and authorizing the County Administrator, or designee, to



execute the Non-Exclusive Franchise Agreement for Commercial/Industrial Solid Waste on behalf of St. Johns County, Florida

**RESOLUTION NO. 2009-133**

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF A NON-EXCLUSIVE FRANCHISE AGREEMENT FOR COMMERCIAL/INDUSTRIAL SOLID WASTE BETWEEN ST. JOHNS COUNTY, FLORIDA, AND ARWOOD WASTE, AND AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO EXECUTE THE NON-EXCLUSIVE COMMERCIAL/INDUSTRIAL SOLID WASTE FRANCHISE AGREEMENT, ON BEHALF OF ST. JOHNS COUNTY**

27. Motion to adopt **Resolution No. 2009-134**, approving minor revisions and amendments to the Master Non-Exclusive Franchise Agreement for Construction & Demolition Debris, and providing an effective date

**RESOLUTION NO. 2009-134**

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING MINOR REVISIONS AND AMENDMENTS TO THE MASTER NON-EXCLUSIVE FRANCHISE AGREEMENTS FOR CONSTRUCTION AND DEMOLITION DEBRIS, AND PROVIDING AN EFFECTIVE DATE**

28. Motion to adopt **Resolution No. 2009-135**, amending the Fiscal Year 2009 General Fund to receive unanticipated revenue for the Ponte Vedra Branch, Southeast Branch and Anastasia Island Branch Libraries and authorize its expenditure by the Library System

**RESOLUTION NO. 2009-135**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AMENDING THE FISCAL YEAR 2009 GENERAL FUND TO RECEIVE UNANTICIPATED REVENUE AND AUTHORIZE ITS EXPENDITURE**

29. Proofs:
- a. Proof, Notice to Bidders, RFB No. 09-77
  - b. Proof, Notice to Bidders, Bid No. 09-13
  - c. Proof, Notice to Bidders, RFQ No. 09-72
  - d. Proof, Notice to Bidders, Bid No. 09-79

(9:31 a.m.) Fire Chief, Bobby Hall, gave an update on the Swine Flu outbreak. He said there were 5 confirmed cases in Florida but none in St. Johns County. He said it was relatively mild in nature and reviewed the symptoms that it entailed. He reviewed the Health Department's recommendations. He said to call 800-342-3557 for more

information regarding the Swine Flu. He said there was no need for panic and encouraged people who thought they might be sick, not to go to the emergency room.

(05/05/09 - 10 - 9:35 a.m.)

PUBLIC COMMENT

Jason Mauro, 56 Saragossa St., suggested that the recent Tourism Review was missing the essential product that St. Augustine had to sell. He said it was the oldest continuously inhabited city in the United States and the concept of what it was like to live here needed to be promoted. He also said the Amphitheatre should be promoted and congratulated them on it. He said they needed to invest in the residential livability of the City and that perspective needed to be revisited.

(05/05/09 - 10 - 9:39 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

Wanchick asked to add Items 6B and 6C, Local Program Agreements with the Florida Department of Transportation, after Item 6 (6A). He noted there was a 5:30 meeting and suggested moving up Commissioner Comments.

Bryan asked to add Item 6D, Discussion of the Tourist Development Council and the Visitor Information Bureau, prior to Commissioner Comments.

(05/05/09 - 10 - 9:41 a.m.)

APPROVAL OF REGULAR AGENDA

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

(05/05/09 - 10 - 9:41 a.m.)

1. CONSIDER MOTION TO ADOPT A RESOLUTION APPROVING THE ISSUANCE BY THE ST. JOHNS COUNTY INDUSTRIAL DEVELOPMENT AUTHORITY OF ITS HOSPITAL REVENUE REFUNDING BONDS (FLAGLER HOSPITAL, INC. PROJECT), SERIES 2009, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$30,000,000, IN ORDER TO OBTAIN FUNDS TO LOAN TO FLAGLER HOSPITAL, INC. FOR THE PURPOSE OF REFUNDING THE OUTSTANDING ST. JOHNS COUNTY INDUSTRIAL DEVELOPMENT AUTHORITY HOSPITAL REVENUE BONDS (FLAGLER HOSPITAL, INC. PROJECT, SERIES 2003)

Tom Crawford, Director of Housing and Community Services and Staff Liaison for the Industrial Development Authority, gave the presentation and explained the request. He stated that the Bond insurer for the 2003 Bond Issue had defaulted about a year and half ago, and Flagler Hospital was trying to get the financing restructured with more favorable terms during that period. He said it was a private placement with Regents Bank.

**(9:43 a.m.) Motion by Miner, seconded by Sanchez, carried 5/0, to adopt Resolution No. 2009-136, approving the issuance by the St. Johns County Industrial Development Authority of its Hospital Revenue Refunding Bonds (Flagler Hospital, Inc. Project), Series 2009, in an aggregate principal amount not to exceed \$30,000,000, in order to obtain funds to loan to Flagler Hospital, Inc. for the purpose of refunding the outstanding St. Johns County Industrial Development Authority Hospital Revenue Bonds (Flagler Hospital, Inc. Project), Series 2003.**

RESOLUTION NO. 2009-136

A RESOLUTION APPROVING THE ISSUANCE BY THE ST. JOHNS COUNTY INDUSTRIAL DEVELOPMENT AUTHORITY OF ITS HOSPITAL REVENUE REFUNDING BONDS (FLAGLER HOSPITAL, INC. PROJECT), SERIES 2009, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$30,000,000 IN ORDER TO OBTAIN FUNDS TO LOAN TO FLAGLER HOSPITAL, INC. FOR THE PURPOSE OF REFUNDING THE OUTSTANDING ST. JOHNS COUNTY INDUSTRIAL DEVELOPMENT AUTHORITY HOSPITAL REVENUE BONDS (FLAGLER HOSPITAL, INC. PROJECT), SERIES 2003; AND PROVIDING AN EFFECTIVE DATE

(9:45 a.m.) *Convened as the Community Redevelopment Agency*

Stevenson announced that the Board of County Commissioners would recess and convene as the Community Redevelopment Agency.

(05/05/09 - 11 - 9:44 a.m.)

2. PUBLIC HEARING - RESOLUTION AUTHORIZING THE TRANSFER OF 18 LOTS TO ST. JOHNS COUNTY THAT ARE NEEDED FOR SEGMENT III OF THE VOLUSIA STREET/FOUR MILE ROAD PROJECT - ST. JOHNS COUNTY ACQUIRED 388 LOTS IN 2002 AND SHORTLY THEREAFTER TRANSFERRED THEM TO THE COMMUNITY REDEVELOPMENT AGENCY FOR THE AFFORDABLE HOUSING PROGRAM. THE MAJORITY OF THESE LOTS HAVE BEEN TRANSFERRED TO LOCAL BUILDERS, HABITAT FOR HUMANITY AND THE HOUSING FINANCE AUTHORITY. THERE ARE A FEW REMAINING LOTS AVAILABLE AT THIS TIME. THE CONSULTANT FOR THIS PROJECT, REYNOLDS, SMITH AND HILLS, INC., HAS IDENTIFIED 18 LOTS ALONG VOLUSIA STREET THAT ARE NEEDED FOR POND SITES AND DRAINAGE RELATED TO SEGMENT III OF THE VOLUSIA STREET/FOUR MILE ROAD IMPROVEMENT PROJECT. COUNTY HOUSING STAFF, ON BEHALF OF THE "CRA," SUPPORTS THE CONVEYANCE OF THESE LOTS BACK TO THE COUNTY FOR THE SPECIFIED PURPOSE WHICH WILL BE BENEFICIAL TO THE WEST AUGUSTINE AFFORDABLE HOUSING PROGRAM. IT IS IN THE BEST INTEREST OF THE "CRA" TO APPROVE TRANSFER OF SAID 18 LOTS TO THE COUNTY, AS DESCRIBED IN THE ATTACHED COUNTY DEED, TO ENSURE THE HEALTH AND SAFETY OF THE CITIZENS IN THE WEST AUGUSTINE AREA AND GENERAL PUBLIC

Proof of publication of the notice of public hearing regarding the meeting of the St. Johns County Community Redevelopment Agency Board was received, having been published in *The St. Augustine Record* on April 23, 2009.

Tom Crawford gave the presentation and explained the request.

(9:47 a.m.) **Motion by Sanchez, seconded by Miner, carried 5/0, to adopt CRA Resolution No. 2009-1, authorizing the transfer of 18 lots to St. Johns County that are needed for Segment III of the Volusia Street/Four Mile Road project and authorizing the Chair of the Board to execute the County Deed.**

**CRA RESOLUTION NO. 2009-1**

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACTING AS THE ST. JOHNS COUNTY COMMUNITY REDEVELOPMENT AGENCY, ("CRA") AUTHORIZING THE TRANSFER OF 18 LOTS TO ST. JOHNS COUNTY THAT ARE NEEDED FOR SEGMENT III OF THE VOLUSIA STREET/FOUR MILE ROAD PROJECT AND AUTHORIZING THE CHAIRMAN OF THE BOARD TO EXECUTE THE COUNTY DEED ON BEHALF OF THE BOARD**

(9:47 a.m.) *Reconvened as the Board of County Commissioners*

Stevenson announced that the Community Redevelopment Agency meeting was adjourned and the Board of County Commissioners meeting was reconvened.

(05/05/09 - 12 - 9:48 a.m.)

(District 1)

3. PUBLIC HEARING - PNZVAR 2009-01, NOCATEE TREE MITIGATION - THIS APPLICATION IS A PLANNING NON-ZONING VARIANCE REQUESTED IN ORDER TO PERMIT THE PAYMENT IN KIND THROUGH DONATION OF A 4.74 ACRE PARCEL WITHIN NOCATEE TO BE USED AS A TRAILHEAD FOR THE NOCATEE PRESERVE IN LIEU OF THE TREE BANK FUND PAYMENT OF \$36,050 THAT WOULD HAVE BEEN DUE TO CONSTRUCT THE PATHWAY TO PROVIDE ACCESS TO THE PRESERVE; AND THAT THE EXCESS TREE MITIGATION CREDITS INVOLVED BE ABLE TO BE USED FOR PROJECTS THAT INVOLVE CONSTRUCTION OF A COMMERCIAL PROJECT, CONSTRUCTION OF A REGIONAL PARK, OR CONSTRUCTION OF AN ARTERIAL OR COLLECTOR ROAD. A PAVED ACCESS WAY SUITABLE FOR VEHICULAR TRAFFIC TO PROVIDE ACCESS TO THE PRESERVE WOULD HAVE COST 1.9M IN THE APPLICANT'S ESTIMATION AS WELL AS IMPOSING ADDITIONAL WETLAND IMPACTS. THIS ARRANGEMENT WILL ALLOW THE COUNTY TO PROVIDE PUBLIC ACCESS TO THE PRESERVE IN A LESS COST PROHIBITIVE LOCATION AND STILL PROVIDE PEDESTRIAN AND HORSE ACCESS ACROSS A PATH NOT BUILT FOR VEHICULAR TRAVEL

Proof of publication of the notice of public hearing regarding PNZVAR 2009-01, Nocatee Tree Mitigation, was received having been filed in *The St. Augustine Record* on April 20, 2009.

Jason Cleghorn, Planner III, gave the presentation and explained the Non Zoning Variance. He reviewed the costs of the Nocatee Tree Mitigation, and said the credit was \$406,950 for tree mitigation credits which could be used only for a commercial project, regional park or arterial or collector roadway. He noted that once that credit was exhausted, they would return to the typical tree mitigation credits that any other project would have. He said staff supported the request.

(9:52 a.m.) Miner declared ex parte with Chris Pilinko and Matt Osteen a couple of months ago, when they toured Nocatee and viewed the specified site.

(9:53 a.m.) Ellen O'Brian, 102 Lands End, Ponte Vedra Beach, Ponte Vedra Riding Club, spoke in favor of the request. She said the Parks and Recreation staff had been

wonderful in keeping them informed on the development of the preserve. She assured them of how beautiful and how important the preserved land was to the horse industry.

(9:57 a.m.) Chris Pilinko, 4314 Pablo Oaks Court, representing the applicant, said he wanted to make one clarification. He added that the non-zoning variance would allow for future improvements within the greenway trail to be offset by the credit, which would technically make it four different projects.

**(9:58 a.m.) Motion by Mays, seconded by Miner, carried 5/0, to approve Planning Non Zoning Variance PNZVAR 2009-01, Nocatee Tree Mitigation, adopting the six findings of fact to support the motion.**

(05/05/09 - 13 - 9:59 a.m.)

(District 1)

4. CONSIDER MOTION TO ADOPT A RESOLUTION APPROVING THE TERMS AND CONDITIONS OF THE NOCATEE PRESERVE ACCESS PARCEL AGREEMENT AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE SAID AGREEMENT

Proof of publication of the notice of public hearing regarding PNZVAR 2009-01, Nocatee Tree Mitigation, was received, having been published in *The St. Augustine Record* on April 20, 2009.

Jason Cleghorn, Planner III, gave the presentation. He said it was a companion with the previous application and explained.

**(10:01 a.m.) Motion by Mays, seconded by Sanchez, carried 5/0, to adopt Resolution No. 2009-137, approving the terms and conditions of the Nocatee Preserve Access Parcel agreement and authorizing the County Administrator to execute said Agreement.**

#### RESOLUTION NO. 2009-137

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND CONDITIONS OF THE NOCATEE PRESERVE ACCESS PARCEL AGREEMENT AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE SAID AGREEMENT**

(05/05/09 - 14 - 10:02 a.m.)

(District 3)

5. PUBLIC HEARING - PUD 2007-24 MANUCY - THIS IS A REQUEST TO REZONE 4.6 ACRES FROM OPEN RURAL (OR) TO PUD FOR THE DEVELOPMENT OF 27,000 SQUARE FEET OF COMMERCIAL AND DAY CARE 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. THIS FINDING IS BASED UPON THE FOLLOWING INFORMATION: THE APPLICATION MATERIALS AS SUBMITTED BY THE APPLICANT, THE LOCATION OF THE PROPERTY WITHIN THE RESIDENTIAL-B LAND USE, COMPATIBILITY WITH ADJACENT USES, 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 PROJECT AT THEIR MARCH 5, 2009 HEARING BY A

VOTE OF 6 TO 0 (MOTION BY WILLIAMS/NELSON). THE MOTION TO RECOMMEND APPROVAL INCLUDED A REVISION TO THE PUD TEXT TO INCLUDE A REFERENCE TO THE HYDRO ALUMINUM PUD'S LOCATION TO THE NORTHEAST

Proof of publication of the notice of public hearing regarding PUD 2007-24, Manucy, was received, having been published in *The St. Augustine Record* on April 20, 2009.

Michael Blackford, Planner II, gave the presentation and explained the request. He noted there was one waiver for the unified sign plan and staff had no objections. He said staff supported the request and cited the findings of fact.

(10:06 a.m.) Miner declared ex parte with Pam Drury and met with her the day before. Stevenson declared ex parte with staff regarding the application.

(10:07 a.m.) **Motion by Sanchez, seconded by Miner, carried 5/0, to enact Ordinance 2009-21, known as PUD 2007-24, adopting findings of fact one through seven to support the motion.**

#### ORDINANCE NO. 2009-21

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

The Board recessed at 10:07 a.m. and resumed at 10:24 a.m.

(05/05/09 - 14 - 10:24 a.m.)

#### 6A. DISCUSSION OF COUNTY IMPACT FEES

Doug Timms, Director, Office of Management and Budget, gave a PowerPoint presentation. He said it was a workshop for discussion purposes. He reviewed the background of the Impact Fees and discussed the amount that had been raised and how it had been distributed. He reviewed the 2009 and 2010 projections and said they were down considerably from several years ago. He noted the impact fees were collected and spent by zones for roads and parks. He reviewed the projected County Impact Fees for 2009-2010 and the deferred projects for FY 2010 if the funds were reduced. He said one of the concerns that the level of funding for CIP projects was under rapid decline under the current economic conditions and under property tax reform. He gave the Impact Fee Background and noted they had long been debated and analyzed. He explained that they tended to be capitalized into the price of construction which actually increased property value and expanded the tax base. He said there was a way for growth to pay for itself, improved local infrastructure, and that did not necessarily retard growth. He reviewed consideration for suspending the County Impact Fees, including creation of jobs, spur to economic development, reduced costs to buyers and stimulate demand, and add a sense of optimism to a negative economic climate. He said impact fees were a small percentage, 4 to 5 percent, of any project. He reviewed other considerations. He said the housing market probably would not improve for another year. He noted impact fees had to have a solid legal basis, and that suspending impact fees might create equity issues. He stated that loss of impacts fees would reduce County capital projects. He said retroactivity would require refunding of previously

collected and potentially expended impact fees. He reviewed possible alternatives including being sensitive to local real estate and builder industry in these difficult economic times. He reviewed other considerations. He noted the current impact fee for residences was \$10,122 for over 1,800 square feet with over 40 percent of that going to schools. He said the commercial rate was \$7 to \$7.50 per square foot or \$700,000 to \$750,000 per 100,000 square feet.

(10:34 a.m.) Miner said the biggest complaint for new businesses to move into St. Johns County was the Impact Fee. He said there had to be some alternatives and there needed to be some sort of transition. He said it should be done soon.

(10:35 a.m.) Timms said past economic development incentives involved some sort of remission of taxes or fees in a graduated sense. He noted the possibility of increased sales tax. He said the General Fund covered waived Impact Fees. He said they were not experts in economic development and encouraged the Board to engage an expert to improve the incentives in that area.

(10:37 a.m.) Miner asked them to come up with some options in the next few weeks, to present to the Board so that they could move forward.

Discussion ensued and it was agreed to re-examine the existing incentive ordinance with a focus on retaining and growing existing businesses and making them prosperous as well as promoting incentives to attract new business. Wanchick said they would also look at other possible economic development incentive alternatives to attract new business. He said they would like to present it to the Chamber group before presenting it to the Board or to the public.

(10:45 a.m.) Stevenson asked staff to get back with them on transfer fees. She also asked Timms to get the example of how impact fees were calculated and to explain it to the Board. She cautioned that they needed complete communities; however there was significant tax reform that would affect their contributions and which could change the economic equation they were wrestling with.

(10:46 a.m.) Mays said they had been looking at modernizing the traffic concurrency situation, which was not short of dysfunctional. He said new regulations would provide rational relief to some of the issues they had been addressing. Sanchez said a lot of the problem was with State regulations that remained unchanged and the State formulas that they had to use. Mays said they were working at it and were close to coming up with something that was far better than what was currently in use.

(10:50 a.m.) Ed Paucek, 970 Forma Way, thanked them for getting the dialogue going on the impact fee system. He said some individuals who he had hoped would appear were not present and asked that the dialogue be continued. He said the income it provided had dropped severely. He said there had to be some alternative to what they were doing now, that could be done locally. He cited transfer fees.

(10:54 a.m.) McCormack addressed them as a counselor, and said that along with the issues of impact fees, concurrency and other issues, the County needed to identify the situation that many residents were working out of the County to the north. He said there were other issues, but during the workshop it should be looked at holistically to attract new business and to maintain existing businesses.

(10:58 a.m.) Stevenson said she was hearing that they wanted to look at other options, concurrency, planning, legislative issues etc. She asked staff if it freed them to go to other steps.

(10:59 a.m.) Wanchick said it did give them some direction. He asked to be able to work with Paucek or his representatives before they returned to the Board. *The Board concurred.* Wanchick said they would try to get it to them by June 16, and if they needed more time he would let them know.

(11:00 a.m.) Mays said another \$5.5 million was secured from the MPO, and would be coming forward shortly for CR 210 and I-95.

(05/05/09 - 16 - 11:03 a.m.)

6B. AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA) LOCAL AGENCY PROGRAM AGREEMENT - TRAFFIC SIGNAL CONTROL SYSTEMS ON CR 210 AND RACE TRACK ROAD

Press Tompkins, County Engineer, gave the presentation and explained the request.

(11:04 a.m.) Stevenson said a lot of work had gone into the process and County staff had done an excellent job. She asked Tompkins to explain how it linked into the system. Tompkins gave the explanation. He said it integrated into the MPO system in Jacksonville and had the ability to ease congestion.

(11:06 a.m.) **Motion by Mays, seconded by Miner, carried 5/0, to adopt Resolution No. 2009-138, approving, in substantially the form presented, the terms, provisions, conditions, and requirement of Local Agency Program Agreement (FPN 426277-1-58-01; FED ID: ARRA 082B) between the Board of County Commissioners of St. Johns County, Florida, and State of Florida Department of Transportation, regarding the construction of Traffic Signal Control Systems on CR 210 and Race Track Road and authorizing the County Administrator, or designee, to execute the Agreement on behalf of the County.**

**RESOLUTION NO. 2009-138**

**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 EXPENDITURE ON THE CONSTRUCTION OF TRAFFIC SIGNAL CONTROL SYSTEMS ON CR 210 AND RACE TRACK ROAD**

(11:06 a.m.) **Motion by Mays, seconded by Miner, carried 5/0, to adopt Resolution No. 2009-139, to receive unanticipated revenue and authorize its expenditure on this project for construction improvements.**

**RESOLUTION NO. 2009-139**

**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 TRAFFIC SIGNAL CONTROL SYSTEMS ON CR 210 AND RACE TRACK ROAD; PROVIDING DIRECTIONS; AND PROVIDING AN EFFECTIVE DATE**



(05/05/09 - 17 - 11:07 a.m.)

6C. AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA) LOCAL AGENCY PROGRAM AGREEMENT - VARIOUS IMPROVEMENTS ALONG CR 214/WEST KING STREET FROM CR 13 TO PALMER AVENUE

Press Tompkins, County Engineer, gave the presentation and explained the request.

(11:07 a.m.) **Motion by Miner, seconded by Sanchez, carried 5/0, to adopt Resolution No. 2009-140, approving, in substantially the form presented, the terms, provisions, conditions, and requirements of the Local Agency Program Agreement (FPN 426335-1-58-01, 426334-1-58-01 & 426214-1-58-01; Fed ID: ARRA 063B, ARRA 062B & ARRA 079B) between the Board of County Commissioners of St. Johns County, Florida, and the State of Florida Department of Transportation, regarding the construction of Various Improvements along CR 214/West King Street from CR 13 to Palmer Avenue and authorizing the County Administrator, or designee, to execute the Agreement, on behalf of the County.**

**RESOLUTION NO. 2009-140**

**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 EXPENDITURE ON THE CONSTRUCTION OF VARIOUS IMPROVEMENTS ALONG CR 214/WEST KING STREET FROM CR 13 TO PALMER AVENUE**

(11:08 a.m.) **Motion by Miner, seconded by Sanchez, carried 5/0, to adopt Resolution No. 2009-141, to receive unanticipated revenue and authorize its expenditure on this project for construction improvements.**

**RESOLUTION NO. 2009- 141**

**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 IMPROVEMENTS ALONG CR 214/WEST KING STREET FROM CR13 TO PALMER AVENUE; PROVIDING DIRECTIONS; AND PROVIDING AN EFFECTIVE DATE**

(05/05/09 - 17 - 11:11 a.m.)

6D. DISCUSSION OF TOURIST DEVELOPMENT COUNCIL (TDC) AND VISITOR CONVENTION BUREAU (VCB)

Bryan said during the last few meetings there had been a lot of discussion on the TDC and the VCB, and the Board needed to provide some guidance as to where they wanted the TDC to go. He stated he had done a lot of research recently, and that their goals went back to 1997. He said there was public concern about accountability and representation by the VCB. He said he attended the St. Augustine Beach Commission meeting last night and they had asked their attorney to look at opting out of an Interlocal Agreement with the County, as well as opting out of the toll booth collection

by the County. He said their level of dissatisfaction with the County was so great that they wanted a disconnect. Bryan said he was frustrated as well, and they needed an immediate workshop with their partners present to discuss it. He said their constituents were not happy.

Discussion ensued and it was agreed that a workshop should be held to include: discussion of PGAB process needed to be examined, reorganization needed to be looked at, clear direction needed to be offered, legal issues in that regard needed to be examined, the budget needed to be revisited, present available data regarding the TDC needed to be reviewed and the air needed to be cleared. It was also noted that representation of the Ponte Vedra areas, St. Augustine Beach, the cultural arts community and other areas of the county needed to have representation in the study.

(11:32 a.m.) Wanchick said there were two issues: a general dissatisfaction with the TDC, historically, and issues with PGAB. He said the consultant had brought that issue to the surface. He said it would be beneficial to keep those two issues separate. He said it was a difficult task and a workshop would be helpful. He said the first workshop should be on the TDC itself. The planning part should come in a second session. He said the third Tuesday would be the earliest they could do it.

(11:36 a.m.) Melissa Lundquist said May 12 was suitable for advertising purposes for a Board workshop.

(11:37 a.m.) McCormack said for May 12 reasonable notice was required, and they could continue it as a workshop item. He said the Hopewell hearing would be at 5:30 and a lot of community participation was expected and there would be many people there early. Wanchick said they could hold it in the upstairs meeting room from 1:00 p.m. to 3:00 p.m.

(11:43 a.m.) Michael Hunt, Assistant County Attorney, said he would respond at their pleasure. He said the 30 day period did not begin until a decision was made by the Board. He said today's action would not trigger that time frame. Mays said they were not in default because they had been provided with more information. Hunt said that was the Board's determination. Stevenson said they had received a great deal of information before they assembled the RFP.

(11:46 a.m.) Bryan said the consultant did not want that they had defaulted on a contract on their resume. He said a lot of it had to do with direction and it could be salvaged. He said regarding the allocation of dollars to the Amphitheatre and to other projects, he read from the guidelines. He said they needed to look at the data and get back on track with their original goals.

(11:48 a.m.) Miner said he was not suggesting they take legal action, but they had 16 weeks for phase one and they had not met the standard. He said legally they were in breach of contract.

(11:49 a.m.) Wanchick said that Stevenson was at the same meeting he attended, where they suggested that they go back to the community as there were major stakeholders who had not been contacted. He said he felt they had still gone far enough. He said they had brought the issues to the surface. He said they were a good company and he was optimistic they would get the planning effort back on track. He said ultimately he felt they would make the overall commission happy. He said the issues relating to the TDC itself had nothing to do with the consultant, they were separate issues.

(11:52 a.m.) McCormack asked the board to be sure they wanted a workshop. He said according to their procedure they could not take any formal action at a workshop. He recommended they do a motion to continue as a workshop on May 12 at 1:00 p.m.

(11:53 a.m.) **Motion by Sanchez, seconded by Miner, carried 5/0, to continue the workshop to May 12 at 1:00 p.m. in the meeting room in Administration.**

(05/05/09 - 19 - 11:54 a.m.)  
COMMISSIONERS' REPORTS

Commissioner Mays:

Mays said he would like to get the consensus of the Board to allow the County Attorney to work on a smoke ordinance to empower the Fire Chief to determine smoke from any burning to be unlawful smoke. He asked for their support for the attorney. *There was Board concurrence.* He said there was another item that needed Board consensus, for a horse waste ordinance for waste on the beach. Stevenson said they had no money for enforcement. *There was Board concurrence to develop an ordinance.* Mays said the TPC was that weekend and said it was one of the biggest economic drivers for the County.

(11:57 a.m.)

Commissioner Bryan:

Bryan said he had visited the community center in Hastings. He talked about the book written by the kids at that center, *Juice Up the Truce.* He said they had an incredible program over there and it was a very positive program. On another topic, he said an applicant had to produce 17 copies when there was an application. He asked staff to look at a way to reduce that requirement.

(11:59 a.m.)

Commissioner Sanchez:

Sanchez commented on the Hastings Center and said the people there worked very hard.

(11:59 a.m.)

Commissioner Miner:

Miner referred to an article in the Sun Sentinel on May 1, regarding a bill passed by the Florida Legislature regarding a tax swap for fire fighting operations. With voter approval, counties could raise the sales tax by one cent and use the revenues to offset property tax payments earmarked to fire and rescue operations. He asked for Board consensus to allow staff to incorporate that option into future budget hearings as it related to Fire and Rescue. Sanchez said they had to be careful, because fire service was on a millage rate, and a sales tax could fluctuate drastically. He said there were lots of complications. He said the voters would have to vote on that. Miner said he just wanted them to consider the option. Wanchick said they would look at it.

(12:02 p.m.)

Commissioner Stevenson:

Stevenson said on May 21, Reality Check would be held at World Golf Villiage. She said it would be a visioning effort and some of the discussion would be about macro issues. She said there would be an update on the water withdrawal by Seminole County. She said Water Management had continued to ask fro the Commission to consider that they adopt an ordinance on the days for water use. She said there was disagreement by the Board on the matter, but asked if they objected to continued discussion with them. Sanchez expressed concern because it looked like a system set up for the County to enforce what the WMD should enforce. Discussion ensued.

(12:10 p.m.) Wanchick said they supported the WMD, even though they could not support enforcement. He said they were working in the right direction. He said many of the regulations were self regulating with new development. He said the County was sensitive to the environment and to preservation. Stevenson said she wanted to know they had done everything they could to promote conservation.

(05/05/09 - 20 - 12:12 p.m.)

#### COUNTY ADMINISTRATOR'S REPORT

Wanchick said the Commission had instructed Administration to invoke the voluntary separation program, and 35 employees had decided to take advantage of it. He said it would save \$1.4 million annually. He said secondly they would be having a meeting on May 14 at 6:30 p.m. at the Community Redevelopment area of West Augustine at the Solomon Calhoun Community Center, to meet with the community to let them know they were earnest in addressing some of the infrastructure needs and to get their input. He said the opening of the new community center was a wonderful event and he had heard nothing but good things. He said finally, the Administrative Budget Hearings were held last week, and the budget for next year was within a few hundred thousand dollars of being balanced. He noted 2011 would be much more challenging. He said they had not talked about the loss of services to the community, and he wanted to apprise the community of what had occurred since 2007. He said the budget loss would impact the community and they needed to be informed. He stated that by the end of the 2010 budget they would have reduced the budget by \$150 million. He said some of the cuts would not be pleasant. He said they needed feedback from the community as to what they wanted to maintain and what they were willing to pay for by raising revenue in some manner. He said difficult budget decisions needed to be made in 2010 and 2011. He said he would provide the schedule for each district so that the Commissioners could attend. They were encouraged to promote it with their constituents.

(05/05/09 - 20 - 12:19 p.m.)

#### COUNTY ATTORNEY'S REPORT

McCormack said the Solomon Calhoun celebration was the best ceremony and the warmest ceremony he had ever attended for the County.

**(12:21 p.m.) Motion by Miner, seconded by Sanchez, carried 5/0, to recess the meeting until 5:30p.m.**

(05/05/09 - 20 - 5:29 p.m.)

7. PUBLIC HEARING - LAND DEVELOPMENT CODE AMENDMENTS - THIS IS THE FIRST OF TWO REQUIRED PUBLIC HEARINGS TO CONSIDER MODIFICATIONS TO THE LAND DEVELOPMENT CODE. A DESCRIPTION OF THE MODIFICATIONS AND A COPY OF THE PROPOSED ORDINANCE IN REDLINE/OVERSTRIKE FORMAT IS ATTACHED. THE SECOND PUBLIC HEARING TO CONSIDER ADOPTION IS SCHEDULED FOR JUNE 16, 2009 AT 9:00 A.M. THE PLANNING & ZONING AGENCY WILL HEAR THIS ITEM AT THEIR REGULAR MEETING OF MAY 21, 2009

Proof of publication of the notice of public hearing regarding the establishment of ordinance/regulations affecting the use of land was received, having been published in *The St. Augustine Record* on April 20, 2009.

Betty Sue Stepp, AICP, Project Liaison, Lindsay Haga, Development Services Director, and Jan Brewer, Environmental Management Director gave the presentation. Stepp said it was the first of three public scheduled hearings for that item. She announced the dates of May 21, for the PZA and June 16 for the BCC meeting. They reviewed the proposed changes as outlined in the agenda packets.

(5:40 p.m.) Miner said he took exception with the majority plus one vote proposed. Mays said he agreed that a majority vote was sufficient. Discussion ensued with Stevenson, Sanchez and Bryan citing their reasons why the super majority should be allowed.

(5:49 p.m.) Stevenson said their positions were pretty clear. She said there was a reason why it was not a hard provision and that there would never be an exception. She said it was clear that the item would go on to the next level. She noted that the staff had done a lot of hard work. She said she was proud of their work. The entire Board agreed that they had done a great job and their hard work was recognized.

(5:53 p.m.) Stevenson said if communities wanted to change their Home Owner's Association rules to Florida Friendly standards, the St. Johns County Extension Office was available to help them to update their requirements to be good stewards of Florida's water.

(5:53 p.m.) Miner said he would miss the June 2 meeting due to scheduled military training. Wanchick said Administration would be very sensitive to his district in his absence.

(5:54 p.m.) Sanchez announced the future public hearing dates as May 21 for PZA and June 16 for the BCC.

(5:55 p.m.) McCormack said there was one more week pertaining to the hostile appeal for the Water Management District. He said he was not making a strong recommendation to appeal.

(5:56 p.m.) *There was Board consensus that it would be a waste of time and money during these times of limited resources to appeal.* It was noted that the message had gone out and St. Johns County had given a strong message for water conservation.

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

#### REPORTS:

1. St. Johns County Board of County Commissioners Check Register, Check Nos. 437240 through 437560 totaling \$3,958,281.60 (04/14/09)
2. St. Johns County Board of County Commissioners Check Register, Check Nos. 437561 through 437563 totaling \$1,399.99 (04/15/09)
3. St. Johns County Board of County Commissioners Check Register, Check Nos. 437564 through 437801 totaling \$1,729,973.43 (04/21/09)
4. St. Johns County Board of County Commissioners Check Register, Check No. 437802 totaling \$250.00 (04/21/09)
5. St. Johns County Board of County Commissioners Check Register, Check Nos. 437836 through 437848 totaling \$241,268.10 (04/24/09)
6. St. Johns County Board of County Commissioners Check Register, Check Nos. 437849 through 437850 totaling \$22,302.85 (04/27/09)

CORRESPONDENCE:

1. Letter to Liz Cloud, Program Administrator, Bureau of Administrative Code and Weekly, filing Ordinance Number 2009-20 (April 21, 2009)

Approved June 2, 2009

BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA

By: Cyndi Stevenson  
Cyndi Stevenson, Chair

ATTEST: CHERYL STRICKLAND, CLERK  
By: Wenae King  
Deputy Clerk

