

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
JUNE 2, 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

(06/02/09 - 1 - 9:02 a.m.)

CALL TO ORDER

Stevenson called the meeting to order

(06/02/09 - 1 - 9:02 a.m.)

ROLL CALL

Stevenson said that all five commissioners were present.

(06/02/09 - 1 - 9:03 a.m.)

Bryan gave the Invocation and Stevenson led the Pledge of Allegiance.

(06/02/09 - 1 - 9:06 a.m.)

Judge John Alexander, Chief Administrative Judge, spoke regarding the closing of the St. Johns Regional Juvenile Detention Center, due to a bill signed by Gov. Charlie Crist as a result of State budget cuts. He noted that St. Johns County remained the landlord for the Detention Center which was located behind the Sheriff's Office. He reviewed the partnership with the St. Johns County School Board, Mental Health officials, and medical staff. He said he was upset about the closing of the Detention Center, and no planning had been done by the State Department of Juvenile Justice. He said they would find out on June 12 what would happen to the juveniles. He stated that he didn't know whether they would have to be driven to Jacksonville by the Sheriff's Office, or where they would be screened. He stated that there had been no contact from the State Department of Juvenile Justice about what they were supposed to do. He said the juveniles would be warehoused in the Duval Juvenile Detention Center in Jacksonville with more serious offenders, gang members, and the like. He explained that they would be transported to court in vans, but there had been no coordination as to what days Juvenile Court would be held. He said that was one of the reasons they had helped to establish a local Detention Center. He said parents would have to drive to downtown Jacksonville to see their children.

Judge Alexander said funds, of between \$800,000 and \$900,000 a year, now appropriated for juveniles in St. Johns County, would go either to Duval County or to the State. He said he knew this was a critical time with budgeting, but there was a request to maintain a local Detention Center, maybe 15 beds, within the County and by the County, with the money already appropriated for the running of the Detention Center. He added that members of the current staff would be willing to become County employees, which could provide a seamless transition. He said there was currently a Level Six Juvenile Prison (a Commitment Facility) for moderate level offenders, Hastings Youth Academy, located in Hastings. He said it housed drug offenders, drug dealers, thieves, burglars, and other

moderate level offenders from all over the state. He said there was also a Level Eight Facility run by the State, located in another facility on the other side of the Detention Center, for serious offenders including sex offenders, those with serious mental health issues, and attempted murderers. He said it was previously run by Three Springs, but was now run by YSI International. He said that their staff wanted to expand that facility into the Detention Center, which was still controlled by the County, because they did not have a kitchen in the Level Eight Facility. He said that between those two facilities, there was also a Consequence Unit, for short term behavioral issues, that had never been operational, since the Detention Center had served that function. He said the Consequence Center had been taken over by Three Springs, within the past two years, had been vandalized, and those damages had never been repaired. He explained that it was St. Johns County property. He asked if the Board approved someone moving into the Detention Center, and whether they should have to take care of the damages done to the Consequence Center. He asked whether it was a Detention Center, or whether it should be turned over to higher level offenders. He asked them to look at the intention of the original lease, and whether it was intended for a juvenile high risk, high concern, serious juvenile prison of statewide prisoners, or was it intended to be a detention facility and ancillary services. He said they were asking the Board to decide whether they could take over a locally based detention center or whether they would warehouse the children in Duval County. He emphasized that the State had provided them little or no information and time was of the essence.

(9:16 a.m.) Miner said they should do whatever it took to keep the kids in St. Johns County.

(9:16 a.m.) Bryan asked the number of kids that were currently involved. Alexander said about 20, but added that he did not think they would need a 50 bed facility; it could be smaller, about 15 beds. He said it had been an efficient center. He said the State FY year ended on June 30 and they would take kids for only ten more days, so time was of the essence in making a decision.

(9:18 a.m.) Stevenson said it was apparent that the Board wanted to do whatever was necessary to support the Detention Center.

(9:19 a.m.) Bryan said he was concerned about the exposure St. Johns County kids would have to other kids from gangs from larger cities, which would only cause the problems to get worse. He said Alexander had talked with him about the matter.

(9:20 a.m.) Alexander asked whether they wanted the Level Eight Facility to take over the Detention Center.

(9:20 a.m.) Mays said they needed to look at the original intent of the lease.

(9:20 a.m.) Sanchez said he would support the Judge's request. He said it was the children, elderly and the poor who were being kicked severely during these difficult economic times. He said he was totally against sending the kids to Jacksonville. He suggested that the Attorney and Administrator get together, and they could call a special meeting to take action if necessary.

(9:22 a.m.) Stevenson said she heard the Board giving authorization for the Administrator to meet with the Attorney, Sheriff, and Judges to work on the problem.

(9:22 a.m.) Wanchick said the authority had to be granted by the State. He said they were currently subsidizing the State system and if they withdrew funds, they might face issues with the State. He said it could be an expensive initiative, but it was a risk worth taking.

(9:23 a.m.) Sanchez said the County had built the facility. Wanchick said it was County land but a State facility which was leased. Wanchick said that to remodel the Consequence

Facility would cost about \$50,000. Sanchez commented that the lease might have been violated.

(9:25 a.m.) Alexander thanked them for their support and hoped they would give it a shot.

(06/02/09 - 3 - 9:26 a.m.)

SPECIAL RECOGNITION AND VIDEO PRESENTATION OF THE ST. JOHNS COUNTY HEALTH DEPARTMENT FOR ACHIEVING THE 2009 GOVERNOR'S STERLING AWARD

Stevenson introduced the item, and a video presentation was shown. Stevenson said the Sterling Award Banquet was charged with energy and the award was for managerial excellence. She said it was only the second time a public health department in Florida had been recognized. She thanked the distinguished guests for their participation that day.

(9:32 a.m.) Dr. Dawn Allicock, Director of the St. Johns County Health Department, was introduced by Stevenson. Stevenson then introduced Dr. Ana Viamonte Ros, State Surgeon General of the Florida Department of Health, Ms. Jean Kline, Deputy Secretary for Health, Mr. John Pierno, Chairman of the Florida Sterling Council, and Mr. James Burkhart, President of Shands Jacksonville and former recipient of the 2008 Governor's Sterling Award.

(9:37 a.m.) Bryan read a letter to the recipients, the St. Johns County Health Department, from the Board of County Commissioners, congratulating them for their outstanding public health service to the residents of St. Johns County. He congratulated all of them.

(9:38 a.m.) Dr. Allicock said this was not the end point, but a continuous journey in the quest for excellence. She thanked Stevenson and all the County Commissioners for the special recognition and for their support. She thanked Wanchick and Cameron for their support and said they could not have done it without them and their staff. She thanked Dr. Viamonte Ros, Deputy Secretary Jan Kline, Mr. John Pierno and Mr. James Burkhart. She also thanked Chief Hall and his staff, including Jeremy Robshaw and Kenny Krulish for their help in the production of the video.

(9:40 a.m.) Dr. Viamonte Ros spoke and commended all the St. Johns Health Department employees for the work that they did. She offered her congratulations to everyone for what the recognition meant to the staff and to the community.

(9:42 a.m.) Ms. Kline said the prestigious award was well deserved, and that 120 people had worked so hard to move toward performance excellence in meeting the needs of the residents of St. Johns County. She said St. Johns County was a shining star of all the health departments. She congratulated Dr. Allicock and the entire staff of the St. Johns County Health Department for their fine performance.

(9:43 a.m.) Mr. Pierno said it was very difficult to achieve the Sterling Award, and many things were looked at. He said it started with leadership at all levels. He stated it was a reflection of the staff and he was very proud of them.

(9:44 a.m.) Mr. Burkhart said it only worked when you had strong leadership. He said, most importantly, it was the people in the organization that made it work. He said they had a resource in St. Johns County to help share the experience for all types and sizes of organizations. He said they were one of two health departments within the state, and he was not aware of any other health departments in any other states, that had been able to accomplish what they had been able to accomplish, which made them a national role model.

(06/02/09 - 3 - 9:49 a.m.)

ACCEPTANCE OF PROCLAMATIONS

(9:49 a.m.) **Motion by Sanchez, seconded by Bryan, carried 5/0, to approve the Proclamations.**

(06/02/09 - 4 - 9:49 a.m.)

DELETIONS TO CONSENT AGENDA

Bryan requested that Item 19 be moved to the Regular Agenda for discussion, as Item 7A.

(06/02/09 - 4 - 9:50 a.m.)

APPROVAL OF CONSENT AGENDA

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

1. Approval of the Cash Requirement Report
2. Minutes:
05/05/09 - BCC Regular Meeting
05/12/09 - BCC Special Meeting 1:30 p.m.
3. Motion to adopt **Resolution No. 2009-152**, accepting a thirty (30) foot Drainage Easement Agreement for the construction and maintenance of a drainage swale from the School Board of St. Johns County, Florida along Russell Sampson Road for Liberty Pines Academy

RESOLUTION NO. 2009-152

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING A THIRTY (30) FOOT DRAINAGE EASEMENT AGREEMENT FOR THE CONSTRUCTION AND MAINTENANCE OF A DRAINAGE SWALE FROM THE SCHOOL BOARD OF ST. JOHNS COUNTY, FLORIDA, ALONG RUSSELL SAMPSON ROAD FOR LIBERTY PINES ACADEMY

4. Motion to adopt **Resolution No. 2009-153**, approving the terms and authorizing the County Administrator to execute a Purchase and Sale Agreement to acquire property for the Intersection improvements to Dobbs Road and Kings Road

RESOLUTION NO. 2009-153

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

5. Motion to adopt **Resolution No. 2009-154**, accepting a Special Warranty Deed for additional right-of-way for County Road 2209 from World Commerce Center, LLP

RESOLUTION NO. 2009-154

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING A SPECIAL WARRANTY DEED FOR ADDITIONAL RIGHT-OF-WAY FOR COUNTY ROAD 2209 FROM WORLD COMMERCE CENTER, LLP

6. Motion to adopt **Resolution No. 2009-155**, approving the terms and authorizing the County Administrator to execute a certain Purchase and Sale Agreement for property required for Segment III of the Volusia Street/Four Mile Road project. (1st of 12 Parcels)

RESOLUTION NO. 2009-155

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 REQUIRED FOR SEGMENT III OF THE VOLUSIA STREET/FOUR MILE ROAD PROJECT

7. Motion to adopt **Resolution No. 2009-156**, 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 Augustine area (7th of 13 Parcels - updated to include 3 additional properties)

RESOLUTION NO. 2009-156

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

8. Motion to adopt **Resolution No. 2009-157**, approving the terms and authorizing the County Administrator to execute three Purchase and Sale Agreements for property needed for the drainage improvements for the West Augustine/Duval and St. Johns Street Project (8th, 9th & 10th of 13 Parcels - updated to include 3 additional properties)

RESOLUTION NO. 2009-157

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THREE PURCHASE AND SALE AGREEMENTS FOR PROPERTY NEEDED FOR THE DRAINAGE IMPROVEMENTS FOR THE WEST AUGUSTINE/DUVAL LAND ST. JOHNS STREET PROJECT

9. Motion to adopt **Resolution No. 2009-158**, accepting a Grant of Easement for drainage purposes for Second Avenue Subdivision off of Old Dixie Highway

RESOLUTION NO. 2009-158

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING A GRANT OF EASEMENT FOR DRAINAGE PURPOSES FOR SECOND AVENUE SUBDIVISION OFF OF OLD DIXIE HIGHWAY

10. Motion to adopt **Resolution No. 2009-159**, approving the submittal of a Federal Transit Administration Grant to apply for \$1,540,216 in earmark funding for the construction of a new transit facility for St. Johns County

RESOLUTION NO. 2009-159

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE SUBMITTAL OF A FEDERAL TRANSIT ADMINISTRATION GRANT TO APPLY FOR \$1,540,216 IN LANDMARKS TO BE USED IN THE CONSTRUCTION OF A NEW TRANSIT FACILITY FOR ST. JOHNS COUNTY FLORIDA

11. Motion to adopt **Resolution No. 2009-160**, approving the terms and authorizing the Chairman to execute a Conservation Easement over ~ 0.23 acres at Nease Beachfront Park to mitigate for wetland impacts associated with the development of the park

RESOLUTION NO. 2009-160

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND AUTHORIZING THE CHAIRMAN TO EXECUTE A CONSERVATION EASEMENT OVER APPROXIMATELY 0.23 ACRES AT NEASE BEACHFRONT PARK TO MITIGATE FOR SECONDARY WETLAND IMPACTS DUE TO CONSTRUCTION OF THE PARK

12. Motion to adopt **Resolution No. 2009-161**, authorizing the County Administrator to execute Amendment No. 7 to DEP Contract #RP565 to increase the funding increment amount of the Contract to the County for lifeguard services at the Anastasia State Recreation Area from May 23, 2009 to September 7, 2009

RESOLUTION NO. 2009-161

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE EXECUTION OF AMENDMENT NO. 7 TO DEP CONTRACT #RP565 TO PROVIDE LIFEGUARDS TO ANASTASIA RECREATION AREA

13. Motion to adopt **Resolution No. 2009-162** , approving the terms, provisions, conditions, and requirements of an agreement between St. Johns County, Florida, and the City of St. Augustine, Florida, for the provision of sewer services and authorizing the County Administrator to execute the agreement on behalf of St. Johns County

RESOLUTION NO. 2009-162

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

APPROVING THE TERMS, PROVISION, CONDITIONS, AND REQUIREMENTS OF AN AGREEMENT BETWEEN ST. JOHNS COUNTY, FLORIDA, AND CITY OF ST. AUGUSTINE, FLORIDA, REGARDING SEWER SERVICE PROVISION, AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE AGREEMENT ON BEHALF OF ST. JOHNS COUNTY.

14. Motion to approve the transfer of \$35,126 from Contingency Reserves to Improvement Other Than Buildings to correct Year End review error
15. Motion to approve the transfer of \$96,000 from Recreation Programs Department Reserve to Aquatics Department Contractual Services for payment of a contract with the YMCA for operations of 2 County pools
16. Motion to transfer the amount of \$25,000.00 from Capital Outlay Reserve to Aid to Private Organization to assist with the building of the Field of Dreams Baseball field that will be specially designed to allow mentally or physically handicapped kids the opportunity to play baseball
17. Motion to authorize the County Administrator, or his designee, to award a contract to the low bidder, Thompson Well & Pump, Inc. for a Lump Sum amount of \$286,983.58 for Bid # 09-13 CR214 Mainland Wellfield Floridian Aquifer Production Well TR-49
18. Motion to adopt **Resolution No. 2009-163** , accepting the terms of the Contract #NH210 between the State of Florida Department of Children and Families, and the St. Johns County Board of County Commissioners for mental health and substance abuse services, and authorizing the Chair of the Board of County Commissioners to execute the Amendment on behalf of the County

RESOLUTION NO. 2009-163

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING 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 CONTRACT ON BEHALF OF THE COUNTY

This item was added to the Regular Agenda as Item 7A.

19. Motion to adopt a Resolution approving and authorizing the County Attorney, or his designee, to execute on behalf of the County, the Class Representative Employment Contract with Doffermyre, Shields, Canfield & Knowles, John S. Kalil, P.A., Brennan, Manna & Diamond, P.L. and R. Bryant McCulley, P.L. to represent the County in connection with any and all claims and remedies the County may have against any and all persons or entities arising out of or related to web-based travel companies withholding tourist development or other taxes due the County
20. Proofs:
 - a. Proof, Notice to Bidders, RFP No. 09-84
 - b. Proof, Notice of Hearing, Board of County Commissioners, Proposed St. Johns County Utility Department Water Facility Plan, Tuesday, May 19, 2009 at 9:00 a.m.
 - c. Proof, Notice to Bidders, RFP No. 09-91
 - d. Proof, Notice to Bidders, RFP No. 09-90

- e. Proof, Notice of Tour, St. Johns County Agricultural Economic Development Educational Tour, Thursday, May 14, 2009 beginning at 8:00 a.m.
- f. Proof, Notice of Special Meeting, Public & Private Meeting, Board of County Commissioners, Tuesday, May 19, 2009 at 10:30 a.m.
- g. Proof, Notice of Special Meeting, Board of County Commissioners, Workshop to discuss the Tourist Development Council, Tuesday, May 12, 2009 at 1:00 p.m.
- h. Proof, Notice of Meeting, West Augustine Community Redevelopment Agency Steering Committee, Water & Sewer Master Plan Kick-off, Thursday, May 14, 2009 at 6:30 p.m.
- i. Proof, Notice to Bidders, RFP No. 09-87
- j. Proof, Notice to Bidders, RFP No. 09-88
- k. Proof, Notice to Bidders, RFP No. 09-89
- l. Proof, Certificate of Liability Insurance, JD James, Inc. dba Nature Bridges
- m. Proof, Certificate of Liability Insurance, Envirocare Construction, Inc.
- n. Proof, Certificate of Liability Insurance, C & L Landscape, Inc.
- o. Proof, Certificate of Liability Insurance, Construction Debris Removal, Inc.
- p. Proof, Certificate of Liability Insurance, P A H Constructors, Inc.

(06/02/09 - 8 - 9:52 a.m.)

PUBLIC COMMENT

Clara Cowan, 244 Patrick Mill Circle, Ponte Vedra Beach, said she was speaking on behalf of the Ponte Vedra Coalition. She said the coalition had asked her to convey to the Board that in matters involving County process, that the County enforce or at least respect private covenants. She said the issue was a pending submittal for a major modification to the Sawgrass Village Sawgrass Players Club PUD, and said that unresolved peripheral issues should be dealt with before the application was processed.

(9:54 a.m.) Hilton Meadows, 6837 Merrill Rd., Jacksonville, spoke regarding the St. Johns County Development Review Manual and Land Development Code. He hand delivered a letter and supporting documents to the Board (Exhibit A), regarding legal action he had taken against the County in 2003. He said it also involved the enactment of Ordinance 2004-40 and subsequent modifications by professional engineers, who had opposed the ordinance, to rewrite and expand provisions of the St. Johns County Codes that Ordinance 2004-40 had modified, to permit the full, fair, and equitable practice of a Florida Registered Landscape Architect. He requested that the Board direct staff, at all levels, to reinstitute and reconfirm the letter and intent of Ordinance 2004-40 consistent with the recitations of law which he had cited in the backup documentation.

(9:59 a.m.) Ellen Whitmer, 1178 Natures Hammock Rd. South, Fruitcove, gave an overhead presentation (Exhibit A), regarding a White Paper, *The Changing Boundaries: A Look at Annexation in NE Florida*, by the Northeast Florida Regional Planning Council. She stated she was concerned about encroachment into St. Johns County territory and cautioned that the Board needed to give it great consideration.

(06/02/09 - 8 - 10:03 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

There were none.

(06/02/09 - 8 - 10:03 a.m.)

APPROVAL OF REGULAR AGENDA

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

(06/02/09 - 9 - 10:04 a.m.)

(District 1)

1. PUBLIC HEARING - VACROA 09-01, VACATING A PORTION OF PINE ISLAND ROAD - THE APPLICANT, SONOC COMPANY, LLC REQUESTS THE VACATION OF A +/- 5,200-FOOT PORTION OF A 60-FOOT UNOPENED RIGHT-OF-WAY WHICH IS DEEDED TO ST. JOHNS COUNTY, BUT HAS NEVER BEEN MAINTAINED BY THE COUNTY. THIS PORTION OF PINE ISLAND ROAD HAS NO PUBLIC ACCESS TO IT. THE ROAD SEGMENT TO BE VACATED STARTS AT THE EXISTING PORTION OF PINE ISLAND ROAD THAT THE COUNTY DOES MAINTAIN; THIS IS APPROXIMATELY 0.8 MILES WEST OF THE FORMER PINE ISLAND FISH CAMP AND RUNS NORTHEAST ALONG AN EXISTING ONE LANE DIRT ROAD/TRAIL TO ITS TERMINUS AT DEEP CREEK. THIS SEGMENT OF ROAD TO BE VACATED IS LOCATED WITHIN THE NOCATEE DRI AND WAS FORMALLY USED AS ACCESS TO A GIRL SCOUT CAMP ON THE BANKS OF DEEP CREEK. THE MASTER DEVELOPMENT PLAN FOR NOCATEE INCLUDES A ROAD NETWORK IN THIS AREA WHICH WILL SERVE CROSSWATER VILLAGE LOCATED IN THE SOUTHERN PART OF NOCATEE, THEREBY NECESSITATING THE PETITION TO VACATE. THE PETITION PROCESS DOES NOT REQUIRE A SPECIFIC STATEMENT FOR THE PURPOSE OF THE VACATION; HOWEVER, STAFF HAS NO OBJECTIONS TO THE REQUESTED ROAD RIGHT-OF-WAY VACATION AND THERE ARE NO OPEN COMMENTS OR OBJECTIONS FROM ANY OF THE REVIEWING COUNTY DEPARTMENTS

Proof of publication of the notice of public hearing on vacating Pine Island Road was received, having been published in *The St. Augustine Record* on May 18, 2009.

John Burnham, Development Review Chief Engineer, gave the presentation and an overhead presentation. He explained the request.

(10:06 a.m.) Stevenson questioned the area of the Nocatee project involved. Burnham pointed it out on the map. She asked if it interfered with the existing Pine Island Rd. that led to Pine Island Fish Camp. Burnham said it would not interfere with the principal arterial road.

(10:08 a.m.) **Motion by Miner, seconded by Sanchez, carried 5/0, to adopt Resolution 2009-164, vacating a portion of Pine Island Road as described.**

RESOLUTION NO. 2009-164

A RESOLUTION VACATING A PORTION OF PINE ISLAND ROAD AS DESCRIBED.

(06/02/09 - 9 - 10:08 a.m.)

(DISTRICT 2)

2. PUBLIC HEARING - REZ 2009-01, LDC BUSINESS PARK ADMINISTRATIVE REZONING - THIS IS A REQUEST TO REZONE FROM PLANNED SPECIAL DEVELOPMENT (PSD) TO INDUSTRIAL WAREHOUSE (IW). SUBJECT PROPERTY IS APPROXIMATELY .40 ACRES IN SIZE AND IS LOCATED OFF OF HOLMES BLVD. THE PLANNING DIVISION FINDS THE REQUEST TO REZONE TO INDUSTRIAL WAREHOUSE SUBSTANTIALLY MEETS THE REQUIREMENTS OF THE COMPREHENSIVE PLAN AND THE LAND DEVELOPMENT CODE. THIS FINDING IS BASED UPON THE FOLLOWING INFORMATION: THE APPLICATION MATERIALS AS SUBMITTED BY THE APPLICANT, THE LOCATION OF THE PROPERTY WITHIN THE MIXED USE LAND USE, PROXIMITY TO INDUSTRIAL ZONINGS AND OTHER RELEVANT INFORMATION AVAILABLE TO STAFF. THIS FINDING MAY BE SUBJECT TO OTHER COMPETENT SUBSTANTIAL EVIDENCE RECEIVED AT THE QUASI-JUDICIAL PUBLIC HEARING. THE PLANNING AND ZONING AGENCY

RECOMMENDED APPROVAL OF THIS REQUEST AT THEIR APRIL 16, 2009 MEETING BY A VOTE OF 7/0 (MOTION BY LAIDLAW, SECOND BY WHEELER)

Proof of publication of the notice of public hearing on REZ 2009-01, LDC Business Park Administrative Rezoning was received, having been published in *The St. Augustine Record* on May 18, 2009.

Michael Blackford, Planner III, gave an overhead presentation and explained the project. He reviewed staff recommendations and said that staff supported the request. He said there was only one adjacent property owner comment which supported the request.

(10:12 a.m.) **Motion by Sanchez, seconded by Miner, carried 5/0, to enact Ordinance No. 2009-26, known as REZ 2009-01, adopting findings of fact one through four to support the motion.**

ORDINANCE NO. 2009-26

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

(06/02/09 - 10 - 10:13 a.m.)

3. CONSIDER MOTION TO APPROVE THE 2009 ST. JOHNS COUNTY ROADWAY AND TRANSPORTATION ENHANCEMENT LIST OF PRIORITY PROJECTS (LOPP) FOR TRANSMITTAL TO THE FLORIDA DEPARTMENT OF TRANSPORTATION AND FIRST COAST TRANSPORTATION PLANNING ORGANIZATION

Phong Nguyen, Transportation Planning Manager, gave an overhead presentation and reviewed the list of priority projects for the Board's review and approval. He reviewed those who had participated in the decisions and the specific items recommended. He said no new dollars were available and staff requested that the Board approve the 2009 list for transmittal to the Florida Department of Transportation and the First Coast Transportation Planning Organization.

(10:17 a.m.) Clara Cowan, 244 Patrick Mill Circle, Ponte Vedra, said she had been requested to ask them to reconsider Item No. 10 of the list. She said all that was needed were two turn lanes, and to widen it would be to take away a lot of landscaping on a scenic highway. She said they did not want it to become a racetrack with four lanes of traffic.

(10:19 a.m.) Nguyen said it was a State project and had been included on the list because it would take a long time to receive funding. He said they had to be persistent or the project would be knocked out by the State.

(10:20 a.m.) Mays said there was a need to stay consistent, and they should keep it on the list for this year. He said next year would be the time to look at it more closely.

(10:21 a.m.) Bryan said it was a small stretch and they needed to look at it carefully, and determine whether it was an appropriate area to make four lanes, since there was a lot of beach traffic in that area.

(10:23 a.m.) Stevenson said wider was not always better, and it was not a widening all the way to A1A.

(10:24 a.m.) Mays suggested that engineering analysis should be looked at next year for Item No. 10.

(10:25 a.m.) Motion by Mays, seconded by Miner, carried 5/0, to approve the 2009 St. Johns County Roadway and Transportation Enhancement List of Priority Projects (LOPP) for transmittal to the Florida Department of Transportation and First Coast TPO.

The Board recessed at 10:27 a.m. and reconvened at 10:43 a.m.

(06/02/09 - 11 - 10:43 a.m.)

4. CONSIDER APPOINTMENT OF TWO BOARD OF COUNTY COMMISSIONERS AS MEMBERS TO THE 2009 VALUE ADJUSTMENT BOARD

Stevenson explained the function of the Value Adjustment Board (VAB) and said that Legislative changes had been made as to the manner in which the Board would operate. She explained that the Special Magistrate did most of the decision making, but the Board did stand for appeals.

(10:45 a.m.) McCormack said there was a statutory requirement for a Value Adjustment Board with two members to be appointed to the Board. He said one would be elected by the VAB as its chairman. He said they were also required to have private counsel, and the VAB selected Jim Bedsole. He introduced Robin Platt, Clerk to the VAB. He said responsibilities were minimal but could increase during the next year or so.

(10:48 a.m.) Sanchez said he would not mind serving again.

(10:48 a.m.) Robin Platt introduced herself and said the board met 3 to 4 times a year and the meetings lasted about 5 to 10 minutes.

(10:49 a.m.) Stevenson said she had served on the board, and it was helpful to understand some of the process that the other Constitutional Officers have to go through to reach the tax numbers, and to understand some of the problems with the budgeting process.

(10:50 a.m.) Motion by Miner, seconded by Bryan, carried 5/0, to appoint Commissioners Sanchez and Mays to serve on the 2009 Value Adjustment Board.

(06/02/09 - 11 - 10:50 a.m.)

5. CONSIDER AN APPOINTMENT TO THE AFFORDABLE HOUSING ADVISORY COMMITTEE

Melissa Lundquist, Administrative Coordinator, gave the presentation.

(10:51 a.m.) Motion by Bryan, seconded by Sanchez, carried 5/0, to appoint Bill Lazar to the Affordable Housing Advisory Committee to complete the unexpired term of a former AHAC member scheduled to expire July 1, 2011.

(06/02/09 - 11 - 10:52 a.m.)

6. CONSIDER APPOINTMENTS TO THE ARCHITECTURAL REVIEW COMMITTEE

Melissa Lundquist, Administrative Coordinator, gave the presentation.

(10:53 a.m.) Motion by Miner, seconded by Bryan, carried 5/0, to appoint Shawn Mulhall to the Architectural Review Committee as a regular member for a full four-year term scheduled to expire June 2, 2013. (CCOD Resident requirement)

After discussion it was determined that several Board members would like to see Silkebaken stay on the Board. Stevenson said they could make a motion to reconsider and to make Mr. Mulhall the alternate. Mays said he did not realize that Silkebaken qualified

for only the CCOD position, and he would make the motion to reconsider and place Mulhall as the alternate.

(10:55 a.m.) Motion by Mays, seconded by Sanchez, carried 5/0, to reconsider the previous vote so that Marci Silkebaken could be the primary as described by Sanchez.

(10:57 a.m.) Motion by Mays, seconded by Sanchez, carried 5/0, to reappoint Marci Silkebaken, to the Architectural Review Committee as a regular member for a full four-year term scheduled to expire June 2, 2013. (CCOD Resident requirement)

(10:57 a.m.) Motion by Miner, seconded by Mays, carried 5/0, to appoint Sean Mulhall to the Architectural Review Committee as an alternate member for a full four-year term scheduled to expire June 2, 2013. (CCOD Resident requirement)

(10:58 a.m.) Motion by Mays, seconded by Miner, carried 5/0, to reappoint Alison McCallum to the Architectural Review Committee as a regular member for a full four-year term scheduled to expire June 2, 2013. (PVZD Resident requirement)

(10:58 a.m.) Motion by Mays, seconded by Sanchez, carried 5/0, to reappoint Edward Shafer to the Architectural Review Committee as a regular member for a full four-year term scheduled to expire June 2, 2013. (Architect requirement)

7. CONSIDER APPOINTMENTS TO THE HOUSING FINANCE AUTHORITY

Melissa Lundquist, Administrative Coordinator, gave the presentation.

(11:01 a.m.) Motion by Stevenson, seconded by Sanchez, carried 5/0, to reappoint Wayne Flowers to the Housing Finance Authority for a full four-year term scheduled to expire June 2, 2013.

(11:02 a.m.) Motion by Miner, seconded by Sanchez, carried 5/0, to reappoint Linda DeGrande to the Housing Finance Authority for a full four-year term scheduled to expire June 2, 2013.

(06/02/09 - 12 - 11:03 a.m.)

7A. (Previously Consent Item 19) - CLASS REPRESENTATIVE EMPLOYMENT CONTRACT FOR WEB-BASED TRAVEL COMPANIES WITHHOLDING TOURIST DEVELOPMENT OR OTHER TAXES DUE THE CLIENT

Bryan asked McCormack if the item was an unsolicited proposal.

(11:03 a.m.) McCormack responded that the issue had been in the State of Florida, and in Orange County they were successful in getting a court order to internet based reservations and charges for rooms remediated back into the TDC, because it counted towards the price of the room. He said there had been solicitations from law firms which had been reviewed by Deputy County Attorney, Michael Hunt, who had selected the firm. He said it was at no cost to the County, and would bring a potential gain in revenue to the County.

(11:05 a.m.) Bryan asked when was the last time that the County held an audit which might have caught that.

(11:05 a.m.) Stevenson said it was a State issue and they tried to close a loophole at the State level regarding Interstate Commerce and the way they recognized revenue. She explained that litigation was the only way to do it. She said it would be a kind of audit, with a finder's fee. She described the issue and explained that the bed tax was not being collected by the local area which should have been in receipt of the tax.

(11:07 a.m.) McCormack said that where there was a middle man type arrangement, the dollars that the middle man got would be subject to the TDC tax, which would mean additional revenue to the County. He said there had been at least one case that had been successful in that type litigation. He said it would cost nothing to the County and they felt St. Johns County should at least attempt to get at that source of funds, by using a specialist that had success in using litigation pertaining to that issue.

Bryan asked if there was an escape clause in the event that the Board decided they no longer wanted to participate. Hunt said they did. He said there would be some minor exposure for expenses, but that would be their only exposure. Bryan returned to the issue of the audit and said that the Clerk of Court, by statute, was responsible for auditing internally as well as staff, and asked when the last time an audit was conducted to determine whether or not there were local firms doing something similar.

(11:13 a.m.) Stevenson suggested that the Clerk report on the matter and look at the expenditure area as well.

(11:13 a.m.) McCormack said we lived in a time of innovation and the internet buying and selling of rooms was in that realm. He said the County Ordinances and Statutes had not caught up to that innovation. He said there might be other marketing means that were not captured by the present language. He said they needed to look at other opportunities for recovering revenues. Bryan said that was exactly what he was talking about.

(11:14 a.m.) Hunt said innovation and technology always exceeded the written law.

Stevenson said they understood it at the local level and it was understood at the State level, but they had not been able to close the loophole on that internet practice. She said she hoped the legal action will help to dampen the practice. Discussion ensued. Hunt said the matter had been discussed with Glenn Hastings and he was supportive.

(11:17 a.m.) **Motion by Bryan, seconded by Miner, carried 5/0, to adopt Resolution No. 2009-165, approving and authorizing the County Attorney or his designee to execute on behalf of the County, the Class Representative Employment Contract with Doffermyre, Shields, Canfield & Knowles, John S. Kalil, P.A., Brennan, Manna & Diamond, P.L. and R. Bryant McCulley, P.L., to represent the County in connection with any and all claims and remedies the County may have against any and all persons or entities arising out of or related to web-based travel companies withholding tourist development or other taxes due to the County.**

RESOLUTION NO. 2009-165

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND CONDITIONS ASSOCIATED WITH A CLASS REPRESENTATIVE EMPLOYMENT CONTRACT WITH DOFFERMYRE, SHIELDS, CANFIELD & KNOWLES, JOHN S. KALIL, P.A., BRENNAN, ANNA & DIAMOND, P.L., AND R. BRYAN MCCAULEY, P.L., AND AUTHORIZING THE COUNTY ATTORNEY TO EXECUTE THE CONTRACT ON BEHALF OF THE COUNTY.

(06/02/09 - 13 - 11:20 a.m.)
COMMISSIONERS' REPORTS

Commissioner Mays:

Mays said that he and Sanchez had attended a bill signing ceremony the day before, at which he had been informed that the County had been omitted from the transmission of the

Governor's request to the Federal Government to declare St. Johns County's state of emergency in relation to the agricultural problems resulting from the rain and damage to the potato crops. He said he had been assured by the Governor that he would amend the request to the Federal Government to list St. Johns County. He said there was not guarantee and that they would ask the County lobbyist to have the Governor keep up with his commitment.

(11:21 a.m.) Commissioner Bryan:

Bryan thanked everyone for their cards, letters, flowers and personal condolences for his father's passing.

(11:22 a.m.) Commissioner Sanchez:

No report

(11:22 a.m.) Commissioner Miner:

Miner reported that the St. Johns County Public Safety Coordinating Council had met the day before, would meet again July 13 at 8:30, and monthly thereafter. He thanked Locklear, Stephenson and their staff for their work on the flooding issues.

(11:22 a.m.) Commissioner Stevenson:

Stevenson said it had been a busy time and there were many challenges. She said she represented the County at the Sterling Awards. She said the five county group that was working on the river to see a loop, had also met. She said there was also another change of artwork in the lobby of the Administration Building, *Art on the Move*, by the St. Johns County Cultural Council. She said it had been made possible by a lot of hard work by volunteers and members of the Cultural Council.

(06/02/09 - 14 - 11:27 a.m.)

COUNTY ADMINISTRATOR'S REPORT

Wanchick asked the Commission to reserve June 30 at 9:00 for a Commission Workshop. He said he had not decided yet what they would discuss.

He reminded the community that he was going to begin his Financial State of the County meetings next Tuesday at 6:30 at the World Golf Village and was going to give a financial recap of services and what would be required to maintain them. He said the numbers were continuing to fall. He said they had received numbers from the Property Appraiser that came in \$7 million less than anticipated. He said it was going to get worse before it got better and it was time for a serious dialogue with the community.

(11:29 a.m.) He asked Joe Stephenson to come forward and comment on the County's response to the rain and mosquitoes as a result of the rain. He said Stephenson's department had received cuts in staff and equipment.

(11:30 a.m.) Stephenson gave an overhead illustration and said that Mosquito Control was not a function of the County. He said that they had begun doing aerial spraying that day. He showed a presentation of flooding calls within the County for drainage issues. He showed closed roads that had resulted due to high water. He said they had identified drainage problems and were addressing those specifically as resources allowed. He stated that they had responded to many situations and some of them were not related to flooding. He said they were pleased that they had as few events as they did. He said it was at least a 25 year flood in some of the County and a 100 year event in some portions of the County.

(11:34 a.m.) Sanchez said that people should be very careful because snakes were on the move due to the high water.

(11:34 a.m.) Mays commended Stephenson and his staff on doing a good job. He asked about problems at the Wilderness Trail area. Stephenson said a drainage project was already designed that would take care of some chronic problems there. He said they had also discovered a new flooding problem there that may well be influenced by the new developments. Mays asked the time frame. Stephenson said in 30 to 90 days they would get some answers to the newer problem. He said engineering would take additional time, and it was not uncommon. Mays said he would make himself available to contact the engineering firms if they were delaying staff's ability to make the analysis.

(11:36 a.m.) Stevenson said she appreciated the progress report and was glad to know they were making steady progress. She said that Remington Forest was having an issue with flooding and she had visited the area prior to the flooding. She said it was common and the opportunities for remediation in the Ponte Vedra area, in particular, were getting smaller for the flow of water. She said the developers needed to be held to greater accountability. She said new developments were impacting older developed areas. Stephenson said there was a Countywide Drainage Model Study and new developers had to study the drainage, present the model, and had to get approval from the Water Management District. He said they were constructing a model that would eventually cover the entire county. He said it was a labor intensive and expensive process. He said it would take more time to get into all the locations of the County and noted that funds had been cut. Stevenson said the budget cuts were causing people to feel the pain.

Stevenson suggested they put the phone number for Mosquito Control on GTV so the public would have a contact number.

(06/02/09 - 15 - 11:42 a.m.)

COUNTY ATTORNEY'S REPORT

McCormack said the County's Impact Fee Schedule contained a typo pertaining to elementary schools where the totals for the four elements of impact fess should read \$4,625. He said the chart would be revised.

Secondly, the County Administrator had been authorized to purchase eight blocks at Summerhaven for a total of \$55,000, plus closing costs of \$852. He asked for Board approval to get those funds from the General Fund Reserves.

(11:45 a.m.) Motion by Sanchez, seconded by Miner, carried 5/0, to purchase the eight lots at Summerhaven as authorized and funded through the General Fund Reserves, for a total of \$55,000 plus closing costs of \$852.

McCormack said in May of 2008, the Board had approved rezoning of property at US 1 North for the Natural Stone Store's property. He said the applicant had agreed to a deed restriction prohibiting outside storage not related to the applicant's stone products. He said there was an impediment to the deed restriction, and the applicant had requested the Board to reconsider that matter. He said to do that would require a motion for reconsideration, and would have to be done by one of the two members who had voted in favor of it, Stevenson and Sanchez, currently sitting on the Board. He said should they decide to do so, they could see it at the next hearing. He said he was asking for a vote for consideration.

(11:47 a.m.) Motion by Sanchez, seconded by Stevenson, carried 5/0, to reconsider the item for a technical change of where the restriction would be placed.

(11:48 a.m.) McCormack said a road paving contractor had brought litigation against the County regarding withholding of payment of funds, \$110,000, from W. R. Townsend, because they had not completed specified work in a timely manner. He said they had proposed settlement, with the County retaining only \$23,000. He said they recommended that the Board not accept that amount, and recommended a counteroffer so that the County could settle the matter. He said no decision was required. He said they intended to make

an appropriate counter offer, for which he would return for Board approval. Discussion ensued.

(06/02/09 - 16 - 11:51 a.m.)
CLERK OF COURT'S REPORT

There was none.

Wanchick said there was a joint meeting with the City of St. Augustine the next day at 1:00 p.m. in the Alcazar Room at City Hall.

Stevenson commented on the June 30 workshop location. Wanchick commented on the location and why certain meeting areas had been selected. He said it would vary based on community interest. Stevenson asked that they hold the meetings where the public could be accommodated. Wanchick said that regarding the TDC meeting all people were given a seat and an opportunity to participate.

(11:53 a.m.) **Motion by Bryan, seconded by Miner, carried 5/0, to adjourn the meeting.**

With there being no further business to come before the Board, the meeting adjourned at 11:53 a.m.

REPORTS:

1. St. Johns County Board of County Commissioners Check Register Check No. 438673 through 439007, totaling \$2,535,591.39 (05/12/09)
2. St. Johns County Board of County Commissioners Check Register Check No. 439008 through 439350, totaling \$2,294,311.90 (05/19/09)
3. St. Johns County Board of County Commissioners Check Register Check No. 439351, totaling \$284.00 (05/19/09)
4. St. Johns County Board of County Commissioners Check Register Check No. 439533 through 439563, totaling \$61,988.09 (05/21/09)

CORRESPONDENCE:

1. Letter dated May 21, 2009 to Liz Cloud, Program Administrator, Department of State, making a change to Ordinance No. 2009-18
2. Letter dated May 21, 2009 to Liz Cloud, Program Administrator, Department of State, filing Ordinance Nos. 2009-22 through 2009-25.

Approved July 7, 2009

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: Cyndi Stevenson
Cyndi Stevenson, Chair

ATTEST: CHERYL STRICKLAND, CLERK

By: Yvonne King
Deputy Clerk

