

**MINUTES OF MEETING  
BOARD OF COUNTY COMMISSIONERS  
ST. JOHNS COUNTY, FLORIDA  
JUNE 16, 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  
                              Lenora Newsome, Deputy Clerk

Also present:           Michael Hunt, Deputy County Attorney

(06/16/09 - 1 - 9:03 a.m.)  
CALL TO ORDER

Stevenson called the meeting to order.

(06/16/09 - 1 - 9:03 a.m.)  
ROLL CALL

Stevenson announced that all five commissioners were present.

(06/16/09 - 1 - 9:04 a.m.)

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

(06/16/09 - 1 - 9:05 a.m.)  
DELETIONS TO CONSENT AGENDA

Bryan requested to move Consent Agenda Item 18 to the Regular Agenda as Item 7 and Consent Item 20 to the Regular Agenda as Item 9. Miner requested to move Consent Agenda Item 19 to the Regular Agenda as Item 8. Stevenson stated that she wanted the public to be aware of Agenda Item 22 and Item 17. McCormack requested to pull Consent Agenda Item 2 from the agenda.

(06/16/09 - 1 - 9:08 a.m.)  
APPROVAL OF CONSENT AGENDA

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

1.     Approval of the Cash Requirement Report
2.     Minutes:  
       05/12/09 - BCC Special Meeting  
       05/19/09 - BCC Regular Meeting

05/19/09 - BCC Special Meeting  
06/02/09 - BCC Regular Meeting

3. Sheriff Office Bonds:

Approve: Tanya Gillins

Cancel: James Ford Halford Harris Jacquelyn Ard  
Scott Brandow Diana Gonzales Robert Jarrard  
Gary Kuiper Richard Langieri Josiah Lemaster  
Susan Loveless Kelli Meacham Linda Morgan  
Charles Painter Ronald Shugart Catherine Smith  
Clarence Smith Roy Smith Robert Suddeth  
Robert L Taylor Maria Whitehead

4. Motion to adopt **Resolution No. 2009-166**, approving the terms and authorizing the Chairman to execute a Conservation Easement over 3.6 acres at Terra Pines to mitigate for wetland impacts associated with the Lightsey Rd. sidewalk improvements

**RESOLUTION NO. 2009-166**

**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 3.6 ACRES AT TERRA PINES ON CR 206 TO MITIGATE FOR WETLAND IMPACTS ASSOCIATED WITH THE LIGHTSEY ROAD SIDEWALK IMPROVEMENTS**

5. Motion to adopt **Resolution No. 2009-167**, approving the terms and authorizing the execution of certain Grant of Easements necessary for the drainage improvements along A1A Beach Boulevard

**RESOLUTION NO. 2009-167**

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND AUTHORIZING THE EXECUTION OF CERTAIN GRANT OF EASEMENTS NECESSARY FOR THE DRAINAGE IMPROVEMENTS ALONG A1A BEACH BLVD.**

6. Motion to adopt **Resolution No. 2009-168**, accepting and authorizing the County to join in the execution of a Sovereignty Lands Easement Renewal for use of state submerged lands as an offshore borrow area for future beach renourishment projects

**RESOLUTION NO. 2009-168**

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING AND AUTHORIZING THE COUNTY TO JOIN IN THE EXECUTION OF A SOVEREIGNTY SUBMERGED LANDS EASEMENT RENEWAL FOR USE OF STATE SUBMERGED LANDS EASEMENT**

**RENEWAL FOR USE OF STATE SUBMERGED LANDS  
AS AN OFFSHORE BORROW AREA FOR FUTURE  
BEACH RENOURISHMENT PROJECTS**

7. Motion to authorize the County Administrator, or his designee, to enter into contract under Bid No. 09-73 with Samsula Waste, Inc. and Environmental Site Services for demolition of structures and material
8. Motion to authorize the County Administrator, or his designee, to negotiate with and, if negotiations are successful, enter into contract with one or both of the top two (2) ranked firms for RFQ 09-72, Continuing Contract - GIS Services for Utility Department. If an agreement cannot be reached with the top two (2) ranked firms, authorization is requested to begin negotiations with the next ranked respondent and continue until an agreement is reached with two (2) respondents
9. Motion to approve the ranking of the title companies for the Neighborhood Stabilization Program in accordance with HUD and DCA requirements
10. Motion to adopt **Resolution No. 2009-169**, approving the terms, conditions, and requirements of the First Amendment to the Community Based Care contract # NJ204 between St. Johns County, Florida and the State of Florida, Department of Children and Families, and authorizing the County Administrator, or designee, to execute Contract Amendment #1 on behalf of the County

**RESOLUTION NO. 2009-169**

**A RESOLUTION OF ST. JOHNS COUNTY, FLORIDA,  
AUTHORIZING THE COUNTY ADMINISTRATOR, OR  
DESIGNEE, TO EXECUTE AMENDMENT #1 TO  
CONTRACT #NJ204 BETWEEN ST. JOHNS COUNTY  
BOARD OF COUNTY COMMISSIONERS AND THE  
STATE OF FLORIDA, DEPARTMENT OF CHILDREN  
AND FAMILIES**

11. Motion to adopt **Resolution No. 2009-170**, approving the terms, conditions, and requirements of Amendment #24 to the Community Based Care contract # DJ993 between St. Johns County, Florida and the State of Florida, Department of Children and Families, and authorizing the County Administrator, or designee, to execute Contract Amendment #24 on behalf of the County

**RESOLUTION NO. 2009-170**

**A RESOLUTION OF ST. JOHNS COUNTY, FLORIDA,  
AUTHORIZING THE COUNTY ADMINISTRATOR, OR  
DESIGNEE, TO EXECUTE AMENDMENT #24 TO  
CONTRACT #DJ993 BETWEEN ST. JOHNS COUNTY  
BOARD OF COUNTY COMMISSIONERS AND THE  
STATE OF FLORIDA, DEPARTMENT OF CHILDREN  
AND FAMILIES**

12. Motion to approve percentage realignment of part-time workforce positions in Community Based Care (CBC)

13. Motion to approve the transfer of \$152,500 from Sheriff Renovation Reserves to Sheriff Renovation Improvement, other than Building, to fund the renovation of Evidence Department and Sheriff Finance Department
14. Motion to authorize the County Administrator, or his designee, to negotiate with and, if negotiations are successful, enter into a design/build contract with the number one ranked firm, Sports Turf One, Inc. for RFP 09-82, Design/Build for Conversion of (2) Existing Grass Soccer Fields Into Artificial Turf Soccer Fields. If an agreement cannot be reached with the number one ranked firm, authorization is requested to terminate negotiations, and begin negotiations with the next ranked firm, and continue until an agreement is reached
15. Motion to adopt **Resolution No. 2009-171**, for the development of the design, permitting, construction, inspection and monitoring of a reconstructed FEMA Protective Coastal Berm as detailed in the proposal, and authorizing the County Administrator, or designee, to execute task orders and agreements as necessary to complete this task

**RESOLUTION NO. 2009-171**

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING AND AUTHORIZING THE RECONSTRUCTION OF THE PROTECTIVE COASTAL BERM ALONG SUMMERHAVEN BEACH INCLUDING THE DESIGN, PERMITTING, CONSTRUCTION PLANS, CONSTRUCTION ACTIVITIES AND MONITORING DURING THE ESTABLISHED PERIOD**

16. Motion to adopt **Resolution No. 2009-172**, approving the terms, provisions, conditions, and requirements of the Joint Project Agreement between the Board of County Commissioners of St. Johns County, Florida, and the State of Florida Department of Transportation, regarding the construction of certain roadway improvements within the interchange of Interstate 95 at CR 210 and along CR 210, and authorizing the County Administrator, or designee, to execute said Agreement

**RESOLUTION NO. 2009-172**

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING AND AUTHORIZING THE EXECUTION OF THE TRANSPORTATION REGIONAL INCENTIVE PROGRAM AGREEMENT BETWEEN THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION AND ST. JOHNS COUNTY PERTAINING TO THE CONSTRUCTION OF COUNTY ROAD 210 AND INTERSTATE 95; PROVIDING DIRECTIONS; AND PROVIDING AN EFFECTIVE DATE**

17. Motion to approve a transfer in the amount of \$4,300,000 from the Northwest Road Fund Capital Outlay Reserves to Transfer to Funds, to be able to transfer \$3,379,376 to the Transportation Trust Fund and \$920,624 to Road Impact Fees - Zone A, due to the delay of the construction of the Racetrack Road project

18. Motion to adopt a Resolution supporting the inclusion of the intercity rail component of the Florida East Coast (FEC) corridor project (from Jacksonville to Miami) as part of the Federal Economic Stimulus Package for the State of Florida

*This item was moved to the Regular Agenda as Item 7. (See page 20)*

19. Motion to approve the revised BCC Manager position and associated step level

*This item was moved to the Regular Agenda as Item 8. (See page 20)*

20. Motion to adopt a Resolution approving minor revisions and amendments to the Master Non-Exclusive Franchise Agreement for Construction & Demolition Debris, and providing an effective date

*This item was moved to the Regular Agenda as Item 9. (See page 21)*

21. Motion to adopt **Resolution No. 2009-173**, approving, in substantially the form presented, the terms, provisions, conditions, and requirements of the Cost Share Agreement between the Board of County Commissioners of St. Johns County, Florida, and the United States Army Corps of Engineers, regarding the Study and data collection of Coastal Services with St. Johns County and authorizing the County Administrator, or designee, to execute the Agreement, on behalf of the County

#### **RESOLUTION NO. 2009-173**

**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 UNITED STATES DEPARTMENT OF ARMY, ENGINEER CORPS AND ST. JOHNS COUNTY PERTAINING TO THE STUDY AND DATA COLLECTION OF COASTAL ENGINEERING SERVICES WITHIN ST. JOHNS COUNTY; PROVIDING DIRECTIONS; AND PROVIDING AN EFFECTIVE DATE**

22. Motion to adopt **Resolution No. 2009-174**, approving the terms, provisions, conditions and requirements of an Agency Agreement between St. Johns County and St. Vincent's Medical Center, Inc. to provide at the Shell Regan Community Resource Center primary medical care to migrant and seasonal farm workers in Hastings who cannot afford medical care and authorizing the County Administrator, or designee, to execute the Agreement on behalf of St. Johns County

#### **RESOLUTION NO. 2009-174**

**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 ST. VINCENT'S MEDICAL CENTER INC., IN ORDER TO PROVIDE AT THE SHELL REGAN COMMUNITY RESOURCE CENTER PRIMARY MEDICAL CARE TO MIGRANT AND SEASONAL**

**FARM WORKERS IN HASTINGS WHO CANNOT AFFORD MEDICAL CARE AND AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO EXECUTE THE AGREEMENT ON BEHALF OF ST. JOHNS COUNTY**

23. Proofs:
- a. Proof, Notice of Meetings, Public Town Hall Meetings, County Administrator Michael D. Wanchick, Tuesday, June 9, 2009 at 6:30 p.m., Wednesday, June 10, 2009 at 6:30 p.m., Thursday June 11, 2009 at 2:00 p.m. and 6:30 p.m., Monday, June 15, 2009 at 6:30 p.m., Wednesday, June 17, 2009 at 6:30 p.m. and Thursday, June 18, 2009 at 6:30 p.m. (Ponte Vedra Recorder)
  - b. Proof, Notice of Meeting, Joint Workshop Meeting, Board of County Commissioners and City of St. Augustine Commission, Wednesday, June 3, 2009 at 1:00 p.m.
  - c. Proof, Notice to Bidders, Bid No. 09-93
  - d. Proof, Notice to Bidders, Bid No. 09-81
  - e. Proof, Notice of Hearing, Board of County Commissioners, Vacate on Pine Island Road, June 2, 2009 at 9:00 a.m.
  - f. Proof, Notice to Bidders, Bid No. 09-94
  - g. Proof, Notice to Bidders, Bid No. 09-95
  - h. Proof, Notice to Bidders, Bid No. 09-96
  - i. Proof, Notice to Bidders, Bid No. 09-92
  - j. Proof, Notice to Bidders, RFQ No. 09-85
  - k. Proof, Notice to Bidders, Bid No. 09-83
  - l. Proof, Notice of Meetings, Public Town Hall Meetings, County Administrator Michael D. Wanchick, Tuesday, June 9, 2009 at 6:30 p.m., Wednesday, June 10, 2009 at 6:30 p.m., Thursday June 11, 2009 at 2:00 p.m. and 6:30 p.m., Monday, June 15, 2009 at 6:30 p.m., Wednesday, June 17, 2009 at 6:30 p.m. and Thursday, June 18, 2009 at 6:30 p.m. (St Augustine Record)
  - m. Proof, Notice to Bidders, RFQ No. 09-86
  - n. Proof, Certificate of Liability Insurance, TW Telecom of Florida IP, TW Telecom, Inc.
  - o. Proof, Certificate of Liability Insurance, 3608 Nine Mile Road
  - p. Proof, Certificate of Liability Insurance, 3607 Seaboard Waste Systems, Inc.

(06/16/09 - 6 - 9:09 a.m.)

**PUBLIC COMMENT**

Mary Lawrence, 842 Oak Arbor Circle, gave a presentation on the PUSH (People United to Stop Homelessness) Program.

(9:13 a.m.) Terry Buckenmeyer, 5178 Farm Creek Road, spoke on the PUSH Program and stated that the County needed to take a serious approach to the program.

(9:18 a.m.) Allan Deinhart, 504 Jeffrey Drive, spoke on the PUSH Program.

(9:22 a.m.) Olivia Deinhart, 504 Jeffrey Drive, spoke on the PUSH Program and people being out on the street with no food or place to live.

(9:25 a.m.) Marie Parmly, 5650 A1A South #A104, spoke on the homeless needing help and supporting the PUSH Program.

(9:27 a.m.) Nancy O'Byrne, 5308 Second Street, member of the PUSH Program, stated that she volunteered at Catholic Charities, which tried to prevent homelessness, and was losing the battle.

(9:31 a.m.) Cyndi Lauritsen, 4985 Moultrie Reserve Court, stated that she was a member of the PUSH Program, and that the County needed to address the problem of homelessness.

(9:34 a.m.) Robin Nadeau, 26 Mickler Blvd., spoke on the national health care system being so bad, that people fell through the cracks and became homeless.

(9:36 a.m.) Mary Lawrence, 842 Oak Arbor Circle, recapped the comments: 1) there was a dysfunctional lead Agency, 2) inadequate shelter in downtown St. Augustine, 3) people lacking experience to deal with homelessness, 4) lots of churches and not enough commitment, and 5) this County should organize a homeless organization.

(9:38 a.m.) Helen Whitmer, 1178 Natures Hammock Road South, spoke on the article in the Times Union regarding the expanded powers of the Jacksonville Transportation Authority. She stated that it was a step toward regional government and would cause taxes to go up. Stevenson stated that all the Commissioners received a June 9<sup>th</sup> notice from FDOT, that there would be a session to discuss the focus and participation on a study for the Regional Transportation Authority on June 29<sup>th</sup> from 2:00 p.m. to 4:00 p.m. at the FDOT training center. She mentioned that she would ask the County Administrator if it would be appropriate for them to advertise it, if people wanted to get involved.

(06/16/09 - 7 - 9:42 a.m.)

#### ADDITIONS/DELETIONS TO REGULAR AGENDA

Wanchick requested to pull Item 6 and add it to the Regular Agenda under Item 1; the discussion of the Office of Justice, Bullet Proof Partnership Grant.

(06/16/09 - 7 - 9:43 a.m.)

#### APPROVAL OF REGULAR AGENDA

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

(06/16/09 - 7- 9:43 a.m.)

#### 1. CONSTITUTIONAL OFFICERS' BUDGET PRESENTATIONS

Doug Timms, Director of the Office of Management and Budget, stated that all though Florida, Constitutional Officers were independently elected officials, and Florida Statutes required Constitutional Officers to submit requested budgets to the Board on June 1<sup>st</sup>. He stated that the Tax Collector and the Property Appraisers' budgets were fee based and were exceptions. He stated the other Constitutional Officers; Supervisor of Elections, The Clerk of Courts, and the Sheriff would present their budgets on June 1<sup>st</sup>. He mentioned that the Clerk of Court asked to present her budget in July. He stated that on that day, the Supervisor of Elections and the Sheriff would comment on their requested budgets.

#### PENNY HALYBURTON, SUPERVISOR OF ELECTIONS

(9:45 a.m.) Penny Halyburton, Supervisor of Elections, stated that she submitted two budgets; one was for the office and one was for elections. She stated that there was

nothing outstanding in her requests that year. She spoke on purchasing new voting equipment. Bryan asked about options to lease the equipment, as opposed to purchasing it, and the advantages and disadvantages. Halyburton replied that the problem with leasing was that you weren't guaranteed that you would get the equipment. She stated that they would have to purchase another system in the year 2012 for people with disabilities. Bryan stated that he thought the voters would be willing to pay the money to insure that they would have a reliable system that they could depend on, and not question it. Mays mentioned that it sounded like the vendors were not willing to provide software upgrades, but were willing to provide a new system. Halyburton replied that this County was not the only one affected, and that it was not only the software, but the technology, that their current system could handle. Discussion followed on the vendors not wanting to supply the software, but wanting to supply new equipment, being out of the vendor's hands per State law, requirements by the State, and the new generation/new version in the world of technology.

CHERYL STRICKLAND, CLERK OF COURTS

She would give her budget in July.

DAVID B. SHOAR, SHERIFF

(10:00 a.m.) David B. Shoar, Sheriff, stated that the Commissioners had been sent by email, and Sanchez was being delivered paper copies of their financial summary and analysis and a copy of their line item budget. He stated that everyone knew the importance of public safety. He stated that they needed to tell the public about budget cuts and having to do more with less. He stated that they were constitutionally mandated to do certain things. He said that they needed to remember the unpredictability of this profession. Sheriff Shoar mentioned that St. Johns County Sheriff's Office carried a lot on their balance sheets that other counties didn't. He spoke on local unfunded mandates, submitting a budget decrease of 4.25% or \$2.5 million, having a hiring freeze, eliminating positions, no pay raises, having no vehicle purchased in 2009-2010, taking action with their fleet to save money, striving to do more with less, cutting out specialty units and programs, streamlining office procedures, charging inmate booking and medical fees, and stated that healthcare for inmates was very high. He stated that they should be turning back to the County about \$2 million dollars. He stated that they were having an issue with the communication system and had to find money for it. He recognized dire situations facing them that year and next year, and stated that they were going out to enlist help from the community. Mays thanked the Sheriff. Bryan asked about healthcare and how long an inmate could be in jail before being transferred. Shoar responded 365 days. Miner thanked the Sheriff and his team. Stevenson congratulated him on moving forward on the false alarm ordinance with McCormack. Shoar mentioned that they were probably one meeting away from completing a new noise ordinance. McCormack mentioned that they were also close to being finished was the sexual predator ordinance. Stevenson stated that a good quality of life was not possible without safety. Sanchez thanked the Sheriff for working with them. Wanchick stated that everyone realized that they had a long way to go in the budget process and thanked Shoar for working with them on it. He stated that looking at \$4.5 million decrease from the Sheriff's Office was a pretty impressive number, giving the initiatives that he was being asked to assume, that were increasing not decreasing.

Shoar reviewed the item, Office of Justice: Bulletproof Partnership Grant. He stated that they paid half and the Federal Government paid the other half.



(10:32 a.m.) Motion by Miner, seconded by Sanchez, carried 5/0, to adopt Resolution No. 2009-175, authorizing the Sheriff, or designee, to submit an application seeking funding assistance through the Florida Department of Law Enforcement State Homeland Security Program.

**RESOLUTION NO. 2009-175**

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE SHERIFF, OR DESIGNEE, TO SUBMIT AN APPLICATION SEEKING FUNDING ASSISTANCE THROUGH THE OFFICE OF JUSTICE/BUREAU OF JUSTICE ASSISTANCE, BULLETPROOF VEST PARTNERSHIP**

**The meeting recessed at 10:33 a.m. and reconvened at 10:47 a.m.**

(06/16/09 - 9 - 10:47 a.m.)

2. CONSIDER MOTION TO ADOPT A RESOLUTION AUTHORIZING THE ISSUANCE OF THE COUNTY'S SALES TAX REVENUE REFUNDING BONDS, SERIES 2009A, IN AN AGGREGATE PRINCIPAL AMOUNT NOT EXCEEDING \$12,000,000

Patrick McCormack, County Attorney, gave a presentation and explained the request. He explained that the market had shifted and there were extenuating circumstances which would result in less than 3 percent, but still had a savings of \$200,000 to \$300,000.

(10:51 a.m.) Jay Glover, Public Financial Management, County's Financial Adviser, said that was the next step in the process of moving forward, when the market conditions permitted. He noted that since May 19<sup>th</sup>, the actual market conditions had deteriorated a little bit, interest rates had actually risen. Based on that day's market, they projected a savings of about 2.5 percent at the refunded par amount. He said they recommended lowering the savings threshold to 2 percent. He said it would still generate savings during those critical budget times.

(10:54 a.m.) Sanchez said they were willing to look at anything for saving funds. He asked if it was outside the cost, of what it would cost, to make the change. Glover said the savings would be actual savings realized by the County.

(10:54 a.m.) Stevenson said it was a full call on bonds that had a 4.9 to 5 percent coupon, and lower rates were being presented. She said interest rates were lower. She asked if there had been any discussions with the Finance Department of the Clerk of Courts office. Michael Hunt, Deputy County Attorney, said that Allan McDonald had participated in the discussions. Glover said the cost of issuance was based on the fees paid to the working group to put the financing documents together, ranging from about \$125,000. He said the main cost was the bond insurance and a surety policy, at about \$110,000. He said there were also underwriter fees at \$50,000 to \$75,000. He said those fees were netted out of the cost savings.

(10:58 a.m.) Doug Timms, Director of Office Management & Budget, said they were looking for any savings they could find. He said it was a late development and all discussions had been at 3% savings. He said the Finance Director had not been particularly involved in the last aspect, but it did adhere to their financial policy as indicated. Stevenson clarified that they were trying to close the transactions if there was a 2.5 or 2 percent net present value savings, and asked if Timms supported that

idea. Timms said he would support it at that level because there was some savings. Glover said they had a fiduciary responsibility to help negotiate the transaction and get the most savings available at the market conditions at the time of sale.

(11:02 a.m.) McCormack said that if the Board adopted the motion as provided in the agenda sheet, he would ask that an additional phrase be added to the end of the motion: "and recognizing the extenuating circumstances of the current budgetary climate."

(11:02 a.m.) Motion by Stevenson, seconded by Sanchez, carried 5/0, to adopt Resolution No. 2009-176, authorizing the issuance of the County's Sales Tax Revenue Refunding Bonds, Series 2009A, in an aggregate principal amount not exceeding \$12,000,000, and in recognizing extenuating circumstances of the current budgetary climate, and recognizing that the resolution will be revised from that three percent figure to the two percent figure.

#### RESOLUTION NO. 2009-176

A RESOLUTION FURTHER SUPPLEMENTING RESOLUTION NO. 86-132 ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ON SEPTEMBER 30, 1986, AS PREVIOUSLY AMENDED AND SUPPLEMENTED; PROVIDING FOR REFUNDING OF THE COUNTY'S OUTSTANDING SALES TAX REVENUE REFUNDING BONDS, SERIES 1998; AUTHORIZING THE ISSUANCE BY THE COUNTY OF NOT EXCEEDING \$12,000,000 AGGREGATE PRINCIPAL AMOUNT OF SALES TAX REVENUE REFUNDING BONDS, SERIES 2009A, TO FINANCE SUCH REFUNDING; PLEDGING THE LOCAL GOVERNMENT HALF-CENT SALES TAX TO SECURE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON SAID SERIES 2009A BONDS; PROVIDING FOR THE RIGHTS OF THE HOLDERS OF SAID SERIES 2009A BONDS; ENTERING INTO CERTAIN COVENANTS AND AGREEMENTS WITH THE HOLDERS OF SAID SERIES 2009A BONDS; RATIFYING THE COUNTY'S ACCEPTANCE OF THE INSURER'S COMMITMENTS RELATING TO A POLICY AND A RESERVE INSTRUMENT WITH RESPECT TO SAID SERIES 2009A BONDS; AUTHORIZING A NEGOTIATED SALE AND AWARD OF THE SALE OF SAID SERIES 2009A BONDS; APPROVING THE CONDITIONS AND CRITERIA FOR SUCH SALE AND AUTHORIZING THE EXECUTION AND DELIVERY OF A PURCHASE CONTRACT WITH RESPECT TO SAID SERIES 2009A BONDS; APPROVING A PRELIMINARY OFFICIAL STATEMENT WITH RESPECT TO SAID SERIES 2009A BONDS AND AUTHORIZING A FINAL OFFICIAL STATEMENT WITH RESPECT THERETO; APPROVING THE FORM AND AUTHORIZING THE EXECUTION OF A CONTINUING DISCLOSURE CERTIFICATE; APPOINTING THE REGISTRAR AND PAYING AGENT FOR SAID SERIES 2009A BONDS; AUTHORIZING THE EXECUTION AND DELIVERY OF AN ESCROW DEPOSIT AGREEMENT RELATING TO THE

**REFUNDING OF SAID SERIES 1998 BONDS;  
APPOINTING THE ESCROW AGENT UNDER SAID  
ESCROW DEPOSIT AGREEMENT; AND PROVIDING  
AN EFFECTIVE DATE**

(06/16/09 - 11 - 11:03 a.m.)

(District 3)

3. PUBLIC HEARING - PFS AGREE 2009-01 RACETRAC #848 PROPORTIONATE FAIR SHARE CONCURRENCY AGREEMENT - RACETRAC PETROLEUM, INC. HAS PROPOSED A PROPORTIONATE FAIR SHARE CONCURRENCY AGREEMENT (AGREEMENT) TO PROVIDE IMPROVEMENTS AT THE SR 207/WILDWOOD DRIVE INTERSECTION TO MITIGATE THE PROJECT'S PROPORTIONATE FAIR SHARE FOR TRANSPORTATION IMPACTS PURSUANT TO SECTION 11.09.04.C OF THE LAND DEVELOPMENT CODE. THE PROJECT'S PROPORTIONATE FAIR SHARE IS CALCULATED TO BE \$174,217.96. THE PROJECT IS PROPOSING TO CONSTRUCT \$198,909.34 IN ROAD IMPROVEMENTS ON WILDWOOD DRIVE. THE CONCURRENCY REVIEW COMMITTEE (CRC) REVIEWED THE AGREEMENT ON MAY 7, 2009 AND RECOMMENDED APPROVAL WITH CHANGES TO SECTION 5 (FINANCIAL SECURITY) AND TO SECTION 19 (EFFECTIVE DATE). THE AGREEMENT WAS REVISED AS REQUESTED BY THE CRC. THE PLANNING AND ZONING AGENCY REVIEWED THE REVISED AGREEMENT ON MAY 21, 2009 AND RECOMMENDED APPROVAL WITH NO CHANGES (5/0 VOTE)

Proof of publication of the notice of public hearing for PFS AGREE 2009-01, known as Proportionate Fare Share Agreement, Racetrac #848, was received, having been published in *The St. Augustine Record* on May 6, 2009.

Phong Nguyen, Transportation Planning Manager, gave the presentation and explained the request. He gave the background of the project, showed the roadway improvements proposed, and the commitments made by the applicant that day. He said the agreement had been revised and that was the agreement before them. He said that the CRC and the PZA had reviewed it. Bryan asked if the logos on the bottom of the documents were appropriate. McCormack stated that there were a couple of typos in the agreement and on the actual recorded agreement they could have those typos fixed and have a clean copy without any particular logo on it. Nguyen stated that he did question it. Bryan asked about the timeline and recalculation, if there was an extension. Whitehouse replied. Mays said a lot of times the impact fees would be less than what was being seen. Burnett spoke on design changes and the applicant seeking amendments. Haga spoke on impact fees.

**(11:13 a.m.) Motion by Miner, seconded by Sanchez, to approve PFS AGREE 2009-01 (Racetrack #848 Proportionate Fair Share Concurrency Agreement), finding that the proposed Agreement is consistent with Section 11.09 of the Land Development Code. McCormack asked if the maker of the motion and the second would be willing to add in; "substantially in the form allowed," which would give him the ability to correct the typos he had described. The maker of the motion agreed to the amendment and so did the second. The motion carried 5/0.**

(06/16/09 - 11 - 11:14 a.m.)

(District 3)

4. PUBLIC HEARING - PUD 2007-20, PHILLIPS-MCCARTY - THIS IS A REQUEST TO REZONE .98 ACRES FROM RESIDENTIAL SINGLE FAMILY (RS-2) TO PLANNED UNIT DEVELOPMENT (PUD) FOR THE DEVELOPMENT OF 7,200 SQUARE FEET OF OFFICE AND PROFESSIONAL BUSINESS 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 RESIDENTIAL-C LAND USE, CONSISTENCY 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 APRIL 16, 2009 HEARING BY A VOTE OF 6 TO 1 (MOTION BY WHEELER/WILLIAMS WITH LAIDLAW DISSENTING). THE MOTION TO RECOMMEND APPROVAL INCLUDED REVISIONS TO THE TEXT TO FURTHER RESTRICT USES BY ELIMINATING MAIL AND PACKAGE SERVICES AND SCHOOLS FOR THE PERFORMING OF FINE ARTS OR MARTIAL ARTS. ADDITIONAL CHANGES REQUESTED INCLUDED REDUCING BUILDING HEIGHT FROM 35' TO 30' AND TO LIMIT SIGNAGE TO A MAXIMUM 100 SQUARE FEET OF DISPLAY AREA PER BUSINESS. THE DISSENTING VOTER EXPRESSED CONCERNS OVER THE SAFETY OF THE INTERSECTION OF US 1 AND CREEKSIDE DR.

Proof of publication of the notice of public hearing for PUD 2007-20, Phillips/McCarty PUD, was received, having been published in *The St. Augustine Record* on June 1, 2009.

Michael Blackford, Planner II, reviewed the item stating that there were two waiver requests; 1) to the unified sign plan portion of the Land Development Code, and 2) setback for parking to provide for tree preservation, *Exhibit A*. He stated that staff had no objections. He gave a brief history on the item. He stated that the following was removed; pharmacy with a drive through, retail, and the scope of uses was reduced. He stated that the traffic concurrency was approved for 7,200 square feet of specialty retail space. He spoke on minutes from the DOT meeting being incorrect, regarding the improvements to U.S. 1, and the south bound turn lane should actually be the north bound turn lane. Miner disclosed ex parte communication with Karen Taylor, the applicant, and said he had read all the emails he received from the residents. Sanchez disclosed the same ex parte communication as Miner. Stevenson disclosed the same ex parte communication as Miner and drove out to see the neighborhood. Bryan disclosed ex parte communication, reviewing and reading quite a few of the emails, and that he had been out to the site. Mays disclosed the same ex parte communication as Miner.

(11:24 a.m.) Karen Taylor, 77 Saragossa Street, spoke on the significant trees and preserving them, and gave a presentation, *Exhibit B*. She stated that the request was for 7,200 square feet of office use. She stated that there were a number of permitted uses and reviewed them. Stevenson asked about affecting the number of trips in Blackford's presentation. Taylor responded. Taylor spoke on the median opening. She stated that they would provide sidewalks, solid waste facilities, fencing along western boundary, and reduction in set back to U.S. 1 from 20 foot to 10 foot. She stated that it met the criteria in the Comp Plan, providing for compatibility, residential in character-single story with a 30 foot maximum height, reduced traffic from what was originally approved, and was more appropriate for office type uses and less intense type uses. She spoke on concurrency. Bryan spoke on the intersection and lengthening the driveway access. Taylor replied that they suggested the changes to DOT when they first tried it, and they wouldn't go for it, because they didn't like to have driveway exits into the existing deceleration lanes. Bryan asked about an acceleration lane. Taylor responded.

(11:45 a.m.) Delaine McCarty, 4112 Creekbluff Drive, Applicant, stated that she would like to be able to develop that land for office use.

(11:46 a.m.) Anthony McCarty, 4112 Creekside Drive, Applicant, reviewed the history of the property and what they were trying to do. He spoke on running a traffic study.

(11:55 a.m.) Durham Garbutt, 261 Rolling Oaks Road, gave a presentation addressing the hazards at the intersection of Creekside Drive and U.S. 1, *Exhibit C*. Sanchez stated that the applicant had concurrency up to 20 trips. He addressed the hazards at this intersection, showed the speeds on U.S. 1 as being over 60 miles an hours, and presented speed and stopping distances at 355 feet site distance.

(12:04 p.m.) Gordon Gattone, 251 Creekside Drive, mentioned that the neighbors united as a group, and he also turned in 20 signed letters from people against the PUD who could not be at the meeting, *Exhibit D*. He spoke on how bad the traffic was and how dangerous it was to pull off of Creekside Drive onto U.S. 1. He asked the Board to please deny the PUD.

(12:14 p.m.) Carol Rovinsky, 146 Creekside Drive, spoke on DOT's recommendation regarding narrowing the median.

(12:15 p.m.) Frank Phillips, 20 Contera Drive, asked the Board to use their staff's advice.

(12:16 p.m.) The meeting recessed for lunch.

Stevenson reconvened the meeting at 1:31 p.m. Terry Bulla, Deputy Clerk entered the meeting.

(1:31 p.m.) Karen Taylor, 77 Saragossa St., stated that for rebuttal purposes, they were aware of the increase in traffic. She reviewed the Institute of Transportation Engineers (ITE) standards (*Exhibit E*), used by the County, and said it would be an average rate for the neighborhood as well as for the office. She said that DOT had not provided evidence that they would not support the driveway. She said they had met with DOT about the needed improvements, and there was no mention made that the improvements would not be approved. She said if the Board approved the request, her clients would pay for the improvements and it would make the intersection safer for them. She said it was consistent with the Comp Plan, the LDC and all the County requirements. She said they had received approval from the PZA and staff.

(1:35 p.m.) Bryan said he would support it because the applicant had done everything they could to make it work. He said he hoped the DOT would work with the applicant to make it a lot safer.

(1:37 p.m.) Miner said he did not see the project making the traffic or safety situation worse. He said he had looked at what it would take to reduce the speed limit in that area and was told that it was not an option.

(1:39 p.m.) Stevenson explained how the median would facilitate safety, and said it would be a more organized traffic flow with a turn lane from northbound US 1. She referred to the conflict on the number of trips and asked staff to clarify the concurrency versus the trip count. Phone Nguyen, Transportation Planning Manager, said they had approval for 7,200 square feet for special retail and if restricted to office use only, it would be reduced to 10.7 peak hour trips for the approved square footage. He also addressed the issue of the median opening being reduced. He said DOT had recommended safety improvements to include narrowing of the opening to prohibit

irrational movements such as U turns. They also would institute a no U turn and no left turn for southbound traffic for that intersection. It would simplify the traffic pattern. It would allow for stacking of only one vehicle at the median. Stevenson asked him to relate to the statement that it was one of the most dangerous intersections in St. Johns County. Nguyen said they looked at the number of accidents involved during a certain period of time and equated that relative to other intersections. He said there was only one recorded accident at Creekside Dr. during 2007.

(1:47 p.m.) Taylor said that Ms. McCarty serviced that community with her pharmacy and Mr. Phillips had constructed some of the homes there, and they understood the needs of the neighborhood. She said they had agreed to residential in character for the building. Blackford said the text referenced was on page 9 of 13 described as "a one story low county style with a front porch, sidewalk, and residential feel", and that should adequately address the issue.

**(1:50 p.m.) Motion by Miner, seconded by Mays , carried 4/1 with Sanchez dissenting, to enact Ordinance 2009-27, known as PUD 2007-20, adopting findings of fact one through seven to support the motion.**

#### **ORDINANCE NO. 2009-27**

**AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM RESIDENTIAL SINGLE FAMILY (RS-2) TO PUD (PLANNED UNIT DEVELOPMENT); PROVIDING FINDINGS OF FACT; PROVIDING A SAVINGS CLAUSE; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE**

(06/16/09 - 14 - 1:51 p.m.)

5. PUBLIC HEARING - LAND DEVELOPMENT CODE AMENDMENTS - THIS IS THE SECOND 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 OVERSTRIKE/UNDERLINE FORMAT ARE ATTACHED. THE PLANNING AND ZONING AGENCY HEARD THIS ITEM ON MAY 21, 2009 AND GAVE A UNANIMOUS RECOMMENDATION OF APPROVAL SUBJECT TO ADDITIONAL LANGUAGE BEING ADDED TO ADDRESS EXEMPTING RECLAIMED WATER USERS FROM THE PROPOSED WATERING RESTRICTIONS. THE ADDITIONAL LANGUAGE READS, "EXEMPT FROM THIS REQUIREMENT ARE GOLF COURSES, SPORTS FIELDS, AGRICULTURE, SILVICULTURE OR SYSTEMS USING RECLAIMED WATER"

Proof of publication of the notice of public hearing for the Land Development Code Amendments was received, having been published in *The St. Augustine Record* on April 20, 2009 and June 2, 2009.

Betty Sue Stepp, Project Liaison, gave the presentation and reviewed the proposed Land Development Code Amendments. She noted it was the second required hearing. She said it had been recommended for unanimous recommendation for approval by the PZA on May 21, subject to staff addressing reuse water. She noted that changes had been made to the Ordinance to add an exemption for users of reuse water. She said they were also aware of changes submitted by Ellen Avery Smith regarding changes to

the modifications dealing with coastal height, and those were not addressed in their packets and would be brought up for discussion under public comment.

(1:52 p.m.) Ellen Avery Smith, 7 Waldo St., Rogers Towers, said she had e-mailed the handouts (Exhibit A) to each of the Commissioners, to Wanchick, Locklear and McCormack. She said the proposed changes were developed by a group of landowners in the Ponte Vedra area. She stated that the suggested changes were highlighted in blue and the changes made by staff were in red. She said that on page 2 she had added what amounted to an exemption for Developments of Regional Impact approved by the Commission prior to that day's date. She said she had offered the same exemptions for DRIs on page 3. She said the group of landowners was requesting to preserve certain vested rights of owners within, particularly, the Caballos del Mar DRI. She said the map (Exhibit B) was of the DRIs, and the only DRI east of the Intracoastal Waterway was the Caballos del Mar in the Ponte Vedra community. She said the main purpose of the proposed amendments would be to preserve the commercial redevelopment rights of the 91.66 acres of commercial slated within the DRI, located along A1A and not on the ocean or the Intracoastal Waterway.

(1:57 p.m.) Sanchez asked the height limitation currently in the DRI. Smith said it did not include height limitations. She said a PUD approved for the entire DRI listed 100 feet. She noted that was why she had explained about the private restrictions and other covenants. She said they were within properties throughout the DRI that would never allow development to 100 feet. Stevenson asked if there was a vesting determination on that property that already limited the height for the DRI. Smith said that her client, Ballard Sawgrass, LLC, drafted the amendment with the input of other property owners within the DRI, and was drafted that way, so that it would not affect just one property owner.

(1:59 p.m.) Mays said he lived in the DRI, Cabellos del Mar which was the only DRI within the coastal zone, said it included the property of the Sawgrass, The Players Golf Course and Marsh Landing as well as PGA headquarters. He said he had held discussions with the PGA Tour and the Players, also within the DRI, and they had concerns regarding future development within the golf course area and about retaining the entitlements which they originally had within the DRI and PUD. He said many of the buildings which would be built, would be coming in for approvals anyhow. He noted that many of the buildings currently there could not be seen from US 1, and high end development, part of the Players, was coming into that area. He said he recommended that anything above 65 feet should have to come in for a variance. He said he did not think any more buildings would come in above 65 feet.

(2:02 p.m.) Stevenson said there were several projects she wasn't sure were vested for height. She said she thought the message had been made clear, that it was their hope to defer the decision for consideration in a broader context, and not just for a single property owner. Mays said he had understood that as well.

(2:03 p.m.) McCormack recommended going forward with all the Land Development Code Amendments proposed that day except for the last one. He said there had been a lot of discussion about the height item and recommended that the last item be extracted, and that they move forward with the others.

Stevenson said there had never been any intent to interfere with any individual's property rights. She suggested they postpone that one item.

(2:05 p.m.) Ellen Whitmer, 1178 Natures Hammock Rd. South, Fruitcove, said she was glad that they had decided to postpone the issue of height. She said she was in favor of

the restriction and thought the County needed to tighten up on their height restrictions along the coastal area for a number of reasons. She said she had big questions about people who claimed they were supposed to get entitlements to be grandfathered, and in essence to break the law. She also asked for clarification on the categorical exemptions to the tree bank fund.

(2:07 p.m.) Wanchick said he was confused. He thought when they started the process, they wanted to protect the coastal areas and to put in a super majority vote for 35 feet or higher. He said some major landowners within the DRI had come to him because they were concerned about how that super majority might affect that area, because of plans for landowners to develop in that area. He said the original intent was for the coastal area, and not the DRI. The Land Development Code Amendment was written to put that protection in. He said it would take the DRI out and wouldn't impose the new requirement on the DRI, which was an area they did not intend to include to begin with. He said they should adopt the 35 foot code with super majority requirement or not, or adopt it and exclude that particular area, because it was unique. He said if they wanted something other than that; he needed to know what it was.

(2:09 p.m.) Bryan said he felt the same way. He said it was to protect the coastal area, and not the area setback and invisible from US 1.

(2:10 p.m.) Sanchez explained that originally they had used the Intracoastal Waterway as the line of demarcation, but unfortunately, it did not work in the Ponte Vedra area, as it was considerably further to the west in that area.

(2:11 p.m.) Mays said it was not a good idea for Ponte Vedra, as it would affect a lot of development in that area. He said there were a lot of unintended consequences with the 35 foot requirement. He said in his district it was going to include a lot of property which would require a super majority and everything else was done by a simple majority. He said it would be difficult and was not a good idea.

(2:11 p.m.) Stevenson said she wanted to be clear about what would be exempt from the height restrictions. She questioned whether some future Board would be stuck with a redevelopment project and not have that latitude.

(2:12 p.m.) Mays said 35 feet was dysfunctional for a lot more than that DRI. He said it would be pretty far reaching beyond the project in question, including general commercial establishments along US 1 in Ponte Vedra.

(2:13 p.m.) Bryan asked about the dividing line. Stevenson said the coastal high hazard area included everything east of the Intracoastal Waterway. Bryan said that was what was causing the confusion.

(2:13 p.m.) Miner said maybe a linear distance from the coast should be used rather than the Intercoastal.

(2:13 p.m.) Sanchez said that would cause a lot of confusion. He asked McCormack, since the current applicant had already begun the process, whether that would exempt them from anything the Board decided that day.

(2:14 p.m.) McCormack said it would not be appropriate for him to give an opinion at that point. He said any type of vesting applications or criteria were very fact specific with very detailed application procedures. But, he said, there was certainly a possibility of that. He asked Mays what he thought would be appropriate and best for that area.



(2:15 p.m.) Mays suggested that the 100 foot limit within that PUD and DRI was not reasonable. He said that for the DRI they would have to come in for approval for a height in excess of 65 feet and again the super majority vote of anything over 35 feet was not reasonable because of how much area it affected, and so much was affected by it.

(2:16 p.m.) Stevenson asked if he was foreseeing significant redevelopment in that area. Mays said he was foreseeing some, and there was still a lot of vacant land on A1A. He said even two story office buildings were higher than 35 feet. Stevenson said she would like to pull the item for that day, in consideration of the commercial concerns that Mays had addressed. She said coastal height was a quality of life issue and was important in those areas. Discussion ensued.

(2:18 p.m.) Sanchez suggested they pass the rest of it and pull the 35 foot height limit.

(2:19 p.m.) Wanchick said they should not leave it open. They should remove it for consideration, adopt a new Land Development Code with the 35 foot requirement or, if they wanted to impose it, do so and exempt the DRI with the intent to study the larger area at a later date. He said it was not good to cloud development with a pending regulation.

(2:20 p.m.) McCormack said he respected Wanchick's concern about leaving a cloud over potential investors, but for the rest of the LDC Amendments, they should go forward. He said they should excerpt the last one from consideration that day and also pass a motion that when it did come back, it would not pertain to the DRI. He said it would remove the cloud for that area.

(2:22 p.m.) Miner said he supported exempting the DRI, but would not support the majority plus one.

(2:22 p.m.) Stevenson said height was an important issue. Miner pointed out that the Board had the discretion to specify height. Stevenson said it was a variance and highlighted exception. Mays said the PUD adequately addressed height requirements; it was already dealt with in the PUDs.

**(2:25 p.m.) Motion by Mays, seconded by Miner, to enact Ordinance No. 2009-28, amending the Land Development Code as stated within the documents received from staff excepting the references for the 35 feet limit within the coastal control areas, excluding Sec. 6, 7, & 8, dealing with height and super majority, of the Ordinance as presented in the package).**

(2:25 p.m.) Stevenson restated the motion, and McCormack stated he was not sure that what she had repeated was the correct motion. He asked if the motion was to adopt the proposed Ordinance except for the provisions pertaining to the 35 feet. Mays said that was correct. Stevenson said she thought that was a separate discussion. Mays said he wanted it included in his motion. Blackford clarified that f, g, and h were the three references to the height change. Stevenson asked Mays to restate the motion.

Wanchick said they were going to approve everything but the height limit and the super majority. Stevenson asked if they would have to start the whole process again.

(2:30 p.m.) Bryan said the disagreement was that they wanted to try to protect the 35 foot limit on the beach, but the language included areas that were pretty far inland. He asked if there was any way they could be more specific about the coastal area. Stevenson said the proposal was to exempt out the Caballos del Mar project, but that

was not the motion on the floor. Locklear clarified that the three sections to be included in the Ordinance that they had requested were 6, 7, & 8. Stevenson asked if that motion passed, if that meant they were killing that section, or if they could consider it in a second motion.

(2:31 p.m.) McCormack said it would have the affect of adopting the Ordinance without those provisions as described. Stevenson asked it would prevent the Board from considering a second motion on that item. McCormack said they could consider a motion on 6, 7, & 8.

(2:33 p.m.) **Motion carried 4/1 with Bryan opposing.**

(2:33 p.m.) **Motion by Stevenson, seconded by Bryan, to adopt sections 6, 7, and 8 with the exclusion of Caballos del Mar. Motion failed 2/3 with Sanchez and Stevenson in support.**

#### ORDINANCE NO. 2009-28

AN ORDINANCE OF ST. JOHNS COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, AMENDING AND SUPPLEMENTING, ADDING AND REPEALING SECTIONS OF ARTICLE II - ZONING DISTRICTS AND SPECIAL USES; ARTICLE III - SPECIAL DISTRICT; ARTICLE IV - NATURAL RESOURCES; ARTICLE V - DEVELOPMENT OPTIONS; ARTICLE VI - DESIGN STANDARDS AND IMPROVEMENT REQUIREMENTS; ARTICLE VII - SIGNS; ARTICLE X - INTERPRETATIONS, EQUITABLE RELIEF, AND ENFORCEMENT; ARTICLE XII - DEFINITIONS; OF THE ST. JOHNS COUNTY LAND DEVELOPMENT CODE AS PREVIOUSLY AMENDED; THIS ORDINANCE MAKES CHANGES INCLUDING AND RELATING TO: AMENDING ARTICLE II ZONING DISTRICTS AND SPECIAL USES SPECIFICALLY PART 2.03.00 SPECIAL USES; AMENDING ARTICLE III SPECIAL DISTRICTS SPECIFICALLY PART 3.10.00 NORTH COASTAL CORRIDOR OVERLAY DISTRICT: VILANO TOWN CENTER OVERLAY, AMENDING ARTICLE IV NATURAL RESOURCES, SPECIFICALLY PART 4.01.00 NATURAL RESOURCES, AMENDING ARTICLE V DEVELOPMENT OPTIONS SPECIFICALLY PART 5.03.00 PLANNED UNIT DEVELOPMENT (PUD) DISTRICTS, AND PART 5.04.00 PLANNED RURAL DEVELOPMENT (PRD) DISTRICTS, AMENDING ARTICLE VI DESIGN STANDARDS AND IMPROVEMENT REQUIREMENTS SPECIFICALLY PART 6.06.00 LANDSCAPING AND BUFFERING REQUIREMENTS; AMENDING AND CONSOLIDATING ARTICLE VII SIGNS SPECIFICALLY PART 7.01.00 BILLBOARD SIGN PROVISIONS; AMENDING ARTICLE X INTERPRETATIONS, EQUITABLE RELIEF, AND ENFORCEMENT SPECIFICALLY PART 10.04.00 VARIANCES; AND AMENDING ARTICLE XII DEFINITIONS; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE

Wanchick said they had adopted a new set of Land Development Code regulations. He said there was a unanimous concern about the beaches and the coastal area, and if they would like staff to undertake that and try to bring a proposal back that was more attuned to the coastal area, they could certainly do that, with their direction. Wanchick said that height and super majority were not in the code to begin with and were only up for consideration. He said the developers needed to understand what the regulations were, as they were in the process of planning potential developments. Heights could be adjusted via the PUDs.

Sanchez said he was in favor of protecting the coastal area, that they needed clearer guidelines, and he supported Wanchick's ideas. Mays said they needed to look carefully at the height along the beach and limit it to 35 feet, but needed to keep in mind that it should be 35 feet from the flood elevation level. Wanchick said they would end up where they wanted to be, protecting the coastal area, but not encumbering those areas that they didn't intend to encumber. *Board gave consensus for Wanchick to pursue the issued discussed.*

*This item was pulled.*

(06/16/09 - 19 - 2:42 p.m.)

6. CONSIDER APPOINTMENTS TO THE MID-ANASTASIA ISLAND DESIGN REVIEW BOARD

(06/16/09 - 19 - 2:42 p.m.)

7. MOTION TO ADOPT **RESOLUTION NO. 2009-177** SUPPORTING THE INCLUSION OF THE INTERCITY RAIL COMPONENT OF THE FLORIDA EAST COAST (FEC) CORRIDOR PROJECT (FROM JACKSONVILLE TO MIAMI) AS PART OF THE FEDERAL ECONOMIC STIMULUS PACKAGE FOR THE STATE OF FLORIDA (*Formerly Consent 18*)

Bryan said he wanted to discuss the item, because it was exciting. He said he had received calls regarding where the station might be located in St. Augustine and he said that would be determined in the future. He said it would enhance St. Augustine and St. Johns County.

**(2:43 p.m.) Motion by Bryan, seconded Mays, carried 5/0, to approve Resolution No. 2009-177, supporting the inclusion of the intercity rail component of the FEC corridor project (from Jacksonville to Miami) as part of the Federal Economic Stimulus Package for the State of Florida.**

#### **RESOLUTION NO. 2009-177**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS REPRESENTING SAINT JOHNS COUNTY REQUESTING THE ASSISTANCE OF GOVERNOR CRIST AND FLORIDA DEPARTMENT OF TRANSPORTATION SECRETARY KOPELOUSOS TO PRIORITIZE THE INTERCITY RAIL COMPONENT OF THE FEC CORRIDOR PROJECT (FROM JACKSONVILLE TO MIAMI) AS PART OF THE FEDERAL ECONOMIC STIMULUS PACKAGE FOR THE STATE OF FLORIDA**

(06/16/09 - 20 - 2:42 p.m.)

8. MOTION TO APPROVE THE REVISED BCC MANAGER POSITION AND ASSOCIATED STEP LEVEL (*Formerly Consent 19*)

Miner asked to pull the item for discussion and said it had nothing to do with personalities and was based on principle and precedence. He said the Board should lead by example. He said he was not comfortable in giving a salary increase at that time.

(2:45 p.m.) Sanchez said it was a position increase more than a salary increase.

(2:45 p.m.) Wanchick said he agreed with Miner, and staff was trying to find saving wherever they could. He said they were eliminating a position and transferring half of those responsibilities to the new position with the Office Manager for the County Commission position. He said the job description was upgraded and redefined. He said she was at the same pay grade as the previous Manager, but had a Masters Degree as opposed to a Bachelors Degree and 15 years experience with the County, which put her at a higher step and accounted for the \$4,000 increase. He said they would actually be saving \$50,000 as a consequence of eliminating one position.

(2:47 p.m.) Miner said the net savings was not that great because a new position had been created in another department for the previous employee in that position.

(2:48 p.m.) Bryan said the major duties and responsibilities added seemed limited and did not necessarily justify an additional raise as well. He agreed with Miner that they were trying to set an example and any pay increase did not set a good example.

(2:49 p.m.) Mays clarified there was a net savings of \$50,000 and it was a higher step position and he said he would support the motion.

(2:50 p.m.) Miner said the statement that they were saving \$50,000 was not accurate. Wanchick said that the individual who sought the Parks and Recreation position did so on her own initiative, and that position was being paid for from Amphitheatre funding. Sanchez said the other position would have been filled anyway, and they had not created a new expense. Miner said that still did not justify paying someone more.

(2:51 p.m.) Wanchick said the Parks and Recreation position was being paid out of increased revenues at the Amphitheatre, and the BCC position would be a net savings of \$50,000 to the General Fund.

(2:52 p.m.) Bryan said they needed to be serious about cutting salaries.

(2:53 p.m.) Wanchick said he felt comfortable with what was proposed. He said he was not sure if the person would still want the position.

(2:54 p.m.) Sanchez said he was looking at it as a \$50,000 savings. He said the Board did not have anything to do with personnel matters. He said the position required more responsibility; supervision over people, answering to five bosses with differing opinions, and it deserved a greater salary. Mays said he agreed with Sanchez.

(2:58 p.m.) Sanchez said he was not misunderstanding the fact of what they were discussing. He said it was a different position that came with an increase in salary because of the responsibilities. Discussion ensued.

(3:03 p.m.) **Motion by Sanchez, seconded by Mays, carried 3/2 with Miner and Bryan opposing, to approve the revised BCC Manager position and associated step level.**

(06/16/09 - 21 - 3:04 p.m.)

9. MOTION TO ADOPT **RESOLUTION NO. 2009-178** APPROVING MINOR REVISIONS AND AMENDMENTS TO THE MASTER NON-EXCLUSIVE FRANCHISE AGREEMENT FOR CONSTRUCTION & DEMOLITION DEBRIS, AND PROVIDING AN EFFECTIVE DATE (*Formerly Consent 20*)

Bryan said he had pulled the item to get more information about the process. He said he had received a call about a fee of \$7,500 that the business had to pay. He asked who was collecting the money, where was it going, was interest being paid etc. He said he could see now that it was being pulled out and asked if that was the minor modification. Michael Hunt, Deputy County Attorney, responded that was correct and it was going back to the original function. Bryan asked about asbestos abatement requirements as well as air conditioning units. He asked if that was something that was included in the contract and did not have to be specific in the proposal. He said he did not see anything that addressed the asbestos abatement. Darryl Locklear, Assistant County Administrator, said they needed to look at the document Bryan was referencing to interpret it.

(3:07 p.m.) Hunt said that under Article 5 of the Franchise Agreement it said "the contractor shall take all steps necessary to ensure that its operations are performed to compliance with all applicable provisions of St. Johns County Code, Ordinances and any other applicable local, State or Federal laws." He said that would cover the area of concern. Discussion ensued regarding the process involved.

(3:11 p.m.) Linda Keith, 1535 SR 207, said she was there to oppose the \$7,500 deposit. She said it was in the renewal documents.

(3:12 p.m.) Wendy Manucy, Solid Waste Manager, said they were not allowed to send the documents until they were approved, and they had not received the document that they were currently voting on.

(3:13 p.m.) **Motion by Bryan, seconded by Mays, carried 5/0, to adopt Resolution 2009-178 approving minor revisions and amendments to the Master Non-Exclusive Franchise Agreement for Construction & Demolition Debris and providing an effective date.**

#### **RESOLUTION NO. 2009-178**

**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**

(3:13 p.m.) Stevenson said she wanted to highlight a couple of issues. On Consent Item 17 there was a motion to return monies allocated to the four laning of Racetrack Road due to the delay in the private partner's timeline. She said that would be a significant improvement to that road, as a number of fatalities had occurred on that road. She said they would be happy to see those improvements made. She said it was a funded plan with a partner that had been slowed due to the economy.

She said she also wanted to mention Consent Item 22 approved on the Consent Agenda, and that the St. Vincent's Medical Center Inc. was approved to provide care to migrant and seasonal farm workers. Jerry Cameron, Assistant County Administrator gave the details.

(3:19 p.m.) Sanchez commented on Item 14 and said it would bring considerable savings to the Parks and Recreation Department.

(06/16/09 - 22 - 3:19 p.m.)  
COMMISSIONERS' REPORTS

Commissioner Mays:

Mays asked if June 30 was reserved for a concurrency workshop. Wanchick said that was right. He said they had met with all the affected parties. Mays asked about the TDC and when they would have another workshop. Wanchick said they should have at least another one and would let them have a date within the next few weeks.

(3:21 p.m.) Stevenson said the one thing that was being decided was Category II. She said they had a workshop on Monday. She said non-profits and others would be making decisions based on the Category II recommendations. Mays said it was the Commission that made the final decision. He said that was exactly what he was worried about; boards making budgetary recommendations. He said the BCC still had to approve it as a Board.

(3:22 p.m.) Wanchick explained the process. He said that on Monday they held a workshop to hear the proposals requesting funding. He said the staff would evaluate those and sometime in July, they would come out with a list of what they considered to be the most appropriate allocations of dollars. He said nothing became final until September when the Board would take action to approve it or modify it. Stevenson asked if he made it clear during the workshop that there was a little more uncertainty than usual on the process this year because of the Board's extra scrutiny. Wanchick said in his discussion with Bryan yesterday, that they did not want someone to over-rely on what happened yesterday, knowing how much interest the Commission had on the subject matter, and that they wanted to review any future allocations. Bryan said that was correct, and it was important to make that clear so that the public would not get the impression that what they had met on yesterday was approved. He said it was his understanding that Glenn Hastings relayed that to the panel.

(3:24 p.m.) Commissioner Bryan:

Bryan said he would like to see the TDC workshop move forward sooner than later. He said he would also like to see a workshop for the Small Business Development Council (SBDC) and noted he had recently met with one of their representatives. He reviewed some of the items they discussed including incubators, Section 8 Contracts, HUB zones, mentor protégé programs, and all kinds of other things to help small businesses. He said there were a lot of individuals in the County who were interested in that.

(3:26 p.m.) Wanchick said he was meeting with Kathy Higgin of the University of North Texas Small Business Program regarding Economic Develop and stimulating small businesses in the County. He noted that 85 percent of the new businesses in the state were 19 employees or less. He said they might bring Higgin on in a consulting capacity to strengthen their efforts. He said that might lead to a workshop.

(3:27 p.m.) Commissioner Stevenson:

Stevenson asked Mays if he had anything to add to the notice they had received on June 9 from FDOT on the Regional Transportation. Mays said they seemed to be moving forward regarding governmental mandates on integrating a Regional Transit Authority (RTA). He said the TPO was looking at its own RTA type committee and FDOT was doing the same concurrently. He said the Transportation Organization for North Florida had to move up its research regarding an RTA to keep up with FDOT, which would like to have something by the fall. He said they had to get their studies to FDOT by August. He noted they were seeking input from the various counties affected, it was different from the TPO, and there would be only one RTA, if it happened.

Stevenson continued, and said that a lot had gone on since the last meeting. She reported that staff had been working on the discussion with the community on budgetary issues and challenges the County was facing. She said they had a group from the Florida Memorial College to look at the improvements to the Lewis Arch, and they were pleased with the results and with the positive reconnection with the West Augustine community. She noted a grant had been given to Flagler College to help them with renovations for the Solarium. She noted there was a small participation event for Countywide Historic Graveyards and it was an interesting weekend event.

(3:36 p.m.) Commissioner Sanchez:

Sanchez complemented the Administrator and his staff for the Town Hall meetings which had been going very well. He said there were two more meetings and encouraged everyone to attend. He discussed the Local Option Gas Tax and said Hastings had been left out from receiving funds from the tax. He said staff worked on it and the entire Interlocal Agreement had to be redone because there was a bond on the money and it mushroomed into a disaster. He said the Beach and the City did not like the new Interlocal Agreement and he didn't blame them. He said it was too late to accomplish anything because it had to be approved by June 30. He asked if they could make a payment or grant out of General Funds, and the answer was yes. Then they would have to go to the bonding company. He said he would like to see Hastings get their fair amount. He said \$20,000 was a lot of money, but it was a fortune to Hastings. He said it was going to take time to work it out. Hunt clarified that if the Board chose to take the money as a one time grant from the General Funds to the Town of Hastings, they would not have to get Bond approval, but it would have to come from General Funds, and be done in the form of a grant. Sanchez said he would like to pay the money and get over the hump.

(3:40 p.m.) McCormack explained the details of the issue for the benefit of the local viewing audience. He explained that Hastings population had declined to one half of one percent and their allocation of the taxes went to zero. He said they came up with a fair plan to calculate their fair share by using the actual population. He said St. Augustine Beach and St. Augustine were in a position to round up, which would bring them more money, and they would lose money if the formula was adjusted. He said he would like to find some way to provide relief for Hastings. He said he would like to ask for direction to remedy the situation to provide a win-win situation. Sanchez asked if they could get consensus for Administration and Legal to get together to work out a plan. Bryan asked if they were looking at the General Fund, Reserves or both. He asked if it would throw the budget off in any way. Stevenson suggested they should look back for a period of time, and look for improved accuracy for the next period of time. Hunt reviewed the solution offered to the community. He said there was no consistency among the four opinions of the four communities involved, therefore they could not meet the June 30 deadline. He said the General Fund suggestion had come

from their Bond Counsel. Sanchez said it did not matter to him where the funds came from, and reiterated his request for Board consensus. There was discussion on the time period for which the assessment should be made. Wanchick tried to clarify, that we were not obligated to do anything, as the town fell below the threshold and fell out of the revenue stream. He said they would work on it if that was what the Board wanted. Wanchick said he just wanted to clarify it. Bryan asked them what was going to happen two years from now and whether we would be in the same position in two years. He said they needed to look at the long term. McCormack said it would have to be renegotiated with the City but they needed to give consideration to the other two municipalities and to play fair as well as legally. He said he was confident that they could come up with a solution. Wanchick asked if they were being asked to find a revenue source to bring them back to the one percent. Hunt said it was for four years and if they took it up to a full percent they would be looking at less than \$60,000. He said if they dealt with the population currently the amount would be \$24,532. Wanchick suggested they bring it back to the Board. He said they wanted to be fair and wanted to know what the correct figures would be.

(3:59 p.m.) Commissioner Miner:

Miner asked if June 30 was a tentative date for the TDC/VCB workshop. Wanchick said he thought concurrency should go first. Miner told of the Juneteenth Celebration in West Augustine, and that the parade would be Saturday at 10:00 a.m. and encouraged people to participate.

(06/16/09 - 24 - 4:00 p.m.)

#### COUNTY ADMINISTRATOR'S REPORT

There was no report.

(06/16/09 - 24 - 4:01 p.m.)

#### COUNTY ATTORNEY'S REPORT

McCormack spoke regarding the Worker's Compensation Program and said there had been an injury, and the insurance company had made a payment from their funds. He said the Personnel Department wanted to do a resignation, waiver, and release agreement for the subject employee, and the date of signature was June 11, 2009. He said the consideration back to the employee for that was \$100, and he would like to have a motion ratifying such agreement.

(4:02 p.m.) **Motion by Bryan, seconded by Miner, carried 5/0, to ratify the agreement.**

(4:02 p.m.) Wanchick said Bob Peters, Director of Human Resources was going to retire September 30<sup>th</sup>. He said Peters had considered taking part in the VCIP program but he had asked Peters to postpone retirement for awhile because of the many layoffs and other personnel matters. He said Peters had made the decision to go ahead and retire and Wanchick asked the indulgence of the Board to extend to Peters the terms and conditions of the VCIP program. *There was Board consensus to do so.*

(4:03 p.m.) Stevenson commented about their discussions and the effort by Administration and their staff to work on the budget in the Town Hall meetings. Wanchick said people were very appreciative that they were out there. He said it had been a group effort and a lot of hard work had gone into it by staff.

(06/16/09 - 24 - 4:06 p.m.)

#### CLERK OF COURT'S REPORT



There was no report.

(4:06 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 4:06 p.m.

REPORTS:

1. St. Johns County Board of County Commissioners Check Register, Check Nos. 439564 through 439940, totaling \$2,238,402.52 (05/26/09)
2. St. Johns County Board of County Commissioners Check Register, Check Nos. 439941 through 439953, totaling \$202,881.92 (05/27/09)
3. St. Johns County Board of County Commissioners Check Register, Check Nos. 439954 through 440204 totaling \$1,288,597.26 (06/02/09)

CORRESPONDENCE:

1. Letter to Liz Cloud, Program Administrator, Bureau of Administrative Code and Weekly, filing Ordinance Number 2009-26 (06/08/09)

Approved July 7, 2009

BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA

By: Cyndi Stevenson  
Cyndi Stevenson, Chair

ATTEST: CHERYL STRICKLAND, CLERK

By: Cherrie King  
Deputy Clerk

