

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
JULY, 21, 2009
(9:00 A.M.)**

Proceedings of a regular meeting of the Board of County Commissioners of St. Johns County, Florida, held in the auditorium at the County Administration Building, 500 San Sebastian View, St. Augustine, Florida.

Present were: Cyndi Stevenson, District 1, Chair
 Ron Sanchez, District 2, Vice Chair
 Phillip Mays, District 4
 Ken Bryan, District 5
 Michael D. Wanchick, County Administrator
 Patrick McCormack, County Attorney
 Pam Halterman, Deputy Clerk

Absent: Mark P. Miner, District 3

(07/21/09 - 1 - 9:05 a.m.)
CALL TO ORDER

Stevenson called the meeting to order.

(07/21/09 - 1 - 9:05 a.m.)
ROLL CALL

Stevenson reported that Miner was on military duty, but all other Commissioners were present.

(07/21/09 - 1 - 9:05 a.m.)

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

(07/21/09 - 1 - 9:06 a.m.)
DELETIONS TO CONSENT AGENDA

There were no deletions.

(07/21/09 - 1 - 9:06 a.m.)
APPROVAL OF CONSENT AGENDA

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

1. Approval of the Cash Requirement Report
2. Minutes:
 5/12/09 - Special Meeting
 6/30/09 - Special Meeting
3. Motion to adopt **Resolution No. 2009-193**, approving the terms and authorizing execution of the Permissive Use Agreement allowing St. Johns County and their consultant/contractor and the Water Management District access to property

owned by R&F Jacksonville 44, LLC to be used in compliance with restoration plan for Russell Sampson Road

RESOLUTION NO. 2009-193

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND AUTHORIZING THE CHAIR TO EXECUTE THE PERMISSIVE USE AGREEMENT ALLOWING ST. JOHNS COUNTY AND THEIR CONSULTANT/CONTRACTOR AND THE WATER MANAGEMENT DISTRICT ACCESS TO PROPERTY OWNED BY R&F JACKSONVILLE 44, LLC TO BE USED IN COMPLIANCE WITH THE RESTORATION PLAN

4. Motion to adopt **Resolution No. 2009-194**, approving the terms and authorizing the County Administrator to execute a Purchase and Sale Agreement for property (4 lots West 4th Street & South St. Johns Street) needed for the drainage improvements in the West St. Augustine Area in the amount of \$72,000

RESOLUTION NO. 2009-194

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

5. Motion to adopt **Resolution No. 2009-195**, approving the terms and authorizing the County Administrator to execute a Purchase and Sale Agreement for property (2 lots on South St. Johns Street & West 3rd Street) needed for the drainage improvements in the West St. Augustine Area in the amount of \$36,000

RESOLUTION NO. 2009-195

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

6. Motion to approve the reserve transfer of \$500,000 for Transportation Trust Fund Capital Outlay Reserves to Duval/St. Johns Street Drainage Improvement Project ROW. Duval and St. Johns Streets are being reconstructed to provide a safe and appropriate entrance for the Solomon Calhoun Community Center for West Augustine
7. Motion to adopt **Resolution No. 2009-196**, approving the terms and authorizing the County Administrator to execute a Memorandum of Understanding that defines the use and maintenance of an access easement to a Rails to Trails trailhead Site parcel (located near I-95 & SR 207) being purchased by the State

RESOLUTION NO. 2009-196

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A MEMORANDUM OF UNDERSTANDING THAT DEFINES THE USE AND MAINTENANCE OF AN ACCESS EASEMENT TO A RAILS TO TRAILS TRAILHEAD PARCEL BEING PURCHASED BY THE STATE

8. Motion to adopt **Resolution No. 2009-197**, recognizing the carry-forward of \$358,391.40 in E-911 funds for uses pursuant to Florida Statute 365.173

RESOLUTION NO. 2009-197

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ESTABLISHING THE CARRY-FORWARD OF UNSPENT MONEYS IN THE "E-911 COMMUNICATIONS FUND" FOR PURPOSES OF FUNDING ALLOWABLE "E-911" CAPITAL EXPENDITURES PURSUANT TO FLORIDA STATUTE SECTION 365.173

9. Motion to adopt **Resolution No. 2009-198**, approving the terms and authorizing the County Administrator to execute a Purchase and Sale Agreement (in the amount of \$2,099,500) to acquire property from The St. Johns Water Management District for the construction of a regional storm water treatment area which will satisfy the requirements of the Department of Environmental Protection under the National Pollution Discharge Elimination System (NPDES) to reduce the pollutants that outfall into the St. Johns River

RESOLUTION NO. 2009-198

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 FROM THE ST. JOHNS RIVER WATER MANAGEMENT DISTRICT FOR THE CONSTRUCTION OF A REGIONAL STORM WATER TREATMENT AREA, IN ORDER TO SATISFY THE REQUIREMENTS OF THE DEPARTMENT OF ENVIRONMENTAL PROTECTION TO REDUCE THE POLLUTANTS THAT OUTFALL INTO THE ST. JOHNS RIVER

10. Motion to adopt **Resolution No. 2009-199**, approving the terms and conditions of the Non-Exclusive Franchise Agreements for Construction and Demolition Debris between St. Johns County, Florida and twenty-seven Franchise Haulers, and authorizing the County Administrator or designee to execute each one of the Non-Exclusive Franchise Agreements on behalf of the County

RESOLUTION NO. 2009-199

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF A NON-EXCLUSIVE FRANCHISE AGREEMENT FOR CONSTRUCTION AND DEMOLITION DEBRIS BETWEEN ST. JOHNS COUNTY, FLORIDA, AND TWENTY-SEVEN NON-EXCLUSIVE FRANCHISE HAULERS, AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE EACH NON-EXCLUSIVE FRANCHISE AGREEMENT FOR CONSTRUCTION AND DEMOLITION DEBRIS ON BEHALF OF ST. JOHNS COUNTY

11. Motion to adopt **Resolution No. 2009-200**, approving the terms and provisions, conditions, and requirements of a Local Agency Program Agreement for the Windswept Motel Interpretive Center between the State of Florida Department of Transportation and St. Johns County authorizing the County Administrator or designee to execute the Agreement utilizing funding from a National Scenic Byway Grant

RESOLUTION NO. 2009-200

A RESOLUTION BY THE ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, CONDITIONS, PROVISIONS AND REQUIREMENTS OF A LOCAL AGENCY PROGRAM AGREEMENT BETWEEN THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION AND ST. JOHNS COUNTY, FLORIDA, FOR GRANT FUNDS ASSOCIATED WITH THE A1A SCENIC AND COASTAL BYWAY, AND AUTHORIZING THE COUNTY ADMINISTRATOR OR DESIGNEE, TO EXECUTE THE AGREEMENT ON BEHALF OF THE COUNTY

12. Motion to adopt **Resolution No. 2009-201**, to amend the current Local Housing Assistance Plan by adopting a Florida Homebuyer Opportunity Program Strategy Program for 2009-2010

RESOLUTION NO. 2009-201

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE LHAP FLORIDA HOMEBUYER OPPORTUNITY PROGRAM HOUSING STRATEGY FOR 2009-2010

13. Motion to declare as surplus a 2000 Dodge Ram Van CV #790 and authorize staff to donate/transfer the vehicle to the Putnam County Health Department
14. Motion to approve the fourteen (14) qualified contractors for the Neighborhood Stabilization Program Contractor Rehabilitation Services in accordance with HUD and DCA requirements for RFP 09-085
15. Motion to authorize the County Administrator, or his designee, to award (Bid 09-93 North 1st Street Drainage & Roadway Improvements) a contract to the low

bidder, S.E. Cline Construction, Inc. for the Total Base Bid in the amount of \$243,426.20

16. Motion to authorize the County Administrator, or his designee, to award (Bid 09-83 Annual Asphalt Services) one (1) year contracts with four annual renewal options to seven responding bidders: P & S Paving, Inc., Florida Highway Products, APAC-Southeast, Inc., Hubbard Construction Co., Halifax Paving, Inc., and Duval Asphalt Products, Inc.
17. Motion to authorize the County Administrator, or his designee, to purchase bulk fuel, gasoline and diesel from the State of Florida Contract # 405-000-10-1 through June 30, 2014
18. Motion to authorize the County Administrator, or his designee, to award (Bid 09-92 Annual Asphalt Rejuvenation Services) an initial one (1) year contract with four annual renewal options to Pavement Technology, Inc.
19. Motion to adopt **Resolution No. 2009-202**, setting a Public Hearing date of August 18, 2009, at 9:00 am to hear a request for the vacation of a portion of Bay Street

RESOLUTION NO. 2009-202

**A RESOLUTION FOR SETTING A PUBLIC HEARING
DATE OF AUGUST 18, 2009 AT 9:00 A.M. TO HEAR A
REQUEST FOR THE VACATION OF A PORTION OF
BAY STREET**

20. Motion to adopt **Resolution No. 2009-203**, approving the terms, provisions, conditions, and requirements of an Memorandum of Agreement between City of Atlantic Beach, Clay County Utility Authority, City of Fernandina Beach, City of Gainesville, City of Green Cove Springs, City of Jacksonville Beach, JEA, City of Neptune Beach, Town of Orange Park, City of Palatka, Putnam County, City of St. Augustine, and St. Johns County to assess groundwater resource sustainability in Northeast Florida. The St. Johns River Water Management District (SJRWMD) is undertaking a 2010 water supply planning process using growth projections, groundwater and resource impact models, and other technical tools that will affect local governments and utilities throughout the region and this Agreement is the result of this project

RESOLUTION NO. 2009-203

**A RESOLUTION BY THE BOARD OF COUNTY
COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA,
APPROVING THE TERMS, PROVISIONS,
CONDITIONS, AND REQUIREMENTS OF A
MEMORANDUM OF AGREEMENT BETWEEN CITY OF
ATLANTIC BEACH, CLAY COUNTY UTILITY
AUTHORITY, CITY OF FERNANDINA BEACH, CITY OF
GAINESVILLE, CITY OF GREEN COVE SPRINGS, CITY
OF JACKSONVILLE BEACH, JEA, CITY OF NEPTUNE
BEACH, TOWN OF ORANGE PARK, CITY OF
PALATKA, PUTNAM COUNTY, CITY OF ST.
AUGUSTINE, AND ST. JOHNS COUNTY TO ASSESS
GROUNDWATER RESOURCE SUSTAINABILITY IN
NORTHEAST FLORIDA AND AUTHORIZING THE**

**COUNTY ADMINISTRATOR TO EXECUTE ON BEHALF
OF ST. JOHNS COUNTY, ANY DOCUMENTS
ASSOCIATED WITH SUCH PROJECT**

21. Motion to adopt **Resolution No. 2009-204**, amending the Fiscal Year 2009 General Fund to receive \$15,742 in unanticipated FEMA Grant Revenue and authorize its expenditure by Fire Service

RESOLUTION NO. 2009-204

**A RESOLUTION OF THE BOARD OF COUNTY
COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA,
AMENDING THE FISCAL YEAR 2009 FIRE DISTRICT
BUDGET TO RECEIVE UNANTICIPATED REVENUE
AND AUTHORIZE ITS EXPENDITURE BY THE ST.
JOHNS COUNTY FIRE-RESCUE DEPARTMENT**

22. Proofs:
- a. Proof, Notice of Hearing, Board of County Commissioners, Proposed St. Johns County Ordinance affecting the use of land, Tuesday, May 5, 2009 at 5:30 p.m. and June 16, 2009, at 9:00 a.m.
 - b. Proof, Notice to Bidders, RFP No. 09-97
 - c. Proof, Notice Vacating, Abandoning, Discontinuing and Closing Certain Street
 - d. Proof, Notice of Hearing, Board of County Commissioners, Proposed County Property, Tuesday, July 7, 2009, at 9:00 a.m.
 - e. Proof, Notice to Bidders, RFP No. 09-101
 - f. Proof, Notice of Public Hearing, Board of County Commissioners, Ord. Amending Ord. 807 (89-5), Tuesday, July 7, 2009, at 9:00 a.m.
 - g. Proof, Notice of Hearing, Board of County Commissioners, Ordinance Amending Ord. 2004-42, Tuesday, July 7, 2009, at 9:00 a.m.
 - h. Proof, Notice of Meeting, West Augustine Town Hall Meeting 7/1, Tuesday, July 1, 2009, at 6:00 p.m.
 - i. Proof, Notice of Meeting, Board of County Commissioners, Special BCC meeting 6/30 Tuesday, June 30, 2009, at 9:00 a.m.
 - j. Proof, Request for Proposals RFP 09-104, In house Turn-Key Parts Operation, Tuesday, July 23, 2009
 - k. Proof, Notice to Bidders, Bid No 09-103, A1A Guide Sign Replacement, Wednesday, June 15, 2009

(07/21/09 - 6 - 9:07 a.m.)

PUBLIC COMMENT

James Bullock, 3643 Fort Peyton Circle, spoke on the Gullah-Geechee Heritage Corridor.

(9:12 a.m.) Pam Halterman left the meeting, and Terry Bulla, Deputy Clerk entered the meeting.

(9:12 a.m.) Derek Hankerson, 734 Medina Ave., spoke on the African/African-American Experience in St. Johns County.

(07/21/09 - 6 - 9:16 a.m.)

- A1. CONSIDER A MOTION TO APPROVE RESOLUTION NO. 2009-205, SUPPORTING THE GULLAH-GEECHEE CULTURAL HERITAGE CORRIDOR CREATED BY THE NATIONAL HERITAGE AREAS ACT 2006 AND

SUPPORTING THE INCLUSION OF ST. JOHNS COUNTY AS PART OF THE
GULLAH-GEECHEE CULTURAL HERITAGE CORRIDOR

Commissioner Bryan read the Resolution into the record and presented a copy of it to a group who were present. Bullock thanked the Commission for the Resolution and said they should all be able to receive benefit from it, as it highlighted what made our area special. He said we had the richest cultural heritage of any county or city in the United States. Hankerson thanked the Commission and then thanked his mother, who was also present, for her leadership.

(9:25 a.m.) Motion by Bryan, seconded by Sanchez, carried 4/0 with Miner absent, to adopt Resolution No. 2009-205, supporting the Gullah-Geechee Cultural Heritage Corridor created by the National Heritage Areas Act of 2006, and supporting the inclusion of St. Johns County as part of the Gullah-Geechee Cultural Heritage Corridor.

RESOLUTION NO. 2009-205

A RESOLUTION BY THE ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS, ST. AUGUSTINE FLORIDA SUPPORTING THE GULLAH-GEECHEE CULTURAL HERITAGE CORRIDOR CREATED BY THE NATIONAL HERITAGE AREAS ACT OF 2006 AND SUPPORTING THE INCLUSION OF ST. JOHNS COUNTY AS PART OF THE GULLAH-GEECHEE CULTURAL HERITAGE CORRIDOR.

(9:26 a.m.) Sanchez apologized for an article in that day's paper. He said it was misleading and lacked true information. He said Timms certainly did not deserve what was said in that letter, and he wanted the public to understand that the Board of County Commissioners set direction and set the budget, and it was not set by the Management and Budget Director. He said Timms was only doing what he was being asked to do by the Board and Administration.

(07/21/09 - 7 - 9:27 a.m.)

B1. CONSIDER A MOTION TO REAPPROPRIATE FUNDING WITHIN THE PONTE VEDRA UTILITY SYSTEM TO PRIORITIZE THE USE OF BOND DOLLARS FOR CAPITOL IMPROVEMENT PROJECTS.

Doug Timms, Director of the Office of Management and Budget, gave the presentation. He explained it was an administrative matter that did not make the Consent agenda in time. He said these were Bond dollars that had to be spent within a prescribed time and had been based on an estimate. He said it was critical that the Board approve a budget amendment realigning budget expenditures for the Ponte Vedra Utility System. Mays asked for explanation. Timms said it was to go to the Bond Projects. He said it did not involve additional spending but reappropriation of the funding. Mays asked where it was being reappropriated. Timms said it was to the Bond projects. He said it was based on estimates for certain spending that didn't occur. He said it was still in the same fund but in different departments and in the same district.

(9:27 a.m.) Motion by Mays, seconded by Sanchez, carried 4/0 with Miner absent, to reappropriate funding within the Ponte Vedra Utility System to prioritize the use of bond dollars for capital improvement projects.

(07/21/09 - 8 - 9:28 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

Stevenson asked to add A1 - Gulla Geechee Cultural Heritage Corridor and A2 Bond dollars for the Ponte Vedra Utility. Wanchick suggested to open Item 3 and then to continue it until August 18.

(07/21/09 - 8 - 9:28 a.m.)

APPROVAL OF REGULAR AGENDA

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

(07/21/09 - 8 - 9:29 a.m.)

1. REPORT OF THE FY 2008 COMPREHENSIVE ANNUAL FINANCIAL REPORT ANNUAL AUDIT CONCLUSION

Doug Timms, Director of Office of Management and Budget, gave the presentation and explained the process. He said the Board would need to accept the 2008 Financial Statements audited by independent financial auditors, Davis, Monk & Company, as required by the State of Florida, as it was a critical part of assuring proper County financial reporting. He said the County had received an unqualified opinion on fair presentation of its financial statements.

(9:30 a.m.) Tina Robinson, Davis, Monk & Company, gave an overview of the audit. She explained the inclusion of a letter included in their packet and reviewed other information included in the packets. She noted the audit had gone well and staff had been very cooperative during the audit process. She reviewed that they received an unqualified opinion on the financial statements. She said that on major grants they had also received an unqualified opinion, with the exception of the SHIP grant which had a timing issue that had since been corrected. She congratulated the Finance Department on taking the additional steps in order to submit their statements for a Certificate of Achievement program through the Government Finance Officers' Association, on the fine job they were doing, and the probable receipt of that award again this year.

(9:34 a.m.) Stevenson thanked her for the presentation and her service and the good report she had presented. She asked if they would be required to form an Audit Committee for next year. Robinson said they would not be required to have one, but many governments were doing so. She said that committee would be the first line of communication for the auditors if they should choose to establish one.

(9:36 a.m.) Bryan asked if the delivery of the audit was late due to illness in the audit team, and how long it was late. Robinson responded that the presentation was approximately 3 months late.

(9:37 a.m.) **Motion by Sanchez, seconded by Mays, carried 4/0 with Miner absent, to accept the financial statement audit for County Fiscal Year 2008 as presented by independent auditors, Davis, Monk & Company.**

(07/21/09 - 8 - 9:38 a.m.)

(District 1)

2. PUBLIC HEARING - ST. AUGUSTINE PARK UNIT 2, PARTIAL PLAT VACATION. THE SUBJECT OF THIS RESOLUTION IS A PARTIAL PLAT VACATION OF ST. AUGUSTINE PARK UNIT 2. THE PROPERTY IS PART OF THE OLD BRICK ROAD PUD, LOCATED NORTH OF EAGLE CREEK SUBDIVISION AND EAST OF US 1. THE PLAN OF DEVELOPMENT PLACES

RESIDENTIAL DEVELOPMENT OVER A PORTION OF THE EXISTING PLAT OF ST. AUGUSTINE PARK UNIT 2 THAT WILL NOT ADHERE TO THE OLD PLAT. AT THE TIME OF DEVELOPMENT UNDER THE PUD, A NEW PLAT WILL BE FILED, SUBJECT TO CURRENT REGULATIONS. ALL TECHNICAL COMMENTS HAVE BEEN ADDRESSED THROUGH THE DEVELOPMENT REVIEW PROCESS; THEREFORE, STAFF HAS NO OBJECTIONS. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL 5/0, (WHEELER/WILLIAMS, CONNOR ABSENT, GREEN RECUSED, AT THEIR JUNE 4TH, 2009 MEETING

Proof of publication of the notice of public hearing regarding St. Augustine Park Unit 2, Partial Plat Vacation, was received, having been published in *The St. Augustine Record* on April 2 & 9, 2009.

Kathy Nielsen, Application Review Manager, Development Services, gave the presentation.

Ex parte was revealed by Sanchez and Stevenson with Mr. Green.

Nielsen said it was basically a clean up item, and gave an overview of the project. She said that Mr. Lewis was available for the applicant.

(9:40 a.m.) Richard Lewis, Upchurch, Bailey & Upchurch, 780 Ponce de Leon Blvd, said this was an undeveloped part of the property and would not affect anyone's access.

(9:41 a.m.) **Motion by Sanchez, seconded by Mays, carried 4/0 with Miner absent , to approve Resolution No. 2009-206, approving the petition to vacate a portion of the St. Augustine Park Unit 2 plat, adopting findings of fact one through three to support the motion.**

RESOLUTION NO. 2009-206

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, VACATING A PORTION OF THE PLAT OF ST. AUGUSTINE PARK UNIT 2

(07/21/09 - 9 - 9:41 a.m.)

(District 1)

3. PUBLIC HEARING - REZ-2008-15, SUNSATIONAL SUN ROOM REZONING. THIS IS A REQUEST TO REZONE FROM RESIDENTIAL MOBILE HOME (RMH) TO COMMERCIAL GENERAL (CG). THE SUBJECT PROPERTY IS APPROXIMATELY 2.77 ACRES IN SIZE AND IS LOCATED OFF OF US 1 N AND RONALD RD. STAFF DOES NOT BELIEVE THAT THE CURRENT REQUEST TO REZONE TO COMMERCIAL GENERAL IS CONSISTENT WITH POLICY A.1.3.12 DUE TO TYPE OF USE, HEIGHT, HOURS OF OPERATION, NOISE, AND INTENSITY. 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 DISTRICT LAND USE AND OTHER RELEVANT INFORMATION AVAILABLE TO STAFF. THIS FINDING MAY BE SUBJECT TO OTHER COMPETENT SUBSTANTIAL EVIDENCE RECEIVED AT THE QUASI-JUDICIAL PUBLIC HEARING. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS REQUEST AT THEIR NOV 6, 2008, MEETING BY A VOTE OF 5/1 (MOTION BY NELSON, SECOND BY WILLIAMS). THE ORIGINAL MOTION WAS FOR DENIAL BUT FAILED 2/4.

A SECOND MOTION WAS MADE FOR APPROVAL AND INCLUDED A RECOMMENDATION TO REMOVE THE EASTERN MOST PARCEL FROM THE REQUEST. THE DISSIDENTING VOTER EXPRESSED CONCERNS ABOUT POTENTIAL USES AND RECOMMENDED A REZONING TO PLANNED UNIT DEVELOPMENT

Proof of publication of the notice of public hearing regarding REZ 2008-15, known as Sunational Sun Room Rezoning, was received, having been published in *The St. Augustine Record* on July 6, 2009.

Suzanne Konchan recommended continuing this item until the August 18 meeting, due to an advertising glitch.

(9:42 a.m.) Motion by Stevenson, seconded by Sanchez, carried 4/0 with Miner absent, to continue the item until August 18, 2009.

(07/21/09 - 10 - 9:42 a.m.)

(District 3)

4. PUBLIC HEARING - CPA (SS) 2006-13, DEERCHASE RESIDENTIAL PARCEL SMALL SCALE COMPREHENSIVE PLAN AMENDMENT. THIS IS A SMALL SCALE COMPREHENSIVE PLAN AMENDMENT REQUEST TO AMEND THE FUTURE LAND USE MAP FROM RURAL/SILVICULTURE (R/S) TO RESIDENTIAL - C. THE LOCATION OF THE PROPERTY IS SOUTH OF DEERCHASE DRIVE AT TAHOE LANE WEST, OF WILDWOOD DRIVE CONTAINING APROX. 9.9 ACRES. THE APPLICANT IS PROPOSING TO DEVELOP 24 SINGLE FAMILY RESIDENTIAL UNITS. THE LONG RANGE PLANNING STAFF QUESTIONED THE NEED FOR ADDITIONAL RESIDENTIAL UNITS. IN RESPONSE THE APPLICANT STATED THAT THE AMENDMENT PROVIDED INFILL UNITS SIMILAR TO ADJACENT AREA. STAFF REQUESTED THE APPLICANT CONSIDER LARGER LOT SIZES TO THE NORTH TO ALLOW CONSISTENCY WITH THE ADJACENT EXISTING LOTS. THE APPLICANT HAS INCREASED THE SIZE OF THESE LOTS BY REMOVING TWO LOTS. THE MINIMUM LOT SIZE IN THE PROJECT IS 5,800 SQUARE FEET. OVERALL STAFF FINDS THE AMENDMENT GENERALLY COMPATIBLE WITH THE SURROUNDING AREA BY CONTINUING A RESIDENTIAL DEVELOPMENT TREND. THE AMENDMENT IS CONSISTENT WITH THE COMPREHENSIVE PLAN BY PROVIDING FOR ORDERLY GROWTH AND THE AMENDMENT MEETS THE REQUIREMENTS OF THE COMPREHENSIVE PLAN AND LAND DEVELOPMENT CODE. THE PZA RECOMMENDED APPROVAL OF THE AMENDMENT AT THEIR MAY 7, 2009 REGULAR MEETING WITH A 7-0 VOTE (MOTION BY NELSON, 2ND BY WILLIAMS)

Proof of publication of the notice of public hearing regarding CPA (SS) 2006-13, known as Deerchase Residential Parcel Small Scale Comprehensive Plan Amendment, was received, having been published in *The St. Augustine Record* on July 7, 2009.

Teresa Bishop, Director Long Range Planning, gave the presentation. She explained the application and reviewed the proposed residential land use map. She said staff felt it was consistent with the Comprehensive Plan and PZA had recommended approval. She notified the public they could sign a sheet in the lobby, the Comprehensive Plan Citizen Courtesy Information List, to receive notices from the Department of Community Affairs regarding the project.

(9:45 a.m.) Wanchick explained that Items 4 and 5 were interrelated.

(9:46 a.m.) Stevenson asked about the left over piece of property. Bishop said that portion would not be extended. Burnett explained why that piece existed and said it would not be appropriate for a cul-de-sac, and that a cul-de-sac was located at another location.

(9:49 a.m.) Bryan asked if Deer Chase was under construction as well. Bishop said that was correct and was an approved PUD. Bryan said there was a lot of residential construction where there was already a great deal of inventory. Bishop said that staff had questioned that, and it was determined that it was infill development and decided that it was appropriate.

(9:52 a.m.) Stevenson asked if they could hear both items and vote on them separately as there were issues that would apply to both. McCormack said it would be ok to hear them together, and to vote on them separately, but that ex parte needed to be declared. Sanchez declared ex parte with Burnett, Held and his clients. Stevenson declared ex parte with Held, his son, and other communications by reference. Mays declared ex parte with Burnett.

(9:54 a.m.) Doug Burnett, 1301 Plantation Island Drive, Suite 203B, said William Shilling and Nathan Tidd from Kimley Horne were with them. He said the Helds were long term property owners and developers in St. Johns County. He reviewed the aerial map and explained the adjoining subdivisions. He explained that the property in between was the 9.9 acre Deer Chase request. He reviewed the Future Land Use Map to show the specific boundaries of the adjoining properties. He said that Stonegate had already been built out, and Deer Chase represented an infill development. He noted the PUD was laid out to prevent any significant increase in traffic. He explained that the 24 lots would be within the Deer Chase Homeowners Association. He said the small scale Comp Plan had been held up because the County had not met the EAR deadline, and noted the project was actually ready to go. He said they had unanimous approval from PZA for the Comp Plan Amendment, but there had been concern about lot size, so they had reduced the number of lots to increase the lot sizes. He said access to the Chief Osceola Capture Site had been included in the Deer Chase Development site.

(10:04 a.m.) Bryan said the design still bugged him, as it would be a dead end street and there was the possibility of backups into lots 10 and 11 for turning around. Sanchez said a cul-de-sac would not work there because there were no lots to form one. Mays commented that hopefully lot 11 would have a driveway and if lots 9 and 10 were inferior then the market would take care of the value of those. He said he had not seen that design either.

(10:07 a.m.) Bill Shilling, 8657 Bay Pine Rd., Jacksonville, Kimley Horn and Associates, explained the reason for the lack of the cul-de-sac at the end. He said it would have impacted the wetlands. He said there would be four red diamond reflectors at the end of the road and it would be visible as a dead end, and drivers would be able to turn around in the designed cul-de-sac.

(10:09 a.m.) Bishop said there was one waiver requested for the entrance sign. He stated that they asked not to do a unified sign plan, but to get the style of the community down so the entrance sign would match. She said staff had no problem with that. She said the PZA vote was 4/3 on the PUD with concern regarding lot size and compatibility issues.

(10:10 a.m.) Mays said the folks in Stonegate should have a valid concern as to whether Rancho del Mar PUD would have access through that road, and that parcel probably took care of some of their concerns. He said it was a strange design, but it would serve

to cut off access through the existing neighborhood into the Rancho de Mar area. Stevenson said the design clearly was not what had been anticipated earlier. She said they were retrofitting to meet the concerns of the existing communities.

(10:12 a.m.) **Motion by Sanchez, seconded by Mays, carried 3/1 with Bryan opposing and Miner absent., to enact Ordinance No. 2009-33, known as CPA (SS) 2006-13 Deerchase Residential, amending the Future Land Use Map from R/S to Residential-C, adopting findings of fact one through three to support the motion.**

ORDINANCE NO. 2009- 33

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, AMENDING THE 2015 COMPREHENSIVE PLAN, ORDINANCE NO. 2000-34, AS AMENDED, TO CHANGE THE FUTURE LAND USE MAP DESIGNATION FROM RURAL SILVICULTURE (R/S) TO RESIDENTIAL - C, FOR THE PROPERTY LOCATED SOUTH OF DEERCHASE DRIVE AT TAHOE LANE WEST OF WILDWOOD DRIVE CONTAINING APPROXIMATELY 9.9 ACRES; PROVIDING FOR FINDINGS OF FACT; FINDINGS OF CONSISTENCY; SEVERABILITY; AND AN EFFECTIVE DATE

(07/21/09 - 12 - 10:13 a.m.)

(District 3)

5. PUBLIC HEARING - PUD 2007-09, DEERCHASE DRIVE RESIDENTIAL PARCEL. THIS IS A REQUEST TO REZONE 9.9 ACRES OF LAND FROM OPEN RURAL (OR) TO PLANNED UNIT DEVELOPMENT (PUD) TO ALLOW THE CONSTRUCTION OF 24 SINGLE FAMILY RESIDENTIAL UNITS. THE LOCATION OF THE PROPERTY IS SOUTH OF DEERCHASE DRIVE AT TAHOE LANE WEST OF WILDWOOD DRIVE. THE AREA LOCATED TO THE NORTH IS ZONED RS-2, WHICH ALLOWS 10,000 SQUARE FOOT LOTS. STAFF REQUESTED THE APPLICANT CONSIDER LARGER LOT SIZES TO THE NORTH FOR UNIFORM LOT TRANSITION AND COMPATIBILITY. THE APPLICANT REMOVED TWO LOTS ON THE NORTHERN PORTION OF THE PROJECT AND INCREASED THE MINIMUM LOT SIZE. THE MINIMUM LOT SIZE IN THE PROJECT IS 5,800 SQUARE FEET. STAFF FINDS THE REZONING SUBSTANTIALLY MEETS THE REQUIREMENTS OF THE COMPREHENSIVE PLAN AND THE LAND DEVELOPMENT CODE BASED UPON THE FOLLOWING: THE APPLICATION MATERIALS SUBMITTED BY THE APPLICANT, THE LOCATION OF THE PROPERTY WITHIN THE RESIDENTIAL-C FUTURE LAND USE MAP DESIGNATION AND OTHER INFORMATION AVAILABLE TO STAFF. THIS FINDING MAY BE SUBJECT TO OTHER COMPETENT SUBSTANTIAL EVIDENCE RECEIVED AT THE QUASI-JUDICIAL PUBLIC HEARING. THE PZA RECOMMENDED APPROVAL OF THIS REZONING REQUEST AT THEIR MAY 7, 2009 REGULAR MEETING SUBJECT TO THE FOLLOWING: 1.) AMEND THE MDP TEXT TO PROVIDE THAT THERE SHALL BE NO INTERCONNECTIVITY TO THE WEST. 2.) AMEND THE MDP MAP AND TEXT TO DEPICT 24 TOTAL LOTS WITHIN THE PROJECT. 3.) AMEND THE MDP TEXT TO PROVIDE A 5,800 MINIMUM LOT SIZE. THE MOTION PASSED WITH A VOTE OF 4-3 (MOTION BY WILLIAMS, SECOND BY HANSON, WITH LAIDLAW, NELSON AND WHEELER IN OPPOSITION). THE DISSENTING VOTES EXPRESSED CONCERNS WITH LOT SIZE AND COMPATIBILITY

Proof of publication of the notice of public hearing regarding PUD 2007-09, known as Deerchase Drive Residential Parcel, was received, having been published in *The St. Augustine Record* on July 7, 2009.

(10:13 a.m.) Bryan expressed concern with the requirement, and questioned the need for additional units when there was so much existing housing. He said he was looking at budget impacts for services that would have to be provided because we were in a budget crisis. He said he could not support it at that time.

(10:15 a.m.) Mays asked if there was staff approval with the reduction of lot size. Bishop said they had decreased the number of lots to 24 in the PUD and they had also increased the lot size to 5,800 square feet, which had been a concern of the PZA. She said there was staff approval.

(10:16 a.m.) Burnett discussed lot size and said the lots on the northern boundary were in the 8,000 square foot range to be more consistent with the properties to the north. He also pointed out that Rancho del Mar did not access Stonegate, and its sole access point was Watson Road. He said Deer Chase access was onto Wildwood Drive, where there were not a lot of new subdivisions, and it would serve a different market. Sanchez said he didn't know what else they would do with that piece of property, as it was between two residential areas. Stevenson concurred.

(10:19 a.m.) **Motion by Sanchez, seconded by Stevenson, carried 3/1 with Bryan opposing and Miner absent, to enact Ordinance No. 2009-34, known as PUD 2007-09, Deerchase Residential, adopting findings of fact one through seven to support the motion.**

ORDINANCE NO. 2009-34

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

(07/21/09 - 13 - 10:20 a.m.)

6. PUBLIC HEARING - APPROVAL OF PROGRAM OF PROJECTS AND THE SUBMITTAL OF SECTION 5307 URBANIZED AREA GRANT FOR FY 2009 (OCT 1, 2009 TO SEPT 30, 2010). EACH YEAR THE FEDERAL TRANSIT ADMINISTRATION APPORTIONS FUNDING FOR URBANIZED AREA PUBLIC TRANSPORTATION ASSISTANCE. THE COUNTY'S APPORTIONMENT FOR THIS YEAR IS \$662,424. ONCE THIS APPORTIONMENT IS DETERMINED, A PROGRAM OF PROJECTS IS DEVELOPED AND USED AS THE BASIS FOR THE SECTION 5307 URBANIZED AREA GRANT SUBMITTAL. PRIOR TO THIS SUBMITTAL, FEDERAL GUIDELINES REQUIRE A PUBLIC HEARING TO BE HELD AND FOR THE PROGRAM OF PROJECTS TO BE APPROVED FOLLOWING THE PUBLIC HEARING. THE MATCH REQUIREMENT FOR THIS GRANT WILL BE 50% FOR OPERATING AND 20% FOR CAPITAL. FOR FY 2009 GRANT, OPERATING ALLOCATION IS \$339,080 AND CAPITAL ALLOCATION IS \$323,344. THE OPERATING MATCH COMES FROM THE COUNTY'S CONTRIBUTION TO TRANSIT AND FAREBOX REVENUE. THE CAPITAL

MATCH COMES FROM A SOFT MATCH OF TOLL REVENUE CREDITS PROVIDED BY THE STATE OF FLORIDA

Proof of publication of the notice of public hearing regarding Section 5307 Urbanized Area Grant for FY 2009 was received, having been published in *The St. Augustine Record* on June 30, 2009.

Gary Mackey, Transit Planner gave the presentation. He reviewed the Operating and Capital costs. Michael Hunt, Deputy County Attorney, clarified that it was a public hearing and Sanchez said there was no public comment.

(10:23 a.m.) Motion by Bryan, seconded by Mays, carried 4/0 with Miner absent, to adopt Resolution No. 2009-207, approving the 2009 Program of Projects and submittal of the Section 5307 Urbanized Area Grant for FY 2009 for \$662,424 in Federal Transit Administration funding.

RESOLUTION NO. 2009-207

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE 2009 PROGRAM OF PROJECTS AND SUBMITTAL OF THE 2009 SECTION 5307 URBANIZED AREA GRANT

(07/21/09 - 14 - 10:24 a.m.)

7. CONSIDER AN APPOINTMENT TO THE LIBRARY ADVISORY BOARD

Karen Pan, Public Affairs Specialist, gave the presentation.

(10:25 a.m.) Motion by Sanchez, seconded by Mays, carried 4/0 with Miner absent, to appoint Martha Drabiski to the Library Advisory Board for one full term scheduled to expire October 2, 2011.

Sanchez explained that the Library Advisory Board had asked to create a non voting position and they had a person they were very interested in appointing. He had suggested to the Board that they should ask the BCC to create the position before it was offered and that had resulted in that day's request.

(10:27 a.m.) McCormack said a position could be created and recommended they go back to the enabling resolution or ordinance for the Library Advisory Board which could be done at the August 18 meeting. *There was Board consensus.*

(07/21/09 - 14 - 10:27 a.m.)

8. CONSIDER AN APPOINTMENT TO THE MID-ANASTASIA ISLAND DESIGN REVIEW BOARD

Karen Pan gave the presentation.

(10:27 a.m.) Motion by Bryan, seconded by Sanchez, carried 4/0 with Miner absent, to reappoint Carol Bertacchi to the Mid-Anastasia Island Design Review Board for a full four-year term scheduled to expire May 18, 2011.

(10:28 a.m.) Motion by Bryan, seconded by Mays, carried 4/0 with Miner absent, to reappoint Craig Ebner to the Mid-Anastasia Island Design Review Board for a full four-year term scheduled to expire May 18, 2011.

The board recessed at 10:29 a.m. and reconvened at 10:44 a.m.

(07/21/09 - 15 - 10:45 a.m.)

9. REPORT ON SENATE BILL 360 INTERPRETATION

Patrick McCormack, County Attorney, gave the presentation on Section 14 of SB 360. He said there was debate on how to interpret it. He explained that he had analyzed the situation and believed that it pertained to any government issue. *"This extension includes any local government-issued development order or building permit."* He reviewed 380.031 Definitions and said it was a broad definition that had been in the statutes for quite some time. He reviewed typical application types which may be considered and said it was not an all inclusive list, but illustrated that it covered a broad range of things. He said it encompassed a broad range of activities that were subject to a two year extension. Sanchez asked if there was a period of time they had to wait before they came back. McCormack said he would have to look at that and would report on it.

(10:50 a.m.) McCormack said there was pending litigation referring to Senate Bill 360 and several cities in the Lee County area had filed suit on July 8, challenging the new law because 1) it violated the single subject law and 2) it was an unlawful, unfunded mandate. He said St. John County was not a party in the litigation. He said the Florida Association of County Attorneys Growth Management Committee had reviewed Senate Bill 360 and provided their interpretation: *"Although language is ambiguous, it appears that the Legislature intended for the extension to cover all such permits."*

He reviewed the implementation options: Option 1 (**Recommended**) St. Johns County extends any eligible local government issued development order or building permit that had an expiration date between September 1, 2008 through January 1, 2012 for two years. McCormack said his interpretation was that of a broad one. Option 2: St. Johns County extends any eligible local government issued development order or building permit related to a WMD or DEP permit set to expire between September 1, 2008 and January 1, 2012. In this consideration, only those projects with associated WMD or DEP permits that fall within the statutory timeframe would be eligible for extension by a period of two years.

(10:56 a.m.) Wanchick said Administration supported McCormack's recommendation and said it was merely an extension of time.

(10:58 a.m.) Stevenson commented that it was one of the most poorly crafted pieces of legislation that they had seen in a long time. Wanchick said it was not an automatic extension and had to be requested. McCormack stated that the unincorporated areas of St. Johns County would not fall within the dula area.

(07/21/09 - 15 - 11:00 a.m.)

10. CONSIDER THE PROPOSED FY 2010 MILLAGE RATES AND SET THE DATE FOR THE FIRST PUBLIC HEARING FOR THE FISCAL YEAR 2010 ANNUAL BUDGET

(11:00 a.m.) Doug Timms, Director of the Office of Management & Budget, gave the presentation and explained that this process was required by the State of Florida. He reviewed the process that had taken them to that point, including seven Town Hall meetings, presentation of the recommended balanced budget to the BCC on July 7, a workshop on July 9, and setting of the tentative millage rates, to occur that day. He said the first public meeting was recommended to be set for September 15 at 5:30 p.m. for the proposed 2010 millage rates and budget and a final public hearing, a Special Meeting, on September 22. He reviewed the recommended millage rates, and said they

were maximum rates that could be lowered but not increased. He said it was an overall tax decrease. He explained that the non-homestead and average businesses would see a decrease but homeowners with a homestead exemption would see an increase. He said the Board needed to establish a public hearing date of September 15, 2009 for the first public hearing, place and time.

(11:06 a.m.) Bryan said Fire Service would have a significant impact on the budget and asked where they were in the negotiation process. Wanchick said there were two unions in the County, the Carpenter's Union and the Fire Services Union. He noted that the Carpenter's Union had agreed to forgo raises. However, he said, the Fire Services Union did not agree, and still expected their agreed upon raise. Wanchick said he was disappointed considering the sacrifices that other County employees had made, though it was his intent to honor their contract.

(11:09 a.m.) Bryan explained to the public, that what they were making the decision on was the maximum tentative millage, and it was not set. He said in order to balance the budget, if they were not able to do so, the maximum amount would be set but could be lower.

(11:10 a.m.) Sanchez said he had hoped there would be a better team effort on the part of Fire Services. He said he had trouble giving raises to some people and not to others. He said he had trouble increasing Fire Service fees in order to give raises.

(11:11 a.m.) McCormack said there was a bargaining process underway and there were certain avenues to follow if they reached an impasse. He urged them not to take a position and urged them to make only general comments.

(11:12 a.m.) Mays concurred with Sanchez's comments. He said it was important to understand that it was a tentative millage rate, and they could move down with it, but not up. He said it would actually result in a decrease in the amount of taxes collected in 09 from 08. He noted people could go before the Value Adjustments Board to make appeals.

Bryan said they were still looking at budgets to see where they could continue to cut, to be more fiscally responsible. He said it was a work in progress.

(11:14 a.m.) Sanchez said they had done nothing but cut the budget since he had arrived to the Board. He said they were required by law to furnish the millage rate and they worked with the maximum millage rate as a safeguard, in case something should come up that they had not anticipated.

(11:16 a.m.) Wanchick said it would still be lower than the 2006 level. He said there was the expectation that they would be able to lower it when the economy returned to a more stable level. He said they had heard from the community that they did not want to cut services. He said they hoped to make it through the next two years until the economy recovered, and that the budget was a no frills budget with very basic services provided.

(11:17 a.m.) Stevenson said she had also been looking at the budget closely. She said it would take many measures, including large ones and small ones to put the County on more sound financial footing. She said they were back to the 2005 staffing level, and everything was being done to make it a lean staff and to continue to provide all necessary services. She noted they had been cutting back for a number of years, and they would continue to work towards efficiency.

(11:21 a.m.) Sanchez commented on out of control growth; too much too fast. He said they couldn't afford to take care of what they were responsible for during difficult times. He cautioned that they had to keep that from happening again, and they needed to remember that when times improved.

(11:24 a.m.) Mays said he agreed, and when the money started coming in again they had to be more judicious about spending it. Mays reviewed the amounts that would be coming in and said there was about a \$24,000,000 cut from 2009 to 2010 even with the millage increase. He said it would include a tax cut for some citizens. He emphasized it was a tentative millage rate.

(11:26 a.m.) Bryan said smart growth was important and did not pay for itself. He said they had to be cognizant of the developments they continued to approve. He said it affected all services necessary for the public. He said they were currently well overbuilt and were continuing to grow, and it was going to cost tax payers more dollars. Sanchez agreed and said they had turned down more than they had approved but he tried to look at the entire issue. He said local contractors were working on some of these projects and it was important to keep that in mind. Stevenson said one of the tenants of smart growth was where the infrastructure was in existence. She referenced the decision made earlier that day.

(11:30 a.m.) Don Hine, 21 Fullerwood Dr., congratulated Timms on the presentation. He said he did not understand why those with homestead exemptions were getting an increase and why those without homes were getting a decrease. He also commented on the parks issue and said it was a low priority item and a better job could be done on providing projects on the basis of need. He said the upcoming 450th Anniversary was a massive boondoggle. He commented on Fire and Rescue getting raises and said he thought it was a disgrace.

(11:34 a.m.) Sanchez explained how the Save Our Homes effort had affected taxes. He said if they did this proposed millage rate, it would give some relief to business and investment property owners.

Hine commented on saving health insurance costs. Stevenson said there had been a \$15 million savings in insurance costs and explained how the costs had been cut. She said a lot of work had gone into that process. She said she was on the Healthcare Property Tax Reform Work Group and explained that the non homesteaded properties had carried a tremendous burden because property values were going up wildly. She said they were not set up to handle the booms or the busts. She said homes had taxable values that were lower than the market values and would continue to get the 3 percent increases. She reiterated that challenges to valuation could go before the Value Adjustment Board.

(11:41 a.m.) Bryan commented on the skate park and said it was built with grant money and matching funds from individuals in the community. He said it was a City project, and had proved to be a benefit to the community.

(11:43 a.m.) **Motion by Sanchez, to authorize the completion and execution of the FY 2010 form DR-420's by the County Administrator with the approved tentative Millage rates and the establishment of September 15, 2009 at 5:30 p.m. in the County Auditorium as the first public hearing for the adoption of the Fiscal Year 2010 Annual Budget.** Timms reviewed the proposed millage rates for the purposes of the motion and read each one. **Motion was seconded by Bryan, carried 4/0 with Miner absent.**

(11:46 a.m.) Stevenson expressed appreciation to Timms for his hard work and that of his department.

(07/21/09 - 18 - 11:46 a.m.)
COMMISSIONERS' REPORTS

Commissioner Mays:

Mays stated that he attended the Intergovernmental Committee meeting recently and that the Airport Authority announced that they would be off the tax rolls after the 2010 budget, and they were progressing on bringing in another commercial carrier into the airport there. He said they would examine other efficiencies. He said Mosquito Control was also being examined. He said the FDOT was moving in the direction of transportation because a lot of Federal and State money was directed to our County through the North Florida Transportation Organization, and FDOT had mandated that each district come up with a regional Transit Authority proposal. He said he was sitting on that committee currently.

(11:48 a.m.) Commissioner Bryan:

Bryan said he had attended the University of Florida Agricultural Center in Hastings, and said they were going to apply for a grant for about \$1 million, with a 30 percent match. He said the match could be cash or in-kind. He said they were going to build several homes to include Energy Star efficiencies, and there would be different stages of homes so that contractors could review them to look at the various levels of energy efficiency and the level of payback that would occur over a period of time. He said Seagrove had implemented a water conservation program where they were able to save over a million gallons within the past six months. He said two builders were already willing to work with in-kind and possibly cash contributions. He said he was also looking into training programs for Hastings and West Augustine with Stimulus funding to deal with winterization and other kinds of innovative things.

(11:50 a.m.) Commissioner Sanchez:

Sanchez asked if they had to appoint a citizen representative to the Transportation Planning Organization (TPO). Wanchick said they had requested a citizen appointee by August 10. He said if they were unable to get it postponed until the August 18 meeting, that they might want to give the Chair the authority to proceed with the appointment. Sanchez said someone from the Board needed to be appointed as well. Wanchick said he assumed it would be Commissioner Mays. Mays recommended Henry Green as the citizen appointee. Stevenson said he would be a good choice and was Chairman of the PZA. Wanchick asked if it was the Board's pleasure to contact Mr. Green. *There was Board consensus for Administration to contact Henry Green.* Sanchez commented on the Airport Authority taxing district and said October 2010 would be the end of taxing by the Authority. He said they had been working on it for quite awhile. He also offered thanks to Joe Vonasek for his report and assessment on the information collected from the Town Hall meetings and citizen response.

(11:54 a.m.) Commissioner Stevenson:

There was no report.

(07/21/09 - 19 - 11:54 a.m.)
COUNTY ADMINISTRATOR'S REPORT

Wanchick said there had been a workshop in June on the TDC, at which the Board had provided him with a list of items they wanted researched. He said a workshop had been set for August 11, 9:00 a.m. to 12:00 noon to review those items. He also suggested August 25, 9:00 a.m. to 12:00 noon for another workshop on the TDC. Bryan asked if there would be public comment. Wanchick said they would be advertised as special meetings so that they could take public comment and they would be held in the Auditorium.

(07/21/09 - 19 - 11:57 a.m.)
COUNTY ATTORNEY'S REPORT

McCormack said he had good news regarding the First District Court of Appeal, which had upheld the Trial Court opinion in the case about the Regional Criminal Conflict Counsel. He said St. Johns County had participated in the appeal, relating to who was going to pay, the counties or the State, for the Regional Criminal Conflict Counsel. He said they had received invoices from them, and had put it off during litigation. He said the trial went in favor of the counties and had been upheld on appeal as being a violation of the Florida constitution. He said they also did an analysis of unfunded mandates which might be helpful in some other context. He returned to the subject of the McMillan property purchase, authorized by the Board earlier. He reviewed that the Board had allowed the purchase of 8 lots at Summerhaven for \$55,000. He said the McMillan Trust had asked, as part of the release, that the County agree not to sue them, pertaining to the water line there. He asked for authorization to allow that as part of the release. *There was Board consensus to allow him to do that.*

McCormack explained the situation at Summerhaven and said it had been the subject of litigation since 2005, and it had been very expensive. He said it would take those properties out of litigation, would provide ancillary benefits for the beach program, and could be put in preservation. He said it would reduce their exposure for litigation purposes.

He said that during the trial phase of the Summerhaven litigation, they had offered settlement to property owners of \$2,500 for undeveloped lots and \$5,000 for developed lots if the lot owners would release the County from potential liability. He said the County prevailed in the Trial Court phase and there had been a Notice of Appeal to the Fifth District. He asked for the authority on the offer of the above amounts. He said they had received agreement from one property owner and possibly others. Mays suggested that they offer 30 days to accept the offer. *There was Board consensus to do so.*

(07/21/09 - 19 - 12:05 p.m.)
CLERK OF COURT'S REPORT

There was no report.

(12:06 p.m.) **Motion by Sanchez, seconded by Mays, carried 4/0 with Miner absent, to adjourn the meeting.** With there being no further business to come before the Board, the meeting adjourned at 12:06 p.m.

REPORTS:

1. St. Johns County Board of County Commissioners Check Register, Check Nos. 440941 through 440970, totaling \$63,780.29 (06/18/09)

2. St. Johns County Board of County Commissioners Check Register, Check No. 440971, totaling \$250.00 (06/18/09)
3. St. Johns County Board of County Commissioners Check Register, Check Nos. 440972 through 440983, totaling \$211,463.55 (06/22/09)
4. St. Johns County Board of County Commissioners Check Register, Check Nos. 440984 through 441321, totaling \$1,899,164.74 (06/23/09)
5. St. Johns County Board of County Commissioners Check Register, Check No. 441322, totaling \$680.00 (06/25/09)
6. St. Johns County Board of County Commissioners Check Register, Check No. 441323, totaling \$72.28 (06/25/09)
7. St. Johns County Board of County Commissioners Check Register, Check Nos. 441324 through 441769, totaling \$3,018,052.80 (06/30/09)
8. St. Johns County Board of County Commissioners Check Register, Check Nos. 441770 through 441799, totaling \$214,474.64 (07/01/09)
9. St. Johns County Board of County Commissioners Check Register, Check No. 441800, totaling \$156.30 (07/06/09)
10. St. Johns County Board of County Commissioners Check Register, Check Nos. 441801 through 442048, totaling \$858,749.45 (07/07/09)

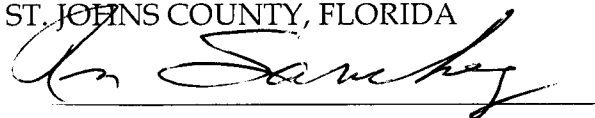
CORRESPONDENCE:

1. Letter to Karen Rogers, City Clerk, City of St. Augustine, regarding the fully executed copy of the Interlocal Agreement for wastewater force main interconnection between St. Johns County and the City of St. Augustine (07/02/09)
2. Letter to Liz Cloud, Program Administrator, Bureau of Administrative Code and Weekly, filing Ordinance Number 2009-29, the proof of publication and CODRS Coding Form (07/09/09)
3. Letter to Liz Cloud, Program Administrator, Bureau of Administrative Code and Weekly, filing Ordinance Number 2009-30 through 2009-32, the proof of publications and CODRS Coding Forms (07/14/09)
4. Letter to Liz Cloud, Program Administrator, Bureau of Administrative Code and Weekly, filing Exhibit 1 to Ordinance Number 2009-28 (07/14/09)

Approved August 18, 2009

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

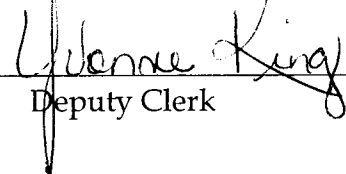
Bv:



Ron Sanchez, Vice Chair

ATTEST: CHERYL STRICKLAND, CLERK

By:



Deputy Clerk

