

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
SEPTEMBER 1, 2009
(9:00 A.M.)**

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

Present were: Cyndi Stevenson, District 1, Chair
 Ron Sanchez, District 2, Vice Chair
 Mark P. Miner, District 3
 Phillip Mays, District 4
 Ken Bryan, District 5
 Michael D. Wanchick, County Administrator
 Patrick McCormack, County Attorney
 Terry Bulla, Deputy Clerk

(09/01/09 - 1 - 9:02 a.m.)
CALL TO ORDER

Stevenson called the meeting to order.

(09/01/09 - 1 - 9:02 a.m.)
ROLL CALL

Stevenson reported that all five commissioners were present.

(09/01/09 - 1 - 9:02 a.m.)
Miner gave the Invocation and Sanchez led the Pledge of Allegiance.

(09/01/09 - 1 - 9:03 a.m.)
PROCLAMATION DESIGNATING SEPTEMBER 2009, AS LIBRARY CARD SIGN UP MONTH

Commissioner Sanchez read the proclamation and presented it to several young people, to a member of the Library Board, and Debra Rhodes Gibson, Library Director. Rhodes-Gibson commented on the Library system and said about 90,000 people were library card holders. She explained the campaign and distributed photographs of each commissioner, in poster format, to the commission, as part of the campaign.

(09/01/09 - 1 - 9:10 a.m.)
ACCEPTANCE OF PROCLAMATION

(9:11 a.m.) **Motion by Sanchez, seconded by Miner, carried 5/0, to approve the Proclamation.**

(09/01/09 - 1 - 9:11 a.m.)
DELETIONS TO CONSENT AGENDA

There were none.

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

1. Approval of the Cash Requirement Report
2. Minutes:
08/11/2009 - BCC Special Meeting
3. Motion to adopt **Resolution No. 2009-230**, to set a Public Hearing date of October 20, 2009, at 9:00 a.m. to hear a request for the Vacation of a portion of Third Street

RESOLUTION NO. 2009-230

RESOLVED, THAT THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, IN THE COUNTY AUDITORIUM OF ST. JOHNS COUNTY ADMINISTRATION BUILDING ON OCTOBER 20, 2009 AT 9:00 A.M. UPON PETITION OF QUALIFIED LAND OWNERS, WILL CONSIDER THE ADVISABILITY OF EXERCISING THE POWER GRANTED TO IT BY SECTION 336.09, FLORIDA STATUTES 2008, AND DETERMINE WHETHER IT WILL VACATE, ABANDON, DISCONTINUE AND CLOSE PORTIONS OF CERTAIN STREET, ALLEYWAYS OR ROADS DESCRIBED AS FOLLOWS: LEGAL DESCRIPTION AS PER ATTACHED "SCHEDULE A" AND THE NOTICE REQUIRED BY SECTION 336.10, FLORIDA STATUTES 2008, IS HEREBY AUTHORIZED AND DIRECTED TO BE PUBLISHED

4. Motion to adopt **Resolution No. 2009-231**, approving an extension deadline of September 30, 2010, for \$275,000 in reserved Tree Bank Funds for the purchase of the Guana North Access and the North Florida Land Trust (NFLT). If the North Florida Land Trust (NFLT) is successful in raising the balance the asking price is \$800,000

RESOLUTION NO. 2009-231

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, RESERVING \$275,000 OF TREE BANK FUNDS TOWARDS THE JOINT PURCHASE OF THE GUANA RIVER NORTH ACCESS WITH THE NORTH FLORIDA LAND TRUST IF THE NORTH FLORIDA LAND TRUST IS SUCCESSFUL IN RAISING THE BALANCE OF THE ASKING PRICE OF \$800,000

5. Motion to adopt **Resolution No. 2009-232**, approving the 2009-2010 Non-Ad-Valorem assessment roll for the Ponte Vedra Wastewater Vacuum Sewer Project pursuant to Resolution No. 2002-245, and authorizing the Chairperson to certify and deliver the 2009-2010 assessment roll to the St. Johns County Tax Collector

RESOLUTION NO. 2009-232

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING ASSESSMENT ROLLS FOR VARIOUS ASSESSMENT AREAS ESTABLISHED PURSUANT TO ORDINANCE NO. 2002-55; ESTABLISHING THE LIEN ASSOCIATED THEREWITH; DIRECTING THAT THE ASSESSMENT ROLL BE CERTIFIED TO THE ST. JOHNS COUNTY TAX COLLECTOR; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

6. Motion to adopt **Resolution No. 2009-233**, approving the 2009-2010 Non-Ad-Valorem Assessment Rolls and Annual Assessment Rates for Private Road Grading Municipal Service Benefit Unit (MSBU's) and Right-of-Way Municipal Service Benefit Unit (MSBU's) and to authorize the Chairman to certify and deliver the 2009-2010 assessment rolls to the St. Johns County Tax Collector

RESOLUTION NO. 2009-233

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE 2009-2010 NON-AD VALOREM ASSESSMENT ROLLS AND ANNUAL ASSESSMENT RATES FOR PRIVATE ROAD GRADING MUNICIPAL SERVICE BENEFIT UNITS AND RIGHT-OF-WAY MUNICIPAL SERVICE BENEFIT UNITS AND AUTHORIZING THE CERTIFICATION OF SAID ASSESSMENT ROLLS TO THE ST. JOHNS COUNTY TAX COLLECTOR BY THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA

7. Motion to adopt **Resolution No. 2009-234**, accepting the terms of the Agreement between St. Johns County Board of County Commissioners and Gateway Community Substance Abuse Services and authorizing the County Administrator to execute the Amendment on behalf of the County

RESOLUTION NO. 2009-234

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE CONTRACT BETWEEN ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS AND GATEWAY COMMUNITY SERVICES, INC., AND AUTHORIZING THE CHAIR TO EXECUTE THE CONTRACT ON BEHALF OF THE COUNTY

8. Motion to accept the Annual Report for State Housing Initiatives Partnership (SHIP), and submit to the Florida Housing Finance Corporation by September 15, 2009 and approve that the Chair and County Administrator sign both required sets of certification forms
9. Motion to adopt **Resolution No. 2009-235**, approving the St. Johns County Purchasing Code

RESOLUTION NO. 2009-235

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE REVISED AND RESTATED PURCHASING CODE, SECTION III OF THE COUNTY ADMINISTRATIVE CODE

10. Motion to adopt **Resolution No. 2009-236**, allowing the St. Johns County Recreation and Parks Department to make application for a Florida Development Assistance Program Grant for Phase I, Development of Canopy Shores Park

RESOLUTION NO. 2009-236

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE COUNTY ADMINISTRATOR OR DESIGNEE, TO SUBMIT AN APPLICATION SEEKING FUNDING ASSISTANCE THROUGH THE FLORIDA RECREATION DEVELOPMENT ASSISTANCE PROGRAM FOR PHASE I, CONSTRUCTION OF CANOPY SHORES PARK

11. Proofs:
- a. Proof, Request for Proposals, RFP #09-109, August 20, 2009, at 4:00 P.M.
 - b. Proof, Notice of unclaimed Monies, September 1, 2009
 - c. Proof, Notice of Certificate of Liability for Atlantic Geotechnical & Environmental Services
 - d. Proof, Notice of Certificate of Liability for Batson-Cook Company
 - e. Proof, Notice of Certificate of Liability for Ed Carlyon Construction Inc.

(09/01/09 - 4 - 9:11 a.m.)
PUBLIC COMMENT

There was none

(09/01/09 - 4 - 9:11 a.m.)
ADDITIONS/DELETIONS TO REGULAR AGENDA

There were none

(09/01/09 - 4 - 9:12 a.m.)
APPROVAL OF REGULAR AGENDA

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

(09/01/09 - 4 - 9:13 a.m.)

1. PUBLIC HEARING - CHILD SAFETY ZONE ORDINANCE. THE PURPOSE OF THIS ORDINANCE IS TO PROMOTE THE GENERAL HEALTH, SAFETY AND WELFARE OF THE CHILDREN OF ST. JOHNS COUNTY. THIS ORDINANCE WILL REDUCE THE POTENTIAL RISK OF HARM TO CHILDREN OF THE COMMUNITY BY LIMITING THE OPPORTUNITY FOR SEXUAL OFFENDERS AND SEXUAL PREDATORS TO BE IN CONTACT WITH UNSUSPECTING CHILDREN IN LOCATIONS THAT ARE PRIMARILY DESIGNED FOR USE BY CHILDREN, ARE PRIMARILY USED BY CHILDREN, OR ARE CUSTOMARY

GATHERING PLACES FOR CHILDREN. THERE ARE 2,463 KNOWN REGISTERED SEXUAL OFFENDERS AND/OR SEXUAL PREDATORS IN ST. JOHNS COUNTY AND THE SURROUNDING COUNTIES OF DUVAL, CLAY, PUTNAM AND FLAGLER, WITH DUVAL COUNTY HAVING THE HIGHEST PER CAPITA POPULATION OF REGISTERED SEXUAL OFFENDERS AND SEXUAL PREDATORS IN FLORIDA. THIS ORDINANCE WILL REDUCE THE POTENTIAL RISK OF HARM TO CHILDREN OF THE COMMUNITY BY LIMITING THE OPPORTUNITY FOR SEXUAL OFFENDERS AND SEXUAL PREDATORS TO BE IN CONTACT WITH UNSUSPECTING CHILDREN IN LOCATIONS THAT ARE PRIMARILY DESIGNED FOR USE BY CHILDREN, ARE PRIMARILY USED BY CHILDREN, OR ARE CUSTOMARY GATHERING PLACES FOR CHILDREN

Proof of publication of the notice of public hearing on St. Johns County Child Safety Zone Ordinance was received, having been published in *The St. Augustine Record* on August 21, 2009.

Miner introduced the item and explained that it was a tool for law enforcement and provided for child safety zones in the County.

(9:13 a.m.) Paras Desai, Assistant County Attorney, introduced the team that worked on the ordinance: Sheriff Shore, Col. Art May, Patrick McCormick, County Attorney, Troy Blevins, Director Recreation and Parks, Det. Linda Mobley, and Kit Brantley, Sheriff's Office. Desai announced some administrative changes to the ordinance. He said in Section 4, "prohibitive presence loitering or prowling at certain locations" should be followed by "**: exceptions added**". Within Section A, a section will be added to read "It is prohibited for a sex offender to be on or within a safety zone of a St. Johns County park, school, daycare center, arcade, school bus stop when children are present, YMCA/YWCA **and designated public library areas**. Within Section 7, "the County **and the Sheriff's Department** may pursue any important action." Under that paragraph an additional paragraph will be added: "**For the purpose of administration and enforcing this ordinance, the Sheriff or Sheriff's designee is authorized to adopt policies and guidelines not inconsistent with this ordinance.**" (Bold and italics to be added to the ordinance.) Desai added that the best law was the parents themselves watching out for their children.

(9:16 a.m.) Bryan asked if it would be possible to include beaches. Desai said that the beaches were spread throughout St. Johns County and Federal laws came into play which allowed beach access to anybody.

(9:17 a.m.) Stevenson said that helping children to be aware and not fearful was important, but keeping an eye on them was the best thing parents could do for their children. She said Blevins had been working on the ordinance for some time and she appreciated it. She thanked the entire team for their efforts on the ordinance.

(9:18 a.m.) Michael Hunt, Deputy County Attorney, said the County was creating the ordinance within legally defensible bounds. He said the purpose was under the auspices of the available and permissible rules. Desai said he agreed with that.

(9:19 a.m.) Miner read the "whereas clauses" from the Ordinance.

(9:21 a.m.) Wanchick said that recreation centers were not specifically identified and suggested it as an addition. Desai explained that a list of prohibited locations would be presented to the sex offenders when they registered with the Sheriff's Office, and those locals could be added to that list.

(9:23 a.m.) Hunt suggested they could add to the ordinance the words “park *and/or* recreation center”.

(9:23 a.m.) Motion by Miner, seconded by Sanchez, carried 5/0, to enact Ordinance No. 2009-36, St. Johns County Child Safety Zone Ordinance as revised.

ORDINANCE NO. 2009-36

AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA, TO BE KNOWN AS THE ST. JOHN COUNTY CHILD SAFETY ZONE ORDINANCE; PROHIBITING THE PRESENCE OF REGISTERED SEXUAL OFFENDERS AND SEXUAL PREDATORS FROM BEING PRESENT LOITERING OR PROWLING WITHIN 300 FEET OF SPECIFIED LOCATIONS THAT ARE PRIMARILY DESIGNED FOR USE BY, OR ARE PRIMARILY USED BY CHILDREN; PROVIDING PENALTIES; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR SUNSET AND FOR AN EFFECTIVE DATE

(09/01/09 – 6 – 9:24 a.m.)

DISTRICT 2

2. PUBLIC HEARING – CPA (SS) 2006-16, SMALL SCALE COMPREHENSIVE PLAN AMENDMENT RONALD KENT PROPERTY. THIS IS A REQUEST TO AMEND THE FUTURE LAND USE MAP FROM AGRICULTURAL-INTENSIVE (A-I) TO INDUSTRIAL (I) TO ALLOW THE DEVELOPMENT OF A BUSINESS PARK. THE SUBJECT PROPERTY IS LOCATED AT 6270 CR 305 NEAR ELKTON, SOUTH OF SR 207 NORTH OF BATES LANE CONTAINS APPROXIMATELY 9.9 ACRES AND WAS ONCE DEVELOPED AS AN EGGPLANT PROCESSING PLANT. THE APPLICANT PROPOSES EGGPLANT PROCESSING IS NO LONGER FEASIBLE ON THE SITE AND PLANS TO REDEVELOP THE SITE WITH AN INDUSTRIAL BUSINESS PARK. THE SUBJECT PROPERTY AND SURROUNDING AREA IS ZONED OPEN RURAL (OR). A COMPANION PUD REZONING WAS FILED WITH THIS AMENDMENT. THE SURROUNDING AREA IS PRIMARILY DESIGNATED AS A-I ON THE FUTURE LAND USE MAP AND ZONED OR. THE AREA IS PRIMARILY RURAL IN CHARACTER. STAFF EXPRESSED CONCERN THE AMENDMENT RESULTED IN AN ISOLATED SPOT OF INDUSTRIAL ON FUTURE LAND USE MAP. THE PLANNING AND ZONING AGENCY QUESTIONED THE NEED FOR INDUSTRIAL USES AND COMMENTED THE PROPOSED AMENDMENT RESULTS IN SPRAWL. THE APPLICANT RESPONDED IN THE MEMO DATED JULY 8, 2009. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THE AMENDMENT AT THEIR JULY 16, 2009, REGULAR MEETING WITH A 5-1 VOTE (MOTION BY WHEELER, 2ND BY CONNOR, LAIDLAW DISSENTING, NELSON ABSENT)

Proof of publication of the notice of public hearing on CPA (SS) 2006-16, Ronald W. Kent, was received, having been published in *The St. Augustine Record* on August 17, 2009.

Teresa Bishop, Director Long Range Planning, gave the presentation, and explained the request. She noted that Item 3 in the Agenda Packet was a companion piece to the current item. She stated staff concerns: the proposed amendment allowed for a “spot” of Industrial inside an agricultural area. Staff questioned the timing and need of

industrial uses in that area. She said staff did not object to the proposed amendment and the PZA recommended approval with a 5/1 vote.

(9:27 a.m.) Bryan said according to the Land Development Code, industrial development was not allowed per A.1.2.4 Bishop explained that policy was referring to free standing development; commercial development inside the Agricultural Intensive or the Rural Silviculture areas. She said that particular designation was being changed to Industrial so that particular policy would not apply. Bryan clarified that they did not have a policy that addressed Industrial. Bishop responded that they did not and since it was an application for Industrial, the referenced policy did not apply. Bryan said he had a problem with that. He said it was being changed to Industrial in the middle of an Agricultural area. Bryan said he should declare ex parte, as he had visited the area and had communication with several individuals who lived in that area. He said if it was rezoned Industrial, someone could come back for an amendment for heavy industrial and it could create a problem. He said he was all for economic development, but there was already economic development existing and thriving in that area. He said it could potentially ruin the business that was already there. He mentioned letters that he had received from adjoining property owners who were concerned about what could be in place at the site.

(9:31 a.m.) Mays declared ex parte communication with the applicant. He asked if there was a horse farm close by. Bishop said there was. He asked her to explain why she thought it was not spot zoning. Bishop said staff had raised that concern, it was inside an agricultural and rural area, so they had to weigh the need for economic development, and it was an already disturbed site. Bishop said the light industrial proposed site would be more intense than what had occurred there before.

(9:33 a.m.) Miner said those were legitimate concerns and they could be addressed in the next item which could set parameters on the uses allowed on the property.

(9:34 a.m.) Stevenson disclosed ex parte communication with Karen Taylor and the owner of the property to discuss the use. She said the owner said he wanted to develop the property, but had been stuck in land use challenges. She said she drove out to the property and the aerial photograph did not do justice to the development in the area. She said the equestrian site was a recently developed section. She said there was high-end landscaping on another parcel, a tractor in the field, and it looked like what was there currently was not compatible. She said it was difficult to see an industrial park there on a long term basis.

(9:36 a.m.) Bryan expressed concerns about the business corporate address. He said the address was listed as the address for the current business that the gentleman ran, and there was heavy equipment on the property. He said the neighbor had a problem with that, and asked if that equipment was allowed with the current zoning. He expressed concern that anything could be permissible if it became industrial, and it could have an impact on the existing businesses in the area.

(9:39 a.m.) Miner disclosed ex parte communication with Karen Taylor, her client, and Doug Laidlaw. Bryan disclosed ex parte communication with Ms. Byrd, Karen Taylor and her client. Sanchez disclosed ex parte communication with the applicant and Karen Taylor. Mays disclosed ex parte communication with Taylor.

(9:40 a.m.) James Whitehouse, Assistant County Attorney, said this item was a legislative item. He said if they wanted to hear a synopsis, that was alright, but they needed to keep the items separate.

(9:42 a.m.) Karen Taylor, 77 Saragossa Street, stated that it was hard to present it without the companion PUD, because many of things they had addressed were addressed in the PUD. She said the machinery on the property was all in support of agricultural activity and was appropriate. She said the agricultural use of the previous plant was an agricultural plant and was active 24 hours a day. She understood that Mrs. Byrd was not happy with that, and she had met with Mrs. Byrd to discuss her concerns. She said they were currently looking at light industrial. She said she had presented a memorandum to the Board pertaining to their concerns and compared the similarities of light industrial uses and agricultural uses. She said that through the PUD they offered the opportunity to limit those uses. She explained that it was not the Comprehensive Plan, but the PUD rezoning. She said industrial next to agricultural was one of the best uses they could provide. Industrial next to residential was not as compatible, but the residential was in the middle of an agricultural area. She said by going to light industrial they could still go to some of the same activities, and it would allow the owner to do a wider variety of uses.

(9:48 a.m.) Stevenson asked the Board for their decision. Sanchez said they should hear staff first and then the public speakers. Stevenson asked counsel for advice.

(9:48 a.m.) Whitehouse said they could hear the evidence for both, have discussion, but make their legislative decision separately. They would have the hearing and then they would be considered as distinct items.

(9:49 a.m.) Teresa Bishop introduced Item 3, and said it was a request to rezone the property from OR to PUD to allow for Industrial Business/Commerce Park. She reviewed the proposed uses. She said the building height was limited to a height of 40 feet. She said they had requested two waivers: sign standards, and to allow their perimeter buffer to be part of the existing swale system. She noted that staff did not object to either request. She said the applicant had set the hours of operation as 7 a.m. to 7 p.m. and there would be no 24 hour operations. She said staff did not object, if the previous item passed.

(9:52 a.m.) Bryan asked her to read the hours of operation exceptions. She read it again. Bryan said that "other operations" was not specific. She said she believed that it meant that it would involve office support not between the specified hours.

(9:53 a.m.) Stevenson asked if that piece of property would be able to serve other agricultural land in the area, or if it was limited by the existing code. Bishop said it was limited by the existing code. Stevenson said perhaps the applicant could address that. She said it was a zoning issue.

(9:56 a.m.) Bryan said he was all for economic development and property rights, but when property rights infringed on other people's property rights it was a different matter. He said it could affect their quality of life, and they needed to be more creative when they looked at economic development and to look at the long term. He said once the property was rezoned the adjacent property owners might seek rezoning as well.

(9:59 a.m.) Karen Taylor, 77 Saragossa Street, for the applicant, said her client was Ron Kent, and his family had been in the farming business since 1940. He said the family went out of the farming business in 1983, and they began looking at other uses for the property. She explained that he had other businesses, Kent Brothers, Inc., and would like to operate some of those businesses out of the proposed location. She explained those businesses and what they encompassed. She said the activities they were providing for and the restrictions would actually benefit the area, as opposed to the activities that could go on under Agricultural. She said it would have very limited uses,

because he had very limited property. She reviewed the Comprehensive Plan site map and the zoning map, to demonstrate some of the uses in that area. She said it had adequate infrastructure and it had quick access to CR 207. She noted it did not promote sprawl nor leapfrog development because it was close to other activities. She said the companion PUD would allow them to make restrictions that would make the Board feel more comfortable. She stated that more heavy industrial uses would have to come back before the Board. She said what was being proposed was much less intense. She explained that the process had taken over three years for her client, and the PZA had approved it after making many recommendations, including the need for a PUD. She said changes had been made to satisfy Ms. Byrd, so it would have less impact on her home. She reviewed the limitations that had been placed on the property under the PUD, and the waivers requested. She said they believed it would be consistent with the Comp Plan which was consistent for the area. She said the Light Industrial uses could be made to be compatible with that area.

(10:14 a.m.) Mays asked if they had talked with the horse farm owner. Taylor said she had not. He asked where the closest Industrial zoning was located. Taylor guessed one to two thousand feet, at CR 207. Mays asked if the applicant owned adjacent farm land. Taylor said he did not.

(10:15 a.m.) Bryan asked if her client would be willing to exclude certain activities that would be harmful to the surrounding area, as well as asking for a heavier industrial use in the future. Taylor said the asphalt plant would not be permitted, due to zoning. She said she had no problem limiting it through the PUD.

(10:17 a.m.) Stevenson asked about sudden, loud, sharp noises which might be disturbing to residents and horses.

(10:18 a.m.) Bishop said it sounded like they were asking if they could limit Industrial designation, not necessarily their PUD. She said it was not a common practice, but had been done in the past. She explained that they could limit the Comp Plan to light industrial type uses as opposed to heavy industrial uses, and any additional changes would have to go through the Comp Plan amendment process. Stevenson said it would be a condition of the land use on that site. Bishop said it would be similar to an asterisk on that particular small scale designation, which would limit it to light industrial type uses.

(10:19 a.m.) Stevenson asked if there was any intention to break up that Industrial category. Bishop said it was a common problem and the Board had struggled with it before. She said it was something they could review.

(10:21 a.m.) Taylor said that was a full scale amendment, and it was done twice a year and would have to go to the State. She said that just to add the asterisk would take another year and a lot of expense for her client. She said she would be happy to stipulate in the PUD, that Heavy Industrial was not appropriate for the site.

(10:22 a.m.) Miner said he was comfortable with the PUD addressing those heavy industrial uses. He clarified that the buffer space was 110 feet in addition to the retention area. He asked the number of peak hour trips. Taylor said it was 21 peak hour trips and reviewed the Certificate of Concurrency. Miner stated that it addressed his concerns regarding the property to the north.

(10:24 a.m.) Bryant said he was glad to see redevelopment occurring, but wanted to be assured that there would be nothing to prohibit agricultural related industries from moving in.

(10:25 a.m.) Bishop said they had been looking at the agricultural type uses and there were uses that needed to be maintained and sustained in some way. She said the current land use designations did not allow for that, so they were looking at how to amend those to allow additional accessory type uses.

(10:26 a.m.) Taylor said the proposed use would offer office space to support the agricultural type activities that they had talked about, but couldn't do currently.

(10:26 a.m.) Stevenson asked if the 70 foot drainage easement and the trees on it were going to be maintained in order to provide a visual and noise buffer. Bishop said they needed to be prepared for the possibility that the trees could be removed if an expansion was needed for the drainage area. Taylor said the applicant would have to take care of all their own drainage activities. Discussion ensued about drainage in the surrounding areas.

(10:30 a.m.) Jennifer Byrd, 6190 CR 305, Elkton, said her property was north of the proposed site and she had resided in that very quiet area for 28 years. She said the intensity of the area, as far as buildings were concerned, was not very big. She said the proposed comp plan amendment and rezoning was too intense and was incompatible with the surrounding areas. She opposed the rezoning and asked the Board to deny the applications.

(10:32 a.m.) Bryan said that Ms. Byrd and her neighbors had not received notice of the application. He asked staff to be sure that they were notified in the future.

(10:33 a.m.) James Quinn, 116 Lancaster Place, St. Augustine, identified himself and his wife as the owners of Bridlebourne Stables. He said he had been unaware of the proposed item until the day before. He said it had been very difficult to get the equestrian center because there was no category for it and encouraged the County to develop a category for equestrian development. He said he was being held to the developmental standards of large retail. He stated that for the current proposed request, the existing use wasn't being enforced, and the previous use was inappropriate for its zoning. He said code enforcement was not very good in that area. He asked how much vacant industrial land already existed in St. Johns County. He said every time they approved spot zoning they diminished the value of existing property. He said there were vacant store fronts where the proposed businesses could exist.

(10:39 a.m.) Mays asked Quinn whether he was opposed or not. Quinn said it was not compatible with the existing area, and the small parcel would probably expand to other areas. He said he felt bad for Mr. Kent, but it was a difficult issue.

(10:40 a.m.) Bishop said notices did go out on August 13 and the property owners who spoke that day were on the list.

(10:41 a.m.) Taylor said the Dominex plant was originally operating correctly. She said the operations changed over time and it was not picked up. She said no complaints had been registered. She said it was an existing facility and it was an adaptive reuse. She explained that the types of activity they were requesting were low intensity and compatible uses. She said they were providing significant buffering and the building activities were oriented to the south and not to the north, where Mrs. Byrd resided. She said they were willing to limit the activities, and to stipulate in the PUD that heavy industrial use would not be part of that area. She said intensity was very small in comparison to the size of the property.

(10:47 a.m.) Stevenson asked about the impervious surface. Taylor guessed about 50 percent.

(10:48 a.m.) Bryan commented that the purchaser of the property knew what the property was zoned when they invested in it. He said that was the risk they took. He said there were serious considerations he had to weigh and he said he still saw it as inappropriate for the area. He said it was spot, leap frog development.

(10:51 a.m.) Miner expressed concerns and noted that the PUD had addressed those concerns. He respectfully disagreed with Bryan. He said he had no problem with the request.

(10:52 a.m.) Stevenson said it did not appear compatible but she thought staff had worked with them to find a reasonable use of the property. She said in theory it sounded good, but when you looked at the site it was a different matter.

(10:53 a.m.) Whitehouse asked them to be clear about it being action on Item no. 2 only, at that time.

(10:53 a.m.) Motion by Bryan, seconded by Mays, carried 4/1 with Miner opposing, to deny CPA (SS) 2006-16, Kent Business Park, adopting findings of fact one through three to support the motion.

The meeting recessed at 10:54 a.m. and resumed at 11:11 a.m.

(09/01/09 - 11 - 11:11 a.m.)

DISTRICT 2

3. PUBLIC HEARING - PUD 2007-08, KENT BUSINESS PARK. THIS IS A REQUEST TO AMEND THE FUTURE LAND USE MAP FROM AGRICULTURAL-INTENSIVE (A-I) TO INDUSTRIAL (I), TO ALLOW THE DEVELOPMENT OF A BUSINESS PARK. THE SUBJECT PROPERTY IS LOCATED AT 6270 CR 305 NEAR ELKTON, SOUTH OF SR 207, NORTH OF BATES LANE CONTAINS APPROXIMATELY 9.9 ACRES AND WAS ONCE DEVELOPED AS AN EGGPLANT PROCESSING PLANT. THE APPLICANT PROPOSES EGGPLANT PROCESSING IS NO LONGER FEASIBLE ON THE SITE AND PLANS TO REDEVELOP THE SITE WITH AN INDUSTRIAL BUSINESS PARK. THE SUBJECT PROPERTY AND SURROUNDING AREA IS ZONED OPEN RURAL (OR). A COMPANION PUD REZONING WAS FILED WITH THIS AMENDMENT. THE SURROUNDING AREA IS PRIMARILY DESIGNATED AS A-I ON THE FUTURE LAND USE MAP AND ZONED OR. THE AREA IS PRIMARILY RURAL IN CHARACTER. STAFF EXPRESSED CONCERN THE AMENDMENT RESULTED IN AN ISOLATED SPOT OF INDUSTRIAL ON FUTURE LAND USE MAP. THE PLANNING AND ZONING AGENCY QUESTIONED THE NEED FOR INDUSTRIAL USES AND COMMENTED THE PROPOSED AMENDMENT RESULTS IN SPRAWL. THE APPLICANT RESPONDED IN THE MEMO DATED JULY 8, 2009. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THE AMENDMENT AT THEIR JULY 16, 2009 REGULAR MEETING WITH A 5-1 VOTE (MOTION BY WHEELER, 2ND BY CONNOR, LAIDLAW DISSENTING, NELSON ABSENT)

Proof of publication of the notice of public hearing on PUD 2008-08, Kent Business Park, was received, having been published in *The St. Augustine Record* on August 17, 2009.

SEE ITEM 2 --- NO ACTION TAKEN BECAUSE ITEM 2 WAS DENIED

(09/01/09 - 12 - 11:11 a.m.)

DISTRICT 2

4. PUBLIC HEARING- CPA 2006-14, DAVID RIDEOUT - SMALL SCALE COMPREHENSIVE PLAN AMENDMENT. THIS IS A REQUEST TO AMEND THE FUTURE LAND USE MAP FROM RURAL/SILVICULTURE (R/S) TO RESIDENTIAL-A TO ALLOW THE DEVELOPMENT OF TWO SINGLE FAMILY RESIDENCES. THE PROPERTY IS LOCATED SOUTH OF SR 13 WEST OF TROUT CREEK, ACROSS FROM PACETTI'S FISH CAMP AND CONTAINS APPROXIMATELY 7.59 ACRES OF WHICH 2.86 ACRES ARE DESIGNATED WETLANDS. THE SUBJECT PROPERTY BORDERS TROUT CREEK. THE SUBJECT PROPERTY IS ZONED OR; A REZONING IS NOT PROPOSED. THE SURROUNDING AREA IS PRIMARILY DESIGNATED AS R/S ON THE FUTURE LAND USE MAP AND ZONED OR. THE AREA IS PRIMARILY COMPRISED OF FARMS AND RURAL RESIDENTIAL USES. THE AREA TO THE NORTH, PACETTI'S FISH CAMP, IS DESIGNATED AS RESIDENTIAL-D ON THE FUTURE LAND USE MAP AND ALLOWED 224 DWELLING UNITS. PACETTI'S FISH CAMP IS CURRENTLY DEVELOPED AS A FISH CAMP AND RV PARK; THE PROPOSED REDEVELOPMENT HAS NOT YET OCCURRED. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THE AMENDMENT AT THEIR JULY 16, 2009 REGULAR MEETING WITH A 7-0 VOTE (MOTION BY WHEELER, 2ND BY NELSON)

Proof of publication of the notice of public hearing on CPA(SS) 2006-14, David Rideout, was received, having been published in *The St. Augustine Record* on August 17, 2009.

Teresa Bishop, Director Long Range Planning, gave the presentation and explained the request. She said no zoning change had been requested. She said PZA had recommended approval with a 7/0 vote and staff supported the request.

(11:14 a.m.) Karen Taylor, 77 Saragossa Street, said she was representing Mr. Rideout, the applicant. She said the project was 7.71 acres on Trout Creek across from Pacetti Fish Camp. She clarified that the property was zoned OR, but noted it was Rural Silviculture land use and Open Rural zoning. She said the 7.71 acres did not meet the need for bonified Silviculture or agricultural activities. She said it would remain a rural type activity area and the property would be divided in half. She noted that part of the property was jurisdictional wetlands. She said the existing driveway would be used by both pieces of the property. She said an old house was also on the property, but it was not old enough to be included on the Historic Registry. She noted it was across from Trout Creek Park as well. Taylor clarified that it was proposed for two lots.

(11:21 a.m.) **Motion by Mays, seconded by Sanchez, carried 5/0, to enact Ordinance No. 2009-37, known as CPA (SS) 2006-14, David Rideout, amending the Future Land Use Map from R/S to Residential-A, adopting findings of fact one through three to support the motion.**

ORDINANCE NO. 2009-37

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/SILVICULTURAL (R/S) TO RESIDENTIAL - A, FOR THE PROPERTY LOCATED SOUTH OF SR 13 WEST OF TROUT CREEK, ACROSS FROM PACETTI'S FISH CAMP, CONTAINING APPROXIMATELY SEVEN ACRES; PROVIDING FOR

**FINDINGS OF FACT; FINDINGS OF CONSISTENCY;
SEVERABILITY; AND AN EFFECTIVE DATE**

(09/01/09 - 13 - 11:23 a.m.)

DISTRICT 1

5. PUBLIC HEARING - REZONING 2008-15, SUNSATONAL SUN ROOM HEARING. THIS IS A REQUEST TO REZONE FROM RESIDENTIAL MOBILE HOME (RMH) TO COMMERCIAL GENERAL (CG) - CONTINUED FROM AUGUST 18, 2009. SUBJECT PROPERTY IS APPROXIMATELY 2.77 ACRES IN SIZE AND IS LOCATED OFF OF US 1 N AND RONALD ROAD. 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. PLEASE REFER TO THE CURRENT PLANNING REPORT FOR ADDITIONAL DETAILS. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS REQUEST AT THEIR NOVEMBER 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 .23 ACRES IN SIZE, FROM THE REQUEST. THE DISSENTING VOTER EXPRESSED CONCERNS ABOUT POTENTIAL USES AND RECOMMENDED A REZONING TO PLANNED UNIT DEVELOPMENT

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

Michael Blackford, Interim Planning Manager, explained that this item had been continued from the August 18 meeting. He explained conditions that had been developed during that time, and the screening standards. He said that a drive thru request would have to go through the PZA for approval.

(11:26 a.m.) Stevenson declared ex parte with Taylor and with an adjacent property owner, Mr. Mull, who expressed concerns about the impact on drainage.

(11:28 a.m.) Bryan declared ex parte with Taylor and Mr. Mull on the phone, and with Mr. & Mrs. Dean and other residents in the area. He said there was a great deal of concern regarding drainage. Blackford responded that there was an extensive list of prohibited uses.

(11:30 a.m.) Mays, Miner, and Sanchez declared ex parte with Taylor.

(11:30 a.m.) Karen Taylor, 77 Saragossa Street, asked Blackford for the allowed uses. She said in the Ordinance it was an exclusionary list. She said she had prepared a memo for the allowed uses. She said there was a ditch that ran through the property, but they would be required to have their own drainage facilities on site, and noted that it was shown on their site plan. She reviewed the prohibited uses as outlined in the Ordinance. She stated that a credit union had expressed interest in using the property, and that was why they had asked to include the request for the drive thru. She

reviewed all of the uses allowed in the zoning category, and said that they had eliminated the most critical type things they had issues with.

(11:35 a.m.) Bryant asked about the DOT drainage ditch. Taylor said they had permission to work over it but could not build on it. She said there was a possibility they might relocate it. Taylor said the pond would have to be fenced, enclosed and landscaping would be added.

(11:40 a.m.) Dean Wilson, 130 Ronald Road, stated he had several issues with the proposed use of the property. He said a trailer park was located in that area that rented to sexual offenders, and there were children in that neighborhood. He said they already had a business at the corner of US 1 and Ronald Road, and there was an issue with parking for them. He said to put another business there, would create an additional safety issue with the bus stopping at US 1 and Ronald Road. He said the traffic would increase, and it would be even more dangerous for children. He cautioned that they had enough to deal with there already.

(11:47 a.m.) Mays asked if Ronald Road was exclusively residential. Blackford said it was, after they got past the existing company, which could be accessed off of US 1.

(11:47 a.m.) Stevenson asked if there was a provision for sidewalks on Ronald Road. Blackford said he was not certain.

(11:48 a.m.) Mays asked if bars would be allowed. Blackford said they were not.

(11:48 a.m.) Bryan said it was a narrow country road without sidewalks. He said he was concerned about the kids being dropped off there, and that he would like to see if there was something they could do to help the community.

(11:49 a.m.) Sanchez expressed his concern about the sexual offenders. He said traffic could potentially harm the children, but greater traffic might discourage sexual offenders from bothering the children.

(11:51 a.m.) Mays asked if there would be a sidewalk from the applicant's property to US 1. Blackford said he would have to check on that. He asked if Sunsational was the anchor store.

(11:51 a.m.) Taylor said the owner had an arrangement with Sunsational and it would be the anchor store, but there would be additional retail. He asked if they would agree to put a sidewalk in. She said yes, it would run along Ronald Road. She said it could be added to the conditions as a requirement, if they desired them to do so. Blackford said they would have to include it as a condition with four feet width, since in was not required.

(11:57 a.m.) Bryan asked if they needed the egress on Ronald Road. She said it was needed for deliveries as well as for the potential drive thru. He said if they agreed with the sidewalk condition, he would feel more comfortable. Taylor said they would be happy to agree with the sidewalk issue.

(12:00 p.m.) Stevenson commented on the drainage plan and asked if it had been discussed with engineering yet. Taylor said it was still conceptual and it would involve discussions with the DOT and the County.

(12:01 p.m.) Motion by Stevenson, seconded by Miner, carried 5/0, to enact Ordinance No. 2009-38, known as REZ 2008-15, adopting findings of fact one through four, to support the motion, to include the sidewalk revision on Ronald Road.

ORDINANCE NO. 2009-38

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM THE PRESENT ZONING CLASSIFICATION OF RESIDENTIAL MOBILE HOME (RMH) TO COMMERCIAL GENERAL (CG) WITH CONDITIONS; MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE

The meeting recessed for lunch at 12:02 p.m. and reconvened at 2:35 p.m. with all five commissioners, Wanchick, Locklear, McCormack, Whitehouse, and Deputy Clerk Lenora Newsome present.

(09/01/09 - 15 - 2:35 p.m.)

DISTRICT 3

6. PUBLIC HEARING - REZ 2009-03, CRESCENT COVE. THIS IS A REQUEST TO REZONE FROM PLANNED UNIT DEVELOPMENT TO RESIDENTIAL SINGLE FAMILY (RS-2). SUBJECT PROPERTY IS APPROXIMATELY 3.86 ACRES IN SIZE AND IS GENERALLY LOCATED EAST OF US 1 AND NORTH OF SR 206. THE PLANNING DIVISION FINDS THE REQUEST TO REZONE TO RESIDENTIAL SINGLE FAMILY, SUBSTANTIALLY, MEETS THE REQUIREMENTS OF THE COMPREHENSIVE PLAN AND THE LAND DEVELOPMENT CODE. THIS FINDING IS BASED UPON: THE APPLICATION MATERIALS AS SUBMITTED BY THE APPLICANT, THE LOCATION OF THE PROPERTY WITHIN RESIDENTIAL-B LAND USE, PROXIMITY TO RESIDENTIAL ZONINGS, THE LETTER SUBMITTED BY SJRWMD 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 JULY 16, 2009, MEETING BY A VOTE OF 7/0 (MOTION BY WHEELER, SECOND BY NELSON)

Proof of publication of the notice of public hearing on REZ 2009-03, Crescent Cove, was received, having been published in *The St. Augustine Record* on August 17, 2009.

Michael Blackford, Interim Planning Manager, reviewed the item. He spoke on a conservation area being adjacent to the property. He stated that the St. Johns River Water Management District was notified of the rezoning, and they did not oppose it. They had a couple of conditions that they would like any possible owners of the property to be aware of to develop it with fire-wise principals, notify lot owners that there were forestry activities present and also they should have maximum separation from the Water Management District property. He stated that staff did find it consistent with the Comprehensive Plan. Stevenson asked if these were going to be actual septic tanks. Blackford responded that there was central water in the area but not central sewer. Stevenson mentioned having disclosures to the future residents regarding septic tanks and possible managed burns. Blackford responded that they would be using controlled burns in the area. Discussion followed.

(2:42 p.m.) Motion by Miner, seconded by Sanchez, carried 5/0, to enact Ordinance No. 2009-39, known as REZ 2009-3, adopting findings of facts 1 through 4 to support the motion.

ORDINANCE NO. 2009-39

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

(2:43 p.m.) Stevenson recessed the Regular Meeting and convened as the Community Redevelopment Agency.

(09/01/09 - 16 - 2:44 p.m.)

7. CONSIDER A RESOLUTION AUTHORIZING THE REFUND OF AN INTEREST PENALTY IN THE AMOUNT OF \$3,077.76 TO THE ST. JOHNS BUILDERS COUNCIL

Proof of publication of the notice of public hearing on St. John County Community Redevelopment Meeting 9/1 was received, having been published in *The St. Augustine Record* on August 24, 2009.

Tom Crawford, Director of Housing and Community Services, stated that the item was to refund an interest charge that was made to the St. Johns Builders Council. He stated that they would utilize the refund to support non profit organizations that were doing work within the CRA.

(2:45 p.m.) Motion by Sanchez, seconded by Miner, carried 5/0, to approve CRA Resolution No. 2009-2, authorizing the refund of the interest penalty to the St. Johns Builders Council.

RESOLUTION NO. 2009-2

A RESOLUTION BY THE BOARD OF THE ST. JOHNS COUNTY COMMUNITY REDEVELOPMENT AGENCY, AUTHORIZING A REFUND OF INTEREST TO THE ST. JOHNS BUILDER COUNCIL FOR THE PURPOSE OF INCREASING THE NET PROCEEDS OF THE CHARITY HOUSE SALE FOR THE BENEFIT OF LOCAL CHARITIES

(2:46 p.m.) Stevenson closed the Community Redevelopment Agency meeting and reconvened as the Board of County Commissioners

(09/01/09 - 16 - 2:46 p.m.)

COMMISSIONERS' REPORTS

Commissioner Miner:

Miner mentioned that he had three weeks of military training at Camp Blanding in October and hoped that he could make it back to the October meetings. He stated

November 7th through the 20th he had to go to New Jersey for military training. He stated that he knew leadership training was in November and asked the Board if they could pick a date that they would all be there. Wanchick replied that November 3rd would be the Commission date available. Stevenson said that she thought that she may not be there on the 3rd. Wanchick mentioned that they could readdress it at the next meeting.

Miner thanked the Board for their support on the Sex Offender Ordinance. He stated that after talking with law enforcement, they thought it would be very helpful for the Board to explore restrictions on predators during the holidays. He mentioned if the Board was ok with it, he would like to have the County Attorney's Office explore it.

(2:49 p.m.) Commissioner Sanchez:

Sanchez asked the County Administrator to get the construction company that was working on King Street to get moving and finish the job they started, or to hire someone else. Bryan stated that he talked to Joe and he mentioned that there was a coordinating problem with scheduling. Wanchick stated that they had spoken with them telling them that they were unhappy with the performance, and if they had a scheduling problem that it was their problem, not the County's. Discussion followed. Locklear mentioned that staff had been after them to move on, and now they would relate that the Board was now after them to move on.

(2:52 p.m.) Commissioner Bryan:

Bryan announced that he attended the Florida Association of Counties Energy Independent Workshop along with Stevenson that week, stating that there were numerous presentations and recommendations and a lot of good ideas. He spoke on making a recommendation to the Legislature regarding off shore oil drilling, as well as, natural gas drilling.

Bryan stated that he was currently working with Work Source on an economic development plan to implement in partnership with the First Coast Technical College Vice President, as well as, First Coast Workforce Development.

Bryan mentioned that they had the Haitian delegation, with the Ambassador from Washington DC present over the weekend. He stated there was a reception with about 60 people on Friday.

Bryan mentioned continuing with some of the things that they were doing with the TDC. He asked for Board consent regarding Category II, the Arts and Culture Bureau, to sunset the current Funding Panel and to replace it within the next few weeks with the Arts and Culture Advisory Board, similar to what they had on the other boards. He mentioned having board members from each district and two at large so they could have representation from all districts in the County.

Bryan asked when they were going to get started again on the PGAB contract.

Bryan spoke on twice as many students being enrolled in school this year than expected. He asked if they were using the correct formula when determining how many students were actually attending school. He stated there were 700 additional students starting school in the county.

Bryan asked for consensus on the TDC issue. Sanchez stated that they were expecting 350 to 400 additional kids and got 700. He stated that was not such a big difference.

Bryan stated that he just thought they needed to look at the formula they were using. Wanchick stated that the School Board did their projections based upon data given to them and he thought it was the private school factor and students coming from other counties, taking advantage of the school system here, that made the difference. He stated, as far as, PGAB was concerned they would start late September. He suggested calling for nominations for the Category II recommendation and returning to decide on how to structure it. Wanchick said that the intent was to eventually sunset it, and to make appointments like the TDC. He mentioned giving staff direction to start looking for applicants that were interested in serving, and that they would start the advertising process. Bryan said that Category II was in limbo. Wanchick stated that the VCB was currently reducing their membership from 17 to 9. Stevenson mentioned that the Board had been asked to do a quick turnaround job on reexamining the issue and didn't want to send a mixed message, because they needed them to finish their job. Wanchick stated that was why they didn't want to sunset them that day, but only after their work was done. He suggested directing staff to conduct the Category II process like they had done with the TDC. Miner stated that he supported that direction. Stevenson spoke on the energy workshop and energy export out of Florida.

(3:07 p.m.) Commissioner Mays:

Mays agreed that they were going to need to sunset and reseal the Category II Funding Board.

Mays spoke on the school situation, regarding some kids coming from private schools and some coming from adjoining counties due to the economic conditions.

(3:08 p.m.) Commissioner Stevenson:

Stevenson mentioned the discussion of step down tanks in the northwest of St. Johns County in the JEA service area. She stated that step down tanks had some of the features of the septic tank and some of the features of sewer system, in that a fee was paid like for a sewer system, but there could be individual maintenance costs like with septic systems. She spoke on disclosing that hybrid type system to property owners. She stated that her understanding was that, whether you had septic or sewer, it could affect the evaluation of your home for property taxes, in the perception of a future buyer. She said the issue with JEA was a civil matter between the residents and JEA. She said that she would like a consensus of the Board on that issue, though it was not directly in their line. She said that she would like to be able to support them with documents about any utility sales because they use to have the oversight of the private utility in getting some basic historic documents to the citizens groups that were affected. She stated that she would like some help with getting supporting documents together for the utilities and anything that they had in the Planning Department that would document who was responsible for maintaining those hybrid systems. Sanchez reviewed the septic and sewer system. Hunt stated that he would like to research it. He stated that a step tank was slightly different than a grinder and sump pump. Discussion followed.

Stevenson announced the St. Augustine Cycling Festival coming up on September 12th and 13th.

Stevenson spoke on the art exhibition hanging in the Administration Building, coming to an end on September 11th.

(3:19 p.m.) Miner stated that any constituents having any issues with FPL and their billing practice could call him. Sanchez mentioned that FPL was getting ready to do a

reduction. He stated that FPL scaled their crew down so far that they were starting to have problems. Stevenson spoke on JEA causing issues for St. Johns County.

(3:22 p.m.) Bryan asked about the different pumps, and Sanchez explained them. Hunt spoke on the different pumps.

(3:26 p.m.) Stevenson spoke on people being confused about their property taxes listed on the TRIM notices. Wanchick spoke on helping people understand the TRIM notices.

(09/01/09 - 19 - 3:28 p.m.)

COUNTY ADMINISTRATOR'S REPORT

Wanchick mentioned that he was contacted last week by The Florida Association of Counties Trust about having an appointee from the County Commission to their Board of Directors. They specifically asked if Bryan would be interested in serving, based on his background. He stated that he mentioned it to Bryan, and that he was willing to serve, if that was the pleasure of the Board. *There was a consensus of the Board for Bryan to serve.*

Wanchick stated that September 15th was the first budget public hearing at 5:30 p.m., and there was also a Regular meeting on the same day, with only two items to be heard. He stated that they had a choice of starting at the normal time of 9:00 a.m. and taking a break until 5:30 p.m. or starting at 1:30 p.m. and going straight thru to the 5:30 p.m. meeting. *It was the consensus of the Board to start at 1:30 p.m. on September 15th.*

Wanchick spoke on working with their lobbyist, out of Tallahassee, on the legislative agenda. He mentioned that the Regional Council would be putting together their legislative agenda on Thursday, and they were not going to have an opportunity to review their regional issues before that time. He said the regional issues had been the same for the last couple of years, so he didn't anticipate them changing this year. He suggested empowering Stevenson, as their representative when she goes on Thursday, to echo that those were their regional priorities until they were changed. Stevenson stated that energy and water conservation went together, and Bryan stated that they went hand in hand. Stevenson asked for the Board's support on it. Locklear explained that Thursday would be the Northeast Florida Regional Council's meeting, where the counties that were members of the organization would present the top three agenda items. He stated that they would then, get a consensus of the common goals and publish those goals. Locklear said the Board's top three were transportation, water and energy conservation, followed by recreation and open spaces. Wanchick mentioned that it was separate from their own legislative agenda that they would put together, and present to their legislative delegation in October-November. Mays asked if they would deliver, in writing, the three priorities and sub priorities. Locklear replied yes. Locklear stated that on September 15th they would bring back to the Board additional legislative agenda items that they might want to push forward. Discussion followed.

Wanchick stated that week he should be executing the agreement with the University of North Florida, on the small business development center that the Board agreed to participate in. He stated that it was his understanding that the County agreed to provide them with some office space on their campus. Bryan spoke on receiving calls from people who have already benefitted from the small business development center.

(09/01/09 - 19 - 3:41 p.m.)

COUNTY ATTORNEY'S REPORT

Hunt mentioned that he briefed each Board member that morning and would like their authorization to enter into a settlement agreement and release from future liability concerning \$500 in damages to a vehicle that happened on a St. Johns County Road

involving Golz. (3:41 p.m.) **Motion by Sanchez, seconded by Miner carried 5/0, to enter into a settlement agreement mentioned by Hunt.**

(3:42 p.m.) Stevenson asked if there was any update on A1A. Locklear replied that there were no further updates, except that they had been in contact with the DOT and they were aware of it.

(09/01/09 - 20 - 3:43 p.m.)
CLERK OF COURT'S REPORT

No report.

(3:43 p.m.) **Motion by Sanchez, seconded by Miner, carried 5/0, to adjourn the meeting.** With there being no further business to come before the Board, the meeting adjourned at 3:43 p.m.

REPORTS:

1. St. Johns County Board of County Commissioners Check Register, Check No. 442720, totaling \$243,563.20 (07/22/09)
2. St. Johns County Board of County Commissioners Check Register, Check No. 442721 through 443181, totaling \$3,242,073.50 (07/28/09)
3. St. Johns County Board of County Commissioners Check Register, Check No. 443182, totaling \$5,401.29 (07/29/09)
4. St. Johns County Board of County Commissioners Check Register, Check No. 443183 through 443204, totaling \$35,220.37 (07/30/09)
5. St. Johns County Board of County Commissioners Check Register, Check No. 443205, totaling \$72,342.46 (07/31/09)
6. St. Johns County Board of County Commissioners Check Register, Check No. 443206 through 443212, totaling \$180,028.24 (08/03/09)
7. St. Johns County Board of County Commissioners Check Register, Check No. 443213 through 443478, totaling \$2,419,319.83 (08/04/09)
8. St. Johns County Board of County Commissioners Check Register, Check No. 443479 through 443787, totaling \$1,874,365.72 (08/11/09)
9. St. Johns County Board of County Commissioners Check Register, Check No. 443788 through 443810, totaling \$35,836.65 (08/13/09)
10. St. Johns County Board of County Commissioners Check Register, Check No. 443811 through 444065, totaling \$2,001,442.57 (08/18/09)

CORRESPONDENCE:

1. Letter dated August 19, 2009 to Liz Cloud, Program Administrator, Department of State, filing St. Johns County Ordinance No. 2009-35.

Approved October 6, 2009

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: Cyndi Stevenson
Cyndi Stevenson, Chair

ATTEST: CHERYL STRICKLAND, CLERK

By: Wanne King
Deputy Clerk

