

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
NOVEMBER 3, 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: Ron Sanchez, District 2, Chair
 Ken Bryan, District 5, Vice Chair
 Cyndi Stevenson, District 1
 Mark P. Miner, District 3
 Phillip Mays, District 4
 Michael D. Wanchick, County Administrator
 Patrick McCormack, County Attorney
 Terry Bulla, Deputy Clerk

(11/03/09 - 1 - 9:10 a.m.)
CALL TO ORDER

Sanchez called the meeting to order.

(11/03/09 - 1 - 9:10 a.m.)
ROLL CALL

Sanchez said that all five commissioners were present.

(11/03/09 - 1 - 9:10 a.m.)
PROCLAMATION DESIGNATING NOVEMBER 11, 2009, AS VETERAN'S DAY WITH RESPECT FOR, AND IN RECOGNITION OF, THE CONTRIBUTIONS OUR SERVICE MEN AND WOMEN HAVE MADE IN THE CAUSE OF PEACE AND FREEDOM AROUND THE WORLD

Miner read and presented the Proclamation to Sergeant Major Joseph McDermott, Veterans Service Office for St. Johns County; Sergeant Major Ray Quinn, Chairman of the St. Johns County Veterans Council; Michael C. Rothfeld and Bill Dudley. McDermott said there were 19,000 Veterans in St. Johns County, and he accepted the proclamation on behalf of those veterans. He asked all the veterans present to stand and be recognized. He then made a presentation on behalf of the Veterans Council and presented a Challenge Coin to each of the Commissioners. He said it was done with a handshake for excellence. He presented special recognition to Miner, a non commissioned officer.

(11/03/09 - 1 - 9:17 a.m.)
ACCEPTANCE OF PROCLAMATION

Motion by Mays, seconded by Miner, carried 5/0, to approve the Proclamation.

(11/03/09 - 1 - 9:17 a.m.)
DELETIONS TO CONSENT AGENDA

McCormack said that there was a minor revision to Item 20. Hunt asked to add, at the end of section 2, the words "*are accepted*".

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

1. Approval of the Cash Requirement Report
2. Minutes: 09/29/09 Workshop, 10/06/09 Regular Meeting
3. Motion to award RFP #09-118 Financial Advisor, and authorize the County Administrator, or his designee, to negotiate with, and if negotiations are successful, enter into a two year contract with top ranked firm, PFM Group. If an agreement cannot be reached with the No. 1 ranked firm, authorization is requested to terminate negotiations and begin negotiations with the Number two ranked firm, and so continue until an agreement is reached
4. Motion to adopt **Resolution No. 2009-310**, approving the execution of Federal Transit Administration Grant FL-90-X709, in the amount of \$662,424 by the County Administrator, or designated representative, and to attach the executed grant to the April 1, 2005, sub agreement with the St. Johns County Council on Aging, to provide transportation service for St. Johns County

RESOLUTION NO. 2009-310

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE COUNTY ADMINISTRATOR OR HIS DESIGNEE, TO EXECUTE FEDERAL TRANSIT ADMINISTRATION GRANT FL-90-X709, WHICH PROVIDES \$662,424 FOR PUBLIC TRANSPORTATION ASSISTANCE, AUTHORIZED BY 49 U.S.C. CHAPTER 53, TITLE 23 UNITED STATES CODE AND OTHER FEDERAL STATUTES ADMINISTERED BY THE FEDERAL TRANSIT ADMINISTRATION, AND TO APPROVE THE ATTACHING OF THE GRANT AS AN EXHIBIT TO THE APRIL 1, 2005, SUBAGREEMENT WITH THE ST. JOHNS COUNTY COUNCIL ON AGING, TO PROVIDE TRANSPORTATION SERVICES FOR ST. JOHNS COUNTY

5. Motion to adopt **Resolution No. 2009-311**, approving the terms and conditions of a Contract between the Board of County Commissioners of St. Johns County and the Council on Aging, Inc., in order to provide Sunshine Bus Service, paratransit service DOT/VANS and enhanced veterans for a period of 12 months, and authorizing the Chair of the Board of County Commissioners to execute the Contract on behalf of the County

RESOLUTION NO. 2009-311

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND CONDITIONS OF A CONTRACT BETWEEN THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA,

AND THE ST. JOHNS COUNTY COUNCIL ON AGING, INC. IN ORDER TO PROVIDE SUNSHINE BUS SERVICE, PARATRANSIT SERVICE, DOT/VANS AND ENHANCED VETERAN SERVICES, FOR A PERIOD OF 12 MONTHS, AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS TO EXECUTE THE CONTRACT ON BEHALF OF THE BOARD

6. Motion to award RFQ #09-108, Minor Construction Trade Services and authorize the County Administrator, or his designee, to award a contract with the top five ranked General Contractors: PPI/Charles Perry Construction, LLC., KP Meiring CO., Johns Valdes & Associates, Auld & White Constructors, LLC., and Mallen Construction, Inc., and RCI Windows and Doors, Inc
7. Motion to authorize the County Administrator, or designee, and award Bid# 09-122, Nocatee Trailhead Park North to Bilco Construction, Inc., in the amount of \$264,000, and negotiate a contract for the same
8. Motion to adopt **Resolution No. 2009-312**, approving the terms, provisions, conditions, and requirements of a Grant Contract (Usina Boat Ramp Fishing Pier Replacement) between the Florida Inland Navigation District and St. Johns County, and authorizing the County Administrator to execute the Contract on behalf of the County

RESOLUTION NO. 2009-312

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND CONDITIONS OF A GRANT CONTRACT AGREEMENT BETWEEN ST. JOHNS COUNTY, FLORIDA AND THE FLORIDA INLAND NAVIGATION DISTRICT FOR THE USINA BOAT RAMP FISHING PIER REPLACEMENT, AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE COUNTY

9. Motion to adopt **Resolution No. 2009-313**, approving the terms, provisions, conditions, and requirements of a Grant Contract (Vilano Beach Fishing Pier Floating Dock Addition Phase 1) between the Florida Inland Navigation District and St. Johns County, and authorizing the County Administrator to execute the Contract on behalf of the County. In addition, adopt **Resolution No. 2009-314**, recognizing unanticipated revenue in the amount of \$40,000, increasing the Tourist Development Council Fund and other Culture & Recreation Grants by \$25,000, and donations by \$15,000, and appropriating \$25,000 to Tourist Development Category III Recreation, other Cultural Grant Expense and \$15,000 to Improvements Other than Buildings, for the Vilano Beach Fishing Pier Floating

RESOLUTION NO. 2009-313

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND CONDITIONS OF A GRANT CONTRACT AGREEMENT BETWEEN ST.

JOHNS COUNTY, FLORIDA, AND THE FLORIDA INLAND NAVIGATION DISTRICT FOR THE VILANO BEACH FISHING PIER FLOATING DOCK ADDITION PHASE I, AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE COUNTY

RESOLUTION NO. 2009-314

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AMENDING THE FISCAL YEAR 2010 TOURIST DEVELOPMENT TAX FUND BUDGET TO RECEIVE UNANTICIPATED REVENUE AND AUTHORIZE ITS EXPENDITURE BY THE ST. JOHNS COUNTY RECREATION DEPARTMENT

10. Motion to adopt **Resolution No. 2009-315**, implementing new and/or revised fees for services provided by the St. Johns County Recreation Department. The following fees need to be adjusted: Free lunch rate for the Summer Camp Program, the After School Program fee and the West Augustine Intramural fee

RESOLUTION NO. 2009-315

RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE AMENDED SCHEDULE OF FEES FOR CERTAIN COUNTY DEPARTMENTS, AND PROVIDING AN EFFECTIVE DATE

11. Motion to adopt **Resolution No. 2009-316**, approving the terms, provisions, conditions, and requirements of a amended Economic Development Agreement between St. Johns County and Rob A. Matthews, III, P.E., and the County Administrator, or designee, to execute the amended Agreement on behalf of the County

RESOLUTION NO. 2009-316

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF AN AMENDED ECONOMIC DEVELOPMENT GRANT AGREEMENT BETWEEN ST. JOHNS COUNTY, FLORIDA, AND ROB A. MATTHEWS III, P.E., AND AUTHORIZING THE COUNTY ADMINISTRATOR OR DESIGNEE, TO EXECUTE THE AMENDED AGREEMENT ON BEHALF OF ST. JOHNS COUNTY

12. Motion to authorize a budget transfer in the amount of \$10,000 from Law Enforcement Trust Fund (LETF) Reserves to LETF Aid to Private Organizations to support a scholarship program for inmates who complete the S.I.G.H.T. drug treatment program when they are released from jail
13. Motion to authorize a budget transfer in the amount of \$476 from the Transportation Trust Fund Reserves to Engineering Operating Budget

Professional Fees, to cover the supplemental funds needed to cover the annual assessment fee (\$42,577) for the North Florida Transportation Planning Organization

14. Motion to adopt **Resolution No. 2009-317**, authorizes the execution of a railroad reimbursement Agreement for a Crossing at Wildwood Drive between Florida Department of Transportation and the Florida East Coast Railway, LLC for the installation of grade crossing traffic control devices and future maintenance, and adjustment of the devices; providing for the expenditures of funds

RESOLUTION NO. 2009-317

A RESOLUTION AUTHORIZING EXECUTION OF A RAILROAD REIMBURSEMENT AGREEMENT FOR THE CONSTRUCTION OF RAILROAD GRADE CROSSINGS, INSTALLATION OF TRAFFIC CONTROL DEVICES FOR RAILROAD GRADE CROSSINGS, AND FUTURE MAINTENANCE AND ADJUSTMENT OF SAID CROSSINGS AND DEVICES; PROVIDING FOR THE FUTURE EXPENDITURE OF FUNDS; AND PROVIDING WHEN THIS RESOLUTION SHALL TAKE EFFECT

15. Motion to adopt **Resolution No. 2009-318**, accepting a Grant of Easement from The Meadows at Saint Johns Owners Association for construction of a sidewalk along Meadowlark Lane. The sidewalk will be located at Pacetti Road to Pacetti Bay Middle School

RESOLUTION NO. 2009-318

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING A GRANT OF EASEMENT FOR CONSTRUCTION OF A SIDEWALK ALONG MEADOWLARK LANE

16. Motion to adopt **Resolution No. 2009-319**, approving the terms and authorizing the Chair to execute a Conservation Easement over 1.45 acres at Terra Pines to mitigate for wetland impacts associated with the San Sebastian View/Lewis Speedway Improvements

RESOLUTION NO. 2009-319

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND AUTHORIZING THE CHAIR TO EXECUTE A CONSERVATION EASEMENT OVER APPROXIMATELY 1.45 ACRES NEAR COUNTY ROAD 208 TO MITIGATE THE WETLAND IMPACTS ASSOCIATED WITH THE SAN SEBASTIAN VIEW/LEWIS SPEEDWAY ROAD IMPROVEMENT PROJECT

17. Motion to adopt **Resolution No. 2009-320**, declaring the public purpose and necessity for exercising the right and power of eminent domain to acquire certain real property (Phase II CR 210 & I-95) for improvements to a County roadway and authorizing the County Attorney to institute condemnation proceedings

RESOLUTION NO. 2009-320

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, DECLARING THE PUBLIC PURPOSE AND NECESSITY FOR EXERCISING THE RIGHT AND POWER OF EMINENT DOMAIN TO ACQUIRE CERTAIN REAL PROPERTY AS DESCRIBED BELOW FOR THE IMPROVEMENT OF A COUNTY ROADWAY AND AUTHORIZING THE COUNTY ATTORNEY TO INSTITUTE CONDEMNATION PROCEEDINGS

18. Motion to adopt **Resolution No. 2009-321**, approving the terms and authorizing the County Administrator to execute a Purchase and Sale Agreement to Robert Burton in the amount of \$149,000 for property required for Phase II of the I-95 /CR 210 Roadway Improvement Project

RESOLUTION NO. 2009-321

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A CERTAIN PURCHASE AND SALE AGREEMENT FOR PROPERTY REQUIRED FOR PHASE II OF CR 210 AT I-95 ROADWAY IMPROVEMENT PROJECT

19. Motion to adopt **Resolution No. 2009-322**, approving the form and authorizing the execution of an Interlocal Agreement with the Housing Finance Authority of St. Johns County in connection with the County's Neighborhood Stabilization Program. County Administrator, or designee, to execute the Memorandum of Understanding on behalf of the County

RESOLUTION NO. 2009-322

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION OF AN INTERLOCAL AGREEMENT WITH THE HOUSING FINANCE AUTHORITY OF ST. JOHNS COUNTY, FLORIDA, IN CONNECTION WITH ST. JOHNS COUNTY'S NEIGHBORHOOD STABILIZATION PROGRAM; AUTHORIZING THE OFFICERS OF THE COUNTY TO DO ALL THINGS DEEMED NECESSARY OR ADVISABLE IN CONNECTION THEREWITH; AND PROVIDING AN EFFECTIVE DATE

20. Motion to adopt **Resolution No. 2009-323**, approving the implementation of a Standard Vendor Agreement and the Cultural Events Application Template for the County Cultural Division

RESOLUTION NO. 2009-323

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

APPROVING THE TERMS, PROVISIONS, CONDITIONS, REQUIREMENTS AND OBLIGATIONS OF STANDARD VENDOR AGREEMENT AND APPLICATION TEMPLATES FOR THE USE OF THE COUNTY CULTURAL DIVISION AND AUTHORIZES THE COUNTY ADMINISTRATOR OR HIS DESIGNEE TO EXECUTE AGREEMENT ON BEHALF OF THE COUNTY

21. Motion to adopt **Resolution No. 2009-324**, authorizing the County Administrator to negotiate and execute a contract on behalf of St. Johns County, Florida, approving the terms, conditions, provisions, and requirements of a Franchise Extension Agreement for the Collection and Transportation of Residential Solid Waste for the Southern area of St. Johns County with Advance Disposal Services, Inc.

RESOLUTION NO. 2009-324

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF A FRANCHISE EXTENSION AGREEMENT BETWEEN ST. JOHNS COUNTY, FLORIDA, AND ADVANCED DISPOSAL SERVICES JACKSONVILLE LLC, AND AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO EXECUTE THE FRANCHISE EXTENSION AGREEMENT FOR THE COLLECTION AND TRANSPORTATION OF RESIDENTIAL SOLID WASTE IN ST. JOHNS COUNTY, FLORIDA ON BEHALF OF ST. JOHNS COUNTY

22. Motion to approve the renewal of the Professional Services Agreement for the County Administrator between Michael D. Wanchick and St. Johns County, Florida, and authorize the Chair of the Board of County Commissioners to sign the contract on behalf of the Board
23. Proofs:
- a. Proof, Notice to Bidders Bid No. 10-16, Wednesday, October 28, 2009, in Ponte Vedra Recorder
 - b. Proof, Invitation to Bid RFQ #10-02, Thursday, November 5, 2009, in Ponte Vedra Recorder
 - c. Proof, Invitation to Bid RFQ # 10-04, Thursday, November 5, 2009, in Ponte Vedra Recorder
 - d. Proof, Notice to Bidders Bid No. 10-09, Wednesday, October 28, 2009, in Ponte Vedra Recorder
 - e. Proof, Notice of Public Hearings September 25 & October 10, 2009, Tuesday, October 20, 2009 in The St. Augustine Record
 - f. Proof, Notice of Meeting, Certify 09' Tax Roll - Meeting October 21, 2009, Wednesday, October 21, 2009, at 9:00 a.m. in St. Augustine Record
 - g. Proof, Request for Bids, Bid #10-16, Hot Mix Asphalt Requirement, Wednesday, October 28, 2009, in St. Augustine Record
 - h. Proof, Request for Qualifications, RFP#10-02, MISD Probation Supervision, Thursday, November 5, 2009, in St. Augustine Record
 - i. Proof, Request for Qualifications, RFQ # 10-04, Small Scale Recreation Project Thursday, November 5, 2009, in St. Augustine Record
 - j. Proof, Value Adjustment Board Meeting, Wednesday, October 21, 2009, in Ponte Vedra Recorder

- k. Proof, Notice to Bidders, Bid No. 10-14, Wednesday, October 28, 2009, in Ponte Vedra Recorder.
- l. Proof, Notice to Bidders, Bid No. 10-11, Wednesday, October 28, 2009, in Ponte Vedra Recorder
- m. Proof, Notice to Bidders, Bid. 10-09, Wednesday, October 28, 2009, in Ponte Vedra Recorder
- n. Proof, Request for Proposals, RFP No. 10-07, Thursday, November 5, 2009, in Ponte Vedra Recorder
- o. Proof, Notice to Bidders, Bid No. 10-12, Wednesday, October 28, 2009, in Ponte Vedra Recorder
- p. Proof, Notice to Bidders, Bid. No. 10-13, Wednesday, October 28, 2009, in Ponte Vedra Recorder
- q. Proof, Notice of Special Meeting on November 3, 2009, Tuesday, November 3, 2009, in St. Augustine Record
- r. Proof, Request for Bids, Bid No. 10-09, Crushing Old Concrete, Wednesday, October 28, 2009, in St. Augustine Record
- s. Proof, Request for Bids, Bid No. 10-12, Purchase Sign Materials, Wednesday, October 28, 2009, in St. Augustine Record
- t. Proof, Request for Bids, Bid No. 10-13, Purchase Sign Faces, Wednesday, October 28, 2009, in St. Augustine Record
- u. Proof, Request for Bids, Bid No. 10-14, Purchase Post & Hardware, Wednesday, October 28, 2009, in St. Augustine Record
- v. Proof, Request for Bids, Bid No. 10-15, Purchase Sign Post Blanks, Wednesday, October 28, 2009, in St. Augustine Record

(11/03/09 - 8 - 9:20 a.m.)

PUBLIC COMMENT

Karen Miles, 7507 A1A South, St. Augustine, presented photographs of the area she wanted to discuss. She said they were taken on Memorial Day weekend 2008. She said she was speaking regarding driving being banned at the Matanzas Inlet, and hundreds of individuals had signed petitions which she had in hand. She said they were adamantly opposed to the driving ban. She noted that senior citizens and handicapped residents did not have access to the beach.

(9:26 a.m.) Mrs. R. M. Miles, 7312 A1A South, St. Augustine, finished Karen Miles presentation. She added that she had lived in St. Johns County for 56 years and her husband had been a life long resident of the County. She said the ban was especially bad for the elderly and the handicapped.

(9:28 a.m.) Bruce Kendeigh, 240 Redfish Creek Drive, said that St. Augustine was heaven and Matanzas Inlet was a wonderful place to fish. He said the beaches should not be shut down to families and those who were disabled. He said accessing the beach should not be illegal.

(9:30 a.m.) Caca Smith, 6974 Charles St., St. Augustine, spoke about the Americans with Disability Act and said preventing driving on the beach would prevent him from having access to the beach. He said he was a third generation property owner at Crescent Beach. He asked the Commission to try to do something about it with the State and Federal governments, to make them abide by the Americans with Disabilities Act. He asked them to step up and do the right thing for the disabled and elderly, as well as for all of the citizens in St. Johns County. He said the Act prevented physical and regulatory barriers to disabled citizens.

(9:33 a.m.) William Rosenstock, 57 White Court, St. Augustine Beach, asked them to remove a barrier wall at St. Augustine Beach. He said it was a wooden wall that was built and should be removed and replaced with a sand barrier. He spoke on restoring the handicap walkover. He requested Bryan to come to a meeting at the beach on November 9th.

(9:39 a.m.) Wanchick said that the Americans with Disabilities Act was Federal law, by a Federal agency, and they had met with Congressman Mica to try to find a solution. He said it would require a change to Federal law by Congress, but staff would continue to look at all their options to see if they could make the issue better. He said there were still 14 miles of beaches where driving could take place, and the County could lose that right if they disregarded Federal laws.

(9:41 a.m.) Stevenson asked staff to take appropriate measures, and said she would be happy to attend the meeting of November 9th. She said access to waterways of the United States and Florida was a public trust issue, was based in common law, and was ancient. She stated that fishermen were a special protected class in those access rules. She said the Governor and Cabinet held the land in public trust to the mean high water mark. She declared that they had to make those assertions known, because unconstitutional law was passed on a regular basis. She said she sympathized with staff, and had discussion with the Legal Department about it. She added that slowly, one by one, the list of things that people could not do had become greater than the list they could do. She stated that she hoped they could continue to be creative about the way they accessed their beaches.

(9:44 a.m.) Bryan said the handicapped issue should be checked upon and that there was equipment which could be provided for individuals with handicaps.

(11/03/09 - 9 - 9:45 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

Wanchick asked to add an item, for unanticipated funding, as Item 1A. He also noted that Item 7 had experienced an advertising glitch and requested that it be postponed until the December 1, 2009 meeting.

(11/03/09 - 9 - 9:46 a.m.)

APPROVAL OF REGULAR AGENDA

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

(11/03/09 - 9 - 9:46 a.m.)

1A. ACCEPTANCE OF \$10,000 FROM ST. JOHNS RIVER WATER MANAGEMENT DISTRICT FOR USE AS GUANA RIVER BASIN RESTORATION FUNDS ON COUNTY PROPERTY

Tony Cubbedge gave a presentation on unanticipated funding.

(9:47 a.m.) Motion by Miner, seconded by Bryan, carried 5/0, to adopt Resolution No. 2009-325, recognizing unanticipated revenue in the amount of \$10,000 and increasing the General Revenue (0001-33730), and increasing the expenditure budget of the Environmental Division Guana Marsh Restoration (0104-55306) in the same amount.

(11/03/09 - 10 - 9:48 a.m.)

1. PRESENTATION BY THE INTERIM EXECUTIVE DIRECTOR MARK MIDDLEBROOK ST. JOHNS RIVER ALLIANCE CONCERNING RECENT AND FUTURE ACTIVITIES

Mark Middlebrook, Interim Executive Director, St. Johns River Alliance, gave the presentation, and thanked the Board for their active participation with the St. Johns River Alliance. He told of a scholarship they were developing to honor Senator Jim King. He spoke of the American Heritage River designation made in 1998 by President Bill Clinton. He said the 14 American Heritage Rivers were creating an Alliance for trying to acquire Federal funds for improvements to Heritage Rivers. He spoke of the River Summit to be held in Jacksonville in September 2010, which would focus on finding sustainable funding for the St. Johns Rive programs. He said the Summit would consist of sessions on economic development, eco-tourism, research and water supply. He noted that the American Heritage Rivers Initiative was an effort in Congress to supply funding for the river on a regular basis, and they were currently seeking letters of support for that program. He said 2010 would be a pivotal year. Additionally, Middlebrook reviewed the Business Plan details on all of the activities by the Alliance for 2009-2010.

(9:55 a.m.) Stevenson thanked Middlebrook for his presentation. She said the summits were huge learning opportunities for people who valued the river. Middlebrook said they would talk about climate change, tourism heritage, eco tourism, a candidates' forum and other important topics.

(9:58 a.m.) Bryan announced that friends from the Miami/Haitian delegation who were traveling through town had arrived and wished to make some comments.

(9:59 a.m.) Daniel Fils-Aime, Chairman of the Haitian/American Historical Society, spoke, and said he was honored to have their presence. He said they had just erected a monument in Savannah, Georgia, to commemorate their ancestors who fought in the Siege of Savannah in 1779 during the American Revolution. He said they would be coming to St. Augustine next to honor Hatian General Jorge Biassou, who died in St. Augustine in 1801, and was buried in Tolomato Cemetery. General Biassou led his regiment in the fight for independence from France. Fils-Aime said they were promoting a trail from Miami to St. Augustine to Savannah, with monuments marking the Hatian involvement in its history. He thanked the Board for its support.

(10:00 a.m.) Alexandra Balbo, said she was the art consultant for the Hatian/American Historical Society. She explained that they had developed an outreach program to teach children to love history. She told of a book, "Mommy Tell Me About Haiti", and said they would be at Barnes & Noble soon for a book signing. She thanked them for their support.

(10:01 a.m.) Bryan said the Board was working with the City on tourism for the 450th Anniversary, and that program was another component of developing tourism from Savannah to St. Augustine and Miami.

(11/03/09 - 10 - 10:02 a.m.)

2. PRESENTATION BY THE TRANSPORTATION PLANNING ORGANIZATION ON THE ENVISION 2035 LONG RANGE TRANSPORTATION PLAN

Wanda Forrest, North Florida Transportation Planning Organization (TPO), presented the 2035 Long Range Transportation Plan (LRTP). She gave an overhead presentation (Exhibit A.) She explained that the plan was a blueprint to maintain and enhance our

regional transportation system, was based on current needs, and forecasted for future growth. She noted that it included a list of multi-modal transportation project needs that could be funded up to the year 2035 (cost feasible). She stated that it was updated every five years to consider changes in growth and travel patterns, and that the Current 2030 LRTP was adopted in December 2004. She said the 2035 LRTP was on schedule to be adopted in November 2009. She reviewed the LRTP process and said the Needs Plan Development was based on growth projections from Local Comprehensive Plans in consultation with local government planning staff. She noted over 170 roadway and transit projects were identified to meet the 2035 mobility needs. She explained the three main steps in the Cost Feasible Plan Development: 1.) Develop costs for projects in the adopted Needs Plan. 2.) Develop potential revenues to implement the Needs Plan. 3.) Allocate available funds to projects creating the proposed draft Cost Feasible Plan. She said the plan would be adopted by the TPO Board on November 12. She reviewed the St. Johns County Cost Feasible Projects.

(10:08 a.m.) Bryan asked about the transit from Jacksonville coming through St. Augustine. Forrest said the study was done by JTA for the commuter rail. She said the current plan did not incorporate that element.

(10:09 a.m.) Stevenson asked if the cost feasible list was funded. Forrest said they looked at revenue based on 2035, and the list included was through that time. She said they had to be in the Long Range Transportation Plan. She said they were forecast revenues and it was possible that the revenue might not be sufficient, but they were currently forecasting that the funding would be available.

(10:10 a.m.) Mays said he sat on the TPO Board and thanked Forrest for coming that day to update the Board. He said patterns did change and it was long term planning. He said it took a long time for major road construction. He said they were happy to get funding for the first section of 9B.

(11/03/09 - 11 - 10:11 a.m.)

3. PUBLIC HEARING - PNZAR 2009-02, - JAX 152 (ANASTASIA CONDOMINIUMS). THIS APPLICATION REQUESTS A NON-ZONING VARIANCE FROM SECTION 3.08.04.E (MID-ANASTASIA OVERLAY DISTRICT) OF THE LDC. THIS IS IN ORDER TO ALLOW FIXED OPERATING MACHINERY AND ANTENNAS TO BE VISIBLE FROM THE ADJACENT ROAD AND ADJACENT RESIDENTIAL PROPERTIES; AND, TO ALLOW THE USE OF ALTERNATE SCREENING STANDARDS

Proof of publication of the notice of public hearing on PNZVAR 2009-02, JAX 152 was received, having been published in *The St. Augustine Record* on October 19, 2009.

McCormack reminded the Board that it was a quasi judicial item and that ex parte communication should be disclosed. Sanchez said there was no ex parte communication indicated by any of the Commissioners.

David Harrell, Planner I, gave the presentation and showed the project on the overhead. He showed the proposed antenna from the west elevation, and reviewed the findings of fact that were necessary for the variance. He said the Mid Anastasia Design Review Board had recommended approval at their October 8th, 2009 meeting.

Stevenson said she would like to see the picture, which was previously put on the overhead. Harrell pointed out where the tower would be.

McCormack said there was a typo in findings of fact No. 2. Harrell said there was an updated copy where the typo had been corrected. He said the clerk had received a copy.

The Board recessed at 10:18 a.m. and reconvened at 10:33 a.m.

(11/03/09 - 12 - 10:33 a.m.)

4. PUBLIC HEARING - CPA (SS) 2009-03, HINMAN PROPERTY - SMALL SCALE COMPREHENSIVE PLAN AMENDMENT. THIS IS A SMALL SCALE COMPREHENSIVE PLAN AMENDMENT TO AMEND THE FUTURE LAND USE MAP (FLUM) FROM RESIDENTIAL-B TO RURAL/SILVICULTURE (R/S) TO ALLOW THE DEVELOPMENT OF A WOOD PELLET BIOMASS FUEL OPERATION, WHICH RECYCLES WOOD AND YARD TRASH INTO WOOD PELLETS. IN TURN, THE WOOD PELLETS ARE USED AS AN ALTERNATE GREEN FUEL SOURCE. A COMPANION SPECIAL USE PERMIT WAS GRANTED BY THE PLANNING AND ZONING AGENCY TO ALLOW A YARD TRASH RECYCLING FACILITY, CONTINGENT UPON THE COMMISSION APPROVING THIS SMALL SCALE AMENDMENT. THE SUBJECT PROPERTY CONTAINS 9.9 ACRES OF LAND SURROUNDED BY APPROXIMATELY 529 ACRES OF LAND OWNED BY THE SAME PROPERTY OWNER. THE SUBJECT PROPERTY AND SURROUNDING AREA HAS TRADITIONALLY BEEN USED FOR AGRICULTURE, AQUACULTURE AND SILVICULTURE ACTIVITIES. THE PROPOSED USE IS ACCESSED BY A FLORIDA POWER & LIGHT EASEMENT. ADAMS ACRE ROAD WILL NOT BE USED FOR THE OPERATION OF THE WOOD PELLET FACILITY. THERE ARE NO ADDITIONAL IMPACTS TO PUBLIC FACILITIES AND SERVICES ASSOCIATED WITH THIS AMENDMENT. THE PROPOSED WOOD PELLET OPERATION GENERATES LESS IMPACT THAN THE RESIDENTIAL-B AT BUILDOUT. STAFF FINDS THE AMENDMENT SUBSTANTIALLY MEETS THE GOALS, OBJECTIVES AND POLICIES OF THE COUNTY COMPREHENSIVE PLAN, THE REGIONAL POLICY PLAN AND THE STATE COMPREHENSIVE PLAN. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THE AMENDMENT AT THEIR OCTOBER 1, 2009 REGULAR MEETING WITH A 7-0 VOTE

Proof of publication of the notice of public hearing on CPA (SS) 2009-03, Hinman Property was received, having been published in *The St. Augustine Record* on October 19, 2009.

Teresa Bishop, gave an overhead presentation on this item. She explained that the project would allow the development of a wood pellet biomass fuel operation using wood and yard trash recycled into the wood pellets. The yard trash would otherwise be disposed of in the landfill. She noted that the wood pellets operation would produce green energy.

(10:36 a.m.) Roy Hinman, 100 Amicola Ave., spoke to the citizens of the County regarding Mark Miner. He said Miner had served previously and as a County Commissioner could probably get out of serving again. He said Miner refused to do that, and he thanked Miner and expressed appreciation for his service.

Hinman said the project could be something highly desirable to the County and could create jobs. He said it would help solve the problem of debris removal. He said they could turn grass clippings, stumps and fallen trees into pellets that could be used for fuel. He asked for their support.

(10:43 a.m.) **Motion by Mays, seconded by Stevenson, carried 5/0, to enact Ordinance No. 2009-46, known as CPA (SS) 2009-03, Hinman Property, amending the Future Land Use Map from Residential-B to Rural/Silviculture (R/S), adopting findings of fact one through three to support the motion.**

ORDINANCE NO. 2009-46

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 RESIDENTIAL-B (RES-B) TO RURAL/SILVICULTURAL (R/S), FOR THE PROPERTY LOCATED APPROXIMATELY ONE MILE NORTH OF ADAMS ACRE ROAD, NORTHEAST OF CR 214 AND I-95, CONTAINING APPROXIMATELY 9.9 ACRES; PROVIDING FOR FINDINGS OF FACT; FINDINGS OF CONSISTENCY; SEVERABILITY; AND AN EFFECTIVE DATE

(11/03/09 - 13 - 10:45 a.m.)

5. PUBLIC HEARING - REZONING 2009-07, BURNETTE - THIS IS A REQUEST TO REZONE FROM COMMERCIAL HIGHWAY & TOURIST (CHT) TO COMMERCIAL INTENSIVE (CI). SUBJECT PROPERTY IS APPROXIMATELY 1.4 ACRES IN SIZE AND IS GENERALLY LOCATED JUST NORTH OF THE CR 210/US 1 INTERSECTION. THE PLANNING DIVISION FINDS THE REQUEST TO REZONE TO COMMERCIAL INTENSIVE SUBSTANTIALLY MEETS THE REQUIREMENTS OF THE COMPREHENSIVE PLAN AND THE LAND DEVELOPMENT CODE. THIS FINDING IS BASED UPON THE FOLLOWING INFORMATION: THE APPLICATION MATERIALS AS SUBMITTED BY THE APPLICANT, THE LOCATION OF THE PROPERTY WITHIN MIXED USE LAND USE, PROXIMITY TO PRINCIPAL ARTERIAL ROAD, USE OF SURROUNDING PROPERTIES, 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 OCTOBER 1, 2009 MEETING, BY A VOTE OF 7/0

Proof of publication of the notice of public hearing on REZ 2009-07, Burnette Rezoning was received, having been published in *The St. Augustine Record* on October 19, 2009.

Mike Robertson, Planner I, gave the presentation and an overhead presentation. He said that the Planning staff found that the request substantially met the requirements of the Comprehensive Plan and the Land Development Code, was consistent with Mixed Use Land Use, abutted arterial roadway (US 1) and approval wouldn't adversely affect the surrounding area.

(10:47 a.m.) Stevenson disclosed ex parte with Mr. Burnette, as did Sanchez, Mays and Bryan.

(10:48 a.m.) Bryan said it was a good use of the property. Mays agreed.

(10:49 a.m.) **Motion by Stevenson, seconded by Bryan, carried 5/0, to enact Ordinance No. 2009-47, known as REZ 2009-47, adopting findings of fact one through four to support the motion.**

ORDINANCE NO. 2009-47

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM THE PRESENT ZONING CLASSIFICATION OF COMMERCIAL HIGHWAY TOURIST (CHT) TO COMMERCIAL INTENSIVE (CI); MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE

(11/03/09 - 14 - 10:50 a.m.)

6. PUBLIC HEARING - NOPC 2009-02, NOTICE OF PROPOSED CHANGE BARTRAM PARK. THIS APPLICATION IS A REQUEST FOR A PROPOSED CHANGE TO THE PREVIOUSLY APPROVED BARTRAM PARK DEVELOPMENT OF REGIONAL IMPACT DEVELOPMENT ORDER, RESOLUTION 2000-139, AS AMENDED, FILED UNDER THE PROVISION OF SUBSECTION 380.06(19) OF THE FLORIDA STATUTES. CHANGES PROPOSED ARE: A REQUEST TO MODIFY THE BARTRAM PARK DEVELOPMENT ORDER TO ACCELERATE 32,500 SQUARE FEET OF COMMERCIAL/RETAIL SPACE FROM PHASE II INTO PHASE I AND TO EXTEND THE EXPIRATION OF PHASE I FROM 2010 TO 2012 AND THE COMMENCEMENT OF PHASE II FROM 2011 TO 2013 AS PROVIDED BY IN THE FLORIDA STATUTES (SENATE BILL 360). STAFF RECOMMENDS APPROVAL OF THE NOTICE OF PROPOSED CHANGE AND FINDS IT GENERALLY CONSISTENT WITH THE COMPREHENSIVE PLAN AND THAT THE CHANGES PROPOSED THEREIN DO NOT CONSTITUTE A SUBSTANTIAL DEVIATION. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL AT THEIR SEPTEMBER 17, 2009, PUBLIC HEARING BY UNANIMOUS VOTE

Proof of publication of the notice of public hearing on NOPC 09-02, Bartram Park was received, having been published in *The St. Augustine Record* on October 19, 2009.

Jason Cleghorn, Planner III, DRI Coordinator, gave the presentation. He gave an overhead presentation.

(10:53 a.m.) Ellen Avery Smith, Rogers Towers, 7 Waldo Street, said Art Lancaster, Bartram Park Ltd., the developer of the Bartram Park DRI, and Jeff Crayman from England Timms and Miller, the transportation consultant, were with her to respond to any questions the Board might have. She asked that they would declare that the request was not a substantial deviation to the DRI and to approve the NOPC as drafted.

(10:54 a.m.) **Motion by Miner, seconded by Stevenson, carried 5/0, to approve Resolution No. 2009-326, known as NOPC 2009-02, Bartram Park, adopting findings of fact one through five to support the motion.**

RESOLUTION NO. 2009-326

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, MODIFYING THE BARTRAM PARK DRI DEVELOPMENT ORDER AS PREVIOUSLY APPROVED BY ST. JOHNS COUNTY ON SEPTEMBER 19, 2000, UNDER RESOLUTION 2000-139, PREVIOUSLY

MODIFIED BY RESOLUTION 2001-93, APPROVED MAY 8, 2001; AS MODIFIED BY RESOLUTION 2003-94, APPROVED MAY 21, 2003; AS MODIFIED BY RESOLUTION 2005-146, APPROVED JUNE 1, 2005; AS MODIFIED BY RESOLUTION 2005-52, APPROVED FEBRUARY 21, 2006; AS PREVIOUSLY MODIFIED BY RESOLUTION 2006-175, APPROVED MAY 30, 2006; AND AS PREVIOUSLY MODIFIED BY RESOLUTION 2008-123, APPROVED APRIL 29, 2008; FINDING THE MODIFICATION DOES NOT CONSTITUTE A SUBSTANTIAL DEVIATION; AND PROVIDING FOR AN EFFECTIVE DATE

(11/03/09 - 15 - 10:54 a.m.)

7. PUBLIC HEARING - REZONING 2009-06 KATNACK REZONING.

McCormack said there had been a technical advertising issue and suggested they continue the item until December 1, 2009.

Motion by Miner, seconded by Stevenson, carried 5/0, to continue the item until December 1, 2009.

The meeting reconvened at 5:30 p.m. with all five commissioners, Wanchick, McCormack, Locklear, and Deputy Clerk Pam Halterman present.

(11/03/09 - 15 - 5:27 p.m.)

8. PUBLIC HEARING - LAND DEVELOPMENT CODE AMENDMENTS. THIS IS THE SECOND OF TWO REQUIRED PUBLIC HEARINGS TO CONSIDER MODIFICATIONS TO THE LAND DEVELOPMENT CODE. THE FIRST PUBLIC HEARING WAS HELD ON SEPTEMBER 15, 2009. A DESCRIPTION OF THE MODIFICATIONS, A COPY OF THE AFFECTED PAGES IN UNDERLINE/OVERSTRIKE FORMAT AND THE PROPOSED ORDINANCE IS ATTACHED. A FULL COPY OF THE AFFECTED ARTICLES IS AVAILABLE FOR VIEWING AT MINUTES AND RECORDS, AND GROWTH MANAGEMENT. ADDITIONAL LANGUAGE WAS ADDED TO SECTION 11.09.04.C.3 SINCE THE FIRST BCC MEETING TO CLARIFY THE INTENT. THE PLANNING & ZONING AGENCY (PZA) REVIEWED THIS ITEM AT THEIR REGULAR MEETING OF OCTOBER 1, 2009 AND RECOMMENDED APPROVAL WITH A 5-0 VOTE WITH TWO MEMBERS ABSENT. HOWEVER, THE PZA REQUESTED THAT THE BCC CONSIDER LIMITING THE PHASING AND EXTENSION PROVISIONS OF ARTICLE XI. THE SECOND AREA OF CONCERN EXPRESSED BY THE PZA IS HOW THE PUBLIC, THE PZA AND THE BCC WILL BE INFORMED OF THE POTENTIAL IMPACTS OF A PROPOSED REZONING WHEN CONCURRENCY IS NO LONGER REQUIRED PRIOR TO REZONING

Proof of publication of the notice of public hearing on Land Development Code Amendments (Tract 3) was received, having been published in *The St. Augustine Record* on September 4, 2009, October 23, 2009 and *Ponte Vedra Recorder* on September 11, and October 23, 2009.

Suzanne Konchan, Growth Management Director, stated that the Board would be hearing the second public hearing for the proposed changes to Chapter 11 of the Land Development Code. She reviewed the modifications of the document to the Board. She noted that some changes involved house cleaning to outdated provisions and added

that with the proposed changes, staff had addressed concerns raised by the PZA. She reiterated that the hearing was the second and final hearing for the item.

(5:35 p.m.) Commissioner Bryan commented that staff did a good job on a very complex issue. Commissioner Miner agreed with Bryan and said he would support the proposed changes.

(5:36 p.m.) Sanchez pointed out that there was no public comment on the issue.

(5:36 p.m.) Commissioner Stevenson stated that the changes to the Land Development Code would help ease applicants' concerns. Commissioner Sanchez praised staff for their hard work on the proposal.

(5:38 p.m.) Patrick McCormack directed attention to page two of the ordinance and clarified the language for the Board. He noted that "intentional" would be difficult to prove; therefore, the word should be eliminated. Stevenson voiced that she had the same concern about the language, but was glad the language was changed.

(5:41 p.m.) Mays commented that the Code was a complex and difficult issue; however, staff did a good job on the revisions. He stated that the State was considering a major change in concurrency on the mobility fee situation. He directed attention to Exhibit 2 of the ordinance, regarding the non-residential peak hours. He suggested that 7 Sub.A.1B should be treated the same.

(5:43 p.m.) *Motion by Mays to approve the ordinance as amended by legal and change 7 sub.a.1.b to read, residential peak hour traffic will be assigned to all segments impacted by development traffic at a level equal to or greater than one percent of the maximum service volume of the adopted level service standard up to a maximum radius of two miles, instead of four miles, from the project site boundaries, and at a level equal to or greater than three percent of the maximum service volume for segments outside the two mile radius, but within a four mile radius from the project site boundaries. The four mile radius may be extended to include the next major intersection, if intersection analysis is required under provisions of Section 14a.*

(5:47 p.m.) Miner said he could not agree with Mays' motion because he wanted the differential between residential and commercial projects. He stated that he would like to encourage commercial projects. Mays explained that the two classifications were treated the same for nineteen years and he would like to help the people who voiced issues with the Code during the previously held workshop. Miner suggested that the proposed motion would take away the differentiation, and the distinction was good. A discussion ensued between Mays and Miner regarding commercial and residential projects. Mays suggested that infrastructure encouraged commercial development. Miner reiterated that he could not support Mays' suggested changes but would support the changes as proposed by staff.

(5:50 p.m.) Commissioner Stevenson suggested that logic existed for support of the change to impact rules. She stated that she could not support Mays' suggested changes. She asked staff to comment on Mays' motion.

(5:52 p.m.) Suzanne Konchan said staff had reviewed a variety of evidence in terms of engineering studies to justify the proposed modifications. She noted that trip lengths for non-residential projects were significantly shorter than for residential projects. She added that staff based the changes on a review of traffic engineering acceptable methodology, which indicated a different trip length. She affirmed that the methodology was not a different approach from other jurisdictions; however, the

method was a departure from what the county had in their traditional concurrency program.

(5:54 p.m.) Commissioner Miner concurred with Stevenson.

(5:54 p.m.) *Motion failed due to lack of a second.*

(11/3/09 - 17 - 5:54 p.m.) Motion by Miner, seconded by Stevenson, carried 4/1, with Mays dissenting, to enact Ordinance No. 2009-48, as amended by the County Attorney and amending the Land Development Code.

ORDINANCE NO. 2009-48

AN ORDINANCE OF ST. JOHNS COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, AMENDING AND SUPPLEMENTING, ADDING AND REPEALING SECTIONS OF ARTICLE VI - DESIGN STANDARDS AND IMPROVEMENT REQUIREMENTS; ARTICLE IX - ADMINISTRATION; ARTICLE XI - CONCURRENCY MANAGEMENT; ARTICLE XII - DEFINITIONS; AND APPENDIX A - ST. JOHNS COUNTY TRAFFIC IMPACT STUDY METHODOLOGY AND PROCEDURES OF THE ST. JOHNS COUNTY LAND DEVELOPMENT CODE AS PREVIOUSLY AMENDED; THIS ORDINANCE MAKES CHANGES INCLUDING AND RELATING TO: AMENDING ARTICLE VI DESIGN STANDARDS AND IMPROVEMENT REQUIREMENTS, SPECIFICALLY PART 6.04.00 ROADWAYS, DRAINAGE & UTILITIES STANDARDS; AMENDING ARTICLE IX ADMINISTRATION, SPECIFICALLY PART 9.00.00 GENERALLY; AMENDING AND CONSOLIDATING ARTICLE XI CONCURRENCY MANAGEMENT SPECIFICALLY PART 11.00.00 GENERAL PROVISIONS; PART 11.02.00 CONCURRENCY REVIEW SYSTEM; PART 11.03.00 DETERMINATION OF CONCURRENCY; PART 11.05.00 MEASUREMENT OF LEVEL OF SERVICE STANDARDS; PART 11.06.00 APPEALS; PART 11.07.00 DEVELOPMENT AGREEMENTS; PART 11.08.00 CONCURRENCY EXEMPTIONS; AND PART 11.09.00 PROPORTIONATE FAIR SHARE PROGRAM; AMENDING ARTICLE XII DEFINITIONS; AND AMENDING APPENDIX A - ST. JOHNS COUNTY TRAFFIC IMPACT STUDY METHODOLOGY AND PROCEDURES PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE

With there being no further business to come before the Board, the meeting adjourned at 5:57 p.m.

(11/03/09 - 17 - 10:56 a.m.)

COMMISSIONERS' REPORTS (*Reports were given during the morning session*)

Commissioner Stevenson:

Stevenson said it had been a challenging, but very good year. She said that the prior night, the induction at the World Golf Hall of Fame had been held. She said it was a very positive presentation for St. Johns County, and the golf community was a real asset to St. Johns County. She thanked the Board for moving up the reorganizational meeting to allow Miner to attend the reorganizational meeting. She noted they were going to have a Sunset Celebration at the Veterans Park on Veterans Day on Tuesday, November 10. She then spoke on the induction at the World Golf Hall of Fame, of President Dwight Eisenhower, who was a true advocate of Golf.

(11:00 a.m.) Commissioner Mays:

Mays spoke regarding the PGA tour raising \$4.15 million for Northeast Florida charities. He said they had raised more than \$35 million since 1997 for Northeast Florida charities. He said they also had an announcement from the PGA tour that there would be a second tournament sponsored by Nationwide to be held at Ponte Vedra. He said this would benefit the tourism industry greatly. He explained that funds could be applied for on line by any charitable organization. He added that the Board had received a letter from the West Augustine CRA Steering Committee, regarding creating a nuisance regulation, specifically in the West Augustine CRA. McCormack said the County Attorney's Office was working on a nuisance ordinance, and he could receive the letter, by consensus of the Board, to address the issues raised in the letter. Mays read the letter and asked for Board consensus to include those types of issues in the ordinance. *There was Board Consensus to do so.*

(11:04 a.m.) Stevenson asked if it was a one reading ordinance. McCormack said it would require one reading but might be the type thing that should have a workshop. Stevenson said she would like to see a two reading process to make sure that issues were heard.

(11:05 a.m.) Bryan commended Mays for the recommendation. He said there were areas of West Augustine that had been unable to address certain issues for the lack of an ordinance. He said the survey they were conducting would help to identify some of those issues.

(11:06 a.m.) Commissioner Bryan:

Bryan said he was at the announcement of the Winn Dixie Open, and it would be a tremendous economic shot in the arm to the County. He noted it would bring attention to St. Johns County and to St. Augustine. He also commented on working with the current Board and said he felt pretty seasoned. He said it had been a pleasure working with staff and the Board and he was looking forward to the coming year.

(11:07 a.m.) Mays said they really needed to move along quickly on the nuisance ordinance. He said he would be ok if they talked with the stakeholders in West Augustine and didn't do a workshop or a second reading, in order to get it finished.

(11:07 a.m.) Commissioner Miner:

Miner thanked the outgoing Chair and Vice Chair for their service. He thanked his staff for taking care of things while he was gone. He said he was leaving at the end of the week until the end of the month to Fort Dix, New Jersey and would be back for the end of November and December. He said he agreed about the nuisance ordinance and time was of the essence.

(11:08 a.m.) Bryan said they had passed an Ordinance at the last meeting to protect children in the community. He commended all the parties involved for helping to pass the ordinance. Sanchez said he agreed.

(11:10 a.m.) Commissioner Sanchez:

Sanchez spoke about Jeb Smith who had received the Young Farmer and Rancher Achievement Award from the Florida Farm Bureau. He said it was quite an honor and congratulated Smith. He also said that St. Johns County had lost a great person, Charlie Usina, who had done a lot of things for St. Johns County. He said he was a man who did not want a lot of recognition for what he did. He sent condolences to his family. He said he went to Tallahassee last week and heard a presentation by Williams Communication and Harris Corporation on the 800 radio systems. He said he had concerns on technology but was very impressed by their presentations. He said they had worked hard to eliminate problems and had a system that worked well.

(11/03/09 - 19 - 11:12 a.m.)

COUNTY ADMINISTRATOR'S REPORT

Wanchick thanked the Commission for his contract renewal. He reminded them of the 5:30 p.m. meeting for the second reading of the Land Development Code.

(11/03/09 - 19 - 11:12 a.m.)

COUNTY ATTORNEY'S REPORT

McCormack said the Board was aware of litigation with Signature Entertainment. He said the County prevailed at the Trial Court level. He said Signature had offered to forgo any appeal if the County would agree to forgo fees and costs pertaining to that matter. McCormack said he had no objection to that resolution. He asked if the Board would entertain a motion to settle the case on that matter, with Signature signing the release.

(11:14 a.m.) Sanchez said he would agree to do so. He said the Attorney's office had done a fine job. Bryan said they had done a superb job. Mays agreed and said he would make the motion. He said Summerhaven was another great example of their fine work.

(11:15 a.m.) Motion by Mays, seconded by Miner, carried 5/0, to accept the settlement with Signature Entertainment.

(11:16 a.m.) McCormack said there was another case, Marvin v. St. Johns County, concerning Owens Avenue. He said the County had placed a maintenance map in that area, several years ago. He said one of the property owners had contested that map, the area the County was claiming that it had, and would be maintaining for the public, and brought suit against the County. He said the County did a mediation and reached a proposed settlement, which was favorable to the County. He explained that the County would agree to do a boundary agreement, the County would proceed in the adoption of an ordinance; a revision to the Land Development Code, the County would agree to put a curb on the property, and the County would agree to pay for the mediator's fee of approximately \$3,000. He asked the Board for their support of the settlement. He thanked Paras Desai, Joe Stephenson, Ivan Burrell, Gail Oliver and Mary Ann Blount for their assistance in resolving the issue.

(11:18 a.m.) Motion by Miner, seconded by Stevenson, carried 5/0, to approve the above proposed settlement.

(11:19 a.m.) McCormack said they had been involved with a Chapter 164 dispute resolution process with the Anastasia Mosquito Control District (AMCD), and the County Administrator had met with AMCD representative and staff and the issues with the dispute resolution had been resolved. He said the District had adopted a resolution finding that the dispute had been resolved. He said the foremost issue of the setting of a public hearing for the AMCD's land use and rezoning matter, had been resolved by scheduling a public hearing on November 17, 2009. He said the District Board had also wanted to meet with the Board of County Commissioners. He said he and the County Administrator believed that the Board's authorization of the PFM report and analysis should be done and distributed to the District before any other action was taken. There was Board agreement not to meet with them.

(11/03/09 - 20 - 11:22 a.m.)
CLERK OF COURT'S REPORT

There was no report.

(11:22 a.m.) The meeting was recessed until 5:30 p.m.

REPORTS:

1. St. Johns County Board of County Commissioners Check Register, Check No. 446569 through 446972, totaling \$3,959,057.42 (10/13/09)
2. St. Johns County Board of County Commissioners Check Register, Check No. 446973 through 446985, totaling \$175,318.29 (10/19/09)
3. St. Johns County Board of County Commissioners Check Register, Check No. 446986 through 447260, totaling \$2,414,358.58 (10/20/09)
4. St. Johns County Board of County Commissioners Check Register, Check No. 447261 through 447289, totaling \$59,841.96 (10/22/09)

CORRESPONDENCE:

1. Letter dated October 8, 2009, to Liz Cloud, Program Administrator, Department of State, Bureau of Administrative Code, filing St. Johns County Ordinance Numbers 2009-40 through 2009-43.
2. Letter dated October 22, 2009, to Liz Cloud, Program Administrator, Department of State, Bureau of Administrative Code, filing St. Johns County Ordinance Numbers 2009-44 and 2009-45

Approved November 17, 2009

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: Ron Sanchez
Ron Sanchez, Chair

ATTEST: CHERYL STRICKLAND, CLERK

By: Cheryl Strickland
Deputy Clerk

