

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
DECEMBER 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: 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

(12/01/09 - 1 - 8:59 a.m.)
CALL TO ORDER

Sanchez called the meeting to order.

(12/01/09 - 1 - 8:59 a.m.)
ROLL CALL

Sanchez stated that all five Commissioners were present.

(12/01/09 - 1 - 9:00 a.m.)
Bryan gave the Invocation and Sanchez led the Pledge of Allegiance.

(12/01/09 - 1 - 9:01 a.m.)
DELETIONS TO CONSENT AGENDA

There were none.

(12/01/09 - 1 - 9:01 a.m.)
APPROVAL OF CONSENT AGENDA

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

1. Approval of the Cash Requirement Report

2. Motion to adopt **Resolution No. 2009-346**, approving the transfer of certain County owned property to the Florida Department of Transportation for property needed for the State Road 313 flyover at Northwood Drive and the railroad tracks, and authorizing the County Administrator, or designee, to execute the Donation of Property and the County Deed

RESOLUTION NO. 2009-346

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

APPROVING THE TRANSFER OF CERTAIN COUNTY OWNED PROPERTY TO THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR PROPERTY NEEDED FOR THE STATE ROAD 313 FLYOVER AT NORTHWOOD DRIVE AND THE RAILROAD TRACKS, AND AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO EXECUTE THE DONATION OF PROPERTY AND THE COUNTY DEED

3. Motion to adopt **Resolution No. 2009-341**, approving an Interlocal Agreement between St. Johns County, Florida, and the Sampson Creek Community Development District, agreeing to pay the due diligence fees for the expansion of the St. Johns Golf and Country Club pond site for the CR 210/I95 transportation improvement project and authorizing the Chair, or designee, to execute the agreement. The County will reimburse the CDD in an amount not to exceed \$15,000 for their costs of preliminary due diligence

RESOLUTION NO. 2009-341

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING AN INTERLOCAL AGREEMENT BETWEEN ST. JOHNS COUNTY, FLORIDA, AND THE SAMPSON CREEK COMMUNITY DEVELOPMENT DISTRICT, AGREEING TO PAY THE DUE DILIGENCE FEES FOR THE EXPANSION OF THE ST. JOHNS GOLF AND COUNTRY CLUB POND SITE FOR THE CR 210/I 95 TRANSPORTATION IMPROVEMENT PROJECT

4. Motion to adopt **Resolution No. 2009-342**, approving the terms and authorizing the County Administrator, or designee, to execute a certain Purchase and Sale Agreement to GGH 31, LLC in the amount of \$60,500.00 for property required for Segment III of the Volusia Street/Four Mile Road Project

RESOLUTION NO. 2009-342

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO EXECUTE A CERTAIN PURCHASE AND SALE AGREEMENT FOR PROPERTY NEEDED FOR SEGMENT III OF THE VOLUSIA STREET/FOUR MILE ROAD PROJECT

5. Motion to adopt **Resolution No. 2009-343**, accepting the terms of this Lease for space from the Town of Hastings in the Historical Hastings High School to St. Johns County for the Hastings Branch Library and authorizing the County Administrator or designee, to execute the Lease

RESOLUTION NO. 2009-343

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING THE TERMS OF THIS LEASE FOR SPACE FROM THE TOWN OF HASTINGS IN THE

HISTORICAL HASTINGS HIGH SCHOOL TO ST. JOHNS COUNTY FOR THE ST. JOHNS COUNTY HASTINGS BRANCH LIBRARY AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO ACCEPT AND EXECUTE THE LEASE, ON BEHALF OF THE COUNTY

6. Motion to adopt **Resolution No. 2009-344**, authorizing the County Administrator to execute an Easement to Florida Power and Light Company to install electrical connections for the Fox Creek Regional Pond pump stations

RESOLUTION NO. 2009-344

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING A GRANT OF EASEMENT TO FLORIDA POWER & LIGHT, AND AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO EXECUTE THE EASEMENT, ON BEHALF OF THE COUNTY, SO THAT FLORIDA POWER & LIGHT COMPANY MAY INSTALL ELECTRICAL CONNECTIONS AT THE FOX CREEK REGIONAL POND PUMP STATIONS

7. Motion to adopt **Resolution No. 2009-345**, authorizing the County Administrator, or designee, to execute an Easement in favor of Florida Power & Light Company, in order to install electrical service to the St. Johns County Transit Center located off Old Moultrie Road

RESOLUTION NO. 2009-345

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO EXECUTE AN EASEMENT IN FAVOR OF FLORIDA POWER & LIGHT COMPANY, IN ORDER TO INSTALL ELECTRICAL SERVICE TO THE ST. JOHNS COUNTY TRANSIT CENTER LOCATED OFF OLD MOULTRIE ROAD

8. Motion to adopt **Resolution No. 2009-346**, approving the terms and authorizing the County Administrator, or designee, to execute a Purchase and Sale Agreement to Annie Flannory in the amount of \$20,000 for property needed for the drainage improvements in the West St. Augustine/Duval and St. Johns Street Project

RESOLUTION NO. 2009-346

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

9. Motion to adopt **Resolution No. 2009-347**, recognizing unanticipated revenue in the amount of \$3,998 Public Safety State Grant Revenue (0001-33420) and increasing the expenditure budget of the Emergency Management Department State Grant (0046-55305) in the same amount

RESOLUTION NO. 2009-347

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

10. Motion to approve the awarding of Bid No. 10-12, Purchase of Sign Materials and Sheeting in the amount of \$25,606 and authorize the County Administrator, or designee, to enter into a contract for the purchase of sign materials and sheeting from the low bidder, Osburn Associates, Inc., for one year with three (3) one year renewal options
11. Motion to approve the awarding of Bid No. 10-13, Purchase of Sign Faces in the amount of \$45,996.45 and authorize the County Administrator, or designee, to enter into contract for the purchase of sign materials from the low bidder, Osburn Associates, Inc., for one year with three (3) one year renewal options.
12. Motion to approve the awarding of Bid No. 10-14, Purchase of Sign Post and Sign Hardware in the amount of \$30,916.00 and authorize the County Administrator, or designee, to enter into a contract for the purchase of sign materials from the low bidder, Universal Signs and Accessories, Inc., for one year with three (3) one year renewal options
13. Motion to approve the awarding of Bid No, 10-15, Purchase of Sign Blanks in the amount of \$27,944.34 and authorize the County Administrator, or designee, to enter into contract for the purchase of sign materials from the low bidder, Osburn Associates, Inc., for one year with three (3) one year renewal options
14. Motion to approve the awarding of Bid No. 10-16, Purchase of Annual Hot Mix Asphalt Requirements for the Road & Bridge Department and authorize the County Administrator, or designee, to enter into a contract for the purchase of Hot Mix Asphalt from the low bidder, APAC-Southeast, Inc., and the next lowest bidder, Duval Asphalt Products, Inc for one year with three (3) one year renewal options
15. Motion to approve the awarding of Bid No. 09-114, Purchase of Automatic Chest Compression Devices in the amount of \$124,750.00 and authorize the County Administrator, or his designee, to enter into a contract for the purchase of sign materials from Physio Control
16. Motion to declare certain County property as surplus and authorize the County Administrator, or his designee, to dispose of same in accordance with Purchasing Policy 308 and Florida Statute 274
17. Motion to adopt **Resolution No. 2009-348**, recognizing unanticipated revenue in the amount of \$23,427 from a Federal Elections Administration Grant and

increasing the General Fund, General Government Federal Grant Revenue and increasing the expenditure budget of the Supervisor of Elections Federal Grant Expenditure in the same amount

RESOLUTION NO. 2009-348

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AMENDING THE FISCAL YEAR 2010 GENERAL FUND, IN ORDER TO RECEIVE UNANTICIPATED REVENUE, AND AUTHORIZE ITS EXPENDITURE BY THE ST. JOHNS COUNTY SUPERVISOR OF ELECTIONS

18. Motion to adopt **Resolution No. 2009-349**, authorizing the County Administrator to execute the Declaration of Restrictive Covenants and Memorandum of Understanding/Cost Share Agreement on behalf of St. Johns County and motion to transfer \$63,988 from General Fund Reserve (0083-59920) to the Recreation Programs Refund Prior Years Revenues (0079-559301) for the reimbursement of the purchase price of land the County purchased with a grant from Florida Communities Trust

RESOLUTION NO. 2009-349

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS AND CONDITIONS OF AN AMENDMENT TO THE DECLARATION OF RESTRICTIVE COVENANT BETWEEN ST. JOHNS COUNTY AND THE FLORIDA COMMUNITIES TRUST (“AMENDMENT”); APPROVING THE TERMS, PROVISIONS AND CONDITIONS OF A MEMORANDUM OF UNDERSTANDING (“MOU”), AND A COST SHARE AGREEMENT (“AGREEMENT”) BETWEEN, AND AMONG, ST. JOHNS COUNTY, FLORIDA, THE WOOLVERTON COMPANY, DERICK WOOLVERTON, BRENDA KOGUT, ET AL., FOR PURPOSES OF ALLOWING FOR DUAL ACCESS TO MUSSALLEM BEACHFRONT PARK AND ADJACENT PROPERTY; AND AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO EXECUTE THE AMENDMENT, MOU AND AGREEMENT, ON BEHALF OF THE COUNTY

19. Motion to adopt **Resolution No. 2009-350**, approving the terms, provisions, conditions and requirements of a Hospitality Purchase Agreement between St. Johns County and the PGA Tour, Inc., and authorizing the County Administrator, or designee, to execute the Sponsorship Agreement for “The Players” in the amount of \$200,000 to be funded through the Category III Tourist Development Fund

RESOLUTION NO. 2009-350

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

CONDITIONS, AND REQUIREMENTS OF A HOSPITALITY PURCHASE AGREEMENT BETWEEN ST. JOHNS COUNTY, FLORIDA, AND THE PGA TOUR, INC., AND AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO EXECUTE THE AGREEMENT ON BEHALF OF THE COUNTY

20. Motion to approve a transfer in the amount of \$29,348.15 from General Fund Reserves to LETF Reserves, so the Sheriff may utilize unclaimed funds returned to the General Fund for FY 2009
21. Motion to adopt **Resolution No. 2009-351**, authorizing staff to submit an application for a 2008 Disaster Recovery Program Funding from Florida Department of Community Affairs in the amount of \$1,300,328

RESOLUTION NO. 2009-351

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, DIRECTING STAFF TO SUBMIT APPLICATION AND EXECUTE ALL REQUIRED DOCUMENTS TO THE DEPARTMENT OF COMMUNITY AFFAIRS (DCA) FOR THE 2008 DISASTER RECOVERY PROGRAM ALLOCATION; AUTHORIZING OFFICERS OF THE COUNTY TO DO ALL THINGS DEEMED NECESSARY OR ADVISABLE IN CONNECTION THEREWITH; AND PROVIDING AN EFFECTIVE DATE

22. Motion to adopt **Resolution No. 2009-352**, to authorize the County Administrator or his designee to execute the Letter of Agreement between St. Johns County and Guardian Occupational Services Inc., for drug screening services in the amount not to exceed \$35,000

RESOLUTION NO. 2009-352

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF AN AGREEMENT BETWEEN ST. JOHNS COUNTY, FLORIDA, AND GUARDIAN OCCUPATIONAL SERVICES INC., FOR THE PROVISION OF DRUG SCREEING SERVICES, AND RELATED SERVICES, FOR 2009-2010, AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE AGREEMENT ON BEHALF OF ST. JOHNS COUNTY

23. Motion to adopt **Resolution No. 2009-353**, approving the Letter of Agreement between the State of Florida Agency for Health Care Administration and authorize the County Administrator, or designee, to execute the Agreement and motion to adopt **Resolution No. 2009-354**, to approve the Contract between St. Johns County and Flagler Hospital for the use of Low Income Pool Funds and authorize the County Administrator or designee, to execute the Contract on behalf of St. Johns County

RESOLUTION NO. 2009-353

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF AN AGREEMENT BETWEEN THE STATE OF FLORIDA, AGENCY FOR HEALTHCARE ADMINISTRATION, AND ST. JOHNS COUNTY, FLORIDA, AND AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO EXECUTE THE AGREEMENT ON BEHALF OF THE COUNTY

RESOLUTION NO. 2009-354

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF AN AGREEMENT BETWEEN THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, AND FLAGLER HOSPITAL, INC., AS TO L.I.P. STATE PROGRAMS, AND AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO EXECUTE THE AGREEMENT ON BEHALF OF THE COUNTY

24. Motion to authorize the re-appropriation of Series 2009 Primary Project Appropriations in the amount of \$2,221,000 from the Alternative Jail Project to the Sheriff's Office Complex Renovations
25. Proofs:
 - a. Proofs: Notice to Bidders, Bid No. 10-06, Wednesday, December 2, 2009 in *The St. Augustine Record*
 - b. Proofs: Notice of a Public Speaker Presentation, Thursday, November 19, 2009 in *The St. Augustine Record*
 - c. Proofs: Notice of Public Hearing & Organizational Meeting, Thursday, November 12, 2009 in the *Ponte Vedra Recorder*
 - d. Proofs: Notice to Bidders, Bid No. 10-08, Wednesday, November 18, 2009 in *The St. Augustine Record*
 - e. Proofs: Notice of Public Hearing, on establishment of Ordinance/Regulation affecting the use of land, Tuesday, October 6, 2009 and Tuesday October 20, 2009 in *The St. Augustine Record*
 - f. Proofs: Notice of Public Hearing, on establishment of Ordinance/Regulation affecting the use of land, Tuesday, September 15, 2009 and Tuesday, November 3, 2009 in *The St. Augustine Record*

(12/01/09 - 7 - 9:01 a.m.)

PUBLIC COMMENT

Derek Hankerson, 734 Medina Avenue, representing the Boys and Girls Club, thanked the Board, Tom Crawford, David Shoar, Art May, Lt. Chitwood, Doug Wiles and many others for their help in founding the Boys and Girls Club in St. Augustine. He cited an example of a Deputy Sheriff in Vehicle No. 865, who stopped his vehicle and assisted a young Caucasian boy across Highway US 1. He said that had prompted him to stop by and say thank you to the Board and to the wonderful county in which we live. He asked each resident of St. Johns County to help in supporting the Boys and Girls Club.

(9:05 a.m.) Daniel McDonald, 24501 Deer Trace Drive, Ponte Vedra Beach, spoke about the Guana State Park beach access, parking lots, and the safety issues there. He read an article from the *Ponte Vedra Leader* written by him and Clara Cowan (not provided). He stated the Ponte Vedra Beach Coalition had met with Sheriff David Shoar and asked him test a video surveillance system at the site, and Sheriff Shoar said he would work with them. He added that their next step was to work with DOT and the County to provide safe crossings. He said it was a tough budget year and it would not be accomplished unless the Board approved it and paid for it. He asked them to work with the Fish and Wildlife Commission as well.

(9:11 a.m.) Mays asked if they could coordinate with Marty Fierentino's office to coordinate efforts with Fish & Wildlife, and do some underbrushing so the parking lots would be visible from the street. Wanchick stated that the issue had come up at the Legislative Delegation meeting, and Senator Thrasher said that he would work on it at the State level. He said the County did not have the authority to remove the brush. He said he and Sheriff Shoar had already met and he was glad to hear that he was going to pursue the cameras. He said the right conversations were happening and they would try to work with the State.

(9:13 a.m.) Stevenson said parking lot safety was the correct issue, as many people would not go to that site because of safety issues in the parking lot and with crossing the street. She noted it was complicated because of NERR, the Scenic A1A Committee and the biggest problem was with the Department of Transportation. She said State level cooperation was the key to solving the problem.

(12/01/09 - 8 - 9:14 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

There were none.

(12/01/09 - 8 - 9:14 a.m.)

APPROVAL OF REGULAR AGENDA

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

(12/01/09 - 8 - 9:15 a.m.)

1. CONSIDER A RESOLUTION ESTABLISHING A PARTNERSHIP BETWEEN ST. JOHNS COUNTY AND THE U.S. CENSUS BUREAU

Suzanne Konchan, Growth Management Director, gave an overhead presentation (Exhibit A) on the 2010 U.S. Census. She noted that the census data directly affected more than \$300 billion per year in federal funding to communities. She said it could be \$162 million in annual funding to St. Johns County. She said the funding affected schools, hospitals, infrastructure, transportation, homeless shelters, elderly care facilities, substance abuse treatment programs, vocational training and other crucial needs in the community. She noted it also affected representation in the U.S. and Florida delegations. She said their goal was to ensure that everyone in St. Johns County was counted in the 2010 census, from the employed to the homeless. She reviewed the recommended strategy and actions taken to date. She said Commissioner Bryan would chair the Complete County Committee and explained its function. She reviewed the local agencies and corporations who might be invited to serve on the committee and the marketing and media strategies they planned to utilize.

(9:24 a.m.) Karen Kagalis, Senior Partnership Specialist, U. S. Census Bureau, 1735 Parkwood Street, Jacksonville, congratulated them for considering the Resolution, as it was very important and a lot was at stake. She thanked Bryan for offering to lead in the charge. She gave a census update and said they were currently testing applicants for census taking jobs. She said the local office was the Jacksonville South Office. She introduced Kathleen Lamb and Stanford Lugg who were also part of the Partnership, who were available to help spread the word. She said that in 2010 there would be online response forms, which were shortened to 10 questions, and it would take about 10 minutes to complete. She said there was power in information, and the demographics obtained from the census provided that information. She said it was important to get the word out that it was safe, easy and confidential and community leaders were the ones who the community would listen to. She said they would make a decade long impact. She reviewed the steps that needed to be taken in order to get the community leaders involved.

(9:35 a.m.) Bryan asked about funding through the PSP for sub committees and promotional items, and asked if there was a limit on that funding. Kagalis said funding for PSP had closed on the 25th of the month, but that Konchan had already requested \$2,999 for promotional materials, and more funding was expected to become available. Bryan explained they were trying to account for the “snow birds” who were using our services, and that their home states were also trying to capture them. He said when they were here, they were using our services.

(9:37 a.m.) Stevenson asked what kinds of controls were put in place to ensure the confidentiality of the information. Kagalis said Title XIII was in place, which forbade the sharing of any information, and there were server penalties for revealing any confidential information including up to \$250,000 in penalties per person and up to five years in jail. She said the Patriot Act would have nothing to do with Census 2010 and any information collected from it. She added they also wanted to capture not only the snow birds, but students as well. Kagalis shared the toll free phone number of 1-866-861-2010 and the web address, www.2010censusjobs.gov to find out more about the census jobs.

(9:39 a.m.) **Motion by Miner, seconded by Bryan, carried 5/0, to adopt the Resolution No. 2009-355, to establish the Partnership between the County and the U.S. Census.**

RESOLUTION NO. 2009-355

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING A PARTNERSHIP BETWEEN ST. JOHNS COUNTY AND THE UNITED STATES CENSUS TO WORK TOGETHER IN RAISING AWARENESS OF THE ST. JOHNS COUNTY, FLORIDA RESIDENTS, IN ORDER TO ENSURE PARTICIPATION IN THE 2010 CENSUS AND PARTNER ON A RANGE OF ACTIONS, INCLUDING THE ESTABLISHMENT OF A COMPLETE ST. JOHNS COUNTY COMMITTEE THAT WILL HELP THE COMMUNITY BE AWARE OF THIS IMPORTANT DICENNIAL EVENT AND RAISE AWARENESS TO OBTAIN THE HIGHEST LEVEL OF PARTICIPATION POSSIBLE BY ALL ST. JOHNS COUNTY RESIDENTS

(12/01/09 - 10 - 9:42 a.m.)

2. PUBLIC HEARING - 2009-06, KATNACK REZONING. THIS IS A REQUEST TO REZONE FROM COMMERCIAL INTENSIVE (CI) TO RESIDENTIAL MOBILE HOME (RMH). SUBJECT PROPERTY IS LOCATED WITHIN RESIDENTIAL-B FUTURE LAND USE, WHICH DOES NOT PERMIT COMMERCIAL INTENSIVE ZONING. PROPERTY WAS PREVIOUSLY INCLUDED IN THE ADMINISTRATIVE REZONING PROJECT. THE PLANNING DIVISION FINDS THE REQUEST TO REZONE TO RESIDENTIAL MOBILE HOME (RMH) SUBSTANTIALLY MEETS THE REQUIREMENTS OF THE COMPREHENSIVE PLAN AND THE LAND DEVELOPMENT CODE. THIS FINDING IS BASED UPON THE FOLLOWING INFORMATION: PROPERTY IS CURRENTLY OCCUPIED WITH A MOBILE HOME, CONSISTENCY WITH RESIDENTIAL-B LAND USE CATEGORY, THE APPLICATION MATERIALS AS SUBMITTED BY THE APPLICANT, CONSISTENCY WITH ADJACENT USES, AND OTHER RELEVANT INFORMATION AVAILABLE TO STAFF. THIS FINDING MAY BE SUBJECT TO OTHER COMPETENT SUBSTANTIAL EVIDENCE RECEIVED AT THE QUASI-JUDICIAL PUBLIC HEARING. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL AT THEIR SEPTEMBER 17 MEETING BY A VOTE OF 4 TO 0

Proof of publication of the notice of public hearing on REZ 2009-6, Katnack Administration Building, was received, having been published in *the St. Augustine Record* on October 26 and November 16, 2009.

Michael Blackford, Planning and Zoning Manger, gave an overhead presentation explaining the details of the request.

(9:42 a.m.) There was no ex parte communication.

(9:43 a.m.) Motion by Miner, seconded by Mays, carried 5/0, to enact Ordinance No. 2009-55, known as REZ 2009-6, adopting findings of fact one through four to support the motion.

ORDINANCE NO. 2009-55

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

(12/01/09 - 10 - 9:44 a.m.)

3. PUBLIC HEARING - NOPC 2009-03, NOCATEE - NOTICE OF PROPOSED CHANGE. THIS APPLICATION IS A REQUEST FOR A PROPOSED CHANGE TO THE PREVIOUSLY APPROVED NOCATEE DEVELOPMENT OF REGIONAL IMPACT DEVELOPMENT ORDER, RESOLUTION 2001-30, AS AMENDED, FILED UNDER THE PROVISION OF SUBSECTION 380.06(19) OF THE FLORIDA STATUTES. CHANGES PROPOSED ARE: THE PROPOSED CHANGE INCLUDES A REQUEST TO MODIFY THE NOCATEE DEVELOPMENT ORDER TO MODIFY SPECIAL CONDITION 25(B) (I) REGARDING THE TIMING OF THE MITIGATION PAYMENT FOR PHILIPS

HWY. WIDENING, AND MODIFICATION OF SPECIAL CONDITION 25(C) (II) RELATED TO AN INTERNAL CAPTURE STUDY. 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 OCTOBER 29, 2009 PUBLIC HEARING BY 5-0 VOTE

Proof of publication of the notice of public hearing on NOPC 2009-03, Nocatee DRI change, was received, having been published in *the St. Augustine Record* on November 16, 2009.

Jason Cleghorn, Planner III DRI Coordinator, gave an overhead presentation explaining the details of the request. He reviewed the proposed changes. PZA recommended approval by unanimous vote.

(9:47 a.m.) Staci Rewis, 245 Riverside Avenue, Suite 400, Jacksonville, stated she was there on behalf of SONOC Co., the applicant. She noted that Greg Barber of the Parq Group, and Don Smith and Jeff Crammond with England Timms and Miller, were also present. She reviewed the NOPC request and said it also been submitted to the City of Jacksonville and had been approved by them on November 10. She noted that the \$9.4 million due for widening Phillips Highway would be adjusted for inflation by the CPI when the payment was due.

(9:49 a.m.) **Motion by Miner, seconded by Stevenson, carried 5/0, to approve Resolution No. 2009-356, known as NOPC 2009-03, Nocatee, adopting findings of fact one through five, to support the motion.**

RESOLUTION NO. 2009-356

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, MODIFYING THE NOCATEE DRI DEVELOPMENT ORDER AS PREVIOUSLY APPROVED BY RESOLUTION 2001-30, DATED FEBRUARY 23, 2001, AND PREVIOUSLY MODIFIED BY RESOLUTION 2006-95, DATED MARCH 21, 2006, RESOLUTION 2007-127, DATED MAY 1, 2007, RESOLUTION 2007-305, DATED OCTOBER 16, 2007, AND RESOLUTION 2009-87, DATED APRIL 7, 2009, TO MODIFY THE TIMING FOR THE TRANSPORTATION MITIGATION PAYMENT FOR THE PHILIPS HIGHWAY WIDENING PROJECT, AND TO MODIFY THE TIMING FOR THE TRAFFIC STUDY OF INTERNAL TRIP CAPTURE RATE; FINDING THE MODIFICATION DOES NOT CONSTITUTE A SUBSTANTIAL DEVIATION; AND PROVIDING FOR AN EFFECTIVE DATE

(12/01/09 - 11 - 9:49 a.m.) *This item was continued until 02-02-10.*

4. PUBLIC HEARING - CPA (SS) 2008-01, PELLICER CREEK CAMPGROUND - COMPREHENSIVE PLAN AMENDMENT SMALL SCALE. THIS IS A SMALL SCALE AMENDMENT TO AMEND THE 2015 FUTURE LAND USE MAP (FLUM) FROM RURAL SILVICULTURE TO RURAL COMMERCIAL (RC) FOR 6.3 ACRES OF LAND. THE APPLICANT PROPOSES A RV CAMPGROUND. THE SUBJECT PROPERTY IS LOCATED ON SOUTH US 1, APPROXIMATELY

THREE FOURTHS OF A MILE SOUTH OF THE INTERSECTION OF US 1 AND I-95. A COMPANION REZONING APPLICATION WAS SUBMITTED WITH THIS AMENDMENT. STAFF FINDS THE RURAL COMMERCIAL (RC) FUTURE LAND USE DESIGNATION COMPATIBLE WITH THE SURROUNDING AREA AND SUBSTANTIALLY MEETS THE STATE COMPREHENSIVE PLAN, THE REGIONAL POLICY PLAN, THE COUNTY COMPREHENSIVE PLAN AND THE LAND DEVELOPMENT CODE. THIS FINDING IS BASED UPON THE APPLICATION MATERIALS AS SUBMITTED BY THE APPLICANT AND COMPATIBILITY WITH THE SURROUNDING AREA. THIS FINDING MAY BE SUBJECT TO OTHER EVIDENCE RECEIVED AT THE PUBLIC HEARING. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL AT THEIR OCTOBER 15, 2009 PUBLIC HEARING WITH A VOTE OF 6-0

Proof of publication of the notice of public hearing on CPASS 2008-01, Pellicer Creek Campground, was received, having been published in *The St. Augustine Record* on November 16, 2009.

Teresa Bishop, Long Range Planning Director, gave an overhead presentation and explained the details of the request. PZA recommended approval October 15, 2009.

(9:52 a.m.) Sanchez said he had met with the applicant.

(9:52 a.m.) Karen Taylor, 77 Saragossa Street, said she represented the applicant, Gerald & Amy Herron. She explained that the property had been a campground in the past, and the applicant had worked diligently on cleaning it up, with restoration having been done to one area. She said the size of the campground would be scaled down to 30 sites, and noted Herron would meet all the newer regulations. She said there was a companion zoning on the next agenda item.

(9:54 a.m.) Bryan said he had visited the site, and his concern was with the lack of a sewer system. Taylor said the applicant had to change out the sewer system and upgrade it because he was near significant water and he had to meet additional State standards. She said there would be a pump out station and a shower, and it would be minimal. Bryan said he was not so sure it would be minimal. Taylor said he had to redo the whole sewage system. Bryan said the location was at the headwaters of Pellicer Creek, and he was concerned about the impact it would have on that area. He also expressed concern about the pond. Taylor said it used to be called a polishing pond and it was not regulated as it had been in the 1970's by DEP. She said it would be fenced. Bryan said that he wanted to be sure that the County would not be responsible for the cost when it was time for the applicant to hook onto the sewer system when it was available to his area. Taylor said Herron was spending a lot of money on his system, and the owner/applicant would have to pay for the extension of sewer lines should they become available.

(9:59 a.m.) Mays asked how long the RVs were allowed to stay. Taylor said there was no limitation. He expressed concern that it would become an RV mobile home park. Taylor said it would be a park where they came and went. Bryan said he too was concerned about how long they could stay, as it would be a significant impact. He added there were several permitting processes they would have to go through, that would be monitored, to ensure that the appropriate system was put in place. Taylor said that was correct. Bryan said their concerns could be addressed.

(10:02 a.m.) Stevenson asked if it was zoned CH-T which was not compatible with the land use. Taylor explained the change from CH-T to Rural Silviculture, and in order to

open it as a campground he needed to rezone it to an appropriate land use. She said she had encouraged him to leave it at CH-T, the only category compatible with rural commercial land use. She said perhaps staff was correct, and it should be a land use change. Stevenson clarified that it wasn't a rezoning but a land use change. Taylor said that was correct, and it was limited to 30 sites by design.

(10:04 a.m.) David Wiles, 8220 A1A South, said Rural Silviculture (RS) was for non commercial uses. He spoke on the pristine nature of Pellicer Creek and asked if there was a 50 foot buffer. He proposed that the buffer was short of 50 feet. He cautioned that trusting the applicant to monitor it was bad practice. He said it should be Rural Commercial. He said the nature of the intersection was no longer rural.

(10:08 a.m.) Carl Matthai, 6433 Madison St., St. Augustine, said a Comp Plan change was a huge change, and there was no need to make the change at that site at that time. He said a flow way study was not needed for that site, as everything would flow toward the wetlands with a drop of 10 to 12 feet. He stated that the Water Management District study showed that buffers in excess of 100 feet were commonly given. He cautioned that piecemeal zoning was not working and was not going to work. He said the applicant would not be limited to 30 RV sites and an additional 20 primitive sites would be intense use. He noted that they were located right on Pellicer Creek. He said he had measured the distance between the dock and the existing road and it was 49 to 50 feet. He said the diagram showed it scaled at 78.6 feet. He said the applicant showed an average of a 50 foot buffer, but in some areas it was a minimum of a 21 foot buffer, and the minimum requirement was 25 feet. He suggested that there was a discrepancy in the site plan, and they should move the septic field, as it was as close to the wetlands as they could get it on the site. He said the septic field should be on the northeast corner in order to protect the water.

(10:12 a.m.) Dr. Michael Shirley, Director GTM Research Reserve, 505 Guana River Road, South Ponte Vedra Beach, said the success of the proposed business would depend on protecting the water quality of Pellicer Creek. He said issues related more towards the details; buffers and how sewage treatment would be taken care of. He said Pellicer Creek had been flagged as having problems with nutrients and bacterial levels, and they did not know the sources of those. He said sewage treatment, on site, could be problematic if it was not sited correctly with proper buffers. He said he did not have the details to be able to make comments one way or the other, but once it went to permitting, the Reserve staff could not make any comments. He said he would like to see more details. He said the purpose of the State laws was the minimum standards and they should keep that in mind. He noted that the community could put in more stringent rules if they desired, and they might want to look at other communities.

(10:16 a.m.) Mays asked what details he needed. Shirley said the plans had changed from yesterday, and he needed to know the buffer distances. He asked the applicant to look at the Weikiva River standards, where there had been a lot of input from the community and environmental groups. He said the campground's success would be directly tied into the success of keeping Pellicer Creek at acceptable levels. Mays said he would prefer to have more details as well.

(10:18 a.m.) Bryan said he supported the concept, but because the web site had changed, he would like to see the flow way study completed by the NERR. He said there were too many unanswered questions. He said the applicant's intentions were good but things could happen, and he would not be able to support it.

(10:19 a.m.) Taylor said she would like to address those concerns. She said they would have no problem in coordinating with NERR, and they would be happy to take a look at

the Weikiva River standards. She said they were going through a process to ensure that everything was updated. She gave a history of the site and explained how the changes were made to the Comp Plan in 2000. She reviewed a map for mixed use, and said it was a much less intensive use of what they could expect in a mixed use area. She stated that unless it was a campground, the applicant could not use the property. She said the site plan had changed and it was the one she had used in PZA in October. Taylor explained that there was a limitation placed on them by the State, and the limit was 30 campsites.

(10:22 a.m.) Mays asked how she was trying to convince them they should be extra careful. Taylor said she agreed and was trying to explain. She said specifics would be worked out during the design phase, and that the applicant had to conform to all of the requirements and rules. She said they had worked extensively with Jan Brewer, and the applicant had been waiting for over two years. She said there was no problem working with NERR. She added that it was an excellent location for that type of use. Mays said he agreed it was an excellent location, but that accidents did happen. Taylor said she would be happy to work with them and bring back some changes. She said conditions could be worked out if that was preferable to them, and they could work with Dr. Shirley.

(10:26 a.m.) Jan Brewer, Environmental Development, said she had worked with the applicant and he would be held to specific State standards. She said the applicant would submit drawings and they would have to be compatible with the LDC. She said there would be a limiting factor with the number of sites on the location. She said the drain field would have to meet certain standards, and the State Health Department would inspect each site annually. She said the applicant did impact the upland boundary and had refurbished the site. She said the applicant had worked well with the County in the refurbishment of the upland buffer.

(10:28 a.m.) Mays said the State standards were minimum standards. Brewer said that was correct, and that was where County staff came into play. Mays said the applicant did not have to go above the minimum standards of the local codes as well.

(10:29 a.m.) Miner said he had no problem with the project.

(10:30 a.m.) Stevenson said she now understood the limitation of the 30 sites by the State. She said that other uses were allowed in that use category. Taylor said they were talking about the Comp Plan Amendment. She said they could pass the Comp Plan Amendment, and not the rezoning, and all he would be able to do would be a campground.

(10:34 a.m.) Stevenson asked Bishop about uses for Agriculture. Bishop said there was very little use they could do and the zoning was incompatible. She said CH-T uses were restaurant, recreational, retail sales of food, and fish camps. Stevenson asked if there was no comp plan amendment, if there would be allowable uses. Bishop stated that under Rural Silviculture there would be no uses that would be consistent. She said the zoning would have to be changed. Taylor said it was not an agricultural piece of property.

(10:38 a.m.) Taylor said they would be happy to take a continuance if they needed more information, and asked for continuation for both items until February 2, 2010.

(10:42 a.m.) **Motion by Miner, seconded by Bryan, carried 5/0, to continue items 4 and 5 until February 2, 2009 at 9:00 a.m.**

(12/01/09 - 15 - 10:42 a.m.) *This item was continued until 02-02-10.*

5. PUBLIC HEARING - REZ 2008-03, PELLICER CREEK CAMPGROUND REZONING. THIS IS A REQUEST TO REZONE 6.3 ACRES FROM COMMERCIAL HIGHWAY TOURIST (CHT) TO COMMERCIAL RURAL (CR), TO BE CONSISTENT WITH THE PROPOSED COMPREHENSIVE PLAN AMENDMENT REQUEST. THE REQUEST TO REZONE THE PROPERTY TO COMMERCIAL RURAL, 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, CONSISTENCY WITH THE ADJACENT USES AND OTHER RELEVANT INFORMATION AVAILABLE TO STAFF. THIS FINDING MAY BE SUBJECT TO OTHER COMPETENT SUBSTANTIAL EVIDENCE RECEIVED AT THE QUASI-JUDICIAL HEARING. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL AT THEIR OCTOBER 15, 2009 PUBLIC HEARING WITH A 6-0 VOTE

Proof of publication of the notice of public hearing on REZ 2008-03, Pellicer Campground Rezoning, was received, having been published in *the St. Augustine Record* on November 16, 2009.

The Board recessed at 10:41 a.m. and resumed at 10:59 a.m.

(12/01/09 - 15 - 10:59 a.m.)

6. PUBLIC HEARING - CPA (SS) 2008-02, BUZZMART COMPREHENSIVE PLAN SMALL SCALE COMPREHENSIVE PLAN. THIS IS A SMALL SCALE COMPREHENSIVE PLAN AMENDMENT TO AMEND THE FUTURE LAND USE MAP (FLUM) FROM RURAL/SILVICULTURE (R/S) TO RURAL COMMERCIAL (RC). A COMPANION REZONING REQUEST WAS SUBMITTED CONCURRENTLY WITH THIS AMENDMENT. THE SUBJECT PROPERTY CONTAINS APPROXIMATELY 9.4 ACRES LOCATED AT CR 13 AND FLAGLER ESTATES BOULEVARD. THE EXISTING BUZZMART STORE IS ACCESSED FROM FLAGLER ESTATES BOULEVARD. THE PLANNED RV PARK IS PROPOSED TO ACCESS CR 13. STAFF FINDS THE RC FUTURE LAND USE DESIGNATION COMPATIBLE WITH THE AREA, AND SUBSTANTIALLY MEETS THE STATE COMPREHENSIVE PLAN, THE REGIONAL POLICY PLAN, THE COUNTY COMPREHENSIVE PLAN AND THE LAND DEVELOPMENT CODE. THIS FINDING IS SUBJECT TO OTHER EVIDENCE SUBMITTED AT THE PUBLIC HEARING. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL AT THEIR OCTOBER 15, 2009 PUBLIC HEARING WITH A 6-0 VOTE

Proof of publication of the notice of public hearing on CPASS 2008-02, Buzzmart Commercial, was received, having been published in *the St. Augustine Record* on November 16, 2009.

Teresa Bishop, Director Long Range Planning, said items 6 and 7 would be heard together. Sanchez said they would hear the items together but they would make separate motions. Bishop gave an overhead presentation explaining the details of the request. There was no ex parte communications declared by the Board. She reviewed the allowed uses for Rural Commercial. She said PZA recommended approval with a 6/0 vote at their October 15, 2009 meeting.

(11:03 a.m.) Karen Taylor, 77 Saragossa Street, said she represented the applicant, and Joyce DuPont was present. She gave an overview of the project. She said it was to get the Buzzmart into compliance, and to provide for additional commercial use at the site.

(11:06 a.m.) Stevenson asked staff about campground and RV parking space legislation that had recently been proposed by the State Legislature.

(11:07 a.m.) Konchan said she thought Stevenson was referring to a provision of Senate Bill 360, that said that parking within RV residential sites would need to be regulated, and it was linked to residential land use designation. She said she was not sure it would apply to commercial land use and would need to do further research. Konchan said it was adopted and approved within the Senate bill.

(11:09 a.m.) **Motion by Miner, seconded by Bryan, carried 5/0, to enact Ordinance No. 2009-56, known as CPA (SS) 2008-02, Buzzmart Commercial, amending the Future Land Use Map from Rural Silviculture (R/S) to Rural Commercial (RC), adopting findings of fact one through three to support the motion.**

ORDINANCE NO. 2009-56

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 (RS) TO RURAL COMMERCIAL (RC) FOR THE PROPERTY LOCATED APPROXIMATELY 7.5 MILES WEST OF THE INTERSECTION OF US 1 AND CR 204, AT CR 13 AND FLAGLER ESTATES BOULEVARD, CONTAINING APPROXIMATELY 9.4 ACRES; PROVIDING FOR FINDINGS OF FACT; FINDINGS OF CONSISTENCY; SEVERABILITY; AND AN EFFECTIVE DATE

(12/01/09 - 16 - 11:09 a.m.)

7. PUBLIC HEARING - REZ 2008-07, BUZZMART COMMERCIAL REZONING. THIS IS A REQUEST TO REZONE FROM OPEN RURAL (OR) TO COMMERCIAL RURAL (CR). THE APPLICANT PLANS TO EXPAND THE EXISTING BUZZMART AND DEVELOP 60 RECREATIONAL VEHICLE (RV) CAMPSITES AND ACCESSORY AMENITIES. A COMPANION SMALL SCALE COMPREHENSIVE PLAN AMENDMENT WAS SUBMITTED CONCURRENTLY WITH THIS AMENDMENT. THE SUBJECT PROPERTY CONTAINS APPROXIMATELY 9.4 ACRES LOCATED AT CR 13 AND FLAGLER ESTATES BOULEVARD. THE EXISTING BUZZMART STORE IS ACCESSED FROM FLAGLER ESTATES BOULEVARD. THE PLANNED RV PARK IS PROPOSED TO ACCESS CR 13. STAFF FINDS THE CR ZONING COMPATIBLE WITH THE AREA AND SUBSTANTIALLY MEETS THE REQUIREMENTS OF THE COMPREHENSIVE PLAN AND LAND DEVELOPMENT CODE. THIS FINDING IS BASED UPON THE SUBJECT PROPERTY BEING DEVELOPED WITH THE EXISTING BUZZMART, THE CR ZONING ALLOWING COMMERCIAL USES TO SERVE THE EXISTING COMMUNITY, THE APPLICATION MATERIALS SUBMITTED BY THE APPLICANT 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 AT THEIR OCTOBER 15, 2009 PUBLIC HEARING WITH A 5-1 VOTE

Proof of publication of the notice of public hearing on REZ 2008-07, Buzzmart Rezoning, was received, having been published in *the St. Augustine Record* on November 16, 2009.

(11:11 a.m.) **Motion by Bryan, seconded by Miner, carried 5/0, to enact Ordinance No. 2009-57, known as REZ 2008-07, Buzzmart Commercial, adopting findings of fact one through four to support the motion.**

ORDINANCE NO. 2009-57

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REZONING LANDS FROM OPEN RURAL (OR) TO COMMERCIAL RURAL (CR); INCLUDING FINDINGS OF FACT; REQUIRING RECORDATION AND PROVIDING AN EFFECTIVE DATE

(12/01/09 - 17 - 11:11 a.m.)

8. PUBLIC HEARING - PRD 2007-06, THE PRESERVE AT EAGLE COVE. THIS IS A REQUEST TO REZONE FROM OPEN RURAL (OR) TO PLANNED RURAL DEVELOPMENT (PRD). SUBJECT PROPERTY IS LOCATED WITHIN RURAL SILVICULTURE FUTURE LAND USE. REQUEST IS FOR 28 SINGLE FAMILY UNITS ON 140 ACRES. THE PLANNING DIVISION FINDS THE REQUEST TO REZONE TO PLANNED RURAL DEVELOPMENT (PRD), SUBSTANTIALLY MEETS THE REQUIREMENTS OF THE COMPREHENSIVE PLAN AND THE LAND DEVELOPMENT CODE. THIS FINDING IS BASED UPON THE FOLLOWING INFORMATION: CONSISTENCY WITH RURAL SILVICULTURE LAND USE CATEGORY, CONSISTENCY WITH SURROUNDING USES, THE APPLICATION MATERIALS AS SUBMITTED BY THE APPLICANT, 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, INCLUDING THE THREE WAIVERS, AT THEIR OCTOBER 1ST MEETING BY A VOTE OF 7 TO 0. SINCE THE PLANNING AND ZONING AGENCY MEETING, THE REQUIREMENT FOR PRDS TO PROVIDE A 200' BUFFER FROM ADJACENT LAND USES, HAS BEEN DISCUSSED

Proof of publication of the notice of public hearing on PRD 2007-06, Preserve Reschedule HG to December 1, was received, having been published in *The St. Augustine Record* on November 16, 2009.

(11:11 a.m.) Michael Blackford, Planning and Zoning Manger, gave an overhead presentation explaining the details of the request. He said there were three waivers requested and explained: Unified Sign Plan, Habitat Management for Bald eagles and upland buffers to be maintained in natural vegetative conditions to allow for lot stabilizations of certain lots. He said staff had no objection to the waivers. He discussed the reserve areas and their proposed uses. He reviewed staff recommendations, and noted that the PZA had recommended approval, including the three waivers, at their October 1st meeting by a vote of 7/0.

(11:20 a.m.) Sanchez declared ex parte with the applicant, Miner met with the applicant, Stevenson said she and Sanchez had attended the community meeting and she had contact with the applicant's attorney.

(11:21 a.m.) Ellen Whitmer, 1178 Natures Hammock Rd. South, Fruitcove, spoke on behalf of the William Bartram Scenic & Historic Highway Corridor Management Council, and read a letter from Al Abbatiello, Chairman of the Management Council (Exhibit A). He asked that the applicant work in conjunction with the William Bartram Scenic Highway Organization in relation to their Scenic Highway Master Plan, and with their "viewshed" analysis, and expressed concern about the use of septic and wells so close to the St. Johns River.

Whitmer then spoke as a concerned citizen, and expressed concerns about environmental issues. She said with this project, and the maps that she had looked at, it did not appear to legally meet the requirements of a PRD because State Road 13 bisected the property.

(11:26 a.m.) Whitehouse clarified that a road could divide the property and meet PRD requirements.

(11:26 a.m.) Kathryn Whittington, 2945 Kings Road, St. Augustine, of Pappas Metcalf, said that a road could bisect a PRD, but there was no requirement for it to be one parcel, however that proposed parcel was one parcel. She gave a history of the project and said it was a straight rezoning which had been in the works for two and one half years. She reviewed the ecological issues and what they had developed to provide protection for all those natural features. She addressed concerns from Mr. Abbatiello's letter regarding water and sewer hookups, and stated they were exempt from that as all their lots were in excess of one acre. She said the applicant was willing to hook up to potable water lines when they became available. She said that with regard to septic tanks, the applicant was willing to use advanced on-site systems for any systems within 100 feet of the river.

(11:32 a.m.) Miner said this was one of the better projects he had seen and explained. He said it was low density, provided for gopher tortoise protection, eagle nest protection, and the canopy protection plan.

(11:33 a.m.) Sanchez said he understood the lots would be sold and encouraged the opportunity for local contractors and builders.

(11:33 a.m.) Bryan said he wanted to insure that local builders would have the opportunity to build on those lots. Whittington said that was the plan. Bryan said he wanted to make sure that run off problems would not be a part of this project. Whittington said it had been reviewed by Water Management. He said he agreed it was a great project.

(11:35 a.m.) **Motion by Stevenson, seconded by Miner, carried 5/0, to enact Ordinance No. 2009-58, known as PRD 2007-6, adopting findings of fact one through seven to support the motion.**

ORDINANCE NO. 2009-58

AN ORDINANCE OF THE COUNTY OF ST. JOHNS,
STATE OF FLORIDA, REZONING LANDS AS
DESCRIBED HEREINAFTER FROM OPEN RURAL (OR)
TO PLANNED RURAL DEVELOPMENT (PRD)

PROVIDING FINDINGS OF FACT; PROVIDING A SAVINGS CLAUSE; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE

(12/01/09 - 19 - 11:36 a.m.)
COMMISSIONERS' REPORTS

Commissioner Stevenson:

Stevenson commented on the Rails to Trails support letter and discussion ensued with Mays saying he had spoken to Thrasher about it.

(11:38 a.m.) Commissioner Mays:

Mays said they had continued with the Regional Transportation Authority (RTA) explanatory meetings for a potential seven county region, regarding the governance of the Board. He noted the next day's meeting was very important.

(11:38 a.m.) Commissioner Bryan:

Bryan said he was looking forward to getting the census project kicked off. He said he had just gotten a call from Professor Driscoll at Flagler College and they were working on the survey for health related issues for funding for the sewer systems in West Augustine. He noted the results were being compiled and the marketing plan was being developed. He congratulated Miner and his wife on their wedding last Saturday, and added that it was a fantastic ceremony held at the St. Johns River.

(11:40 a.m.) Commissioner Miner:

Miner thanked the Board and staff for helping out while he was "soldiering". He said he had been in Savannah for a quick honeymoon, and Savannah was a great example of balancing industry and tourism.

(11:41 a.m.) Commissioner Sanchez:

Sanchez said letters had come in regarding comments for the funding of two rescue boats. He said the BCC was not responsible for that purchase, but he saw it as a good thing.

(12/01/09 - 19 - 11:41 a.m.)
COUNTY ADMINISTRATOR'S REPORT

Wanchick spoke about Dr. Clauser making a presentation on Agricultural. He said there was an analysis done, and there was an opportunity to take it to the next level. *The Board granted consensus to take it further.* Wanchick said he had a meeting next Tuesday to discuss economic development with professors from the University of North Florida Business School and said they might want to enter into an agreement with them as well. He said at the next meeting there would be an ordinance on the 4th cent TDC tax, horseback riding on the beach, extending the alcohol serving time and extending the historic preservation date from 5 to 10 years.

(12/01/09 - 19 - 11:43 a.m.)
COUNTY ATTORNEY'S REPORT

McCormack said on December 16 at 2:30 p.m., he would be hosting a workshop pertaining to the HOA "Sunshine" issues, and then would bring back an ordinance

change to the Board. He said it was not required that commissioners attend, but he wanted to make them aware of it.

(12/01/09 - 20 - 11:45 a.m.)
CLERK OF COURT'S REPORT

There was no report.

With there being no further business to come before the Board, the meeting adjourned at 11:46 a.m.

REPORTS:

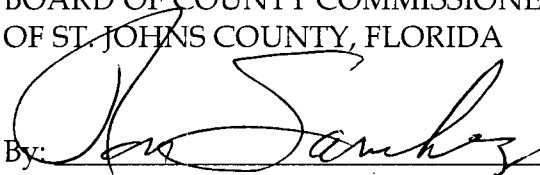
1. St. Johns County Board of County Commissioners Check Register, Check No. 448387 through 448633, totaling \$789,317.78 (11/17/09)

CORRESPONDENCE:

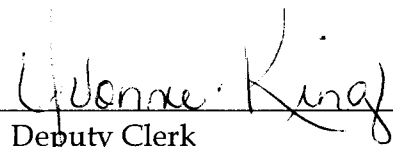
1. Letter dated November 10, 2009, from Liz Cloud, Program Administrator, regarding signatures being received from new Chair Ron Sanchez and new Vice Chair Ken Bryan.
2. Letter dated November 20, 2009, to Liz Cloud, Program Administrator, regarding filing St. Johns County Ordinances Number 2009-49 through 2009-54.

Approved _____ December 15 _____, 2009

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: 
Ron Sanchez, Chairman

ATTEST: CHERYL STRICKLAND, CLERK

By: 
Deputy Clerk

