

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
JANUARY 19, 2010
(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,
 Ray Quinn, District 3
 Phillip Mays, District 4
 Michael D. Wanchick, County Administrator
 Patrick McCormack, County Attorney
 Pam Halterman, Deputy Clerk

(01/19/10 - 1 - 9:00 a.m.)
CALL TO ORDER

Sanchez called the meeting to order.

(01/19/10 - 1 - 9:00 a.m.)
ROLL CALL

Sanchez stated that all five Commissioners were present.

(01/19/10 - 1 - 9:00 a.m.)

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

(01/19/10 - 1 - 9:01 a.m.)
PUBLIC OFFICIAL BOND AND OATH OF OFFICE FOR COMMISSIONER RAY A. QUINN:

(9:02 a.m.) **Motion by Stevenson, seconded by Mays, carried 4/0, to approve the Public Official Bond for Commissioner Ray A. Quinn, effective January 4, 2010.**

(9:04 a.m.) The Board recessed to await the arrival of Judge Wolfe. The meeting resumed at 9:06 a.m.

Oath of Office for Commissioner Ray A. Quinn by the Honorable Clyde E. Wolfe, St. Johns County Judge of the Seventh Judicial Circuit.

(9:06 a.m.) The Honorable Clyde E. Wolfe gave the Oath of Office to Ray A. Quinn. Quinn thanked Judge Wolfe for being at the meeting, and then introduced his family members who were present. He also recognized friends and others who had traveled to be present for the swearing in ceremony.

(01/19/10 - 1 - 9:10 a.m.)
DELETIONS TO CONSENT AGENDA
There were none.

Hunt clarified that there were two separate Resolutions for Consent Item No. 20.

(01/19/10 - 2 - 9:11 a.m.)

APPROVAL OF CONSENT AGENDA

Motion by Mays, seconded by Bryan, carried 5/0, to approve the Consent Agenda.

1. Approval of the Cash Requirement Report
2. Sheriff Bonds
 - Remove: Virginia Garrett
 - Remove: William Petitt
 - Remove: Robert Terry
 - Remove: Joyce Whitlock
 - Remove: Michael Bianchetti
 - Remove: Mark Darby
 - Remove: Michael Bowman
 - Remove: Paul M. Robinson
 - Remove: Heather Tanner
 - Remove: Katie Wiggins
 - Name Change: Barbara Fiveash changed to Barbara Fertig
3. Minutes: Regular Meeting December 15, 2009
4. Motion to adopt **Resolution No. 2010-1**, accepting the terms of a Lease Extension for space from the Town of Hastings in the Historical Hastings High School to St. Johns County for the St. Johns County Hastings Branch Tax Collector's Office, and authorizing the County Administrator, or designee, to accept and execute the Lease

RESOLUTION NO. 2010-1

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING THE TERMS OF THIS LEASE EXTENSION FOR SPACE FROM THE TOWN OF HASTINGS IN THE HISTORICAL HASTINGS HIGH SCHOOL TO ST. JOHNS COUNTY FOR THE ST. JOHNS COUNTY HASTINGS BRANCH TAX COLLECTOR'S OFFICE AUTHORIZING THE COUNTY ADMINISTRATOR OR DESIGNEE, TO ACCEPT AND EXECUTE THE LEASE

5. Motion to adopt **Resolution No. 2010-2**, accepting a Quit Claim Deed from Cypress Lakes Development, Inc. to St. Johns County conveying a strip of land adjacent to the County Golf Course

RESOLUTION NO. 2010-2

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING A QUIT CLAIM DEED FROM CYPRESS LAKES DEVELOPMENT, INC. TO ST. JOHNS COUNTY CONVEYING A STRIP OF LAND ADJACENT TO THE COUNTY GOLF COURSE

6. Motion to adopt **Resolution No. 2010-3**, designating a twenty foot strip along Old Moultrie Road as additional right of way which will be used for construction of a turn lane into the St. Johns County Transit Facility

RESOLUTION NO. 2010-3

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, DESIGNATING A TWENTY FOOT STRIP ALONG OLD MOULTRIE ROAD AS ADDITIONAL RIGHT-OF-WAY WHICH WILL BE USED FOR CONSTRUCTION OF A TURN LANE INTO THE ST. JOHNS COUNTY TRANSIT FACILITY

7. Motion to adopt **Resolution No. 2010-4**, approving the terms and authorizing the County Administrator, or designee, to execute a Purchase and Sale Agreement for property needed for drainage improvements in the West Augustine/Duval and St. Johns Street Project

RESOLUTION NO. 2010-4

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 DRAINAGE IMPROVEMENTS IN THE WEST ST. AUGUSTINE AREA

8. Motion to adopt **Resolution No. 2010-5**, accepting a Bill of Sale for the Regional Pump Station upgrade for Coquina Crossing Subdivision

RESOLUTION NO. 2010-5

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING A BILL OF SALE FOR THE REGIONAL PUMP STATION UPGRADE IN COQUINA CROSSING SUBDIVISION LOCATED OFF STATE ROAD 207

9. Motion to adopt **Resolution No. 2010-6**, accepting a Temporary Construction Easement for construction of drainage improvements along North Roscoe Boulevard in Ponte Vedra

RESOLUTION NO. 2010-6

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING A TEMPORARY CONSTRUCTION EASEMENT FOR CONSTRUCTION OF DRAINAGE IMPROVEMENTS ALONG NORTH ROSCOE BOULEVARD IN PONTE VEDRA

10. Motion to adopt **Resolution No. 2010-7**, approving the terms and authorizing the County Administrator, or designee, to execute a Purchase and Sale Agreement for property needed for drainage improvements in the West St. Augustine/Duval and St. Johns Street Project

RESOLUTION NO. 2010-7

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 DRAINAGE IMPROVEMENTS IN THE WEST ST. AUGUSTINE AREA

11. Motion to adopt **Resolution No. 2010-8**, accepting an Easement for Utilities for water service, an Easement for Access to Shores Village and a Bill of Sale conveying all personal property associated with the water system

RESOLUTION NO. 2010-8

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING AN EASEMENT FOR UTILITIES FOR WATER SERVICE, AN EASEMENT FOR ACCESS TO SHORES VILLAGE AND ACCEPTING A BILL OF SALE CONVEYING ALL PERSONAL PROPERTY ASSOCIATED WITH THE WATER SYSTEM

12. Motion to adopt **Resolution No. 2010-9**, accepting a Special Warranty Deed from Key, LLC conveying additional right of way to St. Johns County for road improvements at the southeast intersection of State Road 207 and State Road 312

RESOLUTION NO. 2010-9

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING A SPECIAL WARRANTY DEED FROM KEY, LLC CONVEYING ADDITIONAL RIGHT-OF-WAY TO ST. JOHNS COUNTY FOR ROAD IMPROVEMENTS AT THE SOUTHEAST INTERSECTION OF STATE ROAD 207 AND STATE ROAD 312

13. Motion to adopt **Resolution No. 2010-10**, approving the terms and authorizing the Environmental Division to continue to proceed with a grant application through the Florida Energy and Climate Commission for up to \$1,240,000 to implement the St. Johns County energy conservation projects

RESOLUTION NO. 2010-10

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO SUBMIT AN APPLICATION SEEKING FUNDING ASSISTANCE FROM THE FLORIDA

**ENERGY AND CLIMATE COMMISSION TO
ESTABLISH AND IMPLEMENT THE ST. JOHNS
COUNTY PROJECTS FOR ENERGY EFFICIENCY AND
CONSERVATION**

14. Motion to approve a Position transfer and related salary and benefits budget transfer of an Inspector I position from Development Review (0018) to Environmental (0104), pursuant to Administrative Code Section 410.3.3. There is no salary increase associated with this transfer
15. Motion to approve a Position transfer and related salary and benefits budget transfer of a Technician III position from Development Review (0018) to Code Enforcement (0043) as a Code Enforcement Officer I position, pursuant to Administrative Code Section 410.3.3. There is no salary increase associated with this transfer
16. Motion to adopt **Resolution No. 2010-11**, for the development of landscape plans, planting and establishment of landscaping around the banks of select storm water treatment ponds with Florida Friendly landscaping and authorizing the County Administrator, or designee, to execute task orders and agreements as necessary to complete the task, and Motion to approve the Transfer and expenditure from the Tree Bank Fund of \$15,000 from Capital Outlay Reserves (1231-59927) to Improvements Other Than Buildings (1231-56301)

RESOLUTION NO. 2010-11

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING AND AUTHORIZING THE TRANSFER OF FUNDING FROM THE TREE BANK FUND RESERVES TO FUND ST. JOHNS COUNTY COMPLEX LOW IMPACT DEVELOPMENT POND DEMONSTRATION PROJECT PERTAINING TO THE DEVELOPMENT OF CONSTRUCTION PLANS, CONSTRUCTION ACTIVITIES AND MAINTENANCE DURING THE ESTABLISHMENT PERIOD; AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO EXECUTE ANY DOCUMENTS ASSOCIATED WITH THE DEMONSTRATION PROJECT; PROVIDING AN EFFECTIVE DATE

17. Motion to adopt **Resolution No. 2010-12**, approving, in substantially the form presented, the terms, provisions, conditions, and requirements of the Memorandum of Agreement (FPN 428309-1-52-01; FED No. ARRA 604 B) between the Board of County Commissioner of St. Johns County, Florida, and the State of Florida Department of Transportation regarding Resurfacing County Road 13B/Fruit Cove Road from State Road 13 to State Road 13 and authorizing the County Administrator, or designee, to execute the Agreement, on behalf of the County

RESOLUTION NO. 2010-12

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING AND AUTHORIZING THE EXECUTION OF A MEMORANDUM OF AGREEMENT BETWEEN

**THE STATE OF FLORIDA DEPARTMENT OF
TRANSPORTATION AND ST. JOHNS COUNTY
PERTAINING TO THE RESURFACING CR 13B/FRUIT
COVE ROAD FROM SR 13 TO SR 13; PROVIDING
DIRECTIONS; AND PROVIDING AN EFFECTIVE DATE**

18. Motion to adopt **Resolution No. 2010-13**, approving, in substantially the form presented, the terms, provisions, conditions, and requirements of the Memorandum of Agreement (FPN 428306-1-52-01; FED No. ARRA 602 B) between the Board of County Commissioners of St. Johns County, Florida, and the State of Florida Department of Transportation, regarding County Road 214 over Interstate 95 Bridge Rail Replacement and authorizing the County Administrator, or designee, to execute the Agreement, on behalf of the County

RESOLUTION NO. 2010-13

**A RESOLUTION BY THE BOARD OF COUNTY
COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA,
APPROVING AND AUTHORIZING THE EXECUTION
OF A MEMORANDUM OF AGREEMENT BETWEEN
THE STATE OF FLORIDA DEPARTMENT OF
TRANSPORTATION AND ST. JOHNS COUNTY
PERTAINING TO THE CONSTRUCTION OF CR 214
OVER INTERSTATE 95 BRIDGE RAIL REPLACEMENT;
PROVIDING DIRECTIONS; AND PROVIDING AN
EFFECTIVE DATE**

19. Motion to adopt **Resolution No. 2010-14**, approving, in substantially the form presented, the terms, provisions, conditions, and requirements of the Memorandum of Agreement (FPN 428303-1-52-01; FED No. ARRA 598 B) between the Board of County Commissioners of St. Johns County, Florida, and the State of Florida Department of Transportation regarding resurfacing Old Dixie Highway from State Road 207 to State Road 312 and authorizing the County Administrator, or designee, to execute the Agreement, on behalf of the County

RESOLUTION NO. 2010-14

**A RESOLUTION BY THE BOARD OF COUNTY
COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA,
APPROVING AND AUTHORIZING THE EXECUTION
OF A MEMORANDUM OF AGREEMENT BETWEEN
THE STATE OF FLORIDA DEPARTMENT OF
TRANSPORTATION AND ST. JOHNS COUNTY
PERTAINING TO THE RESURFACING OF OLD DIXIE
HIGHWAY FROM SR 312 TO SR 207; PROVIDING
DIRECTIONS; AND PROVIDING AN EFFECTIVE DATE**

20. Motion to adopt **Resolution No. 2010-15 and Resolution No. 2010-16**, authorizing the County Administrator to negotiate and execute a contract on behalf of St. Johns County, Florida, approving the terms, conditions, provision, and requirements of a Franchise Extension Agreement for the Collection and Transportation of Residential Solid Waste for the northern area of St. Johns County with Seaboard Waste Systems

RESOLUTION NO. 2010-15

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, CONDITIONS, AND PROVISIONS OF A SETTLEMENT AND RELEASE AGREEMENT BETWEEN ST. JOHNS COUNTY, FLORIDA, AND REPUBLIC SERVICES OF FLORIDA, LIMITED PARTNERSHIP, A DELAWARE LIMITED PARTNERSHIP D/B/A SEABOARD WASTE SYSTEMS; AND AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO EXECUTE THE SETTLEMENT AND RELEASE AGREEMENT, ON BEHALF OF ST. JOHNS COUNTY

RESOLUTION NO. 2010-16

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 REPUBLIC SERVICES OF FLORIDA, A DELAWARE LIMITED PARTNERSHIP D/B/A SEABOARD WASTE SYSTEMS ("SEABOARD") 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

21. Motion to approve the transfer of \$125,341 from CBC Residential Group Care for the new Diversion Program in Health and Human Services Department Community Based Care and to add three (3) new full time positions within Community Based Care Department: 1 Team Leader (pay 122), 1 Behavior Analyst (Pay 120), and 1 Therapist IV (Pay 120). The positions are funded 100% through the State of Florida
22. Motion to adopt **Resolution No. 2010-17**, approving the issuance by Florida Authority of Bonds and approving the operation of the Brevard County Housing Finance Authority in the territorial boundaries of St. Johns County

RESOLUTION NO. 2010-17

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE ISSUANCE BY THE BREVARD COUNTY HOUSING FINANCE AUTHORITY, INDIVIDUALLY, OR JOINTLY WITH ANOTHER FLORIDA HOUSING FINANCE AUTHORITY, OR SOLELY BY SUCH OTHER FLORIDA HOUSING FINANCE AUTHORITY OF NOT TO EXCEED \$50,000,000 SINGLE FAMILY MORTGAGE REVENUE BONDS, TO BE ISSUED FOR THE PRINCIPAL PURPOSE OF FINANCING THE PURCHASE OF SINGLE-FAMILY,

OWNER-OCCUPIED HOMES FOR PERSONS OF MODERATE, MIDDLE OR LESSER INCOME WITH SAID AUTHORITY'S AREA OF OPERATION, INCLUDING ST. JOHNS COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE

23. Motion to approve the transfer of \$49,500 to the Health & Human Services Maintenance Department to fund an unanticipated chiller repair
24. Motion to adopt **Resolution No. 2010-18**, approving the terms of an Interlocal Agreement between St. Johns County and the City of Jacksonville authorizing the Chair to execute the Interlocal Agreement on behalf of the County. The Interlocal Agreement is for equipment to assist with the Urban Area Security Initiative

RESOLUTION NO. 2010-18

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS OF AN INTERLOCAL AGREEMENT BETWEEN ST. JOHNS COUNTY, FLORIDA, AND THE CITY OF JACKSONVILLE, IN ORDER TO OBTAIN EQUIPMENT PURCHASED WITH FEDERAL GRANT MONEY FOR THE BENEFIT OF THE PUBLIC; AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, TO EXECUTE THE INTERLOCAL AGREEMENT ON BEHALF OF THE COUNTY; AND INSTRUCTING THE CLERK OF THE CIRCUIT COURT TO FILE THE INTERLOCAL AGREEMENT IN THE PUBLIC RECORDS OF ST. JOHNS COUNTY

25. Motion to approve a transfer in the amount of \$158,000 from Law Enforcement Impact Fee Reserves to Building Improvements to complete the Jail Expansion Project
26. Motion to authorize the County Administrator, or his designee, Award Bid #10-26 West Augustine Park Phase II (adjacent to Solomon Calhoun Community Center) to B & B of Duval Companies, for a Total Lump Sum Bid Amount of \$676,213.00, and negotiate a contract for same
27. Motion to adopt **Resolution No. 2010-19**, approving the terms and authorizing the County Administrator or designee to execute the Lease Agreement between St. Johns County and Tenant for a mobile home located on Palmo Fish Camp Road, on behalf of the County

RESOLUTION NO. 2010-19

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 THE LEASE AGREEMENT BETWEEN ST. JOHNS COUNTY AND TENANT FOR A MOBILE HOME LOCATED ON PALMO FISH CAMP ROAD, ON BEHALF OF THE COUNTY

28. Motion to authorize the County Administrator, or his designee, to negotiate contractual and financial terms of an agreement implementing a meter change out program with JCI, Inc in the newly acquired Ponte Vedra Service area
29. Motion to authorize the County Administrator, or his designee, to negotiate with and enter into contract with the top ten (10) ranked firms for Small Scale Recreation Projects. If an agreement cannot be reached with one or more of the top ten (10) ranked firms, authorization is requested to begin negotiations with the next ranked respondent and continue until an agreement is reached with ten (10) respondents
30. Motion to authorize the attached list of items as transfer items and authorize the County Administrator, or his designee, to transfer the same to the Visitors & Convention Bureau in accordance with Purchasing Policy 308 and Florida Statue 274
31. Motion to adopt **Resolution No. 2010-20**, approving the terms, authorizing the execution by the County Administrator, or designee, of a Termination Agreement between St. Johns County and Alltel Communications, LLC d/b/a Verizon Wireless, which will terminate a tower communications site agreement between St. Johns County and Verizon Wireless

RESOLUTION NO. 2010-20

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, AUTHORIZING THE EXECUTION BY THE COUNTY ADMINISTRATOR, OR DESIGNEE, OF A TERMINATION AGREEMENT BETWEEN ST. JOHNS COUNTY, FLORIDA, AND ALLTEL COMMUNICATIONS, LLC D/B/A VERIZON WIRELESS, WHICH WILL TERMINATE A TOWER COMMUNICATIONS SITE AGREEMENT BETWEEN ST. JOHNS COUNTY AND VERIZON WIRELESS

32. Proofs:
 - a. Proofs: Notice of Public Hearing on December 15, 2009 to Amend Ordinance No. 97-61, published December 11, 2009 in the Ponte Vedra Recorder
 - b. Proofs: Notice of Special Informational Workshop by County Attorney on December 16, 2009, published December 4, 2009 and December 11, 2009 in the Ponte Vedra Recorder
 - c. Proofs: Notice to Bidders, Bid No. 10-29, published December 12, 2009 in the Ponte Vedra Recorder
 - d. Proofs: Notice to Bidders, Bid No. 10-30, published December 12, 2009 in the Ponte Vedra Recorder
 - e. Proofs: Notice to Bidders, Bid No. 10-32, published December 11, 2009 in the Ponte Vedra Recorder
 - f. Proofs. Certificate of Liability Insurance, Kinsey Contractors, Inc., P.O. Box 4276, Tallahassee, FL 32315
 - g. Proofs: Notice of Canceled Regular Meeting of January 5, 2010, published December 18, 2009, in the St. Augustine Record
 - h. Proofs: Notice to Bidders, Bid No. 10-32, published December 10, 2009 and December 17, 2009 in the St. Augustine Record

- i. Proofs: Notice to Bidders, Bid No. 10-30, published December 9, 2009 and December 16, 2009 in the St. Augustine Record
- j. Proofs: Notice to Bidders, Bid No. 10-29, published December 9, 2009 and December 16, 2009 in the St. Augustine Record
- k. Proofs: Notice of Public Hearing on December 15, 2009 Amending Ordinance 97-61, published December 4, 2009 in the St. Augustine Record
- l. Proofs: Request for Proposals, RFP 10-27, published November 27, 2009 and December 4, 2009 in the St. Augustine Record
- m. Proofs: Notice to Bidders, Bid No. 10-24, published November 27, 2009 and December 4, 2009 in the St. Augustine Record
- n. Proofs: Notice to Bidders, Bid No. 10-28, published November 26, 2009 and December 3, 2009 in the St. Augustine Record
- o. Proofs: Notice of Special Meeting of Evaluation Committee for RFP No. 10-02, published November 21, 2009 in the St. Augustine Record
- p. Proofs: Notice to Bidders, Bid No. 10-35, published December 25, 2009 and January 1, 2010 in the St. Augustine Record
- q. Proofs: Notice of Special Informational Workshop by County Attorney, published December 5, 2009 in St. Augustine Record
- r. Proofs: Request for Proposals, RFP 10-27, published December 4, 2009 in the Ponte Vedra Recorder
- s. Proofs: Notice to Bidders, Bid No. 10-24, published December 4, 2009 in the Ponte Vedra Recorder
- t. Proofs: Notice of Public Hearing on December 15, 2009 to temporarily amend Ordinance No. 90-48, published December 4, 2009 in the Ponte Vedra Recorder
- u. Proofs: Notice of Public Hearing on December 15, 2009 for Ordinance Regulating Equine Riding on Beach, published December 4, 2009 in the Ponte Vedra Recorder
- v. Proofs: Notice of Public Hearing on December 15, 2009 for Local Option Tourist Development Act Ordinance, published December 4, 2009 in the Ponte Vedra Recorder

(01/19/10 - 10 - 9:12 a.m.)
PUBLIC COMMENT

Al Sesona, 394 North Blvd., spoke in opposition to the proposed airport lighting system to be added at the St. Augustine Airport.

(9:16 a.m.) Ellen Whitmer, 1178 Natures Hammock Road South, objected to a merger between two districts; Split Pine Community Development District and the Tolomato Community Development District. She maintained it would be inconsistent with State law and the St. Johns County Comprehensive Land Plan. She said it would result in a merger of Jacksonville with St. Johns County, and asked the Board to intervene or make some kind of comment on the record.

(9:20 a.m.) Sam Schlegel, 131 Bob White Road, St. Augustine South, said he was Pastor of the Church at Vilano and stated they met regularly for worship at the North Shores Community Center on Meadow Avenue. He noted that they owned the house directly across from the Community Center, and there was a special use permit for that house, granted by the PZA in July of 2006 which was upheld in February of 2007. He said work had been halted, by the County, on the project due to a time overrun. He asked the Board to encourage County staff to pursue the issue as quickly as possible so they could resolve the issue and move ahead.

(9:24 a.m.) McCormack stated that Rev. Schlegel had properly submitted a vesting equitable estoppel application, which had been reviewed by staff. He said community input had been provided the past Monday and he said Rev. Schlegel should have a decision on the issue in the very near future.

(9:25 a.m.) B. J. Kalaidi, 8 Newcomb Street, spoke on County budget cuts and City of St. Augustine increased spending, and asked for a comparison of the 2009 and 2010 budgets. She also asked that they cut off the hours for drinking back to 1:00 a.m. She thanked Deputies Emert and Carroll for their assistance on January 11, 2009 at the party where alcohol was being served to under aged participants.

(9:28 a.m.) Colleen Wood, 1540 Ansley Place, St. Johns, asked the Board to consider the future needs of the northwest for a community center.

(9:30 a.m.) Bruce Kendeigh, 240 Redfish Creek Drive, spoke on the potential airport expansion and the \$15 million to be spent. He stated that the residents of the area would like their opinions of the impacts on habitat to be included in the professional and environmental impact studies. (Exhibit A) He said they counted; they lived there, and their property values were threatened by the project.

(01/19/10 - 11 - 9:35 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

Bryan asked to add the TDC fourth penny Bed Tax allocation and the VCB contract as Item No. 9 on the regular agenda.

(01/19/10 - 11 - 9:37 a.m.)

APPROVAL OF REGULAR AGENDA

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

Convene as Community Redevelopment Agency

(01/19/10 - 11 - 9:38 a.m.)

1. CONSIDER A RESOLUTION APPROVING THE TRANSFER OF EXCESS PROJECT FUNDS FROM THE ST. JOHNS COUNTY COMMUNITY REDEVELOPMENT AGENCY REDEVELOPMENT REVENUE AND REFUNDING NOTE (FLAGLER ESTATES PROJECT), SERIES 2007, TO THE ASSOCIATED SINKING FUND TO BE APPLIED TO THE PAYMENT OF PRINCIPAL AND INTEREST ON THE NOTE

Tom Crawford, Director of Housing and Community Services, reviewed the item, and said it pertained to road improvements in Flagler Estates. He said the action would enable Finance and OMB to put excess funds from the project towards the debt service.

(9:39 a.m.) Motion by Mays, seconded by Bryan, carried 5/0, to adopt CRA Resolution 2010-1, approving the transfer of excess project funds from the St. Johns County Community Redevelopment Agency Redevelopment Revenue and Refunding Note (Flagler Estates Project), Series 2007, to the associated Sinking Fund to be applied to the payment of principal and interest on the Note.

CRA RESOLUTION NO. 2010-1

A RESOLUTION OF THE ST. JOHNS COUNTY COMMUNITY REDEVELOPMENT AGENCY APPROVING THE TRANSFER OF EXCESS PROJECT FUNDS FROM THE ST. JOHNS COUNTY COMMUNITY REDEVELOPMENT AGENCY REDEVELOPMENT REVENUE AND REFUNDING NOTE (FLAGLER ESTATES PROJECT), SERIES 2007, TO THE ASSOCIATED SINKING FUND TO BE APPLIED TO THE PAYMENT OF PRINCIPAL AND INTEREST ON THE NOTE

(9:40 a.m.) *Reconvened as the Board of County Commissioners*

(01/19/10 - 12 - 9:40 a.m.)

2. REPORT ON THE 2025 COMPREHENSIVE PLAN UPDATE BASED UPON THE EVALUATION AND APPRAISAL REPORT (EAR). THIS IS A PRESENTATION OF A REPORT OF THE 2025 COMPREHENSIVE PLAN UPDATE BASED UPON THE EVALUATION AND APPRAISAL REPORT (EAR). STAFF ANTICIPATES A RECOMMENDATION BY THE PLANNING AND ZONING AGENCY IN FEBRUARY, WITH A BOARD HEARING IN MARCH TO TRANSMIT THE 2025 COMPREHENSIVE PLAN UPDATE TO THE DEPARTMENT OF COMMUNITY AFFAIRS (DCA). DCA HAS SIXTY (60) DAYS TO REVIEW AND ISSUE AN OBJECTIVES, RECOMMENDATIONS AND COMMENTS REPORT (ORC); THE COUNTY HAS UP TO 120 DAYS TO ADDRESS ANY OBJECTIONS AND RECOMMENDATIONS MADE IN THE ORC REPORT, AND ADOPT THE 2025 COMPREHENSIVE PLAN UPDATE

Teresa Bishop, Long Range Planning Director, reviewed the item and gave an update of the Comprehensive Plan. She noted that they had been in the process of amending the plan since the Evaluation and Appraisal Report (EAR) had been returned from DCA with no comments. She said they had several workshops with the PZA and they had heard the Housing element, the Infrastructure element, the Coastal Management and Conservation elements and the Recreation and Open Space element. She said the PZA was reviewing those elements at their regular meetings. She stated the remaining elements were the Transportation element, the Future Land Use element (to PZA of February 4), and Capital Improvements and Intergovernmental Coordination (on Thursday or February 4). She said the transmittal recommendation from the PZA would be made on February 18, and it would then be presented to the BCC on March 16 for a recommendation of transmittal. She said there would still be time for the Board to express comments. She added that when it came back to the County, the County then had 120 days to adopt the amendments and that would complete the 2025 Comprehensive Plan. Sanchez noted that there would be plenty of time for the Board to review the plan and call Bishop between now and the end of March for clarification.

(9:45 a.m.) Susan Konchan, Planning Director, stated that the EAR called upon the County to look at its policies on Planned Rural Developments and suggested that they follow the principles of Randall Arendt, who wrote *Rural by Design*, in looking at those policies. She stated he would be present at the County on February 8, and there would be a workshop with him, co-sponsored by the Florida Association of Professional Planners and the FPZA Zoning Administrators. She said she hoped the Commission would be able to attend, as well as the PZA members.

(01/19/10 - 13 - 9:48 a.m.)

District 2

3. PUBLIC HEARING - FNZVAR 2009-01 DAYCARE/STATE ROAD 16 - FIRE NON-ZONING VARIANCE. THIS APPLICATION IS A FIRE SERVICES NON-ZONING VARIANCE TO SECTION 6.03.02.C.1, TO SEEK RELIEF FROM THE REQUIREMENT TO PROVIDE A PRESSURIZED FIRE HYDRANT CONNECTED TO ST. JOHNS COUNTY UTILITY'S WATER MAIN, WITH THE CONDITION(S) RECOMMENDED BY STAFF. THE APPLICANT HAS AGREED TO INSTALL AN AUTOMATIC FIRE SPRINKLER SYSTEM IN ACCORDANCE WITH NFPA 13 AS ALTERNATE FIRE PROTECTION, WHICH IS ACCEPTABLE TO THE FIRE MARSHAL'S OFFICE. THE FIRE MARSHAL'S OFFICE FINDS THE REQUEST FOR A FIRE SERVICES NON-ZONING VARIANCE TO SECTION 6.03.02.C.1 MEETS THE REST OF THE LAND DEVELOPMENT CODE, SPECIFICALLY SECTION 10.04.03.B. THIS FINDING IS BASED UPON THE FOLLOWING INFORMATION: THE APPLICATION MATERIALS (INCLUDING THE STATEMENT OF FACTS) AND OTHER RELEVANT INFORMATION AVAILABLE TO STAFF. THIS FINDING MAY BE SUBJECT TO ANY OTHER COMPETENT SUBSTANTIAL EVIDENCE THAT MAY BE RECEIVED AT THE QUASI-JUDICIAL PUBLIC HEARING

Proof of publication of the notice of public hearing regarding FNZVAR 2009-01, Daycare/State Road 16-Fire Non-Zoning Variance, was received, having been published in *The St. Augustine Record* on January 4, 2010.

Stephanie Murray, Fire Marshall's Office, reviewed the item and explained the proposed automatic fire sprinkler system. She stated that the proposed NFPA 13 system would save lives and protect the building as well. Bryan asked about a fire evacuation plan. Murray responded that there was one as well as a fire alarm. Mays questioned whether a reliable water source existed. Murray responded that it would be an elevated tank which would keep the system pressurized. She stated it would be monitored and if the water fell below a certain level, an alarm would be set off and the tank would have to be filled to the appropriate level. Stevenson asked what the primary water source would be. Murray said the tank would be designed to provide enough water, per the design of the sprinkler system, to contain a fire and would not be used for anything else.

(9:54 a.m.) William Alahouzos, 3825 S. Francis Rd., spoke on the non zoning variance, Section 10.04.03.B regarding congestion and property values. He asked what studies had been done in that regard. Sanchez said it still had to go through the Development process to get everything approved. Konchan affirmed that to be correct and stated the Daycare use was a use permitted by right in that zone district. Sanchez said there would be opportunity for his input during the next phase of the process.

(9:57 a.m.) Motion by Bryan, seconded by Mays, carried 5/0, to approve Fire Services Non-Zoning Variance FNZVAR 2009-01, adopting findings of fact 1 through 6 to support the motion.

(01/19/10 - 13 - 9:58 a.m.)

District 2

4. PUBLIC HEARING - PUD 2009-02 PACETTI ROAD PLAZA - PLANNED UNIT DEVELOPMENT. THIS IS A REQUEST TO REZONE FROM OPEN RURAL (OR) TO PLANNED UNIT DEVELOPMENT (PUD). THE SUBJECT PROPERTY IS APPROXIMATELY 5.95 ACRES IN SIZE AND IS LOCATED AT THE SOUTHWEST CORNER OF THE PACETTI ROAD AND MEADOWLARK LANE INTERSECTION, AND THE REQUEST IS FOR 32,308 SQUARE FEET OF OFFICE AND COMMERCIAL USE. THE PLANNING DIVISION FINDS THE

REQUEST TO REZONE TO PUD SUBSTANTIALLY MEETS THE REQUIREMENTS OF THE COMPREHENSIVE PLAN AND THE LAND DEVELOPMENT CODE. THIS FINDING IS BASED UPON THE FOLLOWING INFORMATION: THE APPLICATION MATERIALS AS SUBMITTED BY THE APPLICANT, THE LOCATION OF THE PROPERTY WITHIN RESIDENTIAL-A LAND USE, AND OTHER RELEVANT INFORMATION AVAILABLE TO STAFF. THIS FINDING MAY BE SUBJECT TO OTHER COMPETENT SUBSTANTIAL EVIDENCE RECEIVED AT THE QUASI-JUDICIAL PUBLIC HEARING. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS REQUEST AT THEIR NOVEMBER 19, 2009 MEETING BY A VOTE OF 6/0

Proof of publication of the notice of public hearing for PUD 2009-02, Pacetti Road Plaza, was received, having been published in *The St. Augustine Record* on January 4, 2010.

Michael Roberson, Planner I, Growth Management, reviewed the item, the proposed uses and staff comments. He gave an overhead presentation (Exhibit A) which further illustrated the layout of the proposed site.

(10:04 a.m.) Sanchez disclosed ex parte communication with Karen Taylor and the owner regarding the project. Bryan disclosed ex parte with Taylor regarding the project. Mays disclosed ex parte with Taylor and the applicant relating to the project. Stevenson disclosed ex parte communication with Taylor and discussed the layout, road improvements in the area, and compatibility with adjacent neighbors. Quinn disclosed ex parte with Taylor and the applicant and discussed all the items that staff had presented and the length of time it had taken to get the project to that point.

(10:05 a.m.) Karen Taylor, 77 Saragossa Street, stated she was there to answer any questions the Board might have. She noted that Allen Suggs, the applicant, was also present. Stevenson sought clarification that the runs for the animals would be inside. Taylor said that was correct.

(10:06 a.m.) **Motion by Stevenson, seconded by Mays, carried 5/0, to enact Ordinance No. 2010-1, known as PUD 2009-2, adopting findings of fact 1 through 7 to support the motion.**

ORDINANCE NUMBER 2010-1

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

The Board recessed at 10:07 a.m. and returned at 10:24 a.m.

(01/19/10 - 14 - 10:24 a.m.)

District 5

5. PUBLIC HEARING VTCNZV 2009-01 VILANO BEACH TOWN CENTER NON ZONING VARIANCE. THIS IS A REQUEST FOR A NON-ZONING VARIANCE (VBTCNZV) TO PORTIONS OF SECTION 3.10 (VILANO BEACH TOWN CENTER OVERLAY DISTRICT) IN ORDER TO ALLOW FOR A PROPOSED DEVELOPMENT CONSISTING OF 43,000 SQUARE

FEET OF RETAIL SPACE AND 26 MULTI-FAMILY UNITS. THE PROJECT SITE IS LOCATED ROUGHLY BETWEEN COASTAL HIGHWAY, VILANO ROAD, AND POPLAR AVENUE. THE NORTH COASTAL DESIGN REVIEW BOARD (DRB) MADE A RECOMMENDATION ON ITEMS 1-10 OF THE STAFF REPORT ON DECEMBER 16, 2009. AT THAT MEETING THE DRB RECOMMENDED APPROVAL OF THIS REQUEST BY A VOTE OF 3/0. THE DRB WILL RECOMMEND ITEMS 11-12 AT THEIR JANUARY 13, 2010 MEETING AND THE INFORMATION WILL BE RELAYED TO THE BOARD OF COUNTY COMMISSIONERS AT A LATER DATE

Proof of publication of the notice of public hearing for VBTCNZV 2009-01, Vilano Beach Town Center Non Zoning Variance, was received, having been published in *The St. Augustine Record* on January 4, 2010.

Michael Blackford, Planner, Growth Management Division, reviewed the item and noted details of the Vilano Beach Town Center project. He said it involved 12 separate non-zoning variances to portions of Section 3.10, Vilano Beach Town Center Overlay District. He noted that it would allow a mixed use commercial project of just over 43,000 square feet and a multi-family project with 26 units. He noted that part of the commercial project would include a grocery store. He reviewed the variance requests, including signage, building heights, design and architectural features, and setbacks. He stated that staff recommended approval of the non zoning variances. He said the North Coastal Design Review Board had reviewed the application in mid-December and had unanimously recommended approval of all the variances, but had recommended twenty-four inches for signage for buildings B, C, and D. He asked that be included in any motion the Board might make. He said the applicant had a very detailed presentation.

(10:30 a.m.) Ex parte communication was disclosed by Sanchez with Taylor, Ms. Browning and the applicants and they reviewed the proposed plan and all the items just presented by Blackford. Stevenson disclosed ex parte with Taylor and the applicants in the early stages when drawings were not completed, and they discussed styles, meeting with the community, and lowering the height. Mays disclosed ex parte communication with Taylor and the applicants regarding the project. Bryan said he spoke with Taylor and the applicant and attended a meeting at Vilano Beach regarding the project. Quinn said he spoke with Ms. Browning and with the applicants and the architects for the project and got an overview of the project.

(10:31 a.m.) Karen Taylor, 77 Saragossa Street, said that the code was related to the main street small type of businesses, the signage sizes and the amount of glass. She said they had tried to incorporate as much as they could into the larger size grocery store portion of the project. She said the non zoning variances had been requested to accommodate that.

(10:33 a.m.) Bob Bentz, Vilano Town Center Partners, 2101 Centrepark West Dr., Suite 100, West Palm Beach, FL, and introduced partner Joe Lelonek, and Tom Flemming from Regency Centers. He gave a PowerPoint presentation (Exhibit A), and reviewed some of the previous projects his group had developed. He gave a brief overview of the status of the project, and reviewed the key elements of the project in detail. He noted that the 29,000 square foot grocery store was dominant on the site, with three additional key buildings, approximately 14,000 square feet, which were small retail tenants. He added there were also 26 residential units which would be constructed during Phase Two. He noted the style was a blend of Art Deco and Florida Vernacular. He stated that the goal was to make it not look like a shopping center with differing architectural treatments. He reviewed the non zoning variances. Bryan asked about the signage.

Bentz responded that the only large sign was the one on the grocery store with the name of the grocery store, food, and pharmacy. He said signage for the other stores would be smaller as the North Coastal Design Board had requested that they make the signs no higher than two feet with specified exceptions. Mays asked about the architectural designs and how they could be sure that what had been presented was what the Board would see upon completion. Blackford responded that it was contingent on the site plan, and could be part of the motion to include the renderings that had been provided that day. Blackford said it would be addressed specifically in the motion. Mays cautioned they needed to deal with esthetics very carefully. Taylor added that because of the Overlay, the architectural requirements were very specifically outlined and any deviations would have to go through the Design Review Board for review and then back to the BCC for approval.

(10:49 a.m.) Mays asked for Tom Flemming to come forward and asked what his involvement was with the project. Flemming stated they were a part of the team and were working with anchor stores. He said he could not give them an announcement until contracts were signed, but progress was being made in that endeavor.

(10:50 a.m.) Stevenson asked about the height of the signs. Taylor said the code required signs at a 3 foot height along Vilano Road, and allowed for 60 percent of the frontage, which the Design Review Board felt was too much, and only 6 square feet of signage on the back of the building. She said the non-zoning variance was asking to put the same sizes on the front and backs of the buildings. She said the signage would be the same and the two foot signage would be a foot less than the code allowed, and that was the way the proposal was written. She noted that the grocery store was different and explained. Mays suggested that Blackford check with legal on the esthetics and the 24 months required for the project. Blackford said that the signage was not in the staff report and said it should be included in the motion. Bentz said they would like to see the time extended to 36 months from 24 months if possible, because of the current economic climate. Mays said all they had to do was pull a permit within 24 months, not actually build it, and he wanted the timeframe to remain at 24 months. Stevenson clarified that the applicants were asking for 36 months. Denson said they would like to break ground within one year, but they understood how long it took to get leases signed and everything completed and would like 36 months. Stevenson said she would have no objection to allowing 36 months. Fleming said that even in the best of times building such projects was an 18 to 24 months preliminary process. He said they still had issues which needed to be resolved and it would be in everyone's best interest to allow 36 months. Blackford said they typically looked for an expiration date on any type request for having an issue resolved in a timely manner. He said a Special Use Permit, which was similar, typically was a one year process. He said it was not written in stone that it was a two year time frame. Bryan suggested that they extend an additional six months, from 24 to 30 months in order to compromise. Bentz said that was fine, and cited examples where the timeframe was extensive. He said they were just trying to provide a buffer. He said they were committed to the project and wanted it built soon like everyone else.

(11:02 a.m.) Richard Orsteen, 3815 Wahoo Dr., Vilano Beach, Design Review Board member, voiced concern about the 3 foot sign height, and each sign would have to come back before their DRB for approval. He said he hoped their approval of 24 inches would be very specific for the smaller buildings.

(11:05 a.m.) Vivian Browning, 115 Vilano Road, Chair Vilano Main Street Project, spoke in favor of the project and urged the Board to approve the non zoning variances.

(11:09 a.m.) Sacha Martin, 133 Coastal Hollow Circle, President of North Shore Improvement Association, gave her credentials. She said she supported the project.

(11:12 a.m.) Ellen Whitmer, 1178 Natures Hammock Road, asked what utility would service the area. Wanchick stated that North Beach Utilities would provide service.

(11:13 a.m.) Stevenson acknowledged a number of individuals present who had worked diligently for a long time on the project and stated that the Board appreciated their hard work.

(11:15 a.m.) Taylor clarified the signage issue and said they were going to go with 2 feet but with the understanding that they could return to the DRB to make requests for logos which could not exceed 3 feet. She said she also wanted to clarify whether they were tying the 30 months to the construction plans or to the building permits. Sanchez responded that it was to the permits. She said it was fine to tie the elevations presented that day to the non zoning variances

(11:17 a.m.) **Motion by Bryan, seconded by Stevenson, to approve non-zoning variance application, known as VBTCNZV 2009-01, adopting findings of fact 1 through 6 to support the motion with the condition of the project adhering to the particular site plan as presented, adhering to the site plan esthetics as reasonably determined by the County Administrator, maximum signage of 24 inches not to exceed 36 on the structure, and a 30 month building permit..** Discussion ensued regarding the length of time allowed for the building permit. McCormack suggested that the minutes should reflect that the applicant can return to the Board to request an extension of time, should the 30 months specified not be enough time, and the whole non zoning variance application would not be necessary. Whitehouse added that there could be a nominal fee involved for a staff review, and if there were numerous changes they might have to go back through the review process. **Maker agreed, second agreed. Motion carried 5/0.**

(01/19/10 - 17 - 11:21 a.m.)

6. CONSIDER APPOINTMENTS TO THE PLANNING AND ZONING BOARD

Melissa Lundquist reviewed the item.

(11:24 a.m.) **Motion by Stevenson, seconded by Quinn, carried 5/0, to (re) appoint Brad Nelson to the Planning & Zoning Agency for a full four-year term scheduled to expire January 19, 2014.**

(01/19/10 - 17 - 11:26 a.m.)

7. CONSIDER APPOINTMENT TO THE NORTH FLORIDA TPO CITIZEN ADVISORY COMMITTEE

Melissa Lundquist reviewed this item, noted it was a TPO application, and that Mr. Abbatiello's application had been forwarded from the TPO. She said there was some question as to the representation on that board and how it was currently laid out. She said the at large member had currently been appointed by the BCC for the City of St. Augustine, since there had been no one interested from the City, and she was not aware whether the City wanted that person for their representative. She said there were four at large positions: three for St. Johns County and one for the City of St. Augustine. Stevenson spoke on other people being interested in that position, and that she had called the TPO to see if any applications had been received and whether the positions had been advertised. She said Marci Larson of the TPO said she would check on the applications and that it had not been advertised. Lundquist said the County had not

advertised for the position but would if the Board wanted. She said there had been some confusion between herself and Ms. Larson about advertising. She said she had spoken with Larson that morning and that she had been unable to find any applications. She explained that the application had to be filed with the TPO and then Ms. Larson would forward the applications to her. Lundquist said they would create a link with the TPO website for access to their application form. She clarified that there were four positions, but only one position was currently open. Sanchez suggested that since there was so much confusion, that the matter should be returned to the Board at a later date. *There was consensus to bring the matter back to the Board.* Lundquist said she would follow up with the City about their representation and would then advertise. She said she would also advise the TPO of the action they were taking.

(01/19/10 - 18 - 11:32 a.m.)

8. CONSIDER APPOINTMENT OF A ST. JOHNS COUNTY REPRESENTATIVE TO THE NORTHEAST FLORIDA COMMUNITY ACTION AGENCY

Melissa Lundquist, BCC Manager, reviewed the item for the Board and noted that Benjamin Coney had asked to be re-appointed to the agency as the St. Johns County representative. She added that Coney had been on the board for some time. Sanchez stated that Coney was very dedicated to the community.

(11:33 a.m.) **Motion by Bryan, seconded by Sanchez, carried 5/0, to reappoint Mr. Benjamin Coney as the St. Johns County representative on the Board of Directors of the Northeast Florida Community Action Agency.**

(01/19/10 - 18 - 11:33 a.m.)

9. FOURTH PENNY / TDC CONTRACT

Bryan spoke about the fourth penny not going into effect until July 2010. He noted that the TDC desired the Board to reaffirm the implementation and allocation of the fourth penny. He suggested that waiting until July to implement the fourth penny would financially and significantly harm those involved. He asked that the TDC contract also be implemented earlier than the July 2010 date. In response, Sanchez voiced that he had understood that the Board had voted to implement the tax but not how the funds would be spent. He noted that the issue on how to spend the funds would be brought back to the Board for discussion at a later date. Wanchick affirmed that staff would like to implement the fourth penny as soon as possible; however, if needed, the date of implementation could be accomplished following statutory compliance. He voiced that it was his understanding that the Board wanted to wait until the PGVA study was completed before making a final determination. Bryan questioned why it took the Board so much time to reaffirm the implementation. He pointed out that the Property Appraisers office was ready to begin implementation on January 1. Sanchez stated that the Board had not decided where or how to split the revenue. Discussion ensued between Bryan and Sanchez concerning the revenue. Wanchick explained that debt service administrative cost would come from the first three pennies. He acknowledged that the recommendation, at the time, was a split of 40%, 30%, and 30%. He stated that the Board could decide that day to split the funds as discussed; however, the fourth penny funds would be available for a period of time. He added that the County's costs would need to be covered. He affirmed that staff could accelerate the implementation date consistent with legislative requirements. Bryan said he had spoken with the Tax Collector to see what impact would be felt by his office. Bryan voiced that he would like to see the fourth penny move along sooner because of the current financial status of the County. Wanchick advised that two issues existed; one, to accelerate the collection of the fourth penny, and two, whether the Board wanted to wait for PGVA, or to split remaining funds for the new penny, 40%, 30%, and 30%. Wanchick clarified that the

remaining funds from the new penny would be split 40%, 30%, and 30%. Hunt commented that the Ordinance approved in December 2009 imposed a one cent bed tax. He advised that under the State statute, accelerating the time frame would place the date at April 1st. He stated that the ordinance would need to be amended, which would take two to three months. He voiced that the fourth cent had to be used in a certain way. Stevenson agreed that she expected the collection of the fourth penny to start much earlier than July 1st.

(11:49 a.m.) Mays stated that he did not want to approve the fund split without a plan. He said he was not waiting on the Master Plan and would like to move forward on the issue. Sanchez asked the Board whether a consensus of the board was to move forward. He noted that the issue would come before the Board in the future. Wanchick affirmed that the Board desired to split residual funds of the new penny 40%, 30%, and 30%. *Consensus of the Board was to move forward on the issue.*

(11:52 a.m.) McCormack stated that Hunt had a draft ordinance to move up the date and advertise the issue for the Board's February 2nd meeting. He suggested that the reconfiguration of the fourth penny might take more mechanics to work out. Hunt explained why the July 1st date had been used. Wanchick voiced that he was concerned about the perception that staff had somehow unduly delayed the item; however, legal issues had forced the July 1st date.

(11:57 a.m.) Phil McDaniel, 51 Water Street, said the TDC had reviewed the categories for the fourth penny and new definitions had been adopted by the TDC. Sanchez noted that the BCC had not approved the definitions, which would be necessary.

(11:59 am.) Stevenson suggested that an opportunity would come before the Board to determine the split of the new penny. Hunt explained the Board's options in splitting the fourth penny. Wanchick pointed out that the residual funds of the new penny would be split 40%, 30%, and 30%. Hunt noted that Categories 1, 2, and 3 definitions needed to be reviewed. Wanchick stated that staff had direction and would also review the definitions.

(12:02 p.m.) Bryan said he would like to see the TDC contract move forward. Charles Cox, Chairman VCB, 3689 Lone Wolf Trail, directed attention to Item 2B of the current TDC contract, which allowed the VCB to negotiate a contract with an advertising agency.

(12:04 p.m.) Don Wallace, 3425 Lands End Drive, legal counsel to the VCB, stated that the contract was ongoing with the County's legal staff. He voiced that an emergency interim measure was necessary under the current contract. He asked that the Board look ahead with them and wave the old contract but enter into a new contract, in order to move forward with obtaining marketing and advertising services from the vendor the VCB had selected. He noted that the VCB was not allowed to enter into a contract on its own. He confirmed that they wanted to begin a new contract that day. Bryan asked that County legal staff to be aware of any obstacles concerning the contract. McCormack reviewed the procedure for the Board to enter into a contract. He suggested that the Board could authorize the County Administrator to exercise paragraph 2B of the existing contract with the VCB, and enter into a contract directly with the chosen vendor. Cox gave a brief description of services and duration of the contract which would be eight months.

(12:13 p.m.) Motion by Stevenson, seconded by Mays, carried 5/0, for the Board to exercise Item 2B of the VCB contract to allow the VCB to contract directly, and for Legal and Administration to facilitate that, for the contract as described, in the

amount of approximately \$160,000.00 for an advertising agency contract for the duration of eight months.

Wallace clarified that the contract went beyond the stated amount of \$160,000.00 due to media placement.

(12:18 p.m.) Motion by Stevenson, seconded by Mays, carried 5/0, to amend the previous motion, to accept “and the related media to be purchased under the contract”, not to exceed \$800,000.00 in aggregate.

(12:19 p.m.) Commissioners will meet at noon with the Youth Leadership St. Johns Group for an Informational Overview to discuss the Governmental Operations of the County Commission.

Stevenson welcomed the Youth Leadership St. Johns Group

Kathy Mignerey explained the purpose of the youth group, and noted that day’s focus was on law and government. A question and answer session ensued between the Board and the Youth Group members.

(01/19/10 - 20 - 12:49 p.m.)
COMMISSIONERS’ REPORTS

Commissioner Stevenson:

No report.

(12:50 p.m.)
Commissioner Mays:

Mays acknowledged the tragic accident on 9A involving Deputy Anderson.

(12:50 p.m.)
Commissioner Bryan:

Bryan thanked Stevenson for bringing the Youth Leadership Group to the Board. He noted that the County would be assisting Senator Hill who had been involved in addressing supply relief for Haiti.

(12:51 p.m.)
Commissioner Quinn:

Quinn thanked each Commissioner for the warm welcome and also thanked the Administrator, County Attorney, and staff for their assistance.

(12:52 p.m.)
Commissioner Sanchez:

Sanchez voiced that he had enjoyed the dance presentation held in the rotunda earlier that day.

(01/19/10 - 20 - 12:53 p.m.)
COUNTY ADMINISTRATOR’S REPORT

Wanchick thanked the Dance Company performers for their presentation. He also thanked the Planning staff for the color, aerial photographs included in the agenda. He

noted that a March 4th, joint meeting with the School Board would occur at 9:00 a.m. Bryan voiced that he wanted to set a meeting with the City of St. Augustine Commission in the near future.

(01/19/10 - 21 - 12:55 p.m.)

COUNTY ATTORNEY'S REPORT

McCormack said he was touched by the performance and the public art display in the rotunda. He suggested that a public policy on receiving gifts be established by the County.

(12:57 p.m.) **Motion by Bryan, seconded by Sanchez, carried 5/0, to adjourn the meeting.**

With there being no further business to come before the Board, the meeting adjourned at 12:58 p.m.

REPORTS:

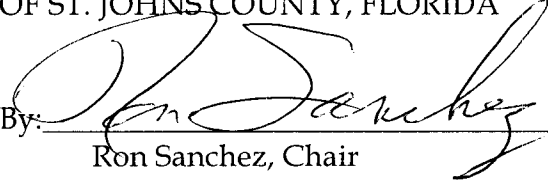
1. St. Johns County Board of County Commissioners Check Register, Check Nos. 449653 - 449875, totaling \$1,666,720.14 (12/15/09)
2. St. Johns County Board of County Commissioners Voucher Nos. 1040-1074 totaling \$221,603,48 (12/15/09)
3. St. Johns County Board of County Commissioners Check Register, Check Nos. 449876 - 449904, totaling \$59,154.98 (12/17/09)
4. St. Johns County Board of County Commissioners Check Register, Check Nos. 449905 - 450912, totaling \$1,324,124.22 (12/21/09)
5. St. Johns County Board of County Commissioners Voucher Nos. 1075-1124 totaling \$1,113,857.25 (12/21/09)
6. St. Johns County Board of County Commissioners Check Register, Check Nos. 450913 - 450204, totaling \$192,932.62 (12/22/09)
7. St. Johns County Board of County Commissioners Check Register, Check Nos. 450205 - 450338, totaling \$1,447,101.74 (12/29/09)
8. St. Johns County Board of County Commissioners Voucher Nos. 1125-1148 totaling \$178,378.91 (12/29/09)
9. St. Johns County Board of County Commissioners Check Register, Check Nos. 450339 - 450360, totaling \$33,493.94 (12/30/09)
10. St. Johns County Board of County Commissioners Check Register, Check Nos. 450361 - 450683, totaling \$1,227,150.26 (1/5/10)
11. St. Johns County Board of County Commissioners Voucher Nos. 1149-1196 totaling \$549,892.84 (1/5/10)
12. St. Johns County Board of County Commissioners Check Register, Check Nos. 450684 - 450688, totaling \$178,722.42 (1/7/10)
13. St. Johns County Board of County Commissioners Check Register, Check Nos. 450689 - 450872, totaling \$661,531.60 (1/12/10)
14. St. Johns County Board of County Commissioners Voucher Nos. 1197-1221 totaling \$123,000.67 (1/12/10)

CORRESPONDENCE:

1. Letter date December 16, 2009 to Liz Cloud, Program Administrator, regarding filing St. Johns County Ordinances Number 2009-59 through 2009-66.

Approved February 2, 2010

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: 
Ron Sanchez, Chair

ATTEST: CHERYL STRICKLAND, CLERK

By: 
Deputy Clerk

