

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
MARCH 16, 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
 Lenora Newsome, Deputy Clerk

(03/16/10 - 1 - 8:59 a.m.)
CALL TO ORDER

Sanchez called the meeting to order.

(03/16/10 - 1 - 8:59 a.m.)
ROLL CALL

Sanchez announced that all five commissioners were present.

(03/16/10 - 1 - 8:59 a.m.)
Sanchez gave the Invocation and Mays led the Pledge of Allegiance.

(03/16/10 - 1 - 9:00 a.m.)
PROCLAMATION DESIGNATING MAY 2010 AS MOTORCYCLE SAFETY
AWARENESS MONTH

Bryan announced the proclamation, asking Debi Alameda to come forward. It was read into the record by Karen Pan. Bryan commented that he was a motorcycle rider, and requested the public to be careful around motorcycle riders. He presented the proclamation to Alameda.

(03/16/10 - 1 - 9:06 a.m.)
ACCEPTANCE OF PROCLAMATIONS

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

(03/16/10 - 1 - 9:06 a.m.)
DELETIONS TO CONSENT AGENDA

Bryan requested to pull Consent Item 12 and add it to the Regular Agenda for discussion as Item 9a.

(03/16/10 - 1 - 9:07 a.m.)
APPROVAL OF CONSENT AGENDA

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

1. Approval of the Cash Requirement Report
2. Sheriff Bonds
Approve: Arthur Dyer
Jerome Gallegos-Bird
Theresa Martin
Margaret Morin
Ann Ostrom
Eugene Reineke
Patricia Vandermark
Name Change: Inez Timko changed to Inez Wilson
3. Minutes:
February 16, 2010 - Regular Meeting
March 2, 2010 - Regular Meeting
4. Motion to adopt **Resolution No. 2010-56**, approving the terms and authorizing the County Administrator or designee, to execute the License Agreement Extension of use of a portion of County right-of-way on Pope Road

RESOLUTION NO. 2010-56

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO EXECUTE A LICENSE AGREEMENT EXTENSION FOR USE OF A PORTION OF COUNTY RIGHT-OF-WAY ON POPE ROAD

5. Motion to adopt **Resolution No. 2010-57**, approving the terms and conditions of a Conservation Easement required for a five acre +/- wetland mitigation area and its associated upland buffer within certain County property known as "Turnbull Park" located off State Road 16 and authorizing the Board Chair to execute the Conservation Easement on behalf of the County

RESOLUTION NO. 2010-57

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND CONDITIONS OF A CONSERVATION EASEMENT REQUIRED FOR A FIVE ACRE WETLAND MITIGATION AREA AND ITS ASSOCIATED UPLAND BUFFER WITHIN CERTAIN COUNTY PROPERTY KNOWN AS "TURNBULL PARK" LOCATED OFF STATE ROAD 16, AND AUTHORIZING THE BOARD CHAIR TO EXECUTE THE CONSERVATION EASEMENT ON BEHALF OF THE COUNTY

6. Motion to adopt **Resolution No. 2010-58**, approving the terms and authorizing the County Administrator, or designee, to execute a certain Purchase and Sale

Agreement, and accept a Drainage Easement, for property required for Segment III of the Volusia Street/Four Mile Road Improvement Project

RESOLUTION NO. 2010-58

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 CERTAIN PURCHASE AND SALE AGREEMENT, AND ACCEPTING A DRAINAGE EASEMENT ALONG FOUR MILE ROAD AS PART OF SEGMENT III OF THE NORTH VOLUSIA STREET/FOUR MILE ROAD IMPROVEMENT PROJECT

7. Motion to adopt **Resolution No. 2010-59**, approving an amendment to the Tower Attachment Communications Site Agreement with Clearwire US, LLC to allow Clearwire to replace equipment and increase the rent paid to the County

RESOLUTION NO. 2010-59

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING THE TERMS OF AN AMENDMENT TO THE TOWER ATTACHMENT COMMUNICATIONS SITE AGREEMENT BETWEEN ST. JOHNS COUNTY, FLORIDA, AND CLEARWIRE US LLC, FOR PERMISSION TO REPLACE WIRELESS TELECOMMUNICATION EQUIPMENT ON THE COUNTY OWNED TOWER AT 5430 PALM VALLEY ROAD, AND AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO EXECUTE SAID AGREEMENT

8. Motion to adopt **Resolution No. 2010-60**, approving the terms and conditions of Joint Participation Agreement, FPN 418441-1-94-10, for purposes of receiving a State of Florida Public Transit Block Grant for \$227,000 and authorizing the Chairman of the Board of County Commissioners to execute the Agreement and authorize the County Administrator, or his designated representative, to execute other related documents and take any actions necessary in connection with the Joint Participation Agreement

RESOLUTION NO. 2010-60

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF A JOINT PARTICIPATION AGREEMENT BETWEEN THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AND THE FLORIDA DEPARTMENT OF TRANSPORTATION DESIGNATING ST. JOHNS COUNTY AS THE RECIPIENT OF A PUBLIC TRANSIT BLOCK GRANT (FINANCIAL PROJECT NUMBER 41844-1-94-10) IN THE AMOUNT OF \$227,000, AND AUTHORIZING THE

CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, TO EXECUTE THE JOINT PARTICIPATION AGREEMENT ON BEHALF OF THE COUNTY AND AUTHORIZE THEIR EXPENDITURE BY ST. JOHNS COUNTY

9. Motion to adopt **Resolution No. 2010-61**, approving the terms of a First Amendment of a March 27, 2003 County issued/granted Conditional Use Permit to the St. Augustine BMX Association, Incorporated, which permitted the operation of a bicycle motorcross (BMX) track at the Tillman Ridge Landfill, so as to allow assignment of the Conditional Use Permit, and authorizing the County Administrator, or designee, to execute the First Amendment on behalf of St. Johns County

RESOLUTION NO. 2010-61

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS OF A FIRST AMENDMENT OF A MARCH 27, 2003 COUNTY ISSUED/GRANTED CONDITIONAL USE PERMIT TO ST. AUGUSTINE BMX ASSOCIATION, INCORPORATED, WHICH PERMITTED THE OPERATION OF A BICYCLE MOTORCROSS (BMX) TRACK AT THE TILLMAN RIDGE LANDFILL, SO AS TO ALLOW ASSIGNMENT OF THE CONDITIONAL USE PERMIT, AND AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO EXECUTE THE FIRST AMENDMENT ON BEHALF OF THE COUNTY

RESOLUTION NO. 2010-62

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE ASSIGNMENT OF A COUNTY-ISSUED/GRANTED CONDITIONAL USE PERMIT, DATED MARCH 27, 2003, FROM ST. AUGUSTINE BMX ASSOCIATION, INCORPORATED, TO FIRST COAST BMX, INCORPORATED; AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO EXECUTE ANY DOCUMENTS NECESSARY OR ASSOCIATED WITH THE ASSIGNMENT; PROVIDING AN EFFECTIVE DATE FOR THE ASSIGNMENT

10. Motion to adopt **Resolution No. 2010-63**, implementing new and/or revised fees for services provided by the St. Johns County Growth Management Department

RESOLUTION NO. 2010-63

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

11. Motion to distribute the remaining balance in the Florida Arts License Plate Fund to the St. Johns Cultural Council as a one-time payment
12. Motion to authorize the County Administrator, or his designee, to enter into negotiations, and, if negotiations are successful, to enter into a contract with Giddens Security for Security Guard Staff as generally described in their proposal and the RFP documents. If negotiations fail with Giddens Security, authorization is requested to terminate negotiations with Giddens Security and begin negotiations with the No. 2 ranked firm, First Coast Security.
This item was pulled from the Consent Agenda and added to the Regular Agenda as Item 9a. (See page 29)
13. Motion to authorize the County Administrator, or his designee, to enter into a contract with ISS Facility Services, Inc., for Annual Hard-Surface Floor Maintenance at the SJC Judicial Center as described in the bid documents and proposal
14. Motion to authorize the County Administrator, or his designee, to enter into a contract with ISS Facility Services, Inc., for Annual Janitorial Services for the Ponte Vedra Courthouse Annex & Ponte Vedra Utility Administration Building, and Miracle Janitorial Service, Inc., for the Southeast and Julington Creek Courthouse Annexes as described in the bid proposal
15. Motion to approve a transfer in the amount of \$6,000 from General Fund Reserves (0083-59920) to Purchasing Software (0015-55102) and authorization to purchase and implement contract management software
16. Motion to authorize the County Administrator, or his designee, to negotiate with, and, if negotiations are successful, to enter into contract with the No. 1 ranked firm, Trane Building Systems, for analysis and recommendation for energy savings initiatives. If negotiations fail with the No. 1 ranked firm, authorization is requested to begin negotiations with the No. 2 ranked firm and so continue until an agreement is reached
17. Motion to adopt **Resolution No. 2010-64**, declaring the timber located on County property at 4545 SR 16, adjacent to the Turnbull Regional Off-Site Mitigation Area, as surplus, and authorize the County Administrator, or his designee, to sell the timber to the highest bidder

RESOLUTION NO. 2010-64

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, DECLARING TIMBER LOCATED ON A COUNTY OWNED PARCEL AS SURPLUS AND AUTHORIZING SALE OF THE TIMBER TO THE HIGHEST BIDDER PURSUANT THE PROVISIONS SET FORTH IN SECTION 125.35, FLORIDA STATUTES

18. Motion to adopt **Resolution No. 2010-65**, accepting the terms of the Agreement between the County and University of Florida Board of Trustees, for the Pediatric Integrated Care System to provide services for children with special health care needs, and authorizing the County Administrator to execute the Agreement on behalf of the County

RESOLUTION NO. 2010-65

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ON BEHALF OF THE ST. JOHNS COUNTY MENTAL HEALTH DEPARTMENT ACCEPTING THE AGREEMENT BETWEEN ST. JOHNS COUNTY AND THE UNIVERSITY OF FLORIDA BOARD OF TRUSTEES, FOR THE BENEFIT OF THE COLLEGE OF MEDICINE, UNIVERSITY OF FLORIDA (UNIVERSITY) AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE COUNTY

19. Motions to approve the transfer of \$87,984 from General Fund Reserves (0083-59920) to Community Based Care to meet the State's match requirement for FY 2010, and to adopt **Resolution No. 2010-66**, recognizing unanticipated revenue in amount of \$87,984 for FY 2010 and adjusting the Community Based Care Indirect Admin Costs (1401-53401-1475-53401) \$18,070 and Client Services (1401-55500-1485-55500) \$69,914. The net reimbursement for the central services cost for St. Johns County is \$141,119

RESOLUTION NO. 2010-66

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

20. Motions to adopt **Resolution No. 2010-67**, approving the terms, conditions, and requirements of Amendment #3 to the Community Based Care contract #NJ204 between St. Johns County, Florida and the State of Florida, Department of Children and Families, which increases the FY2009-10 contract amount by \$120,555, and authorizing the County Administrator, or designee, to execute Contract Amendment #3 on behalf of the County and to adopt **Resolution No. 2010-68**, approving the recognition of unanticipated revenue and allocation to the appropriate expenditure line

RESOLUTION NO. 2010-67

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AMENDING THE FISCAL YEAR 2010 COMMUNITY BASED CARE FUND TO RECEIVE UNANTICIPATED REVENUE AND AUTHORIZE ITS EXPENDITURE BY COMMUNITY BASED CARE

RESOLUTION NO. 2010-68

A RESOLUTION OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE COUNTY ADMINISTRATOR TO SIGN THE THIRD AMENDMENT TO THE CONTRACT NJ204 BETWEEN ST. JOHNS COUNTY

**COMMISSIONERS AND THE DEPARTMENT OF
CHILDREN AND FAMILIES**

21. Motion to adopt **Resolution No. 2010-69**, accepting the terms of the Fourth Amendment to the Florida Association of Counties Trust, recognizing the additional lines of insurance coverage available to St. Johns County and other Member Counties

RESOLUTION NO. 2010-69

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE REVISED TERMS OF THE FLORIDA ASSOCIATION OF COUNTIES TRUST (FACT) AGREEMENT, FOR THE PURPOSE OF INCREASING THE SCOPE OF INSURANCE SERVICES PROVIDED TO MEMBER COUNTIES

22. Motion to authorize the St. Johns County Public Library System to make application for the Library Services and Technology Act Grant, for expansion of the Library System's Extension Services (bookmobile)

RESOLUTION NO. 2010-70

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, ON BEHALF OF THE ST. JOHNS COUNTY PUBLIC LIBRARY SYSTEM, TO SUBMIT AN APPLICATION, AND ANY OTHER ASSOCIATED PAPERWORK FOR A LIBRARY SERVICES AND TECHNOLOGY ACT GRANT IN THE AMOUNT OF \$63,850 FROM THE FLORIDA DEPARTMENT OF STATE, DIVISION OF LIBRARY AND INFORMATION SERVICES

23. Motion to authorize the St. Johns County Public Library System to make application for the Library Services and Technology Act Grant, for the READ to Rover Program

RESOLUTION NO. 2010-71

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, ON BEHALF OF THE ST. JOHNS COUNTY PUBLIC LIBRARY SYSTEM, TO SUBMIT AN APPLICATION, AND ANY ASSOCIATED PAPERWORK, FOR A LIBRARY SERVICES AND TECHNOLOGY ACT GRANT, IN THE AMOUNT OF \$7,500 FROM THE FLORIDA DEPARTMENT OF STATE, DIVISION OF LIBRARY AND INFORMATION SERVICES

24. Motions to adopt **Resolution No. 2010-72**, authorizing the County Administrator, or designee, to execute a Memorandum of Understanding on behalf of St. Johns County; to adopt an Interlocal Agreement in order to provide

monetary assistance for the St. Johns County Waterway Addressing Project; and to adopt **Resolution No. 2010-73**, to receive unanticipated revenue of \$5,500 from the St. Augustine Port Waterway and Beach District for expenses for the 911 Emergency Response Signs on the beaches within the St. Augustine Port Waterway and Beach District

RESOLUTION NO. 2010-72

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF AN INTERLOCAL AGREEMENT BETWEEN ST. JOHNS COUNTY, FLORIDA, AND THE ST. AUGUSTINE PORT WATERWAY AND BEACH DISTRICT, CONCERNING A DONATION TO ST. JOHNS COUNTY FOR THE ST. JOHNS COUNTY WATERWAY ADDRESSING PROJECT, AND AUTHORIZING THE COUNTY ADMINISTRATOR OR DESIGNEE TO EXECUTE THE MEMORANDUM OF UNDERSTANDING, ON BEHALF OF ST. JOHNS COUNTY

RESOLUTION NO. 2010-73

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

25. Proofs:
- a. Proof: Notice to Bidders, Bid No. 10-50, published February 11, 2010, and February 18, 2010, in the St. Augustine Record
 - b. Proof: Notice to Bidders, Bid No. 10-51, published February 11, 2010, and February 18, 2010, in the St. Augustine Record
 - c. Proof: Request for Proposals, RFQ No. 10-40 for Temporary Staffing Services, published February 16, 2010, and February 23, 2010, in the St. Augustine Record
 - d. Proof: Notice of Public Hearing of the Board of Commissioners and of the Community Redevelopment Agency on March 2, 2010, published February 19, 2010, in the St. Augustine Record
 - e. Proof: Notice of Public Hearing of the Board of Commissioners and of the Community Redevelopment Agency on March 2, 2010, published February 19, 2010, in the Ponte Vedra Recorder

(03/16/10 - 8 - 9:08 a.m.)

PUBLIC COMMENT

Paras Desai, 715 Wooded Hamlet Court, stated that he was there that day based upon a negotiating settlement agreement that was entered into by the County Attorney and Ms. Stanish on March 10th. He asked the Board to ratify that document and allow him to move on. Sanchez said that the document was not an agenda item, and they would ask the Attorney to bring it to the next meeting. Desai stated that he understood that the agreement would be brought to the next available Board meeting, which was that day. He stated that the document was already signed by Counsel. McCormack stated,

in his opinion, that the agreement was a confidential document and he would caution reviewing it at that time. Sanchez stated that they were not going to deal with it that day. Desai said that he was giving them an option to ratify the document. Sanchez replied that ratification could be handled without it becoming a Board issue, and he ended the conversation. (EDITORIAL NOTE: Paras Desai submitted the document to the Clerk; it was determined that it was a confidential document. All inquires of the document are to be referred to the County Attorney.)

(9:11 a.m.) Patrick Hamilton, 201 Owens Avenue, spoke on seine netting operations; fishing by scraping the ocean floor at Crescent Beach. He asked the Board to pass a resolution, and ask the Fish and Wildlife Commission to stop seining on the beaches of St. Johns County.

(9:14 a.m.) Dennis Chipman, 5400 Atlantic View, stated that he supported Hamilton's comments. He spoke on fishermen running nets to catch fish, taking what they wanted and leaving the dead fish and trash.

(9:16 a.m.) John Barnes, 291 Cubbedge Road, spoke on fishermen being on the beach and destroying it.

(9:17 a.m.) Marcelle Matthaei, 6433 Madison Street, spoke about fishermen being on the beach and read a letter from someone who couldn't be at the meeting. She voiced concern regarding over-fishing, and not obeying driving speeds.

(9:19 a.m.) Carl Matthaei, 6433 Madison Street, stated that he was in favor of the resolution to support the Florida Food Freedom Act. He said that he was against the seining of fish on Crescent Beach.

(9:20 a.m.) Barbara Jenness, 313 Porpoise Point Drive, spoke on the fishermen net fishing on Crescent Beach. She stated that she was at the meeting, on behalf of the Friends of A1A Scenic and Historic Coastal Byway, regarding getting grants for the National Scenic Byways.

(9:23 a.m.) Vivian Browning, 30 Beachcomber Way, stated that she was in support of the above grant for the National Scenic Byway. She spoke on the Town Center and stated that from Ponte Vedra to Crescent Beach, there was no place in the County with an air conditioned usable space on the ocean for the public to use. Bryan asked the cost of the grant. Jenness responded that it was \$2,170,000, and the match was \$445,000. Bryan asked if public funding could be used as opposed to county funding. Wanchick replied that there was no prohibition if another party wanted to come forward and contribute to it. Bryan spoke on trying to find public funding.

(9:27 a.m.) Nancy Ranguette, 6864 W. Seacove Avenue, stated that she and her husband were commercial fishermen, and would like to protect the beach. She mentioned that fishing season was from September until April, with the peak of seining being in March and April. She spoke on having a beach seine permit for fishing. She said that the tourists enjoyed watching them seine fish. Stevenson mentioned that cars were not suppose to be used to haul the catch in. Discussion followed on seine fishing.

(9:34 a.m.) Jerry Blount, 135 Ford Street, spoke on having three lots on North Nassau and Railroad Street. He stated that the County used his property by digging a big, wide culvert in the middle of his three properties, which separated two of his properties. He asked the County to either buy it or cover the culvert back up so he could sell it. He said that he needed to talk to someone from the County regarding his property. Bryan suggested for Blount to talk to people at the County again and see what they could work out.

(9:38 a.m.) Quinn offered a comment relative to the issue of the seining on the beach. He said that he did research on the issue, and that there were many state laws that governed seining on the beach. He said he didn't think that they had the knowledge and understanding at the Board level to say that they could pass a resolution asking for a ban. He asked Wanchick to offer them some assistance in that area. Wanchick stated that they were hearing public comment on something that occurred on the beach, and no Commissioner had brought that issue before the Board formerly. He recommended directing the staff to work with the County Attorney's Office, perhaps the Sheriff's Office, to do some research, find out what their legal authority was, because it was heavily regulated by the State. He suggested letting them do some research on it and bring it back to the Board. Bryan stated that he agreed that it was something that they needed to address, because of the safety issue involved. Wanchick mentioned that there was no prescribed course of action at that time; it's simply that they would like staff to bring the Board back an analysis of the situation regarding the Board's legal authority, and possible alternatives. Mays mentioned that they needed to figure out what the laws were that governed that type of fishing, and make sure the Beach Patrol knew it, so they could start enforcing it. Wanchick stated that the Sheriff's Office had already been down on the beach and found no illegal activity. Stevenson said that she would like to know if there was any prohibition on using a vehicle to haul the nets in. She also asked them to look into whether fisheries were being monitored. Sanchez stated that they needed to ask staff to research it, and come back to the Board with the facts. Stevenson said that she was trying to make sure the Commission discussed both sides. Wanchick mentioned that the normal process would be, to ask staff to do the research, they would bring back some alternatives, and the Board would then give staff some direction.

(9:45 a.m.) Rick Burres, 3253 Calle Cortez, seine net fisherman, spoke on the size of their nets, fish migrating, and distributed a packet on forms they had to fill out regarding fishing, *Exhibit A*. He said that if they shut down St. Johns County, they were hurting the people in the county because surrounding counties would be catching the fish.

(9:47 a.m.) Mike Galvan, 2 Forrestall Circle, Atlantic Beach, Florida, spoke on catching fish, tourists enjoyed watching them catch the fish, and fish migrating. He said that they caught fish to survive and to feed their families. He mentioned that they pick up the trash, and clean up the beach because fishing was a privilege and a right.

(9:51 a.m.) Robert Vanlieu, 387 Varella Avenue, commercial fishermen, asked the Board not to take their jobs.

(03/16/10 - 11 - 9:52 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

Wanchick asked about direction for staff regarding the fishermen. Bryan asked for consensus from the Board for County Administration, and the Legal Department to work with the Sheriff to look into the issue and to come back with something at the next meeting. He asked that they make them more aware of the law, what was prohibited, what was allowed, and to have the Sheriff's Office look into whether they were using their vehicles and fishing on the weekends. *There was Board consensus.* Quinn requested for staff to communicate with the State as well as the Sheriff.

(9:53 a.m.) Wanchick requested to add the Temporary Psychiatric Services Contract for the Health and Human Services Department as Item 9b. Sanchez requested to add two support letters; Federal Appropriation for Community Coalition for Children's Services as Item 1a, and Florida's State Aid to Public Libraries Program as Item 1b.

(9:56 a.m.) Paras Desai asked to add his item, release of the CHR Agreement, as the last item on the Agenda. Sanchez responded that they were not going to hear his request that day, because there were too many things the Board was not familiar with and they didn't have the information they needed. Desai stated, as a matter of due process, he had a right to bring the matter forth and to have it heard in front of the Board. Sanchez said that Legal had been advised of the matter and understood what was going on.

(03/16/10 - 11 - 9:56 a.m.)

APPROVAL OF REGULAR AGENDA

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

(03/16/10 - 11 - 9:57 a.m.)

1. INFORMATIONAL UPDATE ON THE CLYDE E. LASSEN STATE VETERANS' NURSING HOME

Steve Murray, Communications Director, Florida Department of Veteran's Affairs, gave a presentation, *Exhibit A*. He gave a brief timeline. He introduced the first person hired, Mickey Carroll, Home Administrator. He stated, as far as admissions, applications would be accepted sometime later that year. He spoke on the wonderful partnership that they had with St. Johns County. He recognized several people who had been a big help. Bryan stated that he thought that was a fantastic facility that would service a lot of veterans, and a wonderful opportunity for the county, as far as employment. Stevenson said that this was a long project, that the County put resources into the project to make it work, and that it was the right place to serve veterans. Quinn stated that the Board wanted to express its gratitude to Murray and his staff for making them part of the team.

(03/16/10 - 11 - 10:07 a.m.)

1A. SUPPORT OF A FEDERAL APPROPRIATION FOR THE COMMUNITY COALITION FOR CHILDREN'S SERVICES

Sanchez asked the Board for their approval of sending out the support letter, *Exhibit A*. Stevenson clarified that it was a no match grant that was being pursued.

(10:07 a.m.) Sanchez asked, all in favor of consensus on sending the letter out, which carried 5/0.

(03/16/10 - 12 - 10:07 a.m.)

1B. SUPPORT OF FLORIDA'S STATE AID TO PUBLIC LIBRARIES PROGRAM

Sanchez asked the Board for their approval of sending out the support letter, *Exhibit A*. Bryan encouraged the public to send letters also. **Sanchez asked, all in favor of the motion on sending the letter out, which carried 5/0.**

(03/16/10 - 12 - 10:09 a.m.)

2. RESOLUTION IN SUPPORT OF THE FLORIDA FOOD FREEDOM ACT

Mays spoke on supporting the local farmers. Stevenson asked if that bill got a House companion. Mays replied that he didn't know if it was likely to pass that year, at that point, and he just wanted the Board to show support. Stevenson said that she was supportive of the intent. She said her sense of the bill was that there were some things that were problematic, and some things that were very desirable. She asked if there was any chance that some of that was going to be incorporated into legislation that

session. Mays replied, not unless they get a House sponsor or some compromise. Bryan mentioned that he totally supported it.

(10:14 a.m.) **Motion by Mays, seconded by Quinn, carried 5/0, to adopt Resolution No. 2010-74, in support of the Florida Food Freedom Act.**

RESOLUTION NO. 2010-74

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF SAINT JOHNS COUNTY, SUPPORTING THE FLORIDA FOOD FREEDOM ACT INTRODUCED BY SENATOR CAREY BAKER IN THE 2010 SESSION OF THE FLORIDA LEGISLATURE, REMOVING OVERLY BURDENSOME REGULATIONS FROM FLORIDA'S SMALL FARMS TO FACILITATE SALES OF WHOLESOME LOCAL GROWN FOOD PRODUCTS DIRECTLY TO LOCAL CONSUMERS, AND AUTHORIZING THE CHAIRPERSON OF THE BOARD OF COUNTY COMMISSIONERS TO SIGN ANY REQUIRED DOCUMENTS ON BEHALF OF THE COUNTY AS DETERMINED BY THE COUNTY ATTORNEY

(03/16/10 - 12 - 10:15 a.m.)

3. ST. JOHNS COUNTY U.S. CENSUS COMPLETE COUNT COMMITTEE STATUS REPORT

Suzanne Konchan, Growth Management Director, showed a short video clip, and gave a Power Point presentation, *Exhibit A*. Bryan mentioned that there was actually a \$5,000 fine for not returning the census form, but it had never really been imposed. He said you only needed to fill out one form. Stevenson thanked Bryan and staff for their hard work on that. She stated that there had been some criticism of advertising on the census. Wanchick mentioned the hard work done by everyone.

The meeting recessed at 10:23 a.m. and reconvened at 10:42 a.m.

(10:42 a.m.) Sanchez made a short comment regarding the next five Comp Plan Items. He stated that the public should pay close attention to them.

(03/16/10 - 13 - 10:44 a.m.)

District 2

4. PUBLIC HEARING - TRANSMITTAL HEARING - COMPREHENSIVE PLAN AMENDMENT 2006-06, CORDOVA PALMS. THIS REQUEST IS FOR THE TRANSMITTAL FOR A DRI RELATED COMPREHENSIVE PLAN AMENDMENT TO CHANGE THE 2015 ST. JOHNS COUNTY FUTURE LAND USE MAP (FLUM) FROM INDUSTRIAL TO RESIDENTIAL C AND INTENSIVE COMMERCIAL FOR APPROXIMATELY 382 ACRES OF LAND WITHIN ST. JOHNS COUNTY WEST OF US 1 NORTH AND BETWEEN BIG OAK ROAD AND INTERNATIONAL GOLF PARKWAY. THE AMENDMENT IS FOR 187 ACRES OF RESIDENTIAL C AND 195 ACRES OF INTENSIVE COMMERCIAL. IT IS RELATED TO THE CORDOVA PALMS DRI WHICH RECENTLY SUBMITTED A REVISED ADA FOR THE COUNTY AND EXTERNAL AGENCY REVIEW. AT THE FEBRUARY 18, 2010 PUBLIC HEARING, THE PLANNING AND ZONING AGENCY RECOMMENDED TRANSMITTAL BY A VOTE OF 6 TO 0

Proof of publication of the notice of public hearing, regarding COMPAMD 2006-06, Cordova Palms was received, having been published in *The St. Augustine Record* on March 1, 2010.

Jason Cleghorn, Planner, Growth Management Services, gave an overhead presentation, *Exhibit A*. He reviewed the maps of the proposed project and of the surrounding areas. He gave the details of the amendment and of what was being proposed for the project. He said the amendment had been in play since 2006, and had been reduced in size since that time from 581 acres to 382 acres. He reviewed the impacts on public facilities and services. He noted that no PUD was accompanying the application at that time. He said that staff believed that the location was appropriate and consistent with the surrounding area.

(10:49 a.m.) Don Smith, England, Timms, & Miller, 14775 Old St. Augustine Road, representing Flagler Development Group, gave an overhead presentation, *Exhibits B and C*. He said he would present both Cordova Palms DRI, Item 4, and Lemberg South, Item 5 together. He said that Flagler Development Group was primarily a developer of office and industrial parks; however they felt that Cordova Palms was a more appropriate residential development area. He reviewed some of the projects that Flagler Development Group had developed. He clarified that the application was filed by the Flagler Development Group and was in no way related to the St. Johns County airport. He reviewed the location of the Cordova Palms project. He said the SR 313 extension would have a major impact on the development. He said the Cordova Palms project could help to move the SR 313 project along. He noted that there were three applications in review; Cordova Palms DRI, Cordova Palms CPI and Lemberg South CPI. He reviewed the Cordova Palms DRI history. He said changes included: no new residential versus the current Comp Plan entitlement, increased commercial/office, and updated phasing for phase one from ending 2012 to ending 2015, and phase two would end 2020. He summarized the plan revisions. He then reviewed Lemberg South; changed from Residential B to Industrial, prohibiting residential within the Airport District Overlay and requiring buffering adjacent to the residential on the south and the east part of their border. He reviewed Development Plan & Phasing, Traffic Mitigation, and gave a summary. Stevenson asked about the commitment for the road being in the DRI. Smith replied yes, the specifics would be in the DRI Development Order. Stevenson spoke on getting the outcome for the County on the road and road right-of-way. She asked how far down the right-of-way would go. Smith replied, down to Woodlawn. Bryan asked what type of businesses they were expecting. Smith replied that it would be more retail than office. Bryan stated that they were interested in job development and asked how many lanes there would be on the roads. Smith replied that they would be building four lanes from US 1 to the interchange on their property, and a two-lane road from there down to Big Oak Road. Quinn asked about the plans that were submitted to Regional. Smith responded. Quinn asked about the responses back from the agencies. Smith responded.

(11:12 a.m.) Deborah Andrews, 11 North Roscoe Blvd., attorney representing Dr. Ferris George and Bruce Kendeigh, stated there were some serious concerns with a lot of components of the proposal. She asked the Board not to transmit it because of the requirements under the Growth Management Act. She said that they were not submitting data, they were just swapping it. She said there were a lot of issues and concerns raised. Stevenson spoke on the importance of the bypass. Andrew spoke on the five year improvement list. Mays spoke on alleviating traffic. Sanchez stated that it was planned way before their first DRI application. Andrews stated that if you looked at the documentation and the data, there was a serious question as to the calculation of the dollars that it would take, to actually construct the roads. She said that it should not be passed on for transmittal at that time because of the serious defects in the

application. Bryan spoke on not having all the information on the project and that it should be completed before it was transmitted. Quinn asked about old data being used. Cleghorn responded that they revised large portions of their data when they resubmitted their Comp Plan application. Quinn mentioned staff having conflicting issues and the data not being listed anywhere. Cleghorn stated that Andrew was referencing comments that were made originally, when the applications were submitted. He stated that they had signed off on the comments because of the discussions they had. Mays asked Lynn Pappas if she could give a quick overview following the legality of the process and the evaluation on the roads. Stevenson spoke on the uses that were removed and the basis that was used for removing those uses. Cleghorn responded, noise, smells and scents, things of that nature, that the Land Development Code stipulated.

(11:32 a.m.) Lynn Pappas, Pappas, Metcalf, Jenks, and Miller, 245 Riverside Avenue, Jacksonville, spoke on respect to the legality. She stated that they had to have two Comp Plan amendments for the one issue. She spoke on the issue of the road and evaluation. She stated that all the impacts had been taken care of. She said they would have to consider it all. She verified that they did update a very substantial amount of the analysis, and two completely new sets of information were submitted with both applications. Stevenson asked about Big Oak Road and public ownership. Darrell Locklear responded that the County owned part of it.

(11:38 a.m.) Malcolm Kingsley, 365 North Blvd., voiced concern that no one mentioned the 750 homes being built one mile north of the approach threshold to Runway 13 at the airport. He mentioned getting more and more complaints regarding the growth of the airport. Sanchez stated that the airport had agreed that there would be a form, letting people know that there was an airport close by, when they purchase a home in the subdivision. Kingsley responded, increase the growth of St. Augustine or slow the airport down. Sanchez stated that people who bought the property would understand that that there would be airport noise. Stevenson spoke on that piece of property being in one of the noise contours for the airport. Smith responded that a portion of the noise contour existing operations touches the very south end of the property. He stated that the residential that they were proposing was no where near that. He stated that they worked very closely with the airport to locate the residential where they had it that day, and the airport had expressed no opposition to the amendment. Stevenson spoke on building standards that suppressed noise. Smith stated that they were not in any crash zone, and that they met all of the airport setback requirements. Sanchez said that the Airport Board did not make any decision on that. Bryan spoke on workforce housing. Smith answered that they were checking with St. Johns County on what kind of housing would be located on the property.

(11:47 a.m.) George Cross, 273 Redfish Creek Drive, asked about the airport long term process. Sanchez said the airport people met with the people from the project and the County people, and everything had been worked out. Discussion followed on the extension of runways at the airport. Bryan asked staff to address the concerns of Cross.

(11:53 a.m.) Al Sesona, 394 North Blvd., stated that he probably lived the closest to the runway and had no complaints with the noise. He voiced his concerns. He asked if it was wise to see the project go forward.

(11:56 a.m.) Bruce Kendeigh, 240 Redfish Creek Drive, spoke on the airport's future plans. He spoke on property depreciating. Sanchez stated that the project in discussion had nothing to do with what the airport was doing.

(12:01 p.m.) Mays spoke on the area and what was happening in it. He stated that they were the economical guardians of the county. Stevenson said, at one point, that area was considered a good industrial area. Bryan stated that it met the threshold; however he still would like to have a little bit more information. He stated that the road would be a great asset, but there was no funding from DOT or the County in order to finish the road, so it was like a road going to nowhere without adequate funding. He said that it was not the time to present that project, and that he would not support it. Sanchez stated that if that part of the road was done, then there would be a push to finish making the connection. He said that it was a vital road to the St. Augustine area. Stevenson suggested looking at some of the complaints they were receiving in the sound contours. Sanchez stated that the airport had gone to a lot of trouble establishing a new system for calling into the airport to report problems.

(12:10 p.m.) *Motion by Stevenson, seconded by Mays, to approve transmittal of COMPAMD 2009-06, Lemberg South, adopting findings of fact 1 through 3 to support the motion. Stevenson withdrew her motion.*

(12:11 p.m.) Motion by Stevenson, seconded by Mays, carried 4/1 with Bryan opposed, to approve transmittal of COMPAMD 2006-06, Cordova Palms, adopting findings of fact 1 through 3 to support the motion.

(03/16/10 - 15 - 12:11 p.m.)

District 2

5. PUBLIC HEARING - TRANSMITTAL HEARING - COMPREHENSIVE PLAN AMENDMENT 2009-06, LEMBERG. THIS REQUEST IS FOR THE TRANSMITTAL FOR A COMPREHENSIVE PLAN AMENDMENT TO CHANGE THE 2015 ST. JOHNS COUNTY FUTURE LAND USE MAP (FLUM) FROM RESIDENTIAL B AND AIRPORT DISTRICT, TO INDUSTRIAL AND AIRPORT DISTRICT FOR APPROXIMATELY 516 ACRES OF LAND WITHIN ST. JOHNS COUNTY NORTH AND SOUTH OF BIG OAK ROAD AND WEST OF US 1 NORTH. THE AMENDMENT IS FOR 296 ACRES OF INDUSTRIAL AND 184 ACRES OF AIRPORT DISTRICT WITH 35 ACRES FOR RIGHT OF WAY. A COMPANION TEXT AMENDMENT PROPOSES TO ELIMINATE ALL RESIDENTIAL DEVELOPMENT RIGHTS ON THE SITE AND LIMIT FLOOR AREA BUILDOUT UNDER THE PROPOSED DESIGNATIONS. AT THE FEBRUARY 18, 2010 PUBLIC HEARING, THE PLANNING AND ZONING AGENCY RECOMMENDED TRANSMITTAL BY A VOTE OF 6 TO 0

Proof of publication of the notice of public hearing regarding COMPAMD 2009-06, Lemberg South was received, having been published in *The St. Augustine Record* on March 1, 2010.

(12:12 p.m.) Motion by Stevenson, seconded by Mays, carried 4/1 with Bryan opposed, to approve transmittal of COMPAMD 2009-06, Lemberg South, adopting findings of fact 1 through 3 to support the motion.

The meeting recessed for lunch at 12:12 p.m. and reconvened at 1:44 p.m.

Sanchez announced that Mays would be absent during the afternoon.

Stevenson welcomed Joe Pickens, President of St. Johns River Community College.

(03/16/10 - 16 - 1:44 p.m.)

District 1

6. PUBLIC HEARING - TRANSMITTAL HEARING - COMPREHENSIVE PLAN AMENDMENT 2009 05 SWITZERLAND. THIS REQUEST IS FOR THE TRANSMITTAL FOR A COMPREHENSIVE PLAN AMENDMENT TO

CHANGE THE 2015 ST. JOHNS COUNTY FUTURE LAND USE MAP (FLUM) FROM RURAL SILVICULTURE TO RESIDENTIAL B AND CONSERVATION FOR APPROXIMATELY 607 ACRES FOR LAND WITHIN ST. JOHNS COUNTY EAST OF STATE ROAD 13 AND SOUTH OF GREENBRIAR ROAD. THE AMENDMENT SEEKS STATUS AS AN AGRICULTURAL ENCLAVE WHICH REQUIRES TRANSMITTAL OF THE AMENDMENT TO DCA. RECENT DISCUSSION WITH DCA INDICATES THAT AMENDMENT DOES NOT QUALIFY AS AN AGRICULTURAL ENCLAVE GIVEN THE LACK OF 'EXISTING' DEVELOPMENT ALONG THE PROPERTY'S PERIMETER. STAFF FINDS THAT THE AMENDMENT HAS NOT DEMONSTRATED A NEED AND THAT TIMING FOR THE AMENDMENT IS POOR. THE EXISTING DESIGNATION PROVIDES AN OPPORTUNITY FOR THE PROPERTY OWNER TO PURSUE A PLANNED RURAL DEVELOPMENT OF APPROXIMATELY 120 LOTS, WHICH IF APPROPRIATELY DESIGNED WILL PROVIDE A DENSITY AND FORM VERY SIMILAR TO SURROUNDING LANDS. AT THE FEBRUARY 18TH PUBLIC HEARING, THE PLANNING AND ZONING AGENCY RECOMMENDED TRANSMITTAL BY A VOTE OF 5-1. THE PZA DID NOT HAVE THE LATEST INFORMATION REGARDING THE SITE'S POSSIBLE DISQUALIFICATION AS AN AGRICULTURE ENCLAVE

Proof of publication of the notice of public hearing regarding COMPAMD 2009-05 Switzerland was received having been published in The St. Augustine Record on March 1, 2010.

Cathy Ardito, Court Reporter, St. Augustine Court Reporters was present for the item.

Jason Cleghorn, Planner, Growth Management, gave an overhead presentation. He reviewed the specifics of the plan and reviewed the site maps. He said it was approximately 607 acres, and was filed as an agricultural enclave. He also reviewed the zoning map of the surrounding areas. He said the site originally qualified as an agricultural enclave, and PZA recommended transmittal with a vote of 5/1. However, staff and the County attorney staff had questioned whether the property actually qualified as an agricultural enclave, as it was not surrounded by development on 75% of its border. He added that based on that discussion they did not believe that the property qualified as an enclave. He said that the Department of Community Affairs (DCA) had advised the County that they did not have enough information to make that decision. He reviewed the impacts on public services. He gave the staff analysis: the proposed development pattern was not balanced (single use), 119 acres of wetlands were proposed to be designated Res-B, the site was located well of major collector roads or arterials, there was no demonstrated need, and fiscal analysis by the Office of Management and Budget determined that the project could cause recurring negative fiscal impact of \$51,709/year to the County at buildout.

He reviewed staff recommendations of six options to the Board.

(1:54 p.m.) George McClure, 81 King Street, representing Joe Anderson and his company, Anderson Columbia, Inc., gave the presentation. He said that Anderson was not a developer and was a FDOT road contractor and property owner. He bought the site in the 1980's and had never built anything on the property. He said that Anderson had certain statutory rights, and it was important for him to protect and conserve those rights. He gave a quick history of the surrounding property. He said Rivertown DRI bordered on the eastern, southern and western boundaries. He said they had a PUD that was already approved and the property on the boundary of the property in

question could be platted tomorrow. He gave a history of the application. He said the Board was required to transmit it, if it was an agricultural enclave. He said they learned only 2 weeks ago that staff felt they were no longer an agricultural enclave, despite the fact that they had worked on it for the previous 2 ½ months. He reviewed the intent of the agricultural enclave act. He explained why it should be included, and that the Board had approved the land around it, which made it an agricultural enclave.

McCormack introduced Joe H. Pickens, J.D., who gave a presentation.

(4:47 p.m.) Pickens said he was there on spring break from St. Johns River Community College. He said he helped to develop the legislation in 2005-06 for the Agricultural enclave. He explained that it afforded a farmer the same rights that government had afforded land owners around him or her. He said the BCC had inherited the classic example of an agricultural enclave in northwest St. Johns County. He said staff's interpretation did not follow what the originators of the legislation purposed for the enclave. He said it was prohibited by the fact that the developer chose not to develop along the perimeter at the current time. He said if that interpretation was allowed, the statute was written inaccurately, and was never ever imagined. He said it was written solely to give a landowner, the farmer, the same protections, rights and opportunities as owners surrounding his property had been offered. He added it was their intention to address silviculture lands as well.

(2:12 p.m.) McClure continued and introduced Don Smith, England Timms and Miller, Jeff Crammond, Transportation Consultant, Chuck Farmer and Skipper Jones. He said the site was surrounded by approximately 80% of its perimeter by approved development as shown in two slides (Exhibit A). He said he met with Mike McDaniel, Chief of the Office of Planning, Charlie Gautier, Director of Community Planning, Joseph Adamensa, Planner, and Jeannette Hallock-Solomon, all with the Department of Community Affairs, and presented the same maps he had presented to the Board that day. He said there was only one agricultural enclave approved in the state and that was in Palm Beach County. He explained that when they made the determination on that property, they used the radius of one mile around the property to determine density. He reminded the Board that the threshold was between 640 and 1,280 acres. He said McDaniel told him the smaller the property size the more likely it was to be an enclave, and the less ability there was to buffer incompatible uses. He said if the property was more than 1,280 acres, it needed to be demonstrated that the government had authorized a density around the property of at least 1,000 people per square mile. He said they could be over 1,280 acres if the property was surrounded by 1,000 per square mile, authorized. He reviewed the surrounding properties on the maps with the group, even though there were no existing houses on 75% of the perimeter. He explained to them that the property in question was silviculture, with a crop rotation of 22 to 28 years, and the planning horizon for the County would be 2025. He said it was a use that had to be committed to for an extended period of time; longer than the planning horizon with the approved development there. He said Mr. McDaniel and Mr. Gautier wrote a letter and said if it was transmitted, they would look at it. He said it was clear that they backed off their position that development meant structures, as the statute didn't say that, and it didn't have to be one step across the line. He said some radius must be intended. He said Mr. Anderson was looking at a statute that gave him certain rights that afforded him the exit strategy. He said Anderson had committed to do nothing for at least five years, in order to assure the Board that he was trying to plan for the long run, that he was not a developer, and was not intending to do anything at the current time. He stated that the DCA was responsible for interpreting the statute. He suggested the easiest things to do would be to transmit it to the DCA, stating that the Board had not found it to be an agricultural enclave, and allow DCA to advise them as to whether it was an agricultural enclave or not.

(2:23 p.m.) Chuck Farmer, Anderson Columbia, Forester/Land Manager, Box 38, Old Town, Florida, said he had a degree in Forest Management. He gave a review of his responsibilities for Anderson and of the 15,000 acres of timberland owned by him and another 5,000 acres of leased timberland. He said he had managed the property in question since 1998, and the property qualified for an agricultural extension. He said it was hard to burn land in prescribed burns in order to reduce fuel levels, when the property was surrounded by homes. He noted they would be liable for any damage caused by smoke. He said the use of chemicals and herbicides was also a problem. He said logging trucks coming and going from the property would also be hazardous. He said they currently conducted aerial spraying on the forested land, and drift was a problem. He said neighbors could cause them problems because they illegally dumped on their property. He said they also had issues of trespassing on the property. He said it was less of a problem if their land was in the middle of silvicultural land.

(2:28 p.m.) McClure reviewed what types of uses were authorized on the site. He asked Don Smith to come forward.

(2:28 p.m.) Sanchez said there was an obvious confusion and differences of opinion between them and staff. He said the PZA had not heard it because most of that information was not available. He said there was a clause that allowed 180 days for the case to be studied and worked out with staff, and was an option. He said there was no way he could make a decision with the information they were receiving.

(2:29 p.m.) McClure said he understood their concern. He stated that the Comp Plan Amendment transmitted February 2nd, constituted the first of their two cycles that year. He said they couldn't transmit another Comp Plan Amendment until 2011 and was not a 180 day delay. He added that they didn't hear anything from staff about that until two weeks ago. He said all that information had been available to the County since the pre-application around December 10th. He said staff had set the timing for those hearings. He said if they needed more time, to postpone the transmittal hearings for however much time they needed. Sanchez said he never made the statement that they did not have enough time. He said staff disagreed with what they were saying, and PZA had not heard the full. He added that he was bothered by the fact that there were no buildings abutting the land. McClure stated that the statute did not use the word abut. He said a lot of things had to be worked out between them and staff before the Board could make a decision.

(2:33 p.m.) Stevenson asked what the actual wording was. McClure said four words were the relevant words to consider: "perimeter was surrounded by existing development". Stevenson said the premise was that the land could not be used for farming, but what surrounded it currently was timber. She said they had bought themselves into an enclave, and bought it to grow timber on. She said she could not see any practical hardship. She said people zoned into areas where controlled burns were held all the time. She said the nature of agriculture had changed, and property was often changed on a speculative basis.

(2:38 p.m.) McClure said it was the County that said it was appropriate for residential use and no longer appropriate for silviculture use. He said the owner did not wrap himself in a cloak of B-Residential.

(2:39 p.m.) Stevenson said it was legislation from a different time and a different era, and some of the projects proposed in that area might not ever be built out. She said bridge alignments were still to be determined, and she had a lot of questions that needed answers. She said she was overwhelmed by what the legislature had done to them and was not pleased.

(2:42 p.m.) Bryan said he agreed with Stevenson. He said it was new turf they were treading on, and there had never been one in St. Johns County. He said it met some of the requirements, but it did not meet the letter of the law. He said it was at an insufficient level for schools, and there was no demonstrated need for more homes in that area. He noted that by the speaker's own admission, the statute was not written accurately. He said there were questions marks as to the legislator's true intent. He said the PZA had not received all the information that the Board had received that day. He said he was not hired to pass their responsibilities and requirements off to DCA; it was the Board's responsibility. He said he had to go with staff recommendations.

(2:45 p.m.) James Whitehouse, Assistant County Attorney, said there had been a lot of discussion over the statute. He said they had met with McClure and staff regarding the agricultural enclave and to advise them of the status and what that was, because it had not been used before. He said the application was submitted on December 31st, there was a subsequent meeting with the applicant using the same maps sold them on the idea that it was an agricultural enclave. He said there was a 180 day period for negotiation as to density and intensity of the property under that statute if it was applicable to that property. He said it was presented to PZA , whose members felt uncomfortable with transmission, and staff looked further into the matter and found the portion of the statute regarding 75 percent development. He said staff went to DCA for an interpretation of the statute in order to be fair to the applicant. He said DCA did not find the requisite 75 percent development on the perimeter of the property. He said they forwarded that information to McClure. He said they met again and negotiated with McClure who proceeded with the discussion about the density, which dominated their meeting. He said subsequent to that meeting, McClure went to the DCA to try to get clarification on the e-mail staff had forwarded to him from DCA. He said he had subsequently received an e-mail from DCA, which said they did not know if they had enough information to determine whether or not it was an agricultural enclave. He said they had received a letter from Mr. Pickens, the crafter of the legislation, saying this property was the poster child for the legislation. Whitehouse said their legal advice would be that it would be appropriate to move forward with the presumption, on that day, that it qualified under the agricultural enclave statute. He said if they felt they needed more time, they were legally justified to continue the item until a date uncertain, and to ask staff and the applicant to move forward under the statute, presuming that the property qualified, based on Mr. Pickens statements, to have good faith negotiations based on that. He quoted "Upon conclusion of good faith negotiations (under Paragraph A) regardless of whether the local government and owner reach consensus on the land uses and intensities of uses that are consistent with the uses and intensities of use of the industrial commercial or residential areas that surround the parcel, the amendment must be transmitted to the State Planning Agency pursuant to 163.3184. (Prior paragraph A) The local government and the owner of a parcel of land that is subject of an application for an amendment, shall have 180 days following the date, that the local government receives a complete application to negotiate in good faith, to reach consensus on the land uses and intensities of use that are consistent with the uses and intensities of use of the industrial, commercial or residential areas that surround the parcel. (Subsection B continues) If the local government fails to transmit the amendment with 180 days after the receipt of a complete application, the amendment must be immediately transferred to the State Land Planning Agency for such review at the first available transmittal cycle." He said there was no reference what-so-ever to the date was, but was for the next transmittal cycle.

(2:54 p.m.) Quinn said he would not want to expound upon it too much more. He said the author of the legislation had come to them and said what he had meant to say. He said the Board needed to understand the complexities of the situation. McClure said he

understood, and there had been some ruffled feathers. He said they were not the ones who did not present information to the PZA, but it was the staff. He said at best, the language was ambiguous, and they were looking to the intent by the author of the language. He stated that he appreciated their position, it was a decision of law, and ultimately, a judge might have to decide what the language meant.

(2:58 p.m.) Sanchez said he was not in a position to decide whether it was an agricultural enclave. He said it was his decision to take the factual information from PZA and then make a decision.

(2:59 p.m.) McClure introduced documents (Exhibit B) and attempted to clarify the definition of an agricultural enclave and to review the population density within one mile of the Switzerland enclave.

(3:00 p.m.) Stevenson pointed out that the intent of the author was not necessarily what ruled. He said 100 legislators voted for it, and they also would have an opinion on the intent. She said she understood that land use was supposed to be a local decision, and questioned whether the State had overstepped into the decisions of the local community. She said there was no hardship to farm the land but there was some to develop the land.

(3:03 p.m.) Whitehouse said there was an area that the legislature saw fit to pass legislation. He reiterated the best legal avenue was to move forward with the presumption that it was an agricultural conclave, and then to allow the 180 day time period to see if there was further clarification on an agricultural conclave, and the definition thereof. He said it could be continued until a date uncertain. He said he had asked Mr. Pickens about the 180 days period and whether it was an absolute time period. Pickens said yes, and many people felt it wasn't enough time, but they had come to that 180 day compromise. He advised for them to move in the fashion he had just described. He said in the 180 day period they could negotiate in good faith.

(3:06 p.m.) Sanchez said the only part he had a problem with was that it was an agricultural enclave. He said he would not commit to the fact that it was or was not. Whitehouse said they could move forward, not making the decision of whether it was or was not, and to use the 180 day period for clarification and negotiation.

(3:07 p.m.) Bryan commented on the good job that staff had done on the project. He said he was prepared to move towards Option 3, but was wavering because of the comment that McClure made about a judge making the decision on the definition. He asked if that was an indication that they did not want to go into the 180 days of negotiation on the item. McClure responded that if their minds were still open as to whether it was an agricultural enclave, he understood that option. However, if the Board was postponing them, just to come back another day and say they were not an agricultural enclave, he wanted his client to have the option of making that call at that current time.

(3:09 p.m.) Stevenson asked for a break. Sanchez said they would break for fifteen minutes.

(3:22 p.m.) Sanchez called the meeting back to order.

(3:22 p.m.) Ellen Whitmer, 1178 Natures Hammock Road South, Fruitcove, said she was there in support of Option 1, and that it did not qualify as an agricultural enclave. She said there was no existing development there currently. She noted that there was supposed to be a clear boundary around Rivertown, and was perplexed by the way that

was presented. She said any property with trees on it could qualify as an agricultural enclave. She stated that the owner had options for land uses within rural silviculture to "exit" his land. She asked they not transmit it to the DCA.

(3:25 p.m.) Tom Schandra, 778 Pheasant Court, said he was an adjacent property owner. He said he had never seen a controlled burn on the property or seen or smelled a chemical spray on the property. He stated that there were 80,000 homes already approved to be built in the county, and there was no need for more homes. He reviewed the history of the owner's property, and noted that he had cleared over 800 acres without a permit six years ago. He asked if the applicant was trying to beat Amendment 4 and that he thought so. He said DCA staff also agreed about the definition of the Ag enclave. He said the road system could not handle any more traffic and roads were already deficient in the area (Exhibit C). He said northwest schools would be way over crowded. He said there were errors in the impact study and he said he was concerned as a taxpayer.

(3:31 p.m.) Whitehouse commented on how surrounding lands were being used. He said staff had maps which would illustrate that. Cleghorn pointed out the various land uses on the overhead (Exhibit D). Another map also showed the Rivertown master plan. He said because of the wetlands abutting the Switzerland property, they could never develop 75% of the adjacent property. Cleghorn said their position was that it needed to be existing development, and it clearly was not at 75%.

(3:35 p.m.) Stevenson said there was significant area in Rivertown that should not encroach on the agricultural resources. She said she agreed with Option three until a date uncertain.

(3:37 p.m.) Motion by Stevenson, seconded by Bryan, carried 4/0 with Mays absent, to approve Option 3 of the suggested staff recommendations; "Continue this item to a date uncertain and direct staff to continue researching the intent of the statute and continue good faith negotiations with the applicant concerning density and intensity on the site, and to schedule the amendment back to the Board within the 180 day negotiation window as mandated by the Statute."

(03/16/10 - 22 - 3:38 p.m.)

District 2

7. PUBLIC HEARING - TRANSMITTAL HEARING - COMPREHENSIVE PLAN AMENDMENT 2009-04, SR 16. THE APPLICANT, SUNSHINE LAND HOLDING, LLC, HAS REQUESTED A FUTURE LAND USE MAP AMENDMENT TO CHANGE 33.29 ACRES FROM RESIDENTIAL B TO INTENSIVE COMMERCIAL. THE PROPERTY IS LOCATED ON SR 16, APPROXIMATELY .75 MILES EAST OF PACETTI ROAD IN THE WORLD GOLF VILLAGE AREA. THE APPLICANT PROPOSES TO DEVELOP THE SITE WITH LARGE SCALE RETAIL AND MINI WAREHOUSES. CR 2209 (4-LANE HIGHWAY) WILL EVENTUALLY BE BUILT BETWEEN THIS SITE AND THE MURABELLA COMMUNITY. PRESENTLY, THE COUNTY AGREEMENT WITH FLORIDA DEPARTMENT OF TRANSPORTATION IS TO BEGIN THE ROAD IN 2015. HOWEVER, THE COUNTY IS REQUESTING AN EXTENSION OF TIME UNTIL 2018. THERE ALSO ARE TWO ASSOCIATED TEXT AMENDMENTS. THE FIRST PROPOSES TO LIMIT DEVELOPMENT TO 330,000 SQUARE FEET, AND/OR NOT TO EXCEED USES OR COMBINATION OF USES SUCH THAT THE PM PEAK HOUR EXTERNAL NEW TRIP GENERATION DOES NOT EXCEED THE EQUIVALENT THEREOF. THE SECOND IS RECOMMENDED BY STAFF AND REGARDS TIMING OF CERTAIN ALLOWED USES TO THE CONSTRUCTION OF CR 2209

Proof of publication of the notice of public hearing regarding COMPAMD 2009-04, SR 16 Future Land Use Map and Textual Amendments was received having been published in *The St. Augustine Record* on March 1, 2010.

Teresa Bishop Long Range Planner, Growth Management Services, gave the presentation and an overhead presentation. She reviewed the details of the request to amend the Comprehensive Plan Future Land Use map from Residential B to Intensive Commercial (IC) for 33.29 acres, located on SR 16, for up to 120,000 square feet of mini-warehouse and 210,000 square feet of large retail. She stated that the applicant was requesting a combination of those uses to be allowed as long as the PM peak hour external trip rate remained the same. She noted that the applicant was requesting an Intensive Commercial (IC) designation. She reviewed the proposed land use, that it was triangular in shape, and had been used in the past for agricultural purposes. She noted the CR 2209 existing right-of-way ran adjacent to the property. She reviewed the current property uses in the area and that the Murabella community was located west of CR 2209 site. She reviewed impacts including four deficient roadway segments: CR 13 from CR 208 to SR 16, International Golf Parkway from Royal Pines Parkway to I-95, SR 16 from SR 13 to CR 16A and SR 16 from International Golf Parkway to CR 2209. She said a development agreement would need to accompany the application. She said staff found the property suitable for IC because of its location at SR 16 and the future CR 2209, but that Community Commercial would be preferable until such time as either the northern or southern intersection of CR 2209 was constructed at SR 16. She said PZA recommended approval for transmittal at their February 18, 2009 meeting, but that all outstanding issues should be resolved prior to adoption of the amendment. She said one letter had been received in opposition and many residents were present that day from the Murabella community.

(3:45 p.m.) George McClure, 81 King St., Suite A, said he represented the applicant, Sunshine Land Holding, LLC, the late Charles Ackerson, Gary Silverfield and Beth Breeding. He gave a history of the property. He told of the acquisition of land for CR 2209 and his client's request to have the road go down the side of the property so it wouldn't split the property. The County was unable to comply with the request due to the road alignment. He said the current property was Residential-B and it was difficult for them to develop the triangular shaped property because of that limitation. He said staff recommended Mixed Use of Commercial Intensive, and the most appropriate would be Mixed Use. He said they filed an application for a Comp Plan Amendment and a Development Agreement for the site in order to mitigate the transportation impacts. He showed the World Commerce Center map and pointed out the proposed areas for development. He returned to the aerial map of the proposed project. He said there was a berm running along the edge of Murrabella with trees to buffer visually and for sound. He emphasized that the application did not allow commercial where only residential was allowed previously; there was already commercial in the area. He listed the types of things that could be built on that property. He said the application was seeking the flexibility to have a large scale retailer located on the site, such as a Target, Kohls, or Home Depot. He said under the existing Residential B they could not attract that type of commercial. He said the terminus of CR 2209 and CR 16 would become a major intersection and was likely to be signalized and would be attractive to a larger retailer. He stated that they had recently learned about the anxiety of the Murabella community, and Ms. Breeding had met with one of the members. He said they would like the opportunity to meet with the neighbors and would have 60 days after transmittal with the Department of Community Affairs and 60 to 90 days after that before the County considered adoption of amendments. He emphasized that they were very open to sitting down with them and discussing what their plans were and to discuss ways to mitigate the impact on them.

(4:02 p.m.) Stevenson said she would like to understand what happened between the closest property in Murabella and their property. McClure said there was a 10 foot trail on the Murabella side of CR 2209. McClure reviewed the design proposed: a 75 foot scenic buffer on Murabella's property, a proposed right-of-way with a concrete multi purpose path which may be located within the 75 foot scenic buffer where provided, 53 feet to the edge of the pavement, 8 feet of shoulder including 5 feet of it paved, 24 feet of two lanes, a 30 foot median, another 24 feet of lanes, another 8 foot shoulder, and another 53 feet on the other side. He said there would also be a 75 foot scenic buffer on their side. He said they would be required to have a non-flammable boundary on the far side of the property. He said there would also be two connections onto CR 2209 but there would be no connections into Murabella. Stevenson asked if there were any design elements. McClure said they needed to define "big box". He said some big box stores could be unattractive.

(4:09 p.m.) Tammy Hardin, 751 Porter Rosa Circle, spoke against the transmittal. She stated they had safety concerns with two elementary schools in the vicinity. She said the entrance to the project would be 900 feet from Murabella's entrance on SR 16, and it would be a travesty for a big box store to come into that area. She added that she did not trust the developers. She asked them to keep the zoning where it was.

(4:17 p.m.) Thea Lynch, 656 Porta Rosa Circle, said she sent them an e-mail with over 200 signatures on a petition from the community opposed to the project. She said there was depth of opposition to the proposal. She said they were not on the neighborhood notification and so no one attended the meeting held at the Murabella community center. She asked them to keep the land use as it was currently designated so they could keep the sense of neighborhood that drew them to the area. She said they thought they were buying into a development that had Resident-B right next to it and now they were proposing a big box. She said they were also fearful that no one would buy the homes that were, as yet, un-built, which would back up to the big box store. She asked them to deny the Comp Plan amendment and transmittal.

(4:21 p.m.) Bob Leonard, 277 Porter Rosa Circle, said the map showed the ridiculous nature of the proposal. He said it was a bad recommendation and they had gotten it wrong. He asked the Commission to reject it. He said the land should never be zoned CI and there were many reasons why. He suggested that big box stores should be planned for areas that had not been developed and which were closer to I-95. He asked them to reject it.

(4:26 p.m.) Jayson Cooksey 370 Porta Rosa Circle, said he would like to appeal to their common sense. He said most of them knew the area well. He encouraged them to give some thought about what they were asking and what it was next to. He said development there was a bad idea. He noted that warehouse and storage was one of the considerations they were making there. He said it would create empty houses and vacant lots right across the street. He said he bought his property with the thought in mind of living there forever, and he wanted his kids to go to school at the school located there. He said it would ruin their well designed development.

(4:30 p.m.) Bill Schilling, Kimley-Horn and Associates, 8657 Bay Pine Road # 300, Jacksonville, FL, said he was there on behalf of Davidson Development of World Golf Village. He said they had a vested interested in the roadway around the development. He stated that they were concerned about the increase of traffic in the area. He said he was there in support of County staff and that they had done an excellent job. He noted that they were doing a traffic analysis. He stated that the applicant's fair share contribution would be used for one mile of roadway impacts and significantly underestimated their impact on the roadway. He said it ranged from \$2 million to \$3.5

million in impacts, and the application would be transmitted with an inadequate mitigation plan for transportation. He asked them to ask the applicant to work with staff to develop a more meaningful transportation mitigation plan.

(4:34 p.m.) Denise Wilson, 667 Porta Rosa Circle, asked them to deny the request, and if they did not deny it, to at least delay it. She said they had not had enough time to evaluate the impact on their community. She said she was concerned about the impact on the safety of the children and their schools. She said it would bring additional traffic to the community which already had heavy traffic issues. She said she was not opposed to commercial development, but not in their residential area.

(4:37 p.m.) Bill Simonson, 940 East Terranova Way, said they were a new neighborhood at about 50 percent buildout. He said they had done due diligence when they bought their properties, and they moved to the area for the good residential area and good schools. He said I-95 and International Golf were the areas for big box stores, and if they had known a big box would be in their back yards, they would never have bought there. He said the last thing they needed was a big box further devaluating their homes.

(4:39 p.m.) McClure said they were proposing mini self storage and not industrial warehousing. He said they were committing to that use because other things would be incompatible. He said Mr. Shilling's comments about the roadways indicated that this was a process of negotiation. He said they would continue to negotiate with staff and provide any requested data, and it would be driven by the issue of the pass-by capture. He said they had done \$8.5 million of improvements to Pacetti Road already, and it was an example of how they would work with the County. He said he understood the concerns expressed, and they had to see whether those concerns could be mitigated. He asked them to transmit. He said if they wanted to table the item he would be happy to work with the homeowners.

(4:48 p.m.) Bryan said SR 16 would be the primary entrance and exit until CR 2209 was constructed. McClure said a portion of their fair share could be used to construct part of CR 2209.

(4:52 p.m.) Deputy Clerk Terry Bulla left the meeting and Deputy Clerk Lenora Newsome entered the meeting.

(4:52 p.m.) Stevenson spoke on key access points. McClure responded to the key access points. Stevenson mentioned an issue with sign placement on the notice. Whitehouse replied that he hadn't heard that, but they could have staff or whoever placed the sign, tell them where it was placed. Stevenson asked if this raised a notice issue for the community. Whitehouse responded that it depended on the facts and it would be good to hear what the facts were so they could make a determination about where they needed to go. Teresa Bishop stated that the County placed the sign on SR 16, and to the best of her knowledge on the CR 2209 right-of-way, and when they found that out, it was moved to the subject property. Bishop stated that there was notice to the community, but they did not get the notice that they would normally had gotten. Stevenson spoke on the staff recommendation on this item. Bishop responded as to why staff recommended it. Stevenson mentioned that it was a very intense use next to a low density residential. Bishop spoke on the two major roadways. Bryan spoke on one of the speakers suggesting of remanding it back, to work with the applicant. He said that they could move it forward with it being a Community Commercial, and at such time when the road was in, it could come back for rezoning accordingly. Stevenson asked if it would be ok to transmit it as Community Commercial. Bryan replied yes, as one of the options, and another option was to continue it until a later time.

(5:03 p.m.) Quinn mentioned that he was looking at the designation for Community Commercial, and it appeared to offer what the residents would rather have in their neighborhood. He asked if they were interested in further discussion with the applicant. Lynch replied that they were not opposed to community development, it was the big box that they were opposed to, or any type of department store opened 24 hours a day. She said that they would prefer a continuance. Sanchez stated that he would like to see business go in but was not real happy on the deficiency of four to five different roads in the area. Bryan stated that he was willing to transmit it as Community Commercial, if that was acceptable. He added that if the applicant was willing to work with the community to try to come up with something that was agreeable to the community and everyone, he was ok with that too. Sanchez said that it would be to their benefit to push on that Neighborhood Bill of Rights, to form that organization, because they would know everything that was going on around them.

(5:06 p.m.) McClure spoke on addressing what the last speaker, Lynch, mentioned. He asked if they could have the transmittal on the basis of the staff's recommendation. He said it would give them a period of time to sit down and talk to the neighbors. Sanchez mentioned that they said that they didn't have a problem with the Commercial neighborhood. McClure said that they were all ok with Community Commercial, and if there were any kinds of things with larger foot prints than that, they could live with it. He added that they could put binding commitments in, so they didn't get what they didn't want. He stated that was why he was asking for it to stay in, for the moment. Sanchez mentioned that he was interested in McClure getting together with the residents to see what they could work out. Wanchick stated that the next meeting was April 6 and then the 20th. McClure asked about the other transmittals from that day. Whitehouse stated that the whole group had to go at once. He said that whatever was approved that day would go on that cycle. He spoke on continuing the meeting, and how it would have to be done. He stated that it would have to be done by the end of March to be in the current cycle. Wanchick stated that if it didn't get transmitted in that cycle, it had to wait until 2011 to be transmitted in the first group of next year. Whitehouse spoke on it getting transmitted to DCA, and when it came back, they couldn't go higher in zoning because they already reviewed it, but they might be able to go lower. Stevenson asked if this was transmitted as an IC, and found out that it was not practical, if they would be able to lower it. Bishop stated that when they transmitted to DCA, they had to tell them that they were transmitting Intensive Commercial and they would do their review on the IC. She said that when it got to the time of adoption, and they decided to adopt something less, they had to tell DCA that the Board did not adopt the IC amendment; they adopted Community Commercial on that piece. DCA would then form its recommendation, when it came back in the notice of intent, finding it in compliance or not in compliance. Stevenson spoke on uses. She stated that it was the applicant's option, if they wanted to try for Community Commercial, and there were a lot of good uses in Community Commercial.

(5:17 p.m.) Lynch stated that they would prefer a continuance and to speak to the developer. Stevenson said it was at the discretion of the Board when it came back. Lynch mentioned that they were fine with Community Commercial. Sanchez stated that Community Commercial covered a lot of different things. Lynch replied that they understood that, and that they thought that they were being very reasonable where this was concerned.

(5:19 p.m.) Steven Brocksmith, 908 E Terranova Way, said that they would like to hold down the application and keep it limited to the commercial uses that were permitted under Residential B. He stated that was why they were asking for a continuance, because maybe there was some kind of middle ground they could work out with the

developers, to see if there were some things that they could agree on that could be limited in the Community Commercial category. Sanchez stated that they were trying not to have a meeting on March 30th, but Legal said they had to do it on the 30th in order to solve the problem. Wanchick said it would be the only one planned at the current time, and that it was going to be a very short time frame between now and the March 30th. Sanchez asked about including the April 2nd meeting into March 30th meeting and not have one on April 2nd. Wanchick replied that they would have to check into it.

(5:22 p.m.) Beth Breeding, Sunshine Land Holding, LLC, spoke on talking to a regional hospital about moving into the area. Stevenson stated that they seemed to have options on dealing with that. She asked about the concept that they would vote that day to transmit, and they would then meet to see if there was something they could work out. If they couldn't, they would go ahead and pursue the Community Commercial zoning, because there were specific uses which the community might agree to. She asked if that would be objectionable to staff. Wanchick replied, as long as legal didn't feel that if DCA found them in compliance, they've sent out prejudiced commission's position or ability to act. Sanchez mentioned that they should get a legal opinion and some kind of agreement from the applicant that if they did that, they did have the right to cut it back to Community Commercial or Neighborhood Commercial. McClure responded that they did agree that the Board had the right to approve a less intense use than the one that was transmitted. Stevenson stated that she didn't know how the community felt about that. Sanchez stated that they would be transmitting as Intensive Commercial. Wanchick said if the Board wanted to meet on the 30th, staff was ready to do that. Sanchez stated that he thought that they could eliminate that by doing what Stevenson suggested, if it would be legal to do that. Whitehouse replied, as long as they were not going to higher land use later, they could craft that into a statement when they sent it to DCA. Bishop said that they could send that to DCA when they send the amendment and the discussion that occurred. She said staff's recommendation was Intensive Commercial transmitted, and asked if only Community Commercial uses were being allowed until 2209 was in place. Sanchez said that he didn't think that would have to be in that motion. Wanchick suggested to keep it clean and transmit it as Intensive Commercial. Sanchez stated that they needed to ask the people to get with the applicant, have a meeting, talk it out, and share the results at a later time. Brocksmith mentioned that if Intensive Commercial got transmitted and approve, it would be very hard for them to be able to back them down from that. Sanchez said that they were under a very tight time restraint. He said that they would like to see the Neighborhood Bill of Rights work it out, and then come back to the Board. He stated that he was not settled on Intensive Commercial until a meeting occurred. Wanchick stated that staff would get with the neighborhood representative and the applicant. Bryan said that the Sunshine Land Holdings had a very good reputation on following through with what they said they were going to do. Stevenson said the reason the commission had so much latitude on this, was because it was a legislative decision.

(5:33 p.m.) **Motion by Stevenson, seconded by Bryan, to transmit COMPAMD 2009-04 SR 16 Future Land Use Map amendment from Residential B to Intensive Commercial as presented, subject to the findings of fact one through three to support the motion.** Whitehouse asked if that included the discussion that the staff would include commentary to the DCA. Stevenson asked the staff to attach the minutes. Wanchick stated if the minutes were not ready, then a summary of the meeting would be appropriate. (5:35 p.m.) **The motion carried 4/0 with Mays absent.**

(03/16/10 - 27 - 5:36 p.m.)

8. PUBLIC HEARING - TRANSMITTAL HEARING - 2025 COMPREHENSIVE PLAN GOALS, OBJECTIVES AND POLICIES AND FUTURE LAND USE MAP SERIES. THIS IS THE TRANSMITTAL HEARING FOR THE 2025 COMPREHENSIVE PLAN UPDATE BASED UPON THE EVALUATION AND APPRAISAL REPORT (EAR) ACCEPTED AND FOUND SUFFICIENT BY THE DEPARTMENT OF COMMUNITY AFFAIRS (DCA) MAY 29, 2009. SINCE MAY 2009, THE COUNTY HAS WORKED TOWARD COMPLETING THE 2025 COMPREHENSIVE PLAN UPDATE. BEGINNING IN AUGUST 2009, THE PLANNING AND ZONING AGENCY HAS MET IN REGULAR PUBLIC WORKSHOPS REVIEWING EACH ELEMENT'S GOALS, OBJECTIVES AND POLICIES. THESE WORKSHOPS CONCLUDED IN FEBRUARY 2010. THE AGENCY AND STAFF RECEIVED COMMENTS FROM PROPERTY OWNERS AND THEIR REPRESENTATIVES ON THE FUTURE LAND USE ELEMENT AND TRANSPORTATION ELEMENT. THE FUTURE LAND USE ELEMENT COMMENTS WERE PRIMARILY RELATED TO THE OBJECTIVES AND POLICIES, WHICH PERTAINS TO COMPATIBILITY, DENSITY, MIXED USE AND DEVELOPMENT EDGE. THE TRANSPORTATION ELEMENT COMMENTS WERE PRIMARILY RELATED TO THE DESIGNATION OF CR 13 AS A CONSTRAINED FACILITY. THE AGENCY AND STAFF REVIEWED THESE COMMENTS AND INCORPORATED CHANGES AS NECESSARY. SHOULD THE COMMISSION TRANSMIT THE 2025 COMPREHENSIVE PLAN TO DCA, DCA HAS 60 DAYS TO REVIEW AND ISSUE AN OBJECTIONS, RECOMMENDATIONS AND COMMENT (ORC) REPORT. ONCE THE ORC REPORT IS ISSUED, THE COUNTY HAS UP TO 120 DAYS TO ADDRESS ANY OBJECTIONS AND RECOMMENDATIONS MADE IN THE ORC REPORT AND ADOPT THE 2025 COMPREHENSIVE PLAN. ON FEBRUARY 25, 2010 AT A HEARING CONTINUED FROM FEBRUARY 18, 2010, THE PLANNING AND ZONING AGENCY RECOMMENDED THE 2025 COMPREHENSIVE PLAN BE TRANSMITTED

Proof of publication of the notice of public hearing regarding Transmittal Hearing - 2025 Comprehensive Plan Goals, Objectives, and Policies and Future Land Use Map Series was received, having been published in *The St. Augustine Record* on March 2, 2010.

Teresa Bishop, AICP, Long Range Planning Director, gave a presentation, *Exhibit A*. She distributed a letter from Bart Walchle, *Exhibit B* and an e-mail from John Metcalf, *Exhibit C*. She reviewed the workshops, and the 2025 Comp Plan update. She addressed the mixed use policies, compatibility, and economic development polices.

(5:43 p.m.) Diane Wilson, 1297 CR 13 South, spoke on CR 13 needing protection, and thanked everybody for doing a good job.

(5:45 p.m.) Motion by Sanchez, seconded by Bryan, carried 4/0 with Mays absent, to transmit the 2025 Comprehensive Plan to the Department of Community Affairs (DCA) for review and comment.

(5:45 p.m.) Bishop thanked everyone for working with them on everything.

(03/16/10 - 28 - 5:47 p.m.)

9. CONSIDER AN APPOINTMENT TO THE INDUSTRIAL DEVELOPMENT AUTHORITY

Melissa Lundquist, BCC Manager, stated that there was a vacancy due to the expired term of James Zimmerman, who was filling a partial term of a prior member. She stated that he submitted a letter requesting reappointment. She said there were also six other applications to consider.

(5:48 p.m.) **Motion by Quinn, seconded by Sanchez, to reappoint James Zimmerman, District 5, to the Industrial Development Authority for a full four-year term scheduled to expire on March 16, 2014.** Stevenson stated that she wanted to commend the quality of applicants that they had for that Board and announced some of the names. She said that she supported the reappointment. **(5:49 p.m.) The motion carried 4/0 with Mays absent.**

(03/16/10 - 29 - 5:50 p.m.)

9A. RFP NO: 10-07, SECURITY GUARD STAFF (Consent Item 12)

Bryan stated that he pulled this item for discussion. He stated that he wanted to urge those that were going to be negotiating this particular contract to make sure it met certain criteria during the negotiations, specifically meeting the demands of the facility. He stated that he had the opportunity to meet with some of those individuals that worked in security, and stated that they were very professional people. He wanted to make sure that they maintained that level of professionalism. He stated that communication was very important, as well as morale. He cautioned that if the morale was dropped at any particular time, someone could slip through and cause harm to the judges and other individuals. He said that he had an opportunity to see some of the correspondence that had gone through for the current contractor, and he would like to see that same level of professionalism on this contract. He noted that he had a lot of letters of appreciation from the judges and a number of other individuals. He stated that the Sheriff's Office had forwarded these particular letters of accommodation to the Commissioners. He said the letters of appreciation and professionalism were the things that he hoped would be taken into consideration when it came up for negotiation. He emphasized that if these qualities were lacking, they would be losing the quality of service that was needed and demanded at that level.

(5:52 p.m.) **Motion by Bryan, seconded by Quinn, carried 4/0 with Mays absent, to authorize the County Administrator, or his designee, to enter into negotiations, and if negotiations are successful, to enter into a contract with Giddens Security for Security Guard Staff as generally described in their proposal and the RFP documents. If negotiations fail with Giddens Security, authorization is requested to terminate negotiations with Giddens Security and begin negotiations with the No. 2 ranked firm, First Coast Security.** Wanchick stated that the one thing they didn't want to compromise, was the safety of the public or the employees. He stated that this particular contract, the RP process was overseen by representatives of the Sheriff department, with City police involvement, as well as other law enforcement personnel. He stated that they thought that they brought a level of expertise to this contract, that wasn't there before. He stated that there were also higher standards for training and licensing in this contract. He mentioned that they actually put in minimum salaries because they didn't want just the low bidder; it had to be the best low bidder possible. He said that they felt pretty comfortable with this particular firm. He stated that they shared those concerns and were not compromising anybody's safety. Bryan said he appreciated that, because he had received some e-mails from some individuals, indicating that they may be losing some of the benefits with the new contractor, and

some of those things could erode morale. He added that they wanted to make sure that some of those things were taken into consideration during the negotiations. Wanchick said that while they had minimum salaries specified; benefits were separate from that, as were some of the expenditures that the employer would cover.

(03/16/10 - 29 - 5:54 p.m.)

9B. TEMPORARY PSYCHIATRIC SERVICES AGENCY CONTRACT

Wanchick stated that this was a temporary agreement with Service Care which was a psychological services provider. He stated that they had funding from the State to provide more psychiatric services than they could deliver. He said that was why they wanted a temporary agreement with that firm so they could bring in some psychiatrists to provide the additional service that the community needed, which was already budgeted.

(5:55 p.m.) **Motion by Quinn, seconded by Sanchez, carried 4/0 with Mays absent, to adopt Resolution No. 2010-74, approving the terms and authorizing the County Administrator, or designee, to execute the Staff Care Agreement for temporary psychiatric provider services.** Sanchez mentioned that Resolution No. 2010-74 for that item should be 2010-75. (5:56 p.m.) **The maker of the motion accepted the change from 74 to 75 and the second agreed, carried 4/0 with Mays absent.**

RESOLUTION NO. 2010-75

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF A CONTRACT BETWEEN ST. JOHNS COUNTY, FLORIDA, AND STAFF CARE, FOR THE PURPOSE OF ARRANGING LOCUM TENENS PROVIDERS FOR THE ST. JOHNS COUNTY HEALTH AND HUMAN SERVICES DEPARTMENT, MENTAL HEALTH DIVISION, AND AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO EXECUTE THE AGREEMENT ON BEHALF OF ST. JOHNS COUNTY

(03/16/10 - 29 - 5:57 p.m)

COMMISSIONERS' REPORTS

(6:02 p.m.)

Commissioner Bryan:

Bryan mentioned that he attended the Florida Association of Trust quarterly conference in Tallahassee last week. He stated that the meeting showed how one organization was investing their money very well and getting a very good return on their investment.

Bryan mentioned filling out the Census and sending it in.

Bryan said that the Chairman had conducted a very good meeting that day.

(6:03 p.m.)

Commissioner Sanchez:

No report.

(6:03 p.m.)

Commissioner Quinn:

Quinn concurred with Bryan about having a good meeting that day.

(5:57 p.m.)

Commissioner Stevenson:

Stevenson stated that she appreciated the Chairman's conduct of the meeting that day.

Stevenson said that she was asked by the Water Management District to announce that on Friday, March 26, 2010, from 9:00 a.m. to noon, at the St. Johns County Permit Center in Conference Room 1A and 1B, there would be a meeting of the Twelve Mile Swamp Management and Plan to discuss the preparation of a Twelve Mile Swamp Management Plan.

Stevenson stated that there were three big issues discussed at the LCIR meeting and two of them had to deal with the numeric policy for the nutrient loading. She stated that there was also significant discussion about health care reforms.

(03/16/10 - 31 - 6:03 p.m.)

COUNTY ADMINISTRATOR'S REPORT

Wanchick mentioned that they were contacted by the Jacksonville Jaguars about promoting interest in the team. Wanchick stated that he would like to offer them one of their free dates at the World Golf Village conference center for them to host an activity. *There was Board consensus.*

Wanchick stated that Ven Thomas was hired as the Director of Health and Human Resources.

Wanchick mentioned that Stacey Stanish was appointed the acting Director of Human Resources through the end of the year. He stated that they would begin that recruitment process shortly, but there were some things that they wanted to address before they did that.

Wanchick thanked the Commission and the members of the community that spoke so highly of staff. Bryan commended Wanchick for being a good Administrator and doing a great job. Sanchez thanked Stevenson for bringing Stacey Stanish to the County.

(03/16/10 - 31 - 6:06 p.m.)

COUNTY ATTORNEY'S REPORT

No report.

(03/16/10 - 31 - 6:06 p.m.)

CLERK OF COURT'S REPORT

No report

Sanchez adjourned the meeting. With there being no further business to come before the Board, the meeting adjourned at 6:06 p.m.

REPORTS:

1. St. Johns County Board of County Commissioners Check Register, Check Nos. 453255 through 453455, totaling \$1,930,345.82 (02/23/10)
2. St. Johns County Board of County Commissioners Vouchers, Voucher Nos. 1500 through 1595, totaling \$776,313.34 (02/23/10)
3. St. Johns County Board of County Commissioners Check Register, Check Nos. 453456 through 453486, totaling \$60,783.65 (02/25/10)
4. St. Johns County Board of County Commissioners Check Register, Check Nos. 453487 through 453499, totaling \$201,527.69 (02/26/10)
5. St. Johns County Cash Requirement Purchase Card, totaling \$201,517.69 (02/26/10)
6. St. Johns County Board of County Commissioners Check Register, Check Nos. 453500 through 453728, totaling \$618,181.33 (03/02/10)
7. St. Johns County Board of County Commissioners Vouchers, Voucher Nos. 1596 through 1654, totaling \$1,589,715.65 (03/02/10)
8. St. Johns County Board of County Commissioners Check Register, Check Nos. 453729 through 453736, totaling \$178,729.36 (03/03/10)

CORRESPONDENCE:

1. Letter to Liz Cloud, Program Administrator, Bureau of Administrative Code and Weekly, filing Ordinance Numbers 2010-10 and 2010-11 (03/04/10)

Approved April 20, 2010

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: Ron Sanchez
Ron Sanchez, Chair

ATTEST: CHERYL STRICKLAND, CLERK

By: Cheryl Strickland
Deputy Clerk

