

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
JUNE 15, 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

(06/15/10 - 1 - 8:59 a.m.)
CALL TO ORDER

Sanchez called the meeting to order.

(06/15/10 - 1 - 8:59 a.m.)
ROLL CALL

Sanchez announced that all five commissioners were present.

(06/15/10 - 1 - 8:59 a.m.)
Mays gave the Invocation and Stevenson led the Pledge of Allegiance.

(06/15/10 - 1 - 9:01 a.m.)
DELETIONS TO CONSENT AGENDA

Wanchick requested to pull items 13 and 15. Sanchez stated that Item 15 was a time sensitive issue and Michael Hunt, Deputy County Attorney, reviewed it.

(06/15/10 - 1 - 9:03 a.m.)
APPROVAL OF CONSENT AGENDA

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

1. Approval of the Cash Requirement Report
2. Sheriff Bonds: None
3. Minutes: BCC Regular Meeting 05/18/10
 BCC Regular Meeting 06/01/10
4. Motion to adopt **Resolution No. 2010-124**, accepting a Bill of Sale and Schedule of Values conveying all personal property associated with the water and sewer system serving The Shoppes of St. Johns Oaks located on US Highway #1 North

RESOLUTION NO. 2010-124

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING A BILL OF SALE AND SCHEDULE OF VALUES CONVEYING ALL PERSONAL PROPERTY ASSOCIATED WITH THE WATER AND SEWER SYSTEM SERVING THE SHOPPES OF ST. JOHNS OAKS ON US HIGHWAY #1 NORTH

5. Motion to adopt **Resolution No. 2010-125**, approving the terms and authorizing the County Administrator, or designee, to execute four Purchase and Sale Agreements for the acquisition of Drainage Easements needed for the Duval/St. Johns Drainage Improvements in the West St. Augustine Area

RESOLUTION NO. 2010-125

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 FOUR PURCHASE AND SALE AGREEMENTS FOR THE DRAINAGE EASEMENTS NEEDED FOR THE DRAINAGE IMPROVEMENTS IN THE WEST ST. AUGUSTINE AREA

6. Motion to adopt **Resolution No. 2010-126**, accepting a Temporary Construction Easement for construction of drainage improvements along North Roscoe Blvd. in Ponte Vedra

RESOLUTION NO. 2010-126

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

7. Motion to adopt **Resolution No. 2010-127**, authorizing the County Administrator, or designee, on behalf of the County Environmental Division to submit a grant application to the Florida Energy and Climate Commission for up to \$500,000 to implement St. Johns County Clean Energy projects, and authorizing the County Administrator, or designee, to execute any, and all, documents associated with the grant application

RESOLUTION NO. 2010-127

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

8. Motion to adopt **Resolution No. 2010-128**, authorizing the County Administrator, or designee, on behalf of the County Environmental Division, to submit a grant application to the St. Johns River Water Management District, Water Conservation Cost-Share Program for up to \$300,000 to fund specific water conservation projects in the County, and authorizing the County Administrator, or designee, to execute any and all documents associated with the grant application

RESOLUTION NO. 2010-128

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO SUBMIT AN APPLICATION FOR GRANT FUNDING ADMINISTERED THROUGH THE ST. JOHNS RIVER WATER MANAGEMENT DISTRICT, WATER CONSERVATION COST-SHARE PROGRAM

9. Motion to adopt **Resolution No. 2010-129**, approving the terms and authorizing the County Administrator, or designee, on behalf of the County Environmental Division to submit a grant application to the National Fish and Wildlife Foundation for up to \$15,000, in order to conduct invasive plant removal and native planting throughout several dune systems located in St. Johns County

RESOLUTION NO. 2010-129

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO SUBMIT AN APPLICATION SEEKING FUNDING ASSISTANCE THROUGH THE NATIONAL FISH AND WILDLIFE FEDERATION, IN ORDER TO CONDUCT INVASIVE PLANT SPECIES REMOVAL AND NATIVE PLANTING THROUGHOUT SEVERAL DUNE SYSTEMS LOCATED WITHIN ST. JOHNS COUNTY

10. Motion to announce the date of the public hearing before the Board of County Commissioners for the DRI 2006-02/DRI DO 2010-1 Cordova Palms to be held on August 17, 2010
11. Motion to adopt **Resolution No. 2010-130**, approving the terms and conditions of an Amendment to a Contract between St. Johns County, Florida, and EPIC Community Services, for the provision of services through the Adult Drug Court Program, and authorizing the County Administrator, or designee, to execute the Amendment to the Contract on behalf of the County

RESOLUTION NO. 2010-130

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF AN AMENDED AGREEMENT BETWEEN ST. JOHNS COUNTY, FLORIDA, AND EPIC COMMUNITY SERVICES FOR THE ADULT DRUG COURT

**PROGRAM, AND AUTHORIZING THE COUNTY
ADMINISTRATOR, OR DESIGNEE, TO EXECUTE THE
AGREEMENT ON BEHALF OF THE COUNTY**

12. Motion to approve the transfer of \$34,200 from General Fund Reserves (0083-59920) to Agriculture Center Contractual Services (0052-53120) to fund the proposed Economic Development of Agriculture, Natural Resources and Related Industries in St. Johns County, Florida
13. Motion to adopt a resolution approving the terms, provisions, conditions and requirements of a Maintenance contract for Bird Island Park between St. Johns County and Ponte Vedra Beach Park at Library Blvd. Inc., and authorizing the County Administrator or his designee to execute the agreement on behalf of the County. St. Johns County Recreation and Parks Department and the PVBPLBI wish to enter into a Maintenance Agreement in order to share cost associated with the continual maintenance of the project site

This item was pulled from the Consent Agenda.

14. Motion to adopt **Resolution No. 2010-131**, authorizing the Sheriff or his designee to submit an application seeking funding assistance through the Edward Byrne Memorial Justice Assistance Formula Grant (JAG) Department of Justice. The grant funds will be used to purchase Computer equipment for Patrol Vehicles and for Specialized K-9 vehicles

RESOLUTION NO. 2010-131

**A RESOLUTION BY THE BOARD OF COUNTY
COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA,
AUTHORIZING THE SHERIFF, OR DESIGNEE, TO
SUBMIT AN APPLICATION SEEKING FUNDING
ASSISTANCE THROUGH THE DEPARTMENT OF
JUSTICE: EDWARD BYRNE MEMORIAL JUSTICE
ASSISTANCE FORMULA GRANT (JAG), STATE
SOLICITATION**

15. Motion to approve an Interlocal Agreement between St. Johns County and the City of St. Augustine concerning the distribution of the Motor Fuel Tax

This item was pulled from the Consent Agenda.

16. Proofs:
 - a. Proof: Notice of Public Hearing of the Board of County Commissioners on May 4, 2010 and June 1, 2010 on establishment of Ordinance/Regulations affecting the Use of Land, published April 23, 2010 in the St. Augustine Record
 - b. Proof: Notice to Bidders, Bid #10-42, published April 23, 2010 in the Ponte Vedra Recorder
 - c. Proof: Notice of Public Hearing of the Board of County Commissioners regarding Article III, Special Districts, published April 30, 2010 in the Ponte Vedra Recorder
 - d. Proof: Notice to Bidders, Bid #10-63, published April 30, 2010 and May 7, 2010 in the St. Augustine Record
 - e. Proof: Notice of Hearing of the St. Johns County Fiscal Year 2011 Administrator's Budget Hearings on May 11, 12, and 13, 2010, published May 7, 2010 in the St. Augustine Record

- f. Proof: Request for Proposals, RFQ #10-67, for Concession and Bait Store Rental, published May 4, 2010 and May 11, 2010 in the St. Augustine Record
- g. Proof: Notice of First Public Hearing for a Small Cities Community Development Block Grant (CDBG) on May 18, 2010, published May 7, 2010 in the Ponte Vedra Recorder
- h. Proof: Request for Proposals, RFQ #10-67, for Concession and Bait Store Rental, published May 7, 2010 in the Ponte Vedra Recorder
- i. Proof: Notice to Bidders, Bid #10-63, published May 7, 2010 in the Ponte Vedra Recorder
- j. Proof: Notice of Public Hearing of the Board of County Commissioners regarding Fertilizer Ordinance on June 1, 2010, published May 19, 2010 in the St. Augustine Record
- k. Proof: Notice of Public Hearing of the Board of County Commissioners regarding Irrigation Ordinance on June 1, 2010, published May 19, 2010 in the St. Augustine Record
- l. Proof: Notice of Public Hearing of the Board of County Commissioners regarding Fertilizer Ordinance on June 1, 2010, published May 21, 2010 in the Ponte Vedra Recorder
- m. Proof: Notice to Bidders, Bid #10-74, published May 21, 2010 in the Ponte Vedra Recorder
- n. Proof: Notice of Public Town Hall Meetings on June 3, 7, 10, 14, 17, 22 and 24, 2010, published May 27, 2010 in the St. Augustine Record.
- o. Proof: Certificate of Liability Insurance for Masci Construction, Inc., c/o Masci Corporation, 5752 South Ridgewood Avenue, Harbor Oaks, FL 32127
- p. Proof: Certificate of Liability Insurance for HDR Engineering, Inc., 8404 Indian Hills Drive, Omaha, NE 68114-4049
- q. Proof: Certificate of Liability Insurance for South East Personnel Leasing, Inc., 2739 U.S. Highway 19 North, Holiday, FL 34691
- r. Proof: Certificate of Liability Insurance for G & H Underground Construction, Inc., 1175 Woodlawn Road, St. Augustine, FL 32084
- s. Proof: Certificate of Liability Insurance for R.B. Baker Construction, Inc., Pavement Techniques, 100 Morgan Industrial Blvd., Garden City, GA 31408
- t. Proof: Certificate of Liability Insurance for Halback Design Group, 287 Saint George Street, St. Augustine, FL 32084
- u. Proof: Certificate of Liability Insurance (other) for Halback Design Group, 287 Saint George Street, St. Augustine, FL 32084
- v. Proof: Certificate of Liability Insurance for Frederick E. Halback, 287 St. George Street, St. Augustine, FL 32084-5045
- w. Proof: Certificate of Liability Insurance for Bellomo Herbert & Company, Inc., 801 North Orange Avenue, Suite 730, Orlando, FL 32801
- x. Proof: Certificate of Liability Insurance for King Engineering Associates, Inc., 4921 Memorial Hwy, Ste 300, Tampa, FL 33634
- y. Proof: Certificate of Liability Insurance for Jones Edmunds & Associates, Inc., 730 N.E. Waldo Road, Gainesville, FL 32641
- z. Proof: Certificate of Liability Insurance for Zev Cohen & Associates, Inc., 300 Interchange Blvd., Ormond Beach, FL 32174
- aa. Proof: Certificate of Liability Insurance for Ayres Associates, Inc, 3433 Oakwood Hills Pkwy, Eau Claire, WI 54702
- bb. Proof: Certificate of Liability Insurance for Ayers Associates, Inc., PO Box 1590, Eau Claire, WI 54702-1590

(06/15/10 - 6 - 9:05 a.m.)

PUBLIC COMMENT

Walter Rohrer, 2315 Clubview Court, representing the St. Johns Civic Association Round Table, spoke on the St. Johns County Budget 2011 and their opinion of it, *Exhibit A*. Stevenson questioned the graphic. Rohrer responded.

(9:10 a.m.) BJ Kalaidi, 8 Newcomb Street, spoke on not extending the time of alcohol consumption to 2:00 a.m. She stated that Category II funds should be used for family events.

(06/15/10 - 6 - 9:13 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

Wanchick mentioned that the Clerk of Circuit Court was unable to attend that morning. Sanchez asked if she needed to appear, since they had copies of her budget. Wanchick said that he would let her know that the Board had copies of her budget, and if she would like to appear, they would make that happen. McCormack clarified that on Item 1, the Clerk of Court was taken off, but the rest of Item 1 would be presented as it was.

(06/15/10 - 6 - 9:14 a.m.)

APPROVAL OF REGULAR AGENDA

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

(06/15/10 - 6 - 9:14 a.m.)

1. CONSTITUTIONAL OFFICERS' BUDGET PRESENTATIONS FOR FISCAL YEAR 2011:

Doug Timms, Director of Office Management and Budget, stated that under Florida Statutes, Constitutional Officers, who were otherwise independent, must submit their tentative budgets for Fiscal Year 2011 by June 1. He said that Management and Budget had received their budgets on time. He stated that the Tax Collector and Property Appraiser's budgets were fee based under Florida Statutes, and they generally did not present further. He said the Sheriff's Office and the Supervisor of Elections were there that day to comment on their tentative budgets.

CLERK OF THE COURT:

She was not present, but may be at the next meeting.

SHERIFF'S OFFICE:

(9:16 a.m.) Sheriff Shoar gave an overview of his budget, and stated prior to the future workshop, that they would give a budget book to everyone. He commended the Office of Management and Budget on doing a tremendous job. He spoke on doing a community survey, and reported that the community strongly believed that they were doing a good job. He said last year's budget came in with about a 4% reduction and this year's budget was cut again, about \$400,000 lower than last year. He spoke on safety at the courthouse and administration facility, completing a significant jail renovation project, being almost entirely a paperless system, and the uncontrollable cost of personnel. He stated that one of the big goals that they had accomplished that year, with the Commission, was the passage of the alarm ordinance. He spoke about on line reporting of minor crimes, capturing a Federal grant to allow them to deliver a prisoner

re-entry program in St. Johns County, their personnel, asking his employees to skip pay raises again that year, not getting new vehicles that year, analyzing positions coming open, and needing a new intergovernmental communication system. Sheriff Shoar mentioned the jail alternatives, the prison farm concept, and capturing some of the property next to the jail back from the Juvenile Justice extending the life of the corrections facility. He said to keep them in mind when capital projects were discussed, because they were going to have some needs in the future. He noted that they were stretching it to provide security for the whole Judicial Complex, because of its recent growth. Mays commended the Sheriff's Office for doing a good job. Stevenson said that she appreciated him being there, and that she had seen a lot of improvement. Sheriff Shoar spoke on the alarm ordinance and noise ordinance. Stevenson spoke on the Sheriff's Office awards ceremony. Bryan commended Sheriff Shoar for working with Wanchick, and spoke on the Juvenile Justice program. Quinn spoke on working through the budget cycles, and the Sheriff's Office coming forward with a proposed budget decrease. Sanchez thanked everyone at the Sheriff's Office for doing a good job.

SUPERVISOR OF ELECTIONS:

(9:42 a.m.) Penny Halyburton thanked the Board for their support of House Bill 131. She spoke on their new voting equipment and stated their last equipment was bought in 1993, which they had used through last year. She stated that they cut back their precincts from 67 to 46. She spoke on the EVID (Electronic Voter Identification System), valid on demand printers, not cutting back on early voting, cutting their budget, increase in election supplies, printing ballots by precinct costing more, and if they got the full reimbursement from the State it would be a little over \$153,000. Stevenson thanked Halyburton for a good job and making a lot of progress since 2000. Quinn and Sanchez commended Halyburton and her staff on good service and on cutting staff.

(06/15/10 - 7- 9:58 a.m.)

2. PUBLIC HEARING - CONSIDER ENACTING AN ORDINANCE FOR PURPOSES OF AMENDING COUNTY ORDINANCE 90-48, IN ORDER TO EXTEND THE HOURS OF SALES, SERVICE, AND/OR CONSUMPTION OF ALCOHOLIC BEVERAGES, INCLUDING BEER, MALT BEVERAGES, WINES, AND LIQUOR BY PERSONS AND ENTITIES HOLDING A STATE BEVERAGE LICENSE. AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA, AMENDING COUNTY ORDINANCE 90-48, PERTAINING TO THE REGULATION, SALE, SERVICE, AND/OR CONSUMPTION OF ALCOHOLIC BEVERAGES, INCLUDING BEER, MALT BEVERAGES, WINES AND LIQUOR, BY PERSONS AND ENTITIES HOLDING A STATE BEVERAGE LICENSE; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR THE EXTENSION OF HOURS OF SALES, SERVICE, AND/OR CONSUMPTION OF CERTAIN TYPES OF ALCOHOLIC BEVERAGES; PROVIDING FOR AN EFFECTIVE DATE FOR THE EXTENSION OF HOURS OF SALES, SERVICE, AND/OR CONSUMPTION OF CERTAIN TYPES OF ALCOHOLIC BEVERAGES; PROVIDING FOR OTHER APPLICABLE PARAGRAPHS OF ST. JOHNS COUNTY ORDINANCE 90-48, REMAINING UNCHANGED AND IN EFFECT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE FOR THIS ORDINANCE

Proof of publication of the notice of public hearing on amendment Ordinance 90-48, Alcoholic Beverages, was received, having been published in *The St. Augustine Record* on June 1, 2010 and *The Ponte Vedra Recorder* on June 4, 2010.

Michael Hunt, Deputy County Attorney, reviewed this item. He said the retail and Law Enforcement feedback during the temporary sale extension had not shown any increase

in incidents and/or arrests induced or associated with the temporary extension of the hours of sales or consumption of beer, malt beverages, wines and liquor, as defined by State Statutes. He stated that in light of such feedback, it would appear that continued extension of hours of sale would be acceptable and that this was a public hearing to consider the continued extension of hours of sale, service, and/or consumption of alcoholic beverages, as it was proposed in the ordinance. Sanchez said that there was nothing to do with that ordinance unless someone decided they wanted to change it.

(10:01 a.m.) **Motion by Bryan, seconded by Mays, carried 5/0, to enact Ordinance No. 2010-24, for purposes of amending County Ordinance 90-48, in order to extend the hours of sales, service, and/or consumption of alcoholic beverages, including beer, malt beverages, wines and liquor by persons and entities holding a State beverage license.**

ORDINANCE NO. 2010-24

AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA, AMENDING COUNTY ORDINANCE 90-48, PERTAINING TO THE REGULATION, SALE, SERVICE, AND/OR CONSUMPTION OF ALCOHOLIC BEVERAGES, INCLUDING BEER, MALT BEVERAGES, WINES AND LIQUOR, BY PERSONS AND ENTITIES HOLDING A STATE BEVERAGE LICENSE; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR THE EXTENSION OF HOURS OF SALES, SERVICE, AND/OR CONSUMPTION OF CERTAIN TYPES OF ALCOHOLIC BEVERAGES; PROVIDING FOR AN EFFECTIVE DATE FOR THE EXTENSION OF HOURS OF SALES, SERVICE, AND/OR CONSUMPTION OF CERTAIN TYPES OF ALCOHOLIC BEVERAGES; PROVIDING FOR OTHER APPLICABLE PARAGRAPHS OF ST. JOHNS COUNTY ORDINANCE 90-48 REMAINING UNCHANGED AND IN EFFECT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE FOR THIS ORDINANCE

(06/15/10 - 8 - 10:02 a.m.)

3. **CONSIDER A RESOLUTION APPROVING THE DECLARATION OF A PUBLIC PURPOSE AND NECESSITY FOR EXERCISING THE RIGHT AND POWER OF EMINENT DOMAIN TO ACQUIRE CERTAIN PROPERTY INTERESTS FOR THE CONSTRUCTION OF A COUNTY ROADWAY NEEDED FOR THE CR 210 @ I-95 SAFETY IMPROVEMENT PROJECT AND AUTHORIZING THE COUNTY ATTORNEY TO INSTITUTE CONDEMNATION PROCEEDINGS**

Michael Hunt, Deputy County Attorney, spoke on acquiring certain property interests for the construction of a County roadway. Stevenson asked if this affected any residential parcels. Hunt replied no.

(10:03 a.m.) **Motion by Bryan, seconded by Stevenson, carried 5/0, to adopt Resolution No. 2010-132, approving a Resolution declaring the public purpose and necessity for exercising the right and power of eminent domain to acquire certain property interests for the construction of a County roadway and authorizing the County Attorney to institute condemnation proceedings.**

(10:04 a.m.) Mays commented on eminent domain and it being for the public good. Stevenson concurred that it should be used in a very judicious manner and that she

thought that the public should know that roads like I-95 could not have been built without eminent domain.

RESOLUTION NO. 2010-132

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING A RESOLUTION DECLARING THE PUBLIC PURPOSE AND NECESSITY FOR EXERCISING THE RIGHT AND POWER OF EMINENT DOMAIN TO ACQUIRE CERTAIN PROPERTY INTERESTS FOR THE CONSTRUCTION OF A COUNTY ROADWAY AND AUTHORIZING THE COUNTY ATTORNEY TO INSTITUTE CONDEMNATION PROCEEDINGS

(06/15/10 - 9 - 10:08 a.m.)

4. PUBLIC HEARING - CONSIDER THE APPROVAL OF 2010 INVENTORY OF LAND AVAILABLE FOR USE AS AFFORDABLE HOUSING. FLORIDA STATUTE 125.379 STATES THAT THE COUNTY SHALL PREPARE AN INVENTORY LIST EVERY THREE YEARS OF ALL REAL PROPERTY WITHIN ITS JURISDICTION TO WHICH THE COUNTY HOLDS FEE SIMPLE TITLE THAT IS APPROPRIATE FOR USE AS AFFORDABLE HOUSING

Proof of publication of the notice of public hearing on affordable housing inventory was received, having been published in *The St. Augustine Record* on June 1, 2010.

Tom Crawford, Director Housing & Community Services, stated that this was a public hearing on the list of properties that were County owned, that could be considered for affordable housing sites in the future.

(10:10 a.m.) Motion by Quinn, seconded by Mays, carried 5/0, to adopt Resolution No. 2010-133, approving the 2010 Inventory List of land available for use as Affordable Housing pursuant Florida Statute requirements.

RESOLUTION NO. 2010-133

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE 2010 INVENTORY LIST OF LAND AVAILABLE FOR USE AS AFFORDABLE HOUSING PURSUANT FLORIDA STATUTE REQUIREMENTS

(06/15/10 - 9 - 10:11 a.m.)

5. CONSIDER A RESOLUTION AUTHORIZING ADDENDUM TO THE SAINT JOHNS DRI IMPACT FEE AGREEMENT. THE DEVELOPER FOR THE SAINT JOHNS DRI HAS REQUESTED AN ADDENDUM TO THE EXISTING ROAD IMPACT FEE CREDIT AGREEMENT TO ALLOW A \$6,664,332 CREDIT FOR THE RIGHT-OF-WAY, DESIGN AND CONSTRUCTION COSTS OF THE I-95/INTERNATIONAL GOLF PARKWAY INTERCHANGE, CONSTRUCTED BETWEEN 1994 AND 1996

Suzanne Konchan, AICP, Growth Management Director, stated this item was for consideration of an addendum to the Saint Johns DRI Impact Fee Credit Agreement, and the request of the credit was for \$6,664,332, associated with cost incurred by the developer to improve the I-95 International Golf Parkway Interchange, *Exhibit A*. She

spoke on the General Condition G of the Saint Johns DRI Development Order. She said that staff believed that Condition G of the Development Order had been met, and the developers were entitled to request the impact fee credit modification. Bryan asked about the other improvements needing to be done by developers. Konchan replied that they would be new capital projects that would expand road capacity. Wanchick said that there was no money changing hands, that this was a credit for work performed for I-95 for impact fees. Konchan spoke on impact fee credit agreements. Mays asked McCormack for a legal interpretation of why he believed or didn't believe that this was a proper request. McCormack replied that the developer actually spent the money on the interchange improvements in 1990 and did not receive credit for it at that time. Mays said that, retroactively, they should receive credit for this expenditure. Stevenson mentioned that they needed all the dollars they could get on State improvements.

(10:19 a.m.) **Motion by Stevenson, seconded by Quinn, carried 5/0, to approve Resolution No. 2010-134, authorizing the County Administrator to execute the Addendum to the Saint Johns DRI Road Impact Fee Credit Agreement to provide for credit of \$6,664,332 for the right-of-way, design and construction costs of the I-95/International Golf Parkway Interchange and the recommended change to the fourth whereas.**

RESOLUTION NO. 2010-134

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE AN ADDENDUM TO AN IMPACT FEE CREDIT AGREEMENT WITH IT LAND ASSOCIATES, LLC, AND SJ LAND ASSOCIATES, LLC, ("DEVELOPERS")

The meeting recessed at 10:20 a.m. and reconvened at 10:35 a.m.

(06/15/10 - 10 - 10:35 a.m.)

DISTRICT 3

6. PUBLIC HEARING - PNZVAR 2009-03, SOUTH BEACH GRILL, PLANNING NON-ZONING VARIANCE. THIS APPLICATION IS A PLANNING NON-ZONING VARIANCE TO REDUCE SETBACKS FROM 50' (3.07.05.A.5) TO 5' AND REDUCE BUFFER FROM 10' TO 2' (3.07.06.A.3) FOR CANOPY ADDITION. THE SOUTH ANASTASIA DESIGN REVIEW BOARD RECOMMENDED APPROVAL OF THE PNZVAR DURING THEIR APRIL 16, 2010 MEETING. THE PLANNING DIVISION FINDS THE REQUEST FOR A PLANNING NON-ZONING VARIANCE TO SECTIONS 3.07.05.A.5 AND 3.07.06.A.3 SUBSTANTIALLY MEETS THE REQUIREMENTS OF THE COMPREHENSIVE PLAN AND THE LAND DEVELOPMENT CODE, SPECIFICALLY SECTION 10.04.03.B

Proof of publication of the notice of public hearing on PNZVAR 2009-03, South Beach Grill, was received, having been published in *The St. Augustine Record* on May 31, 2010.

Michael Blackford, Planning and Zoning Manager, gave an overhead presentation, *Exhibit A*, and presented the specifics of the request to erect a canopy over an existing deck.

(10:40 a.m.) Ted McLemore, 1 N. Trident Place, owner of the restaurant, came forward to answer any questions. Stevenson asked if the awning was just over the existing deck. McLemore said it was.

(10:41 a.m.) Quinn said that he noticed that the request stated that it was a retractable awning. McLemore said that was correct, they were trying to extend the use of the deck during inclement weather, and they were working with an engineer on that issue.

(10:43 a.m.) There was no ex parte communication.

(10:43 a.m.) Motion by Quinn, seconded by Mays, carried 5/0, to approve Planning Non Zoning Variance PNZVAR 2009-03, South Beach Grill, adopting findings of fact one through six to support the motion.

(10:44 a.m.) McCormack reminded the Board that the next matter was in litigation. He said he was not sure of the Board's jurisdiction in the matter, however with that uncertainty noted, it would be appropriate for the Board to proceed with the presentation.

(06/15/10 - 11 - 10:45 a.m.)

DISTRICT 1

7. PUBLIC HEARING - COMPAMD 2009-05, SWITZERLAND COMPREHENSIVE PLAN AMENDMENT. AT THE MARCH 16TH BCC MEETING, THE BCC OPTED TO CONTINUE THIS ITEM TO A DATE UNCERTAIN BUT DIRECTED STAFF TO BRING THIS APPLICATION BACK WITHIN THE 180 DAY WINDOW, PER STATUTE. THIS ITEM REPRESENTS THE TRANSMITTAL HEARING 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 SR 13 AND SOUTH OF GREENBRIAR ROAD. THE AMENDMENT SEEKS STATUS AS AN AGRICULTURAL ENCLAVE WHICH REQUIRES TRANSMITTAL OF THE AMENDMENT TO DCA. CORRESPONDENCE FROM DCA'S SECRETARY PELHAM THROUGH ITS GENERAL COUNSEL 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

Proof of publication of the notice of public hearing on COMPAMD 2009-05, Switzerland, was received, having been published in *The St. Augustine Record* on May 31, 2010.

Jason Cleghorn, Planner III, gave the overhead presentation, *Exhibit A*. He noted that the Board was familiar with the project and that it had been filed on the Agricultural Uses Act. He stated they were within the 180-day deadline. He said the DCA indicated that the subject parcel did not meet the necessary requirements for an agricultural enclave. He gave the staff analysis and provided the Board with suggested options. Sanchez stated that they had not decided whether it was an enclave or not, that they had asked for a 180 day period to study it, and it was not over yet. Cleghorn replied that was correct. McCormack said the applicant had an opportunity to make a presentation and for the Board to keep in mind that there was pending litigation on the matter.

(10:50 a.m.) George McClure, 81 King Street, Suite A, said that they filed an action for declaratory release, and would seek advice from Judge Traynor as to whether or not this application did or did not constitute an agricultural enclave. He stated that they wanted an accurate record. He spoke on transmitting an amendment. He stated that they were not advised that the County was seeking a more formal interpretation, even if not a binding interpretation from the Department. The options remain out there. Sanchez stated that their decision last time was that they did not know the correct status. He was not comfortable submitting it as an enclave, not knowing if it was or not, because no one had come to them with positive proof that it was an enclave. McClure stated that not making a decision was the same as making a decision. Bryan stated that he would consider option 1. McCormack said that day was an opportunity for the applicant to either negotiate with the Board or demonstrate to the Board eligibility for the enclave. He said sometimes the County did request an opinion from the Attorney General on statutory interpretation. He stated that he could look into that, but his sense was that they probably would not be enthusiastic about considering it, because the applicant had brought litigation into the matter. He mentioned that McClure was referring to a Chapter 120 type matter that they could look into, come back and give a recommendation to the Board. Stevenson commented on it being a very unusual proceeding for the Board. Sanchez said that McCormack could proceed with what he felt he should do with it.

(11:02 a.m.) Tom Sciandra, 778 Pheasant Court, Jacksonville, adjacent property owner, spoke on the meeting, the Statute, the application, living next to the property for twelve years, never seeing any type of agricultural activities going on, on that land, and stripping 800 acres of trees without a County permit. He spoke on the County's documented plans for the land, avoiding urban sprawl, plan amendment, and having clear evidence that he didn't meet any of the requirements, *Exhibit B*. He asked the Board to take the staff's recommendation number two, and to vote no on transmitting this application. McCormack stated that he did not believe that the statute required transmittal at all unless this was actually an agricultural enclave, and then it would be at the next transmittal cycle, in the January 2011 time frame. He stated that the County staff and Attorney's Office, with the applicant, could try to seek advice on whether there was a mechanism to determine whether or not it was an agricultural enclave. He said that they would take note of Mr. Sciandra's comments and the backup information he presented before the Board. (11:09 a.m.) *McCormack said the Board could consider a motion to continue the item to review the issues presented this day, and if appropriate, schedule for the next transmittal cycle.* (10:56 a.m.) **Motion by Stevenson, seconded by Bryan, carried 5/0, as outlined by the County Attorney.**

(06/15/10 - 12 - 11:11 a.m.)

DISTRICT 1

8. PUBLIC HEARING - NINE MILE GANG COMPREHENSIVE PLAN AMENDMENT DEVELOPMENT AGREEMENT (DEVAGREE 2009-03). THIS IS THE FIRST OF TWO REQUIRED PUBLIC HEARINGS FOR THE NINE MILE GANG DEVELOPMENT AGREEMENT. THE PROPOSED AGREEMENT IS ASSOCIATED WITH THE NINE MILE GANG COMPREHENSIVE PLAN AMENDMENT (COMPAMD 2009-01) TO ADDRESS ADEQUATE TRANSPORTATION CAPACITY, AND THE PROVISION OF ADEQUATE WATER AND WASTEWATER CAPACITY FOR THE DEVELOPMENT OF 300 MULTI-FAMILY RESIDENTIAL UNITS, 97,500 SQ. FT. OF OFFICE USES, AND 385,000 SQ. FT. OF RETAIL USES IN THE PROPOSED CPA. THE DEVELOPMENT AGREEMENT IS IN, SUBSTANTIALLY, FINAL FORM. MINOR CHANGES MAY BE NECESSARY AT SECOND READING TO ADDRESS OUTSTANDING UTILITY DEPARTMENT AND FDOT COMMENTS. THE ADOPTION OF THE COMPANION COMPREHENSIVE PLAN AMENDMENT IS SCHEDULED TO COINCIDE WITH SECOND

READING, AS REQUIRED BY STATUTE. THE PROPOSED DEVELOPMENT AGREEMENT IS SCHEDULED FOR ITS 2ND PUBLIC HEARING AND ADOPTION ON JULY 20, 2010

Proof of publication of the notice of public hearing on DEVAGREE 2009-03, Nine Mile Gang Development Agreement, was received, having been published in *The St. Augustine Record* on May 31, 2010.

Phong Nguyen, Transportation Planning Manager, gave a presentation, reviewing the phases, *Exhibit A*. He gave the scheduled hearing dates and announced that the next hearing date was scheduled to be held at 9:00 a.m. on July 20, 2010. Stevenson said that it didn't seem cost feasible, so there would have to be some other funding, and she wanted to make sure that there were no changes at some other level of government that would allow them to go forward without reasonable transportation improvements. Nguyen stated that they were very careful in reviewing the development agreement, and that it was a stand alone agreement between the applicant and the County. McCormack spoke on legislature protecting local governments when they make statutory changes. He stated that he thought that the concept that Stevenson was looking for was that, if there was a contract or agreement made with certain rights and responsibilities, that the County was not stuck on the short end, if someone else changed the rules. He said his sense was that, if there was a way to list some language like that, it would be appropriate for other development agreements and contracts, not just pertaining to that matter. Stevenson stated that she agreed. McCormack said that they would take that concept under advisement.

(11:22 a.m.) Ellen Whitmer, 1178 Natures Hammock Road South, stated that she was definitely not in favor of the development agreement because she was not in favor of the Comprehensive Plan Amendment. She stated that she had reservations about it being near Twelve Mile Swamp. Bryan asked when the residential component was to be phased into it. Nguyen replied in Phase II. Discussion followed. Sanchez announced that the public hearing was scheduled for July 20, 2010. Stevenson said that she appreciated Bryan's comments about the Comprehensive Plan Amendments that focused on the commercial and job type elements that they were hoping to get in St. Johns County, in a good location, as a good footprint for interchange and there was not adjacent land for it to sprawl into.

(06/15/10 - 13 - 11:28 a.m.)

9. CONSIDER ST. JOHNS COUNTY'S 2010 ROADWAY AND TRANSPORTATION ENHANCEMENT LIST OF PRIORITY PROJECTS FOR TRANSMITTAL TO THE FLORIDA DEPARTMENT OF TRANSPORTATION AND THE NORTH FLORIDA TPO

Phong Nguyen, Transportation Planning Manager, gave a presentation, *Exhibit A*, stating that this was to consider a motion to approve the 2010 St. Johns County list of transportation priority projects. He said that they were submitting that day's list for consideration for the Fiscal Year 2015/2016 of the Florida Departments Five Year Work Program, which would be adopted July 1, 2011. He said that it was the same list as last year, with one project removed, which was the turn lane on SR 16 at Four Mile Road that had been constructed. He reviewed the highway projects, and enhancement projects. He stated that they requested the Board to approve the list.

(11:32 a.m.) **Motion by Mays, seconded by Stevenson, carried 5/0, to approve the 2010 St. Johns County Roadway and Transportation Enhancement List of Priority Projects (LOPP) for transmittal to the Florida Department of Transportation and the North Florida TPO.**

(06/15/10 - 14 - 11:33 a.m.)

DISTRICT 3

10. PUBLIC HEARING - PLANAPPL 2010-01, KINGS TRACE APPEAL OF A DECISION BY THE PLANNING AND ZONING AGENCY, PURSUANT TO SECTION 9.07.03 OF THE LAND DEVELOPMENT CODE. THIS IS AN APPEAL FILED PURSUANT TO SECTION 9.07.03 OF THE LAND DEVELOPMENT CODE REGARDING DECISIONS OF THE PLANNING AND ZONING AGENCY (PZA). THE PZA ISSUED A FINAL DECISION REGARDING A MINOR MODIFICATION TO THE SIDE SETBACK REQUIREMENT FOR A SINGLE-FAMILY RESIDENCE. THE PZA DENIED THE APPLICATION BY A 3-2 VOTE. THE AGENCY FOUND THAT THE REQUEST DID NOT FULLY MEET THE DEFINITION OF A VARIANCE BECAUSE THE HARDSHIP WAS CREATED BY THE OWNER. THE SUBJECT PROPERTY IS LOCATED IN KINGS TRACE PUD, AT 309 MYSTIC CASTLE DRIVE

Proof of publication of the notice of public hearing on PLNAPPL 2010-01, Kings Trace Lot 59, was received, having been published in *The St. Augustine Record* on May 31, 2010.

Michael Roberson, Planner I, gave a presentation on the setback requirements, *Exhibit A*. Bryan asked if they were over the line by about one and a half feet. Robertson said the total distance over that five foot line, was 2.58 feet. Bryan asked if this was a surveying error that was made by the builder. Roberson said yes, that initially, the site plan came in, and they had the house angled incorrectly. He said the applicant came forward admitting to making the mistake. Bryan asked about the adjacent home owners to that property. Roberson said that no one had come to the County with objections.

(11:37 a.m.) Karen Taylor, 77 Saragossa Street, stated that it was a survey error in laying it out, and the footing and slabs were already completed, *Exhibit B*. She said that the total distance between the two houses was actually 8.74 feet eave to eave and 10.37 feet wall to wall. She stated that the houses should have been moved back. She said the neighbor in the house next to it, had no objection. She said that there wasn't any particular fire code requirement with it, except for the setback requirement. She said the literal enforcement would cause undue hardship and there was some discussion again and confusion at the PZA on whether a hardship, created by the owner could be considered a hardship. She stated that the Order that granted or denied that, basically stipulated that it was not in conformance with the Comprehensive Plan. She said that it met the criteria in the Comprehensive Plan and it also met the criteria of the Land Development Code, except for the fact that it didn't meet the variance within the zoning or PUD category. She said they felt like it was a reasonable solution as to taking care of this error. She said they felt that it did meet the criteria for a hardship and requested the Board to turn over the appeal. Quinn stated that he saw the dilemma facing the builder. He stated that the neighbor had not been briefed about the situation, and that they objected to it. He said that the builder said that it would be a considerable expense because the frame would have to be torn down, and the slab and the plumbing had to be removed. He said that he had to side with adjacent resident and could not vote for the variance. Taylor stated that she would like to have an opportunity to talk to them and understand what their real issue was. Stevenson said that she would consider a continuance, but she would stand ready to support the PZA's recommendation. Discussion followed on the bedroom having no windows on that side of the house, and the space between the structures. Mays recommended a continuance. Sanchez said that he had no problem with it coming back. He voiced his concerns and setting a precedent. She stated she would appreciate some time to look at some options for changing the eave, structure, and talking to the resident next door. Quinn spoke on

how to measure the distance between two homes. Sanchez said it use to be slab to slab and changed to eave to eave. Taylor said the staff was more consistent with keeping measurements all the same, so it more or less met the code.

(11:58 a.m.) *Motion by Stevenson, seconded by Sanchez, to continue the hearing to a date uncertain.* McCormack said that it would require re-advertising and the applicant would be responsible for it. **Amended motion by Stevenson, seconded by Sanchez, carried 5/0, to continue the hearing to the August 3rd meeting.**

(06/15/10 - 15 - 12:00 p.m.)
COMMISSIONERS' REPORTS

Commissioner Stevenson:

Stevenson spoke on receiving complaints about the condition of the St. Johns River.

Stevenson said that she was at the walk-thru for the Boys and Girls Club and that they would be opening in the fall.

Stevenson spoke on the bicyclists from St. Johns County that were injured. She mentioned being careful when operating vehicles and looking out for cyclists. Sanchez said that everyone needed to practice safety. Stevenson said there should be mutual consideration. She said that she would be going to a Bike and Pedestrian Safety Board to do some recommendations for the State.

(12:04 p.m.)
Commissioner Mays:

No report.

(12:05 p.m.)
Commissioner Sanchez:

No report.

(12:05 p.m.)
Commissioner Bryan:

Bryan spoke on attending the Northrop Grumman opening ceremony and dedication to the National Regular Walker Center.

Bryan mentioned attending the Juvenile Justice Council and getting a map that showed where a lot of the juvenile delinquency was occurring, by zip code, within the County.

Bryan stated that he attended the World Golf Village Conference which honored the veterans from the midway.

Bryan said that he attended the First Coast Technical College graduation, and also the following day attended the School for the Deaf & Blind graduation.

Bryan commended the County Administrator and staff on the Town Hall meetings. He said it was important for the public to understand the challenges they had and limitations of the County.

(12:09 p.m.)

Commissioner Quinn:

Quinn spoke on the Fertilizer Ordinance, and the St. Johns River Water Management District allowing Georgia Pacific to discharge millions of gallons of polluted water into the river every 24 hours.

Quinn commended the St. Johns County School District for another most successful year.

Quinn said that he attended a Veterans Salute at Liberty Pines Academy on June 9th, and also attended the First Coast Technical graduation.

Quinn stated that he attended the Drug Court graduation on June 9th and they had six participants graduate and to move on to start a new life.

(06/15/10 - 16 - 12:10 p.m.)

COUNTY ADMINISTRATOR'S REPORT

Wanchick reminded the Board that Consent Item 12, that was approved earlier, was a contract with the University of Florida Agricultural Extension Division to help identify potential opportunities for economic development in the agricultural community.

Wanchick mentioned an on going study with the University of North Florida and mentioned that those results were back.

Wanchick spoke on Sheriff Shoar mentioning a couple of items that morning; taking land back from Juvenile Justice. *Wanchick stated that they had a draft contract from DJJ and asked the Commission to authorize him to approve and sign that contract substancially in the form after McCormack had reviewed it. He stated that they could bring it back July 20th and the Commission could reaffirm that action if they liked.* (12:19 p.m.) **It was the consensus of the Board to move ahead on it.** Hunt mentioned that Mary Ann Blount asked him to review it and check to see if the language was acceptable.

Wanchick mentioned the emergency operation system that Sheriff Shoar spoke on that morning, and stated that they would like to put an RFP out on it. Jerry Cameron spoke on the RFP and who all it involved. Sanchez said that there was no obligation with an RFP, so he did not have a problem with that. Cameron said that it would show them if the market was ready for that kind of partnership.

(06/15/10 - 16 - 12:17 p.m.)

COUNTY ATTORNEY'S REPORT

McCormack stated that the Solid Waste MSBU Ordinance needed to be revised. He said the Director of Public Works, Joe Stephenson, advised him of that. He said the ordinance was from the 1990's and the language in it really needed to be updated. (12:18 p.m.) **It was the consensus of the Board to propose revisions to be made for a later consideration by the Board.**

(12:18 p.m.) Stevenson mentioned that there would be a Town Hall Meeting, Thursday, June 17th at Fruitcove Middle School at 6:30 p.m.

(06/15/10 - 17 - 12:18 p.m.)
CLERK OF COURT'S REPORT

No report.

With there being no further business to come before the Board, the meeting adjourned at 12:19 p.m.

REPORTS:

1. St. Johns County Board of County Commissioners Check Register, Check #457112-457291, totaling \$611,258.44 (06/01/10)
2. St. Johns County Board of County Commissioners Voucher Register, Voucher #2497-2542, totaling \$324,413.87 (06/01/10)
3. St. Johns County Board of County Commissioners Check Register, Check #457292-457314, totaling \$38,048.99 (06/03/10)
4. St. Johns County Board of County Commissioners Check Register, Check #457315-457319, totaling \$176,936.19 (06/04/10)

CORRESPONDENCE:

1. None.

Approved _____ July 20 _____, 2010

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: _____

Ron Sanchez, Chair

ATTEST: CHERYL STRICKLAND, CLERK

By: _____

Deputy Clerk

