

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
NOVEMBER 2, 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
 Terry Bulla, Deputy Clerk

(11/02/10 - 1 - 8:59 a.m.)
CALL TO ORDER

Sanchez called the meeting to order.

(11/02/10 - 1 - 8:59 a.m.)
ROLL CALL

Sanchez announced that all five commissioners were present.

(11/02/10 - 1 - 8:59 a.m.)
Mays gave the Invocation and Stevenson led the Pledge of Allegiance.

(11/02/10 - 1 - 9:01 a.m.)
PROCLAMATION DECLARING NOVEMBER 2010 AS PREMATURE AWARENESS MONTH

Stevenson welcomed Stephanie Lipincott, Senior Community Director and Leslie Banta to receive the proclamation. Karen Pan, Public Affairs Specialist read the proclamation. Stevenson presented the proclamation to Lipincott and said great progress had been made in the survival of premature babies. Lipincott accepted the proclamation and gave statistics on premature births in St. Johns County. She told of the March for Babies, which was coming up Saturday at Flagler College.

(11/02/10 - 1 - 9:12 a.m.)
PROCLAMATION DECLARING NOVEMBER 2010 AS ADOPTION MONTH

Mays introduced Ven Thomas, Health and Human Services Director, Alison McMorro, Family Integrity Program Administrator and their staff to receive the proclamation. Karen Pan read the proclamation. Mays presented the proclamation to Ven Thomas who thanked the Commission for the proclamation and reviewed some of their accomplishments.

(11/02/10 - 1 - 9:06 a.m.)
PROCLAMATION DECLARING NOVEMBER 2010 AS FAMILY LITERACY AWARENESS MONTH

Bryan introduced Dawn Bell, Executive Director of the Early Learning Coalition, Joan Whitson, Early Learning Coordinator and their team to receive the proclamation. Karen Pan read the proclamation. Bryan thanked them for their efforts and presented them with the proclamation. Bell accepted the proclamation and gave information regarding the Dolly Parton Early Literacy Program in St. Johns County. She told of other functions of their program, including subsidized childcare. She thanked the Commissioners for the proclamation.

(11/02/10 - 2 - 9:17 a.m.)

PROCLAMATION DECLARING NOVEMBER 11, 2010 AS VETERANS DAY

Quinn introduced Joseph "Mac" McDermott, Chairman of the St. Johns County Veterans Services, Col. Bill Dudley and Sgt. Major Blackmon to receive the proclamation. Karen Pan read the proclamation. Quinn spoke on the recognition of the living veterans as well as those who had made the ultimate sacrifice for their country. Dudley accepted the award on behalf of the 19,000 veterans in St. Johns County. He also presented a "Boots on the Ground" coin to each of the County Commissioners. McDermott reviewed a number of veteran's events that would be taking place in St. Johns County on Veterans Day.

(11/02/10 - 2 - 9:24 a.m.)

PROCLAMATION DECLARING NOVEMBER 7, 2010 AS WELCOME HOME VIETNAM VETERANS DAY

Quinn said that proclamation had been approved and would be read on Veteran's Day and would be read at Flagler College at 3:00 p.m. on Sunday, to welcome those heroes home.

(9:25 a.m.) Sanchez welcomed a group of dedicated community individuals. Greg White, a member of the CRA and the Weed and Seed committee, presented a plaque to Commissioner Phil Mays for his outstanding and dedicated services to the West Augustine Community Development area from the West Augustine CRA Steering Committee and Weed and Seed. White introduced Park Terry and Dwala Willis. Willis thanked them for their support to the Weed and Seed program and for the support of the CRA and the overall commission as well. Mays thanked the CRA for their support and for always being there. He said it was a surprise and expressed his appreciation.

(11/02/10 - 2 - 9:29 a.m.)

ACCEPTANCE OF PROCLAMATIONS

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

(11/02/10 - 2 - 9:30 a.m.)

DELETIONS TO CONSENT AGENDA

McCormack noted a revision on Consent Item No., 6 which he read into the record. He said this was language agreed upon with the applicants and provided for a little additional protection to the County. In Section 3.2 Completion Cost, the second sentence should read, as amended, "*The District represents and warrants that the Greenleaf Drive Roadway proceeds (less any requisitions for Greenleaf Drive Roadway which have been paid between October 12, 2010, certification set forth above, and the date of this agreement) shall be placed in a special sub account and the District's construction account held by the District's trustee.*" The third sentence would be amended to read, "*The District agrees and warrants that the Greenleaf Drive Roadway proceeds shall be utilized by the District solely for the cause to*

complete the Greenleaf Drive Roadway, and for no other purpose or use (except that upon completion of the Greenleaf Drive Roadway Project, the amount remaining in the Greenleaf Drive sub-account may be transferred back to the District's general construction account and used for other purposes.)"

He asked that the Board approve the addition within their vote to approve the Consent Agenda.

(11/02/10 - 3 - 9:33 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: October 19, 2010 - Regular Meeting
4. Motion to adopt **Resolution No. 2010-241**, authorizing the County Administrator, or designee, to execute a Partial Termination of Easement for Utilities from Marshall Creek Village Center

RESOLUTION NO. 2010-241

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO EXECUTE A PARTIAL TERMINATION OF AN EASEMENT FOR UTILITIES FROM MARSHALL CREEK VILLAGE CENTER

5. Motion to adopt **Resolution No. 2010-242**, approving the terms and authorizing the Chairman to execute a Conservation Easement over approximately 145.4 acres at Terra Pines to mitigate for wetland impacts associated with the Volusia Street improvements

RESOLUTION NO. 2010-242

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND AUTHORIZING THE CHAIRMAN TO EXECUTE A CONSERVATION EASEMENT OVER APPROXIMATELY 145.4 ACRES AT TERRA PINES ON CR 208 TO MITIGATE FOR WETLAND IMPACTS ASSOCIATED WITH THE VOLUSIA STREET ROAD IMPROVEMENTS

6. Motion to approve an Interlocal Agreement between St. Johns County and the Tolomato Community Development District (CDD), assuring financial security for the completion of Greenleaf Drive within Nocatee, waiving the requirement to post a bond for such completion, as provided in Section 6.04.08.B.3 of the Land Development Code

7. Motion to adopt **Resolution No. 2010-243**, approving the final plat 2010-12 for Greenleaf Village at Nocatee Phase 1

RESOLUTION NO. 2010-243

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING A PLAT FOR GREENLEAF VILLAGE AT NOCATEE PHASE I

8. Motion to adopt **Resolution No. 2010-244**, approving the final plat 2010-13 for Greenleaf Drive

RESOLUTION NO. 2010-244

RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING A PLAT FOR GREENLEAF DRIVE

9. Motion to approve the reconciliation of the Fiscal Year 2011 Budget to ensure compliance with St. Johns County Administrative Code Section 200 ("County Financial Policy") and Section 410 ("Pay Plan").
10. Motion to authorize the County Administrator, or his designee, to enter into negotiations with the top five (5) ranked firms (Yelton Construction, BNC, Inc., F & A Marine Construction, Inc., Lucas Marine Construction, Inc, and S.E. Cline Construction, Inc.), and, if negotiations are successful, to enter into a Contract for RFP#10-79 Small Scale Marine Construction Projects as described in the RFP Documents, and the submitted bid proposal. If an agreement cannot be reached with the No. 1 through 5 ranked firms authorization is requested to terminate negotiations and begin negotiations with the next ranked firm and continue until agreements with 5 firms are established
11. Motion to adopt **Resolution No. 2010-245**, authorizing the execution of an Interlocal Agreement for St. Johns County and Flagler County for automatic aid for the response of emergency apparatus in the event of a structural fire or other emergency situation and provide mutual aid when assistance is requested during other large scale emergencies

RESOLUTION NO. 2010-245

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE EXECUTION OF AN INTERLOCAL AGREEMENT WITH FLAGLER COUNTY, FLORIDA FOR AUTOMATIC AID FOR THE RESPONSE OF EMERGENCY APPARATUS IN THE EVENT OF A STRUCTURAL FIRE OR OTHER EMERGENCY SITUATION THAT ENDANGERS LIFE OR PROPERTY IN A DESIGNATED RESPONSE AREA AND MUTUAL AID WHEN ASSISTANCE IS REQUESTED DURING OTHER LARGE SCALE EMERGENCIES

12. Motion to transfer \$3,000 from NW Tower Capital Reserves to NW Tower Aid to Private Organization for the promotion of Veterans Sunset Event that will take place on November 10th, in the early evening at Veterans Park

13. Motion to adopt **Resolution No. 2010-246**, determining no preset requirement for County Commissioners to purchase a bond

RESOLUTION NO. 2010-246

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, FINDING AND DETERMINING NO PRESENT REQUIREMENT FOR COUNTY COMMISSIONERS TO GIVE BOND IN ACCORDANCE WITH SECTION 137.01, 137.04, F.S., AND FLORIDA SESSION LAW CHAPTER 98-34 AND SENATE BILL NO. 222 (1988)

14. Motion to adopt **Resolution No. 2010-247**, approving the transfer of the balance in the Treasure Beach MSBU Fund (\$10,215.46) back to the General Fund from where it was originally transferred, and to write off the balance due to the General Fund (\$74,410.54) in FY 2010

RESOLUTION NO. 2010-247

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE TRANSFER OF THE BALANCE FROM THE TREASURE BEACH MSBU FUND TO THE GENERAL FUND AND TO WRITE OFF THE BALANCE DUE TO THE GENERAL FUND

15. Proofs:
 - a. Proof: Notice to Bidders, Bid No. 11-09, Purchase of Sulfuric Acid, published October 9, 2010 & October 16, 2010, in the St. Augustine Record
 - b. Proof: Notice to Bidders, Bid No. 11-19, Annual Janitorial Services for Libraries, published October 9, 2010 & October 16, 2010, in the St. Augustine Record
 - c. Proof: Notice of Meeting, Value Adjustment Board Certify Tax Roll on October 25, 2010, published October 11, 2010, in the St. Augustine Record
 - d. Proof: Notice of Hearing, Ordinance - Recovery Zones on October 19, 2010, published October 8, 2010, in the St. Augustine Record
 - e. Proof: Notice of Hearing, Vacate Pt Escambia Street on October 19, 2010, published October 5, 2010, in the St. Augustine Record
 - f. Proof: Notice to Bidders, Bid No. 11-02R, Transportation of Cavaders, published October 6, 2010 & October 13, 2010, in the St. Augustine Record
 - g. Proof: Notice to Bidders, Construction Bid No. 11-10, Summerhaven FHA Berm, published October 6, 2010 & October 13, 2010, in the St. Augustine Record
 - h. Proof: Notice of Special Meeting, BCC Special Budget Meeting on September 29, 2010, published September 24, 2010, in the Ponte Vedra Recorder
 - i. Proof: Notice to Bidders, Bid No 11-09, published October 15, 2010, in the Ponte Vedra Recorder
 - j. Proof: Notice to Bidders, Bid No 11-19, published October 15, 2010, in the Ponte Vedra Recorder
 - k. Proof: Notice to Bidders, Bid No 11-07, published October 15, 2010, in the Ponte Vedra Recorder
 - l. Proof: Notice to Bidders, Bid No 11-16, published October 1, 2010, in the Ponte Vedra Recorder
 - m. Proof: Notice of Special Meeting, BCC and the SJC CRA, on October 19, 2010, published October 1, 2010, in the Ponte Vedra Recorder

(11/02/10 -6 - 9:34 a.m.)
PUBLIC COMMENT

There was none.

(11/02/10 - 6 - 9:34 a.m.)
ADDITIONS/DELETIONS TO REGULAR AGENDA

Stevenson asked that Item No. 10 be placed prior to Agenda Item 8 and 9. Wanchick said they had talked about making Item No. 10 as the first agenda Item. Stevenson said that would meet her needs.

Sanchez said Item No. 1 would become 1A.

(11/02/10 - 6 - 9:36 a.m.)
APPROVAL OF REGULAR AGENDA

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

This item became item No. 1 on the Regular Agenda. It was previously item No. 10.

(11/02/10 - 6 - 9:39 a.m.)

1. DISCUSSION ON MOSQUITO CONTROL SERVICES WITHIN ST. JOHNS COUNTY

Darrell Locklear, Assistant County Attorney, gave the presentation. He noted that the item was begun in August of 2009 at the request of the Commission for a study. He said the analysis had been presented to the Board for their consideration. He noted that the Legislative Delegation would be meeting in November and sought the Board's direction, as far as making it an agenda item, for that meeting. He noted they had been provided with the potential savings by consolidating with the Anastasia Mosquito Control. He cited several ways in which savings were being made to the Mosquito Control through on-going efforts.

Jeanie Moeller, 245 Wildwood Dr. #79, Chair of the Anastasia Mosquito Control, said they had responded to the PFM study. She said it was neither 100 percent accurate nor 100 percent wrong. She said it had been well done, and as a result of that the 09-10 budget was reduced from \$5.8 million to \$2.9 million. She said the major reason for that decrease was that they halted the building at SR 16 and I-95 at a cost of \$3.5 million. She said they had not raised the millage rate for three years, it was still at 0.1325, and they were expecting an 11% decrease in their revenues. She said they did not use aerial spray that year because the season was so dry and the chemicals cost less. She said the study had resulted in cost cuts to the Mosquito Control budget. She said they had held discussions with the County, and they could use some help with health insurance costs. She spoke of stewardship of tax payers dollars. She said two boards did not need to fight a battle that did not need to be fought. She said they were trying to cut costs, had proven that they were doing so, and asked the BCC to rescind their motion for consolidation.

(9:44 a.m.) Vivian Browning, 115 Vilano Road, spoke regarding the Anastasia Mosquito Control District (AMCD). She asked them to size up all the information that they had received from the study and from staff. She said she was opposed to them taking over the Mosquito Control District, and said she was a Board member, but was speaking as an individual. She said that Jerry Cameron, Assistant County Administrator, had been

at many of their meetings, and sensed that the effort was primarily put forth through him. She said the PFM report they had before them that day, was about trucks and insurance, and did not deal with the health related issues, the disease and nuisance that could occur from mosquitoes. She added there was no proof that the County could handle it any better than they had for the past 60 years, under the Department of Agriculture. She said that relating to public opinion, the only opinion she had been able to find was that of John Sundeman. She said his reasoning was to do away with the Mosquito Control because he was fired by the Mosquito Control prior to his election. She asked the BCC to put the issue aside and to work together on the health issues. She said ending the special District with the State of Florida was the wrong thing to do for the people.

(9:48 a.m.) Col. Ron Redford, US Air Force Retired Status, Vicker's Landing Road, Ponte Vedra, said he was a volunteer to the AMCD. He said the AMCD mission was to avoid the impacts on public health and tourism. He said improper treatment could have a major impact on tourism. He spoke on Home Rule and said it should be considered. He said the law on unintended consequences should also be included. He said AMCD had a lot of specialized personnel with pride in their work. He said they should not be distracted from the job they were doing.

(9:52 a.m.) John Sundeman, 4665 5th Ave., St. Augustine, gave his credentials and said he was there as a private citizen and not as a representative of the Board. He noted that the consultant had demonstrated around \$400,000 of savings by consolidating with the County. He spoke on the compounded affects on savings; over \$4 million over ten years. He added his estimate was more like \$800,000 per year in savings, and in ten years they were looking at \$8 million in savings. He said the taxpayers were in the mood for that type of savings. He said Florida had 64 Mosquito Control Districts and 52 or 81% were operated by the counties. He maintained that counties could operate the programs more efficiently and effectively than the independently run districts. He said it was inefficient as they were now operated. He said the savings maintained by the AMCD board was not true and operating expenses had actually increased by 7%.

(9:56 a.m.) Sanchez clarified that the idea of saving money did not increase the County budget or put money in the County's pocket.

(9:56 a.m.) Bryan said it was his understanding that if the County took over the program, that the County would continue the services that were currently being provided by the AMCD. Wanchick said that was correct, and no services would be changed. He said it was for the health, safety and welfare, the core of what was done by the County, and those services would not be diminished. Bryan noted that Mueller had been working with County staff to find cost savings and commended her on that. He also commented on the mechanics who worked on equipment that was different from that of the County. He asked if there were mechanics with the County who could perform those services, but that they would also be looking at bringing some of their personnel over. Wanchick said they would do an efficiency study to make that determination. He said AMCD could be run more efficiently by the County. Bryan commented on other concerns about the building and the purchase of a helicopter. He said timing was everything and those were concerns based on the outcome of that days election.

(10:00 a.m.) Quinn asked staff what action would be necessary to take that item to the Legislature.

(10:00 a.m.) Wanchick responded it would be part of the packet presented to the Legislative Delegation in December. They would take it back to Tallahassee and if they

were supportive, they would introduce a local bill that would only pertain to St. Johns County, which would consolidate Mosquito Control with the services of St. Johns County.

(10:01 a.m.) Quinn said that issue was one of the most serious challenges that he had faced since serving on the BCC. He said he had talked with AMCD Board members and others about the program. He said there was concern about the mission. He said the mission was the health, safety and welfare of the citizens of St. Johns County. He said no one on the BCC would jeopardize the health, safety or welfare of the citizens of the County. He said he understood that if it came under County control, the key members of the organization would stay on board. He said he had listened intently to the members of the district and said he would support the consolidation.

(10:03 a.m.) Mays said he had concern about the health and safety portion. He said public safety, health and welfare was a core mission of the County. He said he would also support consolidation, and it would move the AMCD off of the Special Taxing District status.

(10:04 a.m.) Sanchez clarified there was a difference between the Airport Authority and the AMCD. He noted that the Airport Authority had numerous sources of income. He said the AMCD was a service organization funded by taxes.

(10:04 a.m.) Stevenson said her points had been covered, but wanted to add that they were charged with the health, safety and welfare of St. Johns County, but were also charged with the economic environment, and it was important. She said she would also support consolidation of the programs and to list it on the Legislative Delegation List of priorities.

(10:06 a.m.) Sanchez clarified that if the Legislators agreed with them, that the employees who were working at AMCD would still be working for the County. He also asked to clarify that the financial study group was asked to do a financial study and that was what they did. He said it had nothing to do directly with mosquitoes.

(10:07 a.m.) Bryan asked Wanchick if the Board recommended consolidation, if there was any time in which they could change their minds. Wanchick said he believed that they could by contacting their representatives in Tallahassee and expressing their concerns. Bryans said he wanted to be sure there was flexibility.

(10:09 a.m.) Wanchick said he wanted to clarify a few things. He said the issue had been around for a long time. He said most recently it had been brought up in a Town Hall meeting, and had nothing to do with Mr. Cameron, who was acting on behalf of the Board and Administration. He said it was a concern expressed by the Commission for cost efficiencies during a very lean economic time. He said they had requested a cost efficiencies study by PFM, and they had returned with potential cost efficiencies of \$400,000 in annual savings. He said it was significant savings during critical financial times. He said they were looking at property values falling again next year, probably in the range of 7 to 10 percent, which meant they would have to come up with another \$12 million out of the General Fund. He said those were the tough decisions the Board was being asked to make by the citizens. He said they had to ask what was best for the community. He said they would try to protect the jobs and the careers of those with the AMCD.

(10:11 a.m.) Sanchez said he had heard that there was no way the County could run the organization and asked if there was any truth to that.

(10:12 a.m.) Wanchick said that was not true and most of the Districts in Florida were run by the counties. He said they would be bringing over a great deal of expertise from the AMCD and there should be no affect on the service.

(10:12 a.m.) Mays spoke of the dedication of Vivian Browning and the work she and others had done for the County. He said that should not be minimized.

(10:13 a.m.) Wanchick suggested that they could have a non-paid advisory board, and the same board in place today for the AMCD could become the new board.

(10:14 a.m.) **Motion by Mays, seconded by Stevenson, carried 5/0, to add to the County's Legislative Agenda the consolidation of the Mosquito Control District within the management of St. Johns County.**

Quinn said he had to leave to attend the Supervision of Elections meeting.

(11/02/10 - 9 - 10:15 a.m.)

District 1

1A. PUBLIC HEARING - LAS CALINAS CDD DISSOLUTION (ORDINANCE 2006-94). OWNERS TAYLOR MORRISON OF FLORIDA, LAKE CHARLES NAVAL STORES COMPANY AND LAKE CHARLES NAVAL STORES INVESTORS HAVE REQUESTED THAT THE LAS CALINAS COMMUNITY DEVELOPMENT DISTRICT BE DISSOLVED PURSUANT TO CHAPTER 189 AND 190 OF THE FLORIDA STATUTES. ORDINANCE 2006-94 APPROVING THE LAS CALINAS CDD WAS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS ON AUGUST 8, 2006. A COMBINATION OF ST. JOHNS COUNTY, THE LAS CALINAS AMENITY CLUB ASSOCIATION, THE LAS CALINAS ESTATES HOMEOWNERS ASSOCIATION, AND THE LAS CALINAS HOMEOWNERS ASSOCIATION WILL ASSUME OWNERSHIP AND MAINTENANCE RESPONSIBILITY FROM THE PREVIOUS COMMUNITY DEVELOPMENT DISTRICT AS OUTLINED IN SECTION 3 (A-G) OF THE ORDINANCE BEFORE THE BOARD. THE DEPARTMENT OF COMMUNITY AFFAIRS HAS REQUESTED THAT ORDINANCE 2006-94 BE REPEALED AFTER REDESIGNATION OF THE DISTRICT INACTIVE FROM ACTIVE

Proof of publication of the notice of public hearing on Dissolution - Las Calinas CDD was received, having been published in *The St. Augustine Record* on October 18, 2010.

Jason Cleghorn, Planner III DRI Coordinator, gave the presentation and noted that the registered agent for Las Calinas CDD asked the Department of Community Affairs to declare the District inactive. He said that in July the Department notified the County of the requirement to dissolve an inactive District under Florida Statutes 189.4044-4. He said McCormack had some corrections or modified language which he was going to read into the record.

(9:19 a.m.) McCormack said there was a proposed revision or clarification to the Ordinance language, and there was a valid concern about the clarification. He said the language he was going to add in would help to clarify the Ordinance.

(10:20 a.m.) Ellen Avery-Smith, Rogers Towers, 7 Waldo Street, representing Taylor Morrison of Florida, Inc., said they had purchased the Los Calinas PUD in December of 2009. Prior to the purchase, they had determined that they wanted to dissolve the CDD. She explained the history of the CDD and the details of their request.

(10:22 a.m.) Stevenson thanked McCormack and staff for looking into her concerns and she wanted to be sure that it wasn't questioned later. She said she just wanted to make

it clearer. She said the developer had formed the CDD. Avery-Smith said it was created by an Ordinance to the BCC in 2006, at the request of Lennar, the developer of the land at the time. She said Taylor Morrison had purchased the property and wanted to get rid of that layer and not encumber future home buyers.

(10:24 a.m.) Avery-Smith said St. Johns County had never dissolved a CDD before and said that staff had put in a lot of time to make sure that all parties would be protected. She said they appreciated all the hard work that staff had done.

(10:24 a.m.) McCormack thanked Avery Smith and the applicant for their efforts with the County staff.

He said that in the Ordinance, in a number of places, the phrase “neighborhood infrastructure” was used. He said he would like to add to Section 3A in the first sentence after the words “neighborhood infrastructure”, “(for the purposes for each part of this Ordinance, ‘neighborhood infrastructure’ shall mean and be limited to neighborhood roads within the property described in Exhibits A and B, as such roads have been or will be properly dedicated to and accepted by the County through plats).” Avery-Smith stated that she was in agreement with that proposed wording.

(10:26 a.m.) Ellen Whitmer, 1178 Natures Hammock Rd. South, Fruitcove, said she was gratified to listen to the discussion. She said she was happy that the County was not taking on any obligation. She said it proved her correct and that she had been opposed to certain CDDs. She said it was a duplication of government services and was completely unnecessary and illegal.

(10:29 a.m.) Mays asked McCormack about the Commission’s role in moving the CDD up to the State level. McCormack said that an Ordinance pertaining to a CDD was a required element of the CDD enactment process.

(10:29 a.m.) Motion by Mays, seconded by Sanchez, to enact Ordinance No. 2010-45, dissolving the Las Calinas Community Development District and repealing Ordinance No. 2006-94, with the provisions set forth by the County Attorney.

McCormack stated that he would also like to add in the second to the last Where as, there was a date of the Use Agreement which was actually October 22, 2010, and a second fill in Paragraph Sec. 3D, which was the Resolution that adopted that Use Agreement, and asked for authorization to fill that Resolution number in. He asked if they would accept those additions to their motion.

Mays stated that those additions were accepted; the second accepted them as well.
(10:30 a.m.) **Motion carried 4/0 with Quinn absent.**

ORDINANCE NO. 2010-45

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, DISSOLVING THE LAS CALINAS COMMUNITY DEVELOPMENT DISTRICT PURSUANT TO CHAPTER 189 AND CHAPTER 190, FLORIDA STATUTES (2009); DESIGNATING CERTAIN PARTIES TO UNDERTAKE FUNDING, CONSTRUCTION, MAINTENANCE AND OWNERSHIP RESPONSIBILITIES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

The Board recessed at 10:32 a.m. and reconvened at 10:50 a.m.

(11/02/10 - 11 - 10:50 a.m.)

District 2

2. PUBLIC HEARING – SMALL SCALE COMPREHENSIVE PLAN AMENDMENT 2010-03, SR 16 SMALL SCALE COMMUNITY COMMERCIAL (FORMERLY CPA 2009-04, SR 16). THE PROPOSED AMENDMENT REQUESTS TO AMEND THE FLUM FROM RESIDENTIAL-B TO COMMUNITY COMMERCIAL (CC) FOR 9.9 ACRES OF LAND. THE SMALL SCALE AMENDMENT ALLOWS A MAXIMUM OF 118,800 SQUARE FEET, BASED UPON THE COMPREHENSIVE PLAN LIMITATION OF 12,000 SQUARE FEET PER ACRE. PREVIOUSLY, THE APPLICANT REQUESTED A REGULAR CYCLE LARGE SCALE AMENDMENT FOR 33 ACRES AND A TEXTUAL AMENDMENT FOR SITE DESIGN CRITERIA TO ENSURE COMPATIBILITY WITH THE ADJACENT MURABELLA COMMUNITY. BOTH OF THESE WERE WITHDRAWN PRIOR TO FINAL PUBLIC HEARINGS. THE SUBJECT 9.9 ACRE PROPERTY IS A CUTOUT PORTION OF THE 33 ACRES. THE PREVIOUS LARGE SCALE AMENDMENT WOULD HAVE ALLOWED 330,000 SQUARE FEET OF COMMERCIAL WITH POLICIES FOR SITE DESIGN. THE LONG RANGE PLANNING DIVISION FINDS THE PROPOSED SMALL SCALE AMENDMENT GENERALLY CONSISTENT WITH THE 2015 AND 2025 COMPREHENSIVE PLANS, REGIONAL POLICY PLAN AND THE STATE COMPREHENSIVE PLAN. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS ITEM AT THEIR OCTOBER 21, 2010 MEETING WITH A 7-0 VOTE

Proof of publication of the notice of public hearing on CPA (SS) 2010-03 – SR 16 Community Commercial was received, having been published in *The St. Augustine Record* on October 18, 2010.

Teresa Bishop, Growth Management, gave the presentation and explained the request. She said it was a cut out 9.9 acres of 33 acres of a project that had been presented to and approved by the Board earlier in the year. She said the square footage was the maximum allowed by the Comprehensive Plan. She noted that there were still two deficient roadway links and the deficiencies would be addressed when a certificate of concurrency was issued. She said PZA approved it on Oct. 21 by a vote of 6/0.

(10:54 a.m.) George McClure, 81 King St. Suite A, said he represented the applicant. He said that due to huge transportation issues on their previous Small Scale Comp Plan Amendment approved two weeks ago, staff had recommended a Small Scale Amendment and that it would go through much more efficiently by scaling it back. He said staff had been very helpful in that regard. He said that the Ordinance was ready to go to Tallahassee that day if they approved it. He said they were taking ten acres out of residential and putting it into commercial.

(10:56 a.m.) **Motion by Stevenson, seconded by Sanchez, carried 4/0 with Quinn absent, to enact Ordinance No. 2010-46, CPA (SS) 2010-03, SR 16 Community Commercial Small Scale Amendment, amending the Future Land Use Map from Residential-B to Community Commercial, adopting findings of fact one through three to support the motion.**

ORDINANCE NO. 2010-46

AN ORDINANCE OF THE COUNTY OF ST. JOHNS,
STATE OF FLORIDA, AMENDING 2025
COMPREHENSIVE PLAN, ORDINANCE NO. 2010-38, AS
AMENDED, TO CHANGE THE FUTURE LAND USE
MAP DESIGNATION FROM RESIDENTIAL B TO

COMMUNITY COMMERCIAL (CC) FOR THE PROPERTY LOCATED ON THE SOUTH SIDE OF STATE ROAD 16 IMMEDIATELY EAST OF CR 2209 RIGHT-OF-WAY CONTAINING APPROXIMATELY 9.9 ACRES; PROVIDING FOR FINDINGS OF FACT; FINDINGS OF CONSISTENCY; SEVERABILITY; AND AN EFFECTIVE DATE

(11/02/10 - 12 - 10:57 a.m.)

District 5

3. PUBLIC HEARING - ARC APPEAL 2010-01, MAY MANAGEMENT. THIS IS AN APPEAL FROM THE APPLICANT OF A DENIAL BY THE SOUTH ANASTASIA DESIGN REVIEW BOARD (SADRB) CONCERNING THE DESIGN OF AN ACCESSORY BUILDING AND FENCE. THE SADRB DENIED THE DESIGN AT THEIR AUGUST 26, 2010 MEETING, BY A VOTE OF 3-0

Proof of publication of the notice of public hearing on ARC APPEAL 2010-01-May Management was received, having been published in *The St. Augustine Record* on October 16, 2010.

David Harrell, Growth Management, gave the presentation and explained the request. He gave a history of the project. He showed a map of the requested design and gave specifics of how the accessory building would be located. He said the decision by the Design Review Board was based on the color, material and visibility.

(11:03 a.m.) Bryan declared ex parte with Mr. Usina and his son about the project and with Carl Matthei. Stevenson said she had spoken with Mr. Matthei, of the Design Review Board, about their concerns.

(11:04 a.m.) David Usina, 2171 SR 16, Handy House Enterprise, said he represented May Management. He explained the color choice and described how the building would be located on the property. He showed pictures of the POD, currently located on the property. He also showed pictures of the privacy fence. He said it belonged to the neighbor. (*Exhibit A*) He said the use of that type of building had been going on in that area for years and was not something new. He said the siding was designed to look the same as the siding on the May Management building. He said their proposal would look better than what they had currently.

(11:08 a.m.) Carl Matthei, Chairman of the South Anastasia Design Review Board (DRB), 6433 Madison St., showed pictures (*Exhibit B*). He compared the pictures of the original building and the proposed building, which did not comply with the codes of the South Anastasia Design Review District. He said they had suggested some changes. He said they had approved a height variance which would allow them to have an overhead door. He said the owner did not make the changes and DRB was forced to turn them down. He reviewed the codes that the building did not meet. He said additionally, it did not represent the Old Florida style, was not supposed to be visible from A1A, and the structure could not comply by putting a fence around it. He said May Management was aware of codes and restrictions and they had heard nothing from them regarding any suggested changes. He said it was on Scenic A1A and that was why they had an Overlay District. He said this was the only applicant that they had denied since his tenure on the District Board. He said they had not been willing to work with the Board at all.

(11:15 a.m.) McCormack noted that it was a quasi judicial hearing, and the role of the County Attorney was to advise the Board pertaining to due process, competent

substantial evidence, and the essential requirements of the law. He said they were only to advise on those three requirements.

(11:16 a.m.) Matthei said they were willing to work with the owner, and they could not approve something that did not meet the code.

(11:17 a.m.) Bryan asked if it was possible to make that type building with the materials that were outlined by their code. He asked staff if there was any reference to accessory buildings and the materials for their construction and what the costs would be to meet those requirements. Sanchez said brick or stucco would not be available.

(11:19 a.m.) Harrell read the requirements of Code 30712D and 30712C. He said the metal roof was not an option and they had to meet setback requirements.

(11:20 a.m.) Bryan said that to some degree it would apply with code if the building was moved closer to the building on the right.

(11:20 a.m.) Harrell said accessory structures had to be similar to the structure it was next to and was not based on distance.

(11:21 a.m.) Bryan said Usina could provide vinyl instead of aluminum and they would be identical. He said they wanted to match the building on the north exactly. He said the building met the St. Johns County building codes but not the Review Board codes.

(11:22 a.m.) Stevenson asked Harrell if there were other buildings shielded by fences and if they would be under the same Overlay. Harrell said yes. Matthei said it was for residential zoning, however. Stevenson asked if the screening would cover the entire garage door. Harrell said he did not know the exact height difference. Usina said the garage door was 6 feet tall and about 6 inches would show over the fence. Stevenson asked Harrell's logic for approval. Harrell responded that it was a Florida Vernacular style with a metal roof with a rough style texture.

(11:25 a.m.) Sanchez said it was hard to believe that the POD could stay there forever and the new building would look better than the POD. He said the cost of constructing a new building would be very expensive.

(11:26 a.m.) Matthei said they had other options than that particular building. He said they could put anything on the siding that they wanted to. Sanchez said that was a lot of extra weight going on the building. Matthei said there were other options to consider.

(11:27 a.m.) Bryan said he was trying to find a middle ground. He said Usina had said he would try to work out some compromise. He asked Usina if there was anything he could do to satisfy the needs of the Design Review Board. Usina said he could only go with the aluminum or wood siding in order to keep it portable. He said they could go with brick or stucco, but it would become permanent.

(11:29 a.m.) Harrell read from the code.

(11:29 a.m.) Usina said there were companies that sold buildings with wood siding. He said they didn't sell them because of future rotting problems. He said he was stuck with what they were offering or nothing.

(11:30 a.m.) Stevenson said she appreciated the desire to upgrade the look of that area. She said right now the economy was difficult for many people. She said the POD didn't

look that good and the building could not be located behind the main building because of the septic system behind the building. She said she thought the intent of the code was being reasonably met with the screening that would be provided by the fence. She said planting in the front would make it more appealing. She said she tended to concur with staff's original opinion. She said it was an improvement over the POD.

(11:33 a.m.) Bryan said Wax Myrtles grow rapidly and would provide a screen. He said he was simply looking for areas of compromise.

(11:33 a.m.) Matthei said there was objections by neighbors to the back and on the side. He said if they went with a fence, it needed to go all the way around it. He said it was their feeling that it still would not comply.

(11:34 a.m.) Usina said there were other storage facilities directly behind the facility which were visible from A1A.

(11:35 a.m.) Bryan said it was tough. He said the Design Review Board was trying to make it look well. But, he also understood the applicant's request. He said the only way it would be acceptable is that it be screened by Wax Myrtles and that it be accessed from the north or south rather than to the east.

(11:37 a.m.) Usina said he did not think there would be any problem with adding shrubbery. He said he would work with Karl Matthei.

(11:39 a.m.) Stevenson suggested that they let it go back to the DRB and ask for recommendations for shrubbery or some camouflage. She said it would be better to get rid of the POD.

(11:40 a.m.) Mays suggested they bring it back in two weeks and try to work something out in the interim.

(11:41 a.m.) McCormack said he had attended the August DRB meeting. He said there might be some circumstances where there was a little over zealous recommendation. He said he sensed this case was done in good faith. He said there were esthetic concerns versus practical concerns. He suggested that in the future they have the Planning Department involved with making suggestions.

(11:44 a.m.) McCormack said in two weeks it would be November 16th, which was a ceremonial meeting, and asked if Mays would continue the meeting until the December 7th meeting. Locklear said it would allow the DRB to meet again. McCormack said the Board could put conditions upon an approval if it chose to do so.

(11:45 a.m.) Motion by Bryan, seconded by Stevenson, carried 4/0 with Quinn absent, to approve ARC Appeal 2010-01, thereby reversing the South Anastasia DRB, finding of facts to support the appeal with the recommended suggestions of screening as appropriate and in agreement with the DRB.

McCormack said he would recommend, for the screening, that it have the condition that the subject structure be screened from visibility from A1A in the reasonable determination of the County Administrator or his designee.

(11:46 a.m.) The maker of the motion accepted the addition to the motion, as did the second. Motion carried 4/0 with Quinn absent.

(11:51 a.m.) Wanchick recommended that they pull the Utility items (Items 6 & 7) and continue them until December 7th. Stevenson said they should hear the presentation and defer the decision. Mays asked if there was a time limit on the people presented on Items 6 & 7. Wanchick said they would be as brief as they needed to be.

Sanchez recessed the meeting at 11:52 a.m. until pictures were taken, and said they would return and try to continue with several other items.

(12:12 p.m.) Sanchez reconvened the meeting and Commissioner Quinn rejoined the meeting. He said that Mr. Young, Utilities Director, would present a copy of his presentation to the Commission and to concerned individuals, as well as put it on the web site. He said Items 6 and 7 would be continued until the December 7th meeting. Wanchick suggested that he meet with concerned groups prior to that time. Sanchez suggested that item 8 and 9 be moved before Item No. 4.

(12:15 p.m.) McCormack said that Items 6 & 7 were advertised items and should be opened and should be continued until December 7th at 9:00 a.m.

(11/02/10 - 15 - 12:57 p.m.)

4. PUBLIC HEARING - LAND DEVELOPMENT CODE AMENDMENTS FOR ARTICLE III, V, VI, AND VII. THIS IS THE FIRST OF TWO REQUIRED PUBLIC HEARINGS TO CONSIDER MODIFICATIONS TO THE LAND DEVELOPMENT CODE. THE PLANNING & ZONING AGENCY IS SCHEDULED TO HEAR THIS ITEM AT THEIR REGULAR MEETING OF NOVEMBER 18, 2010 AND THE BOARD IS SCHEDULED TO CONSIDER FINAL ADOPTION ON DECEMBER 7, 2010

Proof of publication of the notice of public hearing for proposed Land Development Code Amendments was received having been published in *The St. Augustine Record* on October 23, 2010.

Lindsay Haga, Development Review Director, gave the presentation. She reviewed the Overlay recommendations and gave details on each one.

(1:00 p.m.) Lenora Newsome, Deputy Clerk entered the meeting and Terry Bulla, Deputy Clerk left the meeting.

Sanchez announced the two meetings.

(1:03 p.m.) Motion by Sanchez, seconded by Mays, carried 5/0, to set future public hearing dates, November 18, 2010, for the Planning & Zoning Agency and December 7, 2010, for the Board of County Commissioners.

(11/02/10 - 15 - 1:04 p.m.)

5. PUBLIC HEARING - GOLF CART ORDINANCE AMENDMENT. ST JOHNS COUNTY PUBLIC WORKS DEPARTMENT'S ENGINEERING DIVISION RECOMMENDS REPEALING ORDINANCE 2009-1 TO ADD SECTION 3 (H). SECTION 3 STATES COMMUNITIES THAT OWN AND MAINTAIN THEIR OWN ROAD SYSTEM (I.E. PRIVATE COMMUNITIES) CAN BE DESIGNATED FOR GOLF CART USAGE AND ENFORCEMENT OF THE PROVISIONS OF THIS ORDINANCE IF SAID COMMUNITY HAS ENTERED INTO A TRAFFIC ENFORCEMENT AGREEMENT WITH THE ST. JOHNS COUNTY SHERIFF'S OFFICE. THE COST OF ANY AND ALL SIGNAGE AND/OR PAVEMENT MARKINGS REQUIRED SHALL BE THE SOLE RESPONSIBILITY OF THE

COMMUNITY. NOTHING IN THIS ORDINANCE SHALL COVEY ANY OWNERSHIP OR MAINTENANCE RESPONSIBILITY TO ST. JOHNS COUNTY

Proof of publication of the notice of public hearing on Repeal Ordinance 2009-1-Hearing November 2, 2010 was received, having been published in *The St. Augustine Record* on October 21, 2010.

Press Tompkins, County Engineer, stated that this item was an amendment to the original golf cart ordinance. He said that they had found a little glitch in it with the private communities. He stated that the Sheriff's Office wanted to be able to enforce the ordinance in the private communities, by virtue of their traffic enforcement agreement, so a paragraph was added to enable them to be able to do so. He said that it did not obligate the County for any type of maintenance ownership or cost assigned in stripping. Bryan asked if private communities meant gated communities. Tompkins replied yes; all gated communities would follow it, at their request, and they would have to have the traffic enforcement agreement in place with the Sheriff's Department to be eligible.

(1:05 p.m.) **Motion by Mays, seconded by Sanchez, carried 5/0, to enact Ordinance No. 2010-48, implementing provisions for the operation of golf carts on designated County Roads and repealing Ordinance No 2009-1, and by adding Section 3 (h) Communities that own and maintain their own road system can be designated for golf cart usage and enforcement of the provisions of this Ordinance, if said Community has entered into a Traffic Enforcement Agreement with the St. Johns County Sheriff's Office.**

ORDINANCE NO. 2010-48

AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA, IMPLEMENTING PROVISIONS FOR THE OPERATION OF GOLF CARTS ON DESIGNATED COUNTY ROADS; REPEALING COUNTY ORDINANCE NO. 2001-1; PROVIDING EQUIPMENT AND AGE REQUIREMENTS FOR OPERATION OF GOLF CARTS UPON ROADS WITHIN THE COUNTY; PROVIDING FINDING OF FACTS; PROVIDING DEFINITIONS AND PURPOSE; PROVIDING FOR DESIGNATION PROCEDURES AND STANDARDS; PROVIDING FOR A METHOD OF APPEAL; PROVIDING OPERATING REQUIREMENTS; PROVIDING GEOGRAPHIC APPLICATION; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

This item was opened and continued until December 7, 2010.

(11/02/10 - 16- 12:15 p.m.)

6. ST. JOHNS COUNTY UTILITY DEPARTMENT RATE ANALYSIS FOR THE MAIN UTILITY SYSTEM. DUE TO INCREASING REGULATORY AND OPERATIONAL COSTS AND CONSTRAINED REVENUES, THE ST. JOHNS COUNTY UTILITY DEPARTMENT RECENTLY CONDUCTED A THOROUGH RATE ANALYSIS. THE RATE STUDY EXAMINED THE SUSTAINABILITY OF THE ENTERPRISE FUND, REVENUE REQUIREMENTS, AND MAINTENANCE OF POSITIVE CREDIT RATINGS TO FUND CRITICAL INFRASTRUCTURE NEEDS. THE STUDY SUPPORTS ADJUSTMENTS TO THE WATER AND SEWER RATES OVER THE NEXT THREE YEARS. THE RECOMMENDED RATE FOR FY2011 FOR THE AVERAGE CUSTOMER (5,000

GALLON/MONTH) WILL INCREASE THEIR BILLS BY APPROXIMATELY \$3.40 PER MONTH. THIS RESOLUTION ALSO INCLUDES THE ESTABLISHMENT OF RECLAIMED WATER RATES FOR FUTURE REUSE CUSTOMERS

Proof of publication of the notice of public hearing on Modify Water Rates - for Yrs 2011, 2012, 2013 was received, being published in *The St. Augustine Record* on October 22, 2010.

This item was opened and continued until December 7, 2010.
(11/02/10 - 17 - 12:15 p.m.)

7. ST. JOHNS COUNTY UTILITY DEPARTMENT RATE ANALYSIS FOR THE PONTE VEDRA UTILITY SYSTEM. DUE TO INCREASING REGULATORY AND OPERATIONAL COSTS AND CONSTRAINED REVENUES, THE ST. JOHNS COUNTY UTILITY DEPARTMENT RECENTLY CONDUCTED A THOROUGH RATE ANALYSIS. THE RATE STUDY EXAMINED THE SUSTAINABILITY OF THE ENTERPRISE FUND, REVENUE REQUIREMENTS, AND MAINTENANCE OF POSITIVE CREDIT RATINGS TO FUND CRITICAL INFRASTRUCTURE NEEDS. THE STUDY SUPPORTS ADJUSTMENTS TO THE WATER AND SEWER RATES OVER THE NEXT THREE YEARS. THE RECOMMENDED RATE FOR FY2011 FOR A 5,000 GALLON/MONTH USER WILL INCREASE THEIR BILLS BY LESS THAN \$3.00 PER MONTH

Proof of publication of the notice of public hearing on Modify PV Water Rate-Yrs 2011, 2012, 2013 was received, having been published in *The St. Augustine Record* on October 22, 2010.

(11/02/10 - 17 - 12:16 p.m.)

8. PUBLIC HEARING - ORDINANCE CONSOLIDATING COMBINING AND CLARIFYING THE FUNCTIONS, DUTIES AND POWERS OF THE ST. JOHNS COUNTY ADMINISTRATOR. THIS IS A CONSOLIDATION ORDINANCE WHICH COMBINES AND CLARIFIES FIVE (5) SEPARATE ORDINANCE. AN ORDINANCE PROVIDING FOR THE FUNCTIONS, DUTIES, AND POWERS OF THE COUNTY ADMINISTRATOR; REPEALING ST. JOHNS COUNTY ORDINANCE 96-70 AND AMENDMENTS THERETO; REPEALING ST. JOHNS COUNTY ORDINANCE 97-6; PROVIDING A SHORT TITLE; REFERRING TO STATUTORY BASIS; PROVIDING PURPOSE; PROVIDING FOR APPOINTMENT, QUALIFICATION, AND COMPENSATION OF THE COUNTY ADMINISTRATOR; PROVIDING FOR THE WORKING RELATIONSHIP BETWEEN COUNTY COMMISSIONERS AND COUNTY EMPLOYEES UNDER THE SUPERVISION OF THE COUNTY ADMINISTRATOR; AUTHORIZING THE COUNTY ADMINISTRATOR TO DESIGNATE DIFFERENT COUNTY DEPARTMENT, COUNTY DEPARTMENT HEADS AND/OR COUNTY DESIGNATED POSITIONS OR PERSONNEL TO PERFORM TASKS AND BE RESPONSIBLE FOR DUTIES THAT ARE DELEGATED OR DESIGNATED BY COUNTY ORDINANCE OR RESOLUTION TO OTHER COUNTY DEPARTMENTS, OTHER COUNTY DEPARTMENT HEADS, OTHER COUNTY DESIGNATED POSITIONS OR OTHER COUNTY PERSONNEL, PROHIBITING CERTAIN POLITICAL ACTIVITY BY THE COUNTY ADMINISTRATOR; PROVIDING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

Proof of publication of the notice of public hearing on Repeal 96-70, 97-6 was received, having been published in *The St. Augustine Record* on October 22, 2010.

McCormack said this item was a consolidation of five separate ordinances. He said the text was 5 to 6 pages long and had elements from various ordinances. He said clarifications had been made and consolidated.

(12:17 p.m.) Stevenson asked the Board to consider the ordinance as a compilation of what they already had. McCormack said that was correct, with clarifications. Stevenson suggested that they make some minor modifications to some small procedural things such as vacation time. She said there was no internal control over those things.

(12:19 p.m.) Bryan asked for clarification. Stevenson said that the next time they entered into a contract that it should be presented as a published agenda item for protection for future boards. She added that she would like to see that there would be no automatic renewals of contracts, and the Board should be notified when it was time for an automatic renewal. Sanchez stated that on Item No. 8 they weren't talking about the contract. Stevenson stated that they were talking about how the County Administrator was appointed, his qualifications and his compensation. She said she was talking about adding a process about how his contract was adopted. Bryan said those things were negotiated when the Administrator was hired.

(12:22 p.m.) McCormack said he understood Stevenson's request, to add an additional paragraph to the County Administrator Ordinance that the approval or modification of the County Administrator Contract shall be a Regular Agenda Item. He said her request was that it would be something that was not added at the meeting, but part of the Regular Agenda. Stevenson said it would be a part of the published agenda that the public would see and the Board would have the benefit of seeing in advance. Sanchez said what she was asking had already been done. He said it had nothing to do with the current agenda item. Stevenson said she was asking that the paragraph be added.

(12:24 p.m.) Quinn said he wanted to make sure there was a necessity to do that, and asked how it had been done in the past, on negotiating the actual contract.

(12:25 p.m.) McCormack said, in the past, the contract had been by a Regular Agenda item. He said Stevenson was asking that it be made a requirement in the ordinance to do that.

(12:25 p.m.) Mays asked if that would affect anything they were currently doing. McCormack said it would apply in the future.

(12:26 p.m.) McCormack said the way it was currently being done, would be an Ordinance requirement for the future. Mays said he didn't want to undo anything they were trying to accomplish with the current item. He said he didn't see anything wrong with what she was trying to accomplish. He also called the question.

Quinn asked if they could add that sub-paragraph that day. McCormack said they could.

Mays asked if they could clean up the language and vote on it quickly. McCormack asked Stevenson to read her language.

(12:27 p.m.) "Approval of the County Administrator's Contract or any revision thereto should be placed on the Regular published agenda of the Board of County Commissioners for consideration. All provisions of the contract will accompany the agenda item." Mays said to leave off the last phrase because there was no legal definition of that. McCormack said there could be a situation where it was presented

but might be modified on the floor. He said it might be in the packet but they might want to modify it. Stevenson said the public should be able to see the whole contract. She said if they made a change during the hearing that they wouldn't have to go back through the process.

(12:29 p.m.) McCormack said nothing in the paragraph should be construed to preventing the Board and the Administrator from negotiating the terms of the contract at the public meeting.

(12:29 p.m.) Mays expressed concern about drafting language on the fly. He said they should continue with Item 8 and could do Stevenson's clarification at a later time. He said he would like to make a motion to enact the ordinance and Stevenson could bring back her suggestion for further clarification later, so that it would be well drafted.

(12:30 p.m.) Stevenson asked if there was some necessity for approving the ordinance currently and then having another ordinance number following. Mays responded that he was just trying to move forward with the County's business and he was ready to make the motion. Stevenson said she would prefer to continue the item.

(12:31 p.m.) **Motion by Mays, seconded by Sanchez, to enact Ordinance 2010-47, providing for the functions, duties, and powers of the County Administrator.**

McCormack asked if the maker of the motion would accept, in Section 9, where it listed out the ordinances that were repealed, one of them was listed as 99-50 and it should be 97-50. The maker and second agreed to accept that amendment.

(12:31 p.m.) Stevenson requested discussion; she said she did not understand the need to proceed without deferring it for a minor revision that would go to significantly improve it. She said the Board rules stated that could not explain why they were going to vote against something, but she would let her comments stand.

(12:32 p.m.) Sanchez stated that she did understand that a comment was made, that when the item was voted on, if approved, she could then add that change.

(12:32 p.m.) Stevenson requested that it be added to the work agenda. Sanchez said they could make the vote and then she could add her request as a separate item and not have to wait any time at all.

(12:32 p.m.) **Vote carried 4/1 with Stevenson dissenting.**

ORDINANCE NO. 2010-47

AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA, PROVIDING FOR THE FUNCTIONS, DUTIES AND POWERS OF THE COUNTY ADMINISTRATOR; REPEALING ST. JOHNS COUNTY ORDINANCE 96-70 AND AMENDMENTS THERETO; REPEALING ST. JOHNS COUNTY ORDINANCE 97-6; PROVIDING A SHORT TITLE; REFERRING TO STATUTORY BASIS; PROVIDING PURPOSE; PROVIDING FOR APPOINTMENT, QUALIFICATION, AND COMPENSATION OF THE COUNTY ADMINISTRATOR; PROVIDING FOR THE WORKING RELATIONSHIP BETWEEN COUNTY COMMISSIONERS AND COUNTY EMPLOYEES UNDER THE SUPERVISION OF THE COUNTY ADMINISTRATOR; AUTHORIZING THE COUNTY ADMINISTRATOR TO DESIGNATE DIFFERENT COUNTY DEPARTMENTS, COUNTY DEPARTMENT HEADS AND/OR COUNTY DESIGNATED POSITIONS OR

PERSONNEL TO PERFORM TASKS AND BE RESPONSIBLE FOR DUTIES THAT ARE DELEGATED OR DESIGNATED BY COUNTY ORDINANCE OR RESOLUTION TO OTHER COUNTY DEPARTMENTS, OTHER COUNTY DEPARTMENT HEADS, OTHER COUNTY DESIGNATED POSITIONS OR OTHER COUNTY PERSONNEL; PROHIBITING CERTAIN POLITICAL ACTIVITY BY THE COUNTY ADMINISTRATOR; PROVIDING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

(12:33 p.m.) McCormack asked if Public Comment had been called for. Sanchez said it had not and asked if there was any Public Comment. There was none.

(12:34 p.m.) McCormack stated that the Board had just adopted an ordinance; to amend that ordinance, the Board could reconsider the item later that day, or it could be a future amending ordinance which would have to be re-advertised. Stevenson agreed to have it considered later. She stated that she wanted to get that clause in there.

(11/02/10 - 20 - 12:34 p.m.)

9. CONSIDER AUTHORIZING THE CHAIRMAN TO EXECUTE A REVISED PROFESSIONAL SERVICES AGREEMENT BETWEEN ST. JOHNS COUNTY AND COUNTY ADMINISTRATOR MICHAEL D. WANCHICK

Sanchez explained the request.

(12:35 p.m.) McCormack said there was an effective contract in place. He said these were clarifications so that the Board could see the proposed changes. He said Section 2A was the most significant one which set out the reasons for "cause". He said the other changes were spelled out.

(12:36 p.m.) Stevenson said that by clarification of the terms for termination, it was improved. She explained a little of the history of how the contract had evolved. She said the contract was one sided and she was concerned about the time it would take him to find another position and for them to find another Administrator. Sanchez said it would be brought up at a later date. He said they were changing those things that the Attorney had recommended. Stevenson said she had two more recommendations. She said under Agenda Item 6 there should be approval of the Chairman. She said it was not appropriate for County staff to have oversight. She said there were minor changes and improvements. She said she would bring them up for a future agenda.

(12:40 p.m.) Bryan said it was simply administrative cleanup, and that he was disappointed. He said we had a great County Administrator and a great contract. He said he didn't know what more they could want, and he would not stand by for it.

(12:42 p.m.) Quinn said he read through the supportive document and had spoken with McCormack. He said he had no issues with it at all and that it was simply a housekeeping issue.

(12:42 p.m.) Stevenson said she was talking about the contract as an agreement that reflected the stewardship of the Board.

(12:43 p.m.) Mays clarified that the contract was for the current executive. He said Wanchick had done an incredible job during difficult times with the budget. He said they wanted to make sure that he stayed on board and that he continued to do the great work he was doing for the County.

(12:44 p.m.) Stevenson said the current contract through 2017 would provide a three year severance if it didn't continue, and there was a two year automatic renewal clause, without notice to the Board. She said the contract made it a tenured position. She said she hoped that Wanchick would consider the revision that she was requesting. She added that the courtesy of a 6-month notice from him was not unreasonable to request. She said it was not a reflection of any type of job evaluation or anything else that had been implied. She said she had spoken with the Administrator earlier to discuss extension of his contract to five years with a one year severance.

(12:46 p.m.) Sanchez said they were still going on and on about something that was not on the agenda. He said any changes should be placed on a future agenda. He said they were very fortunate to have gotten Wanchick at St. Johns County, and that he had more reason to complain than the Board had. He said there was not a better person to have at the helm during the bad times that we were going through. He said he was proud of that, and every decision he had made regarding Wanchick's contract was made out of respect for Wanchick and for the citizens of St. Johns County.

(12:49 p.m.) Bryan said 90 days was the standard notice and was more than adequate. He said 6 months was more than anyone needed. He said all they had given was a severance package for a job well done. He said they should go ahead and move on.

(12:51 p.m.) Sanchez said the severance was put in place to protect the County. He said Wanchick would not get one extra dollar.

(12:52 p.m.) Mays said they wanted to remove the position from the political arena as much as possible. He said if he was removed for cause, there was no severance. He said if he was released for no cause, then the severance would kick in. He said it was for the protection of the County citizens. He said changes could be brought back to the Board in the future.

(12:54 p.m.) Quinn said there should be no misunderstanding. He said there would be no monetary gain and it was only for housekeeping purposes.

(12:55 p.m.) **Motion by Mays, seconded by Bryan, carried 4/1 with Stevenson dissenting, to authorize the Chairman to execute a Professional Services Agreement between St. Johns County and Michael D. Wanchick.**

(12:56 p.m.) *Sanchez asked if they wanted to hear items four and five. There was agreement to do so.*

This item became Item No. 1 on the Regular Agenda and was moved to Page No. 6

(11/02/10 - 21 - 9:39 a.m.)

10. DISCUSSION ON MOSQUITO CONTROL SERVICES WITHIN ST. JOHNS COUNTY

(11/02/10 - 21 - 1:06 p.m.)

COMMISSIONERS' REPORTS

Commissioner Stevenson:

Stevenson requested that the County Administrator's Ordinance that they adopted that day, come back with the minor revisions that they discussed for consideration by the Board as a future agenda item. Sanchez asked if that would come back as what they did that day, or if it would come back as a new change to the ordinance. McCormack

replied that it would be an amendment to the ordinance, and in order to keep it as one ordinance, it might just be a new ordinance with the requested change.

Stevenson also requested the Board to ask the County Administrator and County Attorney to review the Administrator's Contract to improve the perfidy for the outcome for the citizens of St. Johns County and to review the notice provision as well. Mays said that he thought that they just voted that 90 days was fine. McCormack stated that they were trying to get away from having a string of ordinances, so he recommended it come back as a new complete ordinance, and it would have the revised language for the Board to consider. *There was Board consensus on the first request by Stevenson and a no consensus on the second request by Stevenson.*

(1:09 p.m.) Commissioner Mays:

May said that he appreciated the opportunity to have been able to do that job and to work with the staff members.

(1:11 p.m.) Commissioner Bryan:

Bryan commented on it being a pleasure serving with Mays on the Commission.

(1:11 p.m.) Commissioner Quinn:

Quinn thanked Mays for what he had done for the County.

Quinn reminded everyone about the Veterans' events.

(1:13 p.m.) Commissioner Sanchez:

Sanchez mentioned that Mike Mitchell, who was working at the Hastings Center, moved on to Tennessee.

(11/02/10 - 22 - 1:14 p.m.)

COUNTY ADMINISTRATOR'S REPORT

Wanchick mentioned that the next meeting was more of a ceremonial meeting and they were planning on keeping the agenda light.

Wanchick spoke on being confronted with a situation from the Sheriff's Office the past week, where they wanted to apply for a State grant for \$250,000 for GIS mapping and software, that had no match, and came up very quickly. He stated that the deadline was yesterday, so they took it upon themselves to have the Chairman sign that grant and submit it to Washington. Sanchez said that they had to get the paperwork done because the deadline was before the Board meeting and the Attorney's Office assured him that it was ok to do that, but they needed to get Board approval to back him up. Wanchick said that it was for an Emergency 911 mapping. (1:15 p.m.) **Motion by Stevenson, seconded by Quinn, carried 5/0, to take the resources to help them fulfill the mission and ratify the Chairman's action and staff's quick response.**

Wanchick stated that he would like to propose two changes to the schedule for December and January. He said he would like to add a meeting on Tuesday, December 14th at 9:00 a.m. in the County auditorium, with the focus being economic development and he would give the presentation. (1:17 p.m.) *There was a consensus of the Board to add a meeting on December 14th at 9:00 a.m.* He suggested that they cancel the meeting

of January 4th, 2011. (1:18 p.m.) Motion by Sanchez, seconded by Bryan, carried 5/0, to cancel the meeting of January 4th, 2011.

(11/02/10 - 23 - 1:18 p.m.)

COUNTY ATTORNEY'S REPORT

McCormack mentioned that the State Attorney would be hosting a Sunshine/Public Records Seminar in the County auditorium on November 19th, at 9:00 a.m. to 12:00 p.m. He stated that, each election year, it had been customary to do a Board of County Commissioners' Sunshine/Ethics training program and he suggested the same date, following the State Attorney's Seminar on November 19th. Stevenson stated that she had a previous commitment on that date. McCormack mentioned that they could give Stevenson a private training on another day, if the Board wanted to do it on November 19th. Sanchez said that they could do it on November 19th and McCormack could get with Stevenson later.

(11/02/10 - 23 - 1:21 p.m.)

CLERK OF COURT'S REPORT

No report.

With there being no further business to come before the Board, the meeting adjourned at 1:21 p.m.

REPORTS:

1. St. Johns County Board of County Commissioners Check Register, Check Nos. 461850-462091, totaling \$2,043,738.42 (10/12/10)
2. St. Johns County Board of County Commissioners Voucher Register, Voucher Nos. 3768-3824, totaling \$1,650,124.47 (10/12/10)
3. St. Johns County Board of County Commissioners Check Register, Check No. 462092, totaling \$201,307.64 (10/14/10)
4. St. Johns County Board of County Commissioners Check Register, Check Nos. 462093-462354, totaling \$1,698,710.55 (10/19/10)
5. St. Johns County Board of County Commissioners Voucher Register, Voucher Nos. 3825-3880, totaling \$927,666.20 (10/19/10)
6. St. Johns County Board of County Commissioners Check Register, Check Nos. 462355-462385, totaling \$65,005.82 (10/22/10)
7. St. Johns County Board of County Commissioners Check Register, Check Nos. 462386-462713, totaling \$1,887,594.55 (10/26/10)
8. St. Johns County Board of County Commissioners Voucher Register, Voucher Nos. 3881-4000, totaling \$932,136.27 (10/26/10)
9. St. Johns County Board of County Commissioners Check Register, Check Nos. 462714-462729, totaling \$17,021.05 (10/19/10)

CORRESPONDENCE:

1. Letter dated October 20, 2010 to Liz Cloud, Program Administrator, Bureau of Administration Code and Weekly, filing St. Johns County Ordinance Number 2010-44

Approved December 7, 2010

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: J. Ken Bryan
J. Ken Bryan, Chair

ATTEST: CHERYL STRICKLAND, CLERK

By: Cheryl Strickland
Deputy Clerk