

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
MARCH 1, 2011
(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: J. Ken Bryan, District 5, Chair
Mark Miner, District 3, Vice Chair
Cyndi Stevenson, District 1
Ron Sanchez, District 2
Jay Morris, District 4
Michael Wanchick, County Administrator
Patrick McCormack, County Attorney
Terry Bulla, Deputy Clerk

(03/01/11 - 1 - 9:00 a.m.)
CALL TO ORDER

Bryan called the meeting to order.

(03/01/11 - 1 - 9:00 a.m.)
ROLL CALL

The Clerk called the roll and all members were present.

(03/01/11 - 1 - 9:00 a.m.)
INVOCATION

The Invocation was presented by the Rev. Rawls of St. Paul A.M.E. Church.

(03/01/11 - 1 - 9:00 a.m.)
PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Commissioner Ron Sanchez

(03/01/11 - 1 - 9:01 a.m.)
PROCLAMATION DECLARING FEBRUARY 20-26, 2011 AS NATIONAL ENGINEER'S WEEK

Karen Pan, Public Affairs Specialist, read the Proclamation. Morris congratulated Press Tompkins and Neal Shinkre. Tompkins accepted the Proclamation and thanked the Board.

(03/01/11 - 1 - 9:05 a.m.)
PROCLAMATION DECLARING MARCH 8, 2011, AS INTERNATIONAL WOMEN'S DAY

Stevenson recognized Marilyn Wiles, Carol Napper, Kathy Brown, Ginger Lily Peace, Betty Ann Frederick, Marci Silkebaken, Chris Mann, and others present to receive the proclamation. Karen Pan read the Proclamation. Marilyn Wiles received the proclamation on behalf of all women. She added that March 1 was the kick off for Women's History Month.

(03/01/11 - 2 - 9:12 a.m.)

ACCEPTANCE OF PROCLAMATIONS

Motion by Sanchez, seconded by Miner, carried 5/0, to accept the Proclamations as presented.

(03/01/11 - 2 - 9:14 a.m.)

RECOGNITION OF ST. JOHNS COUNTY RETIREE CURTIS RATCLIFF, ROAD & BRIDGE DEPARTMENT FOR 25 YEARS OF SERVICE. PRESENTED BY JOE STEPHENSON

Joe Stephenson, Public Works Director, made the presentation to Curtis Ratcliff and said he was a heavy equipment operator for St. Johns County Road and Bridge Department for a good many years and was a very reliable employee. He said it was a dangerous and trying job and he had survived the job for 30 years. He cited some of Ratcliff's many adventures during his tenure. Ratcliff said he was happy to have worked here for so many years. He took a seat in the rocking chair presented to him on his retirement.

(03/01/11 - 2 - 9:16 a.m.)

DELETIONS TO CONSENT AGENDA

There were none.

(03/01/11 - 2 - 9:17 a.m.)

APPROVAL OF CONSENT AGENDA

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

1. Approval of the Cash Requirement Report
2. Minutes:
February 15, 2011 - Regular Meeting
3. Motion to adopt **Resolution No. 2011-43**, declaring certain County owned property as surplus, (State Road 206) approving a private sale to the adjoining property owner and authorizing the Board Chair to execute the County Deed prior to closing on the property

RESOLUTION NO. 2011-43

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, DECLARING CERTAIN COUNTY OWNED PROPERTY AS SURPLUS AND APPROVING A PRIVATE SALE TO THE ADJOINING PROPERTY OWNER PURSUANT TO THE PROVISIONS SET FORTH IN SECTION 125.35(2), FLORIDA STATUTES AND AUTHORIZING THE BOARD CHAIR TO EXECUTE THE COUNTY DEED PRIOR TO CLOSING ON THE PROPERTY

4. Motion to adopt **Resolution No. 2011-44**, approving the execution of a Subordination Agreement by the Board Chair, on behalf of the County, pursuant to the State of Florida Department of Transportation's request in connection with the State Road 5 (US 1)/County Road 210 Project

RESOLUTION NO. 2011-44

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE EXECUTION OF A SUBORDINATION AGREEMENT BY THE BOARD CHAIR, ON BEHALF OF THE COUNTY, PURSUANT TO THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION'S REQUEST IN CONNECTION WITH THE STATE ROAD 5 (US 1)/COUNTY ROAD 210 PROJECT

5. Motion to adopt **Resolution No. 2011-45**, approving the terms and authorizing the County Administrator, or designee, to execute two Agreements for the easements and a Purchase and Sale Agreement for a lot required for the Ravenswood Drainage Improvement Project

RESOLUTION NO. 2011-45

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO EXECUTE TWO AGREEMENTS FOR THE EASEMENTS AND A PURCHASE AND SALE AGREEMENT FOR A LOT REQUIRED FOR THE RAVENSWOOD DRAINAGE IMPROVEMENT PROJECT

6. Motion to adopt **Resolution No. 2011-46**, approving the terms and conditions of a Purchase and Sale Agreement for Sewer Force Main Easement and authorizing the County Administrator or designee to execute the agreement on behalf of the County

RESOLUTION NO. 2011-46

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND CONDITIONS OF A PURCHASE AND SALE AGREEMENT FOR SEWER FORCE MAIN EASEMENT AND AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO EXECUTE THE AGREEMENT ON BEHALF OF THE COUNTY

7. Motion to adopt **Resolution No. 2011-47**, approving the terms and authorizing the Chairman to execute a Memorandum of Understanding between St. Johns County and St. Johns Soil and Water Conservation District for the restoration of coastal dune habitat at Frank Butler Beach Park

RESOLUTION NO. 2011-47

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND AUTHORIZING THE CHAIRMAN TO EXECUTE A MEMORANDUM OF UNDERSTANDING BETWEEN ST. JOHNS COUNTY AND THE ST. JOHNS SOIL AND WATER CONSERVATION DISTRICT FOR THE RESTORATION

**OF COASTAL DUNE HABITAT AT FRANK BUTLER
BEACH PARK**

8. Motion to adopt **Resolution No. 2011-48**, recognizing a donation from the St. Johns Soil & Water Conservation District as unanticipated revenue in the amount of \$1,450 and increasing the General Fund Revenue and increasing the expenditure budget of the Environmental Division Frank Butler Beach Park Dune Restoration

RESOLUTION NO. 2011-48

**A RESOLUTION OF THE BOARD OF COUNTY
COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA,
AMENDING THE FISCAL YEAR 2011 GENERAL FUND
TO RECEIVE UNANTICIPATED REVENUE AND
AUTHORIZE ITS EXPENDITURE BY THE
ENVIRONMENTAL DIVISION**

9. Motion to adopt **Resolution No. 2011-49**, approving the terms and authorizing the Chairman to execute a Memorandum of Agreement between St. Johns County and St. Johns River Water Management District for the Turnbull Creek Regional Offsite Mitigation Area

RESOLUTION NO. 2011-49

**A RESOLUTION OF THE BOARD OF COUNTY
COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA,
APPROVING THE TERMS AND AUTHORIZING THE
CHAIRMAN TO EXECUTE A MEMORANDUM OF
AGREEMENT BETWEEN ST. JOHNS COUNTY AND
THE ST. JOHNS RIVER WATER MANAGEMENT
DISTRICT FOR THE TURNBULL CREEK REGIONAL
OFFSITE MITIGATION AREA**

10. Motion to approve a transfer in the amount of \$81,700 from Law Enforcement Impact Fees - Reserves to Equipment for a emergency power upgrade project for the St. Johns County Jail (West End); and, motion to authorize the County Administrator, or his designee, to award a contract to A.E.C. Electrical Contracting, Inc. as the lowest responsible bidder for a Total Lump Sum Bid of \$142,000
11. Motion to authorize the County Administrator, or his designee, to select the second lowest bidder, The St. Augustine Record, as the responsive low bidder for Bid# 11-27 - Advertising of Delinquent Taxes for the Tax Collectors Office
12. Motion to authorize the County Administrator, or his designee, to award a contract to S.E. Cline Construction, Inc. as the low bidder for Bid# 11-31, Shore Drive Slope Stabilization for a Total Lump Sum Bid of \$134,325
13. Motion to approve a transfer from Law Enforcement Trust Fund Reserves in the amount of \$10,000 to Law Enforcement Trust Fund - Aid to Private Organizations to purchase computer equipment for a forensic laboratory at the University of Florida. The equipment will be used to purchase a new 24 terabyte RAID network storage system to assist in solving complex crimes

14. Motion to adopt **Resolution No. 2011-50**, recognizing unanticipated revenue in the amount of \$54,885 and increasing the Federal Grant revenue and expenditure budget line items of the Fire District Fund. The State of Florida Domestic Preparedness Strategy has awarded the County a HazMat sustainment sub-grant under its Domestic Preparedness Grant funds in the amount of \$54,885. The Grant is funded through the U.S. Department of Homeland Security - Office of Domestic Preparedness to the State Homeland Security Program. The Federal share is 100%, and requires no match from the County

RESOLUTION NO. 2011-50

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AMENDING THE FISCAL YEAR 2011 FIRE DISTRICT BUDGET TO RECEIVE UNANTICIPATED REVENUE AND AUTHORIZE ITS EXPENDITURE BY THE ST. JOHNS COUNTY FIRE-RESCUE DEPARTMENT

15. Motion to adopt **Resolution No. 2011-51**, accepting the terms of the fifth amendment to Contract #NH210 between the State of Florida Department of Children and Families, and the St. Johns County Board of County Commissioners, and authorizing the Chair of the Board of County Commissioners to execute the Amendment on behalf of the County; and motion to approve the transfer of \$17,978 from Mental Health Fund Reserves as a result of this reduction in order to maintain level of services to the public

RESOLUTION NO. 2011-51

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE FIFTH AMENDMENT TO THE CONTRACT #NH210 BETWEEN ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS, AND THE STATE OF FLORIDA DEPARTMENT OF CHILDREN AND FAMILIES, AND AUTHORIZING THE CHAIR TO EXECUTE THE FIFTH AMENDMENT ON BEHALF OF THE COUNTY

16. Motion to approve the Reorganization of the County's Cultural Events Division by defining the Amphitheatre and the Ponte Vedra Concert Hall as a separate division to provide increased managerial oversight and financial accountability and motion to approve the transfer of associated positions as indicated and operational accounts for the appropriate departments associated with the Reorganization of the Cultural Events Division
17. Proofs:
 - a. Proof: Notice of Tax Impact of Value Adjustment Board for Tax Year 2009, published September 3, 2010 in The St. Augustine Record
 - b. Proof: Notice of Public Hearing of the Board of County Commissioners on November 2, 2010 to consider adoption of an ordinance implementing provisions for the operation of golf carts on county roads, published October 29, 2010 in the Ponte Vedra Recorder
 - c. Proof: Notice of Special Meeting of the Board of County Commissioners on November 16, 2010 for the purpose of swearing in newly elected Commissioners and annual reorganization of the Board, published November 5, 2010 in The St. Augustine Record

- d. Proof: Notice of Public Disclosure for St. Johns County full cost accounting for Solid Waste Management Services, published January 19, 2011 in The St. Augustine Record
- e. Proof: Notice to Bidders, Bid #11-41, published January 29, 2011 and February 5, 2011 in The St. Augustine Record
- f. Proof: Notice to Bidders, Bid #11-52, published January 29, 2011 and February 5, 2011 in The St. Augustine Record
- g. Proof: Request for Proposals, RFP #11-43 for WBSH Poster and Brochure Designs, published February 1, 2011 and February 8, 2011 in The St. Augustine Record
- h. Proof: Request for Proposals, RFP #11-46 for WBSH Overlay District, published February 1, 2011 and February 8, 2011 in The St. Augustine Record
- i. Proof: Notice to Bidders, Bid #11-06, published February 2, 2011 and February 9, 2011 in The St. Augustine Record
- j. Proof: Notice to Bidders, Bid #11-47, published February 2, 2011 and February 9, 2011 in The St. Augustine Record
- k. Proof: Notice to Bidders, Bid #11-06, published February 4, 2011 in the PV Recorder
- l. Proof: Notice to Bidders, Bid #11-41, published February 4, 2011 in the PV Recorder
- m. Proof: Request for Proposals, RFP #11-43 for WBSH Poster and Brochure Designs, published February 4, 2011 in the PV Recorder
- n. Proof: Request for Proposals, RFP #11-46 for WBSH Overlay District, published February 4, 2011 in the PV Recorder
- o. Proof: Notice to Bidders, Bid #11-47, published February 4, 2011 in the PV Recorder
- p. Proof: Notice to Bidders, Bid #11-52, published February 4, 2011 in the PV Recorder
- q. Proof: Notice to Bidders, Bid #11-53, published February 4, 2011 in the PV Recorder
- r. Proof: Notice of Adoption of a Resolution Vacating, Abandoning, Discontinuing and Closing certain streets, alleyways, roads or easements (Delespine Avenue), published February 4, 2010 in the St. Augustine Record
- s. Proof: Notice to Bidders, Bid #11-53, published February 4, 2011 and February 11, 2011 in The St. Augustine Record
- t. Proof: Notice of Negotiations by representatives of the Collective Bargaining Team of St. Johns County and representatives of the International Association of Firefighters Local #3865 on February 15, 2011 at 9:00 a.m., published February 7, 2011 in The St. Augustine Record

(03/01/11 - 6 - 9:17 a.m.)

PUBLIC COMMENT

Cathy Brown, Council on Aging Director, 82 Marine Street, spoke on the new schedule for the Sunshine Bus Company. She said there were many challenges to keeping the bus schedule on time, and despite that, their ridership had tripled. She explained their new route design, and the implementation of new start point bus stops. She said they had built in a catch up period at the beginning of each route. She said the bus was the greatest bargain for a buck that she knew of. She thanked the Board for their support of the national award winning system.

(9:21 a.m.) Bryan, Commission for the Transportation Disadvantaged (CDD) Chairman, spoke regarding reform proposed by Legislators in Tallahassee. He said they were discussing taking dollars from the Transportation Trust Fund and moving it over to the General Fund. He said it could have a severe impact on the transportation disadvantaged in St. Johns County. He said he had written a letter to Governor Scott

asking that they not remove funding for that service. He said many people depended on the disadvantaged transportation bus system to get to dialysis and those individuals could die if they did not have that service available. He said there were over 40,000 life sustaining and medical trips in St. Johns County last year. He asked for Board consensus to send the letter to the Governor. Brown said this was an urgent matter and thanked them for their support. She said the Trust Fund was established in 1989 from highway dollars; trucking fees. She said it was only \$27 million statewide. She said she hoped the Board's firm stand and their plea to not break faith with the people of Florida would help. She noted they made 600 trips a day to doctors in the County, and it was important.

(9:24 a.m.) Sanchez complemented Brown on all that she did, and thanked her for everything that she did for all the folks in the County. He said the letter to the Governor should also be sent to other counties to get their support as well.

(9:25 a.m.) Brown also said they were starting a respite center next week for the 4,000 Alzheimer patients in the county. She said members of the Shores Methodist Church would be hosting the first center on Mondays and Wednesday, and the members of Christ Episcopal in Ponte Vedra were also hosting a center two days a week beginning in the near future. She thanked them for their support.

(9:26 a.m.) Stevenson asked if the transportation disadvantaged riders paid on a sliding scale. Brown said it was a co-pay. Stevenson said she had neighbors who relied on that service. She noted the cost of being transported with a wheelchair was significant and it was an important service. Brown said these people needed to be treated with dignity and respect.

(9:27 a.m.) David Wiles, one of five supervisors on the Soil and Water Conservation District Commission, spoke on items 7 & 8 regarding a donation of land from the Conservation District. He mentioned the new Comprehensive Plan through 2025 and the strong and positive emphasis on soil and water conservation. He asked that they be possibly allowed to help them, in any way that they could, particularly in the agricultural intensive and rural Silviculture policies, as they affected the County's operation. He said his group was very interested in helping in any way they could.

(03/01/11 - 7 - 9:29 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

Wanchick asked to pull Item No. 5, and reschedule it for March 15.

(03/01/11 - 7- 9:30 a.m.)

APPROVAL OF REGULAR AGENDA

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

(03/01/11 - 7 - 9:30 a.m.)

1. FISCAL YEAR 2012 BUDGET WORKSHOP - THIS BOARD OF COUNTY COMMISSION (BCC) BUDGET WORKSHOP IS DESIGNED TO BOTH INFORM AND ESTABLISH INITIAL BUDGET GUIDELINES FOR THE UPCOMING FY 2012 COUNTY BUDGET PROCESS. THE PROJECTED FY 2012 TOTAL COUNTY BUDGET AND TOTAL GENERAL FUND AND FIRE DISTRICT FUND BUDGET WILL BE REVIEWED WITH THE BCC. IN ADDITION, FY 2013 AND FY 2014 WILL BE PROJECTED. INITIAL FY 2012 BUDGET GUIDELINES WILL BE DISCUSSED

Doug Timms, Director Office of Management and Budget, gave the presentation (Exhibit A). He gave the tentative dates for each significant event scheduled during the budget process. He said that day's presentation was just to update the Board and noted that the process was required by State law. He stated that there had been significant decline in revenue based on property values, Impact Fee revenue decreases, new OPEB Liability Obligations and Sales Tax revenue decreases. He reviewed steps that had already been taken to reduce the budget by \$34.5 million/year. He reported the previous Budget Workshop findings: A projected fund deficit for the Fire District Fund for FY 2011 was identified in January 2009. Current trends indicated that both the General Fund and the Fire District Fund could have fund deficits as early as FY 2013. The County can utilize Fund Reserves to temporarily balance the General Fund and Fire District Fund for FY 2011 to possibly bridge to better economic conditions. Due to State Millage Rate Limits (3% increases) the County would not likely be able to address fund deficits for the General Fund and Fire District Fund in the same fiscal year after FY 2013. He said they were going to face more difficult economic times than the general economy. He noted the budget had been reduced by \$151 million since 2007. He reviewed proposed capital spending and said it was a concern. He reviewed the "High Five" mandates, including the 800 megahertz radio system, which had to be replaced in the near future. He noted that total County Property Taxes was declining and would continue through 2013 with only moderate growth anticipated in 2014 and 2015. He showed the breakdown on the County portion of property taxes, and noted they were important for the Fire and General Fund budgets. He said there would definitely be deficit fund problems, and reviewed the projected property tax revenue losses through FY 2012 at \$11.6 million. He said the Board was already living within its means and was below 2005 levels, despite an increase in population and an increase in inflation of about 30% during that period. He reviewed the operating deficits for the General Fund of \$8.1 million and for Fire District of \$4.4 million. He said reserves were being used currently to meet those needs, but noted the cumulative deficits would require reductions of 27% of the General Fund and on the Fire Side up to 23%. He said, just as an example, that it would involve 50 firefighters being cut and possibly the closing of 3 fire stations. He said those degree of cuts would not be acceptable to the community, but staff wanted to listen to the community as they went through the budget process, to get their actual feelings on the matter. He said they were proposing a middle ground approach. He said if a 1-cent County Infrastructure Sales Tax was not pursued during FY 2012, then substitute an additional millage rate increase (approximately 0.25 mills) for the General Fund to address the County emergency radio system and other "High Five" mandates. Furthermore, the combined effect of a 0.5 mills increase for the General Fund and 0.25 mills increase for the Fire District Fund would still keep total County Property taxes below the previous year. He did a comparison of the recommended millage to the FY 2005 millage, and reviewed the Initial FY 2012 Budget Guidelines. He reviewed the projected County Budget: FY 2012 Before Carryover of \$482 million, the Projected Capital Project Carryover, \$80 million, for a total of \$562 million without an increase. He showed the FY 2011 budget without millage at \$582 million, and with millage increase at \$581 million, and FY 2012 projected without millage increase of \$562 million and with millage increase at \$570 million. He announced the next meeting dates May 11 - May 14, Administrative Hearings on Requested Departmental Budgets. He noted that on June 1 the Estimate of Assessed Property Values for FY 2012 would be received from the Property Appraiser and the Constitutional Officers requested Budgets for FY 2012 would be presented.

(9:56 a.m.) Bryan said that presentation showed that the County was living within its means.

(9:56 a.m.) Stevenson said she appreciated the presentation, and that it was profound that they were operating at \$500,000 less in the General budget than they were in 2005 when there were fewer people in the County and fewer services offered. She said they

were doing a good job of sheltering the public from the reduction of services. She asked about the trending on the property tax collections with the different scenarios. Timms explained. She also clarified the OPEB mandate which was an unfunded mandate. She also noted that County staff had taken about half of the budget reductions.

(10:00 a.m.) Bryan said they had become a victim of their own success and had succeeded in sheltering the taxpayers from the actual cuts so far. He said they could not continue to operate on reserves.

(10:01 a.m.) Morris asked Timms to look at the capital improvement program. He commented on the estimated carryover. He asked if they could look at top priority projects and see if they could prioritize and cut 10% out of that or postpone some of those projects, before going into a tax increase. Timms said it was a good suggestion and they were going to do a thorough review of the proposed projects. Morris said they had done an excellent job at expenditure cutting. Timms said if they waited too long, they wouldn't be able to fix the deficit in a long term sense.

(10:06 a.m.) Sanchez thanked Timms and his staff for doing an excellent job. He said they had being through tough times for a long time and he appreciated the effort they were putting into the process. He said they had cut and cut seriously. He reminded people that if they wanted to know the facts of the budget, May 11-14 were the budget hearings, and they should attend, and become educated.

(10:08 a.m.) Stevenson reemphasized that if they went too low, they couldn't recover at the service level. She said there was not much flexibility. She said it was an extraordinary time and they needed to look under every rock. She said the cuts began in 2007, and they were still looking for measures to reduce the budget.

(10:09 a.m.) Miner thanked Timms for their hard work. He said they did not have the ability to cross subsidize. He said Morris had raised an excellent point with looking at the capital improvements. He said they needed to look at four scenarios: the evaluation of capital improvements, do nothing, a .5 mil increase, or an additional .25 in lieu of sales tax, and what they would entail. He said it was important for the community to understand those options and what they would entail.

(10:11 a.m.) Bryan said they heard comments from the public about cutting services. He said people were passionate about particular things and it became difficult. He said they welcomed the public to attend the workshops and to offer their ideas and recommendations.

(10:11 a.m.) Wanchick emphasized that the public sector funding process was very complex and misunderstood. He said the suggested millage increase for 89% of the residents it would still be a tax decrease, primarily because of falling property values. He explained that a millage increase was not a tax increase. He said they were trying to get the public to understand the implications of the reduced revenue; services would be curtailed or millage would have to be increased. He said he couldn't emphasize enough that they needed public input into the budget process.

(10:14 a.m.) Sanchez said their transportation network was totally out of sync and they needed to look towards the future. He said a lot of maintenance had been allowed to decline, and they were going to have to spend a lot to catch up.

(10:15 a.m.) Ellen Whitmer, 1178 Natures Hammock Rd. South, Fruitcove, said she liked Morris' suggestions. She said one problem she had, was that she was serviced by JEA Electric, and she paid into the General Fund of Jacksonville. She said the County needed to find a way to get some of those revenues back to St. Johns County.

(10:17 a.m.) Bryan suggested that it had been looked at before, but said they could talk about it.

The Board recessed at 10:18 and reconvened at 10:30 a.m.

(03/01/11 - 10 - 10:30 a.m.)

2. PRESENTATION ON NOCATEE MITIGATION CONTRIBUTION OPTIONS -
CORRIDOR IMPROVEMENTS AND SIDEWALKS

Joe Stephenson, Public Works Director, gave the presentation. He stated they had received mitigation funding from Nocatee, \$6.5 million, which was placed in the Transportation Trust Fund. He said they were there to determine what to do with that money. He said there were rules that the developer needed to play by. He said the money was for traffic impact mitigation. He said in the Development Order, one section of roadway was emphasized, from the roundabout on CR 210 to the Intracoastal Waterway Bridge. He noted that the assumption in the Development Order, was that section of road would be four-laned. He said, in addition, the Development Order said, if they couldn't do that one segment for some reason, they should use the 2010 study of CR 210, which ran from SR 13 on the west over to Mickler Rd. on A1A to the east, independent of Nocatee. He reviewed the study and a list of seven prioritized projects (referenced in the Nocatee Development Order). He reviewed the background and the priorities identified (Exhibit A). He explained that the first two priorities had already been completed, and the third priority was still needed, but exceeded the funding available. He said Option No. 4 was the originally intended project, was very controversial, and there would be a lot of public comment on the matter. He explained that the County had an existing 83 foot right-of-way, but there would be no land made available to the County from the Guana Tolomato Matanzas National Estuarine Research Reserve. He added that there was no plan or schedule for the four-laning of that segment of road, and there was a need for it. He said that segment of road was deficient according to the County Concurrency Management System, carrying 102% of its deficient capacity. He said the estimate of \$9 million for that project was low. He said the fifth priority was for an overpass over US 1, and it was probably the most developed plan, and could be done in two phases. He said both phases of the project exceeded the \$6.5 million in provided funding. He explained that Priority No. 6 ran from St. Johns Parkway to Greenbriar Road, was the least impacted by Nocatee traffic, and had no existing plan or schedule. He said the seventh priority was Mickler Rd. from CR 210 to A1A, and there was no plan or schedule for four-laning it at the current time. He said it also exceeded the \$6.5 million funded, as well.

He returned to the Nocatee Development Order, reminded them that the purpose was to mitigate traffic impact, and reviewed two options that had been identified. He said one was a study regarding construction of a sidewalk, as suggested by a group of citizens called the Connect Us (Exhibit B), and was consistent with the Nocatee Development Order intent. He said it served walkers, but not cyclists. He said a study was conducted by the County, and reviewed the specifics of the sidewalk location. He also reviewed Option 2, a twelve foot trail on the Guana easement, a multi purpose, two directional trail. He said it would be County constructed, maintained and operated. He said considerable effort remained for approval from the Florida Fish and Wildlife Conservation Commission to use Guana property.

(10:49 a.m.) Stevenson said there had been a misunderstanding on the project and they thought it was going to be a road instead of a trail. She emphasized that the misunderstanding had been clarified and she hoped they would continue to see progress.

(10:50 a.m.) Stephenson gave the graphics of the proposed trail. He said it would be a Florida friendly natural environment. He reviewed staff recommendations: 1. to construct sidewalks along CR 210 and Mickler Rd, using \$1.29 million from Nocatee Mitigation funds. 2. To continue to pursue the Guana Greenway multi-propose trail as a future recreational and transportation amenity. 3. Reserve the remaining \$5.21 million for use as match or seed money for one of the capacity projects identified in the 2001, CR 210 Corridor Study.

(10:54 a.m.) Bryan asked the composition of the sidewalk. Stephenson said the sidewalk would be concrete and a trail would be asphalt. He said the sidewalk would be five feet.

(10:55 a.m.) Stevenson said she had received many inquiries as to why they did not four-lane the road and the impacts to the Sawmill Lakes community. Stephenson said if it were four-laned, it would be a challenge to get it within the 83 foot right of way. He said it would be higher in elevation, because the base was in the water table and would develop pot holes. In order to provide proper drainage, it would have to be higher, and there would be a vertical wall on one side of the road, similar to a bulkhead. He said the road would have sidewalks and bike lanes on both sides, there would be four travel lanes with a center median, and there would be turn lanes at the Sawmill Lakes intersection.

(10:57 a.m.) Stevenson asked the capacity of the road today. Stephenson said he didn't have the current capacity, but it was at 102% and was classified as deficient. Stevenson also asked about safety. Stephenson said there had been relatively few accidents in that area, and there were no fatalities in 2009. Stevenson said there had been a fatality further north on the road. She said the road did not look safe for cars or for sidewalks and they needed to consider all three user groups. Stephenson said he agreed.

(11:00 a.m.) Bryan asked how long it would take to complete construction on the four lane highway. Stephenson said 18 months to two years after they began to turn dirt. Bryan asked if there were any transportation dollars that would be available, or if it was all on the County's nickel. Stephenson said the only funding he was aware of was the money they had reviewed that day. He said that section of the road was not a good candidate for grants, as it was a County road. Bryan asked if they decided to go with the four-lane, how far out could they consider breaking ground. Stephenson said he could not make any prognostications on what the budget might be. He said a part of the \$6.5 million could be used for design costs. He said it could take from three to four years from that day. He said they would have to secure additional funding if it exceeded \$9 million.

(11:03 a.m.) Wanchick thanked Stephenson for all the work he and his staff had put into the project. He said the staff had made a recommendation, and it allowed the sidewalk to move forward. He said it would keep the Guana alternative alive as well. He said if they would allow them to work with the State, they could begin the design, and the bulk of the \$6 million would be held in reserve for projects along that corridor.

(11:05 a.m.) Stevenson mentioned hurricane evacuation and said it was highly prioritized for that reason. She said it was the main evacuation corridor for Ponte Vedra and the choke point was at CR 210 and US 1.

(11:07 a.m.) Jim Murray, 300 South Mill View Way, Ponte Vedra Beach, spoke in favor of voting for Stephenson's proposal.

(11:08 a.m.) Jeff Hohlstein, 3838 Cardinal Oaks Circle, Orange Park, said he was President of the North Florida Bicycle Club, with 600 members, 136 of whom live in St.

Johns County. He discussed the route segment from A1A to the Bridge and said it was a popular area for cycling. He said the road was narrow and there were no shoulders with five blind curves. He said traffic had increased with many high school drivers and trucks. He said it was one of the most dangerous roads for cyclists on the First Coast. He asked them to support the project, because it would increase the capacity and safety of the segment. He also recommended delaying funding until negotiations could be completed on the Guana Trail.

(11:11 a.m.) Steven Tocknell, 3643 Oak St., Regional Advocacy Director, First Coast Chapter of the Florida Bicycle Association, asked for deferral of the consideration of the item. He thanked Stephenson for his input. He said the trail would be a better use of the funds.

(11:14 a.m.) Walter O'Shea, 372 South Mill View Way, said he lived in Sawmill Lakes with his family. He said the connectivity of the sidewalks was very important and would be beneficial to 2000 families in the area. He said sidewalks and trails were important for connectivity to commercial in the area. He said he was also a civil engineer, and he supported a multi use trail with the Guana, and they should pursue that option. From an evacuation standpoint, his experience was, that there was no problem with traffic until drivers hit I-95. He said they should wait to four-lane the road until there were capacity problems.

(11:17 a.m.) Fred Spencer, 248 Clearwater Dr., said sidewalks would provide for greater safety for the kids and for travelers going towards the beach. He offered three suggestions. 1. The feasibility of a three lane road with additional bike lanes. He said the lanes could be reversible for traffic peak times. 2. For sidewalks, he suggested more bike racks at Mickler Landing. 3. Signage on the roundabout directed traffic to A1A along Palm Valley Rd. and the shortest distance was along Mickler Rd. He said signage should be added to direct traffic along Mickler.

(11:20 a.m.) Ginger Lily Peace, 29 Turtleback Tr., Executive Director, Ponte Vedra Chamber of Commerce, said they had been approached by Connect Us to make a recommendation on the project. She said they were in favor of the sidewalk project for safety reasons and it would allow them to connect with the small commercial center.

(11:21 a.m.) Susan Wallace, 1912 Hickory Lane, Atlantic Beach, a cyclist and member of the North Florida Bicycle Club, said she had ridden that road many times. She said the access at each end of the corridor from A1A to the roundabout, and from there onto the bridge, was four lane with bike lanes or with paved shoulders and it was the only route to get between the two areas that were highly utilized by bikers. She said it was a dangerous part of the route for bicyclists. She asked them to keep the cyclists in mind, as they considered how to improve the corridor.

(11:23 p.m.) *See Item No. 7 below for time certain item on page 21.*

(11:42 a.m.) Errol Bos, 155 Barberry Lane, commended the Commission for considering all the members of the community. He said a sidewalk was not a good use of funds at the current time. He said it was a dangerous road for bicyclists. He said the issue was capacity and safety for all vehicles. He said it was a hurricane evacuation route and they needed to consider the safety of all citizens and the entire community.

(11:44 a.m.) Robert Buck, 4101 Bent Creek Circle, Sawgrass Players Club, said he was also a cyclist and frequented CR 210. He recommended using the money to widen CR 210 and to begin the permitting process, because it would take a long time.

(11:46 a.m.) Lisa Elwell, 125 Boganvilla Dr., said she was a cyclist, that road was extremely dangerous, and sidewalks would not help them. She said the only way back to Ponte Vedra was on that road and asked that they give benefits to all the people. She said bikes did not ride on sidewalks, and she preferred bike lanes because they had to navigate pedestrians on sidewalks.

(11:48 a.m.) Brian Kiel, 400 N. Harbor Lights Dr., Ponte Vedra, said he represented the Homeowners Association of Marsh Harbour. He said they favored sidewalks for safety and connectivity to businesses and the beach.

(11:49 a.m.) Jonathan Katzen, 140 Mill Cove Lane, Ponte Vedra Beach, President of the Friends of the GTM Research Reserve, said he was there to support the sidewalk project. He said it was not safe to walk along the roadway. He added that it was consistent with the mission of the GTM Research Reserve. He said there was no support for transportation projects along the corridor. He asked them to consider fixing what wasn't done when the communities were built, and to address it with a sense of urgency.

(11:51 a.m.) Marcy Silkebaken, 1145 Neck Rd., Ponte Vedra Beach, said she hoped they would move forward with the CR 210 sidewalk project. She said it was a much needed safety improvement, and would provide safety for thousands of people in the area. She noted that Commissioner Stevenson had recently met with Fish and Wildlife, and made some representations as to what St. Johns County might do in exchange for permission to put a multi-purpose path on Guana land. She said they did not know what the details were and that might be a great option, but until they had fully vetted the proposal, she would hate to see it delay the sidewalk project. She added that they had the support of the Ponte Vedra Chamber of Commerce.

(11:53 a.m.) Stevenson clarified that she had made no representation to Fish and Wildlife. She said that contacts had been made through staff, and there was written correspondence to support them.

(11:54 a.m.) Brian Paradist, 13 Albaclub Dr., spoke in support of the bikeway. He said it made a lot of sense and would enhance the quality of life for the residents. He said the members of Guana had agreed to a mission statement that the property was a valuable buffer to protect the water quality. He entered a position statement into the record. (Exhibit C). He said the Department of Environmental Protection was resistant to any incursion into the Guana. He said all requests had been denied in the past, and if they tried to do so, they might be waiting for a long time and incur some legal problems.

(11:57 a.m.) Neal Rashba, 1174 Neck Rd., Ponte Vedra Beach, asked them to support the sidewalk proposal. He said it seemed to be the bicyclists versus the pedestrians, and the cyclists had options and could continue to ride. He said the pedestrians had no options and the pedestrians had the right of way, by Florida law.

(12:00 p.m.) Stevenson asked Rashba about the trail being a compatible use, and if it were available, whether he would be for it. He said he would.

(12:00 p.m.) Doug Crane, 994 Ponte Vedra Blvd., Ponte Vedra Community Association (PVCA) Director, said they had received a letter from their president via e-mail. He asked what was going on, and they looked forward to hearing the details. He said the PVCA knew none of the details. He said they discovered the issue from the *Ponte Vedra Leader*. He said seven homeowners' community associations supported the issue out of 23 homeowners' associations. He asked them not to make a rush to judgment that day. He said not enough people had been notified.

(12:03 p.m.) Angela Diaz, 376 S. Mill View Way, Sawmill Lakes, spoke in support of the sidewalk, said it was a viable solution, and it was not a hastily concocted solution. She said Sawmill Lakes was outside the two mile radius for school bus transport. She said the homeowners' associations were consulted and asked for input, as were businesses. She said the sidewalk project was important and would provide safety to the community.

(12:06 p.m.) Fred Ritenour, 722 Port Charlotte Dr., Nocatee, said it was the Board's responsibility to take care all of the residents in St. Johns County. He said by funding the road widening project it would specifically address all of their needs. He asked if it was wise to spend dollars on improvements that would be removed when the road was eventually widened. He said the residents in Coastal Oaks and River Wood communities had little knowledge of the project. He said they recommended getting a communiqué out to all the residents of Ponte Vedra to provide details, and to delay action for 120 days.

(12:09 p.m.) Carl Blessing, 12 LaVista Dr., Ponte Vedra, said he trusted they had been good stewards of the \$6.5 million. He said studies had indicated that CR 210 was a major evacuation route and safety should be their primary consideration. He said further planning should be done as to the design of the sidewalk.

(12:11 p.m.) Daniel McDonald, Vickers Landing, Ponte Vedra Beach, said he was secretary of the Ponte Vedra Beaches Coalition. He said he wished to correct some of Mr. Crane's comments. He stated that last May the Coalition had an advertised presentation of the sidewalk project, called Connect Us. He said the Coalition never took sides on the issue. He added that incursions into the Guana could result in lawsuits from environmental groups and the Board should consider that.

(12:13 p.m.) Clara Cowan, 244 Patrick Mill Circle, Ponte Vedra, said their Homeowners' Association board had voted unanimously to support Connect Us for the sidewalk proposal. She asked them to consider it favorably.

(12:15 p.m.) Carol Curry, 101 Palm Bay Court, President Old Palm Valley Homeowners' Association, was fully in support of the sidewalk project. She said it was a very dangerous situation and it was needed for safety purposes and asked them to support it.

(12:15 p.m.) Diana Rawle, 400 South Mill View Way, Ponte Vedra Beach, stated she was the former President of the Homeowners' Association at Sawmill Lakes, representing 371 homes. She said they supported the sidewalk and were also concerned that the roadway should be safe, as well as a safe evacuation route. She said all the needs were real for pedestrians, cyclists and cars. She said they viewed them as separate projects to meet separate needs. She asked if three-laning was an option. Stevenson said she had been told it would not work and that Joe Stephenson could answer that more definitively. She also commented on the traffic capacity due to the high school in the area. She asked for support of the sidewalks.

(12:19 p.m.) Mike Wicks, 3896B Palm Valley Rd., Ponte Vedra Beach, spoke in favor of the sidewalk project. He thanked Stephenson for all the work he had done, and that he was the expert who was telling them the project should be done. He said he hoped the Commission would trust their staff. He said the need for the sidewalk had been clearly demonstrated.

(12:22 p.m.) Bryan thanked everyone for attending that day and for their input. He said he had received hundreds of e-mails, as had the other Commissioners.

(12:23 p.m.) Sanchez said the people who had spoken against the project had brought up some legitimate points, and safety of people was never a wasted effort. He said funding of the road for four-laning was a long way out, due to budget problems. He noted that the other situation was that it was a safety issue and as far as the Guana went, he did not feel they should take small pieces of the Guana, because everyone would want a piece of it. He said requests for land was a three to four year process and then the result would be no. He said he was prepared to support the sidewalk.

(12:26 p.m.) Miner thanked the group for coming out. He said he would support the sidewalk as well. He said he could not support the path in the Guana currently. He said the road funding was not going to happen any time soon.

(12:27 p.m.) Bryan said he had concerns about the highway which might not happen for years. He said he was concerned about the kids who rode bicycles and there was a distinction between cyclists and kids on bikes. He said he was opposed to cutting into the Guana but he was not opposed to continuing to explore that prospect.

(12:29 p.m.) Morris asked staff for their best estimate for four-laning that road. He said staff said it would be at least 10 years and would require \$10 to \$12 million dollars. He said he was on that road most every day and he was concerned about kids on the road in the afternoon. He said they were walking east on the Guana side with their backs to the traffic and they were walking their bikes. He said cars were going within about 6 inches of them, at about 50 miles per hour. He said he was in favor of the sidewalk.

(12:31 p.m.) Stevenson said she had experienced the roadway differently. She said bicyclists and walkers were generally on the south side of the road on their way to the bridge, and it was a two mile gap in a busy corridor. She said when she rode a bike she took up about two feet and three feet was required by law. She said she had seen a person get hit and the resulting trauma to the family and the driver of the vehicle. She said she was stressed to learn of staff's recommendation for the roadway, and sidewalks were important. She asked them to support pursuing bike facilities in the area.

(12:38 p.m.) Bryan asked Stephenson if there was any way to deviate from the 5-foot standard that would accommodate cyclists and pedestrians. Stephenson said he had not heard of anything that represented a compromise. He said it would provide some improvement for only a mile because the sidewalk would connect with a 5 foot sidewalk at the roundabout. He said widening of the shoulders would be a good improvement but in the past it had not been supported. He said they had looked at compromises. He noted that the advantage of the trail was that it would serve both pedestrians and cyclists for a longer segment. He said the Guana was a preserve for the people of Florida and he saw it as a compatible use of the property.

(12:43 p.m.) **Motion by Miner, seconded by Sanchez, carried 5/0, to adopt Resolution 2011-52, to receive unanticipated revenue to be held within the Transportation Trust Fund and authorize portions of its expenditure on the sidewalk improvements as identified within the study phase of Project 5211 for the design and construction of certain improvements to transportation infrastructure connecting the existing sidewalk which terminates east of the Intracoastal Waterway Bridge to the sidewalk which exists at the Mickler Road Roundabout along CR 210, and authorizing the County Administrator or designee, to execute task orders and agreements as necessary to complete the task.**

RESOLUTION NO. 2011-52

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AMENDING THE FISCAL YEAR 2011 BUDGET, IN

ORDER TO RECEIVE UNANTICIPATED REVENUE FROM THE NOCATEE DEVELOPER, AUTHORIZE THE FUNDS TO BE HELD IN THE TRANSPORTATION TRUST FUND AND APPROVING AND AUTHORIZING THE DESIGN AND CONSTRUCTION OF THE PEDESTRIAN IMPROVEMENT AS IDENTIFIED WITHIN THE STUDY PHASE OF COUNTY PROJECT NO. 5211; PROVIDING DIRECTIONS; AND PROVIDING AN EFFECTIVE DATE

There was consensus to look into further discussion with the Fish and Wildlife Commission regarding putting in trails at the Guana Reserve.

The Board recessed for lunch at 12:46 and Deputy Clerk, Terry Bulla, left the meeting. The meeting reconvened at 2:03 p.m. and Deputy Clerk, Pam Halterman entered the meeting.

(03/01/11 - 16 - 2:03 p.m.)

3. PUBLIC HEARING - COUNTY IMPACT FEE UPDATE ADOPTION HEARING. THIS IS A PUBLIC HEARING TO CONSIDER ADOPTION OF AN UPDATED IMPACT FEES SCHEDULE (EXCLUDING SCHOOLS). THE PROPOSED ORDINANCE IS BASED UPON A TECHNICAL MEMORANDUM PREPARED BY JAMES C. NICHOLAS, PH.D. REFLECTING THE MOST CURRENT DATA AND ASSESSMENT REGARDING IMPACTS FEES IN THE CATEGORIES OF ROADS, PUBLIC BUILDINGS, LAW ENFORCEMENT, FIRE AND RESCUE, AND PARKS AND RECREATION. THE RECOMMENDED IMPACT FEE SCHEDULE REFLECTS A REDUCTION OF ROUGHLY 25% FROM THE MAXIMUM FEES JUSTIFIED UNDER THE TECHNICAL MEMORANDUM (AS PRESENTED AT THE WORKSHOP MEETING OF FEBRUARY 1, 2011) HAVING THE EFFECT OF KEEPING RESIDENTIAL FEES UNCHANGED. ALL OTHER FEES IN THE PROPOSED SCHEDULE SHOW A REDUCTION FROM THE EXISTING IMPACT FEE SCHEDULE. THE AVERAGE REDUCTION ACROSS THE NON-RESIDENTIAL CATEGORIES IS APPROXIMATELY 50%. THIS ORDINANCE AND FEE SCHEDULE IS EFFECTIVE UPON ADOPTION, AS IT CONTAINS NO INCREASES IN IMPACT FEES. STAFF NOTES THAT THE SCHEDULE ATTACHED TO THIS ORDINANCE RETAINS THE EXISTING SCHOOL IMPACTS FEES AS A TEMPORARY MEASURE. PER STATUTE, INCREASES IN IMPACT FEES MAY NOT BECOME EFFECTIVE FOR A PERIOD OF NINETY DAYS. A RELATED AGENDA ITEM IS AN UPDATED SCHOOL IMPACT FEE ORDINANCE WHICH INCLUDES A RECOMMENDATION BY THE ST. JOHNS COUNTY SCHOOL DISTRICT FOR AN INCREASE IN SCHOOL IMPACT FEES. THEREFORE, THE SCHOOL IMPACT FEE ORDINANCE WILL HAVE AN EFFECTIVE DATE OF JUNE 1, 2011 IF APPROVED BY THE BOARD. THE PLANNING AND ZONING AGENCY IS SCHEDULED TO MAKE A RECOMMENDATION AT THEIR MEETING OF FEBRUARY 17, 2011

Proof of publication of the notice of public hearing for County Impact Fee Update Adopting Hearing was received, having been published in *The St. Augustine Record* on February 17, 2011.

Dr. Nicholas was present for questions but there were no members or audience members who had questions.

(2:08 p.m.) Darryl Locklear, Assistant County Administrator, spoke on the proposed impact fees. He explained that public comments received had been reviewed by staff. He said the ordinance before the Board addressed the previous issue raised from public

comments. He clarified that all issues could not be address, and only the change of use issue was being handled that day. He affirmed that staff would attend meetings scheduled for the following week with the larger property owners. He advised that the School Board had voted unanimously to approve the updated public education portion of the fees. He noted that the Planning and Zoning Agency had reviewed both the County and School Board's portions on February 17, 2011, and had approved the changes, which were found to be in compliance with the Comprehensive Plan. Wanchick advised that several landowners had requested a solution on overpaying of impact fees, which Locklear had acknowledged, and it was the County's intent to find a reasonable solution for all. Locklear continued explaining the proposed impact fee schedule for roads, buildings, law enforcement, fire rescue, and parks, which excluded the public education portion of impact fees. He noted that impact fees would decrease by 25%, with residential fees being unchanged. He reviewed categories and impact fees shown on Exhibit A. He noted that the updated School impact fee ordinance, if approved, would go into effect on June 1, 2011. He stated that he was available for any questions from the Board.

(2:18 p.m.) Ellen Avery-Smith, 100 Whetstone Place, spoke on behalf of the development company involved with the World Commerce Center. She stated that they were looking forward to working through some issues with Wanchick and County staff on how to remedy some of the damages companies might experience due to the reduction in impact fees. She explained that the World Commerce Center was a DRI that had been approved in 2002, and under the DRI, the developer was required to build millions of dollars worth of roadway improvements. She pointed out that there were three different contracts issued between the developer and St. Johns County which involved impact fee credits. In response, Stevenson voiced that she did not believe the County had an obligation to continue to collect impact fees. Avery-Smith clarified that the road construction had been above and beyond the "fair-share" obligation of the developer, and the return on the investment was in the form of an impact fee credit. Wanchick affirmed that was correct and suggested that many commitments from developers would probably change due to the economy. Avery-Smith stated that the roads were constructed, and the right-of-way has been dedicated. She noted that they would meet with County staff, in order to talk about how to make the developer whole. Stevenson pointed out that many developers would have the same request in regards to impact fee credits. Wanchick communicated that several developers were probably in the same situation. He added that developments existed that had not provided the committed improvements and would not make the improvements because it was no longer financially feasible. He suggested that those also needed to be reviewed due to the model changes. Bryan stated that discussing the issue with developers and County staff was a good start.

(2:24 p.m.) Ed Paucek, St. Johns Builders Council, stated that they originally desired Option C; however, that was currently off the table. He suggested that the County attempt to keep everyone whole. Because of the methodology the School Board had taken in reference to its payment, he said the Builders Council had asked for an audit of the County for the last ten years in regards to income and expenses.

(2:27 p.m.) Greg Barbour, 4314 Pablo Court, Jacksonville, representative for the Park Group of Nocatee, asked that the Board consider lowering the residential impact fees because of the economy, and suggested that the Board postpone voting on the issue until the real estate market improved.

(2:29 p.m.) Chris Hagan, 103 Century 21st Drive, Jacksonville, representative of the Northeast Florida Builders Association, asked that the Board retain the current residential impact fees in order to help families build in the community.

(2:30 p.m.) Wanchick voiced that staff was not insensitive to the impact on the residential developers. He pointed out that non-residential impact fees had been reduced an additional 25%, which created room for the School Board because the schools desperately needed funds.

(2:30 p.m.) In response to a statement by Sanchez, Wanchick said St. Johns County was the only county in the area that had not reduced or eliminated their impact fees and St. Johns County permit costs were higher compared to the surrounding area. Sanchez stated that the Schools needed money and he would vote in favor of both items #3 and #4.

(2:32 p.m.) McCormack commented that the County did not have a duty to continue with charging impact fees, and it was his opinion, that no damages existed in regards to impact fees. He said the County staff negotiating with developers would provide a positive economic climate.

(2:35 p.m.) Miner agreed that the impact fee process had been well done, with much input from the community. He said the true victor was the non-residential component of impact fees; therefore, the community was the victor. Bryan stated that he liked the past residential growth in the community but the Schools were currently in financial straits. Stevenson pointed out that the School Board representative was present and asked him to approach the podium.

(2:37 p.m.) Morris said he looked at impact fees at a percentage basis. He voiced that he had asked staff to review the low-income housing area to offset the increase in impact fees, because they would be most affected. He described several scenarios involving the size of a house and impact fees on residential development. Miner suggested that staff get with Tom Crawford to see how the repayment of impact fees could be extended for economically challenged residents. Locklear noted that staff would be reviewing the ordinance involving the low-income repayment plan. Stevenson suggested that citizens probably did not understand the full financial impact to the School budget. *Consensus was received for staff to review the ordinance regarding the low-income repayment plan.*

(2:41 p.m.) Bill Fehling, St. Johns County School Board member, explained the School's current financial situation and the major decline in revenue from the State. He said the County had grown by over 800 students just in 2011. Bryan questioned whether the number of student increased in other districts in the area, relative to St. Johns County. In response, Fehling voiced that most districts had seen a decrease in student population. He noted that the State had removed funding that had, at one time, reached over \$20 million annual growth allocation. Bryan asked if the School Board had approached the Legislature to request an exception, from the standard the State was holding other School districts to, for financial support from the State. Fehling affirmed that Dr. Joyner and the School Board were very active in lobbying for more funding at the State level.

(2:46 p.m.) Stevenson stated that if the School district did not fit the norm, they needed to ask for financial relief from the State. In response to an inquiry from Stevenson, Locklear explained the net difference between residential impact fees on agenda items #3 and #4. He noted that on June 1, 2011, residential impact fees would increase. Stevenson suggested that the negative perception of letting the School District down would not look good for the County. She said the St. Johns County School District was one of the best in Florida. Locklear explained that the Evaluation and Appraisal Report had been submitted, a 5-year deferred impact fee payment plan has been submitted, and the adoption of concurrency modifications had been completed. He voiced that the County had taken steps to encourage a positive business-friendly environment in St. Johns County. Sanchez explained that the County needed to support the school system

because the quality of life would diminish if the County did not provide support. Wanchick pointed out that deferring the implementation of the residential impact fee increase for Schools would compel the State to question whether the local County and School District had exhausted the search for local funding remedies.

(2:53 p.m.) **Motion by Miner, seconded by Sanchez, carried 5/0, to enact Ordinance 2011-6, enacting amendments to the Land Development Code and amending the St. Johns County Impact Fee Ordinances.** Whitehouse directed attention to page 4, section 8, of the ordinance and noted that the effective date blank line and the word "on" would be removed from the ordinance language. **Miner amended his motion to include the changes specified by Whitehouse. Sanchez seconded the amendment. Motion carried 5/0 to accept the specified changes.**

ORDINANCE NO. 2011-6

AN ORDINANCE OF ST. JOHNS COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, AMENDING AND SUPPLEMENTING THE ST. JOHNS COUNTY LAND DEVELOPMENT CODE AS ADOPTED BY ORDINANCE 99-51, AS PREVIOUSLY AMENDED; SPECIFICALLY, THIS ORDINANCE AMENDS THE CONSOLIDATED IMPACT FEE ORDINANCES OF THE ST. JOHNS COUNTY LAND DEVELOPMENT CODE, AS CONSOLIDATED BY ORDINANCE 2005-27, AS AMENDED; MAKING CHANGES APPLICABLE TO ALL IMPACT FEES AS CONSOLIDATED, EXCEPTING THE EDUCATIONAL FACILITIES IMPACT FEE, INCLUDING AND RELATING TO: PROVIDING SUPPLEMENTAL AND ADDITIONAL FINDINGS AND DECLARATIONS OF THE BOARD OF COUNTY COMMISSIONERS; MODIFYING THE AMOUNTS PAYABLE PURSUANT TO THE IMPACT FEE SCHEDULE; PROVIDING FOR AUTOMATIC UPDATING OF FEES BASED ON INDEXING; PROVIDING FOR REVIEW AND UPDATING OF IMPACT FEES BY THE BOARD OF COUNTY COMMISSIONERS EVERY FIVE (5) YEARS; AMENDING AND READOPTING THE IMPACT FEES GENERAL ADMINISTRATIVE GUIDELINES AND PROCEDURES MANUAL; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

(03/01/11 - 19 - 2:54 p.m.)

4. PUBLIC HEARING - SCHOOL IMPACT FEE UPDATE ADOPTION HEARING. THIS IS A PUBLIC HEARING TO CONSIDER ADOPTION OF UPDATED IMPACT FEES FOR SCHOOLS BASED ON THE TECHNICAL MEMORANDUM ENTITLED "PUBLIC EDUCATIONAL IMPACT FEE UPDATE" PREPARED BY DR. JAMES C. NICHOLAS. THE IMPACT FEE SCHEDULE, EXHIBIT A TO THE ORDINANCE, REFLECTS A 40.8% INCREASE IN SCHOOL IMPACT FEES, AS SUPPORTED BY THE TECHNICAL MEMORANDUM. THE ST. JOHNS COUNTY SCHOOL DISTRICT BOARD VOTED UNANIMOUSLY TO RECOMMEND APPROVAL OF THE INCREASED FEES AS PRESENTED BY DR. NICHOLAS AT THEIR MEETING OF FEBRUARY 10, 2011. THE PLANNING AND ZONING AGENCY WILL MAKE A RECOMMENDATION AT THEIR MEETING OF FEBRUARY 17, 2011. THIS ORDINANCE WILL TAKE EFFECT ON JUNE 1, 2011 TO ALLOW FOR A

90 DAY NOTICE TO INCREASE THE SCHOOL CATEGORY AS REQUIRED BY FLORIDA STATUTES. STAFF NOTES THAT THE ATTACHED FEE SCHEDULE INCLUDES THE FIVE COUNTY IMPACT FEE CATEGORIES, WITH UPDATED FEES AS PROPOSED IN THE RELATED AGENDA ITEM

Proof of publication of the notice of public hearing for the School Impact Fee Update Adopting Hearing was received, having been published in *The St. Augustine Record* on February 17, 2011.

(2:55 p.m.) Motion by Sanchez, seconded by Miner, carried 5/0, to enact Ordinance 2011-7, enacting amendments to the Land Development Code and amending the St. Johns County Impact Fee Ordinances for Schools. Whitehouse pointed out that the previous Ordinance 2011-6 would be added to the text on Ordinance 2011-7.

ORDINANCE NO. 2011-7

AN ORDINANCE OF ST. JOHNS COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, AMENDING AND SUPPLEMENTING THE ST. JOHNS COUNTY LAND DEVELOPMENT CODE AS ADOPTED BY ORDINANCE 99-51, AS PREVIOUSLY AMENDED; SPECIFICALLY, THIS ORDINANCE AMENDS THE CONSOLIDATED IMPACT FEE ORDINANCES OF THE ST. JOHNS COUNTY LAND DEVELOPMENT CODE, AS CONSOLIDATED BY ORDINANCE 2005-27, AS AMENDED, AS IT RELATES TO THE EDUCATIONAL FACILITIES IMPACT FEE; MAKING CHANGES APPLICABLE TO THE EDUCATIONAL FACILITIES IMPACT FEE, INCLUDING AND RELATING TO: PROVIDING SUPPLEMENTAL AND ADDITIONAL FINDINGS AND DECLARATIONS OF THE BOARD OF COUNTY COMMISSIONERS; MODIFYING THE AMOUNTS PAYABLE FOR EDUCATIONAL FACILITIES IMPACT FEES PURSUANT TO THE IMPACT FEE SCHEDULE; PROVIDING FOR AUTOMATIC UPDATING OF THE EDUCATIONAL FACILITIES IMPACT FEES BASED ON INDEXING; PROVIDING FOR REVIEW AND UPDATING OF THE EDUCATIONAL FACILITIES IMPACT FEES BY THE BOARD OF COUNTY COMMISSIONERS EVERY FIVE (5) YEARS; MAKING THE RECENTLY AMENDED AND READOPTED IMPACT FEES GENERAL ADMINISTRATIVE GUIDELINES AND PROCEDURES MANUAL APPLICABLE IN REGARDS TO THE EDUCATIONAL FACILITIES IMPACT FEE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

This item was removed from the agenda.

District 3

5. PUBLIC HEARING - MAJMOD 2010-08 CANOPY SHORES PARK. THIS IS A REQUEST FOR A MAJOR MODIFICATION TO ST AUGUSTINE SHORES PUD TO ALLOW A PUBLIC PARK JUST NORTHWEST OF THE CHRISTINA DRIVE AND SHORES BLVD INTERSECTION. THE PLANNING AND ZONING DIVISION FINDS THE REQUEST SUBSTANTIALLY MEETS THE REQUIREMENTS OF THE COMPREHENSIVE PLAN AND THE LAND DEVELOPMENT CODE. THE PLANNING & ZONING AGENCY RECOMMENDED APPROVAL BY A 5-0 VOTE

(03/01/11 - 21 - 2:56 p.m.)

6. CONSIDER THREE APPOINTMENTS TO THE CATEGORY II ARTS/GRANTS FUNDING PANEL

Melissa Lundquist, BCC Office Manager, spoke on the three appointments to the Category II Funding Panel. She advised that the TDC had made four recommendations during their monthly meeting held on February 28, 2011, which included Ronald Natherson, District 4, Gregory von Hausch, District 5, Eric Doten, District 4, and Sarah Shelley, District 5.

(2:58 p.m.) Stevenson asked that the Board consider a possible conflict of interest involving the Category II Arts/Grants Funding Panel member Allsup because the Cultural Council would soon be under contract to oversee the grant process. Bryan affirmed that the TDC had recommended four names to the Board.

(3:00 p.m.) Miner pointed out that Ronald Natherson had also been recommended to him by Dick Williams.

(3:01 p.m.) Motion by Miner, seconded by Stevenson, carried 5/0, to appoint Ronald Everett Natherson, Jr., to the Category II Arts/Grants Funding Panel for a full two-year term scheduled to expire March 2, 2013.

(3:01 p.m.) Motion by Bryan, seconded by Sanchez, carried 5/0, to appoint Eric Doten to the Category II Arts/Grants Funding Panel for a full two-year term scheduled to expire March 2, 2013.

Discussion ensued between Board members in regards to having District 4 represented on the panel.

(3:03 p.m.) Motion by Stevenson, seconded by Sanchez, to appoint Brian London to the Category II Arts/Grants Funding Panel for a full two-year term scheduled to expire March 2, 2013.

Miner said he liked London, but would remain with the recommendations by the TDC.

(3:05 p.m.) Sanchez withdrew his second. Motion failed due to lack of a second. Stevenson suggested that the TDC could rebalance the Board to obtain a more diverse geographical representation.

(3:06 p.m.) Motion by Bryan, seconded by Morris, carried 5/0, to appoint Gregory von Hausch to the Category II Arts/Grants Funding Panel for a full two-year term scheduled to expire March 2, 2013.

(03/01/11 - 21 - 11:24 a.m.)

7. PRESENTATION BY THE ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS OF A PROCLAMATION HONORING 97 YEAR OLD FORMER COUNTY COMMISSION CHAIRMAN EARL W. BYRD WHO IS CURRENTLY THE OLDEST LIVING ST. JOHNS COUNTY COMMISSIONER AND COUNTY OFFICIAL

Bryan asked the guests to join the Commissioners at the front. Bryan gave a brief history of the service of Chairman Earl W. Byrd, the oldest living St. Johns County Commissioner and County Official. He currently lives at Flagler Estates with his wife, Lois. He served for 28 years.

Herbie Wiles, also a former Commissioner, introduced Ed Cooksey and Fred Green also former Commissioners. Mrs. Byrd introduced family members. Wiles also introduced

Nettie Ruth Brown who was the County Extension Home Economist when they served on the Commission. Wiles said Byrd had helped to initiate the growth of the County in 1946, which was still going on today. He said it was wonderful to recognize Mr. Byrd.

Karen Pan, Public Affairs Specialist, read the Proclamation honoring Commissioner Byrd. Bryan presented a framed copy of the Proclamation to Commissioner Byrd and thanked him for his service to St. Johns County.

Byrd said it was an honor to be there and to be recognized. He thanked the Commissioners for the honor.

Return to page 12 and resume Item No. 2 at 11:42 a.m.

(03/01/11 - 22 - 3:07 p.m.)

8. BOARD OF COUNTY COMMISSIONERS DECORUM AND CIVILITY AND PROPOSED RULE CHANGES

(3:07 p.m.) McCormack spoke on the proposed changes to the Board of County Commissioners Decorum and Civility Rules. He explained the changes and additions to the proposal and resolution. Bryan advised that staff had worked with security and administration to address any safety issues during Board of County Commissioners meetings.

(3:12 p.m.) **Motion by Miner, seconded by Bryan, carried 5/0, to adopt Resolution No. 2011-53, amending the St. Johns County Board of County Commissioners' Rules and Policies pertaining to Decorum and Civility.**

RESOLUTION NO. 2011-53

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AMENDING THE RULES / POLICIES OF THE ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS ADOPTED MAY 12, 1998, AS PREVIOUSLY AMENDED; PROVIDING RULES OF DECORUM AND CIVILITY AS REQUIREMENTS OF BOARD / COMMITTEES THROUGH RULE 2.206; PROVIDING CERTAIN REVISIONS TO PART 4, RULES OF DECORUM; AND PROVIDING AN EFFECTIVE DATE

(03/01/11 - 22 - 3:12 p.m.)

COMMISSIONER COMMENTS

(3:12 p.m.) Commissioner Stevenson

She noted that Terry Bulla, Deputy Clerk of the Clerk of Courts, would be retiring soon. She articulated that she wished her the best in her retirement. Miner, Bryan, and Sanchez voiced their appreciation to Bulla. Stevenson stated that she enjoyed visiting and talking with former Commissioner Byrd during the ceremony that morning. She pointed out that the economy was continuing to be a challenge for all.

(3:18 p.m.) Commissioner Miner

He raised the issue of Ordinances #82-18 and #88-1 in regards to carrying concealed firearms. However, he noted that both ordinances were superseded by Florida Statute 790.06. He asked that the item be brought before the Board on March 15, 2011. *Consensus was given by the Board.* McCormack congratulated Miner for raising the issue, identifying the ordinance, and presenting new language to the Board. Miner

noted that a Civil Rights Museum was planned for the St. Augustine area. He suggested a joint meeting with the City of St. Augustine to address some mutual concerns. *Consensus was given by the Board.*

(3:21 p.m.) Commissioner Sanchez

He noted that on Tuesday, March 8, 2011, Marble Slab Creamery would hold a fundraiser. He, along with Harold George and Troy Blevins, will be the celebrity super-scoopers during the benefit for the Anastasia Branch Library. He pointed out that the air show would be returning to St. Augustine during the Memorial Day weekend. He said the St. Johns County Airport Authority had set up a business development plan for the airport with five different categories in order to market the airport.

(3:24 p.m.) Commissioner Morris

No comment.

(3:24 p.m.) Commissioner Bryan

He said the issue of the Transportation Disadvantaged Program Ms. Brown raised that day was important and a very vital program that Tallahassee should not change. He voiced that he had met with the City of St. Augustine Commissioner Errol Jones and City Manager John Reagan and County staff to obtain an update of the West Augustine sewer project. He pointed out that he had visited with the new president of Florida Memorial College, Dr. Lewis, as well as Dr. Clark, in regards to the most effective use for their property located by King Street and Holmes Boulevard. He noted that he had attended the North Florida Vendors Association meeting. He said the NFVA was very interested in the Small Business Development Center located in St. Augustine. He added that he had met with Reverend Rawls from the St. Paul AME Church and had spoken with 14 young men and women of the church. He stated that he and Commissioner Stevenson had attended the First America Foundation to help with the future 450th celebration.

(3:29 p.m.) Wanchick spoke about the wildfires in the southern portion of the County and thanked the people who had responded to those fires. He noted that the wildfire involved several adjacent jurisdictions, who had responded to a call for assistance. Miner asked that a letter be sent to the responding agencies. Wanchick affirmed that the Fire Chief would handle that task.

(3:31 p.m.) McCormack spoke about the noise ordinance, which he planned to bring back to the Board on April 19, 2011. He noted that his office conducted a public workshop in regards to the noise ordinance. Morris stated that the Ponte Vedra Coalition had talked about the noise issue, and that group did not have an issue with the noise ordinance. McCormack explained that the noise ordinance was a type of regulation that would not please everyone no matter which direction the Board went. He said the parking ordinance had some controversy which had been raised recently and needed to be clarified. He added that the parking ordinance would also be presented to the Board of County Commissioners on April 19, 2011. He advised that his office had started to develop regulations on the gaming issue, and he was reviewing Jacksonville's gaming ordinance, which would also be ready for April 19, 2011, or at the first Board of County Commissioners meeting in May. He noted that Sanchez had interest in reviewing the alcohol ordinance regulations, in regards to protecting minors. He commented that he was currently working on reviewing other models from different Florida counties.

(3:37 p.m.) Stevenson said the Administrative Code needed work and she would like to see it come back to the Board soon. Wanchick said staff hoped to complete an entire review of the Administrative Code.

(3:38 p.m.) With there being no further business to come before the Board, the meeting adjourned at 3:38 p.m.

REPORTS:

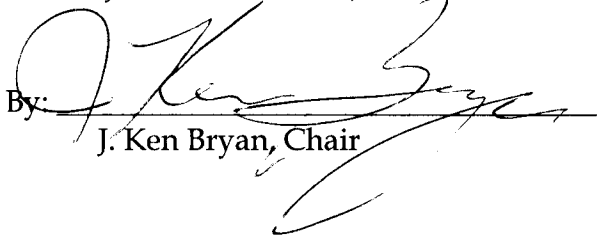
1. St. Johns County Board of County Commissioners Check Register, Check No. 466715, totaling \$1,434.15 (02/09/2011)
2. St. Johns County Board of County Commissioners Check Register, Check Nos. 466716 through 466736, totaling \$37,709.47 (02/10/2011)
3. St. Johns County Board of County Commissioners Check Register, Check No. 466737, totaling \$311.00 (02/10/2011)
4. St. Johns County Board of County Commissioners Check Register, Check Nos. 466738 through 467024, totaling \$1,784,959.93 (02/15/2011)
5. St. Johns County Board of County Commissioners Voucher Register, Voucher Nos. 4971 through 5032, totaling \$1,548,998.09 (02/15/2011)
6. St. Johns County Board of County Commissioners Check Register, Check Nos. 467025 through 467026, totaling \$1,395.81 (02/17/2011)
7. St. Johns County Board of County Commissioners Check Register, Check No. 467027, totaling \$486.68 (02/18/2011)
8. St. Johns County Board of County Commissioners Check Register, Check Nos. 467028 through 467286, totaling \$1,334,289.14 (02/22/2011)
9. St. Johns County Board of County Commissioners Voucher Register, Voucher Nos. 5033 through 5137, totaling \$232,789.17 (02/22/2011)
10. St. Johns County Board of County Commissioners Check Register, Check Nos. 467287 through 467295, totaling \$97,782.80 (02/23/2011)
11. St. Johns County Board of County Commissioners Voucher Register, Voucher No. 5138, totaling \$764.00 (02/23/2011)

CORRESPONDENCE:

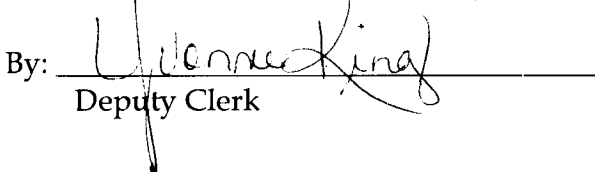
1. Letter to St. Johns County Board of County Commissioners from Kenneth Kinnecom requesting correction of spelling on a road sign (02/22/2011)

Approved March 15, 2011

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: 
J. Ken Bryan, Chair

ATTEST: CHERYL STRICKLAND, CLERK

By: 
Deputy Clerk

