

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
FEBRUARY 17, 2009
(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: Cyndi Stevenson, District 1, Chair
 Ron Sanchez, District 2, Vice Chair
 Mark P. Miner, District 3
 Phillip Mays, District 4
 Ken Bryan, District 5
 Michael D. Wanchick, County Administrator
 Patrick McCormack, County Attorney
 Lenora Newsome, Deputy Clerk

(02/17/09 - 1 - 9:00 a.m.)
CALL TO ORDER

Stevenson called the meeting to order.

(02/17/09 - 1 - 9:00 a.m.)
ROLL CALL

Stevenson reported that all five Commissioners were present.

(02/17/09 - 1 - 9:01 a.m.)
Sanchez gave the Invocation and Miner led the Pledge of Allegiance.

(02/17/09 - 1 - 9:03 a.m.)
PROCLAMATION DESIGNATING FEBRUARY 17, 2009 AS GRACE HAYES DAY

Bryan read the proclamation, with Emily Brown, Grace's daughter, along with her granddaughter accepting it.

(02/17/09 - 1 - 9:07 a.m.)
PROCLAMATION DESIGNATING FEBRUARY 24, 2009 AS SPAY DAY USA

Miner read the proclamation, with Paul Studivant accepting it.

(02/17/09 - 1 - 9:11 a.m.)
ACCEPTANCE OF PROCLAMATIONS

Motion by Miner, seconded by Sanchez, carried 5/0, to approve the Proclamations.

(02/17/09 - 1 - 9:12 a.m.)
DELETIONS TO CONSENT AGENDA

There were none.

(02/17/09 - 1 - 9:12 a.m.)
APPROVAL OF CONSENT AGENDA

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

1. Approval of the Cash Requirement Report
2. Minutes:
01/20/09 – BCC Regular Meeting
01/27/09 – BCC Special Meeting Workshop
02/03/09 – BCC Regular Meeting
3. Sheriff Office Bonds:
Approve: Loran Lueders T Michele Perry Barry Fox
 Jason Etheredge Brandon Embrey Cecilia Aiple
 Russell Burns Cory Harp Edward Rau
 Cordelia Running Rebecca Santoro Sharon Streets
 Damian Threet

Cancel: Chadwick Anderson Thomas Delcomyn
 James Dupont Samuel Ferris
 Shea Green Christopher Jones
 Quanda Jones Vann Jones
 Peter Leone III Christopher Pickle
 Donna Rippee Dana Turkovich
 Taime Viner Matthew Weidner
 Frank Welborn Betty Mae Williams

Change name: Jennifer Readto Jennifer Ferraro
4. Motion to adopt **Resolution No. 2009-27**, supporting funding by the Florida Legislature for the Florida Forever Program in Fiscal Year 2009-2010 and urging the County Legislative Delegation to support funding of Florida Forever

RESOLUTION NO. 2009-27

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, SUPPORTING FUNDING BY THE FLORIDA LEGISLATURE FOR THE FLORIDA FOREVER PROGRAM IN FISCAL YEAR 2009-2010 AND URGING THE COUNTY LEGISLATIVE DELEGATION TO SUPPORT FUNDING OF FLORIDA FOREVER

5. Motion to adopt **Resolution No. 2009-28**, declaring certain County owned property as surplus and approving a private sale to the adjoining property owners pursuant to provisions set forth in Section 125.35(2), Florida and authorizing a payment for the property owners that need that option

RESOLUTION NO. 2009-28

A RESOLUTION BY 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 OWNERS PURSUANT TO PROVISIONS SET FORTH IN SECTION 125.35(2),

FLORIDA STATUTES. BECAUSE OF THE SIZE, SHAPE, LOCATION AND VALUE, THE PARCEL IS OF USE ONLY TO THE ADJOINING PROPERTY OWNERS AND AUTHORIZING A PAYMENT PLAN FOR THE PROPERTY OWNERS THAT NEED THAT OPTION

6. Motion to adopt **Resolution No. 2009-29**, consenting to the encumbrance of the proposed CR 2209 right of way with an underground electrical easement granted by the current owner's of CR 2209 right of way to Florida Power & Light Company

RESOLUTION NO. 2009-29

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, CONSENTING TO THE ENCUMBRANCE OF THE PROPOSED CR 2209 RIGHT-OF-WAY WITH AN UNDERGROUND ELECTRICAL EASEMENT GRANTED BY THE CURRENT OWNER'S OF CR 2209 RIGHT-OF-WAY TO FLORIDA POWER & LIGHT COMPANY

7. Motion to adopt **Resolution No. 2009-30**, amending the Fiscal Year 2009 SHIP Fund budget to recognize unanticipated revenue in the amount of \$10,363 and authorize its expenditure by the St. Johns County Housing Division

RESOLUTION NO. 2009-30

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AMENDING THE FISCAL YEAR 2009 SHIP FUND BUDGET TO RECOGNIZE UNANTICIPATED REVENUE AND AUTHORIZE ITS EXPENDITURE BY THE ST. JOHNS COUNTY HOUSING DIVISION

8. Motion to authorize the County Administrator, or his designee, to award a contract to the low bidder, G & H Underground Construction, Inc. in the amount of \$181,616 for Bid No: 09-28 Shores Boulevard Pipe Replacement
9. Motion to authorize the County Administrator, or his designee, to award a contract to the low bidder, American Lighting & Signalization, Inc. for the Total Lump Sum Price Bid amount of \$192,200 for Bid No: 09-25 Construction of Traffic Signal- CR210 at Stonehurst Parkway/Southern Grove Drive
10. Motion to authorize the County Administrator, or his designee, to award a contract to the low bidder, American Lighting & Signalization, Inc. for the Total Lump Sum Price Bid amount of \$162,000 for Bid No: 09-24 Construction of Traffic Signal- Palm Valley Road At Valley Ridge Boulevard
11. Motion to adopt **Resolution No. 2009-31**, approving the Final Plat for Durbin Crossing South Phase 2

RESOLUTION NO. 2009-31

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA,

**APPROVING A SUBDIVISION PLAT FOR DURBIN
CROSSING SOUTH PHASE 2**

12. Motion to adopt **Resolution No. 2009-32**, approving the Final Plat for Charles Estate

RESOLUTION NO. 2009-32

**A RESOLUTION OF THE BOARD OF COUNTY
COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA,
APPROVING A SUBDIVISION PLAT FOR CHARLES
ESTATES**

13. Motion to adopt **Resolution No. 2009-33**, recognizing unanticipated revenue in the amount of \$12,000 and increasing the Transportation Trust Fund Insurance Proceeds and increasing the expenditure budget of the Road & Bridge Division Capital Equipment in the same amount

RESOLUTION NO. 2009-33

**A RESOLUTION OF THE BOARD OF COUNTY
COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA,
AMENDING THE COUNTY FISCAL YEAR 2009
TRANSPORTATION TRUST FUND, IN ORDER TO
RECEIVE UNANTICIPATED REVENUE AND
AUTHORIZE ITS EXPENDITURE BY THE ROAD &
BRIDGE DEPARTMENT**

14. Motion to approve the closure of the Department of County Physician and the transfer of \$32,161 for the transfer of staff to the Personnel Department, \$8,438 to the Risk Management Department for wellness initiatives, \$27,895 to the Library Department due to the vacation of the Hastings Clinic, and the remaining funds to the General Fund Reserve
15. Motion to transfer \$20,110 from Fire Capital Outlay Reserve to Fire Service Capital Improvements Other Than Buildings necessary for completion of the Fire Administration Building
16. Motion to approve transfer of \$52,327.66 from County Cultural Center Reserves to the appropriate salary and benefits line items within the Amphitheatre Operations Department for the reclass of an Office Specialist II to a Box Office/Community Relations Manager and the addition of an Assistant General Manager
17. Motion to adopt **Resolution No. 2009-34**, approving the terms, provisions, conditions, and requirements of a Contract renewal for the provision of financial assistance to the St. Johns County Council on Aging, Inc. for the Players Community Senior Center not to exceed \$82,500 and authorizing the Chairman, or designee, to execute the contract renewal on behalf of the County

RESOLUTION NO. 2009-34

**A RESOLUTION BY THE BOARD OF COUNTY
COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA,
APPROVING THE TERMS, PROVISIONS,
CONDITIONS, AND REQUIREMENTS OF A**

CONTRACT RENEWAL FOR THE PROVISION OF FINANCIAL ASSISTANCE TO THE ST. JOHNS COUNTY COUNCIL ON AGING, INC., AND AUTHORIZING THE CHAIRMAN TO EXECUTE THE CONTRACT RENEWAL ON BEHALF OF THE COUNTY

18. Motion to adopt **Resolution No. 2009-35**, approving the terms, provisions, conditions, and requirements of a Contract renewal for the provision of financial assistance to the St. Johns County Council on Aging, Inc. for the Trout Creek Senior Center not to exceed \$82,500 and authorizing the Chairman, or designee, to execute the contract renewal on behalf of the County

RESOLUTION NO. 2009-35

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF A CONTRACT RENEWAL FOR THE PROVISION OF FINANCIAL ASSISTANCE TO THE ST. JOHNS COUNTY COUNCIL ON AGING, INC., AND AUTHORIZING THE CHAIRMAN TO EXECUTE THE CONTRACT RENEWAL ON BEHALF OF THE COUNTY

19. Motion to adopt **Resolution No. 2009-36**, accepting the terms of the Seventh Amendment to Contract #DH646 between the State of Florida Department of Children and Families, and the St. Johns County Board of County Commissioners and authorizing the Chairman of the Board of County Commissioners to execute the Amendment on behalf of the County

RESOLUTION NO. 2009-36

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE SEVENTH AMENDMENT TO THE CONTRACT BETWEEN ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS AND THE STATE OF FLORIDA DEPARTMENT OF CHILDREN AND FAMILIES

20. Motion to adopt the revised Rules and Policies of the St Johns County Board of County Commissioners as attached
21. Motion to approve Development Review Division position reclassification from Office Specialist III to Office Manager I including onetime transfer of available funds from the Building Services Division (1190) to Development Review (0018) to include retroactive salary payment from the September 7, 2008 effective date
22. Motion to adopt **Resolution No. 2009-37**, approving the terms, provisions, conditions, and requirements of the Interlocal Agreement between the Board of County Commissioners of St. Johns County, Florida, and the Town of Hastings, regarding the Purchase of Phosphorus Reduction Credits for compliance with the Florida Department of Environmental Protection's Basin Management Action Plan (BMAP), and authorizing the County Administrator, or designee, to execute said Agreement

RESOLUTION NO. 2009-37

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING AND AUTHORIZING THE EXECUTION OF THE INTERLOCAL AGREEMENT BETWEEN ST. JOHNS COUNTY AND THE TOWN OF HASTINGS PERTAINING TO THE PURCHASE OF PHOSPHORUS TMDL REDUCTION CREDITS FROM THE TOWN OF HASTINGS AND IN COMPLIANCE WITH THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION'S BASIN MANAGEMENT ACTION PLAN (BMAP); PROVIDING DIRECTIONS; AND PROVIDING AN EFFECTIVE DATE

23. Motion to adopt **Resolutions No. 2009-38, 2009-39, and 2009-40**, approving an Interlocal Agreement with the City of St. Augustine Beach, authorizing the execution of the FDOT LAP Agreement and recognizing unanticipated revenue as pertaining to the A1A Scenic & Historic Coastal Byway Pope Road Scenic Outlook

RESOLUTION NO. 2009-38

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS OF AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF ST. AUGUSTINE BEACH AND ST. JOHNS COUNTY FOR THE DESIGN AND CONSTRUCTION OF POPE ROAD SCENIC OUTLOOK AND APPROVED SHARED RESPONSIBILITIES FOR THIS NATIONAL SCENIC BYWAY PROJECT

RESOLUTION NO. 2009-39

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AMENDING THE FISCAL YEAR 2009 GENERAL FUND BUDGET TO RECEIVE UNANTICIPATED REVENUE AND AUTHORIZE ITS EXPENDITURE BY THE ST. JOHNS COUNTY PLANNING DIVISION

RESOLUTION NO. 2009-40

A RESOLUTION BY THE ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE EXECUTION OF A LOCAL AGENCY PROGRAM AGREEMENT AND PROVIDING WHEN THIS RESOLUTION WILL TAKE EFFECT

24. Motion to adopt **Resolutions No. 2009-41, 2009-42, and 2009-43**, approving an Interlocal Agreement with the City of St. Augustine Beach, authorizing the execution of the FDOT LAP Agreement and recognizing unanticipated revenue as pertaining to the A1A Scenic & Historic Coastal Byway Northern Gateway Sign and Pier Park

RESOLUTION NO. 2009-41

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS OF AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF ST. AUGUSTINE BEACH AND ST. JOHNS COUNTY FOR THE DESIGN AND CONSTRUCTION OF PIER PARK KIOSK AND THE APPROVED SHARED RESPONSIBILITIES FOR THE INTERPRETATIVE KIOSK (SIGN) NATIONAL SCENIC BYWAY PROJECT

RESOLUTION NO. 2009-42

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AMENDING THE FISCAL YEAR 2009 GENERAL FUND BUDGET TO RECEIVE UNANTICIPATED REVENUE AND AUTHORIZE ITS EXPENDITURE BY THE ST. JOHNS COUNTY PLANNING DIVISION

RESOLUTION NO. 2009-43

A RESOLUTION BY THE ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE EXECUTION OF A LOCAL AGENCY PROGRAM AGREEMENT AND PROVIDING WHEN THIS RESOLUTION WILL TAKE EFFECT

25. Motion to authorize the County Administrator, or his designee, to enter into an agreement to purchase traffic signal controllers and appurtenances for up to 5 years based upon agreement IFB-3087-04/GMG between Naztec and Seminole County
26. Proofs:
 - a. Proof, Notice to Bidders, Bid No. 09-53
 - b. Proof, Notice to Bidders, Bid No. 09-56
 - c. Proof, Notice to Bidders, RFP No. 09-55
 - d. Proof, Notice to Bidders, Bid No. 09-25
 - e. Proof, Notice to Bidders, Bid No. 09-24
 - f. Proof, Notice to Bidders, Bid No. 09-07
 - g. Proof, Notice of Meeting, Board of County Commissioners, Goal Setting Workshop, Tuesday, January 27, 2009 at 9:00 a.m. (Ponte Vedra Recorder)
 - h. Proof, Notice of Hearing, Board of County Commissioners, Establishment of Ordinance/Regulations affecting the Use of Land, Tuesday, January 6, 2009 at 9:00 a.m.

(02/17/09 - 7 - 9:12 a.m.)
PUBLIC COMMENT

Dwight Hines, 150 Nesmith, spoke on monies sitting in interest bearing accounts, Exhibit A.

(9:15 a.m.) B.J. Kalaidi, 8 Newcomb Street, spoke on foreign visitors coming to St. Augustine. She requested the Board to contact Linda Dixon at the University of Florida to offer the use of the auditorium for their February 26th meeting.

(9:17 a.m.) James Tucker, 711 North Main Street, Hastings, gave his credentials and requested to meet with each Commissioner individually. He stated that he wanted to work with the County Commission.

(9:20 a.m.) Stevenson thanked Grace Hayes family for being there that day and the speakers who brought their issues before the County.

(02/17/09 - 8 - 9:21 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

Stevenson requested to add, to the end of the agenda, consideration of a contract on behalf of Kids Bridge, the Safehaven Grant application, as Item 9b.

(02/17/09 - 8 - 9:22 a.m.)

APPROVAL OF REGULAR AGENDA

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

(02/17/09 - 8 - 9:22 a.m.)

1. CONSIDER A MOTION TO ADOPT A RESOLUTION SUPPORTING EFFORTS TO PROTECT FUNDING FOR FLORIDA'S K-12 GRADE EDUCATIONAL SYSTEM, INCLUDING ST. JOHNS COUNTY

Sanchez reviewed this item, stating that the County Attorney suggested that a resolution be sent to the Florida Association of Counties, and to ask all the members to endorse it.

(9:24 a.m.) **Motion by Miner, seconded by Sanchez, carried 5/0, to adopt Resolution No. 2009-44, supporting efforts to protect funding for Florida's K-12 Grade Educational System, including St. Johns County and**

Motion to authorize the Commission Chair to execute and forward the attached letter and resolution to other counties to encourage them to join in requesting the Legislature to give educational funding the highest priority possible.

RESOLUTION NO. 2009-44

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, SUPPORTING EFFORTS TO PROTECT FUNDING FOR FLORIDA'S K-12 GRADE EDUCATIONAL SYSTEM

(9:25 a.m.) Sanchez announced that the schools were having some town meetings and there was one that night at Pedro Menendez School. He asked everyone to try and attend the meetings. Stevenson presented the resolution to the School Board.

(02/17/09 - 8 - 9:28 a.m.)

2. CONSIDER A MOTION TO ADOPT A RESOLUTION AUTHORIZING THE ISSUANCE OF THE COUNTY'S SALES TAX REVENUE AND REFUNDING BOND, SERIES 2009, IN THE PRINCIPAL AMOUNT OF \$23,520,000 AND

MOTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO ADJUST THE FY 2009 ADOPTED BUDGET TO APPROPRIATELY REFLECT THE COUNTY'S SALES TAX REVENUE AND REFUNDING BOND, SERIES 2009

McCormack reviewed this item and introduced Jean Mangu.

(9:29 a.m.) Jean Mangu, County's General Finance Counsel, stated that the resolution before them that day was as a follow up to the Board's meeting two weeks ago, when they approved a project list and the loan amount of \$23,520,000 for those projects. The resolution, itself, authorized the issuance of the sales tax revenue and refunding bond Series 2009. She stated it was going to refund two of the outstanding commercial paper loans and would also be available to finance the construction of the projects that were listed and discussed two weeks ago. She noted they were included on the back of the resolution as the approved projects for that bond issue. Miner asked if local institutions were given the opportunity to bid on it. Mangu replied yes. McCormack reminded the Board that in those types of instruments, there needed to be a certificate of public meeting for each of the Commissioners to sign, certifying the decision was made in a public meeting. He said that at the 10:30 a.m. break, all the Commissioners could sign it. Sanchez commented to the public that this was not increasing taxes, because it was coming out of the sales tax revenue, and was basically a long term bond to finance long term capital projects. Mangu mentioned that the disclosure statement attached to the back of the resolution had been signed by the bank and was given to the Clerk to place with the resolution as Exhibit B. Sanchez spoke on emails coming in and people misunderstanding the concept of the new fire station for the Palencia area.

(9:34 a.m.) **Motion by Mays, seconded by Miner, carried 5/0, to adopt Resolution 2009-45, authorizing the issuance of the County's Sales Tax Revenue and Refunding Bond, Series 2009, in the principal amount of \$23,520,000**

and

Motion to authorize the County Administrator to adjust the FY 2009 Adopted Budget to appropriately reflect the County's Sales Tax Revenue and Refunding Bond, Series 2009.

RESOLUTION NO. 2009-45

A RESOLUTION SUPPLEMENTING RESOLUTION NO. 86-132 ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ON SEPTEMBER 30, 1986, AS PREVIOUSLY AMENDED AND SUPPLEMENTED; PROVIDING FOR THE REFUNDING OF THE CERTAIN OUTSTANDING REVENUE NOTES OF THE COUNTY AND THE ACQUISITION AND CONSTRUCTION OF CERTAIN CAPITAL PROJECTS IN AND FOR THE COUNTY; AUTHORIZING THE ISSUANCE BY THE COUNTY OF A SALES TAX REVENUE AND REFUNDING BOND, SERIES 2009, IN THE PRINCIPAL AMOUNT OF \$23,520,000 TO FINANCE SAID REFUNDING AND SAID CAPITAL PROJECTS, FUND A DEBT SERVICE RESERVE AND PAY THE COSTS OF ISSUANCE OF SAID SERIES 2009 BOND; PLEDGING THE LOCAL GOVERNMENT HALF-CENT SALES TAX TO SECURE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON SAID SERIES 2009 BOND; AUTHORIZING A NEGOTIATED SALE OF SAID SERIES 2009 BOND; AWARDING THE SALE OF SAID SERIES 2009 BOND;

PROVIDING FOR THE RIGHTS OF THE HOLDER OF SAID SERIES 2009 BOND; ENTERING INTO CERTAIN COVENANTS AND AGREEMENTS WITH THE HOLDER OF SAID SERIES 2009 BOND; APPOINTING THE REGISTRAR AND PAYING AGENT FOR SAID SERIES 2009 BOND; AND PROVIDING AN EFFECTIVE DATE

(02/17/09 - 10 - 9:35 a.m.)

3. CONSIDER A MOTION TO ADOPT A RESOLUTION APPROVING THE TERMS, PROVISIONS, CONDITIONS AND REQUIREMENTS OF THE PROFESSIONAL CONSULTING SERVICES CONTRACT BETWEEN ST. JOHNS COUNTY, CITY OF ST. AUGUSTINE AND JEANNE ZEIDLER AND AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO EXECUTE THE CONTRACT, ON BEHALF OF THE COUNTY

Glenn Hastings, Executive Director, spoke on the motion being more than just a birthday celebration; it was to bring forward a lot of history also. He stated that the opportunities included economic development, tourism, infrastructure improvements, and a lot of things, if done properly. He stated that they had been building a fund for the celebrations and commemorations that would begin in 2013. He mentioned that the funding and contract was before them. Hastings stated that Ms. Zeidler was giving them a blueprint. Bryan asked if anyone had been in contact with the people from Pensacola and suggested talking to the people from Pensacola and Jamestown concerning their celebrations. Bryan asked if that was a legal contract. Hunt replied that the contract itself was legal, in terms that it met the requirement through being a contract you could act upon, but it deviated by going through a different channel, the City of St. Augustine as opposed to coming through the County's contracting process. Bryan spoke on seeing different things in the contract. Hunt replied that things could be added, and the Board needed to make a determination as to what, if anything else, they would want to have in the contract. Bryan asked, if once the person left, if there would be any additional cost incurred, if they had to contact her later concerning things that were done. Hunt replied that there would be an additional cost.

(9:46 a.m.) Ron Brown, 75 King Street, City Attorney for the City of St. Augustine, spoke on the Jamestown and Pensacola's celebrations. He stated that in St. Augustine there would be a Federal Commission pursuant to Federal legislation, which would provide funding. He stated, with regards to the contract itself, it was by nature a consultation contract where she would come down and give her expertise. He stated that she had qualifications that the people in Pensacola did not have. He spoke on the satisfaction of the contract and stated that any contract could be amended. Stevenson stated that the celebration not only had opportunity for Federal, State and local involvement but international involvement also. Mays mentioned that the contract lacked specificity. Bryan said that they didn't want to hold it up, but needed to make sure they were covered. Hunt mentioned that the scope of work could be included. Brown stated that if they could get something started that day, he could have it in front of the City Commission Monday night for approval. Hunt suggested the most expeditious way to handle it, would be to let him and Attorney Brown look at it during the course of the day, and bring it back that afternoon, if they could. Miner spoke on getting too specific with the contract. Bryan spoke on moving forward with caution. Stevenson mentioned continuing the item to the end of the day.

(10:03 a.m.) Dwight Hines, 150 Nesmith, voiced concern about the City of St. Augustine's failure to disclose items.

(10:05 a.m.) B.J. Kalaidi, 8 Newcomb, asked them not to adopt that resolution. She voiced her concerns, stating that if a consultant was needed, to follow the regular RFP procedure. She asked to table the resolution until more details were disclosed. Hunt mentioned that Attorney Brown had submitted a proposed Exhibit B, and during the break he would submit the copies to all the Commissioners for their review.

(10:39 p.m.) Subsequently, Ron Brown, City Attorney, said they had provided to the County Attorney's Office, as well as to all the Commissioners, a proposed Exhibit B to the contract, which had a specific statement indicating the scope of work that Ms. Zeidler would perform, and the specifics they had requested, Exhibit A. He read the document to the Board.

(10:40 a.m.) Stevenson said she believed Exhibit B had addressed the concerns of the Commission.

(10:41 a.m.) Hunt mentioned a procedural item that would require the amendment to Section 2b, Specific Duties, with attachments Exhibit A and B.

(10:41 a.m.) Motion by Bryan, seconded by Mays, carried 5/0, to adopt Resolution No. 2009-46, approving the terms, provisions, conditions and requirements of the Professional Consulting Services Contract between St. Johns County, City of St. Augustine and Jeanne Zeidler, and authorizing the County Administrator, or designee, to execute the contract, on behalf of the County.

RESOLUTION NO. 2009-46

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS AND REQUIREMENTS OF A CONTRACT FOR PROFESSIONAL CONSULTING SERVICES AMONG ST. JOHNS COUNTY, FLORIDA, THE CITY OF ST. AUGUSTINE AND JEANNE ZEIDLER TO ASSIST WITH THE PLANNING AND EXECUTION OF THE 450TH COMMEMORATION OF ST. AUGUSTINE, AND AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO EXECUTE THE CONTRACT, ON BEHALF OF THE COUNTY

(10:42 a.m.) Brown spoke on the remarks made by a public speaker regarding complaints made about him to the Florida Bar and explained. McCormack spoke on not ducking from threats made to their office by the public.

The meeting recessed at 10:11 a.m. and reconvened at 10:29 a.m.

(02/17/09 - 11 - 10:29 a.m.)

4. CONSIDER A MOTION TO AUTHORIZE THE COUNTY ADMINISTRATOR, OR HIS DESIGNEE, TO AWARD A CONTRACT TO THE LOW BIDDER, E. J. BRENEMAN, L.P. FOR BID NO: 09-41, ROSCOE BLVD REPAVING, FOR THE TOTAL PHASE I BID PRICE BID AMOUNT OF \$828,060 AND TO AUTHORIZE IMPLEMENTATION OF PHASE II THROUGH A CONTRACT CHANGE ORDER IN FY '10 UPON APPROVAL AND AVAILABILITY OF FUNDING FOR THE TOTAL PHASE II BID PRICE AMOUNT OF \$1,201,580

Joe Burch, County Purchasing Director, gave the presentation. He explained the project had been divided into two phases because there wasn't enough money in the current

budget to complete both phases. He explained the parameters of phase I. Stevenson asked if it was simply to repave the existing roadway in its current configuration. Burch said that was correct, they were not widening the road.

(10:31 a.m.) Garry Phillips, 161 Roscoe Blvd., Palm Valley, representing the Palm Valley Community Association, noted that many deaths had occurred on Roscoe Blvd. He said he was a Safety Committee member who worked to improve the safety of that road, and explained the safety measures they had been able to accomplish. He said the number of accidents had dropped based on their safety initiative. He said the paving of Roscoe Blvd. was something they appreciated very much, and would like to see the road widened at some point with bike lanes and pedestrian pathways. He noted it was a challenge due to the features of the road. He said they supported the paving of Roscoe Road, as it was presented that day.

(10:38 a.m.) Motion by Mays, seconded by Bryan, carried 5/0, to authorize the County Administrator, or his designee, to award a contract to the low bidder, E. J. Breneman, L.P. for Bid #09-41, Roscoe Boulevard Repaving, for the Total Phase I Bid Price amount of \$828,060 and to authorize implementation of Phase II through a Contract Change Order in 2010 upon approval and availability of funding for the Total Phase II Bid Price amount of \$1,201,580.

(Item # 5 was time certain for 11:30 a.m.)

(02/17/09 - 12 - 11:21 a.m.)

5. FLORIDA DEPARTMENT OF CHILDREN AND FAMILIES WILL FORMALLY RECOGNIZE THE ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS AND THE FAMILY INTEGRITY PROGRAM FOR BEING THE FIRST COMMUNITY-BASED CARE AGENCY IN THE STATE TO ACHIEVE A 50 PERCENT REDUCTION OF CHILDREN IN OUT-OF-HOME CARE

Dr. Maria Colovito introduced the speaker, Jason Dimitris, Chief of Staff of the Department of Children and Families.

(11:22 a.m.) Jason Dimitris, Chief of Staff, Children and Families, stated that George Sheldon sent his regrets because he wanted to be there. He stated that he was hired two years ago that day, by Secretary Bob Butterworth, who set a goal for them to reduce the amount of children in foster care by 50 percent. He stated that St. Johns County was the first County to meet the 50 percent goal. He stated that research had shown, though MIT and the Casey Foundation, that those children were much more successful when they were able to stay in their own homes, as opposed to being taken out of their homes and placed in a foster care environment. He stated that the northeast region was a leader in the State. He presented to them, on behalf of the Secretary and Governor, an award for being the first community based care partner in the State to safely reduce foster care by 50 percent. Caryn Zink, Program Manager, introduced her staff.

(02/17/09 - 12 - 10:49 a.m.)

(District 2)

6. PUBLIC HEARING - NZVAR 08-003, GLEN HERSEY VARIANCE - THIS IS A REQUEST TO SUBDIVIDE A LOT IN A PLATTED SUBDIVISION THROUGH THE FAMILY FARM PROVISION WITHOUT HAVING TO COMPLY WITH REPLATTING; AND TO CREATE AN EASEMENT IN A PLATTED SUBDIVISION TO ACCESS THE TWO ADDITIONAL LOTS. THE SUBJECT PARCEL, LOT 31, IS LOCATED AT THE END OF FORBES ROAD, A COUNTY MAINTAINED PAVED ROAD WITHIN TRESTLE BAY SUBDIVISION. IN ORDER TO DO THIS, THE APPLICANT IS REQUESTING A NON-ZONING VARIANCE TO SECTION 5.01.01.C.3 (SUBDIVISION REPLATTING) AND

SECTION 6.02.01.B.3 (LOT ACCESS WAYS) OF THE LAND DEVELOPMENT CODE. REPLATTING IS REQUIRED PER SECTION 5.01.01.C.3 IF THE TOTAL NUMBER OF LOTS INCREASE AS A RESULT OF THE SUB-DIVIDING OF A LOT WITHIN A PLATTED SUBDIVISION. HOWEVER, IN THIS CASE, REQUIRING A RE-PLAT WILL NOT ACHIEVE ANY PUBLIC PURPOSE. SECTION 6.02.01.B PROHIBITS EASEMENTS IN PLATTED SUBDIVISIONS. HOWEVER, THE APPLICANT HAS AGREED TO PROVIDE A 30 FOOT WIDE EASEMENT AS WELL AS A RECORDED MAINTENANCE AND HOLD HARMLESS AGREEMENT AS A CONDITION FOR PERMIT APPROVAL. THEREFORE, STAFF DOES NOT OBJECT TO THE NON-ZONING VARIANCE REQUESTS AS SUBMITTED AND THERE ARE NO OPEN COMMENTS

Proof of publication of the Notice of Public Hearing regarding NZVAR 08-003, Glen Hersey Variance, was received, having been published in *The St. Augustine Record* on January 31, 2009.

Michael Hunt, Deputy County Attorney, left the meeting and Paras Desai, Assistant County Attorney, entered the meeting.

Bruce Ford, Development Review Plans Examiner, mentioned receiving a fax from an adjacent property owner in opposition to this request, and handed it out during the break, Exhibit A. He stated there were no changes and gave a summary of the item.

Glenn Hersey, 3885 S. Crossroad, applicant, stated that he was available for questions.

(10:51 a.m.) Motion by Sanchez, seconded by Miner, carried 5/0, to approve NZVAR 08-003, based upon the evidence provided for all of the Five Findings of Fact.

(02/17/09 - 13 - 10:53 a.m.)

(District 3)

7. PUBLIC HEARING - REZ 2008-19, HILLTOP REZONING - THIS IS A REQUEST TO REZONE FROM OPEN RURAL (OR) TO COMMERCIAL GENERAL (CG). SUBJECT PROPERTY IS APPROXIMATELY 2.1 ACRES IN SIZE AND IS LOCATED ON THE NORTH SIDE OF SR 207, ACROSS FROM HILLTOP RD. THE PLANNING DIVISION FINDS THE REQUEST TO REZONE COMMERCIAL GENERAL SUBSTANTIALLY MEETS THE REQUIREMENTS OF THE COMPREHENSIVE PLAN AND THE LAND DEVELOPMENT CODE. THIS FINDING IS BASED UPON THE FOLLOWING INFORMATION: THE APPLICATION MATERIALS AS SUBMITTED BY THE APPLICANT, THE LOCATION OF THE PROPERTY WITHIN THE MIXED USE LAND USE AND OTHER RELEVANT INFORMATION AVAILABLE TO STAFF. THIS FINDING MAY BE SUBJECT TO OTHER COMPETENT SUBSTANTIAL EVIDENCE RECEIVED AT THE QUASI-JUDICIAL PUBLIC HEARING. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS REQUEST AT THEIR DECEMBER 18, 2008 MEETING BY A VOTE OF 7 TO 0 (MOTION BY LAIDLAW, SECOND BY WILES)

Proof of publication of the Notice of Public Hearing regarding REZ 2009-19, Hilltop Rezoning, was received, having been published in *The St. Augustine Record* on February 2, 2009.

Michael Blackford, Planner II, reviewed this item. Desai left the meeting and James Whitehouse, Senior County Attorney, entered the meeting.

(10:56 a.m.) Karen Taylor, 77 Saragossa Street, stated that she was available for questions.

(10:56 a.m.) **Motion by Miner, seconded by Sanchez, carried 5/0, to enact Ordinance 2009-8, known as REZ 2008-19 Hilltop, adopting findings of fact 1 through 4 to support the motion.**

ORDINANCE NO. 2009-8

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM THE PRESENT ZONING CLASSIFICATION OF OPEN RURAL (OR) TO COMMERCIAL GENERAL (CG); MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE

(02/17/09 - 14 - 10:57 a.m.)

(District 3)

8. PUBLIC HEARING - REZ 2008-19, GOOD NEWS PRESBYTERIAN CHURCH - THIS IS A REQUEST TO REZONE 9.95 ACRES FROM RESIDENTIAL SINGLE FAMILY TWO (RS-2) TO OPEN RURAL (OR). THE PLANNING DIVISION FINDS THE REQUEST TO REZONE TO OPEN RURAL (OR) SUBSTANTIALLY MEETS THE REQUIREMENTS OF THE COMPREHENSIVE PLAN AND THE LAND DEVELOPMENT CODE. THIS FINDING IS BASED UPON THE FOLLOWING INFORMATION: THE APPLICATION MATERIALS (INCLUDING THE STATEMENT OF FACTS) AS SUBMITTED BY THE APPLICANT, THE LOCATION OF PROPERTY WITHIN THE RESIDENTIAL-C FUTURE LAND USE AND OTHER RELEVANT INFORMATION AVAILABLE TO STAFF. THIS FINDING MAY BE SUBJECT TO OTHER COMPETENT SUBSTANTIAL EVIDENCE RECEIVED AT THE QUASI-JUDICIAL PUBLIC HEARING. THE PLANNING AND ZONING AGENCY RECOMMENDS APPROVAL OF THE REQUEST BY A VOTE OF 7/0 (MOTION BY WHEELER, SECOND BY HANSON)

Proof of publication of the Notice of Public Hearing regarding REZ 2009-18, Good News Presbyterian Church, was received, having been published in *The St. Augustine Record* on February 2, 2009.

Lindsay Haga, AICP, Director Development Review, reviewed the item, stating the PZA recommended approval.

(10:59 a.m.) Karen Taylor, 77 Saragossa Street, stated that she was available for questions. Stevenson asked about having an out-parcel. Taylor replied.

(11:01 a.m.) **Motion by Miner, seconded by Sanchez, carried 5/0, to enact Ordinance 2009-9, known as REZ 2008-18, Good News Presbyterian Church, adopting findings of fact 1 through 4 to support the motion.**

ORDINANCE NO. 2009-9

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM THE PRESENT ZONING CLASSIFICATION OF RESIDENTIAL SINGLE FAMILY TWO (RS-2) TO OPEN RURAL (OR); MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE

(02/17/09 - 15 - 11:02 a.m.)

(District 1)

9. PUBLIC HEARING - PUD 2007-04, ANDERSON GREENBRIAR - THIS IS A PUBLIC HEARING CONTINUED FROM THE APRIL 1, 2008 BOARD OF COUNTY COMMISSIONERS MEETING. THE CASE WAS DEFERRED TO ALLOW FOR COORDINATION OF THE CR210/I95 PHASE I TRANSPORTATION IMPROVEMENTS AND IMPLEMENTATION OF THE SCHOOL CONCURRENCY MANAGEMENT SYSTEM. THE APPLICANT SEEKS TO REZONE PROPERTY FROM OPEN RURAL TO PLANNED UNIT DEVELOPMENT, PROPOSING DEVELOPMENT OF 365 SINGLE FAMILY UNITS OVER 238.1 ACRES. THE SUBJECT PROPERTY LOCATED IN NORTHWEST ST. JOHNS COUNTY, ON GREENBRIAR ROAD. THE PLANNING DIVISION FINDS THE REQUEST TO REZONE TO PLANNED UNIT DEVELOPMENT (PUD) SUBSTANTIALLY MEETS THE REQUIREMENTS OF THE COMPREHENSIVE PLAN AND THE LAND DEVELOPMENT CODE BASED UPON THE APPLICATION MATERIALS, COMPLIANCE WITH THE RESIDENTIAL B LAND USE CATEGORY, COMPLIANCE WITH SECTION 11.03.00 CONCURRENCY MANAGEMENT INCLUDING SCHOOL CONCURRENCY, AND COMPARABLE DENSITIES. THIS FINDING MAY BE SUBJECT TO OTHER COMPETENT SUBSTANTIAL EVIDENCE RECEIVED AT THE QUASI-JUDICIAL PUBLIC HEARING. THE PLANNING & ZONING AGENCY RECOMMENDED DENIAL OF THIS REQUEST (MOTION BY WHEELER, SECOND BY WILES) PASSING BY A VOTE OF 6/1 DURING THE NOVEMBER 15, 2007 HEARING. THE RECOMMENDATION FOR DENIAL WAS BASED UPON FINDINGS THAT THE REQUEST WAS NOT CONSISTENT WITH POLICIES OF THE COMPREHENSIVE PLAN AND THAT THE REQUEST WOULD ADVERSELY AFFECT ORDERLY DEVELOPMENT WITH REGARD TO PUBLIC INFRASTRUCTURE BY IMPACTING PUBLIC SCHOOLS AND TRANSPORTATION INFRASTRUCTURE. (REFER TO ATTACHED REPORT FOR ADDITIONAL CONCURRENCY INFORMATION)

Proof of publication of the Notice of Public Hearing regarding PUD 2007-04, Anderson Greenbriar PUD, was received, having been published in *The St. Augustine Record* on February 2, 2009.

Janet Beeson, Court Reporter, was present.

Miner disclosed exparte communication with George McClure discussing the basics of the project. Stevenson disclosed exparte communication reviewing some of the changes and recaps from the community meetings that had taken place. Mays disclosed exparte communication with the applicant regarding the history of the item and where they were.

(11:03 a.m.) Lindsay Haga, AICP Director Development Review, reviewed this item stating that it was continued from April, 2008. She gave the presentation utilizing the Future Land Use Map. She stated that the PUD was filed in February, 2007, and the certificate of concurrency was extended in January of 2007 by a term of three years. She reviewed the changes: reduced proposed height from 45 to 35 feet, increased the minimum lot size from a proposal of 5,000 square feet to a little over 11,000 square feet, increased minimum lot width of the western edge, and removed the waiver of the asphalt lift, due to changes in corporations to the Land Development Code. Sanchez asked if the items that the PZA did not agree with, had been dealt with in the changes that were mentioned. Haga replied yes, they were dealt with at that time and explained. Sanchez asked if anything had been changed or added that the PZA had not heard. Haga replied no and explained. Bryan voiced great concern about the request,

stating that there would be great impact on the school system, and that he could not support the item. Stevenson asked if she had a compatibility chart to present on the item. Haga replied yes, and walked them through what was approved in the area, using the comparable area, height, and bulk standards approved development. She stated that the project had to meet the northwest sector requirements.

(11:34 a.m.) Subsequently, George McClure, 81 King Street, reviewed the aerial map, regarding rezoning, the property being a former bombing range, and lot sizes. He spoke on having school concurrency, the application being essentially waiver free, consistent with the Comp Plan, and on the drainage easement. Adjacent Property Owner Forms were handed in, Exhibit B.

(11:51 a.m.) Tom Sciandra, 778 Pheasant Court, expressed concerns regarding the size of the development, lot sizes, increased traffic, and that the project was too big to happen all at once. He stated that it was revised five times, and it had been displayed to the County but not to the public. He questioned which document was correct, the legal description or the text. He spoke on the traffic, school overcrowding, trees being removed without County approval, clearing all the land needlessly, and placing a signal light at the end of Greenbriar Road. Sciandra spoke on things affecting their subdivision and asked them to vote to deny the request for the rezoning. Stevenson reviewed the points that she had heard raised; whether the community was deed restricted, school concurrency questions, and tree removal. McCormack mentioned that the documents the speaker presented for evidence, needed to be retained as part of the record, Exhibit A. Stevenson asked about the deed restriction that the speaker mentioned. Whitehouse responded that it was brought up at the last hearing, or the prior hearing, and the GIS and the Planning Department went back and evaluated the legal description. He said they did an overlay to determine whether or not the deed restriction included the property in this PUD. He stated that it was his understanding that based upon that overlay, it did not. It came up to the edge of the development but did not include the lots that were in the development. Stevenson asked if he went by the legal description of the 500 acres. Whitehouse replied that what was used by GIS to overlay was the legal description in both deed documents and the deed restriction. Miner made a clarification that every citizen deserved a voice, and the Commissioners' cell phone numbers and office numbers were posted on the web site. He stated, for the purpose of public comment that they needed to be consistent and everyone should get the same amount of time to speak.

(12:13 p.m.) Ellen Whitmer, 1178 Natures Hammock Road, stated that she did object to the rezoning of this property from open rural to planned unit development. She stated that it was not compatible with the area. Bryan believed in an individual's rights and stated that he couldn't support that. Bryan stated that there was a lot of traffic generated in that area.

(12:20 p.m.) George McClure, in rebuttal, spoke on the legal issues with respect to the deed restrictions, transportation concurrency, spread sheet calculations failing or not failing, based on the existing and approved concurrency traffic, compatibility issues, and conditions. Mays asked about the school concurrency plan. McCormack responded that the County had adopted a school concurrency ordinance and had an interlocal agreement with the School Board for which this project would have to comply. McClure spoke on the issue of investment and explained the difference. He stated that the County had accepted more than 1.5 million dollars from them. Mays asked Haga what her credentials were, with Haga replying. Mays asked if the project was compatible with surrounding uses, with Haga replying yes. Mays asked about complying with the school concurrency. Haga responded that it was for construction plan approval and plat approval. Mays asked if it met the Comp Plan requirements,

and Haga replied yes. Mays asked about meeting standards of the Land Development Code. Haga replied that it was subject to the approval of the waiver regarding signage. Mays asked if it met the standards of the Future Land Use Code also. Haga replied yes, for Residential B and with regards to the land use category, compatibility policy, northwest sector policy, as well as the other applicable elements. Mays asked how many full time attorneys were on staff. McCormack replied five. Mays asked how many outside attorneys were being used. McCormack replied at least five. Haga spoke on how things worked from a planner's point of view, categorizing it in two parts; checklist planning and the compatibility end. Discussion followed.

(12:35 p.m.) Miner stated that he agreed with Bryan that it was bad timing, but there was no legal reason not to move on with the project. Bryan stated that he agreed with Miner, that they had a lot of work to do on concurrency. He asked what obligation the \$1.5 million, accepted by the previous Commission bound the County to, once the Commission accepted the check for concurrency. Stevenson stated that it was stipulated under their concurrency rules. McCormack replied that there was actually disclaimer language on the concurrency certificate that stated it did not guarantee or warrant a particular development approval. He stated that it did relate to investment expectations. Bryan mentioned that as a Commission, they needed to be very careful when an applicant offered something like that. Stevenson spoke on concurrency.

(12:38 p.m.) Darrell Locklear, Assistant County Attorney, explained concurrency and spoke on the prepayment of impact fees. McCormack mentioned that he was sensing a split on the Board and if the Board considered a motion to approve the project, he recommended some of the following elements be included; 1) some required disclosure to be in the PUD documents regarding the former bombing range, and 2) including as a condition in the PUD, that the application would be held to the school concurrency requirements. McClure stated that they would agree to those provisions. McCormack disagreed a little bit with McClure on the compatibility chart, stating that it was his opinion that lot size and density were a factor of compatibility. Stevenson stated, that included comment and discussion on the item, and prepared to entertain a motion including the comments on the disclosure for the bombing range included for future buyers. She stated her observation was that there was a good buffer between the communities, and asked if the northwest sector plan roads were addressed. Haga replied on the road connectivity.

(12:46 p.m.) Motion by Stevenson, seconded by Miner, carried 3/2 with Bryan and Sanchez opposed, to enact Ordinance 2009-10, known as PUD 2007-04, Anderson Greenbriar PUD adopting findings of fact 1 through 7 to support the motion and including a condition in the PUD text to require disclosure of the former bombing range, previously being a place where ordinance might be, and the school concurrency will also be a condition of the PUD.

ORDINANCE NO. 2009-10

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

Meeting recessed at 12:48 p.m. and reconvened at 12:57 p.m. Deputy Clerk, Lenora Newsome left the meeting and Deputy Clerk Terry Bulla entered the meeting.

(02/17/09 - 18 - 12:57 p.m.)

9B. SAFE HAVEN KIDS BRIDGE CONTRACT

Michael Hunt, Assistant County Attorney, introduced the item. Stevenson explained the intent of the program and why they had become involved. She said the County Attorney's office had been working very hard to help the agency possibly acquire some revenue to help them meet their mission of serving the citizens in St. Johns County. Hunt said they had been receiving various parts of the proposed application on behalf of Kid's Bridge for a Safe Haven Grant. He reviewed the Table of Contents and the various components of the request. He explained that he did not have several of the documents outlined in the list of the Table of Contents and noted that it caused the application to be incomplete. He said that in the application it stated that one of the individuals from Kid's Bridge would be a part-time County employee and he had not been advised of that. He noted there were at least two other parties, The Betty Griffin House and one other entity that were supposed to have input on the application and would be deemed ultimate sub-recipients of monies, if the grant were provided. He said the County would have to enter into some sort of agreement with those entities as well, which was not necessarily provided to him at the beginning of the process. He said he had not reviewed everything and he was uncomfortable making a recommendation to the Board on something that would potentially put the County at risk without the complete information. He said the deadline for submission was February 19th, and they still had two days if they wanted to consider something conditional. He said he was willing to try to work on it, but he could only perform with the proper documentation.

(1:03 p.m.) Stevenson said the onus was on them to fulfill the application and the understanding she had received, was that the County would be held harmless.

(1:04 p.m.) Wanchick said they could try to put something together by Thursday, if it was the desire of the Board. In response to Stevenson's question, he said they did not have money to fund a staff position.

(1:04 p.m.) Stevenson said Kid's Bridge was a visitation center and provided a valuable service. She noted it was formed at the request of the judges, and this type of program was now being funded on the Federal level. She said it was good for families to have a visitation center to help keep families together. She said she was willing to leave it to the Administrator and the County Attorney to see if they could complete it in two days.

(1:05 p.m.) Mays said he agreed with Stevenson's assessment.

(1:05 p.m.) Sanchez said he would go along with it as well.

(1:06 p.m.) Hunt said they would need a motion giving conditional authorization to submit an application, if the application was completed in a manner that was consistent with the Board's direction and also held the County harmless from financial liability.

(1:06 p.m.) Bryan asked how long they had had to prepare it. Hunt said he was first made aware of it on February 3rd. Bryan said he was willing to support it, but that it was yet another contract before them that was deficient to some degree.

(1:07 p.m.) Hunt said he had tried to make it explicitly clear when they met initially that he needed lead time to review the material and 24 hours was not sufficient time. He noted a situation had occurred which complicate their having the application in to him in time for his review. He said if anything went wrong, it was the County that would

be at risk. He said they needed to address it so that the County would be found harmless.

(1:07 p.m.) Bryan said they needed to inform the organizations on the importance of meeting the deadlines and filing the necessary information in a timely manner. He said if they could not get them in, in time, they would risk losing the grants. He said they needed to get the word out there.

(1:09 p.m.) Stevenson said her observation was that they had only recently become aware of the grant. She said it did create a hardship on the Attorney, but they had not experienced it on a routine basis in the past nor did they want to experience it in the future.

(1:10 p.m.) Wanchick clarified that the desire of the Board was to pass a Resolution authorizing him to enter into the agreement if he and the County Attorney were in agreement that it was in the County's best interest and if they could get all the necessary paperwork completed properly. Hunt added that the application was currently incomplete and the 36 hours was to try to get the application completed, in a format that was acceptable to the County, and would hold it harmless from financial liability.

(1:10 p.m.) Sanchez said he would like to see added to the motion, that the hardship should not fall on Administration or the Attorney and they should make that decision if they have difficulty fulfilling the request.

(1:11 p.m.) Wanchick said they were capable of making the decision of whether what they came up with would be in the best interest of the County, as long as they were empowering him not to submit the application or enter into an agreement if they did not think it was in the County's best interest.

(1:11 p.m.) Stevenson stated, absolutely. She asked that in submitting the application, if they were agreeing to be the lead agency. Hunt said that they would be, and they could not retract it once it had been submitted.

(1:11 p.m.) McCormack said they would need to make a decision, that if County Administration and the County Attorney's Office decided to follow the Board's intent that day, they might need to put it on the Consent Agenda to have it ratified in order to make it defensible. Hunt said it could be ratified at the next meeting as he had already prepared a Resolution in the event that everything had been agreed upon. He said they would have something in writing in case it came back to them.

(1:12 p.m.) Motion by Stevenson, seconded by Bryan, carried 5/0, that the County Administrator and the County Attorney pursue that application, enter into it, if they believe it is in the best interest of the County, and then bring the Resolution for ratification in the future. Explicitly, with their full discretion, that if they felt that it was not something that the County could not go with financially, for the risk, or it was not in the best interest of the County for any reason, they would abandon the effort.

(02/17/09 - 19 - 1:13 p.m.)
COMMISSIONERS' REPORTS

Commissioner Mays:

Mays said he was continuing to meet with Congressman Mica's office. He said the '09 appropriations would not have final approval until the following week. He said the County had a chance at a couple of items there. He said he met with the Congressman's senior staff a couple of weeks ago, and would be returning next week, as the '09 money was coming out, to see if they would be able to acquire some for help within our CIP and overall budget. He said that in regard to the stimulus money, they were trying to be sure that they had certain projects that were ready to go as soon as the money was available. He said it was a moving target but they wanted to be packaged and ready to go when the time was right.

(1:14 p.m.)

Commissioner Bryan:

None.

(1:14 p.m.)

Commissioner Sanchez:

None.

(1:14 p.m.)

Commissioner Miner:

None.

(1:15 p.m.)

Commissioner Stevenson:

Stevenson said that she had sent the Commissioners a memo regarding the stimulus issue. She said they were eligible for a small amount of money and they needed to be fishing at every hole. She said that through the River Alliance, some of their water quality improvement projects were taken to Washington D.C. with Mark Middlebrook. She said everything was now packaged so that when anyone made a request they could put proposals together.

(02/17/09 - 20 - 1:16 p.m.)

COUNTY ADMINISTRATOR'S REPORT

None.

(02/17/09 - 20 - 1:16 p.m.)

COUNTY ATTORNEY'S REPORT

None

(02/17/09 - 20 - 1:16 p.m.)

CLERK OF COURT'S REPORT

None.

(1:16 p.m.) **Motion by Sanchez, seconded by Bryan, carried 5/0, to adjourn the meeting.**

With there being no further business to come before the Board, the meeting adjourned at 1:16 p.m.

REPORTS:

1. St. Johns County Board of County Commissioners Check Register, Check No. 433307 totaling \$174,213.03 (01/21/09)
2. St. Johns County Board of County Commissioners Check Register, Check Nos. 433308 through 433742 totaling \$4,172,588.23 (01/27/09)
3. St. Johns County Board of County Commissioners Check Register, Check Nos. 433744 through 433746 totaling \$984,912.76 (01/27/09)
4. St. Johns County Board of County Commissioners Check Register, Check Nos. 433747 through 433750 totaling \$89,083.03 (01/28/09)
5. St. Johns County Board of County Commissioners Check Register, Check Nos. 433751 through 433771 totaling \$34,486.88 (01/29/09)
6. St. Johns County Board of County Commissioners Check Register, Check Nos. 433772 through 434075 totaling \$2,357,721.38 (02/03/09)
7. St. Johns County Board of County Commissioners Check Register, Check Nos. 434077 through 434082 totaling \$188,035.55 (02/04/09)

CORRESPONDENCE:

1. Letter to Liz Cloud, Program Administrator, Bureau of Administrative Code and Weekly, filing Ordinances Number 2009-6 and 2009-7 (02/05/09)

Approved March 3, 2009



BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: Cyndi Stevenson
Cyndi Stevenson, Chair

ATTEST: CHERYL STRICKLAND, CLERK

By: Pam Halterman
Deputy Clerk