

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
MARCH 10, 2009
(1:00 P.M.)**

Proceedings of a special/private meeting of the Board of County Commissioners of St. Johns County, Florida, held in the Board of County Commissioners Executive Conference Room at the County Administration Building, 500 San Sebastian View, St. Augustine, Florida.

Proof of publication of the notice of a special meeting to announce and hold a Private Meeting was received, having been published in *The St. Augustine Record* on March 4, 2009.

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

Also present: Cathy Upchurch, Court Reporter

(03/10/09 - 1 - 1:05 p.m.)
CALL TO ORDER

Stevenson called the meeting to order and announced that all five Commissioners were present.

1. CLOSED SESSION - THE PURPOSE OF THE SPECIAL PUBLIC MEETING WILL BE TO ANNOUNCE AND TO HOLD A PRIVATE ATTORNEY-CLIENT MEETING. THE SPECIAL PRIVATE ATTORNEY-CLIENT MEETING WILL BE HELD IN ACCORDANCE WITH SECTION 286.011(8), FLORIDA STATUTES, AND WILL BE CONFINED TO SETTLEMENT NEGOTIATIONS AND LITIGATION EXPENSE STRATEGY PERTAINING TO THE LAWSUIT BETWEEN HARRY H. WALDRON VS. ST. JOHNS COUNTY, FLORIDA, ET AL., CASE NO. 07-0303. THIS CASE IS RELATED TO HARRY H. WALDRON VS. ST. JOHNS COUNTY, FLORIDA, CA08-1945

(03/10/09 - 1 - 1:05 p.m.)
McCormack announced that he needed advice concerning the Harry H. Waldron vs. St. Johns County, Florida, et al, Case No. 07-0303 and stated that this case was related to the case Harry H. Waldron vs. St. Johns County, Florida, CA08-1945. He stated that he had consulted with Commissioner Mays about that day's meeting and he believed that until certain technical contingencies were resolved, there might be a conflict of interest pertaining to Mays in that day's subject matter. *Mays recused himself.* McCormack stated that before the rezoning matter came back before the Board, they thought that the conflict may be resolved.

(03/10/09 - 1 - 1:08 p.m.)
Stevenson announced the purpose of the meeting and stated the people attending: Cyndi Stevenson, Ron Sanchez, Mark Miner, Ken Bryan, Mike Wanchick, Patrick F. McCormack and the Court Reporter, Cathy Upchurch.

(1:09 p.m.) McCormack announced that the open session that was just held was properly advertised. The meeting went into closed session.

(1:35 p.m.) McCormack stated that the Board had concluded the closed session pertaining to subject litigation and was back in open session. He noted that there did not appear to be any member of the public present. He advised and requested to the Board, as the County Attorney, that it would be advantageous for the County to enter a settlement agreement pertaining to the subject litigation; a settlement agreement that would not bind the Boards' hand on the ultimate decision about the zoning or not of the subject property. He asked for a motion to authorize the County Administrator to execute the St. Johns County/Waldron Settlement Agreement substantially in the form provided. Miner asked that on page six, paragraph B, line five, to insert the word *transportation* between the words *for* and *impact*.

(1:38 p.m.) **Motion by Stevenson, seconded by Miner, carried 4/0 with Mays absent, to authorize the County Administrator to execute the St. Johns County/Waldron Settlement Agreement substantially, in the form provided and on page six, paragraph B, line five, to insert the word *transportation* between the words, *for* and *impact*.**

(1:38 p.m.) McCormack asked for a second motion to allow SR 207/Lightsey Road Apartments' applicant an additional 60 day relaxation of the January 10th, 2009, compliance date that was required under the SR 207 CIG Development Agreement as amended, upon providing security to a reasonable satisfaction of the County Administrator in terms of the Letter of Credit or the reasonable security. (1:40 p.m.) **Motion by Bryan, seconded by Sanchez, to allow SR 207/Lightsey Road Apartments' applicant an additional 60 day relaxation of the January 10th, 2009, compliance date that was required under the SR 207 CIG Development Agreement as amended, upon providing security to a reasonable satisfaction of the County Administrator in terms of the Letter of Credit or the reasonable security. McCormack advised to add to the motion the following; the initial 60 day extension was set to expire March 11th, 2009, thus this action would grant an additional extension up until and including May 11th, 2009, this additional time was granted based on the progress in the settlement negotiations associated with the related delegation. Bryan agreed to the addition by McCormack and the second also accepted the addition.** Stevenson asked if it was important for them to say it was a relaxation or just refer to it as an extension. McCormack replied that they could just say *an extension*. He suggested actually using the phrase *non enforcement* in the motion. The maker of the motion accepted the change and the second also accepted it. The motion carried 4/0 with Mays absent.

Motion by Miner, seconded by Bryan, carried 4/0 with Mays absent, to adjourn. With there being no further business to come before the Board, the meeting adjourned at 1:41 p.m.

Approved _____ March 17 _____, 2009

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: Cyndi Stevenson
Cyndi Stevenson, Chair

ATTEST: CHERYL STRICKLAND, CLERK

By: Cheryl Strickland
Deputy Clerk

