

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

Also present:           Michael Hunt, Deputy County Attorney, Regina Ross, Assistant  
                              County Attorney

(03/17/09 - 1 - 9:00 a.m.)  
CALL TO ORDER

Stevenson called the meeting to order.

(03/17/09 - 1 - 9:00 a.m.)  
ROLL CALL

Stevenson announced that all five Commissioners were present.

(03/17/09 - 1 - 9:00 a.m.)  
Mays gave the Invocation and Bryan led the Pledge of Allegiance.

(03/17/09 - 1 - 9:01 a.m.)  
PROCLAMATION DESIGNATING APRIL 2009 AS AUTISM AWARENESS MONTH

Mays read the proclamation, with Troy Blevins and his wife, and a group of parents and children accepting it.

(03/17/09 - 1 - 9:07 a.m.)  
PROCLAMATION DESIGNATING APRIL 2009 AS CHILD ABUSE AWARENESS MONTH

Stevenson read the proclamation, which was accepted by Erin Robinson, Community Resource Center; Caryn Zink, FIP; Debbie Dungan, Clinical Director Health & Human Services St. Johns County; Renee Waters, FIP; Brenda Ware, Community Resource Center; Loretta Smith, Community Resource Center Hastings; and Barbara Jacobs, Supervisor Guardian Ad Litem.

(03/17/09 - 1 - 9:12 a.m.)  
PROCLAMATION DESIGNATING APRIL 2009 AS SEA TURTLE AWARENESS MONTH

Bryan read the proclamation with Tara Dobson and Jan Brewer accepting it.

(03/17/09 - 2 - 9:16 a.m.)

ACCEPTANCE OF PROCLAMATIONS

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

(03/17/09 - 2 - 9:16 a.m.)

DELETIONS TO CONSENT AGENDA

There were none.

(03/17/09 - 2 - 9:16 a.m.)

APPROVAL OF CONSENT AGENDA

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

1. Approval of the Cash Requirement Report
2. Minutes:
  - 03/03/09 - BCC Regular Meeting
  - 03/10/09 - BCC Special/Private Meeting
3. Motion to approve a transfer from LETF Reserves in the amount of \$2,500 to LETF Aid to Private Organizations to support two local crime prevention programs, Crime Stoppers of NE Florida and Character Counts of St. Johns County, and \$20,000 to LETF Operating Supplies to initiate a program, in cooperation with the St. Johns County School Board, to bring awareness to underage drinking
4. Motion to approve the budget transfer of \$3,500 from the General Fund Reserves [0083-59920] to the States Attorney Department [0008-56301] to construct additional office space in the existing leased space for the State Attorney Seventh Judicial Circuit of Florida Homicide Investigation Unit
5. Motion to adopt **Resolution No. 2009-56**, accepting the terms and authorizing the County Administrator to execute the Supplemental Lease Agreement from VA Community Based Outpatient Clinic adding the additional rental space in the Health and Human Services Center

**RESOLUTION NO. 2009-56**

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING THE TERMS AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE SUPPLEMENTAL LEASE AGREEMENT FROM VA COMMUNITY-BASED OUTPATIENT CLINIC, ADDING THE ADDITIONAL RENTAL SPACE IN THE HEALTH AND HUMAN SERVICES CENTER**

6. Motion to adopt **Resolution No. 2009-57**, approving the terms and authorizing the Chairman to allow the Environmental Division to apply for a grant through the Bureau of Invasive Plant Management (BIPM) for up to \$100,000 to assist in

the removal of invasive species located at various County parks. This grant has no monetary match

**RESOLUTION NO. 2009-57**

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO SUBMIT AN APPLICATION SEEKING FUNDING ASSISTANCE THROUGH THE FLORIDA BUREAU OF INVASIVE LAND MANAGEMENT TO CONDUCT INVASIVE PLANT SPECIES REMOVAL AT A MINIMUM OF THREE COUNTY PARKS**

7. Motion to support the Heritage Crossroads Scenic Highway: Miles of History by sending a Letter of Support similar to the attached
8. Motion to approve the reclassification of the Development Review Division Director's position from budgeted Pay grade 131 Step 5 to Pay grade 130 step 10
9. Motion to adopt **Resolution No. 2009-58**, amending the Fiscal Year 2009 General Fund to receive unanticipated revenue in the amount of \$11,048 and authorize its expenditure by the library system

**RESOLUTION NO. 2009-58**

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

10. Motion to adopt **Resolution No. 2009-59**, authorizing the County Administrator, or designee, to submit an application seeking funding assistance through the Florida Inland Navigation District Waterways Assistance Program Grant for partial reimbursement of acquisition costs for the Usina Boat Ramp Parcel. Matching funds for this project will not be required since St. Johns County will be using the value of the land as our local match

**RESOLUTION NO. 2009-59**

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO SUBMIT AN APPLICATION SEEKING FUNDING ASSISTANCE THROUGH THE FLORIDA INLAND NAVIGATION DISTRICT WATERWAYS ASSISTANCE PROGRAM GRANT FOR PARTIAL REIMBURSEMENT FOR ACQUISITION COSTS OF THE USINA BOAT RAMP**

11. Motion to adopt **Resolution No. 2009-60**, authorizing the County Administrator to execute a contract between St. Johns County and Triple Crown Sports, Inc. for the Fall National Tournament scheduled in 2009-2011

**RESOLUTION NO. 2009-60**

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO EXECUTE A CONTRACT BETWEEN ST. JOHNS COUNTY AND TRIPLE CROWN SPORTS, INC. FOR THE FALL NATIONAL TOURNAMENTS SCHEDULED IN 2009-2011**

12. Motion to adopt **Resolution No. 2009-61**, implementing new and/or revised fees for services provided by the St. Johns County Recreation and Parks Department and Motion to adopt **Resolution No. 2009-62**, recognizing unanticipated revenue in the amount of \$25,500, increasing the revenue budget for General Fund Admissions Tax-Exempt and appropriating to Recreation Programs Special Events (Summer Camp Program)

**RESOLUTION NO. 2009-61**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE AMENDED SCHEDULE OF FEES FOR CERTAIN COUNTY DEPARTMENTS, AND PROVIDING AN EFFECTIVE DATE**

**RESOLUTION NO. 2009-62**

**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 RECREATION PROGRAMS DEPARTMENT**

13. Motion to adopt **Resolution No. 2009-63**, approving the terms, provisions, conditions, and requirements of the Joint Project Agreement between the Board of County Commissioners of St. Johns County, Florida, and the State of Florida Department of Transportation, regarding the design of certain roadway improvements within the interchange of Interstate 95 at CR 210 and along CR 210 (Second TRIP Appropriation), and authorizing the County Administrator, or designee, to execute said Agreement, and; Motion to Rescind Resolution 2008-326

**RESOLUTION NO. 2009-63**

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING AND AUTHORIZING THE EXECUTION OF THE TRANSPORTATION REGIONAL INCENTIVE PROGRAM AGREEMENT BETWEEN THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION AND ST. JOHNS COUNTY PERTAINING TO THE DESIGN OF COUNTY ROAD 210 AND INTERSTATE 95; PROVIDING DIRECTIONS; AND PROVIDING AN EFFECTIVE DATE**

14. Motion to adopt **Resolution No. 2009-64**, approving the terms, provisions, conditions, and requirements of the Joint Project Agreement between the Board of County Commissioners of St. Johns County, Florida, and the State of Florida Department of Transportation, regarding the Project Development and Environmental Services of certain roadway improvements within the interchange of Interstate 95 at CR 210 and along CR 210 (Third TRIP Appropriation), and authorizing the County Administrator, or his designee, to execute said Agreement, and; Motion to rescind Resolution's 2008-348 and 2008-349

**RESOLUTION NO. 2009-64**

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, RESCINDING PREVIOUSLY APPROVED COUNTY RESOLUTIONS 2008-348 & 2008-349, APPROVING AND AUTHORIZING THE EXECUTION OF THE TRANSPORTATION REGIONAL INCENTIVE PROGRAM AGREEMENT BETWEEN THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION AND ST. JOHNS COUNTY, PERTAINING TO THE PROJECT DEVELOPMENT AND ENVIRONMENTAL SERVICES FOR COUNTY ROAD 210 AND INTERSTATE 95 INTERCHANGE MODIFICATION REPORT; PROVIDING DIRECTIONS; AND PROVIDING AN EFFECTIVE DATE**

15. Motion to adopt **Resolution No. 2009-65**, authorizing the County Administrator or his designee to enter into an Emergency Relief Reimbursement Joint Participation Agreement with the Federal Highway Administration (FHWA) and recognizing the reimbursement of \$5,928.96 as a refund of Prior Year Expenditures (Tropical Storm Fay Debris removal on FHWA-Emergency Relief eligible roads)

**RESOLUTION NO. 2009-65**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING EXECUTION OF A REIMBURSEMENT AGREEMENT AND AMENDING THE FISCAL YEAR 2009 TRANSPORTATION TRUST FUND TO PROVIDE FOR THE REIMBURSEMENT OF PRIOR YEAR EXPENDITURES**

16. Motion to authorize the County Administrator, or his designee, to award a contract to Camp, Dresser, McKee, Inc. for Final Design Services in the lump sum amount of \$2,116,905 for RFQ 07-00 - Final Design Services - NW Waste Water Treatment Plant
17. Motion to adopt **Resolution No. 2009-66**, approving the terms and authorizing the County Administrator to execute a Purchase and Sale Agreement for the acquisition of approximately 38 acres contiguous to other County owned property that is considered regionally significant by the St. Johns River Water Management District

RESOLUTION NO. 2009-66

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A PURCHASE AND SALE AGREEMENT FOR THE ACQUISITION OF APPROXIMATELY 38 ACRES CONTIGUOUS TO OTHER COUNTY OWNED PROPERTY THAT IS CONSIDERED REGIONALLY SIGNIFICANT BY THE ST. JOHNS RIVER WATER MANAGEMENT DISTRICT

18. Proofs:
- a. Proof, Notice to Bidders, Bid No. 09-62
  - b. Proof, Notice of Hearing, Board of County Commissioners, Housing Finance Authority Ordinance, Tuesday, March 3, 2009 at 9:00 a.m.

(03/17/09 - 6 - 9:17 a.m.)  
PUBLIC COMMENT

There was none.

(03/17/09 - 6 - 9:17 a.m.)  
ADDITIONS/DELETIONS TO REGULAR AGENDA

Wanchick requested to withdraw Item 5 and continue it to May 19<sup>th</sup>. McCormack recommended opening the item at its regular time and then continuing it. McCormack requested to add discussion on ratification of a personnel management decision, as Item 7.

(03/17/09 - 6 - 9:19 a.m.)  
APPROVAL OF REGULAR AGENDA

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

- (03/17/09 - 6 - 9:20 a.m.)
1. CONSIDER A MOTION TO ADOPT A RESOLUTION REAFFIRMING SUBMITTAL OF AN APPLICATION TO THE DEPARTMENT OF COMMUNITY AFFAIRS FOR NEIGHBORHOOD STABILIZATION PROGRAM FUNDS ON BEHALF OF ST. JOHNS COUNTY AND ADOPTION OF THE REQUIRED HOUSING ASSISTANCE PLAN (HAP)

Tom Crawford, Director Housing & Community Services, stated that the County was going to be receiving \$2,489,443 through the Neighborhood Stabilization Program. He spoke on purchasing foreclosure properties and recycling them as affordable housing to low and moderate income individuals. He mentioned two things they were doing; reviewing the application and the purpose of the program, and the Housing Assistance Plan, which dealt with the methodology they would use to implement their Neighborhood Stabilization Program. He stated that 25 percent of the funds received under the program had to be used for rental for very low income individuals. He spoke on public projects. Stevenson mentioned that she had several inquiries about the Neighborhood Stabilization Program and she was happy to see it.

(9:27 a.m.) Fred Fox, with Fred Fox & Associates, stated that the sales had to be voluntary and the program would benefit families making up to 120%, or medium income.

(9:28 p.m.) Helen Toby, 38 White Street, spoke on Tom Crawford doing a commendable job. She stated that they needed a housing authority and wanted to know where all the money was going. Crawford responded that funds were used under this program on a county-wide basis. Stevenson spoke on repaying loans. Crawford responded.

**(9:35 a.m.) Motion by Miner, seconded by Bryan , carried 5/0, to adopt Resolution 2009-67, reaffirming submittal of an application to the Department of Community Affairs for Neighborhood Stabilization Program funds on behalf of St. Johns County and adoption of the required Housing Assistance Plan (HAP).**

#### RESOLUTION NO. 2009-67

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA REAFFIRMING SUBMITTAL OF AN APPLICATION TO THE DEPARTMENT OF COMMUNITY AFFAIRS FOR NEIGHBORHOOD STABILIZATION PROGRAM FUNDS ON BEHALF OF ST. JOHNS COUNTY AND ADOPTION OF THE REQUIRED HOUSING ASSISTANCE PLAN (HAP)**

(03/17/09 - 7 - 9:36 a.m.)

2. PUBLIC HEARING - TOWER 2008-01 AT148/FRUIT COVE - THE PLANNING AND ZONING AGENCY CONSIDERED THE MATTER ON FEBRUARY 5, 2009 AND FOLLOWING A 4/3 VOTE, APPROVED TOWER 2008-01 AND RECOMMENDED APPROVAL TO THE BOARD OF COUNTY COMMISSIONERS BASED UPON THE FOLLOWING FINDINGS OF FACT: (1)THE REQUEST IS CONSISTENT WITH SECTION 2.03.01 ALLOWING COMMUNICATION ANTENNA TOWERS IN AN RS-E ZONING DISTRICT AND 2.03.26; CONDITIONS FOR APPROVAL OF SPECIAL USE PERMIT PURSUANT TO SECTION 6.08.12 EXCEPT AS WAIVED HEREIN; (2)THE REQUEST IS NOT IN CONFLICT WITH THE COMPREHENSIVE PLAN; (3) THE CONSTRUCTION OF A 150-FOOT ALTERNATIVE TOWER STRUCTURE WITH ACCESSORY EQUIPMENT BUILDING(S) AND ANTENNA IN THIS LOCATION IS COMPATIBLE WITH THE SURROUNDING AREA; (4) THE LOCATION AND PLACEMENT OF COMMUNICATION ANTENNA TOWER PROVIDING COMPLIANCE WITH SECTION 6.08.12 AND CONDITIONS AS HEREIN PROVIDED PROMOTES THE HEALTH, SAFETY AND GENERAL WELFARE OF THE CITIZENS OF THE AREA; (5) THE ANTENNA TOWER IS NECESSARY TO PROVIDE TELECOMMUNICATION SERVICE TO A PARTICULAR AREA AND THERE ARE NO OTHER SUITABLE EXISTING ANTENNA TOWERS; (6) THERE ARE NO SIGNIFICANT ADVERSE IMPACTS TO ENVIRONMENTALLY SENSITIVE AREAS OR AREAS JUDGED TO POSSESS UNIQUE ENVIRONMENTAL OR CULTURAL PROPERTIES, AND (7) AT THE PUBLIC HEARING THE APPLICANT HAS STATED NO OBJECTIONS TO THE CONDITIONS

Proof of publication for the notice of public hearing regarding TOWER 2008-01 AT148/Fruit Cove was received, having been published in *The St. Augustine Record* on March 2, 2009.

Court Reporter Barbara Maxwell was present.

Marie Hobbs, Zoning Manager, reviewed this item distributing Adjacent Property Owner's forms, *Exhibit A*. Stevenson disclosed exparte communication with Mr. Abbatiello regarding his concern for the William Bartram Scenic Highway, the rule that said 600 feet and the conformance of the local ordinances with the Federal Statutes; staff, the applicant's attorney, Mary Solik, the Director of the Church, and one of the parishioners, Ms. McClellan, and the Rector, Patrick Turk, spoke to her about their plans and discussed the amount of time the application had been on file, that the church was approached for this site because the site selector saw it as good location for the site and about the screening and visual impact of the tower and the need for it. Sanchez disclosed exparte communication with the applicant and their attorney, Al Abbatiello regarding William Bartram Scenic Highway, and that he had received many emails. Miner disclosed exparte communication with Al Abbatiello and had received emails. Bryan disclosed exparte communication with Abbatiello, and that he had received emails, and phone calls. Mays disclosed exparte communication in the same manner as Bryan.

(9:41 a.m.) Mary Solik, 111 North Orange Avenue, Suite 1800, Orlando, Florida, Foley & Lardner LLP, Legal Counsel for Anchor Tower, submitted a letter into the record that she sent to the County Attorney and reviewed a photo packet, *Exhibit B*. She spoke on the overall aerial photographs of the area. She stated that staff had determined that they met all the requirements of the Land Development Code and they were consistent with the Comp Plan. She stated that in the application packet there were the Radio Frequency maps and the indication of interest from Metro PCS and T-Mobile establishing a need for the tower in the area. Miner stated that he was curious how she was demonstrating a need for this tower. Solik responded that all carriers may not be provided for in that area and they needed a higher level for the cell phones to work inside housing structures. She explained the need for the tower. Stevenson asked if they needed to provide cell phone coverage for all cell carriers in an area. McCormack responded that the direction the law was going, in his sense, was that there would be coverage for each carrier. He stated that the bottom line was that there was a split in the law and the trend was going towards coverage for each. Stevenson asked if there was a limit to the number of carriers that could enter the market. Solik responded that the FCC controlled the spectrum and the spectrum was licensed to the carriers and the carriers had to bid on it, so the FCC controlled how many carriers had spectrum in any given marketplace. Bryan spoke on two wireless carriers being needed to provide service. Solik responded that carriers wouldn't commit to co-locating on a facility until zoning approval was obtained, the tower was constructed, and then their commitment depended on their own budget and expansion plan. McCormack stated that the questions about how many customers and those types of things were not relevant. Mays asked if they had empirical data that could show them whether people were, or were not, receiving coverage, and whether the carriers would have cheaper options by moving to the new tower. Solik replied that the decision being made was not moving from one tower to another, it was an expansion of coverage. Discussion followed on moving from tower to tower. Stevenson mentioned there was a coverage issue inside the home. Solik spoke on signal strength for inside the building coverage. McCormack spoke on the Federal TCA 1996 Law. Sanchez asked for a commitment on the tower being a white tower all the way to the ground. Solik replied absolutely, it could be made a condition of the approval and it could be enforced through code enforcement if they didn't maintain it. Stevenson spoke on the coastal Crescent Beach area having a hard time getting coverage. Solik responded.

(10:04 a.m.) Clarence Johnson, 11244 Bentley Trace Lane East, Radio Frequency Engineer for Metro PCS, stated that they needed 145 feet of tower height to cover the



area that they planned. Stevenson asked if there was a requirement for the antenna height. Johnson explained how existing sites work with each other, what kind of coverage was provided from the height, and what happens when the height was lowered. Stevenson mentioned the map, showing how good the coverage was in the scenic highway area, and noted that the area that wasn't covered was in an area with less development. McCormack asked the applicant to clarify that the map showed the area that would be covered with the addition of the tower on it. Johnson replied yes. Stevenson asked to see a map of the coverage without the tower on it. Solik displayed the map and stated that the antenna locations were too far apart from each other to have continuous coverage. Solik stated that the information provided was only for the carrier she represented. Bryan voiced concern received from emails about the horizontal pole that made the cross and the possibility of the birds perching on it. He asked if there were any provisions or any way to restrict the birds perching on it. Johnson replied that he had seen devices on other towers but had not dealt with it himself. Bryan stated that he would like to have something included to discourage the birds from perching on the towers. Solik replied that she could commit on behalf of the client that they would explore the option or the ability to put something on the tower to eliminate the possibility of roosting birds. McCormack stated that the Board could require a condition that the applicant would provide an anti bird perching mechanism for the tower, or provide evidence to the satisfaction of the County Administrator. Stevenson mentioned that McCormack could work on it because it might become an issue. Bryan mentioned that the residents had a particular concern about the turkey buzzards. McCormack spoke on a registered neighborhood association being allotted more time to speak. Mays mentioned that under the new Board rules, a neighborhood spokesman could take additional time and that would be determined by the Board.

(10:18 a.m.) Clara Cowan, 244 Patrick Mill Circle, requested that the Board do a moratorium on cell towers, until another ordinance was passed. Mays mentioned addressing the ordinance. Stevenson requested the consensus of the Board to update the tower ordinance. McCormack commented. (10:21 a.m.) ***It was the consensus of the Board to update the tower ordinance.*** McCormack stated that the County would not be allowed to do a moratorium on towers because the Federal law would not allow it and State Statute 365.172 had a very strict timeline. He stated that the County had revised the tower ordinance about a year ago, the tower portion of the Land Development Code. He stated that the changes had brought the code into compliance with the recent changes, especially in the State law. McCormack mentioned having in the code the proposed appearance of the tower, and the anti roosting provision. He stated that there were a number of improvements that could, and should be made, in that regard.

(10:22 a.m.) Hunt reported that they had been given some direction already and were already in the process of making proposed revision to the tower portion of the Land Development Code. He stated that they were addressing issues that were in the County's prevalent authority. Stevenson mentioned as they went through the process, to consider the requests that were starting to show up from the Scenic Highway Groups, that there were certain areas of the County to which they should be a little more sensitive. Hunt mentioned that the Boards' concerns were well placed and that they would work to look at them. Sanchez mentioned that when an item came before the Board, there should be a professional staff member present to answers questions.

(10:25 a.m.) Patricia Turk, Director of St. Patrick's Episcopal Church, 1221 SR 13, commented on how the towers would greatly assist the members of the church.

(10:29 a.m.) Al Abbatiello, 1133 River Birch Road, Fruit Cove, stated that the point he was trying to make was the whole issue of coverage could be affected by a number of things, *Exhibit C*. He stated that they needed to preserve what they had in St. Johns

County, and specifically in the northwest part of it. He mentioned that the rule of 600 feet from the center line of the highway was in the Land Development Code, and the County Commission needed to adhere to that because they had that option. Stevenson asked Abbatiello to expound on his expertise because they were establishing testimony. Abbatiello replied that he was not an engineer, but had a lot of experience in the field. He stated that he had worked for Motorola as a sales consultant and spoke on the 3-G technology. (10:44 a.m.) Mays commented on the 3-G Technology. Abbatiello responded. McCormack stated that he didn't believe that the County had the authority to dictate a particular technology upon an applicant.

The meeting recessed at 10:48 a.m. and reconvened at 11:04 a.m.

(11:04 a.m.) Phyllis Abbatiello, 1133 River Birch Road, spoke on having coverage for the cell phones, and asked the Board to obey the laws. McCormack spoke on a specific time line for approving an application, and stated that an action of delay would be an approval.

(11:12 a.m.) Mary Cornwell, 2652 SR 13, spoke in opposition of the tower. She stated that her cell phone reception was good inside her home.

(11:17 a.m.) Katey Stuart, 1256 Loch Tanna Loop, Julington Creek Plantation, spoke in favor of the tower.

(11:21 a.m.) Charlie Stuart, 1256 Loch Tanna Loop, Julington Creek Plantation, spoke in favor of the tower. He reviewed some photos, *Exhibit D*.

(11:24 a.m.) Ellen Whitmer, 1178 Natures Hammock Road South, spoke in opposition of the tower, stating that it was not appropriate for the area. She stated that this tower did not fit into the exceptions, *Exhibit E*. Stevenson asked about the commercial use issue. McCormack replied that staff had not interpreted this use as a commercial use. He stated that it was more of a utility type use.

(11:30 a.m.) Robert Fitzgerald, 1954 Grove Bluff Circle West, spoke in opposition of the tower and on preserving the area. He gave his qualifications and spoke on liability.

(11:34 a.m.) Diane Mills, 2700 SR 13, spoke in opposition of the tower.

(11:36 a.m.) McCormack stated that in a quasi judicial hearing, any applicant would have an opportunity for rebuttal, if they desired. Stevenson asked him if he had determined if there was somebody recorded as a community representative on this item. McCormack replied that he had not gotten a report on that.

(11:36 a.m.) Solik spoke on the church property being only 600 feet deep, so the tower could not be placed on it. She stated that they were not asking for anything that was not contemplated by the code.

(11:37 a.m.) Clarence Johnson, Radio Frequency Engineer for Metro PCS, gave his credentials. Solik asked him if he was part of the project design team for Metro PCS, and Johnson replied yes. Solik reviewed the area for the location of the proposed tower, *Exhibit F*. Solik spoke on the 145 foot height for the tower, existing coverage around the church site, having an alternative tower structure, and that moving the tower would place it right in the middle of a nicely developed suburban residential subdivision. She spoke on the integrity and structure of the tower meeting all the requirements of the code. Bryan spoke on the 145 foot requirement and asked why Johnson was requesting 150 feet. Solik spoke on the height, and the mounting point of the antenna. Miner

stated that he didn't think the need existed, and stated that he wouldn't be able to support the tower request. Mays asked Johnson if he had worked on the tower location for Metro PCS prior to that day. Johnson replied that he was the actual engineer responsible for this particular tower. Mays asked him if he had worked on that particular tower prior to that day. Johnson replied no. Mays asked Solik if she had met Johnson prior to this day regarding this project. Solik replied no. Mays asked Johnson if he considered himself an expert on this specific location. Johnson replied no. Bryan asked if the Federal guide-lines supersede the County's guidance in this particular case, in respect to the waivers they could grant. McCormack replied regarding the Federal language and the 600 foot rule. Stevenson spoke on the need for the tower, and the location. McCormack told the Board that, if the County or the opponents had hired an expert, who could have put competent and substantial evidence into the record, pertaining to the coverage, the County would had been in a viable position to defend on that issue. He stated that coverage only became an issue, according to the height of the tower. He said if the County Code took full advantage of what the Florida Statue 365.172 offered, he believed the County Code would be in a better position, requesting more and better information, and even allowing the County to charge the applicant for review and expert review. He stated that because the County had not done that, the County would not be in a position, because of the time line, to go out and get better information at that point. Miner said the burden of proof was with the applicant. Stevenson spoke on providing evidence. Bryan stated that this was difficult because they were caught between legal issues and it was not clear if the burden of proof had been discussed. He said he had clear cell use all through the area. Stevenson asked the applicant to speak to the height of the tower that could be used in this area.

(11:58 a.m.) Solik asked Johnson if Metro PCS needed 145 feet in that location to meet their coverage objective. Johnson replied that in that particular situation, 145 feet was needed to meet the objective. Solik asked what the diagram represented. Johnson explained what the diagram represented, *Exhibit F*, and stated that the 145 foot tower would give more coverage. Stevenson asked about preparing maps on different heights and locations. Solik stated that her client looked for the sites, and that the sites had to be buildable, leasable, and zonable. She mentioned that they had a lot of limitations in that area for placing towers without placing them in the residential area. Solik stated that the Code allowed for a waiver, and at any other location they would have the same issue. Stevenson asked when they defended an item like that, what the impact on the County's resources would be and the litigation risks of something like that. McCormack spoke on the litigation costs, and recommended revisiting it after lunch to give his staff time to go over it. Stevenson mentioned continuing the item after the lunch break after the 1:30 p.m. closed session. Bryan stated that he didn't want the general public to get the impression that the decisions they made, were not governed by the cost of litigation. Stevenson mentioned that both scenic highways had a significant budget, and asked if they would like to join in that issue, because they felt strongly about the evidence they had put on the record, and which could be a topic of discussion. Mays spoke on costs of litigation and decisions not being made because of it. Stevenson stated that in the current budget environment the limitation of their financial resources was, in fact, a very real issue.

The Board recessed for lunch at 12:14 p.m. and resumed at 2:28 p.m. All five commissioners were present along with County Administrator, Michael Wanchick, Assistant County Administrator, Darryl Locklear, County Attorney, Patrick McCormack, and Deputy Clerk, Terry Bulla.

(2:28 p.m.) Stevenson commented on the weakness of the County's position and without better evidence on the record.

(2:29 p.m.) **Motion by Miner, seconded by Bryan, to deny Tower 2008-01, for the placement of an alternative tower structure (mono cross) at 350' from the center line of a Scenic Highway specifically located at 1221 State Road 13 North, adopting findings of fact one through three and/or conditions to support the motion.**

McCormack asked for a recess in order to prepare the housekeeping elements that needed to be included in the motion and Order as pertaining to Federal and State law.

The Board recessed at 2:31 p.m. and resumed at 2:44 p.m.

(2:44 p.m.) McCormack read the requested supplements to the motion as required by Federal and State law: **That the map presented, at the hearing, by the applicant, does not provide evidence that the denial of the application will prohibit communication in the area. In fact, the before coverage map shows at least three levels of communication coverage in the subject area. Another finding: the evidence presented by the applicant, particularly the before and after coverage maps, failed to clearly show that the proposed tower will provide a substantial improvement in coverage in the subject area, as described by the applicant, and therefore fails to demonstrate a need for the proposed tower. The applicant did not demonstrate that there was no other suitable location to provide a telecommunication tower to serve the subject area, including a location that would not impact the scenic highway corridor. The evidence presented was speculative in nature. Finally, the applicant did not demonstrate that the applied for height of 150 feet was required to ensure that there would not be an effective prohibition of communication service in the subject area, and that a lower tower would not suffice to add any desired coverage.** McCormack asked the maker of the motion if he would accept those supplements to his motion. Miner agreed to accept the supplements to the motion made by the County Attorney. **McCormack added: that where the finding of fact No. 2 in the packet included 6.0812, he added a line which read "and specifically including but not limited to specifically 6.08.12(v) of the Land Development Code."** The maker of the motion accepted the addition and the second accepted the supplements and the addition.

Stevenson asked if it was necessary for them to state that it was an area of their Comp Plan that indicated that cell towers were contrary to the Comprehensive Plan. She asked if it included those kinds of things, and whether that aided discussion at all, or if it was all just Federal statutes? **McCormack responded that the Board might make a finding that it was not consistent with the Comprehensive Plan, particularly in the northwest sector in the scenic corridor. Stevenson asked they add that to the motion. Miner agreed, second agreed. Motion carried 5/0.**

(03/17/09 - 12 - 2:49 p.m.)

(District 2)

3. PUBLIC HEARING - REZ 2008-21, OSCEOLA BUSINESS PARK - THIS IS A REQUEST TO REZONE FROM PLANNED SPECIAL DEVELOPMENT (PSD) TO COMMERCIAL GENERAL (CG). SUBJECT PROPERTY IS APPROXIMATELY 9.45 ACRES IN SIZE AND IS LOCATED ON THE NORTH SIDE OF SR 207, JUST NORTHEAST OF SR 312. THE PLANNING DIVISION FINDS THE REQUEST TO REZONE TO 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, EXISTING COMMERCIAL USES ON SITE 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 FEBRUARY 5, 2009 MEETING BY A VOTE OF 7/0 (MOTION BY LAIDLAW, SECOND BY WHEELER)

Proof of publication for the notice of public hearing regarding REZ 2008-21, Osceola Business Park was received, having been published in *The St. Augustine Record* on March 5, 2009.

Michael Blackford, Planner II, gave the presentation and reviewed the application with a PowerPoint presentation (Exhibit A). He noted there were no open issues with staff and the PZA had recommended approval by a vote of 7/0.

(2:52 p.m.) Karen Taylor, 77 Saragossa St., stated that she represented Osceola Business Park, and noted that it was a fairly straight forward rezoning request. She reviewed the application and the specifics of the request. She noted they would actually lose some of the uses permitted with the rezoning. She said the certificate of concurrency was for what already existed.

(2:57 p.m.) **Motion by Sanchez, seconded by Miner, carried 5/0, to enact Ordinance No. 2009-14, known as REZ 2008-21, Osceola Business Park, adopting findings of fact one through four to support the motion.**

#### ORDINANCE NO. 2009-14

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

(03/17/09 - 13 - 2:58 p.m.)

(District 4)

4. PUBLIC HEARING - PUD 2008-11, PONTE VEDRA STATION - THIS IS A REQUEST TO REZONE FROM RESIDENTIAL GENERAL 1 (RG-1) TO PLANNED UNIT DEVELOPMENT (PUD) FOR THE CONSTRUCTION OF 20,000 SQUARE FEET OF COMMERCIAL SPACE. SUBJECT PROPERTY IS 4.38 ACRES AND IS LOCATED ON THE NORTH-SIDE OF SOLANA RD NEAR THE INTERSECTION WITH BELVEDERE PL. 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. THIS FINDING IS BASED UPON THE FOLLOWING INFORMATION: THE APPLICATION MATERIALS AS SUBMITTED BY THE APPLICANT, THE LOCATION OF THE PROPERTY WITHIN THE RESIDENTIAL-C 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 AND BOTH WAIVERS AT THEIR JANUARY 15, 2009 MEETING BY A VOTE OF 4 TO 3 (MOTION BY WILLIAMS, SECOND BY LAIDLAW). PLEASE REFER TO THE ATTACHED PLANNING DIVISION REPORT FOR ADDITIONAL PROJECT DETAILS. THE PONTE VEDRA ARC REVIEWED THE ITEM AT THEIR FEBRUARY 25, 2009 MEETING AND PROVIDED

RECOMMENDATIONS AND SOME CHANGES TO THE DOCUMENT SUCH AS DECREASING THE SIZE OF THE SINGLE STORY BUILDING NEAR BELVEDERE PL., NEED FOR ADDITIONAL LANDSCAPING/WALL NEAR BELVEDERE PL. TO PROTECT RESIDENTS, AND DESIGN OF GROUND SIGN AT SOLANA RD. IN REGARDS TO BUILDING ARCHITECTURE

Proof of publication for the notice of public hearing regarding PUD 2008-11, Ponte Vedra Station, was received, having been published in *The St. Augustine Record* on March 2, 2009.

Lindsay Haga, Development Services Director, gave the presentation and reviewed the specifics of the project on a PowerPoint presentation (Exhibit A). She noted that two waivers were requested: the unified sign plan and the landscaping of the terminal islands. She said that PZA had recommended approval by a vote of 4/3. She reviewed the concerns of the PZA and of the Ponte Vedra ARC.

(3:04 p.m.) Bryan revealed ex parte with Karen Taylor regarding the project. Stevenson revealed ex parte with Taylor and Mr. Latshaw. She added that there was a discussion of procedures that happened between the PZA hearing and the hearing that day, regarding the fact that they had been to ARC and they had received a letter that they had met with some of the neighboring property owners, which gave rise to some of the division in the PZA vote. Mays revealed ex parte with Taylor and a client. Sanchez and Miner both revealed ex parte with the same previously mentioned meetings.

(3:05 p.m.) Karen Taylor, 77 Saragossa St., said she had met with each of them individually. She said the project was approved for multi family development and the four units approved, had three units each. She reviewed the specifics of the request. She said the actual square footage requested was about half of what it had been. She said it was for office and professional use only with no retail activity included. She spoke regarding the waivers requested, the unified signage and the two tree islands. She explained the requests and said they would mitigate and replace the trees that would have gone into the islands. She reviewed the site plan and the landscape plan. She said most of the issues had been addressed.

Mays asked if concurrency was available for the site. Taylor said they did have concurrency.

**(3:13 p.m.) Motion by Mays, seconded by Sanchez, carried 5/0, to enact Ordinance 2009-15, known as PUD 2008-11, Ponte Vedra Station adopting findings of fact one through seven to support the motion.**

#### ORDINANCE NO. 2009-15

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM RESIDENTIAL GENERAL 1 (RG-1) TO PUD (PLANNED UNIT DEVELOPMENT); PROVIDING FINDINGS OF FACT; PROVIDING A SAVINGS CLAUSE; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE

*This item was continued until 5/19/09*

(03/17/09 - 15 - 3:15 p.m.)

(District 4)

5. PUBLIC HEARING - PVAPPEAL 2008-03 COOK PATIO COVER - THIS IS AN APPEAL TO THE BOARD OF COUNTY COMMISSIONERS FILED PURSUANT TO SECTION XII.K OF THE PONTE VEDRA ZONING CODE REGARDING DECISIONS OF THE PONTE VEDRA ZONING AND ADJUSTMENT BOARD. THE APPLICANT SEEKS AN APPEAL OF A DENIAL DETERMINATION ISSUED FOR

**(3:15 p.m.) Motion by Stevenson, seconded by Miner, carried 5/0 to open and continue this item until 5/19/09.**

(03/17/09 - 15 - 3:15 p.m.)

6. PUBLIC HEARING - EVALUATION AND APPRAISAL REPORT (EAR) TRANSMITTAL TO THE DEPARTMENT OF COMMUNITY AFFAIRS (DCA) - THE STATE GROWTH MANAGEMENT PLAN REQUIRES LOCAL GOVERNMENTS TO ASSESS AND EVALUATE THEIR COMPREHENSIVE PLAN EVERY SEVEN YEARS TO ASSESS PROGRESS AND ADDRESS CHANGING CONDITIONS. THIS ASSESSMENT IS KNOWN AS THE EVALUATION AND APPRAISAL REPORT (EAR). AFTER THE COMPLETION OF THE EAR, THE DEPARTMENT OF COMMUNITY AFFAIRS REVIEWS THE EVALUATION FOR COMPLIANCE WITH THE GROWTH MANAGEMENT LAW. ST. JOHNS COUNTY'S EAR IS DUE TO BE REVIEWED BY DCA. THE EAR ASSESSMENT REPORT PROVIDES SUGGESTED RECOMMENDATIONS FOR CONSIDERATION AS THE COMPREHENSIVE PLAN IS AMENDED. THE ASSESSMENT REPORT DOES NOT AMEND, MODIFY OR OTHERWISE CHANGE THE COMPREHENSIVE PLAN. THE PZA HEARD THIS ITEM ON OCTOBER 16, 2008 AND DECEMBER 4, 2008. THE PZA DID NOT MAKE SPECIFIC CHANGES OR RECOMMENDATIONS FOR THE EAR; HOWEVER THEY PROVIDED SEVERAL FUTURE CONSIDERATIONS AS THE EAR-BASED AMENDMENTS PROCEED. THE PZA RECOMMENDED TRANSMITTAL OF THE EAR ON DECEMBER 4, 2008. THE STEPS IN THE EAR INCLUDE; 1) SCOPING MEETING TO DETERMINE MAJOR ISSUES, 2) COMMUNITY MEETINGS TO DISCUSS MAJOR ISSUES, 3) COMPLETION OF THE EAR DOCUMENT, AND 4) SUBMITTAL TO DCA AFTER A PZA REVIEW AND RECOMMENDATION AND BCC REVIEW AND TRANSMITTAL. ONCE DCA ACCEPTS THE EAR, THE COUNTY MAY BEGIN ITS EAR-BASED AMENDMENTS AND CONTINUE TO PROCESS INDIVIDUAL SUBMITTED AMENDMENTS. A COMPLETED EAR WAS PROVIDED TO THE COMMISSION PRIOR TO THIS MEETING AND CAN ALSO BE REVIEWED ON THE COUNTY WEBSITE

Proof of publication for the notice of public hearing regarding the Evaluation and Appraisal Report (EAR) Transmittal to the Department of Community Affairs (DCA) was received, having been published in *The St. Augustine Record* on March 2, 2009.

Teresa Bishop, Director of Long Range Planning, gave the presentation. She reviewed the composition of the EAR in a PowerPoint presentation (Exhibit A), and explained that it was an assessment of the Comprehensive Plan, was required by the State Growth Management Law, and assessed the success or failure of the Comprehensive Plan. She noted that it addressed new conditions and offered recommendations for future planning. She reviewed the composition of the EAR, the process, the scoping meeting, and public participation. She reviewed the major issues. She explained the components of the evaluation and assessment process, the planning horizon, and demographics. She said the next steps included: transmittal to the Department of Community Affairs

(DCA), DCA had 90 days to complete a review, PZA recommended transmittal, staff recommended transmittal, and EAR-based amendments - 18 months after DCA finds EAR sufficient.

(3:25 p.m.) Jackie Van Horn, 9850 Light Ave., Hastings, District Manager, Flagler Estates Road and Water Control District, thanked the Board of County Commissioners and their staff for allowing their District to participate in the EAR Scoping meeting, and for considering their recommendations and comments to the EAR. She reviewed the accomplishments made in Flagler Estates by their Board with Tax Increment Financing (TIF) funds and other funding sources. She thanked the Board and said they looked forward to continuing with them to improve Flagler Estates.

(3:28 p.m.) Bryan commented on the population increase in the district. Van Horn said the infrastructure was taking a beating with the growth in the area. She said they were dealing with many safety issues.

(3:29 p.m.) Stevenson asked if they had gotten cell phone coverage in the area. Van Horn said that they had not. She said it was very spotted and depended on the provider as to whether there was service or not.

(3:30 p.m.) Phyllis Abbatiello, 1133 River Birch Road, Fruit Cove, said that as President of the Northwest St. Johns County Community Coalition, she had been asked to make sure that the words "*a constrained roadway*" be put into the Comprehensive Plan when speaking about the William Bartram Scenic and Historic Highway, extending from Julington Creek Bridge to SR 16. Bishop responded that it came in the next phase of the process. Abbatiello said it had been in the plan previously, but had somehow been removed and she asked that it be included.

(3:31 p.m.) Diane Mills, 2700 SR 13 and 3455 Lewis Speedway, said she seconded the request made by Abbatiello. She said she was concerned that the next section of the process might fail to include the requests from the Coalition. She said she wanted them to tell them for certain that those concerns would be included, and when they would be included.

(3:33 p.m.) Stevenson said there had been discussion for about a year regarding CR 13 being considered as a constrained highway. She said it was the first time she had heard of the other issue regarding Lewis Speedway. Mills said her concern was that the issues would get lost before they were attached to the Comprehensive Land Plan. She asked for assurance from the Board that it wouldn't happen. Stevenson said the CR 13 issue would be determined by the Board in the future and would not get lost. Teresa Bishop said that the CR 13 constraint question was included inside the EAR document. She said the issue regarding Lewis Speedway was brought up at a PZA meeting. She said they had it on a list of potential amendments that have been proposed by various residents, and was included to be studied as a potential amendment. She explained that the long range effort took place over 18 months to amend the Comprehensive Plan and the amendments would be reviewed during several hearings that would go before the PZA and workshops.

(3:37 p.m.) Board members thanked Bishop and her staff for their hard work on the EAR.

(3:39 p.m.) **Motion by Sanchez, seconded by Miner, carried 5/0, to approve Resolution No. 2009-68, approving the Comprehensive Plan Evaluation and Appraisal Report (EAR) and transmitting it to the Department of Community Affairs (DCA).**



RESOLUTION NO. 2009-68

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY ADOPTING THE EVALUATION AND APPRAISAL REPORT (EAR) FOR THE ST. JOHNS COUNTY COMPREHENSIVE PLAN; STATING THE INTENT OF THE BOARD OF COUNTY COMMISSIONERS TO CONSIDER AMENDMENTS TO THE COMPREHENSIVE PLAN BASED UPON RECOMMENDATIONS CONTAINED WITHIN THE EAR DOCUMENT AND APPROVING TRANSMITTAL OF THE EAR TO THE DEPARTMENT OF COMMUNITY AFFAIRS FOR SUFFICIENCY REVIEW IN ACCORDANCE WITH SECTION 163.3191, FLORIDA STATUTES.

(3:41 p.m.) The meeting recessed and resumed at 3:50 p.m. Yvonne King entered the meeting and Terry Bulla left the meeting.

(03/17/09 - 17 - 3:51 p.m.)

7. RATIFICATION OF PERSONNEL MANAGEMENT AGENDA

McCormack said the County Administrator was responsible, by statute and ordinance, to manage the County staff and was responsible for personnel management decisions. He said a management decision had been made to change the Directorship of Health and Human Services. He said a standard form, Separation and Release Agreement, had been prepared for the Board's ratification. He reviewed the terms of the agreement which included a \$79,585.94 severance amount. He said he recommended the Board consider and ratify the Separation and Release Agreement.

(3:54 p.m.) **Motion by Miner, seconded by Sanchez, carried 5/0, to ratify the Separation and Release Agreement signed by an authorized representative of the County Administrator and the Director of Health and Human Services, Dr. Colavito, dated March 13, 2009.**

(3:54 p.m.) **Motion by Sanchez, seconded by Miner, carried 5/0, to make Dr. Emerick, currently the Assistant Director, Acting Director for the interim period of time.**

Stevenson asked if it was the Administrator's intention to do a search for the position. Wanchick said they would do a search.

(03/17/09 - 17 - 3:55 p.m.)

COMMISSIONERS' REPORTS

Commissioner Mays:

Mays said they were successful in getting funding for transit, beach renourishment, and erosion studies through Congressman Mica's office and said they would probably continue to be successful with the 2010 appropriations and with some stimulus funding. He emphasized how important it was for all of them to be on the same page for the next Transportation Plan with the lists that had been given to them by the County staff, and he was looking forward to receiving more assistance from the Federal Government.

(3:56 p.m.)

Commissioner Bryan:

Bryan reported on the funding and expenditure of funds of the Tourist Development Council and requested that the Administrator explore the possibility of having the TDC meetings broadcast on television. He addressed former employees and commissioners of the County and stated that some had been consulting and advising their "clients" on issues and development projects which would impact the County. He noted, in some cases, this was being used for those individuals' personal gain and in some cases it was unethical. He asked the County Administrator and the County Attorney to report back to the Board the possibility of an ordinance to prohibit former employees and commissioners from being lobbyists and consultants for a specific period or time, once they had left office or employment. Additionally, he said that as Board members they should be coordinating in a manner which did not violate the Sunshine Law but forms should be used to communicate to other Board members what they were doing in public and especially with the Legislators locally as well as in Tallahassee. He then reported some good news: a letter from the Council on Aging regarding a citizen being transported to Flagler Hospital on the Sunshine Bus and paying \$1.00, and who had refused transportation from Fire & Rescue which would have cost him \$540. He was admitted to Flagler Hospital with acute appendicitis with an emergency appendectomy. He also reviewed some of the issues in West Augustine, especially sewer and water availability in that area. He also noted there were schools that were in need of male mentors and encourage individuals to volunteer.

Stevenson reviewed some of the comments Bryan had made and sought clarification. She and Bryan reviewed his comments.

McCormack clarified that he heard the request for an ordinance regarding post employment type situations. He said there was a current resolution which would require the Chair or the Board to give direction to the Attorney's office to develop an ordinance. He said the Board should decide whether or not to give that direction as a Board.

Mays commented regarding individual Board members approaching State and Federal people as individuals rather than as a consistent Board. He said those individuals were looking for uniformity within the group to pursue like goals. Stevenson asked if this was in reference to any specific issue. Bryan said it wasn't. He said they had lobbyists in Tallahassee and they should allow them to do their jobs. He said it was incumbent that they were all on the same page and not sending different messages.

Miner said he had specifics. He said he had heard that Stevenson had been to Tallahassee lobbying for Rails for Trails, which was not one of their Legislative priorities, and it sent a mixed signal. He stated that at a regional meeting with other governments Stevenson had said something along the lines that she did not think West Augustine should be a priority for the Board. Stevenson clarified that what she had said was that it was important for the City and the County to coordinate on getting the water and sewer infrastructure in, in order for that area to get a lift in the economy. She said they could not continue to invest from the top and let water and sewer issues prevent any progress from going on. She said she would be happy to report on her trip to Tallahassee during public comment since this was the first time they had met since she returned.

(4:09 p.m.)

Commissioner Sanchez:

Sanchez reported on the fair ground events and said the amphitheatre staff was doing an excellent job and kept delivering, utilizing both the fair ground buildings and the amphitheater, to support the community. Additionally, he informed the Board of the

death of Shell Regan, a Hastings resident who worked constantly on community activities. He said he was asking that an agenda item be added at the next meeting to name the medical complex in Hastings after Shell Regan, and asked for their support. He reported on the PACT Board whose purpose was to prevent alcohol and drug abuse in the schools, and told about *The Party is Over* campaign which was organized in an effort to alleviate minors drinking and was aimed at parents that provided alcohol for kids in their homes. He also reported on the new Customs Office that was just opened at the St. Augustine Airport. He said the Airport Authority was also looking for ways to raise revenue to improve the airport and to get off the tax roles. He said he was encouraged to see various agencies working together for a common cause in the betterment of our community.

(4:17 p.m.)

Commissioner Miner:

Miner requested to have all the boards and committees listed on the website. Stevenson said it was a good idea and that they had discussed having a workshop regarding volunteer coordination. She said it might be helpful to put them all in one place. She said it would also be helpful to link minutes of those committees in some way so they would be easier to find.

Miner addressed Stevenson's conduct as Chair, and said he wasn't sure she was doing an excellent job as Chair. He said the Chair served at the pleasure of the Board and worked at the direction of the Board and not vice versa. He said he felt it was vice versa right now. He said all five commissioners were equal. He cited her problem with the BCC Office Manager, and said he had received calls from prominent members of the community saying she had been lobbying him to make that personnel change. He said that was not appropriate behavior. He said they had talked about it. He said things were getting progressively worse and he said she was getting off message. He asked if he was the only one experiencing that. Stevenson stated that Miner was assuming that she had set differing priorities and she would like to save him that embarrassment.

(4:23 p.m.)

Commissioner Stevenson:

Stevenson said Dana St. Clair had submitted his resignation as Chair of the Tourist Development Council. She noted she had traveled to Tallahassee for the Legislative Committee on Intergovernmental Relations. She stated she had been in contact with County staff about the grant opportunities. She noted most of the American Recovery and Reinvestment Act (ARRA) revenues would be given by competitive grant, so it was not possible to determine how much the County might receive. She stated that while there, she had the opportunity to speak with Secretary Copaluis on DOT, 9B and the Legislative Priorities of St. Johns County. She stated, however, that there was a funding opportunity for bicycle paths, because the Federal Government chose to make a grant specifically for that purpose. She said that St. Johns County happened to have a shovel ready plan and with considerable constituency with the Department of Environmental Protection and other areas. She said they had a choice to advocate for that money or let someone else take it for bicycle paths. She said she did not consider that being off message, but being an opportunist. She noted she had been made aware of the opportunity to discuss it on her way to Tallahassee on the day of the meeting. She said her understanding was there had been some communication between the lobbyist and the Administrator, and those conversations had been receipted, and he was the funnel between which all that communication was occurring. She said it was not happening directly with the County Commissioners. She continued that in the Metropolitan Planning Organization (MPO) meeting there was a discussion of the FDOT funding

distribution, and she would supply them with the documents from that meeting which were also available on their website. She said the FDOT would be administering the State projects including \$30 or \$40 million for bicycle paths and the Transportation Planning Authority would be administering local projects. She said the FDOT funded projects included: \$56 million to Nassau County (56%), \$29 million went to Duval County (29%) and \$15 million went to Clay County (15%). She said she was very disappointed that there were no eligible projects in St. Johns County. She noted the total funding was \$101 million. She said the Transportation Planning Organization (TPO) funded projects included the list advocated by the County staff. She said that during that meeting there was some discontent expressed from the City of St. Augustine because they wanted something that was not approved to be a TPO project. She said the County held a unified front and received every project that had been submitted that was eligible. She said St. Johns County received 29%, Nassau County received 4%, Clay County received 11% and Duval County received 56% of the TPO funding. She explained that she sat on the TPO Board, at the pleasure of the BCC Board. She said at that meeting there was discussion of a regional transportation authority. She explained that she was not a supporter of that initiative as they were looking to be funded with a toll revenue stream. She said they were on the verge of changing to vehicle miles traveled and she was disconcerted that they might be going for long term commitments, for 35 to even 100 years in the future. She said discussion was held on transportation funding alternatives becoming available, and some were already being done in communities such as Stockholm. She said she had sent the Commissioners a link to some of those studies via Ms. Gorski for distribution. She said she had discussed with Mr. Locklear and Mr. Wanchick to see if they agreed to see if Commissioner Mays would serve on that committee. She added that she had been introduced by our current lobbyist to a gentleman who served on the Jacksonville Water & Sewer Authority, Fred Odum. She said she introduced him to Darryl Locklear. She said it might be of interest to the County, in the future, for funding of water and sewer improvements and she did not know whether there would be any applicability to the West Augustine area.

Miner thanked the Chair and returned to his earlier comments. He said it was imperative that the Board be unified, moving in a singular direction. Stevenson asked if the Board would support Mays in the appointment to the MPO. Mays accepted the appointment. The Board agreed to support the appointment. She asked the Board to use extreme caution with the regional transportation efforts, and noted that frequently rural communities would lose in those efforts.

Miner continued that the Board needed to be moving in a singular direction, he was concerned about the present leadership, and said he would like to make a motion that they get a new Chair.

**(4:30 p.m.) Motion by Miner, seconded by Bryan, failed 2/3 with Sanchez, Stevenson, and Mays dissenting, to replace the Chairman of the Board of County Commissioners.**

Sanchez cautioned the Board on their future decision making. He said he would like to see the differences set aside. He said they needed to be totally positive about everything they possibly could, including employees. He said the Board had made a decision and they all needed to accept it and step aside, even if they disagreed with it.

Mays said he completely agreed with Sanchez. He said his main concern was that they be able to move forward in a positive and productive fashion for the benefit of the County.

Stevenson asked staff and Administration to make an effort to communicate to the Commissioners as well. She said communication was important, especially at that time.

Bryan reiterated that it was imperative that as Board members, they remembered they were twenty percent of the entire Board, and represent their respective districts; however they all represented the County. He said it was imperative that they be careful with what they said and to whom they said it. He said they would move on. He said there were individuals out there who were trying to create animosity within the Board and they wanted the Board to fail. He said if they put their differences behind them they could move on as professionals.

Stevenson commented on the Public Safety Coordinating Council (PSCC) and said there had been discussion of enhanced coordination with providers in mental health and substance abuse. She said she had been assigned to that Board and it was basically a requirement to look at jail capacity. She said she would be traveling on March 30<sup>th</sup> to Tallahassee to listen to Secretary Sheldon, and others called there from Community Based Care alliances throughout the State, to discuss those issues. She said mental health and substance abuse had been issues recently, as evidenced by that day's agenda, and she wanted them to be aware that she would be attending meetings in Tallahassee in that regard and she felt it was her duty to be informed on those issues. She said she did advocate for bike trails but in the referenced issue, the funding was just there. She said they did not want to discuss 9B, but she did. She said she had not lost her focus and they could not always dictate from what source the money would come.

Miner said he had moved on, they had a great Board, and asked that they all just remember that they were all twenty percent of the Board and had to work together.

(4:42 p.m.) Deputy Clerk Lenora Newsome entered the meeting and Deputy Clerk Yvonne King left the meeting.

(03/17/09 - 21 - 4:42 p.m.)

#### COUNTY ADMINISTRATOR'S REPORT

Wanchick said he had a meeting the next day with City Manager, Bill Harris, to attempt to set up a joint meeting with the City of St. Augustine as they had requested.

Stevenson added that it would be posted on the County Website that there would be a virtual Town Hall Meeting with Reality Check coming up and they would be advertising it. She said one of the sites would be the St. Johns County Utility. She encouraged them to take advantage of and get involved in that.

(03/17/09 - 21 - 4:43 p.m.)

#### COUNTY ATTORNEY'S REPORT

McCormack said sometimes a little air cleaning was healthy.

(03/17/09 - 21 - 4:44 p.m.)

#### CLERK OF COURT'S REPORT

There was none.

(4:44 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 4:44 p.m.

REPORTS:

1. St. Johns County Board of County Commissioners Check Register, Check Nos. 434699 through 435052, totaling \$1,139,202.63 (02/24/09)
2. St. Johns County Board of County Commissioners Check Register, Check Nos. 435053 through 435082, totaling \$66,334.03 (02/26/09)
3. St. Johns County Board of County Commissioners Check Register, Check Nos. 435083 through 435095, totaling \$239,100.49 (02/27/09)
4. St. Johns County Board of County Commissioners Check Register, Check Nos. 435096 through 435415, totaling \$3,594,575.01 (03/03/09)
5. St. Johns County Board of County Commissioners Check Register, Check Nos. 435416 through 435421, totaling \$166,139.52 (03/04/09)

CORRESPONDENCE:

1. Letter to Liz Cloud, Program Administrator, Bureau of Administrative Code and Weekly , filing Ordinance Number 2009-8 through 2009-10 (02/24/09)
2. Letter to Liz Cloud, Program Administrator, Bureau of Administrative Code and Weekly , filing Ordinance Number 2009-11 through 2009-13 (03/06/09)

Approved April 7, 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

