

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
APRIL 7, 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
 Terry Bulla, Deputy Clerk

Also present: Cheryl Strickland, Clerk of Court

(04/07/09 - 1 - 9:03 a.m.)

CALL TO ORDER

Stevenson called the meeting to order.

(04/07/09 - 1 - 9:03 a.m.)

ROLL CALL

Stevenson stated that all five commissioners were present.

(04/07/09 - 1 - 9:03 a.m.)

Bryan gave the Invocation and Stevenson led the Pledge of Allegiance.

Stevenson announced that they were adding a proclamation.

(04/07/09 - 1 - 9:04 a.m.) PROCLAMATION DESIGNATING APRIL 12-18 2009, AS NATIONAL LIBRARY WEEK

Sanchez read the proclamation and presented it to Debra Rhodes Gibson, St. Johns County Library Director and Carol Lee Birch, Chair of the Library Advisory Board. Gibson received the proclamation and told about some of the new features on their website and some of the current library programs.

(04/07/09 - 1 - 9:10 a.m.)

PROCLAMATION DESIGNATING APRIL 6-11 2009, AS DONALD WASHINGTON STOP THE VIOLENCE AWARENESS WEEK

Bryan read the proclamation and said he was a member of the steering committee for the Hastings Youth Academy, which had asked the Board to prepare the proclamation. He said he would present it to the parents of Donald Washington who were unable to be present that day.

(04/07/09 - 1 - 9:14 a.m.)

PROCLAMATION DESIGNATING APRIL 19-25, AS JUVENILE JUSTICE WEEK

Miner read the proclamation and presented it to Carol Hooper and Brenda Ware who received the proclamation and thanked their community partners.

(04/07/09 - 2 - 9:17 am.)

PROCLAMATION DESIGNATING APRIL 2009, AS SEXUAL ASSAULT AWARENESS MONTH

Mays read the proclamation which was received by Joyce Barr and Betty Griffin who thanked the County for their recognition. Barr told a bit of the history of the Betty Griffin House and thanked their partners in the community: Flagler Hospital, Children's Advocacy Center, Sexual Assault Advocates and Hot Line Advocates, and to Law Enforcement in providing vital services to the victims of sexual assault in the community. She said it was a group effort.

(04/07/09 - 2 - 9:21 a.m.)

PROCLAMATION DESIGNATING APRIL 2009, AS WATER CONSERVATION MONTH

Stevenson read the proclamation and Barry Stewart and representatives from the Utility Department received the proclamation. Stewart introduced the staff and said they had been working hard on the conservation programs. He noted they were holding an open house on Wednesday, April 22 at 10:30 a.m. at the Utility Administration Building. He said the Utility Department staff would be visiting local elementary schools to discuss water conservation and to provide water conservation materials for their families. He then encouraged everyone to conserve.

(04/07/09 - 2 - 9:26 a.m.)

ACCEPTANCE OF PROCLAMATIONS

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

(04/07/09 - 2 - 9:26 a.m.)

DELETIONS TO CONSENT AGENDA

There were none.

(04/07/09 - 2 - 9:27 a.m.)

APPROVAL OF CONSENT AGENDA

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

1. Approval of the Cash Requirement Report
2. Minutes:
03/17/09 - BCC Regular Meeting
03/17/09 - BCC Special/Private Meeting - 1:30PM
3. Motion to adopt **Resolution No. 2009-69**, amending Resolution 94-161, Section 1 Income Guidelines and Section 2, amending the deadline for submittal to the county application for exemption, based on financial hardship, to the Non-Ad Valorem collection and recycling assessments

RESOLUTION NO. 2009-69

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AMENDING RESOLUTION 94-161, SECTION 1, INCOME GUIDELINES AND SECTION 2, AMENDING THE DEADLINE FOR SUBMITTAL TO THE COUNTY APPLICATION FOR EXEMPTION, BASED ON FINANCIAL HARDSHIP TO THE NON-AD VALOREM COLLECTION AND RECYCLING ASSESSMENTS

4. Motion to authorize the County Administrator, or his designee, to purchase one (1) 2007 Kenworth, 16 Cu Yd Dump truck from Kenworth of Jacksonville in the amount of \$99,475 and to purchase one (1) 2007 Freightliner, 14 Cu Yd Dump Truck from Tampa Truck Center in the amount of \$97,239.00. If the models are sold before the Board approves this item then Purchasing request approval to purchase comparable dump trucks through bidding and/or negotiations from any dealer on the open market in an amount not to exceed \$196,714
5. Motion to authorize the County Administrator, or his designee, to negotiate with, and, if negotiations are successful, enter into an agreement with the No 1 ranked firm, Marlowe & Company for RFP 09-47 - Federal Lobbying Services. If an agreement can not be reached with the No 1 ranked firm, authorization is requested to terminate negotiations with the No 1 ranked firm and begin Negotiations with the No 2 ranked firm and so continue until an agreement is reached
6. Motion to approve a transfer in the amount of \$20,549 from the Personnel Services Department's Salary and Benefits lines to the Clerk Finance Subsidy Transfer to Officers to effectuate the transfer of Dania Borrero and agreed upon duties to the BCC Finance Department effective April 12, 2009
7. Motion to adopt **Resolution No. 2009-70**, approving the Final Plat for High Dunes of Ponte Vedra

RESOLUTION NO. 2009-70

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING A SUBDIVISION PLAT FOR HIGH DUNES OF PONTE VEDRA

8. Motion to adopt **Resolution No. 2009-71**, approving the terms and authorizing the County Administrator to execute a certain Purchase and Sale Agreement for property required for the intersection improvements to Dobbs Road and Kings Road

RESOLUTION NO. 2009-71

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A CERTAIN PURCHASE AND SALE AGREEMENT FOR PROPERTY NEEDED FOR THE INTERSECTION IMPROVEMENTS TO DOBBS ROAD AND KINGS ROAD

9. Motion to adopt **Resolution No. 2009-72**, authorizing the County Administrator to execute an Easement to Florida Power & Light Company to install electrical service to the Council on Aging River House on Marine Street

RESOLUTION NO. 2009-72

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE AN EASEMENT TO FLORIDA POWER & LIGHT COMPANY TO INSTALL ELECTRICAL SERVICE TO THE COUNCIL ON AGING RIVER HOUSE ON MARINE STREET

10. Motion to adopt **Resolution No. 2009-73**, accepting an Easement for Access and Utilities for installation of water, sewer, wastewater and reclaimed water lines within the proposed right of way of CR 2209 to the future Northwest Area Regional Wastewater Treatment Plant Site

RESOLUTION NO. 2009-73

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING AN EASEMENT FOR ACCESS AND UTILITIES FOR INSTALLATION OF WATER, SEWER WASTEWATER AND RECLAIMED WATER LINES WITHIN THE PROPOSED RIGHT OF WAY OF CR 2209 TO THE FUTURE NORTHWEST AREA REGIONAL WASTEWATER TREATMENT PLANT SITE

11. Motion to adopt **Resolution No. 2009-74**, approving the terms and conditions of a 1st Amendment of the Utility Service and Refund Agreement for the Silverleaf Development approved by Resolution No. 2006-362 to extend the option to acquire Parcel 52 for twelve (12) months and authorizing the County Administrator, or designee, to execute said Amendment, on behalf of the County

RESOLUTION NO. 2009-74

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND CONDITIONS OF A 1ST AMENDMENT OF THE UTILITY SERVICE AND REFUND AGREEMENT FOR THE SILVERLEAF DEVELOPMENT APPROVED BY RESOLUTION NO. 2006-362 TO EXTEND THE OPTION TO ACQUIRE PARCEL 52 FOR TWELVE MONTHS AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE SAID AMENDMENT

12. Motion to adopt **Resolution No. 2009-75**, accepting and authorizing the execution of a Temporary Access Easement to a telecommunications tower site known as the Nocatee Town Center Tower Site

RESOLUTION NO. 2009-75

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING AND AUTHORIZING THE EXECUTION OF A TEMPORARY ACCESS EASEMENT TO A TELECOMMUNICATIONS TOWER SITE KNOWN AS THE NOCATEE TOWN CENTER TOWER SITE

13. Motion to adopt **Resolution No. 2009-76**, approving the terms and authorizing the Chair to execute a Conservation Easement over 4.15 acres of land at the West Augustine District Park to mitigate for wetland impacts associated with the development of the Park

RESOLUTION NO. 2009-76

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND AUTHORIZING THE CHAIR TO EXECUTE A CONSERVATION EASEMENT OVER 4.15 ACRES OF LAND AT THE WEST AUGUSTINE DISTRICT PARK TO MITIGATE FOR WETLAND IMPACTS ASSOCIATED WITH THE DEVELOPMENT OF THE PARK

14. Motion to adopt **Resolution No. 2009-77**, to dispose of 190 cubic feet of county finance records up to and including Fiscal Year 2002 in accordance with the statutory provisions of Florida Statute, Chapter 257.36(6) and by statutory authority of Florida Statute, Chapter 119.021(2)

RESOLUTION NO. 2009-77

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING AND AUTHORIZING THE CLERK OF THE COURTS OF ST. JOHNS COUNTY, FLORIDA, ON BEHALF OF THE OFFICE OF THE CLERK OF THE COURTS OF ST. JOHNS COUNTY, TO DISPOSE OF 190 CUBIC FEET OF COUNTY FINANCE RECORDS, IN THE MANNER SET FORTH BY LAW

15. Motion to reverse the transfer of \$109,145 from the General Fund (0082-59100) to the 05 Revenue Sharing Bond Fund (3380-38101) for the Administration Building Project; and Motion to reappropriate funds within the 06 Sales Tax Bond from 3392-56200 (\$1,197,812) to 3391-56200 (\$245,585) and to 3396-56300 (\$952,227)
16. Motion to adopt **Resolution No. 2009-78**, recognizing unanticipated revenue in the amount of \$40,046.01 increasing the revenue budget for Park Projects contributions and appropriating to the Park Projects Improvements other than Building expenditure line to be used for the Bird Island Park Project

RESOLUTION NO. 2009-78

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AMENDING THE FISCAL YEAR 2009 BUDGET TO

RECEIVE UNANTICIPATED REVENUE AND
AUTHORIZE ITS EXPENDITURE BY THE ST. JOHNS
COUNTY RECREATION AND PARKS DEPARTMENT

17. Motion to rescind Resolution 2009-40 and adopt new **Resolution No. 2009-79**, authorizing the County Administrator to execute the FDOT LAP Agreement reflecting the correct total for Phase II of the A1A Scenic & Historic Coastal Byway – Pope Road Scenic Outlook

RESOLUTION NO. 2009-79

A RESOLUTION BY THE ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, RESCINDING COUNTY RESOLUTION 2009-40, APPROVING THE TERMS AND CONDITIONS OF AN AMENDED LOCAL AGENCY PROGRAM AGREEMENT BETWEEN THE STATE OF FLORIDA, DEPARTMENT OF TRANSPORTATION, AND ST. JOHNS COUNTY FLORIDA, AND AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE TO EXECUTE THE AGREEMENT ON BEHALF OF THE COUNTY

18. Motion to adopt **Resolution No. 2009-80**, authorizing the Sheriff, or designee, to submit an application seeking funding assistance through the Department of Justice community-oriented policing services grants programs to provide funding for youth resource deputies

RESOLUTION NO. 2009-80

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE SHERIFF, OR DESIGNEE, TO SUBMIT AN APPLICATION SEEKING FUNDING ASSISTANCE THROUGH THE DEPARTMENT OF JUSTICE COMMUNITY ORIENTED POLICING SERVICES GRANTS PROGRAMS TO PROVIDE FUNDING FOR YOUTH RESOURCE DEPUTIES

19. Motion to adopt **Resolution No. 2009-81**, authorizing the Sheriff, or designee, to submit an application seeking funding assistance through the Department of Justice second chance act prisoner reentry initiative

RESOLUTION NO. 2009-81

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE SHERIFF, OR DESIGNEE, TO SUBMIT AN APPLICATION SEEKING FUNDING ASSISTANCE THROUGH THE DEPARTMENT OF JUSTICE SECOND CHANCE ACT PRISONER REENTRY INITIATIVE

20. Motion to adopt **Resolution No. 2009-84**, approving the terms and authorizing the Chairman to allow staff of the Environmental Division to apply for a grant

through the Together Green Conservation Leadership program, an alliance between Toyota and Audubon

RESOLUTION NO. 2009-84

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 TOGETHER GREEN CONSERVATION LEADERSHIP PROGRAM

21. Proofs:
- a. Proof, Notice of Hearing, Board of County Commissioners, consider program of projects and apply to the Federal Transit Administration for a Section 5307 Grant, April 7, 2009 at 9:00 a.m.
 - b. Proof, Notice to Bidders, RFP No. 09-59
 - c. Proof, Notice of Workshop, Florida Commission on Ethics Training Workshop, Friday, April 17, 2009 at 9:00 a.m.
 - d. Proof, Notice to Bidders, RFP No. 09-65
 - e. Proof, Notice of Hearing and Organizational Meeting, St. Johns County Legislative Delegation, Wednesday, January 28, 2009 at 4:00 p.m.
 - f. Proof, Notice to Bidders, Bid No. 09-66
 - g. Proof, Notice of Meeting, Board of County Commissioners, Special/Private Meeting, Tuesday, March 17, 2009 at 1:30 p.m.
 - h. Proof, Notice of Workshop, First Coast Manufacturers Association, Introduce First Coast Manufacturers Association Government Relations Committee to the Board of County Commissioners, Tuesday, March 10, 2009 at 10:00 a.m.
 - i. Proof, Notice of Joint Meetings, St. Johns Board of County Commissioners and St. Johns County School Board, Wednesday, March 4, 2009 at 9:00 a.m.
 - j. Proof, Notice of New Schedule, Regular Meetings of the Board of County Commissioners, beginning Tuesday, March 3, 2009 regular meetings will be held the first and third Tuesday of each month beginning at 9:00 a.m.
 - k. Proof, Notice of Hearing, Board of County Commissioners, Neighborhood Stabilization Program funding under the Small Cities Community Development Block Grant, Tuesday, March 3, 2009 at 9:00 a.m.
 - l. Proof, Notice of Meeting, Board of County Commissioners, Special/Private Meeting, Tuesday, March 10, 2009 at 1:00 p.m.
 - m. Proof, Notice to Bidders, RFP No. 09-64

(04/07/09 - 7 - 9:27 a.m.)

PUBLIC COMMENT

Daniel MacDonald, 24501 Deer Trace Dr., Ponte Vedra Beach, spoke regarding a noise problem they were having in Ponte Vedra which affected the neighborhoods in Sawgrass County Club, Latrium, and Fiddler's Marsh. He said the source was located just west of A1A and TPC Boulevard. He said he was there representing the Ponte Vedra Coalition. He said they would attempt to show them that the standard decibel level that the County used was not suitable for noise control. He said the presentation was put together by Donald Powell of Sawgrass County Club and Frank Harla of Fiddler's Marsh.

(9:29 a.m.) Don Powell, 8956 Lake Kathryn Dr., gave a presentation on the St. Johns County noise ordinance and said it was time for review of the ordinance. He said he

wanted to point out the problems they had recently, and to review the decibel standard. He said the Sheriff's Office had been very cooperative, and it was dealing with an unwieldy standard. He said there was a problem with noise in the neighborhood from outdoor entertainment. He gave an overhead presentation (Exhibit A). He said the problems were with Pusser's Restaurant, which had occurred since May of 2008 and with Aqua Grill. He said the noise could be heard from up to one mile away. He reviewed the issue of the decibel based standard.

(9:35 a.m.) Walter Rohrer, 2315 Club View Court, Ponte Vedra Beach, Chair of the External Affairs Committee, Sawgrass Country Club, said they were the most affected area. He said there were a bunch of distressed folks. He asked for the Board's help.

(9:36 a.m.) Stevenson asked McCormack if they were working on a noise ordinance. McCormack said they were currently working on revision of the noise ordinance and they had met with Rohrer, MacDonald, the Sheriff and other concerned citizens. Mays said he had heard from Administration that they would have something to review within 30 days. Discussion ensued.

(9:39 a.m.) Wanchick noted it was a complicated issue and he would like to meet with the County Attorney, and it might be necessary to hire an acoustical engineer to determine the problem. He said it might cause a deviation for the 30 day standard. He said they would contact Mr. MacDonald and Mr. Rohrer in that regard.

(9:40 a.m.) Clara Cowan, 244 Patrick Mill Circle, Ponte Vedra, expressed distress regarding the transparency and time limit for public comment of three minutes and without the benefit of being given time by others. She expressed concern that they were moving backward with the involvement of the public.

(9:43 a.m.) Ellen Whitmer, 1178 Natures Hammock Rd. South, Fruit Cove, spoke on attorneys speaking as expert witnesses. She gave an overhead presentation (Exhibit A) and said the Supreme Court of Florida had explained the proper function of an attorney in presenting the closing arguments. She said it was applied to criminal cases but she assumed that it was also applicable to civil cases. She spoke on who could testify as expert witnesses. She had seen attorneys speak as expert witnesses over and over again. She said they were crossing the line and testifying on technical issues. She said she considered it improper behavior, and she would like for limits to be put on it.

(9:48 a.m.) Mays said it was an interesting question and actual trials would be treated differently than a quasi judicial governmental hearing. He said he would leave it to the County Attorney to address.

(9:48 a.m.) McCormack said they were aware of the rules on who constituted an expert and who did not. He said they had argued against it successfully in court. He said Ms. Whitmer had a valid point, and they did recognize the difference.

(9:49 a.m.) Maureen Ortagus, 1445 Masters Drive, St. Augustine, read a statement regarding Masters Drive and the safety conditions on the road. She said improvements had been made with speed bumps, but noted that other accidents had occurred since that time. She said she needed the Board's help regarding another accident, and said the commissioner from her district, Sanchez, had not been helpful to her.

(9:53 a.m.) Mary Ann Boczek, 1520 Sawgrass Village Drive, #33, Ponte Vedra, spoke regarding the telecommunications laws being changed. She asked how the community would be able to make their views known for transmittal to Tallahassee. She also commented regarding WSSC, a water notification program. She said she would like to see us get that type of program locally. She gave an overhead presentation (Exhibit A).

She also commented on the changing of the billing dates, and about trash truck spillage onto the roadways. She noted that garbage fluid had also been dumped into her neighborhood. She asked for the Board's help in solving the problem which was a public health issue with Seaboard.

(9:58 a.m.) Dwight Hines, 150 Nesmith, commented on the Gamble Rogers Festival. He said they were getting great cooperation from the County. He said they also had a problem with open records request and particularly in relation to gas mileage for County vehicles. He said there was still a problem with firefighter overtime and said they needed to hire more people. He also spoke regarding the cut of the F22 fighter and the result it would have on the community.

(10:01 a.m.) B. J. Kalaidi, 8 Newcomb St., spoke regarding parking around the Amphitheater and the use of alcohol in the parking lot. She said the quality of life of the neighbors was being affected by neighbors allowing parking in their yards. She said alcohol should not be sold at the venue. She asked them to consider an ordinance preventing the business use of property by neighboring homeowners.

(04/07/09 - 9 - 10:05 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

Wanchick asked to add Item 11, First Coast Outer Beltway.

(04/07/09 - 9 - 10:05 a.m.)

APPROVAL OF REGULAR AGENDA

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

(04/07/09 - 9 - 10:06 a.m.)

1. CONSIDER MOTION TO ADOPT A RESOLUTION NAMING THE PUBLIC FACILITY LOCATED AT 201 W LATTIN STREET, HASTINGS, FLORIDA 32145, THE "SHELL REGAN COMMUNITY RESOURCE CENTER"

Sanchez introduced the item and said he would like to honor Shell Regan who was a fighter for the community. Sanchez went forward to thank Janet Regan for being present that day as did the other commissioners.

(10:08 a.m.) **Motion by Sanchez, seconded by Miner, carried 5/0, to adopt Resolution No. 2009-82, naming the public facility located at 201 W Lattin Street, Hastings, Florida 32145, the "Shell Regan Community Resource Center."**

RESOLUTION NO. 2009-82

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, NAMING THE PUBLIC FACILITY LOCATED AT 201 W LATTIN STREET HASTINGS, FLORIDA, 32145 THE SHELL REGAN COMMUNITY RESOURCE CENTER; PROVIDING AN EFFECTIVE DATE

(04/07/09 - 9 - 10:10 a.m.)

2. CONSIDER MOTION TO ADOPT A RESOLUTION NAMING THE WEST AUGUSTINE COMMUNITY CENTER, THE "SOLOMON CALHOUN COMMUNITY CENTER"

Troy Blevins, Recreation & Parks Director, made the presentation. He said Mr. Calhoun was an educator and coach in the community and many of his friends were there. He showed a poster for the opening of the Calhoun Center. He said the opening would take place on April 25th at 10:00 a.m.

(10:11 a.m.) Greg White, 905 Pearl Street, CRA spokesman thanked the Board and Administration for naming the Community Center after a great man, Solomon Calhoun. He offered special thanks to Rev. Ron Stafford, Rev. Richard Madison, Rev. Frank Nesbitt, Dwala Willis, Weed and Seed Site Coordinator, Shirley Wilbur, Pauline Garden, Mary Davis, Lulu Wise, Murray Stevens and Kim Dixon, the committee who chose Mr. Calhoun from a list of many community leaders.

(10:13 a.m.) Dwala Willis, 895 S. Orange St., Co-chair of the Advisory Committee of the new community center thanked the Commission and Administration from the Recreation Department for their support of their recommendation of Solomon Calhoun for the name of the new community center. Michael Calhoun, Solomon Calhoun's grandson, thanked Mr. Blevins and others for the honor of naming the community center for his grandfather. He said his grandfather was a nice, warm gentleman and it was a great opportunity to be raised in the same household with him.

Sanchez said he had worked with the folks at the CRA and said he had never seen a group work so hard and with such dedication for their community.

(10:14 a.m.) Stevenson thanked them for their commitment to the community and for bringing this leader's legacy to the Board's attention as a good example for the community and by naming your community center after him.

(10:15 a.m.) Bryan said this was a great positive move towards what they were just starting out to do. He said they had the total commitment from the Board.

(10:16 a.m.) **Motion by Sanchez, seconded by Miner, carried 5/0, to adopt Resolution No. 2009-83, naming the West Augustine Community Center, the "Solomon Calhoun Community Center".**

RESOLUTION NO. 2009-83

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE NAMING OF THE WEST AUGUSTINE COMMUNITY CENTER THE "SOLOMON CALHOUN COMMUNITY CENTER"

The board recessed at 10:17 a.m. and reconvened at 10:32 a.m.

(04/07/09 - 10 - 10:32 a.m.)

3. CONSIDER MOTION TO ADOPT A RESOLUTION TEMPORARILY REDUCING THE RECONNECTION FEE DUE TO NONPAYMENT FROM FORTY-FIVE DOLLARS TO TWENTY DOLLARS FOR THE REMAINDER OF CALENDAR YEAR 2009

Frank Kenton, Utility Department, introduced the item, in Bill Young's absence, and explained the rationale behind the request for the temporary reduction fee. He said the reduction was for the remainder of this year and the fee would revert back on January 1, 2010.

(10:34 a.m.) **Motion by Miner, seconded by Sanchez, carried 5/0, to adopt Resolution No. 2009-85, temporarily reducing the reconnection fee due to nonpayment from forty-five dollars to twenty dollars for the remainder of calendar year 2009.**

RESOLUTION NO. 2009-85

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AMENDING ST. JOHNS COUNTY ORDINANCE 2006-73, SCHEDULE G - WATER AND WASTEWATER SERVICE CHARGES, ITEM # 2 WHICH CONCERNS FEES FOR A METER BEING REPLACED BECAUSE OF NON-PAYMENT; TEMPORARILY REDUCING THE FEE FROM FORTY-FIVE DOLLARS TO TWENTY DOLLARS; PROVIDING AN EFFECTIVE DATE; AND PROVIDING A DATE FOR THE FEE TO REVERT BACK TO FORTY-FIVE DOLLARS

(04/07/09 - 11 - 10:35 a.m.)

4. PUBLIC HEARING - APPROVAL OF PROGRAM OF PROJECTS AND THE SUBMITTAL OF A SECTION 5307 URBANIZED AREA GRANT - THE FEDERAL TRANSIT ADMINISTRATION HAS APPROPRIATED \$948,514 IN FUNDING FROM THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009, TO BE USED FOR CAPITAL COSTS IN PUBLIC TRANSPORTATION ASSISTANCE FOR THE ST AUGUSTINE URBANIZED AREA IN ST JOHNS COUNTY FLORIDA. ONCE THIS APPORTIONMENT WAS DETERMINED, A PROGRAM OF PROJECTS WAS DEVELOPED THAT WILL BE USED AS THE BASIS FOR SUBMITTING A SECTION 5307 URBANIZED AREA GRANT TO ACQUIRE THOSE FUNDS. PRIOR TO THIS SUBMITTAL, FEDERAL GUIDELINES REQUIRE A PUBLIC HEARING TO BE HELD. FOLLOWING THE PUBLIC HEARING AN APPROVAL BY THE ST JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS FOR THE PROGRAM OF PROJECTS AND PERMISSION TO SUBMIT THE GRANT APPLICATION IS NEEDED. THIS PROGRAM OF PROJECTS AND GRANT APPLICATION WILL DESIGNATE THE \$948,514 APPORTIONMENT TO BE USED IN THE CONSTRUCTION OF A NEW ST JOHNS COUNTY PUBLIC TRANSPORTATION FACILITY WITH 1% OF THOSE FUNDS BEING SPECIFICALLY DESIGNATED TO SAFETY AND SECURITY TO BE INCORPORATED IN THE FACILITY CONSTRUCTION. THE 1% IS A FEDERAL TRANSIT ADMINISTRATION REQUIREMENT. PLEASE NOTE THAT NO LOCAL MATCH IS REQUIRED

Proof of publication of the notice of public hearing on Notice of Intent to consider Program of Projects and to apply to the Federal Transit Administration for a Section 5307 Grant was received, having been published in *The St. Augustine Record* on March 17, 2009.

Gary L. Mackey, Transit Planner, gave the presentation for the Program of Projects and the submittal of the proposed grant. He said it was a public hearing and was open for public comment. He noted the new St. Johns County Public Transportation Facility would be a County facility, and the grant had to be used for public transportation. Mays noted that Mica had been very helpful in securing the funds.

(10:37 a.m.) **Motion by Mays, seconded by Miner, carried 5/0, to adopt Resolution No. 2009-86, approving the Program of Projects and submittal of a Section 5307 Urbanized Area Grant for \$948,514 in American Recovery and Reinvestment Act of 2009 capital**

funding for the construction of a new St. Johns County Public Transportation Facility.

RESOLUTION NO. 2009-87

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING A PROGRAM OF PROJECTS AND SUBMITTAL OF A SECTION 5307 URBANIZED AREA GRANT FOR \$948,514 IN PUBLIC TRANSPORTATION ASSISTANCE FROM THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 TO BE USED IN THE CONSTRUCTION OF A ST. JOHNS COUNTY PUBLIC TRANSPORTATION FACILITY

(04/07/09 - 12 - 10:38 a.m.)

(DISTRICT 5)

5. PUBLIC HEARING - PNZVAR 2008-06, ANASTASIA CONDO MAINTENANCE SHED ROOF OVER - THIS APPLICATION IS A PLANNING NON-ZONING VARIANCE TO SECTION 3.08.05.D, MID ANASTASIA OVERLAY DISTRICT, IN ORDER TO DECREASE A NORTHERN SIDE SETBACK FROM 30' TO 10' AND MAKE AN EXISTING ACCESSORY BUILDING LEGALLY CONFORMING IN ORDER TO IMPROVE THE BUILDING AND ADD SQUARE FOOTAGE. THE PLANNING DIVISION FINDS THE REQUEST FOR A PLANNING NON-ZONING VARIANCE TO SECTION 3.08.05.D SUBSTANTIALLY MEETS THE REQUIREMENTS OF THE COMPREHENSIVE PLAN AND THE LAND DEVELOPMENT CODE, SPECIFICALLY SECTION 10.04.03.B. THIS FINDING IS BASED UPON THE FOLLOWING INFORMATION: THE APPLICATION MATERIALS (INCLUDING THE STATEMENT OF FACTS) AS SUBMITTED BY THE APPLICANT AND OTHER RELEVANT INFORMATION AVAILABLE TO STAFF. THIS FINDING MAY BE SUBJECT TO ANY OTHER COMPETENT SUBSTANTIAL EVIDENCE THAT MAY BE RECEIVED AT THE QUASI-JUDICIAL PUBLIC HEARING. THE MID ANASTASIA DESIGN REVIEW BOARD RECOMMENDED APPROVAL AT ITS JANUARY 8TH, 2009 MEETING BY A UNANIMOUS VOTE (5-0) WITH THE CONDITION THAT THE PNZVAR BE APPROVED BY THE BCC.

Proof of publication of the notice of public hearing on Notice of Proposed Non-Zoning Variance PNZVAR 2008-06, Anastasia Condo Shed Roof, was received, having been published in *The St. Augustine Record* on March 23, 2009.

David Harrell, Planner I, gave the presentation and explained the request. He gave an overhead presentation and explained what the revision would entail. He discussed the reason for the change and said the 30 foot standard had to be applied to the storage building and the side yard setback and it would allow the buildings to conform. He said the application met the necessary findings of fact required. He said staff recommended approval.

(10:45 a.m.) Motion by Mays, seconded by Sanchez, carried 5/0, to approve Planning Non Zoning Variance PNZVAR 2008-06, Anastasia Condos Maintenance Shed Roof Over, adopting the six findings of fact to support the motion.

(04/07/09 - 12 - 10:45 a.m.)

(DISTRICT 1)

6. PUBLIC HEARING - MAJMOD 2008-10, COASTAL OAKS AT NOCATEE - THIS APPLICATION IS A REQUEST FOR A MAJOR MODIFICATION TO THE

COASTAL OAKS (NOCATEE) MASTER DEVELOPMENT PLAN TEXT AND MAP. THE PROPOSED CHANGE INCLUDES A REQUEST TO MODIFY THE COASTAL OAKS MASTER DEVELOPMENT PLAN MAP TO REFLECT CHANGES IN LOTS (OVERALL REDUCTION BY 10 UNITS), DENSITIES, MINOR COLLECTOR ROADWAYS, PONDS, PARKS AND OPEN SPACE, BUFFERS, AND WETLAND IMPACT AREAS AND PRESERVATION AND A SHIFT IN PHASING TOTALS. STAFF RECOMMENDS APPROVAL OF THE MAJOR MODIFICATION AND FINDS IT GENERALLY CONSISTENT WITH THE COMPREHENSIVE PLAN AND THE LAND DEVELOPMENT CODE AND THE OVERALL NOCATEE PUD. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL AT THEIR FEBRUARY 19, 2009 PUBLIC HEARING BY UNANIMOUS 7-0 VOTE WITH THE MOTION MADE BY MR. WILLIAMS AND SECONDED BY MR. NELSON. THERE WAS NO PUBLIC COMMENT

Proof of publication of the notice of public hearing on Notice of Proposed Major Modification MAJMOD 2008-10, Coastal Oaks at Nocatee, was received, having been published in *The St. Augustine Record* on March 23, 2009.

Miner revealed ex parte with Matt Osteen and Chris Planko regarding Items 6, 7, 8 and 9. Sanchez said he did the same, and took a tour around the property with Barbour and conversed with him on the project. Bryan said he also took a tour with Barbour and discussed the project with him. Mays said he also met with the applicants to discuss the project. Stevenson said she had attended several meetings at the Palm Valley Community Center where she heard presentation and inquiries from the citizens and minor comments from the Palm Valley Community Center. She also spoke with Greg Barbour about the item and discussed it with Suzanne Konchan on the County staff.

Jason Cleghorn, Planner III, gave the presentation and explained the request. He gave a PowerPoint presentation which was already included in the packet. He said the changes were fairly minor, and highlighted the changes. He said staff recommended approval.

(10:52 a.m.) Bryan asked how the pedestrian connections would be finished. Cleghorn said it would be paved.

(10:52 a.m.) Motion by Miner, seconded by Bryan, carried 5/0, to enact Ordinance No. 2009-16, known as MAJMOD 2008-10, Coastal Oaks at Nocatee, adopting findings of fact one through five to support the motion.

ORDINANCE NO. 2009-16

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, APPROVING A MAJOR MODIFICATION TO THE NOCATEE PLANNED UNIT DEVELOPMENT, ORDINANCE NUMBER 2002-46, AS AMENDED AND RESOLUTION 2005-23, AS AMENDED MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING FOR AN EFFECTIVE DATE

(04/07/09 - 13 - 10:53 a.m.)

(DISTRICT 1)

7. PUBLIC HEARING - COMPAMD 2008-01, COMPREHENSIVE PLAN AMENDMENTS RELATED TO THE ADDED LANDS TO THE NOCATEE DRI (HYDRY AND US 1 PARCEL) - THIS REQUEST IS FOR THE ADOPTION

HEARING FOR A DEVELOPMENT OF REGIONAL IMPACT RELATED COMPREHENSIVE PLAN AMENDMENT, CONSISTING OF A PROPOSED LAND USE AMENDMENT TO CHANGE THE 2015 ST. JOHNS COUNTY FUTURE LAND USE MAP (FLUM) FROM RURAL SILVICULTURE TO NEW TOWN FOR APPROXIMATELY 559 ACRES FOR TWO PARCELS OF LAND WITHIN ST. JOHNS COUNTY TO BE CONSIDERED ADDED LANDS TO THE NOCATEE DEVELOPMENT OF REGIONAL IMPACT. THE PLANNING DIVISION FINDS THE REQUEST TO AMEND THE 2015 ST. JOHNS COUNTY COMPREHENSIVE PLAN 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. THIS FINDING MAY BE SUBJECT TO OTHER COMPETENT SUBSTANTIAL EVIDENCE RECEIVED AT THE PUBLIC HEARING. THE PLANNING & ZONING AGENCY RECOMMENDED APPROVAL AT THEIR MARCH 19, 2009 PUBLIC HEARING BY UNANIMOUS VOTE 7-0 WITH MOTION BY VICE CHAIR LAIDLAW AND SECOND BY MR. WILLIAMS

Proof of publication of the notice of public hearing to consider adoption of proposed amendments to the Future Land Use Map of the SJC 2015 Comprehensive Plan as related to the proposed amendment for Nocatee was received, having been published in *The St. Augustine Record* on March 27, 2009.

Jason Cleghorn, Planner III, said the applicant had a PowerPoint presentation and asked that they be permitted to give their presentation. Stevenson said that was fine.

(10:54 a.m.) Greg Barbour, 4314 Pablo Oaks, Jacksonville, the applicant, gave a PowerPoint presentation (Exhibit A). He gave a summary of the Nocatee Plan Summary, reviewed the Nocatee Commitments, and the status of Nocatee Development including road projects under construction. He also reviewed the status of the office and commercial development sector.

(11:02 a.m.) Don Smith, England Timms and Miller, 14775 St. Augustine Rd., Jacksonville, said several of the agenda items were related. He gave a PowerPoint presentation (also Exhibit A). He reviewed the various parcels and their specified uses. He reviewed those parcels that were to be annexed. He reviewed special performance standards for Intracoastal frontage. He said access would be provided to the public for access to the Intracoastal. He noted parking would also be provided for parking for the Players Championship. He said that 9,000 acres would not be developed at all, including Nocatee Greenway, and other preservation lands. He reviewed the community park standards, the irrigation water supply, and the fire station site donation, and noted that a second fire station originally proposed was no longer necessary.

He then reviewed the changes to the PUD including changes to the Walden Chase PUD modification (Nocatee Business Park). He said the business would be incorporated into the DRI. He said there would be no change to the residential portion.

(11:22 a.m.) Cleghorn reviewed the Comp Plan Amendment and gave a PowerPoint presentation (Exhibit A). He said he would highlight the presentation as Smith had done a good job of presenting the project. He reviewed the changes that were proposed. He reviewed the parcels that would be included. He said that staff recommended approval.

(11:29 a.m.) Ellen Whitmer, 1178 Natures Hammock Rd. South, Fruit Cove, asked that they not adopt the Comprehensive Land Plan Amendment. She said it was an expansion of development rights. She read from the Florida Administrative Code, and said this project had morphed and had continued to grow. She stated that Walden Chase was supposed to be a separate development. She said there should have been meaningful and predictable standards and guidelines, and that Nocatee had not done that. She said there was a lack of certainty and planned details, and she had seen numerous modifications. She said that on Agenda Item 9, if they incorporated an industry and commercial set up for Walden Chase, it would have an impact on the industry for that area. She said Walden Chase was not separate and never had been. She asked them not to adopt it.

(11:35 a.m.) Barbour responded to a question from Stevenson regarding Walden Chase being included. Barbour said Walden Chase was never a part of Nocatee and he explained that when Walden Chase went through the approval process the land was designated mixed use. He said the developer at time, in order to do residential, had to provide the non-residential component because it was a requirement of the mixed use land use. He said the adjacent land owner was a Davis family entity that owned that land, and they came together and zoned the project together as a PUD. He said it was done before Nocatee was ever envisioned.

(11:37 a.m.) Sanchez asked staff about the HyDry property and what could be done with it. Cleghorn responded that it was limited to 104 units, less than what could have been developed.

(11:38 a.m.) Bryan asked about the HyDry property and how specific the guidelines would be regarding the clearing of the property. He asked who would determine the level of clearing to take place. Cleghorn said it would be covered later by the Environmental Division which had set the criteria for clearing the land. Bryan asked about whether non-members of the community would be allowed to use the water park. Barbour said the water park would be owned by the Tolomato Community Development District and there would be public access by admission fee.

(11:41 a.m.) Mays made observations regarding the HyDry parcel. He said they knew it would be developed with Intracoastal frontage. He said the ingress and egress would be within Nocatee and would allow for better standards. He noted the dock issues were also significant and would have to be coordinated with the Corps of Engineers. He said the HyDry parcel would benefit from being within Nocatee.

(11:45 a.m.) Motion by Stevenson, seconded by Bryan, carried 5/0, to approve adoption of COMPAMD 08-01, Nocatee Added Lands, adopting findings of fact one through three to support the motion and to approve Ordinance No. 2009-17

ORDINANCE NO. 2009-17

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, AMENDING THE 2015 COMPREHENSIVE PLAN, ORDINANCE NO. 2000-34, AS AMENDED, TO AMEND THE 2015 FUTURE LAND USE MAP FROM RURAL SILVICULTURE (R/S) TO NEW TOWN (NT) FOR TWO PARCELS TOTALING APPROXIMATELY 559 ACRES, FOR LANDS LOCATED BETWEEN US HIGHWAY 1 AND OLD DIXIE HIGHWAY AND WEST OF THE INTRACOASTAL WATERWAY AND NORTH OF CR 210; PROVIDING FOR FINDINGS OF FACT, SEVERABILITY AND AN EFFECTIVE DATE

(04/07/09 - 16 - 11:46 a.m.)

(DISTRICT 1)

8. PUBLIC HEARING - NOPC 2008-01 NOCATEE - THIS APPLICATION IS A REQUEST FOR A PROPOSED CHANGE TO THE PREVIOUSLY APPROVED NOCATEE DEVELOPMENT OF REGIONAL IMPACT DEVELOPMENT ORDER, RESOLUTION 2001-30, AS AMENDED, FILED UNDER THE PROVISION OF SUBSECTION 380.06(19) OF THE FLORIDA STATUTES. CHANGES PROPOSED ARE: THE PROPOSED CHANGE INCLUDES A REQUEST TO MODIFY THE NOCATEE DEVELOPMENT ORDER TO ADD A USE TO PERMIT EVENT PARKING FOR THE PLAYERS CHAMPIONSHIP, ADDITION OF 652 ACRES OF ADDED LANDS, CHANGES TO WETLAND IMPACTS, MITIGATION REQUIREMENTS AND THE GREENWAY, CHANGE TO THE TIMING OF THE SOUTHERN ACCESS TO THE PRESERVE, CHANGES TO COMMUNITY PARK REQUIREMENTS, CHANGES TO IRRIGATION REQUIREMENTS, A MODIFIED LAND USE CONVERSION, AND A CHANGE TO POLICE AND FIRE PROTECTION. STAFF RECOMMENDS APPROVAL OF THE NOTICE OF PROPOSED CHANGE AND FINDS IT GENERALLY CONSISTENT WITH THE COMPREHENSIVE PLAN AND THAT THE CHANGES PROPOSED THEREIN DO NOT CONSTITUTE A SUBSTANTIAL DEVIATION. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL AT THEIR MARCH 19, 2009, PUBLIC HEARING BY 7-0 VOTE WITH THE MOTION MADE BY MR. WILLIAMS AND SECONDED BY MR. NELSON

Proof of publication of the notice of public hearing on NOPC 2008-01, proposed change to Nocatee DRI, was received, having been published in *The St. Augustine Record* on March 23, 2009.

Cleghorn gave the presentation and explained the request for the NOPC. He gave an overhead presentation which reviewed the requested changes. He noted a change to some of the language which had been made after the Board had received their red folders.

(11:54 a.m.) Bryan asked why two fire stations were originally proposed and then it was reduced to one. Cleghorn said the new fire station site along with the one in Nocatee would be sufficient. Bryan questioned giving it up and noted future growth might make it necessary. Barbour said fire stations were located within a five mile distance and when the Pine Island station was completed, it would provide the necessary coverage.

(11:56 a.m.) Vernon Kelly, 5895 CR 214, St. Augustine, said he was there representing the PGA tour. He noted the donations made by the PGA to the community. He said the TPC had an enormous impact on the community and was recognized as one of the finest on tour. He said they were working on improving the tour, and said they needed additional parking in order to make the improvements work. He said parking was filled to capacity. He said the proposed request was for additional parking at Nocatee with the support of the Davis family. He said the plan was well designed and compatible with the Nocatee standards. He said the PGA tour fully supported the application.

(12:00 p.m.) Stevenson asked Cleghorn about the ownership of the recreation facilities. He responded that he was not sure if it had been determined yet as to whether they would be County parks or not. She asked if maintenance had been addressed. He said it would be considered in the next application.

(12:02 p.m.) Motion by Miner, seconded by Sanchez, carried 5/0, to enact Resolution No. 2009-87, known as NOPC 2008-01, Nocatee, adopting findings of fact one through four to support the motion.

RESOLUTION NO. 2009-87

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, MODIFYING THE NOCATEE DRI DEVELOPMENT ORDER AS PREVIOUSLY APPROVED BY RESOLUTION 2001-30, DATED FEBRUARY 23, 2001, AND PREVIOUSLY MODIFIED BY RESOLUTION 2006-95, DATED MARCH 21, 2006, RESOLUTION 2007-127, DATED MAY 1, 2007, AND RESOLUTION 2007-305, DATED OCTOBER 16, TO INCLUDE ADDITIONAL LANDS WITHIN THE NOCATEE DRI; MODIFY THE NOCATEE DRI DEVELOPMENT ORDER REQUIREMENTS RELATING TO WETLANDS, THE GREENWAY, THE NOCATEE PRESERVE, RECREATION AND OPEN SPACE, WATER SUPPLY, LAND USE TOTALS, LAND USE CONVERSION, POLICE AND FIRE PROTECTION AND ALLOW EVENT PARKING WITHIN CERTAIN AREAS OF THE NOCATEE DRI; MODIFY THE MASTER PLAN AND THE MASTER CIRCULATION PLAN; MODIFY THE CONVERSION TABLE; INCLUDE ADDITIONAL DRI MAP EXHIBITS; FINDING THE MODIFICATION DOES NOT CONSTITUTE A SUBSTANTIAL DEVIATION; AND PROVIDING FOR AN EFFECTIVE DATE

The board recessed for lunch at 12:02 p.m. and reconvened at 1:37 p.m. with all five Commissioners, Wanchick, McCormack, Whitehouse, and Deputy Clerk Lenora Newsome present.

Jason Cleghorn, Planner III, stated that they needed to go back to Item 7, and amend the motion to state that they were enacting an ordinance. **Motion by Stevenson, seconded by Bryan, carried 5/0, to approve the adoption of Comprehensive Plan Amendment 2008-01, Nocatee added land and Ordinance No. 2009-17 adopting Findings of Fact one through three to support the motion.**

(04/07/09 - 17 - 1:54 p.m.)

(DISTRICT 1)

(10) 9. PUBLIC HEARING - MAJMOD 2008-13, WALDEN CHASE - THIS APPLICATION IS A REQUEST FOR A MAJOR MODIFICATION TO THE WALDEN CHASE MASTER DEVELOPMENT PLAN TEXT AND MAP. THIS REQUEST SEEKS TO MODIFY THE WALDEN CHASE MASTER DEVELOPMENT PLAN TEXT AND MAP TO REDUCE THE ALLOWABLE SQUARE FOOTAGES FOR COMMERCIAL, OFFICE AND INDUSTRIAL USES, ALLOWED FOR FUTURE USE OF INCREMENTAL MASTER DEVELOPMENT PLANS, UPDATE THE OVERALL PUD TEXT TO REFERENCE CURRENT LAND DEVELOPMENT CODE, AND REVISE THE MASTER DEVELOPMENT PLAN, AND PERMIT RESTAURANTS IN THE COMMERCIAL PARCEL TO SERVE ALCOHOL WITH A SPECIAL USE PERMIT. STAFF RECOMMENDS APPROVAL OF THE MAJOR MODIFICATION AND FINDS IT GENERALLY CONSISTENT WITH THE COMPREHENSIVE PLAN AND THE LAND DEVELOPMENT CODE. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL AT THEIR MARCH 19, 2009 PUBLIC HEARING

BY 7-0 VOTE WITH THE MOTION MADE BY MR. NELSON AND SECONDED BY MR. WILLIAMS

Proof of publication of the notice of public hearing on MAJMOD 2008-13, Walden Chase, was received, having been published in *The St. Augustine Record* on March 23, 2009.

Jason Cleghorn, Planner III, reviewed this item speaking on the special use permit.

(1:59 p.m.) Kitty Lee, 10840 Old Dixie Highway, filled out a public speaker card, but was not present to speak.

(2:00 p.m.) Motion by Stevenson, seconded by Miner, carried 5/0, to enact Ordinance 2009-19, known as MAJMOD 2008-13, Walden Chase, adopting findings of fact one through five to support the motion.

ORDINANCE NO. 2009-19

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, APPROVING A MAJOR MODIFICATION TO THE WALDEN CHASE PLANNED UNIT DEVELOPMENT, ORDINANCE NUMBER 1998-44, MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING FOR AN EFFECTIVE DATE

(04/07/09 - 18 - 1:39 p.m.)

(DISTRICT 1)

(9) 10. PUBLIC HEARING - MAJMOD 2008-14 NOCATEE - THIS APPLICATION IS A REQUEST FOR A MAJOR MODIFICATION TO THE NOCATEE MASTER DEVELOPMENT PLAN TEXT AND MAP. NOPC 2008-01 IS A COMPANION TO THIS MAJMOD. THE PROPOSED CHANGE INCLUDES A REQUEST TO MODIFY THE NOCATEE PUD TO UPDATE ACREAGES, ALLOW TPC PARKING, LAND USE SUMMARIES, TWENTY MILE VILLAGE DESCRIPTION, PHASING, COMMUNITY PARK REQUIREMENTS, WETLAND IMPACTS AND PRESERVED ACREAGE, INCORPORATE LANGUAGE REGARDING VISTA TRIMMING ALONG THE INTRACOASTAL WATERWAY, INCLUDE GOLF CARTS AND LOW SPEED VEHICLES IN THE PUD, PROVIDE A UNIFIED SIGN PLAN TO SUPERSEDE RESOLUTION 2005-22 AND ALL SUBSEQUENT APPROVED USPS, REVISE THE PUD CONCEPT PLAN AND MASTER CIRCULATION PLAN. STAFF RECOMMENDS APPROVAL OF THE MAJOR MODIFICATION AND FINDS IT GENERALLY CONSISTENT WITH THE COMPREHENSIVE PLAN AND THE LAND DEVELOPMENT CODE AND THE OVERALL NOCATEE PUD. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL AT THEIR MARCH 19, 2009 PUBLIC HEARING BY 7-0 VOTE WITH THE MOTION MADE BY MR. WILLIAMS AND SECONDED BY MR. NELSON AND INCLUDED ALL FIVE WAIVER REQUESTS

Proof of publication of the notice of public hearing on MAJMOD 2008-14, Nocatee PUD, was received, having been published in *The St. Augustine Record* on March 23, 2009.

Jason Cleghorn, Planner III, reviewed this item, distributing an email from Ian Roper, *Exhibit A*. He stated that they requested a waiver to utilize alternative methods of stabilization other than pavement. He reviewed the following: modify the land use summaries and descriptions, update the phasing, modify the requirements for

community parks, allow additional commercial and office uses within Sandy Ridge Village North, adjust the wetland impacts and preserved wetland acreages, incorporate language regarding trimming for vistas along the ICW for the HyDry Parcel, include golf carts and low speed vehicles in the PUD, and provide a detailed unified sign plan (USP) for all of Nocatee that will supersede Resolution 2005-22 and all subsequent approved USPs. He continued the review, revising the PUD Concept Plan, and revising the PUD Master Circulation Plan. Whitehouse stated that this Item was actually Item 10 in the packet but was changed to Item 9. Bryan asked about the decision on the roundabout being open or closed. Greg Barbour, Park Group, replied that the decision about the roundabout was still open. Bryan asked about the fire department having issues about closing the roundabout. Barbour replied that the commitment was made on their end, if they closed it, they would make sure there was emergency vehicle access. Discussion followed on the roundabout. Stevenson disclosed ex parte communication and had participated in some of the community meetings with the Walden Chase Community. Bryan spoke on approving issues and the community complaining about their approval without the issues being resolved. Barbour spoke on changing the roundabout. Miner disclosed ex parte communication with Vernon Kelly, referencing the parking element of that agenda item. Bryan, Sanchez, and Mays stated that they had each received a phone call or message from Vernon Kelly also.

(1:54 p.m.) Motion by Miner, seconded by Sanchez, carried 5/0, to enact Ordinance 2009-18, known as MAJMOD 2008-14, Nocatee, adopting findings of fact one through five to support the motion.

ORDINANCE NO. 2009-18

**AN ORDINANCE OF THE COUNTY OF ST. JOHNS,
STATE OF FLORIDA, APPROVING A MAJOR
MODIFICATION TO THE NOCATEE PLANNED UNIT
DEVELOPMENT, ORDINANCE NUMBER 2002-46, AS
AMENDED MAKING FINDINGS OF FACT;
REQUIRING RECORDATION; AND PROVIDING FOR
AN EFFECTIVE DATE**

(04/07/09 - 19 - 2:01 p.m.)

11. FIRST COAST OUTER BELTWAY

Joe Stephenson, Public Works Director, gave a presentation and stated that the Resolution was intended to help the Florida Department of Transportation get the project moving forward through the Florida Legislature. Miner mentioned that the Outer Beltway presented a lot of opportunity for our County and our citizens. Mays agreed with Miner. Stevenson spoke on it helping emergency evacuations out of St. Johns County.

(2:03 p.m.) Motion by Miner, seconded by Bryan, carried 5/0, to adopt Resolution No. 2009-88, encouraging the Florida Legislature to address whatever taxation issues are necessary, so that the First Coast Outer Beltway may move forward to ultimate conclusion.

RESOLUTION NO. 2009-88

**A RESOLUTION OF THE BOARD OF COUNTY
COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA,
ENCOURAGING THE FLORIDA LEGISLATURE TO
ADDRESS WHATEVER TAXATION ISSUES ARE
NECESSARY, SO THAT THE FIRST COAST OUTER**

**BELTWAY PROJECT MAY MOVE FORWARD TO
ULTIMATE COMPLETION**

(04/07/09 - 20 - 2:04 p.m.)
COMMISSIONERS' REPORTS

(2:04 p.m.)
Commissioner Miner:

Miner mentioned that the Recreation Advisory Board meeting was that week, and stated that they had been working on a great volunteer program to get some of the residents out and involved in parks and recreation.

Miner mentioned, for the Board's information, that he had asked the County Attorney to look into the Reserves in the National Guard or other components of the armed forces, having a local tax exemption in a few of the counties in Florida when they were deployed. He stated that their civilian occupation often paid higher than their military occupation did. He asked if there was any way the County could help out without hurting their revenue too much. He stated that he wanted the Board to be aware the he had asked the County Attorney to look into it.

(2:05 p.m.)
Commissioner Sanchez:

Sanchez reported on attending a Putnam County Commission meeting for PR purposes and also a Flagler County Commission meeting.

Sanchez mentioned attending the St. Augustine Idol Lip Sync benefit at Pedro Menendez High School and how entertaining it was.

Sanchez responded to the comment made about him during Public comment that morning.

(2:10 p.m.) Stevenson stated that they try to keep the comments at the meetings family rated.

(2:10 p.m.)
Commissioner Bryan:

Bryan spoke on the meeting from last week regarding the West Augustine water and sewer program. He stated that they looked forward, as a Board, to work with the City, in order to address the health and sewer issues, and to eliminating septic tanks as soon as they could.

Bryan mentioned that the St. Augustine Idol was fun and the funds went to the Betty Griffin House.

Bryan reported on attending the St. Augustine Beach Commission meeting the previous night and provided each one of the Commissioners with a copy of their Beach Blastoff 2010 which used TDC funding. He stated that one of the Beach Commissioners voiced concern on not having access to the TDC Minutes and records.

(2:15 p.m.) Glen Hastings, St. Johns County Tourist Development Council, gave a brief presentation on how he had made it easier for Commissioners and others to access the information that they were requesting on the website, *Exhibit A*.

Bryan spoke on the recent letter from Wanchick to employees encouraging them to be creative in the way they could suggest saving money. He showed that he supported the letter, and in an effort to do his part, he asked that at least half of his travel budget be turned back over to Administration for the General Fund.

(2:19 p.m.) Wanchick stated that it was a very challenging time for communication. He stated that Karen Pan was starting a communication plan. He spoke on the letter sent to the employees for suggestions. He stated that he sent another memo out explaining that they were going to look at all options for saving money over the next two years.

Stevenson stated that there were a lot of things on the table to be discussed and they were doing the best they could with what they had.

Sanchez stated that he had asked the County Attorney, if a Commission wanted to, to look into forgoing an increase in salary, and the answer was that they couldn't do it. He stated that they could do something as an individual Commissioner.

(2:25 p.m.)

Commissioner Mays:

Mays spoke on the WTA, which was the professional women's tournament, and was now called the MPS, being held that week at Sawgrass in Ponte Vedra.

Mays spoke on agreeing with Bryan on the Tourist Development Council and that there clearly needed to be as much transparency as possible.

Mays spoke on approving the Marlo and Company contract. Stevenson urged the Commissioners to contact them when heading over to Tallahassee because they could be of great assistance.

(2:29 p.m.)

Commissioner Stevenson:

Stevenson spoke on being in Tallahassee last Monday for the meeting of the Community Based Care Presidents Alliances and stated that she had documentation of that meeting.

Stevenson spoke on seeing the art exhibit in the northwest part of the County that would be displayed in the County Complex, the Arts on the Move Exhibit.

Stevenson spoke on the Nocatee group having a nice spring event.

Stevenson spoke on the TDC funding and that they had been called on to make some very hard decisions because funding was down.

Stevenson spoke on recognizing the Master Gardeners for getting a national award, and announced the 14th Annual Flower Expo on April 18th from 9:00 a.m. to 5:00 p.m. and April 19th at the St. Johns County Agricultural Center.

(04/07/09 - 21 - 2:34 p.m.)

COUNTY ADMINISTRATOR'S REPORT

Wanchick went back to the discussion on the MPS Tennis Tournament and publicly thanked Sheriff Shoar for traffic control during the tournament, and also Chief Hall for

his group being on site providing service. He also thanked Joe Stephenson and his staff for traffic control.

Wanchick mentioned that once they executed the contract with Marlo and Company, they had offered to come down and meet with the Commission. He stated that if it was the Commission's pleasure, he would set up a date when the time was right. The Commissioners agreed to it.

(2:36 p.m.) Stevenson stated that they were requested to pass a resolution because of the existing beach re-nourishment projects, there was a pending budget cut, there was not time for the Board to meet in the meantime, and they sent the resolution at staff's request.

(04/07/09 - 22 - 2:36 p.m.)

COUNTY ATTORNEY'S REPORT

McCormack spoke on the personnel management decision that the Board made two weeks ago March 17, 2009, stating that the Board needed to do a budget transfer pertaining to that personnel management decision. He asked for a motion. (2:37 p.m.) **Motion by Miner, seconded by Sanchez, carried 5/0, to ratify a budget transfer in the amount of \$89,048 from the General Fund Reserves to Social Services stemming from the personal management decision ratified by this Board on March 17, 2009.**

McCormack stated that the County Attorney's Office was working on a number of ordinances. He mentioned that they would be looking for a workshop opportunity on the noise ordinance. He stated that they were working on the sexual prohibition of sexual predators in parts ordinance, in which they were close to finishing and for which a workshop would not be needed. He stated that they were not as far along on the nuisance ordinance, but were still working on it, and it would probably need a workshop later on. He mentioned that a false alarm ordinance for commercial and condo issues may not need a workshop either. Bryan asked if they were working on the Noise Ordinance addressing loud car stereos. McCormack replied yes, and stated that they were looking at amplified sounds.

McCormack spoke on the County saving money and stated that 90 or so ideas came in and were adopted by the County.

(2:42 p.m.) Stevenson spoke on the water ordinance being completed in early May.

McCormack spoke on the Water Management District hearing regarding the water litigation that the Board was involved with, which was scheduled for next week, April 13th at 1:00 p.m. in Palatka at the Water Management District headquarters. He stated that he would be making a presentation there. He said until the District Board made their final decision in the matter, the Board didn't want communications with them pertaining to that matter. He mentioned that they had a public hearing the prior day pertaining to a water management plan that they were working on, and some new conservation measures.

(2:44 p.m.) Stevenson spoke on ex parte communication.

(04/07/09 - 22 - 2:44 p.m.)

CLERK OF COURT'S REPORT

No report.

(2:45 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 2:45 p.m.

REPORTS:

1. St. Johns County Board of County Commissioners Check Register, Check Numbers 435422 through 435793 totaling \$3,928,372.79 (03/10/09)
2. St. Johns County Board of County Commissioners Check Register, Check Numbers 435794 through 435816 totaling \$39,501.68 (03/12/09)
3. St. Johns County Board of County Commissioners Check Register, Check Number 435817 totaling \$490.10 (03/12/09)
4. St. Johns County Board of County Commissioners Check Register, Check Number 435818 totaling \$406,502 (03/16/09)
5. St. Johns County Board of County Commissioners Check Register, Check Numbers 435819 through 436104 totaling \$2,432,532.45 (03/17/09)

CORRESPONDENCE:

1. Letter dated March 24, 2009 to Liz Cloud, Program Administrator, Department of State filing Ordinances Numbers 2009-14 through 2009-15.

Approved _____ April 21 _____, 2009

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: Cyndi Stevenson
Cyndi Stevenson, Chair

ATTEST, CHERYL STRICKLAND, CLERK

By: Uvanne King
Deputy Clerk

