

**MINUTES OF MEETING  
BOARD OF COUNTY COMMISSIONERS  
ST. JOHNS COUNTY, FLORIDA  
MAY 19, 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:           Jerry Cameron, Assistant County Administrator and Darrel Locklear,  
                              Assistant County Administrator

(05/19/09 - 1 - 9:01 a.m.)  
CALL TO ORDER

Stevenson called the meeting to order.

(05/19/09 - 1 - 9:01 a.m.)  
ROLL CALL

Stevenson announced that all five commissioners were present.

(05/19/09 - 1 - 9:01 a.m.)  
Mays gave the Invocation and Bryan led the Pledge of Allegiance.

(05/19/09 - 1 - 9:02 a.m.)  
SPECIAL RECOGNITION OF THELMA MYERS BY BOB PETERS, PERSONNEL SERVICES DIRECTOR, AND SUZANNE KONCHAN, GROWTH MANAGEMENT SERVICES DIRECTOR

Bob Peters introduced Thelma Myers as retiring from the County, and Suzanne Konchan spoke on Thelma Myers being with the County for over 21 years, and what a good job she did.

(05/19/09 - 1 - 9:05 a.m.)  
SPECIAL RECOGNITION OF THE ST. JOHNS COUNTY HEALTH DEPARTMENT FOR ACHIEVING THE 2009 GOVERNOR'S STERLING AWARD

*This item was deferred to a future meeting.*

(05/19/09 - 1 - 9:05 a.m.)  
PROCLAMATION DESIGNATING JUNE 1-5, 2009 AS CODE ENFORCEMENT OFFICERS' APPRECIATION WEEK

Sanchez read the proclamation, with James Acosta and his staff accepting it.

(05/19/09 - 1 - 9:11 a.m.)  
ACCEPTANCE OF PROCLAMATIONS

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

(05/19/09 - 2 - 9:11 a.m.)  
DELETIONS TO CONSENT AGENDA

Bryan requested to move Consent Item 10 to the Regular Agenda as Item 14a.

(05/19/09 - 2 - 9:12 a.m.)  
APPROVAL OF CONSENT AGENDA

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

1. Approval of the Cash Requirement Report
2. Minutes:  
04/21/09 - BCC Regular Meeting
3. Sheriff Office Bonds:  
Cancel: Sharon Streets Helen Zizka                      Judith McPartland  
                 Susan Riechman                      Thomas Simpson                      Robert Williams  
                 Brian Alli                                      Loretta Djalatta                      Sandra Nasca  
                 Francis Herbert                      James Branch                      Rosalie Gatzke
4. Motion to adopt **Resolution No. 2009-142**, approving the terms and authorizing the County Administrator to execute a certain Purchase and Sale Agreement for property needed for the drainage improvements in the West St. Augustine area (4th of 10 Parcels)

**RESOLUTION NO. 2009-142**

**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 PROPERTY NEEDED FOR THE DRAINAGE IMPROVEMENTS IN THE WEST ST. AUGUSTINE AREA**

5. Motion to adopt **Resolution No. 2009-143**, approving the terms and authorizing the County Administrator to execute a certain Purchase and Sale Agreement for property required for Segment III of the Volusia Street/Four Mile Road project (13th and 14th of 17 Parcels)

**RESOLUTION NO. 2009-143**

**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 REQUIRED FOR SEGMENT III OF THE VOLUSIA STREET/FOUR MILE ROAD PROJECT**

6. Motion to adopt **Resolution No. 2009-144**, accepting an Easement for Utilities for water and sewer service to serve The Orthodox Christian Mission Center and accepting a Bill of Sale conveying all personal property associated with the water and sewer system

**RESOLUTION NO. 2009-144**

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING AN EASEMENT FOR UTILITIES FOR WATER AND SEWER SERVICE TO SERVE THE ORTHODOX**

**CHRISTIAN MISSION CENTER AND ACCEPTING A BILL OF SALE CONVEYING ALL PERSONAL PROPERTY ASSOCIATED WITH THE WATER AND SEWER SYSTEM**

7. Motion to adopt **Resolution No. 2009-145**, approving the terms and authorizing the County Administrator to execute two Purchase and Sale Agreements for property needed for the drainage improvements in the West St. Augustine Area (5th and 6th of 10 Parcels)

**RESOLUTION NO. 2009-145**

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE TWO PURCHASE AND SALE AGREEMENTS FOR PROPERTY NEEDED FOR THE DRAINAGE IMPROVEMENTS IN THE WEST ST. AUGUSTINE AREA**

8. Motion to adopt **Resolution No. 2009-146**, authorizing the Sheriff, or designee, to submit an application seeking funding assistance through the Department of Justice Recovery Act: Edward Byrne Memorial Justice Assistance Formula Grant (JAG), State Solicitation

**RESOLUTION NO. 2009-146**

**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 RECOVERY ACT: EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE FORMULA GRANT (JAG), STATE SOLICITATION**

9. Motion to adopt **Resolution No. 2009-147**, recognizing unanticipated revenue in the amount of \$520,800 increasing the revenue budget for Road Project Contributions and appropriating to the Road Projects Improvements to be used for the SR 312 and Holmes Boulevard Improvements as provided under the Deerfield Preserve Development Agreement

**RESOLUTION NO. 2009-147**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AMENDING THE FISCAL YEAR 2009 BUDGET, IN ORDER TO RECEIVE UNANTICIPATED REVENUE FROM DEERFIELD PRESERVE DEVELOPMENT AGREEMENT AND AUTHORIZE ITS EXPENDITURE BY THE ST. JOHNS COUNTY PUBLIC WORKS DEPARTMENT**

10. Motion to approve transfer of \$17,670 from County Cultural Center Reserves to the appropriate salary and benefits line items within the Amphitheatre Operations Department for the addition of a Production Assistant and Motion to approve the elimination of a Recreation Facility Coordinator position and the addition of a Recreation Supervisor III position

*This item was pulled and place on the Regular Agenda as Item 14a.*

11. Motion to adopt **Resolution No. 2009-148**, approving the terms, conditions, and requirements of the Memorandum of Understanding between St. Johns County, Florida on behalf of St. Johns County Community Based Care and the State of Florida, Department of Children and Families, to coordinate services provided by and through

the Family Integrity Program with the activities of the Child Protection Investigation Units in St. Johns County and authorizing the County Administrator, or designee, to execute the Memorandum of Understanding on behalf of the County

**RESOLUTION NO. 2009-148**

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF A MEMORANDUM OF UNDERSTANDING BETWEEN ST. JOHNS COUNTY, FLORIDA, ON BEHALF OF ST. JOHNS COUNTY COMMUNITY BASED CARE AND THE STATE OF FLORIDA, DEPARTMENT OF CHILDREN AND FAMILIES NORTHEAST REGION CIRCUIT 7 AND AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO EXECUTE THE AGREEMENT ON BEHALF OF THE COUNTY AND ST. JOHNS COUNTY COMMUNITY BASED CARE**

12. Motion to adopt **Resolution No. 2009-149**, approving the terms, conditions, and requirements of Contract Renewal #NJ204 between St. Johns County, Florida and the State of Florida, Department of Children and Families, for funding the St. Johns County Community Based Care Programs that are a model for the State and authorizing the County Administrator to execute Contract Renewal #NJ204 on behalf of the County

**RESOLUTION NO. 2009-149**

**A RESOLUTION OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE COUNTY ADMINISTRATOR TO SIGN CONTRACT RENEWAL #NJ204 TO THE ORIGINAL CONTRACT #DJ993 BETWEEN ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS AND THE STATE OF FLORIDA, DEPARTMENT OF CHILDREN AND FAMILIES**

13. Motion to approve the transfer of \$90,400 from Tourist Development Category IIIA to the Beach Fund to fund lifeguard services for the calendar year 2009 beach season
14. Motion to authorize the County Administrator, or his designee, to negotiate with and, if negotiations are successful, enter into contract with Mortgage & Credit Center, LLC for RFP 09-59, Credit Counseling Services for the SJC S.H.I.P. Program
15. Motion to authorize the County Administrator, or his designee, to enter into an agreement under Bid No. 09-79 with Municipal Equipment Co.; Books Equipment (Law Enforcement Supply); Hall-Mark Fire Apparatus; Ten-8 Fire Equipment, Inc.; Apex Pinnacle and Equipment Management Co. for the Purchase of miscellaneous Fire Rescue Equipment for a term of one (1) year
16. Motion to adopt **Resolution No. 2009-150**, accepting an Easement for a sidewalk from the School Board of St. Johns County, Florida, to construct a sidewalk adjacent to St. Augustine High School

**RESOLUTION NO. 2009-150**

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING AN EASEMENT FOR A SIDEWALK FROM THE SCHOOL BOARD OF ST. JOHNS COUNTY, FLORIDA, TO CONSTRUCT A SIDEWALK ADJACENT TO ST. AUGUSTINE HIGH SCHOOL**

17. Motion to authorize the County Administrator, should a reduction in force become necessary, to enforce the Reduction in Force Policy and compensate affected employees as follows: provide three full weeks of pay for employees with less than six years of service; provide six full weeks of pay for employees with six or more years of service; pay 100% of unused earned vacation; and pay one fourth of all unused sick leave credits accrued regardless of years of service (not to exceed 300 hours). Additional weeks of pay would be calculated beyond the pay period in which notification of the Reduction in Force occurs
  
18. Motion to approve a transfer from Transportation Trust Fund Reserves in the amount of \$394,300 to Engineering - Legal Fees to fund the estimated litigation related fees and costs pertaining to the Summerhaven lawsuit
  
19. Proofs:
  - a. Proof, Notice to Bidders, Bid No. 09-73
  - b. Proof, Notice of Special Meeting, Board of County Commissioners, PUD 2008-04 Hopewell, Tuesday, May 12, 2009 at 5:30 p.m.
  - c. Proof, Notice to Bidders, Bid No. 09-82
  - d. Proof, Notice of Meeting, Value Adjustment Board, Certify Final Tax Roll, Monday, May 4, 2009 at 9:00 a.m.
  - e. Proof, Notice of Hearings, St. Johns County FY 2010 Administrator's Budget Hearings, Tuesday, April 28, 2009, Thursday, April 30, 2009 and Friday, May 1, 2009

(05/19/09 - 5 - 9:13 a.m.)  
PUBLIC COMMENT

Lucinda Lavelli, 3825 SW 86<sup>th</sup> Street, Gainesville, spoke on the Florida's First Coast Arts Festival's production of "Grease". Bryan stated that the performance of "Grease" last night was superb.

(9:16 a.m.) Tony Mata, 5031 NW 62<sup>nd</sup> Court, Founding Artistic Director of the Florida's First Coast Arts Festival, spoke on being very excited about the partnership with the City of St. Augustine and St. Johns County. He spoke on writing a new story of the founding of St. Augustine. He proposed an idea that they offer some of the performances for free for the public.

(9:19 a.m.) Tommy Bledsoe, 31 Colony Street, commented on the First Coast Arts Festival going on that week at the amphitheatre and stated that it opened last night with the great performance of "Grease". He spoke on funding and asked the Board to take a close look at how the bed tax was being spent.

(9:23 a.m.) James Bullock, 3643 Fort Peyton Circle, spoke on plays and accuracy of the history including people of color and minorities.

(9:27 a.m.) Phil McDaniel, 51 Water Street, thanked the Board and Administration for taking time for doing a thorough examination of the Tourism Development Council Visitors Convention Bureau. He stated that he owed Commissioner Stevenson an apology. He said when he was looking at the numbers a couple of weeks ago, he discovered from Robert Burton, Tax Collector's Office, that to date, they had only collected \$65,000,000 since the original ordinance in 1987-88. He added that on a straight line draft, over the next 20 years, the proposed amount would not be \$300,000,000, but only \$160,000,000, *Exhibit A*. He stated that he was incorrect on the figures and wanted it to go on record. He reminded the Board that arts and culture, as they were marketing St. Johns County as a destination, would give them an advantage over most other destinations because of the history in St. Johns County. He stated that it could be one of the attributes for coming to the County. Stevenson congratulated the Florida First Coast Arts Festival for being there, and spoke on telling the story and history of St. Johns County.

(9:31 a.m.) Wanchick mentioned that GTV was having technical difficulties with some of the equipment.

(05/19/09 - 6 - 9:32 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

There were none.

(05/19/09 - 6 - 9:32 a.m.)

APPROVAL OF REGULAR AGENDA

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

(05/19/09 - 6 - 9:33 a.m.)

1. CONSIDER MOTION TO APPOINT RAYMOND JAMES & ASSOCIATES, INC. TO SERVE AS SENIOR UNDERWRITER FOR THE SALES TAX REVENUE REFUNDING BONDS, SERIES 2009A AND DIRECT STAFF TO NEGOTIATE, AS NECESSARY, FOR ITS SERVICES AND AUTHORIZE THE COUNTY STAFF AND FINANCING TEAM TO TAKE THE NECESSARY STEPS TO PREPARE FOR THE ISSUANCE AND SALE OF THE BONDS

McCormack stated the County's Financial Advisor, the PFM Group had identified that the County had an opportunity to save some money by refunding a 1998 Tax Revenue Bond. He stated, however, time was a factor and as a prerequisite they would like to get the Board of County Commissioners' authorization to appoint an underwriter for the refunding. Bryan commented on recusing himself and after talking to the County Attorney, decided there wasn't a need to.

(9:35 a.m.) **Motion by Miner, seconded by Mays, carried 5/0, to (a) appoint Raymond James & Associates, Inc. to serve as senior underwriter for the Bonds, and direct staff to negotiate, as necessary, for its services and (b) authorize the County Staff and financing team to take the necessary steps to prepare for the issuance and sale of the Bonds.** McCormack stated that this item would come back for a formal presentation for the refunding on the June 16<sup>th</sup> meeting.

(05/19/09 - 6 - 9:36 a.m.)

2. PRESENTATION OF THE NORTH FLORIDA TRANSPORTATION PLANNING ORGANIZATION'S FISCAL YEAR 2009/2010 - 2013/2014 TRANSPORTATION IMPROVEMENT PROGRAM (TIP)

Denise Bunnewith, Executive Director of the Transportation Planning Organization (TPO), gave a presentation on the North Florida TPO Fiscal Year 2009-2010 and for the five-year plan for the Transportation Improvement Program (TIP), *Exhibit A*. She stated that it was approved by the TPO at the meeting the previous week. She reviewed the different outstanding projects and mentioned keeping the projects within five years. Stevenson asked for a verbal description of the southern boundary. Bunnewith gave the verbal description using the last map from the presentation. Stevenson mentioned the theme of maintaining what they had, and setting careful priorities, was what they were going to hear about a lot in the next couple of years. Bunnewith stated that when they adopt their long range plan in November, they were not going to have a lot of money and would be looking to make the most out of what they had in place.

(05/19/09 - 6 - 9:46 a.m.)

3. CONSIDER AN APPOINTMENT TO THE ADJUSTMENT & APPEALS BOARD

Melissa Lundquist, Administrative Coordinator, mentioned the rules and policies of the Board regarding regular appointments for two-year terms. Bryan commented on vacancies being listed on the County web site. Lundquist replied that they did have vacancies listed on the web site, and they did set deadlines. Discussion followed on the deadlines, and keeping the application on file for a year.

( 9:52 a.m.) **Motion by Miner, seconded by Mays, carried 5/0, to appoint Tad Lewek to the Adjustment & Appeals Board as a regular status member for a two-year term scheduled to expire May 19, 2011.**

(05/19/09 - 7 - 9:53 a.m.)

4. **CONSIDER APPOINTMENTS TO THE A1A SOUTH OVERLAY DISTRICT DESIGN REVIEW BOARD**

Melissa Lundquist, Administrative Coordinator, stated that currently there were three vacancies due to expired terms. She stated that they would have to reside within the A1A South Overlay District.

(9:55 a.m.) **Motion by Bryan, seconded by Miner, carried 5/0, to reappoint Doris Davis to the A1A South Overlay District Design Review Board for a full four-year term scheduled to expire March 23, 2013.**

(9:54 a.m.) **Motion by Miner seconded by Sanchez, carried 5/0, to appoint Carl Matthaei to the A1A South Overlay District Design Review Board for a full four-year term scheduled to expire May 19, 2013.**

(9:54 a.m.) **Motion by Miner, seconded by Sanchez, carried 5/0, to appoint Marian Kimrey to the A1A Overlay District Design Review Board for a full four-year term scheduled to expire May 19, 2013.**

(05/19/09 - 7 - 9:55 a.m.)

5. **CONSIDER APPOINTMENTS TO THE HEALTH & HUMAN SERVICES ADVISORY COUNCIL**

Melissa Lundquist, Administrative Coordinator, stated that there were five vacancies on that Board; one due to an expired term and four due to resignations. She stated there were letters of recommendation from the Health and Human Services Advisory Council and an email reflecting those applicants that may have potential conflicts.

(10:05 a.m.) **Motion by Miner, seconded by Sanchez, carried 5/0, to appoint Marjorie Ruth Witt to the Health & Human Services Advisory Council for a partial term scheduled to expire January 24, 2010. (Completes term of K. Hood) full term**

(10:04 a.m.) **Motion by Mays, seconded by Miner, carried 5/0, to appoint Glen Goldberg to the Health & Human Services Advisory Council for a full four-year term schedule to expire May 19, 2013. (Resignation of C. Palmer)**

(10:01 a.m.) **Motion by Stevenson, seconded by Sanchez, carried 5/0, to reappoint Steve Larew to the Health & Human Services Advisory Council for a full four-year term schedule to expire May 19, 2013. (Expired term of S. Larew)**

(9:57 a.m.) **Motion by Miner, seconded by Mays, to appoint Diane Lovell to the Health & Human Services Advisory Council for a partial term scheduled to expire July 11, 2010. (Completes term of L. Hood)** Stevenson asked if Lovell had any conflicts. Lundquist replied she had potential conflicts with volunteering at agencies funded. Miner stated that his interpretation was that she did not fall under that category as a volunteer. Stevenson stated that was what she wanted to get clarified. Hunt replied that volunteers were not covered in that policy, because if they took away the volunteer population, it would be exceptionally difficult to get people to serve on those types of committees. (10:00 a.m.) **The motion carried 5/0.** Lundquist stated that the other at large position would be for the expired term of Steven Larew, and the other three positions were required to be professionals from each discipline of health, mental health, substance abuse and social services.

(10:03 a.m.) **Motion by Sanchez, seconded by Mays, carried 5/0, to appoint Steven McClintock to the Health & Human Services Advisory Council for a full four-year term schedule to expire May 19, 2013. (Resignation of G. Powers) partial term.**

Lundquist recapped the appointments: Marjorie Witt was appointed for a partial term scheduled to expire January 24, 2010; Glen Goldberg was appointed for a full four-year term scheduled to expire May 19, 2013; Steven Larew was reappointed for a full four-year term scheduled to expire May 19, 2013; Diane Lovell was appointed for a partial term scheduled to expire July 11, 2010; and Steven McClintock was appointed for a full four-year term scheduled to expire May 19, 2013.

(05/19/09 - 8 - 10:07 a.m.)

6. CONSIDER APPOINTMENT TO THE HISTORIC RESOURCE REVIEW BOARD

Melissa Lundquist, Administrative Coordinator, stated that there was one vacancy due to a resignation. She stated that the appointment would be for the remainder of the unexpired term only. Stevenson mentioned that the Historic Review Board had not reviewed the applications. She requested not to hear this item this day. *The Board concurred with Stevenson on not hearing this item this day. Stevenson requested to defer this item to a date uncertain.* Lundquist spoke on requirements. Bryan asked if they were requesting for additional applications to be submitted. Lundquist replied that they would have to advertise them both together again and would allow others to apply. Lundquist stated that she was seeking direction from the Board. Stevenson stated that Lundquist should re-advertise both positions.

(05/19/09 - 8 - 10:13 a.m.)

7. CONSIDER AN APPOINTMENT TO THE PONTE VEDRA ZONING & ADJUSTMENT BOARD

Melissa Lundquist, Administrative Coordinator, stated that this Board had a vacancy due to a resignation and that it was for a four-year term.

(10:14 a.m.) **Motion by Mays, seconded by Miner, carried 5/0, to appoint James Marx to the Ponte Vedra Zoning & Adjustments Board for a full four-year term scheduled to expire May 19, 2013.**

(05/19/09 - 8 - 10:14 a.m.)

8. CONSIDER APPOINTMENTS TO THE RECREATION ADVISORY BOARD

Melissa Lundquist, Administrative Coordinator, stated that there were two vacancies, one due to expired term and the other due to removal for absenteeism. She stated that the first vacancy was advertised and the second one was yet to be advertised. She stated that vacancy would be brought back before the commission at a future meeting. Miner commented on having a letter from Troy Blevins, Director of Parks and Recreation, that summarized the sentiments of the Recreation Advisory Board to keep Al Guido as the chair.

(10:15 a.m.) **Motion by Miner, seconded by Sanchez, to reappoint Alfred Guido to the Recreation Advisory Board for a full two-year term scheduled to expire May 19, 2011.** Stevenson asked if that required suspension of the County rules. Lundquist replied that this one fell under the Board's Rules and Policies. **The motion carried 5/0.**

(10:18 a.m.) Stevenson recessed the Regular meeting of the Board of County Commissioners for a ten minute break. McCormack stated that when the Board reconvened at 10:30 a.m., they would open the Special meeting which would announce the closed meeting.

Terry Bulla, Deputy Clerk entered the meeting which resumed at 1:32 p.m.

(05/19/09 - 8 - 1:32 p.m.)

9. CONSIDER APPOINTMENTS TO THE TRANSPORTATION PLANNING ORGANIZATION (TPO) CITIZEN ADVISORY COMMITTEE

Melissa Lundquist, Administrative Coordinator, gave the presentation and explained the vacancies. Stevenson spoke highly of David VanDerZee as being a very good applicant with many qualifications in transportation and who had been very involved in the community. She



suggested not filling the second position at the current time because there would be several people from the northwest area of the county on the committee. Mays agreed and said he would support VanDerZee as well.

(1:35 p.m.) **Motion by Stevenson, seconded by Miner, carried 5/0, to appoint David VanDerZee to the North Florida TPO's Citizen Advisory council as an at-large St. Johns County representative.**

There was discussion about advertising for board vacancies in the Ponte Vedra Recorder. Lundquist said she would make a note that the notice would be covered in the Ponte Vedra area. Karen Pan said the Ponte Vedra newspapers were good at covering their press releases.

(05/19/09 - 9 - 11:37 p.m.)

10. PUBLIC HEARING - SRF FUNDING FACILITY PLAN APPROVAL FOR WASTEWATER COLLECTION AND CONVEYANCE SYSTEM - THE ST. JOHNS COUNTY UTILITY, FLORIDA, INTENDS TO ENTER INTO A LOAN AGREEMENT WITH THE DEPARTMENT OF ENVIRONMENTAL PROTECTION UNDER THE STATE REVOLVING FUND FOR PROJECT FINANCING. FLORIDA ADMINISTRATIVE CODE RULES REQUIRE AUTHORIZATION TO APPLY FOR LOANS, TO ESTABLISH PLEDGED REVENUES, TO DESIGNATE AN AUTHORIZED REPRESENTATIVE; TO PROVIDE ASSURANCES OF COMPLIANCE WITH LOAN PROGRAM REQUIREMENTS; AND TO ENTER INTO A LOAN AGREEMENT. A PUBLIC MEETING AND FORMAL AUTHORIZATION OF THE FACILITY PLAN FOR WASTEWATER COLLECTION AND CONVEYANCE SYSTEMS BY THE BOARD OF COUNTY COMMISSIONERS IS NECESSARY FOR ADOPTION AND TO COMPLY WITH FLORIDA FUNDING REQUIREMENTS

Proof of publication of the Notice of Public Hearing regarding the State Revolving Fund (SRF) Funding Facility Plan Approval for Wastewater Collection and Conveyance System was received, having been published in *The St. Augustine Record* on April 30, 2009.

Bill Young, Utility Director, gave the presentation and explained the request. He stated that the operation of the water and sewer utility was a very capital intensive enterprise. He said his staff had identified over \$60 million in critical capital improvement projects for the next five years. He said staff had worked with the Office of Management and Budget, their financial adviser, and their rate consultant to develop a responsible funding plan to pay for those projects. He said they had a fundable plan rather than a wish list. He said that day's hearing was to submit a Facility Plan to the Florida Department of Environmental Protection in order to be evaluated for program inclusion, and eventually to submit a loan application. He said that day was the first step and if they were approved for funding, they would come back to the Board at a later date with a loan application for approval. He explained that the low interest rate of 3.68% (they used 4%) was a cost effective method of borrowing and was extremely competitive. He thanked his staff, Neil Shinkre, Mike Slayman, Scott Trigg, Erin Zambo, Larry Miller, and basically the whole engineering team and Greg Brubaker from CH2MHill who helped compile the submittal and other project consultants from other projects, who all worked hard to get the design plans submitted by the deadline.

He gave a PowerPoint presentation (Exhibit A) and reviewed the Facility Plan Overview and stated that a lift station assessment was initiated in 2004 as part of the wastewater master planning process. He noted wastewater collection, conveyance, treatment and reuse needs were identified in the Wastewater Master Plan 2025 (April 2008). He said it provided a detailed assessment of various alternatives to meet collection and conveyance needs and that it met the State Revolving Fund (SRF) requirements for project planning documentation. He reviewed the key objectives of the Lift Station Facility Plan Assessment, the estimated project construction costs, totaling \$7,629,000 to include the rehabilitation or replacement of 34 lift stations, the Shore Drive Master lift station upgrade, the NW Wastewater Treatment Facility reuse ground storage tank and pump station, the 20" CR 2209 reuse main and the 24" 2209 raw wastewater main. He said the total capital cost was estimated at \$9,090,000. He reviewed the capital financing plan for the State Revolving Fund (SRF) Loan and the SRF Project Implementation Schedule and noted if it was funded, project construction was slated for FY 2010-2012. He said they

recommended the Board adopt the Resolution for the Facility Plan. Young noted that a typo had been found on Therefore Item No. 2 of the Resolution and should read May of 2009 rather than January of 2009.

(1:47 p.m.) Bryan commended Young and his staff for the work they had done and said they were on the leading edge of technology. Mays concurred and said it was one of the best functioning departments within the County structure. Miner concurred. Stevenson commented on the reclaimed water storage tank and said it had a forward thinking emphasis.

(1:50 p.m.) Ellen Whitmer, 1178 Natures Hammock Rd. South, Fruitcove, said she did not object to the request. She said she had addressed the JEA Board on the rate increases. She said they consistently increased their territorial base in St. Johns County with the purchase of the Julington Creek Utility many years ago, a Vilano Beach Utility, Julington Creek Plantation, and the rights to Nocatee and United Water which included the Rivertown area. She said it was not to the benefit of the citizens of St. Johns County, and it was further urban sprawl into the county, which was against State law. She said it was egregious for another municipal utility to use their profits from their rights in St. Johns County to supplement their budget. She said the Board needed to stand together not to allow another county to take advantage of St. Johns County financially.

(1:56 p.m.) **Motion by Sanchez, seconded by Miner, carried 5/0, to adopt Resolution No. 2009-151, authorizing the County to adopt the wastewater collection and conveyance facility plan and authorizing the County Administrator to execute on behalf of the County, as amended by Mr. Young, which was accepted by the maker and the second of the motion.**

#### RESOLUTION NO. 2009-151

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, RELATING TO THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FDEP) STATE REVOLVING FUND (SFR), ADOPTION OF THE WASTEWATER FACILITY PLAN FOR THE IMPLEMENTATION OF WASTEWATER COLLECTION AND CONVEYANCE SYSTEM IMPROVEMENTS, EFFECTIVE THIS DATE**

(05/19/09 - 10 - 1:57 p.m.)

(District 3)

11. PUBLIC HEARING - REZ 2008-25 YOUNG CONTRACTING OFFICE - THIS IS A REQUEST TO REZONE FROM COMMERCIAL GENERAL (CG) WITH CONDITIONS TO COMMERCIAL INTENSIVE (CI). SUBJECT PROPERTY IS APPROXIMATELY .62 ACRES IN SIZE AND IS LOCATED OFF OF HASTINGS RD, LEO ST, AND WEST ST, JUST SOUTH OF SR 207. THE PLANNING DIVISION FINDS THE REQUEST TO REZONE TO COMMERCIAL INTENSIVE 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, PROXIMITY TO COMMERCIAL ZONINGS 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 MARCH 9, 2009 MEETING BY A VOTE OF 7/0 (MOTION BY LAIDLAW, SECOND BY NELSON)

Proof of publication of the Notice of Public Hearing regarding Rezoning 2008-25, Young Contracting Office was received, having been published in *The St. Augustine Record* on May 4, 2009.

Michael Blackford gave the presentation and explained the project request. He stated it was a request to rezone from Commercial General (CG) with conditions to Commercial Intensive (CI). He said staff recommended approval as did the PZA.

(2:00 p.m.) Karen Taylor, 77 Saragossa St., said it was a straightforward request. She said they were there to correct the use of the property, as the owner originally believed it to be CI and was using it for that purpose.

No ex parte communication was declared.

(2:01 p.m.) **Motion by Miner, seconded by Sanchez, carried 5/0, to enact Ordinance 2009-22, known as REZ 2008-25, Young Contracting Office, adopting findings of fact one through four to support the motion.**

#### ORDINANCE NO. 2009-22

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM THE PRESENT ZONING CLASSIFICATION OF COMMERCIAL GENERAL (CONDITIONAL ORDINANCE 1989-42) TO COMMERCIAL INTENSIVE (CI); MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE

(05/19/09 - 11 - 2:02 p.m.)

(District 3)

12. PUBLIC HEARING - REZ 2008-27, CORNER 2 COMMERCIAL - THIS IS A REQUEST TO REZONE FROM OPEN RURAL (OR) TO COMMERCIAL NEIGHBORHOOD (CN). SUBJECT PROPERTY IS APPROXIMATELY 1.87 ACRES IN SIZE AND IS LOCATED OFF OF WHISPERING WOODS LANE, JUST NORTH OF SR 207. THE PLANNING DIVISION FINDS THE REQUEST TO REZONE TO COMMERCIAL NEIGHBORHOOD 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, PROXIMITY TO COMMERCIAL ZONINGS 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 MARCH 9, 2009 MEETING BY A VOTE OF 7/0 (MOTION BY WILLIAMS, SECOND BY LAIDLAW)

Proof of publication of the Notice of Public Hearing regarding REZ 2008-27, Corner Two Commercial was received, having been published in *The St. Augustine Record* on May 4, 2009.

Michael Blackford, Planner II, gave the presentation and explained the request, to rezone from Open Rural (OR) to Commercial Neighborhood (CN). He said staff and PZA had recommended approval.

Karen Taylor, 77 Saragossa St., said it was a step down zoning, was in the west Augustine CRA and would be a good thing for that area.

No ex parte communication was declared.

(2:05 p.m.) **Motion by Miner, seconded by Sanchez, carried 5/0, to enact Ordinance 2009-23 , known as REZ 2008-27 Corner 2 Commercial, adopting findings of fact one through four to support the motion.**

#### ORDINANCE NO. 2009-23

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

(05/19/09 - 12 - 2:06 p.m.)

(District 3)

13. PUBLIC HEARING - MAJMOD 2009-01, TMI ROLLING HILLS PUD - THIS IS A REQUEST TO MODIFY THE TMI ROLLING HILLS PUD BY ADDING AN ADDITIONAL RIGHT TURN LANE ONTO DOBBS RD CUT-OFF. SUBJECT PROPERTY IS LOCATED ON THE SOUTH SIDE OF SR 207 AT THE INTERSECTION OF HOLMES BLVD. THE PLANNING DIVISION FINDS THE REQUEST TO MODIFY THE TMI ROLLING HILLS 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 MIXED USE LAND USE, AND OTHER RELEVANT INFORMATION AVAILABLE TO STAFF. THIS FINDING MAY BE SUBJECT TO OTHER COMPETENT SUBSTANTIAL EVIDENCE RECEIVED AT THE QUASI-JUDICIAL PUBLIC HEARING. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS REQUEST AT THEIR APRIL 16, 2009 MEETING BY A VOTE OF 7/0 (MOTION BY LAIDLAW, SECOND BY NELSON)

Proof of publication of the Notice of Public Hearing regarding MAJMOD 2009-01, TMI Rolling Hills PUD was received, having been published in *The St. Augustine Record* on May 4, 2009.

Michael Blackford, Planner II, gave the presentation and explained the request to modify the TMI Rolling Hills PUD by adding an additional right turn lane onto Dobbs Rd. Cut-Off. He noted that staff and the PZA had recommended approval.

There was no ex parte communications were declared.

(2:08 p.m.) **Motion by Miner, seconded by Sanchez, carried 5/0, to enact Ordinance No. 2009-24, known as MAJMOD 2009-01 TMI Rolling Hills PUD, adopting findings of fact one through six to support the motion.**

ORDINANCE NO. 2009- 24

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA APPROVING A MAJOR MODIFICATION TO THE TMI ROLLING HILLS (PUD) ORDINANCE NUMBER 2006-44, AS AMENDED, MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING FOR AN EFFECTIVE DATE

(05/19/09 - 12 - 2:09 p.m.)

(District 3)

14. PUBLIC HEARING - REZ 2008-20 1401 SR 207 - THIS IS A REQUEST TO REZONE FROM OPEN RURAL (OR) TO COMMERCIAL INTENSIVE (CI). THE PROPERTY IS LOCATED OFF OF SR 207, NORTH OF HILLTOP ROAD, SOUTH OF THE INTERSECTION WITH LIGHTSEY ROAD. THE PLANNING DIVISION FINDS THE REQUEST TO REZONE TO COMMERCIAL INTENSIVE 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, DEVELOPMENT TRENDS IN THE AREA, PRESENT USE OF THE PROPERTY, THE LOCATION OF THE PROPERTY WITHIN THE MIXED USE DISTRICT 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 CONSIDERED THE REQUEST DURING THE APRIL 2, 2009 MEETING; VOTING TO RECOMMEND APPROVAL (MOTION BY WILLIAMS, SECOND BY LAIDLAW PASSING 7/0)

Proof of publication of the Notice of Public Hearing regarding REZ 2008-20, 1401 SR 207 was received, having been published in *The St. Augustine Record* on May 4, 2009.

Lindsay Haga, Director Development Review gave the presentation and explained the request to rezone from Open Rural (OR) to Commercial Intensive (CI). She said both staff and PZA recommended approval.

There was no ex parte communication declared.

**(2:10 p.m.) Motion by Miner, seconded by Sanchez, carried 5/0, to enact Ordinance No. 2009-25 , known as REZ 2008-20, 1401 SR 207, adopting findings of fact one through four to support the motion.**

#### ORDINANCE NO. 2009-25

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

(05/19/09 - 13 - 2:11 p.m.) (Formerly Consent Item 10)

14a. MOTION TO APPROVE TRANSFER OF \$17,670 FROM COUNTY CULTURAL CENTER RESERVES TO THE APPROPRIATE SALARY AND BENEFITS LINE ITEMS WITHIN THE AMPHITHEATRE OPERATIONS DEPARTMENT FOR THE ADDITION OF AN PRODUCTION ASSISTANT AND MOTION TO APPROVE THE ELIMINATION OF A RECREATION FACILITY COORDINATOR POSITION AND THE ADDITION OF A RECREATION SUPERVISOR III POSITION

Bryan, who requested the change, read the background information from the agenda sheet. He said the position would be filled by the current BCC Office Manager. He personally and professionally thanked Ms. Gorski and said she would be sorely missed and would leave a huge void in their office. He noted it was not a choice which she preferred but was made to maintain her dignity and physical well being due to the unacceptable manner in which she was treated. He said he could not support the transfer.

(2:14 p.m.) Sanchez said he wanted to be sure the record was clear. He said he appreciated her and she had helped a lot, but that she had requested a transfer and was not forced into a transfer. Bryan said she was not forced, but had to make the move to satisfy her own stress level and to keep peace. Sanchez noted it was not the Board's place to handle staff assignments. Bryan said that had the policies been followed, the transfer would not have been necessary.

(2:16 p.m.) Miner also thanked Ms. Gorski for her service to the Board and to the people of St. Johns County. He said she had been helpful and would be missed.

(2:17 p.m.) Mays said she was a help to him to become acquainted to his new position and to the practical duties of being a Commissioner. He said it was a large loss, as she had helped him juggle his schedule around his three children at home, and with solving matters with constituents.

(2:18 p.m.) Sanchez said he had a good relationship with Ms. Gorski, but there were times when it was time to move on. He expressed his appreciation, and said it would be good for Ms. Gorski.

(2:19 p.m.) Stevenson said Ms. Gorski had a tremendous skill set and great dimension of experience throughout the County and had provided a lot of counsel and support for Commissioners over the years, and she would be missed.

(2:19 p.m.) **Motion by Stevenson, seconded by Sanchez, carried 4/1 with Bryan dissenting, to approve transfer of \$17,670 from County Cultural Center Reserves [1451-52100]-\$877, [1451-52200]- \$1,155, [1451-52202]- \$963.00 [1451-52300] - \$3,055, [1451-52400] - \$168 line items with the Amphitheatre Operations Department for the addition of a Production Assistant.**

**And**

**Motion by Stevenson, seconded by Sanchez, carried 4/1 with Bryan dissenting, to approve the elimination of a Recreation Facility Coordinator position and the addition of a Recreation Supervisor III position.**

(05/19/09 - 14 - 2:22 p.m.)  
COMMISSIONERS' REPORTS

Commissioner Miner:

Miner thanked Ms. Gorski for her services. He stated he would be gone during the June 2nd meeting for military training and would be back for the June 16<sup>th</sup> meeting.

(2:23 p.m.) Commissioner Sanchez:

Sanchez told of the Agriculture Tour on May 12<sup>th</sup>, and said it was excellent and done well, and they all had learned a lot. He thanked David Dinkins for the well planned tour. He said he was also going to bring up some recommendations for office procedures to make the officer manager's job a little easier and make things a little more organized in the Commission offices. He suggested a work sheet for what they were requesting and gave details. Discussion ensued.

(2:27 p.m.) Commissioner Bryan:

Bryan said the University of Florida put on a great program that week and encouraged others to attend the events which would continue through the weekend. He said staff was continuing to work on reducing costs, and they were working on eliminating paper in the application process. He also commented on the paper they used in the agenda books each week. He said he wanted to get the books 5 to 7 days prior to the meetings. It was suggested that the Wednesday prior to the meeting was a good goal. Stevenson commented on the workload and the busy week just prior. Discussion ensued regarding the use of e-mails. Sanchez said he did not use it based on the Florida Association of Counties recommendation. Miner said he loved e-mail. Mays said it boiled down to personal preference.

(2:34 p.m.) Wanchick said they would address the deadline for the agenda. He said last week had been a busy week. He said they would put out a notice regarding deadlines. He said they were there to serve the Board. He suggested they might want to look at using the CDs to reduce the amount of paperwork. Wanchick said they would explore the matter.

(2:36 p.m.) Wanchick commented on e-mail and commented on social networking and how it fell under the Sunshine Law, including My Space. Discussion ensued. Wanchick said perhaps the County Attorney should give them a briefing.

Stevenson suggested using the afternoon for zoning and rezoning type business, based on how the agenda is looking. Wanchick said they would take a look at it. She also asked for clarification on whether the TDC meetings should be televised. Sanchez said he did not think so. Miner asked what the cost associated with it would be. Wanchick said it was not significant. Bryan said it had been requested by several individuals. Wanchick said they would review it. He said it was not a significant cost. He suggested they could televise the next meeting and see how it worked out. Miner said it would be well worth it. Discussion ensued.

Wanchick said they had a productive TDC meeting last week. He said he would forward the results to them next week. He said he wanted to be sure they were on the right issues.

(05/19/09 - 15 - 2:46 p.m.)  
COUNTY ADMINISTRATOR'S REPORT

Wanchick said many local governments cancelled meetings at Christmas or during the summer and he suggested that we cancel the August 4 meeting. *There was Board consensus to cancel the August 4 meeting.*

(05/19/09 - 15 - 2:49 p.m.)  
COUNTY ATTORNEY'S REPORT

McCormack noted that June 1 was the beginning of the hurricane season, and they should be prepared for emergency declarations. He said they might even have a need for such a declaration due to the current inclement weather. He said they were permitted to declare the emergency, as could the Chair, Vice Chair or the Administrator if the level of chain above was not available. He said often emergencies happened relatively fast, and other Boards had allowed the Administrator to declare emergencies. He asked them for their consideration. Miner said it would be appropriate to give the Administrator that ability but asked him to keep them notified. Stevenson said she agreed. *There was Board consensus that the Administrator could declare an emergency in the absence of the Board, Chair or Vice Chair or in the instance where quick disasters arose.*

(05/19/09 - 15 - 2:53 p.m.)  
**Motion by Bryan, seconded by Miner, carried 5/0, to adjourn the meeting.** With there being no further business to come before the Board, the meeting adjourned at 2:53 p.m.

REPORTS:

1. St. Johns County Board of County Commissioners Check Register, Check Nos. 4377851 through 438351 totaling \$3,361,660.89 (04/28/09)
2. St. Johns County Board of County Commissioners Check Register, Check No. 438352 totaling \$150.00 (04/28/09)
3. St. Johns County Board of County Commissioners Check Register, Check Nos. 438353 through 438354 totaling \$4,019.44 (04/29/09)
4. St. Johns County Board of County Commissioners Check Register, Check Nos. 438355 through 438361 totaling \$180,892.85 (05/01/09)
5. St. Johns County Board of County Commissioners Check Register, Check Nos. 438362 through 438649 totaling \$1,657,061.65 (05/05/09)
6. St. Johns County Board of County Commissioners Check Register, Check Nos. 438650 through 438672 totaling \$34,675.55 (05/07/09)

CORRESPONDENCE:

1. Letter to Liz Cloud, Program Administrator, Bureau of Administrative Code and Weekly, filing Ordinance Number 2009-21 (May 5, 2009)

Approved July 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

