

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

(07/07/09 - 1 - 9:02 a.m.)
CALL TO ORDER

Stevenson called the meeting to order.

(07/07/09 - 1 - 9:02 a.m.)
ROLL CALL

Stevenson announced that all five commissioners were present.

(07/07/09 - 1 - 9:02 a.m.)

Miner gave the Invocation and Mays led the Pledge of Allegiance.

(07/07/09 - 1 - 9:04 a.m.)
SPECIAL PRESENTATION TO DARRELL GARDEN, ROAD & BRIDGE EMPLOYEE,
RETIRING WITH 32 YEARS OF SERVICE TO ST. JOHNS COUNTY

Joe Stephenson gave the presentation and said that Darrell Garden was an example of the type of employee they were most proud of in the Road and Bridge Department. He said Garden had worked his way up over 32 years of service to the most prestigious position of Heavy Equipment Operator. He said it was not an easy job and was full of responsibility. He congratulated Garden. Garden expressed his appreciation and said he had enjoyed working with everyone and would miss them.

(07/07/09 - 1 - 9:06 a.m.)
DELETIONS TO CONSENT AGENDA

Mays asked to pull Item 18 for discussion, and it became 10A on the Regular Agenda. Bryan asked to move Item 10 to the Regular Agenda for discussion, and it became item 10B. McCormack asked that on Item 9, to add into the motion: **“substantially in the form of the license agreement attached.”** Wanchick explained that on Item No. 19 the title should be 2008 instead of 2007.

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

1. Approval of the Cash Requirement Report
2. Minutes:
05/19/09 - BCC Special Meeting
05/19/09 - BCC Regular Meeting
06/02/09 - BCC Regular Meeting
06/16/09 - BCC Regular Meeting
3. Sheriff Office Bonds:
Approve: William E. Sewell
4. Motion to adopt **Resolution No. 2009-179**, accepting an Easement for Utilities for water services to Solano Road Mini-Center located on Solano Road in Ponte Vedra

RESOLUTION NO. 2009-179

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING AN EASEMENT FOR UTILITIES FOR WATER SERVICES TO SOLANO ROAD MINI-CENTER LOCATED ON SOLANO ROAD IN PONTE VEDRA

5. Motion to adopt **Resolution No. 2009-180**, accepting an Easement for Utilities for water service to The Courtyard by Marriott at Westpark located off of State Road 16 and accepting a Bill of Sale conveying all personal property associated with the water system

RESOLUTION NO. 2009-180

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING AN EASEMENT FOR UTILITIES FOR WATER SERVICES TO THE COURTYARD BY MARRIOTT AT WESTPARK LOCATED OFF OF STATE ROAD 16 AND ACCEPTING A BILL OF SALE CONVEYING ALL PERSONAL PROPERTY ASSOCIATED WITH THE WATER SYSTEM

6. Motion to adopt **Resolution No. 2009-181**, accepting a Bill of Sale conveying all personal property associated with the water and sewer system serving Dobbs Road Warehouse Phase II

RESOLUTION NO. 2009-181

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING A BILL OF SALE AND SCHEDULE OF VALUES CONVEYING ALL PERSONAL PROPERTY ASSOCIATED WITH THE WATER AND SEWER

**SYSTEM SERVING DOBBS ROAD WAREHOUSE
PHASE II**

7. Motion to adopt **Resolution No. 2009-182**, approving the terms and authorizing the County Administrator to execute the Lease Agreement between St. Johns County and a tenant for a mobile home located on Palmo Fish Camp Road

RESOLUTION NO. 2009-182

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE LEASE AGREEMENT BETWEEN ST. JOHNS COUNTY AND TENANT FOR A MOBILE HOME LOCATED ON PALMO FISH CAMP ROAD

8. Motion to adopt **Resolution No. 2009-183**, approving the terms and authorizing the County Administrator to execute certain purchase and sale agreements for property required for segment III of the Volusia Street/Four Mile Road Project. This project represents the 2nd and 3rd of 12 parcels required for this phase of the project. Funding has been identified in the Capital Improvement Project list from the 2006 Transportation Bond

RESOLUTION NO. 2009-183

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE CERTAIN PURCHASE AND SALE AGREEMENTS FOR PROPERTY REQUIRED FOR SEGMENT III OF THE VOLUSIA STREET/FOUR MILE ROAD PROJECT

9. Motion to adopt **Resolution No. 2009-184**, accepting a Special Warranty Deed for conveyance of a Community Park located within Nocatee DRI pursuant the requirements of the development order and approving the terms of a License Agreement to name the "Nocatee Community Park" and authorizing the County Administrator to execute a License Agreement, substantially in the form of the license agreement attached

RESOLUTION NO. 2009-184

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING A SPECIAL WARRANTY DEED FOR CONVEYANCE OF A COMMUNITY PARK LOCATED WITHIN NOCATEE DRI PURSUANT THE REQUIREMENTS WITHIN THE DEVELOPMENT ORDER AND APPROVING THE TERMS OF A LICENSE AGREEMENT TO NAME THE PARK "NOCATEE COMMUNITY PARK" AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE LICENSE AGREEMENT

This item was moved to the Regular Agenda as Item 10B

10. Motion to adopt a resolution approving and authorizing the terms, provisions, conditions, and requirements of Grant Agreement 07SJ1 Amendment Number 3 for the ongoing South Ponte Vedra Beach Shore Stabilization Feasibility Study and Emergency Dune Construction, recognizing the budget changes within the adopted FDEP budget, and authorizing the County Administrator, or designee, to execute the Amendment to Grant Agreement on behalf of the County
11. Motion to approve the transfer of \$10,000 from the Tree Bank Capital Outlay Reserves to HAWKE Wildlife Support for mitigation of harm to wildlife due to tree habitat loss and to fund the contract payment and reclassification for the contribution
12. Motion to adopt **Resolution No. 2009-185**, declaring the public purpose and necessity for the right and power of eminent domain to clear title to acquire real property for improvements to a County roadway (286 N Volusia Street)

RESOLUTION NO. 2009-185

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, DECLARING THE PUBLIC PURPOSE AND NECESSITY FOR EXERCISING THE RIGHT AND POWER OF EMINENT DOMAIN TO ACQUIRE CERTAIN REAL PROPERTY AS DESCRIBED BELOW FOR IMPROVEMENTS TO A COUNTY ROADWAY AND AUTHORIZING THE COUNTY ATTORNEY TO INSTITUTE CONDEMNATION PROCEEDINGS

13. Motion to adopt **Resolution No. 2009-186**, approving the Final Plat for Town Center Community Park at Nocatee

RESOLUTION NO. 2009-186

RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING A PLAT FOR TOWN CENTER COMMUNITY PARK AT NOCATEE

14. Motion to adopt **Resolution No. 2009-187**, approving the terms of an Interlocal Agreement between St. Johns County and the City of Jacksonville authorizing the Chairman of the St. Johns County Commission to execute the Interlocal Agreement in order to obtain security equipment for suspicious substance screening acquired through Federal Grant Funds

RESOLUTION NO. 2009-187

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS OF AN INTERLOCAL AGREEMENT BETWEEN ST. JOHNS COUNTY, FLORIDA, AND THE CITY OF JACKSONVILLE, IN ORDER TO OBTAIN EQUIPMENT PURCHASED WITH FEDERAL GRANT MONEY FOR THE BENEFIT OF THE PUBLIC; AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS

COUNTY, FLORIDA, TO EXECUTE THE INTERLOCAL AGREEMENT ON BEHALF OF THE COUNTY; AND INSTRUCTING THE CLERK OF THE CIRCUIT COURT TO FILE THE INTERLOCAL AGREEMENT IN THE PUBLIC RECORDS OF ST. JOHNS COUNTY

15. Motion to adopt **Resolution No. 2009-188**, amending the Fiscal Year 2009 General Fund to receive unanticipated revenue from donations for the Main Library, Ponte Vedra Branch, Bartram Trail Branch, and Hastings Branch Libraries in the amount of \$8,774 and authorize its expenditure by the Library System

RESOLUTION NO. 2009-188

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

16. Motion to adopt **Resolution No. 2009-189**, authorizing the Sheriff, or designee to submit an application seeking funding assistance in the amount of \$53,560 through the Edward Byrne Memorial Justice Assistance Formula Grant (JAG), Local Solicitation

RESOLUTION NO. 2009-189

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 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE FORMULA GRANT: LOCAL SOLICITATION

17. Motion to adopt **Resolution No. 2009-190**, approving an exchange of real property with Christ Episcopal Church of Ponte Vedra (Golfview Circle) for a public sidewalk and authorizing the County Administrator to execute the County Deed

RESOLUTION NO. 2009-190

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING AN EXCHANGE OF REAL PROPERTY PURSUANT TO SECTION 125.37, FLORIDA STATUTES AND AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO EXECUTE THE COUNTY DEED

This item was moved to the Regular Agenda as Item 10A

18. Motion to authorize the County Administrator or his designee to enter into a contract for Bid#09-81-Courthouse Complex Renovations Phase II with the low bidder to Batson-Cook Company in the amount of \$4,134,700 plus Alternate #1, #2A, #3, #4, #8, #9 for a total cost of \$5,563,400, in accordance with the February

17, 2009 BCC adopted Resolution 09-45, authorizing the issuance of Series 2009 Sales Tax Revenue and Refunding Bonds that included \$6,925,000 for Courthouse Complex Renovation Phase II Project. This phase of the project will provide the needed increase in courtrooms and finalize the ongoing renovations

19. Motion to accept the Recapitulation 2007 Balanced Tax Roll and Error & Insolvencies Report from the St. Johns County Tax Collector's Office

(07/07/09 - 6 - 9:10 a.m.)

PUBLIC COMMENT

Mary Savard, 2785 Stratton Blvd., complained about the lack of enforcement of the noise ordinance in her area. She said that when Deputies were called to enforce the code, nothing was done because of loopholes in the code. She said calls to the Sheriff asking for help had gone unanswered. She said workers were working as early as 6:00 a.m. and as late as 8:30 p.m. She said that according to the building permit they could work from 7:00 a.m. to 7:00 p.m. and she asked when that had become the rule. She also expressed concern about the PUD extensions which could be extended through 2014. She said she had been fighting that situation since August of 2006, and help should have come much sooner. She said those families living across from the condos really needed their help. She said she wanted a simple answer as to why Section 4F of the building code had been replaced with section 6C.

(9:13 a.m.) Maureen Ortagus, 1445 Masters Dr., did a presentation on the Parks and Recreation Department budget (Exhibit A). She said that kids were being charged \$1 to swim at the Solomon Calhoun Center in West Augustine, while over \$1 million was being spent in payroll increases, disguised as job description changes. She gave a history of swimming in St. Johns County. She said she would be back at the end of the day to discuss the matter further when they discussed the budget item.

(9:17 a.m.) B. J. Kalaidi, 8 Newcomb St., asked that they not increase the tax exemption for historic properties to allow a ten year exemption on renovations. Secondly, she suggested cutting employee salaries by 5 to 10% across the board. She complained that Parks and Recreation had received \$7.3 million with pay increases in their department and in the Amphitheatre budget. She noted that performer contracts were not being upheld, and that parking at the amphitheatre was still not being controlled. She asked them to stop charging a dollar each for kids who lived in that neighborhood, to swim at the new Solomon Calhoun pool. She suggested double charging for those who lived outside the low income black neighborhood to swim in that pool. She suggested raising Impact Fees. She further suggested charging the City of St. Augustine for animal control inside the City. She thanked Deputy Banks and Deputy Nick Myer and two other Deputies who responded to incidents in the street at 9 Newcomb St. on July 3 at 2:30 and 3:30 a.m. She stated that anyone who wanted to, could voluntarily sent \$100 or \$200 in taxes to the Tax Collector, and then they could see how Mr. Wanchick spent it in the current crisis. She also complained about funding of the skate park at Davis Shores and the poor workmanship at the park. She also complained about the City paying part of the water bills of certain City employees. She said a tax increase was not the answer, but additional cuts to the budget would be the answer.

(07/07/09 - 6 - 9:21 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

There were none.

(07/07/09 - 7 - 9:21 a.m.)
APPROVAL OF REGULAR AGENDA

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

(07/07/09 - 7 - 9:22 a.m.)

1. CONSTITUTIONAL OFFICER BUDGET PRESENTATION - CHERYL STRICKLAND, CLERK OF THE COURT

Doug Timms, Director of the Office of Management and Budget, introduced Cheryl Strickland, Clerk of Court.

Cheryl Strickland, Clerk of Courts, apologized for being unable to attend the previous meeting, and stated she had another budget crisis to handle at that time. She also apologized for the confusion regarding the closing of the annexes. She said she had tried to stress that it was only the Clerk's Annex offices that were closing, but somehow it got confused. She explained that there were two budgets that the Board funded for the Clerk's office. She noted that the major one was the Finance budget. She said that all salaries had been frozen, overtime was limited, and there was the transfer of one employee into the Payroll Division. She said it would result in a reduction from the County HR side with a transfer over to the Clerk's side. She asked for direction regarding the cost of legal advertisements for all the County Commission meetings, which were funded through that budget. She said the previous Commission had asked for legal advertising in all of the papers possible, which totally blew the budget. She said they had backed off that a little bit. She said most of the legal advertisements were now done through the Record and other advertisements were done in the Ponte Vedra and Julington Creek papers when an issue was presented that impacted those areas. She said The Recorder was the only other paper that could send certificates for proof of publication for legal advertisements. She said the County had to designate which newspaper they wanted to published their legal notices. She said there were certain requirements, including a general circulation of at least 13,000 subscribers, which had to be met. She said it had always been difficult in St. Johns County to get coverage countywide of the legal advertisements, because a lot of people in the northeast and northwest did not take The Record. She said they had already spent \$22,000 in the current year and had budgeted \$65,000. She said it was up to them to decide whether they wanted to advertise in every newspaper or to a specific one. She said she was open for discussion.

(9:27 a.m.) Miner said the way they had been doing it recently was the way to go. He said it was not wise to spend the extra money right now.

(9:27 a.m.) Bryan said a significant number of his constituents were in the coastal area, including Vilano and the south Ponte Vedra area. He said a number of those constituents subscribed to the Recorder. He said he wanted to be sure they were getting the legal notices. He said he would like to see negotiations with The Recorder to see if they were willing to give the same prices as The Record.

(9:28 a.m.) Strickland said she would try to get a firm number of what the cost would be and report it back to them. Bryan said he would like for her to get the circulation of The Recorder as well.

(9:29 a.m.) Sanchez asked McCormack if they would be fulfilling the legal obligation of the State by using The Record. McCormack said that was correct. Sanchez said that he saw nothing wrong with using that system, and the public had that option. He said

they did not have a newspaper that covered the whole county, and as long as they were operating legally he had no problem with it. He said if they could renegotiate the price, he would have no problem with that either.

(9:31 a.m.) Mays said whatever they could do to get better economics would make sense, including The Recorder duplicating whatever the Record had done with the ads.

(9:31 a.m.) Stevenson said they didn't want to spend any more money, but if they could get better coverage for the same amount of money they saw no problem with that.

(9:32 a.m.) Strickland went on to explain the Court Subsidy budget, which the Board was required to fund under Article 5. She said that budget contained no significant changes. Stevenson thanked her for her hard work and acknowledged that she had faced a very difficult budget year. She especially noted their work with the Fraud and Abuse program. Strickland said she was pleased with the program, it was very successful, and it had been very busy. She said it was a good deterrent, especially with as large as the County was getting. Stevenson said they would be forming an Audit Committee next year to formalize communications between the Clerk's Office and the County.

Strickland further explained that she had three major operational budgets: Finance, Courts and the Official Records budgets. She noted that the other two budgets were driven purely by revenue. She said that Senate Bill 2108, adopted by the State, cut the budgets \$40 million statewide, and on average, each Clerk was required a reduction of 18% in one year, which was huge. She said to date, she had laid off 15 employees and the Official Records budget employees had been reduced to 32 hours a week. On the Court side they had been reduced to 36 hours, but the backlog was so great that they had to work 40 hours and were being paid for only 36 hours, or a 10% reduction in salaries. She stated that Management positions in those budgets were required to take five days of furlough without pay. She said it had been difficult and more cuts would have to be made in the near future.

(07/07/09 - 8 - 9:37 a.m.)

2. PUBLIC HEARING - AMENDING ORDINANCE 2004-42, SENATE BILL 2108 - FL STATUTE 318.13 INCREASING THE COURT FACILITIES SURCHARGE. AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS, AMENDING COUNTY ORDINANCE NO. 2004-42, PROVIDING FOR AN INCREASE IN THE SURCHARGE OF NON-CRIMINAL TRAFFIC INFRACTIONS OR CERTAIN CRIMINAL VIOLATIONS AND PROVIDING FOR NON-WAIVER OF IMPOSED SURCHARGE BY COURT. IN 2004, AS ALLOWED BY SECTION 38.18, FL STATUTES, THE COUNTY COMMISSION, ADOPTED COUNTY ORDINANCE 2004-42, WHICH IMPOSED A SURCHARGE, NOT TO EXCEED \$15.00, FOR ANY NON-CRIMINAL TRAFFIC VIOLATION, AND CRIMINAL VIOLATIONS OF SECTION 318.17, FL STATUTES. DURING THE 2009 SESSION OF THE STATE LEGISLATURE, THE LEGISLATURE ENACTED SENATE BILL 2108, WHICH ALLOWS COUNTIES TO ENACT A COUNTY ORDINANCE, TO INCREASE THE AMOUNT IMPOSED ON ANY NON-CRIMINAL TRAFFIC VIOLATION, OR CRIMINAL VIOLATION OF SECTION 318.17, FL STATUTES, FROM \$15.00 TO \$30.00. THE ABOVE-REFERENCED SENATE BILL ALLOWS A COUNTY TO ENACT SUCH ABOVE-REFERENCED ORDINANCE AFTER JULY 1, 2009. THIS ORDINANCE AMENDS COUNTY ORDINANCE 2004-42, IN ORDER TO IMPOSE THE LEGISLATIVELY-APPROVED SURCHARGE. THE ADDITIONAL FUNDING MUST BE USED TO FUND STATE COURT FACILITIES

Proof of publication of the notice of public hearing on the amendment to County Ordinance No. 2004-42 was received, having been published in *The St. Augustine Record* on June 27, 2009.

Cheryl Strickland, Clerk of Courts, gave the presentation (Exhibit A). She said it was a \$15 fee on non-criminal charges enacted to fund courthouse renovations. She said the legislature was increasing this funding source by another \$15. She said they averaged 30,000 to 35,000 tickets which would produce between \$200 to \$300 thousand dollars a year. She said it would be a bigger help in the future.

(9:38 a.m.) Michael Hunt, Deputy County Attorney, said they had noticed a typo where a digit had been left out of one of the numbers, it was included in their red folder and there was no substantial change.

(9:39 a.m.) **Motion by Miner, seconded by Sanchez, carried 5/0, to enact Ordinance No. 2009-29, amending County Ordinance No. 2004-42, providing for an increase in the surcharge of non-criminal traffic infractions or certain criminal violations and providing for non-waiver of imposed surcharge by Court, and providing an effective date.**

ORDINANCE NO. 2009-29

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AMENDING COUNTY ORDINANCE NUMBER 2004-42, PROVIDING FOR AN INCREASE IN THE SURCHARGE ON NON-CRIMINAL TRAFFIC INFRACTIONS OR CERTAIN CRIMINAL VIOLATIONS; PROVIDING FOR NON-WAIVER OF IMPOSED SURCHARGE BY COURT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

(07/07/09 - 9 - 9:39 a.m.)

3. **REPORT BY THE CHAMBER OF COMMERCE ECONOMIC DEVELOPMENT COUNCIL & THE CORNERSTONE REGIONAL ECONOMIC DEVELOPMENT PARTNERSHIP**

Nick Sacia, Executive Director of the St. Johns County Chamber of Commerce Economic Development Council, gave the presentation (Exhibit A). He reviewed the two types of industries: Primary and Consumptive. He continued with reviewing Marketing Activities, Prospect Activities, Success Through the Years, Return on Investments, Business Relocations & Expansion Trends, Florida Qualified Targeted Industry Incentive, State Incentive Projects in St. Johns County, Government Relations and additional activities including the Monthly Morning Roundtables and the Economic Development 101 Workshops.

(9:51 a.m.) Mays asked him to speak on the potential impact of Hometown Democracy. Sacia said three things were looked at by companies when looking at locating: risk, time and money.

(9:52 a.m.) McCormack interrupted and said there had been a recent statute passed pertaining to local government statements on positions pertaining to items that shall be voted on, including Amendment 4. He said it also pertained to local governments paying any money. He said they needed to sit down with Sacia and go over the new statute, and he advised to be very cautious about it. He said they didn't need to put out

any information about Amendment 4 (or other things voted on by the State of Florida), except for factual information. He recommended they provide a memo pertaining to the new rule and they not discuss it at that time. Mays asked them to pull the statute.

(9:55 a.m.) Bryan asked the amount received by EDC. Sacia responded that \$125,000; and \$45,000 of that went to their membership in Cornerstone. Bryan said all of the contracts with Cornerstone were over ten years old and he read from one of the contracts. He said that the County did not have any say so over what Cornerstone said or did. He said that he was concerned about that type of contract. He asked Sacia if it was his job to administer the Cornerstone contract. Sacia said they met twice a month on a regular basis discussing the prospects, in an open forum. He said it was the hallmark of regional economic development; they were great partners and worked well together. He said they could look at the language, if that would make them more comfortable. He said they were getting a great value for each dollar. Bryan said the County had contributed over \$1.5 million, and asked him how many of those 835 potential jobs had equated into real jobs. Sacia gave a list of the 2,617 jobs he said had been created, including MDI, Source Refrigeration, Ring Power, and Finger Shield. He said Cornerstone was instrumental in helping to secure some of those jobs. Bryan said he questioned whether they would have expanded anyway, without Cornerstone's involvement.

(10:03 a.m.) Mays said, clearly the language needed to be updated. Secondly, he asked if St. Johns County was getting the leftovers that Duval didn't want. He asked if they were getting the business leads they anticipated. Bryan agreed and said they needed to review the contracts that were signed in 1999 and 2000. He said as legislators, they had to be vigilant of every single penny that they spent. He asked what their return was on their investment today, not five years ago. Sacia said the Board had made economic development their priority, and they had to look at the long term. He said an economic crisis was not the time to stop economic development. He said when things began to turn around, they would have to catch up, and then it would be too late. He said it was investment for long term results. He said they had looked at the question of whether Jacksonville was getting the best jobs. He said Duval County had the most ready to go properties, but that projects were being done in the outlying counties as well. He said we had the responsibility to close the deal and they simply gave us the resources to get to that point. He said the program was a model in the country.

(10:08 a.m.) Bryan asked what involvement they had with the TDC. Sacia said that normally tourism didn't fall within their realm, though it was the number one industry in the County. He said it was part of his job, because they were trying to help any industry in the County to grow and be successful. Sacia said it appeared that the tourist industry was fractured and was delivering differing messages. He said they had attempted to give the tourism industry members an opportunity to come together, to try to work together, and to talk to one another.

(10:10 a.m.) Stevenson said a number of their Chamber members were in the tourism industry and paid membership fees. She said they had been down the road before of discussing what they did and did not get from the Cornerstone operation. She said they had determined that the goal of the Regional Economic Development Council was to get attention of businesses, and it was the County's responsibility to close the deal. She said you had to be big to show up on the global radar for the larger businesses. She said she agreed that they had to be sharp on how they spent their money.

(10:12 a.m.) Bryan said there were three contracts that needed to be updated: the EDC, Cornerstone, and the Chamber of Commerce. He said they were old and needed to be updated.

(10:13 a.m.) Miner said he had concerns about Cornerstone as well. He said St. Johns County had the reputation of not being business friendly, and did not have an abundance of land available, nor was rezoning an easy process. He said Jacksonville was contributing more and was getting more. He said he would like to see more from Cornerstone.

(10:14 a.m.) Sacia responded that Duval did pay a lot more, but no matter how much they paid, they all had the same opportunity. He said a lot depended upon what was available and what the business was looking for. He said St. Johns County did not have facilities to meet the needs of some of the larger companies.

(10:15 a.m.) Miner said he wanted to make sure that the voice for St. Johns County was solid.

(10:15 a.m.) Sacia said that as far as the investment went, they did a great job of leveraging their investment. He said they had two full time employees at the Chamber dedicated to economic development. He added, if they were looking at return on investment, they were providing those services.

(10:16 a.m.) Stevenson said they needed someone outside of the County that could talk with business prospects when they came to St. Johns County, because of the need for confidentiality. She said Cornerstone provided an important function.

(10:17 a.m.) Mays asked McCormack if he had the opinion on Hometown Democracy, and whether Sacia could address the issue.

(10:17 a.m.) McCormack said Senate Bill 216 set out a new restriction pertaining to local governments and political advertising or electioneering communications pertaining to issues, referendum etc. that are subject to the vote of the electors. He read part of Statute 106.113; "A local government, or a person acting on behalf of a local government, may not expend or authorize expenditure of (etc., etc.)...political advertisements, electioneering communications" which is much more broadly defined, and does not necessarily include for or against. But if it's something that is an opinion that is non-factual, it may fall under that statute. He said the Board would have a broader opportunity than he or County staff would have to discuss such issues. He added that he would ask for caution on that day's discussion to allow him to investigate the language. He said he was not comfortable making such a decision on that new law, which had not been interpreted fully. He said he was raising a red flag and recommending that for today's purposes, Sacia withhold his comment, as he was reporting to the Board as part of a contractual relationship. Mays said he understood and asked Sacia to return at a later date to address the issue during public comment.

(10:21 a.m.) Jerry Mallot, President of Cornerstone, gave a report on the Cornerstone Partnership Overview (Exhibit B). He reviewed what Cornerstone did and why they did it. He reviewed the goals for the Northeast Florida Region, why they did economic development together regionally, the Cornerstone Management Team and their respective responsibilities. He further reviewed the key elements of Partnership, Research, Marketing, Prospecting/Recruiting, Communication/Strategies, and Closing the Deal. He said they maintained an Online Properties Database which was available within each county and they had immediate access for businesses when they requested the information. He reviewed their Regional Program and the Prospect Management Process. He said marketing was the thrust upon which Cornerstone was based and reviewed their marketing program. He reviewed the most important source of business. He said they had doubled the capacity of their website and expanded the information on each County. He reviewed what companies wanted, the prospects

profile and the prospects by origin and noted they were part of the global economy, with 47% being for international sources. He reviewed their Economic Development Successes in Tallahassee, and how the St. Johns County Commission could help Cornerstone.

(10:46 a.m.) Bryan reviewed the 2008 statistics of those working outside of the County and the size of the firms. He said he was concerned about the leads going outside of the County.

The meeting was recessed at 10:50 a.m. and resumed at 11:01 a.m.

(07/07/09 - 12 - 11:01 a.m.)

4. PRESENTATION ON THE SMALL BUSINESS DEVELOPMENT CENTER AT THE UNIVERSITY OF FLORIDA

Cathryn Hagan, Area Director for the Small Business Development Center (SBDC) at the University of North Florida, gave the presentation (Exhibit A). She was introduced by Bryan. Hagan gave background on the SBDC. She said they had been in existence since 1976, were authorized nationally in 1980 by act of Congress, were part of a national network and were funded by the U.S. Small Business Administration. She reviewed the activities of the SBDC including group training, individual counsel and access to private databases and other informational resources. She stated that assistance was available in business start-up, marketing, accounting/record keeping, cash-flow planning, financial analysis, finding capital, general management, business planning and more. She reviewed the keys to their success, how their effectiveness was measured including the number of client and workshop attendees, the average hours spent per client, businesses started, capital obtained, jobs created and retained, sales increased, success stories, and contracts awarded. Janis Donaldson reviewed the services provided to St. Johns County, and noted that all their funds had to be matched by local contributions in order to draw them. She explained that it had to be cash or in-kind contributions. She said they were proposing a full SBDC service dedicated to St. Johns County. She reviewed what a full time analyst could do including a client load of 109 clients per year, and presentation of eleven training sessions annually. She said it would cost about \$102,000 and she said they would be willing to invest \$40,000 in new federal funds. She encouraged them to think of small business as a major tool in economic development for the County.

Hagan reviewed the return on investment, and said for every \$1 invested, almost \$3 was returned in increases to the tax base through sales increases and jobs created, and that businesses that benefited from in-depth SBDC assistance, experienced more than 17 times the job growth of average businesses. She reviewed the value of outsourcing small business services to SBDC, including leveraging existing funding, leveraging existing infrastructure, proven economic impact, public outreach to business community, disaster mitigation and recovery, documented return on investment, and fast response to new Federal SBA and economic development programs.

(11:19 a.m.) Bryan commented on the lack of information the public had regarding many of the small business development opportunities. Hagan responded that small business held the majority of jobs in the country. Bryan said there were a significant number of retired professionals who were willing to volunteer through the SCORE program to help small businesses. Donaldson said there were lots of organizations that could help small business people in St. Johns County. Bryan said Northrop Grumman had to do business with small and minority businesses because they were a government funded agency and the community needed to be aware of that.

(11:22 a.m.) Stevenson asked if they helped existing business as they tried to hang on during tough economic times. Hagan said they did, and that about 70% of the businesses she was involved with were existing businesses. Donaldson said they had a package called The Upside of the Downturn and this was helpful information for business.

(11:25 a.m.) Wanchick said it was not an ideal time to start a new venture but he said this program might be an exception, and it would plug a hole in their economic development program. He said he would like to see it as a St. Johns County service to the community and would like to see it moved onto our campus. He said anyone interested would be in the right environment to get the services necessary. He said he would certainly support that initiative. Stevenson said she thought it would be a wise use of resources. Bryan said there were less than 100 African American businesses in St Johns County. He said this would help to stimulate the economy in our County. Miner said it was an outstanding program and they needed it in St Johns County. Sanchez said he would support it as well. He said he would like to see it help those small businesses that were already here. Mays agreed that it was a good investment, would provide a good return and all areas of the County would benefit.

(11:30 a.m.) Joe McIntyre, 7265 A1A South, said he was happy to hear they were in support of the SBDC expanding in St. Johns County. He told of a group which had already been trying to develop a Small Business Incubation Center in the County and their cooperative efforts with SBDC. He said they were also working with Flagler College and SJRCC. He said both colleges were making staff available as speakers to the group coordinated by Donna DeLorenzo of Flagler College.

(11:34 a.m.) Jim Wheeler, 4240 Leaping Deer Lane, said he had served on the EDC Board with Cathy Hagan. He said she had brought the idea to the EDC Board earlier when the funding matches were not as great. He said he strongly supported the effort. He said any way they could grow jobs would help to grow the economy and would be money well spent. He noted that return on investment was critical and it was important to grab hold of the commitment to economic development, which they had all campaigned on. He said historically the County had not spent a lot on Economic Development, but this was a great investment which could solve a lot of our problems. He said they needed to grow jobs and the commercial tax base. Stevenson said *there was solid consensus to support that initiative.*

(07/07/09 - 13 - 11:39 a.m.)

5. PUBLIC HEARING - ORDINANCE HOUSING FINANCE AUTHORITY OF ST. JOHNS COUNTY. THIS NEW ORDINANCE WILL AMEND ST. JOHNS COUNTY ORDINANCE 80-7 AS RATIFIED, CONFIRMED, REENACTED BY ST. JOHNS COUNTY ORDINANCE 89-5 WHICH CREATED THE HOUSING FINANCE AUTHORITY OF ST. JOHNS COUNTY, INCREASING THE NUMBER OF MEMBERS OF THE HOUSING FINANCE AUTHORITY AND ESTABLISHING THE INITIAL TERMS OF THE ADDED MEMBERS. THE ATTACHED ORDINANCE INCREASES THE NUMBER OF MEMBERS OF THE HOUSING FINANCE AUTHORITY OF ST. JOHNS COUNTY FROM FIVE (5) TO SEVEN (7) MEMBERS, ESTABLISHES THE INITIAL TERMS OF THE ADDED MEMBERS AND PROVIDES THAT THE AMENDMENTS AND PROVISIONS THEREOF SHALL APPLY PROSPECTIVELY. IF THE ORDINANCE IS APPROVED, THE APPOINTMENTS OF THE TWO ADDITIONAL MEMBERS WILL BE CONSIDERED AT A LATER MEETING

Proof of publication of the notice of public hearing on Housing Finance Authority of St. Johns County was received, having been published in *The St. Augustine Record* on June 23, 2009.

Tom Crawford, Director of Housing and Community Services, gave the presentation, and said the current item was the Ordinance for the Housing Finance Authority. He said the previous authority had four members that always expired in March, but they were now proposing seven members to create a more stable process.

(11:41 a.m.) **Motion by Miner, seconded by Bryan, carried 5/0, to enact Ordinance No. 2009-30, to increase the number of members of the Housing Finance Authority of St. Johns County from five to seven members.**

ORDINANCE NO. 2009-30

AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA, AMENDING ST. JOHNS COUNTY ORDINANCE NO. 80-7 AS RATIFIED, CONFIRMED AND REENACTED BY ST. JOHNS COUNTY ORDINANCE NO. 89-5, WHICH ORDINANCE CREATED THE HOUSING FINANCE AUTHORITY OF ST. JOHNS COUNTY; INCREASING THE NUMBER OF MEMBERS OF THE HOUSING FINANCE AUTHORITY OF ST. JOHNS COUNTY AND ESTABLISHING THE INITIAL TERMS OF THE ADDED MEMBERS; PROVIDING THE AMENDMENTS AND PROVISIONS OF THIS ORDINANCE SHALL APPLY PROSPECTIVELY; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

The meeting recessed for lunch at 11:42 a.m. and reconvened at 1:15 p.m. with all five commissioners, Wanchick, Locklear, McCormack, Hunt, and Lenora Newsome, Deputy Clerk present.

(07/07/09 - 14 - 1:15 p.m.) (DISTRICT 1)
6. PUBLIC HEARING - APPEAL PZA APPROVAL OF TOWER 2008-02/ZADMAPL 2009-01. THIS REQUEST IS AN APPEAL BY THE ST. AUGUSTINE - ST. JOHNS COUNTY AIRPORT AUTHORITY OF A SPECIAL USE PERMIT FOR A TOWER APPROVED BY THE PLANNING AND ZONING AGENCY ON MARCH 5, 2009. THE APPROVED SPECIAL USE PERMIT ALLOWS FOR THE PLACEMENT OF A 130-FOOT MONOPOLE COMMUNICATIONS TOWER WITH ASSOCIATED EQUIPMENT BUILDING(S) AND ANTENNA SUPPORT AND TO ALLOW FOR A 12' DRIVEWAY AND AN "L" TURN-AROUND ON PROPERTY ZONED OPEN RURAL (OR). THE PROPERTY IS LOCATED AT 370 GUN CLUB ROAD. ON MAY 1, 2009 THE APPLICANT FILED AN APPEAL IN A TIMELY MANNER AS PRESCRIBED BY THE LAND DEVELOPMENT CODE. THE PLANNING AND ZONING AGENCY APPROVED THE TOWER BY A VOTE OF 6/0, (MR. WHEELER BEING ABSENT) AND WITH SPECIFIC CONDITIONS FOUND IN THE FINAL ORDER DATED APRIL 2, 2009

Proof of publication of the notice of public hearing on ZADMAPL 2009-01, SUP 370 Gun Club Road, was received, having been published in *The St. Augustine Record* on June 22, 2009.

Lindsay Haga, AICP, Director Development Review, stated that her presentation was intended to lay the ground work/frame work of the facts of the case that the PZA

heard. McCormack mentioned that it was a quasi-judicial item and it would be prudent to make necessary disclosures. Stevenson stated that she had no ex parte disclosure. Sanchez disclosed ex parte communication regarding attending the Airport Board Meeting and hearing the current issue discussed. Miner disclosed ex parte communication with Doug Burnett, lawyer for the Airport, about that item. Bryan disclosed ex parte communication with Laura Belflower, representing the applicant. Mays disclosed ex parte communication with Doug Burnett regarding the matter and attended an Intergovernmental Committee Meeting where the issue was discussed. McCormack suggested that Stevenson ask if there were any questions pertaining to the ex parte disclosures. He said to let the record reflect that there were none.

(1:16 p.m.) Lindsay Haga, AICP, Director Development Review, presented a Power Point presentation. She stated that the applicant proposed, and the PZA had approved a monopole, that would not be a guide tower.

(1:23 p.m.) Doug Burnett, St. Johns Law Group, 1301 Plantation Island Drive, on behalf of the St. Augustine Airport Authority, spoke on the Airport Authority proposing its own tower, and stated that under the Land Development Code, the Airport did not have to seek the approval of the Board in order to construct that tower. He reviewed three preliminary items on why the appeal should be granted: wrong legal description in the Order; waivers and variances requested, regarding special use permit, were listed in the Order; and he stated that if not granted, the appeal needed to be sent back to the PZA. He reviewed some of the additional technical issues in the order: language; co-location; incorrect statement listed under condition #5, should be Federal Aviation Regulations; and clarification was needed on the application where a 136 foot tall tower was mentioned, but the Order mentioned a 130 foot tall tower. He stated that the tower that the Airport would be building was a category three rated tower. He spoke on there not being a balloon study in the application and on unguided monopole towers. He spoke on the issue of compatibility A-G and on the impact of two towers in the airport fly zone. Bryan asked if this particular tower was going to interfere with any transmissions or reception of the existing radio frequencies. Burnett replied that they didn't know. Bryan mentioned that the tower they were proposing was higher than the other one and would be more of a risk. Burnett replied that the Airport's tower location was a better location. Bryan asked about megahertz. Stevenson mentioned focusing on the item before them. McCormack spoke on the appeal and also consideration of the tower. He stated that for the appeal, Burnett would be limited to the items he addressed in the appeal, items he described in the appeal package, and Burnett should not go outside of it. Discussion followed, and it was agreed not to make any comments until the end of the entire presentation.

(1:48 p.m.) Laura Belflower, P. O. Box 47451, Tampa, FL, representing Verizon Wireless, spoke on the legal description being wrong and that she believed it had been corrected; waivers and variances regarding the width of the access driveway, and building it to the exact size of turnaround that was asked for; on remanding it back to PZA regarding Verizon's service going on the Airport's tower and there had been no Airport tower, because the Airport didn't sign a lease until three weeks after Verizon's hearing. She spoke on the Order not having co-location and stated that the tower would include it. She stated that it was for the FAA regulations and they were asked to provide lighting, and would add it as a condition. She spoke on the height of 130 feet versus 136 feet and the tower structure was 136 feet, which was approved. She spoke on the wind load requirements meeting all the design structures. She spoke on not having a balloon study and the Code not requiring a balloon study. She spoke on the unguided monopole being in the site plan. She spoke on the frequency interference being reviewed and stated there would be no interference issues. She stated that the PZA held a full hearing on that issue and that they met the Code, and asked that the record

before the PZA be considered as part of the record before the Board. Stevenson stated that she objected to Belflower's last request because of the decision being asked of the Board, and they had not seen the PZA testimony. McCormack asked if Belflower had a chance to review the agenda packet that day. He stated that the testimony before the PZA was not automatically incorporated into the hearing. Belflower spoke on the concerns regarding the towers. She stated that she believed the appeal was baseless and asked the Board to deny it. McCormack reviewed how the rest of the meeting should be handled. Stevenson voiced her concern about the megahertz system being considered at that hearing. McCormack stated that he was not confident that the Federal or State regulations addressed Stevenson's concern as an issue and was not grounds for a decision one way or another. Discussion followed on the megahertz system. Belflower voiced her concern on the County using the Airport's tower, which would exempt them from the County's regulations. Stevenson stated that the County was not considering any towers at the current time. Stevenson questioned the height of the tree canopy, and stated that she did not agree that there were no aesthetic implications of Verizon's site. Belflower stated that they never had Verizon towers appealed before. She stated that the closer the vegetation was to the viewer, the more it was going to block the view of the tower. Stevenson spoke on not doing a balloon study. Bryan spoke on other towers being approved and stated that he didn't see where it would be that noticeable compared to other towers that had been approved. Stevenson mentioned that there were strong arguments that there were not any alternative sites. Bryan asked how you could determine between locations and spoke on focusing on the legal issues. Miner asked about the flight patterns of the airport district.

(2:12 p.m.) Ed Wuellner, Executive Director, St. Augustine Airport, spoke on the airport traffic pattern. He voiced their secondary concern with the tower being immediately across from the existing tower. He stated that they were literally talking about 500 feet of distance between what they were proposing and the existing towers. He stated that it was a much more aggressively used piece of air space on the east side of the runway than on the west side. Bryan asked if the FAA would have been aware of it, and asked if it was his opinion or FAA's opinion. Wuellner replied that it was a combination of both; that the FAA, by Federal statutes, had a limitation of what they were allowed to look at regarding aviation hazards. He spoke on getting more height for more carriers, towers and airplanes not getting along, and the airport using Verizon. He stated that the Airport Authority, in their agreement with Tower Com, had specifically granted the exception to Tower Com to waive fees for Verizon, as an inducement to get them on that tower and not create an additional obstruction in close proximity to the Airport. He stated that it was not a revenue issue for the Airport. Belflower reviewed an air study done by a consultant for Verizon Wireless regarding the different fly zones. Miner spoke on general aviation and the Airport being relatively un-obstructed around the general area. Bryan asked Wuellner to show him where their proposed tower would be and stated that their tower was close to the flying pattern as well. Wuellner explained the big difference between the two proposed towers, and apologized to Verizon for the time it had taken the Airport Authority to get to a point and a location where a tower could be erected. Stevenson spoke on aviation compatibility and asked Wuellner if there were practical impediments to them being able to put a tower in that location. Wuellner replied that it was adjacent to the residential area, but the property that was being proposed, being leased for the placement of the tower, was actually airport related property, so it was zoned airport not residential. Stevenson asked if he was in the early part of the application. Wuellner replied that it was to be submitted to the County by the end of this week. Burnett stated that the property was not within the boundary of the Airport Overlay District. He reviewed the history. McCormack suggested having public comment and then recessing, so he could have a sidebar with the two attorneys prior to coming back for closing comments.

(2:25 p.m.) Clara Cowen, 244 Patrick Mill Circle, spoke on being stuck with an eye sore in a scenic area, and suggested having a noticed balloon study done.

(2:27 p.m.) Sanchez stated that he agreed that they needed to make the balloon test as a required part of the application in the future. Stevenson stated that she thought it was a very good issue, and she thought that they needed to focus on identifying priority view sheds, because it was something that people took for granted.

The meeting recessed at 2:28 p.m. and reconvened at 2:45 p.m.

(2:45 p.m.) McCormack stated that the Board could have the opportunity to have staff address any of their questions, or if not, it should go to Belflower, then Burnett. Mays asked if the comments on all the technical problems in regards to the Order were really problems. Haga replied that there were not many technical issues with the Order, but there were two scrivener's errors that Burnett brought to their attention; one was Florida should be referenced as Federal and the other one was an incorrect parcel id number. She said that they believed that there were no technical issues with the Special Use Permit Final Order. Burnett said it should be Federal Aviation Administration not Agency. He asked where the variance application was, the language saying that it was going to be an unguided monopole, and the language regarding the 130 foot tower. Haga stated that there would not be a waiver because they followed the correct procedure by putting it within their Special Use Permit, and that was not a technical default for that application. Mays asked if those were technical legal issues, not land use. McCormack stated that one of the options that the Board had, was to make a corrected Order, if there was a glitch in the legal description or something like that. Mays asked if they needed to rewrite the Order to deal with the different issues. Burnett stated that the waiver was not an easement, but to provide for a turnaround, and not to build the road consistent with the Code. Mays stated that they were either legal imperfections or not. McCormack stated that the Board could issue a corrected/revised Order. Stevenson asked McCormack if he believed that those were differences that could be resolved at that time. Mays spoke on the imperfections in the Development Order. McCormack stated that it was in the County's interest, if the County approved the tower, that the Order be corrected and contain no false information. Mays asked if they could rewrite those without having heard the full hearing that PZA had discussed. Discussion followed. Bryan asked if it would be appropriate to remand it back to PZA. McCormack stated that if the Board, in regular procedures, considered remanding it back to PZA, they could do that. He stated the reason he mentioned it was that an applicant, by statute, had an entitlement to have something appealed within a certain time, but the statute also gave language about the regular procedure or next regular meeting. He stated that if the Board found that it was part of its regular procedure, and in the past the Board had remanded back documents for further PZA consideration, then he believed that it would fit within that language. Bryan stated that he thought it would be in the best interest of the Board, for the corrections needed to be made, and that way they were not making the decisions based on erroneous information. He stated that they needed complete and accurate information. Sanchez asked if they remanded it back to PZA, whether they could ask for a balloon test. McCormack replied yes. Sanchez stated that his one big concern was to keep towers at a minimum, and that he supported it going back to PZA. Mays spoke on remanding it back to PZA and getting a balloon test to examine compatibility. McCormack stated that it would give PZA an opportunity to correct the alleged deficiencies in the Order. Miner asked PZA to explore the compatibility and safety concerns as they related to the eastern flight patterns for runway 1331.

(2:58 p.m.) Belflower said that they were way past the statutory time frame and they were not waiving the time frame. She asked that if it was remanded back to PZA, that

no building permit be issued for the airport's tower, as they believed that the whole delay was so that the airport could move forward and build their tower. She asked that the Airport tower not be considered as an existing tower. She said that they would agree to do the balloon test and asked if there were any other issues that the airport wanted to raise. If there were, to let them know within the next week, so that they could prepare and have answers to all the issues addressed, so they could get a full and complete hearing before the PZA. She stated that the technical issues were just technical issues and they would try to get a better understanding regarding air safety. Stevenson spoke on having only one airport and its being important to the community. Miner asked about the statutory timeline. McCormack stated that the hearing that day was within the statutory time frame as was the next regularly scheduled meeting. He asked if the Board was considering remanding it back to PZA to clarify the elements in the Order or to do some more fact finding on the compatibility and safety. McCormack stated that if the applicant did not agree to remand it back to PZA, there were enough issues about the timeline that he would need to advise the Board that day that it might be an issue. Belflower responded that they would agree to remand it back to PZA. Stevenson asked if they wanted to remand it back to PZA or back to the Board. McCormack stated that it was a PZA Order and a PZA matter. Burnett spoke on the variance application. McCormack advised the Board to request staff to look at the variance issue in coordination with the County Attorney's Office. Burnett stated that expense was not a justification for a variance. Bryan stated that staff had already advised them on it and that a variance was not necessary. Burnett spoke on a waiver and a separate variance.

(3:07 p.m.) Motion by Bryan, seconded by Miner, carried 5/0, to remand this particular item back to the PZA to correct the deficiencies, to include compatibility, as well as balloon testing, technical errors, and to reconsider the matter including, but not limited to, the compatibility issues and safety issues that were addressed, any potential order corrections and that it shall be remanded at the next practically available PZA.

(07/07/09 - 18 - 3:08 p.m.)

(DISTRICT 1)

7. PUBLIC HEARING - REZ-2008-04 NATURAL STONE - RECONSIDERATION HEARING. A RECONSIDERATION OF REZ 2008-04, NATURAL STONE, A STRAIGHT REZONING TO COMMERCIAL INTENSIVE, APPROVED BY THE BOARD OF COUNTY COMMISSIONERS MAY 27, 2008. THE PURPOSE OF THIS HEARING IS TO READDRESS THE APPLICANT'S COMMITMENT TO DEED RESTRICT THE PROPERTY, LIMITING OUTSIDE STORAGE TO STONE MATERIAL; AND INSTEAD CONSIDER GRANTING A CONDITIONAL REZONING LIMITING ANY OUTSIDE STORAGE TO ONLY STONE PRODUCTS RELATED TO THE BUSINESS IN OPERATION. THE SUBJECT PROPERTY IS LOCATED ALONG US 1 NORTH, SOUTH OF THE INTERSECTION OF RAY ROAD AND US 1. THE PROPERTY WAS REZONED FROM COMMERCIAL HIGHWAY TOURIST TO COMMERCIAL INTENSIVE. THE REZONING WAS APPROVED SUBJECT TO A MOTION LIMITING STORAGE TO OUTDOOR MATERIALS, TO BE SCREENED IN ACCORDANCE WITH THE LAND DEVELOPMENT CODE. RECONSTRUCTION, DEVELOPMENT AND SCREENING HAS BEEN INSTALLED IN ACCORDANCE WITH ORDINANCE 2008-27

Proof of publication of the notice of public hearing on REZ 2008-04, Natural Stone, was received, having been published in *The St. Augustine Record* on June 22, 2009.

Lindsay Haga, AICP, Director Development Review, stated that it was a reconsideration of a straight rezoning application that was approved by the Board in

May of 2008, and the purpose of that hearing was to readdress one of the applicant's commitments to deed restrict the property regarding outside storage. She gave a presentation. She reiterated the purpose of the hearing was to consider the applicant's representative's request to convert the deed restriction to one that would be enforceable by modifying the ordinance and adding in a condition limiting outdoor storage.

(3:13 p.m.) Stevenson asked if there was any ex parte disclosure. Sanchez asked if the preference to stone products included construction debris. Haga replied no, that the company used natural stone for landscaping. Bryan expressed having some of the same concerns as Sanchez. There was no ex parte on the part of the Commissioners.

(3:15 p.m.) Joe Van Roey, 1526 University Blvd. West, Suite 346, Jacksonville, representing the applicant, stated that it was a reconsideration to modify a technical aspect of the existing zoning, relating to the outside storage limitation that was placed on the zoning at the previous meeting. He stated that they were currently operating with a conditional certificate of occupancy, pending the outcome of that hearing.

(3:16 p.m.) Sanchez said he had seen construction debris on the southeast corner of the property, behind the fence. Van Roey said he was not aware of the debris and that he had not been behind the fence. Sanchez asked if the owner of the property was not satisfied with the deed restriction, how he was going to be satisfied with a permanent change to his property. Van Roey replied that the zoning change was fine, but the deed restriction required a release and was a different process than a rezoning. Discussion followed on the deed restriction.

(3:18 p.m.) Bryan stated that what he saw was definitely broken up pieces of concrete piled more than six feet in the air. He asked if there had been any complaints from the neighbors about the property. Haga said there had been no listed complaints for that site. Bryan stated that he would like for them to be more specific about what storage would be allowed, because he didn't want to find out later that there was something there that they didn't really want stored on the property. Van Roey spoke on having natural stone products and taking care of construction debris. Bryan said he wanted applicants to be honest, and he did not want to be snowed about what was going on the property.

(3:21 p.m.) Stevenson expressed her understanding that the concrete was not allowed under the deed or zoning restriction.

(3:21 p.m.) James Whitehouse, Senior County Attorney, referred to number five on the proposed ordinance and said they could reword it to say; "outdoor storage of materials is restricted to the stone product that is being sold in relation to the associated business located thereon and so on". He stated that the applicant's attorney would tell the Board, in the interest of his client, that he was going to inform his client that if he did have construction debris there, that it needed to be removed. Van Roey said he would notify his client that the construction debris should be removed immediately.

(3:22 p.m.) Sanchez stated that he really wanted to clarify that, and he wanted to support the applicant, but he did not want someone to come back to the Board and tell them that crushed up concrete was a sellable product and it met the requirements to be stored on their property. Van Roey said they could list in the ordinance that busted concrete was not allowed. Sanchez said they needed to incorporate it in the ordinance because concrete that was busted up was a sellable product. Whitehouse said they could add that at the end of the sentence he suggested above, stating that it specially excluded construction debris. Sanchez said they had to come up with language that would keep the construction debris concrete from being dumped on that property.

Stevenson suggested addressing his concern by having the height constrained so that it was clearer that it was inventory product rather than a dump. Sanchez replied there would still be trucks dumping concrete that had come from a construction site and that was what he did not want to see and that was what the residents did not want to see on the property. He said construction debris concrete could become a sellable item. Whitehouse said it was going to be a conditional rezoning ordinance, so any language needed to be included before they passed the item. Whitehouse stated that condition number five in the ordinance would read: "outdoor storage of materials is restricted to the stone product that is being sold in relation to the associated business located thereon and such shall be screened in accordance with the Land Development Code. This specifically excludes construction debris including broken concrete or asphalt or any similar material in any shape or form". Van Roey asked if they could insert: "mulch be allowed" and included in the ordinance.

(3:27 p.m.) Sanchez asked if they could also include in it construction debris that was characterized in that ordinance must be removed within ten days. Whitehouse said they could include, as a condition of the ordinance, that the debris be removed. Whitehouse said that they needed to address the request of mulch, because he was hearing from staff that it was not allowed currently out there and if they wanted to do that then they needed to include it that day. Stevenson suggested that the Attorney wordsmith the language and return afterwards.

The meeting moved to item 8.

(3:52 p.m.) *Subsequently, Whitehouse stated that the language would be on the same number five on the ordinance and read; out door storage of material is restricted to landscaping mulch in reasonable quantities and the stone product that is being sold in relation to the associated business located thereon. This specifically excludes construction debris, including broken concrete or asphalt, or any similar material in any shape or form. Storage piles shall not exceed six feet in height and all such permitted outside storage as aforementioned, shall be screened in accordance with the Land Development Code.*

(3:53 p.m.) **Motion by Bryan, seconded by Mays, carried 5/0, to enact Ordinance 2009-32, known as REZ 2008-04, Natural Stone, adopting findings of fact one through 5, with number 5 being amended to reflect what Whitehouse read into the record to support the motion.**

ORDINANCE NO. 2009-32

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

(07/07/09 - 20 - 3:31 p.m.)

(DISTRICT 3)

8. PUBLIC HEARING - PUD-2006-09 MOULTRIE BLUFF PLAZA (PLANNED UNIT DEVELOPMENT REZONING) CONTINUED PUBLIC HEARING FROM APRIL 21, 2009 TO CONSIDER A REQUEST TO REZONE AN EXPIRED PLANNED SPECIAL DEVELOPMENT (PSD) TO A PLANNED UNIT DEVELOPMENT (PUD), AS REQUIRED BY SECTION 5.03.09 OF THE LAND DEVELOPMENT CODE, LOCATED WEST OF US 1 SOUTH, AND SOUTH OF

WEST GENUING STREET. THE APPLICATION PROPOSES 33,000 SQUARE FEET LIMITED COMMERCIAL/OFFICE USES AND FIFTEEN (15) SINGLE FAMILY UNITS. THE PROPERTY HAS BEEN THE SUBJECT OF TWO PUD APPLICATION DENIALS. FOLLOWING THE DENIAL OF THE APPLICANT'S SECOND PUD PROPOSAL, THE APPLICANT FILED FOR AN ALTERNATE DISPUTE RESOLUTION. FRANK UPCHURCH, ESQUIRE, SERVED AS THE HEARING OFFICER AND DURING A PUBLICALLY NOTICED OPEN MEETING HELD SEPTEMBER 24, 2008, THE APPLICANT AND NEIGHBORS (WITH DEVELOPMENT AND LEGAL REVIEW BY COUNTY STAFF) REACHED A MEMORANDUM OF UNDERSTANDING (MOU). THE MOU OUTLINED ISSUES TO BE ADDRESSED AS A MEANS OF MITIGATING NEIGHBORHOOD OBJECTIONS TO THE PREVIOUS TWO PROPOSALS FOR THE PROPERTY. THE APPLICANT MODIFIED THE PROPOSAL TO ADDRESS THE ISSUES OUTLINED IN THE MOU. THE APPLICATION IS NOW A RESULT OF THOSE COMPROMISES AND CHANGES

Proof of publication of the notice of public hearing on Rezoning PUD 2006-09, Moultrie Bluff Plaza, was received, having been published in *The St. Augustine Record* on April 6, and June 22, 2009.

Lindsay Haga, Director of Development Review, reviewed the background and noted it had been heard previously at the April 21 meeting. She reviewed the specifics of the project and gave an overhead presentation. She stated that there were waivers that were incorporated within the PUD; the unified sign plan and the perimeter buffer. Stevenson stated that she didn't have any ex parte communication. Sanchez, Miner, Mays, and Bryan disclosed ex parte communication with Karen Taylor. Sanchez mentioned asking them to get the FDOT report. Bryan stated that he would like to insure that the language relative to the transportation plan was, in fact, included in the entire PUD, to insure that if the property was sold in the future, the buyer would know that they would have to comply with the transportation plan itself. Stevenson asked if it was consistent with legal. Whitehouse stated that since it was a PUD, they could work with the applicant to include such language in the text. He stated that it could say; *they will work with and abide by the DOT recommendations for traffic improvements along the State Highway US 1*. Bryan stated that in the event the property was to be sold again, he wanted to make sure that the County would not get stuck with the transportation plan improvements.

(3:41 p.m.) Karen Taylor, 77 Saragossa Street, responded to Bryan stating that it was a preliminary thing from DOT. She stated that the PUD itself said that the applicant would make any improvements, and would comply with all the permits from all the State agencies which would include FDOT. She stated that the responsibility was with the applicant. She stated that when you actually put in full permit drawings, that was when you had the actual DOT permit. Bryan stated that in the future the property could roll over, get sold, and the individual that bought the property might not had been aware that there was a transportation plan. Taylor replied that it was a requirement that they had to have their DOT permit before they could commence construction. She stated that there was a misinterpretation last time; Mr. Ford and Mr. Wood were the owners of the property. She clarified that they agreed to do a conservation easement and the conservation easement was to follow the minimum 30 foot buffer along the south boundary, wetlands along the western boundary and the upland buffer that was associated with that. She stated that they agreed to put that in a conservation easement that was in favor of the Moultrie Trails Homeowners Association.

(3:47 p.m.) Scott M. Bartosch, 422 Camelia Trail, spoke on a proposed solution for the use of the land that was agreeable to everybody. He thanked everyone for their help and stated that he was very happy with the solution.

(3:49 p.m.) *Whitehouse suggested adding a number 8; This approval is based specifically on the transportation improvements substantially in the form of the April 27, 2009 DOT drawings. He also suggested in the PUD text on page 7 of 17, about half way down after the underlined portion where it ended FDOT, to place a comma and add; including the improvements substantially in the form as depicted in the FDOT drawings dated April 27, 2009.* (3:50 p.m.) **Motion by Miner, seconded by Stevenson, to enact Ordinance 2009-31, known as PUD 2006-09, Moultrie Bluff Plaza as amended, adopting findings of fact 1 through 8 to support the motion.** Bryan commented on making sure the necessary information was included in the documents. Miner thanked everyone. Stevenson asked if the applicant was ok with the changes before they vote on it. Taylor replied yes. (3:52 p.m.) **The motion carried 5/0.**

ORDINANCE NO 2009-31

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

(07/07/09 - 22 - 3:54 p.m.)

9. CONSIDER A RESOLUTION AUTHORIZING THE COUNTY TO ADOPT THE SECOND ADDENDUM TO THE ST. JOHNS COUNTY AND CITY OF ST. AUGUSTINE BEACH INTERLOCAL AGREEMENT AMENDING THE FISCAL YEAR 2009 UTILITY SERVICE FUND TO RECEIVE UNANTICIPATED REVENUE IN THE AMOUNT OF \$9,920,980 FOR THE CITY OF ST. AUGUSTINE BEACH WASTEWATER COLLECTION AND CONVEYANCE SYSTEM

Bill Young, Utility Director, reviewed the item, thanked everyone who worked with him closely on the project, and for their help to make it happen. He stated that the project was designed to address different neighborhoods in St. Augustine Beach, and over the past several months they had conducted six different Town hall meetings to explain the detailed impact of that major construction effort. He stated that all the meetings were met with positive reaction from the residents. He stated that the seven neighborhoods had been bid as individual projects with construction timelines ranging from 155 days to 365 days. He stated that there were very important timelines and milestones that they must meet and a complete loan application must be submitted by Friday, July 17th. He stated that an actual loan agreement must be returned to the State by September 23rd, and they must certify that all construction projects would be awarded by October 1st. He stated that they anticipated awarding the contract at the Board meeting on September 1st. He stated that the City already adopted the attached second amendment to their interlocal agreement last night, and it was a very positive experience. He stated that they would be working with DEP, the City, and their bond counsel to review and negotiate the terms of the actual loan agreement over the next couple of months. He respectfully requested that the Board adopt the attached resolution and recognize the unanticipated revenue from the State. Bryan commended them for doing a great job.

(4:00 p.m.) Motion by Sanchez, seconded by Miner, carried 5/0, to adopt Resolution 2009-191, authorizing the County to adopt the second addendum to the St. Johns County/St. Augustine Beach interlocal agreement and authorizing the County Administrator to execute on behalf of the County; and amending the Fiscal Year 2009 Utility Service Fund to receive unanticipated revenue in the amount of \$9,920,980 associated with the Florida Department of Environmental Protection's Stimulus Funding.

RESOLUTION NO. 2009-191

A RESOLUTION OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, CONDITIONS, PROVISIONS, REQUIREMENTS, RESPONSIBILITIES AND OBLIGATIONS OF A SECOND ADDENDUM TO AN APRIL 28, 1992 INTERLOCAL AGREEMENT BETWEEN ST. JOHNS COUNTY, FLORIDA, AND THE CITY OF ST. AUGUSTINE BEACH, FLORIDA; AUTHORIZING THE CHAIR OF THE BOARD OF COUNTY COMMISSIONERS TO EXECUTE THE SECOND ADDENDUM ON BEHALF OF ST. JOHNS COUNTY; AND AMENDING THE FISCAL YEAR 2009 COUNTY UTILITY SERVICES BUDGET TO RECEIVE UNANTICIPATED REVENUE AND AUTHORIZING ITS EXPENDITURE BY THE ST. JOHNS COUNTY LIFT STATIONS LINE DEPARTMENT

(4:02 p.m.) Bill Young spoke on financial incentives to get the residents to connect to the system quicker once the lines were installed. He asked the Board's approval with recommended incentives. Bryan asked him to elaborate on it a little bit. Young replied that it was in the form of a reduction in the unit connection fees, the impact fee they would pay. He stated that a reduction of 50 or 60 percent in that fee would be substantial. Miner mentioned looking into privatizing ability and what benefits or drawbacks it may have for the customer/citizen of the County. Young suggested appointing a separate authority or something like that. Miner suggested having the BCC appoint a Board of Directors for it. Young stated that the time might be right, with the Board's approval, to work with Administration. Young stated that one of the main points was that the customers would not suffer at all, and it would only be a better situation for them. Mays asked with regard to St. Augustine Beach, what the ARP would pay for. Young responded that the \$10 million included all of the collection lines up to the property lines to the houses throughout all the neighborhoods. Mays stated that it would be going down all the streets now. Young replied yes and that there were a couple of lift stations that would be modified and one big lift station that would be installed. Young stated that the residents were looking for a reduction in the unit connection fees because they had on-site private costs, then an impact fee to the utility department, and they were looking for a reduction there also, as an incentive. Miner stated that he wanted to clarify that everyone was ok with Administration, in conjunction with the Utility Director, exploring what privatization would do. Bryan stated that they needed to look at all options to benefit the County economically, as well as for the customers. He spoke on incentives. Wanchick commented on privatization and stated that he was going to brief the Commissioners one on one to get their feed back on it. He stated that if it was the Board's desire, they would set something up within the next few weeks. Stevenson spoke on setting priorities, due to limited time. Wanchick mentioned that the majority of the work was done, they just needed to find time to sit down with the Board.

The meeting recessed at 4:08 p.m. and reconvened at 4:20 p.m.

(07/07/09 - 24 - 4:20 p.m.)

10. PRESENTATION OF THE FY 2010 RECOMMENDED BUDGET

Doug Timms, Director of the Office of Management & Budget, stated that Florida Statutes required the submission of a recommended balanced budget within fifteen days of the certification of taxable property values by the County's Property Appraiser. He stated that certified taxable values in the County declined from \$23.3 billion to about \$20.5 billion, or 12 percent, and was the largest decline by the County in that area of Florida. He gave a Power Point presentation on the County budget. He reviewed the budget process calendar, stating that it carried them through that day, previous Board budget workshops, \$35 million deficit by FY 2011 - \$23 million for the General Fund and \$12 million for the Fire District Fund, and recent financial impacts. He reviewed the examples of reductions the County had already made, FY 2010 guidelines, total FY 2010 projected County budget recommended was \$632 million, and total budget reserves - not depleting reserves but maintaining them. Timms reviewed the recommended staffing changes, Capital Improvement Plan Budget, Capital Improvement Plan Funding, tentative millage rates, property tax revenue, tax collection scenarios, millage options, and millage rates example. Timms reviewed the recommended solid waste non-ad valorem rates, alternatives, and what was next in the process.

(4:43 p.m.) Lenora Newsome, Deputy Clerk, left the meeting and Terry Bulla, Deputy Clerk, entered the meeting.

Stevenson commented on the steps that had been taken to meet the budget demands. She said it had been difficult and expressed appreciation for all the hard work that had gone into the process.

Bryan thanked Timms and his staff, along with the Administrator and his staff for their hard work. He said he was hard on people, but it wasn't personal. He said it was a tough job and they were trying to do as much as they could to maintain services. Mays said there was a lot of work ahead of them and there were difficult decisions to be made. Miner echoed those sentiments and thanked staff for their hard work. Stevenson said everyone, including the citizens, had to make difficult decisions during hard times. She said change was going to be a part of life as they adjusted to the realities they were facing.

(4:47 a.m.) Maureen Ortagus, 1445 Masters Dr., said she had spoken with Troy Blevins about the funding situation for the kids, so that they could swim for free during certain times of the day. She noted that on the spread sheet she had given them, there was some information that was inaccurate. She said she would like to get the correct numbers. She said she had a hard time with any type of raises at the current time, and there had been some huge raises. She said a lot of people were out of work and many people would come to the County for lesser pay. She encouraged them to do a temporary rollback.

(07/07/09 - 24 - 4:50 p.m.)

10A. MOTION TO AUTHORIZE THE COUNTY ADMINISTRATOR OR HIS DESIGNEE TO ENTER INTO A CONTRACT FOR BID#09-81-COURTHOUSE COMPLEX RENOVATIONS PHASE II WITH THE LOW BIDDER TO BATSON-COOK COMPANY IN THE AMOUNT OF \$4,134,700 PLUS ALTERNATE #1, #2A, #3, #4, #8, #9 FOR A TOTAL COST OF \$5,563,400, IN ACCORDANCE WITH THE FEBRUARY 17, 2009, BCC ADOPTED RESOLUTION 09-45, AUTHORIZING THE ISSUANCE OF SERIES 2009 SALES TAX REVENUE AND REFUNDING BONDS THAT INCLUDED \$6,925,000 FOR COURTHOUSE

COMPLEX RENOVATION PHASE II PROJECT. THIS PHASE OF THE PROJECT WILL PROVIDE THE NEEDED INCREASE IN COURTROOMS AND FINALIZE THE ONGOING RENOVATIONS (*Formerly Consent #18*)

Mays asked for an update and explanation on where they were on construction. Joe Burch, Purchasing Manager, gave the information on the construction project that had been going on for a couple of years. He said it was a continuation of Phase I. He explained that it was a renovation of the Judicial Center, and the project before them was a continuation of the construction in the Old Administration building, including converting the old auditorium into a new court room and a connection bridge between the two buildings. He said there would also be renovations to two existing courtrooms. He reviewed the bid from Batson Cook. Mays asked what stage they were in on the construction. Burch said they were finished with Phase I. Stevenson said that in 2005, the Chief Judge came to the County Commission and indicated that he needed court space. He said the juries were on top of each other. She said the project added needed courtrooms. General discussion on the history of the project ensued.

(4:54 p.m.) Wanchick suggested that Mays meet with them. He said there were a lot of complexities involved.

(4:55 p.m.) Stevenson said she understood that they were very much needed improvements. She said we had vacated that space in order for them to do the renovations. Mays said he would like to hear their capacity and what their needs were at that point. Stevenson said it was funded through the 2009 sales tax proceeds. She asked if he was not willing to support it. Mays said he was trying to get additional information. He asked how it was funded. Wanchick said it was part of a campus wide master plan and had been thoroughly reviewed by the Commission. He said the money was already bonded and borrowed. Sanchez said a lot of the public still did not understand the issue. He said it was recently built as a judicial center and was funded as such. He said they leased the building space to the County and they had asked the County to leave because they needed the space desperately. Mays said that was a good explanation and they could leave it at that.

(5:02 a.m.) Motion by Miner, seconded by Stevenson, carried 5/0, to authorize the County Administrator, or his designee, to enter into a contract with the low bidder, Batson-Cook Company, for the Base Bid of \$4,134,7000.00 plus Alternate #1, Alternate 2A, Alternate 3, Alternate 4, Alternate 8, and Alternate #9, for a Total Lump Sum Contract Amount of \$5,563,400.00.

(07/07/09 - 25 - 5:03 p.m.)

10B. MOTION TO ADOPT A RESOLUTION APPROVING AND AUTHORIZING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF GRANT AGREEMENT 07SJ1 AMENDMENT NUMBER 3 FOR THE ONGOING SOUTH PONTE VEDRA BEACH SHORE STABILIZATION FEASIBILITY STUDY AND EMERGENCY DUNE CONSTRUCTION, RECOGNIZING THE BUDGET CHANGES WITHIN THE ADOPTED FDEP BUDGET, AND AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO EXECUTE THE AMENDMENT TO THE GRANT AGREEMENT ON BEHALF OF THE COUNTY (*Formerly Consent #10*)

Press Tompkins, County Engineer, said it was basically a housekeeping issue for an emergency dune, with the DEP.

(5:05 p.m.) Motion by Bryan, seconded by Miner, carried 5/0, to adopt Resolution 2009-192, approving the terms, provisions, conditions, and requirements of the 07SJ1

Amendment No. 3, recognizing budget changes within the adopted FDEP budget, and authorizing the County Administrator, or designee, to execute the Amendment to the Grant Agreement on behalf of the County.

RESOLUTION NO. 2009-192

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING AND AUTHORIZING THE EXECUTION OF THE AMENDMENT TO GRANT AGREEMENT 07SJ1 CONTRACT/AGREEMENT AMENDMENT #3 BETWEEN THE STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION AND ST. JOHNS COUNTY CONTRACT/AGREEMENT AMENDMENT #3; PROVIDING DIRECTIONS; AND PROVIDING AN EFFECTIVE DATE

(07/07/09 - 26 - 5:06 p.m.)
COMMISSIONERS' REPORTS

Commissioner Mays:
No report.

(5:07 p.m.) Commissioner Bryan:

Bryan gave an update on the West Augustine Water & Sewer project, and said he had met with Dr. Allicock, her staff, faculty members from Flagler College, and members of the West Augustine community for a kick off meeting of the PACE Environment Health Risk Study and well and drain field testing. He said 550 to 600 individual households would have to be surveyed using a questionnaire developed by the State Health Agency for valid and certifiable results. He said the team testing drain fields would start up in about two to three weeks and Flagler students along with community leaders and volunteers would start the PACE and Health survey when the students returned in the fall. He stated that Dr. Allicock had acquired a \$20,000 grant to help with the community project which would incorporate PACE. He said he had also visited the Boys and Girls Club on King Street and said it was a great program. He said he was briefed by the kids on the rules of the club, and he played some games with them. He noted that on June 1 he accompanied Senator Tony Hill at the Town Hall Meeting at the Calhoun Community Center and talked about what was going on in the community and specifically about the water and sewer project they were all working on. He said Hill also discussed the African American heritage in St. Johns County including the rich history at Fort Mose. He said Hill was disappointed that the County wasn't doing more to highlight such rich history. He said he had also attended the Fort Mose birthday celebration last week. He noted that Health and Human Services had brought to his attention the 211 number, that they call the First Call for Help for Health Services and other community services available. He said he had attended the Guana meeting where two new members were appointed to the Guana Board. He said a gentleman was writing a book on the Guana, Matanzas, and other areas around the County and was soliciting photographs to be included in his book to be published.

(5:12 p.m.) Commissioner Sanchez:

There was no report. He said Addie McDaniel, Phil McDaniel's daughter, was in an off Broadway play in New York and offered his congratulations to her for her inclusion in the Whose Who list of the cast.

(5:13 p.m.) Commissioner Miner:

He said he would be on military leave until July 25 and then tentatively from August 14 until the end of August. He said Dan Chitwood would be asked to Chair the Public Safety Coordinating Council meeting on July 14, in his absence.

(5:13 a.m.) Commissioner Stevenson:

Stevenson said she had attended a meeting where Secretary Baldwin, Florida Department of Transportation for District 2, asked for an appointment to an Advisory Panel and she was recommending Commissioner Mays for that position. She said the second thing was at the Florida Association of Counties Annual meeting, their direction was to focus on energy efficiency and water efficiency. She said on the last day, there was a discussion about getting ready for the 2010 Census. She said there was a role for leaders in County government and she had asked Miner and Bryan to spearhead the effort to get the word out. She said they wanted to get everyone counted because it was a very important function.

(07/07/09 - 27 - 5:17 p.m.)

COUNTY ADMINISTRATOR'S REPORT

Wanchick said he had two TDC items to discuss. He said there was confusion, at least on his behalf, regarding actions taken at the TDC workshop. He said it was his understanding that the Board wanted to keep the current TDC Board in place, not make any new appointments nor continue anybody's term. He said the confusion on his behalf was with asking the existing members who wanted to continue on, to make a new application, along with anyone else in the community who was interested in serving. He apologized for that confusion and said if it was the Board's desire, they would move forward and start the application process. *There was Board concurrency to proceed.* He said they had tentatively set a date for a second TDC workshop for July 22, and suggested they find another date since several of them wouldn't be able to attend. Mays asked when those interested would be able to apply for the Board positions.

(5:20 p.m.) Melissa Lundquist, BCC Manager, said the Board Rules and Policies stated that they had to allow for four weeks time to pass in order to fill unexpected vacancies. She said they could get it out immediately and it should time perfectly with the workshop.

(5:21 p.m.) Mays asked if the appointments would be made at the workshop or at a date certain. Wanchick said he did not want to give a premature response, and they could certainly discuss it at the workshop. Mays suggested setting it for the third week in August. Bryan said that even though the workshop would be in August they could move forward with making and accepting recommendations from the public on the structuring or restructuring of the TDC. He said he wanted the public to know and to be aware that they wanted input by those affected. He said they were accepting recommendations and listening to their concerns. Wanchick said the issue was now a top priority.

(5:23 p.m.) Miner thanked Administration and the Board for their flexibility in scheduling the meeting.

(5:24 p.m.) Mays clarified that current members could reapply and would retain their seats until the appointments were made. Stevenson said there were nine positions, and listed how they were determined. She said it was not just for tourism people, and it was not the only way to be involved with the tourism industry and the decisions that

were made. She encouraged people to apply. She expressed appreciation for the purposefulness with which the decisions were being made.

(5:26 p.m.) Wanchick said the best thing that came out of the Town Hall meetings was that they reached a segment of the citizens that they normally did not see in that room. He encouraged the community to stay engaged in the process because they were going to have to make some difficult decisions.

(07/07/09 - 28 - 5:27 p.m.)
COUNTY ATTORNEY'S REPORT

McCormack sought clarification on the direction for the TDC and reviewed what he had heard. Stevenson said that was correct.

(07/07/09 - 28 - 5:28 p.m.)
CLERK OF COURT'S REPORT

No report.

(5:29 p.m.) **Motion by Sanchez, 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 5:30 p.m.

REPORTS:

1. St. Johns County Board of County Commissioners Check Register, Check Number 440205 through 440226, totaling \$41,554.99 (06/04/09)
2. St. Johns County Board of County Commissioners Check Register, Check Number 440227 through 440233, totaling \$121,158.45 (06/04/09)
3. St. Johns County Board of County Commissioners Check Register, Check Number 440234, totaling \$963.48 (06/04/09)
4. St. Johns County Board of County Commissioners Check Register, Check Number 440235 through 440657, totaling \$3,624,007.57 (09/09/09)
5. St. Johns County Board of County Commissioners Check Register, Check Number 440658, totaling \$5,111.74 (09/09/09)
6. St. Johns County Board of County Commissioners Check Register, Check Number 440659 through 440940, totaling \$2,085,302.72 (06/16/09)

CORRESPONDENCE:

1. Letter dated June 19, 2009 to the Office of General Counsel, St. Johns River Water Management District, regarding a certified copy of Resolution No. 2009-160.
2. Letter dated June 23, 2009 to Liz Cloud, Program Administrator, filing copies of St. Johns Ordinances Number 2009-27 and 2009-28.

Approved August 18, 2009

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: Ron Sanchez

Ron Sanchez, Vice Chair

ATTEST: CHERYL STRICKLAND, CLERK

By: Gwenne King
Deputy Clerk

