

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
OCTOBER 6, 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

(10/06/09 - 1 - 9:00 a.m.)
CALL TO ORDER

Stevenson called the meeting to order.

(10/06/09 - 1 - 9:00 a.m.)
ROLL CALL

Stevenson announced that all five commissioners were present.

(10/06/09 - 1 - 9:01a.m.)
Mays gave the Invocation and Miner led the Pledge of Allegiance.

(10/06/09 -1 - 9:02 a.m.)
PROCLAMATION DECLARING OCTOBER 2009 AS DOMESTIC VIOLENCE
AWARENESS MONTH

Stevenson read the proclamation and presented it to Joyce Mahr, Executive Director, Betty Griffin House, who received it and thanked the Board for its support.

(10/06/09 - 1 - 9:09 a.m.)
PROCLAMATION DECLARING SEPTEMBER 26, 2009 AS NATIONAL ESTUARIES
DAY

Bryan read the proclamation and presented it to Dr. Michael Shirley, Director, GTM National Estuarine Research Reserve. Dr. Shirley thanked the Board and commented on the importance of the estuaries.

(10/06/09 - 1 - 9:18 a.m.)
ACCEPTANCE OF PROCLAMATIONS

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

(10/06/09 - 1 - 9:18 a.m.)
DELETIONS TO CONSENT AGENDA

There were none. Stevenson noted there would be a change to the verbiage on Item No. 28.

(10/06/09 - 2 - 9:18 a.m.)

APPROVAL OF CONSENT AGENDA

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

1. Approval of the Cash Requirement Report
2. Minutes:
 - 08/18/09
 - 08/25/09
 - 09/01/09 - Regular
 - 09/01/09 - Special
 - 09/15/09
 - 09/22/09
3. Motion to adopt **Resolution No. 2009-264**, which establishes adjustments to speed zones on County Road 13 running parallel to the St. Johns River from SR 207, north to the intersection of SR-13/16 at Wards Creek approximately 22 miles as recommended by the Engineering Division/Traffic Operations Section

RESOLUTION NO. 2009-264

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING AND AUTHORIZING ADJUSTMENTS OF CERTAIN SPEED ZONES ON COUNTY ROAD 13 AS DEPICTED ON MAPS OF NUMERICAL LIMITS AND LENGTH OF RESPECTIVE SPEED ZONES PREPARED BY ST. JOHNS COUNTY ENGINEERING DIVISION; AND PROVIDING AN EFFECTIVE DATE

4. Motion to adopt **Resolution No. 2009-265**, authorizing the Chair of the County Commission to execute an Interlocal Agreement with the City of St. Augustine for Mechanical Street Sweeping with the Vilano Town Center

RESOLUTION NO. 2009-265

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 ST. AUGUSTINE, FLORIDA

5. Motion to adopt **Resolution No. 2009-266**, accepting an Amended Drainage Easement and Release of Easement from FL Property Holdings LLC and authorizing the Chair of the Board to join in the execution of the Amended Drainage Easement and Release of Easement on behalf of the County

RESOLUTION NO. 2009-266

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING AN AMENDED DRAINAGE EASEMENT AND RELEASE OF EASEMENT AND AUTHORIZING THE CHAIR OF THE BOARD TO JOIN IN THE EXECUTION OF THE AMENDED DRAINAGE EASEMENT AND RELEASE OF EASEMENT ON BEHALF OF THE COUNTY

6. Motion to adopt **Resolution No. 2009-267**, approving the terms and authorizing the County Administrator to execute a certain Purchase and Sale Agreement to Phantom of St. Augustine, Inc in the amount of \$66,990 for property required for Phase II of the I-95/CR 210 Roadway Improvement Project

RESOLUTION NO. 2009-267

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 PHASE II OF CR 210 AT I-95 ROADWAY IMPROVEMENT PROJECT

7. Motion to adopt **Resolution No. 2009-268**, approving the terms and authorizing the County Administrator to execute two Purchase and Sale Agreements to the Wilson Family in the amount of \$74,300 for one property and \$155,800 for the second property which are required for Phase II of the I-95/CR 210 Roadway Improvement Project

RESOLUTION NO. 2009-268

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 PHASE II OF I95/CR 210 ROADWAY IMPROVEMENT PROJECT

8. Motion to adopt **Resolution No. 2009-269**, approving the terms and authorizing the County Administrator to execute a certain Purchase and Sale Agreement to SE Conference of Association of Seventh Day Adventists, Inc. in the amount of \$16,200 for property required for Segment III of the Volusia Street/Four Mile Road Project

RESOLUTION NO. 2009-269

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 PHASE III OF THE VOLUSIA STREET/FOUR MILE ROAD PROJECT

9. Motion to adopt **Resolution No. 2009-270**, accepting an Easement for Utilities for water service to the property adjacent to Ace Hardware located at 3070 US 1 South

RESOLUTION NO. 2009-270

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING AN EASEMENT FOR UTILITIES FOR WATER SERVICE TO THE PROPERTY ADJACENT TO ACE HARDWARE LOCATED ON US #1 SOUTH

10. Motion to adopt **Resolution No. 2009-271**, authorizing an Easement application to the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida for an Easement to Florida Power & Light for an additional transformer pad at the St. Augustine Amphitheatre

RESOLUTION NO. 2009-271

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING AN EASEMENT APPLICATION TO THE BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND OF THE STATE OF FLORIDA FOR AN EASEMENT TO FLORIDA POWER & LIGHT FOR AN ADDITIONAL TRANSFORMER PAD AT THE ST. AUGUSTINE AMPHITHEATRE

11. Motion to authorize a budget transfer in the amount of \$3,000 from General Fund Reserves to BCC Land to cover additional funds needed for the closing on the acquisition of the eight blocks in Summer Haven Subdivision per the terms of the Settlement Agreement with the property owner
12. Motion to adopt **Resolution No. 2009-272**, accepting an Easement for Utilities and Bill of Sale for water and sewer service to Espanita Subdivision located off of A1A South in the Crescent Beach area

RESOLUTION NO. 2009-272

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING AN EASEMENT FOR UTILITIES FOR WATER AND SEWER SERVICE TO ESPANITA SUBDIVISION LOCATED OFF OF A1A SOUTH IN THE CRESCENT BEACH AREA AND ACCEPTING A BILL OF SALE CONVEYING ALL PERSONAL PROPERTY ASSOCIATED WITH THE WATER AND SEWER SYSTEM

13. Motion to adopt **Resolution No. 2009-273**, approving the terms and authorizing the County Administrator to execute the Lease Agreement for Therapeutic Learning Center to renew their Lease for space in the Health and Human Services Center for one year. The monthly rental fee is \$1,858.12

RESOLUTION NO. 2009-273

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 FOR THERAPEUTIC LEARNING CENTER TO RENEW THEIR LEASE FOR SPACE IN THE HEALTH AND HUMAN SERVICES CENTER

14. Motion to adopt **Revised Resolution No. 2008-54**, authorizing the revision of Resolution 2008-54 to change the name of the school in the Resolution to Ward's Creek Elementary

REVISED RESOLUTION NO. 2008-54

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE REVISION OF RESOLUTION NO. 2008-54 TO CHANGE THE NAME OF THE SCHOOL IN THE RESOLUTION TO WARD'S CREEK ELEMENTARY SCHOOL

15. Motion to adopt **Resolution No. 2009-274**, approving a Joint Resolution with the St. Johns County Health Department and the St. Johns County Board of County Commissioners to utilize county-owned facilities for the purpose of distribution of the Seasonal Flu vaccine to the public

RESOLUTION NO. 2009-274

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF AN AGREEMENT BETWEEN ST. JOHNS COUNTY, FLORIDA, AND THE ST. JOHNS COUNTY HEALTH DEPARTMENT, FOR THE PROVISION OF PROVIDING FLU VACCINES TO THE GENERAL PUBLIC ON COUNTY PROPERTY, FOR 2009-2010, AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE AGREEMENT ON BEHALF OF ST. JOHNS COUNTY

16. Motion to adopt **Resolution No. 2009-275**, authorizing the Contract between St. Johns County and the St. Gerard Campus for Choose Life License Plate Funds (as recommended by the St. Johns County Health and Human Services Advisory Council) and authorizing the Chair to execute the Contract on behalf of St. Johns County

RESOLUTION NO. 2009-275

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF AN AGREEMENT BETWEEN ST. JOHNS COUNTY, FLORIDA, AND ALPHA OMEGA MIRACLE HOME, AUTHORIZING THE CHAIR OF THE BOARD OF

COUNTY COMMISSIONERS TO EXECUTE THE AGREEMENT ON BEHALF OF THE COUNTY

17. Motion to adopt **Resolution No. 2009-276 and Resolution No. 2009-277**, approving the Second Amendment to the Contract between the County (on behalf of St. Johns County Community Based Care) and the State of Florida Department of Children and Families

RESOLUTION NO. 2009-276

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE COUNTY ADMINISTRATOR TO SIGN THE SECOND AMENDMENT TO THE CONTRACT NJ204 BETWEEN ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS AND THE DEPARTMENT OF CHILDREN AND FAMILIES

RESOLUTION NO. 2009-277

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AMENDING THE FISCAL YEAR 2010 COMMUNITY BASED CARE FUND TO RECEIVE UNANTICIPATED REVENUE AND AUTHORIZE ITS EXPENDITURE BY COMMUNITY BASED CARE

18. Motion to adopt **Resolution No. 2009-278**, approving the Contract between St. Johns County and Alpha Omega Miracle Home for Choose Life License Plate Funds (as recommended by the St. Johns County Health and Human Services Advisory Council) and authorizing the Chair to execute Contract on Behalf of St. Johns County

RESOLUTION NO. 2009-278

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF AN AGREEMENT BETWEEN ST. JOHNS COUNTY, FLORIDA, AND ALPHA OMEGA MIRACLE HOME, AUTHORIZING THE CHAIR OF THE BOARD OF COUNTY COMMISSIONERS TO EXECUTE THE AGREEMENT ON BEHALF OF THE COUNTY

19. Motion to adopt **Resolution No. 2009-279**, implementing new or revised fees for services provided by the St. Johns County Library Services and Fairgrounds

RESOLUTION NO. 2009-279

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

20. Motion to adopt **Resolution No. 2009-280**, that approves the Library System's Revised/Updated Policies and Procedures

RESOLUTION NO. 2009-280

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE LIBRARY SYSTEM'S REVISED LIBRARY POLICIES AND PROCEDURES

21. Motion to surplus 1990 Fire Truck CV#658 and donate the trucks to the First Coast Technical College
22. Motion to accept the audit for the Solid Waste Disposal Revenue Bond, Series 2006, as presented by independent Auditors Davis, Monk & Company
23. Motion to adopt **Resolution No. 2009-281**, to recognize unanticipated revenue in the amount of \$24,272 and increase the Fire District Miscellaneous Revenues Contribution Fund [1171-36603] and the Fire District Capital Expenditures line item [1224-56400] by \$24,272 each and authorizing payment to Arancia Industries, Ltd. of \$20,148, prior to shipment of the vessels

RESOLUTION NO. 2009-281

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AMENDING THE FISCAL YEAR 2010 FIRE DISTRICT BUDGET TO RECEIVE UNANTICIPATED REVENUE AND AUTHORIZE ITS EXPENDITURE BY THE ST. JOHNS COUNTY FIRE-RESCUE DEPARTMENT

24. Motion to adopt **Resolution No. 2009-282**, approving the terms and authorizing the County Administrator to allow the Recreation & Parks Department to apply for a grant through the AmeriCorps for up to \$50,000, to assist in the planning and preparation of a Community based AmeriCorps program

RESOLUTION NO. 2009-282

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO SUBMIT AN APPLICATION SEEKING FUNDING ASSISTANCE THROUGH AMERICORPS TO ASSIST IN THE PLANNING AND PREPARATION OF A COMMUNITY BASED AMERICORPS PROGRAM

25. Motion to approve Bid #09-67, CR 210 West Closed Loop Traffic Signal Control System and authorize the County Administrator, or his designee, to award a contract to the low bidder, American Lighting & Signalization, Inc., for the Total Lump Sum Price Bid amount of \$198,206.00
26. Motion to adopt **Resolution No. 2009-283**, accepting the terms of the agreement between St. Johns County Board of County Commissioners and Michael Haser, M.D. for contracted psychiatric services for the citizens of St. Johns County, and authorizing the County Administrator to execute the Amendment on behalf of the County

RESOLUTION NO. 2009-283

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE AGREEMENT BETWEEN ST. JOHNS COUNTY AND MICHAEL HASER, M.D.E

27. Motion to adopt **Resolution No. 2009-284**, accepting the terms of the agreement between St. Johns County Board of County Commissioners and Paula Stowell, ARNP, for contracted psychiatric services, for the citizens of St. Johns County, and authorizing the County Administrator to execute the Amendment on behalf of the County

RESOLUTION NO. 2009-284

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE AGREEMENT BETWEEN ST. JOHNS COUNTY AND PAULA STOWELL, ARNP

28. Motion to adopt **Resolution No. 2009-285**, approving the terms, conditions, and requirements of a Revised Extension to the Primary Care Contract between St. Johns County and Flagler Hospital, and authorizing the Chair to execute the Amendment on behalf of the County

RESOLUTION NO. 2009-285

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, EXTENDING THE LENGTH OF THE APPROVED TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENT OF AN AGREEMENT BETWEEN THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, AND FLAGLER HOSPITAL, AUTHORIZING THE COUNTY ADMINISTRATOR OF ST. JOHNS COUNTY TO EXECUTE THE AGREEMENT ON BEHALF OF THE COUNTY

29. Motion to approve the extension of the 2009 Tax Roll, prior to the completion of the parcels included in the Property Value Adjustment Board hearings
30. Proofs:
- a. Proof, Notice of Meeting, Time change to September 15, 2009 @ 1:30 in St. Augustine Record
 - b. Proof, Invitation to Bid RFP #09-110 on September 24, 2009 at 4:00 P.M. in Ponte Vedra Recorder
 - c. Proof, Notice to Bidders Bid No. 10-03 on September 23, 2009 at 2:00 P.M. in Ponte Vedra Recorder
 - d. Proof, Notice to Bidders Bid No. 09-122 on September 30, 2009 at 2:00 P.M. in Ponte Vedra Recorder
 - e. Proof, Notice of Time Change for Regular Meeting on September 15, 2009 at 1:30 p.m. in Ponte Vedra Recorder
 - f. Proof, Request for proposals RFP # 09-110 - Medical Claims & Dependent Eligibility, September 24, 2009 in The St. Augustine Record

- g. Proof, Request for Bids, Bid no 10-03 Purchase – Curbside Recycle Bins on September 23, 2009 at 2:00 P.M. in The St. Augustine Record
- h. Proof, Request for Bids, Bid No. 09-122 Construction – Nocatee Trailhead Park N. on September 23, 2009 at 2:00 P.M. in The St. Augustine Record
- i. Proof, Notice of Meeting, Special Meeting on September 22 – Adopt FY 2010 Millage, Budget on September 22, 2009 at 5:30 P.M. in The St. Augustine Record
- j. Proof, Notice of Public Hearings on establishment of ordinance/regulations affecting the use of land on September 15, 2009 at 1:30 p.m. and Tuesday, November 3, 2009 at 5:30 p.m. in The St. Augustine Record
- k. Proof, Notice of Meeting, September 29, 2009 – Discuss Impact Fees on September 29, 2009 at 9:00 A.M. in The St. Augustine Record
- l. Proof, Notice of Hearing, on Sexual Offender Ordinance on October 6, 2009 at 9:00 A.M. in The St. Augustine Record
- m. Proof, Notice of Public Hearing on September 24, 2009 at 9:00 a.m. on establishment of ordinance/regulations affecting the use of land, in The St. Augustine Record
- n. Proof, Request for Bids, Bid #09-117 Sidewalk – Durbin Ck, Del Monte/Varella on September 30, 2009 at 2:00 P.M. in The St. Augustine Record
- o. Proof, Invitation to Bid RFP # 09-118 on September 17, 2009 at 4:00 P.M. in Ponte Vedra Recorder

(10/06/09 - 9 - 9:18 a.m.)

SPECIAL RECOGNITION

Fire Chief, Bobby Hall, announced that Sarah Rewis, with EMS Billing since 1983, was retiring with 26 years of service to St. Johns County. He stated that Rewis had worked with him for over half his life, and she had been a friend, a confidant, and they had been through a lot together. He presented Rewis with a rocking chair and said she would be greatly missed by him and all the members of EMS. She thanked Hall and many of her friends and said she was looking forward to some rocking time.

(10/06/09 - 9 - 9:20 a.m.)

PUBLIC COMMENT

Vivian Browning, 500 Old Beach Road, spoke as Commissioner from Seat 1 of the Anastasia Mosquito Control District (AMCD) Board, regarding the recent AMCD Commission votes (five Commissioners), and asked that the rezoning item remain on the October 20th BCC agenda.

(10/06/09 - 9 - 9:21 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

Wanchick asked that items 11 and 12 be pulled. McCormack asked that Item No. 5 be moved to 5:30 p.m. It became Item 13A. He noted that Item No. 13 would also be heard at that time.

(10/06/09 - 9 - 9:24 a.m.)

APPROVAL OF REGULAR AGENDA

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

(10/06/09 - 10 - 9:25 a.m.)

1. QUARTERLY PRESENTATION TO THE COUNTY COMMISSION ON THE WORLD GOLF VILLAGE

Jack Peter, Chief Operating Officer, gave the presentation and an update on the activities taking place at World Golf Village. (Exhibit A) He reported that since 1998 there had been 11 Hall of Fame Induction ceremonies, over one half million rounds of golf played and over 1 million people visiting the Imax Theater. He stated that since 2006 there had been \$3.25 billion in economic impact in the five county region. He added that there had been over \$80 million in marketing and promotional value since 1998 with \$5 million of that from July 2008 through June 2009. He stated that a recent public service announcement had aired and was seen worldwide by millions of viewers along with many other international press announcements. He said the next World Golf Hall of Fame Induction would be held on November 2, 2009, with the 2009 Class of Inductees including Dwight D. Eisenhower, Christy O'Connor, Sr., Jose Maria Olazabal, and Lanny Wadkins. The presenters would include Seve Ballesteros, Jim Nantz and Arnold Palmer. He reviewed the World Golf Village Community Events including Community Day on Father's Day, the Festival of Trees, the Military Appreciation Days and the Community Field Trip Fund, which provided over 2,000 tickets in 2008 and 2009, to the World Golf Hall Of Fame IMAX Theater.

(10/06/09 - 10 - 9:36 a.m.)

DISTRICT 3

2. PUBLIC HEARING - REZONING 2009-09, 1885 SR 207, ADMINISTRATIVE REZONING. THIS IS A REQUEST TO REZONE FROM OPEN RURAL (OR) TO COMMERCIAL INTENSIVE (CI). SUBJECT PROPERTY IS 1.80 ACRES IN SIZE AND IS LOCATED AT 1885 SR 207, SOUTH OF WILDWOOD DRIVE IN 2004 THE PROPERTY WAS SUBJECT TO A REZONING REQUEST TO COMMERCIAL INTENSIVE (CI), WHICH WAS APPROVED, BUT AN INCORRECT LEGAL DESCRIPTION WAS RECORDED. THE PLANNING DIVISION FINDS THE REQUEST TO REZONE TO COMMERCIAL INTENSIVE (CI) SUBSTANTIALLY MEETS THE REQUIREMENTS OF THE COMPREHENSIVE PLAN AND THE LAND DEVELOPMENT CODE. THIS FINDING IS BASED UPON THE FOLLOWING INFORMATION: CONSISTENT WITH THE PREVIOUS REZONING REQUEST, THE APPLICATION MATERIALS AS SUBMITTED BY THE APPLICANT, PROPERTY IS PARTIALLY DEVELOPED FOR COMMERCIAL USES, CONSISTENCY WITH THE MIXED USE DISTRICT LAND USE CATEGORY, CONSISTENCY WITH ADJACENT USES OF PROPERTY, AND OTHER RELEVANT INFORMATION AVAILABLE TO STAFF. THIS FINDING MAY BE SUBJECT TO OTHER COMPETENT SUBSTANTIAL EVIDENCE RECEIVED AT THE QUASI-JUDICIAL PUBLIC HEARING

Proof of publication of the notice of public hearing on REZ 2009-09, 1885 SR 207 was received, having been published in *The St. Augustine Record* on September 21, 2009.

Michael Blackford, Planner III, gave the presentation. He said the item was just the correction of a legal description. He noted that the original request was to rezone to Commercial Intensive and was approved in 2004 with an incorrect legal description recorded. He said the error was discovered recently when a pre-application for development was submitted. Sanchez disclosed ex parte with the owner. He stated that staff recommended that the request substantially met the requirements of the Comprehensive Plan and Land Development Code, that is was consistent with the original request, and the surrounding properties contained compatible uses.

(9:40 a.m.) Motion by Sanchez, seconded by Miner, carried 5/0, to enact Ordinance No. 2009-40, known as REZ 2009-9, adopting findings of fact one through four to support the motion.

ORDINANCE NO. 2009-40

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

(10/06/09 - 11 - 9:41 a.m.)

DISTRICT 3

3. PUBLIC HEARING- PLANNED RURAL DEVELOPMENT PRD - 2007-07, HYDE PARK. A PROPOSED REQUEST TO REZONE 178.95 ACRES FROM OPEN RURAL TO PLANNED RURAL DEVELOPMENT, PROPOSING TO PRESERVE 165 ACRES AND DEVELOP 15.71 WITH THIRTY-SEVEN (37) SINGLE FAMILY UNITS ON A MINIMUM OF 1.0 ACRE. THE SUBJECT PROPERTY IS LOCATED EAST OF US 1 S AND I95, ALONG FAVER DYKES ROAD WITHIN THE SOUTHEASTERN QUADRANT OF ST. JOHNS COUNTY. THE APPLICATION WAS CONSIDERED BY THE PLANNING AND ZONING AGENCY ON JULY 17, 2009. THE PZA VOTED 5/2 (MOTION BY NELSON, SECOND BY WILLIAMS) TO RECOMMEND APPROVAL TO THE COUNTY COMMISSION AFTER A FAILED RECOMMENDATION TO DENY. THE MOTION FOR APPROVAL PASSED BASED UPON THE GENERAL FINDINGS AND SPECIFICALLY CITING THE PROVISION OF CENTRAL WATER AND SEWER AND THE MODIFICATION TO THE TEXT TO INCLUDE A STATIC 25 FOOT UNDISTURBED UPLAND BUFFER AND A STATIC 25 FOOT BUILDING SETBACK ADJACENT TO CONTIGUOUS WETLANDS, AS AGREED TO BY THE APPLICANT

Proof of publication of the notice of public hearing on PRD 2007-7, Hyde Park was received, having been published in *The St. Augustine Record* on September 21, 2009.

McCormack said it had been a lengthy hearing at the PZA, so he had drawn up a template for the Board to follow, in order to help expedite the public hearing.

Ex parte was announced by Mays with the applicant and the attorney for the applicant. Bryan stated that he had ex parte with the applicant and the attorney as well as with staff. Sanchez said he had ex parte communications with the applicant and with the attorney representing the applicant. Miner said he had ex parte communications with the applicant and their attorney. Stevenson said she had ex parte with the applicant, Quinton Perry and Mike Brown and with staff; Lindsay Haga and Suzanne Konchan. She said she had talked with concerned citizens and with Dr. Shirley about some of the issues in that area because it was adjacent to the preserve areas.

(9:43 a.m.) Bryan had questions regarding policy. He said there were concerns and concessions that were made. He asked if it should have been remanded back to the PZA for consideration prior to coming to the Board. (9:43 a.m.) Mays said it was not uncommon for such things to move forward after addressing the concerns.

(9:44 a.m.) Lindsay Haga, Director of Development Review, said that it had been discussed with the applicant and generally there had been a policy to prevent changes

from applicants, so that the Board understood the contents of the packet. She said those changes, specifically brought up by the PZA, had been addressed. She said the policy was not to deviate from the original plan as was presented, to address the issues that were raised by the PZA, and to present to the BCC and the community with a cleaner package in order to address those concerns as part of community planning.

(9:45 a.m.) Barry Burnett said that the changes were beneficial to the County and staff, and were not ones requested to help the applicant.

(9:45 a.m.) Haga said she would present both items 3 and 4 together. She said there were various staff members present to answer questions. She said the first item was PRD 2007-07, Hyde Park, and gave an overhead presentation (Exhibit A). She noted it was a request to rezone 178.95 acres from Open Rural (OR) to Planned Rural Development (PRD) for property located east of US 1 and I95 along Faver Dykes Road. She said the application proposed 165 acres as Reserve Area and 17.90 acres as Development Area, consisting of 37 single family units. She reviewed the uses allowed under Rural Silviculture and the Residential Uses. She noted that access was limited to two points. She said the majority of the site (42.36 acres) was preserved for gopher tortoise management on the site. She reviewed the Blueway & Trails Master Plan which had reserved a ten foot wide path. She said that staff recommended that the project met the standards of the Comprehensive Plan and the Land Development Code. She added that water and sewer service was revised to provide central service from St. Johns County Utilities. She said the development proposed to follow the Florida Green Development Designation Standard, Florida Green Building Coalition. She said the final Certificate of Concurrency had been approved for the 37 single family units and would remain in effect for two years with expiration on May 6, 2011. She stated that the PZA recommendation was for approval, with the conditions for water and sewer, and modification to include a static 25 foot undisturbed upland buffer and static 25 foot building setback, adjacent to contiguous wetlands.

(9:54 a.m.) Haga then went on to the PUD 2007-28 Hyde Park. She gave an overhead presentation (Exhibit B). She said the property was 90.5 acres located within the southwest quadrant of St. Johns County, west of the I95/US1 Interchange, and was designated Mixed Use and zoned for Open Rural. She reviewed the Mixed Use Future Land Use Category; their highest density category. She listed the uses as: Commercial 42 acres (53%), Industrial: 25 acres (31%), Residential: 5.3 acres (6.7%) and Recreation/Open Space 8.9 acres (11.3%). She added that there were 4.67 acres for a Gopher Tortoise Management area. She said the building heights were a maximum of 35 feet for residential and non-residential, and 55 feet for proposed hotels. She said water and sewer service would be provided by the St. Johns County Utilities and development proposed to follow the Florida Green Development Designation Standard, Florida Green Building Coalition. She noted a final Certificate of Concurrency had been approved for the entire development program. She said staff recommended that the request to rezone substantially met the requirements of the Comprehensive Plan and the Land Development Code. She said the PZA had voted for denial on July 17, 2009, but the application had been revised to address the issues identified by the PZA: intensity of uses and location of use, traffic flow, building height and fire safety.

(9:59 a.m.) Doug Burnett, 1301 Plantation Island Drive South, St. Johns Law Group, stated that he represented the applicant, and that Quinto Perry, Project Manager, Perry Development Company, Mike Brown, Project Architect, Ian Rairden, Transportation Engineer, Kimley-Horn and Associates, Inc., KR Connelley, ESI, George Catsaris, England Timms and Miller, and Kevin Plenzler, Fishkind & Associates, Inc. were also present and part of the development team. Burnett gave an overview and history of the project and stated that the owner had a history of developing quality projects. He said

the site allowed for a significant amount of conservation space, and was 140 acres less than what was originally proposed, and out of 270 acres 182.68 acres were open space. He said they had reduced it to 37 single family homes and 25 cluster homes, a decrease of 438 homes. He added that there was available traffic concurrency. He said they had provided for the Blueways/Greenways Trails within the plan, and that they had made significant environmental impact minimization measures, with only .17 acres of wetland impacts. He reviewed the Future Land Use Map. He said the homes were on one acre lots, which ultimately led to more conservation area. He noted only five lots opened onto Faver Dykes Road, and that on the PUD the hotels had been moved off of Faver Dyes Road onto the created loop road. He said the PUD had access to the PRD into the cluster home area. He said the PZA gave conditional approval on the PRD and specified the changes requested, including water and sewer being served by St. Johns County Utilities for the residential as well as the commercial. He said there would also be a 25 foot upper buffer everywhere. Additionally, they had committed to signalize primary access at US1. Burnett said the PZA recommended denial of the PUD, with a 4/3 vote. He got feedback as to why it had been denied and began to work on those issues. He said the intensity/density issue had been reduced by 89,252 square feet a 13.4% reduction. In addition, the uses allowed under the PUD had been revised to eliminate the uses that had been questioned by the PZA. He said they also clarified the needs analysis by types of use. He noted that they provided additional data to staff and to the Board and demonstrated there was a demand for the product and a need for the project. The other component was to reduce the family units from 25 to 20, a 20% reduction. To meet the request to restrict vehicular access, he said they had moved the hotels from Faver Dykes Road, to pull trips from that road, and reduced access to 54% of available capacity from 83%. He added that they had also responded to the request to consider signage onto US 1 from the interior of the project, by providing signage for US 1 and I 95 on the internal loop roads. PZA asked them to consider exiting traffic on the northernmost entrance onto Faver Dykes Road for the industrial and commercial. He reasoned that it would be better to have an access road at that point, in order to have access at that point and for safety reasons. He said that in response to the PZA request, the Developer had revised the PRD Written Text to delete the use of septic tanks and wells within the PRD and to require the use of St. Johns County central water and sewer services. He stated that the overall height of the project had been lowered, all hotels would be encouraged to participate in green practices, and there would be buffers at 25 feet throughout. On water flow issues, he said they needed to have a wetland crossing, .17 acres would be impacted, and special measures would be implemented to crossing that wetland. He said a 30 foot buffer and fence would be provided along the State Park line, and they would build to the Florida Water Quality standards. He noted they had eliminated some of the industrial uses that might be more offensive and listed those. He specified the issues addressed for fire services; they would fire sprinkle all of their buildings in the PRD and the PUD. He said other safety features would be added. He stated that buildings greater than 25,000 square feet or highlight hazard areas would be equipped with automatic external defibrillators and appropriate training of personnel. He said they had also gone to a higher standard for fire hydrant pressure for both the PUD and the PRD.

(11:40 a.m.) Motion by Miner, seconded by Mays, carried 4/1 with Bryan opposed, to enact Ordinance No. 2009-41, known as PRD 2007-07, adopting findings of fact one through seven to support the motion. The motion was amended to include the fire and EMS protection language, which was agreed to by the maker of the motion and the second.

ORDINANCE NO. 2009-41

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

The meeting was recessed at 10:32 a.m. and reconvened at 10:45 a.m.

(10/06/09 - 14 - 10:45 a.m.)

DISTRICT 3

4. PUBLIC HEARING - PLANNED UNIT DEVELOPMENT - PUD 2007-28 HYDE PARK. THIS IS A PROPOSED REZONING OF 90.5 ACRES FROM OPEN RURAL TO PLANNED UNIT DEVELOPMENT FOR A MIXED USE COMMERCIAL, INDUSTRIAL AND RESIDENTIAL USE PROJECT. THE 90.5 ACRE SITE IS DESIGNATED MIXED USE ON THE 2015 FUTURE LAND USE MAP. THE SITE IS LOCATED WITHIN AN ISOLATED DEVELOPMENT AREA NODE, CENTERED ON THE SOUTHERNMOST INTERCHANGE OF I95 AND US 1, NEAR THE ST. JOHNS-FLAGLER COUNTY BOUNDARY LINES. THE MIXED USE DEVELOPMENT AREA IS SURROUNDED BY RURAL SILVACULTURE LAND USE. THE PLANNING AND ZONING AGENCY CONSIDERED THE REZONING DURING THE JULY 16, 2009 MEETING. THE PZA VOTED 4/3 TO RECOMMEND DENIAL OF THE APPLICATION (MOTION BY LAIDLAW, SECOND BY HANSON WITH GREEN, WHEELER AND WILLIAMS DISSENTING). THE PUD PROJECT WAS HEARD CONCURRENTLY WITH THE PLANNED RURAL DEVELOPMENT (PRD 2007-07) HYDE PARK APPLICATION. GENERALLY, THE ISSUES CAN BE CATEGORIZED UNDER USE AND INFRASTRUCTURE COMPONENTS. DISCUSSION CITED THE PROJECT IS AT THE APPROPRIATE LOCATION RELATIVE TO THE TRANSPORTATION SYSTEM; HOWEVER, THE INTENSITY OF THE USES AND THE SPECIFIC LOCATION OF SOME USES WITHIN THE PROJECT BOUNDARY MAY AFFECT THE SURROUNDING COMMUNITY REGARDING TRAFFIC FLOW, BUILDING HEIGHT, AND FIRE SAFETY

Proof of publication of the notice of public hearing on PUD 2007-28, Hyde Park was received, having been published in *The St. Augustine Record* on September 21, 2009.

McCormack noted that items 3 and 4 were being heard together. He stated that if there was a spokesperson for the adjacent community, that individual should have a reasonable time to speak. If not, it would go straight to public comment. There was not a spokesperson present.

(10:47 a.m.) Dr. Michael Shirley, Director Guana Tolomato Research Reserve (GTMRR), 505 Guana River Road, South Ponte Vedra Beach, said he was there because Pellicer Creek was an aquatic preserve that was directly managed by the GTMRR. He said he was concerned about water quality issues in Pellicer Creek, which was currently listed as an impaired water body, for reasons of higher levels of nutrients; lead, bacteria, low levels of dissolved oxygen, and higher levels of iron. He said that particular project had, overall, gone beyond the basics and they were trying to protect water quality and habitat in that area. He reviewed all the elements that their plan had incorporated. He said he regretted that the State or the County had not bought the land for conservation, as it was a wonderful location to add to the conservation of that particular system. He said he also regretted that the Reserve came into the discussion late in the game, and he said they might have been able to influence some of the developers decisions.

(10:53 a.m.) Elizabeth Nauright, 815 Faver Dykes Road, said she had resided at Faver Dykes for the past 11 years and had been a resident of St. Johns County for the last 40 years. She spoke in opposition to the project.

(10:57 a.m.) Frankie Pacetti, 724 Hansen Road, said she had lived on Pellicer Creek her entire life, and said she loved it there. She spoke in opposition to the project

(11:00 a.m.) Greg McDonald, 825 Faver Dykes Road, said the issue was two-fold: the need for the development and the impact that it would have on Pellicer Creek. He spoke in opposition to the project.

(11:04 a.m.) Burnett offered rebuttal to the public comment.

(11:11 a.m.) Bryan asked why someone would go to that intersection rather than to the one at CR 16 and I 95 which offered many more amenities, such as the outlets.

(11:13 a.m.) Kevin Plenzler, Fishkind & Associates, 12051 Corporate Boulevard, Orlando, FL, said that when he looked at the retail demand component of the project, it had a highway commercial component that involved tourism etc. He said there was a larger component that looked at a five to ten year period and average growth during that time period, as well as a ten and twenty minute radius of average growth based on the history of the area. He said when they looked at that along with median income and spending profiles based on Urban Land Institute Data, they came to an estimate and then netted out the competing supply as it currently existed in the market and how it would fundamentally compete over time. He noted that it was an estimate and it was difficult to project out for five to ten years. He said it was a fantastic intersection on two major highways, and a lot of people were looking at the area and predicting that was where growth was going to occur over time.

(11:16 a.m.) Bryan asked about fire service and said the closest fire station was at Crescent Beach. He said he would like to see a public disclosure statement regarding provisions of fire service, so that home buyers and commercial investors would be aware, right up front, that the County was not in a position to provide service, nor should there be expectations for fire service or a fire station when they first start looking at those projects. He said the County Attorney had prepared a statement to that effect. He asked Burnett if he would be in agreement to having that included. Burnett said yes, it would not be a problem.

(11:19 a.m.) Wanchick said that Chief Hall had also suggested that they also include EMS service into that wording.

(11:20 a.m.) Bryan asked Burnett if the PUD could stand alone without the PRD. Burnett said that from a business perspective the commercial portion would carry the expense of the water and sewer improvements that were tied to the PUD, not the PRD.

(11:21 a.m.) Stevenson asked if there was any possibility that they could end up with a business such as a truck stop at the intersection of two major highways. Haga said the existing zoning would provide for such a structure. Stevenson said the proposed site was a big improvement. She stated that she hoped the applicant fully appreciated the opportunity that the site contained. She said there were a number of excellent environmental sites in that area and it could become a destination site opportunity. She added that she would like to see a full commitment from the developer that the hotel would operate as a green hotel.

(11:24 a.m.) Miner said it was a beautiful area and he was glad to see the applicant agree to preserve 165 out of 179 acres; a significant testament to how special that area was. He said the other projects done by the applicant already spoke to the high quality of the work done by the developer. He noted the many areas in which the developer had gone beyond what was required, in order to help preserve the sensitive nature of the area and to accommodate the neighbors. He said the revenue from the project, including ad valorem and bed tax, would be considerable. He stated that he had no problem supporting the project.

(11:30 a.m.) Stevenson reiterated the ecological importance of the area and that she hoped the developer realized what a special opportunity it was. She asked them to consider a commitment to the hotel being built as a green hotel.

(11:31 a.m.) Burnett responded that they actually needed a definition of the expectations for a green hotel. Stevenson said that Dr. Shirley's recommendation was that it be Department of Environmental Protection (DEP) standards for the operation of the hotel.

(11:34 a.m.) Darrell Locklear, Assistant County Administrator, said that to make such a requirement into the zoning ordinance was not the proper place. He said they could use the language "to encourage" green operation of the hotel. Discussion ensued.

(11:36 a.m.) Bryan asked in what order the projects would be built. Burnett said it was logical that the PUD would have to go forward first, or at the same time as the PRD, in order to accommodate the water and sewer for the PRD. He added that it would take a long time to develop the infrastructure. Bryan asked if there would be any opportunity for local builders and suppliers. Burnett said that due to the small size of the residential project, it would be on a scale that local builders or even some owner builders would want to work on. He said the developer was a local owner and his ties were in the local area.

(11:41 a.m.) Stevenson asked County staff if esthetics had been addressed in the PUD. Haga said the PUD standards of the Land Development Code required that the PUDs have a unified architectural theme, which was the basic standard. She said that had been addressed and incorporated within the text. She said the PUD document did not include building elevations. Burnett said that the PUD did provide that they would not develop in a linear strip manner. Stevenson asked staff to keep an eye on that, on the gateway type projects.

(11:42 a.m.) **Motion by Miner, seconded by Mays, carried 5/0, to enact Ordinance No. 2009-42, known as PUD 2007-28, Hyde Park, adopting findings of fact one through seven to support the motion, including the fire/EMS disclaimer. Miner amended his motion to include the presentation, as it was presented by the staff and applicant, to eliminate newspaper printing operations and distribution centers; the second agreed.**

ORDINANCE NO. 2009-42

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

This item was moved to 13A (See Page 25)

(10/06/09 - 17)

5. PUBLIC HEARING - IMPACT FEE DEFERRAL PAYMENT PLAN. THIS IS THE FIRST OF TWO REQUIRED PUBLIC HEARINGS TO CONSIDER MODIFICATIONS TO THE CONSOLIDATED IMPACT FEE ORDINANCE OF THE ST. JOHNS COUNTY LAND DEVELOPMENT CODE.

(10/06/09 - 17 - 11:45 a.m.)

DISTRICT 3

6. PUBLIC HEARING - CONSIDERATION OF A PROPOSED ORDINANCE PROHIBITING SEXUAL OFFENDERS AND SEXUAL PREDATORS FROM PARTICIPATING IN HOLIDAY ACTIVITIES THAT WOULD PRESENT INCREASED OPPORTUNITIES FOR SEXUAL OFFENDERS AND SEXUAL PREDATORS TO GAIN AND VIOLATE THE TRUST OF THE CHILDREN OF ST. JOHNS COUNTY. THE PURPOSE OF THIS ORDINANCE IS TO PROMOTE THE GENERAL HEALTH, SAFETY AND WELFARE OF THE CHILDREN OF ST. JOHNS COUNTY AND CHILDREN OF THOSE FAMILIES THAT VISIT ST. JOHNS COUNTY. THERE ARE 2,463 KNOWN REGISTERED SEXUAL OFFENDERS AND/OR SEXUAL PREDATORS IN ST. JOHNS COUNTY AND THE SURROUNDING COUNTIES OF DUVAL, CLAY, PUTNAM AND FLAGLER. THIS ORDINANCE WILL REDUCE THE RISK OF HARM TO CHILDREN OF THE COMMUNITY BY LIMITING THE OPPORTUNITY FOR SEXUAL OFFENDERS AND SEXUAL PREDATORS TO BE IN CONTACT WITH UNSUSPECTING CHILDREN. THE ORDINANCE WILL PROHIBIT SEXUAL OFFENDERS AND SEXUAL PREDATORS FROM PARTICIPATING IN CERTAIN DESIGNATED HOLIDAY ACTIVITIES

Proof of publication of the notice of public hearing on Sexual Offender Ordinance was received, having been published in *The St. Augustine Record* on September 22, 2009.

Miner introduced the item and mentioned the Child Safety Zone Ordinance that had been passed about a month ago. He said he had been in discussions with law enforcement representatives about what more could be done to help them. He said they had responded that provision for Halloween, giving out candy etc. He said Desai would give further details.

(11:46 p.m.) Paras Desai, Assistant County Attorney, stated that the ordinance was in response to the Board's request for the County Attorney's Office and the Sheriff's Office to work together to bring the Board an ordinance pertaining to sexual offenders and predators providing candy to children and inducing them in other manners. He said it was titled as the St. Johns County Prohibited Holiday Activity Ordinance for Sexual Offenders and Sexual Predators. He introduced the team that worked on the ordinance, including Sheriff Shoar, Commissioner Miner, Colonel Art May, Sheriff's Office; Patrick McCormack, County Attorney; Linda Mobley and Kip Brantley, Detectives for the Sheriff's Office. He offered thanks to them for providing guidance of the issue. He reviewed changes to the ordinance and the specifics of the ordinance. He said it was a tool for the Sheriff's Department to use to help prevent that type of crime. Discussion ensued regarding the differences between offenders and predators. It was noted that Florida statutes determined those categories. Stevenson said she wanted to be sure that they did not ostracize people unnecessarily.

(11:54) Sanchez said he wanted to be sure that they were not getting into something that they were not supposed to be regulating. He said the ordinance as presented sounded good because they were doing what could be done with the authority they had to work with. He stated that there were already State and Federal laws in place and

they should be careful in that regard. Stevenson said her only question was whether they should include predators and offenders.

(11:54 a.m.) Detective Linda Mobley, said that house checks were done on Halloween for offenders and predators who were on probation. She said they made sure that they were in compliance with what their probation specified. She added that there were a limited number of offenders that were on probation, and they had no stipulations placed on them. She said they could pass out candy, decorate their homes, and could dress up and have full participation and full access to children. She said they got calls every Halloween because offenders were having children coming up to their homes. She said citizens were not comfortable with this situation, and this ordinance was a small thing they could do to help protect the children from predators and offenders. She added that the offenders had less supervision than predators. She said there were less than 10 predators in the county and over 160 offenders in St. Johns County. She added that people in costumes were not easily identifiable as sex offenders and that applied to other holidays as well. Stevenson added that parents would always be the first line of defense and needed to be vigilant.

(11:58 a.m.) McCormack noted there was a Federal case pending in Missouri where the Federal District Judge ruled on a State regulation and found some parts valid and some parts invalid. He stated that Mr. Desai had adjusted the ordinance presented to reflect the valid portions. He said any necessary changes deemed by the courts would be brought back to the Board for the necessary adjustments to the ordinance.

(12:00 p.m.) **Motion by Miner, seconded by Sanchez, carried 5/0, to enact St. Johns County Prohibited Holiday Activity Ordinance for Sexual Offenders and Sexual Predators, 2009-43, with changes as presented by Assistant County Attorney, Paras Desai.**

ORDINANCE NO. 2009-43

AN ORDINANCE OF ST. JOHNS COUNTY, STATE OF FLORIDA, TO BE KNOWN AS, THE ST. JOHNS COUNTY PROHIBITED HOLIDAY ACTIVITY ORDINANCE OR SEXUAL OFFENDERS AND SEXUAL PREDATORS; PROHIBITING SEXUAL OFFENDERS AND SEXUAL PREDATORS FROM PARTICIPATING IN HOLIDAY ACTIVITIES THAT WOULD PRESENT INCREASED OPPORTUNITIES FOR SEXUAL OFFENDERS AND SEXUAL PREDATORS TO GAIN AND VIOLATE THE TRUST OF THE CHILDREN OF ST. JOHNS COUNTY; PROVIDING PENALTIES; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR SUNSET AND FOR AN EFFECTIVE DATE

The meeting recessed at 12:00 p.m. and reconvened at 1:34 p.m. with four Commissioners present and Miner absent, Wanchick, McCormack and Deputy Clerk Lenora Newsome present.

(10/06/09 - 18 - 1:34 p.m.)

7. CONSIDER THE ADOPTION OF THE PROPOSED 2010 LEGISLATIVE ACTION PLAN

Karen Pan, Public Affairs Specialist, gave a quick overview of the 2010 Legislative Action Plan. She stated that it was a focus list of priorities that the Board would present to the State and Federal Delegations requesting financial or other types of assistance. She stated the Board would consider the items brought before them, then adopt the Legislative Action Plan, with the Chair presenting it to the State Legislative Delegation on November 12th. She added that the staff would then work with the State and Federal Lobbyist to work through these issues over the following year. She said that due to State budget cuts, the State Lobbyist recommended that they focus heavily on policy related items that didn't necessarily require funding, because there was going to be a lack of funding. She reviewed the 2010 Legislative priorities on the chart. She stated that since the funding was so unsure right now, they recommended that the County keep all of those items on the list as a high priority. In that way they could be prepared for any funding opportunities that might become available during the year, and they would be ready to pursue those and take advantages of them. She spoke on some specific amendments to Florida Statutes. Bryan asked if the septic tank survey showed any problems, if they would be able to get funding for that. Locklear and Wanchick both responded. Sanchez said that they could even handle that as an emergency situation if they had the findings on that.

(1:40 p.m.) Pan reviewed Health and Human Services, SHIP funding, library funding, grant funding, scenic and historic byways, transportation, and unfunded mandates.

(1:43 p.m.) Pan mentioned that there were two additional items that came up in the past day, and she requested the Board's consensus to add them to the list. She stated the first item was adding funding for the numeric nutrient criteria, which dealt with nutrients and fertilizers, and the second item was adding funding regarding nitrogen and phosphorus going into the St. Johns River, costing the County about \$15,000,000 over a five year period.

(1:44 p.m.) Pan spoke on water conservation/water quality. She stated the items listed were recommendations made by the 2008 Water Congress. There were 18 items listed, with a final four recommendations: reinstating annual State funding for alternative water supply development, supporting regional partnerships for long term water sustainability, amending as necessary statute rules or polices so that quantifiable water conservation best management practices were considered as an alternative water supply and would be eligible for funding opportunities, and setting up per capita target or goal for water use and a funding base for the conserve Florida program. She reviewed the second part of the water conservation or recommendations from the Commission for a sustainable Florida, which were similar to the ones she just mentioned from the Water Congress. She presented the list of 11 items that they were presenting to the Board, which were open for discussion. Wanchick commented on meeting with the State lobbyist who reviewed the package, who thought it was a very solid package, tuned appropriately for the times. Stevenson asked for consideration for a couple of things; the Juvenile Justice Center being returned to a local level, *Exhibit A*. Bryan stated that he supported it, but asked what was being done at the County level. Wanchick mentioned that they were working with the State Department of Juvenile Justice, to try to get control of some of the property adjacent to the jail, as well as the Consequent Building, which was unused State space. He said it was the Sheriff's and the Administration's desire to get control of that so they might be able to retain their local juveniles here instead of sending them to Jacksonville. He stated that they were very close with the State on closing on a contract and there were a few last minute glitches in that contract that were being worked out. He said that they were still anticipating that arrangement would be finalized. Bryan stated that the Chairman was asking if this was a legislative issue and if this was something that they would be able to work or maybe lobby at the legislative level. Wanchick responded that there was a

funding component to this where they pay the State a certain amount of money through Juvenile Justice and this legislative change would allow some of that money to be retained by the local government willing to take over that responsibility, at least in part. Pan stated that Stevenson shared some information with her yesterday regarding the Florida Association of Counties having this as part of their draft legislative priorities at this point and specifically a request was there to revise Florida Statute to define the financial responsibility of Juvenile detention care by means of proportional responsibility between the State and the County and it offered some specific recommendations. She said if this was something that the Commission would like to add to their plan, it would be very easy for them to borrow some of the language from FAC and include that in their plan. Bryan mentioned that he was not opposed to anything that would help with this particular initiative because he knew that this was something that had been a very great concern to the community, especially the Juvenile Justice program and those that were working in that program. Pan mentioned that they would like for the Commission to adopt the list by reading each item listed and that they could add the Juvenile Justice to the list as a sub item without having to change the motion. Stevenson asked under recreation and open space, if they continue to have trail and alternative transportation under recreation and open space. Pan replied that she believed that was true because she was looking back at the language and it talked about ecotourism and that would encompass trails. Wanchick stated that this was a legislative priority, not a grant priority list that they were giving their consultants.

(1:53 p.m.) Motion by Sanchez, seconded by Bryan, carried 4/0 with Miner absent, to adopt the following issues as priorities for St. Johns County's 2010 Legislative Action Plan as listed: Amend Select Florida Statutes, Beach Renourishment, Emergency Interoperability System, Failing Septic Tanks, Health & Human Services, Housing SHIP Funding, Library Funding, Recreation/Open Space, Transportation, Unfunded Mandates, Water Conservation/Water Quality, and plus the amendments from Pan, the two unfunded mandates, and the amendment from Stevenson, the Juvenile Justice.

(1:54 p.m.) Stevenson stated that Miner was on National Guard duty this afternoon in a training effort.

(10/06/09 - 20 - 1:54 p.m.)

8. CONSIDER APPOINTMENTS TO THE MID-ANASTASIA ISLAND DESIGN REVIEW BOARD

Melissa Lundquist reviewed this item stating that there were two vacancies and two applications to consider.

(1:56 p.m.) Motion by Bryan, seconded by Mays, carried 4/0 with Miner absent, to appoint Wanda Nord to the Mid-Anastasia Island Design Review Board for a full four-year term scheduled to expire October 6, 2013.

(1:56 p.m.) Motion by Bryan, seconded by Mays, carried 4/0 with Miner absent, to appoint Robert Amason to the Mid-Anastasia Island Design Review Board for a full four-year term scheduled to expire October 6, 2013.

(10/06/09 - 20 - 1:57 p.m.)

9. CONSIDER APPOINTMENTS TO THE INDUSTRIAL DEVELOPMENT AUTHORITY

Melissa Lundquist reviewed this item, stating that there were seven applications for review. Bryan mentioned that he tried contacting some of the individuals. Mays

mentioned that he talked to Harlan Mason and that he was very active in the County. Bryan stated that he spoke with William E. Snyder and that he was very impressed with his credentials and his enthusiasm to be a member of the Board and give back to the community. Stevenson stated that Ronald Avery was very strong, had been attending some of the IDA meetings and had extensive industrial development type experience on a global basis and in St. Johns County. Bryan said that Rob Matthews was a local design guy and had an active business in the community.

(2:01 p.m.) Motion by Sanchez, seconded by Stevenson, carried 4/0 with Miner absent, to appoint Lane Harlan Mason to the Industrial Development Authority for a partial term scheduled to expire May 27, 2012.

(2:02 p.m.) Motion by Mays, seconded by Bryan, carried 4/0 with Miner absent, to appoint Ronald R. Avery to the Industrial Development Authority for a partial term scheduled to expire February 25, 2011.

(2:04 p.m.) Lundquist noted that the applications would stay on file for a year, and anyone interested in another Board could call her and have their application considered for another Board.

(10/06/09 - 21 - 2:04 p.m.)

10. CONSIDER APPOINTMENTS TO THE HOUSING FINANCE AUTHORITY

Melissa Lundquist reviewed this item, stating that there were two vacancies on this Board with four applications and it came about with the membership being reduced to five and now being returned back to seven to obtain staggering of the terms. Stevenson stated that she was familiar with Carol Alford. Stevenson said that the members do oversee some lending pools.

(2:07 p.m.) Motion by Mays, seconded by Sanchez, carried 4/0 with Miner absent, to appoint William L. Barkley to the Housing Finance Authority for a partial term scheduled to expire March 10, 2011.

(2:07 p.m.) Motion by Bryan, seconded by Mays, carried 4/0 with Miner absent, to appoint Ruben D. Lavarias to the Housing Finance Authority for a partial term scheduled to expire March 10, 2012.

(10/06/09 - 21 - 2:09 p.m.)

COMMISSIONERS' REPORTS

(2:19 p.m.) Commissioner Mays:

Mays spoke on another update on 9B from FDOT confirming again that the stimulus funding was going to pay for 9B from its current termination of 9A onto US 1.

Mays spoke on a study going on for a potential Regional Transit Authority among seven metro counties that could be reduced to six. He stated that FDOT had, through some State Legislation asked for a study, within the seven county area, to be in to them by February, as to whether or not, the counties involved would want an RTA and what the basic structure would be.

(2:14 p.m.) Commissioner Bryan:

Bryan reported on having the final version of the survey that would be used for West Augustine regarding the septic systems.

Bryan spoke on the Water District Management and DEP regarding water quality.

Bryan mentioned getting a formal invitation from the Haitian/American Historical Society, where they would be in Savannah regarding a celebration on Friday and Saturday.

Bryan spoke on the Ponte Vedra Coalition speaking to him about the break in and burglaries in cars regarding beach parking.

Bryan spoke about one of the drivers of the Transportation Disadvantage Bus Service, ran by Cathy Brown and her group, receiving a national award for his outstanding service to the community.

(2:09 p.m.) Commissioner Sanchez:

Sanchez reminded everybody that the St. Johns County fair at the fairgrounds was scheduled for October 20-25th. He spoke on being complimented on how great the amphitheater was. He also spoke on the Equestrian Center in Hastings.

Commissioner Miner:

Miner was not present

(2:20 p.m.) Commissioner Stevenson:

Stevenson mentioned appreciating the Commissioners hard work on the different issues around the County.

Stevenson commended the staff on all the work that was on the Consent Agenda; the adjustment to the speed zones on County Road 13, Consent Item 4 regarding an Interlocal Agreement with the City of St. Augustine, and seeing a lot of progress on CR 210 and I-95 right-of-way. She made a note for next year on how the funding distribution for the Choose Life license plate. Stevenson spoke on spending most of the last two days out on some of the most scenic beautiful areas between St. Johns, Flagler and Volusia County on the MS150 ride.

(10/06/09 - 22 - 2:26 p.m.)

COUNTY ADMINISTRATOR'S REPORT

Wanchick spoke on working with the City of St. Augustine on the homeless initiatives. He stated that the City and the County agreed to fund the United Ways so they could help staff or the coordinator oversee some of the activities, with the County shares being only \$3,000 and would like to cut them a check out of last year's budget. *There was a consensus of the Board to cut a \$3,000 check out of last year's budget.*

Wanchick spoke on having the County Attorney and the County Administrator work together on drafting an ordinance regarding moving forward with the plans for TDC. *There was a consensus of the Board.*

Wanchick spoke about the speed study on CR 13. Bryan asked what the speed limit would be changed to on CR 13. Locklear responded that it was certain speed limits staged from 35 to 50.

Wanchick spoke on Mosquito Control's request on having a new lane use designation rezoning of their property out by the County property on the other side of I-95. He stated that they had a study done and was placing it on the agenda for October 20th, which was also the date that they tentatively set to hear the land use in zoning. He said that he was wondering if that was really a good idea at this point in time because the Board may want to way to hear the results of that study. He stated that may influence how they would want to proceed forward with the land use and zoning, otherwise they could put them both on October 20th. McCormack stated that there was a dispute resolution meeting as per that Chapter 164 mechanism where the two Administrators would meet scheduled for October 15th. He said it probably would be prudent to leave some reasonable time after the 15th before any agenda item related to the matter came back. Wanchick said the best possible decision and fairness to everyone involved would be to wait and see what that study says before moving forward in any direction. All the Commissioners agreed.

(10/06/09 - 23 - 2:31 p.m.)

COUNTY ATTORNEY'S REPORT

McCormack mentioned that the Board had authorized some litigation pertaining to the TDC.com situations to kind of recoup some of that money potentially that should be included in the TDC tax. He stated that they hired a law firm as the Board approved the contract for that. He stated that there were a number of counties that were doing an alternate lawsuit basically with another firm and he wanted the opportunity to look at what they were doing and see if they have a more favorable circumstance in any way than they do with theirs. He mentioned that he would look at that and consider recommending change in courses, if it would be advantageous to the County. *He wanted to see if there was a consensus, if there was a reasonable finding of the County Attorney and County Administrator that alternated litigation as several other counties. There was a consensus of the Board.*

(2:33 p.m.) Stevenson said that she would like consideration for the Board to discuss some of the proposals out of the Florida Association of County Energy Work Group because they did expect that to be controversial at their annual meeting. She stated that she asked Melissa to convey the eight options and that there was about three or four of them that did not get recommended to go to final, but they could be added in at the final conference. She said if they could get that on the agenda for maybe ten minutes. Wanchick replied that they could do that.

(2:35 p.m.) Stevenson spoke on having revisions to the Administrative Code and asked Wanchick if he was going to bring it forward to them pretty soon. Wanchick replied that they had some staffing challenges in their offices and as soon as they get back to normal, they would finish that task and bring it forward to them. He stated that he was not happy with the way the Administrative Code was set up now, where the County Administrator, on his own initiative, could amend the Administrative Code because he thought that was something that should go through the Board. He said once they clean that document up, he would like to bring it to the Board with that change and have the Board endorse the package as a whole.

(10/06/09 - 23 - 2:36 p.m.)

CLERK OF COURT'S REPORT

No report

The meeting recessed at 2:36 p.m. and reconvened at 5:30 p.m. with Commissioners Stevenson, Mays, Bryan and Sanchez, County Administrator, Wanchick, Assistant

County Administrator Locklear, County Attorney McCormack, Assistant County Attorney Regina Ross, and Deputy Clerk, Terry Bulla present.

This item was previously No.5
(10/06/09 - 24 - 5:30 p.m.)

13A. PUBLIC HEARING - IMPACT FEE DEFERRAL PAYMENT PLAN. THIS IS THE FIRST OF TWO REQUIRED PUBLIC HEARINGS TO CONSIDER MODIFICATIONS TO THE CONSOLIDATED IMPACT FEE ORDINANCE OF THE ST. JOHNS COUNTY LAND DEVELOPMENT CODE. THE AMENDMENT ESTABLISHES AN IMPACT FEE INSTALLMENT PAYMENT PLAN OPTION FOR NON-RESIDENTIAL PROJECTS IN RESPONSE TO CHANGED ECONOMIC CONDITIONS. CURRENTLY, IMPACT FEES MUST BE PAID IN FULL PRIOR TO ELECTRICAL ENERGIZING OF A BUILDING. THE PROPOSED INSTALLMENT OPTION WOULD BE AVAILABLE TO ANY PROJECT WHICH REQUIRES AN IMPACT FEE PAYMENT ABOVE \$50,000, SUBJECT TO APPROVAL BY THE BOARD OF COUNTY COMMISSIONERS OF AN IMPACT FEE INSTALLMENT AGREEMENT. THE AGREEMENT WILL PROVIDE FOR FIVE EQUAL PAYMENTS OVER A 5 YEAR PERIOD. THE AGREEMENT WILL ALSO ESTABLISH A FIXED INTEREST RATE; WILL PROVIDE FOR RECORDING OF A LIEN AGAINST THE REAL PROPERTY ON WHICH THE IMPROVEMENT IS CONSTRUCTED; AND, SHALL REQUIRE THE APPLICANT TO POST A LETTER OF CREDIT TO ENSURE FULL PAYMENT OF THE FEES. THE FINAL PUBLIC HEARING IS SCHEDULED FOR OCTOBER 20, 2009

Proof of publication of the notice of public hearing on Establishment of Ordinance/Regulations Affecting the Use of Land was received, having been published in *The St. Augustine Record* on September 25, 2009.

Suzanne Konchan, Growth Management Director, gave the presentation and noted this was the first reading for the proposed ordinance, and that it was the Track 4 amendment. It provided for a period of time, not to exceed five years to pay impact fees in increments of one fifth each year. It called for a threshold of \$50,000 for an impact fee payment. She gave the details of the requirements which must be met in order to qualify for the incremental payments. She said they had had discussions with the School Board, which had asked that impact fees not be deferred, as it would significantly affect their program. Konchan said they recommended that the Board approve the Ordinance.

(5:33 p.m.) Bryan said it was a significant step for the Board to show the business community that they were trying to make some strides to help with economic development. He thanked staff for their efforts.

(5:33 p.m.) Stevenson suggested a sunset clause within a three to five year period. Mays said they would be looking at the entire structure of Impact Fees in six to eight months and that might be a better time to look at it. Wanchick said putting a sunset provision was a good idea and would give the Board control. Stevenson suggested a five year sunset.

(5:35 p.m.) Bryan asked how they would separate the school portion of the impact fee. Konchan said they had mechanisms to pull out the various components and it would not be difficult to accomplish. She said the systems were in place to meet the school systems request.

Konchan announced the future public hearing dates, October 15, 2009, for the Planning and Zoning Agency and October 20, 2009, for the Board of County Commissioners.

(10/06/09 - 25 - 5:37 p.m.)

13. PUBLIC HEARING 5:30 P.M. - SECOND HEARING OF THE LAND DEVELOPMENT CODE MODIFICATIONS. THIS IS THE SECOND OF TWO REQUIRED PUBLIC HEARINGS TO CONSIDER MODIFICATIONS TO THE LAND DEVELOPMENT CODE. THE PLANNING & ZONING AGENCY HEARD THIS ITEM ON SEPTEMBER 3, 2009 AND GAVE A UNANIMOUS RECOMMENDATION OF APPROVAL SUBJECT TO ADDITIONAL LANGUAGE BEING ADDED TO EXEMPT EXISTING DRI'S FROM THE PROPOSED 35' HEIGHT LIMITATION IN SEC. 5.03.03 AND MODIFYING THE TABLE OF SPECIAL USES TO ALLOW PERSONAL PROPERTY MINI-WAREHOUSE WITHIN COMMERCIAL NEIGHBORHOOD (CN) BY SPECIAL USE

Proof of publication of the notice of public hearing on Establishment of ordinance/regulations affecting the use of land was received, having been published in *The St. Augustine Record* on August 6, 2009 and September 24, 2009.

Suzanne Konchan, Growth Management Department Director, said they were reviewing Track 2 of the Land Development Code Amendments (Exhibit A). She said there were three items that had received comment at the PZA hearing that they wanted to review: Modifying the Table of Special Uses to allow Personal Property mini-warehouse within commercial neighborhood (CN) with special review; establishing Coastal Height standards for PUD and PRD zoning districts and modification of communication antenna tower criteria. She gave the specifics for each item.

(5:43 p.m.) Mays said the 35 feet needed to apply to all structures, and if they were doing otherwise they would need a waiver.

(5:44 p.m.) Bryan said he had the same concerns and was uncomfortable with taking the language out. Sanchez and Stevenson concurred. Stevenson said they were recommending that 3C be taken out. She said they would be subject to review just like anyone else. *There was Board consensus.*

(5:46 p.m.) Regina Ross, Assistant County Attorney, gave the presentation and reviewed the revisions proposed by PZA under paragraph 6.08.12.W: 1.) Neighborhood Workshops: Applicants seeking to construct Antenna Towers within 250 feet of any residentially zoned property shall conduct a neighborhood workshop within fourteen (14) days of submitting an application. Written notice of the workshop shall be provided to property owners located within 500 feet of the proposed Tower Site.

She said there was a strike through revision which included the PZA's requirement from 500 feet to 300 feet for notices. She added that the public workshop would only be applied to applications for towers that would be viewed as special uses. She said the language had not been changed and was subject to the Board's approval.

(5:49 p.m.) Bryan asked why the PZA had a problem with 500 feet. Ross said their concern was that towers being reviewed as special use were being treated differently than any other special use. She said the general requirement for special use notice was within 300 feet, and they couldn't understand why 500 feet would apply in that case as opposed to any other special use.

(5:50 p.m.) Mays said they were revising the regulations to get a better handle on them, and he was not for any watering down of the regulations. Bryan said he agreed. Ross said it should be consistent with any other notice requirement. *There was Board consensus for 500 feet.*

(5:51 p.m.) Ross said the next recommendation from PZA was to Paragraph No. 3. 3.) Visual Impact Demonstration - If there is a reasonable belief that photo simulations do not accurately depict the proposed Antenna Tower, the County Administrator or designee may require a Visual Impact Demonstration consisting of a two-hour balloon test. The PZA recommended removing provision No. 3 in its entirety.

(5:52 p.m.) Mays said he disagreed, and could not water down what they were trying to do. *There was consensus of the Board to leave the provision as written.* Discussion ensued regarding developments that included a site plan for an actual tower location.

(5:54 p.m.) McCormack interjected that when the DRI or PUD included a site plan that depicted the actual location and height; they were trying to plan ahead of time. He said there might be some public benefit for planning ahead of time and having some infrastructure within a DRI or PUD.

(5:56 p.m.) Stevenson suggested a compromise to require a hearing for the requirement of a new approval for community awareness, so that it would be more visible to the neighboring property owners and the public. McCormack said it would require a major modification in that instance. He said that the language could be discussed with Growth Management. Ross said they could work on the language, providing there was a specified location and a specified height. Ross said they could incorporate a provision that allowed for a minimum esthetic impact. *The Board agreed to Ross's suggestion.*

(5:59 p.m.) Ross said the next provision was paragraph 5 under Section 6.08.12.W as it related to nesting roosting on the proposed antenna towers. She said that no other county had such a provision to deal with that matter. She expressed concern that if they were challenged on it, she would have no precedent to defend. She noted her initial thought was to strike the provision. She stated, however, that in the event they felt it should be addressed, she suggested the following language: "If the nesting/roosting of birds on an Antenna Tower or Antennas become a nuisance, the Tower owner shall be required to provide a plan to prevent/inhibit such nesting/roosting. The proposed plan shall comply with the applicable Local, State and Federal laws. The proposed plan shall be subject to final approval by the County Administrator (or designee). Upon approval of the County Administrator (or designee), the Tower owner shall implement the approved plan within thirty (30) days."

There was discussion on how it would be enforced. Ross said there would be fines applied. Discussion ensued regarding what types of birds would constitute a nuisance, the need for monopoles, and the definition of nuisance.

(6:06 p.m.) McCormack said the roosting issue could be reviewed and brought back in the next round. Discussion ensued.

(6:08 p.m.) Ross clarified that it was in agreement to strike it for now and to bring it back at a later date. Wanchick said they might borrow some language from other counties, but he said it would be difficult to enforce. Discussion ensued regarding health issues.

(6:09 p.m.) McCormack suggested they hear public comment and then give Ms. Ross an opportunity to tidy up the language for their final consideration.

(6:10 p.m.) Ellen Whitmer, 1178 Natures Hammock Rd. South, Fruitcove, said she was pleasantly surprised. She thanked them for section G, for not exempting the DRIs from the height limit. She said on section J, on the communication towers, any strengthening was great. She said she was for the 500 foot notification and that certain organizations should be notified so that they could attend public hearings and have input. She said she did not like the mini-warehouse being included as a special use category. She said it should go through the regular process and should be industrialized. She said she did not agree with section F, dealing with there being more than one structure on a lot if the comp plan permitted it. She said that would increase the density of an area. She said it was too nebulous and gave the neighbors no certainty.

(6:14 p.m.) Laura Bellflower, P.O. Box 47451, Tampa, representing Verizon Wireless, said the neighborhood meetings should be for special uses. She said that on the language regarding nesting, there were few options, and cited a few. She said birds would nest on top of monopoles. She agreed that striking it for now was a good idea.

(6:18 p.m.) Bryan asked about cone type covers on the monopoles. Bellflower said that could be done.

(6:19 p.m.) Stevenson asked about the practical difficulty to the tower owners. Bellflower said if they were a protected species, they were not allowed to fix anything on the tower, and a co-locator could not go on it. She said ospreys dropped fish heads at the bottom of the tower and their waste could foul the equipment.

(6:20 p.m.) Ron Porterfield, 173 Harberry Lane, Ponte Vedra, President of Players Club HOA, thanked them for their exemption on the Cabrea Del Mar PUD. He said he had sent them a letter recommending height limitations. He also mentioned that their home owner's association would love to see a redevelopment with Sawgrass Village and that it would be done in a proper manner which contributed to the viability of St. Johns County.

(6:22 p.m.) Clara Cowan, 244 Patrick Mill Circle, Ponte Vedra, said the Ponte Vedra Beaches Coalition was supporting the height limit. She commented on the cell towers, and asked that when there was going to be a balloon test, that the time be provided to the surrounding areas.

(6:24 p.m.) McCormack recommended the Board make their comments now or they could have a recess so that the language could be finalized.

(6:25 p.m.) Mays clarified: keep 500 feet, do not put in a sentence about applying to DRIs and PUDs, but it would apply only if specific height and location were given, and with regard to nesting, they would strike it for now and would look for a reasonable solution down the road. He asked if the balloon test time notification should be included.

The board recessed at 6:28 p.m. and reconvened at 6:38 p.m.

(6:28 p.m.) McCormack stated that Ms. Ross and Ms. Konchan and others had worked out most of the wording. However, he recommended they continue the approval of the matter of the language until the October 20th meeting. He said they were recommending deferring all of Track 3. He said they could utilize the pending zoning ordinance. He said essentially the zone was in effect because it was pending. Mays asked that they give it the pending status and that they would be firm on the 35 foot recommendation.

(6:43 p.m.) Motion by Mays, seconded by Bryan, carried 4/0 with Miner absent, to continue the item until October 20th with the pending zoning ordinance implementation for the 35 foot height limitation, with no exception for DRI's or PUD's within the 35 foot height limit.

Motion by Bryan, seconded by Sanchez, carried 4/0 with Miner absent, to adjourn. With there being no further business to come before the Board, the meeting adjourned at 6:45 p.m.

REPORTS:

1. St. Johns County Board of County Commissioners Check Register, Check No. 444822 through 445205, totaling \$3,795,543.01 (09/08/09)
2. St. Johns County Board of County Commissioners Check Register, Check No. 445206 through 445228, totaling \$42,734.65 (09/10/09)
3. St. Johns County Board of County Commissioners Check Register, Check No. 445229, totaling \$343.00 (09/14/09)
4. St. Johns County Board of County Commissioners Check Register, Check No. 445230 through 445440, totaling \$1,241,198.01 (09/15/09)

CORRESPONDENCE:

1. Copy of Resolution No. 2009-05 to Charlotte McElroy on 09/24/09 regarding the Anastasia Mosquito Control District of St. Johns County

Approved _____ November 3 _____, 2009

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: _____

Ron Sanchez, Chairman

ATTEST: CHERYL STRICKLAND, CLERK

By: _____

Gwonne King
Deputy Clerk

