

**MINUTES OF MEETING  
BOARD OF COUNTY COMMISSIONERS  
ST. JOHNS COUNTY, FLORIDA  
NOVEMBER 17, 2009  
(9:00 A.M.)**

Proceedings of a regular meeting of the Board of County Commissioners of St. Johns County, Florida, held in the auditorium at the County Administration Building, 500 San Sebastian View, St. Augustine, Florida.

Present were:       Ron Sanchez, District 2, Chair  
                          Ken Bryan, District 5, Vice Chair  
                          Cyndi Stevenson, District 1  
                          Phillip Mays, District 4  
                          Michael D. Wanchick, County Administrator  
                          Patrick McCormack, County Attorney  
                          Lenora Newsome, Deputy Clerk

Also present:       Michael Hunt, Deputy County Attorney

(11/17/09 - 1 - 9:00 a.m.)  
CALL TO ORDER

Sanchez called the meeting to order.

(11/17/09 - 1 - 9:00 a.m.)  
ROLL CALL

Sanchez announced that four of the Commissioners were present, and Miner was absent due to military training.

(11/17/09 - 1 - 9:01 a.m.)  
Stevenson gave the Invocation and Bryan led the Pledge of Allegiance.

(11/17/09 - 1 - 9:02 a.m.)  
PROCLAMATION DECLARING NOVEMBER 2009, AS ADOPTION MONTH IN ST.  
JOHNS COUNTY

Mays and Bryan read the proclamation and Caryn Zetterower, Program Manager, Family Integrity Program; Claudia Sheremeta, Adoption Specialist; and Michael McMorrow, Foster Care Licensing Supervisor; accepted it. Zetterower acknowledged her staff, and foster and adopted parents. She thanked everyone for their help.

(11/17/09 - 1 - 9:09 a.m.)  
ACCEPTANCE OF PROCLAMATIONS

**Motion by Mays, seconded by Bryan, carried 4/0 with Miner absent, to accept the Proclamation.**

(11/17/09 - 1 - 9:09 a.m.)  
DELETIONS TO CONSENT AGENDA

Wanchick requested to pull Item 5; the rental space discussed yesterday by the Tourist Development Council, and stated that they would like to roll that into a larger discussion. He also requested to pull Item 23, the renewal contract with the Road and Bridge Union; because staff dropped the ball on preparing the final documentation, and

stated that they would have it on the next agenda. He called attention to Item 22, the holiday schedule, mentioning that it also included the staff's five-day unpaid furlough schedule.

(11/17/09 - 2 - 9:11 a.m.)

APPROVAL OF CONSENT AGENDA

**Motion by Stevenson, seconded by Bryan, carried 4/0 with Miner absent, to approve the Consent Agenda as amended.**

1. Approval of the Cash Requirement Report
2. Minutes:  
  
October 20 - Regular  
November 3 - Regular  
November 3 - Special
3. Motion to transfer \$1,500 from the Northwest Tower Capital Outlay to the Northwest Tower Capital Outlay Reserve to Northwest Tower Aid to Private Organizations for a contribution to the Environmental Education Resource Council for the Bartram Bash
4. Motion to adopt **Resolution No. 2009-327**, approving and authorizing the Execution of a Supplemental Agreement # 1 to the Local Agency Program agreement between the State of Florida and St. Johns County for the construction of various sidewalks on Del Monte Drive, Varella Avenue, and Durbin Creek Boulevard. The total cost of the sidewalk construction project of \$292,340

**RESOLUTION NO. 2009-327**

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING AND AUTHORIZING THE EXECUTION OF SUPPLEMENTAL AGREEMENT #1 TO THE LOCAL AGENCY PROGRAM AGREEMENT BETWEEN THE STATE OF FLORIDA, AND ST. JOHNS COUNTY FOR CONSTRUCTION OF VARIOUS SIDEWALKS ON DEL MONTE DRIVE, VARELLA AVENUE, AND DURBIN CREEK BOULEVARD; AND PROVIDING AN EFFECTIVE DATE**

5. Motion to adopt a Resolution approving and authorizing the County Administrator to execute the Lease Agreement on behalf of the County between the City of St. Augustine Beach and St. Johns County Tourist Development Council for rental space (*This item was pulled from the Consent Agenda*)
6. Motion to authorize the County Administrator, or his designee to purchase One (1) 2011 Medtec Ambulance from Ten-8 Fire Equipment Inc from the Florida Fire Chief's Association, Florida Sheriff's Association & Florida Association of Counties Contract # 08-08-0909 in the amount of \$220,814
7. Motion to declare as surplus a 2001 Freightliner Ambulance and donate the same to First Coast Technical College

8. Motion to award Bid #09-117 Durbin Creek Sidewalk Segments I & II and Del Monte/Varella Sidewalk Improvements and authorize the County Administrator, or his designee, to award a contract to the low bidder, AWA Contracting Co., Inc. for the Total Lump Sum Price Bid amount of \$292,339.96
9. Motion to adopt **Resolution No. 2009-328**, approving revisions to the County's Financial Policy Section 200.5.3 - County Debt Issuance and Management Guidelines which is a part of the St. Johns County Administrative Code

**RESOLUTION NO. 2009-328**

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ADOPTING AN AMENDMENT TO THE COUNTY FINANCIAL POLICY IN THE ST. JOHNS COUNTY ADMINISTRATIVE CODE; PROVIDING AN EFFECTIVE DATE

10. Motion to adopt **Resolution No. 2009-329**, approving the Retired County Employee Health Insurance Rate Changes for 2010 and providing an effective date for the revised rates

**RESOLUTION NO. 2009-329**

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE RETIRED COUNTY EMPLOYEE HEALTH INSURANCE RATE CHANGES FOR 2010; PROVIDING AN EFFECTIVE DATE

11. Motion to adopt **Resolution No. 2009-330**, approving changes to the By-Laws of St. Johns County Insurance Committee, and providing an effective date

**RESOLUTION NO. 2009-330**

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ADOPTING THE BY-LAWS OF THE ST. JOHNS COUNTY INSURANCE COMMITTEE; PROVIDING AN EFFECTIVE DATE

12. Motion to adopt **Resolution No. 2009-331**, authorizing the County Administrator, or designee, to execute, on behalf of the County, the 2nd Amendment to Lease rental space for the St. Johns County Sheriff's Office off site Video Visitation.

**RESOLUTION NO. 2009-331**

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO EXECUTE, ON BEHALF OF THE COUNTY, THE 2<sup>ND</sup> AMENDMENT TO LEASE RENTAL SPACE FOR THE ST. JOHNS COUNTY SHERIFF'S OFFICE OFF SITE VIDEO VISITATION

13. Motion to adopt **Resolution No. 2009-332**, approving the terms of an Easement Agreement that will allow Towercom joint use of a County retention pond for irrigation purposes and authorizing the County Administrator, or designee, to execute the Agreement, on behalf of the County

**RESOLUTION NO. 2009-332**

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS OF AN EASEMENT AGREEMENT THAT WILL ALLOW TOWERCOM JOINT USE OF A COUNTY RETENTION POND FOR IRRIGATION PURPOSES AND AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO EXECUTE THE AGREEMENT, ON BEHALF OF THE COUNTY**

14. Motion to adopt **Resolution No. 2009-333**, approving the terms and authorizing the County Administrator, or designee, to execute a certain Purchase and Sale Agreement to Tracey Morgan in the amount of \$18,600 for property required for Segment III of the Volusia Street/Four Mile Road Project

**RESOLUTION NO. 2009-333**

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

15. Motion to adopt **Resolution No. 2009-334**, accepting an Easement for Utilities for water and sewer service to Coquina Crossing Phase Three and accepting a Bill of Sale conveying all personal property associated with the water & sewer system

**RESOLUTION NO. 2009-334**

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING AN EASEMENT FOR UTILITIES FOR WATER AND SEWER SERVICE TO COQUINA CROSSING PHASE THREE LOCATED OFF STATE ROAD 207 AND ACCEPTING A BILL OF SALE CONVEYING ALL PERSONAL PROPERTY ASSOCIATED WITH THE WATER AND SEWER SYSTEM**

16. Motion to adopt **Resolution No. 2009-335**, approving the terms of a Hold Harmless Agreement between St. Johns County and HP Mission Trace Properties, LLC, and authorizing the County Administrator, or designee, to execute the Agreement on behalf of the County. HP Mission Trace Properties is requesting permission to install and maintain certain landscaping improvements on the Westside of Kenton Morrison Road

**RESOLUTION NO. 2009-335**

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS OF A HOLD HARMLESS AGREEMENT BETWEEN ST. JOHNS COUNTY AND HP MISSION TRACE PROPERTIES, LLC AND AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO EXECUTE THE AGREEMENT ON BEHALF OF THE COUNTY**

17. Motion to adopt **Resolution No. 2009-336**, approving the terms and authorizing the County Administrator to execute a License Agreement Extension to Elleness, LLP, for a mobile home on County property located at 3640 Gaines Road

**RESOLUTION NO. 2009-336**

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A LICENSE AGREEMENT EXTENSION TO ELLENES, LLP, FOR A MOBILE HOME ON COUNTY PROPERTY LOCATED AT 3640 GAINES ROAD**

18. Motion to adopt **Resolution No. 2009-337**, authorizing a transfer of \$111,000 from St. Johns County Utility Fund to the St. Johns County General Fund as unanticipated revenue and to appropriate for improvements to County property known as "Turnbull" located off State Road 16 designated for Parks & Recreation use

**RESOLUTION NO. 2009-337**

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING A TRANSFER OF \$111,000 FROM ST. JOHNS COUNTY UTILITY DEPARTMENT TO ST. JOHNS COUNTY PARKS AND RECREATION DEPARTMENT, AS UNANTICIPATED REVENUE, FOR THE USE OF A PORTION OF COUNTY PROPERTY KNOWN AS "TURNBULL" LOCATED OFF STATE ROAD 16 THAT IS DESIGNATED FOR PARKS AND RECREATION**

19. Motion to approve the Fiscal Year 2009, end-of-year transfers as necessary to ensure compliance with the County's Administrative Code Budgetary Control Procedures
20. Motion to adopt **Resolution No. 2009-338**, that authorizes the County Administrator, or designee, to execute a Modification of Unit Connection Fee Mortgage for the Oaks Housing Partners, Ltd.

**RESOLUTION NO. 2009-338**

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA,**

**APPROVING THE TERMS OF A MODIFICATION OF  
UNIT CONNECTION FEE MORTGAGE FOR THE OAKS  
OF ST. JOHNS AND AUTHORIZING THE COUNTY  
ADMINISTRATOR, OR DESIGNEE, TO EXECUTE THE  
MODIFICATION ON BEHALF OF THE COUNTY**

21. Motion to adopt **Resolution No. 2009-339**, approving a third amendment to the lease with the St. Johns County Council on Aging, Inc. to modify insurance provisions and allow the sale of beer and wine at 179 Marine Street, and authorizing the County Administrator, or designee, to execute the amendment on behalf of St. Johns County

**RESOLUTION NO. 2009-339**

**A RESOLUTION OF THE BOARD OF COUNTY  
COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA,  
ACCEPTING THE TERMS OF AN AMENDMENT TO  
THE LEASE AGREEMENT BETWEEN ST. JOHNS  
COUNTY, FLORIDA, AND THE ST. JOHNS COUNTY  
COUNCIL ON AGING, INC., FOR COUNTY OWNED  
PROPERTY ON MARINE STREET, ALLOWING BEER  
AND WINE SALES AND MODIFYING INSURANCE  
PROVISIONS, AND AUTHORIZING THE COUNTY  
ADMINISTRATOR, OR DESIGNEE, TO EXECUTE SAID  
AGREEMENT**

22. Motion to approve the 2010 Holiday Schedule and 2010 Staff Unpaid Furlough Days Schedule
23. Motion to adopt a Resolution approving the terms, provisions, conditions, and requirements of an agreement between the Board of County Commissioners of St. Johns County and Florida Council of Industrial and Public Employees, United Brotherhood of Carpenters and Joiners of America, AFL-CIO, Local Union 2038 to establish a beneficial working and economic relationship between the parties beginning October 1, 2009 through September 30, 2012, and authorizing the County Administrator and the Chair to execute the contract on behalf of the County (*This item was pulled from the Consent Agenda.*)
24. Motion to approve a transfer in the amount of \$2,691 from the Transportation Trust Fund Reserves to the appropriate salary and benefit line item within the Fleet Maintenance Department. This request does not change the employee's salary but adjusts the budget line to effectuate the lateral move of an internal hire
25. Proofs:
- a. Proof, Notice of Public Meeting, Reality Check First Coast, Tuesday, November, 6, 2009, in *Ponte Vedra Recorder*
  - b. Proof, Request for Proposals, Winter Wonderland Sleigh Rides, November 5, 2009, in *The St. Augustine Record*
  - c. Proof, Notice of Hearing, Legislative Delegation, Hearing & Meeting Thursday, November 12, 2009, in *The St. Augustine Record*
  - d. Proof, Notice of Meeting, Reality Check 1st Coast, Meeting November 12, 2009, Tuesday, November 10, 2009, in *The St. Augustine Record*
  - e. Proof, Request for Qualifications, RFQ #10-18, Neighborhood Stabilization Program, Thursday, November 12, 2009, in *The St. Augustine Record*
  - f. Proof, RFQ #10-18, Request for Qualifications, Thursday, November 5, 2009, in *Ponte Vedra Recorder*

- g. Proof, Bid No. 10-08, Notice to Bidders, Wednesday, November 18, 2009, in *Ponte Vedra Recorder*
- h. Proof, Notice of Special Meeting, Tuesday, November 3, 2009, in *Ponte Vedra Recorder*
- i. Proof, Notice of Public Hearings, Tuesday November 3, 2009, in *Ponte Vedra Recorder*
- j. Proof, Request for Proposals, RFP No. 10-07, Security Guard Staff, Thursday, November 5, 2009, in *The St. Augustine Record*
- k. Proof, Request for Bids, Bid No. 10-11, Purchase Mot Devices, October 28, 2009, in *The St. Augustine Record*
- l. Proof, Request for Bids, Bid No. 10-08, PV Concert Hall Renovation, Wednesday, November 18, 2009, in *The St. Augustine Record*

(11/17/09 - 7 - 9:11 a.m.)

PUBLIC COMMENT

Dotsy Miles, 7312 A1A South, spoke on the convenience of driving on the beach.

(9:15 a.m.) Karen Miles, 7507 A1A South, spoke on the upcoming ban on driving on the beach at Matanzas and the mean high tide.

(9:18 a.m.) Jim McCartney, 9345 Old A1A, spoke on the convenience of driving on the beach, *Exhibit A*.

(9:21 a.m.) Donna Beede, 236 Peniel Church Road, spoke on the convenience of driving on the beach and how it would affect the handicapped.

(9:22 a.m.) Stephen Kennerly, 7707 A1A South, spoke on driving on the beach and being a hindrance to the migratory birds.

(9:25 a.m.) Bennet Yell, 9075 June Lane, spoke on driving on the beach.

(9:28 a.m.) Patrick Hamilton, 201 Owens Avenue, spoke on three studies that were done recently, and the piecemeal approach jeopardizing the whole basin and estuaries of the Matanzas River. He stated that the County needed to come up with a Comprehensive Plan before they approved any developments. He asked them not to develop until they had a plan for the whole south part of the County, and to reconsider the plans that they had already approved.

(9:32 a.m.) Robert Murphy McDaniel, 3535 CR 214, distributed paperwork regarding RFP #10-25, Winter Wonderland Sleigh Rides, *Exhibit B*. McCormack mentioned that McDaniel might be protesting a bid. He stated that there was a procedure for that, where there was staff review pertaining to the amended purchasing manual, which might come back to the Board. He stated that he didn't want Mr. McDaniel to hurt his rights through that process. McDaniel, said he was going to proceed anyway, and spoke on having a problem with the purchasing procedures in the County Purchasing Manual, *Exhibit B*. He asked the Board to read the material he left them. He stated that he would like a meeting with Cameron, Wanchick, and McCormack. McCormack cautioned McDaniel about the information he was sharing. McDaniel stated that he would take that chance, and pointed out on page 52 of the Purchasing Manual, that said "that the Purchasing Director shall be a member of the evaluation team" and if the Purchasing Director's name was on the evaluation team, he couldn't find it.

(11/17/09 - 8 - 9:37 a.m.)  
ADDITIONS/DELETIONS TO REGULAR AGENDA

There were none.

(11/17/09 - 8 - 9:37 a.m.)  
APPROVAL OF REGULAR AGENDA

**Motion by Bryan, seconded by Mays, carried 4/0 with Miner absent, to approve the Regular Agenda as submitted.**

(9:38 a.m.) Wanchick mentioned, on the Matanzas issue, that he wanted to let the Commission know that he and Darrell Locklear contacted Congressman Mica's Office last night, and told them that the Commission would like time to work through the issue, and if there was any way possible, to delay implementation beyond January 1<sup>st</sup>. He stated that they had agreed to look into it, to see if it was feasible on their end. He said that the Board would have a resolution before them, in support of beach driving at the Matanzas, for December 15<sup>th</sup>. Bryan asked Wanchick to contact the Administrator in Putnam County as well, because he had received some feedback from one commissioner in Putnam County who was catching a lot of heat from his constituents. Sanchez said the normal procedure would be to pass a resolution, forward Putnam County a copy, and ask them to support it.

(11/17/09 - 8 - 9:39 a.m.)

1. INFORMATIONAL PRESENTATION ON THE WEED AND SEED PROGRAM

Steve Crooms, Vice President of the West Augustine CRA, gave a presentation on the Weed and Seed Program, *Exhibit A*. He covered the evolution of Weed and Seed collaboration, development of Weed and Seed program, implementation of Weed and Seed, overcoming distrust with law enforcement officers, Solomon Calhoun Community Center, and the dedication sign. Bryan spoke on unemployment and asked Crooms if there was anything that they were doing in the Weed and Seed program that would address it. Crooms replied that they were trying to address those problems. Sanchez said that water and sewer played a big role in economic development too.

(9:50 a.m.) Dwala Willis, 895 South Orange Street, gave a brief overview and history of the Weed and Seed Program. She spoke on the successes/outcomes of the Weed and Seed Program, *Exhibit B*, providing better services to the residents, new construction for a new clinic, which was a needed asset, having a safe haven, and drug houses being destroyed. She stated that they continued to work with law enforcement to identify those problems. She spoke on the affordable housing program, after school care program, annual school supplies giveaway, Juneteenth march honoring iconic day, and thanked everyone for supporting the program. Sanchez said that they were a very hard working, organized bunch. Sanchez thanked Tom Crawford for all his hard work.

(10:06 a.m.) Wanda Brinson, Dwala Willis, Steve Crooms and other group members, made a small presentation to the Board, presenting each Commissioner with a plaque of appreciation for their help and support throughout the past few years.

The meeting recessed at 10:13 a.m. and reconvened at 10:25 a.m.



(11/17/09 - 9 - 10:25 a.m.)

2. PUBLIC HEARING - CPA (SS) 2009-01, ANASTASIA MOSQUITO CONTROL SMALL SCALE COMPREHENSIVE PLAN AMENDMENT. THIS IS A COUNTY INITIATED SMALL SCALE COMPREHENSIVE PLAN AMENDMENT TO AMEND THE FUTURE LAND USE MAP FROM RESIDENTIAL-B TO PUBLIC (P). THE SUBJECT PROPERTY CONTAINS APPROXIMATELY 9.5 ACRES OF LAND AND IS LOCATED AT EOC DRIVE OFF OF AGRICULTURAL CENTER DRIVE. THIS ITEM WAS CONTINUED FROM THE AUGUST 18, 2009 MEETING. THE SURROUNDING AREA IS DEVELOPED WITH GOVERNMENTAL USES, WHICH INCLUDE THE EOC, AGRICULTURAL CENTER AND WIND MITIGATION BUILDING. STAFF FINDS THE AMENDMENT GENERALLY COMPATIBLE WITH THE SURROUNDING AREA BY CONTINUING GOVERNMENTAL USES IN THIS AREA. THE AMENDMENT IS CONSISTENT WITH THE COMPREHENSIVE PLAN BY PROVIDING FOR ORDERLY GROWTH AND THE AMENDMENT MEETS THE REQUIREMENTS OF THE COMPREHENSIVE PLAN AND LAND DEVELOPMENT CODE AS APPLICABLE TO AMENDING SUCH CODES. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THE AMENDMENT AT THEIR JULY 2, 2009 REGULAR MEETING WITH A 6-0 VOTE

Proof of publication of the notice of public hearing regarding CPA (SS) 2009-01, Anastasia Mosquito Control, was received, having been published in *The St. Augustine Record* on August 3, and November 2, 2009.

Teresa Bishop, Director Long Range Planning, gave the presentation and said that item had a companion rezoning, Item 3.

(10:25 a.m.) McCormack said that Items 2 and 3 were companioned, and the Board could or could not hear both items together. He said it was at the Board's discretion. He said Item 2 was not quasi judicial and Item 3 was quasi judicial. He said it would require separate motions at the end. (10:27 a.m.) *There was Board consensus to hear them separately.*

(10:27 a.m.) Bishop reviewed the request for Item No. 2 and gave an overhead presentation. She stated that the property was owned by the Anastasia Mosquito Control District and was classified as a governmental use.

(10:29 a.m.) Mays asked if the office included a lab. Bishop said it was strictly for office and accessory uses, which would include the lab.

(10:30 a.m.) Stevenson asked if the site could be used for a helicopter landing area and if it was allowed under the proposed zoning. Bishop said that it would be allowed under the public service type zoning. Stevenson asked if the sound issues had been considered. Bishop said the area was primarily agriculture type uses and public uses, so there wasn't an impact that they saw being created to adjacent residents. Stevenson asked about permitted uses. Bishop replied that they had OR around the general area, which allowed for dwelling units, and also had Residential-B in the general area, which allowed for residential dwelling units.

(10:31 a.m.) Bryan clarified that they were voting to change the particular zoning. Bishop replied that the item was a Future Land Use Map amendment. Bryan said before any construction could occur, they would have to come back before the County. Bishop said that if the amendment was approved, and the subsequent Item 3 rezoning was approved, the applicant would need to come back to get construction plan

approval and development review approval. She said it would not have to come back before this Board for any public hearing type of review.

(10:32 a.m.) Stevenson clarified that they could use it for helicopter take off and landing without coming back to the Board. Bishop said she did not have the code in front of her, and cited the permitted uses in the public service zoning district. Stevenson asked for clarification on the frequency of that use and the proximity of residential. Bishop said the property owner would have to address the frequency.

(10:34 a.m.) Bryan said he was returning to the initial reason for the request. He said he did not see how a helicopter landing in that area could be prohibited. He said the helicopter was not the issue for that particular requirement. Bishop said the issue was determining if it was appropriate for a Public (P) designation.

(10:36 a.m.) Bishop said that St. Johns County was the applicant on that particular application, and the representatives from the Anastasia Mosquito Control District were there.

(10:36 a.m.) McCormack stated that the County handled the application, but the initiator was the Anastasia Mosquito Control District.

(10:36 a.m.) Doug Wyckoff, General Counsel for Anastasia Mosquito Control District, said he was there as their official counsel. He said they were there only for the Comprehensive Plan proposed Amendment and the Rezoning. He reviewed the specifics of the application. He said Stevenson's question regarding the helicopter would be dealt with later on in the process. He asked the Commissioners to support the District.

(10:40 a.m.) Annette Cappella, 4617 Coquina Crossing Drive, Elkton, stated that she was there to applaud the efforts of the Commissioners on maintaining a budget that would be beneficial to the County and Mosquito Control. She said that she thought that it would further the efforts of both agencies.

(10:43 a.m.) John Sundeman, 4665 Fifth Avenue, as a private citizen, spoke on doing an analysis showing the waste by the Mosquito Control. He distributed a copy of the police report regarding an analysis of excess costs to operate the Anastasia Mosquito Control District, *Exhibit A*.

(10:47 a.m.) Vivian Browning, 500 Old Beach Road, Commissioner for Anastasia Mosquito Control, thanked the Commission for hearing their issue that day. She spoke on using the helicopter very sparingly, because it was used for spraying chemicals, so they only used it in an emergency situation to protect the public health. She mentioned that they didn't own a helicopter that they leased on an emergency basis. She spoke on the building they wanted to build being less than 20,000 square feet. She spoke on bioterrorism. She stated that they owned the land and were asking for the Boards support. Stevenson thanked Browning for participating. Browning mentioned that they held monthly public meetings to listen to the public. Bryan mentioned that this was a request for a Comp Plan Amendment. He stated that he thought it was appropriate to have it rezoned to Public use. Mays voiced his concern with the item.

**(10:53 a.m.) Motion by Bryan, seconded by Stevenson, carried 3/1 with Mays dissenting and Miner absent, to enact Ordinance 2009-49, known as CPA (SS) 2009-01, Anastasia Mosquito Control, amending the future Land Use Map from Residential-B to Public (P), adopting findings of fact 1 through 3 to support the motion.**

ORDINANCE 2009-49

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, AMENDING THE 2015 COMPREHENSIVE PLAN, ORDINANCE NO. 2000-34, AS AMENDED, TO CHANGE THE FUTURE LAND USE MAP DESIGNATION FROM RESIDENTIAL-B TO PUBLIC (P), FOR THE PROPERTY KNOWN AS MOSQUITO CONTROL DISTRICT SITE LOCATED ON EOC DRIVE OFF AGRICULTURAL CENTER DRIVE, CONTAINING APPROXIMATELY 9.5 ACRES; PROVIDING FOR FINDINGS OF FACT; FINDINGS OF CONSISTENCY; SEVERABILITY; AND AN EFFECTIVE DATE

(11/17/09 - 11 - 10:54 a.m.)

3. PUBLIC HEARING - REZ 2009-02, ANASTASIA MOSQUITO CONTROL REZONING. THIS IS A COUNTY INITIATED REZONING FROM OR TO PUBLIC SERVICE (PS). THE SUBJECT PROPERTY IS LOCATED AT EOC DRIVE OFF OF AGRICULTURAL CENTER DRIVE AND CONTAINS APPROXIMATELY 9.5 ACRES. THIS ITEM WAS CONTINUED FROM THE AUGUST 18, 2009 MEETING. THE SURROUNDING AREA IS DEVELOPED WITH GOVERNMENTAL USES, WHICH INCLUDE THE EOC, THE AGRICULTURAL CENTER AND WIND MITIGATION BUILDING. STAFF FINDS THIS REQUEST GENERALLY COMPATIBLE WITH THE SURROUNDING AREA BY CONTINUING GOVERNMENTAL USES IN THIS AREA. THE REQUEST IS SUBSTANTIALLY CONSISTENT WITH THE COMPREHENSIVE PLAN BY PROVIDING FOR ORDERLY GROWTH AND THE REQUEST MEETS THE REQUIREMENTS OF THE COMPREHENSIVE PLAN AND LAND DEVELOPMENT CODE. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THE REQUEST AT THEIR JULY 2, 2009 REGULAR MEETING WITH A 6-0 VOTE

Proof of publication of the notice of public hearing regarding REZ 2009-02, Anastasia Mosquito Control, was received, having been published in *The St. Augustine Record* on August 3, and November 2, 2009.

Stevenson disclosed ex parte communication with Vivian Browning about the land use in that area. Mays disclosed ex parte communication with representatives from the Mosquito Control. Bryan disclosed ex parte communication with constituents from the community regarding that particular matter. Sanchez disclosed ex parte communication with the public.

(10:57 a.m.) Teresa Bishop, AICP, Director Long Range Planning, stated that the item was a County initiated rezoning, consistent with the request from the Anastasia Mosquito Control, and consistent with a Memorandum of Understanding that was approved. Stevenson stated that the frequency of use was her primary concern. Bishop continued, stating that a certificate of concurrency had been issued, and it was a large facility, but the impacts were not great. She said it was compatible with the surrounding area.

(11:00 a.m.) Wyckoff reiterated his earlier comments, stating that the County staff had done an excellent job in the staff report. He spoke on the size of the building getting County approval, and asked the Board to approve it. Bryan stated that he was ready to

move on, and thanked everyone for coming that day. Stevenson stated that it was a land use decision, not a policy decision about the administration of government.

(11:04 a.m.) John Sundeman, as a private citizen, stated that there were two helicopters in their plan, and it was a safety issue.

(11:07 a.m.) **Motion by Bryan, seconded by Sanchez, to enact Ordinance 2009-50, known as REZ 2009-02, Anastasia Mosquito Control, rezoning from OR to PS, adopting findings of fact 1 through 4 to support the motion.**

(11:07 a.m.) Stevenson inquired about the use of helicopters, and asked for it to be addressed by one of the staff of the Mosquito Control. McCormack spoke on the helicopter use, and stated that if there was to be a helicopter used, that the helicopter pad issue would have to come in for review. He said that if the Board was concerned about the helicopter use, they might wish to consider a condition to the effect, that placement of a heliport shall be reasonably coordinated with the County, and that operating periods pertaining to helicopter use shall be reasonably coordinated with the County. Stevenson stated that other counties were spraying without helicopters being dispatched from within their county. She said that she didn't feel comfortable permitting helicopter landing stations and airports as a routine course. Bryan asked for clarification, even if it was approved, would they not have to come back for special use if they desired to use a helicopter. McCormack replied that they would not have to come back for approval for the helicopter pad, if it was zoned PS. He stated that they would have to come back for anything pertaining to construction approval for the helicopter pad, and there were placement restrictions. He asked if the Board would consider a two minute recess so that he could have an opportunity to have a brief conversation with Counsel for the Mosquito Control.

The meeting recessed at 11:16 and reconvened at 11:21.

(11:21 a.m.) McCormack stated that if the Board would consider an additional paragraph to Section 1 of the ordinance, which would be a new paragraph five; *this rezoning to public service (PS) shall be conditioned upon any helicopter use by any party/person upon this property being reasonably coordinated with St. Johns County.* He stated that he had discussed the matter with the Counsel for Mosquito Control, and asked on the record, that he confirm that he approved that language. Wyckoff replied that he confirmed it. Mays said that *reasonably coordinated* had no legal basis to enforce whatsoever. Bryan revisited the study. He requested from the Anastasia Mosquito Control, that prior to any development or review, which they would, at least, look at the recommendations from the consultant, in order to seriously consider any recommendations that may come back. Wyckoff said that the AMCD Board was seriously looking at all of the preliminary report, and looking forward to seeing the final version. Bryan stated that previous Boards had not worked with Anastasia Mosquito Control, but he assured them that this Board was working with everyone. Wyckoff said that everyone was looking forward to saving the tax payers money and to stretching the services further. Stevenson asked what *reasonably coordinated* got them. McCormack replied that it had some affect. He said that when you add the word *reasonably*, there was some give and take. He stated that it gave the County some authority that it did not have without that language. Stevenson asked Bishop, when she reviewed the application for compatibility, whether she considered the frequency of helicopter use. Bishop replied that she did not consider it. (11:24 a.m.) *Amended to add what the attorney added. McCormack suggested changing the language from instead of reasonably coordinated to shall be coordinated.* **Bryan accepted the amendment language to change to *shall be* which was also accepted by the second. The motion failed 2/2 with Mays and Stevenson dissenting and Miner absent.** Sanchez asked if the failed vote concluded that item.

McCormack replied it would, unless there were any further motions on the matter. Sanchez said that he would entertain another motion if there was one.

(11:25) Bryan asked if it could be revisited at another date. McCormack said there was no prevailing side on that. He said he thought that motion could be entertained by the Board. Mays asked if there was a motion to reconsider, which he was not prepared to make. Bryan said that he would like additional information. He said that he would like to be able to entertain a motion to have this reconsidered at a later date, once additional information had been provided to the Commissioners. Sanchez asked what the time limit was for returning the matter to the Board. McCormack replied that there was no time limit, other than a reasonable time. Sanchez stated that staff stated that whoever voted in favor of the motion could bring it back up. McCormack said, procedurally, probably most in line with the Board's policy, someone who voted in the negative could make a motion to reconsider, and if that was approved then any member of the Board, could do a motion to continue the matter to a future date. He said that there was a requirement in the statutes that if a development permitted, which a rezoning would constitute, was denied, there had to be a description in the denial order, letter, or notice as to the reasons or the code portions.

(11:30 a.m.) **Motion by Mays to deny REZ 2009-02, adopting findings of fact 1 through 4 to support the motion, seconded by Stevenson for discussion.** Stevenson said if the applicant would agree to remove the helicopter use from the application, than they could process the rezoning. She said based on what she heard that day, that she was not going to approve it. McCormack stated that it went back to conditions pertaining to zoning and explained. Stevenson asked, in a zoning, if they could add a use to be available only by special use. McCormack responded that they could add a condition, if it was a reasonable condition under the circumstances that he had described. Stevenson said that she was not comfortable with the helicopter use. Bryan stated that he thought, *shall*, would have basically taken care of the issue itself. Bryan stated that it was also restricting the County, if they purchased the property. He said that the special use category satisfied the concerns. Mays called the question. (11:37 a.m.) **The motion failed 3/1 with Mays in favor and Miner absent.** McCormack said the Chair should ask if there were any further motions.

(11:38 a.m.) **Motion by Stevenson, seconded by Bryan, to enact Ordinance No 2009-50, known as REZ 2007-26, with the condition that helicopter use would only be allowed by special use.** Stevenson asked if the findings of fact should be included and McCormack replied yes. McCormack stated that the Counsel for the District had informed him that the District would not object to the special use requirement and it was confirmed, on the record, by the Counsel. Stevenson corrected the motion from above by restating the motion, because it had the wrong REZ number. (11:40 a.m.) **Amended motion by Stevenson, seconded by Bryan, carried 3/1 with Mays dissenting and Miner absent, to enact Ordinance No. 2009-50, known as REZ 2009-02, Anastasia Mosquito Control, rezoning from OR to PS, with the helicopter use only allowed as a special use, adopting findings of facts 1 through 4 to support the motion.** Wanchick returned to Bryan's comments regarding the study. He stated that they should proceed to conclude that study as initially planned in the spirit of putting the tax payers of the County first, and both the Board of County Commissioners and the Mosquito Control District agreed to fairly consider and evaluate those findings, whatever they may be.

#### ORDINANCE NO. 2009-50

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  
PUBLIC SERVICE (PS); MAKING FINDINGS OF FACT;  
REQUIRING RECORDATION; AND PROVIDING AN  
EFFECTIVE DATE**

(11:42 a.m.) Sanchez stated that George McClure talked to him on break regarding moving Item 6 to another meeting.

(11:43 a.m.) George McClure, 81 King Street, Suite A, requested to move Item 6, Southwest Commerce Center, because there were several issues that needed to be resolved first. He spoke on issues with respect to the flow way, and access by their neighbors to the east. He requested to defer this matter until December 15<sup>th</sup>. Sanchez asked if they needed to do a motion to continue. McCormack replied that they did need a motion to continue and cautioned pertaining to due process, and recommended that if there was a representative from the opposition, that he should be able to make a brief statement before the Board made its decision.

(11:46 a.m.) Attorney Ralf Brooks, 1217 East Parkway, Cape Coral, Florida, representing South Anastasia Community Association, objected to any continuance, because he lived quite a ways away and it took him a day to get here and a day to get back. McCormack stated that the standard on the matter was, if the Board had a rationale to continue something, then they had the authority to have a reasonable continuance. Bryan mentioned that he had a number of public speakers on that item, and in consideration of those individuals, they needed to recognize the fact that a number of those people had taken off from work and used their time to come that day. Sanchez stated that if they didn't have a motion, then it would continue as Item 6 that afternoon. Wanchick mentioned that he had received a call that morning from Commissioner Miner, who requested to continue the item because he wanted to be there for the vote, and December 15<sup>th</sup> would be an appropriate date, because he would be deployed after January 1<sup>st</sup>. Mays agreed that it was a good idea to defer it, because the more time they could work on the studies, the better. Sanchez stated that there was a mass of total confusion about the study. He said that anything that was going to be issued about the matter should be presented to the Board in writing and notarized. He said he certainly understood the comment from the opponent, that there was no doubt that this was quite an inconvenience and an expense. Mays stated that he would agree to make the motion to continue and agreed with Sanchez on getting the report with no last minute amendments. Sanchez said that December 15<sup>th</sup> would be the final day, and if they didn't have the reports, they wouldn't be considered. McCormack said if that motion was made, it should include a time certain for 9:00 a.m.

(11:50 a.m.) **Motion by Mays, seconded by Stevenson, to continue this item to December 15, 2009 at 9:00 a.m.** Wanchick voiced concern about the time. McCormack explained that it would be on the agenda for 9:00 a.m. but would fall anytime after 9:00 a.m. Bryan stated that he had a problem with continuing the item, and that he was not supporting it. Stevenson said that she had a number of concerns that needed to be considered, and that she thought it should be continued. (11:54 a.m.) **The motion failed 2/2 with Bryan and Sanchez dissenting and Miner absent.** Sanchez stated that the motion was a denial so it meant that Item 6 would be heard that afternoon. McClure pointed out that the item was continued at the Planning and Zoning Agency meeting at the request of the opponents, in order for them to hire their counsel. It was continued, at their request, at the first meeting when Mr. Brooks was subsequently hired. He stated that they were advised that no matter what happened on that issue, it would probably end up being heard by the courts. He stated that Mr. Brooks had filed on behalf of opponents to the Hyde Park matter. He stated that there was a chance of having to hear it again because of a tied vote.

The meeting recessed for lunch at 11:58 a.m. and reconvened at 1:31 p.m.

(11/17/09 - 15 - 1:31 p.m.)

4. PUBLIC HEARING - REZ 2007-26, TRIANGLE PROFESSIONAL PARK REZONING. THIS IS A REQUEST TO REZONE FROM PLANNED SPECIAL DEVELOPMENT (PSD) TO OFFICE PROFESSIONAL (OP). SUBJECT PROPERTY IS APPROXIMATELY 8.1 ACRES IN SIZE AND IS GENERALLY LOCATED ON THE EASTSIDE OF US 1 BETWEEN THE INTERSECTIONS OF US 1 AND SHORES BLVD. AND US 1 AND WATSON RD. THE PLANNING DIVISION FINDS THE REQUEST TO REZONE TO OFFICE PROFESSIONAL (OP) SUBSTANTIALLY MEETS THE REQUIREMENTS OF THE COMPREHENSIVE PLAN AND THE LAND DEVELOPMENT CODE. THIS FINDING IS BASED UPON THE FOLLOWING INFORMATION: THE APPLICATION MATERIALS AS SUBMITTED BY THE APPLICANT, THE INFORMATION IN THIS STAFF REPORT, THE EXPIRED PSD ZONING ON THE SITE, CONSISTENCY WITH THE MIXED USE LAND USE CATEGORY, AND OTHER RELEVANT INFORMATION AVAILABLE TO STAFF. THIS FINDING MAY BE SUBJECT TO OTHER COMPETENT SUBSTANTIAL EVIDENCE RECEIVED AT THE QUASI-JUDICIAL PUBLIC HEARING. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS REQUEST AT THEIR OCTOBER 1, 2009 MEETING BY A VOTE OF 7/0 (MOTION BY WHEELER, SECOND BY NELSON)

Proof of publication of the notice of public hearing regarding REZ 2007-26, Triangle Professional Park, was received, having been published in *The St. Augustine Record* on November 2, 2009.

David Harrell, Planner I, gave an overhead presentation for the requested rezoning request. He reviewed all the specifications for the project.

(1:34 p.m.) Karen Taylor, 77 Saragossa St., said Larry Paylor and Elizabeth Robbins, her clients, were unable to attend that day. She gave a history of the project and said the original PSD was done in 1986. She said she tried a PUD in 1994, which was withdrawn. She said the current request was for 29,500 square feet, for which they had concurrency. She stated that the application was made in 2006 and was only now surfacing due to the backlog in concurrency. She said it was 3,600 square feet per acre and mixed used usually allowed about 12,000 square feet per acre. She noted the development portion of the site was the northern portion of the site. She said they chose OP, so it would be limited to office type uses. She said height requirements were discussed with PZA, and it was decided to have one building with three stories rather than have several buildings spread out over the site. She said the access requirements would be the same as before and be limited to the median cuts as per DOT. She stated that it met the standards of the mixed use category, the Land Development Code, was compatible with the surrounding area. She said they had discussions with the neighbors and worked out all of their issues. She said PZA recommended approval by a vote of 7/0.

(1:38 p.m.) **Motion by Bryan, seconded by Mays, carried 4/0 with Miner absent, to enact Ordinance 2009-51, known as REZ 2007-26, adopting findings of fact one through four to support the motion.**

#### ORDINANCE 2009-51

AN ORDINANCE OF THE COUNTY OF ST. JOHNS,  
STATE OF FLORIDA, REZONING LANDS AS  
DESCRIBED HEREINAFTER FROM THE PRESENT

**ZONING CLASSIFICATION OF PLANNED SPECIAL DEVELOPMENT (PSD) TO OFFICE PROFESSIONAL (OP) MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE**

(11/17/09 - 16 - 1:39 p.m.)

5. PUBLIC HEARING - REZ 2009-04, BANK OF ST. AUGUSTINE - DATIL PEPPER REZONING. THIS IS A REQUEST TO REZONE FROM OPEN RURAL (OR) TO RESIDENTIAL MOBILE HOME OR SINGLE FAMILY (RMH-S). SUBJECT PROPERTY IS LOCATED ONE HALF MILE WEST OF US 1 OFF OF DATIL PEPPER ROAD AND WITHIN RESIDENTIAL-B FUTURE LAND USE WHICH ALLOWS FOR UP TO TWO UNITS PER NET ACRE. THE PLANNING DIVISION FINDS THE REQUEST TO REZONE TO RESIDENTIAL MOBILE HOME OR SINGLE FAMILY (RMH-S) SUBSTANTIALLY MEETS THE REQUIREMENTS OF THE COMPREHENSIVE PLAN AND THE LAND DEVELOPMENT CODE. THIS FINDING IS BASED UPON THE FOLLOWING INFORMATION: PROPERTY IS CURRENTLY OCCUPIED BY TWO MOBILE HOMES, CONSISTENCY WITH RESIDENTIAL-B LAND USE CATEGORY, THE APPLICATION MATERIALS AS SUBMITTED BY THE APPLICANT, CONSISTENCY WITH ADJACENT USES, AND OTHER RELEVANT INFORMATION AVAILABLE TO STAFF. THIS FINDING MAY BE SUBJECT TO OTHER COMPETENT SUBSTANTIAL EVIDENCE RECEIVED AT THE QUASI-JUDICIAL PUBLIC HEARING. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL AT THEIR OCTOBER 1 MEETING BY A VOTE OF 3 TO 2. CONCERNS EXPRESSED AT HEARING CENTERED ON SETTING A PRECEDENT OF ALLOWING MULTIPLE DWELLINGS ON A LOT

Proof of publication of the notice of public hearing regarding REZ 2009-4, Bank of St. Augustine - Datil Pepper Rd., was received, having been published in *The St. Augustine Record* on November 2, 2009.

Michael Blackford, Planning and Zoning Manager, gave an overhead presentation for the request to rezone from Open Rural (OR) to Residential Mobile Home or Single Family (RMH-S). He gave the specifics of the request. He explained the issue was that the lot was 1.9 acres and Open Rural zoning required one acre per unit and one acre of frontage. He said rezoning to RMH-S allowed the same types of structures as OR. He said the lot size requirement for RMH-S was 7,500 square feet and 75 foot of frontage. He said the request was consistent with the Comprehensive Plan and was consistent with the Residential-B Future Land Use designation. He said it was consistent with the adjacent and surrounding properties. He noted that discussion at PZA involved the fact that it would be setting a precedent with smaller lot sizes. He said surrounding areas had made similar requests, in that they were less than one acre. He said two properties had already made requests to allow two structures on the property of similar size.

(1:43 p.m.) Bryan confirmed that precedent had already been set. Blackford said that was correct.

(1:44 p.m.) Stevenson declared ex parte with Ms. Taylor, Mr. Jeff Bell, President, Bank of St. Augustine and Mr. Green, Board Member, Bank of St. Augustine and discussed the potential for future subdivision, the maximum number of units and the character of the area. (1:45 p.m.) Mays declared ex parte with Green. (1:45 p.m.) Bryan declared ex parte with Green on the telephone. (1:45 p.m.) Sanchez declared very brief ex parte with Green.



(1:46 p.m.) Karen Taylor, 77 Saragossa St., said it was 1.9 acres with two legally permitted mobile homes. She said it was probably an error on the part of the County. She said the Bank of St. Augustine had come to her to see if they could rezone it to RMH-S in order to clear the property so they could sell it cleanly. She said the intent was to sell it with both mobile homes on it.

(1:48 p.m.) **Motion by Mays, seconded by Bryan, carried 4/0 with Miner absent, to enact Ordinance 2009-52, known as REZ 2009-04, adopting findings of fact one through four to support the motion.**

#### ORDINANCE 2009-52

**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 RESIDENTIAL MOBILE HOME OR SINGLE FAMILY (RMH-S); MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE**

(11/17/09 - 17 - 1:49 p.m.)

6. PUBLIC HEARING - PUD 2008-10, SOUTHWEST COMMERCE CENTER PLANNED UNIT DEVELOPMENT REZONING. THE REQUEST SEEKS TO REZONE 83 ACRES FROM OPEN RURAL TO PLANNED UNIT DEVELOPMENT IN ORDER TO ALLOW INDUSTRIAL AND MULTI-FAMILY USES. THE SITE IS LOCATED SOUTH OF COUNTY ROAD 206, WEST OF INTERSTATE 95 IN THE SOUTHWEST QUADRANT OF THE INTERCHANGE. THE PLANNED UNIT DEVELOPMENT APPLICATION WAS CONTINUED FROM THE BOARD OF COUNTY COMMISSIONERS APRIL 21, 2009 PUBLIC HEARING TO ALLOW ADDITIONAL INFORMATION REGARDING DEVELOPMENT OF REGIONAL IMPACT (DRI) AGGREGATION ANALYSIS AND GTMNERR SURFACE WATER FLOW WAY MODELING TO BE CONSIDERED. THE APPLICANT WITHDREW THE APPLICATION FOR DEVELOPMENT APPROVAL FOR A PROPOSED DEVELOPMENT OF REGIONAL IMPACT (OLD KINGS ROAD). THIS ACTION ADDRESSES THE PENDING DRI AGGREGATION INQUIRY. THE RESULTS OF THE FLOW WAYS MODEL BEING CONDUCTED TO EVALUATE THE MATANZAS RIVER AND PELLICER CREEK BASINS WERE DISCLOSED DURING A MEETING SCHEDULED WITH STAKEHOLDERS OCTOBER 14, 2009. THE APPLICATION, MASTER DEVELOPMENT PLAN TEXT AND MAP, HAVE BEEN MODIFIED TO ADDRESS THE RESULTS OF THE STUDY

Proof of publication of the notice of public hearing regarding PUD 2008-01, Planned Unit Development Rezoning for Southwest Commerce Center, was received, having been published in *The St. Augustine Record* on November 2, 2009.

Janet Beeson, Court Reporter, was present.

McCormack said he had approached counsel for the organized opposition and then with the applicant to discuss protocol for the hearing. He said when he spoke with counsel for the applicant; he indicated he would like to make an announcement to the Board prior to the hearing.

(1:50 p.m.) George McClure introduced Doug Davis, Fletcher Management Co., 512 Sebastian Square, who joined him at the podium. McClure said they had spent time during the lunch break reviewing the things they had heard during the discussion, with respect to the continuance. He said the justification for the continuance in April, was the desire to continue the flow way study that GTMNERR was doing. He stated that what they had heard at the continuance, was anxiety that the study was not complete, or sufficiently clear enough, for the Board to make a determination about it. He said they had worked with Dr. Shirley and other environmental organizations, but if the Board was not comfortable with that, and it appeared they were not, they would withdraw their application. He said it was not a continuance, and they would start over again with a new application. He said it would allow them to take the data, once it was completed, and incorporate that in a new application that accurately represented what the environmental concerns were. He said there was also a part of the application, the multi-family, that they had previously announced that they didn't want to do, but it was required as a result of the existing status of the comp plan, with respect to mixed use. He noted that the Evaluation and Appraisal Report (EAR) recommended modifying that standard, so that multiple uses were not required on a single parcel. He said if they withdrew the application, it would allow them to resubmit after the EAR was completed, so they wouldn't have to do any residential. He added that they did not feel there was a level of comfort right now. McClure announced that they would withdraw the application.

(1:53 p.m.) **Motion by Bryan, seconded by Mays, carried 4/0 with Miner absent, to accept the applicant's request to withdraw the application for PUD 2008-10, Southwest Commerce Center.**

(11/17/09 - 18 - 1:55 p.m.)

7. PUBLIC HEARING - 2006-23, OLD MOULTRIE RD PUD PLANNED UNIT DEVELOPMENT. THIS IS A REQUEST TO REZONE 39 ACRES FROM OPEN RURAL (OR) TO PLANNED UNIT DEVELOPMENT (PUD) FOR THE DEVELOPMENT OF 312 MULTI-FAMILY UNITS. THE SUBJECT PROPERTY IS LOCATED OFF OF OLD MOULTRIE ROAD, JUST SOUTH OF 312, WEST OF US 1 (ACROSS FROM SOUTHPARK BLVD). THE PLANNING DIVISION FINDS THE REQUEST TO REZONE TO PLANNED UNIT DEVELOPMENT (PUD) SUBSTANTIALLY MEETS THE REQUIREMENTS OF THE COMPREHENSIVE PLAN AND THE LAND DEVELOPMENT CODE. THIS FINDING IS BASED UPON THE FOLLOWING INFORMATION: CONSISTENCY WITH MIXED USE DISTRICT LAND USE CATEGORY, THE APPLICATION MATERIALS AS SUBMITTED BY THE APPLICANT, CONSISTENCY WITH ADJACENT USES, AND OTHER RELEVANT INFORMATION AVAILABLE TO STAFF. THIS FINDING MAY BE SUBJECT TO OTHER COMPETENT SUBSTANTIAL EVIDENCE RECEIVED AT THE QUASI-JUDICIAL PUBLIC HEARING. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL AT THEIR OCTOBER 1 MEETING BY A VOTE OF 6 TO 0. THE RECOMMENDATION FOR APPROVAL INCLUDED ADDITIONAL DUMPSTER LANGUAGE AND LANGUAGE REQUIRING SIGNALIZATION OF THE PROJECT ENTRANCE AND OLD MOULTRIE RD PRIOR TO CERTIFICATE OF OCCUPANCY FOR THE FIRST BUILDING

Proof of publication of the notice of public hearing regarding Planned Unit Development 2006-23, Old Moultrie Rd. PUD, was received, having been published in *The St. Augustine Record* on November 2, 2009.

Michael Blackford, Planning and Zoning Manager, gave an overhead presentation and explained the details of the project. He said it was one of the few remaining properties

on Old Moultrie Road that was undeveloped. He stated that a 45 foot height building had been requested, which was a bit higher than was permitted. However, adjacent parcels had buildings of 45 feet. He noted it was a 2006 application and it had changed slightly and been scaled down over the years, so concurrency had been approved for more trips, and would have to be modified when they came in for approval of construction plans. He said three waivers were requested: 1. The unified sign plan, and staff had no objections to that. 2. A waiver to the active recreation requirement of one acre per 200 residents. They specified amenities they would provide in lieu of the greater requirement including a pool, playground, clubhouse, tennis courts, and basketball courts. Additionally, because of the significant wetlands onsite, passive recreation opportunities exist adjacent to open spaces and retention areas. He said staff supported the waiver even though it was in a more compact area. 3. The requirement for the 10 foot printer buffer for the entry road, which served as a buffer from uses, not from right of way, and staff did not object to the waiver request. He said it met their Comprehensive Plan requirements and the goals and objectives of the Mixed Use future land use designation. He said PZA had recommended revision of the PUD text to provide specific dumpster screening requirements, which had been taken care of. He said the second one was to have the location on the Master Development Plan map, and the third was to have the specific language of the certificate of occupancy being required before issuance of a certificate of occupancy for having signalization in place for Moultrie Road and Southpark Boulevard. He clarified that all outstanding issues had been resolved and there were no staff issues. He said there was one page of revised text where the third waiver had been added.

(2:03 p.m.) Bryan expressed concern about interconnectivity. He said a lot of traffic could potentially be dumped onto Old Moultrie. He asked if a traffic study had been done on the potential traffic it could generate.

(2:04 p.m.) Blackford said it had been discussed during the original certificate of concurrency. He said that was why signalization would be required, along with turn lanes for the project.

Bryan asked what type multi-family housing would be located there and whether it would attract people within a salary range that would work within that area.

(2:05 p.m.) Blackford said they were proposing apartments, but if it was changed to town homes, the product would look different and it would have to be platted.

(2:06 p.m.) McCormack announced that Counsel for the applicant, Doug Burnett, would be there shortly.

(2:06 p.m.) Mays said he had ex parte with Burnett regarding the project. (2:07 p.m.) Stevenson said she had ex parte with Burnett regarding the vicinity, infill project, overall density, and the wetlands involved.

(2:07 p.m.) **Motion by Mays, seconded by Bryan, to enact Ordinance 2009-53, known as PUD 2006-23, adopting findings of fact one through seven to support the motion.** Bryan said there was concern about adding housing, but that project was not urban sprawl, and would provide housing close to shopping and work areas. Mays agreed, and said it was proper use and good planning for that area. (2:10 p.m.) **Motion carried 4/0 with Miner absent.**

ORDINANCE 2009-53

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  
PUD (PLANNED UNIT DEVELOPMENT); PROVIDING  
FINDINGS OF FACT; PROVIDING A SAVINGS  
CLAUSE; REQUIRING RECORDATION; AND  
PROVIDING AN EFFECTIVE DATE

(11/17/09 - 20 - 2:10 p.m.)

8. PUBLIC HEARING - PRD 2008-02, CRESCENT RANCHES PLANNED RURAL DEVELOPMENT. THIS IS A REQUEST TO REZONE FROM OPEN RURAL (OR) TO PLANNED RURAL DEVELOPMENT (PRD). SUBJECT PROPERTY IS LOCATED ON THE SOUTH SIDE OF SR 206 AT THE INTERSECTION OF CR305 AND SR 206 AND WITHIN RURAL SILVICULTURE FUTURE LAND USE. REQUEST IS FOR 96 SINGLE FAMILY UNITS ON 480 ACRES. A REVISED TEXT AND MAP HAVE BEEN RECEIVED IN RESPONSE TO AN ADJACENT PROPERTY OWNERS CONCERNS OVER A PREVIOUSLY REQUESTED WAIVER TO THE 200' INCOMPATIBLE USE BUFFER ALONG THE SOUTHERN PROPERTY LINE. THE WAIVER HAS BEEN REMOVED AND LOTS HAVE BEEN SHIFTED ACCORDINGLY. THE PLANNING DIVISION FINDS THE REQUEST TO REZONE TO PLANNED RURAL DEVELOPMENT (PRD) SUBSTANTIALLY MEETS THE REQUIREMENTS OF THE COMPREHENSIVE PLAN AND THE LAND DEVELOPMENT CODE. THIS FINDING IS BASED UPON THE FOLLOWING INFORMATION: CONSISTENCY WITH RURAL SILVICULTURE LAND USE CATEGORY, CONSISTENCY WITH SURROUNDING USES, THE APPLICATION MATERIALS AS SUBMITTED BY THE APPLICANT, AND OTHER RELEVANT INFORMATION AVAILABLE TO STAFF. THIS FINDING MAY BE SUBJECT TO OTHER COMPETENT SUBSTANTIAL EVIDENCE RECEIVED AT THE QUASI-JUDICIAL PUBLIC HEARING. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL AT THEIR SEPTEMBER 17, MEETING BY A VOTE OF 4 TO 0

Proof of publication of the notice of public hearing regarding PRD 2008-02, Crescent Ranches, was received, having been published in *The St. Augustine Record* on November 2, 2009.

Michael Blackford, Planning and Zoning Manager, gave an overhead presentation and explained the details of the request. He said it was a request to rezone 480 acres for 96 single family lots in an equestrian style community, and that a minimum of 221 acres would be placed in a conservation easement. He noted they had also provided for the future right-of-way for the expansion of CR 305 on the western boundary of the project. He said the site plan was revised from what PZA had seen, in order to address some of the concerns of adjacent neighbors. He said four lots had been removed from the 200 foot buffer on the southern boundary. He said there were three waiver requests: 1.) to the unified sign plan, 2.) providing riding trails in lieu of sidewalks, and 3.) a 50 foot right-of-way with a swale system in lieu of a 60 foot right-of-way. He said staff did not object and it would reduce wetland impacts. He said PZA approved the request with a vote of 7/0.

(2:17 p.m.) Sanchez disclosed ex parte with the applicant and others working on the project. Stevenson said she met with Christ Callegheri and Katie Kulik to talk about the

application and some of the discussions that had been held with the adjacent property owner, and regarding design standards. Mays said he spoke with the applicant, Burnett, and adjacent property owners, the Hudsons. Bryan disclosed ex parte with Fred Crack and Katie Kulik. Stevenson added that she had heard concerns from the adjacent property owner regarding drainage issues. Bryan added that he had received some documents and had a brief discussion with Henry Dean, former Water District Management Director.

(2:19 p.m.) Mays asked how the right of way for CR 305 was dealt with.

(2:19 p.m.) Blackford said the applicant and the County had worked on it prior to the filing of the formal application, and the County Engineers had provided the necessary right of way.

(2:20 p.m.) Bryan said that agricultural intensive abutted a corner of the property, and asked if it was farming fields. Blackford said it was tree farms. Bryan clarified that all the property was surrounded by trees. Blackford said there was a small subdivision about a quarter mile to the west. Bryan asked if it could open up the remaining contiguous property for development. Blackford said it could, but the PRD regulations were designed for the preservation and the continuation of agricultural and silvicultural activities or the preservation of open space. He said that particular project did have a conservation easement in place for over 230 acres of wetlands. Bryan clarified that any future development would have to be in a similar manner to that project. Blackford said that was correct; a minimum of one acre unless they wanted to come forth with a land use amendment.

(2:23 p.m.) Stevenson asked about the 200 foot incompatible buffer from the first building pad and the property line. Blackford said that distance was correct. He said there was a road within the compatible use buffer and it was allowed, and explained the incompatible use. Stevenson said what they did in the buffer was as important as the buffer itself. She said one of the problems they had with a different project was that the grade at the property line caused problems with flooding into an agricultural area. She said they needed to look at the performance of buffers next to agricultural and silviculture. She said a 30 foot undisturbed buffer would be better than a 200 foot buffer with a roadway. She said elevation differences could cause problems, as she had seen it in other places.

(2:27 p.m.) Doug Burnett, 1301 Plantation Island Drive, 302B, gave a PowerPoint presentation to explain the details of the item. (Exhibit A). He said it was intended to be a gated community, 480 acre development, 96 units on 142 acres with 338 acres of conservation and preservation. He said it would maintain the rural nature of that section of the County, and there would be covenants and restrictions to ensure that the community was maintained. He noted that the site had been designed to accommodate a pond. He said both entrances to the community were off SR 206. He stated that since the PZA hearing, they had made an adjustment to the plan and had redesigned the site to accommodate the 200 foot buffer. He reviewed the surrounding properties. He said they had school and traffic concurrency for the project. He reported that a final Certificate of Concurrency had been obtained. He discussed concerns regarding the southern boundary, and what was before them that day. He said he was assuming the southern property boundary was what the adjacent property owner wanted. He said the consent order recognized that there was a road in place that had been constructed for the silviculture, that it required the trail road to be restored, and that it had been a logging road. He stated that the southern boundary could be designed so that it would not flood the adjoining property, and that would be closely monitored in the engineering process.

(2:41 p.m.) Stevenson said her concern was what she had experienced with a permitted project. She explained the details of the flooding issue. She said she wanted to make sure this did not happen on the current project. She noted it was perfectly legal and according to rules, but still resulted in the problem. She contended that the County rules did not protect timberland.

(2:43 p.m.) Burnett said stormwater would be treated to Florida Outstanding Water Quality Standards. He said Mr. Crack, the developer, had bought out the timber lease and would allow the woodlands to grow back. He added that Mr. Crack was prepared to offer that they would not build the road through the middle section, and the other entry road would end in a cul de sac. He said if that was the Commission's desire they would like to get approval that day.

(2:47 p.m.) Stevenson asked him to draw it again. Burnett explained that the four lots on the southern part of the project would be moved into the other developed upland, resulting in less impact on the wetlands.

(2:49 p.m.) Bryan asked if there would be any connectivity to the two areas. Burnett said there would be trails between the two areas for the equestrian community.

(2:50 p.m.) Mays asked about fire service, and if notices should be placed on the property in regard to the nearest fire service. Burnett said they were within five miles of the nearest fire station.

(2:51 p.m.) Carl Matthaei, 6433 Madison St., St. Augustine, said they did not need any more residential in the county. He said agriculture and silviculture was positive cash flow to the County, and residential was not. He suggested they put all the remaining property in conservation. He asked if Phase I stood alone from Phase II as far as special requirements etc.

(2:53 p.m.) The letter from Mr. Metcalf, which had been submitted late, was read by the Board members.

(2:54 p.m.) Frederick Crack, 1383 Samantha Way, North Huntingdon, Pennsylvania, said he bought the property in 2003, and it had taken six years to get to the current position. He said there were no outstanding comments, as they had dealt with everything the staff requested. He said the fact that he was turning it over to conservation, indicated the tone he was trying to create. He emphasized it would be removed from timbering. He stated that he wanted to live in a low density, environmentally friendly community which would set the trend for future development. He said a deed would be recorded and restricted for conservation in perpetuity. He noted he was prepared to give up the southern boundary in order to meet the concerns of his neighbor to the south, and they were also making animal thoroughfares on the east side of the property. He said he picked that place by design.

(3:00 p.m.) Bryan asked when he anticipated starting. Crack said he was anxious to get it going, but he hoped to get Phase I started within 36 months and construction to begin within six months thereafter. Bryan asked if local builders would be allowed to build. Crack said he did not want to bring the national or bigger builders in, as he wanted it to be done well. He said there were good local builders available, and he wanted to build unique, high quality, custom homes.

(3:04 p.m.) Stevenson said the changes were an improvement.

(3:05 p.m.) Sanchez returned to the issue of 300 and 200 acres and whether he would come back later and build on the acreage. Crack said absolutely not.

(3:06 p.m.) Burnett explained that each lot had wetland on them and they were not part of the conservation easement. He said the two acre lots impacted the value of the lots. He said it did not change the fact that it would be open space and would be unavailable for building and whether it was subject to conservation easements under the Water Management District standards.

(3:07 p.m.) Bryan asked if a barn would be able to be built there. Burnett said they could not build anything beyond the jurisdictional wetland line.

(3:08 p.m.) Blackford said the PRD text included all uses in the reserve area. He said if there was a conservation easement, they would not be allowed to do the reserve area uses. He said the PRD text was very typical of standard PRD language; they would be able to have agricultural activities limited to the reserve portion area of the lot, not located within the conservation easement or within a wetland. He said the site did not have a great deal of upland reserves. He said it was not an issue on this plan because of the conservation area and the way it was written.

(3:10 p.m.) Bryan said he wanted to make sure anyone buying property there would be sure of the restrictions. Blackford said that would be on the plat and construction plans.

(3:10 p.m.) Whitehouse said the letter from Mr. Metcalf had been entered into the record by virtue that each Commissioner had taken the time to read the letter.

(3:11 p.m.) **Motion by Sanchez, seconded by Mays, to enact Ordinance 2009-54, known as PRD 2008-02, adopting findings of fact one through seven to support the motion, with the condition that they not build the road on the southern portion as offered by the applicant, and upon the condition of submittal to staff a revised MDP reflecting the deletion of the three lots from the depicted lower portion, to be relocated to the upper section. Sanchez and Mays accepted the conditions.** Burnett explained the differences in the maps and clarified that it was three lots. **Motion carried 3/1 with Bryan dissenting and with Miner absent.**

#### ORDINANCE 2009-54

AN ORDINANCE OF THE COUNTY OF ST. JOHNS,  
STATE OF FLORIDA, REZONING LANDS AS  
DESCRIBED HEREINAFTER FROM THE PRESENT  
ZONING CLASSIFICATION OF OPEN RURAL (0R) TO  
PRD (PLANNED RURAL DEVELOPMENT);  
PROVIDING FINDINGS OF FACT; PROVIDING A  
SAVINGS CLAUSE; REQUIRING RECORDATION; AND  
PROVIDING AN EFFECTIVE DATE

(11/17/09 - 23 - 3:14 p.m.)  
COMMISSIONERS' REPORTS

(3:14 p.m.) Commissioner Mays:

Mays stated that the Regional Transit Authority Advisory Board continued to meet each month, and worked on a potential RTA Organization for the surrounding seven county area. He said they were looking at governance at their next meeting and funding mechanisms. He added that within the North Florida Transportation Planning

Organization there were additional Stimulus Funds available and they were working on allocating those funds to projects next month. He reported they had consensus on moving forward with a Sector Plan in the southwest area so that they did not have projects coming in every three to four months with potential conflicts between landowners and environmentalists. Sanchez said it was a vital element and hoped they could move along with that, and it would be to everyone's benefit.

(3:17 p.m.) Commissioner Bryan:

Bryan addressed the evaluation of Impact fees and asked when it would be completed. Locklear said it was scheduled to be back before the Board for adoption in the summer of 2010. He said they would see it in a workshop type format in April or May. Bryan asked about the one cent bed tax and when they could expect it to start. Wanchick said he would give them an update on that later. Bryan also mentioned that he had been in discussions with bars and restaurant owners regarding ways to increase their bottom lines. He said it was suggested that extending operating hours for restaurants and bars, on a trial basis, from 1:00 a.m. to 2:00 a.m. would be helpful. He said he had spoken with Michael Hunt, Deputy County Attorney, regarding drafting an ordinance on a temporary basis. He said Sheriff Shoar, Chief Luders and the Chief of Police at St. Augustine Beach did not have any real concerns and did not object to the idea. He asked for general consensus from the Board to implement it prior to Christmas.

(3:20 p.m.) Sanchez gave some of the history of cut off times. He suggested they could look at 1:00 a.m. as a cut off time, and at 1:30 a.m. they had to be out of building.

(3:21 p.m.) Stevenson said the Commission had changed the hours until 2:00 during the Super Bowl. She said they did get some push back from the community.

(3:22 p.m.) Sanchez said he knew it would help the tourist business, and there had been lots of comments about rolling up the streets too early.

(3:23 p.m.) Bryan said there was interest in extending the hours for food as well as alcohol on a temporary basis, and before the holidays if possible. Hunt said they had only two meetings prior to the holidays.

(3:25 p.m.) Sanchez said he didn't see any problem looking at it on a trial basis. Mays agreed that he would be willing to try it out. Hunt raised the point that it could be brought for the Board's consideration on December 15<sup>th</sup> and the trial period would be probably slightly more than six months, but the Board would need to make a decision on how long they would want to continue the extension of hours.

(3:28 p.m.) Commissioner Stevenson:

Stevenson thanked the Board for their patience on working through the items that day. She thanked the Southwest Industrial Park Developer for voluntarily withdrawing their application and their willingness to work with the NERR. She said she was supportive of the idea of a plan as it was a basin of special concern. She thanked the West Augustine group for their presentation. Sanchez said that was a dedicated group of people. Stevenson said it was the community that made it work. She said the celebration of the 130<sup>th</sup> Anniversary of Florida Memorial University was held last weekend, and she and Sanchez were there. She said the first Art Walk in the Northwest was held, and it was a great day at Bartram Walk. She said they had the first Veterans Day Celebration, though the weather wasn't cooperative, and they were looking forward to doing it for years to come.



(3:32 p.m.) Commissioner Sanchez:

Sanchez said he attended the celebration for the Veterans at St. Augustine Beach, and the new Veterans Memorial was beautiful and lots of people attended. He also said the Florida Memorial University choir was at the celebration and it was excellent.

(11/17/09 - 25 - 3:33 p.m.)

COUNTY ADMINISTRATOR'S REPORT

Wanchick said that West Augustine was a high moment for the County Commission as well as the community. He said that community had taken control on their own destiny and the Commission and the community should take a lot of pride in the partnership they had developed. He said they were going to see a real transformation of that area. He said there was nothing like working with a group of appreciative people.

He said that the next day they were going out for bid for the Pine Island Fire Station. He explained that it was being funded through previously sold general obligation debt. He said they would open it for bids in December. He said it would be a great project for local people, because they did good work.

He commented on the new fourth cent tax. He said there was agreement on it and that Commissioner Miner had said he would like to vote on it before he leaves. He said they would like to put an item on the December 15<sup>th</sup> agenda establishing the fourth cent, with the understanding that it would be put into escrow until the PGVA study was complete. He said Glenn Hastings mentioned it to TDC meeting yesterday and they agreed. *There was Board consensus to do so.*

Wanchick said it was not infrequent to cancel a meeting near the holidays, and Administration was suggesting canceling the January 5 meeting. *There was Board concurrency to do so.*

Bryan said it was pleasurable to work with the Commission, staff, and Administration and he was happy to be a part of it. He said they had handled difficult decisions and were able to walk away with good relationships and it meant a lot to him.

Sanchez said they could have their differences of opinion but had worked through it and he appreciated it too.

(11/17/09 - 25 - 3:39 p.m.)

COUNTY ATTORNEY'S REPORT

McCormack said he would also like to give credit and thanks from the County Attorney's office to the West Augustine representatives, particularly Jean White, Dwala Lewis, Rev. Ron Stafford and the other representatives who were with them that morning. He said they reminded him of Ponte Vedra, where community leaders had emerged who were dedicated and persistent and had real community pride in their area. He said they just kept going until the job was done, and they were good and gracious to work with.

He said Mr. Hunt was going to address an item regarding a TDC internet issue.

(3:41 p.m.) Hunt said approximately 5 months ago the Board had approved the Office of the County Attorney entering into a contract with a law firm out of Atlanta, Doffler Miner and Shields, with a class action suit for underpayment or non payment of bed tax

fees. He said the class action suit was never filed on behalf of the County and the agreement had been terminated last week. He said in the interim they had talked with another group out of Tallahassee, Neighbors Giblin, and they had filed a class action suit on the same issue. He said the newer contract had better overall terms and provisions than the previous agreement. He said it had slightly more exposure for the County. He said they were asking for authorization to enter into a contract with the second firm. He asked for Board concurrency. *There was Board concurrency to enter into contract with the Neighbors Giblin law firm.*

(11/17/09 - 26 - 3:34 p.m.)  
CLERK OF COURT'S REPORT

There was no report.

With there being no further business to come before the Board, the meeting adjourned at 3:34 p.m.

REPORTS:

1. St. Johns County Board of County Commissioners Check Register, Check No. 447290 through 447790, totaling \$3,558,151.98 (10/27/09)
2. St. Johns County Board of County Commissioners Check Register, Check No. 447791, totaling \$5,059.64 (10/29/09)
3. St. Johns County Board of County Commissioners Check Register, Check No. 447792 through 447798, totaling \$176,337.34 (11/02/09)
4. St. Johns County Board of County Commissioners Check Register, Check No. 447799 through 448089, totaling \$1,529,768.57 (11/03/09)
5. St. Johns County Board of County Commissioners Check Register, Check No. 448090, totaling \$1.00 (11/04/09)
6. St. Johns County Board of County Commissioners Check Register, Check No. 448091 through 448113, totaling \$34,532.52 (11/05/09)
7. St. Johns County Board of County Commissioners Check Register, Check No. 448114 through 448386, totaling \$2,599,845.68 (11/10/09)

CORRESPONDENCE:

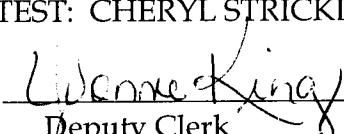
1. Letter dated November 6, 2009, to Liz Cloud, Program Administrator, Department of State, Bureau of Administrative Code, filing St. Johns County Ordinance Numbers 2009-46 through 2009-48.
2. Letter dated November 3, 2009, to Kristi R. Bronson, Chief, Division of Elections, Department of State, filing affidavits with the official signatures of Ron Sanchez as Chair and J. Ken Bryan as Vice Chair of the Board of County Commissioners of St. Johns County.

Approved \_\_\_\_\_ December 15 \_\_\_\_\_, 2009

BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA

By:   
Ron Sanchez, Chair

ATTEST: CHERYL STRICKLAND, CLERK

By:   
Deputy Clerk

