

**MINUTES OF MEETING  
BOARD OF COUNTY COMMISSIONERS  
ST. JOHNS COUNTY, FLORIDA  
DECEMBER 15, 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  
                              Mark P. Miner, District 3  
                              Phillip Mays, District 4  
                              Michael D. Wanchick, County Administrator  
                              Patrick McCormack, County Attorney  
                              Lenora Newsome, Deputy Clerk

(12/15/09 - 1 - 9:01 a.m.)  
CALL TO ORDER

Sanchez called the meeting to order.

(12/15/09 - 1 - 9:01 a.m.)  
ROLL CALL

Sanchez announced that four commissioners were present and Stevenson was not there yet, but would be shortly.

(12/15/09 - 1 - 9:02 a.m.)  
Sanchez announced for the Sheriff's Department Color Guard to post the colors. Sanchez gave the Invocation and Mays led the Pledge of Allegiance.

(9:04 a.m.) Cyndi Stevenson, District 1, entered the meeting.

(12/15/09 - 1 - 9:06 a.m.)  
CEREMONIAL FAREWELL TO COMMISSIONER MINER WHO WILL BE DEPLOYING TO IRAQ IN JANUARY WITH THE FLORIDA NATIONAL GUARD

Brigadier Don Tyre, Director of Staff, Florida National Guard, presented a blue star flag to Miner's wife and one to Miner for his family and parents. Sanchez presented Miner with a plaque from the Board. Bryan, Mays and Stevenson all wished Miner well. Wanchick presented Miner with a St. Johns County flag and stated that an excess of \$1,000 was donated to the Family Readiness Group by Commissioners, Administrators and Staff in Miner's name. Miner stated that Ray Quinn was appointed to serve in his stead next year. He recognized his company commander Captain Kraft. Sanchez thanked the Sheriff's Department Color Guard.

(9:19 a.m.) Sanchez stated that Mr. Quinn was officially appointed by the Governor and stated that they were all under the Sunshine Law. McCormack stated that Miner and Quinn were alter egos for District 3 and could talk with each other.

(12/15/09 - 2 - 9:21 a.m.)

DELETIONS TO CONSENT AGENDA

Wanchick stated that the amount on Item 8 was reduced to \$40,000; but was originally \$50,000. McCormack mentioned that on Consent Item 6, a revision was provided to the Clerk regarding a lease, adding a little bit of restrictive language to the use, but he did not pull the item.

(12/15/09 - 2 - 9:22 a.m.)

APPROVAL OF CONSENT AGENDA

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

1. Approval of the Cash Requirement Report
2. Sheriff Bonds  
Approve: Brian K Johnson
3. Minutes  
Nov 17, 2009 - Regular Meeting  
Dec 1, 2009 - Regular Meeting
4. Motion to adopt **Resolution No. 2009-357**, approving the Final Plat for Kelly Pointe at Nocatee Phase 1

**RESOLUTION NO. 2009-357**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING A PLAT FOR KELLY POINTE AT NOCATEE PHASE I**

5. Motion to adopt **Resolution No. 2009-358**, recognizing unanticipated revenue in the amount of \$43,264.73 and increasing the Fire Services Grant Revenue and Expenditures by the same amount

**RESOLUTION NO. 2009-358**

**A RESOLUTION OF 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**

6. Motion to adopt **Resolution No. 2009-359**, authorizing a 99 year lease of the property known as Fire Station 15 (1425 Old Dixie Highway) to The St. Augustine Society A/K/A St. Francis House, for the public purpose of improving services to the homeless population of St. Johns County

**RESOLUTION NO. 2009-359**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, CONDITIONS,**

PROVISIONS, AND REQUIREMENTS OF A LONG-TERM LEASE BETWEEN ST. JOHNS COUNTY, FLORIDA, AND ST. AUGUSTINE SOCIETY, INC., A/K/A ST. FRANCIS HOUSE, WHICH AUTHORIZES THE UTILIZATION OF FIRE STATION 15 BY THE ST. FRANCIS HOUSE, AND AUTHORIZES THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO EXECUTE THE LONG-TERM LEASE ON BEHALF OF THE COUNTY

7. Motion to adopt **Resolution No. 2009-360**, 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

**RESOLUTION NO. 2009-360**

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF AN AGREEMENT BETWEEN THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISION, 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 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

8. Motion to approve a Budget Transfer in an amount not to exceed \$40,000 from the General Fund Reserves to fund Census 2010 efforts within St. Johns County
9. Motion to adopt **Resolution No. 2009-361**, approving the terms and conditions of Modification #2 of the Special Needs Grant Agreement between St. Johns County and the State of Florida, Division of Emergency Management, authorizing the County Administrator, or designee, to execute the Modification on behalf of the County, and recognizing the additional amount of \$60,189.47, as unanticipated revenue for expenditure at Pacetti Bay Middle School for its use as a special needs shelter

**RESOLUTION NO. 2009-361**

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND CONDITIONS OF

**MODIFICATION #2 TO THE SPECIAL NEEDS GRANT AGREEMENT NUMBER 07HM-32-04-65-03-003, BETWEEN ST. JOHNS COUNTY AND THE STATE OF FLORIDA, DIVISION OF EMERGENCY MANAGEMENT, AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO EXECUTE THE AGREEMENT MODIFICATION ON BEHALF OF THE COUNTY, AND RECOGNIZING AND AUTHORIZING THE EXPENDITURE OF THE ADDITIONAL \$60,189.47 AS UNANTICIPATED REVENUE**

10. Motion to adopt **Resolution No. 2009-362**, approving the terms and conditions of a Conservation Easement required for Veterans Park located on Veterans Parkway and authorizing the Board Chair to execute the Conservation Easement on behalf of the County

**RESOLUTION NO. 2009-362**

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND CONDITIONS OF A CONSERVATION EASEMENT REQUIRED FOR AN UPLAND BUFFER THAT SURROUNDS VETERANS PARK LOCATED ON VETERANS PARKWAY AND AUTHORIZING THE BOARD CHAIR TO EXECUTE THE CONSERVATION EASEMENT ON BEHALF OF THE COUNTY**

11. Motion to adopt **Resolution No. 2009-363**, accepting an Easement for Utilities and Bill of Sale or water and sewer service to Six Mile Creek North Unit 1 Parcel 9 - Laterra Links

**RESOLUTION NO. 2009-363**

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING AN EASEMENT FOR UTILITIES FOR WATER AND SEWER SERVICE TO SERVE SIX MILE CREEK NORTH UNIT 1 PARCEL 9 - LATERRA LINKS AND ACCEPTING A BILL OF SALE CONVEYING ALL PERSONAL PROPERTY ASSOCIATED WITH THE WATER AND SEWER SYSTEM**

12. Motion to adopt **Resolution No. 2009-364**, approving the terms of a Hold Harmless Agreement between St. Johns County and SONOC Company, LLC and authorizing the County Administrator, or designee, to execute the Agreement on behalf of the County

**RESOLUTION NO. 2009-364**

**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 SONOC COMPANY, LLC AND AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO**

**EXECUTE THE AGREEMENT ON BEHALF OF THE COUNTY**

13. Motion to adopt **Resolution No. 2009-365**, approving a minor amendment to the Contract for Commercial Driver License Third Party Administrators, and authorizing the County Administrator, or designee, to execute the attached amendment for Commercial Driver License Third Party Administrators, on behalf of St. Johns County, Florida

**RESOLUTION NO. 2009-365**

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING A MINOR AMENDMENT TO THE CONTRACT BETWEEN ST. JOHNS COUNTY, FLORIDA, AND FLORIDA DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES FOR COMMERCIAL DRIVER LICENSE THIRD PARTY ADMINISTRATORS, AND AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO EXECUTE THE AMENDMENT FOR COMMERCIAL DRIVER LICENSE THIRD PARTY ADMINISTRATORS, ON BEHALF OF ST. JOHNS COUNTY, FLORIDA**

14. Motion to adopt **Resolution No. 2009-366**, approving the terms, conditions, provisions, and requirements of an Agreement for Local Government Emergency Relief Reimbursement between St. Johns County, Florida and State of Florida Department of Transportation, and authorizing the County Administrator, or designee, to execute the Agreement, resulting in a reimbursement of \$27,519.50 to St. Johns County, Florida

**RESOLUTION NO. 2009-366**

**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 STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, AND AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO EXECUTE THE AGREEMENT ON BEHALF OF ST. JOHNS COUNTY**

15. Motion to adopt **Resolution No. 2009-367**, accepting the terms of the Agreement between the County and the Northeast Florida Safety Council, Inc. by providing Mental Health treatment for DUI clients as recommend by the NE FL Safety Council and authorizing the County Administrator to execute the Agreement on behalf of the County

**RESOLUTION NO. 2009-367**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ON BEHALF OF THE ST. JOHNS COUNTY MENTAL HEALTH DEPARTMENT ACCEPTING THE**

**AGREEMENT BETWEEN ST. JOHNS COUNTY AND  
NORTHEAST FLORIDA SAFETY COUNCIL, INC. AND  
AUTHORIZING THE COUNTY ADMINISTRATOR TO  
EXECUTE THE AGREEMENT ON BEHALF OF THE  
COUNTY**

16. Motion to approve the termination of the contract with Reliance Standard Life Insurance and enter into contract with Sun Life Assurance Company for Basic Life Insurance and AD&D for St. Johns County

**RESOLUTION NO. 2009-368**

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE TERMINATION OF A CONTRACT BETWEEN ST. JOHNS COUNTY, FLORIDA, AND RELIANCE STANDARD LIFE INSURANCE COMPANY, FOR THE PROVISION OF EMPLOYER-PAID BASIC LIFE AND AD&D (ACCIDENTAL DISMEMBERMENT AND DISABILITY) INSURANCE, AND EMPLOYEE-PAID OPTIONAL LIFE INSURANCE; AUTHORIZING THE NOTIFICATION OF TERMINATION OF THE CONTRACT TO RELIANCE STANDARD INSURANCE COMPANY; AUTHORIZING THE COUNTY TO ENTER INTO A CONTRACT WITH SUN LIFE INSURANCE COMPANY FOR EMPLOYER-PAID BASIC LIFE AND AD&D INSURANCE; AND AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO ENTER INTO SUCH A CONTRACT ON BEHALF OF ST. JOHNS COUNTY**

17. Motion to approve and authorize the Supervisor of Elections to proceed in replacing and updating the outdated voting equipment and authorize the Chair to sign the necessary paperwork
18. Proofs:
- a. Proofs: Request for Bids, Bid No. 10-26, Tuesday, November 10 & 17, 2009 in the St. Augustine Record
  - b. Proofs: Request for Bids, Bid No. 09-69, Saturday, November 21 & 28, 2009 in the St. Augustine Record
  - c. Proofs: Request for Bids, Bid No. 09-69, Friday, November 27, 2009 in the Ponte Vedra Recorder
  - d. Proofs: Notice to Bidders, Bid No. 10-01, Friday, November 27, 2009 in the Ponte Vedra Recorder
  - e. Proofs: Notice to Bidders, Bid No. 10-06, Friday, November 13, 2009 in the Ponte Vedra Recorder
  - f. Proofs: Notice to Bidders, Bid No. 10-16, Friday, October 16, 2009 in the Ponte Vedra Recorder
  - g. Proofs: Notice to Bidders, Bid No. 10-26, Friday, November 13, 2009 in the Ponte Vedra Recorder
  - h. Proofs: Notice to Bidders, Bid No. 10-28, Friday, November 27, 2009 in the Ponte Vedra Recorder
  - i. Proofs: Notice of Public Speaker Presentation by Rodney L. Clouser, Friday, November 13, 2009 in the Ponte Vedra Recorder

- j. Proofs: Request for Bids, Bid No. 10-01, Pine Island Fire Station #18, Wednesday, November 25, 2009 and Wednesday, December 2, 2009 in the St. Augustine Record
- k. Proofs: Notice of Hearing, Horse Ban Ordinance, on part of the Beach, Wednesday, December 2, 2009 in the St. Augustine Record
- l. Proofs: Notice of Hearing, Amend Ord. 90-48, Extend Alcohol Sale Hours, Wednesday, December 2, 2009 in the St. Augustine Record
- m. Proofs: Notice of Hearing, Ord. for Tourist Tax, 1% Tourist Development Tax, Wednesday, December 2, 2009 in the St. Augustine Record
- n. Proofs: Certificate of Liability Insurance, TLR of Bonita, Inc., dba Enterprise HR, Encore Business Solutions, Inc., Encore PEO, Inc., 8950 Dr. ML King Jr., St. N., Suite 190, St. Petersburg FL 33702
- o. Proofs: Certificate of Liability Insurance, Hashman Construction, Inc., Mark Hashman, 2730 Clydo Road, Suite #1, Jacksonville, FL 32207
- p. Proofs: Certificate of Liability Insurance, Applied Technology & Management Inc., c/o Island Global Yachting Ltd., c/o Robert M. Currey & Associates Inc., 137 Newbury St., 4th FL Boston, MA 02116
- q. Proofs: Certificate of Liability Insurance, Hager Construction Co., 2037 Gilmore Street, Jacksonville, FL 32204
- r. Proofs: Certificate of Liability Insurance, B.N.C. Inc., PO Box 810, Middleburg, FL 32050
- s. Proofs: Notice of Public Disclosure for St. Johns County, Thursday, May 7, 2009 in the St. Augustine Record
- t. Proofs: Notice Tax Impact of Value Adjustment Board, Monday, June 1, 2009 in the St. Augustine Record
- u. Proofs: Request for Qualifications RFP#09-108, Minor Construction Trade Services, Wednesday, July 29, 2009 and Wednesday, August 5, 2009 in the St. Augustine Record
- v. Proofs: Request for Bids, RFP#09-118, Financial Advisor, Thursday, August 27, 2009 and Thursday, September 3, 2009 in the St. Augustine Record
- w. Proofs: Notice to Bidders, Bid No.09-117, Friday, August 28, 2009 in the Ponte Vedra Recorder

(12/15/09 - 7 - 9:22 a.m.)

PUBLIC COMMENT

Jim Wheeler, 4240 Leaping Deer Lane, representing the Economical Development Council Board, introduced himself.

(9:23 a.m.) Greg Greiner, 929 Lake Sanford Court, volunteer member of the St. Johns County Economical Development Council, Executive Committee, and EDC Staff, thanked the Commissioners and County Staff for their time, within the last three months, on meeting with the EDC Executive Committee Members to resolve questions about the organization's interaction with the County, and the rolls of each entity in economic development. He spoke on creating a strategic plan or vision.

(9:26 a.m.) Phil McDaniel, 51 Water Street, spoke to the Board on behalf of the local arts and cultural organizations. He stated that arts created a lot of jobs.

(12/15/09 - 7 - 9:30 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

Sanchez requested to add the appointment to the Library Advisory Board, as item 12.

(12/15/09 - 8 - 9:30 a.m.)  
APPROVAL OF REGULAR AGENDA

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

(12/15/09 - 8 - 9:31 a.m.)

District 3

1. CONSIDER A RESOLUTION REQUESTING THAT THE NATIONAL PARK SERVICE MAINTAIN THE CURRENT BEACH ACCESS AND BEACH DRIVING AT FORT MATANZAS NATIONAL MONUMENT AND REQUESTING THE FEDERAL CONGRESSIONAL REPRESENTATIVES FOR THE CITIZENS OF ST. JOHNS COUNTY TO INITIATE IMMEDIATE LEGISLATIVE ACTIONS TO TEMPORARILY ALLOW BEACH DRIVING TO CONTINUE UNTIL SUCH TIME AS THE MONUMENT'S GENERAL MANAGEMENT PLAN IS COMPLETE AND IMPLEMENTED

Jan Brewer, Environmental Division Director, gave a presentation, *Exhibit A*. She reviewed the key findings, and the requested action items of the proposed resolution.

(9:35 a.m.) Gordy Schleissing, 7780 A1A South #308, stated that he would allow the side that he was on, to speak for him, since there was an issue with time.

(9:36 a.m.) Ned Shuler, 323 Arpieka Avenue, stated that Teddy Shuler had to leave to go to the doctor with a bronchitis attack. He handed in a written statement from him, *Exhibit B*.

(9:37 a.m.) Parrish Jones, 2227 Vista Cove Road, stated that they took from nature and it was time to give back to it. He mentioned that they were asking, basically, for restriction on a beach that was a relatively minor "give back" to nature. He stated that they were not asking for the whole beach to be banned, just for a small portion of Anastasia Island.

(9:40 a.m.) Carl Matthaei, 6433 Madison Street, represented the majority that was neither in favor of nor opposed to beach driving. He spoke on Fort Matanzas.

(9:42 a.m.) Jim McCartney, 9345 Old A1A, spoke on conservationists and environmentalists, *Exhibit C*.

(9:45 a.m.) Ali Fulcher, 211 C Street, spoke in favor of beach driving closure at Fort Matanzas.

(9:48 a.m.) Gina Burrell, 27 Seminole Drive, urged the County Commission not to go forward with the resolution requesting the Federal Government and the National Park Service to temporarily allow beach driving at Fort Matanzas again, after it would be stopped on December 31<sup>st</sup>.

(9:49 a.m.) Monique Borboen, 27 Mulberry Street, spoke on protecting the nesting birds. She stated that the park had to protect the natural resources and asked the Board not to adopt the resolution.

(9:52 a.m.) Mike Moshier, 4321 Jeremys Landing Drive South, Jacksonville, spoke in favor of the resolution and presented an article from the Times Union, *Exhibit D*.

(9:54 a.m.) Bruce Kendeigh, 240 Redfish Creek Drive, spoke on beach driving, and stated that they would like to continue driving on the beach.



(9:57 a.m.) Karen Miles, 7507 A1A South, spoke on County Ordinances and driving on the beach. She presented a petition of 800 signatures in support of driving on the beach, *Exhibit E*.

(10:00 a.m.) Terry Bottom, 6916 Cypress Lake Court, Dupont Center, spoke in favor of the resolution.

(10:02 a.m.) Catherine Eastman, 924 Windward Way, asked the Board to reconsider the resolution and to support the National Park's decision to uphold the law.

(10:05 a.m.) Bryan stated that Peggy Cook wanted her letter to be entered into the record supporting the ban on vehicles on the beach, *Exhibit F*.

(10:05 a.m.) Ned Shuler, 323 Arpieka Avenue, stated that it was his wife that had the attack and had to go to the hospital, and he took her. He spoke in opposition of the resolution.

(10:08 a.m.) Miner thanked everyone for coming to the meeting, and stated that he thought driving on the beach was outstanding.

(10:10 a.m.) Sanchez stated that he spoke with the Chairman from Putnam County Board of County Commissioners, and he advised him that they had a resolution with over 1,000 signatures on it, in favor of driving on the beach.

(10:10 a.m.) Stevenson spoke on driving on the beach and how limited it was.

(10:12 a.m.) Bryan spoke on driving on the beach and not driving on the beach. He stated that they needed to look at balance, and there had to be a compromise to some degree.

(10:15 a.m.) Mays spoke on the proposed resolution. Sanchez spoke on coming up with an alternative, other than just closing the beach. McCormack echoed Bryan's remarks about maintaining civility pertaining to this matter. He stated that he had spoken with the National Park Service Regional Council in Atlanta and had gone over the issues. Sanchez spoke on things being watched very carefully and that staff were only doing what they were told to do.

**(10:18 a.m.) Motion by Miner, seconded by Stevenson, carried 5/0, to adopt Resolution 2009-369, requesting the National Park Service to maintain the current beach access and beach driving at Fort Matanzas National Monument and requesting the Federal Congressional representatives for the citizens of St. Johns County initiate immediate actions to temporarily allow beach driving to continue until such time as the General Management Plan is complete and implemented.**

#### RESOLUTION NO. 2009-369

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, RECOGNIZING THE IMPORTANCE OF THE FORT MATANZAS NATIONAL MONUMENT AS A NATURAL RESOURCE AND ECONOMIC ASSET OF THE COUNTY; REQUESTING THE NATIONAL PARK SERVICE TO MAINTAIN THE CURRENT BEACH ACCESS AND BEACH DRIVING; AND REQUESTING OUR FEDERAL CONGRESSIONAL REPRESENTATIVES**

**INITIATE IMMEDIATE ACTIONS; AND PROVIDING  
FOR AN EFFECTIVE DATE**

The meeting recessed at 10:19 a.m. and resumed at 10:38 a.m.

(12/15/09 - 10 - 10:38 a.m.)

2. PUBLIC HEARING - HISTORIC PROPERTIES AD VALOREM TAX EXEMPTION UPDATE. IN AN EFFORT TO PROMOTE PRESERVATION AND RESTORATION OF SIGNIFICANT HISTORICAL BUILDINGS IN ST. JOHNS COUNTY, THE BOARD OF COUNTY COMMISSIONERS (BCC) ENACTED ORDINANCE 97-61, ALLOWING FOR AN AD VALOREM TAX EXEMPTION TO OWNERS WHO IMPROVED AND RESTORED HISTORICALLY SIGNIFICANT BUILDINGS WITHIN THE COUNTY. ORIGINATED BY THE FEDERAL GOVERNMENT, THE PROGRAM ALLOWS STATES/COUNTIES TO PROVIDE AN EXEMPTION ON THE IMPROVED VALUE OF THE STRUCTURE FOR A PERIOD OF UP TO TEN (10) YEARS, PROVIDED THE OWNER MAINTAINS PRESERVATION STANDARDS DURING THIS TIME PERIOD. COUNTY ORDINANCE 97-61 CREATED THE EXEMPTION FOR ST. JOHNS COUNTY, BUT OFFERED AN EXEMPTION PERIOD OF FIVE (5) YEARS. THE PROPOSED ORDINANCE UPDATES THE EXEMPTION PERIOD TO THE ALLOWABLE TEN (10) YEARS IN ORDER TO FURTHER ENCOURAGE RESIDENTS, BUSINESS OWNERS, AND NON-PROFIT ORGANIZATIONS TO INVEST IN OUR COUNTY'S HISTORIC STRUCTURES THROUGH RESTORATION AND ADAPTIVE RE-USE

Proof of publication of the Notice of Public Hearing regarding Ordinance 97-61, Historic Property Tax Exemption was received, having been published in *The St. Augustine Record* on December 4, 2009.

Robin Moore, Historic Resource Coordinator, explained the proposed Ordinance. He gave an overhead presentation showing some of the historic properties in St. Johns County that had taken advantage of the exemption, *Exhibit A*. He also explained what the County had done to preserve historic assets in the County and reviewed staff's key findings regarding the addition of the five year incentive.

(10:44 a.m.) Stevenson thanked City Commissioner, Nancy Sykes-Kline, for bringing the issue to their attention. She said she hoped the Board would support the Ordinance.

(10:45 a.m.) Bryan asked if there were plans or programs in place to contact individuals that currently own the properties, who might not be current residents of St. Johns County, in order to encourage them to take advantage of the particular programs to restore, or possibly sell them to someone who might be interested. Moore said they would be sending letters and educational materials to the property owners and hoped to have additional incentive packages to offer them.

(10:46 a.m.) Mays thanked Nancy Sikes-Kline for taking the lead on this, and said he thought it was very important, because renovating and rehabilitating these historical structures was important.

(10:47 a.m.) Nancy Sikes-Kline, City Commissioner, 15 Mirvela Avenue, said the City Commission had met with the BCC jointly, and she said that she hoped there would be a consensus of the Board to support it. She said they would be sending out a letter to real estate agents and to builders to educate them about the ordinance.

(10:48 a.m.) Miner thanked Sykes-Kline for all her hard work on that issue.

(10:49 a.m.) Sanchez mentioned that it was one of the requests from their joint meeting, and he would like to see it delivered. He stated that they were working on landscaping US 1 at the entry way to the City.

(10:49 a.m.) **Motion by Stevenson, seconded by Miner, carried 5/0, to adopt Ordinance 2009-59, amending the St. Johns County Historic Preservation Property Tax Exemption Ordinance (Ord. No. 97-61), to enlarge the ad valorem tax exemption period from five (5) years to ten (10) years.**

#### ORDINANCE NO. 2009-59

**AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA, AMENDING ORDINANCE NO. 97-61, KNOWN AS "THE ST. JOHNS COUNTY HISTORIC PRESERVATION PROPERTY TAX EXEMPTION ORDINANCE"; THIS ORDINANCE AMENDS SECTION 6, ENTITLED "EXEMPTION PERIOD"; PROVIDES FOR EFFECT OF RECITALS; PROVIDES FOR SEVERABILITY; AND PROVIDES FOR AN EFFECTIVE DATE**

(12/15/09 - 11 - 10:50 a.m.)

3. PUBLIC HEARING - ORDINANCE REGULATING EQUINE RIDING ON ST. JOHNS COUNTY BEACHES. THE PURPOSE OF THIS ORDINANCE IS TO REGULATE EQUINE RIDING ON CERTAIN PORTIONS OF THE PUBLIC BEACH IN ST. JOHNS COUNTY. THIS ORDINANCE FINDS THAT EQUINE RIDING ON THE PUBLIC BEACH, WITHIN THE STATED GEOGRAPHIC BOUNDARIES, FROM APRIL 15 TO SEPTEMBER 15 OF EACH YEAR, BETWEEN THE HOURS OF 9:00 A.M. TO 5:00 P.M. ON SATURDAY AND SUNDAY AND FEDERAL HOLIDAYS, CREATES ADDITIONAL CONGESTION THAT MAY BE HARMFUL TO THE SAFETY, HEALTH AND WELFARE OF THE COUNTY'S CITIZENS. THIS ORDINANCE DEEMS IT UNLAWFUL TO PERMIT AN EQUINE TO BE PRESENT ON COUNTY BEACHES FROM THE NORTHERN BORDER OF THE GUANA TOLOMATO MATANZAS NATIONAL ESTUARINE RESEARCH RESERVE TO THE DUVAL COUNTY LINE BETWEEN APRIL 15 TO SEPTEMBER 15 OF EACH YEAR, BETWEEN THE HOURS OF 9:00 A.M. TO 5:00 P.M. ON SATURDAYS AND SUNDAYS, AND FEDERAL HOLIDAYS. THE SHERIFF OF ST. JOHNS COUNTY, THE COUNTY'S CODE ENFORCEMENT DIVISION AND ANIMAL CONTROL DIVISION ARE AUTHORIZED TO ENFORCE PROVISIONS AND REGULATIONS OF SAID ORDINANCE. THIS ORDINANCE SHALL AMEND AND ADD TO ANY OTHER EXISTING ORDINANCE WHICH REGULATES THE CONTROL OF EQUINES ON THE PUBLIC BEACH, AS TO THE ABOVE STATED GEOGRAPHICAL AREA

Proof of publication of the Notice of Public Hearing regarding an Ordinance regulation Equine Riding on St. Johns Count Beaches was received, having been published in *The St. Augustine Record* on December 2, 2009.

Paris Desai, Assistant County Attorney, stated that there were some minor typo errors and reviewed them; first page of the ordinance the word *resolve* should be changed to *ordain* and also in paragraph Section 3 on page 2 of the ordinance , the word *Sherriff* should have *one r* rather than two *r's*. He stated also in subparagraph 2, Section 5, the second *or* should be *and*.

(10:51 a.m.) Jerry Cameron, Assistant County Administrator, gave the presentation.

(10:54 a.m.) Pam Murphy, 1005 20 Mile Road, Ponte Vedra, stated that she disagreed with closing the beaches on the weekends and holidays.

(10:55 a.m.) Ellen O'Brien, 102 Lands End, Ponte Vedra, commented in opposition of the item, giving statistics.

(10:58 a.m.) Cynthia Deal, 3813 Wahoo Drive, spoke in favor of the ordinance.

(10:59 a.m.) Debra Wasilewski, 697 Lake Stone Circle, Ponte Vedra, spoke in favor of the item.

(11:01 a.m.) Mays commented on coming up with a reasonable solution.

(11:02 a.m.) Miner spoke in support.

(11:03 a.m.) **Motion by Mays, seconded by Miner, carried 5/0, to enact Ordinance No. 2009-60, making it unlawful for any person or legal entity to permit an equine to be present on County Beaches between the Northern Border of the Guana Tolomato Matanzas National Estuarine Research Reserve to the Duval County Line, between April 15 to September 15 of each year, Saturday, Sunday and Federal Holidays, between the hours of 9:00 am and 5:00 pm as described in said Ordinance.**

#### ORDINANCE NO. 2009-60

**AN ORDINANCE OF ST. JOHNS COUNTY, STATE OF FLORIDA, MAKING IT UNLAWFUL FOR ANY PERSON OR LEGAL ENTITY WHO SHALL OWN, BE IN CHARGE OF, BE RESPONSIBLE FOR, BE RIDING ON, OR BE IN CONTROL OF ANY EQUINE TO PERMIT SUCH EQUINE TO BE PRESENT ON COUNTY BEACHES, BETWEEN THE NORTHERN BORDER OF THE GUANA TOLOMATO MATANZAS NATIONAL ESTUARINE RESEARCH RESERVE TO THE DUVAL COUNTY LINE, BETWEEN APRIL 15, AND SEPTEMBER 15 OF EACH YEAR BETWEEN THE HOURS OF 9:00 AM AND 5:00 PM ON SATURDAY, SUNDAY AND ANY FEDERAL HOLIDAY; DEFINING COUNTY BEACHES; REGULATING EQUINE RIDING ON THE BEACH BETWEEN THE NORTHERN BORDER OF THE GUANA TOLOMATO MATANZAS NATIONAL ESTUARINE RESEARCH RESERVE TO THE DUVAL COUNTY LINE; PROVIDING FOR PERMITTED DATES OF EQUINE RIDING ON THE BEACH; PROVIDING FOR PENALTIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE**

(12/15/09 - 12 - 11:04 a.m.)

4. PUBLIC HEARING - AN ORDINANCE, TEMPORARILY AMENDING COUNTY ORDINANCE 90-48, PERTAINING TO THE REGULATION, SALE, SERVICE AND CONSUMPTION OF ALCOHOLIC BEVERAGES BY PERSONS AND ENTITIES HOLDING A STATE BEVERAGE LICENSE BY ALLOWING A TEMPORARY EXTENSION OF SERVICE AND SALE HOURS FROM 7:00 A.M. UNTIL 2:00 A.M. OF THE FOLLOWING DAY. THE EFFECTIVE DATES FOR THE TEMPORARY EXTENSION OF HOURS WILL BE DECEMBER 19, 2009 UNTIL JULY 12, 2010. THIS PROPOSED ORDINANCE TEMPORARILY AMENDS COUNTY ORDINANCE NO. 90-48, PERTAINING TO THE

REGULATION, SALE, SERVICE AND CONSUMPTION OF ALCOHOLIC BEVERAGES, INCLUDING BEER, MALT BEVERAGES, WINES, AND LIQUOR, BY PERSONS AND ENTITIES HOLDING A STATE BEVERAGE LICENSE; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR THE TEMPORARY EXTENSION OF HOURS OF SALES, SERVICE, OR CONSUMPTION OF CERTAIN TYPES OF ALCOHOLIC BEVERAGES; PROVIDING FOR EFFECTIVE DATES FOR TEMPORARY EXTENSION OF HOURS; PROVIDING FOR OTHER APPLICABLE PARAGRAPHS OF ST. JOHN COUNTY ORDINANCE NO. 90-48 REMAINING UNCHANGED AND IN EFFECT; PROVIDING FOR SUNSET OF THIS ORDINANCE; PROVIDING FOR EFFECT OF SUNSET OF THIS ORDINANCE; PROVIDING FOR THE RE-ESTABLISHMENT OF ST. JOHNS COUNTY ORDINANCE NO. 90-48; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

Proof of publication of the Notice of Public Hearing regarding amended Ordinance 90-48 extending alcohol sale hours was received, having been published in *The St. Augustine Record* on December 2, 2009.

Michael Hunt, Deputy County Attorney, reviewed this item, a new version of the ordinance, *Exhibit A*. He stated that it would be temporary and run through July 10, 2010. He stated that they would like to add, in the ordinance, a new whereas clause for further clarification, which did not change the intent of the ordinance; *Whereas, Section 562.14 Florida Statutes states in relevant part, "except as otherwise provided by county or municipal ordinance, no alcoholic beverages may be sold, consumed, served, or permitted to be served or consumed in any place holding a license...between the hours of midnight and 7 a.m. of the following day."*; and, *Exhibit B*. Bryan thanked everyone for their hard work on the ordinance.

(11:07 a.m.) Mayor Brud Helhoski, 6 Atlantic Oaks Circle, shared what the City of St. Augustine Beach allowed. He said that alcohol was taxed, so that was a quick and easy way, with no additional impact on the County, to collect additional sales tax. He mentioned that it would be additional income for the County, and the extra hour of service would make a big difference.

(11:10 a.m.) John Arbizzani, 409 Porpoise Point Drive, spoke in favor of the item. He mentioned that they had to close at 12:30 a.m. to get everyone out by 1:00 a.m. He spoke on the tourists complaining about leaving at 1:00 a.m. instead of 2:00 a.m. Hunt spoke on State constitution coverage. Sanchez stated that he hoped that the City and St. Augustine Beach would follow suit on the issue, so the whole County would be consistent. Miner stated that he thought it was outstanding. Stevenson asked for clarification on the City being able to change their hours without the County having to change their hours. Hunt replied that was correct. Stevenson mentioned that she spoke with Art May from the Sheriff's Office, and he said that there was not a problem with the 1:00 a.m. closing. She mentioned reconsidering their decision on it in May or June, so it wouldn't interfere with the expectations and advertising promotions. Wanchick stated that the ordinance was written, to allow service up to 2:00 a.m. Bryan stated that it was a temporary ordinance, and they would be reconsidering it around the July time frame.

**(11:17 a.m.) Motion by Bryan, seconded by Miner, carried 5/0, to enact Ordinance No. 2009-61, temporarily amending County Ordinance No. 90-48, pertaining to the regulation, sale, service and consumption of alcoholic beverages, including beer, malt beverages, wines, and liquor, by persons and entities holding a State Beverage License; providing for findings of fact; providing for the temporary extension of hours of sales, service, or consumption of certain types of alcoholic beverages;**

providing for effective dates for temporary extension of hours; providing for other applicable paragraphs of St. Johns County Ordinance No. 90-48 remaining unchanged and in effect; providing for sunset of the Ordinance; providing for effect of sunset of the Ordinance; providing for the re-establishment of St. Johns County Ordinance No. 90-48; providing for severability; providing for an effective date.

**ORDINANCE NO. 2009-61**

**AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA, TEMPORARILY AMENDING COUNTY ORDINANCE NO. 90-48, PERTAINING TO THE REGULATION, SALE, SERVICE AND CONSUMPTION OF ALCOHOLIC BEVERAGES, INCLUDING BEER, MALT BEVERAGES, WINES, AND LIQUOR, BY PERSONS AND ENTITIES HOLDING A STATE BEVERAGE LICENSE; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR THE TEMPORARY EXTENSION OF HOURS OF SALES, SERVICE, OR CONSUMPTION OF CERTAIN TYPES OF ALCOHOLIC BEVERAGES; PROVIDING FOR EFFECTIVE DATES FOR TEMPORARY EXTENSION OF HOURS; PROVIDING FOR OTHER APPLICABLE PARAGRAPHS OF ST. JOHNS COUNTY ORDINANCE NO. 90-48 REMAINING UNCHANGED AND IN EFFECT; PROVIDING FOR SUNSET OF THE ORDINANCE; PROVIDING FOR EFFECT OF SUNSET OF THE ORDINANCE; PROVIDING FOR THE RE-ESTABLISHMENT OF ST. JOHNS COUNTY ORDINANCE NO. 90-48; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE**

(12/14/09 - 14 - 11:18 a.m.)

5. PUBLIC HEARING - AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA, LEVYING AND IMPOSING AN ADDITIONAL ONE PERCENT (1%) TOURIST DEVELOPMENT TAX THROUGHOUT ST. JOHNS COUNTY, PURSUANT TO SECTION 125.0104 OF FLORIDA STATUTES ("THE LOCAL OPTION TOURIST DEVELOPMENT ACT"); PROVIDING FOR THE USE OF THE ADDITIONAL ONE PERCENT (1%) TOURIST DEVELOPMENT TAX. SECTION 125.0104, FLORIDA STATUTES ("THE LOCAL OPTION TOURIST DEVELOPMENT ACT") AUTHORIZES THE ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS ("BOARD") TO LEVY AND IMPOSE A TOURIST DEVELOPMENT TAX ON THE EXERCISE WITHIN THE BOUNDARIES OF ST. JOHNS COUNTY OF THE PRIVILEGE OF RENTING, LEASING OR LETTING FOR CONSIDERATION ANY HOTEL, APARTMENT HOTEL, MOTEL, RESORT MOTEL, APARTMENT, APARTMENT MOTEL, ROOMING HOUSE, MOBILE HOME PARK, RECREATIONAL VEHICLE PARK OR CONDOMINIUM FOR A TERM OF SIX (6) MONTHS OR LESS. ON SEPTEMBER 16, 1986, THE BOARD ADOPTED ST. JOHNS COUNTY ORDINANCE NUMBER 86-72, WHICH, AMONG OTHER THINGS, LEVIED AND IMPOSED A TWO PERCENT (2%) TOURIST DEVELOPMENT TAX THROUGHOUT THE COUNTY, AND ADOPTED THE ST. JOHNS COUNTY TOURIST DEVELOPMENT PLAN. ON NOVEMBER 12, 1991, THE BOARD ADOPTED ST. JOHNS COUNTY ORDINANCE 91-44, INCREASING THE TOURIST DEVELOPMENT TAX TO THREE PERCENT (3%). SECTION 125.0104(3)(L), FLORIDA STATUTES, ALLOWS A COUNTY TO IMPOSE UP TO AN ADDITIONAL ONE PERCENT (1%) TOURIST DEVELOPMENT TAX FOR

CERTAIN SPECIFIED PURPOSES. THE ST. JOHNS COUNTY TOURIST DEVELOPMENT COUNCIL ("THE TDC") HAS APPROVED A RECOMMENDATION THAT THE BOARD INCREASE THE TOURIST DEVELOPMENT TAX TO FOUR PERCENT (4%). THE BOARD DESIRES TO ACT POSITIVELY AND FAVORABLY TO THE TDC'S RECOMMENDATION, AND LEVY AN ADDITIONAL ONE PERCENT (1%) TOURIST DEVELOPMENT TAX FOR CERTAIN SPECIFIED PURPOSES, SET FORTH, AND CONSISTENT WITH, SECTION 125.0104(3)(L), FLORIDA STATUTES, AS AMENDED. THE BOARD HAS DETERMINED THAT THE LEVY OF THE ADDITIONAL ONE PERCENT (1%) TOURIST DEVELOPMENT TAX WILL ADVANCE, FURTHER, AND PROMOTE TOURISM IN ST. JOHNS COUNTY

Proof of publication of the Notice of Public Hearing regarding an Ordinance for imposing an additional one percent (1%) Tourist Development Tax was received, having been published in *The St. Augustine Record* on December 2, 2009.

Michael Hunt, Deputy County Attorney, reviewed this item.

**(11:20 a.m.) Motion by Mays, seconded by Miner, carried 4/1 with Stevenson dissenting, to enact Ordinance No. 2009-62, levying and imposing an additional one percent (1%) Tourist Development Tax throughout St. Johns County, pursuant to Section 125.0104 of Florida Statutes; providing for the use of the additional one percent (1%) Tourist Development Tax; providing for notice to the Department of Revenue; providing for the incorporation and continuation of the administrative, collection, enforcement, and penalty provisions of St. Johns County Ordinance 86-72, as amended; providing for severability; providing for an effective date.**

#### ORDINANCE NO. 2009-62

**AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA, LEVYING AND IMPOSING AN ADDITIONAL ONE PERCENT (1%) TOURIST DEVELOPMENT TAX THROUGHOUT ST. JOHNS COUNTY, PURSUANT TO SECTION 125.0104 OF FLORIDA STATUTES ("THE LOCAL OPTION TOURIST DEVELOPMENT ACT"); PROVIDING FOR THE USE OF THE ADDITIONAL ONE PERCENT (1%) TOURIST DEVELOPMENT TAX; PROVIDING FOR NOTICE TO THE DEPARTMENT OF REVENUE; PROVIDING FOR THE INCORPORATION AND CONTINUATION OF THE ADMINISTRATIVE, COLLECTION, ENFORCEMENT, AND PENALTY PROVISIONS OF ST. JOHNS COUNTY ORDINANCE 86-72, AS AMENDED; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE**

(12/15/09 - 15 - 11:22 a.m.)

District 2

6. PUBLIC HEARING - CPA (SS) 2009-02, HARWIL FIXTURE COMPANY SMALL SCALE COMPREHENSIVE PLAN. THIS IS A SMALL SCALE AMENDMENT TO AMEND THE 2015 FUTURE LAND USE MAP (FLUM) FROM RESIDENTIAL-B TO COMMUNITY COMMERCIAL (CC) FOR 2.2 ACRES OF LAND. THE APPLICANT PROPOSES TO EXPAND AN EXISTING CUSTOM CABINETRY BUSINESS. A COMPANION PUD REZONING APPLICATION WAS SUBMITTED WITH THIS AMENDMENT. STAFF FINDS THE COMMUNITY COMMERCIAL (CC) FUTURE LAND USE DESIGNATION COMPATIBLE WITH THE SURROUNDING AREA AND SUBSTANTIALLY MEETS THE STATE COMPREHENSIVE PLAN, THE REGIONAL POLICY

PLAN, THE COUNTY COMPREHENSIVE PLAN AND THE LAND DEVELOPMENT CODE. THIS FINDING IS BASED UPON THE APPLICATION MATERIALS AS SUBMITTED BY THE APPLICANT AND COMPATIBILITY WITH THE SURROUNDING AREA. THIS FINDING MAY BE SUBJECT TO OTHER EVIDENCE RECEIVED AT THE PUBLIC HEARING. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL AT THEIR DECEMBER 3, 2009 PUBLIC HEARING WITH A VOTE OF 5 TO 0

Proof of publication of the Notice of Public Hearing regarding CPA(SS) 2009-02, Harwil Fixtures, was received, having been published in *The St. Augustine Record* on November 30, 2009.

Michael Blackford, Planning and Zoning Manager, reviewed item 6 and 7 together giving a presentation, *Exhibit A*. He turned in an email for Item 6 and 7, *Exhibit B*. He reviewed the request, going into the uses. He stated there were four waivers requested and reviewed them, *Exhibit C*. He reviewed the issues and stated that the PZA recommended approval. Sanchez said that he supported it 100 per cent and that expansion was needed in order to survive. Bryan disclosed ex parte communication with Karen Taylor, the applicant, and through e-mails. Blackford spoke on the access. Sanchez disclosed ex parte communication on Item 7. Mays, Stevenson and Miner disclosed ex parte communication on Items 6 and 7 with Ms. Taylor and the applicant.

(11:32 a.m.) Karen Taylor said she was present to answer any questions.

(11:33 a.m.) **Motion by Stevenson, seconded by Miner, carried 5/0, to enact Ordinance No. 2009-63, known as CPA(SS) 2009-02, Harwil Fixture Company, amending the Future Land Use Map from Residential-B to Community Commercial (CC), adopting findings of fact 1 through 3 to support the motion.**

#### ORDINANCE NO. 2009-63

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 COMMUNITY COMMERCIAL (CC), FOR THE PROPERTY LOCATED AT 3705 LEWIS SPEEDWAY, CONTAINING APPROXIMATELY 2.20 ACRES; PROVIDING FOR FINDINGS OF FACT; FINDINGS OF CONSISTENCY; SEVERABILITY; AND AN EFFECTIVE DATE

(12/15/09 - 16 - 11:33 a.m.)

District 2

7. PUBLIC HEARING - PUD 2009-03, HARWIL FIXTURE COMPANY PLANNED UNIT DEVELOPMENT. THIS IS A REQUEST TO REZONE 2.2 ACRES FROM INDUSTRIAL WAREHOUSE (IW) AND RESIDENTIAL SINGLE FAMILY (RS-3) TO PLANNED UNIT DEVELOPMENT (PUD) FOR THE DEVELOPMENT OF 26,400 SQUARE FEET OF COMMERCIAL SPACE. STAFF FINDS THAT THE REQUEST TO REZONE TO PUD IS CONSISTENT WITH THE COMPREHENSIVE PLAN AND LAND DEVELOPMENT CODE UPON APPROVAL OF THE LAND USE AMENDMENT, WAIVERS, AND RESOLUTION OF STAFF COMMENTS. THIS FINDING IS BASED UPON THE FOLLOWING INFORMATION: THE APPLICATION MATERIALS AS SUBMITTED BY THE APPLICANT, COMPATIBILITY WITH ADJACENT USES, EXISTING USE OF THE PROPERTY, CONSISTENCY WITH THE FUTURE



LAND USE MAP 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 DECEMBER 3, 2009 PUBLIC HEARING WITH A VOTE OF 5 TO 0

Proof of publication of the Notice of Public Hearing regarding PUD 2009-03 Harwil Fixtures, was received, having been published in *The St. Augustine Record* on November 30, 2009.

(11:34 a.m.) **Motion by Miner, seconded by Bryan, carried 5/0, to enact Ordinance 2009-64, known as PUD 2009-03, adopting findings of fact 1 through 7 to support the motion.**

**ORDINANCE NO. 2009-64**

**AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED, HEREINAFTER, FROM INDUSTRIAL WAREHOUSE (IW) AND RESIDENTIAL SINGLE FAMILY (RS-3) TO PLANNED UNIT DEVELOPMENT (PUD) PROVIDING FINDINGS OF FACT; PROVIDING A SAVINGS CLAUSE; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE**

(12/15/09 - 17 - 11:34 a.m.)

District 1

8. PUBLIC HEARING - REZ 2009-08, ORTHOPEDIC ASSOCIATES 210 OFFICE REZONING. THIS IS A REQUEST TO REZONE FROM PLANNED UNIT DEVELOPMENT (PUD) TO COMMERCIAL GENERAL (CG). SUBJECT PROPERTY IS LOCATED WITHIN MIXED USE DISTRICT FUTURE LAND USE WHICH ALLOWS FOR ALL COMMERCIAL USES. THE PLANNING DIVISION FINDS THE REQUEST TO REZONE TO COMMERCIAL GENERAL (CG) SUBSTANTIALLY MEETS THE REQUIREMENTS OF THE COMPREHENSIVE PLAN AND THE LAND DEVELOPMENT CODE. THIS FINDING IS BASED UPON THE FOLLOWING INFORMATION: PROPERTY IS CURRENTLY ZONED TO ALLOW COMMERCIAL USES, 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 29, 2009 PUBLIC HEARING WITH A VOTE OF 5 TO 0

Proof of publication of the Notice of Public Hearing regarding REZ 2009-8, Orthopedic Associates 210 Office Rezoning was received, having been published in *The St. Augustine Record* on November 30, 2009.

Michael Blackford, Planning and Zoning Manager, gave a presentation on the item, *Exhibit A*.

(11:37 a.m.) Motion by Bryan, seconded by Stevenson, carried 5/0, to enact Ordinance 2009-65, known as REZ 2009-8, adopting findings of fact 1 through 4 to support the motion.

**ORDINANCE NO. 2009-65**

**AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED, HEREINAFTER, FROM THE PRESENT ZONING CLASSIFICATION OF PLANNED UNIT DEVELOPMENT (PUD) TO COMMERCIAL GENERAL (CG); MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE**

(12/15/09 - 18 - 11:37 a.m.)

District 1

9. PUBLIC HEARING - NOPC 2007-07, MARSHALL CREEK NOTICE OF PROPOSED CHANGE. THIS APPLICATION IS A REQUEST FOR A PROPOSED CHANGE TO THE PREVIOUSLY APPROVED MARSHALL CREEK DEVELOPMENT OF REGIONAL IMPACT DEVELOPMENT ORDER, RESOLUTION 1998-191, AS AMENDED, FILED UNDER THE PROVISION OF SUBSECTION 380.06(19) OF THE FLORIDA STATUTES. CHANGES PROPOSED ARE: NOTICE OF PROPOSED CHANGE TO THE MARSHALL CREEK DRI 1998-191, AS AMENDED TO ADD 3.32 ACRES TO THE DRI AND INCORPORATE OTHER MINOR CHANGES AS DESCRIBED WITHIN THE STAFF REPORT. STAFF RECOMMENDS APPROVAL OF THE NOTICE OF PROPOSED CHANGE AND FINDS IT GENERALLY CONSISTENT WITH THE COMPREHENSIVE PLAN AND THAT THE CHANGES PROPOSED THEREIN DO NOT CONSTITUTE A SUBSTANTIAL DEVIATION. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL AT THEIR OCTOBER 29, 2009 PUBLIC HEARING WITH A VOTE OF 5 TO 0

Proof of publication of the Notice of Public Hearing regarding NOPC 2007-07, Marshall Creek DRI was received, having been published in *The St. Augustine Record* on November 30, 2009.

Jason Cleghorn, Planner III DRI Coordinator, gave a presentation, *Exhibit A*. He noted special conditions that were satisfied and noted the DO changes; 1) added outparcels, 2) Phasing, Buildout and termination dates, 3) Fertigation, 4) water well inventory, 5) International Golf Parkway, 6) Affordable Housing Study, 7) fire station site, 8) athletic park, 9) archeological preservation site, 10) design criteria, 11) Land Use summary and Comp Plan Compliance Table, and 12) Land Use Exchange Table.

(11:41 a.m.) Motion by Stevenson, seconded by Miner, carried 5/0, to approve Resolution No. 2009-370, known as NOPC 2007-07, Marshall Creek, adopting finding of fact 1 through 5 to support the motion.

**RESOLUTION NO. 2009-370**

**ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS RESOLUTION NO. 2009-370 AN AMENDED AND RESTATED DEVELOPMENT ORDER FOR MARSHALL CREEK A DEVELOPMENT OF REGIONAL IMPACT**

(12/15/09 - 19 - 11:42 a.m.)

District 1

10. PUBLIC HEARING - MAJMOD 2009-06, MARSHALL CREEK MAJOR MODIFICATION. THIS APPLICATION IS A REQUEST FOR A MAJOR MODIFICATION TO THE MARSHALL CREEK PLANNED UNIT DEVELOPMENT (PUD). NOPC 2007-07, IS A COMPANION TO THIS MAJMOD. MAJOR MODIFICATION TO THE MARSHALL CREEK PUD TO ADD 3.32 ACRES (THOMAS AND PLATT PARCELS) TO THE PUD AS WELL AS VARIOUS CHANGES TO THE PUD TEXT, UNIFIED SIGN PLAN AND COMMERCIAL DEVELOPMENT GUIDELINES. STAFF RECOMMENDS APPROVAL OF THE MAJOR MODIFICATION AND FINDS IT GENERALLY CONSISTENT WITH THE COMPREHENSIVE PLAN AND THE LAND DEVELOPMENT CODE AND THE OVERALL MARSHALL CREEK PUD. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL AT THEIR OCTOBER 29, 2009 PUBLIC HEARING WITH A VOTE OF 5 TO 0

Proof of publication of the Notice of Public Hearing regarding MAJMOD 2009-06, Marshall Creek was received, having been published in *The St. Augustine Record* on November 30, 2009.

Jason Cleghorn, Planner III, gave a presentation, *Exhibit A*. He reviewed the PUD text changes; 1) corrections of acreages from an old table, 2) revised language of and interpretive center, 3) mirror of extension from the phasing schedule and the permit for an extra year for the Army Corp of Engineers, 4) reduction by ten units that was transferred to Palencia North, 5) aforementioned conversion table from the 50 and 340 thousand square feet, 6) Section 2.6 references the adoption of the Unified Sign Plan, 7) Section 6.1.5 added to incorporate the Commercial Design Guidelines for some Mixed Use areas that came after the original PUD, 8) minor changes in the Commercial Guidelines and the Unified Sign Plan, and 9) removal of the template because it was a duplicate. He mentioned that there was one portion of the original submittal that the PZA did not recommend, that had to do with short term rentals, however the applicant, subsequently at PZA, removed that part of the request. Mays asked if they were just taking the opportunity to buy up some of the internal parcels that weren't otherwise conveyed in the initial land deal. Blackford responded that was correct; when the DRI and PUD was originally approved, there were some hold outs, and over time things changed.

(11:46 a.m.) **Motion by Stevenson, seconded by Miner, carried 5/0, to enact Ordinance 2009-66, known as MAJMOD 2009-06, Marshall Creek adopting findings of fact 1 through 6, to support the motion.**

#### ORDINANCE NO. 2009-66

AN ORDINANCE OF THE COUNTY OF ST. JOHNS,  
STATE OF FLORIDA, APPROVING A MAJOR  
MODIFICATION TO THE MARSHALL CREEK  
PLANNED UNIT DEVELOPMENT, ORDINANCE  
NUMBER 1998-64, AS AMENDED MAKING FINDINGS  
OF FACT; REQUIRING RECORDATION; AND  
PROVIDING FOR AN EFFECTIVE DATE

(12/15/09 - 19 - 11:47 a.m.)

11. CONSIDER APPOINTMENTS TO THE RECREATION ADVISORY BOARD

Melissa Lundquist, BCC Manager, reviewed the item.

(11:49 a.m.) **Motion by Mays, seconded by Miner, carried 5/0, to appoint Gayle David Bradshaw to the Recreation Advisory Board for a term scheduled to expire June 24, 2011 (District 4 Rep).**

(11:50 a.m.) **Motion by Miner, seconded by Bryan, carried 5/0, to appoint John Farmer to the Recreation Advisory Board for a term scheduled to expire June 22, 2012 (District 2 Rep).**

(12/15/09 - 20 - 11:50 a.m.)

12. CONSIDER AN APPOINTMENT TO THE LIBRARY ADVISORY BOARD

**Motion by Mays, seconded Bryan, carried 5/0, to appoint George Minton to the Library Advisory Board for one full term scheduled to expire October 2, 2011 (unexpired term of Suzanne Batovsky).**

(12/15/09 - 20 - 11:51 a.m.)

COMMISSIONERS' REPORTS

Commissioner Stevenson:

Stevenson stated that she attended the Florida Association of County Legislative Session and the Energy Independent Committee recommended a clean energy portfolio that was adopted as part of the legislative agenda for the Florida Association of Counties.

Stevenson mentioned that she attended the Scenic Highway meeting regarding the Pope Road overlook and the signage proposed on Scenic and Historic A1A. She stated that there would be another meeting on Wednesday in the Ponte Vedra area.

Stevenson said that she was not opposed to TDC moving forward with the fourth cent.

(11:55 a.m.)

Commissioner Mays:

Mays said that he attended a TPO of North Florida Transportation Organization meeting last Thursday and was very successful on getting six St. Johns County projects on the list, out of the total of 15 in the Metro area.

Mays spoke on promoting commercial.

(11:56 a.m.)

Commissioner Bryan:

Bryan thanked the Board for appointing him as a trustee on the Florida Association of County's' Trust.

Bryan stated that he had attended his first meeting last week of the Work Force Board, to which he was appointed.

Bryan said that he met with the Civic Round Table and made them aware of the Board coming to them about the Census 2010. He mentioned that he would be making a Power Point presentation at the next Board meeting they have next month to highlight and kick off the importance of the Census.

Bryan spoke on coming across another Federal Grant regarding a USDA Rural Business Enterprise Grant for incubators within rural areas.

Bryan stated that he attended the City of St. Augustine Beach meeting last week and Ms. Brown approached him to bring up, for the Commissioners consideration, the possibility of waiving the \$500 fee for the use of the pavilion at the Beach Blast.

(12:00 noon) Troy Blevins stated it was for the use of the pier, not the pavilion, and it was a \$250 per day fee for shutting down the pier. He stated that he did not have the authority to waive it. Wanchick said that he did have the authority to do it, and did not have a problem with doing it, because Blevins had money in his budget. Discussion followed on setting a precedent, who was sponsoring the event, and getting funds for it. Wanchick suggested granting that one and he would work with Blevins to see if they would want to establish some kind of policy in that regard. *There was a consensus of the Board.*

(11:56 a.m.)

Commissioner Miner:

No report.

(12:03 p.m.)

Commissioner Sanchez:

Sanchez stated that the Board was focused on what was good for St. Johns County. Mays echoed the sentiments.

(12:04 p.m.) Mays left the meeting.

Sanchez told Wanchick to keep up the good work. He thanked everyone for doing a good job.

(12/15/09 - 21 - 12:07 p.m.)

COUNTY ADMINISTRATOR'S REPORT

Wanchick stated that it was the last meeting of the year and was a special time to reflect back on everything that was done. He mentioned that they were going to put together a presentation for the early part of January that would hit some of the highlights of what the Commission had done. He stated the Commission had been together a year and was doing a good job.

(12/15/09 - 21 - 12:10)

COUNTY ATTORNEY'S REPORT

McCormack said that he was grateful for having the current Board and how it handled items so well. He spoke on the good job done by the Constitutional Officers and Judges.

(12/15/09 - 21 - 12:12 p.m.)

CLERK OF COURT'S REPORT

No report.

With there being no further business to come before the Board, the meeting adjourned at 12:13 p.m.

REPORTS:

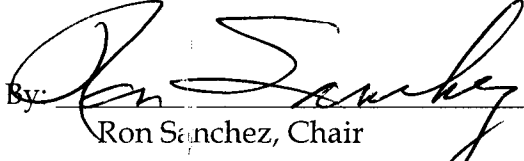
1. St. Johns County Board of County Commissioners Check Register, Check Nos. 448634 through 448662 totaling \$59,240.00 (11/12/09)
2. St. Johns County Board of County Commissioners Check Register, Check Nos. 448663 through 449712 totaling \$2,624,162.47 (11/23/09)
3. St. Johns County Board of County Commissioners Check Register, Check Nos. 449713 through 449185 totaling \$234,982.74 (11/24/09)
4. St. Johns County Board of County Commissioners Check Register, Check Nos. 449187 through 449362 totaling \$843,563.31 (12/01/09)
5. St. Johns County Board of County Commissioners Check Register, Check Nos. 449363 through 449384 totaling \$34,013.91 (12/03/09)
6. St. Johns County Board of County Commissioners Check Register, Check Nos. 449385 through 449390 totaling \$174,716.59 (12/04/09)
7. St. Johns County Board of County Commissioners Check Register, Check Nos. 449391 through 449652 totaling \$1,297,236.23 (12/08/09)
8. St. Johns County Board of County Commissioners Voucher Nos. 1000 through 1039 totaling \$350,241.74 (12/08/09)

CORRESPONDENCE:

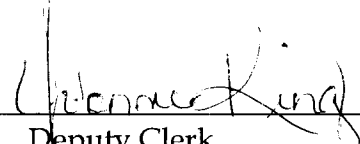
1. Letter to Liz Cloud, Program Administrator, Bureau of Administrative Code and Weekly, filing Ordinance Numbers 2009-55 through 2009-58 (12/08/09)

Approved January 19, 2010

BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA

By:   
Ron Sanchez, Chair

ATTEST: CHERYL STRICKLAND, CLERK

By:   
Deputy Clerk

