

**MINUTES OF MEETING  
BOARD OF COUNTY COMMISSIONERS  
ST. JOHNS COUNTY, FLORIDA  
FEBRUARY 2, 2010  
(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,  
                          Ray Quinn, District 3  
                          Phillip Mays, District 4  
                          Michael D. Wanchick, County Administrator  
                          Patrick McCormack, County Attorney  
                          Terry Bulla, Deputy Clerk

(02/02/10 - 1 - 8:59 a.m.)  
CALL TO ORDER

Sanchez called the meeting to order.

(02/02/10 - 1 - 8:59 a.m.)  
ROLL CALL

Sanchez noted that four commissioners were present and Stevenson was in route.

(02/02/10 - 1 - 9:00 a.m.)  
Sanchez gave the Invocation and Quinn led the Pledge of Allegiance.

(02/02/10 - 1 - 9:01 a.m.)  
DELETIONS TO CONSENT AGENDA

There were no deletions.

Sanchez made comments about Consent Item No. 4 concerning the paving of Highway 214. He noted that it was one of only two highways that was a Federal aid highway. He clarified that the decision to include that in the stimulus money was made by other people, and it was not a County decision. He clarified that on Consent Item No. 9 concerning the Community Center/Concert Hall in Ponte Vedra, the money was outlined on the agenda sheet, and that money was already funded from impact fees, bond and revenue from the Amphitheater, and would not come from County reserve funds.

(02/02/10 - 1 - 9:02 a.m.)  
APPROVAL OF CONSENT AGENDA

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

1. Approval of the Cash Requirement Report

2. Sheriff Bonds  
None
3. Minutes:  
Regular Meeting – January 19, 2010
4. Motion to authorize the County Administrator, or his designee, to award a contract to the low bidder, Halifax Paving, Inc. for Bid# 09-69 – CR 214 Widening and Resurfacing for a total contract value of \$2,173,000. This project is being funded through the American Reinvestment & Recovery Act 2009 (ARRA)
5. Motion to authorize the County Administrator, or his designee, to negotiate with and, if negotiations are successful, enter into contract with the Number One ranked firm, Probation Plus, for RFP# 10-02, Misdemeanor Probation Supervision Services for the County Court. If an agreement cannot be reached with the Number One ranked firm, authorization is requested to begin negotiations with the next ranked respondent and continue until an agreement is reached
6. Motion to authorize the County Administrator, or his designee, to negotiate with and enter into contract with the Number One ranked firm, Chapman Kelly, Inc., for Medical Claims Audit and with the Number One Ranked Firm, Chapman Kelly, Inc., for RFP# 09-110, Dependant Eligibility Audit. If an agreement cannot be reached with the Number One ranked firm, authorization is requested to begin negotiations with the next ranked respondent and continue until an agreement is reached
7. Motion to declare obsolete and unrepairable MIS equipment as County Surplus and authorize the County Administrator, or his designee, to dispose of same in accordance with Purchasing Policy 308 and Florida Statute 274. This electronic equipment is either non functional or obsolete
8. Motion to approve the transfer of \$20,574.28 from the General Fund Reserve to the Community Based Care Fund to reimburse the State of Florida for unallowable expenses
9. Motion to authorize the County Administrator, or his designee, award Base Bid # 10-08 Ponte Vedra Concert Hall Renovations “Community Center” in the amount of \$799,000.00, and issue a change order reducing the Bid amount \$85,344.00, for a Total Revised Base Bid Amount of \$713,656.00, and negotiate a contract for the renovations
10. Motion to approve organizational position changes in the Cultural Events Division of the Recreation and Parks Department which will result in a salary savings of \$2,248.18 for the Department
11. Motion to donate two County surplused wooden storage buildings to First Baptist Church of Armstrong
12. Motion to authorize the County Administrator, or his designee, to enter into a contract with Vallencourt Construction Co., Inc., for a contract value up to \$160,198 to construct a sewer force main relocation and improvements at the intersection of SR 312 and SR 207. This project is being funded through the American Reinvestment & Recovery Act 2009 (ARRA)

(9:03 p.m.) Stevenson entered the meeting.

(02/02/10 - 3 - 9:03 p.m.)

PUBLIC COMMENT

(9:03 a.m.) Sam Schlegel, 131 Bobwhite Rd., Pastor of The Church at Vilano, said he spoke on January 19 concerning a request for vesting determination regarding a special use permit on a house the church owns on 121 Meadow Avenue. He said their attorney still had not heard from County staff, and that they needed to have the issue resolved as soon as possible. He stated that there was also an issue with exempt status and it needed to be resolved in February. He said they had to have their vesting determination resolved before the Property Appraiser's Office would process their reapplication for exempt status. He asked the Board to encourage staff to move ahead with the matter so they could consider if and how they could use the property.

(9:07 a.m.) Michael Bowles, 22 Oak St., from the Florida Native Plant Society (FNPS), spoke on the importance of the issue of non native plant materials. He said it was important to the eco system which we all share.

(02/02/10 - 3 - 9:09 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

There were none.

(02/02/10 - 3 - 9:09 a.m.)

APPROVAL OF REGULAR AGENDA

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

(02/02/10 - 3 - 9:10 a.m.)

1. PRESENTATION BY THE FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES, DIVISION OF FORESTRY ON THE MANAGEMENT OF THE WATSON ISLAND STATE FOREST

Sanchez explained that Greg Dunn was unable to attend that morning and invited Matt Kinard, 6840 U.S. 1 South, St. Augustine, to make a comment. He stated that a Management Plan meeting would be February 24, 2010, at 6:30 p.m., at the Wind Mitigation Building at the St. Johns County Ag Extension office, and invited everyone.

(02/02/10 - 3 - 9:11 a.m.)

2. CONSIDER A RESOLUTION RECOGNIZING THE IMPORTANCE OF PROTECTING NATIVE PLANTS AND PLANT COMMUNITIES AND THE REMOVAL OF NON-NATIVE PLANTS

Amy Meade, Land Resource Coordinator, gave the presentation. She spoke on the Invasive plants found in St. Johns County and gave an overhead presentation (Exhibit A). She explained why invasive species were harmful to the eco system and that it had a big economic impact on the US economy at \$120 billion a year. She explained the invasive removal projects taking place in St. Johns County.

**(9:15 a.m.) Motion by Stevenson, seconded by Bryan, carried 5/0, to adopt Resolution No. 2010-21, a resolution by the Board of County Commissioners of St. Johns County, Florida, recognizing the importance of protecting native plants and plant communities and the removal of non-native plants.**

RESOLUTION NO. 2010-21

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, RECOGNIZING THE IMPORTANCE OF PROTECTING NATIVE PLANTS AND PLANT COMMUNITIES; RECOGNIZING THE IMPORTANCE OF REMOVAL OF NON-NATIVE PLANTS; AND PROVIDING FOR AN EFFECTIVE DATE**

Stevenson expressed appreciation for the presentation. Bryan commented on the Brazilian Pepper Plant and encouraged everyone to attend the session and/or talk with someone about how to get rid of it.

(9:18 a.m.) Trish St. John, 923 Bonaparte Landing Court, Jacksonville, thanked the Board for the consideration of the resolution and explained her involvement with non-invasive species with the Nature Conservancy. She said St. Johns County was leading the way with county government in the work they were doing. She noted that Amy Meade was the recipient of the Dynamic Land Manager Award for her efforts in helping them be more successful.

(9:20 a.m.) Nicole Love, 505 Guano River Road, Guano Tolomato Matanzas National Estuarine Research Reserve (GTMNERR), said she wanted to let them know that the GTMNERR had started a private lands program and they had worked with volunteers and had a new staff member who would be working with Amy Meade to clear some invasive plants from private lands. She said they planned to continue the partnership. She said another partner was the Student Conservation Association. She thanked the Board for their leadership.

(9:21 a.m.) Bryan said that St. Johns County was also monitoring what was going on with invasive animals as it pertained to St. Johns County.

(02/02/10 - 4 - 9:22 a.m.)

3. CONSIDER A RESOLUTION APPROVING THE TERMS AND CONDITIONS OF A NEW CONTRACT BETWEEN THE ST. JOHNS COUNTY VISITORS & CONVENTION BUREAU AND THE BOARD OF COUNTY COMMISSIONERS

Regina Ross, Assistant County Attorney, gave the presentation and explained the proposed contract. She noted there was one outstanding issue. Michael Hunt, Deputy County Attorney, explained that Attachment C had been approved with the understanding that the VCB would get together with the County Attorney and work on it. He explained that they were still working on it. He said they would propose that conditional approval be given with the understanding that Attachment needed to be approved by County Administration as well as the VCB Board. Discussion ensued on whether it had to come back before the Board, and it was decided to allow Administration to make that decision.

**(9:26 a.m.) Motion by Bryan, seconded by Stevenson, carried 5/0, to adopt Resolution No. 2010-22, approving the terms and conditions of the new contract between St. Johns County Visitors & Convention Bureau and St Johns County Board of County Commissioners, terminating the existing agreement upon execution of the new Agreement, and authorizing the County Administrator, or designee, to execute the new Agreement, on behalf of the County, with the condition of approval of Attachment C.**

RESOLUTION NO. 2010-22

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 ST. JOHNS COUNTY VISITORS AND CONVENTION BUREAU, INC. FOR THE GENERAL PURPOSE OF PROVIDING PROFESSIONAL ADVERTISING, MARKETING AND PROMOTIONAL SERVICES AIMED AT ATTRACTING TOURISTS AND CONVENTION ACTIVITY TO ALL, AND ANY PART, OF THE GEOGRAPHIC AREA WITHIN THE JURISDICTION OF THE COUNTY FOR A THREE-YEAR PERIOD, WHICH INCLUDES THE REMAINDER OF FISCAL YEAR 2010 AND THROUGH FISCAL YEAR 2013, WITH AN OPTION TO RENEW ANNUALLY, AND AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE TO EXECUTE THE AGREEMENT, ON BEHALF OF THE COUNTY

(02/02/10 - 5 - 9:27 a.m.)

4. PUBLIC HEARING - PROPOSED REVISION TO ORDINANCE 2009-62, IMPOSING THE 4TH CENT BED TAX TO BECOME EFFECTIVE APRIL 1, 2010. ON DECEMBER 15, 2009, THE ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS (BOARD) ENACTED COUNTY ORDINANCE 2009-62, WHICH LEVIED AND IMPOSED AN ADDITIONAL ONE PERCENT (1%) TOURIST DEVELOPMENT TAX THROUGHOUT ST. JOHNS COUNTY, FLORIDA, PURSUANT TO SECTION 125.0104, FLORIDA STATUTES (THE LOCAL OPTION TOURIST DEVELOPMENT ACT). IN RELEVANT PART, THE SECOND SENTENCE OF SECTION 7 OF COUNTY ORDINANCE 2009-62, STATED THAT THE "...EFFECTIVE DATE OF THE ACTUAL LEVY AND IMPOSITION OF THE ADDITIONAL ONE PERCENT (1%) TOURIST DEVELOPMENT TAX SHALL BE JULY 1, 2010." THE ST. JOHNS COUNTY TOURIST DEVELOPMENT COUNCIL (TDC), AT ITS MEETING ON JANUARY 11, 2010, VOTED UNANIMOUSLY TO RECOMMEND TO THE BOARD THAT THE "EFFECTIVE DATE OF THE ACTUAL LEVY AND IMPOSITION OF THE ADDITIONAL ONE PERCENT (1%) TOURIST DEVELOPMENT TAX" BE CHANGED AND REVISED TO APRIL 1, 2010. UPON DUE CONSIDERATION, THE BOARD HAS DETERMINED THAT THE TDC'S RECOMMENDATION SERVES A PROPER, LONG-TERM, TOURIST-RELATED INTEREST FOR THE COUNTY

Proof of publication of the notice of public hearing for Amendment to Ordinance 2009-62 was received, having been published in *The St. Augustine Record* on January 22, 2010.

Michael Hunt, Deputy County Attorney, gave the presentation and explained the request. He said it only involved the change of the date.

Bryan said there should be an allocation to determine how the fourth penny should be spent. Sanchez said the mechanism for how it would be spent would come back to the BCC, even though the TDC board had voted on how to spend it. Bryan said that in order to put it to bed, they had directed staff to make some recommendations. He said he did not understand why it could not be included. Sanchez said the TDC Board had worked on it, and it had not been presented to the Board, but it would be presented

soon. He said nothing had been implemented. Bryan asked how long it was going to be delayed. Sanchez said that until staff presented the whole thing as a proposal, they were unable to make the decision. Bryan tried to clarify his position. Sanchez said until it was presented to the Board, it was not legal to determine how it should be spent. He said Administration would move as soon as possible. Discussion ensued.

(9:34 a.m.) Wanchick said it was discussed two weeks ago, and staff's understanding was that their desire was to take the community events, The Night of Light, fireworks, etc., out of the first three categories, use the new penny to pay for those and then to split the remaining funds similarly to the way of the other three cents, 40-30-30. He said they could approve that breakout that day if the County Attorney would allow them to do so. He added that if there was some other approach they would like to have evaluated, they could do that as well. He suggested that to avoid confusion, they could present it at the first meeting in March. Hunt suggested the first meeting in April, because there were at least five ordinances that had to be reviewed. He said they would have to change the Tourist Development Plan to accommodate the change and it needed to be coordinated. He said the imposition of the allocations was the most simple of the steps. He said it was a complicated process to ensure consistency. He said when they moved the imposition date forward, it required other steps, and that was the reason the Ordinance of that day had been proposed. He said it had to be consistent with State law. He said they had not stopped working on the allocation issue since October of 2009. Discussion ensued.

(9:41 a.m.) Wanchick said that unless he heard something different from the Board, it was Administration's intent to bring them a recommendation that those events that were currently being paid for out of categories 1, 2, and 3, be paid for out of the new penny, and the residual funds for the new penny be split 40-30-30 like the first three cents were currently. He added they would have to switch the fourth cent and the third cent because of legal flexibility. He said if there was a different philosophy, he needed to know about it.

(9:42 a.m.) Bryan said he had reviewed the tapes and minutes and gave a synopsis of what had occurred. He suggested that staff review all the documents and then move forward. He said he would like to see it put to bed.

(9:44 a.m.) Sanchez clarified that the Board did not have to implement the TDC decision and recommendations. He said the BCC would make the final decision on how the money was to be spent.

(9:45 a.m.) Stevenson clarified that the first two cents were 40-30-30, the third cent was advertising and fourth cent, there was a comment made and she wanted it be clear. She said that was not her understanding of the way the first three cents were now.

(9:45 a.m.) Wanchick asked Bryan asked if what he just read was different with what he had just said. Bryan said he thought it was exactly the same. He said he wanted it to be clear in the Ordinance how specifically the money would be spent and he wanted a confirmed timeline.

(9:47 a.m.) Sanchez said things were going like they should be going. He said they were there to make a decision and to do it correctly.

(9:48 a.m.) Wanchick said they were trying so hard to get it right, that they were making it unnecessarily complicated. He said they were on point. He said the TDC made the recommendation to the Board and the Board made the final action.

(9:49 a.m.) Motion by Mays, seconded by Stevenson, carried 5/0, to enact Ordinance No. 2010-2, amending Ordinance 2009-62, incorporating said Recitals as Findings of Fact, specifically noting that the effective date of the actual levy and imposition of the additional 1% tourist development tax shall be April 1, 2010.

ORDINANCE NO. 2010-2

AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA, AMENDING ORDINANCE NO. 2009-62, WHICH LEVIED AND IMPOSED 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 FINDINGS OF FACT; PROVIDING FOR AMENDMENT TO SECTION 7 OF ORDINANCE 2009-62, SO AS TO AMEND THE EFFECTIVE DATE FOR PURPOSES OF ACTUAL LEVY AND IMPOSITION OF THE ADDITIONAL ONE PERCENT (1%) TOURIST DEVELOPMENT TAX; PROVIDING FOR NOTICE TO THE FLORIDA DEPARTMENT OF REVENUE; PROVIDING FOR OTHER APPLICABLE SECTIONS OF ST. JOHNS COUNTY ORDINANCE 2009-62 REMAINING UNCHANGED AND IN EFFECT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE

(02/02/10 - 7 - 9:50 a.m.)

District 3

5. PUBLIC HEARING - VACPLA 08-01, BOB STEVEN'S DEVELOPMENT PARTIAL PLAT VACATION. THE SUBJECT OF THIS RESOLUTION IS A PARTIAL PLAT VACATION OF BOB STEVEN'S DEVELOPMENT. THE PROPERTY IS LOCATED NORTH OF SR 16, BETWEEN N. FIRST STREET AND COLLINS AVENUE. THE PURPOSE OF THIS VACATION REQUEST IS TO ELIMINATE THE RIGHT OF WAY OF FRONT STREET, RESULTING IN PROVIDING ONE CONTIGUOUS PROPERTY FOR DEVELOPMENT. CURRENTLY, THE RIGHT OF WAY OF FRONT STREET SEPARATES THE PETITIONER'S PROPERTY, LEAVING A SMALL SLIVER ON THE SOUTH SIDE OF FRONT STREET. ALL TECHNICAL COMMENTS HAVE BEEN ADDRESSED THROUGH THE DEVELOPMENT REVIEW PROCESS; THEREFORE, STAFF HAS NO OBJECTIONS. VACATION OF THIS RIGHT OF WAY WILL NOT IMPACT ANY OF THE SURROUNDING PROPERTIES, NOR DOES IT HAVE ANY EFFECT ON FUTURE RIGHT OF WAY NEEDS. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL AT THEIR NOVEMBER 19, 2009 MEETING WITH A VOTE OF 7 TO 0

Proof of publication of the notice of public hearing for VACPLA 08-01, Bob Steven's Development Partial Plat Vacation, was received, having been published in *The St. Augustine Record* on May 28 and June 4, 2009.

Kathy Nielson, Applications Review Manager, gave the presentation and a PowerPoint presentation.

(9:51 a.m.) Motion by Mays, seconded by Bryan, carried 5/0, to approve Resolution No. 2010-23, approving the petition to vacate a portion of the plat of Bob Steven's Development.

**RESOLUTION NO. 2010-23**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, VACATING A PORTION OF THE PLAT OF BOB STEVEN'S DEVELOPMENT**

(02/02/10 - 8 - 9:52 a.m.)

District 3

6. PUBLIC HEARING - VACPLA 09-01, MOULTRIE HEIGHTS PARTIAL PLAT VACATION. THE SUBJECT OF THIS RESOLUTION IS A PARTIAL PLAT VACATION OF MOULTRIE HEIGHTS. THE PROPERTY IS LOCATED SOUTH OF WATSON ROAD AND EAST OF U.S. 1, AND IS PART OF THE VILLAGES OF VALENCIA PUD, ON THE NORTH, AND AN EXPIRED PSD, SACKS-MARTIN, ON THE SOUTH. THE PURPOSE OF THIS VACATION REQUEST IS STRICTLY TO ELIMINATE THE RIGHT OF WAY OF JOHNSON AVENUE, ALLOWING DEVELOPMENT TO MOVE FORWARD ON THE COMMERCIAL PARCEL OF VILLAGES OF VALENCIA. THE SOUTHERN PROPERTY WILL BE REQUIRED TO REZONE PRIOR TO ANY DEVELOPMENT, AS THE PSD HAS EXPIRED. ALL TECHNICAL COMMENTS HAVE BEEN ADDRESSED THROUGH THE DEVELOPMENT REVIEW PROCESS; THEREFORE, STAFF HAS NO OBJECTIONS. VACATION OF THIS RIGHT OF WAY WILL NOT IMPACT ANY OF THE SURROUNDING PROPERTIES, NOR DOES IT HAVE ANY EFFECT ON FUTURE RIGHT OF WAY NEEDS. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL AT THEIR DECEMBER 17, 2009 MEETING WITH A VOTE OF 7 TO 0

Proof of publication of the notice of public hearing for VACPLA 09-01, Moultrie Heights Partial Plat Vacation, was received, having been published in *The St. Augustine Record* on December 9 and 16, 2009.

Kathy Nielsen, Application Review Manager, gave a PowerPoint presentation.

(9:53 a.m.) **Motion by Quinn, seconded by Bryan, carried 5/0, to approve Resolution No. 2010-24, approving the petition to vacate a portion of the Moultrie Heights plat.**

**RESOLUTION NO. 2010-24**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, VACATING A PORTION OF THE PLAT OF MOULTRIE HEIGHTS**

(02/02/10 - 8 - 9:54 a.m.)

District 1

7. PUBLIC HEARING - COMPAMD 2009-01, NINE MILE GANG - COMPREHENSIVE PLAN AMENDMENT. THIS REQUEST IS FOR THE TRANSMITTAL OF A COMPREHENSIVE PLAN AMENDMENT TO CHANGE THE 2015 ST. JOHNS COUNTY FUTURE LAND USE MAP (FLUM) FROM RURAL SILVICULTURE TO MIXED USE DISTRICT FOR APPROXIMATELY 579.65 ACRES FOR LAND WITHIN ST. JOHNS COUNTY EAST OF INTERSTATE 95 AND NORTH OF INTERNATIONAL GOLF PARKWAY; AND, AN ACCOMPANYING TEXT AMENDMENT TO THE FUTURE LAND USE ELEMENT LIMITING DEVELOPMENT ON THIS SITE TO 300 MULTI-FAMILY UNITS, 385,000 SQ. FT. OF RETAIL SPACE, AND 97,500 SQ. FT. OF OFFICE SPACE. THE LONG RANGE PLANNING DIVISION FINDS THIS REQUEST TO TRANSMIT THE AMENDMENT TO THE 2015 ST. JOHNS



COUNTY COMPREHENSIVE PLAN SUBSTANTIALLY MEETS THE REQUIREMENTS OF THE COMPREHENSIVE PLAN AND THE LAND DEVELOPMENT CODE. THIS FINDING IS BASED UPON THE FOLLOWING INFORMATION: THE APPLICATION MATERIALS (INCLUDING THE STATEMENT OF FACTS) AS SUBMITTED BY THE APPLICANT. AT THE OCTOBER 15TH PUBLIC HEARING, THE PLANNING AND ZONING AGENCY RECOMMENDED TRANSMITTAL WITH A VOTE OF 5 TO 1

Proof of publication of the notice of public hearing for COMPAND 2009-01, Nine Mile Gang Comprehensive Plan Amendment, was received, having been published in *The St. Augustine Record* on January 18, 2010.

Jason Cleghorn, Planner III, Growth Management, gave an overhead presentation. He noted that PZA and staff recommended transmittal.

(10:03 a.m.) Stevenson asked about Residential C, across the street, and the transportation agreement they had made. Cleghorn said they had not been made yet. Stevenson asked if the transportation agreements had been made on this project. Cleghorn said they had. Stevenson said there was a limit as to the number of transportation improvements that could be done there.

(10:05 a.m.) Bryan asked about the timeline for transportation improvement, the projected start up date. Cleghorn said no building permits could be issued until the improvements had been done.

(10:06 a.m.) The Board recessed and resumed at 10:19 a.m.

(10:20 a.m.) George McClure, 81 King St., Ste. A, said he represented the Nine Mile Gang. He gave a PowerPoint presentation (Exhibit A) and gave the history of the Nine Mile Gang and the proposed project. He said it represented the last private property represented at that particular interchange. He said the wetlands within the property would be used for mitigation purposes for the wetlands which might be impacted within the pasture lands. He also reviewed the history on the proposed Premiere Regional Mall, which was proposed for the site. He said the market took a big hit after 9/11, 2001 which impacted their plans. He said the project was also impacted by new tax laws. He said it was still a pending project, but came to a halt as a result of those issues. He explained that an adjoining parcel would probably be developed at the same time. He said they were waiting to develop the property until the market turned around, but the development approvals were at risk and potential tenants needed some confirmation. He said it was an appropriate site to prepare, and gave the limitations on the development. He said if it was not development in tandem with the World Golf Village parcel, they would have approximately \$30 million in roadway improvements. He reviewed the needs assessment. He said there was potential for trade from other counties at the site, and it would also provide Class A office space for St. Johns County.

(10:41 a.m.) Ellen Whitmer, 1178 Natures Hammock Rd. South, Fruitcove, requested that they not transmit the Comp Plan amendment. She said it was sprawl, extended the development area boundary, and was premature. She expressed fear for the environmental destruction in that area.

(10:43 a.m.) David Wiles, 8220 A1A South, asked they not transmit it because of the credibility of the future land use map and of the comprehensive plan, approved in May of 2000. He said there were three DRIs in the area that spoke for themselves. He said now was not the right time.

(10:45 a.m.) Bryan said he liked the project, but he would like to know if the applicant would be willing to put a time line on it.

(10:46 a.m.) Mays said he agreed with Bryan and if they didn't have land use in place, they would not get commercial activity.

(10:46 a.m.) McClure responded that the development agreement contained a ten year life. He said they could possibly put a shorter duration on the development agreement, though they would have to return for a development agreement and the Board could exercise influence on the development agreement.

(10:48 a.m.) Bryan said they were focused on commercial development and he would like to see the dollars which went to Jacksonville stay in St. Johns County. McClure added that lenders were not a small part of the problem.

(10:50 a.m.) Stevenson said it was the best interchange on I-95 for development. She said there were a lot of homes in the area, and it involved jobs and services in a centralized area. She said it was appropriately located and they should be given a chance with DCA and that she had no problem with transmittal.

(10:52 a.m.) Quinn said he had concerns with traffic impact on 9 Mile Road, the environmental impact, and the neighborhood opinion, however all of those issues had been addressed after a briefing with Mr. McClure.

**(10:53 a.m.) Motion by Stevenson, seconded by Mays, carried 5/0, to approve transmittal of COMPAMD 09-01, Nine Mile Gang, adopting findings of fact one through three to support the motion.**

(02/02/10 - 10 - 10:54 a.m.)

8. PUBLIC HEARING - CPA(SS) 2008-01, PELLICER CREEK CAMPGROUND - SMALL SCALE COMPREHENSIVE PLAN AMENDMENT. THIS IS A SMALL SCALE AMENDMENT TO AMEND THE 2015 FUTURE LAND USE MAP (FLUM) FROM RURAL SILVICULTURE TO RURAL COMMERCIAL (RC) FOR 6.3 ACRES OF LAND. THE APPLICANT PROPOSES A RV CAMPGROUND. THE SUBJECT PROPERTY IS LOCATED ON SOUTH U.S. 1 APPROXIMATELY THREE FOURTHS OF A MILE SOUTH OF THE INTERSECTION OF U.S. 1 AND I-95. A COMPANION REZONING APPLICATION WAS SUBMITTED WITH THIS AMENDMENT. STAFF FINDS THE RURAL COMMERCIAL (RC) 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 OCTOBER 15, 2009 PUBLIC HEARING WITH A VOTE OF 6 TO 0. THIS ITEM WAS CONTINUED FROM THE BOARD OF COUNTY COMMISSION HEARING OF DECEMBER 1, 2009

Proof of publication of the notice of public hearing for CPA(SS) 2008-01, Pellicer Creek Campground Comprehensive Plan Small Scale Amendment, was received, having been published in *The St. Augustine Record* on January 18, 2010.

Teresa Bishop, Long Range Planning Director, said Items 8 & 9 could be heard together but would need separate motions. The Board agreed to hear them together. She gave the presentation which included an overhead presentation. She said the item had been continued from the December 1, 2009 meeting to allow the applicant an opportunity to consider on-site sewage treatment alternatives to provide additional protection to Pellicer Creek. She noted the applicant had worked with the Environmental Health Department, the Guana Tolomato Matanzas National Estuarine Research Reserve and with County staff. She said the applicant had not proposed any use limitation, but had proposed a conditional ordinance for the rezoning request so the commercial rule was limited to specific uses. She noted that proposed Ordinance had been presented to each of them that morning. She said staff recommended approval of the Comprehensive Plan Amendment as well as approval with the limited uses of the conditional ordinance.

(10:57 a.m.) Sanchez disclosed ex parte communication with the applicant. Bryan disclosed ex parte with Taylor and with the applicant to discuss some of the specific issues, concerns and improvements that had been made. Mays disclosed ex parte with the applicant, Pat Hamilton and some folks in his group. Stevenson disclosed ex parte communication with the applicant, Jerry Herron, to discuss his desires for use of the property and his efforts to date, and spoke with Carl Matthaei about his concerns about the density of the camping area and with staff regarding those concerns, and with Ms. Taylor. She expressed concern with certain uses such as a fast food restaurant with a drive thru and had spoken with Taylor, staff and Mr. Herron about that. Quinn said he met with the applicant, Carl Matthaei, George McClure, and was advised and briefed by staff. Bryan said he had also spoken with Mr. Hamilton and with Mr. Matthaei.

(10:59 a.m.) Karen Taylor, 77 Saragossa St., spoke for the applicant. She reviewed the proposed project and its current zoning. She explained that the applicant was stuck with the current zoning, and they were asking for rural designation of the land use. She said they were choosing to put limitations within the zoning. She gave an overhead presentation (Exhibit A) showing the uses and environmental impacts. She said they had met with Mike Shirley and with Mike Cochran of the Environmental Health Department. She said Shirley had requested that they remain with a static 50 foot buffer rather than an averaged buffer, which would allow for more protection, and they had agreed to that. She said the second issue dealt with sewage treatment and that Shirley had expressed concerns regarding nitrogen levels. She noted that with the mounted system the nitrogen levels would be greatly improved, and they would have to meet all storm water standards and the increased regulations in the County code. She said he was willing to limit the plan to 30 sites and it could be conditioned by the ordinance. She discussed Commissioner Stevenson's concerns about development of a fast food type restaurant at the site, and said the applicant was willing to limit that, and to eliminate convenience stores with gas pumps. She said they wanted to be sure that it included residential so that he could build his own home there. She stated that they had approval of the PZA and no objections from neighboring property owners.

(11:08 a.m.) Bryan asked if they had permanent hook ups to the system rather than a dump station, as there would be more nutrients entering the system with permanent hookups. He asked the number of permanent hook ups. Taylor said they were going to limit it to 30 permanent hookups. Bryan asked for the location of the drain field itself.

(11:13 a.m.) Jerry Herron, 1451 Berrington Circle, the applicant, said the drain field could be placed anywhere on the site other than within 50 feet of the well. Taylor said that would be specified during the construction plan phase, and if there was concern about the site, the Board could add those specific conditions. She said they would come up with a location that was not immediately adjacent to the wetlands.

(11:16 a.m.) Mays said he had the same questions about the location of the septic system. He asked how long the RV's could stay. Taylor said there were State guidelines which prohibited someone from living there permanently. She said the Board could also set a reasonable limit. Taylor said she would check on the State statute.

(11:19 a.m.) McCormack said it was a rezoning and there could be some conditions placed on the rezoning, but it should pertain to the property, and if there were conditions placed on it, the rezoning would have to stand on its own. He said it could not create a new zoning category and had to be specific to that site. He recommended that the solution should be more global for the County.

(11:22 a.m.) Stevenson said she appreciated the uses they had recommended; low impact and low lighting.

(11:23 a.m.) Patrick Hamilton, 201 Owens Ave., a realtor in Crescent Beach, spoke in opposition to the proposed plan because of the cleanliness of the Matanzas waters in the area. He said it was a special area, and the south part of the County needed to be protected. He said it was the last little area of pristine water in the county, and they had worked tirelessly to protect that basin. He said if the Board didn't know the answers, they should postpone the decision until they knew them. He said there would be gas and oil runoff during heavy rains, and asked them to be overly sensitive to that area.

(11:27 a.m.) David Wiles, 8220 A1A South, said that on item number 9 they could look at density and the maximum impacts that might be experienced. He said the area was the most pristine conjunction of two creeks left in the county. He asked them to deny the application, or at least ask them for more details before granting rezoning.

(11:30 a.m.) Carl Matthaei, 6433 Madison St., talked about site plan issues. He said he had measured the distance between the permanent dock and the road. He said it measured 50 feet, not 70 feet. He said there were other errors in the measurements. He said there was no way they could fit 30 units on the property. He said they were trying to make a decision on incorrect information. He said the septic location needed to be changed, and the maximum number of sites would be 20. He stated that it was a pristine area and would be affected by oil and gas drippings from vehicles. He said it was way too dense, and should have a dump pump station, not a septic field. He emphasized that they had the power to protect the area, and they should.

(11:34 a.m.) Frankie Pacetti, 724 Hansen Rd., said she lived on Pellicer Creek and had a problem with the proposal. She said everything drained towards the marsh, then the creek, then the ocean. She stated that it needed to be protected, they were the people with power, and they could protect it. She said to disturb Pellicer Creek was not acceptable. She noted it was old Florida and it needed to be preserved, but if they chose to approve it, they needed to make many restrictions. She said she did not want to see any harm come to the creek.

(11:37 a.m.) Elizabeth Nauright, Faver Dykes Road, said she lived on Pellicer Creek, and she understood the applicant wanting to use the property, but it was purchased with specific zoning. She said she had a problem with the rezoning, because Pellicer Creek was special to St. Johns County. She asked that it be reviewed very carefully, before it affected the pristine creek, as they couldn't get it back once it was gone.

(11:40 a.m.) Greg McDonald, 825 Faver Dykes Road, said it was one of the most pristine areas of St. Johns County. He said it was a fresh water area which flowed towards the sea and became salt water. He stated that transient traffic would be coming in and out of the park and he asked how they would control the leakage of oil and gas from those

vehicles. He asked if they were willing to gamble with the quality of the vehicles, and asked them to vote it down. He said the health of Pellicer Creek was in their hands.

(11:42 a.m.) Stevenson said people focused on the runoff of vehicles from the site, but the truth was, that runoff from all vehicles went into the waterways along with fertilizers and other pollutants.

(11:43 a.m.) Taylor said the applicant knew it was zoned CHT, which allowed for RV parks. She said the land use was incorrect. She explained that the idea was for a small campground which would be an attraction for visitors and tourists, and the preliminary site plan was developed by the applicant with as low an impact as possible. She said the roadway was the natural barrier along with the 50 foot boundary buffer. She said the code allowed for a 50 foot buffer which could be averaged, but they could specify that the buffer be 50 feet continuously. She said any drainage would be contained by the buffer. She noted that the canoe launch had been there for a long time. She said the septic tank could be moved to their satisfaction and they would commit to that. She said the number of campsites might have to be reduced when the actual engineering took place

(11:48 a.m.) Bryan said it was incumbent upon the applicant to spend a few more dollars to get a clear vision of what was proposed. He said he was willing to support it upon a couple of conditions: having the recreation vehicles use their on board systems without hookups, and to utilize dump stations, which would be pumped out regularly. He said it would allow the individual to move forward with the project.

(11:51 a.m.) Stevenson asked staff if motorized boat launches were possible at that site now. Bishop said to the best of her knowledge there was no limitation on motorized launched vehicles at the site. She also said, regarding the timing for portable housing units, including RV's, the stay would be limited to 45 days by County ordinance.

(11:52 a.m.) Whitehouse spoke pertaining to limitations and conditions and reviewed those that had been discussed. He said it was a straight rezoning and the Board needed to be careful to craft that into the Ordinance. He said it would only apply to the RV campground and "if this use is utilized, owner must employ a pump out facility." He said with a straight rezoning, it became a legal issue. He mentioned another condition, "any development on the property shall include a 50 foot static buffer minimum".

(11:58 a.m.) Whitehouse suggested that any central system must be limited to a certain number of feet from the wetland area and it could be a general condition. He said it would not restrict them when they went to engineering and would be a specific number of feet.

(11:59 a.m.) Taylor said they had no problem with that.

(12:01 p.m.) Stevenson expressed concerns about the intentions of the use of the property before she met with the applicant. She said he was trying to do something that was compatible with the area, and she would like to make it cost feasible for him, because if it sat for awhile, it might be eventually used for something more commercial. She said they might need to look at a low impact overlay for that area. She said there were alternatives like increasing green alternatives. She said she would like to see the applicant make it successful.

(12:03 p.m.) Sanchez said he was having a lot of trouble believing that the condition of the creek was not more important to the applicant than to anyone else. Sanchez said he would be defeating his own purpose, as the creek was the focal point and asked why

the applicant would want to destroy that. He said the applicant had to go through the Health Department, controlled by the State, he had to go through other agency requirements. He asked if they were looking at things that would be taken care of in the process. He said what was being proposed was a vast improvement.

(12:05 p.m.) Quinn agreed with Sanchez. He said the applicant had been through a long process already, and had obtained approval from each of the agencies as he should. He would still have to meet many other agency requirements. He noted that currently all of the affluent from U.S. 1 ran into the creek every time it rained. He said he would support it.

(12:07 p.m.) Bryan asked if they wanted to put any conditions on the Ordinance.

(12:07 p.m.) Taylor clarified that the applicant offered the conditions stipulated and would agree to the 50 foot static buffer and would commit to the relocation of the septic system.

**(12:09 p.m.) Motion by Quinn, seconded by Stevenson, carried 3/2 Bryan and Mays dissenting, to enact Ordinance 2010-3 known as CPA (SS) 20008-01, Pellicer Creek Campground, amending the Future Land Use Map from Rural/Silviculture (R/S) to Rural Commercial (RC), adopting findings of fact one through three to support the motion.**

#### ORDINANCE NO. 2010-3

**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 RURAL/SILVICULTURAL (R/S) TO RURAL COMMERCIAL (RC) FOR THE PROPERTY LOCATED ON U.S. 1 SOUTH, APPROXIMATELY THREE-FOURTHS OF A MILE SOUTH OF THE U.S. 1 AND I-95 INTERSECTION, CONTAINING APPROXIMATELY 6.38 ACRES; PROVIDING FOR FINDINGS OF FACT; FINDINGS OF CONSISTENCY; SEVERABILITY; AND AN EFFECTIVE DATE**

(02/02/10 - 14 - 12:11 p.m.)

District 3

9. PUBLIC HEARING - REZ 2008-03, PELLICER CREEK CAMPGROUND REZONING. THIS IS A REQUEST TO REZONE 6.3 ACRES FROM COMMERCIAL HIGHWAY TOURIST (CHT) TO COMMERCIAL RURAL (CR) TO BE CONSISTENT WITH THE PROPOSED COMPREHENSIVE PLAN AMENDMENT REQUEST. THE REQUEST TO REZONE THE PROPERTY TO COMMERCIAL RURAL 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, CONSISTENCY WITH THE ADJACENT USES AND OTHER RELEVANT INFORMATION AVAILABLE TO STAFF. THIS FINDING MAY BE SUBJECT TO OTHER COMPETENT SUBSTANTIAL EVIDENCE RECEIVED AT THE QUASI-JUDICIAL HEARING. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL AT THEIR OCTOBER 15, 2009, PUBLIC HEARING WITH A VOTE OF 6 TO 0. THIS ITEM WAS CONTINUED FROM THE BOARD OF COUNTY COMMISSION HEARING OF DECEMBER 1, 2009

Proof of publication of the notice of public hearing for REZ 2008-03, Pellicer Creek Campground Rezoning, was received, having been published in *The St. Augustine Record* on January 18, 2010.

(12:11 p.m.) **Motion by Quinn, seconded by Sanchez, to enact Ordinance 2010-4, known as REZ 2008-03, Pellicer Creek Campground, adopting findings of fact one through four to support the motion.** Stevenson asked if the maker of the motion was limiting the units to 30 or less. Whitehouse asked if this was with conditions. Sanchez said they were voting on the Ordinance which was handed to them. He said the maker of the motion needed to clarify that they made the motion to rezone it to Commercial Rural with conditions. **Both the maker and the seconder of the motion agreed with conditions as cited in the revised Ordinance, which was handed to them just prior to the meeting, and not to exceed 30 units on the site for RV hookups.** Stevenson expressed concerns over the restaurant usage with a septic system.

(12:16 p.m.) McCormack said the applicant had agreed to set the septic tank to the furthest practical distance from the creek, at a minimum of 100 feet, and more descriptively, from the jurisdictional wetland line. Sanchez said it was included in the motion.

Whitehouse attempted to clarify: The motion was to grant the rezoning to commercial rural with the conditions as stated in the ordinance that was handed out to them, A.) with uses. B.) Any use of this property, that is a recreational vehicle campground, shall be limited to a maximum of 30 units. C.) Any development of the property shall include a 50 foot static buffer, minimum to the jurisdictional wetland line. D.) If a septic system is required due to any development use of the property, then the central system shall be sited or located at least 100 feet from the jurisdictional wetland line. **The maker of the motion and the seconder accepted. Motion carried 3/2 with Bryan and Mays dissenting.**

#### ORDINANCE NO. 2010-4

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

(02/02/10 - 15 - 12:19 p.m.)

District 2

10. PUBLIC HEARING - REZ 2009-17, PICOLATTA REZONING. THIS IS A REQUEST TO REZONE FROM PLANNED RURAL DEVELOPMENT (PRD) TO OPEN RURAL (OR). SUBJECT PROPERTY IS LOCATED WITHIN THE RURAL SILVICULTURE FUTURE LAND USE DESIGNATION. THE PLANNING DIVISION FINDS THE REQUEST TO REZONE TO OPEN RURAL (OR) SUBSTANTIALLY MEETS THE REQUIREMENTS OF THE COMPREHENSIVE PLAN AND THE LAND DEVELOPMENT CODE. THIS FINDING IS BASED UPON THE FOLLOWING INFORMATION: CURRENT ZONING ALLOWING A GREATER DENSITY OF DEVELOPMENT, THE APPLICATION MATERIALS AS SUBMITTED BY THE APPLICANT, ADJACENT PROPERTIES ZONED OR, SIMILAR USES WITHIN THE IMMEDIATELY SURROUNDING AREA, CONSISTENCY WITH THE RURAL SILVICULTURE 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 WILL HEAR THIS ITEM AT THEIR JANUARY 21ST MEETING. A RECOMMENDATION WILL BE PROVIDED AT THAT TIME

Proof of publication of the notice of public hearing for REZ 2009-17, Picolatta Rezoning, was received, having been published in *The St. Augustine Record* on January 6, 2010.

Michael Blackford, Planning / Zoning Growth Manager, gave an overhead presentation. He said staff recommended approval, as did PZA.

(12:22 p.m.) Stevenson asked if the PRD limited the uses. Blackford said that was correct. He said the use was for a single family unit.

(12:22 p.m.) **Motion by Stevenson, seconded by Mays, carried 5/0, to enact Ordinance 2010-5, known as REZ 2009-17, adopting findings of fact one through four to support the motion.**

#### ORDINANCE NO. 2010-5

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

(02/02/10 - 16 - 12:23 p.m.)

11. CONSIDER A REQUEST FOR AN IMPACT FEE REFUND FOR DURBIN CROSSING COMMUNITY DEVELOPMENT DISTRICT

Betty Sue Stepp, Growth Management, gave the presentation.

(12:24 p.m.) McCormack said the County had a development agreement with the Durbin Crossing CDD, which included some required improvements and impact fee credits which were to be credited through a voucher system. He explained that the CDD would have a certain value of credits and fee payers were supposed to pay directly to the CDD and to get vouchers which they would bring to the County for their application of a building permit. He said on 41 occasions, Mercedes Homes came to the County without vouchers and paid the impact fee directly to the County. He said those impact fees should not have been paid directly to the County, and they were asking for reimbursement.

(12:27 p.m.) Mays asked if Mercedes Homes had an option to get the vouchers but did not do it. McCormack said that was correct. He said he thought it was appropriate for the Board to redirect the request back to the Administrator and the County Attorney for determination.

(12:29 p.m.) Bryan said he was willing to listen but would defer any decisions to Administration and to Legal.



(12:30 p.m.) John Metcalf, 1104 Millcreek Dr., St. Johns, said he was representing the Durbin Crossing CDD. He stated that the numbers in the agenda item were slightly off from what they had requested. He said the request for the refund was formally submitted on September 22, 2009, and the refund amount was \$162,546 for road impact fees and \$32,027 for park impact fees. He noted that those related to 42 homes constructed by Mercedes Homes, and Mercedes Homes improperly paid those fees to the County instead of directly to the CDD. Sanchez asked if there was a contract between CDD and Mercedes Homes. Metcalf said there was no contract between the CDD and Mercedes Homes. He said there was a real estate sales agreement between the developer and Mercedes Homes. Mays stated that the County was not a party to that agreement. Metcalf explained the reason the fees were supposed to be paid to the CDD was because of the contract between the CDD and the County, which determined how the impact fee credits were to be paid. Metcalf outlined the improvements made. He said the Durbin Crossing homeowners were paying twice for road improvements. He explained why there was an impact fee credit agreement, and that it was to prevent residents from paying twice for the same impact. He said the developer could have done better with communicating that the fees should have been paid directly to the CDD. He said liens had been placed on the homes and if the County would not make the refund, then the CDD could foreclose the liens on the 42 lots, and the homeowners were innocent. He said Mercedes Homes had paid the impact fees, but had paid them to the wrong party. Sanchez said there was a break down in communication between the developer and the contractor. He said he did not see that the County had any responsibility, and they should get with Administration and Legal, because there were a lot of things that were incorrect about it. Metcalf said he wanted to have the discussion in public as they had applied in September in 2009. He said that if the answer was going to be no, it would be better for them not to spend two or three more months on the issue. He said he would recommend to the CDD that they take legal action if the answer was no.

(12:39 p.m.) Sanchez said legal action had been mentioned and he would ask the Board not to discuss it any further. He asked Administration and Legal to get with them to work out something within 60 days, or the first meeting in April.

(12:41 p.m.) Jason Session, 4358 Tradewinds Drive, Jacksonville, spoke and asked for 30 days.

(12:43 p.m.) Mays asked if Mercedes Homes was still in business. Metcalf said they were in business but had gone through bankruptcy.

(12:44 p.m.) McCormack said he and Metcalf had talked with the CDD and that he was sensitive that any delay would harm the CDD's rights pertaining to the bond issues. He said that 60 days would be appropriate and to return to them no later than the first meeting in April. Metcalf said that 60 days would be alright.

(12:46 p.m.) **Motion by Sanchez, seconded by Bryan, carried 5/0, to continue to the first meeting in April and for Administration and Legal staff to return to the Board with a proposal.**

(02/02/10 - 17 - 12:46 p.m.)  
COMMISSIONERS' REPORTS

Commissioner Stevenson:

Stevenson reported on the Public Safety Coordinating Council and said they were working on the anticipated reaching of capacity at the jails. She said they were working

with other involved parties regarding sentencing, oversight, trying, and bringing people to a jury trial. She said pretrial services were currently used in 28 counties in Florida and it could have a significant impact in extending the life of the jail facilities. She said they had since learned that the Legislature was proposing legislation that would do away with pre-trial services. She said she would provide them with additional information regarding pre-trial services and asked the Board to consider a resolution pertaining to the item asking that the Legislature not eliminate pre-trial services. She noted that she would like to add that for consideration at the next meeting. She also discussed her attendance at the Generation Reality Check, where youth from seven counties and Jacksonville were present. She explained that they had discussed their interests and concerns about the future, and the results of that exercise would be posted on the Regional Council's website soon. She said the third item was conceptual for consideration of transfer of development rights. She noted it also involved mixed use areas that could be in inappropriate areas. She said money was involved between parties when transfer development rights were enacted. She noted that day's applicant had discussed transferring development rights with TIFF financing, and that general tax revenue would pay for the bonds. She asked the Board to consider if that was the way they wanted to finance such issues. She said it was something that staff could follow up on and asked if the Board would support that. Sanchez and Bryan said they should consider it. She said it would help them to get their development areas a little more compact.

(12:53 p.m.)

Commissioner Mays:

Mays said that Governor Christ had announced that disaster designation had been granted for the County relating to the last freeze. He said it would allow for Federal assistance to farmers. JTA/FDOT had finally finished its initial study on a potential regional transit authority. He said the report was forthcoming. He said it ended up recommending a very loose framework regarding governance, potential funding and potential duties for the regional transit authority.

(12:54 p.m.)

Commissioner Bryan:

Bryan said he had met with Dr. Delgado, a karate instructor, Brandon, a trainer at the World Gym, and Troy Blevins regarding Health Week. He said they were looking at bringing back a proclamation to the Board for Health Week which would focus on youth and adult fitness and nutrition, areas they needed to focus on. He said he had also met with Dr. Sandra Thompson from Florida Memorial College in Ft. Lauderdale, and they were anxious to reconnect with St. Augustine, where Florida Memorial College initially started. He said they were looking at exploring developing a commercial type area on property they still owned in the area. He said he also attended the First Coast Technical College graduation Friday night and he was asked to make comments. He noted it was a very nice affair. He commented on the Firefighters Award ceremony last week and said it was a very emotional event. He noted a local 12 year old hero who assisted in a rescue was honored. He attended the City of St. Augustine Beach commission meeting last night, and discussed some of the issues covered. He said he and others had also put together a Haitian relief initiative and reviewed the items collected as well as \$1,200 they had collected.

(12:58 p.m.)

Commissioner Quinn:

Quinn said he had begun work with his assigned committee, the Housing Finance Authority, and commended the citizens at that table for their hard work. He said he had also been busy meeting with the department heads and learning about the various functions they performed. He said he also traveled with a Department of Defense organization for support of the Guard and Reserve, with 39 employers, to Ft. Hood, Texas, and had dinner with Mark Miner who sent his regards to all and said he was doing great.

(12:59 p.m.)

Commissioner Sanchez:

Sanchez spoke about the shooting of Officer Ron Parker and said that Brenda Parker had asked for their action, by resolution, to the State legislators. He said a parole hearing was held every five years for Parker's killer and it was a horrible thing for the families of those who were killed to go through, as they had to relive the horror of the details of the murder. He said there was a move underway to allow an extension of time between parole hearings. He said he would like the Board to look at it and support a resolution to extend the time frame between patrol hearings. Sanchez said he would be at Barnacle Bills that night serving dinner at the beach, to support Big Brothers and Big Sisters. He also expressed appreciation to the Administration for their support of the locally grown farm community. He said it was an important effort for our farmers.

(02/02/10 - 19 - 1:03 p.m.)

COUNTY ADMINISTRATOR'S REPORT

Wanchick said they had entered into an agreement with the University of Florida who would be making a presentation at the next meeting. He said he had been in communication with the Economics Department and asked for authorization to enter into an agreement with them for \$18,000, to see where they could best target economic development in St. Johns County. *There was Board consensus to do so.* He said that Congressman Mica would like to convene at the Riverhouse on February 8, and that on March 4, a joint meeting would be held with the School Board.

(02/02/10 - 19 - 1:05 p.m.)

COUNTY ATTORNEY'S REPORT

McCormack said the meeting with Mica might involve getting input from the Board and it would be advertised as a Special meeting of the Board. He said their might be a venue change.

With there being no further business to come before the Board, the meeting adjourned at 1:06 p.m.

REPORTS:

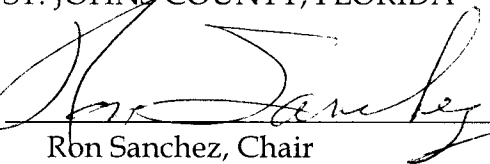
1. St. Johns County Board of County Commissioners Check Register, Check Nos. 451873 through 451902, totaling \$65,634.01 (01/14/10)
2. St. Johns County Board of County Commissioners Check Register, Check Nos. 451903 through 452109, totaling \$1,027,225.24 (01/19/10)
3. St. Johns County Board of County Commissioners Voucher Register, Voucher Nos. 1222 through 1269, totaling \$1,089,014.46 (01/19/10)
4. St. Johns County Board of County Commissioners Check Register, Check No. 452121, totaling \$337.77 (01/22/10)

CORRESPONDENCE:


1. Letter to Inez Williams, Division of Elections, filing the original Oath of Office for St. Johns County Commissioner Ray A. Quinn along with commission fee of \$10.00, and a copy of the Elected Public Official Bond on Ray A. Quinn (1/12/10)
2. Letter to Inez Williams, Division of Elections, filing a copy of the Elected Public Official Bond on Ray A. Quinn showing the bond term beginning January 4, 2010 (1/12/10)
3. Letter to Liz Cloud, Program Administrator, Bureau of Administrative Code, filing Ordinance Number 2010-1 (1/22/10)

Approved February 16, 2010

BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA

By:   
Ron Sanchez, Chair

ATTEST: CHERYL STRICKLAND, CLERK

By:   
Deputy Clerk

