

Minutes of the February 9, 2005 St. Johns County Board of County Commissioner's Meeting.

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**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
FEBRUARY 9, 2005
9:00 A.M.**

Proceedings of a regular meeting of the Board of County Commissioners of St. Johns County, Florida, began and held in the Auditorium at the County Administration Building, 4020 Lewis Speedway (County Road 16-A) and US 1 North, St. Augustine, Florida.

Present were: Bruce A. Maguire, District 4, Chairman
 James E. Bryant, District 5, Vice Chair
 Cindi Stevenson, District 1
 Karen R. Stern, District 2
 Ben Rich, District 3
 Ben W. Adams, Jr., County Administrator
 Dan Bosanko, County Attorney
 Diane Gorski, Deputy Clerk

Also present: Cheryl Strickland, Clerk of Court; Alan MacDonald, Finance Director; Ted Zebrowsky and Scott Clem Assistant County Administrators

(02/09/05 - 1 - 9:00 a.m.)
Maguire called the meeting to order.

(02/09/05 - 1 - 9:01a.m.)
Rich gave the Invocation and Bryant led the Pledge of Allegiance.

(02/09/05 - 1 - 9:02 a.m.)
ROLL CALL

Maguire announced that all five Commissioners were present.

(02/09/05 - 1 - 9:03 a.m.)
PROCLAMATION DESIGNATING FEBRUARY 18, 2005 AS STEP UP FLORIDA DAY

Stern read the proclamation and presented it to Brad Hewitt and Jean Carver of the St. Johns County Health Department. Carver invited the Commissioners to the opening of the countywide fitness activity program beginning at Julington Creek on Friday, February 18. She said that participants would be bicycling, kayaking, rollerblading, walking and running fifty miles to the Flagler County Line at Marineland. She said that there would be a major event at Calvin Peete Park at 10:30 a.m. and invited everyone to participate in the walk to the downtown area. She said that refreshments, music and many fun activities would be provided. She was thankful for the Board's recognition.

(02/09/05 - 1 - 9:08 a.m.)
PROCLAMATION DESIGNATING FEBRUARY 2005 AS BLACK HISTORY MONTH

Bryant explained that black history was an integral part of Saint Augustine and spoke about Fort Mose and of the great Willie Galimore, NFL Football Player and local legend. He read the proclamation and presented it to Charles Ellis, President of Fort Mose who then thanked the Commissioners.

(02/09/05 - 2 - 9:13 a.m.)
ACCEPTANCE OF PROCLAMATIONS

Motion by Stern, seconded by Bryant, carried 5/0, to accept the proclamations.

(02/09/05 - 2 - 9:14 a.m.)
PUBLIC COMMENT

Jane Coleman, 6501 Greenland Road, representing Waste Management Corporation, the largest hauler and disposer of waste in North American said that the company operated fifteen landfills in Florida alone and seven transfer stations for solid waste or recycling. She mentioned that the County had an operating contract on the transfer station at Tillman Ridge that was due to expire and that the current contractor had no desire to extend the contract and that Waste Management would be responding to the forthcoming RFP's for the Tillman Ridge Transfer Station and the future Transfer Station located on Stratton Road. She spoke of the company's knowledge, experience and their ability to offer long-term disposal at a reasonable cost that would be environmentally friendly.

(9:17 a.m.) Bill Lazar, Director, St. Johns County Housing Partnership, announced that FEMA needed community volunteers to assist the public with filling out the FEMA Application and that there would be a workshop on Saturday, February 12, from 9:00 a.m. to noon at the Health and Human Services offices for anyone interested in volunteering.

(9:18 a.m.) Bill Harkness, 718 Nieves Lane, St. Augustine Shores, spoke in opposition to the purchase of Tract K and Unit 6 and Tract L and Unit 6, also known as Harbor Oaks.

(02/09/05 - 2 - 9:21 a.m.)
DELETIONS TO CONSENT AGENDA

Bryant asked that Consent Agenda Item No. 3 be pulled and added to the Regular Agenda as Item No. 1A.

Dan Bosanko, County Attorney asked that Consent Agenda Item No. 13 be pulled and rescheduled to a later date.

(02/09/05 - 2 - 9:22 a.m.)
APPROVAL OF CONSENT AGENDA

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

1. Approval of the Cash Requirement Report
2. Minutes:
 - 01/18/05 - BCC Special Meeting
 - 01/20/05 - BCC Special Meeting
3. A motion to adopt a resolution establishing a policy regarding the acquisition of pre-existing utility systems by the County's publicly-owned Water and Sewer Utility Department

This item was pulled from the Consent Agenda and added to the Regular Agenda as Item 1a.

4. A motion to approve the proposed collective bargaining agreement between St. Johns County and IAFF 3865, covering the time period from October 1, 2004 through September 30, 2007; and a motion to approve the transfer of \$648,159 from Fire District Reserves (1230-59920) to Fire Administration Regular Salaries and Benefits; and a motion to approve the transfer of \$395,131 from General Fund Reserves (0083-59920) to EMS Regular Salaries and Benefits
5. A motion to adopt **Resolution No. 2005-28**, extending the length of the agreement between St. Johns Vision, Inc., and St. Johns County from October 1, 2004 to September 30, 2005

RESOLUTION NO. 2005-28

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS, OF ST. JOHNS COUNTY, FLORIDA, AMENDING THE LENGTH OF AN AGREEMENT FOR SERVICES BETWEEN ST. JOHNS COUNTY AND THE ST. JOHNS VISION, INC. FOR A PERIOD OF TIME NOT TO EXCEED SEPTEMBER 30, 2005

6. A motion to adopt **Resolution No. 2005-29**, authorizing the County Administrator to sign the Letter of Agreement between St. Johns County and Clay and Baker Kids Net, Inc.

RESOLUTION NO. 2005-29

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS, OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE COUNTY ADMINISTRATOR TO SIGN THE LETTER OF AGREEMENT BETWEEN ST. JOHNS COUNTY COMMUNITY BASED CARE ("CBC") AND CLAY AND BAKER KIDS NET, INC.

7. A motion to adopt **Resolution No. 2005-30**, recognizing unanticipated revenue [Fund 0001-33410-1073-33410] in the amount of \$257,376.41 from the State of Florida, Department of State, Division of Elections, and appropriating it to the Elections Department [0030-55305] per the Memorandum of Agreement for Receipt and Use of Voting Systems Assistance Grant

RESOLUTION NO. 2005-30

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS, OF ST. JOHNS COUNTY, FLORIDA, AMENDING THE FISCAL YEAR 2005 GENERAL FUND BUDGET TO RECEIVE UNANTICIPATED REVENUE AND AUTHORIZE ITS EXPENDITURE BY THE ELECTIONS DEPARTMENT

8. A motion to adopt **Resolution No. 2005-31**, recognizing unanticipated revenue [Fund 1400-33460] in the amount of \$192,938 from the State of Florida Department of Children and Families and appropriating it to the Community Based Care Department [1401- 53120] per the second amendment to the St. Johns County Board of County Commissioners Contract DJ993 with the State of Florida Department of Children and Families

RESOLUTION NO. 2005-31

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS, OF ST. JOHNS COUNTY, FLORIDA, AMENDING THE FISCAL YEAR 2005 COMMUNITY BASED CARE FUND TO RECEIVE UNANTICIPATED REVENUE AND AUTHORIZE ITS EXPENDITURE BY THE COMMUNITY BASED CARE DEPARTMENT

9. A motion to establish February 23, 2005 at 5:30 p.m. and March 9, 2005 at 9:00 a.m. as public hearing dates to consider amendments to the Land Development Code
10. A motion to adopt **Resolution No. 2005-32**, authorizing the County Administrator to execute Amendment No. 1 to DEP Contract No. RP565 to increase the funding increment amount of the contract

RESOLUTION NO. 2005-32

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS, OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE EXECUTION OF AMENDMENT NO. 1 DEP CONTRACT NO. RP565, TO PROVIDE LIFEGUARDS TO ANASTASIA STATE RECREATION AREA

11. A motion to adopt **Resolution No. 2005-33**, authorizing the Commission Chairman to execute the DEP Agreement No. 05SJ2, the Beach Erosion Control Program, and to direct the County Recreation and Parks Department to request an advance payment from State Bureau of Beaches and Coastal Systems

RESOLUTION NO. 2005-33

AUTHORIZING THE EXECUTION OF AGREEMENT NO. 05SJ2 BETWEEN THE STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION, BUREAU OF BEACHES AND COASTAL SYSTEMS FOR THE BEACH EROSION CONTROL PROGRAM AND PROVIDING FOR A GRANT AGREEMENT FOR THE ST. JOHNS SHORE PROTECTION PROJECT

12. A motion to adopt **Resolution No. 2005-34**, changing the name of Benedict Leotta Dr. to Leotta Dr.

RESOLUTION NO. 2005-34

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS, OF ST. JOHNS COUNTY, FLORIDA, CHANGING A ROAD NAME FROM BENEDICT LEOTTA DR. TO LEOTTA DR.

13. Motion to adopt a resolution, approving a final plat for Cobblestone Way

This item was pulled from the Consent Agenda and will be rescheduled to a date uncertain.

14. A motion to adopt **Resolution No. 2005-35**, approving a final plat for Samara Lakes, Unit One

RESOLUTION NO. 2005-35

RESOLUTION OF THE BOARD OF THE COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA APPROVING A SUBDIVISION PLAT FOR SAMARA LAKES-UNIT ONE

15. A motion to adopt **Resolution No. 2005-36**, approving a final plat for Sevilla at World Commerce, Phase One

RESOLUTION NO. 2005-36

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA APPROVING A SUBDIVISION PLAT FOR SEVILLA AT WORLD COMMERCE PHASE ONE

16. A motion to adopt **Resolution No. 2005-37**, accepting an Easement for Utilities for water and sewer service to Six Mile Creek North Subdivision, Unit Five, Parcels 22 and 23, and accepting a Bill of Sale conveying all personal property associated with the water and sewer system

RESOLUTION NO. 2005-37

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS, OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING AN EASEMENT FOR UTILITIES FOR WATER AND SEWER SERVICE TO SIX MILE CREEK NORTH SUBDIVISION UNIT FIVE PARCELS 22 AND 23 AND ACCEPTING A BILL OF SALE CONVEYING ALL PERSONAL PROPERTY ASSOCIATED WITH THE WATER AND SEWER SYSTEM

17. A motion to adopt **Resolution No. 2005-38**, accepting a Deed of Dedication conveying the rights-of-way of the World Commerce Parkway and Ring Way to St. Johns County

RESOLUTION NO. 2005-38

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS, OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING A DEED OF DEDICATION CONVEYING THE RIGHTS-OF-WAY OF THE WORLD COMMERCE PARKWAY AND RING WAY TO ST. JOHNS COUNTY

18. A motion to authorize the County Administrator, or his designee, to purchase four new fire engines from Pierce Manufacturing, in the amount of \$1,139,986, from the Lake County Contract 99-150
19. A motion to authorize the County Administrator, or his designee, to enter into contract with J & H Waterstop, Inc., in the amount of \$199,140, for project titled Construction of 16th Street Gravity Sewer Manhole Rehabilitation, under Bid 05-24 (*See Attachment*)

20. A motion to declare the attached list of items as surplus and authorize Staff to dispose of same, in accordance with Purchasing Policy 308 and Florida Statute 274
21. A motion to declare the 1990 model LTI Aerial Platform as surplus and authorize Staff to dispose of same, in accordance with Purchasing Policy 308 and Florida Statute 274
22. A motion to authorize a Medicare repayment in the amount of \$29,514.58
23. Proofs:
 - a. Proof, Notice of Meeting, Board of County Commissioners, Special Meeting/Workshop, Thursday, January 20, 2005 at 9:00 a.m.
 - b. Proof, Notice of Meeting, Board of County Commissioners, Special Meeting/Workshop, Tuesday, January 18, 2005 at 9:00 a.m.
 - c. Proof, Notice of Meeting, St. Johns County Community Redevelopment Agency, Public Meeting, Wednesday, January 12, 2005 at 9:00 a.m.
 - d. Proof, Notice of Hearing, Board of County Commissioners, Sheriff's Career Service Act Ordinance, Wednesday, January 12, 2005 at 9:00 a.m.
 - e. Proof, Notice of Hearing, Board of County Commissioners, Alcohol Regulations Ordinance, Wednesday, January 12, 2005 at 9:00 a.m.
 - f. Proof, Notice to Bidders, Bid No. 05-56
 - g. Proof, Notice to Bidders, Bid No. 05-58
 - h. Proof, Notice to Bidders, Bid No. 05-59
 - i. Proof, Notice to Bidders, Bid No. 05-60
 - j. Proof, Certificate of Liability Insurance, Star Environmental Services, LLC
 - k. Proof, Certificate of Liability Insurance, Basic Chemical Solutions, LLC
 - l. Proof, Certificate of Liability Insurance, South East Personnel Leasing
 - m. Proof, Certificate of Liability Insurance, Modern Business Associates, Inc., et al
 - n. Proof, Certificate of Liability Insurance, Builder Services of North Florida
 - o. Proof, Notice of Meeting, Board of County Commissioners, Special Meeting/Workshop, Wednesday, December 8, 2004 at 6:00 p.m. at Rawlings Elementary School
 - p. Proof, Notice of Meeting, Board of County Commissioners, Special Meeting, Monday, December 20, 2004 at 9:00 a.m.
 - q. Proof, Notice of Meeting, St. Johns County Community Redevelopment Agency, Public Meeting, Wednesday, December 15, 2004 at 9:00 a.m.
 - r. Proof, Notice of Cancelled Meeting, Board of County Commissioners, Special Meeting and Public Hearing scheduled for Monday, December 20, 2004 at 9:00 a.m.
 - s. Proof, Notice of Meeting, Intergovernmental Committee schedule change, meeting every other month commencing January 5, 2005
 - t. Proof, Notice of Meeting, Town Meeting concerning Beach Access requested by Commissioner Bruce Maguire, January 15, 2005 from 2:00 p.m. to 4:00 p.m. at the Ponte Vedra Branch Library
 - u. Proof, Notice of Meeting, Economic Development Council and St. Augustine and St. Johns County Chamber of Commerce Quarterly Luncheon, State of the County Address, Thursday, December 9, 2004
 - v. Proof, Notice of Hearing, St. Johns County Water & Sewer Authority, Public Hearing on application of Intercoastal Utilities, January 12-13, 2005 from 9:00 a.m. to 5:00 p.m.
 - w. Proof, Notice of Meeting, Value Adjustment Board of St. Johns County, Final Meeting, Thursday, December 16, 2004 at 9:00 a.m.

- x. Proof, Notice to Bidders, Bid No. 05-46
- y. Proof, Notice to Bidders, Bid No. 05-49
- z. Proof, Notice to Bidders, Bid No. 05-51
- aa. Proof, Notice to Bidders, RFP No. 05-52
- bb. Proof, Notice to Bidders, Construction Bids, Restoration of Horse Barn at Alpine Groves Park
- cc. Proof, Certificate of Liability Insurance, Odyssey Manufacturing Co.
- dd. Proof, Certificate of Liability Insurance, BNC, Inc.
- ee. Proof, Certificate of Liability Insurance, Allied Universal Corp Transportation Services
- ff. Proof, Certificate of Liability Insurance, Airgas Carbonic, Inc.

(02/09/05 - 7 - 9:23)

ADDITIONS/DELETIONS TO REGULAR AGENDA

Maguire added the Canopy Shores Project to the Regular Agenda as Item No. 16. and mentioned moving Consent Item No. 3 to the Regular Agenda as Item 1a.

(02/09/05 - 7 - 9:23)

APPROVAL OF REGULAR AGENDA

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

(02/09/05 - 7 - 9:23 a.m.)

1. DISCUSSION ON PROCEDURES FOR HOLDING A PUBLIC HEARING IN ACCORDANCE WITH SECTION 125.3401, FLORIDA STATUTES

Bosanko gave an overview of the procedure for holding a public hearing in accordance with section 125.3401, Florida Statutes.

(9:38 a.m.) Robert Huhta, 204 Greencrest Drive, requested that the Board postpone their decision until after the County Acquisition Policy was resolved and the Board had enough information to make a fair, unbiased judgment. He said that the cost of purchasing the St. Johns Service Company (SJSC) was too high and that he did not oppose the County purchasing a utility as long as the price was reasonable and at fair market value as determined by an independent source. He said that there were many persons willing to offer to help and lend their "expertise" to the County. (9:42 a.m.) Rich said that he shared some of these concerns and reminded Huhta that the County Acquisition Policy had been pulled from the Consent Agenda and would be reviewed as a Regular Agenda Item today.

(9:42 a.m.) Michael Twomey, Esquire, representing several Homeowners Associations within Ponte Vedra, addressed the 125.3401 hearing process; notice issues and shared his interpretation of the statute.

(9:52 a.m.) Marcy Silkenbachen, 1145 Neck Road, said that a motion within the minutes of the July 13, 2004 meeting minutes directed the County Administrator to develop a contract with Post, Buckley, Schuh and Jernigan for Phase I of a Comprehensive Valuation and Feasibility and Analysis of the SJSC Utility not to exceed \$50,000, to be paid for by the SJSC Utility and the cost of the study to be recovered by the SJSC Utility, if the County determines to acquire the utility. She said that an email from Joe Vonasek dated 04/01/2003 stated that SJSC would pay the \$42,600 to Hartman and Associates for that study.

(9:53 a.m.) Bosanko said that the notice procedure for the 125.3401 hearing would meet the minimum legal requirements. He said that \$42,600 had been expended some time ago and that Mr. Walsh had been paid by the County for consulting with the County Administrator to advise him directly about price issues. (9:54 a.m.) John Schwab, Special Projects Manager clarified that the money had been deposited into the County's Budget, the County solicited and received information from different Engineering Firms and that the County had selected both Engineering Firms independently. (9:55 a.m.) Bryant asked for clarification on Twomey's request for a price to be determined pre-hearing and Bosanko explained various alternatives. He said that the Board had directed Adams to carryout a review and then recommend a price to the Board, that Adams was finalizing a recommended price for the utility and that a report would be ready by February 16, 2005 for public perusal. He explained that a decision to set the date for a 125.3401 hearing did not have to be advertised as a required action nor would it require a particular advertisement. There was a discussion relating to procedures, setting a 125.3401 hearing, the State Statute; the County's options relating to setting rate structures for private utility company's; surcharges and the acquisition of private utilities by government entities. (10:07 a.m.) Twomey reviewed the Florida Statute Section 180.191 that addressed Powers of Municipalities to operate their water and sewer systems both within their municipal boundaries that contained a provision, which stated that surcharges were allowed outside the Utility's' Municipal boundaries and a discussion ensued. (10:13 a.m.) Bryant stated that he was not opposed to purchasing the SJSC, but that he was opposed to paying a high purchase price that would increase the consumers' rates. Twomey asserted that the price for the utility that was currently under consideration by County Staff was too high. (10:15 a.m.) Stevenson questioned Bosanko regarding surcharges and Bosanko said that he would provide Kathryn Cowdery, Esquire with a transcript of this discussion and ask her to address the specific issues addressed within the discussion and share her responses with the Board. There was a brief discussion regarding the City of St. Augustine Utility Department's practice of billing everyone outside the City limits a 25% surcharge.

(02/09/05 - 8 - 10:18 a.m.)

1a. UTILITY ACQUISITION POLICY

Bosanko stated that he, Michael Hunt, Deputy County Attorney and Bill Young, Utility Director had met to determine how to implement the directions given by the Board regarding writing the policy at the last meeting. He asked someone to read the sentence that had been added into the policy by Young that addressed the rate increase issue. Rich read the following sentence into the record: *"This will be done to retain revenues derived from water and waste water utility services within the County"* and noted that it was a replacement for the strike *"...on such acquisitions will be considered when revenues from newly acquired systems will provide cost effective blended rate structures, both the time of acquisition and the future"*. Schwab clarified that rates would not increase if they were attributed to the acquisition of the utility and explained that the statement disallowed the County the ability to acquire a utility. (10:21 a.m.) Bryant said that the Board had intended for the policy to give the County flexibility. (10:21 a.m.) Robert Huhta, 204 Greencrest Drive suggested that the language in the policy include that there be no increase in consumer rates directly attributable to acquisition. (10:22 a.m.) Bryant said that it would not be possible to acquire a utility and not increase rates particularly if a dilapidated system was acquired and Huhta disagreed stating that he thought the County could acquire a perfectly well working utility using his proposed methodology when looking at the present rate structure and what the ability of the going concern could earn and what its value was. He asserted that a utility could be acquired by its going concern value. (10:24 a.m.) Bryant suggested that a general policy statement that included generic conditions and generic statements allowing for discussion or implementation was needed. (10:26 a.m.) Huhta offered his assistance to the county.

(10:27 a.m.) Stevenson said that she would not support language that would disallow the County from purchasing a private utility. (10:28 a.m.) Bosanko explained that Huhta's proposed language ignored the bench mark given by the law and that the owner of a utility company that the County might acquire could always say that they were not willing to negotiate and force the county to take the utility through the court process. He explained that there were specific ways to calculate the fair market value of a utility. (10:30 a.m.) Stern suggested continued revision of the policy and said that she supported the addition of Paragraph E *"an existing utility system will not be acquired by the County for the primary purpose of reducing pre-existing County utility rates"* and wondered if additional language could be added to not prevent the County from acquiring a private utility. (10:31 a.m.) Rich asked if the current policy met legal requirements and Bosanko concurred. (10:32 a.m.) Maguire suggested adding the following to the end of Paragraph E *"an existing utility system will not be acquired for the primary purpose of reducing pre-existing County Utility rates, "when practical, there should be no rate increase based solely on acquisition cost"* and Bryant concurred. (10:34 a.m.) **Motion by Maguire, seconded by Rich, carried 5/0, to adopt Resolution No. 2005-39, establishing a policy regarding the acquisition of pre-existing utility systems by the County's publicly-owned Water and Sewer Utility Department to include at the end of Paragraph E "when practical, there should be no rate increase based solely on acquisition cost."** (10:35 a.m.) Twomey explained that a utility could be purchased by paying an amount above the existing rate base of a utility and still come out with lower rates, notwithstanding the acquisition costs because the County did not have to pay the taxes that a private utility paid; the County achieved substantially lower interest rates on their indebtedness than private industry; and that Staff could claim that a greater operating efficiency would be achieved. He said that the reality was that lower rates or equal rates could be achieved when purchasing a private utility. (10:36 a.m.) Bryant said that those issues were the particulars to his fiduciary responsibility and would be addressed at a later date. (10:37 a.m.) Stern asked Bosanko if the language was suitable and he concurred.

RESOLUTION NO. 2005-39

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS, OF ST. JOHNS COUNTY, FLORIDA, ESTABLISHING A POLICY REGARDING THE ACQUISITION OF PRE-EXISTING UTILITY SYSTEMS BY THE COUNTY'S PUBLICLY OWNED WATER AND SEWER UTILITY

The meeting recessed at 10:39 a.m. and reconvened at 10:53 a.m.

(10:54 a.m.) Huhta spoke in favor of the language added by Maguire in Resolution 2005-39. He referred to the 125.3401 hearing and provided his personal views on the issue. (10:57 a.m.) Maguire stated that buying a system at the right price was the critical issue and directed Adams to add a 125.3401 discussion to include the purchase price to the February 23, 2005 Board Meeting Agenda. (10:58 a.m.) Bosanko asked if the price should be worked up as a stand alone-system and Maguire concurred.

(02/09/05 - 10 - 10:59 a.m.)

2. PRESENTATION ON LAKE ROAD AND RUTILE DRIVE BRIDGE REPLACEMENTS

Darrell Locklear, P.E., County Engineer, introduced HDR consultant Bob Walters who then provided a PowerPoint Presentation relating to the Lake Road and Rutile Bridge replacement projects. (11:02 a.m.) Maguire asked how the sufficiency rating was determined and Walters explained that there were many factors including the load-rating determination that was done by calculations and assessed the condition of the members, functionality, bridge railings, approaches, and etcetera.

(11:09 a.m.) Carl Blessing, 12 La Vista Drive gave kudos' and thanks to the County Staff and the project Consultants. He said that they had done a wonderful job keeping the community informed and looked forward to a job well done.

(02/09/05 - 10 - 11:11 a.m.)

3. PRESENTATION ON STATE ROAD 9B PROJECT DEVELOPMENT AND ENVIRONMENTAL STUDY

David Anderson, FDOT, introduced Bob Alderman, HNTB Engineer, who then gave a PowerPoint Presentation (Exhibit A) that provided a 9B project development and environmental study progress report. (11:27 a.m.) Bryant mentioned that Congressman Mica had been working to provide money for this project and asked what affect that would have on the project and Anderson responded that the project could be accelerated. (11:29 a.m.) Stevenson asked about the relocated alignment of Race Track Road and Joe Stephenson, Public works director answered that the FDOT would address impact issues related to the road construction.

(02/09/05 - 10 - 11:30 a.m.)

4. UPDATE AND DISCUSSION ON CR 2209 (NORTH SOUTH CORRIDOR) CONSERVATION EASEMENT IMPACTS AND ACTIONS

Joe Stephenson, Public Works Director reviewed the proposed CR 2209 project conservation easement impacts and subsequent actions. He stated that the County needed to prepare the Environmental Resources Permit per St. Johns River Water Management District requirement and that an eminent domain action needed to be filed because ownership was necessary in obtaining a permit. He reviewed alternatives. He asked the Board to choose a corridor and to approve a resolution allowing for eminent domain on the Rayland property. (11:44 a.m.) Stern clarified that a decision was needed today and asked Dan Kristoff, P.E. for his opinion regarding which corridor choice would cost the least. (11:47 a.m.) Rich stated that he understood that there were no homes or persons that would be displaced by approving eminent domain and Stephenson concurred. (11:49 a.m.) Stevenson asked if there would be access issues involved in choosing the red corridor and Stephenson answered that all issues would be resolved during the development process if they occurred. (11:50 a.m.) **Motion by Stern, seconded by Stevenson, carried 5/0, to go forward with the red alignment through the Rayland tract.** Stephenson introduced Joel Settembrini, Eminent Domain Attorney, who explained the processes involved in eminent domain acquisition. (11:53 a.m.) Maguire clarified that the Board would give approval and that the Board would need no further action. (11:54 a.m.) Lopez explained the judicial process to the Board and asked Settembrini to explain the Quick Take procedure. He reviewed Florida Statute 73.021 and recommended the Slow Take procedure. Discussion regarding Eminent Domain actions ensued. (11:59 a.m.) Maguire asked Stephenson if he was requesting a Quick Take action. Bosanko explained that the Slow Take option gave the County the option to say no thank you and pay the attorneys on both sides and to

approach legislature to move the road. (12:01 p.m.) Stevenson asked for clarification on Stephenson's request for a Quick Take and Stephenson responded. Settembrini clarified the difference between expensive and valuable. (12:03 p.m.) Bryant clarified that the land was conservation land and not developable. (12:03 p.m.) **Motion by Bryant, seconded by Stevenson, carried 5/0, adopting Resolution 2005-40, declaring the public purpose and public necessity for exercising the right and power of eminent domain to acquire certain real property consisting of two fee simple parcels as described below for the construction of a county roadway; directing the county attorney to institute condemnation proceedings.**

RESOLUTION NO. 2005-40

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS, OF ST. JOHNS COUNTY, FLORIDA, DECLARING THE PUBLIC PURPOSE AND PUBLIC NECESSITY FOR EXERCISING THE RIGHT AND POWER OF EMINENT DOMAIN TO A ACQUIRE CERTAIN REAL PROPERTY CONSISTING OF TWO FEE SIMPLE PARCELS AS DESCRIBED BELOW FOR THE CONSTRUCTION OF A COUNTY ROADWAY; DIRECTING THE COUNTY ATTORNEY TO INSTITUTE CONDEMNATION PROCEEDINGS.

The meeting was recessed for lunch at 12:07 p.m. and reconvened at 1:30 p.m. with Maguire, Bryant, Rich, Stern, Stevenson, Adams, Bosanko, Hunt, MacDonald and Deputy Clerk Lenora Newsome.

(02/09/05 - 11 - 1:31 p.m.)

5. PRESENTATION ON BEACH TOLL REVENUES AND PROPOSED PILOT PROGRAM

Dave Williams, Aquatics Superintendent, gave the background on the beach revenues, stating that driving and parking on the beach were the major revenues from beach tolls, (Exhibit A). He spoke on vehicle accidents on the beach, increasing traffic control in off seasons, needing to provide additional revenues for the beach and explained how. Williams spoke on deciding what the beach season dates would be and if it would be expanded. He described the benefits and the disadvantages of the automation system, and stated that they would still need staff. Williams stated that they needed direction on how to proceed and handle the beach tolls.

(1:45 p.m.) John Daniels, District Manager for Central Parking Systems, explained what they offered, so they could show how much this system could help. Discussion followed on the proposal being solicited by Williams. Bryant mentioned receiving e-mails regarding beach parking, (Exhibit B). Williams stated that there would be no changes in the annual passes.

(1:53 p.m.) Donald Terrill, 2200 S A1A Highway, Commissioner of St. Augustine Beach, asked the County to remove the county pier from the off-beach parking list.

(1:55 p.m.) William Rosenstock, 57 White Court, mentioned that there were national parks that didn't charge for off-beach parking. He spoke on the beach toll taker and being concerned about outsourcing.

(2:00 p.m.) Robert Samuels, 110 Mickler Blvd., President of the St. Augustine Beach Association, mentioned that he was glad that they were not having beach parking at the park.

(2:01 p.m.) Colonel Frank Mathis, Director of Operations at the Sheriff's Office, spoke on having someone greet people as they enter the beach.

(2:03 p.m.) Bryant spoke on special issues at Crescent Beach, St. Augustine Beach, and Ponte Vedra Beach, which made it not feasible to implement parking in those areas. Williams spoke on beach driving parking fees, and off-beach parking areas. Bryant stated that they didn't want to penalize local beach goers. Discussion followed on the system being used in other counties, and extending the hours in the season. (2:18 p.m.) ***There was a consensus of the Board, with the exception of Rich, to ask Williams to bring back a proposal to the Board.*** Bosanko left the meeting and Patrick McCormack, Assistant County Attorney, entered the meeting.

(02/09/05 - 12 - 2:19 p.m.)

6. PUBLIC HEARING - PNZVAR 04-012 BROWN/GRABLE NORTH BEACH PROPERTY - THIS IS A VARIANCE REQUEST TO SECTIONS 6.04.07.A.2 AND 6.04.07.F OF ST JOHNS COUNTY LAND DEVELOPMENT CODE TO EXTEND 150 FEET OF UNPAVED, COUNTY MAINTAINED ROAD AN ADDITIONAL 50 FEET WITHIN PLATTED COUNTY RIGHT-OF-WAY TO PROVIDE ACCESS TO ONE SINGLE FAMILY RESIDENCE TO BE CONSTRUCTED ON TWO LOTS. THE PROPERTY IS LOCATED AT 407 SECOND STREET, LOTS 7 & 9 OF BLOCK 6 OF NORTH BEACH, AS RECORDED IN MAP BOOK 3, PAGE 28. SECOND STREET, AT THE LOCATION IN QUESTION, CURRENTLY EXTENDS APPROXIMATELY 150 FEET EAST FROM MYRTLE STREET. THE COUNTY MAINTAINS IT AS A GRAVEL ROAD. THE APPLICANT WISHES TO EXTEND SECOND STREET AS A GRAVEL ROAD AN ADDITIONAL 50 FEET TO PROVIDE ACCESS TO LOTS 7 & 9. SECTION 6.04.07.A.2 OF THE LAND DEVELOPMENT CODE REQUIRES THAT PREVIOUSLY PLATTED ROADWAYS, WHICH HAVE NOT BEEN CONSTRUCTED, ARE SUBJECT TO THE REQUIREMENTS OF 6.04.00, "ROADWAYS, DRAINAGE AND UTILITY STANDARDS". SECTION 6.04.07 ADDRESSES PAVING REQUIREMENTS

Proof of publication regarding the Notice of Public Hearing for PNZVAR 2004-012 was received, having been published in *The St. Augustine Record* on January 25, 2005.

William Kennedy, PE, Engineer II, stated that the request was to extend a county maintained gravel road. (2:20 p.m.) Maguire left the meeting.

(2:21 p.m.) Karen Taylor stated that this request was to open, up to 50 feet of Second Street, (Exhibit A and Exhibit B).

(2:24 p.m.) Burgess Autrey, 410 Second Street, spoke in opposition of the 50 feet and stated that 25 feet would be sufficient. He spoke on keeping the road as a gravel road and not paving it. (2:26 p.m.) Maguire entered the meeting.

(2:25 p.m.) Taylor clarified that they were only asking for up to the 50 feet in case they needed it. Maguire stated that this was not a closed road. McCormack spoke on the up to 50 feet, stating that the Board could make it a requirement, that it be a variance for 25 feet up to the distance required to meet local regulations with a maximum of 50 feet. (2:29 p.m.) **Motion by Bryant, seconded by Stern, to approve PNZVAR 04-012 based upon the evidence provided for all of the Five Findings of Fact 1 through 5 and with the wordage that it be a minimum of 25 feet and the distance required to comply with local regulations up to a maximum of 50 feet and that this does not in any way substantiate the balance of the road being closed off.** Kennedy pointed out that the

County had Second Street on the agenda to be paved under the Dirt Road Improvement Program within the next six months. **The motion carried 5/0.**

(02/09/05 - 13 - 2:32 p.m.)

7. PUBLIC HEARING - CPA (SS) 2004-05 BENNETT RESIDENCE SMALL SCALE COMPREHENSIVE PLAN AMENDMENT - THIS IS A PROPOSED SMALL SCALE COMPREHENSIVE PLAN AMENDMENT TO AMEND THE FUTURE LAND USE MAP FROM INDUSTRIAL (I) TO MIXED USE DISTRICT (MD) DESIGNATION. THE SUBJECT PROPERTY IS LOCATED AT 125-F INTERNATIONAL GOLF PARKWAY, SOUTH AND WEST OF THE INTERSECTION OF INTERNATIONAL GOLF PARKWAY AND US HIGHWAY 1 NORTH, NEAR THE WEST SIDE OF THE FLORIDA EAST COAST RAILWAY IN ST. AUGUSTINE, FLORIDA. THE SUBJECT PROPERTY IS CURRENTLY ZONED OPEN RURAL (OR). THE PROPERTY CONTAINS APPROXIMATELY TWO ACRES OF MOSTLY CLEARED LAND ACCESSED BY A LONG, WINDING DRIVEWAY, THAT LEADS FROM INTERNATIONAL GOLF PARKWAY AND THAT ALSO PROVIDES ACCESS TO CSR RINKER, RB BAKER CONSTRUCTION, MCP MASTER CONSTRUCTION PRODUCTS, INC., AND SEVERAL RESIDENCES, BEFORE IT PASSES THE SUBJECT PROPERTY TO REACH PROPERTY POSTED BY NORTHRUP GRUMMAN. THE EXISTING OPEN RURAL ZONING PERMITS THE CURRENT USE OF THE SITE AS A HOMESTEAD, DEVELOPED WITH A SINGLE-FAMILY HOUSE, OUTBUILDINGS AND SIMILAR ACCESSORY RURAL RESIDENTIAL STRUCTURES. IN AUGUST 2004, THE HOUSE WAS COMPLETELY DESTROYED BY FIRE. THE SUBJECT PROPERTY CONTAINS A RECREATIONAL VEHICLE (PER TEMPORARY USE PERMIT #TUP2004000004), A SINGLEWIDE MOBILE HOME THAT IS USED FOR STORAGE, AND A FENCED AREA FOR ANIMALS WITH ASSOCIATED STRUCTURES AND CONTAINERS. THE PROPERTY OWNER INTENDS TO REBUILD THE HOUSE AND CONTINUE TO LIVE AT THIS LOCATION. THE TEMPORARY USE PERMIT (TPU) ENABLES THE PROPERTY OWNER TO TEMPORARILY RESIDE ON THE PROPERTY WITHIN A TRAVEL TRAILER, IN ORDER TO CARE FOR AND MAINTAIN ANIMALS AND PERSONAL PROPERTY AT THIS LOCATION. THE PROPERTY OWNER IS BUILDING THE HOUSE AS AN OWNER/BUILDER AND HAS REQUESTED THREE YEARS TO COMPLETE THE HOUSE. THE TEMPORARY USE PERMIT GRANTED BY THE COUNTY TO THE PROPERTY OWNER IS FOR A THREE-YEAR PERIOD. AT ITS MEETING ON JANUARY 20TH, THE PLANNING AND ZONING AGENCY UNANIMOUSLY RECOMMENDED APPROVAL OF THE REQUEST

Proof of publication regarding the Notice of Public Hearing for a proposed small-scale amendment (CPA(SS)2004-05, Bennett Residence) was received, having been published in *The St. Augustine Record* on December 31, 2004.

Hunt left the meeting and Isabelle Lopez, Senior Assistant County Attorney, entered the meeting. Donna Godfrey, AICP, Senior Planner, mentioned that there was a Comprehensive Plan Amendment Citizens Courtesy Information List for anyone who would like to hear from the State on the status of this item.

(2:32 p.m.) Tina Wilson, 125 International Drive, stated that she had nothing to add.

(2:33 p.m.) Motion by Maguire, seconded by Rich, carried 5/0, to enact Ordinance No. 2005-8, known as CPA(SS) 2004-05 Bennett Residence Small Scale Comprehensive Plan Amendment, adopting the three Findings of Fact to support the motion.

ORDINANCE NO 2005-8

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, AMENDING 2015 COMPREHENSIVE PLAN, ORDINANCE NO. 2000-34, AS AMENDED, TO CHANGE THE FUTURE LAND USE MAP DESIGNATION FROM INDUSTRIAL (I) TO MIXED USE DISTRICT (MD) FOR PROPERTY LOCATED AT 125-F INTERNATIONAL GOLF PARKWAY, SOUTH AND WEST OF THE INTERSECTION OF INTERNATIONAL GOLF PARKWAY AND US 1 NORTH, NEAR THE WEST SIDE OF THE FLORIDA EAST COAST RAILWAY; PROVIDING FOR FINDINGS OF FACT; FINDINGS OF CONSISTENCY; SEVERABILITY, AND AN EFFECTIVE DATE

(02/09/05 - 14 - 2:33 p.m.)

8. PUBLIC HEARING - PUD 2004-26 BIG OAKS PLANNED UNIT DEVELOPMENT - THIS REQUEST SEEKS TO REZONE APPROXIMATELY 39.57 ACRES LOCATED IN THE NORTH OF STATE ROAD 16, IMMEDIATELY WEST OF WOODLAWN ROAD, SOUTH OF KENNEDY DRIVE FOR THE DEVELOPMENT OF 63 SINGLE FAMILY RESIDENTIAL UNITS. THE PROJECT CONTAINS 8.60 ACRES OF WETLANDS; 0.35 ACRES OF WHICH WILL BE IMPACTED. THE PROJECT IS UNEQUALLY DIVIDED BETWEEN TWO LAND USE CATEGORIES: MIXED USE AND RESIDENTIAL C. THE MAJORITY OF THE SITE IS LOCATED IN THE MIXED USE LAND USE CATEGORY; WHICH PROVIDES FOR A DENSITY OF 13 DU/AC. THE PROJECT HAS A NET DENSITY OF 2.25 UNITS PER ACRE. MINIMUM LOT DIMENSIONS ARE PROPOSED AS SIXTY (60) FEET WIDE BY ONE HUNDRED (100) FEET IN DEPTH. A MINIMUM OF 1.46 ACRES OF ACTIVE RECREATION WILL BE PROVIDED IN A SINGLE LOCATION WITHIN THE NORTHERN PORTION OF THE SITE. PROPOSED RECREATION FACILITIES INCLUDE A CHILD'S PLAYScape (TOT-LOT), EXERCISE/WALKING/JOGGING PATH, A GRASSED FIELD AND A PASSIVE PARK. FOUR (4) FOOT WIDE SIDEWALKS WILL BE PROVIDED ALONG ONE SIDE OF ALL INTERNAL ROADS AND THE PROVISION OF FIVE (5) FOOT WIDE SIDEWALKS ALONG WOODLAWN ROAD. OPEN SPACE WILL BE PROVIDED THROUGH 9.89 ACRES INCLUDING THE RECREATION AREAS, CONSERVATION AREAS AND BUFFER AREAS. THE PROPERTY IS LOCATED IN THE "MEDIUM PROBABILITY" ZONE ACCORDING TO THE ST. JOHNS COUNTY FINAL ARCHAEOLOGICAL PREDICTIVE MODEL. AN ARCHAEOLOGICAL STUDY HAS BEEN COMPLETED FOR THE SUBJECT PROPERTY; HOWEVER CONFIRMATION FROM THE STATE HISTORIC PRESERVATION OFFICE HAS YET TO BE RECEIVED. APPROVAL OF THE STUDY AND A DETERMINATION OF FINAL ACTION WILL BE REQUIRED PRIOR TO ISSUANCE OF DEVELOPMENT PERMITS AND/OR CONSTRUCTION PLANS. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS REZONING REQUEST AT THE JANUARY 6, 2005 HEARING BY A VOTE OF 5/1 THROUGH THE ADDITION OF TWO FINDINGS OF FACT: #8) A FINAL CERTIFICATE OF CONCURRENCY SHALL BE ISSUED FOR THE PROPERTY AND #9) A

SETTLEMENT SHALL BE REACHED REGARDING THE PRIVATE DISPUTE OVER PROPERTY OWNERSHIP. THE DISSENTING VOTE WAS MADE OVER CONCERNS REGARDING THE PRIVATE PROPERTY DISPUTE AS WELL AS COMPATIBILITY/TIMING GIVEN THE ADJACENT, SURROUNDING ZONING OF OPEN RURAL TO THE PROPOSED PLANNED UNIT DEVELOPMENT

Proof of publication regarding the Notice of Public Hearing for PUD 2004-26 (Big Oaks) was received, having been published in *The St. Augustine Record* on January 25, 2005.

Lindsay Haga, Planner II, pointed out two changes with the project; the revised copy of the Board's Staff Report, the legal descriptions and the PUD text and the map which replaced the portions that were in the recorded document section, and the other one was the concurrency certificate, the State Historic Preservation Confirmation Letter from historical resources and the ownership information. (2:34 p.m.) Lopez left the meeting.

(2:35 p.m.) Gary Davenport, 3266 Pacetti Road, spoke on the neighbors' concerns.

(2:36 p.m.) Jerry Grafft, 1665A Woodlawn Road, spoke in favor of this project.

(2:38 p.m.) Stern disclosed ex-parte communication with Davenport on site and discussed various aspects of this proposal. (2:38 p.m.) **Motion by Stern, seconded by Bryant, to enact Ordinance No. 2005-9, known as PUD 2004-26 Big Oaks PUD adopting Findings of Fact 1 through 7 to support the motion.** Rich suggested striking Waiver one because he was not in favor of it. *Amendment to motion by Rich, to strike Waiver one from Big Oaks PUD and have them follow the normal Land Development Code Regulations.* Bishop stated that, without the waiver the PUD was not consistent. *Amendment to motion failed due to no second.* **The motion carried 5/0.**

ORDINANCE NO. 2005-9

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

(02/09/05 - 15 - 2:44 p.m.)

9. PUBLIC HEARING - REZ 2004-32 REGENCY SQUARE - THIS IS A REQUEST TO REZONE 0.40 ACRES FROM COMMERCIAL GENERAL (CG) TO COMMERCIAL INTENSIVE (CI) FOR A CAR REPAIR AND TIRE CENTER. THE PARCEL IS LOCATED ON THE NORTH SIDE OF STATE ROAD 207 AND IS ON THE WEST SIDE OF PINECREST STREET. THE SUBJECT PROPERTY IS LOCATED IN THE MIXED USE LAND USE CATEGORY, AS DEPICTED ON THE 2015 FUTURE LAND USE MAP. CENTRAL WATER AND SEWER WILL BE PROVIDED BY THE CITY OF ST. AUGUSTINE. ADJACENT ZONINGS INCLUDE OPEN RURAL (OR), RESIDENTIAL GENERAL (RG-1), COMMERCIAL INTENSIVE (CI), AND COMMERCIAL GENERAL (CG). THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS REQUEST BY A VOTE OF 5/0 AT THEIR JANUARY 6, 2005 MEETING

Proof of publication regarding the Notice of Public Hearing for REZ 2004-32 (Regency Square) was received, having been published in *The St. Augustine Record* on January 25, 2005.

Bruce Ford, Chief Planner, pointed out one correction, that the Staff Report referencing the PZA recommended approval of a vote of 5/0 should be 6/0.

(2:45 p.m.) Rob Matthews, 304 Sixteenth Street, stated that he had no changes.

(2:45 p.m.) **Motion by Stern, seconded by Stevenson, carried 5/0, to enact Ordinance No. 2005-10, known as REZ 2004-32 Regency Square, adopting Findings of Fact 1 through 4 to support the motion.**

ORDINANCE NO. 2005-10

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

(02/09/05 - 16 - 2:46 p.m.)

10. PUBLIC HEARING - REZ 2004-33 MARTIN/BROWNING - THIS REQUEST SEEKS TO REZONE 2.04 ACRES FROM OPEN RURAL (OR) TO SINGLE FAMILY RESIDENTIAL (RS-2) FOR THE DIVISION OF PROPERTY TO ALLOW AN EXISTING HOUSE ON ½ ACRE AND A FUTURE HOME ON 1 ½ ACRE. THE PARCEL IS LOCATED ON THE WEST SIDE OF CARTER ROAD JUST SOUTH OF WILDWOOD DRIVE AND IS IN THE RESIDENTIAL B LAND USE AREA AS DEPICTED ON THE FUTURE LAND USE MAP. CENTRAL WATER WILL BE PROVIDED BY ST. JOHNS COUNTY UTILITIES DEPARTMENT, SEPTIC TANKS WILL BE USED FOR SEWER. ADJACENT ZONINGS ARE OPEN RURAL (OR), SINGLE FAMILY RESIDENTIAL (RS-2), AND SINGLE FAMILY RESIDENTIAL (RS-3). THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS REQUEST BY A VOTE OF 5/0 (WITH ONE MEMBER ABSENT) AT THEIR DECEMBER 16, 2004 MEETING

Proof of publication regarding the Notice of Public Hearing for REZ 2004-33 (Martin/Browning) was received, having been published in *The St. Augustine Record* on January 25, 2005.

Bruce Ford, Chief Planner, same change as Item 9 on the vote.

(2:46 p.m.) Mark Martin, 134 Orchis Road, stated that he had no changes.

(2:46 p.m.) **Motion by Rich, seconded by Stevenson, carried 5/0, to enact Ordinance No. 2005-11, known as REZ 2004-33 Martin/Browning, adopting Findings of Fact 1 through 4 to support the motion.**

ORDINANCE NO. 2005-11

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

ZONING CLASSIFICATION OF OPEN RURAL (OR) TO SINGLE FAMILY RESIDENTIAL (RS-2); MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE

(02/09/05 - 17 - 2:46 p.m.)

11. PUBLIC HEARING - REZ 2004-34 DAVE'S AUTO SALES - THIS IS A REQUEST TO REZONE 4.92 ACRES FROM INDUSTRIAL WAREHOUSING (IW) TO COMMERCIAL INTENSIVE (CI) FOR AN AUTOMOBILE DEALERSHIP. THE PARCEL IS LOCATED ON THE SOUTH SIDE OF STATE ROAD 16 APPROXIMATELY ½ MILE EAST OF INTERSTATE 95 AND IS LOCATED IN THE MIXED USE LAND USE CATEGORY, AS DEPICTED ON THE 2015 FUTURE LAND USE MAP. THE ST. JOHNS COUNTY UTILITY DEPARTMENT WILL PROVIDE CENTRAL WATER AND SEWER. ADJACENT ZONINGS INCLUDE OPEN RURAL (OR), PLANNED SPECIAL DISTRICT (PSD), COMMERCIAL INTENSIVE (CI), COMMERCIAL GENERAL (CG) AND PLANNED UNIT DEVELOPMENT (PUD). THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS REQUEST BY A VOTE OF 5/0 AT THEIR JANUARY 6, 2005 MEETING

Proof of publication regarding the Notice of Public Hearing for REZ 2004-34 (Dave's Auto Sales) was received, having been published in *The St. Augustine Record* on January 25, 2005.

Bruce Ford, Chief Planner, stated the change was the same as Item 9 regarding the PZA votes. Adjacent property owner forms were handed in, Exhibit A.

(2:47 p.m.) Rob Matthews, 304 Sixteenth Street, stated there were no changes.

(2:47 p.m.) **Motion by Stern, seconded by Stevenson, carried 5/0, to enact Ordinance No. 2005-12, known as REZ 2004-34 Dave's Auto Sales, adopting Findings of Fact 1 through 4 to support the motion.**

ORDINANCE NO. 2005-12

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

(02/09/05 - 17 - 2:48 p.m.)

12. CONSIDER MOTION TO ADOPT A RESOLUTION APPROVING THE TERMS OF A PURCHASE AND SALE AGREEMENT FOR THE ACQUISITION OF PROPERTY FOR INSTALLATION OF A WATER BOOSTER STATION FOR THE NORTHEAST WATER SYSTEM AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE PURCHASE AND SALE AGREEMENT AND TAKE ALL ACTION NECESSARY IN ORDER TO CLOSE AND COMPLETE THE PURCHASE IN ACCORDANCE WITH SECTION 125.355, FLORIDA STATUTES

Maguire mentioned that he was recusing himself from this item because this issue involved some property owned by his family.

Mary Ann Blount, Land Management Director, stated that the owner of this property had offered to sell the property to the County because this property was needed to install a water booster station. (2:49 p.m.) Hunt entered the meeting. Bryant asked about looping the water system. (2:49 p.m.) Bill Young, Utility Director, responded to Bryant's question on looping the water system. (2:52 p.m.) McCormack left the meeting. (2:53 p.m.) **Motion by Bryant, seconded by Stern, carried 4/0 with Maguire recusing himself, to adopt Resolution No. 2005-41 approving the terms of a Purchase and Sale Agreement for the acquisition of property for installation of a water booster station for the northeast water system and authorizing the County Administrator to execute the Purchase and Sale Agreement and take all action necessary in order to close and complete the purchase in accordance with Section 125.355, Florida Statutes.**

RESOLUTION NO. 2005-41

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS OF A PURCHASE AND SALE AGREEMENT FOR THE ACQUISITION OF PROPERTY FOR INSTALLATION OF A WATER BOOSTER STATION FOR THE NORTHEAST WATER SYSTEM, AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE PURCHASE AND SALE AGREEMENT AND TAKE ALL ACTION NECESSARY IN ORDER TO CLOSE AND COMPLETE THE PURCHASE IN ACCORDANCE WITH SECTION 125.355, FLORIDA STATUTES

(02/09/05 - 18 - 2:54 p.m.)

13. PRESENTATION ON BIODIESEL PROJECT

Joe Stephenson, Public Works Director, stated that they had figured out an environmentally sound way of saving St. Johns County some money and being very innovated in the area of fleet maintenance, fleet management and fueling. Bryant complimented Gary Emerson on being very innovated.

The meeting recessed at 2:57 p.m. and reconvened at 3:06 p.m.

(3:07 p.m.) Gary Emerson, Fleet Division Manager, gave a report on the project that he had been working on for about 2 years regarding biodiesel. He explained the meaning of biodiesel, the advantages of biodiesel, petrodiesel vs biodiesel, making biodiesel, and spoke on the vision for the future.

(3:20 p.m.) Roger Van Ghent, 4005 Moultrie Foreside Blvd., spoke in favor of this project.

(02/09/05 - 18- 3:21 p.m.)

14. CONSIDER APPOINTMENT OF COUNTY COMMISSIONERS TO SERVE ON THE 2005 VALUE ADJUSTMENT BOARD

Isabelle Lopez, Senior County Attorney, stated that this was being brought to the Board a month early because of law changes last year regarding the hurricanes. There are rebates because of the hurricanes and they wanted the new Value Adjustment Board (VAB) up and running to pass the VAB rules. She mentioned all they needed was a

motion and members. Stevenson asked the date and time of the meetings for the VAB. Lopez replied that they were waiting on today to find out what the membership would be and what their availability would be, but stated that they really needed to have an Organizational meeting of the VAB by the end of this month because of the March deadline for the hurricane rebates. Bryant asked about the rules. Lopez responded that this year they would have to amend the VAB rules because the VAB amends their own rules. Maguire asked if there were any volunteers. (3:25 p.m.) **Motion by Maguire, seconded by Stern, carried 5/0, that Bryant, Rich, and Stevenson be appointed to the VAB and Stern as the alternate.**

(02/09/05 - 19 - 3:26 p.m.)

15. WORKSHOP TO DISCUSS PROPOSED METHODS OF CALCULATING RESIDENTIAL IMPACT FEES

Scott Clem, Assistant County Administrator, stated that he would be discussing proposed methods of calculating residential impact fees. He spoke on Dr. Nicholas' Study that provided a proposed recommended impact fee schedule. In that study they had proposed using a number of bedrooms as one way of calculating residential impact fees as apposed to the current method, which was on a per unit basis. The alternative method was using square footage of a house rather than a number of bedrooms. He stated that they would be getting a formal written recommendation from the School Board. He mentioned that the School Board discussed using bedrooms versus square footage and their recommendation was to use square footage if possible. Clem voiced concern about staying away from trying to use price or value which would make the impact fee more of a tax than an impact fee. He stated that they were seeking directions from the Board in terms of how to proceed. Bryant asked how the number of bedrooms were figured. Clem recommended that if the room had a closet, it would be considered a bedroom. Stern stated that she thought square footage was a better way to do it. Clem mentioned adopting a separate ordinance to allow paying for the impact fee out of the General Revenue Fund. He stated that this would apply to both multifamily and single family. Stevenson mentioned that \$33,000 an acre for campgrounds seemed high and Clem responded. Maguire questioned the 1200 square feet. Clem replied that it was staff's recommendation attempt to capture as much of the affordable housing that was being built in that lowest category. Maguire asked what the average square footage of houses were in St. Johns County. Clem answered that he didn't know but would find out.

(3:48 p.m.) Ed Paucek, 970 Irma Way, on behalf of the St. Johns County Builders Council, distributed St. Johns Impact Fee Proposal, (Exhibit A). He stated that they felt like the impact fee should be zero per zero square feet. He mentioned that they would like to see given options for collecting impact fees (3:52 p.m.) Hunt left the meeting. He spoke on the Nicholas Report.

(3:56 p.m.) Robert Marshall, 318 Marsh Point Circle, Chairman of St. Johns Council Builders Association, spoke on the County asking them to increase the price of their product. He stated that they were concerned about how the County was going to assess and collect the fee.

(3:59 p.m.) Bill Lazar, 529 W. King Street, Director of St. Johns Housing Partnership, spoke on not raising cost on work force housing and giving them at least a five-year window and see what happens after five years. He stated that they needed to keep homes reasonable and raising costs would only hurt families instead of help them.

(4:02 p.m.) Maguire spoke on 1200 being low under the square foot method, 1500 square feet being a good compromise, not having a problem with leaving it as is for the work

force housing, being concerned about the block structure and adding an impact fee to an existing structure. (4:04 p.m.) Hunt entered the meeting. Maguire suggested negotiating something with the City. Bryant stated that he agreed with Maguire and expressed that they needed to address the issue with the City, especially if the City annexed into the County. He urged the Board to have Adams set the final hearings as soon as possible because they had a couple of developments that needed to bond out their transportation projects and they needed to know what their impact fees were going to be. Stern stated that she agreed with the statement about the City. Clem replied that last night the School Board formulated their recommendation and the County was suppose to be getting a written version of it. He said the earliest dates to hold the hearings would be March 9 for the first hearing, March 17th for the Planning and Zoning Agency and April 6th for the second hearing, which would be the adoption. Adams stated that he would get back with the Board on the dates.

(02/09/05 - 20 - 4:11 p.m.)

16. CANOPY SHORES PROJECT

Shorty Robbins, County Recreation Department, spoke on applying for two Florida Community Trust Grants last spring and were successful with both applications. In November they approved the contract for the two projects with FCT and since that time the FCT Staff had been gearing up to start acquisition of the projects. She stated that something came up on one of the projects and mentioned that Susan Grandon would like to speak to the Board to go into the time sensitive issues involved with the Canopy Shores Project.

(4:12 p.m.) Susan Grandon, 2237 Riverside Avenue, Jacksonville, with the Trust for Public Land, spoke on the Canopy Shores Project. She reviewed the following items in the packet; FCT ranking, and the existing zoning on the property. Maguire mentioned that they had received a lot of e-mails in the last few days addressing the fact that they should vote against the development of this project. He stated that there was only one way to stop the housing project, and that was for the County to buy the property. Robbins reviewed the following items included in the packet; the price going up on the property from what it was last year, and the architectural plans to show the extent to which the developer had gone. She mentioned that they took it to the LAMP Board because the Trust for Public Land had proposed that they combine the two FCT Awards and go for the maximum funding from FCT on this project and possibly put off the second project for another year. She stated that if they combined the Canopy Shores FCT Award and the Wildwood Trails FCT Award that it would come up to almost 1 million from FCT. She stated that they said that they could bump it up to the County allowable 6.6 million without to much problem because it would not be asking for too much money. She mentioned that the project price was 8.8 million, with FCT covering 6.6 million, which would make the total cost to the County 2.2 million. She spoke on checking on it as being a potential as a boat ramp site and spoke on the pros and cons of it, stating that FCT would not participate in the purchase if there were a boat ramp included on it. Bryant and Adams responded to the boat ramp issue. Stern questioned four acres being enough for a boat ramp. Adams mentioned that they might not find that big of a chunk of land. Bryant suggested taking the idea of the boat ramp out. Maguire voiced his concerns and asked that the entire County needs should be considered. Discussion followed on buying the land.

(4:40 p.m.) Martin Halkin, 35 Veronese Court, spoke on what could happen if the County did not act upon this issue.

(4:43 p.m.) John Sorady, 859 Viscaya Blvd., urge the counsel to purchase this property.

(4:46 p.m.) Terry Saverly, 245 Delton Blvd., asked everyone in the audience to stand if they were in support of the park and he spoke in favor of purchasing the park.

(4:47 p.m.) Deputy Clerk Yvonne King entered the meeting; Deputy Clerk Lenora Newsome left the meeting.

(4:49 p.m.) Derek Hankerson, 734 Medina Avenue, commented in favor of the Canopy Shores acquisition.

(4:53 p.m.) Barrie Higgins, 902 San Remo Road, commented in favor of the Canopy Shores acquisition.

(4:55 p.m.) Roger Van Ghent, 4009 Moultrie Foreside Blvd., commented in favor of the Canopy Shores acquisition.

(4:59 p.m.) Catherine Grexa, 548 Domenico Circle, commented in favor of the Canopy Shores acquisition.

(5:01 p.m.) Bill Harkness, 718 Nieves Lane, commented in favor of having a boat ramp at Canopy Shores.

(5:03 p.m.) Cathy Ardito, 301 Deltona Blvd., commented in favor of the Canopy Shores acquisition.

(5:05 p.m.) **Motion by Rich, seconded by Stern, carried 5/0, to pursue acquisition of 33 acres on the Intracoastal Waterway, known as Canopy Shores, and request that the FCT Governing Board move the allocated FCT Funding from Wildwood Trails to Canopy Shores.**

The meeting recessed at 5:07 p.m. and reconvened at 5:15 p.m.

(5:16 p.m.) Patrick McCormack, Assistant County Attorney, provided a status update pertaining to the partially construction condominium project at St. Augustine Shores, apparently known as the Wimberly Gardens/Kent Development. McCormack said that there had been a code enforcement order finding compliance resulting from the complaints of last spring. (5:21 p.m.) *It was the consensus of the Board to direct the Building Department to conduct a safety inspection of the property.*

(5:22 p.m.) Eleanor Welsh, 901 Mariana Place, reported on derelict condition of Wimberly Gardens.

[\(02/09/05 - 21 - 5:23 p.m.\)](#)

COMMISSIONERS' REPORTS

Commissioner Bryant:

No report.

(5:23 p.m.)

Commissioner Rich:

No report.

(5:23 p.m.)

Commissioner Stevenson:

No report.

(5:23 p.m.)

Commissioner Stern:

Stern announced that some local farmers were growing low carbohydrate, low calorie potatoes.

(5:24 p.m.)

Commissioner Maguire:

Maguire announced that the glass recycling bin in Ponte Vedra had to be relocated from Winn Dixie to 130 Canal Blvd, which was at Palm Valley Fire Station No. 1.

Maguire extended thanks to the Employee Sunshine Network members for volunteering for The Taste of the NFL in Ponte Vedra on Saturday Night.

Maguire announced that Glenn Hastings was the recipient of the Taste of the NFL Lou Groza Let's Kick Hunger Award.

Maguire announced the upcoming "Tips for Kids" campaign and reminded everyone of Valentine's Day on February 14, 2005.

(02/09/05 - 22 - 5:26 p.m.)

COUNTY ADMINISTRATOR'S REPORT

Adams announced the Joint Meeting of the Board of County Commissioners and the School Board on Tuesday, February 22, 2005 at 9:00 a.m. at the Southeast Branch Library.

Adams reported that the new Fire and Rescue Building would be located on Gaines Road.

Adams reported that the School Board had indicated that they would give the County the Hastings Elementary School facility when they moved into the new school on SR 206 in August 2005.

Adams asked the Board members if they wanted to add the impact fee public hearings to the agenda on March 2, 2005. (5:28 p.m.) *It was the consensus of the Board to designate March 2, 2005 and March 16, 2005 at 5:30 p.m. for the public hearings on the impact fees.*

(02/09/05 - 22 - 5:28 p.m.)

COUNTY ATTORNEY'S REPORT

No report.

(02/09/05 - 22 - 5:28 p.m.)

CLERK OF COURT'S REPORT

No report.

(5:28 p.m.) **Motion by Bryant, seconded by Stern, carried 5/0, to adjourn the meeting.** With there being no further business to come before the Board, the meeting adjourned at 5:28 p.m.

REPORTS:

1. St. Johns Board of County Commissioners' Check Register; approving check no. 363289; totaling \$2,444.98 (01/27/05)

2. St. Johns Board of County Commissioners' Check Register; approving check nos. 363290 through 363316, totaling \$32,577.53 (02/03/05)
3. St. Johns Board of County Commissioners' Check Register; approving check nos. 363317 through 363322, totaling \$139,654.54 (02/03/05)
4. St. Johns Board of County Commissioners' Check Register; approving check nos. 363323 through 363863, totaling \$4,267,793.44 (02/09/05)

CORRESPONDENCE:

1. Letter to Liz Cloud, Chief, Bureau of Administrative Code, Department of State, filing Ordinance Numbers 2005-6 and 2005-7

Approved March 9, 2005

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: _____
Bruce A. Maguire, Chairman

ATTEST: CHERYL STRICKLAND, CLERK

By: _____
Deputy Clerk