NOTE:

Minutes of the March 23, 2005 St. Johns County Board of County Commissioner's Meeting.

The minutes contain links that enable you to listen to the audio for each item.

To listen to the audio of an item in the minutes, click on the blue highlighted date and time that precedes each item.

MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
MARCH 23, 2005
8:00 A.M.

Proceedings of a regular/special 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 U.S. 1 North, St. Augustine, Florida.

Present were: Bruce A. Maguire, District 4, Chairman
James E. Bryant, District 5, Vice Chair
Cyndi Stevenson, District 1
Karen R. Stern, District 2
Ben Rich, District 3
Ben W. Adams, Jr., County Administrator
Daniel J. Bosanko, County Attorney
Yvonne King, Deputy Clerk

(03/23/05 – 1 – 8:02 a.m.)
ROLL CALL

Maguire announced that all five commissioners were present.

(03/23/05 – 1 – 8:02 a.m.)
CALL TO ORDER

Maguire called the special meeting to order.

(03/23/05 – 1 – 8:02 a.m.)
CLOSED SESSION – THIS SPECIAL MEETING IS A PRIVATE ATTORNEY-CLIENT MEETING OF THE BOARD OF COUNTY COMMISSIONERS HELD IN ACCORDANCE WITH SECTION 286.011(8), FLORIDA STATUTES. THE SPECIAL MEETING WILL BE CONFINED TO SETTLEMENT NEGOTIATIONS AND LITIGATION EXPENSE STRATEGY PERTAINING TO THE LAWSUIT OF WHETSTONE V. ST. JOHNS COUNTY, ET AL. THE SPECIAL MEETING HAS BEEN ADVERTISED FOR 8:00 A.M., AND CONFERENCE ROOM "A" HAS BEEN RESERVED FOR THIS MEETING

Dan Bosanko, County Attorney, informed the Board that he needed advice concerning the lawsuit of Whetstone v. St. Johns County, et al., Case No.: CA98-1501, in the Circuit Court, Seventh Judicial Circuit, in and for St. Johns County, Florida. Florida Statute 286.011 allowed the Board to hold a private meeting in order to provide that advice. (8:02 a.m.) Maguire announced the persons who would be attending the closed meeting: Commissioners Bruce Maguire, James Bryant, Karen Stern, Cyndi Stevenson, Ben Rich; Ben Adams, Jr., County Administrator; Daniel Bosanko, County Attorney; Stephen Gallagher, Special Counsel to the Board; and Kathy Upchurch, Court Reporter. (8:03 a.m.) The meeting moved to Conference Room "A".

At 8:32 a.m., the special meeting resumed. (8:32 a.m.) **Motion by Rich, seconded by Maguire, carried 5/0, to adjourn the special meeting**. Maguire stated that the regular meeting would begin at 9:00 a.m.

(03/23/05 – 2 – 9:00 a.m.)
CALL TO ORDER

Maguire called the regular meeting to order.

(03/23/05 - 2 - 9:00 a.m.)
ROLL CALL

Maguire announced that all five commissioners were present.

(03/23/05 – 2 – 9:01 a.m.)
Stern gave the Invocation and Rich led the Pledge of Allegiance.

(03/23/05 – 2 – 9:02 a.m.)
SPECIAL RECOGNITION OF CHRISTOPHER A. BRAVO AND WILLIAM M. MANNING

Carl Shank, Operations Chief with Fire and Rescue, recognized Christopher Bravo and William Manning for outstanding public service. On Friday, March 11, 2005, Bravo and Manning assisted some residents at a house fire. Shank read the certificates and presented them to Bravo and Manning.

(03/23/05 - 2 - 9:05 a.m.)
PROCLAMATION DESIGNATING MARCH 2005 AS WOMEN'S HISTORY MONTH

Stern addressed Women's History Month and recognized Carrie Johnson for her outstanding community service. (9:08 a.m.) Stevenson read the proclamation and presented it to Diane Quick, Beth Hughes, and Robin Birchfield.

(03/23/05 - 2 - 9:11 a.m.)
ACCEPTANCE OF PROCLAMATION

Motion by Stern, seconded by Stevenson, carried 5/0, to accept the proclamation, as read.

(03/23/05 - 2 - 9:12 a.m.)
PUBLIC COMMENTS

Heather Duncan, 301 W. Bay Street, Jacksonville, introduced herself to the commission. She replaced Michael Steward, as the Regional Manager for BellSouth regulatory and external affairs.

(9:13 a.m.) Bill Jepson, 6336 Costanero Road, commented on bike routes and safety. Jepson requested the bike routes around the county be clearly marked. Discussion followed regarding bike lanes, bike routes, etc.

(9:24 a.m.) Cathy Brown, Executive Director of the St. Johns County Council on Aging, 180 Marine Street, addressed the economic impact the social service agencies have in the county.

(9:30 a.m.) Beth Hughes, Executive Director of the Betty Griffin House, 1375 Arapaho Avenue, commented on the services they provide.

(9:32 a.m.) Diane Quick, Habitat for Humanity, 7 Hopkins Street, explained the services provided by Habitat for Humanity.

(9:33 a.m.) Bill Lazar, Director of St. Johns Housing Partnership, addressed housing in St. Johns County.

(9:36 a.m.) Sandy Lenny, 33 E. San Carlos Ave., addressed bike routes.

(9:38 a.m.) Aubrey Skillman, 64 St. Francis Street, commented in support of bike routes and bike paths.

(03/23/05 - 3 - 9:41 a.m.)
DELETIONS TO CONSENT AGENDA

Stevenson requested Item #18 be removed from the Consent Agenda and be added to the Regular Agenda as Item #18a.

(03/23/05 – 3 - 9:42 a.m.)
APPROVAL OF CONSENT AGENDA

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

1. Approval of the Cash Requirement Report

2. Minutes:
   02/23/05 - BCC Regular Meeting
   03/02/05 - BCC Special Meeting
   03/09/05 - BCC Regular Meeting

3. Motion to adopt **Resolution No. 2005-65,** recognizing unanticipated revenue (Fund 1110–31391) in the amount of $35,000 from Intercoastal Utilities, and appropriating it to the Water & Sewer Authority Department ($20,000 to 1103-53129 and $15,000 to 1103-53140) for contractual services and legal fees

RESOLUTION NO. 2005-65

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

4. Motion to adopt **Resolution No. 2005-66,** approving the Economic Development Agreement with O.T. Flex Tooling and authorizing the County Administrator to execute the contract on behalf of the County

RESOLUTION NO. 2005-66

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, TO AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE THE ECONOMIC DEVELOPMENT AGENCY CONTRACT WITH O.T. FLEX TOOLING ON BEHALF OF ST. JOHNS COUNTY, AND PROVIDING FOR AN EFFECTIVE DATE

5. Motion to adopt **Resolution No. 2005-67,** approving the terms, provisions, conditions, and requirements of an amended Economic Development Grant Agreement between St. Johns County, Florida, and Ring Power Corporation, and authorizing the County Administrator to execute the amended agreement on behalf of St. Johns County

RESOLUTION NO. 2005-67

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF AN AMENDED ECONOMIC DEVELOPMENT AGREEMENT BETWEEN ST. JOHNS COUNTY, FLORIDA AND RING POWER CORPORATION, AND AUTHORIZING THE COUNTY ADMINISTRTOR TO EXECUTE THE AMENDED AGREEMENT ON BEHALF OF ST. JOHNS COUNTY

6. Motion to direct the County Administrator to proceed in entering into an updated Interlocal Agreement between St. Johns County, Putnam County, Flagler County, and Terrence Steiner, M.D., for medical examiner services

7. Motion to adopt **Resolution No. 2005-68,** and direct the County Administrator to execute the contract for Provision of Financial Assistance between the Board of County Commissioners of St. Johns County, Florida, and the Humane Association of Wildlife Care and Education, Inc. (HAWKE)

RESOLUTION NO. 2005-68

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF A CONTRACT FOR THE PROVISION OF FINANCIAL ASSISTANCE TO THE HUMANE ASSOCIATION OF WILDLIFE CARE AND EDUCATION, INC., AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE CONTRACT RENEWAL ON BEHALF OF THE COUNTY

8. Motion to adopt **Resolution No. 2005-69,** recognizing unanticipated revenue in the amount of $46,691 and increasing the General Fund Cultural/Recreational Grant [0001-3470] and expenditure budget of Library Services [0001-0078-55206] in the same amount

RESOLUTION NO. 2005-69

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

9. Motion to authorize the County Administrator, or his designee, to enter into contract with James D. Hinson Electric Contracting Company, Inc., in the amount of $99,585.05 for the project titled Construction of Holmes Boulevard and Four Mile Road Signalization and Signing, under Bid No. 05-57 *(See Exhibit "A")*

10. Motion to authorize the County Administrator, or his designee, to enter into contract with Callaway Contracting, Inc., in the amount of $220,987.00, for the project titled Construction of Palm Valley Road (CR-210)/Landrum Lane Intersection Improvements, under Bid No. 05-54 (*See Exhibit "B"*)

11. Motion to authorize the County Administrator, or his designee, to enter into contract with M. Gay Constructors, Inc., in the amount of $319,815.00, for the project titled Electrical Distribution (Lighting) for Sports Fields, Phase II, Davis Park under Bid No. 05-60 (*See Exhibit "C"*)

12. Motion to adopt **Resolution No. 2005-70,** approving the terms and authorizing the County Administrator to execute a certain Purchase and Sale Agreement needed for improvements to Old Moultrie Road and King Estates Road for a traffic signal

RESOLUTION NO. 2005-70

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, APPROVING THE TERMS AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A CERTAIN PURCHASE AND SALE AGREEMENT NEEDED FOR IMPROVEMENTS TO OLD MOULTRIE ROAD AND KINGS ESTATES ROAD FOR A TRAFFIC SIGNAL

13. Motion to adopt **Resolution No. 2005-71,** authorizing the assignment of a license to the new owner of the property adjacent to the County owned property located on Henry Street

RESOLUTION NO. 2005-71

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, AUTHORIZING THE ASSIGNMENT OF A LICENSE AGREEMENT, APPROVED JANUARY 20, 2004 BY RESOLUTION NUMBER 2004-17, TO THE NEW OWNER OF THE PROPERTY ADJACENT TO THE COUNTY OWNED PROPERTY LOCATED ON HENRY STREET

14. Motion to adopt **Resolution No. 2005-72,** accepting a Special Warranty Deed for a lift station site to provide sewer service to Camelot Village Subdivision located on East Watson Road

RESOLUTION NO. 2005-72

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, ACCEPTING A SPECIAL WARRANTY DEED

ST. JOHNS COUNTY
BID TABULATION

BID TITLE	HOLMES BOULEVARD AND FOUR MILE ROAD SIGNALIZATION AND SIGNING
BID NUMBER	BID NO. 05-57
OPENING DATE/TIME	February 9, 2005 3:00 P.M.
POSTING TIME/DATE	FROM 2/09/2005 4:00 PM — UNTIL 2/14/2005 4:00 PM

ANY BIDDER AFFECTED ADVERSELY BY AN INTENDED DECISION WITH RESPECT TO THE AWARD OF ANY BID, SHALL FILE WITH THE PURCHASING DEPARTMENT FOR ST. JOHNS COUNTY, A WRITTEN NOTICE OF INTENT TO FILE A PROTEST NOT LATER THAN SEVENTY TWO (72) HOURS (EXCLUDING SATURDAY, SUNDAY AND LEGAL HOLIDAYS) AFTER THE POSTING OF THE BID TABULATION. PROTEST PROCEDURES MAY BE OBTAINED IN THE PURCHASING DEPARTMENT.

OPENED BY: LEIGH DANIELS

TABULATED BY: JANET ELLIOTT

VERIFIED BY:

PAGE (S) 1 OF 1 PAGE (S)

BIDDERS	TOTAL BASE BID PRICE	BID BOND	ADDENDUM # 1			
PAH CONSTRUCTORS, INC.	$175,000.00	YES	NO			
TRAFFIC COMTROL DEVICES, INC.	$105,950.00	YES	NO			
JAMES D. HINSON ELECTRICAL	$99,585.05	YES	YES			

BID AWARD DATE - _____

Exhibit "A"

ST. JOHNS COUNTY
BID TABULATION

BID TITLE	CONSTRUCTION OF PALM VALLEY ROAD (CR 210)/ LANDRUM LANE INTERSECTION IMPORVEMENTS
BID NUMBER	BID NO. 05-54
OPENING DATE/TIME	February 16, 2005 3:00 P.M.
POSTING TIME/DATE	FROM: 2/16/2005 4:00 PM — UNTIL: 2/21/2005 4:00 PM

ANY BIDDER AFFECTED ADVERSELY BY AN INTENDED DECISION WITH RESPECT TO THE AWARD OF ANY BID, SHALL FILE WITH THE PURCHASING DEPARTMENT FOR ST. JOHNS COUNTY, A WRITTEN NOTICE OF INTENT TO FILE A PROTEST NOT LATER THAN SEVENTY TWO (72) HOURS (EXCLUDING SATURDAY, SUNDAY AND LEGAL HOLIDAYS) AFTER THE POSTING OF THE BID TABULATION. PROTEST PROCEDURES MAY BE OBTAINED IN THE PURCHASING DEPARTMENT.

OPENED BY	LEIGH DANIELS
TABULATED BY	JANET ELLIOTT
VERIFIED BY	

PAGE (S) 1 OF 1 PAGE (S)

BIDDERS	TOTAL BASE BID PRICE	BID BOND	ADDENDUM # 1			
CALLAWAY CONTRACTING INC	$220,987.00	YES	YES			
JENSON CIVIL CONSTRUCTION INC.	$363,647.00	YES	YES			
BGCO, INC.	$274,800.00	YES	YES			

BID AWARD DATE - _____

Exhibit "B"

ST. JOHNS COUNTY
BID TABULATION

BID TITLE	ELECTRICAL DISTRIBUTION FOR SPORTS FIELDS, PHASE II
	DAVIS PARK
BID NUMBER	BID NO. 05-60
OPENING DATE/TIME	January 19, 2005 3:00 P.M.
POSTING TIME/DATE	FROM 1/19/2005 4:00 PM — UNTIL 1/24/2005 4:00 PM

ANY BIDDER AFFECTED ADVERSELY BY AN INTENDED DECISION WITH RESPECT TO THE AWARD OF ANY BID, SHALL FILE WITH THE PURCHASING DEPARTMENT FOR ST. JOHNS COUNTY, A WRITTEN NOTICE OF INTENT TO FILE A PROTEST NOT LATER THAN SEVENTY TWO (72) HOURS (EXCLUDING SATURDAY, SUNDAY AND LEGAL HOLIDAYS) AFTER THE POSTING OF THE BID TABULATION. PROTEST PROCEDURES MAY BE OBTAINED IN THE PURCHASING DEPARTMENT.

OPENED BY	LEIGH DANIELS
TABULATED BY	JANET ELLIOTT
VERIFIED BY	

PAGE (S) 1 OF 1 PAGE (S)

BIDDERS	BASE BID PRICE	BID BOND	ADDENDUM # 1	ATTENDED MANDATORY PRE-BID MEETING		
M. GAY CONSTRUCTORS, INC.	$355,000.00	YES	YES	YES		
BEMCI ELECTRIC INC.	$395,000.00	YES	YES	YES		

BID AWARD DATE - _____

Exhibit "C"

FOR A LIFT STATION SITE TO PROVIDE SEWER SERVICE TO CAMELOT VILLAGE SUBDIVISION LOCATED ON EAST WATSON ROAD

15. Motion to adopt **Resolution No. 2005-73,** accepting an Easement for Utilities for water and sewer service to World Commerce Center, along the right-of-way of Ring Way and a Bill of Sale conveying all personal property associated with the water and sewer system

RESOLUTION NO. 2005-73

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, ACCEPTING AN EASEMENT FOR UTILITIES FOR WATER AND SEWER SERVICE TO WORLD COMMERCE CENTER, ALONG THE RIGHT-OF-WAY OF RING WAY AND ACCEPTING A BILL OF SALE CONVEYING ALL PERSONAL PROPERTY ASSOCIATED WITH THE WATER AND SEWER SYSTEM

16. Motion to adopt **Resolution No. 2005-74,** accepting an Easement for Utilities for water and sewer service to World Commerce Center, Loop Road and a Bill of Sale conveying all personal property associated with the water and sewer system

RESOLUTION NO. 2005-74

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, ACCEPTING AN EASEMENT FOR UTILITIES FOR WATER AND SEWER SERVICE TO WORLD COMMERCE CENTER, ALONG THE RIGHT-OF-WAY OF LOOP ROAD AND ACCEPTING A BILL OF SALE CONVEYING ALL PERSONAL PROPERTY ASSOCIATED WITH THE WATER AND SEWER SYSTEM

17. Motion to adopt **Resolution No. 2005-75,** approving the terms and authorizing the County Administrator to execute a certain Purchase and Sale Agreement for property needed for the improvements to Russell Sampson Road

RESOLUTION NO. 2005-75

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, APPROVING THE TERMS AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A CERTAIN PURCHASE AND SALE AGREEMENT FOR PROPERTY NEEDED FOR THE IMPROVEMENTS TO RUSSELL SAMPSON ROAD

18. Motion to adopt a resolution approving the terms and authorizing the County Administrator to execute the 2nd Amendment to the Purchase and Sale Agreement to extend the closing date for the acquisition of property for a northwest regional park

This item was removed from the Consent Agenda, as was added to the Regular Agenda as Item #18a.

19. Motion to adopt **Resolution No. 2005-76,** approving a final plat for Cascades at World Golf Village

RESOLUTION NO. 2005-76

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, APPROVING A SUBDIVISION PLAT FOR CASCADES AT WORLD GOLF VILLAGE

20. Motion to adopt **Resolution No. 2005-77,** approving a final plat for Courtyard Villas of Monterey, Phase Two

RESOLUTION NO. 2005-77

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, APPROVING A SUBDIVISION PLAT FOR COURTYARD VILLAS OF MONTEREY, PHASE TWO

21. Motion to adopt **Resolution No. 2005-78,** approving a final plat for Paseo Reyes

RESOLUTION NO. 2005-78

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, APPROVING A SUBDIVISION PLAT FOR PASEO REYES

22. Motion to adopt **Resolution No. 2005-79,** approving a final plat for Guana Estates at Ponte Vedra Beach

RESOLUTION NO. 2005-79

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, APPROVING A SUBDIVISION PLAT FOR GUANA ESTATES AT PONTE VEDRA BEACH

23. Motion to adopt **Resolution No. 2005-80,** approving a final plat for Outlet Centre Drive

RESOLUTION NO. 2005-80

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, APPROVING A PLAT FOR OUTLET CENTRE DRIVE

24. Motion to adopt **Resolution No. 2005-81,** approving a final plat for Camelot Village

RESOLUTION NO. 2005-81

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, APPROVING A SUBDIVISION PLAT CAMELOT VILLAGE

25. Motion to adopt **Resolution No. 2005-82,** to set a public hearing for 9:00 a.m. on April 20, 2005 to consider a petition to vacate a portion of South Francis Road

RESOLUTION NO. 2005-82

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, SETTING A PUBLIC HEARING FOR APRIL 20, 2005 AT 9:00 A.M. ON A REQUEST TO VACATE A PORTION OF SOUTH FRANCIS ROAD

26. Motion to approve the proposed speed zones on South Holmes Boulevard and Kenton Morrison Road, as described and delineated on the aerial map titled: Holmes Boulevard Existing and Proposed Speed Zones

27. Motion to adopt **Resolution No. 2005-83,** approving the terms, provisions, conditions, and requirements of an Interlocal Agreement between St. Johns County and the City of St. Augustine for the Third Phase of the Central Sewer Line Extension Project in the West Augustine area, and authorizing the Chairperson of the Board of County Commissioners of St. Johns County to execute the agreement on behalf of the County

RESOLUTION NO. 2005-83

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF AN INTERLOCAL AGREEMENT BETWEEN ST. JOHNS COUNTY, FLORIDA, AND THE CITY OF ST. AUGUSTINE, FLORIDA, FOR THE THIRD PHASE OF THE CENTRAL SEWER LINE EXTENSION PROJECT IN THE WEST AUGUSTINE AREA OF THE COUNTY, AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE AGREEMENT ON BEHALF OF ST. JOHNS COUNTY

28. Proofs:
    a. Proof, Notice of Public Hearing, St Johns County Board of County Commissioners, Establishment of Ordinance/Regulation affecting the Use of Land, Wednesday, February 23, 2005 at 5:30 p.m. and Wednesday, March 9, 2005 at 9:00 a.m.
    b. Proof, Notice of Public Hearing, St Johns County Board of County Commissioners, Establishment of Ordinance/Regulation affecting the Use of Land – Impact Fees, Wednesday, March 2, 2005 at 9:00 a.m. and Wednesday, March 16, 2005 at 5:30 p.m.
    c. Proof, Notice of Meeting, Value Adjustment Board, Thursday, March 18, 2005 at 9:00 a.m.

d. Proof, Notice of Meeting, Value Adjustment Board, Thursday, March 3, 2005 at 9:00 a.m.
e. Proof, Notice to Bidders, Bid No. 05-12R
f. Proof, Notice to Bidders, Bid No. 05-53
g. Proof, Notice to Bidders, Bid No. 05-71
h. Proof, Notice to Bidders, Bid No. 05-75
i. Proof, Notice to Bidders, Bid No. 05-76
j. Proof, Certificate of Liability Insurance, Arrow Waste, Inc.
k. Proof, Certificate of Liability Insurance, Herrington Industries, Inc.

(03/23/05 - 9 - 9:42 a.m.)
ADDITIONS/DELETIONS TO REGULAR AGENDA

Bryant requested to add: Item 1a, a discussion of a contract extension between Medical Specialists and the St. Johns Board of County Commissioners; and Item 18b, procurement of services by Dr. Paul Wharton. Bosanko requested to add Item 1b, a cancellation of the contract between St. Johns County and St. Johns County Fairgrounds, Inc.; and Item 1c, a settlement of CR 2209 issues.

(03/23/05 - 9 - 9:44 a.m.)
APPROVAL OF REGULAR AGENDA

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

(03/23/05 - 9 - 9:44 a.m.)
1a. CONTRACT EXTENSION BETWEEN MEDICAL SPECIALISTS AND THE ST. JOHNS BOARD OF COUNTY COMMISSIONERS

Bryant relayed the request for the County to sign a contract with Patient Centered Health Network (PCHN) for the Hastings Clinic. Discussion followed on the three recommendations the Board had regarding the Hastings Clinic: 1) request the St. Johns County Board of County Commissioners to accept the prior contract amendment recommendation made with PCHN; 2) allow Medical Specialists to operate the Hastings Medical Clinic for 25 hours per week instead of 40 hours per week (with all other contract terms remaining the same); and 3) terminate the contract when the current extended contract naturally expires on March 31, 2005. Discussion ensued regarding the operation of the Hastings Clinic. (10:02 a.m.) **Motion by Bryant, seconded by Stern, to not accept recommendations #1 and #2; but accept recommendation #3, which is to terminate the contract.** Discussion followed regarding the contract. (10:03 a.m.) **Motion carried 5/0**.

(03/23/05 - 9 - 10:04 a.m.)
1b. CANCELLATION OF CONTRACT BETWEEN ST. JOHNS COUNTY AND ST. JOHNS COUNTY FAIRGROUNS, INC.

Dan Bosanko, County Attorney, relayed the request of the St. Johns County Fairgrounds, Inc., to cancel its contract with St. Johns County for management of the county fairgrounds. Discussion followed regarding the use of the fairgrounds and the management of the fairgrounds. (10:15 a.m.) **Motion by Stern, seconded by Bryant, carried 5/0, to accept the cancellation of the attached contract between St. Johns County and St. Johns County Fairgrounds, Inc., effective April 18, 2005, and direct the County Administrator to assume full management of the County Fairgrounds as of that date with the assistance of Mr. Edwin Klipstine as a volunteer citizen advisor**. (10:16 a.m.) **Motion by Stern, seconded by Stevenson, carried 5/0, to direct the County**

Administrator and County Attorney to prepare and present to the Board documents for the creation and staffing of a volunteer citizen board to advise the County on fairground operations.

(03/23/05 - 10 - 10:17 a.m.)
1c. SETTLEMENT AGREEMENT OF CR 2209 ISSUES

Joe Stephenson, Public Works Director, summarized the settlement agreement. Discussion followed. (10:24 a.m.) **Motion by Bryant, seconded by Stern, carried 5/0, to accept the Settlement Agreement between FCC Partners, LP/Goodman Properties, Inc. and St. Johns County, and authorizing the Chairman of the Board, Bruce Maguire, to sign the settlement agreement on behalf of the County.**

(03/23/05 - 10 - 10:24 a.m.)
1. PUBLIC HEARING – REQUEST TO VACATE A PORTION OF SIXTH AVENUE IN THE HILDEN SUBDIVISION - THE APPLICANT HAS APPROVED CONSTRUCTION PLANS TO DEVELOP A PORTION OF THE OLD HILDEN SUBDIVISION. AS PART OF THAT DEVELOPMENT PLAN, THE DEVELOPER IS PETITIONING TO VACATE PORTIONS OF SIXTH AVENUE. THE ROADWAYS IN HILDEN WERE ACCEPTED BY THE COUNTY AND NEVER PREVIOUSLY DEVELOPED. SINCE THE DEVELOPER HAS PROVIDED ACCESS TO THE RECONFIGURED LOTS IN COMPLIANCE WITH THE LAND DEVELOPMENT CODE, STAFF HAS NO OBJECTION TO THE REQUEST

Proof of publication regarding the notice of public hearing regarding vacating a portion of Sixth Avenue in Hilden Subdivision was received, having been published in *The St. Augustine Record* on March 2, 2005.

Kathy Nielsen, Applications Review Coordinator, was present. (10:25 a.m.) **Motion by Stern, seconded by Bryant, carried 5/0, to adopt Resolution No. 2005-84, vacating a portion of Sixth Avenue in the Hilden Subdivision.**

RESOLUTION NO. 2005-84

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS, OF ST. JOHNS COUNTY, STATE OF FLORIDA, VACATING CERTAIN PORTIONS OF SIXTH AVENUE IN THE HILDEN SUBDIVISION AS MORE FULLY DESCRIBED BELOW

(03/23/05 - 10 - 10:25 a.m.)
2. PUBLIC HEARING – SECONDARY ZONE BALD EAGLE MANAGEMENT PLAN FOR NEST SJ-014A – IN NOVEMBER 2004, ST. JOHNS COUNTY'S RECREATION AND PARKS DEPARTMENT CONTRACTED RAPTOR MANAGEMENT CONSULTANTS, INC. (RMC) TO PERFORM A FIELD ASSESSMENT OF BALD EAGLE NEST SJ-014 IN ANTICIPATION OF RENOVATIONS TO RIVERDALE PARK. NEST SJ-014 WAS BUILT IN 1999; HOWEVER, THIS NEST AND NEST TREE WERE DESTROYED DURING THE SEPTEMBER 2004 STORMS. DURING NOVEMBER AND DECEMBER 2004, THE SJ-014 BALD EAGLES REBUILT A NEST IN A TREE JUST SOUTH OF THE ORIGINAL, NEST SJ-014A. AS OF FEBRUARY 26, 2005, AS DETERMINED BY RMC, THE NEST CONTAINED ONE HEALTHY EAGLET, AT APPROXIMATELY SIX WEEKS OF DEVELOPMENT. RMC HAD CONSULTED WITH THE UNITED STATES FISH AND WILDLIFE SERVICE (USFWS) IN

JANUARY AND FEBRUARY 2005 REGARDING THE RESULTS OF THE OBSERVATIONS OF NEST SJ-014A AND ST. JOHNS COUNTY'S PLANS FOR THE RIVERDALE PARK RENOVATIONS. USFWS AND RMC CONCURRED THAT THE ACTIVITIES PROPOSED TO BE CONDUCTED DURING THE NESTING SEASON SHOULD NOT POSE A THREAT TO BALD EAGLE NEST SJ-014A, WITH THE IMPLEMENTATION OF THE APPROVED MONITORING. THIS ASSESSMENT WAS BASED ON SITE-SPECIFIC CONSIDERATIONS INCLUDING, BUT NOT LIMITED TO: THE PROJECTS DISTANCE AND DIRECTION FROM THE NEST (900 FT. TO THE NW); THE DENSE, MATURE CANOPY BETWEEN THE NEST AND RIVERDALE PARK; THE CURRENT STAGE OF THE 2004-2005 BREEDING CHRONOLOGY AT SJ-014A (I.E. ADVANCED EAGLETS); AND THE OBSERVED LEVELS OF HABITUATION OF THE SJ-014A BALD EAGLES TO A RESIDENTIAL HABITAT. IN ORDER TO COMPLY WITH THE REQUIREMENTS OF THE LAND DEVELOPMENT CODE SECTION 4.01.10 A SECONDARY ZONE BALD EAGLE MANAGEMENT PLAN (BEMP) WAS CREATED SO THAT LIMITED AND SPECIFIC RENOVATION ACTIVITIES MAY BE CONDUCTED IN THE SECONDARY ZONE DURING THE NESTING SEASON. THEREFORE, THE APPLICANT SEEKS A WAIVER TO SECTIONS 4.01.10.B.2 OF THE LAND DEVELOPMENT CODE (LDC), HABITAT MANAGEMENT FOR THE BALD EAGLE, FOR NEST SJ-014A

Proof of publication regarding the notice of public hearing on the secondary zone Bald Eagle Management Plan for nest SJ-014A, was received, having been published in *The St. Augustine Record* on March 22, 2005.

Jan Brewer, Environmental Planning, was present. Discussion ensued on how tracking is done when eaglets are found in the nests. (10:28 a.m.) **Motion by Rich, seconded by Stern, carried 5/0, to approve the Secondary Zone Bald Eagle Management Plan dated March 4, 2005, thereby approving a waiver to Section 4.01.10B.2 of the Land Development Code for Eagle Nest SJ-014A**.

The meeting recessed at 10:28 a.m. and reconvened at 10:38 a.m.

Agenda Items 3, 4, 5, 6, 7, and 8 were delayed until later in the meeting.

(03/23/05 - 11 - 10:38 a.m.)

9. PUBLIC HEARING – MAJMOD 2005-03, COBBLESTONE VILLAGE I PUD - THE COBBLESTONE VILLAGE I PUD CONSISTS OF 37.07 ACRES AND IS LOCATED SOUTH OF STATE ROAD 312, EAST OF OLD MOULTRIE ROAD. THE MAJOR MODIFICATION PROPOSES TO MODIFY THE ADOPTED MASTER DEVELOPMENT PLAN MAP TO PROVIDE INTERCONNECTIVITY TO AN OUT-PARCEL LOCATED AT THE INTERSECTION OF SR 312 AND OLD MOULTRIE ROAD BY REPLACING FOUR PARKING SPACES WITH A VEHICULAR DRIVE AISLE. AN APPLICATION FOR CONCURRENCY IS NOT REQUIRED FOR THE PROPOSED CHANGE. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS ITEM AT THEIR MARCH 3, 2005 MEETING, WITH A VOTE OF 7/0

Proof of publication regarding the notice of public hearing on the major modification to Cobblestone Village I PUD, MAJMOD 2005-03, was received, having been published in *The St. Augustine Record* on February 14, 2005.

Lindsay Haga, Planner II, was present. At the request of Stern, Danielle Mayoras clarified where the interconnectivity was located. (10:41 a.m.) **Motion by Stern,**

seconded by Bryant, carried 5/0, to enact Ordinance No. 2005-28, known as MAJMOD 2005-03, Cobblestone Village I PUD; adopting findings of fact 1 – 6 to support the motion.

ORDINANCE NO. 2005-28

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, APPROVING A MAJOR MODIFICATION TO THE COBBLESTONE VILLAGE I PLANNED UNIT DEVELOPMENT (PUD) ORDINANCE NO. 02-25, AS AMENDED, MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING FOR AN EFFECTIVE DATE

(03/23/05 - 12 - 10:42 a.m.)

10. PUBLIC HEARING – MAJMOD 2004-02, MARSHALL CREEK PUD (UNIFIED SIGN PLAN) - THE MARSHALL CREEK PUD IS LOCATED AT 7502 US 1 NORTH, WITHIN BOTH THE RESIDENTIAL B AND MIXED USE DISTRICT (MD) FUTURE LAND USE DESIGNATIONS AND IS COMPRISED OF 1,358.4 ACRES. THE PUD ORDINANCE 98-64, AS AMENDED, STATES THAT A COMPREHENSIVE GRAPHICS AND SIGNAGE PROGRAM WILL BE IMPLEMENTED THROUGHOUT THE DEVELOPMENT, INCLUDING SIGNAGE DESIGN STANDARDS FOR IDENTIFICATION AND FREESTANDING SIGNS. THE APPROVED PUD STATES THAT THE COMPREHENSIVE GRAPHICS AND SIGN PROGRAM MAY INCLUDE THE FOLLOWING: PROJECT IDENTIFICATION SIGNAGE AND ENTRY FEATURE AT US 1; FREE-STANDING AND BUILDING SIGNS FOR US 1 MULTI-FAMILY, OFFICE AND COMMERCIAL PARCELS; NEIGHBORHOOD AND VILLAGE IDENTIFICATION SIGNS; DIRECTIONAL SIGNS; STREET NAME SIGNS; TRAFFIC SIGNS; INFORMATIONAL KIOSKS; VILLAGE CENTER STREETSCAPE SIGNAGE; TEMPORARY SIGNAGE IDENTIFYING THE COMMUNITY AT US 1, CONSTRUCTION RELATED SIGNAGE, PROPERTY SALES AND REAL ESTATE SIGNAGE AND TEMPORARY DIRECTIONAL SIGNAGE. THE BCC PREVIOUSLY APPROVED A PORTION OF THE UNIFIED SIGN PLAN (USP) FOR THE ENTRY FEATURE AND SIGN ON SEPTEMBER 4, 2001. THIS USP CONTAINS SPECIFICATIONS AND CRITERIA FOR THE FOLLOWING SIGNS: NEIGHBORHOOD AND AMENITY SIGNS; PARK SIGNS; WAYFINDING SIGNS; STREET AND TRAFFIC SIGNS; TEMPORARY SIGNS; BUILDING AND COMMERCIAL SIGNS AND US 1 SIGNS. AT THEIR MAY 20, 2004 MEETING, THE PLANNING AND ZONING AGENCY (PZA) RECOMMENDED APPROVAL OF THIS ITEM WITH THE REQUESTED WAIVERS, SUBJECT TO APPROVAL BY THE COUNTY ATTORNEY'S OFFICE WITH RESPECT TO THE LANGUAGE TO ALLOW THE SIGNS TO BE CONSIDERED A "SINGLE PREMISE," WITH A VOTE OF 7-0. SINCE THAT TIME, THE LAND DEVELOPMENT CODE HAS BEEN REVISED TO ALLOW PUDS TO BE CONSIDERED A SINGLE PREMISE WITH THE APPROVAL OF A UNIFIED SIGN PLAN. THUS, THE CONCERN OF THE PZA HAS BEEN RESOLVED

Proof of publication regarding the notice of public hearing on Marshall Creek PUD (Unified Sign Plan), MAJMOD 2004-02, was received, having been published in *The St. Augustine Record* on March 8, 2005.

Nicole Cubbedge, AICP, Planner III, was present. (10:43 a.m.) **Motion by Bryant, seconded by Stern, carried 5/0, to enact Ordinance No. 2005-29, known as MAJMOD 2004-02, Marshall Creek PUD; adopting findings of fact 1 – 6 to support the motion.**

ORDINANCE NO. 2005-29

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, APPROVING A MAJOR MODIFICATION TO THE MARSHALL CREEK PLANNED UNIT DEVELOPMENT (PUD) ORDINANCE NUMBER 98-64, AS AMENDED; MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING FOR AN EFFECTIVE DATE

(03/23/05 - 13 - 10:44 a.m.)

11. PUBLIC HEARING – COMPAMD 2004-09, MARSHALL CREEK NORTH - THIS PROPOSED COMPREHENSIVE PLAN AMENDMENT CONSTITUTES A MAP AMENDMENT TO THE 2015 COMPREHENSIVE PLAN FUTURE LAND USE MAP FROM RURAL SILVICULTURE (R/S) TO RESIDENTIAL B AND TWO TEXT AMENDMENTS TO AMEND OBJECTIVE H.1.6 TO AUTHORIZE "PIPELINING" AND TO AMEND THE CAPITAL IMPROVEMENTS SCHEDULE TO INCLUDE THE PROPOSED IMPROVEMENTS. THIS IS A DRI-RELATED AMENDMENT, AS ALLOWED BY FLORIDA STATUTE, SECTION 380.06(16). THE PLANNING AND ZONING AGENCY WILL HEAR THIS ITEM AT THEIR MARCH 17, 2005 MEETING. THEIR RECOMMENDATION WILL BE PROVIDED AT THE PUBLIC HEARING

Proof of publication regarding the notice of public hearing on the comprehensive plan amendment, Marshall Creek North, COMPAMD 2004-09, was received, having been published in *The St. Augustine Record* on February 28, 2005.

Nicole Cubbedge, AICP, Planner III, pointed out some changes that were made since the agenda packets were assembled: there was a Comprehensive Plan Citizen Courtesy Information List available for anyone who wished to receive information from the DCA regarding the date of publication of the notice of intent on this comp plan amendment should it be transmitted; the area that was currently zoned Rural Silviculture was under consideration for a comp plan map amendment from Rural Silviculture to Residential B; there were two text amendments to allow pipelining to be used to meet transportation concurrency and to amend the capital improvement schedule with the corresponding improvements that were part of the pipelining proposal; the majority of the environmental planning comments had been signed off; there were issues dealing with consistency with the comp plan; and public access to the fish camp parcel would be maintained. (10:50 a.m.) Maguire recused himself from voting on this issue; declared a conflict of interest, and filed form 8B, Memorandum of Voting Conflict, because his family owned property within 4,000 feet of this project. (10:50 a.m.) Rich declared ex-parte communication; he spoke with Mr. McClure in reference to this project. (10:50 a.m.) Stern declared ex-parte communication; she spoke with Mr. McClure and Mr. Gardner regarding pipelining and the density reduction. (10:51 a.m.) Stevenson disclosed ex-parte communication; she spoke with Mr. Gardner and Mr. McClure. Discussion followed regarding concurrency, pipelining, and access to the fish camp. (10:56 a.m.) George McClure, 170 Malaga Street, addressed density, concurrency, pipelining, and access to Pine Island Fish Camp. (11:01 a.m.) **Motion by Bryant, seconded by Stern, to approve transmittal of COMPAMD 2004-09, Marshall Creek North, to the Florida Department of Community Affairs to request additional review**

of this application to amend the 2015 Comprehensive Plan. (11:02 a.m.) Discussion followed. (11:04 a.m.) **The motion carried 4/0, with Maguire recusing himself**.

(03/23/05 - 14 - 11:04 a.m.)

12. CONSIDER APPOINTMENTS TO THE INDUSTRIAL DEVELOPMENT AUTHORITY

Melissa Lundquist, Administrative Coordinator, informed the Board of one vacancy on the Industrial Development Authority. (11:05 a.m.) **Motion by Stevenson, seconded by Bryant, carried 5/0, to appoint Brian Pincket to the Industrial Development Authority for a partial term scheduled to expire March 2, 2008**.

(03/23/05 - 14 - 11:07 a.m.)

13. CONSIDER APPOINTMENTS TO THE A1A SOUTH OVERLAY DISTRICT ARCHITECTURAL REVIEW COMMITTEE

Rich requested this agenda item be continued to the afternoon session of the meeting because he was expecting an additional application. Discussion followed. (11:09 a.m.) ***This item was postponed until the afternoon session of the meeting***.

(03/23/05 - 14 - 11:10 a.m.)

14. CONSIDER APPROVAL OF THE PROPOSED SUB AGREEMENT BETWEEN THE ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS AND THE ST. JOHNS COUNTY COUNCIL ON AGING, INC. IN ORDER TO MORE FULLY COMPLY WITH THE OBLIGATIONS AND REQUIREMENTS OF THE COUNTY AWARDED FTA GRANT AGREEMENTS

Doug Timms, Director of the Office of Management & Budget, gave a PowerPoint presentation regarding the primary responsibilities of FTA grantees and the continuing use and control issues. (11:16 a.m.) Cathy Brown, Executive Director of the St. Johns County Council on Aging, commented on the Sunshine Bus system. Discussion followed regarding the transportation system. (11:25 a.m.) **Motion by Stevenson, seconded by Bryant, carried 5/0, to approve the proposed subagreement between St. Johns County Board of County Commissioners and St. Johns County Council on Aging, Inc., in order to more fully comply with the obligations and requirements of the County awarded FTA Grant Agreements**.

Agenda Items 15 & 16 were considered later in the meeting.

(03/23/05 - 14 - 11:26 a.m.)

17. CONSIDER ADOPTING A RESOLUTION APPROVING THE TERMS AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A CERTAIN PURCHASE AND SALE AGREEMENT FOR PROPERTY NEEDED FOR THE IMPROVEMENTS TO RUSSELL SAMPSON ROAD

Mary Ann Blount, Land Management Director, gave a general overview of this issue. (11:28 a.m.) Joe Stevenson, Public Works Director, gave an update on the project. Discussion followed. (11:32 a.m.) **Motion by Maguire, seconded by Rich, carried 5/0, to adopt Resolution No. 2005-85, approving the terms of, and authorizing the County Administrator to execute a certain Purchase and Sale Agreement for property needed for the improvements to Russell Sampson Road.**

RESOLUTION NO. 2005-85

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS, OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A CERTAIN PURCHASE AND SALE AGREEMENT FOR PROPERTY NEEDED FOR THE IMPROVEMENTS TO RUSSELL SAMPSON ROAD

(03/23/05 - 15 - 11:37 a.m.)
18. FUNDING OF CRIME PREVENTION PROGRAMS

Daniel J. Bosanko, County Attorney, relayed the request of the Sheriff that this funding be forwarded to the St. Johns County Sheriff's Office for deposit in their Crime Prevention Fund. (11:40 a.m.) Capt. Art May, St. Johns County Sheriff's Office, explained the crime prevention programs provided by the Sheriff's Office. Discussion followed. (11:43 a.m.) **Motion by Stern, seconded by Bryant, carried 5/0, to authorize transfer of funds collected in accordance with Section 775.083 F.S., to the St. Johns County Sheriff's Department monthly, based on actual collections, through the end of FY 2005.** (11:44 a.m.) **Motion by Stern, seconded by Bryant, carried 5/0, to authorize a budget transfer of $70,000 from department line item 1256-59920 (Reserve) to line item 1256-59101 (Transfer to Officers).**

(03/23/05 – 15 - 11:32 a.m.)
18a. RESOLUTION APPROVING THE TERMS OF, AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE, THE 2ND AMENDMENT TO THE PURCHASE AND SALE AGREEMENT TO EXTEND THE CLOSING DATE FOR THE ACQUISITION OF PROERTY FOR THE NORTHWEST REGIONAL PARK

Mary Ann Blount, Land Management Director, gave a general overview of the acquisition. Discussion followed regarding the northwest park. (11:36 a.m.) **Motion by Stevenson, seconded by Rich, carried 5/0, to adopt Resolution No. 2005-86, approving the terms and authorizing the County Administrator to execute the 2nd Amendment to the Purchase and Sale Agreement to extend the closing date for the acquisition of property for a northwest regional park**.

RESOLUTION NO. 2005-86

A RESOLUTON OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, APPROVING THE TERMS AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE 2ND AMENDMENT TO THE PURCHASE AND SALE AGREEMENT TO EXTEND THE CLOSING DATE FOR ACQUISITION OF PROPERTY FOR THE NORTHWEST REGIONAL PARK

(03/23/05 - 16 - 11:45 a.m.)
18b. VITAL FUNDING FOR THE MENTAL HEALTH AND FAMILY INTEGRITY PROGRAM

Bryant gave a background history of mental health services in St. Johns County. Discussion followed regarding the funding for the Mental Health and Family Integrity Program. (12:09 a.m.) **Motion by Bryant, seconded by Stern, carried 5/0, to authorize the County Administrator to negotiate and contract with Dr. Paul Wharton, for a sum not to exceed $25,000, to assist the County with health care and local revenue legislation in the current fiscal year**.

The meeting recessed at 12:10 p.m. and reconvened at 1:53 p.m. with all five Commissioners; Dan Bosanko, County Attorney; Ben W. Adams, Jr., County Administrator; Michael Hunt, Deputy County Attorney; and Diane Gorski, Deputy Clerk, present. Bryant announced that the Board would continue with Item No. 13.

(03/23/05 - 16 - 1:53 p.m.)
13. CONSIDER APPOINTMENTS TO THE A1A SOUTH OVERLAY DISTRICT ARCHITECTURAL REVIEW COMMITTEE

(1:53 p.m.) Melissa Lundquist, Administrative Coordinator, announced that Doris Davis had been recommended for appointment, in addition to the two recommendations provided in the packet. Bryant requested that Davis file an application with the County and Lundquist assured him that an application would be filed. (1:54 p.m.) **Motion by Rich, seconded by Bryant, carried 5/0, to appoint George A. Snow, from an alternate position to a regular position on the A1A South Overlay District Architectural Review Committee, as a regular member, for a full two-year term, scheduled to expire December 12, 2006.**

Motion by Rich, seconded by Bryant, carried 5/0, to reappoint Steven C. Cupolo to the A1A South Overlay District Architectural Review Committee, as a regular member for a full two-year term, scheduled to expire December 12, 2006.

Motion by Rich, seconded by Bryant, carried 5/0, to appoint Doris Davis to the A1A South Overlay District Architectural Review Committee, as an alternate member for a two-year term, scheduled to expire March 23, 2007.

(03/23/05 - 16 - 1:56 p.m.)
15. UPDATE ON THE UTILITY DEPARTMENT

Bill Young, Director of Utilities, gave a PowerPoint presentation (Exhibit A), reviewing the Utility Department's mission statement; organizational chart; staff; general utility information; fundamental principles; environmental stewardship; and the new Utility Administration Building.

(2:26 p.m.) Mike Rocca, Brown and Caldwell, provided a PowerPoint presentation (Exhibit B), reviewing the St. Johns County water and wastewater rates. He gave no recommendation to change the base rate, however, he suggested slight modifications for usage blocks 2 through 4. (2:44 p.m.) There was a discussion regarding conservation efforts, utility rates, and the bond market. (3:01 p.m.) Young requested direction from the Board on how to proceed. (3:03 p.m.) Adams announced that there was additional information available for review, and suggested that each Commissioner meet with Staff to discuss the proposed rate changes. ***There was a consensus of the Board to bring the rate change back to the Board the last meeting in May.***

(03/23/05 - 17 - 3:03 p.m.)

16. POLICY GUIDANCE REQUEST ON THE SEPTIC TANK REPLACEMENT PROJECT IN PROBLEMATIC AREAS OF ST. AUGUSTINE BEACH

Bill Young, Director of Utilities, requested policy direction regarding a mandatory connection policy and incentives. (3:05 p.m.) Bryant clarified that this pertained to retrofitting some areas of St. Augustine Beach. He said that the County had applied for a 65/35 grant with the Department of Environmental Protection (DEP) and Young concurred. Bryant mentioned that Young had been working with DEP to receive a waiver to somehow alter the Florida Statutes of the one-year hook-up: Young answered that they had been told that they could use lighter mandatory language, giving the resident the option of waiting until the septic tank or drain field failed before tying into the system. Bryant suggested that the County find a way to encourage homeowners to tie into the County system by giving some type of incentive. (3:06 p.m.) Young said that money had been budgeted to install the lines, and explained the options already in place to assist the homeowner with the connection. Bryant asserted that replacing septic tanks and drain fields was good for the environment and that eliminating them would assist the City of St. Augustine Beach with their drainage problems. (3:10 p.m.) Bosanko stated that he needed to review the issue. A discussion regarding incentives ensued. (3:22 p.m.) ***Maguire announced that there was a consensus of the Board on Issue Nos. 1 through 3. He suggested adding Issue No. 4, creating a marketing program instead of a survey (Issue No. 3), Young agreed, Stern said public meetings were the best place to share information, and a consensus was given.***

(3:23 p.m.) Maguire announced a short recess and the meeting resumed at 3:44 p.m. with Isabelle Lopez, Assistant County Attorney, present.

(03/23/05 - 17 - 3:44 p.m.)

3. PUBLIC HEARING – DEVAGREE2004-01, SUNSHINE HOLDINGS DEVELOPMENT AND IMPACT FEE AGREEMENT – THIS IS A CONTINUATION OF THE SECOND REQUIRED PUBLIC HEARING FOR THE PROPOSED SUNSHINE HOLDINGS DEVELOPMENT AND IMPACT FEE AGREEMENT. THE FIRST PUBLIC HEARING WAS HELD ON NOVEMBER 17, 2004. AT THE SECOND PUBLIC HEARING, HELD ON DECEMBER 1, 2004, A DECISION WAS DELAYED DUE TO THE FILING OF APPEALS AGAINST THE ISSUANCE OF THE FINAL CERTIFICATES OF CONCURRENCY FOR THE PROPOSED PROJECTS. THE PROPOSED DEVELOPMENT AGREEMENT HAS BEEN REVISED TO EXTEND THE PROPOSED 4-LANE IMPROVEMENT OF CR 13A FROM .4 MILE TO 1.5 MILES IN LENGTH AND TO ELIMINATE THE PHASE III IMPROVEMENTS, WHICH HAVE BEEN BONDED BY THE WORLD COMMERCE CENTER DRI. PLEASE NOTE THAT EXHIBIT I (ROAD IMPACT FEE CREDIT FOR EACH PROJECT) WAS LEFT BLANK PENDING THE ADOPTION OF NEW IMPACT FEE RATES. THE PROPOSED AGREEMENT ADDRESSES ROADWAY CAPACITY ISSUES FOR THE PALM LAKES PUD PHASES 4 AND 5, THE SUNSHINE 13 PUD, THE SUNSHINE 16 PUD PHASES 1 AND 2A, AND THE LIBERTY PARK PUD. THE DEVELOPER PARTIES (SUNSHINE LAND HOLDING, LLC, G & C DEVELOPER, INC., MURABELLA, LLC, A & S LAND DEVELOPMENT COMPANY, DAVID E. JONES AND JEAN B. JONES, AND STOKES AND COMPANY) HAVE PROPOSED A DEVELOPMENT AGREEMENT WITH ST. JOHNS COUNTY. THE PROPOSED DEVELOPMENT AGREEMENT WILL SERVE AS THE DEVELOPERS' COMMITMENT TO BUILD THE TRANSPORTATION FACILITIES NECESSARY TO SERVE THE IMPACTS OF THE PROPOSED DEVELOPMENT, SPECIFICALLY IMPROVEMENTS THAT PROVIDE ADEQUATE ROADWAY CAPACITY ON LINK 21 (CR 13A) AND THE SR

16/IGP/CR 13A INTERSECTION IN ORDER TO SATISFY THE COUNTY'S TRANSPORTATION CONCURRENCY REQUIREMENTS. THE PROPOSED IMPROVEMENTS INCLUDE FOUR-LANING OF CR 13A FROM ITS INTERSECTION WITH SR 16 EXTENDING SOUTH APPROXIMATELY 1.5 MILES AND INTERSECTION IMPROVEMENTS TO THE SR 16/IGP/CR 13A INTERSECTION. A REQUEST FOR APPROVAL OF ROAD IMPACT FEE CREDITS IS INCLUDED IN THE AGREEMENT. COUNTY ROAD 13A AND THE SR 16/IGP/CR 13A INTERSECTION ARE CONSIDERED "OFF-SITE" IMPROVEMENTS, THUS THE COST OF THESE IMPROVEMENTS ARE ELIGIBLE FOR IMPACT FEE CREDITS

Proof of publication regarding the notice of public hearing for DEVAGREE2004-04 was received, having been published in *The St. Augustine Record* on March 8, 2005.

Shawn Collins, Transportation and Concurrency, explained that this was the second of the two required public hearings on the Sunshine Holdings Group development agreement. He said that all parties involved had agreed upon the final wording of the agreement and introduced Janet Courtney, Esquire.

(3:45 p.m.) Janet Courtney, Esquire, representing for the World Golf Village, 215 N. Eola Dr., Orlando, explained that her client had filed a concurrency certificate appeal for concurrency findings that had been approved by the County. She said that the differences had been resolved and a settlement agreement had been signed. She said that upon execution and delivery of the revised development agreement, incorporating the changes that had been agreed upon, and expiration of the appeals period, a notice of dismissal with prejudice would be filed with the District Attorney. She said that there were no objections to the County hearing the development agreement issue.

(3:47 p.m.) Isabelle Lopez, Assistant County Attorney, announced that copies of the agreement had been provided to the Board.

(3:49 p.m.) George McClure, 170 Malaga Street, explained the changes to the development agreement. He said that the proposal provided transportation improvements quickly for the residents in the area of Pacetti Road. (3:58 p.m.) Rich asked what impact fee credits would be awarded to the developers and McClure answered that under the new Impact Fee Ordinance, adopted last week by the Commission, that almost all of it would be recovered from the projects that participated. (3:59 p.m.) Collins said that Exhibit I had been distributed to the Board and outlined the Impact Fee Credits that would be applied to each development. (4:00 p.m.) **Motion by Bryant, seconded by Stern, to approve the Development and Impact Fee Agreement with the revisions provided to the board.** Rich wanted the item remanded to the PZA for review. Discussion regarding the review process ensued. **The motion carried 4/1, with Rich opposed.**

(03/23/05 - 18 - 4:05 p.m.)

4. PUBLIC HEARING – CPA(SS)2004-03 PALM LAKES SMALL SCALE COMPREHENSIVE PLAN AMENDMENT - THIS IS A PROPOSED SMALL SCALE COMPREHENSIVE PLAN AMENDMENT TO AMEND THE FUTURE LAND USE MAP FROM RESIDENTIAL-B TO COMMUNITY COMMERCIAL. THE SUBJECT PROPERTY IS LOCATED AT THE INTERSECTION OF SR 16 AND PACETTI ROAD. THE SUBJECT PROPERTY IS PARTIALLY WITHIN THE PALM LAKES PUD AND A PORTION IS ZONED OR. THE PROPERTY CONTAINS APPROXIMATELY 9.99 ACRES OF LAND. THE EXISTING PALM LAKES PUD ALLOWS NEIGHBORHOOD COMMERCIAL USES, AS PROVIDED IN THE LAND DEVELOPMENT CODE, AND ARE LIMITED TO

FACILITIES WITHOUT DRIVE-THROUGH SERVICES. THE APPLICANT HAS PROVIDED THAT DRIVE-THROUGH BANKS, PHARMACIES AND RESTAURANTS ARE COMMON USES ALONG COLLECTOR ROADS AND AT THE ENTRANCE OF SUBDIVISIONS. FURTHER, THE APPLICANT HAS PROVIDED THE PROPERTY ALONG THE WEST SIDE OF PACETTI ROAD (HORTON'S GROCERY) ALLOWS FOR COMMUNITY COMMERCIAL USES. IF THIS AMENDMENT IS APPROVED THE PALM LAKES PUD WILL BE MODIFIED TO ALLOW THESE USES. IN ADDITION, THE PALM LAKES PUD IS DESIGNED TO PROVIDE CONNECTIVITY BETWEEN THE COMMERCIAL USES AND THE RESIDENTIAL USES, THEREBY, ALLEVIATING THE NEIGHBORHOOD RESIDENTS' NEED TO TRAVEL SR 16 FOR COMMUNITY SHOPPING AND COMMERCIAL SUPPORT. THE PLANNING AND ZONING AGENCY CONSIDERED THIS APPLICATION AT THEIR NOVEMBER 18, 2004 MEETING. THE AGENCY RECOMMENDED APPROVAL AND THE MOTION FAILED WITH A 3/3 VOTE, WHICH CONSTITUTES A RECOMMENDATION OF DENIAL. THE AGENCY EXPRESSED CONCERN ABOUT THE TIMING OF THE DEVELOPMENT IN RELATION TO THE APPLICANT'S PLANNED TRANSPORTATION IMPROVEMENTS

Proof of publication regarding the notice of public hearing for an amendment to the Future Land Use Map was received, having been published in *The St. Augustine Record* on March 8, 2005.

Donna Godfrey, AICP, Senior Planner, announced that there was a sign-up sheet for the Comprehensive Plan Citizen Courtesy Information List that notified them of important dates and issues. She said that she had provided a completed copy of the ordinance that had no content changes, but had been reassembled correctly. (4:07 p.m.) Maguire stated that the PZA had failed to approve this change with a 3/3 vote. Godfrey explained that it had failed due to lack of the development agreement accord. Maguire clarified that the reason it had failed was because the development agreement had not been completed, but that it was now complete. (4:08 p.m.) Rich spoke in opposition to approving this amendment without remanding it back to the PZA. A discussion regarding the review process ensued. (4:19 p.m.) Bosanko stated that the PZA had met all requirements and had fulfilled their function and the discussion continued. (4:30 p.m.) **Motion by Bryant, seconded by Stern, carried 5/0, to enact Ordinance 2005-30, known as CPA(SS)2004-03, Palm Lakes Small Scale Comprehensive Plan Amendment, adopting Findings of Fact 1 through 3 to support the motion.**

ORDINANCE NO. 2005-30

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 RESIDENTIAL DENSITY–B TO COMMUNITY COMMERCIAL (CC) FOR PROPERTY LOCATED ON THE SOUTH SIDE OF STATE ROAD 16, NEAR THE EAST SIDE OF THE PACETTI ROAD-INTERNATIONAL GOLF PARKWAY INTERSECTION; PROVIDING FINDINGS OF FACT; FINDINGS OF CONSISTENCY; SEVERABILITY; AND AN EFFECTIVE DATE

(03/23/05 - 20 - 4:32 p.m.)

5. PUBLIC HEARING – PUD 2004-20, SUNSHINE 13 PLANNED UNIT DEVELOPMENT - THIS REQUEST SEEKS TO REZONE 79.86 ACRES OF LAND FROM OPEN RURAL (OR) TO PLANNED UNIT DEVELOPMENT (PUD) TO ALLOW THE DEVELOPMENT OF A 159 UNIT SINGLE-FAMILY DEVELOPMENT WITH ASSOCIATED RECREATIONAL AMENITIES. THE SUBJECT PROPERTY IS SITUATED OFF OF PACETTI ROAD AND ABOUT 1/2 MILE SOUTH OF STATE ROAD 16. ST. JOHNS COUNTY WILL PROVIDE CENTRAL WATER AND SEWER SERVICE. SIDEWALKS WILL BE PROVIDED ALONG ONE SIDE OF PACETTI ROAD AND ALONG ALL MAIN ROADWAYS. THE PUD WILL CONSTRUCT 13.0 ACRES OF ACTIVE RECREATION AREA, WHICH WILL INCLUDE A CHILD'S TOT LOT, JOGGING TRAIL WITH EXERCISE STATIONS, AND A MULTIPURPOSE FIELD. THE PUD WILL ALSO HAVE 20.94 ACRES (26.2%) OF OPEN SPACE, WHICH EXCEEDS THE MINIMUM 25% REQUIRED. THE SUBJECT PROPERTY IS DESIGNATED AS RESIDENTIAL-B (2 UNITS PER ACRE) AND THE PUD HAS A NET DENSITY OF 1.99 UNITS PER ACRE. THE PLANNING AND ZONING AGENCY RECOMMENDED DENIAL OF THIS REZONING REQUEST AT THEIR NOVEMBER 18, 2004 HEARING BY A VOTE OF 3/3

Proof of publication regarding the notice of public hearing for an amendment to the Future Land Use Map was received, having been published in *The St. Augustine Record* on March 8, 2005.

Bruce Ford, Chief Planner, said that there was no additional information and that the PZA had denied recommending approval by a 3/3 vote, because the development agreement had not been resolved. (4:33 p.m.) Rich was opposed to approving this request without remanding it back to the PZA for review. (4:34 p.m.) **Motion by Bryant, seconded by Stern, to enact Ordinance 2005-31, known as PUD 2004-20, Sunshine 13 PUD, adopting Findings of Fact 1 through 7 to support the motion.** Stern, Stevenson, Rich, Maguire, and Bryant announced ex parte communiciations with the applicant, Beth Breeding, parties to the development agreement and attorneys. (4:36 p.m.) **The motion carried 5/0.**

ORDINANCE NO. 2005-31

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

(03/23/05 - 20 - 4:36 p.m.)

6. PUBLIC HEARING – PUD 2004-21, SUNSHINE 16 PLANNED UNIT DEVELOPMENT - THIS REQUEST SEEKS TO REZONE APPROXIMATELY 43.7 ACRES LOCATED SOUTH OF STATE ROAD 16 AND EAST OF PACETTI ROAD, WITHIN THE NORTHWEST SECTOR OF ST. JOHNS COUNTY. THE PLAN OF DEVELOPMENT INCLUDES 109,000 SQUARE FEET OF SHOPPING CENTER RETAIL AND 60 SINGLE-FAMILY RESIDENTIAL UNITS. THE PROJECT DOES NOT CONTAIN ANY ONSITE WETLANDS, AS IT WAS PREVIOUSLY USED AS CULTIVATED CROPLAND. THE PROJECT IS LOCATED IN THE RESIDENTIAL-B LAND USE CATEGORY. A COMPANION SMALL-SCALE COMPREHENSIVE PLAN AMENDMENT IS

UNDER REVIEW TO CHANGE APPROXIMATELY 6.29 ACRES FROM RESIDENTIAL-B TO COMMUNITY COMMERCIAL. THE LAND USE AMENDMENT WOULD PROVIDE FOR MORE INTENSE COMMERCIAL USES THAN CURRENTLY ALLOWED UNDER THE RESIDENTIAL-B LAND USE CATEGORY. LOTS WILL BE A MINIMUM OF 7,800 SQUARE FEET IN SIZE. THE PROJECT HAS A NET DENSITY OF 1.92 UNITS PER ACRE. DEVELOPMENT WITHIN THE NORTHWEST SECTOR REQUIRES A MINIMUM OF 5.0 ACRES OF ACTIVE RECREATION. A MINIMUM OF 5.67 ACRES OF RECREATION WILL BE PROVIDED; WITH 5.0 ACRES OF ACTIVE RECREATION AND 0.67 OF PASSIVE RECREATION. THE ACTIVE RECREATION FACILITIES INCLUDE JOGGING TRAILS WITH EXERCISE STATIONS, A CHILD'S PLAYSCAPE (TOT LOT), EXERCISE/WALKING/JOGGING PATH, A GRASSED FIELD AND A PASSIVE PARK. OPEN SPACE WILL BE PROVIDED THROUGH 12.43 ACRES INCLUDING THE RECREATION AREAS, BUFFERS, SCENIC EDGES, AND DEVELOPMENT EDGES. FOUR (4) FOOT WIDE SIDEWALKS WILL BE PROVIDED ALONG ONE SIDE OF ALL INTERNAL ROADS. THE PLANNING AND ZONING AGENCY MEMBERS VOTED 3/3, A DENIAL BY FAILED APPROVAL, ON THIS REZONING REQUEST AT THE NOVEMBER 18, 2004 HEARING. THE PLANNING AND ZONING AGENCY CITED CONCERNS OVER TRANSPORTATION ISSUES. NAMELY, CONCERNS CENTERED ON A DESIRE TO HAVE AN APPROVED DEVELOPMENT AGREEMENT PRIOR TO HEARING ANY ASSOCIATED REZONINGS AND/OR DEVELOPMENT APPLICATIONS, AS WELL AS CONCERNS OVER THE CURRENT OPERATION OF THE SR16/CR13A/IGP INTERSECTION, WITH REGARD TO THE TIMING OF ROAD IMPROVEMENTS

Proof of publication regarding the notice of public hearing for PUD2004-21, Sunshine 16, was received, having been published in *The St. Augustine Record* on March 8 2005.

Lindsay Haga, Planner II, summarized the project. She explained that she had distributed revised text for pages 3 and 4 of the PUD text. She also explained that the new language had been highlighted in yellow, and that the text clarified the non-residential allowable usages within the PUD. She stated that the PZA had requested the removal of the ingress/egress on State Road 16, and that it failed with a vote of 3/3. She said that the applicant had agreed to remove the ingress/egress from the plan. (4:39 p.m.) Stevenson asked for clarification on the internal circulation and Haga responded. Stevenson expressed concern with the density of the project and school bus access. (4:41 p.m.) Stern clarified that there would be two access points. (4:43 p.m.) **Motion by Stern, seconded by Stevenson, to enact Ordinance 2005-32, known as PUD 2004-21, Sunshine 16 PUD, adopting Findings of Fact 1 through 7 to support the motion.** Stevenson, Stern, Maguire, Bryant, and Rich declared ex parte communications with Beth Breeding. Rich stated that he was opposed to approval without remanding the request back to the PZA for review. **The motion carried 5/0.**

ORDINANCE NO. 2005-32

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

(03/23/05 - 22 - 4:44 p.m.)

7. PUBLIC HEARING – PUD 2004-25, LIBERTY PARK PLANNED UNIT DEVELOPMENT - THIS REQUEST SEEKS TO REZONE APPROXIMATELY 148.05 ACRES LOCATED EAST OF PACETTI ROAD IN THE NORTHWEST SECTOR OF ST. JOHNS COUNTY. THE PROJECT PROPOSES DEVELOPMENT OF 408 SINGLE-FAMILY RESIDENTIAL UNITS. THE PROJECT WILL PROVIDE AFFORDABLE HOUSING THROUGH THE AFFORDABLE HOUSING DENSITY BONUS (POLICY A.1.11.1.H.7 OF THE COMPREHENSIVE PLAN). THE PROJECT IS LOCATED WITHIN THE RESIDENTIAL B LAND USE CATEGORY, WHICH PROVIDES TWO DWELLING UNITS PER ACRE AND AN OPTIONAL DENSITY BONUS OF UP TO ONE DWELLING UNIT PER ACRE INCREASE FOR AFFORDABLE HOUSING (I.E. MAXIMUM DENSITY 3 DU/AC). THE GROSS DENSITY OF THE SITE IS 2.76 DU/AC. THE AFFORDABLE HOUSING DENSITY BONUS PROVIDES FOR AN ADDITIONAL 112 DWELLING UNITS. OF THE 112 BONUS UNITS, 56 UNITS WILL BE CONSTRUCTED AS AFFORDABLE HOUSING, IN ACCORDANCE WITH LAND DEVELOPMENT CODE CRITERIA OF SECTION 5.07.00. APPROXIMATELY 160 LOTS WILL MEET A MINIMUM SIZE OF 7,245 SQUARE FEET AND 248 LOTS WILL MEET A MINIMUM SIZE OF 6,095 SQUARE FEET. THE PROJECT PROPOSAL INCLUDES 6.0 ACRES OF ACTIVE PARKS THAT WILL INCLUDE A COMBINATION OF MULTI-PURPOSE PLAY FIELDS, CHILDREN'S PLAY AREAS, WALKWAYS AND JOGGING TRAILS. OPEN SPACE WILL BE PROVIDED THROUGH 31 ACRES, INCLUDING THE RECREATION AREAS, SCENIC EDGES AND DEVELOPMENT EDGES. FOUR (4) FOOT WIDE SIDEWALKS WILL BE PROVIDED ALONG ONE SIDE OF ALL INTERNAL ROADS. THE PLANNING AND ZONING AGENCY VOTED 3/3, A DENIAL BY FAILED APPROVAL, ON THIS REZONING REQUEST AT THE NOVEMBER 18, 2004 HEARING. THE PLANNING AND ZONING AGENCY CITED CONCERNS OVER TRANSPORTATION ISSUES. NAMELY, CONCERNS CENTERED ON A DESIRE TO HAVE AN APPROVED DEVELOPMENT AGREEMENT PRIOR TO HEARING ANY ASSOCIATED REZONINGS AND/OR DEVELOPMENT APPLICATIONS, AS WELL AS CONCERNS OVER THE CURRENT OPERATION OF THE SR16/CR13A/IGP INTERSECTION, WITH REGARD TO THE TIMING OF ROAD IMPROVEMENTS

Proof of publication regarding the notice of public hearing for PUD2004-25 Liberty Park was received, having been published in *The St. Augustine Record* on March 8, 2005.

Lindsay Haga, Planner II, said that she had provided a new Board Staff Report cover page and some revised text to remove the applicant's request for the sidewalk waiver because it this was not done at this level. She clarified that the PZA had recommended approval, with the original three waivers. She said that the tracks of land around each of the ponds had been called out and separated and designated as common areas and were being included in the open space calculation. She said that the applicant could not meet the full 25% open space requirement because of the provision for 408 units through the affordable housing density bonus. (4:47 p.m.) There was a lengthy discussion relating to the sidewalk fund and open space requirements. (5:18 p.m.) Bryant read a statement from Diana Hinckley, who was opposed to the development. He requested that a small sidewalk be placed within the easements so that everyone would have access to the lakes.

(5:20 p.m.) Glen East, 2950 Pacetti Road, was opposed to a sidewalk being built along Pacetti Road, but spoke in support of the project and asked the Board to approve the request with the waivers.

(5:28 p.m.) **Motion by Stern, seconded by Stevenson, carried 5/0, to enact Ordinance 2005-33, known as PUD 2004-25, Liberty Park PUD, adopting Findings of Fact 1 through 7 to support the motion.** Rich was opposed to approving this request without remanding it back to the PZA for review.

Maguire recessed the meeting at 5:29 p.m. and it was reconvened at 5:37 p.m.

(5:42 p.m.) **Subsequently, Stern restated the motion: "to enact Ordinance 2005-33, known as PUD 2004-25, Liberty Park PUD, adopting Findings of Fact 1 through 7 to support the motion; including the waivers No. 1, incremental Master Development Plans; approving the waiver from the requirements of Section 5.03.03.A1 of the Land Development Code, to provide no less than 21% of the total project area as open space, to include the ponds and lakes as open space; and to provide sidewalks in the easements for access to the lakes. The second accepted the changes and the motion carried 5/0.**

ORDINANCE NO. 2005-33

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

(03/23/05 - 23 - 5:37 p.m.)

8. PUBLIC HEARING – MAJMOD 2004-14, PALM LAKES PUD - THE PALM LAKES PUD CONSISTS OF 419.2 ACRES AND IS LOCATED SOUTH OF STATE ROAD 16, EAST OF PACETTI ROAD. THE MAJOR MODIFICATION PROPOSES TO ADD COMMERCIAL USES DESCRIBED IN THE COMMUNITY COMMERCIAL LAND USE CATEGORY TO PARCEL 4A (3.7 ACRES). THE MODIFICATION IS CONTINGENT UPON THE APPROVAL OF THE PROPOSED SMALL-SCALE AMENDMENT APPLICATION (SSCPA 2004-03). THE RESULT PROVIDE FOR 140,000 SQUARE FEET OF RETAIL USE AND 5,000 SQUARE FEET OF OFFICE. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS ITEM AT THEIR NOVEMBER 18, 2004 MEETING, WITH A VOTE OF 4/2. DISSENTING VOTES WERE BASED UPON CONCERNS OVER THE LACK OF AN APPROVED DEVELOPMENT AGREEMENT PROVIDING FOR TRANSPORTATION IMPROVEMENTS, AS WELL AS THE CURRENT OPERATION OF THE SR 16/CR13A/IGP INTERSECTIONS WITH REGARD TO THE TIMING OF ROAD IMPROVEMENTS

Proof of publication regarding the notice of public hearing for MAJMOD2004-14, Palm Lakes, was received, having been published in *The St. Augustine Record* on March 8, 2005.

Lindsay Haga, Planner II, stated that there were no changes to the information previously provided to the Board. Maguire announced ex parte communications with the developer. (5:38 p.m.) **Motion by Bryant, seconded by Stern, to enact Ordinance No. 2005-34, known as MAJMOD2004-14, Palm Lakes PUD, adopting Findings of Fact**

1 through 6 to support the motion. Stern, Stevenson, Rich, and Bryant declared ex parte communications with the developers, Charlie, Beth Breeding, and Gary Silverfield. (5:39 p.m.) Rich was opposed to approving this request without remanding it back to the PZA for review. (5:40 p.m.) Maguire explained that when declaring ex parte, who and what was discussed had to be mentioned. (5:40 p.m.) Stern stated that this major modification had been approved by PZA. (5:41 p.m.) Patrick McCormack, Assistant County Attorney, explained ex parte communications. (5:41 p.m.) **The motion carried 5/0.**

(5:42 p.m.) Karen Taylor, 3070 Harbor Drive, requested clarification on the motion for Item No. 7 and the item was revisited.

ORDINANCE NO. 2005-34

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, APPROVING A MAJOR MODIFICATION TO THE PALM LAKES PLANNED UNIT DEVELOPMENT (PUD) ORDINANCE NO. 02-65, AS AMENDED; MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING FOR AN EFFECTIVE

(03/23/05 - 24 - 5:41 p.m.)
COMMISSIONERS' REPORTS

Commissioner Bryant
Bryant mentioned a letter that he had received from Dr. Allicott, Public Health Department, Joe Gordy, Flagler Hospital, and Dr. Max Wilson, Health and Human Services Advisory Council (HHSAC). He expressed some concerns with the HHSAC, saying that they might have over stepped their bounds. He said that St. Johns County had formed CHIP, the Community Health Improvement Partnership, and they had brought recommendations to the Board of County Commissioners. He said that 100% of the recommendations had been implemented regarding housing, transportation, nutrition, and medical care. He asked Joe Stephenson, Public Works Director, past member of the District 4 Health and Human Services Advisory Board to share his insight on the Health and Human Services Board's accomplishments from years past. Stephenson explained that they had worked to disassemble the community mental health system in Jacksonville, so that each community could provide its own mental health services. He said that the CHIP's project had created the continuum of care that had evolved with the leadership of Dr. Colavito, to the leadership role that it plays in the state today. He was opposed to rebundling health services and said that it would be negative for small counties. Bryant objected to revising the old system.

(5:50 p.m.)
Commissioner Maguire
Maguire mentioned St. Johns Service Company (SJSC) and said that he had been advised that Bessent, Hammock and Ruckman (BHR) had evaluated the problem with the lift station in Marsh Landing, and that they were prepared to bring it to the Board. (5:50 p.m.) **Motion by Maguire, seconded by Bryant, carried 5/0, to direct Staff, Utility Staff in particular, through Adams, to get with BHR and their engineering personnel and SJSC personnel, and sit down and visit the site, go over the problem, and for County Staff to make a recommendation, [and] provide a full report for the April 6, 2005 BCC meeting; and that at the April 6, 2005 meeting Adams provide a final recommended price on the SJSC; and that April 27, 2005 be established as the date to hold the 125 hearing.**

(5:52 p.m.) There was a discussion regarding the price being the most important issue regarding the purchase of the St. Johns Service Company and opposition to raising customer's rates.

Maguire gave kudos to all of the County Staff and Commissioners who participated in the St. Johns County Legislative Day. He also gave kudos to Nicole Cubbedge for sticking around as late as she did on her last day of employment with St. Johns County and he wished her well.

Maguire said that impact fees and revenue sharing had been discussed and he was concerned that the Hastings project and the Ponce Motor Lodge would be moving quickly. He said that Isabelle Lopez (Assistant County Attorney) had been in contact with the City of Hastings about a revenue sharing agreement and she had recommended that the Hastings City Council and the St. Johns County Board of County Commissioners get together to discuss a revenue sharing agreement. He said that the County did not collect impact fees from Hastings. He said that Lopez had recommended that the Board make a motion to direct Staff to put together a meeting with the Hastings City Council. (5:56 p.m.) Stern recommended that each Commissioner meet one on one with Planning Staff to discuss the issue. She said that she did not want to put the County in an adversarial position with Hastings. (5:57 p.m.) Maguire said that this would be brought back up at the next Board meeting. (5:58 p.m.) Bryant said that the County needed to press the City of St. Augustine on the Ponce issue because the County would lose approximately five million dollars, excluding school impact fees, on that project. Maguire said that the County needed to move on the issue and Stern answered that since the Ponce was an approved project and was pending, that it would be crucial to start with the City. Bryant said that the County was subsidizing the City's tax base. (5:59 p.m.) Maguire asked Bosanko if he would recommend that Lopez draft a revenue sharing plan and distribute it to the five Commissioners, who would then provide feedback: Bosanko said that the Legal Department would work on it.

(5:59 p.m.)
Commissioner Stern
Stern announced that Dennis Hollingsworth, Tax Collector, had been nominated for the Victor E. Martinelli, 2005 Outstanding Treasures Award, which is presented annually by the National Association of County Treasurers and Finance Officers. ***She asked if there was a consensus of the Board for the Chairman to write a letter of recommendation for the Board of County Commissioners for Dennis Hollingsworth and a consensus was given***.

(6:01 p.m.)
Commissioner Stevenson
Stevenson thanked the Board for their vote to purchase the land for the northwest recreational park; and Staff for their hard work and the groundwork that had been done in St. Johns County to deal with growth impacts. She asked that more information been shared with the northwest, north, and northeast parts of the County.

Stevenson said that the garbage pick-up issues in the northwest would be resolved by April 25, 2005.

Stevenson presented Stern with a silver piggy bank, to acknowledge Stern's "Kiss the Pig" Learn to Read literacy fundraiser.

(6:04 p.m.)
Commissioner Rich
Rich asked Bosanko to assist Staff in formulating a consistent and coherent policy on open space.

Rich asked for Board support in allowing Staff time to play catch-up due to the probable rush by developers to get permitting done before the impact fee change and Stevenson preferred to leave this to Mr. Adams' discretion. Rich stated that it would be at Adams' discretion and that he would support a decision to change hours if necessary. (6:06 p.m.) Adams answered that the Board had approved putting on four additional plan reviewers and four more inspectors and that Staff would let him know if additional help was needed.

(6:06 p.m.) *Motion by Rich, that Adams have the Director of Personnel put an item on the agenda regarding having the most current job description for the County Administrator's position, as well as a copy of the current contract for the Board's review regarding additions/deletions and reannouncement of the position of County Administrator.* He said that he knew Adams' contract ran out some time towards the end of the year and that the buffing out of a job description, the job announcement and the choosing of a selection Board was a lengthy process. *The motion failed for lack of a second.* (6:07 p.m.) Bryant stated that he had not received an outcry from anyone not to renew Mr. Adams' contract. He said that Mr. Adams had served the County most admirably and that he was able to bridge between the Board and the citizens of the County, which had never been done before. He stated that Mr. Adams was most qualified for the job and that his low salary was a way for him to give back to the community. (6:09 p.m.) **Motion by Bryant, seconded by Stern, to prepare a three-year contract with the modest increases that had been given in the past and bring it back to the Board.** (6:09 p.m.) Bosanko said that the issue was compensation to senior management in the County, and that he understood that the senior managers, particularly the County Administrator, were paid substantially less than what comparable managers were paid in northeast Florida. He asserted that the low salary made it difficult to consistently attract top-level managers to a County with the highest growth. He recommended that personal bias be left out of the salary determination, and that an outside source evaluate the salary compensation structure and make a professional recommendation to the Board. **Bryant amended his motion to include preparing a three-year contract that included a salary range of minimum to maximum, and that it be brought back to Board.** He wanted to show the Boards' confidence in Mr. Adams with a renewal contract. **The second agreed with the modifications.** (6:13 p.m.) Stern spoke in support of the motion and stated that Adams had gone over and above. She said that Adams empowered his employees and that this was one of the best managers that the Board could ever hope to find for a County this size. She said that Adams allowed a person to do their job, which was important, and that the County had not always had that management in the County. She asserted that Staff morale was high and that she would like to see a management review of salaries and job descriptions. (6:15 p.m.) Stevenson asked for clarification on the motion and Bryant explained the process for renewing the Administrator's contract. She said that Adams' constitutional knowledge was invaluable and she did not think that changing captains while the ship was getting ready to enter a storm was a good idea. (6:17 p.m.) Rich said that the issue involved with bringing a new contract on board was that Adams was grossly underpaid as an Administrator and that he believed that a four-year contract should be a minimal contract for an Administrator. He said that his original motion was not based upon the fact that there was animosity between he and Adams. He said that his issue was to buff-out the job description, make sure that it was accurate, up to date and timely, and make sure that it was changed to reflect a better salary package, include a four-year term, and to be advertised and to compete on the open market. He said that he did not think Adams would have to worry about being

competitive with anyone else. (6:20 p.m.) Maguire said that he agreed with Stevenson and asked Adams to provide his job description to the Commissioners for review. He said that he also agreed with Bryant and Stern's comments about Adams. He said that he had tremendous respect for Adams since he had been elected and that the respect had deepened since he had become Chairman and had seen how much of a role Adams played in the County. Rich said that if the job description for the County Administrator were altered in any way, the job would have to be advertised. (6:22 p.m.) **Motion by Maguire, seconded by Bryant, carried 4/1 with Rich opposed, to have Adams provide the Commissioners with a copy of his job description for review and recommendations.**

(03/23/05 - 27 - 6:22 p.m.)
COUNTY ADMINISTRATOR'S REPORT

Ben Adams gave special thanks to the Planning Staff for covering the meeting during Scott Clem and Teresa Bishop's absence, since they were attending a Planning Council Conference in San Francisco.

Adams announced that the Solid Waste Transfer contract was up for bid.

Adams said that he had received praise from the FACT about the Board supporting St. Johns County Day. He gave special thanks to the citizens, Commissioners, Jenny O'Dell and Karen Johnson.

(6:23 p.m.) Stevenson left the meeting.

(03/23/05 - 27 - 6:23 p.m.)
CLERK OF COURT'S REPORT

No report.

(03/23/05 - 27 - 6:23 p.m.)
COUNTY ATTORNEY'S REPORT

Dan Bosanko announced that he would be on vacation at the time of the next Board meeting and that his Staff would cover the meeting.

Motion by Bryant, seconded by Stern, carried 4/0, with Stevenson absent to adjourn the meeting. With there being no further business to come before the Board, the meeting adjourned at 6:24 p.m.

REPORTS:
1. St. Johns County Board of County Commissioners Check Register, Check Numbers 364660 - 365158, totaling $2,279,527.11 (03/09/05)
2. St. Johns County Board of County Commissioners Check Register, Check Number 365193, totaling $106.69 (03/17/05)
3. St. Johns County Board of County Commissioners Check Register, Check Numbers 365160 - 365192, totaling $2,336.15 (03/17/05)
4. St. Johns County Board of County Commissioners Check Register, Check Number 365159, totaling $164.44 (03/11/05)

CORRESPONDENCE:
1. Letter to Liz Cloud, Chief of Bureau of Administrative Code, filing St. Johns County Ordinance Number 2005-27 (03/18/05)

2. Letter to DYNIX, certified copies of the Purchase and License Agreement and the Maintenance and Support Agreements (03/07/05)
3. Letter to Liz Cloud, Chief of Bureau of Administrative Code, filing St. Johns County Ordinance Numbers 2005-18 through 2005-26 (03/15/05)
4. Letter to David Roach, Executive Director, Florida Inland Navigation District, certified copy of Resolution 2005-59, Interlocal Agreement regarding dune restoration for execution (03/22/05)

Approved April 20, 2005

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: _____
Bruce A. Maguire, Chairman

ATTEST: CHERYL STRICKLAND, CLERK

By: _____
Deputy Clerk