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**MINUTES OF MEETING  
BOARD OF COUNTY COMMISSIONERS  
ST. JOHNS COUNTY, FLORIDA  
AUGUST 23, 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 U.S. 1 North, St. Augustine, Florida.

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

Also present:       Michael Hunt, Deputy County Attorney and Ted Zebrowsky,  
                          Assistant County Administrator

Absent was:         Karen Stern, District 2

(08/23/05 - 1 - 9:03 a.m.)

Maguire called the meeting to order.

(08/23/05 - 1 - 9:04 a.m.)

ROLL CALL

All commissioners were present, with the exception of Stern.

(08/23/05 -1 - 9:04 a.m.)

INVOCATION AND PLEDGE OF ALLEGIANCE

Stevenson gave the Invocation, and Maguire led the Pledge of Allegiance.

(08/23/05 - 1 - 9:06 a.m.)

PROCLAMATION DESIGNATING SEPTEMBER 4-11, 2005 AS ST. JOHNS COUNTY FIREFIGHTER APPRECIATION WEEK

Stevenson read the proclamation designating St. Johns County Firefighter Appreciation Week on September 4 through September 11, 2005. The proclamation was presented to Mike Detrick, Kevin Winters, Bobby Hall, and Anthony Sutton. Detrick and Sutton thanked the Board for their support and requested the public support the firefighters during the Labor Day weekend with their "Fill the Boot" campaign for muscular dystrophy. (9:11 a.m.) **Motion by Bryant, seconded by Rich, carried 4/0 with Stern absent, to accept the proclamation.**

(08/23/05 - 1 - 9:11 a.m.)

PUBLIC COMMENT

Carolyn Carney, 10705 E. Deep Creek Blvd., Hastings, requested the Board reconsider the Bingo Ordinance and possibly revise it.

(9:13 a.m.) Jake Quigley, 871 Viscaya Blvd., President and Director of St. Joseph Benevolent Alliance, a bingo playing organization, informed the Board of the hardship that has been placed upon the bingo playing organizations in St. Johns County due to the passage of the Bingo Ordinance; then, requested the Board have a workshop on this issue.

(9:17 a.m.) Sandi Carpenter, 604 Pineland Lane, addressed the location of the bridge for the river crossing; then, requested the Board readdress this issue.

(9:21 a.m.) Lisa Hoff, 4100 Tall Trees Lane, requested that the Board consider an alternative to the current policy of trapping and killing healthy feral cats; requested they implement the Trap-Neuter-Return (TNR), which is a full management plan in which stray and feral cats already living outdoors are humanely trapped, evaluated, vaccinated, and sterilized by a veterinarian.

(08/23/05 - 2 - 9:30 a.m.)

#### DELETIONS TO CONSENT AGENDA

Adams requested Item #4 be removed from the Consent Agenda and be rescheduled to September 6, 2005; he also requested Item #21 be removed from the agenda.

(08/23/05 - 2 - 9:31 a.m.)

#### APPROVAL OF CONSENT AGENDA

**Motion by Bryant, seconded by Rich, carried 4/0 with Stern absent, to approve the Consent Agenda, as amended, as follows:**

1. Approval of the Cash Requirement Report
2. Minutes:
  - 06/28/05 - BCC Regular Meeting
  - 07/12/05 - BCC Regular Meeting
  - 07/20/05 - BCC Workshop
  - 07/26/05 - BCC Regular Meeting
3. Motion to authorize the St. Johns County Bar Association to use the County Auditorium on Thursday, May 4, 2006 from 9:30 a.m. to 12:30 p.m. for their mock trial held in observance of Law Day 2006
4. Motion to approve the list of qualified applicants for the CDBG Rehabilitation Program ranked and recommended by Jordan & Associates and approved by the Community Advisory Task Force

*This item was pulled from the Consent Agenda and was rescheduled to September 6, 2005.*

5. Motion to authorize the BCC Chairman and County Administrator to sign the certification for the SHIP Annual Report
6. Motion to adopt **Resolution No. 2005-212**, approving a final plat for Cypress Trace, Phase 1

#### RESOLUTION NO. 2005-212

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

**STATE OF FLORIDA, APPROVING A SUBDIVISION  
PLAT FOR CYPRESS TRACE, PHASE 1**

7. Motion to adopt **Resolution No. 2005-213**, approving a final plat for Cypress Trace, Phase II

**RESOLUTION NO. 2005-213**

**A RESOLUTION OF THE BOARD OF COUNTY  
COMMISSIONERS OF THE COUNTY OF ST. JOHNS,  
STATE OF FLORIDA, APPROVING A SUBDIVISION  
PLAT FOR CYPRESS TRACE, PHASE II**

8. Motion to adopt **Resolution No. 2005-214**, approving a final plat for Montura

**RESOLUTION NO. 2005-214**

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

9. Motion to adopt **Resolution No. 2005-215**, approving a final plat for Cypress Lakes, Unit Five

**RESOLUTION NO. 2005-215**

**A RESOLUTION OF THE BOARD OF COUNTY  
COMMISSIONERS OF THE COUNTY OF ST. JOHNS,  
STATE OF FLORIDA, APPROVING A SUBDIVISION  
PLAT FOR CYPRESS LAKES, UNIT FIVE**

10. Motion to adopt **Resolution No. 2005-216**, modifying certain weigh scale fees and charges pertaining to garbage and refuse disposal, and establishing the rate of the annual Solid Waste non ad valorem assessment levied pursuant to Ordinance 1989-20, as amended

**RESOLUTION NO. 2005-216**

**A RESOLUTION OF THE BOARD OF COUNTY  
COMMISSIONERS OF THE COUNTY OF ST. JOHNS,  
STATE OF FLORIDA, MODIFYING CERTAIN WEIGH  
SCALE FEES AND CHARGES PERTAINING TO  
GARBAGE AND REFUSE DISPOSAL AND  
ESTABLISHING THE RATE OF THE ANNUAL SOLID  
WASTE NON AD VALOREM ASSESSMENT LEVIED  
PURSUANT TO ST. JOHNS COUNTY ORDINANCE 89-  
20, AS AMENDED**

11. Motion to approve the transfer of \$57,588 from Police Impact Fee Reserves (1169-59927) to Aid to Government Agencies (1169-58100) for reimbursement to the City of St. Augustine Beach
12. Motion to authorize the County Administrator, or his designee, to enter into contract with Pavement Technology, Inc., at a unit price of \$0.58 per square yard as submitted with Bid 05-70, Asphalt Rejuvenation Project, and to allow three

annual renewals for a total contract length of up to four (4) years (*Attachment "A"*)

13. Motion to authorize the County Administrator, or his designee, to negotiate with and enter into contract with the No. 1 ranked firm, Gruhn May, Inc., the No. 2 ranked firm, Callaway Contracting, Inc., and the No. 3 ranked firm, Kent Bros, Inc., for RFP No: 05-85, Request for Proposals for Underground Construction Services for St. Johns County Utilities. If an agreement cannot be reached with the No. 1, 2, & 3 ranked firms, etc., authorization is requested to terminate negotiations and begin negotiations with the next ranked firm and continue until the agreements are reached
14. Motion to authorize the County Administrator, or his designee, to enter into an agreement with American Lighting and Signalization, Inc., for quick response signalization services via State Contract #E-2H59, with renewable terms and corresponding expiration date of November 10, 2007. The limiting amount during the term of this contract shall not exceed \$906,000
15. Motion to adopt **Resolution No. 2005-217**, changing the name of Dam Road to Ashford Mills Road

**RESOLUTION NO. 2005-217**

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, CHANGING A ROAD NAME FROM DAM ROAD TO ASHFORD MILLS ROAD

16. Motion to adopt **Resolution No. 2005-218**, naming a private driveway Woodfern Lane

**RESOLUTION NO. 2005-218**

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, NAMING A PRIVATE DRIVEWAY WOODFERN LANE

17. Motion to adopt **Resolution No. 2005-219**, naming a private easement Republic Drive

**RESOLUTION NO. 2005-219**

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, NAMING A PRIVATE EASEMENT REPUBLIC DRIVE

18. Motion to adopt **Resolution No. 2005-220**, approving the terms, provisions, conditions, and requirements, of a Non-Exclusive Franchise Agreement for Construction and Demolition Debris between St. Johns County, Florida, and Hicks Land Clearing and Incinerator, LLC, and authorizing the County Administrator to execute the agreement, on behalf of the County

**ST. JOHNS COUNTY  
BID TABULATION**



**BID TITLE** 2005 ASPHALT REJUVENATION PROJECT

**BID NUMBER** BID NO. 05-70

**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	PRODUCT NAME	PRICE PER SQUARE YARD	START PROJECT NUMBER DAYS AFTER WRITTEN NOTICE	BID BOND
PAVEMENT TECHNOLOGY INC.	\$232,000.00	RECLAMTTE	\$0.58	10 DAYS	YES

**BID AWARD DATE -** \_\_\_\_\_

**RESOLUTION NO. 2005-220**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF A NON-EXCLUSIVE FRANCHISE AGREEMENT FOR CONSTRUCTION AND DEMOLITION DEBRIS BETWEEN ST. JOHNS COUNTY, FLORIDA, AND HICKS LAND CLEARING AND INCINERATOR, LLC, AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE AMENDMENT TO THE CONSTRUCTION AND DEMOLITION FRANCHISE AGREEMENT, ON BEHALF OF ST. JOHNS COUNTY**

19. Motion to adopt **Resolution No. 2005-221**, declaring a forty-foot strip of certain County owned property as surplus and approving a private sale to an adjoining property owner, pursuant to the provisions set forth in Section 125.35(2), Florida Statutes. Because of the size, shape, location and value this portion of the parcel is of use only to the adjoining property owner for construction of East Watson Road

**RESOLUTION NO. 2005-221**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, DECLARING A FORTY-FOOT STRIP CONTAINING LESS THAN AN ACRE OF CERTAIN COUNTY OWNED PROPERTY AS SURPLUS AND APPROVING A PRIVATE SALE TO AN ADJOINING PROPERTY OWNER PURSUANT TO THE PROVISIONS SET FORTH IN SECTION 125.35(2), FLORIDA STATUTES, BECAUSE OF THE SIZE, SHAPE, LOCATION AND VALUE THIS PORTION OF THE PARCEL IS OF USE ONLY TO THE ADJOINING PROPERTY OWNER FOR CONSTRUCTION OF EAST WATSON ROAD**

20. Motion to adopt **Resolution No. 2005-222**, accepting a Special Warranty Deed and Non-exclusive Assignment of Easements and Bills of Sale in connection with Murabella Subdivision, Unit One

**RESOLUTION NO. 2005-222**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, ACCEPTING A SPECIAL WARRANTY DEED AND NON-EXCLUSIVE ASSIGNMENT OF EASEMENTS AND BILLS OF SALE IN CONNECTION WITH MURABELLA SUBDIVISION UNIT ONE**

21. Motion to adopt a resolution approving the terms of and authorizing the County Administrator to execute the 1<sup>st</sup> Amendment to the Purchase and Sale Agreement to extend the closing date for acquisition of the Cornerstone property

for an additional 12 months, and to add language to Section (26) to provide additional time to locate a suitable site for relocation of the church facility

*This agenda item was removed from the Consent Agenda.*

22. Motion to adopt **Resolution No. 2005-223**, accepting a deed for construction of a sidewalk within the right-of-way along the north and south side of Greenbriar Road

**RESOLUTION NO. 2005-223**

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, ACCEPTING A DEED FOR CONSTRUCTION OF A SIDEWALK WITHIN THE RIGHT-OF-WAY ALONG THE NORTH AND SOUTH SIDE OF GREENBRIAR ROAD

23. Motion to adopt **Resolution No. 2005-224**, accepting the terms of the Memorandum of Understanding between The Retired and Senior Volunteer Program and St. Johns County

**RESOLUTION NO. 2005-224**

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, ON BEHALF OF THE ST. JOHNS COUNTY MENTAL HEALTH DEPARTMENT ACCEPTING THE TERMS OF THE MEMORANDUM OF UNDERSTANDING BETWEEN THE RETIRED AND SENIOR VOLUNTEER PROGRAM (RSVP) AND ST. JOHNS COUNTY, AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE COUNTY

24. Motion to adopt **Resolution No. 2005-225**, accepting the terms of the Interagency Agreement between Youth Crisis Center and St. Johns County

**RESOLUTION NO. 2005-225**

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, ON BEHALF OF THE ST. JOHNS COUNTY MENTAL HEALTH DEPARTMENT ACCEPTING THE TERMS OF THE INTERAGENCY AGREEMENT BETWEEN YOUTH CRISIS CENTER AND ST. JOHNS COUNTY, AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE COUNTY

25. Motion to adopt **Resolution No. 2005-226**, accepting the terms of the Agreement between Paul Haley, M.D. and St. Johns County



**RESOLUTION NO. 2005-226**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, ON BEHALF OF THE ST. JOHNS COUNTY MENTAL HEALTH DEPARTMENT ACCEPTING THE TERMS OF THE AGREEMENT BETWEEN PAUL HALEY, M.D. AND ST. JOHNS COUNTY, AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE COUNTY**

26. Motion to adopt **Resolution No. 2005-227**, accepting the terms of the Institutional Medicaid Provider Agreement between the Florida Agency for Health Care Administration and St. Johns County, and authorizing the County Administrator to execute the agreement on behalf of St. Johns County

**RESOLUTION NO. 2005-227**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, AUTHORIZING THE INSTITUTIONAL MEDICAID PROVIDER AGREEMENT FOR PARTICIPATION IN THE TITLE XIX MEDICAID PROGRAM**

27. Motion to adopt **Resolution No. 2005-228**, approving the non-ad valorem assessment roll for the Ponte Vedra Wastewater Vacuum Sewer Project pursuant to Resolution 2002-245, authorizing the Chairperson to certify and delivery the 2005-2006 assessment roll to the St. Johns County Tax Collector

**RESOLUTION NO. 2005-228**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, APPROVING THE ASSESSMENT ROLL FOR THE PONTE VEDRA WASTEWATER ASSESSMENT AREA ESTABLISHED PURSUANT TO ORDINANCE NO. 2002-55; ESTABLISHING THE LIEN ASSOCIATED THEREWITH; DIRECTING THAT THE ASSESSMENT ROLL BE CERTIFIED TO THE ST. JOHNS COUNTY TAX COLLECTOR; AND PROVIDING AN EFFECTIVE DATE**

28. Motion to adopt **Resolution No. 2005-229**, recognizing unanticipated revenue in the amount of \$17,354.75, and increasing the Landscape Equipment account by the same amount, to allow for the purchase of a replacement truck

**RESOLUTION NO. 2005-229**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, AUTHORIZING THE AMENDMENT OF ITS FY 2005 GENERAL FUND BUDGET TO RECEIVE UNANTICIPATED REVENUE**

**AND AUTHORIZE ITS EXPENDITURE BY THE ST.  
JOHNS COUNTY LANDSCAPE DEPARTMENT**

29. Motion to approve the Canopy Shores Management Plan as submitted to the Florida Communities Trust
30. Motion to adopt **Resolution No. 2005-230**, approving the terms, provisions, conditions and requirements of a Florida Division of Historical Resources Grant for rehabilitation and improvements to the Alpine Groves Park Orange Packing Barn and Farmhouse, and authorizing the County Administrator to execute the agreement on behalf of the County

**RESOLUTION NO. 2005-230**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF A FLORIDA DIVISION OF HISTORICAL RESOURCES (DHR) GRANT FOR RENOVATION AND IMPROVEMENTS TO THE ALPINE GROVES PARK ORANGE PACKING BARN AND FARMHOUSE, AND AUTHORIZING THE COUNTY ADMINISTRATOR, AND THE COUNTY ATTORNEY TO EXECUTE THE AGREEMENT ON BEHALF OF THE COUNTY**

31. Motion to adopt **Resolution No. 2005-231**, accepting Cypress Estates Drive as County right-of-way for access to Cypress Lakes, Phase 5

**RESOLUTION NO. 2005-231**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, ACCEPTING CYPRESS ESTATES DRIVE AS COUNTY RIGHT-OF-WAY FOR ACCESS TO CYPRESS LAKES, PHASE 5**

32. Motion to approve a transfer of \$23,000 from Transportation Trust Fund Reserves (1131-59920) to Fleet Maintenance Department Equipment (1123-56400) for the purchase of processing equipment for the Biodiesel Fuel Program
33. Proofs:
  - a. Proof, Notice of Special Meeting, St. Johns County Board of County Commissioners, Proposed St. Johns River Crossing Discussion, Wednesday, July 27, 2005 at 5:30 p.m.
  - b. Proof, Notice to Bidders, RFP No. 05-119
  - c. Proof, Notice to Bidders, ITB No. 05-123
  - d. Proof, Notice of Meeting, St. Johns County Board of County Commissioners, Proposed Exchange of County Property, Tuesday, June 28, 2005 at 9:00 a.m.
  - e. Proof, Notice to Bidders, Bid No. 05-122
  - f. Proof, Notice to Bidders, RFQ No. 05-118
  - g. Proof, Notice to Bidders, Bid No. 05-117
  - h. Proof, Notice of Workshop, St. Johns County Board of County Commissioners, St. Johns County Financial Plan, Wednesday, July 20, 2005 at 9:00 a.m.

- i. Proof, Notice of Public Meeting, St. Johns County Board of County Commissioners and St. Johns County Community Redevelopment Agency, Tuesday, July 26, 2005 at 9:00 a.m.
- j. Proof, Notice of Public Hearing, St. Johns County Board of County Commissioners, consider creation of the Ponte Vedra Wastewater (Phase II) Assessment Area, August 9, 2005 at 1:30 p.m.
- k. Proof, Notice to Bidders, Bid No. 05-127
- l. Proof, Notice to Bidders, RFP No. 05-124
- m. Proof, Notice of Canceled Meeting, Water & Sewer Authority, Wednesday, August 3, 2005 at 9:00 a.m.
- n. Proof, Certificate of Liability Insurance, B.N.C., Inc.
- o. Proof, Certificate of Liability Insurance, South East Personnel Leasing, Inc.
- p. Proof, Certificate of Liability Insurance, AlphaStaff, Inc.
- q. Proof, Certificate of Liability Insurance, Advanced Disposal Services of Jacksonville
- r. Proof, Certificate of Liability Insurance, Shapell's, Inc.

(08/23/05 - 9 - 9:31 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

Adams relayed the request of the applicant to remove Agenda Item #9 from the agenda.

(08/23/05 - 9 - 9:31 a.m.)

APPROVAL OF REGULAR AGENDA

**Motion by Bryant, seconded by Stevenson, carried 4/0 with Stern absent, to approve the Regular Agenda, as amended.**

(08/23/05 - 9 - 9:32 a.m.)

1. PRESENTATION ON POSSIBLE NEW REVENUE SOURCE FOR THE COUNTY

David Shoar, St. Johns County Sheriff, gave a presentation on a possible new revenue source in the form of a fee for all persons incarcerated in the county. Sheriff Shoar then explained the proposed policy on the initial per diem fee. Discussion followed on the new income source and the use of the funds. (9:40 a.m.) *It was the consensus of the Board for the money collected from the initial per diem fee be returned to the Sheriff.*

(08/23/05 - 9 - 9:45 a.m.)

2. REPORT ON THE GUANA TOLOMATO MATANZAS NATIONAL ESTUARINE RESEARCH RESERVE

Kenneth Berk, Environmental Administrator, Guana Tolomato Matanzas National Estuarine Research Reserve, gave a PowerPoint presentation regarding the Reserve. Discussion followed on pedestrian crossings, beach parking along A1A North, and Guana Lake parking.

(10:27 a.m.) Andy Kaufman, 2537 S. Ponte Vedra Blvd., commented on the widening of A1A; requested this construction be put on hold at this time to be further reviewed for safety issues.

(10:33 a.m.) *Maguire directed Joe Stephenson, Public Works Director, request a representative from the Florida Department of Transportation give a presentation to the Board of County Commissioners regarding the widening of A1A.*

(10:37 a.m.) Agnes Danciger, 2919 Ponte Vedra Blvd., Ponte Vedra Beach, representing the Friends of the GTM Reserve, urged the Board to oppose the suggested realignment

of A1A and the increasing of beach parking in the Guana River section, as well as the taking of conservation land to widen CR 210 or Micklers Road.

(10:41 a.m.) Clara Cowan, 244 Patrick Mill Circle, Ponte Vedra Beach, requested the Board protect the Guana Preserve and discourage infringement on it.

(10:42 a.m.) Marcy Silkebaken, 1145 Neck Road, Ponte Vedra Beach, requested safety measures be implemented to protect the Guana Preserve; also requested the parking capacity be expanded.

The meeting recessed at 10:43 a.m. and reconvened at 10:56 a.m.

(08/23/05 - 10 - 10:56 a.m.)

3. PUBLIC HEARING - SANCHEZ DEVELOPMENT AGREEMENT EXTENSION - THIS IS THE FIRST OF TWO REQUIRED PUBLIC HEARINGS. THE SECOND PUBLIC HEARING IS SCHEDULED FOR SEPTEMBER 6, 2005. THE SANCHEZ DEVELOPMENT AGREEMENT (AGREEMENT) WAS APPROVED BY ST. JOHNS COUNTY ON AUGUST 22, 1995 BY AND BETWEEN THE 800 ACRE INVESTMENT PARTNERSHIP, THE DRAINAGE ASSOCIATION, INC., THE CANAL AUTHORITY, L.C. AND ST. JOHNS COUNTY, RELATED TO THE DEVELOPMENT OF THE SAWMILL LAKES PUD AND THE ODUM'S MILL PUD. THE AGREEMENT REMAINS IN EFFECT UNTIL THE EARLIER OF THE DATE ON WHICH THE CONSTRUCTION IS COMPLETE OR THE TENTH ANNIVERSARY OF THE EFFECTIVE DATE. THE TENTH ANNIVERSARY OF THE EFFECTIVE DATE IS SEPTEMBER 30, 2005. A SIX-MONTH EXTENSION OF THE AGREEMENT IS REQUESTED BY ST. JOHNS COUNTY TO ALLOW SUFFICIENT TIME FOR FINAL APPROVALS AND PERMITTING OF THE ST. JOHNS COUNTY LANDRUM LANE COMMUNITY CENTER TO BE LOCATED ON PROPERTY WITHIN THE ODUM'S MILL PUD. ALL PARTIES OF THE AGREEMENT HAVE CONSENTED TO THE EXTENSION

Proof of publication of the notice of public hearing on the Sanchez Development Agreement Extension was received, having been published in *The St. Augustine Record* on August 8, 2005.

Teresa Bishop, AICP, Planning Director, relayed the request for an extension of the Sanchez Development Agreement for six months, which was scheduled to expire on September 30, 2005; then announced the date of the 2<sup>nd</sup> public hearing scheduled for September 6, 2005.

(08/23/05 - 10 - 10:58 a.m.)

4. PUBLIC HEARING - MAJMOD 2005-06, NAPA AUTO PARTS PUD - THE MAJOR MODIFICATION PROPOSES TO CONVERT THE APPROVED PLAN FOR TWO RESTAURANTS (5,040 SQUARE FEET TOTAL) TO A SINGLE RETAIL BUILDING (6,000 SQUARE FEET) TO DEVELOP NAPA AUTO PARTS. THE PLANNED CONVERSION MODIFIES THE EXISTING PLAN BY REMOVING VEHICULAR ACCESS FROM SR 16, PROPOSING TWO SINGLE ENTRY POINTS FROM FIRST AND SECOND STREETS, ELIMINATING THE RESTAURANT BUILDINGS TO BE REPLACED WITH THE PROPOSED 6,000 SQUARE FOOT RETAIL BUILDING FOR THE NAPA AUTO PARTS STORE. THE PLAN OF DEVELOPMENT PROPOSES 32% OPEN SPACE FOR THE SITE, A MAXIMUM IMPERVIOUS SURFACE RATIO OF 45%, AND A TEN (10) FOOT PERIMETER BUFFER WITH A SCREENING STANDARD OF 'A' PER THE LAND DEVELOPMENT CODE. ADJACENT ZONINGS INCLUDE RESIDENTIAL SINGLE FAMILY (RS-3), PLANNED UNIT DEVELOPMENT

(PUD) AND COMMERCIAL GENERAL TO THE SOUTH. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS REQUEST BY A VOTE OF 4/0 AT THEIR JUNE 16, 2005 MEETING

Proof of publication of the notice of public hearing on MAJMOD2005-06, NAPA Auto Parts PUD, was received, having been published in *The St. Augustine Record* on August 8, 2005.

Bruce Ford, Chief Planner, was present and informed the Board that there were no changes to what was presented in the agenda packets. (10:59 a.m.) **Motion by Rich, seconded by Stevenson, carried 4/0 with Stern absent, to enact Ordinance No. 2005-74, known as MAJMOD 2005-06, Napa Auto Parts PUD, adopting findings of fact 1 - 6 to support the motion.**

#### ORDINANCE NO. 2005-74

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, APPROVING A MAJOR MODIFICATION TO PLANNED UNIT DEVELOPMENT (PUD) ORDINANCE NUMBER 2003-51, AS AMENDED; MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING FOR AN EFFECTIVE DATE

(08/23/05 - 11 - 11:00 a.m.)

5. PUBLIC HEARING - PUD 2005-10, VILLAGES OF VALENCIA PLANNED UNIT DEVELOPMENT - CAMELOT VILLAGE PUD WAS APPROVED IN 1997 AND LOCATED AT U.S. 1 AND WATSON ROAD WITH 11.33 ACRES OF COMMERCIAL AND 28.77 ACRES OF SINGLE FAMILY (80 UNITS). THIS REQUEST SEEKS TO CHANGE THE NAME TO VILLAGES OF VALENCIA, ADD APPROXIMATELY 204 ACRES AND 548 DWELLING UNITS TO THE PUD AND REZONE THE ENTIRE 240 ACRES FROM OPEN RURAL AND PLANNED UNIT DEVELOPMENT (PUD) TO PLANNED UNIT DEVELOPMENT. THE ADDED LANDS ARE LOCATED EAST OF U.S. 1 AND NORTH OF THE PROPOSED WATSON ROAD EXTENSION. THE 548 ADDED DWELLING UNITS INCLUDE 173 SINGLE FAMILY, 305 TOWNHOMES, AND 70 DUPLEX UNITS. THE PLAN PROPOSES A SINGLE VEHICULAR ACCESS POINT FROM WATSON ROAD. ADDITIONAL VEHICULAR ACCESS WILL BE PROVIDED TO THE EXISTING TURTLE CROSSING PUD IN ST. AUGUSTINE SHORES VIA CONNECTION TO CARETTA CIRCLE, WHICH IS CURRENTLY STUBBED OUT. THE DEVELOPMENT PROGRAM INCLUDES THE PROVISION OF FIVE (5) FOOT SIDEWALKS ALONG BOTH SIDES OF WATSON ROAD, AS WELL AS ALONG ONE OR BOTH SIDES OF ALL INTERNAL ROADS. THE DEVELOPMENT PROGRAM ALSO PROPOSES 92.34 ACRES OF OPEN SPACE FOR THE ADDED LANDS CONSISTING OF PRESERVED WETLANDS, BUFFERS, AND RECREATION AREAS INCLUDING SOCCER FIELDS, BASKETBALL COURTS, MULTI-PURPOSE FIELDS, PICNIC AREA AND NATURE TRAILS, TOT LOTS AND A SWIMMING POOL WITH CLUBHOUSE. THIS REPRESENTS A RESERVATION OF 45.2% OF THE SITE AS OPEN SPACE. THE EXISTING PUD ALREADY MEETS THE MINIMUM 25% OPEN SPACE. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS REZONING REQUEST AT THEIR JULY 7, 2005 HEARING BY A VOTE OF 5 TO 1

Proof of publication of the notice of public hearing on PUD2005-10, Villages of Valencia, was received, having been published in *The St. Augustine Record* on June 22, 2005 and August 11, 2005.

Court Reporter Janet Beason was present.

Bruce Ford, Chief Planner, informed the Board that a revised PUD text was submitted, and the only change to that text was to eliminate the northern access to the project. They would still provide pedestrian and bicycle access into the Turtle Shores development, as well as emergency access, but no direct connection. (11:01 a.m.) Stevenson disclosed ex-parte communication; she met with the applicant regarding the infrastructure and the schools in the area; said she also spoke with Jan Trantham in Concurrency Planning, who indicated that they made an effort to connect to Shores Blvd. (11:04 a.m.) George McClure, 170 Malaga Street, representing the applicant, addressed the issue of the connection to Shores Blvd., and the emergency access point. (11:05 a.m.) John Ruley, St. Johns County Fire Rescue, addressed the relocation of Fire Station 11 to the new location off of Watson Road Extension that would give some additional westerly and easterly coverage. Discussion followed on the emergency access and road connectivity. (11:13 a.m.) John Prichard, 715 Viscaya Blvd., expressed concerns with the density of the project, and commented in opposition to the rezoning. (11:16 a.m.) Rich declared ex-parte communication; he spoke with several residents and County staff regarding the density issue and the location of the multi-family units in the project. (11:21 a.m.) **Motion by Stevenson, seconded by Bryant, to enact Ordinance No. 2005-75 known as PUD 2005-10, Villages of Valencia PUD, adopting findings of fact 1 - 7 to support the motion.** Rich commented on why he was opposed to the project. (11:24 a.m.) **The motion carried 3/1 with Rich opposed and Stern absent.**

#### ORDINANCE NO. 2005-75

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

(08/23/05 - 12 - 11:24 a.m.)

6. PUBLIC HEARING - PUD 2004-11, ATLANTIC SELF STORAGE - STOKES LANDING ROAD PUD - THIS REQUEST SEEKS TO REZONE 3.06 ACRES OF LAND FROM INDUSTRIAL WAREHOUSE (IW) AND OPEN RURAL (OR) TO PLANNED UNIT DEVELOPMENT (PUD) TO ALLOW 75,900 SQUARE FEET OF SELF STORAGE WITHIN A THREE STORY BUILDING (38 FEET HIGH); TWO SINGLE STORY BUILDINGS TOTALING APPROXIMATELY 17,450 SQUARE FEET, AND APPROXIMATELY TEN OPEN AIR PARKING SPACES FOR OUTSIDE RV/BOAT STORAGE. THE THREE-STORY STORAGE BUILDING WILL INCLUDE AN APARTMENT UNIT FOR THE MANAGER OF THE FACILITY. A SEVEN-FOOT RESERVED RIGHT OF WAY WILL BE PROVIDED ADJACENT TO STOKES LANDING ROAD AND A FIVE-FOOT SIDEWALK WILL BE PROVIDED CONSISTENT WITH THE ST. JOHNS COUNTY LAND DEVELOPMENT CODE. THE SUBJECT PROPERTY IS SITUATED ON THE EAST SIDE OF U.S. 1 AND IS BORDERED BY STOKES

LANDING ROAD ON THE NORTH. ONE ACCESS WILL BE PROVIDED OFF STOKES LANDING ROAD. THE PLANNING AND ZONING AGENCY RECOMMENDED DENIAL OF THIS REZONING REQUEST AT THEIR JUNE 16, 2005 HEARING BY A VOTE OF 2/2 BASED ON CONCERNS THAT THE PROJECT WAS NOT COMPATIBLE WITH THE SURROUNDING AREA. WITH A 2/2 VOTE THE DENIAL WAS NOT APPROVED, HOWEVER A MOTION TO APPROVE WAS NOT MADE SO THIS REQUEST GOES TO THE BOARD OF COUNTY COMMISSIONERS WITHOUT A MOTION TO APPROVE OR DENY

Proof of publication of the notice of public hearing on PUD2004-11, Atlantic Self Storage, was received, having been published in *The St. Augustine Record* on August 8, 2005.

Bruce Ford, Chief Planner, explained the waivers in the request to rezone property from IW and OR to PUD regarding buffer screening, setbacks, and perimeter buffers. (11:27 a.m.) Maguire declared ex-parte communication; he spoke with Mr. Whitfield regarding setting up a meeting to discuss the project, but could not come up with an agreed upon date and time; therefore, they did not discuss the project. (11:28 a.m.) Bryant declared ex-parte communication; he met with Mr. Whitfield regarding the variances. (11:28 a.m.) Rich declared ex-parte communication; he met in the past with the residents in the immediate area regarding their concerns with the project. (11:28 a.m.) Stevenson declared ex-parte communication; she spoke with the residents and applicant regarding aesthetics, density, transportation concerns, deceleration, and the number of trips generated. (11:29 p.m.) Randall Whitfield, 13947 Beach Blvd., Suite 210, Jacksonville, representing the property owner, explained the zoning request by addressing: buffer screening, the lighting, noise, traffic generation, building height, setbacks, perimeter buffers, and sidewalks. (11:36 a.m.) Ward Koutnik, President of Transportation Planners Engineers, 6620 Southpoint Drive S., Suite 120, Jacksonville, addressed the access and the traffic generated from the project. Discussion followed regarding a decompression lane for making a right turn onto Stokes Landing Road, the turning radius, setbacks, buffers, traffic generation, building-to-land coverage, impervious service ratio, and sidewalks.

(11:55 a.m.) Brian Kientz, 1711 S. Fifth Street, Jacksonville Beach, addressed the right-of-way on Stokes Landing Road. Discussion followed on trip generation and building height.

(11:58 a.m.) Doug Laidlaw, 120 Stokes Landing Road, commented in opposition to the rezoning, and addressed the building size, the use of the road, lighting, wetlands, buffering, boat/RV storage, parking for rental vehicles, decreased property values; then, submitted a petition with approximately 176 residents in opposition to the rezoning. Discussion followed regarding the petition and the character of the neighborhood.

(12:15 p.m.) Jack Gorman, 795-E Stokes Landing Road, commented in opposition to the rezoning.

(12:20 p.m.) Maguire read a letter from Carol Mickler Waters, Realtor with St. Johns Realty Group, regarding the neighboring open rural and residential property on Stokes Landing Road being negatively influenced by the storage units. (12:21 p.m.) Whitfield further commented on the traffic generation, wetlands, the lighted sign at the corner, the door openings, and access to the units. Discussion followed on the height of the building, wetlands, mixed-use zoning, and the waivers. (12:35 p.m.) **Motion by Rich, seconded by Stevenson, to deny rezoning application PUD 2004-11, adopting**

**findings of fact to support the motion; and that the proposed rezoning is not compatible with the surrounding land uses due to the type of use and the intensity of the use.** Discussion followed on the waivers. (12:37 p.m.) **The motion carried 4/0 with Stern absent.**

The meeting recessed at 12:37 p.m. and reconvened at 1:33 p.m. with Maguire, Bryant, Rich, Adams, Bosanko and Deputy Clerk Lenora Newsome present.

Commissioner Stern was absent and Commissioner Stevenson was not yet present.

(08/23/05 - 14 - 1:33 p.m.)

7. PUBLIC HEARING - REZ 2005-22, SAN MARCO PROJECT - THIS REQUEST SEEKS TO REZONE 0.19 ACRES FROM RESIDENTIAL, SINGLE FAMILY-3 (RS-3) TO COMMERCIAL INTENSIVE IN ORDER TO CONVERT AN EXISTING DWELLING UNIT TO A HEATING & AIR CONDITIONING COMPANY. THE SITE CONTAINS AN EXISTING SINGLE-FAMILY DWELLING UNIT. THE PARCEL IS LOCATED SOUTH OF SAN MARCO STREET, WEST OF OLD MOULTRIE ROAD. THE PROPERTY IS LOCATED IN THE MIXED USE LAND USE DISTRICT AS DEPICTED ON THE FUTURE LAND USE MAP, WHICH PROVIDES FOR ALL LAND USES. THE COMMERCIAL INTENSIVE ZONING CATEGORY PROVIDES AN IMPERVIOUS SURFACE RATIO OF 75% AND 15/5/10 FRONT, SIDE, REAR SETBACKS. THE MAXIMUM HEIGHT OF ALL STRUCTURES IS FORTY (40) FEET, PROVIDING CERTAIN CRITERIA (ADDITIONAL SETBACKS, SPRINKLER SYSTEM) ARE MET. THE SUBJECT PROPERTY IS SERVED BY CENTRAL WATER BY THE CITY OF ST. AUGUSTINE. ALTHOUGH SANITARY SEWER SERVICE IS NOT IMMEDIATELY AVAILABLE, THE PROJECT IS ESTIMATED TO GENERATE 80 GALLONS PER DAY. POLICY A.1.9.7 OF THE COMPREHENSIVE PLAN REQUIRES CENTRAL WATER AND SEWER SERVICE UNLESS DEMAND FALLS BELOW 500 GALLONS PER DAY. ADJACENT ZONINGS INCLUDE RS-3, RG-2, CI AND IW. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS REQUEST BY A VOTE OF 3/1 (THREE MEMBERS ABSENT, SHEPHERD DISSENTING) AT THEIR JUNE 16, 2005 MEETING

Proof of publication of the notice of public hearing on REZ2005-22, San Marco Project, was received, having been published in *The St. Augustine Record* on August 8, 2005.

Lindsay Haga, Planner III, stated that the only additional information provided to the Board was an adjacent property owner notice, in opposition.

(1:35 p.m.) Todd and Brenda Wilson, the applicants, stated that everything had been submitted and there were no changes. Rich read letters into the record: Jean Hunter, 296 San Marco Street, in objection; Joan Angyalffy, 288 San Marco Street, in objection to CI zoning in the neighborhood; William Angyalffy, P.O. Box 975, in objection; Curtis Rackliff, 200 Leo Street, in objection to rezoning the property to commercial intensive; Jodi Herrington, 229 San Marco Street, Jon Hamilton, 1333 Helen Street, Timothy Holtz, 297 Henry Street, Carol Gardner, 1471 West Street, Elizabeth Bailey, 1470 West Street, Rory Rackliff, 398 Hasting Road, Stephanie Snell, 1480 West Street, James Lott, 214 San Marco Street, all in objection to the commercial intensive rezoning (Exhibit A). (1:42 p.m.) Stevenson entered the meeting. Rich disclosed exparte communication with various residents of the neighborhood to find out the responses of the neighbors. Bosanko mentioned that the applicants should be given the letters that were read into the record by Rich to review. Maguire stated that the applicants could look at the



letters while they were listening to public comment, and then the Board would invite them back up to respond to them.

(1:43 p.m.) Joan Angyalffy, 288 San Marco Street, spoke in objection to rezoning the property to Commercial Intensive, utilizing a newspaper article (Exhibit B); Rich responding.

(1:48 p.m.) Joe Bertossi, 288 San Marco Street, spoke in objection to rezoning the property to commercial intensive, with Rich responding.

(1:51 p.m.) Anne Cook, 1357 Mattie Street, spoke in objection to rezoning the property to commercial intensive.

(1:54 p.m.) Todd and Brenda Wilson, 402 Lobelia Road, the applicants, spoke on other businesses in the area, displaying pictures (Exhibit C). Rich disclosed ex parte communication with property owners in the area and Mr. Cass, who was planning to get his property rezoned to commercial office.

(2:03 p.m.) Bryant asked if this area was in a transitional phase. Rich spoke on the property surrounding the area requesting to be rezoned, utilizing a map (Exhibit D). Stevenson stated that Commercial Intensive sounded scary and asked if there was another zoning use they could use; Haga responded that there was not. Stevenson mentioned the traffic concerns. Haga spoke on staff's opinion. Bryant said that it appeared to have a leapfrog effect into the residential area. Rich spoke on the leapfrog effect. (2:18 p.m.) Bosanko stated that the Board needed to consider what the zoning was now, not what it might be in the future. (2:20 p.m.) **Motion by Rich, seconded by Maguire, to deny rezoning application REZ 2005-22, San Marco Project Rezoning, adopting the following findings of fact: one, constitutes that the rezoning constitutes leapfrog development; and two, that the rezoning to Commercial Intensive is not consistent with the Comprehensive Plan, because it is in direct conflict with adjacent residential usages and fails to meet the compatibility standards for the adjacent and surrounding land uses regarding intensity of use, general appearance, type of use, traffic generation and the general aesthetics of the community, in accordance with Objective 8.1.3.12.** Bryant requested Rich to drop the traffic part of his motion because there would only be four trips, which was not a fact to deny. **Rich deleted the traffic generation from his motion and the second recognized it. The motion carried 4/0 with Stern absent.**

(08/23/05 - 15 - 2:21 p.m.)

8. PUBLIC HEARING - PUD 2005-06, TWIN LAKES PLANNED UNIT DEVELOPMENT - THIS REQUEST SEEKS TO REZONE APPROXIMATELY 61.68 ACRES FROM OPEN RURAL AND PLANNED UNIT DEVELOPMENT TO PLANNED UNIT DEVELOPMENT IN ORDER TO DEVELOP A SINGLE-USE PROJECT, CONSISTING OF ONE HUNDRED THIRTY (130) SINGLE-FAMILY DWELLING UNITS. THE SITE IS LOCATED NORTHWEST OF SR 207 AND PROPOSES A SINGLE VEHICULAR ACCESS POINT ONTO SR 207. ADDITIONAL VEHICULAR ACCESS IS PROPOSED FOR FUTURE CONNECTIVITY TO THE NORTHERN PROPERTY, DISPLAYED ON THE MASTER DEVELOPMENT PLAN MAP. THE DEVELOPMENT PROGRAM INCLUDES THE PROVISION OF SIDEWALKS ALONG SR 207 WITH FOUR (4) FOOT SIDEWALKS PROPOSED ALONG ONE SIDE OF THE INTERNAL ROAD NETWORK. THE DEVELOPMENT PROGRAM ALSO INCLUDES 1.2 ACRES OF ACTIVE RECREATION, 1.02 OF PASSIVE RECREATION AND 18.50 ACRES OF CONSERVATION AREAS. THE TOTAL PERCENTAGE OF OPEN SPACE EQUALS 37% OF THE PROJECT SITE (23.008 ACRES). THE LOT SIZES

ARE PROPOSED TO RANGE FROM 5,500 SQUARE FEET TO 6,600 SQUARE FEET. THE MAXIMUM BUILDING COVERAGE OF EACH LOT IS PROPOSED AS 50%. ST. JOHNS COUNTY UTILITIES WILL PROVIDE CENTRAL WATER AND SEWER. THE PROJECT SITE IS SURROUNDED BY THE FOLLOWING EXISTING ZONING CATEGORIES: OPEN RURAL (OR), COMMERCIAL GENERAL (CG), COMMERCIAL INTENSIVE (CI) AND PLANNED UNIT DEVELOPMENT (PUD). THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS REZONING REQUEST AT THEIR JULY 21, 2005 HEARING. THE MOTION FAILED BY A TECHNICAL DENIAL VOTE OF 3/3 (WITH ONE MEMBER ABSENT). MEMBER COMMENTS OFFERED BY CHAIRMAN SHUMAKER: LACK OF SUPPORT FOR THE REZONING REQUEST BASED UPON A LACK OF EVIDENCE TO SUPPORT THE REQUEST FOR 50% LOT COVERAGE, LACK OF SPECIFIC DATA AND ANALYSIS USED TO GRANT THE CONCURRENCY CERTIFICATE, AND LACK OF CORRESPONDENCE FROM THE SCHOOL BOARD REGARDING SCHOOL AGE POPULATIONS AND IMPACTS TO THE PUBLIC SCHOOL SYSTEM

Proof of publication of the notice of public hearing on PUD2005-06, Twin Lakes, was received, having been published in *The St. Augustine Record* on August 8, 2005.

Court Reporter Janet Beeson was present.

Lindsay Haga, Planner III, mentioned that the Board had already received new information that addressed the comments provided by the Planning and Zoning Agency, and the School Board letter on the zoning issues related to attendance at schools within the area for this particular application. She spoke on the Planning and Zoning Agency's recommendations. Discussion followed on building lot coverage. Rich declared exparte communication with Haga. Haga reviewed the area using site maps (Exhibit A).

(2:29 p.m.) Doug Burnett, 170 Malaga Street, for the applicant, spoke on how the property was zoned and concurrency, utilizing a map (Exhibit B).

(2:34 p.m.) Karen Taylor, 3070 Harbor Drive, pointed out that this was an originally approved PUD from 1993, utilizing the site plan map (Exhibit C), spoke on CI zoning, meeting buffering requirements, having a certificate of concurrency, retention areas on the outer boundaries, \$200,000-\$300,000 price range for the homes, putting in a bus stop area, and the setbacks. (2:51 p.m.) **Motion by Bryant, seconded by Maguire, to enact Ordinance No. 2005-76, known as PUD 2005-06, Twin Lake PUD, adopting findings of fact 1 through 7 to support the motion.** Rich asked what types of homes were going to be built, and stated that he would like to see the recreational facilities bonded. Haga responded to Rich. **The motion carried 3/1, with Rich opposed.**

#### ORDINANCE NO. 2005-76

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM (OPEN RURAL) AND PUD (PLANNED UNIT DEVELOPMENT) TO PUD (PLANNED UNIT DEVELOPMENT); PROVIDING FINDINGS OF FACT; REPEALING AND REPLACING ORDINANCE 91-18; PROVIDING A SAVINGS CLAUSE; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE

9. PUBLIC HEARING - PUD 2005-01 WINDING CREEK BLUFF PLANNED UNIT DEVELOPMENT - THIS REQUEST SEEKS TO REZONE APPROXIMATELY 29.53 ACRES FROM OPEN RURAL TO PLANNED UNIT DEVELOPMENT IN ORDER TO DEVELOP A SINGLE-USE PROJECT CONSISTING OF ONE HUNDRED SEVENTY SIX (176) MULTI-FAMILY DWELLING UNITS.

Proof of publication of the notice of public hearing on PUD2005-01, Winding Creek Bluff, was received, having been published in *The St. Augustine Record* on August 1, 2005.

*This item was pulled from the agenda.*

The meeting recessed at 2:57 p.m. and reconvened at 3:09 p.m., with Bosanko leaving the meeting and Isabelle Lopez, Senior Assistant County Attorney, entering the meeting.

(08/23/05 - 17 - 3:09 p.m.)

10. PUBLIC HEARING - NOPC 2004-03, MARSHALL CREEK DRI - THIS IS A NOTICE OF PROPOSED CHANGE (NOPC) TO AMEND THE MARSHALL CREEK DRI DEVELOPMENT ORDER (DO) TO MAKE THE FOLLOWING REVISIONS: ADD 1,325 ACRES OF LANDS TO THE MARSHALL CREEK DRI (A PORTION OF THE LANDS ARE IN LAS CALINAS, CONSISTING OF 253 APPROVED UNITS, A PORTION ARE LANDS IN KENSINGTON, CONSISTING OF 65 APPROVED UNITS. THE ADDED LANDS ALSO INCLUDE R/S LANDS WEST OF KENSINGTON, MIXED USE (MD) LANDS SOUTH OF KENSINGTON AND THE SITE OF THE PINE ISLAND FISH CAMP, DESIGNATED RURAL COMMERCIAL (RC); INCREASE THE APPROVED UNIT COUNT BY 132 UNITS (LESS THAN 5% PER CHAPTER 380, FLORIDA STATUTES. DOES NOT NECESSARILY RESULT IN A SUBSTANTIAL DEVIATION); ELIMINATE 300,000 GROSS SQUARE FEET OF OFFICE TO BALANCE THE INCREASE WITH A SIMILAR DECREASE IN ORDER TO REDUCE THE TRIP GENERATION CAUSED BY THE CHANGES. PROVIDE FOR "PIPELINING" TO REPLACE SPECIFIC TRANSPORTATION IMPROVEMENTS WITH A SINGLE PROPORTIONATE SHARE OF \$2,990,000 TO IMPROVE TRAFFIC ON INTERNATIONAL GOLF PARKWAY. THE PLANNING AND ZONING AGENCY WILL CONSIDER THIS NOTICE OF PROPOSED CHANGE (NOPC) AT THEIR AUGUST 18, 2005 MEETING. THE RECOMMENDATION WILL BE PROVIDED DURING THE STAFF REPORT

Proof of publication of the notice of public hearing on NOPC2004-03, Marshall Creek, was received, having been published in *The St. Augustine Record* on August 2, 2005.

Lindsay Haga, Planner III, stated that Items 10 and 11 were tied together and if the Board wished, they could hear both items together, beginning with Item 11.

*The meeting moved to Item 11.*

(3:42 p.m.) **Motion by Bryant, seconded by Stevenson, carried 4/0 with Stern absent, to adopt Resolution No. 2005-232, approving a Notice of Proposed Change to the Marshall Creek DRI Development Order, adopting findings of fact 1 through 4, to adopt the pipelining of \$3.622 million for the improvements at IGP and U.S. 1 and the balance of the \$3.622 million to go on I-95 and CR 210 and including the agreement for the School Board on the school site.**

RESOLUTION NO. 2005-232

ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS RESOLUTION NO. 2005-232, AN AMENDED AND RESTATED DEVELOPMENT ORDER FOR MARSHALL CREEK, A DEVELOPMENT OF REGIONAL IMPACT

*The meeting moved to Item 12.*

(08/23/05 - 18 - 3:10 p.m.)

11. PUBLIC HEARING - COMPAMD 2004-09, COMPREHENSIVE PLAN AMENDMENTS AS RELATED TO THE MARSHALL CREEK DEVELOPMENT OF REGIONAL IMPACT (DRI) - THIS IS A DRI RELATED AMENDMENT AS ALLOWED BY FLORIDA STATUTES, SECTION 380.06(16). THE AMENDMENT CONSTITUTES ONE MAP AMENDMENT AND TWO TEXT AMENDMENTS AS FOLLOWS: AMEND THE FUTURE LAND USE MAP FROM RURAL SILVICULTURE TO RESIDENTIAL B FOR 1,284.7 ACRES; AMEND OBJECTIVE H.1.6 TO ADD A POLICY AUTHORIZING THE MARSHALL CREEK DRI TO UTILIZE THE STANDARDS AND GUIDELINES AS ESTABLISHED IN CHAPTER 163.3180(12), FLORIDA STATUTES, ALLOWING THE PAYMENT OF A PROPORTIONATE SHARE CONTRIBUTION TO ADDRESS TRANSPORTATION CONCURRENCY (PIPELINING); AMEND THE FIVE-YEAR CAPITAL IMPROVEMENT SCHEDULE TO ADD THE PUBLIC FACILITY IMPROVEMENTS PROPOSED IN THE MARSHALL CREEK DRI. THE PLANNING AND ZONING AGENCY WILL HEAR THIS ITEM AT THE AUGUST 18, 2005 MEETING. THE RECOMMENDATION WILL BE PROVIDED TO THE BOARD DURING THE PUBLIC HEARING

Proof of publication of the notice of public hearing on the Marshall Creek DRI was received, having been published in *The St. Augustine Record* on August 2, 2005.

Lindsay Haga, Planner III, stated that on the back table was a courtesy Citizen Information List anyone could sign, if they wanted to receive information on this particular Comprehensive Plan Amendment. She stated that the Board had been provided with new information on the Comprehensive Plan Amendment, an amended Capital Improvement Schedule, a revised Development Order, and stated that the applicant had new information regarding transportation conditions. Rich questioned the inconsistencies in the wetland acreage. Haga responded. Maguire, Bryant, Stevenson, and Rich disclosed exparte communication with George McClure and Lane Gardner.

(3:13 p.m.) George McClure, 170 Malaga Street, spoke on the Comprehensive Land Use Map change, approving a text change to prevent pipelining as a method of satisfying transportation concurrency, and amending the Capital Improvement element. He spoke on having extra money from the proportionate shares and what to do with it. McClure reviewed changes made in the Development Order. Rich suggested where the excess transportation money should be used. (3:25 p.m.) Isabelle Lopez, Senior Assistant County Attorney, stated that to use the excess transportation money on the area mentioned, it would have to be affected by this project. Haga stated that the excess transportation money could be used for: CR 210, International Golf Parkway, and U.S. 1 at SR 312. Discussion followed on where to apply the excess money.

(3:37 p.m.) Drayton Manucy, 6 Sand Dune Alley, stated that he needed to find out what sections were included in Marshall Creek. He mentioned, for the record, that this would be pursued further.

(3:40 p.m.) Rich mentioned that it was pointed out that the change to the future land use map would reduce the total impact of houses to the area by approximately 140 homes, which was the one driving forces behind his willingness to acquiesce to the change to the FLUM. (3:41 p.m.) **Motion by Bryant, seconded by Rich, carried 4/0 with Stern absent, to approve COMPAMD 2004-09, Marshall Creek, to amend the 2015 Comprehensive Plan and enact Ordinance 2005-77, with findings of fact 1 through 3.**

#### ORDINANCE NO. 2005-77

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, AMENDING THE COMPREHENSIVE PLAN, ORDINANCE NO. 2000-34, AS AMENDED, TO AMEND THE 2015 FUTURE LAND USE MAP FROM RURAL/SILVICULTURE, (R/S) TO RESIDENTIAL B, FOR APPROXIMATELY 1284.7 ACRES, AMEND COMPREHENSIVE PLAN GOALS, OBJECTIVES AND POLICIES-POLICY H.1.6 TO ADD POLICY H.1.6.13 TO AUTHORIZE THE MARSHALL CREEK DRI TO UTILIZE THE STANDARDS AND GUIDELINES SET FORTH IN CHAPTER 163.3180(12) FLORIDA STATUTES, TO SATISFY THE COUNTY'S TRANSPORTATION CONCURRENCY REQUIREMENTS BY PAYMENT OF A PROPORTIONATE SHARE, AMEND THE FIVE-YEAR CAPITAL IMPROVEMENT SCHEDULE TO ADD THE PUBLIC FACILITY IMPROVEMENTS PROPOSED, FOR APPROXIMATELY 2683.3 ACRES, KNOWN AS THE MARSHALL CREEK DEVELOPMENT OF REGIONAL IMPACT; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE

*The meeting returned to Item 10.*

(08/23/05 - 19 - 3:45 p.m.)

12. PUBLIC HEARING - COMPAMD 2005-02, COMPREHENSIVE PLAN AMENDMENTS AS RELATED TO THE SILVERLEAF DEVELOPMENT OF REGIONAL IMPACT (DRI) - THIS IS A DRI RELATED AMENDMENT AS ALLOWED BY FLORIDA STATUTES, SECTION 380.06(16). THE AMENDMENT CONSTITUTES THREE MAP AMENDMENTS AND TWO TEXT AMENDMENTS AS FOLLOWS: AMEND THE FUTURE LAND USE MAP FROM RURAL SILVICULTURE OWNED BY THE SJRWMD, RESIDENTIAL B, RURAL SILVICULTURE AND AGRICULTURE INTENSIVE TO RESIDENTIAL C, RURAL SILVICULTURE, AND MIXED USE; AMEND THE NW SECTOR OVERLAY MAP TO REMOVE THE COMMUNITY CENTER DISTRICT DESIGNATION AND RECONFIGURE ROAD LAYOUTS AS PROPOSED UNDER THE ASSOCIATED MASTER DEVELOPMENT PLAN MAP H; AMEND THE 2015 TRAFFIC CIRCULATION MAP TO DESIGNATE ROADWAYS AS PROPOSED UNDER THE ASSOCIATED MASTER DEVELOPMENT PLAN MAP H. AMEND OBJECTIVE H.1.6 TO ADD A POLICY AUTHORIZING THE SILVERLEAF DRI TO UTILIZE THE STANDARDS AND GUIDELINES AS ESTABLISHED IN CHAPTER 163.3180(12), FLORIDA STATUTES, ALLOWING THE PAYMENT OF A PROPORTIONATE SHARE CONTRIBUTION TO ADDRESS

TRANSPORTATION CONCURRENCY (PIPELINING); AMEND THE FIVE-YEAR CAPITAL IMPROVEMENT SCHEDULE TO ADD THE PUBLIC FACILITY IMPROVEMENTS PROPOSED IN THE SILVERLEAF DRI. THE PLANNING AND ZONING AGENCY WILL HEAR THIS ITEM AT THE AUGUST 18, 2005 MEETING. THE RECOMMENDATION WILL BE PROVIDED TO THE BOARD DURING THE PUBLIC HEARING

Proof of publication of the notice of public hearing on Silver Leaf Plantation DRI was received, having been published in *The St. Augustine Record* on August 2 and 4, 2005.

Lindsay Haga, Planner III, mentioned that on the back table was the courtesy Citizen's Information List that anyone could sign, if they wanted to receive information from the Department of Community Affairs with regards to this particular Comprehensive Plan Amendment.

(3:46 p.m.) Doug Miller, England Timms and Miller, 14775 Old St. Augustine Road, gave a presentation on the Comprehensive Plan Amendment Transmittal on the Silverleaf Plantation (Exhibit A). Bryant asked about the 130 acres in the regional park, and the reuse, with Miller responding. Stevenson asked about the roadway network on the northwest sector overlay map, with Haga responding. (4:10 p.m.) Bryant asked what percentage of the impacts would be contributed to their projects on the north side corridor road and possibly the east/west new alignment. Miller responded.

(4:13 p.m.) **Motion by Stevenson, seconded by Bryant, to approve transmittal of COMPAMD 2005-02, SilverLeaf Plantation, to the Florida Department of Community Affairs to request additional review of this application to amend the 2015 Comprehensive Plan.** Rich addressed a couple of issues regarding the build-out, the transportation problems that were going to arise with the accesses and exits to I-95, and the overcrowding of land due to population. Bryant spoke on planning a transportation system and working on a transportation system since the year 2000. Maguire spoke on evaluating the proposals and stated that he looks for the vision of the development. (4:20 p.m.) **The motion carried 4/0, with Stern absent.**

(4:20 p.m.) Deputy Clerk Lenora Newsome left the meeting and Deputy Clerk Robin Platt entered the meeting.

(08/23/05 - 20 - 4:21 p.m.)

13. CONSIDER A MOTION TO ADD \$271,000 TO THE FY 2006 TENTATIVE COUNTY BUDGET TO THE EXCELSIOR BUILDING MAINTENANCE DEPARTMENT (0038-56300) FOR THE RENOVATION OF THE EXCELSIOR BUILDING

Doug Timms, Director of the Office of Management and Budget, introduced this item; discussion ensued regarding ownership of the building.

(4:23 p.m.) **Motion by Stevenson, seconded by Bryant, carried 4/0 with Stern absent, to add \$271,000 to the FY 2006 Tentative County Budget to the Excelsior Building Maintenance Department (0038-56300) for the renovation of the Excelsior Building.**

(08/23/05 - 21 - 4:44 p.m.)

14. CONSIDER A MOTION TO ADOPT A RESOLUTION APPROVING THE TERMS OF A PURCHASE AND SALE AGREEMENT FOR THE ACQUISITION OF PROPERTY FOR EXPANSION OF THE COUNTY COMPLEX 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, AND APPROVING THE DISBURSEMENT OF THE ESCROW PAYMENT OF \$100,000 WITHIN FIFTEEN (15) DAYS OF THE EFFECTIVE DATE

Mary Ann Blount, Land Management Director, explained the proposed acquisition. (4:46 p.m.) **Motion by Maguire, seconded by Bryant, carried 4/0 with Stern absent, to adopt Resolution No. 2005-233, approving the terms of a purchase and sale agreement for the acquisition of property for expansion of the County Complex 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, and approving the disbursement of the escrow payment of \$100,000 within fifteen (15) days of the effective date.**

#### RESOLUTION NO. 2005-233

**A RESOLUTION BY 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 EXPANSION OF THE COUNTY COMPLEX 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, AND APPROVING DISBURSEMENT OF THE ESCROW PAYMENT OF \$100,000.00 WITHIN FIFTEEN (15) DAYS OF THE EFFECTIVE DATE**

(08/23/05 - 21 - 4:47 p.m.)

15. UPDATE ON PROPERTIES CONTIGUOUS TO COUNTY COMPLEX

Mary Ann Blount, Land Management Director, informed the Board that 7.2 acres owned by Dixie Customs was on the market for \$2.9 million. The current owner has cleaned up the environmental contamination, to the satisfaction of the DEP. She reported that the property had not been appraised. (4:49 p.m.) Maguire stated that he was not that interested in this property. Bryant agreed, but advised that if Blount were going to proceed with an appraisal to have it appraised as raw land, as the buildings on it would have to be torn down; Stevenson concurred. Rich also agreed with Bryant's suggestion. *Consensus was given to proceed with getting an appraisal, based on the land value only, and to get an estimate on removing the buildings and cleaning up the property.*

(4:51 p.m.) Next, Blount addressed the five-acre Ortagus property to the west of the complex; the property was not currently on the market, but Mr. Ortagus has said that he might sell for the right price. The parcel was appraised for \$2 million, but Ortagus stated that he would not sell for less than \$3 million. Blount questioned if she should proceed with trying to take this property or negotiating with the owner.

(4:53 p.m.) Adams commented that this parcel was one of the last two properties that were contiguous with the complex. Discussion followed on the price of the property. *Maguire stated that Blount should proceed with negotiations to acquire the property for the appraised value of \$2 million; the Board concurred.*

(4:55 p.m.) Stevenson asked that Blount also get an estimate on building “up” [instead of out].

(08/23/05 – 22 – 4:55 p.m.)

16. CONSIDER A MOTION TO DIRECT THE COUNTY ADMINISTRATOR TO PROCEED WITH THE RESTRUCTURING OF BEACH SERVICES

Adams explained that they were proposing to move the administration of the lifeguard program from Beach Services to Fire-Rescue.

(4:56 p.m.) Dave Williams, Aquatics Superintendent, gave a historical and current day perspective of lifeguards with a PowerPoint presentation. He outlined the reasons for consolidation and the proposed organizational structure. (5:06 p.m.) Rich questioned how funding would work; and Adams explained that the budgeted funds would be moved to Fire-Rescue. Dan Bosanko, County Attorney, commented on what beach tolls could be used to fund; discussion ensued on funding.

(5:12 p.m.) **Motion by Stevenson, seconded by Rich, carried 4/0 with Stern absent, to direct the County Administrator to proceed with the restructuring of Beach Services.**

(08/23/05 – 22 – 4:24 p.m.)

17. PRESENTATION OF THE ECONOMIC DEVELOPMENT COUNCIL (EDC) STUDY

Scott Clem, Assistant County Administrator, explained that the EDC had funded a fiscal impact analysis study. The study, to be done by Dr. Fishkind, would help to develop a fiscal impact analysis model, and would help to determine the fiscal impact of growth. He explained the scope of the study and spoke on attending an Impact Fee Review Taskforce meeting. (4:27 p.m.) Maguire commented that this was a privately funded study, not initiated or paid for by the County. Rich questioned where the \$60,000 to pay for the study was coming from.

(4:29 p.m.) Jim Browning, 148 River Marsh Dr., Ponte Vedra Beach, explained that the funding for the study came from various members of the EDC, and that no County funds were going to be used. Rich asked for a list of contributors and contributions, and stated that he would not be able to find the study credible if the Board did not fund it. Browning said that he did not have a list available. Rich continued by stating his issues with the study. Browning attempted to address his issues.

(4:40 p.m.) Fred Halback, 287 St. George St., Chairman of the St. Johns County Chamber of Commerce, noted that Dr. Fishkind was conducting the study, not the Chamber of Commerce.

(4:42 p.m.) Jim Wheeler, 4240 Leaping Deer Lane, member of the EDC Executive Committee, addressed Rich’s concerns about the credibility of the report and those conducting it.



(08/23/05 - 23 - 5:33 p.m.)

18. PUBLIC HEARING - BOARD OF COUNTY COMMISSIONERS TO CONSIDER CONFIRMATION OF A PRELIMINARY ORDER (RECOMMENDED ORDER) RENDERED JULY 13, 2005, BASED ON A 2004 LIMITED PROCEEDING OF INTERCOASTAL UTILITIES, INC. (DOCKET #04-0007-0011-0001) - THE RESULT OF THE LIMITED PROCEEDING OF INTERCOASTAL UTILITIES, INC., IS A PRELIMINARY ORDER DATED JULY 13, 2005, RENDERED BY OMER S. CAUSEY, HEARING OFFICER, IN THE STATED CASE. THERE WILL BE A PRESENTATION BY INTERCOASTAL UTILITIES, INC., STATING THEIR OBJECTIONS TO THE CONFIRMATION OF THE RECOMMENDED ORDER, AS WELL AS PRESENTATIONS BY THE OFFICE OF PUBLIC COUNCIL AND THE WATER & SEWER AUTHORITY'S LEGAL COUNSEL, RESPONDING TO THE OBJECTIONS OF INTERCOASTAL UTILITIES, INC. THE ISSUES TO BE DETERMINED BY THE BOARD WILL INCLUDE, BUT WILL NOT BE LIMITED TO, ADOPTION OF RATE SCHEDULES, SETTING FINAL RATES AND ALL ISSUES ADDRESSED AND RELATING TO THE PRELIMINARY ORDER. THE BOARD SHALL CONSIDER THE RECORD OF THE PROCEEDINGS AND THE LEGAL ARGUMENTS OF THE AFFECTED UTILITY, ANY PARTY, AND STAFF. THE BOARD MAY RELY ON THE FINDINGS OF FACT FOUND BY THE HEARING OFFICER FOR THE AUTHORITY, UNLESS THE BOARD DETERMINES FROM A REVIEW OF THE RECORD THAT THE FINDINGS OF FACT WERE NOT BASED UPON COMPETENT SUBSTANTIAL EVIDENCE. IF THE BOARD DETERMINES IT MAY BE USEFUL TO HEAR ADDITIONAL TESTIMONY IN THE MATTER, THEN THE BOARD MAY HEAR SUCH TESTIMONY AS DEEMED NECESSARY TO BE HELPFUL IN THE MATTER. ALL TESTIMONY SHALL BE UNDER OATH AND RECORDED. ALL WITNESSES SHALL BE SUBJECT TO CROSS-EXAMINATION. ANY BOARD FINDING THAT THE FINDINGS OF FACT OF THE PRELIMINARY ORDER ARE NOT BASED ON COMPETENT SUBSTANTIAL EVIDENCE MUST BE BASED ON THEIR REVIEW OF THE COMPLETE RECORD OF THE LOWER TRIBUNAL, WHICH HAS BEEN MADE AVAILABLE TO THE BOARD OF COUNTY COMMISSIONERS IN THEIR OFFICES, ON AUGUST 2, 2005. IF ANY PERSON DECIDES TO APPEAL ANY DECISION BY THE ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS, WITH RESPECT TO ANY MATTER CONSIDERED, THE PERSON WILL NEED A RECORD OF THE PROCEEDINGS, AND FOR SUCH PURPOSE MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH INCLUDES ANY TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED

Proof of publication of the notice of public hearing on Intercoastal Utilities, Inc., was received, having been published in *The St. Augustine Record* on July 23, 2005 and in *The Ponte Vedra Recorder* on July 29, 2005.

Janet Beason, Court Reporter, was present for this item.

Michael Hunt, Deputy County Attorney, introduced Kathryn Cowdery, Special Counsel to the Water and Sewer Authority.

(5:35 p.m.) Kathryn Cowdery, Ruden, McCloskey, Tallahassee, gave a brief history of the case and stated that the Board's function at this hearing was to consider a Preliminary Order issued by the hearing officer. (5:39 p.m.) Maguire outlined the procedures for the hearing.

(5:40 p.m.) Martin Friedman, Rose, Sundstrom & Bentley, stated his objections to the appointment of Omer Causey as the hearing officer and the appointment of the financial consultant for the Authority. He addressed three specific issues: fire flow standards, using the rate of return (7.65%) as the appropriate percentage profit by JUM in its construction project, and rate case expense.

(5:57 p.m.) Stephen Reilly, Office of Public Counsel (OPC), on behalf of the ratepayers of Intercoastal, stated that the Order before the Board was an excellent and meticulously documented Order, based upon competent substantial evidence, correct findings of fact and conclusions of law. He commented further that Intercoastal's objection was replete with highly unfair personal attacks. He highlighted some items from the OPC's written response to Intercoastal's objections of the Order, i.e. fire flow, profit margin and rate case expense. He urged the Board to approve the Order as presented.

(6:13 p.m.) Walter Rohrer, 2315 Club View Ct., representing the Sawgrass Assoc., stated that Mike Twomey could not be present due to another commitment.

(6:13 p.m.) Cowdery explained how Staff developed the evidence that was submitted to the hearing officer, and stated that Staff did not make any predeterminations. She also addressed the evidence presented by Friedman and rate setting. She stated that it was Staff's recommendation that the Preliminary Order be confirmed in its entirety.

(6:25 p.m.) Friedman presented rebuttal testimony, and read comments from Mr. Towers.

(6:34 p.m.) Walter Rohrer, 2315 Club View Ct., felt that the Order should be accepted as presented.

(6:35 p.m.) Victor Martinelli, 24 Carriage Lane, said that the rules and regulations of the Water and Sewer Authority had to be followed and he urged the Board to accept the Order as written.

(6:37 p.m.) George McClure, 170 Malaga St., representing Mr. Charles D. Towers, Jr., spoke to Towers' credibility.

(6:40 p.m.) Maguire commented that he was confident that there had been no bias on the part of the hearing officer and the lack of information supplied by Intercoastal.

**(6:42 p.m.) Motion by Maguire, seconded by Bryant, to adopt the Preliminary Order (Recommended Order) based on the Findings of Facts entered by Omer S. Causey, Hearing Officer, for the St. Johns County Water & Sewer Authority resulting from the Limited Proceedings of Intercoastal Utilities, Inc., Docket #04-0007-0011-0001, as the Final Order in this cause. Discussion ensued. (6:46 p.m.) The motion carried 4/0 with Stern absent.**

[\(08/23/05 - 24 - 5:13 p.m.\)](#)

COMMISSIONER'S REPORTS

Commissioner Stevenson:

Stevenson reported that she was still receiving complaints about waste pick-up.

(5:14 p.m.)

Commissioner Rich:

Rich asked Adams to look into the feral cat issue that was raised during public comment. Adams stated that he would meet with Paul Studivant, Animal Control, about the issue. He also reported that the County's Animal Control Department would take over patrolling in the City of St. Augustine and the City of St. Augustine Beach, beginning October 1st, as well as possibly the operation of the Humane Society.

Rich addressed the proposed location of the Veterans Council's extended care facility, stating that it should be easily accessible from I-95.

(5:18 p.m.)

Commissioner Bryant:

Bryant reported that the City of St. Augustine Beach was forming a committee to look at the A1A scenic corridor that will go through their city limits. He asked for a consensus on the idea of the County giving its five right-of-ways, as well as transportation impact fees, to the City of St. Augustine Beach. Adams said he would make the appropriate contacts. *Consensus was given.*

The meeting recessed at 5:20 p.m., and reconvened at 5:33 p.m. with Item No. 18.

(6:46 p.m.)

Commissioner Maguire:

Maguire reported that the bonds closed today, for approximately \$21 million. He stated that he had asked Staff to look into forming an Industrial Zone Ordinance to prohibit residential encroachment into industrial areas.

Maguire stated that he asked Scott Clem to look into limiting the number of PUDs (maximum of three) and DRIs that the Board hears per meeting. He also addressed the VA's extended care facility, putting the proposed black route back on the agenda, and the Bingo Ordinance.

Maguire recommended that the Board appoint Mitch Owens of RBC Dain Rauscher as Senior Manager, and John Mazyck with Frazier Lanier Company as Co-Manager, for the water and sewer utility acquisitions. He handed out an informational sheet to support his recommendation. (6:51 p.m.) Bosanko stated that the selection of the underwriters should be done with advice from PFM and bond counsel; discussion ensued. (7:01 p.m.) **Motion by Maguire, seconded by Bryant, carried 3/1 with Rich opposed and Stern absent, to appoint Mitch Owens of RBC Dain Rauscher as Senior Manager, and John Mazyck with Frazier Lanier Company as Co-Manager, for the water and sewer utility acquisitions.**

Maguire reported the he still receives complaints about garbage service in Ponte Vedra.

(08/23/05 - 25 - 7:04 p.m.)

COUNTY ADMINISTRATOR'S REPORT

Adams gave the dates of some upcoming meetings: a shade meeting will be held on September 6th at 8:00 a.m., and a budget hearing at 5:30 p.m.; on September 13th at 1:30 p.m., a workshop on CR 2209 and growth management legislation will be held, and at 5:30 p.m., the second public hearing on the Summer Haven moratorium. Adams said that he would schedule an update, at 5:30 p.m., on the DOT's black route; that Guy Thompson, Area Coordinator for Seaboard, would be present at the next meeting; that he was trying to schedule an update from the DOT on the widening of A1A North; and that he would get more information on the feral cat issue to present to the Board.

(7:06 p.m.) Adams reported that the utility companies in the northeast area of the county were willing to talk about the possibility of acquisition.

(08/23/05 - 26 - 7:07 p.m.)  
CLERK OF COURT'S REPORT

No report.

(08/23/05 - 26 - 7:08 p.m.)  
COUNTY ATTORNEY'S REPORT

Bosanko reported that, pursuant to mediation, he needed to have a private attorney/client meeting on September 6<sup>th</sup> about the Surfrider's settlement. He stated that the trial had been set for sometime in November and Laura Barrow would be handling the case. He recommended that the Board, to strengthen its case, redo the hearings.

(7:09 p.m.) Hunt suggested holding one hearing to ratify the second hearing and to address the technicalities of how the hearings were conducted. Bosanko recommended holding two hearings. *The Board concurred with Bosanko's recommendation.*

(7:13 p.m.) **Motion by Bryant, seconded by Rich, carried 4/0 with Stern absent, to adjourn.** With there being no further business to come before the Board, the meeting adjourned at 7:13 p.m.

#### REPORTS:

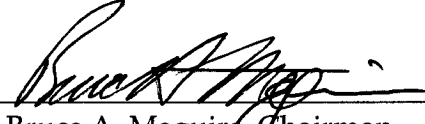
1. St. Johns County Board of County Commissioners Check Register, Check No. 371095 through 371099, totaling \$143,562.75 (08/03/05)
2. St. Johns County Board of County Commissioners Check Register, Check No. 371100 through 371122, totaling \$36,004.43 (08/04/05)
3. St. Johns County Board of County Commissioners Check Register, Check No. 371123 through 371605, totaling \$4,074,196.37 (08/09/05)
4. St. Johns County Board of County Commissioners Check Register, Check No. 371606, totaling \$60,202.90 (08/10/05)
5. St. Johns County Board of County Commissioners Check Register, Check No. 371607, totaling \$3,557.50 (08/15/05)

#### CORRESPONDENCE:

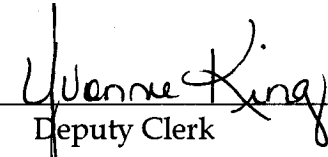
1. Copy of a lawsuit faxed from Osceola County dated August 4, 2005, regarding single member BCC districts, United States of America v. Osceola County
2. Letter dated August 11, 2005, to City Attorney, City of St. Augustine Beach, regarding an Interlocal Agreement for Collection of Impact Fees
3. Letter dated August 12, 2005, to Liz Cloud, Program Administrator, Bureau of Administrative Code, filing St. Johns County Ordinance Nos. 2005-67 through 2005-73
4. Letter dated July 12, 2005 to Ben Adams, regarding Annexation of Property, Ordinance No. 2005-09
5. Letter dated August 16, 2005 to Shelby Jack, Clerk of the Town of Hastings, regarding a fully executed original lease between the Town of Hastings and St. Johns County, on behalf of the St. Johns County Mental Health Department, for space in the historic Hastings High School

Approved September 20, 2005

BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA

By:   
Bruce A. Maguire, Chairman

ATTEST: CHERYL STRICKLAND, CLERK

By:   
Deputy Clerk

