

NOTE:

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**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
OCTOBER 4, 2005
(9:00 A.M.)**

Proceedings of a regular meeting of the Board of County Commissioners of St. Johns County, Florida, held in the auditorium at the County Administration Building, 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
 Karen R. Stern, District 2
 Ben Rich, District 3
 Ben W. Adams, Jr., County Administrator
 Daniel Bosanko, County Attorney
 Lenora Newsome, Deputy Clerk

Also present: Cheryl Strickland, Clerk of Court

(10/04/05 - 1 - 9:00 a.m.)
CALL TO ORDER

Maguire called the meeting to order.

(10/04/05 - 1 - 9:04 a.m.)
ROLL CALL

Maguire announced that all five commissioners were present.

(10/04/05 - 1 - 9:04 a.m.)
INVOCATION AND PLEDGE OF ALLEGIANCE

Bryant gave the invocation and Stevenson, with the 4-H Group, led the Pledge of Allegiance.

(10/04/05 - 1 - 9:09 a.m.)
PROCLAMATION DESIGNATING OCTOBER 4, 2005 AS STETSON KENNEDY DAY

Maguire read the proclamation and Stetson Kennedy accepted it, thanking everyone.

(10/04/05 - 1 - 9:15 a.m.)
PROCLAMATION DESIGNATING OCTOBER 9-15, 2005 AS FIRE PREVENTION WEEK

Rich read the proclamation and Chief McElroy accepted it.

(10/04/05 - 1 - 9:19 a.m.)
PROCLAMATION DESIGNATING OCTOBER 2005 AS BREAST CANCER AWARENESS MONTH

Stern read the proclamation, with Ann Hassel and Karen Van Volkinburg accepting it. Hassel spoke on being a survivor of breast cancer. She thanked Adams for allowing them to have Denim Day, where employees paid \$5.00 and got a pink ribbon to wear in

support of breast cancer awareness. Van Volkinburg also spoke on surviving breast cancer.

(10/04/05 - 2 - 9:24 a.m.)

PROCLAMATION DESIGNATING OCTOBER 2005 AS DOMESTIC VIOLENCE AWARENESS MONTH

Stevenson read the proclamation, with Beth Hughes from the Betty Griffin House accepting it, speaking on domestic violence awareness.

(10/04/05 - 2 - 9:29 a.m.)

ACCEPTANCE OF PROCLAMATIONS

Motion by Stern, seconded by Bryant, carried 5/0, for acceptance and approval of the proclamations.

(9:30 a.m.) Each commissioner, with the exception of Rich, introduced his or her new assistant.

(10/04/05 - 2 - 9:33 a.m.)

PUBLIC COMMENT

Ron Brown, 93 Orange Street, on behalf of Dixie Properties, Inc., and its president Phil Genovar, asked that an item concerning the renaming of a private road (Coke Road), owned by Genovar and his company, be added to the agenda. (9:36 a.m.) *It was the consensus of the Board to place this item on an agenda soon.* Rich mentioned that he would get with the legal department at lunch to try to come up with a solution today.

(9:36 a.m.) Gloria Rivera, 101 Dolphin Blvd., spoke on the sewage overflow in her home caused by St. Johns Service Company, and stated that not much had been done to correct her problem since the last time she came before the Board. Rich expressed being upset that nothing had been done to correct the problem. (9:46 a.m.) Michael Hunt, Deputy County Attorney, entered the meeting. (9:47 a.m.) Frank Kenton, St. Johns County Utility Department, gave an update on the problem. Bryant asked Hunt what this Board could do to help. Hunt stated that three things could be done: The first would be to go to the Water and Sewer Authority for help; the second would be to go to the Board for help; and the third would be to wait to purchase the utility until things were settled, so the County would not end up buying a lawsuit. Bryant spoke on Rivera making a written complaint. Hunt spoke on due diligence. Rich recommended waiting to purchase the utility company until this issue was resolved. (9:53 a.m.) Bosanko spoke on the liability responsibility.

(9:55 a.m.) Bill Whitmier, St. Johns Service Company, gave a status report on what was being done. Maguire asked Whitmier to have their insurance adjuster send a letter to the Board with the date on which the construction and repairs would begin on Rivera's property. He directed the County Attorney to write a letter to the Water and Sewer Authority. Hunt replied that they would. Stevenson asked that a request be included in the letter that St. Johns Service Company make Rivera and her family comfortable in temporary housing, assist with their move back home, and take care of their damaged items. Rich also asked that a copy of the tape of this meeting be included with the letter.

(9:59 a.m.) Renee Rockefeller, 2432 Kacie Lane, spoke on Bonita Reid, a lady in her neighborhood who rented out rooms in her house to shady clients.

(10:05 a.m.) Barry Schumacher, 2420 Kacie Lane, spoke on children being in danger in his neighborhood. Rich spoke on working with the County Attorney on this issue to see what could be done about the situation. Discussion followed on working with the Sheriff's Office on this situation, and having a neighborhood watch program. Bosanko suggested scheduling a workshop on this issue. Stern suggested that Rockefeller and Schumacher set up a neighborhood program with the Sheriff's Office to make them feel safer. Maguire directed Adams to set up a workshop with Code Enforcement and the Sheriff's Office on a special meeting date. Adams stated that he would.

(10/04/05 - 3 - 10:15 a.m.)

DELETIONS TO CONSENT AGENDA

Stern requested to pull Item 14, and place it on the Regular Agenda as Item 22a. Maguire requested to pull Items 11 and 13, to be continued to a later date. Adams requested that Item 20 be continued to a later date. Bosanko requested to pull Item 22, and place it on the Regular Agenda as Item 25.

(10/04/05 - 3 - 10:18 a.m.)

APPROVAL OF CONSENT AGENDA

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

1. Approval of the Cash Requirement Report
2. Minutes:
08/17/05 - BCC Special Meeting
3. Sheriff's Office Bonds:
Cancel: Adam Eddy

Name Change: Meagan Tombaugh to Meagan Lindberg
4. Motion to adopt **Resolution No. 2005-281**, accepting an Easement for Utilities for water services to a parcel owned by Hobbs Dobbs, LLC, located on Dobbs Road

RESOLUTION NO. 2005-281

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING AN EASEMENT FOR UTILITIES FOR WATER SERVICES TO A PARCEL OWNED BY HOBBS DOBBS, LLC, LOCATED ON DOBBS ROAD

5. Motion to adopt **Resolution No. 2005-282**, authorizing the Clerk of Circuit Courts, under Section 95.361 Florida Statutes, to file the survey map for St. Johns Street, between County Road 214 (West King Street) and First Street, claiming a vested interest in the road described in the survey map, and/or establishing a prescriptive easement in the same rights-of-way, in accordance with the principles set forth in Downing v. Bird, 100 So. 2d 57 (Fla. 1958)

RESOLUTION NO. 2005-282

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

AUTHORIZING THE CLERK OF THE COURTS, UNDER SECTION 95.361, FLORIDA STATUTES, TO FILE THE SURVEY MAP FOR ST. JOHNS STREET, BETWEEN COUNTY ROAD 214 (WEST KING STREET) AND FIRST STREET, CLAIMING A VESTED INTEREST IN THE ROAD DESCRIBED IN THE SURVEY MAP, AND/OR ESTABLISHING A PRESCRIPTIVE EASEMENT IN THE SAME RIGHTS-OF-WAY, IN ACCORDANCE WITH THE PRINCIPLES SET FORTH IN DOWNING V. BIRD, 100 SO. 2D 57 (FLA. 1958)

6. Motion to authorize the County Administrator, or his designee, to negotiate and enter into a contract for \$109,500.00 with the low bidder, Turnbull Environmental, Inc., for St. Johns County Pier Park seawall repairs (*See Attachment A*)
7. Motion to approve the transfer of \$166,799 from Utilities Lift Stations Regular Salaries [4444-4416-51200] and \$22,750 from Utilities Lift Stations Overtime [4444-4416-51400] to Water Transmission & Distribution Regular Salaries [4444-4413-51200] to cover end-of-year negative salary balances
8. Motion to adopt **Resolution No. 2005-283**, approving a final plat for Crosswinds at Palencia Live/Work Townhomes

RESOLUTION NO. 2005-283

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING A SUBDIVISION PLAT FOR CROSSWINDS AT PALENCIA LIVE/WORK TOWNHOMES

9. Motion to adopt **Resolution No. 2005-284**, approving a final plat for Marsh Harbor at Palm Valley, Unit Two

RESOLUTION NO. 2005-284

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING A SUBDIVISION PLAT FOR MARSH HARBOR AT PALM VALLEY, UNIT TWO

10. Motion to approve disposal of 65 cubic feet of county finance records in accordance with Florida Statutes
11. Motion to adopt a resolution authorizing the County Administrator, or the BOCC Chair, to execute a contract with the St. Augustine & St. Johns County Chamber of Commerce for the purpose of promoting economic development through the Conerstone organization

This item was pulled from the Consent Agenda to be continued to a later date.

12. Motion to adopt **Resolution No. 2005-285**, authorizing the County Administrator to execute a contract between St. Johns County and Triple Crown Sports, Inc., for fall national tournaments scheduled in 2006-2008

RESOLUTION NO. 2005-285

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A CONTRACT BETWEEN ST. JOHNS COUNTY AND TRIPLE CROWN SPORTS, INC., FOR THE FALL NATIONAL TOURNAMENTS SCHEDULED IN 2006-2008

13. Motion to adopt a resolution approving the terms, provisions, conditions and requirements of an agreement between St. Johns County, Florida, and St. Johns County Visitors and Convention Bureau, Inc., for the provision of coordinating the overall marketing and promotion essential to effective tourism marketing; and authorizing the County Administrator to execute the agreement on behalf of St. Johns County

This item was pulled from the Consent Agenda to be continued to a later date.

14. Motion to adopt a resolution extending an agreement between St. Johns County, Florida, and Ad-ventures Advertising, Incorporated, T/A Meridian Group, Incorporated, on the same terms, provisions, conditions, and requirements with the exception of compensation; and authorizing the County Administrator to execute, on behalf of the County, any agreements, documents, extensions, or other paperwork necessary to accomplish that purpose

This item was pulled and placed on the Regular Agenda as Item 22a.

15. Motion to adopt **Resolution No. 2005-286**, authorizing the Chairman to execute the contract between St. Johns County and Council on Aging, Inc. to provide DOT/VANS service for a period of 12 months for an amount not to exceed \$16,078.00

RESOLUTION NO. 2005-286

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONER OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE CHAIRMAN TO EXECUTE A CONTRACT BETWEEN ST. JOHNS COUNTY AND COUNCIL ON AGING, INC., TO PROVIDE DOT/VANS FOR A PERIOD OF 12 MONTHS

16. Motion to adopt **Resolution No. 2005-287**, authorizing the chairman to execute the contract between St. Johns County and the Council on Aging, Inc., to provide Sunshine Bus service for a period of 12 months for an amount not to exceed \$172,411

RESOLUTION NO. 2005-287

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE CHAIRMAN TO EXECUTE A CONTRACT BETWEEN ST. JOHNS COUNTY AND COUNCIL ON AGING, INC., TO PROVIDE THE SUNSHINE BUS SERVICE FOR A PERIOD OF 12 MONTHS

17. Motion to adopt **Resolution No. 2005-288**, approving the terms, provisions, conditions, and requirements of an agreement between the Board of County Commissioners of St. Johns County, Florida, and State of Florida Department of Health for operation of the St. Johns County Health Department, for contract year 2005-2006; and authorizing the chairperson of the Board of County Commissioners of St. Johns County, Florida, to execute the agreement on behalf of St. Johns County

RESOLUTION NO. 2005-288

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF AN AGREEMENT BETWEEN THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AND STATE OF FLORIDA, DEPARTMENT OF HEALTH FOR OPERATION OF THE ST. JOHNS COUNTY HEALTH DEPARTMENT, FOR CONTRACT YEAR 2005-2006, AND AUTHORIZING THE CHAIRPERSON OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, TO EXECUTE THE AGREEMENT ON BEHALF OF ST. JOHNS COUNTY

18. Motion to approve the write-off of 1,781 EMS accounts totaling \$662,513.54, and 165 Utility Services accounts totaling \$2,376.91, from the appropriate accounts receivable effective September 30, 2005
19. Motion to authorize the County Administrator, or his designee, to enter into Project No. 03-101 CDM Constructors Contract Change Order #2 for Phase II - Completion of Design and Construction of CR 214 WTP Expansion
20. Motion to authorize the County Administrator, or his designee, to enter into two separate contracts, as follows: Atlantic View Water Main Improvements with the low bidder, T. B. Landmark Construction, Inc., for the base bid of \$ 963,940.00; and Windswept Acres Water Main Improvements with MGA Construction, Inc., for the base bid of \$900,280.00

This item was pulled from the Consent Agenda to be continued to a later date.

21. Motion to adopt **Resolution No. 2005-289**, authorizing the County Administrator to execute the Durbin Crossing Impact Fee Credit Agreement in the amount of \$18,578,703 in Road Impact Fee Credits and \$2,249,894 in Park Impact Fee Credits

RESOLUTION NO. 2005-289

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE AN IMPACT FEE CREDIT AGREEMENT WITH DURBIN CROSSING COMMUNITY DEVELOPMENT DISTRICT

22. Motion to adopt a resolution authorizing the County Administrator to execute the Marshall Creek Impact Fee Credit Agreement in the amount of \$2,838,764.69 in Park Impact Fee Credits

This item was pulled from the Consent Agenda and placed on the Regular Agenda as Item 25.

23. Proofs:
- a. Proof, Notice to Bidders, Bid No. 05-111
 - b. Proof, Notice to Bidders, Bid No. 05-133
 - c. Proof, Notice to Bidders, Bid No. 05-134
 - d. Proof, Notice to Bidders, RFQ No. 05-128
 - e. Proof, Notice to Bidders, RFQ No. 05-129
 - f. Proof, Notice to Bidders, RFQ No. 05-131
 - g. Proof, Notice to Bidders, RFP No. 05-126
 - h. Proof, Notice to Bidders, RFP No. 05-130
 - i. Proof, Notice to Bidders, ITB No. 05-123R
 - j. Proof, Notice of Meeting, Board of County Commissioners, Special Meeting, Tuesday, August 9, 2005 at 8:00 a.m.
 - k. Proof, Notice of Public Hearing, Board of County Commissioners, Ponte Vedra Wastewater Assessment Area, August 9, 2005
 - l. Proof, Notice of Public Hearing, Board of County Commissioners, Special Meeting, Wednesday, August 17, 2005 and Thursday, August 18, 2005 at 4:00 p.m. to 9:00 p.m. (*Florida Times Union*)
 - m. Proof, Notice of Public Hearing, Board of County Commissioners, Special Meeting, Wednesday, August 17, 2005 and Thursday, August 18, 2005 at 4:00 p.m. to 9:00 p.m. (*St. Augustine Record*)
 - n. Proof, Notice of Public Hearing, Board of County Commissioners, Special Meeting, Wednesday, August 17, 2005 and Thursday, August 18, 2005 at 4:00 p.m. to 9:00 p.m. (*Ponte Vedra Recorder*)
 - o. Proof, Notice of Public Hearing, Board of County Commissioners, Ordinance adoption, Tuesday, August 9, 2005
 - p. Proof, Notice of Public Hearing, SJC Board of County Commissioners/SJC Community Redevelopment Agency, Tuesday, August 9, 2005
 - q. Proof, Notice of Meetings, Representatives of the Board of County Commissioners, Possible Bond Purchase Agreement, Friday, August 5, 2005 beginning at 1:00 p.m. and Wednesday, August 10, 2005 beginning at 2:30 p.m.
 - r. Proof, Notice of Public Hearing, Board of County Commissioners, 2004 Intercoastal Limited Proceeding, August 23, 2005 at 5:30 p.m. (*Ponte Vedra Recorder*)
 - s. Proof, Notice of Public Hearing, Board of County Commissioners, 2004 Intercoastal Limited Proceeding, August 23, 2005 at 5:30 p.m. (*St. Augustine Record*)
 - t. Proof, Certificate of Liability Insurance, R & D Landscape
 - u. Proof, Certificate of Liability Insurance, AWA Contracting Co, Inc.

(10/04/05 - 7 - 10:18 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

Stevenson requested to reverse the order of Items 8 and 9. Maguire stated that Items 15, 16, and 17 were time certain at 1:30 p.m. Adams requested to add an item, regarding a quick update on the algae situation in the St. Johns River as Item A1, and requested to pull Item 24 and reschedule it to a later date.

(10/04/05 - 7 - 10:21 a.m.)

APPROVAL OF REGULAR AGENDA

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

(10/04/05 - 8 - 10:21 a.m.)

A1. UPDATE ON ALGAL BLOOM IN ST. JOHNS RIVER

Dean Campbell, St. Johns River Water Management District, gave a PowerPoint presentation on the algal bloom update, Exhibit A. Stevenson asked if the algal bloom happened annually, and if this was the worse that it had been. Campbell responded. Maguire spoke on sending out press releases and on extension services.

The meeting recessed at 10:39 a.m., and reconvened at 10:51 a.m., with Strickland leaving the meeting.

(10/04/05 - 8 - 10:52 a.m.)

1. UPDATE ON SEABOARD WASTE SYSTEMS SERVICES

Adams gave an update on the service provided by Seaboard Waste Systems, stating that during the month of September they had 57 complaints, which was less than before. He stated out of 28,000 homes, they had 125 phone calls or e-mails with customers saying they were dissatisfied. He reviewed the options on handling this situation. Rich asked Adams what his personal preference was. Adams replied that the problem was how drivers were managed and scheduled. Maguire mentioned that they needed to stay on top of this issue, and recommended continual reports on their quality of service.

(11:00 a.m.) Maguire recessed the BCC regular meeting and opened the CRA meeting.

(10/04/05 - 8 - 11:00 a.m.)

2. CONSIDER A MOTION TO ADOPT A RESOLUTION ACCEPTING THE TERMS OF ELEVEN SUBORDINATION AGREEMENTS, AND AUTHORIZING THE CHAIRMAN OF THE BOARD TO EXECUTE THE AGREEMENTS ON BEHALF OF ST. JOHNS COUNTY COMMUNITY REDEVELOPMENT AGENCY ALLOWING SUBORDINATION OF THE MORTGAGES IN FAVOR OF ST. JOHNS COUNTY COMMUNITY REDEVELOPMENT AGENCY

Tony Cubbedge, Real Estate Department, submitted additional documentation to make this item clearer, Exhibit A. Maguire asked about Dream Homes and the Housing League, Inc. Cubbedge explained that Dream Homes was one of the local companies involved in the County's infill housing programs and the Housing League owned 40 infill lots that were part of the County's affordable housing project. He stated that the two parties formed a company together called the Developer's Coalition, which makes the housing construction process work better. Cubbedge spoke on the very stringent underwriting criteria through the Florida Community Partners, as well as the award through the Florida Housing Finance Corporation, with discussion ensuing. (11:06 a.m.) **Motion by Stern, seconded by Rich, carried 5/0, to adopt Resolution No. 2005-4, accepting the terms of eleven subordination agreements, and authorizing the Chairman of the Board to execute the agreements on behalf of the St. Johns County Community Redevelopment Agency, allowing subordination of the mortgages in favor of the St. Johns County Community Redevelopment Agency.**

RESOLUTION NO. 2005-4

A RESOLUTION BY THE ST. JOHNS COUNTY
COMMUNITY REDEVELOPMENT AGENCY,
ACCEPTING THE TERMS OF ELEVEN
SUBORDINATION AGREEMENTS AND
AUTHORIZING THE CHAIRMAN OF THE BOARD TO
EXECUTE THE AGREEMENTS ON BEHALF OF ST.

**JOHNS COUNTY COMMUNITY REDEVELOPMENT
AGENCY ALLOWING SUBORDINATION OF THE
MORTGAGES IN FAVOR OF ST. JOHNS COUNTY
COMMUNITY REDEVELOPMENT AGENCY**

(11:07 a.m.) Maguire adjourned the CRA meeting and reconvened the Regular BCC meeting.

(10/04/05 - 9 - 11:07 a.m.)

3. PUBLIC HEARING - REZ 2005-18, HAUPT CENTER REZONING - THIS IS A REQUEST TO REZONE .82 ACRES FROM OPEN RURAL (OR) TO COMMERCIAL INTENSIVE (CI) TO ALLOW FOR THE DEVELOPMENT OF A VETERINARY CLINIC AND MEDICAL OFFICES. THE PARCEL IS LOCATED ON THE WEST SIDE OF U.S. 1 SOUTH, JUST SOUTH OF WATSON RD., AND IS IN THE MIXED USE (MD) LAND USE AREA, AS DEPICTED ON THE 2015 FUTURE LAND USE MAP. WATER AND SEWER WILL BE PROVIDED BY THE ST. JOHNS COUNTY UTILITY DEPARTMENT. ADJACENT ZONINGS ARE OPEN RURAL (OR), COMMERCIAL GENERAL (CG) AND PLANNED SPECIAL DEVELOPMENT (PSD). THE PARCEL TO THE NORTH IS ZONED CG BUT IS UNDEVELOPED AND THE PARCEL TO THE SOUTH IS ZONED PSD AND IS OCCUPIED BY CLIMATE MASTERS (THE PSD ZONING ALSO ALLOWS A SHEET METAL FABRICATOR OR A BUILDING TRADES CONTRACTOR WITH OUTSIDE STORAGE). THE LAND TO THE WEST IS ZONED OPEN RURAL (OR) AND IS ALSO UNDEVELOPED. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS REQUEST BY A VOTE OF 5 TO 0 AT THEIR AUGUST 18, 2005 MEETING

Proof of publication of the notice of public hearing on the Haupt Center Rezoning, REZ 2005-18, was received, having been published in *The St. Augustine Record* on September 19, 2005.

Teresa Bishop, AICP, Planning Director, stated that she didn't have anything new to add except that they received a letter in favor of this item. Discussion followed on if there was any other type of zoning, other than Commercial Intensive, which could be used for this particular purpose, and if there was anything on the plans regarding boarding outside animals. (11:09 a.m.) Hunt left the meeting and Patrick McCormack, Assistant County Attorney, entered the meeting. Stevenson asked about the access issue. Bishop responded.

(11:16 a.m.) Norma Haupt, 1100 Oak Ridge Road, applicant, stated that Mr. Ford advised them to choose the CI zoning. Discussion followed on CI zoning instead of CG zoning, and boarding animals outside. Bosanko advised them not to put conditions on a straight rezoning. Rich asked Haupt that if the Board was willing today to allow her to change the zoning to CG versus CI, would she be willing to make that change. Haupt replied yes, as long as she could have outdoor runs for the dogs, indoor boarding facilities, and a veterinarian and medical office in the facility. (11:24 a.m.) **Motion by Stevenson, seconded by Stern, carried 5/0, to enact Ordinance No. 2005-89, known as REZ 2005-18, Haupt Center Rezoning, adopting findings of fact 1 through 4 to support the motion.** Bishop explained the wording in CG and also in CN regarding the boarding issue.

ORDINANCE NO. 2005-89

**AN ORDINANCE OF THE COUNTY OF ST. JOHNS,
STATE OF FLORIDA, REZONING LANDS AS**

DESCRIBED HEREINAFTER FROM THE PRESENT ZONING CLASSIFICATION OF OPEN RURAL (OR) TO COMMERCIAL INTENSIVE (CI); MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE

(10/04/05 - 10 - 11:27 a.m.)

4. PUBLIC HEARING - PUD 2005-12, OLD MOULTRIE VILLAGE PLANNED UNIT DEVELOPMENT - THIS REQUEST SEEKS TO REZONE APPROXIMATELY 8.011 ACRES FROM OPEN RURAL TO PLANNED UNIT DEVELOPMENT IN ORDER TO DEVELOP A MULTI-FAMILY PLANNED UNIT DEVELOPMENT (PUD) CONSISTING OF UP TO 84 UNITS. THE SITE IS LOCATED ON THE WEST SIDE OF OLD MOULTRIE RD., NORTH OF LEWIS POINT RD. THE PLAN PROPOSES A SINGLE VEHICULAR ACCESS POINT ONTO OLD MOULTRIE RD. THE MASTER DEVELOPMENT PLAN INCLUDES THE PROVISION OF A SIX (6) FOOT SIDEWALK ALONG OLD MOULTRIE RD., AND A FOUR (4) FOOT SIDEWALK ALONG ONE SIDE OF THE MAIN INTERNAL ROAD. THE MASTER DEVELOPMENT PLAN ALSO INCLUDES 2.22 ACRES OF OPEN SPACE, INCLUDING RECREATION, WETLANDS AND PERIMETER BUFFERS. THE TOTAL PERCENTAGE OF OPEN SPACE EQUALS 27.7% OF THE PROJECT SITE. 1.02 ACRES OF RECREATION WILL BE PROVIDED, INCLUDING A TOT LOT AND A MULTI PURPOSE FIELD. CENTRAL WATER AND SEWER WILL BE PROVIDED BY ST. JOHNS COUNTY UTILITIES. THE PROJECT SITE IS SURROUNDED BY THE FOLLOWING EXISTING ZONING CATEGORIES: PLANNED UNIT DEVELOPMENT (PUD) AND OPEN RURAL (OR). THE SURROUNDING FUTURE LAND USE IS MIXED USE DISTRICT (MD). THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS REZONING REQUEST AT THEIR AUGUST 18, 2005 HEARING, BY A VOTE OF 5/0

Proof of publication of the notice of public hearing on the Old Moultrie Village PUD, PUD 2005-12, was received, having been published in *The St. Augustine Record* on September 19, 2005.

Teresa Bishop, AICP, Planning Director, explained the number of dwelling units allowed per acre. Maguire asked about the road being a private road instead of being dedicated to the County. Bishop replied.

(11:29 a.m.) Beth Breeding, 4141 South Point Drive East, Suite B, Jacksonville, clarified that they intended to dedicate the road to the County. She stated that they had not requested any waivers; and they were less than the density that they could request. Stern disclosed exparte communication with Beth Breeding about the project. Rich asked about the concurrency issues on Old Moultrie Road.

(11:31 a.m.) Joe Stephenson, Public Works Director, stated that this project had a valid concurrency certificate, and that they were very close to a concurrency issue on Old Moultrie Road. Maguire asked that Jan Trantham give an update on the road systems in the County that were approaching concurrency. Stevenson stated that there was one letter non-committed, and one letter somewhat in favor, of the rezoning. Discussion followed on school districts and potential rezoning, how applications were approved, affordable housing, cul-de-sacs, sidewalks, and a tot lot. Maguire mentioned changing the wording in the third paragraph on page 9, the word "*approximately*" should be changed to the word "*minimum*." McCormack mentioned adding to the text the verbiage, "*A tot lot and associated equipment*." Rich asked Breeding why she felt that the density was compatible with the surrounding land uses. Breeding explained. (11:44 a.m.) **Motion by Maguire, seconded by Stern, to enact Ordinance No. 2005-90, known**

as PUD 2005-12, Old Moultrie Village PUD, adopting findings of fact 1 through 7 to support the motion with the following changes; on page 9, change the word "approximately" to "a minimum of 1.02 acres for recreational use;" on page 10, with individual curbside pick-up "if available," and add after the language tot lot, "and associated equipment." Rich explained why he couldn't vote in approval of this item. Bishop asked the Board if they wanted to make a determination on public versus private roads. Maguire replied that his personal opinion was that, if they wanted to submit it for public acceptance, have them bring it back to the Board at some future time. Bishop replied that it would come back to the Board as a plat, and that would be when the Board would consider accepting the roadway. Discussion followed on private road versus public road. (11:50 a.m.) **Maguire also added the change in language of "public" to "private" road and the second accepted. The motion carried 4/1, with Rich in opposition.**

ORDINANCE NO. 2005-90

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

(10/04/05 - 11 - 11:51 a.m.)

5. PUBLIC HEARING - PUD 2005-07, ST. AUGUSTINE 500,000 SF WAREHOUSE PLANNED UNIT DEVELOPMENT - THIS REQUEST SEEKS TO REZONE APPROXIMATELY 39.90 ACRES FROM OPEN RURAL TO PLANNED UNIT DEVELOPMENT IN ORDER TO DEVELOP AN INDUSTRIAL PLANNED UNIT DEVELOPMENT (PUD), CONSISTING OF A 500,000 SQUARE FOOT WAREHOUSE. THE SITE IS LOCATED ON THE WEST SIDE OF I-95, EAST OF DEERPARK BLVD., AND TO THE NORTH OF SR 207. THE PLAN PROPOSES A SINGLE VEHICULAR ACCESS POINT ONTO S.R. 206. THE MASTER DEVELOPMENT PLAN INCLUDES THE PROVISION OF A FIVE (5) FOOT SIDEWALK ALONG THE DRIVE FROM DEERPARK BLVD. TO THE VEHICULAR USE AREA. THE MASTER DEVELOPMENT PLAN ALSO INCLUDES 12.5 ACRES OF OPEN SPACE WETLANDS AND PERIMETER BUFFERS. THE TOTAL PERCENTAGE OF OPEN SPACE EQUALS 31.5% OF THE PROJECT SITE. CENTRAL WATER AND SEWER WILL BE PROVIDED ST. JOHNS COUNTY UTILITIES. THE PROJECT SITE IS SURROUNDED BY THE FOLLOWING EXISTING ZONING CATEGORIES: PLANNED UNIT DEVELOPMENT (PUD), COMMERCIAL HIGHWAY AND TOURIST (CHT) AND OPEN RURAL (OR). THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS REZONING REQUEST AT THEIR JULY 7, 2005 HEARING BY A VOTE OF 6/0

Proof of publication of the notice of public hearing on PUD 2005-07, St. Augustine Warehouse PUD, was received, having been published in *The St. Augustine Record* on September 19, 2005.

Teresa Bishop, AICP, Planning Director, stated that there were no changes, and that concurrency was granted for this project.

(11:52 a.m.) Gerald Muldowney, 19 SW 2nd Street, stated that he did not have any changes.

(11:52 a.m.) Motion by Stern, seconded by Bryant, carried 5/0, to enact Ordinance No. 2005-91, known as PUD 2005-07, St. Augustine 500,000 SF Warehouse PUD, adopting findings of fact 1 through 7 to support the motion.

ORDINANCE NO. 2005-91

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, 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

The meeting recessed at 11:53 a.m., and reconvened at 1:30 p.m. with Maguire, Bryant, Stevenson, Stern, Rich, Adams, Bosanko, Hunt, and Deputy Clerk Yvonne King present.

(10/04/05 - 12 - 1:47 p.m.)

6. PUBLIC HEARING - COLLEGE PARK PARTIAL PLAT VACATION - THE APPLICANT WISHES TO VACATE A PORTION OF AN OLD PLAT IN ORDER TO ACCOMMODATE THE APPLICATION FOR A SINGLE-FAMILY RESIDENCE ON THE PROPERTY. CURRENTLY, A PERMIT COULD NOT BE APPROVED UNLESS GREEN STREET WAS CONSTRUCTED TO CURRENT COUNTY STANDARDS TO PROVIDE ACCESS TO BLOCK 33, LEAVING THE PORTIONS OF LOTS IN BLOCK 34 CHALLENGING TO BUILD UPON. COUNTY ROAD 214 IS NOT LOCATED IN THE RIGHT-OF-WAY OF TOCOI ROAD, AS DEPICTED ON THE PLAT, AND IS ACTUALLY LOCATED AS DEPICTED ON THE SURVEY PROVIDED. THE APPLICANT IS FULLY AWARE THAT THE RESULT OF THIS VACATION WILL ELIMINATE A NUMBER OF LOTS AND WILL PROVIDE FOR ONE CONTIGUOUS PIECE OF PROPERTY. AS THIS PARTIAL PLAT VACATION EFFECTIVELY REDUCES THE NUMBER OF NON-CONFORMING LOTS IN THIS AREA, AND WILL PROVIDE A CONTIGUOUS PARCEL FOR A SINGLE-FAMILY RESIDENCE, STAFF IS RECOMMENDING APPROVAL. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL AT THE SEPTEMBER 15, 2005 MEETING

Proof of publication of the notice of public hearing on the College Park Partial Plat Vacation was received, having been published in *The St. Augustine Record* on September 5, 2005.

Kathy Nielsen, Applications Review Coordinator, relayed the request for a partial plat vacation of a portion of College Park; this subdivision was platted in 1917, and remains largely undeveloped. She said the applicant wished to construct a single-family residence, but there were some constraints accessing the property without vacating the road between CR 214 and the bulk of his property. (1:49 p.m.) **Motion by Stern, seconded by Bryant, carried 5/0, to adopt Resolution No. 2005-290, approving the petition to vacate a portion of the plat of College Park.**

RESOLUTION NO. 2005-290

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, VACATING A PORTION OF THE PLAT OF COLLEGE PARK SUBDIVISION

(10/04/05 - 13 - 1:50 p.m.)

7. PUBLIC HEARING - MILLS COVE PARTIAL PLAT VACATION - THE APPLICANT WISHES TO VACATE A PORTION OF AN OLD PLAT IN ORDER TO ACCOMMODATE DIVIDING THE PROPERTY INTO TWO LOTS AND PROVIDING ACCESS TO THE PROPERTY IN THE REAR BY MEANS OF AN EASEMENT. CURRENTLY, THE LAND DEVELOPMENT CODE WOULD REQUIRE REPLATTING TO ACCOMPLISH THIS GOAL, INCLUDING DEDICATING A 60 FOOT RIGHT-OF-WAY FOR ACCESS TO THE REAR PROPERTY. TWO RESIDENCES CURRENTLY EXIST ON THE PLATTED LOT BY VIRTUE OF A SPECIAL USE PERMIT. ALL TECHNICAL COMMENTS GENERATED THROUGH THE DEVELOPMENT REVIEW PROCESS HAVE BEEN ADDRESSED; THEREFORE, STAFF RECOMMENDS APPROVAL. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL AT THE SEPTEMBER 15, 2005 MEETING

Proof of publication of the notice of public hearing on the Mills Cove Partial Plat Vacation was received, having been published in *The St. Augustine Record* on June 3, 2005.

Kathy Nielsen, Applications Review Coordinator, explained the request for a partial plat vacation, which would remove one single-family lot from a plat; the applicant owns the property behind the lot and wished to gain access to it by means of an easement. (1:51 p.m.) **Motion by Stevenson, seconded by Rich, carried 5/0, to adopt Resolution No. 2005-291, approving the petition to vacate a portion of the plat of Mills Cove.**

RESOLUTION NO. 2005-291

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, VACATING A PORTION OF THE PLAT OF MILLS COVE SUBDIVISION

(10/04/05 - 13 - 3:05 p.m.)

8. PUBLIC HEARING - ADOPTION HEARING FOR FILE #ACPA-2005-01, GREENWAY, BLUEWAY & TRAILS POLICIES - ON NOVEMBER 25, 2003, THE BOARD OF COUNTY COMMISSIONERS PASSED RESOLUTION 2003-226 ACCEPTING THE *ST. JOHNS COUNTY GREENWAY, BLUEWAY & TRAIL MASTER PLAN AND REPORT*. STAFF IS REQUESTING TEXT AMENDMENTS TO THE COMPREHENSIVE PLAN TO PROVIDE FOR THE IMPLEMENTATION OF THE *ST. JOHNS COUNTY GREENWAY, BLUEWAY & TRAIL MASTER PLAN*. THE BOARD OF COUNTY COMMISSIONERS TRANSMITTED THIS REQUEST ON MAY 18TH TO THE DEPARTMENT OF COMMUNITY AFFAIRS (DCA), AND OTHER STATE AND REGIONAL AGENCIES, AS PART OF THE DCA NO. 05-2 PACKAGE. ON JULY 29TH, DCA WROTE IN ITS ATTACHED LETTER: "WITH REGARD TO THE TEXT AMENDMENT, THE DEPARTMENT COMMENDS ST. JOHNS COUNTY FOR HAVING ADOPTED *GREENWAY, BLUEWAY AND TRAIL MASTER PLAN MAP AND REPORT* AND INTENDING TO INCORPORATE THIS DOCUMENT INTO THE COUNTY'S COMPREHENSIVE PLAN FOR IMPLEMENTATION. THIS IS A DEMONSTRATION OF THE COUNTY'S PROACTIVE PLANNING STRATEGY TO PROMOTE PUBLIC ACCESS TO RECREATIONAL OPPORTUNITIES AND CIVIC PLACES THROUGH ALTERNATIVE TRANSPORTATION MODES, AND TO PROMOTE THE PRESERVATION OF THE COUNTY'S SIGNIFICANT HISTORIC, ARCHAEOLOGICAL, CULTURAL,

NATURAL AND SCENIC RESOURCES.” THE PLANNING AND ZONING AGENCY WAS UNANIMOUS IN ITS RECOMMENDATION TO THE BCC TO APPROVE FILE #ACPA-2005-01 TO AMEND THE TEXT OF THE COMPREHENSIVE PLAN GOALS, OBJECTIVES AND POLICIES AS PERTAINING TO THE GREENWAY, BLUEWAY AND TRAILS MASTER PLAN

Proof of publication of the notice of public hearing on the Comprehensive Plan Amendment 2005-01, Greenway, Blueway, & Trails Policies, was received, having been published in *The St. Augustine Record* on August 29, 2005.

Donna Godfrey, Senior Planner, pointed out that DCA, in its review of this request, commended the County for being proactive in implementing the plan by adopting the policies. Discussion followed. (3:09 p.m.) **Motion by Stevenson, seconded by Stern, carried 5/0, to enact Ordinance No. 2005-94, amending the text of the Comprehensive Plan Goals, Objectives, and Policies for File #ACPA-2005-01, Greenway, Blueway, and Trails Policies, to add new Objective A.1.20 and new related policies A.1.20.1 through A.1.20.6; amend existing Policies B.1.5.6 and B.1.6.2; amend existing Objective B.1.7 and add new Policy B.1.7.5, all as pertaining to the Greenway, Blueway, and Trails Master Plan.**

ORDINANCE NO. 2005-94

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, AMENDING 2015 COMPREHENSIVE PLAN ORDINANCE NO. 2000-34, AS AMENDED, TO AMEND THE TEXT OF THE COMPREHENSIVE PLAN GOALS, OBJECTIVES AND POLICIES TO ADD NEW OBJECTIVE A.1.20 AND NEW RELATED POLICIES A.1.20.1 THROUGH A.1.20.6; AMEND EXISTING POLICIES B.1.5.6 AND B.1.6.2; AMEND EXISTING OBJECTIVE B.1.7 AND ADD NEW POLICY B.1.7.5, ALL AS PERTAINING TO THE GREENWAY, BLUEWAY AND TRAILS MASTER PLAN; PROVIDING FOR FINDINGS OF FACT, FINDINGS OF CONSISTENCY, SEVERABILITY, AND EFFECTIVE DATE

(10/04/05 - 14 - 1:52 p.m.)

9. PUBLIC HEARING - ADOPTION HEARING FOR FILE #CPA-2004-03, TURNBULL INVESTMENTS, LLC - FILE #CPA-2004-03, KNOWN AS TURNBULL INVESTMENTS, LLC, IS A PROPOSED AMENDMENT TO THE COMPREHENSIVE PLAN TO CHANGE THE FUTURE LAND USE MAP DESIGNATION FROM RURAL SILVICULTURE (R/S) TO RESIDENTIAL DENSITY-B. THE SITE CONTAINS ABOUT 357 ACRES LOCATED ON THE SOUTHWEST SIDE OF STATE ROAD 16, WEST OF I-95 AND ABOUT 1.3 MILES NORTH OF COUNTY ROAD 208, IN THE NW SECTOR AREA, ADJACENT TO THE WHISPER RIDGE NEIGHBORHOOD AND THE ST. AUGUSTINE DEVELOPMENT AREA. THE SITE IS ZONED OR (OPEN RURAL). THE APPLICATION INDICATES THAT THIS UNDEVELOPED PROPERTY HAS BEEN UTILIZED AS TIMBERLAND AND SOD FARMING OPERATIONS, AND THAT IT CONTAINS ABOUT 92.8 ACRES OF WETLANDS. IN GENERAL, AREAS DESIGNATED AS RESIDENTIAL DENSITY - B PERMIT DEVELOPMENT OF SINGLE-FAMILY OR MULTI-FAMILY DWELLING UNITS OF UP TO TWO UNITS PER ACRE, WITH USES SUPPORTIVE OR COMPLIMENTARY TO RESIDENTIAL TO INCLUDE CULTURAL/INSTITUTIONAL; OUTDOOR/PASSIVE; NEIGHBORHOOD

PUBLIC SERVICE; PUBLIC OR PRIVATE ELEMENTARY SCHOOLS, MIDDLE SCHOOLS, AND HIGH SCHOOLS; NEIGHBORHOOD COMMERCIAL USES APPROVED PURSUANT TO PLANNED DEVELOPMENT LAND DEVELOPMENT REGULATIONS, ON A SIZE AND SCALE COMPATIBLE WITH THE SURROUNDING RESIDENTIAL AREA; AND AGRICULTURAL USES AND AGRICULTURAL SUPPORT SERVICES AND FACILITIES WHEN NOT INCOMPATIBLE WITH SURROUNDING RESIDENTIAL USES. HOWEVER, THE APPLICANT'S DEVELOPMENT PLANS INCLUDE UTILIZING THE COUNTY'S OPTIONAL DENSITY FACTORS FOR AFFORDABLE HOUSING AND WETLANDS PRESERVATION, THUS INCREASING THE NET ALLOWABLE DENSITY FROM TWO UNITS PER ACRE TO A MAXIMUM OF THREE UNITS PER ACRE, PLUS THE ADDED DENSITY OF UP TO 10 PERCENT (10%) OF THE WETLAND ACREAGE PRESERVED. AS NOTED IN THE PZA STAFF REPORT, THE APPLICANT POSTPONED THE PROPOSED PLANNED UNIT DEVELOPMENT REZONING REQUEST AND WILL SUBMIT IT ONLY UPON APPROVAL OF THE PROPOSED COMPREHENSIVE PLAN AMENDMENT. AT THE PLANNING AND ZONING AGENCY'S PUBLIC HEARING ON SEPTEMBER 15TH, COUNTY STAFF EXPLAINED THAT DCA STAFF HAD MADE CLEAR DURING RECENT CONVERSATIONS THAT WITHOUT AN INSTRUMENT TO SECURE AND ADOPT INTO THE COUNTY'S CAPITAL IMPROVEMENTS SCHEDULE (THE PUBLIC IMPROVEMENTS REQUIRED TO SUPPORT THE PROPOSED DEVELOPMENT) THIS REQUEST WOULD BE FOUND TO BE "NOT IN COMPLIANCE" WITH STATE LAW. THE APPLICANT THEN RELATED THAT HIS CLIENT'S PROPOSED DEVELOPMENT AGREEMENT HAD BEEN SUBMITTED EARLIER IN THE WEEK TO THE COUNTY SO AS TO COMMENCE THE NECESSARY PROCEDURES. THE PLANNING AND ZONING AGENCY WAS UNANIMOUS IN ITS RECOMMENDATION TO THE BCC TO APPROVE FILE #CPA-2004-03 FOR TURNBULL INVESTMENTS, LLC, TO AMEND THE 2015 FUTURE LAND USE MAP FROM RURAL SILVICULTURE (R/S) TO RESIDENTIAL DENSITY - B, SUBJECT TO THE APPLICANT INDEMNIFYING THE COUNTY FROM ANY CHALLENGE BROUGHT ABOUT BY THE STATE OR ANY OTHER THIRD PARTY

Proof of publication of the notice of public hearing on the Comprehensive Plan Amendment CPA 2004-03, Turnbull Investments, LLC, was received, having been published in *The St. Augustine Record* on August 29, 2005.

Teresa Bishop, Planning Director, explained the Comp Plan Amendment to change the FLUM designation from Rural Silviculture to Residential Density-B, allowing two units per acre. Bishop announced that the Citizen Courtesy Information List was on the back table and anyone wishing to sign the list may do so, and that list would be sent to the Department of Community Affairs. When a notice of intent was published, those persons on the list would be notified. Bishop relayed that in July, Staff received an Objectives, Recommendations, and Comments Report from DCA indicating that the Plan needed to be financially feasible and, in order to do so, they recommended that the County amend the Capital Improvement Element, specifically the Five Year Capital Improvement Schedule showing the improvements that would need to be made for this project on SR 16, and that the County have an executed development agreement to go forward with this adoption that shows that it would be financially feasible. However, to this point, the applicant had not been able to submit a development agreement; there had not been enough time, based on the County's process, for development agreements. The applicant submitted a traffic study, and that study is in review. Since that time, the applicant has spoken to DCA and has reached somewhat of an agreement to not find the amendment to be not in compliance if certain things were done. One of the things

that would be done was an agreement to enter into a development agreement, not the development agreement itself. The second thing was an amendment to the Capital Improvement Element, the Five Year Capital Improvement Schedule, showing the improvements that were needed on SR 16 to prove financial feasibility. Bishop then expressed the concerns of Staff regarding not having an executed development agreement. (2:00 p.m.) Isabelle Lopez, Senior Assistant County Attorney, explained to the Board that there were three documents for consideration: 1) an ordinance amending the Future Land Use Map designation from Rural Silviculture to Residential Density B; 2) an ordinance amending the Five-Year Capital Improvement Schedule of the Capital Improvements Element of the Comp Plan; and 3) an agreement to enter into a development agreement. Lopez then clarified that the third document was not an actual development agreement. Discussion followed regarding the financial feasibility and compatibility of the project. (2:17 p.m.) Frank Miller, 245 Riverside Ave., Suite 400, on behalf of 16 Development, LLC, addressed the process they have taken with this development. Discussion followed regarding the future land use map change. (2:35 p.m.) Maguire suggested a change in "the agreement to enter into a development agreement," as follows: on page 3, 2(b), change the paragraph to read: "Developer understands and acknowledges that it shall be obligated to post a bond or other security satisfactory to the County for 200% of the estimated costs in sub paragraph (e) below, to complete the improvements." (2:42 p.m.) Lopez pointed out an error in the short title to the Capital Improvements Element Ordinance. In the third line, "2003-2008" should be "2005-2010." (2:48 p.m.) **Motion by Maguire, seconded by Bryant, to enact Ordinance No. 2005-92, amending the Future Land Use Map from Rural Silviculture to Residential B.** (2:48 p.m.) **Motion by Maguire, seconded by Bryant, to enact Ordinance No. 2005-93, for File No. CPA-2004-03 for the Turnbull Investments, LLC property, located on the southwest side of SR 16 (that would be the Capital Improvement Element) and approximately 1.3 miles north of CR 208.** (2:49 p.m.) **Motion by Maguire, seconded by Bryant, to authorize the chairman to execute the agreement to enter into a development agreement with the amendment on page 3, 2(b): insert "200% for the estimated costs in (e) below, which would be a \$4,000,000 bond."** (2:50 p.m.) Rich commented in opposition to the comp plan amendment. (2:55 p.m.) **The motions carried 4/1 with Rich opposed.**

ORDINANCE NO. 2005-92

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, AMENDING 2015 COMPREHENSIVE PLAN, ORDINANCE NO. 2000-34, AS AMENDED, TO CHANGE THE FUTURE LAND USE MAP DESIGNATION FROM RURAL SILVICULTURE (R/S) TO RESIDENTIAL DENSITY-B FOR PROPERTY LOCATED ON THE SOUTHWEST SIDE OF STATE ROAD 16, WEST OF I-95 AND APPROXIMATELY 1.3 MILES NORTH OF COUNTY ROAD 208; PROVIDING FOR FINDINGS OF FACT; FINDINGS OF CONSISTENCY; SEVERABILITY; AND AN EFFECTIVE DATE

ORDINANCE NO. 2005-93

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, ADOPTING AN AMENDMENT TO THE ST. JOHNS COUNTY FIVE-YEAR CAPITAL IMPROVEMENTS SCHEDULE, 2005-2010 OF THE CAPITAL IMPROVEMENTS ELEMENT OF THE

COMPREHENSIVE PLAN PURSUANT TO THE REQUIREMENTS OF THE LOCAL GOVERNMENT COMPREHENSIVE PLANNING AND LAND DEVELOPMENT REGULATION ACT, CHAPTER 163, PART II AND CHAPTER 125, FLORIDA STATUTES, AMENDING THE FIVE-YEAR CAPITAL IMPROVEMENTS SCHEDULE; PROVIDING FOR FINDINGS OF FACT, FINDINGS OF CONSISTENCY, SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

The meeting recessed at 2:55 p.m., and reconvened at 3:04 p.m.

(10/04/05 - 17 - 3:12 p.m.)

10. PUBLIC HEARING - MODIFICATION OF THE TW ACQUISITIONS DEVELOPMENT AND IMPACT FEE AGREEMENT (DEVAGRMOD 2004-01) - THIS IS THE FIRST OF TWO REQUIRED PUBLIC HEARINGS. THE SECOND PUBLIC HEARING IS SCHEDULED FOR OCTOBER 18, 2005. THE TW ACQUISITIONS DEVELOPMENT AND IMPACT FEE AGREEMENT (AGREEMENT) APPROVED ON JULY 23, 2002 BY AND BETWEEN TW ACQUISITIONS, INC., AND ST. JOHNS COUNTY RELATED TO THE DEVELOPMENT OF THE ST. JOHNS FOREST PUD AND REMAINS IN EFFECT UNTIL OCTOBER 3, 2012 (10 YEARS FROM THE EFFECTIVE DATE). TW ACQUISITIONS, INC., HAS REQUESTED A MODIFICATION OF THE AGREEMENT TO REFLECT THE ACTUAL COST INCURRED IN COMPLETING THE REQUIRED ROADWAY IMPROVEMENTS ON CR 210. THE AGREEMENT ESTIMATED THE COST TO PROVIDE 4-LANES ON CR 210 UNDER THE I-95 OVERPASS TO BE \$500,871.26, AND PROVIDED FOR THE PREPAYMENT OF THE BALANCE OF ROAD IMPACT FEES DUE ON THE PROJECT IN THE AMOUNT OF \$163,000.00. THE REQUIRED IMPROVEMENTS TO CR 210 HAVE BEEN COMPLETED AND THE ACTUAL COST DOCUMENTED BY THE APPLICANT WAS \$609,000.00, AND WOULD RESULT IN ONLY \$54,871.26 REMAINING DUE AS PREPAID ROAD IMPACT FEES

Proof of publication of the notice of public hearing on the modification to the TW Acquisitions Development and Impact Fee Agreement was received, having been published in *The St. Augustine Record* on September 20, 2005.

Teresa Bishop, Planning Director, explained that the modification to the agreement was a request to amend the amount of the cost of the improvement. (3:14 p.m.) Maguire announced that the date of the second public hearing was October 18, 2005 at 9:00 a.m.

(10/04/05 - 17 - 3:14 p.m.)

11. PUBLIC HEARING - NOPC 2005-09 WORLD COMMERCE CENTER DRI - THIS IS A NOTICE OF PROPOSED CHANGE (NOPC) TO AMEND THE WORLD COMMERCE CENTER DRI DEVELOPMENT ORDER (DO) TO MAKE THE FOLLOWING REVISION: REVISE SPECIAL CONDITION 23(A): NO LATER THAN DECEMBER 31, 2006, THE DEVELOPER SHALL COMMENCE CONSTRUCTION, OR AT THE DEVELOPER'S OPTION PAY TO ST. JOHNS COUNTY THE FULL COST, INCLUDING THE COSTS OF ANY RIGHT-OF WAY ACQUISITION, IF NECESSARY, AS AGREED TO BY THE COUNTY FOR THE FOUR-LANING OF INTERNATIONAL GOLF PARKWAY FROM THE WESTERN ENTRANCE OF WORLD GOLF VILLAGE TO S.R. 16. THE PROJECT IS TO BE COMPLETED BY JULY 1, 2008. THE PLANNING AND

ZONING AGENCY RECOMMENDED APPROVAL BY A VOTE OF 5/1 AT THEIR SEPTEMBER 1, 2005 MEETING. THE DISSENTING VOTE RECOMMENDED REMOVAL OF THE OPTIONAL LANGUAGE AND QUESTIONED THE DELAY

Proof of publication of the notice of public hearing on the NOPC 2005-09, World Commerce Center DRI, was received, having been published in *The St. Augustine Record* on September 19, 2005.

Lindsay Haga, Planner III, distributed revised language that replaced No. 2a of the resolution, which extended the construction commencement and completion date. (3:15 p.m.) Maguire declared ex-parte communication; he met with Duke Steinneman and Buddy Young regarding this issue. Bryant declared ex-parte communication; he met with Duke Steinneman, Buddy Young, and George McClure, and also he had a large meeting last week regarding the NOPC and the intersection issue. Stern declared ex-parte communication; she met with Duke Steinneman and Buddy Young regarding the road construction project. Rich declared ex-parte communication; he spoke with Duke Steinneman, Buddy Young, and George McClure regarding the project. Stevenson declared ex-parte communication; she met with Duke Steinneman, Buddy Young, and George McClure regarding the project. (3:17 p.m.) George McClure, 170 Malaga Street, explained the notice of proposed change, by addressing the school bus turnaround, improvements to the intersection, wetlands on the site, and the management of traffic during construction. (3:31 p.m.) **Motion by Bryant, seconded by Stern, carried 5/0, to approve Resolution No. 2005-292, approving a Notice of Proposed Change to the World Commerce Center DRI Development Order, adopting findings of fact 1-4 to support the motion; with the revised language in No. 2a of the resolution.**

RESOLUTION NO. 2005-292

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, MODIFYING THE WORLD COMMERCE CENTER DRI DEVELOPMENT ORDER AS PREVIOUSLY APPROVED BY ST. JOHNS COUNTY ON DECEMBER 10, 2003, UNDER RESOLUTION 2002-267; FINDING THE MODIFICATION DOES NOT CONSTITUTE A SUBSTANTIAL DEVIATION; AND PROVIDING FOR AN EFFECTIVE DATE

(10/04/05 - 18 - 3:31 p.m.)

12. PUBLIC HEARING - MAJMOD 2005-16, SIX MILE CREEK PUD - THIS IS AN EXISTING PLANNED UNIT DEVELOPMENT WITHIN THE SAINT JOHNS DEVELOPMENT OF REGIONAL IMPACT (DRI). THE MAJOR MODIFICATION WOULD REVISE THE SIX MILE CREEK PUD TO ADD THE FOLLOWING COMMERCIAL USES: 1) SCHOOLS WITH CONVENTIONAL ACADEMIC CURRICULUM; 2) CHILDCARE OR CHILD NURSERIES; AND 3) PARKS AND RECREATION FACILITIES WITH OR WITHOUT LIGHTED FIELDS AND COURTS. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL BY A VOTE OF 6/0 DURING THEIR SEPTEMBER 15, 2005 MEETING

Proof of publication of the notice of public hearing on Major Modification 2005-16, Six Mile Creek PUD, was received, having been published in *The St. Augustine Record* on September 19, 2005.

Lindsay Haga, Planner III, relayed that there were 26 residents in favor of the modification request and 18 in opposition. Discussion followed regarding the widening of a portion of Pacetti Road. (3:35 p.m.) **Motion by Bryant, seconded by Rich, carried 5/0, to enact Ordinance No. 2005-95, known as MAJMOD 2005-16, Six Mile Creek PUD, adopting findings of fact 1 - 6 to support the motion.**

ORDINANCE NO. 2005-95

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, APPROVING A MAJOR MODIFICATION TO THE SIX MILE CREEK PLANNED UNIT DEVELOPMENT (PUD) ORDINANCE NUMBER 91-37, AS AMENDED, MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING FOR AN EFFECTIVE DATE

(10/04/05 - 19 - 3:35 p.m.)

13. PUBLIC HEARING - AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REPEALING ST. JOHNS COUNTY ORDINANCE 2003-88 - THE BOARD OF COUNTY COMMISSIONERS ADOPTED COMPREHENSIVE PLAN AMENDMENT 03-2 BY ENACTING ORDINANCE NO. 2003-88 ON OCTOBER 14, 2003. THE COMPREHENSIVE PLAN AMENDMENT PROPOSED TO REDESIGNATE CERTAIN PROPERTY LOCATED ON INTERNATIONAL GOLF PARKWAY, OWNED BY THE NINE MILE GANG PARTNERSHIP, FROM RURAL/SILVICULTURE TO CONSERVATION AND INTENSIVE COMMERCIAL. THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS (DCA) ISSUED ITS STATEMENT AND NOTICE OF INTENT REGARDING THE AMENDMENT ON DECEMBER 8, 2003. DCA CONTENDS THAT THE AMENDMENT IS NOT "IN COMPLIANCE" BECAUSE IT FAILS TO DISCOURAGE THE PROLIFERATION OF URBAN SPRAWL, IS NOT SUPPORTED BY ADEQUATE TRANSPORTATION FACILITIES, AND IS NOT SUPPORTED WITH DATA AND ANALYSES DEMONSTRATING THAT ADEQUATE POTABLE WATER IS OR WILL BE AVAILABLE TO SERVE THE DEVELOPMENT ALLOWED PURSUANT TO THE AMENDMENT. DCA INITIATED FORMAL ADMINISTRATIVE PROCEEDING AGAINST THE COUNTY TO CHALLENGE THE AMENDMENT. ON SEPTEMBER 20, 2005, THE BOARD ENTERED INTO A STIPULATED COMPLIANCE AGREEMENT WITH DCA, AGREEING TO CONSIDER FOR ADOPTION BY FORMAL ACTION, THE RESCISSION OF ORDINANCE NO. 2003-88. THIS ORDINANCE RESCINDS ORDINANCE 2003-88, REINSTATES THE FUTURE LAND USE MAP DESIGNATION OF THE PROPERTY LOCATED ON INTERNATIONAL GOLF PARKWAY TO RURAL SILVICULTURE (R/S), AND DELETES THE RELATED AMENDMENTS TO THE FUTURE LAND USE ELEMENT CREATED BY THE ADDITION OF POLICY A.1.3.13

Proof of publication of the notice of public hearing on the ordinance repealing Ord. 2003-88 was received, having been published in *The St. Augustine Record* on September 21, 2005.

Isabelle Lopez, Senior Assistant County Attorney, relayed that the Department of Community Affairs found the ordinance not in compliance. (3:38 p.m.) **Motion by Rich, seconded by Stevenson, carried 5/0, to enact Ordinance No. 2005-96.**

ORDINANCE NO. 2005-96

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, REPEALING ST. JOHNS COUNTY ORDINANCE 2003-88; THIS ORDINANCE RESCINDS THE COMPREHENSIVE PLAN AMENDMENT (ORDINANCE 2003-88) THAT PROPOSED TO CHANGE THE FUTURE LAND USE MAP DESIGNATION FROM RURAL/SILVICULTURE TO INTENSIVE COMMERCIAL AND FROM RURAL/SILVICULTURE TO CONSERVATION, RETURNING SAID AREA TO THE FUTURE LAND USE MAP DESIGNATION OF RURAL/SILVICULTURE, AND DELETES THE RELATED AMENDMENTS TO THE FUTURE LAND USE ELEMENT CREATED BY THE ADDITION OF POLICY A.1.3.13; AND PROVIDING AN EFFECTIVE DATE

(10/04/05 - 20 - 3:38 p.m.)

14. UPDATE ON SEPTEMBER 26, 2005 FINAL PUBLIC HEARINGS FOR THE HASTINGS' ANNEXATIONS

Lopez displayed a map of the recent annexations in the Town of Hastings; then explained the options the Board of County Commissioners had regarding the Hastings' Annexations: 1) to not challenge any of the annexations; 2) to challenge all of the annexations enacted on September 26, 2005; or 3) to challenge only certain annexations. Discussion followed on the annexations. (4:05 p.m.) Shelby Jack, 6195 S. Main Street, Suite A, Hastings Town Manager, addressed the concerns of the staff of the Town of Hastings. (4:09 p.m.) Ron Brown, 93 Orange Street, General Counsel for the Town of Hastings, addressed some of the legal issues surrounding the annexations. Discussion followed regarding interlocal agreements for fire services and police protection in the Town of Hastings.

(4:17 p.m.) Deputy Clerk Lenora Newsome entered the meeting; Deputy Clerk Yvonne King left the meeting.

(4:22 p.m.) Stevenson spoke on conflicts. Stern spoke on interlocal agreements. Brown commented on the land being annexed with discussion ensuing, Exhibit B.

(4:30 p.m.) Nancy Brenner, 577 Willow Walk Place, as a builder, spoke on needing water and sewer.

(4:34 p.m.) Mayor Frank Sladish, Jr., 215 Stanton Street, Hastings, spoke on providing the citizens with a better way of life and thanked the County Staff for their help. He spoke on being concerned about arising issues and needing to be able to give input on the interlocal agreement. (4:43 p.m.) Lopez clarified the procedure for drafting interlocal agreements.

(4:45 p.m.) Tommy Lee, 9165 Old Hastings Rd., Hastings, spoke in favor of the annexation.

(4:46 p.m.) Melissa Strohming, 6325 CR 13 S., Hastings, did not want to be annexed into the Town. Lopez spoke on the procedure for involuntary annexation. Maguire made some comments concerning annexation, and stated that the Board did not want to challenge the annexation, but wanted to submit their concerns for consideration. Lopez

stated that she would not have brought this to the Board if there were no legal issues to consider.

The meeting recessed at 5:02 p.m. and reconvened at 5:13 p.m. with Lopez leaving the meeting and Michael Hunt, Deputy County Attorney, entering the meeting.

The meeting moved to Item 18.

(10/04/05 - 21 - 1:30 p.m.)

15. CONSIDER OFFERING ECONOMIC DEVELOPMENT INCENTIVES TO BURKHARDT DISTRIBUTING COMPANY, INC.

Karen Johnson, Intergovernmental Relations Specialist, informed the Board that Burkhardt Distributing Company, Inc., had submitted an application for incentives in order to expand their current facility by 30,000+ square feet. Johnson then explained the incentives. Discussion followed regarding the water and sewer unit connection fees, impact fees, and the expansion. (1:38 p.m.) **Motion by Bryant, seconded by Stern, carried 5/0, to adopt the incentive calculation of \$135,863 for Burkhardt Distributing; and instruct the Attorney's Office to prepare an agreement and place the agreement on a future consent agenda.**

(10/04/05 - 21 - 1:39 p.m.)

16. CONSIDER OFFERING ECONOMIC DEVELOPMENT INCENTIVES TO ICE EXPRESS, INC.

Karen Johnson, Intergovernmental Relations Specialist, informed the Board that Ice Express, Inc., had submitted an application for incentives in order to build a larger facility to accommodate their growing business. Johnson then explained the incentives. (1:41 p.m.) Thad Smith, Co-owner of Ice Express, Inc., 152 Riberia Street, expressed his thanks for the incentive package. (1:41 p.m.) **Motion by Stern, seconded by Bryant, carried 5/0, to adopt the incentive calculation of \$131,143 for Ice Express, Inc.; and instruct the Attorney's Office to prepare an agreement and place the agreement on a future consent agenda.**

(10/04/05 - 21 - 1:42 p.m.)

17. CONSIDER OFFERING ECONOMIC DEVELOPMENT INCENTIVES TO BUSINESS CONDOS USA

Karen Johnson, Intergovernmental Relations Specialist, informed the Board that Business Condos USA had submitted an application for incentives in order to build two buildings at US 1 and Hilden Road. Discussion followed on the speculative space category. (1:46 p.m.) **Motion by Rich, seconded by Bryant, carried 5/0, to adopt the incentive calculation of \$83,970; and instruct the Attorney's Office to prepare an agreement and place the agreement on a future consent agenda.**

(10/04/05 - 21 - 5:13 p.m.)

18. CONSIDER AN APPOINTMENT TO THE HISTORIC RESOURCE REVIEW BOARD

Melissa Lundquist, Administrative Coordinator, reviewed this item, stating that there was no District 4 representation on this board, but there was one applicant from District 4. **Maguire nominated Greg Leonard to be appointed to the Historic Resource Review Board, seconded by Stevenson, carried 5/0.**

(10/04/05 - 22 - 5:16 p.m.)

19. CONSIDER AN APPOINTMENT TO THE RECREATION ADVISORY BOARD

Melissa Lundquist, Administrative Coordinator, reviewed this item, stating that there was no District 2 representation on the board. **Stern nominated Sean Sacco to the Recreation Advisory Board, seconded by Stevenson.** Lundquist mentioned another vacancy would be coming up soon. Troy Blevins, Parks and Recreation Operations Manager, spoke on the background of the people appointed to the Recreation Advisory Board. **The motion carried 5/0.**

(10/04/05 - 22 - 5:23 p.m.)

20. CONSIDER AN APPOINTMENT TO THE PONTE VEDRA ZONING & ADJUSTMENT BOARD

Melissa Lundquist, Administrative Coordinator, reviewed this item, stating that this vacancy had been on this board for some time, and there was only one applicant for the position. **Maguire nominated Barbara Maple to the Ponte Vedra Zoning & Adjustment Board, seconded by Rich, carried 5/0.**

(10/04/05 - 22 - 5:24 p.m.)

21. CONSIDER APPOINTMENTS TO THE CODE ENFORCEMENT BOARD

Melissa Lundquist, Administrative Coordinator, reviewed this item, stating that there were four vacancies and it was hard to get people to apply. She stated that there were only three applications in the packet to consider. Discussion followed on either knowing people before nominating them, or at least interviewing people before nominating them. Lundquist spoke on having a hard time getting a quorum on this Board. Stern mentioned waiting two weeks to give the Commissioners a chance to interview people before appointing them to the Board. Bosanko mentioned that this board was having continuing problems getting a quorum. Stevenson stated that she could interview the two applicants sitting in the audience and asked if this item could be continued to later on in the meeting.

The meeting moved to Item 23.

(5:36 p.m.) Stevenson nominated William Boyer to serve on the Code Enforcement Board as a regular member, seconded by Bryant, carried 5/0.

(10/04/05 - 22 - 5:38 p.m.)

22. CONSIDER A MOTION TO AUTHORIZE THE COUNTY ADMINISTRATOR, OR HIS DESIGNEE, TO NEGOTIATE AND ENTER INTO CONTRACT WITH THE NO. 1 RANKED FIRM, THE ZIMMERMAN AGENCY, INC., FOR RFQ NO: 05-128, ST. JOHNS COUNTY TOURIST DEVELOPMENT COUNCIL ADVERTISING SERVICES

Stern explained why she pulled this item, and spoke on a letter that she received from the CEO of the Meridian Group. Glen Hastings responded. Hunt reviewed the procedure in respect to a protest.

The meeting moved to Item 22a.

(5:46 p.m.) Maguire spoke on The Zimmerman Agency, Inc. Hastings reviewed areas done by The Zimmerman Agency. Maguire mentioned that if Zimmerman contracted with St. Johns County they should drop all their other contracts. Hastings stated that in the RFQ they included a copy of the existing contract with Meridian, including a clause where the County tells whomever, that they cannot take on any other destinations

unless they have approval from St. Johns County. Hunt responded that the report would come back to the Board in two weeks.

The meeting moved to item 25.

(10/04/05 - 23 - 5:46 p.m.)

22a. MOTION TO ADOPT A RESOLUTION EXTENDING AN AGREEMENT BETWEEN ST. JOHNS COUNTY, FLORIDA, AND AD-VENTURES ADVERTISING, INCORPORATED T/A MERIDIAN GROUP, INCORPORATED, ON THE SAME TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS WITH THE EXCEPTION OF COMPENSATION, AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE, ON BEHALF OF THE COUNTY, ANY AGREEMENTS, DOCUMENTS, EXTENSIONS, OR OTHER PAPERWORK NECESSARY TO ACCOMPLISH THAT PURPOSE *(Formerly Consent Item 14)*

Motion by Stern, seconded by Bryant, to adopt Resolution No. 2005-294, extending an agreement between St. Johns County, Florida, and Ad-ventures Advertising, Incorporated, T/A Meridian Group, Incorporated, on the same terms, provisions, conditions, and requirements with the exception of compensation; and authorizing the County Administrator to execute, on behalf of the County, any agreements, documents, extensions, or other paperwork necessary to accomplish that purpose. Bosanko recommended continuing Item 22. The motion carried 5/0.

RESOLUTION NO. 2005-294

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, EXTENDING AN AGREEMENT BETWEEN ST. JOHNS COUNTY, FLORIDA, AND AD-VENTURES ADVERTISING, INCORPORATED, T/A MERIDIAN GROUP, INCORPORATED, ON THE SAME TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS WITH THE EXCEPTION OF COMPENSATION, AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE, ON BEHALF OF THE COUNTY, ANY AGREEMENTS, DOCUMENTS, EXTENSIONS, OR OTHER PAPERWORK NECESSARY TO ACCOMPLISH THAT PURPOSE

The meeting returned to Item 22.

(10/04/05 - 23 - 5:33 p.m.)

23. CONSIDER A MOTION TO ADOPT A RESOLUTION APPROVING AND CONSENTING TO THE ASSIGNMENT AND CHANGE IN CONTROL OF A COUNTY TELEVISION FRANCHISE AND CABLE TELEVISION SYSTEM OPERATED BY TIME WARNER CABLE, INCORPORATED, TO COMCAST CABLE COMMUNICATIONS HOLDINGS, INCORPORATED

Michael Hunt, Deputy County Attorney, reviewed this item. Maguire if it would be improper to add a recital addressing the requirement to provide government channel TV. Hunt replied that it would be improper to place it in this particular recital, but it would be discussed. (5:34 p.m.) **Motion by Bryant, seconded by Rich, carried 4/0 with Stevenson absent, to adopt Resolution No. 2005-293, approving and consenting to the assignment and change in control of a County television franchise and cable**

television system, operated by Time Warner Cable, Incorporated, to Comcast Cable Communications Holdings, Incorporated.

RESOLUTION NO. 2005-293

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, APPROVING AND CONSENTING TO THE ASSIGNMENT AND CHANGE OF CONTROL OF A COUNTY TELEVISION FRANCHISE AND CABLE SYSTEM FROM TIME WARNER CABLE, INCORPORATED, TO AN INDIRECT, WHOLLY-OWNED SUBSIDIARY OF COMCAST CABLE COMMUNICATIONS HOLDINGS, INCORPORATED

(5:34 p.m.) Hunt stated that there was a question regarding Bell South's interconnectivity with the cable systems in the County. He stated that under Ordinance No. 95-63, Section 5, Subsection 8, the County could demand such interconnection with consensus of the Board. Comcast and Bell South would then be noticed that this was the requested action. (5:35 p.m.) *There was a consensus of the Board to pressure Comcast and Bell South the best they could legally to put the government channel on.*

The meeting returned to Item 21.

24. CR 2209 PRELIMINARY ENGINEERING STUDY - ALTERNATIVES AND PREFERRED ALIGNMENT

This item was pulled from the agenda.

(10/04/05 - 24 - 5:53 p.m.)

25. MOTION TO ADOPT A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE MARSHALL CREEK IMPACT FEE CREDIT AGREEMENT IN THE AMOUNT OF \$2,838,764.69 IN PARK IMPACT FEE CREDITS

Lindsay Haga, Planner III, reviewed this item, stating there were minor changes to the agreement, which she distributed, Exhibit A. She reviewed the corrections: on page 1, paragraph A, under recitals, unstrike the word *fee payers* and add parenthesis and quotations to *permit applicants*; a change in the reference to the special condition, 33a; and on page 2, regarding joint use, adding in *for the County may enter into an interlocal agreement and not requiring it.* (5:55 p.m.) **Motion by Stern, seconded by Rich, carried 5/0, to adopt Resolution No. 2005-295, authorizing the County Administrator to execute the Marshall Creek Impact Fee Credit Agreement in the amount of \$2,838,764.69 in park impact fee credits.**

RESOLUTION NO. 2005-295

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE AN IMPACT FEE CREDIT AGREEMENT WITH MARSHALL CREEK, LTD., AND THE MARSHALL CREEK COMMUNITY DEVELOPMENT DISTRICT

(10/04/05 - 25 - 5:56 p.m.)
COMMISSIONERS' REPORTS

Commissioner Bryant:

Bryant readdressed this afternoon's item regarding a veterinary office. He questioned whether the dog run could be approved as a variance or special use. Bishop stated that she would look into making it a special use and bring it back before the Board. Bryant left the meeting.

(5:58 p.m.)

Commissioner Stern:

Stern mentioned discussing with Adams and Mary Ann Blount a request to rename a road, F. Charles Usina Memorial Highway. She stated that it would be very costly to change the name. She asked the Attorney's Office to compose a letter to the author of the request, explaining that because it was a State road, there was not a lot the Board could do. Joe Stephenson, Public Works Director, mentioned that the DOT would follow the wishes of the Board in this matter. (6:00 p.m.) *It was the consensus of the Board, with Bryant absent, to have the Attorney's Office compose the letter.*

Stern mentioned receiving a fax of a letter, addressed to Bosanko, from George McClure, regarding a land use public hearing policy limiting the number of land use hearings that would be conducted at a particular meeting. Bosanko stated that he did not know of an actual policy that had been established, but that the Board had an obligation to process applications and petitions of the public in a reasonable manner. He explained that development could be legally slowed by moratorium. Discussion ensued on the remarks that sparked the letter.

Stern addressed the future use of the Hastings Elementary School. Adams stated that he had scheduled a special meeting on October 26th regarding that issue.

(6:09 p.m.)

Commissioner Stevenson:

Stevenson stated that she was looking forward to the unveiling of the Stetson Kennedy memorial marker, tomorrow morning at 10:00 a.m. in Fruit Cove.

Stevenson mentioned going to the NERR opening, the Nocatee project permits being in place, keeping on top of bringing in the 9B connection, and the improvements on the southern part of Roberts Road.

(6:11 p.m.)

Commissioner Rich:

Rich thanked the Betty Griffin House for bringing him a 2006 calendar today.

Rich mentioned the issues regarding the road naming resolution, and asked for consensus from the Board to work with the legal staff to do some retooling of this particular resolution. (6:12 p.m.) *It was the consensus of the Board, with Bryant absent, for Rich to work with the legal staff on the resolution.*

Rich spoke on receiving a letter regarding a lot in the Summer Haven problem area that people wanted to use for parking. (6:14 p.m.) Laura Barrow, Assistant County Attorney, stated that the lot was not a County lot, but was privately owned. Maguire suggested that Rich and Barrow get together and work on it.

Rich commented that there was a slight problem with the River Town Eagle Ordinance. He asked the Board to give him the authority to work with legal staff on this issue.

Maguire stated that bald eagle protection was a Federal issue and he asked Rich not to come up with anything that would place the County in charge of monitoring the eagles. (6:21 p.m.) ***It was the consensus of the Board, with Bryan absent, to have Rich work with legal staff on this item.***

(6:22 p.m.)

Commissioner Maguire:

Maguire announced that this weekend, October 7th and 8th, was Greek Heritage Week at the St. Augustine Amphitheater.

Maguire announced that Friday night there was a football game between Nease High School and St. Augustine High School; that Food Banks of America came up with a new license plate; that the Nocatee permit came through; that the Beluthachee presentation would be tomorrow at 10:00 a.m.; and that the St. Johns County Chamber of Commerce had changed their name.

Maguire asked if the clerk could list the name of the person who wrote the minutes so that he could make comments when they did a good job.

(6:25 p.m.) Stern mentioned that the progress at the Amphitheater was great. Adams stated that there would be a celebration at the end of April. Stevenson spoke on the TDC discussion and asked to bring it back.

(10/04/05 - 26 - 6:26 p.m.)

COUNTY ADMINISTRATOR'S REPORT

Adams reminded the Board that next Wednesday, October 12th, was the joint BCC/School Board meeting at 9:00 a.m. at the Hickory Creek Elementary School; and announced that the next Board meeting was October 18th and a Special BCC meeting was scheduled for October 26th.

Adams mentioned that he gave each Commissioner an interoffice memorandum this morning on the utility acquisition update.

(10/04/05 - 26 - 6:29 p.m.)

COUNTY ATTORNEY'S REPORT

Bosanko mentioned that Mr. Genovar and his attorney were waiting to see if Rich had anything to tell them about the resolution. Rich responded that he now had the backing of the Board, and that he would be looking into retooling the road renaming resolution.

Bosanko asked for permission to bring back an item, on the next consent agenda, approving funding from the General Reserves for expert witnesses in the Surfrider case. ***It was the consensus of the Board, with Bryant absent, to place the mentioned item on the Consent Agenda.***

(6:32 p.m.) McCormack spoke on the Roehrs Road set of applications for PUDs in the vicinity of Hydo-Aluminum. They as a group had requested to come back before the board in November. Maguire stated that the objective was not the three PUDs, but was the overlay and the protection of the industrial area. He stated that Hydo would have to show them that they accepted what was going on before he would agree to consider the PUDs. (6:34 p.m.) ***It was the consensus of Board, with Bryant absent, to allow the Roehrs Road applications group to come back before the Board, as long as Hydo-Aluminum accepted what was going on.***

(10/04/05 - 27 - 6:35 p.m.)
CLERK OF COURT'S REPORT

No report.

Motion by Rich, seconded by Stern, carried 4/0 with Bryant absent, to adjourn the meeting. With there being no further business to come before the Board, the meeting adjourned at 6:35 p.m.

REPORTS:

1. St. Johns County Board of County Commissioners' Check Register; approving checks 372869 through 372892; totaling \$35,940.40 (09/15/05)
2. St. Johns County Board of County Commissioners' Check Register; approving checks 372893 through 373429; totaling \$3,859,526.78 (09/20/05)
3. St. Johns County Board of County Commissioners' Check Register; approving checks 373430 through 373432; totaling \$5,301.52 (09/22/05)

CORRESPONDENCE:

1. Letter from the law firm of Pappas, Metcalf, Jenks & Miller requesting a copy of a meeting on CD (09/14/05)
2. Letter to the Secretary of State filing Ordinance No. 2005-85 (09/15/05)
3. Correspondence received regarding St. Johns Service Company (09/16/05)
4. Letter to the Secretary of State filing Ordinances 2005-86 through 2005-88 (09/26/05)
5. Letter to the Secretary of State making a correction to Ordinance No. 2005-76 (09/27/05)
6. Letter to the Secretary of State making a correction to Ordinance No. 2005-84 (09/27/05)

Approved December 13, 2005

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: James E. Bryant
James E. Bryant, Chairman

ATTEST: CHERYL STRICKLAND, CLERK

By: Yvonne King
Deputy Clerk

