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**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
NOVEMBER 29, 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: James E. Bryant, District 5, Chairman
Cyndi Stevenson, District 1, Vice Chair
Karen R. Stern, District 2
Ben Rich, District 3
Bruce A. Maguire, District 4
Ben W. Adams, Jr., County Administrator
Daniel Bosanko, County Attorney
Lenora Newsome, Deputy Clerk

Also present: Michael Hunt, Deputy County Attorney

(11/29/05 - 1 - 9:00 a.m.)
Bryant called the meeting to order.

(11/29/05 - 1 - 9:03 a.m.)
ROLL CALL

Bryant announced that four Commissioners were present, with Stevenson not yet at the meeting.

(9:05 a.m.) Stevenson entered the meeting.

(11/29/05 - 1 - 9:05 a.m.)
Rich gave the invocation and Maguire led the Pledge of Allegiance.

(11/29/05 - 1 - 9:06 a.m.)
PROCLAMATION DESIGNATING NOVEMBER 29, 2005 AS NORTHROP GRUMMAN DAY

Stern read the proclamation. Steve Timmerman and Douglas Hunsworth accepted it. Steve Timmerman, Vice President, stated that it was an honor to be recognized and acknowledged on their 25th anniversary.

(11/29/05 - 1 - 9:11 a.m.)
PROCLAMATION DESIGNATING DECEMBER 1, 2005 AS WORLD AIDS DAY

Bryant read the proclamation. Pat Batters Lorenze accepted it, and gave information on an upcoming memorial service.

(11/29/05 - 1 - 9:16 a.m.)
ACCEPTANCE OF PROCLAMATIONS

Motion by Maguire, seconded by Rich, carried 5/0, to accept the previously read proclamations.

(11/29/05 - 2 - 9:16 a.m.)

CHECK PRESENTATION TO ST. JOHNS COUNTY LIBRARY SERVICES, BY ANN CARTER MURPHY, DIRECTOR OF GOVERNMENT AFFAIRS, COMCAST CABLE

Ann Murphy introduced Bill Watson, Vice President of Operations for Comcast of North Florida, who presented a check to the library from Comcast. Mary Jane Little, Library Director, thanked Comcast for the check.

(9:19 a.m.) Rich spoke on St. Johns County being the only player in the location of the new veteran's long-term care facility. Adams spoke on how the location in St. Johns County came about. (9:24 a.m.) Mary Ann Blount spoke on acquiring the land for the site for the veterans' facility. Adams mentioned receiving a call from a state representative congratulating St. Johns County for receiving the nursing home. Rich spoke on the character of veterans.

(11/29/05 - 2 - 9:31 a.m.)

PUBLIC COMMENT

Diane Quick, 5183 Pond View Drive, Jacksonville, with Habitat for Humanity, spoke on a blitz build, building homes across from Calvin Pete Park in West Augustine, having corporate sponsors to build these homes, asking for support from the Employee Network, and needing 15 to 20 people a day for six days to make it happen. Maguire encouraged employees to help. Quick spoke on families lining up for the homes and those people having to put in 400 hours of sweat equity. She stated the homes would be built June 3rd through 10th. Stevenson asked for the status on the women's build. Quick spoke on the women built homes.

(11/29/05 - 2 - 9:41 a.m.)

DELETIONS TO CONSENT AGENDA

There were no deletions to the consent agenda.

(11/29/05 - 2 - 9:42 a.m.)

APPROVAL OF CONSENT AGENDA

Motion by Rich, seconded by Stern, carried 5/0, to approve the consent agenda as submitted.

1. Approval of the Cash Requirement Report
2. Minutes:
09/20/05 - BCC Regular Meeting
3. Sheriff's Office Bonds:
Approve: John Fugarino

Cancel: Michael Gold Bryan Aikens Timothy Hendrix
Sandra Johnston Charles LeGall
4. Motion to approve the transfer of \$13,000 from General Fund Reserves (0083-59920) to Facilities Maintenance Building Maintenance (0031-54600) for the St. Augustine Lighthouse Re-roofing Project
5. Motion to approve a transfer of \$34,359 from General Fund Reserves (0083-59920) to the Library System's Donation Expense Accounts as listed

6. Motion to adopt **Resolution No. 2005-364**, recognizing unanticipated revenue in the amount of \$22,890, and increasing the General Fund Donations—Private Sources Budget (0001-36600) and the Library’s Donation Expense Accounts in the same amount

RESOLUTION NO. 2005-364

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AMENDING THE FISCAL YEAR 2006 GENERAL FUND TO RECEIVE UNANTICIPATED REVUNUE AND AUTHORIZE ITS EXPENDITURE BY THE LIBRARY SYSTEM

7. Motion to adopt **Resolution No. 2005-365**, approving a final plat for Marshall Creek DRI, Unit EV-6

RESOLUTION NO. 2005-365

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING A SUBDIVISION PLAT FOR MARSHALL CREEK DRI EV-6

8. Motion to adopt **Resolution No. 2005-366**, to set a public hearing for 9:00 a.m. on January 10, 2006 to consider a petition to vacate a portion of Riverside Boulevard

RESOLUTION NO. 2005-366

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, TO SET A PUBLIC HEARING FOR 9:00 A.M. ON JANUARY 10, 2006 TO CONSIDER A PETITION TO VACATE A PORTION OF RIVERSIDE BOULEVARD

9. Motion to approve the end of year transfers from the listed reserves and departments
10. Motion to approve the transfer of funds from Impact Fees Road Zone D (1193-59927), for the additional funding necessary for the CR 13 Paved Shoulders Project (Project 5010)
11. Motion to adopt **Resolution No. 2005-367**, authorizing payment of expenses for the West Augustine CRA Steering Committee’s Annual Community Appreciation Event

RESOLUTION NO 2005-367

A RESOLUTION OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING PAYMENT OF EXPENSES FOR THE WEST AUGUSTINE CRA STEERING COMMITTEE’S ANNUAL COMMUNITY APPRECIATION EVENT

12. Motion to adopt **Resolution No. 2005-368**, recognizing unanticipated revenue in the amount of \$173,448, and increasing the expenditure budget (4416-56302-6323-56302) of the Utility Fund by the same amount

RESOLUTION NO. 2005-368

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AMENDING THE FISCAL YEAR 2006 UTILITY FUND BUDGET IN ORDER TO RECEIVE UNANTICIPATED REVENUE AND AUTHORIZE ITS EXPENDITURE BY THE ST. JOHNS COUNTY UTILITY DEPARTMENT

13. Motion to authorize the County Administrator, or his designee, to enter into a contract with the low bidder, Commercial Fence Contractors, for Bid No. 06-14, security fencing for the Tillman Ridge Landfill in the amount of \$76,000 (*See Attachment A*)
14. Motion to authorize the County Administrator, or his designee, to enter into an agreement with Carrier Corporation for maintenance of the Judicial Center air conditioning system for up to three years and an amount not to exceed \$59,382
15. Motion to approve the attached contract with Dr. Paul Wharton, PhD, and the attached contract with Fiorentino & Associates for lobbying services for the 05/06 budget year, and to authorize the County Administrator, or his designee, to execute the contracts
16. Motion to adopt **Resolution No. 2005-369**, approving the terms, conditions, provisions, and requirements of a Florida Inland Navigational District Project Agreement between St. Johns County, Florida, and FIND that is associated with the Frank Butler Park, West Phase I boat ramp, and authorizing the County Administrator to execute the agreement on behalf of the County, and designating the County Administrator, or designee, as project liaison

RESOLUTION NO. 2005-369

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS OF A GRANT CONTRACT AGREEMENT BETWEEN ST. JOHNS COUNTY, FLORIDA, AND FLORIDA INLAND NAVIGATION DISTRICT FOR PHASE I DESIGN AND ENGINEERING OF IMPROVEMENTS TO FRANK BUTLER WEST BOAT RAMP, AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE COUNTY

17. Motion to adopt **Resolution No. 2005-370**, approving the terms, conditions, provisions, requirements of a Florida Inland Navigational District Project Agreement between St. Johns County, Florida, and FIND that is associated with the Shore Drive boat ramp area, and authorizing the County Administrator to execute the agreement on behalf of the County, and designating the County Administrator, or designee, as project liaison

RESOLUTION NO. 2005-370

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS OF A GRANT CONTRACT AGREEMENT BETWEEN ST. JOHNS COUNTY,

FLORIDA, AND FLORIDA INLAND NAVIGATION DISTRICT FOR PHASE I DESIGN AND ENGINEERING OF IMPROVEMENTS TO SHORE DRIVE BOAT RAMP, AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE COUNTY

18. Motion to adopt **Resolution No. 2005-371**, accepting two drainage easements in the Pines Subdivision to improve the drainage in the subdivision

RESOLUTION NO. 2005-371

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING TWO DRAINAGE EASEMENTS IN THE PINES SUBDIVISION TO IMPROVE THE DRAINAGE IN THE SUBDIVISION

19. Motion to adopt **Resolution No. 2005-372**, accepting a grant of easement for additional right-of-way for the Phase II Infill Housing Project

RESOLUTION NO. 2005-372

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING A GRANT OF EASEMENT FOR ADDITIONAL RIGHT-OF-WAY FOR THE PHASE II INFILL HOUSING PROJECT

20. Motion to adopt **Resolution No. 2005-373**, accepting an easement for utilities for water and sewer service to Makarios Condominiums, and accepting a bill of sale conveying all personal property associated with the water and sewer system

RESOLUTION NO. 2005-373

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING AN EASEMENT FOR UTILITIES FOR WATER AND SEWER SERVICE TO MAKARIOS CONDOMINIUMS, AND ACCEPTING A BILL OF SALE CONVEYING ALL PERSONAL PROPERTY ASSOCIATED WITH THE WATER AND SEWER SYSTEM

21. Motion to adopt **Resolution No. 2005-374**, which corrects a typographical error contained in Resolution 2005-305, so that the correct funding amount of \$109,127.00 (one hundred nine thousand, one hundred twenty-seven dollars) is listed throughout the resolution

RESOLUTION NO. 2005-374

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, CORRECTING RESOLUTION NO. 2005-305, WHICH APPROVED AN AGREEMENT BETWEEN ST. JOHNS

**COUNTY, FLORIDA, AND EPIC COMMUNITY
SERVICES FOR THE DRUG COURT PROGRAM**

22. Motion to adopt **Resolution No. 2005-375**, accepting the terms of the memorandum of agreement between Children's Home Society/Healthy Families of St. Johns and St. Johns County and authorizing the County Administrator to execute the agreement on behalf of the County

RESOLUTION NO. 2005-375

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ON BEHALF OF THE ST. JOHNS COUNTY MENTAL HEALTH DEPARTMENT ACCEPTING THE TERMS OF THE MEMORANDUM OF AGREEMENT BETWEEN THE CHILDREN'S HOME SOCIETY/HEALTHY FAMILIES ST. JOHNS AND ST. JOHNS COUNTY, AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE COUNTY

23. Motion to adopt **Resolution No. 2005-376**, accepting the terms of an agreement between the St. Johns County Head Start Program and St. Johns County, and authorizing the County Administrator to execute the agreement on behalf of the County

RESOLUTION NO. 2005-376

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, CONDITIONS, PROVISIONS, AND REQUIREMENTS OF AN AGREEMENT BETWEEN ST. JOHNS COUNTY, FLORIDA, AND ST. JOHNS COUNTY HEAD START PROGRAM, AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE COUNTY

24. Proofs:
- a. Proof, Notice to Bidders, Bid No. 06-41
 - b. Proof, Notice of Meeting, Value Adjustment Board, Monday, October 17, 2005 at 3:00 pm.
 - c. Proof, Notice of Meeting, St. Johns County Board of County Commissioners, Thursday, November 17, 2005 at 8:00 am.
 - d. Proof, Notice to Bidders, Bid No. 06-32

(11/29/05 - 6 - 9:42 a.m.)

ADDITIONS/DELETIONS TO THE REGULAR AGENDA

Bosanko requested to pull Item 5 because of advertising problems and reschedule it to December 13th, and also pull Item 14, Parking Ordinance rewrite, to allow for more citizen input. He requested to add as Item 14a, the Roehrs Road/Winding Creek Bluff Hydro Aluminum item at the end of the day to discuss the possible acquisition of some property for a County park; and to add as Item 14b, a letter from The Town of Hastings about some planning cooperation.

(11/29/05 - 7 - 9:44 a.m.)
APPROVAL OF REGULAR AGENDA

Motion by Maguire, seconded by Rich, carried 5/0, to approve the regular agenda as amended.

(11/29/05 - 7 - 9:46 a.m.)

1. CONSIDER OFFERING ECONOMIC DEVELOPMENT INCENTIVES TO NORTHROP GRUMMAN SYSTEMS CORP.

Karen Johnson, Intergovernmental Relations Specialist, reviewed this item. Rich asked if they had any comment to make in reference to the original application versus the application that was submitted today.

(9:49 a.m.) Douglas Hunsworth, Director of Business Management, Grumman, commented on the original application versus the application submitted today. Rich asked Hunsworth if Grumman would be willing to give the difference back to the County between the first application and the second application. Hunsworth replied that Grumman would be willing to accept the lower amount and not put any additional burden on the County. Rich asked the Board to consider the award of the incentive calculation, to be readjusted to the \$148,000, and stated that the \$158,000 award to the County would go a long way on the site development of the new nursing home that was presently being considered for St. Johns County. Bryant spoke on Grumman supporting the community and Maguire spoke on Grumman passing out checks to charitable organizations of \$120,000. Stern spoke on Grumman's generosity. (10:05 a.m.) **Motion by Rich, seconded by Stevenson, carried by roll call vote 3/2, to adopt an incentive calculation in the amount of \$148,000.**

Roll Call Vote:

Stevenson	Yes
Stern	Yes
Rich	Yes
Maguire	No
Bryant	No

(10:08 a.m.) **Motion by Rich, seconded by Stern, to direct the County Attorney to prepare an agreement. Amendment by Stern to place the agreement on a future consent agenda. The maker of the motion accepted the amendment. The motion carried 5/0.**

(11/29/05 - 7 -10:09 a.m.)

2. CONSIDER OFFERING ECONOMIC DEVELOPMENT INCENTIVES TO LAB CONNECTIONS

Karen Johnson, Intergovernmental Relations Specialist, reviewed this item. (10:09 a.m.) **Motion by Maguire, seconded by Stern, to adopt the attached incentive calculation of \$21,142. Amendment by Stern to instruct the attorney's office to prepare an agreement and place the agreement on a future consent agenda. Accepted by the maker of the motion. The motion carried 5/0.**

(11/29/05 - 7 - 10:10 a.m.)

3. PUBLIC HEARING - REZ 2005-35, CHRIST EPISCOPAL CHURCH - THIS REQUEST SEEKS TO REZONE .45 ACRES FROM SINGLE-FAMILY RESIDENTIAL (R-1-D) TO MULTIPLE-FAMILY RESIDENTIAL (R-2) IN ORDER TO INCORPORATE THE PROPERTY INTO THE CHRIST EPISCOPAL

CHURCH CAMPUS AND MATCH THE R-2 ZONING DESIGNATION ON THE REMAINDER OF THE CHRIST EPISCOPAL CHURCH CAMPUS. THE PARCEL IS LOCATED ON THE EAST SIDE OF GOLFVIEW CIRCLE, JUST NORTH OF SOLANA ROAD, AND IS IN THE DENSITY B - COASTAL (B) LAND USE AREA AS DEPICTED ON THE FUTURE LAND USE MAP. ADJACENT ZONINGS ARE MULTIPLE-FAMILY RESIDENTIAL (R-2) AND SINGLE-FAMILY RESIDENTIAL (R-1-D). THE PONTE VEDRA ZONING & ADJUSTMENT BOARD UNANIMOUSLY RECOMMENDED APPROVAL OF THIS REQUEST, WITH CONDITIONS, AT THEIR OCTOBER 10, 2005 MEETING. THE CONDITIONS INCLUDE THAT IN THE EVENT OF A CHANGE IN USE, THE APPLICANT SHALL COMPLY WITH SECTION IX.D.6 OF THE PONTE VEDRA ZONING REGULATIONS (REGARDING PARKING) AND THAT THERE WILL BE NO ADDITIONAL VERTICAL STRUCTURES BUILT ON THE SUBJECT PROPERTY OF THE REZONING

Proof of publication of the notice of public hearing on REZ 05-35, Christ Episcopal Church, was received, having been published in *The St. Augustine Record* on November 14, 2005.

Shane Largent, Planner II, reviewed this item, stating that Planning had no objection to approval of this request. Rich disclosed exparte communication with Mr. McClure, the pastor and one of the senior elders of the church regarding the project, deed restrictions that would be placed on this particular land and communication with neighbors that would be directly affected by this project. (10:13 a.m.) Hunt left the meeting and Patrick McCormack, Assistant County Attorney, entered the meeting. Stevenson asked if the community got any satisfaction from what they heard in the PZA meeting. Largent responded that there were some community members who were satisfied to see some of the conditions that were placed, but there was still a majority of community members who were probably not satisfied with the recommendations. Maguire disclosed exparte communication with Mr. McClure, the pastor, several deacons in the church, and a lot of community members regarding the construction of the three-story garage, the footprint, the design factor and the rezoning. Stern disclosed exparte communication with Mr. McClure, the pastor, and senior elders of the church, regarding all the issues pertaining to this project, what would be built there, and what the needs were. Bryant disclosed exparte communication with Mr. McClure, the pastor and the elders of the church and had the same conversations.

(10:16 a.m.) George McClure, 170 Malaga Street, gave a presentation on the project, Exhibit A. Adjacent Property Owner responses were handed in, Exhibit B.

(10:23 a.m.) Frank Watson, 352 Ponte Vedra Blvd., spoke in favor of the rezoning.

(10:24 a.m.) Douglas Hudson, 27 Solano Road, Ponte Vedra, spoke in opposition of the rezoning, Exhibit C.

(10:29 a.m.) McCormack stated that the recommended motion and the findings of fact did not include the language of the conditions that applied to the other lots that were already zoned this classification, those conditions were that the applicants shall comply with Section 96 of the PVZAB regulations regarding parking, and that there would be no additional vertical structures built on the subject property. He stated that he believed that McClure consented that his client was willing to adopt those in their applications and asked that the Board consider placing those as part of the motion. McClure replied that they absolutely consented and intended for that language to be a delivering factor of the motion. He responded to Hudson's concerns, stating that the application for this property was constrained by two things that would assure that this

property was not used for commercial purposes, 1) the application was for an R2 zoning classification, which was not a commercial classification under the Ponte Vedra Zoning Ordinance and 2) that the property in Sea View Park was encumbered by deed restrictions. Maguire voiced his concern. (10:33 a.m.) **Motion by Maguire, seconded by Stevenson, to enact Ordinance No. 2005-113, known as REZ 2005-35, Christ Episcopal Church Rezoning, adopting findings of fact to support the motion and including the two conditions that emanated from the PZA: one, that the applicant shall comply with Section 9.D.6 of the Ponte Vedra Zoning Regulations regarding parking, and that there should be no additional vertical structures built on the subject property.** Stevenson disclosed the same exparte as the other commissioners; the conversation with the church and casual conversation with people in the community as well. **The motion carried 5/0.**

(10:49 a.m.) Subsequently, Maguire clarified that Item 3's motion included the Ponte Vedra Zoning and Adjustment Board recommendations.

ORDINANCE NO. 2005-113

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM THE PRESENT ZONING CLASSIFICATION OF SINGLE-FAMILY RESIDENTIAL (R-1-D) TO MULTIPLE-FAMILY RESIDENTIAL (R-2); MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE

The meeting recessed at 10:34 a.m. and reconvened at 10:43 a.m. McCormack left the meeting.

Bryant announced that Item 6 was time certain for 11:30 a.m. and the companion item, Item 8 would be moved after Item 6 because they both referred to the airport.

(11/29/05 - 9 - 10:43 a.m.)

4. DISCUSSION OF DEPARTMENT OF JUVENILE JUSTICE PAYMENT

Doug Timms, Director OMB, reviewed this item, stating that the State had now revised their estimate effective for December 1, 2005, and that this was a 38-1/2% increase over their initial estimate. He stated that he wanted the Board to be aware that there was a new revised estimate that was substantially different from what they originally set out with the County and would produce a budget shortfall of at least \$165,000. He mentioned that they were asking the Board for a motion to pay the December 1st invoice under protest just to preserve any rights that they may have when they pay the new revised amount. Rich voiced concern regarding the shortfall. Bosanko explained the history of this assessment. (10:49 a.m.) **Motion by Maguire, seconded by Stern, carried 5/0, to grudgingly pay the December 2005 invoice from the Department of Juvenile Justice for \$79,493.16, under protest.**

5. CONSIDER FINAL APPROVAL OF THE WATER & SEWER AUTHORITY'S (WSA) PRELIMINARY ORDER #05-0005, APPROVING THE SERVICE AREA EXTENSION FOR INTERCOASTAL UTILITIES, INC., DOCKET #05-0007-0024-0001

This item was pulled and would be rescheduled to 12/13/05.

The meeting moved to Item 7.

(11/29/05 - 10 - 11:30 a.m.)

6. DISCUSSION OF THE POSSIBLE PURCHASE OF A FOUR-ACRE PARCEL FOR A FUTURE BOAT RAMP

McCormack left the meeting and Michael Hunt, Deputy County Attorney, entered the meeting. Tony Cubbedge, Land Management Coordinator, gave a presentation on the possible purchase of a four-acre parcel for a future boat ramp. He stated that they were looking for direction on this particular acquisition and partnering with the Airport Authority. Rich asked if the airport ever considered using eminent domain, if necessary, to acquire the property.

(11:33 a.m.) Ed Wullener responded to the eminent domain question. Rich asked if any of this property had been considered for eminent domain in the past. Cubbedge responded. Bryant asked if the County purchased it and nothing happened with it, would the Airport purchase it from the County. Cubbedge responded yes, that was correct. He stated that they would enter into an interlocal agreement with the Airport Authority spelling out some of the concerns addressed by the Board today, including a buy back provision. Stern asked about the bond funding; Bosanko replied that they would have Jean Mangu, the bond expert, check it over. Bryant stated that he didn't see a problem with moving forward on this, discussing and studying this further. Stevenson suggested, when looking at the interlocal agreement, to put some kind of time constraint on it to work out the particulars. (11:46 a.m.) *It was the consensus of the Board to move forward with the discussion and the possible acquisition, of this piece of property.*

The meeting moved to Item 8.

(11/29/05 - 10 - 10:50 a.m.)

7. PUBLIC HEARING - PARK ORDINANCE - THE COUNTY RECREATION AND PARKS ADVISORY BOARD (RAB) HAS DETERMINED THAT THE COUNTY COULD BENEFIT BY ADOPTING RULES AND REGULATIONS THAT ARE APPLICABLE AND ENFORCEABLE TO VARIOUS COUNTY PARKS. THE RAB RECOMMENDED APPROVAL OF THE ATTACHED ORDINANCE AT THEIR OCTOBER 2005 MEETING. THE ATTACHED ORDINANCE HAS ALSO BEEN REVIEWED BY THE ST. JOHNS COUNTY SHERIFF'S OFFICE

Proof of publication of the notice of public hearing on the park ordinance was received, having been published in *The St. Augustine Record* on November 14, 2005.

Dan Weimer, Recreation and Parks Director, reviewed this item. Maguire mentioned that he had two technical recommendations and one that he wanted to discuss. (10:51 a.m.) McCormack entered the meeting. Maguire stated that the first correction was on page 9, section 19a, "the purchase, sale, consumption and possession of alcoholic beverages," the language should be "sale, purchase, possession and consumption," and on page 10, under section 20, firearms, the language should be the same as above. Maguire stated that he was concerned about the last sentence on page 2, section 3, regarding the appointment by the Recreation Department Director. He recommended the change to "selected by the Director of Parks and Recreation and approved by the County Administrator." Rich voiced concern about the section involving exotic animals as nuisance creatures having inconsistencies, and stated that they needed to check into it. He also spoke on harassment of animals. (10:57 a.m.) **Motion by Rich, seconded by Maguire, to enact Ordinance No. 2005-114, known as the St. Johns County Park Ordinance, incorporating the changes so outlined by the commissioners.** McCormack recommended phrasing the authority delegation language as, "in the absence of the Director of Parks and Recreation, and individual specifically selected by the Director of

Parks and Recreation, and approved by the County Administrator.” (10:58 a.m.) The motion carried 5/0.

ORDINANCE NO. 2005-114

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, CREATING A PARKS ORDINANCE FOR ST. JOHNS COUNTY; PROVIDING A SHORT TITLE; PROVIDING FOR JURISDICTION; PROVIDING FOR AUTHORITY OF THE DIRECTOR OF PARKS AND RECREATION; PROVIDING DEFINITIONS; PROVIDING REGULATION OF VEHICLES WITHIN PARKS; PROVIDING FOR USE OF BICYCLE RACKS AND POSTING OF RULES IF NO BICYCLE RACKS; PROVIDING FOR BUILDINGS AND OTHER PROPERTY; PROVIDING FOR FIRE REGULATION; PROVIDING FOR PLANT AND WILDLIFE PROTECTION AND PRESERVATION; PROVIDING FOR SWIMMING AND WADING; PROVIDING FOR BOATING; PROVIDING FOR WATER SKIING; PROVIDING FOR FISHING; PROVIDING FOR PICNIC AREAS AND USE; PROVIDING FOR CAMPING; PROVIDING FOR HORSEBACK RIDING; PROVIDING FOR ANIMALS; PROVIDING FOR CONTROL OF NUISANCE ANIMALS; PROVIDING FOR ALCOHOLIC BEVERAGES REGULATION; PROVIDING FOR FIREARMS REGULATION; PROVIDING FOR FIREWORKS AND EXPLOSIVES REGULATION; PROVIDING FOR PARK USAGE; PROVIDING FOR COMMERCIAL ACTIVITIES; PROVIDING FOR RESERVED PARK/FACILITY AREAS; PROVIDING FOR DANGEROUS EQUIPMENT AND ACTIVITIES; PROVIDING FOR SPECIAL USE AREAS; PROVIDING FOR PERMITS; PROVIDING FOR NOISE SOUND AMPLIFICATION; PROVIDING FOR AIRCRAFT REGULATION; PROVIDING PROTECTION FROM POLLUTION OF WATERS; PROVIDING FOR REFUSE, TRASH AND LITTER; PROVIDING FOR PUBLIC UTILITIES; PROVIDING FOR PARK HOURS; PROVIDING GENERAL PARK REGULATIONS; PROVIDING FOR ENFORCEMENT; PROVIDING FOR LIABILITIES; PROVIDING FOR PENALTIES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

The meeting moved to Item 9.

[\(11/29/05 - 11 - 11:46 a.m.\)](#)

8. PUBLIC HEARING - RESOLUTION FOR ARAQUAY PARK PARTIAL PLAT VACATION - THE APPLICANT HAS ACQUIRED THE SUBJECT PROPERTY AND IS IN THE PROCESS OF PLANNING FOR CONTINUED EXPANSION OF THE AIRPORT. THIS VACATION WILL HAVE THE EFFECT OF CREATING ONE CONTIGUOUS PARCEL FROM CASA COLA WAY, EAST TO THE MARSH, AND PROVIDE THE AIRPORT AUTHORITY THE ABILITY TO CREATE A UNIFIED DEVELOPMENT PLAN AND PROVIDE SECURITY AS

NEEDED. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL BY A 5-0 VOTE AT THEIR OCTOBER 20, 2005 MEETING

Proof of publication of the notice of public hearing on the petition to vacate a portion of the Araquay Park Plat was received, having been published in *The St. Augustine Record* on November 1 and 8, 2005.

Kathy Nielsen, Applications Review Coordinator, reviewed this item and submitted the Uniform Residential Appraisal Report, Exhibit A.

(11:47 a.m.) Doug Burnett, 170 Malaga Street, gave the history on this item and spoke on T-hangers, Exhibit B.

(11:51 a.m.) Joseph Jones, 4672 5th Avenue, spoke on living across from the area that they wanted to place the T-hangers, which would be okay, but corporate and commercial hangers would be too noisy. Discussion followed on the airport being zoned for airports, and T-hangers at the airport. (11:56 a.m.) Hunt left the meeting and Isabelle Lopez, Senior Assistant County Attorney, entered the meeting. Burnett mentioned that the majority of the property was zoned airport.

(12:00 p.m.) Maria Kingsley, 265 North Blvd., stated that she only filled the card out in case there were questions.

(12:02 p.m.) **Motion by Maguire, seconded by Bryant, carried 4/1 with Rich opposed, to adopt Resolution No. 2005-377, approving the petition to vacate a portion of the plat of Araquay Park Unit One and Araquay Park Unit Two.**

RESOLUTION NO. 2005-377

A RESOLUTION OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, VACATING A PORTION OF THE PLAT OF ARAQUAY PARK UNIT ONE AND ARAQUAY PARK UNIT TWO

(11/29/05 - 12 - 10:59 a.m.)

9. PUBLIC HEARING - REZ 2004-41, 6580 US 1 NORTH - THIS REQUEST SEEKS TO REZONE 0.89 ACRES FROM RESIDENTIAL MOBILE HOME (RMH) TO COMMERCIAL INTENSIVE (CI) IN ORDER TO DEVELOP RETAIL COMMERCIAL USES. THE SITE CONTAINS A RESIDENTIAL MOBILE HOME. THE PARCEL IS LOCATED ON THE EAST SIDE OF US 1, NORTH OF RONALD ROAD. THE PROPERTY IS LOCATED IN THE MIXED USE LAND USE DISTRICT, AS DEPICTED ON THE FUTURE LAND USE MAP. POLICY A.1.9.8 OF THE 2015 COMPREHENSIVE PLAN REQUIRES BUFFERS AROUND DEVELOPMENTS WITHIN THE MIXED USE DISTRICT TO PROVIDE FOR COMPATIBILITY WITH ADJACENT USES. THE SUBJECT PROPERTY IS SERVED BY CENTRAL WATER/SEWER BY THE CITY OF ST. AUGUSTINE. ADJACENT ZONINGS INCLUDE OPEN RURAL (OR) TO THE NORTH, RESIDENTIAL MOBILE HOME (RMH) TO THE EAST AND COMMERCIAL INTENSIVE TO THE SOUTH. THE PLANNING AND ZONING AGENCY MOTION TO RECOMMEND APPROVAL OF THIS REQUEST WAS DENIED BY A VOTE OF 3 TO 3 AT THEIR SEPTEMBER 1, 2005 MEETING. THE DENIAL VOTES WERE BASED ON CONCERNS OF COMPATIBILITY WITH THE ADJACENT RESIDENTIAL USES

Proof of publication of the notice of public hearing on REZ2004-41, US 1 north, was received, having been published in *The St. Augustine Record* on November 14, 2005.

Teresa Bishop, AICP, Planning Director, reviewed this item, stating that it was in the Mixed Use Land Use district and was consistent with the Comprehensive Plan. The recommended approval of this request by the PZA was denied by a vote of 3/3, based on concerns of compatibility with the adjacent residential uses. Stevenson asked about the PZA objecting to the zoning category requested. Bishop replied.

(11:04 a.m.) Bruce Ford, Chief Planner, spoke on the residential zoning uses directly behind this parcel being incompatible. Rich disclosed exparte communication with Ford. Adjacent Property Owner Responses were handed in, Exhibit A.

(11:07 a.m.) Doug Burnett, 170 Malaga Street, on behalf of the applicant, explained the site and the adjacent property surrounding it, Exhibit B. Stevenson asked if it could be allowed by special use instead of rezoning the land. Bosanko mentioned that there was another zoning option, as a PUD and recommended not to put a condition on a straight rezoning and stated that it was not really permitted in Florida law. Rich voiced his concerns.

(11:16 a.m.) Christine Miller, 637 Mackenzie Cr., explained why she was looking for another parcel of property to put her business on. McCormack mentioned that he had not seen any record of written comments in favor of this item mentioned by Burnett. Burnett stated that he recalled seeing them. McCormack stated that he would like to have them entered into the record if found. Maguire voiced his concern. Bryant asked the applicant if they were willing to come back with a PUD application. Discussion followed on rezoning and bringing the application back as a PUD. Bosanko spoke on conditions. (11:25 a.m.) **Motion by Rich, seconded by Stern, to deny rezoning application REZ 2004-41, 6580 U.S. 1 North Rezoning, adopting the finding of fact that the land use rezoning would be incompatible with the adjacent residential land uses to support the motion.**

(11:28 a.m.) Doug Burnette, 8990 US 1 north, asked if they could just back it down to CG zoning. Bosanko replied that advertisement was needed to change it to CG zoning. McCormack spoke on foregoing the full PUD fee. Bryant stated that they could make the request to allow the previous \$1,000 paid to go towards a new zoning. (11:30 a.m.) **The motion carried 5/0.**

The meeting returned to Item 6.

The meeting recessed for lunch at 12:05 p.m. and resumed at 1:33 p.m. with Deputy Clerk Terry Bulla. Commissioner Bryant was not present, but all other commissioners were present.

[\(11/29/05 - 13 - 1:33 p.m.\)](#)

10. PUBLIC HEARING - REZ 2005-20, OLD MOULTRIE STORAGE & OFFICE - THIS IS A REQUEST TO REZONE 9.2 ACRES FROM OPEN RURAL (OR) TO COMMERCIAL GENERAL (CG) FOR AN OFFICE AND MINI-STORAGE FACILITY. THE PARCEL IS LOCATED ON THE WEST SIDE OF OLD MOULTRIE ROAD AND IS SOUTH OF STATE ROAD 312 AND IS DESIGNATED MIXED USE LAND AS DEPICTED ON THE 2015 FUTURE LAND USE MAP. THE PROPERTY WILL HAVE CENTRAL WATER AND SEWER PROVIDED BY ST. JOHNS COUNTY UTILITIES. ADJACENT ZONINGS ARE OPEN RURAL (OR), PLANNED UNIT DEVELOPMENT (PUD), AND COMMERCIAL NEIGHBORHOOD (CN). THE PLANNING AND

ZONING AGENCY UNANIMOUSLY RECOMMENDED APPROVAL OF THIS
REQUEST AT THEIR JULY 21, 2005 MEETING

Proof of publication of the notice of public hearing on REZ 05-20, Old Moultrie was received, having been published in *The St. Augustine Record* on November 14, 2005.

(1:33 p.m.) Bruce Ford, Chief Planner, presented the item and said that staff recommended approval of the item. (1:35 p.m.) Rich questioned Karen Taylor, 307 Old Harbor Drive, on behalf of the applicant, Michael Harrigan, as to what demographic they were targeting for the office space. Taylor responded that it was planned for a large percentage of medical space as well as other professional offices.

(1:38 p.m.) Dan Allen Ditmore, 82 ½ Water Street, commented on the roadway because there was a blind curve, which caused a hazardous situation. Joe Stephenson, Public Works Director, noted that tree trimming at that intersection had been scheduled to increase the site distance.

(1:39 p.m.) Rich questioned the concurrency limits on Old Moultrie and how close they were to reaching that limit. He noted that it was becoming a throughway to avoid U.S. 1 and it was becoming dangerous. (1:42 p.m.) Stephenson said the capacity was at 71%, and that traffic was counted and included in the concurrency formula every year.

(1:46 p.m.) Ditmore asked if granting the use would deprive future uses for other points along the road. Maguire said there was a strong potential for that, and the concurrency was on a first come, first serve basis. Ditmore expressed concern that it would essentially lower the value of all the neighboring lands.

(1:48 p.m.) Stevenson questioned the ingress and egress onto the property and how the sight distance would affect it. Taylor responded that all requirements would be met for the roadway. She stated that there would be a number of projects that were dependent upon the concurrency standards, and there was also a percentage on U.S. 1 and Hwy 312 as well as on Old Moultrie that affected this project. She said there were solutions for individuals to develop adjoining properties, but they would involve road improvements.

(1:52 p.m.) Stern said she understood the concerns about concurrency along Old Moultrie, but stated that she supported the project. There was no ex-parte communication.

(1:53 p.m.) **Motion by Stern, seconded by Rich, carried 4/0, with Bryant absent, to approve Ordinance No. 2005-115, known as REZ 2005-20 Old Moultrie Storage and Office, with the condition that tree trimming at the intersection reported by Joe Stephenson be completed as soon as possible.**

ORDINANCE NO. 2005-115

**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 GENERAL (CG); MAKING FINDINGS
OF FACT; REQUIRING RECORDATION; AND
PROVIDING AN EFFECTIVE DATE**

(11/29/05 - 14 -1:54 p.m.)

11. PUBLIC HEARING - PUD 2005-26, CLIMATIZED SELF STORAGE U.S. 1 SOUTH - THIS REQUEST SEEKS TO REZONE 3.45 ACRES OF LAND FROM COMMERCIAL INTENSIVE (CI) TO PLANNED UNIT DEVELOPMENT (PUD) TO ALLOW 105,600 SQUARE FEET OF SELF STORAGE WITHIN A 4 STORY BUILDING (MAXIMUM 50 FEET HEIGHT) AS WELL AS OUTSIDE RV AND BOAT STORAGE. THE PROJECT WILL BE ENCLOSED WITH A SECURITY FENCE. A FIVE-FOOT SIDEWALK WILL BE PROVIDED ADJACENT TO THE FRONT OF THE BUILDING AND PARKING AND A SIDEWALK WILL BE PROVIDED WITHIN THE RIGHT OF WAY OF U.S. 1 CONSISTENT WITH APPLICABLE REQUIREMENTS OF THE ST. JOHNS COUNTY LAND DEVELOPMENT CODE. APPROXIMATELY 35% OF THE SITE WILL REMAIN IN OPEN SPACE CONSISTING OF LANDSCAPE AREAS AND BUFFERS. THE MINIMUM BUILDING SETBACKS WILL BE AS FOLLOWS: 45 FEET ON THE FRONT ADJACENT TO U.S. 1 (WEST); 130 FEET ON THE REAR (EAST); 40 FEET ON THE NORTH; AND 60 FEET ON THE SOUTH. LANDSCAPE BUFFERS WILL BE 10 FEET ON THE NORTH AND 20 FEET ON THE SOUTH, EAST AND WEST. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS REZONING REQUEST AT THEIR SEPTEMBER 15, 2005 HEARING BY A VOTE OF 5/0

Proof of publication of the notice of public hearing on PUD 05-26, Climatized Self Storage was received, having been published in *The St. Augustine Record* on November 14, 2005.

(1:54 p.m.) Bruce Ford, Chief Planner, made the presentation, reviewed the site plan, and noted that setbacks would be greater than the site plan originally indicated.

(1:57 p.m.) Rich declared ex-parte with Ed Paucek, Chairman of St. Johns County Builders' Association, regarding concerns of the 50 foot height limit, the precedent setting nature it would create and wished the restriction of 35 feet to remain the benchmark. Maguire said he had talked with Paucek about the same issues. He noted that in addition to the 50-foot height, there would be parapets, which would increase the total height.

(1:58 p.m.) Karen Taylor, 207 Old Harbor Drive, spoke on behalf of the applicant, John M. McKee. She noted it was a rezoning to a PUD, and it was a commercial intensive zone, which allowed for self-storage buildings. She indicated she wanted to approach the issue as a variance, which had been driven to a PUD because of an excess over the 50% floor area ratio, which the zoning category did not cover. She presented drawings of the project and noted a question had been raised regarding the height. She said that the height requirements within the zoning district would be met as shown for CI zoning if the setbacks were increased, as they had been for this project. She noted it would not be precedent setting and was allowed in all zoning categories. Rich confirmed this with Ford, who explained that 40 feet was the base, which could be increase to 60 feet with appropriate setbacks.

(2:04 p.m.) Rich questioned the parapets. Taylor responded that the parapet would not be considered as part of the building height, and that it was to hide the air conditioning system. She noted that it was a PUD so the Board could add restrictions. She said everything was within code.

(2:05 p.m.) Motion by Rich, seconded by Stern, carried 4/0 with Bryant absent, to approve Ordinance 2005-116, known as PUD 2005-26, Climatized Self Storage U.S. 1 South, adopting findings of fact 1 through 7 to support the motion.

ORDINANCE NO. 2005-116

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

(11/29/05 - 16 - 2:07 p.m.)

12. PUBLIC HEARING - MAJMOD 2005-22, ST. AUGUSTINE CENTRE PUD - THIS IS AN EXISTING PLANNED UNIT DEVELOPMENT WITHIN THE ST. AUGUSTINE CENTRE DEVELOPMENT OF REGIONAL IMPACT (DRI). THE MAJOR MODIFICATION WOULD REVISE THE PUD TO ADD VEHICLE SALES AND SERVICE (11,000 POUNDS GROSS WEIGHT) TO SELECT PARCELS OF THE DEVELOPMENT. THE PUD PROVIDES FOR RETAIL SALES. THE LIST OF EXISTING ALLOWABLE USES INCLUDES RV SALES, SERVICE, RETAIL OUTLETS FOR THE SALE OF FOOD AND DRUGS, RETAIL OUTLETS FOR TIRES BATTERIES AND AUTOMOTIVE ACCESSORIES. THE SUBJECT PROPERTY IS WITHIN THE ST. AUGUSTINE CENTRE PUD/DRI. THE TOTAL PROJECT SITE IS COMPRISED OF 315.30 ACRES, WITH APPROXIMATELY 46 ACRES OF RETAIL SALES. THE APPLICATION STATES THIS CHANGE IS TO ALLOW FOR THE RELOCATION OF PARKER CADILLAC FROM SAN MARCO BOULEVARD IN ST. AUGUSTINE. THE APPLICATION STATES THE INTERSTATE FRONTAGE IS PARTICULARLY SUITABLE FOR THE AUTOMOBILE DEALERSHIP, PROVIDING VISIBILITY FROM REGIONAL CUSTOMERS. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL BY A UNANIMOUS VOTE DURING THE OCTOBER 20, 2005 MEETING

Proof of publication of the notice of public hearing on MAJMOD 05-22, St. Augustine Center PUD was received, having been published in *The St. Augustine Record* on November 14, 2005.

(2:07 p.m.) Lindsay Haga, Planner III, gave the presentation for MAJMOD 2005-22, St. Augustine Centre PUD, and said that staff recommended approval of the request.

(2:08 p.m.) **Motion by Stern, seconded by Stevenson, carried 4/0, with Bryant absent, to approve Ordinance No. 2005-117 known as MAJMOD 2005-22, St. Augustine Centre PUD adopting findings of fact 1 through 6 to support the motion.**

ORDINANCE NO. 2005-117

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, APPROVING A MAJOR MODIFICATION TO THE ST. AUGUSTINE CENTRE PLANNED UNIT DEVELOPMENT (PUD) ORDINANCE NUMBER 97-23, AS AMENDED, MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING FOR AN EFFECTIVE DATE

(11/29/05 - 17 - 2:09 p.m.)

13. PUBLIC HEARING - PUD 2004-28 CASSALA ESTATES PLANNED UNIT DEVELOPMENT - THIS REZONING REQUEST WAS CONSIDERED BY THE BOARD DURING THE JULY 12, 2005 PUBLIC HEARING. AT THAT TIME, ISSUES WERE RAISED WITH REGARD TO THE STORMWATER MASTER PLAN FOR THE SITE AS WELL AS ANY POTENTIAL IMPACTS TO ADJACENT PROPERTY AND SURROUNDING AREA. THE ITEM WAS CONTINUED UNTIL THE APPLICANT COULD PROVIDE DRAINAGE INFORMATION AND CALCULATIONS FOR THE SITE TO BETTER DEMONSTRATE THE PROJECT MEETS THE REQUIREMENTS FOR OFF-SITE DRAINAGE. DEVELOPMENT REVIEW SERVICES CONTINUE TO REVIEW THE DRAINAGE CALCULATIONS SUPPLIED BY THE APPLICANT. THE FINAL RECOMMENDATION ON THE DRAINAGE INFORMATION WILL BE SUPPLIED TO THE BOARD DURING THE PUBLIC HEARING. THIS REQUEST SEEKS TO REZONE APPROXIMATELY 30.93 ACRES FROM OPEN RURAL AND INDUSTRIAL, WAREHOUSING TO PLANNED UNIT DEVELOPMENT IN ORDER TO DEVELOP A SINGLE-USE PROJECT CONSISTING OF SEVENTY-THREE (73) SINGLE-FAMILY DWELLING UNITS. THE SITE IS LOCATED EAST OF US 1, NORTH OF WATSON ROAD AND PROPOSES A SINGLE VEHICULAR ACCESS POINT ONTO WATSON ROAD. ADDITIONAL VEHICULAR AND PEDESTRIAN ACCESS IS NOT PROPOSED. THE DEVELOPMENT PROGRAM INCLUDES THE PROVISION OF FIVE (5) FOOT SIDEWALKS ALONG WATSON ROAD WITH FOUR (4) FOOT SIDEWALKS PROPOSED ALONG ONE SIDE OF THE INTERNAL ROAD NETWORK. THE DEVELOPMENT PROGRAM ALSO INCLUDES 1.21 ACRES OF RECREATION, 0.835 ACRES OF OPEN SPACE, 1.03 ACRES OF LANDSCAPED BUFFERS, AND 8.25 ACRES OF CONSERVATION AREAS. THE TOTAL PERCENTAGE OF OPEN SPACE EQUALS 36% OF THE PROJECT SITE. THE RESIDENTIAL LOTS ARE PROPOSED TO MEET THE FOLLOWING MINIMUM REQUIREMENTS: FIFTY (50) FOOT MINIMUM LOT WIDTH, 6,050 SQUARE FEET MINIMUM LOT AREA, MAXIMUM LOT COVERAGE BY ALL BUILDINGS AS 50% WITH A MAXIMUM IMPERVIOUS SURFACE RATIO (ISR) OF 60% PER LOT. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS REZONING REQUEST AT THEIR MAY 5, 2005 HEARING BY A VOTE OF 6/0, WITH ONE MEMBER ABSENT. CHANGES WERE MADE TO THE PUD TEXT TO ADDRESS LOT COVERAGE AND BUFFERING ALONG THE NORTHERN BOUNDARY. THE CHANGES ARE PRESENTED IN STRIKE THROUGH/UNDERLINE FORMAT

Proof of publication of the notice of public hearing on PUD 04-28, Casalla Estates was received, having been published in *The St. Augustine Record* on November 14, 2005.

(2:09 p.m.) Lindsay Haga, Planner III, gave the presentation and stated it was a request to change from OR and IW to PUD for 69 single-family dwelling units. She said that staff recommended approval of the project, and noted changes had been made in the application to reduce the lot coverage from 50% and 60% respectively to 40% and 50% ISR.

(2:11 p.m.) Chuck Kohler, Development Review Chief Engineer, said the plans, as submitted for drainage, were acceptable, and then showed the drainage areas on the computer screen. He said they were comfortable with the improvements made to the south and east of Watson Road. He noted other areas of concern included the Winton Circle area and improvements had been proposed to eliminate drainage into that area.

(2:13 p.m.) Stevenson expressed concern because this was a problem area for drainage issues, but they were addressing their issues as well as that of others. (2:14 p.m.) Stern

questioned the Wicks Branch problem area and noted that this problem area had been discussed at a previous meeting. Kohler said there had been reluctance by homeowners in the area to allow workers to look at and clean the area. Stern made reference to photos that had been previously submitted showing areas that were underwater. She said she had some real concerns and asked how 69 residential units would affect the area. Kohler said the developer would have to add retention ponds to buffer and decrease the runoff for the area. He said they had inherited many man made caused problems with drainage for that area. Stern commended them for their efforts. (2:19 p.m.) Rich asked if the drainage would be better. Kohler said it would be equal to or better than what currently existed, and that the major issues regarding drainage had been addressed. (2:20 p.m.) Rich asked Haga if there were any issues related to drainage that would cause stumbling blocks. Haga responded there were not, but noted some language change to the PUD which might have an effect. She said the applicant had agreed to the language changes, and they should pose no problems for approval. Rich declared ex-parte communication with staff in reference to the matter. Stevenson declared ex-parte with Kohler and Stephenson, about drainage and Mr. Casalla, Mr. Mock and Mr. McClure about the changes from 73 to 69 units and the drainage enhancements that were considered out of sequence. Maguire declared ex-parte with McClure, Casalla and Mock regarding drainage issues. He noted other discussions in June or July with some people but he could not recall with whom.

(2:22 p.m.) McClure stated that houses in the project would be in the \$240,000 to \$250,000 range, and less expensive housing was being provided, by the same developer, in the \$150,000 to \$200,000 range, on the east side of Watson Road. Rich expressed concern about affordable housing in the area, and said he would like to see future PUDs have an affordable component within them. He asked if the houses would be raised slab, cinder block, reinforced concrete or stick built. McClure said they would be elevated slabs and they would be block homes, not slab on grade. Rich asked for an assurance from the developer that the recreational facilities would use the County standards, so that older and handicapped people would have access to the lots and that commercial grade facilities would be installed. (2:30 p.m.) Stevenson said she agreed with the affordable housing issues Rich had mentioned, but noted they needed to be conscious of creating more standards and conditions which ultimately would result in higher housing costs. McClure stated that the County Housing Director had introduced Inclusionary Zoning, which required a certain allocation of affordable housing units with a mix of affordable housing within higher priced housing areas of a certain size. Stevenson asked if they had addressed the recreational issues during other planning sessions. Haga responded that some standards were in place but specifics for the exact equipment were not included. (2:34 p.m.) Patrick McCormack, Assistant County Attorney, commented on the recreational requirements and said that much better criteria could be established through the Recreational Advisory Board. Stevenson said she thought it was reasonable since the County was required to maintain the park areas. McClure noted that the Home Owner's Association would own and maintain the park in this particular project. *Maguire asked if there was Board consensus to move in that direction. The Board members concurred.*

(2:35 p.m.) Stern asked if the original design included affordable components. McClure said that was not planned on this project. Stern said it was a very serious problem for our county and she did not want to see the problem out of control. She asked Kohler about draining issues and asked if he felt they had resolved those issues. Kohler responded that his concerns were those involved with Watson Road and the subdivision Winton Circle, and that he was satisfied with the plans for those areas, though he was not sure about the other areas. He noted that the railroad cross drain should be sufficient and should not cause problems for other areas. (2:41 p.m.) Maguire said the proposed draining solutions were only for this subdivision and would

not resolve the issues in other areas. He said it should make a positive impact on the specified areas. McClure noted that Winton Circle was not built to spec and that the county planned to clean out the ditches in the area along Watson Road, and drainage would ultimately be transported through the ditch system within their proposed project. He said it would not solve all the problems, but that it would make the problem better. He noted the proposed project would be developed in the least intensive way for that zoning, with less impervious surface than was permitted.

(2:47 p.m.) Rich asked Haga if there were letters from the School Board. McClure said the School Board had been informed and letters were sent in August. After checking on the letters, Haga reported that the letters had been predated to September of 2004, and the builder had agreed to include those in packages to the homebuyers.

(2:49 p.m.) Discussion ensued regarding square footage of the proposed houses, which would range from 1,700 to 3,200 square feet.

(2:51 p.m.) In response to Rich's question on Tot Lots, McClure said they did not know what commercial standard meant, but they would agree that it would be handicapped accessible. Rich explained the difference between commercial and regular grade equipment.

(2:53 p.m.) Dan Bosanko, County Attorney, stated that the rules that already exist should be applied to this case to see if compliance would be met. He said any new standards should be developed during a workshop, followed by direction to the County Attorney to develop an Ordinance and then inaction of the Ordinance by the full Board.

(2:55 p.m.) Harold Van Auken, 4825 Winton Circle, commented on the drainage issues, traffic trying to get out on U.S. 1, which caused a very dangerous situation and the density of the project as it compared with existing homes. (2:58 p.m.) Rich said he had spoken with Van Auken and told him that the standard for concurrency had not yet been met. (3:00 p.m.) Stern said there was no legal way to deny the project based on the Watson Road issue, as it met concurrency. She noted a traffic light was going to be installed by DOT in the near future, which hopefully would improve the situation.

(3:05 p.m.) Jane Wilson, 4332 Oak Lane, said she was submitting a PowerPoint presentation, much of which could not be presented in three minutes. She asked the Board to review the entire presentation, as there was important data included in it. She expressed concerns about drainage issues onto her property. She said Cassala Estates did not meet requirements on the Comprehensive Plan and could not be approved. She cited numerous and specific violations that the plan would cause. (3:15 p.m.) Stern said Dr. Wilson's presentation reminded her that this was the correct area that she had concerns about. She said she would like to review all the information before the project was built.

(3:17 p.m.) Melissa Lundquist, 4620 Carter Road, said her property was on the northwest side of Casalla Estates, and she was not opposed to the project, but was expressing concern for the drainage issues. She said drainage problems had been caused by previous development and had necessitated the County to buy part of her property. She stated that she did not want to be the solution to the problem, as she had been in the past. (3:21 p.m.) Rich asked Kohler for a guarantee that the development would not exacerbate her problem. Kohler said he could not guarantee that, but the project complied with their current requirements.

(3:23 p.m.) McClure said the standard was not to put more water out than was put out before construction occurred. He said they had spent 5 months and \$30,000 studying

the issue, and they were trying to improve the problem. He commented on Dr. Wilson's property and said their engineers had developed a drainage plan to improve drainage problems at the rear of her lot, and that other changes had been made to accommodate her noise concerns. He noted their density was less than the adjacent development at Winton Circle, because they were not filling any wetlands, they were adding large lakes and were adding recreation areas. (3:30 p.m.) Stern said she had to leave and did not want to be the cause of a rushed decision. She stated that she believed that other drainage issues would not be addressed by this project, and that though they were not supposed to fix those problems, they had not had time to address all the issues and it should be continued.

(3:31 p.m.) **Motion by Stern, seconded by Rich, to continue the item until December 13, 2005, carried 4/0 with Bryant absent.**

(3:34 p.m.) Commissioner Stern left the meeting.

14. PUBLIC HEARING - PARKING ORDINANCE - AT THE REQUEST OF THE ST. JOHNS COUNTY SHERIFF'S DEPARTMENT TO REVISE PARKING FINES, THE ST. JOHNS COUNTY ATTORNEY'S OFFICE REVIEWED A SERIES OF PARKING ORDINANCES; THEREAFTER REVISING AND CONSOLIDATING SAID ORDINANCES INTO A SINGLE PARKING ORDINANCE. THE CURRENT PROPOSED ORDINANCE COMPLIES WITH BOTH GENERAL LAW (STATUTORY LAW) AND COMMON LAW (LAW THAT IS CREATED, VIA THE COURT SYSTEM). FURTHER, THE ORDINANCE HAS AN INTERGOVERNMENTAL PROVISION, WHICH ALLOWS FOR COMPLIANCE OF THE ORDINANCE ON THOSE AREAS, SUCH AS FLAGLER ESTATES, THAT MAY HAVE A TRAFFIC ENFORCEMENT AGREEMENT WITH THE COUNTY IN EFFECT THAT INCLUDES PARKING REGULATIONS

Proof of publication of the notice of public hearing on ordinance on parking was received, having been published in *The St. Augustine Record* on November 9, 2005.

This item was pulled.

The meeting recessed at 3:36 p.m. and reconvened at 3:47 p.m. Stern and Bryant were absent.

(11/29/05 - 20 - 3:47 p.m.)

- 14a. WINDING CREEK ACQUISITION FOR COUNTY PARK

(3:47 p.m.) Dan Bosanko spoke on an issue raised by Rich; acquisition of property, almost 30 acres, on Roehrs Road by the County for a park. He said they were looking for direction from the Board to see if they should pursue this on an expedited basis, and that it might take a special meeting, since a decision had to be made by December 15, 2005. He noted that most of the appraisals, environmental reports and other necessary documents had already been collected, so it could be accomplished by that date. He said the asking price was \$3.3 million and the country of Norway, the owners of Hydro Aluminum, had offered to provide part of the money. He said it would act as a noise buffer for the factory. (3:53 p.m.) Mary Ann Blount, Land Management Director, explained that Hydro would purchase the site for \$3.3 million. She said that Sid Ansbacher had an appraisal for \$1.7 million. Ansbacher said that Hydro would possibly go as high as \$2.5 million, which would leave the county with approximately \$800,000. She emphasized that all of this preliminary work was verbal and nothing was in writing yet. She said there was a title commitment, and they also had a copy of their environmental site assessment. Maguire asked if they had all the documents to do an expedited closing. Blount said they would need another appraisal. Troy Blevins, Parks

& Recreation Operations Manager, said he had nothing to add, but that due diligence would have to be performed to ensure that the noise would not cause damage to children. He said there was a good area for a soccer complex and lights could be added to ball fields without impacting neighbors. (3:56 p.m.) Stevenson said it was an attractive idea, and asked Blount if they had asked for a wall for attenuation. Blount responded that she had not heard of any deed restrictions but that everything had not been decided yet. Stevenson said she would support looking at it since it was below appraised value and if we would get full utilization of the property. She stated that she would like to see Hydro remain responsible for the acquisition costs. (3:59 p.m.) Rich said he was happy with the idea, and noted it would improve safety for the children in the area. He offered to be present during the price negotiations.

(4:00 p.m.) Bosanko requested a meeting one week from today to review the meeting just in case it was needed. Adams said they would need a super majority. Bosanko said it would depend on how they structured the deal. Maguire said he would support the \$800,000 price plus closing costs, an expedited pursuit and a meeting next week.

Blount said they could pursue negotiations and bring back a final agreement next week. Rich announced the Board consensus was to move forward on Tuesday, December 6. Bosanko said they might have to run another ad to announce the meeting.

(11/29/05 - 21 - 4:05 p.m.)

14b. LETTER FROM HASTINGS FOR ST. JOHNS COUNTY COOPERATION FOR PLANNING THE FUTURE

Bosanko presented a letter from the Town of Hastings, which requested a 10% share of a \$200,000 grant to assist the town in their planning efforts related to the pilot program and the Public School Concurrency Plan. Maguire asked why Hastings would be singled out for 10% of the grant. Bosanko asked if the other municipalities had asked for any funds. Teresa Bishop, Planning Director, said she was not aware of any requests. She said the County had been funded for the pilot program to develop a draft interlocal agreement, and the County and the school district would be the ones to put it together and share the grant. She noted that if they chose to give funding to other municipalities it would be up to the Board. Maguire clarified that the pilot program involved all the incorporated areas. Bishop said that was correct and meetings were scheduled to get input from the various municipalities. Maguire said that the Hastings' budget would not allow for this function, and he felt they were requesting money for this project to fund a representative. He said they would have representation at the table when the plan was prepared to help with drafting of the document, and asked what would be a reasonable amount and whether it would be fair to give funds to Hastings and not to others. He said he did not object to giving them funds but they needed to know how it was to be utilized and by whom. Rich asked how far they should open up the participation agreement. Stevenson expressed concern as well, and asked for clarification of the process and the roles the municipalities would play. (4:15 p.m.) Bishop said the county and the school district would draft the interlocal agreement. She said the interlocal agreement would go to all the municipalities, and DCA, in the end, would expect to see an interlocal agreement signed by all the municipalities. She noted there was already a similar interlocal agreement with the school district and the county and separate agreements with each municipality and the school district. She said it would be updated to accommodate all the school concurrency procedures that needed to be in place. She further explained that each municipality had its own comprehensive plan and its own concurrency system, and they would adopt their own plan in whatever time frame they chose. She said the zones had to be established and one school district served the entire county plus the municipalities. She said the pilot program would work out the details in the school

concurrency process. (4:16 a.m.) Stevenson clarified that it was important for each municipality to have someone at the table for the process, and she would favor a proposal from them estimating their costs for whatever the process would entail. Maguire proposed that a schedule of events for municipality participation be presented to the Board, and a best guess estimate for the number of hours each participant might be expected to perform. He said that it could be given to Hastings, and then Hastings could return with a recommendation for whom they would like to attend and justify why, what role they would perform and if the County was going to pay for it. He said if the money came out of the full amount, then the School Board would need to approve it. (4:20 p.m.) Bishop said she would like to see a meeting held around the mid part of December, and she would get with the School Board. Maguire said they needed to support Hastings with their growth and development. Rich said he wanted the audit conditions of the grant to be closely reviewed.

(4:22 p.m.) Deputy Clerk, Lenora Newsome, entered and Deputy Clerk, Terry Bulla, left the meeting.

(11/29/05 - 22 - 4:22 p.m.)

COMMISSIONERS' REPORTS

Commissioner Rich:

Rich spoke on moving into digital availability for citizens, to be able to go on the internet and watch the real time commission hearings, as well as having digital disks and being able to click on a commission hearing and getting the vote or whatever else was needed. Adams stated that this facility was not conducive to that equipment, but it was being planned in the new facility. He stated that he would give the Board an update on it.

(4:25 p.m.)

Commissioner Stevenson:

Stevenson encouraged the Commissioners to take up Sheriff Shoar's invitation for the civilian law enforcement academy.

Stevenson mentioned that Gary Emerson was in the Public Works Magazine regarding the biodiesel project.

(4:28 p.m.)

Maguire spoke for Commissioner Bryant in his absence:

Bryant stated that he wrote a letter to Frederick P. Gaske, Director of the Division of Historical resources, supporting Flagler College's intent to get the historic preservation small matching grant, on behalf of the BCC.

Bryant asked who made the appointments for the Board to meet with the State Legislature next spring. Maguire stated that it was Ted Zebrowsky and Karen Johnson who made the appointments. Adams stated that they would do it in coordination with the lobbyist.

Bryant requested a BCC workshop on transportation. Adams replied that he would talk with him about it.

Bryant received an email that Congressman Mica had called with the news of additional earmarks of \$500,000 for buses.

Bryant mentioned the BCC Resolution regarding fee for service, at yesterday's meeting in Jacksonville.

(4:31 p.m.)

Commissioner Maguire:

Maguire spoke about two people from St. Johns County falling off the positions for the St. Johns County Representatives on the Regional Planning Council. They would like to place on the Transportation Disadvantaged Committee, Claire Cooper, Cristie Martin, and Joseph McDermouth as the St. Johns Veterans Service Officer. **Maguire nominated the three people mentioned to represent St. Johns County at the Regional Planning Council on the St. Johns Transportation Disadvantaged Programs Local Coordinating Board, seconded by Rich, carried 3/0 with Bryant and Stern absent.**

Maguire stated that Wayne Banus, from the Sunset Rotary Club at Sawgrass, had reserved the Agricultural Center for the 16th of December for a Christmas dinner for the foster children and the caregivers. They are asking for the County to waive the fee. *Motion by Maguire, seconded by Stevenson, for the County to waive the fee for the dinner for the foster children and caregivers of St. Johns County. Maguire withdrew his motion and Stevenson withdrew the second.* Adams stated that he would take care of the letter to waive the fee.

(11/29/05 - 23 - 4:35 p.m.)

COUNTY ADMINISTRATOR'S REPORT

Adams mentioned a meeting to be held Thursday, December 8th of the Florida Government Communicators Association annual business meeting. He announced that at this meeting, they were going to have new officers, and Margaret Laidlaw would be seated as president of the association.

Adams announced on the December 6th meeting, that they only have the Hydro item listed. He stated that there was no BCC meeting that day. The meeting would be held at 9:00 a.m.

(11/29/05 - 23 - 4:38 p.m.)

COUNTY ATTORNEY'S REPORT

Bosanko mentioned that Marcie Silkebaken was applying for a position on the PZA and she didn't want to resign her position on the ARK unless she knew she would get a position on PZA. He stated that the Board could agree to allow her to do a conditional resignation from the ARK that would take affect if she were appointed to the PZA. **Motion by Rich, seconded by Stevenson, carried 3/0 with Bryant and Stern absent, to allow Marcie Silkebaken to submit a conditional resignation from her ARK position that would take affect only if she was appointed to a new PZA position on December 13th.**

Bosanko received a call from Isabelle Lopez, the attorney assigned to the Sunshine Law issues, stating that interactive meetings were not allowed under Florida Law up to this point.

(4:40 p.m.) Stevenson asked about conditional resignations. Bosanko responded.

(4:43 p.m.) Melissa Lundquist mentioned that it was the Board's policy that they resign prior to making application for another Board.

(11/29/05 - 23 - 4:43 p.m.)

CLERK OF COURT'S REPORT

No report.

Motion by Stevenson, seconded by Rich, carried 3/0 with Bryant and Stern absent, to adjourn the meeting. With there being no further business to come before the Board, the meeting adjourned at 4:43 p.m.

CORRESPONDENCE:

1. Letter from Pallas Metcalf Jenks & Miller regarding the revised and restated Development and Impact Fee Agreement (11/14/05)
2. Letter to the Secretary of State filing Ordinances No. 2005-102 through 2005-104 (11/15/05)
3. Letter to the Secretary of State filing the official signatures of James E. Bryant as Chairman and Cyndi Stevenson as Vice Chairman of the Board of County Commissioners (11/16/05)
4. Letter to the Secretary of State filing Ordinances No. 2005-105 through 2005-112 (11/21/05)

REPORTS:

1. St. Johns Board of County Commissioners Check Register; checks 375438 through 375666; totaling \$964,701.34 (11/08/05)
2. St. Johns Board of County Commissioners Cash Requirement - Check Format; totaling \$38,748.17 (11/09/05)
3. St. Johns Board of County Commissioners Check Register; check 375692; totaling \$880.00 (11/14/05)
4. St. Johns Board of County Commissioners Check Register; check 375691; totaling \$4,502.62 (11/14/05)
5. St. Johns Board of County Commissioners Check Register; checks 375693 through 375946; totaling \$909,619.15 (11/15/05)
6. St. Johns Board of County Commissioners Cash Requirement - Check Format; totaling \$1,705,401.90 (11/29/05)

Approved January 10, 2006

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

