

NOTE:

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**MINUTES OF MEETING  
BOARD OF COUNTY COMMISSIONERS  
ST. JOHNS COUNTY, FLORIDA  
DECEMBER 13, 2005  
8:00 A.M.**

Proceedings of a regular/special 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  
                          Ben Rich, District 3  
                          Bruce A. Maguire, District 4  
                          Ben W. Adams, Jr., County Administrator  
                          Dan Bosanko, County Attorney  
                          Patrick McCormack, Assistant County Attorney  
                          Terry Bulla, Deputy Clerk

Absent:               Karen R. Stern, District 2

(12/13/05 - 1 - 8:07 a.m.)

Bryant called the special meeting to order.

1.       8:09 AM - CLOSED SESSION - THIS IS A SPECIAL PRIVATE ATTORNEY - CLIENT MEETING OF THE BOARD OF COUNTY COMMISSIONERS HELD IN ACCORDANCE WITH SECTION 286.011(8), FLORIDA STATUTES. THE SPECIAL MEETING WILL BE CONFINED TO SETTLEMENT NEGOTIATIONS AND LITIGATION EXPENSE STRATEGY PERTAINING TO THE LAWSUIT BETWEEN CONCESSIONS, INC. AND ST. JOHNS COUNTY, CASE NO.: CA99-892, IN THE CIRCUIT COURT, SEVENTH JUDICIAL CIRCUIT, IN AND FOR ST. JOHNS COUNTY, AND THE NOTICE OF BERT HARRIS CLAIM, CONCESSIONS, INC. V. ST. JOHNS COUNTY. THE SPECIAL MEETING HAS BEEN ADVERTISED FOR 8:00 A.M. CONFERENCE ROOM A HAS BEEN RESERVED FOR THIS MEETING

Proof of publication of a special meeting of the St. Johns County Board of County Commissioners was received, having been published in *The St. Augustine Record* on December 3, 2005.

Dan Bosanko, County Attorney, informed the Board he needed advice concerning the lawsuit *Concessions, Inc. v. St. Johns County*, case number CA99-892, in the Circuit Court, Seventh Judicial Circuit, in and for St. Johns County, Florida and the Notice of Bert Harris Claim, *Concessions, Inc. v. St. Johns County*. Florida Statute 286.011 allows the Board to hold a private meeting in order to provide that advice. (8:08 a.m.) Bryant announced a closed attorney-client meeting concerning the lawsuit to commence at 8:10 a.m. in Conference Room "A", estimated to last about 45 minutes. He announced the names of the persons in attendance including James E. Bryant, Cyndi Stevenson, Bruce Maguire, Ben Rich, Ben W. Adams, Jr., Daniel J. Bosanko, Esquire, Patrick F. McCormack, Esquire, special counsel to the Board, and Kathy Upchurch, Court Reporter. Commissioner Stern was absent.

(8:09 a.m.) The meeting recessed to Conference Room A.

(9:07 a.m.) The meeting reconvened in the Auditorium and was adjourned at 9:07 a.m. Bryant announced the conclusion of the closed attorney-client settlement meeting and reopened the public Board meeting.

(9:07 a.m.) **Motion by Stevenson, seconded by Rich, carried 4/0 with Stern absent, to adjourn the special meeting.**

(12/13/05 - 2 - 9:07 a.m.)

Bryant called the regular meeting for Tuesday, December 13 to order.

(12/13/05 - 2 - 9:07 a.m.)

ROLL CALL

Bryant stated that four commissioners were present with Stern absent.

(12/13/05 - 2 - 9:08 a.m.)

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

(12/13/05 - 2 - 9:08 a.m.)

PUBLIC COMMENT

(9:09 a.m.) Michael Hunt entered the meeting.

(9:09 a.m.) Jean Lajoi, 103 Dolphin Blvd. East, read a letter to the Board reporting on the sewage backup issue at her home. She stated that she was not happy with the response from Custard Insurance Adjusters, and had submitted an amount to them for which she would settle the claim and release everyone from liability. She said that she had received no response except that they were reviewing the package. She asked the Board to hold the Utility responsible for the incident for which they had admitted fault.

(9:11 a.m.) Clara Cowan, 244 Patrick Neal Circle, read a letter on behalf of Carl Blessing, President of the Ponte Vedra Beach Coalition, regarding St. Johns Service Company, and the continuing problems with the sewage backup issues at Dolphin Cove, and the effects it has had on homeowners. Rich commented on her presentation.

(9:15 a.m.) George Brookshire, 12880 Hunt Club Rd., Jacksonville, on behalf of St. Johns Service Company, apologized to the customers and said the company had tried to respond as best they could. He said the insurance company assumed liability immediately, but there had been a standoff of communications between the insurance company and the customers. He stated that as of last week, the insurance company had notified them that they were going to make an offer to both of the customers whose claims had not been settled. In addition, he offered an independent insurance adjustor to make sure the customers had been treated fairly, and additional cash to help them through the holiday season. He said that if the two customers disagreed with the settlement, they would have to go through a longer process. (9:20 a.m.) Bryant commented about the reimbursement process, and said it might have behooved them to provide whatever funding might have been necessary, and then to settle with the insurance company. (9:21 a.m.) Brookshire said the problem was that it had been difficult in determining the correct amount of damages.

(9:27 a.m.) Pamela Kessler, 1136 Salt Creek Drive, spoke on behalf of the Ponte Vedra Athletic Association, regarding a desired community center for Ponte Vedra. (9:28 a.m.) Bryant asked Adams and some staff members to meet with the recreation advisory board. He said that the community deserved such a facility, as they had invested about \$3.5 million in providing recreational facilities in Ponte Vedra.

(9:30 a.m.) Merlene Thomas, 2980 Collins Ave., on behalf of the First Coast Technical Institute, commented on their mission, growth and the celebration of 40 years of education. She noted that they served St. Johns, Clay and Putnam Counties. She emphasized their school of Culinary Arts and their new restaurant, Walters Reef Restaurant, located on campus. She also emphasized their health care programs. (9:35 a.m.) Maguire commented on the FCTI program and said it was a wonderful program. He asked if they could put some information on the government channel to help them with advertising.

(9:37 a.m.) Bryant acknowledged the football wins by St. Augustine and Nease High Schools and asked the Board to look at how they could recognize and honor them and report back during the Commissioners Reports. He said they also needed to look at any minor sports that had won state championships and honor them also.

(12/13/05 - 3 - 9:38 a.m.)

#### DELETIONS TO CONSENT AGENDA

Rich requested that item No. 7 be pulled and added to the Regular Agenda as 17a, No. 8 be pulled and added to the Regular Agenda as 17b and item No. 13 as 17c. Bosanko requested that Item No. 11 to be placed as item No. 17d on the Regular Agenda.

(12/13/05 - 3 - 9:41 a.m.)

#### APPROVAL OF CONSENT AGENDA

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

1. Approval of the Cash Requirement Report
2. Minutes:  
10/04/05 - BCC Regular Meeting
3. Sheriff's Office Bonds:  
Approve: Angela Hosford      Donald Mills  
Cancel:      Donald Trice
4. Motion to adopt **Resolution No. 2005-378**, authorizing the County Administrator to enter into a license agreement with the Florida East Coast Railway, L.L.C., for the Holmes Blvd. grade crossing

#### RESOLUTION NO. 2005-378

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF A RAILROAD LICENSE AGREEMENT BETWEEN FLORIDA EAST COAST RAILWAY, L.L.C. AND ST. JOHNS COUNTY, FLORIDA, ASSOCIATED WITH A RAILROAD CROSSING LOCATED ON HOLMES BLVD, AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE COUNTY**

5. Motion to adopt **Resolution No. 2005-379**, authorizing the Chairman of the Board of County Commissioners to execute a temporary construction easement agreement for road improvement purposes

**RESOLUTION NO. 2005-379**

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING A TEMPORARY GRANT OF EASEMENT FROM GLENN F. LIGHTSEY AND VIRGINIA S. LIGHTSEY TO ST. JOHNS COUNTY FOR ROAD IMPROVEMENT PURPOSES**

6. Motion to approve Wednesday, February 22, 2006 as the special meeting date to hold a public hearing for the Ashford Mills DRI Development Order, and associated Comprehensive Plan Amendment
7. Motion to adopt a resolution, authorizing the County Administrator to enter into a Joint Participation Agreement for \$90,970 with the First Coast Metropolitan Planning Organization to develop a Transit Development Plan  
*This item was moved to the Regular Agenda as Item No. 17a.*
8. Motion to authorize the County Administrator, or his designee, to negotiate and enter into a contract for \$1,347,000.00 with Ray T. Freiha Construction, Inc., for construction of the South Ponte Vedra Beach Fire Station #9; and motion to transfer \$607,420 from Fire District Fund Reserves (1230-59927) to Fire Services Buildings (1226-56200) *This item was moved to the Regular Agenda as Item No. 17b.*
9. Motion to approve the transfer of \$61,066 from Fire District Fund Reserves 1230-59920 to State Grant Expenditures Computer Equipment 1224-55305 in order to complete purchase as approved in the FY05 budget year
10. Motion to adopt **Resolution No. 2005-380**, recognizing unanticipated revenue in the amount of \$10,364, and increasing the State Grant Expenditure Budget [1224-55305-1059-55200] of the Fire District Fund by the same amount

**RESOLUTION NO. 2005-380**

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AMENDING THE FISCAL YEAR 2006 FIRE DISTRICT BUDGET TO RECEIVE UNANTICIPATED REVENUE AND AUTHORIZE ITS EXPENDITURE BY THE ST. JOHNS COUNTY FIRE-RESCUE DEPARTMENT**

11. Motion to adopt a resolution approving a final plat for Shady Oaks at Ponte Vedra Beach, Phase III. (*This item was moved to the Regular Agenda as Item 17d.*)
12. Motion to adopt **Resolution No. 2005-381**, approving a final plat for Hunter's Creek Subdivision

**RESOLUTION NO. 2005-381**

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

**APPROVING A SUBDIVISION PLAT FOR HUNTER'S  
CREEK SUBDIVISION**

13. Motion to authorize the County Administrator, or his designee, to enter into contract with APAC Southeast, Inc., (Ashland) in the amount of \$6,448,027.69, and to issue a task order to AWA Contracting in the amount of \$696,185.40 for Bid No.: 05-105, CR13/204 Lane Widening. *(This item was moved to the Regular Agenda as Item 17c.)*
14. Motion to authorize the County Administrator, or his designee, to enter into a contract with the responding bidder, E. J. Breneman, in the amount of \$114,119.36 for Bid No.: 06-41, Road Improvements – Hydrangea, Oleander and Florida Avenue. (See Attachment A)
15. Motion to authorize the County Administrator, or his designee, to negotiate with and enter into contract with the No. 2 ranked firm, ZOLL Data Systems, for RFQ No: 05-129, Fire Rescue Patient Care and Billing Software
16. Motion to authorize the County Administrator, or his designee, to negotiate with and enter into a Continuing Contract with each of the fifteen (15) firms for RFP 06-31, Engineering & Professional Services for Recreation Projects
17. Motion to adopt **Resolution No. 2005-382**, approving the terms of a drainage easement, and accepting and authorizing the County Administrator to execute a Purchase and Sale Agreement between Cathleen Sellers and St. Johns County for a drainage easement in Hidden Creek Estates Subdivision

**RESOLUTION NO. 2005-382**

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS OF A DRAINAGE EASEMENT AND ACCEPTING AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A PURCHASE AND SALE AGREEMENT BETWEEN CATHLEEN SELLERS AND ST. JOHNS COUNTY FOR A DRAINAGE EASEMENT IN HIDDEN CREEK ESTATES SUBDIVISION**

18. Motion to adopt **Resolution No. 2005-383**, approving the terms of, and authorizing the County Administrator to execute, a certain Purchase and Sale Agreement for property needed for the West King Street Improvement Project

**RESOLUTION NO. 2005-383**

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A CERTAIN PURCHASE AND SALE AGREEMENT FOR PROPERTY NEEDED FOR THE WEST KING STREET IMPROVEMENT PROJECT**

19. Motion to adopt **Resolution No. 2005-384**, accepting a Non-Exclusive Assignment of Easement for drainage in Murabella Subdivision Units One and Two, and accepting a bill of sale conveying the roadway and drainage improvements

**RESOLUTION NO. 2005-384**

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING A NON-EXCLUSIVE ASSIGNMENT OF EASEMENT FOR DRAINAGE IN MURABELLA SUBDIVISION UNITS ONE AND TWO AND ACCEPTING A BILL OF SALE CONVEYING THE ROADWAY AND DRAINAGE IMPROVEMENTS**

20. Motion to adopt **Resolution No. 2005-385**, authorizing the Clerk of Circuit Court, under Section 95.361, Florida Statutes, to file a survey map for Bradbury Road, claiming a vested interest in the road described in the survey map, and/or establishing a prescriptive easement in the same right-of-way, in accordance with the principles set forth in Downing v. Bird 100 So. 2d 57 (Fla. 1958)

**RESOLUTION NO. 2005-385**

**A RESOLUTION BY 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 BRADBURY ROAD, 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)**

21. Motion to adopt **Resolution No. 2005-386**, authorizing the Clerk of Circuit Court, under Section 95.361, Florida Statutes, to file a survey map for Godwin Road, claiming a vested interest in the road described in the survey map, and/or establishing a prescriptive easement in the same right-of-way, in accordance with the principles set forth in Downing v. Bird 100 So. 2d 57 (Fla. 1958)

**RESOLUTION NO. 2005-386**

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE CLERK OF COURTS, UNDER SECTION 95.361, FLORIDA STATUTES TO FILE THE SURVEY MAP FOR GODWIN ROAD, 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)**

22. Motion to adopt **Resolution No. 2005-387**, approving the terms and conditions of, and authorizing the County Administrator to execute, a purchase and sale agreement for an easement for drainage improvements in Ponte Vedra

**RESOLUTION NO. 2005-387**

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

**APPROVING THE TERMS AND CONDITIONS OF AND  
AUTHORIZING THE COUNTY ADMINISTRATOR TO  
EXECUTE A PURCHASE AND SALE AGREEMENT OF  
EASEMENT FOR DRAINAGE IMPROVEMENTS IN  
PONTE VEDRA**

23. Motion to adopt **Resolution No. 2005-388**, accepting a special warranty deed for a lift station site to provide sewer service to Murabella Subdivision, off of County Road 13A

**RESOLUTION NO. 2005-388**

**A RESOLUTION BY THE BOARD OF COUNTY  
COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA,  
ACCEPTING A SPECIAL WARRANTY DEED FOR A  
LIFT STATION SITE TO PROVIDE SEWER SERVICE TO  
MURABELLA SUBDIVISION LOCATED OFF OF  
COUNTY ROAD 13A**

(12/13/05 - 7 - 9:41 a.m.)

**ADDITIONS/DELETIONS TO REGULAR AGENDA**

Rich asked that item No. 5 be moved to 17e. Bryant said he would like to pull Item 17e because there was an application that was not included in their package and Stern would like to be there for the vote. Bosanko asked that item No. 16 be set at a time certain for 4:00 p.m. He also asked that the Concessions case, discussed during the closed-door meeting be added at the end of the day as item No. 17e.

(12/13/05 - 7 - 9:44 a.m.)

**APPROVAL OF REGULAR AGENDA**

**Motion by Maguire, seconded by Stevenson, with Stern absent, to approve the regular agenda as amended.**

Bryant asked the Board to note that item No. 10 was time certain for 1:30 p.m.

(12/13/05 -7 -9:44 a.m.)

1. **CONSIDER OFFERING ECONOMIC DEVELOPMENT INCENTIVES TO R & D DEVELOPMENT**

Karen Johnson, Intergovernmental Relations Specialist, gave the presentation and stated that Richard Davis, President of R&D Development had applied for incentives to build a 7,500 square foot facility intended for industrial and warehouse use. She said they qualified for expedited permitting and a total of \$30,071 in incentives.

(9:45 a.m.) **Motion by Maguire, second by Bryant, to adopt the incentive calculation of \$30,071, and if adopted to instruct the attorney's office to prepare an agreement and place the agreement on a future consent agenda.** There was general discussion about the merits of the request. Bryant stated that he did not think incentives should be granted retrospectively after a business had already decided to locate within the County. (9:49 a.m.) **Motion carried 4/0 with Stern absent.**

(12/13/05 - 7 - 9:50 a.m.)

2. **CONSIDER REQUEST TO APPROVE THE RATE INCREASE FOR THE RESIDENTIAL FRANCHISE CONTRACT SECTION 9.3 FOR SEABOARD WASTE SYSTEMS AND ADVANCED DISPOSAL**



Michael Hunt, Deputy County Attorney, gave the presentation and explained that rate adjustments were needed due to the extreme escalation in the cost of fuel. He reported that the adjustments were based on the independent fuel indicator table prepared by the Florida DOT. He said the Board's decision could be based upon the Residential Franchise Contract, Section 9.3. (9:53 a.m.) Bryant said he had met with Gary Emerson who said the numbers were in line with the State's numbers. He expressed concerns about reserves. Doug Timms, Budget Director, said they had adjusted the reserves somewhat, but that they had not anticipated the current adjustment request. He stated they would have to begin recovery of the cost next year if it remained permanent.

(9:55 a.m.) Stevenson asked whether it would be updated quarterly, and that there were a lot of factors involved with the diesel reserves, and there was a change in demand for diesel. She said October had been the high price spike, and that prices had gone down since then. Hunt said it would be revisited on a quarterly basis.

(9:57 a.m.) Jim Arnold, Seaboard Waste Systems, said that Stevenson was correct and they had no idea that they had hit the high water mark in October when they had submitted the request. He said the prices had continued to fluctuate, and there had been an unfunded fuel cost amount. He stated they had absorbed all they could. He said the amount proposed had dropped substantially, but they did need some relief.

(9:59 a.m.) Maguire said he did not think it was necessary to bring it back every quarter to the BCC, and that the County Administrator should handle it at his level. Adams said they could approve it by a subsequent resolution. Hunt said it did not have to come back to the Board every quarter, and suggested they do it by a resolution. Maguire said the Board needed to review it quarterly but that the Administrator could monitor it quarterly. Arnold said there was an established procedure to review it quarterly. (10:01 a.m.) Stevenson said the prices fluctuated, and asked if it would be prudent to use an average. Arnold said they just wanted to recover their investment.

**(10:02 a.m.) Motion by Rich, seconded by Maguire, carried 4/0, with Stern absent, to adopt Resolution 2005-389 approving an extraordinary rate adjustment, as permitted under Section 9.3 of the Residential Solid Waste Franchise Contract between Advanced Disposal, and St. Johns County, Florida.**

**(10:03 a.m.) Motion by Rich, seconded by Maguire, carried 4/0, with Stern absent, to adopt Resolution 2005-390 approving an extraordinary rate adjustment, as permitted under Section 9.3 of the Residential Solid Waste Franchise Contract between Seaboard Waste Systems, and St. Johns County, Florida.**

**(10:03 a.m.) Motion by Rich, seconded by Maguire, carried 4/0, with Stern absent, to approve a transfer of \$522,721 from Solid Waste Reserve (4407-59920) to: Solid Waste Residential Collections Contractual Services-Advanced (4403-53124) \$166,802, Contractual Services-Seaboard (4403-53125) \$277,553; Solid Waste Recycling Collections Contractual Services-Advanced (4404-53124) \$29,436, and Contractual Services-Seaboard (4404-53125) \$48,980.**

#### RESOLUTION NO. 2005-389

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONS OF ST. JOHNS COUNTY, FLORIDA, APPROVING AN EXTRAORDINARY RATE ADJUSTMENT AS ALLOWED UNDER SECTION 9.3 OF ADVANCED DISPOSAL'S RESIDENTIAL SOLID WASTE FRANCHISE CONTRACT WITH ST. JOHNS**

COUNTY, FLORIDA, AND PROVIDING AN EFFECTIVE  
DATE

RESOLUTION NO. 2005-390

A RESOLUTION OF THE BOARD OF COUNTY  
COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA,  
APPROVING AN EXTRAORDINARY RATE  
ADJUSTMENT AS ALLOWED UNDER SECTION 9.3 OF  
SEABOARD WASTE SYSTEM'S RESIDENTIAL SOLID  
WASTE FRANCHISE CONTRACT WITH ST. JOHNS  
COUNTY, FLORIDA, AND PROVIDING AN EFFECTIVE  
DATE

(12/13/05 - 9 - 10:04 a.m.)

3. CONSIDER MOTION TO ADOPT A RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION AND EXECUTION OF AN AGREEMENT WITH THE FEDERAL TRANSIT ADMINISTRATION FOR FEDERAL TRANSPORTATION ASSISTANCE AUTHORIZED BY 49 U.S.C. CHAPTER 53, TITLE 23 UNITED STATES CODE AND OTHER FEDERAL STATUTES ADMINISTERED BY THE FEDERAL TRANSIT ADMINISTRATION AND INCORPORATE INTO THE SUBAGREEMENT BETWEEN THE COUNTY AND THE COUNCIL ON AGING

(10:05 a.m.) Jesse Dunn, Budget Analyst OMB, gave the presentation along with Lisa Love of the Federal Transit Administration, regarding filing for grants for the Council on Aging. He explained that the Board had approved a sub agreement between St. Johns County BOCC and the St. Johns County Council on Aging, Inc. in order to more fully comply with the obligations and requirements of the county-awarded FTA grant agreements. He noted that additional FTA appropriations were available to assist in the maintenance and expansion of the existing public transportation system, and the FTA Section 5307 and FTA Section 5309 appropriations would be incorporated into the March 23, 2005 sub agreement. He said the resolution would authorize the filing of FY 2004/05 Section 5307 appropriations in the amount of \$529,390 and a Section 5309 grant earmarked in the amount of \$728,834. (10:10 a.m.) Bill Hartman said the scope for the Transit Development Plan included all of St. Johns County. He reviewed the urbanized area for St. Augustine as well, and said that designation was what enabled the proposed funds to be drawn down. He said this had been covered in the original agenda item No. 7 which had been pulled from the Consent agenda. (10:13 a.m.) Love stated that the COA appreciated the Board's commitment to elder issues and public transportation in St. Johns County. Bryant said what a good job the Sunshine Bus Company had done and State legislators who had voluntarily called us when additional funding sources were discovered had recognized them. (10:15 a.m.) Stevenson said Congressman Mica had made some unique suggestions. Hartman said those suggestions were discussed at the kickoff meeting. (10:17 a.m.) Maguire gave kudos to the program. He also brought up Transportation Disadvantaged Program, which the Council on Aging ran through their bus company. He said that under State law, the Tax Collector was allowed to offer as an option a \$1 charge for people who were willing to voluntarily donate a dollar when they paid their license fees to the Transportation Disadvantages Program. He said we had never seen that option presented in this County, and he would encourage the Board or the Administrator to talk to the Tax Collector to see if it could be put out as an option, as some people might like to donate to the Transportation Disadvantaged Program.

(10:18 a.m.) Motion by Maguire, seconded by Stevenson, carried 4/0 with Stern absent, to adopt Resolution 2005-391, authorizing the filing of an application and the execution of an agreement with the Federal Transit Administration, for federal transportation assistance authorized by 49 U.S.C. Chapter 53, Title 23, United States Code and other Federal statutes administered by the Federal Transit Administration and incorporated into this Subagreement between the County and the Council on Aging.

RESOLUTION NO. 2005-391

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE FILING OF AN APPLICATION AND THE EXECUTION OF AN AGREEMENT WITH THE FEDERAL TRANSIT ADMINISTRATION, AN OPERATING ADMINISTRATION OF THE UNITED STATES DEPARTMENT OF TRANSPORTATION, FOR FEDERAL TRANSPORTATION ASSISTANCE AUTHORIZED BY 49 U.S.C. CHAPTER 53, TITLE 23, UNITED STATES CODE AND OTHER FEDERAL STATUTES ADMINISTERED BY THE FEDERAL TRANSIT ADMINISTRATION

(12/13/05 - 10 - 10:20 a.m.)

4. CONSIDER MOTION TO ADOPT A RESOLUTION GRANTING AD VALOREM TAX EXEMPTION FOR HISTORIC PROPERTY LOCATED AT 154 CORDOVA STREET (THE RECORD BUILDING), ST. AUGUSTINE, AND TO ENTER INTO A COVENANT WITH THE PROPERTY OWNER ESTABLISHING THE PARAMETERS OF THE EXEMPTION AGREEMENT

Laura Barrow, Assistant County Attorney, entered the meeting.

Robin Moore, Historic Resource Specialist, Planning Division, introduced the item, but stated that Laura Barrow, Assistant County Attorney, would present the majority of the discussion because of legal issues involved. She explained that applications for historic property tax exemptions had to comply with State statute. She said that St. Johns County had an ordinance, which clearly set out the procedure required to apply for such an exemption. She noted that the County's ordinance permitted such matters to be handled through the City's Historic Architectural Review Board and the property in question was the old St. Augustine Record Building located in downtown St. Augustine. She noted the application had been approved by HARB and the City Commission. She said the amount of the exemption would be determined by the property appraiser, would be for a period of 5 years and would be for an amount equal to the assessed value of the improvements. She stated that all the paperwork had been received at the last minute, and the Resolution had been submitted to the Board the previous day as a result. She noted discrepancies in the City's resolution that needed to be corrected. The 6<sup>th</sup> Whereas Clause was changed, as the company was owned by a LLC, which had changed its name. Another error in the City's resolution was the statutory citation, which referenced a nursing home, however the proposed project was for an apartment building. She said the time period was also incorrect and needed to be reflected as of January 1, 2006 to expire on Dec. 31, 2010, if the resolution was approved today. She also noted an incorrect address. A reference to a covenant, which was for the purpose of the property owner agreeing to protect the architectural integrity of the property, was not included in the materials. She said the only copy of a covenant she had received was signed by the architect, but was not executed by anyone from the City. She stated that if the BCC decided to grant the exemption, the property owner

would have to enter into a covenant with the County as well, and the Architect, who was now authorized to represent the property owner, pursuant to an affidavit that she had received yesterday, could also sign a covenant for the property owner, with the County Administrator or the BCC Chairman. She explained that the property owner was a limited liability company that had changed its name in June of 2004, and the managing member of that company was another company. The members of that company were a husband and wife, Guy and Deborah Batsel. Barrow said if the BCC approved it, it should be sent back to the City Commission for correction of numerous serious errors, perhaps contingent upon the City correcting the errors. She said the status of the property had to exist by December 31 of this year in order for it to begin on Jan. 1, 2006.

(10:30 a.m.) Maguire clarified that Howard Davis, the architect, had been given the power of attorney to sign contracts. Barrow said he owned a small percentage in the LLC, but it was not a majority percentage. She said Davis had signed the covenant and it was legally binding in light of Batsel's affidavits. Maguire also asked about the approval by the City with the condition of "subject to". He said if they didn't meet before the end of the year it wouldn't do the owner any good to pass it. He asked if they would be contentious issues and whether the City believed the inaccuracies were correct. Barrow said she did not believe the issues would be contentious. He asked if they could pass it based on the existing City resolution with directions to the City that they correct it within the next 30 days after the first of the year. Barrow responded that it could be done, but the BCC couldn't direct them to correct the resolution. Barrow noted that the mistakes were made by the applicant, not the City, and she had had a number of conversations with Batsel to try to help him as much as possible. Maguire said the real burden was on the property owner to meet the timeline and the requirements.

(10:37 a.m.) Bosanko said much of what Barrow had done, should have been done by the applicant or the applicant's attorney. He said they wanted to be sure that this did not happen again. He suggested that they could proceed with a request to the City to make the corrections, if they chose to pass it.

(10:38 a.m.) Rich gave kudos to Barrow for her diligent work. He said that passing it with a contingency would not have a negative effect. Bosanko said it should not be passed as a contingency if the City Commission would not meet again this year.

Paul Weaver, 5 Milton Street, said he had prepared the ad valorem exemption that went before the City Commission, and they had tried to do due diligence. He said what Barrow had presented was news to him. He said they would work with County staff as well as City staff to complete the process.

(10:41 a.m.) **Motion by Rich, seconded by Maguire, to adopt Resolution 2005-393, granting ad valorem tax exemption for historic property located at 154 Cordova Street, the Record Building, St. Augustine, and to enter into a covenant with the property owner establishing the parameters of the exemption agreement. This motion to also include a formal request to be made to the City to fix the errors that have been outlined in their resolution by Assistant County Attorney, Laura Barrow.** Stevenson commented regarding the time required by staff and encouraged the City to move the requests forward to October and November in order to avoid such problems in the future. (10:43 a.m.) **Motion carried 4/0 with Stern absent.**

RESOLUTION NO. 2005-393

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, GRANTING AN AD VALOREM TAX EXEMPTION FOR HISTORIC PROPERTY LOCATED AT 154 CORDOVA STREET (THE RECORD BUILDING), ST. AUGUSTINE, FLORIDA, IN ACCORDANCE WITH ST. JOHNS COUNTY ORDINANCE 97-61 AND SECTION 196.1997, FLORIDA STATUTES, NOTING ERRORS IN CITY COMMISSION RESOLUTION NO. 2005-32, AND PAROVIDING AN EFFECTIVE DATE.

Barrow said she was filing copies, which were added to the agenda package, along with the original affidavits submitted by Batsel.

The meeting adjourned at 10:44 a.m. and reconvened at 10:54 a.m.

5. CONSIDER APPOINTMENTS TO THE PLANNING & ZONING AGENCY

*This item was removed from the agenda.*

(12/13/05 - 12 - 10:54 a.m.)

6. PUBLIC HEARING - LAND DEVELOPMENT CODE AMENDMENTS - THIS IS THE SECOND OF TWO REQUIRED PUBLIC HEARINGS TO CONSIDER AMENDMENTS TO THE LAND DEVELOPMENT CODE. SPECIFICALLY, AMENDMENTS TO ARTICLE II, ARTICLE IV, ARTICLE VI AND ARTICLE XII OF THE LAND DEVELOPMENT CODE ARE PROPOSED TO ADDRESS A NUMBER OF ISSUES AS DIRECTED BY THE BOARD OF COUNTY COMMISSIONERS OR AS RECOMMENDED BY STAFF. THE FIRST PUBLIC HEARING FOR THESE PROPOSED AMENDMENTS WAS HELD ON NOVEMBER 15, 2005. STAFF HAS ALSO CONDUCTED A WORKSHOP ON NOVEMBER 29, 2005 TO SOLICIT ADDITIONAL PUBLIC INPUT. SEVERAL MODIFICATIONS WERE MADE TO THE PROPOSED CHANGES BASED ON INPUT RECEIVED, MOST NOTABLY IN ARTICLE IV REGARDING THE TREE PROTECTION REGULATIONS AND ARTICLE VI REGARDING FIRE PROTECTION REQUIREMENTS

Proof of publication of the notice of public hearing regarding amendments to the Land Development Code was received, having been published in *The St. Augustine Record* on November 5, 2005.

Scott Clem, Assistant County Administrator, explained that this was the second of two required public hearings to consider amendments to the Land Development Code including Articles II, IV, VI and XII. He introduced Mike Griffin, Director Development Services, who gave the presentation and reviewed changes to the Land Development Code. (10:58 a.m.) Stevenson questioned the concept of using tree bank money to improve the look of parking lots, and said that small tree replacement did not provide much tree canopy. Griffin said a landscape plan would have to be presented to the Commission for approval, it was a voluntary program and it was a way for developers to enhance vegetation. She asked how the projects would be prioritized and noted she had many requests for landscape enhancement. Griffin responded that a CIP project would have to be presented to the Board and tree bank funds would be released. Stevenson asked regarding development of small lots and with less than 6 inches of grade change. Griffin said the trees on the site would not be counted in mitigation.

Stevenson asked about using the measurement of inches versus tree credits. Griffin responded that it had been calculated so that it was consistent with \$100 per tree credit used previously. (11:03 a.m.) Bryant asked about the tree spade used to transplant trees. Adams responded that they were currently using it successfully to transplant trees. Stevenson asked about minimum upland vegetative buffer of 50 feet from the jurisdictional wetland and replacing with native species, which had been destroyed, and whether that only applied to the developer. Griffin said that would apply at any time, and would require submission of a replanting plan, indicating how the natural vegetation was to be restored. (11:06 a.m.) Isabelle Lopez, Senior Assistant County Attorney, stated that the language was right on the face of the plat.

(11:06 a.m.) Stevenson questioned isolated uplands connected by wetlands. Griffin said this was not new and they were applying it with judgment and practice. She questioned medians and islands and asked if they had a standard for acceptable landscaping and irrigation for such areas. Jay Kamys, Development Services, said there was no requirement, and approval of plantings on medians was determined through the development review process. She asked if it would be helpful to develop standards. Kamys said he would agree, but there were already some standards in place by the DOT and the utilities. (11:11 a.m.) Scott Clem said there were maintenance agreements with some homeowners associations for enhanced landscaped area, which were exceptions. Clem said irrigation would be discouraged due to safety hazards, and for medians, they were looking for low maintenance landscaping. (11:14 a.m.) Stevenson questioned the use of palms and the number of tree inches required. She said she was not sure they should be allowed to do tree credits in palms. Kamys said that had been included in the code because some trees could not survive in certain areas where palms could, but they were not used very often. Stevenson asked about perimeter buffer adjacent to parking area driveways, and if it would have a security impact on some areas. Kamys said it was meant to clarify the previous code and if it was 3 feet in height it should not be a security issue.

(11:18 a.m.) Maguire expressed concerns about the tree ordinance and on the fire code issue, which had since been resolved. He said they needed to be careful not to over regulate, and he was glad to see protection for the small tree farm operators because trees were a crop.

(11:22 a.m.) David Wiles, 8220 A1A South, commented on Article 12, the definition for "lot of record." He said it should be called "property of record." He asked they add 3 kinds of descriptors: lot, parcel and tract. He spoke specifically about the Stetson Tract, along the Intercoastal side of A1A, and said there was confusion over the words lot and parcel. He stated there was still considerable confusion over that particular tract of land due to the description change. He asked them to consider whether reasonable reliable documentation was present, and said he did not understand why the word "tract" had been included. (11:28 a.m.) Rich asked if there were legal definitions for parcel and lot in the code. (11:29 a.m.) McCormack said lot and parcel were defined, and that parcel was dependent upon property appraiser definition. He said it might change the legal rights of the property. He said the word "tract" was added to prevent that from happening. (11:30 a.m.) Clem said he agreed and said it would have no effect on the Stetson Tract or the lawsuit. (11:31 a.m.) Rich clarified that the word "tract" was of concern for just the one piece of property, the Stetson Tract. Wiles responded it was only for a particular issue over a particular piece of land for 5 years. Clem said he did not believe it would have any effect on the Stetson Tract.

(11:35 a.m.) Rachel Bennett, 14475 St. Augustine Rd., said she appreciated the workshop that had helped them to understand the Land Development Code.

(11:36 a.m.) Motion by Rich, seconded by Stevenson, carried 4/0 to enact Ordinance 2005-118, amending Article II, Article IV, Article VI and Article XII of the Land Development Code, with Stern absent.

ORDINANCE NO. 2005-118

AN ORDINANCE OF ST. JOHNS COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, AMENDING AND SUPPLEMENTING, ADDING AND REPEALING SECTIONS OF ARTICLE II, ARTICLE IV, ARTICLE VI AND APPENDIX XII OF THE ST. JOHNS COUNTY LAND DEVELOPMENT CODE AS ADOPTED BY ORDINANCE 99-51, AS PREVIOUSLY AMENDED; THIS ORDINANCE MAKES CHANGES INCLUDING AND RELATING TO: AMENDING PART 2.02.00 USES ALLOWED WITHIN ZONING DISTRICTS; SPECIFICALLY REVISING SECTION 2.02.01 USE CLASSIFICATIONS AND DEFINITIONS; SECTION 2.02.03 HOUSING TYPES; REVISING SECTION 2.02.04 ACCESSORY USES; AMENDING PART 4.01.00 NATURAL RESOURCES; SPECIFICALLY REVISING SECTION 4.01.02 NATURAL RESOURCES PERMITTING; REVISING SECTION 4.01.05 TREES AND OTHER VEGETATION; REVISING SECTION 4.01.15 PROCEDURES; AMENDING PART 6.01.00 DISTRICT PERFORMANCE AND DIMENSIONAL STANDARDS; SPECIFICALLY REVISING SECTION 6.01.01 SCHEDULE OF DISTRICT AREA, HEIGHT, BULK, AND PLACEMENT REGULATIONS; SECTION 6.01.03 LOT WIDTH AREA AND YARD REQUIREMENTS; REVISING SECTION 6.01.04 ZERO LOT LINE RESIDENTIAL; AMENDING PART 6.02.00 SUBDIVISION DESIGN STANDARDS AND GUIDELINES; SPECIFICALLY REVISING SECTION 6.02.01 ACCESS; REVISING SECTION 6.02.06 SIDEWALKS; AMENDING PART 6.03.00 FIRE PROTECTION REGULATIONS; SPECIFICALLY AMENDING SECTION 6.03.01 GENERALLY; DELETING SECTION 6.03.02 HYDRANTS; ADDING SECTION 6.03.02 FIRE PROTECTION WATER SUPPLY; DELETING SECTION 6.03.03 WATER SUPPLY SYSTEMS; ADDING SECTION 6.03.03 FIRE HYDRANT SYSTEMS; DELETING SECTION 6.03.04 ACCESSIBILITY REQUIREMENTS; ADDING SECTION 6.03.04 ALTERNATIVE WATER SUPPLY SYSTEMS; ADDING SECTION 6.03.05 ACCESSIBILITY REQUIREMENTS; AMENDING PART 6.04.00 ROADWAYS, DRAINAGE & UTILITIES STANDARDS; SPECIFICALLY REVISING SECTION 6.04.05 ACCESS MANAGEMENT; REVISING SECTION 6.04.06 STORMWATER MANAGEMENT; REVISING SECTION 6.04.07 ROADWAY DESIGN; AMENDING PART 6.05.00 PARKING AND LOADING; SPECIFICALLY REVISING SECTION 6.05.02 PARKING AND LOADING STANDARDS; AMENDING PART 6.06.00 LANDSCAPING AND BUFFERING REQUIREMENTS; SPECIFICALLY REVISING SECTION 6.06.01 APPLICABILITY AND EXEMPTIONS; REVISING

SECTION 6.06.02 GENERAL STANDARDS AND GUIDELINES; SECTION 6.06.03 OFF-STREET VEHICULAR USE AREAS; REVISING SECTION 6.06.04 BUFFERING AND SCREENING REQUIREMENTS; REVISING SECTION 6.06.05 REVIEW, PERMITTING, AND COMPLIANCE PROCEDURES; AMENDING PART 12.01.00 DEFINITIONS; SPECIFICALLY ADDING ACCESSORY FAMILY UNIT; REVISING BOARDING OR ROOMING HOUSE; REVISING CALIPER; REVISING CANOPY TREE; ADDING EIGHTY INCH RULE; REVISING EXEMPT TREES; REVISING FAMILY; REVISING GROUND COVER; ADDING INVENTORY OF TREES; REVISING LAND ALTERATION; REVISING LAND CLEARING; REVISING LOT OF RECORD; REVISING PLAN, PRELIMINARY SUBDIVISION; REVISING PROTECTED AREA; DELETING PROTECTED FLOWERING TREE; ADDING PROTECTED TREE REMOVAL & LAND CLEARING PERMIT; REVISING RESTAURANT; REVISING SPECIMEN TREE; ADDING TAKE-OUT RESTAURANT; ADDING TOWNHOUSE OR TOWNHOME; REVISING TREE CREDIT; DELETING TREE REMOVAL & LAND CLEARING PERMIT; DELETING TREE SURVEY; ADDING TREE LOCATIONS; DELETING TWENTY FIVE TREE CREDIT RULE; PROVIDING FOR A SEVERANCE CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE

(12/13/05 -15 - 11:36 a.m.)

7. PUBLIC HEARING - ELDER LIVING QUARTERS TEMPORARY ASSESSMENT ABEYANCE ORDINANCE - AT THE JUNE 28, 2005 BCC MEETING, THE BOARD VOTED TO CONTINUE THE PUBLIC HEARING FOR ELDER LIVING QUARTERS TEMPORARY ASSESSMENT ABEYANCE ORDINANCE TO A DATE UNCERTAIN. AFTER LAND DEVELOPMENT CODE AMENDMENTS HAVE BEEN PRESENTED TO THE BOARD, THIS ORDINANCE IS PRESENTED AGAIN FOR THE BOARD'S CONSIDERATION

Proof of publication of the notice of public hearing regarding an ordinance for elder living quarters was received, having been published in *The St. Augustine Record* on November 21 and 28, 2005.

Isabelle Lopez, Senior Assistant County Attorney, gave the presentation, and reviewed the proposed adjustments with the "Granny Flat" allowance and how it would affect the final taxable value.

(11:43 a.m.) Maguire questioned whether other counties that passed the ordinance had provided any feedback. Lopez responded that not that many people had used it, so it was difficult to get a feel for the feedback.

(11:46 a.m.) Stevenson said there was a large movement appealing to the State Legislature for portability under Save Our Homes, because of the unintended consequences of it. She said she would support it if there were some type of limit on the amount, as she was concerned about how it would affect the tax base. She said it would shift the burden on people with entry-level homes and with fixed incomes. She said that without a limit it would not be in the best interest of all the people in the County.



(11:49 a.m.) Rich said he had reservations on voting on the issue without Stern present. He said all of the commissioners needed to vote on the item, but he had no reservations on the item itself.

(11:51 a.m.) **Motion by Rich to table this item: Maguire seconded the motion for purposes of discussion.**

Maguire asked if they had to pass it before the end of the year in order for it to take effect. Adams said they could look at adding it onto the special meeting on Dec. 27. Lopez said it would be tight because they had to send it to the State. She said they could FedEx it overnight, so it was possible. (11:54 a.m.) Stevenson cited her personal story, and said there were already considerations for seniors, which had been done in the past without a tax exemption. She said that without a cap it could transfer tax responsibility to others, and they needed to consider that. (11:55 a.m.) **The motion carried 4/0 with Stern absent.**

(12/13/05 - 16 - 11:56 a.m.)

8. PUBLIC HEARING - CPA(SS) 2005-04 MCDONALD RESIDENCE - THIS IS A PROPOSED SMALL SCALE COMPREHENSIVE PLAN AMENDMENT TO CHANGE THE 2015 FUTURE LAND USE MAP DESIGNATION FROM PUBLIC (P) TO RESIDENTIAL C-COASTAL (RES C). THE SUBJECT PROPERTY IS LOCATED ON A1A SOUTH, EAST OF BUTLER BEACH STATE PARK, WEST OF MINNIE STREET AND NORTH OF THE CRESCENT BEACH FIRE STATION #16. THE PLATTED LOT OF RECORD CONTAINS 0.087 ACRES (3,800 SQUARE FEET) AND IS ALREADY DEVELOPED RESIDENTIALLY, AS PROVIDED FOR UNDER THE CURRENT ZONING DESIGNATION. THE CURRENT LAND USE DESIGNATION PROHIBITS NON-PUBLIC DEVELOPMENT, WHICH IS IN CONFLICT WITH THE EXISTING USE OF THIS PRIVATELY OWNED PROPERTY AND RESULTS IN ITS NON-CONFORMING STATUS. THE PROPERTY IS PRIVATELY OWNED LAND; DESIGNATED PUBLIC ON THE 2015 FUTURE LAND USE MAP. RESEARCH INDICATES THE PROPERTY WAS DESIGNATED PUBLIC ON THE 1990 ST. JOHNS COUNTY FUTURE LAND USE MAP (SOURCE: COASTAL CORRIDOR DEVELOPMENT PLAN, COMPREHENSIVE MAP SERIES, MAP III, 6 OF 7, MARCH 7, 1990). THE LAND USE DESIGNATION WAS NOT MODIFIED DURING THE EVALUATION AND APPRAISAL REPORT (EAR) AMENDMENTS ADOPTED IN 2000

Proof of publication of the notice of public hearing regarding a Future Land Use Map change was received, having been published in *The St. Augustine Record* on November 29, 2005.

Bruce Ford, Chief Planner, gave the presentation, and stated that the PZA recommended approval. He said that staff supported the requested land use change, as the parcel was never intended for public or governmental use. He said the County had been requested to act on behalf of the landowner and as such was the applicant.

(11:58 a.m.) **Motion by Stevenson, seconded by Maguire, carried 4/0 with Stern absent, to accept Ordinance 2005-119, known as CPA(SS) 2005-04, McDonald Residence Small Scale Comprehensive Plan Amendment, adopting finding of facts one through three to support the motion.**

**ORDINANCE NO. 2005-119**

**AN ORDINANCE OF THE COUNTY OF ST. JOHNS,  
STATE OF FLORIDA, AMENDING THE 2015  
COMPREHENSIVE PLAN, ORDINANCE NO. 2000-34, AS  
AMENDED, TO CHANGE THE FUTURE LAND USE  
MAP DESIGNATION FOR PUBLIC (P) TO  
RESIDENTIAL C-COSTAL FOR PROPERTY LOCATED  
AT 5801 A1A SOUTH, BUTLER BEACH; MAKING  
FINDINGS OF FACT; REQUIRING RECORDATION;  
AND PROVIDING AN EFFECTIVE DATE**

The meeting recessed at 11:58 a.m., and reconvened at 1:34 p.m., with Bryant, Stevenson, Rich, Maguire, Adams, Bosanko, Hunt, and Robin Platt, Deputy Clerk, present. The Board addressed Item No. 10.

(12/13/05 - 17 - 1:36 p.m.)

9. PUBLIC HEARING - CDD AMD 2005-01 (MARSHALL CREEK CDD AMENDMENT #2) - THE ESTABLISHED MARSHALL CREEK COMMUNITY DEVELOPMENT DISTRICT (CDD) WAS ESTABLISHED ON SEPTEMBER 28, 1999 PURSUANT TO ORDINANCE 99-54, AND COVERS APPROXIMATELY 1,047 ACRES OF LAND LOCATED EAST OF US 1 AT THE INTERSECTION WITH INTERNATIONAL GOLF PARKWAY. THIS DEVELOPMENT IS NOW REFERRED TO AS "PALENCIA." THE PROPOSED CDD EXPANSION AREA COVERS APPROXIMATELY 159 ACRES, WITH THE MAJORITY LOCATED ON THE EAST SIDE OF PALENCIA ADJACENT TO THE TOLOMATO RIVER BETWEEN MARSHALL CREEK TO THE SOUTH AND THE NORTHERN BOUNDARY OF PALENCIA TO THE NORTH. THIS AREA (REFERRED TO IN THE PETITION AS THE "NORTHEAST DRI LANDS" WAS OMITTED FROM THE ORIGINAL CDD PETITION BECAUSE AT THE TIME THEY WERE UNDER DIFFERENT OWNERSHIP AND THE LANDOWNERS HAD NOT CONSENTED TO BEING LOCATED WITHIN THE CDD

Proof of publication of the notice of public hearing regarding the Marshall Creek CDD was received, having been published in *The St. Augustine Record* on November 18 and 25, and December 2 and 9, 2005.

Isabelle Lopez, Senior Assistant County Attorney, entered the meeting; Liz Bacher, Court Reporter, was also present.

Bruce Ford, Chief Planner, presented this item, explaining that the application was to expand the existing CDD by 159 acres. He outlined the proposed infrastructure improvements within the expansion area, including: \$1 million for portions of a master storm water management system; \$237,000 for lift stations; \$4.179 million for road and utility improvements; and \$500,000 for recreational facilities. He also reviewed the recommendations of the St. Johns County CDD Committee. (1:40 p.m.) Maguire declared ex parte communication with the attorney for the applicant; Rich disclosed ex parte communication with Lane Gardner.

(1:41 p.m.) Dan Bosanko, County Attorney, questioned if all of the required documents for the CDD petition had been submitted for the record. Jonathan Johnson, Hopping Green & Sams, Tallahassee, responded that he had submitted the required documents, including the Pre-File Testimony, Exhibit A.

(1:42 p.m.) **Motion by Rich, seconded by Bryant, carried 4/0 with Stern absent, to enact Ordinance No. 2005-120, known as CDD AMD 2005-01, Marshall Creek CDD Amendment, adopting findings of fact 1 through 3 to support the motion.**

ORDINANCE NO. 2005-120

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, EXPANDING THE MARSHALL CREEK COMMUNITY DEVELOPMENT DISTRICT PURSUANT TO CHAPTER 190, FLORIDA STATUTES (2005); DESCRIBING THE EXTERNAL BOUNDARIES OF THE DISTRICT EXPANSION AREA; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

(12/13/05 - 18 - 1:34 p.m.)

10. PUBLIC HEARING - 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 - THE ST. JOHNS COUNTY WSA (THE AUTHORITY), AT ITS NOVEMBER 2, 2005 MEETING, APPROVED PRELIMINARY ORDER #05-0005, FOR THE SERVICE AREA EXTENSION OF INTERCOASTAL UTILITIES, INC. (ICU), IN THE AREA OF CANAL BOULEVARD AND ROSCOE BOULEVARD, AND RECOMMENDS FINAL APPROVAL TO THE BOARD OF COUNTY COMMISSIONERS. A COPY OF THE EXECUTED PRELIMINARY ORDER IS ATTACHED AS "EXHIBIT A" TO THE APPLICATION SUBMITTED BY ICU. THE AUTHORITY HAS DETERMINED THAT THE APPLICANT HAS MET THE TECHNICAL REQUIREMENTS FOR THE EXTENSION AND SUBMITTED A COMPLETE APPLICATION WITH THE APPROPRIATE FEES AND PROOF OF THE REQUIRED NOTIFICATION TO ADJACENT UTILITIES AND NEWSPAPER OF RECORD

Proof of publication of the notice of public hearing regarding confirmation of an order by the SJC Water and Sewer Authority was received, having been published in *The St. Augustine Record* on November 5, 2005.

John Schwab, Water and Sewer Authority Executive Director, presented this item, stating that there had been no issues or challenges to the application, and that the Water and Sewer Authority approved it by unanimous vote.

**(1:35 p.m.) Motion by Maguire, seconded by Rich, carried 4/0 with Stern absent, to approve the Final Order confirming Preliminary Order #05-0005 in Docket No. 05-0007-0024-0001, ICU Service Area Extension.**

(12/13/05 - 18 - 1:42 p.m.)

11. PUBLIC HEARING - PUD 2004-28, CASSALA ESTATES PLANNED UNIT DEVELOPMENT - THIS ITEM IS CONTINUED FROM THE NOVEMBER 29, 2005 BOARD OF COUNTY COMMISSIONERS MEETING. THE CONTINUANCE WILL ALLOW THE APPLICANT TO ADDRESS ADDITIONAL DRAINAGE CONCERNS ASSOCIATED WITH WICKS CREEK BRANCH. IT WAS UNDERSTOOD THAT COMMISSIONER STERN WOULD PROVIDE ADDITIONAL SPECIFIC INFORMATION TO DIRECT THE APPLICANT. THEREFORE, AT THE TIME OF THIS WRITING, STAFF DOES NOT HAVE ANY NEW INFORMATION TO PRESENT. INFORMATION WILL BE SHARED WITH THE BOARD THROUGH SUPPLEMENTAL DOCUMENTATION OR DURING THE PUBLIC HEARING SCHEDULED FOR DECEMBER 13, 2005

Proof of publication of the notice of public hearing for PUD 2004-28, Cassala Estates PUD, was received, having been published in *The St. Augustine Record* on November 14, 2005.

Lindsay Haga, Planner III, presented the details of this item. She explained that this item had been continued from the November 29th BCC meeting due to drainage concerns. She outlined the history of the application and explained that in July the Board had directed the applicant and staff to work together to complete a drainage study for the project area and the area along Watson Road, west of US 1. She explained that all involved parties met last week to discuss the study, with the conclusion being reached that there would not be any additional impacts to Wicks Creek Branch. Discussion ensued on other previous revisions to the text.

(1:48 p.m.) George McClure, 170 Malaga St., discussed some of the issues that had been resolved and displayed a wetlands/elevation map and an offsite drainage map to illustrate the engineering of the drainage plan. He further discussed the traffic signalization at Watson Road and US 1 and the density of the project. (1:59 p.m.) Patrick McCormack entered the meeting.

(2:00 p.m.) Jane Wilson, 4332 Oak Lane, commented on some paperwork that she had submitted to the Commission (which has been made part of the record). She displayed diagrams of the flow of the ground water to illustrate that the water would flow directly toward her property. She requested that the Board deny the request. Discussion ensued with Dr. Wilson stating that she had studied geology and that she understood how water flowed. Bryant asked for an engineering explanation.

(2:06 p.m.) Chuck Kohler, Development Review Engineer, deferred to the design engineer on the project. Dan Bosanko, County Attorney, clarified staff's position about the drainage in the area by explaining that staff felt that this project would not worsen the already existing drainage issues in the area; Kohler concurred.

(2:07 p.m.) Glenn Taylor, 8936 Western Way, Taylor and White, explained that the construction plans (which had not yet been submitted to the County) showed that Dr. Wilson's water would be taken into their retention ponds. He explained that they had to remove four lots in order to increase the size of the retention ponds; discussion followed.

(2:12 p.m.) Bosanko asked that Dr. Wilson and Mr. Taylor state their educational and professional credentials, which they did: Mr. Taylor stated that he received a mathematics degree from Florida Southern College; a civil engineering degree from the University of Florida; a PE in Florida and Georgia; and he was the president and owner of Taylor and White. Dr. Wilson stated that she held a bachelors degree in coastal geology, primarily in hydrology, from Boston University; a dental degree from the University of North Carolina; she preformed a dental residency at the Medical College of Georgia; and a masters degree in public health from the executive program at the University of South Florida.

(2:14 p.m.) Rich declared ex parte communication with the applicant and his attorney involving general discussions.

(2:14 p.m.) McClure addressed Dr. Wilson's concerns regarding privacy, stating that they oriented the recreation area and open space adjacent to the northern boundary, rather than the homes. He explained the steps taken by the applicant to minimize the impacts to the existing residents.

(2:15 p.m.) Maguire declared having a brief ex parte communication conversation with Doug Burnett, Lane Gardner and the applicants. Discussion ensued regarding lot size, density and compatibility. Stevenson declared ex parte communication with the developers and their attorney regarding the amended drainage plan.

(2:20 p.m.) Harold Van Auken, Jr., 4825 Winton Circle, addressed flooding in the area, how the density of the project would affect property values and the traffic on US 1. Rich addressed Van Auken's traffic concerns. (2:27 p.m.) Maguire left the meeting.

(2:28 p.m.) Bryant questioned if the project had concurrency; Haga responded that it did, and that there were no open comments regarding traffic safety in the concurrency certificate. (2:30 p.m.) Teresa Bishop, Planning Director, discussed roadway standards and concurrency.

(2:32 p.m.) McClure spoke on the existing zoning of the property (OR and IW), the allowable uses of the categories and the surrounding zoning categories. Discussion ensued on the types of homes to be constructed and Bosanko explained that the State regulated construction techniques, not the County.

(2:42 p.m.) **Motion by Stevenson, seconded by Bryant, to enact Ordinance No. 2005-121, known as PUD 2004-28, Cassala Estates PUD, adopting findings of fact 1 through 7 to support the motion.** Discussion ensued. (2:45 p.m.) **The motion carried 3/0, with Stern and Maguire absent.**

#### ORDINANCE NO. 2005-121

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

(12/13/05 - 20 - 2:46 p.m.)

12. PUBLIC HEARING - MAJMOD 2004-16, TREATY GROUND PLANNED UNIT DEVELOPMENT - THIS REQUEST SEEKS TO MODIFY THE APPROVED PUD TO REVERSE ORDINANCE 98-14, WHICH DECREASED THE SINGLE FAMILY UNITS FROM 471 TO 320. THE MODIFICATION WOULD INCREASE THE UNITS TO 471, MODIFY THE MASTER DEVELOPMENT PLAN MAP TO REFLECT A REDESIGNED LOT LAYOUT, RELOCATE ACCESS (VEHICULAR AND PEDESTRIAN) AND REDESIGN THE RECREATION FACILITIES. THE SUBJECT PROPERTY REPRESENTS A PORTION OF THE EXISTING TREATY GROUND PUD. THE MODIFICATION REQUESTS AN INCREASE IN THE NUMBER OF SINGLE FAMILY UNITS FROM 320 TO 471 DWELLING UNITS. ORDINANCE 98-14 REDUCED THE APPROVED UNITS FROM 471 TO 320 UNITS. THE REQUEST INCLUDES A REDESIGN OF THE MASTER DEVELOPMENT PLAN MAP WITH REGARD TO LOT LAYOUT, VEHICULAR AND PEDESTRIAN ACCESS AND LOCATION OF PARKS/OPEN SPACE. THE ENTIRE PUD TOTALS 298.3 ACRES

Proof of publication of the notice of public hearing regarding a Major Modification to the Treaty Ground PUD (MAJMOD2004-16) was received, having been published in *The St. Augustine Record* on November 28, 2005.

Lindsay Haga, Planner III, presented the details of this item. She explained that the application contained one waiver request to reduce the upland buffers from 25 feet to 10 feet on seven "dot lots" as shown on the MDP map. Haga reviewed traffic accessibility and displayed maps to illustrate possible interconnectivity through a pending PUD application for Stonebridge Oaks PUD, which would abut this PUD.

(2:51 p.m.) Bryant questioned the actions of the PZA when they reviewed this application; Haga explained that the PZA ultimately recommended approval by a 4/2 vote. Stevenson clarified that the application was for 434 units, disclosed ex parte communication with the applicant's attorney on the project and discussed the applicant's desire to have this PUD be a private gated community. (2:56 p.m.) Rich expressed his concerns with the traffic conditions in the area.

(3:00 p.m.) Doug Burnett, 170 Malaga St., gave a brief history on the project; addressed their obligation to build Brinkhoff Road to County standards; and their desire to have their development be a gated community, without interconnectivity with the proposed Stonebridge Oaks PUD. (3:01 p.m.) Maguire returned to the meeting.

(3:08 p.m.) Michael Held, 805 Brandywine Ct., addressed the design of school bus stops.

(3:09 p.m.) Burnett explained that the community would have walking access to Treaty Park. He also explained the waiver request to reduce the buffers on the "dot lots." He displayed an aerial map and a survey to illustrate the property that they intended to deed to Project Special Care.

(3:16 p.m.) Gary Bruce, 2155 Old Moultrie Rd., Project Special Care Executive Director, explained the services they provide to children and youth with severe disabilities, and their needs for handicapped transportation access. (3:18 p.m.) Patrick McCormack, Assistant County Attorney, commented on the deeding of the property to Project Special Care; with discussion ensuing.

(3:20 p.m.) Rich disclosed ex parte communication with the applicant's attorney; and stated that he could not support an increase to the density of the project, as it would not add any value, safety or aesthetics to the people of St. Johns County. *Motion by Rich to deny MAJMOD 2004-16, Treaty Ground PUD, adopting findings of fact as previously outlined. The motion failed for lack of a second.* (3:22 p.m.) McCormack explained the criteria for denying an application; discussion ensued on the density increase and the waiver request.

(3:30 p.m.) Maguire addressed interconnectivity and asked that the waiver request to decrease the buffers on the seven "dot lots" be removed; Burnett agreed.

(3:32 p.m.) **Motion by Maguire, seconded by Stevenson, to enact Ordinance No. 2005-122, known as Major Modification 2004-16, Treaty Ground PUD, adopting findings of fact 1 through 6 to support the motion, and removing the request for the waiver for the seven "dot lots."** Stevenson requested that future connections be stubbed out and indicated in sales literature, as well as school zoning districts being subject to change by the school board. (3:36 p.m.) *McCormack requested that the maker of the motion amend it to include "a reasonable adjustment to the site plan, as determined by the County Administrator" for the removal of the waiver for the "dot lots:"* **Maguire and Stevenson concurred.** Rich commented that he did not see a need for the increased density; Maguire disagreed. (3:38 p.m.) **The motion carried 3/1, with Stern absent and Rich opposed.**

ORDINANCE NO. 2005-122

AN ORDINANCE OF THE COUNTY OF ST. JOHNS,  
STATE OF FLORIDA, APPROVING A MAJOR  
MODIFICATION TO THE TREATY GROUND  
PLANNED UNIT DEVELOPMENT (PUD), ORDINANCE  
NO. 87-37, AS AMENDED, MAKING FINDINGS OF  
FACT; REQUIRING RECORDATION; AND PROVIDING  
FOR AN EFFECTIVE DATE

The meeting recessed at 3:38 p.m., reconvened at 3:47 p.m., and proceeded to Item No. 16.

(12/13/05 - 22 - 4:40 p.m.)

13. PUBLIC HEARING - ARC APPEAL 2005-02, WACHOVIA / SHOPPES AT PALM VALLEY - THIS REQUEST SEEKS AN ARC APPEAL TO PROJECT ARC-CC-2005-17, DESIGN REVIEW OF TWO NEW COMMERCIAL WALL SIGNS AND A GROUND SIGN, LOCATED AT 3795 PALM VALLEY ROAD. THE PROJECT WAS DENIED BY THE PONTE VEDRA ARCHITECTURAL REVIEW COMMITTEE ON JULY 27, 2005. AN APPEAL TO THE ARCHITECTURAL REVIEW COMMITTEE'S DECISION HAS BEEN FILED BY THE APPLICANT AND INCLUDES EXHIBIT "A", WHICH OUTLINES THE GROUNDS FOR THE APPEAL. IN ACCORDANCE WITH SECTION 9.07.06 OF THE LAND DEVELOPMENT CODE, THE BOARD OF COUNTY COMMISSIONERS' HEARING ON THIS APPEAL SHALL BE A DE NOVO HEARING ON THE MERITS AND SHALL BE CONDUCTED AS A QUASI-JUDICIAL HEARING

Proof of publication of the notice of public hearing regarding ARC Appeal 2005-02, Wachovia - Shoppes at Palm Valley, was received, having been published in *The St. Augustine Record* on November 28, 2005.

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

Shane Largent, Planner II, explained the ARC appeal. (4:42 p.m.) Doug Burnett, 170 Malaga Street, gave a history of the project and the signs. (4:45 p.m.) John Shanecy, 13460 Gerona Drive N., Jacksonville, Wachovia Bank Real Estate Department, addressed the approved plans and permits for the signs. (4:57 p.m.) Rich declared ex-parte communication; he spoke with an ARC member who was not at the ARC meeting. He also left a message for an ARC member who was at the meeting, but the call was never returned. (4:58 p.m.) Maguire declared ex-parte communication; he spoke with Doug Burnett. Discussion followed regarding the signs, and the ARC's decision.

(5:01 p.m.) **Motion by Maguire, seconded by Stevenson, to remand this issue back to the ARC, requesting their specific reasons for denial.** Discussion followed on remanding this issue back to the ARC. (5:12 p.m.) **Motion carried 4/0 with Stern absent.**

(12/13/05 - 22 - 5:12 p.m.)

14. PUBLIC HEARING - PNZVAR 2005-03, ANASTASIA CONDOMINIUM GARAGES - THIS REQUEST SEEKS A NON-ZONING VARIANCE TO SECTION 3.08.04.B OF THE LAND DEVELOPMENT CODE (A PROVISION OF THE MID-ANASTASIA ISLAND COASTAL CORRIDOR OVERLAY DISTRICT) TO EXCEED THE MAXIMUM LENGTH OF A BUILDING FROM ONE HUNDRED TWENTY (120) FEET TO ONE HUNDRED FORTY (140) FEET. SECTION 3.08.04.B PROVIDES FOR THE MAXIMUM LENGTH OF ONE

HUNDRED TWENTY (120) FEET FOR ANY BUILDING PARALLEL TO A ROADWAY. THE PROPOSED VARIANCE IS LOCATED AT 2 DONDANVILLE ROAD IN THE MID-ANASTASIA ISLAND COASTAL CORRIDOR OVERLAY DISTRICT. THE ITEM APPEARED BEFORE THE MID-ANASTASIA DESIGN REVIEW BOARD ON OCTOBER 13, 2005, AND WAS APPROVED CONTINGENT UPON APPROVAL OF THE REQUESTED NON-ZONING VARIANCE BY THE BOARD OF COUNTY COMMISSIONERS

Proof of publication of the notice of public hearing regarding PNZVAR 2005-03, Anastasia Condominium Garages, was received, having been published in *The St. Augustine Record* on November 28, 2005.

Shane Largent, Planner II, explained the variance request. (5:14 p.m.) Trip Means, CGS Consulting Engineers, 1543 Kingsley Avenue, Orange Park, explained that 25 residents of the Anastasia Condos wished to build covered parking spaces along the back of their property. Discussion followed regarding the parking spaces.

(5:23 p.m.) Jerry Herren, 4250 A1A South, Manager of Ocean Village Club, commented on vegetation being replaced with garages and water runoff from the property.

(5:26 p.m.) Means agreed to five additional trees making it seven in total. Discussion followed regarding a suitable landscape plan that would be agreeable to both parties.

(5:30 p.m.) **Motion by Rich, seconded by Stevenson, carried 4/0 with Stern absent, to approve PNZVAR 2005-03, Anastasia Condominium Garages; making findings of fact 1 - 6 to support the motion; including a general statement of agreement between the applicant and the surrounding residents to be presented by Dan Bosanko, County Attorney.**

(12/13/05 - 23 - 5:31 p.m.)

15. CONSIDER A MOTION TO ACCEPT THE MANATEE PROTECTION PLAN AND TO DIRECT STAFF TO USE THE PLAN, THE ASSESSMENT REPORT AND THE "WATER DEPENDENT USES AND MARINE STUDY" DURING THE EVALUATION AND APPRAISAL REPORT PROCESS

Jan Brewer, Environmental Manager, explained the Manatee Protection Plan, which was developed in order to comply with the St. Johns County Comprehensive Plan Policy E.2.8.1. (5:38 p.m.) Maia McGuire, Sea Grant Extension Agent, explained her duties. Discussion followed regarding manatee protection. (5:42 p.m.) **Motion by Stevenson, seconded by Maguire, carried 4/0 with Stern absent, to accept the Manatee Protection Plan and to direct staff to use the Plan, the Assessment Report, and the "Water Dependent Uses and Marine Study" during the Evaluation and Appraisal Report process.**

(12/13/05 - 23 - 3:48 p.m.)

16. REPORT ON SUMMER HAVEN PROPERTY VALUATION AND ASSESSMENT AND COMMUNITY INFRASTRUCTURE FINANCING

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

Dan Bosanko, County Attorney, explained that Staff needed direction as to whether to proceed with paperwork, for the Board's consideration, for a special funding district to pay for costs to correct the beach erosion problems in the Summer Haven area. Also up for discussion was the possibility of the Property Appraiser's Office giving some tax relief to the lot owners at Summer Haven due to the erosion. (3:51 p.m.) Bryant stated that he would like to find a solution in the financing mechanism to keep property



values in Summer Haven where they were. Patrick McCormack, Assistant County Attorney, requested that Mr. Darty give a brief explanation of how the property appraiser valued property.

(3:53 p.m.) Dave Darty, Director of Real Property with the St. Johns County Property Appraiser's Office, stated that the Property Appraiser's Office performed two functions: one, to assess property; and two, to administer exemptions. He explained that they assessed properties according to the laws of the State. He further explained that they reviewed sale prices of certain types of properties for the proceeding year to come up with an estimate of a probable selling price on a particular piece of property, taking into account the conditions and limitations that exist on the property as of January 1st. Over the past three years formulated values have risen an average of 20% each year, with some areas increasing substantially more than the 20% average. Darty outlined the criteria used to determine values, and addressed the moratorium ordinance and sales in the Summer Haven area. He stated that there had not been any sales reported since the moratorium began to indicate the market's reaction to the moratorium. He stated that there was not currently any data to support that the values in the area had gone down, but it was his personal opinion that the moratorium would adversely affect values, but to date there was not any market activity to support his opinion. McCormack elaborated on the valuation process.

(4:05 p.m.) Bryant stated that he had heard undocumented reports that some properties in the area had the title changed several times in one day in an effort to elevate property values. Darty said that he did not have any information that that was the case.

(4:10 p.m.) Peggy Pegg, 9421 Old A1A, compared the state of her home to the amount of her tax bill; discussion ensued.

(4:12 p.m.) Deputy Clerk Yvonne King entered the meeting; Deputy Clerk Robin Platt left the meeting.

Discussion followed regarding the Summer Haven property valuation and assessments and the establishment of a special district. (4:36 p.m.) *It was the consensus of the Board, with Stern absent, to direct the County Attorney, along with supporting staff, to begin the process of creating a special district to be established to determine if there is a solution to the problem, and if so, what the cost of implementation of that solution would be. The options will be brought back to the Board within 30 days.*

(12/13/05 - 24 - 5:42 p.m.)

17. RESPONSE TO ADMINISTRATIVE PETITION FILED BY THE SURFRIDER FOUNDATION, INC.

Bosanko requested permission to respond to the petition from Attorney Deborah Andrews, representing the Surfrider Foundation, Inc. Andrews had selected an administrative challenge procedure to the parking ordinance, Ord. 2003-5. (5:44 p.m.) **Motion by Maguire, seconded by Bryant, carried 4/0 with Stern absent, to advise staff to respond to the Administrative Petition, said response due December 16, 2005. Such response shall include the element of the petition's lack of timeliness, the compliance with the Comprehensive Plan, and any other appropriate legal defense as determined by the Office of the County Attorney.**

(12/13/05 - 25 - 10:19 a.m.)

17a. MOTION TO ADOPT A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO ENTER INTO A JOINT PARTICIPATION AGREEMENT FOR \$90,970 WITH THE FIRST COAST METROPOLITAN PLANNING ORGANIZATION TO DEVELOP A TRANSIT DEVELOPMENT PLAN (*Formerly Consent Item No. 7*)

(10:19 a.m.) **Motion by Rich, seconded by Stevenson, carried 4/0 with Stern absent, to approve Resolution 2005-392 authorizing the County Administrator to enter into a joint participation agreement for \$90,970 with the First Coast Metropolitan Planning Organization to develop a Transit Development Plan.**

#### RESOLUTION NO. 2005-392

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, AND CONDITIONS OF A JOINT PARTICIPATION AGREEMENT BETWEEN ST. JOHNS COUNTY, FLORIDA, AND THE FIRST COAST METROPOLITAN PLANNING ORGANIZATION, AND AUTHORIZING THE CHAIRPERSON OF THE ST. JOHNS BOARD OF COUNTY COMMISSIONERS TO EXECUTE THE JOINT PARTICIPATION AGREEMENT ON BEHALF OF THE COUNTY, SO THAT THE COUNTY MIGHT DEVELOP A TRANSIT DEVELOPMENT PLAN

(12/13/05 - 25 - 5:44 p.m.)

17b. MOTION TO AUTHORIZE THE COUNTY ADMINISTRATOR, OR HIS DESIGNEE, TO NEGOTIATE AND ENTER INTO A CONTRACT FOR \$1,347,000.00 WITH RAY T. FREIHA CONSTRUCTION, INC., FOR CONSTRUCTION OF THE SOUTH PONTE VEDRA BEACH FIRE STATION #9; AND MOTION TO TRANSFER \$607,420 FROM FIRE DISTRICT FUND RESERVES (1230-59927) TO FIRE SERVICES BUILDINGS (1226-56200) (*Formerly Consent Item No. 8*)

Rich explained that he pulled this item from the Consent Agenda because the amount was in excess of \$1 million. (5:46 p.m.) Michael Rubin, Director of Construction Services, briefly explained the bid. (5:48 p.m.) **Motion by Stevenson, seconded by Rich, carried 4/0 with Stern absent, to authorize the County Administrator, or his designee, to negotiate and enter into a contract for \$1,347,000 with Ray T. Freiha Construction, Inc., for construction of South Ponte Vedra Beach Fire Station #9.** (5:48 p.m.) **Motion by Rich, seconded by Stevenson, carried 4/0 with Stern absent, to transfer \$607,420 from Fire District Fund Reserves (1230-59927) to Fire Services Buildings (1226-56200).** (See Attachment "B")

(12/13/05 - 25 - 5:49 p.m.)

17c. MOTION TO AUTHORIZE THE COUNTY ADMINISTRATOR, OR HIS DESIGNEE, TO ENTER INTO CONTRACT WITH APAC SOUTHEAST, INC., (ASHLAND) IN THE AMOUNT OF \$6,448,027.69, AND TO ISSUE A TASK ORDER TO AWA CONTRACTING IN THE AMOUNT OF \$696,185.40 FOR BID NO.: 05-105, CR13/204 LANE WIDENING (*Formerly Consent Item No. 13*)

Joe Burch, Purchasing Manager, explained the bid. (5:50 p.m.) **Motion by Rich, seconded by Stevenson, carried 4/0 with Stern absent, to authorize the County Administrator, or his designee, to enter into a contract with the responding bidder,**

APAC Southeast, Inc., (Ashland) in the amount of \$6,448,027.69, and to issue a task order to AWA Contracting, in the amount of \$696,185.40.

(12/13/05 - 26 - 5:51 p.m.)

17d. MOTION TO ADOPT A RESOLUTION APPROVING A FINAL PLAT FOR SHADY OAKS AT PONTE VEDRA BEACH, PHASE III (*Formerly Consent Item No. 11*)

Kathy Nielsen, Applications Review Coordinator, explained that there was a discrepancy on the title opinion; the discrepancy had since been corrected. (5:51 p.m.) **Motion by Maguire, seconded by Rich, carried 4/0 with Stern absent, to adopt Resolution No. 2005-394, approving a final plat for Shady Oaks at Ponte Vedra Beach, Phase III.**

#### RESOLUTION NO. 2005-394

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING A SUBDIVISION PLAT FOR SHADY OAKS AT PONTE VEDRA BEACH, PHASE III

(12/13/05 - 26 - 5:52 p.m.)

17e. DISCUSSION ON THE CLOSED-DOOR MEETING REGARDING CONCESSIONS, INC. VS. ST. JOHNS COUNTY, CASE NO. 99-892

Maguire declared a conflict of interest, in that he owned property within 300' of the subject property. McCormack requested direction to prepare and forward to the plaintiff a written settlement offer. (5:54 p.m.) **Motion by Stevenson, seconded by Rich, carried 3/0 with Maguire recused and Stern absent, to direct the County Attorney's Office to prepare and forward to the plaintiff in the case of *Concessions, Inc. v. St. Johns County*, Case No. 99-892, a written settlement offer to include:**

1. An agreement to reconsider application PUD 2003-21 with its site plan, with the exception that the oceanfront building, and appurtenances, be moved five feet south, and allowing for a 20 foot setback along the northern property line; and the recognition that waivers 1 and 3, as described by the PUD staff report, are no longer necessary.
2. A five-foot setback on the south property line with a one-foot roof overhang in the setback.
3. A modification to LDC Section 5.03.03.A.4 to allow an average 10 foot natural/landscape buffer along the project property lines.
4. That the reconsideration of PUD 2003-21 shall not require any additional application fee from the applicant.

These settlement offers are conditioned upon the required public hearings and a quasi-judicial decision by the Board after public input.

(12/13/05 - 26 - 5:55 p.m.)

COMMISSIONERS' REPORTS

Commissioner Rich:

Rich reported on the proposed veterans' nursing home.

(5:56 p.m.)

Commissioner Stevenson:

Stevenson reported on the Impact Fee Task Force meeting on December 12, 2005. At that meeting, the following issues were discussed: accountability, future revenue sources, infrastructure deficits, long term funding for transportation and schools, transfer fees, and eminent domain.

(6:01 p.m.)

Commissioner Bryant:

Bryant announced that Commissioner Maguire had been elected as Vice Chairman of the Metropolitan Planning Organization.

Bryant said he received an e-mail from Peter Redman regarding the Alachua County School Concurrency Project. They have requested to have a link on their website to St. Johns County's website for informational purposes only. (6:02 p.m.) *It was the consensus of the Board to approve the link.*

Bryant informed the Board of the application for a clam lease in Crescent Beach.

(6:03 p.m.)

Commissioner Maguire:

Maguire said Flagler College had their first graduation for the Public Administration class. Adams informed the Board that several county employees would be participating in the next program.

Maguire announced that "Leadership Florida" came to town on Wednesday, Thursday, & Friday. Maguire said St. Augustine Village hosted a reception and a tour train ride for the participants.

Maguire commented on all the Christmas parties the commissioners had been invited to. He said he would attend as many as possible.

Maguire encouraged everyone to not drink and drive during the holiday season.

Bryant said if any commissioner had any ideas on honoring the St. Augustine High School and Nease High School football team for winning the state championships to forward them to the county administrator.

(12/13/05 - 27 - 6:07 p.m.)

COUNTY ADMINISTRATOR'S REPORT

No report.

(12/13/05 - 27 - 6:07 p.m.)

CLERK OF COURT'S REPORT

No report.

(12/13/05 - 27 - 6:07 p.m.)

COUNTY ATTORNEY'S REPORT

Bosanko informed the Board that approximately seven county employees were currently enrolled in the Public Administration Program at Flagler College.

(6:08 p.m.) Motion by Maguire, seconded by Bryant, carried 4/0 with Stern absent, to adjourn the meeting. With there being no further business to come before the Board, the meeting adjourned at 6:08 p.m.

REPORTS:

1. St. Johns County Board of County Commissioners' Check Register for Check Nos. 375947 through 376349, totaling \$2,905,395.21 (11/21/05)
2. St. Johns County Board of County Commissioners' Check Register for Check Nos. 376350 through 376352, totaling \$75.00 (11/22/05)
3. St. Johns County Board of County Commissioners' Check Register for Check Nos. 376353 through 376382, totaling \$53,827.46 (11/23/05)
4. St. Johns County Board of County Commissioners' Check Register for Check No. 376575, totaling \$4,050.00 (11/29/05)
5. St. Johns County Board of County Commissioners' Check Register for Check Nos. 376383 through 376574, totaling \$1,705,401.90 (11/29/05)
6. St. Johns County Board of County Commissioners' Check Register for Check Nos. 376576 through 376582, totaling \$109,343.39 (12/02/05)
7. St. Johns County Board of County Commissioners' Check Register for Check Nos. 376583 through 376806, totaling \$2,314,334.65 (12/06/05)

CORRESPONDENCE:

1. Letter to the Department of State, Bureau of Administrative Code and Weekly, regarding the filing of Ordinance Nos. 2005-113 through 2005-117, dated December 5, 2005

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: Gwenne King  
Deputy Clerk

