

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
FEBRUARY 21, 2006 - 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 US 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
Dan Bosanko, County Attorney
Yvonne King, Deputy Clerk

Also present: Cheryl Strickland, Clerk of Courts

(02/21/06 - 1 - 9:04 a.m.)
Bryant called the meeting to order.

(02/21/06 - 1 - 9:04 a.m.)
ROLL CALL

Bryant stated that all five commissioners were present.

(02/21/06 - 1 - 9:04 a.m.)
Rich gave the invocation, and Maguire led the Pledge of Allegiance.

(02/21/06 - 1 - 9:05 a.m.)
PROCLAMATION DESIGNATING FEBRUARY 27, 2006 AS STEP UP FLORIDA DAY

Bryant read the proclamation that February 27, 2006 be designated as Step Up Florida Day; then, presented it to Mr. Hewitt and Ms. Carver of the St. Johns County Health Department. Mr. Hewitt and Ms. Carver invited everyone to the Step Up Florida event.

(02/21/06 - 1 - 9:11 a.m.)
ACCEPTANCE OF PROCLAMATION

Motion by Stern, seconded by Maguire, carried 5/0, to accept the proclamation.

(02/21/06 - 1 - 9:11 a.m.)
CHECK PRESENTATION FOR ST. JOHNS COUNTY FIRE RESCUE STATION 16 BY GARY SILVERFIELD & CHARLES ATKERSON, ON BEHALF OF SUNSHINE LAND HOLDINGS

Charles Atkerson and Gary Silverfield donated a \$100,000 check towards the construction of Fire Station 16 in the World Golf Village area.

(02/21/06 - 1 - 9:15 a.m.)
PUBLIC COMMENT

Sharon Hosseini, 9299 Old Highway A1A , requested an exemption to the moratorium to rebuild their home in Summerhaven that was burned down on January 18, 2006.

(02/21/06 - 2 - 9:19 a.m.)

DELETIONS TO CONSENT AGENDA

There were no deletions to the Consent Agenda.

(02/21/06 - 2 - 9:20 a.m.)

APPROVAL OF CONSENT AGENDA

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

1. Approval of the Cash Requirement Report
2. Minutes:
01/24/06 - BCC Regular Meeting
02/07/06 - BCC Regular Meeting
3. Sheriff's Office Bonds:
Approve: Lisa D. Pressley

Cancel: Regina R. Ammons Franchescka Bibiloni
Donald Gumble
4. Motion to adopt **Resolution No. 2006-39**, approving the Economic Development Agreement with Belmarmi, and to authorize the County Administrator to execute the contract of behalf of the County

RESOLUTION NO. 2006-39

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

5. Motion to adopt **Resolution No. 2006-40**, approving the Economic Development Agreement with Flagler-Whitehall Office & Storage, LLC, and to authorize the County Administrator to execute the contract of behalf of the County

RESOLUTION NO. 2006-40

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, TO AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE THE ECONOMIC DEVELOPMENT AGENCY CONTRACT WITH FLAGLER-WHITEHALL OFFICE & STORAGE, LLC, ON BEHALF OF ST. JOHNS COUNTY, AND PROVIDING FOR AN EFFECTIVE DATE

6. Motion to approve the attached Extension to the Interlocal Agreement with FIND; and motion to adopt **Resolution No. 2006-41**, authorizing the County Administrator to execute two originals of the agreement on behalf of St. Johns County

RESOLUTION NO. 2006-41

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF AN EXTENSION TO THE MARCH 2005 INTERLOCAL AGREEMENT BY AND BETWEEN ST. JOHNS COUNTY AND THE FLORIDA INLAND NAVIGATION DISTRICT, FOR THE PROVISION OF OBTAINING FREE DREDGE MATERIAL; AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE AGREEMENT ON BEHALF OF ST. JOHNS COUNTY, SPECIFICALLY FOR PROJECT #LAN 06-3.263, ADOPTED ON MARCH 9, 2005, AS RESOLUTION NO. 2005-59

7. Motion to authorize the County Administrator, or his designee, to enter into contract with J. B Coxwell Contracting, Inc., for \$167,000.00 to upsize the water main along CR 13A; and motion to approve the transfer of \$200,000 from Utilities Water Treatment [4411 56302] to Transmission & Distribution [4413 56302] for the construction of the 20" water main
8. Motion to adopt **Resolution No. 2006-42**, approving a Contract Amendment between St. Johns County and St. Johns County Council on Aging, in the amount of \$4,800.00, to pay for the lease of the Palm Valley Community Center; and authorizing the BCC Chair to execute the contract on behalf of St. Johns County

RESOLUTION NO. 2006-42

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF AN AMENDMENT TO THE AGREEMENT BETWEEN ST. JOHNS COUNTY, FLORIDA, AND ST. JOHNS COUNTY COUNCIL ON AGING AUTHORIZING THE CHAIR OF THE BOARD OF COUNTY COMMISSIONERS TO EXECUTE THE AGREEMENT ON BEHALF OF THE COUNTY

9. Motion to adopt **Resolution No. 2006-43**, authorizing the Clerk of the Courts under Section 95.361, Florida Statutes, to file the survey map for Hill Top 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. 2006-43

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

FLORIDA, AUTHORIZING THE CLERK OF THE COURTS, UNDER SECTION 95.361, FLORIDA STATUTES, TO FILE THE SURVEY MAP FOR HILL TOP 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)

10. Motion to adopt **Resolution No. 2006-44**, approving the terms of and authorizing the County Administrator to execute the Lease Agreement from Project Special Care to renew their lease for space in the Health and Human Services Center

RESOLUTION NO. 2006-44

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, APPROVING THE TERMS AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE LEASE AGREEMENT FROM PROJECT SPECIAL CARE TO RENEW THEIR LEASE FOR SPACE IN THE HEALTH AND HUMAN SERVICES CENTER

11. Motion to adopt **Resolution No. 2006-45**, accepting Drainage Easements for maintenance to an existing ditch located on Bishop Estates Road

RESOLUTION NO. 2006-45

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, ACCEPTING DRAINAGE EASEMENTS FOR MAINTENANCE TO AN EXISTING DITCH LOCATED ON BISHOP ESTATES ROAD

12. Motion to adopt **Resolution No. 2006-46**, accepting a Corrective Easement for Utilities for water services to Isles of the World at World Golf Village Subdivision, located on Royal Pines Parkway

RESOLUTION NO. 2006-46

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, ACCEPTING A CORRECTIVE EASEMENT FOR UTILITIES FOR WATER SERVICES TO ISLES OF THE WORLD AT WORLD GOLF VILLAGE SUBDIVISION LOCATED ON ROYAL PINES PARKWAY

13. Motion to declare the attached SCBA list as surplus, and authorize staff to donate to other fire departments in Florida
14. Motion to authorize the County Administrator, or his designee, to purchase furniture for the Growth Management Building from Total Office Solutions, Inc., in accordance with Bid No. 06-42, in the amount of \$597,308.51

15. Motion to authorize the County Administrator, or his designee, to purchase from the GSA Contract #GS-30F-1025D one Caterpillar 287B Multi Terrain Loader from Ring Power Corporation, in the amount of \$60,416.00

16. Motion to adopt **Resolution No. 2006-47**, approving the terms and conditions of a Small County Outreach Program (SCOP) between St. Johns County, Florida, and the Florida Department of Transportation (FDOT), in order to permit the addition of bike lanes and re-surfacing of a portion of County Road A1A; and authorizing the County Administrator, or his designee, to execute the agreement on behalf of the County, and approve and/or execute any necessary paperwork, including a Change Order in an existing contract that St. Johns County has with APAC-Southeast, Inc. (APAC); and motion to approve the transfer of \$495,000 from Road Impact Fee Reserve Funds - Zone C [1191-59927] to the Road Impact Zone C Fund (1191-56301) for the construction of the resurface portion of CR A1A and the addition of bike lanes

RESOLUTION NO. 2006-47

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, APPROVING THE TERMS AND CONDITIONS, OF A SMALL COUNTY OUTREACH PROGRAM (SCOP) AGREEMENT BETWEEN ST. JOHNS COUNTY, FLORIDA, AND THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT), IN ORDER TO PERMIT THE ADDITION OF BIKE LANES AND RE-SURFACING OF A PORTION OF COUNTY ROAD (CR) A1A, AND AUTHORIZING THE COUNTY ADMINISTRATOR, OR HIS DESIGNEE, TO EXECUTE THE SCOP AGREEMENT ON BEHALF OF THE COUNTY, APPROVE AND/OR EXECUTE ANY NECESSARY PAPERWORK, INCLUDING A CHANGE ORDER IN AN EXISTING CONTRACT THAT ST. JOHNS COUNTY HAS WITH APAC-SOUTHEAST, INC. (APAC)

17. Motion to adopt **Resolution No. 2006-48**, accepting the terms of an Agreement Amendment between the Florida Department of Children and Families and St. Johns County, recognizing and accepting the increased funding in the amount of \$17,180.00, for the Community Based Care Program; and authorizing the County Administrator to execute the Agreement on behalf of St. Johns County

RESOLUTION NO. 2006-48

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, AUTHORIZING THE COUNTY ADMINISTRATOR TO SIGN THE FIFTH AMENDMENT TO CONTRACT DJ993 BETWEEN THE ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS AND THE DEPARTMENT OF CHILDREN AND FAMILIES

(02/21/06 - 6 - 9:20 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

Maguire requested that items #6 & #7 be reversed. (9:21 a.m.) Bosanko requested that Item #21 be moved up earlier in the day; it was moved to 11A at 1:30 p.m.

(02/21/06 - 6 - 9:23 a.m.)

APPROVAL OF REGULAR AGENDA

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

(02/21/06 - 6 - 9:24 a.m.)

1. SELECTION OF COUNTY ATTORNEY

Bryant explained that County Attorney Dan Bosanko would be retiring and the Board needed to hire or appoint a new attorney. (9:27 a.m.) Roger Van Ghent, 4005 Moultrie Foreside Blvd., requested this agenda item be tabled and the position be advertised for outside applicants. Discussion followed on the selection process. Each commissioner completed his or her ballot and submitted it to the County Administrator. (9:36 a.m.) Adams announced that there were three votes for Michael Hunt, and two for Isabelle Lopez. (9:37 a.m.) **Motion by Maguire, seconded by Stern, carried 5/0, to appoint Michael Hunt as County Attorney.**

(02/21/06 - 6 - 9:38 a.m.)

2. CONSIDER OFFERING ECONOMIC DEVELOPMENT INCENTIVES TO BOTTLE (FL) QRS-16-70, INC.

Karen Johnson, Intergovernmental Relations Specialist, explained that Bottle (FL) QRS-16-70, Inc., had submitted an application for incentives in the speculative space category. They would like to build a 500,000 sq. ft. facility for a bottling plant. Johnson then explained the incentives offered to Bottle (FL) QRS-16-70, Inc. (9:40 a.m.) Neal Shinkre, St. Johns County Utility Department, addressed the county's water supply. Discussion followed on the water supply in the county, consumptive use permits, and water restrictions. (10:07 a.m.) George McClure, 170 Malaga Street, explained the proposal of Bottle (FL) QRS-16-70, Inc., to build 500,000 sq. ft. of speculative space to accommodate a bottling company. (10:16 p.m.) Ernest Veale, 2900 Hartley Road, Jacksonville, representing the Stellar Group, commented on: how the location was selected; the actual demand requirements of the plant; the water connection incentive analysis; the sewer connection incentive analysis; estimates of the Economic Development grant calculation; and the financial contributions cost-benefit analysis. (10:39 a.m.) George McClure, 170 Malaga Street, commented further on the incentives.

The meeting recessed at 10:56 a.m. and reconvened at 11:02 a.m. with Maguire not present.

(11:03 a.m.) Pat Doran, 248 Royal Tern Road, commented on water quality, water quantity, conservation, and adequacy of the water supply.

(11:05 a.m.) James O'Toole, 125 Seaside Circle, Ponte Vedra Beach, representing the Seaside Homeowners' Association, commented in opposition to the incentives.

(11:08 a.m.) Carl Kumpf, 7830 A1A South, Crescent Beach, commented in opposition to the incentives.

(11:11 a.m.) Roger Van Ghent, 4005 Moultrie Foreside Blvd., representing the St. Johns County Audubon Society, commented in opposition to the incentives.

(11:16 a.m.) Marcy Silkebacken, 1145 Neck Road, Ponte Vedra, representing the Ponte Vedra Coalition, commented in opposition to the incentives.

(11:19 a.m.) Walt Rohrer, 2315 Clubview Court, commented in opposition to the incentives.

(11:23 p.m.) Luanna Carpenter, 4310 Palmetto Street, requested this issue be tabled and that a comprehensive water study be conducted for the county.

Discussion followed regarding the water supply.

(11:36 a.m.) Motion by Bryant, seconded by Stern, carried 3/1 with Rich opposed and Maguire absent, to continue this agenda item to the afternoon session of the meeting.

(2:35 p.m.) Subsequently, Kari Hall-Keating re-opened the presentation. She said this was an investment for economic development paying off. (2:39 p.m.) John Haley, Cornerstone Regional Development Partnership, Jacksonville, addressed where the project would fall within the region, and stated that they were looking at bringing business to the Northeast Florida community. He lauded the positive aspects of the project and how it would affect the entire region. He said experts would advise them on the adequacy of the aquifer.

(2:43 p.m.) Paul Fletcher, 24713 Deer Trace Drive, Ponte Vedra Beach, stated he was the owner of the property, and a 43-year resident of St. Johns County. He said this had been perceived as a water issue, but it wasn't. He said if the request were denied, it would give the perception that St. Johns County was anti-business. He asked the board to support the measure.

(2:44 p.m.) There was general discussion on the Water Cautionary District and Shinkre said the northern part of the county provided plenty of water in quantity and quality.

(2:50 p.m.) George McClure said that some research had been done over the lunch break. Ernest Veale said it was a regional impact type of project and water was a regional resource. He said Northeast Florida was the eventual location for the plant and if located elsewhere, it would be using the same water without the tax benefits to the County. He said the infrastructure was already present, and that Publix and Winn-Dixie was where the product was going to be sold, and that would be largely in state.

(2:55 p.m.) McClure said the corporate development world was watching. He quoted the consumption used by potato growers and fish farmers, and stated that the amount of water to be used was in line with comparable industries.

(3:01 p.m.) There was general discussion by the Board on the impact the project would have on the region. (3:08 p.m.) Zebrowski said \$8.2 million was the balance in the general reserves, and any subsidy amount would be subtracted from that total. Rich said the average salary of \$35,000 would not allow a family to buy a house within St. Johns County; he had no problem with the company coming to St. Johns County, but would not favor the \$6.2 million subsidy.

(3:15 p.m.) Stevenson stated she was troubled that there was no one from Water Management present, and that she wanted their input on whether this was suitable.

She was also concerned about the General Fund Reserves. (3:23 p.m.) Maguire said they shouldn't be focusing on dollars.

(3:29 p.m.) **Motion by Bryant, seconded by Maguire, carried 4/1 with Rich dissenting, to adopt the attached incentive calculation of Scenario No. 2: \$3,590,803, and to instruct the attorney's office to prepare an agreement and place the agreement on a future consent agenda.**

(02/21/06 - 8 - 11:36 a.m.)

3. LEVEL OF SERVICE STANDARDS ON COUNTY ROADS WITHIN THE CITY OF ST. AUGUSTINE BEACH

Scott Clem, Assistant County Administrator, explained the level of service standards for the roads within the City of St. Augustine Beach. Discussion followed on the rights-of-way in the City of St. Augustine Beach. (11:40 a.m.) **Motion by Rich, seconded by Stevenson, to direct the County Administrator prepare a revision of the Comprehensive Plan for the Level of Service Standards from D to C on the roads within the City of St. Augustine Beach.** Discussion followed regarding the current level of service. (11:45 a.m.) Don Terrell, Vice Mayor of the City of St. Augustine Beach, 2200 A1A South, addressed the increasing traffic problems in the City of St. Augustine Beach. (11:46 a.m.) **The motion carried 4/0 with Maguire absent.**

(02/21/06 - 8 - 11:46 a.m.)

4. TRANSPORTATION REGIONAL INCENTIVE PROGRAM (TRIP) PROJECT REQUEST

Scott Clem, Assistant County Administrator, explained the TRIP project request. Discussion followed on the project request. (11:53 a.m.) **Motion by Rich, seconded by Bryant, carried 4/0 with Maguire absent, to direct the County Administrator to direct Staff to submit the request to the FDOT reversing the rankings of the FCMPO Projects #2 and #5.**

(02/21/06 - 8 - 11:56 a.m.)

5. PAVING SANTANDER AND SALAMANCA STREETS: DRIP PAVING DECISION

Joe Stephenson, Public Works Director, explained the proposed paving of Santander and Salamanca Streets.

(12:03 p.m.) Phil Kelly, 11 Cat Road, requested that the County address the drainage along the roadway.

(12:04 p.m.) Carol Thwaite, 1417 Oak Hill Drive, commented in favor of paving the roads.

(12:06 p.m.) Tina Trousdell, 1685 Santander Street, requested the drainage be addressed prior to paving the roads.

(12:11 p.m.) Lamar Terry, 1218 San Jose Forest Drive, commented in favor of the roads being paved.

(12:13 p.m.) Paula Rives, 1373 Salamanca Street, commented in opposition to the road being paved.

(12:16 p.m.) Karen Cockroft, 1721 Santander Street, commented in opposition to the road being paved.

(12:18 p.m.) Constance Wiecking, 1453 Corunna Street, commented in opposition to the road being paved.

(12:20 p.m.) Karen Leathers, 1821 Santander Street, commented in opposition to the paving of the roads.

(12:21 p.m.) Earl Newton, 4 Lydia Lane, commented in favor of the roads being paved.

(12:23 p.m.) Steve Griffin, 3 Lydia Lane, commented in favor of paving the roads.

(12:26 p.m.) Suzy Cain, 1452 San Juan Street, commented in opposition to the roads being paved.

(12:29 p.m.) Susan Parker, 1671 Asturias Street, commented in opposition to the roads being paved.

(12:32 p.m.) Mark Purdy, 1440 San Juan Street, commented in opposition to the roads being paved.

Discussion followed regarding the drainage issues. (12:49 p.m.) **Motion by Bryant, seconded by Rich, carried 3/1 with Stevenson dissenting and Maguire absent, to support the paving of Santander and Salamanca Streets, under the County's DRIP program and paying particular attention to the drainage issues that were raised by the residents.**

The meeting recessed at 12:50 p.m., and resumed at 1:38 p.m. with Maguire absent; and Ted Zebrowski, Assistant County Administrator, and Terry Bulla, Deputy Clerk, in attendance.

The meeting moved to Item No. 11.

[\(02/21/06 - 9 - 4:43 p.m.\)](#)

6. 2006 FLORIDA COMMUNITIES TRUST APPLICATION (*Formerly Item No. 7*)

Shorty Robbins, Recreation and Parks Department, reviewed the LAMP Board's land acquisition recommendations, via PowerPoint, including: the Mussallem property, Palmo Community Park and Hammock Dunes Park. Tony Cubbedge, Land Management Department, addressed the appraisal of the Mussallem property. There was brief discussion on funding sources for the acquisitions. Maguire left the meeting at 4:48 p.m. and returned at 4:53 p.m. (4:54 p.m.) *Consensus was given to move forward with the proposed acquisitions.*

[\(02/21/06 - 9 - 4:54 p.m.\)](#)

7. CONSIDER A MOTION TO ADOPT A RESOLUTION APPROVING THE TERMS AND AUTHORIZING THE EXECUTION OF A PURCHASE AND SALE AGREEMENT FOR APPROXIMATELY 8.5 ACRES OF PROPERTY LOCATED AT 3315 COASTAL HIGHWAY FOR A PASSIVE PARK WITH BEACH ACCESS; AND AUTHORIZING THE EXPENDITURE OF FUNDS FOR ITS ACQUISITION (*Formerly Item No. 6*)

Tony Cubbedge, Land Management Department, addressed this item, including beach access and financing.

Motion by Maguire, seconded by Stevenson, carried 5/0, to adopt Resolution No. 2006-49, approving the terms and authorizing the execution of a purchase and sale agreement for approximately 8.5 acres of property located at 3315 Coastal Highway for a passive park with beach access; and to authorize the expenditure of funds for its acquisition through the Commercial Paper Program.

Motion by Maguire, seconded by Stevenson, carried 5/0, to transfer \$300,000 from the LAMP Reserve (0083-59902); and \$65,000 from General Fund Reserves (0083-59920) to Recreation Programs Land (0079-56100) for the down payment on the property.

RESOLUTION NO. 2006-49

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND AUTHORIZING THE EXECUTION OF A PURCHASE AND SALE AGREEMENT FOR APPROXIMATELY 8.5 ACRES OF PROPERTY LOCATED AT 3315 COASTAL HIGHWAY FOR A PASSIVE PARK WITH BEACH ACCESS; AND AUTHORIZING THE EXPENDITURE OF FUNDS FOR ITS ACQUISITION

[\(02/21/06 - 10 - 4:57 p.m.\)](#)

8. CONSIDER A MOTION TO AUTHORIZE THE COUNTY ADMINISTRATOR, OR HIS DESIGNEE, TO ENTER INTO A CONTRACT WITH R.B. GAY CONSTRUCTION COMPANY, INC., FOR BID #06-66, ST. JOHNS COUNTY UTILITIES DEPARTMENT WAREHOUSE, STORAGE AND SHOPS, ON INMAN ROAD

Mike Rubin, Director of Construction Services, presented the details of this item, including the location and use of the building.

Motion by Stern, seconded by Rich, carried 5/0, to authorize the County Administrator, or his designee, to enter into a contract with R.B. Gay Construction Company, Inc., for the base bid of \$4,622,000, with Alternate #1 at \$47,400; Alternate #2 at \$56,900; Alternate #3 at \$56,900; Alternate #4 at \$21,800; Alternate #5 at \$9,500; and Alternate #6 at \$62,200, for a total contract amount of \$4,876,700.

[\(02/21/06 - 10 - 5:00 p.m.\)](#)

9. CONSIDER APPOINTMENTS TO THE A1A SOUTH OVERLAY DISTRICT DESIGN REVIEW BOARD

Melissa Lundquist, Administrative Coordinator, explained that there were two vacancies that needed to be filled.

Motion by Rich, seconded by Bryant, carried 5/0, to appoint John "Jack" Collins to the A1A South Overlay District Design Review Board for a full two-year term, scheduled to expire February 21, 2008.

Motion by Rich, seconded by Stern, carried 5/0, to appoint Marcia W. Lakovitch to the A1A South Overlay District Design Review Board for a full two-year term, scheduled to expire February 21, 2008.

(02/21/06 - 11 - 5:03 p.m.)

10. CONSIDER APPOINTMENTS TO THE ADJUSTMENT & APPEALS BOARD

Melissa Lundquist, Administrative Coordinator, explained the vacancies on the Board.

Motion by Maguire, seconded by Stevenson, carried 5/0, to appoint James Quinn to the Adjustment & Appeals Board as a regular member for a full four-year term, scheduled to expire February 21, 2010.

Motion by Stern, seconded by Maguire, carried 5/0, to appoint Charles W. Metcalf to the Adjustment & Appeals Board as a regular member for a full four-year term, scheduled to expire February 21, 2010.

Motion by Maguire, seconded by Stevenson, carried 5/0, to reappoint James Schock to the Adjustment & Appeals Board, for a full four-year term, scheduled to expire November 9, 2009.

The Board addressed Item No. 12 next.

(02/21/06 - 11 - 1:38 p.m.)

11. PRESENTATION OF THE RESULTS OF THE PFM STRATEGIC FINANCIAL MANAGEMENT PROJECT

Doug Timms, Director, Office of Management and Budget, introduced the presenters from PFM. Jill Jones, Public Financial Management, Inc., gave the Multi-Year Forecast for the Operating Budget, which analyzed the County's fiscal environment. She revealed that there would be a fiscal gap by the year 2007, and suggested strategies for deficit reduction.

(1:53 p.m.) Bob Winthrop, Public Financial Management, Inc., presented the Non-tax Revenue Study. He reported an analysis of revenue studies for comparable jurisdictions and for various budget items within those jurisdictions.

(2:05 p.m.) Maguire joined the meeting.

(2:05 p.m.) Jones enumerated the four critical components of the Capital Planning Program. She made comparisons with other comparable jurisdictions of their CIP financial planning forecasts. She cautioned budgeting future dollar value contingencies. She also reviewed the CIP prioritization process and gave suggestions for setting priorities, and reviewed project monitoring and reporting.

(2:20 p.m.) There was general discussion as to how the various components of the study were determined.

(2:24 p.m.) David Miller, Public Financial Management, Inc., gave a presentation regarding the Comprehensive Report on Indentured Revenues and Capacity and Infrastructure Sales Tax.

The Board readdressed Item No. 2 next.

(02/21/06 - 11 - 3:38 p.m.)

11A. PUBLIC HEARING - SUMMER HAVEN MUNICIPAL SERVICES TAXING UNIT (MSTU) - THE PURPOSE OF THE PROPOSED ORDINANCE IS TO CREATE THE SUMMER HAVEN MUNICIPAL SERVICE TAXING UNIT (THE "SUMMER HAVEN MSTU") TO FUND ROAD CONSTRUCTION, BEACH

EROSION CONTROL AND RENOURISHMENT SERVICES, FACILITIES, AND PROGRAMS, AS WELL AS PERTINENT STUDIES, ADMINISTRATIVE AND LEGAL EXPENSES, ALL WITHIN OR RELATING TO THE SUMMER HAVEN MSTU OR PROJECTS UNDERTAKEN THEREIN. THE COUNTY IS REQUIRED TO INCLUDE AND FUND THE APPROVED ANNUAL BUDGET OF THE SUMMER HAVEN MSTU WITHIN THE COUNTY'S ANNUAL BUDGET. ROAD CONSTRUCTION, BEACH EROSION CONTROL AND RESNOURISHMENT SERVICES, AS WELL AS PERTINENT STUDIES, FACILITIES, AND PROGRAMS, AS WELL AS ADMINISTRATIVE AND LEGAL EXPENSES RELATING TO THE MSTU OR PROJECTS UNDERTAKEN THEREIN, CONSTITUTE MUNICIPAL SERVICES WITHIN THE MEANING OF SECTION 125.01(1)(Q), FLA. STAT. (*Formerly Item No. 21.*)

Proof on publication of the notice of public hearing regarding the Summer Haven MSTU was received, having been published in *The St. Augustine Record* on February 10, 2006.

Dan Bosanko, County Attorney, reported that he had spoken with Mark Gleason, a long-term State employee in charge of beach re-nourishment. He said it was Gleason's opinion that there was not a long-term solution to save the beach at Summer Haven. He added that he had been pressed by some people to use State money to buy those lots for use for public purposes, so that the homeowners would not have to bear the loss. Gleason said that he could not recommend that, and not to expect his office to recommend that because he did not think they were going to be there long enough to be worthwhile. He said the State had given the County the road knowing that it had no future, and any recommendation for State assistance for relief would have to come from politicians, not him as a State professional. Bosanko said he still recommended that they set up the MSTU. He cautioned that Gleason and other engineers should be brought in to review the possibilities of long-term affects on the beach. He said the question was who was going to pay for the effort: the people of St. Johns County or the residents of Summer Haven.

(3:45 p.m.) Rich asked if what he had reported had a direct affect on their decision on the MSTU being decided today. Bosanko said it was the Board's decision, but he was recommending the County have a mechanism to fund any effort they were going to carry out.

(3:46 p.m.) Patrick McCormack, Assistant County Attorney, said that another funding mechanism, an MSBU, would allow for more flexibility, but would have to show there was a long-range benefit. He said the MSTU would be the first step in that process. He said they were not setting a millage rate or tax rate, but creating the mechanism to do that.

(3:49 p.m.) Maguire asked if they approved the MSTU whether there would be any future implied liability to the County. McCormack responded that was the first thing that had to be answered.

(3:51 p.m.) David Tucker, Nabors, Giblin & Nickerson, stated that by adopting an MSTU today they were establishing a district to collect millage from a specifically defined area, nothing else, and it did not obligate them to undertake any of the projects or to levy the millage. He explained that statutory procedure had to be followed; specifically F.S. 125.011Q, and the procedures of Section 200.061. He said what they were doing today was the first step, and there was no obligation to the County's general fund, and no implied obligation. He stated that if the referendum passed, technically it would be an obligation of the County, but would be paid for from revenues from the

fund for which the people of the district had voted. He noted that the property below the mean high water line belonged to the State, and someone from the State should be present because they were going to have to play an integral role. Tucker said he would advise passing the MSTU so that it would pay for any expert services needed to assess future efforts. He advised taking the necessary action now because the lead-time was so great for many actions required. Stern affirmed that they needed to bring in experts, so the property owners would know what was at stake.

(4:02 p.m.) Rich asked where the homeowner's dialogue took precedence over that of the Board in gathering information to determine whether or not there would be a benefit. Tucker responded that the results of the engineering studies would determine whether a benefit was substantial enough to support a special assessment. He said if it was determined a lost cause, then that was where a legislative/political solution would come into play. Rich said the people who lived there saw it as a time critical issue, and asked if any mechanism was available to fund the MSTU prior to an actual cycle coming in 2007. Tucker said a purely voluntary agreement could be arranged if a millage rate was established with a trust fund for their voluntary contributions. He said there was no way the County could compel them to do that. Bosanko said a reimbursement resolution could be issued and paid with bond proceeds.

(4:08 p.m.) Rich asked if they could, as part of the motion, hold a workshop to look at the options. Bosanko stated he would recommend that and Joe Stephenson was the point person to be in charge of such an effort.

(4:09 p.m.) Tom Warner, 222 Lakeview Ave., West Palm Beach, stated that he was the attorney for the plaintiff in a pending lawsuit against the County by 28 different property owners who owned 38 lots in Summer Haven. Those people had concerns about the MSTU and how it might be implemented, especially if the entire burden was to be shifted to the property owners. He said it would have to be justified in some way as it was a public beach and the County owned 100 feet of right-of-way along the beach. He said rocks had protected a great number of properties to the north of his client's properties, and those and other improvements had eroded the beach at Summer Haven.

(4:17 p.m.) Deputy Clerk Robin Platt entered the meeting and Deputy Clerk Terry Bulla left the meeting.

(4:18 p.m.) Gail Hankinson, 9150 Mellon Ct., addressed the recreational and environmental value of the Summer Haven area. (4:23 p.m.) Thomas Schmidt, 9179 Old A1A South, did not support the construction of a revetment, and suggested an amendment to the proposed ordinance. Bryant left the meeting at 4:23 p.m. and returned at 4:38 p.m. (4:29 p.m.) McCormack explained that the implementation of this MSTU would not create a separate, or additional, governing board.

(4:31 p.m.) **Rich asked that the following language be included in the following motion: "That the County Administrator be directed to convene a workshop, as soon as possible, containing minimally representatives from the Army Corp of Engineers, the Department of the Interior Fish and Wildlife Service, possibly the Department of Commerce, the National Marine Fisheries Service, the Florida Department of Environmental Protection, as well as the FDOT, and any other possible groups that could have an interest in what takes place in Summer Haven."**

(4:32 p.m.) **Motion by Rich, seconded by Maguire, to enact Ordinance No. 2006-15, with the inclusion of the above language. McCormack suggested adding the following language, which the maker and second of the motion accepted:**

In Section 1(c), the first line should read: "The purpose of this ordinance is to create the Summer Haven Municipal Service Taxing Unit (MSTU) to aid the County, if in its discretion it chooses to, fund road construction."

In Section 3, insert the following: "but not required" after "The Board is hereby authorized..."

In Section 4 insert in the first line: "shall be used, 'if levied'"; and add at the end of the last line "...at the discretion of the County."

Also added as part of the motion was: "That all costs and fees related to Summer Haven, as described in this ordinance, be paid from or reimbursed to the County from the receipts from the additional taxes levied under authority of this ordinance, including fees and costs relating to the establishment of the MSTU, accruing on or after January 1, 2006." The maker and the second accepted the further amendment by motion, which carried 5/0. The original motion carried 5/0.

ORDINANCE NO. 2006-15

AN ORDINANCE CREATING THE SUMMER HAVEN MUNICIPAL SERVICE TAXING UNIT (THE "MSTU"); DESCRIBING THE BOUNDARIES OF THE MSTU; AUTHORIZING THE MSTU TO ANNUALLY LEVY AD VALOREM TAXES WITHIN THE MSTU TO PROVIDE ROAD CONSTRUCTION, BEACH EROSION CONTROL AND RENOURISHMENT SERVICES, FACILITIES AND PROGRAMS, ADMINISTRATIVE, LEGAL AND OTHER EXPENSES PERTAINING TO THE MSTU; AUTHORIZING A PLEDGE OF THE MSTU AD VALOREM TAX REVENUES TO THE RETIREMENT OF DEBT WHEN APPROVED BY THE ELECTORS OF THE MSTU AS PROVIDED BY GENERAL LAW; AUTHORIZING THE ISSUANCE OF DEBT UPON REFERENDUM APPROVAL; AND PROVIDING AN EFFECTIVE DATE

The Board addressed Item No. 6 next.

(02/21/06 - 14 - 5:06 p.m.)

12. PUBLIC HEARING - NZVAR 05-008, PONTE VEDRA SADDLE CLUB - THE APPLICANT SEEKS A NON-ZONING VARIANCE FROM SECTION 6.02.01 B.3 OF THE LAND DEVELOPMENT CODE, PROHIBITING THE USE OF A PRIVATE EASEMENT TO PROVIDE ACCESS TO MORE THAN TWO RESIDENTIAL LOTS

Proof of publication of the notice of public hearing regarding NZVAR 05-008, Ponte Vedra Saddle Club, was received, having been published in *The St. Augustine Record* on February 6, 2006.

Chuck Kohler, Development Review Chief Engineer, explained the details of the variance request. He stated that staff did not object to the variance if the roadway network had sufficient turnaround radius for emergency equipment, and if the homeowners' association would perform bridge inspections and maintenance.

(5:10 p.m.) John Ruley, SJC Fire Rescue, illustrated the nine emergency vehicle turnaround points on the site plan.

(5:12 p.m.) Anna Shea, Rogers Towers, appeared for the applicant, and spoke to the variance. Chad Grimm, 11338 Harbour Woods Rd. S., spoke on the timing of the inspections.

(5:14 p.m.) **Motion by Maguire, seconded by Stern, carried 5/0, to approve with the required conditions, NZVAR 2005-008, based upon the evidence provided for all of the five findings of fact with the biannual inspections, and with the caveat that the homeowners' association maintain the road system and be responsible for any non-negligible damage caused by Fire Rescue.**

(02/21/06 - 15 - 5:15 p.m.)

13. PUBLIC HEARING - REQUEST TO VACATE A PORTION OF NORTH WILDERNESS TRAIL (VACROA 05-002) - THIS APPLICATION IS A CHAPTER 316 (FLORIDA STATUTES) REQUEST SEEKING TO HAVE THE COUNTY ABANDON ITS INTEREST IN NORTH WILDERNESS TRAIL IN FAVOR OF THE PONTE VEDRA SADDLE CLUB OWNERS' ASSOCIATION. THE COUNTY'S INTEREST IN THE ROAD IS BEING VACATED AND SIMULTANEOUSLY CONVEYED, PURSUANT TO F.S. 336.125, TO THE PONTE VEDRA SADDLE CLUB OWNERS' ASSOCIATION. THE APPLICANT IS SEEKING THE COMPANION NON-ZONING VARIANCE (NZVAR 2005-08) TO ALLOW THE USE OF AN ALTERNATE SYSTEM OF ACCESS TO BE SHARED BY THE SAME HOMEOWNERS, MUCH LIKE A SHARED DRIVEWAY. THE RECORDED DECLARATION OF GENERAL COVENANTS FOR THE PONTE VEDRA SADDLE CLUB, PROVIDED WITH THE COMPANION APPLICATION FOR ABANDONMENT, ESTABLISHES THE PARTICIPATION OF EACH RESIDENT IN THE SHARED DRIVEWAY/BRIDGE ACCESS SYSTEM

Proof of publication of the notice of public hearing regarding vacating a portion of North Wilderness Trail, VACROA 05-002, was received, having been published in *The St. Augustine Record* on February 3, 2006.

Chuck Kohler, Development Review Chief Engineer, presented the details of this item.

(5:16 p.m.) Anna Shea, Rogers Towers, representing the applicant, addressed the request that the road be deeded to the homeowners' association. Isabelle Lopez, Senior Assistant County Attorney, explained the legalities of the vacation.

(5:17 p.m.) **Motion by Maguire, seconded by Bryant, carried 5/0, to adopt Resolution No. 2006-50, approving VACROA 2005-02.**

RESOLUTION NO. 2006-50

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ABANDONING AND CONVEYING A CERTAIN PORTION OF NORTH WILDERNESS TRAIL, AS PROVIDED FOR BY SECTION 336.125, FLORIDA STATUTES, AS MORE FULLY DESCRIBED BELOW

The meeting recessed at 5:22 p.m. and reconvened at 5:35 p.m.

(02/21/06 - 15 - 5:35 p.m.)

14. PUBLIC HEARING - NZVAR 05-010, THARP/OAK BLUFF ROAD - THE APPLICANT PROPOSES TO CONSTRUCT A SINGLE-FAMILY RESIDENCE

AT THE END OF AN UNPAVED UNOPENED ROAD. ST. JOHNS COUNTY LAND DEVELOPMENT CODE SECTION 6.04.07, PARAGRAPH B, STATES THAT UP TO TWO SINGLE-FAMILY RESIDENCES MAY BE ACCESSED BY AN EASEMENT AND THAT PAVING TO CURRENT COUNTY STANDARDS IS REQUIRED FOR MORE THAN TWO RESIDENCES

Proof of publication of the notice of public hearing regarding NZVAR 05-010, Tharp/Oak Bluff Road, was received, having been published in *The St. Augustine Record* on February 6, 2006.

Chuck Kohler, Development Review Chief Engineer, presented this item and read a letter of objection from the property owner at 8255 Oak Bluff Road into the record: He also displayed photos of the subject area.

(5:38 p.m.) James Tharp, 4460 Hodges Blvd., applicant, addressed why he was requesting a variance and pointed out the location of his property on an aerial map; discussion ensued.

(5:43 p.m.) Motion by Stern, seconded by Maguire, carried 5/0, to approve Non-zoning Variance 2005-010, based upon the evidence provided for in all five findings of fact, with the road bed being constructed and maintained in accordance with the St. Johns County Land Development Code.

[\(02/21/06 - 16 - 5:43 p.m.\) \(Items 15 and 16 were discussed simultaneously.\)](#)

15. CONSIDER A MOTION TO ADOPT A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE CUMMER LANDS IMPACT FEE CREDIT AGREEMENT IN THE AMOUNT OF \$1,778,000 IN ROAD IMPACT FEE CREDITS

Lindsay Haga, Planner III, presented the details of the agreement and discussed the transferability of the impact fee credits. She explained that staff would support the agreement if certain text in Section 4 of the revised agreement were deleted. (5:50 p.m.) Isabelle Lopez, Senior Assistant County Attorney, spoke on the details of the agreement and the parties involved in response to Rich's questions. Stern questioned if the NOPC would be affected if the objectionable language in Section 4 of the agreement were removed; Haga replied no. In addressing Item 16, Haga reviewed the four changes in the NOPC: 1) a revision to Special Condition 24, Race Track Road; 2) a change to General Condition 3, Phasing; 3) a modification to MDP Map H; and 4) a revision to Special Condition 13, Wetland Impacts. Discussion followed on the impact fee agreement, the transfer of credits and road improvements.

(6:07 p.m.) George McClure, 170 Malaga St., representing the applicant, reviewed the history of the DRI and illustrated the portion of the DRI located in St. Johns County on Map H of the Development Plan. He stated that the developer would set a date for the connection and construction of Racetrack Road to the end of the current four-laned section, west of Russell Sampson Road. He explained that the bridge over I-95 would have to be rebuilt to four lanes, as illustrated on the right-of-way map, as well as commenting on the developer's obligations. McClure clarified that the County's Impact Fee Ordinance gave the Board the authority to grant the transfer of impact fee credits.

(6:25 p.m.) McClure suggested including the following language in Paragraph 5 of the agreement: *"The approval of this impact fee agreement shall not be construed as any express or implied agreement on the part of the County to approve any development as may be proposed by Durbin."* Discussion followed on not using eminent domain to take any property, safety issues and the location and number of residential units within the DRI. Bryant left the

meeting at 6:29 p.m. and returned at 6:36 p.m. McClure also agreed to the deletion of the text in Section 4 of the agreement in Item 15 as indicated by Haga. Discussion ensued on the language on page 22 of the Development Order in Item 16.

(6:50 p.m.) Lopez clarified the changes: the removal of the language in Section 4; and the addition of the language to Section 5, as stated by McClure.

(6:49 p.m.) **Motion by Stevenson, seconded by Rich, carried 5/0, to adopt Resolution No. 2006-51, authorizing the County Administrator to execute the Cummer Land Impact Fee Credit Agreement, as amended and stated on the record by the applicant's attorney, in the amount of \$1,778,000 in road impact fee credits.**

RESOLUTION NO. 2006-51

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE AN IMPACT FEE CREDIT AGREEMENT WITH DURBIN CREEK NATIONAL, LLC

(02/21/06 - 17 - 5:43 p.m.) (Items 15 and 16 were discussed simultaneously.)

16. PUBLIC HEARING - NOPC 2005-02, BARTRAM DRI/PUD - THIS ITEM WAS CONTINUED FROM THE JANUARY 10, 2006 BOARD OF COUNTY COMMISSIONERS' MEETING TO ALLOW FOR RESOLUTION OF THE OUTSTANDING COMMENTS. THIS IS A NOTICE OF PROPOSED CHANGE (NOPC) TO AMEND THE BARTRAM PARK DRI DEVELOPMENT ORDER. THE NOPC APPLICATION CONSISTS OF FOUR CHANGES TO THE DEVELOPMENT ORDER. THE CHANGES WOULD REVISE GENERAL CONDITION 3, PHASING, TO SHIFT APPROVED DEVELOPMENT FROM PHASE I TO PHASE II; SPECIAL CONDITION 13, WETLANDS, TO ADDRESS THE SALE OF THE PRESERVE, MITIGATION FOR IMPACTS AND LIMITATIONS ON WETLAND IMPACTS; SPECIAL CONDITION 24, RACETRACK ROAD, TO PROVIDE A TIME CERTAIN FOR THE WIDENING OF RACETRACK ROAD FROM THE EAST SPINE ROAD TO RUSSELL SAMPSON, INCLUDING THE I-95 BRIDGE/FLYOVER AND DURBIN CREEK BRIDGE AND TO ADDRESS IMPACT FEE CREDITS FOR THE PROPORTIONATE SHARE AMOUNT; MASTER PLAN MAP H, TO ADDRESS LAND USE CHANGES PREVIOUSLY APPROVED THROUGH MODIFICATIONS. THE PLANNING AND ZONING AGENCY HEARD THIS ITEM DURING ITS JANUARY 19, 2006 MEETING. THE AGENCY VOTED 6/1 TO RECOMMEND APPROVAL OF THE NOPC. DISCUSSION DURING THE HEARING CENTERED ON THE PHILOSOPHY OF ALLOWING IMPACT FEE CREDITS AND THE USE OF EMINENT DOMAIN TO ACQUIRE RIGHT-OF-WAY. THE AGENCY ADDED A FIFTH FINDING OF FACT ON WHICH TO RECOMMEND APPROVAL: THE COUNTY WILL NOT USE EMINENT DOMAIN ON HOMESTEADS (I.E. PROPERTY WITH ACTIVE HOMES)

(6:51 p.m.) Stern declared ex parte discussion with McClure and Mr. Dodson regarding the NOPC and eminent domain, and stated that she concurred with the additional finding of fact suggested by the PZA.

(6:53 p.m.) *Motion by Rich to deny a Notice of Proposed Change to the Bartram Park DRI, adopting the findings of fact that the original application had all of the requirements to be paid on the expansion of the roadway by the applicant. Motion failed for lack of a second.*

(6:54 p.m.) Motion by Stern, seconded by Bryant, to adopt Resolution No. 2006-52, approving a Notice of Proposed Change to the Bartram Park DRI Development Order, adopting findings of fact one through four, and including the fifth finding added by the PZA, to support the motion. Lopez elaborated on the fifth finding of fact, suggesting the language read: "That the County would utilize every method of acquisition of right-of-way prior to utilizing eminent domain." Stern and Bryant accepted the modification. The motion carried 4/1, with Rich opposed.

RESOLUTION NO. 2006-52

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, MODIFYING THE BARTRAM PARK DRI DEVELOPMENT ORDER, AS PREVIOUSLY APPROVED BY ST. JOHNS COUNTY ON SEPTEMBER 19, 2000, UNDER RESOLUTION 2000-139 AND PREVIOUSLY MODIFIED BY RESOLUTION 2001-93, APPROVED MAY 8, 2001; RESOLUTION 2005-146, APPROVED JUNE 1, 2005; FINDING THE MODIFICATION DOES NOT CONSTITUTE A SUBSTANTIAL DEVIATION; AND PROVIDING FOR AN EFFECTIVE DATE

(02/21/06 - 18 - 6:58 p.m.)

17. PUBLIC HEARING - REZ 2005-31, BIZATOMIC REZONING - THIS IS A REQUEST TO REZONE 1.56 ACRES FROM OPEN RURAL (OR) TO OFFICE PROFESSIONAL (OP) FOR 10,000 SQ FT OF OFFICE SPACE. THE CURRENT USE OF THE PROPERTY IS ONE SINGLE-FAMILY HOME. THE PARCEL IS LOCATED ON THE SOUTH SIDE OF STATE ROAD 16, JUST EAST OF FOUR MILE ROAD, AND IS IN THE MIXED USE DISTRICT (MD) LAND USE AREA, AS DEPICTED ON THE 2015 FUTURE LAND USE MAP. THE ST. JOHNS COUNTY UTILITY DEPARTMENT WILL PROVIDE WATER AND SEWER. ADJACENT ZONINGS ARE OPEN RURAL (OR). THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS REZONING REQUEST AT THEIR JANUARY 5, 2006 HEARING WITH A VOTE OF 7 TO 0

Proof of publication of the notice of public hearing regarding REZ 2005-31, Bizatomic, was received, having been published in *The St. Augustine Record* on February 6, 2006.

Bruce Ford, Chief Planner, presented this item. Karen Taylor, 3070 Harbor Dr., spoke on behalf of the applicant. (7:01 p.m.) Motion by Stern, seconded by Rich, carried 5/0, to enact Ordinance No. 2006-16, known as Rezoning 2005-31, Bizatomic Offices, adopting findings of fact one through four to support the motion.

ORDINANCE NO. 2006-16

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 OFFICE PROFESSIONAL (OP); MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE

(02/21/06 - 18 - 7:02 p.m.)

18. PUBLIC HEARING - REZ 2005-07, AIRBORNE TRUCKING REZONING - THIS REQUEST SEEKS TO REZONE 1.0 ACRE FROM OPEN RURAL (OR) TO

COMMERCIAL GENERAL (CG) TO ALLOW FOR THE DEVELOPMENT OF A TRUCKING COMPANY OFFICE. THE COMPANY VEHICLE FLEET WILL BE PARKED AT A SEPARATE OFFSITE FACILITY. THE PRESENT USE OF THE SITE IS VACANT. THE PARCEL IS LOCATED ON THE EAST SIDE OF US 1, GENERALLY SOUTH OF ROEHRS ROAD, NORTH OF DATIL PEPPER 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 LOCATED WITHIN THE ST. JOHNS COUNTY UTILITY SERVICE AREA; CENTRAL WATER AND SEWER SERVICE IS AVAILABLE FOR THE PROPOSED USE. ADJACENT ZONINGS INCLUDE OPEN RURAL (OR), RESIDENTIAL MOBILE HOME (RMH), AND PLANNED UNIT DEVELOPMENT (PUD). THE PLANNING AND ZONING AGENCY UNANIMOUSLY RECOMMENDED APPROVAL OF THIS REZONING REQUEST AT THEIR JANUARY 5, 2006 HEARING WITH A VOTE OF 7 TO 0

Proof of publication of the notice of public hearing regarding REZ 2005-07, Airborne Trucking, was received, having been published in *The St. Augustine Record* on February 6, 2006.

Bruce Ford, Chief Planner, reviewed the details of the application. (7:06 p.m.) Karen Taylor, 3070 Harbor Dr., representing the applicant, stated that they would follow DOT guidelines regarding access from US 1.

(7:08 p.m.) **Motion by Rich, seconded by Bryant, carried 5/0, to enact Ordinance No. 2006-17, known as REZ 2005-07, Airborne Trucking, adopting findings of fact one through four to support the motion.**

ORDINANCE NO. 2006-17

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

(02/21/06 - 19 - 7:09 p.m.)

19. PUBLIC HEARING - PRD 2005-12, BARTRAM FARMS PLANNED RURAL DEVELOPMENT - THIS REQUEST SEEKS TO REZONE APPROXIMATELY 766.63 ACRES LOCATED IN WEST CENTRAL ST. JOHNS COUNTY ALONG COUNTY ROAD 13A, SOUTH OF COUNTY ROAD 214 FROM OPEN RURAL (OR) TO PLANNED RURAL DEVELOPMENT (PRD) FOR THE DEVELOPMENT OF ONE HUNDRED FIFTY-FOUR (154) RESIDENTIAL UNITS. THE PROJECT WILL UTILIZE THE 90%/10% RULE FOR DENSITY. THE DEVELOPMENT AREA EQUALS 76.7 ACRES AND THE RESERVE AREA EQUALS 689.97 ACRES. LOTS WILL RANGE FROM TWO (2) ACRES IN SIZE TO SIXTEEN (16) ACRES IN SIZE AND DEVELOPMENT AREAS WITHIN THE LOTS WILL BE A MINIMUM OF 22,000 SQ FT (½ ACRE) IN SIZE. ROADS WILL BE DEDICATED TO THE COUNTY AND A FOUR (4) FOOT SIDEWALK WILL BE BUILT ON ONE SIDE OF ALL INTERNAL ROADS. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS REZONING

REQUEST AT THE JANUARY 5, 2006 HEARING WITH A VOTE OF 6 TO 1 WITH THE CONDITION THAT THE WAIVER TO THE SIDEWALK ALONG 13A NOT BE INCLUDED

Proof of publication of the notice of public hearing regarding PRD 2005-12, Bartram Farms PRD, was received, having been published in *The St. Augustine Record* on February 6, 2006.

Bruce Ford, Chief Planner, presented the details of this item, and reviewed the Master Development Plan and the requested waiver, which staff was opposed to. Discussion ensued on the traffic conditions of CR 13A and the sidewalk waiver. Teresa Bishop, Planning Director, spoke on the sidewalk waiver.

(7:17 p.m.) Frank Miller, on behalf of The Alterra Group, the applicant, addressed the size of the lots, paying into the sidewalk fund in lieu of constructing a sidewalk along CR 13A, the buffers, the surrounding land being used as cultivated potato fields and the equestrian trails.

(7:27 p.m.) **Motion by Rich, seconded by Stern, carried 5/0, to enact Ordinance No. 2006-18, known as PRD 2005-12, Bartram Farms PRD, adopting findings of fact one through five to support the motion, without the waiver.**

ORDINANCE NO. 2006-18

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

(02/21/06 - 20 - 7:28 p.m.)

20. PUBLIC HEARING - PUD 2005-40, OLD FLORIDA PLANNED UNIT DEVELOPMENT - THIS REQUEST SEEKS TO REZONE APPROXIMATELY 17.35 ACRES FROM OPEN RURAL TO PLANNED UNIT DEVELOPMENT IN ORDER TO DEVELOP A SINGLE-USE PROJECT CONSISTING OF SIXTY EIGHT (68) MULTI-FAMILY CONDOMINIUM UNITS IN EIGHT (8) BUILDINGS. THE SITE IS LOCATED WEST OF WOODLAWN ROAD, AND NORTH OF WHITE HOUSE BOULEVARD AND PROPOSES A SINGLE VEHICULAR ACCESS POINT ONTO WOODLAWN ROAD. ADDITIONAL VEHICULAR ACCESS IS NOT PROPOSED. THE DEVELOPMENT PROGRAM INCLUDES THE PROVISION OF A FIVE (5) FOOT SIDEWALK ALONG ONE SIDE OF THE INTERNAL ROAD. THE APPLICANT HAS RESERVED 4.7 ACRES OF THE RIGHT-OF-WAY ON THE WEST SIDE OF THE PUD FOR THE S.R. 312 RIGHT-OF-WAY AND WILL ENTER INTO AN IMPACT FEE CREDIT AGREEMENT WITH THE COUNTY UPON CONVEYANCE OF SUCH RIGHT-OF-WAY. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS REZONING REQUEST AT THEIR JANUARY 5, 2006 HEARING WITH A VOTE OF 5 TO 2 WITH THE CONDITION THAT ADDITIONAL LANDSCAPING BUFFERS BE PROVIDED ADJACENT TO THE EXISTING RESIDENTIAL USES IN PRESIDENTIAL GARDENS SUBDIVISION TO THE SOUTH

Proof of publication of the notice of public hearing on PUD 2005-40, Old Florida PUD, was received, having been published in *The St. Augustine Record* on February 6, 2006.

Bruce Ford, Chief Planner, illustrated the details of the proposed PUD on the Master Development Plan map and reviewed the revised text that had been supplied to the Board. He also addressed a petition he distributed from residents of Presidential Gardens who were opposed to the rezoning. Bryant questioned how the realignment of the curve on Woodlawn Road would effect the development. (7:35 p.m.) Joe Stephenson, Public Works Director, stated that the realignment of Woodlawn Road was in the design phase and that he did not have any specifics at the time.

(7:36 p.m.) Patrick McCormack, Assistant County Attorney, addressed the weight the Board could give the submitted petition.

(7:37 p.m.) Rich disclosed having ex parte communication with the applicant's attorney, Gary Davenport, and he addressed the compatibility of this PUD with the surrounding residential zonings. Maguire left the meeting at 7:41 p.m. and returned at 7:45 p.m. Stern disclosed having ex parte communication with Gary Davenport and Jesse Kilebrew regarding the site plan and the SR 312 right-of-way.

(7:43 p.m.) Gary Davenport, 5337 Soundview Ave., representing the applicant, addressed the buffering with Presidential Gardens, the existing drainage issues and preserving the SR 312 right-of-way. Affordable housing was also discussed.

(7:50 p.m.) Alana Hecht, 1026 Whitehouse Blvd., spoke in opposition to the multi-family development, and submitted a copy of a letter she had written to the Planning Department.

(7:55 p.m.) Maguire questioned where the SR 312 extension was proposed to be located and he addressed the disposition of the related right-of-way. He also questioned if Building 8 could be moved, or reduced to four units, to reduce that impact to the Hecht's home: discussion followed. *Davenport agreed to work with staff to implement a 50 foot buffer to the Hecht property and to dedicate the right-of-way.*

(8:08 p.m.) Motion by Maguire, seconded by Stern, carried 3/2 with Rich and Stevenson opposed, to enact Ordinance No. 2006-19, known as PUD 2005-40, Old Florida PUD, adopting findings of fact to support the motion with the adjustment of the 50 foot setback on the south end and the dedication of the right-of-way; and to authorize staff to make reasonable adjustments to the site plan to allow for adjustments that the applicant might make pertaining to the 50 foot setback.

ORDINANCE NO. 2006-19

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
PUD (PLANNED UNIT DEVELOPMENT); PROVIDING
FINDINGS OF FACT; PROVIDING A SAVINGS
CLAUSE; REQUIRING RECORDATION; AND
PROVIDING AN EFFECTIVE DATE

21. PUBLIC HEARING - SUMMER HAVEN MUNICIPAL SERVICE TAXING UNIT

This item was changed to Item 11A.

(02/21/06 - 22 - 8:10 p.m.)
COMMISSIONERS' REPORTS

Commissioner Stern:

Stern spoke on the Council on Aging's new senior center.

(8:13 p.m.)

Commissioner Maguire:

Maguire reported that the governor had appointed Sandy Craig to the Council on Tourism; that The Youth Leadership of St. Johns County hosted a golf tournament at Royal St. Augustine, and that the entire tournament was planned and run by high school students. Maguire also asked for a consensus by the Board to direct Mr. Adams to come up with a mechanism to prevent development within the reserve space of PRDs; the Board agreed to workshop the item.

(8:16 p.m.)

Commissioner Stevenson:

Stevenson addressed the scheduling of the Ashford Mills hearings.

(8:17 p.m.)

Commissioner Rich:

Rich also addressed the Ashford Mills hearings.

(8:18 p.m.)

Commissioner Bryant:

Bryant spoke on an article, in a national governmental publication, reporting on the Sunshine Bus Network. He also reported that the Nease High School girls' soccer team won the state soccer championship. Bryant asked for a status report on the Leo Maguire and CR 210 traffic signal. Joe Stephenson, Public Works Director, reported that the signal would be operational in approximately 30 days.

Bryant stated that he received unofficial information that the CR 210 and I-95 interchange had been slated to receive accelerated approval.

(02/21/06 - 22 - 8:23 p.m.)
COUNTY ADMINISTRATOR'S REPORT

Adams updated the Board on some future meeting dates.

(02/21/06 - 22 - 8:25 p.m.)
COUNTY ATTORNEY'S REPORT

No report.

(02/21/06 - 22 - 8:25 p.m.)
CLERK OF COURT'S REPORT

No report.

(8:26 p.m.) **Motion by Bryant, seconded by Maguire, carried 5/0, to adjourn the meeting.** With there being no further business to come before the Board, the meeting adjourned at 8:26 p.m.

REPORTS:

1. St. Johns Board of County Commissioners' Check Register; approving checks 378982 through 379306, totaling \$1,996,547.09 (01/31/06)
2. St. Johns Board of County Commissioners' Check Register; approving checks 379336 through 379654, totaling \$3,089,303.40 (02/07/06)

CORRESPONDENCE:

1. Letter to the Secretary of State filing Ordinance No. 2006-10 through 2006-12 (02/09/06)
2. Letter to Attorney Tom Constantine regarding the amendment to agree to purchase water and wastewater assets from St. Johns Service Company (02/13/06)
3. Letter to the Secretary of State filing Ordinance No. 2006-13 and 2006-14 (02/15/06)

Approved March 21, 2006

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

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

ATTEST: CHERYL STRICKLAND, CLERK

By: Cheryl S. Strickland
Deputy Clerk