

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
JUNE 13, 2006
(8:00 A.M.)**

Proceedings of a special/regular meeting of the Board of County Commissioners of St. Johns County, Florida, held in the auditorium at the County Administration Building, 4020 Lewis Speedway (County Road 16-A) and U.S. 1 North, St. Augustine, Florida.

Present were: James E. Bryant, District 5, Chairman
Cyndi Stevenson, District 1, Vice Chair
Karen R. Stern, District 2
Ben Rich, District 3
Bruce A. Maguire, District 4
Ben W. Adams, Jr., County Administrator
Dan Bosanko, County Attorney
Lenora Newsome, Deputy Clerk

Also present: Cheryl Strickland, Clerk of Court, James Whitehouse, Assistant County Attorney

(06/13/06 - 1 - 8:11 a.m.)
CALL TO ORDER

Bryant called the special meeting to order.

(06/13/06 - 1 - 8:12 a.m.)

1. 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 WHETSTONE V. ST. JOHNS COUNTY, ET AL. THE SPECIAL MEETING HAS BEEN ADVERTISED FOR 8:00 A.M. CONFERENCE ROOM "A" HAS BEEN RESERVED FOR THIS MEETING

Bryant stated that this was a closed session meeting with the attorney, the consulting attorney and the Board on the issue Whetstone vs. St. Johns County.

(8:12 a.m.) Bosanko informed the Board that he had need, as County Attorney, of advice concerning the lawsuit of Whetstone vs. St. Johns County, et al, case #CA98-1501.

(8:12 a.m.) Bryant mentioned that the meeting would last about 45 minutes and the persons attending the meeting were: County Commissioners James E. Bryant, Cyndi Stevenson, Karen R. Stern, Bruce A. Maguire, Ben Rich; Ben Adams, County Administrator; Dan Bosanko, Esquire; Steve Gallagher, Special Counsel to the Board; and Cathy Upchurch, Court Reporter. The meeting moved to Conference Room A at 8:13 a.m.

(8:49 a.m.) Bryant reconvened the special meeting and announced that the attorney/client settlement meeting was over. **Motion by Maguire, seconded by Rich, carried 5/0, to close the special meeting.**

(06/13/06 - 2 - 9:05 a.m.)

CALL TO ORDER

Bryant called the regular meeting to order.

(06/13/06 - 2 - 9:05 a.m.)

ROLL CALL

Bryant stated that all five commissioners were present.

(06/13/06 - 2 - 9:05 a.m.)

Maguire gave the invocation and Bryant led the Pledge of Allegiance.

(06/13/06 - 2 - 9:06 a.m.)

PROCLAMATION COMMEMORATING THE 55TH ANNIVERSARY OF THE PROFESSIONAL CAREER OF HAMILTON D. UPCHURCH, SR.

Stern read the proclamation and Hamilton Upchurch accepted it, thanking everyone.

(06/13/06 - 2 - 9:14 a.m.)

ACCEPTANCE OF PROCLAMATION

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

(06/13/06 - 2 - 9:15 a.m.)

BRIEFING ON THE CURRENT BURN BAN AND WILDLIFE SITUATION IN ST. JOHNS COUNTY

Adams gave a brief summary of the burn ban and spoke on tropical storm Alberto.

(9:16 a.m.) Bosanko introduced James Whitehouse, the new Assistant County Attorney. Whitehouse stated that he appreciated the opportunity to be there and looked forward to serving the Board and the people of St. Johns County.

(06/13/06 - 2 - 9:18 a.m.)

PUBLIC COMMENT

Daniel Mac Donald, 24501 Deer Trace Drive, Roundtable Budget Committee, spoke on preparing a report on the preliminary budget hearings.

(9:19 a.m.) Walter Rohrer, 2315 Clubview Court, gave a history on the growth of St. Johns County, and spoke on the increase in county personnel referencing the Public Financial Management (PFM) report.

(9:23 a.m.) Mary Kohnke, 29 South Roscoe, reviewed the PFM report regarding expenditures and revenues.

(9:29 a.m.) Roher spoke on St. Johns County's current debt and debt usage.

(9:33 a.m.) MacDonald, gave the Roundtable Budget Committee's, recommendations. He recommended paying close attention to the suggestions from PFM.

(9:37 a.m.) Janie Coleman, 6501 Greenland Road, Gainesville, Waste Management, stated that she would be retiring from Waste Management on Wednesday, and introduced Dan McGuinness and John Fenton, who would be replacing her. The

commissioners commended Janie Coleman on the great work she did with them. Fenton and McGuiness spoke on taking Janie Coleman's place.

(06/13/06 - 3 - 9:44 a.m.)

DELETIONS TO THE CONSENT AGENDA

There were no deletions to the Consent Agenda

(06/13/06 - 3 - 9:44 a.m.)

APPROVAL OF THE CONSENT AGENDA

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

1. Approval of the Cash Requirement Report
2. Minutes:
 - 04/04/06 - BCC Regular Meeting
 - 05/16/06 - BCC Regular Meeting
 - 05/19/06 - BCC Special Emergency Meeting
3. Sheriff's Office Bonds:
 - Cancel: Jacqueline Washington
4. Motion to adopt **Resolution No. 2006-179**, accepting a Warranty Deed for a portion of San Juan Drive from Lyndale Investments, Inc.

RESOLUTION NO. 2006-179

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING A WARRANTY DEED FOR A PORTION OF SAN JUAN DRIVE FROM LYNDALE INVESTMENTS, INC.

5. Motion to adopt **Resolution No. 2006-180**, accepting a Warranty Deed for property needed for drainage purposes and for additional access into the Fox Creek Regional Pond Site, which is located off of Holmes Boulevard

RESOLUTION NO. 2006-180

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING A WARRANTY DEED FOR A DONATION OF PROPERTY FOR DRAINAGE PURPOSES INTO THE FOX CREEK REGIONAL POND SITE, WHICH IS LOCATED OFF OF HOLMES BOULEVARD

6. Motion to adopt **Resolution No. 2006-181**, 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 (Fourth of 16 Parcels)

RESOLUTION NO. 2006-181

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**

7. Motion to adopt **Resolution No. 2006-182**, approving the terms of, and authorizing the Chairman to execute, a Conservation Easement over 30.60 acres of wetlands, located at Wards Creek for mitigation impacts associated with the Russell Sampson Road Improvement Project

RESOLUTION NO. 2006-182

**A RESOLUTION BY THE BOARD OF COUNTY
COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA,
APPROVING THE TERMS AND AUTHORIZING THE
CHAIRMAN TO EXECUTE A CONSERVATION
EASEMENT OVER 30.60 ACRES OF WETLANDS,
LOCATED AT WARDS CREEK, FOR MITIGATION
IMPACTS ASSOCIATED WITH THE RUSSELL
SAMPSON ROAD IMPROVEMENT PROJECT**

8. Motion to adopt **Resolution No. 2006-183**, approving the terms of, and authorizing the execution, of the Purchase and Sale Agreements for the acquisition of property to mitigate wetland impacts as a result of the construction of Capital Improvement Projects

RESOLUTION NO. 2006-183

**A RESOLUTION BY THE BOARD OF COUNTY
COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA,
APPROVING THE TERMS AND AUTHORIZING THE
EXECUTION OF THE PURCHASE AND SALE
AGREEMENTS FOR THE ACQUISITION OF PROPERTY
TO MITIGATE WETLAND IMPACTS AS A RESULT OF
THE COONSTRUCTION OF CAPITAL
IMPROVEMENTS PROJECTS**

9. Motion to adopt **Resolution No. 2006-184**, approving the terms, conditions, and requirements of Amendment # 7 to the Community Based Care contract # DJ993 between St. Johns County, Florida, and the State of Florida Department of Children and Families

RESOLUTION NO. 2006-184

**A RESOLUTION BY THE BOARD OF COUNTY
COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA,
APPROVING THE TERMS AND CONDITIONS OF
CONTRACT AMENDMENT NUMBER 7, AND
AUTHORIZING THE CHAIRMAN TO EXECUTE THE
SEVENTH AMENDMENT TO CONTRACT DJ993
BETWEEN ST. JOHNS COUNTY, FLORIDA, AND THE
STATE OF FLORIDA, DEPARTMENT OF CHILDREN
AND FAMILIES**

10. Motion to adopt **Resolution No. 2006-185**, authorizing the County Administrator to execute a renewal agreement between the Florida Department of Transportation and St. Johns County, for maintenance of landscaping on their rights-of-way along designated areas of SR A1A and SR 13

RESOLUTION NO. 2006-185

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A RENEWAL AGREEMENT BETWEEN ST. JOHNS COUNTY AND THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR MAINTENANCE OF LANDSCAPING ON THEIR RIGHTS-OF-WAY ALONG A PORTION OF SR A1A IN NORTH SAINT JOHNS COUNTY AND A PORTION ALONG SR-13 IN NORTHWEST SAINT JOHNS COUNTY

11. Motion to approve an amendment to the State Housing Initiatives Partnership (SHIP) Local Housing Assistance Plan (LHAP) and the SHIP Non-Profit Developer Mortgage Lien Document, setting an effective date
12. Motion to authorize the County Administrator, or his designee, to enter into an agreement with Florida Highway Products, Inc., for micro-surfacing services, limiting the amount during the term of this contract to \$200,000.00
13. Motion to authorize the County Administrator, or his designee, to purchase annual gasoline and fuel oil from Petroleum Traders Corporation, in accordance with Bid No. 06-115, for a period of one year with four one-year extensions
14. Motion to authorize the County Administrator, or his designee, to award a contract to Partridge Well Drilling Co., Inc., for Bid No. 06-90, Part B only, CR 214 Monitoring Wells, in the amount of \$396,616.00
15. Motion to approve additional travel expenses for Commissioner Maguire, Commissioner Stern, and Commissioner Stevenson from \$3,000 to \$5,500 each, and to approve the transfer of \$7,500 from General Fund Reserves to accounts 0002-54003 Travel - Maguire, 0002-54004 Travel - Stern, and 0002-54008 Travel - Stevenson
16. Motion to adopt **Resolution No. 2006-186**, recognizing unanticipated revenue in the amount of \$100,000.00, and increasing General Fund Contributions (0001-36603) and increasing the expenditure budget of the Economic Development Contractual Services (0083-53120) in the same amount; and a motion to approve the transfer of \$30,000.00 from General Fund Reserves (0083-59920) to Economic Development Contractual Services (0058-53120) for site work needed at the Veterans Nursing Home site

RESOLUTION NO. 2006-186

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AMENDING THE FISCAL YEAR 2006 GENERAL FUND TO RECEIVE UNANTICIPATED REVENUE AND AUTHORIZE ITS EXPENDITURE BY THE ECONOMIC DEVELOPMENT DEPARTMENT

17. Motion to adopt **Resolution No. 2006-187**, 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 (Fifth of 16 Parcels)

RESOLUTION NO. 2006-187

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

18. Proofs:
- a. Proof, Notice to Bidders, RFP 06-45
 - b. Proof, Notice to Bidders, Bid No. 06-112
 - c. Proof, Notice of Public Hearing, Board of County Commissioners, Nocatee Road Names, Tuesday, May 30, 2006 at 9:00 a.m.
 - d. Proof, Certificate of Liability Insurance, Ann's Site Cleaning, Inc.
 - e. Proof, Certificate of Liability Insurance, Arwood, Inc.
 - f. Proof, Notice to Bidders, Bid No. 06-115
 - g. Proof, Notice to Bidders, Bid No. 06-74
 - h. Proof, Notice to Bidders, Bid No. 06-73
 - i. Proof, Notice to Bidders, Bid No. 06-116

(06/13/06 - 6 - 9:44 a.m.)

ADDITIONS/DELETIONS TO THE REGULAR AGENDA

Patrick McCormack, Assistant County Attorney, requested to add the discussion on revalidation of emergency conditions pertaining to beach erosion as Item A1. Adams requested that Item 17 be pulled, to be rescheduled at a later date.

(06/13/06 - 6 - 9:45 a.m.)

APPROVAL OF THE REGULAR AGENDA

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

(06/13/06 - 6 - 9:45 a.m.)

A1. REVALIDATION OF EMERGENCY CONDITIONS; VILANO BEACH COASTAL EROSION,

McCormack reviewed this item, stating that there was a storm event on May 12, 2006, that caused beach erosion in the Vilano Beach area. He stated that Darrell Locklear had inspected the area recently, and confirmed that the emergency condition still existed. McCormack recommended revalidating the emergency condition as provided for under the Florida Administrative Rule. Maguire asked if there was any cost to the County on this issue. McCormack replied that there was no dollar cost, but staff time spent. (9:48 a.m.) **Motion by Maguire, seconded by Stern, carried 5/0, to adopt Resolution No. 2006-188.**

RESOLUTION NO. 2006-188

A RESOLUTION OF THE BOARD OF COUNTY

**COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA,
REVALIDATING CONDITIONS PERTAINING TO
COASTAL EROSION**

(06/13/06 - 7 - 9:49 a.m.)

1. CONSTITUTIONAL OFFICERS' (CLERK OF COURT, SUPERVISOR OF ELECTIONS, SHERIFF) BUDGET PRESENTATIONS

Doug Timms gave a brief description of the constitutional officers and their budgets.

(9:51 a.m.) Cheryl Strickland, Clerk of Courts, reviewed her budget, stating that there were two budgets remaining now, since the Article V transition, that the Board was required to fund for the Clerk. She stated that one side was the Clerk's Finance and the other was the items that the State required the Board to fund for the courts. She mentioned that the only changes in the budget for this year, were a 6.87% increase and two additional positions. Discussion ensued.

(9:59 a.m.) Penny Halyburton, Supervisor of Elections, reviewed her budget. She spoke on the six early voting sites, and a blended voting system. Discussion followed on the voting machines.

(10:07 a.m.) Sheriff David Shoar, reviewed his budget, stating that it fell well within the guidelines of the Public Financial Management study commissioned by the Board. He stated that they were seeking 45 new positions. He spoke on teen driving, the Council on Aging Senior Citizen Center, and the Civilian Law Enforcement Academy. He thanked the Commission for standing behind Code Red the emergency notification system. He spoke on dealing with arrest warrants, evidence collection and storage, the DNA data base, the inmate work release program, jail medical costs and block training. Sheriff Shoar continued speaking on scheduled rotations, progress in information technology, relocating the communication center, the concept of a prison farm, constructing a detoxification center and transition facility, and decentralized district offices. Discussion ensued. Shoar mentioned needing more towers for the 800 MGH radio systems and spoke on the high costs of health insurance. Discussion followed on an increase in uniforms and ammunition, computer effectiveness, development and training, inmate food, needing more of a deputy presence in neighborhoods, and grant funding.

The meeting recessed at 10:58 a.m. and reconvened at 11:08 a.m. with Strickland and Maguire leaving the meeting.

(06/13/06 - 7 - 11:08 a.m.)

2. CONSIDER AUTHORIZATION OF A CONTRACT WITH CHILTON CONSTRUCTION, INC., FOR THE LAND CLEARING OF THE ABERDEEN PARK SITE

Mike Rubin, Construction Manager, reviewed this item. (11:11 a.m.) **Motion by Rich, seconded by Bryant, to authorize the County Administrator, or his designee, to enter into a contact with Chilton Construction, Inc., for the land clearing of the Aberdeen Park Site.** (11:12 a.m.) Maguire returned to the meeting. (11:14 a.m.) **The motion carried 5/0.**

(06/13/06 - 7 - 11:14 a.m.)

3. PRESENTATION ON THE MASTERS DRIVE IMPROVEMENT AND IMPLEMENTATION PLAN

Joe Stephenson, Public Works Director, reviewed this item.

(11:15 a.m.) Wylie Page, 7406 Fullerton Street, PBS&J, gave a presentation on the Masters Drive Corridor Study. Stern recommended having another public hearing.

(11:32 a.m.) Deborah Williams, 1636 Masters Drive, stated that she wanted traffic calming and safety. She suggested dividing Masters Drive into two separate roads. Discussion ensued.

(11:40 a.m.) Stephenson spoke on dividing Masters Drive. Williams suggested dividing it in the Vista Cove area. Stern suggested checking into the divided issue at the next public hearing. Stephenson suggested moving forward with implementation of the speed tables as soon as possible. Williams spoke on there being a lot more foot traffic and bicycles on Masters Drive and loud noises. Stern stated that she supported the speed tables. Maguire also supported the speed tables and spoke on sidewalks being critical. Rich and Stephenson supported the speed tables.

(06/13/06 - 8 - 11:49 a.m.)

4. 2006 ROADWAY AND ENHANCEMENT PROJECT PRIORITY LIST

Bill Hartmann, Transportation Planning Manager, gave a presentation on the Transportation Enhancement Project Priority List, asking the Board to consider the priority list and suggest any changes. Stevenson asked that support on the 9B extension be the number one ranked project on the list. Bryant mentioned that he considered M1 and M2 equal. Maguire stated that he supported Stevenson's comments. Rich mentioned considering M12 and M13. Stern mentioned considering M15. Bryant suggested each commissioner get with Hartmann to give their opinion. Hartmann stated that this list was their request to the MPO and to the DOT, all subject to their funding. Bryant asked the deadline for submittal. Hartmann replied that he would need to bring it back to the Board in two weeks. Hartmann reviewed the 2006 Enhancement Projects, and stated that St. Johns County was next in line to get money. Maguire stated that projects with safety factors should be in the number one position. Stevenson stated in addition to safety, tourism, and having resources to invest should be considered.

The meeting recessed at 12:15 p.m. and resumed at 1:30 p.m. with Bryant, Stevenson, Rich, Michael Hunt, Deputy County Attorney, Dan Bosanko, County Attorney, Ben Adams, County Administrator, and Terry Bulla, Deputy Clerk in attendance. Stern entered late and Maguire was not present.

(06/13/06 - 8 - 1:33 p.m.)

5. CONSIDER THE CR 2209 DURBIN CROSSING CDD INTERLOCAL AGREEMENT

Darrell Locklear, County Engineer, gave the presentation, and stated the Interlocal Agreement with Durbin Crossing CDD was proposed so that a portion of CR 2209, currently under construction between Racetrack Road and CR 210, could be built with four lanes instead of the currently approved two lanes. He reviewed the benefits to the County, and stated that staff had recommended approval.

(1:35 p.m.) Rich questioned why it had not been four-laned from the beginning. Locklear said he did not have details, but that was how pipelining worked. Bryant gave a history of why the highway had developed in that manner, and that the developer had not been freed of any responsibility from the original agreement.

(1:38 p.m.) Motion by Stevenson, seconded by Rich, carried 4/0 with Maguire absent, to adopt Resolution 2006-189, approving the terms, provisions, conditions, and requirements of an Interlocal Agreement between the Board of County Commissioners of St. Johns County, Florida, and Durbin Crossing Community Development District, regarding the construction of certain roadway improvements within the proposed County Road 2209 alignment; and authorizing the Chairperson of the Board of County Commissioners to execute the Interlocal Agreement on behalf of the County.

RESOLUTION NO. 2006-189

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS OF AN INTERLOCAL AGREEMENT BETWEEN DURBIN CROSSING COMMUNITY DEVELOPMENT DISTRICT AND ST. JOHNS COUNTY FOR THE FOUR LANE CONSTRUCTION OF THE PROPOSED COUNTY ROAD 2209 AND APPROVED CERTAIN SHARED RESPONSIBILITIES FOR THIS TRANSPORTATION PROJECT

(06/13/06 - 9 - 1:39 p.m.)

6. CONSIDER A MEMORANDUM OF UNDERSTANDING BETWEEN ST. JOHNS COUNTY AND JEA

Bill Young, Utilities Director, gave the presentation, and noted a Memorandum of Understanding (MOU) was attached to the Board's packets. He reviewed the elements of the MOU, and outlined the advantages to the County. He noted the County would serve the southern part of CR 210. He said JEA would purchase approximately 11,700 feet of water and sewer transmission lines along US 1 North from the County, from the County line to CR 210, at a very favorable value for the County, based on what was paid for it.

(1:47 p.m.) Rich questioned whether JEA had the right to charge 25 percent more to our residents. Young stated they had that option, but could only charge what like-classed customers in Duval County were charged. He said there was protection language built into the MOU.

(1:48 p.m.) Ellen Whitmer, 1178 Natures Hammock Rd. South, Fruitcove, commented that she was not in favor of JEA intrusion into St. Johns County.

(1:50 p.m.) Rich questioned whether the County had the option to buy that area from JEA in the future and what the timeline was. Young said it would be possible in 27 years.

(1:52 p.m.) Motion by Rich, seconded by Bryant, carried 4/0 with Maguire absent, to adopt Resolution No. 2006-190, to authorize the County Administration to sign a Memo of Understanding between St. Johns County and JEA.

RESOLUTION NO. 2006-190

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS AND REQUIREMENTS OF A

MEMORANDUM OF UNDERSTANDING BETWEEN ST. JOHNS COUNTY, FLORIDA, AND JEA REGARDING WATER AND SEWER SERVICE PROVISION, ASSOCIATED SERVICE AREAS AND RELATED ISSUES, AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE AGREEMENT ON BEHALF OF ST. JOHNS COUNTY

(06/13/06 - 10 - 1:53 p.m.)

7. **CONSIDER A RESOLUTION AUTHORIZING THE NAMING OF THE NEW PARK AT THE PONTE VEDRA LIBRARY "BIRD ISLAND PARK"**

Dan Weimer, Director of Recreation and Parks, gave the presentation.

(1:54 p.m.) **Motion by Stern, seconded by Rich, carried 4/0 with Maguire absent, to adopt Resolution 2006-191 approving the naming of the new Ponte Vedra Library Park as "Bird Island Park."**

RESOLUTION NO. 2006-191

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, DECLARING THE NAMING OF THE NEW PONTE VEDRA LIBRARY PARK TO BE IN CONFORMANCE WITH RESOLUTION NO. 99-152 REGARDING POLICY FOR THE NAMING OF PUBLIC FACILITIES; ACCEPTING THE RECOMMENDATION OF THE RECREATION ADVISORY BOARD; APPROVING THE FACILITY NAME

(06/13/06 - 10 - 1:55 p.m.)

8. **CONSIDER A RESOLUTION AUTHORIZING THE NAMING OF THE NEW PARK AT RATTLESNAKE ISLAND (NEAR MATANZAS INLET) "HELEN MELLON SCHMIDT PARK"**

Dan Weimer gave the presentation.

(1:56 p.m.) **Motion by Rich, seconded by Stevenson, carried 4/0 with Maguire absent, to adopt Resolution 2006-192, approving the naming of the new park on Rattlesnake Island as "Helen Mellon Schmidt Park."**

RESOLUTION NO. 2006-192

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, DECLARING THE NAMING OF THE NEW PARK ON RATTLESNAKE ISLAND AS "HELEN MELLON SCHMIDT PARK" TO BE IN CONFORMANCE WITH RESOLUTION NO. 99-152 REGARDING POLICY FOR THE NAMING OF PUBLIC FACILITIES; ACCEPTING THE RECOMMENDATION OF THE RECREATION ADVISORY BOARD; APPROVING THE FACILITY NAME

(06/13/06 - 11 - 1:57 p.m.)

9. CONSIDER A MOTION TO ADOPT A RESOLUTION ACCEPTING THE TERMS OF THE CONTRACT BETWEEN THE ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS AND THE FLORIDA DEPARTMENT OF CHILDREN AND FAMILIES FOR MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES

Dr. Maria Colavito, Health and Human Services Director, gave the presentation, and noted it was a request for renewal of the St. Johns County Substance Abuse and Mental Health contract with the State of Florida. She reviewed the changes to the contract.

(1:59 p.m.) Motion by Stevenson, seconded by Stern, carried 4/0 with Maguire absent, to adopt Resolution 2006-193, accepting the terms of the contract between the St. Johns County Board of County Commissioners and the Florida Department of Children and Families for mental health and substance abuse services.

Many accolades followed regarding the success of Dr. Colavito's staff and their hard work.

RESOLUTION NO. 2006-193

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE CONTRACT BETWEEN ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS AND FLORIDA DEPARTMENT OF CHILDREN AND FAMILIES

(06/13/06 - 11 - 2:02 p.m.)

10. CONSIDER AN OPTIONAL PUBLIC HEARING ON THE SIX MILE CREEK COMMUNITY DEVELOPMENT DISTRICT PETITION

Lindsay Haga, Chief Planner, gave the presentation, and noted that extra back up materials had been distributed. She said it was for the Board's consideration to hold an optional public hearing. Bryant stated that since the State made the ultimate decision, it would be redundant to have one, and asked that correspondence be sent to the State regarding not selling wetlands to the CDD. Stern agreed another public hearing would be redundant, and agreed with Bryant on the wetlands sale. Rich asked staff to take note of the remarks of the chairman in reference to the wetland issues, and to include it as a general statement in each CDD that was forwarded to the State.

(2:05 p.m.) Bryant Crumbaker, 123 S. Calhoun Street, Tallahassee, of Hopping Green and Sams, stated the estimate for the debt service assessment was about \$1,200 a year, which was a little lower than the market for this area.

(2:06 p.m.) Motion by Rich, seconded by Stevenson, carried 4/0 with Maguire absent, not to hold an optional hearing for the Six Mile Creek CDD.

Isabelle Lopez, Senior Assistant County Attorney, said she would attend the July 19 hearing if the Board requested. Bryant asked that she be there to articulate the board's position if her schedule permitted.

(06/13/06 - 12 - 2:07 p.m.)

11. CONSIDER A RESOLUTION AUTHORIZING THE USE OF \$183,000 OF THE SHIP FUNDS FOR HALO PROPERTIES (MAXWELL MANOR II) SERVING LOW INCOME FAMILIES

Tom Crawford, Director of Housing and Community Services, gave the presentation, which included a recap of the work done so far and on some of the difficulties they had come across as a result of cost increases in fire protection, handicapped accessibility and site work beyond the base construction contract and beyond funding available for contingencies.

(2:09 p.m.) Stern commended Maxwell on the work that he had done and the housing being provided for very low-income individuals in the county.

(2:10 p.m.) **Motion by Stern, seconded by Stevenson, to adopt Resolution 2006-194, authorizing an increase of \$183,000 in the SHIP loan for HALO Properties associated with Maxwell Manor II, so that the total loan, for such project, will now amount to \$383,000.**

(2:11 p.m.) Rich thanked Crawford for his hard work, and Mr. Maxwell for meeting with him, and said it had been a pleasure working with both of them.

(2:11 p.m.) Maguire entered the meeting.

(2:12 p.m.) Hunt pointed out that there were two resolutions in the packet and the two-page version was the correct version for their approval.

(2:12 p.m.) **The motion carried 5/0.**

RESOLUTION NO. 2006-194

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING USE OF \$183,000 OF THE STATE HOUSING INITIATIVES PARTNERSHIP (SHIP) PROGRAM FUNDS AS AN ADDITIONAL LOAN FOR A 36 UNIT MULTI-FAMILY DEVELOPMENT, MAXWELL MANOR II, SERVING LOW AND VERY-LOW INCOME HOUSEHOLDS, WHICH IN EFFECT AMMENDS RESOLUTION 2005-117

(06/13/06 - 13 - 2:13 p.m.)

12. CONSIDER AN APPOINTMENT TO THE RECREATION ADVISORY BOARD

Melissa Lundquist, Administrative Coordinator, stated there was one vacancy on the Recreation Advisory Board, and they had the three original applications, as well as a fourth application from Marci Skinner for their review.

(2:13 p.m.) **Motion by Stern, seconded by Bryant, to appoint Ashley Berg to the Recreation Advisory Board for a full four-year term scheduled to expire June 13, 2010.**

(2:14 p.m.) *Motion by Maguire to appoint Denise Balthis to the Recreational Advisory Board. Motion failed for lack of a second.*

(2:15 p.m.) **Motion by Stevenson, seconded by Maguire, to appoint Marci Skinner to the Recreation Advisory Board.**

(2:15 p.m.) Stevenson said all the applicants were winners. Bryant and Rich concurred. Stern said members of the Advisory Board advocated strongly for the entire county and recognized the needs for recreation throughout the entire county.

(2:18 p.m.) **The vote was held in the order of the motions:**

Vote for Berg: Failed 1/4 with Stern in favor and Maguire, Rich, Bryant and Stevenson opposed.

Vote for Skinner: Carried 5/0

The motion carried unanimously for Marci Skinner.

(06/13/06 - 13 - 2:19 p.m.)

13. DISCUSSION OF THE SUMMER HAVEN PRIVATELY OWNED WATER LINE

Patrick McCormack, Assistant County Attorney, gave the presentation and a history of the ownership of the waterline in Summer Haven by the McMillan family, and reported that the second of the two principals had passed away. He said a law firm representing the McMillan family notified property owners that they intended not to continue maintenance of the line and planned to abandon the line. He stated they were seeking direction from the Board before the line failed. He gave a history of the water line breakages and repairs since October of 1995 and the sum total of those repairs, that they knew about, had been \$85,650. He said the County was prepared to provide water in emergency circumstances as the line could break at any time. He notified the Board that there would be a probate of the McMillan estate, and McMillan had owned, maintained and repaired the water line and would no longer be taking care of that. He noted it was not up to County standards and would involve a substantial cost of approximately \$500,0000 to ensure an environmentally safe line. He asked for authorization to adopt the MSTU Ordinance for Summer Haven and would like to add utility facilities to that, which would allow MSTU funds to be spent on that when they became available. He said they would also like to explore the possibility a third party provider. He said they would like the authority to participate in probate and to add in utilities to the MSTU.

(2:26 p.m.) Rich said he would support it within the MSTU. Stevenson concurred, questioned participation in the estate and asked for clarification. McCormack responded they would like to explore whether the estate was contractually required to do some activity, and for the County to file to be eligible to have a claim in the probate to preserve its rights. He said Danny Hernandez, attorney for the plaintiffs, who had a case against the County, was present. He said it might be in his client's benefit to explore the same option to see if they had any rights pertaining to that estate.

(2:28 p.m.) Bosanko said that Summer Haven had been a problem for the last 13 years, and cautioned the County to be careful about assuming further liability without a clear understanding of who would pay for it.

(2:29 p.m.) Maguire said he agreed with Bosanko. He said they should steer clear of it as best they could and did not want to imply or insinuate that they were projecting any compliance or acceptance of the issue. Stevenson asked if that included staying away from the probate. Maguire said he was willing to accept the attorney's recommendation as part of their effort. Stevenson concurred. Stern said Bosanko was right and they needed to be very cautious and did not want it to appear that they were assuming any responsibility, liability or involvement.

(2:32 p.m.) McCormack said he was asking for the ability to preserve whatever rights the County might have as a party to the contract and the MSTU. He said that County

staff was planning to give updates on Summer Haven at a future meeting in July. He said that if there was any money available from probate, they should try to acquire it.

(2:35 p.m.) Maguire said he wanted it to be very clear that the County would never accept those lines under any conditions. Rich agreed, and said that he did not want to imply in any probate proceeding that there would be any involvement on the part of the County.

McCormack clarified that he was hearing that they would not go forward on the probate item, but to consider the MSTU revision. Maguire said that if they wanted to, they could spend their own money and have their own system. Stern and Maguire stated, "We don't want it!"

(06/13/06 - 14 - 2:36 p.m.)

14. DISCUSSION OF THE DRAFT DOCK LIGHTING ORDINANCE

Patrick McCormack gave the presentation, reviewed the proposed ordinance and noted it was for discussion purposes only. He asked for direction regarding going forward with a public hearing for the ordinance. He reviewed the major decision points and possible penalties for violations.

(2:42 p.m.) Maguire said the issues were environmental, lighting intrusion and public safety. He said he liked the idea of cooperating with the City, and including both commercial and residential aspects.

(2:43 p.m.) McCormack stated that a letter from Sheriff Shoar had been received and supported enactment of the ordinance.

(2:44 p.m.) Robert Smith, 2 Ponce de Leon Avenue, stated he was a professional boat pilot, and it was often difficult to see navigational lights against other lights in the foreground. He noted on the Intracoastal Waterway, there were very few range lights and it was very difficult to navigate with only the assistance of mark lights. He said dock lights often made mark lights difficult to see. He spoke in support of the Ordinance, and stated docks should be lit, but not with brilliant lights.

(2:48 p.m.) Rich said white light ruined night vision and that was why lighting on ships was red. He said they did not need white light on the Intracoastal. Stevenson said she had received many complaints and that docks themselves were often navigational hazards. She questioned how the ordinance had been modeled and whether laws from other communities had been reviewed. She then paraphrased the letters into the record that had been sent on the subject. Rich asked Jim Acosta to see if the legislation was enforceable.

(2:55 p.m.) James Acosta, Supervisor Code Enforcement, said it could not be enforced without additional equipment and scheduling of personnel for night duties. He explained that in order to write up a citation they had to go to the site and see the violation for themselves. He said he had not received any complaints on the issue. The manner for handling complaints was discussed. McCormack discussed legislation in other states as it related to the subject of mercury vapor lights. Rich asked the Chair to table the issue until they could determine if any other jurisdiction had this kind of legislation.

(3:02 p.m.) Stern asked how we would be able to enforce such an ordinance, if there were other agencies or other regulatory authorities that could assist the County with enforcement. McCormack said the Sheriff's Office could certainly help.

(3:04 p.m.) McCormack said this type of ordinance required one public hearing. He suggested they schedule a workshop before holding an adoption hearing. Stern said she agreed, constituents had raised some valid points and their primary concern should be safety.

(3:07 p.m.) Maguire said it was a simple issue but the focus was on over-regulation, and they did not want to create a bureaucracy. He said the issue was to remove mercury vapor lights but it had evolved into how to regulate dock lighting overall. He said they should drop back, look at mercury vapor lights and leave the rest alone.

(3:11 p.m.) Bryant suggested they get more input before the next meeting, and look at regulating mercury vapor lights, and the Board concurred.

The meeting recessed at 3:11 p.m. and reconvened at 3:20 p.m.

(06/13/06 - 15 - 3:20 p.m.)

15. PUBLIC HEARING - PONTE VEDRA PARKING ORDINANCE - AN ORDINANCE OF ST. JOHNS COUNTY, AMENDING CERTAIN PARKING PROVISIONS OF ORDINANCE 2003-05 (PONTE VEDRA ZONING DISTRICT REGULATIONS); REGULATES THE PARKING OF VEHICLES ON PONTE VEDRA BLVD.

Patrick McCormack gave the presentation and reviewed that the Board had recently adopted a parking ordinance. He noted it had received some criticism and the language had been reviewed and revised. He said it was a parking ordinance but had been placed in the code for convenience, which made it enforceable through the County's general parking ordinance. He reviewed the components of the ordinance and said there was some debate about the use of language, and the Ponte Vedra Adjustment Board had recommended language to be changed from "flag persons or safety cones" to flag persons and safety cones." He suggested they might want to consider the option of using "or" for parking of 10 minutes or less and using "and" for periods of 30 minutes or more. He said that Major May was present if they had questions or comments. McCormack said it had been reviewed with the Ponte Vedra MSD and approved by them and Mr. Douglas Crane was present and could confirm that. Mr. Crane had suggested that a delayed effective date might be appropriate for notification of property owners by the MSD. McCormack said he would have no problem with a delayed effective date. Major May responded to a question by Rich regarding an oversized vehicle, saying it could be anything larger than a regular sized vehicle. Stevenson asked about the whereas clause as it related to landscaping. Maguire said he liked the ordinance just the way it was written.

(3:27 p.m.) **Motion by Maguire, seconded by Stern, carried 5/0, to enact Ordinance No. 2006-68, based on MSD approval, and concurrent approval of everyone in the community that had reviewed it, with implementation to be delayed until July 30.**

ORDINANCE NO. 2006-68

AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA; AMENDING CERTAIN PARKING PROVISIONS OF ST. JOHNS COUNTY ORDINANCE 2003-05 (PONTE VEDRA ZONING DISTRICT REGULATIONS); REGULATING THE PARKING OF VEHICLES ON PONTE VEDRA BLVD.; PROVIDING

**SEVERABILITY; AND PROVIDING AN EFFECTIVE
DATE**

(06/13/06 - 16 - 3:31 p.m.)

16. PUBLIC HEARING - ZVAR 2005-22, SUNNYSIDE FARMS - THIS REQUEST IS TO SEEK APPROVAL TO EXCEED THE 35' HEIGHT LIMIT BY 12' TO ALLOW FOR CONSTRUCTION OF A SINGLE-FAMILY RESIDENCE. THE PROPERTY IS LOCATED AT 4000 COUNTY ROAD 208. THE PZA RECOMMENDED APPROVAL OF THE REQUESTED VARIANCE, FINDING: (1) THE REQUEST IS IN COMPLIANCE WITH PART XII OF THE LAND DEVELOPMENT CODE, DEFINING ZONING VARIANCE, (2) THE REQUEST IS NOT CONTRARY TO THE PUBLIC INTEREST AND IS NOT IN CONFLICT WITH SURROUNDING DEVELOPMENT, (3) THE REQUEST MEETS THE CRITERIA ESTABLISHED BY SECTION 10.04.02 OF THE LAND DEVELOPMENT CODE, AND (4) THE REQUEST IS NOT IN CONFLICT WITH THE FUTURE LAND USE DESIGNATION OF RURAL SILVICULTURE. THE AGENCY ADOPTED WITH THE MOTION FOR RECOMMENDATION FINDINGS INCLUDED HEREIN, SPECIFICALLY CONDITIONS TO REQUIRE THE APPLICANT TO PROVIDE LANGUAGE TO PRESERVE THE UNIQUE CHARACTER OF THE PROPERTY DESCRIBED AT THE HEARING. THIS LANGUAGE IS TO BE INCORPORATED INTO CONDITION #5 IN SUGGESTED THE MOTION TO APPROVE. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS ZONING VARIANCE BY A VOTE OF 6/0

Proof of publication of the notice of public hearing regarding ZVAR 2005-22, Sunnyside Farms, was received, having been published in *The St. Augustine Record* on May 26, 2006.

Marie Hobbs, Assistant Zoning Manager, gave the presentation and said that staff recommended approval of the application.

(3:33 p.m.) Motion by Maguire, seconded by Stern, adopting findings of fact 1-5, to approve the request to exceed the 35' maximum height by 12', conditioned upon George McClure providing information to preserve the unique character of the property.

(3:34 p.m.) McClure stated it was predicated on the fact that it was 728 acres and they didn't want to see a future change to the Comp Plan, which would allow taller houses. He said the specific language would be worked out after the fact.

(3:36 p.m.) Stern declared ex-parte with McClure regarding the size of the project and the height variance.

(3:37 p.m.) Stevenson said the variance did not affect neighbors, in that it was in the middle of the 728 acres.

(3:38 p.m.) Ellen Whitmer, 1178 Natures Hammock Rd. South, Fruitcove, spoke against the variance saying that it was precedent setting.

(3:39 p.m.) Bryant commented that this request was a unique situation and said each issue was taken issue by issue, and each one was unique.

(3:40 p.m.) Motion carried 5/0.

17. PUBLIC HEARING – ZAD-MAPL 2006-02, IVAN & OLIVE JURIC APPEAL OF PZA DENIAL OF ZONING VARIANCE

This item was pulled and would be presented at a later time.

(06/13/06 - 17 - 3:41 p.m.)

18. PUBLIC HEARING - NZVAR 06-04, RILEY RESIDENCE - THIS IS A VARIANCE REQUEST TO ALLOW THE CONTINUED ACCESS TO A MOBILE HOME LOCATED AT 3316 6TH STREET, VERMONT HEIGHTS, AND ALSO TO BE ABLE TO SELL AN ADDITIONAL LOT AS "PERMITTABLE" ON AN UNOPENED ROAD. THE MOBILE HOME WAS PLACED ON LOTS FRONTING ON UNOPENED 6TH ST. IN 2000 THROUGH A SPECIAL USE PERMIT (SUP) TO ALLOW A MOBILE HOME IN RS3 ZONING. A CONDITION OF THE SUP WAS THAT ACCESS BE SHOWN TO NEW HAMPSHIRE, WHICH IS A PAVED ROAD. NO ADDITIONAL DEVELOPMENT RIGHTS WERE GIVEN TO ANY OTHER LOTS. THE ACCESS WAS SHOWN BY CONTIGUOUS OWNERSHIP OF PROPERTY BY MRS. THERESA RILEY AND HER MOTHER MRS. VIRGINIA RILEY. BOTH PROPERTIES ARE NOW UP FOR SALE WITH THE POSSIBILITY THAT MRS. TERESA RILEY'S PROPERTY MAY NOT CONTINUE TO HAVE "LEGAL" ACCESS THROUGH HER MOTHER'S PROPERTY, MAKING HER LEGAL ACCESS THE UNOPENED 6TH STREET ROW. THE DRIVEWAY RUNS GENERALLY DOWN THE UNOPENED 6TH ST. ROW. STAFF DOES NOT SUPPORT THE VARIANCE REQUEST AS PROPOSED

Proof of publication of the notice of public hearing regarding NZVAR 06-04, Riley Residence, was received, having been published in *The St. Augustine Record* on May 29, 2006.

Don Hallman, Development Review Engineer, gave the presentation regarding allowing access to lot 7 and to a mobile home located at 3316 6th Street, Vermont Heights, on lots 9, 11 and 13 and to sell an additional lot as "permissible" on an unopened road. He gave a history of the request and said that staff did not support the variance. He noted that part of the required property had been sold and violated the special use permit. He showed photos of the property in question, and introduced Theresa Riley, the applicant. He said if contiguous ownership was not maintained that the owner would not be able to pull a new permit for renovation, repair or replacement of the home, and it would be viewed as a non-conforming lot. He said sale of the property in question would be in violation of the special use permit previously issued, as it would be additional development on an unopened right-of-way.

(3:48 p.m.) Rich declared ex-parte with Hallman regarding the property in question. He stated access was on 6th Street and anyone to whom the property was sold would have to have prior notification, and asked if the applicant had agreed. Hallman said he had not had that discussion with Miss Riley. Rich asked legal staff if the property to be sold on a county roadway had not been approved, what the liability would be to the County.

(3:52 p.m.) McCormack responded that the analysis of the concerns was good, but the County was never in a position to authorize or prohibit a sale per se, but they would ultimately have to have a building permit. He said the County would not incur liability because the County could not prevent the sale, but hypothetically there could be some liability because it could hurt the potential buyer, in that a building permit could not be issued. Rich asked if they could put a deed restriction on lot 7, saying there would be no building permit issued to whoever purchased it. McCormack said the County could

not put one on it directly, but could issue a non-zoning variance, putting conditions on it. Rich said he would like to support the applicant, but could not because of the situation in which the County would be placed.

(3:58 p.m.) Maguire cited examples where they had granted exceptions where the County would not accept liability. He said the sale of the property was to be used to take care of the mother. He said exceptions existed and in this case they could write the provision on the deed that the buyer was notified that there would be no guarantee of the building permit until the road was brought up to standard and/or all the property owners that fronted on that lot would enter into a maintenance agreement and would improve the road, to at least dirt road standards.

(4:02 p.m.) Stern cited another instance where an exception was made, and that because of the conditions of the situation it should be looked at on a case-by-case basis. She said they needed to do whatever they could to help the applicant out by putting language on the deed, which would enable the applicant to sell the lot.

(4:07 p.m.) Stevenson said she heard they were willing to accommodate the existing use, but not additional growth. Maguire said it was deeper than that, and they needed to bring them into a MSBU in order to build in the manner in which the system was designed. They needed a way to open up those lots because there was a need for affordable housing in the county.

(4:09 p.m.) Joe Stephenson, Public Works Director, said a MSBU could be formed which would allow them to tax the residents for the paving of the road and maintenance of it by the County, but there had to be a certain percentage to agree in order to do it. He said the County could impose an MSBU, but with relatively few lots, it would cause a high cost per lot, which often caused people to opt out.

(4:10 p.m.) Stevenson expressed concern that she did not want to open it for seven residences, but was willing to provide a reasonable accommodation if it remained for two residences, as she did not want to expose the public purse to additional development. She disclosed ex-parte with the real estate representative regarding the selling of the lot and its marketability.

(4:15 p.m.) Rich said the new owner would be expected to maintain the roadway, that access was never meant to be on 6th Street, and that the new purchaser of lot 7 would not have access until the roadway was brought up to County standards, and should receive notification upon sale. Lots 9, 11 & 13 would have to have written authorization from the County to use the unimproved 6th Street.

(4:18 p.m.) Virginia Riley, 4128 New Hampshire Rd., Elkton, and Theresa Riley, 3316 Sixth Street, Elkton, spoke regarding the drainage issues.

(4:19 p.m.) Deputy Clerk Robin Platt entered the meeting; Deputy Clerk Terry Bulla left the meeting.

(4:20 p.m.) Maguire recommended that the County Attorney generate a document to reflect the Board's position, to be placed on the Consent Agenda in two weeks. McCormack suggested approving the variance now, with a condition that the issues discussed today regarding maintenance and liability limitations, etc., be included.

(4:22 p.m.) Motion by Maguire, seconded by Stern, to approve NZVAR 2006-04, based upon the evidence provided for all of the five findings of fact, with the additional conditions as provided by the attorney, and approval by both the applicant and

County Administrator, or his designee, for these two lots only. Discussion followed on access by emergency vehicles. (4:24 p.m.) **The motion carried 5/0.**

(06/13/06 - 19 - 4:25 p.m.)

19. PUBLIC HEARING - NZVAR 06-03, NORQUIST RESIDENCE - MR. AND MRS. NORQUIST DESIRE TO PLACE A MANUFACTURED HOME ON A PARCEL OF LAND OFF OF RUES LANDING ROAD, WHICH WOULD USE AN EASEMENT OFF THE NORTH SIDE OF RUES LANDING FOR ACCESS. PREVIOUS BCC ACTION HAS ALLOWED DEVELOPMENT OF LOTS ALONG RUES LANDING ROAD (ALONG THE PRIVATE EASEMENT PORTION). THE CURRENT CODE LIMITS THE NUMBER OF HOMES THAT MAY USE AN UNIMPROVED EASEMENT FOR ACCESS TO TWO (LDC 6.04.07.B.2). UNDER THE EARLIER CODE (ORD. 1986-4), UP TO FOUR HOMES COULD BE ACCESSED BY AN EASEMENT, AND FOUR HAVE ALREADY BEEN PERMITTED ON THIS NORTHERLY EASEMENT: THIS WOULD BE THE 5TH. STAFF HAS NO OBJECTION, WITH THE CONDITION THAT AN AFFIDAVIT BE RECORDED ON THE PROPERTY THAT STATES THAT THE COUNTY IS IN NO WAY RESPONSIBLE FOR EASEMENT MAINTENANCE

Proof of publication of the notice of public hearing regarding NZVAR06-03, Norquist Residence, was received, having been published in *The St. Augustine Record* on May 29, 2006.

Don Hallman, Development Review Engineer, presented the details of this variance request. Maguire expressed concern about access by emergency vehicles. (4:32 p.m.) Donald Norquist, 64 Lighthouse Ave., applicant, explained that he did not know that there was a restriction on the property when he and his wife purchased it. Discussion ensued on maintenance, and access by emergency/public service equipment, of the easement. Hallman displayed photos of the subject area, and explained that Fire Services had already reviewed the application, and had no objections. Maguire suggested a maintenance agreement since this was a private easement.

(4:44 p.m.) **Motion by Maguire, seconded by Rich, to approve NZVAR 2006-03, with conditions, based upon the evidence provided for all of the five findings of fact, as discussed.**

(4:46 p.m.) Stevenson asked that the maker of the motion consider asking the applicant to agree to participate in a shared cost maintenance agreement, in the event of further development. Norquist said that he would participate in such an agreement. (4:48 p.m.) Rich suggested that the maker of the motion also consider requiring the applicant to agree that the agreement specify that the roadway would be maintained in such a way that emergency vehicles could get to and from his home.

(4:48 p.m.) **Maguire amended his motion to include, if the applicant would accept: That, if in the future, any enhancements to the road were required, or if any future maintenance agreement was developed, the applicant would participate in both.** *Norquist responded that he would, with regard to his 247' of frontage.* (4:51 p.m.) **The motion carried 5/0.**

The meeting recessed at 4:51 p.m., and resumed at 5:01 p.m., with Stern no longer in attendance.

(06/13/06 - 20 - 5:01 p.m.)

20. PUBLIC HEARING - CPA(SS)2005-06, SR312 AND OLD BEACH ROAD - APPLICATION NO. CPA(SS)2005-06, KNOWN AS STATE ROAD 312 AND OLD BEACH ROAD PROPERTY, IS A PROPOSED SMALL SCALE COMPREHENSIVE PLAN AMENDMENT PROPOSED TO THE 2015 COMPREHENSIVE PLAN FOR 0.75 ACRES OF VACANT PARTIALLY WOODED LAND LOCATED AT THE SOUTHEAST CORNER OF SR 312 AND OLD BEACH ROAD. THIS IS A PROPOSED SMALL SCALE COMPREHENSIVE PLAN AMENDMENT, WHICH IS EXEMPT FROM THE TWICE-YEARLY AMENDMENT CYCLES. AT ITS MEETING ON APRIL 20TH, THE PZA UNANIMOUSLY RECOMMENDED APPROVAL OF THE PROPOSED CM FLUM DESIGNATION

Proof of publication of the notice of public hearing regarding CPA(SS)2005-06, SR312 and Old Beach Road, was received, having been published in *The St. Augustine Record* on May 29, 2006.

Donna Godfrey, Senior Planner, presented this item, and Item No. 21 simultaneously.

(5:05 p.m.) Ed Acebal, 40 Dolphin Drive, applicant, addressed access, and discussion followed regarding the surrounding land uses, and possible uses of this property.

(5:14 p.m.) **Motion by Maguire, seconded by Bryant, carried 4/0 with Stern absent, to enact Ordinance No. 2006-69, amending the Future Land Use Map from Public (P) to Commercial (CM) for Application No. CPA(SS)2005-06, for the property located at the southeast corner of State Road 312 and Old Beach Road.**

ORDINANCE NO. 2006-69

AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA; AMENDING THE 2015 COMPREHENSIVE PLAN, ORDINANCE NO. 2000-34, AS AMENDED, TO CHANGE THE FUTURE LAND USE MAP DESIGNATION FROM PUBLIC (P) TO COMMERCIAL (CM), FOR PROPERTY LOCATED AT THE SOUTHEAST CORNER OF STATE ROAD 312 AND OLD BEACH ROAD; PROVIDING FOR FINDINGS OF FACT; FINDINGS OF CONSISTENCY; SEVERABILITY; AND AN EFFECTIVE DATE

(06/13/06 - 20 - 5:15 p.m.)

21. PUBLIC HEARING - REZ 2005-43, SR 312 AND OLD BEACH ROAD - THIS IS A REQUEST TO REZONE .65 ACRES FROM OPEN RURAL (OR) TO COMMERCIAL GENERAL (CG) FOR UP TO 10,000 SQ FT OF RETAIL SPACE, ALTHOUGH NO SPECIFIC USES ARE PROPOSED AT THIS TIME. THE PROPERTY IS CURRENTLY VACANT AND IS LOCATED ON THE SOUTH SIDE OF SR 312, EAST OF OLD BEACH ROAD. THE PARCEL IS CONCURRENTLY REQUESTING A SMALL SCALE LAND USE CHANGE FROM PUBLIC TO COMMERCIAL, AND APPROVAL OF THE REZONING IS SUBJECT TO APPROVAL OF THE LAND USE CHANGE. THE PARCEL IS DIVIDED BY A PORTION OF CASTILLE STREET, WHICH THE APPLICANT IS PROPOSING TO HAVE VACATED, AND WHICH WILL ALSO NEED A REZONING AND LAND USE CHANGE IF SUCCESSFULLY VACATED. THE ST. JOHNS COUNTY UTILITY DEPARTMENT WILL PROVIDE WATER AND SEWER. ADJACENT ZONINGS ARE COMMERCIAL INTENSIVE (CI),

COMMERCIAL GENERAL (CG), OPEN RURAL (OR), AND RESIDENTIAL SINGLE FAMILY (RS-3). ADJACENT LAND USES ARE PUBLIC AND COMMERCIAL. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS REZONING REQUEST AT THEIR APRIL 20, 2006 HEARING BY A VOTE OF 6/0

Proof of publication of the notice of public hearing regarding REZ 2005-43, SR 312 and Old Beach Road, was received, having been published in *The St. Augustine Record* on May 29, 2006.

Donna Godfrey, Senior Planner, presented this item, and Item No. 20 simultaneously.

Motion by Maguire, seconded by Rich, carried 4/0 with Stern absent, to enact Ordinance No. 2006-70, known as REZ 2005-43, SR 312 and Old Beach Road, adopting findings of fact one through four to support the motion.

ORDINANCE NO. 2006-70

AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA, A POLITICAL SUBDIVISION OF THE 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

(06/13/06 - 21 - 5:16 p.m.)

22. PUBLIC HEARING - REZ 2005-65, HUTCHINSON BUSINESS PARK - THIS IS A REQUEST TO REZONE .75 ACRES FROM PLANNED SPECIAL DEVELOPMENT (PSD) TO COMMERCIAL INTENSIVE (CI) FOR AUTOMOTIVE REPAIR. A BAIL BONDS OFFICE CURRENTLY OCCUPIES THE PROPERTY. THE PROPOSED ZONING CHANGE WOULD ALLOW FOR THE CONTINUATION OF EXISTING USE. THE PARCEL IS LOCATED ON THE CORNER OF LEWIS SPEEDWAY AND AVENUE D AND IS LOCATED WITHIN THE MIXED USE DISTRICT (MD) LAND USE AREA AS DEPICTED ON THE 2015 FUTURE LAND USE MAP. WATER AND SEWER WILL BE PROVIDED BY THE CITY OF ST. AUGUSTINE. ADJACENT ZONINGS ARE OPEN RURAL (OR), PUBLIC SERVICE (PS), COMMERCIAL INTENSIVE (CI), AND RESIDENTIAL SINGLE-FAMILY (RS-3). THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS REZONING REQUEST AT THEIR APRIL 20, 2006 HEARING BY A VOTE OF 6/0

Proof of publication of the notice of public hearing regarding REZ 2005-65, Hutchinson Business Park, was received, having been published in *The St. Augustine Record* on May 29, 2006.

Michael Blackford, Planner II, presented the details of this item, submitted adjacent property owner response forms, and responded to questions regarding the surrounding land uses.

(5:21 p.m.) Greg Hutchinson, 156 Meadow Ave., applicant, addressed the intensity of the uses of the surrounding properties, and the proposed use of his property. Discussion followed regarding what the size of the property would allow. Maguire stated that he would support a rezoning to a lesser category the CI: Patrick McCormack,

Assistant County Attorney, and Dan Bosanko, County Attorney, offered some options. (5:34 p.m.) The Board continued this item to allow the attorneys and staff time to discuss some options.

(5:55 p.m.) Subsequently, Bosanko outlined two options to resolve the rezoning request: The first would allow the CI zoning, and require the applicant to submit an agreement restricting his use of the property. The second option would require additional advertising, a modification of the application for CG zoning, and another PZA hearing.

(6:10 p.m.) Motion by Bryant, seconded by Rich, carried 4/0 with Stern absent, to continue this item to the next meeting.

The Board moved to Reports next.

(06/13/06 - 22 - 5:34 p.m.)

23. PUBLIC HEARING - REZ 2005-36, 16 SELF STORAGE - THIS IS A REQUEST TO REZONE SIX ACRES FROM OPEN RURAL (OR) AND COMMERCIAL HIGHWAY TOURIST (CHT) TO COMMERCIAL GENERAL (CG) FOR 100,000 SQ FT OF PERSONAL MINI-WAREHOUSE. THE PROPERTY IS CURRENTLY OCCUPIED BY A SINGLE-FAMILY HOME. THE PARCEL IS LOCATED ON THE NORTH SIDE OF STATE ROAD 16, APPROXIMATELY ½ MILE EAST OF INMAN ROAD, AND IS LOCATED WITHIN THE MIXED USE DISTRICT (MD) LAND USE, AS DEPICTED ON THE 2015 FUTURE LAND USE MAP. WATER AND SEWER WILL BE PROVIDED BY WELL AND SEPTIC TANK. ADJACENT ZONINGS ARE OPEN RURAL (OR), COMMERCIAL INTENSIVE (CI), AND COMMERCIAL GENERAL (CG). THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS REZONING REQUEST AT THEIR APRIL 20, 2006 HEARING BY A VOTE OF 6/0

Proof of publication of the notice of public hearing regarding REZ 2005-36, 16 Self Storage, was received, having been published in *The St. Augustine Record* on May 29, 2006.

Michael Blackford, Planner II, presented the details of this item. Dan Matuszczak, 1980 SR 16, applicant, explained the surrounding uses.

(5:38 p.m.) Motion by Maguire, seconded by Rich, carried 4/0 with Stern absent, to enact Ordinance No. 2006-71, known as REZ 2005-36, 16 Self Storage, adopting findings of fact one through four to support the motion.

ORDINANCE NO. 2006-71

AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA; REZONING LANDS AS DESCRIBED HEREINAFTER FROM THE PRESENT ZONING CLASSIFICATION OF OPEN RURAL (OR) AND COMMERCIAL HIGHWAY AND TOURIST (CHT) TO COMMERCIAL GENERAL (CG); MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE

(06/13/06 - 22 - 5:38 p.m.)

24. PUBLIC HEARING - REZ 2006-01, COMMERCIAL DRIVE - THIS IS A REQUEST TO REZONE 4.05 ACRES FROM COMMERCIAL HIGHWAY TOURIST (CHT) TO INDUSTRIAL WAREHOUSE (IW) FOR UP TO 30,060 SQUARE FEET OF WAREHOUSE SPACE WITH OFFICE AND OUTSIDE

STORAGE. THE PROPERTY IS CURRENTLY VACANT AND IS LOCATED ON THE NORTH SIDE OF COMMERCIAL DRIVE, JUST EAST OF AGRICULTURAL CENTER DRIVE AND IS WITHIN THE INTERSTATE INDUSTRIAL PARK. THE PARCEL IS DESIGNATED AS MIXED USE (MD) LAND USE, AS DEPICTED ON THE 2015 FUTURE LAND USE MAP. THE ST. JOHNS COUNTY UTILITY DEPARTMENT WILL PROVIDE WATER AND SEWER. ADJACENT ZONINGS ARE INDUSTRIAL WAREHOUSE (IW) AND COMMERCIAL HIGHWAY TOURIST (CHT). ADJACENT LAND USES ARE VACANT TO THE WEST AND NORTH, INDUSTRIAL WAREHOUSE AND VACANT TO THE SOUTH AND WAREHOUSE AND OFFICE TO THE EAST. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS REZONING REQUEST AT THEIR APRIL 20, 2006 HEARING BY A VOTE OF 6/0

Proof of publication of the notice of public hearing regarding REZ 2006-01, Commercial Drive, was received, having been published in *The St. Augustine Record* on May 29, 2006.

Michael Blackford, Planner II, presented this item, and submitted two adjacent property owner response forms in favor of the application. **Motion by Maguire, seconded by Stevenson, carried 4/0 with Stern absent, to enact Ordinance No. 2006-72.**

ORDINANCE NO. 2006-72

AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA; REZONING LANDS AS DESCRIBED HEREINAFTER FROM THE PRESENT ZONING CLASSIFICATION OF COMMERCIAL HIGHWAY TOURIST (CHT) TO INDUSTRIAL WAREHOUSE (IW); MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE

(5:40 p.m.) Bryant discussed verbiage relating to the findings of fact that were presented to the Board with Blackford.

The meeting recessed at 5:45 p.m., resumed at 5:55 p.m., with the Board readdressing Item 22.

(06/13/06 - 23 - 6:11 p.m.)
COMMISSIONERS' REPORTS

Commissioner Bryant:

Bryant spoke about a letter he received from a group of attorneys regarding sparklers; he requested that Bosanko address the issue at tomorrow's meeting. He also spoke on deadlines for placing referendums on upcoming ballots, and holding a workshop on the Neighborhood Bill of Rights. *It was the consensus of the Board that Bosanko develop both a resolution and an ordinance on the Bill of Rights.*

(6:14 p.m.)

Commissioner Maguire:

Maguire reported that VFW Post 2391 would hold a fundraiser on June 17, for Deputy Steve Bailey. He requested that the Board receive the cash report earlier; addressed the budget process and stated that he wanted to cap the budget increase at 15½%. He also

requested an item be put in the budget in support of affordable housing; discussion followed on the budget and affordable housing.

(6:23 p.m.)

Commissioner Stevenson:

Stevenson reported that the Board received a letter of gratitude from the City of New Smyrna Beach for the assistance they received from the SJC Fire Department. She questioned when Eric Draper would be coming; Adams responded that he would find out.

(6:28 p.m.)

Commissioner Rich:

Rich addressed Comcast not broadcasting the BCC meetings in their viewing areas; Adams said he would ask Michael Hunt to investigate.

(06/13/06 - 24 - 6:32 p.m.)

COUNTY ADMINISTRATOR'S REPORT

Adams reviewed the dates and times of some future meetings.

(06/13/06 - 24 - 6:33 p.m.)

CLERK OF COURT'S REPORT

No report.

(06/13/06 - 24 - 6:33 p.m.)

COUNTY ATTORNEY'S REPORT

Bosanko spoke on a resident of Turtle Shores, Guy Bennett, who lives next door to a home that was built too close to the property line. Mr. Bennett was threatening to sue the County, and had offered to sell a portion of his lot to the developer or the County for \$75,000 to adjust the size of the neighboring lot. Bosanko recommended that the Board reject his offer.

(6:37 p.m.) **Motion by Bryant, seconded by Maguire, carried 4/0 with Stern absent, to adjourn.** With there being no further business to come before the Board, the meeting adjourned at 6:37 p.m.

REPORTS:

1. St. Johns County Board of County Commissioners' Check Register, Check No. 384976 through 384977, totaling \$3,704.69 (05/25/06)
2. St. Johns County Board of County Commissioners' Check Register, Check No. 34978 through 385007, totaling \$56,671.17 (05/25/06)
3. St. Johns County Board of County Commissioners' Check Register, Check No. 385008 through 385339, totaling \$5,820,520.12 (5/30/06)
4. St. Johns County Board of County Commissioners' Check Register, Check No. 385340 through 385345, totaling \$23,730.82 (06/02/06)
5. St. Johns County Board of County Commissioners' Check Register, Check No. 385346 through 385537, totaling \$1,696,334.69

CORRESPONDENCE:

1. Letter to Liz Cloud, Chief Bureau of Administrative Code, filing Ordinance Numbers 2006-53 through 2006-67 (June 2, 2006)

Approved June 27, 2006

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

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

ATTEST: CHERYL STRICKLAND, CLERK

By: Wanne King
Deputy Clerk