

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
JULY 11, 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 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
Yvonne King, Deputy Clerk

Also present: Cheryl Strickland, Clerk of Court

(07/11/06 - 1 - 9:00 a.m.)
CALL TO ORDER

Bryant called the meeting to order.

(07/11/06 - 1 - 9:00 am.)
ROLL CALL

Bryant stated that all five commissioners were present.

(07/11/06 - 1 - 9:00 a.m.)
Rich gave the invocation, and Maguire led the Pledge of Allegiance.

(07/11/06 - 1 - 9:01 a.m.)
SPECIAL PRESENTATION FROM HABITAT FOR HUMANITY TO ST. JOHNS COUNTY EMPLOYEES BY DIANE QUICK

Diane Quick, 5183 Pond View Drive, Jacksonville, Habitat for Humanity, informed the Board, and displayed photos of three homes that were built by Habitat for Humanity in one week. Quick then recognized Commissioner Stern with a plaque. Quick also recognized Stan Deangelis, Howard White, and the Building Department Staff with a plaque; recognized Rowe Estes, Chairman of the Housing Finance Authority; and recognized Tom Crawford and the Housing and Community Services Department.

(9:09 a.m.) Quick announced that next year they would be building 44 homes off of N. St. Johns Street; and the development would be called "Crawford Park."

(9:11 a.m.) Bryant announced that the St. Johns River Water Management District presented the County with a \$1 million donation for the retention pond in West Augustine.

(07/11/06 - 1 - 9:13 a.m.)
PUBLIC COMMENT

There was no public comment.

(07/11/06 - 2 - 9:13 a.m.)

DELETIONS TO THE CONSENT AGENDA

There were no deletions to the Consent Agenda.

(07/11/06 - 2 - 9:14 a.m.)

APPROVAL OF CONSENT AGENDA

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

1. Approval of the Cash Requirement Report
2. Minutes:
 - 05/02/06 - BCC Regular Meeting
 - 05/30/06 - BCC Regular Meeting
 - 06/14/06 - BCC Special Meeting
3. Motion to adopt **Resolution No. 2006-221**, changing George Smathers Street to Sea Forest Lane

RESOLUTION NO. 2006-221

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, RENAMING A ROAD FROM GEORGE SMATHERS STREET TO SEA FOREST LANE

4. Motion to adopt **Resolution No. 2006-222**, recognizing unanticipated revenue in the amount of \$2585.90 from VFIS and adjusting the appropriate expenditure line item by the same amount

RESOLUTION NO. 2006-222

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE AMENDMENT OF ITS FY 2006 EMS BUDGET TO RECEIVE UNANTICIPATED REVENUE FOR THE PURPOSE OF PROVIDING REPAIRS TO A COUNTY RESCUE UNIT (AMBULANCE)

5. Motion to transfer \$ 850.00 from Northwest Tower Reserve (1200-59927) \$350.00 to Northwest Tower Operating Supplies (1200-55200) and \$ 500.00 to Northwest Tower Aid to Private Organizations (1200-58200)
6. Motion to adopt **Resolution No. 2006-223**, amending the Mileage and Per Diem Expense Reimbursement Rates, Section 102 [Travel Policy for County Employees] of the Board of County Commissioners' Administrative Code

RESOLUTION NO. 2006-223

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AMENDING EMPLOYEE PER DEIM TRAVEL AND

MILEAGE REIMBURSEMENT RATES AND PROVIDING AN EFFECTIVE DATE

7. Motion to adopt **Resolution No. 2006-224**, approving the terms, provisions, conditions and requirements of an amended Economic Development Grant Agreement between St. Johns County, Florida and Ring Power Corporation, and authorizing the County Administrator to execute the amended agreement on behalf of St. Johns County

RESOLUTION NO. 2006-224

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF AN AMENDED ECONOMIC DEVELOPMENT AGREEMENT BETWEEN ST. JOHNS COUNTY, FLORIDA, AND RING POWER CORPORATION, AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE AMENDED AGREEMENT ON BEHALF OF ST. JOHNS COUNTY

8. Motion to approve the proposed personnel changes, and motion to approve a transfer in the amount of \$14,239 from General Fund Reserves to Administration and \$14,239 from Building Services Reserves to support the proposed personnel additions for FY 2006
9. Motion to adopt **Resolution No. 2006-225**, approving a final plat for Ravenswood Forest PUD Phase 2

RESOLUTION NO. 2006-225

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING A SUBDIVISION PLAT FOR RAVENSWOOD FOREST PUD PHASE 2

10. Motion to adopt **Resolution No. 2006-226**, approving a final plat for Mill Creek Landing

RESOLUTION NO. 2006-226

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING A SUBDIVISION PLAT FOR MILL CREEK LANDING

11. Motion to adopt **Resolution No. 2006-227**, approving a final plat for Durbin Crossing North - Phase 1 Unit 1

RESOLUTION NO. 2006-227

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING A SUBDIVISION PLAT FOR DURBIN CROSSING NORTH PHASE 1 UNIT 1

12. Motion to adopt **Resolution No. 2006-228**, authorizing a transfer of \$65,000 from St. Johns County Park Impact Fee Parks Zone B Land (1198-56100) to St. Johns County Fire/EMS Impact Fee Reserves (1180-59920)

RESOLUTION NO. 2006-228

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING A TRANSFER OF \$65,000 FROM ST. JOHNS COUNTY PARK IMPACT FEE FUND-ZONE "B" TO ST. JOHNS COUNTY FIRE/EMS IMPACT FEE FUND

13. Motion to adopt **Resolution No. 2006-229**, 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 (Sixth of 16 Parcels)

RESOLUTION NO. 2006-229

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

14. Motion to adopt **Resolution No. 2006-230**, approving the terms of and authorizing the County Administrator to execute the 2nd Amendment to the Lease Agreement to change the Tenant and to extend the expiration date for property located at Depot Plaza

RESOLUTION NO. 2006-230

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE 2ND AMENDMENT TO THE LEASE AGREEMENT TO CHANGE THE TENANT AND TO EXTEND THE EXPIRATION DATE FOR PROPERTY LOCATED AT DEPOT PLAZA

15. Motion to adopt **Resolution No. 2006-231**, accepting a Deed of Dedication Right-of-Way from SJP, L.L.C., a Florida limited liability company to St. Johns County for additional right-of-way along International Golf Parkway at the proposed intersection of County Road 2209

RESOLUTION NO. 2006-231

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING A DEED OF DEDICATION RIGHT-OF-WAY FROM SJP, L.L.C., A FLORIDA LIMITED LIABILITY COMPANY TO ST. JOHNS COUNTY FOR ADDITIONAL RIGHT-OF-WAY ALONG

**INTERNATIONAL GOLF PARKWAY AT THE
PROPOSED INTERSECTION OF COUNTY ROAD 2209**

16. Motion to adopt **Resolution No. 2006-232**, accepting an Easement for Utilities for water and sewer service to Marshall Creek Unit EV-9 Subdivision and accepting a Bill of Sale conveying all personal property associated with the water and sewer system

RESOLUTION NO. 2006-232

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING AN EASEMENT FOR UTILITIES FOR WATER AND SEWER SERVICE TO MARSHALL CREEK UNIT EV-9 SUBDIVISION AND ACCEPTING A BILL OF SALE CONVEYING ALL PERSONAL PROPERTY ASSOCIATED WITH THE WATER AND SEWER SYSTEM

17. Motion to adopt **Resolution No. 2006-233**, accepting an Easement for Utilities for water and sewer service to Paseo Reyes Subdivision Phase Two and accepting a Bill of Sale conveying all personal property associated with the water and sewer system

RESOLUTION NO. 2006-233

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

18. Motion to adopt **Resolution No. 2006-234**, accepting a Corrective Easement for Utilities for water service to serve Liberty Industrial Center located off of Agricultural Center Drive

RESOLUTION NO. 2006-234

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING A CORRECTIVE EASEMENT FOR UTILITIES FOR WATER SERVICES TO SERVE LIBERTY INDUSTRIAL CENTER LOCATED OFF OF AGRICULTURAL CENTER DRIVE

19. Motion to adopt **Resolution No. 2006-235**, approving the terms of and authorizing the County Administrator to execute a certain Purchase and Sale Agreement for property needed for the Woodlawn-Lewis Speedway Intersection Improvements

RESOLUTION NO. 2006-235

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 WOODLAWN-LEWIS SPEEDWAY INTERSECTION IMPROVEMENTS

20. Motion to adopt **Resolution No. 2006-236**, approving the terms of a Hold Harmless Agreement between St. Johns County and Aberdeen Community Development District and authorizing the County Administrator to execute the agreement on behalf of the County

RESOLUTION NO. 2006-236

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS OF A HOLD HARMLESS AGREEMENT BETWEEN ST. JOHNS COUNTY AND ABERDEEN COMMUNITY DEVELOPMENT DISTRICT AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE COUNTY

21. Proofs:
- a. Proof, Notice of Hearing, St. Johns County Board of County Commissioners/St. Johns County Community Redevelopment Agency, Tuesday, June 27, 2006 at 9:00 a.m.
 - b. Proof, Notice of Hearing, St. Johns County Board of County Commissioners, Utility Ordinance, Tuesday, June 27, 2006 at 9:00 a.m.
 - c. Proof, Notice to Bidders, Bid No. 06-123
 - d. Proof, Notice of Meeting, St. Johns County Board of County Commissioners, Special/Private Meeting, Tuesday, June 27, 2006 at 9:00 a.m.

(07/11/06 - 6 - 9:14 a.m.)

ADDITIONS/DELETIONS TO THE REGULAR AGENDA

Maguire requested Item 13 be heard at 1:30 p.m., after Item 9. Adams requested Items 5, 10, and 15 be pulled. Adams also requested to add an item; appointment to the PZA as Item 7a. Bosanko requested Item 20 be heard just before the noon break.

(07/11/06 - 6 - 9:17 a.m.)

APPROVAL OF REGULAR AGENDA

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

(07/11/06 - 6 - 9:18 a.m.)

1. RECAPITULATION 2005 BALANCED TAX ROLL AND ERROR & INSOLVENCIES REPORT

Bonnie Rackliff, St. Johns County Tax Collector's Office, presented the recapitulation of the 2005 Tax Roll; reported that the amount charged to collect the 2005 Tax Roll was \$311,678,008.75; of which, 99.987% was collected. Rackliff also presented a copy of the

2006 Financial Report of the 2005 Tax Roll, which was submitted to the Department of Revenue.

(07/11/06 - 7 - 9:19 a.m.)

2. CONSIDER A MOTION TO APPROVE MOVING THE PRECINCT LINE BETWEEN PRECINCTS 306 AND 310

Penny Halyburton, Supervisor of Elections, recommended the precinct boundary lines be altered between Precincts 306 and 310. (9:20 a.m.) **Motion by Maguire, seconded by Stevenson, carried 5/0, to approve moving the precinct line between Precincts 306 and 310, as presented.**

(07/11/06 - 7 - 9:20 a.m.)

3. DISCUSSION OF DISCRETIONARY SALES SURTAX

Rich presented several capital improvement projects that previously were not funded; but since funding sources were established. (9:22 a.m.) **Motion by Rich, seconded by Maguire, to discontinue this item.** (9:22 a.m.) Ed Paucek, 970 Irma Way, commented in favor of a sales tax referendum. (9:25 a.m.) **The motion carried 5/0.**

(07/11/06 - 7 - 9:26 a.m.)

4. ST. JOHNS COUNTY TOURISM INDUSTRY UPDATE

Glenn Hastings, Tourist Development Council Director, introduced Fred Cozby, Chairman of the St. Johns County Visitors and Convention Bureau, and Dana Ste. Claire, Chairman of the St. Johns County Tourist Development Council. (9:27 a.m.) Cozby reported on the tourism industry in St. Johns County. (9:28 a.m.) Hastings gave a PowerPoint presentation regarding the St. Johns County Tourism Industry, which included: how tourism increased the quantity and velocity of money coming into the county; the amount of sales tax revenue the visitors generated in 2005; the amount of revenue the residents generated in sales tax in 2005; year-to-date visitor profile highlights; the price of gasoline; the hurricane season affecting Florida vacationers; year-to-date increase in inquiries on the Internet; people likely to consider a vacation in Florida this Summer; their FY 2007 Marketing Plan; Research Department Projects; Sales Department goals; Communications Department (Public Relations) targets; Marketing Partnerships; Advertising Program; and their FY 2007 Advertising Objectives. (9:59 a.m.) Discussion followed regarding development in St. Johns County, advertising and attracting tourists, and job opportunities in the tourism industry. (10:18 a.m.) Dana Ste. Claire, Chairman of the Tourist Development Council, reviewed the annual visitor expenditures in St. Johns County, the rising fuel cost, and the overall tourism industry. (10:21 a.m.) Bruce Lucker, 545 Granada Terrace, commented on the positive impacts of the tourism industry.

The meeting recessed at 10:24 a.m. and reconvened at 10:33 a.m., with Maguire not present.

(07/11/06 - 7 - 9:14 a.m.)

5. CONSIDER A MOTION TO AUTHORIZE THE COUNTY ADMINISTRATOR, OR HIS DESIGNEE, TO NEGOTIATE AND PREPARE A DRAFT CONTRACT FOR RFQ NO: 06-45, MANAGEMENT AND OPERATIONAL SERVICE FOR THE ST. AUGUSTINE AMPHITHEATRE

This agenda item was removed from the agenda.

(07/11/06 - 8 - 10:34 a.m.)

6. CONSIDER A MOTION TO ADOPT A RESOLUTION APPROVING THE TERMS OF AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A LEASE AGREEMENT FOR SPACE NEEDED FOR ST. JOHNS COUNTY UTILITY DEPARTMENT STAFF LOCATED IN PONTE VEDRA PARKE CONDOMINIUM

Frank Kenton, St. Johns County Utility Department, explained the lease agreement. Discussion followed regarding the lease. (10:37 a.m.) **Motion by Stevenson, seconded by Rich, carried 4/0 with Maguire absent, to adopt Resolution No. 2006-237, approving the terms of and authorizing the County Administrator to execute a Lease Agreement for space needed for St. Johns County Utility Department staff located in Ponte Vedra Parke Condominium.**

RESOLUTION NO. 2006-237

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY FLORIDA, APPROVING THE TERMS AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A LEASE AGREEMENT FOR SPACE NEEDED FOR ST. JOHNS COUNTY UTILITY DEPARTMENT STAFF IN PONTE VEDRA PARKE CONDOMINIUM

(10:38 a.m.) Maguire returned to the meeting.

(07/11/06 - 8 - 10:38 a.m.)

7. CONSIDER APPOINTMENTS TO THE HEALTH & HUMAN SERVICES ADVISORY COUNCIL

Melissa Lundquist, Administrative Coordinator, explained the vacancies on the Health & Human Services Advisory Council. (10:41 a.m.) **Motion by Stern, seconded by Rich, carried 5/0, to appoint Linda Hood to the Health & Human Services Advisory Council for a full four-year term, scheduled to expire July 11, 2010.** (10:41 a.m.) **Motion by Rich, seconded by Maguire, carried 5/0, to appoint Dr. Ron Dixon and Sandy L. Barata to the Health & Human Services Advisory Council for a full four-year term, scheduled to expire July 11, 2010.**

(07/11/06 - 8 - 10:42 a.m.)

- 7a. APPOINTMENT TO THE PLANNING & ZONING AGENCY

Melissa Lundquist, Administrative Coordinator, relayed that Mr. James Wheeler was appointed to the PZA by the School Board, as their representative. (10:43 a.m.) **Motion by Stern, seconded by Stevenson, carried 5/0, to affirm the appointment of Mr. James L. Wheeler as the School Board Representative to the Planning & Zoning Agency for a four-year term beginning July 1, 2006.**

(07/11/06 - 8 - 10:51 a.m.)

8. DISCUSSION OF THE ST. JOHNS COUNTY BUSINESS INCENTIVE ORDINANCE

Karen Johnson, Intergovernmental Relations Specialist, gave a PowerPoint Presentation regarding the St. Johns County Business Incentive Program, which included: the purpose of the Business Incentive Program; assumptions; the existing Industry Scoring System; the changes in the speculative space category; the new Industry Scoring System; water and sewer unit connection fees; and the payout schedule for all projects.

(11:04 a.m.) Discussion followed on the payout schedule, placing a \$1 million cap on projects, and impact fee exemptions. (11:20 a.m.) Joe Gordy, Chairman of the Economic Development Council, addressed having an annual identifiable budgeted amount and having a payout schedule. (11:23 a.m.) Jim Wheeler, Vice Chairman of the Economic Development Council, addressed the payout schedule. Discussion followed regarding the payout schedule. (11:43 a.m.) **Motion by Maguire, seconded by Rich, carried 5/0, to schedule a public hearing date of August 22, 2006, for the Business Incentive Ordinance, specifically to wrap the two proposals into one.**

(07/11/06 - 9 - 1:39 p.m.)

9. CONSIDER A WORKFORCE OPPORTUNITY SITES DEVELOPMENT AND PRESERVATION STUDY

John Bacon, Vice-Chairman and Jim Browning, Secretary, 148 River Marsh Drive, St. Johns County Industrial Development Authority (IDA), gave the presentation. Bacon began by stating the problem had been under study for the last year by the IDA and the Economic Development Council of the St Johns County Chamber of Commerce, as it related to the lack of available land for industrial business development in the County. He noted that any corporation interested in developing in SJC had to compete with residential developers and with rezoning procedures, and thus found it easier to go elsewhere where local governments already owned property suited for industrial development. He stated that the County or a public entity within the County should own industrial and business parks, zoned for industrial, in order to facilitate new commercial development within the County. He said they were recommending the following: 1. Identify several industrial/commercial sites that could be acquired. 2. Suggest various methods by which the property could be acquired. 3. Recommend several ways to manage a County/Publicly owned industrial park. He introduced a number of community business activists and organizations that were present to support the study. He also introduced Greg Mihalic from Lake County, who would be making an additional presentation.

Browning gave specific figures from the 19th Annual Corporate Survey in 2004, and reviewed the Future Land Use Map as it related to industrial land use, and said that shortage was bringing higher land prices. He cited publicly owned industrial parks throughout Florida, and reviewed the objectives of the study and opportunity sites within the county. (1:56 p.m. Maguire entered the meeting.) He noted that the study would be conducted using local knowledge and expertise and an outside consultant where appropriate, and would identify preservation, acquisition, and public/private partnership strategies. Additionally, he reviewed identification of site preparation options, management and identifying liquidation policies. He also reviewed the consultant selection process, qualifications, cost estimates, funding sources, and asked the County to commit to \$25,000. Discussion ensued regarding whether to support the request.

(2:33 p.m.) Greg Mihalic, 20763 US Hwy. 27, Groveland, Florida, Director of Economic Development in Lake County, reviewed the history of how they developed their industrial lands in Lake County. He stated that it began with the freezes of the orange groves in the 1980's when the County bought out 722 acres of burned out groves for a commerce park. He said they later bought out industrial and converted it to RS Industrial. He stated the initial investment was about \$2 million including infrastructure and the County had reaped about \$15.5 million from that project so far.

Additional discussion about the merits of the study and the possible effects on the County followed.

(2:48 p.m.) **Motion by Stern, seconded by Bryant, that the BCC is conceptually in agreement with the IDA to consider public/private partnerships to acquire/manage industrial parks and hire a consultant to study the issue, and to provide financial participation in the amount of \$25,000 to support the Workforce Opportunity Sites Development and Preservation Study.** Rich stated that he wanted to go on record that he was not in agreement. **The motion carried 3/2, with Rich and Stevenson dissenting.**

(07/11/06 - 10 - 9:14 a.m.)

10. PUBLIC HEARING – REZ 2006-05 COGGIN HONDA REZONING

Proof of publication of the notice of public hearing on REZ 2006-05, Coggin Honda, was received, having been published in *The St. Augustine Record* on June 26, 2006.

This item was removed from the agenda.

(07/11/06 - 10 - 11:46 a.m.)

11. PUBLIC HEARING – REZ 2006-09, CRESCENT LANDING REZONING - THIS IS A REQUEST TO REZONE 16.06 ACRES FROM RS-2 WITH CONDITIONS TO RS-2 FOR A 22 LOT SINGLE-FAMILY HOME SUBDIVISION. ATTACHED IS A COPY OF ORDINANCE 90-37, WHICH PLACED THE FOLLOWING CONDITIONS ON THE PROPERTY: MINIMUM LOT SIZE 20,000 SQUARE FEET, CENTRAL WATER, PLATTING PRIOR TO DEVELOPMENT, FIRE PROTECTION, MAXIMUM DENSITY OF 50 UNITS, TURN LANES, ONE ACRE OF RECREATION, PRIVATE ROADS, AND FIRE HYDRANTS. THE PROPERTY IS CURRENTLY VACANT. THE PARCEL IS LOCATED ON THE SOUTH SIDE OF STATE ROAD 206, JUST EAST OF US 1 SOUTH AND IS LOCATED WITHIN THE RESIDENTIAL-B (B) LAND USE AS DEPICTED ON THE 2015 FUTURE LAND USE MAP. WATER AND SEWER WILL BE PROVIDED BY ST. JOHNS COUNTY UTILITIES. ADJACENT ZONINGS ARE OPEN RURAL (OR) AND RS-2. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS REZONING REQUEST AT THEIR JUNE 1, 2006 HEARING BY A VOTE OF 4/1. THE VOTE FOR DENIAL WAS BASED ON THE FACT THAT CONDITIONS WERE PLACED ON THIS PROPERTY AND SHOULD NOT BE REMOVED WITHOUT KNOWING EXACTLY WHY CONDITIONS WERE PLACED ON THE PROPERTY

Proof of publication of the notice of public hearing on REZ 2006-09, Crescent Landing Rezoning, was received, having been published in *The St. Augustine Record* on June 26, 2006.

Michael Blackford, Planner II, explained the request to rezone 16.03 acres of property from RS-2 with conditions to RS-2 for a 22 lot single-family home subdivision. Discussion followed regarding previous conditions placed on the property. (11:50 a.m.) Karen Taylor, 3070 Harbor Drive, further explained the requested rezoning. (11:53 a.m.) **Motion by Rich, seconded by Stevenson, carried 5/0, to enact Ordinance No. 2006-78, known as REZ 2006-09, Crescent Landing; adopting findings of fact 1-4 to support the motion.**

ORDINANCE NO. 2006-78

AN ORDINANCE OF THE COUNTY OF ST. JOHNS,
STATE OF FLORIDA, REZONING LANDS AS
DESCRIBED HEREINAFTER FROM THE PRESENT
ZONING CALSSIFICATION RESIDENTIAL SINGLE
FAMILY (RS-2) WITH CONDITIONS TO RESIDENTIAL

**SINGLE FAMILY (RS-2) MAKING FINDINGS OF FACT;
REQUIRING RECORDATION; AND PROVIDING AN
EFFECTIVE DATE**

(07/11/06 - 11 - 11:54 a.m.)

12. PUBLIC HEARING - REZ 2006-12 ST. JOHNS ANIMAL CONTROL FACILITY REZONING - THIS IS A REQUEST TO REZONE 1.95 ACRES FROM OPEN RURAL (OR) TO PUBLIC SERVICE (PS) FOR A NEW ST. JOHNS COUNTY ANIMAL CONTROL FACILITY. THE PROPERTY IS CURRENTLY VACANT. THE PARCEL IS LOCATED ON NORTH STRATTON ROAD, OFF US 1 NORTH IN RURAL SILVICULTURE (RS) OWNED BY SJRWMD LAND USE AREA AS DEPICTED ON THE 2015 FUTURE LAND USE MAP. WATER AND SEWER WILL BE PROVIDED BY THE ST. JOHNS COUNTY UTILITY DEPARTMENT. ADJACENT ZONING IS OPEN RURAL (OR). THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS REZONING REQUEST AT THEIR JUNE 1, 2006 HEARING BY A VOTE OF 6/0

Proof of publication of the notice of public hearing on REZ 2006-12, St. Johns Animal Control Facility, was received, having been published in *The St. Augustine Record* on June 26, 2006.

Michael Blackford, Planner II, relayed the request to rezone 1.95 acres of property from OR to PS for a new animal control facility. (11:55 a.m.) **Motion by Stevenson, seconded by Rich, carried 5/0, to enact Ordinance No. 2006-79, known as REZ 2006-12, St. Johns County Utility Warehouse; adopting findings of fact 1-4 to support the motion.**

ORDINANCE NO. 2006-79

**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
PUBLIC SERVICE (PS); MAKING FINDINGS OF FACT;
REQUIRING RECORDATION; AND PROVIDING AN
EFFECTIVE DATE**

(11:57 a.m.) Barbara Boyer, 4338 Gadsden Court, Jacksonville, appealed to the Board for help in securing an easement to her family farm via Carter Road. (12:01 p.m.) ***Bryant directed Staff to research this issue and report back to the Board.***

The meeting recessed at 12:04 p.m., and reconvened at 1:29 p.m.

(07/11/06 - 11 - 3:09 p.m.)

13. PUBLIC HEARING - PUD 2006-06 SEBASTIAN CROSSING - THIS REQUEST SEEKS TO REZONE APPROXIMATELY 28.2 ACRES FROM OPEN RURAL (OR) TO PLANNED UNIT DEVELOPMENT (PUD) IN ORDER TO DEVELOP A RESIDENTIAL COMMUNITY OF ONE HUNDRED TWENTY SEVEN (127) MULTI-FAMILY RESIDENTIAL TOWNHOME UNITS, WHICH WILL BE ACCESSED FROM CERVANTES AVENUE. THE SITE IS LOCATED ON THE WEST SIDE OF MASTER'S DRIVE BETWEEN CERVANTES AVE. AND CROOKSHANK DR. THE MASTER DEVELOPMENT PLAN PROPOSES ONE ACCESS POINT OFF CERVANTES AVE. THERE WILL BE A FOUR FOOT SIDEWALK ALONG INTERNAL ROADWAY SIDEWALK AS DEPICTED ON THE MASTER DEVELOPMENT PLAN MAP. THE PROJECT HAS MINIMUM OF 11.98 ACRES OF OPEN SPACE OR FORTY TWO PERCENT (42%) OF THE OVERALL SITE, WELL ABOVE THE PUD MINIMUM REQUIREMENT OF 25%.

OPEN SPACE TOTALS INCLUDE WETLANDS, WETLAND BUFFERS, AND ACTIVE RECREATION. CENTRAL WATER AND SEWER WILL BE PROVIDED BY THE CITY OF ST. AUGUSTINE. THE PROJECT SITE IS SURROUNDED BY THE FOLLOWING EXISTING ZONING CATEGORIES: OPEN RURAL (OR). THE SURROUNDING FUTURE LAND USE IS RESIDENTIAL-D (D) AND RESIDENTIAL-C (C). THE PLANNING AND ZONING AGENCY RECOMMENDED DENIAL OF THIS MODIFICATION AT THEIR MAY 18, 2006 MEETING BY A VOTE OF 2 TO 4. ST. JOHNS COUNTY PLANNING AND ZONING AGENCY MEMBERS FOUND THE PROPOSED DEVELOPMENT INCOMPATIBLE WITH SURROUNDING AREAS AND HAD SAFETY CONCERNS PERTAINING TO ROADWAYS

Proof of publication of the notice of public hearing on PUD 2006-06, Sebastian Crossing, was received having been published in *The St. Augustine Record* on June 26, 2006.

Teresa Bishop, Planning Director, gave the presentation and reviewed the staff report. She said the applicant was requesting one waiver and that staff did not object to it. She said PZA recommended denial with a 4/2 vote because it was incompatible with the surrounding area and expressed safety concerns. She noted there were many letters of opposition and a petition had been passed out in favor of the project. Patrick McCormack, Assistant County Attorney, asked that the applicant be given copies of the letters and of the petition she had mentioned.

(3:16 p.m.) Gary Davenport, DRMP Engineers, 3611-14 St. Johns Bluff Rd. S., Jacksonville, stated he was representing the applicant, L & D Land Investments of Florida, Inc./Gary B. Davenport P.A. He stated that PZA had recommended they meet with community members and they had done so. He said as a result changes were going to be made to the plan.

General discussion ensued about the possibility of continuing the item until the applicant could meet with community members to respond to their concerns.

(3:22 p.m.) Rich asked that the community member's comments be submitted as transcript.

(3:23 p.m.) Richard Powers, 280 Cervantes Ave., spoke in opposition to the project in that it was not compatible with the surrounding area and would cause safety problems because of only one access into the area at a dangerous location. He said they would support RS-3 zoning.

(3:34 p.m.) Bob Suttle, 3512 Caroline Blvd., Penny Farms, Florida, stated he owned 18 one-acre lots in the area. He spoke in favor of the project but suggested that a six-foot fence be placed between the project and his property and he wanted to have access.

(3:38 p.m.) Grady Lundquist, 385 Abbey Ave., spoke against the development but said he wanted to see the concerns worked out.

(3:41 p.m.) Rich declared ex-parte with Jessie Killibrew.

(3:42 p.m.) George Haynes, 69 Almeria St., spoke in favor of the project but expressed concern about whether changes in position would be reflected if the developer satisfied individual's concerns.

(3:43 p.m.) Carl Burchfield, 355 Armas Ave., said he had lived most of his life in that area and spoke in opposition to the project. He said he would support RS-3.

(3:45 p.m.) Carolyn Coffey, 7457 Bayard Blvd., Jacksonville, expressed concern about the watershed into the wetland area and whether it would push more water upon her property. Bryant said they were required to retain all of the runoff.

(3:48 p.m.) Tracye Brownnett, 1408 San Rafael Court, spoke in favor of the project.

(3:48 p.m.) Nathan Fink, 465 Castano Rd., spoke in favor of the project.

(3:49 p.m.) Justin Fink, 2625 Hispanola Ave., spoke in favor of the project.

(3:50 p.m.) Robert Frawley, 286 Monterey Ave., spoke against the project, as it was dangerous and not suitable for the area.

(3:54 p.m.) Davenport said if the Board would consider their request to continue, they would try to address their comments directly with them and would address them with the Board upon their return.

(3:54 p.m.) Motion by Maguire, seconded by Rich, carried 5/0, to continue the item until the applicant requests a new date, with direction to the staff to include the oppositional letters when the item comes back before the Board.

(07/11/06 - 13 - 3:55 p.m.)

14. PUBLIC HEARING - NOPC 2006-06, JULINGTON CREEK DEVELOPMENT OF REGIONAL IMPACT - THIS IS A NOTICE OF PROPOSED CHANGE (NOPC) TO AMEND THE JULINGTON CREEK DRI DEVELOPMENT ORDER: A REQUEST TO MODIFY THE JULINGTON CREEK DEVELOPMENT ORDER TO ADD 26.86 ACRE PARCEL (PARCEL 92) TO THE EXISTING JULINGTON CREEK DRI. PARCEL 92, IN CONJUNCTION WITH PARCEL 50, WHICH WAS PREVIOUSLY DESIGNATED FOR RECREATIONAL USE, WILL BE USED FOR THE CONSTRUCTION OF NEW RECREATION FACILITIES TO SERVE THE RESIDENTS OF JULINGTON CREEK

Proof of publication of the notice of public hearing on the Notice of Proposed Change NOPC 2006-06, Julington Creek Development of Regional Impact, was received, having been published in *The St. Augustine Record* on June 16, 2006.

Lindsay Haga, Chief Planner, gave the presentation and reviewed the staff report. She stated that PZA had passed it 6/0. She said it would not constitute a substantial deviation to the DRI Development Order and was consistent with the Comprehensive Plan and the Land Development Code.

(3:56 p.m.) Rich declared ex-parte with Al Abatello, member of the CDD Board, regarding general information in the use of land and how it would be utilized.

(3:56 p.m.) Stevenson revealed that she was a resident of that area, but she did not have substantial interest.

(3:57 p.m.) Motion by Stevenson, second by Maguire, carried 5/0, to adopt Resolution 2006-240, approving a Notice of Proposed Change to the Julington Creek DRI Development Order, adopting Findings of Fact 1 through 4 to support the motion.

RESOLUTION NO. 2006-239

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, MODIFYING THE JULINGTON CREEK PLANTATION DEVELOPMENT OF REGIONAL IMPACT RESTATED DEVELOPMENT ORDER, RESOLUTION NO. 1993-159, AS AMENDED; FINDING THE MODIFICATION DOES NOT CONSTITUTE A SUBSTANTIAL DEVIATION; AND PROVIDING FOR AN EFFECTIVE DATE

(07/11/06 - 14 - 9:14 a.m.)

15. PUBLIC HEARING - DEVAGREE 2005-01, RUSSELL SAMPSON DEVELOPMENT AGREEMENT

Proof of publication of the notice of public hearing on the development agreement DEVAGREE 2005-01 Russell Sampson Development Agreement, was received having been published in *The St. Augustine Record* on June 26, 2006.

This item was removed from the agenda.

(07/11/06 - 14 - 3:57 p.m.)

16. PUBLIC HEARING - CPA(SS)-2006-09, NEASE BEACHFRONT PARK- APPLICATION NO. CPA(SS)-2006-09, KNOWN AS NEASE BEACHFRONT PARK, IS A PROPOSED ADMINISTRATIVE SMALL SCALE COMPREHENSIVE PLAN AMENDMENT TO CHANGE THE 2015 FUTURE LAND USE MAP DESIGNATION FROM RESIDENTIAL DENSITY - C TO PARKS AND OPEN SPACE. THE 3.2-ACRE SITE IS LOCATED AT 3171 COASTAL HIGHWAY, ON THE WEST SIDE OF STATE ROAD A1A, ABOUT 300 FEET NORTH OF GARDNER AVENUE. AT ITS MEETING ON JUNE 15, 2006, THE PLANNING & ZONING AGENCY RECOMMENDED TO THE BCC APPROVAL OF THIS PROPOSED COMPREHENSIVE PLAN AMENDMENT BY A 5/0 VOTE. THOSE OPPOSED EXPRESSED A DESIRE TO SUPPORT THE REQUEST, BUT WERE CONCERNED WITH ISSUES OF COMPATIBILITY, FUNDING, AND CONTINUITY WITH THE SURROUNDING RESIDENTS

Proof of publication of the notice of public hearing on Comp Plan Amendment CPA(SS)2006-09, Nease Beachfront Park, was received, having been published in *The St. Augustine Record* on June 21, 2006.

Donna Godfrey, Senior Planner, gave the presentation. She said the PZA had recommended approval by a 5/1 vote. She said the proposed change would meet the intent of the County's Comprehensive Plan to provide recreational uses to recreational residents. She said that the Planning Staff was of the opinion that the site was appropriate for the recreational activities and staffed nature center as proposed, and had no objection to the request.

(4:00 p.m.) Maguire stated that this was the fourth time that the request had come before the Board and gave a history of the previous requests. He said when the property was originally purchased, it was specifically for parking and beach access, and now they were asking for it to become a complete recreational facility with staff, and asked why they went from parking to management.

(4:02 p.m.) Shorty Robbins, County Recreation and Parks, gave a history of the acquisition. She said that what they were proposing was consistent with the original

statement for acquisition. She said the plan included 30 parking spaces and would still provide the other uses proposed.

There was general discussion regarding the proposed tunnel or crossover and its funding, parking, the swimming pool currently on the property, right-of-way needs, asphalt walkways, and traffic calming for the area.

(4:11 p.m.) Rich questioned what the dissenting vote by the PZA concerned. Robbins said it was based on the concern for funding for the development, continuity, and compatibility with the existing residential development.

(4:12 p.m.) Bryant asked them to get with the community for their input and to hear their concerns. He asked if it had to be rezoned. Bishop said the current zoning was sufficient, but would be rezoned in the future before it was opened. She said another hearing would be held for rezoning purposes for the PZA and for the BCC before the park was opened. She said there would be adequate time for citizen input at those hearings.

(4:15 p.m.) Brooks Brown, 3168 Coastal Highway, said he lived across from the proposed park. He questioned parking, the removal of trees, the proposed elevated boardwalk and turning the Allen Nease home into a museum. He said many people who lived in the area opposed it.

(4:20 p.m.) Deputy Clerk Robin Platt joined the meeting and Deputy Clerk Terry Bulla left the meeting.

There was general discussion regarding the expense for the project, concerns of the local property owners, the change from just a parking lot to a park, the fact that the beach was public trust land up to the mean high-water mark and access to the beach. Emphasis was placed on the need to treat the existing residents with respect towards their property and their concerns. Godfrey confirmed that the request was only for the change to the Future Land Use Map from Residential Density-C to Parks and Open Space and for nothing more.

(4:26 p.m.) Motion by Stevenson, seconded by Maguire, carried 5/0, to enact Ordinance 2006-80, amending the 2015 Future Land Use Map Designation from Residential Density C to Parks and Open Space for property located at 3171 Coastal Highway, about 300 feet north of Gardner Avenue.

ORDINANCE NO. 2006-80

**AN ORDINANCE OF THE COUNTY OF ST. JOHNS,
STATE OF FLORIDA, AMENDING THE 2015
COMPREHENSIVE PLAN, ORDINANCE NO. 2000-34, AS
AMENDED, TO CHANGE THE FUTURE LAND USE
MAP DESIGNATION FROM RESIDENTIAL C TO
PARKS AND OPEN SPACE FOR PROPERTY LOCATED
AT 3171 COASTAL HWY, WEST OF COASTAL HWY;
MAKING FINDINGS OF FACT; REQUIRING
RECORDATION; AND PROVIDING AN EFFECTIVE
DATE**

(07/11/06 - 16 - 4:29 p.m.)

17. PUBLIC HEARING - USP 2006-03, COASTAL OAKS COMPREHENSIVE SIGNAGE PLAN (NOCATEE PUD/DRI) - THE NOCATEE PLANNED UNIT DEVELOPMENT TEXT AND SUBSEQUENT INCREMENTAL MASTER DEVELOPMENT PLANS FOR INDIVIDUAL VILLAGES PROVIDES FOR UNIFIED SIGNAGE PLANS (USP). THE PROPOSED COASTAL OAKS USP IDENTIFIES PROJECT SIGNAGE FOR THE OLD BLUFF ROAD NEIGHBORHOOD OF THE NOCATEE DRI/PUD. THE USP CONSISTS OF PROJECT IDENTIFICATION SIGNAGE, DIRECTIONAL/WAYFARER SIGNAGE, DIRECTIONAL/TRAFFIC SIGNAGE, AMENITY IDENTIFICATION SIGNAGE (MAJOR/MINOR SIGNS), COMMUNITY/EVENT SIGNAGE, AND ADDRESS/BUSINESS NAME SIGNAGE

Proof of publication of the notice of public hearing on the USP 2006-03, Coastal Oaks Comprehensive Signage Plan (Nocatee PUD/DRI), was received, having been published in *The St. Augustine Record* on June 26, 2006.

Lindsay Haga, Chief Planner, presented this item. (4:30 p.m.) **Motion by Stern, seconded by Rich, carried 5/0, to adopt Resolution No. 2006-239, known as USP 2006-03, Coastal Oaks Comprehensive Signage Plan, adopting findings of fact one through four to support the motion.**

RESOLUTION NO. 2006-239

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, APPROVING A UNIFIED SIGNAGE PLAN (USP) TO THE NOCATEE PLANNED UNIT DEVELOPMENT; ORDINANCE NO. 2002-65, AS AMENDED

(07/11/06 - 16 - 4:31 p.m.)

18. PUBLIC HEARING - GLEN ST. JOHN COMMUNITY DEVELOPMENT DISTRICT PETITION - THE GLEN ST. JOHN CDD PETITION INCORPORATES THE APPROVED GLEN ST. JOHN PUD WHICH WAS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS ON NOVEMBER 4, 2003, PURSUANT TO ORDINANCE 2003-94. THE CDD COVERS APPROXIMATELY 365.93 ACRES OF LAND LOCATED BETWEEN LEO MAGUIRE PARKWAY AND INTERSTATE 95, SOUTH OF CR 210 IN NORTHWEST ST. JOHNS COUNTY. THE CDD ABUTS THE ST. JOHNS GOLF AND COUNTRY CLUB TO THE SOUTH. THE PROJECT IS PLANNED FOR APPROXIMATELY 495 RESIDENTIAL UNITS. THE PETITION PROPOSES THAT THE CDD PROVIDE THE FOLLOWING INFRASTRUCTURE IMPROVEMENTS WITHIN THE DISTRICT, INCLUDING: ROADWAYS, WATER AND WASTEWATER, STORMWATER SYSTEM, LANDSCAPE AND ENTRY FEATURES AND RECREATION FACILITIES

Proof of publication of the notice of public hearing on the Glen St. John CDD was received, having been published in *The St. Augustine Record* on June 14, 21, 28 and July 5, 2006.

Lindsay Haga, Chief Planner, presented this item. She explained the exhibits that were distributed, including a revised Exhibit 7, affidavits and a chart of comparative annual assessment levels. Discussion ensued regarding the roads that would be included in

the CDD, specifically ownership and maintenance of the roads and water/wastewater utilities.

(4:38 p.m.) Maguire asked for a more detailed explanation of what the recreation dollars would be used for, and questioned if the CDD would acquire any wetlands or mitigation property.

(4:39 p.m.) Wes Haber, Hopping Green & Sams, 123 S. Calhoun St., Tallahassee, stated that the District would not be gated and he addressed the roads. He stated further that the District would not be purchasing wetlands. He explained that the District would maintain the street lighting and enhanced landscaping on the roads that the County took ownership of.

(4:41 p.m.) Isabelle Lopez, Senior Assistant County Attorney, addressed the new Exhibit 7 that was distributed at the meeting, confirming that there would be further language added to the effect that the street lighting and any enhanced landscaping would be maintained by the CDD. Discussion ensued on maintenance of the stormwater and road systems, having only one way in to and one way out of the CDD, and at what point the roads would be turned over to the County.

(4:48 p.m.) Bryant commented on the County having to pay for repairs to the roads for damage that occurred during construction, after the maintenance bond expired.

The meeting recessed at 4:50 p.m. and reconvened at 5:01 p.m., with Maguire no longer in attendance.

(5:01 p.m.) Lopez presented an additional finding of fact that would be added: *"Petitioner and County agree to cooperate in a future interlocal [agreement] regarding repair of any county roads beyond the LDC maintenance period prior to the County acceptance of such county roads."* The petitioner agreed to the additional finding being added.

(5:02 p.m.) Motion by Rich, seconded by Stevenson, carried 4/0 with Maguire absent, to enact Ordinance No. 2006-81, approving the petition for Glen St. John Community Development District, adopting findings of fact one through four, and including the amended Exhibit 7 to be supplied by the attorney.

ORDINANCE NO. 2006-81

**AN ORDINANCE OF THE COUNTY OF ST. JOHNS,
STATE OF FLORIDA, ESTABLISHING THE GLEN ST.
JOHN COMMUNITY DEVELOPMENT DISTRICT
PURSUANT TO CHAPTER 190, FLORIDA STATUTES
(2005); NAMING THE DISTRICT; DESCRIBING THE
EXTERNAL BOUNDARIES OF THE DISTRICT;
DESCRIBING THE FUNCTIONS AND POWERS OF THE
DISTRICT; DESIGNATING FIVE PERSONS TO SERVE
AS THE INITIAL MEMBERS OF THE DISTRICT'S
BOARD OF SUPERVISORS; PROVIDING A
SEVERABILITY CLAUSE; AND PROVIDING AN
EFFECTIVE DATE**

(07/11/06 - 17 - 5:03 p.m.)

19. WORKSHOP - DISCUSSION FOR THE DESIGNATION OF A BROWNFIELD SITE AT 5100 SR 207

Teresa Bishop, Planning Director, explained that a Brownfield Site was a DEP program to clean up contaminated sites; and that the proposed site (approximately 100 acres) was located in the proposed Elkton DRI.

(5:04 p.m.) Rich Maguire, Rogers Towers, 1301 Riverplace Blvd., Jacksonville, representing the applicant, explained the type of contamination on the property and the benefits of having the Brownfield designation. He further explained that in order to begin the process the local government must approve the area to be designated as a Brownfield area, and the details of the process. (5:06 p.m.) Commissioner Maguire returned to the meeting. Discussion ensued on the impact of contaminated areas, how to proceed with the application process and the extent of the contamination on the site. (5:20 p.m.) *The Board directed Staff to pursue the process with the applicant.*

(07/11/06 - 18 - 2:50 p.m.)

20. CONSIDER MOTION TO ADOPT A RESOLUTION APPROVING THE TERMS, CONDITIONS, PROVISIONS, AND REQUIREMENTS OF THE SETTLEMENT AGREEMENT AND MUTUAL RELEASE BETWEEN THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA (ACTING ON BEHALF OF ST. JOHNS COUNTY), AND AMERICAN CONTRACTORS AND DEVELOPERS, INC., IN CONNECTION WITH ST. JOHNS COUNTY CIRCUIT COURT CASE NO. CA-04-626, AND AUTHORIZING THE CHAIRPERSON OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA TO EXECUTE THE SETTLEMENT AGREEMENT AND MUTUAL RELEASE ON BEHALF OF THE COUNTY

Adam G. (Lep) Adams, III, of Rogers Towers, representing the County, gave a review of the history of the lawsuit. He stated that in his opinion that the settlement with the Plaintiff, American Contractors and Developers, Inc., in the proposed amount of \$200,000, was within the range of reasonableness under the circumstances of the case. He noted that in addition to the County's potential liability for at least some portion of the Plaintiff's claim, the County would likely have incurred attorneys' fees and expert witness fees and other costs within the range of approximately \$100,000 to \$125,000 if the matter were tried before a jury to conclusion. He added that in the event one party of the other was unhappy with the result, the County might potentially incur additional attorneys' fees and costs through an appeal. He said the settlement of the questionable claim would bring to a conclusion the litigation process by which the County would certainly incur substantial additional fees and costs that it would not recoup.

(2:57 p.m.) **Motion by Bryant, seconded by Stevenson, carried 5/0, to adopt County Resolution No. 2006-238, approving the terms, conditions, provisions, and requirements of the Settlement Agreement and Mutual Release between the Board of County Commissioners of St. Johns County, Florida (acting on behalf of St. Johns County), and American Contractors and Developers, Inc., in connection with St. Johns County Circuit Court Case No. CA-04-626, and authorizing the Chairperson of the Board of County Commissioners of St. Johns County, Florida to execute the Settlement Agreement and Mutual Release on behalf of the County.**

RESOLUTION NO. 2006-238

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF A SETTLEMENT AGREEMENT AND MUTUAL RELEASE BETWEEN THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA,

AND AMERICAN CONTRACTORS AND DEVELOPERS, INC., IN CONNECTION WITH ST. JOHNS COUNTY CIRCUIT COURT CASE NO. CA-04-626, AND AUTHORIZING THE CHAIRPERSON OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA TO EXECUTE THE SETTLEMENT AGREEMENT AND MUTUAL RELEASE ON BEHALF OF ST. JOHNS COUNTY

The meeting recessed at 2:58 p.m., and reconvened at 3:09 p.m.

(07/11/06 - 19 - 5:20 p.m.)

21. PRESENTATION OF THE FISCAL YEAR 2007 RECOMMENDED BUDGET

Ben Adams, County Administrator, announced the dates and times of future budget related meetings. He presented highlights on the recommended budget for Fiscal Year 2007, via PowerPoint, including: the budget process; the total recommended County budget; the County's reserve levels; new position requests; the recommended CIP; and the Solid Waste Fund.

(5:34 p.m.) Stevenson requested a public communication budget and press releases on the budget process to better inform the public on the budget process. (5:41 p.m.) Bryant addressed State funded positions for the Social Services area. Doug Timms, Director OMB, stated that those positions were shown in the budget. Bryant stated that he supported funding for active recreation and aquatic centers. Maguire questioned the percentage of budget increase: Timms explained that there was a record increase in property tax values of 26.7%. Discussion followed on other budget issues to be discussed at the next meeting. (5:46 p.m.) Stern stated that she also supported funding for aquatic centers and the Hastings Research and Education Unit.

(07/11/06 - 19 - 5:49 p.m.)

COMMISSIONERS' REPORTS

Commissioner Stern:

No report.

(5:49 p.m.)

Commissioner Bryant:

Bryant spoke on an e-mail he received from Wiley Deck, from Congressman Mica's office, requesting letters of support for the Castillo de San Marcos General Management Plan Alternative C be sent to the National Park Service.

(5:51 p.m.)

Commissioner Maguire:

Maguire displayed a map to illustrate the County's transportation plan and who would be paying for the new roads.

(5:53 p.m.)

Commissioner Stevenson:

Stevenson recognized the Julington Creek Plantation CDD Board of Supervisors Chairman, Susan Beaugrand, as being present at their earlier hearing.

(5:56 p.m.)

Commissioner Rich:

Rich commented on campaigning from the dais; heated discussion ensued on the behavior of the commissioners toward each other at the meetings.

(07/11/06 - 20 - 6:06 p.m.)

COUNTY ADMINISTRATOR'S REPORT

No report.

(07/11/06 - 20 - 6:06 p.m.)

COUNTY ATTORNEY'S REPORT

No report.

(07/11/06 - 20 - 6:06 p.m.)

CLERK OF COURT'S REPORT

No report.

(6:07 p.m.) **Motion by Bryant, seconded by Maguire, carried 5/0, to adjourn.** With there being no further business to come before the Board, the meeting adjourned at 6:07 p.m.

REPORTS:

1. St. Johns County Board of County Commissioners Check Register, Check Nos. 385939 through 386210, totaling \$3,155,141.59 (6/20/06)
2. St. Johns County Board of County Commissioners Check Register, Check Nos. 386211 through 386240, totaling \$56,313.94 (6/22/06)
3. St. Johns County Board of County Commissioners Check Register, Check Nos. 386241 through 386652, totaling \$2,357,864.72 (6/27/06)

CORRESPONDENCE:

1. Letter to Liz Cloud, Program Administrator, Bureau of Administrative Code, filing Ordinance Numbers 2006-73 through 2006-77, the proofs of publication, and the CODRS Coding Forms

Approved August 8, 2006

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

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

ATTEST: CHERYL STRICKLAND, CLERK

By: Wendee Kinay
Deputy Clerk