

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
AUGUST 22, 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
Terry Bulla, Deputy Clerk

Also present: Cheryl Strickland, Clerk of Court

(08/22/06 - 1 - 8:08 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 BETWEEN THE DEPARTMENT OF COMMUNITY AFFAIRS AND ST. JOHNS COUNTY, DIVISION OF ADMINISTRATIVE HEARINGS CASE NO.: 05-1787 GM. THE OWNERS OF THE PROPERTY (HELOW PROPERTIES, LTD.) HAVE FILED A MOTION TO INTERVENE. THE SPECIAL MEETING HAS BEEN ADVERTISED FOR 8:00 A.M. CONFERENCE ROOM "A" HAS BEEN RESERVED FOR THIS MEETING

Proof of publication for the notification of a special private attorney/client meeting was received, having been published in *The St. Augustine Record* on August 11, 2006.

Commissioner Bryant called the meeting to order. Dan Bosanko, County Attorney, announced that the private attorney/client meeting was to be held in Conference Room A. Bryant announced the names of the attendees: James E. Bryant, Cyndi Stevenson, Bruce A. Maguire, Karen R. Stern, Ben Rich, Ben W. Adams, Jr., Daniel J. Bosanko, Esquire; Isabelle C. Lopez, Special Counsel; and Kathy Upchurch, Court Reporter.

(8:34 a.m.) Bryant announced the termination of the closed attorney/client settlement meeting. Rich had not yet returned.

Motion by Stern, seconded by Stevenson, carried 4/0, with Rich absent, to adjourn the special meeting.

(08/22/06 - 1 - 9:02 a.m.)

CALL TO ORDER

Bryant called the meeting to order.

(08/22/06 - 2 - 9:02 a.m.)

ROLL CALL

Bryant stated that all five commissioners were present.

(08/22/06 - 2 - 9:02 a.m.)

Cyndi Stevenson gave the Invocation, and Karen Stern led the Pledge of Allegiance.

(08/22/06 - 2 - 9:04 a.m.)

STATEMENT OF SUPPORT FOR THE GUARD AND RESERVE

Maguire introduced Carl Burchfield, local Chairman for the National Committee for Employer Support of the Guard and Reserve, who gave the presentation. He stated they worked actively to insure that Guard Members and Reservists would have jobs when they returned from military duty. He noted that St. Johns County was one of the biggest supporters and employers, and they really appreciated their assistance. He introduced individuals for the various branches of the service who were present. Each commissioner then signed a document and presented it with a pin and medallion to the following representatives present: Carl Burchfield, Doug Corbett, Lt. Col. Ron E. Tittle, Sgt. First Class Earnest L. Clemons, MAJ Diana R. Haynie, SFC Steven J. Rougeau, SSgt. Thomas E. Kielbasa, MSgt. Sherri Nelson and TSgt. Cynthia Turk. Maguire then read the statement of support and noted that many County employees were members of the Guard.

(08/22/06 - 2 - 9:15 a.m.)

PROCLAMATION DESIGNATING AUGUST 28 THROUGH SEPTEMBER 4, 2006 AS ST. JOHNS COUNTY FIRE FIGHTERS APPRECIATION WEEK

Stern welcomed the firefighters and read the proclamation to Jeremy Robshaw, Fire Service Public Education, Chief Carl Shank, Chief Jeff Prevatt, Lt. Kurt Johnson, Aaron Vona, Firefighter, Amanda Source, Firefighter, Adam Wilson, Engineer, Christina Bhirdo, Firefighter and Leslie Wiles, Muscular Dystrophy Association who joined the commissioners in expressing support and appreciation. Chief Shank thanked the Board and said they had raised \$38,000 last year for MDA. Wiles thanked the Board for their proclamation and the firefighters for their continued support.

(08/22/06 - 2 - 9:21 a.m.)

SPECIAL RECOGNITION DESIGNATING AUGUST 22, 2006 AS CAMERON LACY APPRECIATION DAY

Bryant gave the presentation and introduced Jack Pope and Shawn Murphy, Lacy's son. Bryant gave a history of Lacy's involvement with the homeless program, which culminated in the St. Johns County Affordable Housing Program, and his many contributions to St. Johns County. He then read the proclamation. He noted Lacy could not be present due to health problems. Pope, a long time friend of Lacy, expressed appreciation for the honor that was being bestowed upon him. Shawn Murphy accepted the proclamation on behalf of his father and expressed thanks.

(08/22/06 - 2 - 9:28 a.m.)

ACCEPTANCE OF PROCLAMATION

Motion by Maguire, seconded by Stern, carried 5/0, to accept the proclamations as presented.

(08/22/06 - 3 - 9:29 a.m.)

PUBLIC COMMENT

Mary Kohnke, 29 South Roscoe, spoke regarding requests for proposals (RFPs). She stated that the method had worked well until recently, when she maintained, favoritism had become an issue and cited two instances.

(9:34 a.m.) Barbara Boyer, 4338 Gaston Court, Jacksonville, stated that 460 State Rd. 206 was the address of her family farm in St. Johns County. She gave an historical presentation regarding her farm and the road leading into it, now known as Carter Rd., and reviewed aerial photos showing the road to her farm. She explained that Rayonier had threatened to prosecute her for trespassing if she returned to her farm, as they were claiming they built the road. She said she looked forward to meeting with the Commission and Rayonier to look at the facts. Bryant commented that he was in favor of getting her access to her property. Bosanko said the plan was to bring it back as a regular agenda item on September 19 to present to the Commission. He said it was a matter of State law and should not vary, and hoped to explain that at the next meeting. He noted the ultimate decision was in the court system, and an injunction could be issued to protect the landowner until the courts made a decision. Maguire stated that he totally supported her efforts.

(9:53 a.m.) Boyer asked Bosanko a legal question. Bosanko said it was a complex history problem. He noted the location of Old Kings Rd. had been disputed for a long time, and Carter Rd. might lay on part of Old Kings Road today. He stated they were going to try to review the history and to prepare information to educate the board.

(08/22/06 - 3- 10:00 a.m.)

DELETIONS TO CONSENT AGENDA

Stevenson requested that Item 2, the July 25 minutes, be pulled in order to do some research. Adams pulled Item 12 and moved Item 18 to the Regular agenda as item A1.

(08/22/06 - 3 - 10:01 a.m.)

APPROVAL OF CONSENT AGENDA

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

1. Approval of the Cash Requirement Report

2. Minutes:
07/25/06 - BCC Regular Meeting

3. Sheriff's Office Bonds:

Approve:	Joseph Desena	Stephen Jensen	Jonathan Smith
	Kyle Braig	Jon Elliott	Thomas Evans
	James Ford	Brannon Gudith	Ezekiel Kelly
	Andrew Limpkin	Angelo Rosado	Loren Schneider
	Jeffery Scott	Linda Crow	Mandy Dale
	Michael Charles	Douglas Woodall	Jennifer Read

Cancel:	Shirley Bushner	Justin Boales	Carol Bishop
---------	-----------------	---------------	--------------

4. Motion to adopt **Resolution No. 2006-274**, authorizing the County Administrator to enter into a Grant Agreement with the State Library of Florida, in order to update and/or replace computer equipment at the Main and Hastings libraries

RESOLUTION NO. 2006-274

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING ST. JOHNS COUNTY TO ENTER INTO AN AGREEMENT WITH THE STATE LIBRARY OF FLORIDA IN ORDER TO RECEIVE GRANT FUNDING FROM THE BILL AND MELINDA GATES FOUNDATION FOR THE LIBRARY SYSTEM BUDGET FOR FISCAL YEAR 2007

5. Motion to schedule public hearings for September 19, 2006 at 9:00 a.m. and October 3, 2006 at 5:30 p.m. to consider amendments to Article III of the Land Development Code
6. Motion to approve transfer of \$120,000.00 from the County Transportation Trust Fund Reserve (1111-1131-59920) to the Fleet Maintenance Department Cost of Parts (1111-1123-55219) for the purchase of required parts to repair County vehicles for the balance of FY06
7. Motion to adopt **Resolution No. 2006-275**, approving a final plat for Julington Creek Plantation Parcel 52

RESOLUTION NO. 2006-275

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING A SUBDIVISION PLAT FOR JULINGTON CREEK PLANTATION PARCEL 52

8. Motion to adopt **Resolution No. 2006-276**, allowing an application to be submitted to Magellan Health Services, Inc. to become a Magellan Organization Provider and authorizing the County Administrator to execute the application on behalf of the County

RESOLUTION NO. 2006-276

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE SUBMISSION OF AN APPLICATION TO MAGELLAN HEALTH SERVICES, INC. FOR ST. JOHNS COUNTY TO BECOME A MAGELLAN ORGANIZATION PROVIDER

9. Motion to adopt **Resolution No. 2006-277**, accepting an Easement for Utilities for water and sewer service to Grand Cay Subdivision located off of US #1 South and authorizing the County Administrator to execute the Easement

RESOLUTION NO. 2006-277

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

ACCEPTING AN EASEMENT FOR UTILITIES FOR WATER AND SEWER SERVICE TO GRAND CAY SUBDIVISION AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE EASEMENT

10. Motion to adopt **Resolution No. 2006-278**, accepting and authorizing the County Administrator to execute an Agreement between Cross Creek Presbyterian Church and St. Johns County for property needed to construct a sidewalk along part of Greenbriar Road

RESOLUTION NO. 2006-278

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE AN AGREEMENT BETWEEN CROSS CREEK PRESBYTERIAN CHURCH AND ST. JOHNS COUNTY FOR PROPERTY NEEDED TO CONSTRUCT A SIDEWALK ALONG PART OF GREENBRIAR ROAD

11. Motion to adopt **Resolution No. 2006-279**, accepting a Warranty Deed for a lift station site in Old Town Condominiums located off State Road 16

RESOLUTION NO. 2006-279

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING A WARRANTY DEED FOR A LIFT STATION SITE TO PROVIDE SEWER SERVICE TO OLD TOWN CONDOMINIUMS (FORMERLY KNOWN AS PORTOFINA) LOCATED ON STATE ROAD 16

12. Motion to adopt a resolution approving and authorizing the County Administrator to execute a Lease Agreement for office space needed for the Sheriff for offsite video visitation

This item was pulled.

13. Motion to adopt **Resolution No. 2006-280**, approving the terms of a License Agreement authorizing Florida Power & Light Company to run an overhead power line across a County Canal to provide electrical service to a residence off of Canal Boulevard and authorizing the County Administrator to execute the License Agreement on behalf of the County

RESOLUTION NO. 2006-280

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS OF A LICENSE AGREEMENT AUTHORIZING FLORIDA POWER AND LIGHT COMPANY TO RUN AN OVERHEAD POWER LINE ACROSS A COUNTY CANAL TO PROVIDE ELECTRICAL SERVICE TO A RESIDENCE OFF OF CANAL BOULEVARD AND AUTHORIZING THE

**COUNTY ADMINISTRATOR TO EXECUTE THE
LICENSE AGREEMENT ON BEHALF OF THE COUNTY**

14. Motion to adopt **Resolution No. 2006-281**, accepting an Easement for Utilities for water and sewer service to North Tuscany Village Subdivision located at Inman Road and Outlet Center Drive and authorizing the County Administrator to execute the Easement

RESOLUTION NO. 2006-281

**A RESOLUTION OF THE BOARD OF COUNTY
COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA,
ACCEPTING AN EASEMENT FOR UTILITIES FOR
WATER AND SEWER SERVICE TO NORTH TUSCANY
VILLAGE SUBDIVISION AND AUTHORIZING THE
COUNTY ADMINISTRATOR TO EXECUTE THE
EASEMENT**

15. Motion to adopt **Resolution No. 2006-282**, approving the terms and authorizing the County Administrator to execute a License Agreement to Florida Power & Light Company to install power to a pump needed for the Fox Creek Regional Pond site located off of Northwood Drive

RESOLUTION NO. 2006-282

**A RESOLUTION OF THE BOARD OF COUNTY
COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA,
APPROVING THE TERMS AND AUTHORIZING THE
COUNTY ADMINISTRATOR TO EXECUTE A LICENSE
AGREEMENT TO FLORIDA POWER & LIGHT
COMPANY TO INSTALL POWER TO A PUMP NEEDED
FOR THE FOX CREEK REGIONAL POND SITE
LOCATED OFF OF NORTHWOOD DRIVE**

16. Motion to transfer \$194,304 from General Fund Reserves (0083-59920) to Juvenile Justice Contractual Services (0039-53120) to increase the budget to the projected FY 2006 expenses
17. Motion to authorize the County Administrator, or his designee, to enter into a Price Agreement under Bid No. 06-128 with Patrick's Uniforms, Florida Patch, Plexus Inc. and Harrison Uniforms for the Purchase of St. Johns County Fire Rescue Uniforms for a term of one (1) year with four (4) one (1) year renewal options

This item was moved to the Regular Agenda as Item A1.

18. Motion to authorize the County Administrator, or his designee, to award a contract to the lowest bidder, Sawcross, Inc., for Bid No. 06-101, SR 207 Wastewater Master Pump Station, in the amount of \$1,198,000.00
19. Motion to authorize the County Administrator, or his designee, to enter into Master Agreements with the top ten ranked firms, including ties as shown on the Evaluation Summary Sheet attached to this agenda, for RFQ 06-130 General Contracting Services Small Projects

20. Motion to authorize the County Administrator, or his designee, to purchase three wide-body cutaway type vehicles through the FDOT Public Transit Office, Florida Vehicle Procurement Program Contract #FVPP-05-CA-4, from Getaway Marketing, Inc., in the amount of \$213,726.00; and to purchase ten small cutaway type vehicles (buses) through the FDOT Public Transit Office, Florida Vehicle Procurement Program Contract # FVPP-03-SC-3, from Transit Plus, Inc., in the amount of \$507,161.00

21. Motion to declare the attached list of items as surplus and authorize staff to sell by auction. Items for which no bid is received and serve no useful function or have no commercial value will be donated, sold for scrap or transferred to the landfill

22. Proofs:
 - a. Proof, Notice of Meeting, Board of County Commissioners and Northeast Florida Regional Council, Regional Cooperation Summit on "Affordable Workforce Housing...and the Roads that Lead Us Home," Wednesday, August 9, 2006 at 9:00am to 4:00pm
 - b. Proof, Notice to Bidders, Bid No. 06-104
 - c. Proof, Certificate of Liability Insurance, Progressive Employers Services V, LLC.
 - d. Proof, Certificate of Liability Insurance, Shapell's, Inc.
 - e. Proof, Certificate of Liability Insurance, Fire Fighters Equipment Co.
 - f. Proof, Certificate of Liability Insurance, Elton C. Davis, Inc.
 - g. Proof, Certificate of Liability Insurance, AlphaStaff Group
 - h. Proof, Certificate of Liability Insurance, Enrique Estrada
 - i. Proof, Certificate of Liability Insurance, St Augustine Society, Inc.

(08/22/06 - 7 - 10:02 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

Bryant introduced Nick Casalla, of the St. Joe Company, who requested to have Item 18 pulled in order to talk with property owners. Rich requested that those present to testify should have an opportunity to put their statements on the record so they would not have to return. Bryant said he would hold public comment on that item as Item A2.

Adams request that Item 2 be rescheduled to September 19, Item 15 to be pulled and rescheduled at the request of the applicant, and that Item 13 be scheduled after 1:30 p.m.

(08/22/06 - 7 - 10:06 a.m.)

APPROVAL OF REGULAR AGENDA

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

(08/22/06 - 7 - 10:06 a.m.)

A1. MOTION TO AUTHORIZE THE COUNTY ADMINISTRATOR, OR HIS DESIGNEE, TO AWARD A CONTRACT TO THE LOWEST BIDDER, SAWCROSS, INC., FOR BID NO. 06-101, SR 207 WASTEWATER MASTER PUMP STATION, IN THE AMOUNT OF \$1,198,000.00

Joe Burch, County Purchasing Manager, gave the presentation and explained that the old pump station would be demolished and additional capacity was needed to handle the wastewater in that area.

(10:09 a.m.) **Motion by Stevenson, seconded by Rich, carried 5/0, to approve the County Administrator or his designee to award a contract to the lowest bidder, Sawcross, Inc., for Bid No. 06-101 in the amount of \$1,198,000.**

(08/22/06 - 8 - 10:09 a.m.)

A2. PUBLIC COMMENT ONLY ON FORMER REGULAR ITEM NO. 18. MAJMOD
2006-07 RIVERTOWN PUD/DRI

Richard Edwards, 394 Summerset Dr., Bartram Plantation, asked why St. Joe needed 15 acres carved out of what was to have been residential land for commercial development when they had 4,170 acres of their own land. He said he would like to see a resolution to ensure that St. Joe presented a site map with plans for approval prior to any construction, to increase buffer to at least 100 feet, and to limit the height to 35 feet. He said he would like to meet with St. Joe and give them some input. He further stated he did not want to see any establishments going in the commercial area that would serve alcohol, as it was too close to a school. He said the commercial area was not in keeping with the neighborhood, and encouraged them to design the buildings so that it would look more residential with parking behind the buildings. He also expressed concern about the capacity on Greenbriar Rd.

(10:13 a.m.) Douglas Saarela, 390 Summerset Dr., Bartram Plantation, spoke against the request. He noted that the schools were at capacity, and he was looking out for the safety of the many children in that community. Stevenson said there had been several community meetings and there had been some miscommunication. She noted the land had been designated as commercial by an administrative change, and believed that St. Joe would work hard with them to create a good resolution. She explained that there was a funded CIP project to allow for the building of sidewalks in that area for next year. Additionally, she noted that rules were in place prohibiting the sale of alcohol within a certain radius of schools, and that infrastructure improvements were coming to that rapidly growing area.

(08/22/06 - 8 - 10:19 a.m.)

1. SELECTION OF COUNTY ATTORNEY

Bryant reviewed the procedure for voting. Bosanko added additional clarification and that it was not a secret vote. Maguire asked that Wilson's name be included and noted his resume was not included. Bob Peters, Human Resources Director, said he was to be included. Opportunity was given for public comment, but there was none.

Each member wrote a name on the ballot and Peters tallied them up. Bosanko gave a review of what had transpired on the contract, which was a draft, prepared by Constangy Brooks & Smith, a labor and personnel related law firm. He said it was not final and amendments could be made to it. He noted it was pro-management, designed to give the board maximum leverage and control of the contract as permissible under law. Maguire said they needed to come to a solid agreement among themselves before the contract was presented. Bosanko suggested they place it on the next agenda. Stevenson asked for Board consensus that Peters be the negotiator to resolve the contract conditions. Rich asked that the names of the commissioners and their votes be read. The vote was taken.

(10:27 a.m.) Peters read the results:

Rich: Jager, Lopez, McCormack
Stern: Hunt, McCormack, Wilson
Maguire: Lopez, Wilson, Colby

Bryant: Hunt, McCormack, Wilson
Stevenson: Lopez, Bosch

Peters reported that Lopez, McCormack and Wilson each had 3 votes. Bryant said the vote would be for one out of the 3. Another vote was held.

Peters read the results.

Stern: McCormack
Rich: McCormack
Stevenson: Lopez
Bryant: McCormack
Maguire: Lopez

Peters declared McCormack as the Board's choice.

(10:31 a.m.) **Motion by Stern, seconded by Stevenson, carried 5/0, to go into contract negotiations with McCormack for the position of County Attorney, and for Peters to serve as the negotiator of the contract.**

The meeting recessed at 10:31 a.m. and reconvened at 10:01 a.m.

(08/22/06 - 9 - 10:06 a.m.)

2. CONSIDER MOTION TO ADOPT A RESOLUTION APPROVING THE ISSUANCE BY ST. JOHNS COUNTY INDUSTRIAL DEVELOPMENT AUTHORITY OF ITS HEALTH CARE REVENUE REFUNDING BONDS (GLENMOOR AT ST. JOHNS PROJECT) IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$55,000,000

This item was pulled from the agenda.

(08/22/06 - 9 - 10:44 a.m.)

3. CONSIDER MOTION TO ADOPT A RESOLUTION AUTHORIZING ACQUISITION PROCEEDINGS FOR PROPERTY REQUIRED FOR THE NOCATEE PARKWAY ROAD

Isabell Lopez, Senior Assistant County Attorney, stated she was there to assist Joel Sedibrini, who was to be counsel for eminent domain for the Board. She reviewed the aerial maps, and noted it was a quick take procedure to acquire required property for the Nocatee Parkway Ramp system. She noted that the developer was responsible for the cost of eminent domain proceedings.

Bryant explained that the land was vacant, .30 of an acre was uplands and the rest was wetland. (10:47 a.m.) **Motion by Rich, seconded by Stevenson, carried 5/0, to adopt Resolution No. 2006-283.**

RESOLUTION NO. 2006-283

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, DECLARING THE PUBLIC PURPOSE OF AND PUBLIC NECESSITY FOR EXERCISING THE RIGHT AND POWER OF EMINENT DOMAIN TO ACQUIRE REAL PROPERTY AS DESCRIBED BELOW FOR THE CONSTRUCTION OF A COUNTY ROADWAY; AUTHORIZING THE COUNTY

**ATTORNEY TO INSTITUTE CONDEMNATION
PROCEEDINGS**

(08/22/06 - 10 - 10:48 a.m.)

4. CONSIDER MOTION TO ADOPT A RESOLUTION APPROVING A NEIGHBORHOOD TRAFFIC CALMING PROGRAM FOR THE PURPOSE OF CONTROLLING EXCESSIVE TRAFFIC VOLUMES AND SPEEDS IN RESIDENTIAL AREAS

Joe Stephenson, Public Works Director, introduced the presentation. He noted the changes were details to get the project down to specific numbers and the process.

(10:51 a.m.) Angelo Rao, 3409 N. Lemon St., Tampa, gave a PowerPoint presentation on the Neighborhood Traffic Calming proposal. He noted it was the process of enhancing a community's traffic safety by applying physical and sustainable solutions that moderate motorists' driving behavior. He reviewed the progress to date and the various methods of traffic calming.

General discussion ensued with all board members concurring that this was a good program.

(11:03 a.m.) Motion by Stevenson, seconded by Stern, carried 5/0, to adopt Resolution 2006-284, approving a Neighborhood Traffic Calming Program for the purpose of controlling excessive traffic volumes and speeds in residential areas.

RESOLUTION NO. 2006-284

**A RESOLUTION OF THE BOARD OF COUNTY
COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA,
A POLITICAL SUBDIVISION OF THE STATE OF
FLORIDA, TO ADOPT A NEIGHBORHOOD TRAFFIC
CALMING PROGRAM FOR THE PURPOSE OF
CONTROLLING EXCESSIVE TRAFFIC VOLUMES FOR
SPEEDS IN RESIDENTIAL AREAS**

(11:03 a.m.) The regular meeting was adjourned and convened as the Community Redevelopment Agency

(08/22/06 - 10 - 11:03 a.m.)

5. CONSIDER MOTION TO ADOPT A COMMUNITY REDEVELOPMENT AGENCY RESOLUTION AUTHORIZING THE CHAIRMAN OF THE BOARD TO EXECUTE SATISFACTIONS OF MORTGAGES, SUBORDINATION OF MORTGAGES, ACCEPT QUIT CLAIM DEEDS OF UNBUILDABLE INFILL LOTS BACK TO THE COUNTY, CONVEY A REPLACEMENT LOT TO AN APPROVED BUILDER, AND CREATE A NEW MORTGAGE UNDER THE TERMS AS THE ORIGINAL MORTGAGE WITHOUT FURTHER BOARD ACTION

Proof of publication for the notice of public hearing regarding a meeting of the St. Johns County Community Redevelopment Agency was received, having been published in *The St. Augustine Record* on August 15, 2006.

Benjamin Coney, Community Development Manager, gave the presentation stating this was an effort to save the Board's time and avoid items that were repetitive in nature, and would authorize the Chairman of the Board to execute certain documents

previously reviewed by the Real Estate Division and the County Attorney's staff. He said it would allow the St. Johns County Redevelopment Agency Infill Housing Program to operate in a more effective and efficient manner.

(11:06 a.m.) Motion by Stern, seconded by Rich, carried 5/0, to adopt CRA Resolution 2006-8 authorizing the Chairman of the Board to execute Satisfactions of Mortgages, Subordination of Mortgages, accept Quit Claim Deeds or unbuildable infill lots back to the county, convey a replacement lot to an approved builder, and create a new Mortgage under the terms as the original Mortgage without further Board action.

CRA RESOLUTION NO. 2006-8

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE CHAIRMAN OF THE BOARD TO EXECUTE SATISFACTIONS OF MORTGAGES, SUBORDINATION AGREEMENTS, ACCEPT QUIT CLAIM DEEDS FOR UNBUILDABLE INFILL LOTS THAT ARE TRANSFERRED BACK TO THE COUNTY, WITHOUT FURTHER BOARD ACTION. NEW MORTGAGES FOR THE REPLACEMENT LOTS WILL BE CREATED TO APPROVED RESIDENTIAL BUILDERS AT A SALE PRICE AND TERMS ESTABLISHED IN THE ORIGINAL MORTGAGE. THE TRANSACTIONS OUTLINED ABOVE ARE ON BEHALF OF THE ST. JOHNS COUNTY COMMUNITY REDEVELOPMENT AGENCY

(11:07 a.m.) The Community Redevelopment Agency meeting was adjourned and was reconvened as the Board of County Commissioners

(08/22/06 - 11 -11:07 a.m.)

6. STATE HOUSING INITIATIVES PARTNERSHIP (SHIP) ANNUAL REPORT

Dana Leth, Homeownership Programs Administrator, gave the presentation summarizing the SHIP activities in the County for the past year. She noted the statistics covered the period of June 30 to July 1, 2006, and that nine families had become homeowners over the past year. She reported that 33 other families became homeowners through other Federal and State Housing Programs, and that 22 homes had been repaired through the SHIP program for local residents, the majority of which were elderly. She reported that 9 families had been helped through the Tap-in Connection portion of the SHIP program to connect to sewer and water to existing residences in West Augustine. She said that Habitat for Humanity had a banner year with 11 families being helped through the partnership.

(08/22/06 - 11 - 11:10 a.m.)

7. CONSIDER MOTION TO ENACT AN ORDINANCE AMENDING, COMBINING AND SUPPLEMENTING ST. JOHNS COUNTY ORDINANCES 89-20, 89-58, 90-31, 90-58, 90-64, 91-10, 91-33, 92-14, 92-39, 93-44, 94-60, 97-28 AND 99-27 ALL OF WHICH TOGETHER HAVE CONSTITUTED THE ST. JOHNS COUNTY SOLID WASTE ORDINANCE

Wendy Manucy, Solid Waste Manager, gave the presentation. She reviewed the changes and what they entailed.

Bosanko said the process was called codification, the process of bringing all the ordinances together.

(11:12 a.m.) Motion by Rich, seconded by Bryant, carried 5/0 to enact Ordinance 2006-98, amending, combining, and supplementing St. Johns County Ordinances 89-20, 89-58, 90-31, 90-58, 90-64, 91-10, 91-33, 92-14, 92-39, 93-44, 94-60, 97-28 and 99-27 all of which together have constituted the St. Johns County Solid Waste Ordinance.

ORDINANCE 2006-98

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA AMENDING, COMBINING, AND SUPPLEMENTING ST. JOHNS COUNTY ORDINANCES 89-20, 89-58, 90-31, 90-58, 90-64, 91-10, 91-33, 92-14, 92-39, 93-44, 94-60, 97-28, AND 99-27 ALL OF WHICH TOGETHER HAVE CONSTITUTED THE ST. JOHNS COUNTY SOLID WASTE ORDINANCE. THIS ORDINANCE CONSOLIDATES SAID ORDINANCES REGULATING THE ACCUMULATION, COLLECTION, TRANSPORTATION, AND DISPOSAL OF GARBAGE, TRASH, TIRES, AND OTHER SOLID WASTE BY ALL PERSONS AND ENTITIES; AND AMENDING AND SUPPLEMENTING THOSE PROVISIONS AS FOLLOWS: 89-20, 89-58, 90-31, 90-58, 90-64, 91-10, 91-33, 92-14, 92-39, 93-44, 94-60, 97-28, AND 99-27, AND REINSTATES IN PART THOSE PROVISIONS HEREIN AMENDED AND SUPPLEMENTED INCLUDING BUT NOT LIMITED TO THE FOLLOWING: PROVIDING FOR AMENDED DEFINITIONS IN SECTION 2 TO THE FOLLOWING DEFINITIONS - CONSTRUCTION AND DEMOLITION DEBRIS, DEMOLITION DEBRIS, SLUDGE, TRANSFER STATION, WASTE TIRE; PROVIDING FOR CONTINUED USE OF PRIOR ENACTED DEFINITIONS; PROVIDING FOR AMENDMENT OF SECTION 4(D)(4) - GRANT OF FRANCHISES AND OTHER AUTHORIZATIONS - FRANCHISE FEES; PROVIDING FOR AMENDMENT OF SECTION 5(K) - REGULATIONS APPLICABLE TO FRANCHISE HOLDERS AND AUTHORIZED COLLECTORS; PROVIDING FOR AMENDMENT OF SECTION 6(A) - RATES AND FEES CHARGED BY FRANCHISE HOLDERS AND AUTHORIZED COLLECTORS; PROVIDING FOR AMENDMENT OF SECTION 12(A) - MANAGEMENT OF SOLID WASTE; PROVIDING FOR AMENDMENT OF SECTION 16(A) - COUNTY WASTE DISPOSAL FEES; PROVIDING FOR AMENDMENT OF SECTION 21(A) - ENFORCEMENT AND PENALTIES; PROVIDING FOR CONTINUITY, RE-AFFIRMATION, AND RE-ESTABLISHMENT OF PRIOR ENACTED PROVISIONS, TO EXTENT NOT AMENDED BY THIS ORDINANCE, OR IN ACTUAL CONFLICT WITH THIS ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

(08/22/06 - 13 - 11:14 a.m.)

8. CONSIDER MOTIONS TO ADOPT RESOLUTIONS APPROVING MINOR REVISIONS AND AMENDMENTS TO THE NON EXCLUSIVE FRANCHISE AGREEMENTS FOR COMMERCIAL/INDUSTRIAL WASTES AND CONSTRUCTION & DEMOLITION DEBRIS

Wendy Manucy gave the presentation and stated they were requesting the approval of minor revisions and amendments to the Non Exclusive Franchise Agreements for Commercial/Industrial Wastes and for Non Exclusive Franchise Agreements for Construction & Demolition Debris.

(11:15 a.m.) **Motion by Rich, seconded by Stevenson, carried 5/0 to enact resolution 2006-285 and 286, approving minor revisions and amendments to the Non Exclusive Franchise Agreement for Commercial/Industrial Wastes and to the Non Exclusive Franchise Agreements for Construction and Demolition Debris.**

RESOLUTION NO. 2006-285

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING MINOR REVISIONS AND AMENDMENTS TO THE NON EXCLUSIVE FRANCHISE AGREEMENTS FOR COMMERCIAL/INDUSTRIAL WASTES

RESOLUTION NO. 2006-286

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING MINOR REVISIONS AND AMENDMENTS TO THE NON-EXCLUSIVE FRANCHISE AGREEMENTS FOR CONSTRUCTION AND DEMOLITION DEBRIS

(08/22/06 - 13 - 11:16 a.m.)

9. CONSIDER MOTION TO ADOPT A RESOLUTION MODIFYING CERTAIN WEIGH SCALE FEES AND CHARGES PERTAINING TO GARBAGE AND REFUSE DISPOSAL AND ESTABLISHING THE RATE OF THE ANNUAL SOLID WASTE NON AD VALOREM ASSESSMENT LEVIED PURSUANT TO ORDINANCE 89-20, AS AMENDED AND CONSIDER MOTION TO ADOPT A RESOLUTION ESTABLISHING THE RATE OF THE ANNUAL SOLID WASTE NON AD VALOREM COLLECTION ASSESSMENT AND THE ANNUAL SOLID WASTE NON AD VALOREM RECYCLED ASSESSMENT PURSUANT TO ORDINANCE 94-07, AS AMENDED AND CONSIDER MOTION TO ADOPT A RESOLUTION MODIFYING CERTAIN WEIGH-SCALE FEES AND CHARGES PERTAINING TO TIRE DISPOSAL PURSUANT TO ST. JOHNS COUNTY ORDINANCE 89-20 AS AMENDED

Doug Timms, Management & Budget Director, gave the presentation and stated that it was to bring forward the non ad valorem rates as presented in the recommended budget in July. He stated they were asking for an increase of a total non ad valorem rates per household to \$176 from \$154.22, and on the commercial side, to \$55 from \$50 per ton. He explained it was due to significant increases of fuel costs and the need to replenish reserves primarily to be able to face the potential 2007 storm season. He said the entire increase was only \$1 over 1998 levels. He said they were seeking to go to full costs over a 2-year period.

(11:21 am.) Motion by Stern, seconded by Maguire, carried 5/0, to adopt Resolution 2006-287, modifying certain weight scale fees and charges pertaining to garbage and refuse disposal and establishing the rate of the annual Solid Waste Non Ad Valorem Assessment levied pursuant to Ordinance 89-20 as amended, and Resolution 2006-288, establishing the rate of the annual Solid Waste Non Ad Valorem Collection Assessment and the annual Solid Waste Non Ad Valorem Recycled Assessment pursuant to Ordinance 94-07, as amended, and Resolution 2006-289, modifying certain weigh-scale fees and charges pertaining to dire disposal pursuant to St. Johns County Ordinance 89-20, as amended.

RESOLUTION NO. 2006-287

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, MODIFYING CERTAIN WEIGH SCALE FEES AND CHARGES PERTAINING TO GARBAGE AND REFUSE DISPOSAL AND ESTABLISHING THE RATE OF THE ANNUAL SOLID WASTE NON AD VALOREM ASSESSMENT LEVIED PURSUANT TO ST. JOHNS COUNTY ORDINANCE 89-20, AS AMENDED

RESOLUTION NO. 2006-288

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ESTABLISHING THE RATE OF THE ANNUAL SOLID WASTE NON AD VALOREM COLLECTION ASSESSMENT AND THE ANNUAL SOLID WASTE NON AD VALOREM RECYCLED ASSESSMENT PURSUANT TO ST. JOHNS COUNTY ORDINANCE 94-07, AS AMENDED

RESOLUTION NO. 2006-289

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, MODIFYING CERTAIN WEIGH SCALE FEES AND CHARGES PERTAINING TO TIRE DISPOSAL PURSUANT TO ST. JOHNS COUNTY ORDINANCE 89-20, AS AMENDED; PROVIDING EFFECTIVE DATES

(08/22/06 - 14 - 11:23 a.m.)

10. CONSIDER MOTION TO TRANSFER \$1,130,625 FROM WORKERS COMPENSATION CLAIMS RESERVES (5507-59938) TO WORKERS COMPENSATION MINIMUM PREMIUM (5507-52305) TO INCREASE THE BUDGET TO THE ANTICIPATED FY 2006 EXPENSES

Doug Timms, Management and Budget Director, gave the presentation and stated it was a technical requirement for the Board to approve a budget amendment regarding a reserve amount. He said it was a large dollar adjustment, but was within the reserve for the Workers Compensation Fund. He said it was due to not fully understanding the methodology that our Workers Comp carrier applied when the County removed the Sheriff from the budget. He said the proposed savings would not appear until three years later. He explained that the fund was balanced and was planned for.

There was discussion and clarification as to which budget years were involved and as to whether the County would get the funding back. Timms said we would be getting the money back by preventing larger increases than would otherwise occur.

(11:25 a.m.) Bryant left the meeting.

(11:26 a.m.) Motion by Stevenson, seconded by Maguire, carried 4/0 with Bryant absent, to transfer \$1,130,625 from Workers Compensation Claims Reserves (5507-59938) to Workers Compensation Minimum Premium (5507-52305) to increase the budget to the anticipated FY 2006 expenses.

(08/22/06 - 15 - 11:29 a.m.)

11. NEIGHBORHOOD BILL OF RIGHTS WORKSHOP

Dan Bosanko, County Attorney, read the proposal and gave background on the bill of rights request. He said there was a question as to how to define the neighborhood and who would receive notification. He explained what he did to address the issue. He suggested they give the homeowners the amount of time they need to present their issues. He said hammering out was still necessary to get the bill of rights prepared correctly. He said a copy of the Duval ordinance was included in their packets and he had used that as a model. He said that staff had advised him that a staff increase would be required to implement the request.

(11:44 a.m.) Rich asked that they settle on an ordinance rather than a resolution, and settle it that day.

(11:47 a.m.) Stevenson asked if the Board was in agreement. Stern said she didn't see the necessity to limit it. Stevenson expressed concern about the concept of increasing legal standing, and said she preferred the ordinance to a resolution because it would be a more permanent record and would afford more rights to the public. She said that the public was concerned that the Board make more explicit what their legal rights were. She suggested they continue to work on the issue with broader representation.

(11:51 a.m.) Stern said she had no problems with the document before them in draft form, and was fine with an ordinance. She noted some neighborhoods were more spread out and didn't have as much representation. Section 2, IV, expressed question as to whether county staff would be required to attend, and if so, should additional staff be hired. She said more discussion was needed and they needed to keep in mind that there might be additional budgetary needs as a result of it.

(11:55 a.m.) Maguire said it should be an ordinance, and he liked what Bosanko had prepared. He said the administration could be a nightmare financially and with liability. He emphasized that it needed to be hammered out over time.

(11:57 a.m.) Clara Cowan, 244 Patricks Mill, Ponte Vedra Beach, spoke and asked for citizen involvement to work out the details. She said some of the responsibility should go back to the people who wanted representation. She questioned the expense angle because people already had to be notified. She asked they be permitted to talk with developers first, and they also wanted a right to rebuttal. She said they were asking for communication, as many people felt they were not being heard. She said a workshop would be a great way to go.

There was general discussion on who should be notified and what means of communication should be used.

(12:12 p.m.) Bosanko suggested that upon registration they could say how they wanted to receive notification, e-mail, mail etc.

(12:13 p.m.) Rich asked about Section 3:A and that they use the months of April and October. He asked for the consensus of the board. Maguire asked why 2 were necessary, but said if it was for draft purposes he had no objections.

(12:16 p.m.) Stevenson said she would like to have more time to review the information. Stern said she agreed and would like to see what budgetary requirements, if any, it would bring about. She said it would help them to make some decisions.

Stevenson announced that Commissioner Bryant had left the meeting because he was not feeling well and probably would not be back for the afternoon session.

At 12:17 p.m. the meeting recessed for lunch and reconvened at 1:32 p.m., with Maguire not yet in attendance and Deputy Clerk Robin Platt present.

(08/22/06 - 16 - 1:33 p.m.)

12. CONSIDER A MOTION TO ENACT AN ORDINANCE, REPLACING ORDINANCE NO. 2005-56, ESTABLISHING PROCEDURES, SPECIFICATIONS, REQUIREMENTS, AND OTHER MEASURES ASSOCIATED WITH A COUNTY BUSINESS INCENTIVE PROGRAM

Karen Johnson, Intergovernmental Relations Specialist, outlined the major changes to the proposed Business Incentive Ordinance. Stern mentioned that the Board of County Commissioners received a copy of an e-mail from the Economic Development Council vice chairman, expressing their concern regarding the cap on the incentive and project totals. (1:37 p.m.) Commissioner Maguire entered the meeting.

(1:38 p.m.) Jim Wheeler, 4240 Leaping Deer Lane, Vice Chair of the Economic Development Council, spoke on issues relating to caps; discussion followed.

(1:55 p.m.) Motion by Maguire, seconded by Stern, carried 4/0 with Bryant absent, to enact Ordinance No. 2006-99, which replaces Ordinance No. 2005-56, which establishes procedures, specifications, requirements, and other measures associated with the County's Business Incentive Program, with the change to delete the caps that are mentioned in there.

ORDINANCE NO. 2006-99

AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA, REPLACING THE EXISTING ORDINANCE NUMBER 2005-56, MAKING FINDINGS OF FACT; PROVIDING DEFINITIONS; APPROVING AND ADOPTING A ST. JOHNS COUNTY TARGET INDUSTRY STUDY; ADOPTING AND IMPLEMENTING A ST. JOHNS COUNTY BUSINESS INCENTIVE PROGRAM THAT (1) IDENTIFIES OR TARGETS CERTAIN BUSINESSES AND INDUSTRIES WHOSE CREATION OR EXPANSION WITHIN THE COUNTY, OR RELOCATIONS TO THE COUNTY, WILL STIMULATE THE EMPLOYMENT OPPORTUNITIES FOR THE COUNTY'S CITIZENS, (2) ENCOURAGES THE DEVELOPMENT OF PROJECTS AND (3) ESTABLISHES CRITERIA FOR THE BOARD'S GUIDANCE IN MAKING ECONOMIC DEVELOPMENT GRANTS TO

SELECTED TARGETED BUSINESSES AND INDUSTRIES; CREATING A PUBLIC ECONOMIC DEVELOPMENT AGENCY AND PROVIDING THAT CERTAIN RECORDS OF THE AGENCY ARE CONFIDENTIAL AS REQUIRED BY FLORIDA STATUTE 288.075; APPROVING AN APPLICATION FORM TO BE USED BY THE MANAGEMENT OF TARGETED BUSINESSES AND INDUSTRIES TO APPLY FOR ECONOMIC DEVELOPMENT GRANTS FROM THE COUNTY; AUTHORIZING THE EXPENDITURE OF COUNTY FUNDS TO PROVIDE ECONOMIC DEVELOPMENT GRANTS TO SELECTED TARGETED BUSINESSES AND INDUSTRIES; PROVIDING PROCEDURES; REQUIRING THE EXECUTION OF A GRANT AGREEMENT BETWEEN THE COUNTY AND A SELECTED TARGETED BUSINESS OR INDUSTRY AND AS A CONDITION FOR THE GRANT; ALLOWING COUNTY STAFF TO EXPEDITE THE COUNTY'S PERMITTING AND DEVELOPMENT ORDER PROCESS FOR THE PROJECTS THAT RECEIVE COUNTY ECONOMIC DEVELOPMENT GRANTS; DECLARING THAT THE COUNTY'S BUSINESS INCENTIVE PROGRAM DOES NOT CREATE ANY ENTITLEMENTS TO GRANTS; ESTABLISHING OTHER GRANT PARAMETERS; AND PROVIDING AN EFFECTIVE DATE

(1:56 p.m.) Stern commented on workforce housing. Rich left the meeting. (1:58 p.m.) *Consensus was given to process pending applications under the new ordinance.*

(08/22/06 - 17 - 1:59 p.m.)

13. PUBLIC HEARING - APPEAL TO PZA DENIAL OF ZONING VARIANCE/ZADMAPL 2006-03, JAMES B. WILLIAMS, JR. - THIS REQUEST IS AN APPEAL BY JAMES B. WILLIAMS, JR., OF A ZONING VARIANCE DENIED BY THE PLANNING AND ZONING AGENCY ON JUNE 1, 2006. THE REQUESTED VARIANCE WAS TO ALLOW THE REDUCTION IN THE REQUIRED SIDE YARD SETBACK FROM 8' TO 2' TO ALLOW FOR AN EXISTING 28' X 40' STEEL BUILDING. THE PROPERTY IS LOCATED AT 5208 TIMUCUA CIRCLE. AN ORDER OF THE PLANNING AND ZONING AGENCY DATED FEBRUARY 2, 2006 DENIED THE REQUESTED VARIANCE FINDING (1) THE REQUEST IS NOT IN COMPLIANCE WITH PART XII OF THE LAND DEVELOPMENT CODE, DEFINING ZONING VARIANCE. SUBSTANTIAL EVIDENCE HAS NOT BEEN SUBMITTED TO SUPPORT HARDSHIP AS DEFINED BY THE CODE, (2) THE REQUEST IS CONTRARY TO THE PUBLIC INTEREST AND IS IN CONFLICT WITH SURROUNDING DEVELOPMENT, AND (3) THE REQUEST DOES NOT MEET THE CRITERIA ESTABLISHED BY SECTION 10.04.02 OF THE LAND DEVELOPMENT CODE

Proof of publication for the notice of public hearing regarding an appeal to PZA denial of ZADMAPL 2006-03, James B. Wilson, Jr., was received, having been published in *The St. Augustine Record* on August 5, 2006.

Marie Hobbs, Assistant Zoning Manager, introduced this item.

(2:01 p.m.) James Williams, 5208 Timucua Circle, explained his request, with a PowerPoint presentation; he also distributed a letter that he had written.

(2:08 p.m.) Debra Hall, 304 Cambridge Court, spoke in favor of the request allowing the structure to stay.

(2:08 p.m.) James LaPlume, 5204 Timucua Circle, spoke in favor of the request allowing the structure to stay.

(2:09 p.m.) Evelyn Sigda, 5197 Tomoka Court, spoke in favor of the request allowing the structure to stay.

(2:10 p.m.) Floyd Cullipher, Jr., 5250 Ellen Court, spoke in favor of the request allowing the structure to stay.

(2:11 p.m.) Maguire read a statement into the record from Debbie McKinney, 5212 Timucua Circle, objecting to the request.

(2:15 p.m.) Maguire asked Williams if he had applied for a permit. Williams replied that he had acquired the building from his father-in-law. He stated that the County told his father-in-law, almost two years ago, that he did not need a permit for this type of building. Williams displayed photos of the area prior to the building being constructed. Maguire asked if the Planning and Zoning Agency made any comments, other than the denial, about the neighbor's property. Hobbs replied no and that she did not find any history of permits or inspections for the neighbor's enclosure.

(2:22 p.m.) Patrick McCormack, Assistant County Attorney, stated that the zoning code did not allow neighboring violations to be considered for the purposes of a variance application. Discussion followed on the building permit.

(2:25 p.m.) Stern clarified the details of the request. (2:26 p.m.) Rich returned to the meeting. Discussion followed on emergency access. (2:32 p.m.) Rich left the meeting.

(2:34 p.m.) Dan Bosanko, County Attorney, stated that the neighbor's fence could be removed also.

(2:37 p.m.) **Motion by Maguire, seconded by Stevenson, to continue this item for two weeks, with direction for the applicant to talk to his neighbor. Stern suggested that the item be continued until September 19, 2006: Maguire concurred.** Williams explained that he would be shipped out to a military school from September 9th until the last week in November. **Maguire amended the motion to state: the first county commission meeting in December, the second concurred. The motion carried 3/0 with Bryant and Rich absent.** (2:41 p.m.) Maguire commented on a letter received from Dante Salamone. (2:42 p.m.) Commissioner Rich returned to the meeting.

(08/22/06 - 18 - 2:42 p.m.)

14. PUBLIC HEARING - REZ 2006-21, WATSON VILLAGE REZONING - THIS IS A REQUEST TO REZONE 56.86 ACRES FROM RS-2 WITH CONDITIONS TO RS-2 FOR A 65 LOT SINGLE FAMILY HOME SUBDIVISION. ATTACHED IS A COPY OF ORDINANCE 89-23, WHICH PLACED THE FOLLOWING CONDITIONS ON THE PROPERTY; MINIMUM LOT SIZE OF 1/3 ACRE, CONNECTION TO CENTRAL WATER WHEN AVAILABLE, WATSON ROAD EXTENDED TO THE PROPERTY LINE, FIRE PROTECTION, AND A MAXIMUM DENSITY OF 110 UNITS. THE PROPERTY IS CURRENTLY VACANT. THE PARCEL IS LOCATED ON THE NORTH SIDE OF WATSON ROAD, APPROXIMATELY ½ A MILE WEST OF US 1 SOUTH AND IS LOCATED WITHIN THE RESIDENTIAL-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 JULY 20, 2006 HEARING BY A VOTE OF 6/0

Proof of publication for the notice of public hearing regarding REZ 2006-21, Watson Village Rezoning, was received, having been published in *The St. Augustine Record* on August 7, 2006.

Michael Blackford, Planning Department, presented this item. Rich addressed the number of units.

(2:44 p.m.) Karen Taylor, 3070 Harbor Drive, spoke on behalf of the applicant.

(2:45 p.m.) Motion by Rich, seconded by Maguire, carried 4/0 with Bryant absent, to enact Ordinance No. 2006-100, known as REZ 2006-21, Watson Village, adopting findings of fact one through four to support the motion.

ORDINANCE NO. 2006-100

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

15. PUBLIC HEARING - REZ 2005-56, DIMARE TRACTOR SUPPLY REZONING- THIS IS A REQUEST TO REZONE 5.0 ACRES FROM COMMERCIAL GENERAL (CG) AND RESIDENTIAL SINGLE FAMILY (RS-3) TO COMMERCIAL INTENSIVE (CI) FOR THE CONSTRUCTION OF A TRACTOR SUPPLY COMPANY

This item was pulled from the agenda.

(08/22/06 - 19 - 2:45 p.m.)

16. PUBLIC HEARING - NOPC 2006-04, SAINT JOHNS DEVELOPMENT OF REGIONAL IMPACT - THIS IS A NOTICE OF PROPOSED CHANGE (NOPC) TO AMEND THE SAINT JOHNS DRI DEVELOPMENT ORDER: A REQUEST TO MODIFY THE SAINT JOHNS DEVELOPMENT ORDER TO RECONFIGURE THE PARCELS WITHIN THE SIX MILE CREEK SOUTH, REVISE THE DEVELOPMENT RIGHTS TABLE OF SPECIFIC CONDITION A TO ELIMINATE 18 HOLES OF GOLF, AND TO ELIMINATE THE PRESERVATION REQUIREMENT OF ARCHAEOLOGICAL SITE 8SJ2533. THE PLANNING AND ZONING AGENCY VOTED 7/0 TO RECOMMEND APPROVAL OF THE NOPC APPLICATION DURING THE AUGUST 3, 2006 MEETING. DISCUSSION DURING THE HEARING CENTERED ON CLARIFYING THE GOALS OF TRADITIONAL NEIGHBORHOOD DESIGN, INQUIRING IF SECONDARY STRUCTURE HEIGHT IS TYPICALLY GREATER THAN THE MAIN USE AND WHY

Proof of publication for the notice of public hearing regarding NOPC 2006-04, Saint Johns DRI, was received, having been published in *The St. Augustine Record* on July 17, 2006.

Lindsay Haga, Chief Planner, explained that Items 16 and 17 would be presented simultaneously. Further, she outlined the details of the requests. Discussion followed on the golf course being open space for recreation.

(2:51 p.m.) Kathryn Whittington, 2945 A Kings Road, representing the applicant, explained the three minor changes; elimination of the golf course, elimination of the archeological site and the reconfiguration of parcels.

(2:53 p.m.) Motion by Stern, seconded by Maguire, carried 4/0 with Bryant absent, to adopt Resolution No. 2006-290, approving a Notice of Proposed Change to the Saint Johns DRI Development Order, adopting findings of fact one through four to support the motion.

RESOLUTION NO. 2006-290

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, RESTATING, INCLUDING AND MODIFYING THE SAINT JOHNS DRI DEVELOPMENT ORDER AS PREVIOUSLY APPROVED BY ST. JOHNS COUNTY RESOLUTION NOS. 91-130, 91-183, 94-211, 95-06, 96-102, 96-233, 98-126, 98-179, 99-20, 99-173, 2002-53, 2003-116 AND 2004-133; FINDING THE MODIFICATIONS ARE CONSISTENT WITH THE ST. JOHNS COUNTY COMPREHENSIVE PLAN 2015, ORDINANCE 2000-34 AND CONSISTENT WITH THE ST. JOHNS COUNTY LAND DEVELOPMENT CODE; FINDING THAT THE MODIFICATIONS DO NOT CONSTITUTE A SUBSTANTIAL DEVIATION; AND PROVIDING FOR AN EFFECTIVE DATE

(08/22/06 - 20 - 2:54 p.m.)

17. PUBLIC HEARING - MAJMOD 2006-05, SIX MILE CREEK PUD - THE APPLICANT PROPOSES TO RECONFIGURE THE PARCELS WITHIN SIX MILE CREEK SOUTH, PROVIDE FOR TRADITIONAL NEIGHBORHOOD DESIGN REGULATIONS WITHIN PARCELS 2, 7, 9,10, 11 AND 15 OF SIX MILE CREEK SOUTH, REMOVE THE PROPOSED GOLF COURSE AND ARCHEOLOGICAL SITE 8SJ2533. DURING ITS AUGUST 3, 2006 MEETING, THE PZA VOTED 7/0 TO RECOMMEND APPROVAL OF THE PROPOSED MAJOR MODIFICATION

Proof of publication for the notice of public hearing regarding MAJMOD 2006-05, Six Mile Creek PUD, was received, having been published in *The St. Augustine Record* on July 17, 2006.

(2:54 p.m.) Motion by Stern, seconded by Rich, carried 4/0 with Bryant absent, to enact Ordinance No. 2006-101, known as Major Modification 2006-05, Six Mile Creek PUD, adopting findings of fact one through six to support the motion.

ORDINANCE NO. 2006-101

**AN ORDINANCE OF THE COUNTY OF ST. JOHNS,
STATE OF FLORIDA APPROVING A MAJOR
MODIFICATION TO THE SIX MILE CREEK PLANNED
UNIT DEVELOPMENT (PUD) ORDINANCE NUMBER
91-37, AS AMENDED, MAKING FINDINGS OF FACT;
REQUIRING RECORDATION; AND PROVIDING FOR
AN EFFECTIVE DATE**

18. PUBLIC HEARING - MAJMOD 2006-07, RIVERTOWN PUD/ DRI - THIS IS A MAJOR MODIFICATION TO REVISE THE RIVERTOWN PUD TO INCLUDE 15.76 ACRES PREVIOUSLY CONTAINED IN THE BARTRAM PLANTATION PUD. THE PROPERTY IS LOCATED ADJACENT TO GREENBRIAR ROAD WITHIN THE RIVERTOWN DRI (AS APPROVED BY RESOLUTION 2004-45). THE SITE IS DESIGNATED COMMUNITY COMMERCIAL ON THE 2015 FUTURE LAND USE MAP. THIS APPLICATION PROPOSES TO INCLUDE THE 15.76 ACRE SITE, LIMIT THE ALLOWABLE COMMERCIAL USES AND PROVIDE CERTAIN BUFFER AND HEIGHT REGULATIONS. THE COMMERCIAL USES WILL BE LIMITED TO USES WITHIN THE COMMUNITY COMMERCIAL LAND USE, EXCEPT THE FOLLOWING USES WILL BE PROHIBITED ON THIS SITE: GROCERY STORES, GAS PUMPS, DRIVE THROUGH FACILITIES ASSOCIATED WITH RESTAURANTS. SPECIALTY FOOD STORES AND TAKE OUT WINDOWS FOR SITE DOWN RESTAURANTS ARE ALLOWED. HEIGHT IS LIMITED TO FORTY (40) FEET WITHIN THIS SITE. THE SITE WILL INCLUDE A FIFTY (50) FOOT DEVELOPMENT EDGE ALONG THE PROPERTY BOUNDARY, REMAINING UNDISTURBED DURING CONSTRUCTION ACTIVITIES. THE EDGE MAY BE ENHANCED WITH ADDITIONAL LANDSCAPING AND FENCING. THE APPLICANT PROPOSES A FIFTY (50) BUILDING SETBACK FROM THE PROPERTY LINE. DURING THE AUGUST 3, 2006 PZA MEETING, ROBITZCH/NELSON MOTION TO RECOMMEND APPROVAL TO THE BOARD OF COUNTY COMMISSIONERS. THE VOTE PASSED BY 7/0. DISCUSSION DURING THE HEARING CENTERED ON THE TIMING OF THE DRI AND FLUM AMENDMENT APPROVAL AS IT RELATES TO ADJACENT PROPERTY OWNERS AND CLEARLY DEFINING THE TYPE OF COMMERCIAL USES TO OCCUR ON THE SUBJECT PROPERTY.

Proof of publication for the notice of public hearing regarding MAJMOD 2006-07, RiverTown PUD/DRI, was received, having been published in *The St. Augustine Record* on August 7, 2006.

This item was pulled from the agenda. Public comment was taken under Item A2.

(08/22/06 - 21 - 2:54 p.m.)

19. PUBLIC HEARING - PUD 2006-12, BARTRAM PARK PLANNED UNIT DEVELOPMENT - THIS REQUEST SEEKS TO REZONE APPROXIMATELY 638.73 ACRES FROM OPEN RURAL TO PLANNED UNIT DEVELOPMENT FOR THE LANDS RECENTLY ADDED TO THE EXISTING BARTRAM PARK DEVELOPMENT OF REGIONAL IMPACT. THE PROPERTY IS LOCATED IN THE NORTHWEST SECTOR OF ST. JOHNS COUNTY. A MAJORITY OF THE SITE IS DESIGNATED RESIDENTIAL A ON THE 2015 FUTURE LAND USE MAP. THE REMAINDER OF THE PROPERTY (+/- 51 ACRES) IS DESIGNATED RURAL SILVACULTURE AND WILL BE USED FOR THE FIVE ACRE COMMUNITY PARK TO BE DONATED TO ST. JOHNS COUNTY. THIS PARCEL ALSO PROVIDES ACCESS TO THE ADDED LANDS WITHIN DUVAL COUNTY. THE PUD PROPOSES TO DEVELOP 356 SINGLE FAMILY

UNITS, WITH A NET DENSITY OF 0.91 UNITS PER ACRE. THE MINIMUM LOT AREA IS PROPOSED AS 13,500 SQUARE FEET WITH A MAXIMUM BUILDING COVERAGE BY LOT AS 40% AND MAXIMUM ISR OF 55% BY LOT. A SINGLE VEHICULAR ACCESS POINT IS PROPOSED FROM RACETRACK ROAD TO THE SINGLE FAMILY COMPONENT OF THE ADDED LANDS. THE APPLICANT STATES INTERCONNECTIVITY IS NOT FEASIBLE DUE TO AN EXISTING JEA ELECTRIC TRANSMISSION ROW TO THE EAST. THE MULTI FAMILY COMPONENT, LOCATED IN DUVAL COUNTY, WILL ACCESS THROUGH THE SEPARATE 51 ACRE PARCEL FRONTING RACETRACK ROAD TO THE EAST. A COMMUNITY MEETING WAS HELD IN ACCORDANCE WITH COMPREHENSIVE PLAN POLICY A.2.1.7 ON MARCH 13, 2006. THE PROJECT SITE IS SURROUNDED BY THE FOLLOWING EXISTING ZONING CATEGORIES: PLANNED UNIT DEVELOPMENT (JULINGTON CREEK DRI, DURBIN CROSSING DRI) AND OPEN RURAL. THE SURROUNDING FUTURE LAND USE IS JULINGTON CREEK DRI, RESIDENTIAL B, RURAL SILVACULTURE AND COMMUNITY COMMERCIAL (CC). THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS REZONING REQUEST AT THEIR JULY 20, 2006 HEARING BY A VOTE OF 6/0, WITH ONE MEMBER ABSENT. DISCUSSION DURING THE HEARING COVERED THE ADJACENT JEA UTILITY SITE OUTSIDE OF THE PROPERTY, BUT ABUTTING THE DEVELOPMENT TO THE EAST.

Proof of publication for the notice of public hearing regarding PUD 2006-12, Bartram Park, was received, having been published in *The St. Augustine Record* on August 7, 2006.

Lindsay Haga, Chief Planner, reviewed this item.

(2:57 p.m.) George McClure, 81 King Street, stated that they had a 6/0 recommendation from the Planning and Zoning Agency, net density of about nine-tenths of a unit an acre, a gross density of about .56 units per acre, and lot sizes were nearly a third of an acre. The applicant had not asked for any waivers or variances, and was donating right-of-way parkland for public use. Stevenson commented on the expected road improvements in the area.

(2:59 p.m.) Art Lancaster, 13361 Atlantic Blvd., Jacksonville, commented on not having a finalized agreement with Durbin. McClure commented on being consistent with the land use and that this was a high-end project at a high-end location. Maguire asked about bus stops and transit operations. McClure replied.

(3:10 p.m.) Patrick McCormack, Assistant County Attorney, commented on Duval County being deleted from the property description.

(3:12 p.m.) Motion by Stevenson, seconded by Stern, carried 3/1 with Rich dissenting and Bryant absent, to enact Ordinance No. 2006-102, known as PUD 2006-12, Bartram Park PUD; adopting findings of fact one through seven to support the motion; and editing the property description to delete the Duval County property.

ORDINANCE NO. 2006-102

AN ORDINANCE OF THE COUNTY OF ST. JOHNS,
STATE OF FLORIDA, REZONING LANDS AS
DESCRIBED HEREINAFTER FROM OPEN RURAL (OR)
TO PUD (PLANNED UNIT DEVELOPMENT);

PROVIDING FINDINGS OF FACT; PROVIDING A SAVINGS CLAUSE; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE

(08/22/06 - 23 - 3:14 p.m.)
COMMISSIONERS' REPORTS

Commissioner Rich:

Rich questioned the next regular meeting on September 5th; suggested it be held on Thursday, September 7th. Adams commented.

(3:15 p.m.)

Commissioner Maguire:

No report.

(3:15 p.m.)

Commissioner Stern:

Stern reported on the 9th Annual Northeast Florida Regional Summit regarding workforce housing.

Stern announced the statewide workforce-housing summit to be held on September 15, 2006 in Tampa at the Convention Center.

(3:16 p.m.)

Commissioner Stevenson:

Stevenson announced the opening of the Bartram Trail Branch Library Expansion in September.

Stevenson reported on the Aberdeen park site.

(08/22/06 - 23 - 3:18 p.m.)

COUNTY ADMINISTRATOR'S REPORT

Adams reviewed the dates of some future meetings:

09/06/06 at 9:00 a.m., Summer Haven moratorium 1st public hearing

09/26/06 at 5:30 p.m., Summer Haven moratorium 2nd public hearing

10/18/06 at 9:00 a.m., five comp plan amendments and corresponding development agreements

11/01/06 at 9:00 a.m., proportionate share ordinance 2nd hearing and five comp plan amendments and corresponding development agreements, 2nd public hearing

11/15/06 at 9:00 a.m., five comp plan amendments from the June 2006 cycle, 1st hearing

Adams reported on some water and sewer revenue bonds.

(08/22/06 - 23 - 3:23 p.m.)

COUNTY ATTORNEY'S REPORT

No report.

(08/22/06 - 23 - 3:23 p.m.)

CLERK OF COURT'S REPORT

No report.

(3:23 p.m.) Maguire announced the candidate forum in Hastings at Tarantin Tank and Equipment Company.

(3:25 p.m.) **Motion by Maguire, seconded by Rich, carried 4/0 with Bryant absent, to adjourn the meeting.** With there being no further business to come before the Board, the meeting adjourned at 3:25 p.m.

REPORTS:

1. St. Johns County Board of County Commissioners' Check Register, Check Nos. 388047 through 388369, totaling \$5,471,789.15 (08/01/06)
2. St. Johns County Board of County Commissioners' Check Register, Check Nos. 388370 through 388393, totaling \$37,571.17 (08/03/06)
3. St. Johns County Board of County Commissioners' Check Register, Check Nos. 388394 through 388399, totaling \$156,756.50 (08/03/06)
4. St. Johns County Board of County Commissioners' Check Register, Check Nos. 388400 through 388695, totaling \$2,825,899.27 (08/08/06)

CORRESPONDENCE:

1. Letter to Liz Cloud, Program Administrator, filing Ordinance Numbers 2006-82 through 2006-88 (08/02/06)
2. Letter to Misty Pearson, Bureau of Administrative Code, regarding Ordinance No. 2006-85 revisions (08/04/06)
3. Letter to Liz Cloud, Program Administrator, filing Ordinance Numbers 2006-89 through 2006-97 (08/16/06)
4. Letter to St. Johns County regarding Surety Bond Obligations in accordance with the sale of Adelphia's assets to Time Warner Cable and Comcast Corporation (07/31/06)

Approved September 19, 2006

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

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

ATTEST: CHERYL STRICKLAND, CLERK

By: Uwanna King
Deputy Clerk

