

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
JANUARY 23, 2007
(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: Ben Rich, District 3, Chairman
Thomas G. Manuel, District 4, Vice Chair
Ron Sanchez, District 2
Waldemar Kropacek, Interim County Administrator
Patrick McCormack, County Attorney
Lenora Newsome, Deputy Clerk

Also present: Michael Hunt, Deputy County Attorney

(01/23/07 - 1 - 8:00 a.m.)
CALL TO ORDER

Rich called the special meeting to order, and announced that Bryant and Stevenson were not present.

(01/23/07 - 1 - 8:00 a.m.)

1. THIS IS A 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 VIRGINIA WHETSTONE VS. ST. JOHNS COUNTY, CASE NO. CA98-1501. THE SPECIAL MEETING HAS BEEN ADVERTISED FOR 8:00 A.M. CONFERENCE ROOM A HAS BEEN RESERVED FOR THIS MEETING

Proof of publication of a special private attorney/client meeting was received, having been published in *The St. Augustine Record* on January 13, 2007.

Patrick McCormack, County Attorney, informed the Board that he needed advice concerning the Whetstone vs. St. Johns County lawsuit, Case No. CA 98-1501, in the Circuit Court in and for St. Johns County. Florida Statute 286.011 allows the Board to hold a private meeting in order to provide that advice.

(8:05 a.m.) Rich announced that the meeting would be held in Conference Room A, and would last approximately 45 minutes. He also announced the names of the attendees: Commissioner Rich, Commissioner Manuel, Commissioner Sanchez, County Administrator Wally Kropacek, Court Reporter Cathy Upchurch, County Attorney Patrick McCormack, and Special Counsel Steve Gallagher. Commissioners Bryant and Stevenson would possibly be joining the meeting later. (8:05 a.m.) Commissioner Cyndi Stevenson entered the meeting.

(9:09 a.m.) Rich announced that the shade meeting had ended. He stated that the direction to the attorney was to continue on with the fact gathering portion of the case, and that the Board would be waiting for the notification of the attorney's findings. He closed the special meeting at 9:10 a.m.

(01/23/07 - 2 - 9:10 a.m.)
CALL TO ORDER

Rich called the regular meeting to order.

(01/23/07 - 2 - 9:10 a.m.)
ROLL CALL

Rich stated that four commissioners were present, with Bryant absent.

(01/23/07 - 2 - 9:11 a.m.)
Stevenson gave the invocation and Manuel led the Pledge of Allegiance.

(01/23/07 - 2 - 9:12 a.m.)
PUBLIC COMMENT

Dwight Hines, 150 Nesmith Street, spoke on meeting with the County Attorney's Office regarding solid waste management.

(01/23/07 - 2 - 9:14 a.m.)
DELETIONS TO THE CONSENT AGENDA

Stevenson requested to pull Consent Item 2 and place it on the Regular Agenda as Item 1a.

(01/23/07 - 2 - 9:15 a.m.)
APPROVAL OF THE CONSENT AGENDA

Motion by Manuel, seconded by Sanchez, carried 4/0 with Bryant absent, to approve the Consent Agenda, as amended, as follows:

1. Approval of the Cash Requirement Report
2. Minutes:
 - 12/12/06 - BCC Regular Meeting
 - 12/13/06 - BCC Special Meeting

This Item was pulled and placed on the Regular Agenda as Item 1a. (Page 5)

3. Sheriff's Office Bonds:
Cancel: Tami Lappe Kari Spurlock Bennie Radcliff
4. Motion to approve the transfer \$60,000 from Animal Control Salaries (0064-51200) to Humane Society Department Contractual Services (0065-53120) for the additional contractual services needed for FY 2007
5. Motion to adopt **Resolution No. 2007-14**, approving the terms of, and authorizing the County Administrator to execute, the Consent to Assign for the Lease to Henmar Properties, L.L.C., as the new landlord of 2825 Lewis Speedway

RESOLUTION NO. 2007-14

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE CONSENT TO ASSIGN FOR THE LEASE TO HENMAR PROPERTIES, L.L.C., AS THE NEW LANDLORD

6. Motion to adopt **Resolution No. 2007-15**, authorizing the Clerk of Circuit Courts, under Section 95.361, Florida Statutes, to file a survey map for Federal Point Road, claiming a vested interest in the road described in the survey map, and/or establishing a prescriptive easement in the same rights-of-way, in accordance with the principles set forth in *Downing v. Bird*, 100 So.2d. 57 (Fla.1958)

RESOLUTION NO. 2007-15

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE CLERK OF THE COURTS, UNDER SECTION 95.361, FLORIDA STATUTES TO FILE THE SURVEY MAP FOR FEDERAL POINT ROAD, CLAIMING A VESTED INTEREST IN THE ROAD DESCRIBED IN THE SURVEY MAP, AND/OR ESTABLISHING A PRESCRIPTIVE EASEMENT IN THE SAME RIGHTS-OF-WAY, IN ACCORDANCE WITH THE PRINCIPALS SET FORTH IN *DOWNING V. BIRD*, 100 SO.2D 57 (FLA. 1958)

7. Motion to adopt **Resolution No. 2007-16**, approving the terms of, and authorizing the Chairman to execute, a Conservation Easement for over 24.3 acres of wetlands located at Summer Island, for mitigation impacts associated with the improvements to the Vilano Boat Ramp

RESOLUTION NO. 2007-16

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND AUTHORIZING THE CHAIRMAN TO EXECUTE A CONSERVATION EASEMENT FOR OVER 24.3 ACRES OF WETLANDS LOCATED AT SUMMER ISLAND FOR MITIGATION IMPACTS ASSOCIATED WITH THE IMPROVEMENTS TO THE VILANO BOAT RAMP

8. Motion to adopt **Resolution No. 2007-17**, approving an amended agreement between St. Johns County and Flagler Hospital for indigent inpatient hospitalizations; and authorize the County Administrator to execute the contract on behalf of the County

RESOLUTION NO. 2007-17

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

AMENDED AGREEMENT BETWEEN THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, AND FLAGLER HOSPITAL, INC., AS TO L.I.P. STATE PROGRAMS, AND AUTHORIZING THE COUNTY ADMINISTRATOR OF ST. JOHNS COUNTY TO EXECUTE THE AMENDED AGREEMENT ON BEHALF OF THE COUNTY

9. Motion to declare CV #544, 1996 CAT IT28F Loader, as surplus and to authorize the County Administrator, or designee, to purchase one CAT 928GZ Wheel Loader from Florida State Contract #760-480-100 from Ring Power Corporation, in the amount of \$86,463.00 net, with the trade-in of CV #544
10. Motion to authorize the County Administrator, or his designee, to purchase one VAC-CON Sewer Truck from Florida FDOT Contract #PO384 from Southern Sewer Equipment Sales, in the amount of \$197,912
11. Motion to authorize the County Administrator, or his designee, to award a contract to V. J. Usina Contracting, Inc., for work in the base bid amount of \$408,759.00 for Bid #07-36 Pope Road/Mizell Road Sidewalk Improvements
12. Motion to adopt **Resolution No. 2007-18**, recognizing unanticipated revenue in the amount of \$302,732.00, increasing the revenue budget for Utility Services Contributions [4444-36603] and appropriating to the Transmission & Distribution System Improvements expenditure line [4413-56302]

RESOLUTION NO. 2007-18

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AMENDING THE FISCAL YEAR 2007 UTILITY FUND BUDGET IN ORDER TO RECEIVE UNANTICIPATED REVENUE AND AUTHORIZE ITS EXPENDITURE BY THE ST. JOHNS COUNTY UTILITY DEPARTMENT

13. Motion to adopt **Resolution No. 2007-19**, authorizing the Clerk of Circuit Courts, under Section 95.361, Florida Statutes, to file a survey map for Canal Boulevard, claiming a vested interest in the road described in the survey map, and/or establishing a prescriptive easement in the same rights-of-way, in accordance with the principles set forth in *Downing v. Bird*, 100 So.2d. 57 (Fla.1958)

RESOLUTION NO. 2007-19

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE CLERK OF THE COURTS, UNDER SECTION 95.361, FLORIDA STATUTES TO FILE THE SURVEY MAP FOR CANAL BOULEVARD, CLAIMING A VESTED INTEREST IN THE ROAD DESCRIBED IN THE SURVEY MAP, AND/OR ESTABLISHING A PRESCRIPTIVE EASEMENT IN THE SAME RIGHTS-OF-WAY, IN ACCORDANCE WITH THE PRINCIPLES SET FORTH IN *DOWNING V. BIRD*, 100 SO.2D 57 (FLA. 1958)

(01/23/07 - 4 - 9:15 a.m.)

ADDITIONS/DELETIONS TO THE REGULAR AGENDA

Manuel requested to pull Items 7, 8, 9, and 10 and reschedule them for the February 6th Regular Agenda. Kropacek requested that Items 5 and 11 be pulled.

(01/23/07 - 5 - 9:18 a.m.)

APPROVAL OF THE REGULAR AGENDA

Motion by Manuel, seconded by Sanchez, carried 4/0 with Bryant absent, to approve the Regular Agenda as amended.

(01/23/07 - 5 - 9:19 a.m.)

1. CHAMBER OF COMMERCE AND CORNERSTONE ECONOMIC DEVELOPMENT UPDATE

Kari Hall Keating, Vice President for Economic Development, St. Johns County Chamber of Commerce, gave a PowerPoint presentation, Exhibit A. She promoted their website. Rich asked about follow up data from the website. Keating responded and continued with the PowerPoint presentation, speaking on retention and expansion of local target industries and target industry recruitment. She announced six economic development projects, and spoke on government affairs and continuing partnerships on workforce opportunity sites.

(9:44 a.m.) Jerry Mallot, Executive Vice President, Jacksonville Regional Chamber of Commerce, stated that working together made us all successful. He reviewed some of the reasons they existed. He defined economic development, discussed wealth creation, and regional marketing and prospecting, the benefits of partnering, and various events. He also discussed their prospect management database, the prospect management process, web-based tools, a commute zone/labor analysis study, and international trade development and foreign reverse investment, and regional issues. He addressed impact fees and incentives, with discussion centering on incentives.

(01/23/07 - 5 - 10:17 a.m.)

1A. DISCUSSION OF THE MINUTES OF THE DECEMBER 12, 2006 BCC REGULAR MEETING AND THE DECEMBER 13, 2006 BCC SPECIAL MEETING *(Formerly Consent Item 2)*

Stevenson explained why she pulled the minutes, stating that there were some spelling errors of proper names. She stated that she had already forwarded the details to the Clerk's Office. McCormack mentioned a typo on page 10 that needed to be corrected.

(10:17 a.m.) **Motion by Manuel, seconded by Sanchez, carried 4/0 with Bryant absent, to approve the minutes as amended.**

The meeting recessed at 10:19 a.m. and reconvened at 10:29 a.m.

(01/23/07 - 5 - 10:30 a.m.)

2. CONSIDER A MOTION TO ADOPT A RESOLUTION APPROVING THE ISSUANCE BY THE ST. JOHNS COUNTY INDUSTRIAL DEVELOPMENT AUTHORITY OF ITS HEALTHCARE REVENUE REFUNDING BONDS (VICAR'S LANDING PROJECT) IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$25,500,000

Geoff Dobson, 93 Orange Street, attorney for the Industrial Development Authority, spoke on the issue regarding the Vicar's Landing Project. He noted that the bonds were refunding bonds with a cash flow savings. Manuel pointed out that the bonds had been issued in 1993; Dobson responded.

(10:33 a.m.) Motion by Stevenson, seconded by Manual, carried 4/0 with Bryant absent, to adopt Resolution No. 2007-20, approving the issuance by the St. Johns County Industrial Development Authority of its Healthcare Revenue Refunding Bonds (Vicar's Landing Project) in an aggregate principal amount not to exceed \$25,500,000.

RESOLUTION NO. 2007-20

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING, PURSUANT TO CHAPTERS 125 AND 159, FLORIDA STATUTES, AS AMENDED, AND SECTION 147(f) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED, THE ISSUANCE OF NOT EXCEEDING \$25,500,000 HEALTHCARE REVENUE REFUNDING BONDS (VICAR'S LANDING PROJECT), BY THE ST. JOHNS COUNTY INDUSTRIAL DEVELOPMENT AUTHORITY TO REFUND THE AUTHORITY'S OUTSTANDING BONDS ISSUED TO REFINANCE THE VICAR'S LANDING CONTINUING CARE FACILITY LOCATED AT SAWGRASS IN ST. JOHNS COUNTY AND OWNED AND OPERATED BY LIFE CARE PONTE VEDRA, INC. AND TO FINANCE CERTAIN RENOVATIONS THERETO, FUND A DEBT SERVICE RESERVE, AND PAY COSTS OF ISSUANCE OF THE BONDS; AND PROVIDING AN EFFECTIVE DATE

(01/23/07 - 6 - 10:34 a.m.)

3. CONSIDER A MOTION TO ADOPT A RESOLUTION APPROVING THE ISSUANCE BY THE ST. JOHNS COUNTY INDUSTRIAL DEVELOPMENT AUTHORITY OF ITS HEALTHCARE REVENUE REFUNDING BONDS (BAYVIEW PROJECT) IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$15,000,000

Geoff Dobson, 93 Orange Street, attorney for the Industrial Development Authority, spoke on the issue regarding the Bayview Project.

(10:35 a.m.) Motion by Stevenson, seconded by Sanchez, carried 4/0 with Bryant absent, to adopt Resolution No. 2007-21, approving the issuance by the St. Johns County Industrial Development Authority of its Healthcare Revenue Refunding Bonds (Bayview Project) in an aggregate principal amount not to exceed \$15,000,000.

RESOLUTION NO. 2007-21

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING, PURSUANT TO CHAPTERS 125 AND 159, FLORIDA STATUTES, AS AMENDED, AND SECTION 147(f) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED, THE ISSUANCE OF NOT EXCEEDING \$15,000,000 HEALTHCARE REVENUE REFUNDING BONDS (BAYVIEW PROJECT), BY THE ST. JOHNS COUNTY INDUSTRIAL DEVELOPMENT AUTHORITY TO REFUND THE AUTHORITY'S OUTSTANDING BONDS ISSUED TO REFINANCE THE BAYVIEW

HEALTH CARE FACILITY LOCATED AT ST. AUGUSTINE IN ST. JOHNS COUNTY AND OWNED AND OPERATED BY ST. JOHNS COUNTY WELFARE FEDERATION (THE "FEDERATION"), AND TO FINANCE CERTAIN RENOVATIONS AND IMPROVEMENTS THERETO, FUND A DEBT SERVICE RESERVE, AND TO PROVIDE WORKING CAPITAL TO FUND ACCOUNTS RECEIVABLE, AND PAY COSTS OF ISSUANCE OF THE BONDS; ACKNOWLEDGING AND CONSENTING TO LEASEHOLD MORTGAGE ON THE FEDERATION'S INTEREST IN PREMISES DESCRIBED IN THE LEASE BETWEEN THE COUNTY AND THE FEDERATION DATED AS OF SEPTEMBER 25, 1996, AS AMENDED; AND PROVIDING AN EFFECTIVE DATE

(01/23/07 - 7 - 10:36 a.m.)

4. CONSIDER A MOTION TO ADOPT A RESOLUTION APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF AN AGREEMENT BETWEEN ST. JOHNS COUNTY, FLORIDA, AND THE ST. JOHNS VISION

Dawn Cardenas, Office of Management and Budget, explained that this was a budgeted item, with a one to one match, not to exceed \$50,000. She briefed the Board on the history of the County's financial relationship with St. Johns Vision, Exhibit A. Manuel asked for clarification on St. Johns Vision being in the budget and Cardenas explained.

(10:42 a.m.) Sacha Martin, 133 Coastal Hollow Circle, spoke in favor of the issue. She asked the Board to continue to provide financial assistance.

(10:45 a.m.) Bonnie Barnes, 1 News Place, offered a PowerPoint presentation to the Board regarding St. Johns Vision, Exhibit B. She reviewed the 2006 initiatives, which involved rewards, workshops and a task force. She explained their plan of action, the task force, and the lessons learned during several sessions. She mentioned the next steps for moving forward with the project. Stevenson spoke on a volunteer network. Manuel thanked Barnes for a good presentation. McCormack asked for clarification on one of the terms in the proposed contract pertaining to raised contributions. Barnes responded. McCormack said a discussion was necessary regarding town hall meetings and attendance.

(11:08 a.m.) **Motion by Manuel, seconded by Stevenson, to adopt Resolution No. 2007-22, approving the terms, provisions, conditions, and requirements of an agreement between St. Johns County, Florida, and the St. Johns Vision, and authorizing the Chairman of the Board of County Commissioners to execute the agreement on behalf of St. Johns County, with the notation in the agreement that it was matching monetary contributions.** Rich commented in opposition to the issue. Manuel said he shared Rich's concerns; however, he suggested that obligations should be honored because it would be unfair not to operate in good faith as Barnes had done. Stevenson commented that they had made significant progress. Barnes said Roger VanGhent wanted to chair the environmental portion of St. Johns Vision. Sanchez spoke in favor of Barnes and supported the issue. (11:26 a.m.) **The motion carried 4/0 with Bryant absent.**

RESOLUTION NO. 2007-22

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

**CONDITIONS AND REQUIREMENTS OF AN
AGREEMENT BETWEEN ST. JOHNS COUNTY,
FLORIDA, AND THE ST. JOHNS VISION, FLORIDA,
AND AUTHORIZING THE CHAIRMAN OF THE
BOARD OF COUNTY COMMISSIONERS TO EXECUTE
THE AGREEMENT OF BEHALF OF ST. JOHNS COUNTY**

(01/23/07 - 8 - 9:15 a.m.)

5. CONSIDER A MOTION TO ADOPT A RESOLUTION APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF AN AGREEMENT BETWEEN ST. JOHNS COUNTY, FLORIDA, AND THE ST. JOHNS VISION FOR INFRASTRUCTURE FORUMS

This item was pulled from the agenda.

(01/23/07 - 8 - 11:26 a.m.)

6. CONSIDER A MOTION TO DIRECT STAFF TO PREPARE THE NECESSARY RESOLUTION AND TAKE ALL ACTIONS REQUIRED IN ORDER TO TRANSFER PARCEL #139530-0001 TO HABITAT FOR HUMANITY OF ST. AUGUSTINE/ST. JOHNS COUNTY, RECOGNIZING THE PUBLIC PURPOSE IN PROVIDING AFFORDABLE HOUSING

Tom Crawford, Housing and Community Services Manager, stated that they had a request from Habitat for Humanity of St. Johns County for the County to donate a lot to them for the construction of a six bedroom house to benefit a family that was involved in a very serious accident in 2004. He noted that Mercedes Homes would oversee the construction. Manuel asked if the publisher of *The St. Augustine Record* was contributing the financial support, Crawford replied yes. Stevenson concurred with Manuel and praised the Habitat Agency. Michael Hunt, Deputy County Attorney, advised the Board that he had spoken with the Real Estate Department, and confirmed that they would have the inventory list ready well before the July 1, 2007 deadline that was in the State Statute.

(11:34 a.m.) Motion by Sanchez, seconded by Stevenson, carried 4/0 with Bryant absent, to recognize the public purpose in providing affordable housing, directing Staff to prepare the necessary resolution and take all actions required in order to transfer Parcel #139530-0001 to Habitat for Humanity of St. Augustine/St. Johns County.

The meeting moved to Item #14.

(01/23/07 - 8 - 9:15 a.m.)

7. CONSIDER AN APPOINTMENT TO THE CONTRACTOR REVIEW BOARD

This item was pulled and rescheduled to February 6, 2007.

(01/23/07 - 8 - 9:15 a.m.)

8. CONSIDER AN APPOINTMENT TO THE LIBRARY ADVISORY BOARD

This item was pulled and rescheduled to February 6, 2007.

(01/23/07 - 8 - 9:15 a.m.)

9. CONSIDER AN APPOINTMENT TO THE INDUSTRIAL DEVELOPMENT AUTHORITY

This item was pulled and rescheduled to February 6, 2007.

(01/23/07 - 9 - 9:15 a.m.)

10. CONSIDER APPOINTMENTS TO THE CATEGORY II ARTS/GRANTS FUNDING PANEL

This item was pulled and rescheduled to February 6, 2007.

(01/23/07 - 9 - 9:15 a.m.)

11. CONSIDER A MOTION TO ADOPT A RESOLUTION APPROVING THE EXECUTION OF THE CONTRIBUTION AGREEMENT BETWEEN COLLINS AND ST. JOHNS COUNTY

This item was pulled from the agenda.

(01/23/07 - 9 - 1:33 p.m.)

12. ECONOMIC DEVELOPMENT INCENTIVE PROGRAM WORKSHOP

Karen Johnson, Intergovernmental Relations Specialist, gave a PowerPoint presentation concerning the Business Incentive Program. She reviewed the purpose, the assumptions, and the existing industry scoring system. She explained the awards permitted based on their total points, and noted the second category was a speculative space and reviewed the point process for that area. She then reviewed the New Industry Scoring System and the point system associated with the third category. She stated that the Water & Sewer connection fees were for the businesses serviced by St. Johns Utility Department only. She also discussed the payout schedule and general discussion ensued.

(1:44 p.m.) David Swindull, 2061 Deerwood Acres Drive, said he was self-employed and employed ten people. He said they were well drilling employees and reviewed the tax contributions they collectively provided to the County. He said there were many valuable small businesses within the County that deserved the Board's attention and support. He stated the incentive plan was a step in the right direction. He said he needed affordable space in order to expand his successful business and needed incentives in order to double his business over the next four years. He said his plan was in a state of limbo because he did not know which direction the Commission was going to go on the issue. General discussion followed.

(2:02 p.m.) Sanchez commented and said he did not like the incentive program, but that if they were going to keep it, they should do something of an equal value for the local businessman. He said he was willing to listen to ideas to improve what they currently had. Rich said he would like to look at what they were really trying to do in regards to incentive issues. He said it was important to protect the businesses that were currently here and not to punish them. He said the current program was too open-ended.

(2:14 p.m.) Ben Williams, 1096 Oak Vale Rd., small business owner, said he was opposed to selective growth. He said it must be ascertained whether there would be a net gain of economic impact on what was incentive. He suggested using the mean wage as the yardstick. He offered positive proposals and said they should focus on the overall business climate rather than on incentives and fix the permitting process for everyone. General discussion ensued.

(2:26 p.m.) Jim Wheeler, Chairman, Economic Development Council, Chamber of Commerce, gave a PowerPoint presentation reviewing the St. Johns County Local Incentives Program, why incentives were important and local incentives in Florida.

General discussion followed. Rich commented on the ethical issues involved. Debate followed. Wheeler said the incentives were so high because the impact fees had been increased by 500 percent. There was discussion regarding impact fees. Stevenson stated they needed to look at the issue of raising capital somehow, and impact fees were developed based on court case, based on a reasonable rational nexus. She stated that the needs for infrastructure had to be met and impact fees were one means of doing that, though they were not a perfect medium. She said they had to be realistic when they held those discussions, and the real issue was how to fund the infrastructure on a broad base.

(3:09 p.m.) Wayne Robinson, President and CEO of the Rulon Company, said he headed a high-end wood ceiling and wall production company. He stated they recently had to make a big decision on where to relocate a new facility. He said that manufacturing jobs were being lost to other countries and it was costly to them to compete with off-shore manufacturers. He said they could have gone off-shore, but didn't do it because their employees were important to them and they were a family, that they tried to keep together. He said they had been treated well by the County and he was shocked that they were even considering doing away with incentives that would bring manufacturing companies into the county. He said the small business manufacturers were the heart of America and had to compete on an international basis. He said it would stagnate the growth of the county. He said they needed more employees but they had found unskilled labor in the county that they had trained and were bringing them along.

(3:24 p.m.) Sanchez said there were pending applications that should get on the next agenda. Johnson said she had additional applications that had been received as well. Rich said he was not comfortable with dealing with them until everything had been clearly defined. Stevenson said at least one applicant had been started before the current review process had gone into motion.

(3:28 p.m.) Kari Keating, spoke regarding speculative space. She said it coincided with the beginning of the impact fees. She said there had not been enough existing ready sites and the point system was developed because they didn't have much industrial spec on the market. She stated that much of their time was spent on industry.

(3:33 p.m.) Rich spoke against incentives for spec spaces and particularly warehouse space. He said the incentive program had some glitches in it that needed to be reviewed and fixed.

(3:37 p.m.) Sanchez said there were local people who wanted to expand their businesses and they had already been delayed. He asked the attorney what position they were in. Michael Hunt, Deputy County Attorney, said they would need to deal with the current applications at some point. He said they had total power to approve or deny. He said they had continuing authority over approved projects and it was spelled out in the ordinance. Sanchez said he had a problem with being fair to the people who had already applied and met all their criteria. He said they had a right to be heard so they would know where they stood. Rich said the consensus of the Board was that they should all be on the next or a subsequent agenda. Rich suggested they set another agenda meeting 30 days out. Rich suggested they schedule it for a Wednesday on an off-meeting week.

The meeting recessed at 3:49 p.m., and resumed at 4:03 p.m. on Item No. 16.

(01/23/07 - 11 - 11:46 a.m.)

13. PUBLIC HEARING - VACPLA 06-0001, OLEANDER PARK - THE SUBJECT PROPERTY IS LOCATED ON THE WEST SIDE OF A1A AND SOUTH OF FLORIDA AVENUE WITHIN THE OLEANDER PARK SUBDIVISION, WHICH WAS PLATTED IN 1926. THIS REQUEST IS TO VACATE THE LOTS AND STREETS AS INDICATED IN EXHIBIT A. A PORTION OF THE LAND IS CURRENTLY UNDER REVIEW BY THE CITY OF ST. AUGUSTINE BEACH FOR ANNEXATION AND THE REST WILL REMAIN IN THE COUNTY FOR POSSIBLE FUTURE WETLAND MITIGATION. AS THIS PARTIAL PLAT VACATION EFFECTIVELY REDUCES THE NUMBER OF NON-CONFORMING LOTS IN THIS AREA, STAFF IS RECOMMENDING APPROVAL. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL AT THEIR NOVEMBER 16, 2006 MEETING

Proof of publication of notice of a public hearing regarding Oleander Park Plat Vacation was received, having been published in *The St. Augustine Record* on January 5 and 12, 2007.

Kathy Nielsen, Applications Review Manager, spoke on the item. She pointed out that the land was formerly owned by Cooksey Campground. (11:49 a.m.) Doug Burnett, 170 Malaga Street, attorney for the applicant, explained the local and specific property details and pointed out the access points for the property.

(11:54 a.m.) **Motion by Rich, seconded by Sanchez, carried 4/0 with Bryant absent, to adopt Resolution No. 2007-23, vacating a portion of Oleander Park Subdivision.**

RESOLUTION NO. 2007-23

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, VACATING A PORTION OF THE PLAT OF OLEANDER SUBDIVISION

The meeting moved to item #15.

(01/23/07 - 11 - 11:38 a.m.)

14. PUBLIC HEARING - NZVAR 06-011, HITCHCOCK DRIVEWAY - APPLICANT SEEKS TO BRING A NON-CONFORMING EASEMENT INTO COMPLIANCE. EASEMENT HAS BEEN USED FOR ACCESS TO A SINGLE RESIDENTIAL LOT SINCE 1988; NO LAND EXISTS TO PURCHASE IN ORDER TO MEET THE STRICT LETTER OF THE CODE AND CONSTRUCT PAVED ACCESS. WHILE THE APPLICANT DOES NOT SEEK TO ADD STRUCTURES OR SUBDIVIDE THE PROPERTY, THEY CANNOT SECURE PERMITS FOR REPAIRS OR IMPROVEMENTS DUE TO THE LACK OF COMPLIANT ACCESS. APPROVAL OF THIS NON-VARIANCE REQUEST WOULD GRANT THE APPLICANT THE NECESSARY COMPLIANT ACCESS AND RECOGNITION OF HIS PROPERTY AS A CONFORMING LOT OF RECORD. NO FURTHER SUBDIVISION OF THE PROPERTY SHALL BE PERMITTED. DENIAL OF THE NON-ZONING VARIANCE REQUEST WOULD REQUIRE THE APPLICANT TO RE-PLAT AND CONSTRUCT ACCESS TO COUNTY STANDARDS

Proof of publication of the notice of public hearing regarding NZVAR 2006-011, Hitchcock, was received, having been published in *The St. Augustine Record* on January 8, 2007.

John Burnham, Development Review Chief Engineer, spoke on the item. Manuel asked what the rules were in 1988 when the property was divided. (11:39 a.m.) Frankie Hitchcock, 2920 Bradford Street, deferred to Kathy Nielsen.

(11:39 a.m.) Kathy Nielsen, Applications Review Manager, spoke on the item, explaining the rules. Manuel asked if an easement existed for the driveway back to the second lot. Nielsen explained the easement problem involved with the project. McCormack mentioned that the item could be considered for a hardship variance. Burnham stated that an easement was not typically allowed to a platted lot. Stevenson said she would like to see maintenance addressed.

(11:45 a.m.) Motion by Manuel, seconded by Sanchez, carried 4/0 with Bryant absent, to approve NZVAR 06-011, based upon the evidence provided for all of the five findings of fact and the applicant will maintain the road.

The meeting moved to Item #13.

(01/23/07 - 12 - 11:54 a.m.)

15. PUBLIC HEARING - NZVAR 06-012, MADEIRA RETAINING WALL - APPLICANT SEEKS A VARIANCE TO SECTION 6.04.04.A.1 (CONSTRUCTION WITHIN RIGHT-OF-WAY) OF THE LAND DEVELOPMENT CODE (LDC). THE APPLICANT BEGAN RECONDITIONING/REHABILITATION OF AN EXISTING RETAINING WALL IN SEPTEMBER 2006 WITHOUT OBTAINING A PERMIT FOR CONSTRUCTION WITHIN THE COUNTY'S RIGHT-OF-WAY. DURING THE COURSE OF THE WORK, THE WALL WAS RAISED FROM ITS PREVIOUSLY EXISTING HEIGHT OF 16 INCHES TO 32 INCHES. A NUMBER OF PROPERTIES IN THE NEIGHBORHOOD HAVE VARIOUS TYPES OF RETAINING WALLS WITHIN THE LIMITS OF COUNTY RIGHT-OF-WAY; MANY OF THEM HAVE BEEN IN PLACE WELL IN ADVANCE OF THE ADOPTION OF THE LDC IN 1999. A PERMIT WOULD NOT HAVE BEEN ISSUED IF APPLIED FOR PRIOR TO CONSTRUCTION. THE APPLICANT WAS OFFERED AN OPPORTUNITY TO RETURN THE WALL TO ITS ORIGINAL HEIGHT OR OTHERWISE CONFORM TO THE LDC; HOWEVER, THEY CHOSE TO APPLY FOR THE NON-ZONING VARIANCE TO ALLOW THE WALL TO REMAIN IN THE RIGHT-OF-WAY AT ITS CURRENT HEIGHT OF 32 INCHES

Proof of publication of the notice of public hearing regarding NZVAR 2006-012, Madeira, was received, having been published in *The St. Augustine Record* on January 8, 2007.

John Burnham, Development Review Chief Engineer, spoke on the item.

(11:56 a.m.) Sandra Goode, 3 Madeira Drive, explained that the wall measured approximately sixteen inches, which allowed continual runoff from her yard. She noted that the wall had not been finished and explained the necessary finishing of the wall.

Sanchez questioned whether they had considered the footer and if it could support the two additional block levels. He said he remained concerned about the collapse of the wall due to the lack of an adequate footer. Goode suggested that the solid-filled wall was the answer to the erosion; discussion ensued. McCormack stated that none of the existing walls in the rights-of-way would be grandfathered in. Stevenson spoke on County rights-of-way and asked for Staff's opinion on the issue. Burnham noted that

the action by the applicant was illegal and parked vehicles were not able to open doors due to the wall.

(12:08 p.m.) Motion by Manuel, seconded by Sanchez, carried 4/0 with Bryant absent, to deny NZVAR 06-012, based upon the failure to provide substantial evidence for any of the five findings of fact.

The meeting recessed at 12:09 p.m. and reconvened at 1:33 p.m. with Rich, Manuel, Sanchez, Kropacek, McCormack, and Terry Bulla, Deputy Clerk present. The Board addressed Item 12.

(01/23/07 - 13 - 4:03 p.m.)

16. PUBLIC HEARING - REZ 2006-49, ST. AUGUSTINE - ST. JOHNS COUNTY AIRPORT AUTHORITY - THIS IS A REQUEST TO REZONE 52.1 ACRES FROM RESIDENTIAL SINGLE 3 (RS-3), COMMERCIAL INTENSIVE (CI) AND OPEN-RURAL (OR) TO AIRPORT DISTRICT (AD) FOR A FUTURE EXPANSION OF THE AIRPORT. THE AUTHORITY OWNS ALL PROPERTY LOCATED WITHIN THE FORMER ARAQUAY PARK UNIT 1 AND ARAQUAY PARK UNIT 2 SUBDIVISIONS. THE VACATION OF THE SUBDIVISIONS HAS TRIGGERED A NEW LEGAL DESCRIPTION AND THEREFORE REQUIRES A REZONING TO AIRPORT DISTRICT (AD) FROM THE PREVIOUS BASE ZONES OF RESIDENTIAL SINGLE 3 (RS-3), COMMERCIAL INTENSIVE (CI) AND OPEN-RURAL (OR) TO AIRPORT DISTRICT (AD). THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS REZONING REQUEST AT THEIR NOVEMBER 16, 2006 HEARING BY A VOTE OF 5/1

Proof of publication of notice of a public hearing regarding REZ 2005-49, Airport Authority was received, having been published in *The St. Augustine Record* on January 3, 2007.

Lindsay Haga, Chief Planner, gave the presentation and explained the application for a straight proposed rezoning.

(4:05 p.m.) Doug Burnett, 170 Malaga St., gave facts related to the airport, and reviewed companies that had major facilities located there. He explained the basis for the rezoning request.

(4:15 p.m.) Deputy Clerk Lenora Newsome entered the meeting and Deputy Clerk Terry Bulla left the meeting.

Burnett spoke on the airport extension. Stevenson asked to define the term "fixed based operator." Burnett reviewed the definition.

(4:19 p.m.) John Sundeman, 4665 Fifth Avenue, asked questions about investing a large sum of money and spoke in opposition of this item.

(4:33 p.m.) Joe Jones, 4672 Fifth Avenue, spoke in opposition to this item, stating there should be a compromise and on addressing the problems now.

(4:40 p.m.) Burnett spoke on auditors and wetland tributaries. He stated that the Comp Plan had this land designated as airport property. Manuel stated that he had great concerns about the whole airport operation and that he would like to address the lighting and noise issue. McCormack advised that discussion pertaining to the airport financial situation should not be discussed because this was zoning and comp plan issues. Stevenson suggested having a joint meeting with the Airport Authority. Burnett

stated that they were not impacting the water at all. Stevenson spoke on buffering sound, with Burnett responding. Stevenson asked what the intended use of this property was. Burnett spoke on the corporate hangers. Stevenson suggested deferring the decision on this request. McCormack advised the Board that they had the right to continue it, but it must be for some reason. Burnett stated that it was 90% funded through grants to build the hangers. Discussion ensued. (5:10 p.m.) **Motion by Manuel, seconded by Stevenson, carried 4/0 with Bryant absent, to move this item until time certain as Item 1, on February 6 or February 20, 2007.**

(01/23/07 - 14 - 5:12 p.m.)

17. PUBLIC HEARING - PNZVAR 2006-10, WACHOVIA (3795 PALM VALLEY ROAD) - THIS REQUEST SEEKS APPROVAL OF A NON-ZONING VARIANCE REGARDING SIGNAGE, SPECIFICALLY SECTION 3.06.09.C.2 (PONTE VEDRA / PALM VALLEY OVERLAY) OF THE LAND DEVELOPMENT CODE. THIS SPECIFIC CODE ONLY ALLOWS FOR ONE WALL SIGN FOR AN INDIVIDUAL BUSINESS IN A BUILDING. THE APPLICANT WISHES TO RETAIN A SECOND WALL SIGN ON THE NORTH SIDE OF THE BUILDING, NEAR THE DRIVE-THRU. THE LOCATION OF THE PROPERTY IS AT 3795 PALM VALLEY ROAD. THE CURRENT BASE ZONING IS CG (COMMERCIAL GENERAL). THE SURROUNDING ZONING CONSISTS OF COMMERCIAL GENERAL (CG) TO THE NORTH AND EAST AND OPEN RURAL (OR) TO THE WEST AND SOUTH. THE CURRENT LAND USE FOR THE PARCEL IS COMMERCIAL. THE SURROUNDING LAND USE CONSISTS OF COMMERCIAL TO THE EAST, RESIDENTIAL B (COASTAL) TO THE NORTH AND WEST, AND PARKS AND RECREATION TO THE SOUTH. THE PLANNING DIVISION FINDS THE PROPOSED PROJECT TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN, SPECIFICALLY THE COMMERCIAL LAND USE DESIGNATION. STAFF ALSO FINDS THAT THE REQUEST IS CONSISTENT WITH THE CG ZONING DISTRICT AND SECTION 10.04.03 OF THE LAND DEVELOPMENT CODE, PROVIDING REQUIRED FINDINGS FOR THE APPROVAL OF NON-ZONING VARIANCES

Proof of publication of notice of a public hearing regarding PNZVAR 2996-10, Wachovia, was received, having been published in *The St. Augustine Record* on January 3, 2007.

Lindsay Haga, Chief Planner, reviewed this item, speaking on signs. Discussion ensued. **Motion by Stevenson, seconded by Manuel, carried 4/0 with Bryant absent, to approve PNZVAR 2006-10, making findings of fact 1 through 6 to support the motion.**

(01/23/07 - 14 - 5:18 p.m.)

COMMISSIONERS' REPORTS

Commissioner Manuel:

Manuel stated that he would like to see newspapers in the northern part of the county included in the noticing; *Ponte Vedra Recorder*, *St. Johns Recorder*, *The Sun*, *Shoreline*, and *Beaches Leader*, Exhibit A. He stated that he would like to see a recommendation from the County Administrator on which paper(s) would be best to use for noticing the northern part of the county.

Manuel stated that he would like an update on the library audit and the findings; that he thought it was important to set up a joint workshop with the Airport Authority; and that he would like the Commission to consider a workshop on the charter. He also

mentioned receiving lots of e-mails and phone calls regarding the u-turn at The Legends.

(5:20 p.m.) Joe Vonasek, Assistant County Administrator, spoke on the request by Manuel on seeking other venues for advertising meetings. McCormack spoke on the required characteristics of legal ads and the costs for additional advertising. Manuel submitted that on a \$732,000,000 budget, the costs to keep the residents informed would not be significant.

(5:23 p.m.)

Commissioner Stevenson:

Stevenson spoke on reports in *Florida Trend Magazine*; making sure everyone knew of St. Johns County's assets; dock extensions; property insurance; portability for homestead exemptions; and eliminating intangible property taxes. She stated that she was interested in hearing when they would be receiving an update on the management of the amphitheater. Manuel spoke on the issue of portability.

(5:34 p.m.)

Commissioner Sanchez:

Sanchez mentioned that there would be a super community collection day for household hazardous waste on January 27, 2007, from 8:00 a.m. to noon, at Pedro Menendez High School on SR 206.

(5:34 p.m.)

Commissioner Rich:

Rich stated that he wanted to congratulate Manuel on his appointment with the MPO: Manuel responded.

Rich spoke on neighborhood solicitation. He requested that the County Administrator, Special Projects Manager, County Attorney and Sheriff look at the Solicitation Ordinance to see what could be done.

Rich spoke on having a workshop on charter government. He suggested that Tina McGough get with each commissioner and set up a meeting in each district, and also allowing the committee to meet in the auditorium. Manuel suggested starting with having the first meeting in the auditorium and then having a meeting in each district. Discussion ensued. Rich directed the County Administrator to contact Tina McGough regarding scheduling charter government meetings.

(01/23/07 - 15 - 5:50 p.m.)

COUNTY ADMINISTRATOR'S REPORT

Kropacek mentioned a joint BCC/School Board meeting on February 15th at the new permitting center.

(01/23/07 - 15 - 5:51 p.m.)

COUNTY ATTORNEY'S REPORT

McCormack spoke on the Department of Community Affairs issuing an "intent to find not in compliance" report on the Wells Farm CPA.

(01/23/07 - 15 - 5:52 p.m.)

CLERK OF COURT'S REPORT

No report.

Motion by Manuel, seconded by Stevenson, carried 4/0 with Bryant absent, to adjourn. With there being no further business to come before the Board, the meeting adjourned at 5:52 p.m.

REPORTS:

1. St. Johns County Board of County Commissioners Check Register, Check Nos. 395636 through 395789, totaling \$1,430,850.38 (01/02/07)
2. St. Johns County Board of County Commissioners Check Register, Check Nos. 395790 through 395815, totaling \$40,374.84 (01/04/07)
3. St. Johns County Board of County Commissioners Check Register, Check Nos. 395816 through 395821, totaling \$67,520.38 (01/05/07)
4. St. Johns County Board of County Commissioners Check Register, Check Nos. 395822 through 396030, totaling \$2,103,606.73 (01/09/07)
5. St. Johns County Board of County Commissioners Check Register, Check Nos. 396031 through 396032, totaling \$2,000.16 (01/10/07)
6. St. Johns County Board of County Commissioners Check Register, Check No. 396358 through 396032, totaling \$85,949.90 (01/16/07)

CORRESPONDENCE:

1. Letter to Liz Cloud, Program Administrator, filing Ordinance Number 2007-1 through 2007-5 (01/23/07)

Approved _____ February 20 _____, 2007

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: Ben Rich
Ben Rich, Chairman

ATTEST: CHERYL STRICKLAND, CLERK

By: Cheryl Strickland
Deputy Clerk