

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
MARCH 20, 2007
(8:00 A.M.)**

Proceedings of a special 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
Cyndi Stevenson, District 1
Ron Sanchez, District 2
James Bryant, District 5
Waldemar Kropacek, Interim County Administrator
Patrick McCormack, County Attorney
Lenora Newsome, Deputy Clerk

(03/20/07 - 1 - 8:05 a.m.)

CALL TO ORDER THE SPECIAL MEETING

Rich called the special meeting to order, with Manuel absent.

(03/20/07 - 1 - 8:05 a.m.)

1. CLOSED SESSION - 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 BETWEEN CONCESSIONS, INC., AND ST. JOHNS COUNTY, CASE NO. CA99-892, IN THE CIRCUIT COURT, SEVENTH JUDICIAL CIRCUIT, IN AND FOR ST. JOHNS COUNTY. THE SPECIAL PRIVATE ATTORNEY/CLIENT MEETING WILL BE HELD IN CONFERENCE ROOM A, IN THE COUNTY ADMINISTRATION COMPLEX

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

Patrick McCormack, County Attorney, informed the Board that he needed advice concerning the Concession, Inc., v. St. Johns County lawsuit, Case No. CA99-892. Rich mentioned the people attending; County Administrator Wally Kropacek, Commissioner Stevenson, Commissioner Ron Sanchez, Commissioner Ben Rich, Commissioner James Bryant, County Attorney Patrick McCormack, and Court Reporter Cathy UpChurch. McCormack mentioned that Commissioner Thomas Manuel may join the meeting later.

The meeting recessed at 8:07 a.m. and reconvened at 8:36 a.m.

McCormack stated that he had briefed the Board on some settlement parameters described in a February 19th, 2007 letter from the attorney of the property owner to him and asked the Board to settle this case along the lines of the parameters of that letter and the cited plan dated February 9th, 2007 from architect Les Thomas pertaining to the subject property, with the following changes; "That the site plan would have 25 units instead of 27, that the two buildings would each be slid or moved five feet to the south, so five feet away from the residential property to the north and five feet closer to the County parking lot, and that the balconies described on there would be three feet

instead of five feet and that there would be an additional vegetative buffer as described in that subject, a letter, along a portion of the north side, that the property would be deemed vested from the Land Development Code, coastal/north coastal overlay district, except that the applicant would agree to comply with the parameters of that overlay district except if, in any instance made impractical by the site plan as he described it, that the County would allow the modifications to the site plan, if required by the State of Florida, with the caveat that if the modifications negatively affecting the parking, then the parking would be reduced as proportionally as per the Land Development Code, that the County would agree to reasonably expedite the application and waive fees as pertaining to the subject letter. The County would recognize vesting at the '99 through 2005 impact fees, however, would not affect the third party water sewer fees and other third party fees. The County would agree to refund the \$1,800 application fee and authorize the County attorney to negotiate the Bert J. Harris appraisal fee up to a cap of 50 percent. The property owners' attorney's fees would be waived and their claims for damages as per that subject letter. The parties would jointly file a motion with the circuit court requesting approval of the settlement in accordance with Florida Statute 70.001. The County would also require that the parking units exceed the number of the residential units by five, so with the 25 units, it would mean five parking spaces, the dumpster would be considered separate, and there would be a requirement for a six-foot solid fence between the property and the St. Johns County's parking lot. McCormack asked for a motion from the Board to authorize settlement along the parameters he just described. Stevenson asked if there was a reduction in parking, would there be a proportional reduction in units. McCormack replied yes, that he tried to articulate that and that he certainly would adopt that in the parameters he described. (8:38 a.m.) **Motion by Stevenson, seconded by Bryant, carried 4/0 with Manuel absent, to authorize the County Attorney to settle this lawsuit according to the parameters discussed by the Board and just outlined by the County Attorney.**

The special meeting adjourned at 8:39 a.m.

(03/20/07 - 2 - 9:02 a.m.)

CALL TO ORDER THE REGULAR MEETING

Rich called the meeting to order.

(03/20/07 - 2 - 9:02 a.m.)

ROLL CALL

Rich stated that all five commissioners were present.

(03/20/07 - 2 - 9:02 a.m.)

Rich gave the invocation and Sanchez led the Pledge of Allegiance

(03/20/07 - 2 - 9:03 a.m.)

PUBLIC COMMENT

April Doyle Johnson, 314 Chapel Road, spoke on the fumes and gases coming from the APAC Asphalt Plant. She presented signed petitions against the plant, Exhibit A. She requested the Board to do an ordinance and revoke the plant's occupational license. Rich asked the County Attorney to advise him as soon as possible in reference to this issue.

(9:10 a.m.) Teresa Doyle, 5448 Second Street, asked the Board to do an ordinance to close the plant. She distributed a map, Exhibit B.

(9:14 a.m.) Ken Bryan, 126 Oyster Catcher Circle, spoke on the asphalt plant. He asked the Board to do what they could to address this problem. Sanchez responded.

(9:17 a.m.) Daren Anderson, 1784 Ferncreek Drive, spoke on opposing the Stonehurst Plantation Ferncreek Road connection, requesting to keep the Ferncreek Road closed, Exhibit C. Sanchez responded that he had met with the residents in this area reviewing the issue. Anderson asked for something in writing from staff, a full explanation why the burden was being passed onto the homeowners.

(9:31 a.m.) Dimpreet Smith, 1803 Ferncreek Drive, spoke against Ferncreek Road being opened. She stated that she liked the idea of CR 2209, but did not want the connection to her front door.

(9:33 a.m.) Kevin Del Vecchio, 2509 Stapleford Lane, voiced concern about the safety of the neighborhood and spoke against opening Ferncreek Road.

(9:36 a.m.) Brock Johnson, 1759 Ferncreek Drive, spoke on the safety of the neighborhood and against opening Ferncreek Road.

(9:40 a.m.) Lt. Jerry Smith, 1803 Ferncreek Drive, spoke against opening Ferncreek Road.

(9:42 a.m.) Daren Anderson asked the Board to read Section 5 in the packet. Stevenson and Sanchez commented on the public comments.

(03/20/07 - 3 - 9:50 a.m.)

DELETIONS TO THE CONSENT AGENDA

There were no deletions to the consent agenda. Stevenson left the meeting.

(03/20/07 - 3 - 9:51 a.m.)

APPROVAL OF THE CONSENT AGENDA

Motion by Manuel, seconded by Sanchez, carried 4/0 with Stevenson temporarily absent, to approve the consent agenda as submitted.

1. Approval of the Cash Requirement Report

2. Minutes:

02/06/07 - BCC Regular Meeting

02/20/07 - BCC Regular Meeting

02/21/07 - BCC Special Meeting

3. Sheriff's Office Bonds:

Approve:	Linda Koch	Lindsay Ryan	Zachary Cooke
	Christina Dobbs	George Doran	Daniel Lui
	Eric Schoenfeld	Rachel Soles	Nancy Heburn
	Jeffrey Badder	Patricia Horn	William Secure
	Jeffrey Scott	Cheth Plaughter	Ashley Cheshire
	Michael Bowman	James Anderson	

Cancel:	David Fulcher	Donna Fulcher
	Matthew Croxford	Tiffany Parish
	Mitchell McCormack	

4. Motion to adopt **Resolution No. 2007-74**, approving the final plat for Marshall Creek DRI Unit EV-7/EV-8

RESOLUTION NO. 2007-74

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING A SUBDIVISION PLAT FOR MARSHALL CREEK DRI EV-7/EV-8

5. Motion to adopt **Resolution No. 2007-75**, accepting the terms, conditions, provisions, and requirements of the Second Amendment to Contract #DH646 between the State of Florida Department of Children and Families, and the St. Johns County Board of County Commissioners; and authorizing the Chairman of the Board of County Commissioners to execute the Contract Amendment on behalf of the County

RESOLUTION NO. 2007-75

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING THE TERMS, CONDITIONS, PROVISIONS, AND REQUIREMENTS OF THE SECOND AMENDMENT TO CONTRACT #DH646 BETWEEN THE STATE OF FLORIDA DEPARTMENT OF CHILDREN AND FAMILIES, AND THE ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS, AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS TO EXECUTE THE CONTRACT AMENDMENT ON BEHALF OF THE COUNTY

6. Motion to adopt **Resolution No. 2007-76**, approving the terms of, and authorizing the County Administrator to execute, the 3rd Amendment to the Lease Agreement to extend the lease terms and conditions between St. Johns County and Salt Water Cowboys, Inc.

RESOLUTION NO. 2007-76

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE 3RD AMENDMENT TO THE LEASE AGREEMENT TO EXTEND THE LEASE TERMS AND CONDITIONS BETWEEN ST. JOHNS COUNTY AND SALT WATER COWBOYS, INC. FORMALLY KNOWN AS COWBOYS' INC.

7. Motion to adopt **Resolution No. 2007-77**, authorizing the Interim County Administrator to execute the Memorandum of Understanding with the COA, relating to the Players Community Senior Center on Landrum Lane, on behalf of the County

RESOLUTION NO. 2007-77

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE INTERIM COUNTY ADMINISTRATOR TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH ST. JOHNS COUNTY COUNCIL ON AGING, INC., RELATING TO THE USE OF THE PLAYERS COMMUNITY SENIOR CENTER

8. Motion to adopt **Resolution No. 2007-78**, accepting and authorizing the County Administrator to execute two Amendments to the Grant of Easement from Cabbage Hammock Company, LLC, Sonoc Company, LLC, School Board of St. Johns County and New Beginnings Baptist Church of Ponte Vedra Inc., correcting the legal description to the Nocatee Preserve

RESOLUTION NO. 2007-78

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE TWO AMENDMENTS TO THE GRANT OF EASEMENTS FROM CABBAGE HAMMOCK COMPANY, LLC, SONOC COMPANY, LLC, SCHOOL BOARD OF ST. JOHNS COUNTY AND NEW BEGINNINGS BAPTIST CHURCH OF PONTE VEDRA, INC. AND CORRECTING THE LEGAL DESCRIPTION TO THE NOCATEE PRESERVE

9. Motion to adopt **Resolution No. 2007-79**, accepting a Special Warranty Deed for a fifteen and seven-tenths (15.7) acre site for the construction of a Florida Veterans' Nursing Home in the World Commerce DRI

RESOLUTION NO. 2007-79

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING A SPECIAL WARRANTY DEED FOR CONVEYANCE OF A SITE FOR CONSTRUCTION OF A FLORIDA VETERAN'S NURSING HOME WITHIN THE WORLD COMMERCE CENTER DRI PURSUANT TO THE REQUIREMENTS WITHIN THE DEVELOPMENT OF REGIONAL IMPACT DEVELOPMENT ORDER

10. Motion to declare the attached list of items as surplus, and authorize staff to dispose of same in accordance with Purchasing Policy 308 and Florida Statute 274
11. Motion to authorize the County Administrator, or his designee, to purchase two 2008 Freightliner M2 Ambulances from American LaFrance LLC, in accordance with Bid No. 07-67, in the amount of \$337,250
12. Motion to adopt **Resolution No. 2007-80**, authorizing the County Administrator to accept the hardware, software, and services association, the ARCGIS Server Demonstration Grant, and to account for, and provide the

necessary funding source in County Fiscal Year 2008 for server hardware maintenance, and/or replacement costs

RESOLUTION NO. 2007-80

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING THE ESRI AND STRATUS TECHNOLOGIES ARCGIS SERVER DEMONSTRATION PROJECT GRANT, AND THE HARDWARE, SOFTWARE, AND SERVICES ASSOCIATED WITH THE GRANT ON BEHALF OF THE COUNTY

13. Motion to adopt **Resolution No. 2007-81**, changing the name of NE Fourth Avenue to Monet Avenue

RESOLUTION NO. 2007-81

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, CHANGING A PORTION OF A ROAD NAME FROM NE FOURTH AV TO MONET AV

14. Motion to adopt **Resolution No. 2007-82**, increasing the State Housing Incentives Partnership (SHIP) maximum award amount per unit for the Homebuyer-New and Purchase Assistance Subsidy strategies for homebuyers purchasing units located within the designated West Augustine Community Revitalization Area that are ineligible for assistance through the Homeownership Pool (HOP) program

RESOLUTION NO. 2007-82

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING AN INCREASE OF THE PURCHASE ASSISTANCE AWARD FOR THE WEST AUGUSTINE CRA IN THE PURCHASE ASSISTANCE AND HOMEBUYER NEW CONSTRUCTION STRATEGIES OF THE SHIP PROGRAM AND SETTING AN EFFECTIVE DATE

15. Motion to authorize the payment of \$5,710 to off-set impact fees for newly constructed migrant farm worker housing owned by Barnes Farms Ltd. at 6755 SR 13 South
16. Motion to adopt **Resolution No. 2007-83**, authorizing the County Administrator to execute a Hold Harmless Agreement between Douglas Anderson (Permittee) and St. Johns County for the construction of a Bulkhead along Lot 13, Block 6 of the Pelican Reef Subdivision

RESOLUTION NO. 2007-83

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING A HOLD HARMLESS AGREEMENT BETWEEN DOUGLAS ANDERSON ("PERMITTEE")

AND ST. JOHNS COUNTY (COUNTY) FOR
CONSTRUCTION OF A BULKHEAD ALONG LOT 13,
BLOCK 6 OF THE PELICAN REEF SUBDIVISION

17. Motion to adopt **Resolution No. 2007-84**, recognizing the carry-forward of \$404,144.44 in E-911 funds for uses pursuant to F.S. 365.171

RESOLUTION NO. 2007-84

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ESTABLISHING THE CARRYFORWARD OF UNSPENT MONEYS IN THE "E-911 COMMUNICATIONS FUND" FOR PURPOSES OF FUNDING ALLOWABLE "E-911" CAPITAL EXPENDITURES PURSUANT TO FLORIDA STATUTE SECTION 365.171

18. Motion to adopt **Resolution No. 2007-85**, approving the terms, conditions, provisions, and requirements of a Non-Exclusive Franchise Agreement for Construction and Demolition Debris between St. Johns County, Florida, and A to Z Roll Off; and authorizing the County Administrator to execute the Non-Exclusive Franchise Agreement for Construction and Demolition Debris on behalf of St. Johns County, Florida

RESOLUTION NO. 2007-85

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF A NON-EXCLUSIVE FRANCHISE AGREEMENT FOR CONSTRUCTION AND DEMOLITION DEBRIS BETWEEN ST. JOHNS COUNTY, FLORIDA, AND A TO Z ROLL OFF, AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE AMENDMENT TO THE CONSTRUCTION AND DEMOLITION FRANCHISE AGREEMENT, ON BEHALF OF ST. JOHNS COUNTY

19. Motion to adopt **Resolution No. 2007-86**, implementing revised fees for services provided by the St. Johns County Animal Control Department

RESOLUTION NO. 2007-86

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING AND AMENDING SCHEDULE OF FEES FOR ONE COUNTY DEPARTMENT, AND PROVIDING AN EFFECTIVE DATE

20. Motion to adopt **Resolution No. 2007-87**, approving the Economic Development Grant Agreement with East Coast Wells and Pump Services for their business expansion; and authorizing the County Administrator to execute the Agreement on behalf of the County

RESOLUTION NO. 2007-87

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, TO AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE THE ECONOMIC DEVELOPMENT AGENCY CONTRACT WITH EAST COAST WELLS AND PUMP SERVICES ON BEHALF OF ST. JOHNS COUNTY, AND PROVIDING FOR AN EFFECTIVE DATE

21. Motion to adopt **Resolution No. 2007-88**, approving the Economic Development Grant Agreement with East Coast Wells and Pump Services for speculative space; and authorizing the County Administrator to execute the Agreement on behalf of the County

RESOLUTION NO. 2007-88

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

22. Motion to adopt **Resolution No. 2007-89**, approving the Economic Development Grant Agreement with Marshall Real Estate Development, Inc.; and authorizing the County Administrator to execute the agreement on behalf of the County

RESOLUTION NO. 2007-89

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

23. Motion to adopt **Resolution No. 2007-90**, rescinding Resolution 2007-40, supporting Northrop Grumman's application for the Qualified Defense Contract Tax Refund Program for the U.S. Air Force A-10 Enhanced Wing Project; and the intent to commit the County to pay up to \$130,400 as local financial support if funds are available in future fiscal years

RESOLUTION NO. 2007-90

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, FINDING THAT NORTHROP GRUMMAN BE APPROVED AS A QUALIFIED APPLICANT PURSUANT TO §288.1045, FLORIDA STATUTES FOR U.S. AIR FORCE A-10 ENHANCED WING PROJECT; AND

PROVIDING AN APPROPRIATION OF \$130,400 AS LOCAL PARTICIPATION IN THE QUALIFIED DEFENSE CONTRACT TAX REFUND PROGRAM; AND PROVIDING FOR AN EFFECTIVE DATE, AND RESCINDING RESOLUTION NO. 2007-40 DUE TO THE DECREASE IN THE NUMBER OF EMPLOYEES REQUIRED FOR THE PROJECT AND THE REDUCTION OF THE LOCAL PARTICIPATION AMOUNT FROM \$260,000 TO \$130,400

24. Motion to adopt **Resolution No. 2007-91**, authorizing the Chairman to execute an Interlocal Agreement with the Ponte Vedra Municipal Service District for the joint participation in the construction of a sidewalk along a portion of Ponte Vedra Boulevard

RESOLUTION NO. 2007-91

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, TO CONSIDER ENTERING INTO A INTERLOCAL AGREEMENT WITH THE PONTE VEDRA MUNICIPAL SERVICE DISTRICT FOR THE CONSTRUCTION OF A SIDEWALK COMMENCING AT THE SOUTHERN EDGE OF DRIVEWAY OF 960 PONTE VEDRA BOULEVARD, PONTE VEDRA BEACH, FLORIDA, 32082 AND CONTINUING UNINTERRUPTED TO THE SOUTHERN PROPERTY BOUNDARY OF 994 PONTE VEDRA BOULEVARD, PONTE VEDRA BEACH, FLORIDA, 32082

25. Motion to authorize the County Administrator, or his designee, to award the bid of \$67,572.18, and negotiate a contract with Library Interiors of Florida, Inc., for the furniture package for the Anastasia Island Branch Library
26. Motion to authorize the County Administrator, or his designee, to approve Change Order #15 to Thomas May Construction Company in the amount of \$127,310.86
27. Motion to authorize the County Administrator, or his designee, to accept Change Order #02 in the amount of \$185,000 to Span Systems for Final Settlement to any and all claims related to erection of tensile fabric structure at the St. Johns County, St. Augustine Amphitheatre
28. Proofs:
- a. Proof, Notice of Meeting, Town Meeting County Commission District 1, Thursday, March 1, 2007 at 6:00 p.m.
 - b. Proof, Notice to Bidders, Bid No. 07-54
 - c. Proof, Notice to Bidders, Bid No. 07-71
 - d. Proof, Notice to Bidders, Bid No. 07-73
 - e. Proof, Notice to Bidders, Bid No. 07-70
 - f. Proof, Notice to Bidders, Bid No. 07-74
 - g. Proof, Notice of Meeting, St. Johns County Board of County Commissioners, Special Meeting, Tuesday, March 13, 2007 at 9:00 a.m.

(03/20/07 - 9 - 9:51 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

Manuel requested to add the Ferncreek/2209 issue to the agenda. Stevenson objected and explained why. Manuel requested that it be scheduled as soon as possible. There were no additions or deletions to the regular agenda.

(03/20/07 - 10 - 9:52 a.m.)

APPROVAL OF REGULAR AGENDA

Motion by Sanchez, seconded by Manuel, carried 5/0, to approve the regular agenda as submitted.

(03/20/07 - 10 - 9:52 a.m.)

1. CONSIDER A MOTION TO ADOPT A RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF THE LOAN NOTE AND OTHER RELATED DOCUMENTS ASSOCIATED WITH THE COUNTY'S PARTICIPATION IN THE FLORIDA LOCAL GOVERNMENT FINANCE COMMISSION POOLED COMMERCIAL PAPER LOAN PROGRAM AND THE BORROWING OF \$2,100,000 TO CONSTRUCT A NEW ADMINISTRATION ANNEX BUILDING FOR THE COUNTY

McCormack reviewed this item.

(9:53 a.m.) Jean Mangu, 6 East Bay Street, the County's general finance counsel, stated that this item was in connection with the construction and funding of the new southeast annex building. McCormack stated on page 2 of the resolution, under the Eleventh Project, the phrase "a new administrative annex building" should be worded the "Public Service Annex." Mangu mentioned that it was also listed in Section 5e that way. Stevenson suggested that it should be worded the "Southeast Annex" instead of the "Public Service Annex." (9:57 a.m.) **Motion by Manuel, seconded by Sanchez, carried 5/0, to adopt Resolution No. 2007-92, authorizing the execution and delivery of the Loan Note, and other related documents, associated with the County's participation in the Florida Local Government Finance Commission Pooled Commercial Paper Loan Program and the borrowing of \$2,100,000 to construct a new southeast annex building for the county.**

RESOLUTION NO. 2007-92

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, THAT SUPPLEMENTS ST. JOHNS COUNTY RESOLUTION NOS. 99-138, 2001-78 AND 2005-8; MAKES FINDINGS; PROVIDES DEFINITIONS; AUTHORIZES THE COUNTY TO BORROW \$2,100,000 (THE "ELEVENTH LOAN") FOR THE PROJECT DESCRIBED HEREIN FROM THE POOLED COMMERCIAL PAPER LOAN PROGRAM OF THE FLORIDA LOCAL GOVERNMENT FINANCE COMMISSION; PLEDGES CERTAIN NON-AD VALOREM FUNDS TO THE PAYMENT OF THE ELEVENTH LOAN; APPROVES THE TERMS AND CONDITIONS OF THE NOTE THAT WILL EVIDENCE THE ELEVENTH LOAN; AUTHORIZES A NEGOTIATED SALE OF THE ELEVENTH LOAN NOTE; AUTHORIZES THE EXECUTION AND DELIVERY OF THE ELEVENTH LOAN NOTE; DIRECTS THE COUNTY ADMINISTRATOR TO ENSURE THAT CERTAIN TASKS ARE PERFORMED; AUTHORIZES THE

**EXECUTION AND DELIVERY OF OTHER
DOCUMENTS; AND PROVIDES AN EFFECTIVE DATE**

(03/20/07 - 11 - 9:58 a.m.)

2. CONSIDER A MOTION TO AUTHORIZE THE COUNTY ADMINISTRATOR, OR HIS DESIGNEE, TO NEGOTIATE A CONTRACT IN THE AMOUNT OF \$1,808,000 WITH THE LOW BIDDER K.P. MEIRING, FOR CONSTRUCTION OF THE NEW SOUTHEAST ANNEX BUILDING

Mike Rubin, Director Construction Services, reviewed this item. Rich suggested being cautious in reference to amendments to the contract or change orders that could impact the financial situation. Manuel expressed concern about adding more expenses to the cost of county government. (10:00 a.m.) **Motion by Manuel, seconded by Rich, carried 5/0, to authorize the County Administrator, or designee, to negotiate a contract in the amount of \$1,808,000 with the low bidder K.P. Meiring, for construction of the new southeast annex building.**

(03/20/07 - 11 - 10:01 a.m.)

3. PUBLIC HEARING - APPEAL TO ADMINISTRATIVE DECISION- ROBERT KELSEY AND WILLIAM S. URSELL - THE REQUEST IS AN APPEAL TO THE FINAL ADMINISTRATIVE INTERPRETATION REGARDING THE CONSTRUCTION OF A DOCK ON PROPERTY OWNED BY MR. EARLE HAYFORD. (PAGES 1-3) THE ADMINISTRATIVE INTERPRETATION IS ATTACHED; LETTER DATED DECEMBER 21, 2006 FROM THE ASSISTANT COUNTY ADMINISTRATOR FOR OPERATIONS (PAGE 4). THE PROPERTY IS LOCATED ADJACENT TO DR. KELSEY ON VAILL POINT ROAD. THE COUNTY CONSIDERS A DOCK AS AN ACCESSORY USE, PURSUANT TO SECTION 2.02.04 OF THE LAND DEVELOPMENT CODE (LDC), HOWEVER SECTION 2.02.04.A (4) STATES THAT DOCKS, DUNE WALKOVERS, BOAT HOUSES AND WELL HOUSES ARE NOT APPLICABLE TO THE PROVISIONS OF THE LDC (SECTION). THEREFORE THE COUNTY CONSIDERS THOSE NAMED STRUCTURES EXEMPT FROM THE REQUIREMENTS OF ACCESSORY USES, ALONG WITH THE NECESSARY PATHS OR WALKWAYS TO PROVIDE ACCESS

Proof of publication of the notice of public hearing regarding ZADAMAPL 2007-01, Vaill Point Rd., was received, having been published in *The St. Augustine Record* on February 16, 2007.

Cathy Upchurch, Court Reporter, was present.

Rosemary Yeoman, Zoning Manager, reviewed this item, distributing adjacent property owner response forms, Exhibit A. She stated that there were three issues under discussion; should a private dock require a building permit from St. Johns County, should a private dock require parking requirements, and should this dock be on the same property as the residence. (10:02 a.m.) McCormack left the meeting and James Whitehouse, Assistant County Attorney, entered the meeting. Yeoman stated that she would like the applicant to present their case and then she would respond to it. She also stated that she received a notice from Dr. Kelsey that he would like to continue this application. Stevenson disclosed ex-parte communication with the appellant, Dr. Kelsey and his wife explaining their situation and the difficulty they had. Bryant disclosed ex-parte communication with Dr. Kelsey and his wife regarding discussing the technicalities of the Land Development Code and its application to this project. Rich disclosed ex-parte communication with Dr. Kelsey and his wife regarding

exchanging words casually with the owner of the property in question. Sanchez disclosed ex-parte communication with Dr. Kelsey, phone calls, e-mails, etc.

(10:06 a.m.) Dr. Robert Kelsey, 3891 Hickory Lane, requested to continue this item because they requested records and believed that they were not provided records in a comprehensive and timely manner.

(10:08 a.m.) Earle Hayford, 147 Laguna Court, stated that he did not want a continuance. Whitehouse spoke on continuing this item and stated that if it was continued, the owner had rights also and needed to be heard sometime. Rich asked Yeoman if Dr. Kelsey had been supplied with all the records that staff had in reference to his case. Yeoman replied that every request made by Dr. Kelsey had been honored and there was no new staff information added to the file. She stated that everything had been provided to him as of last Friday. Whitehouse stated that the Board may wish to ask the appellant what specific documents he was referring to that he felt he needed to review further. Dr. Kelsey responded that there were meetings that took place and a stop work order on the site of which there was no record. Yeoman responded the meetings were staff meetings where they considered the request for administrative interpretation and there was not a stop work order but notices by Stan DeAngelis. Dr. Kelsey mentioned there was a meeting on July 7, 2006, with the legal department and staff, to discuss the issue. Whitehouse explained how staff meetings were handled. Dr. Kelsey spoke on being upset about the record requests and how they were handled. Discussion followed. Yeoman spoke on copying all the documents in the file every time there was a request. (10:27 a.m.) *It was a consensus of the Board to hear this item today.*

The meeting recessed at 10:28 a.m. and reconvened at 10:40 a.m.

(10:40 a.m.) Dr. Kelsey reviewed the administrative review of the Land Development Code relating to accessory building of structures, specifically docks, Exhibit B. He asked that the dock not be exempt from the Land Development Code. He addressed Yeoman's response to the Board. He stated that this parcel was located in a residential district and was a nonconforming lot. He stated that they had included, as evidence Section 2.02.01 which defined outdoor passive uses. He spoke on permits regarding structures attached to docks. He asked that the Board rule that the accessory used dock was not exempt from the Land Development Code and that parking was required for the accessory used dock. He stated that he would like for the record to indicate that he would like to question Patrick McCormack, David Williams, and Rosemary Yeoman.

(11:01 a.m.) Whitehouse swore in: Rosemary Yeoman, Patrick McCormack, and David Williams.

(11:02 a.m.) Dr. Kelsey cross-examined Yeoman asking her if she agreed with McCormack that a dock was not an accessory use but in fact an outdoor passive use. Yeoman responded that it was an outdoor passive use under one section of the code and also an accessory use under another section. Dr. Kelsey continued cross-examining Yeoman about docks and accessories. He also asked about docks regarding parking, with Yeoman responding. He asked about documents being created regarding this dock prior to June, 2006. Yeoman replied, to the best of her knowledge in her office, there were no document created before June, 2006. Discussion followed. Yeoman stated that she resented not being able to give her entire side of the story, that she felt like this was inappropriate, but she did wish that the Board would take a look at the package that she had presented. Whitehouse stated that Yeoman would have a chance to respond later.

(11:15 a.m.) David Williams, 4020 Lewis Speedway, introduced himself. Dr. Kelsey cross-examined Williams, asking him if he believed that the stairs at 400 Vaill Point Road required a building permit and engineering when he placed a stop work order at the site. Williams stated that he was not qualified to know if a structure needs a permit or not without going back and researching it. He stated that the stop work order was placed on site at this address so that preliminary investigations could be reviewed to find out if it was needed. Dr. Kelsey asked if the county had ever required permits or engineering for stairs or accessory pathways leading to docks. Williams replied no. Dr. Kelsey asked if the county had ever required engineering for stairs as accessory pathways to docks. Williams replied no, not that he was aware of. Dr. Kelsey asked if permits or engineering were required for the structure and had there ever been to his knowledge sanctions to citizens for not having permits or engineering. Williams replied that there had never been a sanction written because an individual did not get a permit for a dock or engineering or such structure. Dr. Kelsey asked if stairs and decks were considered secondary structures. Williams replied that he was not qualified to make that determination because he was not a building inspector, he was the investigator. Dr. Kelsey asked who would be qualified to answer that question, stating that the Board needed to have that question answered to be able to make a decision on this case. Dr. Kelsey continued cross-examining Williams about docks, accessories and structures. Whitehouse stated that Williams was here testifying as official capacity in what he does for the county. Williams stated that he never had to investigate docks and stairs.

(11:27 a.m.) Stan DeAngelis, 4020 Lewis Speedway, Building Official, was sworn in by Whitehouse. Dr. Kelsey asked DeAngelis if stairs and decks were considered secondary structures. DeAngelis responded that it was according to what the stairs were leading to and explained. DeAngelis stated that they did not permit docks and anything pertinent to the dock. Discussion ensued. (11:33 a.m.) Patrick McCormack stated that he was involved at the staff level on this item back in June and that if Dr. Kelsey was going to be in an examination mode with these kinds of questions, he requested on behalf of staff, that this item be continued and to have another attorney represent staff for the cross-examinations. Manuel stated that he concurred with McCormack's comments. Whitehouse stated that the appropriate legal avenue to take would be to instruct the appellant to narrow his questioning to the issue at hand. Stevenson suggested following McCormack's guidance. (11:38 a.m.) *Motion by Stevenson, seconded by Sanchez, to continue this item to a date in the future uncertain.* Whitehouse mentioned that the Board could direct the appellant to confine his questions. Rich requested the motion to be withdrawn at this time so they could move forward with this issue. (11:41 a.m.) *Stevenson withdrew her motion and Sanchez withdrew the second.*

(11:41 a.m.) Dr. Kelsey asked DeAngelis if the Building Department had ever formally considered the engineering issues as it pertains to this dock. DeAngelis replied no. Dr. Kelsey stated that Mr. Howard White referred to a policy of St. Johns County to not require building permits to access ways to docks, and asked if the policy was documented anywhere. DeAngelis replied no.

(11:41 a.m.) Dr. Kelsey asked McCormack if a dock was classified in the Land Development Code as an outdoor passive use. McCormack began his comment by saying that he was testifying as a courtesy and that he would answer his questions as stated under that context. He stated that he did not believe a dock was listed as an outdoor passive use under the Land Development Code. Dr. Kelsey asked if an accessory use exist on a parcel if that parcel could not support a primary use. Whitehouse interjected that they needed to confine the questions to the administrative decision and the letter that was issued by McCormack. Dr. Kelsey asked if county officials could consider two separate parcels in order to comply with the Land

Development Code. McCormack replied, in some circumstances yes and that he was not prepared to go through Land Development Code from a-to-z at this time. Dr. Kelsey asked McCormack if he considered his letter dated July 20, 2006 as the final interpretation regarding this dock. McCormack replied no. Dr. Kelsey asked if the county administrative staff had the right to take away a citizen's right to due process. Whitehouse stated that the Board needed to have the appellant focus on the administrative decision that was made by Darrel Locklear's letter or McCormack's letter. Dr. Kelsey stated that if the administrative staff could make something exempt from the code, what process a citizen had, to have input in anything regarding that issue or development. Whitehouse responded that would be for argument at the end, not necessarily for questions at this point.

(11:46 a.m.) Earle Hayford, 147 Laguna Court, stated that he did make an offer to Dr. Kelsey in December, 2005, that he would deed switch with him for the property that Rattan Furniture owned at the end of Moultrie Creek, distributed information for the record, Exhibit C. Rich stated that the burden was born by the appellant. Hayford reviewed the area where the dock was placed and the dock. He stated that he had been harassed and vandalized and had a report from the Sheriff's Office regarding it. Stevenson spoke on the adjacent parking area and asked if any of the construction was on county right-of-way. Hayford replied no. Discussion ensued. Hayford spoke on the petition presented in opposition of the dock.

(11:57 a.m.) Dr. Kelsey commented that the area that Hayford referred to across the street, was not public parking. Bryant stated that he thought Dr. Kelsey had valid arguments but not with this item. (12:01 p.m.) **Motion by Manuel, seconded by Sanchez, carried 5/0, to deny the appeal, upholding the final interpretation of the County Administrator that the construction of the dock was not in violation of County Codes and Regulations.**

The meeting recessed at 12:04 p.m. and reconvened at 1:30 p.m. with Rich, Manuel, Sanchez, Stevenson, Bryant, Kropacek, McCormack and Deputy Clerk, Terry Bulla present.

The meeting reconvened at 1:32 p.m. with Rich, Manuel, Sanchez, Stevenson, Bryant, Kropacek, Vonasek, McCormack, Clerk of Court Cheryl Strickland and Deputy Clerk, Terry Bulla present.

(03/20/07 - 14 - 1:32 p.m.)

4. CONSIDER MOTION TO ADOPT A RESOLUTION APPROVING THE TERMS AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE CERTAIN PURCHASE AND SALE AGREEMENTS FOR PROPERTY TO CONSTRUCT A NEW PUBLIC TRANSPORTATION OPERATION/MAINTENANCE FACILITY

Mary Ann Blount, Land Management Director, gave the presentation. She noted the current facility was run by the Council on Aging and was located in a rented store front and was inadequate to accommodate the operations for a growing public transportation system. She noted the new facility would be funded in conjunction with the Federal Transit Administration Grants and State Block Grants. She said the County would own the property and the building and the operation would continue to be managed by the COA. She gave the specifics of the costs and funding associated with acquisition of the property.

(1:58 p.m.) **Motion by Manuel, seconded by Stevenson, carried 5/0, to adopt Resolution No. 2007-93 approving the terms and authorizing the County**

Administrator to execute certain purchase and Sale Agreements for property to construct a new Public Transportation Operation/Maintenance Facility.

RESOLUTION NO. 2007-93

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE CERTAIN PURCHASE AND SALE AGREEMENTS FOR PROPERTY TO CONSTRUCT A NEW PUBLIC TRANSPORTATION OPERATIONS/MAINTENANCE FACILITY

(2:00 p.m.) Motion by Manuel, seconded by Sanchez, carried 5/0, to approve the transfer of up to \$100,000 from General Fund Reserves [3371 56100] to aid in the purchase of property associated with a new Public Transportation Operation/Maintenance Facility.

(03/20/07 - 15 - 2:01 p.m.)

5. CONSIDER MANAGEMENT PROPOSAL FOR THE ST. AUGUSTINE AMPHITHEATRE

Sanchez gave the presentation and reported on his findings. He reviewed the meetings he had held in an effort to develop information pertinent to managing the amphitheatre, and listed those individuals with whom he had met and who had provided information. He said his opinion about keeping the amphitheatre under County management had not changed but had been strengthened.

(2:07 p.m.) Tommy Bledsoe, Operations Manager of the Amphitheatre, gave a PowerPoint presentation which was a Management Proposal for the St. Augustine Amphitheatre. He gave the management history of the amphitheatre, the building of the community, the creation of a legacy and all that it entailed, and challenged the Board to imagine what the future could hold. He reviewed the drawings for the new facility and the many elements that made it such a special venue. He noted they had learned from their experience, including visits to many similar amphitheatres, and explained why in-house management was the best option, feasible and desirable. He did a comparison of the levels of activity proposed by outside management and St. Johns County Management, and also presented a 2008 proposed financial summary (based on the summary given by Signature), and reviewed staffing recommendations. General discussion ensued.

(2:41p.m.) Doug Timms, Director Office of Management and Budget, said they had not received a submittal by an outside management firm, but they used the most up-to-date information they had at the time the negotiations were cut off with Signature. He said the enclosed would be the budget they would present to the Board. He reviewed the options between the Outside Management Firm and In-house Management. General discussion ensued. Timms then reviewed the 3 years submitted by Signature for pro forma including 2009, 2010 and 2011. There was discussion regarding the requirement and cost for insurance.

(3:09 p.m.) Josh LeMaster, 5004 Button Wood Drive, Ponte Vedra, who represented Signature Entertainment, asked they be given an opportunity at a future meeting to give their full presentation. He said there were inconsistencies based on the fact that they had not given their full input, including insurance, sponsorship, the grossing up

and down of presentation figures that reflected unfavorably for Signature, the number of events proposed and the inclusion of the figures they reflected, and staffing requirements. He said there was a several hundred thousand dollars gross up in the comparison and presented side by side, the numbers were not consistent. He asked they be allowed to revise their pro formas and present similar findings.

(3:14 p.m.) Stevenson questioned the risk factor for the County under Signature Entertainment's Management. LeMaster said that the County would never be at risk. He said the County would collect rent on gross revenue, based on industry standards. Stevenson said she thought it would be good form for the Board to look at Signature's proposal and give them a chance to present it, as it would be significantly different from the initial offering.

(3:16 p.m.) Sanchez stated that the current event had nothing to do with proposals, and they were there to decide whether they wanted to manage it in-house or not. He said if they decided to take proposals from one, he would insist that they open up the process and begin the whole process over in order to be fair.

The Board recessed at 3:18 p.m. and reconvened at 3:27 p.m.

(3:27 p.m.) Paul Lindser, 6713 Hidden Creek Blvd., Executive Director of the Gamble Rogers Folk Festival and President of the corporation said he was also appearing as an individual. He explained that they were a 501(C)(3) organization, the folk festival was expensive to produce and they made no money presenting it. He said that if the cost of using the facility became large enough, it would become prohibitive and they would have to hold the festival somewhere else or fold.

(3:33 p.m.) Stanley Winetrap, 649 Nautical Way, commented that any management company would want to be assured that they would not get a loss when they were running a venue. He surmised that if there was a loss that the County would share in it. He asked for clarification.

General discussion ensued regarded sharing in profits and losses and the significant factors that went into those possibilities. Sanchez summarized: do we want to hire a middle man and pay extra money or do we want to manage the amphitheatre ourselves and move along.

(3:43 p.m.) Diana Springfield, 1 East Park Ave., spoke for herself and her husband, Rusty, in support of the County managing the amphitheatre and stated that Tommy Bledsoe had the experience, demeanor and respect to serve as the Facilities Manager. She said they could protect themselves with a good strong contract but also make it fair to the entertainers coming in. She said the community needed access to the amphitheatre through affordability and availability and they owed it to themselves to run it themselves. She said there would be no question that it would be a cost savings. In response to a question by Stevenson, she said the size of the theatre would not be a problem but that parking did pose a problem.

(3:50 p.m.) Sanchez commented that until they knew the management direction there were many things they could not get involved in and parking was one such situation.

(3:51 p.m.) Bill Leary, 28 East Park Ave., said he had recently toured a number of theatres in the southeast and said the County would really have a showcase theatre in the southeast region. He noted the successful venues were those that were tied to the city or the county that owned the facility, and those that were unsuccessful were those that entered into full management contracts with one company, and in the latter case,

the management company was walking away with all the profits. He said talented people were needed to manage such venues and we were fortunate to have Tommy Bledsoe who was a very impressive and talented person. He stated that they had learned a great deal on the tour, and strongly recommended moving forward with giving the amphitheatre over to County management.

(3:57 a.m.) Phil McDaniel, 51 Water St., President, St. Johns Cultural Council, said he was speaking as an individual. He spoke of the activities of the Cultural Council, and said they had rallied the cultural and non-profit groups in support of affordable access to the amphitheatre. He noted that the State planned to impose significant restrictions on local governments by major tax cuts which would lead to fewer local dollars for services. He said in that light, it made sense for the Board to err on the side of caution, especially in terms of the differences in the risks of the two programs. He recommended that they proceed with local management and allow County staff to run it, at least initially.

(4:04 p.m.) Manuel said he had a series of motions that he would like to propose in order to "clean the slate." Rich asked the attorney for guidance.

(4:04 p.m.) McCormack responded that he would have no objection to hearing Manuel's proposed motions. He said that they should be covered closely before they were voted on. Rich clarified that each one would be a discussion item such as they had just gone through.

(4:05 p.m.) Motion by Manuel, to cease negotiations with Signature Entertainment, LLC as the proposed contract was not in the best interest of St. Johns County.

(4:05 p.m.) McCormack said that RFP 06-45 had been issued, pertaining to the management of the amphitheatre, and a lesson learned, was the potential effect of the State Land Management Plan. He said the RFP stated that the County shall retain ownership and ultimate control of the amphitheatre, but that was not exactly the case. He said in legal terms, it was a mutual mistake. He noted the County was "kind of" aware of the lease from the State but had not incorporated it, and Signature and SMG probably knew or had constructive knowledge of that fact, but did not have full appreciation of the effect of the State's ultimate control. He said that from what the State had reviewed from the draft Signature proposal, they would have significant input and control on the number of events and type of events.

(4:07 p.m.) Bledsoe said the comments that they had heard in Tallahassee, by Keith Singleton, who worked in Gloria Barber's office, was that the amphitheatre, as public land, had an obligation and a duty, as spelled out in the County's lease, to be a good neighbor to the community. He said they would have to be very sensitive to the number and type of events to be held and in mitigating whatever effects they might cause. He responded to a question from McCormack and said that it could effect the number of events.

(4:08 p.m.) McCormack said that at the starting point, they did not have all the facts, they had missed a significant factor, that being the State's ultimate control, a fact that was not sufficiently incorporated into the proposals early on. He said that their decision that day should not be St. Johns County staff versus Signature, but the focus should be whether State control would have significant impact and whether that was significantly recognized all the way through. He suggested that perhaps the RFP should be redone and if so, what the time factor involved should be. Or, conversely, if they decided to go with County staff what time frame they should consider. *Manuel interjected that there was a motion on the floor.* McCormack acknowledged that, but

prevailed that the other aspect the Board should consider was the lesson learned in terms of community input. He said the RFP did speak to the non-profit arts organizations imbedded in the community as core users of the amphitheatre. He said that might change what the County was looking at in terms of management goals. He reviewed several considerations they might want to explore.

(4:12 p.m.) Manuel repeated his motion: **Motion by Manuel to cease negotiations with Signature Entertainment, LLC, as the proposed contract is not in the best interest of St. Johns County. The motion was seconded by Stevenson for the sake of discussion.**

(4:13 p.m.) Stevenson stated that her understanding was that they had stopped negotiations with Signature, for their first offer, and Signature had offered to make a better, more refined proposal. She stated it was an insult to them not to be allowed to come to the floor and make their presentation.

(4:15 p.m.) Manuel said he agreed with her but his motions were not meant to predict any outcome, but were designed to allow them to have a new discussion on the merits of whether they do it in-house or whether they contract with an outside management firm. He said he was trying to erase the slate and start afresh.

(4:15 pm.) Stevenson asked why his motion included that it was not in the best interest of the County. Manuel stated that there had to be reasons presented for a motion, and his next motion would withdraw the award of the RFP, because he believed the RFP was faultily constructed initially.

(4:16 p.m.) Bryant asked McCormack, that in order to give the Board proper legal standing, whether the proposals should be a separate agenda item on the motions. McCormack said it was proper to hear them under the current agenda item, because they were sufficiently related to the operation of the St. Augustine Amphitheatre. Bryant expressed concern that in case of legal action, there might be a challenge on this point.

(4:18 p.m.) Terry Bulla left the meeting and Deputy Clerk Pam Halterman entered the meeting.

(Item # 9 & 10 were time certain for 1:30pm)

(03/20/07 - 18 - 1:32 p.m.)

9. **CONSIDER MOTION TO APPROVE A \$50,000 INCREASE IN THE CLERK'S FINANCE BUDGET FOR FISCAL YEAR 2007 TO HIRE A WASTE, FRAUD AND ABUSE AUDITOR**

Cheryl Strickland, Clerk of Court, gave the presentation for the Waste/Fraud/Abuse Auditor and stated this was the first budget amendment that she had done. She said they were ready to go and that it would require the Board to approve the movement of funds over for this fiscal year. She gave a brief description of the program and that informants would remain confidential. She said they would have to insure that certain protections were in place prior to starting the program. General discussion ensued.

(1:39 p.m.) **Motion by Stevenson, seconded by Manuel, carried 5/0, to approve a \$50,000 increase in the Clerk's Finance budget for fiscal year 2007 to hire a waste/fraud/abuse auditor, with the funding to come from the County's General Fund reserves.**

(03/20/07 - 19 - 1:40 p.m.)

10. PUBLIC HEARING - MAJMOD 2006-32 GANDER MOUNTAIN/ST. AUGUSTINE CENTRE PUD - THIS APPLICATION IS A MAJOR MODIFICATION TO THE ST. AUGUSTINE CENTRE PUD (ORDINANCE 97-23 AS AMENDED). THIS REQUEST IS A DESIRE TO ALLOW OUTDOOR SALES AND DISPLAY OF BOATS AND BOAT TRAILERS, ATVS AND KAYAKS TO BE ALLOWED WITHIN THE GANDER MOUNTAIN PROPERTY OF RETAIL SALES AREA A OF THE ST. AUGUSTINE CENTRE DRI; TO ALLOW AN INTERSTATE SIGN EIGHTY FIVE (85) FEET IN HEIGHT AND 249 SQUARE FEET IN SIZE; TO ALLOW GROUND BASED MONUMENT SIGNS ON THE PARCEL AND AN INCREASE IN THE OVERALL SQUARE FOOTAGE OF ALLOWABLE BUILDING SIGNAGE FROM 200 SQUARE FEET TO 662.32 FEET BECAUSE OF THE BUILDING'S DISTANCE FROM INTERSTATE 95. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS ITEM AT THEIR MARCH 1, 2007 MEETING BY A 5-0 VOTE ON THE APPLICATION AS SUBMITTED WITH NO CHANGES

Proof of publication for the notice of public hearing regarding MAJ 2006-32 Gander Mountain, was received, having been published in *The St. Augustine Record* on February 16, 2007.

Lindsay Haga, Chief Planner, gave the presentation and reviewed the specifics of the request. She noted the waiver request which limited building signage and the applicants request to change the size of the signage from 200 square feet to 662.32 square feet because of the building's distance from Interstate 95. She reviewed the finding of fact to support staff's recommendation.

(1:44 p.m.) Doug Burnett, 170 Malaga St., who represented Jay Moore from Oppidan Investment Company, reviewed the St. Augustine Centre DRI. He reviewed the signage request to have a full sign on site and additional signage for the building. He noted that PZA had recommended approval. In response to a question from Manuel, Burnett clarified that he only represented Gander and there were multiple owners of the DRI. Haga said the individual owner of the property parcel had the legal right to make the request and that other DRI members were in support of the request. Stevenson said she wanted to be sure they were coordinating their signage efforts.

(1:50 p.m.) Jay Moore, Oppidan Investment Co., 5125 County Rd. 202, Suite 100, Minnetonka, MN 55345, developer for Gander Mountain, gave an overview of the project development. He noted they were there for four requests which were critical to the success of the store and the signage was very important due to the fast pace of traffic on I-95. He gave a PowerPoint presentation showing designs and signage of similar stores for Gander Mountain.

(1:54 p.m.) **Motion by Sanchez, seconded by Bryant, carried 5/0, to enact Ordinance 2007-13, known as MAJMOD 2006-32 Gander Mountain/St. Augustine Centre PUD adopting findings of fact 1 through 6 to support the motion.**

ORDINANCE NO. 2007- 13

AN ORDINANCE OF THE COUNTY OF ST. JOHNS,
STATE OF FLORIDA APPROVING A MAJOR
MODIFICATION TO THE ST. AUGUSTINE CENTRE
PLANNED UNIT DEVELOPMENT (PUD) ORDINANCE
NUMBER 97-23, AS AMENDED, MAKING FINDINGS

**OF FACT; REQUIRING RECORDATION; AND
PROVIDING FOR AN EFFECTIVE DATE.**

Item #5 continued

(4:18 p.m.) Deputy Clerk Bulla left the meeting. Deputy Clerk Halterman entered the meeting.

Manuel said he was not comfortable making any decision. He asked that the board reject Signatures' proposal and not accept any proposal under the current amphitheatre RFP.

(4:19 p.m.) Motion by Manuel to: (1) cease negotiations with Signature Entertainment LLC as the proposed contract was not in the best interest of St. Johns County, (2) withdraw the award of RFP 06-45 to Signature Entertainment, (3) reject Signatures' proposal because it was not in the best interest of the residents of St. Johns County, and (4) to terminate any further action or award of any amphitheatre contract to any party or entity under RFP 06-45 as it was not in the best interest of St. Johns County, especially as it had failed to provide cost effective ways for local arts, communities and other non-profit groups and organizations to use the facility, and the RFP 06-45 failed to contemplate the lease arrangement with the State.

(4:20 p.m.) Sanchez pointed out that the board had already directed staff to suspend action with Signature; therefore, Manuel's first motion had been done. He advised that much work needed to be completed in order to have the amphitheatre operating.

(4:22 p.m.) McCormack said it seemed that Bledsoe would be managing the site, at least in the short term. Rich suggested that prolonging the issue would not be fair to Signature or help matters. He suggested that the board move through the current motion.

(4:24 p.m.) Stevenson asked that the board entertain whether Signature desired to make a presentation at another meeting. Rich said the issue whether Signature would be interested in participating in another RFP was not at hand but only whether the county wanted to manage the facility.

(4:26 p.m.) Sanchez agreed that the only issue involved was whether the board wanted the County to manage the amphitheatre and he warned that the issue was time sensitive. Stevenson said she agreed to suspend negotiations with Signature Entertainment only to consider whether the board wanted the county to manage the amphitheatre.

(4:31 p.m.) Sanchez asked the attorney if the board had satisfied the requirement with Signatures' when the board directed staff to cease negotiations. McCormack noted that the board had made a motion in August 2006 to accept Signatures' proposal. He said the board could terminate and start a new RFP process if an agreement could not be reached with Signature. He pointed out that the opening of the amphitheatre was scheduled for April 22nd, 2007. He affirmed that Manuel's motions were legally appropriate.

(4:34 p.m.) Manuel reiterated his motions and the vote was as follows: (1) seconded by Stevenson, carried 4/1, with Bryant opposed, (2) seconded by Rich, carried 3/2 with Bryant and Stevenson opposed, (3) seconded by Rich, carried 3/2 with Bryant and Stevenson opposed, (4) seconded by Rich, carried 4/1 with Bryant opposed.

(4:36 p.m.) Stevenson said that the board was not allowing Signature to respond. Manuel explained that the motions would not eliminate further discussion on the issue.

(4:37 p.m.) **Motion by Sanchez, seconded by Rich, carried 5/0, to approve operation of the St. Augustine Amphitheatre by St. Johns County.** Bryant said the board had inconsistencies with handling several items such as the hiring freeze, expanding personnel at the amphitheatre and the enterprise funds regarding the golf course. He noted that the board had declined to allow maintenance fees for a pool at an annual cost of \$300,000.00 but proposed to allow the amphitheatre at the same debt service amount. He suggested that all board members were not being briefed on all items on the agenda because several documents had been distributed in the morning; however, he was not given those documents until the afternoon session which was unprofessional.

(4:41 p.m.) Manuel said the county had spare fulltime employees (fte's) available for the amphitheatre. He stated that he wanted to give Signature an opportunity to present another proposal. Rich asked Kropacek to comment on Bryant's statement regarding documents not reaching all commissioners.

(4:44 p.m.) Kropacek explained that the morning documents he gave to Sanchez were for accuracy review; however, he had provided the correct documents to all commissioners during the afternoon session. Stevenson noted that the amphitheatre was a \$9 million dollar facility and she had received incorrect figures for insurance comparability and said she was not comfortable with the situation.

(4:46 p.m.) Sanchez pointed out that Signature could rent the facility at any time. He said the current board inherited the \$9 million dollar investment and the facility was for the benefit of the entire community. He stated that the board had no choice but to give the facility the best start which involved in-house management. He pointed out that staff briefed each commissioner on agenda items prior to the meeting. He stated that Bledsoe had visited Bryant at his office, and Bryant did not have any questions for Bledsoe. Bryant advised that Bledsoe could not answer his questions but deferred them to Doug Timms.

The meeting recessed at 4:52 p.m. and reconvened at 4:58 p.m.

Sanchez pointed out that terms had expired for all members of the Amphitheatre Advisory Committee. He asked staff to review the matter and provide information to the board at the following meeting.

(03/20/07 - 21 - 4:59 p.m.)

6. CONSIDER APPOINTMENT TO THE HOUSING FINANCE AUTHORITY

Melissa Lindquist, Administrative Coordinator, affirmed that staff would advertise vacancies and present it to the board for appointments. She made presentation concerning board appointment to the Housing Finance Authority.

(5:00 p.m.) **Motion by Stevenson, seconded by Sanchez, carried 4/1, Manuel opposed, to reappoint Moreau Estes for a full four year term to expire March 10, 2011.** Manuel voiced that he would like the board to consider appointing a resident from District 4 due to the lack of representation from his district on the committee. Bryant noted that the board had previously appointed citizens who desired reappointment.

(03/20/07 - 21 - 5:03 p.m.)

7. CONSIDER APPOINTMENT TO THE CONTRACTORS REVIEW BOARD

Melissa Lindquist made a presentation to the board regarding the applications for the Contractors Review Board.

(5:04 p.m.) **Motion by Bryant, seconded by Sanchez, carried 5/0, to nominate Cecil Wiseman to be appointed to the Contractors Review Board for a term to expire March 20, 2011.**

(03/20/07 - 22 - 5:04 p.m.)

8. CONSIDER APPOINTMENT TO THE PONTE VEDRA ZONING & ADJUSTMENT BOARD

Melissa Lindquist made a presentation regarding the applications for the Ponte Vedra Zoning and Adjustment Board appointment. She pointed out that Curtis Higgins did not qualify because he did not reside in the Ponte Vedra District.

(5:05 p.m.) **Motion by Manuel, seconded by Sanchez, carried 5/0, to nominate Charles Hogan to the Ponte Vedra Zoning and Adjustment Board for a partial term to expire May 18, 2008.**

(03/20/07 - 22 - 5:06 p.m.)

11. PUBLIC HEARING - REZ 2007-03 RAY'S AUTO AND FENDER - THIS IS A REQUEST TO REZONE 2.1 ACRES FROM RS-1 TO CI IN ORDER TO DEVELOP A COLLISION REPAIR FACILITY WITH TWELVE (12) SERVICE BAYS. THE SITE IS LOCATED SOUTH OF SR207 ON WILDWOOD DRIVE WITHIN THE MIXED USE DISTRICT OF THE 2015 FUTURE LAND USE MAP. ADJACENT ZONING DESIGNATIONS INCLUDE CI AND IW TO THE NORTH/WEST AND OPEN RURAL TO THE SOUTH, SOUTHEAST. THE SITE IS OCCUPIED BY RESIDENTIAL UNITS. LOCATION WITHIN THE MIXED USE DISTRICT REQUIRES ADEQUATE BUFFERING AT THE PERIPHERY OF DEVELOPMENT ACHIEVED THROUGH THE LAND DEVELOPMENT CODE BUFFERING AND SCREENING STANDARD OF A MINIMUM OF TWENTY (20) FEET WITH A 'B' SCREENING STANDARD. THE SITE ABUTS A RESIDENTIAL STRUCTURE TO THE SOUTH. THE APPLICATION STATES THE SITE IS SERVED BY CENTRAL WATER FROM THE CITY OF ST. AUGUSTINE. OPEN COMMENT FROM THE SJC UTILITY DEPARTMENT INDICATES A REQUIREMENT TO REQUEST A LETTER OF AVAILABILITY. A FINAL CERTIFICATE OF CONCURRENCY HAS BEEN ISSUED FOR A COLLISION REPAIR FACILITY WITH TWELVE (12) SERVICE BAYS. COMMERCIAL INTENSIVE ALLOWS FOR AN FAR OF 50%, 75% IMPERVIOUS SURFACE RATIO, FRONT SETBACK 15 FEET, SIDE SETBACK 5 FEET, AND REAR SETBACK OF 10 FEET. MINIMUM HEIGHT IS FORTY (40) FEET, WITH ALLOWANCES UP TO 60 FEET PROVIDING ADDITIONAL SETBACK REQUIREMENTS ARE MET. USES WITHIN THE COMMERCIAL INTENSIVE ZONING CATEGORY INCLUDE NEIGHBORHOOD BUSINESS, GENERAL BUSINESS AND COMMERCIAL, HIGH INTENSITY COMMERCIAL USES AND OFFICE AND PROFESSIONAL SERVICES. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS REZONING REQUEST AT THEIR MARCH 1, 2007 HEARING BY A VOTE OF 5/0 (TWO MEMBERS ABSENT). DISCUSSION DURING THE MEETING QUESTIONED THE ALLOWABLE HEIGHT FOR THE CI ZONING CATEGORY, ADJACENT USES, AND THE REQUIRED BUFFERING/SCREENING TO BE PROVIDED ON SITE

Proof of publication for the notice of public hearing regarding REZ 2007-03 Ray's Auto and Fender was received, having been published in *The St. Augustine Record* on February 14, 2007.

Lindsay Haga, AICP, Chief Planner, offered the board detailed information on the proposed rezoning project.

(5:09 p.m.) **Motion by Stevenson, seconded by Sanchez, carried 5/0, to enact Ordinance No. 2007-14 known as Rezoning 2007-03 Ray's Body and Fender with findings of fact 1 through 4 to support the motion.**

ORDINANCE NO. 2007-14

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM THE PRESENT ZONING CLASSIFICATION OF RESIDENTIAL SINGLE FAMILY 1 (RS-1) TO COMMERCIAL INTENSIVE (CI); MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE

(03/20/07 - 23 - 5:10 p.m.)

12. PUBLIC HEARING - PUD 2006-01 FERBER/SR 16 - THIS REQUEST SEEKS TO REZONE APPROXIMATELY 33.24 ACRES FROM OPEN RURAL (OR) TO PLANNED UNIT DEVELOPMENT (PUD) IN ORDER TO DEVELOP A TOTAL OF 95,000 SQUARE FEET OF SHOPPING CENTER SPACE. THE PROJECT IS PROPOSING ONE ACCESS POINT OFF OF FOUR MILE ROAD AND UPON FDOT APPROVAL MAY CONSTRUCT UP TO THREE ACCESS POINTS OFF OF STATE ROAD 16. THE SITE IS LOCATED ON THE SOUTH SIDE OF STATE ROAD 16 AND ON THE NORTHEAST SIDE OF FOUR MILE ROAD. A FIVE FOOT SIDEWALK WILL BE PROVIDED ALONG FOUR MILE RD. THE MAXIMUM FLOOR AREA RATIO (FAR) AND IMPERVIOUS SURFACE RATIO (ISR) FOR COMMERCIAL PARCELS SHALL BE 50% AND 70%, RESPECTIVELY. MAXIMUM BUILDING HEIGHT WILL NOT EXCEED FORTY (40) FEET. A MINIMUM OF TWENTY-FIVE (25%) PERCENT OF THE PROJECT SHALL BE OPEN SPACE. OPEN SPACE TOTALS INCLUDE WETLANDS AREAS AND PERIMETER BUFFERS. CENTRAL WATER AND SEWER WILL BE PROVIDED BY THE ST. JOHNS COUNTY UTILITY DEPARTMENT. THE PROJECT SITE IS SURROUNDED BY THE FOLLOWING EXISTING ZONING CATEGORIES: OPEN RURAL (OR), PUBLIC SERVICE (PS), PLANNED UNIT DEVELOPMENT (PUD), AND COMMERCIAL GENERAL (CG). THE SURROUNDING PROPERTIES ARE WITHIN MIXED USE LAND USE. THE PLANNING AND ZONING AGENCY WILL MAKE A RECOMMENDATION AT THEIR MARCH 15, 2007 MEETING. THE VOTE AND THE ISSUES RAISED DURING THAT MEETING WILL BE DISCUSSED DURING STAFF'S PRESENTATION AT THE BOARD OF COUNTY COMMISSIONERS MEETING

Proof of publication for the notice of public hearing regarding PUD 2006-01 Ferber/SR 16 was received, having been published in *The St. Augustine Record* on February 28, 2007.

Michael Blackford, Planner II, described the project to the board in regards to the proposed development.

(5:13 p.m.) Stevenson questioned whether road improvements were required on Four Mile Road. Blackford responded that the applicant would be required to provide turn lanes.

(5:14 p.m.) Gary Davenport, 5378 4th Street, representative for the property owner, noted that the second phase would be completed in approximately four to five years; therefore, access to Four Mile Road would be completed at that time.

(5:15 p.m.) **Motion by Sanchez, seconded by Manuel, carried 5/0, to enact Ordinance No. 2007-15 known as PUD 2006-01, Ferber / SR 16 PUD adopting findings of fact 1 through 7 to support the motion.**

ORDINANCE NO. 2007-15

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

(03/20/07 - 24 - 5:16 p.m.)

13. PUBLIC HEARING - MAJMOD 2006-25 TERRA PINES RESERVE PUD - THE TERRA PINES RESERVE PUD CONSISTS OF 322.21 ACRES AND IS LOCATED ON THE SOUTH SIDE OF COUNTY ROAD 208, JUST WEST OF THE I-95/STATE ROAD 16 INTERSECTION. THE MAJOR MODIFICATION PROPOSES TO ADD AN ADDITIONAL TWO UNITS TO THE PROJECT INCREASING THE TOTAL UNITS FROM 68 TO 70, MODIFY THE ENTRY ROAD, ADD A STORM WATER POND, AND TO MODIFY THE TOTAL ACREAGE AND WETLAND ACREAGE. THE OVERALL SITE HAS BEEN DECREASED BY 1.22 ACRES AND WETLAND TOTALS HAVE INCREASED BY .53 ACRES. THE SITE IS LOCATED IN RESIDENTIAL - B LAND USE AS DEPICTED ON THE 2015 FUTURE LAND USE MAP. ST. JOHNS COUNTY UTILITIES WILL BE THE PROVIDER OF CENTRAL WATER AND SEWER. SURROUNDING ZONINGS INCLUDE OPEN RURAL (OR), PLANNED RURAL DEVELOPMENT (PRD). THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL AT THEIR FEBRUARY 1, 2007 MEETING BY A VOTE OF 7/0

Proof of publication for the notice of public hearing regarding REZ 2006-25 Terra Pines Reserve PUD was received, having been published in *The St. Augustine Record* on March 5, 2007.

Michael Blackford, Planner II, offered a detailed explanation of the major modification project to the board.

(5:18 p.m.) Karen Taylor, 3070 Harbor Drive, explained the changes in acreage amounts on the project and noted that it was due to numbers from two different surveyors.

(5:20 p.m.) **Motion by Stevenson, seconded by Manuel, carried 5/0, to enact Ordinance No. 2007-16, known as MAJMOD 2006-25 Terra Pines Reserve PUD adopting findings of fact to support the motion.**

ORDINANCE NO. 2007-16

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, APPROVING A MAJOR MODIFICATION TO THE TERRA PINES RESERVE (PUD) ORDINANCE NUMBER 2004-53, AS AMENDED, MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING FOR AN EFFECTIVE DATE

(03/20/07 - 25 - 5:22 p.m.)

14. PUBLIC HEARING - MAJMOD 2006-26 TERRA PINES RESERVE PRD - THE TERRA PINES RESERVE PRD CONSISTS OF 231.97 ACRES AND IS LOCATED ON THE SOUTH SIDE OF COUNTY ROAD 208, JUST WEST OF THE I-95/STATE ROAD 16 INTERSECTION. THE MAJOR MODIFICATION PROPOSES TO REDUCE THE TOTAL ACREAGE BY 1.12 ACRES, REDUCE WETLANDS BY 5.66 ACRES, REVISE LOT LAYOUT AND ADJUST RETENTION POND LOCATION. THE SITE IS LOCATED WITHIN RURAL SILVICULTURE LAND USE AS DEPICTED ON THE 2015 FUTURE LAND USE MAP. ST. JOHNS COUNTY UTILITIES WILL BE THE PROVIDER OF CENTRAL WATER AND SEWER. SURROUNDING ZONINGS INCLUDE OPEN RURAL (OR), PLANNED UNIT DEVELOPMENT (PUD). THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL AT THEIR FEBRUARY 1, 2007 MEETING BY A VOTE OF 7/0

Proof of publication for the notice of public hearing regarding REZ 2006-25 Terra Pines Reserve PRD was received, having been published in *The St. Augustine Record* on March 5, 2007.

Michael Blackford, Planner II, advised that Items #13 and #14 applications were almost identical.

(5:22 p.m.) **Motion by Stevenson, seconded by Sanchez, carried 5/0, to enact Ordinance No. 2007-17, known as MAJMOD 2006-26 Terra Pines Reserve PRD adopting findings of fact to support the motion.**

ORDINANCE NO. 2007-17

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, APPROVING A MAJOR MODIFICATION TO THE TERRA PINES RESERVE (PUD) ORDINANCE NUMBER 2004-54, AS AMENDED, MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING FOR AN EFFECTIVE DATE

(03/20/07 - 25 - 5:23 p.m.)

15. PUBLIC HEARING - MAJMOD 2006-33 PROPOSED FIRE STATION/ST. AUGUSTINE SHORES PUD - THIS MAJOR MODIFICATION PROPOSES TO ADD NEIGHBORHOOD PUBLIC SERVICE USES TO TRACT M OF THE ST. AUGUSTINE SHORES PUD FOR THE CONSTRUCTION OF A NEW ST. JOHNS COUNTY FIRE STATION. NO OTHER CHANGES ARE PROPOSED. THE SITE IS LOCATED WITHIN RESIDENTIAL - C LAND USE AS DEPICTED ON THE 2015 FUTURE LAND USE MAP. SURROUNDING ZONINGS INCLUDE PLANNED UNIT DEVELOPMENT (PUD) AND RESIDENTIAL MOBILE HOME (RMHS). THE PLANNING AND ZONING AGENCY

RECOMMENDED APPROVAL AT THEIR MARCH 1, 2007 MEETING BY A VOTE OF 5/0

Proof of publication for the notice of public hearing regarding MAJMOD 2006-33 Proposed Fire Station/St. Augustine Shores, was received, having been published in *The St. Augustine Record* on February 14, 2007.

Michael Blackford, Planner II, described the proposed project to the board.

(5:25 p.m.) **Motion by Stevenson, seconded by Sanchez, carried 5/0, to enact Ordinance No. 2007-18, known as MAJMOD 2006-33 St. Augustine Shores PUD adopting findings of fact to support the motion.**

ORDINANCE NO. 2007-18

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, APPROVING A MAJOR MODIFICATION TO THE ST. AUGUSTINE SHORES (PUD) ORDINANCE NUMBER 1979-73, AS AMENDED, MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING FOR AN EFFECTIVE DATE

(5:26 p.m.) Manuel said he was concerned about what the State would do to the county's budget and how it would affect the county residents. Stevenson stated that the proposal would improve the efficiency location element.

(5:27 p.m.) Stevenson pointed out that a video for the St. Johns River Water Management District had been created to inform citizens about the St. Johns River water cycle. She noted that staff was ready to begin playing the video on the government channel. *Consensus of the board was to move forward on the project.*

Meeting recessed at 5:28 p.m. and reconvened at 5:34 p.m. Stevenson departed at 5:34 p.m.

(03/20/07 - 26 - 5:34 p.m.)

16. PUBLIC HEARING - BEACH CODE ORDINANCE - THIS IS THE SECOND OF TWO PUBLIC HEARINGS CONSOLIDATING ALL PREVIOUS REVISIONS TO COUNTY ORDINANCE 97-34 (THE ST. JOHNS COUNTY BEACH CODE). PROPOSED CHANGES INCLUDE U.S. FISH AND WILDLIFE SERVICE REQUIREMENTS PURSUANT TO THE FEDERAL ENDANGERED SPECIES ACT TO AMEND COUNTY ORDINANCES TO COMPLY WITH THE HABITAT CONSERVATION PLAN AND INCIDENTAL TAKE PERMIT THAT WAS APPROVED BY THE U. S. FISH AND WILDLIFE SERVICE AND ISSUED TO ST. JOHNS COUNTY IN AUGUST 2006. THE INCIDENTAL TAKE PERMIT ISSUED TO THE COUNTY BY THE FEDERAL GOVERNMENT ALLOWS BEACH DRIVING TO CONTINUE WITH CERTAIN RESTRICTIONS DESIGNED TO PROTECT NESTING SEA TURTLES AND ANASTASIA BEACH MICE, BOTH OF WHICH ARE ENDANGERED SPECIES. THE ORDINANCE AMENDMENTS REQUIRED BY THE FEDERAL GOVERNMENT ARE MANDATORY IN ORDER TO PROTECT BEACH DRIVING COUNTY-WIDE. IF THE COUNTY FAILS TO ENACT AND COMPLY WITH THE FEDERAL GOVERNMENT'S REQUIREMENTS, THE FEDERAL GOVERNMENT WILL OBTAIN AN INJUNCTION AGAINST THE COUNTY PROHIBITING ALL BEACH DRIVING IN ST. JOHNS COUNTY. THE FEDERAL GOVERNMENT

MAY ALSO SEEK TO IMPOSE FINES UP TO SEVERAL HUNDRED THOUSANDS OF DOLLARS, AND CRIMINAL PENALTIES OF IMPRISONMENT. THIS ITEM WAS ORIGINALLY SCHEDULED FOR A SECOND PUBLIC HEARING ON MARCH 6, 2007; HOWEVER, IT WAS DETERMINED BY THE BOARD THAT THAT MEETING WOULD BE A "WORKSHOP," AND THE SECOND PUBLIC HEARING WAS RESCHEDULED TO MARCH 20, 2007, AND HAS BEEN PROPERLY ADVERTISED

Proof of publication for the notice of public hearing regarding St. Johns County Beach Code Ordinance, was received, having been published in *The St. Augustine Record* on March 14, 2007.

Laura Barrow, Senior Assistant County Attorney, clarified the misunderstandings about the Beach Code and explained the process involved with the permit the county had received in August 2006, and how it related to the protection of turtle nests by implementing a minor horseback riding program as one element of the permit. In response to an inquiry from Rich, Barrow affirmed that the County had negotiated the best contract with the U.S. Fish and Wildlife Agency and a re-submittal would result in a possible prohibition of vehicles on the beach.

(5:42 p.m.) Manuel said he had grown tired of other agencies pressuring the county. He said he did not support the proposed language regarding the horseback element of the Code and would support another request. Rich said he agreed that he did not believe in fear tactics; however, the Federal Government held all the cards. He pointed out that the county did not have a position of strength to negotiate further with the Federal Government, and he suggested that the proposed code was the best the county could expect.

(5:46 p.m.) Manuel suggested that the Federal government worked for the county. He reiterated that he wanted the board to make another request which carried a minor risk for eliminating vehicular driving on the beach. Sanchez questioned whether Manuel would be willing to reverse his position if the new request was denied. Manuel affirmed that to be correct. Sanchez asked for a show of hands if the public wanted to take a chance at losing vehicle driving on the beach. Manuel suggested that the government would not act in a punitive manner.

(5:48 p.m.) Rich said he had seen a letter from the Federal government which stated that the county would be required to return the current permit to reapply in order to renegotiate terms of the permit.

(5:50 p.m.) Barrow advised that if the county requested an amendment to delete the horseback riding educational program, the Federal Government would consider it a major amendment to the permit resulting in the reevaluation of the permit and a substantive revision of the habitat conservation plan. She noted that revisions could only be requested once every five years. Rich voiced that he felt that staff had negotiated the best contract they could for the county.

(5:53 p.m.) After reading the letter from the Federal Government, Manuel pointed out that no statement in the letter indicated that the county would be required to return the current permit, and the request would involve a minor modification. He said no evidence existed to support the underlying premise of the language in the habitat conservation plan or showed that horses damaged or endangered turtle nests. He reiterated that he wanted the board to direct staff to request a modification. Sanchez asked for clarification on the permit and the horseback education program.

(5:55 p.m.) Dave Williams, Beach Operations Chief, said the horseback training program was set to be renewed annually; however, that could be adjusted. In response to an inquiry, Williams noted that on-line training would take approximately four hours; however, staff completed the test in forty-five minutes. Rich said he would agree to a one-time course for the horseback education program. Manuel recessed the meeting in order to allow the public to consider whether they were willing to take a four hour on-line educational course.

The meeting recessed at 5:56 p.m. and reconvened at 6:13 p.m.

Rich asked if the board had the authority to issue a horseback riding permit to horse owners for the life of the beach permit without obtaining permission from the Federal Government.

(6:14 p.m.) Williams advised that to be correct. He explained the horseback riding certificate process to the board. He noted that the U.S. Fish and Wildlife Agency would make the final determination on whether a change to the permit was administrative or a major modification.

(6:17 p.m.) Jan Brewer, Environmental Manager, said the education program needed to be submitted within twelve months according to language in the permit; however, the language did not specify how often the certificate needed to be obtained by a horseback rider. Rich suggested that one type of training and a one-time certificate would be appropriate. Brewer said conditions changed and she could not recommend a twenty-year certification for the horseback riding program. She noted that the Federal Government would respond to the requested twenty-year certification program. Rich suggested that the board could respond with another plan if the Federal Government responded negatively to their request. Manuel said Cameron would work with the horseback riding community in order to create appropriate language for the permit program.

(6:21 p.m.) Jerry Cameron, Assistant County Administrator, voiced that he understood the public's concerns, and it should be a fairly simple process in working with the public to create appropriate language. Kropacek explained that cost to the County could occur because of the proposed changes. Rich suggested that Cameron could handle the matter and asked for public representatives to talk with Cameron prior to departing the meeting in order to set a date for discussion.

(6:23 p.m.) In response to an inquiry from Sanchez, Williams affirmed that the certificate program would be free to the horseback riding community.

(6:25 p.m.) The following citizens spoke in opposition to the horseback riding certification program involved with the proposed Beach Code:

Terri Perreault, 4225 Jefferson Avenue South, Hastings, Florida
Ned Ross, 4675 Wolfe Road, St. Augustine, Florida
Mike Giftos, 2831 SR 13, Jacksonville, Florida
Steve Brandvold, 3233 CR 208, St. Augustine, Florida
Dave Doan, 3830 North Cross Road, St. Augustine, Florida

(6:33 p.m.) Barrow advised the board that action was necessary that night because it was the second public hearing and the County was under time constraints.

(6:34 p.m.) Manuel stated that if the board chooses to continue the matter, it would be continued.

(6:35 p.m.) In response to an inquiry regarding horseback rider user fees, *consensus of the board was to never impose a fee for the horseback certification program.*

(6:41 p.m.) Sanchez suggested that eliminating the entire horseback riding element of the Beach Code would be difficult and it would result in opening the entire mitigation process.

(6:41 p.m.) **Motion by Sanchez, seconded by Manuel, carried 4/0, with Stevenson absent, to continue the item until 9:00 a.m. on March 27, 2007.** Cameron pointed out that the board had an April 1, 2007 deadline. McCormack pointed out that the public hearing needed to be held at 5:30 p.m.

(6:45 p.m.) **Motion by Sanchez, seconded by Manuel, carried 4/0, with Stevenson absent, to continue the meeting to 5:30 p.m. on March 27, 2007.**

(03/20/07 - 29 - 6:46 p.m.)
COMMISSIONERS' REPORTS

BRYANT:
No comment.

MANUEL:
He asked for consensus to direct Kropacek to present a comprehensive county-wide program to create an electronic filing system for all county records to facilitate an effective and cost efficient access to county records. *Consensus of the board was to direct Kropacek to handle the matter.*

SANCHEZ:
He suggested that the APAC plant issue be reviewed by administration regarding the emissions. He asked for details in order to create fast-track language for new businesses starting up in the county. He pointed out that 80% of businesses were lost due to the lack of fast-tracking in St. Johns County.

RICH:
He advised that on Friday, May 18, 2007, the board would complete interviews with candidates for the position of administrator. He stated that the plan included a special meeting to be held on Tuesday, May 22nd, 2007, at 9:00 a.m., in order to select the successful candidate.

(03/20/07 - 29 - 6:51 p.m.)
COUNTY ATTORNEY'S REPORT

McCormack noted that he had reviewed the minutes regarding Ramba, with Lewis, Longman and Walker, as lobbyist for the county. He said, under the consensus of the board, the county had sent a retainer letter involving \$10,000.00 to the lobbyist. Rich said he would like the lobbyist to continue through the end of the fiscal year and the funding remained available.

(6:53 p.m.) **Motion by Rich, seconded by Sanchez, carried 4/0 with Stevenson absent, to continue the lobbyist's funding at the rate of \$2,500.00 per month through the end of the fiscal year, and to be reviewed during the budgeting process and prior to October 1st for the new fiscal year.** Bryant noted that lobbyists were valuable; however, the necessary work needed to be completed in November when committees

were formed; therefore, the value was questionable. He pointed out that several key legislative issues would be heard in Tallahassee during the summer.

(6:56 p.m.) McCormack advised that he would be in Washington, D.C. during the following week in order to complete his Navy requirements, and during his absence Deputy County Attorney Hunt would be available to the board.

(03/20/07 - 30 - 6:57 p.m.)

COUNTY ADMINISTRATOR REPORT

Kropacek noted that he had been asked to allow filming of the "Wife Swap" show at the main public library. *Consensus was to not allow filming of the program at the library.*

Kropacek said the Recreation Advisory Committee would like to appoint a student to serve on the committee. Rich suggested that a student be selected from the oldest high school and continue that way until each school was represented. *Consensus was to allow the student to serve on the committee.*

(7:00 p.m.) Contrary to the newspaper article, Kropacek said no county computer had been hacked.

(7:01 p.m.) Bill Rosenstock, 57 White Court, spoke regarding the Beach Code and the beach toll booth issues. In response to an inquiry, Sanchez advised that the St. Augustine Beach would need to revise their Beach Code in order to comply with the new St. Johns County Beach Ordinance. Rosenstock voiced that he hoped that the county would continue to maintain the intergovernmental beach revenue and expenditure fund in its present form.

(7:06 p.m.) **Motion by Manuel, seconded by Sanchez, carried 4/0 with Stevenson absent, to adjourn.**

With there being no further business to come before the Board, the meeting adjourned at 7:06 p.m.

REPORTS:

1. St. Johns County Board of County Commissioners Check Register, Check Nos. 398018 through 398415, totaling \$2,268,391.08 (02/27/07)
2. St. Johns County Board of County Commissioners Check Register, Check Nos. 398416 through 398447, totaling \$215,182.03 (03/01/07)
3. St. Johns County Board of County Commissioners Check Register, Check Nos. 398448 through 398795, totaling \$3,831,694.05 (03/06/07)
4. St. Johns County Board of County Commissioners Check Register, Check No. 398796 totaling \$121.00 (03/06/07)

CORRESPONDENCE:

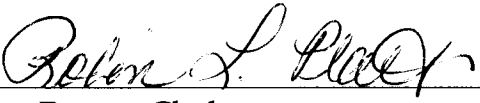
1. Letter to Liz Cloud, Bureau of Administrative Code, filing Ordinance Numbers 2007-11 through 2007-12 (03/09/07)
2. Letter to Shelby Jack, Clerk, Town of Hastings, regarding an Interlocal Agreement for the Hazard Mitigation Grant Program Project between the Town of Hastings and St. Johns County (03/09/07)

Approved _____ May 1 _____, 2007

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: 
Ben Rich, Chairman

ATTEST: CHERYL STRICKLAND, CLERK

By: 
Deputy Clerk