

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
APRIL 17, 2007
(8:00 A.M.)**

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

Present were: 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

Also present: Allen MacDonald, Finance Director

(04/17/07 - 1 - 8:02 a.m.)

CALL TO ORDER SPECIAL MEETING

Rich called the special meeting to order, announcing that Manuel was not present.

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 DIXIE PROPERTIES OF ST. AUGUSTINE, INC., AND ST. JOHNS COUNTY, CASE NO. 3-06-CV-462-J-32MMH, IN THE U.S. MIDDLE DISTRICT COURT, JACKSONVILLE DIVISION. THE SPECIAL PRIVATE ATTORNEY/CLIENT MEETING WILL BE HELD IN CONFERENCE ROOM A, IN THE COUNTY ADMINISTRATION COMPLEX

Proof of publication of the notice of public hearing on the Special Private Meeting/Dixie Property, was received having been published in *The St. Augustine Record* on April 12, 2007.

McCormack stated that he needed advice concerning the Dixie Properties of St. Augustine, Inc. and St. Johns County lawsuit, Case No. 3-06-VC-462-J-32MMH, in the U.S. Middle District County, Jacksonville Division. Rich stated the people attending were Commissioner Ben Rich, Commissioner James Bryant, Commissioner Ronald Sanchez, Commissioner Cyndi Stevenson, County Administrator Wally Kropacek, County Attorney Patrick McCormack, Special Council to the Board Susan Erdelyi, and Court Reporter Cathy Upchurch.

Rich recessed the meeting, and the attendees moved to Conference Room A at 8:04 a.m. The special meeting reconvened at 8:55 a.m. (8:55 a.m.) **Motion by Rich, seconded by Sanchez, carried 4/0 with Manuel absent, for the County Attorney to continue all negotiations with both parties and continue to advise the Board in reference to any headway that he is able to make on this matter.**

(8:56 a.m.) Rich announced the termination of the closed attorney/client settlement meeting.

(04/17/07 - 2 - 9:03 a.m.)
CALL TO ORDER REGULAR MEETING

Rich called the regular meeting to order.

(04/17/07 - 2 - 9:03 a.m.)
ROLL CALL

Rich stated that all five commissioners were present.

(04/17/07 - 2 - 9:03 a.m.)
Stevenson gave the invocation and Bryant led the Pledge of Allegiance.

(04/17/07 - 2 - 9:04 a.m.)
PROCLAMATION DESIGNATING APRIL 15-21, 2007 AS NATIONAL VOLUNTEER WEEK

Stevenson read the proclamation. Linda Smith announced that the EPIC Celebration of Spring would be held at the Ag Center on Saturday, from 9:00 a.m. to 5:00 p.m. and on Sunday from 10:00 a.m. to 4:00 p.m.

(04/17/07 - 2 - 9:11 a.m.)
ACCEPTANCE OF PROCLAMATION

Motion by Bryant, seconded by Sanchez, carried 5/0, to accept the previously read proclamation for National Volunteer Week.

(04/17/07 - 2 - 9:12 a.m.)
DELETIONS TO CONSENT AGENDA

Rich requested to place Item 10 on the regular agenda as Item 12A. Kropacek requested that Item 15 be pulled.

(04/17/07 - 2 - 9:13 a.m.)
APPROVAL OF CONSENT AGENDA

Motion by Stevenson, seconded by Manuel, carried 5/0, to approve the consent agenda, as amended.

1. Approval of the Cash Requirement Report
2. Minutes:
03/27/07 - BCC Special Meeting
3. Motion to adopt **Resolution No. 2007-99**, approving the terms and conditions of Joint Participation Agreement, FDOT Financial Project Number 418441-2-94-07, for purposes of receiving a State of Florida Public Transit Block Grant for \$240,610; and authorizing the Chairman of the Board of County Commissioners to execute the Agreement; and to also authorize the County Administrator, or his designated representative, to execute other related documents and take any actions necessary in connection with the Joint Participation Agreement

RESOLUTION NO. 2007-99

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF A JOINT PARTICIPATION AGREEMENT BETWEEN THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AND THE FLORIDA DEPARTMENT OF TRANSPORTATION DESIGNATING ST. JOHNS COUNTY AS THE RECIPIENT OF A PUBLIC TRANSIT BLOCK GRANT (FINANCIAL PROJECT NUMBER 41844-2-94-07) IN THE AMOUNT OF \$240,610 AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA TO EXECUTE THE JOINT PARTICIPATION AGREEMENT ON BEHALF OF THE COUNTY

4. Motion to adopt **Resolution No. 2007-100**, adjusting the Transit Fund revenue and expenditure budgets to account for unanticipated funds from Florida Department of Transportation Public Transit Block Grant, Joint Participation Agreement, FDOT Financial Project Number 418441-2-94-07, for the amount of \$240,610

RESOLUTION NO. 2007-100

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

5. Motion to adopt **Resolution No. 2007-101**, approving the terms, conditions, provisions and requirements of a Subscriber Agreement between St. Johns County, Florida, and ZirMed, Incorporated, for purposes of ZirMed acting as a clearinghouse for EMS billing; and authorizing the County Administrator to execute the Agreement on behalf of the County

RESOLUTION NO. 2007-101

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, DIRECTING THE COUNTY ADMINISTRATOR TO ENTER INTO A CONTRACT WITH ZIRMED FOR THE PURPOSE OF ACTING AS AN ELECTRONIC CLEARINGHOUSE FOR EMS BILLING

6. Motion to authorize the Interim County Administrator, or his designee, to award a contract to Gibbs & Register, Inc., for work described in the base bid for a contract amount of \$819,000 for Bid #07-54, Roscoe Boulevard Turn Lane Improvements at Canal Boulevard

7. Motion to authorize the Interim County Administrator, or his designee, to award a contract to W.W. Gay Mechanical, Inc., for work in the base bid amount of \$212,778, for Bid #07-57, HVAC and Electrical Upgrade Hastings Elementary
8. Motion to adopt **Resolution No. 2007-102**, 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 & F Waste Services, Inc.; 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. 2007-102

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 & F WASTE SERVICES, INC., AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE AMENDMENT TO THE CONSTRUCTION AND DEMOLITION FRANCHISE AGREEMENT, ON BEHALF OF ST. JOHNS COUNTY

9. Motion to adopt **Resolution No. 2007-103**, approving the terms, conditions, provisions, and requirements of a Non-Exclusive Franchise Agreement for Construction and Demolition Debris between St. Johns County, Florida, and American Construction Container; 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. 2007-103

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 AMERICAN CONSTRUCTION CONTAINER, AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE AMENDMENT TO THE CONSTRUCTION AND DEMOLITION FRANCHISE AGREEMENT, ON BEHALF OF ST. JOHNS COUNTY

10. Motion to adopt a resolution approving the terms, conditions, provisions, and requirements of a Non-Exclusive Franchise Agreement for Construction and Demolition Debris between St. Johns County, Florida, and Waste Watchers of Jacksonville, LLC; and authorizing the County Administrator to execute the Non-Exclusive Franchise Agreement for Construction and Demolition Debris on behalf of St. Johns County, Florida

This item was moved to the regular agenda as Item 12A.

11. Motion to adopt **Resolution No. 2007-104**, approving the terms of and authorizing the County Administrator to execute, a certain Purchase and Sale Agreement for property needed for Segment III of the Volusia Street/Four Mile Road project (1st of 16 parcels)

RESOLUTION NO. 2007-104

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A CERTAIN PURCHASE AND SALE AGREEMENT FOR PROPERTY NEEDED FOR SEGMENT III OF THE VOLUSIA STREET/FOUR MILE ROAD PROJECT

12. Motion to adopt **Resolution No. 2007-105**, approving the terms, provisions and conditions of an Interlocal Agreement between the Marshall Creek Community Development District and St. Johns County for the construction of improvements to the FEC Railroad grade crossing at International Golf Parkway; and authorizing the County Administrator to enter into the agreement on behalf of the County

RESOLUTION NO. 2007-105

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS AND REQUIREMENTS OF AN INTERLOCAL AGREEMENT BETWEEN ST. JOHNS COUNTY, FLORIDA, AND THE MARSHALL CREEK COMMUNITY DEVELOPMENT DISTRICT REGARDING THE CONSTRUCTION OF CERTAIN ROADWAY IMPROVEMENTS WITHIN THE FLORIDA EAST COAST RAILWAY RIGHT-OF-WAY AT INTERNATIONAL GOLF PARKWAY, AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE COUNTY

13. Motion to adopt **Resolution No. 2007-106**, authorizing the County Administrator to enter into a License Agreement with Florida East Coast Railway, L.L.C., for the International Golf Parkway grade crossing

RESOLUTION NO. 2007-106

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF A RAILROAD LICENSE AGREEMENT BETWEEN FLORIDA EAST COAST RAILWAY L.L.C., AND ST. JOHNS COUNTY, FLORIDA, ASSOCIATED WITH IMPROVEMENTS TO THE RAILROAD CROSSING LOCATED ON INTERNATIONAL GOLF PARKWAY,

**AND AUTHORIZING THE COUNTY ADMINISTRATOR
TO EXECUTE THE AGREEMENT ON BEHALF OF THE
COUNTY**

14. Motion to adopt **Resolution No. 2007-107**, authorizing the County Administrator to execute the License Agreement for the grade crossing at Avenue D

RESOLUTION NO. 2007-107

**A RESOLUTION BY THE BOARD OF COUNTY
COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA,
APPROVING THE TERMS, PROVISIONS,
CONDITIONS, AND REQUIREMENTS OF A
RAILROAD LICENSE AGREEMENT BETWEEN
FLORIDA EAST COAST RAILWAY, L.L.C., AND ST.
JOHNS COUNTY, FLORIDA, ASSOCIATED WITH THE
NEW RAILROAD CROSSING LOCATED ON AVENUE
D, AND AUTHORIZING THE COUNTY
ADMINISTRATOR TO EXECUTE THE AGREEMENT
ON BEHALF OF THE COUNTY**

15. Motion to adopt a resolution approving the Library System's Uniform Policy concerning overdue, damaged and lost materials

This item was pulled from the agenda.

16. Proofs:
- a. Proof, Notice of Hearing, St. Johns County Board of County Commissioners, Proposed Code Enforcement Ordinance, Tuesday, April 3, 2007 at 9:00 a.m.
 - b. Proof, Notice to Bidders, Bid No. 07-81
 - c. Proof, Notice of Meeting, St. Johns County Board of County Commissioners, Proposed Beach Code Ordinance, Tuesday, March 27, 2007 at 5:30 p.m.

(04/17/07 - 6 - 9:13 a.m.)
PUBLIC COMMENT

Edgar Cooksey, 1600 Woodlawn Road, spoke on the unsafe conditions regarding ingress and egress into the Oaks Subdivision. Rich asked Sanchez to look into this matter since he was the district commissioner of that area. Sanchez asked staff to confirm the activity going on at the development and make sure that it complied with what they were supposed to be doing.

(9:19 a.m.) Michael Kahn, 482 North Harbor City Blvd., Melbourne, Florida, spoke on a petition signed by 403 people regarding Charter Government. McCormack stated that he would like to talk to Kahn on the side.

The meeting recessed at 9:26 a.m. and reconvened at 9:32 a.m.

(9:32 a.m.) Kahn continued, stating that at the December 12th meeting the vote for the charter emanated from a workshop that was turned into a public meeting. He spoke on the process of doing the charter. He stated that the 403 people deserved an apology because their petition was neither faulty nor false, and they knew what they were signing. He also stated that the item concerning the charter government needed to be

placed before the public, in a series of workshops that were noticed and publicized. He mentioned that his clients asked what further recourse there was: he stated that he was investigating it now. Bryant asked what he was actually seeking for his clients. Kahn replied that his clients merited an apology.

(04/17/07 - 7 - 9:41 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

Kropacek requested to add to the agenda as item A1, the Emergency Declaration of Danger pertaining to private property at or near the vicinity of 2821 and 2823 South Ponte Vedra Blvd. due to storm erosion.

(04/17/07 - 7 - 9:42 a.m.)

APPROVAL OF REGULAR AGENDA

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

(04/17/07 - 7 - 9:43 a.m.)

A1. EMERGENCY DECLARATION OF DANGER PERTAINING TO PRIVATE PROPERTY AT OR NEAR THE VICINITY OF 2821 AND 2823 SOUTH PONTE VEDRA BLVD. DUE TO RECENT STORM EROSION

Press Tompkins, County Engineer, reviewed this item.

(9:44 a.m.) **Motion by Manuel, seconded by Sanchez, carried 5/0, to adopt Resolution No. 2007-108, declaring that an emergency exists pertaining to danger to private property at or near the vicinity of 2821 and 2823 South Ponte Vedra Blvd. due to recent storm erosion.**

RESOLUTION NO. 2007-108

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, DECLARING THAT AN EMERGENCY EXISTS PERTAINING TO DANGER TO PRIVATE PROPERTY AT OR NEAR THE VICINITY OF 2821 AND 2823 SOUTH PONTE VEDRA BLVD. DUE TO RECENT STORM EROSION

04/17/07 - 7 - 9:44 a.m.)

1. CONSIDER A MOTION TO ADOPT A RESOLUTION SUPPORTING ADDITIONAL STATE FUNDING FOR THE FLORIDA FOREVER PROGRAM AND CREATING A SUCCESSOR PROGRAM

Mark Middlebrook, L.A.M.P. Board Chairman, reviewed this item, stating that they were recommending that the Commission consider a resolution supporting the extension of the Florida Forever Act, which will expire in 2009.

(9:49 a.m.) **Motion by Stevenson, seconded by Manuel, to adopt Resolution No. 2007-109, supporting additional funding for the Florida Forever Program and creating a successor program.**

(9:49 a.m.) Roger Van Ghent, 4005 Moultrie Foreside Blvd., spoke on supporting this amendment, getting the land out from under development and getting it into public ownership.

(9:52 a.m.) Tony Cubbedge, County Land Management Manager, spoke on appreciating the volunteers on this item. **The motion carried 5/0.**

RESOLUTION NO. 2007-109

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, SUPPORTING ADDITIONAL STATE FUNDING FOR THE FLORIDA FOREVER PROGRAM AND THE CREATION OF A SUCCESSOR PROGRAM

(04/17/07 - 8 - 9:53 a.m.)

2. PRESENTATION ON CHARTER GOVERNMENT

Ken Bryan, 126 Oyster Catcher Circle, gave a presentation on Charter Government, reviewing the benefits for St. Johns County - accountability of government and control of our own destiny. He reviewed the charter benefits/goals, general law government, charter vs. non-charter, campaign finance reporting, charter adoption, possible provisions, and voter approval required. Rich stated that this item was to make the Board aware of what was going on with the charter. Bryant asked about the backup to this item not being provided before the meeting and how changes to the Charter would get to the people. Rich replied that he would be attending all the charter meetings, keeping records and notes in reference to recommended changes to the charter, with who recommended them and how many supported the changes. He stated that he would be bringing the information directly back to the Board. Discussion followed. Sanchez stated that the charter had been around for a long time. Manuel stated that there were three different ways a charter could be adopted and explained. Stevenson commented on political aspects and spoke on the charter. She suggested having a kickoff with a panel discussion of people who weren't seen as having a distinct alliance to the process. Bryant stated that he was not questioning the legality of it, that's not the issue, it's the perception part, as long as it goes before the voters and they make the decision. Sanchez extended appreciation to all the people who had worked on the charter for years and stated that he was ready to move forward with it. Sanchez asked if they had to accept the proposed charter in order to start the meetings. McCormack replied that it could be used as a reference. Stevenson asked if they had reviewed the process that was followed when it was done by ordinance. Rich replied that the legal process that was being pursued today was what they were asking for the Board's support on. McCormack asked if the Board would be directing him and the County Administrator to come up with a plan for public hearings, one in each district. Rich stated that today's proposed motion was to conduct public meetings for public comments on dates, times, and places as designated by the Administrator and to place a copy of the PowerPoint presentation and potential future charter, on the County's website immediately. Manuel stated that Florida Statute 125 had certain requirements to the process and that it was his expectation that they would exceed those requirements.

The meeting recessed at 10:39 a.m. and reconvened at 10:46 a.m.

(10:46 a.m.) Carl Hoefler, 5429 De Leon Lane, spoke in favor of the Charter.

(10:49 a.m.) Marcy Silkebaken, 1145 Neck Road, spoke in favor of the Charter.

(10:54 a.m.) Frances Ziolkowski, 260 Bell Branch Lane, spoke in favor of the Charter.

(10:56 a.m.) Phyllis Abbatiello, 1133 River Birch Road, spoke in favor of the Charter.

(11:06 a.m.) Clara Cowan, 244 Patrick Mill Circle, spoke in favor of the Charter.

(11:08 a.m.) Daniel MacDonald, 24501 Deer Trace Drive, spoke in favor of the Charter.

(11:12 a.m.) Walt Rohrer, 2315 Clubview Court, spoke in favor of the Charter.

(11:14 a.m.) Gordon Lohman, 7648 A1A South, spoke in favor of the Charter.

(11:16 a.m.) Doug Wiles, 405 Night Hawk Lane, spoke on the Charter process.

(11:20 a.m.) Marilyn Wiles, 8220 A1A South, spoke in favor of educating the public on Charter Government.

(11:22 a.m.) Tracy Considine, 6700 Collier Road, spoke in favor of the Charter.

(11:36 a.m.) Ellen Whitmer, 1178 Natures Hammock Road South, spoke in favor of the Charter.

(11:38 a.m.) Roger Van Ghent, 4005 Moultrie Foreside Blvd., spoke in favor of the Charter, and spoke on the contents of this meeting.

(11:39 a.m.) **Motion by Rich, seconded by Manuel, carried 5/0, to hold public hearings for public comment on dates, times, and at places designated by the Administrator and to place a copy of the PowerPoint presentation and potential future charter, on the County's website as soon as practicable.** Kropacek stated that the first meeting would be in District 1 at the Bartram Trail Library on Thursday, June 7th at 6:30 p.m.; the second meeting would be in District 2 at the Hastings Community Center on Wednesday, July 18th at 6:30 p.m. Rich advised Kropacek to add scheduled meeting dates to the list as he set them.

(04/17/07 - 9 - 11:46 a.m.)

3. CHAMBER OF COMMERCE ECONOMIC DEVELOPMENT UPDATE

Kari Hall Keating, Vice President of Economic Development, St. Johns County Chamber of Commerce, reviewed this item, giving a brief overview of activities; tracking of website hits on economic development, local target industry retention and expansion, target industry recruitment and the Cornerstone Regional Partner update.

(11:51 a.m.) Nick Sacia, St. Johns County Chamber of Commerce, gave a presentation on site consultant presentations, site location trends, risk vs. reward, what communities could do, international site locator, risk minimization, trends in site selection, marketing your community, preparing your community, available sites and buildings, business space breakdown for the region, overall business space for the region, and on reducing risk.

(12:01 p.m.) Keating stated that this week was business development week and that the First Coast Business Expo was this week. Manuel spoke on the business journal that was put out and on the shovel ready sites availability. Stevenson spoke on the Building Florida's Future Summit that Senator Pruitt and Senator King started at the beginning of the year.

The meeting recessed at 12:08 p.m. and reconvened at 1:32 p.m. with all five commissioners and Deputy Clerk Terry Bulla present.

The afternoon session of the meeting began with item # 7.

(04/17/07 - 10 - 2:19 a.m.)

4. CONSIDER MOTION TO APPROVE THE LAMP BOARD RECOMMENDATIONS FOR THE 2007 FLORIDA COMMUNITIES TRUST APPLICATIONS

Will Smith, Administrative Manager, gave a PowerPoint presentation on the 2007 Florida Communities Trust Proposed Application as proposed by the LAMP Board. He reviewed the project components including the Mussallem Property, Palmo Community Park and Hammock Dunes Park. He reported that the properties had already been acquired, reimbursement for Mussallem and Hammock Dunes would further reduce debt services for commercial paper in recreation and reimbursement would go back to bond for Palmo for additional Bond purchases.

(2:26 p.m.) Rich expressed concern about spending funds during a time when the County was facing a budget crunch, and said it was not a good idea to take on such a burden.

(2:27 p.m.) General discussion ensued regarding money already invested, the amount to be recouped, management costs, repayment of debt on commercial paper, and grant acquisition for reimbursement of funds. Additional discussion followed regarding time allowed for development and conditions of the contract agreement and the best use of County dollars.

(2:39 p.m.) Rich reviewed each item to ensure he understood them, and suggested minimal development to keep maintenance costs down. He asked if they needed to increase staff. Smith said they did not. Rich said he would support it based on the statements they had made. Smith said there would be minimal impact.

(2:45 p.m.) Motion by Stevenson, seconded by Bryant, carried 4/0 with Manuel absent, to approve LAMP Board recommendation for FCT application, and to authorize the County Administrator to sign the transmittal letter.

(04/17/07 - 10 - 2:47 p.m.)

5. CONSIDER PROPERTY TRANSFER FROM UTILITY SERVICES TO COUNTY RECREATION DEPARTMENT

Doug Timms, Director of Office of Management & Budget, gave the presentation and stated that St. Johns County Utility Services had relocated to a newly constructed Administrative Building and Warehouse and that the County Recreation Department was seeking to move its administrative headquarters to the now vacated facility. He noted that section 5.10 of the Water & Sewage Bond Resolution 1989-84 controlled the disposition of the property by adopting the resolution, with certain findings, before them that day, along with other requirements. He stated that the fair market value had been established to be \$1,375,000 and the net book value was established at \$326,968.12.

(2:50 p.m.) Motion by Rich, seconded by Sanchez, to adopt Resolution No. 2007- 110, approving the requested Property Transfer from County Utility Services to the County Recreation Department for fair and reasonable compensation of \$326,968.12 and approving the payment of \$326,968.12 from the General Fund Reserves to Utility Services.

(2:51 p.m.) There was discussion regarding fair market value by Stevenson and Michael Hunt, Assistant County Attorney, and any alternative options that might be available. Stevenson said she had worked on fair market value, and would be unable to support it at that amount, and she had issues with the decision making process on that item.

(2:55 p.m.) Rich said only the two options had been presented to the Board.

(2:55 a.m.) Allen McDonald, Finance Director, said Cheryl Strickland had asked him to address the issue. He said they had several concerns. He said in the past at any time the County has negotiated a fair price for anything, the starting part in discussions had always begun with the appraisal. He said the Utility Department was an Enterprise Fund and as such was one of the funds that the County operated as a business. He said it was their opinion that they should start at book value, not a fair value for the facilities, and discuss, as a board, any range of options from that point to the appraised value, and they encouraged the Board to do that. He said otherwise the utility was subsidizing the recreation department. He said this was most commonly done by governments in cities, where all the residents were on the same utility system and users of the same recreation facilities. He said in our case the utility system was not the same throughout the entire county but all county residents got to use the recreational facilities. He suggested they had the option to determine what a fair value would be, starting from the beginning book value and moving forward toward the appraised value. He said book value was the cost of the facility minus depreciation and was not the same as fair value. He said the Board had always started at someone's estimated appraisal of those facilities. He encouraged them to come up with a fair value. He said the facility they just left was worth more than \$400,000, but considerably more than that.

(3:01 p.m.) Hunt clarified there was a difference between fair and reasonable compensation and fair market value. He said it was a policy decision and not a legal decision for the Board. He said ultimately the Board could come up with some value in-between.

(3:03 p.m.) Stevenson said they needed to look at the fairness to all the citizens of the County as well as the fairness to the Utility Department which should not be subsidizing other departments under the Enterprise System. She said what they had been presented was a legal range. She noted that the General Fund, in the past, had not subsidized the Utility. She cautioned that they would be selling the asset at the low market value and would have to replace it at a fair market value. She said she was addressing it from a point of equity and the low presented was too low. She said fair value was very soft and variable.

(3:05 p.m.) McCormack said he had met with Timms, McDonald and Mangu. He said it was not a time sensitive element and requested that they continue the item to allow the County Finance and Clerk Finance officers to clarify the issues.

(3:06 p.m.) *Rich withdrew his motion and Sanchez withdrew his second.* Sanchez asked what part of the property was being purchased. Timms said it was just the office area and the warehouse and the evaluation was just for that property. Sanchez said he would like to explore the possibility of leasing the property or selling it. Rich said that might have some merit. General discussion ensued about their options.

(3:12 p.m.) *There was board consensus to continue the item and see if the County Attorney could come up with an equitable recommendation.*

Commissioner Bryant left the meeting at 3:12 p.m.

(04/17/07 - 12 - 3:12 p.m.)

6. PRESENTATION OF THE FY 2008-2012 REQUESTED CAPITAL IMPROVEMENT PROJECTS (CIP)

Dawn Cardenas and Jesse Dunn, Office of Management and Budget, gave a PowerPoint presentation of the Capital Improvements Project Request process. He said there were 369 CIP projects and 40 new projects were proposed.

(3:15 p.m.) Rich asked for consensus of the 3 remaining Board members that two members were absent and whether they should be in attendance. Stevenson suggested that they should move forward.

(3:16 p.m.) Dunn continued his presentation on the process. He said the current year request was \$93,412,304. He noted this was slightly different from what had originally been presented to the Board. He reviewed the figure comparisons for FY 2007 and FY 2008, and said in August they would go through the carryforward process. They reviewed the various fund requests, grants and other funding requests, FY 2008 candidate projects, and future funding requests. They reviewed future funding concerns, projects for which there was no current funding and the General Fund projects shortfall for the following five years. Additionally, they reviewed the transportation projects shortfall, impact fees shortfalls and options for funding shortfalls.

The meeting recessed at 3:37 p.m. and reconvened at 3:48 p.m.

(04/17/07 - 12 - 1:32 p.m.)

7. PUBLIC HEARING - MAJMOD 2005-27 VERTICALITY AT PONTE VEDRA - THIS ITEM WAS CONTINUED FROM THE FEBRUARY 20, 2007 TO ALLOW FOR ADDITIONAL COMMUNITY AND NEIGHBORHOOD REVIEW. THE MICKLERS LANDING PUD WAS CHANGED FROM PLANNED SPECIAL DEVELOPMENT (PSD) TO PLANNED UNIT DEVELOPMENT (PUD) BY ORDINANCE 2004-02. THERE HAS BEEN A MINOR MODIFICATION (MINMOD 2006-04) APPLICATION FILED TO REALLOCATE BUILDING SQUARE FOOTAGE FROM ONE BUILDING INTO TWO BUILDINGS ON THE SITE. THIS WAS APPROVED ON 7-18-2006 BY THE PLANNING AND ZONING AGENCY (PZA) UNDER RESOLUTION 2006-05. THE MAJOR MODIFICATION PROPOSES TO AMEND THE PUD IN ORDER TO ALLOW A MAXIMUM 150' TALL STEALTH MONOPOLE TELECOMMUNICATIONS CO-LOCATION FACILITY WITH A SEPARATE 5' LIGHTNING ROD. THIS TOWER, ALONG WITH REQUIRED ACCESSORY STRUCTURES, WILL BE LOCATED NEAR THE NORTHERN PORTION OF THE PROPERTY AND ACROSS AN ACCESS DRIVE, WITHIN THE PARKING LOT FROM BUILDING 3. THE PLANNING AND ZONING AGENCY HEARD THIS ITEM DURING THE OCTOBER 19, 2006 HEARING. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS PROJECT, INCLUDING THE WAIVERS AND FINDING THE PROPOSAL MEETS SECTION 6.08.12.V, BY A VOTE OF 5/1. DISCUSSION DURING THE MEETING RAISED QUESTIONS OVER THE SCENIC HIGHWAY, NOTIFICATION PROCEDURES FOR ADJACENT PROPERTY OWNERS OUTSIDE OF THE NOTICE BOUNDARY, SAFETY ISSUES AND PROPERTY VALUES. THE RECOMMENDATION FOR APPROVAL IS BASED UPON THE SIX FINDINGS OF FACT PROVIDED IN ADDITION TO A CONDITION THAT THE APPLICANT CONTACT ADJACENT PROPERTY OWNERS. IN ADDITION, THE PZA FOUND THE CELL TOWER IS NOT INTRUSIVE AND THE

EVIDENCE INDICATES THIS LOCATION WOULD PROVIDE NEEDED COVERAGE

Proof of publication of the notice of public hearing regarding MAJMOD 2005-27 Verticality at Ponte Vedra, was received, having been published in *The St. Augustine Record* on April 2, 2007.

Kimberly Sutton, Court Reporter, of St. Augustine Court Reporters was present for this item. The presentation was given by Lindsay Haga, Chief Planner, who explained that the item had been continued from the February 20, 2007 meeting to allow for additional community and neighborhood review. She reviewed the requested change, to amend the PUD to allow a maximum 150 foot tall telecommunications co-location facility with a 5 foot lightning rod, and the two waiver requests included in the application. She noted that staff did not object to the requests.

(1:36 p.m.) Richard Maguire, 170 Malaga St., who represented Verticality, gave the presentation. He said the tower met County ordinances regarding height and a waiver was requested for alternate screening, reduction of screening for allowance of a swing gate for the compound and a reduction from height requirements on the South of the compound. He said it provided needed service coverage where it was non-existent or very spotty, and there was no other location in that area that would provide the needed service.

(1:39 p.m.) Rich questioned legal staff what legal requirements there were for the Board to approve the waiver. McCormack said the County regulation pertaining to towers and setbacks went back to approximately 1999. He said in 2005 the State of Florida through section 365.172, pertaining to the E911 provisions, had developed regulations pertaining to towers and particularly to setbacks. He read the regulation. He said they needed to ask staff whether the 250 feet in the County code was determined by the local government to be for the purpose of structural safety or for esthetic concerns. There was discussion regarding the reasonableness of the ordinance and a suggestion was made that the ordinance should be reviewed.

(1:44 p.m.) Clara Cowan, 244 Patrick Mill Circle, Ponte Vedra, stated there was opposition from the Seaside Community and the Ponte Vedra Coalition, and they felt it was way too large for the area. She presented photographs of a 100 foot stealth tower and noted that the proposed tower had a base of five feet and 150 high and would be incredibly visible. She reviewed the coverage areas of T-Mobile, Sprint, Cingular and Verizon, all of which showed they had coverage in that area. She said the need had been overstated, and asked them to consider that it was a scenic highway in a residential area.

(1:50 p.m.) Rich asked for a legal opinion. McCormack said general aesthetic concerns were not enough to prohibit the establishment of a telecommunications tower however, a specific esthetic concern might be sustainable, and noted it was being built next to a scenic road. He said that Haga had determined that it met the criteria. He said they might want to ask if the proposed height was necessary for the service. Cowan said the extra 50 feet would allow Verticality to corner the market in the northeast area, and it was just a money making process.

(1:59 p.m.) There was general discussion regarding tower height and service coverage. Maguire said they needed to be at the 150 foot level to provide maximum coverage to the A1A area and studies had been done to show the gaps of service in the area.

(2:03 p.m.) Stevenson declared ex-parte with Maguire and reviewed the issues they had discussed. There was discussion regarding new services provided using cell towers, their relevance to the current issue and regarding public areas where 911 services were not provided.

(2:08 p.m.) McCormack asked if there was objection by anyone in the room to Manuel giving his presentation. There was none. Manuel stated that Al Abbatiello, his Aide, had assisted him with the presentation, and they had convened a study and a meeting was held with providers, citizens, attorneys and others. He said they mapped all the existing GIS towers in St. Johns County and which providers were associated with which towers. He said they had discussed alternative site possibilities and height, and had concluded from the meeting that this site was the best viable site and would minimize, if not eliminate, the need for additional cell towers within close proximity. He said he would support the applicant's request.

(2:11 p.m.) Sanchez commented and said he was not in favor of the 150 foot height being necessary to add additional servers, but had also heard that height was necessary to provide adequate coverage. Maguire said it was necessary to provide service to get the signal from the Ponte Vedra Tower to the Vilano Tower and with less than that, the providers believed they would be unable to provide coverage in that area. He said at that height, they would also be able to put more providers on that tower to enhance service to the Ponte Vedra area.

(2:14 p.m.) Stevenson asked if buffering or screening would be provided. Maguire said there was some buffering present and the lower area would look like the commercial buildings already present. He said the closet property line, the condominium site, was 153 feet away.

(2:16 p.m.) **Motion by Manuel, seconded by Rich**, who said he would second the motion for purposes of discussion. He said it was a lose/lose situation and denial would probably cause them to wind up in court. **Motion carried 4/1 with Bryant opposed, to enact Ordinance 2007-24, known as MAJMOD 2005-27, adopting findings of fact 1 through 6 to support the motion.**

ORDINANCE NO. 2007-24

AN ORDINANCE OF THE COUNTY OF ST. JOHNS,
STATE OF FLORIDA APPROVING A MAJOR
MODIFICATION TO THE MICKLERS LANDING
PLANNED UNIT DEVELOPMENT (PUD) ORDINANCE
NUMBER 2004-02, AS AMENDED, MAKING FINDINGS
OF FACT; REQUIRING RECORDATION; AND
PROVIDING FOR AN EFFECTIVE DATE

(2:19 p.m.) Rich announced that Manuel would be absent for the remainder of the meeting.

The Board considered agenda item # 4 at this time.

(04/17/07 - 14 - 3:48 p.m.)

8. PUBLIC HEARING - PNZVAR 2006-14 VERANDA - THE APPLICANT REQUESTS AN EXCEPTION TO THE REQUIREMENTS OF THE SECTION 3.06.09.C.7 OF THE LAND DEVELOPMENT CODE (A PROVISION OF THE PONTE VEDRA / PALM VALLEY COASTAL CORRIDOR OVERLAY DISTRICT). THIS CODE ALLOWS FOR A FIFTEEN (15) SQUARE FOOT

DIRECTORY SIGN FACE AREA FOR EACH COMMERCIAL BUILDING IN A DEVELOPMENT, WITH MULTIPLE TENANTS. THE APPLICANT'S DEVELOPMENT HAS SIX (6) BUILDINGS IN WHICH THE APPLICANT COULD HAVE SIX (6) SEPARATE DIRECTORY SIGNS THROUGHOUT THE DEVELOPMENT. THE TOTAL SQUARE FOOTAGE OF SIGN AREA WOULD EQUAL NINETY (90) SQUARE FEET MAXIMUM. THE APPLICANT PROPOSES TO CONSOLIDATE THE SIX (6) SEPARATE SIGNS INTO ONE (1) SIGN WITH A MAXIMUM FACE AREA OF FIFTY-SIX (56) SQUARE FEET. THE SIGNAGE WILL BE LOCATED ON THE NORTH-SIDE OF THE ENTRY DRIVEWAY. THE APPLICANT CAME BEFORE THE PONTE VEDRA ARC ON MAY 24, 2006 WITH THE PROPOSAL OF THE SIGNAGE. THE ARC GAVE FAVORABLE RECOMMENDATION AT THAT TIME TO THE CONSOLIDATED SIGNAGE

Proof of publication of the notice of public hearing regarding PNZVAR 2006-14 Veranda, was received, having been published in *The St. Augustine Record* on April 2, 2007.

Lindsay Haga, Chief Planner, gave the presentation and reviewed the application and the staff report. She reviewed the request to consolidate signage, an exception to requirements of Section 3.06.09.C.7 of the Land Development Code.

(3:50 p.m.) Mike Sarkissian, owner and Development Manager for the Veranda development, 818 A1A North, pointed out the rational behind the request for the variances requested.

(3:52 p.m.) Sanchez asked if the applicant would prefer to go ahead without a full board. Sarkissian said it was fine to proceed.

(3:54 p.m.) Motion by Stevenson, seconded by Sanchez, carried 3/0 with Manuel and Bryant absent, to approve PNZVAR 2006-14 making findings of fact 1 through 6 to support the motion.

(04/17/07 - 15 - 3:55 p.m.)

9. PUBLIC HEARING - MAJMOD 2007-04 KINGS TRACE PUD - THE SITE WAS ZONED PLANNED UNIT DEVELOPMENT AS THE KINGS TRACE PUD FEBRUARY 23, 2005. THE KINGS TRACE PUD IS LOCATED IN THE MIXED USE DISTRICT ALONG OLD MOULTRIE ROAD, SOUTH OF LEWIS POINT, AND NORTH OF KINGS ESTATE ROADS. THE PUD IS APPROVED FOR EIGHTY TWO (82) SINGLE FAMILY UNITS WITH A MINIMUM LOT WIDTH OF 53 FEET AND MINIMUM LOT SIZE OF 5,000 SQUARE FEET. THE MAXIMUM LOT COVERAGE BY BUILDINGS PER LOT IS 50%. THIS MAJOR MODIFICATION REQUESTS PROPOSES TO CLARIFY THE SIDE YARD SETBACK LANGUAGE BY REPLACING THE EXISTING LANGUAGE REQUIRING A SEVEN AND ONE/HALF FOOT SETBACK MEASURED PER SECTION 5.03.03.B.1 WITH THE MINIMUM FIVE FOOT SETBACK BACK PURSUANT TO THIS SECTION. SECTION 5.03.03.B.1 OUTLINES SPECIFIC STANDARDS FOR THE DEVELOPMENT OF PLANNED UNIT DEVELOPMENTS. OF WHICH, THE MINIMUM SIDE YARD SETBACK IS FIVE FEET WITH NO PERMITTED PROJECTIONS, AS MEASURED TO THE FURTHEST ARCHITECTURAL FEATURE THIRTY (30) INCHES OR MORE OFF GRADE. THE APPLICANT'S REQUEST SEEKS TO BRING FORWARD THIS CURRENT LDC REQUIREMENT AND CLARIFY THE EXISTING PUD TEXT. THE PLANNING AND ZONING AGENCY RECOMMENDED

APPROVAL OF THIS ITEM AT THEIR MARCH 1, 2007 MEETING BY A VOTE OF 6/0 (WHEELER/LAIDLAW; ONE MEMBER ABSENT)

Proof of publication of the notice of public hearing regarding MAJ 07-04 Kings Trace, was received, having been published in *The St. Augustine Record* on April 2, 2007.

Lindsay Haga, Chief Planner, gave the presentation and reviewed the staff report. She said the major modification proposed to clarify the side-yard setback, reducing the approved language from 7 ½ feet to the current language within the Land Development Code of a minimum of a 5 foot setback with no permitted projections.

(3:57 p.m.) Gary Davenport, 5378 Fourth St., stated he represented the owner of the property and explained they wanted to make one small change to the text which would make their text consistent with the current Land Development Code.

(3:58 p.m.) Sanchez asked if he had seen the comments of Russell Green, on the adjacent property owner notice. He asked if the conditions mentioned in his comments still existed. Davenport stated that it had been revealed during PZA discussions that the property to which Mr. Green was referring was another project north of the project currently being discussed.

(3:59 p.m.) Rich stated he wanted to address Mr. Green's concerns and encouraged him to contact him directly.

(4:03 p.m.) Motion by Rich, seconded by Sanchez, carried 3/0 with Manuel and Bryant absent, to approve Ordinance 2007-25, known as MAJMOD 2007-04 Kings Trace PUD adopting findings of fact 1 through 6 to support the motion.

ORDINANCE NO. 2007-25

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA APPROVING A MAJOR MODIFICATION TO THE KINGS TRACE PLANNED UNIT DEVELOPMENT (PUD) ORDINANCE NUMBER 2005-14, AS AMENDED, MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING FOR AN EFFECTIVE DATE

(4:02 p.m.) Stevenson expressed concern about there being two members absent because there were some very significant items on the remainder of the agenda. Rich suggested they have public comment on each item and then allow each applicant to say if they wished to go forward. Whitehouse said they could do that, or they could decide to wait to hear the items. Sanchez said the applicant should have the option but that the Board did not.

(04/17/07 - 16 - 4:04 p.m.)

10. PUBLIC HEARING - MAJMOD 2006-29 SAWGRASS PUD (NADER'S PEST RAIDERS) - THE 1.48 ACRE SITE IS CURRENTLY IN USE AS A WAREHOUSE AND STORAGE AREA FOR NADER'S PEST RAIDERS. THIS REQUEST SEEKS TO MODIFY THE APPROVED SAWGRASS PUD, SPECIFICALLY TO INCREASE THE COMMERCIAL SQUARE FOOTAGE FROM 6,444 TO 9,120 AND DECREASE THE WAREHOUSE SQUARE FOOTAGE FROM 4,000 TO 2,300. THE APPLICANT IS ALSO REDESIGNING THE SITE LAYOUT TO ALLOW FOR THESE CHANGES. REFER TO THE EXISTING MDP MAP LOCATED IN THE ATTACHMENTS IN COMPARISON TO THE PROPOSED

MDP MAP LOCATED IN THIS PACKET. THE PARCEL MAY BE DEVELOPED AS A COMMERCIAL CENTER OR DIVIDED INTO INDIVIDUAL PARCELS. PERMITTED USES WILL INCLUDE THOSE DESCRIBED IN SECTION 2.02.01 OF THE LAND DEVELOPMENT CODE INCLUDING INDUSTRIAL, WAREHOUSING, AND OFFICE AND PROFESSIONAL SERVICES. THE PROPOSED MASTER DEVELOPMENT PLAN WILL INCLUDE THE WAREHOUSE AND TWO STORY OFFICE BUILDING. MAXIMUM BUILDING HEIGHT WILL BE 35 FEET. A 20 FOOT BUFFER WILL BE PROVIDED ALONG THE FRONTAGE ADJACENT TO A1A AND THE REMAINDER OF THE PARCEL WILL HAVE A 10 FOOT PERIMETER BUFFER. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS MODIFICATION AT ITS MARCH 1, 2007 MEETING

Proof of publication of the notice of public hearing regarding MAJMOD 06-29 Sawgrass PUD (Nader's Pest Raiders), was received, having been published in *The St. Augustine Record* on April 2, 2007.

Lindsay Haga, Chief Planner gave the presentation and explained the major modification for the PUD text to increase the commercial square footage from 6,444 square feet to 9,120 square feet and decrease the amount of warehouse square footage from 4,000 to 2,300 square feet. She reviewed the specifics of the request. She said there were no open comments relating to the request.

(4:06 p.m.) Kevin Davenport, 3611 St. Johns Bluff Rd., Jacksonville, said the total square footage would not change and he had little else to add.

(4:07 p.m.) Rich stated he had one e-mail and one letter in support and there was no public comment.

(4:07 p.m.) **Motion by Stevenson, seconded by Sanchez, carried 3/0 with Bryant and Manuel absent, to enact Ordinance 2007-26, known as MAJMOD 2006-29 Sawgrass PUD (Nader's Pest Raiders) adopting findings of fact 1 through 6 to support the motion.**

(4:07 p.m.) Whitehouse stated a correction in the ordinance was provided to the Board in their packets, which specified a date that the public hearing was held and the date should be the date of that day's hearing.

ORDINANCE NO. 2007-26

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA APPROVING A MAJOR MODIFICATION TO THE SAWGRASS PLANNED UNIT DEVELOPMENT (PUD), ORDINANCE NUMBER 73-08, AS AMENDED, MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING FOR AN EFFECTIVE DATE

(04/17/07 - 17 - 4:09 p.m.)

11. PUBLIC HEARING - COMPAMD-2007-02 ESPLANADE - TRANSMITTAL HEARING TO CONSIDER COMPAMD 2007-02, A PROPOSED LAND USE AMENDMENT TO CHANGE THE 2015 FUTURE LAND USE MAP (FLUM) FROM RURAL/SILVACULTURE TO MIXED USE, A TEXT AMENDMENT TO THE POLICY A.1.18.3 SAINT JOHNS DRI FUTURE LAND USE, AND AMEND THE CAPITAL IMPROVEMENTS SCHEDULE TO INCLUDE THE PROPOSED

IMPROVEMENTS. THE SUBJECT PROPERTY IS LOCATED IMMEDIATELY EAST OF INTERSTATE 95, NORTH OF INTERNATIONAL GOLF PARKWAY. THE SITE CONTAINS APPROXIMATELY 579.65 ACRES FOR WHICH THE FUTURE LAND USE MAP CHANGE IS REQUESTED. THE TOTAL ACREAGE OF THE PROPOSED DEVELOPMENT IS 945.56 ACRES (INCLUDING PROPERTY WITHIN THE SAINT JOHNS DRI (338.30 ACRES) AND GOLFWAY CENTRE PUD (27.61 ACRES). THIS IS THE ACREAGE TO WHICH THE TEXT AMENDMENTS APPLY

Proof of publication of the notice of public hearing regarding COMPAMD 2007-02 Esplanade at St. Johns, was received, having been published in *The St. Augustine Record* on April 2, 2007.

Lindsay Haga, Chief Planner, gave the presentation and stated it was a transmittal public hearing for a Comprehensive Plan Amendment 2007-02, Esplanade, and reviewed the three components of the application as well as the staff report. She noted that the transmittal was subject to the resolution of the outstanding comments that were ferreted out during the review of the notice of the proposed change, as well as the information that they would receive from the Department of Community Affairs, known as the Objections, Recommendations and Comments Report.

(4:13p.m.) Stevenson stated she had ex-parte conversation with McClure regarding an abbreviated overview of where they were on the transportation issues and locations of vested rights. Rich and Sanchez declared ex-parte with McClure.

(4:15 p.m.) Deputy Clerk, Terry Bulla left the meeting and Deputy Clerk, Pam Halterman entered the meeting.

(4:14 p.m.) Deputy Clerk Bulla left the meeting and Deputy Clerk Halterman joined the meeting.

George McClure, 81 King St., Suite A, offered detailed presentation regarding the development project and an explanation of the transmittal document. He introduced the project's development team members in attendance.

(4:30 p.m.) Ben Carter, Ben Carter Companies, 552 Ponte Vedra Blvd, Ponte Vedra, explained the process they had used to choose the site for the DRI project which involved an open-air shopping environment with restaurants clustered around intersections with outdoor dining and parks.

(4:37 p.m.) McClure continued with his presentation on the development project.

(4:42 p.m.) Frank Herring, 1250 Woodmire Drive, Winter Park, offered a presentation regarding the proposed "Class-A" office development to include such offices as insurance and financial companies.

(4:49 p.m.) In response to an inquiry, McClure explained that they planned to six-lane International Golf Parkway up to the mall entrance which included off-site (public roads) road improvements with the project costing approximately \$40 million dollars; however, specific road improvements had yet to be determined.

(4:55 p.m.) Stevenson suggested that the transportation element was priority for the County. McClure stated that transportation was one of the most difficult elements of the project because of the constraints involved with the rights-of-way by the presences of valuable businesses that would be costly to displace and by the location of wetlands.

He noted that a benefit was the substantial amount of dirt to work with on long-range improvements.

(5:02 p.m.) Ellen Whitmer, 1178 Natures Hammock Road, Fruit Cove, spoke in opposition to the development. She suggested that the board take a complete inventory of the already approved commercial, office, retail and residential space prior to adding more to the total picture.

(5:06 p.m.) McClure affirmed that they would return to the board sometime in July with more details on the development project. Stevenson advised that the Nine Mile Road (IGP) would be discussed when the developer returns later in the year.

Due to technical difficulties, the chairman called a break at 5:08 p.m., and reconvened the meeting at 5:11 p.m.

(5:11 p.m.) Motion by Stevenson, seconded by Sanchez, carried 3/0 with Manuel and Bryant absent, to approve the Transmittal of Application File No. COMPAMD 2007-02 Esplanade to the Department of Community Affairs (DCA) for the purpose of obtaining additional review of this request to amend the 2015 Future Land Use Map form R/S to Mixed Use, amend Policy A.1.18.3 to add in an additional use, amend the Capital Improvements Schedule to include the proposed improvements, in which case an Adoption Hearing may be scheduled at a future date.

(5:12 p.m.) Stevenson requested that the minutes from the meeting be forwarded with the transmittal to the DCA.

(04/17/07 - 19 - 5:12 p.m.)

12. PUBLIC HEARING - PUD 2006-08 SANDY CREEK - MAJOR MODIFICATION/PUD REZONING TO THE EXISTING SANDY CREEK PUD. THE APPLICATION INCLUDES THE FOLLOWING MODIFICATIONS: TO EXTEND THE PHASING, REDEFINE THE INDUSTRIAL USES FOR LIGHT INDUSTRIAL, CHANGE FRONT YARD SETBACKS FOR SINGLE FAMILY, PROVIDE FOR A CELL TOWER; AND CHANGE OVERALL PROJECT LAYOUT. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS ITEM AT THEIR FEBRUARY 15, 2007 MEETING BY A VOTE OF 7/0 (WHEELER/GRAYSON) SUBJECT TO THE FOLLOWING CONDITIONS: 1) INCLUDES WAIVER REQUESTS ONE AND TWO; 2) MODIFY THE LANGUAGE FOR PARKING WITHIN THE MULTI-FAMILY AREA TO COMPLY WITH CURRENT LDC REGULATIONS; 3) MODIFY THE LANGUAGE FOR PARKING TO STATE BASKETBALL FACILITIES WILL BE PROVIDED; AND 4) MODIFY THE LANGUAGE TO STATE SOLID WASTE DEMAND WILL BE MET THROUGH COMPLIANCE WITH STANDARDS OF SOLID WASTE PROVIDERS FOR THE MULTI-FAMILY COMPONENT. DISCUSSION DURING THE HEARING COVERED THE ISSUES ABOVE, PRESERVATION OF WETLANDS THROUGH THE REDESIGN OF THE SITE AND WAIVER REQUEST #3 REQUESTING THE SUBDIVISION SIGN ALONG THE INTERSTATE FRONTAGE. THE PZA DID NOT INCLUDE WAIVER #3 AS REQUESTED AND RECOMMENDED DENIAL OF THE WAIVER REQUEST TO PREVENT CLUTTERING OF SUBDIVISION SIGNAGE ALONG THE ROADWAY CORRIDOR

Proof of publication of the notice of public hearing regarding PUD 2006-08 Sandy Creek PUD, was received, having been published in *The St. Augustine Record* on April 2, 2007.

Lindsay Haga offered the board a description of the development project.

(5:17 p.m.) Rich questioned whether staff should address the dumpster issue in order to clarify ordinances prior to the need to discuss the matter during a hearing. Haga said it was possible to correct dumpster issues identified through Code Enforcement proceedings. Rich offered the boards' help with the matter.

(5:19 p.m.) Stevenson disclosed ex-parte communications with McClure and the property owners regarding the hay field and transportation in the area. Rich noted ex-parte communications with property owner McCormick and McClure in regards to the development.

(5:21 p.m.) George McClure, 81 King Street, explained the proposed PUD and signage elements of the development project.

(5:27 p.m.) Rich read the PZA's waiver recommendations and conditions. In response to an inquiry, Haga affirmed that staff had no objections to the proposed signage; however, the PZA was concerned with cluttering the frontage of I-95 in the county. Rich asked McClure if the PZA was in favor of highway signage for a limited period of time. McClure advised that no discussion occurred regarding short-term highway signage. He noted that the development frontage measured over one-half mile. Rich asked if the applicant would agree to a limited timeframe for the proposed signage. McClure offered an alternative solution by asking whether the board would allow construction of the sign if the property owner agreed to eliminate one of the large interstate billboards from the property. He said his client would agree to a five-year signage timeframe limit. Rich clarified that the board was offering an alternative and it should not be construed as an ultimatum. In response to an inquiry, Whitehouse advised that the board could place a timeframe limitation on the proposed signage. McClure said language would be included to allow the BCC to extend the signage timeframe limitation to five years upon the completion of the sign construction. McCormack advised that the proposal was allowed by the board; although the proposal seemed more of a bonus than a waiver. McClure reiterated that the subject site had over one-half mile of frontage but lacked the ability to construct an I-95 access road to the development. Stevenson pointed out that the Lumber Yard 84 sign had previously been approved by the board. She asked whether staff was suggesting that more applications for I-95 signage would be generated because of the current proposal. Haga noted that several other mixed use projects backed to I-95 and those developers could possibly seek the same request. McClure said the proposed signage would break up the large fence area along I-95. Rich suggested that I-95 was already blighted by signage. Haga presented the county's uniform sign plan to the board which addressed flags, banners, etc. Stevenson offered the following facts to allow the approval: the size of the sites' I-95 frontage, existing signage on I-95, limited access and the qualitative characteristics on the limitation of the sign area and appearance as presented.

(5:52 p.m.) Motion by Stevenson, seconded by Rich, carried 3/0 with Manuel and Bryant absent, to enact Ordinance 2007- 27, known as PUD 2006-08 Sandy Creek PUD adopting findings of fact, one through seven, to support the motion including a permanent sign waiver.

(5:56 p.m.) Motion amended by Stevenson, seconded by Rich, carried 3/0 with Manuel and Bryant absent, to limit the sign waiver to a five-year limit.

ORDINANCE NO. 2007-27

AN ORDINANCE OF THE COUNTY OF ST. JOHNS,
STATE OF FLORIDA APPROVING A MAJOR

MODIFICATION AND REZONING TO THE SANDY CREEK (PUD) ORDINANCE NUMBER 2003-67, AS AMENDED, MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING FOR AN EFFECTIVE DATE

(5:56 p.m.) Kropacek noted that staff was not able to contact the applicant for **Item 12.a.** (formerly Consent Item #10). He advised that staff would start to review corporations on all contracts coming before the board. Rich noted that he had researched the corporation through the State listing of corporations and found that the company was currently inactive.

(04/17/07 - 21 - 5:57 p.m.)
COMMISSIONERS' REPORTS

STEVENSON:

She thanked staff, David Dinkins, Dean Campbell and Karen Pan for their presentation at a meeting regarding the St. Johns River. She noted that the My Florida Yards meeting would be held on June 5, 2007. She mentioned that a location for a new northwest Post Office was currently being discussed.

SANCHEZ:

He asked that the Stonehurst development issue be placed on the next agenda. Stevenson said the Stonehurst issue should also be presented to the community. Sanchez pointed out that staff had already made a presentation to the community regarding road access. He said he would agree to a meeting in the community but the issue needed to be on the boards' agenda as soon as possible.

RICH:

He apologized to the Stratton Road residents regarding the D.R. Horton development and the living conditions caused by the developer which he would continue to monitor.

(04/17/07 - 21 - 6:04 p.m.)
COUNTY ADMINISTRATOR REPORT

Kropacek noted that Troy Blevins had been named Director of Parks and Recreation. He said the Charter presentation was currently on the County website. He pointed out that the administrative budget hearings would start the following week. He advised that the County had received the Distinguished Budget Presentation Award and outstanding awards for financial plan, communications device, special capital and special performance recognition. Stevenson asked Kropacek to make an announcement regarding volunteer week. She asked for the presentation information on the Charter proposal. Rich directed Kropacek to include the website information for the Charter in the public newspaper announcements.

(04/17/07 - 21 - 6:08 p.m.)
COUNTY ATTORNEY'S REPORT

McCormack advised that a Notice of Claim form pertaining to claims against the county had recently been requested; however, staff believed that it involved a confidential item according to their interpretation of policy. He said he would request an opinion from the Attorney Generals' Office on whether the Notice of Claim was confidential. *Consensus of the board was to allow McCormack to contact the Attorney General's office for clarification.*

With there being no further business to come before the Board, the meeting adjourned at 6:13 p.m.

REPORTS:

1. St. Johns County Board of County Commissioners Check Register, Check Nos. 399422 through 399875, totaling \$4,390,390.33 (03/27/07)
2. St. Johns County Board of County Commissioners Check Register, Check Nos. 399899 through 400167, totaling \$3,333,290.34 (04/03/07)
3. St. Johns County Board of County Commissioners Check Register, Check Nos. 400168 through 400174, totaling \$177,282.08

CORRESPONDENCE:

1. Letter to Liz Cloud, Program Administrator, filing Ordinance Numbers 2007-20 through 2007-23 (March 3, 2007)
2. Letter to Liz Cloud, Program Administrator, filing Ordinance Number 2007-19 (March 27, 2007)
3. Letter to Cheryl Strickland, Clerk of the Circuit Court, regarding acknowledgement of receipt of a letter dated March 22, 2007 and certified copies of St. Johns County Ordinance Nos. 2007-13 through 2007-18, filed on March 23, 2007

Approved May 15, 2007

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: Ben Rich
Ben Rich, Chairman

ATTEST: CHERYL STRICKLAND, CLERK

By: Yvonne King
Deputy Clerk