

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
MAY 15, 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
Ron Sanchez, District 2
James Bryant, District 5
Waldemar Kropacek, Interim County Administrator
Patrick McCormack, County Attorney
Lenora Newsome, Deputy Clerk

Also present: Cheryl Strickland, Clerk of Court

(05/15/07 - 1 - 8:00 a.m.)
CALL TO ORDER SPECIAL MEETING

Rich called the special meeting to order: Commissioners Stevenson and Manuel were not present.

(05/15/07 - 1 - 8:03 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 VERTICALITY, INC., AND ST. JOHNS COUNTY, CASE NO. 3:06-CV-1113-J-25HTS, 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

Patrick McCormack, County Attorney, informed the Board that he needed advice on the lawsuit between Verticality, Inc., and St. Johns County, Case No. 3:06-CV-1113-J-25HTS. Rich mentioned the people attending: Commissioner Ben Rich, Commissioner Ron Sanchez, Commissioner Jim Bryant, County Administrator Wally Kropacek, County Attorney Patrick McCormack, Estella Lane and Cathy Upchurch, Court Reporters. McCormack also announced that Commissioner Cyndi Stevenson and Commissioner Tom Manuel may be joining the meeting.

The meeting recessed at 8:05 a.m. and reconvened at 8:31 a.m. Manuel and Stevenson entered the meeting.

(8:31 a.m.) *McCormack asked for authority to: (1) brief settlement perimeters with the community, particularly the parties that had shown a particular interest in this matter; (2) explore how this Board's approval of the Mickler tower changed the coverage perimeters in a way that may affect the tower subject of this lawsuit; and (3) explore the issue pertaining to setbacks to see, if under Section 365.172, there might be an opportunity to look for appropriate under that statute setbacks, which may have the affect of making available one or more alternate sites for the tower.* (8:33 a.m.) **Motion by Rich, seconded by Manuel, carried 5/0, for the Board to give authority to the County Attorney to explore all of those items as outlined.**

The meeting adjourned at 8:34 a.m.

(05/15/07 - 2 - 9:04 a.m.)
CALL TO ORDER REGULAR MEETING

Rich called the regular meeting to order.

(05/15/07 - 2 - 9:05 a.m.)
ROLL CALL

Rich stated that all five commissioners were present.

(05/15/07 - 2 - 9:06 a.m.)
Rich gave the invocation and Sanchez led the Pledge of Allegiance.

(05/15/07 - 2 - 9:07 a.m.)
SPECIAL RECOGNITION OF THE BOARD OF COUNTY COMMISSIONERS BY
GENERAL BOB BUTTERWORTH, SECRETARY OF THE FLORIDA DEPARTMENT
OF CHILDREN & FAMILIES

General Bob Butterworth spoke on the Florida Department of Children and Families giving the Board a plaque with a gold star for being ranked number one in the State of Florida. Bryant spoke.

(9:12 a.m.) Mr. George Sheldon, Assistant Secretary, stated that the governor declared this Foster Care Month and read the governor's proclamation recognizing what had been done in St. Johns County.

(05/15/07 - 2 - 9:16 a.m.)
PROCLAMATIONS

PROCLAMATION DESIGNATING MAY, 2007 AS FOSTER CARE MONTH

Stevenson read the proclamation and Karen Zink, Program Manager for the Family Integrity Program, thanked everyone for their support of the program.

(05/15/07 - 2 - 9:21 a.m.)
PROCLAMATION MAY 13-19 TOURISM WEEK

Rich asked for Dana Ste Clair, to come forward and read the proclamation. Dana Ste Clair spoke on the tourist industry in St. Johns County accepting the proclamation.

(05/15/07 - 2 - 9:28 a.m.)
ACCEPTANCE OF PROCLAMATION

Motion by Stevenson, seconded by Sanchez, carried 5/0, to accept the proclamations.

(05/15/07 - 2 - 9:28 a.m.)
DELETIONS TO CONSENT AGENDA

Manuel requested to move Item 18 to the regular agenda as Item 15a. Kropacek requested to pull Items 9, 14, 26 and 28, and move Item 10 to the regular agenda as Item 15b.

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

1. Approval of the Cash Requirement Report
2. Minutes:
04/17/07 – BCC Regular Meeting
3. Sheriff Office Bonds:
Approve: Mary Colson Jody Gilliland Russell Martin
Cancel: Robert Hogan Ashley Lindsay Meagan Lindberg
Ron Bochenek Roy Wires Frank Houle
4. Motion to approve the transfer in the amount of \$19,000 from Revenue Sharing Bond Fund Reserves (3384-59927) to Property Appraiser Expansion (3384-56300) to provide contingency funds for Property Appraiser Expansion Project # 8946
5. Motion to appropriate \$20,000 from the Board of County Commissioners Budget for a study of funding for the County's Other Post Employment Benefits and motion to authorize the County Administrator or his designee to negotiate a contract with PFM Asset Management LLC, for contract services for a study of funding for the County's Other Post Employment Benefits
6. Motion to recognize Construction Cost Index Fee increase required per Ordinance 2005-27
7. Motion to approve the related capital project rescheduling and the transfer of \$3,320,276 from Transportation Trust Fund Reserve for Capital Outlays (1131-59927), \$600,000 from Impact Fee Road Zone C Reserve (1192-59920), \$76,939 from Impact Fee Road Zone C Capital Outlay Reserve (1192-59927) and \$1,062,070 back to Impact Fee Road Zone A Reserve for Capital Outlays (1186-59927), \$713,963 back to Impact Fee Road Zone B Reserve for Capital Outlay (1189-59927), \$228,300 back to Impact Fee Road Zone D Reserve for Capital Outlay (1193-59927), and \$1,648,209 back to Northwest Road Project (Racetrack Road) Reserve for Capital Outlay (3313-59927)
8. Motion to adopt **Resolution No. 2007-128**, approving the terms of an Interlocal Agreement between St. Johns County and the Town of Hastings for Maintenance of CR13 (Main St.) from the proposed annexation limits to the intersection of SR207, and authorizing the County Administrator to execute the Agreement on behalf of the County

RESOLUTION NO. 2007-128

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS, COUNTY, FLORIDA, APPROVING THE TERMS OF AN INTERLOCAL AGREEMENT BETWEEN ST. JOHNS COUNTY, FLORIDA, AND THE TOWN OF HASTINGS, FLORIDA, FOR MAINTENANCE OF COUNTY ROAD 13 (MAIN STREET) FROM THE PROPOSED TOWN ANNEXATION

**LIMITS TO THE INTERSECTION OF STATE ROAD 207,
AND AUTHORIZING THE COUNTY ADMINISTRATOR
TO EXECUTE THE INTERLOCAL AGREEMENT ON
BEHALF OF THE COUNTY**

9. Motion to adopt a resolution approving a final plat for St. Johns Forest Unit Four

This item was pulled from the agenda.

10. Motion to adopt a resolution approving a final plat for Walden Chase Phase 1 Unit Three Replat of Lot 543

This item was pulled from the agenda and placed on the regular agenda as Item 15b.

11. Motion to adopt **Resolution No. 2007-129**, approving a final plat for Jones Estates

RESOLUTION NO. 2007-129

**A RESOLUTION OF THE BOARD OF COUNTY
COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA,
APPROVING A SUBDIVISION PLAT FOR JONES
ESTATES**

12. Motion to adopt **Resolution No. 2007-130**, approving a final plat for Villages of Valencia Phase 2A and 3A

RESOLUTION NO. 2007-130,

**A RESOLUTION OF THE BOARD OF COUNTY
COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA,
APPROVING A SUBDIVISION PLAT FOR VILLAGES
OF VALENCIA PHASE 2A AND 3A**

13. Motion to adopt **Resolution No. 2007-131**, approving a final plat for Timberwood Landing

RESOLUTION NO. 2007-131

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

14. Motion to adopt a resolution approving a final plat for Countrywalk

This item was pulled from the agenda.

15. 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, and to approve donation of Item #33 (12" Band Saw) to Boy Scout Troop #243

16. Motion to authorize the County Administrator, or his designee, to purchase four mid sized cutaway type vehicles (buses) from the Volusia County Contract #06-B-159JJ with Florida Bus Unlimited, in the amount of \$250,258 and to purchase four small cutaway type vehicles (buses) from the FDOT Public Transit Office,

Florida Vehicle Procurement Program Contract # FVPP-03-SC-3 with Transit Plus, Inc., in the amount of \$212,110

17. Motion to authorize the Interim County Administrator, or his designee, to award a contract to Carrier Corporation to include the two year warranty and maintenance package for a lump sum price of \$342,397 for Bid #07-84, Replace Chillers at Judicial Center
18. Motion to authorize the County Administrator, or his designee, to negotiate, enter into, and execute a contract with Northeast Florida Regional Council, in order to provide professional consulting services for preparation of a Comprehensive Plan EAR

This item was pulled from the agenda and placed on the regular agenda as Item 15a.

19. Motion to authorize the Interim County Administrator, or his designee, to award a contract to Core Engineered Solutions for work described in the attached proposal (convault fuel tanks) for a contract amount of \$233,930.65
20. Motion to adopt **Resolution No. 2007-132**, approving the terms of, and authorizing the County Administrator to execute, a Land Exchange/Purchase and Sale Agreement from the Wilson Family and a Purchase and Sale Agreement from James D. and Kathy A. Etherton for property needed for the realignment of Russell Sampson Road to Leo Maguire Road at the CR210 intersection

RESOLUTION NO. 2007-132

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A LAND EXCHANGE/PURCHASE AND SALE AGREEMENT FROM THE WILSON FAMILY AND A PURCHASE AND SALE AGREEMENT FROM JAMES D. AND KATHY A. ETHERTON FOR PROPERTY NEEDED FOR THE REALIGNMENT OF RUSSELL SAMPSON ROAD AT THE CR 210 INTERSECTION

21. Motion to adopt **Resolution No. 2007-133**, accepting a Grant of Easement from Ronald E. and Gloria A. Case to St. Johns County, and authorizing the County Chair to execute said easement located at the end of Case Lane to allow use of a turnaround for public safety purposes

RESOLUTION NO. 2007-133

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING A GRANT OF EASEMENT FROM RONALD E. AND GLORIA A. CASE TO ST. JOHNS COUNTY AND AUTHORIZING THE COUNTY CHAIR TO EXECUTE SAID EASMENT LOCATED AT THE END OF CASE LAND TO ALLOW USE OF A TURNAROUND FOR PUBLIC SAFETY PURPOSES

22. Motion to adopt **Resolution No. 2007-134**, 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

RESOLUTION NO. 2007-134

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

23. Motion to adopt **Resolution No. 2007-135**, approving the terms of, and authorizing the Chairman to execute, a Conservation Easement over 1.38 acres off Woodlawn Road to mitigate for a regional storm water pond in the St. Augustine Beach area

RESOLUTION NO. 2007-135

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND AUTHORIZING THE CHAIRMAN TO EXECUTE A CONSERVATION EASEMENT OVER 1.38 ACRES OFF WOODLAWN ROAD TO MITIGATE FOR A REGIONAL STORMWATER POND IN THE ST. AUGUSTINE BEACH AREA

24. Motion to adopt **Resolution No. 2007-136**, accepting the terms of the renewal of a Lease from the Town of Hastings to St. Johns County Mental Health-Drop-In-Clinic and authorizing the County Administrator to execute said Lease

RESOLUTION NO. 2007-136

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING THE TERMS OF THE RENEWAL OF A LEASE FROM THE TOWN OF HASTINGS TO ST. JOHNS COUNTY FOR THE ST. JOHNS COUNTY MENTAL HEALTH DROP IN CLINIC AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE SAID LEASE

25. Motion to adopt **Resolution No. 2007-137**, authorizing the Assignment of a License to the new owner of the mobile home on the County owned property on Gaines Road

RESOLUTION NO. 2007-137

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE ASSIGNMENT OF A LICENSE AGREEMENT, APPROVED NOVEMBER 14, 2006, BY RESOLUTION NUMBER 2006-432, TO THE NEW

**OWNER OF THE MOBILE HOME ON THE COUNTY
OWNED PROPERTY LOCATED AT 3640 GAINES ROAD**

26. Motion to authorize the Tree Bank expenditure not to exceed \$8700 for Maxwell Manor dba Halo Properties, Inc., a 36 unit affordable rental housing development and an expenditure not to exceed \$60,405 for Hancock Place dba St. Johns Housing Partnership, a 36 single family affordable homes project and motion to Transfer \$69,105 from Tree Bank Capital Outlay Reserve (1231-59927) to Tree Bank Contractual Services (1231-53120)

This item was pulled from the agenda.

27. Motion to approve a transfer in the amount \$10,000 from Law Enforcement Trust Fund Reserves (1194-59920) to Aid to Private Organizations (1194-58200) for the contribution to the St. Johns County Boy Scouts of America
28. Motion to adopt a resolution approving the terms, conditions, provisions and requirements of an Agreement between St. Johns County, Florida, and the Northeast Florida Credit Bureau, for purposes of collecting unpaid EMS accounts, and authorizing the County Administrator to execute the Agreement on behalf of the County

This item was pulled from the agenda.

29. Proofs:
- a. Proof, Notice of Hearing, St. Johns County Board of County Commissioners, Traffic Violation Ordinance, Tuesday, May 1, 2007 at 9:00 a.m.
 - b. Proof, Notice of Hearings, St. Johns County Board of County Commissioners, Fiscal Year 2008 Administrative Budget Hearings
 - c. Proof, Notice of Meeting, St. Johns Water & Sewer Authority, Monday, April 23, 2007 at 9:00 a.m.
 - d. Proof, Notice of Hearings, St. Johns County Board of County Commissioners, Ordinance Dissolving the Code Enforcement Board, Tuesday, April 3, 2007 at 9:00 a.m. (St Johns Recorder)
 - e. Proof, Notice of Hearings, St. Johns County Board of County Commissioners, Ordinance Dissolving the Code Enforcement Board, Tuesday, April 3, 2007 at 9:00 a.m. (Ponte Vedra Recorder)
 - f. Proof, Notice of Joint Town Hall Meeting, County Commission Districts 1 & 2, Thursday, March 29, 2007 at 6:00 p.m.
 - g. Proof, Public Hearing, St. Johns County Board of County Commissioners, Continued Public Hearing on Beach Code, Tuesday, March 27, 2007 at 5:30 p.m.
 - h. Proof, Notice to Bidders, Bid No. 07-89
 - i. Proof, Notice to Bidders, Bid No. 07-48
 - j. Proof, Notice of Meeting, St. Johns County Board of County Commissioners, Special/Private Meeting, Tuesday, April 17, 2007
 - k. Proof, Notice to Bidders, Bid No. 07-84
 - l. Proof, Notice to Bidders, Bid No. 07-85
 - m. Proof, Notice to Bidders, Bid No. 07-83
 - n. Proof, Notice of Public Disclosure, Full Cost Accounting for Solid Waste Management Services

(05/15/07 - 8 - 9:30 a.m.)

PUBLIC COMMENT

Ed Slavin, Box 3084, spoke on having a website on the National Historical Park, National Seashore and National Scenic Highway.

(9:35 a.m.) Randy Brunson, 1110 Woodlawn Road, spoke on the Junkanoo Festival scheduled for this weekend in downtown St. Augustine starting at 5:30 p.m.

(9:37 a.m.) Gary Bruce, 2155 Old Moultrie Road, thanked the Commissioners for the opportunity that they gave him to participate in foster care of the children in this county. He spoke on community based care.

(9:40 a.m.) Dawn Bell, Early Learning Coalition, 4036 White Pine Lane, thanked the Board on behalf of the 2,000 children that they serve in St. Johns County.

(9:42 a.m.) Dwight Hines, 150 Nesmith Street, spoke on the community's help on the food drive, and privatization

(05/15/07 - 8 - 9:44 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

Rich requested to move Item 15 to follow the time certain Item 9. Kropacek requested to pull Item 8 and add as Item 15c, Amendment No. 5 to the DEP Contract.

(05/15/07 - 8 - 9:46 a.m.)

APPROVAL OF REGULAR AGENDA

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

(05/15/07 - 8 - 9:47 a.m.)

BRIEFING BY THE OFFICE OF MANAGEMENT & BUDGET ON MID-YEAR REPORT AND INITIAL FY 2008 BUDGET ACHIEVEMENTS

Doug Timms, Director Management and Budget, gave a briefing on the update of the budget process. Rich, Manuel and Sanchez responded. (9:59 a.m.) Michael Hunt, Deputy County Attorney, entered the meeting. Stevenson also responded.

(05/15/07 - 8 - 10:03 a.m.)

1. PRESENTATION ON OPEN AND HONEST GOVERNMENT

Manuel reviewed this item and introduced JoAnn Carrin, Director of Open Government, giving her credentials.

(10:04 a.m.) JoAnn Carrin, Director of Open Government, spoke on open government philosophy in local government. She stated why there was Open Government; for accountability, public service, and training programs.

The meeting recessed at 10:20 a.m. and reconvened at 10:33 a.m. Cheryl Strickland left the meeting.

The meeting moved to item 4.

(05/15/07 - 9 - 10:53 a.m.)

2. FLORIDA INLAND NAVIGATION DISTRICT'S (FIND) 2007 INTRACOASTAL WATERWAY (ICW) MAINTENANCE DREDGING PROJECT IN THE VICINITY OF MATANZAS INLET

McCormack reviewed this item.

(10:55 a.m.) David Roach, 1314 Marcinski Road, Jupiter, FL, stated that the attachments to his letter in the packet were not quite correct and clarified.

(10:58 a.m.) Ed Slavin, Box 3084, asked about the environmental impact and spoke in opposition to this item. Rich responded. Slavin asked to place the contract for this project into the record and explained why. He asked to defer this until some of the questions were answered. Rich stated that they were just being advised and not taking action today. McCormack mentioned that FIND was not required to come before the Board. He stated that they just wanted to advise the Board on what going on. He stated that the option here today, was to have the county agree to a temporary construction easement to place it in a less harmful area. Rich, Manuel, and Stevenson responded. (11:10 a.m.) *McCormack stated that he recommended a motion to authorize the County Administrator to execute a temporary construction easement pertaining to FIND placing dredge material upon the 100 foot right-of-way of old A1A in particular situate described in a construction easement through a period of May 15, 2007, and ending on October 15, 2007.* He stated that he asked Mr. Roach if FIND would also sign onto the document. (11:12 a.m.) **Motion by Rich, seconded by Manuel, carried 5/0, to approve the temporary construction easement as described, with the other documents included in the motion by the County Attorney.**

(05/15/07 - 9 - 11:12 a.m.)

3. PUBLIC HEARING - APPEAL TO PZA APPROVAL OF SPECIAL USE PERMIT/ZADMAPL 2007-02 AMITY MARINA -THIS REQUEST IS AN APPEAL BY PORT ST. JOHN AND WEDGEWOOD ROAD RESIDENTS, AGGRIEVED ADJACENT PROPERTY OWNERS, OF A SPECIAL USE PERMIT APPROVED BY THE PLANNING AND ZONING AGENCY ON DEC 7, 2006. THE APPROVED SPECIAL USE PERMIT ALLOWS THE SALE FOR ON-SITE CONSUMPTION OF ALCOHOLIC BEVERAGES (BEER AND WINE) UNDER THE REGULATION OF STATE OF FLORIDA TYPE 2COP LICENSE IN CONNECTION WITH AN EXISTING RESTAURANT AND MARINA IN A CHT ZONING DISTRICT, TO ALLOW FOR CHANGE IN OWNERSHIP. THE PROPERTY IS LOCATED AT 1106 FRIENDSHIP DRIVE. ON FEB 2, 2007 THE APPLICANT FILED AN APPEAL IN A TIMELY MANNER AS PRESCRIBED BY THE LAND DEVELOPMENT CODE

Court Reporter Kimberly Sutton was present.

Marie Hobbs, Assistant Zoning Manager, reviewed this item. Stevenson asked about the item numbered from page 145-148 in the agenda. Hobbs replied that page 145-148 was prepared by the applicant. Rosemary Yeoman, Director of Zoning, stated that the information was the applicant's opinion of her answers. (11:15 a.m.) James Whitehouse, Assistant County Attorney, entered the meeting. Whitehouse reviewed the procedure on this item. Stevenson disclosed exparte communication regarding being contacted by some neighbors concerned about the clearing of this parcel.

(11:18 a.m.) William Huseman, 3733 University Blvd. West, spoke on the facts and the law regarding items 2 through 11. He spoke on item 14 regarding a letter sent to Yeoman, the police being called on noise level, item 97, and alcoholic beverages and

special parties. He asked to grant the appeal and deny the Special Use Permit. Stevenson stated that some of the items mentioned by Huseman may not be associated with this item today. Whitehouse agreed with Stevenson and reviewed the clarification on what the commissioners needed to consider for that particular use only. Huseman spoke on the special use permit referring to current uses. Manuel asked who his clients were. Houston replied that his clients were the Wedgewood residents.

(11:41 a.m.) Doug Burnett, requested clarification on who was filing the appeal. Whitehouse stated that if Huseman stated that he represented at least one person, then the appeal can go on. Rich stated that the County attorney stated that Huseman had standing and the appeal could go on. Whitehouse advised the Board to have Huseman state who he represented for the record. Huseman stated that he represented the residents at 1131 Wedgewood Road, the Frizzell family, Donald S Freedman, Don Whitcomb and the Muraca family also on Wedgewood.

The meeting recessed at 11:47 a.m. and reconvened at 11:56 a.m.

(11:57 a.m.) Pat Herbert, 975 North Lilac Loop, as a consultant to Amity Marina, LLC, gave his address. Burnett presented a power point presentation. He spoke on the rules related to the Marina. He stated that the special use permit was not in conflict with the Future Land Use designation of adjoining and surrounding land uses as evidenced.

(12:14 p.m.) Jerry Sachs, 13893 Athens Drive, Jacksonville, spoke in favor of the special use permit.

(12:17 p.m.) Rick O'Connor, 1404 Sherbrooke Court, stated that he was one of the principal owners of Amity Marina. He spoke in favor of the special use permit.

(12:21 p.m.) Jeff Tabb, 4745 Sutton Park Court, spoke on understanding what the limitations were, and being concerned about beer and wine sales and consumption. Rich spoke on getting into someone's personal life. Stevenson questioned if they were asking the Board to regulate the consumption of alcohol beyond the Class 2COP alcohol license. Whitehouse replied that he was not sure what they were looking for, as far as the consumption on the premises, but stated that they could not have the sale or consumption outside the restaurant. Stevenson asked what the concern was. Rich stated that Tabb was asking how the Board was going to regulate it. Discussion followed. (12:38 p.m.) Tab spoke on clarifying what the limitations were and the unknown concerns of the residents.

(12:46 p.m.) Gerald Thompson, 1833 SR 13 North, spoke on safety and in favor of the special use permit.

(12:48 p.m.) Bill Bocchino, 417 Oak Pond Drive, spoke in support of what has happened at the Marina and in favor of the special use permit.

(12:50 p.m.) Greg Berchmiller, 121 Holly Berry Lane, stated that he had many issues that he needed resolution on.

(12:51 p.m.) Bryan Lendry, 4745 Sutton Park Court, spoke on the concern of the unknown, what was and wasn't allowed.

(12:57 p.m.) Holly Berckmiller, 121 Holly Berry Lane, stated that she would like to have some issues clarified and listed them.

(1:00 p.m.) Paul Suto, 1176 Friendship Drive, spoke in favor of the special use permit.

(1:03 p.m.) George Eckenrode, 108 Holly Berry Lane, spoke in opposition of granting the beer and wine permit.

(1:05 p.m.) Steve Frizzell, 1131 Wedgewood Road, spoke in opposition of granting the special use permit.

(1:11 p.m.) Donald Freedman, 1184 Wedgewood Road, spoke in opposition of granting the special use permit.

(1:12 p.m.) Cheri Johnson, 1100 Mill Creek Drive, spoke in favor of the special use permit.

The meeting recessed at 1:15 p.m. with Deputy Clerk Lenora Newsome leaving the meeting and Deputy Clerk Terry Bulla entering the meeting.

(1:22 p.m.) Subsequently, John Bunn, 597 Tivoli Dr., St. Johns, FL, said the restaurant had been inactive due to Mr. Williams' health. He said the new owners were being harassed. He reported that the two residents on either side of the marina wanted to buy the property but the owner refused to sell it to them. He said the new owners had done a great job of cleaning it up and bringing it up-to-date, and it was the only public marina in St. Johns County on the river.

(1:25 p.m.) Linda Summarell, 1156 Friendship Rd., said she was a resident of Amity Marina and spoke in favor of the applicant.

(1:26 p.m.) Rick O'Connor, 1404 Sherbrooke Ct., Jacksonville, spoke on behalf of Howard Imray, who was unable to stay for the meeting, and said he was in favor of the marina.

(1:26 p.m.) Laura O'Connor, 1404 Sherbrooke Ct., Jacksonville, said her husband was one of the owners. She said it was a private club with membership and would not be open to the public. She spoke in support of the marina.

(1:30 p.m.) *Rich announced that Item No. 3 was closed and Item No. 9, time certain for 1:30 p.m., was opened. Move to item No. 9.*

(2:08 p.m.) *The meeting resumed and Item No. 3 was reopened. Rich announced that the public comment portion was completed and they would resume the item where they had left off.*

(2:08 p.m.) Doug Burnett gave a PowerPoint presentation on Amity Marina. He presented a copy of the presentation along with a copy of the Staff Report presented at the PZA meeting to the Clerk.

(2:13 p.m.) William R. Huseman, attorney for the appellant, 3733 University Blvd. W. #210-B, Jacksonville, said those who opposed the appeal were not the immediate affected residents. He said what had been presented before the PZA was not the whole truth and the Commission was not given all of the authorization. He said there would be a substantial impact on the adjacent properties, and asked the Commission to deny the request for the appeal.

(2:16 a.m.) Motion by Manual, seconded by Stevenson, carried 5/0, to approve the Special Use Permit, upholding the Planning and Zoning Agency approval, Order dated January 4, 2007, for William Harvey Grant Sub south westerly 105' of Lot 15 Plat, Parcel ID #000410-0000, to allow the sale for on-premise consumption of

alcoholic beverages (Beer and Wine) under the regulation of State of Florida Type 2 COP license in connection with an existing restaurant and marina in a CHT zoning district, to allow for change in ownership, specifically located at 1106 Friendship Drive, subject to the ten conditions and adopting the eight findings of fact

(05/15/07 - 12 - 10:33 a.m.)

4. PUBLIC HEARING - AFFORDABLE HOUSING HOME RULE ORDINANCE/FANNIE MAE HOUSING PROGRAM - AS DISCUSSED AT A PREVIOUS BOARD MEETING, FANNIE MAE HAS A REVOLVING LINE OF CREDIT PROGRAM TO ASSIST IN THE DEVELOPMENT OF AFFORDABLE HOUSING IN THE COUNTY. FANNIE MAE HAS AGREED TO PROVIDE TO THE COUNTY A \$2,000,000 REVOLVING LINE OF CREDIT THAT WOULD BE AVAILABLE TO LEND TO APPROVED DEVELOPERS FOR THE CONSTRUCTION OF AFFORDABLE HOUSING FOR APPROVED HOMEBUYERS. AS DIRECTED BY THE BOARD, COUNTY STAFF HAS TAKEN THE STEPS NECESSARY TO HAVE THE DOCUMENTS TO IMPLEMENT THE COUNTY FANNIE MAE HOUSING PROGRAM PREPARED. IN ORDER TO IMPLEMENT SUCH PROGRAM AND AUTHORIZE THE EXECUTION OF THE RELATED PROGRAM AND LOAN DOCUMENTS, IT IS NECESSARY AND DESIRABLE FOR THE COUNTY TO ENACT A HOME RULE ORDINANCE PROVIDING AUTHORITY FOR THE BORROWING OF FUNDS AND THE MAKING OF LOANS FOR AFFORDABLE HOUSING PROJECTS WITHIN THE COUNTY AND PROVIDING FOR THE ISSUANCE OF REVENUE NOTES BY THE COUNTY TO FINANCE AFFORDABLE HOUSING PROJECTS WITHIN THE COUNTY AS DESCRIBED IN THE ATTACHED ORDINANCE

Proof of publication for the notice of public hearing regarding Affordable Housing Home Rule Ordinance was received, having been published in *The St. Augustine Record* on May 3, 2007.

(10:34 a.m.) Tom Crawford, Housing & Community Services Director, spoke on this issue describing the future plans regarding affordable housing and Home Rule Ordinance/Fannie Mae Housing Program.

(10:37 a.m.) Jean Mangu, Special Bond Council, explained the Affordable Housing Home Rule Ordinance to the Board. Crawford noted that they hoped, over the life of the program, that they would build somewhere between fifty to sixty houses.

(10:41 a.m.) Randy Brunson, Chairman of St. Johns County Builders Council, asked the Board for their support in the Fannie Mae Program and stated that the program was an incentive for a small amount of builders who were willing to take the risk, sign the notes and personally guarantee this loan to build the S.H.I.P. type workforce homes that were kept at \$150,000. Manuel asked about the borrowers and where the lots came from. Crawford responded. Stevenson asked about the approval process. Crawford responded. (10:49 a.m.) **Motion by Stevenson, seconded by Sanchez, carried 5/0, to enact Ordinance No. 2007-34 providing authority for the borrowing of funds and the making of loans for affordable housing projects within the County and providing for the issuance of revenue notes by the County to finance affordable housing projects within the County.**

ORDINANCE NO 2007-34

**AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA,
PROVIDING AUTHORITY FOR THE BORROWING OF**

FUNDS AND THE MAKING OF LOANS FOR AFFORDABLE HOUSING PROJECTS WITHIN THE COUNTY; PROVIDING FINDINGS; PROVIDING DEFINITIONS; PROVIDING FOR GENERAL POWERS OF THE BOARD OF COUNTY COMMISSIONERS; PROVIDING FOR THE ISSUANCE OF REVENUE NOTES AND REFUNDING REVENUE NOTES BY THE COUNTY TO FINANCE AFFORDABLE HOUSING PROJECTS WITHIN THE COUNTY; PROVIDING FOR THE EXECUTION OF AGREEMENTS AND OTHER INSTRUMENTS BY THE COUNTY RELATING TO SUCH NOTES; PROVIDING FOR THE PAYMENT OF SUCH NOTES FROM ANY LEGALLY AVAILABLE MONEYS OF THE COUNTY DERIVED FROM SOURCES OTHER THAN AD VALOREM TAXATION DESIGNATED BY THE COUNTY; PROVIDING CRITERIA, REQUIREMENTS AND TERMS FOR ASSISTANCE TO BE RENDERED TO DEVELOPERS OF AFFORDABLE HOUSING AND THE MAKING OF LOANS TO SUCH DEVELOPERS FOR AFFORDABLE HOUSING PROJECTS; PROVIDING THAT THE TAXING POWER OF THE COUNTY SHALL NOT BE PLEDGED; PROVIDING THAT THE PROVISIONS OF THE ORDINANCE SHALL BE IN ADDITION TO OTHER AUTHORIZING MEANS; PROVIDING FOR THE MANNER OF CONSTRUCTION OF THIS ORDINANCE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

(05/15/07 - 13 - 10:52 a.m.)

5. CONSIDER A MOTION TO ADOPT A RESOLUTION AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$2,000,000 PRINCIPAL AMOUNT OF A COUNTY PROMISSORY NOTE PAYABLE TO FANNIE MAE AND THE MAKING OF LOANS BY THE COUNTY FOR AFFORDABLE WORKFORCE HOUSING IN THE COUNTY UNDER THE COUNTY FANNIE MAE HOUSING PROGRAM AND AUTHORIZING THE EXECUTION AND DELIVERY OF RELATED PROGRAM AND LOAN DOCUMENTS

(10:52 p.m.) **Motion by Rich, seconded by Sanchez, carried 5/0, to adopt Resolution No. 2007-138, authorizing the issuance of not exceeding \$2,000,000 principal amount of a County promissory note payable to Fannie Mae and the making of loans by the County for affordable workforce housing in the County under the County Fannie Mae housing program and authorizing the execution and delivery of related program and loan documents.** Crawford asked to make a motion to approve the transfer of the funds on the line items. (10:52 a.m.) **Motion by Stevenson, seconded by Sanchez, carried 5/0, to approve the use of funds, if necessary, in the amount of \$275,000 from Affordable Housing Impact Fee Credits (0094-58210) to be used for the collateral and related fees required by the Fannie Mae Community Express Revolving Loan Program.**

RESOLUTION NO. 2007-138

RESOLUTION AUTHORIZING THE BORROWING OF FUNDS AND THE MAKING OF LOANS FOR AFFORDABLE SINGLE-FAMILY WORKFORCE HOUSING WITHIN THE COUNTY IN CONNECTION

WITH A COUNTY FANNIE MAE HOUSING PROGRAM; APPROVING THE PROGRAM DESCRIPTION OF SAID COUNTY HOUSING PROGRAM; AUTHORIZING THE ISSUANCE AND DELIVERY BY THE COUNTY OF NOT EXCEEDING \$2,000,000 PRINCIPAL AMOUNT OF A PROMISSORY NOTE TO FINANCE A PART OF THE COST OF CONSTRUCTION OF AFFORDABLE WORKFORCE HOUSING IN CONNECTION WITH SAID COUNTY HOUSING PROGRAM; AUTHORIZING THE EXECUTION AND DELIVERY OF A LOAN AND SECURITY AGREEMENT BETWEEN THE COUNTY AND FANNIE MAE IN CONNECTION THEREWITH; APPROVING THE FORM OF SAID LOAN AND SECURITY AGREEMENT AND SAID PROMISSORY NOTE EVIDENCING SUCH FINANCING; PROVIDING FOR THE PAYMENT OF SAID PROMISSORY NOTE; AUTHORIZING THE EXECUTION AND DELIVERY OF A LETTER OF CREDIT AGREEMENT AND A SECURITY AGREEMENT BETWEEN THE COUNTY AND WACHOVIA BANK, N.A. IN CONNECTION THEREWITH; APPROVING THE FORM OF SAID LETTER OF CREDIT AGREEMENT AND SAID SECURITY AGREEMENT RELATING TO SUCH LETTER OF CREDIT; AUTHORIZING THE EXECUTION AND DELIVERY OF CONSTRUCTION LOAN AGREEMENTS BETWEEN THE COUNTY AND APPROVED DEVELOPERS OF AFFORDABLE WORKFORCE HOUSING IN CONNECTION THEREWITH; APPROVING A FORM OF SAID CONSTRUCTION LOAN AGREEMENT AND FORMS OF THE RELATED MORTGAGE AND NOTE TO BE EXECUTED BY SAID DEVELOPERS; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

(05/15/07 - 14 - 4:36 p.m.)

6. CONSIDER APPOINTMENT TO THE HIV HEALTH SERVICES PLANNING COUNCIL

Melissa Lundquist, Administrative Coordinator, offered the board information concerning the appointment opening for the HIV Health Services Planning Council.

(4:38 p.m.) **Motion by Rich, seconded by Manuel, carried 4/0, with Stevenson absent, to recommend appointment of Ms. JoAnna Nelson to the HIV Health Services Planning Council to fill the term of Ms. Susan Shirk scheduled to expire March 1, 2009.**

(05/15/07 - 14 - 4:38 p.m.)

7. CONSIDER A REQUEST FOR WAIVER OF THE MAJOR MODIFICATION APPLICATION FEES FOR ANCHOR FAITH CHURCH

Lindsay Haga, AICP, Chief Planner, offered information regarding the application fee waiver for the Anchor Faith Church. She explained that the major modification fee waiver request involved approximately \$1,500.00, and the applicant must show that the

waiver would be in the best interest of the County and serve a public purpose which had been provided by the church. Stevenson entered the meeting at 4:39 p.m.

(4:40 p.m.) Stevenson questioned why a house of worship would be excluded from a PUD. Haga advised that PUD's were initiated by private property owners based on their particular uses they would like to develop on the site.

Earl Glisson, Pastor, Anchor Faith Church, 619 Segovia Road, explained to the board that the county's website only indicated the site as commercial and not a PUD; however, after more research, it was discovered that the site had been rezoned to a PUD.

(4:42 p.m.) Manuel asked if the applicant had a lease-hold interest with the property owner. Glisson affirmed that they had a three-year lease. Whitehouse advised that the applicant had a letter from the property owner which authorized the applicant to file the waiver application. Glisson continued to explain the commercially zoned surrounding properties located in the vicinity of their site. He noted that the church use would comply with the spirit and intent of the Code but was not specified in the PUD narrative. Whitehouse pointed out that the requested waiver involved a non-profit church organization; however, they were required to comply with the county process which involved a fee. Glisson agreed with Whitehouse in regards to a church already allowed on the site and questioned why they would be required to pay a fee if only their name was being added to the use. Bryant asked if moving the church would cause an undo hardship which Glisson affirmed that to be correct.

(4:48 p.m.) Motion by Bryant, seconded by Rich, carried 5/0, to approve a waiver of the Major Modification application fee, finding that the waiver of said fees were in the best interest of the County and will serve a public purpose by not putting the applicant under an undo hardship forcing to relocate the church.

(05/15/07 - 15 - 9:44 a.m.)

8. CONSIDER A MOTION TO ADOPT A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE RIVERTOWN ROAD AND PARK IMPACT FEE CREDIT AGREEMENT IN THE AMOUNT OF \$43,176,778 IN ROAD IMPACT FEE CREDITS AND IN THE AMOUNT OF \$11,168,544 PARK IMPACT FEE CREDITS.

This item was pulled from the agenda.

(05/15/07 - 15 - 1:30 p.m.)

9. PUBLIC HEARING - PUD 2006-19 VILLAGES OF ST. AUGUSTINE PLANNED UNIT DEVELOPMENT - THIS ITEM WAS CONTINUED FROM THE APRIL 3, 2007 PUBLIC HEARING TO ALLOW THE APPLICANT TO HOST A COMMUNITY MEETING WITH ADJACENT PROPERTY OWNERS. THIS REQUEST SEEKS TO REZONE APPROXIMATELY 12.45 ACRES FROM RMH, CI AND RS-3 TO PLANNED UNIT DEVELOPMENT (PUD) IN ORDER TO CONSTRUCT UP TO 52 MULTI-FAMILY UNITS 6,000 SQUARE FEET OF BANK WITH DRIVE THROUGH AND 20,625 SQUARE FEET OF COMMERCIAL. ALLOWED COMMERCIAL USES INCLUDE BANK AND RETAIL USES CONSISTENT WITH COMMUNITY COMMERCIAL USES. THE SITE IS LOCATED OFF OF SR 16, JUST EAST OF WOODLAWN RD. THE MASTER DEVELOPMENT PLAN PROPOSES ONE ACCESS POINT OFF OF SR 16. THERE WILL BE A FOUR FOOT SIDEWALK ALONG INTERNAL ROADS. A 10 FOOT PERIMETER BUFFER IS PROVIDED AROUND THE PERIMETER OF BOTH THE RESIDENTIAL AND COMMERCIAL PORTIONS OF THE

PROJECT. THERE IS 5.96 ACRES OF OPEN SPACE PROVIDED OR 48% OF THE SITE. 1.29 ACRES OF DEVELOPMENT AREA HAS BEEN SET ASIDE FOR ACTIVE RECREATION. AMENITIES PROVIDED INCLUDE A TOT LOT GRASSED FIELD AND MAY INCLUDE A SWIMMING POOL. CENTRAL WATER AND SEWER WILL BE PROVIDED THE CITY OF ST. AUGUSTINE. THE PROJECT WILL BE DEVELOPED IN ONE FIVE YEAR PHASE. THE PROJECT SITE IS SURROUNDED BY THE FOLLOWING EXISTING ZONING CATEGORIES: PUD, RMH(S), RMH, AND RS-3. THE SURROUNDING FUTURE LAND USE IS MIXED USE DISTRICT (MD) AND RESIDENTIAL-C. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS REZONING REQUEST AT THEIR FEBRUARY, 1 2007 HEARING BY A VOTE OF 7 / 0. THIS ITEM WAS CONTINUED FROM THE APRIL 3, 2007 BOARD OF COUNTY COMMISSIONERS PUBLIC HEARING TO ALLOW THE APPLICANT TO MEET WITH ADJACENT PROPERTY OWNERS. DISCUSSION DURING THE PUBLIC HEARING INCLUDED QUESTIONS OF COMPATIBILITY RELATING TO UNIT TYPE, HEIGHT AND THE EXISTING CHARACTER OF THE NEIGHBORHOOD AND BUFFERING ALONG THE NORTHERN PROPERTY LINE

Proof of publication for the notice of public hearing regarding PUD 2006-19, Villages of St. Augustine Planned Unit Development, was received, having been published in *The St. Augustine Record* on March 19, and April 30, 2007.

Court Reporter Kimberly Sutton, St. Augustine Court Reporters was present for this item.

Lindsay Haga reviewed the staff report and gave a brief review of the project.

(2:19 p.m.) Subsequently, Lindsay Haga resumed her presentation. She noted the revised MDP text which had been presented to the Board just prior to the meeting. She noted it was the copy they would be working from and showed the strike through and underlined changes that were born out of the community meeting. She continued the review of the project, which had been continued from the April 3, 2007 public hearing, to allow for a community meeting with the adjacent neighbors to the north of the site. She stated that the PZA had recommended approval by a vote of 7/0.

(2:22 p.m.) Doug Burnett, attorney for the applicant, introduced Ed Herbert, 475 West Town Place, Ste. 200, St. Augustine, Cordele Builders, who told of the two meetings that were held with area residents on April 18 and May 12 to discuss their concerns and issues raised by the Commission. He said he felt their concerns had been resolved. Burnett said a revised MDP text and map had been submitted to reflect the changes. Herbert reviewed some of the concessions they had made including eliminating second floor balconies on the northern edge of the property, erection of a six-foot high privacy fence and a landscaping plan with an effort to save the larger trees on the property. Burnett noted that a change was also made to reflect that there would be only one entrance onto State Road 16. He said they had concurrency for all of the commercial property except for the bank site which might or might not be built.

(2:30 p.m.) Herbert said they proposed a business condo development with a real estate office, dry cleaner, real estate agent and maybe a coffee shop to be built in the commercial section.

(2:31 p.m.) Sherry Badger, 2725 S. Collins Ave., said there was a drainage issue at the site and there was no answer at the PZB meeting as to where the drainage was going to go. She stated that the answer she was given was to a DOT ditch. She asked them to

ask staff if it was the same DOT ditch that fed into Lewis Speedway, which often had both lanes of the road underwater after a heavy rain. Rich said it was the same ditch, and he said the requirement was whether the development was able to meet the drainage requirements as established by law.

(2:34 p.m.) Raymond Russell, son-in-law of the Duntons who live at 840 SR 16, spoke on behalf of his in-laws. He spoke in favor of the development and asked them to approve the request, as they had been the sole owners of the property in question. He said they felt they had the right to sell their property to a developer who would develop it in a manner consistent with the County's future land use plans.

(2:36 p.m.) Bob Guckiean, 1700 Woodlawn Rd. #13, read a letter into the record which had been submitted to Commissioner Sanchez by Bernie Beaumont and him. He spoke in opposition to the project.

(2:42 p.m.) Rich asked if there was multi-family development in the area. Burnett said there was and pointed out its location on the overhead map. Rich asked how many units per building. Burnett said three to six. Rich said his concern was with density. He said single family structures would be much more compatible.

(2:44 p.m.) Burnett compared their proposed development against other density in the area and said the net residential density was similar of less to other development in the area. He said that the issues had been cleared up with all homeowners in the area with the exception of Mr. Guckiean.

(2:48 p.m.) Stevenson reviewed a rule that had changed during the last Legislative Session regarding concurrency units. She said they did not have concurrency for the bank parcel. She said there were difficult congestion issues for that area. She asked if by approving this PUD if they were allowing the bank to come into existence without concurrency, incrementally.

(2:52 p.m.) Whitehouse, Assistant Count Attorney, said denial had to be based on competent substantial evidence. He said it would be difficult to uphold a denial on that basis.

(2:53 p.m.) Rich questioned connectivity and any future plans in that regard.

(2:54 p.m.) Burnett responded that no connectivity had been planned and the site was limited for access by wetlands along one side and a DOT ditch located on that same side.

(2:54 p.m.) Rich stated that children had no way to move about without putting them on a main artery, and asked if there was any other connectivity for children to move about. Burnett responded that area residents did not want additional connectivity, but Mr. Herbert agreed that they would develop a way to make it happen for the children.

(3:00 p.m.) Stevenson expressed appreciation for their meeting with the neighbors and attending to their issues. She said she had no objections to the project.

(3:02 p.m.) Rich asked if they would agree to minimal interconnectivity for bicycles to the new approved PUD project that would be going in adjacent to their project. Haga responded that it could be planned for to make that connection. Rich asked what they had to do to get the adjoining PUD to work with them on this project. Haga responded that it would involve letting the other PUD know of their plan for connectivity.

(3:10 p.m.) Bryant suggested they have a workshop about revamping the mixed use areas to meet the higher criteria for building construction. He said they had to make their decisions on the rules they had in hand.

(3:12 p.m.) Manuel stated that he had an issue with property rights. He said he respected long term property owners and did not want to penalize them because they had held the property for 56 years. He agreed with the interconnectivity issue for that and all projects, and said he would support this project.

(3:15 p.m.) Rich said they needed to revisit the mixed use district as soon as possible. He asked if they were prepared to alter their Development Order to show interconnectivity. Burnett said they would put an arrow showing future pedestrian connectivity. He said there was a retention pond with a foot path in the area. He said the problem with vehicular access was that it was to be a gated area and the only access was to be onto Highway 16. Burnett said they could add a note to the MDP text for future potential interconnectivity.

(3:19 p.m.) Motion by Manuel, seconded by Rich, carried 5/0, to enact Ordinance 2007-35, known as PUD 2006-19, Villages of St. Augustine PUD, adopting the seven findings of fact to support the motion, with the added condition of interconnectivity being shown as agreed to by the applicant.

ORDINANCE NO. 2007- 35

**AN ORDINANCE OF THE COUNTY OF ST. JOHNS,
STATE OF FLORIDA, REZONING LANDS AS
DESCRIBED HEREINAFTER FROM RMH, RMH(S),
AND RS-3 TO PUD (PLANNED UNIT DEVELOPMENT);
PROVIDING FINDINGS OF FACT; PROVIDING A
SAVINGS CLAUSE; REQUIRING RECORDATION; AND
PROVIDING AN EFFECTIVE DATE**

At 2:00 p.m. the Board meeting resumed and returned to Item No. 3 for the completion of the public hearing.

(05/15/07 - 18 - 4:49 p.m.)

10. PUBLIC HEARING - REZ 2006-38 PATEL MEDICAL OFFICES - THIS IS A REQUEST TO REZONE APPROXIMATELY .96 ACRES OF LAND FROM OPEN RURAL (OR) TO OFFICE PROFESSIONAL (OP) FOR THE CONSTRUCTION OF 8,000 SQUARE FEET OF MEDICAL OFFICE SPACE. THE PROPERTY IS LOCATED ON THE EAST SIDE OF OLD MOULTRIE RD. THE PROPERTY IS CURRENTLY OCCUPIED BY A SINGLE FAMILY RESIDENCE. THE PARCEL IS LOCATED WITHIN MIXED USE DISTRICT (MD) LAND USE AS DEPICTED ON 2015 FUTURE LAND USE MAP. THE SURROUNDING PROPERTIES ARE ZONED OPEN RURAL (OR), RESIDENTIAL SINGLE FAMILY (RS-3), PLANNED UNIT DEVELOPMENT (PUD), AND COMMERCIAL INTENSIVE (CI). CENTRAL WATER AND SEWER WILL BE PROVIDED BY ST. JOHNS COUNTY UTILITIES. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS REZONING REQUEST AT THEIR MARCH 15, 2007 HEARING BY A VOTE OF 6/0

Proof of publication for the notice of public hearing regarding Rezoning 2006-38, Patel Medical Offices, was received, having been published in *The St. Augustine Record* on April 30, 2007.

Michael Blackford, Planner II, offered the board detailed information regarding the PUD project. He noted that staff had provided four findings of fact to support the request and the PZA recommended approval of the item.

(4:50 p.m.) **Motion by Manuel, seconded by Stevenson, carried 5/0, to enact Ordinance No. 2007-36, known as REZ 2006-38 Patel Medical Offices, adopting four findings of fact to support the motion.**

ORDINANCE NO. 2007-36

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM THE PRESENT ZONING CLASSIFICATION OF OPEN RURAL (OR) TO OFFICE PROFESSIONAL (OP); MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE

(05/15/07 - 19 - 4:51 p.m.)

11. PUBLIC HEARING - REZ 2006-14 BRADCO COMMERCIAL PLAZA - THIS IS A REQUEST TO REZONE APPROXIMATELY 5.5 ACRES OF LAND FROM INDUSTRIAL WAREHOUSE (IW) TO COMMERCIAL GENERAL FOR THE CONSTRUCTION OF A COMMERCIAL PLAZA. THE PROPERTY IS LOCATED ON THE WEST SIDE OF US 1 SOUTH AND THE NORTH SIDE OF OLD MOULTRIE RD. THE PROPERTY IS CURRENTLY OCCUPIED BY A BUSINESS. THE PARCEL IS LOCATED WITHIN MIXED USE DISTRICT (MD) LAND USE AS DEPICTED ON 2015 FUTURE LAND USE MAP. THE SURROUNDING PROPERTIES ARE ZONED OPEN RURAL (OR), RESIDENTIAL SINGLE FAMILY (RS-3), COMMERCIAL GENERAL (CG), AND COMMERCIAL INTENSIVE (CI). CENTRAL WATER AND SEWER WILL BE PROVIDED BY ST. JOHNS COUNTY UTILITIES. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS REZONING REQUEST AT THEIR MARCH 15, 2007 HEARING BY A VOTE OF 6/0

Proof of publication for the notice of public hearing regarding Rezoning 2006-14, Bradco Commercial Plaza, was received, having been published in *The St. Augustine Record* on April 30, 2007.

Michael Blackford, Planner II, described for the board details of the project involving the rezoning of 2006-14 Bradco Commercial Plaza. He noted that staff had provided four findings of fact to support the request, and the PZA had unanimously recommended approval.

(4:53 p.m.) Kevin Davenport, 245 River Plantation Road, offered to answer any questions from the board.

(4:53 p.m.) **Motion by Manuel, seconded by Sanchez, carried 5/0 to enact Ordinance No. 2007-37, known as REZ2006-14, Bradco Commercial Plaza, with four findings of fact to support the motion.**

ORDINANCE NO. 2007-37

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM THE PRESENT ZONING CLASSIFICATION OF INDUSTRIAL

**WAREHOUSE (IW) TO COMMERCIAL GENERAL (CG);
MAKINGS FINDINGS OF FACT; REQUIRING
RECORDATION; AND PROVIDING AN EFFECTIVE
DATE**

(05/15/07 - 20 - 4:53 p.m.)

12. PUBLIC HEARING - REZ 2006-48 SMITH BUSINESS PARK - THIS IS A REQUEST TO REZONE 9.8 ACRES FROM OPEN RURAL (OR) TO INDUSTRIAL WAREHOUSE (IW). THE SITE IS LOCATED ADJACENT TO EXISTING INDUSTRIAL USES CONSISTING OF RINKER MATERIAL, BAKER CONTRACTORS, AND SW MATERIALS, LOCATED SOUTH OF INTERNATIONAL GOLF PARKWAY AND US 1. THE SITE IS DESIGNATED INDUSTRIAL ON THE FUTURE LAND USE MAP. THE STATEMENT OF FACTS INDICATES THE APPLICANT PROPOSES TO DEVELOP A 4.0 ACRE RV/BOAT STORAGE, 4 ACRE OFF SITE CONTRACTOR STORAGE YARD AND 15,000 SQUARE FEET OF BUSINESS PARK SPACE (OFFICE, WAREHOUSES AND OUTDOOR STORAGE). ADJACENT FUTURE LAND USE CATEGORIES INCLUDE INDUSTRIAL AND A SMALL AREA OF MIXED USE. ADJACENT ZONING DESIGNATIONS INCLUDE IW AND OR. THE SITE WILL BE SERVED BY CENTRAL WATER AND SEWER PROVIDED BY ST. JOHNS COUNTY UTILITIES. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS REZONING REQUEST AT THEIR MARCH 15, 2007 HEARING BY A VOTE OF 5/0 (ONE MEMBER ABSENT; ONE RECUSED). DISCUSSION QUESTIONED THE LOCATION OF UTILITIES AND THE PROVISION TO THE SITE

Proof of publication for the notice of public hearing regarding Rezoning 2006-48, Smith Business Park, was received, having been published in *The St. Augustine Record* on April 30, 2007.

Lindsay Haga, AICP, Chief Planner, offered details regarding the Smith Business Park application. She noted that staff provided three findings of fact to support the approval, and the PZA had recommended approval of the rezoning request. (4:55 p.m.) Karen Taylor, 3070 Harbor Drive, said she was available for any questions from the board.

(4:55 p.m.) **Motion by Sanchez, seconded by Manuel, carried 5/0 to enact Ordinance No. 2007-38, known as REZ2006-48, Smith Business Park, with three findings of fact to support the motion.**

ORDINANCE NO. 2007-38

**AN ORDINANCE OF THE COUNTY OF ST. JOHNS,
STATE OF FLORIDA, REZONING LANDS AS
DESCRIBED HEREINAFTER FROM THE PRESENT
ZONING CLASSIFICATION OF OPEN RURAL (OR) TO
INDUSTRIAL WAREHOUSE (IW); MAKING FINDINGS
OF FACT; REQUIRING RECORDATION; AND
PROVIDING AN EFFECTIVE DATE**

(05/15/07 - 20 - 4:56 p.m.)

13. PUBLIC HEARING - MAJMOD 2006-30, ST. AUGUSTINE CENTRE PUD/ST. AUGUSTINE ASSOCIATES, INC. - THIS APPLICATION IS A MAJOR MODIFICATION TO THE ST. AUGUSTINE CENTRE PUD (ORDINANCE 97-23 AS AMENDED). THIS REQUEST IS A DESIRE TO ALLOW ALL REMAINING

LANDS UNDER DEVELOPER CONTROL TO BE AFFORDED THE CAPABILITY TO HAVE AN INTERSTATE SIGN TO BE CONSISTENT WITH SECTION 7.02.02. (B)(2) OF THE LAND DEVELOPMENT CODE THAT GOVERNS INTERSTATE SIGNS. AS WITH PREVIOUS APPLICATIONS, THIS APPLICATION SEEKS TO ALLOW FUTURE BUSINESSES LOCATED IN THE ST. AUGUSTINE CENTRE PUD THE CAPABILITY OF HAVING AN INTERSTATE PYLON SIGN NO MORE THAN 85 FEET IN HEIGHT AND 250 SQUARE FEET IN SIZE. THIS APPLICATION WILL ALLOW THESE FUTURE BUSINESSES TO BE CONSISTENT WITH OTHER NON-PUD INTERSTATE HIGHWAY COMMERCIAL TYPE BUSINESSES THAT ALREADY HAVE PYLON SIGNAGE IN THE IMMEDIATE AREA AND ADDITIONALLY, OTHER BUSINESSES ALREADY LOCATED INSIDE THE ST. AUGUSTINE CENTER PUD ITSELF THAT HAVE BEEN GRANTED INTERSTATE SIGNAGE. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS ITEM AT THEIR MARCH 15, 2007 MEETING BY A 5-1 VOTE

Proof of publication for the notice of public hearing regarding MAJMOD 2006-30, St. Augustine Centre PUD/St. Augustine Associates, Inc., was received, having been published in *The St. Augustine Record* on April 30, 2007.

Jason Cleghorn, Planner III - DRI Coordinator, offered a detailed description of the project involving the St. Augustine Centre PUD. He noted that staff provided six findings of fact to support the application, and the PZA had recommended approval with a 5/1 vote.

(4:58 p.m.) In response to an inquiry, Cleghorn clarified that the dissenting vote involved testimony based on the large number of signs currently existing in the area. He noted that eighteen pylon signs and seven billboards were located within one-half mile of the intersection of I-95 and SR16.

(5:00 p.m.) Tom Ingram, 245 Riverside Ave, Suite #400, spoke on the matter and noted that a conservation area existed just south of the Parker Cadillac site and viewed by the Corp of Engineers as very important and a no-touch zone. He estimated that ten to fifteen pole signs would be added to the area under the existing proposal. Stevenson voiced that she understood the desire for I-95 signage. Manuel said he shared concerns regarding sign proliferation possibilities and asked for the number of remaining parcels to be developed. Ingram advised that parcels could be subdivided further; however, approximately fifty-nine acres remained undeveloped.

(5:04 p.m.) **Motion by Stevenson, seconded by Bryant, carried 5/0 to enact Ordinance No. 2007-39, known as MAJMOD 2006-30, St. Augustine Centre PUD, adopting findings of fact one through six to support the motion. After some discussion between board members and the applicant regarding signage, Stevenson amended her motion to limit signage to six additional signs. Bryant agreed to the amendment.**

ORDINANCE NO. 2007-39

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

(05/15/07 - 22- 5:09 p.m.)

14. PUBLIC HEARING - MAJMOD 2006-28, RIVERTOWN PUD UNIFIED SIGN PLAN - THIS APPLICATION IS A MAJOR MODIFICATION TO THE RIVERTOWN PUD (ORDINANCE 2005-100 AS AMENDED). THIS REQUEST IS A DESIRE TO ADOPT A UNIFIED SIGN PLAN (USP) FOR THE RIVERTOWN PUD/DRI. THE UNIFIED SIGN PLAN ILLUSTRATES SEVEN GENERAL CATEGORIES OF SIGNS TO BE UTILIZED IN RIVERTOWN: TOWN LIMIT SIGNS, STREET AND TRAFFIC SIGNS, WAY-FINDING SIGNS, PARK SIGNS, TOWN CENTER COMMERCIAL AND CIVIC SIGNS, NEIGHBORHOOD SIGNS AND TEMPORARY SIGNS. EXCEPT FOR WAIVERS SPECIFICALLY REQUESTED BY THE APPLICANT, THE INTENT IS THAT THE UNIFIED SIGN PLAN WILL BE CONSISTENT WITH THE RELEVANT PORTIONS OF SECTION 7 OF THE LDC GOVERNING SIGNAGE. THE USP HAS BEEN PLANNED TO BE IN ACCORDANCE WITH THE SPIRIT OF THE RIVERTOWN PUD IN MIND AND TO SERVE THE RESIDENTS AND VISITORS, THEREIN. THEMES, COLORS AND APPEARANCES HAVE BEEN CODIFIED IN THE USP AS REPRESENTATIVE OF THE 'FLAVOR' OF RIVERTOWN AND ITS VILLAGES. AFTER LENGTHY DISCUSSION CONCERNING THE WAIVER REQUESTS THAT ORIGINALLY WOULD HAVE INCLUDED SECTIONS OF THE LAND DEVELOPMENT CODE CONCERNING SIGNAGE AND THE SCENIC HIGHWAY, AND THE SUBSEQUENT REMOVAL OF THE INCLUSION OF SECTIONS FROM THE WAIVER REQUESTS, THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS ITEM AT THEIR MARCH 15, 2007 MEETING BY A UNANIMOUS VOTE

Proof of publication for the notice of public hearing regarding MAJMOD 2006-28, RiverTown PUD Unified Sign Plan, was received, having been published in *The St. Augustine Record* on April 30, 2007.

Jason Cleghorn, Planner III, directed attention to Addendum A regarding the four waivers and offered the board details of the proposed project.

(5:15 p.m.) Stevenson disclosed ex-parte communications with the applicants and Nick Cassala in regards to the waiver requests.

(5:16 p.m.) Mauro Chiaverini, St. Joe Company, 12724 Gran Bay Pkwy, West, Suite #150, Jacksonville, offered a brief Power Point presentation in regards to the unified signage plan and pointed out that they had obtained staff's support for the waivers. Rich disclosed ex-parte communications with Chiaverini in regards to the project. In response to an inquiry, Chiaverini noted that the non-white background lighting would be in the vicinity of the town center portion of the site. Manuel questioned whether the board could prohibit the lighting waiver on CR244 and CR13 but allow internal signage lighting at the discretion of staff.

(5:24 p.m.) Stevenson said she was comfortable with the application as long as the lighting would not affect CR 13.

(5:25 p.m.) Rich noted that he had just returned from a seminar regarding waivers and the Land Development Code, and had been told that the LDC needed to be fixed if waivers were being requested. He advised that staff needed to present solutions to errors in the LDC prior to another waiver request coming before the board.

(5:28 p.m.) Whitehouse directed attention to Addendum a.1.c. in regards to the lighting issue and said the language could be determined at a later date. Manuel stated that the

board offered the intent and staff should determine the language through discussions with the applicant. Chiaverini said he would contact the County attorneys' office to create appropriate language.

(5:30 p.m.) Motion by Manuel, seconded by Sanchez, carried 5/0 to enact Ordinance 2007-40, known as MAJMOD 2006-28, RiverTown PUD USP, adopting five findings of fact to support the motion to include waivers one, two and three approved as submitted with waiver four amended with language to be worked out between the applicant, the County attorney and staff, protecting CR 13 and CR 244 and leaving the internal signage to the discretion of staff.

ORDINANCE NO. 2007-40

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, APPROVING A MAJOR MODIFICATION TO THE RIVERTOWN PLANNED UNIT DEVELOPMENT (PUD) ORDINANCE NUMBER 2005-100, AS AMENDED, MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING FOR AN EFFECTIVE DATE

(05/15/07 - 23 - 3:19 a.m.)

15. PUBLIC HEARING - PUD 2006-09, MOULTRIE BLUFF PLAZA - THIS REQUEST SEEKS TO REZONE 9.98 ACRES FROM PLANNED SPECIAL DISTRICT (1986-73) TO PUD. THE SITE IS LOCATED SOUTH OF MOULTRIE CREEK, ON THE WESTERN SIDE OF US 1, SOUTH OF WEST GENUNG STREET. THE PROJECT IS PROPOSES TO DEVELOP UP TO 40,000 SQUARE FEET OF RETAIL AND OFFICE SPACE ALONG THE US 1 FRONTAGE WITH FIFTEEN (15) SINGLE FAMILY RESIDENTIAL UNITS WITHIN THE WESTERN PORTION OF THE SITE. VEHICULAR ACCESS IS PROPOSED AS TWO POINTS DIRECTLY TO US 1, WITH SECONDARY ACCESS PROVIDED TO MOULTRIE BLUFF ROAD TO THE SOUTH. SIDEWALKS WILL BE PROVIDED ALONG ONE SIDE OF THE INTERIOR ROADWAY AT A MINIMUM OF FOUR FEET WIDE WITHIN THE RESIDENTIAL AREA AND PROVIDED WITHIN THE COMMERCIAL DEVELOPMENT CONNECTING THE PARKING AREA AT A MINIMUM OF FIVE FEET IN WIDTH. THE PUD INCLUDES 2.07 ACRES OF OPEN SPACE TO BETWEEN BOTH THE SINGLE AND COMMERCIAL AREAS. THE SITE IS DESIGNATED RESIDENTIAL C ON THE 2015 FUTURE LAND USE MAP WHICH PROVIDES A DENSITY OF 6 DU/NET ACRE WITH NEIGHBORHOOD AND COMMUNITY COMMERCIAL USES. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS REZONING REQUEST AT THE FEBRUARY 1, 2007 HEARING BY A VOTE OF 6/1 (LAIDLAW DISSENTING), SUBJECT TO THE FOLLOWING CONDITIONS: THE WAIVER IS NOT RECOMMENDED FOR APPROVAL AS REQUESTED, OPEN ISSUES PRESENTED TO BE RESOLVED, REVISE THE PUD TEXT TO STATE THE NORTHERN PORTION TO REMAIN UNDEVELOPED. THE WAIVER HAS BEEN MODIFIED TO A SELECT AREA OF THE PARKING ALONG THE US 1 BOUNDARY, THE OPEN ISSUES PRESENTED TO PZA HAVE BEEN RESOLVED AND THE APPLICANT HAS REVISED THE MDP TO STATE THE NORTHERN PARCEL ADJACENT TO WEST GENUNG STREET WILL REMAIN UNDEVELOPED. ISSUES DISCUSSED DURING THE MEETING QUESTIONED THE BUFFER ALONG THE SOUTHERN PROPERTY LINE, ADJACENT TO THE MOULTRIE TRAILS SUBDIVISION, BUFFERING TO THE NORTH ALONG THE WEST GENUNG

STREET NEIGHBORHOOD AND TRAFFIC MOVEMENT ALONG US 1,
SPECIFICALLY THE LOCATION OF MEDIAN OPENINGS

Proof of publication for the notice of public hearing regarding PUD 2006-09, Moultrie Bluff Plaza, was received, having been published in *The St. Augustine Record* on April 30, 2007.

Lindsay Haga, Chief Planner, gave the presentation and reviewed the staff report. She reviewed the condition that had been given by the PZA as being subject to their approval. She reviewed questions regarding buffering, openings along US 1 and traffic.

Rich declared ex-parte with Ford and many residents of Moultrie Trails. Manuel also disclosed ex-parte. Sanchez disclosed ex-parte with Ford. Bryant said he had met with residents of the area. Stevenson also disclosed ex-parte.

(3:23 p.m.) Tim Ford, 1049 Bermuda Way, authorized agent for the applicant, said it was a proposal for a mixed use project, commercial up front and residential in the back. He said commercial corresponded to the commercial development already in that area. He gave a review of the proposed development. He reviewed the concerns of the residents in the area. One of the concerns was for the location of the entrance road which they agreed to move it further to the north to provide more of a buffer. He said they also requested a continuous vegetative buffer along US 1 and he said that request was reasonable and could be met to abate noise and lights from headlights of cars. He said the biggest concern was the traffic out front. He said they did a traffic study and they did have concurrency and they did have their concurrency certificate. He said there were similar type projects on all four corners where the project would be located. He said it was a DOT road and they couldn't do a lot to alleviate those problems, but he said they would fix what they could fix to alleviate some stress in that area. He said the turn land would not affect the residents of Moultrie Trails and take from any of their property.

Rob Matthews, 93 ½ King St., Matthews Design Group, Inc., reviewed the site plan. He said they tried to take care of interconnectivity and they were bound by residential areas and a waterway on one side. He explained they could not physically make a connection onto Genung St. He said DOT dictated where they would put their driveways, which was decided by median openings.

(3:38 p.m.) Stevenson asked if they had discussed signalization. Matthews said they were too close to the signal on Wildwood Drive.

(3:39 p.m.) Bob Quackenbush, 100 West Genung St., spoke in opposition to more residential building in the county right now as there were plenty on the record to be built. He said his concern with commercial was for the additional traffic that would be generated.

Rich declared ex-parte with R. J. Lorizzo and discussed the impact it would have on the Moultrie Trails area.

(3:44 p.m.) Scott Bartosch, 422 Camilla Trail, president of the Moultrie Trails Homeowners Association, spoke for 53 people: Robert Cuff, Genevive Subok, Sandra Bromley, John Bromley, Beverly Henry, Wendy Stance, Gloria Nagle, Lewis Spence, Richard Nagle, Charlotte Childre, David Williams, Charles Faulkner, David Finley, Thomas Susqua, Virginia Stratford, Maria , Barbara Sprinkle, Roberta Shaw, and Sterling Hart. He said they were not opposed to residential development but they were in support of residential only. He expressed concerns with traffic and compatibility.

He reviewed the SJC Transportation Analysis Spreadsheet and the 1.2 mile section from Old Moultrie Rd. to Wildwood Dr. was at 106.1 percent of its capacity and was listed as deficient. He said that was before the commercial development which was constructed across from them was completed. He said they were 100 homeowners who had to deal with the development on a daily basis. He said compatibility. He submitted a petition with 100 signatures in opposition to the project (Exhibit A).

(3:55 p.m.) Ford responded to Bartosch's comments. He said they had met concurrency and been issued a concurrency certificate. He also addressed the compatibility issue and said there were four corners of commercial existing currently. He said they had met all the requirements necessary to get before the Board that day. He said the departments in the County had reviewed the project for 18 months and that should be a strong consideration in their review of the project.

(3:59 p.m.) McCormack stated that Whitehouse had attended PZA on that item, and apparently the PZA did not have the benefit of a lot of the public input that was presented that day. He asked Mr. Ford if he had had an opportunity to discuss the development with the neighbors.

(4:01 p.m.) Rich said that Ford had met with the residents of Moultrie Trails per his request. He said that Ford had met with them earlier and had reviewed the concerns and their efforts to address their concerns.

(4:02 p.m.) Ford said some of them were at the PZA meeting but had to leave because of the late hour. He said they had been gracious to allow them to meet before their homeowner's association. He said they had come to some agreements regarding the proximity of the road and moving it over, which they had agreed to do. He said they had also agreed to a continuous vegetative buffer. He said he couldn't do much about the traffic issue but would do all they could to help the situation. He said compatibility issue was arguable. He said it might not be contiguous, but it was there.

(4:06 p.m.) McCormack said no applicant had to get approval of the neighbors, just for the record.

(4:07 p.m.) Ford said they were still open for any suggestions and had offered to work with them in any way they could.

(4:07 p.m.) Stevenson asked staff to clarify who owned the right away between US 1 and the proposed property. She said she could see why the community was concerned about the commercial development and asked the commercial usage they had proposed. Ford said the proposal was for approximately 60 percent office and 40 percent light retail, which was regulated by the concurrency specifications. Stevenson confirmed that the current land use was Residential C, and the zoning was PSD and asked what kinds of development rights were allowed. Haga said PSD (Planned Special District) was a retired zoning category which allowed for a mix of uses, residential and commercial, but did not specify the number of uses. She said they could do further research to find out more information if necessary. Stevenson said she would like to see more usage categories and a category specifically for residential and nothing else.

(4:13 p.m.) Rich said this was in his district and it was a nice neighborhood where substantial amounts of money had been invested. He said it had a canopy of old oaks and it was totally surrounded by beauty. He said that particular piece of property was best used for residential and not commercial. He said he could not endorse the

commercial portion of the development, because it was not compatible with the surrounding land uses.

(4:17 p.m.) Motion by Rich, seconded by Stevenson, to deny rezoning application PUD 2006-09, Moultrie Bluff Plaza PUD, adopting finding of fact as he had explained above to support the motion.

(4:17 p.m.) McCormack said he would like to get comments on the type of neighborhood that it was. Rich asked Bartosh to come before the Board to comment on the nature of the community.

(4:19 p.m.) Bartosch said Moultrie Trails was the quietest area he had ever lived in, there was very little traffic and it was made up of retirees and conservative families. He said there was high compliance with the homeowners' association regulations.

(4:20 p.m.) Terry Bulla left the meeting and Pam Halterman entered the meeting.

(4:21 p.m.) Ford asked to be allowed to split the project; getting the residential portion approved and taking the commercial portion back for further work, or to postpone the entire application to rework the site plan. McCormack said he would not recommend approving only a portion of the application. He suggested they either vote on the matter to approve or deny; or if they voted to deny to give the applicant an opportunity to come back without waiting a year. He said a third option would be for the applicant to pull the application in order to make a change to the plan and bring it back to the Board. Rich said he was comfortable with the current motion. Haga advised that the time limit applied to the property and not the plan. She said they could include a waiver to the one year time limit in their motion. Stevenson suggested that it was reasonable to allow a waiver for the time limit.

(4:25 p.m.) Rich amended his motion to waive the one year waiting period for the applicant to re-submit. Stevenson seconded the motion which carried 5/0.

The meeting recessed at 4:25 p.m. and reconvened at 4:36 p.m.

(05/15/07 - 26 - 5:31 p.m.)

15a. PREVIOUS CONSENT ITEM #18, NORTHEAST REGIONAL PLANNING COUNCIL COMPREHENSIVE PLAN EAR TO AUTHORIZE THE COUNTY ADMINISTRATOR, OR HIS DESIGNEE, TO NEGOTIATE, ENTER INTO, AND EXECUTE A CONTRACT WITH NORTHEAST FLORIDA REGIONAL COUNCIL, IN ORDER TO PROVIDE PROFESSIONAL CONSULTING SERVICES FOR PREPARATION OF A COMPREHENSIVE PLAN EAR

Manuel pointed out that the Northeast Regional Planning Council would receive the amended EAR who was also the consultant for EAR's. Teresa Bishop said she had the same concern; however, she clarified that the Council did not influence the staff; although the staff worked on the EAR document. In response to an inquiry, she advised that any engineering, planning or consultant firm could handle the same work. She added that no RFP had been initiated. Joe Burch explained that the RFP was within the waive-able threshold for County administration to waive the requirement. Stevenson stated that the issue had been discussed for a long time. She suggested that the issue be addressed by staff and the board at a later date. Bishop explained the process to the board and noted that the EAR (Evaluation and Appraisal Report of the Comprehensive Plan) was due in September 2007; however, the document would not be complete until December 2007. Bishop stated that once the EAR document was

accepted by the State, an amendment process would begin. She continued to clarify the process to the board.

(5:39 p.m.) **Motion by Manuel, seconded by Sanchez, carried 5/0, to authorize the County Administrator, or his designee, to negotiate, enter into, and execute a contract with Northeast Florida Regional Planning Council, in order to provide professional consulting services for preparation of a Comprehensive Plan EAR.**

(05/15/07 - 27 - 5:40 p.m.)

15b. FINAL PLAT FOR WALDEN CHASE (*Previously Consent Item No. 10*)

Kathy Nielsen, Application Review Manager, Development Services, explained that the title opinion had to be reworked; however, the updated title opinion was ready and correct.

(5:41 p.m.) **Motion by Manuel, seconded by Stevenson, carried 5/0, to adopt Resolution 2007-139 approving a Final Plat for Walden Chase Phase I Unit Three Replat of Lot 543.**

RESOLUTION NO. 2007-139

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA APPROVING A SUBDIVISION PLAT FOR WALDEN CHASE PHASE I UNIT THREE REPLAT OF LOT 543

(05/15/07 - 27 - 5:42 p.m.)

15c. DEPARTMENT OF ENVIRONMENTAL PROTECTION CONTRACT

Dave Williams, Beach Operations Chief, stated that the document was an amendment to an existing contract with the Anastasia State Recreation Area to provide lifeguards for the summer beach season. In response to an inquiry, Williams advised that the submitted cost included all benefits for four employees.

(5:43 p.m.) **Motion by Manuel, seconded by Sanchez, carried 5/0 to adopt Resolution 2007-140 authorizing the County Administrator to execute Amendment #5 to DEP contract #RP565 to increase the funding increment amounts of the contract service from May 25, 2007 through September 4, 2007.** Manuel questioned whether the State had indicated a desire to extend the contract at the end of its term being September 7, 2007. Williams advised that the State had indicated a desire to extend the current contract.

RESOLUTION NO. 2007-140

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE EXECUTION OF AMENDMENT NO. 5 TO DEP CONTRACT NO. RP565 TO PROVIDE LIFEGUARDS TO ANASTASIA STATE RECREATION AREA

(05/15/07 - 27 - 5:44 p.m.)

15d. AN EMERGENCY RESOLUTION REGARDING COASTAL EROSION AT SOUTH PONTE VEDRA BEACH

McCormack advised that the board needed to enact an emergency resolution regarding the dire situation of coastal erosion near the vicinity of 2821 and 2845 South Ponte Vedra Boulevard. He noted that the State Department of Environmental Protection had recently published an emergency final order for beach erosion at several areas in the State of Florida. Manuel questioned whether the County would be responsible for funding the repairs on private property. McCormack explained that the State allowed local government to declare an emergency situation which allowed private property owners to start protecting their property while waiting for State permits.

(5:48 p.m.) **Motion by Rich, seconded by Bryant, carried 5/0, to enact Resolution 2007-141 of the Board of County Commissioners of St. Johns County, declaring that an emergency exists pertaining to danger to private property at or near the vicinity of 2821 through 2845 South Ponte Vedra Boulevard due to recent storm erosion.**

RESOLUTION NO. 2007-141

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, DECLARING THAT AN EMERGENCY EXISTS PERTAINING TO DANGER TO PRIVATE PROPERTY AT OR NEAR THE VICINITY OF 2821 THROUGH 2845 SOUTH PONTE VEDRA BLVD. DUE TO RECENT STORM EROSION

(05/15/07 - 28 - 5:48 p.m.)
COMMISSIONERS' REPORTS

Commissioner Bryant:

Bryant asked Williams to clarify the element of the Beach Code concerning the closing of the beach at 8:00 p.m., because he had received several telephone calls from residents about being forced to leave the beach earlier than 8:00 p.m.

Williams clarified that all vehicles must be removed from the beach by 8:00 p.m. each night. He noted that they had three County units, two SJC Sheriff units and one SAB unit to clear the four and one-half miles of beach and repair the beach ruts prior to 8:00 p.m. He said signage had been placed at each ramp and additional signage would be installed in the near future. He advised that annual passes included a flyer with closure information. He affirmed that brochures had been handed out to citizens at beach tollbooths. He said more compliance had started and suggested that it would take time for everyone to learn of the change. Bryant left the meeting.

Commissioner Manuel:

No report.

(5:55 p.m.)

Commissioner Stevenson:

Stevenson said clarification was necessary regarding the Atlantic Storage item and a future community meeting date. She suggested that a telephone number for public relation issues be implemented for such matters. She stated that she would like an update on Northwest Post Office at the proposed Bartram Walk West location. She asked for board consensus to work with staff on water conservation issues and with the public affairs representative regarding water regulations.

Commissioner Sanchez: No report.

(6:02 p.m.)

Commissioner Rich:

Rich said he would hold discussions with the County Administrator and the seminar representative in regards to the Land Development Code and the Comprehensive Plan. Manuel asked for consensus of the board regarding the PZA member Grayson resignation but she had agreed to remain on the PZA until two vacancies were filled.

Rich voiced that citizens needed to be off the beach by 8:00 p.m. Kropacek said the plan involved the repair of vehicle ruts by 8:00 p.m.; therefore, staff found it necessary to begin clearing the beach at 6:30 p.m. In response to an inquiry, Locklear clarified the issue for Rich.

(05/15/07 - 29 - 6:11 p.m.)

COUNTY ADMINISTRATOR'S REPORT

Kropacek advised that the board had a joint meeting with the School Board on Thursday at 9:00 a.m. Stevenson asked to allow Ginger Delagal to give an orientation and discussion on Charter Government for public education purposes. Rich said he would ask the County Administrator to set the date.

(6:13 p.m.) **Motion by Sanchez, seconded by Rich, carried 4/0 with Bryant absent, to adjourn the meeting.** With there being no further business to come before the Board, the meeting adjourned at 6:13 p.m.

REPORTS:

1. St. Johns County Board of County Commissioners Check Register, Check Nos. 400735 through 401163, totaling \$1,701,311.57 (04/24/07)
2. St. Johns County Board of County Commissioners Check Register, Check No. 401164, totaling \$250.00 (04/25/07)
3. St. Johns County Board of County Commissioners Check Register, Check Nos. 401165 through 401195, totaling \$62,578.91 (04/26/07)
4. St. Johns County Board of County Commissioners Check Register, Check Nos. 401196 through 401557, totaling \$3,714,965.58 (05/01/07)
5. St. Johns County Board of County Commissioners Check Register, Check Nos. 401558 through 401565, totaling \$41,369.33 (05/01/07)

CORRESPONDENCE:

1. Letter to Liz Cloud, Program Administrator, Bureau of Administrative Code, filing Ordinances Numbers 2007-24 through 2007-27 (04/17/07)
2. Letter to Liz Cloud, Program Administrator, Bureau of Administrative Code, filing Ordinance Numbers 2007-28 through 2007-33 (05/01/07)

Approved _____ June 26 _____, 2007

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: Ben Rich
Ben Rich, Chairman

ATTEST: CHERYL STRICKLAND, CLERK

By: Juanne King
Deputy Clerk