

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
OCTOBER 2, 2007
(9:00 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
Thomas G. Manuel, District 4, Vice Chairman
Cyndi Stevenson, District 1
Ron Sanchez, District 2
James Bryant, District 5
Michael D. Wanchick, County Administrator
Patrick McCormack, County Attorney
Lenora Newsome, Deputy Clerk

Also present: Allen MacDonald, Finance Director

(10/02/07 - 1 - 9:02 a.m.)
CALL TO ORDER

Rich called the meeting to order.

(10/02/07 - 1 - 9:02 a.m.)
ROLL CALL

Rich stated that all five commissioners were present.

(10/02/07 - 1 - 9:03 a.m.)
Sanchez gave the invocation and Stevenson led the Pledge of Allegiance.

(10/02/07 - 1 - 9:04 a.m.)
PROCLAMATION DESIGNATING OCTOBER 2, 2007 AS "HEALTH ROCKS!" DAY

Sanchez read the proclamation with, Jessica Kelp and Chelsea Kelp accepting it. Jessica Kelp thanked everyone, stating that the health of the County's youth was critically important.

(10/02/07 - 1 - 9:08 a.m.)
PROCLAMATION DESIGNATING OCTOBER 2007 AS DOMESTIC VIOLENCE AWARENESS MONTH

Bryant read the proclamation, with Beth Hughes, Donna Hazel, and Beth Patterson, accepting it. Beth Hughes reminded people about the awareness regarding Domestic Violence.

(10/02/07 - 1 - 9:15 a.m.)
ACCEPTANCE OF PROCLAMATIONS

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

(10/02/07 - 2 - 9:16 a.m.)
DELETIONS TO CONSENT AGENDA

Stevens requested to pull Item 21 and add it to the regular agenda as Item 13A.
Wanchick requested to pull Item 22.

(10/02/07 - 2 - 9:17 a.m.)
APPROVAL OF CONSENT AGENDA

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

1. Approval of the Cash Requirement Report
2. Minutes:
 - 09/04/07 - BCC Regular Meeting
 - 09/11/07 - BCC Special Meeting
3. Sheriff Office Bonds:
 - Approve: Pamela Acosta
 - Cancel: Mary Rinker James Sanford Margarita Skeen
4. Motion to approve the extension of the 2007 Tax Roll prior to completion and adjustments of the Property Value Adjustment Board parcels
5. Motion to adopt **Resolution No. 2007-271**, approving the Final Plat for S & K

RESOLUTION NO. 2007-271

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING A SUBDIVISION PLAT FOR S & K

6. Motion to adopt **Resolution No. 2007-272**, approving the Final Plat for Honey Branch Estates

RESOLUTION NO. 2007-272

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

7. Motion to adopt **Resolution No. 2007-273**, approving the terms and authorizing the County Administrator to execute the Estoppel Certificate and Consent to Assign the Lease to Lewis Point Plaza, L.L.C., as the new Landlord

RESOLUTION NO. 2007-273

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE ESTOPPEL CERTIFICATE AND CONSENT TO ASSIGN

**THE LEASE TO LEWIS POINT PLAZA, L.L.C., AS THE
NEW LANDLORD**

8. Motion to adopt **Resolution No. 2007-274**, declaring a County parcel as surplus and authorizing a private sale to the adjoining property owner pursuant the provisions set forth in Chapter 125.35(2), Florida Statutes

RESOLUTION NO. 2007-274

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, DECLARING A PARCEL CONTAINING LESS THAN AN ACRE OF CERTAIN COUNTY OWNED PROPERTY AS SURPLUS AND APPROVING A PRIVATE SALE TO AN ADJOINING PROPERTY OWNER PURSUANT TO THE PROVISIONS SET FORTH IN SECTION 125.35(2), FLORIDA STATUTES

9. Motion to adopt **Resolution No. 2007-275**, approving the terms and authorizing the County Administrator to execute two Purchase and Sale Agreements of Easement for drainage improvements related to the West King Street Improvement Project

RESOLUTION NO. 2007-275

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND CONDITIONS AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE TWO PURCHASE AND SALE AGREEMENTS OF EASEMENT FOR DRAINAGE IMPROVEMENTS RELATED TO THE WEST KING STREET IMPROVEMENT PROJECT

10. Motion to adopt **Resolution No. 2007-276**, accepting an Easement for Utilities for water service to The Cottages at Winding Creek Condominium

RESOLUTION NO. 2007-276

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING AN EASEMENT FOR UTILITIES FOR WATER SERVICE TO THE COTTAGES AT WINDING CREEK CONDOMINIUM

11. Motion to adopt **Resolution No. 2007-277**, approving a second amendment to the lease with St. Johns County Council on Aging, Inc. to extend the terms of the lease, per the exercise of the COA's option included in the original lease, and authorizing the County Administrator to execute the amendment on behalf of St. Johns County

RESOLUTION NO. 2007-277

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING THE TERMS OF AN AMENDMENT TO

THE LEASE AGREEMENT BETWEEN ST. JOHNS COUNTY, FLORIDA, AND THE ST. JOHNS COUNTY COUNCIL ON AGING, INC., FOR COUNTY OWNED PROPERTY ON MARINE STREET, EXTENDING THE TERM TO ENCOMPASS TWO ADDITIONAL TERMS PROVIDED FOR IN THE ORIGINAL LEASE, AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE SAID AGREEMENT

12. Motion to adopt **Resolution No. 2007-278**, granting written consent to St. Johns County Council on Aging, Inc. to construct a new Senior Community Center on the County property they lease on Marine Street, per the terms of their existing lease

RESOLUTION NO. 2007-278

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, PROVIDING CONSENT TO ST. JOHNS COUNTY COUNCIL ON AGING, INC., TO CONSTRUCT A SENIOR COMMUNITY CENTER ON THE PROPERTY THEY LEASE FROM THE COUNTY ON MARINE STREET

13. Motion to adopt **Resolution No. 2007-279**, approving the terms and authorizing the County Administrator to execute three Purchase and Sale Agreements for property needed for the Federal Point Road Bridge replacement

RESOLUTION NO. 2007-279

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THREE PURCHASE AND SALE AGREEMENTS FOR PROPERTY NEEDED FOR THE FEDERAL POINT ROAD BRIDGE REPLACEMENT

14. Motion to adopt **Resolution No. 2007-280**, approving the terms and conditions of a Supplemental Joint Participation Agreement, FDOT Financial Project Number 217141-2-84-07, for purposes of receiving a Florida Department of Transportation Service Development Grant for \$83,000 and authorizing the Chairman of the Board of County Commissioners to execute the Agreement and authorizing 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. 2007-280

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF SUPPLEMENTAL JOINT PARTICIPATION AGREEMENT (JPA) FLORIDA DEPARTMENT OF TRANSPORTATION FINANCIAL PROJECT #217141-2-

84-07, BETWEEN THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AND THE FLORIDA DEPARTMENT OF TRANSPORTATION APPROVING ST. JOHNS COUNTY AS THE RECIPIENT OF \$83,000 FROM THE SECOND YEAR OF A SERVICE DEPARTMENT GRANT FOR THE CONNECTOR ROUTE OF THE SUNSHINE BUS COMPANY, OPERATED BY THE COUNTY'S TRANSPORTATION OPERATOR THE ST. JOHNS COUNTY COUNCIL ON AGING AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS TO EXECUTE THE JPA ON BEHALF OF THE COUNTY

15. Motion to adopt **Resolution No. 2007-281**, approving the terms, and conditions of a Contract between the Board of County Commissioners of St Johns County, Florida and the Council on Aging, Inc., in order to provide sunshine bus service, paratransit service DOT/ VANS and enhanced veteran services for a period of 12 months, and authorizing the Chairman of the Board of County Commissioners to execute the Contract on behalf of the County

RESOLUTION NO. 2007-281

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND CONDITIONS OF A CONTRACT BETWEEN THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AND ST. JOHNS COUNTY COUNCIL ON AGING, INC. IN ORDER TO PROVIDE SUNSHINE BUS SERVICE, PARATRANSIT SERVICE, DOT/VANS AND ENHANCED VETERAN SERVICES FOR A PERIOD OF 12 MONTHS, AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS TO EXECUTE THE CONTRACT ON BEHALF OF THE COUNTY

16. Motion to adopt **Resolution No. 2007-282**, approving the terms, and conditions of a Contracts between the Board of County Commissioners of St Johns County, Florida and the St Johns County Council on Aging to be reimbursed upon submission of monthly invoices for service provided in accordance with JPA FP-217141-2-84 and authorizing the Chairman of the Board of County Commissioners to execute the Contract on behalf of the County

RESOLUTION NO. 2007-282

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF AN AGREEMENT BETWEEN ST. JOHNS COUNTY, FLORIDA, AND ST. JOHNS COUNTY COUNCIL ON AGING TO PROVIDE TRANSPORTATION SERVICES AND TO BE REIMBURSED FOR THOSE SERVICES FROM FUNDS RECEIVED BY THE COUNTY FROM A FLORIDA DEPARTMENT OF TRANSPORTATION

**SERVICE DEVELOPMENT GRANT IN ACCORDANCE
WITH SUPPLEMENTAL JOINT PARTICIPATION
AGREEMENT FP-NUMBER 217141-2-84-07**

17. Motion to adopt **Resolution No. 2007-283**, approving agreement between the St. Johns County Board of County Commissioners and the State of Florida, Agency for Health Care Administration and directing the County Administrator to execute the agreement on behalf of the County

RESOLUTION NO. 2007-283

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF AN AGREEMENT BETWEEN THE STATE OF FLORIDA, AGENCY FOR HEALTHCARE ADMINISTRATION, AND ST. JOHNS COUNTY, FLORIDA, AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE COUNTY

18. Motion to name athletic fields located in Rivertown Development "RiverTown Fields"
19. Motion to adopt **Resolution No. 2007-284**, approving the terms and conditions of Division of Historical Resources Grant Award Agreement # S0829, in the amount of \$22,752 and authorizing the Chairman of the Board of County Commissioners to execute the Agreement and also authorizing the County Administrator, or his designated representative, to execute other related documents and take any actions necessary in the completion of the grant agreement

RESOLUTION NO. 2007-284

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND CONDITIONS OF HISTORIC PRESERVATION GRANT AWARD AGREEMENT (#S0829) BETWEEN THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AND THE STATE OF FLORIDA, DIVISION OF HISTORICAL RESOURCES, AND AUTHORIZING THE CHAIRPERSON OF THE ST. JOHNS BOARD OF COUNTY COMMISSIONERS TO EXECUTE THE AGREEMENT ON BEHALF OF THE COUNTY, SO THAT COUNTY MIGHT RECEIVE HISTORIC PRESERVATION GRANT FUNDS FOR THE WEST AUGUSTINE HISTORIC DISTRICT ASSESSMENT PROJECT

20. Motion to adopt **Resolution No. 2007-285**, approving the terms and authorizing the Chair to execute a Maintenance Agreement between the County and FDOT to replace bridge #784004 on CR 13 at 16 Mile Creek

RESOLUTION NO. 2007-285

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF AN AGREEMENT BETWEEN ST. JOHNS COUNTY AND THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR THE REPLACEMENT OF BRIDGE #784004 ON CR 13 AT 16 MILE CREEK

21. Motion to adopt a resolution designating the St. Johns County Cultural Council as the Local Arts Agency for St. Johns, Florida

This item was pulled and added to the regular agenda as Item 13a.

22. Motion to approve position changes not included in the Board of County Commissioner's FY '08 Adopted County Budget

This item was pulled from the consent agenda.

23. Proofs:
- a. Proof, Notice to Bidders, RFQ No. 08-08
 - b. Proof, Notice of Meeting, St. Johns County Water & Sewer Authority, Canceled and Rescheduled Meeting, Monday, September 3, 2007 to Wednesday, September 12, 2007 at 9:00 a.m.
 - c. Proof, Notice of Meeting, St. Johns County Board of County Commissioners, Special Meeting, GASB 45, Tuesday, September 11, 2007 at 10:30 a.m.
 - d. Proof, Notice of Workshop, St. Johns County Board of County Commissioners District 4 Public Workshop, Wednesday, September 12, 2007 at 6:30 p.m.
 - e. Proof, Notice of Meeting, Conflict Assessment Meeting between St. Johns County and Putnam County Administrative Staff, Thursday, September 13, 2007 at 1:30 p.m.
 - f. Proof, Notice of Joint Meeting, St. Johns County Board of County Commissioners and St. Johns County School Board, Thursday, September 27, 2007 at 9:00 a.m.
 - g. Proof, Notice to Bidders, Bid No. 07-124
 - h. Proof, Notice to Bidders, Bid No. 08-01
 - i. Proof, Certificate of Liability Insurance, Sunshine Recycling, Inc.

(10/02/07 - 7 - 9:17 a.m.)

PUBLIC COMMENT

Andy Korb, 8156 Seven Mile Drive, spoke on the Village Commons PUD. He asked for a motion to reconsider this item.

(9:20 a.m.) Karen Taylor, 77 Saragossa Street, stated that she was present for questions. Bryant asked if the Board made a motion to waive the one year limit to bring it back to the Board. Manuel stated that he didn't believe they did. (9:21 a.m.) **Motion by Bryant, seconded by Manuel, carried 5/0, to waive the one year reapplication time period.**

(9:22 a.m.) Ed Paucek, 970 Irma Way, asked the Board to place on the agenda for discussion, a waiver of the existing automatic increases and the impact fees that were automatically scheduled in, and the unit connection fees. He asked for a year waiver of

those fees. Rich stated that he thought that the impact fees were working off of the construction cost index. Paucek spoke on increases in the unit connection fees.

(9:26 a.m.) Bruce Kendeigh, 240 Red Fish Creek Drive, spoke on the airport taking the Araquay Park to use for hangers. He submitted information from Congressman Mica and the Airport's Charges and Operating Agreement, as Exhibit A. He also spoke on Sky Bus. Manual stated that he shared many concerns about the airport and the fact that it was being supported by taxpayer dollars. Sanchez responded to Kendeigh. Discussion followed.

(9:47 a.m.) Patrick Hamilton, 201 Owens Avenue, spoke on a proposed ordinance that would create a new road in south St. Johns County. He stated that it was an extension of SR 305. He stated that if the road was opened, the rural area would disappear and residential growth would come in. He stated that this growth would delete the agriculture and that the County needed to invest in agriculture. He spoke on the County doing a \$32 million dollar infrastructure project with no planning. He asked the Board to devoid themselves of the bond, to table the mitigation money, and to take the million dollars in impact fees that was collected and give it to promote economically vital agriculture for the County. Discussion followed.

(10/02/07 - 8 - 10:05 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

Wanchick requested to add the Health Department core contract for FY 2007-2008 as Item A1.

(10/02/07 - 8 - 10:08 a.m.)

APPROVAL OF REGULAR AGENDA

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

(10/02/07 - 8 - 10:08 a.m.)

A1. HEALTH DEPARTMENT CORE CONTRACT

Jerry Cameron reviewed this item. (10:09 p.m.) **Motion by Stevenson, seconded by Bryant, to adopt Resolution No. 2007-286 approving the terms, provisions, conditions, and requirements of an agreement between the Board of County Commissioners of St. Johns County and the State of Florida Department of Health/St. Johns County Health Department in the amount of \$463,443 to provide environmental health services, communicable disease control services and child primary care services for FY 2007-2008, beginning October 1, 2007, and authorizing the Chair to execute the contract on behalf of the County.** Discussion followed. **The motion carried 5/0.**

RESOLUTION NO. 2007-286

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF AN AGREEMENT BETWEEN THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, AND STATE OF FLORIDA, DEPARTMENT OF HEALTH/ST. JOHNS COUNTY HEALTH DEPARTMENT, AUTHORIZING THE CHAIR TO EXECUTE THE AGREEMENT ON BEHALF OF THE COUNTY

The meeting recessed at 10:15 a.m. and reconvened at 10:44 a.m.

(10/02/07 - 9 - 10:44 a.m.)

1. PUBLIC HEARING - PROPOSED ST. JOHNS COUNTY CHARTER - MEMBERS OF THE ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS HAVE BEEN HOLDING DISTRICT MEETINGS PERTAINING TO A PROPOSED CHARTER. A LISTING OF THE MEETINGS INCLUDES: DISTRICT 1 - JUNE 7, BARTRAM TRAIL BRANCH LIBRARY; DISTRICT 2 - JULY 18, HASTINGS RECREATION COMMUNITY CENTER; DISTRICT 3 - AUGUST 9, SOUTHEAST BRANCH LIBRARY; DISTRICT 4 - SEPTEMBER 12, PONTE VEDRA BEACH BRANCH LIBRARY; AND DISTRICT 5 - OCTOBER 11, ANASTASIA ISLAND BRANCH LIBRARY. SECTION 125.82, FLORIDA STATUTES PROVIDES FOR CHARTER ADOPTION BY ORDINANCE. THIS IS THE FIRST OF THREE HEARINGS FOR THE BOARD AND THE PUBLIC TO CONSIDER THE PROPOSED CHARTER PRIOR TO THE PROPOSED OCTOBER 23, 2007 ADOPTION OF A CHARTER ORDINANCE. THE CHARTER ORDINANCE WOULD PROVIDE FOR A COUNTY WIDE REFERENDUM PERTAINING TO THE CHARTER AT A SUBSEQUENT DATE SELECTED BY THE BOARD. THE THREE HEARINGS ON THE PROPOSED CHARTER WILL BE OCTOBER 2, 2007, OCTOBER 16, 2007, AND OCTOBER 23, 2007. THE PROPOSED CHARTER IS THE CHARTER SET OUT IN HB 1559 (2007), ATTACHED

Proof of publication of the notice of public hearing on the Proposed St. Johns County Charter was received, having been published in *The St. Augustine Record* on September 28, 2007.

Patrick McCormack, County Attorney, reviewed this item, stating that this was the first of three hearings of the proposed charter and that the second and third hearings were scheduled for October 16th and 23rd. He stated that through Florida Statute Section 125.82, which allowed for a proposed charter to go to referendum by ordinance, there was really only a requirement for one public hearing. Rich stated that he attended all of the charter meetings. Stevenson requested having a viewing of the presentation of the video by Ginger Delagal at the Bartram Trail Library. Rich mentioned making sure that the presentation was being played on the Government Channel throughout the year. Stevenson stated that she would like the video viewed at an open house in the library.

(10:53 a.m.) Sarah Bailey, 2202 Bishop Estates Road, spoke on not getting cable in her area, so she had not seen the DVD. McCormack explained the presentation done by Ginger Delegal, General Counsel to the Florida Association of Counties, was about Charter Government in Florida, but not specifically St. Johns County. He stated that she was neither pro nor con to the St. Johns County proposed Charter and that she may make a return visit to the area. Sanchez suggested for Wanchick to place small signs in the library to indicate that the DVD was there for their viewing. Wanchick stated that the DVD was being shown on the Government TV Channel.

(10:57 a.m.) Carl Bud Markel, 136 Summerhill Circle, spoke on St. Johns County being a constitutional government and that he opposed the Charter. He stated that Charter Government had a lot of things wrong with it, like no checks and balances and that it gave more power to the County Commissioners and Administrators with no checks and balances. Markel stated that they were not showing both sides of the Charter Government and that the public would have no say so about changes on the Charter. Stevenson mentioned that they didn't have the appropriate information on the proposed Charter at the first meeting she attended in her District. Markel asked why they didn't do a Charter Committee this time. Manuel responded that there were three

buses that were available to get a charter on the referendum and this was the one they chose. Sanchez spoke on the people having a right to vote. (11:20 a.m.) Bryant concurred with what Markel pointed out. He stated that he had not gone to any of the Charter Meetings because it indicated that the Board was promoting Charter, which he was not, and he thought that should be the decision of the public. He stated that he disagreed with the way it was being done. Stevenson asked if this would be on the November 8th ballot. Manuel replied that they hadn't decided anything yet. He stated after the October 23rd hearing, then they would decide which way they would go. Stevenson mentioned letting the people have the choice and that she concurred with Bryant. McCormack stated that he would need to know what date the Board would want to have the referendum for advertising purposes, because he would need to advertise for the proposed ordinance on Oct 23rd. McCormack stated that he needed direction for advertising. Rich suggested putting it on the November ballot. Discussion followed.

(11:33 a.m.) Cathy Brown, 20 Sevilla Street, spoke on the Charter and in favor of it.

(11:38 a.m.) Robin Nadeau, 26 Mickler Blvd., spoke on needing more education on the Charter.

(11:40 a.m.) Ron Brown, 75 King Street, said thank you, because the version of the Charter that was being presented for review included the language that provided some protection to the cities.

(11:40 a.m.) Herbie Wiles, 63 Bayview Drive, spoke on appointing a Charter Commission and stated that he did not like this Charter.

(11:44 a.m.) Al Abbatiello, 1133 River Birch Road, stated that it was up to the vote of the people if they wanted Charter government. He stated that he was in favor of the Charter. He submitted information from the Times Union, Exhibit A.

(11:54 a.m.) Geoff Dobson, 16 Palmetto Avenue, expressed the concerns he had about Charter government.

(11:56 a.m.) Bryant asked, if the County was under Charter government, if any area of the County wanted to incorporate as a city, would that be allowed under the Charter. Manuel replied that there would be no exclusion from that opportunity.

(11:56 a.m.) Annette Cappella, 4617 Coquina Crossing Drive, spoke on being neutral on Charter government. She stated that educating the public was really important and that Roger Van Ghent had a copy of the cleaned up red line version of the proposed Charter.

(12:08 p.m.) Bryant left the meeting.

(12:09 p.m.) Roger Van Ghent, 4005 Moultrie Foreside Blvd., stated that he had a copy of the cleaned up red line version of the proposed Charter, Exhibit B. McCormack stated that he would like to have a copy of it. Van Ghent stated that he supported Charter government. He recommended appointing a charter committee to continue on.

(12:16 p.m.) Ellen Whitmer, 1178 Natures Hammock Road S., stated that she supported Charter government. Manuel asked Van Ghent to provide the other issues that his group discussed. Stevenson spoke on having an interest in certain parts of the charter.

(12:23 p.m.) Phyliss Abbatiello, 1133 River Birch Road, spoke on putting together thoughts from the public from all over the County to create the Charter government. Discussion followed.

The meeting recessed at 12:32 p.m. and reconvened at 1:35 p.m. with Commissioners Manuel, Rich, Stevenson and Sanchez present along with McCormack, Wanchick, Vonasek and Terry Bulla, Deputy Clerk. Bryant was absent.

(10/02/07 - 11 - 1:35 p.m.)

2. CONSIDER AUTHORIZING THE WRITE OFF OF UN-COLLECTIBLE EMS AND UTILITY SERVICES ACCOUNTS

Dawn Cardenas, Budget Analyst, gave the presentation.

Motion by Manuel, seconded by Stevenson, carried 4/0 with Bryant absent, to approve the write-off of 1,706 EMS accounts totaling \$588,426.86, 837 Utility Services accounts totaling \$143,327.37 and 76 Ponte Vedra Utility Services accounts totaling \$5,123.23 from the appropriate accounts receivable effective September 30, 2007.

(10/02/07 - 11 - 1:38 p.m.)

3. CONSIDER APPOINTMENTS TO THE LIBRARY ADVISORY BOARD

Melissa Lundquist, Administrative Coordinator, gave the presentation, noting the vacancies and term periods.

Motion by Stevenson, seconded by Sanchez, carried 4/0 with Bryant absent, to reappoint Bill Napper to the Library Advisory Board for a full four-year term scheduled to expire September 14, 2011.

Motion by Rich, seconded by Stevenson, carried 4/0 with Bryant absent, to appoint Melanie Brown, to the Library Advisory Board for a full four-year term scheduled to expire October 2, 2011.

Motion by Rich, seconded by Stevenson, carried 4/0 with Bryant absent, to appoint Suzanne Batovsky to the Library Advisory Board for a full four-year term scheduled to expire October 2, 2011.

(10/02/07 - 11 - 1:45 p.m.)

4. CONSIDER APPOINTMENT TO THE INDUSTRIAL DEVELOPMENT AUTHORITY

Melissa Lundquist gave the presentation.

Motion by Manuel, seconded by Sanchez, carried 4/0 with Bryant absent, to reappoint James Browning to the Industrial Development Authority Board for a full four-year term scheduled to expire August 19, 2011.

(10/02/07 - 11 - 1:45 p.m.)

5. CONSIDER APPOINTMENT TO THE ADJUSTMENT & APPEALS BOARD

Melissa Lundquist gave the presentation.

Motion by Stevenson, seconded by Sanchez, carried 4/0 with Bryant absent, to appoint William R. Boyer as an alternate member of the Adjustment & Appeals Board for a full one-year term scheduled to expire October 2, 2008.

(10/02/07 - 12 - 1:46 p.m.)

6. CONSIDER APPOINTMENTS TO THE CONTRACTORS REVIEW BOARD

Melissa Lundquist gave the presentation.

Motion by Rich, seconded by Sanchez, carried 4/0 with Bryant absent, to reappoint Steven Ettlinger to the Contractors Review Board for a full four-year term scheduled to expire May 6, 2011.

Motion by Rich to appoint Tim Wine to the Contractors Review Board for a full four-year term scheduled to expire October 2, 2011.

There was discussion on the fact that a pool applicant was a requirement and Tim Wine was not a pool applicant.

1:53 p.m. Bryant entered the meeting.

(1:53 p.m.) Andy Chance, 120 Heron Rd., said he brought the issue to Rich's attention that he, the applicant, was related to another board member by marriage and was not a blood relative. He said there would be no conflict and he would be willing to swear that he would have no verbal discussion outside the board regarding board matters.

(1:55 p.m.) Rich said it was important not to give the appearance of impropriety. He said it had nothing to do with his character personally. *Rich said he would withdraw his nomination and allow another commissioner to make a nomination.*

Lundquist said that the relative who was on the board would have a term expiring in a month but was eligible for re-nomination.

(1:59 p.m.) Motion by Manuel, seconded by Stevenson, carried 5/0, to appoint Andy Chance to the Contractors Review Board for a full four-year term, scheduled to expire October 2, 2011.

(10/02/07 - 12 - 10:27 a.m.)

7. CONSIDER MOTION TO AUTHORIZE THE COUNTY ADMINISTRATOR OR HIS DESIGNEE, TO AWARD BASE BID #07-112 AND ALTERNATES # 1, # 2, # 3, # 4 AND # 5, TO THOMAS MAY CONSTRUCTION FOR A TOTAL LUMP SUM BID AMOUNT OF \$6,189,542.00 FOR CONSTRUCTION OF WEST AUGUSTINE DISTRICT PARK COMMUNITY CENTER & POOL AND ALL ALTERNATES

Mike Rubin gave the presentation.

(10:28 a.m.) Greg White, Chairman of the West Side CRA Steering Committee and Chairman of the Weed and Seed Committee, 905 West Pearl Street, spokesman for the group, thanked the Commission for making the Community Center pool a reality soon.

(10:29 a.m.) Stetson Kennedy, 1523 SR 13, spoke on behalf of the group and in favor of the park.

(10:32 a.m.) Sandra Parks, 71 Valencia Street, stated that she served on the St. Augustine City Commission from 1983 to 1987 and in that time they secured the Community Development Grant that built the Galimore Center and pool. She spoke in support of the park.

(10:37 a.m.) Colonial Art May, Sheriff's Office, spoke in support of the project.

(10:39 a.m.) Glen Tilley, 22 Surfcrest Street, thanked the Board of County Commissioners for their support.

(10:40 a.m.) Cathy Brown, St. Johns County Council on Aging, 180 Marine Street, spoke on it being great for the kids, but it's also great to continue their partnership in serving older adults.

(10:43 a.m.) Motion by Rich, seconded by Sanchez, carried 5/0, to authorize the County Administrator or his designee, to award Base Bid #07-112 and Alternates #1, #2, #3, #4 and #5, to Thomas May Construction for a Total Lump Sum Bid Amount of \$6,189,542 for Construction of West Augustine District Park Community Center & Pool and all alternates.

(10:43 a.m.) Motion by Rich, seconded by Sanchez, carried 5/0, to transfer \$150,000 from the Revenue Sharing Bond Capital Outlay Reserve [3384-59927] to award the Bid Amount.

(10/02/07 - 13 - 2:05 p.m.)

8. CONSIDER MOTION TO ADOPT A RESOLUTION EXERCISING THE RIGHT AND POWER OF EMINENT DOMAIN TO ACQUIRE A 15-FOOT WIDE EASEMENT ACROSS A PRIVATE ROAD AND DIRECTING THE COUNTY ATTORNEY TO INSTITUTE CONDEMNATION PROCEEDINGS

Paras Desai, Assistant County Attorney, gave the presentation. He also showed a PowerPoint presentation showing the projected area for condemnation.

Press Tompkins, County Engineer, said it was the cheapest and most economical route to correct flooding in the area.

(2:07 p.m.) Motion by Manuel, seconded by Rich, carried 5/0, to adopt Resolution No. 2007- 287 exercising the right and power of eminent domain to acquire a 15-foot wide easement across a private road and directing the County Attorney to institute condemnation proceedings.

RESOLUTION NO. 2007-287

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, DECLARING THE PUBLIC PURPOSE AND PUBLIC NECESSITY FOR EXERCISING THE RIGHT AND POWER OF EMINENT DOMAIN TO ACQUIRE A FIFTEEN (15) FOOT WIDE EASEMENT ACROSS A PRIVATE ROAD AND DIRECTING THE COUNTY ATTORNEY TO INSTITUTE CONDEMNATION PROCEEDINGS

(10/02/07 - 13 - 2:08 p.m.)

9. PUBLIC HEARING - WAIVER REQUEST FOR BALD EAGLE NEST SJ-025 - APPLICANT SEEKS A WAIVER TO SECTIONS 4.01.10.B, C AND D OF THE LAND DEVELOPMENT CODE (LDC), HABITAT MANAGEMENT FOR THE BALD EAGLE, TO COMPLETE EXTERIOR CONSTRUCTION OF A SINGLE FAMILY HOME IN THE SECONDARY ZONE OF BALD EAGLE NEST SJ-025 DURING THE NESTING SEASON. THE APPLICANT PROPOSES AN

ALTERNATE BALD EAGLE MANAGEMENT PLAN AS THE U.S. FISH AND WILDLIFE SERVICE MANAGEMENT GUIDELINES WHICH SET FORTH A 330 FOOT ZONE BETWEEN DEVELOPMENT ACTIVITY AND THE NEST TREE. THE LOT IS LOCATED AT 680 STURDIVANT ROAD

Proof of publication for the notice of public hearing regarding the Waiver Request for Bald Eagle Nest SJ-025 was received, having been published in *The St. Augustine Record* on September 26, 2007.

Jan Brewer, Environmental Manager, gave the presentation and explained the request for the waiver. She gave a PowerPoint presentation showing the area pertaining to the request.

(2:10 p.m.) Motion by Manuel, seconded by Sanchez, carried 5/0, to approve the waiver to Sections 4.01.10 B, C and D of the Land Development Code.

(10/02/07 - 14 - 2:11 p.m.)

10. PUBLIC HEARING - MAJMOD 2007-13 INDIAN FOREST CAMPGROUND AND COMMERCIAL PARK PUD - THIS APPLICATION IS A MAJOR MODIFICATION TO THE INDIAN FOREST CAMPGROUND AND COMMERCIAL PARK PUD (ORDINANCE 1997-56). THE CHANGES CONTEMPLATED IN THIS MAJMOD APPLICATION CONSIST OF A REQUEST TO FURTHER DEFINE PHASE 5 COMMERCIAL USES AND TO EXTEND THE COMMENCEMENT DATE OF PHASES 4 AND 5 BY THREE (3) YEARS, TO EXTEND THE COMPLETION DATE OF THE ENTIRE PUD BY TEN (10) YEARS AND TO SUBMIT INCREMENTAL MASTER DEVELOPMENT PLAN MAPS IN THE FUTURE UPON DETERMINATION OF SPECIFIC SITE USES AND LAYOUT FOR PHASE 4 AND PORTIONS OF PHASE 5. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS ITEM AT THEIR AUGUST 2, 2007 MEETING BY A 5-0 VOTE AND WAS MOVED BY MR. LAIDLAW AND SECONDED BY MR. WILES. LIMITED DISCUSSION CENTERED ON THE ADDITION OF THE USES AND THE RATIONALE TOWARD THEIR INCLUSION WHICH IS ATTRIBUTED TO THE CHANGING NATURE OF THE STATE ROAD 207/INTERSTATE 95 INTERCHANGE AREA AND THE NEED TO PROVIDE A WIDER RANGE OF COMMERCIAL ACTIVITIES AT THAT LOCATION BEYOND THE ORIGINAL COMMERCIAL USES PREVIOUSLY APPROVED IN THE ORIGINAL PUD WHICH WERE PRIMARILY CAMPGROUND RELATED ONLY. *BASED ON DISCUSSIONS WITH THE OWNER OF THE CAMPGROUND ITSELF (THE COMMERCIAL AREAS ARE NOT OWNED BY THE CAMPGROUND ITSELF), THE TEXT HAS BEEN MODIFIED TO ELIMINATE VETERINARY CLINICS WITH OUTSIDE BOARDING AND SERVICE STATIONS FROM THE PHASE 5 PERMITTED USES

Proof of publication for the notice of public hearing regarding MAJMOD 07-13 Indian Forest was received, having been published in *The St. Augustine Record* on September 17, 2007.

Jason Cleghorn, Planner III - DRI Coordinator, gave the presentation and a PowerPoint presentation to show the area in consideration.

(2:13 p.m.) Karen Taylor, 77 Saragossa St., representative for the applicant, reviewed the application and said that Cleghorn had covered most of the major items and she was there to answer questions. She said the waivers involved the sign plan and reformatting the original PUD text to current standards.

(2:15 p.m.) Motion by Stevenson, seconded by Sanchez, carried 5/0, to enact Ordinance 2007-76, known as MAJMOD-13 Indian Forest Campground and Commercial Park PUD adopting findings of fact one through six to support the motion.

ORDINANCE NO. 2007-76

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, APPROVING A MAJOR MODIFICATION TO THE INDIAN FOREST CAMPGROUND AND COMMERCIAL PARK PLANNED UNIT DEVELOPMENT (PUD) ORDINANCE NUMBER 1997-56 MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING FOR AN EFFECTIVE DATE

(10/02/07 - 15 - 2:16 p.m.)

11. PUBLIC HEARING - REZ 2007-13 BINNINGER STORAGE REZONING - THIS IS A REQUEST TO REZONE 1.25 +/- ACRES FROM OR TO CI FOR 50,000 SQUARE FEET R/V AND BOAT STORAGE. THE PROPERTY IS CURRENTLY VACANT. THE PARCEL IS LOCATED ON THE SOUTHEAST SIDE OF STATE ROAD 207 AND .72 MILES FROM WILDWOOD DR. AND IS LOCATED WITHIN THE MIXED USE LAND USE AS DEPICTED ON THE 2015 FUTURE LAND USE MAP. WATER AND SEWER WILL BE PROVIDED BY ST. JOHNS COUNTY UTILITIES. SURROUNDING ZONING CONSISTS OF THE FOLLOWING: OPEN RURAL (OR) TO THE EAST, OPEN RURAL (OR) AND PLANNED UNIT DEVELOPMENT (PUD) WITH SINGLE FAMILY RESIDENTIAL TO THE SOUTH, COMMERCIAL INTENSIVE (CI) AND PLANNED UNIT DEVELOPMENT (PUD) WITH SINGLE FAMILY RESIDENTIAL TO THE NORTH, AND COMMERCIAL INTENSIVE (CI) TO THE WEST. SURROUNDING LAND USE CONSISTS OF THE FOLLOWING: MIXED USE TO THE EAST, MIXED USE AND RESIDENTIAL C (MAINLAND) TO THE SOUTH, RESIDENTIAL B (MAINLAND) TO THE WEST, AND MIXED USE AND RESIDENTIAL B (MAINLAND) TO THE NORTH. THE PLANNING AND ZONING AGENCY GAVE A FAVORABLE RECOMMENDATION TO THIS REZONING REQUEST AT THEIR AUGUST 2, 2007 HEARING BY A VOTE OF 5/0 (LAIDLAW/OGLESBY)

Proof of publication for the notice of public hearing regarding PUD 07-13, Binninger Storage, was received, having been published in *The St. Augustine Record* on September 17, 2007.

Lindsay Haga, Chief Planner, gave the presentation and a PowerPoint presentation regarding the specified request which she noted was a straight rezoning request.

(2:18 p.m.) Motion by Stevenson, seconded by Sanchez, carried 5/0, to enact Ordinance 2007-77, known as REZ 2007-13 Binninger Storage adopting findings of fact one through three to support the motion.

ORDINANCE NO. 2007-77

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REZONING LAND AS DESCRIBED HEREINAFTER FROM THE PRESENT ZONING CLASSIFICATIONS OF OPEN RURAL (OR) TO COMMERCIAL INTENSIVE (CI) MAKING FINDINGS

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

(10/02/07 - 16 - 2:19 p.m.)

12. PUBLIC HEARING - PUD 2007-07 MARBRISA PLANNED UNIT DEVELOPMENT - THIS REQUEST SEEKS TO REZONE 3.2 ACRES FROM RESIDENTIAL SINGLE-FAMILY (RS-3) AND RESIDENTIAL MOBILE HOME OR SINGLE FAMILY (RMH)(S), TO PLANNED UNIT DEVELOPMENT (PUD). THE SITE IS LOCATED SOUTH OF THE INTERSECTION OF DESOTO AND GOMEZ ROADS. THE PROPERTY IS CURRENTLY VACANT. THE PUD TEXT PROPOSES TO DEVELOP SIX (6) SINGLE FAMILY HOMES AND ASSOCIATED SIX (6) ACCESSORY DOCKS. THE SITE IS ACCESSED FROM DESOTO RD. BY A PRIVATELY OWNED ROADWAY. NO ADDITIONAL ACCESS POINTS ARE PROPOSED. SIDEWALKS WILL BE PROVIDED ALONG BOTH SIDES OF THE INTERIOR ROADWAY. A LINEAR PARK WILL BE PROVIDED NEAR THE WETLANDS. AT THE AUGUST 2, 2007 PLANNING & ZONING AGENCY MEETING, THE PROJECT RECEIVED A FAVORABLE RECOMMENDATION BY A VOTE OF 5/0 (LAIDLAW/HANSON)

Proof of publication for the notice of public hearing regarding proposed rezoning PUD 07-02, Marbrisa, was received, having been published in *The St. Augustine Record* on September 17, 2007.

Lindsay Haga, Chief Planner, gave the presentation along with a PowerPoint presentation illustrating the proposed changes. She said an open comment had been addressed and an archeological survey had been performed and artifacts had been donated to the archival system. She said one waiver to the unified sign requirement was included. She noted it met all the goals and policies of the comprehensive plan.

(2:22 p.m.) Karen Taylor, 77 Saragossa St., represented Rob & Bob Sherno, the developers, and explained that the project was in the back of the Treasure Beach area. She noted there were three lots and they were making it into six. She reviewed the neighborhood site plan, and stated that almost half of the property was either wetlands or open space because of the required 50-foot buffers. She stated there was one boat slip per lot.

(2:25 p.m.) Stevenson asked about the water depth in that area. Taylor said the new dock length was just a little longer than the dock currently there. Stevenson asked about the coastal construction line and why they were building behind existing homes. Taylor explained it was because of the wetland areas, the 50-foot buffer and noted that the buffer area would need to be replanted because a single family home with a cleared yard had been present at the buffer. She noted there were large oak trees along it currently. Stevenson recommended that they look carefully at runoff and irrigation with the green homes and yard standards.

(2:29 p.m.) **Motion by Stevenson, seconded by Sanchez, carried 5/0, to enact Ordinance 2007-78, known as PUD 2007-07 Marbrisa PUD, adopting findings of fact one through six to support the motion including the waiver.**

ORDINANCE NO. 2007-78

**AN ORDINANCE OF THE COUNTY OF ST. JOHNS,
STATE OF FLORIDA, REZONING LAND AS
DESCRIBED HEREINAFTER FROM RESIDENTIAL
MOBILE/MANUFACTURED HOUSING AND SINGLE**

FAMILY (RMH)(S), AND RESIDENTIAL SINGLE-FAMILY 3 (RS-3) TO PLANNED UNIT DEVELOPMENT (PUD) PROVIDING FINDINGS OF FACT; PROVIDING A SAVINGS CLAUSE; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE

The board recessed at 2:31 p.m. and reconvened at 2:44 p.m.

(10/02/07 - 17 - 2:48 p.m.)

13. PUBLIC HEARING - DEVAGREE 2005-01 RUSSELL SAMPSON DEVELOPMENT AGREEMENT - THIS IS THE SECOND OF TWO REQUIRED PUBLIC HEARINGS. THE FIRST PUBLIC HEARING WAS HELD ON AUGUST 21, 2007. THE PROPOSED DEVELOPMENT AGREEMENT ADDRESSES ROADWAY CAPACITY ISSUES FOR THE RUSSELL SAMPSON PUD/PRD. THE APPLICANT SUBMITTED REVISED EXHIBITS D-1 THRU D-5 (CONCEPTUAL DESIGN) AND E-1 THRU E-2 (COST ESTIMATE) FOR WHICH THE STAFF REVIEW HAD NOT BEEN COMPLETED PRIOR TO THE FIRST PUBLIC HEARING. THE OUTSTANDING STAFF COMMENTS AND THE REVISED EXHIBITS SUBMITTED BY THE APPLICANT ARE ATTACHED DIRECTLY BEHIND THE AGENDA COVER. THE DEVELOPER (R & F JACKSONVILLE 44, LLC, JACKSONVILLE WEST 95 PARTNERS, LLC, AND DURBIN CREEK NATIONAL, LLC) HAVE PROPOSED A DEVELOPMENT AGREEMENT WITH ST. JOHNS COUNTY. THE PROPOSED DEVELOPMENT AGREEMENT WILL SERVE AS THE DEVELOPER'S COMMITMENT TO BUILD THE TRANSPORTATION FACILITIES NECESSARY TO SERVE THE IMPACTS OF THE PROPOSED DEVELOPMENT, SPECIFICALLY IMPROVEMENTS THAT PROVIDE ADEQUATE ROADWAY CAPACITY ON LINK 35 (CR 210 FROM LEO MAGUIRE PARKWAY TO I-95), THE I-95/CR 210 INTERCHANGE INTERSECTIONS, AND THE CR 210/RUSSELL SAMPSON RD. INTERSECTION TO SATISFY THE COUNTY'S TRANSPORTATION CONCURRENCY REQUIREMENTS

Proof of publication for the notice of public hearing regarding DEVAGREE 2005-01, Russell Sampson Development Agreement, was received, having been published in *The St. Augustine Record* on August 6, 2007.

Bill Hartmann, Transportation Planning Manager, gave the presentation, and stated it was a development agreement to provide the infrastructure to provide the concurrency for the Russell Sampson PUD/PRD. He also showed a PowerPoint presentation to review the specifics of the project as proposed.

(2:51 p.m.) Rich asked about the request from the applicant's attorney for a deferral of 120 days, whether it was a request to defer that hearing or whether he wanted the project deferred after the hearing for 120 days. Whitehouse said the request was for the hearing to be continued for 120 days. Rich said perhaps they should hear from the applicant before they got too deeply into the details of the project.

(2:52 p.m.) Stevenson asked if there was intent to signalize the intersection. Hartmann said there would be a signal and it was part of the County project, and he explained the components of the County project. There was discussion on the traffic studies which had been completed two years ago.

(2:55 p.m.) George McClure, 81 King St., commented on his e-mail to Rich and said that the project had lagged, partly because his client has been very patient. He said that nothing could be done until the improvements that Hartmann had just described under

the overpass had been completed. He said they were dependent upon those improvements being done and they wanted to stay in line, and when those improvements were done, they would do their \$5 million connection to Leo Maguire Parkway. He said staff was concerned that they hadn't pushed it and he acknowledged that they hadn't. He stated there was a \$9,000 application fee for a Development Agreement. He noted that since the study was done, Highway 2209 had been completed; Russell Sampson was in the capital improvements program and was slated for construction with a light which would change the configuration there. He said there was a more comprehensive understanding of what the transportation needs were in the area. He said that was why they had requested another 120 days to get additional information together so that the data would be current. He said that Locklear had expressed an objection to the continuance, and the Board might want to hear from him.

(3:00 p.m.) Darrell Locklear, Assistant County Administrator, said the application had been in the hopper for over two years and there had been a public hearing. He said it had been discussed among staff and they were supportive of it going forward until they had received the e-mail. He said he had coordinated with staff to see when the direction had changed and found there might have been a miscommunication or misunderstanding, but that staff was all on the same page that they had been on three or four days ago; to have the application heard and to move forward.

(3:02 p.m.) Stevenson expressed concerns about the improvements being done and she did not want it to go indefinitely.

(3:03 p.m.) McClure said he understood their viewpoint and said they were prepared to move ahead regardless of their decision. He said he understood that it was the Commission's call and it was subject to their decision.

(3:05 p.m.) Ed Brunson, 12243 Mandle Dr., Jacksonville, said he was representing the Holland family who lived at 2120 Quarter Horse Circle, on property adjacent to the property in question. He noted that he had worked for developers in the past and had a unique perspective on this project. He said the transportation studies were old and needed to be updated, and suggested they needed to get all the information they could before they made any decisions.

(3:08 p.m.) Jeffrey Buckholz, Buckholz Traffic, 3585 Corey Rd., Jacksonville, FL, hired by Barry Ansbacher, said he was there to give expert testimony on traffic engineering issues. He reviewed some of the changes going on in the area and said it was one of the most critical areas in the County. He said they needed to take a long hard look at that technically before any final decisions were made.

(3:09 p.m.) Stevenson said she would be inclined to give the applicant 120 days. Rich said he was inclined to go with staff. Manuel said he was inclined to deny it. He expressed that he was concerned about the currency of the data and reviewed issues of concern.

(3:11 p.m.) Whitehouse said they should state, for the record, the reason for denial. He said Manuel had stated his reasoning clearly.

(3:12 p.m.) Stevenson said her only concern was regarding obtaining capital to get the interchange fixed. She noted there were other applicants in the area who were operating below the surface and she suspected that was why the applicant wished to protect their place in line, because someone else might emerge. She said she wanted to ensure that they didn't play favorites and put anyone else into land use that would slight someone else working through a project. She said people in the CR 210 corridor

would be very disappointed if those projects fell through and some of the improvements didn't come to fruition.

(3:13 p.m.) Whitehouse said that those improvements, spoken of by Stevenson, were in the Developmental Order for Twin Creeks. He said those improvements were only as a condition in the current development agreement before them that day. He said the applicant had just stood before them and stated they wouldn't be able to do those improvements anyway. He said they could use that as part of their consideration as well.

(3:14 p.m.) Manuel said he would like to discuss "place in line" concept and how they dealt with the matter of equity. He asked if they could, by county ordinance, protect the applicant.

(3:15 p.m.) Stevenson said her understanding of what the applicant had agreed to do was update the study to provide new information which might affect their calculations. She said they asked to delay for 120 days in order to do that and to protect their place in line.

(3:15 p.m.) Manuel said he would be willing to waive the \$9,000 application fee and let them reapply. He said they were in a volatile market and any developer was treading water at best. He said he was not in favor of adding any more traffic into that corridor until they came up with a plan because it was unsafe.

(3:18 p.m.) **Motion by Manuel, seconded by Rich, to deny the application for the Development Agreement for the proposed Russell Sampson PUD/PRD (DEVAGREE 2005-01). The reasons were that the traffic studies were clearly out of date, the Twin Creeks project was clearly delayed and they had no certainty as to when it would be restarted, there was a new school being built and they had no idea of what the impact of the new school would be, there were new roads under construction and the Board had no knowledge of what the impact will be. The Board did know that I-95 and CR210 was already an extremely dangerous corridor and Manuel did not support, in the name of public safety, adding any more traffic to that area. It would be prudent to await updated information once the usage patterns have settled down. It would be impractical to do another traffic study right now, when six months from now there would be a changed scenario. The Board needed to take into account the impact on Russell Sampson Rd. regarding northbound traffic.** (3:19 p.m.) McCormack requested that the maker of the motion also consider as a finding that the Development Agreement as presented did not comply with Sec. 163.3227 which is requirements of a Development Agreement. **Manuel agreed to amend the motion that, as a finding of fact, the proposed Development Agreement was not in compliance with Florida Statute Chapter 163.3227. Rich said it was also accepted by the second. Motion carried 5/0.**

(3:20 p.m.) **Motion by Manuel, seconded by Rich, carried 5/0, that when the applicant decided to re-apply, that the application fee be waived, contingent upon no appeal being filed based upon the last decision.**

(3:21 p.m.) McClure explained his client's concerns regarding land use rights and that Stevenson's comments were valid concerns for his client. Stevenson said her interest in the project was solely linked to her desire to get improved transportation and not having the dollars to do it. She also indicated that she wanted to be clear on the point that if someone did not have land use rights and tried to jump before someone who did, she would not support it.

(10/02/07 - 20 - 2:44 p.m.)

This item was previously Consent Item No. 21

13A. RESOLUTION DESIGNATING THE ST. JOHNS CULTURAL COUNCIL AS THE LOCAL ARTS AGENCY FOR ST. JOHNS COUNTY

Stevenson commented and explained why she had asked the item to be pulled. She said her questions and concerns had been answered.

Sanchez noted that this would open the door for them to apply for more grants that they were ineligible for now.

(2:47 a.m.) **Motion by Stevenson, seconded by Manuel, carried 5/0, to adopt Resolution 2007-288, which designates the St. Johns Cultural Council as the Local Arts Agency for St. Johns County, Florida.**

RESOLUTION NO. 2007-288

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA DESIGNATING THE ST. JOHNS CULTURAL COUNCIL AS THE LOCAL ARTS AGENCY FOR ST. JOHNS COUNTY, FLORIDA

The meeting recessed at 4:19 p.m. and reconvened at 5:30 p.m. with all five Commissioners, Wanchick, McCormack, and Deputy Clerk Lenora Newsome present.

(10/02/07 - 20 - 5:30 p.m.)

14. PUBLIC HEARING - LAND DEVELOPMENT CODE AMENDMENTS - THIS IS THE FIRST OF TWO REQUIRED PUBLIC HEARINGS TO CONSIDER AMENDMENTS TO THE LAND DEVELOPMENT CODE. SPECIFICALLY, AMENDMENTS TO ARTICLE II, ARTICLE VI, ARTICLE X AND ARTICLE XII. THE ATTACHED ARTICLES ARE PROVIDED IN STRIKETHROUGH AND UNDERLINE FORMAT TO HIGHLIGHT THE PROPOSED CHANGES

Proof of publication for the notice of public hearing regarding the Land Development Code Amendments was received, having been published in *The St. Augustine Record* on September 24, 2007.

Betty Sue Stepp, Project Liaison Growth Management Services Department, reviewed this item stating that this was the first of the series that staff would be bringing to the Board. She stated that the changes were being proposed to Article I, Article III, and Article VII. She stated at the workshop there were two concerns raised regarding Section 6.06.04.B8, and 5.03.03.B3, stating that these areas needed further review and asked that those modifications be removed from this request. She mentioned that since the public workshop there was one modification added; Section 4.01.05.E2, to clarify the use of the Tree Bank Fund. Stepp stated that there was a suggestion that the Tree Bank Fund allowed the funds to be expended on single family lots for affordable housing through the S.H.I.P. Program and it was suggested that they should add multifamily affordable housing projects under the S.H.I.P. Program, stating that this language was not in the draft. She mentioned that Fire Services asked that Section 6.03.04.A5 be removed.

(5:36 p.m.) Karen Taylor, 77 Saragossa Street, asked to be included on these amendments, speaking on heavy industrial use and open rural use. She approached staff about the idea of including in the light industrial category, by "special use."

Discussion followed. McCormack explained the way “special use” worked. Rich asked about “special use.” Taylor responded.

(5:46 p.m.) Teresa Bishop, Director of Growth Management Services, stated that they agreed with the Commissioners on it and explained staff’s concerns. Rich asked if there was anyway it could fit within this cycle. Bishop replied that it could be done as a separate deal, that this was only the first hearing. She stated that the Board could direct them to address it. Bishop stated that it could be an independent change.

(5:50 p.m.) Doug Laidlaw, 120 Stokes Landing Road, mentioned that he was looking for some direction to proceed with his request, if the Board thought that he had a valid concern. He spoke on the multi family complex and solid waste service. He stated that the complexes were not planning for dumpsters and screening them in. Rich recommended to move this forward and to get with staff on it.

(6:04 p.m.) James Charles, 245 Riverside Avenue, stated that he was here on behalf of the Florida Marine Contractor’s Association, and spoke on boat docks. He expressed their support and approval for the recommended changes in Article II and VI associated with docks, boat houses, and other shelters similar to that nature. He spoke on Section 2.3.15 regarding off site parking and the special use permit, asking the Board to strike this section, saying that it was not necessary. Stevenson stated that she felt comfortable with the ownership being linked. Discussion followed on off site parking and the dumpster issue.

(6:12 p.m.) Sean Holmes, 1475 Sheffield Road, contractor in St. Johns County, spoke on the dock ordinance.

(6:13 p.m.) Steven Webster, 2569 Newfound, Merritt Island, stated that he was in support with everything that James Charles said and that he appreciated all the hard work done by staff. McCormack stated that he was going to be recommending to staff, that as the Section II language had in terms of basically the grandfathering provisions for the docks, he just wanted to make sure that there was some language in Article VI about dock parking, to make sure the docks that were already there as of October 30th would not have to get additional parking because of this ordinance.

(6:15 p.m.) Rich announced the second public hearing for October 30, 2007 to be held at 9:00 a.m.

(6:15 p.m.) Stevenson spoke on signs for every occasion all over the County. Rich expressed concern about signs on mega developments. Discussion followed.

(10/02/07 - 21 - 3:25 p.m.)
COMMISSIONERS’ REPORTS

Commissioner Rich:

He congratulated the First Coast Technical Institute Culinary Team who came in second in the state competition, competing against teams representing the southeastern United States and Bahamas. First Coast Tech student team members included: Samantha Bear, team captain, Kevin Gallagher, John Baker, Justin Rusticus, and Joe Gianzero, alternate. Team managers were Virginia Cahill and Lee Cottrell.

He also commented on how the Beach Patrol Team did this year, the busiest on record in terms of overall Marine Rescue activity. He congratulated the Marine Rescuers on their fine performance and quoted the statistics for the year.

He commented on the judge who removed the property tax amendment from the ballot and the circuit court ruling on the amendment. He said the judge was saying that the summary was not correct and was misleading. He said the judge's opinion spoke volumes.

He read a letter into the record from Capt. Daniel Machurick of Ponte Vedra Beach, regarding the tragedy that happened in St. Johns County, to a young firefighter, his son-in-law, Ryan Reed, who died in an automobile accident. He thanked the fire service "for all the care, professionalism, dedication and attention to every detail that was delivered daily by the SJCFR department" to his family. Rich stated that he attended the funeral.

He said he had met with Chief Bobby Hall regarding the January initiative on tax reform and checked on the last possible date they could do something in that regard; November 1, according to Penny Halyburton. He said they had discussed how they could finance the Palencia Fire Station in the event funding was lost. He stated the footprint for the land was already there. He said they were able to come up with financing mechanisms that were realistic, and were able to solve the issue without dipping into general reserves. He asked the Board if they would like to have Hall come before the board on October 30th to present a solution. *There was Board consensus to do so.*

(4:16 p.m.) Deputy Clerk Terry Bulla left the meeting and Deputy Clerk Lenora Newsome entered the meeting.

(4:16 p.m.) McCormack suggested scheduling a shade meeting for next Tuesday at 9:00 a.m., if needed.

(4:17 p.m.) Wanchick requested to set up a workshop for concurrency management on either October 29th or 31st. Rich suggested checking with Diane Gorski on their schedules to see which date would be the best one.

(4:18 p.m.) Stevenson asked about doing a committee for the charter. Manuel replied that they decided to discuss it further.

Motion by Bryant, seconded by Sanchez, carried 5/0, to adjourn the meeting. With there being no further business to come before the Board, the meeting adjourned at 6:21 p.m.

REPORTS:

1. St. Johns County Board of County Commissioners Check Register, Check Nos. 407940 through 408160, totaling \$1,099,605.43 (09/11/07)
2. St. Johns County Board of County Commissioners Check Register, Check Nos. 408161 through 408187, totaling \$43,235.95 (09/13/07)
3. St. Johns County Board of County Commissioners Check Register, Check Nos. 408188 through 408535, totaling \$4,516,265.86 (09/18/07)
4. St. Johns County Board of County Commissioners Check Register, Check Nos. 408536 through 408537, totaling \$2,829.71 (09/18/07)

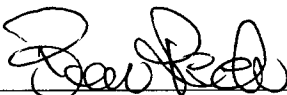
CORRESPONDENCE:

1. Letter from Glen St. Johns Community Development District designating dates, times and locations for their regular meetings for Fiscal Year 2007/2008 (09/19/07)

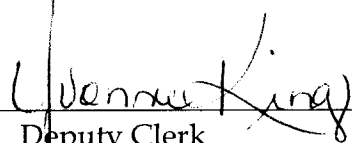
2. Letter from Heritage Landing Community Development District designating dates, times and location for their regular meetings for Fiscal Year 2007/2008 (09/18/07)
3. Letter from Sandy Creek Community Development District designating dates, times and locations for their regular meetings for Fiscal Year 2007/2008 (08/27/07)

Approved October 30, 2007

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: 
Ben Rich, Chairman

ATTEST: CHERYL STRICKLAND, CLERK

By: 
Deputy Clerk

