

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
NOVEMBER 13, 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
Terry Bulla, Deputy Clerk

Also present: Cheryl Strickland, Clerk of Court

(11/13/07 - 1 - 9:02 a.m.)
CALL TO ORDER

Rich called the meeting to order.

(11/13/07 - 1 - 9:02 a.m.)
ROLL CALL

Rich stated that all five commissioners were present.

(11/13/07 - 1 - 9:02 a.m.)
Stevenson gave the invocation, and Bryant led the Pledge of Allegiance.

(11/13/07 - 1 - 9:04 a.m.)
DELETIONS TO CONSENT AGENDA

There were none.

(11/13/07 - 1 - 9:04 a.m.)
APPROVAL OF CONSENT AGENDA

Motion by Manuel, seconded by Sanchez, carried 5/0 to approve the Consent Agenda.

1. Approval of the Cash Requirement Report
2. Minutes:
10/16/07 - BCC Regular Meeting
3. Sheriff Office Bonds:
Approve: Shirley Beaver Myrticia Dailey Mark McDevitt
Michael White
4. Motion to adopt **Resolution No. 2007-343**, authorizing St. Johns County to be listed as a Local Government Partner on a Remarkable Coastal Areas grant

proposal submitted to the Florida Department of Environmental Protection with the stipulation that the proposal does not commit any monetary funds from the County, and authorizing the County Administrator, or his designated representative, to execute other related documents and take any actions necessary in the submittal of the grant proposal

RESOLUTION NO. 2007- 343

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, RECOGNIZING THE EXCEPTIONAL VALUE OF THE COUNTY'S MARITIME HERITAGE, AND PROCLAIMING INTENT TO JOIN AS A LOCAL GOVERNMENT PARTNER IN A REMARKABLE COASTAL PLACES GRANT PROPOSAL WITH THE ST. AUGUSTINE LIGHTHOUSE AND MUSEUM, INC., AND THE GUANA TOLOMATO MATANZAS NATIONAL ESTUARINE RESEARCH RESERVE, AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE, ON BEHALF OF THE COUNTY, ALL DOCUMENTS RELATED TO THE SUBMISSION OF THE GRANT, AND TAKE ANY ACTIONS NECESSARY IN THE SUBMITTAL OF THE GRANT PROPOSAL

5. Motion to adopt **Resolution No. 2007-344**, approving the terms, and conditions of a Memorandum of Understanding between the Jacksonville Transportation Authority and St. Johns County Florida, to provide transit service for the northeastern beaches of St Johns County and authorizing the Chairman of the Board of County Commissioners to sign the Memorandum of Understanding on behalf of the County

RESOLUTION NO. 2007- 344

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF A MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE JACKSONVILLE TRANSPORTATION AUTHORITY (JTA) AND ST. JOHNS COUNTY FLORIDA FOR THE JTA TO OPERATE TRANSIT SERVICE FOR THE NORTHEASTERN BEACHES OF ST. JOHNS COUNTY FLORIDA AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS TO SIGN THE MOU ON BEHALF OF THE COUNTY

6. Motion to adopt **Resolution No. 2007-345**, approving the terms, conditions, and requirements of Amendment #18 to the Community Based Care contract # DJ993 between St. Johns County, Florida and the State of Florida, Department of Children and Families, and authorizing the County Administrator to execute Contract Amendment #18 on behalf of the County

RESOLUTION NO. 2007- 345

**A RESOLUTION OF ST. JOHNS COUNTY, FLORIDA,
AUTHORIZING THE COUNTY ADMINISTRATOR TO
SIGN THE EIGHTEENTH AMENDMENT TO THE
CONTRACT DJ993 BETWEEN ST. JOHNS COUNTY
BOARD OF COUNTY COMMISSIONERS AND THE
STATE OF FLORIDA, DEPARTMENT OF CHILDREN
AND FAMILIES**

7. Motion to approve the expenditure of \$27,500 from the Tree Bank Fund to purchase trees for Arbor Day that will be planted at the new County Purchasing Building (2446 Dobbs Road) and Motion to transfer \$27,500 from the Tree Bank Fund Reserves (1231-59920) to the following: \$10,700 to Operating Supplies (1231-55200) and \$16,800 to Contractual Services (1231-531200)
8. Motion to adopt **Resolution No. 2007-346**, approving the Final Plat for Murabella Unit Two Lot 305 Replat

RESOLUTION NO. 2007- 346

**A RESOLUTION OF THE BOARD OF COUNTY
COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA,
APPROVING A SUBDIVISION PLAT FOR MURABELLA
UNIT TWO LOT 305**

9. Motion to adopt **Resolution No. 2007-347**, approving the Final Plat for Ranch Club at Aston Oaks

RESOLUTION NO. 2007- 347

**A RESOLUTION OF THE BOARD OF COUNTY
COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA,
APPROVING A SUBDIVISION PLAT FOR RANCH
CLUB AT ASHTON OAKS**

10. Motion to adopt **Resolution No. 2007-348**, authorizing the Library System to apply for grant funding through Verizon, Inc. in order to provide improved resources and services to the patrons of the Hastings Branch Library

RESOLUTION NO. 2007- 348

**A RESOLUTION OF THE BOARD OF COUNTY
COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA,
AUTHORIZING THE LIBRARY SYSTEM TO APPLY FOR
GRANT FUNDING THROUGH VERIZON, INC. IN
ORDER TO PROVIDE IMPROVED RESOURCES AND
SERVICES TO THE PATRONS OF THE HASTINGS
BRANCH LIBRARY, AND AUTHORIZING THE
COUNTY ADMINISTRATOR OR COUNTY LIBRARY
DIRECTOR TO EXECUTE ANY, AND ALL, NECESSARY
PAPERWORK ASSOCIATED WITH THE GRANT
APPLICATION**

11. Motion to adopt **Resolution No. 2007-349**, approving the terms, provisions, conditions, and requirements of an Agreement between St. Johns County, Florida, and Guardian Occupational Services, for the provision of drug screening

services, and related services, for 2007-2008, and authorizing the County Administrator to execute the Agreement on behalf of the County

RESOLUTION NO. 2007- 349

RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF AN AGREEMENT BETWEEN ST. JOHNS COUNTY, FLORIDA, AND GUARDIAN OCCUPATIONAL SERVICES INC., FOR THE PROVISION OF DRUG SCREENING SERVICES, AND RELATED SERVICES, FOR 2007-2008, AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE AGREEMENT ON BEHALF OF ST. JOHNS COUNTY

12. Motion to authorize the County Administrator, or his designee, to negotiate with and enter into contract with the top ten (10) ranked firms for Surveying/Mapping Services. If an agreement cannot be reached with one or more of the top (10) ranked firms, authorization is requested to begin negotiations with the next ranked respondent and continue until an agreement is reached with ten (10) respondents
13. Motion to authorize the County Administrator, or his designee, to purchase Sign Posts, Sign Hardware and Sign Blanks from Universal Signs & Accessories in accordance with Bid No. 08-27 in the amount of \$108,133.10
14. Motion to adopt **Resolution No. 2007-350**, approving the terms, conditions, provisions, and obligations of a Supplementary Alternate Assurances Agreement between St. Johns County, Florida and the Tolomato Community Development District, in order to provide St. Johns County with financial assurance for construction of improvements required by the Nocatee Development of Regional Impact (DRI) Development Order, and authorizing the County Administrator to execute the Supplementary Alternate Assurances Agreement on behalf of the County

RESOLUTION NO. 2007- 350

RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, CONDITIONS, PROVISIONS, AND OBLIGATIONS OF A SUPPLEMENTARY ALTERNATE ASSURANCES AGREEMENT BETWEEN ST. JOHNS COUNTY, FLORIDA, AND THE TOLOMATO COMMUNITY DEVELOPMENT DISTRICT, IN ORDER TO PROVIDE ST. JOHNS COUNTY WITH FINANCIAL ASSURANCE FOR CONSTRUCTION OF IMPROVEMENTS REQUIRED BY THE NOCATEE DEVELOPMENT OF REGIONAL IMPACT (DRI) DEVELOPMENT ORDER, AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE SUPPLEMENTARY ALTERNATE ASSURANCES AGREEMENT ON BEHALF OF THE COUNTY

15. Motion to adopt **Resolution No. 2007-351**, approving the terms, provisions, conditions, and requirements of an agreement between St. Johns County, Florida, and Florida Department of Transportation, for the provision of relocation of water and sewer mains (Matanzas Bridge North) and authorizing the execution of the agreement on behalf of St. Johns County

RESOLUTION NO. 2007- 351

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF AN AGREEMENT BETWEEN ST. JOHNS COUNTY, FLORIDA, AND FLORIDA DEPARTMENT OF TRANSPORTATION, FOR THE PROVISION OF RELOCATION OF WATER AND SEWER MAINS AND AUTHORIZING THE EXECUTION OF THE AGREEMENT ON BEHALF OF ST. JOHNS COUNTY

16. Motion to adopt **Resolution No. 2007-352**, approving the terms and authorizing the County Administrator to execute the Purchase and Sale Agreement of Easement for drainage improvements related to Segment I of the West King Street Improvement Project

RESOLUTION NO. 2007- 352

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

17. Motion to adopt **Resolution No. 2007-353**, approving the terms and authorizing the County Administrator to execute a Purchase and Sale Agreement for the acquisition of property for mitigation impacts for future Capital Improvement Projects

RESOLUTION NO. 2007- 353

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A PURCHASE AND SALE AGREEMENT FOR THE ACQUISITION OF PROPERTY FOR MITIGATION IMPACTS FOR FUTURE CAPITAL IMPROVEMENT PROJECTS

18. Motion to adopt **Resolution No. 2007-354**, accepting a Grant of Easement for construction of a public sidewalk along Murillo Avenue in Santa Rosa Subdivision

RESOLUTION NO. 2007- 354

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING A GRANT OF EASEMENT FOR CONSTRUCTION OF A PUBLIC SIDEWALK ALONG MURILLO AVENUE IN SANTA ROSA SUBDIVISION

19. Motion to adopt **Resolution No. 2007-355**, amending County Resolution No. 2007-132, by approving the terms and authorizing the County Administrator to execute a 1st Amendment to the Land Exchange and Purchase and Sale Agreement from the Wilson Family describing and confirming the property needed for the realignment of Russell Sampson Road at the CR210 Intersection

RESOLUTION NO. 2007- 355

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AMENDING COUNTY RESOLUTION 2007-132, BY APPROVING THE TERMS AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A 1ST AMENDMENT TO THE LAND EXCHANGE AND PURCHASE AND SALE AGREEMENT FROM THE WILSON FAMILY DESCRIBING AND CONFIRMING THE PROPERTY NEEDED FOR THE REALIGNMENT OF RUSSELL SAMPSON ROAD AT THE CR210 INTERSECTION

20. Motion to adopt **Resolution No. 2007-356**, accepting a Grant of Easement for road right-of-way, drainage and utilities in connection with the West Augustine Dental and Medical Facility

RESOLUTION NO. 2007- 356

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING A GRANT OF EASEMENT FOR ROAD RIGHT-OF-WAY, DRAINAGE AND UTILITIES IN CONNECTION WITH THE WEST AUGUSTINE DENTAL AND MEDICAL FACILITY

21. Motion to adopt **Resolution No. 2007-357**, approving the terms of an Agreement for Underground Conversions in connection with the Vilano Town Center and authorizing the County Administrator to execute the Agreement on behalf of the County

RESOLUTION NO. 2007- 357

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS OF AN AGREEMENT FOR UNDERGROUND CONVERSIONS IN CONNECTION WITH THE VILANO TOWN CENTER AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE COUNTY

22. Motion to approve a transfer in the amount of \$15,782.37 from General Fund Reserves (0083-59920) to LETF Reserves (1194-59920) so that the Sheriff may utilize unclaimed funds returned to the General Fund for FY 2007
23. Motion to approve the 2008 Holiday Schedule
24. Motion to adopt **Resolution No. 2007-358**, supporting the St. Johns County Council on Aging application for funding being submitted to the State of Florida for the construction of a new senior center in the County

RESOLUTION NO. 2007- 358

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, EXPRESSING SUPPORT FOR THE ST. JOHNS COUNTY COUNCIL ON AGING AND THEIR APPLICATION FOR FUNDING FROM THE STATE OF FLORIDA

25. Proofs:
 - a. Proof, Corrected Notice of Hearings, St. Johns County Board of County Commissioners, Ordinance/Regulations affecting the Use of Land, Tuesday, October 2, 2007 at 5:30pm and Tuesday, October 30, 2007 at 9:00am (published September 20, 2007)
 - b. Proof, Corrected Notice of Hearings, St. Johns County Board of County Commissioners, Ordinance/Regulations affecting the Use of Land, Tuesday, October 2, 2007 at 5:30pm and Tuesday, October 30, 2007 at 9:00am (published September 24, 2007)
 - c. Proof, Notice of Hearings, St. Johns County Board of County Commissioners, Ordinance/Regulations affecting the Use of Land, Tuesday, October 2, 2007 at 5:30pm and Tuesday, October 30, 2007 at 9:00am
 - d. Proof, Notice of Hearings, St. Johns County Board of County Commissioners, Ordinance/Regulations affecting the Use of Land, Summerhaven Moratorium, Tuesday, September 4, 2007 at 9:00am and Tuesday, September 18, 2007 at 5:30pm
 - e. Proof, Notice to Bidders, Bid No. 08-15
 - f. Proof, Notice of Hearing, St. Johns County Board of County Commissioners, Proposed Charter for St. Johns County, Tuesday, October 16, 2007 at 9:00am
 - g. Proof, Corrected Notice of Hearing, St. Johns County Board of County Commissioners, Proposed Charter Government Ordinance, Tuesday, October 16, 2007 at 1:30pm
 - h. Proof, Notice of Hearing, St. Johns County Board of County Commissioners, Proposed Charter Government Ordinance, Tuesday, October 23, 2007 at 6:30pm
 - i. Proof, Notice of Special Meeting, St. Johns County Board of County Commissioners, Proposed Charter Government Ordinance, Tuesday, October 23, 2007 at 6:30pm
 - j. Proof, Notice of Special Meeting, St. Johns County Board of County Commissioners, Workshop for review of the Concurrency Management System and Impact Fee Credit Policies, Monday, October 29, 2007 at 9:00am

(11/13/07 - 7 - 9:05 a.m.)

PUBLIC COMMENT

Vivian Browning, 30 Beachcomber Way, said she wanted to invite them, on behalf of the Northshore Improvement and the Main Street Town Center Program, to the preview party for the Vilano Streetscape, Friday November 16, 5:00 p.m. to 8:30 p.m. at

the Vilano Pier. She said it was an opportunity for the public to see the improvements that had been made, including some which were underground and not visible.

(9:06 a.m.) Nicole Alvarez, 1416 Jessica Way, spoke regarding bus transportation for approximately twenty children in Julington Creek Plantation (JCP). She said grade school children had to walk two miles to and from Durbin Creek Elementary School each day and it was unsafe without a sidewalk. She asked who would be to blame when a child was hurt and who would be held responsible for failing to plan for the infrastructure of this county.

(9:12 a.m.) Stevenson stated that she had met with Dr. Joyner and had talked with the Intergovernmental Relations Board about exploring a pilot program in the JCP area because of the density of homes. She agreed that it would make more sense to provide additional bus service to the people in that area rather than build bigger roads. General discussion ensued and the Board suggested some options for supporting the needs, and asked the County Administrator to open a dialogue with Dr. Joyner to explore some solutions.

(9:21 a.m.) Al Abbatiello, 1133 River Birch Rd., St. Johns, said he supported everything Ms. Alvarez had said. He suggested the School Board add the word "safe" into their model.

(9:23 a.m.) Margaret White, P. O. Box 2034, St. Augustine, thanked everyone for making Saturday such a special day for the "Sailors Remembrance Day" event.

(11/13/07 - 8 - 9:24 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

Manuel stated that at the MPO meeting last week they were able to garner support for the designation of 9-B as an SIS Road. He said that in order to commence that process, it required a resolution by the Board. He requested that they add it as agenda item No. 12A. Manuel said he would be out of town November 20, and asked to move the Board reorganization to become Item No. 1 on November 27.

(9:25 a.m.) Motion by Manuel, seconded by Rich, to move the Election of the Chair and Vice Chair to November 27 as Item No. 1 on the agenda, and to temporarily suspend the Board Rules and Policies language pertaining to the reorganizational meeting requiring that the meeting be held on the third Tuesday of November.

McCormack said it needed to be approved by a super majority (4 votes.)

(9:29 a.m.) Motion carried 5/0.

(9:30 a.m.) Rich asked that Item No. 1 be pulled.

(9:30 a.m.) Stevenson asked that the draft for the Northeast Florida Regional Council Legislative Agenda be discussed as Item 12B. She also asked to add during Commissioner Comments, the pulling of some things together, some speakers, regarding the major regional impacts to the St. Johns River.

(11/13/07 - 8 - 9:33 a.m.)

APPROVAL OF REGULAR AGENDA

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

(11/13/07 - 9 - 9:33 a.m.)

1. CONSIDER MOTION TO DIRECT STAFF TO PREPARE AN ENABLING ORDINANCE FOR THE ENACTMENT OF AN ACTIVE MILITARY COMBAT DUTY GRANT PROGRAM, TO ADVERTISE A FIRST PUBLIC HEARING

This item was pulled

(11/13/07 - 9 - 9:33 a.m.)

2. CONSIDER MOTION TO ADOPT A RESOLUTION AUTHORIZING AND APPROVING A FORM SETTLEMENT AGREEMENT BETWEEN THE COUNTY AND INTERCOASTAL UTILITIES, INC. AND AUTHORIZING THE CHAIRMAN OR VICE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS TO EXECUTE AND DELIVER THE SETTLEMENT AGREEMENT AS DESCRIBED IN THE RESOLUTION

Bill Young, Director of Utilities, gave the presentation and introduced Joe Settembrini.

(9:34 a.m.) Joel Settembrini, Eminent Domain Counsel, said the settlement agreement was there for their approval. He explained that the agreement was favorable to the County and addressed any environmental issues, liability issues, transition issues and so forth. He noted it was tightly drafted and effective for its intended purpose. He said there might be an operations agreement, but it might not be necessary, depending on how many employees of the utility decided to come over as County employees.

(9:35 a.m.) Motion by Manuel, seconded by Bryant, carried 5/0, to adopt Resolution No. 2007-359 authorizing and approving a form settlement agreement between the County and Intercoastal Utilities, Inc. and authorizing the Chairman or Vice Chairman of the Board of County Commissioners to execute and deliver the settlement agreement as described in the Resolution.

RESOLUTION NO. 2007- 359

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING AND APPROVING A SETTLEMENT AGREEMENT BETWEEN ST. JOHNS COUNTY AND INTERCOASTAL UTILITIES, INC. IN CONNECTION WITH ST. JOHNS COUNTY'S ACQUISITION OF INTERCOASTAL UTILITIES, INC.'S, UTILITY SYSTEM BY EMINENT DOMAIN AND AUTHORIZING THE CHAIRMAN OR VICE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY TO EXECUTE THE SETTLEMENT AGREEMENT ON BEHALF OF ST. JOHNS COUNTY

(11/13/07 - 9 - 9:36 a.m.)

3. CONSIDER MOTION TO ADOPT RESOLUTION AUTHORIZING THE ISSUANCE OF THE COUNTY'S PONTE VEDRA UTILITY SYSTEM REVENUE BONDS, SERIES 2007, IN AN AGGREGATE PRINCIPAL AMOUNT NOT EXCEEDING \$31,100,000

Bill Young, Director of Utilities, gave the presentation for the Ponte Vedra Utility System Revenue Bond Resolution, which dealt with the issuance of the bonds to finance the acquisition. He reviewed the sources and uses of funds and noted that the totals had dropped a bit due to the fact that they had received a better deal on bond insurance and surety bonds. He noted that about half of the \$3.2 million being borrowed was

going towards odor control issues at the Sawgrass Wastewater Treatment Plant. He said that automation would be installed on the system and some lift stations would receive telemetry and would be rehabilitated. He stated that funds would also be put into a master plan for the area.

(9:38 a.m.) Jean Mangu, County Bond Counsel, 6 East Bay Street, Jacksonville, gave the presentation on the Bond Resolution which would authorize the issuance of the bonds to finance the acquisition of Intercoastal Utilities and to fund the additional capital improvements and capitalized interest. She said there had been a few changes to the bond resolution since the original packets had been given to them. She explained it involved the bond insurer's commitment to insure the bonds and they had some additional requirements. She noted the changes and why they had been made. She said the resolution authorized the issuance of the bonds and the rates would depend on the market. She stated the parameters that would be followed as laid out in the resolution. She introduced members of the team who were available to answer questions. She requested a short break after the vote to get necessary signatures so they could stay on their financing schedule.

(9:44 a.m.) Motion by Manuel, seconded by Stevenson, to adopt Resolution No. 2007-360, authorizing the issuance of the County's Ponte Vedra Utility System Revenue Bonds, Series 2007, in an aggregate principal amount not exceeding \$31,100,000.

(9:44 p.m.) Stevenson said this was an important step to protect the water supply and to promote its efficient use. She said there would be many water supply and quality issues ahead that would have to be addressed.

(9:46 a.m.) McCormack thanked Settembrini, Hunt, Mangu, Glover, Diaz, Owens, Young and the whole team for their hard work in putting the deal together during the trying time for the national bond financing climate. (9:46 a.m.) **Motion carried 5/0.**

RESOLUTION NO. 2007- 360

A RESOLUTION AMENDING AND RESTATING IN ITS ENTIRETY RESOLUTION NO. 2006-21 ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ON JANUARY 24, 2006, WHICH RESOLUTION PROVIDED FOR, AMONG OTHER THINGS, THE ISSUANCE OF NOT EXCEEDING \$31,000,000 IN AGGREGATE PRINCIPAL AMOUNT OF ST. JOHNS COUNTY, FLORIDA, PONTE VEDRA UTILITY SYSTEM REVENUE BONDS, SERIES 2006, TO FINANCE THE ACQUISITION OF A NEW WATER AND SEWER SYSTEM TO BE KNOWN AS THE PONTE VEDRA UTILITY SYSTEM AND THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF ADDITIONS, EXTENSIONS AND IMPROVEMENTS THERETO AND CERTAIN WORKING CAPITAL FOR SUCH UTILITY SYSTEM, FOR THE PURPOSES OF (A) PLEDGING CERTAIN LAWFULLY AVAILABLE CONNECTION CHARGES TO SECURE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON BONDS ISSUED HEREUNDER; AND (B) AMENDING AND ADDING RELATED DEFINITIONS AND PROVISIONS; AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$31,100,000 IN AGGREGATE PRINCIPAL AMOUNT OF ST. JOHNS COUNTY, FLORIDA, PONTE VEDRA UTILITY SYSTEM

REVENUE BONDS, SERIES 2007, TO FINANCE THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF CERTAIN ADDITIONS AND IMPROVEMENTS TO THE PONTE VEDRA UTILITY SYSTEM; PLEDGING THE NET REVENUES OF SUCH UTILITY SYSTEM, CERTAIN LAWFULLY AVAILABLE CONNECTION CHARGES AND THE MONEYS IN CERTAIN FUNDS AND ACCOUNTS CREATED HEREBY TO SECURE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON BONDS ISSUED HEREUNDER; PROVIDING FOR THE RIGHTS OF THE HOLDERS OF BONDS ISSUED HEREUNDER; MAKING CERTAIN OTHER COVENANTS AND AGREEMENTS IN CONNECTION WITH BONDS ISSUED HEREUNDER; AUTHORIZING THE AWARDED OF SAID SERIES 2007 BONDS PURSUANT TO A NEGOTIATED SALE IN ACCORDANCE WITH CERTAIN PARAMETERS; DELEGATING CERTAIN AUTHORITY TO THE CHAIR OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY AND THE COUNTY ADMINISTRATOR FOR THE AWARD OF SAID SERIES 2007 BONDS AND THE APPROVAL OF THE TERMS AND DETAILS OF SAID SERIES 2007 BONDS; APPOINTING THE PAYING AGENT AND REGISTRAR FOR SAID SERIES 2007 BONDS; APPOINTING THE PAYING AGENT AND REGISTRAR FOR SAID SERIES 2007 BONDS; AUTHORIZING THE DISTRIBUTION OF A PRELIMINARY OFFICIAL STATEMENT AND THE EXECUTION AND DELIVERY OF AN OFFICIAL STATEMENT AND THE EXECUTION AND DELIVERY OF AN OFFICIAL STATEMENT WITH RESPECT TO SAID SERIES 2007 BONDS; AUTHORIZING THE EXECUTION AND DELIVERY OF A BOND PURCHASE AGREEMENT AND A CONTINUING DISCLOSURE CERTIFICATE FOR SAID SERIES 2007 BONDS; AUTHORIZING MUNICIPAL BOND INSURANCE FOR SAID SERIES 2007 BONDS; AUTHORIZING A RESERVE ACCOUNT SURETY BOND WITH RESPECT TO SAID SERIES 2007 BONDS; AND PROVIDING FOR AN EFFECTIVE DATE FOR THIS RESOLUTION

(9:47 a.m.) Young thanked everyone on the acquisition team and said it was a complicated deal and they had all worked long hours with the goal of protecting the County and he appreciated it.

The Board recessed at 9:47 a.m. and resumed at 10:04 a.m.

(11/13/07 - 11 - 10:04 a.m.)

4. CONSIDER MOTION TO ADOPT A RESOLUTION EXERCISING THE LOCAL OPTION TO CONTINUE THE REQUIREMENT FOR IDA MEMBERS TO FILE ANNUAL STATEMENTS OF FINANCIAL INTEREST

Karen Johnson, Intergovernmental Relations Specialist, gave the presentation and stated that the Industrial Development Authority members had been required to file financial disclosure annually since the IDA was established in 1980. She said they had a letter in their packets from the State of Florida Commission on Ethics office that stated that the

members were no longer required to file financial disclosure. She said the Board had the discretion to exercise a local option by resolution which would continue the requirement for the IDA members to file annually. She said they could choose to continue the requirement or not.

(10:05 a.m.) Stevenson stated they should continue the disclosure to be sure that there were no conflicts of interest.

(10:05 a.m.) **Motion by Stevenson, seconded by Sanchez, carried 5/0, to adopt Resolution No. 2007- 361 exercising the local option to continue the requirement for IDA members to file annual statements of financial interest.**

RESOLUTION NO. 2007-361

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AMENDING COUNTY RESOLUTION NO. 08-09, IN ORDER TO ADD A NEW PROVISION, WHICH WILL REQUIRE MEMBERS OF THE ST. JOHNS COUNTY INDUSTRIAL DEVELOPMENT AUTHORITY TO FILE A STATE OF FLORIDA FINANCIAL DISCLOSURE FORM, IN ACCORDANCE WITH SECTION 112.3145, FLORIDA STATUES

(11/13/07 - 12 - 10:06 a.m.)

5. CONSIDER MOTION TO AUTHORIZE THE COUNTY ADMINISTRATOR OR HIS DESIGNEE, TO AWARD BID #08-02, COURTHOUSE AND ADMINISTRATION RENOVATIONS PHASE I, IN THE TOTAL LUMP SUM AMOUNT OF \$2,232,580.00, TO HASHMAN CONSTRUCTION, INC. FOR COURTHOUSE AND ADMINISTRATION RENOVATIONS

Mike Rubin, Director of Construction Services, read the Court House Administration renovations Phase I bid results and recommendations. He explained what the renovation would entail. He said the low bid was submitted by Hashman Construction, Inc., and that they had proven themselves to be professional and reliable. He noted it was going to be a disruptive process and they were going to keep it as short as they could.

(10:10 a.m.) **Motion by Rich, seconded by Manuel, carried 5/0, to authorize the County Administrator or his designee, to award Bid #08-02, in the total lump sum amount of \$2,232,480, which includes Allowance B and Unit Price of Carpet Tiles, to Hashman Construction, Inc., for Courthouse and Administration Renovations.**

The Board recessed the meeting at 10:10 a.m. and resumed at 10:16 a.m.

(11/13/07 - 12 - 11:38 a.m.)

6. REPORT FROM JOE WALSH FROM THE FLORIDA FISH & WILDLIFE CONSERVATION COMMISSION CONCERNING THE GOPHER TORTOISE AND THE FLORIDA BLACK BEAR

Rich explained why the presentation had been requested.

(11:39 a.m.) Stephanie Russo, with the Florida Fish and Wildlife Commission, gave the presentation. She said she was going to broaden her presentation to encompass other species as well. She represented the Division of Habitat and Species Conservation and discussed their new proactive approach. She said they were looking at Conservation

through “influencing”. She emphasized how they could help the County with conservation issues. She reviewed the changing landscape of Florida. She said their agency had been more reactive and they were now going to become more proactive. She said there had been a cumulative impact of small projects which they had been missing. She said project by project planning often resulted in habitat fragmentation. She explained how the proactive approach would work, especially coordinating with other state agencies. She said it would be scientifically based for technical assistance delivery. She reviewed some of the projects they were currently working on. She reviewed their “Two-Pronged Proactive Approach” and the proposed top down efforts.

(11:56 a.m.) Stevenson expressed appreciation for her report. She said the subject was being brought to the Regional Planning Council in an effort to work across county lines. She said she was interested in opportunities to leverage mitigation dollars as funding sources to help execute the Greenway/Blueway system that we have. She stated they were important issues.

(11:59 a.m.) Roger Van Ghent, 4005 Moultrie Foreside Blvd., expressed appreciation for the presentation. He said the LAMP program had recently succeeded in getting 10,000 acres of open space reserved in the county and he said it needed to be enhanced and increased. He said the Greenway and Blueways program was not tourist oriented, and that was not its purpose; it was for open space and wildlife conservation. He said open spaces needed to be increased as to how it was defined. He said animal protection needed to be increased as the county did not have a good record for animal protection. He said the Comp Plan should specifically list all wildlife species that should be protected. He noted linkages should be protected between wildlife areas. He suggested that Environmental Protection should be a single department that combined all the current divisions that were currently working on environmental issues.

(12:07 a.m.) Sarah Bailey, 2202 Bishop Estates Rd., reviewed the changes that had taken place since 1961. She said water birds, mink, otters, fisheries and nurseries had almost disappeared. She said it was serious and they had to take action now or we could kiss these animals good bye. She said it was time to put teeth in the EAR and the Comp Plan, if not it would be too late.

The board recessed for lunch at 12:12 p.m.

(11/13/07 - 13 - 10:16 a.m.)

7. PRESENTATION ON CONVENTION CENTER TO REVIEW DEBT SERVICE FUNDING SOURCES, HISTORICAL SHORTFALL, AND CONSIDERATIONS FOR FUNDING DEBT SERVICE SHORTFALLS

Jesse Dunn, Budget Analyst, gave the presentation in response to a request by the Board to discuss the debt service sources for the Convention Center. He reviewed the Convention Center Debt Service pledged revenues including the Voluntary Occupancy Fee, the World Golf Village surcharge, the pledged event and ticket surcharge and an auto rental surcharge. He said if the sources were not up to \$300,000 JQH/Renaissance must make additional payment for the difference up to \$300,000. He said that beyond that there was a \$100,000 per year minimum operator’s payment, a payment in lieu of taxes and other voluntary payments. He gave the options if a shortfall occurred including a non ad valorem assessment equal to the credit of the total amount of the Tourist Development Taxes paid for voluntary parcels up to 2/3 percentage of the TDC, or two cents required as a non ad Valorem assessment. He said anything beyond that two cents became a remaining shortfall allocated/assessed (based on parcel size) to participants or property owners within the footprint of the Convention Center. He reviewed how past shortfalls had been met. There was discussion on how the previous

shortfall had been met. Vonasek said it had been brought to the Board which authorized payment from the General Fund with the caveat that future shortfalls would come from the Tourist Development Tax.

(10:22 a.m.) Manuel said he was not happy in how it had been done and that they were stuck with the debt. He said it was as close to a General Obligation Bond as anything he had ever seen.

(10:23 a.m.) Dunn continued with the shortfall obligations for 2005 and 2006. Vonasek explained the Gulf Breeze refinance funded shortfall. He noted there were tax free advantages by pursuing that option.

(10:24 a.m.) Stevenson asked the source of repayment for Gulf Breeze. Vonasek said it was the same pledged revenues as existed previously. Stevenson said the only General Funds that had been paid out was for the first year, 2000. Dunn said the amount was \$66,505. Manuel said he would like to know when they would no longer need TDC support. Dunn said that to date it had required TDC support. There was discussion on rental car revenues.

(10:27 a.m.) Manuel said we needed to look at the sources of repayment and become as aggressive as legally possible to retrieve funds. He said he was very unhappy that it was TDC supported. Dunn continued with the past BCC shortfall obligation for the past seven years. Manuel said it was structured so that it was destined for failure. He said they had to give this issue special scrutiny. Stevenson asked why the shortfall was getting worse. Dunn said it was increasing because the debt service amount was increased and then was refinanced. He reviewed possible options for financing and said there were not a lot of options outside the current revenue sources. There was general discussion regarding repaying the bond. Manuel said he would like to see a graph on the contributions being made by zip codes.

(11/13/07 - 14 - 10:36 a.m.)

8. CONSIDER MOTION TO ADOPT A RESOLUTION DECLARING THE PUBLIC PURPOSE OF AND NECESSITY FOR EXERCISING THE RIGHT AND POWER OF EMINENT DOMAIN TO ACQUIRE CERTAIN REAL PROPERTY CONSISTING OF APPROXIMATELY 25.5 +/- ACRES OF VACANT LAND FOR THE CONSTRUCTION OF A COUNTY ROADWAY AND AUTHORIZING THE COUNTY ATTORNEY TO INSTITUTE CONDEMNATION PROCEEDINGS

Patrick McCormack, County Attorney, introduced the item. Joel Settembrini gave an overview of the item. He said the planned roadway had been a matter of public record for years. He said they would likely reach agreement with Centex and to get there they needed to pass the resolution.

Stevenson said the roadway was very important to the northwest. She reviewed some of the history of trying to secure the roadway.

(10:38 a.m.) **Motion by Stevenson, seconded by Manuel, carried 5/0, to adopt Resolution No. 2007- 362, declaring the public purpose of and necessity for exercising the right and power of eminent domain to acquire certain real property consisting of approximately 25.5+/-acres of vacant land for the construction of a county roadway and authorizing the County Attorney to institute condemnation proceedings.**

RESOLUTION NO. 2007- 362

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, DECLARING THE PUBLIC PURPOSE OF AND NECESSITY FOR EXERCISING THE RIGHT AND POWER OF EMINENT DOMAIN TO ACQUIRE CERTAIN REAL PROPERTY AS DESCRIBED BELOW FOR THE CONSTRUCTION OF A COUNTY ROADWAY AND AUTHORIZING THE COUNTY ATTORNEY TO INSTITUTE CONDEMNATION PROCEEDINGS

Stevenson and Sanchez objected to the Nocatee Rd. Extension road name used in Item No. 8. Stevenson said it should be the realigned Racetrack Roadway. McCormack suggested that they ask staff not to refer to it as Nocatee Rd. Extension.

(11/13/07 - 15 - 10:39 a.m.)

9. CONSIDER MOTION TO REMAND THE ESPLANADE PROJECTS (FILE NO. COMPAND 2007-02 AND NOPC 2007-02) AND SEND THE PROPOSED ESPLANADE DEVELOPMENT AGREEMENT (FILE NO. DEVAGREE 2007-03) TO THE PZA PRIOR TO FINAL ACTION BY THE BOARD OF COUNTY COMMISSIONERS

Teresa Bishop, Growth Management Director, gave the presentation.

(10:40 a.m.) Motion by Manuel, seconded by Sanchez, carried 5/0, to remand the Esplanade projects (File No. COMPAND 2007-02 and NOPC 2007-02) and send the proposed Esplanade Development Agreement (File No. DEVAGREE 2007-03) to the PZA prior to final action by the Board of County Commissioners.

(11/13/07 - 15 - 10:41 a.m.)

10. PUBLIC HEARING - REZ 2007-18 NOCATEE CENTER - THIS IS A STRAIGHT REZONING REQUEST FOR PROPERTY LOCATED IN NORTHEAST ST. JOHNS COUNTY, EAST OF US 1 AND CR210, LOCATED OFF OF OLD DIXIE HIGHWAY, NORTH OF THE INTERSECTION WITH RAY ROAD. THE APPLICANT PROPOSES TO REZONE 1.76 ACRES FROM OPEN RURAL (OR) TO COMMERCIAL NEIGHBORHOOD (CN). THE SITE IS CURRENTLY VACANT. THE PROPERTY ABUTS CHT ZONED LAND DEVELOPED WITH OUTSIDE STORAGE OF BOATS AND RVs. THE PROPERTY TO THE EAST IS ZONED PUD (SINGLE FAMILY PORTION OF THE WALDEN CHASE PUD). THE SUBJECT PROPERTY IS NORTH OF THE MULTI FAMILY APARTMENT COMPLEX LOCATED ON THE EAST SIDE OF OLD DIXIE HIGHWAY. THE SITE WILL BE SERVED BY CENTRAL WATER AND SEWER. COMMERCIAL NEIGHBORHOOD ZONING ALLOWS NEIGHBORHOOD BUSINESS, CULTURAL/INSTITUTIONAL, OFFICE PROFESSIONAL USE CATEGORIES. MAXIMUM HEIGHT IS LIMITED TO 35 FEET. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS REZONING REQUEST AT THEIR SEPTEMBER 6, 2007 HEARING BY A VOTE OF 7/0 (WHEELER/LAIDLAW). DISCUSSION DURING THE HEARING ADDRESSED THE TRENDS IN THE AREA DEVELOPING WITH NEIGHBORHOOD COMMERCIAL USES

Proof of publication of the notice of public hearing on REZ 2007-18, Nocatee Center, was received having been published in *The St. Augustine Record* on October 29, 2007.

Lindsay Haga, Chief Planner, gave the presentation. She noted the change that had been given to the Clerk. She reviewed the specifics of the request. She said staff found

that it met the compatibility policy of the Comprehensive Plan and therefore recommended approval. She said the PZA had approved it 6/0.

Stevenson asked about buffering. Haga said it would probably be the minimum standard, a 5 foot screening and asked that she be allowed to confirm it.

(10:48 a.m.) John Oldham, applicant, P. O. Box 877, Ponte Vedra, said he was there to answer questions. There were none.

(10:49 a.m.) Ellen Whitmer, 1178 Natures Hammock Rd. South, Fruitcove, said she had no objections but offered disturbing background information. She referred to REZ 2001-18 under the New Town division. She said this application was not in the boundaries of Nocatee. She said it was taking place within the two mile radius of the previous Nocatee development and it was not separate from the surrounding land uses. She said she was concerned that Nocatee will use facilities outside its boundaries to satisfy its requirements.

(10:52 a.m.) Oldham clarified that this project actually had nothing to do with Nocatee and they would be changing the name of the project.

(10:54 a.m.) Bishop attempted to clarify development of retail opportunities in the area. She said they would have to modify their plan if they did not provide the services they had originally planned. She said it was all due to competition.

(10:56 a.m.) Whitehouse responded to a question from Rich, and said they needed to stay on focus with this rezoning. Rich said he did not want the issue lost in the fog of the day. Whitehouse said they would need to look at the distinct language of the development. He said he would hate to speculate without the language in front of him.

(10:57 a.m.) Bishop explained that there was language in the order stating they would have to have a certain percentage of commercial development as well as work place activity. Stevenson asked that a footnote be added for any development order that these assumptions not be invalidated.

(11:01 a.m.) Motion by Manuel, seconded by Bryant, to enact Ordinance No. 2007-86, known as REZ 2007-18, Nocatee Center, adopting findings of fact one through three to support the motion.

Stevenson asked that they look at screening. Oldham said he would make a personal commitment to landscape it and make it friendly to the neighborhood.

(11:02 a.m.) Motion carried 5/0.

ORDINANCE NO. 2007- 86

**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
COMMERCIAL NEIGHBORHOOD, MAKING
FINDINGS OF FACT; REQUIRING RECORDATION;
AND PROVIDING AN EFFECTIVE DATE**

(11/13/07 - 17 - 11:02 a.m.)

11. PUBLIC HEARING - PRD 2006-05 THE PASTURES OF PICOLATA PLANNED RURAL DEVELOPMENT - THIS REQUEST SEEKS TO REZONE APPROXIMATELY 109.43 ACRES FROM OR TO PRD FOR THE DEVELOPMENT OF 21 SINGLE FAMILY UNITS IN AN EQUESTRIAN STYLE COMMUNITY. RESIDENTS WILL BE PERMITTED TO HAVE HORSES, BARN AND PADDOCKS IN THE RESERVE AREA OF THEIR LOTS AND RIDING TRAILS WILL BE PROVIDED THROUGHOUT THE PROJECT. THE PROJECT IS UTILIZING THE 90%/10% RESERVE AREA/DEVELOPMENT AREA RATIO WHICH ALLOWS A MAXIMUM OF TWO UNITS PER DEVELOPMENT ACRE. IN ACCORDANCE WITH POLICY A.2.1.10.C.16 A FIVE ACRE COMMUNITY PARK HAS BEEN PROVIDED BETWEEN LOTS 19 AND 20. A 50 FOOT DEVELOPMENT BUFFER HAS BEEN PROVIDED ADJACENT TO THE DEVELOPMENT AREA, A 75 FOOT SCENIC EDGE HAS BEEN PROVIDED ALONG CR 208, AND A 35 FOOT DEVELOPMENT EDGE HAS BEEN PROVIDED ALONG THE PERIMETER OF THE PROJECT THAT DOES NOT REQUIRE A SCENIC EDGE. SURROUNDING PROPERTIES ARE ZONED OR AND PRD (ORD 2005-36). THE PROPERTY IS LOCATED IN RURAL SILVICULTURE (R/S) LAND USE AS DEPICTED ON THE 2015 FUTURE LAND USE MAP. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS REZONING REQUEST AT THEIR SEPTEMBER 6, 2007 HEARING BY A VOTE OF 7/0 (MOTION BY LAIDLAW, SECONDED BY WILES). THE MOTION WAS MADE TO ONLY INCLUDE THE UNIFIED SIGN PLAN WAIVER REQUEST

Proof of publication of the notice of public hearing on PRD 2006-05, The Pastures of Picolata PRD, was received having been published in *The St. Augustine Record* on October 29, 2007.

Michael Blackford, Planner II, gave the presentation. He noted there were two waiver requests. The first was for internal sidewalks and the second to the unified sign portion of the code. He said staff objected to the first and supported the latter. He said staff supported the request overall.

(11:05 a.m.) Stevenson asked if it was within five miles of a fire station. Blackford said he wasn't sure but there had been no objections from fire services. Stevenson said they had developments going into more rural areas and that services were expected by homeowners and it should be disclosed if they were not within the area for fire service. Blackford said he believed they were within a five mile range. Blackford said it could be added. There was discussion on water and sewer service and they would have their own pressurized fire hydrants.

(11:09 a.m.) Karen Taylor, 77 Saragossa St., along with Mark Grant, the applicant, spoke and said there were three fire stations within close proximity. She discussed the waiver requests. She said the sidewalk request was because this was an equestrian development. She said pedestrians could use the mulch path. She noted that most lots were 4 to 5 acres in size.

(11:12 a.m.) Ellen Whitmer, 1178 Natures Hammock Rd. South, Fruitcove, commented on the project. She said there was a proliferation of PRDs and they increased the density of what they were allowed to do. She questioned the timing of the request, and said it was promoting urban sprawl.

(11:14 a.m.) Taylor said they were only talking 21 lots over 109 acres. She also gave disclosure of fire locations and rural services. She noted that the market was slowing down but this development was different.

(11:15 a.m.) Rich said he had no problem with low density development such as this.

(11:16 a.m.) Stevenson asked if there would be deceleration lanes on CR 208. Taylor said there was no requirement for 21 lots. Hartman said the turn lanes kicked in at 250 daily trips and it would not be required for this development.

(11:18 a.m.) **Motion by Stevenson, seconded by Sanchez, carried 5/0, to enact Ordinance No. 2007-87, known as PRD 2006-05, The Pastures of Picolata, adopting findings of fact one through five to support the motion, including two waivers.**

ORDINANCE NO. 2007- 87

**AN ORDINANCE OF THE COUNTY OF ST. JOHNS,
STATE OF FLORIDA, REZONING LANDS AS
DESCRIBED HEREINAFTER FROM OPEN RURAL TO
PRD (PLANNED RURAL DEVELOPMENT);
PROVIDING FINDINGS OF FACT; PROVIDING A
SAVINGS CLAUSE; REQUIRING RECORDATION; AND
PROVIDING AN EFFECTIVE DATE**

(11/13/07 - 18 - 11:19 a.m.)

12. PUBLIC HEARING - PUD 2007-05 SOUTHAVEN PLANNED UNIT DEVELOPMENT - THIS REQUEST SEEKS TO REZONE APPROXIMATELY 314.34 ACRES FROM OR TO PLANNED UNIT DEVELOPMENT (PUD) IN ORDER TO CONSTRUCT UP TO 801 RESIDENTIAL UNITS (191 SINGLE FAMILY AND 610 MULTIFAMILY) AND 181,603 SQUARE FEET OF COMMERCIAL DEVELOPMENT. THE SITE IS LOCATED OFF OF INTERNATIONAL GOLF PARKWAY NEAR THE INTERSTATE 95/IGP INTERCHANGE. THE MASTER DEVELOPMENT PLAN PROPOSES THREE ACCESS POINTS TO INTERNATIONAL GOLF PARKWAY AND ONE SECONDARY ACCESS POINT ON NORTH FRANCIS ROAD. FUTURE CONNECTIVITY TO THE EAST AND SOUTH ARE NOT CONTEMPLATED BECAUSE THOSE PARCELS ARE LANDS OWNED BY THE ST. JOHNS RIVER WATER MANAGEMENT DISTRICT FOR WETLAND MITIGATION. FOUR AND FIVE FOOT SIDEWALKS ARE LOCATED WITHIN THE PROJECT AND A SIX FOOT SIDEWALK WILL BE CONSTRUCTED ON INTERNATIONAL GOLF PARKWAY. THE DEVELOPMENT PROPOSES SINGLE FAMILY RESIDENTIAL PRIMARILY IN THE SOUTHERN PORTION OF THE PROPERTY AND THE MORE INTENSE COMMERCIAL AND TRADITIONAL NEIGHBORHOOD DEVELOPMENT (TND) IS LOCATED ON THE NORTHERN PART OF THE PROPERTY ALONG INTERNATIONAL GOLF PARKWAY. MANY OF THE WAIVERS REQUESTED ARE TO ENABLE IMPLEMENTATION OF TRADITIONAL NEIGHBORHOOD DESIGN. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS REZONING REQUEST (WITH ALL EIGHT WAIVERS) AT THEIR SEPTEMBER 6, 2007 HEARING BY A VOTE OF 6-1, WITH MR. WILES OPPOSED. MR. WHEELER WAS THE MAKER OF THE MOTION AND MR. WILIAMS THE SECOND

Proof of publication of the notice of public hearing on PUD 2007-05, Southaven Planned Unit Development, was received having been published in *The St. Augustine Record* on October 29, 2007.

Jason Cleghorn, Planner III DRI Coordinator, gave the presentation and explained the particulars of the request. He said the applicant was CLF Developments, Inc. He reviewed the surrounding land uses and the future land use designation. He reviewed the components of PUD 2007-05 Southaven PUD including committed roadway improvements. There was discussion on the costs and the amounts that the developers had committed. Rich said they had not even decided what they were going to do with that intersection yet. Hartman said some of them were overlapping improvements, including the ramp. Rich said he was concerned that they would be taking money that would not work for the other developments that had been approved for Lions Gate and Esplanade. He said they needed to be coordinated to maximize the transportation dollars. He said they needed the contribution of funds from all three developers to make a viable intersection for the developments. Stevenson asked if they were committed to a certain amount. Hartmann said they were committed to actual improvements.

(11:30 a.m.) Frank Miller, 245 Riverside Ave., Suite 400, Jacksonville, the applicant, gave a history of the project. He said the estimate for road improvements was \$15 million. He noted it provided for office and retail as well as residential single family including apartments, condominiums and neighborhood layouts. He said the market would drive what would be developed. He stated there was phasing in the development agreement and in the PUD. He said they had requested waivers that applied only to the P&D design. He explained that they had already received interest from national developers and rental apartment developers. He said there was neighborhood support for the project as well as from the School Board. He said the developer was working with the developer of Esplanade to coordinate off site road improvements, and it was in their interest to make the interchange work as smoothly as possible in order to make their project more marketable. He asked for the Board's support. Rich asked if they would apply for impact fee credits. Miller said they would.

(11:38 a.m.) The Board broke in order to hear the time certain item scheduled for 11:40 a.m.

The Board reconvened at 1:30 p.m. with all five commissioners, Wanchick, McCormack, Whitehouse, and Deputy Clerk Lenora Newsome present.

(1:32 p.m.) Roger Van Ghent, 4005 Moultrie Foreside Blvd., voiced several very serious environmental concerns.

(1:37 p.m.) Jarrett Motfs, 4700 N. Francis Road, spoke in favor of this item.

(1:42 p.m.) Jason Cleghorn, Planner III-DRI Coordinator, gave a brief history of the property. Manuel voiced several concerns, primarily related to transportation. He asked for this item to be postponed. Frank Miller responded. Manuel mentioned that he would like him to commit to \$15 million of improvements for transportation. Rich stated that any issue involving transportation improvement funding commitments had to be tied to a timeline of commitment. Stevenson spoke on the issue. Wanchick stated one point that would allow this developer to move forward and voiced his concern. Sanchez spoke on improvements and costs. Miller stated that they were not in a position to agree to pay \$15 million to the County. He spoke on phasing, Exhibit A. Whitehouse mentioned the final PUD document, developing under OR, having the applicant and staff get together and talk about the issues. Miller stated that they

couldn't do a single thing within their project until all the improvements described in their development agreement had been bonded. Manuel said bonded but not built. Miller stated that they would have to be completed within three years after the construction plan approval for Phase I of the development.

(2:06 p.m.) Teresa Bishop, Director of Growth Management, stated just because it might work better for the developer, doesn't necessarily mean staff will accept it. Manuel stated that there was nothing backing that development agreement today. Bishop replied that the agreement had set forth what the financial assurance would be and that was when they would bond it. Manuel asked what would happen if they were unable to obtain a bond. Bishop responded that someone was obligated to make that improvement by a specific point in time. McCormack responded that if the requirement was in the development agreement, to modify the development agreement would require an agreement on behalf of the applicant and the County, and two public hearings. He spoke on development agreements. He stated that there were some questions pertaining to the transportation issues, the timing, the phasing, and perhaps the mix between commercial and residency in terms of when each was built. Whitehouse stated that the two areas that they would like addressed were the phasing of the residential and the commercial and some kind of language stating when exactly they would get some of the improvements. Rich suggested having drop-dead dates assigned to them. Stevenson voiced her primary concern and stated having a timeline was one way for it to be addressed. Sanchez clarified a couple of issues and voiced his concerns. Miller stated that he would be willing to accept a deferral within 30 days. Wanchick suggested bringing this item back on December 18th. Discussion followed.

(2:29 p.m.) **Motion by Rich, seconded by Manuel, carried 5/0, to table this item until a date certain of December 18, 2007 at 1:30 p.m.** Whitehouse left the meeting.

(11/13/07 - 20 - 2:30 p.m.)

12a. RESOLUTION REQUESTING THAT THE SIS DESIGNATION FOR SR 9B BE EXTENDED SOUTH, FROM ITS CURRENT TERMINUS AT I-95 TO CR 210 IN ST. JOHNS COUNTY

Manuel spoke on the designation of SR 9B as a SIS (strategic intermodal system) road. He stated that this resolution was sent to them by the MPO staff and the MPO, at their next meeting, would adopt a similar resolution which puts this back into the FDOT's hands. Manuel also spoke on the issue of CR 210 and I-95, and stated that the trip money was increased to \$9,000,000. (2:33 p.m.) **Motion by Manuel, seconded by Stevenson, carried 5/0, to approve Resolution No. 2007-363 of the St. Johns County Board of County Commissioners, requesting that the SIS designation for SR 9B be extended south, from its current terminus at I-95 to CR 210 in St. Johns County.**

RESOLUTION NO. 2007-363

A RESOLUTION OF THE ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS REQUESTING THAT THE SIS DESIGNATION FOR SR 9B BE EXTENDED SOUTH FROM ITS CURRENT TERMINUS AT I-95 TO CR 210 IN ST. JOHNS COUNTY

(11/13/07 - 20 - 2:34 p.m.)

12b. DISCUSSION OF THE NORTHEAST FLORIDA REGIONAL PLANNING COUNCIL'S LEGISLATIVE AGENDA

Stevenson distributed a draft of the legislative priorities that were being considered by other counties.

The meeting recessed at 2:36 p.m. and reconvened at 2:45 p.m.

Stevenson spoke on the Northeast Florida Council lobbying, and priorities for Clay County, Flagler County and Duval County. Bryant spoke on Summer Haven and South Ponte Vedra, S.H.I.P. funding and transportation for the disadvantaged. Stevenson spoke on Medicaid HMO's. Bryant stated that HMO's were there to deny services. Manuel spoke on the SR 312 issue and what he supported. Bryant asked if they could use any of the Federal money that was earmarked for SR 312 for right-of-way acquisition. Darrell Locklear, Assistant County Administrator, responded yes, that was the intent of that money. Sanchez commented that the 312 extension was vital. He agreed that 9B, I-95 and CR 210 were very important, and that they needed to do something with 313. McCormack commented on shoreline protection funding, and preventing a neighboring opposition. Stevenson spoke on land use changes and the regional road network. Rich spoke on transportation issues being the number one priority. The second priority would be for the State to stop sending unfunded projects, while interfering with the County's ability to fund them. Rich stated his third priority would be to reserve rights for set-aside lands and open space for parks and recreation. Discussion followed.

(11/13/07 - 21 - 3:04 p.m.)

COMMISSIONERS' REPORTS

Commissioner Bryant:

No report.

(3:04 p.m.)

Commissioner Manuel:

Manuel spoke about the MPO meetings, and passed on comments made by the DCA Secretary regarding environmental and agricultural issues.

Manuel spoke on the Mosquito Control Board's decision to pass a resolution expressing the intent to convey to St. Johns County a sufficient amount of property next to the agricultural center to locate the County's new emergency operations center.

(3:07 p.m.) Bryant left the meeting.

(3:07 p.m.)

Commissioner Rich:

No report.

(3:08 p.m.)

Commissioner Sanchez:

Sanchez spoke on the Trust for Public Lands and suggested setting up a presentation before the Board. Discussion followed.

(3:12 p.m.)

Commissioner Stevenson:

Stevenson suggested that the Board have a half-day session to workshop environmental issues and have two speakers present; the LAMP Board and the Port Authority. She wanted to invite NERR to speak, also.

Stevenson spoke on the St. Johns River Alliance having workshops regarding the proposed water harvesting. Sanchez responded.

Stevenson suggested having a half day group discussion with the above entities. Rich suggested setting aside a special Tuesday, other than a normal Board day, in January to get everyone together for a discussion. Rich suggested taking a full day from 9:00 a.m. to 4:00 p.m., with an hour break for lunch. Wanchick suggested contacting the different groups to find out how long they would need to make a presentation. He would work through it and let the Board know.

(3:22 p.m.) Rich announced that this would be the last time he would be chairman for a full day.

(11/13/07 - 22 - 3:26 p.m.)

COUNTY ADMINISTRATOR'S REPORT

Wanchick mentioned that there was a meeting scheduled for Friday at 10:00 a.m. in the morning regarding the moratorium.

(11/13/07 - 22 - 3:27 p.m.)

COUNTY ATTORNEY'S REPORT

McCormack stated that the meeting scheduled for November 20th had been cancelled and rescheduled for November 27th.

McCormack said that Cathy Brown approached him about concerns regarding funding of the non-profits for next year. He stated that she suggested to get public input as to what would be an appropriate funding level for the non-profits.

McCormack spoke on public input for the St. Johns County Charter. He mentioned that he was prepared to do a notice of final adoption on November 27th. He stated that they would be prepared to have a final document on November 27th, if the Board wished. Sanchez spoke on the scheduled reorganization meeting and the business meeting being on the same day. Rich recommended that the last order of business be the reorganization meeting on November 27th. McCormack stated that it could be at the end of the day on the 27th or it could be on another day. Wanchick stated that the meeting was a fairly long meeting that day. Discussion followed. Rich stated that it would be at the close of the meeting on the 27th.

(3:37 p.m.) McCormack stated that he would schedule the Charter as a workshop item. Manuel suggested moving the Charter meeting from the 27th to a special meeting on December 4th.

(11/13/07 - 22 - 3:39 p.m.)

CLERK OF COURT'S REPORT

No report.

Motion by Manuel, 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 3:39 p.m.

REPORTS:

1. St. Johns County Board of County Commissioners Check Register No. 410102 through 410466, totaling \$3,071,779.72 (10/23/07)
2. St. Johns County Board of County Commissioners Check Register No. 410467, totaling \$279.30 (10/23/07)
3. St. Johns County Board of County Commissioners Check Register No. 410468 through 410500, \$67,012.32 (10/25/07)
4. St. Johns County Board of County Commissioners Check Register No. 410501, totaling \$375.00 (10/29/07)
5. St. Johns County Board of County Commissioners Check Register No. 410502 through 410867, totaling \$2,180,208.83 (10/30/07)

CORRESPONDENCE:

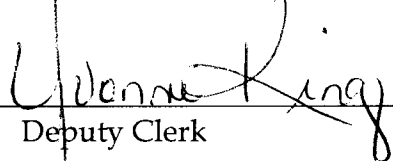
1. Letter dated October 5, 2007 to Mrs. Liz Cloud, Program Administrator, filing St. Johns County Ordinance Numbers 2007-76 through 2007-78.

Approved December 18, 2007

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: 
Thomas G. Manuel, Chairman

ATTEST: CHERYL STRICKLAND, CLERK

By: 
Deputy Clerk

