

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
NOVEMBER 27, 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: Cheryl Strickland, Clerk of Court

(11/27/07 - 1 - 9:02 a.m.)
CALL TO ORDER

Rich called the meeting to order.

(11/27/07 - 1 - 9:02 a.m.)
ROLL CALL

Rich stated that four commissioners were present with Stevenson absent.

(11/27/07 - 1 - 9:03 a.m.)
Sanchez gave the Invocation and Manuel led the Pledge of Allegiance.

(9:05 a.m.) Stevenson entered the meeting.

(11/27/07 - 1 - 9:05 a.m.)
SPECIAL PRESENTATION OF CONGRESSIONAL FLAG

Rich read the dedication, which accompanied the flag of the United States of America from Senator John L. Mica who represented the new Veterans Park in St. Johns County. Wanchick recommended flying it over the new Veterans Park.

(11/27/07 - 1 - 9:09 a.m.)
DELETIONS TO CONSENT AGENDA

Stevenson requested to pull Item 14 and place it on the regular agenda as Item 1a. Wanchick requested to pull Item 33.

(11/27/07 - 1 - 9:11 a.m.)
APPROVAL OF CONSENT AGENDA

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

1. Approval of the Cash Requirement Report
2. Sheriff Office Bonds:

Approve:	Clare Halsey	Ronald Zamora	Jack Scheyer
	Ismael Olivero, Jr	Johnathan Hawley	James Branch
3. Motion to approve the transfer of \$42,034 from the General Fund Reserves (0001-0004-59920) to County Administration-Moving Expense (0001-0004-54015) and the transfer of \$8,400 from the General Fund Reserves (0001-0004-59920) to County Administration-Sr. Travel Allowance (0001-0004-51204)
4. Motion to approve additional travel expenses for District 1 (0002-54008) an additional \$274 & District 2 (0002-54004) an additional \$34
5. Motion to approve the end of year transfers from the attached list of reserves and departments
6. Motion to approve the transfer of \$11,718 from the General Fund Reserve to the Fleet Fuel Department (1127-54603) to cover costs of fuel spill mitigation at the Anastasia Island fueling facility that occurred July 13, 2007
7. Motion to authorize the County Administrator, or his designee, to award a Purchase Order to Eutek Systems, Inc. in the amount \$419,975 for Bid # 08-13 Grit Removal System Equipment for Anastasia Island WWTP Expansion
8. Motion to declare the attached list of items as surplus and authorize staff to dispose of same in accordance with Purchasing Policy 308 and Florida Statute 274
9. Motion to authorize the County Administrator, or his designee, to negotiate with and enter into contract with Woolpert, Inc. to update the Countywide Digital Contour Data
10. Motion to authorize the County Administrator, or his designee, to award a contract to BNC, Inc., for the base bid and alternate A & B in accordance with Bid No. 08-17, Construction of Davis Park and Plantation Park Pavilions, in the amount of \$460,467
11. Motion to authorize the County Administrator, or his designee, to purchase two 2008 Freightliner M2 ambulances from American LaFrance, LLC, in accordance with Bid No. 07-67 in the amount of \$395,250; and motion to transfer \$58,000 from the Fire District Capital Outlay Reserve [1230 59927] to the Fire District Capital Improvements Dept [1226 56400] to purchase the pump option for each vehicle
12. Motion to establish January 8, 2008, at 5:30 p.m. and February 5, 2008, at 9:00 a.m. as public hearing dates to consider amendments to the Land Development Code that address recent changes to Florida Statutes as it relates to towers
13. Motion to adopt **Resolution No. 2007-364**, approving the terms, conditions, provisions, and requirements of an Agreement for Use of Facilities between St. Johns County, Florida and First Coast Technical College and authorizing the County Administrator to execute the Agreement for Use of Facilities on behalf of St. Johns County, Florida

RESOLUTION NO. 2007-364

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 FIRST COAST TECHNICAL COLLEGE, AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA TO EXECUTE THE AGREEMENT ON BEHALF OF ST. JOHNS COUNTY

14. Motion to adopt a resolution approving the Final Plat for Johns Creek - Phase 2

This item was pulled and placed on the regular agenda as Item 1a.

15. Motion to adopt **Resolution No. 2007-365**, accepting a Grant of Easement for drainage purposes along South Roscoe Boulevard in Ponte Vedra

RESOLUTION NO. 2007-365

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING A GRANT OF EASEMENT FOR DRAINAGE PURPOSES ALONG SOUTH ROSCOE BOULEVARD IN PONTE VEDRA

16. Motion to adopt **Resolution No. 2007-366**, accepting an Easement for Utilities for sewer service to Lewis Point Plaza

RESOLUTION NO. 2007-366

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING AN EASEMENT FOR UTILITIES FOR SEWER SERVICE TO LEWIS POINT PLAZA

17. Motion to adopt **Resolution No. 2007-367**, accepting an Easement for Utilities for water and sewer service to Cottages of Hidden Lakes Subdivision

RESOLUTION NO. 2007-367

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING AN EASEMENT FOR UTILITIES FOR SEWER SERVICE TO COTTAGES OF HIDDEN LAKES SUBDIVISION

18. Motion to adopt **Resolution No. 2007-368**, accepting and authorizing the County Administrator to execute a Temporary Access Easement to a communication tower site located on the corner of AIA North and Mickler Road

RESOLUTION NO. 2007-368

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A TEMPORARY ACCESS EASEMENT TO A COMMUNICATIONS TOWER SITE LOCATED ON THE CORNER OF A1A NORTH AND MICKLER ROAD

19. Motion to adopt **Resolution No. 2007-369**, accepting an Easement for Utilities for water and sewer service to Palencia North PUD Phase 1 Subdivision

RESOLUTION NO. 2007-369

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING AN EASEMENT FOR UTILITIES FOR WATER AND SEWER SERVICE TO PALENCIA NORTH PUD PHASE 1 SUBDIVISION

20. Motion to adopt **Resolution No. 2007-370**, approving the terms and authorizing the County Administrator to execute a Purchase and Sale Agreement for property needed for the Federal Point Road Bridge replacement

RESOLUTION NO. 2007-370

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 PROPERTY NEEDED FOR THE FEDERAL POINT ROAD BRIDGE REPLACEMENT

21. Motion to adopt **Resolution No. 2007-371**, authorizing the Chairman of the Board to execute the "Order Closing Docket" related to Intercoastal Utilities

RESOLUTION NO. 2007-371

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE CHAIRMAN OF THE BOARD TO EXECUTE AN "ORDER CLOSING DOCKET" RELATED TO INTERCOASTAL UTILITIES

22. Motion to adopt **Resolution No. 2007-372**, approving the terms and conditions of an Interlocal Agreement between St. Johns County, Florida and the St. Augustine Port Waterway and Beach District concerning the donation of \$20,000 to the Artificial Reef Project SAJ-1998-1508 (IP-BAL), and authorizing the County Administrator to execute the Interlocal Agreement on behalf of St. Johns County; and motion to adopt **Resolution No. 2007-373**, recognizing unanticipated revenue in the amount of \$20,000 to TDC Category III Recreation Contributions revenue account (1116-36603) from the Port Waterway and Beach District and increasing the Category III Recreation Improvements other than Buildings expenditure account 1146-56301 by the same amount

RESOLUTION NO. 2007-372

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF AN INTERLOCAL AGREEMENT BETWEEN ST. JOHNS COUNTY, FLORIDA, AND THE ST. AUGUSTINE PORT WATERWAY AND BEACH DISTRICT CONCERNING A DONATION TO ST. JOHNS COUNTY FOR THE ARTIFICIAL REEF PROGRAM, AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE MEMORANDUM OF UNDERSTANDING ON BEHALF OF ST. JOHNS COUNTY

RESOLUTION NO. 2007-373

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AMENDING THE FISCAL YEAR 2008 TOURIST DEVELOPMENT TAX FUND BUDGET TO RECEIVE UNANTICIPATED REVENUE AND AUTHORIZING ITS EXPENDITURE BY THE ST. JOHNS COUNTY RECREATION DEPARTMENT

23. Motion to adopt **Resolution No. 2007-374**, accepting the terms of the agreement between St. Johns County Board of County Commissioners and Psychological Associates and authorizing the County Administrator to execute the agreement on behalf of the County

RESOLUTION NO. 2007-374

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE AGREEMENT BETWEEN ST. JOHNS COUNTY AND PSYCHOLOGICAL ASSOCIATES

24. Motion to adopt **Resolution No. 2007-375**, accepting the terms of the agreement between St. Johns County Board of County Commissioners and St. Johns County Head Start Program and authorizing the County Administrator to execute the Amendment on behalf of the County

RESOLUTION NO. 2007-375

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE AGREEMENT BETWEEN ST. JOHNS COUNTY AND ST. JOHN COUNTY HEAD START PROGRAM

25. Motion to adopt **Resolution No. 2007-376**, approving the terms and conditions of the Contract between St. Johns County, Florida, and the Northeast Florida Community Action Agency and authorizing the Chairman of the Board of County Commissioners of St. Johns County, to execute the Contract, on behalf of the County

RESOLUTION NO. 2007-376

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 NORTHEAST FLORIDA COMMUNITY ACTION AGENCY, AUTHORIZING THE CHAIR OF THE BOARD OF COUNTY COMMISSIONERS TO EXECUTE THE AGREEMENT ON BEHALF OF THE COUNTY

26. Motion to adopt **Resolution No. 2007-377**, approving the terms and conditions of the Contract between St. Johns County, Florida, and EPIC Community Services, for the provision of services through the Adult Drug Court Program, and authorizing the Chairman of the Board of County Commissioners of St. Johns County, to execute the Contract, on behalf of the County

RESOLUTION NO. 2007-377

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 EPIC COMMUNITY SERVICES FOR THE ADULT DRUG COURT PROGRAM, AUTHORIZING THE CHAIR OF THE BOARD OF COUNTY COMMISSIONERS TO EXECUTE THE AGREEMENT ON BEHALF OF THE COUNTY

27. Motion to adopt **Resolution No. 2007-378**, approving the terms and conditions of the Contract between St. Johns County, Florida, and EPIC Community Services, for the provision of services through the THINK ASAP Program, and authorizing the Chairman of the Board of County Commissioners of St. Johns County to execute the Contract on behalf of the County

RESOLUTION NO. 2007-378

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 EPIC COMMUNITY SERVICES AUTHORIZING THE CHAIR OF THE BOARD OF COUNTY COMMISSIONERS TO EXECUTE THE AGREEMENT ON BEHALF OF THE COUNTY

28. Motion to adopt **Resolution No. 2007-379**, approving the terms and conditions of the Contract between St. Johns County, Florida, and St. Johns Welfare Federation, and authorizing the Chairman of the Board of County Commissioners of St. Johns County to execute the Contract on behalf of the County

RESOLUTION NO. 2007-379

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 THE ST. JOHNS WELFARE FEDERATION AUTHORIZING THE CHAIR OF THE BOARD OF COUNTY COMMISSIONERS TO EXECUTE THE AGREEMENT ON BEHALF OF THE COUNTY

29. Motion to adopt **Resolution No. 2007-380**, approving the terms and conditions of the Contract between St. Johns County, Florida, and Emergency Services/Homeless Coalition, and authorizing the Chairman of the Board of County Commissioners of St. Johns County to execute the Contract on behalf of the County

RESOLUTION NO. 2007-380

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 EMERGENCY SERVICES/HOMELESS COALITION AND AUTHORIZING THE CHAIR OF THE BOARD OF COUNTY COMMISSIONERS TO EXECUTE THE AGREEMENT ON BEHALF OF THE COUNTY

30. Motion to adopt **Resolution No. 2007-381**, approving the terms and conditions of the Contract between St. Johns County, Florida, and EPIC Community Services, for the provision of services through the Community Prevention Programs; and authorizing the Chairman of the Board of County Commissioners of St. Johns County to execute the Contract on behalf of the County

RESOLUTION NO. 2007-381

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 EPIC COMMUNITY SERVICES AUTHORIZING THE CHAIR OF THE BOARD OF COUNTY COMMISSIONERS TO EXECUTE THE AGREEMENT ON BEHALF OF THE COUNTY

31. Motion to adopt **Resolution No. 2007-382**, exercising the local option to continue the requirement for Housing Finance Authority members to file annual statements of financial interest

RESOLUTION NO. 2007-382

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA,

AMENDING COUNTY RESOLUTION 1980-25, IN ORDER TO ADD A NEW PROVISION, WHICH WILL REQUIRE MEMBERS OF THE ST. JOHNS COUNTY HOUSING FINANCE AUTHORITY TO FILE A STATE OF FLORIDA FINANCIAL DISCLOSURE FORM, IN ACCORDANCE WITH SECTION 112.3145, FLORIDA STATUTES

32. Motion to adopt **Resolution No. 2007-383**, setting a Public Hearing date of December 18, 2007 at 9:00am to hear a request for the vacation of a portion of Fruit Cove Road

RESOLUTION NO. 2007-383

RESOLVED, THAT THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, IN THE COUNTY AUDITORIUM OF ST. JOHNS COUNTY ADMINISTRATION BUILDING, ON DECEMBER 18, 2007, AT 9:00 A.M. UPON PETITION OF QUALIFIED LAND OWNERS, WILL CONSIDER THE ADVISABILITY OF EXERCISING THE POWER GRANTED TO IT BY SECTION 336.125, FLORIDA STATUTES 2005, AND DETERMINE WHETHER IT WILL VACATE, ABANDON, DISCONTINUE AND CLOSE PORTIONS OF CERTAIN STREETS, ALLEYS OR ROADS DESCRIBED AS FOLLOWS: LEGAL DESCRIPTION AS PER ATTACHED "SCHEDULE A" AND THE NOTICE REQUIRED BY SECTION 336.10, FLORIDA STATUTES 2004, IS HEREBY AUTHORIZED AND DIRECTED TO BE PUBLISHED

33. Motion to adopt a resolution approving the terms, conditions, provisions, and requirements of a joint agreement with the JEA for the construction of force main improvements along U.S 1, north of CR 210 to the JEA Twin Creek Master Lift Station, and authorizing the Chairman to execute, on behalf of the County, the Joint Agreement with JEA

This item was pulled from the agenda.

34. Motion to adopt **Resolution No. 2007-384**, authorizing the St. Johns County Utility Department to pay \$50,000 to the St. Johns River Water Management District to co-fund the East River Reuse Initiative project; and authorizing the County Administrator to execute on behalf of the County, any documents associated with such project

RESOLUTION NO. 2007-384

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE ST. JOHNS COUNTY DEPARTMENT TO PAY \$50,000 TO THE ST. JOHNS RIVER WATER MANAGEMENT DISTRICT TO CO-FUND THE EAST RIVER REUSE INITIATIVE PROJECT, AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE ON BEHALF OF ST.

**JOHNS COUNTY, ANY DOCUMENTS ASSOCIATED
WITH SUCH PROJECT**

35. Motion to approve transfer of \$1,636 from Recreation Department Other Salaries [0079-51300] to the appropriate salary (51200-\$1290) and benefits (52100-\$99, 52200-\$130, 52400-\$118) line items within the department for adjustment to the classification of the Assistant to the Recreation & Parks Director
36. Proofs:
- a. Proof, Notice to Bidders, RFQ No. 08-38
 - b. Proof, Notice of Meeting, Special Meeting of the St. Johns County Board of County Commissioners, Tuesday, November 20, 2007 at 9:00 a.m.
 - c. Proof, Notice of Hearing, St. Johns County Board of County Commissioners, Public input on Renaming Whetstone Place, Tuesday, October 30, 2007 at 9:00 a.m. (*St. Johns Recorder*)
 - d. Proof, Notice of Hearing, St. Johns County Board of County Commissioners, Public input on Renaming Whetstone Place, Tuesday, October 30, 2007 at 9:00 a.m. (*Ponte Vedra Recorder*)
 - e. Proof, Notice of Hearing, St. Johns County Board of County Commissioners, Stormwater Management Utility Ordinance, Tuesday, October 30, 2007 at 9:00 a.m. and Tuesday November, 13, 2007 at 5:30 p.m. (*St. Johns Recorder*)
 - f. Proof, Notice of Hearing, St. Johns County Board of County Commissioners, Stormwater Management Utility Ordinance, Tuesday, October 30, 2007 at 9:00 a.m. and Tuesday November, 13, 2007 at 5:30 p.m. (*Ponte Vedra Recorder*)
 - g. Proof, Notice to Bidders, Bid No. 08-43
 - h. Proof, Notice of Canceled and rescheduled Meeting, St. Johns County Water & Sewer Authority, canceled Monday, November 5, 2007 and rescheduled to Friday, November 16, 2007 at 9:00 a.m. (*St. Johns Recorder*)
 - i. Proof, Notice of Canceled and rescheduled Meeting, St. Johns County Water & Sewer Authority, canceled Monday, November 5, 2007 and rescheduled to Friday, November 16, 2007 at 9:00 a.m. (*Ponte Vedra Recorder*)
 - j. Proof, Notice of Canceled Hearing, St. Johns County Board of County Commissioners, Stormwater Management Utility Ordinance, canceled Tuesday, November 13, 2007 at 5:30 p.m.
 - k. Proof, Notice to Bidders, Bid No. 08-35
 - l. Proof, Notice to Bidders, Bid No. 08-46
 - m. Proof, Notice of Hearing, St. Johns County Board of County Commissioners, Public input on Renaming Whetstone Place, Tuesday, October 30, 2007 at 9:00 a.m.
 - n. Proof, Notice of Meeting, Public Meeting pertaining to public input on temporary relaxation of the Sign Ordinance, Wednesday, October 24, 2007 in Conference Room A at 9:00 a.m.
 - o. Proof, Notice to Bidders, RFQ No. 08-21
 - p. Proof, Notice to Bidders, Bid No. 08-37
 - q. Proof, Notice of Canceled Meeting, St. Johns County Board of County Commissioners, Canceled Special Meeting, Tuesday, October 23, 2007 at 6:30 p.m.
 - r. Proof, Notice of Canceled Hearing, St. Johns County Board of County Commissioners, Canceled Public Hearing, Tuesday, October 23, 2007 at 6:30 p.m.
 - s. Proof, Notice to Bidders, Bid No. 08-11

- t. Proof, Notice of Canceled and rescheduled Meeting, St. Johns County Water & Sewer Authority, canceled Monday, November 5, 2007 and rescheduled to Friday, November 16, 2007 at 9:00 a.m.
- u. Proof, Certificate of Liability Insurance, Inergy Propane, LLC dba Coleman's Gas
- v. Proof, Certificate of Liability Insurance, Inergy, LP, Inergy Propane, LLC
- w. Proof, Certificate of Liability Insurance, Russo & Sons, Inc. dba RSI, Inc.
- x. Proof, Certificate of Liability Insurance, Lockwood Quality Demolition

(11/27/07 - 10 - 9:12 a.m.)
PUBLIC COMMENT

There was no public comment.

(11/27/07 - 10 - 9:12 a.m.)
ADDITIONS/DELETIONS TO REGULAR AGENDA

Stevenson requested to add, as Item 1b, two resolutions supporting the top tier ranking of the Northeast Florida and St. Johns River Blueway by the Florida Forever Acquisition and Restoration Council. Wanchick requested to pull Item 5 and place it on December 11th agenda, and also to pull Items 10 and 11 per the applicant's request.

(11/27/07 - 10 - 9:14 a.m.)
APPROVAL OF REGULAR AGENDA

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

(11/27/07 - 10 - 9:17 a.m.)
1a. MOTION TO ADOPT A RESOLUTION APPROVING THE FINAL PLAT FOR JOHNS CREEK - PHASE 2 (*Formerly Consent Item 14*)

Stevenson reviewed this item.

(9:17 a.m.) Doug Burnett, 170 Malaga Street, reviewed this item. He stated that he had a letter that he was authorized to deliver to the Board that agreed to delay building permit approval and issuance until August 30, 2008. He stated the only exception in the letter was that they didn't want it to apply to model homes. He stated that the only thing that was added, was that his client would like to see the County enact a moratorium, if it's going to do that, by April, 2008. Discussion followed on Lenar delaying permit approval and issuance. Stevenson stated that when this item was approved, there was a deferral for the start date because of the work that was anticipated at 210 and I-95. Wanchick clarified and spoke on the permitting process. Rich responded. McCormack stated that Stevenson contacted him pertaining to the discussions with Mr. Burnett. He stated that he would like to add to Burnett's letter the phrase; "*further and should the County not enact an ordinance creating a moratorium on development*" and to add in; "*or a specialized traffic management plan.*" He asked Burnett if he would accept this change to the letter. Burnett responded that he agreed that a moratorium and a traffic management plan is one in the same, and stated that was not a problem. McCormack stated that he would like Burnett to acknowledge on the record that this was not solely to get a plat approved, but Lenar was in spirit, coordinating with the County pertaining to the traffic management issue. Burnett responded yes.

(9:29 p.m.) Mike Doruant, 2009 Spring Meadows Court, speaking for the property owners association, voiced his concerns. Rich spoke on issues of developers that were

privately owned. Stevenson spoke on traffic in the area. Rich expressed the major concern of the Board, damage to the roads by big trucks during development. He stated that while doing Phase II, they would not use Phase I roadways for the new development. Manuel asked the status of the 2209 segment. Darrel Locklear, Assistant County Administrator, responded that it was under permitting. Manuel asked if there was an expectation of a completion date. Locklear replied that he didn't have a completion date at that time.

(9:38 a.m.) Kathy Nielsen, Applications Review Manager, Development Services Division, spoke on approving construction plans and traffic coming through CR 2209. Manuel asked Burnett if he was willing to add to the letter, that all the conditions of the PUD were in full force and affect, and that the construction traffic would not be going through the community as it is written in the development agreement. Rich added that this would be enforced. Burnett replied yes, that the construction traffic would not go through Phase I. (9:40 a.m.) **Motion by Stevenson, seconded by Sanchez, carried 5/0, to adopt Resolution No. 2007-385, approving the Final Plat for Johns Creek-Phase 2, with the conditions discussed today.**

RESOLUTION NO. 2007-385

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING A SUBDIVISION PLAT FOR JOHNS CREEK - PHASE 2

The meeting recessed at 10:01 a.m. and reconvened at 10:14 a.m. Strickland left the meeting and James Whitehouse, Assistant County Attorney, entered the meeting.

(11/27/07 - 11 - 10:14 a.m.)

1b. RESOLUTIONS SUPPORTING THE TOP TIER RANKING OF THE NORTHEAST FLORIDA AND ST. JOHNS RIVER BLUEWAY BY THE FLORIDA FOREVER ACQUISITION AND RESTORATION COUNCIL

Stevenson stated that she was requesting the Board's approval for this resolution to support the top tier ranking of the Northeast Florida and St. Johns River Blueway for the Florida Forever Acquisition Restoration Council. She stated that this item was brought to her by both staff and concerned citizens.

(10:18 a.m.) **Motion by Stevenson, seconded by Sanchez, carried 5/0 to adopt Resolution No. 2007-387 and Resolution No. 2007-388, supporting the top tier ranking of the Northeast Florida and St. Johns River Blueway by the Florida Forever Acquisition and Restoration Council.** Stevenson mentioned that they were asking for public letters of support to the governor and to Secretary Sole who chaired this committee. She stated that the L.A.M.P. Board had met to discuss this and that they might come back with a suggestion, that the Board had some advocacy at the State level, to correct some misperceptions about the quality of the natural resources that they were trying to protect in this area.

RESOLUTION NO. 2007-387

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY TO THE FLORIDA FOREVER ACQUISITION AND RESTORATION COUNCIL EXPRESSING SUPPORT FOR RANKING OF THE NORTHEAST FLORIDA BLUEWAY IN THE TOP TIER FOR ACQUISITION

RESOLUTION NO. 2007-388

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY TO THE FLORIDA FOREVER ACQUISITION AND RESTORATION COUNCIL EXPRESSING SUPPORT FOR RANKING OF THE ST. JOHNS RIVER BLUEWAY IN THE TOP TIER FOR ACQUISITION

(11/27/07 - 12 - 10:19 a.m.)

1. UPDATE ON THE STATUS OF THE FIRST COAST OUTER BELTWAY PROJECT

Larry Parks, Director of Planning and Production District 2, Florida Department of Transportation, gave the presentation.

(10:20a.m.) Bill Henderson, Florida Department of Transportation, District 2, Planning and Environmental Manager, gave a PowerPoint presentation updating the Commission on the status of the First Coast Outer Beltway project. (10:23 a.m.) Jim Knight, DOT, District 2, and Brandi Vittur, DOT, District 2, also assisted with the presentation. Larry Knight answered questions regarding stoplights, provision of funds for interchange land acquisition for future use, and the circuitous route chosen in certain portions of the roadway. Manuel stated that it was his understanding that the land owner was going to give the right-of-way. Knight responded that at that point the property owner was not ready to donate the land. Knight spoke on right-of-way costs. Discussion followed. (10:41 a.m.) McCormack entered the meeting. Manuel spoke on the corridor being protected. Rich asked about latest estimate of cost and Parks responded that the total project was about \$1.8 billion, with \$1.2 billion being construction costs. Stevenson spoke on mitigation and the east/west connectivity. Rich responded.

(10:53 a.m.) Naomi Menkin, 809 Southern Belle Drive East, voiced her concerns. Rich responded. Menkin spoke on the new road being a toll road and using their Sunshine passes on it. She asked about the interchange at I-95 being a cloverleaf. Rich responded. Discussion followed on the land adjacent to this area, infrastructure, and the estimated cost of the St. Johns portion from I-95 to the bridge. Stevenson stated that she would like to schedule a major transportation meeting.

(11/27/07 - 12 - 9:42 a.m.)

2. CONSIDER MOTION TO ADOPT A RESOLUTION APPROVING THE TERMS AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH ANASTASIA MOSQUITO CONTROL DISTRICT TO ACQUIRE A PARCEL OF LAND TO CONSTRUCT A NEW EMERGENCY OPERATION CENTER AT THE END OF AGRICULTURAL CENTER DRIVE

Jerry Cameron, Assistant County Administrator, reviewed this item, and utilized the overhead projector to show the site. Manuel stated he could not support the donation of the Mosquito Control District. He stated that he saw no further need of the Mosquito Control District pursuant to Florida Chapter 388, and if there were strings attached to the donation, he could not accept it. Rich asked about the legal requirement regarding this item. McCormack responded that he was more familiar with the County rules and he knew that they couldn't do it within the County. Manuel stated that since they don't have a clear answer to this, he would like to postpone the item until after January 29th so the citizens of St. Johns County would have the opportunity to speak to this issue.

Rich stated the reason that they embarked on this issue was because there were grant monies involved and he asked Manuel if it placed those grant monies in any kind of jeopardy. Manuel replied that he did not feel that it would, and stated that they had three years pursuant to the condition of the grant to complete the project. Stevenson stated that her understanding of it was different and that it was time sensitive. Cameron posted a sequence chart and spoke on the time sensitive nature of it. He stated that Mr. Chuck Bushong, Vice President of the Ponte Vedra Chamber of Commerce, had approached him expressing his concern about the timeline and the expenditure of any additional monies. Stevenson reviewed their intent. Wanchick voiced his concerns about the grant and suggested moving on without spending any money. Bryant stated that he supported moving forward and there wasn't any need for undue delay. Rich agreed with keeping the options open and moving forward in the right direction. Manuel stated that he did not support this as the location of the EOC. He stated that he would support this because of the 90 day window of opportunity, but if he didn't see movement, then he would not be able to support it. (9:58 a.m.) **Motion by Rich, seconded by Sanchez, to adopt Resolution No. 2007-386, approving the terms and authorizing the County Administrator to execute a Memorandum of Understanding with Anastasia Mosquito Control District to acquire a parcel of land to construct a new Emergency Operation Center at the end of Agricultural Center Drive.** Rich stated that he supported Manuel's comments, and he did not necessarily support the construction of the EOC on that particular piece of property. McCormack stated that this resolution authorized, but did not direct him. He mentioned that the Memorandum of Understanding had two fill in the blanks pertaining to the timeline of building the right-of-way, and as part of the motion he recommended that the Board specifically authorize the County Administrator to use his best judgment in determining that timeline. Sanchez stated that he supported this item. McCormack spoke on the January 29th referendum and the primary in the summer. (10:01 a.m.) **The motion carried 5/0.**

RESOLUTION NO. 2007-386

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH ANASTASIA MOSQUITO CONTROL DISTRICT TO ACQUIRE A PARCEL OF LAND TO CONSTRUCT A NEW EMERGENCY OPERATION CENTER AT THE END OF AGRICULTURAL CENTER DRIVE

(11/27/07 - 13 - 11:15 a.m.)

3. CONSIDER THE 2008 LEGISLATIVE ACTION PLAN FOR ST. JOHNS COUNTY

Karen Johnson, Intergovernmental Relations Specialist, gave a power point presentation. Stevenson stated that the Regional Council was trying to get the County to focus on at least three of the priorities. Rich spoke on unfunded mandates. Manuel stated that transportation was the number one priority, water was the second priority and agriculture was the third priority. Rich stated that the most important priorities were transportation, water conservation and acquiring land for conservation wildlife. Bryant stated that he supported the transportation issues first and foremost and secondly, water needed to be put more to the forefront. Sanchez stated that transportation was the number one issue, water conservation and agriculture were very important also. *Rich asked for a consensus of the following issues; 1) transportation, water, and conservation and environmental issues in reference to land acquisition.*

(11:35 a.m.) Jeanette Bradley, 201 Vivian Drive, Hastings, asked the Board to continue with the support on traffic and indigent health care in Hastings.

(11:37 a.m.) *Stevenson asked to add to Recreation and Parks; continue Florida Forever Funding, and continued support of high ranking of St. Johns County Blue Way Projects.* McCormack mentioned that they needed a motion with the amendments. Stevenson asked for consensus of the Board to add to Manuel's comment under transportation, "transportation to support economic development".

(11:40 a.m.) **Motion by Manuel, seconded by Stevenson, carried 5/0, to adopt the following issues as priorities for St. Johns County's 2008 Legislative Action Plan: transportation, water, and conservation and environmental and the amendments: to add to Recreation and Parks; continue Florida Forever Funding and continued support of high ranking of St. Johns County Blue Way Projects and add under transportation; transportation to support economic development.**

(11/27/07 - 14 - 11:41 a.m.)

4. CONSIDER MOTION TO ADOPT A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE WORLD COMMERCE CENTER IMPACT FEE CREDIT AGREEMENT IN THE AMOUNT OF \$4,492,725 IN ROAD IMPACT FEE CREDITS

Lindsay Haga, AICP, Chief Planner, handed in a revised resolution and reviewed this item.

(11:45 a.m.) Ellen Avery Smith, 170 Malaga Street, agreed with the staff report, and stated that Steinemann and World Commerce Center must design and engineer a four lane portion of roadway to go within this right-of-way no later than December 31st, 2010. Manuel voiced his concerns. Discussion followed on appraisals. (11:49 a.m.) **Motion by Manuel, seconded by Sanchez, carried 5/0, to table this item to a date uncertain pending the outcome of a meeting with the county staff, applicant and appraiser.** McCormack left the meeting and Paras Desai, Assistant County Attorney, entered the meeting.

(11/27/07 - 14 - 9:12 a.m.) *This item was pulled from the agenda.*

5. PUBLIC HEARING - REZ 2007-17 207, COMMERCIAL CENTER

(11/27/07 - 14 - 11:50 a.m.)

6. PUBLIC HEARING - PLNADMAPL 2007-01, HAVEN TRUST BANK WALL SIGN - THIS IS AN APPEAL FILED PURSUANT TO SECTION 9.07.02 OF THE LAND DEVELOPMENT CODE REGARDING DECISIONS OF THE COUNTY ADMINISTRATOR, OR DESIGNEE, IN ENFORCING THE CODE. THE APPLICANT SEEKS AN APPEAL OF A STAFF DETERMINATION ISSUED FOR THE SUBJECT PROPERTY IN JULY 2007, ATTACHED HERETO. THE SUBJECT PROPERTY IS LOCATED WITHIN THE PONTE VEDRA LAKES NEIGHBORHOOD OFFICE PARK (PSD 1991-35, AS AMENDED BY ORD. 1999-55). THE APPLICANT APPLIED FOR ARCHITECTURAL REVIEW OF MODIFIED LANDSCAPING, FENCING, SITE LIGHTING, SCREENING, AND SIGNAGE FOR THE SITE. THE REQUEST WAS CONSIDERED BEFORE THE PONTE VEDRA ARCHITECTURAL REVIEW COMMITTEE IN JULY 2007. THE PVARC ISSUED AN ORDER APPROVING CERTAIN ELEMENTS OF THE PROPOSAL WITH EXCEPTION OF THE SIGNAGE REQUESTS. THE APPLICANT PROPOSED WALL SIGNAGE ON THE NORTHERN ELEVATION OR TO THE REAR OF THE LOT FACING PONTE VEDRA LAKES BOULEVARD. IN RESPONSE TO THE EXCLUSION OF THE PROPOSED

SIGNAGE FROM THE PVARC APPLICATION, THE APPLICANT FILED FOR AN ADMINISTRATIVE INTERPRETATION OF THE PONTE VEDRA ZONING CODE AND ORDINANCE 1999-55. THE DETERMINATION WAS ISSUED JULY 19, 2007 AND IS BASED UPON THE FOLLOWING FACTS: PONTE VEDRA ZONING CODE (SECTION X.C.2.A) LIMITS WALL SIGNS TO FRONT ELEVATIONS OF BUILDINGS OR IN CASES WHEN BUILDING(S) ABUT BOTH FRONT AND SIDE STREETS, A WALL SIGN MAY BE LOCATED UPON THE SIDE STREET ELEVATION; THE SUBJECT PROPERTY IS A SUB-PARCEL OF THE OVERALL PSD. THE SIGNAGE FOR THE HAVEN TRUST BANK IS PROPOSED TO BE PLACED AT THE REAR OF THE LOT, FACING NORTH TO PONTE VEDRA LAKES BOULEVARD; AND THE HAVEN TRUST BANK PARCEL IS SEPARATED FROM PONTE VEDRA LAKES BOULEVARD BY A PARCEL OWNED BY THE PONTE VEDRA LAKES MASTER HOMEOWNERS ASSOCIATION (STORMWATER POND). THE POLICY INTERPRETATION IS BASED UPON THE FOREGOING FACTS AND SUMMARIZED AS NOT MEETING THE TECHNICAL REQUIREMENTS OF THE PONTE VEDRA ZONING CODE, SPECIFICALLY THE DEFINITION OF ABUTMENT. BECAUSE THE PARCEL IS SEPARATED FROM THE STREET (PONTE VEDRA LAKES BOULEVARD) BY THE STORMWATER PARCEL, THE REQUEST DOES NOT MEET THE TECHNICAL REQUIREMENTS OF THE ZONING CODE

Proof of publication for the notice of public hearing regarding PLNADMAPL 2007-01, Haven Trust Bank Wall Sign, was received, having been published in *The St. Augustine Record* on November 12, 2007.

Lindsay Haga, AICP, Chief Planner, reviewed this item.

(11:54 a.m.) Blake F. Deal III, 135 Professional Drive, Bartlett, Deal and Briley P.A., clarified a few things, utilizing the overhead. Stevenson stated that she supported this item and that she didn't see it as a real variance or any risk of precedence setting. She asked the County Attorney for guidance, in case they wanted to add that as specifically one of the findings, in the event that there were other places where they might have unattended consequences. Whitehouse asked that the two things Mr. Deal said, be added as specific findings; that it was a private roadway, and the fact that it was all part of the same PSD. Bryant stated that he supported the item. Sanchez disclosed exparte communication with Mr. Barfield. Rich disclosed exparte communication with Mr. Barfield regarding the presentation. Stevenson disclosed exparte communication with Mr. Barfield regarding the ownership and basic things presented at the meeting that day. Bryant disclosed exparte communication with Mr. Barfield regarding the presentation made that day.

(12:01 p.m.) Motion by Manuel, seconded by Sanchez, carried 5/0, to approve Planning Administrative Appeal 2007-01, findings of fact 1 through 6 to support the appeal, which included two additions: the private roadway and the specific PSD.

The meeting recessed at 12:02 p.m. and resumed at 1:30 p.m. All five commissioners, the County Administrator and County Attorney were in attendance along with Terry Bulla, Deputy Clerk.

(11/27/07 - 15 - 1:30 p.m.)

7. PRESENTATION OF THE ST. JOHNS RIVER WATER MANAGEMENT DISTRICT PROPOSAL FOR SURFACE WATER WITHDRAWALS

Kirby B. Green III, Executive Director, St. Johns River Water Management District (SJRWMD), 4803 St. Johns Ave., Palatka, gave the presentation for the proposal for

surface water withdrawals. He gave an overview for understanding the issues, including the fact that we were growing, and we were going to outpace the ability to provide enough water from our current source which was ground water. He said a water supply plan was presented in 2000 and another in 2005 for a twenty years out demand. He said they identified existing and projected problems and sought to identify solutions to the problems and to protect the environment. He reviewed the public process and the efforts to coordinate water supply entities, local governments and other affected entities. He presented the SJRWMD Water Supply Conclusions including: the public supply demands were to double by 2025 from 1995, the Floridan aquifer cannot supply all needs – about 200 million gallons per day deficit has been identified, management techniques available, alternative sources available and cooperative regional implementation needed. He said regional solutions needed to be developed due to the high costs associated. He identified the priority water resource caution areas, and noted that St. Johns County was ahead of the curve in making those decisions. He reviewed the sustainable water supplies and said it was a priority to conserve water. He said the diversification of sources was one of the keys to sustainable water plans. He reviewed water use efficiency and emphasized its importance along with the treatment and reuse of reclaimed water. He explained the Waterstar program and how it contributed to water use efficiency.

He said there was a need to identify alternative water sources within the district and he reviewed areas within the water caution area and what they were utilizing. He said one of their prime directives was to protect the environment and they had to do that first before they could take water for other uses. He said they had to establish the minimum flows and levels in order to protect the environment, and noted that additional comprehensive studies would be necessary. He stated that scientific peer review and public input would be essential as well. He said analysis of impacts on water quality and habitat in the lower St. Johns River was underway, and they needed to understand the impact of withdrawals from the St. Johns River before they allowed them.

He reviewed how they had dealt with surface water availability issues including, storage, limited withdrawal, schedules, timing and quantities, and diversified sources. He reviewed some of the other possible water options. He summarized that environmental protection was their first priority. He noted that had been charged with ensuring a sustainable supply for the area and much work had to be done before they could allow a final withdrawal of water from the river.

(2:09 p.m.) Rich commented that the St. Johns River was already a sick body of water and withdrawing from it would only make it sicker. He said the sooner the SJRWMD developed a hands-off policy of the river the sooner it would recover. He said they should acknowledge that it was not a sustainable source of water and that it was not a good idea to withdraw any water from it.

(2:13 p.m.) Green said the St. Johns River was not a sustainable water source but there was some quantity of water that they could use from the river that would be a component of a diversified water system. He acknowledged that it would not sustain growth for an extended period of time but would not have a negative impact upon the system.

(2:17 p.m.) Stevenson said she had received a good preview of his presentation. She asked how long it took to develop a desalinization plant. Green said it would take from seven to twelve years to develop the source. She asked the consumption rate projected for Orange County to take water from the river. Green said from 90 to 500 gallons per day per person depending where they were in the system. She asked how many counties in Florida had developed Waterstar. Green said they were just starting the

program. He said the first home was certified in January. He said it had not been adopted as a standard for development in any county. She said she agreed with Rich that it defied logic to do withdrawals from the river.

(4:28 p.m.) Subsequently, Richard Bryant, 13165 Mount Pleasant Road, Jacksonville, National Park Service, gave a presentation, stating that they were concerned about the fresh water withdrawals being proposed.

(4:33 p.m.) Mike McQuiston, 216 Rivers Edge, spoke on the primary users of the water in the Water Management District.

(4:35 p.m.) Naomi Menkin, 809 Southern Belle Drive East, spoke on people not understanding what they were facing. Stevenson passed out a resolution for the Board to consider and mentioned taking a position to protect the waters of St. Johns County. Rich explained the resolution that was introduced by Stevenson.

(11/27/07 - 17 - 4:45 p.m.)

8. PUBLIC HEARING - MAJMOD 2007-21, MISSION TRACE PUD - THIS MAJOR MODIFICATION AND REZONING PROPOSES TO ADD A 1.87 ACRES PARCEL TO THE EXISTING 49.85 ACRES MISSION TRACE PUD IN ORDER TO PROVIDE FOR ADDITIONAL DRAINAGE. THE NEW LANDS ARE LOCATED IN THE NORTHWEST PORTION OF THE PUD BY LOTS 78, 79, 35, AND 20. THIS REQUEST ALSO SEEKS TO REDUCE THE PROPOSED ACCESS POINTS FROM THE 12.5 ACRES COMMERCIAL PARCEL ONTO SR 16 FROM TWO TO ONE. NO OTHER CHANGES ARE PROPOSED. THE SITE IS LOCATED WITHIN MIXED USE AND RESIDENTIAL - C LAND USE AS DEPICTED ON THE 2015 FUTURE LAND USE MAP. SURROUNDING ZONINGS INCLUDE PLANNED UNIT DEVELOPMENT (PUD), OPEN RURAL (OR) AND COMMERCIAL GENERAL (CG). THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL AT THEIR SEPTEMBER 20, 2007 MEETING BY A VOTE OF 7/0 (OGELSBY/WHEELER)

Proof of publication for the notice of public hearing regarding MAJMOD 2007-21, Mission Trace PUD, was received, having been published in *The St. Augustine Record* on November 12, 2007.

Michael Blackford, Planner II, reviewed this item. Stevenson disclosed exparte communication with Cohen Purpose regarding adding no density or intensity, but to facilitate a drainage need for this commercial parcel. Sanchez disclosed exparte communication.

(4:48 p.m.) Marsha Taylor, 995 State Road 16, asked for the commission's blessings to approve this item.

(4:48 p.m.) **Motion by Sanchez, seconded by Manuel, carried 5/0, to enact Ordinance 2007-88, known as MAJMOD 2007-21, Mission Trace PUD, adopting findings of fact 1 through 6 to support the motion.**

ORDINANCE NO. 2007-88

**AN ORDINANCE OF THE COUNTY OF ST. JOHNS,
STATE OF FLORIDA APPROVING A MAJOR
MODIFICATION TO THE MISSION TRACE (PUD)
ORDINANCE NUMBER 2004-110, AS AMENDED,
MAKING FINDINGS OF FACT; REQUIRING**

**RECORDATION; AND PROVIDING FOR AN
EFFECTIVE DATE**

The Board recessed at 2:23 p.m. and resumed at 2:35 p.m.

(11/27/07 - 18 - 2:35 p.m.)

9. PUBLIC HEARING - CONSIDER RENAMING WHETSTONE PLACE - ON MAY 4, 2005, THE BOARD OF COUNTY COMMISSIONERS PASSED AND ADOPTED RESOLUTION 2005-123 WHICH GRANTED A PETITION TO CHANGE A ROAD NAME FROM COKE ROAD TO WHETSTONE PLACE. THE PETITION TO RENAME THE ROAD INCLUDED SIGNATURES OF AT LEAST 51% OF THE PROPERTY OWNERS ON THE ROAD REQUESTING ROAD BEING RENAMED, IN ACCORDANCE WITH ST. JOHNS COUNTY RESOLUTION 92-65. RESOLUTION 92-65 DID NOT FORESEE THE INSTANCE WHERE AN ACTUAL OWNER OF THE ROAD ITSELF WAS NOT ALSO AN OWNER OF PROPERTY ALONG THE ROAD, AND THEREFORE NOT INCLUDED ON THE PROPERTY OWNER LIST OF THE PETITION. ST. JOHNS COUNTY HAS RECENTLY REVISED ITS ROAD NAMING AND RENAMING PROVISIONS TO INCLUDE NOTICE TO ALL PROPERTY OWNERS OWNING OR ABUTTING THE ROADWAY INVOLVED. THE REVISIONS ALSO INCLUDED THAT THE BOARD OF COUNTY COMMISSIONERS MAY ON ITS OWN INITIATIVE RENAME ROADS AFTER A NOTICED PUBLIC HEARING, AND RECOGNIZES THAT SEC. 336.05, F.S. PROVIDES AUTHORITY FOR THE BOARD OF COUNTY COMMISSIONERS TO RENAME ROADS. AT THE PUBLIC HEARING, BOARD OF COUNTY COMMISSIONERS MAY CONSIDER: RENAMING OR REVERTING TO THE NAME COKE ROAD, RETAINING THE NAME WHETSTONE PLACE, CHOOSING ANOTHER NAME FOR THE ROAD (E.G., HOSPITAL ROAD OR OTHER NAME)

Proof of publication for the notice of public hearing regarding the renaming of Whetstone Place was received, having been published in *The St. Augustine Record* on November 20, 2007.

Janet Beeson, Court Reporter, was present.

Patrick McCormack, County Attorney, gave the presentation. He said he had spoken with counsel for Mr. Whetstone and Mr. Genovar, the principals in the matter, and they had agreed upon a procedure for the hearing, which he explained. He said the County had a road naming procedure for many years until it was recently changed. He said Res. 92-65 provided that 51% agreement of the property owners along the street or road was required to change the name. He said that in 2005 Whetstone 312, Inc. petitioned to change the name from Coke Rd. to Whetstone Place. He said there was a property owner on the road that did not own a lot adjoining the road. Dixie Properties was not given formal notice and was not included in the process. He said a lawsuit had been filed and the hearing that day was not a hearing of the lawsuit but should be under St. Johns County regulations as to what the name of the road should be. He noted that the procedures for naming and renaming a road had been revised by the Board to include notice to adjoining lot owners and property owners as well as to the road owner even if the owner did not own an adjacent lot or property. He said the Board also had the authority to name and rename a road under Florida Statute Chapter 336. He reviewed which properties were owned by whom and where they were located.

(2:43 p.m.) Rich asked if they divided the road into thirds by the three owners, Dixie opposed the name of Whetstone Place, Health Park supported Whetstone Place and Flagler Hospital did not object to Whetstone Place. He said it appeared that 66 percent of the owners supported the name of Whetstone Place. McCormack said it was a factor they could consider along with other testimony. Rich asked what the name of the road was today. McCormack said the name of the road was Whetstone Place, but it was the decision of the Board as to what the name of the road was to be.

(2:47 p.m.) Geoff Heekin, representing Dixie Properties, said that Genovar had owned the large parcel of land since 1904 and Dixie Properties was owned by the Genovar family. He said the road was historically named Coke Rd. because there was a Coca Cola plant located there. He said the issue in this case was whether the SJC Board of County Commissioners could name a private road. He said the taking of private property had to meet one of three criteria; public health, morals and anything relating to the welfare of the general public, and the renaming of the road to Whetstone Place met none of those criteria. Rich asked if the taking of the property was the taking of the name. Heekin said that was right. McCormack said Susan Erwin, Counsel for the County, was also present and the taking of the name was a part of the Federal law suit.

Heekin said Dixie Properties did not receive notification of the renaming of the property. He stated there was no justifiable reason for the renaming of the road. He said the road should be named Bartolo Rd., Bartolo Genovar Rd. or B. Genovar Rd. He said the Genovar family was asking for basic fairness, and it was their right to name the road it owned, paid taxes on, maintained and repaired.

(2:56 p.m.) Phil Genovar, Principal, Dixie Properties, Inc., 1715 Old Moultrie Rd., gave a history of the property. He said the original park was named Matanzas Center and he built the first road with money put up by the Coca Cola plant when they bought five acres there, and it was named Coke Rd. He said Whetstone bought some lots along the road, and Flagler Hospital bought property due south of that piece. By allowing the hospital to tie into Coke Rd., the agreement he had with the hospital said they would forever maintain Coke Rd. He said the other roads, he still maintained himself. He said he had a letter from Flagler Hospital, signed by Joe Gordy and from Manning Builders stating that they had no objection to the use of the Genovar name or any other name that had no negative connotation related to the business.

(3:03 p.m.) Sonya Genovar Jensen, 320 A SR 312, said the whole matter was one of property rights. She gave a history of the conflict between the Whetstones and the Genovars for the name of the road. She said it was a railroaded situation and was passed without her father receiving any respect for the hard work he had done for developing the property.

(3:09 a.m.) Frank Upchurch, counsel for Whetstone, 780 Ponce de Leon Blvd., asked to correct a couple of points. He said Heekin had suggested that the BCC lacked the authority to name the road. He cited Florida Statute 336.05 which said "the commissioners are authorized to name and rename streets and roads, except roads designated by number by the department (DOT) lying outside the boundaries of any incorporated municipality." He said that statute had been on the books since 1945. He said Mr. Genovar had made the point that he had been maintaining the road. He said under Tab 5 paragraph 2 (Exhibit A), that Flagler Hospital maintained the road. He said the Whetstones had taken up responsibility for maintaining the section of the road abutting his property in documents under Tab 6 (Exhibit A). He said Whetstone was redeveloping the site into an office and condominium complex and his chocolate manufacturing facility had been there for 25 years. He said that in 2005 Whetstone filed a petition to change the name of the road to Whetstone Place from Coke Rd. He said he

wanted the street and the project to have the same name for a ready identifiable location as it reflected the future use of the property. He said Ms. Genovar's suggestion that something underhanded had occurred was not true. He said Whetstone had followed all the requirements outlined to them by the County under Tab 2 (Exhibit A). He said the renaming of the street was not meant as an insult to the Genovar family or to their family name, and it was not fair to blame Mr. Whetstone for a glitch in the County ordinance. He said the glitch had been rectified and Mr. Genovar was being given an opportunity to make his case. He stated that Whetstone had made an apology and had also offered to buy the road from Genovar and to pay 2005 property taxes (Tab 4 Exhibit A). He noted that all but one of the original property owners had agreed to the change of the name. He stated the businesses that used the property would bear the burden if the address was changed again. He said Dixie Properties owned the street in name only and the only responsibility Genovar retained was the paying of taxes. He said Whetstone was willing to repay Genovar for ten years of taxes for that portion of the road. He said he believed it was a personal issue for Mr. Genovar and public policy should not be based on such issues. He urged them to stand by the previous decision of the Board.

(3:26 a.m.) Ramelle Petroglou, 29 Coquina Ave., said it was totally unfair. She said it was submitted on a Consent Agenda and there was no public input. She said it was an underhanded way to get something passed and anyone in government knew that. She said the Genovars were a heritage family in St. Augustine and she asked the Board to reconsider.

(3:28 p.m.) Jason Barrett, 400 Health Park Blvd., representing Flagler Hospital, said they were there to simply ensure that they did not name the road something harmful and would go with either Whetstone Place or Genovar or any other name the Board might choose.

(3:28 p.m.) James Haase, 1416 Vista Cove Rd., said he had worked for Mr. Genovar, and for the County to rename an individual's road was hard to believe. He said the road was owned by Genovar and he was maintaining the road.

(3:30 p.m.) Maureen Ortegas, 1445 Masters Drive, said that Whetstone was well aware that the road belonged to someone else. She said she had spoken with Attorney Bosanko and had concerns regarding Commissioner Maguire voting on the issue. She stated she had submitted historical information (Exhibit C) relating to Bartolo Genovar and said it would be appropriate to name the road B. Genovar after him. She reviewed some of the life of Bartolo Genovar. She said he was a real patriot and they should be proud to follow in his footsteps. She asked them to right the wrong and to name the road after him.

(3:37 p.m.) Ruth Stinson, 7877 US1 South, spoke in support of the Genovar family, and said Mr. Genovar had owned, maintained and paid taxes on the road since 1979. She said the Genovar family had done so much for St. Johns County and she was at a loss to understand. She said some things were not for sale and this was one of them.

(3:39 p.m.) Heekin gave a closing summary and said the fee simple owner had the ultimate duty to maintain. He asked why Whetstone was pursuing it. He said the property was Genovar's and he owned it fee simple. It was not someone else's to name or to take and that was why Mr. Genovar was upset.

(3:40 p.m.) Upchurch gave a closing summary, and said that he was sorry that Ms. Ortegas got personal with some of her comments with respect to his clients. He protested and said there was no need or place for that. He noted that she had contacted the Board and Dan Bosanko before the matter was heard. He submitted that if she

contacted the County, she told her good friend Phil Genovar that they were going to rename his road. He said the whole basis of the lawsuit and the re-hearing was that Genovar supposedly did not know what the County was doing. He said if Genovar knew from Ms. Ortigas, then the implications of filing a lawsuit against St. Johns County would be serious.

(3:42 p.m.) McCormack said his original advice was still paramount, that they decide only on the name of the road based on what they had heard from the attorneys and the public. He said that on the issue of the Consent Agenda item, it was his understanding that no road re-namings were done through the Consent Agenda process and this item was not treated any differently and anything on the Consent Agenda could be pulled off. He also commented on the fact that the Genovar family was a heritage family in St. Johns County and commanded respect. He said the Whetstone family also was a heritage family which commanded respect. He said he had prepared three resolutions and read it into the record: to retain Whetstone Place, to revert to Coke Rd. and to rename it another name to be determined.

(3:46 p.m.) Rich said Health Park Owners Association was remaining moot and Flagler Hospital was located on Health Park Blvd. He said Flagler Hospital had chosen the highest road and didn't care what they named it. He said it was clear that Flagler and Whetstone maintained the road, that Dixie Properties no longer had holdings along the road, other than the portion of the road that they owned, and the ones who suffered were the innocents. He said the applicants had met every criterion to rename the road that they were supposed to. He said whichever way they went; someone was going to get hurt. He suggested they name it Hospital Rd.

(3:51 p.m.) Sanchez asked McCormack whether they should just allow it to go to court and allow the court to decide it. He said if they decided it, they would simply be added to the case. He asked if they changed something whether it went to a lower court or to Federal Court.

(3:52 p.m.) McCormack said it was in Federal Court and any decision made by the Board could be subject to a new lawsuit with or without merit. He said his sense was that if they kept the name Whetstone Place it would continue on in Federal Court. If they changed it there could be a potential lawsuit for changing it. He said that although they had to have awareness to the court action and potential future litigation, they did have the authority to name or rename a road. He said they could decide today or they could defer a decision on the issue.

(3:55 p.m.) Sanchez said he did not see the parties working it out, no matter what the Board did. He said he totally understood the positions of both sides of the issue, but he said he did not feel it was up to the Board to make the decision, because either side they decided upon would be incorrect.

(3:56 p.m.) Stevenson said the point that was being lost was that they had a process that overlooked an underlying land owner that was not a frontage owner. She said there was a mistaken process approved by a Consent Agenda. She said she had no idea it was such an emotional issue. She suggested they consider leaving things the way they were, but to honor the Genovar family by naming the new auditorium after Bartolo Genovar, as it was the place that he served on the Board of County Commissioners for 27 years. She said his service as a politician and as a businessman would certainly warrant it.

(4:00 p.m.) Sanchez said he had no problem with that and said it was a good idea.

(4:00 p.m.) Rich said the idea had merit and the roadway into the new administration building would also need a name.

(4:01 p.m.) McCormack spoke regarding the revision of the Resolution 92-65 which now required notice to an owner of a road. He said there was support in the law that if a road owner sold all the property along the road, the owner of the road no longer owned the road and was vested in adjoining landowners. He said this Board wanted to do the fair thing as well as the lawful thing.

(4:02 p.m.) Bryant said he concurred with what Stevenson had said. He said if they changed the name again it would result in another lawsuit. He suggested that they let the court make the decision.

(4:03 p.m.) Manuel said he agreed with everybody. He said it was a flawed Resolution and the core issue, was it a taking, was an issue for the court to resolve. He said he saw no reason for action until that decision was reached by the court. He said Stevenson's suggestion to honor the family was a good one.

(4:04 p.m.) McCormack asked for a brief recess.

The Board recessed at 4:05 p.m. and resumed at 4:13 p.m.

(4:13 p.m.) Lenora Newsome, Deputy Clerk, entered the meeting and Terry Bulla left the meeting.

(4:13 p.m.) McCormack reiterated the fact that the Board had the right to name and rename roads, including private roads. He said they had an opportunity that day to reconsider naming Whetstone Place and the fundamental decision was whether they would do that or not. He said the court would not name the road but would make a finding as to whether or not a taking had occurred pertaining to private property. He said the County position was that it would not. He said the Federal Court was considering that due process be given and the Board had provided that. He advised them that if they were not persuaded to change the name, then they might maintain the status quo, and they could see how they would do in court. He said they should base their opinion on what they had heard that day and particularly from the property owners that had indicated what their preferences were. He said that unless they had been persuaded to change the status quo then they should maintain the status quo and they should also consider giving County staff direction to honor, in an appropriate way, the Genovar heritage.

(4:17 p.m.) Rich asked if the status quo was to be maintained, if it needed to be done in the form of a motion. McCormack said yes.

(4:17 p.m.) Manuel said if it was ruled a taking, if the court would offer remedies such as compensation to the Genovar family. He said he thought a motion was not required as there was a name in place, there was an on-going lawsuit and they needed to move along. There was additional discussion as to whether to make a motion or not. McCormack reviewed their options again. Discussion continued.

(4:22 p.m.) **Motion by Sanchez, seconded by Manuel, that the Board take no action on the item today and to defer the issue.**

(4:22 p.m.) Stevenson clarified that the court did not care what they named the road. She said the court was asking them to look at their process. She said they were making an effort to correct the process, to reduce the financial exposure to St. Johns County

residents for pursuing that action. Manuel said the court would decide whether there was a taking or not. Stevenson said if they used good process there was no taking. Discussion ensued.

(4:24 p.m.) Bryant said they had already had a legal opinion of that issue. He asked Attorney Earlie her opinion. She responded that technically the court case was closed. She said it was subject to being reopened. She said the court ordered the parties to remediation and essentially said the case was so intricate that the judge had concerns as to whether it rose to the level of a Federal cause of action. She said that the question of a taking was the core issue of the case, and her position in front of the court was that the right to name a road under Florida Statutes belonged to the County Commission. She said the only issue was whether due process had been provided.

(4:25 p.m.) Bryant concluded that the due process they went through that day was sufficient and that they should return to mediation and let the court make the decision. Discussion ensued.

(4:26 p.m.) Sanchez called the question. Bryant said the motion was not the correction motion and he could not support it. More discussion ensued

(4:28 a.m.) **Motion carried 4/1 with Bryant in opposition**

(11/27/07 - 23 - 9:12 a.m.) *This item was pulled from the agenda.*

10. PUBLIC HEARING - VACPLA 07-01, ST. AUGUSTINE CIRCLE PLAT VACATION

(11/27/07 - 23 - 9:12 a.m.) *This item was pulled from the agenda.*

11. PUBLIC HEARING - PUD 2006-22, CHAMPION PLANNED UNIT DEVELOPMENT

(11/27/07 - 23 - 4:49 p.m.)
COMMISSIONERS' REPORTS

Commissioner Stevenson:

Stevenson suggested that the Board consider adoption of an ordinance that would require height variances in the coastal areas to be approved by a super majority vote of the Board; and also for comprehensive plan amendments. She asked the Board to place this on a future agenda. Rich directed Wanchick to place this on an agenda after talking with Stevenson.

(4:56 p.m.)

Commissioner Sanchez:

No report.

(4:56 p.m.)

Commissioner Rich:

Rich mentioned the special meeting scheduled on December 18th and that the cash requirement report needing at least three commissioners present. Commissioners Sanchez, Manuel and Bryant stated that they would definitely be there. Wanchick stated that they had actually set a 1:30 p.m. for South Haven and had several other items for that day. He stated that it was a full meeting. Rich stated that he had added it on his calendar as a cash requirement report only meeting. Bryant asked how many items they had scheduled for that day. Wanchick replied 26 items. Bryant suggested that if the items were not going to take very long, to start the meeting at 1:30 p.m.

It was the consensus of the Board to schedule the Special BCC Meeting at 1:30 p.m. on December 18th.

(5:01 p.m.)

Commissioner Manuel:

No report.

(5:01 p.m.)

Commissioner Bryant:

Bryant spoke about the landscaping on Vilano Beach.

(11/27/07 - 24 - 5:02 p.m.)

COUNTY ADMINISTRATOR REPORT

No report.

(11/27/07 - 24 - 5:02 p.m.)

COUNTY ATTORNEY'S REPORT

No report.

(11/27/07 - 24 - 5:02 p.m.)

CLERK OF COURT'S REPORT

No report.

Motion by Manuel, 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 5:03 p.m.

REPORTS:

1. St. Johns County Board of County Commissioners Check Register, Check Nos. 410869 through 410874, totaling \$187,923.45 (11/05/07)
2. St. Johns County Board of County Commissioners Check Register, Check Nos. 410875 through 411166, totaling \$1,844,548.06 (11/06/07)
3. St. Johns County Board of County Commissioners Check Register, Check Nos. 411167 through 411193, totaling \$43,300.00 (11/08/07)
4. St. Johns County Board of County Commissioners Check Register, Check Nos. 411194 through 411195, totaling \$261.54 (11/08/07)
5. St. Johns County Board of County Commissioners Check Register, Check Nos. 411196 through 411525, totaling \$4,474,673.94 (11/13/07)
6. St. Johns County Board of County Commissioners Check Register, Check No. 411527 totaling \$24,968.75 (11/13/07)
7. St. Johns County Board of County Commissioners Check Register, Check No. 411528 totaling \$166,958.22 (11/14/07)

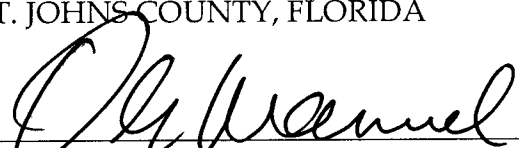
CORRESPONDENCE:

1. Minutes of the Finance Committee Board of County Commissioners, St. Johns County, Florida, January 17, 2007, 9:00 a.m.
2. Minutes of the Finance Committee Board of County Commissioners, St. Johns County, Florida, April 18, 2007, 9:00 a.m.
3. Letter to Liz Cloud, Program Administrator, Bureau of Administrative Code, filing Ordinance Numbers 2007-81 through 2007-85 (11/07/07)

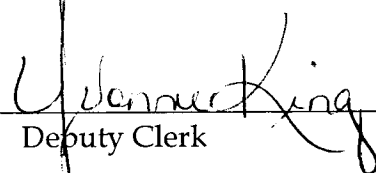
4. Letter to Liz Cloud, Program administrator, Bureau of Administrative Code, filing Ordinance Numbers 2007-86 through 2007-87 (11/15/07)

Approved February 5, 2008

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: 
Thomas G. Manuel, Chairman

ATTEST: CHERYL STRICKLAND, CLERK

By: 
Deputy Clerk

