

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
JANUARY 8, 2008
(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: Thomas G. Manuel, District 4, Chairman
 Cyndi Stevenson, District 1, Vice Chair
 Ron Sanchez, District 2
 Ben Rich, District 3
 James Bryant, District 5
 Michael D. Wanchick, County Administrator
 Patrick McCormack, County Attorney
 Terry Bulla, Deputy Clerk

Also present: Cheryl Strickland, Clerk of Court

(01/08/08 - 1 - 9:02 a.m.)
CALL TO ORDER

Manuel called the meeting to order.

(01/08/08 - 1 - 9:02 a.m.)
ROLL CALL

Manuel stated that all five commissioners were present.

(01/08/08 - 1 - 9:03 a.m.)
Stevenson gave the invocation and Manuel led the Pledge of Allegiance.

(01/08/08 - 1 - 9:05 a.m.)
PROCLAMATION DESIGNATING JANUARY 14-18, 2008 AS ARBOR WEEK

Bryant read the proclamation and presented it to Gary Carpenter, Gene Burns and Rick Allen with St. Johns County Division of Forestry, Facility Maintenance and Landscape and Nursery Divisions.

(01/08/08 - 1 - 9:10 a.m.)
ACCEPTANCE OF PROCLAMATION

Motion by Rich, seconded by Sanchez, carried 5/0, to approve the proclamation.

(01/08/08 - 1 - 9:10 a.m.)
DELETIONS TO CONSENT AGENDA

Stevenson requested that the minutes (Item 2) be added to the Regular Agenda at the end of the day.

(01/08/08 - 1 - 9:11 a.m.)
APPROVAL OF CONSENT AGENDA

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

1. Approval of the Cash Requirement Report
2. Minutes:
11/27/07 - BCC Regular Meeting
11/27/07 - BCC Special Meeting
12/11/07 - BCC Regular Meeting
12/18/07 - BCC Special Meeting

Item No. 2 was moved to the regular agenda as Item 11A.

3. Sheriff Office Bonds:
Approve: Joseph Ryan James Baer Kent Hill
 Arlene Curtis Dana Turkovich Jamie Cobb
 Doyle DuBois Donna Godwin Benjamin Gray
 William Secure Sandra Mobley
4. Motion to approve the reclassification of the Public Relations Specialist to exempt status and to increase the position to a Pay Grade 124; and motion to approve the transfer of \$3,091 from the General Fund Reserve to fund the pay grade change for the remainder of FY 2008
5. Motion to approve the reclassification of the Trades Worker I-Painter in Facilities Maintenance Department to a Trades Worker II-Painter on the basis of their achieving the requisite licensing
6. Motion to approve position changes not included in the Board of County Commissioners' FY 08 adopted county budget for Community Based Care
7. Motion to adopt **Resolution No. 2008-1**, recognizing unanticipated revenue in the amount of \$10,000.00 and increasing the Transportation Trust Fund Insurance Proceeds (1111-36402) and increasing the expenditure budget of Fleet Fuel Department Operating Supplies (1127-55200) in the same amount

RESOLUTION NO. 2008-1

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AMENDING THE FISCAL YEAR 2008 TRANSPORTATION TRUST FUND TO RECEIVE UNANTICIPATED REVENUE AND AUTHORIZE ITS EXPENDITURE BY THE FLEET FUEL DEPARTMENT

8. Motion to approve pool construction on the Dipatre property, as per Section 4.01.10.C of the Land Development Code, based on the fact that bald eagle nest SJ-023 is confirmed as being unused for the 2007-2008 nesting season
9. Motion to adopt **Resolution No. 2008-2**, supporting H.R. 3646, The VETS Job Act of 2007

RESOLUTION NO. 2008-2

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, IN SUPPORT OF FEDERAL LEGISLATION H.R. 3646

DIRECTING THE SECRETARY OF VETERANS AFFAIRS AND THE SECRETARY OF LABOR TO CONDUCT A JOINT STUDY ON THE FIELDS OF EMPLOYMENT FOR WHICH THE GREATEST NEED FOR EMPLOYEES EXISTS IN VARIOUS GEOGRAPHIC AREAS. ALSO KNOWN AS THE VETS JOB ACT OF 2007

10. Motion for the Chairman to execute contract modification number one in order to complete the scope of work for Department of Community Affairs Contract No. 07HM-32-04-65-03-003, Special Needs Generator, at Pacetti Bay School
11. Motion to adopt **Resolution No. 2008-3**, approving the terms of the contract between SJC and the Salvation Army for the local food bank program, and authorizing the BCC Chair to execute the contract on behalf of St. Johns County

RESOLUTION NO. 2008-3

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF AN AGREEMENT BETWEEN ST. JOHNS COUNTY, FLORIDA, AND THE SALVATION ARMY, AND AUTHORIZING THE CHAIR OF THE BOARD OF COUNTY COMMISSIONERS TO EXECUTE THE AGREEMENT ON BEHALF OF THE COUNTY

12. Motion to adopt **Resolution No. 2008-4**, approving the terms of, and authorizing the County Administrator to execute, a Purchase and Sale Agreement for property needed for the Federal Point Road Bridge Replacement

RESOLUTION NO. 2008-4

A RESOLUTION OF 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

13. Motion to adopt **Resolution No. 2008-5**, approving conveyance of certain County owned property to the State of Florida Department of Transportation, and accepting a Perpetual Easement from the State of Florida Department of Transportation in connection with the construction of a portion of State Road 9-B

RESOLUTION NO. 2008-5

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING CONVEYANCE OF CERTAIN COUNTY OWNED PROPERTY TO THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION AND ACCEPTING A PERPETUAL EASEMENT FROM THE STATE OF FLORIDA DEPARTMENT OF

**TRANSPORTATION IN CONNECTION WITH THE
CONSTRUCTION OF A PORTION OF STATE ROAD 9-B**

14. Motion to adopt **Resolution No. 2008-6**, approving the terms of, and authorizing the County Administrator to execute, a certain Purchase and Sale Agreement of Easement for a 15-foot wide drainage easement between Hidden Creek Estates Homeowners' Association, Incorporated, and St. Johns County, and accepting a Drainage Easement

RESOLUTION NO. 2008-6

**A RESOLUTION OF THE BOARD OF COUNTY
COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA,
APPROVING THE TERMS AND AUTHORIZING THE
COUNTY ADMINISTRATOR TO EXECUTE A CERTAIN
PURCHASE AND SALE AGREEMENT OF EASEMENT
FOR A 15-FOOT WIDE DRAINAGE EASEMENT
BETWEEN HIDDEN CREEK ESTATES HOME OWNERS'
ASSOCIATION INCORPORATED AND ST. JOHNS
COUNTY, AND TO ACCEPT A DRAINAGE EASEMENT**

15. Motion to adopt **Resolution No. 2008-7**, approving the Final Plat for Lot 5, Block 67, New Augustine, Replat

RESOLUTION NO. 2008-7

**A RESOLUTION OF THE BOARD OF COUNTY
COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA,
APPROVING A SUBDIVISION PLAT FOR LOT 5,
BLOCK 67, NEW AUGUSTINE, REPLAT**

16. Motion to adopt **Resolution No. 2008-8**, approving the Final Plat for Big Pine Village

RESOLUTION NO. 2008-8

**A RESOLUTION OF THE BOARD OF COUNTY
COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA,
APPROVING A SUBDIVISION PLAT FOR BIG PINE
VILLAGE**

17. Proofs:
- a. Proof, Notice of Public Hearing, St. Johns County Board of County Commissioners, vacate portions of Fruit Cove Road, Tuesday, December 18, 2007 at 1:30 pm.
 - b. Proof, Notice of Canceled Meeting, St. Johns Water & Sewer Authority, Monday, December 3, 2007 at 9:00 am.
 - c. Proof, Notice of Meetings, St. Johns County Board of County Commissioners, Bond Purchase Agreement, Thursday, December 6, 2007 at 10:00 am and Friday, December 7, 2007 at 10:00 am.
 - d. Proof, Certificate of Liability Insurance, Seaboard Waste Systems, Inc.
 - e. Proof, Certificate of Liability Insurance, Waste Pro of South Carolina, Inc.
 - f. Proof, Certificate of Liability Insurance, Russo & Sons, Inc. dba RSI, Inc.
 - g. Proof, Certificate of Liability Insurance, Sunshine Recycling, Inc.

(01/08/08 - 4 - 9:11 a.m.)
PUBLIC COMMENT

Bill Dudley, 1072 Alcala Dr., Area President of the Navy League, reported that on January 27, 2008, at 3:00 p.m., the Coast Guard Band was to play at Anastasia Baptist Church. He invited the Commissioners and area residents to attend.

(9:16 a.m.) Julie Parker, 290 Palmetto Rd., said people in St. Johns County were being denied the right to petition at the St. Johns County Farmers' Market, which was public property. Rich asked the County Attorney to advise Ms. Parker on what the law was and then to advise him.

(9:22 a.m.) McCormack said he had been made aware of this issue over the weekend and that Regina Ross, Assistant County Attorney, was reviewing the matter. He said he believed the intent of the Board was to encourage public participation. He said the property was owned by the State of Florida and their laws would have to be reviewed. He stated he respected her right to participate.

(9:25 a.m.) Wanchick stated they had been made aware of the issue over the weekend and the person who had asked Ms. Parker to leave the property was not a County employee but a vendor. He said they were reviewing the policy and would insure that all vendors were aware of the County's requirements.

(01/08/08 - 5 - 9:26 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

Stevenson requested that Consent Item 2 be added as Item 11a to the end of the Regular Agenda.

Manuel requested the addition of Item 11b, a resolution introduced at the Jacksonville City Council, requesting their General Counsel to investigate and commence a suit to examine the constitutionality of the property tax amendment which was to be voted on at the end of the month. He said he would like the Board to join with the Jacksonville City Council in support of their efforts.

(01/08/08 - 5 - 9:28 a.m.)

APPROVAL OF REGULAR AGENDA

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

(01/08/08 - 5 - 9:28 a.m.)

1. UPDATE ON THE ST. JOHNS RIVER

Neil Armingeon, St. Johns Riverkeeper, gave the update. He noted they were a citizen based group and they were expressing concern regarding the use of the river for drinking water. He gave a PowerPoint presentation (Exhibit A). He reviewed where the State stood in regards to water use, and noted Florida residents were the highest users of water in the nation. He said the per capita use was 400 gallons per day. He said the world per capita use was 6 gallons per day. He reviewed the Council of 100's report on the "Bold Action to Ensure Water Supply" begun in 2003. In 2004 the St. Johns River Water Management District (SJRWMD) identified the St. Johns as a potential drinking water source for Orlando and Central Florida. In 2004, utilizing consultants, they developed a Minimum Flow Level, or MFL, for the upper reaches of the St. Johns River, with little or no public input. Meetings were held in Central Florida or Palatka, with no meetings in Northeast Florida. He said in 2007 the SJRWMD publicly announced that Central Florida had outstripped the Florida aquifer's ability to provide a "sustainable" drinking water source beyond 2013. They noted they would

have to seek an alternate water supply (AWS) and the cheapest way was to use the St. Johns River and the Ocklawaha River and combined the current proposed withdrawals would exceed 260 million gallons per day. He noted there were a total of six withdrawal projects proposed for the upper and middle basins and that number was expected to increase. He stated the lower St. Johns River was an estuary where fresh and salt water mixed. He said there had been little or no dialogue about it and that efforts of governments, such as SJC, was causing public dialogue to begin. He said no one could tell what taking 200 to 400 million gallons per day from the St. Johns River would do to the lower part of the river. He said the premise was that there was excess water in the river and he showed a graph which demonstrated that was not the case. He challenged whether the plan to withdraw water at DeLand was a proposal or a done deal, and said the project would cost over \$700 million. He said it would not solve the water problem, as they were transferring the water from the aquifer to the surface water. He said there were no answers being provided by the SJRWMD to questions regarding how it would affect the river and what the ultimate costs will be. He said even the proposed solution would last for only 10 years and would cost \$10 billion. He said water conservation was the answer and we had to begin to reduce the use of water in the state and in the region. He said reuse, desalinization, reverse osmosis and sustainable building practices, including Water Star, were all important elements.

(9:50 a.m.) Stevenson commented on the effort to develop Water Star, and said it was now a rolled out program. The Commission had asked that staff consider it as a standard for new building and it would probably be implemented within a year. She said it was going to be a fact of life for the future. She asked Armingeon to explain the flushing process of the river, which he did. He said it was a unique system, flowing from south to north, with a negative flow on many days, as it was a slow flowing river, which prevented adequate flushing of the river which caused higher salinity.

(9:54 a.m.) Rich commented on the impact on marine mammals. He said the idea that there was excess water in the rivers was incorrect. He said the St. Johns County Board of County Commissioners did not support taking water from the river and they would fight it.

(9:59 a.m.) Sanchez commented on the barnacle problem, due to the increased salinity of the river. He said the change was already taking place and it was only going to get worse.

(10:02 a.m.) Manuel said the Board would support him totally in his efforts. He noted that on January 25, a meeting initiated by the Northeast Regional Planning Council, would be held at the World Golf Village, with seven counties represented who would be debating the issue.

(10:03 a.m.) Armingeon stated that Chief Lakota was coming to bless the St. Johns River, on Saturday, January 12, at Merrywood. He said Lakota was a highly recognized and respected Native American.

(01/08/08 - 6 - 10:06 a.m.)

2. CONSIDER MOTION TO ADOPT A RESOLUTION EXPRESSING OPPOSITION OF ADDITIONAL WATER WITHDRAWALS FROM THE ST. JOHNS AND OCKLAWAHA RIVERS AND EXPRESSING SUPPORT OF THE STUDIES NEEDED TO UNDERSTAND THE BIOLOGICAL, ECOLOGICAL AND ECONOMICAL IMPACTS OF SUCH ADDITIONAL WITHDRAWALS AND EXPRESSING SUPPORT IN THE ESTABLISHMENT OF WATER CONSERVATION PROGRAMS FOR RECEIVING COUNTIES PRIOR TO ADDITIONAL WATER WITHDRAWALS

Teresa Bishop gave the presentation.

(10:06 a.m.) **Motion by Stevenson, seconded by Sanchez, carried 5/0, to adopt Resolution 2008-9, expressing opposition of additional water withdrawals from the St. Johns and Ocklawaha Rivers, and expressing support of the studies needed to understand the biological, ecological and economical impacts of such additional withdrawals, and expressing support in the establishment of water conservation programs for receiving counties prior to additional water withdrawals.**

RESOLUTION NO. 2008-9

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, OPPOSING ANY PROPOSAL TO DEplete THE ST. JOHNS RIVER BY WITHDRAWING ADDITIONAL WATER FROM THE ST. JOHNS RIVER AND OCKLAWAHA RIVER; STRONGLY ENCOURAGING THE ST. JOHNS RIVER WATER MANAGEMENT DISTRICT TO CONSIDER ALTERNATIVES TO THIS WITHDRAWAL FROM THE RIVER AND ITS POTENTIAL CRITICAL DETRIMENTAL ECOLOGICAL AND ECONOMIC IMPACT TO ALL COMMUNITIES ON THE 310 MILES OF THE ST. JOHNS RIVER; AND PROVIDING FOR TRANSMITTAL OF COPIES OF THE RESOLUTION

(10:08 a.m.) Manuel said they would ask the Northeast Regional Planning Council to adopt a similar statement. He asked Karen Pan to issue the resolution to all the media and to the SJRWMD. Sanchez asked that the St. Johns River be removed as a water source.

(01/08/08 - 7 - 10:09 a.m.)

3. **CONSIDER MOTION TO ADOPT A RESOLUTION IN SUPPORT OF SOURCE REFRIGERATION & HVAC, INC., FOR THE QUALIFIED TARGET INDUSTRY TAX REFUND PROGRAM**

Karen Johnson, Intergovernmental Relations Specialist, was available for questions.

(10:09 a.m.) McCormack asked to add some safeguard language to the sixth whereas, after "\$18,000": "not constituting a general obligation of St. Johns County, not backed by the full faith and credit of St. Johns County, conditioned on and subject to specific annual appropriations by the Board of County Commissioners." He said the language would mirror the State's language in their provision of the funding and would serve as a safeguard.

(10:11 a.m.) Rich said he supported it only because of the participation of the State. He said he generally did not support incentives and it was a big concession on his part.

(10:11 a.m.) **Motion by Rich, seconded by Sanchez, to adopt Resolution No. 2008-10, to support Source Refrigeration & HVAC, Inc.'s, application for the Qualified Target Industry Tax Refund Program, and to commit the County to pay up to \$18,000 as local financial support, as amended with the language included by the County Attorney to the sixth whereas clause: "not constituting a general obligation of St. Johns County, not backed by the full faith and credit of St. Johns County, conditioned on and subject to specific annual appropriations by the Board of County Commissioners." Sanchez agreed with the amendment. Motion carried 5/0.**

RESOLUTION NO. 2008-10

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, FINDING THAT SOURCE REFRIGERATION AND HVAC, INC., BE APPROVED AS A QUALIFIED APPLICANT PURSUANT TO 288.106, FLORIDA STATUTES; AND PROVIDING AN APPROPRIATION OF \$18,000 AS LOCAL PARTICIPATION IN THE QUALIFIED TARGET INDUSTRY TAX REFUND PROGRAM, AND PROVIDING FOR AN EFFECTIVE DATE

(01/08/08 - 8 - 10:13 a.m.)

4. CONSIDER CONTRACT/AGREEMENT AMENDMENT FOR SOUTH PONTE VEDRA BEACH SHORE STABILIZATION FEASIBILITY STUDY AND EMERGENCY DUNE CONSTRUCTION BETWEEN THE COUNTY AND THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION BEACH MANAGEMENT FUNDING ASSISTANCE PROGRAM

Press Tompkins, County Engineer, gave the presentation and explained it was a request to encumber some DEP funds for emergency dune restoration. He showed the area under consideration on the overhead (Exhibit A), and explained the project and its timeline. He reported that the funding had to be encumbered by January 15, 2008, for final signoff by the DEP. He noted the project could be completed within the time frame necessary, before the May 1 turtle season. He said the funding was called the Emergency Dune Restoration Funds and they would be lost if not encumbered by January 15.

(10:15 a.m.) Rich asked for the timeline on repayment by the community, based on expected revenues. Tompkins said the repayment would be via MSBU but the timeline was not available. Rich said they were asking them to commit without a funding source identified. Tompkins said that was correct.

(10:15 a.m.) Wanchick said they would notify the State to reserve the funds and then the details would be worked out with the State and the resident group. He said it did not obligate them to any contractual agreement with the group other than to work with it. He said they wanted to be assured that the County would get the money back. Tompkins said it was a reimbursement and it would be repaid in the amount that was spent.

(10:16 a.m.) Tom Turnage, 4114 Herschel St., Jacksonville, representing the South Ponte Vedra Beach - Vilano Beach Restoration Association, Inc., said they were looking at a payback term of approximately two years by the community residents. He explained that they had only learned of the funding source about four weeks ago and there were still details to be worked out. He said they envisioned a MSBU being set up for the repayment funding.

(10:18 a.m.) Wanchick said the timeline was driving the awkward time frame.

(10:19 a.m.) Stevenson commented on the hardships that the community had faced in trying to address the issue themselves. She said it had been a frustrating experience for them and the Board would be working on some reorganization to institutionalize some knowledge so when issues arose quickly and unexpectedly, there would be knowledge

gathered to help citizens to help themselves. She commended Turnage's leadership on advocating personal responsibility and in efforts to protect their homes.

(10:20 a.m.) Sanchez said he would support the issue and thanked Turnage for his dedication and leadership on the issue. Turnage noted there were vehicles available and they just needed to get smarter so they could take advantage of them quickly.

(10:21 a.m.) Bryant concurred with the previous speakers.

(10:21 a.m.) McCormack thanked Turnage for taking the initiative to protect their property. He said there were significant engineering, legal and financial issues. He reviewed the resolutions,, which were finalized that morning. He said it mirrored the information on the agenda sheet. He said that would be the first item for them to consider.

(10:23 a.m.) Manuel expressed confusion on the amounts to be contributed and the number of residents who had agreed to contribute and asked if those figures were still valid. Turnage said if they spent the maximum amount provided by the State and matched by the County it would be \$3 million and would cost approximately \$11,000 to \$12,000 per homeowner lot. That amount had gone up significantly from the first estimate. He said they did not have a specific answer. In response to Manuel's second question, Turnage said there were two feasibility studies; one with the Army Corps of engineers, which Congressman Mica had extended to include their area. He said the homeowners had commissioned a second feasibility study, for which \$140,000 from the State DEP had been secured, and the 11 mile area was from the inlet to the park. He said the homeowners had raised \$140,000 in matching funds for that second study. Manuel asked when he expected the results of their study. Turnage said six to nine months and it would include a cost estimate to fix the problem. Manuel asked when the Army Corps of Engineers study would be completed. Tompkins said it would take them considerably longer and that was why they had conducted their own study. Manuel said they would support their efforts to move forward, but he wanted a clear payment schedule. He said they had to deal with two separate financial transactions, one for a short term fix, up to \$1.5 million match, and their separate study, which would deal with a longer term fix. Turnage said he agreed. He said the short term fix would be approximately a two-year time frame and it would be the MSBU timeframe in which they would ask for repayment.

(10:28 a.m.) Motion by Bryant, seconded by Stevenson, to adopt Resolution 2008-11, approving the terms, conditions, provisions, and requirements of an amendment to the Agreement No.: 07SJ1 between the State of Florida Department of Environmental Protection and St. Johns County, Florida, concerning beach restoration for South Ponte Vedra/Vilano Beach; and authorizing the County Administrator, or designee, to execute the Amended Agreement on behalf of the County.

Rich asked for clarification on which resolution they were voting on. McCormack said there were actually two resolutions and to use the one they had been handed. Rich clarified that the one in the packet had four whereas segments and the one they had been handed had five. McCormack said it was the second one and he said he would like to expressly incorporate by reference the actual agreement number, 07SJ1, into the resolution that had been passed out.

(10:30 a.m.) Bryant and Stevenson agreed to the addition of the agreement number into the resolution. Motion carried 5/0.

RESOLUTION NO. 2008-11

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AMENDING THE FISCAL YEAR 2008 BEACH RENOURISHMENT FUND TO ALLOCATE UNANTICIPATED EXPENSES AND AUTHORIZE ITS EXPENDITURE BY THE ENGINEERING DEPARTMENT, AND AMENDING AGREEMENT NO. 07SJ1 BETWEEN THE STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION AND ST. JOHNS COUNTY, FLORIDA, CONCERNING BEACH RESTORATION FOR SOUTH PONTE VEDRA/VILANO BEACH, AND AUTHORIZING THE COUNTY COMMISSION CHAIRPERSON, OR COUNTY ADMINISTRATOR, OR DESIGNEE, TO EXECUTE THE AMENDED AGREEMENT ON BEHALF OF THE COUNTY

The meeting recessed at 10:30 a.m. and resumed at 10:40 a.m.

(01/08/08 - 10 - 1:39 p.m.)

5. EMERGENCY OPERATIONS CENTER CONSIDERATIONS

Jerry Cameron, Assistant County Administrator for Community Services, reviewed the relocation of the Emergency Operations Center (EOC) considerations; reviewing the three proposed sites. Stevenson asked about how they ended up with sump cost in the other location and the extent of that sump cost. Cameron replied that the current estimate for the cost of this project would probably be increased by \$795,000 and with the work of several departments had identified funding for it.

(1:44 p.m.) G.S. Paaso, 35 Sea Park Drive, commented in opposition to relocating the EOC to the property adjacent to the St. Johns County Agricultural Center.

(1:49 p.m.) Brett Duncan, 830 A1A North, representing the Chamber of Commerce Board of Directors, commented in support of the EOC being relocated to the property adjacent to the St. Johns County Agricultural Center.

(1:51 p.m.) Chuck Bushong, 25500 Marsh Landing Parkway, further commented in support of the EOC being relocated to the property adjacent to the St. Johns County Agricultural Center; then submitted 500 signature petitions.

(1:58 p.m.) Rich questioned the new EOC being a 24-hour operational facility. Ray Ashton, Director of Emergency Management, commented that the design that was completed was for an emergency operation center only at this time. Rich spoke on it being a digital facility and asked if the present plans for this facility had an additional add on proposed for a permanent relocation of the Sheriff's Office Communications as well as the Fire Department. Ashton replied no, that the plans did not have an additional add on proposed.

(2:02 p.m.) Mary Ann Boczek, 196 El Dorado Way, commented in opposition to the EOC being relocated to the property adjacent to the St. Johns County Agricultural Center.

(2:05 p.m.) Janet Koehler, 109 Sea Hammock Way, commented in opposition to the EOC being relocated to the property adjacent to the St. Johns County Agricultural Center.

(2:07 p.m.) Rich spoke on where the EOC should be relocated and why. Stevenson commented in opposition to the EOC being relocated to the property adjacent to the St.

Johns County Agricultural Center as long as other options were available. Bryant commented in support of the EOC being relocated to the Mosquito Control property. Sanchez commented in support of the EOC being relocated to the Mosquito Control property. McCormack spoke on providing an appropriate location for the EOC. Wanchick stated for the record, that in the debate on where to locate this facility, they had lost some of the emphasis on the need for the facility and explained. Manuel commented in support of the EOC being relocated to the Mosquito Control property.

(2:35 p.m.) **Motion by Sanchez, seconded by Rich, carried 5/0, to adopt Resolution 2008-14, approving: (A) the terms of Modification #1 to the State-Funded Sub-grant Agreement between St. Johns County, Florida and the State of Florida, Division of Emergency Management, and authorizing the County Administrator, or designee to execute the State-Funded Sub-grant Agreement on behalf of the County; (B) approve the site of the EOC on property provided by the Mosquito Control Board; (C) to approve the transfer of \$60,000 from the 06 Sales Tax Bond Fund Reserve (3395-59927), and \$800,000 from the '06 Sales Tax Bond Recreation Projects (3392-56200) to the Emergency Management Project (3395-56200) and \$100,000 from the General Fund Reserve (0083-59920) to Emergency Management (0046-56200); and authorize the County Administrator and County Attorney to take all actions necessary to implement those actions in the motion.**

RESOLUTION NO. 2008-14

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF AN AGREEMENT BETWEEN THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AND THE STATE OF FLORIDA DEPARTMENT OF EMERGENCY MANAGEMENT, FOR AN ADDENDUM TO CONTRACT NO. 08-EC-30-04-65-01-009, AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, OF ST. JOHNS COUNTY, FLORIDA, TO EXECUTE THE AGREEMENT ON BEHALF OF ST. JOHNS COUNTY

(01/08/08 - 11 - 10:40 a.m.)

6. PUBLIC HEARING - ESTABLISHMENT OF AN IRREVOCABLE OPEB TRUST FUND - ON SEPTEMBER 11, 2007 STRATEGIES RELATED TO GASB 45 - OTHER POST-EMPLOYMENT BENEFITS (OPEB) WERE DISCUSSED WITH THE BOARD. AS DISCUSSED, A PRELIMINARY ACTUARIAL REPORT FOR THE COUNTY HAD ESTIMATED AN ANNUAL OPEB LIABILITY OF OVER \$10 MILLION. CREATION OF AN IRREVOCABLE OPEB TRUST FUND WAS IDENTIFIED AS ONE OF THE BEST PROACTIVE STEPS THAT COULD BE TAKEN BY THE BOARD TO REDUCE THIS ANNUAL LIABILITY AND MAXIMIZE ANY RELATED FINANCING DECISIONS. WORKING DIRECTLY WITH THE COUNTY'S CONTRACTED FINANCIAL ADVISOR, PUBLIC FINANCIAL MANAGEMENT, INC. (PFM), COUNTY STAFF HAS TAKEN THE NECESSARY STEPS TOWARD THE CREATION OF SUCH AN OPEB TRUST FUND. ACCORDINGLY, THE BOARD WILL FIRST NEED TO ADOPT A NEW ORDINANCE OF PERMITTED INVESTMENTS THAT WILL INCLUDE THE OPEB TRUST FUND. THE BOARD WILL ALSO NEED TO ADOPT A RESOLUTION APPROVING THE ESTABLISHMENT OF THE IRREVOCABLE OPEB TRUST FUND. THE BOARD WILL NEED TO ALSO APPROVE THE TRUST AGREEMENT ITSELF AS WELL AS THE OPEB TRUST INVESTMENT

POLICY THAT WILL BE INCORPORATED AS PART OF THE AGREEMENT. COUNTY STAFF HAS RECOMMENDED THAT FUNDS BE ADVANCE FUNDED TO THE OPEB TRUST FUND FROM THE GENERAL FUND CAPITAL OUTLAY RESERVE THAT HAS A CURRENT BALANCE OF \$13,430,318

Proof of publication for the notice of public hearing regarding establishment of an Irrevocable OPEB Trust Fund was received, having been published in *The St. Augustine Record* on December 27, 2007.

Doug Timms, Director of Office and Management and Budget, gave a general overview. He explained that it was a new governmental mandate and was largely a housekeeping matter. He said it enabled the framework for an irrevocable OPEB Trust Fund. He said the finalized agreements would be brought back to the Board when they occurred. He said it essentially involved healthcare benefits for County employee retirees. Discussion ensued regarding the action being taken.

(10:46 a.m.) Motion by Rich, seconded by Stevenson, carried 5/0, to enact Ordinance 2008-1, adopting the list of permitted Board of County Commissioners' investments.

(10:47 a.m.) Motion by Rich, seconded by Stevenson, carried 5/0, to adopt Resolution No. 2008-12, approving the establishment of an OPEB Trust.

(10:47 a.m.) Motion by Rich, seconded by Stevenson, to approve the Post-Employment Welfare Benefits Program Trust Agreement, including the incorporated Board of County Commissioners' OPEB Trust Investment Policy.

McCormack said the Trust Agreement that they had in their packets was a draft and would need to be entered into by two other parties. He said the resolution gave authority for the Chair to sign it substantially in that form, in case any technical tweaks were needed.

(10:48 a.m.) Motion carried 5/0.

ORDINANCE NO. 2008-1

AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA, ADOPTING THE LIST OF PERMITTED INVESTMENTS PURSUANT TO THE REQUIREMENTS OF SECTION 218.415, FLORIDA STATUTES; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL; PROVIDING FOR INCLUSION IN CODE AND PROVIDING AN EFFECTIVE DATE

RESOLUTION NO. 2008-12

A RESOLUTION OF ST. JOHNS COUNTY, STATE OF FLORIDA, APPROVING THE ESTABLISHMENT OF A TRUST, THE ASSETS OF WHICH WILL BE IRREVOCABLY DEDICATED TO MAKING PAYMENTS FOR RETIREE HEALTH BENEFITS AND OTHER POST-EMPLOYMENT BENEFITS (OTHER THAN PENSION BENEFITS) TO EMPLOYEES AND OTHER BENEFICIARIES AND TO PAYING CERTAIN EXPENSES; APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION AND DELIVERY OF

**A TRUST AGREEMENT RELATED THERETO; AND
AUTHORIZING CERTAIN OTHER RELATED ACTIONS**

(01/08/08 - 13 - 10:48 a.m.)

7. PUBLIC HEARING - WAIVER TO BALD EAGLE REQUIREMENTS FOR POWERS PROPERTY - THE APPLICANT SEEKS A WAIVER TO SECTIONS 4.01.10.B, C AND D OF THE LAND DEVELOPMENT CODE, PERTAINING TO HABITAT MANAGEMENT FOR THE BALD EAGLE FOR PROPERTY LOCATED WITHIN THE 1,500 FOOT SECONDARY ZONE OF THE PLANTATION BALD EAGLE NEST. THE WAIVER IS REQUESTED IN ORDER TO CONSTRUCT A SINGLE-FAMILY HOME, AND ALL CUSTOMARY ACCESSORY ACTIVITIES THAT ARE, OR WILL BE, ASSOCIATED WITH A SINGLE-FAMILY PROPERTY, AS PROVIDED FOR IN THE LAND DEVELOPMENT CODE DURING THE NESTING SEASON, WHICH IS FROM OCTOBER 1ST TO MAY 15TH

Proof of publication for the notice of public hearing regarding a waiver to bald eagle requirements for the Powers Property was received, having been published in *The St. Augustine Record* on December 21, 2007.

Teresa Bishop, Growth Management Services Director, gave an overview of the application and stated that staff supported the waiver.

(10:49 a.m.) Craig Day, Environmental Specialist, Environmental Planning for SJC, responded to a question from Stevenson who expressed concern about the eagles having suitable privacy. Day said the closest house was 65 feet from the nest, the eagles had picked the tree in an urbanized area, and the distance from the tree to the construction site was 900 feet. He said the nest would be monitored and if there was disturbance to the eagles, it would be reported. Stevenson asked how many approvals had been done during the nesting season. Day said this would be the first one to his knowledge. Bishop said there was some history of this type of construction during nesting season at Julington Creek Plantation. Stevenson said there were two nest failures there. General discussion ensued.

(10:59 a.m.) Motion by Rich, seconded by Sanchez, carried 4/1 with Stevenson dissenting, to approve the waiver to Sections 4.01.10 B, C and D of the Land Development Code, based on the applicant providing an alternate Bald Eagle Management Plan.

(01/08/08 - 13 - 11:00 a.m.)

8. PUBLIC HEARING - WAIVER TO BALD EAGLE REQUIREMENTS FOR COTTAVE PROPERTY - THE APPLICANT SEEKS A WAIVER TO SECTIONS 4.01.10.B, C AND D OF THE LAND DEVELOPMENT CODE, PERTAINING TO HABITAT MANAGEMENT FOR THE BALD EAGLE FOR PROPERTY LOCATED WITHIN THE 1,500 FOOT SECONDARY ZONE OF THE PAINES BRANCH BALD EAGLE NEST. THE WAIVER IS REQUESTED IN ORDER TO CONSTRUCT A SINGLE-FAMILY HOME, AND ALL CUSTOMARY ACCESSORY ACTIVITIES THAT ARE, OR WILL BE, ASSOCIATED WITH A SINGLE-FAMILY PROPERTY, AS PROVIDED FOR IN THE LAND DEVELOPMENT CODE DURING THE NESTING SEASON, WHICH IS FROM OCTOBER 1ST TO MAY 15TH

Proof of publication for the notice of public hearing regarding a waiver to bald eagle requirements for the Cottave Property was received, having been published in *The St. Augustine Record* on December 21, 2007.

There was some general discussion.

(11:01 a.m.) **Motion by Rich, seconded by Sanchez, carried 4/1 with Stevenson dissenting, to approve the waiver to Section 4.01.10 B, C and D of the Land Development Code based on the applicant providing an alternate Bald Eagle Management Plan.**

(01/08/08 - 14 - 11:02 a.m.)

9. PUBLIC HEARING - VACROA 07-003, REQUEST TO VACATE PORTIONS OF CR 210 ROW - THE APPLICANT, SONOC COMPANY LLC, REQUESTS THE VACATION OF THREE SEGMENTS OF CR-210 (PALM VALLEY ROAD) RIGHT-OF-WAY. THE CONSTRUCTION OF THE ROADWAY SYSTEM WITHIN THE NOCATEE DRI HAS RESULTED IN PORTIONS OF THE RIGHT-OF-WAY BEING NO LONGER NEEDED. THE THREE SEGMENTS ARE AS SHOWN WITHIN THE APPLICATION, AND ARE IDENTIFIED AS PARCELS 1, 2, AND 3. COASTAL RIDGE BOULEVARD AND NOCATEE PARKWAY WILL PROVIDE THE NEW CONNECTION BETWEEN US-1 AND CR-210 EAST OF THE NOCATEE DEVELOPMENT. APPLICANT HAS CERTIFIED THAT THE PROPOSED VACATIONS WILL NOT IMPACT TRAFFIC FLOWS THROUGH THE AREA, AND THAT NO PROPERTY OR PERSON WILL BE UNREASONABLY AFFECTED OR INCONVENIENCED BY THE VACATIONS

Proof of publication for the notice of public hearing regarding a request to vacate portions of CR 210 ROW, known as VACROA 07-003, was received, having been published in *The St. Augustine Record* on December 19, 2007.

John Burnham, Development Review Chief Engineer, gave an overview of the application.

(11:03 a.m.) Manuel stated that roadways had value. He said the proposal he had put forth to the Park Group was that when their next impact fee credit agreement came forth, contemplated by the development order, that a property appraisal should be done at that time, and the value per acre would then become the value of the vacated land and they would reduce their impact fee credits in a like amount. He said the current estimate was around \$215,000 per acre, so it would represent around \$2.4 million in impact fee payment to the County for the vacation. He said he and Rich felt impact fees were just like cash and he supported any opportunity to limit impact fee credits.

(11:05 a.m.) Stevenson said many people on the Board think of impact fees as cash. She discussed what was included in the impact fee credit calculations. She said it was stated by staff that it didn't make any difference because what they were doing was so much above impact fees that it didn't matter. It would never have any financial effect. She said it determined what the next person would go by to put in the impact fee. She said it should be considered as cash and that they needed to be sure that impact fees were based on correct land values.

(11:07 a.m.) Rich said they had an opportunity to make a policy change in the way they did business and to reflect the policy of staff to bring forth all the alternatives to the Board to correct the value of what was being given away as a vacation. He asked that staff and the County Administrator recommend whatever changes needed to be made to the policy of the Board, via the attorney, to make sure future issues of that nature met those policy standards when brought before the Board.

(11:08 a.m.) McCormack thanked Greg Barbour and Tom Ingram, attorneys for the applicant, for coordinating with the County pertaining to the special circumstance. He said that the Board should not expect that every time there was a road vacation that there would be a situation like this.

(11:09 a.m.) Greg Barbour, 4314 Pablo Oaks Dr., said he was there to answer questions if they needed more information.

(11:10 a.m.) McCormack asked the following three whereas clauses be included in the motion:

Whereas, the County may exchange real property pursuant to section 125.37 Florida Statutes, and

Whereas, the County seeks the conveyance of right-of-way for the Racetrack Rd. extension, to be constructed pursuant to the Nocatee DRI development order, and

Whereas, there is nexus between the County obtaining additional right-of-way for the Nocatee DRI and the County vacating right-of-way no longer needed for that function.

He also asked to add a new paragraph 3 to the resolution, to read: "As a condition of this road vacation, and as agreed to by the applicant, the value of the right-of-way acreage to be conveyed to the County for Racetrack Rd. Extension, that is eligible for transportation impact fee credits shall be reduced by the value of 12.22 acres to take into account the value of the 12.22 acres of right-of-way vacated by this resolution, values to be reasonably determined by the applicant and the County Administrator."

(11:11 a.m.) Motion by Rich, seconded by Bryant, carried 5/0, to adopt Resolution 2008-13, vacating a portion of CR 210 right-of-way, with inclusion of language made by the County Attorney.

RESOLUTION NO. 2008-13

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, VACATING PORTIONS OF COUNTY ROAD 210

(01/08/08 - 15 - 11:12 a.m.)

10. PUBLIC HEARING - REZ 2007-17, 207 COMMERCIAL CENTER - THIS IS A REQUEST TO REZONE 2.5 ACRES FROM OR TO CI FOR 10,700 SQUARE FEET OF SPECIALTY RETAIL CENTER. THE PROPERTY CURRENTLY HAS SINGLE-FAMILY HOMES ON THE SITE. THE PARCEL IS LOCATED ROUGHLY A QUARTER (.25) MILE SW OF THE INTERSECTION OF SR 207 AND WILDWOOD DRIVE ON THE NORTH SIDE OF SR 207, AND IS LOCATED WITHIN THE MIXED USE LAND USE, AS DEPICTED ON THE 2015 FUTURE LAND USE MAP. WATER AND SEWER WILL BE PROVIDED BY ST. JOHNS COUNTY UTILITIES. THE CURRENT ZONING IS OPEN RURAL (OR) WITH THE FOLLOWING SURROUNDING ZONING: OPEN RURAL (OR) TO THE EAST, OPEN RURAL (OR), COMMERCIAL INTENSIVE (CI), AND PLANNED UNIT DEVELOPMENT (PUD) WITH SINGLE-FAMILY RESIDENTIAL TO THE SOUTH, OPEN RURAL (OR) TO THE NORTH AND

WEST. COMMERCIAL INTENSIVE (CI) BETWEEN BOTH PARCELS
PROPOSING TO BE REZONED

Proof of publication for the notice of public hearing regarding REZ 2007-17, 207 Commercial Center, was received, having been published in *The St. Augustine Record* on December 21, 2007.

Lindsay Haga, Chief Planner, introduced the request. She said there was no new information to present, and that the PZA had recommended approval.

(11:13 a.m.) **Motion by Rich, seconded by Sanchez, carried 5/0, to enact Ordinance 2008-2, known as REZ 2007-17, 207, Commercial Center, adopting findings of fact one through three to support the motion.**

ORDINANCE NO. 2008-2

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

(01/08/08 - 16 - 11:14 a.m.)

11. PUBLIC HEARING - REZ 2005-64, AEA NETWORK - THIS IS A REQUEST TO REZONE 4.8 ACRES FROM OPEN RURAL TO COMMERCIAL GENERAL. THE SUBJECT PROPERTY IS LOCATED IN THE NORTHWEST CORNER OF THE INTERSECTION OF WATSON ROAD AND US 1 SOUTH. THE PROPERTY IS LOCATED WITHIN THE MIXED USE DISTRICT CORRIDOR ALONG US 1. THE SITE ABUTS AN EXISTING SINGLE-FAMILY RESIDENTIAL NEIGHBORHOOD TO THE EAST. IMMEDIATE ADJACENT ZONING DESIGNATIONS INCLUDE OPEN RURAL TO THE NORTH, RS-2 (ORD 1988-39) TO THE WEST, AND OPEN RURAL AND PSD (1999-52) SOUTH OF WATSON ROAD. THE PLANNED SPECIAL DISTRICT (1999-52) IS A COMMERCIAL PSD DEVELOPED AS AN AUTO REPAIR FACILITY. THE SITE WILL BE SERVED BY CENTRAL WATER AND SEWER PROVIDED BY ST. JOHNS COUNTY UTILITIES. A FINAL CERTIFICATE OF CONCURRENCY HAS BEEN GRANTED FOR 20,000 SQUARE FEET OF GENERAL OFFICE SPACE. COMMERCIAL GENERAL ZONING DISTRICT ALLOWS NEIGHBORHOOD BUSINESS, GENERAL BUSINESS, CULTURAL/INSTITUTIONAL AND OFFICE/PROFESSIONAL USE CATEGORIES. THE MAXIMUM HEIGHT OF STRUCTURES IS 40 FEET WITH AN ADDITIONAL 20 FEET ALLOWED THROUGH THE APPLICATION OF ADDITIONAL SETBACKS

Proof of publication for the notice of public hearing regarding REZ 2005-64, AEA Network, was received, having been published in *The St. Augustine Record* on December 21, 2007.

Lindsay Haga, Chief Planner, gave the presentation.

(11:15 a.m.) Rich said he was not in support of the project. He suggested a recess until the applicant arrived.

The Board recessed at 11:15 and resumed at 11:25 a.m.

(11:25 a.m.) Karen Taylor, 77 Saragossa St., apologized for being late. She gave an overhead presentation (Exhibit A) and review of the project. She noted the zoning and wetlands, some of which had been removed from the project. She said it would involve stormwater management controls. She said there were drainage problems in the area due to previous construction and their project would have to mitigate their development as well as the problems caused by the previous development. She said the site plan had to be altered due to the changes in the site size. She noted they objected to several of staff's decisions. She said it was compatible with the area and there were similar type uses in the area.

(11:34 a.m.) Rich and Bryant discussed the speed limit on northbound US 1, stating there was a 60 mile per hour section of road at the development site, and said they needed to ask staff to address the speed limits along that stretch from 312 to 206. He said they could discuss it later.

(11:38 a.m.) Sanchez said he had ex-parte with Taylor's clients. Stevenson said she had also spoken with the applicants. Rich said he might have had ex parte.

(11:39 a.m.) Art Stevens, 151 Watson Rd., noted that several individuals had donated their time to him. He gave an overhead presentation (Exhibit B), and said they were opposed to any development in that area. He outlined the wetland area and said it was from two to five feet deep. He said Press Tompkins had said it would not be compatible with the surrounding area because it would be extremely difficult not to impact adjoining areas. He said the Planning Division's staff issued a report which stated development should not be allowed. He said it was also not compatible with the surrounding areas. He said any filling in of the area would adversely affect his property.

(11:46 a.m.) Stevenson said she had been to see the site and there was a great deal of water on the site. She asked if he had ever seen the water come onto Watson Rd. Mr. Stevens said he had seen it go over six inches across Watson Rd. She said she had seen it happen many times, that development made existing problems worse.

(11:48 a.m.) Charlene Putz, 195 Watson Rd., said she was in opposition to the rezoning request. She noted her property was to the south of the requested rezoning. She said the wetlands constituted a majority of the site, which was grounds for the Board to deny approval. She explained the applicant's attempts for mitigation. She said the wetlands were connected to her wetlands, as well as to that of Mr. Stevens, and their wetlands would be negatively affected. She cited an environmental study that they had conducted and relayed its findings. She said the development would harm the eco system, and that just because it could happen didn't mean that it should happen.

(11:54 a.m.) Lynn Rothman, 195 Watson Rd., said she was adamantly opposed to the project. She said they bought there because it was wetlands, and development of the site would be taking away the beautiful place where they lived.

(11:56 a.m.) Dirk Schroeder, 831 Regent Circle, said most people were addressing the wetlands issue and they had set aside the western 200 feet of the property to preserve the property. He said the Garrick property was not part of the proposed site. He said he had spoken with Mr. Garrick, who was in support of the project. He said he spoke with Mr. Key, Shirley Bennet, who also had property in the area and with other commercial developers in the area who were also in favor of the project. He said the Water Management District had said the water flowed to the north and to the west of

the property and the development area was the highest point and would allow the water to flow in the current fashion. He said the ultimate question was whether it was going to be a commercial corner or not.

(12:00 p.m.) Freddy Tousak, Jr., 137 Watson Rd., said the growth in the area would be good for them. He said he didn't see any problem with the project and said he thought it would be a good development for their area. He said he lived right across the street from the proposed site.

(12:02 p.m.) Taylor said they had gone through the permitting request process. She said there were wetlands on just about every site that came before them, and the newer developers had to resolve some of the issues that were created in the past. She said they could not sheet flow the area. She said it was a determination of the appropriateness of the use, and it was a commercial use request for a commercial corner. She said that a PUD for that site had been suggested but they didn't feel it was necessary for the site.

(12:05 p.m.) Rich said staff had stated in its report that "the review of the policies of the Mixed Used District land use category and development trends along US 1 South finds the zoning request to Commercial General did not meet the compatible policy as stated in comprehensive plan policy A.1.3.12." He said it was also the finding of the PZA. He said that presently the issue was objected to by staff for several different reasons. He said staff had found it would result in nuisances affecting the existing neighborhoods.

(12:07 p.m.) Bryant asked staff about not meeting the compatibility policy as stated in policy A.1.3.12. Haga said it was the entire zoning district for Commercial General, the area, height and bulk regulations provided for in the Land Development Code. She said they must consider intensity, height and drainage. Bryant asked if it was a PUD application whether it would change staff's assessment. Haga said it could mitigate some of the concerns regarding potential drainage impacts and potential intensity (total square footage) allowed on the site. Bryant asked Taylor if they had considered a PUD and why they had not gone that route. Taylor said they had considered it and it would be difficult for them to do it because of the site planning without the permitting. She said they couldn't address the conditions of the height and the bulk. Bryant said the PUD would further address some of the issues. Haga said it would address three of the four issues she had cited. Bryant said he would feel more comfortable if they were dealing with a PUD.

(12:10 p.m.) Manuel asked Press Tompkins about the wetlands. Tompkins said it was an isolated wetland, and there had been severe drainage problems in that area. Manuel asked if a PUD would help to relieve those issues. Tompkins said it could provide some drainage design to help alleviate the problems. Manuel said he concurred with Bryant, and would prefer to see a PUD with more detail and specificity. Taylor said they would prepare for a PUD. Schroeder said they were prepared to go with a PUD, if necessary, and they had anticipated the problem.

Rich asked what would happen if they didn't make a decision. Whitehouse said if they withdrew their application, they would have to resubmit it as a PUD and they would have to go through the whole process again as a new submission. He asked if they wished to withdraw the application. Taylor said yes, they would withdraw and resubmit as a PUD.

The meeting recessed at 12:16 p.m. for lunch and reconvened at 1:30 p.m. with Manuel, Stevenson, Sanchez, Rich, Bryant, Wanchick, McCormack and Lenora Newsome, Deputy Clerk present.

(01/08/08 - 19 - 1:30 p.m.) (Formerly Consent Agenda Item #2)

11a. MINUTES:

11/27/07 - BCC Regular Meeting

11/27/07 - BCC Special Meeting

12/11/07 - BCC Regular Meeting

12/18/07 - BCC Special Meeting

Stevenson stated that she would like to pull these minutes because there were some areas where the essence of the meeting was not sufficiently recorded. She stated that she would like to review them with the clerk.

(1:30 p.m.) Motion by Stevenson, seconded by Sanchez, carried 5/0, to pull the minutes from the agenda and resubmit them at the next meeting.

(01/08/08 - 19 - 1:30 p.m.)

11b. SUPPORT TO JACKSONVILLE RE: THEIR EFFORTS TO EXAMINE THE CONSTITUTIONALITY OF THE PROPERTY TAX AMENDMENT

Manuel reviewed this item, stating that he would like the County Attorney be directed to speak to the County Attorney in Jacksonville and the County Administrator speak to the City Manager to tell them that St. Johns County would be willing to assist, join or aid them in this action. Rich supported Manuel but mentioned being cautious in reference to any kind of support placed in writing in reference to the interpretation of it. Stevenson stated that she would like to fully understand something before she throws her support behind it. Manuel responded. McCormack stated that as he read their resolution, he thought it was interesting how it was written. Rich spoke on filing an injunction and Manuel spoke on granting an injunction.

(1:38 p.m.) Manuel said the County Administrator and the County Attorney can do whatever investigations with Jacksonville and report back to this Board.

Commissioners' Reports were heard at 2:38 p.m. and appear at the end of the minutes.

The evening session convened at 5:30 p.m. with Manuel, Sanchez, Rich, Wanchick, Locklear, McCormack and Terry Bulla, Deputy Clerk, present. Stevenson and Bryant were absent.

(01/08/08 - 19 - 5:30 p.m.)

12. PUBLIC HEARING - REZ 2005-50, VENETIAN BLVD. PROFESSIONAL OFFICE REZONING - THIS IS A REQUEST TO REZONE APPROXIMATELY ONE ACRE OF LAND FROM OPEN RURAL (OR) TO OFFICE PROFESSIONAL (OP). THE SUBJECT PROPERTY IS LOCATED AT 150 VENETIAN BOULEVARD AND DESIGNATED AS MIXED USE ON THE FUTURE LAND USE MAP. THE SURROUNDING ZONING IS RS-3 TO THE EAST, PSD (ENGLISH PUB) TO THE NORTH AND WEST, AND OR TO THE SOUTH. THE SUBJECT PROPERTY WILL BE ACCESSED ON VENETIAN BOULEVARD; US 1 PROVIDES ACCESS TO THE EXISTING COMMERCIAL AND INDUSTRIAL USES IN THE GENERAL AREA. THE PROJECT HAS CONCURRENCY FOR 7,720 SQUARE FEET OF MEDICAL OFFICE THAT MAY BE MODIFIED TO ACCOMMODATE GENERAL OFFICE. PZA ACTION: RECOMMENDATION (MOTION BY LAIDLAW/2ND BY WILLIAMS) TO DENY THE PROPOSED REZONING CITING INCREASED TRAFFIC INTO A RESIDENTIAL AREA SINCE VENETIAN BOULEVARD IS THE ONLY ACCESS TO THE SUBJECT PROPERTY AND INCOMPATIBILITY WITH THE EXISTING NEIGHBORHOOD. PZA DISCUSSION CONTINUED ABOUT

COMPATIBILITY BASED ON THE SIZE, SCALE AND INTENSITY OF 7,720 SQUARE FEET. THE MOTION FAILED 3-3, RESULTING IN A RECOMMENDATION OF DENIAL. A SECOND MOTION WAS MADE (MOTION BY WHEELER/2ND BY WILLIAMS) TO RECOMMEND APPROVAL OF THE PROPOSED REZONING, CITING THE INTENSITY OF THE PROJECT WAS THE LEAST INTRUSIVE AND THERE WAS NO NEW TESTIMONY PRESENTED DIFFERENT FROM PAST TESTIMONY. THE MOTION FAILED 3-3 RESULTING IN A RECOMMENDATION OF DENIAL

Proof of publication for the notice of public hearing regarding REZ 2005-50, Venetian Boulevard Professional Office, was received, having been published in *The St. Augustine Record* on December 21, 2007.

Alex Pellerito, 150 Venetian Blvd., spoke, and said he had been trying since 2006 to rezone the property and it was across the street from IW zoning. He said he retained Doug Burnett from Rogers Towers and that Judge Traynor had quashed one order and granted another. He said the judge had entered an order and it was remanded back to the BCC. James Whitehouse, Assistant County Attorney, said that the issue went to the Circuit Court as an appeal and an order was issued that remanded it back to the Board for proceedings, in accordance with Florida law and the order. He stated that the order said that the findings in the initial hearing had not been found to be competent substantial evidence. He said a hearing was to be held and opened up again for new evidence and testimony. If the Board found that there were new facts or new law then they could decide either way. He noted they could not use the same evidence that was presented before and find the same way because the judge had found it not to be competent and substantial.

(5:32 p.m.) Teresa Bishop said this was the third time that they had heard the request, but it was the second time it was heard as a request for Office Professional (OP) zoning. She said that OP was what had gone before the court. She noted that staff had supported the request in the past and they were aware of the concern by the public of the uses that could go in that area if it were approved. She said staff had requested that Pellerito submit a PUD for the request. She said the Board had requested a more detailed plan and the way to achieve that was through the PUD process. She noted that the Attorney's office said that they could not require a PUD, so they had moved forward again with the application. She said some of the problems with the application were the uses that could be allowed on the site and with the design of the building. She said staff had supported it with the OP designation. She said the confusion came from the fact that mixed uses were located all around the property. She explained that there could be some incompatibility with some of the uses that are allowed in the OP category. She said if the applicant would do a PUD they could address the use issue and the design of the building which would address some of the residents' concerns.

(5:35 p.m.) Rich said it came with a recommendation from PZA for denial. Bishop said that was correct based on compatibility with the surrounding area. He declared ex-parte communication with Burnett.

(5:36 p.m.) Lenard Wayne Friend, 424 Venetian Blvd., was sworn in by Whitehouse, and spoke in opposition to the proposal. He said it was a residential neighborhood and the property he was talking about was directly across the street from two homes. He said it was a public safety issue and involved encroachment into the neighborhood with commercial property.

(5:38 p.m.) Rich clarified that he was speaking about compatibility and it was not compatible because of safety issues with increased use of the property causing more

traffic. He asked if there were any other compatibility issues. Friend said that lighting and higher traffic were the negative impacts. Rich said the property had inherent property rights to it.

(5:42 p.m.) Janet Anderson, 175 Venetian Blvd., was sworn in by Whitehouse, and said she lived right across from the property in question. She said there was a safety and danger issue as it was a heavily traveled street and it was the only way in and out into the development. She showed photos (Exhibit A) of the neighborhood and of accidents that had happened at the entrance to the development. (5:46 p.m.) *Stevenson entered the meeting.* She said there were no sidewalks in the neighborhood and people often walked in the road. She showed the danger of children getting on and off the school bus, and said that it was also incompatible with the residential area. She said the judge had not heard all the facts. She stated that the need to protect the lives of many people should outweigh the wants of one person.

(5:50 p.m.) Doug Burnett, 170 Malaga St., said Mr. Pellerito was his client. He asked if the property owners would agree to a multi-family residential project. Rich said he did not want to handle that issue at this meeting. Burnett said if they were amenable to having it rezoned to RG-2 they could avoid a long hearing. He said it would provide for 7 or 8 units on the property. Rich said it had to be done outside of that venue. He said they could pull it off the table now and then poll the people individually.

(5:55 p.m.) David Owens, 165 Venetian Blvd., was sworn in by Whitehouse. Sanchez announced that two other individuals had donated their time to him. He said that his home was directly across the street from the proposed site. (Exhibits D, E) He said compatibility was and continued to be an issue. He said it was a dangerous intersection with frequent crashes. He said it would open the door to other commercial development within the neighborhood. He said he lived in a mixed district which was not a zoning category and it did not automatically guarantee the right to change the zoning. He said the history and current use of the property was residential, and commercial zoning would affect the property values of the properties in their neighborhood. He said they would like to see the current zoning kept in place. He said if a rezoning was granted that it be done under the PUD category. He showed photos. (Exhibit B). He asked them to stand by their previous decision to keep the neighborhood residential. He also entered the minutes from Sept. 4, 2007 (Exhibit C). He said Burnett had discussed the IW. He said it was granted in 2001 not after the Board had made its decision. He said it needed to be corrected.

(6:03 p.m.) Stevenson said he had indicated that the PUD would be more acceptable. Owens said that was only if the Board decided to go commercial. She asked if the multi-family would be acceptable. He said he would rather it remain residential as it would move the line of demarcation from commercial and residential.

(6:05 a.m.) Carol Sullivan, 201 Venetian Blvd., was sworn in by Whitehouse. She said she was worried about the future of the neighborhood, and when there was commercial there was an increase in crime, it caused property values to decline and would bring more strangers into the neighborhood. She said parking lots were a danger at night and commercial was more conducive to crime.

(6:08 p.m.) Bonnie Thibault, 6392 Old Dixie Dr., was sworn in. She stated she had lived there for 16 years, and agreed with what everyone had said, and that safety and increased traffic would be concerns. She said she would like to keep it single family residential and that trucks were also a safety hazard.

(6:11 p.m.) Whitehouse suggested the applicant talk with the Planning staff and ask them the permissible uses. He said in this particular case the applicant needed to understand the permissible uses and what might be compatible to the surrounding area. They would then have evidence before they made the decision.

(6:13 p.m.) Rich said it was the Board's job to determine the compatibility. Whitehouse offered that they should firm the causes up based on the testimony they had heard. He suggested it would be better to let the professional staff speak since it was on the record. Stevenson agreed staff should be given the opportunity.

(6:16 p.m.) Michael Wanchick, County Administrator, was sworn in by Whitehouse. He gave his qualifications and said he had been a manager in planning and growth management for over 30 years. He said he had reviewed the case with staff since their last meeting and he had determined that they had used a relatively narrow interpretation of consistency. He said they had looked at the land use plan and at the requested zoning and made the determination that the Mixed Use and the OP were generally consistent. He said that from the outset they had a concern with the permitted uses within the OP category with the uses in the surrounding neighborhood. He said it was for that reason that they had suggested that a PUD be looked at, as it would narrow down the uses that would be allowed under the OP category and perhaps the two could be compatible. He said another approach staff used was to propose some amendments to the Land Development Code, which the commission had deferred until the evaluation and appraisal process was completed, and that might be another avenue. He said there was a distinction in that the uses with the OP in the surrounding neighborhood were generally felt to be incompatible, and there needed to be a manner to address those.

(6:18 p.m.) Manuel said that each and every permitted use would have to be compatible and that was the decision the Board had to make.

(6:19 p.m.) Stevenson said this had been discussed previously. She said it was a rural neighborhood with large lots and the neighbors wanted a rural lifestyle. She stated she had heard nothing to change her mind, and access issues at the zoning level needed to be considered. She said there were things other than traffic concurrency that needed to be considered.

(6:20 p.m.) Manuel reminded the Board that case law specifically mentioned public safety and public good and whether or not there was traffic concurrency was immaterial to that argument as Stevenson had pointed out.

(6:21 p.m.) Burnett gave a history of the project, and said Pellerito had filed his own application in October of 2005 to rezone the property and had modified his request to make it less intense. He said the minutes did not accurately reflect what he had said. He said OP was the least intense use for commercial use under the Mixed Use land use designation. He said it had been reviewed by the PZA and passed 4/1 and was then denied by the BCC. He said Pellerito filed a writ of certiorari which he represented him on the appeal. He noted that Judge Traynor had entered an order in June of 2007. He said from his view, there was nothing new being presented, and the concerns were coming from the same folks saying the same things. He said that it was not competent substantial evidence being presented and that was what Judge Traynor had decided originally. He said Judge Traynor's ruling was the law for the ruling since it had not been appealed by the Board. He said it was remanded to the Board and was denied again. He stated he had written a letter to their legal counsel asking the Board to reconsider it. He said they had reached the wrong legal decision. He said it had gone before the PZA again with a 3/3 vote, and they were back in front of the Board again.

He said that the court had decided that the generalized complaints were not competent substantial evidence to deny the application. He suggested conditional rezoning or deed restrictions could be considered. He said non commercial zoning was the wrong decision based on the final order from Judge Traynor.

(6:28 p.m.) Alex Pellerito, 8825 Perimeter Park Blvd. # 403, Jacksonville, the applicant, said he only wanted to make an office for lawyers. He said he went to OP because that was the lowest he could go. He said there would be no traffic into the neighborhood generated by offices on his property. Burnett said Pellerito would agree to conditionally rezone the property, and he would locate the entrance as close to the British Pub parking lot as possible to keep it from the residential end of the property.

(6:32 p.m.) Whitehouse offered legal advice since it had been remanded from the court. He said merely a finding that it was going to increase traffic, or merely a generic finding that it was a commercial use were not sufficient findings. He suggested again that they ask professional staff all the uses, to talk about each one and discuss what the conditions were for each use in the PSD. He said it was very important.

(6:33 p.m.) Manuel asked staff to come forward and read each permitted use.

(6:33 p.m.) Teresa read the permitted uses from the Land Development Code for Office and Professional Services.

(6:35 p.m.) Manuel asked if any of those uses were in the surrounding area. Bishop said there was a restaurant but there were none other of those permitted uses in the area that she was aware of.

(6:36 p.m.) Rich asked if the British Pub was accessible from US 1. Bishop said it was accessible from US 1 as well as Venetian. (Exhibit G). He said it was fronted on US 1 and it was mostly mixed use and commercial along US 1. Rich said the applicant was asking to allow commercial to encroach into a residential area. He asked Bishop if staff would have the same support if other residential lots deeper in the neighborhood were used for commercial ventures with commercial ventures adjoining them, simply because it was a Mixed Use district. Bishop said mixed use would allow a variety of uses, and each case was decided on its own merit. She said staff would have concerns with putting commercial in the middle of a residential subdivision. She said there were other things that would be looked at when they reviewed the applications, and staff would not support it simply because it was mixed use. Rich said they were doing something which they generally did not do; taking residential property in a residential neighborhood and allowing it to become commercial. He stated that in this case, they clearly had residential lots adjoining what was an existing residential lot, and for some reason there was no objection to allowing that commercial encroachment into that residential neighborhood. He said he had serious problems with the compatibility of it. He also noted that the mixed use area went very deeply into the residential area and commercial use was going to encroach deeper and deeper into the residential area. He questioned whether staff was using best practices in situations such as that.

(6:43 p.m.) Patrick McCormack, County Attorney, said it was an unusual hearing in that it was the third time the Board had heard it. He said he wanted the clearest evidence to be put into the record. He asked Teresa Bishop to return to the podium. He stated that by Florida law he was permitted to represent staff while Mr. Whitehouse represented the Board and that Mr. Burnett had indicated that he had no objection to that. He asked Bishop regarding the description of the industrial warehouse property that was adjacent to some of the residential property discussed earlier in the presentation. He handed her a St. Johns County ordinance (Exhibit F) and asked her to

look at it and to offer an opinion as to whether it pertained to rezoning land from CG to IW. He asked if it was a straight rezoning. She said it was conditional zoning. She said it had time hours of operation associated with it. She said condition number five related to that. He asked if the current application were rezoned to OP, if there would be restrictions to the hours of operation. She said, no there was not, however the Land Development Code did provide that OP uses had primarily daytime operations. She said it would not be restricted to operation only in the daytime. McCormack said he had provided her with a Yellow Pages directory. He asked her what County or area it pertained to. She said it was for St. Augustine, Hastings, Orangedale and Ponte Vedra Beach. He asked her to review the bail bonds advertisements listed in the Yellow Pages, and asked their hours of operation. She described the hours of operation as 24 hours a day, seven days a week. He asked that if it were rezoned to OP if they could operate a bail bond agency there. Bishop said yes. He asked if it would be restricted by the Land Development Code as to hours. She responded, no. He asked if it would be possible to have operations there 24/7. Bishop said yes. McCormack asked her to review another St. Johns County ordinance which rezoned property to PSD. She said it was from OR to PSD. He asked if PSD zoning, which the County no longer had, if there could be certain compatibility related elements listed as conditions in the PSD. Bishop said the PSD was a planned development, so yes. He asked if there were subject conditions in the PSD she was reviewing. She said Ordinance 86-84 did provide specific conditions. He asked if the subject property were rezoned to PUD rather than OP, if conditions could be placed to ensure compatibility with the surrounding neighborhood. She said yes.

(6:52 p.m.) Burnett asked Bishop if his client was required to zone his property, which was less than 10 acres, to a PUD. Bishop said no. Burnett asked if he was required to rezone to a PUD under any other requirement such as the Comprehensive Plan. Bishop said she did not believe so with the acreage that he had. He asked if the County had done conditional rezoning in the past. Bishop said yes.

(6:53 p.m.) McCormack asked Wanchick about his earlier distinction between compatibility pertaining to whether the zoning category, on paper, complied with the land use on paper. He asked Wanchick if OP, on paper, in a Mixed Use land use, would be compatible, again on paper. Wanchick said that his understanding of the Land Development Code is that it would be, on paper. McCormack said Wanchick had heard the list of uses permitted by OP as read by Ms. Bishop, and one of the uses of a 24/7 bail bond agency. He asked Wanchick if he could offer the Board any professional opinion as to whether there might be some compatibility concerns between a 24/7 bail bond agency, one of the permitted uses in OP, and the use of the surrounding area as it was actually developed. Wanchick said that in his opinion that particular use, in relation to the surrounding land uses, particularly the residential uses, would be incompatible.

(6:55 p.m.) Burnett asked Wanchick if he could articulate how the property was incompatible in a way that was different from the incompatibility that the Board originally made its decision upon. McCormack objected to the question as he was not here previously when the matter was discussed. Wanchick said he was basing it on his professional experience and there were some uses which were incompatible and there were avenues to address those, including the PUD process. Burnett narrowed his question. He asked if he could explain how he found the rezoning request to be incompatible. Wanchick said the rezoning request was generally consistent with the land use, and by nature mixed use land categories, which permitted a variety of uses are problematic because they allow zoning requests of that nature to take place adjacent to existing land uses, be there residential, office or retail. He said he would not encourage the County to continue to apply the mixed use category on the Land Use Plan in the future, for those very reasons. He said there was a higher standard that the Board had to use when rezoning property of that nature. Burnett said the rezoning request was to rezone it to OP. Wanchick said there was a two part test and the first

was, was it an appropriate request to rezone it to OP and was it inherently inconsistent with the Mixed Land use category, and he said in his opinion he did not think that it was. He said conversely, the second part of the test was, were there permitted uses within that zoning category consistent with existing uses on the land surrounding that. Wanchick said that in his opinion, there was some incompatibility with some of the uses within the proposed category.

(6:59 p.m.) Manuel said Burnett was referring to the Future Land Use Map and not the current land use map. He stated his line of reasoning was completed at that point.

(7:00 p.m.) McCormack said any of those uses could be done within the Office Professional use, and there would be nothing the County or neighbors could do about it if it was rezoned. He said the two closest properties had safe guards, one was a PSD with safeguards and one was a conditional rezoning with safeguards. He said if they rezoned to OP there would be no safeguards.

(7:01 p.m.) Burnett said the court had ruled on the things they had already heard and it was not competent substantial evidence. (7:01 p.m.) *Stevenson left the meeting.*

(7:04 p.m.) Whitehouse gave a legal synopsis, and said when something was remanded they needed to follow what the court order said. He said if new facts and new law were presented they could move forward on that. He said they had heard testimony on different uses and specific uses that were permissible and they might base their opinion upon that.

(7:10 p.m.) Motion by Rich, seconded by Sanchez, to deny REZ 2005-50, Venetian Boulevard Professional Office, adopting findings of fact already stated regarding incompatibility with existing land uses to support the motion.

(7:11 p.m.) Whitehouse advised that under State law they had to state a specific section of the code or law for the denial of a land use issue.

Rich amended the motion: the rezoning to Office Professional is inconsistent with the Comprehensive Plan in that the rezoning is not compatible and complimentary to adjacent land uses Objective A.1.3.12 and the rezoning encourages the inefficient land use pattern and does not support balanced growth and development Objective A.1.11. Sanchez accepted the amendment. Motion carried 3/0 with Stevenson and Bryant absent.

(01/08/08 - 25 - 7:12 p.m.)

13. PUBLIC HEARING - AMENDMENTS TO THE LDC - FLORIDA STATUTES CHAPTER 365.172, THE FLORIDA E911 STATUTE FOR WIRELESS SITE DEVELOPMENT, WAS ADOPTED BY THE STATE AND PROVIDES STRICT REGULATION TO THE POWERS AND ACTIONS OF COUNTY GOVERNMENT IN PLACEMENT OF TOWERS. THIS STATUTE PROVIDES DIRECTION FOR THE COUNTY'S ACTION IN REGARD TO PLACEMENT: (1) ANY SETBACK DISTANCE MAY NOT EXCEED THE MINIMUM DISTANCE NECESSARY TO SATISFY SAFETY OR AESTHETIC CONCERNS, (2) THE LOCAL GOVERNMENT MAY EXCLUDE THE PLACEMENT ONLY IN A MANNER THAT DOES NOT CONSTITUTE AN ACTUAL OR EFFECTIVE PROHIBITION OF SERVICE IN THE AREA. THE PROPOSED CHANGES TO ARTICLE II - ZONING DISTRICTS AND SPECIAL USES, ARTICLE VI DESIGN STANDARDS AND IMPROVEMENT REQUIREMENTS, AND ARTICLE XII DEFINITIONS WILL BRING THE LAND DEVELOPMENT CODE INTO CONFORMANCE WITH THE GUIDELINES OF THE FLORIDA STATUTE.

THE PROPOSED ORDINANCE AND COPIES OF THE AFFECTED SECTIONS OF THE LDC ARE ATTACHED. THE SECOND PUBLIC HEARING TO CONSIDER ADOPTION OF THE PROPOSED AMENDMENTS IS SCHEDULED FOR FEBRUARY 5, 2008 AT 9:00 A.M.

Proof of publication for the notice of public hearing regarding Amendments to the LDC was received, having been published in *The St. Augustine Record* on December 31, 2007.

Betty Sue Stepp gave a summary of the request (Exhibit A). The second public hearing was announced for February 5, 2008 at 9:00 a.m.

(7:13 p.m.) Motion by Rich, seconded by Sanchez, carried 3/0 with Stevenson and Bryant absent, to adjourn the meeting.

With there being no further business to come before the Board, the meeting adjourned at 7:13 p.m.

These reports were heard during the afternoon session.

(01/08/08 - 26 - 2:38 p.m.)

COMMISSIONERS' REPORTS

Commissioner Sanchez:

Sanchez mentioned reviewing the document and safeguarding it from becoming a massive problem in the future.

(2:39 p.m.)

Commissioner Rich:

Rich mentioned a letter from the Congress of the United States House of Representatives, John L. Mica, regarding \$500,000 in federal assistance was included in the final measure for the SR 9b project. He thanked John Mica for his support.

Rich reported on the incentives program.

(2:43 p.m.)

Commissioner Sanchez:

Sanchez suggested naming the Agricultural Center after the Usina family; requesting it be placed on a future agenda.

Sanchez commented on an eminent domain situation with the CR 305 extension. He requested that a sector plan be implemented for the southwest part of the County.

Sanchez encouraged establishing a Fire Department in the Flagler Estates area.

Sanchez addressed the funding of the CR 2209 project.

Sanchez thanked every county employee for surviving a very stressful year in 2007.

(2:53 p.m.)

Commissioner Stevenson:

Stevenson stated that on the November 27th BCC Meeting minutes, under Commissioners' Reports, she had asked for and received consensus from four out of five of the commissioners to have the staff look into an ordinance that would require a super majority vote on height variances in the coastal areas.

Stevenson stated that she also requested a super majority vote for Comp Plan changes. Manuel responded. Stevenson stated that they should institutionalize and make the Comp Plan more difficult to change and spoke on not having the money to support urban sprawl. McCormack stated that the item Stevenson mentioned is one of the items that would be discussed at the future BCC workshops, in addition to the CR 210/I-95 moratorium, the Charter, and Summerhaven.

Stevenson commented further on the super majority votes.

Stevenson commented on a movement to have the Historic Review moved from the State level to the County level.

Rich commented on the super majority votes on certain issues.

(3:03 p.m.)

Commissioner Bryant:

Bryant commented on the speed limits in District 2 being reset. Rich responded. (3:05 p.m.) *Direction was given to the County Administrator to proceed with having the speed limits in District 2 reset.*

Bryant stated that he supported Sanchez trying to get the Fire Station in Flagler Estates.

(3:08 p.m.)

Commissioner Manuel:

Manuel commented on the death of Hamilton Upchurch and stated that he would like to see a resolution by this Board honoring Mr. Upchurch for his many contributions to this community and the State.

Manuel commented on a meeting he could not attend with Secretary Butterworth and requested another commissioner to attend. Bryant agreed to attend the meeting.

Manuel reported on a meeting he and Staff had with Representative Kravitz and others regarding making 9B a reality. Discussion followed.

(01/08/08 - 27 - 3:06 p.m.)

COUNTY ADMINISTRATOR'S REPORT

No report.

(01/08/08 - 27 - 3:07 p.m.)

COUNTY ATTORNEY'S REPORT

McCormack commented on naming a county facility.

(01/08/08 - 27 - 3:12 p.m.)

CLERK OF COURT'S REPORT

No report.

(3:12 p.m.) **Motion by Bryant, seconded by Rich, carried 5/0, to recess the meeting.**

REPORTS:

1. St. Johns County Board of County Commissioners Check Register, Check Number 412103 through 412415, totaling \$1,502,393.28 (12/04/07)

2. St. Johns County Board of County Commissioners Check Register, Check Number 412453 through 412691, totaling \$2,258,322.44 (12/11/07)
3. St. Johns County Board of County Commissioners Check Register, Check Number 412692 through 413052, totaling \$1,701,021.73 (12/18/07)
4. St. Johns County Board of County Commissioners Check Register, Check Number 413053, totaling \$2,084.14 (12/18/07)
5. St. Johns County Board of County Commissioners Check Register, Check Number 413054, totaling \$68,390.06 (12/19/07)
6. St. Johns County Board of County Commissioners Check Register, Check Number 413055, through 413088 totaling \$67,794.02 (12/20/07)

CORRESPONDENCE:

1. Letter dated December 6, 2007 from Liz Cloud, Program Administrator, regarding the receipt of the facsimile signatures filed under oath for Thomas G. Manuel as Chairman of the St. Johns County Board of County Commissioners and Cyndi Stevenson as Vice Chairman of St. Johns County Board of County Commissioners
2. Letter dated December 17, 2007, to Liz Cloud, Program Administrator, filing St. Johns County Ordinance Numbers 2007-89 through 2007-91
3. Letter dated December 20, 2007, to Liz Cloud, Program Administrator, filing St. Johns County Ordinance Number 2007-92

Approved February 5, 2008

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: _____

Thomas G. Manuel
Thomas G. Manuel, Chairman

ATTEST: CHERYL STRICKLAND, CLERK

By: _____

Wanner King
Deputy Clerk