

**MINUTES OF MEETING  
BOARD OF COUNTY COMMISSIONERS  
ST. JOHNS COUNTY, FLORIDA  
FEBRUARY 5, 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

(02/05/08 - 1 - 8:59 a.m.)  
CALL TO ORDER

Manuel called the meeting to order.

(02/05/08 - 1 - 9:00 a.m.)  
ROLL CALL

Manuel stated that all five commissioners were present.

(02/05/08 - 1 - 9:01 a.m.)  
Rich gave the Invocation and Bryant led the Pledge of Allegiance.

(02/05/08 - 1 - 9:02 a.m.)  
PROCLAMATION THAT FEBRUARY BE PROCLAIMED AS STEP UP FLORIDA MONTH

Stevenson read and presented the proclamation to Ray Hewett, Diane Fee, Susan Braun, and Ginny Van Anderson who accepted the proclamation. Stevenson said Step Up Florida was begun to promote fitness for all the people of St. Johns County and throughout Florida. Hewett thanked the commissioners and invited the public to attend the Wellness Walk on February 28 at 2:00 p.m. at the Visitor Information Center in downtown St. Augustine.

(02/05/08 - 1 - 9:21 a.m.)  
PUBLIC COMMENT

James Allen, 770 W. Chapin Street, St. Augustine, asked the board to consider enacting a grass ordinance for the County and specifically for West St. Augustine. He said there were numerous instances of grass growing very high. He said James Acosta from Code Enforcement and one of his inspectors had reviewed the situation and said nothing could be done. Allen said the City of St. Augustine and Palatka had grass ordinances, but St. Johns County did not. He asked the Board to consider the possibility of enacting an ordinance for the County.

(9:23 a.m.) Bryant said there was a venue that could be exercised. He said they could bring in Environmental Health and have them determine if there was a health problem. If they found it to be so, the County could mow the lot and put a lien against the property owners. He suggested that the Administrator check into that.

General discussion ensued regarding whether or not an ordinance was needed and that care should be taken not to interfere with proposed natural landscaping efforts.

(9:27 a.m.) Patrick McCormack, County Attorney, said he thought there were some areas in the county that had set up their own regulations. He said the first step was to see what was on the books now regarding nuisance laws. He agreed that they didn't want to jump the gun and make a countywide regulation. He said he would work with staff to see what they could do with what was on the books, and then if they needed to call on the commissioners for their assistance, that would be the next step.

(02/05/08 - 2 - 9:01 a.m.)

DELETIONS TO CONSENT AGENDA

Wanchick requested that Item No. 9 be pulled until next meeting.

(02/05/08 - 2 - 9:01 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
  - 01/08/08 - BCC Regular Meeting
3. Sheriff Office Bonds:
  - Approve: Patrick Kirk                      Julio Flores
  
  - Name Change: Kelli Koleilat              to      Kelli Meacham
4. Motion to adopt **Resolution No. 2008-26**, recognizing unanticipated revenue in the amount of \$6,316.11 from VFIS and adjusting the appropriate expenditure line item by the same amount

**RESOLUTION NO. 2008-26**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE AMENDMENT OF ITS FY 2008 EMS BUDGET TO RECEIVE UNANTICIPATED REVENUE FOR THE PURPOSE OF PROVIDING REPAIRS TO A COUNTY RESCUE UNIT (AMBULANCE)**

5. Motion to adopt **Resolution No. 2008-27**, recognizing unanticipated revenue in the amount of \$13,580 and increasing the Federal Grant expenditure budget line item [1224-55304] of the Fire District Fund by the same amount

**RESOLUTION NO. 2008-27**

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE AMENDMENT OF ITS FISCAL YEAR 2008 FIRE DISTRICT BUDGET TO RECEIVE UNANTICIPATED REVENUE AND AUTHORIZE ITS EXPENDITURE BY THE ST. JOHNS COUNTY FIRE-RESCUE DEPARTMENT

6. Motion to authorize the St. Johns County Public Library System to make application for the Library Services and Technology Act Grant
7. Motion to approve the transfer of \$175,000 from the General Fund reserve to restore and cover Regional Referral Hospital Expenses
8. Motion to adopt **Resolution No. 2008-28**, approving the terms, provisions, conditions, and requirements of a contract for provision of financial assistance to the Humane Association of Wildlife Care and Education, Inc. [HAWKE] and authorizing the County Administrator to execute the contract renewal on behalf of the County

**RESOLUTION NO. 2008-28**

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF A CONTRACT FOR THE PROVISION OF FINANCIAL ASSISTANCE TO THE HUMANE ASSOCIATION OF WILDLIFE CARE AND EDUCATION, INC., AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE CONTRACT RENEWAL ON BEHALF OF THE COUNTY

9. Motion to approve the transfers from the listed reserves and departments to cover the departments' Indirect Administrative Costs
10. Motion to adopt **Resolution No. 2008-29**, approving the terms, provisions, conditions, and requirements of an agreement between St. Johns County, Florida, and Countrywalk, LLC, Florida, for the provision of utility sewer unit connection fee refund and authorizing the County Administrator to execute the agreement on behalf of St. Johns County

**RESOLUTION NO. 2008-29**

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 COUNTRYWALK, LLC, FLORIDA, FOR

**THE PROVISION OF UTILITY SEWER UNIT  
CONNECTION FEE REFUND AND AUTHORIZING THE  
COUNTY ADMINISTRATOR TO EXECUTE THE  
AGREEMENT ON BEHALF OF ST. JOHNS COUNTY**

11. Motion to authorize the County Administrator, or his designee, to purchase seven 2008 ½ Ton extended cab pickup trucks 4x4 from Orville Beckford Ford-Mercury from Bid No: 08-52 in the amount of \$140,270.00
12. Motion to authorize the County Administrator, or his designee, to purchase two 2008 ¾ Ton trucks 4x4 with service body and crane from Tropical Ford from Bid No: 08-58 in the amount of \$139,511.00
13. Motion to authorize the County Administrator, or his designee, to enter into contract with the approved suppliers of natural gas under state Contract #405-215-04-1
14. Motion to adopt **Resolution No. 2008-30**, accepting an Easement for Utilities for water service to Galaxy Industrial Center located on Garden Center Way

**RESOLUTION NO. 2008-30**

**A RESOLUTION OF THE BOARD OF COUNTY  
COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA,  
ACCEPTING AN EASEMENT FOR UTILITIES FOR  
WATER SERVICES TO GALAXY INDUSTRIAL CENTER  
LOCATED ON GARDEN CENTER WAY**

15. Motion to adopt **Resolution No. 2008-31**, accepting an Easement for Utilities for water service to CVS located on East Watson Road off of US #1 South

**RESOLUTION NO. 2008-31**

**A RESOLUTION OF THE BOARD OF COUNTY  
COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA,  
ACCEPTING AN EASEMENT FOR UTILITIES FOR  
WATER SERVICES TO CVS LOCATED ON EAST  
WATSON ROAD OFF OF US#1 SOUTH**

16. Motion to adopt **Resolution No. 2008-32**, accepting the conveyance of the Community Park and Transportation Sites per the Durbin Crossing DRI Development Order

**RESOLUTION NO. 2008-32**

**A RESOLUTION OF THE BOARD OF COUNTY  
COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA,  
ACCEPTING A DONATION OF COMMUNITY PARK  
AND TRANSPORTATION SITES WITHIN DURBIN  
CROSSING DRI PER THE DURBIN CROSSING DRI  
DEVELOPMENT ORDER**

17. Motion to approve the transfer of \$168,625 from General Fund Reserves [0083 59920] to EMS Capital equipment [0048 56400] for the purchase of one ambulance approved in FY 07 for which funding was not carried forward into FY 08

18. Motion to approve the hire of an employee for the Solid Waste Weighmaster position at a Step 4 rate above the Adopted County Budget for this position

(02/05/08 - 5 - 9:06 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

Wanchick asked that Items 5, 7, and 10 be pulled. Manuel asked Wanchick to give a briefing on the effect of the hiring chill and added it as Item 10A. He also asked that Item 10B be added in order to discuss the Incentive Ordinances.

(02/05/08 - 5 - 9:07 a.m.)

APPROVAL OF REGULAR AGENDA

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

(02/05/08 - 5 - 9:08 a.m.)

1. CONSIDER REQUEST BY IT LAND ASSOCIATES, LLC FOR REFUNDS IN THE AMOUNT OF \$145,484.44 FOR PAYMENT OF ROAD IMPACT FEES WITHIN ST. JOHNS DRI

Betty Sue Stepp, AICP, Growth Management Services Project Liaison, gave the presentation. Bryant said this had happened many times in the past.

**(9:08 a.m.) Motion by Bryant, seconded by Sanchez, to approve a refund of \$145,484.44 to IT Land Associates, LLC for payment of road impact fees within St. Johns DRI from the Roads Zone A Impact Fees Fund.**

Manuel said this had happened before with this particular group and this was their last chance. He said there was no legal obligation to refund the money, and on the third strike the Board would not be as gracious. Stevenson referenced a new procedure that was to be implemented for such issues. McCormack said this type decision was made on a case by case basis and this decision did not give any rights to any future applicants.

**(9:10 a.m.) Motion carried 5/0.**

(02/05/08 - 5 - 9:10 a.m.)

2. CONSIDER APPOINTMENTS TO THE CONTRACTORS REVIEW BOARD

Melissa Lundquist, Administrative Coordinator, introduced the item.

**(9:11 a.m.) Motion by Rich, seconded by Sanchez, carried 5/0, to reappoint Donald T. Hoover to the Contractors Review Board for a four-year term scheduled to expire October 21, 2011. (General Contractor Requirement)**

**(9:11 a.m.) Motion by Stevenson, seconded by Sanchez, carried 5/0, to appoint Michael E. Stover to the Contractors Review Board for a four-year term scheduled to expire February 5, 2012. (Heat/Air Professional Requirement)**

**(9:12 a.m.) Motion by Bryant, seconded by Rich, carried 5/0, to appoint Angela Bunkelman to the Contractors Review Board for a four-year term scheduled to expire February 5, 2012. (Resident Requirement)**

(02/05/08 - 5 - 9:12 a.m.)

3. CONSIDER APPOINTMENT TO THE INDUSTRIAL DEVELOPMENT AUTHORITY

Melissa Lundquist, Administrative Coordinator, introduced the item.

Rich said the Industrial Development Authority was leaning toward becoming an independent taxing authority. He noted he was uncomfortable with that and he would like to see some new blood on that board.

Bryant said he would support Mr. Watson, who had been on the board for a long time, and was a stabilizing member. Lundquist said that board was governed by Florida Statute 159.45 and was created by resolution of the Board. Bryant said they would probably take direction from the BCC before they decided to pursue that option.

(9:16 a.m.) Manuel said he concurred with Rich and said he would like to see some new blood. He said he had met with and favored Apol.

(9:16 a.m.) Stevenson said she would support Harlan Mason and said he was a strong candidate as he was concerned in the long-term prosperity of the community.

**(9:19 a.m.) Motion by Rich, seconded by Manuel, to appoint Peter Apol to the Industrial Development Authority for a full four-year term scheduled to expire January 22, 2012.**

There was further discussion about the qualifications listed by Apol. (9:19 a.m.) **Motion carried 5/0.**

(02/05/08 - 6 - 9:19 a.m.)

4. CONSIDER APPOINTMENT TO THE HISTORIC RESOURCE REVIEW BOARD

Stevenson said she served as liaison to that board, and would like to make the motion.

**(9:20 a.m.) Motion by Stevenson, seconded by Bryant, carried 5/0, to appoint Mary Elizabeth Tarber Willis to the Historic Resource Review Board for a partial term scheduled to expire October 2, 2009.**

*This item was pulled from the agenda.*

(02/05/08 - 6 - 9:06 a.m.)

5. PUBLIC HEARING - REZ 2007-25 GALAXY INDUSTRIAL CENTER

(02/05/08 - 6 - 9:30 a.m.)

6. PUBLIC HEARING - PFS AGREE 2007-01 PACETTI SHOPS PROPORTIONATE FAIR SHARE CONCURRENCY AGREEMENT - REGENCY REALTY GROUP, INC. (REGENCY) HAS PROPOSED A PROPORTIONATE FAIR SHARE CONCURRENCY AGREEMENT (AGREEMENT) TO ADDRESS THE CAPACITY DEFICIENCY IDENTIFIED IN THE CONCURRENCY REVIEW FOR THE PACETTI SHOPS PROJECT CONSISTING OF A 15,000 SQUARE FOOT DRIVE-THROUGH PHARMACY AND A GAS STATION/CONVENIENCE MARKET WITH 16 VEHICLE FUELING POSITIONS. REGENCY HAS PROPOSED TO PAY A PROPORTIONATE FAIR SHARE CONTRIBUTION TO THE COUNTY IN THE AMOUNT OF \$184,341.00 TOWARD IMPROVEMENTS AT THE SR 16/IGP/CR 13A INTERSECTION, ESTIMATED AT A TOTAL COST OF \$4,838,959.00. IMPROVEMENTS TO THE EAST LEG OF THE INTERSECTION ARE CURRENTLY INCLUDED IN YEAR 2007/2008 OF THE COUNTY'S FIVE YEAR SCHEDULE OF CAPITAL IMPROVEMENTS (CIS) TO BE FUNDED BY THE MILL CREEK RANCH PROJECT PURSUANT TO THE APPROVED MILL CREEK RANCH DEVELOPMENT AGREEMENT (DEVAGREE 2006-04) ADOPTED IN

CONJUNCTION WITH THE MILL CREEK RANCH COMPREHENSIVE PLAN AMENDMENT. THE AGREEMENT WAS REVIEWED BY THE PLANNING AND ZONING AGENCY ON JANUARY 17, 2008, WHICH RECOMMENDED APPROVAL WITH A 3-2 VOTE (LAIDLAW/WILES DISSENTING). THE DISSENTING MEMBERS CONCURRED WITH CRC/STAFF CONCERNS THAT THE INTERSECTION IMPROVEMENTS ARE NOT FINANCIALLY SECURE WITH NO ASSURANCE OF CONSTRUCTION, THAT THIS MAY NOT BE A GOOD DEAL FOR THE COUNTY AND THAT, SHOULD THE MILL CREEK RANCH DEVELOPER NOT COMPLETE THE IMPROVEMENT AND APPROVED DEVELOPMENT BUILD, IT COULD COMPROMISE PUBLIC HEALTH, SAFETY OR WELFARE (LDC ARTICLE XI, SEC. 11.09.04.A)

Proof of publication of notice of public hearing on PFS 2007-01, Pacetti Shops, was received having been published in *The St. Augustine Record* on January 2, 2008.

Doug Burnett, 170 Malaga St., of Rogers Towers, introduced Hugh Matthews and Dawn Smith from England, Timms & Miller, and Josh Spooner from Regency Centers, on behalf of the applicant.

(9:31 a.m.) Josh Spooner, Regency Centers, One Independent Drive, Suite 114, Jacksonville, gave a history of Regency's involvement in the county. He said they began working on Pacetti Shops about four years ago. He said the Hortons were the previous owners of the property where they provided gasoline, goods and services. He said the property had been purchased from them approximately three years ago. He said they had a plan in place that was not much different than how the property had been previously used, and noted a pharmacy was the only major change to the plans. In response to a question from Stevenson, he said there would be eight fueling dispensers on the site.

(9:34 a.m.) Manuel asked what the transportational impacts would be and who the involved parties would be. Bishop said there were several properties; Sunshine Holdings Group for the Mirabella Development and the Palm Lakes Development, the St. Johns DRI Development, the World Commerce Center and the Mill Creek Ranch all had conditions on their developments for the transportational issues at that intersection and requirements on their agreements. Manuel asked if it was bonded. She said Sunshine Holdings was bonded and had completed some of their improvements and St. Johns was bonded for their improvements. He asked if it alleviated them of any transportational concurrency. Bishop said it did, in some fashion, because of the way the St. Johns DRI was obligated to do an improvement and because of the way it was worded, it would relieve them of making the improvement. She said the St. Johns DRI development order was time certain but she did not know the exact date or a number of trips timeline. She said it could be pretty far out. He said he needed an answer. Manuel said, as a general statement, anyone who made contributions to transportation going forward, would not be relieved of those obligations.

(9:37 a.m.) Bryant explained that the St. Johns DRI was scheduled for 2012 and part of the impetus for moving it forward was because the St. Johns DRI was way out, and Sunshine Holdings relieved them of the commitment, but got the improvements done immediately instead of waiting until 2012. He said they tried to get everyone to work together to get the improvements done sooner rather than later.

(9:39 a.m.) Discussion ensued regarding the inequity of transportational concurrency and the need to look at the way it was crafted, expiration of projects and sunset provisions on all obligations. There was discussion of the older DRI laws and how circumstances had changed when new laws were enacted allowing some applicants to

use the older orders to their advantage. Additionally, discussion followed regarding the infrastructure backlog and the need to insure that new applicants were not burdened with the problems of previous applicants.

(9:50 a.m.) James Whitehouse, Assistant County Attorney, said that his office had looked at the issue in depth in conjunction with the Administrator's staff. He said they had looked at the bonding under the development agreements within a certain number of days that had not been done in the past. He said also that contingency agreements in the development agreements needed to be looked at more in depth. He said they could be addressed from a legal perspective which could help them address the issue moving forward.

(9:52 a.m.) Stevenson asked if their contribution would make the intersection function in a reasonable manner.

(9:52 a.m.) Burnett illustrated the proposed improvements, and said their proposed improvements in the amount of \$184,000 were for getting the trips needed for a gas station and a pharmacy, and that money was going to the County and not to another developer. He showed the improvements by the St. Johns DRI which were already bonded and the Mill Creek Ranches agreement proposed improvements. He said the money from their agreement would allow sufficient money to allow tapering along SR 16.

**(9:56 a.m.) Motion by Sanchez, seconded by Rich, carried 5/0, to approve Pacetti Shops Proportionate Fair Share Concurrency Agreement (PFS AGREE 2007-01) finding it consistent with Land Development Code Article XI, Concurrency Management.**

*This item was pulled from the agenda.*

(02/05/08 - 8 - 9:06 a.m.)

7. PUBLIC HEARING - PUD 2006-09, MOULTRIE BLUFF PLAZA PLANNED UNIT DEVELOPMENT

The meeting reconvened at 1:28 p.m. with all five commissioners, Wanchick, Whitehouse, and Deputy Clerk Lenora Newsome present.

(02/05/08 - 8 - 1:28 p.m.)

8. PUBLIC HEARING - VACPLA 07-006, VACATE A PORTION OF THE RIVERDALE LAND COMPANY PLAT - THE APPLICANT, 235 WINGATE, LLC WISHES TO VACATE A PORTION OF AN OLD PLAT IN ORDER TO SATISFY CONCERNS OF THE PROPOSED PRD PLACING RESIDENTIAL LOTS OVER EXISTING PLATTED, BUT UNOPENED ROADS. THIS REQUEST TO VACATE THE OLD UNDERLYING PLAT, IF APPROVED, WILL ALLOW DEVELOPMENT AND PLATTING TO MOVE FORWARD IN PHASES AT THE DEVELOPER'S DISCRETION. ALL TECHNICAL COMMENTS HAVE BEEN ADDRESSED THROUGH THE DEVELOPMENT REVIEW PROCESS AND STAFF HAS NO OBJECTIONS. THE APPLICANT REQUESTS THAT THE BOARD HEAR AND ACT UPON THE PRD REZONING PRIOR TO THE VACATION TO ALLOW THE OPTION OF WITHDRAWING THE VACATION REQUEST IF THE PRD IS NOT APPROVED. THE PLANNING AND ZONING AGENCY RECOMMENDED DENIAL BY A 6/0 VOTE AT THEIR JANUARY 3, 2008 MEETING, CITING POSSIBLE DENIAL OF CONVENIENT PUBLIC ACCESS



Proof of publication of notice of public hearing on Notice to Vacate Wingate LLC/Riverdale was received, having been published in *The St. Augustine Record* on January 07, 14, 2008.

Kimberly Sutton, St. Augustine Court Reporters, was present.

Rich disclosed ex-parte communication with Jessie Killibrew regarding an overview of the project and general information regarding what he was going to do. Stevenson disclosed ex-parte communication with members of the community to discuss their concerns regarding the project. Manuel disclosed ex-parte with the applicant's attorney about the project.

(1:29 p.m.) Gary Davenport, 5378 Fourth Street, representing the applicant, stated that the application was contingent on the approval of the rezoning.

*There was no motion since Item No. 9, Riverdale PRD, was denied.*

(02/05/08 - 9 - 1:31 p.m.)

9. PUBLIC HEARING - PRD 2007-04, RIVERDALE PLANNED RURAL DEVELOPMENT - THIS REQUEST SEEKS TO REZONE APPROXIMATELY 1117 ACRES FROM OR TO PRD FOR THE DEVELOPMENT OF 223 SINGLE FAMILY UNITS IN AN EQUESTRIAN STYLE COMMUNITY. THE SITE IS LOCATED EAST OF CR13 S, NORTH OF THE INTERSECTION WITH CR 305. THE PROJECT IS DIVIDED INTO SIX PARCELS WITH PARCEL A CONTAINING THE RESIDENTIAL LOTS, PARCELS B AND C BEING ENTIRELY RESERVE AREAS AND PARCELS D, E AND F BEING RESERVE AREAS. THE PROJECT IS UTILIZING THE 90%/10% RESERVE AREA/DEVELOPMENT AREA RATIO WHICH PER COMPREHENSIVE PLAN POLICY A.1.6.2 (C) ALLOWS A MAXIMUM OF TWO UNITS PER DEVELOPMENT ACRE. STAFF FINDS THE REQUEST IS CONSISTENT WITH THE APPLICABLE POLICIES AND SECTIONS OF THE COMPREHENSIVE PLAN AND LAND DEVELOPMENT CODE, SUBJECT TO APPROVAL OF THE WAIVERS AS REQUESTED. THIS FINDING IS BASED UPON COMPARABLE SIZE AND SCALE TO SIMILAR LOTS ALONG CR13 AND ADJACENT PLANNED RURAL DEVELOPMENTS. THE PLANNING AND ZONING AGENCY VOTED 6/1 (GREEN DISSENTING) TO RECOMMEND DENIAL OF THE PRD (MOTION BY WILES, SECOND BY LAIDLAW) BASED UPON A FINDING OF INCOMPATIBILITY, INCONSISTENCY WITH RURAL SILVACULTURE AND AGRICULTURE INTENSIVE SPECIFICALLY THE EXISTING NEIGHBORHOODS, LACK OF ADEQUATE PUBLIC INFRASTRUCTURE AND FINDING THE DESIGN IS NOT COMPACT AND CONTIGUOUS

Proof of publication of notice of public hearing on PRD 2007-04, Riverdale Planned Rural Development, was received, having been published in *The St. Augustine Record* on January 28, 2008.

Gary Davenport, 5378 4th Street, reviewed this item, speaking on clustering of lots and approval of concurrency. He spoke on compatibility issues, buffers, and waivers, utilizing the overhead projector, Exhibit A. He stated that they were prepared to take out 26 lots, if contiguity was the only issue and had discussed that with the PZA. He mentioned receiving letters from two of the adjacent property owners; Richard Jones and Mike Adams supporting the project, Exhibit B. Sanchez spoke on fire station locations. Stevenson spoke on the existing PRD, asking about the reserve area, how many units, and the burden on traffic. Davenport responded. Discussion followed.

(1:50 p.m.) Mike Macnamara, 1551 County Road 13 South, stated that he did not recollect any offer to the PZA made to the PRD similar to what Davenport said regarding the separation of the outlying parcels.

(1:51 p.m.) Doug Laidlaw, 120 Stokes Landing Road, Vice-chair of the PZA, stated that he did not remember being offered the option of taking those lots off of the table, and the reason for denying it was that they did not feel they were contiguous.

(1:52 p.m.) Whitehouse stated that the Board had three choices; 1) they could go forward and take a vote on it, 2) they could remand it back to the PZA, or 3) if they found new information and the Board needed more time to digest it, then they could continue it. Manuel stated that they would continue it.

(1:50 p.m.) Mike Macnamara, 1551 County Road 13 South, reviewed where he lived, and stated that he would like to stay rurally undeveloped. He spoke on how many cars were allowed per house in the area. He stated that this PRD was one big traffic fatality waiting to happen, and asked the Board to turn the PRD down.

(2:05 p.m.) Larry Waldron, 1550 CR 13 South, spoke in favor of the PRD.

(2:08 p.m.) Susan Van Hoek, 7810 Atlantic Road, spoke in opposition of the PRD.

(2:15 p.m.) Ron Deckard, 1348 CR 13 South, stated that the property in discussion was adjacent to his property, and spoke in opposition of the PRD. He asked the Board to please reject the PRD.

(2:18 p.m.) Donna Gianotti, 1289 CR13 South, spoke in opposition of the PRD.

(2:20 p.m.) Susan Perryman, 1560 CR 13 South, spoke in opposition of the PRD.

(2:24 p.m.) Woody Wilson, 1297 CR 13 South, spoke in opposition of the PRD and asked the Board to consider and deny the PRD.

(2:27 p.m.) Diann Wilson, 1297 County Road 13 South, spoke in opposition of the PRD, utilizing the overhead projector, Exhibit C. She suggested that the Board institute a moratorium.

(2:35 p.m.) Al Abbatiello, 1133 River Birch Road, stated that he supported the Riverdale area residents and their efforts to preserve their unique area from over development.

(2:40 p.m.) Phyllis Abbatiello, 1133 River Birch Road, spoke in opposition of the PRD.

(2:45 p.m.) John Kicliter, 1711 CR 13 South, spoke in opposition of the PRD.

(2:47 p.m.) Mike Macnamara stated that he was never given the speed study in paper form; it was related to him by phone by Lt. Acosta of the St. Johns County Sheriff's Office in April of 2007.

(2:47 p.m.) Ellen Whitmer, 1178 Natures Hammock Road, spoke in opposition of the PRD.

(2:50 p.m.) Tamara Delaporte, 1821 CR 13 South, spoke in opposition of the PRD.

(2:54 p.m.) Tom Cushman, 1009 CR 13 South, spoke in opposition of the PRD, asking the Board to deny the rezoning and the PRD.

(3:00 p.m.) Richard Doria, 75 Comares Avenue, spoke in favor of the PRD.

The meeting recessed at 3:03 p.m. and reconvened at 3:13 p.m.

(3:13 p.m.) Glenn McLendon, 1408 CR 13 South, commented in opposition to the project.

(3:14 p.m.) Ann Ferran, 1933 CR 13 South, commented in opposition to the project.

(3:15 p.m.) Marcie Polasios, 1388 CR 13 South, commented in opposition to the project.

(3:18 p.m.) David Raye, 1201 CR 13 South, Riverdale, commented in opposition to the project.

(3:21 p.m.) Darrell Poli, 89 Magnolia Avenue, representing his family that owns property adjacent to the subject property, commented in opposition to the project.

(3:24 p.m.) Stevenson led discussion regarding the separation of land uses and land being set aside for future use.

(3:27 p.m.) Gary Davenport, representing the owner and developer, spoke on qualified experts, not asking for a large development, complying with the code, being compatible, comparing apples with apples, having fire hydrants for the project, having 1100 acreage with 770 feet of frontage, no development in frontage area, number of units, and buying more property. Discussion followed on existing lots, complying with full concurrency, the water supply, and the concern about traffic circulation.

**(3:45 p.m.) Motion by Sanchez, seconded by Rich, carried 5/0 by roll call vote, to deny rezoning application PRD 2007-04, Riverdale PRD, adopting findings of fact 1-6 to support the motion.**

**Roll call vote:**

**Stevenson aye**  
**Sanchez aye**  
**Rich aye**  
**Bryant aye**  
**Manuel aye**

*This item was pulled from the agenda.*

(02/05/08 - 11 - 9:06 a.m.)

10. PUBLIC HEARING - AMENDMENTS TO THE LAND DEVELOPMENT CODE

(02/05/08 - 11 - 9:57 a.m.)

10A. HIRING FREEZE DISCUSSION

Wanchick reported that there were 72 full-time vacant positions and 19 part-time vacant positions in the County. He said if they had to reduce the size of government they would be able to move current positions around. Manuel said that was approximately a 5% reduction. Rich suggested the Board should remove itself from the freeze/chill and allow the County Administrator to handle the situation without Board intrusion.

Stevenson said that originally she spoke with Joe Vonasek and Wally Kropacek and stated that she wanted it to be clear that public safety was paramount. She said they wanted to be ready for inevitable tax cuts and the other cost of living increases on the horizon. She said she was aware that in certain areas staffing was a challenge. She said

that at keeping it down to a minimum they were protecting employees and asked them to consider adding staff carefully.

Wanchick said he was pleased where they were in the budget process and the department heads understood the seriousness of the situation. He said any cuts needed to be focused, and as they entered the budget process they would have flexibility. He said cuts this year would be felt more so than last year. He said there had been time to plan, and he felt they would come out of this just fine.

Stevenson said they had built reserves to allow them to weather economic downturns, and they were looking forward to conducting business as effectively as possible.

Wanchick said the Office of Management and Budget had done an analysis of the staff requirements and they were well below comparable counties. He said the County government provided many municipal services and said it was similar to municipalities and it would be a challenge to maintain that level of service.

Sanchez said he thought they would see more things being done in Tallahassee to reduce revenue. He said he had confidence in Wanchick and staff that they could stay ahead of that game. He said he thought they could tighten up some more and he wanted to see reserves stay as high as possible. Manuel said they were at statutory maximum with their reserves.

(10:09 a.m.) McCormack said the Taxation and Budget Reform Commission would be meeting and making potential recommendations pertaining to tax and budget items and the Florida Association of Counties (FAC) was developing recommendations pertaining to unfunded mandates. He said he had been asked by Manuel to investigate the County supporting the FAC on their position and recommendation. He asked for authority to draft a resolution in support of their position and to bring it back to the Board in two weeks. Manuel said no one from that Board would object to the State funding unfunded mandates.

(10:10 a.m.) Stevenson said what FAC currently had was full of holes and they needed stronger support.

(10:11 a.m.) Bryant said he disagreed with the Governor's direction of going into gambling for new revenues as it would prey upon the poor people of the state. Manuel agreed.

(02/05/08 - 12 - 10:12 a.m.)

#### 10B. INCENTIVE ORDINANCES

Manuel said he had asked the County Attorney to draft the proper ordinances to repeal all the incentive ordinances currently offered by the County. He said he had charged the Chamber of Commerce and the EDC to come up with new suggestions on job positions based on creation of jobs. He said the current rules tied their hands in bringing in new jobs and rewarding those who created jobs. He said it was not an action item for that day.

Rich said he preferred that direction be in the form of a motion to direct the County Administrator to prepare that document to repeal the ordinances. He said he wanted to be sure he had the steam to make it happen.

(10:14 a.m.) McCormack said that they should clarify that they were focusing on the economic development incentives.

(10:14 a.m.) **Motion by Rich, seconded by Manuel, to direct the County Administrator to prepare an ordinance repealing all of the incentives that presently exist involving economic development.**

Stevenson said she would like to have known that this was coming. Manuel said that this was just for discussion purposes. She clarified that they were not actually asking to repeal them and they would stay in place until there was a substitute. Manuel said that was correct. Rich clarified the purpose of his motion. She said there were quite a few people looking at the county now, and there was concern that the county was very changeable. She said she would also like to see jobs that provided basic health insurance. Manuel said that to be fair and equitable, anyone currently in the pipeline would be grandfathered and the provisions would start at a date certain going forward. He noted that any suggestions she wished to add could be added or considered during that process.

(10:16 a.m.) Wanchick said the intent was to present a more equitable system and not to do away with all economic incentives in the future.

(10:17 a.m.) **Motion carried 5/0.**

(02/05/08 - 13 - 10:17 a.m.)  
COMMISSIONERS' REPORTS

Commissioner Rich:

Commissioner Rich said there was no need for staff to worry about losing their jobs. He encouraged each of them to pursue saving money within their own departments. He said there were tough times ahead.

He said he would be waiting tables at Cortesse's Bistro that night and the proceeds would be donated to Big Brother and Big Sisters of St. Johns County. He said he would be attending the Florida Association of Counties meeting in March and would report back to them on Charter Government. He asked for discussion on the Water & Sewer Authority (WSA) and said they had discussed issues on making decisions to dissolve. He asked for an update.

(10:21 a.m.) Darrell Locklear, Assistant County Manager, said the purpose of that board had been under review. He said it had become evident that it was not financially feasible to continue with the WSA. He said at yesterday's meeting, the direction was to turn that authority back over to the Public Service Commission (PSC). Rich said he wasn't sure whether they were going to do that or turn in back over to the BCC for consideration. He said his recommendation would be to the Board, by consensus to direct the County Administrator to prepare a resolution dissolving the WSA and placing those duties in the hands of the Public Service Commission. Locklear said he was not at the meeting and had not even been briefed yet. Manuel said he agreed that the County Administrator and County Attorney should work jointly in coming up with a proposal to the BCC. Stevenson said she agreed. *There was Board consensus to move on that recommendation.* Manuel said they should look at all the boards in that regard.

(10:25 a.m.)

Commissioner Sanchez:

Commissioner Sanchez said he would be at the Aqua Grill in Ponte Vedra and they could get some good service and it would go to the same charity. He said he would also be attending the Charter Government meeting in March.

(10:25 a.m.)

Commissioner Stevenson:

Commissioner Stevenson reported on the Employee Service awards and said she appreciated the efforts of staff in their service to the County. She thanked Karen Pan for improving the friendliness of the web site. She said she had received a number of compliments on it and reviewed some of the new functions. She stated that the Insurance Committee had met and explained their function and the members who were present. She said the focus was how to continue to supply cost effective services to all employees. She said a work group had been developed to make some recommendations.

(10:28 a.m.)

Commissioner Bryant:

Commissioner Bryant said he had met with Congressman Mica yesterday regarding the beach at South Ponte Vedra. He said Mica had requested a letter from the Board regarding making a blanket request for funding for the Corp of Engineers to make some studies for the whole county and not a specific area. He said as erosion hot spots occurred, they would be ahead of the curve. Manuel said he had also met with Mica and had begun a draft letter to him requesting Federal funds. He said people that chose to live within harm's way should not be subsidized. Bryant said the focus would be on looking at the entire coast line within the county. He commented on permitting and noted that a blanket permit would be a better course of action.

(10:31 a.m.) Stevenson said she wanted to ask for Board Consensus on the NAKO prescription card program and said it was not for staff but for county residents who did not have a drug program in place. Discussion ensued on whether the cost and value were beneficial. Bryant said he could support it, there was nothing wrong with it, but it would only save a few pennies and it would not cost the consumer any more money.

(10:38 a.m.)

Commissioner Manuel:

Commissioner Manuel stated that St. Johns County Civic Association Roundtable was hosting a Candidate Forum June 18, 9:00 a.m. - 12:00 p.m. He distributed a copy of the amendment to the rules regarding travel expenses to the Board. Discussion ensued. Manuel said he would give them a draft of the proposed language.

(02/05/08 - 14 - 10:37 a.m.)

COUNTY ADMINISTRATOR'S REPORT

Wanchick said they had rescheduled the workshops on February 26, 9:00 a.m. to 5:00 p.m. and it would deal with the Charter, the super majority approvals on height in coastal areas and the Comprehensive Plan Amendments, and on March 11, 9:00 a.m. to 5:00 p.m., to discuss Commission priorities essential to the budget, the Summer Haven moratorium, and the CR 210 moratorium.

(02/05/08 - 14 - 10:37 a.m.)

COUNTY ATTORNEY'S REPORT

McCormack said he had no further comment.

(02/05/08 - 14 - 10:37 a.m.)

CLERK OF COURT'S REPORT

There was none.

(10:47 a.m.) Motion by Rich, seconded by Sanchez, carried 5/0, to adjourn until 1:30 p.m.

(3:54 p.m.) Motion by Rich, 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 3:55 p.m.

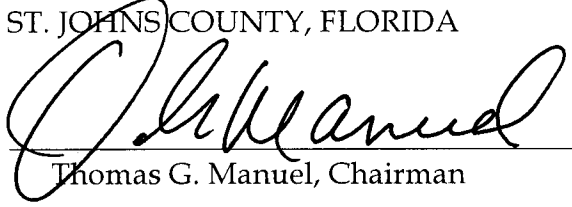
REPORTS:

1. Minutes of Meeting Finance Committee Board of County Commissioners, October 17, 2007
2. St. Johns County Board of County Commissioners Check Register, Check Number 414075 through 414357, totaling \$3,839,788.82 (01/15/08)
3. St. Johns County Board of County Commissioners Check Register, Check Number 414358 through 414391, totaling \$71,518.63 (01/17/08)
4. St. Johns County Board of County Commissioners Check Register, Check Number 414392 through 414731, totaling \$2,719,891.43 (01/22/08)
5. St. Johns County Board of County Commissioners Check Register, Check Number 414732 through 414733, totaling \$53,383.23 (01/22/08)
6. St. Johns County Board of County Commissioners Check Register, Check Number 414734 through 414748, totaling \$1,408.35 (01/23/08)
7. St. Johns County Board of County Commissioners Check Register, Check Number 414749 through 414749, totaling \$5,665.88 (01/28/08)

Approved \_\_\_\_\_ February 19 \_\_\_\_\_, 2008

BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA

By: \_\_\_\_\_

  
Thomas G. Manuel, Chairman

ATTEST: CHERYL STRICKLAND, CLERK

By: \_\_\_\_\_

  
Deputy Clerk

