

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
FEBRUARY 19, 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, Chairman
 James Bryant, District 5
 Michael D. Wanchick, County Administrator
 Patrick McCormack, County Attorney
 Lenora Newsome, Deputy Clerk

(02/19/08 - 1 - 9:00 a.m.)
CALL TO ORDER

Manuel called the meeting to order.

(02/19/08 - 1 - 9:00 a.m.)
ROLL CALL

Manuel stated that all five commissioners were present.

(02/19/08 - 1 - 9:01 a.m.)
Sanchez gave the Invocation and Rich led the Pledge of Allegiance.

(02/19/08 - 1 - 9:02 a.m.)
PROCLAMATION DESIGNATING FEBRUARY 17-23, 2008 AS NATIONAL ENGINEER'S WEEK

Sanchez read the proclamation and Press Thompson accepted it on behalf of all the engineers that worked for the county.

(02/19/08 - 1 - 9:06 a.m.)
ACCEPTANCE OF PROCLAMATION

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

(02/19/08 - 1 - 9:06 a.m.)
DELETIONS TO CONSENT AGENDA

There were no deletions to the Consent Agenda.

(02/19/08 - 1 - 9:06 a.m.)
APPROVAL OF CONSENT AGENDA

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

1. Approval of the Cash Requirement Report
2. Minutes:
01/22/08 – BCC Regular Meeting
02/05/08 – BCC Regular Meeting
3. Motion to adopt **Resolution No. 2008-33**, approving the terms, conditions, provisions, and requirements of a Non-Exclusive Franchise Agreement for Construction and Demolition Debris between St. Johns County, Florida, and Environmental Land Services of Flagler County, Inc. and authorizing the County Administrator to execute the Non-Exclusive Franchise Agreement for Construction and Demolition Debris on behalf of St. Johns County, Florida

RESOLUTION NO. 2008-33

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF A NON-EXCLUSIVE FRANCHISE AGREEMENT FOR CONSTRUCTION AND DEMOLITION DEBRIS BETWEEN ST. JOHNS, COUNTY, FLORIDA, AND ENVIRONMENTAL LAND SERVICES OF FLAGLER COUNTY, INC., AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE CONSTRUCTION AND DEMOLITION FRANCHISE AGREEMENT, ON BEHALF OF ST. JOHNS COUNTY

4. Motion to adopt **Resolution No. 2008-34**, approving the terms, conditions, provisions and requirements of an Interlocal Agreement between St. Johns County, and the Ponte Vedra Municipal Services District for the construction of a sidewalk along a portion of Ponte Vedra Boulevard, and authorizing the Chairman of the Board of County Commissioners to execute the Interlocal Agreement, and the Chairman or County Administrator to execute any other documents on behalf of the County

RESOLUTION NO. 2008-34

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, CONDITIONS, PROVISIONS, AND REQUIREMENTS OF AN INTERLOCAL AGREEMENT BETWEEN ST. JOHNS COUNTY, FLORIDA, AND THE PONTE VEDRA MUNICIPAL SERVICE DISTRICT FOR THE CONSTRUCTION OF A SIDEWALK ALONG A PORTION OF PONTE VEDRA BOULEVARD, AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS TO EXECUTE THE INTERLOCAL AGREEMENT ON BEHALF OF THE COUNTY

5. Motion to adopt **Resolution No. 2008-35**, recognizing unanticipated revenue in the amount of \$10,352.57, increasing the revenue budget for Library System Donations-Technical Services [0001-36617] and appropriating to the Donated Op Supply-Erate expenditure line [0078-55229]

RESOLUTION NO. 2008-35

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AMENDING THE FISCAL YEAR 2008 LIBRARY SERVICES TO RECEIVE UNANTICIPATED REVENUE AND AUTHORIZE ITS EXPENDITURE BY THE ST. JOHNS COUNTY LIBRARY SERVICES

6. Motion to approve the transfers from the listed reserves and departments to cover the departments' Indirect Administrative Costs
7. Motion to approve the Sheriff's Office setting up an account with Prosperity Bank
8. Motion to adopt **Resolution No. 2008-36**, accepting and authorizing the Chair of St. Johns County Board of County Commissioners to execute a Temporary Easement from the State of Florida Department of Transportation to demolish and rebuild the Pablo Road Bridge

RESOLUTION NO. 2008-36

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTS AND AUTHORIZES THE CHAIR TO EXECUTE A TEMPORARY EASEMENT FROM THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION TO DEMOLISH AND REBUILD THE PABLO ROAD BRIDGE

9. Motion to adopt **Resolution No. 2008-37**, accepting an Easement for Utilities for water service to Lakeside Business Center located off of International Golf Parkway

RESOLUTION NO. 2008-37

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING AN EASEMENT FOR UTILITIES FOR WATER SERVICE TO LAKESIDE BUSINESS CENTER LOCATED OFF OF INTERNATIONAL GOLF PARKWAY

10. Motion to adopt **Resolution No. 2008-38**, accepting an Easement for Utilities for water service to Fisher Warehouse located on US #1 North.

RESOLUTION NO. 2008-38

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING AN EASEMENT FOR UTILITIES FOR WATER SERVICES TO FISHER WAREHOUSE LOCATED ON US #1 NORTH

11. Motion to adopt **Resolution No. 2008-39**, approving the terms and authorizing the Chairman of the Board to execute a Conservation Easement Deed over less than one acre upon the Anastasia Island Wastewater Treatment Plant parcel on

Mizell Road for the impact of wetlands due to the expansion of the Treatment Plant

RESOLUTION NO. 2008-39

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONER OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND AUTHORIZING THE CHAIRMAN OF THE BOARD TO EXECUTE A CONSERVATION EASEMENT DEED OVER LESS THAN ONE ACRE, UPON THE ANASTASIA ISLAND WASTEWATER TREATMENT PLANT PARCEL ON MIZELL ROAD, FOR THE IMPACT OF WETLANDS DUE TO THE EXPANSION OF THE TREATMENT PLANT

12. Motion to adopt **Resolution No. 2008-40**, accepting the terms and authorizing the County Administrator, or designee to execute the Lease Agreement between St. Johns County and James Mitchell for a Mobile Home located on Palmo Fish Camp Road

RESOLUTION NO. 2008-40

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING THE TERMS AND AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE TO EXECUTE THE LEASE AGREEMENT BETWEEN ST. JOHNS COUNTY AND JAMES MITCHELL FOR A MOBILE HOME LOCATED ON PALMO FISH CAMP ROAD.

13. Motion to adopt **Resolution No. 2008-41**, approving the terms of the Agency Agreement between SJCBC Health and Human Services Department and the University of North Florida Board of Trustees and authorizing the County Administrator to execute the agreement on behalf of St Johns County, and Health and Human Services Department

RESOLUTION NO. 2008-41

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF AN AGENCY AGREEMENT BETWEEN ST. JOHNS COUNTY, FLORIDA, ON BEHALF OF THE HEALTH AND HUMAN SERVICE DEPARTMENT, AND THE UNIVERSITY OF NORTH FLORIDA BOARD OF TRUSTEES ON BEHALF OF ITS DEPARTMENT OF SOCIOLOGY AND ANTHROPOLOGY, IN ITS COLLEGE OF ARTS AND SCIENCES AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE COUNTY, AND HEALTH AND HUMAN SERVICE DEPARTMENT

14. Motion to adopt **Resolution No. 2008-42**, approving a contract between St. Johns County and Florida Community College Jacksonville-ILAB (as

recommended by the St. Johns County Health and Human Services Advisory Council) and authorizing the BCC Chair to execute the contract on behalf of St. Johns County

RESOLUTION NO. 2008-42

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF AN AGREEMENT BETWEEN ST. JOHNS COUNTY, FLORIDA, AND FLORIDA COMMUNITY COLLEGE AT JACKSONVILLE - INDEPENDENT LIVING FOR THE ADULT BLIND, AND AUTHORIZING THE CHAIR OF THE BOARD OF COUNTY COMMISSIONERS TO EXECUTE THE AGREEMENT ON BEHALF OF THE COUNTY

15. Motion to adopt **Resolution No. 2008-43**, approving the terms, provisions, conditions, and requirements of a Presenter Agreement between Turnstile Productions, and St. Johns County, and authorizing the Chairman of the Board of County Commissioners of St. Johns County, Florida to execute the agreement on behalf of St. Johns County

RESOLUTION NO. 2008-43

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF A PRESENTER AGREEMENT BETWEEN TURNSTILE PRODUCTIONS, AND ST. JOHNS COUNTY, AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, TO EXECUTE THE AGREEMENT ON BEHALF OF ST. JOHNS COUNTY

16. Motion to adopt **Resolution No. 2008-44**, approving the terms , provisions, conditions, and requirements of the Maintenance Agreement between the Board of County Commissioners of St. Johns County, Florida, and the State of Florida Department of Transportation, regarding the construction and maintenance of certain roadway improvements within the Tolomato Community Development District, and authorizing the Chairman of the Board of County Commissioners to execute the Agreements on behalf of the County

RESOLUTION NO. 2008-44

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS OF A MAINTENANCE AGREEMENT FOR THE CONSTRUCTION AND MAINTENANCE OF THE NOCATEE FLYOVER PROJECT TO BE COMPLETED BY THE TOLOMATO COMMUNITY DEVELOPMENT DISTRICT THROUGH ST. JOHNS COUNTY

17. Proofs:

- a. Proof, Notice to Bidders, Bid No. 08-76
- b. Proof, Notice to Bidders, Bid No. 08-75
- c. Proof, Notice to Bidders, Bid No. 08-74
- d. Proof, Notice to Bidders, Bid No. 08-73
- e. Proof, Notice to Bidders, Bid No. 08-71
- f. Proof, Notice to Bidders, Bid No. 08-69
- g. Proof, Notice to Bidders, Bid No. 08-68
- h. Proof, Notice to Bidders, Bid No. 08-64
- i. Proof, Notice of Meeting, Intergovernmental Committee, rescheduled meeting from Wednesday, January 2, 2008 to Wednesday, January 9, 2008
- j. Proof, Notice of Meeting, Finance Committee, changed meeting time from 9:00 a.m. to 2:00 p.m., Wednesday, January 16, 2008
- k. Proof, Notice of Hearing, St. Johns County Board of County Commissioners, Ordinance adopting the list of permitted investments, Tuesday, January 8, 2008 at 9:00 a.m.
- l. Proof, Notice of Meeting, Joint Meeting of St. Johns County Board of County Commissioners and St. Johns County School Board, Wednesday, January 16, 2008 at 9:00 a.m.
- m. Proof, Notice of Meeting, Town Hall Meeting of the Flagler Estates Road & Water Control District, Saturday, January 26, 2008 at 10:00 a.m.
- n. Proof, Notice to Bidders, RFQ No. 08-45
- o. Proof, Notice to Bidders, Bid No. 08-81
- p. Proof, Notice to Bidders, Bid No. 08-80
- q. Proof, Notice to Bidders, Bid No. 08-70
- r. Proof, Notice to Bidders, Bid No. 08-72
- s. Proof, Notice to Bidders, Bid No. 08-10
- t. Proof, Notice of Hearing, St. Johns County Board of County Commissioners, Ordinance relating to adoption of a Home Rule Charter, Tuesday, October 23, 2007 at 6:30 p.m. (*St. Johns Recorder and Ponte Vedra Recorder*)
- u. Proof, Notice of Meeting, St. Johns County Board of County Commissioners, Concurrency Management System Workshop, Monday, October 29, 2007 at 9:00 a.m. (*St. Johns Recorder and Ponte Vedra Recorder*)
- v. Proof, Notice of Meeting, St. Johns County Board of County Commissioners, Proposed Charter Government Ordinance, Tuesday, October 23, 2007 at 6:30 p.m. (*St. Johns Recorder and Ponte Vedra Recorder*)
- w. Proof, Notice of Meeting, St. Johns County Board of County Commissioners, Proposed Charter for St. Johns County government, Tuesday, October 16, 2007 at 1:30 p.m. (*St. Johns Recorder and Ponte Vedra Recorder*)
- x. Proof, Notice of Meeting, St. Johns County Board of County Commissioners, Annual Reorganization of the Board of County Commissioners, Tuesday, November 20, 2007 at 9:00 a.m. (*Ponte Vedra Recorder*)
- y. Proof, Notice of Meeting, St. Johns County Board of County Commissioners, Annual Reorganization of the Board of County Commissioners, Tuesday, November 20, 2007 at 9:00 a.m. (*St. Johns Recorder*)
- z. Proof, Notice of Meeting, St. Johns County Board of County Commissioners, Proposed method of collecting Stormwater Utility Service Fees, November 13, 2007 at 5:30 p.m. (*Ponte Vedra Recorder*)

- aa. Proof, Notice of Meeting, St. Johns County Board of County Commissioners, Proposed method of collecting Stormwater Utility Service Fees, November 13, 2007 at 5:30 p.m. (*St. Johns Recorder*)
- bb. Proof, Notice of Hearing, St. Johns County Legislative Delegation, Monday, December 3, 2007 at 4:00 p.m. (*St. Johns Recorder and Ponte Vedra Recorder*)
- cc. Proof, Notice of Meeting, St. Johns County Board of County Commissioners, Proposed St. Johns County Charter, Tuesday, December 4, 2007 at 9:00 a.m. (*St. Johns Recorder and Ponte Vedra Recorder*)
- dd. Proof, Notice of Hearing, St. Johns County Board of County Commissioners, Ordinance adopting the list of permitted investments, Tuesday, January 8, 2008 at 9:00 a.m. (*St. Johns Recorder and Ponte Vedra Recorder*)
- ee. Proof, Certificate of Liability Insurance, Mobro Marine Inc.
- ff. Proof, Certificate of Liability Insurance, Reynolds, Smith & Hills, Inc.
- gg. Proof, Certificate of Liability Insurance, Applied Technology & Management, Inc.
- hh. Proof, Certificate of Liability Insurance, Ellis & Associates, Inc.
- ii. Proof, Certificate of Liability Insurance, M D Moody & Sons, Inc.
- jj. Proof, Certificate of Liability Insurance, Hashman Construction, Inc.
- kk. Proof, Certificate of Liability Insurance, Matrix Employee Leasing, Inc.
- ll. Proof, Certificate of Liability Insurance, Ortega Industrial Contractors, Inc.
- mm. Proof, Certificate of Liability Insurance, Ortega Industrial Contractors, Inc.
- nn. Proof, Certificate of Liability Insurance, Waste management Holdings, Inc.

(02/19/08 - 7 - 9:06 a.m.)

PUBLIC COMMENT

Dwight Hines, 150 Nesmith Avenue, spoke on open records and tax increases.

(9:08 a.m.) Ellen Whitmer, 1178 Natures Hammock Road S., entered into the record a newspaper article on JEA and the funds under review, Exhibit A. She presented pictures regarding water being piped to a ditch and being wasted, Exhibit B.

(9:14 a.m.) BJ Kalaidi, 8 Newcomb Street, spoke on a fire fee being placed on taxpayers.

(02/19/08 - 7 - 9:18 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

There were no additions or deletions to the Regular Agenda.

(02/19/08 - 7 - 9:18 a.m.)

APPROVAL OF REGULAR AGENDA

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

(02/19/08 - 7 - 9:18 a.m.)

1. CONSIDER MOTION TO ADOPT A RESOLUTION PROVIDING A NOTICE OF INTENT TO USE SECTION 197.3632, FLORIDA STATUTES, NON-AD VALOREM METHOD OF COLLECTING ASSESSMENTS TO FUND THE

COUNTY'S FIRE PROTECTION SERVICES BEGINNING WITH FISCAL YEAR
2008-09

Jesse Dunn, Assistant Budget Director, reviewed this item, stating that they were asking the Board to consider approving a resolution which would elect a uniform method for collection of non-ad Valorem fee, if the Board decided to enact a fire services non-ad Valorem fee.

(9:20 a.m.) Michael Hunt entered the meeting.

(9:22 a.m.) Camille Tharpe, 1500 Mahan Drive, Suite 250, Tallahassee, FL, Government Services Group in Tallahassee, gave a Power Point presentation regarding Special Assessments, Exhibit A. Rich spoke on it being a regressive issue, taxes, and if they were able to place a straw vote referendum item on a ballot. McCormack responded that it could be placed as a straw vote item on the ballot. Tharpe responded. Discussion followed on placing the straw vote item on the ballot and on mileage rate. Bryant asked Tharpe to expand on the MSBU tax being regressive and on how to address low income people. Tharpe responded, in implementing the new methodology and by hardship prevention. Stevenson stated that she was in favor of going through the cost finding. Rich mentioned that he would like to get a feeling of the Board as to whether or not if they would like staff to deal with a referendum item.

(9:51 a.m.) **Motion by Sanchez, seconded by Rich, carried 5/0, to adopt Resolution 2008-45, providing a notice of intent to use section 197.3632, Florida Statutes, non-ad Valorem method of collecting assessments to fund the County's fire protection services beginning with Fiscal Year 2008-09.** Manuel commented on getting further information.

(9:51 a.m.) BJ Kalaidi spoke on the fire mileage rate. Bryant responded. Sanchez stated that the City of St. Augustine would not be taxed by the County, also for a fire service. Hunt left the meeting.

RESOLUTION NO. 2008-45

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ELECTING TO USE THE UNIFORM METHOD OF COLLECTING NON-AD VALOREM SPECIAL ASSESSMENTS LEVIED WITHIN THE UNINCORPORATED AREA OF THE COUNTY; STATING A NEED FOR SUCH LEVY; PROVIDING FOR THE MAILING OF THE RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE

(02/19/08 - 8 - 9:53 a.m.)

2. FLORIDA INLAND NAVIGATION DISTRICT STATUS REPORT

David Roach, 1314 Marcinski Road, Jupiter, Florida, FIND Executive Director, gave a status report on the Florida Inland Navigation District, stating that they would like St. Johns County as partners in the waterways. He also spoke on dredging.

(10:05 a.m.) Charles Padera, 4704 Shore Drive, Chairman of the Florida Inland Navigation District, stated that both staffs worked well together. Stevenson asked that the Board get notice when they begin the work in the southern boundary of Palencia.

(02/19/08 - 9 - 10:06 a.m.)

3. PRESENTATION ON LOCAL FUNDING OPTIONS FOR PARKS AND LAND CONSERVATION

Pegeen Hanrahan, 1938 Northwest 7th Lane, Gainesville, P. E., Consultant to the Trust for Public Land Conservation Finance Program, gave a Power Point presentation on the local funding options for parks and land conservation, mentioning that they were a national non-profit organization. She spoke on conservation services, conservation vision, TLP's conservation results, conservation funding, pros and cons, and the Feasibility Report. She also spoke on the public opinion survey, program recommendations, ballot language, and the campaign.

(10:41 a.m.) Rich commented on agriculture. Hanrahan responded.

(10:44 a.m.) Stevenson commented on budget uncertainties. Hanrahan responded. Stevenson said it was a priority of the Board to maintain the rural character of the community. She said tourism would lead the way out of the recession and that she would support pursuing the issue.

(10:47 a.m.) Bryant commented on the use of push polls and stated that he would like to see how the local residents felt on the issue. He said he would like to see an objective poll done. Hanrahan responded.

(10:50 a.m.) Sanchez stated that he was very interested in offering the farmers on the agricultural side of the county an option.

(10:51 a.m.) McCormack commented on the fact that the program added to the property value. Hanrahan said they had studies on how conservation added values to property.

(10:53 a.m.) Stevenson commented on matching dollars and stated it was becoming increasingly competitive. She noted the farming community might need some extra effort to take advantage of the program and its timing.

(10:55 a.m.) Rich commented on all of this reflecting back on eco-tourism. He stated that they had an opportunity to do something great with it. He stated that this was a real possibility for the future of St. Johns County and asked the Chairman to direct the Administrator to move forward.

(10:56 a.m.) Manuel stated that he saw no objection to directing the Administrator and *they had a unanimous consensus to move forward*. He said it was a critically important discussion and he was in favor of property rights. He stated that he did not like the inference of taking, in any form or fashion and looked forward to working with Hanrahan and her organization. Hanrahan stated that the program worked only with willing sellers and local governments.

The Board recessed at 10:58 a.m. and reconvened at 11:10 a.m.

(02/19/08 - 9 - 11:10 a.m.)

4. CONSIDER APPOINTMENTS TO THE NORTHWEST COMMUNICATIONS TOWER CITIZENS ADVISORY BOARD

Melissa Lundquist reviewed this item, stating that they had two applications for consideration.

(11:11 a.m.) Motion by Stevenson, seconded by Sanchez, to appoint Jeffery Betros to the Northwest Communications Tower Citizens Advisory Board, for a full four-year

term, scheduled to expire February 19, 2012 (Athletic Association Requirement). Motion by Rich, seconded by Manuel, carried 5/0, to close the nominations. The motion to appoint Jeffery Betros carried 5/0.

Manuel mentioned that he supported Stevenson's suggestion that they seek other applicants for the Civic Association requirement. Sanchez stated that he also supported it.

(02/19/08 - 10 - 11:13 a.m.)

5. **CONSIDER APPOINTMENTS TO THE TOURIST DEVELOPMENT COUNCIL**

Melissa Lundquist reviewed this item. Discussion followed.

(11:16 a.m.) Motion by Manuel, seconded by Stevenson, carried 5/0, to appoint Debi Bishop to the Tourist Development Council, for a four-year term, scheduled to expire February 19, 2012 (Owner/Operator of tourist accommodations, subject to the Bed Tax requirement).

(11:17 a.m.) Motion by Rich, seconded by Sanchez, carried 5/0, to appoint Jason Fort to the Tourist Development Council, for a four-year term, scheduled to expire February 19, 2012 (Owner/Operator of tourist accommodations subject to the Bed Tax requirement.).

(11:19 a.m.) Motion by Rich, seconded by Stevenson, carried 5/0, to appoint Dana Ste. Claire to the Tourist Development Council, for a four-year term, scheduled to expire February 19, 2012 (Non-accommodations tourism related requirement).

(11:20 a.m.) Motion by Stevenson, seconded by Sanchez, carried 5/0, to appoint Christopher Way to the Tourist Development Council, for a partial term, scheduled to expire February 6, 2011 (Owner/Operator of tourist accommodation subject to the Bed Tax requirement).

Hunt left the meeting and James Whitehouse, Assistant County Attorney, entered the meeting.

(02/19/08 - 10 - 11:20 a.m.)

6. **PUBLIC HEARING - MAJMOD 2007-27, NOCATEE PUD HIGH SCHOOL CCC DAVIS PARK ROAD - THIS A REQUEST FOR A MAJOR MODIFICATION TO THE NOCATEE PUD AND THE TWENTY MILE VILLAGE MDP TEXT WITHIN NOCATEE, SPECIFICALLY AT THE HIGH SCHOOL CCC SITE ALONG DAVIS PARK ROAD. THE PROPOSED CHANGES INCLUDE A REQUEST TO REQUIRE A 5 FOOT SIDEWALK ON ONLY THE WEST SIDE OF DAVIS PARK ROAD, ONCE PAST THE PARK ENTRANCE; TO REDUCE THE NUMBER OF STREET TREES TO ONE FOUR INCH TREE EVERY 150 FEET, ONCE PAST THE PARK ENTRANCE; TO REQUIRE NO SIDEWALKS OR STREET TREES ONCE THE ROAD ENTERS THE SCHOOL SITE AND TO ALLOW SWALE DRAINAGE; AND TO ALLOW THE ROAD TO BE CONVERTED TO A STABILIZED SURFACE ONCE IT PASSES THE LOCATION OF THE FOOTBALL STADIUM. STAFF RECOMMENDS APPROVAL OF THE MAJOR MODIFICATION AND FINDS IT CONSISTENT WITH THE COMPREHENSIVE PLAN AND THE LAND DEVELOPMENT CODE**

Proof of publication of the notice of public hearing regarding MAJMOD 2007-27, known as Nocatee PUD High School CCC Davis Park Road, was received, having been published in *The St. Augustine Record* on February 4, 2008.

Tim Forson, 40 Orange Street, St. Johns County School District, spoke on sidewalk concerns. Stevenson asked about shared parking and access roads. Forson responded. Rich asked about trees and using the Tree Bank Fund. Forson responded.

(11:29 a.m.) **Motion by Rich, seconded by Stevenson, carried 5/0, to enact Ordinance 2008-5, known as MAJMOD 2007-27, Nocatee PUD High School CCC, adopting findings of fact 1 through 5 to support the motion, not including the 150 foot waiver and requiring trees to be installed every 100 feet.**

ORDINANCE NO. 2008-5

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, APPROVING A MAJOR MODIFICATION TO THE NOCATEE PLANNED UNIT DEVELOPMENT ORDINANCE NUMBER 2002-46, AND THE 20 MILE VILLAGE CENTER, MDP 2006-20, MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING FOR AN EFFECTIVE DATE

(02/19/08 - 11 - 11:30 a.m.)

7. PUBLIC HEARING - TRANSMITTAL HEARING FOR SCHOOL CONCURRENCY DOCUMENTS - THIS IS THE TRANSMITTAL HEARING, WHICH IS A FIRST STEP IN THE ADOPTION PROCESS TO ADOPT AMENDMENTS TO THE COUNTY'S 2015 COMPREHENSIVE PLAN. THE DOCUMENTS TO BE CONSIDERED ARE AN UPDATED INTERLOCAL AGREEMENT, A NEW PUBLIC SCHOOL FACILITIES ELEMENT (PSFE), AN AMENDMENT TO THE INTERGOVERNMENTAL COORDINATION ELEMENT (ICE) AND CAPITAL IMPROVEMENTS ELEMENT (CIE), AND ARE KNOWN, COLLECTIVELY, AS THE SCHOOL CONCURRENCY DOCUMENTS

Proof of publication of the notice of public hearing regarding the transmittal hearing for School Concurrency Documents was received, having been published in *The St. Augustine Record* on February 5, 2008.

Stevenson asked what the goal impact of this concurrency rule would be. Forson explained the goal of school concurrency. Manuel voiced his concerns. Forson responded. Manuel stated that it placed the burden on local builders. Discussion followed on the growth rate.

(11:38 a.m.) Ed Paucek, 970 Irma Way, spoke on development of property, impact fees and funding. Sanchez spoke on impact fees. Paucek responded. Stevenson spoke on collection of impact fees. Rich spoke on infrastructure debt.

(11:58 a.m.) **Motion by Rich, seconded by Sanchez, carried 5/0, to transmit School Concurrency Documents, which include the Draft Interlocal Agreement; draft Public School Facilities Element; draft revised Intergovernmental Coordination Element; draft revised Capital Improvement Element and related data and analysis, to the Department of Community Affairs and other state reviewing agencies for their review and comment.**

The meeting recessed at 11:58 a.m. and resumed at 1:28 p.m. with all five commissioners, Wanchick, Locklear, McCormack, Regina Ross, Assistant County Attorney and Terry Bulla, Deputy Clerk present.

(02/19/08 - 12 - 1:28 p.m.)

8. PUBLIC HEARING - RESOLUTION VACATING A PORTION OF RAVENSWOOD GARDENS UNIT TWO - THE APPLICANT, JOHN SOUDER, REQUESTS THE VACATION OF A PORTION OF A 30 FOOT DRAINAGE AND UTILITY RIGHT OF WAY CURRENTLY NOT BEING USED BY THE COUNTY ADJACENT TO THE WEST SIDE OF HIS PARCEL LOCATED AT 314 RAVENSWOOD DRIVE. WHEN MR. SOUDER PURCHASED HIS PROPERTY, THE EXISTING GARAGE AND GARAGE DRIVEWAY PAD ENCROACHED ONTO A PORTION OF THE ADJACENT DRAINAGE AND UTILITY RIGHT OF WAY. IN ADDITION, ANOTHER PARCEL LOCATED ON THE WEST SIDE OF THE DRAINAGE AND UTILITY RIGHT OF WAY OWNED BY MR. GERALD PETERS AT 320 RAVENSWOOD DRIVE HAS AN ENCROACHMENT CONSISTING OF A CONCRETE PAD AND WELL. MR. PETERS HAS JOINED IN THE PETITION TO VACATE THE DRAINAGE AND UTILITY RIGHT OF WAY. IF THE VACATION IS APPROVED, MR. SOUDER AND MR. PETERS WILL EACH OBTAIN TITLE TO HALF OF THE DRAINAGE AND UTILITY RIGHT OF WAY AND THIS WILL CLEAR TITLE TO EACH OF THE RESPECTIVE PARCELS. IN ORDER TO SATISFY OBJECTIONS RAISED BY THE ST. JOHNS COUNTY ROAD AND BRIDGE DEPARTMENT, MR. SOUDER AND MR. PETERS HAVE AGREED TO LANGUAGE INCLUDED IN THE RESOLUTION WHICH PROVIDES THAT THE COUNTY RETAIN A DRAINAGE AND UTILITIES EASEMENT OVER THE RIGHT-OF-WAY TO BE VACATED. SUCH LANGUAGE HAS BEEN INCLUDED IN THE ATTACHED RESOLUTION, AND THERE ARE NO OPEN COMMENTS; THEREFORE STAFF HAS NO OBJECTIONS TO THE REQUESTED DRAINAGE AND UTILITY RIGHT-OF-WAY VACATION

Proof of publication of the notice of public hearing regarding the vacation of a portion of Ravenswood Gardens Unit Two was received, having been published in *The St. Augustine Record* on January 29, 2008.

John Burnham, Development Review Chief Engineer, was present to answer questions but was told that a presentation was unnecessary as the request was pretty straightforward.

(1:29 p.m.) **Motion by Rich, seconded by Sanchez, carried 5/0, to adopt Resolution 2008-46, vacating a portion of Ravenswood Gardens unit Two Plat as described in attached "Schedule A".**

RESOLUTION NO. 2008-46

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, VACATING A PORTION OF A 30 FOOT RIGHT-OF-WAY AS SHOWN ON RAVENSWOOD GARDENS UNIT TWO RECORDED PLAT

(02/19/08 - 12 - 1:30 p.m.)

9. PUBLIC HEARING - REZ 2007-12 MERRITT OFFICE BUILDING REZONING - THIS IS A REQUEST TO REZONE FROM RESIDENTIAL SINGLE FAMILY THREE (RS-3) TO PUD FOR THE CONSTRUCTION OF 4,570 SQUARE FEET

OF NEIGHBORHOOD BUSINESS AND COMMERCIAL USES. SUBJECT PROPERTY IS .51 ACRES AND IS LOCATED ON THE NORTH SIDE OF SR 16 ACROSS FROM ROYAL ST. AUGUSTINE. STAFF SUPPORTS THIS REQUEST BASED ON REVIEW OF THE LAND DEVELOPMENT CODE, COMPREHENSIVE PLAN, AND GENERAL DEVELOPMENT TRENDS IN THE SURROUNDING AREA. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS REQUEST AT THEIR JANUARY 3, 2008 MEETING BY A VOTE OF 6 TO 1 (MOTION BY WHEELER, SECOND BY WILES, DISSENTING VOTE BY LAIDLAW). DISCUSSION ABOUT THE REQUEST CENTERED ON SOLID WASTE COLLECTION BY CURBSIDE PICK UP BEING PROVIDED RATHER THAN A DUMPSTER

Proof of publication of the notice of public hearing regarding REZ 2007-12 Merritt Office Building Rezoning was received, having been published in *The St. Augustine Record* on February 4, 2008.

Karen Taylor, 77 Saragossa St., gave an overview of the application and reviewed the site plan. She reviewed the waivers requested. She said PZA concerns had been addressed.

(1:36 p.m.) Stevenson questioned exhibit item D. Michael Blackford said he would provide a revised copy of the map for the official records.

(1:39 a.m.) Rich questioned dumpster and trash requirements. Blackford said the standards were being met. Taylor said the screening standards were also being met for that issue.

(1:42 p.m.) Motion by Stevenson, seconded by Rich, carried 5/0, to enact Ordinance 2008-6, known as PUD 2007-12 Merritt Office adopting findings of fact one through seven to support the motion.

ORDINANCE NO. 2008-6

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM RESIDENTIAL SINGLE FAMILY (RS-3) TO PUD (PLANNED UNIT DEVELOPMENT); PROVIDING FINDINGS OF FACT; PROVIDING A SAVINGS CLAUSE; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE

(02/19/08 - 13 - 1:42 p.m.)

10. PUBLIC HEARING - REZ 2006-28 WORTHINGTON PLANNED UNIT DEVELOPMENT REZONING - THIS REQUEST SEEKS TO REZONE APPROXIMATELY 55.93 ACRES FROM OR TO PLANNED UNIT DEVELOPMENT (PUD) IN ORDER TO CONSTRUCT UP TO 41 SINGLE FAMILY HOMES. AT THE OCTOBER 30 BOARD OF COUNTY COMMISSIONERS MEETING COMPATIBILITY WITH THE SURROUNDING COMMUNITY WAS DISCUSSED AND A REVISION WAS RECOMMENDED. THE APPLICANTS HAVE HELD ANOTHER COMMUNITY MEETING ON DECEMBER 14 AND HAVE REVISED THEIR PLAN OF DEVELOPMENT TO INCREASE THE MINIMUM AND AVERAGE LOT SIZE. STAFF SUPPORTS THIS REQUEST BASED ON REVIEW OF THE LAND DEVELOPMENT CODE, COMPREHENSIVE PLAN, AND GENERAL DEVELOPMENT TRENDS IN THE

SURROUNDING AREA. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS REQUEST AT THEIR JANUARY 3, 2008 MEETING BY A VOTE OF 7 TO 0 (MOTION BY WHEELER, SECOND BY WILLIAMS). THE MOTION INCLUDES A RECOMMENDATION AMENDING THE PUD TEXT TO INCLUDE A REQUIREMENT TO ADHERE TO SCHOOL CONCURRENCY

Proof of publication of the notice of public hearing regarding REZ 2006-28 known as Worthington Planned Unit Development was received, having been published in *The St. Augustine Record* on February 4, 2008.

Rebecca Noel, Court Reporter, Anderson Reporting Services, Inc. was present for this item. James Whitehouse, Assistant County Attorney was present.

Frank Miller of Pappas, Metcalf, Jenks & Miller, 245 Riverside Ave., Suite 400, Jacksonville, FL, gave an overview of the project. Miller introduced Susan Fraser, Expert Witness, SLF Consulting Inc., 3517 Park St., Jacksonville, who he called upon to give her presentation. She said the project was located on Greenbriar Rd. in the Northwest Sector Plan. She testified that the plan was compatible with the land development regulations, that the density was at the minimum level of requirement, and that impacts would be limited by buffering, density, and height limitations, and it was consistent and compatible with the surrounding area.

(1:51 p.m.) Stevenson declared ex-parte with Miller regarding the layout of the project.

(1:51 p.m.) Dr. Jane Wilson, 4332 Oak Lane, St. Augustine, spoke on property rights issues and the public hearing process and noted her comments did not necessarily pertain to the current project in question. She asked for solution to her property matters and the onus for enforcement should be upon the County.

(1:58 p.m.) Stevenson said they had dealt with some of the concerns and had made every attempt to insure that everything that was put on the record was dealt with. She reviewed the process for public participation they followed in the northwest sector. Dr. Wilson said her point was that she wanted public comments to move forward and to be implemented.

(1:59 p.m.) Manuel clarified that she was commenting on the general process. Dr. Wilson said that was correct and no one had accepted responsibility or followed up on the issues they had directed during public hearing. Manuel asked the County Administrator to focus on it, as there were a number of cases that had been altered by community input.

(2:01 p.m.) Tom Sciandra, 778 Pheasant Court, St. Johns, FL, in the Greenbriar subdivision, spoke on behalf of the residents of Greenbriar. He said they were still opposed to the rezoning request for the PUD and cited the reasons why including additional traffic and small lot sizes within the PUD. He asked they deny the request.

(2:12 p.m.) Miller reviewed lots in nearby subdivisions (Exhibit C) and said the nearest developed land was Winchester. He explained the various developments in the vicinity that showed already approved small lots adjacent to large lots and noted that it was not incompatible. He said there was undeveloped land on all sides of the project, and requirements imposed by the County, automatically required the reduction of the size of the lots.

(2:17 p.m.) Rich asked Blackford about the safety issue involved with the failed and failing roadway system in the area. He asked if the issue of the I-95 safety corridor, which would be impacted, had been addressed. Blackford said he was not a part of the Concurrency Committee for capacity and safety issues. He said it was not an issue during the concurrency review to his knowledge. Rich asked legal staff if it was a requirement of the County to review how a development of that nature would impact that intersection.

(2:20 p.m.) Whitehouse said it was a requirement of the Comprehensive Plan to take into consideration what the proposed traffic would do to the area. He said a concurrency certificate had to be obtained which stated that their traffic could be handled on the current roadways, or they would have to do certain things to bring the roadways up to the necessary standard. He said another part of the Comp Plan dealt with safety and was considered during the concurrency review.

(2:21 p.m.) Rich said the safety issue was the matter that concerned him. He said they were required by law to “deal effectively with future problems that may result from the use and development of land within our jurisdictions.” We are required by law “to preserve, promote, protect and improve the public health, safety, comfort, good order and general welfare.” He said they were “required to prevent the overcrowding of land and avoid undue concentrations of population and required to facilitate the adequate and efficient provision of transportation.” He said the I-95/210 corridor was a failed corridor with traffic backing up onto I-95 at certain times of day, creating a severe safety hazard. He said the law further said “no public or private development shall be permitted except in conformity with the Comprehensive Plan.” He said the Comprehensive Plan in section A.1.3.12 (2) said “A rezoning request shall not be approved if the proposed traffic results in an unreasonable danger to the safety of other traffic, pedestrians or bicyclists.” He said that Title 11 further stated “that the provisions of this act are declared to be the minimum requirements necessary to accomplish the stated intent, purpose and objectives of this act.” He said he would not support this project.

(2:25 p.m.) Stevenson asked where they stood on de minimus impacts and the issue of the backup onto I-95, a critical public safety issue.

(2:27 p.m.) Darrell Locklear, Assistant County Administrator, reported on the improvements to 210/I-95 south bound exit ramps. He noted that the Twin Creeks Developer was in a holding pattern and the County had stepped in to expedite the improvements. He said they were looking to be under construction with those improvements this summer. He said mitigation and rights-of-way were being secured, but Federal projects required them to jump through certain hoops which had caused delays in order to meet their guidelines for obtaining rights-of-way.

(2:29 p.m.) Whitehouse reported on de minimus impacts. He said certain points were brought up by Rich related to safety, and evidence needed to be on the record and should be drawn out, if they wanted to move in that direction. He said any impact the current project might have on that area should also be included for the record.

(2:32 p.m.) Stevenson asked about the comment that the council made on the buffering requirements. Whitehouse said the parts quoted from the Comprehensive Plan were accurate. He said compatibility questions could be addressed by looking at the map that Miller had presented and Planning staff could help them with that. Stevenson said she had heard from residents their concerns that it would set a precedent across the street and adjacent to them.

(2:35 p.m.) Rich attempted to get more testimony on the record and asked Blackford if he was aware that the FDOT as well as the Federal DOT had recognized that the 210/I-95 southbound exit was a failed transportation network. Blackford said he was and that it was common knowledge throughout the County as it pertained to planning. Whitehouse said they should also ask what type of safety issues were going on in that area. Rich said the issues that had been brought to the record by Locklear were referenced timing issues, and timing was critical to the approval of that project.

(2:38 p.m.) Locklear said the improvements at I-95 and 210 were immediate improvements for short term relief at the interchange and the longevity of that relief was questionable. He said the Interchange Modification Report would address the long term improvements that would be needed there more fully and how long the immediate improvements being made would be good for. He said the problem that existed at the intersection was in the afternoon with people coming home from Jacksonville from work, and with traffic backing up onto the through lanes on I-95 and people having to go into the emergency lanes.

(2:42 p.m.) Sanchez agreed with Rich that safety was the number one issue, and it was a severe problem. He said he was not sold it was a compatible use with surrounding properties, and he did not want to send another car to that intersection.

(2:44 p.m.) Stevenson asked Miller if he wanted to continue with the hearing. Miller said in all fairness, a moratorium should be declared. He said they were blindsiding landowners. He asked for a deferral to do a transportation study

(2:46 a.m.) Miller asked for a deferral for 30 days in order to conduct a transportation study. Whitehouse said professional staff would need time to review it. Manuel said the item would be continued for no more than 45 days. *The Board granted consensus.* Manuel said he was looking forward to the study, and he did not feel there was substantial evidence to turn the application down at that point.

The meeting was recessed at 2:49 p.m. and reconvened at 3:01 p.m.

(02/19/08 - 16 - 3:01 p.m.)

11. PUBLIC HEARING - PUD 2006-26 RANCHO DEL MAR PLANNED UNIT DEVELOPMENT - THIS IS A REQUEST TO REZONE FROM OPEN RURAL TO PLANNED UNIT DEVELOPMENT TO CONSTRUCT A RESIDENTIAL PROJECT CONSISTING OF 443 UNITS (272 SINGLE FAMILY LOTS, 128 MULTI FAMILY UNITS AND 43 FARM TRACTS/ESTATE LOTS) OVER APPROXIMATELY 530.69 ACRES LOCATED IN SOUTHEAST ST. JOHNS COUNTY. STAFF FINDS THE REQUEST IS CONSISTENT WITH THE COMPREHENSIVE PLAN AND LAND DEVELOPMENT CODE BASED UPON COMPLIANCE WITH THE VESTING DETERMINATION, COMPARABLE DENSITIES, AND APPLICATION MATERIALS. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS REQUEST (MOTION BY WHEELER/SECOND BY OGLESBY) BY A VOTE OF 5/2. THE RECOMMENDATION INCLUDES AMENDING THE PUD TEXT TO INCLUDING A REQUIREMENT TO ADHERE TO SCHOOL CONCURRENCY

Proof of publication of the notice of public hearing regarding PUD 2006-26 known as Rancho Del Mar Planned Unit Development was received, having been published in *The St. Augustine Record* on February 4, 2008.

Doug Burnett, Rogers Towers, 170 Malaga St., represented Crowe Land Trust for Michael Held. He gave a brief history of the project, and said there was concurrency in

place for 443 units. He addressed concerns of the nearby residents. He reviewed the site plan as it related to adjacent properties. He said \$4.6 million dollars of improvements would be made to Watson Rd., paid for by the developer, and would not be requested in credits. He noted PZA had approved 5/2 and the two issues they had raised had been addressed and been agreed to by the applicant.

(3:09 p.m.) Rich declared ex-parte and said he had conversations with Doug Burnett regarding the history of the project and the history of the people that were proposing the project as well as alternatives to the project. Bryant declared ex-parte with Burnett and with members of the Held family. He said he had followed the project for a long time and was familiar with it. Stevenson declared ex-parte with Michael and Ryan Held, Schilling and Burnett about the project regarding the historic implications, transportation issues, the need for emergency access, and improvements needed along Watson Rd. Sanchez declared ex-parte with Burnett regarding the history of the project and the people involved with it.

(3:11 p.m.) Bill Schilling, Kimley Horne and Associates, 8657 Baypine Rd., Suite 300, Jacksonville, FL, discussed what they had done so far on Watson Rd. He said they had agreed to upgrade Watson Rd. to a minor collector from US 1 to the project entrance. He said they would grant the County 130 feet of right-of-way on the property that they had control over and would construct three eastbound lanes at the Watson Rd. and US 1 intersection and upgrade it as necessary to signal installation standards. He said the amount estimated to date was \$4.6 million. He noted that a five foot sidewalk was also included. He said improvements were being made on the east side of US 1 by another developer and they were working with staff so that their improvements would align with those improvements. He noted that due to staff's request, there would be an emergency access gate at the north end of the project which would be locked and fire and emergency personnel would have emergency access.

(3:18 p.m.) Burnett showed the Master Development Plan (MDP) and showed the Chief Osceola capture site, which would be preserved. He said parking places would be provided so that people from the County could easily access the site. He noted that all lots were estate lots of at least one acre.

(3:19 p.m.) Rich discussed vested rights and asked him to explain that. Burnett said the property was vested to 443 units that were in the application. In 2004 the commission challenged whether it was vested to the comp plan or to the application. He said that staff said they were vested to the application.

(3:23 p.m.) Whitehouse said they were vested up to the amount they had spent. He said the vesting letter trumped the comp plan. They had to meet all the other issues.

(3:24 p.m.) Rich mentioned the issue of density versus compatibility. He asked if they were prepared to bring back before the board a project proposal that would limit the use of the land to single family residential and at the same time maintain the current flavor of the development that they currently had.

(3:28 p.m.) Burnett said it was simple to accomplish that and still go forward that day. He said they could remove the estate lots and make single family lots. He said the applicant could agree to a small adjustment process for the 443 units. He said they would be making the estate lots into 6,000 square foot lots. He said the multi-family units would not be developed if they converted the estate lots to smaller lots.

(3:31 p.m.) McCormack said it had to be compatible with the surrounding subdivisions and that would remain to be determined.

(3:33 p.m.) Nancy Rawson, 4024 Pine Run Circle, said the density was not compatible with their neighborhood, traffic on Wildwood and US 1 was terrible and wildlife would be impacted. She said she was concerned about emergency vehicles going down Deer Chase Rd. She said if they didn't stop all the developments at the south end of the county, they would also be looking at a moratorium in the near future. She strongly urged them that if the project went through that they would reduce the number of units allowed.

(3:36 p.m.) There was general discussion about emergency access.

(3:40 p.m.) Lynda Burgess, 104 Morning View, spoke against the project and said the number of units needed to be greatly lowered and it was incompatible with what was in the area now. She presented a petition with signatures of people opposed to the project (Exhibit A).

(3:50 p.m.) Linda Burgess, 104 Morning View Place, mother of the previous speaker, spoke in opposition to the project. She said if they put in a five foot sidewalk it would go into people's doors. She said over 100 homes were being built in that area.

(3:55 p.m.) Lara Diettrich, 8657 Bay Pine Road, Suite 300, Jacksonville, addressed the issue of compatibility and cited other developments in the areas and the homes per acre that had been constructed. She said Rancho del Mar fell within the middle range of density per acre.

(3:56 p.m.) Burnett said the Heils were willing to change the project to all single family residential and could fit 443 units within the main center section and remove the multi-family development. He said they would delete from the PUD text the requirement for multi-family, and would go through the small adjustment process in order to adjust the MDP map.

(3:57 p.m.) Rich said the multi-family was incompatible, but the issue of the amount of units per acre and the general surrounding area, he said that he would be amenable to using the 1.6 figure per lot. General discussion ensued. Rich said they were trying to get the number of units lower to minimize the impact.

(4:03 p.m.) Diettrich commented on the surrounding lot sizes and noted that with the proposed changes the impact would come down especially with taking out the multi-family.

(4:04 p.m.) Sanchez suggested that with the changes it should go back to the PZA Board. Whitehouse said he agreed it would probably be the thing to do.

(4:05 p.m.) Doug Burnett said there was only so much the project could be scaled down and still be a viable project. He noted the \$4.6 million proposed for improvements to Watson Rd. and the expenditure of \$2.2 million to become concurrent. He said it had already been approved by PZA and their suggestion for improvement did not necessarily need to go back before them. Sanchez said the PZA had not taken action on the changes and they should examine it before it came to the BCC. Wanchick suggested that a site plan should not be developed in the middle of a meeting and suggested that no formal action be taken during the meeting. General discussion followed.

(4:13 p.m.) **Motion by Sanchez, seconded by Rich, carried 5/0, that the applicant make up a new proposal and return to the PZA based on the conversation that they could change the development to single family.**

(02/19/08 - 19 - 4:16 p.m.)

12. CONSIDER A RESOLUTION SUPPORTING EFFORTS OF THE FLORIDA ASSOCIATION OF COUNTIES TO PROTECT COUNTIES FROM UNFUNDED MANDATES

Motion by Stevenson, seconded by Sanchez, carried 5/0, to pass and adopt Resolution 2008-47.

RESOLUTION NO. 2008-47

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, SUPPORTING EFFORTS OF THE FLORIDA ASSOCIATION OF COUNTIES TO PROTECT COUNTIES FROM UNFUNDED MANDATES, AND REQUESTING THAT THE TAXATION AND BUDGET REFORM COMMISSION ADOPT A RESOLUTION PROPOSING AN AMENDMENT TO THE FLORIDA CONSTITUTION TO BETTER PROTECT LOCAL GOVERNMENT FROM UNFUNDED MANDATES

(02/19/08 - 19 - 4:17 p.m.)

13. FY 2009 BCC BUDGET GUIDELINES WORKSHOP

Doug Timms, Director of Office of Management and Budget, emphasized that that day was the initial meeting and was for guidance for targets. He said the information presented might change as better information was received. He gave a PowerPoint presentation (Exhibit A). He reviewed the budget process timeline. He said the total projected County budget was estimated at \$658 million dollars, a 7% decrease in the previously adopted budget. He said they foresaw a \$17.4 million deficit in the General Fund. He said Florida Statutes required that the budget be balanced and they would be required to develop strategies for eliminating that deficit. He reviewed the Budget Impacts with a total annual impact of \$43.5 million which included Other Post Employee Benefits (OPEB) of \$10 million due this year and next year and that was funded. He said it also included FY 2008 Statutory Reform of \$23 million and FY 2009 Tax Amendment of \$10.5 million, with a total impact of \$43.5 million.

He reviewed the Budget Guidelines for general salary increases. He compared the prior years with the CPI and Example Guidelines. He outlines what the savings would be. He asked the Board for their recommendations for the CPI increase for employees.

(4:23 p.m.) Manuel recommended 3% or a 1% CPI increase. Manuel said if they were going to have to live with inequities of Save Our Homes and the cumulative inequities of lost tax assessments, then 3% would be our guideline. He said all contracts over \$25,000, he wanted re-bid, especially in the insurance area. He said everything that was potentially out-sourcable, any areas of the government that could be provided by the private sector, should be listed and developed for RFPs. He said he would also like a list of all State mandated unfunded obligations which they were legally not required to provide. He asked the County Attorney's office and the County Administrator to coordinate. Rich gave his full support.

(4:27 p.m.) Stevenson said people had a choice of where they could work and it was important to watch head count but that she did not want to get in a situation where they were unable to provide important services. She said it was important to reward employees and keep them in competent positions. She said there was a perception of extravagance and they needed to do a better job in explaining how funds were spent.

She said they owed it to the tax payers to let them know the impacts of those tax cuts that had been approved.

(4:32 p.m.) Manuel clarified that the County Commission would bear its share of the pension benefits and each Constitutional Officer would bear its proportionate share.

(4:33 p.m.) Sanchez said they needed to be careful about outsourcing, but they needed to look out for our people. He said he would support the fact that all the Constitutional Officers would have to take a look at their budgets and do some cutting. He said more cuts would be coming from the State that would further affect us. He said he would go along with the 3% cap.

(4:36 p.m.) Manuel said growth would be capped at roughly 5.5% and that should be conveyed to all the Constitutional Officers.

(4:36 p.m.) Wanchick said outsourcing was not something new for the County and they were looking at ways to improve outsourcing. He said the goal was not to put people on the street but to downsize the workforce without hurting the employees, and they were already off to a good start.

(4:38 p.m.) Manuel said we will start to lengthen our planning horizon for two years and beyond into the budget process.

(4:40 p.m.) Timms clarified that we would have the same guidelines as last year. Manuel said Save our Homes was capped at 3% and it was not a reasonable cap for any business, so he wanted to keep the cap at 3%. He said they would have to manage their message. Timms said that guideline was clear. Timms said the second area was from Employee Staffing Targets. He said if they did nothing they would have a 34.5 FTE's increase over 2008 budget due to the acquisition of Intercoastal Utilities with 15 FTEs and 15 additional Fire District firefighters added. He said the General Fund would have 4.5 FTEs for the new West Augustine Community Center for the 2009 FY.

(4:42 p.m.) Manuel said they also needed to look at the level of support to the CRA projects, and their cumulative impact on the budget. Rich said it was going to be significant. He said they were obligated. Manuel said they were going to have to start looking at some different strategies. Sanchez said all projects should be keyed on equally, and he had no problem implementing user fees. He said they needed to encourage the use of volunteers at all of the centers. He said a lot of people were paying for services that they did not use.

(4:46 p.m.) Timms said they needed a target for the General Fund. He said one principal that they might consider was off-setting any overall increase, because an overall increase would raise the OPEB cost as a result. He said what was shown was a reduction of \$30 million in the General Fund and \$4.5 million in all other funds. Manuel said he would like to see taxes not go up.

(4:48 p.m.) Timms reviewed the Operating Expenditures and suggested they stick with the initial target of 2% reduction. Manuel said that was a good initial target. Sanchez concurred.

(4:49 p.m.) Timms reviewed the Board independent agency expenditure. He then asked for guidelines for the Capital Budget which projected a 10% reduction or about a \$400,000 savings to the General Fund.

(4:50 p.m.) Stevenson said she had requested \$5.5 million for improvements from the Nocatee Development Order, expected to be received in fiscal year ending 2009, to be

earmarked for a bike/pedestrian improvement. She suggested something that went from the foot of the Palm Valley Bridge to Micklers Landing and to get some trail improvements through with some collaboration with Guana for a Greenway Trail. She said pedestrian safety concerns were significant in that area. She noted that the bridge was a natural attractor for exercising, the lovely view and the beach. She said there were no paved shoulders and it became a one lane road when there was pedestrian or bicycle traffic. She stated that Florida law had been changed in the last couple of years to require cars to pass bicyclists and pedestrians with a 3 foot buffer for the bicyclist and pedestrian's safety. She noted that if you ever hit a bicyclist, it ruins your life as well as the bicyclist's. She said on either end of the event it was a traumatic disruption. She asked for consensus to put it in the capital budget. Manuel said it was so noted and would be included in the capital budget. She said the capital budget was the place to control future operating expenses. She said they needed to be thinking about the whole system of the decisions that they make.

(4:54 p.m.) Timms said the Employee Insurance Committee was considering the OPEB funding matter and was a general discussion of the OPEB obligation. He showed an example showing the employees contributing 1% of their salaries which could be used only for retirement. Manuel said the employee contribution element would have to be looked at.

(02/19/08 - 21 - 4:56 p.m.)
COMMISSIONERS' REPORTS

Commissioner Rich:

He had no report.

(4:56 p.m.)
Commissioner Sanchez:

He commented on the north south corridor and said they needed to look at every development order and to get their money from everyone who was obligated. He asked if they were doing anything on solid waste for indigent and elderly people who were on restricted incomes mentioned in the presentation for the Trust for Public Lands. He asked if they could look at that issue.

(4:58 p.m.)
Commissioner Stevenson:

She asked the Board to support a resolution for the St. Johns River Alliance for a license tag program, in order to make the lobbying effort self-funding. She said it was for funding this year. Wanchick said they had \$30,000 in the budget for lobbying and they could use \$10,000 to support it. She said it would be start up money. *There was board consensus.* Stevenson said a lot was going on in Tallahassee besides taxes. She said there was a complex moratorium issue in Summer Haven. She said a draft bill had been submitted that would make any moratorium over a year an automatic taking. She asked the County Attorney to come up with a Resolution for the Board. She said she wanted to make the Board aware of the taking issue and to be clear about it. She said they were between a rock and a hard place legally on some of those issues. She said she would appreciate their support on providing guidance to the legislature. Sanchez noted she was also a Kiss the Pig participant and should contact her about donations.

(5:05 p.m.)
Commissioner Bryant :

He said, in response to Sanchez, that 1998 was the year that a long term concurrency management program was contemplated and developers had signed on. No dollar amount was established and the MSTU was never set up. He said they committed to participate in the MSTU but it never came to fruition. *Bryant left the meeting.*

(5:06 p.m.)

Commissioner Manuel:

He said \$7 million in TRIP funds was coming from the MPO for CR 210 and I-95 as well as \$3.5 million for 9-B acquisition and approved by the FDOT. He said he wanted to get an update on the concurrency study. He stated he was in discussions with the County Administrator on having the County Utility to become an independent authority and it would be part of this year's budget discussion. He said he also wanted to put a lot of referendums on for the fall, including a Conservation Sales Tax, a Transportation Potential Sales Tax, a straw vote for the repeal of the Mosquito Control District Authority, and on the Airport Authority and every independent taxing agency in the county. He said a 207 corridor agreement came due on January 10 and a 5% extension fee was due on Jan. 11. He said they were only going to discuss the payment issue that day. He said they failed to meet the payment and because of the default the entire \$1.1 million was due and payable to extend their concurrency. He said Burnett said they would be willing to make immediate payment of \$55,730, which they did not make on January 11 and an additional 5% to induce the Board to consider that payment. He said he was looking for guidance from the Board as to whether to accept it and whether they wanted to charge an additional 5% late fee. He said legal counsel felt they were due the entire amount as the default payment. Rich said they should follow legal advice from counsel. Manuel said he would like to avoid going to court and accept the \$55,730.

(5:14 p.m.) McCormack said when he felt strongly about something he would tell them to just say no. He said he had staked out a position, and recognized in this circumstance there might be some ambiguity. He said he would defend his position but that as their county attorney he would not be adverse to a settlement if it did not affect any of their future rights. McCormack said the applicant could make its offer to the Board, the County Administrator and Attorney could review it and then make a recommendation to the Board.

(5:20 p.m.) Manuel said they would defer it and asked the County Attorney to make a recommendation to the Board. Burnett asked it be set simultaneously on the agenda. McCormack said he would take that as direction to develop a resolution pertaining to the proposed change.

(02/19/08 - 22 - 5:21 p.m.)

COUNTY ATTORNEY'S REPORT

McCormack asked permission to start reviewing their adult entertainment regulations to come up to the standards of other adjoining jurisdictions within the county.

(02/19/08 - 22 - 5:23 p.m.)

COUNTY ADMINISTRATOR REPORT

Wanchick said he had noticed a trend towards entertaining small lots. He said he would like to have staff look at making 8,000 square foot lots as the standard. Manuel said it was a good idea.

(5:24 p.m.) Stevenson said they had a request to host a special recognition for Jean Watson by the IDA and they asked if they could host it there. Manuel said they would do it at the IDA level and he would deliver it.

(02/19/08 - 23 - 5:24 p.m.)
CLERK OF COURT'S REPORT

There was none.

(5:24 p.m.) **Motion by Rich, seconded by Sanchez, carried 4/0 with Bryant absent, to adjourn the meeting.**

With there being no further business to come before the Board, the meeting adjourned at 5:24 p.m.

REPORTS:

1. St. Johns County Board of County Commissioners Check Register, Check Nos. 414750 through 415066, totaling \$1,893,289.36 (01/29/08)
2. St. Johns County Board of County Commissioners Check Register, Check Nos. 415067 through 415093, totaling \$43,719.94 (02/01/08)
3. St. Johns County Board of County Commissioners Check Register, Check No. 415094, totaling \$4,812.72 (02/01/08)
4. St. Johns County Board of County Commissioners Check Register, Check No. 415095, totaling \$72.46 (02/01/08)
5. St. Johns County Board of County Commissioners Check Register, Check No. 415096, VOID: Multi Stub Check (02/04/08)
6. St. Johns County Board of County Commissioners Check Register, Check Nos. 415097 through 415101, totaling \$188,440.38 (02/04/08)
7. St. Johns County Board of County Commissioners Check Register, Check No. 415102, totaling \$7,564.53 (02/05/08)
8. St. Johns County Board of County Commissioners Check Register, Check Nos. 415103 through 415431, totaling \$2,488,794.81 (02/05/08)
9. St. Johns County Board of County Commissioners Check Register, Check No. 415432, totaling \$18,850.00 (02/06/08)

CORRESPONDENCE:

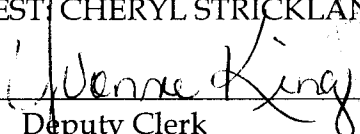
1. Letter to Liz Cloud, Program Administrator, filing Ordinance Numbers 2008-3 and 2008-4 (01/30/08)

Approved March 4, 2008

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: 
Thomas G. Manuel, Chairman

ATTEST: CHERYL STRICKLAND, CLERK

By: 
Deputy Clerk