

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
APRIL 15, 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
 Lenora Newsome, Deputy Clerk

(04/15/08 - 1 - 9:04 a.m.)
CALL TO ORDER

Manuel called the meeting to order.

(04/15/08 - 1 - 9:05 a.m.)
ROLL CALL

Manuel stated that all five commissioners were present.

(04/15/08 - 1 - 9:05 a.m.)
Manuel gave the Invocation and Sanchez led the Pledge of Allegiance.

(04/15/08 - 1 - 9:06 a.m.)
PROCLAMATION COMMEMORATING AND RECOGNIZING THE SERVICES OF
SARAH W. BAILEY

Stevenson read the proclamation with Sarah Bailey accepting it.

(04/15/08 - 1 - 9:13 a.m.)
PROCLAMATION DESIGNATING APRIL 2008 AS CHILD ABUSE PREVENTION
MONTH

Rich read the proclamation with Sherry Russell accepting it.

(04/15/08 - 1 - 9:19 a.m.)
PROCLAMATION DESIGNATING APRIL 15, 2008 AS BARTRAM TRAIL HIGH
SCHOOL DANCE TEAM DAY

Sanchez read the proclamation with Patty Adams accepting it.

(04/15/08 - 1 - 9:26 a.m.)
ACCEPTANCE OF PROCLAMATIONS

Motion by Rich, seconded by Sanchez, carried 5/0, to approve the proclamations as presented.

(04/15/08 - 2 - 9:28 a.m.)
DELETIONS TO CONSENT AGENDA

There were none.

(04/15/08 - 2 - 9:28 a.m.)
APPROVAL OF CONSENT AGENDA

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

1. Approval of the Cash Requirement Report
2. Minutes:
03/11/08 - BCC Special Meeting
03/11/08 - BCC Private/Shade Meeting
03/18/08 - BCC Regular Meeting
3. Sheriff Office Bonds:
Approve: Rachel Clouse Armando Lopez
William Schrantz Cody Yawn
Cancel: George Dandelake III Gregory Leithauser
Michael Lovell Michael Santoriello

Name Change: Jamie Ryan to Jamie Cyr
4. Motion to adopt **Resolution No. 2008-101**, approving the terms of the Interagency Agreement between SJCBCB CBC and SJC School District, DCF Northeast Region Circuit 7, and First Coast Workforce Development, Inc. and authorizing the County Administrator to execute the agreement on behalf of St. Johns County and St. Johns Community Based Care

RESOLUTION NO. 2008-101

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF AN INTERAGENCY AGREEMENT BETWEEN ST. JOHNS COUNTY, FLORIDA ON BEHALF OF SAINT JOHNS COUNTY COMMUNITY BASED CARE, AND SAINT JOHNS COUNTY SCHOOL DISTRICT, THE FLORIDA DEPARTMENT OF CHILDREN AND FAMILIES NORTHEAST REGION CIRCUIT 7, AND FIRST COAST WORKFORCE DEVELOPMENT, INC., AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE COUNTY, AND SAINT JOHNS COMMUNITY BASED CARE

5. Motion to authorize the County Administrator and Fire Rescue Chief to execute the attached Code Red System User Agreement
6. Motion to approve the submittal of a reimbursement application to the Florida Communities Trust Program for up to 50% of the acquisition cost of

the Usina Boat Ramp and to authorize Wil Smith, Administrative Manager, as the Key Contact for the project

7. Motion to adopt **Resolution No. 2008-102**, recognizing unanticipated revenue in the amount of \$604 and increasing the General Fund Donations—Bartram Trail (0001-36611) and increasing the expenditure budget of the Library Donated Operating Supply-Bartram Trail (0078-55224) in the same amount

RESOLUTION NO. 2008-102

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

8. Motion to approve the related capital project rescheduling and the transfers per the attached schedule
9. Motion to authorize the County Administrator, or his designee, to award a contract to the low bidder, BNC Inc. in the amount of \$149,000 for Bid # 08-72R Shore Drive Boat Ramp
10. Motion to authorize the County Administrator, or his designee, to award a contract to Florida Highway Products, Inc. in the amount of \$552,250 for Bid # 08-93 Emulsified Sealer/Binder Application
11. Motion to authorize the County Administrator, or his designee, to enter into contract with Magic Ice for the skating rink for the 2008 season and allow four (4) additional one (1) year renewal options for Bid 07-119, Ice Skating Rink at St. Augustine Amphitheatre
12. Motion to authorize the County Administrator, or his designee, to enter into an agreement under Bid No. 08-63R with Medical Products Supply, Flagler Community Pharmacy, Moore Medical LLC, Bound Tree Medical, Mercury Medical, Matrix Medical, Southeastern Emergency Equipment and Tri-Anim Health Services for the Purchase of miscellaneous Fire Rescue Pharmaceutical Supplies for a term of one (1) year with five (5) additional one (1) year renewal options
13. Motion to adopt **Resolution No. 2008-103**, authorizing the Clerk of Circuit Courts, under Section 95.361 Florida Statutes to file the survey Map for South Holmes Boulevard, claiming a vested interest in the road described in the Survey Map, and/or establishing a prescriptive easement in the same rights-of-way, in accordance with the principles set forth in Downing v. Bird, 100 So.2d 57 (Fla.1958)

RESOLUTION NO. 2008-103

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE CLERK OF THE COURTS, UNDER SECTION 95.361, FLORIDA STATUTES TO FILE THE SURVEY MAP FOR SOUTH HOLMES BOULEVARD,

CLAIMING A VESTED INTEREST IN THE ROAD DESCRIBED IN THE SURVEY MAP, AND/OR ESTABLISHING A PRESCRIPTIVE EASEMENT IN THE SAME RIGHTS-OF-WAY, IN ACCORDANCE WITH THE PRINCIPLES SET FORTH IN DOWNING V. BIRD, 100 SO.2D 57 (FLA. 1958)

14. Motion to adopt **Resolution No. 2008-104**, accepting a Grant of Easement for drainage facilities in Julington Terrace Subdivision

RESOLUTION NO. 2008-104

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING A GRANT OF EASEMENT FOR DRAINAGE FACILITIES IN JULINGTON TERRACE SUBDIVISION

15. Motion to adopt **Resolution No. 2008-105**, approving the terms and conditions of a Purchase and Sale Agreement for acquisition of a .76 acre parcel contiguous to the existing site to provide additional property required for driveway and overflow parking for the new construction of Fire Station Number 5 on St. Augustine South Drive

RESOLUTION NO. 2008-105

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND CONDITIONS OF A PURCHASE AND SALE AGREEMENT FOR ACQUISITION OF A .76 ACRE PARCEL CONTIGUOUS TO THE EXISTING SITE TO PROVIDE ADDITIONAL PROPERTY REQUIRED FOR THE DRIVEWAY AND OVERFLOW PARKING FOR THE NEW CONSTRUCTION OF FIRE STATION NUMBER 5 ON ST. AUGUSTINE SOUTH DRIVE AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE PURCHASE AND SALE AGREEMENT AND TAKE ALL ACTION NECESSARY IN ORDER TO CLOSE AND COMPLETE THE TRANSACTION IN ACCORDANCE WITH SECTION 125.355 FLORIDA STATUTES

16. Proofs:
- a. Proof, Notice of Meeting, Conflict Assessment Meeting between St. Johns County and St. Johns River Water Management District Administrative Staff, Tuesday, March 25, 2008 at 9:30 a.m.
 - b. Proof, Notice to Bidders, Bid No. 08-42R
 - c. Proof, Notice to Bidders, Bid No. 08-117
 - d. Proof, Notice of Public Hearing, St. Johns County Board of County Commissioners, Establishment of Ordinance/Regulations Affecting the Use of Land, Tuesday, March 18, 2008 at 9:00 a.m.
 - e. Proof, Notice of Public Disclosure, St. Johns County Full Cost Accounting for Solid Waste Management Services, FY beginning October 1, 2006 and ending September 30, 2007

- f. Proof, Notice of Public Meeting, St. Johns County Board of County Commissioners and St. Johns County Community Redevelopment Agency, Tuesday, March, 18, 2008 at 9:00 a.m.
- g. Proof, Notice to Bidders, Bid No. 08-111
- h. Proof, Notice of Public Hearing, St. Johns County Board of County Commissioners, Establishment of Ordinance/Regulations Affecting the Use of Land, Tuesday, January 8, 2008 at 5:30 p.m. and Tuesday, February 5, 2008 at 9:00 a.m. (Published 01/07/08)
- i. Proof, Notice of Public Hearing, St. Johns County Board of County Commissioners, Establishment of Ordinance/Regulations Affecting the Use of Land, Tuesday, January 8, 2008 at 5:30 p.m. and Tuesday, February 5, 2008 at 9:00 a.m. (Published 01/29/08)
- j. Proof, Notice to Bidders, Bid No. 08-89
- k. Proof, Notice to Bidders, Bid No. 08-96
- l. Proof, Notice of Proposed Exchange of County Property, St. Johns County Board of County Commissioners, Resolution approving exchange of real property between St. Johns County and SONOC Company LLC, Tuesday, March 18, 2008
- m. Proof, Notice of Special Public and Private Meeting, St. Johns County Board of County Commissioners, Tuesday, March 11, 2008 at 11:30 a.m. (Published 03/06/08)
- n. Proof, Notice of Special Public and Private Meeting, St. Johns County Board of County Commissioners, Tuesday, March 11, 2008 at 11:30 a.m. (Published 03/08/08)
- o. Proof, Notice of Meeting, St. Johns County Water & Sewer Authority, Monday, March 17, 2008 at 9:00 a.m.
- p. Proof, Notice to Bidders, RFP No. 08-115
- q. Proof, Notice to Bidders, RFP No. 08-19
- r. Proof, Notice of Proposed Exchange of County Property, St. Johns County Board of County Commissioners, Resolution approving exchange of real property between St. Johns County and Charles R. Usina and Gabye Lee Usina and Charles R. Usina, Jr., Tuesday, April 1, 2008
- s. Proof, Notice to Bidders, Bid No. 08-101
- t. Proof, Notice to Bidders, Bid No. 08-107
- u. Proof, Notice to Bidders, Bid No. 08-118
- v. Proof, Notice to Bidders, Bid No. 08-120
- w. Proof, Notice of Public Hearing, St. Johns County Board of County Commissioners, Proposed Water & Sewer Ordinance, April 1, 2008 at 9:00 a.m.
- x. Proof, Certificate of Liability Insurance, Vilano Electric, Inc.
- y. Proof, Certificate of Liability Insurance, Container Services, LLC.
- z. Proof, Certificate of Liability Insurance, Advanced Metal Roofing, Inc.

(04/15/08 - 5 - 9:29 a.m.)

PUBLIC COMMENT

Bruce Kendeigh, 240 Redfish Creek Drive, spoke on the airport building hangars. Rich responded.

(9:36 a.m.) Al Sesona, 394 North Blvd., spoke on the airlines' bankruptcies and the economy. He spoke on the bankruptcy of Skybus.

(9:41 a.m.) Alison McCallum, 211 San Juan Drive, spoke on the Veranda unified sign plan, listed as Item 9 on the agenda. McCormack stated that if comments were made by the public, than the applicant would have an opportunity to ask questions.

(04/15/08 - 6 - 9:45 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

McCormack requested to add a resolution pertaining to ratifying the emergency proclamation 2008 – 01 as Item A1. Wanchick requested to pull Item 9 and rescheduled it to April 29th per the applicant’s request. He also requested to add Interstate 95 at CR 210 Interchange Improvements Joint Participation Agreement between FDOT and St. Johns County as Item B1.

(04/15/08 - 6 - 9:46 a.m.)

APPROVAL OF REGULAR AGENDA

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

(04/15/08 - 6 - 9:47 a.m.)

A1. A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, RATIFYING EMERGENCY PROCLAMATION 2008-01 PERTAINING TO DANGER TO PRIVATE PROPERTY AT OR NEAR THE VICINITY OF 3560 COASTAL HIGHWAY DUE TO RECENT STORM EROSION

Motion by Stevenson, seconded by Rich, carried 5/0, to adopt Resolution No. 2008-106 ratifying Emergency Proclamation 2008-01 pertaining to danger to private property at or near the vicinity of 3560 Coastal Highway due to recent storm erosion.

(04/15/08 - 6 - 9:48 a.m.)

B1. INTERSTATE 95 AT CR 210 INTERCHANGE IMPROVEMENTS JOINT PARTICIPATION AGREEMENT BETWEEN FDOT AND ST. JOHNS COUNTY

Stevenson reviewed this item. **Motion by Stevenson, seconded by Sanchez, to adopt Resolution No. 2008-107, approving the terms, provisions, conditions, and requirements of the Joint Project Agreement between the Board of County Commissioners of St. Johns County, Florida, and the State of Florida Department of Transportation, regarding the construction and construction engineering of certain roadway improvements within the interchange of Interstate 95 at CR 210, and authorizing the County Administrator to execute said agreement.** Manuel thanked Mr. Bennett and Mr. Baldwin for staying on top of the critical St. Johns issue and for the support that the FDOT had rendered this county. (9:49 a.m.) **The motion carried 5/0.** **Motion by Stevenson, seconded by Sanchez, to adopt Resolution 2008-108, to receive unanticipated revenue and authorize its expenditure on project 5152 Construction and CEI of I-95 at CR 210 Interchange Improvements.** Darrell Locklear, Assistant County Administrator, gave a brief update. Manuel stated that they needed to expedite this because of the funding with FDOT, and if they would not have taken this action today, they would have lost the funding. (9:51 a.m.) **The motion carried 5/0.**

(04/15/08 - 6 - 9:51 a.m.)

(District 3)

1. PUBLIC HEARING - PUD 2005-30 LIGHTSEY ROAD APARTMENTS PLANNED UNIT DEVELOPMENT - THIS IS A REQUEST TO REZONE FROM OPEN RURAL (OR) TO PUD FOR THE CONSTRUCTION OF 264 APARTMENT UNITS AND 25,000 SQUARE FEET OF COMMERCIAL SPACE.

SUBJECT PROPERTY IS 25.21 ACRES AND IS LOCATED ALONG THE INTERSECTION OF LIGHTSEY RD AND SR 207. STAFF SUPPORTS THIS REQUEST BASED ON REVIEW OF THE LAND DEVELOPMENT CODE, COMPREHENSIVE PLAN, AND GENERAL DEVELOPMENT TRENDS IN THE SURROUNDING AREA. THE BOARD OF COUNTY COMMISSIONERS PREVIOUSLY DENIED THIS REQUEST ON FEBRUARY 20, 2007 BY A VOTE OF 3/2. ON DECEMBER 12, 2007, THE COURT QUASHED THE ORDER BY THE BCC AND REMANDED THE ITEM FOR REHEARING BY THE BCC

Proof of publication of the notice of public hearing regarding PUD 2005-30, Lightsey Road Apartments, was received having been published in *The St. Augustine Record* on April 5, 2008.

James Whitehouse entered the meeting. Court Reporter Cathy Upchurch was present. Adjacent Property Owners' Response Forms were handed in for the record, Exhibit A

(9:51 a.m.) Doug Burnett, 170 Malaga Street, gave a brief history on this item. He reviewed a stack of documents for the record; the capacity of local schools, memorandum from Tom Crawford, Housing Director, Exhibit B; colored aerials maps, Exhibit C; Ordinance No. 2006-96 Seaview Landing PUD, Exhibit D; transcript from the February 20, 2007 BCC Hearing, Exhibit E; and the files of appeal on case #CA07-0303, Exhibit F.

(9:56 a.m.) John Zeledono, 1525 Wilbar Circle, Winter Park, Florida, reviewed this item. Rich disclosed exparte communication with Harry Waldron, the purchaser of the property and residents in the area regarding the target consumer group and family matters. Stevenson disclosed exparte communication with Mr. Burnett and Mr. Zeledono regarding concerns of the residents and the sale of alcohol. Manuel disclosed exparte communication with the applicant, owner and residents.

(10:01 a.m.) Sheila Clark, 2132 Wood Stork Avenue, on behalf of Pine Lakes Homeowner Association, spoke in opposition of the project due to the access off of Lightsey Road, Exhibit G.

(10:03 a.m.) Michelle Wamser, 48 Lee Drive, adjacent land owner to the property, spoke in opposition displaying pictures and site plan, Exhibit H. She stated that they asked the applicant to move the building and go down to two stories from three stories. Stevenson asked how many feet there were from her property line to her homestead. Wamser replied about 300 feet. She spoke on the three story buildings. Whitehouse spoke on the court entered orders. Wamser replied to Whitehouse.

(10:21 a.m.) Shirley Davis, 1565 Lightsey Road, property owner within 300 feet of the property, spoke in opposition of this item. She submitted a packet and displayed pictures, Exhibit I. She spoke on density, the aesthetics of the neighborhood, signage being an eye sore, height and compatibility. She also spoke on traffic concerns and safety. Discussion followed.

The meeting recessed at 10:36 a.m. and reconvened at 10:48 a.m.

(10:49 a.m.) Carlos Mendoza, 2408 Kacie Lane, spoke in opposition of this rezoning and spoke on competent substantial evidence. Bryant asked Mendoza how many cases in the fifth district, had he seen overturned in the appellate. Mendoza replied.

(10:58 a.m.) Harry Waldron, 118 Colon Avenue, spoke in favor of the rezoning.

(11:02 a.m.) George McClure, 81 King Street, in behalf of the Waldron family, spoke in favor of the rezoning and gave a brief history, Exhibit J.

(11:19 a.m.) Burnett made one observation discussing the appeal. He spoke on the PUD and stated that these buildings were actually four feet lower than the adjoining project.

(11:21 a.m.) Tom Crawford, Director of Housing Community Services, clarified that the memorandum mentioned by Burnett was a draft memorandum and did not make it to the Chairman. He spoke on rental developments.

(11:24 a.m.) Press Tompkins, Engineer, stated that Lightsey Road was classified as a minor collector road. Rich asked about the road meeting standards. Tompkins replied that it did not. Burnett stated that the PUD provided for the fact that the applicant would improve Lightsey Road to minor collector standards. Tompkins responded. Stevenson spoke on turn lanes. Tompkins replied that turn lanes would be required on Lightsey Road for this project. Whitehouse spoke on the Board weighing the evidence and the applicant making things more compatible. Stevenson spoke on attending the closed door meetings. Whitehouse stated that the judge remanded it back to the Board and explained. Stevenson commented on the current RS-3 zoning and being concerned about the play area for the children. Burnett responded that this was to be a controlled access gated apartment complex. Stevenson asked about the 10 foot buffer from the property line. Burnett replied it was now a 20 foot buffer. McCormack commented that there could be a resolution to this matter today. Bryant stated that each project stood on its own merits. Manuel mention four things that might be mitigated on this project; the fencing, the egress and ingress issue on Lightsey Road, the sidewalk issue, and the density. McCormack stated that this application was in a mixed use district. He spoke on the subject property and the most intense use.

(11:42 a.m.) Burnett spoke on the fencing issue. Manuel asked about making the building closest to Wamser's property, a two story building. Burnett replied that he would have to talk to the applicant. Burnett spoke on the sidewalks, and the entrance into and out of the complex. Manuel suggested making the building 16 units and lowering the height of the building. Burnett replied that they could move the mail kiosk and move the building over 40-50 feet. Manuel asked the applicant to consider reducing the building height. He stated that he thought there was a need for these apartment buildings. Stevenson mentioned being concerned about the testimony that she heard about Lightsey Road. Sanchez mentioned making a larger building and making it two stories instead of three stories. Burnett responded on emergency access, and asked for a five minute recess to discuss the concerns mentioned. (11:54 a.m.) Court Reporter Sherry Davis entered the meeting and Cathy Upchurch left the meeting.

(1:56 p.m.) Subsequently, Burnett said he had met with his clients during lunch. He said the fencing would be easily provided. He said the issue of eliminating the gazebo and the active play area would require a waiver. He said sidewalks were already provided for in the PUD. Regarding the density issue, the building in question could be reduced to two stories and extended in length. He said the connection to Lightsey Road was a controlled access road and was there to serve the commercial traffic, provided emergency access and would be a sticking point.

(2:00 p.m.) Manuel said the Lightsey Road access would be used during all phases of construction but was for commercial access. Manuel asked if school buses actually entered the project. Burnett said that they could and there was room for the school bus to enter and turn around. He pointed out where the fence would be and said it would create a safety barrier for the wetlands.

(2:03 p.m.) Rich said density and intensity were issues that had been brought forth. He gave an explanation of his decision which involved the history of the project and what he considered to be the right thing to do. He said the proposal was incompatible with adjacent uses and the buffering requirements were not being met.

(2:17 p.m.) **Motion by Rich, seconded by Sanchez, to deny rezoning application PUD 2007-30, adopting the following findings of fact: 1) The proposal fails to meet the standard of Florida State Statutes, Title 11 Section 163.3161 (3), and Section A.1 of the Comprehensive Plan, and that it does not demonstrate the most appropriate use of the land to preserve and enhance our present advantages over surrounding counties, such as our tourist based industry and under exploited beaches and is therefore not consistent with the public interest. 2) It does not provide solutions for nor address future issues that will surely arise from the requested use creating situations where local government will not be able to deal effectively with future problems that may result from the use. 3) It is anticipated that the project will not preserve, promote, protect or improve the public safety, good order, or appearance or general welfare. 4) It will not prevent the overcrowding of land and avoid undue concentrations of population. Testimony indicates that it will, in fact, create a situation that it should, at worst, have a neutral effect upon. 5) It will not facilitate the efficient provision of transportation creating an increased danger to pedestrians, bicyclists and possibly vehicular traffic and finally, 6) Neither the spirit of mixed use development, nor the goals as outlined in Comprehensive Plan objective 8.1.9, had been satisfied by the applicant or staff in reference to locations of intensity within the district. The goals regarding mixtures of land use within the district or the well balanced mixture of uses proposed by the applicant.**

(2:20 p.m.) Stevenson said there had been a comment by the citizenry that they did not feel like they had received process under the Neighborhood Bill or Rights and asked whether that question had been resolved.

(2:20 p.m.) McCormack read to them from the pertinent section of the Neighborhood Bill of Rights. He asked if there was anyone present from a registered neighborhood association who wished to speak. No one responded.

(2:22 p.m.) Stevenson said she also wanted to clarify the issue of compatibility and whether it was considered compatibility with what was there or compatibility with what it was zoned for. McCormack responded that it was for both, as zoning and what was there were both elements.

(2:22 p.m.) Bryant asked, if the Bert J. Harris Act action was filed against them, if it would be covered by insurance. McCormack said it would not be. Bryant said they would be putting the tax payers of the County at risk for millions of dollars.

(2:23 p.m.) **Manuel asked for a Roll Call Vote.**

Sanchez	yes
Rich	yes
Manuel	no
Bryant	no
Stevenson	no

Motion failed 2/3.

(2:23 p.m.) Bryant said that in an effort to keep from putting the citizens of St. Johns County in a position of liability in this case, he would make the motion.

(2:25 p.m.) **Motion by Bryant, seconded by Manuel, to enact Ordinance No. 2008-19, known as PUD 2005-30 Lightsey Rd. Apartments adopting findings of fact one through seven to support the motion to include removal of the gazebo/playground picnic area and place a fence along that edge of the property line, drop the building height to two stories along the western property line allowing them to widen the footprint, with the maximum height of that building to be 35 feet, place a sidewalk along Lightsey Road to meet the building development requirements for a collector road and along CR 207, including a berm on the western property line with vegetation on top to provide further obscuration and to remove the pedestrian gate and footpath. A new Master Development Plan with new drawings was to be submitted.**

(2:30 p.m.) Stevenson expressed concern that the project approval had been going on for a year and could affect a Bert J. Harris Act claim. McCormack said the Bert J. Harris Act did not provide for temporary takings, and did not pertain to language that existed before 1995, when most of their Comp Plan compatibility language was written. He noted, however, that he could not tell them that there was no Bert J. Harris Act vulnerability in that matter. Stevenson clarified that they would not be vulnerable. McCormack said he believed they would not be. She said she agreed with Rich's observations regarding density but it made perfect sense when you looked at the map. She said it was one of the most troublesome items that they had ever had.

(2:34 p.m.) Rich said he was concerned about several things including the Bert J. Harris Act issue. He said every one of the six reasons he had given for denial were founded in law. He said it was their job to make the tough calls and to do what was right. He said it was not the appropriate place for dense development with children present. He said they needed to use common sense regarding the safety of the children and that on that issue alone it should not be approved.

(2:38 p.m.) Sanchez asked if the Bert J. Harris Act said that if they changed zoning on a property that affected the value of someone else's property, that the County would be liable. McCormack said it was not a claim for a neighboring property if the application property is rezoned, and that opinion was rendered by the Attorney General. He said if there was one valid element to deny it dated before the Bert J. Harris Act in 1995, then that element would be sufficient to deny it and a claim would not be eligible.

(2:42 p.m.) Bryant said the mixed use area was the crux of the problem. He asked if they could have staff research whether they could reduce the intensity in a mixed use and go to a reclassification of some sort to find out what would fit our community best and change that portion of the map so we don't continue to come up with the same issue again and again. He called the question. Manuel agreed that mixed used districts had been the cause of many of their problems, and agreed they needed to research, clarify and possibly amend or get rid of the concept of mixed use.

(2:43 p.m.) **Manuel asked for a roll call vote.**

Rich	No
Manuel	Yes
Bryant	Yes
Stevenson	No
Sanchez	No

Motion failed 2/3.

(2:44 p.m.) McCormack said the Board had not approved or denied the PUD and if that was the last action, failure to receive an approval would constitute a denial. He said he

was reluctant to leave the issue in that manner. He said it would not be advantageous to the County to defend their decisions. He advised them to state their concerns.

(2:46 p.m.) Stevenson said her concern was for the intensity of the overall use of the project. She said Planning had supported the project, but the intensity was too high and the openings to the project were not safe. Additionally, it would constitute city dwelling directly against country dwelling.

(2:48 p.m.) McCormack said mixed use issues are now being looked at in greater detail at the beginning of the process rather than at the hearing. Nevertheless, he said, they would be hearing the matter again if it was denied that day. He said it would go to the Circuit Court and then to the DCA. He said if a majority of the Board had narrowed the issue down to the density question, it would be his advice for them to get more information on that issue and have staff review that particular question, as it might put the applicant in a more motivated position to adjust numbers. He said it was a tricky case and he urged them to get more data on the issue of intensity.

(2:52 p.m.) Motion by Manuel, seconded by Stevenson, carried 5/0, to continue the item for two weeks to allow staff the necessary time to do an evaluation as outlined by the County Attorney.

(2:52 p.m.) Burnett commented that the prior testimony of the Planning staff said that the Seaview Landing project was practically identical to the current project.

(2:52 p.m.) Stevenson asked if they wanted testimony now, because it was not just that project, it was what was adjacent to it.

(2:52 p.m.) Wanchick said it would not be in the Board's best interest to expedite it.

(2:53 p.m.) Burnett said they wanted them to make a decision that day and did not want it continued. He said the Seaview Landing PUD was argued extensively during the appeal.

(2:53 p.m.) Whitehouse said that there was no talk about the density of Seaview Landing PUD or of the density of the surrounding areas. He said this Board was discussing density rather than compatibility.

(2:54 p.m.) McCormack said the Board had the authority to continue, it could not be arbitrary or capricious. Manuel said it was reasonable to put it off for two weeks. McCormack said the issue could require more intense scrutiny.

(2:55 p.m.) Rich asked if the applicant was asking for a motion that day. Burnett said that was correct. Rich asked if it was legal to not honor that request. McCormack said they had the right to continue if they needed more data and if it was not arbitrary or capricious or for an unreasonable length.

(2:55 p.m.) McClure said they objected to a continuance because it had been continued two weeks ago. He said it was up to the applicant to present the evidence and for the Board to make a decision based on the facts. He said the applicant had nothing more to say and there was no basis for a continuance. He said if they could not reach a consensus then that was what would happen.

(2:57 p.m.) Manuel asked if they could deal with it after the LDC hearing. McCormack said they looked for a decision that day. Manuel asked staff to do a quick analysis of

the neighboring properties and report those densities back to the Board that day. McClure specified the areas that should be covered.

(5:42 p.m.) Subsequently, Desai left the meeting and James Whitehouse, Assistant County Attorney, entered the meeting. Manuel spoke on parcel numbers assigned to property in the area. Burnett responded. (5:43 p.m.) Stevenson left the meeting.

(5:46 p.m.) Motion by Manuel, seconded by Rich, carried 4/0 with Stevenson absent, to continue this item until April 29th as Item 2 on the Regular Agenda and it be restricted to the density issue and public comment would be limited to those who had not previously spoken.

The meeting recessed at 11:55 a.m. and reconvened at 12:04 p.m.

The meeting recessed at 12:04 p.m. and reconvened at 1:28 p.m. with Rich, Sanchez, Manuel and Bryant present and Stevenson absent. Wanchick, Locklear McCormack, Whitehouse, and Terry Bulla, Deputy Clerk, were also present. Sanchez reported ex parte communication during the lunch break regarding what had happened so far that day. Manuel disclosed ex parte prior to the meeting regarding recreational facilities. It was suggested that they move to Item No. 2 to wait for Stevenson's return.

(1:31 p.m.) Stevenson joined the meeting.

(04/15/08 - 12 - 1:30 p.m.)

2. PRESENTATION ON THE S.I.G.H.T. IN-JAIL DRUG AND ALCOHOL INTERVENTION PROGRAM

Scott Bartosh, 422 Community Trail, and Dr. David Rice, 148 Bartram Park Dr., reported on the St. Johns County Sheriff's Office S.I.G.H.T. program. Bartosh and Rice gave a PowerPoint presentation to explain the three phase drug and alcohol intervention program. Rice noted all participants were court ordered inmates. He explained the program components and the three phases of the treatment program which lasted 270 days. He stated the program involved major community partnerships; the Sheriff and his correctional staff, the courts, Epic Community Services, and trained Volunteers at AA/NA. He gave a brief history of the program and how it had developed and grown since March 2005. He reviewed the program's accomplishments and noted the recidivism rate was 24 percent as opposed to the national average of 67 percent. He said based upon the average cost to house an inmate and the average length of sentence, the average saving was \$459,270 for a 24 month period based only on incarceration costs. He said the accomplishments were more importantly measured in human lives saved.

(1:47 p.m.) Bartosh said they were operating at capacity and attendance was limited to those who were court ordered. He said the future plan was to locate a program at the Agricultural Work center increasing the capacity to 60. He outlined what the proposed facility would entail, and the holistic intervention services that would be available. He said the program was an overwhelming success, and asked the Board for its continued support of the Agricultural Work Center, to talk about it in the community and to help educate the public about the program. He said it involved the safety and quality of life of all the citizens of St. Johns County.

(1:54 p.m.) Manuel said there was unanimous support for the Agricultural Work Center and the Board would support the program.

(1:54 p.m.) Rich said the program was a savings to the citizens of the County and he trusted the Sheriff's judgment.

The meeting recessed at 2:58 p.m. and reconvened at 3:04 p.m.

(04/15/08 - 13 - 3:04 p.m.)

3. CHAMBER OF COMMERCE AND CORNERSTONE ECONOMIC DEVELOPMENT UPDATE

Nick Sacia, Executive Director of the St. Johns County Chamber of Commerce Economic Development Council, gave a quarterly report. He gave a PowerPoint presentation covering the Economic Development Web Site, Target Industry Recruitment, Local Target Industry Retention and Expansion, Company Announcements, Q2 EDC Meetings, the January Morning Roundtable, Workforce Housing Luncheon, Cornerstone Regional Partner Economic Development Forum and February Quarterly Membership Luncheon. He also reviewed Marketing Events. He reported on upcoming events. He explained why they did economic development regionally and reviewed the regional programs. He reviewed the Regional Development Forum and the Regional Roundtable of Economic Development.

(3:13 p.m.) Manuel said he had met with Sacia on several occasions and noted that at the recent regional meeting, Dr. Fishkind had spoken unkindly about St. Johns County in terms of commercial economic development, and it was clear that there was a message regionally and nationally that the County was not receptive to economic development. He said that he and Sacia had been discussing economic incentives in terms of economic activities to be brought back before the Board. He said there was good news as well. He said there were over 520 participants registered from the commercial development industry and from national tenants at the conference sponsored by the Devlin Group and Carter Properties. He said the commercial market was improving in St. Johns County and the Board could look forward to future presentations that represented approximately one half billion dollars in development within the County. He noted that he and the County Administrator were working on ways to streamline the application process and they would be more aggressive in their solicitation of commercial development. He said the negative perception was something that they needed to address. He said commercial impact fees were the biggest issue and had been disproportionately communicated. Rich said the Board was not getting in the way of commercial endeavors. Sacia said there was a perception that the County was not friendly and that was what they needed to work on. He said many projects would stop based on that alone. He said the results of residential development sometimes affected commercial development and impact fees were a good example.

(3:20 p.m.) Stevenson said impact fees, which originated in the court, had to be charged to everybody, and the incentive ordinance was the attempt to mediate that issue. She said they lacked a broad based way to pay for infrastructure and they had forced the new growth to pay its share. She said they never anticipated people going 30 miles away to a different county that had no impact fees. She said Jacksonville called it the proportionate fare share. She said they had discouraged people coming in under the incentive ordinance which was developed to offset the cost of development. She said people had strong feelings about impact fees. She said what she was hearing was entitlement costs. She said these were things the Board might want to look at.

(3:22 p.m.) Manuel said they would take a close look at how to change the message.

(3:23 p.m.) Sanchez said this was not a new issue and the impact fees, in combination with other things, were part of the problem. He said they did not have to say a word to

create a perception. He said they were working on it, but it was going to take some time.

(04/15/08 - 14 - 3:25 a.m.)

(District 4)

4. PUBLIC HEARING - WAIVER TO BALD EAGLE REQUIREMENTS FOR POULOS PROPERTY - THE APPLICANT SEEKS A WAIVER TO SECTION 4.01.10.B OF THE LAND DEVELOPMENT CODE, PERTAINING TO HABITAT MANAGEMENT FOR THE BALD EAGLE FOR PROPERTY LOCATED WITHIN THE 750 FOOT PRIMARY ZONE OF THE PLANTATION BALD EAGLE NEST. THE WAIVER IS REQUESTED IN ORDER TO CONSTRUCT A POOL IN ASSOCIATION WITH A SINGLE FAMILY PROPERTY. THE APPLICANT HAS AGREED THAT THIS ACTIVITY WILL NOT OCCUR DURING THE NESTING SEASON WHICH IS FROM OCTOBER 1ST TO MAY 15TH

Proof of publication of the notice of public hearing on Eagle Nest/Poulos Property, was received having been published in *The St. Augustine Record* on March 31, 2008.

Jan Brewer, Environmental Manager, was available for questions.

(3:26 p.m.) Motion by Stevenson, seconded by Bryant, carried 5/0, to approve the waiver to Section 4.01.10 B of the Land Development Code based on the applicant providing an alternate Bald Eagle Management Plan.

(04/15/08 - 14 - 3:26 p.m.)

(District 4)

5. PUBLIC HEARING - WAIVER TO BALD EAGLE REQUIREMENTS FOR SCHWAB PROPERTY - THE APPLICANT SEEKS A WAIVER TO SECTION 4.01.10.B OF THE LAND DEVELOPMENT CODE, PERTAINING TO HABITAT MANAGEMENT FOR THE BALD EAGLE FOR PROPERTY LOCATED WITHIN THE 750 FOOT PRIMARY ZONE OF THE PLANTATION BALD EAGLE NEST. THE WAIVER IS REQUESTED IN ORDER TO CONSTRUCT A POOL IN ASSOCIATION WITH A SINGLE FAMILY PROPERTY. THE APPLICANT HAS AGREED THAT THIS ACTIVITY WILL NOT OCCUR DURING THE NESTING SEASON WHICH IS FROM OCTOBER 1ST TO MAY 15TH

Proof of publication of the notice of public hearing on Eagle Nest/Schwab Property, was received having been published in *The St. Augustine Record* on March 31, 2008.

(3:26 a.m.) Motion by Stevenson, seconded by Sanchez, carried 5/0, to approve the waiver to Section 4.01.10 B of the Land Development Code based on the applicant providing an alternate Bald Eagle Management Plan.

(04/15/08 - 14 - 3:27 p.m.)

(District 2)

6. PUBLIC HEARING - RESOLUTION VACATING A PORTION OF RIVERSIDE BOULEVARD - THE APPLICANTS, JIM AND BEVERLY WILCOX, WILLIAM AND JOANN REINHARDT, EUGENE C. KOHLS AND GAVIN AND JESSICA KORTH, REQUEST THE VACATION OF A 315 FOOT PORTION OF AN 80 FOOT UNOPENED RIGHT OF WAY KNOWN AS RIVERSIDE BOULEVARD. RIVERSIDE BOULEVARD IS CURRENTLY NOT BEING USED BY THE COUNTY AND IS LOCATED ADJACENT TO THE APPLICANT'S PARCELS EAST OF C.R. 13 WITHIN THE RIVERDALE PLAT

Proof of publication of the notice of public hearing regarding vacating a portion of Riverside Blvd., was received having been published in *The St. Augustine Record* on March 31, 2008.

John Burnham, Development Review Chief Engineer, was present for questions.

(3:28 p.m.) **Motion by Stevenson, seconded by Sanchez, carried 5/0, to adopt Resolution No. 2008-109, vacating a portion of Riverside Boulevard within Riverdale Plat as described in attached "Schedule A".**

RESOLUTION NO. 2008-109

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, VACATING PART OF AN UNOPENED RIGHT OF WAY DRAINAGE AND UTILITY EASEMENT AS MORE FULLY DESCRIBED BELOW. PROVIDING FOR AN EXPRESS PROVISION, NOT ACCEPTING ANY OTHER UNOPENED RIGHT OF WAY; PROVIDING FOR AN ACCEPTANCE DATE

(04/15/08 - 15 - 3:29 p.m.)

(District 1)

7. PUBLIC HEARING - PUD 2006-28, WORTHINGTON PLANNED UNIT DEVELOPMENT - 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, 2007 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. 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. AT THE FEBRUARY 19, 2008 BOARD OF COUNTY COMMISSIONERS MEETING, THE ITEM WAS REHEARD AND THE SAFETY OF THE I-95/CR 210 INTERSECTION WAS DISCUSSED. THE APPLICANT HAS PROVIDED ADDITIONAL TRAFFIC INFORMATION REGARDING TRAFFIC FLOW IN THE AREA. PLEASE SEE ATTACHMENT #3

Proof of publication of the notice of public hearing regarding PUD 2006-28, Worthington PUD was received, having been published in *The St. Augustine Record* on March 31, 2008.

Michele Kronen, Court Reporter from Anderson Recording, was present.

Teresa Bishop was available for questions.

(3:29 p.m.) Frank Miller, 245 Riverside Ave., Ste. 400, Jacksonville, represented the applicant. He gave a history of the item. He said a public hearing was held and attended by one resident and they addressed concerns as best they could on the site plan. He said a revised PUD was submitted, came before PZA on January 3, 2008 and received a 7/0 recommendation for approval. He said at February 19th BCC hearing, there was an issue of public safety arising from the situation at the interchange of I-95 and CR 210, and they were granted a continuance to conduct a traffic study. He gave the results of the traffic study done by Ward Kudnick, Transportation Planners

Engineers, Inc., Principal, and said he was available to answer questions. He said the applicant was sensitive to those concerns expressed by the Commissioners. He said the applicant had agreed to xeriscaping landscaping techniques and to the low flow plumbing fixtures in the construction and maintenance phases of the development. He said the applicant was willing to postpone seeking certificates of occupancy on any residential homes constructed on the project for 18 months. He said the applicant was willing to withhold utility and roadway paving on the property until the work described as the PM I95 and 210 was commenced.

(3:35 p.m.) Discussion ensued on when construction would begin, low impact development, and lot sizes.

(3:44 p.m.) Tom Sciandra, 778 Pheasant Court, said he lived just to the west of the proposed project. He said the developer had said he was willing to cut three of his lots from 41 to 38 bringing the square footage of the lots up to 8,000 square feet which would be acceptable. He said on traffic issues, the traffic study was extremely flawed and was not accurate. He said it looked at one hour, of one day, March 11 from 4:45 p.m. to 5:45 p.m. and did not account for any school traffic because FCATs were held that day. He showed pictures (Exhibit A) of Long Leaf Pine Rd. and Greenbriar Rd. which showed traffic backed up for $\frac{3}{4}$ of a mile in every direction. He also reviewed the traffic study which was done (exhibit B). He said other families in the area were opposed to the project though they were not present at that meeting. He asked them to deny the request unless the developer dropped the three lots as he had said he would.

(3:53 p.m.) Rich said his concern was setting a clear modern precedent regarding lot sizes that were incompatible with surrounding lot sizes. Blackford said that the code did not specify lot size. Rich said staff had to look at it from the side of the resident. Blackford said that a precedent had already been set for smaller lot sizes. He said 8,000 square feet was about $\frac{1}{5}$ of an acre.

(3:59 p.m.) Sciandra said he had showed all the lot sizes in the area and reviewed those sizes for the surrounding developments. He said he was willing to concede down to 8,000 square feet.

(4:03 p.m.) Stevenson said she would have to leave at 5:00 p.m. for a personal commitment.

(4:03 p.m.) Bishop said that small lots were not necessarily bad. She suggested that if small lots were not compatible that they might want to change the Comprehensive Plan and now would be a good time to do it as they were in the EAR process.

(4:04 p.m.) Miller said there was a discussion regarding mixed used and the intensity allowed. He said mixed use was within a couple of hundred yards from the project. He noted other projects in the vicinity where lots sizes were smaller. He said they had agreed to go from 41 to 38 lots, to utilize xeriscaping and to defer to begin any agreed upon work until the I-95 and CR 210 work had occurred. Manuel said July or August would be a reasonable start date. Miller said they would agree to 18 months from the start date.

(4:07 p.m.) Stevenson questioned the recreational area attached and the buffers. Miller said there would be five acres of recreation, and reviewed the buffers around the project.

(4:09 p.m.) **Motion by Manuel, seconded by Stevenson, carried 5/0, to enact Ordinance 2008-19, known as PUD 2006-28, Worthington findings of fact one through seven to**

support the motion, plus four additional items previously discussed including waivers, and to include a revised MDP text and map, authorizing staff to review them.

ORDINANCE NO. 2008-19

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

The Board recessed at 4:10 p.m. Terry Bulla left the meeting and Lenora Newsome entered the meeting.

(04/15/08 - 17 - 4:20 p.m.)

(District 5)

8. PUBLIC HEARING - PNZVAR 2007-03, CLEAR-WIRE US LLC JCK 217 - THIS APPLICATION IS A PLANNING NON-ZONING VARIANCE TO SECTION 3.08.04.E, MID ANASTASIA OVERLAY DISTRICT, TO REDUCE THE REQUIRED SCREENING FOR ANTENNAS, ALLOWING VISIBILITY FROM ANY ROADWAY OR ADJACENT RESIDENTIAL PROPERTIES. STAFF FINDS THE REQUEST MEETS THE CRITERIA OF SECTION 10.04.03.B, SPECIFICALLY PRACTICAL DIFFICULTIES. THE MID ANASTASIA DESIGN REVIEW BOARD REACHED CONSENSUS DURING THE FEBRUARY 14, 2008 MEETING TO APPROVE THE VARIANCE REQUEST

Proof of publication of the notice of public hearing on PNZVAR 2007-03/Clearwire, was received having been published in *The St. Augustine Record* on March 31, 2008.

Lindsay Haga, AICP, Chief Planner, reviewed this item, distributing Adjoining Property Owner Response Forms, Exhibit A. Bryant asked if they considered the building on top that housed the electrical equipment not the antennas. Haga responded.

(4:22 p.m.) Fred Hathorn, 20 Dondanville Road #203, spoke on the fixtures on top of the building displaying pictures, Exhibit B. He stated, if the Board could do anything about the eight story building, they would appreciate it.

(4:26 p.m.) Kevin Jones, 220 Pasco Terraza, representing Clear-wire, explained what they would be adding to the top of the building. Bryant spoke on not realizing the big structure was on top of the building and what Jones was proposing was acceptable.

(4:31 p.m.) Motion by Bryant, seconded by Stevenson, carried 5/0, to approve Planning Non Zoning Variance PNZVAR 2007-03, Clear-wire US LLC JCK 217, adopting findings of fact 1 through 6 to support the motion.

(04/15/08 - 17 - 9:45 a.m.)

(DISTRICT 4)

9. PUBLIC HEARING - MAJMOD 2007-23, PLAYERS CLUB PUD (VERANDA UNIFIED SIGN PLAN) - THIS IS A MAJOR MODIFICATION TO THE PLAYERS CLUB PUD (ORDINANCE 1975-15, AS AMENDED) TO MODIFY THE VERANDA FINAL DEVELOPMENT PLAN (1996-224) IN ORDER TO DEFINE THE INDIVIDUAL BUILDING SIGNAGE FOR VERANDA BUILDINGS A-F. STAFF RECOMMENDS APPROVAL OF THE REQUEST, INCLUDING THE WAIVERS, FINDING THE REQUEST MEETS THE POLICIES OF THE COMPREHENSIVE PLAN AND APPLICABLE SECTIONS OF THE

LAND DEVELOPMENT CODE. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS REQUEST DURING THE MARCH 6, 2008 MEETING (MOTION BY WHEELER, SECOND BY WILLIAMS) BY A VOTE OF 6/1. THE RECOMMENDATION INCLUDES THE WAIVERS AS PRESENTED AND MODIFIES THE UNIFIED SIGN PLAN TO REMOVE SIGNAGE FROM THE SOUTHERN ELEVATION OF BUILDING D AND LIMIT SIGNAGE TO ONE SIGN ALONG THE TOP BAND ON THE NORTHERN ELEVATIONS OF BUILDINGS A AND F (FACING PGA BOULEVARD)

This item was pulled from the agenda and rescheduled to April 29, 2008.

(04/15/08 - 18 - 4:32 p.m.)

(DISTRICT 2)

10. PUBLIC HEARING - PUD 2007-27, VILLAGE COMMONS PLANNED UNIT DEVELOPMENT - THIS REQUEST SEEKS TO REZONE APPROXIMATELY 5 ACRES FROM OR TO PUD TO ALLOW FOR THE DEVELOPMENT OF 17,826 SQUARE FEET OF NEIGHBORHOOD BUSINESS USES DESIGNED ON A SCALE TO SERVE THE NEEDS OF THE SURROUNDING AREA AND DESIGNED TO EVOLVE AS THE AREA GROWS, CONTAINED WITHIN FOUR PHASES. STAFF RECOMMENDS DENIAL OF THE REQUEST, FINDING THE REQUEST DOES NOT MEET POLICY A.1.3.12 OF THE COMPREHENSIVE PLAN AND SECTION 5.03.02 OF THE LAND DEVELOPMENT CODE REGARDING COMPATIBILITY, SPECIFICALLY AS IT RELATES TO TIMING OF THE PROPOSED COMMERCIAL USES AT THIS LOCATION WITHIN A RURAL AREA CATEGORIZED WITH LOW DENSITY DEVELOPMENT. THE PLANNING & ZONING AGENCY RECOMMENDED APPROVAL OF THIS REQUEST (MOTION BY WHEELER/SECOND BY HANSON) PASSING BY A VOTE OF 7/0, INCLUDING A REVISION TO THE PUD TEXT REMOVING CERTAIN LANGUAGE REGARDING APPLICATION FEES

Proof of publication of the notice of public hearing on PUD 2007-27/Village Commons, was received having been published in *The St. Augustine Record* on March 31, 2008.

Lindsay Haga, AICP, Chief Planner, reviewed this item, distributing emails, Exhibit A.

(4:32 p.m.) Gary Davenport, 5378 Fourth Street, reviewed the history of this item, displaying pictures, Exhibit B. He stated that they had neighborhood support of this item. Rich asked what Phase III and IV contained. Davenport replied that Phase III was to convert the rear building to an office and Phase IV was a ten thousand foot office commercial building for which they would have to return to the Board for approval. Rich asked about what they were planning on doing with the garbage. Davenport responded that they did have a garbage plan. Rich asked Davenport to agree to change the MDP to include a trash section. He stated that the trash text would specify that the trash would be a commercial container that would be contained on three walls with concrete block, high enough so the commercial container could not be viewed, with a gate that opened in the front and was opaque in some way so the garbage can could not be seen. Davenport stated that was their intent and that they would definitely do what Rich asked. Stevenson stated that Staff objected to this item, so she believed that it was not ready to be urbanized and she asked what the advantage was of putting that last phase in this plan at that time. Davenport replied that it was for clarification of his client's desire and to be clear that it was not approved to be built until it was judged for future compatibility. Stevenson asked about the density. Davenport offered to add a statement with the following language, *that the depiction of this phase on the MDP does not create an inference of future approval*. Stevenson spoke on cutting the corners off of the building and asked the Board to consider giving the applicant relief from doing so.

(4:45 p.m.) Motion by Rich, to enact Ordinance No. 2008-20, known as PUD 2007-27, Village Commons PUD adopting findings of fact 1 through 7 to support the motion and including the agreed change to the MDP map so that it does not reflect future use approval, as well as the agreement regarding the buffering of garbage receptacles as agreed to by the attorney for the applicant and waivers as outlined in the project review by staff. Manuel asked about including the relief to cut off the corners of an existing building. Haga stated that the Board would have to make a policy determination that met the intent of the northwest sector guidelines regarding development edges. She stated that the Board would have to make a policy determination that the intent was to allow for minimal encroachment regarding the existing building. (4:48 p.m.) Rich added to the motion to include a limited encroachment existing. The motion seconded by Sanchez, carried 5/0.

ORDINANCE NO. 2008-20

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

(04/15/08 - 19 - 5:11 p.m.)

11. FY 2009-2013 REQUESTED CAPITAL IMPROVEMENT PROJECTS (CIP) WORKSHOP

Stevenson spoke on the item that stood out to her, which was the \$950,000 for the multipurpose trail.

Dawn Cardenas, Office of Management and Budget, distributed the CIP requests, Exhibit A. Rich asked the County Administrator to try to ride close herd over this list for him.

12. WATER CONSERVATION INITIATIVE WORKSHOP

This item was postponed and will be reset.

(04/15/08 - 19 - 4:49 p.m.)

13. CONSIDER A MOTION TO ADOPT A RESOLUTION SUPPORTING THE CONCEPT AND IMPLEMENTATION OF A FIRST COAST REGIONAL TRANSIT AUTHORITY

Manuel stated that about two to four weeks ago he handed out a report and editorial and rather than pushing for a resolution today, he urged the commissioners to look at the information. He stated that the motion was to recommend that the Jacksonville Transportation Authority become a Regional Transportation Authority in order to better address transportational needs and would be discussed at the MPO meeting.

(5:15 p.m.) Ellen Whitmer, 1178 Natures Hammock Road S., spoke on the Regional Transportation Authority and stated that the public would pay more taxes.

(04/15/08 - 19 - 4:49 p.m.)

14. CONSIDER A MOTION TO AUTHORIZE THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, TO

EXECUTE AN EMPLOYMENT CONTRACT ON BEHALF OF THE COUNTY WITH PATRICK F. MCCORMACK, AS COUNTY ATTORNEY OF ST. JOHNS COUNTY, EFFECTIVE APRIL 1, 2008

Manuel reviewed this item explaining why he pulled it from the last meeting. He stated that they needed to discuss three issues; compensation, term and severance. He stated the enclosed contract presented in the Consent Agenda had a five year term, 12 months of severance, compensation of \$152,000 per annual, \$300 per month car allowance and \$5,000 annual contribution to a retirement fund. He spoke on it being an open market contract. Manuel stated that he offered him a three year contract, six months severance, a base salary first year \$135,000, second year \$145,000, and third year \$155,000 and a beginning deferred comp of \$2,500 the first year, \$5,000 the second year and \$7,500 the third year. Manuel said that McCormack requested to continue his current contract which was an at-will contract and requested that the Board amend the at-will contract to a compensation of \$152,000, \$300 a month car allowance and \$5,000 per year contribution to his retirement benefits. He stated that the Board needed to deal with the contract length, at-will, three years or five years. He stated that Wanchick suggested a compromise of \$140,000 the first year, \$150,000 the second year and \$160,000 the third year and McCormack stated, that was not an option that he wished to pursue.

(4:54 p.m.) McCormack spoke on the contract in the agenda and asked for that one to be approved. He stated that he wouldn't object to the current contract with some changes. He spoke on the compensation package. Manuel spoke on the Basinger Report, Exhibit A. Rich stated that he was content with the attorney on staff and asked the County Administrator if this was a fair contract. Wanchick spoke on doing a market survey and the going rate for a county attorney. Discussion followed. Stevenson stated that she would support a six month severance. Bryant stated that he supported Stevenson on the six month severance, he supported what was being offered to McCormack and that he hoped in the future that the Board showed more kindness to all of their employees, which they had not shown this past year. Manuel asked if he was correct in assuming that Bryant was accepting the \$152,000 base salary, \$300 a month car allowance, \$5,000 a year contribution to retirement, five year term and a six month severance. Sanchez stated that he was fine with it. Rich stated that he was also fine with it. Manuel stated it would be a five year contract with no automatic renewal language, six months of severance, base pay of \$152,000, \$300 car allowance, \$5,000 a year to his pension plan, and asked McCormack if he was ok with that. McCormack accepted it. (5:09 p.m.) **Motion by Rich, seconded by Sanchez, carried 5/0, to accept the contract with the provisions as outlined just now by the Board.**

The meeting recessed at 5:23 p.m. and reconvened at 5:32 p.m.

(04/15/08 - 20 - 5:32 p.m.)

15. PUBLIC HEARING - AMENDMENTS TO THE LAND DEVELOPMENT CODE - THIS IS THE FIRST OF TWO REQUIRED PUBLIC HEARINGS TO CONSIDER MODIFICATIONS TO THE LAND DEVELOPMENT CODE, THE PROPOSED CHANGES TO ARTICLE VI DESIGN STANDARDS AND IMPROVEMENT REQUIREMENTS ARE FOR THE PURPOSE OF IMPLEMENTING A TWO-LIFT SYSTEM OF ASPHALT APPLICATION DURING THE CONSTRUCTION OF ROADWAYS TO COUNTY STANDARDS. IN ADDITION, ARTICLE VI SECTION 6.04.08 BONDING ALONG WITH ARTICLE XII'S DEFINITIONS ARE PROPOSED TO BE REVISED BY ELIMINATING THE CURRENT MAINTENANCE BOND IN FAVOR OF A REQUIRED IMPROVEMENTS BOND. COLLECTIVELY, THESE CHANGES WILL RESULT IN HIGHER QUALITY CONSTRUCTION OF ROADWAYS TO BE ACCEPTED, OWNED, AND MAINTAINED BY ST. JOHNS COUNTY. THE

PROPOSED ORDINANCE AND COPIES OF THE AFFECTED SECTIONS OF THE LDC ARE ATTACHED

Proof of publication of the notice of publication hearing regarding Land Development Code Amendments was received having been published in *The St. Augustine Record* on April 4, 2008.

Betty Sue Stepp, AICP, Growth Management Services, stated that the focus of today's changes were to implement a two-lift system for asphalt application and the results of implementing a two-lift system would give them substantially better roads for both public and private subdivisions. She stated that implementing the changes for the two-lift system, will make them have to change their bonding section and the biggest impact on the bonding section was the timing of the bonds making them lengthier. She stated in addition, they changed one definition and added another one to their definition section. Manuel asked what a two-lift system was. Stepp responded that after the subdivision was constructed all the way to the first lift of asphalt, and then after a certain percentage of the houses were constructed (90 percent), the developer would come back in and have the final lift of asphalt put down and the final lift would take care of any of the damages that were done during the construction of the homes.

(5:33 p.m.) Whitehouse left the meeting and Paras Desai, Assistant County Attorney, entered the meeting. Rich spoke on the phases and finishing the roads. Stepp responded. Rich spoke on the dump trucks destroying the roads during construction. He stated that the County doesn't want to accept the responsibility for any roadway, sewers system, or water system that would normally transfer to the County, until the final phase of the development was completed or they had satisfied the County that they would no longer be driving heavy equipment over the existing roads that the County had already accepted. Manuel stated that the language should state that the County would not accept the roads until it had been turned over to the residents. Discussion followed. Stepp stated that they had some language missing, and they would be looking at the language that was presented to the Board and would be included in the next package to the Board, and to the Planning and Zoning Agency for their meeting on May 1st. She stated that they could also look at the DRI and the multiple phase suggestions. She made a suggestion that they could turn it over to a homeowners association prior to 90 percent CO, so maybe it should be an either, or, with the longest one applying. Manuel mentioned that this was a significant unfunded liability that they faced. Stepp stated that she was certain that there were mechanisms that they could put in place in the case of a borrow pit application, that would make any damages to the County road rectifiable for those types of businesses also. (5:41 p.m.) Manuel announced the second public hearing date would be May 27, 2008 at 9:00 a.m.

(5:41 p.m.) Manuel mentioned that the date for the Water Conservation Workshop needed to be changed from April 29th to April 30th, because the 29th was a regular Board meeting day.

(5:48 p.m.) Rich spoke about the 4-H speaking contest from yesterday.

(5:50 p.m.) Wanchick told the Board that April 30th would not be a good date for the Water Conservation Workshop because staff would be having the Administrative budget hearings all day on that day. Manuel directed Wanchick to look at the calendar and let them know what would be a good date.

(04/15/08 - 21 - 5:17 p.m.)
COMMISSIONERS' REPORTS

Commissioner Rich:

Rich announced that Bob Beskin's funeral was tomorrow at noon.

(5:18 p.m.)

Commissioner Sanchez:

No report.

(5:19 p.m.)

Commissioner Bryant:

Bryant spoke on the cell tower issue regarding the accessories on top of the buildings.

(5:19 p.m.)

Commissioner Manuel:

Manuel spoke on the new administration building regarding landscaping.

Manuel commented on people claiming homestead exemption and not occupying their residence. He asked the county attorney's office to check into it.

Manuel mentioned that there was a big noise issue caused by the new Grill on Ponte Vedra Blvd.

Manuel spoke on concurrency and asked the status of it.

Manuel stated that he received emails regarding the south Vilano Beach issues. He stated that he would like this Board to consider adopting resolutions that they would not permit any construction on primary dunes.

(04/15/08 - 22 - 5:23 p.m.)

COUNTY ADMINISTRATOR'S REPORT

Wanchick mentioned doing the water conservation item as well, on April 29th.

(04/15/08 - 22 - 5:22 p.m.)

COUNTY ATTORNEY'S REPORT

McCormack stated that the Board needed to set up a workshop on Charter straw ballot questions and recommended that it be during the week of the next BCC meeting. Manuel mentioned scheduling the meeting on April 29th.

(04/15/08 - 22 - 5:23 p.m.)

CLERK OF COURT'S REPORT

No report.

Motion by Bryant, seconded by Rich to adjourn the meeting. With there being no further business to come before the Board, the meeting adjourned at 5:51 p.m.

REPORTS:

1. St. Johns County Board of County Commissioners Check Register, Check Nos. 417594 through 417883, totaling \$1,946,369.78 (03/25/08)

2. St. Johns County Board of County Commissioners Check Register, Check Nos. 417884 through 417915, totaling \$70,791.31 (03/27/08)
3. St. Johns County Board of County Commissioners Check Register, Check No. 417930, totaling \$9,227.95 (03/28/08)
4. St. Johns County Board of County Commissioners Check Register, Check Nos. 417931 through 418252, totaling \$3,246,389.65 (04/01/08)
5. St. Johns County Board of County Commissioners Check Register, Check Nos. 418254 through 418258, totaling \$189,113.92 (04/03/08)

CORRESPONDENCE:

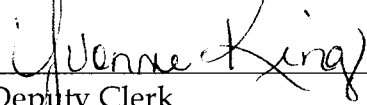
1. Letter to Liz Cloud, Program Administrator, Bureau of Administrative Code, filing Ordinance Numbers 2008-15 through 2008-18 (04/08/09)

Approved June 10, 2008

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: 
Thomas G. Manuel, Chairman

ATTEST CHERYL STRICKLAND, CLERK

By: 
Deputy Clerk

