

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
MAY 27, 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
 Michael D. Wanchick, County Administrator
 Patrick McCormack, County Attorney
 Terry Bulla, Deputy Clerk

(05/27/08 - 1 - 9:02 a.m.)
CALL TO ORDER

Manuel called the meeting to order.

(05/27/08 - 1 - 9:02 a.m.)
ROLL CALL

Manuel stated that four commissioners were present and Bryant would be joining them later.

(05/27/08 - 1 - 9:02 a.m.)
Rich gave the Invocation and Bryant led the Pledge of Allegiance.

(05/27/08 - 1 - 9:04 a.m.)
SPECIAL RECOGNITION OF DOROTHY PUMA BY BOB PETERS, PERSONNEL SERVICES DIRECTOR

Bob Peters, Personnel Director, recognized Dorothy Puma for thirty years of service to St. Johns County. He presented her with a rocking chair and noted she had worked in the library for those thirty years. Valerie Paschal, a co-worker, made comments on Puma's career.

(05/27/08 - 1 - 9:13 a.m.)
PROCLAMATION DESIGNATING JUNE 2-8, 2008 AS CODE ENFORCEMENT OFFICER'S APPRECIATION WEEK

Sanchez read and presented the proclamation to James Acosta, Code Enforcement Director, and the Code Enforcement staff. Acosta received the award on behalf of the staff and complemented his staff on the fine work they had done.

(05/27/08 - 1 - 9:09 a.m.)
PROCLAMATION DESIGNATING JUNE 2008 AS MYASTHENIA GRAVIS AWARENESS MONTH

Rich read the proclamation and presented it to Marie Granlauf of the Florida Chapter of the Myasthenia Gravis Foundation of American, Inc. Ms. Granlauf received the proclamation and made comments regarding the treatment and cure of the disease.

(05/27/08 - 2 - 9:19 a.m.)

ACCEPTANCE OF PROCLAMATION

Motion by Rich, seconded by Stevenson, carried 4/0 with Bryant absent, to accept the Proclamation

(05/27/08 - 2 - 9:20 a.m.)

DELETIONS TO CONSENT AGENDA

Stevenson asked that Consent Item No. 9 be pulled.

(05/27/08 - 2 - 9:21 a.m.)

APPROVAL OF CONSENT AGENDA

Motion by Rich, seconded by Sanchez, carried 4/0 with Bryant absent, to approve the Consent Agenda as amended.

1. Approval of the Cash Requirement Report
2. Minutes:
04/15/08 - BCC Regular Meeting
04/29/08 - BCC Regular Meeting
05/08/08 - BCC Special Meeting
3. Sheriff Office Bonds:
Cancel: Mary Bowden Linda Hood Jennifer Wilfong
4. Motion to adopt **Resolution No. 2008-137**, authorizing submittal of an application to the Department of Community Affairs for Small Cities Community Development Block Grant Program funds on behalf of St. Johns County and use of services donated by Jordan & Associates to prepare the application, and authorizing the Chairman of the Board of County Commissioners to sign the application on behalf of the County

RESOLUTION NO. 2008-137

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA AUTHORIZING SUBMITTAL OF AN APPLICATION TO THE DEPARTMENT OF COMMUNITY AFFAIRS FOR SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FUNDS ON BEHALF OF ST. JOHNS COUNTY AND USE OF SERVICES DONATED BY JORDAN & ASSOCIATES TO PREPARE THE APPLICATION, AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS TO SIGN THE APPLICATION ON BEHALF OF THE COUNTY

5. Motion to adopt **Resolution No. 2008-138**, authorizing the County Administrator to execute the Satisfaction and Release of Lien filed as a result of County Construction Board of Adjustments Case No. 07-05, directing the Clerk of Court

to record the release, providing for an effective date, and directing that payment be placed back in the Demolition Revolving Account #1350-1351-53120

RESOLUTION NO. 2008-138

A RESOLUTION OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A SATISFACTION AND RELEASE OF LIEN FILED AS A RESULT OF THE COUNTY CONSTRUCTION BOARD OF ADJUSTMENTS AND APPEALS CASE NO. 07-05, DIRECTING THE CLERK OF COURTS TO RECORD THE RELEASE ON THE PUBLIC RECORDS, ALLOCATING THE FINE AMOUNT AND PROVIDING AN EFFECTIVE DATE

6. Motion to approve transfer of \$48,927 from [0083 59920/59934] General Fund Salary Reserves and \$58,415 from [1224-59934/59920] from the Fire Services Salary Reserves to the appropriate salary and benefit line items for the respective Fire/EMS promotions
7. Motion to adopt **Resolution No. 2008-139**, approving the terms and authorizing the Chair to execute the Local Agency Program Agreement between the County and FDOT for the St. Augustine Lighthouse Restoration

RESOLUTION NO. 2008-139

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND CONDITIONS OF A LOCAL AGENCY PROGRAM AGREEMENT BETWEEN ST. JOHNS COUNTY AND THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR THE RESTORATION OF THE ST. AUGUSTINE LIGHTHOUSE AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS TO EXECUTE THE AGREEMENT ON BEHALF OF THE COUNTY

8. Motion to adopt **Resolution No. 2008-140**, approving the terms, provisions, conditions, and requirements of the Memorandum of 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 mast arm paint on the traffic signal devices located at the intersection of SR A1A at Mickler Road and authorizing the Chairperson of the Board of County Commissioners to execute the Agreements on behalf of the County

RESOLUTION NO. 2008-140

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS OF A MEMORANDUM OF AGREEMENT FOR THE CONSTRUCTION AND MAINTENANCE OF MAST ARM PAINT AT THE INTERSECTION OF SR A1A AT MICKLER ROAD IN ST. JOHNS COUNTY

9. Motion to adopt a resolution approving the Final Plat for Marshall Creek DRI North Loop Parkway Guardhouse

This item was pulled from the Consent agenda.

10. Motion to approve transfer of \$325,925 from the Court Facilities Trust Fund and \$100,000 from General Fund Reserves to fund the Phase Two Architectural Design Costs related to the Courthouse Complex Renovations CIP project
11. Motion to authorize the County Administrator, or his designee, to negotiate with and, if successful with negotiations, enter into a contract with the No. 1 ranked firm, DCR Engineering Services for RFP 08-19, Supervisory Control and Data Acquisition (SCADA) System Services; or if an agreement cannot be reached with the No. 1 ranked firm, authorization is requested to terminate negotiations and begin negotiations with the No. 2 ranked firm, and continue until an agreement is reached
12. Motion to authorize the County Administrator, or his designee, to enter into license agreements with three performing rights societies as follows: Broadcast Music, Inc. (BMI), Society of European Stage Actors and Composers (SESAC), American Society of Composers, Authors and Publishers (ASCAP)
13. Motion to authorize the County Administrator, or his designee, to purchase One (1) Challenger MT525B with Boom Mower from Florida Sheriff's & Florida Association Contract #07-15-05827 from Ring Power Corporation in the amount of \$137,570
14. Motion to adopt **Resolution No. 2008-141**, accepting the terms of the 1st Amendment to Lease space from the Town of Hastings in the Historical Hastings High School to St. Johns County for the St. Johns County Family Integrity Program Community Base Care and authorizing the County Administrator to execute said Lease

RESOLUTION NO. 2008-141

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING THE TERMS OF THE 1ST AMENDMENT TO LEASE SPACE FROM THE TOWN OF HASTINGS IN THE HISTORICAL HASTINGS HIGH SCHOOL TO ST. JOHNS COUNTY FOR THE ST. JOHNS COUNTY FAMILY INTEGRITY PROGRAM COMMUNITY BASE CARE AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE SAID LEASE

15. Motion to adopt **Resolution No. 2008-142**, approving the terms and authorizing the County Administrator to execute certain Purchase and Sale Agreements of Easement for drainage improvements along South Wilderness Trail in Palm Valley

RESOLUTION NO. 2008-142

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND AUTHORIZING THE

**COUNTY ADMINISTRATOR TO EXECUTE THREE
PURCHASE AND SALE AGREEMENTS OF EASEMENT
FOR DRAINAGE IMPROVEMENTS ALONG SOUTH
WILDERNESS TRAIL IN PALM VALLEY**

16. Motion to adopt **Resolution No. 2008-143**, approving the terms of a Hold Harmless Agreement between Cypress Lakes Property Owners Association and St. Johns County, to install and maintain landscaping in the rights of way in the plat of Cypress Lakes Subdivision Phase 1 and authorizing the County Administrator to execute the Agreement on behalf of the County

RESOLUTION NO. 2008-143

**A RESOLUTION OF THE BOARD OF COUNTY
COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA,
APPROVING THE TERMS OF A HOLD HARMLESS
AGREEMENT BETWEEN ST. JOHNS COUNTY AND
CYPRESS LAKES PROPERTY OWNERS ASSOCIATION,
INC., AND AUTHORIZING THE COUNTY
ADMINISTRATOR TO EXECUTE THE AGREEMENT
ON BEHALF OF THE COUNTY**

17. Motion to adopt **Resolution No. 2008-144**, approving the terms of a Hold Harmless Agreement between the City of St. Augustine Beach and St. Johns County to install and maintain landscaping in the right of way of 16th Street and authorizing the County Administrator to execute the Agreement

RESOLUTION NO. 2008-144

**A RESOLUTION OF THE BOARD OF COUNTY
COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA,
APPROVING THE TERMS OF A HOLD HARMLESS
AGREEMENT BETWEEN ST. JOHNS COUNTY AND
CITY OF ST. AUGUSTINE BEACH AND AUTHORIZING
THE COUNTY ADMINISTRATOR TO EXECUTE THE
AGREEMENT ON BEHALF OF THE COUNTY**

18. Motion to adopt **Resolution No. 2008-145**, accepting an Easement for Utilities for water services to the commercial development of Sunshine Land Holdings and accepting a Bill of Sale conveying all personal property associated with the water and sewer system

RESOLUTION NO. 2008-145

**A RESOLUTION OF THE BOARD OF COUNTY
COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA,
ACCEPTING AN EASEMENT FOR UTILITIES FOR
WATER SERVICES TO THE COMMERCIAL
DEVELOPMENT OF SUNSHINE LAND HOLDINGS
AND ACCEPTING A BILL OF SALE CONVEYING ALL
PERSONAL PROPERTY ASSOCIATED WITH THE
WATER AND SEWER SYSTEM**

19. Motion to adopt **Resolution No. 2008-146**, approving the terms and authorizing the County Administrator to execute the Purchase and Sale Agreement for the

acquisition of property to mitigate wetland impacts as a result of the construction of Capital Improvement Projects

RESOLUTION NO. 2008-146

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE PURCHASE AND SALE AGREEMENT FOR THE ACQUISITION OF PROPERTY TO MITIGATE WETLAND IMPACTS AS A RESULT OF THE CONSTRUCTION OF CAPITAL IMPROVEMENT PROJECTS

20. Motion to adopt **Resolution No. 2008-147**, authorizing the County Administrator to execute a Bill of Sale to the City of St. Augustine to convey the infrastructure associated with the water line to provide water services to the expansion of the County Jail

RESOLUTION NO. 2008-147

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A BILL OF SALE TO THE CITY OF ST. AUGUSTINE TO CONVEY THE INFRASTRUCTURE ASSOCIATED WITH THE WATER LINE TO PROVIDE WATER SERVICES TO THE EXPANSION OF THE COUNTY JAIL

21. Motion to adopt **Resolution No. 2008-148**, authorizing the transfer of five Phase I Infill Housing lots to Homes & Land Realty, Inc., for the purpose of preserving home down-payment assistance

RESOLUTION NO. 2008-148

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE CHAIRMAN OF THE BOARD TO EXECUTE A NEW MORTGAGE FOR FIVE LOTS WITH THE SAME SPECIFIC DEED RESTRICTIONS DESIGNATED FOR AFFORDABLE HOUSING. IT FURTHER AUTHORIZES THE EXECUTION OF A SATISFACTION OF THE EXISTING MORTGAGE. THE NEW MORTGAGE AND NOTE WILL CORRECT AN OWNERSHIP ERROR AND INSURE THAT FLORIDA HOUSING FINANCE SUBSIDIES WILL REMAIN IN PLACE FOR DOWN PAYMENT ASSISTANCE TO APPROVED HOMEBUYERS

22. Motion to adopt **Resolution No. 2008-149**, granting Ad Valorem Tax Exemption for Historic Property located at 46 Marine Street, St. Augustine, and to enter into a covenant with the Property Owner establishing the parameters of the Exception Agreement

RESOLUTION NO. 2008-149

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, GRANTING AN AD VALOREM TAX EXEMPTION FOR HISTORIC PROPERTY LOCATED AT 46 MARINE STREET, ST. AUGUSTINE, FLORIDA, IN ACCORDANCE WITH ST. JOHNS COUNTY ORDINANCE 97-61 AND SECTION 196.1997, FLORIDA STATUTES, AND PROVIDING AN EFFECTIVE DATE

23. Motion to approve a transfer in the amount of \$2,103 from Solid Waste Reserve (4407-59920) to the appropriate salary and benefit line items within the Solid Waste Department
24. Proofs:
- a. Proof, Notice to Bidders, Bid No. 08-128
 - b. Proof, Notice to Bidders, RFP No. 08-119
 - c. Proof, Notice of Meeting, Board of County Commissioners, Special Meeting, Tuesday, April 29, 2008 at 5:30 p.m.
 - d. Proof, Notice of Canceled Meeting, Cancel Water & Sewer Authority, Monday, May 5, 2008 at 9:00 a.m.
 - e. Proof, Notice of Adoption, Adoption of a Resolution vacating, abandoning, discontinuing and closing certain streets, alleyways, roads or easements, between Lots 4 & 5, Block 87, Ravenswood Gardens Unit Two
 - f. Proof, Notice of Meeting, St. Johns County Board of County Commissioners, Special Meeting, Thursday, May 8, 2008 at 2:30 p.m.
 - g. Proof, Notice to Bidders, Bid No. 08-129
 - h. Proof, Notice to Bidders, Bid No. 08-83
 - i. Proof, Notice of Hearings, St. Johns County Administrative Budget Hearings, FY 2009, Wednesday, April 30, 2008, Thursday, May 1, 2008, Friday, May 2, 2008 and Monday, May 5, 2008 from 9:00 a.m. to 4:00 p.m. (*Ponte Vedra Recorder*)

(05/27/08 - 7 - 9:21 a.m.)

PUBLIC COMMENT

Derek Hankerson, 734 Medina Ave., spoke regarding their film, *The Year of Easter*, project to be filmed in St. Augustine starting in June. He introduced Yvonne Marie Rice, 9119 Old A1A, film writer and director, who spoke regarding *The Year of Easter*. She explained that it was a true story and gave the history on some of the background of the movie.

(05/27/08 - 7 - 9:29 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

Stevenson asked that Item 14 be heard before noon as a public speaker was present to speak. Manuel suggested they make the item 1A.

(05/27/08 - 7 - 9:30 a.m.)

APPROVAL OF REGULAR AGENDA

Motion by Rich, seconded by Sanchez, carried 4/0 with Bryant absent, to approve the Regular Agenda as amended.

(05/27/08 - 8 - 9:30 a.m.)

1. CONSIDER A MOTION TO ADOPT A RESOLUTION RENAMING THE ROADWAY CURRENTLY KNOWN AS WHETSTONE PLACE TO SGT. TUTTEN DRIVE, AND DECLARING THE ENTRANCE ROADWAY INTO THE WHETSTONE BUILDING AS WHETSTONE PLACE; PROVIDING FOR AN EFFECTIVE DATE

Proof of publication of the notice of public hearing on renaming a roadway from Whetstone Place to Sgt. Tutten Drive was received, having been published in *The St. Augustine Record* on May 17, 2008.

Patrick McCormack, County Attorney, gave the background for the renaming of the road, and said it was a fitting conclusion. He thanked the Tutten family for being there that day. He also thanked Phil Genovar and Hank Whetstone for their support of the proposal, and thanked Gail Oliver and Mike Campbell for their assistance in the matter.

(9:34 a.m.) Phil Genovar, 1715 Old Moultrie Rd., thanked the Commissioners for the opportunity to put the issue to rest.

(9:36 a.m.) Rich invited family members and friends to come forward for the reading of the resolution, including Linda Tutten, Sylvia Smallwood, Mrs. Peterson, Constantina Tutten, Gareth & Katherine Tutten. He invited Mr. Genovar and Mr. Whetstone to come forward as well. Rich read the resolution.

(9:36 a.m.) Motion by Rich, seconded by Sanchez , carried 4/0 with Bryant absent, to adopt Resolution No. 2008-150, renaming the roadway currently known as Whetstone Place to Sgt. Tutten Drive, and declaring the entrance roadway into the Whetstone Building as Whetstone Place; providing for an effective date.

RESOLUTION NO. 2008-150

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, RENAMING THE ROADWAY CURRENTLY KNOWN AS WHETSTONE PLACE TO SGT. TUTTEN DRIVE, AND RECOGNIZING THE ENTRANCE ROADWAY INTO THE WHETSTONE BUILDING AS WHETSTONE PLACE; PROVIDING AN EFFECTIVE DATE

This item became 1A; it was previously Item 14.

(05/27/08 - 8 - 9:46 a.m.)

(DISTRICT 1)

- 1A. PUBLIC HEARING - REZ 2008-04 NATURAL STONE - THIS IS A REQUEST TO REZONE 1.11 ACRES FROM COMMERCIAL HIGHWAY TOURIST (CHT) TO COMMERCIAL INTENSIVE (CI). THE PLANNING DIVISION FINDS THAT THE REQUEST TO REZONE THE SUBJECT PARCEL OF LAND TO COMMERCIAL INTENSIVE (CI) COMPLIES WITH THE TECHNICAL REQUIREMENTS OF THE COMPREHENSIVE PLAN AND LAND DEVELOPMENT CODE. THIS FINDING IS BASED UPON THE FOLLOWING INFORMATION: APPLICATION MATERIALS, INCLUDING THE STATEMENT OF FACTS, AS SUBMITTED BY THE APPLICANT, THE LOCATION OF THE PROPERTY WITHIN THE MIXED USE LAND USE, AND A COMPARISON TO ALLOWABLE USES UNDER THE EXISTING ZONING DESIGNATION. HOWEVER, SHOULD THE BOARD OF COUNTY COMMISSIONERS BE PRESENTED WITH COMPETENT SUBSTANTIAL EVIDENCE TO THE CONTRARY AT THE PUBLIC HEARING, THE BOARD

MAY WISH TO CONSIDER THE ATTACHED FINDINGS OF FACT TO APPROVE OR DENY THIS REQUEST. AT THE APRIL 17, 2008 MEETING, THE PLANNING & ZONING AGENCY RECOMMENDED APPROVAL BY A VOTE OF 4/2, MOTION BY WILLIAMS, SECOND BY HANSON (LAIDLAW, WHEELER DISSENTING). MOTION PASSED AFTER FAILED DENIAL RECOMMENDATION. ISSUES DISCUSSED DURING THE MEETING QUESTIONED THE COMPATIBILITY OF ALL USES LISTED IN THE COMMERCIAL INTENSIVE (CI) ZONING DISTRICT TO THE SURROUNDING PROPERTIES

Proof of publication of the notice of public hearing regarding REZ 2008-04, Natural Stone, was received, having been published in *The St. Augustine Record* on May 12, 2008.

Mark Biolo, 812 Pissaro Ave., spoke regarding the rezoning of Natural Stone. He asked if they allowed them to put a commercial business there, if it would revert to commercial tourism in the event they should leave.

(9:47 a.m.) Rich asked McCormack if those restrictions could be applied in deed restriction form. McCormack responded that the Board did not have the authority to require that. He said if there were one at the applicant's request it was a possibility.

Manuel asked about the specific purpose. McCormack said if it was a compatibility issue with a straight rezoning it could be considered.

(9:49 a.m.) Todd Lethey, 9020 Margate Ct., asked what they were asking for. Biolo said they were not opposed to Natural Stone but was concerned about the possibility of them leaving, and if it was still Commercial Intensive (CI), there were some businesses that would be of concern and which would not be compatible with residential. Lethey said that some of it had been addressed in the PZA hearing. He said the shape of the property would limit future uses. He said there was CI already in the area. Biolo said as a community they were concerned about CI.

(9:53 a.m.) Stevenson asked about the land use for the parcel behind the property. She asked if there were specific things in the CI area that they did not want to include. Biolo said it was such a broad range and anything that would be loud and obnoxious would be unwelcomed, as anything that would go there would directly affect their community.

(9:55 a.m.) Manuel said he was not willing to take away the applicant's right based on future concerns.

(9:55 a.m.) Stevenson asked staff if they had reviewed another way to resolve the issue. She asked if they were looking at another way to have finer control of those types of areas.

(9:58 a.m.) Rich said the applicant had heard the concerns. He said the applicant's use was compatible and acceptable, but the problem was with the future use. He said approval of the item would open up a very wide door. He asked if there were any restrictions he would be willing to place on his deed. The applicant agreed to do so.

(10:01 a.m.) Motion by Stevenson, seconded by Rich, carried 4/0 with Bryant absent, to enact Ordinance 2008-27, known as REZ 2008-04, Natural Stone, including the applicant's commitment to deed restrict the property for storage of outdoor materials, adopting findings of fact one through four to support the motion.

ORDINANCE NO. 2008-27

AN ORDINANCE OF THE COUNTY OF ST. JOHNS,
STATE OF FLORIDA, REZONING LANDS AS
DESCRIBED HEREINAFTER FROM THE PRESENT
ZONING CLASSIFICATION OF COMMERCIAL
HIGHWAY TOURIST (CHT) TO COMMERCIAL
INTENSIVE (CI) MAKING FINDINGS OF FACT;
REQUIRING RECORDATION; AND PROVIDING AN
EFFECTIVE DATE

(05/27/08 - 10 - 10:02 a.m.)

(DISTRICT 4)

2. PUBLIC HEARING - MAJMOD 2007-23, PLAYERS CLUB PUD (VERANDA UNIFIED SIGN PLAN) - THIS ITEM WAS CONTINUED FROM THE APRIL 29, 2008 MEETING TO ALLOW THE PONTE VEDRA/PALM VALLEY ARCHITECTURAL REVIEW COMMITTEE TO CONSIDER THE PROPOSED UNIFIED SIGN PLAN. THE PV/PV ARC MET APRIL 14, 2008 TO REVIEW THE APPLICATION. PLEASE REFER TO ATTACHMENT 5 - TITLED "ATTACHMENT A" FOR A REVIEW OF THE UNANIMOUS RECOMMENDATION. 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). SUBJECT TO APPROVAL OF THE WAIVERS AS PRESENTED, STAFF FINDS THE APPLICATION MEETS THE TECHNICAL REQUIREMENTS OF THE COMPREHENSIVE PLAN AND THE LAND DEVELOPMENT CODE. THIS FINDING IS BASED UPON THE FOLLOWING INFORMATION: APPLICATION MATERIALS AND COMPARABLE SIGNAGE IN THE IMMEDIATE VICINITY. HOWEVER, SHOULD THE BOARD OF COUNTY COMMISSIONERS BE PRESENTED WITH COMPETENT SUBSTANTIAL EVIDENCE TO THE CONTRARY AT THE PUBLIC HEARING, THE BOARD MAY WISH TO CONSIDER THE ATTACHED FINDINGS OF FACT TO APPROVE OR DENY THIS REQUEST

Proof of publication of the notice of public hearing regarding MAJMOD 2007-23, Players Club PUD (Veranda Unified Sign Plan), was received, having been published in *The St. Augustine Record* on April 17 and May 12, 2008.

Isabel Lopez, attorney for the applicant, gave the presentation. She handed out the latest revisions to the sign plan which the Ponte Vedra Architectural Review Committee (ARC) had taken action on and approved. She said the revisions were based on the ARC's directives. She said there had been some misinformation regarding ARC vetting of the sign plan and she noted that was not true. She reviewed all the groups they had met with getting input on the sign plan.

(10:04 a.m.) *Commissioner Jim Bryant, District 1, joined the meeting.*

(10:07 a.m.) Ron Porterfield, 173 Barberrry Lane, Ponte Vedra Beach, member of the Prior's Club Board, thanked the Veranda owners for arbitration of their previous sign position. He said, however, that they were opposed to any crown signage facing TPC Boulevard. He said they were not opposed to the lower signage.

(10:11 a.m.) Manuel asked if they would be willing to give up the sign so they could go ahead and get approval. Lopez said Mr. Horn was not present, but he had already given up five or six signs and that was as far as he was willing to go. Lopez said she had met with the Prior's Club Board and they were very aware and comfortable with the previous sign plan, which had even more signs. She said they had gone above and beyond and made multiple concessions. She said she did not have the authority to remove one more sign. Manuel said there was a special meeting on Thursday and asked if they could get in touch with Horn. She said the final directive was that they had made their final concession.

(10:15 a.m.) Rich asked if the ARC had the final review of the signs. Lopez said they were looking at the same criteria of every other sign along the street.

(10:17 a.m.) Stevenson asked if there were other signage issues that needed to be addressed, to approve the ability of the public to find the businesses. Porterfield said the monument signs were very confusing. There was discussion on the signage regulations. Manuel asked them to continue dialogue with the applicant. He asked if they could continue it to Thursday until they had an opportunity to discuss it further with their client. Lopez said she had no authority to make the concession and she said she doubted if she could get in touch with him.

(10:22 a.m.) Motion by Manuel, seconded by Rich, carried 5/0, to adopt Ordinance No. 2008-28, known as MAJMOD 2007-23, adopting findings of fact one through six to support the motion.

ORDINANCE NO. 2008-28

**AN ORDINANCE OF THE COUNTY OF ST. JOHNS,
STATE OF FLORIDA, APPROVING A MAJOR
MODIFICATION TO THE PLAYERS CLUB (PUD),
ORDINANCE NUMBER 1975-15 AND FDP 1996-224, AS
AMENDED, MAKING FINDINGS OF FACT;
REQUIRING RECORDATION; AND PROVIDING FOR
AN EFFECTIVE DATE**

The board recessed at 10:23 a.m. and reconvened at 10:32 a.m.

(05/27/08 - 11 - 10:32 a.m.)

3. CONSIDER MOTION TO APPROVE THE "POST-EMPLOYMENT WELFARE BENEFITS PROGRAM (OPEB) TRUST AGREEMENT" WITH U.S. BANK NATIONAL ASSOCIATION AND PFM ASSET MANAGEMENT LLC.

Doug Timms, Director of the Office of Management and Budget, gave the presentation. He noted it had been passed by the Board on January 8, 2008 in substantial form at that time. He introduced Jim Link. Manuel explained that it dealt with the funding of long term pension benefits entitled to County employees known as OPEB.

Jim Link, PFM Asset Management, LLC., 369 Roseglen Ave., Wayne, PA, gave the presentation. He congratulated the Board on their fiscally sound effort to deal with the issue. He said many groups had stuck their heads in the sand and would have significant problems in the future. He said the Trust and the resolutions were fairly tied together and they had constructed a program that should meet all of the accounting and financial good governance requirements.

(10:35 a.m.) Rich asked the correct amount for the Trust. Link said there was a reduction from \$10 million to \$7 million because of the actuarial valuation.

(10:36 a.m.) Stevenson asked if they were reflecting the changes made through the Insurance Committee, and if they had been taken into consideration during their actuarial assessment. Link said that he believed that it had been taken into consideration by the actuary. Stevenson said they had been hard at work for a couple of years to prepare for the post retirement liability. She said she wanted to be sure that those changes were reflected in the funding liability calculations.

(10:37 a.m.) Timms said they did not know what the actuarial value would be, but they were estimating around \$7 million. He said they had taken substantial steps to save the County over \$1 million. Stevenson said it would reduce costs for each subsequent year in a reverse snowballing effect, and the tough decisions had already been made. Manuel said it would be self funding at some point. He commended the Board and the administration for their efforts. He said it would be reflected in their bond ratings, and in every piece of financial activity that they enter into.

(10:39 a.m.) **Motion by Rich, seconded by Sanchez, carried 5/0, to approve the Post-Employment Welfare Benefits Program Trust Agreement" with U.S. Bank National Association and PFM Asset Management LLC in substantial form.**

Motion by Rich, seconded by Sanchez, carried 5/0, to adopt Resolution 2008-151, which supersedes and replaces County Resolution 2008-12, to establish an OPEB Trust.

RESOLUTION NO. 2008-151

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

(05/27/08 - 12 - 10:41 a.m.)

4. REVIEW OF COUNTY DEBT AND DEBT CAPACITY

Timms introduced Jay Glover of Public Financial Management, Inc., 300 S. Orange Ave., Suite 1170, Orlando, who gave the presentation, St. Johns County Comprehensive Report on Indentured Revenues & Capacity. The report included: a Market Overview, Local Government Half-Cent Sales Tax Revenue Bonds, Transportation Improvement Revenue Bonds, Capital Improvement Revenue Bonds (State Revenue Sharing Funds), Water & Sewer Revenue Bonds, Ponte Vedra Utility System Revenue Bonds, and Other Outstanding Obligations of the County Local Government Local Program (Taxable Convention Center Bonds). He explained FSA credit enhancer which had maintained its AAA rating, unlike many other insurers. He said that the item on which they had just acted, would only improve the financial situation of the County. General discussion ensued regarding bonding capacity, general obligation bonds and future funding for infrastructure.

(05/27/08 - 13 - 10:55 a.m.)

5. PUBLIC HEARING - COMMUNITY DEVELOPMENT BLOCK GRANT 2008, 1ST PUBLIC HEARING - THE DEPARTMENT OF COMMUNITY AFFAIRS HAS ANNOUNCED THE ANTICIPATED FUNDING AVAILABILITY UNDER THE FLORIDA SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM FOR ECONOMIC AND COMMUNITY DEVELOPMENT. STAFF ANTICIPATES THE FUNDS WILL BE USED IN THE AREA OF REHABILITATION, NEIGHBORHOOD REVITALIZATION, COMMERCIAL REVITALIZATION OR ECONOMIC DEVELOPMENT TO BENEFIT LOW AND MODERATE INCOME PERSONS, AID IN THE PREVENTION OR ELIMINATION OF SLUMS OR BLIGHT OR TO MEET COMMUNITY DEVELOPMENT NEEDS. THIS IS THE FIRST OF TWO PUBLIC HEARINGS REQUIRED TO RECEIVE CITIZEN'S VIEWS CONCERNING THE COMMUNITIES ECONOMIC AND DEVELOPMENT NEEDS

Tom Crawford, Director of Housing and Community Services, gave the presentation and said they were at the point where there could apply for another Community Development Block Grant (CDBG) under the HUD program through the Department of Community Affairs (DCA). He noted this was the first of two required public hearings. He said their best opportunity was for a housing rehabilitation program rather than a drainage program. He stated that Jose de Jesus from Jordan & Associates, was present to answer any questions. He said they would be using SHIP funds for the 25 percent match required under the program.

(10:56 a.m.) Bryant asked if they had looked at the Stormwater Management Program (NPDES) and if it would be more beneficial to tie it in with that, or whether it would be more beneficial to do the housing rehab. Crawford said that Jordan and Associates did the assessment and it was based on the demographics and in terms of where the State would be ranking programs and funding. He said the demographics for the need of housing and the priorities of the CDBG through the DCA, were more the deciding factor. Bryant asked Locklear if they had funding in place for the NPDES. Locklear said they did have funding in place in the Capital Improvement Program, but did not have the final dollar amounts. He said Crawford was referencing housing as the best chance they had for CDD funding, and the drainage project would not be as likely to receive funding. Crawford said the next meeting would take place in July after the demographics were completed. *There was Board consensus for them to move forward.*

(05/27/08 - 13 - 11:00 a.m.)

6. FAIR HOUSING AND EQUAL OPPORTUNITY WORKSHOP

Jose de Jesus, Jordan & Associates, 580 Wells Rd., Orange Park FL, gave the presentation. He read an excerpt from the Fair Housing Act, Title VIII and the Civil Rights Act of 1968 as amended. He stated that St. Johns County had a fair housing policy in place to ensure the protection of the groups mentioned. He said the County had passed the Fair Housing Ordinance, which included provisions for citizens' complaints if they felt they had been discriminated against. He said an avenue to vent complaints for fair housing complaints was provided. Manuel said the Board reaffirmed those policies.

(05/27/08 - 13 - 11:03 a.m.)

7. PUBLIC HEARING - ORDINANCE ESTABLISHING THE SHIP LOCAL AFFORDABLE HOUSING ADVISORY COMMITTEE - HOUSE BILL 1375, PASSED IN THE 2007 LEGISLATIVE SESSION REQUIRES COMMUNITIES RECEIVING THE STATE HOUSING INITIATIVES PARTNERSHIP (SHIP) FUNDS TO APPOINT AN ELEVEN (11) MEMBER AFFORDABLE HOUSING

ADVISORY COMMITTEE (AHAC) THAT WILL DELIBERATE ON A LOCAL HOUSING INCENTIVE STRATEGY PACKAGE, MAINLY TARGETING REGULATORY REFORM. THE COMMITTEE IS ALSO REQUIRED TO REVIEW THE ESTABLISHED POLICIES AND PROCEDURES, ORDINANCES, LAND DEVELOPMENT REGULATIONS AND ADOPTED LOCAL GOVERNMENT COMPREHENSIVE PLAN AND RECOMMEND SPECIFIC ACTION OR INITIATIVES TO ENCOURAGE OR FACILITATE AFFORDABLE HOUSING TRIENNIALLY. THE COMMITTEE MUST BE COOPERATIVELY STAFFED BY THE LOCAL HOUSING DEPARTMENT AND THE LOCAL PLANNING DEPARTMENT TO ENSURE AN INTEGRATED APPROACH TO THE WORK OF THE COMMITTEE. IN ORDER TO REMAIN ELIGIBLE FOR CONTINUED SHIP FUNDING BY THE FLORIDA HOUSING FINANCE CORPORATION (FHFC), ST. JOHNS COUNTY MUST ENACT AN ORDINANCE ESTABLISHING THE AFFORDABLE HOUSING ADVISORY COMMITTEE AND ADOPT A RESOLUTION APPOINTING ITS MEMBERS. THIS ITEM IS TO ENACT THE ORDINANCE ESTABLISHING THE AHAC. THE RESOLUTION TO APPOINT MEMBERS TO THE COMMITTEE WILL BE CONSIDERED AT A FUTURE COMMISSION MEETING

Proof of publication for the notice of public hearing regarding establishing the SHIP Local Affordable Housing Advisory Committee was received, having been published in *The St. Augustine Record* on May 12, 2008.

Crawford gave the presentation and said the Affordable Housing Advisory Committee, that the State required, had been discussed at the recent Board meeting and they were there to approve the ordinance for establishing the committee. He introduced Dorci Gruel, SHIP Administrator. He noted that the need for committee members had just been posted on the Government Channel and applications would be accepted.

(11:05 a.m.) **Motion by Sanchez, seconded by Rich, carried 5/0, to enact Ordinance No. 2008-29, establishing the SHIP Local Affordable Housing Advisory Committee.**

ORDINANCE NO. 2008-29

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ESTABLISHING AN AFFORDABLE HOUSING ADVISORY COMMITTEE; ESTABLISHING THE COMPOSITION OF THE AFFORDABLE HOUSING ADVISORY COMMITTEE; ESTABLISHING THE TERMS AND REPLACEMENT FOR MEMBERS OF THE AFFORDABLE HOUSING ADVISORY COMMITTEE; PROVIDING FOR RESIDENCY OF THE MEMBERS OF THE AFFORDABLE HOUSING ADVISORY COMMITTEE; PROVIDING FOR THE POWERS AND DUTIES OF THE AFFORDABLE HOUSING ADVISORY COMMITTEE; PROVIDING FOR A CHAIRMAN OF THE AFFORDABLE HOUSING ADVISORY COMMITTEE; PROVIDING FOR ADHERENCE TO COUNTY ADMINISTRATIVE RULES CONCERNING LIMITS OF TERMS OF MEMBERS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(05/27/08 - 15 - 11:05 a.m.)

8. CONSIDER A MOTION TO AUTHORIZE THE COUNTY ADMINISTRATOR, OR HIS DESIGNEE, TO AWARD A CONTRACT TO THE LOW BIDDER, HALIFAX PAVING, INC. IN THE AMOUNT OF \$1,402,968 FOR BID # 08-107, HOLMES BOULEVARD WIDENING

Sharon Haluska, Contract Administrator Purchasing Department, gave the presentation for the Holmes Blvd. widening project.

(11:06 a.m.) Motion by Sanchez, seconded by Stevenson, carried 5/0, to authorize the County Administrator, or his designee, to award a contract to the low bidder, Halifax Paving, Inc., in the amount of \$1,402,968 for Bid # 08-107, Holmes Boulevard Widening.

(05/27/08 - 15 - 11:09 a.m.)

9. CONSIDER AN APPOINTMENT TO THE PONTE VEDRA ARCHITECTURAL REVIEW COMMITTEE

Melissa Lundquist, Administrator Coordinator, said there currently two vacancies on that Board, one for a regular member and one for an alternate member. She said there was an additional applicant which she had just received. Manuel asked that they continue the item for two weeks to give the Board a chance to review both applications.

(05/27/08 - 15 - 11:12 a.m.)

10. CONSIDER AN APPOINTMENT TO THE INDUSTRIAL DEVELOPMENT AUTHORITY

Lundquist gave the presentation. Rich nominated Jeffrey Johnson for re-appointment. Stevenson suggested Harlan Mason as a District 2 resident. Rich said Johnson should be re-appointed as he had been a good representative. Stevenson said that was fine. Manuel agreed and said they had five good applicants.

(11:14 a.m.) Motion by Stevenson, seconded by Rich, carried 5/0, to (re) appoint Jeffery Johnson to the Industrial Development Authority for a full four-year term scheduled to expire May 27, 2012.

(05/27/08 - 15 - 11:14 a.m.)

11. PUBLIC HEARING - LAND DEVELOPMENT CODE AMENDMENTS - THIS IS THE SECOND 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 IS REVISED BY ELIMINATING THE CURRENT MAINTENANCE BOND IN FAVOR OF A REQUIRED IMPROVEMENTS BOND AND OUTLINING THE BONDING PROCEDURES FOR THE SECOND ASPHALT LIFT. TO SUPPORT THESE CHANGES ARTICLE XII'S DEFINITIONS HAS BEEN UPDATED. 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. THE PLANNING & ZONING AGENCY GAVE A UNANIMOUS RECOMMENDATION OF APPROVAL AT THEIR REGULAR MEETING OF MAY 1, 2008

Proof of publication of the notice of public hearing regarding Land Development Code Amendments was received, having been published in *The St. Augustine Record* on April 4 and May 20, 2008.

Betty Sue Stepp, Project Liaison, Growth Management Services, gave the presentation. She said the LDC changes before them that morning focused on the allowance of construction of roadways within subdivisions to be installed in two stages, or two lifts of asphalt. She said the purpose was to provide a better and more functional roadway system. She noted the first hearing was April 15, 2008. She said the Board concerns expressed in that meeting had been addressed.

(11:16 a.m.) Stevenson said this issue came out of the Rivertown project in which they had to get a variance to do the second lift, and they ended up with a nice finished roadway.

(11:16 a.m.) Rich commented that this ordinance would provide a fail safe system to protect roadways in developments that were under construction. Stepp explained the second lift process.

(11:19 a.m.) **Motion by Stevenson, seconded by Sanchez, carried 5/0, to enact Ordinance No. 2008-30, amending Part 6.04.00 and Article XII of the Land Development Code.**

ORDINANCE NO. 2008-30

AN ORDINANCE OF ST. JOHNS COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, AMENDING AND SUPPLEMENTING, ADDING AND REPEALING SECTIONS OF ARTICLE VI - DESIGN STANDARDS AND IMPROVEMENT REQUIREMENTS AND ARTICLE XII - DEFINITIONS, OF THE ST. JOHNS COUNTY LAND DEVELOPMENT CODE AS ADOPTED BY ORDINANCE 99-51, AS PREVIOUSLY AMENDED; THIS ORDINANCE MAKES CHANGES INCLUDING AND RELATING TO: AMENDING ARTICLE VI DESIGN STANDARDS AND IMPROVEMENT REQUIREMENTS SPECIFICALLY PART 6.04.00 ROADWAYS, DRAINAGE & UTILITIES STANDARDS, SECTION 6.04.07 ROADWAY DESIGN, SECTION 6.04.08 BONDING, AND AMENDING ARTICLE XII DEFINITIONS; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE

(05/27/08 - 16 - 11:20 a.m.)

(DISTRICT 3)

12. CONSIDER A REQUEST TO SEEK RELIEF FROM THE APPLICATION FEE FOR A PLANNED UNIT DEVELOPMENT REZONING FOR THE PROPOSED EXPANSION OF THE EXISTING ROBERT F. ENSSLIN, JR. ARMORY

Lindsay Haga, Chief Planner, gave the presentation and explained the request.

(11:21 a.m.) **Motion by Rich, seconded by Sanchez, carried 5/0, to approve a Fee Waiver based on Section 3, Resolution 2006-318, finding the request is in the best interest of the County and serves public purpose.**

(05/27/08 - 17 - 11:22 a.m.)

(DISTRICT 3)

13. PUBLIC HEARING - REZ 2008-05, ORANGE STREET - THIS IS A REQUEST TO REZONE 0.12 ACRES FROM COMMERCIAL NEIGHBORHOOD (CN) TO RESIDENTIAL SINGLE FAMILY - 3 (RS-3). THE PLANNING DIVISION FINDS THAT THE REQUEST TO REZONE THE SUBJECT PARCEL OF LAND TO RS-3 MEETS THE TECHNICAL REQUIREMENTS OF THE COMPREHENSIVE PLAN AND THE LAND DEVELOPMENT CODE. THIS FINDING IS BASED UPON THE FOLLOWING INFORMATION: APPLICATION MATERIALS, INCLUDING THE STATEMENT OF FACTS, AS SUBMITTED BY THE APPLICANT, THE LOCATION OF THE PROPERTY WITHIN THE RESIDENTIAL D LAND USE CATEGORY AND COMPARABLE RESIDENTIAL DEVELOPMENT IN THE IMMEDIATE VICINITY. HOWEVER, SHOULD THE BOARD OF COUNTY COMMISSIONERS BE PRESENTED WITH COMPETENT SUBSTANTIAL EVIDENCE TO THE CONTRARY AT THE PUBLIC HEARING, THE BOARD MAY WISH TO CONSIDER THE ATTACHED FINDINGS OF FACT TO APPROVE OR DENY THIS REQUEST. THE PLANNING & ZONING AGENCY RECOMMENDS APPROVAL BY A VOTE OF 6/0 (MOTION BY LAIDLAW/SECOND BY WILLIAMS) INCLUDING A REQUEST TO CONSIDER REFUNDING THE APPLICATION FEE DUE TO THE PUBLIC PURPOSE OF PROVIDING AFFORDABLE HOUSING

Proof of publication of the notice of public hearing regarding REZ 2008-05, Orange Street, was received, having been published in *The St. Augustine Record* on May 12, 2008.

Haga gave the presentation.

(11:22 a.m.) Motion by Rich, seconded by Sanchez, carried 5/0, to enact Ordinance No. 2008-31, known as REZ 2008-05, Orange Street, adopting findings of fact one through four to support the motion.

(11:29 a.m.) Subsequently, Haga explained that there had been a request that she had omitted, to waive the application fee due to the public purpose of providing affordable housing.

(11:30 a.m.) Rich requested a five minute break to discuss how to handle the request. The meeting resumed at 11:34 a.m.

(11:34 a.m.) Motion by Rich, seconded by Sanchez, carried 5/0, to refund the application fee to the applicant as it served the public purpose.

ORDINANCE NO. 2008-31

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM THE PRESENT ZONING CLASSIFICATION OF COMMERCIAL NEIGHBORHOOD (CN) TO RESIDENTIAL SINGLE FAMILY 3 (RS-3); MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING FOR AN EFFECTIVE DATE

This item became Item 1A. (See page 8)

(05/27/08 - 18 - 11:23 a.m.)

(DISTRICT 1)

14. PUBLIC HEARING - REZ 2008-04 NATURAL STONE - THIS IS A REQUEST TO REZONE 1.11 ACRES FROM COMMERCIAL HIGHWAY TOURIST (CHT) TO COMMERCIAL INTENSIVE (CI)

(05/27/08 - 18 - 11:24 a.m.)

(DISTRICT 1)

15. PUBLIC HEARING - VACPLA 07-0007, AIRPORT COMMERCE PARK PLAT VACATIONS - THE APPLICANT, AIRPORT COMMERCE DEVELOPMENT GROUP, LLC, HAS PETITIONED TO VACATE PORTIONS OF THREE OLD PLATS IN CONJUNCTION WITH A REZONING OF THE PROPERTY. THESE PLAT VACATIONS WILL EFFECTIVELY REDUCE THE NUMBER OF NON-CONFORMING LOTS AND UNDEVELOPED ROADS AND PROVIDE A SINGLE, CONTIGUOUS PROPERTY FOR DEVELOPMENT. ALL TECHNICAL COMMENTS HAVE BEEN ADDRESSED THROUGH THE DEVELOPMENT REVIEW PROCESS AND STAFF HAS NO OBJECTIONS. THE APPLICANT REQUESTS THAT THE BOARD HEAR AND ACT UPON THE REZONING PRIOR TO THE VACATION TO ALLOW THE OPTION OF WITHDRAWING THE VACATION REQUEST IF THE REZONING IS NOT APPROVED. THE APPLICANT HAS SUBMITTED THREE SEPARATE PETITIONS, ONE FOR EACH RECORDED PLAT, THEREFORE, THREE SEPARATE RESOLUTIONS HAVE BEEN PROVIDED. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL 6/0, AT THEIR MAY 1, 2008 MEETING

Proofs of publication of the notice of public hearing regarding VACPLA 07-0007, Airport Commerce Park Plat Vacations, were received, having been published in *The St. Augustine Record* on December 13, 2007 and May 1, 2008.

Manuel disclosed ex-parte communication with the applicant. Rich and Sanchez also disclosed the same ex-parte communication, regarding general discussion of the proposal.

(11:24 a.m.) Karen Taylor, 77 Saragossa St., gave the presentation and explained the application. She said one was a plat vacation and the other was a rezoning. She said there were three different plats and the rights-of-way were not opened and the roads on the plats were not improved. Stevenson asked if they had met all the requirements with the Airport Authority. She said they had.

(11:27 a.m.) **Motion by Stevenson, seconded by Sanchez, carried 5/0, to adopt Resolution No. 2008-152 , approving the petition to vacate a portion of Araquay Park Unit One.**

RESOLUTION NO. 2008-152

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, VACATING A PORTION OF THE PLAT OF ARAQUAY PARK UNIT ONE

(11:28 a.m.) **Motion by Stevenson, seconded by Sanchez, carried 5/0, to adopt Resolution No. 2008-153, approving the petition to vacate a portion of Usina and Kuhn.**

RESOLUTION NO. 2008-153

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF ST. JOHNS,

**STATE OF FLORIDA, VACATING A PORTION OF THE
PLAT OF USINA AND KUHN**

(11:28 a.m.) Motion by Stevenson, seconded by Sanchez, carried 5/0, to adopt Resolution No. 2008-154, approving the petition to vacate a portion of Jackson Park.

RESOLUTION NO. 2008-154

**RESOLUTION OF THE BOARD OF COUNTY
COMMISSIONERS OF THE COUNTY OF ST. JOHNS,
STATE OF FLORIDA, VACATING A PORTION OF THE
PLAT OF JACKSON PARK**

(05/27/08 - 19 - 11:29 a.m.) (DISTRICT 1)

16. PUBLIC HEARING - REZ 2007-09, AIRPORT COMMERCE PARK - THIS IS A REQUEST TO REZONE +/- 7.1 ACRES FROM CI WITH CONDITIONS, AIRPORT DISTRICT, PLANNED SPECIAL DISTRICT, COMMERCIAL GENERAL AND RESIDENTIAL SINGLE FAMILY 3 TO COMMERCIAL GENERAL. THE PLANNING DIVISION FINDS THE REQUEST TO REZONE TO COMMERCIAL GENERAL (CG) MEETS THE TECHNICAL REQUIREMENTS OF THE COMPREHENSIVE PLAN AND THE LAND DEVELOPMENT CODE. THE FINDING IS BASED UPON THE FOLLOW INFORMATION: APPLICATION MATERIALS, INCLUDING THE STATEMENT OF FACTS, AS SUBMITTED BY THE APPLICANT, AND THE LOCATION OF THE PROPERTY WITHIN THE AIRPORT DISTRICT LAND USE. HOWEVER, SHOULD THE BOARD OF COUNTY COMMISSIONERS BE PRESENTED WITH COMPETENT SUBSTANTIAL EVIDENCE TO THE CONTRARY AT THE PUBLIC HEARING, THE BOARD MAY WISH TO CONSIDER THE ATTACHED FINDINGS OF FACT TO APPROVE OR DENY THIS REQUEST. THE PLANNING & ZONING AGENCY RECOMMENDS APPROVAL BY A VOTE OF 6-0

Proof of publication of the public hearing regarding REZ 2007-09, Airport Commerce Park, was received, having been published in *The St. Augustine Record* on May 12, 2008.

(11:29 a.m.) Motion by Stevenson, seconded by Sanchez, carried 5/0, to enact Ordinance No. 2008-32, known as REZ 2007-09, Airport Commerce Park, adopting findings of fact one through three to support the motion.

ORDINANCE NO. 2008-32

**AN ORDINANCE OF THE COUNTY OF ST. JOHNS,
STATE OF FLORIDA, REZONING LANDS AS
DESCRIBED HEREINAFTER FROM THE PRESENT
ZONING CLASSIFICATIONS OF COMMERCIAL
INTENSIVE WITH CONDITIONS (CI w/ conditions),
AIRPORT DISTRICT (AD), PLANNED SPECIAL
DISTRICT (PSD), COMMERCIAL GENERAL (CG), AND
RESIDENTIAL SINGLE FAMILY-3 (RS-3) TO
COMMERCIAL GENERAL (CG), MAKING FINDINGS
OF FACT; REQUIRING RECORDATION; AND
PROVIDING AN EFFECTIVE DATE**

(11:30 a.m.) There was a request by staff to return to Item No. 13, and the request was granted. (See 11:29 a.m. on page 13.)

Commissioner Rich:

(11:45 am.) Rich said he had gone to Legal staff to discuss the legality of placing a fee on wildlife, in reference to the issuance of permits. He noted they had been funding H.A.W.K. in the amount of \$10,000 annually from the General Fund. He suggested that the funding could go to H.A.W.K. He said the legality of adding a small fee, \$10 to \$20, was established. He asked for Board consensus of support for Legal staff to move ahead for the development of a resolution to provide funding for the rehabilitation and relocation of wildlife.

(11:48 a.m.) Patrick McCormack, County Attorney, clarified that it would shift the funding from the general fund to the citizens. He said they needed Commission authority to move forward. Manuel said that was fine with him. Sanchez said he had no problem with it.

Commissioner Sanchez:

(11:35 a.m.) He complemented the staff at the Amphitheatre for the excellent job they were doing. He thanked all the County employees and noted they were going through some rough times. He said they were dealing with it professionally and they were doing a great job for the citizens. Rich echoed Sanchez's comments regarding the Amphitheatre staff. (11:49 a.m.) Sanchez also reported that the County was allowed to tack on a fee to court costs to pay for school crossing guards. He said he was working on it and would be bringing the item back to the Board. McCormack said the fee would be attached to parking fines.

Commissioner Stevenson:

(11:38 a.m.) She congratulated the Pacetti Bay Middle School on their school dedication and Evening of the Arts. She said they had a beautiful facility and urged the Board to work closely with them. She noted that on June 30 the Legislative Committee on Intergovernmental Relations would be meeting in Jacksonville and shared some of the issues that would be discussed including the topic of intergovernmental cooperation and restoring the partnership between different levels of government. She said she would like to see a discussion on the tax reform effects on our tax base as they had received over a billion dollars in unfunded mandates between 2004 and 2008 and a billion dollars in tax cuts from the State. She said it was important that each level of government understood the impacts of their legislation on local government. Manuel said they would be discussing it during the budgeting process. He said there were major infrastructural challenges, but the County staff was doing well in dealing with them. She discussed the emerging technological and research hub in northeast Florida, and there was more infrastructure than people realized. She said the Governor's effort to expand the amount of capital to those types of learning and research oriented industries was key for the competitiveness of Florida. She said St. Johns County was well equipped to take advantage of that opportunity. Manuel said he agreed and they were taking a look at how to entice businesses to St. Johns County.

Commissioner Bryant:

None.

Commissioner Manuel:

(11:51 a.m.) Noted there would be a special meeting at 1:30 p.m. on Thursday, May 29. He said he had taken a look at the insurance program for the County, after taking a look at the Auditor General's report which stated that in certain places in the County, there had been no review for over twenty years. He noted the School Board had started a process of review of their contracts and had reduced their expense in that area significantly. He said there were opportunities to consult with the School Board consultant to take a look at the County program. He explained that the cost of the consultant was less than \$40,000 and the savings could be close to a million dollars. He asked for consensus of the Board to go out with the RFPs and RFQs to ascertain how much potential savings we could have, specifically on Workers Comp and property and casualty. Sanchez said he had no problem with it. Rich said he had his support. Wanchick said Administration was starting a systematic review of all the long term County contracts. Manuel said this was an opportunity to maintain service but to deliver it in a more cost effective manner. He said that Dr. Carver would be leaving at the end of June and he and the Administrator were looking at consolidation and achieving efficiencies in that regard. He said they were working on a proposal that would be brought back to the Board for approval. Wanchick said there would be service provided for all employees; it was just a matter of how it would be provided. Stevenson said staff valued the service with a minimum amount of time away from work. She said they should look at how it would affect the insurance issues. Wanchick said they had met with Flagler's Administration and they were dealing with many of the same issues, and they were looking at ways to work together for a stronger and more effective program for both organizations.

(05/27/08 - 21 - 12:01 a.m.)

COUNTY ADMINISTRATOR'S REPORT

None.

(05/27/08 - 21 - 11:56 a.m.)

COUNTY ATTORNEY'S REPORT

McCormack said there was a special meeting on Thursday to discuss the charter. He said he had met with Ken van Assenderp, who was a well regarded charter attorney, and tried to get his position on the proposed charter for the County. He recommended that future amendments to the charter, not including the optional ones that might be in the proposed charter. He said public interest impact statements should be considered which would review how much a proposed amendment requirements would cost. He said in the Charter Review Commission method of adopting charters, there was a requirement that CRC do a comprehensive study as to the efficiency of government etc. He said van Assenderp suggested that they consider it for future amendments. He also said that offers of settlement were sometimes in order, and there were two cases pending for which he would like to do that. He said one was for Signature Entertainment and one for Kelsey v. St. Johns County and he would like to make a settlement for \$5 thousand or less. He asked for their support. Rich said he preferred to be briefed individually, as the County did not hold any liability. No other commissioners asked to be briefed, so Manuel asked him to meet with Rich and to bring it back to the Commission on Thursday.

(05/27/08 - 21 - 12:01 a.m.)

CLERK OF COURT'S REPORT

None.

(12:01 p.m.) Motion by Sanchez, seconded by Stevenson, carried 5/0, to adjourn the meeting.

With there being no further business to come before the Board, the meeting adjourned at 12:01 p.m.

REPORTS:

1. St. Johns County Board of County Commissioners Check Register, Check No. 419815 through 420115, totaling \$1,819,633.76 (05/06/08)
2. St. Johns County Board of County Commissioners Check Register, Check No. 420116 through 420140, totaling \$44,019.94 (05/08/08)
3. St. Johns County Board of County Commissioners Check Register, Check No. 420141 through 420503, totaling \$4,026,272.53 (05/13/08)

CORRESPONDENCE:

1. Letter dated May 16, 2008, to Liz Cloud, Program Administrator, Bureau of Administration Code and Weekly, filing St. Johns County Ordinances No. 2008-25 and 2008-26

Approved _____ June 24 _____, 2008

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: Thomas G. Manuel
Thomas G. Manuel, Chairman

ATTEST: CHERYL STRICKLAND, CLERK

By: Wendee King
Deputy Clerk

